

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

**1. CALL TO ORDER**

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

- 3. APPROVE MINUTES:** Work Session Minutes meeting held October 12, 2006  
Council Minutes meeting held October 16, 2006

**PUBLIC HEARING:** Annexation / Mildred Lett Sloan / Property located East  
Of Public Works Road / Requested Zoning / B-2 General  
Business

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY - Burnam**

Review minutes meeting held October 3<sup>rd</sup>

- a.) **MOTION:** Install traffic calmer on Belrose Ave just west of the crosswalk between Sixth  
and Old County.

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

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

Review minutes meeting held September 22<sup>nd</sup>

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

**A. Board of Zoning Adjustments - Eady**

a.) Review minutes meeting held July 6<sup>th</sup>

b.) Review minutes meeting held October 5<sup>th</sup>

**B. Downtown Redevelopment Authority - Barnette**

**C. Industrial Development Board - Yelding**

**Appoint:** Nominee James Rouprich

**D. Library Board - Lake**

**Appoint:** Nominee Ronald Allen

**E. Planning Commission - Barnette**

Set Public Hearing for **December 4, 2006** to consider annexation of property located on the  
Southeast corner of Whispering Pines Road and Pollard Road / Arthur Keller Property

**F. Recreation Board - Palumbo**

Review minutes meeting held October 11<sup>th</sup>

**G. Utility Board - Scott**

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

- a.) Parade Permit / City of Daphne / Flounder Parade (Zydeco Festival) / May 19, 2007  
b.) NLC Voting Delegate / Reno, NV

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

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Street Acceptance / Ottawa Springs Subdv., Phase Two ...../Resolution 2006-93**
- b.) Set Public Hearing for adopting the International Building Code. .... /Resolution 2006-94**

**ORDINANCES:**

**1<sup>ST</sup> READ**

- a.) Annexation: Mildred Lett Sloan / Property Located East of  
Public Work Road. .... /Ordinance 2006-79**

**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 12, 2006**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**5:30 P.M.**

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

**ABSENT:** Bailey Yelding.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Meredith Turpin, Attorney; Kim Briley, Finance Director; Richard Merchant, Building Official; Rob McElroy, Utility Director; Starke Irvine, DRA; Toni Fassbender, IDB; Melinda Immel, Volkert & Associates Jeff Hudson, Gatlin Hudson Architects; Coach Vickery.

Absent: Jay Ross, City Attorney.

### **1. CALL TO ORDER**

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

### **2. RECREATION / CONTRACT WITH HMR FOR PLANNING OF RECREATION PROPERTY**

Mr. Palumbo said that the Recreation Board has recommended Hutchinson Moore & Rauch to do the Master Plan for the property.

The Council discussed how the board arrived at recommending HMR wanting to make sure that others had the opportunity to bid on the project. Mr. Palumbo stated that HMR and Volkert submitted proposals, and when choosing professional services you do not have to go out for bids.

Council President Burnam requested that a motion be added to the agenda for Monday night to approve the Mayor entering into a contract with HMR for professional services in designing a Master Plan for the recreation property. He also requested the City Clerk to call Mr. Hutchinson and ask him to be at the Council meeting Monday.

Mrs. Barnette stated that they should include in the contract a limit not to exceed \$20,000 for the preliminary plans.

### **3. DAPHNE HIGH SCHOOL STADIUM**

Council discussed appropriating funds to assist in the renovation of the stadium. Mr. Palumbo stated that the Board of Education will finance Daphne's portion of the project at a 5% interest rate. The Council discussed funding \$1,000,000.

Mr. David Kirchhar stated that even with the Board of Education's \$1,000,000, Daphne's \$1,000,000, the Boosters \$200,000 and if the county funds \$500,000 they will be \$400,000 short for everything they wanted to do. They stated that they will have to leave off turfing the field and resurfacing the track. They said that the stands and bathrooms were non-negotiable.

**OCTOBER 12, 2006**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**5:30 P.M.**

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They asked the Council to fund \$1,500,000 instead of just a \$1,000,000 in order to complete everything on the list.

Council discussed taking the money from somewhere other than capital improvements. Mayor Small stated that he would like to take it out of the reserves. Mr. Lake mentioned the fact that the city has partnered with the county in many projects for the high school, like extending Lawson Road and putting in County Road 13. He asked to have a resolution ready for the agenda Monday night in support of the renovations to the stadium so that the Mayor can present it to the Baldwin County Commission when he appears before them on October 24<sup>th</sup>.

Council President Burnam requested that the City Clerk have the resolution ready for Monday's Council meeting.

#### **4. ORDINANCE / RESOLUTION ASSESSING HIGHWAY 90 SEWER**

Mrs. Melinda Immel updated the Council on the process of sewerage Highway 90. She stated that there were codes that they have to follow for the assessments and she and Mrs. Briley feels that an ordinance instead of a resolution is the best way to go. She stated that they will be sending out certified letters and hold public hearings on the project. She said that the Council needs to consider whether to assess now or wait until the land is developed. She stated that the League of Municipalities recommended getting an Attorney General's opinion regarding waiting until the land is developed. They have sent the information to the City Attorney for his review, and to see if an opinion is warranted. She stated that the estimate is \$1.7 to \$2 million, and based on \$2 million the approximate cost per acre will be \$5,000.

#### **5. MONEY FOR SEWERING THE REST OF THE CITY**

Mr. McElroy, the Utilities Director, stated that it is not true that the sewerage of the city being almost complete. He said that there are large pockets of developed and undeveloped land that have not been sewerage. He stated that the Council needs to decided if they want to do gravity systems or low pressure systems or a combination. He stated that low pressure is a good system. He said that Utilities offers many services to help maintain grinder pumps.

Council discussed possibly having an ordinance with specs on grinder pumps so that citizens will be getting a good system.

Mr. McElroy stated that they are looking at ways to help with this problem. He stated that he looks forward to partnering with the city and working together on sewerage the city.

Council President Burnam stated that in the near future he would like to have a joint work session with Council and the Utility Board.

**6. INTERNATIONAL BUILDING CODE RESOLUTION AND ORDINANCE**

Mr. Merchant stated that the city's ISO rating will June 9, 2007 regress from 6 to 9.99 in residential and from 6 to 9 in commercial and industrial if the Council does not adopt the new Building Codes.

Council discussed the new codes and did not want to over burden the home builders with extra cost that the new codes will bring. They discussed some exceptions which are engineer design requirement, high wind shingles to withstand 110 mile an hour winds and wind born debris resistant glass.

Council President Burnam requested that the resolution setting the public hearing for adopting the International Building Codes be on the next Council meeting agenda, which will be November 6<sup>th</sup>.

**7. AMENDING SECTION 36.18 OF THE LAND USE ORDINANCE / HEIGHT EXCEPTION**

Ms. Turpin stated that State law, §11-52-80 Sub Section B-2, gives the BZA the authority to hear height exception requests, and that the Council has no say in the matter. But, according to the city's ordinance Council has final approval, which is legal, but may not be defensible in court. Ms. Turpin stated that she and Mr. Ross have yet to reach an opinion on the interpretation of the law, and that they are continuing to research the issue.

Council discussed the issue and some thought it was not right to put such a decision that will affect the city's look in the hands of people who were not elected. Some felt because the BZA had criteria to go buy in making those decisions, and because the Council appointed them they are comfortable giving the authority to BZA to make those decisions.

Council President Burnam put the ordinance on hold until the City Attorney finishes researching this issue and has a clear clarification of the law.

*NOTE:* Mrs. Landry left the work session at 8:30 p.m.

**8. NO SMOKING ORDINANCE**

Council President Burnam, due to the time, requested that this item be put at the top of the next work session agenda along with several sample ordinances that have already been adopted by other cities.

**9. PURCHASE OF A LOT BY THE IDB**

Ms. Toni Fassbender updated the Council on what happened to the planned Industrial Park on Highway 31. She stated even though the property has been annexed into Spanish Fort the IDB has an option on five (5) acres, which they would like to exercise. She stated that the owner has since re-platted the property and there is not any five acre tracts. She said that they have picked one out that is a little over three (3) acres. She stated that the board has \$80,000 in the bank toward the purchase of the property, but needs another \$70,000 to purchase it. She stated that the Baldwin County Economic Development Alliance will loan them the money to build a spec building. She asked the Council to consider funding the \$70,000 needed or to loan them the money, which could be paid back by the lodging tax that the board receives. She stated that they are trying to bring high paying jobs to the city, not retail jobs. They have a company that has been working with them on this project that want to locate here. Ms. Fassbender stated that they will have 30 days from the time that the owner presents them with a plat, which he has not done, to purchase the property.

**NOTE:** Mr. Lake left the work session at 9:00 p.m.

Mr. Scott stated that the city could loan them the money and sometime in the future they could forgive the loan.

Mayor Small stated that these funds could also come out of the reserves, and he would like, instead of paying it back, use it for seed money.

Council President Burnam requested that an ordinance appropriating funds for the IDB be on the November 6<sup>th</sup> agenda.

**8. COMMENTS**

No comments.

**9. ADJOURN**

There being no further business to discuss, the meeting adjourned at 9:27 p.m.

Respectfully submitted by

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David L. Cohen  
City Clerk, MMC

Certification of Presiding Officer

**OCTOBER 12, 2006  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
5:30 P.M.**

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Greg Burnam  
Council President  
Date & Time Signed: \_\_\_\_\_

**OCTOBER 16, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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**1. CALL TO ORDER**

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

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

Councilman Lake gave the invocation.

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

**ABSENT:** Regina Landry.

Also Present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Meredith Turpin, Attorney; Bill Eady, Planning Director; Ken Eslava, Public Works Director; Kim Briley, Finance Director; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Tonja Young, Library Director; Capt. David Wilson, Police Department; Capt. Joey Holasz, Fire Department; Al Guarisco, Village Point; Starke Irvine, DRA; Pfil Hunt, Gardnyr Michael Capital; Andy Rutens, Galloway, Smith, Wettermark & Everest Attorneys.

Absent: David Carpenter, Police Chief; Mund Hanson, Fire Chief.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve to Council minutes meeting held October 16, 2006.  
Seconded by Ms. Yelding.**

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

**PRESENTATION: Mr. Pfil Hunt / Gardnyr Michael Capital**

**Mr. Hunt** wanted to come before Council to thank them for the opportunity to work with the city on the Aronov project. He said that it was a long time in coming about a year and a half. He said that his company has been involved in a lot of these development deals in Florida, and he said that a couple of noteworthy things happened with this deal, and one was that he wouldn't have given the Mayor a nickels chance of negotiating the MOU down from \$10.2 million, but he did at over a million dollars. He stated that his hat is off to Mayor Small for getting this figure down, and he said that it was a great job and he has not seen that done in a lot of years, which was directly attributable to the Mayor's negation skills. He stated that in this process, Mrs. Briley is one reason that the city has always had a good bond rating, she gives great attention to detail and one of the things that no one saw was that there were numerous drafts going back and forth of the bond authorizing resolution and development agreement, and a lot of that was Kim always catching things here and there, she is always looking out for the city's best interest. Mr. Hunt stated the Mrs. Briley is the requisition trustee, she looks at all the requisitions to make sure all the proceeds will be spent only for public purposes and not private purposes. He said that he just wanted

to make those two statements publicly, and that it was a pleasure working with these two and the city, and it was a great job.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

Mr. Scott stated that the minutes for the October 2<sup>nd</sup> and October 9<sup>th</sup> meetings are in the packet.

**1.) MOTION: Pay Exception for Tonja Young / Library Director**

**MOTION BY Mr. Scott to approve the pay exception request for Tonja Young, the Library Director, salary to Pay Grade 29, Step four (4) \$44,570 annually. *Seconded by Mrs. Barnette.***

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

**2.) Treasurers Report**

**MOTION BY Mr. Scott to accept the Treasurers Report for September with a balance of \$24,204,210.40. *Seconded by Mrs. Barnette.***

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

**3.) Sales & Use Tax Graphs**

Mr. Scott stated that the city has reversed the trend which they had for a couple of months when the sales tax increase over the budget was going down, which got down as low as 5%, but last month it went up to about 8%, which is over \$1,000,000 in excess of what was budgeted. He stated that the city is doing extremely well in controlling expenses. Mr. Scott said that the two items that drive whether there is money to put in reserves is, if more is collected than budgeted, and if less is spent than was budgeted. He said that the city has done a good job on both of those. Mr. Scott stated that he hopes that this will give them money for capital improvements along with adding to the reserves.

**4.) Lodging Tax**

Mr. Scott stated that for the month the lodging taxes collected was approximately \$6,000 above last year. He stated that the new Holiday Inn Express is open. Mr. Scott said that they do not expect to be as successful as last September because the hotels were full of Katrina evacuees.

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

5.) Daphne High School Stadium

Mr. Scott stated that later in the meeting this will be covered under Resolutions and Ordinance unless the Council would like to consider it now.

Council President Burnam stated that they will consider it now because there were a lot of people present for the outcome of this item.

Council President Burnam asked if there is anyone in the audience that would like to speak on this subject, which would normally be done under public participation.

No one spoke

Waive Reading -Resolution 2006-90 / Agreement: Baldwin County Board of Education

MOTION BY Mr. Scott to waive the reading of Resolution 2006-90. *Seconded by Mr. Palumbo.*

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

MOTION BY Mr. Scott to adopt Resolution 2006-90. *Seconded by Mr. Yelding.*

Mr. Palumbo stated that Resolution 2006-92 should be considered first.

Mr. Scott withdrew his motion to adopt Resolution 2006-90.  
Mr. Yelding withdrew his second to adopt Resolution 2006-90

Resolution 2006-92 / Support for Daphne High School Stadium Project

MOTION BY Mr. Palumbo to waive the reading of Resolution 2006-92. *Seconded by Mr. Scott.*

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

MOTION BY Mr. Palumbo to adopt Resolution 2006-92. *Seconded by Mr. Yelding.*

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

Adopt - Resolution 2006-90 / Agreement: Baldwin County Board of Education

**MOTION BY Mr. Scott to adopt Resolution 2006-90 with the amount \$1.5 million. *Seconded by Mr. Yelding.***

Discussion was held regarding the amount. Some Council members thought that they had settled on the amount of \$1 million at the work session for the contribution amount.

**AYE Yelding, Scott, Burnam NAY Barnette, Lake, Palumbo MOTION FAILED**

**MOTION BY Mr. Palumbo to adopt Resolution 2006-90 with the amount of \$1 million. *Seconded by Mrs. Barnette.***

Discussion was held by Council regarding the County participating in the amount of \$500,000. Council discussed the fact that even with the County participating, the school will still be over \$400,000 short. Council agreed, if needed, to come back and consider adding another \$500,000 to the contribution so that the project can be completed.

**ROLL CALL VOTE**

<b>Yelding</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Aye</b>
<b>Barnette</b>	<b>Aye</b>	<b>Burnam</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>		
<b>Scott</b>	<b>Aye</b>		

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

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

**1.) *Plaque for Scardamalia Pavilion / Dedicating Pavilion to Richard Scardamalia***

**MOTION BY Mr. Lake to approve the signage for Scardamalia Pavilion dedicating the pavilion to Richard Scardamalia. *Seconded by Mrs. Barnette.***

Mr. Cohen stated that he received two quotes for the plaque from Signs "R" Us for around \$960.00 and Signs Now for \$1,200. He recommended accepting the quote from Signs "R" Us.

**Mrs. Lake amended the motion to include approving the quote from Signs "R" Us. Mrs. Barnette seconded the amendment.**

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

*Mr. Palumbo* stated that the Committee has received a request from the Humane Society to waive some of the Civic Center fees for their Christmas by the Bay fund raising event. He stated that this will be sent to the Finance Committee for consideration.

**C. PUBLIC SAFETY COMMITTEE - Burnam**

*Council President Burnam* stated that the minutes of the last meeting were handed out before the meeting. He stated that there is a motion included in the minutes that needs Council action. He stated that the minutes will be included in the next Council packet and the motion made at the next meeting.

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

No report.

**E. PUBLIC WORKS COMMITTEE - Yelding**

*Mr. Yelding* stated that the minutes are in the packet for the last meeting, and that the next meeting will be October 27<sup>th</sup> at 8:00 a.m. in the Council Chambers.

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

**A. BOARD OF ZONING ADJUSTMENTS - Eady**

*Mr. Eady* stated that met October 5<sup>th</sup> at 6:00 p.m. with one appeal which was a set back encroachment at 1133 Captain O'Neal Drive asking for a eleven foot setback encroachment, and the board did not like the eleven feet encroachment and sent it back to the applicant to come back with a four (4) foot set back encroachment.

**B. DOWNTOWN REDEVELOPMENT AUTHORITY - Barnette**

*Mrs. Barnette* stated that the minutes for the last meeting are in the packet. She asked Mr. Irvine to give a report to the Council.

*Mr. Irvine* stated that the Authority wanted the Council to know that they are looking into establishing an architectural review committee for the Olde Towne District with the help of the City Attorney, Mr. Ross.

*Mrs. Barnette* stated that if the Council has any questions or concerns to contact her. She stated that the authority has researched to see if there are any other cities who have this type of committee and received and ordinance from Trussville and another city. She stated that this will eventually go to the Planning Commission for review and they will send it to Council. She stated that the next meeting will be November 13<sup>th</sup> at 5:30 p.m.

**C. INDUSTRIAL DEVELOPMENT BOARD - Yelding**

Mr. Yelding stated that the minutes are in the packet for the last meeting.

**1.) MOTION: To pay to the Industrial Development Board \$70,000 to purchase property.**

**MOTION BY Mr. Yelding to suspend the rules to consider a motion to pay to the Industrial Development Board \$70,000 to purchase property to build a spec building. *Seconded by Mr. Lake.***

**ROLL CALL VOTE**

<b>Yelding</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Aye</b>
<b>Barnette</b>	<b>Aye</b>	<b>Burnam</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>		
<b>Scott</b>	<b>Aye</b>		

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

**MOTION BY Mr. Yelding to pay the Industrial Development Board \$70,000 to purchase property to build a spec building. *Seconded by Mrs. Barnette.***

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

**D. LIBRARY BOARD - Lake**

**Mr. Lake** reported that the board met on Monday, October 9<sup>th</sup>.

Ms. Tonja Young stated that there was a guest at the meeting from Mountain Brook who was involved with fundraising for their library who offered suggestions on how they could raise funds.

**E. PLANNING COMMISSION - Barnette**

**Mrs. Barnette** stated that the Site Review meeting will be October 18<sup>th</sup> at 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be October 26<sup>th</sup> at 6:00 p.m. in the Council Chambers. She stated that a draft of the minutes of the last meeting are in the packet.

**F. RECREATION BOARD - Palumbo**

**Mr. Palumbo** stated that the board recommended Hutchinson, Moore & Rauch to do the preliminary master plan for the recreation property.

**(MOTION ON NEXT PAGE)**

**MOTION BY Mr. Palumbo to suspend the rules to consider a motion to authorize the Mayor to enter into a contract not to exceed \$20,000 with Hutchinson, Moore and Rauch, for the preparation of a preliminary master plan for the recreation property (Tallent Property). Such funding shall be from the de-annexation proceeds previously reserved for recreation purposes. *Seconded by Mr. Lake.***

**ROLL CALL VOTE**

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

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

**MOTION BY Mr. Palumbo to authorize the Mayor to enter into a contract not to exceed \$20,000 with Hutchinson, Moore and Rauch, for the preparation of a preliminary master plan for the recreation property (Tallent Property). Such funding shall be from the de-annexation proceeds previously reserved for recreation purposes. *Seconded by Mr. Lake.***

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

**G. UTILITY BOARD - Scott**

*Mr. Scott* stated that the next meeting will be November 1<sup>st</sup> at 5:00 p.m. in the Council Chambers.

**6. REPORTS OF OFFICERS:**

**A. Mayor's Report**

a.) *Approval of date and requests from ES Chamber for the 2007 Jubilee Festival / September 29-30, 2007.*

**(MOTION ON NEXT PAGE)**

**MOTION BY Mr. Yelding to approve the date of September 29-30, 2007 for the Jubilee Festival and requests as follows:**

- 1.) Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.
- 2.) Permission to use Centennial Park for Kids Art.
- 3.) Permission to allow children to paint on the back fence in Centennial Park.
- 4.) Assistance from Police and Street Department with street closings and barricades from Friday, September 28, 2007 after 5:00 p.m. until Sunday, September 30, 2007 after 6:00 p.m.
- 5.) Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
- 6.) Permission to use City Hall as headquarters for the festival staff and volunteers.
- 7.) Permission to place temporary banners to help promote the 19<sup>th</sup> Annual Jubilee Festival.

Specifics of the banners are as follows:

Banners to read: Jubilee Festival, September 29<sup>th</sup> and 30<sup>th</sup>

Banners to be posted 2 weeks prior to event

Size of Banners to be 120" x 34"

Locations to include:

Santa Rosa and Main Street

Jubilee Mall

Lawson Road

8. Permission to place banners within the site of the festival.

*Seconded by Mrs. Barnette.*

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

*b.) ABC License / Ollie's Barbeque / 060 Retail Table Wine - On or Off Premises / 040 Retail Beer - On or Off Premises*

**MOTION BY Mr. Yelding to approve the 060 Retail Table Wine – On or Off Premises and 040 Retail Beer – On or Off Premises License for Ollie's Barbeque. *Seconded by Mrs. Barnette.***

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

*c.) Parade Permit / Mystic Order of Persephone Mardi Gras Parade / February 16, 2007 / Rain Date February 19, 2007*

**MOTION BY Mr. Scott to approve the parade permit for the Mystic Order of Persephone Mardi Gras Parade to be held on February 16, 2007 and a Rain Date of February 19, 2007. *Seconded by Mrs. Barnette.***

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

**B. City Attorney’s Report**

Mr. Ross stated that there are two pending litigations that need to be discussed in Executive Session with Mr. Andy Rutens who represents the city in the litigations.

**C. Department Head Comments**

*David McKelroy – Recreation Department Director* – stated that Blue Grass in the Plaza will be October 28<sup>th</sup>.

*Ken Eslava – Public Works Director* - reported that there are several NRCS projects that will be starting in the next two weeks. He stated that there is construction at May Day Park and parents need to watch their children, and sediment removal is continuing at Village Point Park.

**7. PUBLIC PARTICIPATION:**

*Mr. Starke Irvine – 304 Bay Hill Drive* – spoke regarding adoption of the International Building Code.

*Ms. Beverly Faulkner – Bay Minette* – represents Builders Association – spoke regarding the International Building Code and holding public hearings before adoption.

*Mr. John Eckenstaler – 306 Cumberland Road* – spoke regarding the International Building Code and the section where it states that you have to have homes engineered; stating that this will be very costly to builders and home buyers.

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

**RESOLUTIONS**

- a.) Development Agreement AIG Baker / Land Swap...../Resolution 2006-82
- b.) Prepaid Travel / David Cohen...../Resolution 2006-83
- c.) Bid Award: Cedar Circle/Bryant Gulley / Phillips & Jordan, Inc...../Resolution 2006-84
- d.) Bid Award: Whiting Court NRCS / Phillips & Jordan, Inc...../Resolution 2006-85
- e.) Bid Award: Village Point Park / Yancey Branch / Lakeview Loop /  
ERS, Inc...../Resolution 2006-86
- f.) Bid Award: Athletic Field Marking Paint / Pioneer Manufacturing...../Resolution 2006-87
- g.) Declaring Certain Property Surplus and Authorize Mayor to  
Dispose of Such Property...../Resolution 2006-88

- h.) Declaring Certain Property Surplus and Authorize Mayor to Dispose of Such Property ...../Resolution 2006-89
- i.) Agreement – Daphne High School Stadium ...../Resolution 2006-90
- j.) Authorize Mayor to Enter Into an Agreement with Moody Electric...../Resolution 2006-91
- k.) Support for Daphne High School Stadium Project...../Resolution 2006-92

MOTION BY Mr. Lake to waive the reading of Resolutions 2006-82, 2006-83, 2006-84, 2006-85, 2006-86, 2006-87. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolution 2006-82. *Seconded by Mr. Yelding.*

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

MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolutions 2006-83, 2006-84, 2006-85, 2006-86, 2006-87. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Resolution 2006-88. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-88. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-89. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-89. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

RESOLUTION 2006-90 WAS ADOPTED EARLIER IN THE MEETING

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-91. Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-91. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

RESOLUTION 2006-92 WAS ADOPTED EARLIER IN THE MEETING.

ORDINANCES:

2<sup>ND</sup> READ

- a.) Annexation / Pollard Group / Property Located SE of the Intersection of County Road 64 and Pollard Road (7.46 Acres). . . . . /Ordinance 2006-77

1<sup>ST</sup> READ

- b.) Appropriation of Funds: Amend the Fiscal Year 2007 Budget / Daphne High School Stadium. . . . . /Ordinance 2006-78

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-77. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONO OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to suspend the rules to consider Ordinance 2006-78. *Seconded by Mr. Lake.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-78. with the amount of \$1,000,000. *Seconded by Mrs. Lake.*

Mrs. Briley pointed out that this is the agreement with the Board of Education and the amount should be \$200,000.

Mrs. Barnette amended the motion to say waive the reading of Ordinance 2006-78 with the amount of \$200,000. *Mr. Lake seconded the amendment.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-78 with the amount of \$200,000. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

OCTOBER 16, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

**MOTION BY Mrs. Barnette to enter into Executive Session to discuss pending litigation. The City Attorney certifies that the Executive Session is warranted for this specific purpose and that the session will last about 30 minutes. *Seconded by Mr. Yelding.***

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

*Council entered into Executive Session at 8:00 p.m.*

*Council returned from Executive Session at 8:30 p.m.*

**9. COUNCIL COMMENTS:**

*Mrs. Barnette* commented that there were a lot of suspension of the rules tonight and she went along with them but she does not like to do it.

*Mr. Lake* commented that he wants Council to consider a no smoking ordinance for the city. He said that he has had citizens approach him and say that they hoped the ordinance will be adopted.

*Mr. Scott* stated that there will be a meeting of elected officials sponsored by the chamber at Bayfront on October 24<sup>th</sup> and on November 2<sup>nd</sup> there will be an elected officials meeting sponsored by the Baldwin County Commission at Stillwood Country Club. He stated it would be good to attend to establish good relations with the County Commission.

*Mr. Palumbo* stated that he was pleased with the unanimous vote on the \$1,000,000 on a project. He stated that it is not often that the Council expends that amount of money. He stated that the \$1,000,000 is enough for the Board of Education to give the OK to start the project.

**NOTE:** Mr. Yelding left the meeting at 8:35 p.m.

*Mayor Small* stated that because of the legal tussle with the Board of Education on where to have the circus, that he turned it over to Ken Eslava and David McKelroy and they have come up with a good place to have it next year.

*Council President Burnam* stated that he has served on the Buildings and Property Committee during his 10 years on the Council and he does not ever remember the Committee handling surplus items, that this always came through Finance. He stated that Buildings & Property handles city buildings and real estate owned by the city.

OCTOBER 16, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.  
10. ADJOURN

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

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISUCSS, THE MEETING ADJOURNED AT 8:36 P.M.

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen,  
City Clerk, MMC

Certification of Presiding Officer:

\_\_\_\_\_  
Greg Burnam,  
Council President

Date & Time Signed: \_\_\_\_\_

**PUBLIC HEARINGS:**

**November 6, 2006**

- 1.) Annexation / Mildred Lett Sloan / Property located East of Public Works Road  
Requested Zoning – B-2 / General Business District**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Mildred Lett Sloan (Prestige  
Window Door) Petition for  
Annexation  
Date: September 29, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, September 28, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned Annexation.

Upon receipt of said documentation, please set the public hearing, advertise, and place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/hb

cc: file

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(#05-43-05-16-0-000-018.000

The undersigned, Mildred Lett Sloan, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Tax ID 43-05-16-0-000 -018.000 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, Mildred Lett Sloan, 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:

B-2 Zoning  
Directly across Public Works Road from the Daphne Public  
Works Yard and Maintenance Facility

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 21<sup>st</sup> day of August,  
2006.

Respectfully submitted,

By: Mildred E. Sloan

STATE OF ALABAMA  
COUNTY OF BALDWIN

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

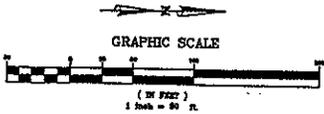
GIVEN under my hand and official seal on this the 21<sup>st</sup> day of August, 2006.

Barbara F. Keenan (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 9-15-2009

LEGAL DESCRIPTION (PROPERTY ACROSS FROM PUBLIC WORKS ROAD):

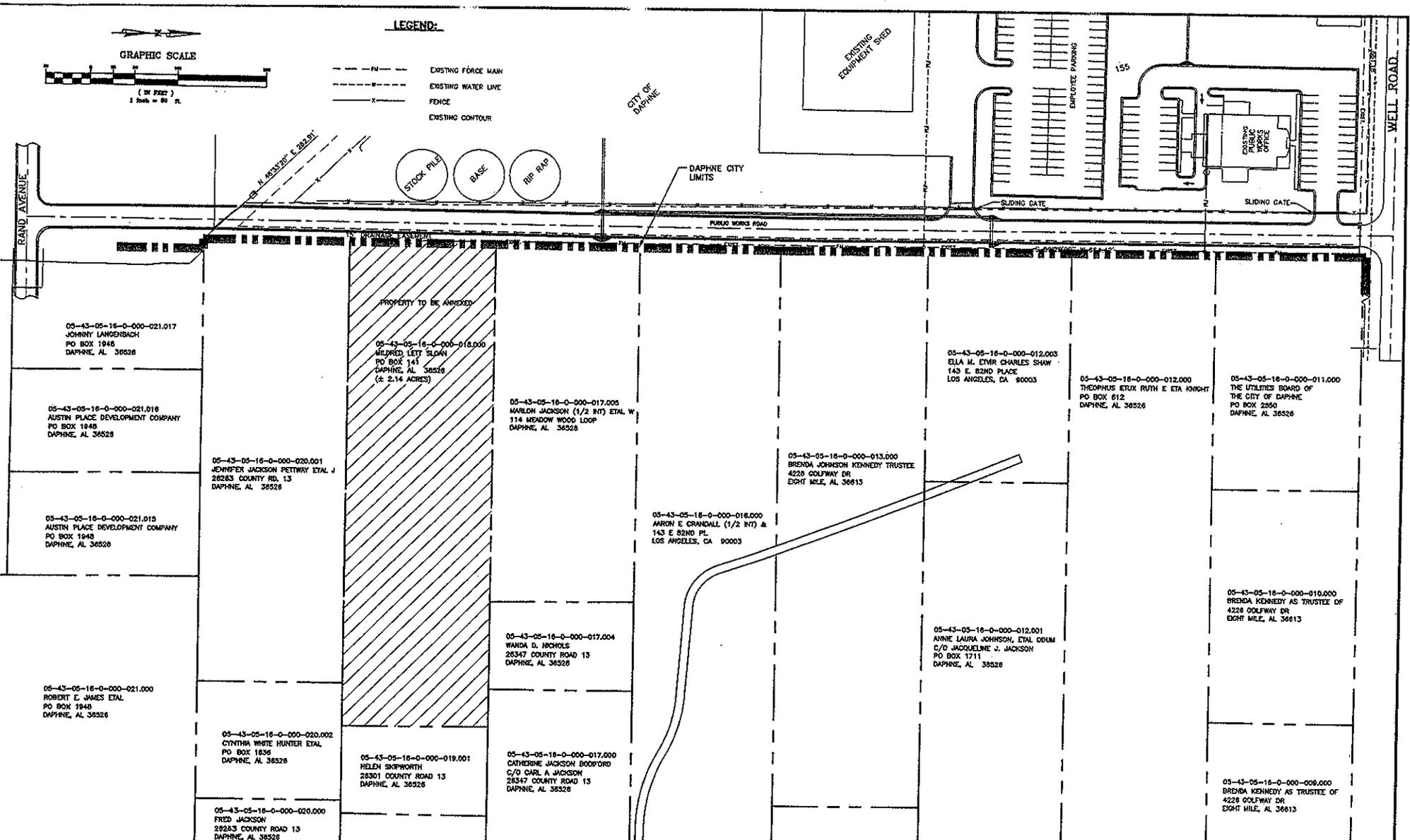
FROM THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN NORTH ALONG THE SECTION LINE 1495 FEET; THENCE, BY A DEFLECTION ANGLE OF 89°45' TO THE LEFT, RUN WESTWARDLY 784.5 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH AND PARALLEL TO THE SECTION LINE 166 FEET; THENCE RUN WEST 548.5 FEET; THENCE RUN SOUTH ALONG AN OLD FENCE 166 FEET TO AN OLD IRON PIPE CORNER IN SAID FENCE, SITUATED 20.2 FEET WEST OF A 24-INCH PIPE; FROM SAID IRON PIPE CORNER, RUN EAST 547.2 FEET TO THE POINT OF BEGINNING. LOT CONTAINS 2.0 ACRES, MORE OR LESS, IN THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, T 5 S, R 2 E, BALDWIN COUNTY, ALABAMA.





**LEGEND:**

- EXISTING FORCE MAIN
- EXISTING WATER LINE
- FENCE
- - - EXISTING CONTOUR



**HUTCHINSON, MOORE & RAUCH, LLC**

2039 MAIN STREET  
DAPHNE, ALABAMA  
36526

ENGINEERS & SURVEYORS  
LAND PLANNERS

TEL (251) 626-2626  
FAX (251) 626-6934  
daphne@hmrengineers.com

ANNEXATION OF PARCEL  
PARCEL #05-43-05-16-0-000-018.000

SPENCE MONROE

SPENCE MONROE  
1050-2004-1001

SCALE 1"=50'	DATE SEPTEMBER, 2006	DRAWN BY KSK	CHECKED BY	SHEET 1 OF 1
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**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

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

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

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

## Public Safety Committee

*Tuesday, October 3, 2006*

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

Police Chief David Carpenter  
Captain David Wilson  
Captain Randy Bishop  
Captain Scott Taylor  
Michele Hanson - Secretary

### **Committee Members Attending:**

Councilman Greg Burnam, Councilwoman Regina Landry, Councilman Gus Palumbo, Capt. David Wilson, Capt. Scott Taylor, Chief Hanson and PW Sup. Melvin McCarley.

Also Present: Mayor Small, Lt. Daniel Bell, PW Director Ken Eslava, Christine Wetzel, James Packer.

#### **I. CALL TO ORDER**

Mr. Burnam **convened** the meeting at 4:30 p.m.

#### **II. PUBLIC PARTICIPATION**

##### **1) Speed Hump - Christine Wetzel/402 Belrose Ave.**

Ms. Wetzel was present and is requesting a speed hump on Belrose Avenue. Mr. Eslava stated that a traffic study was done last November and a speed hump was not recommended at that time; however, since that time sidewalks and a crosswalk have been installed on Belrose and now supports a speed hump to help with public safety. Capt. Wilson stated the police department supports installing speed humps to help control speeding in residential areas. The committee discussed at length the placement of the speed hump on Belrose. Mr. Burnam believes that Belrose Avenue would need 2 speed humps considering the length of the street. Mr. Eslava stated the November 2005 traffic study did not show excessive speeding on Belrose, west of Old County.

**Motion by Ms. Landry** to favorably recommend the installation of a traffic calmer on Belrose Avenue just west of the crosswalk between Sixth and Old County. **Seconded by Mr. Palumbo.** **Motion carries.**

##### **2) Light at Pinehill & North Main - James Packer**

Mr. Packer was present to request that the City consider installing a traffic light at Pinehill Road and North Main Street. He lives on 8<sup>th</sup> Avenue just south of Pinehill Road. He would also like to see the speed limit reduced. Mayor Small suggested trying a 3-way stop at this intersection. Mr. Eslava has concerns about the traffic backing up at the Windsor light and the 98 light. Mr. Eslava suggested a traffic study and present at the next meeting. Committee agreed.

#### **III. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

##### **Minutes from September 5, 2006 Meeting**

**Motion by Ms. Landry** to adopt the minutes as presented. **Seconded by Mr. Burnam.** The minutes were adopted without revision. **Motion carries.**

#### **IV. FIRE DEPARTMENT**

##### **a. New Business**

**1. Statistics for August 2006**

Chief Hanson reviewed the stats for August. Mr. Palumbo asked what was the \$194,230 property loss. Chief Hanson stated there were 4 vehicle fires and 3 structure fires, however that amount did seem high. Chief Hanson will check the figures and email the committee his findings.

**b. Old Business**

Mr. Palumbo asked about the new fire fighter training. Chief Hanson stated they graduated in September and are on duty. He further stated that Station #4 in TimberCreek is now manned.

**V. POLICE DEPARTMENT**

**a. New Business**

**1. Statistics for August 2006**

Capt. Wilson reviewed the stats for August.

**2. Amendment to the Animal Control Ordinance**

Capt. Wilson reviewed the amendment to the Animal Control Ordinance. This amendment will add a section that will require persons adopting adult cats and dogs to have them sterilized in accordance with State law within 30 days of the adoption. The City will collect a \$75 fee for dogs and a \$50 fee for cats which will be submitted to Baldwin County Humane Society which will be responsible for paying the veterinarian bill.

It also adds a paragraph to (d) Condition of Premises, deleting everything that pertains to a tether and now requires dogs be kept in an enclosure of chain link, wooden fence or similar type material of a 10X10 space. Capt. Wilson stated there is a time limit or grace period to comply with this ordinance. Mr. Palumbo stated he thinks that 1 years is too long of a grace period and recommended 90 days. Mr. Palumbo would also like for legal to review the changes before submitting to the Ordinance Committee.

**B. Old Business**

**VI. OTHER BUSINESS**

**VII. ADJOURN**

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:15 p.m.  
The next meeting will be **Tuesday, November 7, 2006 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period: August, 2006**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	-	2
11-Structure Fire/Commercial	1	4
11-Structure Fire/Residential	2	19
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	4	23
14-Natural Vegetation Fire	3	16
15-Outside Rubbish Fire	1	8
16-Special Outside Fire	-	1
17-Cultivated Vegetable Crop Fire	-	-
<b>2-Overpressure Rupture:</b>	-	1
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	109	1,217
<b>4-Hazardous Conditions (No fire):</b>	3	38
<b>5-Service Call:</b>	10	97
<b>6-Good Intent Call:</b>	8	125
<b>7-False Alarm &amp; False Call:</b>	14	98
<b>8-Severe Weather &amp; Natural Disaster:</b>	1	2
<b>9-Other Situation:</b>	1	5
<b>Total Emergency Calls:</b>	<b>136</b>	<b>1460</b>
<b>Monthly Total Calls:</b>	<b>157</b>	<b>1656</b>
<b>Response Time:</b>		
<b>Highest:</b>	10	15
<b>Lowest:</b>	1	1
<b>Average (Minutes/Seconds) :</b>	4/10	4/25
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	134	2,835.75
<b>Property Loss - \$</b>	194,230	298,680
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	-/-	-/2
<b>Child Passenger Safety Seat Inspections/Installations</b>	13	115
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	-	85
<b>Persons Attending</b>	-	4,756
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	-	68
<b>Final/Certificate of Occupancy</b>	4	41
<b>General/Annual Inspections</b>	160	1731
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	16	196
<b>Business Licenses</b>	19	103
<b>Consultations</b>	1	7
<b>All Other/Misc. Activities</b>	4	30
<b>Total Activities:</b>	<b>203</b>	<b>2176</b>

Authorized by:

*A. Mund Hanson*

A. Mund Hanson

Daphne Police Department			Monthly Report			August 2006				
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		(Capt. Wilson)				
						YTD				
# Complaints	1,381	# New Cases Received:	72	Total Arrestees Received & Processed:	209	<u>1,967</u>	# Misd. Marijuana Arrest	5	Arson	0
# Misd. Arrests	46	# Previous Unsolved Cases:	100	Arrestees by Agency:			# Felony Marijuana Arrest	3	Burglary – Commercial	4
# Felony Arrests	20	# Cases Solved:	41	Daphne PD	132	1,157	# Controlled Substance Arrest:	5	Burglary – Residence	7
# Citations	399	Resulting in Total Arrests:	21	BCSO	13	<u>155</u>	# Drug Paraphernalia Arrest	2	Burglary - Vehicle	1
# Close Patrols	117	Felonies:	11	Loxley PD	28	<u>292</u>			Criminal Mischief	7
# Warnings	170	Misdemeanors:	7	Silverhill PD	15	<u>122</u>	Vehicles Searched	16	Disorderly Conduct	3
# Motorist Assist	206	Houses Searched	1	Spanish Fort PD	9	<u>176</u>			Domestic Disturbance	18
# Alias Warrants	51			Troopers	7	<u>39</u>	Drugs Seized:cocaine, crack cocaine		False Info to Police	1
# Roadway Accidents	75			INS	0	<u>0</u>	Money Seized	\$0	Felony Assault	0
# Private Prop. Accidents	26	<b>Warrants:</b>		Other Agencies	5	<u>26</u>	Vehicles Seized	0	Felony Theft	23
# DUI's	9	Bettner Served	54						Harassment	14
Traffic Homicide	0	Officer Served	15	Highest	44		<b>Animal Control</b>		Identity Theft	2
		Recalls (Pd Fines)	47	Lowest	23		#Complaints	69	Indecent Exposure	2
		Total Warrants Served	116				#Follow-ups	95	Kidnapping	0
				Meals Served	2,601	21,426	#Citations	5	Menacing	0
		<b>Sex Offender:</b>		Medical Cost	\$2,251.05	22,474.08	#Warnings	6	Misdemeanor Assault	0
		New Registration:	0	Worker Inmate Hours	961	8,862	#Felines Captured	52	Misdemeanor Theft	20
		Contact Verification	0				#Canines Captured	50	Murder	0
		Total # registered in Daphne	6				#Other Captured	18	Other Death Investigations	0
		<b>DARE:</b>					#Returned to Owner	22	Public Intoxication	0
		# Hours Report Writing:	3				#Adopted Out	33	Public Lewdness	0
		# Students Instructed SRO	N/A				#Euthanized	60	Receiving Stolen Property	0
		# Students Instructed DARE	N/A						Reckless Endangerment	1
		# Police Reports by SRO	2						Resisting Arrest	2
		# Arrest by SRO	0						Robbery	0
									Sex Crime Investigations	2
		<b>CODE ENFORCEMENT:</b>							Suicide	0
		Wanings:	2						Suicide, attempted	2
		Citations	8						Theft of Services	0
		Warning Compliance							Unauthorized Use of Services	
			3							2
		Follow – Up	13						Weapon Offenses	0
									White Collar Crimes	6
<i>Approved by:</i>				<i>David Carpenter, Chief of Police</i>						

**PUBLIC WORKS COMMITTEE MEETING**  
**September 22, 2006**

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

**I. CALL TO ORDER**

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

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

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

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

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

**III. OLD BUSINESS**

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

**IV. NEW BUSINESS**

- A. No new business reported

**V. DIRECTOR'S REPORT**

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

**VI. SOLID WASTE AUTHORITY**

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

**VII. MUSEUM COMMITTEE**

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

**VIII. BEAUTIFICATION COMMITTEE**

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

**IX. ENGINEER REPORT**

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

**X. FUTURE BUSINESS**

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

**XI. ADJOURNMENT**

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

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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

---

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

Call of Roll:

Members Present:

Willie Robison  
Billie Mayhand  
Barry Taylor  
Glen Swaney, Chairman  
Frank Lamb  
Jeri Hargiss

Staff Present:

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

Members Absent:

Walt Crimmins

The Chairman stated there are six members present tonight, five, of which, will be voting. You will need four yes votes for approval. If you would, take this opportunity to review the minutes from our last meeting. If there are no changes the Chair will entertain a motion that the minutes be accepted as written.

**Approval of Minutes:**

The minutes of the June 1, 2006 meeting were considered for approval. A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Mayhand** to **approve the minutes as written unless there are additions or deletions.**

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

<b>Mr. Robison</b>	<b>Aye</b>
<b>Mr. Mayhand</b>	<b>Aye</b>
<b>Mr. Taylor</b>	<b>Aye</b>
<b>Mr. Swaney</b>	<b>Aye</b>
<b>Mr. Lamb</b>	<b>Abstained due to his absence at the last meeting.</b>
<b>Ms. Hargiss</b>	<b>Aye</b>

**New Business:**

**Appeal #2006-03, Malinda S. Gibson**

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

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The Chairman stated our first order of business is to hear Appeal #2006-03. Mr. Eady, would you like to lead us off?

Mr. Eady displayed color transparencies of 800 Main Street. He stated, Mr. Chairman, Ms. Malinda S. Gibson, who lives at 800 Main Street is requesting a Special Exception of the Land Use Development Ordinance for a home daycare. The property is zoned R-1, Low Density Single Family Residential, so it requires approval from the Board of Zoning Adjustment for that use. She has a very large lot, one point eighteen acres. The house is situated on probably about the first third of the lot. It is all very well manicured. It is neat and clean. This is the house looking from Main Street, and this is looking down the driveway toward the back. Beyond that is a place, as you can see, where the gate is that is well kept. The grass is well cut and manicured. There were no obstacles, that I could see, that would be detrimental to children. No junk cars, or any thing like that. No building materials piled up. Everything was very neat, and I recommend it be approved.

The Chairman stated thank you, Mr. Eady. I see the neighbors have been notified. Has anybody voiced any complaints to you?

Ms. Gibson stated no, they have not.

The Chairman stated is there anything that you would like to add to Mr. Eady's presentation.

Ms. Gibson answered no, sir.

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

Mr. Lamb stated on the gate that goes toward the extended back yard. Is there just one gate or are there two?

Ms. Gibson stated there are two that close. We need to get that fixed and we just have not done it yet, but there are two that close.

Mr. Lamb stated okay. Once a child gets way back into that area back there it is not fenced.

Ms. Gibson stated no, it is not.

Mr. Lamb stated but it will be fenced in on the first part.

Ms. Gibson stated yes, sir. The first part will be fenced and locked.

Mr. Lamb stated the first part will be locked?

Ms. Gibson stated yes, sir.

The Chairman stated any additional questions, Mr. Mayhand? Comments, Mr. Lamb?

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

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Mr. Robison stated just a comment. I believe that is, as I call it, the old Carroll home place. Mr. Carroll was the Principal of the old Baldwin County Training School, which was the Daphne Middle School, and now is the site for the Daphne High School. I went by there the other day. Is anyone living in there now? Or is it strictly going to be a daycare?

Ms. Gibson stated no, we are living there now.

Mr. Robison stated you live there now.

Ms. Gibson stated yes, sir.

The Chairman stated it really does not pertain to our deliberation, but how many children do you anticipate having.

Ms. Gibson stated I have two of my own, and one of them goes to school. So, I will have five, with the one I have, which will be a total of six.

The Chairman stated any additional questions or comments? If not, the Chair will entertain a motion.

**A Motion was made by Mr. Mayhand and Seconded by Ms. Hargiss to approve Appeal #2006-03, Malinda S. Gibson, for a special exception to allow the operation of a home daycare at 800 Main Street.**

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

<b>Mr. Robison</b>	<b>Aye</b>
<b>Mr. Mayhand</b>	<b>Aye</b>
<b>Mr. Swaney</b>	<b>Aye</b>
<b>Mr. Lamb</b>	<b>Aye</b>
<b>Ms. Hargiss</b>	<b>Aye</b>

The Chairman stated the motion has been approved. I guess she can pick this up tomorrow morning.

Ms. Houston stated in the morning.

Mr. Lamb stated I just have one comment. I noticed on the plat that you submitted that your fence goes across the property line. Did you notice that?

Ms. Gibson stated it goes across the property line.

Mr. Lamb stated yes. It is not a part of this hearing, but if you look at the plat that we were given, the dotted line, showing where the fence is, encroaches the right-of-way of Adams Lane.

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

---

Ms. Gibson stated yes. When we bought the property, they told us that Adams Lane actually owns part of the property. We just had to take it as is.

Mr. Lamb stated if you in the future, ever decide to sell, it could be a problem. The new owners need to know, and you would need to get a variance before you do.

Ms. Gibson stated yes, sir.

Ms. Hargiss stated I noticed it too, but it is not a part of this.

Ms. Gibson stated thank you.

The Chairman stated I do have a question for Mr. Speegle, following the adjournment, if he has the time.

Mr. Speegle stated certainly.

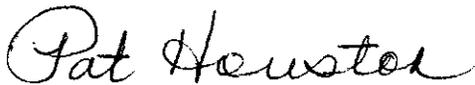
**Adjournment:**

The Chairman stated if there are no objections, the Chair will entertain a motion to adjourn.

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

There being no further business the meeting was adjourned at 6:10 p.m.

**Respectfully submitted by:**



Pat Houston, Recording Secretary

**APPROVED:** August 3, 2006

  
Glen Swaney, Chairman

/ph

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF OCTOBER 5, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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**DRAFT**

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

Call of Roll:

Members Present:

Willie Robison  
Barry Taylor  
Billy Mayhand  
Glen Swaney, Chairman  
Walt Crimmins  
Frank Lamb  
Jeri Hargiss

Staff Present:

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

Staff Absent:

Jerry Speegle, Attorney

The Chairman stated who will be voting tonight, Pat?

Ms. Houston stated everyone except Mr. Taylor and Mr. Lamb.

The Chairman stated okay. To approval an appeal it takes a positive vote of four out of the five voting. If you will, take time out to read the minutes of the meeting of last month. As I understand it, Mr. Huffman, these minutes will go into the record and be certified, so to speak.

Mr. Huffman stated that is correct. Once the minutes are approved they will be part of the record for the appeal.

The Chairman stated the upcoming court appeal.

Mr. Huffman stated correct.

Mr. Lamb stated Pat, even though we cannot vote, we can take part in the discussion.

Ms. Houston stated that is correct.

The Chairman stated if you would, Mr. Huffman, after we hear this appeal let us touch on the upcoming court appeal. The Chair will entertain a motion to accept the minutes as written.

**Approval of Minutes:**

The minutes of the September 7, 2006 meeting were considered for approval.

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

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

<b>Mr. Robison</b>	<b>Aye</b>
<b>Mr. Taylor</b>	<b>Aye</b>
<b>Mr. Mayhand</b>	<b>Aye</b>
<b>Mr. Swaney</b>	<b>Aye</b>
<b>Mr. Crimmins</b>	<b>Aye</b>
<b>Mr. Lamb</b>	<b>Aye</b>
<b>Ms. Hargiss</b>	<b>Aye</b>

**New Business:**

**Appeal #2006-07, Alain & Clara D. Melendez**

The Chairman stated Mr. Eady, would you like to start us off with Appeal #2006-07.

Mr. Eady displayed color transparencies of the proposed site for a new house to be located at 1113 Captain O'Neal Drive. He stated Mr. & Mrs. Melendez, who owns this property has filed an appeal for a variance to encroach the side setback line by two tenths of a foot on the south side and ten-feet on the north side. The home is not built yet. This is what they are asking for in order to build their house. There are some pretty large Oak trees on the site. The little red flag on the left hand side is where the property line is. The building on the right may have been an apartment or a storage building at one time, I assume it will be removed. You can see the red flag on the back side of it. It is the other property line on the opposite side from the one you just saw a second ago.

The Chairman stated which property is that building on? It is awfully close.

Mr. Eady stated it is on this property. There it is right there. It sits pretty close to the property line in the back. See the red flag that is the property line behind it.

Mr. Lamb stated Mr. Eady, that structure actually violates the setback. It has been there a while.

Mr. Eady stated he is going to tear that down.

The Chairman stated it looks to be right on the lot line.

Mr. Eady stated this is another picture of that building, and this is some of the growth along the road. I took this picture for some reason, but I do not remember why. This is the critical part of the plan, and it shows on the setback that it will come within five-feet of the timbers along the edge of that driveway, on this property. There is a flag a little ways out in the brush there, and this is really the critical part of the project.

The Chairman stated it will be within five-feet of the edge of that driveway.

Mr. Eady stated yes, sir. These are a few sketches to show you his full house plan. The trees will be within five inches of the garage.

The Chairman stated Mr. Eady, can you go back to the very first slide? Is that green area the structure that is proposed?

Mr. Eady stated yes, that is it. The last one is a sketch of the home. You can see how the garage will be on the home.

The Chairman stated are you going to speak in favor of this appeal?

Mr. Melendez stated yes, sir.

The Chairman stated Mr. Eady, if you would, please leave that plot plan up there so that when he comes up we can ask him questions about it.

Mr. Crimmins stated Mr. Eady, the lot is eighty-feet wide. Is that correct?

Mr. Eady stated yes, sir.

Mr. Crimmins stated that requires a fifteen foot setback on each side?

Mr. Eady stated yes, sir. It is an R-1 zone.

Mr. Crimmins stated so it requires a fifteen-foot setback on each side leaving fifty-feet.

Mr. Eady stated yes, sir.

Mr. Crimmins stated thank you.

The Chairman stated any thing else, Mr. Eady?

Mr. Eady stated no, sir.

The Chairman stated Mr. Melendez, would you like to get started?

Mr. Melendez stated when we bought this lot, and of course it has not been that long, about three months ago, my wife and I were extremely excited to make this our home. My wife is from Alabama and I am from Vera Cruz, South America. All of these drawings come from our architect and myself. We sketched this one up, and I did not make any copies, but our architect actually met and made me a quick sketch, which explains what we are asking for.

The Chairman stated I was going to ask you where the trees are on that plot plan.

Mr. Melendez stated there are a couple of beautiful trees on the property that I am trying my best not to touch. I am trying to be extremely careful because I think it makes the whole character of the property. It is the only reason we are putting the garage so close to the other side of the property, to be able to make that curve without having to come too close to the root of the trees on that driveway, and that is our biggest concern. Otherwise, in order for our family to fit everything that we are looking for, we need around sixty-feet of house size. In doing that we are talking about ten, fifteen feet on one side, which would be an access for any work to be done on the back. On the actual house size we are looking for eleven feet on the other side, and that truly is what we are looking for, but the garage needs to be located where it is, from the street. It will really be hard to make that turn. This is a special tree located right here. We are a family of six, and we cannot get away from the big trucks, and my wife has a big problem making those turns, and this is a beautiful Live Oak, and this is a beautiful Live Oak. The one shown on the picture is right here and the other one is here, and the tree here is dead so we are going to take it down. We already have a permit from the City to take it down. We have done all of this trying to follow the rules. The house is going to be brought back from the Bay because we also have a lot of work to be done on the retaining wall as well. We could adjust the house and make the garage work if it were not for the location of those three trees. I have spoken to the neighbors, the McAleers, who live on this property, and their driveway comes around here, before I attempted to come to you guys I wanted to check and see if it was alright with the neighbors for me to come and request this. Everybody is happy that somebody is going to build on the lot. It is a beautiful property, and we are trying to do the best building that we can, if you will allow us to.

The Chairman stated you cannot move the house closer to the Bay because of a big tree?

Mr. Melendez stated well, no. The tree is right here, and that tree is dead, and I have a permit signed by one of your, I am sorry, I cannot remember his name, but that tree is actually dead. Because of our little kids we are trying to keep them as far away from the edge of the Bay as possible, and that is why we are moving the house back like that. So we are trying to follow the rules as best we can, but still

have a nice two-story house, and get along with the neighbors. We talked about an open porch, but my wife likes the idea of getting out of the car, and going straight into the house from under a covered garage for safety reasons.

The Chairman stated could you get rid of that offset?

Mr. Melendez stated it would have to be an open porch to do that. We can probably work around that, but if you guys would allow us to do the eleven feet right there we can get with the architect to try and get it all on one side or maybe move the house a different way.

Mr. Taylor stated I am just curious. Is the garage going to be any closer to the property line than where this structure is now? Will it be located about the same place? Did you not know what the setbacks were?

Mr. Melendez stated it will be about the same. The existing property is actually located about right here. When we bought the property we talked to Mr. Eady at one point and asked him a bunch of questions about it. It is a beautiful lot, and the people around it have made long term investments. We are going to spend a lot of money saving this tree because it makes the whole character of the community.

The Chairman stated I understand. You have spoken to the McAleers on one side, and they said okay, no problem.

Mr. Melendez stated I also spoke with Mr. & Mrs. Powell, who live on this side, and they are happy someone is building on this property, and they do not have any issues. I am sorry, but I have forgot the last name of the gentlemen that lives right here. I personally went, before I applied for this, in person and spoke to them about this, and initially, none of them had a problem with it. Before I made application I wanted to be sure. I do not want to do anything except beautify the area. We are going to build a pretty nice house.

The Chairman stated anything additional you would like to add? There will probably be some questions for you.

Mr. Melendez stated no, sir. I will be glad to answer any questions

The Chairman stated does any of the Board have any questions?

Mr. Robison stated would it be proper to ask Mr. Eady, why the department is recommending that it not be approved.

Mr. Eady stated because a variance has to be based on a hardship. It cannot be man made, nor can it be monetary. The fact of that is what the Ordinance says is what I felt my obligation was to bring out.

Mr. Robison stated thank you.

Mr. Lamb stated I see the major problem is the garage. I looked at this sketch, and I saw from the front you have a very nice front. If you tried to move the garage over it is going to block out a window on the right side.

Mr. Melendez stated it is not really a problem at all.

Mr. Lamb stated in moving the garage to get into conformance your proposed dwelling is eleven feet off the property line, which requires a four foot variance. If you continue that line down you would whack off four feet of your garage. Follow me?

Mr. Melendez stated correct. If we had a small vehicle it would not be a big deal, at all. If you guys allow the eleven feet we will be fine with that. I mean we will figure out a way to do the garage. I do not have a problem driving a large vehicle, but my wife does, and that is the biggest deal. She is afraid of not making the turn. She takes the kids to school everyday, and I am not home until on the weekends. We will be grateful with anything you can give us to help build this home. If this is something we need to work around, we will.

The Chairman stated let me ask a question. The appeal asks for a five foot minimum offset clearance from the lot line. Can we or can the panel say that. I cannot see how they can say that eleven feet would be a lot. I mean the question before this group is whether or not to approve the requested appeal showing five-feet off the lot line. The point is could we approve eleven-feet.

Mr. Huffman stated I think if the appeal requested it that would require a separate appeal to the City. I think you are correct. In other words it would state that.

The Chairman stated if we reject this appeal tonight for the five-feet, what happens?

Mr. Eady stated supposedly, it would be a year before it comes back. Counselor, correct me on this if I am incorrect, but if that is what you are willing to do, why not come back next month, with the eleven feet if that is what you want to do.

The Chairman stated how do we do that.

Mr. Eady stated he can make a separate application.

Mr. Crimmins stated how can we do that and not notify those people.

Mr. Eady stated I do not know.

Mr. Huffman stated I believe he can file an amended request, but he cannot modify his appeal.

The Chairman stated I think if I read the thing properly, we either approve or disapprove this appeal, and then as Mr. Eady indicated, he can come back next month. Next month with a different appeal. I guess if it were the same appeal then it would have to be a year.

Mr. Eady stated I do not have a problem with it.

Mr. Huffman stated I think you can amend it, yes.

The Chairman stated I just wanted to get those legal points out of the way.

Mr. Crimmins stated so he withdraws the appeal and amend it.

Mr. Eady stated that might be better rather than your denying it.

Mr. Crimmins stated I think if we deny it the time frame drops in.

Mr. Huffman stated I think that is correct.

Mr. Crimmins stated is that not correct, Mr. Huffman? If we deny it he has a year before he can bring it back.

Mr. Huffman stated I believe the proper way would be to withdraw his request at this time and bring it back.

The Chairman stated I would like to make an additional point. There are no guarantees if you modified your appeal and bring it back that it will be approved.

Mr. Eady stated we will have to re-advertise it and go through the whole procedure again.

Mr. Lamb stated what our responsibility is to maintain the integrity all of the proper zones and this is zoned R-1 residential, which is a fifteen feet side setback. Now, that is not only for your protection in the future, but for everyone in an R-1 zone. Houses that are constructed to conform to what they have to conform to. It is what the Ordinance calls for. When we get a request for a variance we have to look at what the impact is on all of the houses, not just your house, and the neighbors beside you because we set precedence.

Mr. Lamb stated well, if you did it for him why cannot you do it for us. What we are trying to do is work with you, so you can build a house and protect the environment because you want to save some trees, but at the same time we have to look at that impact in the future on different areas. It is not that we have never allowed a variance of your request size of eleven feet. I think we are amenable to four foot variance just for the garage because it is a narrow lot. On the other hand, when you bought the property, you should have known if it is eighty-feet wide how wide can I build my house. Therefore, it becomes

a self imposed hardship, and self imposed hardships are not a reason to grant a variance. You have to understand where we are coming from.

The Chairman stated we are in essence, I guess, giving you the option of withdrawing your appeal tonight or modifying it, and coming back. Or you can leave it as it is.

Mr. Crimmins stated on the consequences that this appeal is denied does he have to wait a year to come back.

Mr. Huffman stated yes, I believe that is correct.

Mr. Melendez stated unfortunately, I cannot wait a year.

Mr. Crimmins stated okay. If we vote on this particular variance, and it is not approved, I believe our Land Use Ordinance says you must wait a year to bring it back up before this Board.

The Chairman stated the only other option is to appeal to Circuit Court.

Mr. Melendez stated we do not want to fight. We are not fighters. To be honest with you when we first got this property we call Mr. Eady and asked how difficult it was to make a change to the property, that maybe we wanted a little wider house on the property. The information I got from Mr. Eady was go ahead and buy it. We went to Mr. Eady's office to show our plans and he told us that we needed to come here to make our house wider. If you are recommending me to withdraw and reapply then I guess that is my option. If you tell me I will be wasting my time I will accept that. This is a high priced piece of property and I do not want to keep throwing my money away. I would rather give it to my kids.

The Chairman stated there are no guarantees. Well, all we can say is that historically these variances have not been granted. Less minor variances have, but there are no guarantees as to how that vote might go the next time.

Mr. Melendez stated correct.

Mr. Lamb stated you understand that the garage has to be in the same line with the residence.

Mr. Melendez stated correct.

Mr. Lamb stated or move it back and in with just a walkway, unless you just wanted it attached to the house.

Mr. Melendez stated for safety reasons we thought about that with the options of a collective garage, but decided against it. For safety.

Mr. Lamb stated drive in, close the garage door, and then go directly into the house.

Mr. Melendez stated just for safety issues. The tree is standing fairly close to Captain O'Neal Drive. The property is long and grady. We can probably bring it back and work around it.

The Chairman stated it is your prerogative. However you would like to handle it, but I think you understand the questions that you have gotten and how this vote might go.

Mr. Melendez stated I have read all of the signs. I will be more than glad to wait. You said it will take a month before another meeting.

Mr. Eady stated yes.

Mr. Melendez stated okay. The first Thursday of next month.

Ms. Hargiss stated do you have a local architect?

Mr. Melendez stated yes, madam.

Ms. Hargiss stated perhaps he can help you out a little bit on that.

Mr. Melendez stated he is from Mobile.

Ms. Hargiss stated he would be aware of all of this.

The Chairman stated are you going to withdraw your appeal, tonight?

Mr. Melendez stated yes, sir, I will.

The Chairman stated okay.

Mr. Melendez stated I will see you Monday to get all of the required paperwork.

The Chairman stated are we doing this in the proper manner to allow this appeal to be withdrawn tonight?

Mr. Huffman stated if he withdraws his appeal tonight and comes back in a month that would be proper.

The Chairman stated okay.

Mr. Melendez stated thank you. I really appreciate you guys taking the time to talk with me. Thank you, Mr. Eady.

The Chairman stated back to old business, I guess I should say.

Mr. Lamb stated Mr. Chairman, do we need to discuss this on the record or adjourn since it will about a legal proceeding.

The Chairman stated no. Great idea.

Mr. Huffman stated if we talk about the litigation itself then it is okay to adjourn.

**Adjournment:**

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

There being no further business the meeting was adjourned at 6:34 p.m.

**Respectfully submitted by:**

\_\_\_\_\_  
Pat Houston, Recording Secretary

**APPROVED:** November 2, 2006

\_\_\_\_\_  
Glen Swaney, Chairman

/ph

Cathy Barnette  
Councilwomen, Daphne, AL

October 7, 2006

**REQUEST FOR CONSIDERATION - APPOINTMENT DAPHNE  
INDUSTRIAL DEVELOPMENT BOARD**

I would appreciate your consideration on my behalf. The following simplified resume is for your information and hopeful support.

**PERSONAL:**

James J. Rouprich  
709 Oak Bluff Drive  
Daphne, Al.  
626-5847  
Resident (2/1997)

Place of Birth: New Orleans, La (4/14/39)

Wife: Jo Ann - married (7/1960)

Daughter: Married - Charlotte, NC  
Mrs. Rachael Schuler (Husband - Mark)  
Daughters: Sara and Lauren

Son: Married - Greenville, SC  
Mr. Randall Rouprich (Wife - Elizabeth)

**EDUCATION:**

BS - Business Administration 1975  
University Arkansas Little Rock

**ACTIVITIES:**

Member, YMCA, Daphne  
Member, Christ the King Church  
Member, Shadow Barons Social Association

**EXPERIENCE:**

**Military:**

US Army (1958-1961)  
Air National Guard (1961-1984)

25 years of service (15 years enlisted (E-9)  
10 years Commissioned (Captain O-3)

My responsibilities included Managerial positions in Communications, Security, Command, and Administration.

**Civilian:**

Retired: Electrical Industry - 33 years (1969-2002)  
General Electric Co. (Industrial Sales Division)

My responsibilities included positions in Sales, Marketing, and Management positions as a Area and District Sales Manager, and a member of the Headquarters Staff.

My Military and Civilian experiences in communications, and negotiations at various levels have contributed to my successful careers.

I would appreciate your support for an appointment to Daphne's Industrial Development Board. I would consider this appointment an Honor and allow me to lend my talents and experiences to enhance Daphne's continual growth.

Sincerely,

  
JAMES J. ROUPNICH

# Library

Ronald Allen

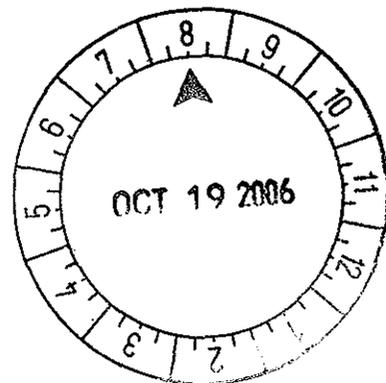
It is with great regret that I resign from the Library Board at the completion of my current appointment. I have enjoyed working with the Mayor and Council during the years I was a member of the Board but know that the Library Boards selection for my replacement, Mr. Ronald Allen, will do a great job for the City of Daphne. We very much hope you will endorse our recommendation of the appointment of Mr. Ronald Allen to the Daphne Library Board.

Glenn W Swaney 10/19/2006

The following is a brief resume for Mr. Allen.

Ronald E. "Ron" Allen, Sr.  
7623 Charleston Oaks Drive  
Daphne, Al 36526

Currently, Vice President for Operations and Immediate Past President of Daphne Friends of the Library. While President, wrote new By-Laws and strengthened Board of Directors. Established the very successful Friends of the Library Book Shop, which has raised almost \$60,000 for the library since its beginning in May, 2003. Established the Senior Citizens Computer program, in conjunction with the Library and the Recreation Department's Senior Center. This program has caused a great deal of local excitement and interest and has already enabled some 70 senior citizens to use the computer. Both the Book Shop and the Computer Program are on-going. Currently serves as Editor and Publisher of Daphne Directions, the Friends' newsletter. Selected to receive the Daphne Key to the City in January, 2006, by the Mayor and City Council. Prior to returning to Daphne in 2000, served as President of the Friends of the Hutchinson (Kansas) Public Library, where he also established a very successful Friends' book store. Just prior to returning to Daphne, he resigned as First Vice President for Information on the board of trustees of Friends of Kansas Libraries, Inc., a state-wide support organization, where he was active in assisting local communities to establish and strengthen their Friends of the Library groups. He was appointed by Kansas Governor Bill Graves to the Board of Directors of the South-Central Kansas Regional Library System, in February, 1999. A professional Non-Profit Administrator, Planner and Fund-raiser, he retired in August, 1991, as Executive Director of Senior Citizen Services of Metropolitan Atlanta, Inc.



**City of Daphne Recreation Board Minutes**  
**1705 Main Street**  
**Daphne, AL**  
**October 11, 2006**  
**6:00 p.m.**

**Members Present:** John Peterson, Rick Cleveland, and Chairman Ed Nelson

**Members Absent:** Eric Smith, Kit Smith, Matt Cunningham, and James Foster

**Advisory Staff Present:** David McKelroy, Recreation Director, Councilman Gus Palumbo, Councilman Greg Burnam, and Coach Glen Vickery

**Others Present:** Scott Hutchinson and Brandon Adams from HMR Engineering

Having no quorum, there was no business.

Informal discussion was conducted with regard to committee assignments, Centennial Park and the Recreation Boards participation, the Daphne High School stadium project, and the master plan with HMR.

SET PUBLIC HEARING DATE

FOR

DECEMBER 4, 2006

- 1.) Annexation of Arthur Keller property located on the southeast corner of Whispering Pines Road and Pollard Road

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Annexation - Arthur Keller,  
Jr.

## MEMORANDUM

Date: October 30, 2006

At the regular meeting of the City of Daphne Planning Commission on October 26, 2006, six members were present and the motion carried for the affirmative recommendation of the above-mentioned ordinance.

The property owner is requesting annexation with R-4, High Density Multi-Family, zoning.

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

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA  
COUNTY OF BALDWIN

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

(The Park at Whispering Pines)

The undersigned, Arthur V. Keller, Jr. & Jo Anne D. Keller, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Parcel No.: 05-43-05-16-0-000-002.001 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, Arthur V. Keller, Jr. & Jo Anne D. Keller, 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:

R-4 Multi-Family  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DATED this 12 day of September,  
2006.

Respectfully submitted,

By: Arthur V Keller

Jo Anne D. Keller

STATE OF ALABAMA  
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 12 day  
of September, 2006.

[Signature]  
NOTARY PUBLIC

(NOTARY SEAL)

My commission expires: 12/26/09

ARTHUR KELLER JR & JOANNE D. KELLER  
ANNEXATION

EXHIBIT "A"

LEGAL DESCRIPTION:

Commencing at the Northwest Corner of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama; run thence South 89 degrees 58 minutes 24 seconds East, 40.42 feet; thence run South 00 degrees 03 minutes 13 seconds East, 30.28 feet to a capped steel rod at the intersection of the South Right-of-Way line of Pleasant Road, (60.0 foot Right-of-Way, paved) and the East Right-of-Way line of Pollard Road, (80.0 foot Right-of-Way, paved) for the Point of Beginning; thence run South 89 degrees 58 minutes 24 seconds East, 603.0 feet along said South Right-of-Way line of Pleasant Road to a capped steel rod; thence run South 00 degrees 03 minutes 13 seconds East, 738.71 feet to a capped steel rod; thence run South 89 degrees 58 minutes 47 seconds West, 603.0 feet to a capped steel rod on the East Right-of-Way line of Pollard Road; thence run North 00 degrees 03 minutes 13 seconds West, 739.20 feet along said East Right-of-Way line to the Point of Beginning, containing 10.23 acres more or less.



**AUTHORIZATION OF AGENTS  
FOR ANNEXATION AND RE-ZONING**

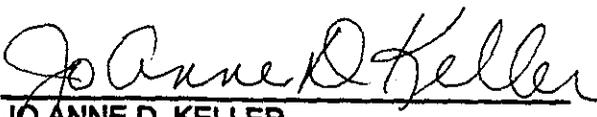
City of Daphne

Baldwin County, Alabama

The undersigned, being the owners of that certain parcel situated at the corner of Whispering Pines Road and Pollard Road in Baldwin County, Alabama consisting of 10.23 acres (herein called the "Property") do hereby constitute and appoint J. William Lewis and William H. Walls, III, or either of them, as our agents for the purposes of pursuing the annexation of the Property into the City of Daphne and the zoning of the Property as R-4 Multi-Family, including in such agency all appearances before the Daphne Planning Commission and City Council and the submission of all necessary documentation to accomplish such purposes.

IN WITNESS WHEREOF, the undersigned have executed this instrument of agency this 2 day of September, 2006.

  
AURTHUR V. KELLER, JR.

  
JO ANNE D. KELLER

**ORDINANCE NO. 2006-**

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

**Arthur Keller Property**

**(Property located on the Southeast corner of Whispering Pine Road and Pollard Road )**

**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 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Multi-Family**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on December 4, 2006 concerning the petition for annexation; and,

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

**NOW, THEREFORE, BE IT ORDAINED BY THE 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:**

Commencing at the Northwest Corner of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama; run thence South 89 degrees 58 minutes 24 seconds East, 40.42 feet; thence run South 00 degrees 03 minutes 13 seconds East, 30.28 feet to a capped steel rod at the intersection of the South Right-of-Way line of Pleasant Road, (60.0 foot Right-of-Way, paved) and the East Right-of-Way line of Pollard Road, (80.0 foot Right-of-Way, paved) for the Point of Beginning; thence run South 89 degrees 58 minutes 24 seconds East, 603.0 feet along said South Right-of-Way line of Pleasant Road to a capped steel rod; thence run South 00 degrees 03 minutes 13 seconds East, 738.71 feet to a capped steel rod; thence run South 89 degrees 58 minutes 47 seconds West, 603.0 feet to a capped steel rod on the East Right-of-Way line of Pollard Road; thence run North 00 degrees 03 minutes 13 seconds West, 739.20 feet along said East Right-of-Way line to the Point of Beginning, containing 10.23 acres more or less.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

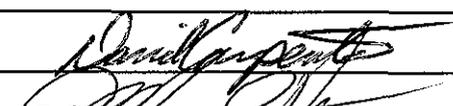
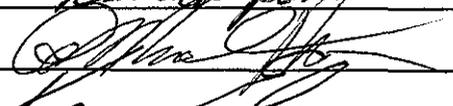
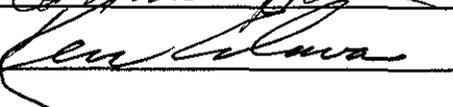
**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

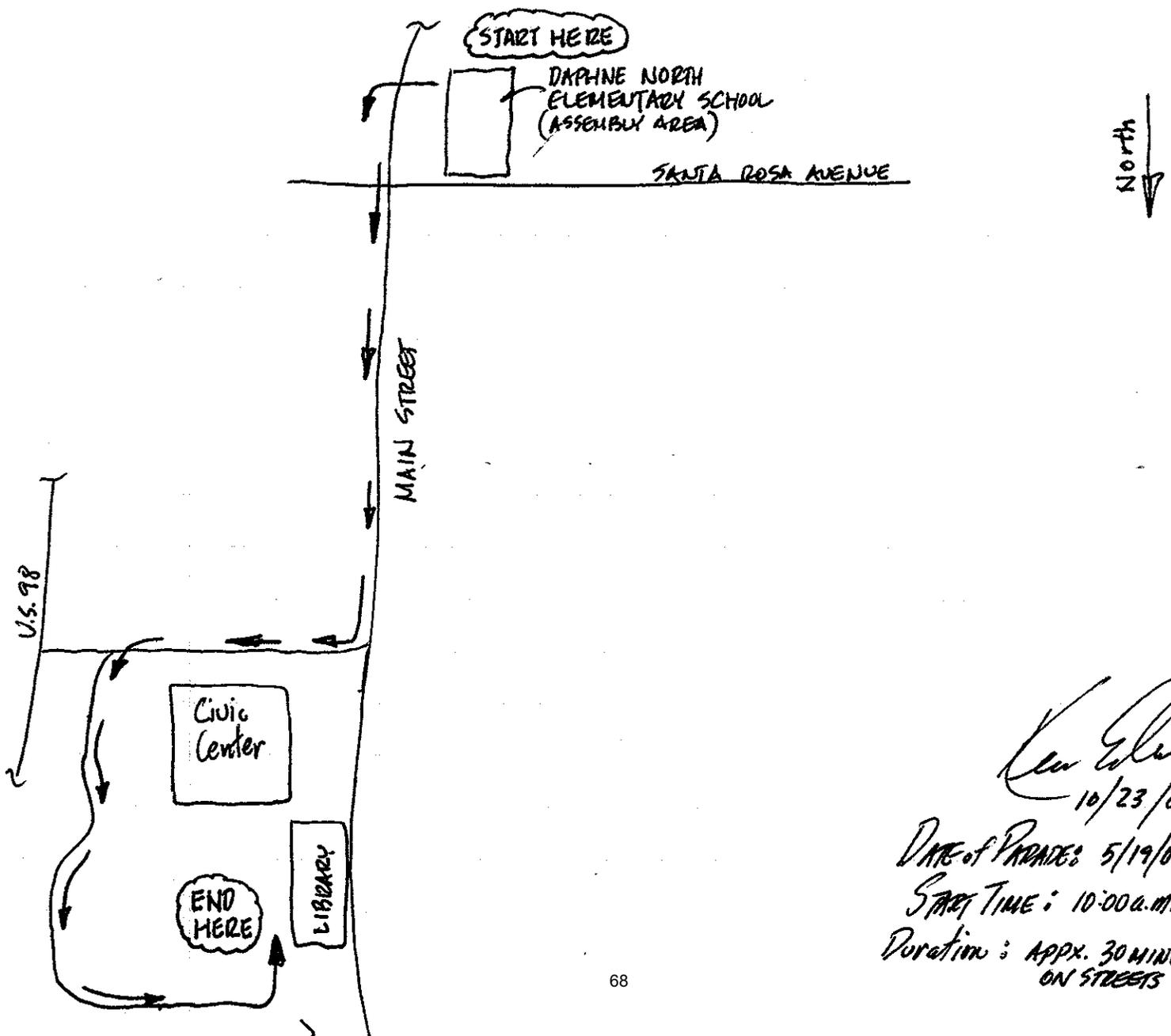
**NOTES:**

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	City of Daphne
<b>CONTACT PERSON:</b>	Sandra Morse
<b>ADDRESS:</b>	
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b>	251-626-5300
<b>TYPE OF PARADE:</b>	The 41ounder Parade Gulf Coast Zydeco Music & Crawfish Festival
<b>DATE OF PARADE:</b>	MAY 19, 2007
<b>ROUTE TO BE TRAVELED:</b>	
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	
<b>START TIME:</b>	(tentative) 10:00 AM
<b>STOP TIME:</b>	
<b>ASSEMBLY AREA/STREET:</b>	
<b>ASSEMBLY TIME:</b>	
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief A. Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	October 25, 2006
<b>NOTIFICATION:</b>	

# FLOUNDER PARADE ROUTE :

- ASSEMBLE IN PARKING LOT OF DAPHNE NORTH ELEMENTARY
- BEGIN ON MAIN STREET AND TRAVEL NORTH TO DAPHNE CIVIC CENTER
- ENTER SOUTH ENTRANCE TO CIVIC CENTER
- TRAVEL AROUND INSIDE PERIMETER OF CIVIC CENTER
- DISASSEMBLE + END PARADE @ LIBRARY



*Ken Cole*  
10/23/06  
DATE OF PARADE: 5/19/07  
START TIME: 10:00 a.m.  
Duration: APPX. 30 MINUTES  
ON STREETS

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION 2006-93**

**Acceptance of Streets and Drainage  
located in Ottawa Springs Subdivision, Phase Two**

**Whereas**, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Ottawa Springs Subdivision, Phase Two on October 26, 2006 and the City of Daphne hereby recommends acceptance of said street(s) located in Ottawa Springs Subdivision, Phase Two; and,

**Whereas**, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents has been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

**Whereas**, the Division of Public Works has accepted said streets and storm water drainage of Ottawa Springs Subdivision, Phase Two; and,

**Whereas**, the Utilities Board of the City of Daphne has accepted the utilities of Ottawa Springs Subdivision, Phase Two; and,

**Whereas**, the developer has provided to the City a two-year construction warranty bond as required and requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that Ottawa Springs Subdivision, Phase Two according to the plat by Engineering Development Services as recorded in the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Apache Lane and Ottawa Drive are hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**THE CITY OF DAPHNE,  
AN ALABAMA MUNICIPAL CORPORATION**

\_\_\_\_\_  
**GREG BURNAM  
COUNCIL PRESIDENT  
DATE AND TIME SIGNED: \_\_\_\_\_**

\_\_\_\_\_  
**FRED SMALL  
MAYOR  
DATE AND TIME SIGNED: \_\_\_\_\_**

**ATTEST:**

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

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**SUBDIVISION NAME:** OTTAWA SPRINGS, PHASE TWO

**LOCATION:** Off CR 13, approx. ½ mile north of CR 64

**THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY** is made this \_\_\_\_\_ day of September, 2006 by Gooden Homes, Inc., hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as **Ottawa Springs, Phase Two** Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

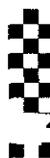
**WHEREAS**, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

**WHEREAS**, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 51,861.59 ) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

**WHEREAS**, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

**WHEREAS**, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

**WHEREAS**, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.



**CITY OF DAPHNE  
 PETITION FOR ACCEPTANCE  
 OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of October 26, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named \_\_\_\_\_

<del>Stables Drive: 50' R/W, 1898 L.F.</del> <i>Corrected 10/20/06 yms</i>	<b>Apache Lane</b>	<b>50' R/W</b>	<b>985 LF</b>
<del>Jockey Drive: 50' R/W, 1157 L.F.</del>	<b>Ottawa Drive</b>	<b>50' R/W</b>	<b>1,820 LF</b>

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

Gooden Homes, Inc.

\_\_\_\_\_  
 Name of Individual or Corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ALABAMA    )  
 COUNTY OF BALDWIN )

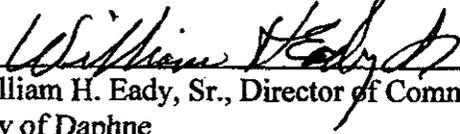
I, the undersigned Notary Public in and for said State and County, hereby certify that Tom Poulos whose name as Manager of Gooden Homes, Inc., an Alabama corporation or as owner of \_\_\_\_\_ is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner 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<sup>th</sup> day of September, 2006.

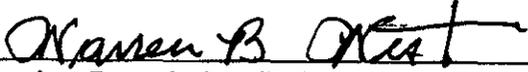
Lori M. Scharles (NOTARY SEAL)  
 NOTARY PUBLIC  
 My commission expires: 7/03/2010

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Recommendation:

  
\_\_\_\_\_  
William H. Eady, Sr., Director of Community Development  
City of Daphne

Approval:

  
\_\_\_\_\_  
Planning Commission Chairman or Authorized Representative  
City of Daphne

**CITY OF DAPHNE  
RESOLUTION NO: 2006-94**

**A RESOLUTION PROVIDING FOR THE ADOPTION OF CERTAIN  
TECHNICAL CODES BY REFERENCE**

**WHEREAS**, the City of Daphne shall heretofore by Ordinance adopt the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, 2006 Edition of the International Plumbing Code, and the 2005 Edition of the National Electric Code; and

**WHEREAS**, the International Code Council Incorporated has published the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, and the 2006 Edition of the International Plumbing Code, and the National Fire Prevention Association has published the 2005 Edition of the National Electric Code; and

**WHEREAS**, Section 11-45-8(c) provides for the adoption of codes in book form upon compliance with the requirements of such Section; and,

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

1. That a public hearing shall be held on \_\_\_\_\_, 2006, concerning the adoption of an Ordinance for the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, 2006 Edition of the International Plumbing Code, and the 2005 Edition of the National Electric Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Residential Code, edition 2006, as follows:
  - (a). The following section of the International Residential Code, edition 2006, is hereby revised in its entirety to read as follows:

***905.2.6 Attachment.*** Asphalt shingles shall have the minimum

numbers of fasteners required by the manufacturer. For normal application, asphalt shingles shall be secured to the roof with not less than six fasteners per strip shingle or two fasteners per individual shingle. Where the roof slope exceeds twenty (20) units horizontal (167% slope), special methods of fastening are required.

- (b) The following sections of the International Residential Code, edition 2006, are hereby deleted in their entirety:

*301.1.3 Engineered Design,*

*301.2.1 Wind Limitations, and*

*301.2.1.1 Design Criteria.*

2. That this Resolution be published once a week for two consecutive weeks prior to said hearing.
2. That three copies of said Codes shall be filed for not less than fifteen (15) days prior to the holding of public hearing for use and examination by the public in the Office of the City Clerk.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
DATE/TIME SIGNED: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL, MAYOR**  
DATE/TIME SIGNED: \_\_\_\_\_

**ATTEST:**

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

**ORDINANCE NO. 2006-79**

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS  
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA  
Mildred Lett Sloan Property  
(Property located East of Public Works Road)**

**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 September 28, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on November 6, 2006 concerning the petition for annexation; and,

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

**NOW, THEREFORE, BE IT ORDAINED BY THE 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:**

FROM THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN NORTH ALONG THE SECTION LINE 1495 FEET; THENCE, BY A DEFLECTION ANGLE OF 89°45' TO THE LEFT, RUN WESTWARDLY 784.5 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH AND PARALLEL TO THE SECTION LINE 166 FEET; THENCE RUN WEST 548.5 FEET; THENCE RUN SOUTH ALONG AN OLD FENCE 166 FEET TO AN OLD IRON PIPE CORNER IN SAID FENCE, SITUATED 20.2 FEET WEST OF A 24-INCH PIPE; FROM SAID IRON PIPE CORNER, RUN EAST 547.2 FEET TO THE POINT OF BEGINNING. LOT CONTAINS 2.0 ACRES, MORE OR LESS, IN THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, T 5 S, R 2 E, BALDWIN COUNTY, ALABAMA.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

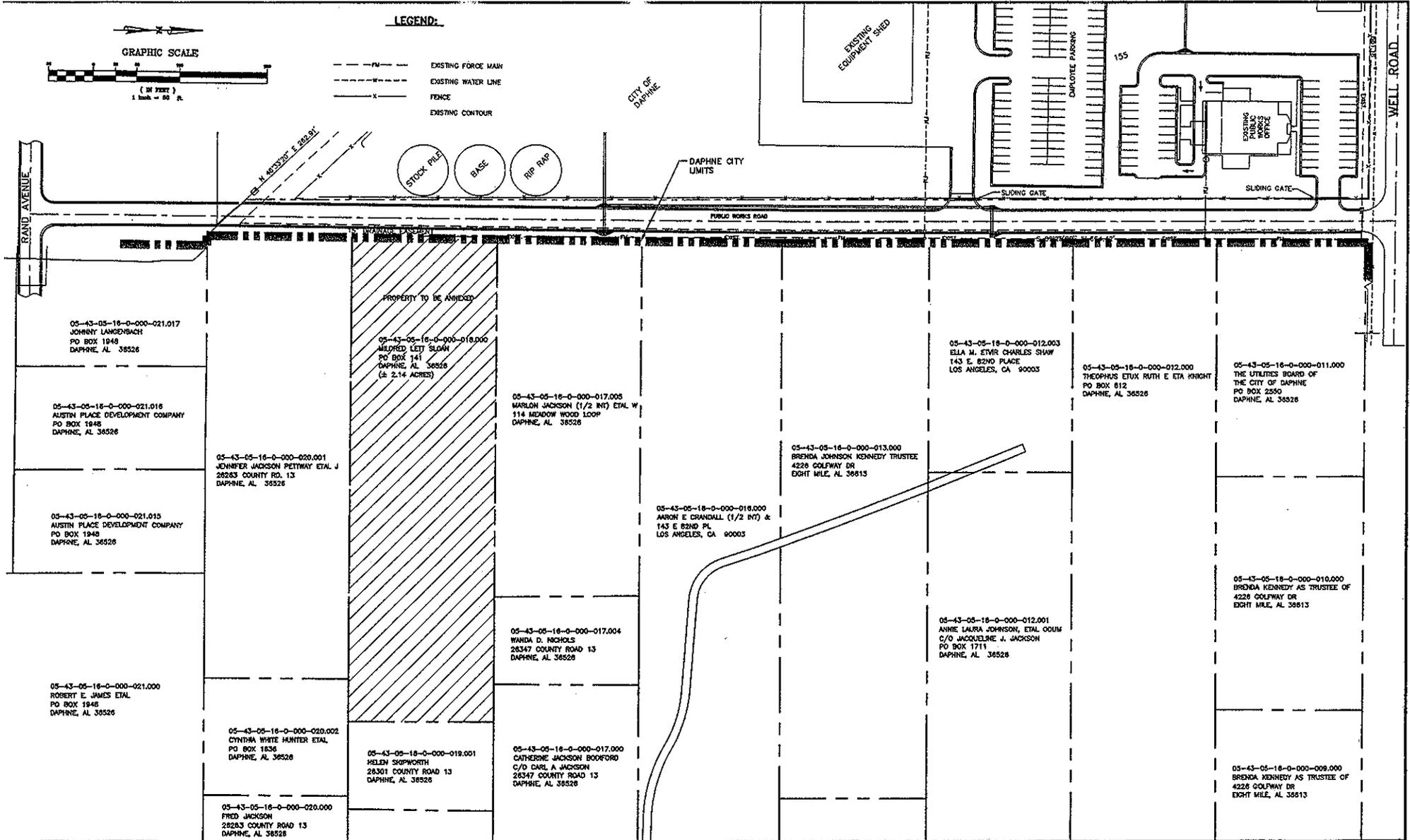
\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

EXHIBIT "A"

LEGAL DESCRIPTION (PROPERTY ACROSS FROM PUBLIC WORKS ROAD):

FROM THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN NORTH ALONG THE SECTION LINE 1495 FEET; THENCE, BY A DEFLECTION ANGLE OF 89°45' TO THE LEFT, RUN WESTWARDLY 784.5 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH AND PARALLEL TO THE SECTION LINE 166 FEET; THENCE RUN WEST 548.5 FEET; THENCE RUN SOUTH ALONG AN OLD FENCE 166 FEET TO AN OLD IRON PIPE CORNER IN SAID FENCE, SITUATED 20.2 FEET WEST OF A 24-INCH PIPE; FROM SAID IRON PIPE CORNER, RUN EAST 547.2 FEET TO THE POINT OF BEGINNING. LOT CONTAINS 2.0 ACRES, MORE OR LESS, IN THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, T 5 S, R 2 E, BALDWIN COUNTY, ALABAMA.





REVISION	DATE	ENGR.

**HMR**  
 HUTCHINSON, MOORE & RAUCH, LLC  
 2039 MAIN STREET  
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**ANNEXATION OF PARCEL**  
 PARCEL #05-43-05-16-0-000-018.000  
**SPENCE MONROE**

SCALE 1"=50'	DATE SEPTEMBER, 2006	DRAWN BY KSK	CHECKED BY	SHEET 1 OF 1
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