

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 19, 2007
6:30 P.M.

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

3. APPROVE MINUTES: Council Meeting minutes meeting held November 5, 2007

PRESENTATION: Bayside Academy / Educational Building Authority / Ronald Stevens
/ Hand Arendall / **Resolution 2007-101**

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes meeting held November 8th

a.) Ordinance:

- 1.) Survey: Wilson Avenue / **Ordinance 2007-50**

b.) Resolutions:

- 1.) Authorize Mayor to enter into FY 2008 Community Contributions Contracts /
Resolution 2007-102
- 2.) Mobile Area Chamber of Commerce / **Resolution 2007-103**

c.) Motions:

- 1.) Authorize engineering cost and the letting of bids for road on
new Recreation property

d.) Financial Reports

- a.) Treasurers Report / October 31, 2007
- b.) Sales Tax Collections / September 30, 2007
- c.) Lodging Tax Collections / September 30, 2007

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held November 2nd

Recommend to Council to accept a donation five (5) lots on Dogwood Avenue

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE -

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

Review minutes meeting held November 1st

Resignation: Walter Crimmins Effective November 23, 2007

Need an Appointment for Second Alternate

B. Downtown Redevelopment Authority – Barnette

Review minutes meeting held November 13th

C. Industrial Development Board - Yelding

D. Library Board - Lake

E. Planning Commission – Barnette

Review minutes meeting held August 23rd

Review minutes meeting held October 25th

F. Recreation Board - Palumbo

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) Approve 20th Annual Jubilee Festival and Requests in Letter from Chamber of Commerce

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Renaissance Center Economic Development Agreement/Resolution 2007-83
- b.) Approving Petition for Preliminary Assessment of Certain Land
Located within Renaissance Improvement District. /Resolution 2007-100
- c.) Approving the Formation of the Educational Building Authority
Of the City of Daphne/Bayside Academy. /Resolution 2007-101
- d.) Fiscal Year 2008 Community Contributions. /Resolution 2007-102
- e.) Approving Contract: Mobile Area Chamber of Commerce. /Resolution 2007-103

ORDINANCES:

- a.) Appropriation of Funds: Study of the East/West Corridor /
Main Street to Wilson Avenue /Ordinance 2007-50

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

1. CALL TO ORDER

Council President Pro Tem Lake called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Willie Robison gave the invocation.

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

ABSENT: Cathy Barnette; Greg Burnam.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, City Attorney; Bill Eady, Planning Department Director; Sandra Morse, Civic Center Director; James White, Fire Chief; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Melvin McCarley, Interim Public Works Director; Capt. Scott Taylor, Police Dept.; Suzanne Henson, Senior Accountant; Lt. Ric Yelding, Police Dept.; Cathy Chandler, Children's Librarian; Judge Doyle; Rhonda Moss, Library; Mr. Ron Allen, Library Board; Starke Irvine, DRA; Mickey Boykin, Daphne Museum; Helen Callaway, Daphne Museum; Willie Robison, BZA.

Absent: Kim Briley, Finance Director.

3. APPROVE MINUTES:

MOTION BY Mr. Scott to approve the Council meeting minutes meeting held October 15, 2007. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Yelding to approve the Council Work Session Minutes meeting held October 11, 2007. Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

SWEARING IN OF POLICE OFFICER: Officer Anthony Williams / Judge Doyle

Judge Doyle swore in Officer Anthony Williams while his son held the Bible and his wife, Mayor Small and Chief Carpenter looked on.

**NOVEMBER 5, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

PRESENTATION: S.E.E.D.S. / Mama Mia Cook Off / Mrs. Denise D'Oliviera and Mrs. Helen Callaway

Mrs. D'Oliviera invited Council and the public to the 3rd Annual Mama Mia Cook Off on November 10th at Hutchinson, Moore, and Rauch parking lot from 6:00 p.m. to 9:00 p.m. She stated that this event is very much responsible for the increase in grants that are given to the Daphne Schools.

Mrs. Callaway, the honorary Mama Mia, encouraged everyone to come to the cook off and support Daphne schools.

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

Mrs. Chandler, Ms. Moss along with Mayor Small, Mr. Yelding and Mr. Scott presented the awards to the following:

- 4th Place Avery Werther - Bayshore Christian School
- 3rd Place Karlee Sedergran - Spanish Fort Elementary
- 2nd Place Emma Nelson - Bayside Academy
- 1st Place David Williams - Bayside Academy

The bookmarks will be on display at the library until the first of the year.

PROCLAMATION: "Animal Shelter Week"

Mr. Palumbo read the proclamation and presented it to Chief Carpenter.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The next meeting will be Thursday at 5:00 p.m. in the Council Chambers.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met on November 2nd and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE – Burnam

There will not be a meeting in November. The next meeting will be the first Tuesday in December.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE –

There will not be a meeting in November. The next meeting will be the first Tuesday in December.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

There was not a quorum at the October meeting. The minutes for the September 28th meeting are in the packet. Mr. Yelding stated that Mr. Eady came to the last meeting to request funding in the amount of

\$2,500 to do a preliminary estimate of cost for future improvements, widening and extension of Wilson Avenue. The Public Works Committee recommended that this be on the next Finance agenda.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The board met November 1st to consider two (2) requests, (1) a church on County Road 13 across from Catherine Place, and a daycare center on Sixth Street. Both request were approved.

B. Downtown Redevelopment Authority – Barnette

Mr. Starke Irvine invited the Council to come to the next meeting on November 12th at 5:30 p.m. He will be giving a report on the revitalization of Northport, AL which is similar to Daphne. He stated that the board cannot proceed with any plans like using the grant and match from the city for planting trees along Main Street without getting the utilities underground. He said that the board needs funding.

C. Industrial Development Board – Yelding

The next meeting will be November 15th at 6:00 p.m. in the Council Chambers.

D. Library Board – Lake

The minutes for the last meeting are in the packet.

E. Planning Commission – Barnette

The minutes for the September 27th meeting are in the packet.

MOTION BY Mr. Palumbo to set Public Hearings for December 3, 2007 to consider the following:

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

Seconded by Mr. Yelding.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Mr. Palumbo to declare a moratorium for a period of six (6) months on development which does not provide the Planning Department with documentation for the maintenance and ownership of a detention pond within the subdivision of which the construction of a facility shall occur. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – Palumbo

The minutes for the October 10th meeting are in the packet. The next meeting will be next Wednesday, November 14th at 6:00 p.m. at the Recreation Department.

G. Utility Board – Scott

The minutes for the August 29th meeting are in the packet. The next meeting will be the last Wednesday of the month.

Resignation of Councilwoman Regina Landry

MOTION BY Mr. Palumbo to accept the resignation of Councilwoman Regina Landry, District #6, effective October 31, 2007.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

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

MOTION BY Mr. Scott to approve the Parade Permit for the Mardi Gras group Mystic Order of Persephone for February 1, 2008. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

MOTION BY Mr. Scott to approve the Parade Permit for the Animal Rescue Annual 5K & 1 mile Pet Trot / December 15, 2007. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) Relocation of Fire Hydrant Southeast of the Intersection of Daphne Avenue & Main Street (Pictures are spread out upon these minutes.)

MOTION BY Mr. Palumbo to authorize to proceed with moving the fire hydrant at the Intersection of Daphne Avenue & Main Street 20 feet to the north in the flowerbed. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) Appoint Council member as a representative on the Blue Print for Tomorrow Tourism Council

Mayor Small stated that this is part of the Blue Print for tomorrow, and they are having a meeting on November 14th and wanted the representative to be present.

Mr. Scott nominated Mr. Palumbo for the position, but Mr. Palumbo declined.

Consensus of the Council was to wait until the vacant seat for District #6 is filled before appointing someone to the Tourism Council.

d.) Impact Fees

Mayor Small stated that he is waiting for direction from Council regarding questions that they may have on impact fees. He said that to date he has not received any questions from Council.

Mr. Palumbo stated that Council could have the questions ready for the work session.

Mr. Cohen stated that impact fees are already on the work session.

Mayor Small congratulated the Daphne High School Band for coming in first place out of 30 bands in the Best in Class 4-A competition, and coming in fifth out of all the bands in the finals.

B. City Attorney's Report

No report.

C. Department Head Comments

Sharon Cureton – Human Resource Director – stated that the salary study comparing Daphne's salaries for grades 1-13 to that of surrounding cities and other cities of comparable size is just about complete. She said that she is waiting for a few more responses. She wants to discuss with Council ways to implement the findings. She said that she will be sharing this information over several Council meetings.

David McKelroy – Recreation Director – stated that the Celtic Celebration was successful, and that the Christmas parade and tree lighting will be November 29th. He said that the tree lighting will be across the

street this year. He said that Bayside Academy won, for the sixth consecutive year, the Volleyball State Championship. He said that maybe the city could do a proclamation recognizing that accomplishment.

Mrs. Sandra Morse – Civic Center Director – reported that the Black & White Ball held last weekend was successful and was sold out. She said that the Tip Tops will be playing at the Civic Center this coming weekend and it is also sold out.

Ms. Tonja Young – Library Director – reported that the Library staff celebrated small people on Halloween by dressing up in costumes, and the children really enjoyed this.

7. PUBLIC PARTICIPATION

Mr. Labaron Pritchard – 912 Grand Avenue – asked about council meeting procedures.

Mr. Rod Drummond – Ridgewood Drive – spoke in opposition to the proposed construction of sidewalks in Lake Forest. (*His comments are spread out upon these minutes.*)

Mr. Willie Robison – 560 Stuart Street – spoke regarding appointing Victor LeJune to fill the vacated District #6 position.

Mr. Rod Drummond – Ridgewood Drive – spoke regarding appointing Ben Cruitt to fill the vacated District #6 position.

Mr. Benjie Hughes – Plantation Hills – asked if there were any plans to annex out to Plantation Hills, and if the police jurisdiction went that far.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

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

Resolution 2007-83 was pulled from the agenda until the next Council meeting.

ORDINANCES:

NO ORDINANCES TO CONSIDER.

9. COUNCIL COMMENTS

Mr. Scott said that he has a question about the Renaissance Development Agreement, saying that he knows that this agreement has to be a little bit different because they have the assessment portion that the Aronov property did not, but is the terms the same length as the Arnov property?

Mayor Small said that the Aronov property is considerably different because if you are raising more sales tax you have the opportunity to pay it off quicker.

Mr. Scott stated that the city is making an investment in both properties, and the structure should be somewhat the same with the exception that they are not going to have as much retail, but they do have the assessment portion of it. He said that the City of Daphne should not be at a disadvantage because of the way they are going to structure their development. He said that he knows that the Jubilee Square is 20 years, and eventually went up to 25 years because they were not making enough to pay the interest and principal on the bonds. He said that he was thinking 30 years with this agreement, and he does not remember 30 years in the Aronov agreement. He would like for the City Attorney to check on the terms before voting on it. He asked everyone to support the S.E.E.D.S. event saying that it is like a heritage day for the Italian community of Daphne, and it is an important cause and it is a great community get-to-together. He said that you have to be proud of a lot of things that are happening in the schools, the investment of 20 million plus dollars by the School Board in Daphne, what S.E.E.D.S. has done, and the IB program, there is a lot of positive things that are happening.

Mr. Palumbo said that he is going to request again, that he has requested this publicly before, that a no smoking ordinance be put on the work session for next week. He said that he requested it publicly several months ago and it has never been on the work session, and he would like it to be on the work session. He stated that he would like Council to bring their ideas, pro and con, and if they can't hash out something that this Council can agree upon, then he is willing to bring an ordinance forward himself, if he can get it seconded, and put it on the agenda that way. He said that the time has come, there are six (6) municipalities in this county that now have smoking bans in public places. It is a health issue, and it is something that they need to do.

Council President Pro Tem Lake said that he agreed with Mr. Palumbo. He instructed Mr. Ross to have an ordinance ready for the work session next week. He said that he will be in New Orleans at the NLC conference and if he cannot get back for the work session he said that they all know how he feels on the subject. He supports the ordinance.

10. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**NOVEMBER 5, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

8

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:44 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake, Council President Pro Tem
Date & Time Signed: _____

I AM HERE TONIGHT REPRESENTING ONLY MYSELF AND MY WIFE, HOWEVER I FEEL THAT I AM SPEAKING FOR MANY OTHER RESIDENTS OR NEIGHBORS OF LAKE FOREST, SINCE I AM NOT AWARE OF ONE OTHER RESIDENT WHO FAVORS DESTROYING OUR MEDIANS BY PUTTING IN USELESS AND MAYBE DANGEROUS SIDEWALKS AND DOGGIE TOILETS.

THOSE GROUPS PROPOSING THE SIDEWALKS REMIND ME OF THE CONTRACTORS WHO BUILD NEW HOUSES TODAY WITH FRONT PORCHES. PEOPLE TODAY DON'T HAVE THE SPARE TIME OR INCLINATION TO SIT ON ROCKERS AND WATCH THE WORLD GO BY, OR TO WALK OR BICYCLE ON SIDEWALKS EITHER.

MY WIFE AND I HAVE SPENT A FEW DAYS LAST WEEK TAKING A LOOK AT WHAT WILL HAPPEN TO OUR MEDIANS IF YOU CHOSE TO REPLACE THE PRESENT TREES AND SHRUBS WITH SLABS OF CONCRETE

THE RESULTS OF OUR LITTLE SURVEY OF ALL THE MEDIANS ON Bay View, RIDGEWOOD AND WINDSOR IS THAT THE 8 FOOT WIDE SIDEWALK SLAB WILL REPLACE THE FOLLOWING VEGATATION THAT IS IN PLACE NOW:

BRADFORD PEAR TREES	6
SPECIES OF PINE	336
SPECIES OF OAK	77
DOGWOODS	10
CREPE MYRTLES (includ the new ones)	238
BIRCHES	15
ORNAMENTAL TREES on Windsor	15
MISC OTHER TREES	76

IN ADDITION, THE FOLLOWING MAN-MADE EQUIPMENT WILL HAVE TO BE RE-LOCATED TO ANOTHER PLACE BESIDE THE ROAD:

HYDRANTS	18 w/ its piping
TEL/LIGHT POLES	17
TELEPHONE JUNCTION BOXES	10
PUMP STATIONS w/ wiring & piping	2
GAS LINE MONUMENTS	12

IN ADDITION, WE ESTIMATE THAT AN ACCUMULATED HALF MILE OF THE ROADS DO NOT HAVE ANY MEDIAN AT ALL (nor the space for them)

IN ADDITION TO ALL THE MANY CUT THRU'S. WE ALSO ESTIMATED ABOUT 400 feet OF MEDIAN IS JUST BARELY 8 FT wide, IN EFFECT MAKING

THE ROADS THREE LANES WIDE WITH NO MEDIAN.

WE ALSO ESTIMATED THAT OVER A HALF MILE OF ROADS HAD A DIFFERENCE OF FROM FOUR FEET TO OVER TEN FEET BETWEEN THEM IN HEIGHT, MAKING IT VERY DIFFICULT TO BUILD A FLAT SIDEWALK THERE.

ONE LAST THING WE FOUND WAS SOME SEVERLY SLANTED MEDIAN FROM ONE SIDE TO THE OTHER. THE AREA BETWEEN THE ROADS ARE HELD TOGETHER IN PLACE BY THE TREES AND OTHER VEGATATION.

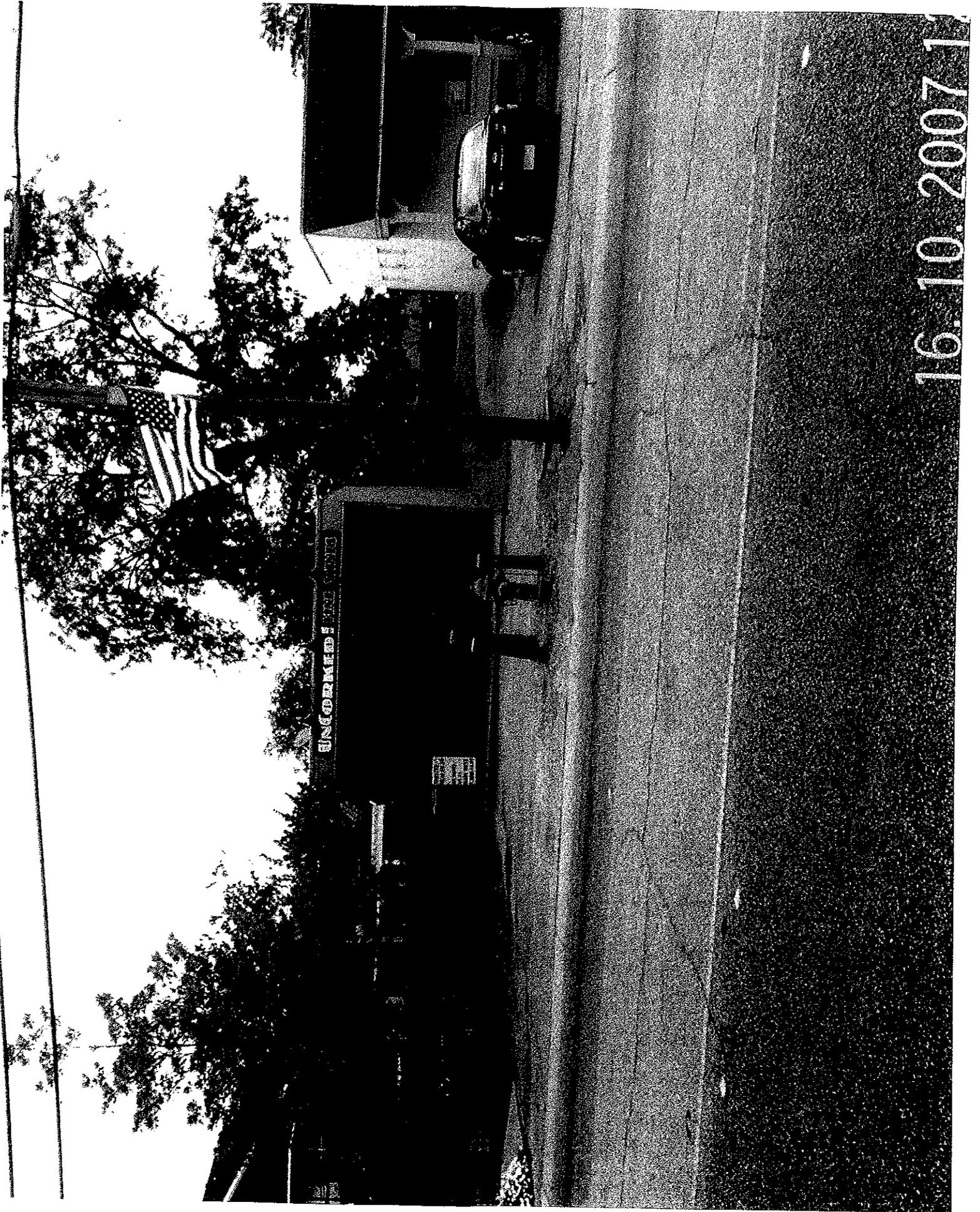
WE FEEL THAT IF PEOPLE REALLY WANT TO WALK, RUN OR BICYCLE, IN LAKE FOREST, THERE ARE PLENTY OF SMALLER, LESS BUSY SIDE ROADS THAT OFFER PLENTY OF SAFETY AND SECURITY.

I HAVE BEEN RETIRED NOW FOR 11 YEARS AND I SPEND A LOT OF TIME IN MY YARD AND GARDENS. I RARELY SEE ANYONE WALKING ON THE MEDIANS OR ROADSIDES. ONCE IN A WHILE I SEE SOMEONE WALKING THEIR DOGS.

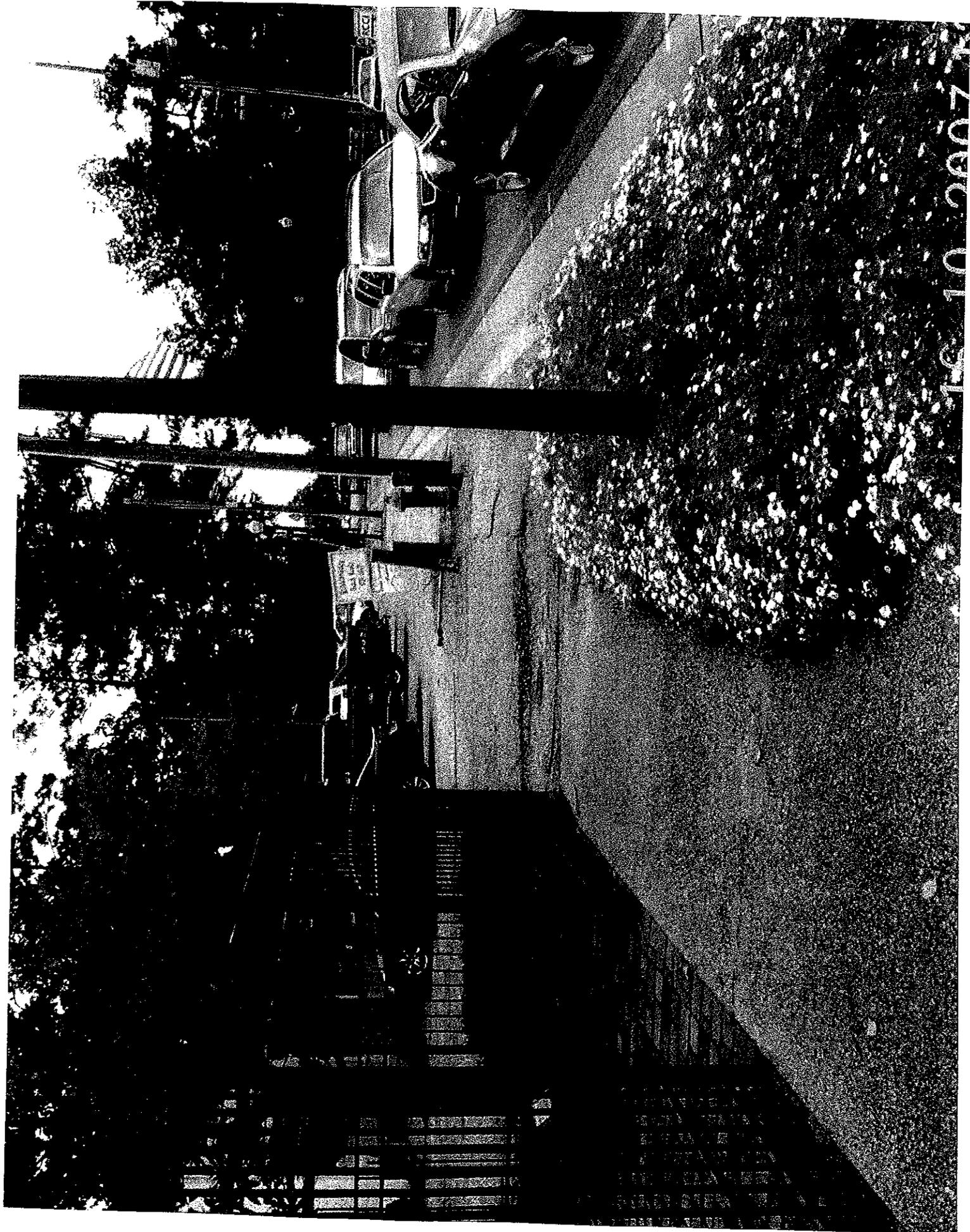
I SINCERELY HOPE THAT YOU WILL RECONSIDER THE UNNECESSARY EXPEND-
ATURE OF FIVE OR SIX MILLION DOLLARS OF OUR TAXES WHEN OTHER
MORE IMPORTANT MATTERS NEED ADDRESSING. THIS IS NOTHING BUT A
BOONDOGGLE THAT WILL GO LARGELY UNUSED.

PS: NONE OF THOSE ANTI--SIDEWALK SOUND OFFS IN THE NEWSPAPERS
WERE MINE, BUT THEY EXPRESSED A LOT OF LAKE FOREST RESIDENTS
FEELINGS.

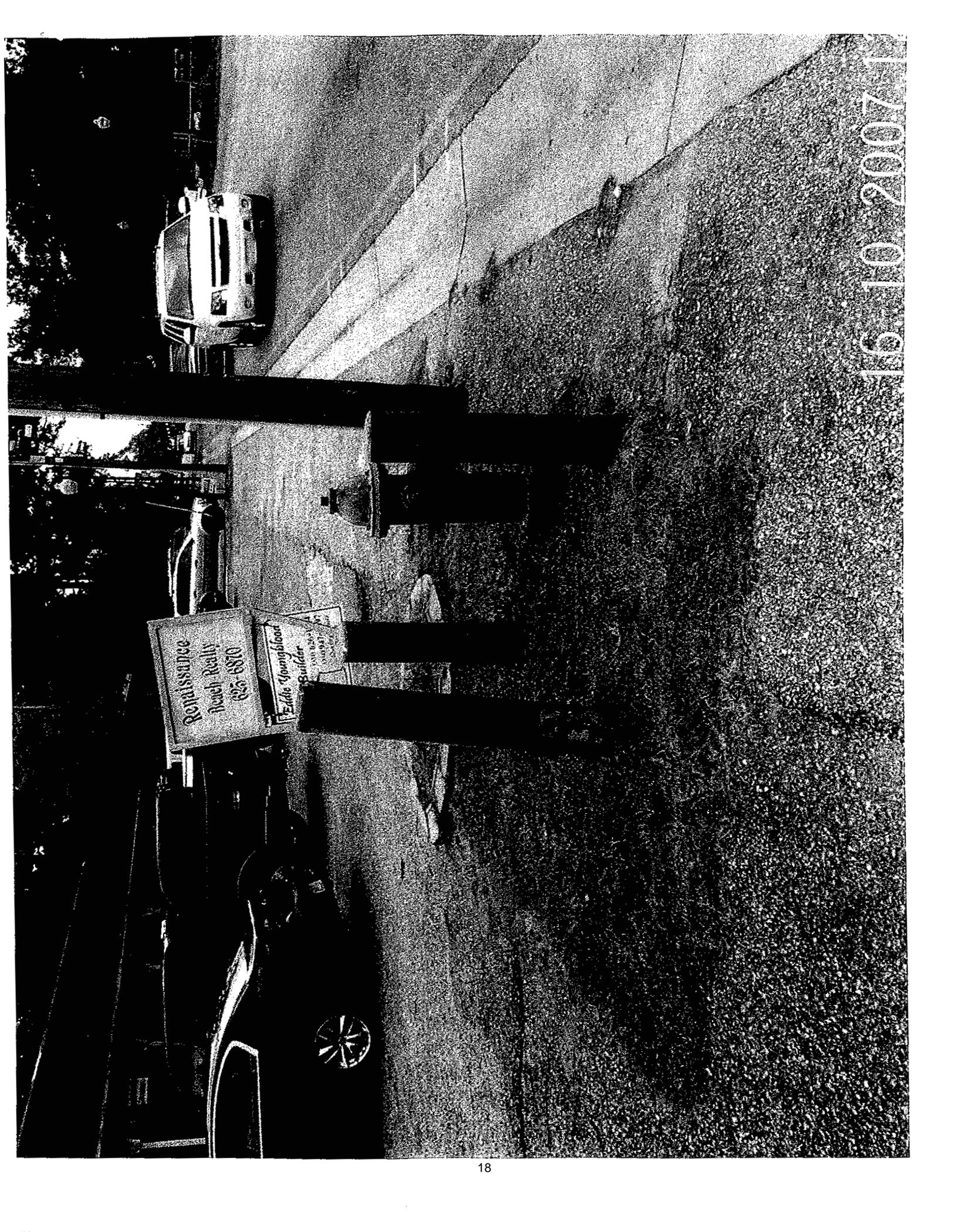
THANK YOU FOR YOUR ATTENTION



16.10.2007 12







16-10-2007

3000 AMSOUTH BANK BUILDING ■ 107 SAINT FRANCIS STREET ■ MOBILE, ALABAMA 36602 ■ (251) 432-5511
Post Office Box 123 ■ Mobile, Alabama 36601 ■ Facsimile: (251) 694-6375

November 14, 2007

VIA E-MAIL

David L. Cohen, City Clerk
City of Daphne
1705 Main Street
Daphne, Alabama 36526

Re: Bayside Academy / Educational Building Authority

Dear David:

Enclosed is the application package for the creation of an Educational Building Authority intended to permit Bayside Academy to benefit from the issuance of tax exempt, qualified 501(c)(3) bonds. Included you will find the following:

- (1) Photocopy of executed Application;
- (2) Form of Resolution for consideration by the City Council; and
- (3) Form of Certificate of Incorporation (which is Exhibit A to the Application).

Ronald Stevens will deliver the executed original of the Application for your records on Monday, but this should be sufficient for the Council package.

The proposed Educational Building Authority would be formed under Title 16 of the Code of Alabama. That statute authorizes creation of authorities with the power to issue bonds to finance improvements for the benefit of schools of all types which do not get their financial support from the State. A copy of certain relevant sections of the statute are enclosed for convenient reference.

Any bonds issued by it would be revenue obligations payable solely from the payments received by it from the School. Neither the City nor the Authority would have any liability with respect to the Bonds. Bayside Academy expects to apply the proceeds of the Bonds to improvements to its existing campus. The Bonds will be purchased by Compass Bank in a private placement and will not be publicly sold. We anticipate that the Bonds will be issued as a single instrument in the name of Compass Bank.

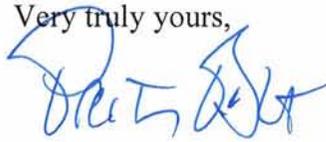
David L. Cohen, City Clerk

November 14, 2007

Page 2

If you have any questions about this, please let me know. Otherwise, I plan to be at the meeting with Mr. Stevens on November 19 and will be happy to provide any further information needed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "R. Preston Bolt, Jr.", written over the typed name.

R. Preston Bolt, Jr.

For the Firm

RPB/sc

Enclosures

cc: Mr. Ronald J. Stevens, Jr. (w/out encls.)
Mr. John P. Fitzhugh (w/out encls.)
Mr. Jay Ross (w/encls.)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
APPROVING THE FORMATION OF THE EDUCATIONAL BUILDING AUTHORITY OF
THE CITY OF DAPHNE/BAYSIDE ACADEMY

WHEREAS, the City Council of the City of Daphne, Alabama, has received an application for the formation of the Educational Building Authority of the City of Daphne/Bayside Academy in accordance with Chapter 17 of Title XIV of the Code of Alabama (1975), as amended (the "Act"), which application is attached hereto as "Exhibit A";

WHEREAS, the Act authorizes the formation of an educational building authority to provide ancillary improvements for use in connection with educational institutions in the State of Alabama and to perform such acts lawfully permitted by the Act.

WHEREAS, the City Council of the City of Daphne, Alabama is the governing body of the City of Daphne, Alabama empowered by the Act to authorize the formation of an educational building authority; and

WHEREAS, the City Council has duly considered the application for the formation of an educational building authority submitted to it for the purpose of providing ancillary improvements on the campus of the Bayside Academy.

NOW, THEREFORE, be it resolved by the City Council of the City of Daphne, Alabama, as follows:

1. That it is wise, expedient, necessary and advisable that the proposed Educational Building Authority of the City of Daphne/Bayside Academy be formed.
2. That the City Council has found that there is a public need for the proposed Educational Building Authority of the City of Daphne/Bayside Academy.
3. That the applicants listed in the application attached hereto as Exhibit A (the "Applicants") are authorized to proceed to form the Educational Building Authority of the City of Daphne/Bayside Academy by filing for record a certificate of incorporation in accordance with the provisions of Section 16-17-3 of the Code of Alabama (1975), as amended, the form of which has been submitted to the City Council of the City of Daphne, Alabama with the aforesaid application and which is hereby approved.
4. That immediately upon the filing for record of such certificate of incorporation, the Applicants shall notify the City Council, and the City Council shall appoint directors of the Educational Building Authority of the City of Daphne/Bayside Academy in accordance with the Act.

ADOPTED this ____ day of _____, 2007.

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk

661498

Exhibit A

Application to Form Educational Building Authority of the
City of Daphne/Bayside Academy

APPLICATION TO FORM
EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF DAPHNE/
BAYSIDE ACADEMY

City Council
City of Daphne, Alabama
1705 Main Street
Daphne, Alabama 36526

Ladies and Gentlemen:

Pursuant to Chapter 17 of Title XVI of the Code of Alabama, 1975, as amended (the "Act") the undersigned applicants hereby apply for the formation of the Educational Building Authority of the City of Daphne/Bayside Academy (the "Authority"). In accordance with the requirements of the Act, we make the following statements and requests:

1. The undersigned applicants propose to incorporate the Authority pursuant to the provisions of the Act;

2. The Authority contemplates actions which may include planning, establishing, developing, acquiring, purchasing, leasing, constructing, reconstructing, improving, maintaining and operating ancillary improvements on the campus of Bayside Academy, which is an educational institution within the meaning of the Act, and such other activities lawfully permitted by the Act;

3. The undersigned applicants are not aware of another local educational building authority formed under the Act to assist with ancillary improvements as described in the Act;

4. The proposed location of the principal office of the Authority shall be in the City of Daphne, Alabama, Bayside Academy, 303 Dryer Avenue, Daphne, Alabama 36526.

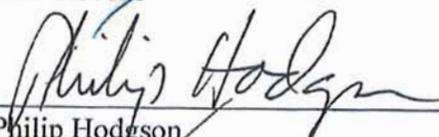
4. Each of the undersigned applicants is a resident of and an owner of real property in and a duly qualified elector of the City of Daphne, Alabama and is over the age of nineteen (19) years; and

5. The undersigned applicants hereby request that the City Council of the City of Daphne, Alabama adopt a resolution (a) declaring that it is wise, expedient, necessary and/or advisable that the proposed Authority be formed, and (b) authorizing the undersigned applicants to proceed to form such Authority by the filing for record of a certificate of incorporation (a copy of which proposed certificate is attached hereto as "Exhibit A") in accordance with the provisions of the Act.

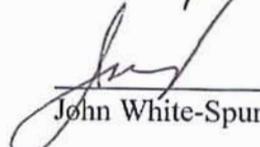
Respectfully submitted this 13th day of November, 2007.



Ron Stevens



Philip Hodgson



John White-Spunner

Exhibit A

CERTIFICATE OF INCORPORATION
OF
EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF
DAPHNE/BAYSIDE ACADEMY

This Certificate of Incorporation is made and entered into by the undersigned pursuant to the provisions of Chapter 17 of Title XVI of the Code of Alabama (1975), as amended (the "Act").

ARTICLE I

The names of the persons forming the Authority, each of whom is a resident of and an owner of real property in the City of Daphne, Alabama and each of whom is a duly qualified elector in the City of Daphne, Alabama and their residential addresses are as follows:

Ron Stevens
2009 Old County Road
Daphne, Alabama

Philip Hodgson
905 Captain O'Neal Drive
Daphne, Alabama

John White-Spunner
317 Woodbridge Road
Daphne, Alabama

ARTICLE II

The name of the Authority is the Educational Building Authority of the City of Daphne/Bayside Academy (the "Authority").

ARTICLE III

The duration of the corporate existence of the Authority shall be perpetual, subject to the provisions of the Act.

ARTICLE IV

The "governing body of the municipality," within the meaning of the Act is the City Council of the City of Daphne, Alabama. The City Council of the City of Daphne, Alabama adopted a resolution approving the application of the undersigned incorporators seeking permission to incorporate the Authority on the ___ day of _____, 2007.

ARTICLE V

The location of the principal office of the Authority shall be in the City of Daphne, Alabama, Bayside Academy, 303 Dryer Avenue, Daphne, Alabama 36526.

ARTICLE VI

The purposes for which the Authority is organized are the transaction of all lawful business permitted by the Act; provided, that any ancillary improvements planned, established, developed, acquired, purchased, leased, constructed, reconstructed, improved, maintained or operated by the Authority shall be located on the campus of Bayside Academy, an educational institution as defined in the Act. The Authority shall have the same powers as an individual to do all things necessary or convenient to carry out its business and affairs.

ARTICLE VII

The number of Directors constituting the Board of Directors shall be three (3), and such directors shall be elected by the City Council of the City of Daphne, Alabama, as soon as possible after the filing of this Certificate of Incorporation.

IN WITNESS WHEREOF, the undersigned incorporators have hereunto set their hands and seals on the ____ day of _____, 2007.

Ron Stevens

Philip Hodgson

John White-Spunner

This Instrument Prepared By:
R. Preston Bolt, Jr., Esq.
Hand Arendall, L.L.C.
P.O. Box 123
Mobile, AL 36601
(251) 432-5511

STATE OF ALABAMA:
COUNTY OF _____:

I, the undersigned authority in and for said County and said State, hereby certify that Ron Stevens, 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____, 2007.

NOTARY PUBLIC
My commission expires: _____

STATE OF ALABAMA:
COUNTY OF _____:

I, the undersigned authority in and for said County and said State, hereby certify that Philip Hodgson, 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____, 2007.

NOTARY PUBLIC
My commission expires: _____

STATE OF ALABAMA:
COUNTY OF _____:

I, the undersigned authority in and for said County and said State, hereby certify that John White-Spinner, 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____, 2007.

NOTARY PUBLIC
My commission expires: _____

Section 16-17-1**Definitions.**

For purposes of this chapter, the following words and phrases shall be given the following respective meanings:

- (1) **ANCILLARY IMPROVEMENTS.** Educational and related facilities of every kind including, but without limitation to, classrooms, scientific and other laboratories, libraries, auditoriums, gymnasiums, cafeterias, dining rooms, dormitories, student and faculty apartments, student union buildings, recreational and social facilities, student and faculty infirmaries and clinics and facilities for washing, laundering and cleaning clothing and fabrics of every kind, or any combination of any thereof, and shall also include equipment and furniture and fixtures used or useful in educational and related facilities of every kind.
- (2) **APPLICANT.** A natural person who files a written application with the governing body of any municipality in accordance with the provisions of Section 16-17-3.
- (3) **AUTHORITY.** Any public corporation organized pursuant to the provisions of this chapter.
- (4) **BOARD.** The board of directors of an authority.
- (5) **BONDS.** Bonds, notes and certificates representing an obligation to pay money.
- (6) **CONSTRUCTION and CONSTRUCT:**
- a. The construction of new buildings and the expansion, remodeling and alteration of existing buildings; and
- b. The equipment and furnishing of new buildings and existing buildings, whether or not expanded, remodeled or altered.
- (7) **COUNTY.** Any county in the state.
- (8) **DETERMINING MUNICIPALITY.** Any municipality the governing body of which shall have made findings and determinations of fact in accordance with the provisions of Section 16-17-3.
- (9) **DIRECTOR.** A member of the board of directors of the authority.
- (10) **EDUCATIONAL INSTITUTIONS.** Every college, university, graduate school, professional school, junior college, elementary school, secondary school, business college, every institution for education and training of the deaf, blind or mentally retarded and any other school that teaches a trade or a profession, but shall not include any state educational institution as herein defined.
- (11) **GOVERNING BODY.** The council, commission or other like governing body of a municipality.
- (12) **INCORPORATORS.** The persons forming a public corporation organized pursuant to the provisions of this chapter.
- (13) **MUNICIPALITY.** An incorporated city or town of the state.

(14) PERSON. A natural person, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

(15) PROPERTY. Real and personal property and interests therein.

(16) STATE. The State of Alabama.

(17) STATE EDUCATIONAL INSTITUTIONS. Every college, university, graduate school, professional school, junior college, trade school, elementary school, secondary school and every institution for education and training of the deaf, blind or mentally retarded, heretofore or hereafter established or acquired under statutory authorization of the Legislature of Alabama and existing as public institutions of learning supported in substantial part by state appropriations, or by revenues derived from taxation.

(18) HEREIN, HEREBY, HEREUNDER, HEREOF. Refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Whenever in this chapter any power is given to an educational institution, or whenever reference is made to any action by an educational institution, such power shall extend to and may be exercised by the board of trustees or other body having general supervisory power over the educational institution.

(Acts 1966, Ex. Sess., No. 222, p. 325, §1.)

Section 16-17-2**Legislative intent.**

It is the purpose of the Legislature by this chapter to authorize the incorporation of educational building authorities as public corporations and as political subdivisions of the state for the purpose of providing ancillary improvements for use in connection with educational institutions in this state, and to invest each authority organized hereunder with all power that may be necessary or appropriate to enable it to accomplish such purpose, including but without limitation to the power to lease its properties and to issue interest-bearing revenue bonds. This chapter shall be liberally construed in conformity with the said intent.

(Acts 1966, Ex. Sess., No. 222, p. 325, §2.)

Section 16-17-3**Procedure to incorporate.**

(a) By proceeding in the manner set forth herein, any number of natural persons, not less than three, may incorporate an educational building authority as a public corporation and as a political subdivision of the state. The said natural persons shall first file with the governing body of any municipality the proposed form of the certificate of incorporation of the authority, together with a written application seeking permission to apply for the incorporation of an authority for such municipality. Every such application shall also be accompanied by such supporting documents or evidence as the applicants may consider appropriate to show the need for an authority for the said municipality. The said governing body shall consider the said application and shall find and determine whether it is wise, expedient, necessary or advisable that the authority be formed; if the said governing body finds and determines that it is not wise, expedient, necessary or advisable that the authority be formed, it shall deny the application; but, if it finds and determines that it is wise, expedient, necessary or advisable that the authority be formed and if it approved the proposed form of the certificate of incorporation of the authority, the governing body shall adopt a resolution declaring that it has reviewed the application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable that the authority be formed and declaring that it has approved the proposed form of certificate of incorporation of the authority. No authority shall be formed hereunder unless the application required by this section shall be made and unless the resolution for which provision is made in this section shall be adopted.

(b) Within 40 days following the adoption of a resolution in accordance with subsection (a) of this section, the applicants, or not less than three of the applicants, shall proceed to incorporate the authority by filing for record in the office of the judge of probate of the county in which the determining municipality shall be situated (or, if the determining municipality shall be situated in more than one county, then with the judge of probate of any county in which any part of the determining municipality shall be situated) a certificate of incorporation in the form approved by the governing body of the determining municipality, which certificate shall also comply in form and substance with the requirements of this section and shall be executed in the manner herein provided.

(c) The certificate of incorporation of the authority shall state:

(1) The names of the persons forming the authority, together with the residence of each thereof, and that each of them is a resident of and an owner of real property in the determining municipality, and that each of them is a duly qualified elector of the determining municipality;

(2) The name of the authority (which shall include the words "educational building authority" and the name of, or other reference to, the determining municipality);

(3) The period for the duration of the authority (if the duration is to be perpetual, subject to the provisions of Section 16-17-19, that fact shall be stated);

(4) The name of the determining municipality, together with the date on which the governing body thereof adopted the resolution in accordance with this section;

(5) The location of the principal office of the authority, which shall be within the corporate limits of the determining municipality; and

(6) Any other matters relating to the authority that the incorporators may choose to insert and that are

not inconsistent with this chapter or with the laws of the state.

(d) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds.

(e) When the certificate of incorporation is filed for record, there shall be attached to it:

(1) A certified copy of the resolution adopted by the governing body of the determining municipality in accordance with this section; and

(2) A certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(f) The judge of probate shall promptly examine all such documents and shall determine whether they are complete and regular on their face and whether the form and contents of the certificate of incorporation comply with the provisions of this chapter. If the judge of probate shall find that all such documents are complete and regular on their face and that the form and contents of the certificate of incorporation comply with the provisions of this chapter, he shall require all such documents to be recorded in a well-bound book in his office. Upon the filing of the said documents, the authority shall come into existence and shall constitute a public corporation and a political subdivision of the state under the name set forth in the said certificate of incorporation. The judge of probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the authority has been filed for record.

(Acts 1966, Ex. Sess., No. 222, p. 325, §3.)

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
November 8, 2007
5:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:05 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Also in attendance were Community Development Director Bill Eady, Recreation Director David McKelroy, and Revenue Officer Cornell Smith.

II. PUBLIC PARTICIPATION

There was no public participation.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Requests

1. Survey for East/West Corridor: Main Street to Wilson Ave - \$2,500.00

Mr. Eady presented a map and minutes from the September 28, 2007, Public Works Committee meeting requesting the Finance Committee approve a \$2,500 expenditure for a preliminary plan (survey) for improvements and extension of Wilson Avenue to create an east/west corridor across town, alleviating some traffic off of County Road 64. It was discussed that a right of way through school property would be required, and that Mayor Small has already received verbal permission. Mr. Yelding noted that he would like to see improvements to Randall Avenue also. Mr. Eady stated that this could be done without too much expense and he would follow up on this project.

Motion by Mr. Yelding to recommend to Council to appropriate \$2,500 for a preliminary study for improvements and extension of Wilson Avenue. Seconded by Mr. Scott. All in favor.

2. Approve Bid Process and Engineering Costs: Construction of Roads on New Recreation Property

Mr. McKelroy discussed that in order to apply for grant money, roads to the park need to be shown. He noted that the master plan drawn by HMR had to be reworked due to more wetland delineation than originally thought and that one priority of the park will be a "no-limits" playground. It was noted by Mr. Scott and Mr. Yelding that this is allowing the bid process only, not awarding a bid. Ms. Briley noted this could be paid from the approximately \$ 800,000 remaining in the reserve for recreation (de-annexation proceeds).

Motion by Mr. Yelding to recommend to Council to approve engineering costs and move forward with the process of obtaining bids for the construction of a road on the new recreation property to be funded with funds reserved for recreation in the Capital Reserve Fund. Seconded by Mr. Scott. All in favor.

B. Approve Fiscal 2008 Community Contributions.

Attachment A listing the Community Contributions in the 2008 budget was presented. It was noted that the Baldwin County Trailblazers request for \$2,000 and the increase request for the Boys and Girls Club were not on this list, but are on the Capital expenditures budget, which will be considered at a later date.

Motion by Mr. Yelding to recommend to Council to adopt a resolution authorizing the Mayor to enter into 2008 Community Contributions contracts as listed on Attachment A in the amount of \$95,300. Seconded by Mr. Scott. All in favor.

C. Discuss Credit Card Transaction Fees

It was discussed that the City does not currently accept debit/credit cards, but it would be an added convenience for the public. Ms. Briley noted that there is a bank charge for processing the credit card, which the City could absorb or it could be passed on to the consumers. Ms. Henson stated that if a fee is charged, it must be a flat fee, it cannot be a percentage, and only one fee may be charged per location. Ms. Henson explained that fees can be different by location (according to that departments average transaction amount – City will be charged a fee according to the transaction amount) but only one fee per location can be charged. Also, the fee amount must be posted. Information from Cassaundra Burks with Compass Bank was presented showing how the City's cost is calculated and Ms. Henson presented a fee analysis for the civic center showing annual collections and what the City's cost would be (a \$700 transaction would cost the City approximately \$13.12 / a \$300 transaction would cost the City \$5.68 – the average transaction cost would be \$7.50). It was discussed that this would not be beneficial for ticket sales. Mr. McKelroy noted that there have been requests at the Recreation Center to accept credit cards (average transaction at the Recreation Center is \$70 and a \$2.50 fee would cover the cost to the City). Ms. Henson noted that the Recreation Center would probably have the highest usage volume of all City departments due to sports signups. Discussion continued that perhaps a cap needs to be put on the payment amount the City accepts by credit card. Mr. Yelding recommended that more information be gathered and stated this should be discussed at a City Council work session.

D. Mobile Area Chamber of Commerce – Civic Center

An invoice from the Mobile Area Chamber of Commerce in the amount of \$435.60 for annual membership dues was presented. It was noted this is included in the 2008 budget.

Motion by Mr. Yelding to recommend to Council to adopt a resolution allowing the Mayor to enter into an agreement with the Mobile Area Chamber of Commerce for one year in the amount of \$435.60. Seconded by Mr. Scott. All in favor.

IV. Current Business

A. People to People Student Ambassador

A request from Morgan Norsworthy for financial sponsorship for her trip to Europe this summer was presented. Ms. Briley stated that the City cannot make a contribution for a single child- sufficient public purpose could not be demonstrated.

B. Review Jubilee Square Debt Payments Payable

The warrant and a current debt payments payable schedule for Jubilee Square was presented per Mr. Scott's request. Mr. Scott noted that he would like some time to read over it; he would like for the City to be able to prepay the warrant because of the high interest rate paid for the warrants.

C. Review Mardi Gras Revenues / Expenses

The Mardi Gras Parades Statement of Revenues Over (Under) Expenses for FY 2007 was presented showing a cost to the City of \$15,489.16. Mr. Yelding noted that this is something for the enjoyment of all citizens and that the City should not be trying to make money off of everything it does. Mr. Scott discussed that perhaps we should check to see what other cities charge for parade permits, etc.

V. FINANCIAL REPORTS

A. Treasurer's Report: October 31, 2007

The Treasurer's Report totaling \$22,281,373.72 was presented.

Motion by Mr. Yelding to accept the Treasurer's Report as of October 31, 2007, in the amount of \$22,281,373.72. Seconded by Mr. Scott. All in favor.

B. Sales and Use Taxes: September 30, 2007

Sales and Use Tax collected for September 2007 - \$ 955,784
Sales and Use Tax Budgeted for September, 2007 - \$1,004,457
Under Budget (for September) - \$ (48,673)

YTD Budget Collections Variance - Under Budget - \$ (31,065)

Ms. Briley stated that she had discussed her concerns regarding sales tax collections with the Mayor and it is her recommendation that the Council postpone adoption of the Capital budget until after the results of the 1st quarter sales taxes are received in addition to the January ad valorem tax revenues. Mr. Yelding inquired when this information would be available. Mrs. Briley stated February. (December sales taxes are collected in January.)

C. Lodging Tax Collections, September 30, 2007

The Lodging Tax Collections report shows \$37,180.99 collected for September 2007.

D. Report of New Business Licenses – October 2007

A list showing new businesses for the month of October was presented.

E. Bills Paid Reports – October 2007

The October Bills Paid Report for Fiscal Year 2007 was contained in Packet #2. The October Bills Paid Report for Fiscal Year 2008 was contained in Packet #2A.

VI. ADJOURN

The meeting was adjourned at 5:50 p.m.

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

Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3
Approved For Finance Comm. Agenda

Signature _____
Date 09/31/07

I. CALL TO ORDER

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

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

II. PUBLIC PARTICIPATION & CORRESPONDENCE

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

III. OLD BUSINESS

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

IV. NEW BUSINESS

- A. Mr. Bill Eady, Director of Community Development. Speaking regarding the improvement of Wilson Ave from Main Street to Pollard Road. Long range plans to Start at Main Street and extend Wilson road to create an east/west corridor to across town to alleviate some traffic off of County Road 64. A light may be needed, but it would take some of the congestion from the school traffic. Mayor Small has spoken to the schools and we have permission to use the right of way on east Lawson and move forward all the way to the Public Works facility. The cost to develop a plan or survey would be \$2500 for a preliminary plan. Councilman Lake and Councilman Yelding both support moving forward. Yelding made motion, Lake seconded motion. Motion Passed. Will send to Finance Committee to get project done quickly. Also discussed the improvement of Randall, though Wilson is the priority project at this time. This plan has been on the books for 10 years.
- B. Councilman Yelding questioned seeing the City's sweeper out at Chamberlain Chase. It is out side of the city limits. Melvin will get with sweeper drivers and make sure that new driver is aware of city limit boundaries.

V. DIRECTOR'S REPORT

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

Fiscal Year 2007
Mardi Gras Parades
Statement of Revenues Over/(Under) Expenses

Revenues

Parade Permits	<u><u>5,250.00</u></u>
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Expenses

Overtime	17,690.95
Supplies	148.21
Portables	<u>2,900.00</u>
	<u><u>20,739.16</u></u>

Revenues (Under) Expenses	<u><u>(15,489.16)</u></u>
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TREASURER'S REPORT

As of October 31, 2007

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$9,900,410.07
OPERATING ACCT	COMPASS	(\$16,755.71)
PAYROLL ACCT	COMPASS	(\$55,171.05)
MUNICIPAL COURT	COMPASS	\$176,057.33
		<u>\$10,004,540.64</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$8,840.01
4 CENT GAS TAX	FIRST GULF	\$151,337.17
7 CENT GAS TAX	FIRST GULF	\$232,037.60
		<u>\$392,214.78</u>
CAPITAL PROJECTS FUND		
CAPITAL RESERVE	WACHOVIA	\$3,939,002.84
97 WARRANT CONS	WACHOVIA	\$5,186.01
99 WARRANT CONS	REGIONS	\$16,343.08
2000 CONSTRUCTION	REGIONS	\$61,422.13
2006 CONSTRUCTION	WACHOVIA	\$6,170,111.21
		<u>\$10,192,065.27</u>
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$1,504,975.72
2006 DEBT SERVICE	FIRST GULF	\$187,577.31
		<u>\$1,692,553.03</u>
		<u>\$22,281,373.72</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2001	2002	2003	2004	2005	2006	2007
October	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36
November	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95
December	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39
January	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33
February	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60
March	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38
April	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54
May	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14
June	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92
July	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66
August	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57
September	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	955,783.66
Totals	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,861,909.50

FY 2007 BUDGET/ACTUAL COMPARISONS

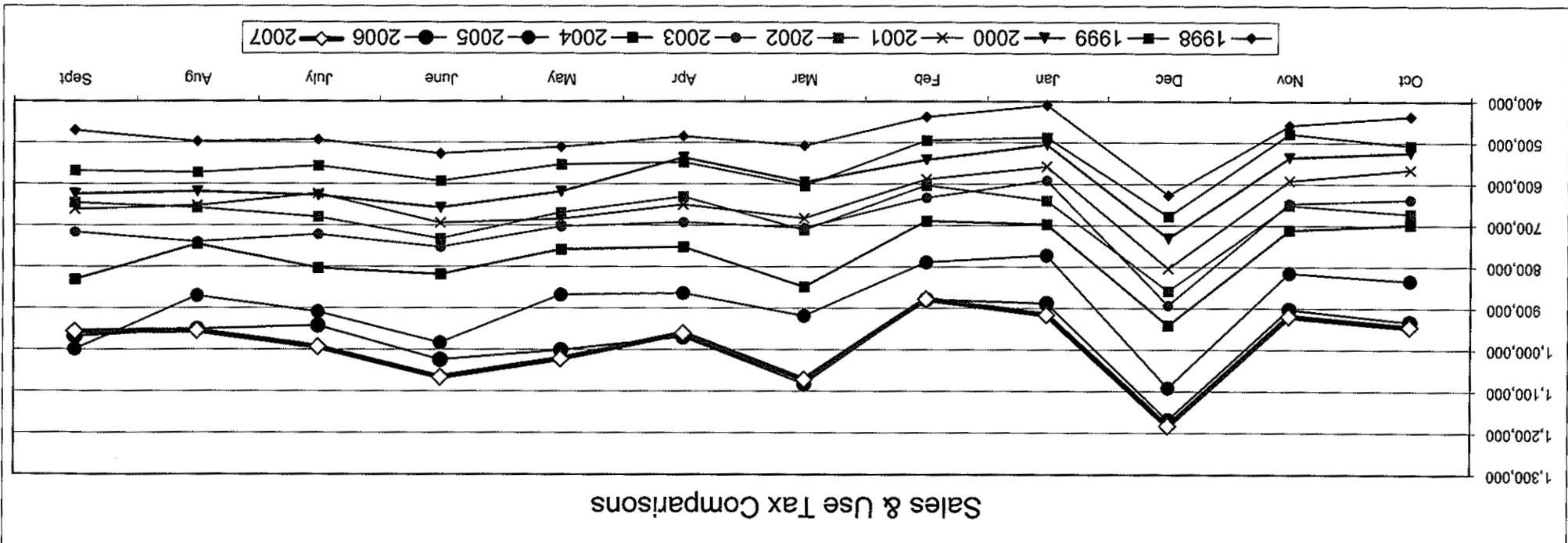
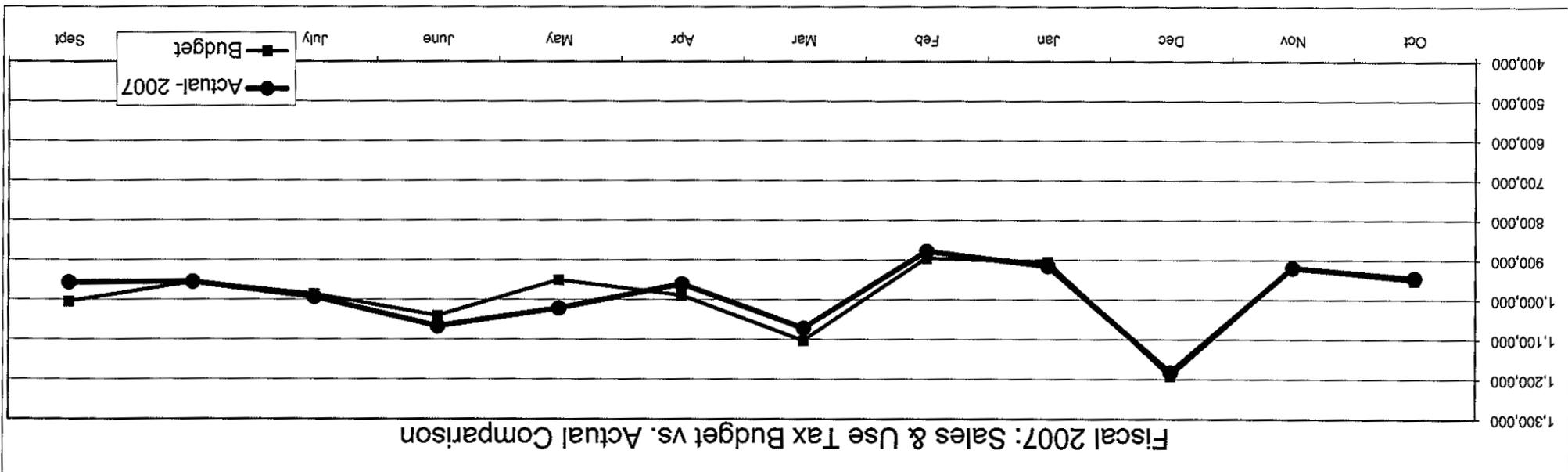
	Actual-2007	Budget	Monthly Variance	YTD Variance	% of Budget
October	944,542.36	951,287	(6,744.64)	(6,744.64)	-0.71%
November	918,837.95	919,543	(705.05)	(7,449.69)	-0.08%
December	1,182,584.39	1,191,813	(9,228.61)	(16,678.30)	-0.77%
January	914,876.33	905,217	9,659.33	(7,018.97)	1.07%
February	877,975.60	895,686	(17,710.40)	(24,729.37)	-1.98%
March	1,071,598.38	1,103,410	(31,811.62)	(56,540.99)	-2.88%
April	960,140.54	989,020	(28,879.46)	(85,420.45)	-2.92%
May	1,021,498.14	950,447	71,051.14	(14,369.31)	7.48%
June	1,066,433.92	1,040,098	26,335.92	11,966.61	2.53%
July	993,216.66	986,131	7,085.66	19,052.27	0.72%
August	954,421.57	955,866	(1,444.43)	17,607.84	-0.15%
September	955,783.66	1,004,457	(48,673.34)	(31,065.50)	-4.85%
Totals	11,861,909.50	11,892,975	(31,065.50)		

FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
October	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	11,907.70	18.87%	-5.24%	9.64%	19.47%	11.87%	1.28%
November	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35	17,325.57	9.97%	-0.58%	9.94%	14.61%	10.66%	1.92%
December	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90	14,140.71	6.80%	3.98%	5.49%	15.93%	7.09%	1.21%
January	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28	27,408.22	14.77%	-7.65%	18.00%	10.72%	14.98%	3.09%
February	14,224.16	30,439.25	55,767.23	100,403.54	89,298.58	(148.06)	2.42%	5.05%	8.81%	14.58%	11.32%	-0.02%
March	28,456.48	(5,570.57)	142,766.66	69,675.31	163,942.66	(10,176.45)	4.17%	-0.78%	20.24%	8.21%	17.86%	-0.94%
April	(19,786.60)	62,295.27	59,891.11	111,105.26	105,615.91	(8,620.18)	-3.05%	9.89%	8.65%	14.77%	12.24%	-0.89%
May	(15,321.39)	33,824.87	54,918.34	109,835.95	132,978.04	21,073.66	-2.24%	5.06%	7.82%	14.50%	15.33%	2.11%
June	37,937.02	20,983.31	65,541.16	164,654.26	41,227.61	42,342.85	5.47%	2.87%	8.71%	20.12%	4.19%	4.13%
July	56,677.60	42,188.32	81,260.24	105,524.99	32,831.55	51,808.98	9.10%	6.21%	11.26%	13.14%	3.61%	5.50%
August	4,622.92	82,965.72	5,326.70	124,497.78	80,720.90	3,882.56	0.71%	12.63%	0.72%	16.70%	9.28%	0.41%
September	(15,664.68)	70,813.95	114,619.44	168,215.28	(30,859.92)	(11,832.50)	-2.37%	10.98%	16.02%	20.26%	-3.09%	-1.22%
Annual \$ Change	393,592.24	284,159.66	860,992.68	1,418,335.85	994,635.81	159,113.06	5.08%	3.49%	10.21%	15.27%	9.29%	1.36%

TOTAL collections: FY 06	11,702,796
TOTAL est. bdgt coll: FY 06	11,892,975
Budgeted Dollar Variance 06/07	190,179
Budgeted Percent Variance 06/07	1.63%

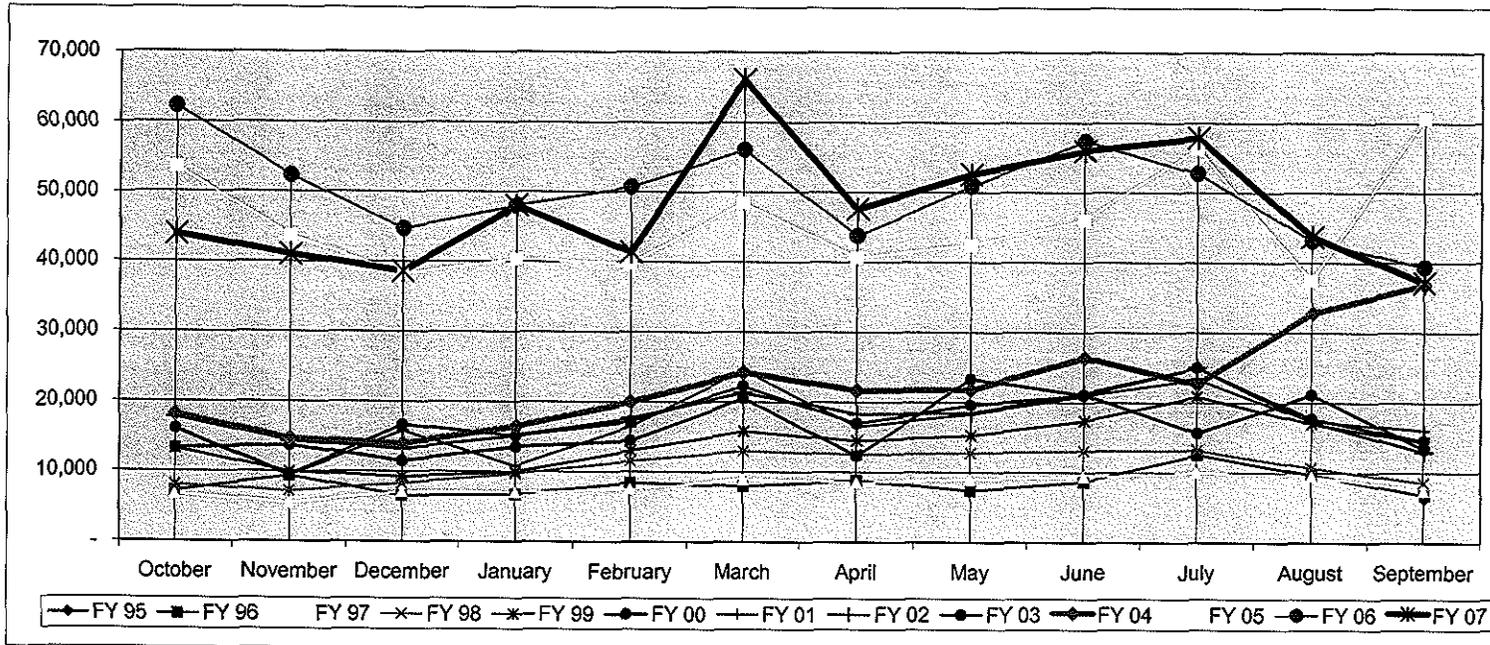
TOTAL collections: 9-30-07	11,861,910
Budgeted: 10-1-06 to 9-30-07	11,892,975
Actual Coll > (<) Budget, 9-30-07	(31,066)
% Over/(Under) Budget, 9-30-07	-0.26%



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	<u>37,180.99</u>
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96

Ordinance 1997-28 adopted December 8, 1997 increased levy from 3% to 4%.



<u>FY 2007 Budget</u>
620,000
<u>% Budget Collected,</u>
<u>9/30/2007</u>
93%

NEW BUSINESSES

October-07

CITY LIMITS		OUTSIDE CITY LIMITS	
THE EQUITABLE GROUP LLC	1	STAIR DEPOT OF ALABAMA	1
H PROPERTIES LLC	1	AGRI-AFC, LLC	1
HYUNDAI OF DAPHNE PREOWNED	1	TOTAL CITY LIMITS	25
GRACEFULL HANDS	1		
AARON PARKER LANDSCAPING	1	CONTRACTORS	
MCLAUGHLIN CONSULTING COMP	1	CHRIS HAMILTON	1
ADVANTAGE WEALTH MANAGEMENT	1	POWELL PAINTING	1
NATURE'S VENDING LLC	1	VIKING INDUSTRIES, LLC	1
SUBWAY 6191	1	THE CREEL COMPANY INC	1
SOPHISTICUTZ	1	GONZALEZ FRAMING LLC	1
MONKEYROOS	1	WHEELER SERVICE INC	1
HOME DIALYSIS OF BALDWIN CO	1	PPI, INC	1
EASTERN SHORE REALTY LLC	1	I.G. CONTRACTORS LLC	1
COMPLETE TITLE LLC	1	FIBERGLASS POOLS & SPAS	1
ARTISAN PROMOTIONS	1	DIXON'S LANDSCAPING	1
MLV MOTORSPORTS	1	AES MECHANICAL SERVICES	1
1-800-RADIATOR GULF COAST	1	SUNSET CONTRACTING INC	1
LIONEL C WILLIAMS ATTORNEY	1	WAYNE'S PARKING LOT STRIPING	1
JAMES A HARRIS	1	PIERCE-SMITH CONTRACTING, LLC	1
CAUSE 35	1	CHANCELLOR ENTERPRISE INC	1
FAIR BUSINESS SOLUTIONS, INC	1	SIGNATURE DESIGN FLOORING	1
TOTAL CITY LIMITS	21	JOE MIDDLETON	1
		CONSTRUCTION RESOURCE SOLUTIONS	1
OUTSIDE CITY LIMITS		GULF COAST HOME BUILDERS LLC	1
PAYMENTECH, LLC	1	UNIQUE GLASS AND MIRROR, LLC	1
RED DOG POTTERY	1	NORRIS CONSTRUCTION	1
PELEMAN INDUSTRIES	1	ALEJANDRO SANDOVAL MAYA	1
KEN GRIFFIN LANDSCAPE	1	TOTAL CONTRACTORS	22
AUTO EXTRAS	1		
ASAP VENDING	1	TOTAL NEW BUSINESSES	68
COVINGTON FLOORING CO INC	1		
CSI USA DISTRIBUTION INC	1		
SOUTHCO SUPPLY CO	1		
COUNTRY INN & SUITES	1		
SYNQ SOLUTIONS INC	1		
CERTIFIED HOOD & FIRE SPECIALISTS	1		
BST PURCHASING & LEASING	1		
INTITION CORPORATION	1		
INDIAN SUMMER MILLS, INC	1		
GUY BROWN MANAGEMENT LLC	1		
MARK IT WITH A B	1		
ACTERNA, LLC	1		
KNOCKOUT PEST AND TERMITES LLC	1		
I.T.S. FIRE ALARM SECURITY, LLC	1		
LELLYETT & ROGERS COMPANY	1		
SYNERGY BUSINESS ENVIRONMENT	1		
COMPACT POWER SERVICES LLC	1		

Buildings and Property Committee Minutes

November 2, 2007

10:00 a.m.

City of Daphne

Council Chambers

Committee

Councilman John Lake, Chairman -

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Minutes

The Committee was presented with a request from Mr. Dale Marston who represented the property owners of a tract of land to the City of Daphne. The owners requested that the property be deeded to the City of Daphne and that there be language in the deed which would ensure that the property usage would be limited to a preserve, walkway, or be left in its current state. Councilman Lake inquired if the owners would object to the City putting in a park. Mr. Marston stated that this would not be a problem. **Motion** by Councilman Lake to make a favorable recommendation to the full council for the City to accept the 300 x500 ft. tract of land (5 lots). **Seconded** by Councilman Palumbo. **Motion Approved. (See Attached)**

The Committee reviewed a request for a full refund for a Bayfront Park booking from Ms. Mindi Murray who booked the facility for a wedding and latter decided that the building was not to her satisfaction. The Committee also reviewed a request from the Daphne Public Library for Civic Center usage for an event. **Motion** by Mayor Small to approve both requests. **Seconded** by Councilman Palumbo. **Motion Approved.**

The Committee discussed the City's facility at the Overlook. Mayor Small stated that the utility bill last month was up @\$500.00 and other costs were up at the facility. Mayor Small stated that he was looking into irrigation for that facility and others.

Richard Merchant, Building Inspector stated that last month had 6 new start permits, 5 commercial permits, with 16 certificate of occupancy permits.

Motion to Adjourn at 11:05 a.m.



Baldwin County Revenue Commissioner

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Property Link BALDWIN COUNTY, AL

Current Date 10/29/2007

Records Last Updated 10/26/2007

PROPERTY DETAIL

OWNER MEADOR, JAMES POWELL JR (1/2 INT
P O BOX 873

ACRES : 3.00

MONTROSE, AL 36559

APPRAISED VALUE: 30000

ASSESSED : 6000

PARCEL 43-04-17-2-005-009.000

ADDRESS 909 DOGWOOD COURT

TAX INFORMATION

YEAR 2007

TAX DUE
258.00

PAID
0.00

BALANCE
258.00

LAST PAYMENT DATE **NA**

MISCELLANEOUS INFORMATION

EXEMPT CODES

H4 DESCRIPTION 500'(S) X 285.1' IRR LOTS 126-
130 WHISPERING PINES SUB MB7 P

TAX DISTRICT 04

G84 IN THE CITY OF DAPHNE SEC

PPIN

029016 Entry 00

17-T5S-R2E (WD)

ESCAPE YEAR

ACCOUNT NUMBER 015856

Back

Lots 126-130 Whispering Pines

Subdivision

*Representing
the owner is*

Dale Marston, husband

James P. Meador, Jr.

of

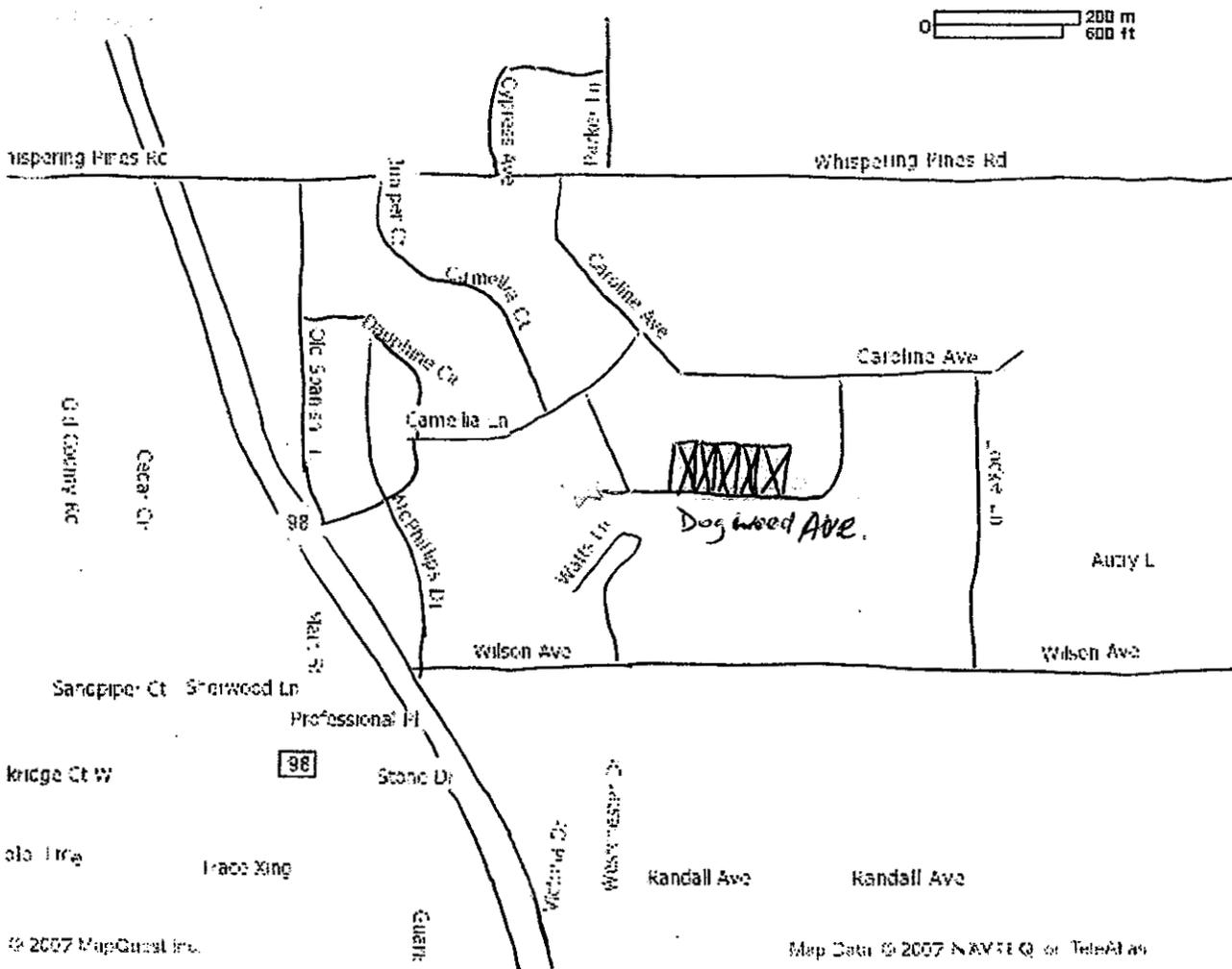
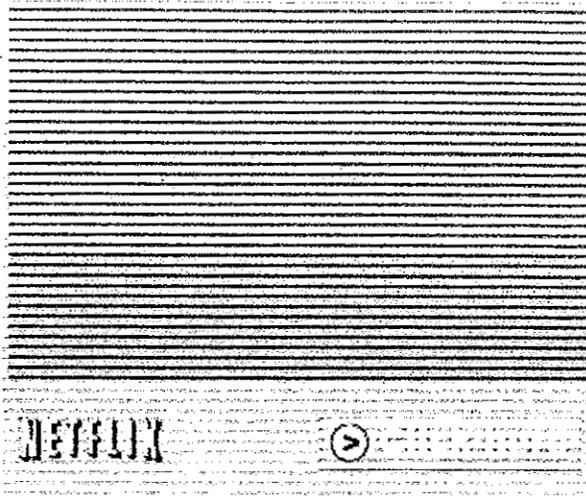
Carolyn M. Meador (now Carolyn Marston)

680.3710 - all

[900-951] Dogwood Ave
Daphne AL
36526 US

Notes:

Only text visible within note field will print.



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City of Daphne

Permit Activity Report

Wednesday, October 31, 2007

Permit Code: BL BUILDING PERMIT

Residential - NEW - R3 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4846-1	HOME OWNER HOME OWNER	07-1240		225 RIDGEWOOD DR DAPHNE, AL 36526	Yes	A	10/30/2007	10/30/2007	\$113,160.00	\$585.00
2388-1	JIM WALTER HOMES JIM WALTER HOMES	07-1176		1150 MONTGOMERY ST DAPHNE, AL 36526	Yes	A	10/10/2007	10/10/2007	\$81,870.00	\$425.00
4912-1	OWNER OWNER	07-1148		103 PINEVIEW CIRCLE DAPHNE, AL 36526	Yes	A	10/03/2007	10/03/2007	\$127,140.00	\$655.00
482-1	BENCHMARK HOMES, INC. BENCHMARK HOMES, INC.	07-1144 07-EC		8206 PECAN CT DAPHNE, AL 36526	Yes	A	10/03/2007	10/03/2007	\$104,040.00	\$540.00
3017-1	MCDONOUGH HOMES, INC. MCDONOUGH HOMES, INC.	07-1138		9759 BELLATON AVE DAPHNE, AL 36526	Yes	A	10/01/2007	10/01/2007	\$231,540.00	\$1,175.00
4095-1	SOUTHERN HERITAGE BUILDERS SOUTHERN HERITAGE BUILDERS	07-1209		1104 RANDALL AVE DAPHNE, AL 36526	Yes	A	10/24/2007	10/24/2007	\$126,360.00	\$650.00
Total Residential - NEW - R3 BL Permit(s)								6	\$784,110.00	\$4,030.00
Total Residential - NEW BL Permit(s)								6	\$784,110.00	\$4,030.00
Total Residential BL Permit(s)								6	\$784,110.00	\$4,030.00

Non Residential - NEW - B2 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4912-1	OWNER OWNER	07-1147		26280 PUBLIC WORKS RD. DAPHNE, AL 36526	Yes	A	10/03/2007	10/03/2007	\$148,000.00	\$888.00
452-1	BAYSHORE CONSTRUCTION CO., I BAYSHORE CONSTRUCTION CO., I	07-1213 07-ED		1415 HWY 98 DAPHNE, AL 36526	Yes	A	10/24/2007	10/24/2007	\$2,229,000.00	\$13,474.00
1153-1	THE CREEL COMPANY THE CREEL COMPANY	07-1166		28340 CO. RD. 13 DAPHNE, AL 36526	Yes	A	10/05/2007	10/05/2007	\$275,000.00	\$1,650.00
4313-1	TERMAC CONSTRUCTION INC. TERMAC CONSTRUCTION INC.	07-1165		28788 N. MAIN ST. DAPHNE, AL 36526	Yes	A	10/05/2007	10/05/2007	\$3,975,000.00	\$23,850.00
3590-1	QUIN-CO. INC. QUIN-CO. INC.	07-1164		26037 CAPITAL DR DAPHNE, AL 36526	Yes	A	10/05/2007	10/05/2007	\$127,000.00	\$762.00
Total Non Residential - NEW - B2 BL Permit(s)								5	\$6,754,000.00	\$40,624.00
Total Non Residential - NEW BL Permit(s)								5	\$6,754,000.00	\$40,624.00

City of Daphne

Permit Activity Report

Wednesday, October 31, 2007

	Total Non Residential BL Permit(s)	5	\$6,754,000.00	\$40,624.00
	Total BL Permit(s)	11	\$7,538,110.00	\$44,654.00
Grand Totals	11	\$7,538,110.00	\$44,654.00	

City of Daphne

Periodic Report of Permits Issued by Occupancy

11/01/2007

Issue Date: 10/1/2007 - 10/31/2007

Applied Date: -

		Code	Permit Count	# of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
R3	DECK	BL	1		\$4,650.00	\$40.00
	NEW	BL	6		\$784,110.00	\$4,030.00
	REMODEL	BL	2		\$18,409.00	\$130.00
	RE-ROOF	BL	7		\$35,300.00	\$295.00
	POOL	BL	3		\$69,000.00	\$390.00
	SUNROOM	BL	1		\$12,950.00	\$80.00
	MISCELLANEOUS	BL	1			\$50.00
Non-Residential						
B2	NEW	BL	5		\$6,754,000.00	\$40,624.00
	REPAIR	BL	1		\$87,000.00	\$522.00
	REMODEL	BL	1		\$650,000.00	\$3,900.00
	ADDITION	BL	2		\$2,472,484.00	\$14,838.00
Total - BUILDING PERMIT			30		\$10,887,903.00	\$64,899.00
Grand Total			30		\$10,887,903.00	\$64,899.00

Permit Summary

11/1/2007

BL - BUILDING PERMIT

10/2007	Permit Fee	\$65,659.00	
	Site Fee	\$250.00	
	Plan Review - Residential	\$150.00	
	Plan Review - Commercial	\$700.00	
		Total Fees Collected:	\$66,759.00
		JOB COST	\$10,997,903.00
Total Number of 'BL' Permits Issued during 10/2007 :			32
		Total Fees Collected:	\$66,759.00
		JOB COST	\$10,997,903.00
Total Number of 'BL' Permits Issued:			32

EL - ELECTRICAL PERMIT

10/2007	Permit Fee	\$10,798.50	
		Total Fees Collected:	\$10,798.50
			\$373,000.00
Total Number of 'EL' Permits Issued during 10/2007 :			27
		Total Fees Collected:	\$10,798.50
			\$11,370,903.00
Total Number of 'EL' Permits Issued:			27

ME - MECHANICAL PERMIT

10/2007	Permit Fee	\$2,691.00	
		Total Fees Collected:	\$2,691.00
			\$20,190.00
Total Number of 'ME' Permits Issued during 10/2007 :			21
		Total Fees Collected:	\$2,691.00
			\$11,391,093.00
Total Number of 'ME' Permits Issued:			21

PL - PLUMBING PERMIT

10/2007	Permit Fee	\$7,492.50	
		Total Fees Collected:	\$7,492.50
			\$72,300.00
Total Number of 'PL' Permits Issued during 10/2007 :			36
		Total Fees Collected:	\$7,492.50
			\$11,463,393.00
Total Number of 'PL' Permits Issued:			36
Grand Total Fees Collected:			\$87,741.00
Grand Total Job Cost:			\$11,463,393.00
Grand Total Number of Permits Issued:			116

Revenue Detail Report

10/31/2007

Session Closing Date Between: 10/01/2007 And 10/31/2007

Transaction Type: **Permit**

Code	Session	TaxpayerID	Loc#	Taxpayer Name	Trans Date	Revenue Amt	Discount Amt	Issue Fee	Penalty Amt	Interest Amt	Fees 1-5	Trans Total	Invoice
BL	10/01/2007	5352	1	MOBILE BATH LLC	10/01/2007	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	No
BL	10/01/2007	3017	1	MCDONOUGH HOMES, IN	10/01/2007	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,250.00	No
BL	10/02/2007	4302	1	TCM REMODELORS INC.	10/02/2007	\$90.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$90.00	No
BL	10/02/2007	4456	1	TRI COUNTY ROOFING &	10/02/2007	\$35.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00	No
BL	10/03/2007	4912	1	OWNER	10/03/2007	\$730.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$730.00	No
BL	10/03/2007	4912	1	OWNER	10/03/2007	\$988.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$988.00	No
BL	10/03/2007	3665	1	READ ROOFING AND CO	10/03/2007	\$45.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	No
BL	10/03/2007	482	1	BENCHMARK HOMES, IN	10/03/2007	\$615.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$615.00	No
BL	10/05/2007	1153	1	THE CREEL COMPANY	10/05/2007	\$1,750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,750.00	No
BL	10/05/2007	3590	1	QUIN-CO. INC.	10/05/2007	\$862.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$862.00	No
BL	10/05/2007	4313	1	TERMAC CONSTRUCTIO	10/05/2007	\$23,950.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,950.00	No
BL	10/08/2007	5329	1	PREMIER PROPERTIES	10/08/2007	\$140.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$140.00	No
BL	10/08/2007	4456	1	TRI COUNTY ROOFING &	10/08/2007	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	No
BL	10/09/2007	564	1	BLUE HAVEN POOLS ON	10/09/2007	\$135.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$135.00	No
BL	10/09/2007	134	1	AL SURF SIDE POOLS IN	10/09/2007	\$115.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$115.00	No
BL	10/09/2007	2666	1	KOOL AIR	10/09/2007	\$80.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$80.00	No
BL	10/10/2007	2388	1	JIM WALTER HOMES	10/10/2007	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	No
BL	10/12/2007	4912	1	OWNER	10/12/2007	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00	No
BL	10/17/2007	2720	1	LANGENBACH CONSTRU	10/17/2007	\$522.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$522.00	No
BL	10/17/2007	4912	1	OWNER	10/17/2007	\$35.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00	No
BL	10/17/2007	4206	1	STUART CONTRACTING	10/17/2007	\$12,238.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,238.00	No
BL	10/23/2007	1436	1	E.J. BUILDERS.	10/23/2007	\$2,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,800.00	No
BL	10/23/2007	325	1	B & G CONTRACTING	10/23/2007	\$45.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	No
BL	10/24/2007	4095	1	SOUTHERN HERITAGE B	10/24/2007	\$725.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$725.00	No
BL	10/24/2007	452	1	BAYSHORE CONSTRUCTI	10/24/2007	\$13,474.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,474.00	No
BL	10/26/2007	5358	1	CONSTRUCTION RESOU	10/26/2007	\$390.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$390.00	No
BL	10/26/2007	5359	1	GULF COAST HOMEBUIL	10/26/2007	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	No
BL	10/29/2007	1941	1	GULF EQUIPMENT CORP.	10/29/2007	\$370.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$370.00	No
BL	10/29/2007	5360	1	NORRIS CONSTRUCTION	10/29/2007	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	No
BL	10/30/2007	4846	1	HOME OWNER	10/30/2007	\$610.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$610.00	No
BL	10/30/2007	3308	1	O.C. WIGGINS ROOFING	10/30/2007	\$55.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55.00	No
BL	10/31/2007	1413	1	DON GORDON CONSTRU	10/31/2007	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000.00	No
EL	10/03/2007	4912	1	OWNER	10/03/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/04/2007	3886	1	S R D ELECTRICAL SERVI	10/04/2007	\$450.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$450.00	No
EL	10/04/2007	4221	1	SUNBELT ELECTRICAL S	10/04/2007	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	No
EL	10/04/2007	611	1	BOWDEN & ASSOCIATES	10/04/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No

EL	10/04/2007	611	1	BOWDEN & ASSOCIATES	10/04/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/05/2007	2079	1	HOLLIS HODGES ELECTR	10/05/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/10/2007	3840	1	RON HODGES ELECTRIC,	10/10/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/10/2007	4846	1	HOME OWNER	10/10/2007	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	No
EL	10/11/2007	2724	1	LANGLEY ELECTRIC	10/11/2007	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	No
EL	10/12/2007	726	1	C & R ELECTRICAL SERVI	10/12/2007	\$2,820.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,820.00	No
EL	10/15/2007	1356	1	DESTINY CONSTRUCTIO	10/15/2007	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	No
EL	10/18/2007	4067	1	SOUTH ALABAMA ELECT	10/18/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/22/2007	5357	1	R & J BUILDERS & ELECT	10/22/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/22/2007	4045	1	SMITH ELECTRIC & ASSO	10/22/2007	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	No
EL	10/22/2007	4045	1	SMITH ELECTRIC & ASSO	10/22/2007	\$3,988.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,988.50	No
EL	10/23/2007	346	1	BAGBY & RUSSELL ELEC	10/23/2007	\$765.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$765.00	No
EL	10/23/2007	611	1	BOWDEN & ASSOCIATES	10/23/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$225.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$225.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220.00	No
EL	10/26/2007	5069	1	PROGRESSIVE ELECTRI	10/26/2007	\$220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220.00	No
EL	10/29/2007	3840	1	RON HODGES ELECTRIC,	10/29/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/29/2007	5360	1	NORRIS CONSTRUCTION	10/29/2007	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	No
EL	10/31/2007	2798	1	LIGHTNING ELECTRIC	10/31/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	10/31/2007	5361	1	DAY, STANLEY	10/31/2007	\$225.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$225.00	No
ME	10/01/2007	2020	1	HEAD'S HEATING & AIR C	10/01/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/03/2007	4912	1	OWNER	10/03/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/04/2007	3798	1	ROBERTS AIR CONDITIO	10/04/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/04/2007	1866	1	GRAYSON AIR CONDITIO	10/04/2007	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00	No
ME	10/04/2007	2020	1	HEAD'S HEATING & AIR C	10/04/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/09/2007	2020	1	HEAD'S HEATING & AIR C	10/09/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/09/2007	5266	1	BILCO HEATING & AIR	10/09/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/15/2007	585	1	BOESCHEN'S HEATING &	10/15/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/15/2007	411	1	BATCHELOR'S SERVICE	10/15/2007	\$35.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00	No
ME	10/15/2007	5356	1	AES MECHANICAL SERVI	10/15/2007	\$610.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$610.50	No
ME	10/15/2007	415	1	BAY AIRE, INC.	10/15/2007	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	No
ME	10/15/2007	1557	1	ESTES HEATING & AIR C	10/15/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/17/2007	2010	1	HART'S ALL SERVICE	10/17/2007	\$168.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$168.00	No
ME	10/23/2007	4269	1	T. BATCHELOR & SON	10/23/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/24/2007	2020	1	HEAD'S HEATING & AIR C	10/24/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/24/2007	3804	1	ROBERTSDALE AIR CON	10/24/2007	\$45.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	No
ME	10/29/2007	5204	1	WALKER AIR CONDITIONI	10/29/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/29/2007	2020	1	HEAD'S HEATING & AIR C	10/29/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/31/2007	5362	1	FIELDS COOLING AND H	10/31/2007	\$202.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$202.50	No

ME	10/31/2007	2020	1	HEAD'S HEATING & AIR C	10/31/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	10/31/2007	2020	1	HEAD'S HEATING & AIR C	10/31/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/01/2007	3439	1	PERSONS SERVICE CO.	10/01/2007	\$294.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$294.00	No
PL	10/01/2007	5238	1	COOPER PLUMBING & C	10/01/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/01/2007	614	1	BOYD NELSON PLUMBIN	10/01/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/01/2007	5238	1	COOPER PLUMBING & C	10/01/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/01/2007	1849	1	GOOD WORKS	10/01/2007	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	No
PL	10/01/2007	3439	1	PERSONS SERVICE CO.	10/01/2007	\$570.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$570.00	No
PL	10/02/2007	4284	1	T.R. GARDNER PLUMBIN	10/02/2007	\$65.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$65.00	No
PL	10/02/2007	4552	1	VICKERS PLUMBING	10/02/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/02/2007	4552	1	VICKERS PLUMBING	10/02/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/03/2007	4912	1	OWNER	10/03/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/03/2007	498	1	BEST PLUMBING	10/03/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/04/2007	614	1	BOYD NELSON PLUMBIN	10/04/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/04/2007	2913	1	MANLEY PLUMBING	10/04/2007	\$90.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$90.00	No
PL	10/04/2007	5281	1	PLUMB-PRO INC	10/04/2007	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	No
PL	10/05/2007	604	1	BOSTER PLUMBING	10/05/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/09/2007	1926	1	GULF COAST PIPING	10/09/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/15/2007	316	1	AZALEA CITY PLUMBING	10/15/2007	\$90.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$90.00	No
PL	10/15/2007	226	1	AMORE PLUMBING	10/15/2007	\$660.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$660.00	No
PL	10/15/2007	226	1	AMORE PLUMBING	10/15/2007	\$440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$440.00	No
PL	10/15/2007	226	1	AMORE PLUMBING	10/15/2007	\$660.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$660.00	No
PL	10/15/2007	2960	1	MARVIN CORNELIUS, JR.	10/15/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/15/2007	614	1	BOYD NELSON PLUMBIN	10/15/2007	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	No
PL	10/15/2007	226	1	AMORE PLUMBING	10/15/2007	\$440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$440.00	No
PL	10/17/2007	2010	1	HART'S ALL SERVICE	10/17/2007	\$180.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$180.00	No
PL	10/24/2007	3345	1	P & G PLUMBING	10/24/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/25/2007	1337	1	DELTA PLUMBING	10/25/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/25/2007	4460	1	TRI-STATE PLUMBING	10/25/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/26/2007	5238	1	COOPER PLUMBING & C	10/26/2007	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	10/29/2007	3439	1	PERSONS SERVICE CO.	10/29/2007	\$418.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$418.50	No
PL	10/29/2007	3439	1	PERSONS SERVICE CO.	10/29/2007	\$1,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,200.00	No
Total Net Revenue / Discount / Net Revenue For Permit(s)									\$87,741.00	\$0.00	\$87,741.00		
Grand Total Gross Revenue / Discount / Net Revenue									\$87,741.00	\$0.00	\$87,741.00		

CERTIFICATE OF OCCUPANCY

October 2007

<u>OWNER</u>	<u>ADDRESS</u>	<u>SUBDIVISION</u>	<u>PERMIT</u>	<u>DATE CLOSED</u>
BOB AND KATHY CHATHAM	1081 OLD COUNTY RD	CITY LIMITS	06-0710	10/1/2007
BENCHMARK HOMES	7745 ELIZABETH DR	MADISON PLACE	07-0760	10/1/2007
KIRSTEN BOOTH	29951 ST BARBARA	HISTORIC MALBIS	06-1270	10/3/2007
HUNTINGTON LEARNING CT.	6890 HWY 90 STE J19	COMMERCIAL	07-969	10/8/2007
JUST KIDN AROUND	26120 EQUITY DRIVE	COMMERCIAL	07-1057	10/9/2007
DELTA BUILDERS	27846 OAKACHOY LOOP	SEHOY	07-0437	10/9/2007
COLONIAL PLAZA STORAGE	1412 HWY 98	COMMERCIAL	07-0056	10/16/2007
ANDIE LUCKIE	171 FAIRWAY DRIVE	LAKE FOREST	07-0274	10/17/2007
REGIONAL CONSTRUCTION	102 BELL CIRCLE	LAKE FOREST	06-0687	10/18/2007
ADAMS HOMES	8010 BROOKSIDE DRIVE	BROOKSIDE	07-0743	10/19/2007
CLINT MARTIN	453 RIDGEWOOD DRIVE	LAKE FOREST	07-0888	10/30/2007
BENCHMARK HOMES	8220 PECAN CT	PECAN TRACE	07-0882	10/30/2007

CERTIFICATE OF OCCUPANCY

October 2007

<u>OWNER</u>	<u>ADDRESS</u>	<u>SUBDIVISION</u>	<u>PERMIT</u>	<u>DATE</u> <u>CLOSED</u>
BENCHMARK HOMES	8180 PECAN CT	PECAN TRACE	07-0857	10/30/2007
ARK BUILDERS	10101 EMMANUEL ST	HISTORIC MALBIS	07-0685	10/30/2007
THORNE PROPERTIES	9849 BELLA DRIVE	BELLATON	07-0608	10/30/2007
G E HOMES	9228 OTTAWA DRIVE	OTTAWA SPRINGS	06-0138	10/30/2007

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR OCTOBER 2007

SUBDIVISIONS CORPORATE LIMITS	NUMBER OF LOTS	NO. RESIDENTIAL AND COMMERCIAL PERMITS ISSUED
ASHLEY PLACE, PHASE ONE	20	
AUSTIN PLACE, PHASE ONE	14	
AUSTIN PLACE, PHASE TWO	9	
BELLATON, PHASE ONE	59	
BELLATON, PHASE TWO	56	1
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
BROOKHAVEN, PHASE ONE	52	
BROOKSIDE, PHASE ONE		
CANTERBURY PLACE, PHASE ONE	36	
CANTERBURY PLACE, PHASE TWO	34	
CANTERBURY PLACE, PHASE THREE	40	
CANTERBURY PLACE, PHASE FOUR	13	
CHARLESTON OAKS, PHASE ONE	24	
CHATEAUGUAY SQUARE, PHASE ONE	12	
CREEKSIDE, PHASE ONE	37	
CREEKSIDE, PHASE TWO	50	
CREEKSIDE, PHASE THREE	5	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	
FRENCH SETTLEMENT, PHASE ONE	31	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	
HISTORIC MALBIS, PHASE TWO, PART B	69	
HISTORIC MALBIS, PHASE THREE, PART A	8	
HWY 64 COMMERCIAL PARK, PHASE ONE	15	1
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
KRYSTAL RIDGE, PHASE ONE	10	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR OCTOBER 2007

LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	
LAKE FOREST		1
LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	
MADISON PLACE, PHASE TWO		
OAK CREEK, PHASE ONE	34	
OAKSTONE, PHASE ONE	12	
OLD FIELD, PHASE ONE		
OTTAWA SPRINGS, PHASE ONE	64	
PECAN TRACE, PHASE ONE	29	1
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SAINT CHARLES VILLAGE		
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	
SEHOY, PHASE FIVE	29	
STRATFORD GLEN, PHASE ONE	34	
STRATFORD GLEN, PHASE ONE B	17	
STRATFORD GLEN, PHASE TWO	29	
STRATFORD GLEN, PHASE THREE	47	
SUNSET BAY VILLAS		
TIAWASEE TRACE, PHASE ONE	51	
TIMBERCREEK, PHASE ONE	191	
TIMBERCREEK, PHASE TWO	81	
TIMBERCREEK, PHASE THREE	54	
TIMBERCREEK, PHASE FOUR	55	
TIMBERCREEK, PHASE FIVE	26	
TIMBERCREEK, PHASE SIX	85	
TIMBERCREEK, PHASE SEVEN	72	
TIMBERCREEK, PHASE EIGHT	52	
TIMBERCREEK, PHASE NINE	93	
TIMBERCREEK, PHASE TEN	31	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR OCTOBER 2007

TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
REGULAR MEETING OF NOVEMBER 1, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

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

Call of Roll:

Members Present:

Barry Taylor
Glen Swaney, Chairman
Frank Lamb
Jeri Hargiss

Members Absent

Willie Robison
Billy Mayhand, Vice Chairman
Walt Crimmins, Secretary

Staff Present:

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

Mr. Eady stated first, I would like to note that Mr. Crimmins has resigned. So that would make Mr. Lamb become a regular Board member now, and Mr. Taylor becomes the first alternate. We will be asking the Council to appoint a second alternate. Also, tonight we need to elect officers, but you may want to wait until a later date and all members are present to do so. However, you want to do it, and let it be last after the appeals.

The Chairman stated we should also point out that we only have four members here tonight and it requires all four to vote in the positive to approve the appeal. Normally there are five members and with your approval we will proceed with the four. Okay. Approval of the April 5th, 2007 minutes. If everyone has had an opportunity to read the April 5th minutes, the Chair will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the April 5, 2007 meeting were considered for approval.

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

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

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
REGULAR MEETING OF NOVEMBER 1, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Taylor Aye
Mr. Swaney Aye
Mr. Lamb Aye
Ms. Hargiss Aye

The Chairman stated has everyone had a chance to read the October 4th, 2007 minutes? Okay. I guess we should waive approval of these minutes tonight, and carry them over for the next meeting.

Mr. Speegle stated correct.

New Business:

Appeal #2007-12 - Melanie Wolfe

The Chairman stated okay, let us move on to appeal number one tonight, Appeal #2007-14, Crossroads Church at Belforest. Mr. Eady if you will.

Mr. Eady displayed the color transparencies of the vacant nineteen point six acres off County Road 13. He stated Mr. Steve Milstead has filed a petition for special exception before the Board of Zoning Adjustment that would allow the Crossroads Church at Belforest to be built on County Road 13. As you can see the site is comprised of approximately twenty acres. It is in an R-3 High Density Zone. A church can go in that area with the approval of the Board of Zoning Adjustment. It sits across the road from Catherine Place. Parcel A here is the proposed property for the structure.

The Chairman stated the lot size is approximately twenty acres.

Mr. Eady stated nineteen and a half acres.

Mr. Lamb stated Mr. Eady, is this part of the property that has the road that goes all the way back?

Mr. Eady stated yes, sir. Are you talking the road that runs into the subdivision?

Mr. Lamb stated yes.

Mr. Eady stated yes, sir. It is on the northern part of the subdivision.

Mr. Lamb stated right. North of this.

Mr. Eady stated Catherine Place is over here.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
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COUNCIL CHAMBERS, CITY HALL

Mr. Eady displayed a color transparency of 1515 Sixth Street the proposed site for Preschool by the Bay. He stated Ms. Tracey Johnson has filed a request for a special exception to open Preschool by the Bay at the church here on Sixth Street. She intends to keep kids from 9:30 a.m. to 12:00 p.m. for a Mom's Day Out type of daycare. The church sent a letter that is in your packet written by the pastor in support of this preschool. It says that she will be renting space from the church and the church will not be doing this.

The Chairman stated was there another preschool there?

Mr. Eady stated yes, sir. It has been a preschool in the past. If the church had been the one opening it back up we probably would not have brought it here, but since she is a private citizen operating out of the church we thought it proper to bring it before the Board for approval, and this department recommends approval.

Mr. Lamb stated are you operating out of the permanent building in the back? The building closest to us because there is one farther to the back.

Ms. Johnson stated correct.

Mr. Lamb stated that is the one that opens up to the playground? So you plan to use that playground?

Ms. Johnson stated yes, sir.

The Chairman stated how many children do you intend to take?

Ms. Johnson stated well since we are starting in the middle of the year we are anticipating somewhere around fifty. We have eight classrooms. Next year we hope to have up to one hundred to one hundred and fifty depending on the size of the class.

The Chairman stated okay. Any additional comments or questions from the Board? If not, the Chair will entertain a motion.

A Motion was made by Mr. Lamb and Seconded by Mr. Taylor to approve Appeal #2007-15, Preschool by the School for a special exception to allow the operation of a preschool/daycare at 1515 Sixth Street.

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

Mr. Taylor Aye
Mr. Swaney Aye
Mr. Lamb Aye

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
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COUNCIL CHAMBERS, CITY HALL

Ms. Hargiss Aye

The Chairman stated the appeal is approved. You can pick it up tomorrow.

Ms. Johnson stated thank you very much.

Election of Officers:

The Chairman stated that concludes, I guess, the formal meeting of the BZA this evening. We will confer with Mr. Eady about this election.

Mr. Lamb stated you are free to go.

The Chairman stated I would prefer all members be present to elect officers.

Mr. Lamb stated the vacancy that has been created is up to the City Council to appoint, correct?

Mr. Speegle stated yes.

Mr. Lamb stated have they been notified?

Ms. Houston stated not yet because Rebecca is on vacation this week, but as soon as she gets back I will notify her.

Mr. Lamb stated do we know if we have an appeal next month?

Ms. Houston stated we do not.

Mr. Lamb stated not yet.

Ms. Houston stated we do not have an appeal next month. The first of the month was today and nobody turned in one.

Mr. Lamb stated no December meeting.

Ms. Houston stated no December meeting.

Mr. Speegle stated the City Council will probably have a chance to appoint someone by the time you have another meeting.

Mr. Lamb stated if it is okay with everyone I also suggest that we delay the election of officers until all the members are present.

A motion was made by Mr. Lamb and Seconded by Mr. Taylor to delay election of officers until all full Board member are present.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
REGULAR MEETING OF NOVEMBER 1, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The motion carried unanimously.

The Chairman stated if there is no further business I will entertain a motion to adjourn.

Adjournment:

A Motion was made by Mr. Lamb and Seconded by Mr. Taylor to adjourn.

The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:13 p.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: October 4, 2008

Glen Swaney, Chairman

/ph

To: Fred Small, Mayor
From: William H. Eady, Sr., Director
Community Development
Subject: BZA Board Member Appointment
Date: November 2, 2007

MEMO

Mr. Walt Crimmins resigned his position as a regular board member of the BZA effective November 23, 2007.

Mr. Crimmins served well on the BZA, and we greatly appreciate his time and effort.

I, respectfully request the appointment of someone to the BZA as a second alternate, since the present alternates will now move up one position each.

cc: Becky, City Clerk's Office

Walter J. Crimmins
44 Lake Shore Drive
Daphne, Alabama 36526
(251) 626-9506

October 26, 2007

Hon. Fred Small
Mayor, City of Daphne
1705 Main Street
Daphne, Alabama 36526

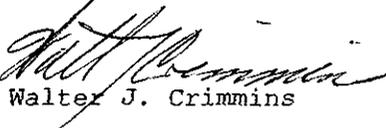
Dear Sir,

Thank you for the chance to serve the City of Daphne. I have truly enjoyed my time on the Board of Zoning and Adjustment. The people on it are some of the finest in anywhere.

This has been my second tour on the board; the first ended in 2000. Once again I find myself over committed and over extended. I feel that I am unable to give the BZA all the time and effort it should get. I submit my resignation from the Board of Zoning and Adjustment effective November 23, 2007.

Thank you for your support and consideration.

Sincerely,


Walter J. Crimmins

COPY

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
NOVEMBER 13 , 2007
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

Kit Smith called the meeting to order with a quorum present at 5:30 p.m.

Members Present: Starke Irvine, arrived at 5:40 p.m.; Ceann Wachter arrived at 5:35 p.m.; Jackie Ward; Chris Donald; Lad Drago; Glenn Glass; Kit Smith.

Board Members Present: Cathy Barnette; Mayor Small; Robert Lloyd; Mary Lloyd.

Board Members Absent: Jeff Hudson; Andy Citrin;.

Also present: Rebecca Hayes, Recording Secretary; Will Hughes; Karen Nady.

FOUNTAIN

Mayor Small stated that construction has begun on the fountain and it should be completed soon.

MINUTES

**MOTION BY Ceann to approve the minutes meetings held August 13, 2007.
Seconded by Kit.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

OLDE TOWNE DISTRICT EXPANSION

Starke stated that Mr. Eady will be presenting the plat map expanding the Olde Towne Overlay District to the Planning Commission at the Site Review meeting tomorrow. Mr. Eady is working on an Ordinance to present to Council which will propose that the overlay district have a mixed use designation.

MOVING OF FIRE HYDRANT IN FRONT OF THE WINE SHOP

Council approved moving the fire hydrant in front of the wine shop north a few feet to the flower bed in front of Jubilee Park.

REVITALIZATION OF NORTHPORT, AL

Northport's downtown area is similar to Daphne's, and the pictures showed the revitalization of the area which created a walking environment with benches, flowers and light post throughout the town, and this is the vision that the DRA has for Olde Towne Daphne.

DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
NOVEMBER 13, 2007
5:30 P.M.

2

FUNDING

The members discussed possible ways to get funding for the Authority.

NEXT MEETING

There will not be a meeting in December.

ADJOURN

The meeting adjourned at 6:30 p.m.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

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

Members Absent:

Jeff Carrico, Chairman

Staff Present:

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

Staff Absent:

Misty C. Gray, Associate Attorney

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

APPROVAL OF MINUTES:

The minutes of July 26, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or further corrections at this time, the Chair will entertain a motion.

SUMMARIZATION OF MINUTES:

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The first order of business under old business is site plan review for the Park at Whispering Pines.

OLD BUSINESS:

SITE PLAN REVIEW:

File S07-22:

Site: The Park at Whispering Pines

Location: Southeast of the intersection of Pollard Road and Whispering Pines Road

Area: 10 Acres ±

Owner: Seaman Capital - Bill Lewis or Trey Walls

An introductory presentation was given by Mr. Bill Lewis, representing Seaman Capital, requesting site plan review for a high density multi-family development located Southeast of the intersection of Pollard Road and Whispering Pines Road. We have met with the Mayor and Mr. Eady regarding the offsite improvements. We have addressed the question posed to us from Ms. Barnette to Mr. Metzger and he stated of the time spent at the site the peak time in the morning was the time everyone is leaving for work and in the afternoon when everyone is coming home. There was no significant increase during the school time hour because apartment dwellers children tend to go to after school or day care programs. We have agreed to participation of two-thirds of the cost of the traffic signalization, the installation of a sidewalk along Pollard Road, and an East/West connection of the sidewalk on Whispering Pines Road. I will be happy to answer any questions you may have.

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

A Motion was made by Mr. Kirby and Seconded by Ms. Barnette to approve the site plan for the Park at Whispering Pines, contingent upon participation of two-thirds of the cost of the traffic signalization. The Motion carried unanimously.

The next order of business under old business is the site plan review for Orleans Commons.

File S07-21: (REVISED)

Site: Orleans Commons

Location: Southeast of the intersection of Pollard Road and Whispering Pines Road

Area: 4.87 Acres ±

Owner: Alabama 200 Investment Group - Justin Clements

Engineer: Borden Engineering - Richard Borden

**THE CITY OF DAPHNE
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REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

An introductory presentation was given by Mr. Justin Clements and Lance Clements, representing Trustmark South Construction Management, Inc., requesting site plan review for a high density multi-family development located Southeast of the intersection of Pollard Road and Whispering Pines Road. This is a proposed revision to the previously approved site plan for which we have redesigned the interior of the complex to increase the amount of open, green space. We have agreed to participation of one-third of the cost of the traffic signalization and the installation of a sidewalk along Pollard Road to connect to the Park at Whispering Pines. I will be happy to answer any questions you may have.

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

Ms. Barnette commented on the fact that at three o'clock there is a peak time shown on the traffic study for traffic traveling East and West along Whispering Pines and North on Pollard Road which to me does show a problem during school hours.

Mr. West: We need an acceleration lane or turn lane for safety reasons along with the widening of Pollard Road.

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

A Motion was made by Ms. Barnette and Seconded by Mr. West to approve the site plan for the revised site plan for Orleans Commons. The Motion carried unanimously.

The Commission asked how to address the motion to include the participation of the signalization.

Mr. Ross stated you can revise the motion to included the percentage of participation and request a letter of confirmation.

An Amended Motion was made by Ms. Barnette and Seconded by Mr. West to approve the site plan for the revised site plan for Orleans Commons, contingent upon participation of one-third of the cost of the traffic signalization and the installation of a six-foot sidewalk along Pollard Road. The Motion carried unanimously.

The next order of business under old business is site plan review for Malbis Yamaha/Suzuki.

File S07-24:

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Site: Malbis Yamaha/Suzuki

Location: The intersection of U. S. Highway 90 and Alabama Highway 181, Lot 2A, the Resubdivision of the Renaissance Center Subdivision

Area: 2.99 Acres ±

Owner: The Renaissance Center, L.L.C. - Lee Davenport

Engineer: Frank Dagley & Associates, Inc. - Frank Dagley or Patrick Tolbert

An introductory presentation was given by Mr. Patrick Tolbert, representing Frank Dagley & Associates, requesting site plan review of a business office and warehouse facility located at the intersection of U. S. Highway 90 and Alabama Highway 181 on Lot 2A, the Resubdivision of the Renaissance Center Subdivision. I will be happy to answer any questions you may have.

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

Mr. Tolbert: The architectural committee approved the architectural renderings of this facility with only three sides consisting of a stucco material. The owner wanted to design the building like this because of the cost of the materials.

Vice Chairman: We have a note from the Planning Staff regarding covenants regulating outside storage on the site. There is nothing in the Eastern Shore Park Overlay District which references this.

Mr. West: Is there sanitary sewer available to this site?

Mr. Tolbert: Yes sir.

Ms. Barnette: She addressed the letter from Ms. Campbell, the Site Containment Officer, regarding the stabilization of the pond and questioned whether or not that had been addressed. It concerned me that the owners of the lots within the subdivision are going to connect to a system that is not being maintained. This is going to be the central detention for the entire subdivision.

Mr. Tolbert: I cannot address that issue. The responsibility of the maintenance of the pond would still remain with the property owners' association or the owner of the subdivision.

Ms. Dickson, Planning Coordinator: Ms. Campbell is not here, but Mr. Bradford could address the issue for her.

Mr. Bradford: I am Chris Bradford, Site Containment Officer for the Building Department, and I work with Ashley. The pond has been repaired, but there is very little vegetation.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Mr. Moore, Hutchinson, Moore & Rauch: There is very little vegetation because there has not been any rain. As the representative for the owner, each time Ms. Campbell has called we have addressed this issue. Each time something has happened the contractor has cleaned it up. I will discuss with the inspectors, and the owners of the subdivision utilizing another method of stabilization like the material that we used in the French Settlement Subdivision.

Ms. Barnette: Although the architectural committee approved the plans presented to them, do you think that the owner would reconsider and do all four sides of the building in the stucco material.

Mr. Tolbert: I can ask him, but because of the cost of the materials is the reason that he revised the plans to do three sides of the building at your request. Since he does have the approval of the architectural committee, I do not think he would be willing to revise the plans to do all four sides. I can ask him, but I do not have the authority to insist that he do that.

Vice Chairman: Have you read the covenants of the subdivision and do you know if they do have a property owner's association?

Mr. Tolbert: I have read some of it, but I did not far enough to address that. I do not know.

The Commission questioned whether or not signage had been approved.

Mr. Kirby: Due to my absence, I have not reviewed the sign details for the site.

Mr. Tolbert: The sign for the site shall comply with the regulations of the overlay district as the time of submittal for the sign permit.

Ms. Barnette: I think as a precautionary measure something should be done about the detention pond and drainage system until something stable and permanent is in place.

Mr. Moore: I will spoke to the owner and address this issue.

Ms. Barnette: I would like to see the owner approach the architectural committee to make all side of the building the same.

Mayor Small: I would like to see that also. We have tried to development this and adjacent subdivisions, projects, in such a manner to make the architecture consistent.

Mr. Kirby: The City cannot enforce covenants in a subdivision or development.

Mr. Chason: The gentleman can wish to upgrade that portion of the building, but I do not think you can make him do more than three sides. Am I correct Mr. Ross?

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Mr. Ross: The Planning Commission is limited to what is required by the ordinance.

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

A Motion was made by Ms. Barnette and Seconded by Mr. Terry to approve the site plan for Malbis Yamaha/Suzuki contingent upon stabilization of the common detention pond by next month. The Motion carried. Ms. Phelps opposed.

An Amended Motion was made by Ms. Barnette and Seconded by Mr. Terry to approve the site plan for Malbis Yamaha/Suzuki contingent upon stabilization by the developer of the common detention pond by next month. The Motion carried. Ms. Phelps opposed.

The first order of business under new business is revised master plan review of the French Settlement Subdivision.

NEW BUSINESS:

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting revised master plan review for French Settlement Subdivision. I will be happy to answer any questions you may have.

Vice Chairman: I feel that I have a conflict with the presentation of the French Settlement, Phase 1A and 1B; therefore, I would like to recuse myself and turn the gavel over to Ms. Phelps, the Secretary, for this portion of the meeting.

Mr. Moore: I would like to begin by comparing the densities of the old master plan with the new one. Phase 1A has been platted and recorded, but the owner lost some of the property to the South which connected at the Southern most portion of the property to County Road 13. Across the Northern portion of the property the owner has agreed to deed a portion of the property to the City of Daphne in order to provide a connection for the right-of-way from County Road 13 to Pollard Road. Also, to the South there is a twenty-acre parcel which the owner lost his option on dictated how we would change this phase, we are going to not do the hammerheads shown at the request of Mr. Eady and continue the street downward and out to County Road 13.

Secretary: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Have you sold lots 15, 16 and 17 of Phase 1A? If not, this lots needs to be changed. You have R-3, High Density Single Family Residential, lots in the middle of R-2, Medium Density Single Family, Residential, lots.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Kirby stated you have three lots which are not consistent with the surrounding zoning. I would like to see you change these to R-2 lots and add additional green space to the subdivision.

The Commission asked the owner Mr. Williams if this would be acceptable and he agreed.

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

A Motion was made by Mr. Kirby and **Seconded** by Ms. Barnette to **approve the revised master plan contingent upon amending the plan to change the R-3, High Density Single Family Residential, lots to R-2, Medium Density Single Family, lots with the remainder of this area to be used as green space. The Motion carried. Ms. Chason abstained.**

An Amended Motion was made by Mr. Kirby and **Seconded** by Ms. Barnette to **approve the revised master plan contingent upon amending the plan to change the R-3, High Density Single Family Residential, lots to R-2, Medium Density Single Family, lots with the remainder of this area to be used as green space and the addition of the fifty-foot right-of-way to the South connecting to County Road 13. The Motion carried. Ms. Chason abstained.**

The next order of business is a revised final plat review for the French Settlement Subdivision, Phase One A.

FINAL PLAT REVIEW:

File SDF07-08: (REVISED PLAT)

Subdivision: French Settlement, Phase 1A

Location: North of Whispering Pines on the West side of County Road 13

Area: 21.26 Acres ±, (31) lots

Owner: French Settlement, L.L.C.

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore and Mr. Paul Spann, representing Hutchinson, Moore & Rauch, requesting revised final plat review of a twenty-one acre subdivision, Phase One A consisting of thirty-one lots located North of Whispering Pines on the West side of County Road 13. I will be happy to answer any questions you may have.

Secretary: Do any of the Commissioners have any questions or comments?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The Commission discussed at length the following issues: erosion and sediment control issues; whether or not the letter of credit for Phase One A can be used to bond both Phase One B and Phase One A of the development; if the owner of the subdivision has changed since the posting of the letter of credit is the validity of the bond the same and can it be taken without present proof of ownership of French Development, L.L.C. and verification that the funding is available to guarantee that the improvements shall be constructed.

Mr. Eady: I did not comment on the staff report for the reasons stated previously. I have some concerns which need to be addressed prior to me being comfortable in making a recommendation for the subdivision.

Mr. Williams: I am one of the owners of the French Settlement Subdivision. The posting of the bond and the recording of phase one came about to allow the construction of the model home. We were almost complete, but have been waiting for eight or nine months for the installation of the utilities by Riviera Utilities which was paid in 2006. Although there has been a freeze placed on assets pending the settlement of the estate of one of the owners, the letter or credit is still valid and does not specify phase one or two. It would be sufficient to cover the installation of the improvements for both phases.

Secretary: Mr. Ross can you assist us with this.

Mr. Ross: I think that it would be simply a matter of the owner of French Settlement, L.L.C. giving the Planning Commission a letter of clarification of ownership and validity of the letter of credit from the banking facility.

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

A Motion was made by Ms. Barnette and Seconded by Mr. Kirby to approve the revised final plat for the French Settlement Subdivision, Phase 1A. The Motion carried. Mr. Chason abstained.

An Amended Motion was made by Ms. Barnette and Seconded by Mr. Kirby to approve the revised final plat for the French Settlement Subdivision, Phase 1A, contingent upon the submission of verification from the banking facility for the letter of credit and clarification of ownership of French Settlement, L.L.C. The Motion carried. Mr. Chason abstained. Mr. West opposed.

The next order of business is final plat review for the French Settlement Subdivision, Phase One B.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

File SDF07-07:

Subdivision: French Settlement, Phase 1B

Location: North of Whispering Pines on the West side of County Road 13

Area: 38.61 Acres \pm , (120) lots

Owner: French Settlement, L.L.C.

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore and Mr. Paul Spann, representing Hutchinson, Moore & Rauch, requesting final plat review of a thirty-eight acre subdivision consisting of one hundred and twenty lots located North of Whispering Pines on the West side of County Road 13. I will be happy to answer any questions you may have.

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

A Motion was made by Mr. Kirby and Seconded by Mayor Small to approve the final plat for the French Settlement Subdivision, Phase 1B. The Motion carried. Mr. Chason abstained. Mr. West opposed.

Secretary: I am now turning the meeting back over to the Vice Chairman.

The Commission dismissed at 8:40 p.m. for a ten minute break and reconvened at 8:50 p.m.

The next order of business is preliminary/final plat review for Highway 98/Ward Subdivision.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF07-15:

Subdivision: Highway 98/Ward

Location: Northeast of the intersection of County Road 64 and U. S. Highway 98

Area: 1.92 Acres \pm , (2) lots

Owner: Bestor Ward

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat review of a one point nine-two acre subdivision consisting of two lots located Northeast of the intersection of County Road 64 and U. S. Highway 98. I will be happy to answer any questions you may have.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 23, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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

The Commission discussed at length the location of the underground detention facility and the required distance of the loading/unloading dock on lot 1 from the new proposed structure on lot 2.

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

A Motion was made by Mr. Kirby and Seconded by Mayor Small to approve the preliminary/final plat for Highway 98/Ward Subdivision as specified. The Motion carried unanimously.

An Amended Motion was made by Mr. Kirby and Seconded by Mayor Small to approve the preliminary/final plat for Highway 98/Ward Subdivision with the storm water detention connecting to the underground detention in lot 1. The Motion carried unanimously.

An Amended Motion was made by Ms. Phelps and Seconded by Mayor Small to approve the preliminary/final plat for Highway 98/Ward Subdivision with the storm water detention connecting to the underground detention in lot 1 and a revision to the plat to show the required distance of from lot 1, O'Reilly's, to lot 2 for the loading/unloading dock. The Motion carried unanimously.

The next order of business is a preliminary/final review of Shire Subdivision.

File SDPF07-12:

Subdivision: Shire

Location: Southeast of the intersection of U. S. Highway 98 and Randall Avenue
Area: 2.88 Acres \pm , (3) lots
Owner: David & Shelia Reynolds

An introductory presentation was given by Mr. Reynolds, the owner, requesting preliminary/final review of a two-point eight acres consisting of three lots. This is a division of land for the purpose of a division for my family. I will be answer to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments? I see that the corrections outlined at site preview have been reflected on your plat. He asked how the lots will be accessed.

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Mr. Reynolds: There is an existing ingress/egress easement which will be extended in order to access all of the lots. The material will most likely consist of a gravel or shell.

Vice Chairman: Would you consider adding a note to your plat which states that this lots will not be further subdivided?

Mr. Reynolds: Yes sir. That is fine.

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

An adjacent property owner, Mr. Roland Nelson, commented on the drainage ditch that exists on Mr. Nelsons' property and exits through lot 1 and 2 of Shire Subdivision. This drainage travels to the East along Randall and comes back to be disbursed into the City's drainage system. I want to make sure that the ditch remain and that it cannot be blocked.

Vice Chairman: Mr. Reynolds would you consider placing a note and a drainage easement on the plat between lot 1 and 2.

Mr. Reynolds: That is fine. I know that this ditch exists, and I could not ever block it because if I did it would affect my land.

The Commission discussed at length the concerns of the adjacent property owner.

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

A Motion was made by Mr. Kirby and Seconded by Mr. Terry to approve the preliminary/final plat for Shire Subdivision, contingent to an easement being placed between lots 1 and 2. The Motion carried unanimously.

A Motion was made by Mr. Kirby and Seconded by Mr. Terry to approve the preliminary/final plat for Shire Subdivision, contingent to a ten-foot easement being placed between lots 1 and 2 and a corresponding note to that effect. The Motion carried unanimously.

The next order of business is preliminary/final plat review for St. Paul's Episcopal Church.

File SDPF07-13:

Subdivision: St. Paul's Episcopal Church

Location: 28788 North Main Street, South of Lincoln Street and West of 5th Street

Area: 7.23 Acres \pm , (1) lot

Owner: St. Paul's Episcopal Church

Engineer: Rester & Coleman Engineers - Andy Bobe or Buddy Bridges

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An introductory presentation was given by Joel Coleman, representing Rester & Coleman Engineers, requesting preliminary/final review of a seven-point two-acre subdivision consisting of one lot located at 28788 North Main Street. This is a division to incorporate this lots into one lot in order to allow the construction of the addition to the South of the existing facility. I will be happy to answer any questions you may have.

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

A Motion was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the preliminary/final plat for St. Paul's Episcopal Church. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for TimberCreek Business Park, Unit Two, the Resubdivision of Lots 1 & 2.

File SDPF07-14:

Subdivision: TimberCreek Business Park, Unit Two, the Resubdivision of Lots 1 & 2

Location: Alabama Highway 181, at the intersection of McSara Court and Mill Lane

Area: 1.11 Acres \pm , (1) lots

Owner: State Bank & Trust d/b/a the SB &T Bank in Alabama - Stephen Davitt, Jr., Alabama Regional Executive

Engineer: Rester & Coleman Engineers - Andy Bobe or Buddy Bridges

An introductory presentation was given by Joel Coleman, representing Rester & Coleman Engineers, requesting preliminary/final review of a one point one acre subdivision consisting of one lot located on Alabama Highway 181 at the intersection of McSara Court and Mill Lane. This is a division to incorporate this lots into one lot in order to allow the construction of a banking facility for State Bank & Trust. I will be happy to answer any questions you may have.

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

A Motion was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the preliminary/final plat for TimberCreek Business Park, Unit Two, the Resubdivision of Lots 1 & 2. The Motion carried unanimously.**

The next order of business is site plan review for St. Paul's Episcopal Church.

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SITE PLAN REVIEW:

File S07-23:

Site: Addition to St. Paul's Episcopal Church

Location: 28788 North Main Street, on the East side of North Main Street, South of Lincoln Street

Area: 1.96 Acres ±

Owner: St. Paul's Episcopal Church

Engineer: Rester & Coleman Engineers - Andy Bobe or Buddy Bridges

An introductory presentation was given by Joel Coleman, representing Rester & Coleman Engineers, of an addition to the South of the existing facility at St. Paul's Episcopal Church located at 28788 North Main Street. I will be happy to answer any questions you may have.

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

A Motion was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the site plan for the addition to St. Paul's Episcopal Church. The Motion carried unanimously.**

The next order of business is an administrative presentation of an application for permitting turn lanes.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Eady, Director of Community Development, of a proposed application which I would like to use for permitting turn lanes in the City of Daphne. The idea came from the Baldwin County engineer. This application is used by him in order to monitor and permit the installation in Baldwin County. I asked him if I could use this form for the City of Daphne and if we approve any subdivisions in the extraterritorial planning jurisdiction they would be permitted by him. The application asks for the presentation of a cost estimate from the design engineer and the presentation of a performance bond to insure the construction of the turn lane. It consists of the application, a table which outlines the length required, and a storage detail. At some point I would like for this to become a part of the City of Daphne Land Use and Development Ordinance, but at now I would like to receive a motion for approval so that I can begin utilizing it when you require a turn lane for a development.

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

Ms. Phelps: Would this be for the City of Daphne and the extraterritorial jurisdiction? I think this would be a great idea.

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Mr. Eady: Yes ma'am, but the ones for the extraterritorial planning jurisdiction would be forwarded to Baldwin County for review and approval.

A **Motion** was made by Mr. Phelps and **Seconded** by Ms. Barnette **to approve the implementation of the application for turn lanes for the City of Daphne. The Motion carried unanimously.**

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

ATTORNEY'S REPORT:

Mr. Ross, attorney: no report.

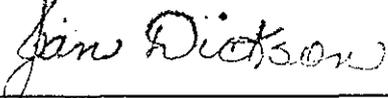
ADJOURNMENT:

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

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

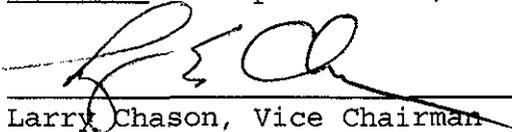
There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: September 27, 2007



Larry Chason, Vice Chairman

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CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:02 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
DeLeon Thomas
Don Terry
Jeff Carrico, Chairman
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Ed Kirby

Members Absent:

Victoria Phelps, Secretary

Staff Present:

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

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

APPROVAL OF MINUTES:

The minutes of September 27, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

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

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The next order of business is preliminary planned unit development plan review for Grande Pointe.

PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN REVIEW:

File SDP07-04:

Subdivision: Grande Pointe

Location: South of Grande Pointe Apartments, access from Lake Front Drive
Area: 9.68 Acres +
Owner: Grande Pointe Apartments, L.L.C.
Agent: Davis & Fields - Meredith Turpin
Engineer: Hatch Mott MacDonald - John Peterson

An introductory presentation was given by Mr. John Peterson, representing Hatch Mott MacDonald, and Ms. Meredith Turpin, representing Davis & Fields, requesting preliminary planned unit development plan review of nine point six eight acres consisting of thirty-five rental units located South of Grande Pointe Apartments with access from Lake Front Drive. The proposed facility will be a long term lease, not for resale development. The drainage will be collected in one single detention facility which is adequate to handle the storm water from this site. Potable water and sanitary sewer are available to the site. This parcel has always existed as an extension of the existing facility, but was sold as one parcel. It was later separated for tax and mortgage purposes, but was not recorded as a subdivision of land by a plat. I will be happy to answer any questions you may have.

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

Ms. Barnette: Ms. Gray, the attorney, has researched the legality of the compliance with the planned unit development plan requirements, and I would like for her to comment on the matter.

Ms. Gray: I have reviewed this project and it does not comply with the subdivision regulations for a division of land; however, it does comply with the planned unit development plan requirements as outlined in Article 30, Planned Unit Development Plan Provisions, of the City of Daphne Land Use and Development Ordinance.

The Chairman stated the regulations states that evidence of adequate

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financial stability to complete the project must be provided. As I see it, the letter provided by the financial institution does not fully establish financial stability.

Mr. Peterson: I would like Ms. Pam Myers, the Regional Manager, to comment on that matter.

Ms. Myers: The property at the location is identified as Grande Pointe, but is owned by B & M Management, L.L.C. out of Montgomery, Alabama which owns several facilities and has the financial stability to construct this project.

Mr. Peterson and Ms. Turpin: With the presentation of the letter from the banking facility, we thought that we had complied with the provision outlining financial stability.

Mr. Eady: The ordinance does not require a financial guarantee for a preliminary planned unit development plan prior to construction.

Mr. Chason: I view this development as any other development as far as their ability to develop and construct the project. I think if they wish to get it approved that it is not our responsibility to decide whether or not they are financially stable enough to construct it. The ordinance says to reasonably establish financial stability. No banking facility is going to commit to that type of letter without the client submitting and being approved for the funding of the project.

Mr. Kirby: With the addition of the note to the plat, I am comfortable with the proposal as long as it is understood that the facility is for lease or rental, but cannot be sold as individual units unless the project is resubmitted to this Commission for review and compliance with the City of Daphne Land Use and Development Ordinance.

The Chairman stated do any of the Commissioners have any questions or comments. He opened the floor to public participation.

Mr. Henry Lawson, a resident of Lake Forest Subdivision, commented on the proposed project. He referenced the memorandum and photographs that he had provided to the Planning Commission from the Lake Forest Property Owners' Association. The owner of the Grande Pointe Apartments has cleaned up and has recognized their lack of maintenance of the facility which in my mind does not make them a good neighbor. The concerns still exist as to the additional traffic on Bayview and Lake Front Drives, as well as, the additional storm water which will be added to the Lake Forest Lake.

The Chairman stated do any of the Commissioners have any further

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questions or comments. He closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to grant approval to the preliminary planned unit development plan for Grande Pointe.**

Upon roll call vote, the Motion carried.

<i>Mayor Small</i>	<i>Aye</i>
<i>Mr. Thomas</i>	<i>Aye</i>
<i>Mr. Terry</i>	<i>Aye</i>
<i>Mr. Carrico</i>	<i>Nay</i>
<i>Mr. Chason</i>	<i>Aye</i>
<i>Ms. Barnette</i>	<i>Nay</i>
<i>Mr. Kirby</i>	<i>Aye</i>

The next order of business is site plan review for Yancey Branch - Verizon Wireless.

SITE PLAN REVIEW:

File S07-26:

Site: Yancey Branch - Verizon Wireless

Location:	East of 27290 U. S. Highway 98, Space Savers Storage
Total Area:	Parcel 178,875 square feet, approximately two lots
Proposed Area:	3,375 square feet
Owner:	Paulk Properties - Daphne, L.L.C.
Agent:	Acquisition Manager - Brian Neuman
Engineer:	Tower Engineering, Inc. - Gene Gillen

An introductory presentation was given by Mr. Brian Neuman, Acquisition Manager, for Verizon Wireless, of a proposed cellular tower located East of 27290 U. S. Highway 98 behind Space Savers Storage facility. The changes made to the site plan after site preview include an adjustment to the slope indicated on the site plan, and a revision to the landscaping for the site. In 2001 or 2002, the owner filled the rear portion of the site in without permission. I checked with him and he said as a resolution to this problem he had to mediate with the Corps of Engineers and the ADEM.

They asked him to install vegetation and an inlet to direct the storm water on this area of the site since there was no detention basin. We

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will be constructing on the site an one hundred and eighty-foot tall tower along with a structure to house the equipment which will be enclosed with an eight-foot fence. The landscape plan presented consists of what I call Red Tops and Pine Trees which will be maintained by Verizon Wireless. I will be happy to answer any questions you may have.

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

Mr. Chason asked if he would consider another type of tree for this site because of the potential damage it could cause to the fence or the equipment facility.

Mr. Neuman stated the site could be sufficiently landscaped with just the installation of the Red Tops for screening.

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

A Motion was made by Mayor Small and **Seconded** by Mr. Kirby **to grant approval to the site plan for Yancey Branch - Verizon Wireless. The Motion carried unanimously.**

The next order of business is site plan review for Coastal Bank.

File S07-32:

Site: Coastal Bank (previously Woody's)
Location: 7050 U. S. Highway 90
Area: 0.85 Acres +
Owner: The Bank of Pensacola
Engineer: Engineering Development Services - Joe Bullock

An introductory presentation was given by Mr. Joe Bullock, representing Engineering Development Services, of the remodel of an existing restaurant converting it to a banking facility located on U. S. Highway 90 in front of Home Depot. The scope of the work will encompass removing and replacing some of the asphalt in the parking area, repair of the irrigation system, installation of landscaping, and the construction of a drive-up window. I will be happy to answer any questions you may have.

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

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A **Motion** was made by Mr. Kirby and **Seconded** by Mayor Small **to grant approval to the site plan for Coastal Bank. The Motion carried unanimously.**

The next order of business is site plan review for the Warehouse Addition to Kemper Industries.

File S07-33:

Site: Warehouse Addition to Kemper Industries

Location: Southeast of the intersection of U.S. Highway 98 and Stanton Road, Daphne Business Park, Phase Two

Area: 3.44 Acres +

Owner: Robert Kemper

Engineer: Hutchinson Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting site plan review of an eight thousand square foot warehouse addition located Southeast of the intersection of U.S. Highway 98 and Stanton Road in Daphne Business Park, Phase Two. The new building will be located at the rear of the lot behind the existing facility. The current facility produces industrial soap, and the owner is now proposing the addition in order to produce a new industrial product. There are some problems with the existing detention pond for the subdivision so the owner is going to place a swale and rip rap around the proposed addition until such time Mr. Johnson, the owner of the subdivision has completed the repair of the pond. Ms. Campbell, the Site Containment Officer, has been to the site to evaluate the situation, and you have been given a letter from Mr. Johnson which states that he is addressing the problems outlined by her.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to grant approval to the site plan for the Warehouse Addition to Kemper Industries. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Wal-Mart.

PRELIMINARY/FINAL PLAT REVIEW:

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File SDPF07-19:

Subdivision: Wal-Mart

Location: U. S. Highway 98
Area: 30.19 Acres +, (2) lots
Owner: Wal-Mart Stores, Inc.
Engineer: The RLS Group, L.L.C. - Shane Loyd

An introductory presentation was given by Mr. Scott Carter, representing the RLS Group, requesting preliminary/final plat review of a thirty-point one nine acre subdivision consisting of two lots located on U. S. Highway 98. Wal-mart is proposing a fee simple subdivision for the purpose of transferring ownership to Murphy Oil. I will be happy to answer any questions you may have.

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

A Motion was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the preliminary/final plat for the Wal-Mart Subdivision. The Motion carried. Mr. Carrico abstained.**

The next order of business is preliminary/final plat review for the resubdivision of Lots 7 & 8, Daphne Business, Park Two.

File SDPF07-20:

Subdivision: Resubdivision of Lots 7 & 8, Daphne Business, Park Two

Location: Southeast of the intersection of U.S. Highway 98 and Stanton Road, Daphne Business Park, Phase Two
Area: 3.44 Acres +, (2) lots
Owner: Robert Kempfer
Engineer: Hutchinson Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat review of a three-point four-acre subdivision consisting of two lots located Southeast of the intersection of U.S. Highway 98 and Stanton Road in

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Daphne Business Park, Phase Two. The owner is resubdividing lots 7 & 8 to eliminate any setback problems he may have with subdivision upon submission of his addition to his existing facility. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the preliminary/final plat for the Resubdivision of Lots 7 & 8, Daphne Business, Park Two. The Motion carried unanimously.**

The next order of business is annexation review for M & S Development.

PETITIONS:

ANNEXATION REVIEW:

An introductory presentation was given by Mr. Trey Jinright, III representing Jinright & Associates, requesting annexation of a nine-point seven six-acre parcel located on Alabama Highway 181 with R-4, High Density Multi-Family, zoning. The owner of subject property is M & S Development. The property is surrounded to the East and to the North with Sehoj Subdivision which is zoned R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential. The owner is proposing to construction an upscale condominium type facility of approximately forty-five to forty-eight units with a private drive, green/open space, a pool, amenities, covered garage and a lake on Alabama Highway 181. Marketing for the facility will target the retired community which would like to have a small back yard with a price range of approximately three hundred thousand dollars. Utilities will be provided by the Utilities Board of the City of Daphne.

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

Mr. Kirby: The property is currently zoned R-3, Single Family Residential, in the Baldwin County District 15, and is bordered on three sides with single family residential.

The Chairman stated do any of the Commissioners have any questions or

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comments. He opened the floor to public participation.

An adjacent property owner and the President of the property owners' association requested to address the Commission. A submission had been submitted by the previous owner in Baldwin County to rezone this property and was denied. The residents are opposed to the rezoning and construction on this site because it is bordered on three sides by single family residential, concerns of addition storm water drainage, disturbing the wetlands located to the West of the property, and the construction of two-story next to one-story single family residences. The other concern is notification. The property owners were not properly notified. The only way that we knew about the public hearing is someone called and told us that the property was being proposed to be annexed into the City of Daphne.

The Chairman stated do any of the Commissioners have any questions or comments. He closed public participation.

Ms. Barnette: I am concerned that the property is bound on three sides by single family residential and the owner is proposing multi-family. Also, doesn't a public hearing require notification of the property owners?

Ms. Dickson: Annexation does not require notification by mail or by placing an advertisement in the newspaper upon submission to the Planning Commission. State law requires that the public hearing be placed in the newspaper once it is set by the City Council.

Ms. Barnette: We need to change that.

One of the owners requested to speak. He stated the requested zoning of this property at the time of annexation would be a transition from the single family residential because as you travel along Alabama Highway 181 to County Road 64 you have mainly business developments. This site would be a quality condominium development of with a price range of three hundred thousand dollars which is compatible with the subdivisions in this area.

Mr. Kirby: Is it possible to annex a piece of property into the City of Daphne and as a part of the annexation tie the development plan to it to say that the owner can only annex with this zoning if he constructs would he proposes on the plan?

Mr. Ross: Yes, as long as the owner agrees to the request of the

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Planning Commission.

Mr. Kirby: I was wondering if the owner would consider proposing R-4, Single Family Residential. The residents seem to be opposed to multi-family and two-story.

Mr. Jinright: The owners would be open to discussion as to what could be proposed on the property and would consider the development of a planned unit development if directed to do so.

The Chairman stated do any of the Commissioners have any further questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Terry and **Seconded** by Mr. Thomas *for the negative recommendation by the Planning Commission to the City Council of Daphne of the annexation of a nine-point seven six-acre parcel located on Alabama Highway 181 with R-4, High Density Multi-Family, zoning for M & S Development.*

Upon roll call vote, the Motion carried.

<i>Mayor Small</i>	<i>Nay</i>
<i>Mr. Thomas Aye</i>	
<i>Mr. Terry</i>	<i>Aye</i>
<i>Mr. Carrico</i>	<i>Aye</i>
<i>Mr. Chason Aye</i>	
<i>Ms. Barnette</i>	<i>Nay</i>
<i>Mr. Kirby</i>	<i>Aye</i>

The next order of business is zoning amendment review for William Lange.

ZONING AMENDMENT REVIEW:

File Z07-09: William Lange
(Bay Auto Glass)

Location: 2506 U. S. Highway 98

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PLANNING COMMISSION MINUTES
REGULAR MEETING OF OCTOBER 25, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

Present Zoning: B-1 Proposed Zoning: B-2

An introductory presentation was given by Dr. Barry Booth, the owner, requesting rezoning of a one point six acre parcel located at 2504 U. S. Highway 98 from a B-1, Local Business, to a B-2, General Business, zone. I will be happy to answer any questions you may have.

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

A Motion was made by Mayor Small and **Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a one point six acre parcel located at 2504 U. S. Highway 98 from a B-1, Local Business, to a B-2, General Business, zone for Dr. Barry Booth (Veterans Pointe). The Motion carried unanimously.**

The next order of business is zoning amendment review for Demaris Anderson.

File Z07-10: Demaris Anderson

Location: 1306 Main Street
Area: 0.30 Acres +
Owner: Demaris Anderson
Agent: Blue Water Lumber - Robert DeNeefe

Present Zoning: R-2 Proposed Zoning: B-3

An introductory presentation was given by Mr. Robert DeNeefe, the owner's representative, requesting rezoning of a zero point three acre parcel located at 1306 Main Street from an R-2, Medium Density Single Family, to a B-3, Professional Business, zone, for the purpose of the construction of a mixed use facility consisting of a residence and a business. I will be happy to answer any questions you may have.

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

A Motion was made by Mayor Small and **Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City**

THE CITY OF DAPHNE
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Council of Daphne of a zero point three acre parcel located at 1306 Main Street from an R-2, Medium Density Single Family, to a B-3, Professional Business, zone for Demaris Anderson. The Motion carried unanimously.

The next order of business is the election of officers.

ELECTION OF OFFICERS:

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *for the present officers to remain chairman, Mr. Carrico, vice chairman, Mr. Chason, and secretary, Ms. Phelps. The Motion carried unanimously.*

The next order of business is an administrative presentation for the relocation of a fire hydrant on Main Street.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mayor Small requesting the relocation of a fire hydrant Southeast of the intersection of Daphne Avenue and Main Street. This is a request from the Beautification Committee for a recommendation from the Planning Commission to the City Council for the Utilities Board of the City of Daphne to relocate the fire hydrant in front of Uncorked Wines to the North twenty feet.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason *for the affirmative recommendation by the Planning Commission to the City Council of Daphne to request the Utilities Board of the City of Daphne to relocate the fire hydrant in front of Uncorked Wines to the North twenty feet. The Motion carried unanimously.*

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

ATTORNEY'S REPORT:

Mr. Ross, attorney: no report.

ADJOURNMENT:

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

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: November 20, 2007

Jeff Carrico, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES

~~REGULAR MEETING OF OCTOBER 25, 2007~~

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

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**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

P.O. Drawer 310
Daphne, Alabama 36526-0310

Overlook
29750 Larry Dee Cawyer Drive
Daphne, Alabama
251.621.8222
FAX 251.621.8001

Downtown Fairhope
327 Fairhope Avenue
251.928.6387
FAX 251.928.6389

www.ESchamber.com
email: office@ESchamber.com



November 6, 2007

City of Daphne
Mayor & City Council
Post Office Box 400
Daphne, Alabama 36526

Re: 20th Annual Jubilee Festival – September 27th & 28th, 2008

Dear Mayor Small and City Council Members:

The 20th Annual Jubilee Festival is scheduled to be held September 27 - 28, 2008. As always, the continued support of the Mayor and City Council is essential. At this time the festival committee would like to request the following from the City of Daphne:

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 KidsART.
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 26, 2008 after 5:00 p.m. until Sunday, September 28, 2008 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 20th Annual Jubilee Festival.

Specifics of the banners are as follows:

- Banners to read: *Jubilee Festival, September 27th & 28th*
- Banners to be posted 2 weeks prior to event
- Size of Banners to be 120" x 34"
- Locations to include:

Santa Rosa & Main Street
Jubilee Mall
Lawson Road

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

Please place this request on the agenda for the next available City Council Meeting. Please contact Angela Kimsey at the Eastern Shore Chamber of Commerce (621-8222) with the date of the meeting.

The Eastern Shore Chamber of Commerce and the Jubilee Festival Committee greatly appreciate the City's continued support of this annual event. We are looking forward to another successful event for both the Chamber and the City. The Festival continues to grow each year, but success of the event is only possible with the combined effort of the City, the Chamber and the volunteers.

Sincerely,

Terri Waring, Festival Chair
20th Annual Jubilee Festival

CZ/crs

cc: Darrelyn Bender, President, Eastern Shore Chamber of Commerce
David Clark Chairperson, Executive Board Eastern Shore Chamber of Commerce

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2007- 83

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

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

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

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

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

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

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

ADOPTED this ____ day of _____, 2007.

**GREG BURNAM,
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL,
MAYOR**

Date & time Signed: _____

ATTEST:

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

CITY CLERK'S CERTIFICATE

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

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

(S E A L)

As City Clerk of the CITY OF DAPHNE,
ALABAMA

**EXHIBIT A
TO RESOLUTION NO. 2007-83**

Draft of Economic Development Agreement

ECONOMIC DEVELOPMENT AGREEMENT

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

RECITALS

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

NOW, THEREFORE, THIS ECONOMIC DEVELOPMENT AGREEMENT

WITNESSETH:

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

Article I

DEFINITIONS AND USE OF PHRASES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II

THE DEVELOPMENT

Section 2.1 Construction of Public Improvements.

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

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

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

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

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

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

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

2.2 The Commercial Development

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

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

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

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

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

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

ARTICLE III

PUBLIC LAND

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

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

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

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

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

ARTICLE IV

THE BONDS

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

4.2 Limited Obligation of the Cooperative District

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

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

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

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

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

ARTICLE V

OBLIGATIONS OF CITY AND IMPROVEMENT DISTRICT

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

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

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

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

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

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

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

ARTICLE VI

CONCERNING DETENTION PONDS

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

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

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

ARTICLE VII

MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

RENAISSANCE CENTER, L.L.C.

By: _____
Its Manager

THE CITY OF DAPHNE, ALABAMA

By: _____
Its Mayor

RENAISSANCE IMPROVEMENT DISTRICT

By: _____
Its duly authorized representative

RENAISSANCE COOPERATIVE DISTRICT

By: _____
Its duly authorized representative

RESOLUTION NO. 2007- 100

**RESOLUTION APPROVING PETITION
FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND LOCATED WITHIN
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the Renaissance Improvement District (the "Improvement District") by its Board of Directors (the "Petitioner") has filed with the City Council of the City of Daphne, Alabama (the "Council"), a Petition in writing signed on behalf of the Petitioner requesting that the Council assess certain land located within the boundaries of the Improvement District in accordance with the applicable provisions of Chapter 99A of Title 11 of the Code of Alabama 1975, as amended (the "Authorizing Statute"), and, in particular, the provisions of Section 11-99A-11 of the Code of Alabama (1975); and

WHEREAS, the Petitioner has prepared and presented to the Council plans that reasonably describe and estimate the cost of certain improvements, as defined in the Authorizing Statute;

WHEREAS, the Petitioner has presented with its Petition a document executed by all of the owners of the property approving the Petition;

WHEREAS, the Petitioner has presented a recommended initial calculation of the cost of acquiring, constructing, and installing the improvements; and

WHEREAS, the Council has examined the Petition and has found that the same is regular in all respects and conforms with the requirements of the Constitution in that the improvement assessments are not in excess of the increased value of the landowners' property by reason of special benefits derived from such improvement as well as with the requirements of the Authorizing Statute, and the Council deems it wise, expedient, and necessary to finally assess the property in accordance with the provisions of the Petition;

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

(1) The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.

(2) It is hereby found and declared to be wise, expedient, and necessary that the property identified in the Petition be assessed as contemplated by the Petition.

(3) The Petition, a copy of which is attached hereto as Exhibit A, is hereby approved and the assessment described in the Petition hereto is approved, declared final, and ordered levied.

ADOPTED this ____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

EXHIBIT "A"

**PETITION FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

TO: THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
Daphne, Alabama

The Renaissance Improvement District (the "Improvement District") by its Board of Directors (the "Petitioner"), does hereby submit to you as the governing body of the City of Daphne, Alabama (the "City") this petition and by so doing petitions for assessment of certain land located within the boundaries of the District pursuant to the provisions of Act 99-446 of the 1999 Regular Session of the Alabama Legislature, codified at Section 11-99-A-1 et seq., as amended (the "Act"). Capitalized terms not otherwise defined herein shall have the meanings set forth in the Act. In support of such petition, the District hereby states as follows:

1. The Improvement District is duly organized and existing under the provisions of the Act, having been formed on June 5, 2007. The tract or tracts of land which are included within the Improvement District are specifically described in the Preliminary Master Special Assessment Methodology Report described in Paragraph 4 below (the "Property").

2. The area of land within the Improvement District is part of a planned development which will be of sufficient size and sufficiently compact and contiguous as to be developed as one functional and interrelated development. The Improvement District was established in order to prevent the general body of taxpayers within the City of Daphne from bearing the burden of paying the costs of acquiring and constructing public improvements within or specifically benefiting the Improvement District (the "Improvements"). A summary of development costs with respect to the Improvements to be acquired and constructed within the Improvement District is attached as Exhibit A. All of the Improvements will be located on the real property described in Exhibit B.

3. The Renaissance Cooperative District, an Alabama public corporation (the "Cooperative District"), intends to finance the Improvements by issuing bonds (the "Bonds") which will be payable out of and secured by the assessments collected with respect to the Property over such period of time as may be determined by the Improvement District. Such assessments shall accrue interest and be payable periodically as determined by the Improvement District in a manner consistent with the payment of principal and interest on the Bonds.

4. Attached as Exhibit C is a Preliminary Master Special Assessment Methodology Report dated November 5, 2007, prepared by the firm of Wrathell, Hart, Hunt and Associates, LLC establishing that the tracts within the Improvement District will enjoy special benefits derived from the proposed Improvements resulting in an increase in value of approximately \$6,067,717.

5. The undersigned Chairman of the Improvement District hereby certifies that the assessment of each tract in the District is based upon and does not exceed the estimated increase in value resulting from the proposed Improvements.

6. Renaissance Center, L.L.C., an Alabama limited liability company, is the only owner of all land within the Improvement District. Attached as Exhibit D is an affidavit of such landowner consenting to the preliminary assessment required herein.

7. Upon the sale of the Bonds, the Improvement District shall submit to the City a recommended final calculation of the costs of acquiring, installing and constructing the Improvements, and shall request the City to make assessments final, with such adjustments as may be recommended by the Improvement District.

8. The District has obtained or reasonably expects to obtain in the ordinary course of business all approvals which may be required by the City, Baldwin County or any other governmental jurisdiction within which the Improvement District is located in connection with the acquisition and construction of the Improvements.

9. Accordingly, the Improvement District does hereby request that the City Council of the City of Daphne, Alabama adopt a resolution preliminarily assessing the Property, beginning October 1, 2008, in the amount of \$6,067,717.

10. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed in its corporate name by its duly authorized officer this 12th day of November, 2007.

RENAISSANCE IMPROVEMENT DISTRICT

By:  _____

Its: Chairman

EXHIBIT A

**PETITION FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

Description of Improvements and Estimated Costs

ESTIMATED PUBLIC IMPROVEMENT COSTS	COSTS
OFF-SITE IMPROVEMENT COSTS	
Public utilities (Gas and Sewer)	0
Storm Sewer	0
Common Detention	85,000
Traffic Signals	150,000
Road Improvements on Highway 90	361,573
Misc.(Site Eng, Erosion Control & Barricades)	10,000
Sub Total	606,573
ON-SITE IMPROVEMENT COSTS	
Land	1,622,023
Earthwork	730,087
Public Utilities (Water, Gas, Elec, Tel. & Sewer)	380,349
Common Detention	699,409
Storm Sewer and Drainage	738,661
City Streets (Curbs, Paving, Striping & Signs)	197,517
Site Lighting	243,660
Landscape, Irrigation, Fences & Hardscapes	224,008
Sidewalks	12,000
Signage	10,000
Fees, Bonds, Site Eng, Traffic Control & Overhead	18,500
Sub Total	4,876,214
PROFESSIONAL SERVICES	
Engineering, Architectural, Landscape & Traffic	217,650
Surveys, Geotechnical, ESA & Testing	20,000
Testing	15,000
Insurance, Permit Fees, Utility Fees, Travel	137,000
Construction Interest	138,452
Sub Total	528,102
Contingency	56,828
Total	6,067,717

EXHIBIT B

PETITION FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT

Parcel A

Commencing at the northeast quarter of Section 34, T4S-R2E, Baldwin County, Alabama, run n 89° 49' 05" w along the north line of said Section 34, T4S-R2E, a distance of 533.77 feet to its intersection with the south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 67° 58' 55" w 100.70 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run n 85° 56' 57" w 455.77 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 83° 28' 08" w 1158.93 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 81° 47' 20" w 73.03 feet to the point of beginning of the property herein described; thence run s 00° 12' 58" w 2223.34 feet to a point on the north right of way line of U.S. Highway No. 90; thence along said north right of way line of U.S. Highway No. 90, run s 89° 05' 23" w 693.28 feet to a point; thence run n 00° 54' 37" w 2128.49 feet to a point on the aforementioned south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 81° 47' 20" e 743.01 feet to the point of beginning. Containing 35.6952 acres.

Parcel B

Commencing at the northeast quarter of Section 34, T4S-R2E, Baldwin County, Alabama, run n 89° 49' 05" w along the north line of said Section 34, T4S-R2E, a distance of 533.77 feet to its intersection with the south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 67° 58' 55" w 100.70 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run n 85° 56' 57" w 455.77 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 83° 28' 08" w 577.15 feet to the point of beginning of the property herein described; thence run s 00° 12' 58" w 2289.62 feet to a point on the north right of way line of U.S. Highway No. 90; thence along said north right of way line of U.S. Highway No. 90, run s 89° 05' 23" w 650.13 feet to a point; thence run n 00° 12' 58" w 2223.34 feet to a point on the aforementioned south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 81° 47' 20" e 73.03 feet to a point; thence along said south right of way line of Interstate Highway No. 10, run n 83° 28' 08" e 581.78 feet to the point of beginning. Containing 33.6849 acres.

EXHIBIT C

**PETITION FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

See attached Preliminary Master Special Assessment Methodology Report dated November 5, 2007, prepared by the firm of Wrathell, Hart, Hunt and Associates, LLC.

RENAISSANCE IMPROVEMENT DISTRICT
AND
RENAISSANCE COOPERATIVE DISTRICT

Preliminary Master
Special Assessment
Methodology Report

November 5, 2007



Wrathell, Hart, Hunt and Associates, LLC

Building client relationships one step at a time...

Provided by

Wrathell, Hart, Hunt and Associates, LLC

6131 Lyons Road, Suite 100

Coconut Creek, FL 33073

Phone: 954-426-2105

Fax: 954-426-2147

Website: www.whhassociates.com



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1.0 Introduction

1.1 Purpose

This Report was developed to provide a master financing plan and a master special assessment methodology for the Renaissance Improvement District (the "Improvement District") and the Renaissance Cooperative District (the "Cooperative District"), both located in the City of Daphne, Alabama (collectively the "Districts"), as relating to funding the costs of public infrastructure improvements contemplated to be provided by the Cooperative District and repaid with special assessments collected by the Improvement District under an agreement by and between the Districts.

1.2 Scope of the Report

This Report presents the projections for financing the Cooperative District's capital requirements (the "Capital Improvement Program") necessary to provide the public community infrastructure improvements originally described in the Engineer's Report provided by JADE Consulting, LLC.

The Report also describes the method for the apportionment of benefits and special assessment debt resulting from the provision and funding of these improvements.

1.3 Special Benefits and General Benefits

Improvements undertaken and funded by the Cooperative District as part of the Capital Improvement Program create special and peculiar benefits, different in kind and degree than general benefits, for properties within its borders as well as general benefits to the public at large. However, as discussed within this report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within the Improvement District. The Capital Improvement Program of the Cooperative District enables properties within the boundaries of the Improvement District to be developed. Without the Capital Improvement Program, there would be no infrastructure to support development of the land. Without these improvements, the development of property within the Improvement District would be impracticable.

There is no doubt that the general public, property owners, and property outside the Improvement District will benefit from the provision of the



Capital Improvement Program. However, these benefits are only incidental since the Capital Improvement Program is designed solely to provide special benefits peculiar to property within the Improvement District. Properties outside the Improvement District do not depend upon the Capital Improvement Program to obtain or to maintain their development entitlements. This fact alone clearly distinguishes the special benefits which Improvement District properties receive compared to those lying outside of the Improvement District's boundaries.

By pursuing the Capital Improvement Program and providing improvements which are all necessary in order to make the lands within the Improvement District developable and saleable, the value of the developable and saleable lands within the Improvement District increases by more than the sum of the financed cost of the individual components of the Capital Improvement Program. Even though the exact value of the benefits provided by the Capital Improvement Program is hard to estimate at this point, it is nevertheless greater than the costs associated with providing same.

1.4 Organization of this Report

Section Two describes the development program as proposed by the Developer.

Section Three provides a summary of the Capital Improvement Program as determined by the Engineer.

Section Four discusses the financing program for the Cooperative District.

Section Five introduces the Master Assessment Methodology.

2.0 Development Program for Renaissance

2.1 Overview

The Districts will serve the Renaissance Center development, a master planned, retail-commercial development consisting of approximately 69.39 +/- gross acres located near the NW corner of US Hwy 90 and AL 181 in the City of Daphne, Alabama. The proposed land use for the property within the Districts is consistent with the Baldwin County Land Use and Comprehensive Plans, as amended.



2.2 The Development Program

The development of the Renaissance Center development will be conducted by the Renaissance Center, LLC (the "Developer"). The most current development plan envisions the development of eighteen separate parcels with approximately 60.56 +/- acres of commercial uses including hotel, motorcycle and automobile sales, restaurant, office, small retail, and retail uses. Specifically, hotels are projected to occupy 11.39 acres and have building interior space of 129,502 sq. ft., motorcycle sales 2.99 acres and 30,000 sq. ft., automobile sales 10.05 acres and 100,000 sq. ft., restaurant 1 acre and 4,000 sq. ft., office 19.80 acres and 165,733 sq. ft., small retail 6.52 acres and 52,130 sq. ft., and retail 8.81 acres and 70,490 sq. ft., although the planned land use as well as parcel and building size numbers may change throughout the development period.

3.0 The Capital Improvement Program for Renaissance Center

3.1 Public Capital Improvement Plan

The infrastructure costs to be funded by Cooperative District are determined by the Engineer in his Engineer's Report. Only infrastructure that may qualify for bond financing by the District under Chapter 99A of Title 11, Code of Alabama, 1975, as amended (the "Act") was included in these estimates.

3.2 Capital Improvement Program

The public infrastructure system needed to serve the planned development is projected to consist of storm sewer system and associated earthwork, sanitary sewer system, water distribution system, roadway improvements, roadways, and other miscellaneous improvements including lighting, landscaping, and dry utility sleaving beneath various roads for conduits along the proposed District roads. The total costs of the public infrastructure within the Districts are calculated by adding to the construction costs determined by the Engineer the costs of design, engineering, surveying, permitting, environmental, architectural and contingencies. At the time of this writing, the total costs of the infrastructure according to the Engineer's Report are projected at \$6,067,717.



4.0 Financing Program for Renaissance Center

4.1 Overview

As noted above, the Cooperative District is embarking on a program of capital improvements, which will facilitate the development of lands within the Districts. Generally, construction of Capital Improvement Program is either funded by the Developer and then acquired by the Cooperative District or funded directly by the Cooperative District. The choice of the exact mechanism of public infrastructure provision has not yet been made at the time of this writing and the Cooperative District may either acquire the public infrastructure from the Developer, or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include one or more series of Long-Term and Short-Term bonds, it is currently anticipated for the purposes of this Master Special Assessment Methodology Report that the District will finance a portion of the construction/acquisition costs of the Capital Improvement Program in the amount of \$6,067,717 with proceeds of Revenue Bonds issued by the Cooperative District (the "Bonds") in the principal amount of not to exceed \$8,500,000.

As the purpose of this Report is to allocate the total debt necessary to fund the Capital Improvement Program and the structure of such total debt in this Report is preliminary and subject to change.

4.2 Types of Special Assessment Bonds Proposed

The preliminary master financing program for the Cooperative District provides for the issuance of the Bonds in the amount of not to exceed \$8,500,000 to defray construction/acquisition expenses of \$6,067,717. The Bonds are projected to be issued on or about January 1, 2008, pay interest payments every May 1 and November 1, and have their interest capitalized until November 1, 2010. The Bonds are projected to pay principal payments every May 1 commencing May 1, 2011 and ending May 1, 2037.

In order to finance the \$6,067,717 in improvement costs, the District will need to borrow more funds and incur indebtedness in the total amount of not to exceed \$8,500,000.

The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and the costs of issuance. Preliminary sources and



uses of funding and other financing assumptions are presented in Table 1 in the *Appendix*.

Please note that the structure of the Bonds as presented in this Preliminary Master Special Assessment Methodology Report is preliminary and may change due to changes in the development program, market conditions, timing of infrastructure installation as well as other reasons. The Cooperative District maintains complete flexibility as to the structure of the Bonds.

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the Cooperative District with funds necessary to acquire the infrastructure improvements which are part of the Capital Improvement Program outlined in *Section 3.2* and described in more detail by the Engineer in his report. These improvements lead to special and general benefits, with special benefits accruing generally to the properties within the boundaries of the Improvement District and general benefits accruing to areas outside the Improvement District and being only incidental in nature. The debt incurred in financing the infrastructure acquisition will be paid off by assessing properties that derive special and peculiar benefits from the proposed projects. All properties that receive special benefits from the Capital Improvement Program.

5.2 Assigning Debt

The current development plan for the Improvement District projects construction of infrastructure for approximately 60.56 +/- acres of commercial uses, although the planned land use as well as parcel numbers may change throughout the development period.

The infrastructure provided by the Cooperative District will include storm sewer system and associated earthwork, sanitary sewer system, water distribution system, roadway improvements, roadways, and other miscellaneous improvements including lighting, landscaping, and dry utility sleaving beneath various roads for conduits along the proposed roads. All of the land uses within the Improvement District will benefit from all infrastructure improvement categories, as the improvements provide basic



infrastructure to all lands within the Improvement District and benefit all lands within the Improvement District as an integrated system of improvements.

As the provision of the above listed improvements by the Cooperative District will make the lands in the Improvement District developable, the land will become more valuable to their owners. The increase in the value of the land provides the logical nexus of benefit of improvements that accrues to the developable and saleable parcels within the Improvement District. The improvements, therefore, have a logical connection to the special and peculiar benefits received by lands within the Improvement District because without the improvements, the development of the properties within the Improvement District would not be possible. Furthermore, the improvements of the Capital Improvement Program are all necessary in order to make the lands within the Improvement District developable and saleable and as a result, the value of the developable and saleable lands within the Improvement District increases by more than the sum of the financed cost of the individual components of the Capital Improvement Program.

Based on that connection between the improvements and the special and peculiar benefit to lands within the Improvement District, the Improvement District can assign or apportion to lands receiving such special and peculiar benefits a portion of the Cooperative District's debt or assessments. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot be calculated yet with mathematical certainty. However, each is more valuable than the cost of, or the actual non-ad valorem assessment amount levied on that parcel.

The benefit associated with the Capital Improvement Program of the Cooperative District is proposed to be allocated to the benefited lands within the Improvement District in proportion to the economic benefit of the Capital Improvement Program. As the implementation of the infrastructure of the Capital Improvement Program will change the designation of developable land in the Improvement District from unimproved and undeveloped to improved and undeveloped, such change in land designation will make the developable land in the Improvement District more valuable. The increase in value will occur and has been preliminarily observed to occur on a per acre basis. Consequently, this Report will also apportion the benefit of the Capital Improvement Program on a per care basis and assign the responsibility to pay the costs of the Capital Improvement Program to the developable land on a per acre basis as well.

Table 2 in the *Appendix* illustrates the application of the method of apportionment described above through a measure of benefit called



Equivalent Benefit Unit (the "EBU"). As seen from Table 2, each acre of developable land is assign the same EBU factor of 1. Table 3 in the Appendix illustrates the calculation of the assessment amount per acre as well as the annual debt service assessment per acre.

As the land in the Improvement District is preliminarily anticipated to be platted into eighteen lots, the assignment of benefit to each and every lot is shown in the Preliminary Special Assessment Roll shown in *Section 5.6* of this Report.

5.3 Lienability Test: Special and Peculiar Benefit to the Property

As first discussed in *Section 1.3*, Special Benefits and General Benefits, improvements undertaken by the Cooperative District create special and peculiar benefits to certain properties within the Improvement District. The Cooperative District's improvements benefit properties within the Improvement District and accrue to all assessable properties on an EBU basis.

Improvements undertaken by the Cooperative District can be shown to be creating special and peculiar benefits to the property within the Improvement District. The special and peculiar benefits resulting from each improvement are:

- a. added use of the property;
- b. added enjoyment of the property;
- c. decreased insurance premiums;
- d. increased marketability and value of the property.

The improvements which are part of the Capital Improvement Program make the lands in the Improvement District developable and saleable and when implemented jointly as parts of the Capital Improvement Program, provide special and peculiar benefits which are greater than the benefits of any single category of improvements. These special and peculiar benefits are real and ascertainable, but not yet capable of being calculated and assessed in terms of numerical value, however, each is more valuable than either the cost of, or the actual assessment levied for, the improvement or debt allocated to the parcel of land.



5.4 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay

A reasonable estimate of the proportion of special and peculiar benefits received from the improvements is delineated in Table 2 (expressed as EBU factor) in the *Appendix*.

The apportionment of the assessments is reasonable and fair because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the Improvement District according to reasonable estimates of the special and peculiar benefits derived from the Capital Improvement Program by different land uses.

Accordingly, no acre or parcel of property within the boundaries of the District will be liened for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property. In accordance with the benefit allocation in Table 2, assessment per acre has been calculated in Table 3 in the *Appendix*. This amount represents the preliminary anticipated per unit debt allocation assuming the land is developed as projected and the entire proposed infrastructure program is developed or acquired and financed by the Districts.

5.5 True-Up Mechanism

The Assessment Methodology is based on conceptual information obtained from the Developer prior to construction. As development occurs it is possible that the number of acre may change. The mechanism for maintaining the methodology over the changes is referred to as true-up.

This mechanism is to be utilized to assure that the principal assessment on a per acre basis never exceeds the initially allocated assessment as contemplated in the adopted assessment methodology. At present time the acreage of each of the parcels in the development in the Improvement District has been preliminarily determined and the assessment has been placed on the land in each of the eighteen parcels in the development based on the preliminary plan of development as submitted by the Developer. It is possible, however, that development changes may still occur through a replat or submission of a new plat. If such changes occur, the Methodology is applied to the land based on number of acres.

All changes within parcels will be permitted subject to the following true-up mechanism. As long as the per acre assessment equals the initial level as established in the methodology no action will be taken under the true-up.



Any development changes which increase the per acre assessments above the initial level will require a principal reduction payment by the owner of the parcel whose changes caused such increase in the per acre assessment. Conversely, any development changes that decrease the per acre assessments below the initial level will result in an automatic decrease in the per acre assessment for all assessable parcels within the Improvement District. The numbers of acres within each parcel will be certified by the Developer and confirmed by Engineer.

5.6 Preliminary Assessment Roll

The Preliminary Assessment Roll for the Improvement District is provided below based on the preliminary information from the Engineer.

Parcel	Land Use	Gross Acres	Assessment
Lot 1-1	Hotel	2.47	\$346,681
Lot 1-2	Motorcycle Dealer	2.99	\$419,666
Lot 1-3	Hotel	4.23	\$593,709
Lot 1-4	Detention		\$0
Lot 1-5	Restaurant	1.00	\$140,357
Lot 1-6	Office	1.25	\$175,446
Lot 1-7	Office	1.27	\$178,253
Lot 2-1	Auto Dealer	10.05	\$1,410,585
Lot 3-8	Hotel	1.60	\$224,009
Lot 3-9	Hotel	1.55	\$216,963
Lot 3-10	Hotel	1.55	\$216,977
Lot 3-11	Office	7.83	\$1,099,330
Lot 3-12	Retail	8.81	\$1,236,725
Lot 3-13	Small Retail	1.01	\$141,115
Lot 3-14	Small Retail	1.00	\$140,553
Lot 3-15	Small Retail	2.19	\$308,055
Lot 3-16	Small Retail	2.32	\$325,431
Lot 3-17	Detention		\$0
Lot 3-18	Office	4.31	\$605,443
Lot 3-19	Office	5.13	\$720,703
Total		60.56	\$8,500,000



6.0 Appendix

Table 1

**Renaissance Center
 Cooperative District**

Preliminary Sources and Uses of Funds

	<u>Series 2008A</u>
<u>Sources Of Funds</u>	
Par Amount of Bonds	\$8,500,000
Total Sources	\$8,500,000
<u>Uses Of Funds</u>	
Total Underwriter's Discount	\$212,000
Costs of Issuance	\$120,000
Deposit to Debt Service Reserve Fund (DSRF)	\$711,950
Deposit to Capitalized Interest (CIF) Fund	\$1,388,333
Deposit to Project Construction Fund	\$6,067,717
Rounding Amount	\$0
Total Uses	\$8,500,000

Table 2

**Renaissance Center
 Improvement District**

Benefit Apportionment

Land Use	Number of Acres	EBU Weight per Acre	Total EBU	Percent EBU	Percent EBU per Acre
Commercial	60.56	1	60.5600	100.00%	1.6513%
Total			60.5600		



Wrattell, Hart, Hunt and Associates, LLC
Building client relationships one step at a time...

Table 3

Renaissance Center Improvement District

Assessment and Annual Assessment Apportionment

Land Use	Percent EBU	Percent EBU per Acre	Total Assessments	Assessments per Acre	Annual Debt Service Assessment per Acre*
Commercial	100.00%	1.6513%	\$8,500,000.33	\$140,356.68	\$12,672.92
Total					

* Includes cost of collection

EXHIBIT D

**PETITION FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

See attached affidavit of ownership and consent.

AFFIDAVIT OF OWNERSHIP AND CONSENT

STATE OF ALABAMA
COUNTY OF BALDWIN

On this 12TH day of November, 2007, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Terry Ogletree, after being duly sworn, deposes and says:

1. Affiant, Terry Ogletree, an individual, is the MANAGER of Renaissance Center, L.L.C., an Alabama limited liability company (herein the "Company").
2. The Company is the owner of the property which is described in Exhibit B to the Petition for Preliminary Assessment of Certain Land located within the Renaissance Improvement District (the "Petition") attached hereto and incorporated by reference herein and in the Preliminary Special Master Assessment Methodology Report dated November 5, 2007, which is Exhibit C to the Petition attached hereto and incorporated by reference herein.
3. Affiant hereby represents that he has full authority to execute all documents and instruments on behalf of the Company, relating to the Petition before the City Council of the City of Daphne, Alabama, to preliminary assess the property within the Renaissance Improvement District (the "District").
4. Affiant, on behalf of the Company, hereby represents that he has reviewed all the documents and instruments relating to the Petition, including each exhibit attached to the Petition.
5. Affiant, on behalf of the Company, as the owner of the property within the District, hereby consents to the preliminary assessment of such property.

FURTHER, AFFIANT SAYETH NOT.


Terry Ogletree

Subscribed and sworn to before me this 12 day of November, 2007, by Terry Ogletree, MANAGER of Renaissance Center, L.L.C., an Alabama limited liability company, who personally appeared before me.

Ruth L. Priest
Notary Public

My commission expires: 9/24/2011

RESOLUTION NO. 2007- 101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, APPROVING THE FORMATION OF THE EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF DAPHNE/BAYSIDE ACADEMY

WHEREAS, the City Council of the City of Daphne, Alabama, has received an application for the formation of the Educational Building Authority of the City of Daphne/Bayside Academy in accordance with Chapter 17 of Title XIV of the Code of Alabama (1975), as amended (the “Act”), which application is attached hereto as “Exhibit A”;

WHEREAS, the Act authorizes the formation of an educational building authority to provide ancillary improvements for use in connection with educational institutions in the State of Alabama and to perform such acts lawfully permitted by the Act.

WHEREAS, the City Council of the City of Daphne, Alabama is the governing body of the City of Daphne, Alabama empowered by the Act to authorize the formation of an educational building authority; and

WHEREAS, the City Council has duly considered the application for the formation of an educational building authority submitted to it for the purpose of providing ancillary improvements on the campus of the Bayside Academy.

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

1. That it is wise, expedient, necessary and advisable that the proposed Educational Building Authority of the City of Daphne/Bayside Academy be formed.
2. That the City Council has found that there is a public need for the proposed Educational Building Authority of the City of Daphne/Bayside Academy.
3. That the applicants listed in the application attached hereto as Exhibit A (the “Applicants”) are authorized to proceed to form the Educational Building Authority of the City of Daphne/Bayside Academy by filing for record a certificate of incorporation in accordance with the provisions of Section 16-17-3 of the Code of Alabama (1975), as amended, the form of which has been submitted to the City Council of the City of Daphne, Alabama with the aforesaid application and which is hereby approved.
4. That immediately upon the filing for record of such certificate of incorporation, the Applicants shall notify the City Council, and the City Council shall appoint directors of the Educational Building Authority of the City of Daphne/Bayside Academy in accordance with the Act.

ADOPTED this ____ day of _____, 2007.

**GREG BURNAM,
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL
MAYOR**

Date & Time Signed: _____

ATTEST:

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

RESOLUTION 2007 - 102

Fiscal 2008 Community Contributions

WHEREAS, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2008 Budget for the benefit of certain community agencies and events as scheduled in Attachment A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions to the various Community Agencies and Community Events as appropriated in the Fiscal Year 2008 Budget and scheduled in Attachment A.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

Attachment A

<u>Community Agencies</u>	
SARPC	20,000
Boys & Girls Club	12,000
Bay Rivers Art Guild	12,000
BC Economic Dev All	10,000
Ecumenical Ministries	10,000
ES Chamber of Commerce	6,000
Mobile Bay NEP	3,000
Santa America	2,000
Carehouse	1,500
Lighthouse	<u>1,500</u>
	78,000
<u>Community Events</u>	
Jubilee Easter Egg Hunt	2,300
July 4th Celebration	<u>15,000</u>
	17,300
TOTALS	<u><u>95,300</u></u>

RESOLUTION NO. 2007- 103
A Resolution approving contract:
Mobile Area Chamber of Commerce

WHEREAS, the Mobile Area Chamber of Commerce provides its members with important services which will assist in the marketing of the Daphne Civic Center and Bayfront Park; and

WHEREAS, the Mayor and the City Council of the City of Daphne believe that a public purpose is served through membership in the Mobile Area Chamber of Commerce; and

WHEREAS, the Mobile Area Chamber of Commerce has agreed to enter into a Contract with the City of Daphne to provide the services as set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Daphne as follows:

1. That there is Four Hundred Thirty Five and 60/100 dollars (\$435.60) appropriated in the Civic Center's Fiscal 2008 budget that may be used for the purpose of entering into a contract with the Mobile Area Chamber of Commerce.

AND

2. That the Mayor and City Clerk are hereby authorized to execute the Contract as hereby attached on behalf of the City of Daphne.

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

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

CONTRACT FOR SERVICES
CITY OF DAPHNE
AND MOBILE AREA CHAMBER OF COMMERCE

STATE OF ALABAMA)
COUNTY OF BALDWIN)

This Agreement is by and between the City of Daphne, Alabama (hereinafter referred to as Daphne), and the Mobile Area Chamber of Commerce, (hereinafter referred to as the Chamber).

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Four Hundred Thirty Five and 60/100 Dollars (\$435.60) to be paid by Daphne to the Chamber, the parties hereby agree as follows:

1. That Daphne shall pay \$435.60 to the Chamber for one year's service.
2. That in consideration of the payment of the above stated funds, the Chamber agrees to provide Daphne with the following services:
 - (a) General membership services including, but not limited to, the providing of information concerning the Daphne Civic Center and/or Daphne Bayfront Park to its members and other individuals, groups, and organizations that make inquiries concerning the availability of facilities in the Mobile Bay Area.
 - (b) Opportunities to increase revenues through networking at monthly events, business referrals, hot-link to the Chamber's web page, and providing marketing advice and public relations ideas.
3. The Chamber further agrees that upon the breach of any of the covenants and agreements herein contained on account of any act of omission or co-omission, Daphne may, at its option, terminate and cancel this Agreement.
4. The Chamber shall not transfer or assign this contract or any of the rights previously granted herein without prior written consent of Daphne.
5. This Agreement shall be in effect for a period of one (1) year beginning 11/01/07 and ending 11/01/08, and may be renewed by mutual agreement between the parties.

This Agreement is entered into on the _____ day of _____, 2007.

MOBILE CHAMBER OF COMMERCE

BY: _____

ITS: _____

ATTEST:

CITY OF DAPHNE

BY: _____

Fred Small

ITS: Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2007- 50

**APPROPRIATION OF FUNDS:
STUDY OF WILSON AVENUE EXTENSION
FROM MAIN STREET TO COUNTY ROAD 13**

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15 , 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that a certain appropriation is required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, alleviation of traffic on County Road 64 is needed for the safety and convenience of citizens; and

WHEREAS, a survey is needed to evaluate constructing an extension of Wilson Avenue to create an east/west corridor across town from Main Street to County Road 13; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2008 Budget is hereby amended to include a General Fund appropriation for an amount not to exceed \$2,500 for the study for the east/west corridor: Main Street to County Road 13.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC