

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
November 5, 2007
6:30 P.M.

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

- 3. APPROVE MINUTES:** Council Meeting minutes meeting held October 15, 2007
Work Session Minutes meeting held October 11, 2007

PRESENTATION: Swearing in new police officers by Judge Doyle

PRESENTATION: S.E.E.D.S. / Mama Mia Cook Off / Denise D'Oliviera

PRESENTATION: 2007 Back to School Bookmark Awards / Cathy Chandler / Rhonda Moss

PROCLAMATION: "Animal Shelter Appreciation Week"

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE - Scott**
- 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 September 28th
Review Beautification minutes meeting held October 5th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady**
Review minutes meeting held October 4th
- B. Downtown Redevelopment Authority – Barnette**
- C. Industrial Development Board - Yelding**
- D. Library Board - Lake**
Review minutes meeting held October 4th
- E. Planning Commission – Barnette**
Review minutes meeting held September 27th
 - a.) Set Public Hearing Date for **December 3, 2007** to consider the following:
 - 1.) Rezone: Property located on Main Street / Demaris Anderson / R-2, Medium Density Single Family Residential District to B-3. Professional Business District
 - 2.) Annexation: Property located on AL Highway 181 / M & S Development / Requested zoning: R-4, High Density Multi-Family District
 - 3.) Rezone: Property located on U.S. Highway 98 / William Lange / B-1, General Business District to B-2, Local Business District
 - 4.) Rezone: Property located on U.S. Highway 98 / Barry L. Booth / Veteran's Pointe / B-1, General Business District to B-2, Local Business District

MOTION: Declare a moratorium on development which does not provide the Planning Department with documentation for the maintenance and ownership of a detention pond within the subdivision of which the construction of a facility shall occur

F. Recreation Board - Palumbo

Review minutes meeting held October 10th

G. Utility Board - Scott

Review minutes meeting held August 29th

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) Parade Permit / Mystic Order of Persephone / February 1, 2008

b.) Parade Permit / Animal Rescue / Annual 5K & 1 Mile Pet Trot / December 15, 2007

c.) Relocation of Fire Hydrant Southeast of the intersection of Daphne Avenue & Main Street

B. City Attorney's Report

C. Department Head Comments

Sharon's Salary Survey

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Renaissance Center Economic Development Agreement /Resolution 2007-83

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__ _

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

**OCTOBER 15, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman Eady gave the invocation.

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

ABSENT: John Lake.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, City Attorney; Bill Eady, Planning Department Director; Sandra Morse, Civic Center Director; James White, Fire Chief; David McKelroy, Recreation Director; Tonja Young, Library Director; Kim Briley, Finance Director; Sharon Cureton, Human Resource Director; Capt. Scott Taylor, Police Dept.; Suzanne Henson, Senior Accountant; Ashley Campbell, Erosion Control Officer; Danny Lyndall, Utilities; Mr. Ron Allen, Library Board; Starke Irvine, DRA; Mrs. Tomasina Werner, Beautification; Al Guarisco, Village Point.

Absent: David Carpenter, Police Chief; Richard Merchant, Building Official; Melvin McCarley, Interim Public Works Director.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Council meeting minutes meeting held October 1, 2007. Seconded by Ms. Landry.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

PRESENTATION: North I-10 Service Road / Allen Cox

Mr. Cox stated that the participants and the length of the service road have changed. Mobile Infirmary has re-affirmed at their Board meeting that Daphne is still the place that they want to build, but they need another way in and out, so Cypress Equities will be participating in construction of the service road, which will go from U.S. 98 to State Highway 181. The cost of the service road is \$ 9 million, the County will contribute \$4 million, Cypress Equities will contribute \$2 million, TimberCreek will contribute \$2 million plus the land and they are asking Daphne to contribute \$1 million. Mobile Infirmary coming and the service road will be contingent upon the Highway 13 Interchange being built. Mobile Infirmary will be contributing to the construction of the service road. Mr. Cox stated that they need all parties to sign a Memorandum of Understanding within 60 days to send to the state saying that they are committed and are

ready to go. He stated that this will be about \$35 million in road improvements. He stated that no money will be put up until the interchange comes, and he gave a timeline for the contract being awarded as 12-18 months and the whole process being completed in about three (3) to four (4) years. He stated that Mobile Infirmary will have six (6) years to build a certain amount of medical buildings on the property or TimberCreek will have the right to buy the property back for what Mobile Infirmary paid for it.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The Committee met on October 8th and the minutes are in the packet

Treasurers Report / September 30, 2007

MOTION BY Mr. Scott to accept the Treasurers Report ending September 30, 2007 with a balance of \$22,729,596.48. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales Tax Collection / August 31, 2007

Sales tax collected was \$954,421,57 and \$956,866 was budgeted so that make collections about a \$1,400 short, and year to date they are \$1,700 ahead of projections.

Pilot taxes for Riviera Utilities has been collected in the amount of \$1.3 million and only \$1.1 million was budgeted, so that is about \$200,000 ahead.

Lodging Tax Collection

\$43,701 was collected which is about the same as last year.

Mr. Scott stated that at the next Finance Committee meeting they will be reviewing the agreement for Jubilee Square to see if there is any way that they can get out of the agreement before the end of the 20 years

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The Committee met on October 5th and considered two (2) request for return of deposits which were approved. The minutes for the last meeting start on page 39. The next meeting will be November 2nd at 10:00 a.m.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the last meeting start on page 41 and there is no Council action needed. However, from the last meeting Council President Burnam failed to make a recommendation to lower the speed limit to 25 miles per hour in Potters Mill subdivision.

MOTION BY Mrs. Barnette to reduce the speed limit in Potters Mill subdivision to 25 miles per hour. *Secoded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Barnette requested that in the future when someone comes before the committee asking for a traffic calming device to please let the Council person for the district know, because they may have information regarding the request.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

There will be a meeting on the first Tuesday of November to consider the swimming pool ordinance.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The Committee met, but the minutes are not in the packet. Mr. Yelding stated that work continues on the sidewalks, and they will be completed soon. He asked the Council to think of where they would like sidewalks constructed next in their districts and to make a priority list. These are sidewalks not included in grants. The next meeting will be October 26th at 8:00 a.m. in the Council Chambers.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The board will met on October 4th to consider one (1) variance, a set back encroachment on Dryer Avenue which was denied. The next meeting will be November 1st at 6:00 p.m. to consider a special exception for a daycare at 1515 Sixth Street and a special exception for Bay Shore Baptist Church in Belforest and Highway 13.

Re-appoint Willie Robison

MOTION BY Mr. Scott to re-appoint Mr. Willie Robison to the Board of Zoning Adjustments for the term beginning November 2007 – November 2010. *Secoded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. Downtown Redevelopment Authority – Barnette

The Authority met last Monday and the minutes are in the packet. The members re-affirmed some board members, and discussed a comprehensive plan for the downtown area. Then next meeting will be the 2nd Monday in November.

C. Industrial Development Board – Yelding

The next meeting will be October 18th at 6:00 p.m. in the Council Chambers. Councilman Scott asked that a quarterly financial update be included in the Council packet. Mr. Cohen mentioned that Council still needs to appoint two (2) members.

D. Library Board – Lake

The board met last week and the minutes will be in the next packet. The board are considering some changes and are considering expanding the board. The next meeting is Thursday, November 1st at 4:00 p.m. at the Library.

E. Planning Commission – Barnette

The minutes for the last meeting are not in the packet. The Site Review meeting will be Wednesday at 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be October 25th at 6:00 p.m. There are meeting day changes for the holiday season and citizens can call the Planning Department for the changes.

F. Recreation Board – Palumbo

The minutes for the September meeting are in the packet. The board received an updated master plan for the recreation property, and the final master plan will be drawn up and presented to Council. There was a motion in the minutes to send a recommendation to the Finance Committee to start the bid process to construct the roads on the property. Mr. McKelroy prepared the attendance record of the board members and will put them in the Council's boxes.

G. Utility Board – Scott

The board will meet the last Wednesday of the month in the Council Chambers. The board swapped some land that they owned on Johnson Road with Riviera Utilities for land behind the Utilities building. There is plans to landscape and connect the sidewalk from the post office, and the property will give extra parking for the restaurants in the area.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Daphne High School / Homecoming Parade / October 25, 2007*

MOTION BY Mr. Scott to approve the Parade Permit for Daphne High School's Homecoming Parade to be held October 25, 2007. *Seconded by Ms. Landry*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) *MOTION: Voting Delegate for NLC in New Orleans*

MOTION BY Mr. Palumbo to Councilman Lake as Voting Delegate to the National League of Cities Conference in New Orleans, LA. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) MOTION: Ratify the extension of NRCS Grant Agreement #69-4101-6-30 to extend the completion date to September 24, 2007

MOTION BY Mrs. Barnette to ratify the extension of NRCS Grant Agreement #69-4101-6-30 to extend the completion date to September 24, 2007 . Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

Mr. Ross stated that at the next Council meeting an Executive Session will be needed to discuss pending litigation.

C. Department Head Comments

David McKelroy – Recreation Director – stated that Crusin' on the Shore and Blue Grass Music will be Sunday from 2:00 – 5:00 p.m. at the Civic Center Complex, and in two weeks on November 4th will be Celtic Music from 2:00 – 5:00 p.m. same place and same time.

Ms. Tonja Young – Library Director – reported that that tomorrow Alan Brown from the Alabama Humanities will speak at the Library on the 16th at 6:30 p.m.

David Cohen – City Clerk – reported his findings on impact fees from neighboring cities that already have impact fees. He said that he talked with the Building Inspector for Orange Beach, Jim Lawson, who issues who permits and collects the fees, and they have been doing this for a year and have the most experience with impact fees. Mr. Cohen said that he is willing to come and speak to the Council at a work session and go into this in great length and detail. Mr. Cohen said that one of the issues that he proposed for cities and counties that implement impact fees is to have similar ordinances in place in order to avoid litigation, because if there is unfair advantages in one city as opposed to another city that could open things up for litigation. He said that there is not any litigation at this time, and no threat of litigation toward any of the cities at this time.

Council President Burnam stated that maybe Mr. Lawson could come to the November work session.

Mr. Cohen stated that Orange Beach did not need or utilize any new personnel to handle the fees. He said that they are finding ways to use the money, and in fact departments are spending the money before they get it. He stated that he asked in particular about new infrastructure and Mr. Lawson stated that you can use the fees to pay for new infrastructure. Mr. Cohen said that it will not pay for the whole bond issue, but it will certainly help. Mr. Cohen stated that in answer to Mr. Palumbo's question at the work session on sidewalk safety in Lake Forest, he said that ALDOT has looked at and reviewed the area in Lake Forest, and he has talked with the City Engineer and at this time they have not designed the actual plans, so to ask regarding safety issues at this time would be premature. He said that ALDOT has reviewed Lake Forest and looked at it as possibly being a favorable project and they did not have a problem with it.

7. PUBLIC PARTICIPATION

Mr. Starke Irvine – 304 Bayhill Drive – spoke regarding the DRA minutes mentioning rezoning the downtown area, and he said that they are not proposing any zoning changes, that all they are trying to do is expand the overlay district to the south. He also stated that the Authority is looking for funding because everything they want to do comes back to putting the utilities underground, and that is a very expensive item.

Mr. Roger Drummond – Ridgewood Drive – spoke regarding the service road and Yancey Branch.

Mr. Terry Redfern – 26808 County Road 13 - Baldwin County Trailblazers - spoke regarding the Trail Blazers support of the sidewalks in Lake Forest.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Amended Planning Jurisdiction. /Resolution 2007-45
- b.) Dryer Avenue Affidavit of Possession /Resolution 2007-84
- c.) Bid Award: Natural Gas Generator /
Energy Systems Southeast, LLC. /Resolution 2007-85
- d.) Bid Award: used Rubber Tire Skid Steer Loader /
Caterpillar Financial. /Resolution 2007-86
- e.) Bid Award: Diesel Generator / Energy Systems Southeast, LLC. /Resolution 2007-87
- f.) Bid Award: Fuel / Pepco. /Resolution 2007-88
- g.) Bid Award: Linen Rental Services / ALSCO Linen Company. /Resolution 2007-89
- h.) Bid Award: Horticulture Chemicals / Agriliance. /Resolution 2007-90
- i.) Support of 2008 National Tree Planting Campaign. /Resolution 2007-91
- j.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path /
Park Road /Resolution 2007-92
- k.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path
Pollard Road. /Resolution 2007-93
- l.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path /
County Road 13 North Section /Resolution 2007-94
- m.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path /
County Road 13 South Section. /Resolution 2007-95

- n.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path /
Ridgewood Drive (N. Main Entrance to Bayview Drive)/Resolution 2007-96
- o.) ALDOT Transportation Enhancement Project Sidewalks & Bike Path
Bayview Drive (Ridgewood Drive to U.S. Hwy 90./Resolution 2007-97
- p.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path /
N. Ridgewood Drive (Bayview Drive to Lawson Road./Resolution 2007-98
- q.) ALDOT Transportation Enhancement Project Sidewalk & Bike Path /
Ridgewood Drive (Lawson Road S. to Bayview Drive)/Resolution 2007-99

MOTION BY Ms. Landry to waive the reading of Resolutions 2007-45, 2007-84, 2007-85, 2007-86, 2007-87, 2007-88, 2007-89, 2007-90, 2007-91, 2007-92, 2007-93, 2007-94, 2007-95, 2007-96, 2007-97, 2007-98 and 2007-99. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolution 2007-45. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt of Resolution 2007-84. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolutions 2007-85, 2007-86, 2007-87, 2007-88, 2007-89 and 2007-90. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolution 2007-91. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolutions 2007-92, 2007-93, 2007-94, 2007-95, 2007-96, 2007-97, 2007-98 and 2007-99. *Seconded by Mrs. Barnette.*

Mr. Palumbo asked to amend the motion to only include Resolutions 2007-92, 2007-93, 2007-94 and 2007-95.

Ms. Landry amended the motion to read as stated by Mr. Palumbo.
Mrs. Barnette seconded the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolutions 2007-96, 2007-97, 2007-98 and 2007-99.
Seconded by Mrs. Barnette.

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

MOTION CARRIED

ORDINANCES:

2nd READ

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

MOTION BY Ms. Landry to waive the reading of Ordinance 2007-47. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Ordinance 2007-47. *Seconded by Ms. Landry.*

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

MOTION CARRIED

9. COUNCIL COMMENTS

Council President Burnam presented Ms. Landry’s portrait to her in appreciation for her service to the city.

Mr. Yelding commented to Mr. Redfern that if they do the sidewalks in Lake Forest that they ought to stay consistent with what they are doing around the city with sidewalks that are under the grants, which is to use concrete and not asphalt, because there will not be the upkeep once put in, and with all the trees something will always be growing through the asphalt. He said if they are going to do it you might as well do it right the first time.

Mrs. Barnette reminded everyone that the Mayor has brought the circus to town on Wednesday and Thursday, and there are coupons at the front desk for admission discounts. She said that she went last year and it was a wonderful event for the whole family. She thanked Ms. Landry for the work that she has done, and she wished her all the best. Mrs. Barnette said that she knew she had an exciting adventure to start and congratulated her.

Mr. Scott reminded everyone that there is another election tomorrow and encouraged everyone to get out and vote. He said the more people from Daphne that votes helps in getting grants. He also thanked Ms. Landry for her service to the city, and that he has enjoyed serving with her.

Ms. Landry stated that she cannot believe that this will probably be her last meeting. She told the Council that she loved each of them, and she thanked the city and said that she was glad to be a part of it.

Mr. Palumbo added his thanks to Ms. Landry, and said that it had been a pleasure sitting next to her for three (3) years. He wished her the best of luck. He encouraged anyone interested in serving on the Council to send in a detailed resume to the city clerk.

Mayor Small thanked Mr. McKelroy and Mr. McCarley for their help with the circus. He said that they would miss Ms. Landry and wished her the best on her endeavor.

Council President Burnam echoed everyone’s comments to Ms. Landry, and said that he will miss her and wished her good luck.

10. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**OCTOBER 15, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

10

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:08 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam, Council President
Date & Time Signed: _____

**OCTOBER 11, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

ABSENT: Cathy Barnette; Regina Landry.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Buzz Jordan Attorney; Kim Briley, Finance Director; Suzanne Henson, Senior Accountant.

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:40 p.m.

2. FURNITURE FOR COUNCIL CONFERENCE & WORK ROOM

Council discussed what they wanted as far as work stations and other furniture for the work room and conference room in the new Council Chambers. Council will get with David and Becky with suggestions.

3. REPLACEMENT FOR COUNCIL DISTRICT #6

No names have surfaced for the position. Council agreed that they need to get the word out, and suggested putting a display ad in the paper and putting it on the website and posting it in all the municipal buildings. Council also mentioned that they may can get candidates from the different city committees. Council wants a detailed resume for each candidate.

4. SIDEWALKS

David Cohen, City Clerk, reported to the Council the areas that he is requesting sidewalks for with the Transportation Enhancement Projects this year: **1.) Lake Forest** / the estimate for Lake Forest is \$4,895,693.75 with a match of \$979,138.75, **2.) Pollard Road** / the estimate for is \$264,180 with a match of \$73,296.40, **3.) Park Road** / the estimate is \$275,586 and the match is \$55,117.20, **4.) County Highway 13 North Section** / the estimate for is \$492,210 and the match is \$109,842, **5.) County Highway 13 South Section** / the estimate for is \$1,627,790 and the match is \$70,826.20. The Highway 13 sidewalks will extend from the high school down to County Road 64.

Council was concerned about safety in Lake Forest, and they do not want to create a walking path that is dangerous. Council asked Mr. Cohen to call a traffic engineer and ask about the safety of having the sidewalk in the median of Lake Forest, and have the answer for Monday's meeting.

Mr. Cohen stated that the paper work has to be in Montgomery by November 2nd.

5. GRANT FOR RECREATION PROPERTY

Mr. Cohen stated that this is a 100% grant in the amount of \$250,000 with no match. Mr. Cohen stated that the grant is enough to install a multi-faceted boundless handicap playground. Council discussed the possibility of asking the County Commissioners to participate in the road

**OCTOBER 11, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
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6:30 P.M.**

construction, since county residents use and benefit from the city's facilities. Mr. Cohen stated that restroom facilities are needed in the park, and may they may can get funding from the Congressmen and Senators as the city did with the street lights.

6. IMPACT FEES

Council, after discussing the issue, agreed that they still have questions they would like answered and wanted TischlerBise to come back again to answer them. Mr. Jordan suggested getting the questions to Mr. Cohen and then he can relay them to his office and they can coordinate with TischlerBise. Council requested Mr. Cohen to visit Orange Beach, Gulf Shores and Fairhope to find out how they are handling different issues such as did they hire an extra employee to manage the fees and distribution of funds. Council set a deadline for the information at one (1) week from today. Mr. Palumbo suggested having a public hearing before they voted on it.

7. BUDGET

Council President Burnam read a list of questions e-mailed by Mrs. Barnette that she would like answered. Mayor Small stated that he would get the answers to the questions for her. Mr. Palumbo expressed some concerns that he had regarding the training budget and how much of it was really necessary.

8. ADJOURN

There being no further business to discuss the meeting adjourned at 8:00 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Greg Burnam,
Council President
Date & Time Signed: _____

City of Daphne, Alabama

Proclamation

“Animal Shelter Appreciation Week”

WHEREAS, there are more than 73 million cats and 68 million dogs living in more than 63 million households across the United States, and The Baldwin County shelter took in 10,904 animals in 2006. The Daphne shelter took in 982 animals in 2006, total stats for Baldwin County/ Daphne;

WHEREAS, the irresponsibility of some pet owners has resulted in animals running loose and unsupervised, causing a threat to public health and safety;

WHEREAS, indiscriminate breeding allowed by irresponsible pet owners who have not had their companion animals spayed or neutered has contributed to pet overpopulation;

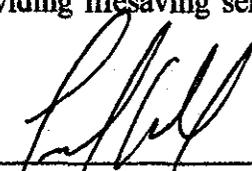
WHEREAS, animal shelter employees, like police officers and emergency medical personnel, must respond to these community problems and crises;

WHEREAS, animal shelters act as safe havens for homeless and abused animals, providing them with comfort and care;

WHEREAS, animal shelters help both animals and people in many ways: by returning lost pets to their owners, enforcing animal control laws, rescuing injured animals, educating the public, and matching up families with new animal companions;

WHEREAS, the work of animal shelters and the important services they provide often go unnoticed and underappreciated by the citizens;

NOW THEREFORE, be it resolved by Mayor Fred Small, that November 4-10, is designated **“Animal Shelter Appreciation Week”** in the City of Daphne, in recognition of Daphne Animal Shelter for providing lifesaving services to animals and people in our community.



Fred Small, Mayor

**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 OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on September 28, 2007
Location: City Hall Council Chambers

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

I. CALL TO ORDER

The May meeting of the Public Works Committee was called to order at 8:20 a.m.

Present: Councilman John Lake, Councilman Yelding Bailey, Melvin McCarley, Andria Deane and Scott (HMR), Bill Eady (Director of Community Development)

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report – August 2007
- B. Correspondence – None

III. OLD BUSINESS

- A. Minutes – August 24, 2007 meeting
Councilman Lake made a motion to approve minutes. Motion seconded by Councilman Lake.

IV. NEW BUSINESS

- A. Mr. Bill Eady, Director of Community Development. Speaking regarding the improvement of Wilson Ave from Main Street to Pollard Road. Long range plans to start at Main Street and extend Wilson road to create an east/west corridor to across town to alleviate some traffic off of County Road 64. A light may be needed, but it would take some of the congestion from the school traffic. Mayor Small has spoken to the schools and we have permission to use the right of way on east Lawson and move forward all the way to the Public Works facility. The cost to develop a plan or survey would be \$25,000 for a preliminary plan. Councilman Lake and Councilman Yelding both support moving forward. Yelding made motion, Lake seconded motion. Motion Passed. Will send to Finance Committee to get project done quickly. Also discussed the improvement of Randall, though Wilson is the priority project at this time. This plan has been on the books for 10 years.
- B. Councilman Yelding questioned seeing the City's sweeper out at Chamberlain Chase. It is out side of the city limits. Melvin will get with sweeper drivers and make sure that new driver is aware of city limit boundaries.

V. DIRECTOR'S REPORT

- A. Sidewalks – Sidewalk work will continue next week. Camellia will be done. Has to pull crews off to prep for festival. Going to work from Whispering Pines towards Spanish Trail.
- B. Restrooms – May Day Park restrooms are read. Need money for Park City and Boys and Girls Club. Councilman Lake reminded the committee that the doors be moved to the front of the building. Melvin has the plans ready to go, just needs \$100,000 for both.
- C. Jubilee Festival – Coming up this weekend. Public Works is getting ready for the Jubilee Festival.

VI. SOLID WASTE AUTHORITY

A. Nothing Submitted

VII. MUSEUM COMMITTEE

A. Minutes – August 13, 2007

VIII. BEAUTIFICATION COMMITTEE

A. Minutes – September 7, 2007

IX. ENGINEER REPORT

A. NRCS Update – Concern that the Fish and Wildlife Service recommended that the channel be 11 ft wide and 1½ ft deep.

B. Pollard Rd S of CR64 – need to make it a PW project if there are no qualifying storm events this year. Melvin to take a look at it.

V. FUTURE BUSINESS

A. Next Meeting – October 26, 2007, 8:00 a.m.

XI. ADJOURNMENT

Councilman Lake motioned to adjourn. The meeting adjourned at 9:00 AM.

Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

Minutes of Monthly Meeting

October 5, 2007 - 10:00 AM

Meeting: General Membership Meeting

Invitees:

City Liaison: Marshall Parsons, Marjorie Bellue, David McElroy

Members:

Chair: Anne Talton (7)	Jessia Prater (1)	Frances Harrell (1)
Vice Chair: Nancy Henderson (3)	Dorothy Morrison (2)	Bea Wilson (2)
Secretary:	Carolyn Coleman (2)	Judy Sholtis (2)
Treasurer: Frieda Romanchuck (7)	Tomasina Werner (4)	Selena Vaughn (4)
Marilyn O'Connor Moore (2)	Patty Kearney (5)	Dorothy Rankins (5)
Jodi Klugel (2)	Jenni Vincent (2)	Audrey Rouire (6)

I. Call to order – 10:30 AM

II. Roll call – Anne Talton, Carolyn Coleman, Nancy Henderson, Dorothy Morrison, Dorothy Rankins, Freida Romanchuck, Tomasina Werner, Bea Wilson, Jessica Prater, Selena Vaughn, Patty Kearney, Judy Sholtis, Audrey Rouire. Guests: Debbie Kalifeh, Michelle Cole of Urban Forestry.

III. Approval of minutes – Motion was made to dispense with the reading of the minutes. Motion was seconded and all were in favor.

IV. Treasurers Report - Frieda reported that as of 9/28/07, there was \$8,133 remaining in the budget. Banners were ordered at a cost of \$2,600, and \$900 was encumbered for native plants for Gator Alley. The red, white and blue ribbons are in. Holiday designs will cost \$2,000. \$473 to Consolidated Pipe for Gator Alley. Miscellaneous expenses for Alligator Alley such as piping, hoses, fittings from Home Depot, NFL and Ewing. \$320 was spent at Home Depot for mulch, Lariope and posts in September for the south welcome sign. Leaving a balance of \$1,300. Some money will need to parking lot project. Marshall Parsons stated that the parking lot project would be slower moving due to demands on the crews with City Hall projects.

Dorothy Rankins made a motion to add additional blanket purchase orders for stores that were frequented. The motion was seconded by Audrey Rouire. Marshall explained the reason and the process for using blankets for purchases and felt that it would simplify things. It was agreed that blanket purchase orders would be requested for Hobby Lobby and Staples in addition to the existing blankets already receiving. All were in agreement.

Motion made to accept Treasurer's Report. Seconded. All in favor.

V. Sub-Committee Reports -

- a. Beautification Awards – Photo from newspaper was passed around. It was requested that the members of the Beautification Awards Committee stay late after today's meeting. There will not be a committee meeting next month. Tomasina was thanked for the media coverage. A thank you letter was supposed to have been sent to Duets for the frames. Anne requested some letterhead so she could handle the task herself.
- b. Butterfly Garden – The Butterfly Garden is up and operating. It has not been checked on this week. Have not made contact with Eagle Scout Charley to discuss project. Passed around photos. Interesting uses of open spaces. The Gator Alley project has come to a stop. Frieda stated that Baldwin County has requested an update on the Butterfly Garden. Selena Vaughn said that there would be a work day at Gator Alley on October 20th from 8:00 until noon. There will also be a work day there on October 27th from 8:00 until noon.
- c. Crape Myrtles – The Crepe Myrtle project is back on. Marshall stated that they have emptied out what was already purchased. Got Magnolias for Gator Alley. Would like to meet with the Crepe Myrtle committee on Monday, October 8th at the Recreation Department at 10:00 AM.
- d. Arbor Day – Working on poster contest for schools. Going to make contact with schools. Have three people working with the schools. Nancy questioned where the committee needed to solicit prizes or some type of reward for the children who win. It was replied that they would win a t-shirt, which would also give advertising for the event.
- e. Decoration Committee – Took the purchase order to D&P Printing along with approved design. Will be ready the week of Thanksgiving. Banners are for Christmas and will say "Season's Greetings" and also have a white star and a tree. 40 banners were ordered. Two huge wreaths that were previously hung at City Hall will need a new location this year. It was suggested that they hang them at the Library and the Recreation Department. Marshall stated that it could be worked out. Marshall brought up that there was a 15' wreath that is also typically used at City Hall. He will come up with an idea for the committee on how that wreath can be used.

VI. Open Business -

- a. Dorothy went to Duets and personally thanked them for the frames.
- b. Nancy, Marshall and Anne went to City Hall about the Award.
- c. Update on shelves – the right side is done. On the left side, one cubby is done. Running out of lumber.

- d. Phone vote was conducted to allow Marshall \$1,000 for electricity at the Overlook for Christmas decorations. Marshall talked with the electrician. We used to have to put up a temporary pole. Now we can just run extension cords. We want three trees up there. It was thought that last year the trees were 10', 12' and 14'. Also voted to go ahead and buy Arbor Day supplies.

VII. New Business - No volunteers for secretary position. Anne will discuss with the Mayor having someone assigned to take minutes.

VIII. Public Works - Marshall presented a slide show from his conference in Illinois. It was sponsored by Ball Seed. The cities are judged based on eight categories and the entry fee is \$1,000. Environmental, Urban Forestry, community involvement, landscaping, floral display, turf grass, heritage preservation and hardscape. He discussed that walkways psychologically affect you. The size and texture of rocks. The harder the surface, the faster you move. The more aggregate, the slower you move. It can lower your stress level. Marshall suggested an Art drive. There are spots in the City that do not belong to anyone and could possibly be purchased where artwork could be placed on loan by local artists. When/if they sell the piece they would replace it with another piece. Marshall also advised the committee that they got approval for the Welcome to Daphne signs.

Michelle Cole – Coordinator for the State of Alabama Urban Forestry spoke about Daphne being a Tree City USA. There are only 81 tree cities in the state of Alabama. She works with each City's board and is a resource for them to use. She only brought one book but will send a supply to Marshall to hand out at the next meeting. Monday night our city was put in the hat for state Arbor Day. Scholarships are available to residents of the City. Tomasina would like to meet with Michelle after the meeting. Marshall stated that the Arbor Day committee met earlier in the morning, but would like to meet with Michelle after the meeting. The AUFA conference will be held in Fairhope this year. Michelle was asked if there were any funds made available to municipalities to promote Arbor Day. Michelle wasn't aware of any, but said that she would inquire about it. It was also asked if the state tree always have to be planted at the state capital. Michelle stated that she would also inquire about that.

IX. Announcements – Next meeting is November 2, 2007

X. Adjournment - Meeting adjourned at 11:30 AM

**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 OCTOBER 4, 2007 - 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 6:03 p.m.

Call of Roll:

Members Present:

Willie Robison
Billy Mayhand, Vice Chairman
Glen Swaney, Chairman
Jeri Hargiss

Members Absent

Walt Crimmins, Secretary
Frank Lamb
Barry Taylor

Staff Present:

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

Staff Absent:

Tony Hoffman, BZA Attorney

The Chairman stated you need to know that since we just have four of the five members here this evening it will take a unanimous vote of all four to approve this appeal. They could withdraw their appeal tonight, could they not, and come back in a month, without any increased fees to them.

Mr. Eady stated it only takes four votes.

The Chairman stated okay. Again, we will be happy to go through with it then, because you probably would like to get it resolved one way or another.

Mr. Hyde nodded in the affirmative.

The Chairman stated okay. The approval of the minutes is the next order of business, and since Mr. Lamb is not here we cannot approve the April 5th minutes. Has everyone had a chance to read the minutes of September 6th? If so, the Chair will entertain a motion to accept the minutes as written or you can make changes if you like.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

DRAFT

Approval of Minutes:

The minutes of the September 6, 2007 meeting were considered for approval.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Ms. Hargiss** to **approve the minutes.**

Mr. Robison stated Mr. Chairman I would like to have a couple of changes in the minutes. I was reading the minutes and every place that you see Cox, Mr. Cox, starting on page 14, the spelling of his name is Cocke, and we have it spelled Cox. If you can change that to Cocke every place that it is mentioned. Also, on page 8, in my statement, third paragraph down. It says I see Councilman Lake sitting out there and I did get up and excuse myself from a Council meeting a couple of weeks ago when he said we need to talk about a church, and it is written in here, make up something about a church. So if we can have that changed that I said the Councilman said we need to talk about the church not make up something about a church. That is all that I saw.

The Chairman stated okay. I wonder if you can amend that motion to reflect the changes.

Mr. Mayhand stated so moved.

The Chairman stated is there a second to that motion?

Ms. Hargiss stated I second it.

The Chairman stated all in favor signify by saying aye.

The Motion carried unanimously.

New Business:

Appeal #2007-12 - Melanie Wolfe

The Chairman stated on to new business. Appeal #2007-13 Thomas & Doreen Hyde. Mr. Eady, if you would please lead us through this.

Mr. Eady displayed color transparencies of the northwest corner of Fourth Street and Dryer Avenue. He stated Mr. & Mrs. Hyde are asking for a variance on a parcel of land on the corner of Fourth and Dryer, Parcel 58, Lot 15, as you see there with the small x on it. We have a little bit of a change here. On their application they asked to encroach the front setback line by seven-feet. On their survey it is seven-feet on the side yard setback, on the west side of the lot.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

DRAFT

Mr. Eady stated we need some clarification from them as to which it is. As you can see the survey says seven-feet on the west side yard setback off Dryer Avenue. So we need them to clarify whether they meant the side or the front.

The Chairman stated could you say that once more Mr. Eady? The setback on the street side is what?

Mr. Eady stated the problem is the application that they made said seven-feet on the front and the survey shows the side setback by seven-feet. The west side and the ten-feet on the east side.

The Chairman stated okay. Thank you. I am sorry I interrupted you. Go ahead.

Mr. Eady stated if you could ask them which side they are requesting.

The Chairman stated okay. Which one is it?

Mr. Hyde stated the survey is correct.

The Chairman stated the survey is correct. Okay.

Mr. Eady stated the survey is correct?

The Chairman stated that is what he said.

Mr. Robison stated Mr. Eady is the ten-feet on Fourth Street or Dryer?

Mr. Eady stated ten-feet on Fourth Street, and seven-feet on the west side of Lot 15. As you can see this is from standing in the center of Dryer Avenue looking toward the lot. You can see way down at the end next to Fourth Street is the property corner with a marker on it with a pink ribbon, and this one is the marker for Dryer. The yellow flag is outside the property line on the right-of-way line. These trees are outside of the right-of-way line on the property.

The Chairman stated that yellow flag indicates the right of way line?

Mr. Eady stated yes, sir. From their property line. This is a better shot of the lot. They have a for sale sign on it. So we know what they plan to do with it. You see the large trees, they are classified as significant trees, so they will have to have a permit if they remove them. I call your attention to the paper that I gave you with the yellow dot on it. Substandard lots of records, Item C, the side yard requirements for substandard lots of record may be reduced for each side yard at the rate of one (1) foot for each four (4) feet by which the lot width lacks fifty (50) feet.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

DRAFT

Mr. Eady stated provided in no event shall such side yard be reduced to less than five (5) feet on each side. As best as I can tell the lot is somewhere close to forty seven-feet in width. Total lot. By the Ordinance, if it is only forty seven-feet then it is only shy of three-feet of fifty-feet. So they can only reduce the side yard by one-foot.

The Chairman stated the maximum in lot size either side can be reduced is one-foot based on that document?

Mr. Eady stated yes, sir. That is all I have.

The Chairman stated your department does not recommend approval of this appeal?

Mr. Eady stated no, sir. I do not.

The Chairman stated thank you. Mr. Hyde would you like to address the Board?

Mr. Hyde stated sure. Basically, in order to do something with this lot, to build on this lot, with the current setbacks you would build a house that is seventeen-feet wide. We do not feel that would appropriately represent a neighborhood in Daphne. So our thought was in order to get these easements we would have to build something that would fit in with the neighborhood. We would need to build something around thirty-feet wide. There is a house on Fifth and Dryer that is actually close to Fifth Street, and it is pretty similar to what we would be asking to do.

The Chairman stated the next block up.

Mr. Hyde stated yes, sir. One block up.

The Chairman stated I noticed by the deeds that you bought three lots, right?

Mr. Hyde stated yes, sir. We are in the property behind it, the peach house, and that sits on two lots. Then the single lot that runs along Fourth Street. Without the variance there is not really anything we can do with, and with the variance we can probably get a little more out of it.

The Chairman stated any questions for Mr. Hyde?

Mr. Robison stated I have a couple. I was by there today and went down Dryer, and came up Fourth, and went down Dryer down, to the house which you see with the car parked in the driveway.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

DRAFT

Mr. Robison stated that lot is too narrow to even try and put a house on it. It looks like it would almost be out on Dryer because of the setbacks. It still would not be set back as far as this house is set back, and the rest of them look like they are in a line. Those significant Oak trees look like they are right in the line. If you could not get a permit to remove them, where would you put a house? It does not look to me as if this is a fit for a house to go in there. Just my driving down there and looking at it this afternoon, I, myself, cannot see where one could go. Unless you came out almost onto the gravel at Dryer Avenue there.

Mr. Hyde stated I believe the survey shows what it is. If you look at the survey, the dotted line shows where the house would be.

Mr. Robison stated now, that is not that much difference from there out to Fourth Street. I have another question. Should this variance be granted, do you intend to build a house there or do you intend to sell this at a later date?

Mr. Hyde stated we do not have any definite plans as to what we will do.

Mr. Robison stated in other words so your plans would go with what the BZA says. If it is granted then you might have some definite plans as to what you want to do with it, but if it was not granted tonight you do not know what you would do with it. There is a possibility that you could sell that property, at a later date, and not build a house on it.

Mr. Hyde stated we could, yeah. Well, we could sell the property. I do not know that anybody would want to buy the property unless they could build a house on it.

Mr. Robison stated I mean if a variance was granted tonight you really do not know what you want to do with it. You could sell it or you could build a house there.

Mr. Hyde stated that is correct.

Mr. Robison stated to me that sounds like putting the cart before the horse. Instead of having definite plans saying yes we do plan to put a house there and we are here asking for a variance so we can put a house on it, and not that one cannot be there, and if we sold it at a later date someone would not be able to put a house on it. I have a problem with that.

Mr. Hyde stated I understand that.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

DRAFT

Mr. Hyde stated our thought process was that we might want to sell this property and in order to be able to sell it we needed to have this approval process because we did not feel like anybody would offer us the right amount of money for the lot if they knew they could not build a house on it. It would not be worth anything. Our thought process was to go through the survey and try to get the variance and if we decided to sell it for what we wanted to sell it for then we would do that. If we could not then we would hold on to it and maybe at a later date we might build something on it ourselves. We were trying out our options.

Mr. Robison stated Mr. Eady do you know off the top of your head how far those Oak trees are sitting back?

The Chairman stated looks like they are in the right-of-way line.

Mr. Eady stated I think the flag is on the right-of-way line.

Mr. Robison stated on the right-of-way line. You said seven-feet off that side?

Mr. Eady stated off the west side. Ten-feet of that side.

Mr. Hyde stated it would be ten-feet from that flag to the house.

The Chairman stated any other questions for Mr. Hyde?

Mr. Eady stated that gentleman there wants to speak.

The Chairman stated okay. Ms. Hyde would you like to say something?

Ms. Hyde stated to address the question that you had about our decision in terms of the lot. I think to clarify whether we sell it and someone builds on it or whether we build on it ourselves, there will be something built on it ultimately is what I was thinking. What we were trying to establish, what we are trying to do is make sure that it is something that does fit within our neighborhood and not a house that is seventeen-feet wide, and that is what we are trying to establish here. We love our neighborhood and we want to make sure we put something on there like that, just to clarify.

The Chairman stated thank you very much. Sir, would like to say something? If so, please step up, state your name and address.

Mr. Good stated my name is Austin Good, 505 Dryer Avenue. I live right next door to this lot. My property has been in my family for about seventy-five years. The houses in Olde Daphne are not all jammed up like Lake Forest and all that.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

DRAFT

Mr. Good stated I do think you need to have houses jammed up. I just think we should leave Olde Daphne like it is not all jammed up like Lake Forest. In Lake Forest if you go in the back yard and spit over the fence you will hit the other house.

The Chairman stated so you are against the granting of this appeal?

Mr. Good stated right.

The Chairman stated any questions? If not, the Chair will entertain a motion. The appeal will be made in an affirmative manner.

A Motion was made by Mr. Mayhand and Second by Mr. Robison to approve Appeal #2007-13, Thomas & Doreen Hyde for a variance to allow a purposed future residential structure to be built on the northwest corner of Dryer Avenue and Fourth Street to encroach the east side yard setback line by ten-feet on the west side yard setback line by seven-feet.

Upon roll call vote, the Motion failed.

Mr. Robison	Nay
Mr. Mayhand	Nay
Mr. Swaney	Nay
Ms. Hargiss	Nay

The Chairman stated I am sorry the appeal is denied. I guess a letter to that effect will be available tomorrow. You have fifteen days to appeal this action and you must notify Community Development, Mr. Eady, in writing of your intentions to appeal. Thank you very much. If there is no other business, the Chairman will entertain a motion to adjourn.

Adjournment:

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

There being no further business the meeting was adjourned at 6:21 p.m.

Respectfully submitted by:

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

Pat Houston, Recording Secretary

APPROVED: November 1, 2007

Glen Swaney, Chairman

/ph

**Daphne Public Library Board
October 4, 2007
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Members Cassandra Day, Gayle Robinson, and Dee Gambill; Board Chairman Ron Allen; Foundation Committee Member Jan Blankenhorn; City Council Liaisons John Lake and Gus Palumbo.

Call to Order:

After a quorum was established, Board Chairman Ron Allen called the meeting to order at 4:05 pm.

Reading and Approval of the Minutes:

The minutes of the September 11, 2007 meeting were reviewed and approved.

Chairman's Remarks:

Board Chair Ron Allen welcomed everyone.

Library Director's Report:

Statistics

The monthly statistical report for September, 2007 was reviewed. **Circulation increased 18.26% and patronage increased 14.38%** since September, 2006. Year-to-date circulation for September, 2007 was **242,445** compared to a year-to-date circulation of 219,147 for the end of September, 2006. Interlibrary loans increased from 13 loaned out and 7 borrowed in September, 2006 to 1,487 loaned out and 1,281 borrowed in September, 2007. The Library added 211 new patrons during the month of September.

Library Board Chair Ron Allen inquired about how many Spanish Fort patrons use the Daphne Public Library. That figure is 4,900, or approximately one quarter of all Daphne library patrons. Ms. Young mentioned previous discussions concerning the city of Spanish Fort providing a city donation to help support the library since so many of their citizens benefit from our library. Mr. Palumbo raised concerns because it was his understanding that Spanish Fort allows the use of their

recreation fields and other facilities by Daphne residents without charge. Ms. Young explained that the plan was not to charge individuals, but to have the city of Spanish Fort make a contribution to the library in much the same way that the city of Daphne occasionally makes donations to various groups from its annual budget.

2008 City Budget

Board Chair Ron Allen asked the status of the 2008 budget. Ms. Young replied that the Mayor and City Council had requested cuts and that she had complied with those directives. As of this point, the budget has not been finalized and approved by the Council. Mr. Palumbo suggested that others cuts may yet be made. Ms. Young replied that in order to reach the Alabama Blue Ribbon Standards of Excellence for Libraries, the Director requested a 30% increase on library material items. Therefore, following the cuts requested by the Mayor and the 9% across-the-board cuts demanded by the Council, the library materials items should remain approximately 20% above last year's budget, with additional funds from an LSTA Grant for FY 2008 yet to be added to the total. It is the Library Director's understanding, from both the last Council meeting (as stated by Councilman Scott) and the last Mayor's staff meeting, that the departments (including the library) that had made the appropriate cuts would not receive further cuts.

The only capital requests made were for new employees. Councilman Palumbo indicated that he felt there would be no new employees approved in the new budget. Councilman Lake stated that he thought the library training budget should be enough to cover appropriate training, memberships, and the Director's attendance at the annual national library convention.

Progress on the 5-Year Plan

Progress on the 5-Year plan was not discussed.

Report on Visit of the State Consultant

Library Director Tonja Young discussed the visit of Alabama Public Library Service consultant Jim Smith. The state is divided into regions, with each region assigned an APLS consultant to help with training, funding ideas, questions, policies, legal issues, etc. Mr. Smith has prepared an in-depth questionnaire to help each library (in his district) see where they stand in reaching the Blue Ribbon Standards for Alabama Libraries.

Discussion on Library Board Size:

Chairman Ron Allen stated his desire to change the possible number of voting board members to eleven. Board members stated that they did not wish to see the board become politicized or political, but rather to have a board which would serve in the library's best interest. The number of members involved in other boards known to the Board members was discussed. Councilman Palumbo stated that in his opinion, a specific number of board members determined, not just a limit of up to eleven. The issue of residency was discussed with the consensus being the primary matter of eligibility should be the prospect's interest in the welfare of the Daphne Public Library, not where he/she resided.

Status of Library Foundation:

Discussion of the status of the Library Foundation did not occur since Board Chair Allen had not received the information on its 501(c) 3 status.

Appointment of nominating Committee:

Board Chair Ron Allen appointed Dee Gambill and Cassandra Day to serve as the organization's Nominating Committee with Tonja Young to choose candidate for the offices of Chairperson, Vice Chair, and Treasurer of the Board, and to bring a report to the November board meeting. Ms. Young will continue to serve as Secretary.

Citizen Participation:

No additional public participation.

Closing Comments:

The next meeting will be held on Thursday, November 1, 2007, at 4:00 pm.

Adjourn:

The meeting adjourned at 5:02 pm.

Respectfully submitted by Tonja Young, Library Director, October 8, 2007

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 27, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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 6:03 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Victoria Phelps, Secretary
DeLeon Thomas
Don Terry
Warren West
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Ed Kirby

Members Absent:

Jeff Carrico, Chairman

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Planner
Jay Ross, Attorney

Staff Absent:

Missty C. Gray, Associate Attorney

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

APPROVAL OF MINUTES:

The minutes of August 23, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or further corrections at this time, the Chair will entertain a motion.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 27, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The next order of business is revised master plan review for the Renaissance Center.

NEW BUSINESS:

An introductory presentation was given by Mr. Trey Jinright, III representing Jinright & Associates, requesting revised master plan approval for the Renaissance Center. This is a revision to the previously approved master plan presented by the developer which will be outlined for you at the time of the presentation of the preliminary plat review.

A **Motion** was made by Mr. Kirby and **Seconded** by Mayor Small **to grant approval to the revised master plan for the Renaissance Center. The Motion carried unanimously.**

The next order of business is preliminary plat review for the Renaissance Center Subdivision.

PRELIMINARY PLAT REVIEW:

File SDP07-03:

Subdivision: The Renaissance Center, Phase III

Location: Northwest of the intersection of U. S. Highway 90 and Alabama Highway 181
Area: 42.13 Acres +, (12) lots
Owner: The Renaissance Center, L.L.C.
Engineer: Jinright & Associates - Trey Jinright

An introductory presentation was given by Mr. Trey Jinright, representing Jinright & Associates, requesting preliminary plat review of a forty-two acre subdivision consisting of twelve lots located Northwest of the intersection of U. S. Highway 90 and Alabama Highway 181. The utilities for the site will connect to U. S. Highway 90. The sidewalks for the subdivision will be constructed at the time of the construction for the facility for each site. I will be happy to answer any questions you may have.

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

Mr. Chris Bradford, Site Containment Officer: A memorandum and a photograph have been given to you stating that the deficiencies with the detention pond have been addressed.

Mr. Kirby: He asked Mr. Eady if there was supposed to be landscaping for the detention pond.

Mr. Eady: Yes.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 27, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Jinright: There is supposed to be common detention for this area at a later date and the pond is serving as a holding area until such time the detention is complete.

Mr. Kirby: Can you explain why some of the lots have drive ways dedicated to them while others do not?

Ms. Barnette: Why aren't the sidewalks going to be constructed along with the subdivision?

Mr. Jinright: Some of the smaller and larger lots will need to be graded to accommodate whatever will be constructed on the lot. After grading and construction of the facility on each lot, the owner shall construct the sidewalk. Lots 12, 13, and 14 are close to U. S. Highway 90 and a drive way will be needs to be dedicated to these lots in order to control traffic. There is also a dedicated easement for maintenance of the detention pond on Lot 18. For the lots along U. S. Highway 90 the Alabama Department of Transportation will have to review, approve and permit the turnouts.

Mr. Eady: It is not uncommon for sidewalks not to be constructed until the time of the construction of the homes or the businesses. If you put in the sidewalks during the construction of the subdivision, they usually get damaged and have to be replaced or patched so it is easier to have the owner of the site put in the sidewalk at the time of the construction of the home or business on the lot.

The Chairman stated 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. If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Terry to grant approval to the preliminary plat for the Renaissance Center Subdivision. The Motion carried unanimously.

The next order of business is site plan review for Lot 3, the Resubdivision of Lot 1, Highway 64 Commercial Park.

SITE PLAN REVIEW:

File S07-27:

Site: Lot 3, the Resubdivision of Lot 1, Highway 64 Commercial

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Park

Location: North of County Road 64 on Capital Drive
Area: 0.81 Acres +
Owner: Leroy English or Randy Mitchell
Engineer: Engineering Development Services - Jason Estes

An introductory presentation was given by Mr. Jason Estes, representing Engineering Development Services, of a ten thousand square foot stucco/brick office and warehouse facility located North of County Road 64 on Capital Drive. 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: I would like to ask legal counsel if we can approve the site plan for this facility if we do not know the owner of the detention pond and it is not being maintained.

Mr. Ross: I do not believe that you can.

Mr. Estes: Ms. Campbell, the Site Containment Officer in her memorandum, had stated that the detention pond is functioning properly, but that the ditch leading to the pond needed to be cleaned out. She asked me to evaluate whether or not this site would affect the detention pond. At present, this subdivision does not have any existing problems with regard to flooding. I went to Mr. Eady's office today to review the as-built plans for this subdivision and discovered that the water from this site would not be directed into the ditch she was concerned about.

Mr. Eady, the Director of Community Development, presented a copy of Lot 1, the Resubdivision of Highway 64 Commercial Park, and demonstrated for the Commission that although Ms. Campbell's comments were valid that the storm water drainage from the site is not directed into that particular ditch to the pond.

Ms. Barnette: She questioned the ownership and maintenance of the detention pond and whether or not we need to know this in order to approve the site plan.

Mr. Ross: I am not prepared to address this issue at this time. If it would please the Commission to table the matter for thirty days, I would be prepared to opine a legal determination before site preview of the next meeting.

Vice Chairman: As the developer of the subdivision, the resubdivision of Lot 1, Highway 64 Commercial Park, does not have a functioning property owners' association. The taxes for the parcel in which the detention pond is located were not paid. This particular parcel now

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belongs to the State of Alabama and is not being maintained.

Ms. Barnette commented on the necessity to require an owner to obtain from the developer/owner of a subdivision the appropriate documents regarding the creation of a property owners' association, ownership and maintenance of the detention pond prior to the submission of a site plan to the Planning Commission.

Vice Chairman: Would you like for the Planning Commission to vote on the agenda item or table it until next month?

Mr. Estes: Honestly, if we did agree to table the site plan for thirty days nothing with the site or the detention pond is going to change in that length of time.

The Commission discussed at length the comments and photographs received from Ms. Campbell, the Site Containment Officer, regarding the detention pond and the associated ditches and the possibility of the placement of a moratorium on developments which could not provide proper documents to the Planning Commission regarding the ownership and the maintenance of a detention facility.

Mr. Thomas and Mr. Terry: They both expressed concerns regarding the photographs presented by the Site Containment Officer with regard to the detention pond and lack of maintenance thereof.

Ms. Dickson addressed the Chairman and stated Ms. Campbell is not here, but Mr. Bradford, the other Site Containment Officer, can comment on the photographs.

Mr. Bradford: The photograph that you are referring to is the ditch leading to the detention pond, not the detention pond.

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. Kirby and **Seconded** by Mayor Small **to grant approval to the site plan for Lot 3, the Resubdivision of Lot 1, Highway 64 Commercial Park.**

Upon roll call vote, the Motion failed.

Mayor Small Aye
Victoria Phelps Nay

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<u>Don Terry</u>	<u>Nay</u>
Deleon Thomas	Nay
Larry Chason	Aye
Cathy Barnette	Nay
Ed Kirby	Aye

Mr. Ross: The site plan did not pass. The motion failed.

Mr. Randy Mitchell, the owner: He requested to speak regarding the denial of the site plan. I have been a business owner in this area for twenty-one years. I finally decided to build a building in the City of Daphne, and I get denied. Mr. Estes has addressed the concerns of the Planning Commission regarding the drainage and the detention pond. In this particular complex, there have been several buildings which were recently approved by this Board. If there was a problem in this subdivision, then tell me who approved the site plans for those buildings. It was imperative that I get approval at this meeting to order my building and begin construction by the end of the year. If I have to wait thirty days, then I would not be able to meet that deadline.

Mr. Eady: At the beginning of the meeting, I had an as-built drawing of the subdivision and showed you the direction of the flow of the storm water from the site and illustrated to you that this water was not directed into that ditch. I do not believe it is right to hold this gentleman up because of the ownership and maintenance of the detention pond in this subdivision.

Mr. Terry: I do not know who to believe with regard to the Site Containment Officers comments and photographs.

Mr. Eady: Well, I would not lie to you and the storm water from this site does not go into the ditch in that photograph. It goes to the East and then traveled to the North which is beyond this ditch.

Mr. Thomas: I am not comfortable making a motion to approve the site plan without the addition of the moratorium on construction for a site plan which does not have the appropriate documents showing ownership and maintenance of the detention pond. We have to start at some point and I think that we have reached it.

Vice Chairman: I think that I could speak with some of the property owners and try to assist in working with Mr. Estes to resolve this problem. I do not think we should penalize the owner of the lot for the maintenance and ownership of the detention pond within a subdivision.

Mr. Ross in order to reintroduce the motion for reconsideration a party which voted in the negative would have to reintroduce the motion.

Mr. Ross: That is correct.

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Ms. Phelps: I think that this is a problem that we should address, but maybe after this approval; therefore, I will be happy to reintroduce the motion in order to reconsider his site plan.

A **Motion** was made by Ms. Phelps and **Seconded** by Mayor Small **to reconsider the approval of the site plan for Lot 3, the Resubdivision of Lot 1, Highway 64 Commercial Park. The Motion carried unanimously.**

A **Motion** was made by Ms. Phelps **to grant approval to the site plan for Lot 3, the Resubdivision of Lot 1, Highway 64 Commercial Park, and to place a moratorium on any site plan submitted to the Planning Commission without documentation of proof of ownership and maintenance of the detention pond for the site.**

Mr. Ross: I believe the Planning Commission should make two motions. The Commission has the ability to approve or disapprove the site plan, but I think the authority to place a moratorium would lie with the City Council. The second motion would be a motion from the Planning Commission to recommend to the City Council that they place a moratorium on site plans unless the proper documentation is submitted to the Community Development Department.

A **Motion** was made by Mr. Kirby and **Seconded** by Mayor Small **to grant approval to the site plan for Lot 3, the Resubdivision of Lot 1, Highway 64 Commercial Park.**

Upon roll call vote, the Motion carried.

Mayor Small	Aye
Victoria Phelps	Aye
Don Terry	Aye
Deleon Thomas	Aye
Larry Chason	Aye
Cathy Barnette	Nay
Ed Kirby	Aye

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 a moratorium for all site plans which do not identify the owner and maintenance of the detention pond to be used for storm water detention for the site.**

Upon roll call vote, the Motion carried.

Mayor Small	Aye
Victoria Phelps	Aye
Don Terry	Aye
Deleon Thomas	Aye

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Larry Chason Nay
Cathy Barnette Aye
Ed Kirby Aye

The next order of business is site plan review for Warehouse Addition to Mathes Electric Company.

File S07-28:

Site: **Warehouse Addition to Mathes Electric Company**

Location: 1406 U. S. Highway 98
Area: 1.43 Acres +, including existing development
Owner: Mathes Electric Company - Jerry Mathes
Engineer: Youngblood-Barrett Construction & Engineering - Erwin Barrett

An introductory presentation was given by Mr. Erwin Barrett, representing Youngblood-Barrett Construction & Engineering, of a warehouse addition to the existing facility at Mathes Electric Company located on U. S. Highway 98. At the time of construction of the original facility the detention pond was oversized for the site. We have redesigned the pond in such a manner to accommodate the warehouse addition and reduced the size of the pond. At site preview, there were comments presented from Ms. Campbell which we have addressed. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments? He asked Mr. Barrett to offer an opinion on the previous presentation and give a recommendation of comments regarding the ditch and detention pond.

Mr. Barrett: At the time of the reduction of the size of the detention pond on the Mathes site, we will reconstruct and conduct maintenance on the pond. Vegetation and overgrowth does not always hinder the function of the ditch or the detention pond. Most times they assist in the prevention of erosion and sediment. In this case the engineer concluded that the detention pond was functioning properly, but could not certify to the maintenance of a pond designed by another engineer.

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 Mayor Small and **Seconded** by Mr. Kirby **to grant approval to the site plan for the Warehouse Addition to Mathes Electric Company. The Motion carried unanimously.**

The next order of business is site plan review for State Bank & Trust.

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File S07-29:

Site: State Bank & Trust

Location: The South corner of McSara Court and Mill Lane, in TimberCreek Business Park, Unit Two, the Resubdivision of Lots 1 & 2
Area: 1.11 Acres +
Owner: State Bank & Trust - Steven Davitt
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, of a banking facility located at the South corner of McSara Court and Mill Lane, in TimberCreek Business Park, Unit Two, the Resubdivision of Lots 1 & 2. I will be happy to answer any questions you may have.

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

Mr. Kirby: The sign details for this site have been presented to me and we found to be in compliance.

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 Mayor Small and **Seconded** by Mr. Kirby **to grant approval to the site plan for State Bank & Trust. The Motion carried unanimously.**

The next order of business is site plan review for Audubon Park Apartments, Phase Two.

File S07-30:

Site: Audubon Park Apartments, Phase Two

Location: South of the intersection of County Road 64 and Pollard Road
Area: 7.27 Acres +
Owner: Audubon Park, L.L.C.
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, of the second phase of Audubon Park Apartments located South of the intersection of County Road 64 and Pollard Road. I will be happy to answer any 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.

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A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to grant approval to the site plan for Audubon Park Apartments, Phase Two. The Motion carried unanimously.**

The next order of business is site plan review for Country Inn and Suites.

File S07-31:

Site: Country Inn and Suites

Location: On Woodrow Lane, South of Bassett Furniture and East of Holiday Inn Express
Area: 2.24 Acres ±
Owner: Daphne, Inn, L.L.C.
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, of a hotel facility located On Woodrow Lane, South of Bassett Furniture and East of Holiday Inn Express. I will be happy to answer any questions you may have.

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

Ms. Phelps: Is this building going to be a stick built building?

Mr. Bobe: I do not know.

Ms. Phelps: From the architectural renderings that we have it appears to be. Do you know if he had received approval from the TimberCreek architectural committee?

Mr. Bobe: I am not sure.

Ms. Phelps: Although we do not have architectural requirements, I would like for an owner to reconsider the construction of a stick built buildings in the City of Daphne.

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. Kirby and **Seconded** by Mayor Small **to grant approval for the site plan for Country Inn and Suites. The Motion carried unanimously.**

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The next order of business is an administrative presentation.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Eady, Director of Community Development, of the Alabama Highway 181 progress report and a request to set the November and December meeting dates for the Planning Commission. This Department requests to set the November meeting date for Tuesday, November 20, 2007 and the December meeting date for Thursday, December 20, 2007.

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 Mr. Kirby **to set the November meeting date for Tuesday, November 20, 2007 and the December meeting date for Thursday, December 20, 2007. The Motion carried unanimously.**

Mr. Eady: I have given you a memorandum with a copy of a quit claim deed and a map recommending acceptance of the right-of way of Pollard Road South from County Road 64 to Jonesboro Road. During the construction of St. Charles Village, it was discovered that Baldwin County did not ever give this portion of Pollard Road. Since the properties on the East side of this right-of-way have been annexed, the right-of-way should be ours for the purpose of permitting at the time of construction. Therefore, this Department is requesting that you make a favorable recommendation to the City Council for the acceptance of this right-of-way.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Phelps **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the right-of-way for Pollard Road from County Road 64 South to Jonesboro Road. The Motion carried unanimously.**

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

ATTORNEY'S REPORT:

Mr. Ross, attorney: I do not think we need to go into an executive session, but I would like to update you on pending litigation. A summary judgement was requested and granted whereby it is the order of the court in favor of the defendant overruling the Planning Commission and giving site plan approval to the Value Place Hotel. The decision was based on the documentation contained in the file presented by the defendant, the criteria which shall be met which is outlined in the City of Daphne Land Use and Development Ordinance, and the deposition of Mr. William Eady, the Director of Community Development. The court felt as if this was sufficient information to

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render a summary judgement of the case. Therefore, the Value Place Hotel is given site plan approval by reversal of your decision and may begin construction.

Vice Chairman: I feel as if an extended stay hotel definition should be prepared and placed in the Land Use Book to describe just exactly what type of development would fit this criteria. I do not think this facility would meet the criteria of a hotel facility in a B-2, General Business, and that it needs to be spelled out for the future.

Ms. Barnette: I think we were not successful in this case because we did not have adequate representation and therefore no other depositions from the Planning Commission members were taken.

Mr. Ross: The court felt as if no other depositions were necessary. The decision relied on the information contained in the motions, minutes, and the sole deposition of the director. That is all I have to report Mr. Chairman.

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 7:55 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: October 25, 2007

Larry Chason, Vice Chairman

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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Demaris Anderson - Zoning
Amendment

MEMORANDUM

Date: October 26, 2007

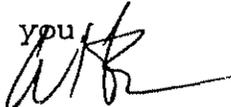
At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is R-2, Medium Density Single Family Residential. The proposed zoning is B-3, Professional Business. The property is located on Southwest corner of Van Avenue and Main Street.

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

Thank you


WHE/jd

cc: file

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on Main Street
Demaris Anderson (0.30 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, said property is located on Main Street, Alabama, being more particularly described as follows:

Legal Description:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 3, 2007 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 207-10 Date Plat Submitted: Sept. 25, 2007

Date Presented: Oct. 25, 2007

Name of Owner: Demaris L. Anderson

Address: 1306 Main Street Daphne, AL 36526 Telephone # no phone
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Robert Deneefe

Address: Post Office Box 1342 Fairhope, Al 36533 Telephone # 251-689-1272
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Morse Subdivision SD

Lot(s): 1 Unit _____

Two (2) copies of legal description of the subject property.

Two (2) copies of subdivision plat or site plan drawn to scale,
(28" x 36").

List of the names and mailing addresses for the adjacent property
owners (Date Submitted: Sept. 25, 2007).

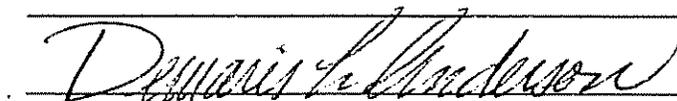
Meeting Dates:

Planning Commission: October 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Construction of a multi use facility with business on the first floor and a residence on the second floor



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address 1306 Main Street, Daphne, Al 36526
b) Name of Subdivision Morse
c) Lot numbers involved in change 1
d) Total acreage of change 0.30
e) Recorded in Map Book 0192, Page 896
f) Owned in whole by the undersigned? yes
g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-2, Medium Density Single Family Res
b) Reclassification desired B-3, Professional Business
c) Character of neighborhood Residential and Professional Business (B-3)

3) Certifications:

- a) Owner's Name Demaris L. Anderson
b) Address 1403 Main Street Daphne, Al 36526
c) Telephone Number
d) Date September 25, 2007

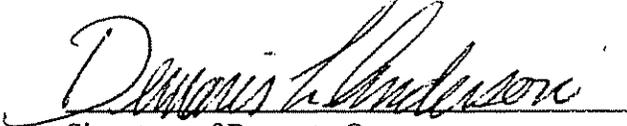
Handwritten signature of Demaris L. Anderson
Signature of Property Owner

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

September 25, 2007
Date


Signature of Property Owner

**DEMARIS L. ANDERSON
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 0.30 AC)**

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

**DEMARIS L. ANDERSON
ZONING AMENDMENT**

**ADJACENT PROPERTY OWNERS
(PROPERTY 0.30 AC)**

Parcel Number: 05-43-04-41-005-127.000

PPIN Number : 36896

Property Owner:

Vernon and Sandra Faye Morse

10 Denton Lane

Fairhope, AL 36532

Parcel Number: 05-43-04-20-2-000-090.000

PPIN Number : 31250

Property Owner:

Victorine Mandeville Nelson

PO Box 235

Daphne, AL 36526

Parcel Number: 05-43-04-41-0-005-124.000

PPIN Number : 30643

Property Owner:

Demaris L. Anderson

C/O H.L. Brown

PO Box 143

Tucker, GA 30085

Parcel Number: 05-43-04-41-0-005-130.000

PPIN Number : 9953

Jack D. Covert

PO Box 1143

Daphne, AL 36526

Parcel Number: 05-43-04-20-2-000-073.003

PPIN Number : 248582

Property Owner:

Vira and Associates, LLC

701 South Mobile St.

Fairhope, AL 36532

Parcel Number: 05-43-04-41-0-005-118.000
PPIN Number : 35339
Property Owner:
Emily Olive Russell and Roy C. Rayford
703 Van Ave.
Daphne, AL 36526



October 24, 2007

Mr. William H. Eady, Sr., Director
Community Development
City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Re: Ms. Demaris Anderson Re-Zoning Request

With regrets, I will not be able to attend the Planning Commission meeting on Thursday, October 25, 2007 as I will be out of town on business. My property is located next to the property that is requesting to be re-zoned from R-2 to B-3. Please present my opinion to the Commission. Neither I nor my husband has any objection to the zoning request. It is my understanding that this property is the only piece on the west side of Main Street between Van Avenue and McAdams Avenue that is zoned residential. We gladly give this comment of support for the re-zoning request made by Ms. Demaris Anderson. Please contact us at 929-0966 if additional information is needed.

Sincerely,

Sandra Morse

PLEASE Publish in the Bulletin Legal Section on Wednesday,
November 7, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below from R-2, Medium Density Single Family Residential District to B-3, Professional Business District Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on Main Street
Demaris Anderson (0.30 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, said property is located on Main Street, Alabama, being more particularly described as follows:

Legal Description:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 3, 2007 concerning the requested rezoning.

PLEASE Publish in the Bulletin Legal Section on Wednesday, November 14, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on November 7, 2007, that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from R-2, Medium Density Single Family Residential District to B-3, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on Main Street
Demaris Anderson (0.30 Acres)**

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Legal Description:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 3, 2007 concerning the requested rezoning.

/END OF SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: M & S Development, L.L.C. -
Annexation

MEMORANDUM

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the negative recommendation of the above-mentioned annexation review.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is R-3, Single Family Residential, in Baldwin County District 15. The proposed zoning is R-4, High Density Multi-Family Residential for the City of Daphne. The property is located on West side of Alabama Highway 181.

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

Thank you,



WHE/jd

cc: file

ORDINANCE NO. 2007 -

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

**M & S Development, LLC
(Property located on AL Highway 181 (9.76 Acres))**

**BE IT ORDAINED BY 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 October 25, 2007 and an *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 District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on December 3, 2007 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 CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA**, as follows:

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

BEING IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, SOMMERSET PLACE, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA ON SLIDE 1585-B, BEING ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181 (80' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181, S00°01'00"W, 330.00 FEET TO AN IRON PIN; THENCE N89°25'00"W, 1289.55 FEET TO AN IRON PIN; THENCE N00°01'00"E, 330.00 FEET TO AN IRON PIN; THENCE S89°25'00"W, 1289.55 TO THE POINT OF BEGINNING SAID TRACT CONTAINS 9.769 ACRES, MORE OR LESS AND IS THE SAME TRACT OF LAND DESCRIBED ON INSTRUMENT NUMBER 1006049 AND RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2007.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

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, M & S DEVELOPMENT, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as M & S DEVELOPMENT _____ 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, M & S DEVELOPMENT, 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:

REQUESTED ZONING: R-4 Multifamily Residential

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

DATED this 24 day of SEPTEMBER,
2007.

Respectfully submitted,

M & S DEVELOPMENT, LLC
Name of Corporation

By: X *Mike McDonald*

Its: MANAGER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Mike McDonald whose name as Manager of M & S Development, LLC, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 25 day
of September, 2007.

Deborah Ann White
NOTARY PUBLIC

(NOTARY SEAL)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 26, 2010
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

M & S DEVELOPMENT, LLC

(REFERENCE: M & S DEVELOPMENT)

ANNEXATION
LEGAL DESCRIPTION

EXHIBIT "A"

TAX ID 43-02-10-0-000-006.000

BEING IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, SOMMERSET PLACE, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA ON SLIDE 1585-B, BEING ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181 (80' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181, S00°01'00"W, 330.00 FEET TO AN IRON PIN; THENCE N89°25'00"W, 1289.55 FEET TO AN IRON PIN; THENCE N00°01'00"E, 330.00 FEET TO AN IRON PIN; THENCE S89°25'00"W, 1289.55 TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.769 ACRES, MORE OR LESS AND IS THE SAME TRACT OF LAND DESCRIBED ON INSTRUMENT NUMBER 1006049 AND RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

October 22, 2007

Attn: Mr. Eady
Daphne Planning Commission
P O Box 400
Daphne, AL 36526

Dear Sir or Madam:

This letter is written concerning property at 27695 State Highway 181. There is a request before your planning Commission to have this 10+ acres annexed into the city of Daphne and then re-zoned for condominiums.

Patti Williams and Linda Partlow, owners and residents at 9948 Somerset, are very opposed to the rezoning of this property directly behind our home.

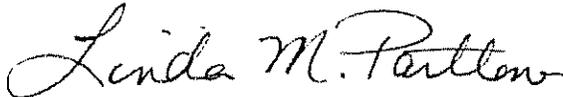
We purchased our home because the area was zoned R-3, single family residence. Please protect our investment and our neighborhood by not rezoning this property

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to be 'Patti Williams', written over a horizontal line.

Patti Williams

A handwritten signature in black ink, appearing to be 'Linda M. Partlow', written in a cursive style.

Linda Partlow

October 19, 2007
9934 Somerset Drive
Daphne, AL 36526

Mr. Bill Eady
Director, Daphne Planning & Zoning Dept
P.O. Box 400
Daphne, AL 36526

Dear Mr Eady,

We are writing to strongly object to any proposal to change the zoning of property at 27695 U.S Highway 181 from single family residential. As adjacent property owners, we are extremely concerned that this proposed change is incompatible with the neighborhood, which is single family residential. Also, we are extremely concerned that multi-family housing on this acreage would negatively impact the adjacent wetlands area and increase the possibility of flooding in an area already prone to flooding.

As you review the request to rezone, you will see that the Somerset Place neighborhood backs up to this property along the entire north side. Also, two new single family residential neighborhoods are currently being built just across Hwy. 181 from this property, on the east side. The Sehoj residential community is through the woods on the west side. So, it is surrounded on three sides by quiet residential communities with homes priced from \$250,000 to \$400,000 and up. It is bounded on the south side by a wetlands area. There is no buffer between this property and the Somerset neighborhood; our back yards overlook the property. If anything is built on this property, it should be single family residential homes in keeping with the neighborhoods surrounding it on three sides. There is plenty of money to be made by constructing such a neighborhood that would be compatible with the current developments.

We are extremely concerned that any development other than single family residential would negatively impact our property values, create problems with water runoff and flooding, and harm the adjacent wetlands area. The addition of hundreds of residents would substantially increase traffic and noise and reduce our quality of life.

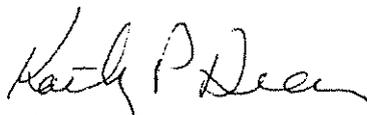
Also, we are deeply concerned that there has been no notification of neighboring property owners about this request. Previous owners had attempted to have this acreage zoned B-3 through the Baldwin County Planning & Zoning Board, and that board tabled the item due to concerns about wetlands impact, traffic, population density and impact on adjacent property owners. We would expect that the city of Daphne would have the same concerns as Baldwin County officials, and would deny the request for a zone change. We ask you to take such action regarding any request for zone change.

You may contact us at 604-7592 if you wish to discuss this further.

Sincerely,



John C. Dean



Kathy P. Dean

Date: October 18, 2007

To: Mr. Bill Eady
Daphne Planning and Zoning Department
P.O. Box 400
Daphne, Al 36526

From: Melvin F. & Carolyn George
9765 Sommerset Dr.
Daphne, Al 36526

Subject: 27695 U.S. Highway 181 Property Annexation

Dear Sir,

As a property and single-family home owner, it has been brought to my attention that a request has or will be made to the Daphne Planning and Zoning Department to annex property to the immediate south, along Highway 181, of my home and property in Sommerset Place on Highway 181.

Mr. Eady, this request greatly concerns my wife and I due to the possibility of interrupting our quiet single-family neighborhood with a development that is sure to cause depreciation of the values my family and I have placed in our neighborhood. It has been stated that a 48 housing unit development is in the planning stages, along with swimming pool and clubhouse.

My property and home was purchased with the intent of retiring in a quiet and peaceful environment of 16 homes on a two-way cul-de-sac. Since my purchase, there have been two additional single-family developments to commence growth in the neighborhood.

In the recent past, the Baldwin County Planning Commission (Mr. Wayne Dyas) turned down a request for this same property to be re-zoned such that developments other than single-family dwellings could be constructed. It appears now that an

attempt is being made to annex this property into the City of Daphne in order to avoid the Baldwin County Planning Commission's denial for re-zoning. As a citizen of Baldwin County, I'm concerned for the future value of my quiet neighborhood, as well as, the value of my property.

It is with regret that I write this letter of concern. As a voter in Baldwin County, I'm requesting of you, as a member of the Daphne Planning and Zoning Department, to also deny this request.

Thank you in advance for the positive and reasonable response,

Melvin F. & Carolyn George
9765 Sommerset Dr.
Daphne, Al 36526
(251) 621-2929
(251) 599-0690 Cell

PLEASE Publish in the Bulletin Legal Section on Wednesday, November 7, 2007

FIRST NOTICE OF PUBLIC HEARING

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David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 -

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

**M & S Development, LLC
(Property located on AL Highway 181 (9.76 Acres))**

BE IT ORDAINED BY 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 October 25, 2007 and an *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 District**; and,

PLEASE Publish in the Bulletin Legal Section on Wednesday, November 14, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on November 7, 2007 that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 -

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

**M & S Development, LLC
(Property located on AL Highway 181 (9.76 Acres))**

**BE IT ORDAINED BY 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 October 25, 2007 and an *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 District**; and,

/END OF SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: William Lange - Zoning
Amendment

MEMORANDUM

Reference: Bay Auto Glass

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is B-1, Local Business. The proposed zoning is B-2, General Business. The property is located on East side of U. S. Highway 98.

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

Thank you



WHE/jd

cc: file

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on U. S. Highway 98
William Lange (Bay Auto Glass) (1.44 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE NORTH 60 FEET OF LOT NUMBER 2 OF "TILLMAN BROTHERS SUBDIVISION" AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LOT 1 AND A PORTION OF LOT 2, TILLMAN BROTHERS SUBDIVISION

LEGAL DESCRIPTION:

LOTS NUMBER 2 AND 3 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT:

THE NORTH 60 FEET OF LOT NUMBER 2 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 3, 2007 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, General Business District to B-2, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT
(BAY AUTO GLASS)

Application Number: 207-09 Date Plat Submitted: Sept. 25, 2007
Date Presented: Oct. 25, 2007

Name of Owner: William Lange

Address: 2506 U. S. Highway 98, Daphne, Al 36526 Telephone # 251-626-1995
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: _____

Address: _____ Telephone # _____
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Tillman Brothers Subdivision

Lot(s): Lots 1, 2, & 3 Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: September 25, 2007).

Meeting Dates:

Planning Commission: October 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

BAY AUTO GLASS BEGAN OPERATION IN DAPHNE, ALABAMA IN 1990 AT THE CORNER OF MAIN STREET AND BELROSE AVENUE. AFTER SEVEN YEARS, IN 1997, I PURCHASED LOT 3 AND A PORTION OF LOT 2 OF TILLMAN BROTHERS SUBDIVISION ON U. S. HIGHWAY 98 FROM DOUG TILLMAN IN ORDER TO RELOCATE. I CONTACTED THE CITY FOR PERMITTING AND BUILDING CODES AND BUSINESS LICENSE TRANSFER INFORMATION AND UPON THE DAY OF OPENING THE CODE ENFORCEMENT OFFICER INSTRUCTED ME THAT THIS TYPE OF BUSINESS WAS NOT ALLOWED IN A B-1, LOCAL BUSINESS ZONE, IN JANUARY, 1998, I PETITIONED THE PLANNING COMMISSION TO AMEND THE LAND USE ORDINANCE, BUT ULTIMATELY THE ORDINANCE CHANGE WAS DENIED BY THE CITY COUNCIL BECAUSE THE APPLICATION FOR HAMP GRIFFIN AND BAY AUTO GLASS WERE CONSIDERED AT THE SAME TIME RATHER THAN INDIVIDUALLY. AT THAT TIME COMMENTS WERE MADE SUCH THAT AN AMENDMENT COULD BE MADE TO THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE TO ALLOW AN AUTOMOBILE GLASS INSTALLATION FACILITY IN THIS ZONE, BUT TO DATE NO REVISION HAS BEEN MADE. NOW THE OWNERS TO THE NORTH WISH TO SELL THE REMAINDER OF THE LOTS IN THE SUBDIVISION TO ME. THIS WOULD CLEAR THE ENCROACHMENT OF THE BUILDING ON LOT 2 AND AFFORD ME THE POSSIBILITY OF EXPANSION IF I WISH TO DO SO AT A LATER DATE THEREFORE, I RESPECTFULLY REQUEST CONSIDERATION OF AN APPLICATION FOR A ZONING AMENDMENT FROM A B-1 TO A B-2 ZONE. DR. BARRY BOOTH, OWNER OF VETERAN'S POINTE, IS APPLYING ALONG WITH ME SO ALL OF THE BUSINESSES ALONG THIS SECTION OF U. S. HIGHWAY 98 ARE ZONED B-2, GENERAL BUSINESS. CURRENTLY FAUSAK TIRES AND THE PROPERTY TO THE NORTH ARE ZONED B-2, GENERAL BUSINESS.

William Lange
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address 2506 U. S. Highway 98 which consists of Lot 3 and a portion of Lot 2, the location of Bay Auto Glass and the recently purchased lot 1 and the remainder of Lot 2
- b) Name of Subdivision Tillman Brothers Subdivision
- c) Lot numbers involved in change 1, 2 and 3
- d) Total acreage of change 1.44
- e) Recorded in Slide 1650 B
- f) Owned in whole by the undersigned? Owner, William Lange
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property B-1, General Business
- b) Reclassification desired B-2, Local Business
- c) Character of neighborhood General Business (B-2)

3) Certifications:

- a) Owner's Name William Lange (Bay Auto Glass)
- b) Address 2506 Highway 98 Daphne, Al 36526
- c) Telephone Number 251-626-1995
- d) Date September 25, 2007

William Lange
Signature of Property Owner

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

9-26-07
Date

Willian Jang
Signature of Property Owner

WILLIAM LANGE
JIM BOOTHE CONTRACTING
ZONING AMENDMENT

EXHIBIT "A"

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE NORTH 60 FEET OF LOT NUMBER 2 OF "TILLMAN BROTHERS SUBDIVISION" AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

(Description supplied by client and copied from Instrument 710346).

LOT 1 AND A PORTION OF LOT 2, TILLMAN BROTHERS SUBDIVISION

WILLIAM LANGE
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

LOTS NUMBER 2 AND 3 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT:

THE NORTH 60 FEET OF LOT NUMBER 2 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

REFERENCE: BAY AUTO GLASS

THE CITY OF DAPHNE
PLANNING COMMISSION
REGULAR MEETING
DECEMBER 18, 1997 - 6:00 P.M.

Mr. Eady stated no, sir.

A Motion was made by Mr. Woodham and Seconded by Mr. West to grant Site Plan approval to the Office for S. Starke Irvine. The Motion carried unanimously.

PLANNING COMMISSION DISCUSSION:

Discussion regarding the Plat Notes for the Historic Malbis Development:

Mr. Eady referenced the plat notes that he had given the Commission. These are the notes that would be placed on the plat. He stated that he had met with Mr. Don Coleman, Rester & Coleman Engineers, and recommended that the notes be changed in order to be in compliance with the Ordinance.

The Chairman questioned whether or not the proposed changes were being presented for the purpose of discussion or did he want the Commission to act on them.

Mr. Eady stated that is up to the discretion of the Commission.

A Motion was made by Mayor Brown and Seconded by Mr. Kirby to include the suggested changes by Mr. Eady, Planning Director, in the Notes to Plat proposed by the Historic Malbis Development. The Motion carried unanimously.

Discussion regarding relocation of Bay Auto Glass to U. S. Highway 98 (formerly known as) Doug's Produce:

Mr. Eady stated that it has come to my attention that Bay Auto Glass has relocated from the Main Street location to U. S. Highway 98 which was formerly the location of Doug's Produce. He referenced Section 9.3 the Table of Permitted Uses and stated that automobile glass installation is permitted in a B-2 zone and this location is zoned B-1. He stated that he was bringing this to the attention of the Commission for guidance.

Mr. Woodham stated that there was no relief except for the property owner to apply for rezoning and the Commission was not likely to recommend the rezoning of this property.

A Motion was made by Mayor Brown and Seconded by Mr. West to adjourn. The Motion carried unanimously.

ADJOURNMENT:

APRIL 6, 1998
CITY COUNCIL
DAPHNE, ALABAMA

1

CITY COUNCIL
REGULAR MEETING
6:30 PM

1. CALL TO ORDER

Mayor Brown called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Members Present: John Montgomery, J. Rhea Silvernail, John Lake, Greg Burnam, Nell Gustavson, Patrick Collins, Penny Leff and Mayor Brown.

Also Present: Manley Cummins, City Attorney; Michele Whalen, Adm. Secretary; Ed Kirby, Code Enforcement; Kim Briley, Finance/Treasurer; Fire Chief Mund Hanson; Steve Whittington, Personnel; Bill Eady, Planning Director; Police Chief Joe Hall; Lt. Charlie McNichol; Sgt. James Matthews; Mike Hovey, Public Works Director.

Hal Pierce & John Coulter, IBD; Arthur Prater & Art Rigas, Utility Board; Darrelyn Bender, ES Chamber.

3. APPROVE MINUTES OF REGULAR MEETING HELD MARCH 16, 1998.

MOTION BY Mr. Silvernail to approve the minutes of the meeting held March 16, 1998 with the change on page 2 to add the word 'deal' to the last line of paragraph 3. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

***Proclamation: Child Abuse Prevention/Care House - Blakely Davis*

Mayor Brown presented a proclamation to Ms. Blakely Davis from Baldwin County Care House in recognizing April as Child Abuse Prevention month. Ms. Davis thanked the Mayor and Council for all their support to the program.

Bay Auto Glass

***PUBLIC HEARING: Amendment to the Land Use & Development Ordinance.*

Mayor Brown opened the public hearing at 6:38 p.m. and asked if there was anyone present who wished to address the Council regarding the amendment to the Land Use & Development Ordinance.

Mr. Burnam stated that as a Council, we should be consistent in what we do and in his opinion if we are going to vote to change this ordinance to accommodate a certain type of business, He doesn't see any difference in changing the zoning laws to accommodate another one.

Mr. Collins stated that this ordinance is an amendment to the Land Use Code to allow Automobile Air Conditioning Sales & Service and Automobile Glass & Upholstery Installation in a B-1 zone by permission from the Planning

Commission, now they are not allowed in those zones.

Mayor Brown stated that the Land Use Ordinance needs to be reviewed and revised.

Mayor Brown closed the public hearing at 6:42 p.m.

***Presentation: Baldwin County Trailblazer-'Unity in the Community Walk'*

Mayor Brown introduced Tamer Hasson and Davey Richerson. Mr. Hasson and Mr. Richerson presented to the council their request to have a 'Unity in the Community Walk' on Saturday, May 2nd to help make the community aware of the trail project which will run from the USS Battleship to Weeks Bay.

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Burnam

Mr. Burnam reviewed the request from the Daphne Dixie Boys to purchase baseball equipment in the amount of \$1804.90. It was the recommendation of the finance committee to appropriate the funds for the Dixie Boys baseball equipment.

MOTION BY Mr. Burnam to appropriate the \$1804.90 for the Dixie Boys baseball equipment and the equipment will be City property and the Recreation Department will inventory the items before they are passed out and at the end of the season when they are turned back in. Seconded by Mr. Silvernail.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

The next finance meeting will be Friday, April 10th at 8:30 a.m.

B. PUBLIC SAFETY/ORDINANCE COMMITTEE - Gustavson

Mr. Collins stated the next meeting will be Monday, April 13th at 4:30 p.m. at the Justice Center. Mr. Collins reviewed the minutes of the Ordinance committee held on March 26th.

C. PUBLIC WORKS COMMITTEE - Montgomery

Mr. Montgomery stated the meeting that was scheduled for March 26th was cancelled due to the death of our former councilmember. Mr. John Sasser. The next meeting will be Wednesday, April 15th at 4:00 p.m.

Ms. Leff asked Mr. Hovey about the work at Greenwood Drive. She stated that she was out there today and there were 5 men doing nothing and took pictures of what has been done there: she also stated she did not appreciate being stood up this morning by his department to go and look at some of the projects.

Mr. Hovey stated that the men at Greenwood Drive were doing their job as they

AYE - ALL IN FAVOR, except

NAY - Penny Leff

e) ADECA Application Funding

/Resolution No. 1998-37

f) LFPOA Fourth of July Agreement

/Resolution No. 1998-38

MOTION BY Mr. Collins to waive the reading of Resolution No. 1998-37 and 1998-38. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Collins to adopt Resolution No. 1998-37 and 1998-38. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

Ordinances:

a) Natural Resource Conservation Service Grant /Ordinance No. 1998-06

MOTION BY Mr. Silvernail to waive the reading of Ordinance No. 1998-06. Seconded by Ms. Leff

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Ms. Leff to adopt Ordinance 1998-06. Seconded by Mr. Burnam.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Burnam to voting on the Land Use & Development Amendment and the Hamp Griffin Rezoning at the same time. Seconded by Mr. Montgomery.

Mr. Burnam restated his feeling about the Council being consistent on all issues brought before them.

Mr. Cummins stated that he would like to see them voted on separately, because they are two separate amendments to the ordinance.

ROLL CALL VOTE:

AYE - Montgomery, Burnam, Collins

NAY - Silvernail, Lake,
Gustavson, Leff, Brown

Motion fails.

b) Land Use & Development Ordinance Amend. /Ordinance No. 1998-07

MOTION BY Mr. Silvernail to waive the reading of Ordinance No. 1998-07.
Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Silvernail adopt Ordinance 1998-07. Seconded by Mr. Montgomery.

ROLL CALL VOTE:

AYE - Montgomery, Lake, Burnam, Leff

NAY - Silvernail, Gustavson,
Collins, Brown

Motion fails.

MOTION BY Mr. Silvernail to send this ordinance back to the Planning Commission for further review. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

c) Hamp Griffin Rezoning

/Ordinance No. 1998-08

MOTION BY Mr. Silvernail to waive the reading of Ordinance No. 1998-08.
Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Silvernail to adopt Ordinance No. 1998-08. Seconded by Mrs. Gustavson.

ROLL CALL VOTE:

AYE - Montgomery, Burnam, Leff

NAY - Silvernail, Lake,
Gustavson, Collins

Motion fails.

Other Business:

a) Eastern Shore Chamber of Commerce

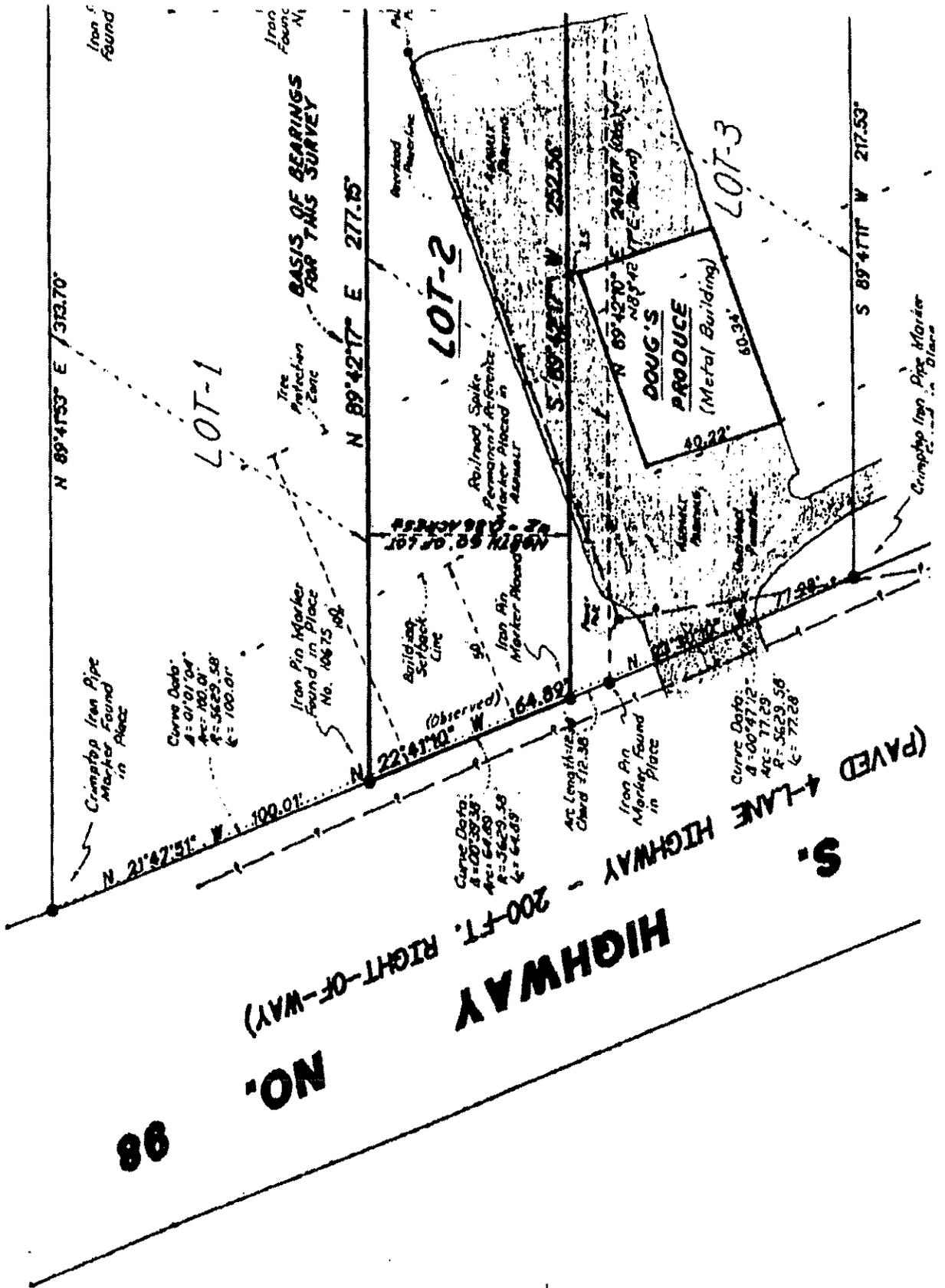
waiver of fees for Bay Front Park - approved earlier

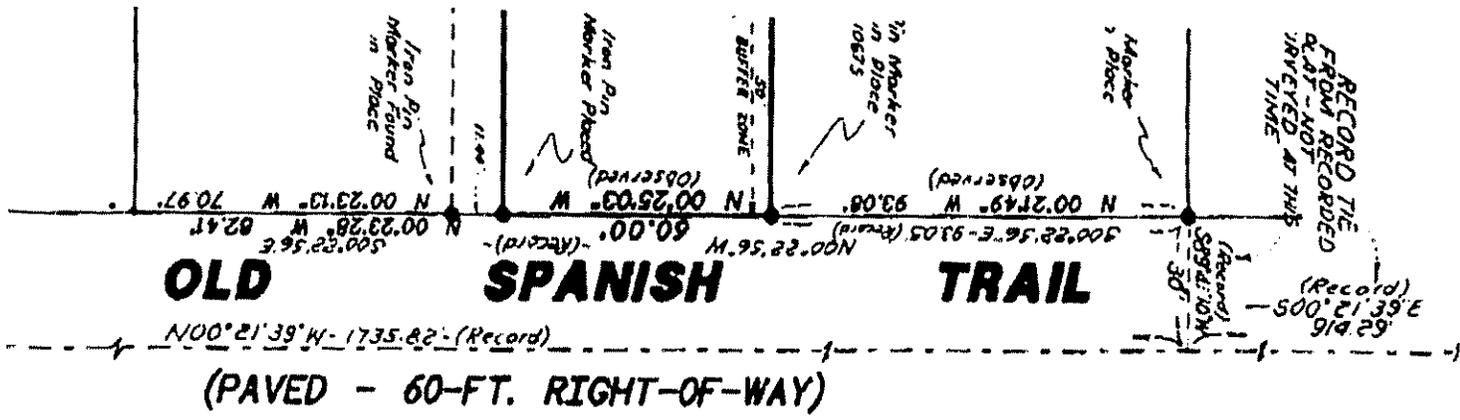
b) Baldwin County Trailblazers

walk a thru request - approved administratively

CONDITIONS IN THE CITY OF DAPHNE	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	C
Apparel and accessory store						R	R		
Appliance store						R	R		
Armory	S	S	S	S	S	R	R		P
Art gallery or museum	S	S	S	S	S	R	R	S	
Art sculptures, statues, monuments	S	S	S	S	S	P	P	P	P
Art supplies						R	R		
Auditoriums, stadiums, coliseums, dance halls and other such places of public assembly	S	S	S	S	S	R	R		S
Automobile Air Conditioning Sales and Service							P		R
Automobile Glass and Upholstery Installation							P		R
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer							R		R
Automobile parts sales, except used parts							R		R
Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided							S		S
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (now and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district							R		P
Automobile and truck laundry, including steam cleaning									R
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures							S		R
Automobile and truck sales and service ; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities							R		R

NOTE:
 CURVE DATA TAKEN FROM
 RECORD SUBDIVISION PLAT
 "TILLMAN BROTHERS SUBD."
 (SLIDE FILE 1650-B).





Attn: Kristi

Tillman Bros. Sub.

T STATION (EQUATION)
372+10.02 LB = 372+41.73 LA
IRON PIPE FOUND

N 89° 41' 10" E.
N. 89° 42' 17" E. — 313.87 (RECORD)
313.64'

213.67'

26816 Highway 98 98.97'

0.03 ± Ac

N 89° 42' 17" E 277.15'

26800 Highway 98
1.44 ± ACRES (TOTAL)

0.43 ± Ac

N 89° 42' 17" E 247.83'

26788 Hwy 98
()

0.38 ± Ac

Dougs Produce

S. 89° 41' 10" W. 217.52'
(BASIS OF BEGINNING) (REC 2176)

POINT OF BEGINNING

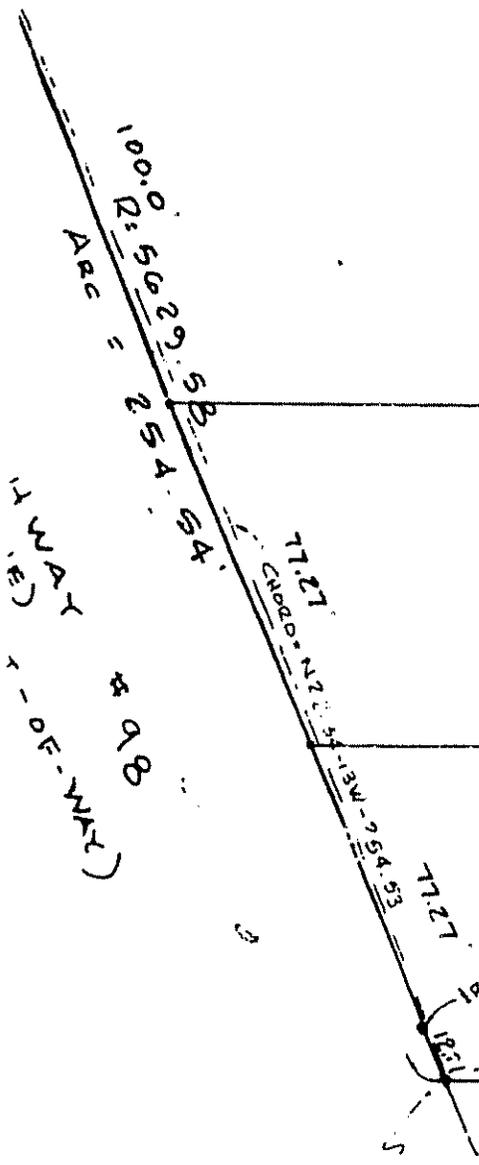
73.05'

235 w. (RECORD)

235.46'

S. 00° 22' 56" E. 71.45'

70.97'



(WAY) (WAY) (WAY)

PLEASE Publish in the Bulletin Legal Section on Wednesday,
November 7, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below from B-1, General Business District to B-2, Local Business District. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on U. S. Highway 98
William Lange (Bay Auto Glass) (1.44 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PLEASE Publish in the Bulletin Legal Section on Wednesday, November 14, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on November 7, 2007, that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from B-1, General Business District to B-2, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE NORTH 60 FEET OF LOT NUMBER 2 OF "TILLMAN BROTHERS SUBDIVISION" AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LOT 1 AND A PORTION OF LOT 2, TILLMAN BROTHERS SUBDIVISION

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Dr. Barry Booth - Zoning
Amendment

MEMORANDUM

Reference: Veteran's Pointe

Date: October 26, 2007

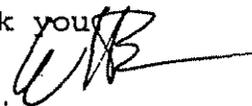
At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is B-1, Local Business. The proposed zoning is B-2, General Business. The property is located on East side of U. S. Highway 98.

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

Thank you


WHE/jd

cc: file

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on U. S. Highway 98
Barry L. Booth (Veterans Pointe) (1.6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 3, 2007 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, General Business District to B-2, Local Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS ____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT
(VETERANS POINTE)

Application Number: 207-08 Date Plat Submitted: Sept 25, 2007

Date Presented: Oct. 25, 2007

Name of Owner: Dr. Barry L. Booth

Address: Post Office Box 7406 Spanish Fort, Al 36577 Telephone # 251-626-3211
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: _____

Address: _____ Telephone# _____
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Not Applicable

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Sept 25, 2007).

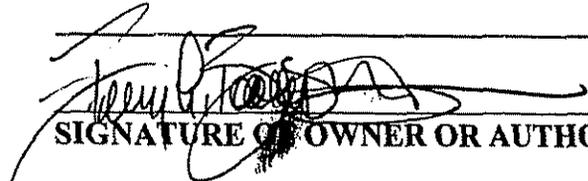
Meeting Dates:

Planning Commission: October 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Request zoning amendment along with Bay Auto Glass in order for all businesses along this section of U. S. Highway 98 to be in confirmity as B-2, General Business, zoning



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

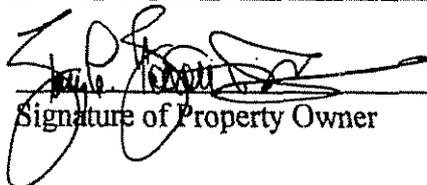
- a) Address 2504 U. S. Highway 98
South of Bay Auto Glass
- b) Name of Subdivision _____
- c) Lot numbers involved in change _____
- d) Total acreage of change 1.6
- e) Recorded in _____
- f) Owned in whole by the undersigned? Owner, Dr. Barry L. Booth
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property _____ B-1, General Business
- b) Reclassification desired _____ B-2, Local Business
- c) Character of neighborhood General Business (B-2)

3) Certifications:

- a) Owner's Name Dr. Barry L. Booth (Veterans Pointe)
- b) Address 2506 Highway 98 Daphne, Al 36526
- c) Telephone Number 251-626-3211
- d) Date _____



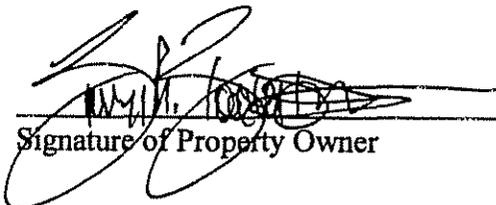
Signature of Property Owner

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

September 25, 2007
Date



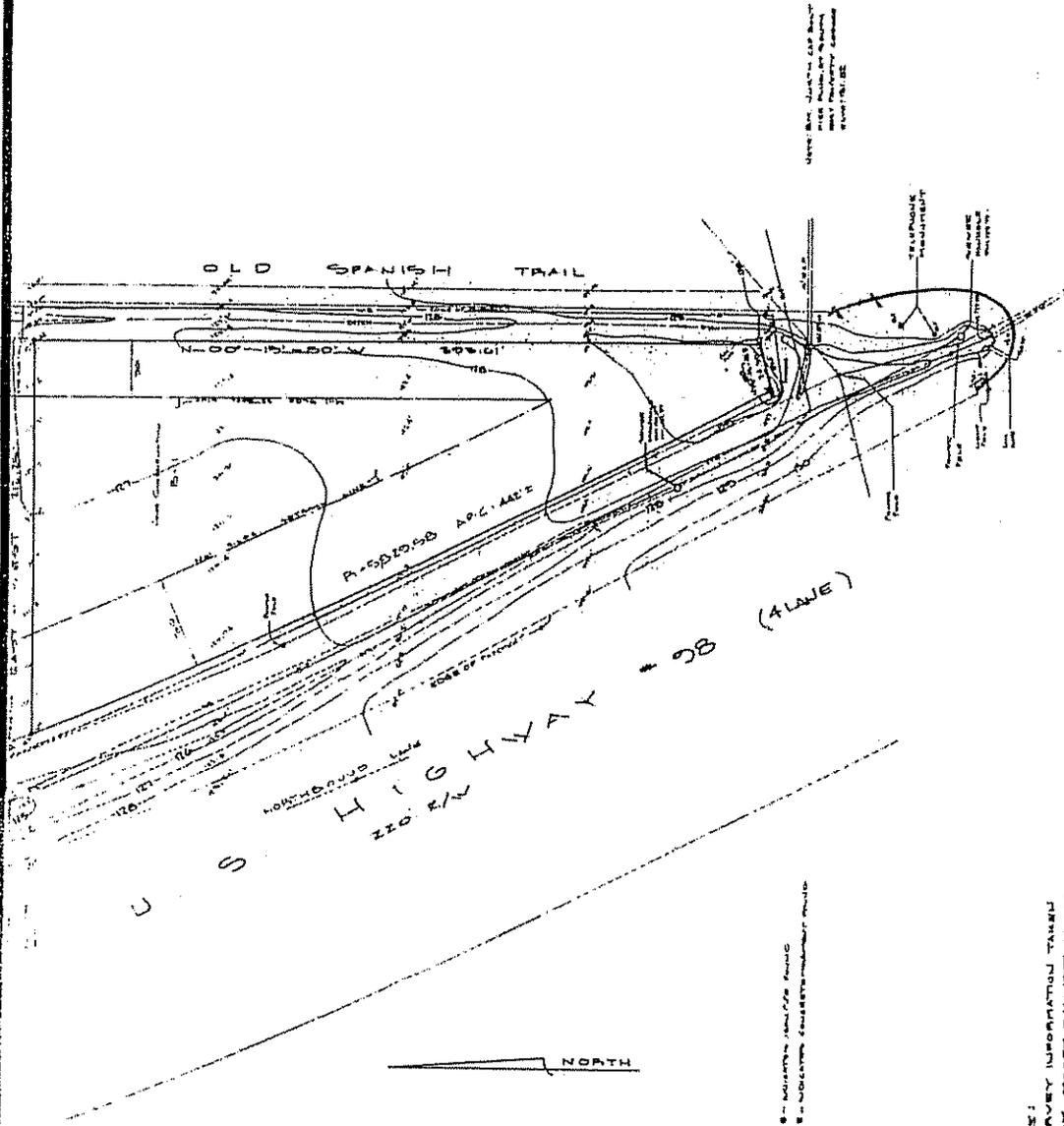
Signature of Property Owner

BARRY BOOTH
VETERANS POINTE
ZONING AMENDMENT

EXHIBIT "A"

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

(Description supplied by client and copied from Map Book 779, Page 0793)



I, GEORGE J. WILLIAMS, a Registered Land Surveyor in the State of Alabama, hereby certify that the foregoing is true and correct and that all parts of this survey and annexes were done competently and accurately in accordance with the requirements of the Alabama Statutes and the practice of land surveying in the State of Alabama.



George J. Williams, P.L.S.
 1000
 1000

consulting engineers
 and
 land surveyors

McCRORY & WILLIAMS

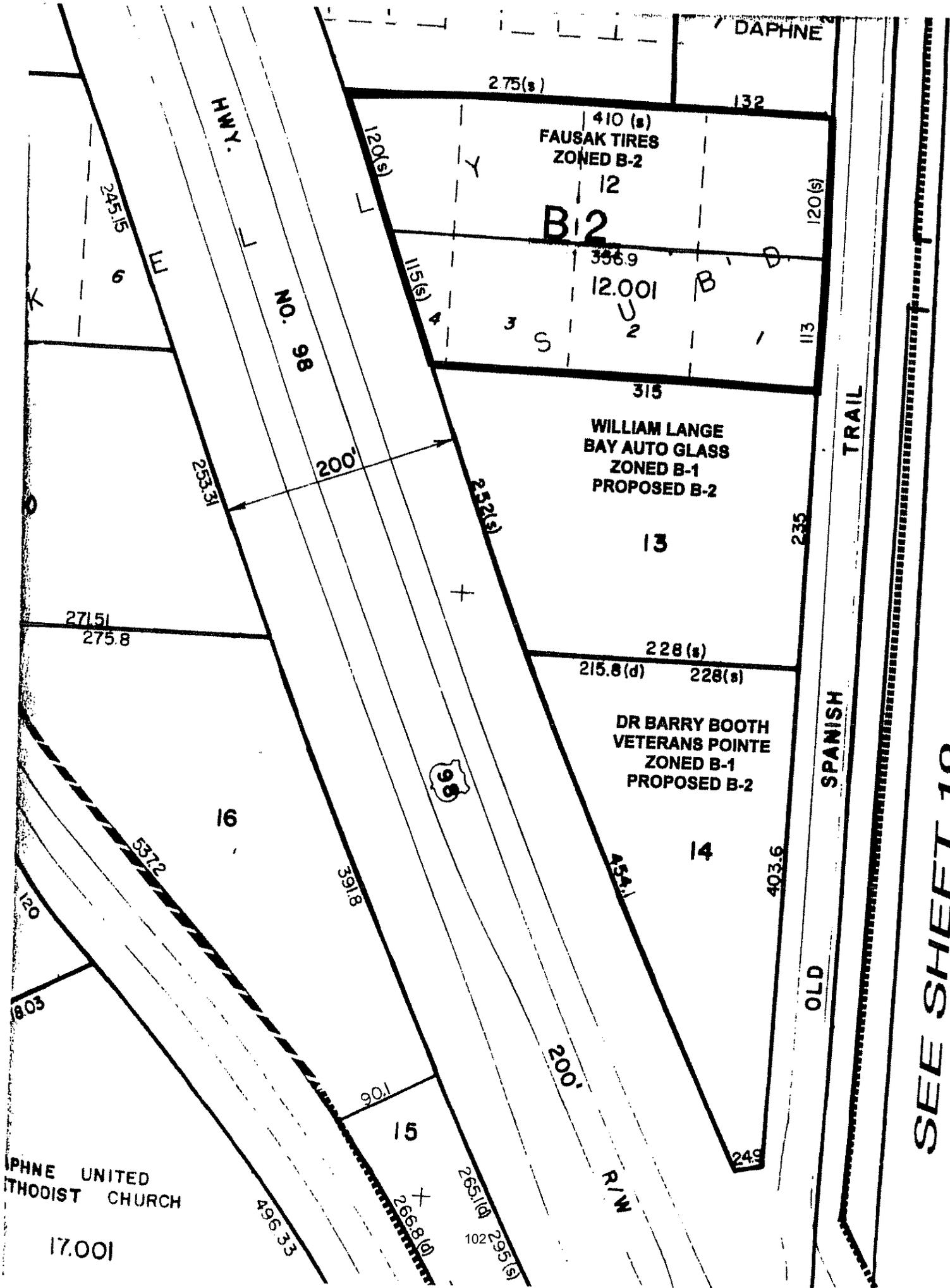


A TOPOGRAPHIC SURVEY FOR
 DR. BARRY BOOTH
 ALABAMA

Scale: 1" = 30' Date: 11-09-67 Drawn by: JPH:LLZ Checked by: [blank] Sheet: 1 of 1
 3080-041 GS-500-21-5, 7, 2 1779

NOTE:
 SURVEY INFORMATION TAKEN
 FROM MOORE ENGINEERING ASSOC.
 PLAT NO. 1880-01-81-130
 DATED: 11-09-67

DR BARRY BOOTH VETERANS POINTE ZONING AMENDMENT EXHIBIT "B"



7 DAPHNE

275(s)

132

410 (s)
FAUSAK TIRES
ZONED B-2

B-2

12

120(s)

336.9
12.001

B

D

113

315

WILLIAM LANGE
BAY AUTO GLASS
ZONED B-1
PROPOSED B-2

13

235

228 (s)

215.8 (d) 228 (s)

DR BARRY BOOTH
VETERANS POINTE
ZONED B-1
PROPOSED B-2

14

403.6

TRAIL

SPANISH

OLD

HWY.

NO. 96



R/W

SEE SHEET 19

PHNE UNITED
THODIST CHURCH

17.001

496.33

15

266.8 (d)

265.1 (d) 295 (s)

200'

816.3

5372

16

271.51
275.8

1333.3

200'

332 (s)

115 (s)

120 (s)

245.15

LI

6

120

1803

249

WILLIAM LANGE
BAY AUTO GLASS

DR BARRY BOOTH
VETERANS POINTE

ADJACENT PROPERTY OWNERS LIST

WILLIAM LANGE
2506 U S HIGHWAY 98
DAPHNE, AL 36526

JIM BOOTHE CONTRACTING & SUPPY
26201 CAPITAL DRIVE
DAPHNE, AL 36526

DR BARRY BOOTH
P O BOX 7406
SPANISH FORT AL 36526

FAUSAK TIRES & SERVICE
2516 U S HIGHWAY 98
DAPHNE, AL 36526

JOAN C WHITT
827 DAUPHINE CIRCLE
DAPHNE, AL 36526

FRANK MCCLANTOC
831 DAUPHINE CIRCLE
DAPHNE, AL 36526

DONNA STEWART
P. O. BOX 2367
DAPHNE, AL 36526

KHRISTIAN WHITE
2504 OLD SPANISH TRACE
DAPHNE, AL 36526

PLEASE Publish in the Bulletin Legal Section on Wednesday,
November 7, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below B-1, General Business District to B-2, Local Business District. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on U. S. Highway 98
Barry L. Booth (Veterans Pointe) (1.6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 3, 2007 concerning the requested rezoning.

PLEASE Publish in the Bulletin Legal Section on Wednesday, November 14, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on November 7, 2007, that the City Council of the City of Daphne will hold a Public Hearing on December 3, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from B-1, General Business District to B-2, General Business District as presented below from. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 –

**Ordinance to Rezone Property Located on U. S. Highway 98
Barry L. Booth (Veterans Pointe) (1.6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *affirmative recommendation* to the City Council of the City of Daphne that said property be rezoned; and,

/END SYNOPSIS

SET PUBLIC HEARING DATE

FOR

DECEMBER 3, 2007

- 1.) Rezone: Property located on Main Street / Demaris Anderson / R-2, Medium Density Single Family Residential District to B-3, Professional Business District
- 2.) Annexation: Property located on AL Highway 181 / M & S Development / Requested zoning: R-4, High Density Multi-Family District
- 3.) Rezone: Property located on U.S. Highway 98 / William Lange / B-1, General Business District to B-2, Local Business District
- 4.) Rezone: Property located on U.S. Highway 98 / Barry L. Booth / Veteran's Pointe / B-1, General Business District to B-2, Local Business District

City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, AL.
October 10th, 2007
6:00pm

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

Member Absent: Matthew Banfield, John Peterson, Rick Cleveland

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

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:09 pm.

Started meeting with no quorum, but started knowing any vote would have to wait until Eric Smith arrived.

Review and Approval of Minutes

Minutes from the September 12th meeting were approved. Matt Cunningham made a motion to approve the minutes and Kit Smith seconded the motion. Motion carried

Public Participation

Scott Hutchinson & Brandon Adams from HMR gave an update on Master plan with concerns regarding additional wetlands. Brandon Adams will make modifications to master plan for Boards' consideration.

David Cohen City Clerk spoke to board with reference to grants for new complex.

Recommended that Board recommend to council that entrance and paving proceed in order that grants for facility can be applied for. Especially those for the no-limits ADA playground.

Francis Harrell pleads to make an ADA compliant playground a top priority. For kids in walkers, it is so important for handicapped children to be able to play like others. Pleads to go for the road or anything to get this going (new facility)

Ken Jacobs brought pictures of the Dog Park to the council. Shared Thanks for the Dog Park, worked out well with lots of participation than once thought.

Old/New Business

1. Master Plan Update
 - a. Topographical Survey and Wetland Delineation. More Wetlands & steeper than originally thought. Brandon Adams has presented Plan A Plan B (very basic quick studies) alternatives and will present some additional alternative site plans next month.
 - b. Tennis Steering Committee: Michelle Hiem is very interested and has been asked to help head steering committee. Also, talked with Mark Reed about his son, Anderson sitting in on committee as well.
 - c. Status of Negotiation with School Board: Mayor Small followed up with Administrative Assistant on 10/9/2007 and was told that we would be put on the agenda, and that we are getting close to getting in on a work session.
2. Status of Land Use Ordinance
Director David McKelroy talked with Mr. Eady, there has been no action, though Mr. Eady expressed concern that the wording used may be illegal.
3. By-Laws Proposal (Attachment #1)
Chairman Ed Nelson presented by-laws proposal
Ed Nelson made a motion to accept by-laws
Matt Cunningham 1st the motion
Eric Smith 2nd the motion
Motion carried
4. Discussion Regarding Program Administration
Discussed pros and cons of Sports Programs being run by outside associations.
5. Nicholson Center Situation
Ed Nelson will talk to Valerie O'Neill with the Art Guild (BRAG) about using the facility.
6. Department Reports
Athletic Director Charlie McDavid: Football, Soccer and Cheerleading are into mid-season. Men's Open & Co-Ed Softball starting. Trying to put together an Adult Soccer team. Programs Coordinator Megan Matrone: Cruisin' on the Shore, a classic car show and bluegrass show is scheduled for the Plaza on Sunday, October 21. The annual Celtic Celebration is scheduled for the Plaza on Sunday, November 4. Both events are free to the public. Christmas Parade November 29th
Senior Director Mary Jensen: Offer lunch, exercise program, classes. Wants to offer Arthritis Foundation classes if we get a pool.

Election of Officers:

Kit Smith nominates Ed Nelson for Chairman

Eric Smith Seconds

Motion carried Ed Nelson is re-elected Chairman

Kit Smith nominates Eric Smith for Vice-Chairman

Eric Smith Seconds

Motion carried

Eric Smith is Vice-Chairman

COMMENTS

The recreation Center is the official site for the Recreation Board Meetings

Attachment #2

Attendance Record

Adjourn

The meeting was adjourned at 8:31 pm.

Attachment #1

CITY OF DAPHNE RECREATION BOARD

BY-LAWS

Article I, Name

The name of this organization shall be the CITY OF DAPHNE RECREATION BOARD (referred to in these by-laws as the BOARD).

Article II, Purpose

SECTION 1. STATEMENT OF PURPOSE (Ordinance No. 1996-13) – The Recreation Board shall act as an advisory board to the city and shall have such responsibilities and authority as set forth in this section, and the Mayor and City Council may hereinafter grant to the Board. The Board shall:

- Coordinate with coaches and representatives of various teams and leagues, concerning access to and maintenance and improvement of public sports and recreation facilities of the city.
- Act as an intermediary between the various representatives and the city administrator, and government related to the use, maintenance, and improvement of public sports and recreational facilities of the city.
- Advise and make recommendations to the Mayor and City Council concerning matters pertaining to public recreation within the facilities owned or operated by the City of Daphne.
- Advise and make recommendations to the city administration regarding access to the recreational facilities of the city in order to promote maximum use of such facilities, and to assist in resolving any conflicts which may develop concerning access to and use of Daphne's recreational facilities.

SECTION 2, FINANCIAL MATTERS. The Board shall have the authority to keep, or cause to be kept, proper books and accurate accounts, showing the receipts and disbursements of all funds appropriated to the Board from any source. (Section IV – Ordinance No. 1996-13, City of Daphne). A quarterly report of financial activity shall become a part of the official record of the Board and shall be included in the recorded minutes of the last meeting of each quarter.

SECTION 3. EMPLOYEES. The Board shall be afforded the opportunity to provide input regarding employment of personnel deemed administrative, including but not limited to, conducting interviews, researching references, and providing recommendations of those candidates deemed appropriate for the position in question. These positions include Recreation

Director, Athletic Program Director, Recreation Program and Special Events Director, Senior Program Director, Park Supervisor and any other position added in the future which may be deemed administrative. All other positions are deemed the responsibility of the Recreation Director who has the obligation to submit his/her recommendation to the Board before confirmation of employment.

The Board shall also have the authority to submit requests regarding additional positions that may be needed. Such requests must include job descriptions and rationale for said requests.

The Board shall have the opportunity to provide annual evaluations of personnel considered as administrative.

Article III, Membership

As provided by City of Daphne Ordinance 2006-60, the membership of the Board shall consist of seven (7) members, appointed by the City Council, serving terms as specified in said ordinance.

SECTION 1, TERMS. Upon expiration of initial terms as described in Section II of Ordinance 2006-60, successors shall be selected for terms of five (5) years each.

SECTION 2, APPOINTMENT. The Board shall be afforded the opportunity to introduce recommendations to the City Council regarding appointments to the Board in situations where a resignation is tendered, an expiration of term has occurred, or if a member fails to comply with attendance requirements as specified in Section 3.

SECTION 3. ATTENDANCE. The third absence from meetings of the Board during any six month period shall constitute a member's resignation from the board. The Board may, at its discretion, and for good and sufficient reasons, recommend reinstatement of a member so removed.

Article IV. Meetings of the Board

SECTION 1. REGULAR MEETINGS. The Board shall meet monthly at a date and time to be determined by the Board.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Chairperson or upon written request of the majority of the Board then in office, provided proper notification is extended in accordance to state and/or city laws. The notice of special meetings shall specifically state the purpose or purposes for which the meeting is called.

SECTION 3. NOTICE. Since a standard meeting date has been specified for general meetings, no official advance notice is deemed necessary. However, the Board must comply with notification standards relating to submission of agenda items to the media which require a seven (7) day advance notice.

SECTION 4. QUORUM. For all meetings of the Board, a majority of Board members then in office shall constitute a quorum. Once a quorum is present to call the meeting to order, it cannot be broken by the withdrawal of any of those present.

Article 5. Officers

SECTION 1. ELECTION. Election of officers shall take place in September of each year and the elected officials will begin their terms at the first meeting of the fiscal year which begins in October. Officers shall be elected by a majority vote of those members present and will serve a term of one year.

SECTION 2. NUMBER. The officers of the Board shall consist of a Chairperson, a Vice Chairperson, and a Secretary. The position of secretary may be filled by the Recreation Director or his/her designee.

SECTION 3. VACANCIES. In case any office of the Board becomes vacant by reason of death, resignation, retirement, and any other cause, a successor may be appointed by the Chairperson to serve the remaining balance of the term. A vacancy in the office of Chairperson will be filled by the Vice Chairperson who will then have the authority to appoint a member to serve in his/her previous position.

SECTION 4. CHAIRPERSON. The Chairperson is expected to perform the following duties:

- Shall assist preparation of each meeting agenda
- Shall preside at all meetings
- Shall have supervision of the business of the Board
- Shall ensure that all orders, resolutions, and/or recommendations of the Board are carried into effect
- Shall appoint any and all committees as deemed necessary
- Shall serve as an ex-officio member of all committees
- Shall represent the Board in its public affairs
- Shall perform other duties as the Board may direct or request

SECTION 5. VICE CHAIRPERSON. The Vice Chairperson shall assume the duties of the Chairperson in the event of the latter's absence, disability, or at the direction of the Chairperson. At the Chairperson's discretion, the Vice Chairperson may be assigned to various committees, to chair committees, or supervise special projects of the Board.

SECTION 6. SECRETARY. At the discretion of the Board, the position of Secretary may be filled by the Recreation Director or his/her designee. The Secretary shall attend all meetings of the board, record attendance, keep the minutes, maintain a file of these minutes, and perform communication efforts as directed by the Board.

SECTION 7. REMOVAL. Any officer may be removed from office by the affirmative vote of four (4) members of the Board. Any officer proposed to be removed shall be entitled to a minimum of five (5) days written notice and shall be entitled to appear before and be heard by the Board prior to such action.

SECTION 8. COMPENSATION. No member of the Board shall receive any compensation whatsoever for service as a member of the Board.

Article 6. Auxiliaries of the Board

SECTION 1. COMMITTEES. The Board may, from time to time, establish committees to address specific tasks with members drawn from the Board itself and/or from the community as a

whole. A complete report of a committee's activities, findings, and/or recommendations shall be provided to the Board at each regular of the Board.

SECTION 2. INTENT OF COMMITTEES. Each committee is intended to serve as a liaison between the Recreation Director and the Board. Recommendations and requests from committees must be presented to the Board for approval. The following committees with their identified purposes may be utilized in fulfilling the role and purpose of the Board:

- **Budget/Finance Committee:** will assist the Recreation Director with development of an operations and capital budget to be presented to the Mayor, Finance Director, and the City Council, will provide oversight to ensure that monthly expenditures are commensurate with budget line items, and will assist the Recreation Director in formulating adjustment requests when necessary.
- **Facilities Committee:** will assist the Recreation Director with identification of potential facilities for use in conducting programs, will provide input regarding facility utilization and feasibility of scheduling, will work with the Recreation Director to identify the need for additional facilities, and will assist the Recreation Director with identification of facility needs regarding equipment and maintenance
- **Personnel Committee:** will assist the Recreation Director with identification of personnel needs, will provide input regarding personnel scheduling and responsibility adjustments as determined by program needs and interests, will provide input regarding evaluation of personnel job performance, and will ensure that job descriptions are developed for each position and compliance is evident in the performance of each
- **Operations Committee:** will assist the Recreation Director in the development and implementation of personnel and facility accessibility schedules which accommodate program interests and participation levels, will provide input regarding program scheduling at the recreation center for activities conducted by recreation program personnel, and will provide input regarding independent service contractors who utilize recreation facilities and offer recommendations regarding the user fee to be charged
- **Programs Committee:** will serve as a liaison between the Recreation Director and sport associations/recreational groups, will assist the Recreation Director in addressing concerns related to the operation of activities and programs, and will assist the Recreation Director in compiling data relating to participation numbers with emphasis directed to future program and activity provision

SECTION 3. EX-OFFICIO MEMBERS. The Board may, at its discretion, invite members of the community to attend its meetings as ex-officio members, take part in discussions, and provide information and assistance, but having no vote. Such ex-officio may include, but not be limited to, athletic league representatives, recreational association representatives, facility planning personnel, etc.

Article 7, Amendments

These By-Laws may be amended at any meeting of the Board provided (a) a quorum is present, (b) a majority of those present vote in favor of the amendment, and (c) all members of the Board have received written notice of the content of the proposed amendment at least seven (7) days prior to the vote.

Attachment #2

RECREATION BOARD ATTENDENCE FY2007

	10	11	12	1	2	3	4	5	6	7	8	9	10
Ed Nelson	X		X	X	X		X	X	X	X	X	X	X
Rick Cleveland	X		X	X					X				
Matt Cunningham				X	X			X	X			X	X
John Peterson	X		X	X	X			X	X		X		
Eric Smith			X	X	X		X	X	X	X	X	X	X
Kit Smith			X	X	X		X	X	X	X	X		X
Matt Banfield									X				
James Foster													
Coach Glenn Vickery	X		X	X	X		X	X	X	X	X	X	X

November 2006 and March 2007 no minutes were available because of lack of quorum.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ August 29, 2007 ♦ 5:00 p.m.

I. CALL TO ORDER

The August 29, 2007, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman, Mr. Segalla, at 5:00 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Lon Johnston, Secretary Treasurer
Fred Small, Mayor
James "Bo" White

Others Present: Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Jerry Speegle – Board Attorney
Deloris Brown – Human Resources Manager
Drew Klumpp – Adm. Services Manager
Teresa Logiotatos – Finance Manager
Rebecca Williamson
Cedric Goodloe
Lori Scharles – Executive Assistant
Melinda Immel, Engineer– Volkert
Ray Moore, Engineer – HMR

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from July 25, 2007*

The Chairman inquired if additions, deletions or corrections were recommended for the Minutes from the July 25, 2007, Utilities Board meeting. Corrections and editing was recommended by Mr. Johnston and Chairman Segalla.

MOTION BY Mr. Scott to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted July 25, 2007 with the recommended corrections and editing; Seconded by Mr. Johnston.

AYE: SEGALLA, SCOTT, JOHNSTON, SMALL, WHITE

MOTION CARRIED

V. OLD BUSINESS

a. Park City Agreement:

Mr. Speegle advised the Board that he had sent correspondence to the Park City Board attorney, Mr. Grogan, reiterating the terms of the proposed agreement but has had no response from Mr. Grogan. Mr. Speegle stated that Mr. McElroy and he were planning on implementing another option at the end of September. Mr. Segalla suggested that Mr. Speegle remind Mr. Grogan of the drop-dead date of September 26 and that another course of action will be taken if there is no response. Mr. Speegle stated that he believed he included that information in the correspondence.

b. Land Swap / Surplus Sale:

Mr. Speegle informed the Board that the closing delay was due to old mortgages left over from bond issues. He noted that the mortgage was, for some reason, recorded in Jefferson County. He advised that he has now received the figures to pay the title policy amount and anticipated to complete the exchange in the next two weeks.

c. Rick Fine Agreement:

Mr. McElroy stated that he had discussed with Mr. Speegle the request to vacate an easement on the Merritt property as proposed by Mr. Fine. He informed the Board that he had just received an update on the counter-proposal from Mr. Speegle and intends to forward this to Mr. Fine for his review. Mr. Speegle commented that Mr. Fine has been given all proposal documents and that it is now up to Mr. Fine to make any comments and to pay the option fees associated with the contract. Mr. Segalla suggested that a finalization date should be established. Mr. McElroy stated that a deadline date will be included when the counter-proposal is transmitted to Mr. Fine.

d. Pay scale Adjustment

Deloris Brown updated the Board of the Finance Committee meeting that took place on Monday, August 27, 2007. She and Mr. McElroy explained that the requested 3% increase adjustment across the board in the pay scale ranges for certain positions was presented to the Finance Committee and is overdue with the most recent adjustment taking place in 2005 and that it is not to be considered a pay raise. After a discussion took place, Chairman Segalla requested that this issue be carried forward to next month for better clarification.

e. Daphne High School Stadium

Mr. McElroy informed the Board that the remainder of the test reports for the new main line that was taken over at the Stadium have been successfully received. He stated that after meeting with the Quarterback Club, a list of advertising opportunities were proposed for consideration and are awaiting word from them as to what the cost would be charged to Daphne Utilities for advertising. Chairman Segalla stated that Daphne Utilities should be charged what the current advertiser is charged, no more or no less, and that if the Quarterback Club cannot provide their current advertising rates, then Daphne Utilities does not need to proceed further. Mr. Scott remarked that while he agreed with Chairman Segalla regarding the advertising rate, he believes that a good relationship with the hometown high school is valuable and that Daphne Utilities and the Board should strive to be courteous and good partners with Daphne High School.

f. Items in Abeyance

1. Gas Franchise: According to Mr. Speegle, Daphne Utilities cannot be involved in negotiating this franchise agreement with the municipality and should be left up to the City of Daphne. He advised that he has expressed his expectations of support of Daphne Utilities by the City to Jay Ross, attorney for the City of Daphne, during the gas franchise discussions on behalf of the citizens of Daphne. A discussion took place regarding a recent newspaper article pertaining to local natural gas rates. Chairman Segalla requested of Mayor Small and Mr. Scott to encourage the Daphne City Council of more expedient action with the franchise agreement in order to avoid encroachment of other utilities in the Daphne service area.

2. 19 Acres – Daphne Utilities property: No new development.

VI. NEW BUSINESS

a. *Step-by-Step Hiring Procedure*

Mr. McElroy announced to the Board that the Step-by-Step Hiring Procedure is a procedure, not a policy and wanted the Board to be aware of this procedure. He asked for the Board's recommendation to vote on the procedure. Chairman Segalla informed that if this is a policy, then it should be put to a vote. Mr. McElroy explained that it is a procedure and answered Mayor Small's question that the procedure will become incorporated into the handbook at some point. Chairman Segalla suggested to reconsider the note on Page 6 pertaining to refraining from "discussions of specific candidates should occur until all interviews are complete". Mr. Johnston commented that the procedures appear to address problems that have occurred in the past, but cautioned that enforcement of thoroughly following these procedures is essential. Additionally, he suggested that consequences of falsification of information should be included on the application. Mr. Scott asked for clarification of the non-budgeted positions relative to temporary hires. Mayor Small questioned if temporary hires will be reflected in the budget. Mrs. Logiotatos explained that temporary hires are shown for each department in the salary line item but are not budgeted unless advance indications necessitate.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle commented on the Verizon lease and explained that because of the questions of property ownership surrounding the lease agreement, Mr. McElroy requested that title searches be performed for all Daphne Utilities' properties. Mr. Speegle also informed the Board that he is working with Daphne City Attorney Jay Ross to devise a legal transaction whereby the Bay Rivers Art Guild building can be conveyed back to the City.

Mr. Speegle advised there has been no further communication with Mr. Lewis of Seaman's Capital regarding the method of calculation of the capacity fees for his planned apartment project at Whisper Pines and Pollard Road. Chairman Segalla asked to keep this issue on the report until it is certain this project will not be constructed.

Mr. Speegle notified there continues to be no change or development on the Friday Construction matter but will continue to include it in his report

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financial information with the Board. She noted the Financial Summary reflected an increase in the assets and liabilities. She also pointed out the inclusion of the Outstanding Bond Analysis. Mr. Johnston asked for Mrs. Logiotatos to comment on the debt reduction plans that were initiated at the Finance Committee meeting. She explained how Daphne Utilities is currently on a mission to pay off some of the smaller debts in the range of \$20,000 to \$30,000 to allow for investigation to pay off some of the higher interest rate issues. She advised that Pfil Hunt of Gardnyr Michael Capital, Inc. also recommended this maneuver. She stated she is first looking at the long-range plan to determine the needed funding for projects in the very near future. Mr. Scott suggested that a percentage be allocated for debt reduction in lieu of the savings account. Mr. McElroy noted that debt reduction is part of the approved Strategic Plan and it will be included in the budget that is to be presented to the Board in the next month or two. Chairman Segalla questioned the use of the capacity fee to be for a specific purpose. Mr. McElroy explained that they are restricted funds. Chairman Segalla agreed with the point Mr. Scott initiated that if there is money that it is escrowed for a meaningful purpose. Mrs. Logiotatos stated that more discussions are needed with the bond counsel. Mr. Johnston commented that flexibility needs to be developed to meet the various debt requirements needed and that the next ten years will quite possibly be financially challenged to increased growth and federal regulations. Mr. Scott commented his concerns for budgeting for debt reduction. Mrs. Logiotatos reviewed the remainder of the Financials. Chairman Segalla suggested a study and review of the use of the Fuelman program and a discussion of fuel usage resulted.

IX. GENERAL MANAGER'S REPORT

a. *GM Report*

Mr. McElroy reported to the Board of the Strategic Planning meeting with Jim Sisson of Vantage Associates and the response from the supervisors, board members and engineering firms representatives was positive and beneficial.

b. *Operations Report*

Mr. Lyndall commented that he had nothing further to add to his report.

Melinda Immel reviewed the Volkert status report with the Board and an additional issue that was not included in the report. She explained that the water treatment facility construction bid date is scheduled for September 4, 2007, and requested the Board to authorize the General Manager to award and execute the contract based on

Volkert's recommendations provided that no problems arise at the bid opening and present this to the Board at the September board meeting. Mr. Speegle approved of the request

MOTION BY Chairman Segalla to authorize the General Manager to pre-approve for ratification of the Construction of the Water Treatment Facility contract; Moved by Mayor Fred Small. Seconded by Mr. Johnston.

AYE: ALL IN FAVOR NAY: NONE OPPOSED MOTION CARRIED

Ms. Immel advised the Board of upcoming discussions with the Daphne Building Department to determine the permit fees.

Ray Moore reviewed the HMR status report with the Board. He commended Daphne Utilities for initiating the strategic planning retreat and commented that it was a good work session. Mr. Johnston also commented favorably on the strategic planning meeting and especially the positive interaction between the supervisors and their adoption of the "One Utility" attitude. Mr. Scott asked about the site plan at the Utility office and asked to see plans at the next meeting.

X. BOARD ACTION

- A. Step-by-Step Hiring Procedure – final recommended modifications to be made.**
- B. Adjustment to Pay Scale – secondary review.**

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS – None

XIII. EXECUTIVE SESSION

MOTION BY Mr. Johnston to go into Executive Session to discuss pending legal matters at 6:21 pm. Seconded by Mayor Small. Executive Session concluded at 7:09pm.

AYE: ALL IN FAVOR NAY: NONE OPPOSED MOTION CARRIED

XIV. ADJOURNMENT

MOTION BY Mr. Scott to adjourn the meeting. Seconded by Mr. White.

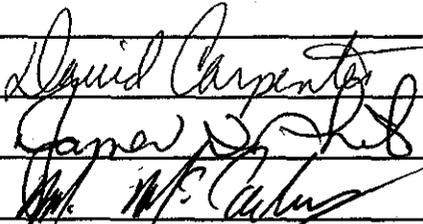
AYE: ALL IN FAVOR NAY: NONE OPPOSED MOTION CARRIED

The meeting adjourned at 7:10 pm.

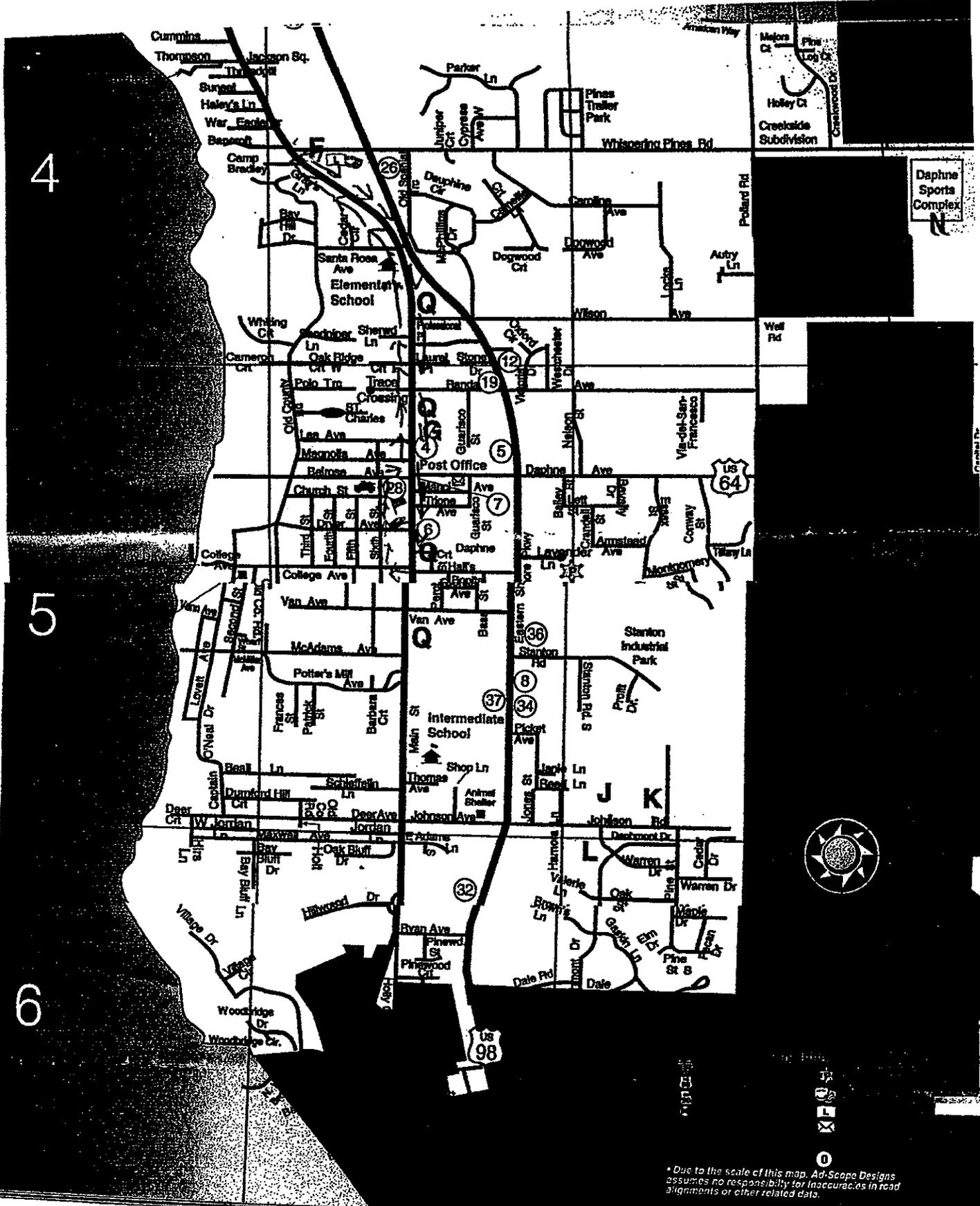
**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Mystic Order of Persephone</i>
CONTACT PERSON:	<i>Patti McKnight</i>
ADDRESS:	<i>632 Ridgewood Drive Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>626-3034 610-3691 (Cell) FAX: 625-8211</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>February 1, 2008</i>
ROUTE TO BE TRAVELED:	<i>See attached map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>25 Units - 700 people include band members</i>
START TIME:	<i>6:45 p.m.</i>
STOP TIME:	<i>8:30 p.m.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
ASSEMBLY TIME:	<i>5:00 p.m.</i>
APPROVAL	
POLICE: Chief David Carpenter	
FIRE: Chief James White	
PUBLIC WORKS: Melvin McCarley	
CITY COUNCIL: November 5, 2007	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>October 6, 2007</i>
NOTIFICATION:	

Received Proof of Insurance: October 3, 2007
Received Parade Permit Fee: October 3, 2007



4

5

6

Daphne Sports Complex

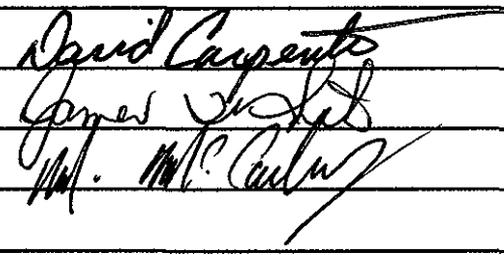


* Due to the scale of this map, Ad-Scapa Designs assumes no responsibility for inaccuracies in road alignments or other related data.

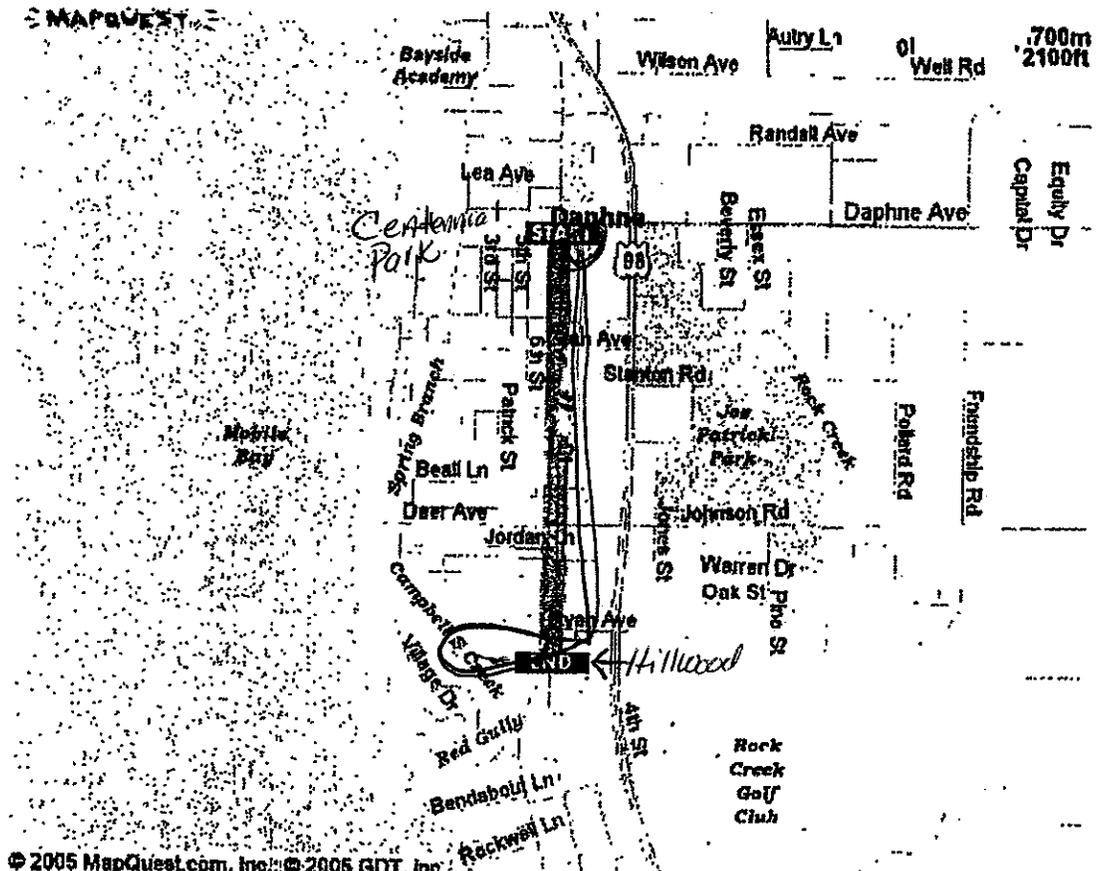
FAUSAK
 REAL ESTATE & SERVICE

Daphne

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Animal Rescue</i>
CONTACT PERSON:	<i>James Pennington</i>
ADDRESS:	<i>35035 Ogden Road Stapleton, AL</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>367-4599</i>
TYPE OF PARADE:	<i>7th Annual 5K and 1Mile Pet Trot</i>
DATE OF PARADE:	<i>December 15, 2007</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>200-300 People</i>
START TIME:	<i>5K - 8:30 A.M. - 1Mile - 9:00 A.M.</i>
STOP TIME:	<i>10:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Centennial Park</i>
ASSEMBLY TIME:	<i>7:00 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>October 9, 2007</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White	
PUBLIC WORKS: Melvin McCarley	
CITY COUNCIL APPROVAL:	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>October 9, 2007</i>
NOTIFICATION:	

MAPQUEST



To: Office of the City Clerk
From: William H. Baby, Sr.,
Director of Community
Development
Subject: Relocation of Fire Hydrant

MEMORANDUM

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the relocation of the fire hydrant Southeast of the intersection of Daphne Avenue and Main Street.

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

Thank you,

WHE/jd

cc: file

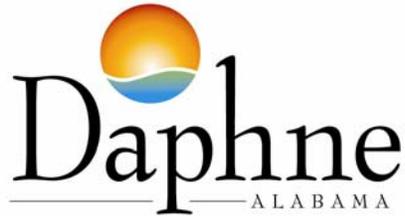
CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

Fred Small
Mayor

Sharon Cureton
Human Resources
Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Vickie Hinman
Human Resources Assistant

October 30, 2007

INTERNAL MEMORANDUM

TO: Council Members

FROM: Sharon Cureton

RE: 2007 Salary Survey

We discussed during the implementation of the Pay and Classification Study in 2005 the importance of keeping our pay plan current and competitive. To do that we have had 25% of our jobs evaluated in 2006 and 2007 to determine if the duties and responsibilities had changed to warrant a pay change. These jobs are in pay ranges 2-13. This summer we also did a salary survey of these jobs.

We sent out surveys to 15 cities in our area as well as similarly sized cities in other parts of the state. Considerable effort (written survey document, follow up phone calls and emails) was taken to ensure that jobs were appropriately matched and minimum/maximum salary ranges were accurate. Some cities did not respond and other cities did not have salary ranges. We have preliminary information ready to discuss with you based on the best data we have been able to gather at this point.

If there is additional information needed, we will work to obtain that as quickly as possible. We are also looking at various ways the data can be implemented within our pay system and budget constraints.

Thank you for your consideration.

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2007- 83

A RESOLUTION AUTHORIZING AND APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT AMONG RENAISSANCE CENTER, L.L.C, CITY OF DAPHNE, ALABAMA, RENAISSANCE IMPROVEMENT DISTRICT AND REANAISSANCE COOPERATIVE DISTRICT

WHEREAS, the Renaissance Center, L.L.C. (the “Developer”) is developing a retail and commercial development to be known as the Renaissance Center (the “Commercial Development”) on land owned by the Developer and/or its affiliates located within the corporate limits of the City of Daphne, Alabama (the “City”) and within the respective jurisdictions of the Renaissance Improvement District (the “Improvement District”) and the Renaissance Cooperative District (the “Cooperative District);

WHEREAS, the Developer and the City have previously entered into a Memorandum of Understanding dated May 21, 2007;

WHEREAS, the development of the Commercial Development as planned by the Developer is in the best interests of the City and presents an opportunity for substantial increases in sales tax revenues once said development is completed, as well as other economic development benefits within the meaning of section 94.01 of the Alabama Constitution; and

WHEREAS, subject to various terms and conditions for the benefit of the City, Improvement District, and Cooperative District each are willing to participate in such development; and

WHEREAS, to provide an inducement to the Developer to proceed with development of the Commercial Development, and to provide for the conditions and terms under which the City, the Improvement District and the Cooperative District are willing to participate in such development, the parties propose to enter into an Economic Development Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, that the Mayor and Clerk of the City are hereby authorized and directed to execute and deliver on behalf of the City an Economic Development Agreement in substantially the form attached hereto as Exhibit “A”, with the addition of the exhibits called for and with such minor changes as shall be approved by the Mayor, such approval to be evidenced by the execution of such Agreement by the Mayor.

ADOPTED this ____ day of _____, 2007.

**GREG BURNAM,
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL,
MAYOR**

Date & time Signed: _____

ATTEST:

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

CITY CLERK'S CERTIFICATE

I, David Cohen, as City Clerk of the CITY OF DAPHNE, ALABAMA, hereby certify that the attached Resolution No. 2007-83, constitutes a true and correct copy of Resolution No. 2007-____ adopted by the City Council of the City of Daphne at its regular meeting held on November 5, 2007, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said resolution appears of record in the minute books of the City Council of Daphne, Alabama, which are in my custody and control.

WITNESS my signature as said City Clerk, under the seal of the City of Daphne, Alabama, this the ____ day of _____, 2007.

(S E A L)

As City Clerk of the CITY OF DAPHNE,
ALABAMA

**EXHIBIT A
TO RESOLUTION NO. 2007-_____**

Draft of Economic Development Agreement

ECONOMIC DEVELOPMENT AGREEMENT

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

RECITALS

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

NOW, THEREFORE, THIS ECONOMIC DEVELOPMENT AGREEMENT

WITNESSETH:

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

Article I

DEFINITIONS AND USE OF PHRASES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Developer” means Renaissance Center, L.L.C., an Alabama limited liability company, and its successors and assigns including, without limitation, any successor developer to whom Renaissance Center, L.L.C. may sell or assign the right to develop all or a portion of the Development.

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

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

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

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

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

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

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

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

“Public Improvements” means the Public Land and the improvements to the Public Land and the related improvements to certain adjacent road rights-of-way intended to serve and be for the benefit of the public, provided that the aforesaid improvements may not include vendor or retail signage, but may include road or directional signage.

“Public Improvements Costs” means the lesser of (i) the costs of the acquisition, installation and construction of the Public Improvements, as such amounts are determined based upon the final amounts payable for such Public Improvements pursuant to

applicable executed contracts (and all change orders/for such work), and (ii) _____ Dollars (\$_____).

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

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

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

ARTICLE II

THE DEVELOPMENT

Section 2.1 Construction of Public Improvements.

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

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

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

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

(e) The Developer agrees that it shall require the general contractor for the Public Improvements to post a performance bond and a labor and materialmen’s payment bond with good and sufficient surety issued by a company qualified to issue such bonds

in the State of Alabama in an amount sufficient to insure completion of the construction of the Public Improvements according to the construction contract therefor, with the Developer as obligee of the bond and the City and the Cooperative District as additional obligees thereunder. The bond shall be obtained from such companies in such amounts as shall be approved in advance by the City, such approval not to be unreasonably withheld. A copy of said bond shall be furnished to the City and the Cooperative District prior to the beginning of the construction of the Public Improvements. In the event the general contractor for the Public Improvements defaults in the performance of its construction contract, the Developer agrees to take appropriate action to enforce said bonds or otherwise cause the work to be timely and properly completed.

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

2.2 The Commercial Development

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

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

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

(d) The design work for the Commercial Development shall be performed by the Developer and the Additional Land Owners at their own expense. The Developer

agrees to obtain (and to use its best efforts to cause the Additional Land Owners to obtain) all necessary approvals and permits for the Commercial Development from the City or other applicable governmental entity in the normal course.

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

ARTICLE III

PUBLIC LAND

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

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

3.3 Survey. To the extent routinely required by the City to accept dedication of public easements by separate easement instrument (as opposed to dedication as a part of accepting the Plat), the Developer will, at its own cost, deliver to the City prior to Closing a boundary survey of the portion of the Public Land which his the subject of such

separate easement instruments, which such survey shall be certified to the City, shall locate all corners, improvements, encroachments, easements, utilities, roadways adjoining or crossing the Public Land, and any other exceptions listed in the Title Commitment described in Section 3.2 hereof.

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

ARTICLE IV

THE BONDS

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

4.2 Limited Obligation of the Cooperative District

(a) The Bonds shall be a limited obligation of the Cooperative District payable solely from the Pledged Grant Funds and Pledged Assessment Funds and the Cooperative District is authorized to assign its rights to the trustee for the Bonds to provide security for the payment of the Bonds. Neither the full faith and credit nor any taxing power of the Cooperative District is pledged, to the payment of the Bonds.

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

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

4.3 Tax-Exempt. The Bonds will be issued based on the approving opinion of Bond Counsel to the effect that (i) the Bonds are valid and legal obligations of the Cooperative District payable solely from and secured by the Pledged Grant Fund and any Pledged Assessment Funds, and (ii) the interest on the Bonds is excludable from the gross income of the recipients thereof for purposes of federal income taxation subject to such qualifications and other matters as are customary.

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

ARTICLE V

OBLIGATIONS OF CITY AND IMPROVEMENT DISTRICT

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

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

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

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

(c) with respect to charges for lodging in hotels or motels within the Cooperative District, twenty-five percent (25%) of any lodging taxes levied by the City with respect to such lodging charges.

Should the City increase the rates of the foregoing taxes, such change shall have no effect on the foregoing calculation, and the amount of the Pledged Grant Funds shall be computed as if the rates for such taxes in effect on the Closing Date remained in effect. The City pledges and covenants that it shall not repeal or decrease the aforesaid taxes, provided that the foregoing shall not prevent the City from authorizing once each calendar year a weekend sales tax holiday applicable to the City as a whole. Such sales tax holiday shall operate to abate taxes within the Improvement District on the same terms as in the rest of the City.

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

ARTICLE VI

CONCERNING DETENTION PONDS

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

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

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

ARTICLE VII

MISCELLANEOUS

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

To Developer:	Renaissance Center, L.L.C. 29000 Highway 98 Building C, Suite 201 Daphne, Alabama 36526
To City:	City of Daphne P.O. Box 400 Daphne, Alabama 36526
To Improvement District:	Renaissance Improvement District 82 Plantation Pt Rd PMB 306 Fairhope, Alabama 36532
To Cooperative District:	Renaissance Cooperative District 82 Plantation Pt Rd PMB 306 Fairhope, Alabama 36532

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

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

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

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

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

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

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

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

RENAISSANCE CENTER, L.L.C.

By: _____
Its Manager

THE CITY OF DAPHNE, ALABAMA

By: _____
Its Mayor

RENAISSANCE IMPROVEMENT DISTRICT

By: _____
Its duly authorized representative

RENAISSANCE COOPERATIVE DISTRICT

By: _____
Its duly authorized representative

ECONOMIC DEVELOPMENT AGREEMENT

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

RECITALS

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

NOW, THEREFORE, THIS ECONOMIC DEVELOPMENT AGREEMENT

WITNESSETH:

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

Article I

DEFINITIONS AND USE OF PHRASES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Developer” means Renaissance Center, L.L.C., an Alabama limited liability company, and its successors and assigns including, without limitation, any successor developer to whom Renaissance Center, L.L.C. may sell or assign the right to develop all or a portion of the Development.

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

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

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

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

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

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

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

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

“Public Improvements” means the Public Land and the improvements to the Public Land and the related improvements to certain adjacent road rights-of-way intended to serve and be for the benefit of the public, provided that the aforesaid improvements may not include vendor or retail signage, but may include road or directional signage.

“Public Improvements Costs” means the lesser of (i) the costs of the acquisition, installation and construction of the Public Improvements, as such amounts are determined based upon the final amounts payable for such Public Improvements pursuant to

applicable executed contracts (and all change orders/for such work), and (ii) _____ Dollars (\$_____).

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

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

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

ARTICLE II

THE DEVELOPMENT

Section 2.1 Construction of Public Improvements.

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

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

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

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

(e) The Developer agrees that it shall require the general contractor for the Public Improvements to post a performance bond and a labor and materialmen’s payment bond with good and sufficient surety issued by a company qualified to issue such bonds

in the State of Alabama in an amount sufficient to insure completion of the construction of the Public Improvements according to the construction contract therefor, with the Developer as obligee of the bond and the City and the Cooperative District as additional obligees thereunder. The bond shall be obtained from such companies in such amounts as shall be approved in advance by the City, such approval not to be unreasonably withheld. A copy of said bond shall be furnished to the City and the Cooperative District prior to the beginning of the construction of the Public Improvements. In the event the general contractor for the Public Improvements defaults in the performance of its construction contract, the Developer agrees to take appropriate action to enforce said bonds or otherwise cause the work to be timely and properly completed.

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

2.2 The Commercial Development

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

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

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

(d) The design work for the Commercial Development shall be performed by the Developer and the Additional Land Owners at their own expense. The Developer

agrees to obtain (and to use its best efforts to cause the Additional Land Owners to obtain) all necessary approvals and permits for the Commercial Development from the City or other applicable governmental entity in the normal course.

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

ARTICLE III

PUBLIC LAND

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

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

3.3 Survey. To the extent routinely required by the City to accept dedication of public easements by separate easement instrument (as opposed to dedication as a part of accepting the Plat), the Developer will, at its own cost, deliver to the City prior to Closing a boundary survey of the portion of the Public Land which his the subject of such

separate easement instruments, which such survey shall be certified to the City, shall locate all corners, improvements, encroachments, easements, utilities, roadways adjoining or crossing the Public Land, and any other exceptions listed in the Title Commitment described in Section 3.2 hereof.

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

ARTICLE IV

THE BONDS

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

4.2 Limited Obligation of the Cooperative District

(a) The Bonds shall be a limited obligation of the Cooperative District payable solely from the Pledged Grant Funds and Pledged Assessment Funds and the Cooperative District is authorized to assign its rights to the trustee for the Bonds to provide security for the payment of the Bonds. Neither the full faith and credit nor any taxing power of the Cooperative District is pledged, to the payment of the Bonds.

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

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

4.3 Tax-Exempt. The Bonds will be issued based on the approving opinion of Bond Counsel to the effect that (i) the Bonds are valid and legal obligations of the Cooperative District payable solely from and secured by the Pledged Grant Fund and any Pledged Assessment Funds, and (ii) the interest on the Bonds is excludable from the gross income of the recipients thereof for purposes of federal income taxation subject to such qualifications and other matters as are customary.

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

ARTICLE V

OBLIGATIONS OF CITY AND IMPROVEMENT DISTRICT

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

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

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

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

(c) with respect to charges for lodging in hotels or motels within the Cooperative District, twenty-five percent (25%) of any lodging taxes levied by the City with respect to such lodging charges.

Should the City increase the rates of the foregoing taxes, such change shall have no effect on the foregoing calculation, and the amount of the Pledged Grant Funds shall be computed as if the rates for such taxes in effect on the Closing Date remained in effect. The City pledges and covenants that it shall not repeal or decrease the aforesaid taxes, provided that the foregoing shall not prevent the City from authorizing once each calendar year a weekend sales tax holiday applicable to the City as a whole. Such sales tax holiday shall operate to abate taxes within the Improvement District on the same terms as in the rest of the City.

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

ARTICLE VI

CONCERNING DETENTION PONDS

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

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

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

ARTICLE VII

MISCELLANEOUS

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

To Developer:	Renaissance Center, L.L.C. 29000 Highway 98 Building C, Suite 201 Daphne, Alabama 36526
To City:	City of Daphne P.O. Box 400 Daphne, Alabama 36526
To Improvement District:	Renaissance Improvement District 82 Plantation Pt Rd PMB 306 Fairhope, Alabama 36532
To Cooperative District:	Renaissance Cooperative District 82 Plantation Pt Rd PMB 306 Fairhope, Alabama 36532

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

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

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

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

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

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

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

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

RENAISSANCE CENTER, L.L.C.

By: _____
Its Manager

THE CITY OF DAPHNE, ALABAMA

By: _____
Its Mayor

RENAISSANCE IMPROVEMENT DISTRICT

By: _____
Its duly authorized representative

RENAISSANCE COOPERATIVE DISTRICT

By: _____
Its duly authorized representative