

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
OCTOBER 2, 2006
6:30 P.M.**

1. CALL TO ORDER

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

- 3. APPROVE MINUTES:** Work Session Minutes meeting held September 14, 2006
Council Minutes meeting held September 18, 2006

PRESENTATION: Book Mark Awards / Tonja Young, Library Director

PUBLIC HEARINGS: 1.) Amending the Land Use & Development Ordinance /
Residential High Rise Development District / **Ordinance 2006-76**

2.) Annexation / Pollard Group / Property located
SE of the intersection of county Road 64 and Pollard Road
7.46 Acres / **Ordinance 2006-77**

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

a.) BID:

1.) 2006-II-Horticulture Chemicals / Southern Turfcare / **Resolution 2006-81**

b.) MOTION:

1.) Approve Vendors for Pre-Qualification: City Hall Project Bid

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding
Review minutes meeting held August 25th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

Review minutes meeting held September 7th

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board - Yelding

Review minutes meeting held July 24th and August 28th

D. Library Board - Lake

Review minutes meeting held September 11th

E. Planning Commission - Barnette

F. Recreation Board - Palumbo

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

- A. *Mayors Report*
- B. *City Attorney's Report*
- C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

Mr. John Tolbert

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award / 2006-II-Horticulture Chemicals /
Southern Turfcare...../Resolution 2006-76

ORDINANCES:

2ND READ

- a.) Adopting the Fiscal Year 2007 Budget/Ordinance 2006-75

1ST READ

- b.) Amending the Land Use & Development Ordinance /
Residential High Rise Development District...../Ordinance 2006-76
- c.) Annexation / Pollard Group / Property Located SE of the Intersection
of County Road 64 and Pollard Road (7.46 Acres)...../Ordinance 2006-77

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

SEPTEMBER 14, 2006
CITY OF DAPHNE
CITY COUNCIL
WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake arrived at 6:50 p.m.; Greg Burnam, Ron Scott; Regina Landry; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, Meredith Turpin, Attorney; City Attorney; Kim Briley, Finance Director; Willie Robison, BZA; Jeff Hudson, Gatlin Hudson Architects.

1. CALL TO ORDER

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

2. DISCUSS: DAPHNE HIGH SCHOOL STADIUM

Mr. David Kirchhar, Mr. Bill Stringer, Mr. Matt Cuningham and Coach Vickery gave a power point presentation on additions to the Daphne High School Football Stadium. The total cost is \$2,773,000. The Baldwin County Board of Education has contributed \$1,000,000, and the school has in the bank \$200,000. The projected shortfall is \$1,573,000, and the projected completion date is August 1, 2007.

Council asked questions regarding the addition. The Council asked what the High School is asking the city to do.

Mayor Small stated that he suggested that the Baldwin County Board of Education pay for the additions, and the city decided what they want to contribute and then pay it back over a five (5) year period.

3. DISCUSS: AMENDING MALBIS PROPERTIES DEVELOPMENT AGREEMENT ISSUANCE COST

Mrs. Briley stated that the issuance cost was left out of the original resolution. The cost is \$375,000.

Mr. Scott stated that the Mayor is meeting with Malbis Properties and will going to try to get the cost down. This is not an additional cost. The agreement states plus cost of issuance.

4. DISCUSS: FISCAL YEAR 2007 BUDGET

Council discussed the budget.

Questions that needs answers:

- 1.) City Judge's salary – Needs to be increased – What is the procedure?
- 2.) Mosquito control – Check to make sure have enough personnel for spraying.

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- 3.) Storm Water Permits - Under Public Works - What is this for?
- 4.) Under Estimated Revenues – Settlements – Where did this money come from?
- 5.) Civic Center Assistant – Salary 2006 is \$17,200 and jumps this year to \$30,800 - Why the big jump in pay? - Was there another assistant hired?
- 6.) Bay Front Park – Salary 2006 \$11,500 and jumps to \$20,500 - Why the big jump in pay?
- 7.) Disproportionate pay increases – one superintendent had a 12% increase, \$6,000 in pay
- 8.) Would like a breakdown of Human Resource Training and Travel budget – Thought Dale Carnegie training high
- 9.) Personnel Cost – Do not understand how salaries are computed
- 10.) Would like a breakdown of how many employees in each category
- 11.) Estimated Revenues – page 2– Settlements - What settlements?

Mr. Lake left at 8:10 p.m.

Mr. Scott suggested forming a committee of citizens to research the pay scale of appointed officials and Council.

Questions answered:

- 1.) Public Works Admin Secretary – no money in budget for this position – why?
Answer: Person moved to Admin Tech position – this was one of the 25% of jobs that were re-evaluated.
- 2.) Page 2 Crew Leaders Wages – Is this an additional position.
Answer: Yes, because there was a special projects building crew at one time and this was dissolved and put under the Street Department, and one crew leader is over two (2) crews, and there are two (2) crew leaders.
- 3.) Page 18 – There is nothing for sidewalks and re-paving.
Answer: This is covered under capital improvements.
- 4.) Page 20 – Mosquito Control – One Part-Time position no money appropriated – do we not need another person to spray for mosquitoes.
Answer: Mayor relies on Mr. Eslava's judgment and he is not shy about stepping up to the plate and requesting additional personnel when needed. The Mayor stated that he will check with Mr. Eslava to make sure there are enough people to man the sprayers.
- 5.) Page 25 – Landscape – Is this for Beautification?
Answer: Yes, Mayor said that this is money for projects, and will be in capital improvements.

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- 6.) Park Section under Public Works:
Questions regarding some changes
Answer: Some of this has been moved from Public Works to Recreation.

- 7.) Question regarding pay raises – How does the step increase work?
Answer: Employee gets an anniversary increase if their evaluation is good, and they can receive one merit increase, which is only one step, per year. The employee does not automatically get a merit increase, it is only given at the discretion of the Department Head. The total step increases an employee can have per year is two (2).

- 8.) Still under Public Works
Page 39 - Why appropriation of \$13,390 for Museum?
Answer: This is new funding. The building is old and is in need of repairs. Mr. Eslava has been transferring money over to the Museum for repairs out of his budget, and the City has paid for some repairs. This money will be for upkeep of the Museum and can only be used by the Museum.

- 9.) Page 28 – Belrose Park is included in the budget, should anything be included for the Dryer Avenue beach trail improvement?
Answer: The Mayor stated that there should be enough in the budget to take care of it.

- 10.) Page 28 – Parks & Recreation – Schools – Is this new to this section?
Answer: Yes, the sports parks have been turned over to Mr. McKelroy at the Recreation Department.

- 11.) Council asked about new personnel request.
Answer: This will be considered under Capital Improvements.

- 12.) Under Transfers from Court Fund – What was this for?
Answer: This is a special fund created by putting aside money from revenues taken in by the court cost. Money was transferred for a purchase by the Municipal Court.

- 13.) Why is there a decrease in Mardi Gras Permits?
Answer: There is one group that has not been parading since Hurricane Ivan

- 14.) Council President Burnam asked when the moratorium is up for adding krewes?
Answer: In 2008. Motion was made in 2003 for a five (5) year moratorium.

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- 15.) Page 9 Donation to Patrol – Explain what that is.

Answer: A patrolman stopped someone and gave them a ticket, and because the person felt that the patrolman was so professional he gave a \$10,000 contribution to the Patrol Division.

- 16.) Under General Government – District #4 Training Fund

Where was the money spent? Where is the legal fee deduction that he requested to be taken out of his fund?

Answer: Most was spent on the trip to New York for the rating. The legal fees were deducted from the account setup for legal fees.

- 17.) Retiree Cost of Living – When was the last one given?

It was stated that the full amount had to be given, and that you cannot decrease the percentage amount. You either give the full amount to them or you don't give them anything.

Council President Burnam assigned this issue of the Retiree's Cost of Living increase to the next work session after establishing that there was not a deadline.

- 18.) General Government – Employee Safety Supplies – Why this appropriation?

Answer: This is handled through Human Resource. The purchase safety equipment for employees as needed.

- 19.) Page 29 – Fire Department Training Fund – Why so much money appropriated, this is a big jump?

Answer: In the 2006 amended budget a lot firefighters were added. This money goes for their training and the training of other firefighters and paramedics, because training is required.

- 20.) Community Contributions – Is the Dauphin Island Race included?

Answer: It is a new appropriation and has to be approved by Council.

- 21.) It was discussed at a previous work session of hiring an IT person, the computer cost is extremely high.

Answer: Mayor Small stated that they are in the process of gathering data in order to develop one source and bid it out so that this can be controlled. It will set the standard of what you can buy and where you buy it. He stated that he is working on linking the whole city together.

- 22.) Blueprint for Tomorrow – Need update on what they have accomplished. Leave \$35,000 in budget as undesignated funds until the Chamber presents an update.

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- 23.) Retiree's Cost of living increase – Assigned to next work session.
- 24.) Legal Fees – Have questions - \$170,000 a lot of money – Money needs to be better managed – Do we need an in-house attorney?

Mr. Scott suggested forming a committee to look into the pay scale of appointed officials and City Council.

8. COMMENTS

Mr. Scott stated that it is important for the reputation of the city to have a budget in place before the start of the fiscal year. He does not think the budget should be held hostage because of some unanswered questions.

Mrs. Barnette stated that the Council should go through and discuss the budget and get answers to their questions. She stated again that there is a procedure to be followed in considering Ordinances, which is first and second reads of the Ordinance before voting on them, and she will not vote to suspend the rules to consider the Ordinance adopting the budget on Monday night.

Mr. Palumbo stated that the requested increase for the attorney is a separate issue than what is appropriated in the budget.

9. ADJOURN

There being no further business to discuss, the meeting adjourned at 9:30 p.m.

Respectfully submitted by

David L. Cohen
City Clerk, MMC

Certification of Presiding Officer

Greg Burnam
Council President
Date & Time Signed:_____

SEPTEMBER 18, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:35 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman John Lake gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry arrived at 6:38 p.m.; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Meredith Turpin, Attorney; Bill Eady, Planning Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Tonja Young, Library Director; Kim Briley, Finance Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Sandra Morse, Civic Center Director; Melissa Ott, Children's Librarian; Al Guarisco, Village Point; Mickey Boykin, Daphne Museum; Willie Robison, BZA; Starke Irvine, DRA;

Ms. Tonja Young, Library Director, introduced the new Children's Librarian, Melissa Ott, to the Council.

3. APPROVE MINUTES:

MOTION BY Mr. Scott to adopt the Work Session minutes meeting held August 31, 2006. Secoded by Mr. Palumbo.

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

MOTION CARRIED

MOTION BY Mrs. Barnette to adopt the Council Meeting minutes meeting held September 5, 2006. Secoded by Mr. Yelding.

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

MOTION CARRIED

PRESENTATION: Santa America / Ernie Berger

Mr. Berger, along with his elves, Mikee and Steven, thanked the City for their support for the Santa America program. Mr. Berger and his elves inducted the Mayor and Council as official elves of Santa America. The elves handed out pins and hats to Mayor and Council.

NOTE: Mrs. Landry arrived at 6:38 p.m.

PRESENTATION: S.E.E.D.S. / Mama Mia Cook Off / Ruth Sewell

Mrs. Sewell announced to the Council that the Mama Mia Cook Off will be November 11, 2006 at Hutchinson, Moore, & Rauch's parking lot. She issued the wooden spoon challenge to Council and departments of the City to come together for a cooking team in the non-profit family competition. Mrs. Helen Callaway handed out wooden spoons to the Mayor and Council.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

Mr. Scott stated that the Committee met last Monday and the minutes are in the packet.

1.) Treasurers Report / August 31, 2006

MOTION BY Mr. Scott to accept the Treasurers Report ending August 31 2006 with a balance of \$24,201,527.01. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2. Sales & Use Tax

Mr. Scott stated that as they had discussed last month that there was only a 7% sales tax increase over budget, this month it was 4.19% over budget. He stated that there is a continued slow down, but there are some new businesses that will be opening soon and, hopefully, they will have the city back with larger increases again.

3.) Lodging Tax

Mr. Scott stated that Lodging Tax is down from August of last year. He said that in part of August last year the City was experiencing the effects of Katrina. He stated that \$52,752 was collected in July compared to \$56,266 for the same time last year. Mr. Scott said that the Holiday Inn Express has opened and they will continue to grow their business.

4.) MOTIONS:

a.) Pay Exception / James Rivers

MOTION BY Mr. Scott to approve the re-hiring of James Rivers as a Patrol Officer at pay Grade 13, Step 13, a pay rate of \$16.72 per hour. *Secoded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) NRCS Grant Extension

MOTION BY Mr. Palumbo to accept the NRCS Grant extension date of November 22, 2006. *Secoded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) City Attorney Rate Increase / Increase to \$140 per hour / \$500 per Month Retainer

MOTION BY Mr. Scott to increase the City Attorney's rates from \$100 per hour to \$140 per hour and a \$500 per month retainer. *Secoded by Mr. Palumbo.*

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

MOTION CARRIED

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report.

C. PUBLIC SAFETY COMMITTEE – Burnam

Minutes from the September 5th meeting are in the packet with no Council action needed.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Mrs. Landry stated that the minutes will be in the next packet, and the next meeting will be the first Tuesday of the month right after the Public Safety meeting.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

Mr. Yelding stated that the next meeting will be the fourth Friday of the month.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

Mr. Eady stated that the Board will meet October 5th at 6:00 p.m. with one (1) appeal which is an encroachment of a set back. He stated that the Council needs to re-appoint Mr. Walter Crimmins to the BZA.

MOTION BY Mrs. Barnette to re-appoint Mr. Walter Crimmins to the BZA, term is from October 31, 2006 – October 30, 2009. Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B.) Downtown Redevelopment Authority / Barnette

Mrs. Barnette stated that the Authority did not meet in September, but will meet in October. She stated that they are still working on the figures to get the utilities underground in the Olde Towne Daphne District.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

The next meeting will be next Monday at 4:00 p.m. Mr. Palumbo stated that next month there will be two (2) positions open on the Board. He stated that this is not a passive Board, because they are in the middle of raising \$5 million for the Library expansion. He said only those willing to work need apply for the position, that is not a cushy job.

E. Planning Commission – Barnette

Mrs. Barnette stated that the Site Review meeting will be Wednesday at 8:00 a.m., and the Planning Commission meeting will be Thursday at 6:00 p.m. in the Council Chambers. She stated that there are a few re-zonings that will be considered later in the meeting.

F. Recreation Board – Palumbo

Mr. Palumbo stated that the Board met on the 13th, and there was a large turnout of citizens who came with recommendations for the new facilities. He stated that there may be a special meeting called before the October 11th meeting, otherwise the next meeting will be October 11th at 6:00 p.m.

G. Utility Board – Scott

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

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

- a.) *Parade Permit / Daphne High School Homecoming Parade / September 28, 2006*
- b.) *Parade Permit / Bound Family YMCA / Annual 2 Mile Fun Run / October 20, 2006*

MOTION BY Mrs. Barnette to approve the Daphne High School Homecoming Parade Permit for September 28, 2006 and the Bounds Family YMCA Parade Permit for the Annual 2 Mile Fun Run on October 20, 2006. Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small discussed the struggle of bringing a circus into town stating that they thought at first they could have it out front on School Board property where it has been held several times before. The School Board legal department says no, they cannot do it. He said they have now tried to move it to the rear of Trione Park, there is some discussion between their attorney's and the City's attorney as to whether it can be held there. Mayor Small stated that he would like to have a Special Events Permit approved for the circus just in case it is approved to move forward to have the circus..

MOTION BY Mrs. Barnette to approve a Special Events Permit for the Cole Brothers circus to set up at Trione Park subject to School Board approval. Seconded by Mr. Lake.

Mr. Palumbo asked what ethics were involved with approving a permit without a date?

Mrs. Barnette amended the motion to include the date of October 4 & 5, 2006 for the circus to be at Trione Park. Mr. Lake seconded the amendment.

MOTION BY Mrs. Barnette to approve a Special Events Permit for the Cole Brothers circus to set up at Trione Park on October 4 & 5, 2006, subject to School Board approval. Seconded by Mr. Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

No report.

C. Department Head Comments

David Carpenter – Police Chief – reported that they have had two (2) arrests on the storage break-ins, and arrests have been made in the break-in of vending machines at the schools.

Ken Eslava – Public Works Director – reported that the Coastal Cleanup was held this past weekend at May Day Park, and it was the biggest turnout in the history of the cleanup with 150-160 volunteers from the Cub Scouts to Boy Scouts, High School Key Club, and volunteers from all walks. He stated that the group picked up between 1500 and 1800 pounds of litter and debris on the beaches of the City and all public access points were reached.

7.) PUBLIC PARTICIPATION

Mrs. Tina Findley – Department of Public Health & Tobacco Prevention and Control – Based in Escambia County – spoke regarding a smoke-free Ordinance for Daphne.

Lindsey Welch – Daphne – Bayside Academy – advocates clean indoor smoke-free air.

Trey Wiggins – Fairhope – Bayside Academy - spoke regarding the affects of second hand smoke. He suffers from asthma and smoke-free indoor air will help greatly when going out, and will help suffers from asthma live their days easier.

Steven Smith – Daphne – Bayside Academy – spoke regarding the right to breathe clean indoor air.

Michael - Daphne - spoke regarding the effects of second hand smoke.

Dr. Goetter – 114 Fairwood Drive, Fairhope – Pulmonary Doctor at Thomas Hospital – spoke in favor of a indoor smoke-free Ordinance.

Mr. Al Guarisco – Randall Avenue, Daphne – spoke regarding an article in the paper stating that Daphne is a finalist for the National League of Cities 2006 Awards for Municipal Excellence for the City’s website and he congratulated the City. He stated, however, that he took exception to one of the criteria for the award, which was the successful private-public partnership. He stated that he feels this has not been a success.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Supporting the Establishment of a Mobile National Cemetery Annex in South AL/Resolution 2006-76**

- b.) Amending Resolution 2006-42 Authorizing Mayor to Enter
Into Development Agreement with Malbis Properties, LLC/Resolution 2006-77
- c.) Retiree Cost of Living Act 2006-510...../Resolution 2006-78
- d.) Bid Award: 2006-CC-Highway 64 NRCS / DAP-0905-01 Agreement
69-4101-6-30 / Asphalt Supply, LLC...../Resolution 2006-79
- e.) Bid Award: 2006-JJ-Mayday Park Boardwalk /
Trawick Contractors, Inc/Resolution 2006-80

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-76. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-76. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolutions 2006-77. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-77. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to waive the reading of Resolutions 2006-78, 2006-79 and 2006-80. *Seconded by Mr. Palumbo.*

Mr. Scott stated that at the work session that this was sent to a work session.

Mrs. Landry withdrew her motion. Mr. Palumbo seconded the withdrawal.

MOTION BY Mrs. Landry to waive the reading of Resolutions 2006-79 and 2006-80. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolutions 2006-79 and 2006-80. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Palumbo to waive the reading of Ordinance 2006-78. *Seconded by Mrs. Barnette.*

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

MOTION CARRIED

MOTION BY Mr. Palumbo to adopt Resolution 2006-78. *Seconded by Mrs. Barnette.*

ROLL CALL VOTE

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

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

MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Rezone: Cypress Pointe LLC / Property Located off of U.S. Hwy 98 / B-2, General Business District to MU, Mixed Use District. /Ordinance 2006-67
- b.) Rezone: Cypress Pointe Village / Property Located off U.S. Hwy 98 by Utility Board Property / B-2, General Business District to MU, Mixed Use District. /Ordinance 2006-68

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- c.) Rezone: Morse Subdivision / Property Located at 1401 Randall Ave. /
R-2, Medium Density Single Family Residential District to R-4,
High Density Single Family Residential District. /Ordinance 2006-69
- d.) Annexation: Malbis Plantation, US Hwy 90 / Property Located West of
the Aronov Development along US Hwy 90 /Ordinance 2006-71
- e.) Revision to Zoning District Map. /Ordinance 2006-73
- 1ST READ
- f.) Adopting the Fiscal Year 2007 Budget. /Ordinance 2006-75

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-67 and 2006-68. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-67 and 2006-68. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-69. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-69. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTIOIN CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-71. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-71. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-73. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-73. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2006-75 WAS MADE A 1ST READ.

7. COUNCIL COMMENTS

Mrs. Barnette commended the Police and Fire Department for the 9/11 Memorial. She stated that it was very respectful.

Mr. Lake thanked Mrs. Findley for coming and bringing the students to talk about second hand smoke. He said that he is in favor of the Ordinance and agrees with what the students had to say.

Mr. Scott commended Mrs. Hayes for the extremely well put together report with the minutes of the work session and answers to their budget questions from the work session.

Mrs. Landry asked the City Clerk for an update on the website and when it would be ready.

Mr. Palumbo asked Mrs. Findley if it was the job of the Health Department to promote the smoke free environment or was she doing this on her personal time. He asked her why the Legislature has not come out with a bill for the whole state. He thought it was because it never gets out of committee and because of poor leadership. Mr. Palumbo also reported that Daphne High School was authorized to apply for the Baccalaureate program.

SEPTEMBER 18, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
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9. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:42 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam,
Council President

Date & Time Signed: _____

PUBLIC HEARINGS:

OCTOBER 2, 2006

- 1.) Amending the Land Use & Development Ordinance /
Residential High Rise Development District**
- 2.) Annexation / Pollard Group / Property Located SE of the Intersection
of County Road 64 and Pollard Road (7.46 Acres).**

To: Office of the City Clerk
From: William H. Eady, Sr., Director of Community
Development
Subject: Amendment to the City of Daphne Land Use
Ordinance
Date: August 25, 2006

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, August 24, 2006, eight members were present and an affirmative recommendation was made on the above captioned ordinance. The documentation has been forwarded to the city attorney this date to prepare the ordinance.

Upon receipt of said the ordinance from the attorney, please place on the City Council agenda to set the public hearing and for action by ordinance of the City Council.

If you should have any questions, please do not hesitate to contact the Community Development Department.

Thank you,

WHE/jd

cc: file

To: Office of the City Clerk
From: William H. Eady, Sr., Director of Community
Development
Subject: Annexation for Pollard Group, L.L.C.
Date: August 25, 2006

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, August 24, 2006, eight members were present and an affirmative recommendation was made on the above captioned project. This is the second petition for Pollard Group, L.L.C. You have received documentation previously for this project. This is the owner. The project name is St. Charles Village, Phase II and III.

Upon receipt of said documents, please place on the City Council agenda to set the public hearing and for action by ordinance of the City Council.

If you should have any questions, please do not hesitate to contact the Community Development Department.

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(_____)

The undersigned, POLLARD GROUP, LLC., files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as ST. CHARLES VILLAGE - PHASE II to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. Owner: The Petitioner, POLLARD GROUP, LLC., is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

ZONING : R-4 MULTI-FAMILY

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

DATED this 24 day of July, 2006.

Respectfully submitted,

By: [Signature]

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 24 day of July, 2006.

[Signature] (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 31, 2006
BUNDLED WITH NOTARY PUBLIC UNDERWRITING

Pollard Group, LLC.
ANNEXATION OF 7.46 ACRES
AS R-4 MULTI FAMILY

“Exhibit A”

DESCRIPTION TO ACCOMPANY SKETCH OF 7.46 ACRES TO-WIT:

PARCEL 1:

LOTS 1, 2, AND 3, BOLAR VIEW SUBDIVISION AS PER PLAT THEREOF RECORDED ON SLIDE 1532-A IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

PARCEL 2:

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN SOUTH 1323 FEET TO THE BEGINNING CORNER, (THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21); THENCE RUN SOUTH 650 FEET TO A CORNER; THENCE RUN EAST 672 FEET TO A CORNER; THENCE RUN NORTH 619 FEET TO A CORNER; THENCE RUN NORTH 61 DEGREES 00 MINUTES WEST 73 FEET TO A CORNER; THENCE RUN WEST 609.5 FEET TO THE POINT OF BEGINNING. PROPERTY LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LESS AND ACCEPT: (1)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH, ALONG THE WEST LINE OF SAID SECTION, 1323 FEET TO A NAIL; THENCE RUN SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST, 40.0 FEET TO A STEEL ROD ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80 FOOT RIGHT-OF-WAY); THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 50.0 FEET TO A POINT FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; RUN THENCE SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST 110.0 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, 50.0 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST, 64.58 FEET TO A STEEL ROD; THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST 996.65 FEET TO A STEEL ROD; THENCE RUN NORTH 89 DEGREES 10 MINUTES 39 SECONDS WEST, 174.58 FEET TO A STEEL ROD ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, ALONG SAID EAST RIGHT-OF-WAY, 46.65 FEET TO THE POINT OF BEGINNING.

St. Charles Village

1

Pollard Group, LLC.

AND FURTHER LESS AND EXCEPT: (2)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 42 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION; 659.51 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 40.0 FEET TO AN IRON PIPE ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 119.76 FEET TO A STEEL ROD; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 363.72 FEET TO A STEEL ROD; THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST, 119.76 FEET TO AN IRON PIPE ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (3)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 31 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION, 779.27 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 40.0 FEET TO A STEEL ROD ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80.0 FOOT RIGHT-OF-WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00 DEGREES 31 MINUTESEAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 39.46 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES ESAT, 158.61 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, 65.0 FEET TO A POINT; THENCE RUN 89 DEGREES 24 MINUTES WEST, 158.61 FEET TO A POINT ON THE EAST RIGHT-OF-WAY 4.17 FEET TO A STEEL ROD; THENCE RUN SOUTH 89 DEGREES 24 MINUTES WEST, 108.63 FEET TO A STEEL ROD; THENCE RUN NORTH 89 DEGREES 24 MINUTES WEST, 162.83 FEET TO A STEEL ROD ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (4)

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 ESAT, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH 1323 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; CONTINUE THENCE SOUTH 429.8 FEET TO THE NORTH LINE OF THE LOT HEREIN DESCRIBED; THENCE RUN EAST 14 FEET TO AN IRON PIPE ON THE EAST MARGIN OF A 28 FOOT GRADED ROAD, FOR A PINT OF BEGINNING; CONTINUE THENCE EAST 184.61 FEET TO AN IRON PIPE; THENCE RUN SOUTH 65 FEET TO AN IRON

PIPE; THENCE RUN WEST 184.61 FEET TO AN IRON PIPE ON THE EAST MARGIN OF SAID 28 FOOT WIDE GRADED ROAD; THENCE RUN NORTH ALONG THE EAST MARGIN OF SAID ROAD 65 FEET TO THE POINT OF BEGINNING; AND LYING ON THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA; AND BEING A LOT IN THE 10 ACRE TRACT OF GEORGE WILLIAMS, AS RECORDED IN DEED BOOD 135, PAGES 341 AND 342 IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

AND FURTHER LESS AND EXCEPT: (5)

LOTS 1, 2, AND 3, BOLAR VIEW SUBDIVISION AS SHOWN ABOVE AS PARCEL
1. SURVEYOR'S NOTES:

1. DESCRIPTION AS FURNISHED BY CLIENT.
SOURCES OF INFORMATION USED WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS AND THE RECORDED SUBDIVISION PLAT.
2. ALL BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD, AS BEING NORTH, AS PER DEED OF RECORD, RECORDED IN INSTRUMENT NUMBER 572421, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY.
4. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
5. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
6. THE LINES SHOWN REPRESENTING THE CENTERLINE AND RIGHTS OF WAY OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WAS NOT SURVEYED UNLESS MONUMENTATION IS ALSO SHOWN.
7. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUBSURFACE FEATURES, OTHER THAN THE UNDERGROUND UTILITIES SHOWN HEREON AS LOCATED BY THE APPROPRIATE UTILITY COMPANIES.
8. THIS PROPERTY IS LOCATED IN ZONE X UNSHADED, AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SCALED PER FLOOD INSURANCE RATE MAP FOR BALDWIN COUNTY, ALABAMA AND INCORPORATED AREAS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, 01003C0507K, DATED JUNE 17, 2002.

**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

**SPECIAL FINANCE COMMITTEE MEETING
DAPHNE CITY HALL: EXECUTIVE MEETING ROOM
OCTOBER 2, 2006 @ 5:45 P.M.**

I. ROLL CALL

II. PUBLIC PARTICIPATION

III. CURRENT BUSINESS

A. 1. Bids: (*Resolution*)

➤ 2006-II-HORTICULTURE CHEMICAL

B. Approve Vendors for Pre-Qualification: City Hall Project Bid (*Motion*)

IV. ADJOURN

Signature

Date

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Mayor Fred Small
Kim Briley, Finance Director
Finance Committee**

From: Ken Eslava, Public Works Director

Date: September 26, 2006

**Re: Supplemental recommendation...Bid Document 2006-II
Horticultural Chemicals**

As previously recommended, I am again recommending that the Horticultural Chemical bid be awarded to Southern Turfcare.

As you will recall, this recommendation has been sent to this Committee during its previous regularly scheduled meeting and was approved as recommended. However, prior to being forwarded on to the City Council, I was made aware that there may have been vendor errors in the quotations....therefore I requested that the recommendation to Council be tabled.

After a significant re-investigation and study of the submitted quotes, I do stand by my original recommendation of Southern Turfcare being the best choice for the City of Daphne. As well as being the low bidder of a line item comparison of the chemicals we most use, Southern Turfcare is a City of Daphne business and has committed to top quality service for our needs during the year.

I have attached my original line item comparison worksheets as evidence of this meticulous comparison of products.

**RESOLUTION NO. 2006-
2006-II-HORTICULTURE CHEMICALS**

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

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

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

WHEREAS, Staff recommends the bid for the HORTICULTURE CHEMICALS be awarded to Southern Turfcare.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Southern Turfcare for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2006-II-HORTICULTURE CHEMICALS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 2nd day of October , 2006.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk CMC

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



SouthernTurfCare

Pat White
Owner / President

25355 Profit Dr. • Daphne, AL 36526
251.621.0310 • Fax 251.621.0320 • Cell 251.583.3458
www.southernturfcare.com

SOUTHERN TURFCARE, INC.
25355 PROFIT DR
DAPHNE AL 36526
20-3661726
251 621-0310
251 621-0320

AUTHORIZED SIGNATURE

PAT WHITE

PRINT NAME

Sworn to and subscribed before me this 6th day of Sept., 2006.

Notary Public

ALL BIDS MUST BE RECEIVED NO LATER THAN 11:15 A.M.

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

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

Southern TurfCare

Bid Document 2006-II-Horticultural Chemicals

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Peters (20-20-20)	25 pounds	\$ 23.80	
Peters (15-0-15) with minor nutrients	25 pounds	\$ 23.80	
12-2-14 L&O (Lawn and Ornamental)	50 pound	\$ 12.60	14-4-14
14-14-14 L&O (Lawn and Ornamental)	40 pound	\$ 9.86	13-13-13 - 50 lbs.
18-0-18 50%PPSCU	50 pound	\$ 14.98	
18-24-12 50%MOP	50 pound	\$ 16.94	
21-3-21 TCRN 65%	50 pound	\$ 21.75	20-4-20 60% TCRN
20-20-20 Macron	25 pound	\$ 28.20	20-20-20 wt Hltros
23-0-23 Macron	25 pound	\$ 35.00	25-0-25
21-0-0 Ammonium Sulfate	50 pound	\$ 11.64	
24-2-11 40% PPSCU 6FE	50 pound	\$ 18.49	24-5-11
33-0-17Sprayable	50 pound	\$ 35.00	28-5-18
Pre-M 25-2-5 (Herbicide: Pre-emerge with fertilizer)	50 pound	\$ 18.34	22-0-6
Pre-m 0-0-8 (Herbicide: Pre-emerge with fertilizer)	50 pound	\$ 13.50	0-0-7
20-10-5 Novex tablets	25 pound	\$ 70.58	
14-14-14 Osmocote (3 month)	50 pound	\$ 61.38	
13-13-13 Osmocote (8-9 month)	50 pound	\$ 61.38	
TOTAL		\$ 477.24	
Insectide			
Dylox	30 pound	\$ 37.61	
Horticultural Oil	2.5 gallon	\$ 28.91	Agri Oil
Lesco Fate	1 pound	\$ 19.50	Offensive
Lesco Fate	10 pound	\$ 195.00	Offensive
Permethrin Pro	1.25 gallon	\$ 119.50	
Talstar Flowable	1 quart	\$ 62.67	
Talstar Granular EZ	25 pound	\$ 29.97	
Talstar Granular PL	25 pound	\$ 28.62	
Top Choice	50 pound	\$ 155.00	
Varsity Ant Bait	25 pound	\$ 21.60	Award

Southern Turfcare

Bid Document 2006-II-Horticultural Chemicals

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Onyx	32 ounce	\$ 130.68	
Marathon Granular 1%	5 pound-	\$ 99.06	30 lbs. Merit
Mavrik Aquaflo	1 quart	\$ 62.67	Takstar One
Conserve	1 quart	\$ 109.97-	
Orthene T&O	WSP packets	\$ -	
Orthene T&O	25 pound	\$ 428.50	
Floramite	1 quart	\$ 127.49	Tame
Tetra San	1 quart	\$ 167.14	
Merit 75 WP	2 oz	\$ 57.07	
Amdro Ant Bait	5 pound or larger	\$ 197.28	25 lbs. Bag
	TOTAL	\$ 2268.19	
Herbicide			
Round-up Pro	2.5 gallon	\$ 119.63	Round Up Original Max
Revolver	1 quart	\$ 187.50	
Admiral Herbicide	1 gallon	\$ 54.04	
Algaecide	5 gallon	\$ 141.68	Algaen X
Monument	5 X 5 packets	\$ 220.00	
Simazine	2.5 gallon	\$ 52.65	
Drive 75DF	1 pound	\$ 93.13	
Manage	1.3 ounce	\$ 91.26	
Manor	2 ounce	\$ 76.20	Cimarron
Momentum Premium	2.5 gallon	\$ 180.26	
MSMA 6.6	2.5 gallon	\$ 58.00	
Prosecutor Pro	30 gallon	\$ 682.50	Gly-4 Plus
Prosecutor Pro	2.5 gallon	\$ 52.50	Honcho Plus
Reward	1 gallon	\$ 140.00	
Scythe	2.5 gallon	\$ 126.11	
Oryzalin	2.5 gallon	\$ 239.75	Surflan
Snapshot	50 pound	\$ 117.91	
Three Way Selective	2.5 gallon	\$ 122.19	Trince Southern
Vantage	1 gallon	\$ 121.87	Sethoxydim

Bid Document 2006-II-Horticultural Chemicals

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Lescogran	1 gallon	\$ 96.67	Basagran
Sulfan Granular & AS	50 pound	\$ —	
Sulfan	2.5 gallon	\$ 239.75	
Pennant Herbicide	1 gallon	\$ 227.50	
Pennant Herbicide	50 pound	\$ —	
Image Herbicide	1 pint	\$ 87.00	11.48oz bottle
Fusilade II	1 quart	\$ 65.13	
Finale	1 gallon	\$ 201.76	2.5 gal
Pendulum 3.3 EC	2.5 gallon	\$ 122.33	
Post Emerge for Centipede and St. Augustine Grasses	2.5 gallon	\$	
		TOTAL	\$ 3917.32
Fungicide			
Banol	1 gallon	\$ 421.36	
T-Storm	2.5 gallon	\$ 490.00	T-Methyl G Pro
Mancozeb	12 pound	\$ 100.25	Fore
Heritage	1 pound	\$ 455.40	
Manicure Ultrex	5 pound	\$ 65.36	Daconil
Subdue	1 gallon	\$ 786.50	
Banrot 40 WP & Granular	2 pound	\$ 20.88	
Banrot 40 WP & Granular	40 pound	\$ 417.50	
Zyban 75 WP (WSB)	6 oz. packages	\$	
Diathane Flowable	1 quart	\$	
Diathane WSB	6 oz.	\$ 60.62	12 lbs.
Fore WSB	6 oz.	\$ 56.14	6 lbs.
Banner Max	1 quart	\$ 388.67	1 gal
Compass	1 quart	\$ 461.39	1 lbs.
Chipco 26019 50 WP	2 pound	\$	
Daconil 75 WP	2 pound	\$ 65.36	Daconil Ultrex - 5 lbs.
		TOTAL	\$ 3769.43

Southern Turfcare

Bid Document 2006-II-Horticultural Chemicals

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
<i>Miscellaneous</i>			
Double Eagle Blend Rye Grass Seed	50 pound	\$ 48.00	
Pro-Choice Soil Master	50 pound	\$ 9.52	Mule Mix Site Conditioner
ProChoice Quick Dry	50 pound	\$ 9.74	Mule Mix Sure Dry
* Pro Max	2 pound	\$???
Primo Max	1 gallon	\$ 451.26	
Athletic Paint	case of 12	\$	
Spreader Sticker, Non-ionic	2.5 gallon	\$ 26.00	
Spreader Sticker	1 gallon	\$ 16.43	Chem Nut
Tracker Dye	1 quart (soluble packets)	\$ 18.70	Spray Quick Liquid
Tracker Dye	2.5 gallon	\$ 96.88	SS Sure Mark
Bolster	2.5 gallon	\$ 131.66	
Chelated Iron Liquid	2.5 gallon	\$ 31.42	Ferromec AC
Dolomitic Lime (pelletized)	50 pound	\$ 6.58	
Wasp & Hornet Spray	17.5 ounce can	\$	
Lesco -Sol	2 pound	\$ 14.56	SS Chemi-Clean
Recede	1 pint	\$ 16.10	SS Foam Free - 1 qt.
Lesco Green	2.5 gallon	\$ 122.38	Green Lowrger
Recede Antifoam	1 gallon	\$ 58.98	SS Foam Free - 4 qts.
* Soil Moist	8 pounds	\$???
* Soil Moist	50 pounds	\$???
Rye Grass Seed Perennial	50 pounds	\$ 44.00	
Pine Bark Nuggets (Medium Size)	3 cu ft bags	\$	
Potting Soil - Metro Mix or Equivalent	3 cu ft bags	\$	
	TOTAL	\$ 1096.21	
	GRAND TOTAL	\$ 11,528.39	

COMPANY NAME: SOUTHERN TURFCARE, INC.

SIGNATURE:

 owner/ceo

CITY OF DAPHNE INTERNAL MEMO

Date: September 26, 2006
To: Finance Committee / Council
Re: 2007-A-City Hall Alterations & Additions - Bidder Pre-Qualification

Staff Attending Pre-Qualification Review:

Mayor - Fred Small
Finance Director - Kim Briley
Building Official - Richard Merchant
Public Works Director - Ken Eslava

Also attending: Jeff Hudson, Gatlin Hudson Architects
Senior Accountant - Suzanne Henson

Due to the nature of the City Hall Alterations & Additions Bid the City architect recommended that all bidders be Pre-Qualified before bidding. This process requires the bidder to submit a Pre-Qualification Application and be approved by the City Council in order to be eligible to bid.

Five Contractors submitted the Pre-Qualification Applications. The contractors were as follows:

- Trademark Construction Inc.
- Rod Cooke Construction Inc.
- TerMac Construction Inc.
- Witherington Construction Corp.
- Stuart Construction

Each contractor's application was reviewed for Responsibility, Competency, Experience and Financial Ability and all were found to be qualified to bid on the City Hall contract.

The recommendation is to approve above listed contractors as qualified bidders for the bidders list.

***Motion: Recommend to Council to approve the following contractors:
Trademark Construction Inc.
Rod Cooke Construction Inc.
TerMac Construction Inc.
Witherington Construction Corp.
Stuart Construction
as qualified bidders for the City Hall Alterations & Additions Contract.***

CITY OF DAPHNE

**BIDDER PRE-QUALIFICATION MINUTES
BID DOCUMENT NO: 2007-A-CITY HALL ALTERATIONS & ADDITIONS
SEPTEMBER 26, 2006
10:00 A.M.
CITY HALL**

Those present were as follows:

Fred Small	Mayor
Kim Briley	Finance Director
Richard Merchant	Building Official
Ken Eslava	Public Works Director
Ms. Suzanne Henson	Senior Accountant
Mr. Jeff Hudson	Gatlin Hudson Architect

The Pre-Qualification requirements were advertised and 5 Applications were received on September 20, 2006.

THE FOLLOWING CONTRACTORS SUBMITTED APPLICATIONS :

- Trademark Construction Inc.
- Rod Cooke Construction Inc.
- TerMac Construction Inc.
- Witherington Construction Corp.
- Stuart Construction

All of the above contractors were recommended to Council to be approved for the Bidder's List.



Suzanne Henson, Sr. Accountant

Pre-Qualification Checklist-City Hall Alterations & Additions

Evaluation Points:	
Responsibility	- Projects Completed.
Competency	- Project Completed as Quoted, Projects Completed on time.
Experience	- Project Descriptions/References provided.
Financial Ability	- Financial Statements Submitted.

Criteria	Trademark Construction Inc.	Rod Cooke Construction Inc.	TerMac Construction Inc.	Witherington Construction Corp.	Stuart Construction
All information requested was submitted?	Yes-Notarized	Yes-Notarized	Yes-Notarized	Yes-Notarized	Yes-Notarized
Question 2: Number of years in Business?	22 Years	13 Years	13 Years	30 Years	9 Years
Question 3: Proper License for project?	Yes-Lic#021190	Yes-Lic#20141	Yes-Lic#19917	Yes-Lic#9469	Yes-Lic#22457-U
Question 4: # of PW Projects in City of Daphne in Isast 5 years?	None	None	None in 5 Yrs - Several Previous to 1998	No PW (1 Insurance Co)	2
Question 5: Federal/State/County/Local Projects completed within timeframe required?	None	Info not Complete	Yes	Yes	2/5-No
Question 5: Final Contract within scope of contract amount?	None	Missing Info only 2 out of 6 have info and they are not over contract \$	Yes	3/9 Exceeded 10% - Could be Change Orders??	Yes
Q-6A: Are there any judgements, claims, suits pending or outstanding?	No	Yes-5 Claims / One is Sp Ft High School	No	No	Yes-School Comm Mob Co - Roof Leaks
Q-6B: Has organization filed any lawsuits or claims with regard to construction projects.	No	No	No	No	No
Q-6C: Is Organization barred from doing work for local, state, or federal government?	No	No	No	No	No
Has organization failed to complete any work awarded to it?	No	No	No	No	No
Question 7: Number Jobs in Progress	9	8	Several Projects listed - no timeframe submitted	5	5
Question 8: List of key personnel and description of their experience.	Yes	Yes - Only names and years of experience submitted - no resumes	Yes	Yes	Yes

Pre-Qualification Checklist-City Hall Alterations & Additions

Evaluation Points:
Responsibility - Projects Completed.
Competency - Project Completed as Quoted, Projects Completed on time.
Experience - Project Descriptions/References provided.
Financial Ability - Financial Statements Submitted.

Criteria	Trademark Construction Inc.	Rod Cooke Construction Inc.	TerMac Construction Inc.	Witherington Construction Corp.	Stuart Construction
Question 9: Letter stating bonding capacity.	Yes - \$15 Mil Cap	Yes-Surety will bond project - Limit not listed	Yes-\$15 Mil Cap	Yes-\$8 Mil Cap	Yes-\$15 Mil Cap
Question 10: Financial Statement (Balance Sheet, Profit and Loss Statement) submitted?	Yes	Yes	Yes	Yes	Yes
Engineers Listed - City also uses	Volkert-Farouk Hassand / Chad Vaughn	Volkert	Gatlin Hudson	Several Renovation Projects listed	Gatlin Hudson
% (Average) of Work performed by Own Source	Info not submitted	Info not submitted	20%	20%	25%

PUBLIC WORKS COMMITTEE MEETING

August 25, 2006

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

I. CALL TO ORDER

The August meeting of the Public Works Committee was called to order at 8:10 a.m.

Present: Mayor Small, Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Ken Eslava, Scott Hutchinson from HMR, Sandi Cushway

II. PUBLIC PARTICIPATION & CORRESPONDENCE

The committee reviewed the correspondence and the work request report for July 2006. Cathy Barnette noted that Mechanical remained high and there was discussion of whether it would be feasible to hire a Building Maintenance Superintendent. Ken Eslava said that he didn't feel that hiring a Superintendent would be beneficial due to the structure of the department. A Building Maintenance Supervisor conducts all of the same functions that a superintendent would handle.

Councilwoman Cathy Barnette suggested that the letter concerning Tommy Bertagnolli be included in the council packet and that he receive recognition for his bravery in helping a resident being attacked by a Pitt Bull dog.

III. OLD BUSINESS

- A. The committee reviewed the minutes from the Public Works Committee meeting held July 28, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

IV. NEW BUSINESS

- A. No new business reported

V. DIRECTOR'S REPORT

- A. Ken Eslava presented plans for the Dryer Access. It was pointed out that there will be stairs and built in benches in addition to additional space for people to bring their own chairs. 6x6 Marine Treated posts will be used. The cost is estimated at \$18,000 and construction to start within the next week. Quotes will be sent to Kim Briley next week.
- B. Mayor Small questioned what the status was with regard to the timing of the traffic lights at malfunction junction. Ken Eslava stated that he and Marshall Parsons were working with the state and Riviera Utilities. Overall, the intersection timing adjustments have the intersection moving more smoothly. Riviera believes that power surges are causing the switches to trip back into default settings.

VI. SOLID WASTE AUTHORITY

- A. No comments were provided about the Solid Waste Authority

VII. MUSEUM COMMITTEE

- A. The Museum Committee is requesting a part-time employee. The justification is to enable them to keep the Museum open longer hours. Since this would fall under Recreation, the employee would need to be staffed by the Recreation Department.
- B. Ken Eslava noted that the building is getting old and there should be grant money available to maintain it. At this time, the climate control is not adequate to consider the building a true repository. Mayor Small will check with his contacts to determine sources for grant money.

VIII. BEAUTIFICATION COMMITTEE

- A. Ken Eslava stated that he has an extensive list of needs from the Beautification Committee. Mayor Small expressed concern about having adequate manpower to address all the needs of the Committee.

IX. ENGINEER REPORT

- A. NRCS Update
Scott Hutchinson provided an update on the NRCS projects to the Committee as follows:
 - County Road 64 Widening – City Counsel approved the widening of County Road 64.
 - Yancey Branch / D'Olive Creek – Costs have been determined and recommendations will be made.
 - Church Street / Cedar – Started advertising for bids. Only one tree will have to be cut down and it is not an oak.

X. FUTURE BUSINESS

- A. Superintendent Melvin McCarley stated that the slide at Centennial Park has been determined unsafe and has been blocked off. Mayor Small wants to look at “Boundless” equipment. There was discussion about which park the “Boundless” equipment would be best served.
- B. It was discussed that the Senior Center could be relocated to the Nix Center. Scott Hutchinson stated that it needs to be put in the Master Plan for Parks.

XI. ADJOURNMENT

Councilman Yelding motioned to adjourn. The meeting adjourned at 8:39 a.m.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 7, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

DRAFT

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
Barry Taylor
Frank Lamb
Glen Swaney, Chairman
Jeri Hargiss
Walt Crimmins

Staff Present:

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

Members Absent:

Billie Mayhand

Staff Absent:

Jerry Speegle, Attorney

The Chairman asked Pat, who will be voting tonight? Which five of six?

Ms. Houston stated Crimmins, Hargiss, yourself, Lamb, and Mr. Robison.

The Chairman stated okay. If we could, let us start with the approval of last month minutes. If you all have had the opportunity to read them, the Chair will entertain a motion to accept as written.

Approval of Minutes:

The minutes of the August 3, 2006 meeting were considered for approval. A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Mr. Robison to approve the minutes as written.**

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

Mr. Robison	Abstained
Mr. Taylor	Abstained
Mr. Lamb	Abstained
Mr. Swaney	Aye
Ms. Hargiss	Aye
Mr. Crimmins	Aye

New Business:

Appeal #2006-06, Barbara Mousseau

The Chairman stated we are here tonight to hear Appeal #2006-06. Bill, you want to start this.

Mr. Eady displayed color transparencies of the two trailers and house located at 27190 Parker Lane. He stated Mr. Chairman this is an Administrative Appeal regarding the trailer home that burned sometime around January 15th of 2004. It is located at 27190 Parker Lane. As we go through the information we are going to find about three different addresses. I think they will be 27190 Parker Lane, one other is 27191, I believe, and 190-A or 191-A. Anyway, it has to do with probably three structures being on the same property. After the fire in January the Fire Chief wrote a letter dated to stating "I request that the Building Official the above listed structure that I feel is unsafe for dwelling". At that particular time the Building Department was under my supervision. On June 9th, 2004, Mr. Ronnie Phillips, who was the Building Official, wrote a letter to Ms. Mousseau, I hope I pronounced that right, and the letter states that on June 7th, 2004, the City Council of Daphne, Alabama, determined that the property located at 27188 Parker Lane, more specifically as a Mobile Home is a public nuisance. The current condition of said property is a public nuisance because of unsafe, dilapidated building(s) exists on the property. On July 2nd, 2004, Mr. David Gautney wrote a letter to the Building Official requesting or asking for a ninety day extension. He said that this is what he needed to do at this time in order to finish the repair that was started in January after the fire and smoke damage. On July 13th, 2004, Mr. Phillips wrote a letter to him, Mr. Gautney saying that his request for extension had been denied. On September 9, 2005 he again wrote another letter again denying the request. In your book you will find a report, the Inspectors report, of the structure. The pages are not numbered, but it is called Form 1, Inspection Report, in which he lists the conditions of several items on the structure, ceiling and partitions, structural conditions, floors, walls, roof, windows, doors, stairs, plumbing, electrical, heating facilities, yard conditions, sanitary conditions, and some general remarks. All of those were listed as poor. Then he also made pictures, which we will go through. This is the location of the site on Parker Lane. Mr. Eady reading from the report stated this is photo #1, it reads in Mr. Phillips reports extreme fire hazard. There is a gas can on top of the natural gas meter. It talks about the larger vertical pipe to the left is a piece of plumbing pipe used as an electrical conduit for the wiring going through the bottom of the floor. The wires are exposed and believed to be nicked. Worst of all is the improper dryer vent discharging at the gas meter with gas can on top of it. Four tires to right have standing water. In Photo #2 is the front door, the main point of egress. It is the way out in case of fire. Mr. Eady continued to read the porch is dilapidated with no guard rails as with steps. Steps are required to have handrails. To the right, underneath is typical condition from end to end of moisture barrier. Mr. Eady continues, and apparent makeshift wiring and dilapidated wiring system. In Photo #3 is the breaker panel at the power meter.

The current in this panel is unfused to the top of the power company's power pole, and is exposed to the open by the empty breaker spot in the top of the panel. The worst part of the hazard is the child's sticker on the face of the dead front, which to me indicates the presence of children playing in the area. Dead front has no screw fastening it to the panel. Photo #4 is the master bedroom window. This is the only way out in case of fire. Photo #5 Kitchen area destroyed in fire. Stove not salvageable, nor is kitchen cabinets. All plumbing gone is to floor line with infiltration of sewer gas apparent. Photo #6, 7, 8 are typical condition of tie downs. Either not fastened, or the few fastened are rusty, weak or not tight. Very, very poor stabilization effort. In my opinion, this trailer would be gone in a hurricane, possibly causing damage or injury to adjoining property and or owners. Moisture barrier and insulation completely gone exposing sub-floor to all elements and infiltration of rodents and insects. Photo #9, 10, 11 is typical condition of dilapidated and makeshift wiring. The complete electrical system is condemnable, and a fire and safety hazard. The complete underlayment is gone, exposing all sub-floors and duct system to open air, and infestation. Photo #12 shows wall is water damaged apparently due to A/C Unit. Not easily repaired. Photo #13, 14, 15 there are two trailers on the lot. The picture is not very well due to the dark, but right there in the center behind the three mailboxes, is a little white house, that is also on the same lot. It says there are two mobile homes and a house on the same property, which does not meet the Zoning restrictions other than possibly being grandfathered in. The cable on the ground is cable television.

The Chairman stated before you leave that picture, Mr. Eady, what is that piece of pipe there? Do you know?

Mr. Eady stated that one.

The Chairman stated yes, sir.

Mr. Eady stated that is the sewer pipe that comes out right there with the two little circles around it. Evidently, it is, I think, one of the sinks or maybe the septic tank, and it drains down that ditch.

The Chairman stated thank you.

Mr. Eady stated this is a little further down the ditch, and it eventually goes on out into the storm drain. I am going to backup just a minute, and I am going to talk about the same thing. Anyway, we have talked about the two mobile homes and the house on the same property, which does not meet the zoning restrictions, other than the property being grandfathered. We have talked about the cable that is on the ground is cable television wire, apparently serving all three structures.

Mr. Eady stated the pipes draining into the City maintained drainage ditch in #14 and #15 comes from under the house, and that was the report that he made of the site. Mr. Eady stated be patient with me just one minute. On June 28th of this year, 2006, Ms. Mousseau filed an

application for request for an Administrative Appeal. On part of her administrative appeal she states that even if the non-conforming structure is damaged by more than fifty percent, the Board of Zoning Adjustment has authority to allow the restoration of the structure to the same non-conforming use pursuant to §9-2(b)(4), which she is absolutely correct. However, she never did bring it to the Board of Adjustment. It goes on to say at the end of the report that this appeal is to dispute the determination by the Building Official that the trailer was destroyed by more than fifty percent, and that is what you have to determine tonight.

The Chairman stated thank you, Mr. Eady. How many people are here tonight to speak for this appeal?

Mr. Eady stated Mr. Richard Merchant, is the Building Official now. He came on board as Building Official after I was out of it, and Mr. Ronnie Phillips had left the City, so he has some information as well. Mr. Kirby is here to give a report as the Code Enforcement Officer, and he is also a licensed professional electrician, so he can answer any questions about the electrical work.

The Chairman stated okay. I would just like to get a show of hands to see about how much information we are going to have this evening. Just one person speaking in favor of the appeal?

Mr. Stankoski stated good evening gentlemen. My name is Robert Stankoski, I am an attorney in Fairhope, and I represent the Mousseau family. I am here to present their case, and I will be happy to let the Mousseau's tell you their side of the story as well. From initial glancing at the pictures that have been presented, which is the first time that I have seen these pictures, it is my understanding that the initial cause of action was brought upon Ms. Mousseau based upon the fact that there was a fire inside the trailer, and our argument being that the fire inside the trailer did not destroy more than 50% of the trailer as it existed at the time. All previous problems that we have seen up here on the pictures that were shown probably were the condition of the trailer as it was. It was grandfathered in as grandfather status. So our argument that we are here to make to the Board tonight is that it was not damaged more than fifty percent, therefore, they should be allowed to restore the use or allowed to continue on as it is. Before I start though, I would like to put out up here what I have marked as exhibit "8", but I only brought one copy so I ask that you pass it down, if you will.

The Chairman stated sure. Thank you.

Mr. Stankoski stated exhibit "8" reflect the changes that have been made in the trailer, and has been corrected, that is the condition of the trailer today.

The Chairman stated today? When did the rebuilding start?
The Chairman stated I can see some letters here.

Mr. Stankoski stated the rebuilding started shortly after the fire if not before. Just as part of the history, as well, they were charged with violating stop work order in continuing to work on that. They went to Daphne City Court and had a trial that, and was found not guilty on that particular charge as well, this is part of that file history. I will allow you a few minutes to take a look at the photographs, and I will be happy to answer any questions that I can.

Mr. Lamb stated can you explain this last statement that you said about Court. About the Stop Work Order.

Mr. Stankoski stated yeah. The Mousseau's began doing work on the trailer, to have it restored, to do work on it. They were charged or Barbara Mousseau was charged with violating the City Stop Work Order on the house. They argued that they were not in violation of the Stop Work Order, and they had to take her to criminal court here in the City of Daphne, and following the trial the matter was found not guilty.

The Chairman stated so that Stop Work Order was issued around when.

Mr. Stankoski stated the Stop Work Order was issued around January of 2006.

The Chairman stated okay.

Mr. Merchant stated the Stop Work Order was before that.

Mr. Stankoski stated I was incorrect on that. The Stop Work Order was posted previous to January of 2006. We are unsure of the exact time frame.

The Chairman stated previous to January of 2006.

Mr. Stankoski stated previous to January of 2006.

The Chairman stated okay. We will get into that a little later. While we are waiting to look at the picture, Mr. Huffman, according to the credence of the appeal we have here, the non-voting members of our Board, can participate in the discussions.

Mr. Huffman stated yes, sir.

The Chairman stated I just wanted to re-verify that. While they are still continuing to look at these pictures, Mr. Stankoski, do you want to continue?

Mr. Stankoski stated that is pretty much my argument. I would like to see if it is the City of Daphne's position that the building was destroyed more than fifty percent.

Mr. Stankoski stated I would like somebody at the City of Daphne to show me what artistical measure that they used. Did they use a framer to look at this other than just taking look at pictures and saying he

considered the home to be bad condition due to the applicable damage. Based upon the Building Inspector's report it is impossible to determine what percentage of the home has been destroyed by the fire, and as a result I would say that it is absolutely vague or void that the Building Inspector can come in a make a factual determination that it is beyond fifty percent lost such as that it would lose grandfather status.

The Chairman stated I understand.

Mr. Crimmins stated that is incumbent. Actually, I was hoping that you would tell us what the value was. I think it is up to you to rebut what the City says.

Mr. Stankoski stated I would disagree with you in that. Due process would require us the opportunity to at least be able to challenge the evidence that has been presented in this case, and a Building Inspectors report that says poor, very poor, uninhabitable, without anything additional to be able to support that claim is unfair to place the burden on the property owner.

Mr. Crimmins stated well, that is the procedure. Do you have any figures?

Mr. Stankoski stated I do not have any figures.

The Chairman stated let us hold any additional questions about costing for the minute. Perhaps, Mr. Kirby, would you like to make some comments about this. You have been involved in this thing.

Mr. Kirby stated yes, sir, I was asked to go. I have been on the site, as a matter of fact, I was on the site just a day after the fire, and I went in this structure also, but not as a Building Official. I was there strictly in a Code Enforcement capacity. I did write a citation for failure to obey a Stop Work Order, and that was nol prossed. It was not, a not guilty verdict. It was nol prossed because at the time we went to Court we did not have the green cards where she had signed that she received the letters. We could not produce them, Mr. Phillips had failed to bring them, so Judge Doyle null processed that case because of that.

The Chairman asked do you know the date of that Stop Work Order?

Mr. Kirby stated it was some time prior to October 13th of 2005 because that is when I wrote the citation.

The Chairman stated 2005.

Mr. Kirby stated I do not have the exact date. Actually, right after the fire there was a sign put up stating it was a safety and health hazard so that nobody would go on the property.

The Chairman stated I understand. Okay. Any additional comments, Mr. Kirby?

Mr. Kirby stated unless there is a question that I might answer.

Mr. Crimmins asked when did this Court case take place again?

Mr. Kirby stated the Court case would have been in November. I believe it was the 15th of 2005.

Mr. Crimmins asked how many months after the fire?

Mr. Kirby stated that was over a year after the fire because it was January of 2004.

Mr. Stankoski stated if I can just for clarification purposes. I do have a certified copy of the Court proceedings here marked as, Exhibit "6", in which Judge Sweet not Judge Doyle who was the City Judge at that time found the Mousseau's not guilty, and you can check this out, and I will submit this into evidence.

Mr. Kirby stated I apologize, Judge Sweet was in attendance that night.

The Chairman stated okay. Thank you.

Mr. Lamb stated Mr. Merchant, let me ask you a question. If a building suffers fire loss, has a fire, is it the responsibility of the Building Inspector just to look at the confines for the fire or should they also look at the condition of the building because within a fire you can have just so much damage, but they could weaken, for example, the structural integrity of the building, which would, in effect, make it a hazard, as it might collapse, but my definition, pardon, is a Building Inspector only required, totally required, to only look at fire damage or must they look at integrity of the entire structure.

Mr. Merchant stated if the structure is in noncompliance, and you get a significant amount of damage, yes, you have to bring the entire structure up to the current codes, which would require it in this case, the wiring, the furnace, when he reached in to look at the furnace, the burner fell off in his hand. I mean the furnace would be condemned. The wiring would have been condemned, and the plumbing possibly, and overall conditions were just poor.

Mr. Merchant stated the Stop Work Orders, to clarify that, they were verbal, but they were with a Police Officer. I was there two or three times, and also uniformed officers.

The Chairman stated okay. Anything else, Mr. Merchant.

Mr. Merchant stated no, sir.

The Chairman stated do we have any additional questions for, Mr. Merchant. Before we go on I have a couple of questions, I guess, for Mr. Stankoski. The question has been brought up about wiring and the

furnace, and seven things in all. What do you know about those two repairs?

Mr. Stankoski stated I am unclear of all of the repairs, but I do know that they were asked at one point that they were violating the septic Code violation in that there were multiple trailers hooked up to one single septic system. They remedied that repair, and got a new septic tank. I think the issue that we are talking about here is that there are Code violations in the home. Plumbing is not up to date, the wiring is not up to date, and I think it is incumbent upon the City of Daphne to go and say you are not in violation of a particular Code or you are not in violation of our plumbing or our wiring, issue a citation at that time, and at that point the homeowner would then have the opportunity to rectify the situation, but to simply declare a public nuisance, and ask that it be removed or demolished without giving the homeowner the opportunity to rectify it, is my problem.

The Chairman stated who is here to speak against this appeal. Step around here. Step up to the podium, please and give us your name.

Mr. Stevens stated my name is Richard Stevens, and I live at 27204 Parker Lane. It is catty-corner from the subject property. I became interested in buying the property in 2004 and I noticed the trailer with the windows broken out and the burn marks. I asked Harry Brown about it and he said that it had been condemned, and was suppose to be removed. I had also asked Mr. Eady about it, and he said that he understood that it was condemned, and it would also to be removed. During the construction of my house I had some thief of building materials. We contacted the Police Department, and talked to a Detective Rivers, and he brought up the subject that that property was no stranger to the Police Department. It has also been some problems with animal control. I would very much like to see the trailer removed. It is not very practical for the neighborhood. I have an article from the newspaper dated January 15th. It says that the cause of the fire was an explosion of a meth lab inside of it, and that can also be a problem environmentally for the neighborhood as well, and to sum it up, that is all I have.

The Chairman stated thank you, and then this gentleman over here.

Mr. Williams stated I am Bill Williams and I live at 27191 Parker Lane, and my comment to Mr. Eady here is did you say 27191 was one of the possible addresses on this thing.

Mr. Eady stated I believe that was one of them.

Mr. Williams stated well, that is totally incorrect. My address is 27191 and it is an assigned number so I would like to have it removed please, but anyhow. I hear it was grandfathered in, but in reality this mobile home was moved in after the Ordinance was passed. I wish I had written down a date. It is not a grandfathered situation. It is a mobile home park right there if they want to move it around the corner into the mobile home park I have no objections. I think it is against

the Ordinance for the mobile home to be there, and two the reason for the fire was that it was a meth lab. We do not know if it has been checked and all of those chemical have been removed. It is a hazard to the neighborhood. I mean when you wake up and your Fire Department is there and everything else. I just do not think it fits the neighborhood. It is a mobile home and I have no objections if it is in the mobile home park.

The Chairman stated thank you, sir. Any additional persons? If you would.

Ms. Lewis stated my name is Sandra Lewis, and I am a resident of Yancey Branch Woods, which is the last subdivision on Parker Lane. My experience is that I moved into my home which was being constructed November 2004. Due to medical reasons I am hoping to be able to relocate to be near my son. I put my house up for sale, and because my house is on the market for two hundred and thirty five thousand dollars, I am sorry to say, and it is the truth that several prospective buyers have made a remark about what they have had to go by in order to get to Yancey Branch Woods. Now, this is not a problem of the City, but there are residents of Yancey Branch Woods, who were under the impression that there would have been another entrance way into the community, so that we would not have to be subjected to that. I also want to say that I am aware of the fact that there have been several, of course, a lot of people make fun of Sound Off, but there have been a lot of calls in to Sound Off regarding the property language. I also would like to say that there have been complaints registered with City because of unkept grounds, garage cans out by the road, and I do not know if they call it a restriction or whatever it is, but cans are not suppose to be out twenty-four hours before or after, and I will say that those garage cans are out there seven days a week, and that is all I have to say.

The Chairman stated thank you very much, madam. Does anybody else want to speak either for or against this appeal?

Ms. Gormandy stated my name is Deborah Gormandy, and I grew up at 27188 Parker Lane. The trailer that had the fire, it was over a year from when the fire started.

Ms. Gormandy stated after the fire, I decided, nothing was done, so I decided to fix the trailer up for my daughter, who just went through a divorce and has three little boys. One of which was born August 29th during Hurricane Katrina. All we wanted to do was give these three boys a home, so I was trying to fix it up, but under all of this harassment they denied it. There is nothing wrong with that trailer. It is very livable. If I had called FEMA they would not have turned us down. They would have made the City let us live in there. At this point, I am having to pay for her to live somewhere else when she could have lived there for free because it belongs to us. There is nothing wrong with it, and I was trying to fix it up nice. During this time my husband had a heart attack, and I could not put the stress on him of putting her and all three kids in my home. So now I am having

to pay for her to live somewhere else because she cannot afford to work because she has three kids.

The Chairman stated I understand. Thank you very much.

Mr. Merchant stated I just stood to say that none of the repairs were permitted or inspected. She brought that point up.

The Chairman stated okay. Mr. Stankoski, would you like to add anything?

Mr. Stankoski stated yes, sir, I do have a couple of final things to add to this. For one, there are still multiple trailers on that site. Getting rid of one trailer is not going to solve the problem, which appears to be the majority of the complaints of the property owners there, which are that there are mobile homes located there. The Mousseau's have owned this property in Daphne before the City of Daphne was even incorporated. They have stayed on this property for a long period of time, and they consider it to be their family home. It might not be pretty, it might not be anything that the Board would choose to live in or anybody else might choose to live in, but fact is it is their home and it is where they will be. In America one of the most important things that you have is your property, and before you start trying to take about from this property or take away from the existence of it you have to watch out for due process in determining this. I feel for the neighbors around there that do not want these homes there. I completely understand that, but the homes are there, and if they do not want to move those homes and move into a trailer park, they were grandfathered in. They certainly do not have to. They will have to decide when they want to move off that property or when they want to sell the property, at some point later, and allow development to come in. All we are asking for the Board tonight is to treat the Mousseau's fairly, and I think we have proven our evidence without a doubt.

The Chairman stated Mr. Huffman, what are our legal parameters here? I heard said that we can not approve if there is more than fifty percent damage.

Mr. Eady stated Mr. Chairman, I would like to know if they ever got a Building Permit for repairs.

Ms. Gormandy stated no.

Mr. Stankoski stated no, they did not get the Building Permit. They were denied a Building Permit.

The Chairman stated were denied a Building Permit. They requested one and were denied.

Mr. Stankoski stated they have never gone down and made official application. I think the last thing that happened in the matter was that they called the utility company to come out and run power out

there and the City of Daphne pulled up and said you can not run power to this, it is not C.O.'d, there is no way, and they do not have a building permit at this time, and they did not allow them to hook up power.

The Chairman stated thank you. Mr. Huffman.

Mr. Huffman stated yes, Mr. Chairman, to answer your question. The way I read the appeal, which was filed by Ms. Mousseau, was the question that was presented to the Board was whether the structure itself is damaged or destroyed fifty percent of the reasonable estimated replacement value that was a decision by the administrative. While it was mentioned, as to the restoration of the structure, in the request that was not part of the appeal.

The Chairman stated I am sorry, would you repeat that last part of your sentence.

Mr. Huffman stated the reference in the zoning in the appeal as to the Board has the right to allow a nonconforming structure damaged by more than fifty percent to restore the structure, but the way I read Ms. Mousseau's appeal that was not the issue raised. The only issue raised was whether or not the fifty percent was met and satisfied.

The Chairman stated I understand. Any additional questions from the Board?

Mr. Robison stated Mr. Williams, did I hear you say that this particular trailer was moved on the lot after the Land Use Ordinance was passed.

Mr. Williams stated yes it was.

Mr. Robison stated so, and I am asking a legal question. Would this trailer come under the grandfather clause if it was moved on that lot after the Land Use Ordinance was passed?

Mr. Huffman stated the answer is no.

Mr. Robison stated thank you. Now, Mr. Stankoski, you said it is up to us to determine the fifty percent there. So if we did determine it was more than fifty percent, what would be your question to that?

Mr. Stankoski stated well, the way I read it I would take a little bit of a disagreement from the way Mr. Huffman is interpreting it according to the public notice that was issued in this hearing.

Mr. Stankoski stated what I have understood this hearing to accomplish today it could be two fold in front of the Board. Question one could be whether or not home or whether or not the City would have proven that the home was damaged beyond a reasonable estimated value more than fifty percent of the trailer. If the Board determines that no, it is not damaged more than fifty percent, then it still would keep its nonconforming structure, although it was grandfathered in, and the Board would not have to incur it. If the Board determines that it was

damaged over fifty percent then this Board does have some digressions to grant a variance for a stay as a nonconforming structure on the criteria that is the way I see this hearing here tonight. Now my point is that we disagree that the home was moved there after the Land Use Ordinance, and the gentleman that was up here testifying that it was done before was incorrect, and therefore it is grandfathered.

Mr. Robison stated I have another question. Would this do irreparable harm to the land? If it was denied would it cause there to be an irreparable harm done to the land?

Mr. Stankoski stated I do not know.

Mr. Robison stated or would it be harm to these people?

Mr. Stankoski state it would be a hardship for the owners.

Mr. Robison stated it will be a hardship for the owners, but would it be a hardship for that piece of property that it sits on if it was denied.

Mr. Stankoski stated you are asking me if it was denied, and they would have to move the structure from the site would it create a hardship for the land, is that the question.

Mr. Robison stated yes. If it was denied would it be a hardship for the land?

Mr. Stankoski stated I would say yes, probably.

Mr. Robison stated in what respect, would you say that it would cause a hardship to the land. Would it damage it by moving the mobile home trailer off the lot?

Mr. Stankoski stated it might be difficult to move that home without destroying trees or it might be difficult to move it without causing incidental damages to the trailer surrounding it.

Mr. Stankoski stated it might be very difficult to move it off the site without causing large damage to the land. I do not know details have to be done, but I am sure you would have to bring equipment in there to take it apart, and jack it up, and load it up on somebody's truck, and it has to go back there to do it. I would say yes upon that.

Mr. Robison stated that is your surmise on that.

Mr. Stankoski stated I am guessing that.

Mr. Robison stated thank you.

Mr. Lamb stated Mr. Merchant, let me ask you a question. After a building has had a fire does the City require a Building Permit to repair internal damage?

Mr. Merchant stated yes, sir.

Mr. Lamb stated regardless to whether there is any other damage, other than inside. The Fire Department came and put it out, and from that point on if they want to fix their house up they need it.

Mr. Merchant stated yes, sir. We do what is called a Fire Inspection after the fire. We go in after the fire and we do an inspection. We determine what has been damaged, and if anything else has to be brought up to compliance.

Mr. Lamb stated it is an encumbrance on the property owner to get the building permit.

Mr. Merchant stated yes, sir. They come make application and it goes from there.

Mr. Lamb stated in this case that did not happen.

Mr. Merchant stated no, sir.

Mr. Crimmins stated I have a question for Mr. Eady. What is in our grandfather clause when something is damaged fifty percent or more from storm, fire, whatever? What is the normal procedure, what is the normal form that is used to determine that fifty percent?

Mr. Eady stated I do not know because I am not the Building Official.

Mr. Crimmins stated what is the normal way that is figured?

Mr. Merchant stated well, in this instance you really do not have, to be honest with you, a whole lot to go with. You have got an old trailer and you try and place a value on it. You know we could do it like a residence at sixty dollars a square foot on a new residence, but it is a trailer.

Mr. Merchant stated so I would estimate, in my opinion, it would be an opinion thing, an old trailer maybe three thousand dollars, and so it does not take a lot to get over fifty percent. Just rewiring it would be over fifty percent of it.

Mr. Crimmins stated Mr. Eady, did not we have a Raceway gas station that lost their sign a long time ago. If it is completely destroyed I can see it, but do we have a procedure that tells us exactly how we accrue the value.

Mr. Merchant stated no, sir.

Mr. Crimmins stated that Form 1, Mr. Eady went through was used. Essentially, that Form 1 was used.

Mr. Merchant stated yes, sir.

Mr. Crimmins stated all of the stuff on Form 1 needed to be done to bring it back up to Code.

Mr. Merchant stated yes, sir.

Mr. Crimmins stated there is a trailer park in the vicinity, is that correct.

Mr. Merchant stated yes, sir.

The Chairman stated I have one additional point of clarification. It has been mentioned that it is grandfathered in and that it was here before the Bill was passed. Was this unit grandfathered in? Was it there before the Land Use Ordinance?

Mr. Merchant stated we do not know.

The Chairman stated we do not know.

Mr. Merchant stated because we could not establish a time.

Mr. Crimmins stated that gentleman has his hand up. Let us hear what he has to say.

Mr. Gautney stated well, it seems like nobody in here really knows much about mobile homes, and I work for the mobile home trailer park behind my property, and I have rebuilt many trailers. A trailer, all it is, is a frame with wood and nothing. There is nothing to rebuilding a trailer compared to a house. When it comes to repairing wiring or anything to a trailer, as far as wiring all you have got to do is pull the panels off of it, all wood panels, and within in two days you can have it rewired. It is that simple, as far as the grandfather clause.

The Chairman stated well, before you leave that, was this trailer rewired.

Mr. Gautney stated no, sir. There was no damage to the wiring. The only damage was to the kitchen itself. I went in there, and I had to repair the floor which had a spot about like that in it. So what I did was repair the floor. I repaired the kitchen cabinets, and put a sink in. Then we whitewashed, which is if any of you all have had grandparents and stuff like that then you know that we power washed the trailer, which entitles bleaching, and washing it, and all that.

Mr. Gautney stated well, I pull every individual panel out, throughout where the fire was, and checked the insulation for smoke damage. The only places I found smoke damage was right in the kitchen behind the stove, and behind where the burnt spot was, and I replace it. I would like to say something else about the meth lab situation. They suspected a meth lab. They had no evidence on anything other than the person that lived there had painting supplies. They done one foolish thing they had a can of paint thinner on the table, and one sitting right here by the sink. Well, it is a gas stove and when it leaked the

fumes caught and blew that can into the refrigerator, and burnt the refrigerator, and melted my kitchen cabinets to where the faucet sprayed water and put the fire out. That tells you how bad the fire was. It put it out. To my knowledge, sir, there has never been no conviction on any meth lab. I did talk to the Fire Department, and they asked my how much it would cost me to repair that trailer, and I told them about six hundred dollars, and pretty much that is about what it took. I pulled all the carpet out of it, and I put a new box in it, which upgrades the electrical, with a two hundred amp circuits. Well, me and my sister put tile down in there because we did not want no more carpet. I even put some stuff on the floor, if I remember correctly, as fire retardant, to keep everything, to keep it from rotting, and stuff like that.

The Chairman stated okay. I am sorry, sir, but I did not get your name.

Mr. Gautney stated I am David Gautney, my parents owned this place. I was the one that helped my daddy move the trailer in here. So I know that it was there before the City of Daphne even thought about being a City of Daphne.

The Chairman stated you said when you started that it was your trailer. Is that correct?

Mr. Gautney stated no, my daddy's. We brought it in here. My sisters were supposed to live in the trailer when it was brought in here. The reason that the repairs were made was because my niece needed a home, and as far as the property and stuff we have all had hurricane damage. I am still trying to fix everything. Another thing, you all had asked if it would cause any damage to the property if the trailer was moved, yes, the tree has to be took down. When you move the trailer it is probably going to warp, and I have got no way to fixing that.

Mr. Gautney stated there is a septic tank there, and it is up to Code, and as far as it goes, if you all give us a permit we will put a privacy fence across it, and I will plant bushes out there, but I work ten hours a day, every day, and everybody here does, and we do the best we can do. As far as the garage cans I put them out there three or four times for them to haul off, but they will not take them. I mean what can you do.

The Chairman stated thank you, very much.

Mr. Gautney stated alright, I appreciate it.

The Chairman stated Jeri, you had an additional questions or concern.

Ms. Hargiss stated it is about this grandfather clause. I mean what year was the trailer was moved in.

Mr. Gautney stated madam. I was about six and I am forty years old now.

The Chairman stated do any of the members have any additional questions or comment?

Mr. Lamb stated the repairs were done without a Building Permit, and Mr. Stankoski said that you know in America we have property rights, but in America we also follow the law. The law is the Ordinance, and the Ordinance also says that you have got to have a Building Permit, and so, that was a violation there. You did not follow procedure.

Mr. Crimmins stated how should the motion be made on this?

The Chairman stated one short additional comment, Mr. Gautney.

Mr. Gautney stated the Building Permit issue. We tried to ask for a Building Permit when he pulled up on the property, and we were talking about it, okay. We said we are going to come up there and buy a permit, we are going to try and get this all fixed. He told us, well, he told my sister, if she came up there to get a permit, he was going to fine her. So, what could we do. We had no choice. Nobody would give us a permit. They would give us a fine. So, we done what we could.

The Chairman stated in response to Mr. Crimmins, any motion that is made will be in the form of a positive request.

Mr. Lamb stated I am full of questions. Maybe the gentleman can answer this for me. I have a problem with the exceeding fifty percent of the reasonable estimated replacement cost of the structure during improvement. Now, that determination according to the Ordinance is strictly, and I dare say this, is based on the Building Inspector determination. However, I do not see how, I am not quite sure how the Building Inspector would determine what the cost is, what the replacement cost would be, unless he did some kind of analysis.

Mr. Lamb stated now, you have to know pretty much what the estimate is or get a quote from somebody saying it is going to cost, in order to get this up to Code it is going to cost this much money. It is going to cost wiring, and it is going to cost plumbing, and we have to put in tie downs to meet the Code, and all of that will cost X amount. At that point, that should have some type of value on a trailer. What would an existing trailer because it would be hard to find one just like this, be worth, you can not find one? A trailer that is this old with these types of amenities what is acceptable. Then you compare the two, but to just have it where generally speaking I say well, that is more than fifty percent is really no basis of the facts. You have to have something to go on.

Mr. Crimmins stated I think we should call for a vote.

Mr. Crimmins stated again, going back. There were two issues, I guess, in this thing. One was whether it was fifty percent or not, and if it was fifty percent should we make a motion to that. Anyway, the other was whether they can restore it as nonconforming use. I think we need to decide what we are making an affirmative motion for. There are two different things here, and I think we need to be clear in our minds

what we are doing, and one other question I need to ask while we all are thinking about that. If this appeal was denied what is the effect? Does that trailer have to move?

Mr. Merchant stated yes.

Mr. Crimmins stated does the City have the power to enforce it?

Mr. Merchant stated yes, we do, we have an Abatement Ordinance.

Mr. Eady stated she could appeal to Circuit Court, which would stay everything. Am I not right?

Mr. Huffman stated that is correct.

The Chairman stated I think the appeal really requests, as Mr. Stankoski stated. We need to determine if the trailer was more than fifty percent damaged or less, which is really the summation of the whole thing, as I see it. Is that correct, Mr. Huffman?

Mr. Huffman stated that is correct. It is not just fifty percent, fifty percent of the reasonable estimated replacement cost. It would not be actual cost. Just what is estimated?

The Chairman stated clarify that for if you would.

Mr. Huffman stated at the time damage is reviewed the way the Ordinance is written fifty percent of the reasonable estimated replacement cost. The explanation is what is reasonably estimated a replace at the time the damaged conditions is noticed.

The Chairman stated okay.

Mr. Huffman stated the Administrator decide that it was more than fifty percent, so the question whether he was correct or not.

The Chairman stated does any of the Board have any additional questions or comments?

Mr. Lamb stated since Mr. Phillips is not here to explain I wonder what kind of figures he used. This gentleman said that it cost six hundred dollars.

Mr. Merchant stated it cost more than that. The wiring cost that much to replace.

Mr. Crimmins stated another question before us is whether it has been grandfathered in. Am I right or wrong?

The Chairman stated it is a grandfathered structure, but it would not fall under that classification if it were more than fifty percent damaged, and it has been decided that it is by the Building Inspectors.

Mr. Merchant stated Mr. Chairman, how could you put in a septic tank, repair a furnace, and all of this work for six hundred dollars? The furnace is dangerous if it is not changed. I would not move in it.

Mr. Gautney stated there is nothing wrong with the furnace. The furnace was really never used. What we have got in there or what we are going to have in there is an air conditioned heater.

The Chairman stated a heat pump.

Mr. Gautney stated yes. Another thing, as far as, the Building Inspector, the actually one that went in there, all he did was walk around the trailer. He called himself taking some pictures here and there, but so far I do not think, have any of you all seen any of the pictures, then you know that it is mainly smut, if you looked at them. If you seen where he took the pictures of the kitchen that was the only place that was damaged.

Mr. Robison stated Mr. Huffman, Mr. Crimmins asked a question about the grandfathering. I may be totally confused, but I do not think this is being grandfathered in because it was already grandfathered in as a nonconforming structure, so, therefore, 9-14 under grandfather clause has nothing to do with this it just says that it shall be allowed to continue the nonconforming use. We are not talking about grandfathering this in. It has already been that. We are just talking about continuing as a nonconforming structure. Is that correct?

Mr. Crimmins stated continuing as a nonconforming structure.

Mr. Huffman stated that is correct. There has been no appeal as to whether or not it has been grandfathered by anyone.
The Chairman stated exactly.

Mr. Robison stated Mr. Chairman, someone has a question.

The Chairman stated what is your question? Then I think we need to vote.

Mr. Williams stated number one he said twenty-five years. I built my house in 1988, and the trailer was moved in after I moved in.

Mr. Williams stated a long time. Number two if it was grandfathered in why would you be voting on whether it was a nonconforming structure if it was already in there. If you said it was there before the Ordinance was passed then what does it need to be grandfathered in for.

The Chairman stated I understand. Any additional thoughts, comments, questions or what have you?

Mr. Eady stated at the time that the Building Permit was denied, why did not they appeal to the Board of Zoning Adjustment at that time rather than wait these two years, do all of this work and then do it.

Mr. Gautney stated I can answer that for you. The reason we did not appeal that was because we had, and it is this gentlemen right here, because we have been threatened. I went so far as putting surveillance cameras up at my home. I had your Building Inspector come on my property after no trespassing signs were put up, walking around the property taking pictures of this and that outside the property. The only thing I did not catch him doing was going in that trailer, and had I done that I would have had the Sheriff's Department arrest him. Back then I did not have him arrested for doing what he did because he was friend, of the family, I thought, but the stuff he was doing, and I assume, why the Council or whoever it was that got rid of that Building Inspector, he was doing things he should not have been doing.

The Chairman stated okay. I think that in this point in time we need to, the Chair will entertain a motion.

Mr. Crimmins stated I am with you. If we make the motion to keep this structure in the nonconforming status, then it would take four approving votes to approve it. Is that correct? Would that fill the bill for tonight meeting?

The Chairman stated exactly four to approve the appeal. We would need four positive votes, affirmative votes.

Mr. Huffman stated right.

The Chairman stated I think the question is, well, we have asked that. In essence, the question is whether or not this continues as a nonconforming structure.

A Motion was made by Mr. Crimmins to approve Appeal #2006-06, Barbara Mousseau, request for a variance at 27190 Parker Lane to continue as a nonconforming structure.

The Motion failed due to lack of a Second.

The Chairman stated do we have a Second to that motion? If there is no Second, then the appeal is denied. Do we have a Second to that motion? The Chairman stated no Second received. Correct me, if I am wrong, Mr. Huffman, but in my opinion, the Appeal is denied. Is that correct?

Mr. Huffman stated that is correct.

The Chairman stated okay. The Appeal #2006-06 is denied. It has fifteen days to appeal this, to notify the City, and the Board, and to appeal this in Circuit Court. Is that not correct, Mr. Eady, Mr. Huffman?

Mr. Eady stated they have fifteen days to notify the City of their intent to go to the Circuit Court, yes, sir.

The Chairman stated okay. Thank you very much. Is there any other additional business before the Board tonight?

Adjournment:

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

There being no further business the meeting was adjourned at 7:08 p.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: October 5, 2006

Glen Swaney, Chairman

/ph

**July 24, 2006
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at City Council
Chambers**

1. CALL TO ORDER/ROLL CALL

Members present – Yancey Baldwin, Jack Ehlenberg, Nancy Cox, Joe Lovelady, and Toni Fassbender

Also present – David Cohen, Bob Higgins, Mayor Fred Small, and Sonny Nichols

2. OLD BUSINESS

- a. Approval of May 22, 2006 Minutes

Motion by Ms. Fassbender Seconded by Ms. Cox To approve the minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

Mr. Coulter was not present but called and stated that he would provide a report at the next meeting.

4. DAPHNE COMMERCE AND TECHNOLOGY CENTER

- a. Name change to I-10 Commerce and Technology Center

Sonny discussed why he needed to change the name and the board agreed.

5. OTHER BUSINESS

The option agreement with Sonny Nichols was decided to be discussed at the next meeting.

6. ADJOURN

Motion by Mr. Baldwin Seconded by Ms. Fassbender To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:00 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Jack Ehlenberg, Chairman

**August 28, 2006
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at City Council
Chambers**

1. CALL TO ORDER/ROLL CALL

Members present – Yancey Baldwin, Jack Ehlenberg, John Coulter, Nancy Cox and Toni Fassbender

Also present – David Cohen, Bob Higgins, Bailey Yelding, and Mayor Fred Small

2. OLD BUSINESS

- a. Approval of July 24, 2006 Minutes

Motion by Ms. Fassbender Seconded by Mr. Baldwin To approve the minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

Mr. Coulter presented the treasures report with a balance of \$77,302.26

4. I-10 COMMERCE CENTER

- a. Discuss financing the land under purchase agreement

The IDB stated that it needed a plat of the property since the changes had been made by Mr. Nichols.

- b. Discuss option agreement

The board discussed the option agreement on renewing the agreement for an additional year.

Motion by Ms. Fassbender Seconded by Mr. Baldwin To renew the option agreement for \$100 for an additional year.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

5. OTHER BUSINESS

6. ADJOURN

Motion by Mr. Baldwin

Seconded by Ms. Fassbender

To adjourn.

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:05 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Jack Ehlenberg, Chairman

**Daphne Library Board
September 11, 2006
Meeting Minutes**

In Attendance:

Library Director Tonja Young, Board Members Glenn Swaney, Chairman, Cassandra Day, Ernie Seckinger, Anita Rigas, and Friends of the Daphne Library Representative Don Parman. Absent were Gayle Robinson and Council Representatives John Lake and Gus Palumbo.

Call to Order:

After a quorum was established, Glenn Swaney called the meeting to order at 4:30 pm.

Reading and Approval of Minutes:

The minutes from the August 14, 2006 meeting were reviewed and approved.

Monthly Report:

The report for August was presented by the Director and approved by the Board. The numbers were up almost 7%, with over 20,000 total circulation again. Computer users were up also. Tuesday nights are busy now that the Library is open on that night. Adult programming is going well. The staff is working on improving the sound system in the community room for patrons with difficulty hearing.

Public Participation:

Don Parman reported on news from the Friends. Six new computers should be shipped within a week. Shelves are being constructed for the children's' area. The sidewalk book sale held during the Jubilee Festival netted over \$1,000. An evening affair to introduce and recognize Tonja as Director is being planned for early November. A fundraiser is being planned for next Spring, possibly a book sale and art auction held in conjunction with BRAG.

Old Business:

Discussion followed on fundraising for the new Library addition. A committee is needed to plan the efforts and set up a fund for managing donations. Mr. Swaney informed the Board that he, the Mayor, and Human Resources have worked out a new salary and classification for the Library Director, which will be presented to the Council for approval.

Library Issues and Updates:

Staff business:

Melissa has registered for a good workshop for children in January.

APLS is sponsoring a one-day Conversational Spanish workshop for Library workers. Training money is available so it was decided that staff interested should attend.

Ms Young informed the Board that Mayor Small is providing a 12 week Dale Carnegie course for department heads that she plans to attend.

Library Business:

The Director circulated draft copies of brochures being developed by staff members that can be used in fund raising for the Library. These efforts were admired by the Board and Tonja was asked to continue with this.

It was reported that a meeting was held with Community Foundation representative Tom Davis.

During general discussion, it was decided to see if an event can be planned for the end of the year to kick off the Library addition.

A City Budget work session will be held September 14. Ms Young will attend and ask for two positions for the Library.

Roof repairs are being evaluated.

Grants in Progress include several to supplement the Earth Matters Collection.

After discussion, it was decided that the Board will review the Policy Changes as submitted over the next month and they will be presented at the October meeting for approval or change.

The meeting adjourned at 5:45 pm.

Respectfully submitted by Anita Rigas

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

ORDINANCE 2006-75

AN ORDINANCE ADOPTING THE FISCAL YEAR 2007 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2007 which begins October 1, 2006 and ends September 30, 2007; 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 2007 budget attached hereto and made a part hereof for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007 is hereby approved and adopted on this the _____ of _____, 2006.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

**GENERAL FUND
FISCAL 2007 BUDGET SUMMARY**

Excess Estimated Revenues Over Approp & Other Financing Uses	1,086,181
Impact Fee Study	(70,000)
3% Cost of Living Adjustment	(276,478)
Flexible Spending Acct Fees	(3,240)
Sidewalks: Caroline Ave/Pinehill Rd	<u>(42,000)</u>
	(391,718)

Revised Excess Estimated Revenues Over Approp & Other Financing Uses	694,463
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**CAPITAL RESERVE FUND
FISCAL 2007 BUDGET SUMMARY**

Excess Estimated Revenues Over Approp & Other Financing Uses	718,087
May Day Park: Recreational Trails Grant	<u>(25,015)</u>
	(25,015)

Revised Excess Estimated Revenues Over Approp & Other Financing Uses	693,072
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**CITY OF DAPHNE
ORDINANCE NO. 2006-76**

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**AN ORDINANCE AMENDING THE CITY OF DAPHNE
LAND USE AND DEVELOPMENT ORDINANCE
ORDINANCE NO.: 2002-22 ADOPTED SEPTEMBER 3, 2002
AS AMENDED; AND HEREBY ADOPTING ARTICLE XXXVIII
ENTITLED RESIDENTIAL HIGH RISE DEVELOPMENT DISTRICT**

=====

WHEREAS, the Planning Commission of the City of Daphne at their regularly scheduled meeting held August 24, 2006 considered certain amendments to the City of Daphne's Land Use and Development Ordinance (Ordinance No. 2002-22) as amended, and set forth on an affirmative recommendation to the City Council of the City of Daphne related to the creation of a *RESIDENTIAL HIGH RISE DEVELOPMENT DISTRICT*; and,

WHEREAS, due notice of said modification of the Ordinance amendment, where due notice of said Ordinance has been presented to the public as required by law through publication, and a public hearing was held before the City Council of the City of Daphne, Alabama on the 2nd day of October 2006, concerning said amendment; and,

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration deem that the amendment is proper, and believe to be in the best interest of the City of Daphne that such amendments be adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, HEREBY ESTABLISHES THE RESIDENTIAL HIGH RISE DEVELOPMENT DISTRICT DESIGNATED AS ARTICLE XXXVIII OF THE CITY'S LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

SECTION ONE:

There shall be and is hereby created Article XXXVIII entitled "*RESIDENTIAL HIGH RISE DEVELOPMENT DISTRICT*";

38-1 PURPOSE

The intent of this district is to provide opportunity for High-Rise High Density urban type residential developments exceeding fifty (50) feet in height. The area is described as being located on the West side of U.S. Highway 98, extending from the South side of Interstate 10, South to Van Buren Street.

38-2 DEFINITIONS

- a. **BUILDING HEIGHT.** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded element shall not exceed the maximum height by more than fifteen (15) feet.
- b. **NET BUILDABLE AREA.** The total horizontal area of a parcel, in square feet, less the area of any waterway, less the area of any wetlands, less the area of any submerged lands, less the area required for setbacks. For the purposes of computing net buildable area all waterways, wetlands, submerged lands and setback area square footage be rounded up to the next highest whole number.

- c. **WETLANDS.** An area or areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and generally include swamps, marshes, bogs and similar areas.
- d. **SUBMERGED LANDS.** Lands beneath navigable waters.

38-3 HEIGHT EXCEPTIONS

The maximum livable height requirements does not include structures or other appurtenances such as screening, parapet walls, condensers or other mechanical apparatus, communication antennas necessary for the operation of the building.

- a. Building height may be allowed up to two hundred (200) feet or sixteen (16) stories as approved by the Planning Commission.
- b. Additional net area minimums and setbacks shall be required.
- c. International Building Code Standards, current edition, shall be required for buildings over fifty (50) feet.

38-4 SETBACKS

The minimum setbacks for structures shall not be not less than fifty (50) feet or 0.5 foot to one (1) foot to building height ratio, which ever is greater, and calculated as follows:

Height Ft.	Minimum Setback	Net Acres Minimum Net Buildable Acres Required
200	100	1.89
175	87.5	1.57
150	75	1.29
125	62.5	1.03
100	50	0.80
75	50	0.80

- a. Not less than two (2) parking spaces per dwelling unit.
- b. Any use in this district shall set aside at least twenty percent (20%) of the net buildable area to be used as a landscaped and green area.
- c. Additional buffers may be required for the protection of streams, rivers, watersheds, wetlands or the like. See Article XVIII, entitled Drainage Provisions.

38-5 WATER AND SEWER CONNECTIONS

- a. Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system. Residential High Rise Developments shall not be approved unless the appropriate utility has the capacity to provide the required service.
- b. All Residential High-Rise structures shall be required to install a grease trap which is accessible for regular inspection and cleaning.

38-6 SIGN PROVISIONS

Signs shall be restricted to monument style signs. See Article XXXIII, entitled Sign Provisions.

38-7 PARKING

- a. Underground parking facilities shall be required and shall not be counted in the height, however, ground level parking beneath the building shall be counted as a story. Internal parking shall not exceed twenty-five percent (25%) of the structure height. There shall not be less than two (2) interior parking spaces per dwelling unit. Visitor parking may be provided outside of the building footprint.
- b. There shall be no overnight storage of travel trailers, motor homes, hauling trailers, boat trailers, boats, wrecked or disabled vehicles on the property. In no case may commercial vehicles used for hauling dangerous or hazardous products be parked or stored on premises. See Article XVI, entitled Parking Requirements, Section 16-3 j, Storage and Parking of Trailer and Vehicles.

38-8 SIDEWALKS

Sidewalks within the “*Gated Compounds*” shall be provided and not be less than four (4) feet in width.

38-9 TRAFFIC IMPACT ANALYSIS

A traffic impact analysis shall be required for Residential High-Rise developments. The results and any corrective measures necessary shall be included as part of, and in addition to, the requirements for site plan review and approval.

38-10 ENVIRONMENTAL COMPATIBILITY

It is the intent of this section to ensure environmental compatibility of the proposed development with the natural environment. Additional buffers may be required for the protection of streams, rivers, watersheds, wetlands or the like. See Article XXXVIII, Section 38-4, C. Other requirements that may be considered by the Planning Commission may include, but not be limited to, reflective or specialized glass and lighting to serve as a flight path deterrent for migrating birds.

SECTION TWO:

If this Section provides any conflict with other Articles, Ordinances or Regulations, or if the provisions of the Ordinance conflict with any other Ordinance or Regulations the more stringent, limitation or requirement shall govern or prevail to the extent of the conflict.

SECTION THREE:**SEVERABILITY**

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

SECTION FOUR:**EFFECTIVE DATE**

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this the _____ day of _____ 2006.

THE CITY OF DAPHNE, an Alabama
Municipal Corporation

GREG BURNHAM
CITY COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

ORDINANCE NO. 2006-77

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

POLLARD GOUP, LLC

**(Property located Southeast of the intersection of
County Road 64 and Pollard Road 7.46 Acres)**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, AS FOLLOWS:**

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on June 22, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High-Density Multi-Family Residential, District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on October 2, 2006 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH OF 7.46 ACRES TO-WIT:

PARCEL 1:

LOTS 1, 2, AND 3, BOLAR VIEW SUBDIVISION AS PER PLAT THEREOF RECORDED ON SLIDE 1532-A IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

PARCEL 2:

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN SOUTH 1323 FEET TO THE BEGINNING CORNER, (THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21); THENCE RUN SOUTH 650 FEET TO A CORNER; THENCE RUN EAST 672 FEET TO A CORNER; THENCE RUN NORTH 619 FEET TO A CORNER; THENCE RUN NORTH 61 DEGREES 00 MINUTES WEST 73 FEET TO A CORNER; THENCE RUN WEST 609.5 FEET TO THE POINT OF BEGINNING. PROPERTY LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LESS AND ACCEPT: (1)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH, ALONG THE WEST LINE OF SAID SECTION, 1323 FEET TO A NAIL; THENCE RUN SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST, 40.0 FEET TO A STEEL ROD ON THE EAST RIGHT-OF -WAY LINE OF POLLARD ROAD (80 FOOT RIGHT-OF WAY); THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST, ALONG SAID EAST RIGHT-OF -WAY LINE, 50.0 FEET TO A POINT FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; RUN THENCE SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST 110.0 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, 50.0 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST, 64.58 FEET TO A STEEL ROD; THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST 996.65 FEET TO A STEEL ROD; THENCE RUN NORTH 89 DEGREES 10 MINUTES 39 SECONDS WEST, 174.58 FEET TO A STEEL ROD ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE; THENCE RUN NORTH 00 DEGREES 31 MINUTES WEST EAST, ALONG SAID EAST RIGHT-OF-WAY, 46.65 FEET TO THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (2)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 42 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION; 659.51 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 40.0 FEET TO AN IRON PIPE ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 119.76 FEET TO A STEEL ROD; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 363.72 FEET TO A STEEL ROD; THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST, 119.76 FEET TO AN IRON PIPE ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (3)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 31 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION, 779.27 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 40.0 FEET TO A STEEL ROD ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80.0 FOOT RIGHT-OF-WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00 DEGREES 31 MINUTESEAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 39.46 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES ESAT, 158.61 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, 65.0 FEET TO A POINT; THENCE RUN 89 DEGREES 24 MINUTES WEST, 158.61 FEET TO A POINT ON THE EAST RIGHT-OF-WAY 4.17 FEET TO A STEEL ROD; THENCE RUN SOUTH 89 DEGREES 24 MINUTES WEST, 108.63 FEET TO A STEEL ROD; THENCE RUN NORTH 89 DEGREES 24 MINUTES WEST, 162.83 FEET TO A STEEL ROD ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (4)

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 ESAT, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH 1323 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION21; CONTINUE THENCE SOUTH 429.8 FEET TO THE NORTH LINE OF THE LOT HEREINDESCRIBED; THENCE RUN EAST 14 FEET TO AN IRON PIPE ON THE EAST MARGIN OF A 28 FOOT GRADED ROAD, FOR A PINT OF BEGINNING; CONTINUE THENCE EAST 184.61 FEET TO AN IRON PIPE; THENCE RUN SOUTH 65 FEET TO AN IRON PIPE; THENCE RUN WEST 184.61 FEET TO AN IRON PIPE ON THE EAST MARGIN OF SAID 28 FOOT WIDE GRADED ROAD; THENCE RUN NORTH ALONG THE EAST MARGIN OF SAID ROAD 65 FEET TO THE POINT OF BEGINNING; AND LYING ON THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA; AND BEING A LOT IN THE 10 ACRE TRACT OF GEORGE WILLIAMS, AS RECORDED IN DEED BOOD 135, PAGES 341 AND 342 IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABMAMA.

AND FURTHER LESS AND EXCEPT: (5)

LOTS 1, 2, AND 3, BOLAR VIEW SUBDIVISION AS SHOWN ABOVE AS PARCEL 1.

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

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

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

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2006.

Greg Burnam
Council President

Date & Time Signed: _____

Fred Small
Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

Pollard Group, LLC.
ANNEXATION OF 7.46 ACRES
AS R-4 MULTI FAMILY

“Exhibit A”

DESCRIPTION TO ACCOMPANY SKETCH OF 7.46 ACRES TO-WIT:

PARCEL 1:

LOTS 1, 2, AND 3, BOLAR VIEW SUBDIVISION AS PER PLAT THEREOF RECORDED ON SLIDE 1532-A IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

PARCEL 2:

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN SOUTH 1323 FEET TO THE BEGINNING CORNER, (THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21); THENCE RUN SOUTH 650 FEET TO A CORNER; THENCE RUN EAST 672 FEET TO A CORNER; THENCE RUN NORTH 619 FEET TO A CORNER; THENCE RUN NORTH 61 DEGREES 00 MINUTES WEST 73 FEET TO A CORNER; THENCE RUN WEST 609.5 FEET TO THE POINT OF BEGINNING. PROPERTY LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LESS AND ACCEPT: (1)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH, ALONG THE WEST LINE OF SAID SECTION, 1323 FEET TO A NAIL; THENCE RUN SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST, 40.0 FEET TO A STEEL ROD ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80 FOOT RIGHT-OF-WAY); THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 50.0 FEET TO A POINT FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; RUN THENCE SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST 110.0 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, 50.0 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 10 MINUTES 39 SECONDS EAST, 64.58 FEET TO A STEEL ROD; THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST 996.65 FEET TO A STEEL ROD; THENCE RUN NORTH 89 DEGREES 10 MINUTES 39 SECONDS WEST, 174.58 FEET TO A STEEL ROD ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, ALONG SAID EAST RIGHT-OF-WAY, 46.65 FEET TO THE POINT OF BEGINNING.

St. Charles Village

1

Pollard Group, LLC.

AND FURTHER LESS AND EXCEPT: (2)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 42 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION; 659.51 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 40.0 FEET TO AN IRON PIPE ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 119.76 FEET TO A STEEL ROD; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 363.72 FEET TO A STEEL ROD; THENCE RUN SOUTH 00 DEGREES 31 MINUTES WEST, 119.76 FEET TO AN IRON PIPE ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (3)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 31 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION, 779.27 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 40.0 FEET TO A STEEL ROD ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80.0 FOOT RIGHT-OF-WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 39.46 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES EAST, 158.61 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 31 MINUTES EAST, 65.0 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 24 MINUTES WEST, 158.61 FEET TO A POINT ON THE EAST RIGHT-OF-WAY 4.17 FEET TO A STEEL ROD; THENCE RUN SOUTH 89 DEGREES 24 MINUTES WEST, 108.63 FEET TO A STEEL ROD; THENCE RUN NORTH 89 DEGREES 24 MINUTES WEST, 162.83 FEET TO A STEEL ROD ON THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT: (4)

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH 1323 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; CONTINUE THENCE SOUTH 429.8 FEET TO THE NORTH LINE OF THE LOT HEREIN DESCRIBED; THENCE RUN EAST 14 FEET TO AN IRON PIPE ON THE EAST MARGIN OF A 28 FOOT GRADED ROAD, FOR A POINT OF BEGINNING; CONTINUE THENCE EAST 184.61 FEET TO AN IRON PIPE; THENCE RUN SOUTH 65 FEET TO AN IRON

PIPE; THENCE RUN WEST 184.61 FEET TO AN IRON PIPE ON THE EAST MARGIN OF SAID 28 FOOT WIDE GRADED ROAD; THENCE RUN NORTH ALONG THE EAST MARGIN OF SAID ROAD 65 FEET TO THE POINT OF BEGINNING; AND LYING ON THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA; AND BEING A LOT IN THE 10 ACRE TRACT OF GEORGE WILLIAMS, AS RECORDED IN DEED BOOD 135, PAGES 341 AND 342 IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

AND FURTHER LESS AND EXCEPT: (5)

LOTS 1, 2, AND 3, BOLAR VIEW SUBDIVISION AS SHOWN ABOVE AS PARCEL
1. SURVEYOR'S NOTES:

1. DESCRIPTION AS FURNISHED BY CLIENT.
SOURCES OF INFORMATION USED WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS AND THE RECORDED SUBDIVISION PLAT.
2. ALL BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD, AS BEING NORTH, AS PER DEED OF RECORD, RECORDED IN INSTRUMENT NUMBER 572421, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY.
4. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
5. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
6. THE LINES SHOWN REPRESENTING THE CENTERLINE AND RIGHTS OF WAY OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WAS NOT SURVEYED UNLESS MONUMENTATION IS ALSO SHOWN.
7. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUBSURFACE FEATURES, OTHER THAN THE UNDERGROUND UTILITIES SHOWN HEREON AS LOCATED BY THE APPROPRIATE UTILITY COMPANIES.
8. THIS PROPERTY IS LOCATED IN ZONE X UNSHADED, AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SCALED PER FLOOD INSURANCE RATE MAP FOR BALDWIN COUNTY, ALABAMA AND INCORPORATED AREAS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, 01003C0507K, DATED JUNE 17, 2002.

POLLARD GROUP ANNEXATION EXHIBIT "B"

COUNTY HWY. NO. 64

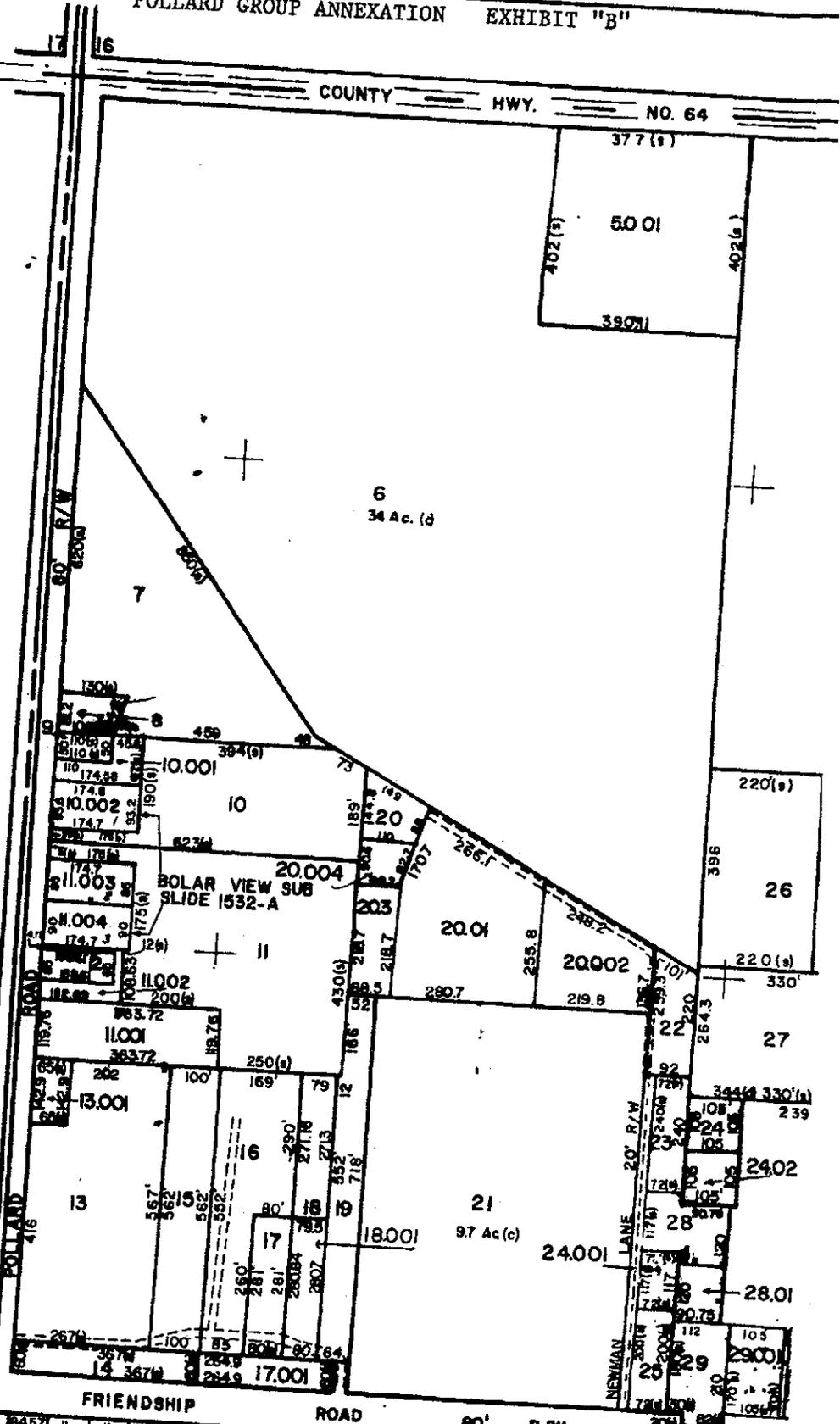
N 219,000

N 218,000

N 217,000

SEE SHEET 30

LIMIT



CORPORATE

274.1	51.002	51.003	51.004	51.005	51.006	51.007	51.008	51.009	51.010	51.011	51.012	51.013	51.026	51.014	51.015
84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57	84.57
181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39	181.39
272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96	272.96
51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031	51.031

95

4

**RESOLUTION NO. 2006-81
2006-II-HORTICULTURE CHEMICALS**

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

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

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

WHEREAS, Staff recommends the bid for the HORTICULTURE CHEMICALS be awarded to Southern Turfcare.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Southern Turfcare for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2006-II-HORTICULTURE CHEMICALS.

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

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

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



SouthernTurfCare

Pat White
Owner / President

25355 Profit Dr. • Daphne, AL 36526
251.621.0310 • Fax 251.621.0320 • Cell 251.583.3458
www.southernturfcare.com

SOUTHERN TURFCARE, INC.
25355 PROFIT DR
DAPHNE AL 36526
20-3661726
251 621-0310
251 621-0320

AUTHORIZED SIGNATURE

PAT WHITE

PRINT NAME

Sworn to and subscribed before me this 6th day of Sept., 2006.

Notary Public

ALL BIDS MUST BE RECEIVED NO LATER THAN 11:15 A.M.

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

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

Southern TurfCare

Bid Document 2006-II-Horticultural Chemicals

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Fertilizer			
Peters (20-20-20)	25 pounds	\$ 23.80	
Peters (15-0-15) with minor nutrients	25 pounds	\$ 23.80	
12-2-14 L&O (Lawn and Ornamental)	50 pound	\$ 12.60	14-4-14
14-14-14 L&O (Lawn and Ornamental)	40 pound	\$ 9.86	13-13-13 - 50 lbs.
18-0-18 50%PPSCU	50 pound	\$ 14.98	
18-24-12 50%MOP	50 pound	\$ 16.94	
21-3-21 TCRN 65%	50 pound	\$ 21.75	20-4-20 60% TCRN
20-20-20 Macron	25 pound	\$ 28.20	20-20-20 w/ Micros
23-0-23 Macron	25 pound	\$ 35.00	25-0-25
21-0-0 Ammonium Sulfate	50 pound	\$ 11.64	
24-2-11 40% PPSCU 6FE	50 pound	\$ 18.49	24-5-11
33-0-17 Sprayable	50 pound	\$ 35.00	28-5-18
Pre-M 25-2-5 (Herbicide: Pre-emerge with fertilizer)	50 pound	\$ 18.34	22-0-6
Pre-m 0-0-8 (Herbicide: Pre-emerge with fertilizer)	50 pound	\$ 13.50	0-0-7
20-10-5 Novex tablets	25 pound	\$ 70.58	
14-14-14 Osmocote (3 month)	50 pound	\$ 61.38	
13-13-13 Osmocote (8-9 month)	50 pound	\$ 61.38	
	TOTAL	\$ 477.24	
Insecticide			
Dylox	30 pound	\$ 37.61	
Horticultural Oil	2.5 gallon	\$ 28.91	Agri Oil
Lesco Fate	1 pound	\$ 19.50 19.50	Orthene
Lesco Fate	10 pound	\$ 195.00 195.00	Orthene
Permethrin Pro	1.25 gallon	\$ 119.50	
Talstar Flowable	1 quart	\$ 62.67	
Talstar Granular EZ	25 pound	\$ 29.97	
Talstar Granular PL	25 pound	\$ 28.62	
Top Choice	50 pound	\$ 155.00	
Varsity Ant Bait	25 pound	\$ 21.60	Award

Southern Turfcare

Bid Document 2006-II-Horticultural Chemicals

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Onyx	32 ounce	\$ 130.68	
Marathon Granular 1%	5 pound-	\$ 99.06	30 lbs. Merit
Mavrik Aquaflow	1 quart	\$ 62.67	Takstar One
Conserve	1 quart	\$ 109.92	
Orthene T&O	WSP packets	\$ —	
Orthene T&O	25 pound	\$ 428.50	
Floramite	1 quart	\$ 127.49	Tame
Tetra San	1 quart	\$ 167.14	
Merit 75 WP	2 oz	\$ 57.07	
Amdro Ant Bait	5 pound or larger	\$ 197.28	25 lbs. Bag
	TOTAL	\$ 2268.19	
Herbicide			
Round-up Pro	2.5 gallon	\$ 119.63	Round Up Original Max
Revolver	1 quart	\$ 187.50	
Admiral Herbicide	1 gallon	\$ 54.04	
Algaecide	5 gallon	\$ 141.68	Algaem X
Monument	5 X 5 packets	\$ 220.00	
Simazine	2.5 gallon	\$ 52.65	
Drive 75DF	1 pound	\$ 93.12	
Manage	1.3 ounce	\$ 91.26	
Manor	2 ounce	\$ 76.20	Cimarron
Momentum Premium	2.5 gallon	\$ 180.26	
MSMA 6.6	2.5 gallon	\$ 58.00	
Prosecutor Pro	30 gallon	\$ 682.50	Gly-4 Plus
Prosecutor Pro	2.5 gallon	\$ 52.50	Honcho Plus
Reward	1 gallon	\$ 140.00	
Scythe	2.5 gallon	\$ 126.11	
Oryzalin	2.5 gallon	\$ 239.75	Surflan
Snapshot	50 pound	\$ 117.91	
Three Way Selective	2.5 gallon	\$ 122.19	Trimec Southern
Vantage	1 gallon	\$ 121.81	Sethoxydim

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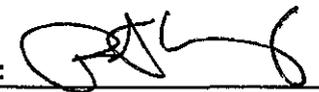
PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Lesco gran	1 gallon	\$ 96.67	locasgran
Sulfan Granular & AS	50 pound	\$ —	
Sulfan	2.5 gallon	\$ 239.75	
Pennant Herbicide	1 gallon	\$ 227.50	
Pennant Herbicide	50 pound	\$ —	
Image Herbicide	1 pint	\$ 87.00	11.48oz bottle
Fusilade II	1 quart	\$ 65.13	
Finale	1 gallon	\$ 201.76	2.5 gal
Pendulum 3.3 EC	2.5 gallon	\$ 122.33	
Post Emerge for Centipede and St. Augustine Grasses	2.5 gallon	\$ —	
Fungicide			
TOTAL \$ 3917.32			
Banol	1 gallon	\$ 421.36	
T-Storm	2.5 gallon	\$ 490.00	T-Methyl Gro
Mancozeb	12 pound	\$ 160.25	Fore
Heritage	1 pound	\$ 455.40	
Manicure Ultrex	5 pound	\$ 65.36	Daconil
Subdue	1 gallon	\$ 786.50	
Banrot 40 WP & Granular	2 pound	\$ 20.88	
Banrot 40 WP & Granular	40 pound	\$ 417.50	
Zyban 75 WP (WSB)	6 oz. packages	\$ —	
Dialthane Flowable	1 quart	\$ —	
Dialthane WSB	6 oz.	\$ 60.62	12 lbs.
Fore WSB	6 oz.	\$ 56.14	6 lbs.
Banner Max	1 quart	\$ 388.67	1 gal
Compass	1 quart	\$ 461.39	1 lbs.
Chipco 26019 50 WP	2 pound	\$ —	
Daconil 75 WP	2 pound	\$ 65.36	Daconil Ultrex - 5 lbs.
TOTAL \$ 3769.43			

Southern Turfcare

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PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Miscellaneous			
Double Eagle Blend Rye Grass Seed	50 pound	\$ 48.00	
Pro-Choice Soil Master	50 pound	\$ 9.52	Mule Mix Site Conditioner
ProChoice Quick Dry	50 pound	\$ 9.74	Mule Mix Sure Dry
* Pro Max	2 pound	\$???
Primo Max	1 gallon	\$ 451.26	
Athletic Paint	case of 12	\$	
Spreader Sticker, Non-ionic	2.5 gallon	\$ 26.00	
Spreader Sticker	1 gallon	\$ 16.43	Chem Nut
Tracker Dye	1 quart (soluble packets)	\$ 18.70	Spray Quick Liquid
Tracker Dye	2.5 gallon	\$ 96.88	SS Sure Mark
Bolster	2.5 gallon	\$ 131.66	
Chelated Iron Liquid	2.5 gallon	\$ 31.42	Ferramec AC
Dolomitic Lime (pelletized)	50 pound	\$ 6.58	
Wasp & Hornet Spray	17.5 ounce can	\$	
Lesco -Sol	2 pound	\$ 14.56	SS Chemi-Clean
Recede	1 pint	\$ 16.10	SS Foam Free - 1 qt.
Lesco Green	2.5 gallon	\$ 122.38	Green Lawngr
Recede Antifoam	1 gallon	\$ 58.98	SS Foam Free - 4 qts.
* Soil Moist	8 pounds	\$???
* Soil Moist	50 pounds	\$???
Rye Grass Seed Perennial	50 pounds	\$ 44.00	
Pine Bark Nuggets (Medium Size)	3 cu ft bags	\$	
Potting Soil - Metro Mix or Equivalent	3 cu ft bags	\$	
	TOTAL	\$ 1096.21	
	GRAND TOTAL	\$ 11,528.39	

COMPANY NAME: Southern Turfcare, Inc.

SIGNATURE:  owner/ceo