

**CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
OCTOBER 4, 2010  
BUSINESS MEETING  
6:30 P.M.**

**1. CALL TO ORDER**

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

**3. APPROVE MINUTES:** Council meeting minutes / September 20, 2010

**PROCLAMATION:** Breast Cancer Awareness Month / October 2010

**PRESENTATION:** Gardnyr Michael Capital

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY – Palumbo**

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**

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

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

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

**B. Downtown Redevelopment Authority – Barnette**

**C. Industrial Development Board – Yelding**

**E. Planning Commission – Barnette**

Review minutes / August 26<sup>th</sup>

Set a Public Hearing Date for **November 1, 2010** to consider:

1.) Revision to Zoning Map

**D. Library Board – Lake**

Review minutes / July 15<sup>th</sup>

Review minutes / August 2010

**F. Recreation Board - Reese**

**G. Utility Board - Scott**

**6. REPORTS OF OFFICERS:**

**A. Mayor's Report**

a.) Parade Permit / Arthritis Foundation / December 4, 2010 / 5K & 1 Mile Run

b.) ABC License / Publix / 050 – Retail Beer (Off Premises Only) /

070 – Retail Table Wine (Off Premises Only)

c.) Voting Delegate for the National League of Cities Congress of Cities Conference / December 2010

**B. City Attorney's Report**

**C. Department Head Comments**

1.) David Cohen – City Clerk – May Day Boat Ramp Signage

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

*NO RESOLUTIONS*

ORDINANCES:

*NO ORDINANCES*

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\_\_ \_\_

COUNCILMAN BOULWARE

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

COUNCILMAN PALUMBO

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

**MAYOR**

MAYOR SMALL

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

**CITY CLERK:**

DAVID L. COHEN

PRESENT\_\_ ABSENT\_\_

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

SEPTEMBER 20, 2010  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

1. **CALL TO ORDER**

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

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

Invocation was given by Mr. Willie Robison.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

Also present: Mayor Small arrived at 6:37 p.m.; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Tonja Young, Library Director; Richard Johnson, Public Works Director; Vickie Hinman, Human Resource Director; Adrienne Jones, Planning Director; Margaret Thigpin, Civic Center Director; Kim Briley, Finance Director; Richard Merchant, Building Official; David McKelroy, Recreation Director; Willie Robison, BZA; Joe Lemoine, Planning Commission; Ed Kirby, Planning Commission; Dorothy Morrison, Beautification Committee; Tomasina Werner, Beautification Committee.

3. **APPROVE MINUTES**

**MOTION BY Councilwoman Barnette to adopt the minutes meeting held September 7, 2010. Seconded by Councilman Scott.**

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

**MOTION BY Councilwoman Barnette to adopt the Council Work Session meeting minutes meeting held September 13, 2010. Seconded by Councilman Scott.**

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

**PROCLAMATION:** Literacy Awareness Week

Councilman John Lake read and presented the proclamation to Brooke Chu with the Literacy Foundation.

**RECOGNIZING:** Baldwin County Alumni Chapter of Delta Sigma Theta Sorority, Inc.

Councilman Yelding introduced the sorority. This group would like to be a part of the city making a difference in young people's lives.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Boulware**

The minutes for the September 13<sup>th</sup> meeting are in the packet.

**Treasurers Report / August 31, 2010**

**MOTION BY Councilman Scott to accept the Treasurers Report as of August 31, 2010 in the amount of \$19,161,531.31. Seconded by Councilwoman Barnette.**

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

**Sales & Use Tax Collections / July 31, 2010**

Sales & Use Tax Collected for July 2010	\$ 839,192
Sales & Use Tax Budgeted for July 2010	<u>\$ 831,192</u>
	\$ 8,034

YTD Budget Collections Variance – Over Budget / \$ 224,943

**Lodging Tax Collections / July 31, 2010**

\$91,906.47 was collected for July. This year's collections for July are \$ 31,286 over FY 2009's collection for July.

**Motions**

- a.) To recommend to Council to approve a salary of \$30,000 plus \$100/hour for appeal work, not to exceed \$40,000 annually, for annual City Prosecutor services.
- b.) To recommend full council review the \$2,000 damage claim by Mr. Greg and Mrs. Cathy MacMullin, and the City's insurance company's response.

Council President Palumbo stated that these two motions will be considered after Resolutions.

Councilwoman Barnette requested that a report be made monthly or quarterly on how the lodging tax money is spent. She said this would be a visual to help council know where the tax money goes.

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

The minutes for the September 7<sup>th</sup> meeting are in the packet. No report.

**C. PUBLIC SAFETY COMMITTEE –**

The minutes for the August 11<sup>th</sup> meeting are in the packet. No report.

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

The committee at the last meeting had a brief presentation regarding an ordinance prohibiting texting while driving in Daphne. The committee will consider an ordinance at the next meeting.

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

**MOTION BY Councilman Yelding to authorize the City Engineer, HMR Engineers, Inc., to execute the full project design and prepare the project for bid under the below detailed general scope, and all conditions required by the Alabama Department of Transportation (ALDOT), for the following City of Daphne Street Improvement Projects, and at a future council meeting a professional service contract for each project set at an agreed upon fixed cost will be presented. (See Exhibit "A"):**

- a.) *FY2011 Alternative – Phase I – Bay View Drive (From Hwy 90 for a total of 1.42 miles)*
- b.) *FY2011 Alternative – Phase II – Ridgewood Drive (Lawson ½ mile north & ½ mile south for a total of 1.0 miles)*
- c.) **Project – 2b – Intersection of Whispering Pines Road and US Hwy 98 (Additional turn lanes and signalization upgrade)**
- d.) **Project 6 – TimberCreek Boulevard - State Hwy 181 to US Highway 31 (Base Repair, Mill and Overlay Boulevard) (If County chooses not to participate in the resurfacing)**

**\*FY2011 Project 2a – Whispering Pines Road: US Hwy 98 to Pollard Road (Mill, level and overlay two (2) lanes). (The project has been bid by MC Williams and the bid is good until March 2011, and the engineering design has been done and paid for)**

***EXHIBIT "A"***

**SURVEYING AND ENGINEERING – GENERAL SERVICES**

The Engineer shall perform certain professional engineering services relating to infrastructure improvements and other assignments as authorized by the City, as follows:

- A. Design
  - 1. Attend meetings regarding proposed projects.
  - 2. Prepare preliminary layouts and sketches if needed.

3. Prepare preliminary construction cost estimates.
4. Field surveys for design and layout.
5. Design the work.
6. Prepare detailed contract drawings and specifications for construction.
7. Prepare construction estimates of quantities and cost.
8. Assembling and mailing Contract Documents on behalf of the City.
9. Assist the City in receiving bids.
10. Tabulate bids and make recommendations concerning award.
11. Assist the City in the award of the Contract.

**Construction Engineering and Inspection (CE&I) Professional Services**

1. Attend meetings with the City officials as required and assist in administering the construction contracts.
2. Recover and/or furnish reference line and benchmarks for control of the work.
3. Review shop drawings and manufacturer's drawings pertaining to the improvements for compliance with the design concept.
4. Review laboratory, mill and shop tests of materials to be incorporated into the work.
5. Provide field reviews of the work and interpret the plans and specifications by periodic visits to the site by one or more design engineers.
6. Provide the services of a resident project representative, and assistants if the work under progress shall have continuous close review. ENGINEER will endeavor to protect the City against defects and deficiencies in the work of contractors, but does not guarantee the work or performance of the contractors. Duties, Responsibilities, and Limitations of Authority Resident Project Representative to be attached to the Professional Services Agreement.

7. The ENGINEER is not responsible under the Professional Services Agreement. to act as foreman, superintendent, safety engineer or for the safety of the contractor's personnel.
8. Review and approve contractor's estimates for work performed for payment by the City.
9. Make review of the construction upon completion and revise the construction drawings to show the project "record drawing", and certify that in accord with knowledge required to meet professional engineering standards of practice, the project was built in accordance with the Construction Contract Plans and Specifications.
10. Field measure pay quantity items of work for preparation of final construction estimate by contractor and payment by the City.
11. The City will provide laboratory services for all soils studies and reports and for all inspectors and tests requiring the services of a laboratory throughout the construction project.
12. The ENGINEER will furnish the City with up to a reasonable number of sets of all reports and specifications. Additional sets will be furnished at cost.

**AYE Yelding, Lake, Reese, Scott, Boulware, Palumbo**

**NAY Barnette**

**MOTION CARRIED**

2. **MOTION:** To request Baldwin County participate in the resurfacing of Project "d" as listed below by means of performing the work with the City of Daphne purchasing the materials:

FY2011 Project 6 - TimberCreek Boulevard – State Highway 181 to US Highway 31  
(Base repair, mill and overlay Boulevard)

**MOTION BY Councilman Yelding to request Baldwin County to participate in the resurfacing of Project "d" as listed below by means of performing the work with the City of Daphne purchasing the materials: FY2011 – Project 6 – TimberCreek Boulevard – State Highway 181 to US Highway 31 (Base repair, mill and overlay Boulevard.) Seconded by Councilwoman Barnette.**

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

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

**A. Board of Zoning Adjustments – Mrs. Jones**

No report.

**B. Downtown Redevelopment Authority – Barnette**

The next meeting will be Monday September 27<sup>th</sup> at 5:15 in the Executive Conference room.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

The Teen Advisory Board Festival held last Saturday was a success. The Friends of the Library Book Sale is next Saturday from 9:00 a.m. – 2:00 p.m. The local History Forum will be hosted by the Daphne Museum and will be held at the museum. The Library Board will meet October 7<sup>th</sup> at 4:00 p.m. Bring your own pumpkin to paint October 7<sup>th</sup> at 5:00 p.m.

**E. Planning Commission – Barnette**

The Planning Commission meeting will be September 23<sup>rd</sup> at 6:00 p.m. in the council chambers. They will review the comments from the work session, and send forth a recommendation.

**F. Recreation Board – Reese**

No report.

**G. Utility Board – Scott**

The next meeting will be September 29<sup>th</sup> at 5:00 p.m.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

a.) Parade Permit / Daphne High School Homecoming Parade / September 30, 2010

**MOTION BY Councilman Scott to approve the Parade Permit for the Daphne High School Homecoming Parade / September 30, 2010. Seconded by Councilwoman Barnette.**

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

***B. City Attorney Report***

No report.

***C. Department Head Comments***

***James White – Fire Chief*** – reported that Daphne held first Tournament of Hoses softball tournament September 18<sup>th</sup>, and thanked the Mayor, Councilwoman Barnette, Councilman Boulware for attending, and Public Works and Recreation Department for their help.

***David McKelroy – Recreation Director*** - reported that the Daphne Fire Department came in second at the softball tournament. He reminded everyone that Brown Bag by the Bay is on Thursdays from 11:30 a.m. – 1:30 p.m. He reported on youth football, men’s and women’s softball.

***Tonja Young – Library Director*** – reported that the Library has received four (4) grants in FY2010: IMLS \$100,000 /technology; LSTA \$25,000 / materials, supplies, equipment, speakers; two smaller grants of Library materials: DUC (Art) & We the People (History). New grant for FY2011: LSTA \$60,000.

***Margaret Thigpen – Civic Center Director*** – reported that the Taste of the Eastern Shore figures was \$27,450, expenses were \$5,321.57. The total after expenses is \$22,128.43. They sold 1,096 tickets. They were down by ten (10) vendors.

**7. PUBLIC PARTICIPATION**

***Mr. Rod Drummond – Ridgewood Drive*** – spoke regarding the paving of roads.

***Mr. Kevin Spriggs – Owner of Eastern Shore Motel*** – spoke endorsing the Lake Forest road projects, and endorsing Mr. Jim Scroggins as City Prosecutor and leaving the salary as it is.

***Mrs. Pauline Ouellette – 7720 Elizabeth Drive*** – spoke regarding making the intersection of Whispering Pines and US Highway 98 pedestrian friendly.

***Mr. David Chalk – TimberCreek Property Owners Association President*** – spoke regarding the condition of TimberCreek Boulevard.

***Mr. Henry Lawson – 104 Boosketuh*** – spoke regarding roads in Lake Forest

***Mr. Boyd Nelson – 214 Randall Avenue*** – spoke regarding road paving projects stating that the city’s first priority should be Main Street out front of City Hall and Randall Avenue.

*Mr. Willie Robison – Stuart Street* – spoke regarding the motion to go out for bids on the road projects, and is in favor of curb and gutter.

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

**RESOLUTIONS:**

- a.) Safe Routes to School Grant ...../Resolution 2010-82
- b.) Historical Records Advisory Board Grant ...../Resolution 2010-83
- c.) Sustaining Cultural Heritage Collection ...../Resolution 2010-84
- d.) Bid Award: Jubilee Breeze / Interstate Printing & Graphics ...../Resolution 2010-85
- e.) Bid Award: Jail Food Service / Winn Dixie ...../Resolution 2010-86
- f.) Bid Award: Police Uniforms / Terry’s Uniforms &  
Screen Printing, Inc. .... /Resolution 2010-87
- g.) Bid Award: PD/Digital in-Car Video Systems / Gulf Coast Teleco ...../Resolution 2010-88
- h.) Bid Award: Office Supplies / Gulf Coast Office Products ...../Resolution 2010-89
- i.) Bid Award: Traffic Control Signs / John M. Warren, Inc ...../Resolution 2010-90
- j.) Bid Award: Safety Shoes / Gulf Supply Company, Inc ...../Resolution 2010-91
- k.) Bid Award: Plastic Pipe / Ferguson Waterworks ...../Resolution 2010-92
- l.) Declare Surplus Vehicles & Equipment ...../Resolution 2010-93
- m.) Bid Award: Used Rescue Hazardous Material Response Vehicle ...../Resolution 2010-94

MOTION BY Councilman Scott to waive the reading of Resolution 2010-90. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2010-90. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolutions 2010-82, 2010-83 and 2010-84. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2010-82. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2010-83. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2010-84. *Seconded by Councilman Lake.*

Council discussed the Resolution, and asked the City Clerk to meet with the Museum Board to decide what they need for the museum since the grant application is not due until November. Council President Palumbo said that he will put this on the October work session.

**Councilwoman Barnette withdrew her motion, and Councilman Lake withdrew his second.**

**RESOLUTION 2010-84 WAS TABLED UNTIL A FUTURE COUNCIL MEETING, AND SENT TO THE OCTOBER WORK SESSION**

MOTION BY Councilwoman Barnette to waive the reading of Resolutions 2010-85, 2010-86, 2010-87, 2010-88, 2010-89, 2010-91 and 2010-92. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2010-85. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2010-86, 2010-87, 2010-88, 2010-89. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2010-91 and 2010-92. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Resolutions 2010-93 and 2010-94. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2010-93. *Seconded by Councilwoman Barnette.*

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

MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2010-94. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**ORDINANCES:**

**1<sup>st</sup> READ**

a.) Extending the Fiscal 2010 Budget Authority...../Ordinance 2010-59

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2010-59. Seconded by Councilwoman Barnette.

**ROLL CALL VOTE**

Yelding	Aye	Scott	Aye
Barnette	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye		

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

MOTION BY Councilman Scott to waive the reading of Ordinances 2010-59. Seconded by Councilwoman Barnette.

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

MOTION BY Councilman Scott to adopt Ordinance 2010-59. Seconded by Councilwoman Barnette.

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

MOTION BY Councilwoman Barnette to adjourn into Executive Session to discuss the good name and character of an individual, and to discuss threatened litigation. The session will last for 30 minutes. Seconded by Councilman Lake.

Mr. Ross certified that the above stated reasons were appropriate reasons to enter into Executive Session, however the salary for the prosecutor would have to be done in public.

**ROLL CALL VOTE**

Yelding	Aye	Scott	Nay
Barnette	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye		

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

SEPTEMBER 20, 2010  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

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Council entered into Executive Session at 8:12 p.m.

Council returned from Executive Session at 8:55 p.m.

**MOTION BY Councilman Scott to approve a salary of \$30,000 plus \$100/hour for appeal work not to exceed \$40,000 annually for City Prosecutor services. *Seconded by Councilman Lake.***

**MOTION BY Councilman Boulware to amend the previous motion to set the salary for the City Prosecutor at \$30,000 period without the \$100 per hour for appeal work.**

**MOTION FAILS FOR LACK OF A SECOND**

**MOTION BY Councilwoman Barnette to amend the original motion for Council to approve a salary of \$38,000 for annual Prosecutor services. *Seconded by Councilman Lake.***

**AYE** Barnette                      **NAY** Yelding, Lake, Reese, Scott, Boulware, Palumbo

**MOTION FAILS**

**MOTION BY Councilman Scott to amend the original motion to include an effective date to coincide with the cancellation date of the previous contract which will be October 9, 2010. *Seconded by Councilman Reese.***

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

**VOTE ON ORIGINAL MOTION AS AMENDED**

**AYE** Yelding, Lake, Reese, Scott, Palumbo                      **NAY** Barnette, Boulware

**MOTION CARRIED**

**8. COUNCIL COMMENTS**

*Councilwoman Barnette* reminded everyone that the Jubilee Festival is this weekend.

*Councilman Lake* reported that he read that the recession was over in June.

*Councilman Scott* mentioned that Mr. Henderson could print something in the paper regarding the Jubilee Festival.

SEPTEMBER 20, 2010  
CITY COUNCIL MEETING  
1705 MAIN STREET  
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6:30 P.M.

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*Council President Palumbo* said that two (2) weeks ago Moody's Financial Services officially declared Mobile in double dip recession. He did not know how they came up with that, but it does not give a real boost of confidence. He reported that last month for the very first time since he has been on the Buildings and Property Committee there was not a single residential house permit issued in the City of Daphne. He is happy that council has gotten the ball rolling on some road projects, and he hopes they can see them to fruition. He reminded everyone that they have their budget books to review.

**10. ADJOURN**

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

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

**There being no further business to discuss the meeting adjourned at 9:14 p.m.**

Respectfully submitted by,

---

David L. Cohen,  
City Clerk

Certification by Presiding Officer:

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August A. Palumbo,  
Council President

*City of Daphne*

**Proclamation**

*National Breast Cancer Awareness Month  
October 2010*

*Whereas, October is National Breast Cancer Awareness Month.*

*Whereas, National Breast Cancer Awareness Month educates women about the importance of early detection and encourages women to get mammograms on a regular basis.*

*Whereas, since NBCAM's inception, more women are getting mammograms to detect breast cancer in its earliest stages. As a result, breast cancer deaths are on the decline.*

*Whereas, in recognition of the fact that mammography is the best available method of detecting long before physical symptoms presents itself, and that breast cancer deaths will continue to decline further if all women age 40 and older received mammograms at regular intervals; and,*

***NOW THEREFORE, I Fred Small, Mayor of the City of Daphne, do hereby proclaim October as National Breast Cancer Awareness Month in the City of Daphne this October 4, 2010. I urge all women and their families to get the facts about mammography and join the millions of women who get mammograms on a regular basis.***

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

  
\_\_\_\_\_  
David Cohen, City Clerk

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 26, 2010  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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CALL TO ORDER:

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

CALL OF ROLL:

**Members Present:**

Fred Small, Mayor  
Joe Lemoine, Vice Chairman  
Dan Gibson  
Victoria Phelps  
Larry Chason  
Cathy Barnette, Councilwoman  
Chief James "Bo" White

**Members Absent:**

Frank Martin, Secretary  
Ed Kirby, Chairman

**Staff Present:**

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

**Staff Absent:**

Misty Gray, Attorney  
Erick Bussey, Associate Attorney  
Ashley Campbell, Environmental Programs Manager

**Others Absent:**

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

The first order of business is the call to order.

Vice Chairman: Please let the record reflect Mr. Martin and Mr. Kirby are not present.

The next order of business is approval of the minutes.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 26, 2010  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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APPROVAL OF MINUTES:

The minutes of the July 22, 2010 regular meeting were considered for approval.

Vice Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

Mr. Chason: Mr. Chairman, on page four in the third paragraph there is a typographical error. In that sentence it says afford, and the word I used there should be avoid.

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

*A Motion was made by Ms. Barnette and Seconded by Mayor Small to approve the minutes of the July 22, 2010 regular meeting, as amended. The Motion carried unanimously.*

The next order of business under new business is site plan review for the 2<sup>nd</sup> Office Building on Lot A-2, Bellaton Subdivision, Phase Two.

NEW BUSINESS:

SITE PLAN REVIEW:

File S10-11: (Revised Site Plan)  
Site: 2<sup>nd</sup> Office Building on Lot A-2, Bellaton Phase Two  
Zoning: B-1, Local Business  
Location: Southwest of the intersection of Alabama Highway 181 and Bellaton Avenue  
Area: 0.69 Acres ±  
Owner: A & B, L.L.C. - John Avent or Joe Bullock  
Engineer: Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting site plan review of the addition of a second office building on Lot A-2 of Bellaton Subdivision, Phase Two located southwest of the intersection of Alabama Highway 181 and Bellaton Avenue. The only change other than the addition of the building is a proposed slight change to the parking area and some additional landscaping.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 26, 2010  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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Mr. Diehl: To address Mr. Chason's questions and/or comments at the work session regarding the additional runoff directed into the lake from the development of this site, we have provided a letter from the developer of the subdivision which is the responsible party for the detention pond. A copy of this letter has been provided to you. I will be happy to answer any other questions you may have.

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

*A Motion was made by Ms. Barnette and Seconded by Mayor Small to approve the site plan for the 2<sup>nd</sup> Office Building on Lot A-2, Bellaton Subdivision, Phase Two. The Motion carried unanimously.*

The next order of business under petitions is annexation review for Richard S. Higbee.

PETITIONS:

ANNEXATION REVIEW:

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services. Mr. Chairman, this is a petition for annexation for twenty acres and later on the agenda there is a subdivision application that goes along with it. The owner is presenting a requesting annexation of a nineteen-point eight-eight acre parcel into the City of Daphne located northwest of the intersection of Whispering Pines Road and County Road 13 with B-1, Local Business, and B-3, Professional Business, zoning. The subject property is currently zoned RSF-2, Residential Single Family District, Baldwin County District 15. This property is bordered by a Mercy Medical facility to the east, residential to the west, a school to the south, and the proposed location of a church to the north. We reviewed the Comprehensive Plan for the City of Daphne, and the future use map shows this property as commercial development. Based on the comments made by the Planning Commission members at the work session, we have made some minor changes to the zoning plan by eliminating the request for a B-2, General Business, zoning districts. The annexation request will consist of the request for B-1, Local Business. The residential development and the proposed location of the church to the north will be buffered by the B-3, Professional Business, zone.

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

Ms. Barnette: What are the proposed uses for this property?

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Mr. Diehl: The area in which we have asked for a B-1, Local Business, zone will be businesses which provide services to the surrounding neighborhood and to the school such as a dry cleaner or a sandwich shop. The B-3, Professional Business, zoning district use speaks for itself.

Ms. Barnette: In the revision to the Daphne Land Use and Development Ordinance, the method in which an annexation is achieved will be different. The petition for annexation will be filed initially requesting R-1, Low Density Single Family Residential. The applicant would have to apply for rezoning of the property to business which will give the Planning Commission more time to review the plan and requested use for the property.

Ms. Phelps: On the corner lot, lot 7, the City of Daphne has plans for this corner. There should be an inset there.

Mayor Small: That is already done. The City is ready to build it. What will be the size of the buffer left between the residential and the B-3 zoning?

Mr. Diehl: It will be ten feet which is referenced in your Ordinance. When we get into the discussion of the B-3 portion of this development, we can revisit that.

Vice Chairman: Do we allow public participation on an annexation request?

Ms. Dickson: It does not require public participation, but the Chairman may allow it.

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

Several adjacent property owners addressed the Commission to express their concerns regarding the proposed development and how it would impact their property. The main concerns were whether or not the owner/developer proposes to construct a convenience and/or filling station on the property; consideration of a connection with sidewalks from the middle school to the high school or County Road 13/Whispering Pines Road to County Road 13/Lawson Road, for children to travel on to and from the residential areas; to consider the development of the property as a whole when designing access to the property, landscaping and maintenance in order to enhance the neighborhood and to control light and noise pollution; the development of a central location for detention in order to control the storm water drainage directed onto the residential subdivisions to the west; the development of a convenience store near a school zone is an attractive nuisance which is not conducive to the character of the neighborhood and creates problems for the students.

Vice Chairman: If there are no further comments, the Chair will close public participation. Do any of the Commissioners have any questions or comments?

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Ms. Barnette: Ms. Jones, I guess I need a clarification of the difference or definition of convenience store verses a service/filling station.

Ms. Jones: In the Daphne Land Use Ordinance under Article VIII, Definition of Terms, Section 8-2, Words and Terms Defined, the definitions are as follows: " Convenience Store - any retail store of the 7-11, Circle K, or Jr. Food Store variety providing self-service food, drink, tobacco, automobile fuel and other products for carry-out consumption, but not including bays, other than drive-through car washes, for automobile service or repair. Service Station, Automobile - any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils".

Ms. Phelps: Why aren't you bringing in this property as R-1?

Ms. Barnette: Because now the Ordinance allows you to specify the zoning you are requesting.

Mayor Small: Do you have another zoning plan which shows a sketch for a service road?

Mr. Diehl: No sir.

Ms. Jones: The application for the annexation is following past procedures that have been established.

Mr. Gibson: The proposed zoning plan shows only two lots. Is this meant for one business to be located on each lot or for the development of multiple lots?

Mr. Diehl: The property could be developed as either one lot or multiple lots, but a service road is not proposed on the property.

Ms. Jones: The exhibit shown on display is provided for the purpose of a representation of the zoning designations being requested by the owner of the property and not a representation of a lot layout.

Mr. Gibson: Will you keep the location of the pond or will it be redesigned to accept storm water?

Mr. Diehl: This is a grady pond located on the property. At the time of the development of the property, a drainage plan for the storm water design will be provided.

Ms. Phelps: At the time of the development of the property will a six-foot wide sidewalk be constructed?

Mr. Diehl: The construction of the sidewalk will be the responsible of the developer.

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Ms. Barnette: I misunderstood the uses for B-1, Local Business, provided for in the Table of Permitted Uses. I did not fully understand the distinction between a convenience store and a gas/filling station. If a parcel were annexed into the City of Daphne with an R-1 designation and the property rezoned, it would allow us time to review the Table of Permitted Uses for the zoning being requested.

Mayor Small: Do you think your client would consider changing his application?

Mr. Diehl: The owner is not here for me to ask, but I do not think so.

Mayor Small: Can you put a note on the plat restricting that use?

Ms. Barnette: That would be considered contract zoning.

Mr. Richard S. Higbee, the owner and the petitioner for the annexation into the City of Daphne, arrived at 6:54 p.m.

Mr. Diehl: The owner of the property is here now and has offered to restrict the use to address your concerns. We will be requesting preliminary/final plat review later on in the meeting so you can ask that we add a note to the plat also.

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

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small for the affirmative recommendation by the Planning Commission to the City Council of Daphne to amend Article XXXV, the Table of Permitted Uses in the Daphne Land Use and Development Ordinance, under convenience store to modify the designation listed for B-1, Local Business, to a P, requiring Planning Commission approval, rather than an R, by right. The Motion carried unanimously.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Lemoine for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation review for Richard S. Higbee located northwest of the intersection of Whispering Pines Road and County Road 13 with B-1, Local Business, and B-3, Professional Business, zoning.

An Amended Motion was made by Ms. Barnette and **Seconded** by Mr. Lemoine for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation review for Richard S. Higbee located northwest of the intersection of Whispering Pines Road and County Road 13 with B-1, Local Business, and B-3, Professional Business, zoning. The petitioner/owner of the property has agreed to restrict the uses on the proposed B-1, Local Business, zoning designation to not allow the construction of a convenience store. The Motion carried. Mr. Chason abstained.

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The next order of business under petitions is a zoning amendment review for A & B-10, L.L.C.

ZONING AMENDMENT:

Present Zoning: *R-3, High Density Single Family Residential*

Proposed Zoning: *R-4, High Density Single Family Residential*

File Z10-02:       A & B-10, L.L.C. (*Reference: Caroline Woods, Phase Three formally known as Madison Place Subdivision, Phase Three*)

Location:           Northeast of the intersection of Whispering Pines Road and Parker Lane, north of Madison Place Subdivision, Phase Two, north of Caroline Woods Subdivision, Phases One and Two, west of Daphne Business Park, Phase Two

Area:                12.44 Acres ±

Owner:              A & B-10, L.L.C. - John Avent or Joe Bullock

Engineer:           Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting the rezoning of a twelve point four-four acre parcel located northeast of the intersection of Whispering Pines Road and Parker Lane and North of Caroline Woods Subdivision, Phases One and Two from an R-3, High Density Single Family, to an R-4, High Density Single Family, zone. There was a question at the work session as to whether or not the developer was going to provide a buffer on the property. The developer is proposing to construct a six-foot privacy fence approximately one thousand three feet across the north property line of the subdivision. The purpose of the request for the zoning amendment is to provide a different type of product, but the minimum size will be restricted to a sixty-foot lot. I will be happy to answer any questions you may have.

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

Mr. Chason: How will you commit to a sixty-foot lot?

Mr. Diehl: We will do that by a letter.

Vice Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation.

Ms. Jones: Although no one is in attendance for public participation, you did receive a letter which we have provided a copy to you from Mr. Jonathan Mabry of the Bell Law Firm in opposition of the zoning amendment.

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

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A Motion was made by Mayor Small and **Seconded** by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne the rezoning of a twelve point four-four acre parcel located northeast of the intersection of Whispering Pines Road and Parker Lane and North of Caroline Woods Subdivision, Phases One and Two from an R-3, High Density Single Family, to an R-4, High Density Single Family, zone for A & B-10, L.L.C. (Reference: Caroline Woods Subdivision, Phase Three). The Motion carried. Ms. Barnette abstained.

The next order of business is preliminary/final plat review for Bowden Estates, the Resubdivision of Lot 6, Belforest Plantation Subdivision.

PRELIMINARY/FINAL: (TABLED, REQUESTED BY APPLICANT)

File SDPF10-06: (Applicant requests to postpone hearing until September 23, 2010)

Subdivision: Bowden Estates, the Resubdivision of Lot 6, Belforest Plantation Subdivision

Zoning(s): RA, Rural Agricultural, Baldwin County District 15

Location: Northwest of County Road 54 East  
Area: 12 Acres  $\pm$ , (4) lots  
Owner: Katrina Bowden Meeker  
Surveyor: P.H.L. Land Surveying - Phillip Lindsey

Ms. Jones: Ms. Meeker is not present tonight. At the work session, she requested that you table the preliminary/final review for Bowden Estates, the Resubdivision of Lot 6, Belforest Plantation Subdivision until the next regular Planning Commission meeting of Thursday, September 23, 2010.

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

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small to table the preliminary/final plat review for Bowden Estates (The Resubdivision of Belforest Plantation Subdivision). The Motion carried unanimously.

Ms. Barnette: What about the waiver of the thirty-day rule?

Ms. Jones: At the work session, Ms. Meeker agreed to waive the thirty-day subdivision rule.

The next order of business is preliminary/final plat review for the Resubdivision of Lot 1, Higbee Subdivision.

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File SDPF10-07:

Subdivision: The Resubdivision of Lot 1, Higbee  
(Associated with the annexation review for Mr.  
Richard S. Higbee)

Present Zoning(s): RSF-2, Residential Single Family District, Baldwin  
County District 15

Proposed Zoning(s): B-1, Local Business, and B-3, Professional  
Business

Location: Northwest of intersection of Whispering Pines Road  
and County Road 13

Area: 19.88 Acres ±, (2) lots

Owner: Richard S. Higbee

Engineer: Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary/final plat review of a nineteen-point eight-eight acre subdivision consisting of two lots located northwest of intersection of Whispering Pines Road and County Road 13. The purpose of the preliminary/final plat is to outline the parcels relative to the zoning designations requested with the petition for annexation. We will also add a note on the subdivision plat to restrict a convenience store use in the B-1, Local Business, zone. I will be happy to answer any questions you may have.

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

Ms. Barnette: At the time of the development of the property, we will expect the owner to address lighting (not directed into the residential areas), the installation of sidewalks, and the access to the property.

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

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small *to approve the preliminary/final plat for the Resubdivision of Lot 1, Higbee Subdivision. The Motion carried. Mr. Chason abstained.*

The next order of business is an administrative presentation for a replat of Lots 239 and 240, Lake Forest Subdivision, Unit Eighteen.

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ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Jima Kountz, representing GeoSurveying, requesting a replat review of Lots 239 & 240, Lake Forest Subdivision, Unit Eighteen to move a common lot line in accordance with Article 11-5 of the Land Use and Development Ordinance.

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

*A Motion was made by Ms. Barnette and Seconded by Ms. Phelps to approve the replat of Lots 239 & 240, Lake Forest Subdivision, Unit Eighteen. The Motion carried unanimously.*

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

An introductory presentation was given by Ms. Adrienne Jones, the Director of Community Development, of the proposed amendment to the Daphne Land Use and Development Ordinance regarding the creation of a C-2, Outdoor Amusement, zoning district.

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

*A Motion was made by Ms. Barnette and Seconded by Ms. Phelps for the affirmative recommendation by the Planning Commission to the City Council of Daphne of the proposed amendment to the Daphne Land Use and Development Ordinance for the creation of a C-2, Outdoor Amusement, zoning district. The Motion carried unanimously.*

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

An introductory presentation was given by Ms. Adrienne Jones, the Director of Community Development, of the proposed amendment to the Daphne Land Use and Development Ordinance regarding the creation of Article 40, Self Service Vending Unit Regulations.

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

Ms. Phelps: I would like to discuss the Section 40-3, Prohibited Districts. During the work session that we had, I thought there was an agreement by the members there that we would prohibit them in all overlay districts. I am trying to convince you because it was my intention for it to be prohibited in that district. I am going to ask that the Jubilee Retail Overlay District be added as one of the overlay districts in which a self service vending machine would be prohibited.

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Ms. Phelps: The City has plans to implement the retrofit plan in this area and redo the parking lot. I do not think this is an appropriate area for one of these units. I just wanted to throw that out there.

Ms. Barnette: I apologize that I was not present at the work session, but can we review what the revisions in this draft were? Quite frankly, I thought prohibiting them in all the overlay districts is what we were left with so I would like to know what the changes were from the working to the revised draft. I want to make sure we are all clear because we obviously have not had time to review it.

Vice Chairman: We went from this draft to the committee meeting to the draft that is presented here.

Mr. Chason: During the site preview meeting, the discussion consisted mainly of my comments. The question was why are we treating the overlay district different giving it an advantage or disadvantage by separating this district and prohibiting a self service vending machine unit. The districts we are prohibiting the units in are primarily residential, and the character of the Jubilee Retail Overlay District is business? That is why I asked the question then why would you prohibit it? It made sense. The committee came to us with this draft so at the work session we decided to leave it out and take it to a vote.

Ms. Phelps: We have a parking lot plan for this district.

Mr. Chason: It is not going to change that.

Mayor Small: I do not think it is right to put a restriction on a self serving vending unit when a business in the Olde Towne Daphne District can have a car wash.

Ms. Jones: Let's go through what changes the members agreed upon at the work session. In Article 40, Self Service Vending Units, Section 40-1, Purpose and Applicability, we clarified in this section what the regulations would apply to. It does not propose to regulate indoor vending machines. Section 40-3(a), a self service vending unit and other similar uses shall be prohibited in the Olde Towne Daphne and the Village Overlay District. Section 40-6(b), I removed the word "ice." Section 40-14, there was a correction of a misspelled word.

Ms. Barnette: Thank you for reviewing the changes. I have to say for the record that I agree with Ms. Phelps regarding limiting a self service vending unit in all of the overlay district. We have taken for the lack of a better word "care" to develop the overlay districts. They are all unique. In the Eastern Shore Overlay District, the City has spent a lot of money to develop the skyline and a higher scale development which we were strive for. The Jubilee Retail Overlay District is a similar situation. We tried to develop it in such a way to have character there that was different from in other parts of the community.

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Ms. Barnette: I think the solution is to have it prohibited in all of the overlay districts.

Mr. Gibson: Are they doing it in the districts now?

Ms. Barnette: We have a moratorium on them now.

Ms. Phelps: To me, I should be based on the character and compatibility. In a shopping center where you have spend millions of dollars to enhance character of the City, it does not make sense that a vending machine in a parking lot is going to enhance anything. I am fine with one being at a convenience store because it is compatible with the use.

Mr. Chason: Are you thinking of it as an ice machine? We are trying to write this to address all types of vending machines.

Ms. Phelps: I am thinking of the one at the gas station that is not really noticeable there. It should not be in a shopping center in which we are paying for the concrete, the antique lighting and the six-foot sidewalks. The City has bonded money to put in these types of things to make the overlays unique. I do not think a vending machine in the parking lot does not enhance the development.

Mayor Small: In the Eastern Shore Overlay District, there are two convenience stores which would be at a disadvantage if they could not have those, but there is a convenience store across the street that could have one. We need to be careful in that aspect there where those types of businesses that could have them would not be able to because they are located in an overlay district.

Mr. Chason: We have debated this for hours, and I think we have a difference of opinion so why don't we just vote.

Ms. Barnette: What if we added language to prohibit it in the Jubilee Retail Overlay District and discourage it in other overlay districts? That would prohibit it in the Jubilee Retail, Village and Olde Towne Daphne Overlay Districts and discourage it in the other districts because you have a fair argument and that would identify that.

Chief White: Do you have a problem with the placement of the units? If someone placing one at the end of their building does that create a problem for you?

Ms. Phelps: I do not believe that at the present time they are consistent with shopping centers in overlay districts, but I do think they are compatible with convenience stores. I would like to see us work that out somehow.

Vice Chairman: There is a convenience store located in the Jubilee Retail Overlay District.

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Mayor Small: Yes, it is. It is up to the red light and including Mobile Infirmary.

Mr. Chason: I call for the question.

Mayor Small: Now you call for a vote.

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

A Motion was made by Mr. Chason and **Seconded** by Mr. Gibson *for the affirmative recommendation by the Planning Commission to the City Council of Daphne of the proposed amendment to the Daphne Land Use and Development Ordinance for the creation of Article 40, Self Service Vending Unit Regulations, as written.*

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

Ms. Phelps: Would you be willing to amend your motion to include the district?

Mayor Small: I do not think you can do it now because he called for the question.

Upon roll call vote, *the Motion failed.*

Mayor Small	Nay
Ms. Phelps	Nay
Ms. Barnette	Nay
Mr. Gibson	Aye
Mr. Lemoine	Aye
Mr. Chason	Aye
Chief White	Aye

Vice Chairman: The motion carried.

Ms. Dickson: The motion failed because it takes six affirmative votes for it to be a favorable recommendation.

Ms. Jones: The recommendation would still go forward to the City Council.

Ms. Dickson: It would go forward with an unfavorable recommendation to the City Council.

Vice Chairman: The motion failed thus Article 40, Self Service Vending Unit regulations will be sent to the City Council with an unfavorable recommendation.

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The next order of business is public participation.

PUBLIC PARTICIPATION:

Vice Chairman: Is there anyone who would like to address the Planning Commission?

No public participation.

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

ATTORNEY'S REPORT:

Mr. Ross: No report, Mr. Vice Chairman.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

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

Ms. Barnette: I want to see us move the Daphne Land Use and Development Ordinance forward, but there are some changes in ADEM regulations of which we will have to revisit Article 18.

Mr. Chason: I would like to discuss site preview meetings. There is no attendance by the members of the Planning Commission, and they are not productive. I would like to ask the Director if we can stop having work sessions.

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

DIRECTOR'S COMMENTS:

Ms. Jones: With regard to the proposed revisions to Articles Eleven and Eighteen provided to you by Mr. Johnson, I had two members comment on them. Mr. Lemoine commented on the verification method of an electronic signature. Mr. Gibson commented on the omissions and error insurance held by an individual/contractor for a project.

Mr. Gibson: I had this to happen to me one time. Although an individual provides proof of insurance in the amount of one million dollars that does not mean he has that amount available for a particular project. He may have this coverage for several projects he may be working on. If something happens on a project, he may or may not have enough insurance to cover the error. I think an insurance policy should be provided for each individual project. The policy should include the name of the party to whom the policy is issued, the project name, and the amount set to protect that particular project.

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Ms. Jones: I would like to revise the sections I had comments on and pass it all to the City Council to include in the Daphne Land Use and Development revision.

ADJOURNMENT:

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

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

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

*There being no further business, the meeting was adjourned at 7:41 p.m.*

*Respectfully submitted by:*

*Jan Dickson*

\_\_\_\_\_  
Jan Dickson, Planning Coordinator

APPROVED: September 23, 2010

*[Signature]*  
\_\_\_\_\_  
Joe Lemoine, Vice Chairman

*9/23/2010*

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF SEPTEMBER 23, 2010** **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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1. **CALL TO ORDER** DATE: SEPTEMBER 28, 2010

2. **CALL OF ROLL** ADJ/JD

3. **APPROVAL OF MINUTES:**

*Review of minutes for the regular meeting of August 26, 2010. (APPROVED AS SUBMITTED)*

4. **OLD BUSINESS:**

A. **PRELIMINARY/FINAL:** (WITHDRAWN)

1. **File SDPF10-06: (Pending Additional Data)**

**Subdivision:** Bowden Estates (*Resubdivision of Lot 6, Belforest Plantation*)

**Zoning(s):** RA, Rural Agricultural, Baldwin County District 15

**Location:** Northwest of County Road 54 East

**Area:** 12 Acres ±, (4) lots

**Owner:** Katrina Bowden Meeker

**Surveyor:** P.H.L. Land Surveying - Phillip Lindsey

B. **ADMINISTRATIVE PRESENTATION:**

**Presentation to be given by Nancy Anderson, GIS Manager, of a revision to the City of Daphne Zoning Map. (FAVORABLE RECOMMENDATION)**

5. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File S10-12: (APPROVED)**

**Site:** Urgent Care by the Bay

**Zoning:** B-2, General Business

**Location:** Southeast of the intersection of U. S. Highway 98 and Stanton Road

**Area:** 1.17 Acres ±

**Owner:** RDB Management, L.L.C.

**Agent:** Urgent Care by the Bay, L.L.C. - Michael Bindon

**Engineer:** Engineering Development Services - Jason Estes

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**B. PRELIMINARY/FINAL:**

**1. File SDPF10-09: (APPROVED)**

**Subdivision:** The Resubdivision of Lot 1, Powers

**Zoning(s):** RA, Rural Agricultural, Baldwin County District 15

**Location:** On the east side of Alabama Highway 181 approximately one mile south of Austin Road

**Area:** 30 Acres  $\pm$ , (3) lots

**Owner:** Woerner Investments, L.L.C.

**Engineer:** Hutchinson, Moore & Rauch - Scott Hutchinson or Ercil Godwin

**2. File SDPF10-10: (APPROVED)**

**Subdivision:** Lake Forest Plaza

**Zoning(s):** B-1, Local Business

**Location:** Southwest corner of Lawson Road and County Road 13

**Area:** 13.40 Acres  $\pm$ , (3) lots

**Owner:** MPWS, L.L.C. - John White-Spinner or Matt White

**Engineer:** Rester & Coleman Engineers - Joel Coleman

**C. PETITIONS:**

**ZONING AMENDMENT: (WITHDRAWN)**

**Present Zoning:** B-1, Local Business

**Proposed Zoning:** B-2, General Business

**File Z10-02: MPWS, L.L.C. (Associated with Lake Forest Plaza Subdivision)**

**Location:** Southwest corner of Lawson Road and County Road 13, Lot 2, Lake Forest Plaza Subdivision

**Area:** 4.44 Acres  $\pm$

**Owner:** MPWS, L.L.C. - John White-Spinner or Matt White

**Engineer:** Rester & Coleman Engineers - Joel Coleman

CITY OF DAPHNE  
PLANNING COMMISSION AGENDA  
REGULAR MEETING OF SEPTEMBER 23, 2010 REPORT  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

**D. ADMINISTRATIVE PRESENTATION:**

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers and MPWS, L.L.C., to request the consideration of an amendment to the Daphne Land Use and Development Ordinance, Article XXXV, the Table of Permitted Uses to allow a bowling alley as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. (SIX MEMBERS WERE PRESENT AND THE MOTION FAILED TO SET FORTH A FAVORABLE RECOMMENDATION TO AMEND ARTICLE XXXV, THE TABLE OF PERMITTED USES TO ADD A BOWLING ALLEY AS A USE ALLOWED UPON PLANNING COMMISSION APPROVAL IN A B-1, LOCAL BUSINESS, ZONING DISTRICT. FOUR MEMBERS VOTED IN THE AFFIRMATIVE, ONE DISSENTED, AND ONE ABSTAINED).

(THE MOTION CARRIED UNANIMOUSLY TO SET FORTH A FAVORABLE RECOMMENDATION TO AMEND ARTICLE XXXV, THE TABLE OF PERMITTED USES TO ADD A FAMILY ENTERTAINMENT CENTER AS A USE ALLOWED UPON PLANNING COMMISSION APPROVAL IN A B-1, LOCAL BUSINESS, ZONING DISTRICT.)

6. PUBLIC PARTICIPATION
7. ATTORNEY'S REPORT
8. COMMISSIONER'S COMMENTS
9. DIRECTOR'S COMMENTS
10. ADJOURNMENT

**SET A PUBLIC HEARING DATE**

**NOVEMBER 1, 2010**

**TO CONSIDER:**

1. Revision to Zoning Map
2. Amend Land Use Ordinance / Table of Permitted Uses /  
Designation of a convenience store by right in B-1, Local  
Business District

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Revision to the City of Daphne Zoning  
Map  
Date: September 28, 2010

## MEMORANDUM

At the Thursday, September 23, 2010 regular meeting of the City of Daphne Planning Commission, six members were present and the motion carried unanimously to set forth a favorable recommendation to adopt the revision of the City of Daphne zoning map.

Upon receipt of said documentation, please prepare an ordinance and place on the appropriate agenda to set the public hearing for action by the City Council on Monday, November 1, 2010.

Thank you,  
ADJ/jd

cc: file

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2010-**

---

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

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on September 23, 2010 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19 and Ordinance No. 2009-60; and

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

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on November 1, 2010; and

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

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

**SECTION I: ZONING DISTRICT MAP**

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

**SECTION II: REPEALER**

Ordinances No. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19 and 2009-60 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

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**AUGUST A. PALUMBO,  
COUNCIL PRESIDENT**

---

**FRED SMALL,  
MAYOR**

**ATTEST:**

---

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

*City of Daphne Zone Map*

*Re-Zone Audit*



*The Jubilee City*

*Prepared by: Nancy Anderson, GIS Manager, City of Daphne Community Development  
September 14, 2010*

## City of Daphne Zone Map Audit September 14, 2010

A zoning audit was conducted on the City of Daphne Zone map beginning on August 27, 2010. During this audit re-zoning Ordinances were checked against the zone map display and database. Documentation checked included; the ordinance acceptance notebook maintained by the Assistant City Clerk, zoning edit reports & the zone map database maintained by this reporter and re-zoning application packets maintained in digital files on the City of Daphne web site City Council section and plat files maintained by the Community Development Department.

Ordinances included in this audit ranged from #2004-07 through #2010-39.

Specific re-zoning ordinances checked are as follows;

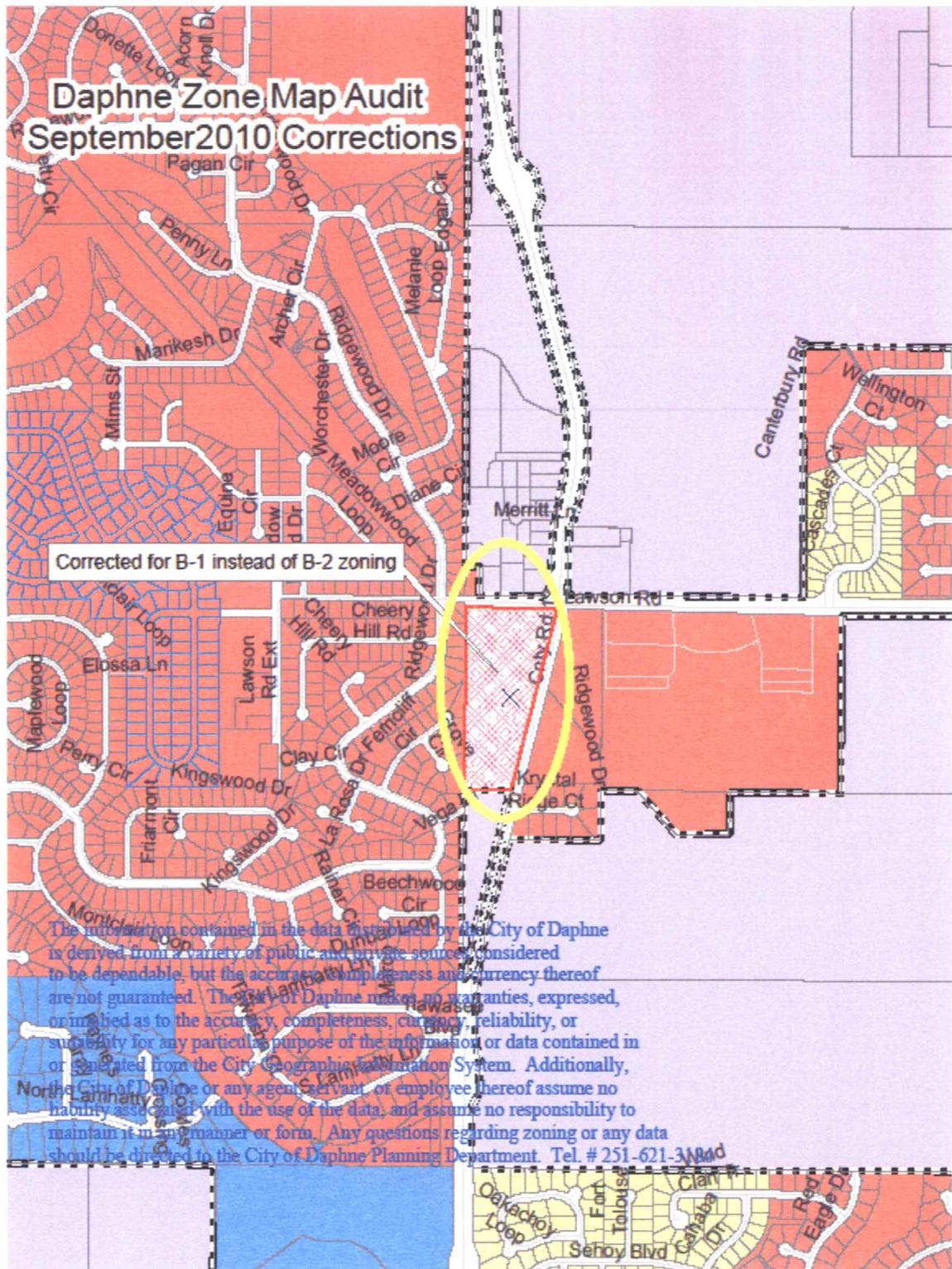
Ord #	Date	Prev Zone	Re- Zone	Location
2004-07	3/1/2004	B-2	B-3	T'Crk Business Park
2005-70	12/19/05	R-4	B-2	Intersection Pecan Ct & Pollard
2005-71	12/19/05	R-3	B-1	Al 181 acr from Austin Rd (Bellaton)
2005-43	10/03/05	R-2	B-2	Hurley Prop, N side of Hwy 64
2006-16	03/20/06	R-3	R-4	Hwy 181 Bellaton
2006-17	06/05/06	R-3	B-2	Lots 4-7, Block 56 Park City, 2 <sup>nd</sup> & Van Buren
2006-51	08/07/06	B-1	R-4	Bellaton, Hwy 181 acr from Austin Rd
2006-52	08/07/06	R-3	R-4	Bellaton, Hwy 181 acr from Austin Rd
2006-53	08/07/06	R-3	B-1	Bellaton, Hwy 181 acr from Austin Rd
2006-67	09/18/06	B-2	MU	Cypress Pointe Apts
2006-68	09/18/06	B-2	MU	Cypress Pointe Apts
2006-69	09/18/06	R-2	R-4	Morse Sub, Randall Ave, E of Deerwood
2007-19	4/16/07	R-3	B-1	Malbis Plantation, Cnty Rd 13 & Lawson
2007-24	06/04/07	R-5	B-1	Witherington Prop, Whispering Pines
2007-51	12/17/07	R-2	B-3	Demaris Anderson prop, Main St
2007-53	12/17/07	B-1	B-2	William Lange prop, Hwy 98
2007-54	12/17/07	B-1	B-2	Dr Booth prop, Veteran's Point Hwy 98
2008-05	01/22/08	R-3	B-1	Wachter prop, Main St
2008-06	01/22/08	B-2	R-4	Windscape 2, E of Hwy 98 & Park Dr
2008-07	01/22/08	B-2	R-4	Klaas prop, E of Hwy 98 & S Park Dr
2008-44	07/21/08	R-4	B-2	SE corner Hwy 98 & Johnson Rd
2008-47	07/21/08	R-3	R-4	NE corner Parker Ln & Avery Ln
2008-66	12/01/08	B-2	R-4	Ashley Gates Apts
2009-04	01/20/09	B-1	B-2	Johnny Littleton prop, Hwy 98
2009-12	03/02/09	B-2	R-4	Big Sandy, LLC
2009-17	03/16/09	B-1	B-2	Baldwin Al Development, Publix
2009-18	04/06/09	R-3	MU	Howard Property
2009-65	12/21/09	R-2	B-1	Trione Heir Property
2010-39	08/02/10	R-2	B-2	Dale Family Property

### Findings:

- Corrected 2007-19 to reflect not B-2 but B-1 zoning
- Corrected Bellaton in N E corner from R-4 to R-3

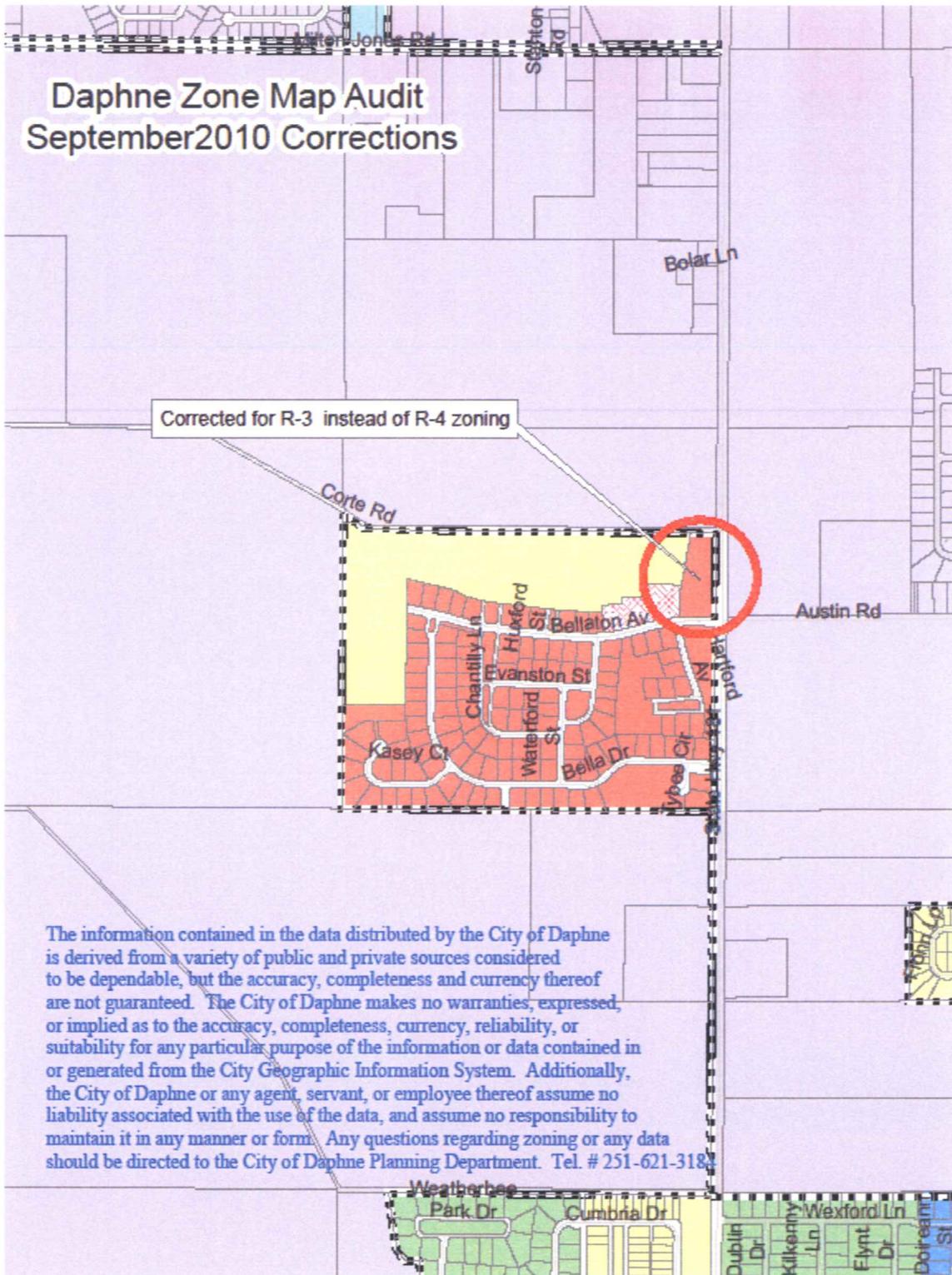
- Changed golf course symbolization to reflect underlying zoning in these areas per request of City Council

# Daphne Zone Map Audit September 2010 Corrections



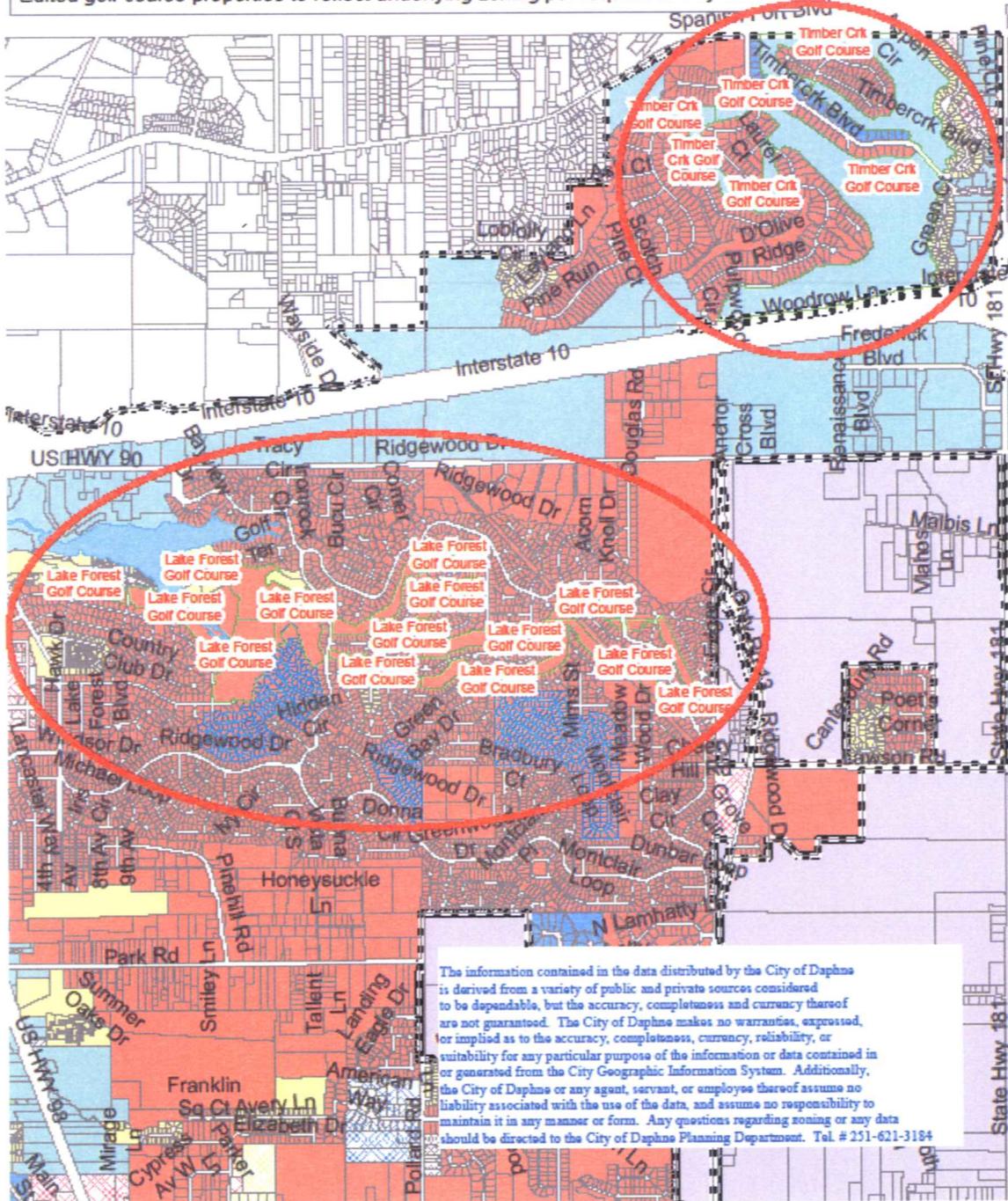
# Daphne Zone Map Audit September 2010 Corrections

Corrected for R-3 instead of R-4 zoning



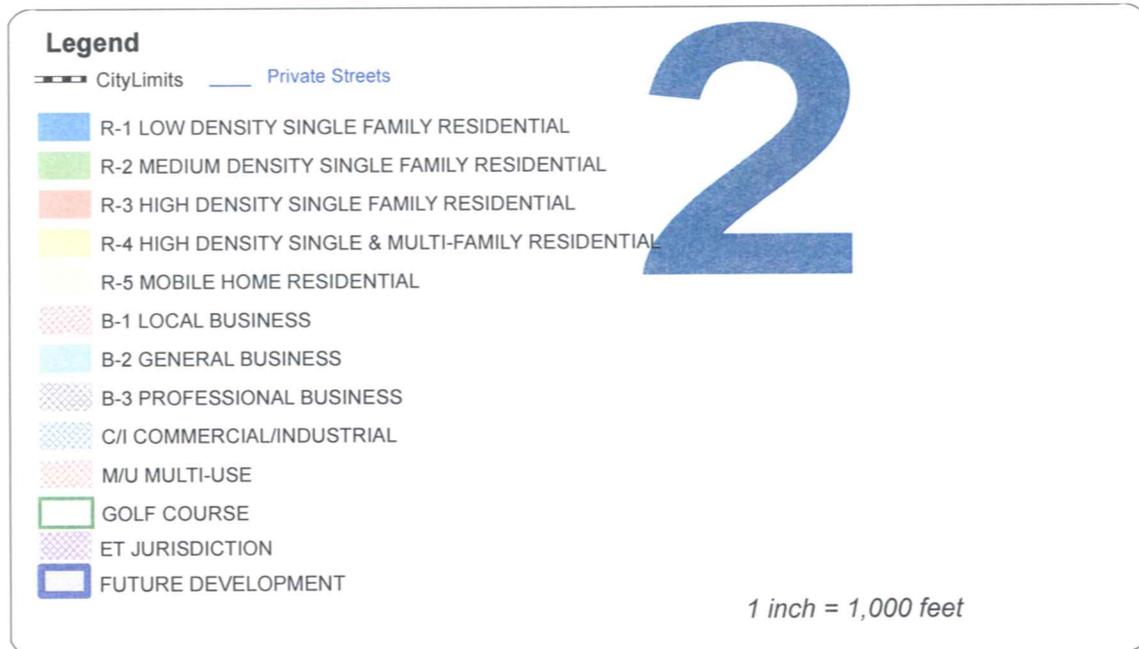
# Daphne Zone Map Audit September 2010 Corrections

Edited golf course properties to reflect underlying zoning per request of City Council



The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed, or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assumes no liability associated with the use of the data, and assumes no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3184

## Zone Map Legend



- Zone Map legend reflecting the changes. Golf courses are displayed in their respective zone colors but are outlined in green and labeled for the particular course.
- Future developments are now outlined in purple while maintaining their approved zone color fills. This special outline is used in areas such as Lake Forest where large blocks of land were subdivided & the plats were filed but have not yet been developed.

### Recommendations:

- Arrange to receive digital copies of signed ordinances directly through email rather than paper copies through third party.
- Include signed ordinance copies in the 6 month update zone map edit reports provided to the Planning Commission & City Council.

**Daphne Public Library Board  
July 15, 2010  
Meeting Minutes**

**In Attendance:**

Library Director Tonja Young; Board Chair Jan Blankenhorn; Library Board Vice Chair Andre LaPalme, Library Board Members Windrila Longmire and Jim Bodman; Friends President Carol Simmons.

**1) Call to Order:**

After a quorum was established, Library Board Chairman Jan Blankenhorn called the meeting to order at 4:05 pm.

**2) Reading and Approval of the Minutes:**

The minutes of the May meeting were approved; motion made by Jim and seconded by Andre. Motion passed. There was no quorum in June and therefore no June minutes to approve.

**3) Library Board Chairman's Report:**

Jan stated that there weren't any further updates on the Foundation at the present time.

Ms. Blankenhorn also stated that the library had been very busy during the reading program.

**4) Library Director's Report:**

Tonja stated that the May and June statistical reports were in the Board packets.

For June 2010, total patronage was up 0.77% to 25,185 compared with 24,992 for June, 2009. However, June 2010 circulation was up 10.6% at 34,828 compared to 31,490 in June 2009. Overall circulation year-to-date was 229,188 for June 2010, compared to 209,980 for this time in 2009. A total of 304 patrons were given library cards or renewals, and volunteers gave a total of 333 hours (Book Shop Manager = 69; Book Shop Staff = 148; and Board = 5; Shelves = 111) to the library in June. Meeting room attendance was 394 and computer users numbered 1,330.

Tonja also announced that the library had received the final grant papers from IMLS and had begun purchasing and contractual work for the computer lab.

#### **5) Public Participation**

Carol announced that the Friends had a book sale coming up on September 25, the weekend of the Jubilee Festival.

Carol discussed the Fall Festival sponsored by the Friends and described the baskets She also announced that the Friends had agreed to sponsor a Santa for this year's Santa Stories.

#### **6) Other Business**

Tonja discussed the newly painted arrows and directions on the book drop drive in answer to confusion about using the one-way drive.

Tonja also reminded the group that in order to have a timely election without meeting in August, that library Board officer nominees should be discussed at the September and/or October meeting so officers could be voted in and begin serving at the November meeting (to meet the Alabama state election schedule for library officers). She stated that she would provide copies of board history at the next meeting.

Tonja also discussed some of the work she is trying to accomplish in coordination with the two local museums and with the Black Education Museum in particular.

#### **7) Adjourned**

Windrila made a motion to adjourn at 4:58 pm. The meeting was adjourned by Jan at 4:58 pm.

Respectfully submitted by T. Young, August 9, 2010

Daphne Public Library Board  
August, 2010  
Meeting Minutes

No Meeting Held, No Minutes

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**



Sep. 29. 2010 8:04AM

Sep 28 10:11a

Daphne Fire Department

251-621-2833 No. 3938 P. 1

SEP. 20. 2010 10:29AM

<b>CITY OF DAPHNE PARADE PERMIT</b>	
<b>ORGANIZATION:</b>	<i>Arthritis Foundation</i>
<b>CONTACT PERSON:</b>	<i>Kellie Meyers</i>
<b>ADDRESS:</b>	<i>1011 Hillcrest Road Mobile, AL 36695</i>
<b>PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:</b>	<i>510-4544</i>
<b>TYPE OF PARADE:</b>	<i>5K &amp; 1 Mile Run</i>
<b>DATE OF PARADE:</b>	<i>December 4, 2010</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>"See Attached Route"</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>800</i>
<b>START TIME:</b>	<i>8:00 a.m.</i>
<b>STOP TIME:</b>	<i>10:00 a.m.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>City Hall</i>
<b>ASSEMBLY TIME:</b>	<i>5:30 a.m.</i>
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE APPLIED:</b>	<i>September 28, 2010</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	<i>[Signature]</i>
<b>FIRE: Chief James White</b>	<i>[Signature]</i>
<b>PUBLIC WORKS: Richard Johnson</b>	<i>[Signature]</i>
<b>CITY COUNCIL APPROVAL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE Routed:</b>	<i>9/28/10</i>
<b>NOTIFICATION:</b>	

**ROUTE OF ARTHRITIS FOUNDATION 5K AND 1 MILE RUN**

Start on Main Street at City Hall

To Belrose Avenue turning left

Down Belrose to Old County Rd.

South on Old County Rd.

Turn Right on Dryer Avenue

South to Captain O'Neal Drive

Captain O'Neal Drive to Deer Avenue

East on Deer Avenue to Main Street

Left on Main Street to City Hall

CASE NO. 2010-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 7/26/10 (initial) KS  
 DATE FORWARDED TO POLICE DEPT. 8/2/10 KS  
 DATE RECEIVED BY POLICE DEPT. 8-4-10 JH  
 DATE: APPROVED  DISAPPROVED   
 POLICE DEPT SIGNATURE [Signature]  
 DATE RETURNED TO REVENUE DIV. 9-27-10 JH  
 DATE FORWARDED TO CITY CLERK 9-28-10 KS  
 DATE RECEIVED BY CITY CLERK 9-28-10 RH  
 SCHEDULED DATE ON AGENDA 10-4-10 RH

Council Action:  APPROVED  DISAPPROVED  TABLED

COMMENTS: \_\_\_\_\_

Rescheduled for Council Agenda Date: \_\_\_\_\_

Council Action:  APPROVED  DISAPPROVED  TABLED

COMMENTS: \_\_\_\_\_

DATE RETURNED TO REVENUE DIV.: \_\_\_\_\_

DATE RETURNED TO TAXPAYER \_\_\_\_\_  
OR TO ABC FIELD OFFICE \_\_\_\_\_ (per taxpayer request)





**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**  
**Confirmation Number: 20100726082426539**



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **MAGNOLIA PLACE DAPHNE LLC 404-879-1380**  
 What is lessors primary business? **LEASING MANAGEMENT**  
 Is lessor involved in any way with the alcoholic beverage business? **NO**  
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**  
 Is the business used to habitually and principally provide food to the public? **YES**  
 Does the establishment have restroom facilities? **YES**  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: **42617** Display Square Footage:  
 Building seating capacity: **0** Does Licensed premises include a patio area? **NO**  
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**  
 Number of licenses in the vicinity: **5** Nearest: **1**  
 Nearest school: **2 miles** Nearest church: **5 blocks** Nearest residence: **1 miles**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**  
**Confirmation Number: 20100726082426539**



**Initial each**

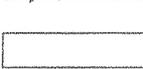
**Signature page**



In reference to law violations, I attest to the truthfulness of the responses given within the application.



In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.



In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.



In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.



In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.



In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.



In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.



The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.



I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Edmon E Belts

Signature of Applicant: 

Notary Name (print): Lee Lawrence

Notary Signature: 

Commission expires: 11/12/2012

Application Taken:	App. Inv. Completed:	Forwarded to District Office:
Submitted to Local Government:		Received from Local Government:
Received in District Office:	Reviewed by Supervisor:	Forwarded to Central Office:

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



National League of Cities

1301 Pennsylvania Ave., N.W.  
Washington, D.C. 20004-1763  
202-626-3000  
Fax: 202-626-3043  
www.nlc.org

**2010 Officers**

*President*

Ronald O. Loveridge  
Mayor  
Riverside, California

*First Vice President*

James E. Mitchell, Jr.  
Council Member  
Charlotte, North Carolina

*Second Vice President*

Lester J. "Les" Heitke  
Mayor  
Willmar, Minnesota

*Immediate Past President*

James C. Hunt  
Councilmember  
Clarksburg, West Virginia

*Executive Director*

Donald J. Borut

August 20, 2010

Mr. David L. Cohen  
City Clerk  
City of Daphne  
PO Box 400  
Daphne, AL 36526-0400

Dear Mr. Cohen:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, December 4, 2010, at the conclusion of the Congress of Cities and Exposition in Denver, CO. As a direct member city, your city is entitled to vote at this meeting. Based on the population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of the credentials form.

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Credentials Booth will be open during scheduled times throughout the Congress of Cities.

**Please return the completed form to NLC by fax 202-626-3109 on or before October 30, 2010.** If you have any questions, please contact Tata Sidibe, [sidibe@nlc.org](mailto:sidibe@nlc.org) or 202-626-3188 or Mae Davis, [mdavis@nlc.org](mailto:mdavis@nlc.org), 202-626-3150.

Thank you,

Donald J. Borut  
Executive Director

*Past Presidents:* John DeStefano, Jr., Mayor, New Haven, Connecticut • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania *Directors:* Ulysses Z. Addison, Jr., Councilmember, Baton Rouge, Louisiana • David Baker, Mayor, Kenmore, Washington • Geoffrey C. Beckwith, Executive Director, Massachusetts Municipal Association • M. Margaret Bates, Commissioner, Lauderdale, Florida • Charles A. Blain, Alderman, New Haven, Connecticut • William G. "Bill" Brooks, Mayor, Belle Isle, Florida • Kenneth H. Bullock, Executive Director, Utah League of Cities and Towns • Jim Byard, Jr., Mayor, Prattville, Alabama • Gary W. Campbell, City Director/Vice Mayor, Fort Smith, Arkansas • Sheri Capehart, Councilmember, Arlington, Texas • Nancy G. Carter, Council Member, Charlotte, North Carolina • Brad Cole, Mayor, Carbondale, Illinois • Sandra Colvin-Ray, Council Member, Minneapolis, Minnesota • John F. Cook, Mayor, El Paso, Texas • Mildred C. Crump, Council President, Newark, New Jersey • Joe Davis, Sr., Alderman, Milwaukee, Wisconsin • Gretchen Driskell, Mayor, Saline, Michigan • Larry G. Frang, Executive Director, Illinois Municipal League • Dan Furtado, Councilmember, Campbell, California • John A. Garner, Executive Director, Pennsylvania League of Cities and Municipalities • Paul M. Gresham, Councilmember, Centerville, Ohio • Miriam Hair, Executive Director, Municipal Association of South Carolina • F. Hankins, Council Member, Trotwood, Ohio • Terry B. Henderson, Mayor Pro Tem, La Quinta, California • Edna Branch Jackson, Mayor Pro-Tem/Alderman at-Large, Savannah, Georgia • Dennis Kavanau, Councilmember, Mesa, Arizona • Greg Lemke, Council Member, Moorhead, Minnesota • George Lewis, Executive Director, Mississippi Municipal League • Myron Lowery, Council Member, Memphis, Tennessee • Michael McCauley, Executive Director, League of Oregon Cities • James F. Miller, Executive Director, League of Minnesota Cities • Mark Mitchell, Councilmember, Tempe, Arizona • Garre Nancolas, Mayor, Caldwell, Idaho • Ron Natlinsky, Councilmember, Dallas, Texas • Laura W. Padgett, Councilmember, Wilmington, North Carolina • Randall W. B. Purvis, Council Member, Colorado Springs



**CREDENTIALS FORM**

NATIONAL LEAGUE OF CITIES · 2010 CONGRESS OF CITIES · DENVER, COLORADO

At the Annual Business Meeting on Saturday, December 4, 2010, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, by the October 30, 2010, deadline.

The official voting delegate and alternate(s) for the city/town of:

City of Daphne AL 16581 (1)

*(type or print the name of your city/town and state)*

**VOTING DELEGATE:**

1. NAME \_\_\_\_\_

TITLE \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b> <b>(DO NOT WRITE IN THIS SPACE)</b>		
<i>Voting card issued to:</i>		
_____		
<i>(signature)</i>		
Votes: _____		
1 _____	2 _____	3 _____

**ALTERNATE VOTING DELEGATE(S):**

2. NAME \_\_\_\_\_

TITLE \_\_\_\_\_

3. NAME \_\_\_\_\_

TITLE \_\_\_\_\_

**PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2010**  
**ATTENTION: TATA SIDIBE, MEMBERSHIP RELATIONS ASSISTANT**  
**FAX: 202-626-3109**

Signature (city representative): \_\_\_\_\_

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

**David Cohen**

---

**From:** <lbvandam@msn.com>  
**To:** <daphnecc@bellsouth.net>  
**Sent:** Friday, September 17, 2010 7:53 PM  
**Subject:** May Day Park Plaque

David L. Cohen, City Clerk

Per your request, I am forwarding to you our bid on above item:

Item 1. 40" x 64" cast aluminum plaque retail \$4,624.00, our price to the City \$3,930.40.

Item 2. 48" x 72" cast aluminum plaque retail \$6,112.00, our price to the City \$5,195.20.

Prices quoted do not include freight in amount of approximately \$250.00 and I am willing to split the cost of freight.

Our prices quoted to the City will include, at no extra cost, the three "etched" logos that you mentioned.

Dave, I am looking forward to working with you on the verbiage and layout.

Lee Van Dam  
Signs "R" Us  
626-4804

3,930.40  
250.00 Freight  

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\$ 4,180.40



Ray Images  
26091 Equity Dr.  
Daphne, AL 36526

# Estimate

Date	Estimate #
9/2/2010	1

Name / Address
CITY OF DAPHNE P.O. BOX 400 DAPHNE, AL 36526

Project

Description	Qty	Cost	Total
40" X 64" CAST ALUMINUM PLAQUE 5/16" DEEP PRICE INCLUDES: 1200 LETTERS OR LESS ONE STANDARD COLOR 1ST PROOF OF ARTWORK 8 DAY PRODUCTION AFTER ART APPROVAL STD HARDWARE	1	4,249.00	4,249.00
DISCOUNT		-10.00%	-424.90
LOGO CHARGES-****Until the manufacturer reviews your artwork, we do not know if this will be charged. There may not be a charge, but it better to include it now; so that you are prepared. Artwork must be in black and white vectorized EPS file, or Adobe Illustrator, or Corel.		100.00	100.00
FREIGHT****Estimate only-may vary****		150.00	150.00
<b>Total</b>			<b>\$4,074.10</b>

Customer Signature \_\_\_\_\_

# *East Bay Engraving & Gallery*

*Est. 1967*

To: David Cohen – City of Daphne

From: East Bay Engraving

Date: September 1, 2010

Re: Quote for Exterior Cast Signage

1 – 40” x 64” - Cast Aluminum Plaque - \$4250.00

1 – 48” x 72” – Cast Aluminum Plaque - \$5950.00

This quote is for exterior cast aluminum signage, 5/16” thick. The per piece price listed above includes the personalized casting of each piece. Price includes up to four logos. There is no per letter charge. There are **no** set-up charges, art charges, die charges, or shipping charges. A proof will be provided at no charge. This price does not include installation or delivery.

Thank you for your time.

4,250.00

Morgan E. Slay  
East Bay Engraving  
300 Fairhope Avenue  
Fairhope, Al 36532  
251-928-1770  
888-884-0639(fax)  
[www.walkingcanes.com](http://www.walkingcanes.com)  
[eastbayengraving@gmail.com](mailto:eastbayengraving@gmail.com)

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**