

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 20, 2006
6:30 P.M.**

1. CALL TO ORDER

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

- 3. APPROVE MINUTES:** Council minutes meeting held November 20, 2006
Work Session minutes meeting held November 16, 2006

PRESENTATION: Olde Towne Daphne Association 2006 Spirit Award

PUBLIC HEARING: Adoption of International Building Codes

PUBLIC HEARING: Annexation: Arthur Keller Property / Property Located
On the Southeast Corner of Whispering Pines Road and
Pollard Road / **Ordinance 2006-80**

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

Set Public Hearing date for Public Hearing on **January 2, 2007** to consider adopting the International
Fire Codes / **Resolution 2006-101**

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board - Yelding

D. Library Board - Lake

E. Planning Commission - Barnette

Review minutes meeting held October 26th

Set Public Hearing date for **January 2, 2007** to consider Rezoning Property located property on Main
Street and Ryan Avenue / Eastern Shore Knights of Columbus / Proposed Zoning B-2, General Business

F. Recreation Board - Palumbo

G. Utility Board - Scott

Nominations for Utility Board:

- 1.) James "Bo" White
- 2.) Fenton E. Jenkins
- 3.) Philip Anderson

6. REPORTS OF OFFICERS:

A. Mayors Report

- a.) *Parade Permit / Apollo's Mystic Ladies / February 9, 2007 / Rain Date February 15, 2007*
- b.) *Pay Exceptions:*
 - 1.) *Assistant Planner*
 - 2.) *Accounting Technician*
 - 3.) *Revenue Officer*
 - 4.) *Assistant to Mayor*
 - 5.) *Deputy Director of Community Development*
- c.) *Capital Budget*

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Set Public Hearing for Adopting International Fire Code...../Resolution 2006-101**

ORDINANCES:

1st READ

- a.) **Annexation: Arthur Keller Property/Ordinance 2006-80**

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

NOVEMBER 20, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:32 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman Lake gave the invocation.

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

Also Present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Meredith Turpin, Attorney; Bill Eady, Planning Director; Ken Eslava, Public Works Director; Sandra Morse, Civic Center Director; Suzanne Henson, Senior Accountant; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Tonja Young, Library Director; Captain David Wilson, Police Department; Captain Andy Ray, Fire Department; Al Guarisco, Village Point; John Coulter, IDB; Jeff Hudson, Gatlin - Hudson Architects.

Absent: Mund Hanson, Fire Chief; Kim Briley, Finance Director; Richard Merchant, Building Official.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Council minutes meeting held November 6, 2006. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

A. FINANCE COMMITTEE – Scott

Treasurers Report

MOTION BY Mr. Scott to accept the Treasurers Report ending October 31, 2006 with a balance of \$24,068,621.42. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

NOVEMBER 20, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
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6:30 P.M.

2

Sales Tax Report

Mr. Scott reported that the fiscal year ended with \$11,702,796.16 and this was a little more than \$1,000,000 over last year. He said that it was 5% over budget.

Lodging Tax Report

Mr. Scott reported the lodging tax for September, 2006 was \$39,398.90. He stated that this is 97% of what was budgeted.

B. BUILDINGS AND PROPERTY COMMITTEE - Lake

Mr. Lake stated that the minutes for the last meeting are in the packet. He reported on the tearing down of the old Planning building and stated that the committee made a motion to request Council to appropriate \$27,000 to move the building.

Mayor Small stated that these funds will come from the City Hall renovation fund.

C. PUBLIC SAFETY COMMITTEE - Burnam

Mr. Palumbo stated that the next meeting will be December 5th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

The next meeting will be December 5th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE - Yelding

Mr. Yelding stated that the work being done on County Road 64 is inconvenient, but the improvement will make the road safer. He stated that there will not be a meeting in November the next meeting will be in December.

Ken Eslava stated that they are about 80% ready for Christmas and will be ready for the parade.

Mr. Yelding asked Council President Burnam to put the Dauphine Acres sewer project for the three (3) homes that were not sewered when the project was done on the work session agenda. He stated that Mr. Weise handed out a letter before the meeting.

Council President Burnam asked that the letter be made a part of the permanent record.

Council discussed with Mr. Eslava the problem with pine beetles in Lake Forest.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS - Eady

Mr. Eady stated that the minutes for the November 2nd meeting are in the packet and the next meeting will be December 7th with two (2) exceptions one home day care facility and a church on Wilson Avenue.

B. DOWNTOWN REDEVELOPMENT AUTHORITY - Barnette

Mrs. Barnette stated that the minutes for the November 13th meeting are in the packet. She stated that the members discussed expansion of the Olde Towne District, and they established an architectural review committee to draft guidelines for the Olde Towne District. She stated that the Authority is trying to acquire funding and asked if this could be included with discussion of the capital budget. She reported that the next meeting will be December 11th.

C. INDUSTRIAL DEVELOPMENT BOARD – Yelding

No report.

D. LIBRARY BOARD - Lake

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

MOTION BY Mr. Palumbo to re-appoint Mrs. Gail Robinson to serve on the Library Board. Term from October 1, 2006 through September 30, 2010, and to appoint Mr. William Scully to serve the remainder of Mrs. Anita Rigas’s term ending September 30, 2008. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Palumbo stated that the next meeting will be December 11th at 4:30 at the Library.

E. PLANNING COMMISSION - Barnette

Mrs. Barnette stated that the minutes for the last meeting will be in the next packet. The Planning Commission will meet tomorrow at 6:00 p.m. The meeting has been changed due to the Thanksgiving holiday.

F. RECREATION BOARD - Palumbo

Mr. Palumbo stated that they met, but they did not have a quorum. He stated that they have a problem with members not showing up. He thinks the Council needs to start thinking about replacements.

Mrs. Barnette stated that she spoke with some members who were confused as to when the meetings scheduled. She said that maybe they should be contacted as to when meetings are scheduled.

Mr. Yelding asked that the Council be given a list of the board members.

G. UTILITY BOARD - Scott

Mr. Scott stated that the minutes for August and September are in the packet. He stated that two people have been submitted to the board and will present them to Council. He stated the next meeting will be next Wednesday at 5:00 in the Council Chambers.

6. REPORTS OF OFFICERS:

A. Mayor's Report

a.) ABC License / The Zone / 020 / Restaurant Retail Liquor

b.) ABC License / Capone's / 010 Lounge Retail Liquor Class I / No background check needed / Prior License

MOTION BY Mrs. Barnette to approve the ABC License for The Zone / 020 / Restaurant Retail Liquor. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to approve the ABC License for Capone's / 010 Lounge Retail Liquor Class I. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) MOTION: To Start Legal Proceedings for Annexations

MOTION BY Mr. Yelding to authorize the Mayor to start legal proceedings for annexations to extend the city's boundaries. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small extended his gratitude to all the city employees at the Flu Clinic. He stated that 4200 shots were given which was about 350 per hour. He said that it was very coordinated and that the city employees followed direction very well, and that Public Safety and Public Works were very organized.

B. City Attorney's Report

Mr. Ross stated that Mobile Gas has filed a counter claim asking for a declaratory judgment. He reported that the Bethel's are attempting to file a law suit against the Mayor, City, and a few others. He said that he will get a copy of the documents and distribute them to Council.

Mayor Small stated that the Council has a copy of the capital budget and asked if in the near future they could discuss and work on the budget. He said that input from the Council is welcome and needed. He also reported that the Volunteer Fire Department agreed to purchase the EMS vehicle for the Fire Department so that is \$52,000 that the city will not have to pay.

C. Department Head Comments

David McKelroy – Recreation Department Director – stated that the Christmas parade and tree lighting will be Thursday, November 30th at 6:00 p.m. He stated that the seven and eight year old Youth Football team was runner up in the Championship game. He said that the nine and ten year olds play tonight for the Championship. He thanked Public Safety and Public Works for their efforts of security and traffic control for the Flu Clinic, and that it went off without disruption.

Captain Andy Ray – Fire Department - reported that the Fire Department is now an Advanced Life Support Service and currently they have run approximately 100 calls and administered drugs to 36 pateints. He said that they are well on the way to being a major player with ALS. He said that before long they will have an EMS truck and ease up on the big truck.

Tonja Young – Library Director – welcomed Mr. Scully to the Library Board and Mrs. Robinson for rejoining. She stated that Mr. Ernie Seckinger is the Chairman and Mr. Allen Vice Chairman.

7. PUBLIC PARTICIPATION:

Mr. Stan Weise – 906 Camellia Court – spoke regarding sewerage on Camellia Court. Mr. Weise read part of a letter he haded out to the Council. (*Mr. Weise’s letter is spread out upon these minutes.*)

Mr. John Coulter – Ridgewood Drive – spoke regarding the paving of Ridgewood Drive.

Mr. Walter Lambert – Camellia Court – spoke regarding not being able to get an address before paying tap fees and a building permit.

8.) RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Prepaid Travel / Regina Landry / John Lake. /Resolution 2006-95
- b.) City Hall Alterations & Additions. /Resolution 2006-96
- c.) Purchasing Agent Appointment: City Hall Alterations & Additions / Rod Cooke /Resolution 2006-97
- d.) Fiscal 2007 Community Contributions /Resolution 2006-98
- e.) Declaring Certain Property Surplus and Authorizing the Mayor to Dispose of Such Property. /Resolution 2006-99
- f.) Establishing: “The Eastern Shore Park Pledged Tax Debt Service”@ Bank Account / First Gulf Bank /Resolution 2006-100

MOTION BY Mr. Scott to waive the reading of Resolutions 2006-95, 2006-96, 2006-97, 2006-98, 2006-99, 2006-100. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-95. *Seconded by Mr. Yelding.*

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

MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-96. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-97. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-98 as presented on attachment "A". *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-99. *Seconded by Mrs. Landry.*

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

MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-100. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

REVISIT RESOLUTION 2006-96 TO FILL IN AMOUNTS

MOTION BY Mr. Scott to adopt Resolution 2006-96. Seconded by Mr. Palumbo.

Mr. Scott amended the motion to state adopting the recommendations made by Mr. Jeff Hudson at the work session for additions and alterations and listed on Attachment "A".

Mr. Palumbo seconded the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2nd READ

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

MOTION BY Mrs. Landry to waive the reading of Ordinance 2006-79. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Ordinance 2006-79. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

9. COUNCIL COMMENTS:

Mr. Yelding stated that he hated to hear how Mr. Lake felt about surplus items coming from Finance. He asked Mr. Lake if he would like him to relinquish he chair on the Finance Committee and let him take his place.

Mrs. Barnette wished everyone a safe Thanksgiving and stated that she would see everyone at the Christmas Parade and tree lighting.

Mr. Lake mentioned an article that he read in the paper about a silent hero, Mr. Austin Grigsby, and stated that they should name a street after him. He asked the City Clerk to prepare a letter to the Planning Commission requesting they name a street after Mr. Grigsby. He also commented regarding the service road saying they should compare revenue to the cost of the road. He complimented those holding the flu Clinic, and said that it was easy in and easy out. He also commented on a no smoking ordinance, and wished everyone a happy Thanksgiving.

Mr. Scott commented on the Flu Clinic stating that this was a trial run in case a pandemic broke out. He also stated that they have awakened a sleeping giant in Lake Forest. He handed out a petition from residents in Lake Forest listing things they would like done in the community. He said that they are not going to ignore Lake Forest. He said that the city spent a half million dollars there last year, and they are going to spend at least that this year. He wished everyone a happy Thanksgiving.

Mrs. Landry stated that she agrees with her colleagues and is committed to Lake Forest. She believes that they need to get the roads fixed, and she is also looking forward to the Christmas parade next Thursday night and encouraged all to come out. She wished everyone a happy Thanksgiving.

Mr. Palumbo stated that Mr. Coulter's position is well taken tonight. He said that this service road will help both shopping centers in Spanish Fort. He said that this does not make sense to him at the present time. He said the Infirmary just has an option, they have not purchased nor made any announcement to the newspaper. No one has any idea what they intend to do. He said it is quite premature of the Council to spend \$600,000 for a roadway that runs the same way as Highway 31 and I-10, which are both good roads. He said that whatever they do they need to hold public hearings, because this road that is proposed will materially affect the northern part of the city and the way of life in that part of the city. He stated that last year Mr. Eady said that building a road would create a traffic nightmare at Highway 181, and he does not think any of that has changed. He stated that they need to go slowly and cautiously with due diligence. He stated that the city will have to pay as you go at a half million dollars a year for the next probably four (4) or five (5) years just to take care of the current road that are in the city, much less, put out \$600,000 for a new road that has not been demonstrated that the city needs. Mr. Palumbo wished everyone a happy Thanksgiving.

Mayor Small said that he thought the article was a little preliminary and did not accurately reflect what was discussed. He said that they are committed to taking care of Daphne folks first with regard to roads, especially in Lake Forest.

Council President Burnam congratulated the Daphne High School Football Team for an exceptional season and wished everyone a happy Thanksgiving.

NOVEMBER 20, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISUCSS, THE MEETING ADJOURNED AT 8:00 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam,
Council President

Date & Time Signed: _____

Monday, November 20, 2006

Stan Wiese
906 Camellia Court
Daphne, AL 36526

Daphne City Council
Main Street
Daphne, AL 36526

Subject: Sewer system in Dauphine Acres Subdivision

To the attention of the Daphne City Council:

I have been a resident of Daphne for 21 years residing at the above address.

Approximately three years ago, the city began the process of installing sewers in Dauphine Acres subdivision. Letters were sent asking if the citizens would prefer a gravity or low pressure sewer system. Several months later the city engineering firm began the process of acquiring easements for the new sewer systems that were designed as a gravity system.

Because I had concerns about possible erosion, I met with a representative of the engineering firm. He assured me my concerns would be taken care of and I verbally agreed to provide any necessary easements.

As the project progressed, I was informed by a neighbor approximately four weeks before the project was complete that three houses at the end of Camellia court would be skipped because of inability to acquire necessary easements.

I then attended the first available council meeting and brought this matter before the council. The contractor was in the swampy area near my home working and advised me that he was close. He said now was the time to make a change order to take care of it. I brought this information to the then current city engineer, Art Rigas. He relayed the information to the city council and it was their intention to address it in the future.

I understand that there was at least one change made for a homeowner on Caroline Avenue who had a change of heart once he found out they would have no choice but a low pressure/grinder system.

The homeowner allowed for an easement and was accommodated into the existing installation **after** bids were let and the project was under way.

This is the current status of the Dauphine Acres Subdivision sewer project:

Sewer lines are being run within the subdivision on Wilson Avenue and East Dogwood Drive. My home street, Camellia Court, is also included in the current construction. Wilson Avenue, East Dogwood Drive and Camellia court were originally passed by two years ago. I understand this was because of a lack of "easements." My street was given two options, A or B, gravity or low pressure. I understand the council is leaning to low

pressure because it is less expensive to install. I am opposed to this for the following reasons:

- The system in Dauphine Acres was designed as a gravity system.
- There is no document anywhere that says I or any entity refused to grant a utility easement. As aforementioned, I spoke with a representative of the engineering firm in the projects initial planning phase.
- There is a much higher initial cost to the homeowner and there are ongoing maintenance issues with such a system.
- I brought the matter to the council two years ago and was basically ignored.
- Dogwood Drive East and Wilson Avenue are currently receiving gravity systems that are both much more expensive than a low pressure system. As a matter of fact, East Dogwood has a low pressure tap at the beginning of the street already in place. Wilson Avenue has a combination of two pumping stations (Approximate cost \$115,00), to move the sewage to the Caroline Avenue sewer line that runs to the pumping station near the end of my street.
- If cost is the issue, then why was East Dogwood and Wilson Avenue bid as gravity systems only and if not, why was the more expensive system chosen.
- I feel I am being unfairly discriminated against and/or my neighbors on East Dogwood and Wilson are being shown preferential treatment.
- If this is about money, then someone on the council should explain to the tax payers the obvious disregard for the cost of Dogwood and Wilson. I have personally talked to the contractors installing the system and the Daphne Utilities manager and both have said that the project could have been served with low pressure at a much lower cost. The contractor's rough estimate is \$25 per foot for low pressure versus \$80 per foot for gravity.

In closing I would like to say I have spent copious amounts of time gathering information on this project. I dare say I know as much if not more about this project than anyone on the council with the exception of Mr. Bailey Yelding Jr.

Mr. Yelding, Mr. Burnham, Mrs. Barnette and Mr. Lake seem genuinely concerned with the issues that I have raised but it doesn't appear the other council members are concerned. For the above reasons, I feel I deserve the system as initially designed that my neighbors are receiving.

Sincerely,

Stan Wiese

cc: Fred Small Mayor
Eastern Shore Bulletin
Mobile Press Register

NOVEMBER 16, 2006
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.

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COUNCIL MEMBERS PRESENT: Cathy Barnette; John Lake; Greg Burnam arrived at 6:40 p.m., Ron Scott; Regina Landry; August Palumbo.

ABSENT: Bailey Yelding.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Meredith Turpin, Attorney; Bill Eady, Planning Director; Kim Briley, Finance Director; Jeff Hudson, Gatlin Hudson Architects; Melinda Immel, Volkert & Associates; Charles Houser, Mayor of Magnolia Springs.

1. CALL TO ORDER

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

2. NO SMOKING ORDINANCE

Mr. Lake asked Mrs. Tina Findley with the AL Department of Health to speak regarding a no smoking ordinance. She presented Council with a petition signed by about 400 people who were in favor of a no smoking ordinance.

NOTE: Council President Burnam arrived at 6:40 p.m.

Some of the Council felt it was not the Council's job to govern what goes on in business establishments.

Mr. Lake stated for the record that he is for a no smoking ordinance because of health issues.

3. BID FOR CITY HALL RENOVATION / JEFF HUDSON

Mr. Hudson stated that the bid came in under budget and that the Council could choose from the ad alternates or they could decide to go with them all. He recommended to eliminate the alternate numbers #2, #5, #9, #10, #12, and #14. Mr. Hudson stated that time is an issue in order to get contracts signed and for the contractor to get bonding. (*Bid summary is spread out upon these minutes.*)

4. DAUPHINE ACRES SEWER / MELINDA IMMEL

Mrs. Melinda Immel updated the Council on the homes that did not get sewer in Dauphine Acres. She stated that because of the location of Mr. Wiese's septic tank the cost of gravity sewer would come down to about \$47,000 and \$52,000.

The Council discussed that they had voted to do the low pressure system and that nothing has changed to go for the gravity system.

Council President Burnam recognized the Mayor-elect of Magnolia Springs Mr. Charles Houser.

5. ANNEXATIONS / MAYOR SMALL

Mayor Small discussed the boundary for the annexation with Council and stated that he wants to have public hearings out in the communities with the Fire Department, Police Department, Public Works and Council. He stated that you cannot have a strategic plan without annexing and the city needs to have a plan. He stated that he would like a motion Monday at the Council meeting to proceed with the legal work on for the annexation. He would like to have it to the Legislature for their first session next year. Mayor Small said that the lines could always be changed later, he just wanted to get the legal work started.

Council President Burnam asked the Assistant City Clerk to put this motion on the agenda for Monday night.

6. NORTH I-10 BY-PASS

Mayor Small stated that he would like to add this to the capital budget to be discussed by the Council. He said that the amount that Spanish Fort is asking Daphne to pay is \$618,076.40. Council asked the Mayor why Daphne had to pay so much and Spanish Fort so little. Mayor Small stated that Spanish Fort came up with this figure based on how much land was in the Daphne city limits.

7. UTILITY BOARD NOMINATIONS

Council discussed whether nominations should go to the Utility Board first and then sent back to Council with the board's recommendation.

Most of the Council felt that nominations should come from Council and that the board needs diversity and have members not just come from one group.

8. SET COUNCIL RETREAT DATE

Mrs. Barnette stated that the Council needs this retreat to discuss what they want to accomplish during the next two years of their term.

Council President Burnam instructed Rebecca, the Assistant City Clerk, to e-mail the Council to see what date is convenient during the second or third week in January, and to contact Bill Hart to mediate.

**NOVEMBER 16, 2006
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.**

3

9. CAPITAL BUDGET

The Council asked questions of Mayor Small regarding the Capital Budget.

NOTE: Mr. Lake departed at 8:20 p.m.

Council discussed the contribution list that will be on the agenda for Monday noting that the Blue Print for Tomorrow and SARPC were not on the list. Council would like a presentation from both of these groups at a work session.

9. ADJOURN

There being no further business to discuss, the meeting adjourned at 8:35 p.m.

Respectfully submitted by

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer

Greg Burnam,
Council President
Date & Time Signed:_____

1st PUBLIC HEARING

DECEMBER 4, 2006

1. Adopting International Building Code

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

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

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

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

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

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

1. That a public hearing shall be held on December 4, 2006, concerning the adoption of an Ordinance for the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, 2006 Edition of the International Plumbing Code, and the 2005 Edition of the National Electric Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Residential Code, edition 2006, as follows:
 - (a). The following section of the International Residential Code, edition 2006, is hereby revised in its entirety to read as follows:

905.2.6 Attachment. Asphalt shingles shall have the minimum

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

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

301.1.3 Engineered Design,

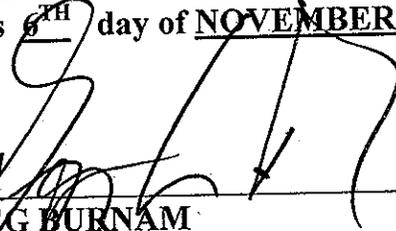
301.2.1 Wind Limitations, and

301.2.1.1 Design Criteria.

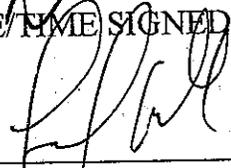
2. That this Resolution be published once a week for two consecutive weeks prior to said hearing.

2. That three copies of said Codes shall be filed for not less than fifteen (15) days prior to the holding of public hearing for use and examination by the public in the Office of the City Clerk.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 6th day of NOVEMBER, 2006.

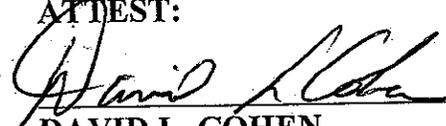

GREG BURNAM
COUNCIL PRESIDENT

DATE/TIME SIGNED: 11-6-06 7:29 P.M.


FRED SMALL, MAYOR

DATE/TIME SIGNED: 11-8-06 12:00

ATTEST:


DAVID L. COHEN,
CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO: 2006-_____**

**AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE NO. 1996-12;
PROVIDING FOR THE ADOPTION OF CERTAIN TECHNICAL CODES BY
REFERENCE**

WHEREAS, the City Council of the City of Daphne desires to promote the health, safety and welfare of the citizens of the City of Daphne by establishing uniform rules and regulations for the building, constructing and all other related activities within the city of Daphne; and

WHEREAS, the City Council of the City of Daphne recognizes that the procedures set forth hereafter will protect both the City of Daphne and its citizens and the owners of properties coming under the jurisdiction of this ordinance and made the subject of these procedures, and

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

Ordinance No. 1996-12 is hereby repealed in its entirety and is replaced by the following ordinance:

SECTION I: TECHNICAL CODES- ADOPTED BY REFERENCE

(a) For the purposes of establishing uniform rules and regulations, the Council hereby adopts by reference the following codes and subsequent amendments issued thereto:

- (1) ICC International Building Code, 2006 edition
- (1) ICC International Residential Code, 2006 edition
- (1) ICC International Fuel Gas Code, 2006 edition
- (1) ICC International Mechanical Code, 2006 edition
- (1) ICC International Plumbing Code, 2006 edition

Copyrights 2006 by the International Code Council Incorporated, and;

- (6) National Electrical Code, 2005 edition

Copyright 2004 by the National Fire Prevention Association Incorporated.

- (b) ICC International Building Code, 2006 edition, ICC International Fuel Gas Code, 2006 edition, ICC International Mechanical Code, 2006 edition, ICC International Plumbing Code, 2006 edition, National Electrical Code, 2005 edition, and ICC International Residential Code, 2006 edition are hereby adopted and incorporated as if fully set out in this section, with additions, deletions and changes to the ICC International Residential Code, 2006 edition, as prescribed in subsections (c) and (d), and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction or alteration, or repair of all buildings and other structures therein contained within the corporate limits of the City.

- (b) The following section of the International Residential Code, edition 2006, is hereby revised in its entirety to read as follows:

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

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

301.1.3 Engineered Design,

301.2.1 Wind Limitations, and

301.2.1.1 Design Criteria.

- (e) The above referenced technical codes are hereby adopted as the Standard Building Code of the City of Daphne.

- (e) Copies of the above referenced codes are on file in the office of the city clerk.

SECTION II: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the council, which is in conflict with this

Ordinance is hereby repealed to the extent of such conflict.

SECTION III: EFFECT OF REPEAL

- (a) The repeal of Ordinance No. 1996-12 does not revive any previously repealed ordinance.
- (b) The repeal of Ordinance No. 1996-12 does not effect any punishment or penalty incurred before the repeal took effect, nor does such repeal effect any suit, prosecution or proceeding pending at the time of the repeal.

SECTION IV: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne and publication as required by law.

APPROVED AND ADOPTED this ____ day of _____, 2006.

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL, MAYOR
DATE/TIME SIGNED: _____
ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

2nd PUBLIC HEARING

DECEMBER 4, 2006

1. Annexation: Arthur Keller Property / Property located on the southeast corner of Whispering Pines Road and Pollard Road
Requested Zoning R-4, High Density Multi-Family

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

MEMORANDUM

Date: October 30, 2006

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

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

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

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA
COUNTY OF BALDWIN

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

(The Park at Whispering Pines)

The undersigned, Arthur V. Keller, Jr. & Jo Anne D. Keller, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Parcel No. : 05-43-05-16-0-000-002.001 to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description Of Property:** The description of the property which Petitioner requests to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this Petition as if fully set out herein (the "Property").
2. **Map Of Property:** Attached hereto as Exhibit "B" and made a part of this Petition, is a map of the Property showing its relationship to the corporate limits of the municipality of the City of Daphne.
3. **Owner:** The Petitioner, Arthur V. Keller, Jr. & Jo Anne D. Keller, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.
4. **Specific Conditions:** This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

R-4 Multi-Family

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

DATED this 12 day of September, 2006.

Respectfully submitted,

By: Arthur V. Keller

Jo Anne D. Keller

STATE OF ALABAMA
COUNTY OF BALDWIN

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

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

[Signature] (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 12/10/09

ARTHUR KELLER JR & JOANNE D. KELLER
ANNEXATION

EXHIBIT "A"

LEGAL DESCRIPTION:

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

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

City of Daphne

Baldwin County, Alabama

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

IN WITNESS WHEREOF, the undersigned have executed this instrument of agency this 12 day of September, 2006.


AURTHUR V. KELLER, JR.


JO ANNE D. KELLER

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF OCTOBER 26, 2006
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.

CALL TO ORDER:

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:07 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Victoria Phelps
Don Terry
Warren West, Vice Chairman
Jeff Carrico, Chairman
Cathy Barnette, Councilwoman

Members Absent:

DeLeon Thomas
Larry Chason, Secretary
Ed Kirby

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Meredith Turpin, Associate Attorney
Nancy Anderson, GIS Technician

Staff Present:

Jay Ross, Attorney

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Chason, Mr. Thomas, and Mr. Kirby are not present. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the September 28, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. West **to approve**

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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the minutes of the regular meeting. The Motion carried unanimously.

OLD BUSINESS:

The Chairman stated the first order of business under old business is a final plat review for Rolling Hills Place.

FINAL PLAT REVIEW:

File SDF06-05:

Subdivision: Rolling Hill Place

Location: On Rolling Hills Drive between Hope Drive and Calverdale Circle

Area: 6.66 Acres ±, (23) lots

Owner: Friday Construction Company - Mike Commiskey

Engineer: Hutchinson, Moore & Rauch - Ray Moore__

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting final plat review of a six-point sixty-six acre subdivision consisting of twenty-three lots located on Rolling Hills Drive between Hope Drive and Calverdale Circle. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners have any questions or comments. He stated the construction of the detention pond was not done according to the approved plans. Has anything further been done?

Mr. Moore stated it was graded and sodded prior to Ms. Campbell, the Site Containment Officer, advising the contractor to over excavate the pond.

Ms. Campbell stated that she did not advise the contractor to over excavate the pond. I simply recommended it due to the added siltation which fills up the detention pond during the construction of the homes. I was taught at ADEM to never instruct a contractor during the construction of a subdivision or site.

Mr. West read the reduced plans provided by the engineer and asked if the pond was intended to be a detention or retention pond. I am not satisfied with the construction of the pond because the plans say that it is supposed to be a detention pond and it is still holding water.

Mr. Eady stated it is not unusual for a contractor to over excavate a pond.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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Ms. Barnette questioned whether or not it was a detention or retention pond and whether or not Mr. Moore was satisfied as an engineer with the construction of the pond.

Mr. Moore stated yes ma'am.

Mr. Moore stated detention and retention are interchangeable. This pond will always hold water because of the underground springs located on this site prior to construction.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the final plat for Rolling Hill Place Subdivision.**

Upon roll call vote, the Motion was denied.

Mayor Small	Aye
Ms. Phelps	Aye
Mr. Terry	Aye
Mr. West	Nay
Mr. Carrico	Nay
Ms. Barnette	Aye

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. I guess we have to state how reason for denial of the final plat. The reason for denial is the detention pond was not constructed according to the plans, preliminary plat submittal, approved by the Planning Commission.

NEW BUSINESS:

The Chairman stated the first order of business under new business is final plat review for Ottawa Springs Subdivision, Phase Two.

FINAL PLAT REVIEW:

File SDF06-27:

Subdivision: Ottawa Springs Subdivision, Phase Two

Location: County Road 13 approximately one-half mile North of
County Road 64

Area: 19.65 Acres \pm , (48) lots

Owner: Gooden Homes, Inc.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF OCTOBER 26, 2006
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Engineer: Engineering Development Services - Jason Estes

An introductory presentation was given by Mr. Estes, representing Engineering Development Services, requesting final plat review of a nineteen-acre subdivision consisting of forty-eight lots located on County Road 13 approximately one-half mile North of County Road 64. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair would entertain a motion. He asked if the subdivision had been constructed according to the plans and if any changes had been made of which Mr. Estes would like to advise the Commission.

Mr. Estes stated no sir.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the final plat for Ottawa Springs Subdivision, Phase Two. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Churchill Downs Subdivision, Phase Two.

PRELIMINARY PLAT REVIEW:

File SDP06-15:

Subdivision: Churchill Downs, Phase Two

Location: East Side of Highway 31 and one mile South of Bromley Road

Area: 20.90 Acres \pm , (45) lots

Owner: PBR549, LLC

Engineer: Engineering Development Services - Jason Estes

An introductory presentation was given by Mr. Estes, representing Engineering Development Services, requesting preliminary plat review of a twenty-acre subdivision consisting of forty-five lots located on

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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the East Side of Highway 31 and one mile South of Bromley Road. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the preliminary plat for Churchill Downs Subdivision, Phase Two. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for the Park on Randall Avenue.

File SDP06-16:

Subdivision: The Park on Randall Avenue

Location: North side of Randall Avenue and West of Pollard Road
Area: 2.10 Acres +, (5) lots
Owner: Irvine Co., Inc. - Starke Irvine
Surveyor: Hutchinson Moore & Rauch, LLC - Johnny E. Holley

An introductory presentation was given by Mr. Irvine, representing the Irvine Co., Inc., requesting preliminary plat review of a two-acre subdivision consisting of five lots located on the North side of Randall Avenue and West of Pollard Road. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady 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 would entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Terry **to approve the preliminary plat for the Park on Randall Avenue. The Motion carried unanimously.**

The Chairman stated the next order of business is annexation review for Arthur V., Jr. and Jo Anne Keller.

PETITIONS:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF OCTOBER 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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ANNEXATION REVIEW:

An introductory presentation was given by Mr. William Walls, representing Seaman Capital, L.L.C., requesting annexation of ten acres located on the Northeast corner of Whispering Pines Road and Pollard Road, with R-4, High Density Multi-Family Residential, zoning. Mr. Walls stated the owners of the subject property are Arthur V., Jr. and Jo Anne Keller. He commented on the present county zoning in Baldwin County's District 15. The property is currently zoned R-2B, Single Family Residential. The owner is requesting annexation into the City of Daphne with R-4, High Density Multi-Family Residential, zoning for the purpose of the construction of apartments comparable to Audubon Apartments on County Road 64. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments.

Mr. West stated that he liked the idea of apartments at this location, but the intersection at Whispering Pines and Pollard Roads already has a traffic problem. Before I would be able to vote on it, I would like to look at a traffic study.

Mr. Eady stated this is an annexation review. The traffic study will be provided to the Commission when the site plan is submitted.

The Chairman stated do any of the Commissioners or Mr. Eady 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 would entertain a motion.

A Motion was made by Mayor Small and Seconded by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation of the parcel for Arthur V., Jr. and Jo Anne Keller with R-4, High Density Multi-Family Residential, zoning. The Motion carried unanimously.

The Chairman stated the next order of business is zoning amendment review for Arthur V., Jr. and Jo Anne Keller.

ZONING AMENDMENT REVIEW:

File Z06-11:

Zoning: The Park at Whispering Pines

THE CITY OF DAPHNE
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Location: Corner of Whispering Pines Road and Pollard Road

Area: 10.23 Acres +

Owner: Arthur V., Jr. and Jo Anne D. Keller

Agent: J. William or William H. Walls, III

Present Zoning: R-2-B (Single Family, Zoning District 15)

Proposed Zoning: R-4, High Density Multi-Family Residential

An introductory presentation was given by Mr. William Walls, representing Seaman Capital, L.L.C., requesting the rezoning of a ten-acre parcel for Arthur V., Jr. and Jo Anne D. Keller located on the Northeast corner of Whispering Pines Road and Pollard Road from R-2B, Single Family Residential of Baldwin County District 15, to an R-4, High Density Multi-Family Residential, zoning. We are asking for the rezoning of this parcel for the construction of high density multi-family residential apartment complex. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady 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 would entertain a motion.

A Motion was made by Ms. Barnette **and Seconded** by Mayor Small **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of the ten-acre parcel for Arthur V., Jr. and Jo Anne D. Keller on the Northeast corner of Whispering Pines Road and Pollard Road from R-2B, Single Family Residential of Baldwin County District 15, to an R-4, High Density Multi-Family Residential, zoning. The Motion carried unanimously.**

The Chairman stated the next order of business is an administrative presentation regarding a proposed ordinance to regulate erosion and sediment for residential and noncommercial disturbance.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Campbell, the Site Containment Inspector, of a proposed ordinance regulating erosion and sediment control for residential buildings, as well as, noncommercial disturbance.

A Motion was made by Ms. Barnette **and Seconded** by Mayor Small **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the proposed ordinance regulating erosion and sediment control for residential buildings, as**

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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well as, noncommercial disturbance. The Motion carried unanimously.

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

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

ATTORNEY'S REPORT:

Ms. Turpin stated no report.

Mayor Small stated that he had requested the City Attorney to review the Code of Alabama regarding whether or not we could adhere to the subdivision/zoning regulations of the City of Daphne within Baldwin County District 15 rather than following the more stringent of the two for the purpose of approval of subdivisions.

The Chairman stated if the Commission needed to set a date for the November Planning Commission meeting because of the Thanksgiving holidays.

Mr. Eady stated yes sir. You need to set the meeting date for Tuesday, November 21, 2006.

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

A Motion was made and Seconded to change the November Planning Commission meeting date from Thursday, November 23 to Tuesday, November 21, 2006. The Motion carried unanimously.

ADJOURNMENT:

The Chairman stated do any of the Commissioners or Mr. Eady have any further 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 6:55 p.m.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF OCTOBER 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: November 21, 2006

Jeff Carrico, Chairman

ORDINANCE NO. 2007 -

**Ordinance to Rezone Property Located off of the corner of
Main Street and Ryan Avenue
Eastern Shore Knights of Columbus**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District, to B-2, General Business District, said property is located off of corner of Main Street and Ryan Avenue in Daphne, Alabama, being more particularly described as follows:

Legal Description:

Lot 1, Columbus Way Subdivision as recorded on Slide 2296C in the Judge of Probate, Baldwin County, Alabama. Located in Section 29, Township 5 South, Range 2 East. Said parcel containing 0.57 Acres more or less.

WHEREAS, the Planning Commission of the City of Daphne on November 21, 2006 has considered said request and set forth negative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, January 2, 2006 concerning the requested rezoning.

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

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

Greg Burnam
Council President
Date & Time Signed:_____

Fred Small
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

James "Bo" White
706 Deer Avenue
Daphne, Alabama 36526

Home# (251)-626-9646
Work# (251)-452-7817

E-mail: chiefbopfd@comcast.net

QUALIFICATIONS:

I have twenty seven years of experience as a public servant. Eighteen of those years has been spent in an increasingly responsible position of command. I have a demonstrated commitment to intergovernmental cooperation, community problem solving, and have excellent interpersonal and communicative skills. I have strong team leadership abilities, practice a participatory management style with the ability to work with diverse groups and individuals.

EDUCATION:

McGill Institute	1970 - Mobile, Al
Associate Degree, Fire Science Bishop State Community College Deans List Who's Who among students in American Junior College Academic Excellence - Outstanding Achievement	1987 - Mobile, AL
B. A. Degree, Business Management Dillard University	2003 - New Orleans, LA

EMPLOYMENT:

Fire Chief - City of Prichard: **March - 1998 - Present**

Responsible for the direction of all fire-fighting, fire prevention and fire service activities of the city. Responsible through study and consultation with city officials, for developing recommendations for the protection of life and property.

Administrative duties include planning, directing and controlling departmental activities including recruitment of personnel, purchase of equipment, control of expenditures, preparation of budget, and the assignment of personnel and equipment. Consults with city officials on problems of policy and planning but works independently in supervising technical operations.

Fire Service - District Chief: April - 1993 - March 1998
Responsibilities of supervisor and management work over firefighting and emergency medical activities. Performed training and staff work while directing a major phase of fire department activities.

Fire Service Captain: October - 1986 - April 1993
Responsibilities of first line supervisory work in directing the activities of a firefighting company and a team of emergency medical personnel.

Firefighter Driver: March - 1984 - October 1986
Specialized firefighting work in the operation and care of firefighting apparatus.

Firefighter: August - 1977 - March 1984
Public safety work engaging directly in firefighting, station and equipment maintenance activities.

South Alabama Regional Planning Commission 1975 - August 1977
Planning Aide:
Responsible for plotting and inspecting all residential dwellings in Mobile, Baldwin and Escambia counties. Collected housing data for dissemination to local municipalities.

Prudential Insurance Company 1974 - 1975
Agent responsible for writing Life Insurance policies.

AFFILIATIONS / MEMBERSHIP:

- Emergency Management Coordinator - City of Prichard.
- International Association of Fire Chiefs.
- Black Chief Officers Committee.
- National Fire Protection Association.
- Technical Advisory Council - Mobile County Public School System.
- Executive Patron Board - Baldwin County Board of Education.
- Vice - President of Daphne Quarterback Club.
- Kappa Alpha Psi Fraternity Inc.

Training:

2002 Mitigation Planning - Alabama Emergency Management Agency
2000 Domestic Preparedness Senior Officials Workshop
• Emergency Response to Terrorism
1999 Fire Chiefs Executive Development
1998 Radiological Monitor
1992 Haz - Mat Awareness and Operations

- 1990** Introduction to Hazardous Materials
- Defensive Practices for First Responders
 - Computer Aided Dispatch
 - Vehicle Extrication
- 1987** Fire Cause and Determination
- Firefighting Strategy and Leadership
 - Building Construction for the Fire Service
 - Investigating the Fireground
 - Basic Hydraulics
 - Fire Apparatus Operation
 - Emergency Vehicle Operations
 - Incident Command System
- 1977** Firefighter I Certification
- Basic C.P.R.

FAMILY:

Married twenty four year to Vonametriss White, teacher at Daphne Elementary School.
Father of three sons; James III, Patrick and Coley.

FENTON E JENKINS

1015 MAIN STREET * DAPHNE, AL 36526 * (251) 621-9439

SUMMARY OF QUALIFICATIONS

- 20 years of good experience with the Alabama State Troopers
- 20 years of good experience with United States Air Force Reserve
- excellent interpersonal skills with fellow officers, supervisors and public
- strong follow-through skills
- friendly outgoing personality, yet firm and in charge.

AWARDS AND CERTIFICATES

- United States Air Force Noncommissioned Office Academy – 2001
- Letter of appreciation from Flight Commander {Capt. Michael J Couture, USAF, Air Freight Flight 60APS, Travis AFB, CA – 2000
- Certificate of appreciation for Leadership and Knowledge in Joint inspection during the 1997 operational reserves inspection –1997
- Certificate of training in Air lifting of Hazardous materials – 2002
- Certificate of commendation for safe motor vehicle operation
- Certificate of training on wartime contingency class –1991
- Certificate of training in completion of train the trainer course – 1995
- Noncommissioned Officer in the Grade of Sergeant in the USAF – 1989
- Certificate of training in completion Transportation Proficiency Center Deployment Readiness Training – 1995
- Certificate of Induction into the Senior Noncommissioned Officer Corps in the USAF –2001

EDUCATION

- High School Diploma from Fairhope High School in Fairhope, AL – 1981
- Associate Degree in Political Science from Bishop State Community College in Mobile, AL – 1983
- B.S. Degree in Criminal Justice from Alabama State University in Montgomery, AL - 1986
- Completed United States Air Force Academy at Lackland AFB, San Antonio, TX – 1986
- Completed the Alabama State Troopers Academy in Selma, AL - 1987

Philip Anderson

8214 Creekbank Dr

Daphne, AL 36526
US

Home: 251.621.7089

Mobile: 251.331.9505

Work: 251.434.5110

PEANDERS@southernco.com

Objective

Share knowledge and experience gained while working 32 years in the HVAC and appliance service fields.

Summary

June of 1974 until October 1978 worked with two HVAC companies in Montgomery Alabama. Progressed from helper to HVAC mechanic operating a service vehicle alone in two years. Serviced residential HVAC equipment to light commercial, including gas boilers and heat pumps. Employed with APCo since 10.16.1978. Appliance Service Technician in Wetumpka (Montgomery, Elmore, Coosa and Tallapoosa Counties) until May 1996 serving public with repair to heat-pumps, electric furnaces, central air, hot water heating, laundry and kitchen products. Also serviced APCo company facilities in area including Hydro Plants (Jordan, Bouldin, Martin, Yates and Thurlow). Also maintained four story Southern Division office building for several years which included all facilities, plumbing, electrical, and HVAC (two 200 ton chillers with pneumatic controls and multiple air handlers). Since May 1996 Regional Service Manager for Appliance Service in Southwest Alabama managing approximately 12 employees. Duties include managing the technical abilities and customer skills of each employee, while maintaining relationships with outside customers and local company management.

Specific Skills Area:

Competent, able to work well alone and with others. Above average technical and troubleshooting skills.

Work Experience

- Regional Service Manager

Position Type:directHire

Employer: APCo

Mobile, Alabama

Dates Employed:1996-05 to current

Manager: Lisa Duke

Description: Managing Appliance Service activities in southwest Alabama.

- Service Technician

Position Type:directHire

Employer: APCo

Wetumpka, AL

Dates Employed:1978-10 to 1996-05

Description: Servicing all home appliances including heat-pumps, along with company equipment in area. For several years maintained four story division office building.

Because of good relationship developed, was utilized by the hydro plants for shut downs when requested by hydro management.

- HVAC Serviceman

Position Type:directHire

Employer: Brooks Heating & Ventilating

Montgomery, Al

Dates Employed:1976-03 to 1978-10

Manager: Mr. Brooks

Description: Residential: Electric heat, heat-pumps, gas furnaces, gas floor furnaces, hot water boilers (coal to gas conversions), etc. Light commercial: Because of relationship developed, was primary servicer for HVAC equipment at the Air National Guard at Dannelly Field.

- Helper / Serviceman

Position Type:directHire

Employer: Barton Williams Heating & Air-Conditioning

Montgomery, Al

Dates Employed:1974-06 to 1976-03

Manager: Mr. Williams

Description: Began in duct department as a helper installing residential and light commercial fiber and sheet metal duct systems. Progressed to setting and start up of new equipment, then riding with a serviceman as a helper and to gain experience, and finally assigned my own vehicle with journeyman duties.

Education

- **in** ,
Degree Type:high school or equivalent
Robert E. Lee

1974-05

Minor:

- **HVAC in** , 1974-05
Degree Type:vocational
Montgomery Area Vocational Center

1974-05

Minor:

Training Summary

Philip Anderson

Internal Training				
<u>Course Name</u>	<u>StartDate</u>	<u>EndDate</u>	<u>Status</u>	<u>Facility</u>
<u>Sales Mgmt w/Wes Laird</u>	04/12/2006	04/12/2006	Completed	
<u>Electrical Safe Work Practices</u>	03/14/2006	03/14/2006	Completed	
<u>Lockout/Tagout</u>	03/14/2006	03/14/2006	Completed	
<u>Use & Care of Rubber Gloves</u>	03/14/2006	03/14/2006	Completed	
<u>Back Injury Prevention Program</u>	02/08/2006	02/08/2006	Completed	
<u>Ladders and Stairs</u>	02/08/2006	02/08/2006	Completed	
<u>Medical & Exposure Rec Access</u>	01/11/2006	01/11/2006	Completed	
<u>Emergency Action & Fire Preven</u>	01/11/2006	01/11/2006	Completed	
<u>Defensive Driving - APTN</u>	12/14/2005	12/14/2005	Completed	
<u>Hand and Power Tools</u>	11/09/2005	11/09/2005	Completed	
<u>Cold Weather Hazards</u>	11/09/2005	11/09/2005	Completed	
<u>Code of Ethics for Managers</u>	10/31/2005	10/31/2005	Completed	
<u>HAZCOM Comprehensive</u>	10/12/2005	10/12/2005	Completed	
<u>Ladders and Stairs</u>	09/21/2005	09/21/2005	Enrolled	
<u>Confined Space Awareness</u>	09/21/2005	09/21/2005	Completed	
<u>Fall Prevention</u>	09/21/2005	09/21/2005	Completed	
<u>Asbestos Awareness</u>	08/10/2005	08/10/2005	Completed	
<u>Lead</u>	08/10/2005	08/10/2005	Completed	
<u>Fire Portable Extinguishers</u>	08/10/2005	08/10/2005	Completed	
<u>Civil Treatment for Managers</u>	06/13/2005	06/13/2005	Enrolled	
<u>HAZCOM Compressed Gases</u>	06/10/2005	06/10/2005	Completed	
<u>Oxy-Fuel Safety</u>	06/10/2005	06/10/2005	Completed	
<u>Back Injury Prevention Program</u>	05/11/2005	05/11/2005	Completed	
<u>Bloodborne Pathogens Awareness</u>	04/13/2005	04/13/2005	Completed	
<u>DOT Materials Trade Exemption</u>	04/13/2005	04/13/2005	Completed	
<u>Methylene Chloride</u>	04/13/2005	04/13/2005	Completed	
<u>Code of Ethics for Managers</u>	03/07/2005	03/07/2005	Completed	
<u>Electrical Safe Work Practices</u>	03/03/2005	03/03/2005	Completed	
<u>Lockout/Tagout</u>	03/03/2005	03/03/2005	Completed	
<u>Use & Care of Rubber Gloves</u>	03/03/2005	03/03/2005	Completed	
<u>Personal Protective Equipment</u>	02/09/2005	02/09/2005	Enrolled	
<u>Accident Prevent. Signs & Tags</u>	02/09/2005	02/09/2005	Completed	
<u>Job Briefing/Safety Analysis</u>	02/09/2005	02/09/2005	Completed	
<u>Occ Inj/Illness/Veh Acc Report</u>	02/09/2005	02/09/2005	Completed	
<u>Medical & Exposure Rec Access</u>	01/12/2005	01/12/2005	Completed	
<u>Emergency Action & Fire Preven</u>	01/12/2005	01/12/2005	Completed	
<u>Defensive Driving - APTN</u>	12/15/2004	12/15/2004	Completed	
<u>GE Training</u>	11/16/2004	11/16/2004	Completed	
<u>Hand and Power Tool Safety</u>	11/15/2004	11/15/2004	Completed	
<u>Cold Weather Hazards</u>	11/15/2004	11/15/2004	Completed	
<u>Housekeeping</u>	11/15/2004	11/15/2004	Completed	
<u>Ladders and Stairs</u>	09/15/2004	09/15/2004	Completed	
<u>Confined Space Awareness</u>	09/15/2004	09/15/2004	Completed	

<u>Fall Prevention</u>	09/15/2004	09/15/2004	Completed
<u>Emergency Preparedness Team</u>	09/14/2004	09/14/2004	Completed
<u>Asbestos Awareness</u>	08/10/2004	08/10/2004	Completed
<u>Fire Portable Extinguishers</u>	08/10/2004	08/10/2004	Completed
<u>RF Safety Awareness Level</u>	07/13/2004	07/13/2004	Completed
<u>SST-Coaching Employees Safety</u>	07/08/2004	07/08/2004	Completed
<u>HAZCOM Compressed Gases</u>	06/08/2004	06/08/2004	Completed
<u>Hot Weather Hazards</u>	06/08/2004	06/08/2004	Completed
<u>Oxy-Fuel Safety</u>	06/08/2004	06/08/2004	Completed
<u>Back Injury Prevention Program</u>	05/18/2004	05/18/2004	Completed
<u>Hazardous Insects</u>	05/18/2004	05/18/2004	Completed
<u>Dog Bite Prevention</u>	05/18/2004	05/18/2004	Completed
<u>Bloodborne Pathogens Awareness</u>	04/13/2004	04/13/2004	Completed
<u>DOT Materials Trade Exemption</u>	04/13/2004	04/13/2004	Completed
<u>Methylene Chloride</u>	04/13/2004	04/13/2004	Completed
<u>Electrical Safe Work Practices</u>	03/09/2004	03/09/2004	Completed
<u>Lockout/Tagout</u>	03/09/2004	03/09/2004	Completed
<u>Use & Care of Rubber Gloves</u>	03/09/2004	03/09/2004	Completed
<u>Meter Inspecting</u>	03/09/2004	03/09/2004	Completed
<u>Personal Protective Equipment</u>	02/19/2004	02/19/2004	Completed
<u>Job Briefing/Safety Analysis</u>	02/19/2004	02/19/2004	Completed
<u>Occ Inj/Illness/Veh Acc Report</u>	02/19/2004	02/19/2004	Completed
<u>Medical & Exposure Rec Access</u>	01/13/2004	01/13/2004	Completed
<u>Emergency Action & Fire Preven</u>	01/13/2004	01/13/2004	Completed
<u>SoCo Electronic Comm Policy</u>	10/14/2003	10/14/2003	Completed
<u>SoCo Code of Ethics Training</u>	10/14/2003	10/14/2003	Completed
<u>HAZCOM Core</u>	10/13/2003	10/13/2004	Completed
<u>Antitrust Laws</u>	10/07/2003	10/07/2003	Completed
<u>LDA BHAM MEETING</u>	10/07/2003	10/07/2003	Completed
<u>Ladders and Stairs</u>	09/09/2003	09/09/2003	Completed
<u>Drv License Policy & Overview</u>	09/09/2003	09/09/2003	Completed
<u>Asbestos Awareness</u>	08/19/2003	08/19/2003	Completed
<u>Lead</u>	08/19/2003	08/19/2003	Completed
<u>Fire Portable Extinguishers</u>	08/19/2003	08/19/2003	Completed
<u>Back Injury Prevention Program</u>	05/01/2003	05/01/2003	Completed
<u>First Aid, CPR & BBP</u>	04/08/2003	04/08/2003	Completed
<u>Bloodborne Pathogens Awareness</u>	04/07/2003	04/07/2003	Completed
<u>First Aid, CPR & BBP</u>	04/07/2003	04/07/2003	Completed
<u>Cardiopulmonary Res/First Aid</u>	04/07/2003	04/07/2003	Completed
<u>Use & Care of Rubber Gloves</u>	03/11/2003	03/11/2003	Completed
<u>Medical & Exposure Rec Access</u>	03/05/2003	03/05/2003	Completed
<u>Emergency Action & Fire Preven</u>	03/05/2003	03/05/2003	Completed
<u>Personal Protective Equipment</u>	02/19/2003	02/19/2003	Completed
<u>Accident Reporting Guides</u>	02/19/2003	02/19/2003	Completed

<u>Job Hazard Analysis</u>	02/19/2003	02/19/2003	Completed	
<u>Medical & Exposure Rec Access</u>	01/15/2003	01/15/2003	Completed	
<u>Managing Employee w/ Mult. Acc</u>	11/26/2002	11/26/2002	Completed	
<u>Valuing Differences</u>	07/18/2002	07/19/2002	Completed	
<u>Job Briefing/Safety Analysis</u>	07/09/2002	07/09/2002	Completed	
<u>Premium Surge Protection Tr</u>	03/27/2002	03/27/2002	Completed	APCo Power Delivery
<u>Electronic Communication Train</u>	02/20/2002	02/20/2002	Completed	
<u>NPD-Mgmt & Supervisory Trng</u>	08/29/2000	08/29/2000	Completed	
<u>Non Punitive Discipline</u>	08/29/2000	08/29/2000	Completed	
<u>RF Safety - Awareness Level</u>	08/24/2000	08/24/2000	Completed	
<u>Non-punitive Discipline</u>	06/20/2000	06/20/2000	Completed	
<u>Mutual Gains Bargaining</u>	06/20/2000	06/20/2000	Completed	
<u>Transient Voltage Surge Supp</u>	03/07/2000	03/08/2000	Completed	APCo Power Delivery
<u>APC Appl. Sales/Svc Broadcast</u>	10/15/1999	10/15/1999	Completed	
<u>DOT Drug and Alcohol</u>	07/27/1999	07/27/1999	Completed	
<u>Awareness Corp Comp Trn (PDCS)</u>	07/09/1999	07/09/1999	Completed	
<u>Ethics...Southern Style</u>	07/09/1999	07/09/1999	Completed	
<u>Compliance Training</u>	03/10/1999	03/10/1999	Completed	
<u>Outlook97/Transitioning/MSMail</u>	11/09/1998	11/09/1998	Completed	Columbus - SCLN Site
<u>NT 4.0: Transitioning/Win 3.1</u>	11/09/1998	11/09/1998	Completed	Columbus - SCLN Site
<u>Lockout/Tagout</u>	05/06/1998	05/06/1998	Completed	
<u>BIPP Refresher</u>	03/18/1998	03/18/1998	Completed	
<u>Defensive Driving Review/Updat</u>	12/17/1997	12/17/1997	Completed	
<u>Powerful Business Writing</u>	11/19/1997	11/20/1997	Completed	
<u>SH 4 Hr Combined FA/CPR/BBP</u>	11/04/1997	11/04/1997	Completed	
<u>SH 4 Hr Combined FA/CPR/BBP</u>	11/04/1997	11/04/1997	Completed	
<u>Civil Treatment for Mgrs-Tele</u>	07/23/1997	07/23/1997	Completed	Mobile Div Off/ Media Room
<u>Extended Service Agreement</u>	03/27/1997	03/27/1997	Completed	
<u>MS Word/W LEVEL 1 - SCSB</u>	11/19/1996	11/19/1996	Completed	Mobile Div -Auditorium A&B
<u>Bloodborne Pathogens-Emp Awar</u>	11/14/1996	11/01/1998	Completed	
<u>HAZCOM - Comprehensive</u>	10/10/1996	10/10/1996	Completed	
<u>Lead Exposure Training</u>	09/04/1996	09/04/1996	Completed	
<u>Asbestos Awareness Training</u>	09/04/1996	09/04/1996	Completed	
<u>Fire Extinguisher Use</u>	08/21/1996	08/21/1996	Completed	
<u>IR-All-In-One Level 1 (APC)</u>	07/30/1996	07/30/1996	Completed	Mobile Div -Auditorium A&B
<u>OSHA Mtn Std-Safety Rules</u>	06/12/1996	06/12/1996	Completed	
<u>Personal Protective Equipment</u>	06/12/1996	06/12/1996	Completed	
<u>ELAN-Win - APC</u>	06/11/1996	06/11/1996	Completed	APC Corporate Headquarters 4-J
<u>Back Injury Prevention Program</u>	05/29/1996	05/29/1996	Completed	
<u>SH 2 Hr CPR/BBP Refresher</u>	04/10/1996	04/10/1996	Completed	
<u>Defensive Driving - APTN</u>	12/04/1995	12/04/1995	Completed	
<u>Defensive Driving - Self Paced</u>	10/19/1995	10/19/1995	Completed	
<u>SH 4 Hr Combined FA/CPR/BBP</u>	04/05/1995	04/05/1995	Completed	
<u>Refrigerant Recovery Cert</u>	01/23/1995	01/23/1995	Completed	
<u>Corporate Compl / Ethics Trn.</u>	12/06/1994	12/06/1994	Completed	

<u>Personal Protective Equipment</u>	09/09/1994	09/09/1994	Completed	
<u>Personal Protective Equipment</u>	09/09/1994	09/09/1994	Completed	Montgomery District Crew Hdqtr
<u>Bloodborne Pathogens-Emp Awar</u>	06/01/1994	06/01/1994	Completed	
<u>Cpr Certification Training</u>	04/12/1994	04/12/1994	Completed	
<u>Cpr-Heart Saver (Course A)</u>	06/01/1993	06/01/1993	Completed	
<u>First Aid And Cpr Training</u>	06/01/1993	06/01/1993	Completed	
<u>First Aid And Cpr Training</u>	06/01/1993	06/01/1993	Completed	

Other Professional Training		
Course Name	Course Completion Date	Facility/School
Driver Training	11/13/1987	
Hazcom Core Training	09/12/1988	
Alcohol & Drug Awareness	10/02/1991	
Electrical Safe Work Practices	11/14/1991	
Heat Pump Water Heating	04/08/1992	
PG-CPR-Heart Saver (Course A)	05/14/1992	
First Aid And Cpr Training	05/14/1992	
Thinking Outside the Lines	12/19/1997	
Business Reading Skills	02/11/1999	
Customer Service Training/Brya	10/18/2000	
Whilpool Training	04/25/2001	
Teambuilding 2001	05/09/2001	
Cold Weather HAZ, Tools & Hous	11/28/2001	
GE Training	11/29/2001	
Defensive Driving	12/11/2001	
Jan Safety Meeting	01/08/2002	
Feb Safety Meeting	02/12/2002	
March Safety Meeting	03/12/2002	
April Safety Meeting	04/16/2002	
May Safety Meeting	05/31/2002	
June Safety Meeting	06/11/2002	
August Safety Meeting	08/13/2002	
September Safety Meeting	09/09/2002	
GE Training	10/01/2002	
October Safety Meeting	10/15/2002	
Electrolux Training	10/22/2002	
Nov. Safety Mtng	11/12/2002	
Maytag Training	12/03/2002	
Dec Safety Meeting	12/10/2002	
Ethics & Business Practices	02/27/2003	
Lockout/Tagout	03/11/2003	
Meter Inspections	03/11/2003	

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>AML - Apollo's Mystic Ladies</i>
CONTACT PERSON:	<i>Michel Hanson</i>
ADDRESS:	<i>P.O. Box 3133 Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>621-2839</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>Date: February 9, 2005 Rain Date: February 15, 2005</i>
ROUTE TO BE TRAVELED:	<i>From Daphne Civic Center down Main St. turn around @College Ave. to 6th St. and back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>30 units - Approx. 500 people</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:30 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne Civic Center/Main Street</i>
ASSEMBLY TIME:	<i>5:30 P.M.</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief Mund Hanson	
PUBLIC WORKS: Ken Eslava	
CITY COUNCIL:	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>November 16, 2006</i>
NOTIFICATION:	
Received Proof of Insurance:	<i>November 29, 2006</i>
Received Parade Permit Fee:	<i>November 16, 2006</i>

11-21-06P03:22 RCVD

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING

Memorandum

To: Mayor Small
From: Human Resource Department
Date: 11-27-06
Re: Requested pay exception for Adrienne Jones, Planner

The following data is furnished in reference to the request stated above:

Years related experience (indicate if exp was with the City):

- 7 years with Jefferson County Commission as a Planner
- 3 months with Neel-Shaffer as an Asst. Planner
- 2 years with Jefferson County Land Dvmt. and Neighborhood Services as a HUD Planning Intern
- 5 months with City of Prichard, Economic Development and Planning, Planning Intern

Educational level:

- B. S. Urban Planning
- M.S. Urban and Regional Planning

Requested pay grade, pay step, hourly rate:

Pay Grade 18, step 12, \$41,520 annually

Pay and experience levels of current City employees in same job classification:

No other employees in this classification

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved

Mayor's Signature
11-27-06
Date
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

Council President's Signature

Date

I N T E R

O F F I C E

MEMO

To: Sharon Cureton, Human Resources Director
From: William H. Eady, Sr., Community Development Director
Subject: **Planner - Community Development Department**
Date: November 27, 2006

Ms. Cureton, after meeting and interviewing Ms. Adrienne Davis Jones I feel that she is an excellent candidate for the position of Planner in our Department.

Her application and resume speaks for itself.

I recommend that she be offered the position at a salary Grade 18, Step 12 at the rate of \$41,520.00 annually.

Sincerely,



William H. Eady, Sr.

WHE/hb

cc: Mayor Fred Small

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING

Memorandum

To: Mayor Small
From: Human Resource Department
Date: 111-20-06
Re: Requested pay exception for Kim Sparks
Promotion to Accounting Technician

The following data is furnished in reference to the request stated above:

Years related experience (indicate if exp was with the City):

- 7 years as a medical receptionist
- 7 months with the City as an Office Assistant

Educational level:

- High school diploma and college level courses

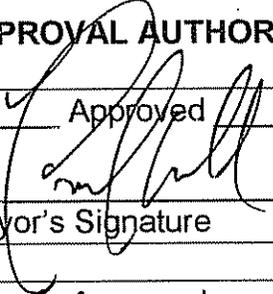
Requested pay grade, pay step, hourly rate:

Grade 11 Step 3 \$12.54 per hour

Pay and experience levels of current City employees in same job classification:

Pay Rate	Job Classification	Hire Date
\$16.30	Accounting Technician	10-5-95
\$15.27	Accounting Technician	3-30-95
\$13.91	Accounting Technician	1-14-02
\$12.88	Accounting Technician	9-22-05

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
	
Mayor's Signature	11-22-06 Date

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
Council President's Signature	Date

TO: Sharon Cureton, Human Resources Director

FROM: Kim Briley, Finance Director 

DATE: November 20, 2006

RE: Revenue Accounting Technician

I have conducted interviews to fill the position of Revenue Accounting Technician and would like to offer the position to Kim Sparks. Kim has assisted the Revenue department during the absence of employees and is familiar with the daily operating procedures.

This is to also serve as a request for a Pay Exception as provided by Resolution 2006-75. Kim is currently serving as the Finance Office Assistant (Receptionist) and is classified as a grade 6. Without this pay exception, Kim will be placed at Step 1 of Grade 11. However, due to Kim's knowledge of revenue procedures and city operations, this is to request that her starting rate be adjusted to a Grade 11, step 3. This is within budget.

Thank you for your consideration.

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING

Memorandum

To: Mayor Small
From: Human Resource Department
Date: 11-20-06
Re: Requested pay exception for Cornell Smith
Promotion to Revenue Officer Position

The following data is furnished in reference to the request stated above:

Years related experience (indicate if exp was with the City):

- 9 years in banking management
- 1 year in insurance
- 1.5 years with the City as Communication Officer and PW Accountant

Educational level:

- BA in Political Science
- MPA in Public Administration

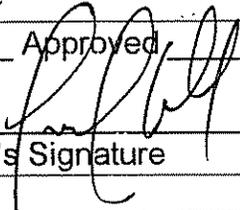
Requested pay grade, pay step, hourly rate:

Grade 20 Step 3 \$1360.58 bi-weekly

Pay and experience levels of current City employees in same job classification:

No other employees in this job classification

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
	<u>11-22-06</u>
Mayor's Signature	Date

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
_____	_____
Council President's Signature	Date

TO: Sharon Cureton, Human Resources Director

FROM: Kim Briley, Finance Director



DATE: November 20, 2006

RE: Revenue Officer

I have conducted interviews to fill the position of Revenue Officer and would like to offer the position to Cornell Smith. Cornell has excellent managerial skills as well as strong financial experience.

This is to also serve as a request for a Pay Exception as provided by Resolution 2006-75. Cornell is currently serving as the Public Works Accountant and is classified as a grade 14. Without this pay exception, Cornell will be placed at Step 1 of Grade 20. However, Cornell will bring managerial experience and a strong financial background to the position. This is to request that his starting rate be adjusted to a Grade 20, step 3. This is within budget.

Thank you for your consideration.

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING

Memorandum

To: Mayor Small
From: Human Resource Department
Date: 11-27-06
Re: Requested pay exception for Jane Robbins, Administrative Asst. to the Mayor

The following data is furnished in reference to the request stated above:

Years related experience (indicate if exp was with the City):

2 years, QMS Community and Employee Relations Supervisor
5 years, Hand Arendall, Professional Services Coordinator
2 years, Luce Packing Co., Office Manager
4 years, USA Wesley Foundation, Capital Campaign Assistant, Director of Development

Educational level:

High school diploma

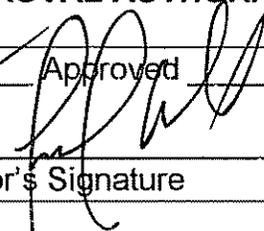
Requested pay grade, pay step, hourly rate:

Pay Grade 13, Step 8, \$15.38 per hour

Pay and experience levels of current City employees in same job classification:

Pay Rate	Job Classification	Hire Date
\$17.96	Admin Asst-Police	3-26-90
\$15.38	Admin Asst-Fire	1-21-97
\$15.38	Admin Asst-Planning	1-14-99
\$15.38	Admin Asst-Public Works	7-16-01

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
	
Mayor's Signature	11-27-06 Date

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
Council President's Signature	Date

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**CITY OF DAPHNE
RESOLUTION NO: 2006-101**

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

WHEREAS, the City of Daphne shall heretofore by Ordinance adopt the 2006 Edition of the International Fire Code; and

WHEREAS, the International Code Council Incorporated has published the 2006 Edition of the International Fire Code; and

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

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

1. That a public hearing shall be held on January 2, 2006, concerning the adoption of an Ordinance for the 2006 Edition of the International Fire Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Fire Code, edition 2006, as follows:

The following section of the International Fire Code, edition 2006, is hereby revised in its entirety to read as follows:

A.
Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:
101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as "this code."

B.
Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:
103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the

provisions of this code and amendments.

C.

Section 103.2 Appointment. Of the International Fire Code shall be removed in its entirety.

D.

Section 105.6.30 of the International Fire Code shall be repealed in its entirety and a new section 105.6.30 shall be added to read as follows.

Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be \$75.00

E.

Section 105.7.1 of the International Fire Code shall be repealed in its entirety and a new section 105.7.1 shall be added to read as follows:

Servicing Fixed Fire Extinguishing Systems

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

The technician who actually performs the work of servicing the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.

The permit fee for servicing a fixed fire extinguisher system shall be \$75.00

Section 105.7.1.1

Fixed Fire Extinguishing Systems Installation

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

The technician who actually performs the installation of the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The Fire Code Official shall require certain operational tests upon final inspection.

The permit fee for each fire extinguisher system installation shall be \$75.00

F.

Section 105.7.4 of the International Fire Code shall be repealed in its entirety and a new section 105.7.4 shall read as follows:

Servicing Fire Alarm Systems

No person shall engage in the business of fire alarm system without obtaining a permit from the Fire Code Official. The permit is good only for that calendar year of which it is issued. There is excepted from the requirements of Section 105.7.4 installations of the following types:

- (1) One and two family dwellings
- (2) Any buildings with single station detectors only.
- (3) Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.

No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a then-current manufacture's certification of training from the manufacturer of the equipment to be modified, repaired, tested or serviced, or be certified by the National Institute of Certification in Engineering Technologies (NICET) in the field of fire alarm systems – minimum level II.

A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.

The permit fee to service a fire alarm system shall be \$75.00

Section 105.7.4.1

Fire Alarm System Installation

No person shall install a fire alarm system without having the plans reviewed by the Fire Code

Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.7.4.1 installations in any building with single station detectors only.

Installer must possess written evidence from the manufacture of the equipment to be installed, certifying that the installer is qualified to install such equipment or the installer must be NICET fire alarm certified – minimum level II.

Any person or entity who designs fire alarm systems must possess written evidence from the manufacture of the equipment to be installed, certifying that the designer is qualified to design fire alarm systems or be NICET certified in fire alarms level III.

Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.

Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.

All fire alarm circuit disconnecting means shall have a red marking and shall be identified as “Fire Alarm”.

The permit fee for installing a fire alarm system shall be \$75.00

G.

Section 105.7.5 of the International Fire Code shall be repealed in its entirety and a new section 105.7.5 shall be added to read as follows:

Fire Pumps

Any person who installs, repairs or services fire pumps(hereinafter called in this Section 105.7.5 “installer”) must be a licensed Alabama sprinkler contractor and be certified by the stat Fire Marshal’s office and approved by the Fire Code Official on an annual basis renewable.

No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

All testing of the fire pump shall comply with NFPA 25. The Fire Code Official may require certain operational test upon final inspection.

The permit fee to install a fire pump shall be \$75.00

H.

Section 105.7.14 shall be added to read as follows:

Portable Fire Extinguisher Service

No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.

No person shall be issued a permit to service a portable fire extinguisher that does not possess a manufacturer's service manual for the type of extinguisher being serviced, and have the proper training. They shall have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400 Daphne, AL 36526 listed as a Certificate Holder.

The technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The annual permit fee for portable fire extinguisher service shall be \$75.00

I.

Section 105.7.15 shall be added to read as follows:

Servicing Fire Sprinkler Systems

No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

No person shall perform maintenance or testing on fire sprinkler systems unless that person is certified by the Alabama State Fire Marshal's office and approved by the Fire Code Official.

Installer must possess a current City of Daphne business license.

The permit fee for servicing a fire sprinkler system shall be \$75.00

The permit is good only for that calendar year of which it is issued.

Section 105.7.15.1

Install Automatic Fire Sprinkler Systems

No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 "installer") must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must possess a current City of Daphne business license.

Installer must have sprinkler plans reviewed by the Fire Code Official before commencing installation.

Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.

The Fire Code Official shall be present during the final inspection of the sprinkler system.

Relocating more than three (3) sprinkler heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention.
The permit fee for each automatic fire sprinkler system installation shall be \$75.00

J.

Section 105.7.16 shall be added to read as follows:

Additional Permits

Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.

It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

All checks and money orders shall be made out to the City of Daphne.

All certifications whether they are manufacture or NICET must be current and not have expired.

General requirements for a permit are as followed:

1. Current city of Daphne Business license.
2. Current one million dollar (\$1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.
3. Approved by the Fire Code Official.
4. Current Training certificates.
5. Permit fee of \$75.00

K.

Section 505.1 of the International Fire Code that reads "Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches" shall be repealed and shall read "numbers shall be a minimum of 5 inches high with a minimum stroke of 0.5 inches".

L.

Section 506.1 of the International Fire Code shall be repealed in its entirety and a new section 506.1 shall be added to read as follows:

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system or a fire alarm system. The Fire Code Official shall also have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of and approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

2. That this Resolution be published once a week for two consecutive weeks prior to said hearing.

- 3 That three copies of said Codes shall be filed for not less than fifteen (15) days prior to the holding of public hearing for use and examination by the public in the Office of the City Clerk.

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

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL, MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE NO. 2006-80

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

Arthur Keller Property

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

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on October 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Multi-Family**; and,

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

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

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

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

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

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

ARTHUR KELLER JR & JOANNE D. KELLER
ANNEXATION

EXHIBIT "A"

LEGAL DESCRIPTION:

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

