

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
OCTOBER 1, 2007
6:30 P.M.

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

- 3. APPROVE MINUTES:** Council Meeting minutes meeting held September 17, 2007
Special Called Council meeting Minutes meeting held September 24, 2007
Amended minutes from September 4, 2007 Council meeting/ **No Action**

PRESENTATION: Beautification Award to Mayor Small / Beautification Committee

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Scott**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
Review minutes meeting held September 4th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady**
Review minutes meeting held September 6th
- B. Downtown Redevelopment Authority – Barnette**
- C. Industrial Development Board - Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
- F. Recreation Board - Palumbo**
Review minutes meeting held September 12th
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) Parade Permit / Daphne Elementary School / Fun Run / November 3, 2007
 - b.) Parade Permit / Bounds Family YMCA / 2 Mile Fun Run / October 12, 2007
 - c.) MOTION: Authorize the Mayor to enter into a contract with Columbia University
 - d.) MOTION: Authorize the Mayor to enter an Economic Development Agreement with Renaissance Center
- B. City Attorney's Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Arbor Day...../Resolution 2007-81

ORDINANCES:

2ND READ

- a.) US Hwy 98 Street Light Pole Replacement...../Ordinance 2007-46
- b.) Revision of Zoning Map...../Ordinance 2007-48

1ST READ

- c.) Adopting the Fiscal Year 2008 Budget...../Ordinance 2007-47
- d.) Extending the Fiscal Year 2007 Budget Authority...../Ordinance 207-49

9.COUNCIL COMMENTS

Set Retreat Date for October 14, 2007 from 1:00 p.m. to 6:00 p.m. to be held at the Malbis Community Center

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

SEPTEMBER 17, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Eady gave the invocation.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Melvin McCarley, Interim-Public Works Director; Sandra Morse, Civic Center Director; James White, Fire Chief; David McKelroy, Recreation Director; Tonja Young, Library Director; David Carpenter, Police Chief; Kim Briley, Finance Director; Sharon Cureton, Human Resource Director; Captain Scott Taylor; Tracy Bishop, Police Dept.; Joey Holasz, Fire Dept.; Judge Thomas Doyle; Mr. Ron Allen, Library Board; Rob McElroy, Utilities; Bob Segalla, Utility Board; Willie Robison, BZA; Ed Nelson, Recreation Board; Mickey Boykin, Daphne Museum Board; Coach Vickery.

Absent: Richard Merchant, Building Official.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Council meeting minutes meeting held September 4, 2007 with the following amendments: to add Finance Committee above the report and under the Utility report instead of the word right it should be write. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Mrs. Barnette to approve the Council Work Session minutes meeting held September 13, 2007. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

SWEARING IN: Officer Stephen Jerkins / Judge Doyle

Judge Doyle swore in Officer Jerkins with Mayor Small and Chief Carpenter looking on.

Council President Burnam announced that Ordinances 2007-45 and 2007-47 has been pulled from the agenda.

PRESENTATION: Coach Vickery / Daphne High School

Coach Vickery thanked the Council for the money the city contributed toward the stadium and for supporting the summer camp. He stated that 300 children participated this year at a cost of \$10.00 per child, and that 19 of the high school coaches worked at the camp.

PRESENTATION: Impact Fee Study / Yvonne Dawson / TischlerBise

Ms. Dawson presented a power point presentation with the results of the study.

PUBLIC HEARING: Revision of Zoning Map

Mr. Eady gave a presentation on the changes.

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

No one spoke for or against revising the Zoning map.

Council President Burnam closed the Public Hearing at 7:36 p.m.

PUBLIC HEARING: Property located on Wilson Avenue / Lori Galia-Clough /

Requested zoning: From R-1, Low Density Single Family Residential District to R-4, High Density Multi-Family District / **Ordinance 2007-45**

The rezoning request was withdrawn by the owner.

4. REPORT OF STANDING COMMITTEES:

The minutes for the September 10th meeting are in the packet

Authorize Part-Time City Nurse Position Effective FY 2008 Budget

MOTION BY Mr. Scott to authorize a part-time city nurse position. Seconded by Ms. Landry.

Council discussed that the added cost would be about \$4,000 more per year, and will be housed at the Police Department.

Council President Burnam stated that he is calling a special Called Council meeting for Monday, September 24, 2007 at 6:30 p.m. to discuss the budget, and said that they will discuss this item at that meeting.

Mr. Scott withdrew his motion.

Ms. Landry withdrew her second.

Authorize the Mayor to Enter Into a Contract: Blue Print for Tomorrow for \$35,000

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract with Blue Print for Tomorrow in the amount of \$35,000. Seconded by Ms. Landry.

Council discussed this item and some felt that due to the tightness of the budget this year the amount contributed for this should be cut in half and consider if the city has the funds to keep up the contribution. They also discussed how much the other two cities were contributing.

Mr. Scott withdrew his motion, and asked that this be considered at Monday's Special Called Council meeting. He asked that information regarding how much the other cities are contributing.

Ms. Landry withdrew her second.

Mr. Palumbo stated that he has still not received an answer to his question regarding Daphne businesses who do not belong to the chamber putting brochures about their business at the chamber office. He said that Mr. Loughlin promised that he would get him an answer to his question, but Mr. Palumbo has heard from him. Mr. Palumbo stated that he will keep asking that question until he gets an answer.

Treasurers Report / August 31, 2007

MOTION BY Mr. Scott to accept the Treasurers Report ending August 31, 2007 with a balance of \$22,543,749.43. Seconded by Mr. Yelding.

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Sales Tax Collections

Sales Tax collections were \$19,000 above budget, and there are two (2) more months left in the fiscal year.

Lodging Tax

Lodging Tax collections were \$57,842.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The minutes for the September 7th meeting are in the packet. The committee discussed and approved the Library using supplies and props for upcoming events. The next meeting will be October 5th.

C. PUBLIC SAFETY COMMITTEE – Burnam

The next meeting will be October 2nd at 4:30 p.m. in the Council Chambers.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The committee will meet next month on October 2nd after the Public Safety meeting to consider one ordinance, which is a swimming pool ordinance. Mr. Ross will e-mail the ordinance to all the Council members.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

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

Mr. Palumbo asked if the committee has discussed the Public Works Director position.

Mrs. Barnette said no, that it is the Mayor's decision, and she thinks that some letters were sent out stating that the position will not be filled at this time.

Mrs. Cureton concurred with Mrs. Barnette's statement.

Mayor Small stated that the interim-director, Melvin McCarley is doing a good job, and he is being considered for the position of director.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The board met September 6th to consider two (2) exceptions one for a day care on Equity Drive which was approved and a church on Gray's Lane which was denied. The next meeting will be October 4th with one appeal a setback encroachment on Dryer Avenue.

B. Downtown Redevelopment Authority – Barnette

The meeting this month has been rescheduled for the 24th at 5:30 p.m. which will not interfere with the Special Council meeting.

C. Industrial Development Board – Yelding

There will not be a meeting this month, and last month there was not a quorum. The Board needs two more members so that they can have a quorum from district #1 and #7, but it is not mandatory that they come from those districts.

D. Library Board – Lake

The board met last Monday and discussed a five (5) year plan. Circulation has increased 13.89% in one month, and to date circulation is 221,576 and last year circulation was 201,387. The next meeting will be October 4th, which is a Thursday at 4:00 p.m.

E. Planning Commission – Barnette

The Site Review meeting will be September 19th at 8:00 a.m., and the Planning Commission meeting will be the 27th at 6:00 p.m.

Mr. Eady updated Council regarding the Hwy 181 Access Management Plan stating that he attended a meeting held September 11th and the minutes are in the packet. He said that he and the planner from Fairhope agreed that

they wanted to keep the service roads at a minimum. He stated that maps are being printed and are 70 feet long, and the target date for completion is early or mid-December.

F. Recreation Board – Palumbo

The board is in the process of establishing by-laws for attendance. Mr. Palumbo stated that the board is looking at updating the original ordinance establishing the board.

Mr. Burnam stated that they are having an attendance problem so they will vote on the by-laws. He asked each Council member to get in touch with their representative on the board and find out if they are still interested in serving. He said that for the last several meetings only three (3) members have shown up. He asked the City Clerk to send the Council a list of the members, and he said that they need to know the attendance record for members.

G. Utility Board – Scott

The minutes for the July 25th meeting are in the packet. Mr. Scott stated that Mr. White's resignation letter is also in the packet, and that a resume for a nomination to the board is in the packet also.

MOTION BY Mr. Yelding to appoint Mr. Fenton Jenkins to the Utility Board to fill the term vacated by the resignation of James White. Term expires June 12, 2009. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Rob McElroy reported that there was a complicated waterline break in Lake Forest Saturday, and that water was restored to customers early Sunday morning. He stated that citizens are confused as who to call when something like this happens, and he stated that the Utilities is separate from the city, and they need to call the Utilities with problems.

Mr. Scott asked Mr. McElroy what would happen if there was a fire while water service was disrupted?

Mr. McElroy stated that they should have called the Fire Department to let them know of the situation, and that they will do that from now on.

Council asked that the city explore having a link to Riviera Utilities and Daphne Utilities on the city's website.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Parade Permit / AL Citizens for Life – Life Chain / October 7, 2007

MOTION BY Mrs. Barnette to approve the permit for AL Citizens for Life – Life Chain to be held October 7, 2007. Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

No report.

C. Department Head Comments

David Carpenter – Police Chief – apologized for his interruption earlier regarding the city nurse.

David Mckelroy – Recreation Director – stated that Thursday's are brown bag day on the Bay from 11:30 a.m. – 1:00 p.m. at May Day Park. He said that Youth Football started Saturday, and soccer started tonight. He said that the Dog Park officially opened Saturday and about 30 dogs and owners were present, and Saturday night and Sunday there were about 25-30 dogs and owners using the park. He thanked Daphne Utilities for the water lines. He also stated that the fitness center had a 11½% increase in usage, with 2,700 visitors which is 500 more than normal.

Ms. Tonja Young – Library Director – reported that the Library received a community grant from Representative Randy Davis in the amount of \$3,500 to purchase equipment or educational needs. They purchased educational nonfiction DVD's for children on grammar, science, geography, math and space, as well as books on CD for children. She invited all to the Teen Advisory Board Music & Art on the Plaza. They will have refreshments served by the teens.

Mr. Eady – Planning Director – reported that he and his staff attended the open house held by ALDOT Thursday night to review the maps of the proposed alignment of AL Hwy 181 from Hwy 90 to Hwy 98. He said that it was well attended by the community, and that there was a lot of interest and questions by the citizens.

PUBLIC PARTICIPATION

Mr. Lon Johnston – Whiting Court – spoke regarding the growth of the area and considering a sur-charge for non-residents that use the facility.

Mr. Ron Allen – 7623 Charleston Oaks Drive – spoke regarding the Dog Park saying that he was opposed to it at first, but went out to the park and thoroughly enjoyed the experience. He recommended that everyone visit the park.

Mrs. Mickey Boykin – 207 Beall Lane – stated that the ones that took the time to attend the meetings would like to hear what was being said by the Council. She said she is proud to be a resident of Daphne, and that the Dog Park was a wonderful addition to Daphne.

Mr. Bob Segalla – Creekside Subdivision – thanked Council for giving the Utility Board a full board. He thinks that Mr. Jenkins will do a good job just as his predecessor, Mr. James White has done.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the district lines for district #32. He asked that everyone contact their representative about this to have it corrected, because some people who live in Daphne could not vote in the election for District #32.

Mrs. Mickey Boykin – 207 Beall Lane – spoke regarding the District #32 voting lines.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Prepaid Travel / Henry / Crutchfield / Pennycuff. /Resolution 2007-78
- b.) One-Time Lump Sum Payment for Retirees /
Version #1 - Elect to Participate / Version #2 –
Decline to Participate. /Resolution 2007-79
- c.) Authorize Mayor to Sign Agreement with ALDOT:
Development of Access Management Plan for
State Route 181 /Resolution 2007-80

MOTION BY Mr. Scott to waive the reading of Resolution 2007-78, 2007-79 and 2007-80.
Seconded by Ms. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolutions 2006-78, 2007-79 Version #1 to accept and 2007-80.
Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY Lake on 2007-79 MOTION CARRIED

ORDINANCES:

2ND READ

- a.) E-Recycle Building Completion. /Ordinance 2007-36
- b.) Amending the Personnel Policies & Procedures Handbook /
Related to Performance Appraisals and Probationary Periods /Ordinance 2007-43
- c.) Wooster Settlement: FEMA Hazardous Mitigation Grant /Ordinance 2007-44

1ST READ

PULLED FROM AGENDA BY OWNER

- d.) Rezone: Property located on Wilson Avenue / Lori Galia-Clough
Requested Zoning: From R-1, Low Density Single Family Residential

District To R-4, High Density Multi-Family Residential District /Ordinance 2007-45

e.) Us Hwy 98 Street Light Pole Replacement /Ordinance 2007-46

f.) Adopting the Fiscal Year 2008 Budget /Ordinance 2007-47

g.) Revision of Zoning Map. /Ordinance 2007-48

ORDINANCES 2007-45 & 2007-47 WERE PULLED FROM THE AGENDA EARLIER IN THE MEETING

MOTION BY Mr. Scott to waive the reading of Ordinances 2007-36, 2007-43 and 2007-44. Secoded by Ms. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2007-36. Secoded by Mr. Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinances 2007-43. Secoded by Ms. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2007-44. Secoded by Ms. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2007-46 AND 2007-48 WERE MADE A FIRST READ.

7. COUNCIL COMMENTS

Mrs. Barnette thanked the Mayor and Public Safety for the 9/11 Memorial, and she thanked Mr. Robison and Mrs. Boykin for serving the community as poll workers. She challenged the Council to pick a retreat date.

Mr. Lake thanked Mr. Palumbo for spearheading the Dog Park. He said that he would like to see the city sponsor a bike ride to educate people about bike safety.

Mr. Scott said that at the last Council meeting he encouraged people to get out and vote, and there was a good turnout for the election.

Mr. Palumbo thanked everyone who had a hand in establishing the dog park, saying that he was just a conduit for the project. He said that the Recreation Board did a great job. He said that he intends to be very detailed with questions about the budget, line by line, especially travel and training budgets.

Council President Burnam suggested that Council e-mail the Mayor or Mrs. Briley with any questions that they have so that the meeting will not be as lengthy as in the past.

Mayor Small said that the operating budget was his responsibility and they should e-mail him with their questions, and he wants the Council to give him a dollar amount, and he will go to the department heads and make adjustments.

Council President Burnam reminded everyone that the Council meeting will be next Monday at 6:30 p.m. He also thanked Mr. Palumbo for spearheading the dog park.

8. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:55 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam, Council President
Date & Time Signed: _____

SEPTEMBER 24, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1. CALL TO ORDER

Council Vice President Lake called the meeting to order at 6:32 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Eady gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam, arrived at 7:20 p.m.; Ron Scott; Regina Landry arrived at 6:44 p.m.; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kenny Hanak, Fire Department; Sharon Cureton, Human Resource Director; Sandra Morse, Civic Center Director; Tonja Young, Library Director; Kim Briley, Finance Director; Suzanne Henson, Senior Accountant; Bill Eady, Planning Director; Richard Merchant, Building Official; David McKelroy, Recreation Director; David Carpenter, Police Chief; Captain Scott Taylor, Police Department; Scott Hutchinson, City Engineer; Al Guarisco, Village Point Foundation.

3. MOTION: AUTHORIZE MAYOR TO ENTER INTO A CONTRACT WITH COLE BROS. CIRCUS

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract with Cole Bros. Circus to be held at Trione Park on October 17-18, 2007. Seconded by Mrs. Barnette.

Mr. Cohen asked if they would amend the motion to include a special events permit that was scheduled to be on the October 1st agenda.

Mr. Scott amended the motion.

Mrs. Barnette seconded the amendment.

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract with Cole Bros. Circus to be held at Trione Park on October 17-18, 2007, and to approve the Special Events Permit for Cole Bros. Circus. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. MOTION: AUTHORIZE PART-TIME CITY NURSE POSITION

MOTION BY Mr. Scott to approve creating the position of Part-Time City Nurse to be included in the 2008 budget. NO SECOND

MOTION FAILED FOR LACK OF A SECOND

**MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM**

**5. MOTION: AUTHORIZE MAYOT TO ENTER INTO A CONTRACT:
BLUE PRINT FOR TOMORROW / \$35,000**

Mayor Small stated that the only obligation for this project is on a year to year basis, and the money is in the 2006-2007 budget. Council chose not to sign up to obligate the city for five (5) years.

Council discussed this issue with some feeling that the city should honor this year's contribution and look at what the city can do in the 2008 budget.

NOTE: Ms. Landry arrived at 6:44 p.m.

Mr. Palumbo did not want to give the money until he had an answer to his question regarding businesses who do not belong to the chamber putting brochures at the chamber office.

The consensus of the Council was to pay the money this year and include a letter letting them know that 2008 will be on an availability of funds basis.

MOTION BY Mr. Scott to authorize the release of contribution funds for the 2007 contribution of \$35,000 for Blue Print for Tomorrow, and to notify the Chamber that the contribution will be on an availability basis in 2008. Seconded by Mr. Yelding.

Council discussed the motion.

**Mr. Scott withdrew the motion.
Mr. Yelding withdrew his second.**

MOTION BY Mr. Scott to authorize funds from the 2007 budget in the amount of \$35,000 for Blue Print for Tomorrow through the Eastern Shore Chamber of Commerce and to write a letter to the Chamber that the 2008 contribution will be on a merit and availability of funds basis. Seconded by Mr. Yelding.

Council discussed the motion.

Mr. Scott called for the question.

AYE Yelding, Barnette, Lake, Scott,

NAY Landry, Palumbo

MOTION CARRIED

MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM

6. 2008 BUDGET

Council took turns asking Mrs. Briley, Finance Director and Mrs. Henson, Senior Accountant, questions regarding the budget.

Mr. Scott suggested the following formulae to reduce the budget:

	\$17,000,000	Budget
Subtract	<u>\$13,000,000</u>	Personnel
	\$ 4,000,000	
	Cut 9% of the \$4,000,000 =	
	\$ 360,000	
+	<u>\$ 750,000</u>	Already allotted in budget
	\$ 1,110,000	For Capital budget

Mrs. Briley prepared a spread sheet showing that the departments had cut their budgets in the amount of \$133,088 since the budget was prepared.

NOTE: Council President Burnam arrived at 7:20 p.m.
Council President Pro Tem passed the gavel to Council President Burnam.

MOTION BY Mr. Scott to adopt the 2008 budget less 9% of departmental budgets totaling \$360,000 and with including the 133,088 that has already been identified which will leave about \$227,000 to be found by departments. Seconded by Ms. Landry.

Council discussed the motion.

Mr. Scott withdrew his motion
Ms. Landry withdrew her second.

**MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM**

MOTION BY Mr. Scott to ask the staff to present a revised budget reflecting \$360,000 in cuts on Monday, October 1, 2007. Seconded by Ms. Landry.

PUBLIC PARTICIPATION

Mr. Rod Drummond – Ridgewood Drive – spoke regarding the budget.

Mr. Al Guarisco – Randall Avenue – spoke regarding Council upgrading Bayfront Park parking lot, adding restrooms and playground equipment.

Council President Burnam closed Public Participation.

Mr. Palumbo amended the motion to increase the budget cut amount to \$510,000 so they could include a 2.5% COLA increase for employees other than the Public Safety employees. Seconded by Mrs. Barnette.

Council discussed the amendment.

Mr. Scott called for the question.

ROLL CALL VOTE

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

AYE Barnette, Lake, Palumbo

NAY Yelding, Scott, Landry, Burnam

AMENDED MOTION FAILED

VOTE ON ORIGINAL MOTION

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

NAY Barnette

MOTION CARRIED

7. IMPACT FEES

Council discussed the need for more seminars on the study, and wants to wait and see if the county adopts impact fees.

**MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM**

Council asked the City Clerk to find out from the cities who have adopted impact fees the following:

1. Growth of the city
2. How it has affected growth
3. How are permits going
4. Are any cities in litigation

Mrs. Barnette asked Mrs. Briley if she agreed with the representative from TischlerBise that it will not take any additional personnel to handle the fees. Mrs. Barnette stated that the representative said that it was not complicated to keep track of the money, but that it looked complicated to her.

Mrs. Briley said that she did not agree with the representative, she feels additional personnel will be needed to track the money.

8. PUBLIC PARTICIPATION

Public Participation was held earlier in the meeting during a motion regarding the budget.

9. COUNCIL COMMENTS

Mr. Yelding said to the staff that this is a tough time of the year, and it is not always pleasant, but you do what you have to do. He said to bear with them and they will get through it.

Mrs. Barnette stated that they have talked about retreats, they have talked about priorities, and because they have made some tough decisions tonight, that she does not necessarily think are completely right, she would like to see them collectively get on track so that they can continue to accomplish some important services for the city.

Mr. Lake stated that he had the opportunity to speak to representatives of Huntingdon College regarding getting together to discuss some ideas that they have suggested for the lease agreements. He also said that they have graciously offered to sponsor a retreat for Daphne in October, he thinks it is October 10th, at their college in Montgomery, taking care of expenses, to help the city out in doing a retreat. They have a two fold purpose, one a place for a retreat and the other to show Council their campus, and they also have a football game they want them to attend. He thinks that Council will be very happy with what they are offering and will bring to the community as a whole and will be an advantage to the whole community. Mr. Lake stated that by the time Huntingdon gets into the Eastern Star building by 2010 they will offer Masters Degree level courses.

Ms. Landry read a letter announcing her resignation from the Council stating that she has recently become engaged and will marry soon and will be living in Fairhope. She stated that she will be happy to serve until October 31st or until they find a replacement or whatever Council feels is acceptable. (*Letter is spread out upon these minutes*)

**MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM**

Mr. Scott told Ms. Landry that they will miss her, and he pointed out to the Council that they have three (3) members on the Finance Committee, and they really need to have three members if that committee is going to function. He asked all the Council members if they will examine their hearts and decide who among them is willing to serve with him and Mr. Yelding.

Mr. Palumbo thanked Ms. Landry for her service and wished her the best of luck.

Mayor Small told Ms. Landry that it has been a pleasure, that he hated to receive her letter, and he said that Ms. Landry has done a good job. He stated that one thing they need to remember is that they have put \$1,000,000 into the football field at the High School that could have gone to capital. He said that he does not know what they are going to do to achieve the numbers that Council is looking for. He said that he does not want to cut down on services that are provided to the citizens. Mayor Small stated that impact fees are something he has heard a cry for from citizens asking why people who come here don't pay for services. He said this is something Council needs to think about. He stated that they if they are going to implement them they should be in place by January, 2008.

DEPARTMENT HEAD COMMENTS

David Carpenter – Police Chief – stated that they do not have control over a lot of the overtime such as Christmas parade, Jubilee Festival, fire works display, and Mardi Gras parades, which is a big burden on overtime. He said they have 20 officers at each Mardi Gras parade that they have for two (2) to three (3) hours, and that is a big expense, and the city does not charge hardly anything for the permit. He said the city might need to increase the amount for the permits. He also stated that when you look at increase in fuel, you have to look at every time you annex a piece of property out on Hwy 181 they have to service the area which is more fuel. Another expense is bullets, due to the war bullets are hard to find, and officers have to qualify two times a year. Chief Carpenter stated that Public Safety has no problem with a COLA increase for the other employees, they have no qualms at all and will do their best to find the money.

Kenny Hanak – Fire Department – reiterated what Chief Carpenter stated, the Fire Department is in full support of a COLA increase for other employees. He said that the only increase that they had above the amended budget last year is for necessary areas such as fuel maintenance, vehicle maintenance, office supplies. He said that they have cut \$25,000 out of their budget tonight, they cut \$16,000 out of the training budget and left enough to train firefighters, but they have to buy hoses and equipment to keep the firefighters safe, and the 9% cut will decide what services they will cut.

Council President Burnam stated that he would miss Ms. Landry also.

10. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT
9:00 P.M.**

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed: _____

SEPTEMBER 4, 2007
THE
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

AMENDED MINUTES FROM
SEPTEMBER 17, 2007
COUNCIL MEETING

\$35,000 that the city contributes to the chamber then they should be allowed to put their information at the chamber office.

Mr. Loughlin said that he will find out the answer to Mr. Palumbo's question and report back to him.

3. **REPORT OF STANDING COMMITTEES:**

A. FINANCE COMMITTEE – Scott



No report. The next meeting will be Monday at 4:00 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report. The next meeting will be Friday at 10:00 a.m. in the Council Chambers.

C. PUBLIC SAFETY COMMITTEE – Burnam

The committee met right before the Council meeting and the minutes will be in the next packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The committee will meet next month on October 2nd to consider a couple of ordinances. One of the ordinances will be a swimming pool ordinance.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The committee met on August 31st and the minutes will be in the next packet.

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

A. Board of Zoning Adjustments – Eady

The board will meet September 6th to consider two (2) exceptions for a day care on Equity Drive and a church on Gray's Lane.

B. Downtown Redevelopment Authority – Barnette

The minutes for the August 13th meeting are in the packet, and the next meeting will be September 10th at 5:30 p.m. The Authority is continuing their work on a master plan for Olde Towne Daphne.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

Mr. Palumbo stated that the Teen Committee is very active at the Library, and that the board meetings have been changed to the 2nd Tuesday of the month at 4:00 p.m.

E. Planning Commission – Barnette

The minutes for August meeting will be in the next packet. The Site Review meeting will be September 19th at 8:00 a.m.

Council President Burnam stated that the rezoning for Grande Pointe has been pulled from the agenda.

SEPTEMBER 4, 2007
THE
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

AMENDED MINUTES FROM
SEPTEMBER 17, 2007
COUNCIL MEETING

F. Recreation Board – Palumbo

The board met on August 22nd, and the Dog Park is now open. The Grand Opening will be September 15th at 9:00 a.m. Mr. Palumbo invited everyone to come out. He stated that this was the only one of it's kind in South Alabama. Mr. Palumbo stated that this weekend Daphne will host the football jamboree with 51 teams coming for the tournament. He said that is one reason to keep the ball rolling on the new facilities. The next meeting will be September 12th at 6:00 p.m. The August 22nd minutes are in the packet.

G. Utility Board – Scott

Mr. Scott reported that they are making progress on the two (2) new wells that the Utilities are brining on to make sure that the city does not have water shortages in the next dry season. Mr. Scott stated that the Alabama Code states that at no time shall the board consist of more than two officers of the municipality, and the Council has appointed James White to be the new Fire Chief, and he has also been serving on the Utility Board. He said that any of the three people could resign, and his opinion is that they need someone from the Council representing the city, and he thinks given Chief Whites other duties, and in talking with Chief White and other Council members that it is the will of the Council that Chief White resign from the board as soon as he can

write them a letter, and that will give them an opportunity to make a replacement at the next or the following Council meeting. The next meeting will be the last Wednesday of the month.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

- a.) *ABC License / Will Hughes Catering & Market / 040 – Retail Beer (On or Off Premises) & 060 – Retail Table Wine – (On or Off Premises)*

MOTION BY Mrs. Barnette to approve the ABC License for Will Hughes Catering & Market, 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises). *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- b.) *ABC License / Grand Buffet / 040 – Retail Beer – (On or Off Premises) & 060 – Retail Wine – (On or Off Premises)*

MOTION BY Mrs. Barnette to approve the ABC License for Grand Buffet / 040 – Retail Beer – (On or Off Premises) and 060 – Retail Wine – (On or Off Premises). *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**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

Public Safety Committee
Tuesday, September 4, 2007

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilwoman Regina Landry
Fire Chief James White
PW Sup. Melvin McCarley

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

Committee Members Attending:

Councilwoman Regina Landry, Councilman Greg Burnam, Captain Kenny Hanak, Fire Chief James White, PW Sup. Melvin McCarley, Lt. Kenny Hempfleng, Lt. Alaric Yelding.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 5:05 p.m.

PUBLIC PARTICIPATION - No Public Participation. Councilman Burnam mentioned the traffic results in Historic Malbis, for right now Melvin McCarley will get some more information and the police department will take the information and see what we can do with it. Some of the traffic counter results (speeding) were really high. The committee received a petition from R. P O'Connors on Lovette Lane wanting a traffic calmer. The committee discussed the shortness of the street in question. Only 7 people on the petition actually counted as living on the street. The ordinance states that they must have 60% on the street sign the petition, so Melvin will recount the houses and report back. Melvin will also do a traffic study on Lovette Lane.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from July, 2007 Meeting

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

FIRE DEPARTMENT

A. New Business

1. Statistics for July 2007

Fire Chief White reviewed the stats for July 2007. Referred the review of the stats to Captain Kenny Hanak. Chief White advised that they had created a position in the new budget for an Assistant Fire Chief. Mr. Burnam asked for a special called Public Safety Meeting to go over the Police and Fire Department budget requests. Ms. Landry and Mr. Burnam asked both departments to prepare a sheet with the highlights of our budgets to present to the Finance Committee. The meeting was set up for 4:00 the following Monday for both departments.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for July 2007

Lt. Hempfleng reviewed the stats for July 2007. He presented and explained the newly acquired THI computer software (Total Station).

All D-runs were reviewed.

Maddie's Fund was explained by Lt. Yelding for the animal shelter. It was explained that the monies had to be spent on homeless dogs and cats, and cannot be used to promote the dog park. He explained that the Animal Shelter is going to purchase a truck, programs, etc. with the fund monies. Maybe use some of the money to help with the adoption fees, since they have gone up to \$75 for dogs and \$50 for cats.

Lt. Hempfleng explained the ADECA Grant where the city matches the grant with 10% funds, which the police department will take out of the Chief's Forfeiture Fund. It will be used for equipment. The grant needs a resolution which was already on the City Council Agenda for tonight.

Mack Shaffer is back from Iraq and started back to work today.

B. Old Business

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 6:00 p.m., after a motion by Regina Landry. The next meeting will be **Tuesday, October 2, 2007 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: July 2007

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	1	3
11-Structure Fire/Commercial	0	6
11-Structure Fire/Residential	5	25
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	1	13
14-Natural Vegetation Fire	0	21
15-Outside Rubbish Fire	2	6
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	1
2-Overpressure Rupture:	0	4
3-Rescue Call and Emergency Medical Service Incidents:	121	1,173
4-Hazardous Conditions (No fire):	6	42
5-Service Call:	9	110
6-Good Intent Call:	17	136
7-False Alarm & False Call:	13	101
8-Severe Weather & Natural Disaster:	0	3
9-Other Situation:	0	6
Total Emergency Calls:	156	1,447
Monthly Total Calls:	175	1,658
Response Time:		
Highest:	15	22
Lowest:	1	1
Average (Minutes/Seconds) :	4/23	4/18
Miscellaneous Reports:		
Training Hours	536.0	3225.25
Property Loss - \$	\$2,401	\$460,132
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0/0	0/0
Advance Life Support Rescues	67	487
Child Passenger Safety Seat Inspections/Installations	9	83
Fire Prevention Awareness/Education:		
Classes	1	40
Persons Attending	3	4,818
Bureau of Fire Prevention:		
Plan Reviews	5	74
Final/Certificate of Occupancy	1	12
General/Annual Inspections	194	1,659
General/Re-Inspections (Violation Follow-up - Annual)	35	404
Business Licenses	13	89
Consultations	0	0
All Other/Misc. Activities	0	14
Total Activities:	248	2,239

Authorized by:

Kenneth Hanak

Kenneth Hanak

Daphne Police Department		Monthly Report					JULY 2007			
Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor)				
						YTD				
# Complaints	1,444	# New Cases Received:	78	Total Arrestees Received & Processed:	143	1,746		Arson	0	
# Misd. Arrests	35	# Previous Unsolved Cases:	74	Arrestees by Agency:			#Complaints	50	Burglary – Commercial	15
# Felony Arrests	7	# Cases Solved:	23	Daphne PD	115	1,126	#Follow-ups	81	Burglary – Residence	9
# Citations	163	Resulting in Total Arrests:		BCSO	7	102	#Citations	6	Burglary - Vehicle	2
# Close Patrols	169	Felonies:	8	Loxley PD	0	261	#Warnings	3	Criminal Mischief	13
# Warnings	96	Misdemeanors:	0	Silverhill PD	0	60	#Felines Captured	38	Disorderly Conduct	1
# Motorist Assist	194	Houses Searched	0	Spanish Fort PD	12	123	#Canines Captured	51	Domestic Disturbance	23
# Alias Warrants	47			Troopers	7	40	#Other Captured	3	False Info to Police	2
# Roadway Accidents	84			INS	0	1	#Returned to Owner	\$17	Felony Assault	2
# Private Prop. Accidents	29	Warrants:		Other Agencies	2	33	#Adopted Out	25	Felony Theft	22
# DUI's	8	Bettner Served	59				#Euthanized	61	Harassment	10
Traffic Homicide	1	Agency Assists	26	Highest	37				Identity Theft	3
		Recalls (Pd Fines)	33	Lowest	24				Indecent Exposure	0
DRUG REPORT		Total Warrants Served	118						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	2,408	27,675			Menacing	1
		Sex Offender:		Medical Cost	3,059.69	\$32,997.04			Misdemeanor Assault	3
# Misd. Marijuana Arrest	4	New Registration:	0	Worker Inmate Hours	792.5	8,614.75			Misdemeanor Theft	22
# Felony Marijuana Arrest	0	Contact Verification	0						Murder	0
# Controlled Substance Arrest:	1	Total # registered in Daphne	5						Other Death Investigations	4
# Drug Paraphernalia Arrest	1	DARE:							Public Intoxication	0
Vehicles Searched	7	# Hours Report Writing:							Public Lewdness	0
		# Students Instructed SRO							Receiving Stolen Property	2
Drugs Seized: marijuana, crack cocaine		# Students Instructed DARE							Reckless Endangerment	1
Money Seized	0	# Police Reports by SRO							Resisting Arrest	0
Vehicles Seized	0	# Arrest by SRO							Robbery	1
									Sex Crime Investigations	0
		CODE ENFORCEMENT:							Suicide	0
		Warnings:	6						Suicide, attempted	0
		Citations	0						Theft of Services	0
		Warning Compliance	6						Unauthorized Use of Services	3
		Follow – Up	14						Weapon Offenses	0
									White Collar Crimes	4
Approved by:				David Carpenter, Chief of Police						

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

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

Call of Roll:

Members Present:

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

Members Absent

Frank Lamb
Barry Taylor

Staff Present:

William H. Eady, Sr., Director of Community Development
Adrienne Jones, Planner
Pat Houston, Recording Secretary
Helen Burdette, Administrative Assistant
Tony Hoffman, BZA Attorney

The Chairman stated the first order of business is the approval of minutes. Since Mr. Lamb is not here we cannot approve the April 5th minutes tonight. Is that correct, Pat?

Ms. Houston stated that is correct.

The Chairman stated has everyone had an opportunity to read the August 2nd minutes? If so, the Chair will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the August 2, 2007 meeting were considered for approval.

A Motion was made by Mr. Robison and Seconded by Mr. Mayhand to approve the minutes as written.

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

Mr. Robison Aye

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

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

The Chairman stated how many people are here tonight to address the daycare center? Okay. Mr. Eady, if you concur we will reverse the agenda and do the daycare first.

Mr. Eady stated I agree, yes, sir.

New Business:

Appeal #2007-12 - Melanie Wolfe

The Chairman stated okay, Mr. Eady if you would let us start with Appeal #2007-12, the daycare.

Mr. Eady stated Adrienne will display the color transparencies of 26120 Equity Drive tonight because I had a little eye surgery, so I am a little sensitive to light. He stated Ms. Melanie Wolfe has requested a special exception for a daycare center at 26120 Equity Drive. If you do not know where Equity Drive is it is about two doors down from where our building is on the corner of County Road 64 and Equity Drive. She will be keeping children ranging from age six weeks to twelve years old. A daycare is allowed in this zone, which is B-2, General Business zone. They have been working extremely hard on this building. I think when they finish, from what I have seen, and I have been by there a couple of times, it is going to be one of the nicest daycare centers in the City. I think one of the ladies has some pictures to show you of the work that they are doing to the building. They are putting more emphasis on the building the rooms in it. The pictures that you see there is the outside playground equipment for the children, and the fence yard is already there. When you see the pictures she has, it will give you a better idea of what has been done since I made these pictures. They were getting the pictures developed late this afternoon and she should have them for your viewing.

The Chairman stated we already have them.

Mr. Eady stated you already have them, okay, great. I have not seen the pictures myself, but I have seen the work that they have done and that is why I am showing you these old pictures so you will have a better idea of what the interior is going to look like when it is finished. The department recommends approval.

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

Mr. Crimmins stated how many children at one time or what capacity?

Ms. Wolfe stated our maximum is going to be one hundred and thirty-one children.

Mr. Crimmins stated Mr. Eady I saw there were twelve parking spaces off street. Do you see any problem with that if they are going to have a hundred and thirty-one large maximum?

Mr. Eady stated no, sir I do not because most of them will be dropping their children off then leaving rather than staying. So all of the parking spaces will just be used temporarily.

Mr. Crimmins stated Ms. Wolfe would that include spaces for your employees too?

Ms. Wolfe stated no, sir. We are actually going to be parking across the street in another parking area to give our parents plenty of parking in the front lot.

Mr. Crimmins stated okay.

The Chairman stated okay. Is there anybody else here that wishes to speak in favor of this exception? Thank you very much.

Ms. Wolfe stated thank you.

The Chairman stated is there anyone here that wishes to speak in opposition of this appeal? If not, the Chair will entertain a motion.

A Motion was made by Mr. Crimmins and Seconded by Ms. Hargiss to approve Appeal #2007-12, Melanie Wolfe for a special exception to allow the operation of a daycare center at 26120 Equity Drive.

Upon roll call vote, the Motion carried unanimously.

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

The Chairman stated your appeal is approved and she can pick it up when, Pat?

Ms. Houston stated she can pick it up first thing in the morning or I can mail it out to her.

Appeal #2007-11 - Restoration Fellowship Ministries

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

Mr. Johnson stated any other questions that anyone may have or anything, you know, we are not here to fight you. We are just here to comply with the concerns.

The Chairman stated okay. Thank you. Does anybody on the Board have any questions for this gentleman?

Mr. Robison stated Mr. Johnson, but before I forget it. I see Councilman Lake sitting out there, and I did get up an excuse myself from a Council meeting a couple of weeks ago when he said we need to make up something about a church. I said excuse me let me leave the Council chambers. I did want to bring that up because I saw him sitting out there. What exactly is the Restoration?

Mr. Johnson stated we are a Non-Denominational church. Anyone can join. We just serve our God. We love the Lord Jesus. We are a multi-cultural church. Anyone can join it.

Mr. Robison stated that is the way all of them should be.

The Chairman stated Mr. Johnson, thank you very much. Is there anyone else back there in favor of this appeal that would like to speak?

Mr. Johnson stated well, my pastor is back there, Starling King, and a few members of the Trustee Board are back there.

The Chairman stated we would like to have two people that want approval of this appeal to start.

Mr. King stated my name is Starling King and I, of course, have been a long time resident of Daphne. We actually purchased the property in February.

The Chairman stated where do you live?

Mr. King stated I currently live in Mobile. We purchased the property on the grounds of the Baldwin County Zoning Regulations. Of course, Mr. Johnson was just speaking of the actual zone being R-3 zone. We were under the assumption, of course, it says that an R-3 zone denotes smaller lots, which you have in Lake Forest. Then we noticed the three acre plot. We were told that it was not a part of Lake Forest. So we purchased the property on those ground, then, of course, with that the R-1 and R-2 zones on the actual Baldwin County Zoning regulations in Section 4.5 that talks about the single family districts it gives a conditional use which also incorporates and deals with the following institutes, and churches was one of them. Also religious facilities, daycares, and it talked about fire stations or a school. So we were under the impression that we could build a church.

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

Mr. King stated roughly now, it is family oriented. I would say twenty to thirty at the most.

Mr. Robison stated twenty to thirty at the most, and should a special exception be granted would you consider that your building would be conducive to this neighborhood and would not be a detriment to the neighborhood. Once there it would be conducive as to go along with how the neighborhood is set up as a residential area.

Mr. King stated I would state, if I may address this further. I do understand the concerns of the individuals that are actually in the residences. So I would say it will be. Of course, it will be additional traffic. I think that our biggest concern tonight is traffic and etc. So I definitely cannot tell you that there would not be more traffic. So in terms of within the codes, we will definitely meet your codes.

Mr. Robison stated I noticed in the picture that you had retention pond or rather a detention pond.

Mr. King stated yes, sir.

Mr. Robison stated how large will it be? Fifty by sixty.

Mr. King stated right. Fifty by sixty. Again that was just speculation. We would meet whatever the codes are, that was just speculation of what it would be to cover that particular property.

The Chairman stated any additional questions? Okay, I think we will switch to the opposition now. Who would like to start off? The lady on the third row from the back. Do you think you can finish your comments in three to five minutes?

Ms. Hauth stated probably.

The Chairman stated okay, state your name and address.

Ms. Hauth stated I am Katherine Hauth and I live at 100 Stratford Court. My house is located on the corner of Stratford and Montclair, and no offense to the gentleman, but the traffic is already bad. The joke in our neighborhood is that it is like going to Atlanta airport. It seems everybody in Lake Forest has to go around Montclair Loop to get any where. When you drive up you turn on Montclair Loop where that entrance is. You have to go up a hill, and you cannot see the top of the hill, which is where my house is located. We have a lot of small children in this area, including mine. I am nervous and I am shaking because when I talk about my son that is where the point comes across. My nine year old son is autistic. He has no impulse control.

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

Mr Moss stated you imagine a congregation of one hundred. If it is going to be very successful it will not stay there very long before it is several hundred. Just a hundred parking spaces take up over a third of an acre, and that is just the amount of space the car sits on, that does not count the other third of an acre you have got to have in front and back and the other third of an acre to do things you need to do around a church. That scenario is one hundred and fifty cars coming out of that narrow one way road while a fire truck or an ambulance is trying to get back there to service somebody. It just will not work, gentlemen. Born and raised in north Alabama and there use to be an old saying, you have got ten pounds in a eight pound sack, and it just will not fit. Thanks for listening.

The Chairman stated before we continue though, let me clarify, Mr. Eady you have said that there has to be a site plan, and I assume that as part of that plan some of these details that you have talked about, like the road right-of-way, sewer, and that type of thing will be covered and governed by the Land Use Ordinance.

Mr. Eady stated it will. Actually it is off of Bradbury Lane. It is across a lot that was left by the developers of Lake Forest, at the time it was developed, in order to access this area, and there is a sixty-foot right-of-way across there and down along part of this property. However, as I mentioned in my presentation, that the little rock road is presently approximately ten to twelve feet wide, and that is not satisfactory for traffic. The gentleman mentioned that the garbage truck had to back down proving that there is no place for a truck of that size to turn around. It will come to the Planning Commission if it is approved and one of the requirements of the Planning Commission is a standard size city street for traffic flow. Also someone mentioned a septic tank. For a building of that size with the number of people, a septic tank will not be sufficient, it will have to have sewer. I know there is sewer there on Bradbury. It probably will have a pumping station from there to Bradbury Court. Water is there and there will be a minimum of a six inch water line installed. There are a number of things like this that have to be done before the Planning Commission can approve it.

The Chairman stated thank you.

Mr. Johnson stated my name is Eric Johnson, and my address is 127 Marie Lane, which looking at the map here is right there. My parents are Wendell and Terri Johnson live right there. First I believe Mr. Moss has asked me to ask can he have another moment of your time.

Mr. Moss stated I am sorry to bother you. I did have a senior moment. I am a little bit older than sixty. Quite a little bit.

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

Mr. Moss stated part of a very important statistic that I did not finish is Stratford Court, Bradbury Court, Adair Court, Montclair Loop and Maplewood Loop, which is within Montclair Loop, which is a very tight knit area right already have a hundred and sixty one homes, which conservatively means three hundred and twenty-two cars coming and going out of that street. The approximate number of children is seventy, which includes the one deaf child. It is just one more reason why this is just a bad fit. The church is a great idea, but there are a lot of better places to put one. Thank you.

Mr. Johnson stated I have already sent you all a letter on August 14th to address many of the concerns that I had related to this special exception. So I will be briefly expressing concerns here. As I said my home is right here and my parents are here. We live very close to where the church will be built. I built my home in 1993 and I chose the location because it provided a quiet location to raise my children. My parents chose this location for the same reason. We are concerned that the character of the neighborhood is about to change. You have heard over and over this is the wrong place to do this kind of thing. There was a Supreme Court case City of Buford, Ohio verses a realty company, where the Supreme Court dealt with an issue of zoning. They upheld that the state charges were valid stating that they had the right idea but the wrong thing. They defined that a nuisance can merely be the right thing in the wrong place. Noise, traffic, fire hazard, and general living area for the purpose of a residential area, including the rearing of children, certainly come under the power of the state to take care of the public safety, health, morals and general welfare. We are not against the Restoration Fellowship. I have been involved in starting a church also. We are against the purposed use of Lot 2007 for non-residential purposes. Daphne has many locations that are much more suitable for Restoration Fellowship than a residential neighborhood. The church that I was involved in, Jubilee Baptist Church, we started in Bay Commercial Properties. There are many commercial areas for Restoration Fellowship to go and grow. Denying their request should not prevent them from carrying out their ministry in a more suitable location. I believe Mr. Lee Levitt is going to speak after me, if that would be alright.

Mr. Crimmins stated I have a question. You said you live on Lot 2007.

Mr. Johnson stated that is mine, I believe. I go by the street address. Yes, sir, it is Lot 2007.

Mr. Crimmins stated do you take Rays Lane to get into your property?

Mr. Johnson stated no, sir. I use Marie Lane.

Mr. Crimmins stated where is that?

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

Ms. Barnette stated the Planning Commission does not take it likely to make an unfavorable recommendation, either to the Planning Commission, of which I am a member or to the BZA Board. As a Planning Commission member the thought of looking at the site plan for this project is a little alarming. The traffic, I do believe is a sincere issue. Then the neighborhood concerns go away, because we have to look at the actually property, but the traffic is a concern from a planning prospective. I do want to reiterate, Mr. Eady does not look at the will of the people, as a reason for making a decision on his recommendation to either the Planning Commission or the BZA. So I just wanted to highlight that. The other issue that I wanted to bring up, I guess, as a representative for District 2, where we have a number of churches and schools in a residential community, and I receive a number of the phone calls. It is very difficult to manage the dual population. Old Towne is a little bit different because of the infrastructure and street layout, but here where you are using one corridor, one street access, it is going to be very difficult as the church grows and as the neighborhood continues to try and learn to live with the church. So there are going to be growth issues. The police are going to be called in a good bit, Planning Commissioners, and Council people. I will not get those phone calls, but there are going to be other concerns that are going to kind of burden the City. So I just wanted to bring those up before you. Thank you.

The Chairman stated thank you. Before we move on any further. Does anyone have any particular new points to bring up about this?

Mr. Thomas stated my name is Deleon Thomas, and I live at 302 Stratford Circle. One of the points that was missed or I only heard it brought up once, along with all of the others, is noise. My property backs to Rays Lane. I have never belonged to any church that did not have lots of fund raisers, technically the concerns is that they have parties. So along with the safety you are also looking at noise concerns, something that should not be in a residential neighborhood like this one. Thank you.

Mr. Drummond stated my name is Rod Drummond and I live at 367 Ridgewood. I am about five houses from Montclair Loop. I live just about equal distance from Home Depot on 98 up by Windsor. When I use to go to work, I would come home at night the cars would come in the gate with me, but by the time I would get to my house they were all gone. They had all turned off here and there, but that is no longer the case. I get a tremendous amount of traffic coming by in front of my house. Almost everybody in the neighborhood has lost a mailbox. I have had mine turned around two or three times. The person next door has had theirs knocked down and turned around two or three times. I just want you to know the traffic has increased in the fifteen years I have lived here.

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

Mr. Drummond stated ten times what it was when I first moved in, and it is getting worse. There are twelve empty lots right in the area of my house. The trees are coming down weekly to build new houses. Ridgewood, in my area, is twenty miles per hour on one side of me and twenty miles per hour on the other side of me. I have never seen a car go under thirty going by my house. The man that purposed this mentioned daycare. Daycare requires parents to drop their children off during the rush hour and pick them up at the rush hour at night. That means significantly more traffic during the bad times, and there is just one more point that I wanted to mention, and this may or may not be relevant. Last year there was a problem with a twelve hundred student school that was to be built on Main Street, and everybody in the area was against it. Someone said why not build it in the middle of Lake Forest, there is plenty of room in there, and everyone looked at the covenants. No buildings, but single family. No churches, no schools, you cannot do it. The one last point that I wanted to say is on, oh, Friday Construction, within the last three years, purchased, I think, five hundred of seven hundred lots in Lake Forest, their intention is to build a home on each one of these lots within the next few years. Ridgewood is going to be a zoo, and this church is not going to help. Thank you very much.

The Chairman stated you mentioned a school being built. Where was it going to be built?

Mr. Drummond stated Lake Forest. They did not mention where they wanted to build the school they just said in the Lake Forest area. It would be much better for the people in there, and the covenants say that you cannot build a school or a church or a store or anything else in Lake Forest.

Ms. Glazier stated my name is Laura Glazier and I am at 118 Cameron Circle. Marie Lane is very close to my property. Three quick notes. Number one, we do not have sidewalks in Lake Forest and we often walk on Sundays, and we do have to walk on the streets. Number two, we have had a fire on that first lot to the left there, called the Bosarge property. We have also had a child who died and the fire truck could not find Marie Lane, it circled my court numerous times looking for Marie Lane. The truck had to come from Windsor to Ridgewood, to Bayview, to Rolling Hill, to Greenbay, drive Greenbay carefully to Cameron, to Marie Lane, and could not find Marie with the over growth. The other thing is, we did have a fire over on the Ridgewood side of this property, and one of my students at school came and said the fire truck had great difficulty getting back there. I do know that is definitely an example of a concern. The fire, no sidewalks and noise. We have called the Daphne Police Department at least five times about this particular property highlighted in red. The owners that sold to Restoration Ministries had a drum set.

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

Mr. Duval stated that property right there is probably considered wetland. I am not for sure about that, but that is one stipulation that should be checked on before this ever goes any further. Concerning the traffic. My two girls, I raised two girls right there on Montclair Loop. My oldest girl, right now, is thirty-three years old, and my youngest daughter is thirty-one, and I have four grandchildren now that I love with all of my heart. I moved from that location and I bought my mother and daddy's home right down as you come into Lake Forest, right down on Windsor Drive. I mounted it 111 Windsor Drive. My momma and daddy has been here in Baldwin County for a long time, since 1965, and when I get up in the morning to go to work at 6:00 o'clock in morning it is like a race track coming out of Ridgewood onto Windsor Drive. I live now in what is Lake Forest West, the name has been changed. My dream many, many years ago was to buy and purchase a home to raise my children, in a safe location, and as it stands today, it is pretty safe except for the highway. The traffic, but for many, many years as I lived back there, for twenty-eight years, before I sold it to my youngest daughter, which is living there now with one kid, it was pretty safe. I requested the Daphne police to try and put some speed breakers on the top of the road there, as Ms. Cathy has shared, concerning her child, because my two girls have almost gotten killed by speeders that go up and down that street, because as you come up that street it is on top of a hill. When I first moved in there it was very safe. We need to understand tonight that there are no turn arounds. The roads have already been mentioned and they are all dead end streets. There are no fire plugs. There are no outlets. There is only one road in and out. There is not a good location for the church to be there in Lake Forest, and I would just like to share that with the Committee tonight. Thanks so much for your time. I would like for you to consider that the stream flows back through here. During Hurricane Frederick that road got completely washed out. The bridge got completely washed out and the people that lived back over in here on Avon Circle were completely cut off. They could not get to their homes. The Corp of Engineers and other folks had to come in here and rebuild the bridge, and that would be another factor in considering building the church there, because if we ever had another hurricane such as Frederick in 1979, this would be completely shut off. It would be only one way out or you will have to go all the way around Ridgewood. So that would be another factor to be considered also. When it rains, Lake Forest has a definite problem concerning water, and that is what I deal with at the Corp of Engineers, I have been working with them for thirty years. I appreciate your time sir and thank you very much.

Mr. Moss stated I have one request of the citizens of Lake Forest who are here. The last time we were here on a matter in these chambers we left quite a little bit of debris. We were here talking about apartments, at the time, and zoning.

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

Mr. Moss stated we were talking about people cleaning up and taking care of things, and we walked out and left this chamber a mess. So if you are a Lake Forest resident, citizen, would you please pick your stuff up and take it with you.

The Chairman stated I do not want to shut off the debate, but does anyone have anything additional or a different point to make concerning this appeal. Does the Board have any questions of anybody that has spoken?

Mr. Robison stated no, sir, I do not have a question, but I would just like to read something that deals with special exceptions that the BZA must go by. The third legislated function of the Board of Zoning Adjustment under Alabama State Law is granting of special exceptions. A special exception or use allowed on appeal is a use which is compatible with the primary district use but, because of its nature, should be reviewed and approved by the Board before a building permit is issued. In certain cases, a specific site may not be appropriate. Things to consider include compatibility with adjacent land use, street capacity to handle additional traffic and capacity of the utility systems to serve the new use. Then another one is to grant special exceptions with such conditions and safeguards as are appropriate, or to deny such exceptions when not in harmony with the purpose and intent of the Zoning Ordinance. There are other things that should be considered, must be considered, is that a special exception will not be granted if it is contrary to public interest and will ensure that the spirit of the Zoning Ordinance will be observed. It will not permit the establishment of a use within a district where that use is prohibited. Number three, it will cause a substantial adverse effect to property or improvements in the vicinity or in the districts in which the applicant is located. There are several other things that are conditions and safeguards that you should consider. One would be the ingress and the egress to the property. Consider off street parking. Consider signs and exterior lighting. I do not think a residential neighborhood is a good place to have exterior signs and a tremendous amount of lighting. Screening and buffer zones and last but not least other factors to permit compatibility with other adjacent property. Some of those I repeated, but those are the things that I had gone through this on. I have looked at it and I have gone out there. As a matter of fact, I am very familiar with Rays Lane. I at one time went down Rays Lane before it was called Rays Lane because Annie Ruth Jones that lived there was a babysitter that set my children when she was seventeen years old, and they were small. I would take Annie Ruth home there, so, I am familiar with that area. I have been back behind in Marie Lane. I went back there this afternoon. Just to go through it again. I drove up and down the hump, bumps, the wash outs and the gullies and everything else. You would not know there are five, six or seven homes back in there.

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

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: October 4, 2007

Glen Swaney, Chairman

/ph

**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 Recreation Board Minutes
1705 Main Street
Daphne, AL.
September 12, 2007
6:00pm

Members Present: Chairman Ed Nelson, Erick Smith, Matt Cunningham, Glenn Vickery

Member Absent: Matthew Banfield, Rick Cleveland, John Peterson and Kit Smith

Advisory Staff Present: Mayor Fred Small, David McKelroy, Parks and Recreation Director, Councilmen Gus Palumbo and Greg Burnam

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:05pm.

The Board decided that all future Recreation Board Meeting would be held at the Daphne Recreation Department.

Review and Approval of Minutes

Minutes from the August 22 meeting were approved. Erick Smith made a motion to approve the minutes and Matt Cunningham seconded the motion. Motion carried.

Old/New Business

1. Master Plan Update
 - a. Topographical Survey and Wetland Delineation had not been completed due to the amount of rain and density of undercover growth at the property.
 - b. Tennis Steering Committee. Kit Smith will have a report in October
2. Status of Negotiation with School Board
Mayor Fred Small reported that he had spoken with Baldwin County Board of Education superintendent Farron Hollinger with regard to the additional property and lease at the Trion Sports Complex. Mayor Small stated he would remain in touch with Mr. Hollinger.
3. Land Use Ordinance
The proposed Land Use Ordinance for recreational property was forwarded to the Planning Commission for their consideration. The board requested Director David McKelroy follow up with Mr. Eady as to it status.
4. Defibrillator Purchase and Training
Purchase Orders for defibrillators have been signed and should be ordered. Training for all Parks and Recreation employees will be scheduled upon their arrival.

5. **Replacement of Personnel**
The positions of Recreation Programs Coordinator, Office Assistant and SAIL Site Worker have all been filled. All new employees were scheduled to begin work September 13.
6. **Opening Ceremony for Dog Park**
Dog Park Grand Opening is scheduled for 9:00am, Saturday, September 15. Councilman Gus Palumbo and Chairman Ed Nelson agreed to attend and make comments
7. **Fall Athletic Programs**
The Baldwin County Youth Football Association held its 2007 Jamboree at Daphne High School and in Spanish Fort. Due to wet field conditions at Trojan Field, not all games were able to be played at Daphne. The regular youth football season begins Saturday, September 15 in Bay Minette, Gulf Shores and Orange Beach. Youth soccer will begin its season on September 17.
8. **Special Events Update**
Cruisin' on the Shore, a classic car show and bluegrass show is scheduled for the Plaza on Sunday, October 21. The annual Celtic Celebration is scheduled for the Plaza on Sunday, November 4. Both events are free to the public.
9. **Senior Program Update**
The Daphne Senior Center News calendar was given to the board. The newsletter / calendar provides information about all current and upcoming senior events and activities.
10. **Proposal regarding Department Coordinators**
It was suggested by the Chair, that all coordinators attend the Board meetings.
11. **By-Law Proposal**
Proposed By-Laws were presented to the Board for their considerations. The board was asked to peruse the information and provide a response.
12. **Budget Proposal**
Questions about the FY 2008 budget were asked by the board.
13. **Election of Board Officers for 2008**
The chair reminded the board that election of Officers will be in October.

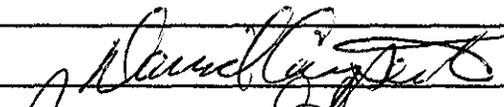
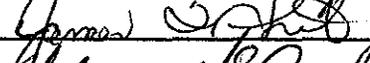
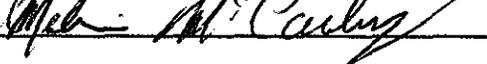
Adjourn

The meeting was adjourned at 7:40.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne Elementary School PTA</i>
CONTACT PERSON:	<i>Rebecca White</i>
ADDRESS:	<i>2401 Main Street Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>625-0712 610-3841</i>
TYPE OF PARADE:	<i>Fun Run</i>
DATE OF PARADE:	<i>November 3, 2007</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>150</i>
START TIME:	<i>9:00 A.M.</i>
STOP TIME:	<i>9:45 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Santa Rosa between Daphne Elementary and United Methodist Church</i>
ASSEMBLY TIME:	<i>8:30 P.M.</i>
SPECIAL INSTRUCTIONS:	<i>Block Streets Off</i>
DATE APPLIED:	<i>September 17, 2007</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White	
PUBLIC WORKS: Melvin McCarley	
CITY COUNCIL APPROVAL: 10/01/07	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 17, 2007</i>
NOTIFICATION:	

per person, with a family limit of \$20. Registration fee includes a t-shirt for each participant. Please pre-register as shirts are limited.



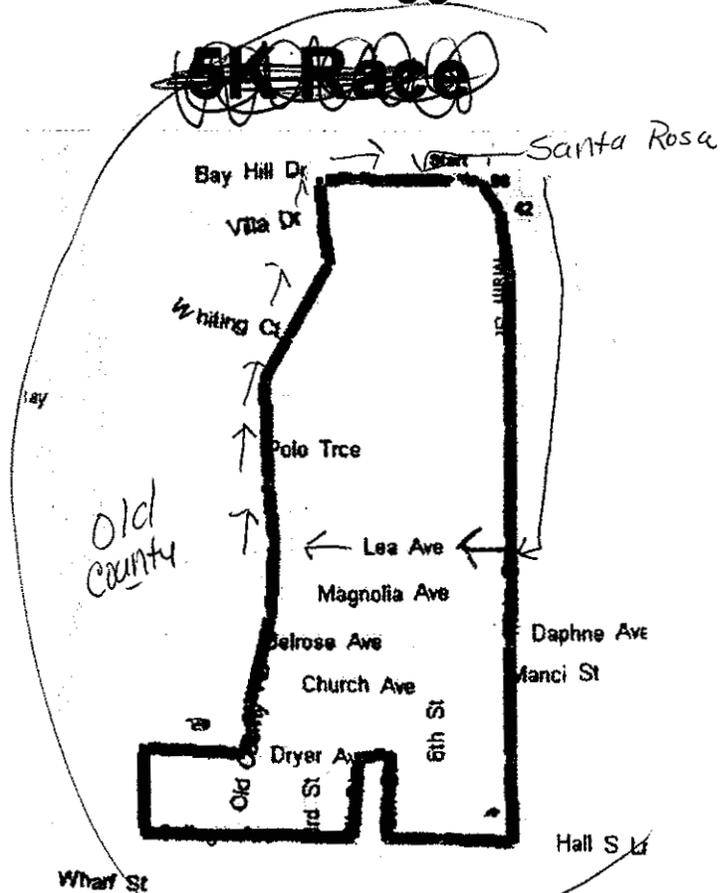
For further information contact Neil Beasley regarding the Run/Walk or Marg Perelli regarding the Easter Celebration & Egg Hunt at 626-2287 .

FORM

shirt size (circle one):

youth 10-12 14-16
 adult S M L XL

(of 18)

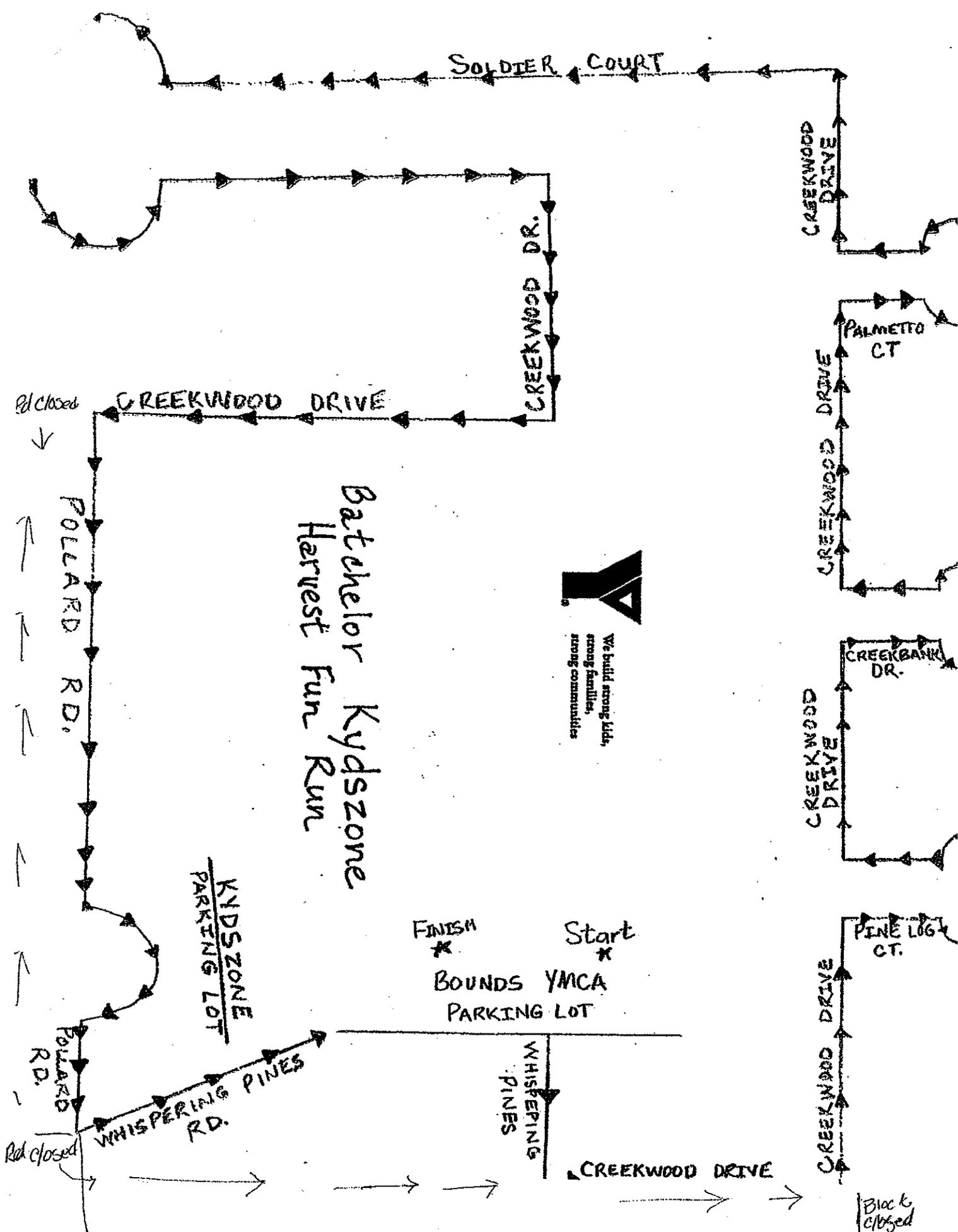


* The Fun Run/Walk route will turn on Lea Ave. and then head back on Old County Rd.

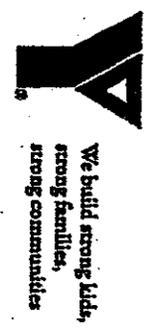
CITY OF DAPHNE

PARADE PERMIT

ORGANIZATION:	<i>Bounds Family YMCA</i>
CONTACT PERSON:	<i>Garilynn Gillespie</i>
ADDRESS:	<i>8051 Whispering Pines road Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>402-2716 626-0888 or 626-5104</i>
TYPE OF PARADE:	<i>2 Mile Fun Run</i>
DATE OF PARADE:	<i>October 12, 2007 Sunday</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>150-200</i>
START TIME:	<i>5:30 P.M.</i>
STOP TIME:	<i>6:30 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Whispering Pines Road at Bounds YMCA</i>
ASSEMBLY TIME:	<i>5:00 P.M.</i>
DATE APPLIED:	<i>September 14, 2007</i>
APPROVAL	
POLICE: Chief David Carpenter:	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Melvin McCarley	<i>Melvin McCarley</i>
CITY COUNCIL APPROVAL: 10/01/07	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 14, 2007</i>



Batcheselor Kydszone
Harvest Fun Run



FINISH * Start *

BOUNDS YMCA
PARKING LOT

KIDSSZONE
PARKING LOT

Red closed

Red closed

Black closed

POLLARD RD.

GREEKWOOD DRIVE

CREEKWOOD DR.

SOLDIER COURT

CREEKWOOD DRIVE

PALMETTO CT

CREEKWOOD DRIVE

CREEKBANK DR.

CREEKWOOD DRIVE

PINE LOG CT

CREEKWOOD DRIVE

CREEKWOOD DRIVE

WHISPERING PINES

WHISPERING PINES RD.

POLLARD RD.

**COLUMBIA SOUTHERN UNIVERSITY
LEARNING PARTNERSHIP-MEMO OF UNDERSTANDING
WITH
THE CITY OF DAPHNE, ALABAMA**

WHEREAS, COLUMBIA SOUTHERN UNIVERSITY, located at 25236 Canal Road, Orange Beach, Alabama, an Alabama corporation, (hereinafter referred to as CSU), desires to enter into a learning partnership with the City of Daphne, Alabama, an Alabama municipal corporation; and

WHEREAS, the City of Daphne wishes to enhance and expand the learning and knowledge of its employees through participation and completion of academic degree programs in career appropriate disciplines; and

WHEREAS, CSU desires to enroll more students in undergraduate and graduate programs that will enhance and expand their knowledge in career appropriate disciplines; and

WHEREAS, the City of Daphne and CSU desire to join in a learning partnership that will result in the achievement of these mutual goals and with this learning partnership hereby agree as follows:

A. The City of Daphne will:

- 1. Officially designate CSU as a learning partner;**
- 2. Inform all City of Daphne employees of this learning partner relationship;**
- 3. Provide opportunities for the City of Daphne employees to view CSU marketing materials and become acquainted with CSU;**

**LEARNING PARTNERSHIP
PAGE TWO**

- 4. Provide information on training courses taken by the City of Daphne employees for evaluation by CSU for the possible transfer of academic credit to CSU.**

B. CSU will provide the following:

- 1. The designation of the City of Daphne as a learning partner on the CSU website;**
- 2. Display the City of Daphne logo or the name of the City of Daphne on the CSU website with flyers and linking the logo or name to information about the CSU-City of Daphne discount, and CSU enrollment information and forms for the City of Daphne employees;**
- 3. Evaluate training courses and programs taken by the City of Daphne employees for possible academic credit at CSU;**
- 4. Provide on-line application forms specifically designed for the City of Daphne employees. The City of Daphne employees will, however, be required to meet the entrance requirements for the degree for which they apply;**
- 5. Provide the City of Daphne employees with a ten (10%) percent discount for all courses and programs taken at CSU;**
- 6. Provide the City of Daphne employees with needed information about employee accounts and status.**

C. The City of Daphne will designate a qualified person to act as a liaison with CSU and to work with CSU on fulfilling the above agreement and all related issues.

**LEARNING PARTNERSHIP
PAGE THREE**

D. This Learning Partnership will be in effect from the date of signing and will remain in effect unless terminated by written notice of either party.

This Memorandum of Agreement is agreed to and signed on this the ____ day of ____, 2007.

Adopted and Approved on this the ____ day of ____, 2007.

**COLUMBIA SOUTHERN UNIVERSITY,
An Alabama Corporation**

**Chantell M. Cooley, Vice President
Partnership Development**

**CITY OF DAPHNE,
An Alabama Municipal Corporation**

Fred Small, Mayor

ATTEST:

DAVID COHEN, City Clerk, CMC

ECONOMIC DEVELOPMENT AGREEMENT

This ECONOMIC DEVELOPMENT AGREEMENT dated this ____ day of _____, 2007, among the RENAISSANCE CENTER, L.L.C., an Alabama limited liability company (the “Developer”), the CITY OF DAPHNE, ALABAMA (the “City”), the RENAISSANCE IMPROVEMENT DISTRICT, an Alabama public corporation (the “Improvement District”) organized under the provisions of the Chapter 99A of Title 11 of the Code of Alabama (1975) (the “Alabama Code”), and the RENAISSANCE COOPERATIVE DISTRICT, an Alabama public corporation (the “Cooperative District”) organized under the provision of Chapter 99B of Title 11 of the Alabama Code.

RECITALS

The Developer is developing a retail and commercial development to be known as the Renaissance Center (the “Commercial Development”) on land owned by the Developer and/or its affiliates. The said land is located within the corporate limits of the City and within the respective jurisdictions of the Improvement District and the Cooperative District. The Developer and the City have theretofore entered into a Memorandum of Understanding dated May 21, 2007, under which the City agreed (i) to assist in the formation of the Improvement District and the Cooperative District, (ii) to cause the Cooperative District to sell and issue the Cooperative District’s tax exempt special obligation revenue bonds (the “Bonds”) to pay for certain public improvements within the jurisdiction of the Cooperative District and the City and (iii) pursuant to the provisions of Amendment 772 of the Alabama Constitution of 1901 (the “Constitution”) now codified as Section 94.01 of the Constitution, to make a continuing grant to the Cooperative District in an amount based on tax revenues from the area within the boundaries of the Cooperative District continuing for thirty (30) years from the initial dated date of the Bonds or until the Bonds are paid in full, whichever occurs first, which such grant is to be used to pay the debt service on the Bonds.

NOW, THEREFORE, THIS ECONOMIC DEVELOPMENT AGREEMENT

WITNESSETH:

That in consideration of the premises and the respective representations, warranties and agreements herein contained, the parties hereto agree as follows:

Article I

DEFINITIONS AND USE OF PHRASES

Section 1.1 Definitions. Unless the context clearly indicates a different meaning, the following words and phrases as used herein, shall have the following respective meanings:

“Additional Land Owners” means those persons to whom the Developer has agreed to sell and convey, or will subsequent to the date of this agreement, agree to sell and convey a portion or portions of the Renaissance Center Land.

“Alabama Code” means the Code of Alabama (1975), as amended and in force and effect from time to time.

“Applicable Environmental Laws” means any applicable laws, rules or regulations pertaining to health or the environment, or petroleum products, or radon radiation, or oil or hazardous substances, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (“CERCLA”), as codified at 42 U.S.C. § 9601 et seq., as amended, the Resource Conservation and Recovery Act of 1976, as amended (“RCRA”) and the Federal Emergency Planning and Community Right-To-Know Act of 1986, as amended.

“Bond Counsel” means Hand Arendall L.L.C., Mobile, Alabama, in its role as Bond Counsel to the Cooperative District.

“Bond Resolution” means the resolution to be adopted by the governing body of the Cooperative District to authorize the sale and issuance of the Bonds.

“Bonds” means the Cooperative District’s Special Obligation Revenue Bonds, (Renaissance Center Project), Series 2007, which such Bonds may be issued in one or more series with separate security for each such series.

“Closing” or “Closing Date” means the date on which the Bonds are issued.

“City” means the City of Daphne, Alabama, a municipality organized and existing under the laws of the State of Alabama.

“Commercial Development” means a commercial development to be known as “Renaissance Center,” which may include car dealerships, stores, restaurants, hotels and motels, and other retail and commercial establishments as permitted by the Cooperative District Statute.

“Cooperative District” means the Renaissance Cooperative District, an Alabama public corporation, and its successors and assigns.

“Cooperative District Statute” means the statutes codified as Chapter 99B of the Title 11 of the Alabama Code.

“Costs of Issuance” means the reasonable and customary costs of issuing the Bonds including, without limitation, fees of Bond Counsel, Counsel to the City, and Underwriters Counsel, underwriting fees and discounts, financial advisory fees, costs of surveys, title insurance policies and the like.

“Counsel to the City” means Jay Ross, Esq., Ross and Jordan, Mobile, Alabama.

“Developer” means Renaissance Center, L.L.C., an Alabama limited liability company, and its successors and assigns.

“Development” means the Commercial Development, the Public Improvements and the Land collectively.

“Improvement District” means the Renaissance Improvement District, an Alabama public corporation, and its successors and assigns.

“Land” means the Renaissance Center Land and the Public Land.

“Overlay District Ordinance” means the City of Daphne Ordinance No. 2005-38, an ordinance which amends the City’s Land Use and Development Ordinance 2002-22 and applies to the Land.

“Plans and Specifications” means the plans and specifications for the Public Improvements and the Commercial Development to be prepared by an engineer or architect selected and retained by the Developer, which such plans and specifications are subject to the reasonable review and approval of the City as described herein.

“Plat” means the final plat of Renaissance Center, as approved by the City, a copy of which is attached hereto as Exhibit ____.

“Pledged Assessment Funds” means any special assessments levied at the request and on behalf of the Improvement District by the City, which such funds shall be pledged for payment of one or more series of the Bonds.

“Pledged Grant Funds” means the funds from the continuing grant made by the City, which such grant extends for thirty (30) years from the initial dated date of the Bonds, or until the date the Bonds are paid in full, whichever is earlier which shall be paid on a monthly basis beginning with _____, _____, and which shall be in an amount as set forth in Section 5.2 hereof.

“Public Improvements” means the Public Land and the improvements to the Public Land and the related improvements to certain adjacent road rights-of-way intended to serve and be for the benefit of the public.

“Public Improvements Costs” means the lesser of (i) the costs of the acquisition, installation and construction of the Public Improvements, as such amounts are determined based upon the final amounts payable for such Public Improvements pursuant to applicable executed contracts (and all change orders/for such work), and (ii) _____ Dollars (\$_____).

“Public Land” has the meaning set forth in Section 3.1 hereof.

“Renaissance Center Land” means that portion of the Land to be retained by the Developer or Additional Land Owners following conveyance of the Public Land to the City as provided in Article III hereof.

“Underwriter” means Gardnyr Michael Capital, Inc., Mobile, Alabama.

ARTICLE II

THE DEVELOPMENT

Section 2.1 Construction of Public Improvements.

(a) The Developer shall manage the design, installation and construction of the Public Improvements in accordance with the Plat and the Plans and Specifications, as required by the Overlay District Ordinance and the City’s generally applicable planning and development rules and regulations.

(b) The Cooperative District agrees to pay, or reimburse the Developer for, the Public Improvement Costs, but only to the extent that net proceeds of the Bonds are available for such purpose. The Cooperative District acknowledges that the acquisition, installation and construction of the Public Improvements will proceed simultaneously with the acquisition, installation and construction of the Commercial Development and that certain contracts will, for cost efficiency sake, cover work on both the Public Improvements and the Commercial Development.

(c) The Plans and Specifications for the Public Improvements shall be subject to the prior written approval of the City, which such approval shall not be unreasonably withheld. Such approval shall be in addition to applicable approvals and permits concerning conformity with applicable building codes and other usual inspection approvals, which the Developer covenants to obtain in the normal course.

(d) Following the approval of the Plans and Specifications and the issuance by the City of all other necessary permits and approvals, as aforesaid, the Developer agrees to use its best efforts to complete the Public Improvements in an orderly and expeditious manner and in compliance in all material respects in accordance with the Plans and Specifications and any such approvals and permits.

(e) The Developer agrees that it shall require the general contractor for the Public Improvements to post a performance bond and a labor and materialmen’s payment bond with good and sufficient surety issued by a company qualified to issue such bonds in the State of Alabama in an amount sufficient to insure completion of the construction of the Public Improvements according to the construction contract therefor, with the Developer as obligee of the bond and the City and the Cooperative District as additional obligees thereunder. The bond shall be obtained from such companies in such amounts

as shall be approved in advance by the City, such approval not to be unreasonably withheld. A copy of said bond shall be furnished to the City and the Cooperative District prior to the beginning of the construction of the Public Improvements. In the event the general contractor for the Public Improvements defaults in the performance of its construction contract, the Developer agrees to take appropriate action to enforce said bonds or otherwise cause the work to be timely and properly completed.

(f) The Developer covenants and agrees that it will pay or cause to be paid promptly all persons supplying work or materials for the construction of the Public Improvements. In the event that any materialmen's or mechanics' liens are filed against the Public Land in connection with the Developer's construction of the Public Improvements, the Developer covenants that it will discharge or make other arrangements reasonably acceptable to the City with respect to (including, without limitation, bonding of or insuring over any such lien) any mechanics' or other lien filed against the Public Land regardless of whether Bond proceeds are available to reimburse it.

2.2 The Commercial Development

(a). The Developer and the Additional Land Owners shall develop the Commercial Development substantially in accordance with the Plat and the Plans and Specifications.

(b) The Plans and Specifications for the Commercial Development shall be subject to the reasonable prior written approval of the City. The City agrees that its approval will not be unreasonably withheld, and the City acknowledges that the Plans and Specification for the Commercial Development may change numerous times as leases or sales contracts are executed for the Commercial Development. Such approval shall not amount to an approval of the Commercial Development's conformity with applicable building codes and other usual inspection approvals by the City normal to any new construction in the City, which such approval process shall proceed in the normal course.

(c) Following the approval of the Plans and Specifications for the Commercial Development, the Developer shall proceed (and shall make its best efforts to cause the Additional Land Owners to proceed) to effect the construction of the Commercial Development substantially in accordance with such Plans and Specifications. The Developer further covenants that it will use its best efforts (and shall make its best efforts to cause the Additional Land Owners) to complete the Commercial Development in an orderly and expeditious manner.

(d) The design work for the Commercial Development shall be performed by the Developer and the Additional Land Owners at their own expense. The Developer agrees to obtain (and to use its best efforts to cause the Additional Land Owners to obtain) all necessary approvals and permits for the Commercial Development from the City or other applicable governmental entity in the normal course.

(e) The City agrees to cooperate in good faith with the Developer in any replatting or corrective instruments that may be required in connection with the dedication of the public road rights-of-way by recordation of the Plat and the creation of easements in favor of the City. The City and the Developer acknowledge that the Land lies within an overlay district subject to the Overlay District Ordinance.

ARTICLE III

PUBLIC LAND

3.1 Conveyance of Public Land to City. The Developer (i) will dedicate to the City those public road rights-of-way depicted in the Plat, (ii) will grant to the City easements for those drainage conduits, permanent retention ponds and other storm drainage facilities depicted in the Plat, and (iii) will grant to the City such other utility and public easements which are consistent with the Plat and the Plans and Specifications and have been contemplated by the parties to this agreement in connection with the acquisition, installation and construction of the Public Improvements (said property or interests therein dedicated or granted or to be granted to and held by the City, the “Public Land”). It is presently anticipated that the Public Improvements will be comprised of the addition or improvement of roadways and utilities surrounding and within the Land, including, without limitation, earthwork, grading, retaining walls, erosion control, environmental mitigation, water, storm and sanitary sewer and drainage facilities (including, without limitation, storm water drainage conduits, storm water retention ponds and water and sewer line extensions, roadways, lighting, landscaping, signage, signalization, gutters for the roadways, facilities for other utilities and other items normally considered public infrastructure), all as shown on the Plat and the Plans and Specifications. The Public Improvements will be acquired, installed and constructed by the Developer in accordance with the provisions of Article II hereof.

3.2 Title Insurance. To the extent routinely required by the City in the course to accept dedication of public easements or public road rights-of-way, the Developer will provide to the City at Closing an owner’s ALTA title insurance policy issued by a title insurance company acceptable to the Developer and the City, insuring the City’s title to the Public Land and (ii) such other matters of title to which the City shall reasonably consent. As a condition to Closing, there must be no other exceptions to title except as set forth in clauses (i) and (ii) above, unless such exceptions shall be first approved by the City, which such approval not to be unreasonably withheld.

3.3 Survey. To the extent routinely required by the City to accept dedication of public easements by separate easement instrument (as opposed to dedication as a part of accepting the Plat), the Developer will, at its own cost, deliver to the City prior to Closing a boundary survey of the portion of the Public Land which his the subject of such separate easement instruments, which such survey shall be certified to the City, shall locate all corners, improvements, encroachments, easements, utilities, roadways adjoining or crossing the Public Land, and any other exceptions listed in the Title Commitment described in Section 3.2 hereof.

3.4 Environmental. Prior to dedicating to or transferring to the Public Land to the City, the Developer will deliver to the City for the City's reasonable review and approval, a Phase I Environmental Site Assessment for the Commercial Development and Public Land which must confirm that the Public Land is not in violation of or subject to any existing, pending, or threatened investigation or inquiry by any governmental authority or any remedial obligations under any Applicable Environmental Laws. The Developer will indemnify and hold the City harmless from and against, and reimburse the City for, any fees, charges, liabilities, reasonable expenses, and reasonable attorney's fees incurred by the City, in the event the Public Land or any part thereof is hereafter determined to be in violation of any Applicable Environmental Law, provided, however, that such indemnity shall not extend to contamination on the Public Land after Closing, unless such contamination is caused by the Developer. The indemnifications set forth in this section shall survive the Closing and shall not be merged into the documents executed on the Closing Date.

ARTICLE IV

THE BONDS

4.1 The Bonds The Cooperative District covenants that it will use its best efforts to sell the Bonds to the Underwriter on commercially reasonable and customary terms and will cooperate in every reasonable way with the Developer to effect the sale and issuance of the Bonds on such terms and to provide for the payment or reimbursement of the Costs of Issuance. The term of the Bonds shall not exceed thirty (30) years.

4.2 Limited Obligation of the Cooperative District

(a) The Bonds shall be a limited obligation of the Cooperative District payable solely from the Pledged Grant Funds and Pledged Assessment Funds. Neither the full faith and credit nor any taxing power of the Cooperative District are pledged, to the payment of the Bonds.

(b) There shall be established an escrow (the "Pledged Grant and Assessment Account") into which the Cooperative District will cause the City to deposit, on a monthly basis, the Pledged Grant Funds and any Pledged Assessment Funds.

(c) Amounts on deposit in the Pledged Grant and Assessment Account may be used as needed for the payment of the principal of and interest on the Bonds.

4.3 Tax-Exempt. The Bonds will be issued based on the approving opinion of Bond Counsel to the effect that (i) the Bonds are valid and legal obligations of the Cooperative District payable solely from and secured by the Pledged Grant Fund and any Pledged Assessment Funds, and (ii) the interest on the Bonds is excludable from the

gross income of the recipients thereof for purposes of federal income taxation subject to such qualifications and other matters as are customary.

4.4 Validation. The parties hereto acknowledge that the Cooperative District intends to judicially validate the Bonds, the City's grant of the Pledged Grant Funds, the Improvement District's pledge to the Cooperative District of any Pledged Assessment Funds and the pledge by the Cooperative District of the said funds to secure payment of the Bonds.

ARTICLE V

OBLIGATIONS OF CITY AND IMPROVEMENT DISTRICT

Section 5.1 Obligations of the City. The City shall have no obligation in respect of the Bonds, except to pay to the Cooperative District or its designee the Pledged Grant Funds as described in Section 5.2 hereof.

Section 5.2 Pledged Grant Funds. The City does hereby covenant pursuant to authority given to it by Section 9.01 of the Constitution to grant to the Cooperative District a sum of money to be paid on a monthly basis on the last business day of each calendar month based upon the City's tax receipts for the previous calendar month. The amount to be paid shall be equal to the sum of the following:

(a) with respect to the sale, use or lease of motor vehicles within the Cooperative District, fifty percent (50%) of the privilege taxes in respect of the same levied by the City (including, without limitation, sales and use tax and leasing tax).

(b) with respect to the sale, use or lease of personal property (other than motor vehicles) within the Cooperative District, forty percent (40%) of the privilege taxes (including without limitation, sales and use tax and leasing tax) levied by the City in respect of such sale, use or lease.

Should the City increase the rates of the foregoing taxes, such change shall have no effect on the foregoing calculation, and the amount of the Pledged Grant Funds shall be computed as if the rates for such taxes in effect on the Closing Date remained in effect. The City pledges and covenants that it shall not repeal or decrease the aforesaid taxes.

Section 5.3 Obligations of the Improvement District. The Improvement District shall have no obligation in respect of the Bonds, except that it covenants to request the City to assess the property within its district boundaries in such amounts as may be requested by the Cooperative District and to cause any Pledged Assessment

Funds to be deposited in the Pledged Grants and Assessment Account to be used to pay one or more series of the Bonds.

ARTICLE VI

CONCERNING DETENTION PONDS

Section 6.1 Proposed City Detention Pond. The Improvement District, the Cooperative District and the Developer acknowledge that the City desires to build a large detention pond (the “Area Pond”) to serve the area in the City north of U.S. Highway 90 from State Highway 181 to State Highway 13, a portion of which is within the Cooperative District. The land on which the area pond will be situated is owned by Malbis Properties, LLC, an Alabama limited liability company (“Malbis Properties”). The City has requested Malbis Properties to donate to the City the land on which the detention pond will be situated. Malbis Properties has not yet agreed to donate the said land to the City.

The City also wishes that the cost of constructing the Area Pond to be included as a Public Improvement to be financed out of the net proceeds of the Bonds. The Developer, the Improvement District and the Cooperative District are agreeable to the cost of the Area Pond being included as a Public Improvement to be financed by the net proceeds of the Bonds if the Pledged Grant Funds are sufficient to pay for the other contemplated Public Improvements including interim temporary/permanent detention ponds within the Cooperative District and their remediation when the Area Detention Pond is operational.

If the duration of grant of the Pledged Grant Proceeds is insufficient to support a borrowing that will pay the costs of all of the contemplated Public Improvements, the parties hereto agree to negotiate in good faith for the extension of term of the grant of the Pledged Grant Funds and the accomplishment of cost savings in the construction and design of the Public Improvements.

ARTICLE VII

MISCELLANEOUS

Section 7.1 Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by certified mail, postage prepaid, address as follows:

To Developer:	Renaissance Center, L.L.C. 29000 Highway 98 Building C, Suite 201 Daphne, Alabama 36526
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To City: City of Daphne
P.O. Box 400
Daphne, Alabama 36526

To Improvement District: Renaissance Improvement District
82 Plantation Pt Rd
PMB 306
Fairhope, Alabama 36532

To Cooperative District: Renaissance Cooperative District
82 Plantation Pt Rd
PMB 306
Fairhope, Alabama 36532

Section 7.2 Entire Agreement. This agreement contains the entire agreement of the parties; and there are no representations, oral or written, relating to the transactions described herein which have not been incorporated herein. Any agreement hereafter made shall be ineffective to change modify or discharge this Agreement in whole or in part unless such agreement is in writing and is signed by the party against whom enforcement of any change, modification, or discharge is sought.

Section 7.3 Successors and Assigns. This agreement shall inure to the benefit of and bind the parties hereto, their respective successors and/or assigns.

Section 7.4 Severability. If any term or provision hereof shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this agreement and shall not affect the validity of the remainder of this agreement.

Section 7.5 Governing Law. This agreement shall be governed by and construed in accordance with the laws of the State of Alabama.

Section 7.6 No Waiver. No consent or waiver, express or implied, by a party hereto or to any breach or default by another party in the performance by the other party of its obligations hereunder shall be valid unless in writing and no such consent or waiver to or of one breach or default shall constitute a consent or waiver to or of any other breach or default in the performance by such other party of the same or any other obligations of such party hereunder. Failure on the part of either party to complain of any act or failure to act of the other party or to declare the other party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder. The granting of any consent or approval in any one instance by or on behalf of any party hereto shall not be construed to waive or limit the need for such consent in any other or subsequent instance.

Section 7.7 Remedies. Whenever any party hereto shall default in the performance of any of its obligations under this agreement, the other party hereto may take whatever legal proceeding (including actions for damages or for specific performance to the extent provided by law) as shall be necessary or desirable to enforce any agreement or condition contained herein or any other obligation of the defaulting party imposed by law. The parties hereto recognize an action for specific performance.

Section 7.8 Third-Party Beneficiaries. Except as set forth herein, this agreement is intended only for the benefit of the signing parties hereto, the Underwriter, and the Bond Counsel, and neither this Agreement, nor any of the rights, interest or obligations hereunder, is intended for the benefit of any person other than those so stated.

IN WITNESS WHEREOF, the undersigned have caused this agreement to be executed by their duly authorized officers and/or representatives, to be effective the day and year first above written.

RENAISSANCE CENTER, L.L.C.

By: _____
Its Manager

THE CITY OF DAPHNE, ALABAMA

By: _____
Its Mayor

RENAISSANCE IMPROVEMENT DISTRICT

By: _____
Its duly authorized representative

RENAISSANCE COOPERATIVE DISTRICT

By: _____
Its duly authorized representative

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO. 2007-81

A RESOLUTION REQUESTING THAT THE ALABAMA URBAN & COMMUNITY FORESTRY ASSOCIATION ALLOW THE CITY OF DAPHNE TO HOST ALABAMA ARBOR DAY CELEBRATION FOR THE STATE OF ALABAMA

WHEREAS, the City of Daphne is celebrating twenty years as a Tree City USA; and,

WHEREAS, the City of Daphne has been committed to hosting Arbor Day Celebrations for many years with free tree give aways to the public; and

WHEREAS, Alabama Urban & Community Forestry Association holds a Alabama Arbor Day Celebration for the State of Alabama in a city or town each year.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE request that City of Daphne host the Alabama Arbor Day Celebration at the Village Point Park Preserve Pavilion on February 23, 2008.

CITY OF DAPHNE, ALABAMA

GREG BURNAM
COUNCIL PRESIDENT

Date & Time Signed: _____

FRED SMALL
MAYOR

Date & Time Signed: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

ORDINANCE 2007- 46

US98 Street Light Pole Replacement

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

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

WHEREAS, Seven Cent Gas Tax Funds may be used for street lighting; and

WHEREAS, a light pole on US 98 has been damaged and requires replacement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2007 Budget is hereby amended to include a Seven Cents Gas Tax appropriation for the following:

\$ 3,560 US 98 Street Light Pole Replacement

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

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2007- 47

AN ORDINANCE ADOPTING THE FISCAL YEAR 2008 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2008 which begins October 1, 2007 and ends September 30, 2008; and

WHEREAS, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 budget attached hereto and made a part hereof for the Fiscal Year beginning October 1, 2007 and ending September 30, 2008 is hereby approved and adopted on this the _____ of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

**Fiscal Year 2008
General Fund Revised Budget**

Beginning Est Rev>Appropriations

757,920

General Government

120200	Legislative		21,000
-52211	Training & Travel	3,500	
-52211-11	District 1 Training & Travel	400	
-52211-12	District 2 Training & Travel	400	
-52211-13	District 3 Training & Travel	400	
-52211-14	District 4 Training & Travel	400	
-52211-15	District 5 Training & Travel	400	
-52211-16	District 6 Training & Travel	400	
-52211-17	District 7 Training & Travel	400	
-522113	Retreat	300	
-53305	Contracted Services	500	
-53351	Legal Advertising	1,000	
-53353	Promotional Advertising	2,000	
-53353-27	Jubilee Festival Promotional	500	
-53541	Bonding	400	
-54201-31	July 4th	10,000	
120400	Executive		4,486
-52211	Training & Travel	2,000	
-53353	Promotional Advertising	2,086	
-55211	Office Supplies	200	
-55213	Printing	300	
-55251	Vehicle Fuel	(100)	
120700	Human Resources		37,000
-522201	Inter-Dept Training	20,000	
-534203	Temporary Svcs: Nurse	17,000	
121000	Finance		8,385
-52211	Training & Travel	1,885	
-55571	Equipment Purchased	6,500	
121200	Revenue		2,669
-55571	Equipment Purchased	2,669	
122200	Court		3,800
-52211	Training & Travel	500	
-53307	Indigent Attorney	2,500	
-55571	Equipment Purchased	500	
-55574	Equipment Lease	300	
124200	Planning		5,682
-53351	Legal Advertising	500	
-55211	Office Supplies	682	
-55212	Postage	500	
-55251	Vehicle Fuel	400	
-55571	Equipment Purchased	500	
-56181	Computer Maintenance	1,500	
-561811	Software Maintenance	500	
-56182	Equipment Maintenance	100	
-56183	Vehicle Maintenance	500	
-57110	Telephone	500	
126200	Building Maintenance		2,735
-52211	Training & Travel	1,000	
-52217	Immunizations	700	
-55110	Uniforms	250	
-55571	Equipment Purchased	300	
-55575	Equipment Rental	150	
-56290	Building Maintenance	335	
126231	Facilities Support		1,575
-53305	Contracted Services	500	
-53425	Cleaning Supplies	1,000	
-55575	Equipment Rental	75	
126500	Janitorial		689
-52210	Subscriptions/Memberships	100	

-52211	Training & Travel	89
-52217	Immunizations	30
-53305	Contracted Services	100
-53420	Temporary Svcs	300
-55110	Uniforms	70

TOTAL GENERAL GOVERNMENT

88,021

Public Safety

142521	Police Administration	4,400
-52210	Subscriptions/Memberships	200
-52211	Training & Travel	1,500
-55111	Uniform Cleaning	100
-55211	Office Supplies	1,200
-55212	Postage	500
-55213	Printing	100
-55256	Equipment Supplies	100
-57112	Mobile Phones	500
-58000	Miscellaneous	200
142524	Patrol	39,493
-52210	Subscriptions/Memberships	100
-52211	Training & Travel	2,185
-52211-46	Training & Travel: Homeland Security	100
-52217	Immunizations	100
-52219	Employment Testing & Recruitment	100
-55110	Uniforms	6,450
-551102	Bullet Proof Vest	11,906
-551104	Fire Arms	7,652
-55111	Uniform Cleaning	100
-55211	Office Supplies	1,700
-55213	Printing	500
-55255	Canine Expense	200
-55571	Equipment Purchased	6,000
-55574	Equipment Lease	400
-56290	Building Maintenance	1,500
-57112	Mobile Phones	500
142525	Detective	6,310
-52210	Subscriptions/Memberships	100
-52211	Training & Travel	1,860
-544252	DARE/Crime Prevention	500
-55110	Uniforms	450
-551103	Honor Guard	500
-55111	Uniform Cleaning	100
-55211	Office Supplies	100
-55213	Printing	100
-55256	Equipment Supplies	100
-55350	Public Safety Supplies	500
-55571	Equipment Purchased	1,000
-56182	Equipment Maintenance	100
-57112	Mobile Phones	900
142526	Communications	3,127
-52210	Subscriptions/Memberships	777
-52211	Training & Travel	500
-52211	Office Supplies	500
-52219	Employment Testing & Recruitment	150
-55256	Equipment Supplies	500
-55571	Equipment Purchased	100
-55574	Equipment Lease	100
-56181	Computer Maintenance	100
-56182	Equipment Maintenance	400
142527	Corrections	5,447
-52210	Subscriptions/Memberships	142
-52211	Training & Travel	500
-52217	Immunizations	300
-55110	Uniforms	840

-55111	Uniform Cleaning	400	
-55211	Office Supplies	800	
-55221	Cleaning Supplies	500	
-55256	Equipment Supplies	750	
-56182	Equipment Maintenance	500	
-56183	Vehicle Maintenance	715	
142528	Animal Control		1,075
-52210	Subscriptions/Memberships	75	
-55110	Uniforms	100	
-55111	Uniform Cleaning	100	
-55350	Public Safety Supplies	600	
-56183	Vehicle Maintenance	200	
146500	Code Enforcement		700
-52211	Training & Travel	100	
-55211	Office Supplies	100	
-55212	Postage	100	
-55571	Equipment Purchased	100	
-56181	Computer Maintenance	200	
-57112	Mobile Phones	100	
144000	Fire		28,243
-52211	Training & Travel	16,380	
-52217	Immunizations	700	
-52218	Wellness Screening	1,000	
-53305	Contracted Services	500	
-55110	Uniforms	3,500	
-55111	Uniform Cleaning	1,500	
-55252	Consumable Supplies	300	
-55571	Equipment Purchased	8,700	
-56183	Vehicle Maintenance	4,000	
-57112	Mobile Phones	695	
	Fire Chief Salary Adjustment	(9,032)	
144500	Rescue		1,596
-52211	Training & Travel	500	
-52217	Immunizations	50	
-544255	Water Safety Education	46	
-55110	Uniforms	100	
-55211	Office Supplies	50	
-55221	Cleaning Supplies	50	
-55350	Public Safety Supplies	50	
-55571	Equipment Purchased	100	
-56183	Vehicle Maintenance	500	
-56290	Building Maintenance	150	
146200	Building Inspections		5,009
-580555	Abatement	5,009	
TOTAL PUBLIC SAFETY			95,400

Public Works

160200	Public Works Administration		8,740
-52210	Subscriptions/Memberships	500	
-52211	Training & Travel	3,800	
-53353	Promotional Advertising	200	
-54427	Hurricane Prep Expo	200	
-55110	Uniforms	200	
-55115	Safety Supplies	200	
-55211	Office Supplies	2,000	
-55571	Equipment Purchased	1,000	
-56181	Computer Maintenance	500	
-561822	Radio Maintenance	140	
166233	Facilities Support		1,000
-55221	Cleaning Supplies	1,000	
164000	Solid Waste-Trash		10,584
-52210	Subscriptions/Memberships	100	
-52211	Training & Travel	3,000	
-52217	Immunizations	400	
-53420	Temporary Services	1,000	

-55110		Uniforms	700
-55115		Safety Supplies	700
-55251		Vehicle Fuel	2,500
-55341		Trash Removal Supplies	1,000
-55575		Equipment Rental	1,184
164800	Street		31,442
-55575		Rental Equipment	250
-52211		Training & Travel	1,000
-53305		Contracted Services	500
-53440		Landfill Disposal	300
-53442-27		Dumpsters/Portables : Jubilee	400
-54201		Community Events	300
-542011-21		Mardi Gras Parade Supplies	350
-54201-31		July 4th	400
-55110		Uniforms	500
-55115		Safety Supplies	500
-55251		Vehicle Fuel	1,600
-553001		Street Supplies: Asphalt	992
-553004		Street Supplies: Hardware	500
-553005		Paint Striping	250
-553005		Street Supplies: Paint Striping	500
-553006		Street Supplies: Pipe	2,500
-553007		Street Supplies: Hand Tools	500
-55302		Street Signs	1,000
-553022		Reflective Markers	500
-55305		Storm Drain Inlets	1,500
-55571		Equipment Purchased	2,500
-56182		Equipment Maintenance	5,000
-561822		Radio Maintenance	400
-56183		Vehicle Maintenance	2,000
-56331		Traffic Light Maintenance	2,500
-563313		State Traffic Light Maintenance	700
-56332		Street Light Maintenance	3,000
-56335		Bridge Maintenance	1,000
165000	Grounds		19,800
-52210		Subscriptions/Memberships	250
-52211		Training & Travel	2,000
-52233		Tree Board Training	200
-53305		Contracted Services	2,500
-53420		Temporary Services	3,500
-55110		Uniforms	1,000
-55115		Safety Supplies	500
-55235		Decorating Supplies	100
-552352		Flags	100
-552354		Christmas Decorations	100
-55251		Vehicle Fuel	1,500
-55311		Greenhouse Supplies	1,000
-55314		Landscape Supplies	1,000
-553142		Arboriculture Supplies	250
-553145		Irrigation Supplies	100
-55360		Mosquito Control Supplies	1,000
-55381		Park Supplies	450
-56182		Equipment Maintenance	1,000
-561822		Radio Maintenance	250
-56183		Vehicle Maintenance	2,500
-56292		Greenhouse Maintenance	500
165068	Scenic Overlook		100
-58000		Miscellaneous	100
165073	Grounds- Parks		500
-56290		Building Maintenance	250
-58000		Miscellaneous	250
165200	Mowing		3,800
-52211		Training & Travel	300
-55115		Safety Supplies	200
-55251		Vehicle Fuel	1,000
-55313		Mowing Supplies	250

-55571	Equipment Purchased	500
-56182	Equipment Maintenance	500
-56183	Vehicle Maintenance	250
-58000	Miscellaneous	50
-58005	Damaged Property	750
167000	Mechanical Shop	7,100
-52211	Training & Travel	1,000
-52217	Immunizations	500
-53305	Contracted Services	500
-53420	Temporary Services	500
-53445	Waste Disposal	250
-55110	Uniforms	250
-55115	Safety Supplies	200
-55211	Office Supplies	250
-55221	Cleaning Supplies	250
-55251	Vehicle Fuel	250
-55252	Consumable Supplies	500
-55571	Equipment Purchased	250
-55572	Tools	500
-56181	Computer Maintenance	250
-56182	Equipment Maintenance	500
-56183	Vehicle Maintenance	250
-56290	Building Maintenance	500
-58000	Miscellaneous	400
167052	Garage- Parts & Service	18,100
-534341	Repair Tires Light Duty	750
-534342	Repair Tires Heavy Duty	1,400
-534343	Repair Tires Small Engine	100
-534344	Repair Tires Heavy Equipment	250
-534351	Repair Body/Chassis Light Duty	500
-534352	Repair Body/Chassis Heavy Duty Trk	100
-534353	Repair Body/Chassis Small Engine	150
-534361	Repair Engine/Powertrain Light Duty	1,000
-534362	Repair Engine/Powertrain Heavy Duty	500
-534363	Repair Engine/Powertrain Small Engine	100
-534364	Repair Engine/Powertrain Heavy Eqpt	500
-53437	Other Third Party Repairs/Services	250
-553251	Lubricants/Filters Light Duty	1,000
-553252	Lubricants/Filters Heavy Duty	1,000
-553253	Lubricants/Filters Small Engine	250
-553254	Lubricants/Filters Heavy Equipment	100
-553271	Tires- Light Duty Vehicles	1,000
-553272	Tires- Heavy Duty Trucks	1,000
-553273	Tires- Small Engine Equipment	100
-553274	Tires- Heavy Equipment	100
-553311	Body/Chassis Parts Light Duty	1,500
-553312	Body/Chassis Parts Heavy Duty	1,150
-553313	Body/Chassis Small Engine Equipment	500
-553314	Body/Chassis Heavy Equipment	300
-553331	Engine/Powertrain Light Duty	1,000
-553332	Engine/Powertrain Heavy Duty	1,000
-553333	Engine/Powertrain Small Engine Equipment	750
-553334	Engine/Powertrain Heavy Equipment	250
-55338	Other Parts/Accessories	1,000
-55339	Welding Supplies	500
TOTAL PUBLIC WORKS		101,166

Recreation & Library

Parks & Playgrounds		2,575
181058-56311	Belrose Park Maintenance	175
181061-55309	Village Pt Grounds/Landscaping	200
181061-56311	Village Pt Parks Maintenance	500

181063-56311	Centennial Park: Parks Maintenance	300	
181068-53442	May Day Park Dumpsters	400	
181072-55571	Park City Eqpt Purchased	1,000	
181500	Recreation Parks		17,750
-52211	Training & Travel	250	
-55110	Uniforms	500	
-55115	Safety Supplies	500	
-55571	Equipment Purchased	500	
-56182	Equipment Maintenance	200	
181065	Lott Park		
-53305	Contracted Services	250	
-55571	Equipment Purchased	500	
-56311	Park Maintenance	250	
-56312	Field Maintenance	525	
-56314	Electrical Maintenance	250	
181069	Sports Complex		
-553145	Irrigation Supplies	300	
-55571	Equipment Purchased	500	
-56311	Park Maintenance	250	
-56312	Field Maintenance	525	
-56314	Electrical Maintenance	200	
181070	Schools		
-53305-85	DHS Contracted Services	1,000	
-53442-85	DHS Dumpsters/Portables	175	
-553145-85	DHS Irrigation Supplies	300	
-56182-85	DHS Equipment Maintenance	500	
-562901-85	DHS Facilities Maintenance	500	
-56312-85	DHS Field Maintenance	6,000	
-56314-85	DHS Electrical Maintenance	2,000	
181071	Boys & Girls Club		
-553145-83	Irrigation Supplies	300	
-56290-83	Building Maintenance	500	
-56312-83	Field Maintenance	500	
-56314-83	Electrical Maintenance	475	
182000	Recreation		6,550
-52211	Training & Travel	500	
-55110	Uniforms	300	
-55211	Office Supplies	500	
-55221	Cleaning Supplies	500	
-55571	Equipment Purchased	2,500	
-56182	Equipment Maintenance	500	
-562907	Building Maintenance: Recreation Ctr	1,000	
-562908	Building Maintenance: Nicholson Ctr	500	
182069-56290	Building Maintenance: Spts Cmplx	250	
	Athletic & Fitness Programs		1,575
182075-55571-67	Equipment Purchased: Soccer-	1,000	
182076-55245-69	Concession Supplies: Fitness Center	575	
183000	Library		24,700
-52211	Training & Travel	1,500	
-53353	Promotional Advertising	400	
-55213	Printing	5,000	
-55451	Library Resources- Books	15,800	
-55454	Library Resources- Audio	2,000	
TOTAL LIBRARY & RECREATION			53,150

Transfers to Enterprise Funds

786000	Civic Center		30,167
-52217	Immunizations	600	
-53353	Promotional Advertising	4,000	
-53376	Legal Fees	1,000	
-53420	Temporary Services	1,000	
-55110	Uniforms	1,000	
-55211	Office Supplies	600	
-55221	Cleaning Supplies	500	
-55235	Decorating Supplies	2,000	

-55247		Rental Supplies	1,000	
-55570		Rental Equipment Purchased	1,000	
-55571		Equipment Purchased	5,000	
-561811		Software Maintenance	3,167	
-56290		Building Maintenance	2,000	
-57112		Mobile Phones	300	
786079	Events			
-533053-33		Contracted Services- Bands: Taste	1,500	
-533053-36		Contracted Services- Bands: Dances	2,000	
-53353-38		Promotional Advertising: Zydeco	2,000	
-55245-38		Concession Supplies: Zydeco	1,500	
786500	Bay Front Park			5,570
-55235		Decorating Supplies	1,300	
-55247		Rental Supplies	300	
-55570		Rental Equipment Purchased	470	
-55571		Equipment Purchased	2,000	
-56182		Equipment Maintenance	500	
-56290		Building Maintenance	1,000	
TOTAL TRANSFERS				35,737

Decrease in Appropriations	373,474
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General Fund Est Revenues > Appropriations	<u>1,131,394</u>
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**Fiscal Year 2008
Enterprise Fund
Garbage/Recycling Revised Budget**

Garbage/Recycling Beginning Est Rev>Appropriations	77,811
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764542	Garbage			4,684
-52217		Immunizations	100	
-53355		Public Service Advertising	750	
-53420		Temporary Services	3,000	
-55115		Safety Supplies	200	
-55211		Office Supplies	234	
-55571		Equipment Purchased	250	
-55574		Equipment Lease	150	
764544	Recycling			(9,600)
-52211		Training & Travel	500	
-52217		Immunizations	200	
-53353		Promotional Advertising	2,250	
-53355		Public Service Advertising	250	
-53420		Temporary Services	1,000	
-55110		Uniforms	200	
-55221		Vehicle Fuel	(17,000)	
-553412		Recycling Collection Supplies	3,000	
TOTAL GARBAGE/RECYCLING				(4,916)

Enterprise Fund Est Revenues > Appropriations	<u>72,895</u>
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**Fiscal Year 2008
Special Revenues Fund
Lodging Tax Revised Budget**

Lodging Tax Beginning Est Rev>Appropriations	454,507
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Industrial Development Board	(31,000)
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Lodging Tax Fund Est Revenues > Appropriations	<u>423,507</u>
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**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2007- 48**

**Zoning District Map
Revision to Appendix H of the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 26, 2007, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on _____; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit A of the City of Daphne Land Use and Development Ordinance, as setforth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73 and 2007-15 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2007.

**GREG BURNAM,
COUNCIL PRESIDENT**

Date and Time Signed: _____

**FRED SMALL,
MAYOR**

Date and Time Signed: _____

ATTEST:

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

ORDINANCE 2007- 49

An Ordinance Extending Fiscal Year 2007 Budget Authority

WHEREAS, the Fiscal Year 2008 budget has not been approved and adopted by the Daphne City Council; and

WHEREAS, Fiscal Year 2008 begins October 1, 2007; and

WHEREAS, it is necessary to extend the authority of the Fiscal Year 2007 budget in order to continue essential departmental operations until such time as the Fiscal Year 2008 budget is approved and adopted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that departmental operations shall continue under the authority of the Fiscal Year 2007 budget until such time as the Fiscal Year 2008 budget is adopted.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC