

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**DECEMBER 19, 2005**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**3. APPROVE MINUTES:** December 5, 2005

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE - Scott**

Review minutes meeting held December 12<sup>th</sup>

**a) MOTIONS:**

- 1.) Reject Bids: Sod & Hay
- 2.) Extend Bid Document 2005-D-Crowd Control Barricade & Allow Freight Charges

**b.) Prepaid Travel: Resolution 2005-84**

- 1.) Ken Eslava / NPSI Playground Inspector Certification Course & Exam / January 19-22, 2006 / Florence AL / \$105
- 2.) Dwayne Coley // NPSI Playground Inspector Certification Course & Exam / January 19-22, 2006 / Florence AL / \$105

**c.) Resolutions:**

- 1.) Bid Award: Ten (10) Row Aluminum Bleachers / Resolution 2005-85
- 2.) Community Action Agency: Hurricane Katrina / Resolution 2005-86
- 3.) Goldman Sachs Investment Custodian / Resolution 2005-87
- 4.) Declare Rescue Vehicle & Boat Surplus / Resolution 2005-88

**d.) Appropriations:**

- 1.) \$ 25,000 Crowd Control Barricades / Ordinance 2005-73
- 2.) \$ 26,000 Bayfront Drive Water Main & Sewer Project / Ordinance 2005-74
- 3.) \$ 950 Bay Rivers Art Guild Flooring / Ordinance 2005-75
- 4.) \$ 1,920 Step Adjustment: Executive Assistant / Ordinance 2005-76
- 5.) \$ 30,000 Library Computer Services Technician / Ordinance 2005-77

**e.) Financial Reports:**

- 1.) Treasurers Report / November 30, 2005
- 2.) Sales Tax Collection Graphs / October 31, 2005
- 3.) Lodging Tax Collections / October 31, 2005

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

Review minutes meeting held December 2<sup>nd</sup>

**C. PUBLIC SAFETY - Burnam**

Review minutes meeting held December 5<sup>th</sup>

**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**

- 1.) Review minutes Special meeting held November 22<sup>nd</sup>
- 2.) Review minutes Regular meeting held November 22<sup>nd</sup>
- 3.) Review minutes Special meeting held December 8<sup>th</sup>
- 4.) Set Public Hearing Date for **January 16, 2006** to consider a proposed Ordinance Amending the Land Use and Development Ordinance No. 2002-22 Thereby Adding a Residential High Rise Article and Other Necessary Amendments

**F. Recreation Board - Burnam**

**G. Utility Board – Scott**

**6. REPORTS OF THE OFFICERS:**

- A. *Mayors Report*
- B. *City Attorney’s Report*
- C. *Department Head Comments*

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Prepaid Travel / Ken Eslava / Dwyane Coley...../Resolution 2005-84
- b.) Bid Award: 2006-G-Ten (10) Row Aluminum Bleachers...../Resolution 2005-85
- c.) Agreement: Community Action Agency – Hurricane Katrina...../Resolution 2005-86
- d.) Goldman Sachs Investment Custodian...../Resolution 2005-87
- e.) Declaring Certain Personal Property Surplus & Authorizing Disposition...../Resolution 2005-88

**ORDINANCES:**

- a.) Rezone: Property Located at the Southeast Corner of the Intersection of Pecan Court and Pollard Rd. (A & B-10, LLC) 2<sup>ND</sup> READ...../Ordinance 2005-70
- b.) Rezone: Property Located on AL Hwy 181 Across From Austin Road ( Country Club Development, LLC) 2<sup>ND</sup> READ...../Ordinance 2005-71

- c.) **Annexation: Property Located Southeast of the Intersection of Lawson Rd. and County Road 13 (Water Tank Site – Malbis Plantation)** 2<sup>ND</sup> READ...../Ordinance 2005-72
- d.) **Appropriating Funds: Crowd Control Barricades** 1<sup>ST</sup> READ...../Ordinance 2005-73
- e.) **Appropriating Funds: Bayfront Drive Water Main & Sewer Project** 1<sup>ST</sup> READ...../Ordinance 2005-74
- f.) **Appropriating Funds: Install Flooring: Bay Rivers Art Guild** 1<sup>ST</sup> READ (EMERGENCY)...../Ordinance 2005-75
- g.) **Appropriating Funds: Executive Assistant Pay Adjustment** 1<sup>ST</sup> READ...../Ordinance 2005-76
- h.) **Appropriating Funds: Library Computer Services Technician** 1<sup>ST</sup> READ...../Ordinance 2005-77

- 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

**DECEMBER 5, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

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

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

Mr. Lake gave the invocation.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Kim Briley, Finance Director; Dale Foster, Librarian; Melvin McCarley, Public Works Supervisor; Joey Hollaz, Firefighter; Mitchell Zirlott, Firefighter; Josh Harlan, Firefighter; Capt. Scott Taylor, Police Department; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; Willie Robison, BZA; Melinda Immell, Volkert Engineering;

**Absent:** Sandra Morse, Civic Center Director; Ronnie Phillips, Building Official.

**3. APPROVE MINUTES:**

**MOTION BY Mr. Scott to approve the Work Session minutes meeting held November 17, 2005. *Seconded by Mrs. Landry.***

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

**MOTION BY Mrs. Barnette to approve the City Council meeting minutes meeting held November 21, 2005. *Seconded by Mr. Yelding.***

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

**PUBLIC HEARING: 1.) Rezone: Property located Southeast of the intersection of Pecan Court and Pollard Road / A & B-10, LLC / Rezone from R-4 High Density Single and Multi-Family Residential District to B-2 General Business District / Ordinance 2005-70**

**DECEMBER 5, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

2

*Mr. David Diehl*, EDS Engineering gave a presentation regarding the request.

*Council President Burnam* opened the Public Hearing at 6:35 p.m.

No one spoke.

*Council President Burnam* closed the Public Hearing at 6:36 p.m.

**PUBLIC HEARING: 2.) Annexation: Malbis Plantation, Inc. /  
Water Tank Site / Ordinance 2005-72**

*Ms. Melinda Immell* with Volkert Engineering gave a presentation regarding the proposed request.

*Council President Burnam* opened the Public Hearing at 6:37 p.m.

No one spoke.

*Council President Burnam* closed the Public Hearing at 6:37. p.m.

**PUBLIC HEARING: 3.) Rezone property located on AL Hwy 181  
Across from Austin Road / Country Club  
Development, LLC / Rezone from R-3 High  
Density Single Family Residential to B-1  
Local Business District / Ordinance 2005-71**

*Mr. David Diehl*, EDS Engineering gave a presentation regarding this request.

*Council President Burnam* opened the Public Hearing at 6:39 p.m.

No one spoke.

*Council President Burnam* closed the Public Hearing at 6:39 p.m.

**PUBLIC HEARING: Special Care Facilities / Westminster Village  
Bond Issue**

Mr. Eddington, attorney for Westminster Village, gave a presentation regarding the request.

Council asked Mr. Eddington questions regarding the request.

*Council President Burnam* opened the Public Hearing at 6:46 p.m.

No one spoke.

*Council President* closed the Public Hearing at 6:46 p.m.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

No report. The next meeting will be December 12<sup>th</sup> at 5:00 p.m.

**B. Buildings and Property Committee – Lake**

The Committee met December 2<sup>nd</sup> and reviewed several requests for use of the Civic Center that the Committee forwarded to the Finance Committee.

**C. PUBLIC SAFETY – Burnam**

No report.

**E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

Mr. Palumbo reported that the Ordinance Committee minutes are in the packet from the last meeting. The next meeting will be January 4<sup>th</sup>.

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

The minutes for the November 18<sup>th</sup> are in the next packet. The Committee discussed taking care of sidewalks, making it top priority and recommended that it be a part of the budget.

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

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

No meeting in December.

**B. Downtown Redevelopment Authority – Barnette**

The Authority met November 14<sup>th</sup> and the minutes are in the packet. They discussed funding and underground utilities.

**C. Industrial Development Board – Yelding**

No report. Mr. Yelding stated that the Board needs nominations for new members from Districts 2 & 5 by January 23, 2006.

**D. Library Board – Lake**

The minutes are in the packet for the November 14<sup>th</sup> meeting. The next meeting will be December 12<sup>th</sup> at 4:30 p.m. at the Library.

**E. Planning Commission – Barnette**

Mrs. Barnette stated that the Site review minutes meeting held November 16<sup>th</sup> are in the packet. She reported that the Site Review meeting will be December 14<sup>th</sup> 9:00 a.m. in the Council Chambers, and the Planning Commission meeting will be December 22<sup>nd</sup> 6:00 p.m. She stated that there is a Special meeting this Thursday at 2:00 p.m. in the Council Chambers regarding amending the Land Use Ordinance regarding high rises and other issues. She mentioned that on December 15<sup>th</sup> there is a Storm Water Management class from 8:30 -11:30 a.m. sponsored by the Alabama League of Municipalities at Brookly Field in Mobile.

**Recreation Board – Burnam**

No report.

**F. Utility Board – Scott**

No report. The next meeting will be December 28<sup>th</sup> at 5:00 p.m.

**NOTE: Mr. Lake arrived at 6:54 p.m.**

**6. REPORTS OF THE OFFICERS:**

**A. *Mayor's Report***

**Mayor Small** thanked the Village Point Foundation for the check in the amount of \$10,000 that he received today, to go toward the purchase of Village Point Park Preserve, and to repay the seed money they received from the City. He also thanked the Department Heads and city employees who were involved with the lighting of the Christmas tree and the Christmas parade. He said the parade was very nice and they did not have any problems.

**a.) Parade Permit / Shadow Barons / Mardi Gras**

**Mrs. Barnette** said she had a call from someone who lived across from the Civic Center complaining about the staging of the parades. They said it caused an undue burden to have the street closed off. She asked that they look into this problem.

**MOTION BY Mrs. Landry to approve the Parade Permit for the Shadow Barons Mardi Gras Parade scheduled for February 25, 2005 and the rain date of February 26, 2005. Seconded by Mr. Scott.**

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

**B. City Attorney's Report**

No report.

**C. Department Head Comments**

**David McKelroy – Recreation Director** – thanked everyone that had a hand in the Christmas parade, Public Works, Police Department and Fire Department.

**7. PUBLIC PARTICIPATION**

**Mrs. Nady – Captain O'Neal Drive** – spoke regarding mapping of streets, and subdivisions with private drives where mail or garbage trucks cannot drive down, and retention ponds.

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

**RESOLUTIONS**

**a.) Electing Directors to the Special Care Facilities**

**Financing Authority of the City of Daphne ...../Resolution 2005-82**

**b.) Approval of Bonds Pursuant to Section 147 (f)**

**of the Internal Revenue Code of 1986, as Amended**

**Allocation of Bank Qualified Amount ...../Resolution 2005-83**

**MOTION BY Mrs. Barnette to waive the reading of Resolution 2005-82 and 2005-83.  
Seconded by Mr. Lake.**

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

**MOTION BY Mrs. Barnette to adopt Resolution 2005-82. Seconded by Mrs. Landry.**

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

**MOTION BY Mrs. Barnette to adopt Resolution 2005-83. Seconded by Mrs. Landry.**

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

**ORDINANCES:**

- a.) Daphne Jubilee Court Scholarship Program 2<sup>ND</sup> READ ...../Ordinance 2005-64
- b.) Urban Forestry Association & Natural Resources Grant 2<sup>ND</sup> READ ...../Ordinance 2005-65
- c.) Appropriating Funds: Detective Pay Adjustments 2<sup>ND</sup> READ ...../Ordinance 2005-66
- d.) Appropriation: Appraisal for City Property on Johnson Road  
(Mechanical Department and Animal Shelter) 2<sup>ND</sup> READ ...../Ordinance 2005-67
- e.) Appropriating Funds: Cable Television Audit 2<sup>ND</sup> READ ...../Ordinance 2005-68
- f.) Adopting the Fiscal Year 2006 Budget (Consider: Sidewalks &  
Transfers to Capital Reserve) 2<sup>ND</sup> READ ...../Ordinance 2005-69
- g.) Rezone: Property Located at the Southeast Corner of the Intersection of Pecan Court  
and Pollard Rd. (A & B-10, LLC) 1<sup>ST</sup> READ ...../Ordinance 2005-70
- h.) Rezone: Property Located on AL Hwy 181 Across From Austin Road  
(Country Club Development, LLC) 1<sup>ST</sup> READ ...../Ordinance 2005-71
- i.) Annexation: Property Located Southeast of the Intersection of Lawson Rd.  
and County Road 13 (Water Tank Site – Malbis Plantation) 1<sup>ST</sup> READ .../Ordinance 2005-72

**MOTION BY Mrs. Barnette to waive the reading of Ordinance 2005-64, 2005-65, 2005-66, 2005-67, 2005-68. *Seconded by Ms. Landry.***

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

**MOTION BY Mrs. Landry to adopt Ordinance 2005-64. *Seconded by Mr. Scott.***

Council discussed the legality of the city sending the institution of choice a check, instead of to the organization. Some of the Council wanted to wait until they had an opinion from the City Attorney. Some of the Council was concerned about giving them start up money, which could start a bombardment of request from other organizations asking for start up money.

MOTION BY Mr. Yelding to table the Ordinance until the Council receives an opinion from the City Attorney.

Mr. Ross said the motion was not necessary, that the Council can instruct him to research this issue.

Mr. Yelding withdrew his motion.

**AYE Lake, Scott, Landry**

**NAY Yelding, Barnette, Palumbo, Burnam**

**MOTION FAILED**

*Mrs. Barnette* requested the City Attorney to research the legal criteria for the Daphne Jubilee Court Scholarship program, and structure, and adopting a group.

*Mr. Scott* stated that this needs to be a priority, or the girls will quit, and the City will not have any representation.

**MOTION By Mrs. Barnette to adopt Ordinance 2005-65. *Seconded by Mr. Yelding.***

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

**MOTION BY Mrs. Barnette to adopt Ordinance 2005-66. *Seconded by Mr. Yelding.***

Council discussed this Ordinance with concerns that there will be a lot more of these request. Mr. Yelding stated that he checked with Mrs. Cureton, and she said this was an oversight by the company that did the reclassification.

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

**NAY Lake**

**MOTION CARRIED**

**MOTION BY Mr. Palumbo to adopt Ordinance 2005-67. *Seconded by Mr. Yelding.***

Council discussed the Ordinance with some feeling that an appraisal was not necessary at this time, since the Council has no intention of selling the property. Mr. Palumbo said that this came through the Buildings and Property Committee with an affirmative recommendation.

**AYE** Yelding, Lake, Landry, Palumbo, Burnam

**NAY** Barnette, Scott

**MOTION CARRIED**

**MOTION BY Mrs. Barnette to adopt Ordinance 2005-68. *Seconded by Mrs. Landry.***

**AYE** ALL IN FAVOR

**NAY** NONE OPPOSED

**MOTION CARRIED**

**MOTION BY Mrs. Barnette to waive the reading of Ordinance 2005-69. *Seconded by Mrs. Landry.***

**AYE** ALL IN FAVOR

**NAY** NONE OPPOSED

**MOTION CARRIED**

**MOTION BY Mr. Scott to adopt Ordinance 2005-69. *Seconded by Mr. Yelding.***

Discussion was held by Council on this Ordinance.

*Council President Burnam called for the question.*

**AYE** ALL IN FAVOR

**NAY** NONE OPPOSED

**MOTION CARRIED**

**ORDINANCES 2005-70, 2005-71 and 2005-72 WERE MADE A 1<sup>ST</sup> READ**

**Council President Burnam** said that he received a phone call from the Lake Forest Property Owners Association asking for a decision on the question of whether the City will take over the lake. He asked that this issue be put on the next work session agenda. He also asked that the budget be put on the work session agenda, with the discussion of one (1) or two (2) departments.

**8. COUNCIL COMMENTS**

*Mrs. Barnette* said the Christmas parade was wonderful. She thanked the Village Point Foundation for the \$10,000 check. She thanked them for all the work they have done in helping procure money to pay for that property. She asked Council President Burnam to put on the work session agenda discussion of getting a person to keep the Council up-to-date on schools in Daphne, and having it listed on the agenda for a report, just like other committees.

*Mr. Lake* said he will not be present for the work session next week, as he will be in Charlotte, N.C. for the National League of Cities Conference. He also thanked the Village Point Foundation and said that the seed money was well spent, with a view of the money the city will receive from the government to help pay for the Village Point Park Preserve.

*Mr. Scott* thanked the employees, Recreation Director, Police Department, Fire Department, and Public Works for a great job on the Christmas parade. He said it gives people a sense of community.

*Mr. Palumbo* said that his nay vote regarding the Jubilee Girls was not to be taken as negative light on the girls, he fully intends to support them, but would like to clear up the legal aspects.

*Council President Burnam* asked the Department Heads to introduce the employees that were in the audience, he said they seldom get employees attending the meetings. Chief Carpenter introduced Captain Scott Taylor and Corporal Brian Goolsby from the Police Department. Chief Hanson introduced Joey Hollaz, Mitchell Zirlott and Josh Harlan and his wife from the Fire Department.

**9. ADJOURN**

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

<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>NAY</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>
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**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:59 P.M.**

Respectfully submitted by,

**Certification of Presiding Officer:**

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

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

Date & time Signed:\_\_\_\_\_

**DECEMBER 5, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

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

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

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

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
DECEMBER 12, 2005  
5:00 P.M.**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 5:02 P.M. Present were Chairman Ron Scott; Councilman Bailey Yelding; Councilwoman Regina Landry; Finance Director Kim Briley; Senior Accountant Suz anne Henson. Also in attendance was Public Works Director Ken Eslava.

**II. PUBLIC PARTICIPATION**

**A. Eastern Shore Chamber of Commerce - Blueprint for Tomorrow**

Mr. Ray Moore introduced Mr. Tom Pennington and Mr. Roger Donahue. Mr. Moore spoke on the growth of the City and how the Blueprint for Tomorrow addressed this growth. Mr. Moore discussed that Blueprint for Tomorrow is a community-wide initiative to stimulate economic and community development. Mr. Moore stated that a feasibility study was done which addresses five areas: transportation, tourism, education, governmental affairs and environments. Mr. Scott asked what the surrounding cities are contributing. It was explained that approximately \$500,000 is being requested from public sources with the remainder (60%) being requested from private businesses. An equal amount would not be requested from each municipality/county agency but criteria would determine how much was requested from each agency. Mr. Moore noted, for example, more funding may be requested from the County. Discussion continued that this needs to go before the full Council at a Work Session.

**B. SEEDS**

Ms. Michelle Rumpf introduced Ms. Denise D'Olivera and Ms. Jan Finney. Ms. Rumpf discussed that the SEEDS program is Daphne's Educational Enrichment Foundation. Ms. Rumpf discussed the appropriation request of \$35,000:

- \$20,000 - Salary support for a part-time Director
- \$10,000 - Development of a website
- \$5,000 - Brochure design mailing...

Mr. Yelding asked for more detailed information on the Director such as specific duties and other jobs they may hold. Ms. Landry asked for more information on the website and noted that perhaps the school could assist with the development of this website. Ms. Rumpf stated she would be glad to get this information for the Council. Ms. Rumpf discussed that she anticipated applying for future grants and obtaining Corporate sponsors.

**III. ISSUES REQUIRING ACTION BY CITY COUNCIL**

**A. Community Action Agency - Hurricane Katrina Reimbursement**

Mr. Yelding stated that he is representing the Community Action Agency as a member of the Board. Ms. Briley explained that Community Action Agency cannot receive funds directly from FEMA. They are requesting to partner with the City in order to receive reimbursement for expenditures due to Hurricane Katrina. Ms. Briley explained that the reimbursement request would have to be filed through the City for the benefit of the Community Action Agency. This will be a pass-through grant; the City will request reimbursement, receive FEMA funds for eligible expenses, and then forward the funds received to the Community Action Agency.

***Motion by Regina Landry to recommend to Council to allow the City to file a reimbursement request for hurricane Katrina expenditures on behalf of the Community Action Agency. Seconded by Mr. Yelding.***

B. Crabtree Advisory Group Inc.

Mr. Mike Crabtree discussed that the City's previous investments were through Schwab. He noted his advisory group would now like to begin investing through Goldman Sachs. Mr. Crabtree stated that Goldman Sachs is not a new investment company; they have been around for a long time. Mr. Crabtree requested the City approve for investment funds (custodial account) to be moved from Schwab to Goldman Sachs. Discussion continued that the investments chosen for the City had to meet certain criteria set forth in the Code of Alabama.

***Motion by Ms. Landry to move the City's Custodial Account (Investment Funds) to Goldman Sachs. Seconded by Mr. Yelding.***

C. 2006-E-SOD & HAY

Mr. Eslava discussed that after reviewing the bids submitted he felt it would be more cost effective for the City to reject the current bid and re-bid to receive a lower cost.

***Motion by Mr. Yelding to recommend to Council to reject the Sod & Hay bid. Seconded by Ms. Landry.***

D. 2006-G-TEN (10) ROW ALUMINUM BLEACHERS

Mr. Eslava explained that a vendor, J. A. Dawson, had checked "comply" on all items, but after Mr. Eslava's investigation, it was determined that the vendor did not "comply" on all items. Ms. Eslava stated the vendor had misrepresented his bid by noting "comply". The item not complying presented a safety issue (concerning the attachment of the seats on the bleachers). Mr. Eslava stated he recommended the bid be awarded to Dant Clayton Corporation since they complied with 100% of the specifications.

***Motion by Ms. Landry to recommend to Council to award the Ten (10) Row Aluminum Bleachers bid to Dant Clayton Corporation in the amount of \$16,953 (two bleachers) and \$9,200/each for additional purchases. Seconded by Mr. Yelding.***

E. 2005-D-CROWD CONTROL BARRICADES

Mr. Eslava requested to extend the bid to purchase additional barricades (300) for City parades. Mr. Eslava noted the vendor that was awarded the bid last year is agreeing to extend the bid (option listed in bid specifications) and maintain the same cost but request the City pay freight charges. Mr. Eslava noted he estimates the freight charges to be approximately \$400. Mr. Eslava emphasized the need to order additional barricades now in order to receive them in time for the Mardi Gras season parades. Ms. Landry discussed how important the barricades are for crowd safety, particularly for children, during a parade. Mr. Eslava noted that a request for \$25,000 was included in Capital Budget Request for FY06 but would need to be approved now in order to allow time to order and receive the barricades before the Mardi Gras parades.

***Motion by Ms. Landry to recommend to Council to recommend to Council to extend the 2005-D-CROWD CONTROL BARRICADE bid and allow freight charges. Seconded by Mr. Yelding.***

***Motion by Ms. Landry to recommend to Council to adopt the Ordinance appropriating \$25,000 for the purchase of Crowd Control Barricades. Seconded by Mr. Yelding.***

F. Prepaid Travel:

1. Mr. Ken Eslava, Public Works Director, NPSI Playground Inspector Certification Course and Exam, January 19-22, 2005, Florence, AL.....\$105
2. Mr. Dwayne Coley, Parks Supervisor, NPSI Playground Inspector Certification Course and Exam, January 19-22, 2005, Florence, AL.....\$105

Discussion was made on the above Prepaid Travel request.

***Motion by Mr. Yelding to recommend to Council to adopt a Resolution approving Prepaid Travel for Mr. Ken Eslava - \$105 and Mr. Dwayne Coley - \$105 to attend the NPSI Playground Inspector Certification Course and Exam. Seconded by Ms. Landry.***

G. Bayfront Drive/Bayfront Villa Sewer Project and Water Main

Mayor Small discussed the need for sewer and water on Bayfront Drive. Mayor noted a City appropriation of \$26,000 would supply adequate water and sewer utilities to this area. Mr. Yelding emphasized the need to provide sewer and water all over the City. Mayor Small explained the proposal for completing the project:

- 1) 50/50 cost share with the Utility Board for laying the pipe;
- 2) Three way cost-sharing agreement between the City, Utility Board, and Stark Irvine for the utilities.

Discussion continued that the Utility Board would receive tap fees for all new connections and that the Utility Board would administer the project. Ms. Briley explained that Council needs to appropriate the funds and authorize the mayor to enter into written agreements for the project.

***Motion by Mr. Scott to recommend to Council to adopt an Ordinance appropriating \$26,000 for the Bayfront Drive/Bayfront Villa Sewer Project contingent upon approval by the Utility Board and the Developer. Seconded by Ms. Landry.***

H. Bay Rivers Art Guild - Replace Flooring

Mayor Small discussed the need for new flooring noting the current carpet is old and paint stained. Quotes have been obtained with the lowest total cost being \$950. Discussion continued that this building is owned and maintained by the City.

***Motion by Ms. Landry to recommend to Council to adopt Ordinance appropriating funds in an amount not to exceed \$950 to install new flooring at the Bay Rivers Art Guild. Seconded by Mr. Yelding.***

I. Personnel Request: Mayor's Assistant

Mayor Small discussed the request for his Assistant to receive a three step pay increase. Mayor Small noted additional duties have been added; duties now include preparing and reviewing all press releases for the City. Mayor Small noted that he preferred one person be the contact for the City instead of each department handling their own. The Mayor also noted that at the time his assistant was hired he could have requested a starting pay of several steps higher but choose to hire at a lower level and evaluate an increase at a later time, now he is requesting the increase.

***Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating \$ 1,920 to fund a 3 Step increase in pay for the Mayor's Assistant. Seconded by Mr. Yelding.***

J. Personnel Request: Library Computer Services Technician

Mr. Dale Foster, Library Director discussed the need for a computer services technician. Mr. Foster noted three reasons a technician is needed: (1) Computer duties have grown, (2) Mr. Charlie Wilson who has volunteered for the last 10 years is now no longer able to volunteer his time with his growing consulting business, and (3) Daphne is not keeping up library standards. Mr. Foster also noted that he is going on a leave of absence soon and this position was needed prior to his going out on leave. Mr. Swaney discussed the library traffic and emphasized the need for a computer technician. Mr. Swaney discussed the increasing demands from technology advances (internet) and server maintenance requirements. Mr. Yelding asked if Human Resources had reviewed the request and job position. Mr. Foster answered "yes" and noted this position has been asked for the last couple years. Mr. Foster noted the position would be advertised publically.

***Motion by Mr. Scott to recommend to Council to adopt an Ordinance appropriating \$ 30,000 (\$ 39,996 annually) for the hiring of a Library Computer Services Technician. Seconded by Mr. Yelding.***

K. Declare Rescue Vehicle and Boat Surplus and donate to South Baldwin Search & Rescue, Inc.

Mr. Ken Eslava discussed that it was not cost effective for the City of Daphne to keep the 1975 Motor Home or the 13' Boston Whaler (over 20 years old). Mr. Eslava noted that the South Baldwin Search and Rescue is a new organization and is trying to obtain the needed equipment to perform search and rescue operations.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution declaring certain personal property: 1975 Motor Home and 13' Boston Whaler Boat surplus and authorize the Mayor to donate these items to the South Baldwin Search and Rescue, Inc. Seconded by Mr. Scott.***

## **IV. CURRENT BUSINESS**

A. Bids: 2006-D-INMATE/TRUSTEE FOOD SERVICE  
2006-G-JAIL FOOD

Mr. Eslava discussed that no bids were received and the contract for these services would need to be negotiated. Ms. Henson explained that the Inmate/Trustee Food Service bid was prepared meals because these inmates were performing manual labor through the Public Works Department and at the Civic Center and that the Jail Food bid was frozen meals served to inmates housed at the Daphne Jail. Ms. Henson noted that other options were being looked at, one being heater meals which she had learned about through the county. Mr. Eslava noted he had received samples of these meals and would be evaluating them. Ms. Henson noted that Captain Bishop would be evaluating them also for the City Jail. Mr. Eslava explained that the current bid for Inmate/Trustee meals expires December 31, 2005 and the current bidder is going out of business, therefore he would be trying to find another provider and negotiating a contract as soon as possible. Mr. Eslava noted this information was just to let Council know a negotiated contract would be presented as soon as it was available. Ms. Henson noted that the same situation applies for the Jail Food bid and that Captain Bishop would be evaluating whether frozen meals or heater meals would be more cost effective for the City.

B. Bids: 2006-B-MAYDAY PIER  
2006-C-DAPHNE PIER AND BOARDWALK REPAIRS

Mr. Eslava discussed that these bids were scheduled to open December 6, 2005 but the opening date was moved to December 12, 2005. Mr. Eslava noted this was just an update and that further evaluations and meetings with the vendor(s) would be required before a recommendation could be made.

**V. FINANCIAL REPORTS**

A. Treasurers Report: November 30, 2005

Ms. Briley discussed total cash of \$10,355,150.85 noted cash is down \$ 100,000 from last month which is the normal trend for this time of year.

***Motion by Mr. Yelding to recommend to Council to accept the Treasurer's Report as of November 30, 2005 in the amount of \$10,355,150.85. Seconded by Mr. Scott.***

B. Sales Tax Collection Graphs – October 31, 2005

Ms. Briley reviewed the Sales Tax report. Collections for October were \$ 107,160 over budget. Mr. Scott discussed putting budget excess/overages in reserve. Ms. Briley noted that end of year would be the best time to put these overages in reserve. Ms. Briley noted that Sales Tax is only one line item of revenue and this is the first month of collections for the fiscal year—we don't know how the rest of the year will look. Discussion continued regarding a quarterly evaluation of putting overages in reserve.

C. Monthly Lodging Tax Collections – October 31, 2005

The Lodging Tax report was presented.

D. New Business Licenses

Discussion was made on the new businesses in the City.

E. Bills Paid – October 31, 2005

The bills paid report as of November 30, 2005 was contained in Packet #2. The Bills Paid Report was presented.

Ms. Landry left the meeting at 6:10 P.M.

Mayor Small and Mr. Ken Eslava left the meeting at 6:30 P.M.

**VII. ADJOURN**

The meeting was adjourned at 6:40 P.M.



# Value Statement

**B***lueprint for Tomorrow* is a community-wide initiative of the Eastern Shore Chamber of Commerce to stimulate economic and community development on the Eastern Shore. This bold five-year program will bring together our elected officials and our corporate leaders for the good of our entire community.

The mission of *Blueprint for Tomorrow* is simple - to create and maintain sound economic growth by defining and addressing the Eastern Shore's needs and opportunities. Here are just a few benefits that will accrue to your business or organization and to our community as a result of *Blueprint for Tomorrow*:

- *Blueprint for Tomorrow* will help forge a stronger partnership between the public, private and corporate sectors of the Eastern Shore, unifying our unique communities into one strong, proactive region.
- *Blueprint for Tomorrow* will significantly expand the Eastern Shore's tax base over the long-term, providing additional funding for municipal services as well as a more vibrant business community.
- *Blueprint for Tomorrow* will keep your company better informed regarding emerging local, state and regional economic development issues that directly affect the Eastern Shore.
- *Blueprint for Tomorrow* will help to attract targeted new businesses that will complement our existing business community, translating into increased capital investment and expanded payrolls to enhance the profitability of all businesses on the Eastern Shore.
- *Blueprint for Tomorrow* will support the implementation of millions of dollars in new public improvements and programs, encouraging the expansion of existing business which will enhance business opportunities for all market sectors.
- *Blueprint for Tomorrow* will significantly increase the development of commercial and residential properties, sales and leasing, new construction and the expansion of existing buildings.
- *Blueprint for Tomorrow* will support plans for responsible land-use, roads, water, sewer and utilities necessary for sustainable economic development.
- *Blueprint for Tomorrow* will improve the overall quality of life for Eastern Shore residents and employees of local businesses, attracting new families to our area, thereby increasing the demand for utilities, automobiles and retail sales of goods and services.

**Blueprint For Tomorrow**  
Creating Advantage for the Eastern Shore

*An Initiative of the Eastern Shore Chamber of Commerce*



Supporting Educational Enrichment in Daphne's Schools

Approved For Agenda

Signature

12-15-05

Date

**DATE:** December 2, 2005

**TO:** Mayor Fred Small  
Council President Greg Burnam  
Council President Pro Tem John Lake  
Councilman Bailey Yelding Jr.  
Councilwoman Cathy Barnette  
Councilman Ron Scott  
Councilwoman Regina Landry  
Councilman August Palumbo

**FROM:** SEEDS (Supporting Educational Enrichment in Daphne's Schools)

**RE: Request for Financial Support**

On behalf of SEEDS, Daphne's educational enrichment foundation, thank you for your generous past support, both financial and in-kind. We are coming before you now to request a budget appropriation in the amount of \$35,000 for the 2006 fiscal year. These funds will be used for the following:

- Salary support for a part-time director (\$20,000)
- Design, printing and mailing of an updated membership brochure (\$ 5,000)
- Development of a website (\$10,000)

We have made great strides since we first approached the City in 2004. Our membership is growing. We incorporated and obtained a 501(c)(3) designation from the IRS. We have held two successful special events, the Cajun Challenge 5K and Fun Run and the First Annual Mamma Mia Cook-Off, held last month. SEEDS' enrichment dollars are currently at work at Christ the King Catholic School and on each of our five public school campuses through our first round of teacher grants. We have held quarterly meetings with school principals, an activity that will be on-going.

Our plans for 2006 include the continued campaign to bring the acclaimed International Baccalaureate Program to Daphne High School, awarding even more enrichment grants to our teachers and begin the planning process for *The Lyceum*, a unique learning resource for our schools and the community. We will be raising funds for those endeavors through an annual membership campaign, grants and fund raising events.

SEEDS has reached the point in our development where we need a part-time director. Since the inception of this organization, our team of volunteers, the majority of whom have full-time jobs, has been acting as a fully-staffed office, a scenario that will not be sustainable in the near future given our plan of action. Please note that the other education foundations in Baldwin County, Fairhope, Foley, Gulf Shores and Spanish Fort, have either part- or full-time administrative support underwritten by city government, donors, chambers of commerce or a combination of those sources. We are requesting a one-time contribution of \$20,000 to underwrite the director's salary for one year.

Our mission is to promote a lifelong love of learning among the children of Daphne by providing enrichment opportunities at school and in the community and by advocating for educational improvements and innovation. To help continue our progress toward meeting that mission, it is necessary for us to continually gain membership. The second part of our request is for a one-time contribution of \$5,000 to help underwrite the design, printing and mailing of an updated membership brochure. This brochure will be used as the centerpiece of our 2006 Annual Membership Campaign.

The third part of our request is for a one-time contribution of \$10,000 to underwrite the development and launch of a website. The website will feature information about our organization, our schools and the City of Daphne, as well as calendars, announcements and opportunities for involvement. Links to all schools websites, the City's website and others will be provided.

We appreciate the opportunity to submit this request to the City of Daphne. With the city supporting our overhead cost, SEEDS should be able to put back into the community every dollar we raise through our fundraising efforts. We look forward to the opportunity to make a formal presentation to you and answer your questions. Thank you for considering this request that will serve to benefit all Daphne schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Seawell', with a large, sweeping flourish at the beginning.

Ruth Seawell, President  
SEEDS

# COMMUNITY ACTION AGENCY

Baldwin, Escambia, Clarke, Monroe & Conecuh Counties

P.O. Box 250 / 26440 North Pollard Road, Daphne, AL 36528

Phone: (251) 826-2646 / Fax: (251) 826-2613



Cassandra Boykin - Executive Director  
Rhondell Rhone - Board Chairman

November 22, 2005

Mayor Fred Small  
P.O. Box 400  
Daphne, AL 36526

Dear Mayor Small,

Our Agency has suffered a great financial burden due to Hurricane Katrina. As you know we have been on the front line, granting assistance when and where needed following the storm. We continue to serve as a nucleus for the homeless, those in need of food, clothing and guidance. We have however, been hit by budget restraints on the federal and state levels. Due to Hurricane Katrina, we exhausted funds that would have otherwise been available to use during this time.

We have located a possible funding source that will reimburse our Agency for some of our Katrina expenses. In order to receive reimbursement, we must partner with a local government entity. We are asking that the City of Daphne would serve as the entity. By partnering with us, your only obligation would be to receive the funds and prepare a check to our Agency.

I would ask that you would consider presenting this information to the appropriate board or committee and offering the support that we need to help us with this project. As always, I appreciate all that you and the City of Daphne have done and continue to do to make life better for all of its citizens.

Sincerely,

Cassandra Boykin  
Executive Director

CB/tr  
Attachments



OUTREACH OFFICES IN: BREWTON, ATMORE, GROVE HILL, MONROEVILLE, & EVERGREEN, ALABAMA  
HEAD START CENTERS IN: BREWTON, ATMORE, STOCKTON, LOXLEY, MAGNOLIA SPRINGS, JACKSON, COFFEEVILLE & FULTON, ALABAMA



"AN EQUAL OPPORTUNITY EMPLOYER"

*Crabtree Advisory Group, Inc.*  
*PO Box 1683*  
*Mobile, AL 36633*  
*251-432-7818*  
*www.cmkasset.com*

**Portfolio Holdings**  
 As of 12/12/2005

City of Daphne AL Acct #: 23386035  
 Attn: Kim Briley  
 PO Box 400  
 Daphne, AL 36526

<u>Description</u>	<u>Quantity</u>	<u>Current Value</u>
<b>Fixed Income</b>		
Fed Home Ln Bank 07/30/2018 5.00%	100,000	97,444.30
Accrued Income		1,833.33
Fed Home Ln Bank 12/24/2018 4.00%	100,000	98,960.70
Accrued Income		1,866.67
Fedl Hm Ln Mtg 12/30/2013 4.00%	10,000	9,298.17
Accrued Income		180.00
Fedl Home Ln Mtg Var 06/06/2009 0.00%	50,000	49,982.75
Fedl Natl Mtg 04/15/2013 5.00%	100,000	98,154.90
Accrued Income		791.67
		<u>358,512.49</u>
<b>Mortgage-Backed</b>		
Fhmc-Gnma Fm 03/25/2024 0.00%	265,000	37,388.22
Par 38,153.82 (0.14397667)		
GNMA PI # 04/15/2013 10.00%	300,000	1,970.86
Par 1,795.05 (0.00598351)		
Accrued Income		13.46
GNMA PI # 08/15/2026 7.50%	345,000	14,085.61
Par 13,246.13 (0.03839459)		
Accrued Income		74.51
Gov Natl Mtg Assn 02/20/2026 7.00%	180,000	79,129.71
Par 76,491.00 (0.42495)		
Accrued Income		327.21

**Portfolio Holdings**  
 As of 12/12/2005  
 09/30/2005 Prices

City of Daphne AL Acct #: 23386035

<u>Description</u>	<u>Quantity</u>	<u>Current Value</u>
<b>Mortgage-Backed</b>		
Govt Natl Mtg	40,000	39,682.00
02/20/2031 6.25%		
Par 38,894.05 (0.97235126)		
Accrued Income		148.55
Govt Natl Mtg	30,000	30,220.59
03/20/2032 5.50%		
Par 30,000.00 (1.00)		
Accrued Income		100.83
		<u>203,141.55</u>
 <b>Cash and Money Funds</b>		
Schwab Money Market Fund		186,955.39
		<u>748,609.43</u>

**MEMORANDUM**

**CITY of DAPHNE...DIVISION of PUBLIC WORKS**

**To: Kim Briley, Finance Director  
Finance Committee Members**

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance**

Approved for Agenda  
Signature  
Date

**Date: December 5, 2005**

**Re: Rejection of bids / Bid Document 2006-E-SOD & HAY**

**Please consider this my formal request for the Finance Committee to reject the two submitted bids entitled Bid Document 2006-E-SOD & HAY.**

**The bids received contained quoted prices which were excessive and neither of the two completely met our specification requirements. Craft Turf Farms only quoted four(4) of the six(6) products which we required prices on, and Woerner Turf quoted only three(3) of the six(6) products required by our specifications.**

**It would be in the best interest of the City of Daphne to reject these bids and rebid the document, with no revision to the specifications.**

**cc: Mayor Fred Small**

**CITY OF DAPHNE**  
**BID OPENING MINUTES**  
**BID DOCUMENT NO: 2005-E-SOD AND HAY**  
**NOVEMBER 30, 2005**  
**11:30 A.M.**  
**CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Mr. Ken Eslava	PW Director

3 bid invitations were mailed/picked up , 2 sealed bids were received.

Ken Eslava opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>COST PER PALLET/ROLL</u>
---------------	-----------------------------

**Craft Turf Farms LLC**

Centipede Sod	<b>*\$72 /</b>	\$ 65.00 per pallet
St. Augustine Sod		\$132.00 per pallet
Construction Grade Centipede		\$ 62.00 per pallet
Roll sod Centipede with Disposal Core		\$ 32.50 per roll
Construction Grade Centipede		DNE
Construction Grade Hay		DNE

**\*Pallet Charge - \$7.00 refundable upon return**

**\* Any delivery less than 7 pallets additional \$50 drop charge**

**Woerner Turf**

Centipede Sod	\$ 71.00 per pallet
St. Augustine Sod	\$116.00 per pallet
Construction Grade Centipede	\$ 68.50 per pallet
Roll Sod Centipede with Disposal Core	DNE
Construction Grade Centipede	DNE
Construction Grade Hay	DNE

**DNE = DOES NOT EXIST**



Suzanne Henson, Sr. Accountant

**CITY OF DAPHNE**

**BID OPENING MINUTES  
BID DOCUMENT NO: 2006-G-TEN (10) ROW ALUMINUM BLEACHERS  
DECEMBER 6, 2005  
11:30 A.M.  
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Mr. Dwayne Coley	Parks Supervisor
Mr. Melvin McCarley	PW Superintendent

10 bid invitations were mailed/picked up , 4 sealed bids were received.

Mr. McCarley opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>COST FOR TWO (2)</u>	<u>ADDITIONAL PURCHASES</u>
J A Dawson & Company, Inc	\$15,212	\$7,606
Beckers School	NO BID	
Giffen Recreation Co., Inc	\$14,690	\$7,345
Dant Clayton Corp.	\$16,953	\$9,200



\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

\* Recommendation will be a handout

# ROSS & JORDAN, P.C.

Attorneys at Law  
1111 Dauphin Street  
Mobile, AL 36604  
Telephone: (251) 432-5400  
Facsimile: (251) 432-5445  
jaybuzz@rossandjordan.com  
writers e-mail address: jay@rossandjordan.com

JAY M. ROSS  
JOE CARL "BUZZ" JORDAN  
TIM W. FLEMING  
BETSY M. TURNER  
MISSY COCHRAN GRAY

MAILING ADDRESS:  
POST OFFICE BOX 210  
MOBILE, AL 36601

December 7, 2005

**VIA FACSIMILE ONLY: (251) 626-3008**

Ms. Suzanne Henson, Senior Accountant  
**CITY OF DAPHNE**  
Post Office Box 400  
Daphne, Alabama 36526

**RE: BARRICADE BID EXTENSION OPTION**

---

Dear Suzanne:

I received your email yesterday morning regarding the barricade bid extension option and have reviewed the matter in detail. I have also conferred with Ken Eslava, who clarified the factual issues regarding the time frame in which the bid was accepted, as well as the time frame for when the bid expires. It is my understanding, that there is a unit price for each barricade which has not changed from the date the bid was awarded. However, what has changed is the freight charges which were originally included with the original bid. Now due to increase fuel and material cost resulting in the aftermath of Hurricane Katrina, the freight charge will be added to the bid award, but anticipate to be less than \$1,000.00, and may be as little as \$300.00 or \$400.00.

Based on my review of applicable Alabama statutes and Attorney General Opinions, it is my opinion that the City may execute a change order to include the estimated freight cost. I would encourage the City to have a definite amount for the cost of freight not to exceed "X" which should be in writing, which indeed, as you indicate, would protect the City from excessive freight charges. I am unable to respond to Lori Lein's statement that a change order might be too much paperwork, which may send a red flag that we are changing the scope of the bid as we would be only agreeing to pay the additional and relative minor changes for shipping occasioned by factors outside the City and manufacturers control.

**DECEMBER 7, 2005**

**Page 2**

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By way of brief background, change orders are not provided for in the Competitive Bid law or the Public Works law, but have been allowed pursuant to guidelines articulated by the Attorney General's Office in interpretation of the statutory legislative intent. Many of the Attorney General Opinions have opined the 10% rule may not apply to extraordinary circumstances or emergency situations, but rather the rule is only a guideline and that each factual situation must be decided on the facts and merits of each case. The Attorney General has held time after time this is the decision for the awarding authority, and if the awarding authority determines, in good faith, that changes are necessary for the proper completion of the project and a factual basis exist to substantiate the circumstances, then the awarding authority is justified in utilizing a change order to effect the increased costs.

Whether the funding of the freight charges as authenticated by written contract should come before the Council for additional appropriation or through some other mechanism, I will leave to you, Kim, and most importantly, Mayor Small to work out.

Should you have any further questions regarding this matter, please feel free to contact me.

Sincerely yours,

JAY M. ROSS

JMR/sr

cc: Honorable Fred Small, Mayor  
Ken Eslava, Public Works Director

# MEMORANDUM

## CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director  
Finance Committee**

**From: Ken Eslava, Director  
Public Works & Maintenance**

Approved For Agenda

Signature

Date

**Date: December 5, 2005**

**Re: Crowd Control Barricades / Bid Document 2005-D  
Crowd Control Barricades**

**Please consider this my formal request to extend the existing contract award with Friedrichs Custom Manufacturing, Inc., for crowd control barricades, for an additional one(1) year period.**

**The current contract expires on December 31, 2005, and Friedrichs has guaranteed us an additional year of supplying us these barricades for the current contract price of \$82.30 each....regardless of quantity purchased. I will point out that Friedrichs was the only bidder to submit a price for this item last year.**

**The only difference in the contract extension will be the fact that the delivery cost will no longer be included in the price of the barricades. This is due to market increases in both fuel costs & the price of steel.**

**By extending this contract for an additional year, the City will save money a) by not having to expend funds for the bidding process and b) by locking ourselves into a FY '05 price for these barricades. The additional cost of shipping we will pay during the contract extension period will be considerably less than an across the board increase per unit should we re-bid these barricades.**

**MEMORANDUM**

**CITY of DAPHNE...DIVISION of PUBLIC WORKS**

**To: Kim Briley, Finance Director  
Finance Committee Members**

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance**

**Date: December 5, 2005**

**Re: Annual funding / Crowd Control barricades**

Approved For Agenda  
Signature  
Date 12-6-05

**The Public Works Division budgets \$25,000.00 annually for the purchase of crowd control barricades. It is our goal to purchase enough barricades to safely line our parade routes within the City.**

**Instead of being placed in our annual operating budget this year, the funds now rest in the Capital Expenditures portion of the budget... awaiting review and approval by the Finance Committee and City Council. Review and approval of the Capital Expenditures budget may take a couple of months to get pushed through. The purchase of these barricades needs to be made within the next few weeks in order for arrival of the shipment be made in time for Mardi Gras season. Time is of the essence in this particular case!**

**Therefore, I am formally requesting that this Committee place the \$25,000.00 line item for crowd control barricades be placed back into our Public Works annual operating budget. That way, a purchase order can be immediately prepared, sent to the supplier and the order will arrive in time for use during the upcoming Mardi Gras season.**

**cc: Mayor Fred Small**

<b>PREPAID TRAVEL REQUEST FORM</b>	
EMPLOYEE NAME / TITLE	Ken Eslava, Director
DEPARTMENT	Public Works
DATES OF TRAVEL	Jan. 19, 2006 - Jan. 22, 2006
SCHOOL/ORGANIZATION	NPSI Playground Inspector Certification Course and Exam
LOCATION FOR TRAINING: CITY / STATE	Florence, AL
REGISTRATION FEE	\$ 470.00
LODGING	\$ 293.70
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$ 105

A complete Expense Report with itemized receipts must be submitted upon return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.


  
 Employee Signature


  
 Department Head Approval

Vendor # 2105

Dept Org # 160200    Object # 52211    Proj# \_\_\_\_\_

**\*PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL - PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

**\*ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

<b>PREPAID TRAVEL REQUEST FORM</b>	
EMPLOYEE NAME / TITLE	Dwayne Coley, Supervisor
DEPARTMENT	Parks- Public Works
DATES OF TRAVEL	Jan. 19 - Jan. 22, 2006
SCHOOL/ORGANIZATION	NPSI Playground Inspector Certification Course and Exam
LOCATION FOR TRAINING: CITY / STATE	Florence, AL
REGISTRATION FEE	\$ 470. <sup>00</sup>
LODGING	\$ 293. <sup>70</sup>
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$ 105

A complete Expense Report with itemized receipts must be submitted upon return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature 

 Department Head Approval

Vendor # 2105 Dept Org # 181000 Object # 52211 Proj# \_\_\_\_\_

**\*PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL - PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

**\*ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**



# NRPA/ARPA National Playground Safety Institute Course and Exam

January 20-22, 2006  
Florence Conference Center  
Florence, Alabama

## Who Should Attend...

- Administrators
- Supervisor Personnel
- Public Works  
Departments
- Planning Departments
- Building & Grounds  
Maintenance Staff
- Engineers
- Architects
- Playground Equipment  
Representatives
- Operators & Caretakers  
of Playgrounds in:
  - Parks
  - Schools
  - Summer Camps
  - Day Camps
  - Hotels/Resorts
  - Day Care Centers

And other Agencies such as:  
YMCA'S & YWCA'S  
Boys & Girls Club  
Faith Based Rec. Centers



Ph: (334) 279-9160  
Fax: (334) 279-9161  
Email: arpa@knology.net

***Friday through Sunday  
January 20-22, 2006  
Florence Conference Center  
Florence, Alabama***

According to the Consumer Product Safety Commission, 200,000 children were treated for playground accidents in 1995. Of these, 70% or 140,000 occurred in public parks and schoolyards.

How does your equipment measure up? How many injuries occurred in your parks?

Sponsored by the National Playground Safety Institute and hosted by the Alabama Recreation and Parks Association, this course is the most comprehensive training program on playground hazard identification and risk management methods offered. Advanced reading and ten hours of training will prepare you to sit for the Certified Playground Safety Inspector exam schedule at the culmination of the certification course.

- The National Playground Safety Institute promotes children's rights to play and promotes nationally the importance play has in a child's development.
- NPSI provides the most current comprehensive training program on playground training and safety products.

Resource materials developed especially for this course are included in the registration fee and will be mailed to participants who pre-register by January 5, 2006. Registrants after this date might not receive the resource materials until they arrive on-site.

## **Topics Include**

*Identifying Hazards on the Playground*

*Developing Risk Management Tools*

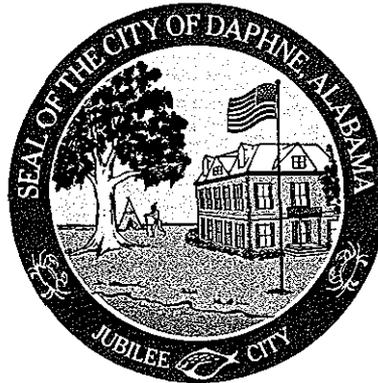
*Importance of a Comprehensive Safety Program from a Legal Perspective*

*CPSC Guideline Review*

*ASTM Standard Analysis*

*Test Methods of Entrapment, Protrusions and Entanglement*

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER  
DAVID B. CARPENTER II  
CHIEF OF POLICE  
A. MUND HANSON  
FIRE CHIEF



## COUNCIL MEMBERS

BAILEY YELDING, JR.  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
GREG W. BURNAM  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
REGINA LANDRY  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

# Memo

**TO:** Finance Committee  
**FROM:** Mayor Small  
**SUBJECT:** Bayfront Drive Project  
**DATE:** December 5, 2005

**Please consider the following expenditures for the Bayfront Drive/Bayfront Villa Project:**

**A 50/50 split with Daphne Utilities for 6 inch pipe and fire hydrants to be run down Bayfront Drive. Total material cost of the project is estimated to be \$8575.50. Daphne Utilities will provide the labor for the project for their 50 percent contribution.**

**A 3 way split between City of Daphne, Daphne Utilities and Stark Irvine to run utilities to this area. Total cost remaining is \$45,340.50. One third of this would be \$15,113.50.**

**The total cost to the City of Daphne would be approximately \$23689.00 plus estimated engineering costs of approximately \$2500.00. I am asking for \$26,000.00 for this project.**

Finance  
Approved For Agenda  
\_\_\_\_\_  
Signature  
12-5-05  
\_\_\_\_\_  
Date

November 28, 2005

To: Fred Small, Mayor

From: Patricia Ernst and Valley O'Neal  
representing Bay Rivers Art Guild

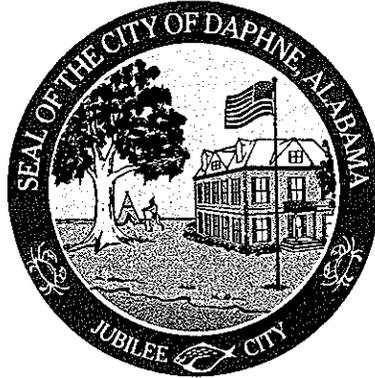
City workers recently called at BRAG to arrange the removal of the old carpeting and paint the underlying concrete. As you know, the majority of our funding comes from lessons and workshops held throughout the year and it is the general consensus that a concrete floor would be cold and terribly uncomfortable during the hours of a workshop.

As representatives of BRAG we would like to request that the City of Daphne purchase flooring for the two front rooms of the art guild. After looking at various types of covering we feel that the best selection would be a sheet vinyl which is available at Home Depot. (A sample is submitted with this proposal). This product sells for \$10.98/sq. yd and we would need 80/sq. yds. It does not require gluing but is held in place with double-sided tape around the perimeter. The vinyl, tape and tax would run approximately \$950.00. Home Depot will cut the vinyl into 3 pieces which would make pick-up and installation relatively easy.

## Quotes

Home Depot - \$880<sup>00</sup>  
Flooring Showcase - \$855<sup>36</sup>  
Sun Flooring - \$820<sup>00</sup>

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
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DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

# Memo

Current Grade 13-1  
Proposed Grade 13-4

TO: Finance Committee  
FROM: Mayor Small  
SUBJECT: Public Relations Package  
DATE: November 29, 2005

Increase: Annual 2,551  
Increase: F406 1,920  
(includes benefits)

I would like to recommend that my assistant, Shannon Spivey, be given the added duties of public relations for the City of Daphne in addition to her current duties as my administrative assistant. Her added responsibilities would include:

- **Compiling and editing the material for the Jubilee Breeze – This publication includes submittals from all City Departments so it would seem logical for this to be coordinated through my office.**
- **Preparing or reviewing all press releases for the City.**
- **Assisting with or speaking at my bimonthly radio address – This address often includes City Events such as the Christmas activities, Recreation and Civic Center Programs.**
- **Coordinating the City of Daphne Tree Lighting – In conjunction with the Downtown Open House that many of our downtown retailers participate in, I would like to make the Tree Lighting a much larger event. I believe that this is an excellent opportunity to draw citizens to our downtown area and show them everything that it has to offer.**
- **Coordinating City teams for charitable events such as The American Cancer Society's Relay for Life and the American Heart Association's Heart Walk – While employees who participate in these events raise money for good causes, it also increases employee morale among those who participate and it shines a positive light on the City of Daphne.**
- **Develop, Edit and Publish an Employee Newsletter – I believe that this could be used to better inform all employees of events in the City and meetings that could benefit them in an effort to improve employee morale.**

With these additional responsibilities, I believe that a pay increase is in order. Sharon Cureton is in agreement with the recommendation for a pay increase. She has also contacted Chip King with Archer Company and he agreed that a 1 time pay adjustment would be the best way to handle this increase in duties. I believe that a 3 step increase in pay would be appropriate.

**Daphne Public Library**

P.O. Box 1225  
Daphne, AL 36526  
251-621-2818

**MEMO**

**To:** Mayor Fred Small  
cc: Kim Briley, Finance Director

**From:** Dale Foster, Library Director

**Date:** December 6, 2005

**Re: Personnel Request**

Total annual  
wages + benefits 39,996  

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Jan-Sept 06 30,000

I am writing to request that the Library's request for a Library Computer Services Technician position be considered for funding at the next Finance Committee Meeting. We had requested the position back in July with our original budget request. With my pending leave of absence, the position will be critical for the continued operation of the Library.

A copy of the request is attached.

## REQUEST FOR ADDITIONAL PERSONNEL

DEPARTMENT: Library  
POSITION: Library Computer Services Technician  
REQUESTED BY: Dale Foster, Library Director  
PROPOSED JOB GRADE: Grade 16  
NUMBER REQUESTED: 1

### JUSTIFICATION:

Library usage has increased substantially in the past five years without comparable increases in staffing.

- During FY 1999 - FY 2004, the number of new Library patrons grew by 125%.
- During the same period, the number of Library materials circulated increased 75%.
- Library Computer Usage increased 177% during the same period.
- Over 170,000 patrons will use the Library in FY 2004.
- Monthly library usage continues to set new all-time record highs.

This explosive increase in Library usage has outpaced Library personnel growth. Staffing levels are considerably lower than Alabama Public Library Service (APLS) standards. This comes at a time when the citizens of Daphne are demanding more library services, increased hours of operation, greater training and instructional opportunities, and additional public programs. The Daphne Library can play a crucial role in meeting many of the goals set forth in the recent Comprehensive Plan. However, critically low levels of staff hamper these efforts.

The Library has already maximized the productivity of existing staff, and has used all State funding available for personnel positions.

To help alleviate the immediate personnel shortfall, the following action is requested. This is part of a five-year plan to increase staffing levels to APLS standards and to meet the usage demands of the community.

### **Create the Position of Library Computer Services Technician.**

Create one full-time position at Grade 16. This position will be responsible for coordinating computer services for the public and staff, Internet research, computer training, and maintenance of the Library's computer network. General qualifications include a college degree and a minimum of one year of computer experience.

## Daphne Public Library

P.O. Box 1225  
Daphne, AL 36526  
251-621-2818

**To: Finance Committee, City of Daphne**  
**cc: Mayor Fred Small**

**From:** Dale Foster, Library Director  
**Date:** December 6, 2005  
**Re: Staffing Levels for the Daphne Library**

The Baldwin County Library Cooperative (BCLC) recently completed a survey of library staffing levels in the county. The results of the survey clearly show how delinquent the Daphne Public Library is in maintaining adequate staffing levels.

In comparison to other libraries, the Daphne Library has the lowest staff per capita ratio in the county. Libraries serving much smaller population bases have far more staff to provide library services, on a per capita bases. Even the Fairhope Library has a higher staff per capita ratio than the Daphne Library.

As indicated in previous memos and reports, the demand for library services is overwhelming current staffing levels. The demand for library services continues to grow. It is crucial that staffing levels grow proportionately.

### Baldwin County Libraries

#### Staffing Levels August 2005

Library	Population	FTE's	FTE's per capita
Daphne	16,581	9	1 / 1,842
Fairhope	12,480	9	1 / 1,386
Bay Minette	7,820	6.5	1 / 1,203
Robertsdale	3,782	3.5	1 / 1,080
Foley	7,590	7.6	1 / 998
Gulf Shores	5,044	6	1 / 840
Orange Beach	3,784	8	1 / 473

# **MEMORANDUM**

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## **CITY of DAPHNE...DIVISION of PUBLIC WORKS**

**To: Mayor Fred Small  
Kim Briley, Finance Director  
Finance Committee Members**

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance  
Public Information Officer, Daphne Search & Rescue**

**Date: December 8, 2005**

**Re: Surplus Equipment / Motorhome & Boat**

**Please consider this my formal request for two actions to be taken, the declaration of surplus equipment & a recommendation for disposal of said surplus equipment. I have attached color photographs of said equipment for your convenience of viewing.**

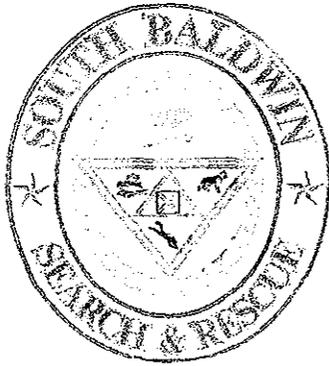
**The Rescue Squad possesses a 1975 Dodge motorhome, which has been used as our Command Response vehicle. The vehicle has been stripped of all items of value, and the remains are basically just a shell with an engine. The engine has some major problems, and the value of this item does not warrant any further monetary investments by the City.**

**Additionally, the Rescue squad possesses a 13' long Boston Whaler fiberglass boat. The boat is over 20 years old, has severe cracking of the gel coat and needs a lot of fiberglass repair work. The boat sits on a galvanized trailer which we no longer need either. We no longer need this boat, thus have no intent of performing repairs or investing further City funds for same.**

**We request that this Committee recommend to Council that these items be declared surplus, and furthermore request that they be donated to the newly formed South Baldwin Search & Rescue Squad. This newly formed team of emergency responders is in dire need of these items in**

**order to provide the same level of lifesaving services to the citizens of Baldwin County as the Daphne Search & Rescue Squad provides.**

**We fully endorse the South Baldwin Search & Rescue Squad, and support them as much as possible. I have attached a letter from the Secretary/Treasurer, Mary S. Emmett, acknowledging their interest of our surplus items.**



## **SOUTH BALDWIN SEARCH AND RESCUE, INC.**

P O Box 26  
Magnolia Springs, AL 36555  
251-988-1480  
251-988-1020 fax

July 21, 2005

Fred Small, Mayor  
Members of the City Council  
City of Daphne  
1705 Main St  
Daphne, AL 36526

Gentlemen:

It has come to the attention of some members of South Baldwin Search and Rescue that the City of Daphne may have a surplus Recreational vehicle. We would like to express our interest in acquiring same to use as a Command Vehicle for our organization. Your donation of this vehicle would assist our group on the training and equipment necessary to better fulfill our objectives:

- Section 1. The search and rescue of persons lost or in distress on the land or in the waters of south Baldwin County, Alabama.
- Section 2. To work with Emergency Management organizations.
- Section 3. To work with duly constituted organizations such as fire departments, law enforcement officers, other search and rescue units, etc.

If you would like more information about our group or about the vehicle identified, feel free to contact Jeff Robb, 251-626-1313 (work) / 251-605-1620 (cell) or myself at the number listed above. We are in the process of applying to the IRS for certification as a 501(c)(3) tax-exempt organization.

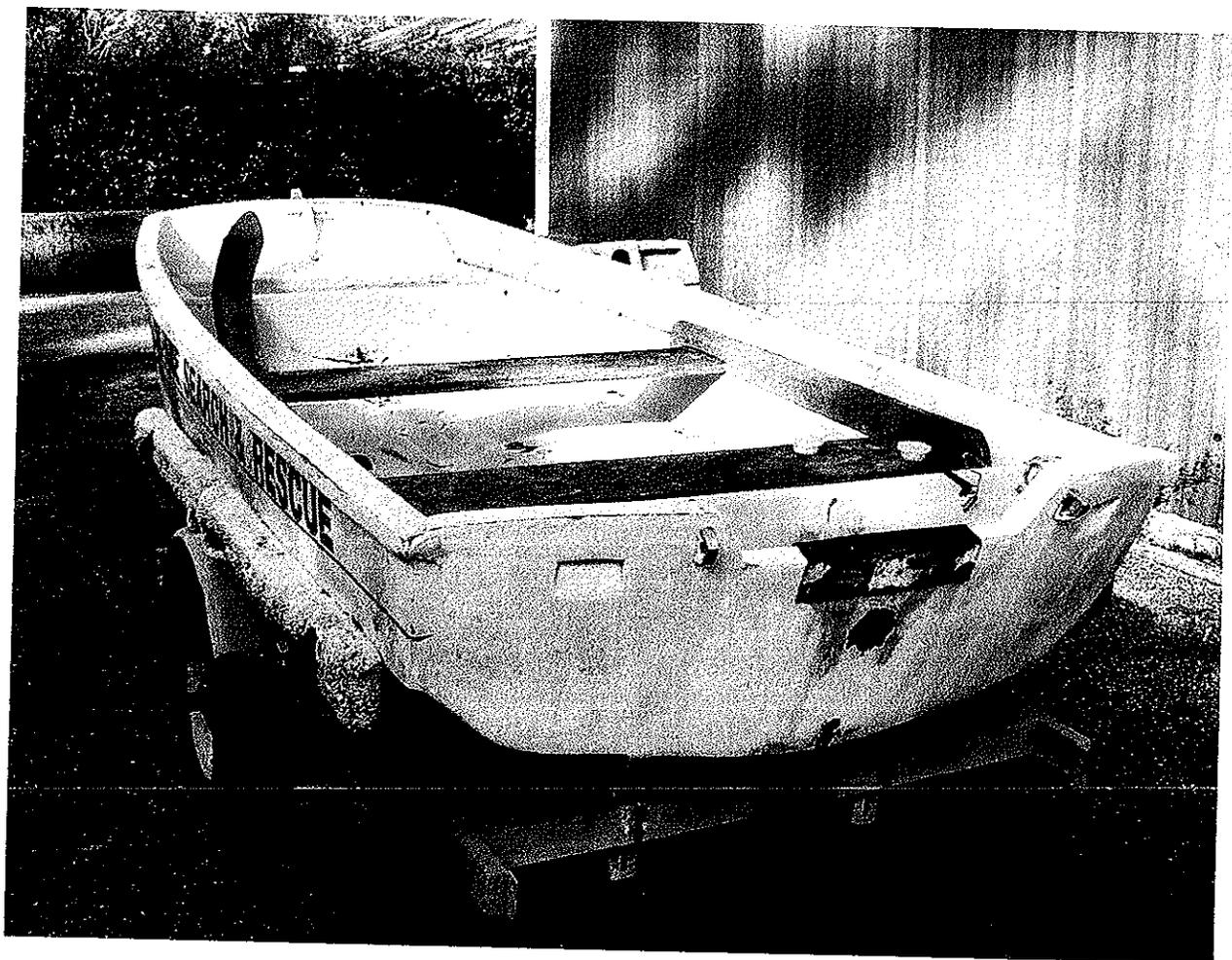
Thank you for considering our request.

Mary S. Emmett, Secretary/Treasurer  
South Baldwin Search & Rescue, Inc.









# MEMORANDUM

## CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director  
Finance Committee Members**

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance**

Approved For Agenda

Signature

Date

**Date: December 5, 2005**

**Re: BID DOCUMENT #2006-D-INMATE/TRUSTEE FOOD  
SERVICES**

**This is to advise the Finance Committee Members that there were no bids received by the City of Daphne for providing inmate/trustee food services.**

**This places me into a situation of negotiating this contract on the open market. Prior to checking elsewhere, I will follow up with all bidders who received the opportunity to provide us this service, and inquire about why the City received no response at all.**

**I am investigating several options at this point, but due to the expiration of our current contract on December 31, 2005, I will likely have to arrange an interim arrangement with a local vendor for a few weeks prior to entering a new contract.**

**We hope to have a new vendor & contract recommendation for the January, 2006 Finance Committee meeting, and adoption of said contract at the next regularly scheduled City Council meeting following that Finance Committee meeting.**

**Please contact me should you have any questions.**

**cc: Mayor Fred Small**

**CITY OF DAPHNE**

**BID OPENING MINUTES**

**BID DOCUMENT NO: 2006-D-INMATE/TRUSTEE FOOD SERVICE**

**NOVEMBER 30, 2005**

**11:30 A.M.**

**CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant

\*Advised Captain Randy Bishop by phone that no bids were received

5 bid invitations were mailed/picked up , 0 sealed bids were received.

**VENDOR**

**EXTENDED COST**

**NO BIDDERS**

\*Bid to be negotiated

  
\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

**CITY OF DAPHNE**

**BID OPENING MINUTES  
BID DOCUMENT NO: 2006-F-JAIL FOOD  
DECEMBER 2, 2005  
11:30 A.M.  
CITY HALL**

Those present were as follows:

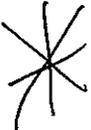
Ms. Suzanne Henson Sr. Accountant  
\*Advised Captain Randy Bishop by phone that no bids were received

6 bid invitations were mailed/picked up , 0 sealed bids were received.

VENDOR

EXTENDED COST

**NO BIDDERS**



\*Bid to be negotiated

  
\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

# TREASURER'S REPORT

As of November 2005

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<b>ACCT TITLE</b>	<b>BANK</b>	<b>BALANCE</b>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$5,718,926.74
OPERATING ACCT	COMPASS	(\$824,462.69)
PAYROLL ACCT	COMPASS	(\$60,664.70)
MUNICIPAL COURT	COMPASS	\$248,620.89
		<hr/>
		\$5,082,420.24
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$2,398.18
4 CENT GAS TAX	FIRST GULF	\$134,594.84
7 CENT GAS TAX	FIRST GULF	\$130,525.09
		<hr/>
		\$267,518.11
<b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$492.65
CAPITAL GROWTH	SOUTHTRUST	\$3,413,221.35
97 WARRANT CONS	SOUTHTRUST	\$4,929.16
99 WARRANT CONS	REGIONS	\$539,955.49
2000 CONSTRUCTION	REGIONS	\$90,163.95
		<hr/>
		\$4,048,762.60
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	SOUTHTRUST	\$956,449.90
		<hr/>
		<u>\$10,355,150.85</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	909,576.13	
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	
<b>Totals</b>	<b>6,634,029.78</b>	<b>7,110,160.82</b>	<b>7,751,180.20</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>932,634.66</b>

### FY 2006 BUDGET/ACTUAL COMPARISONS

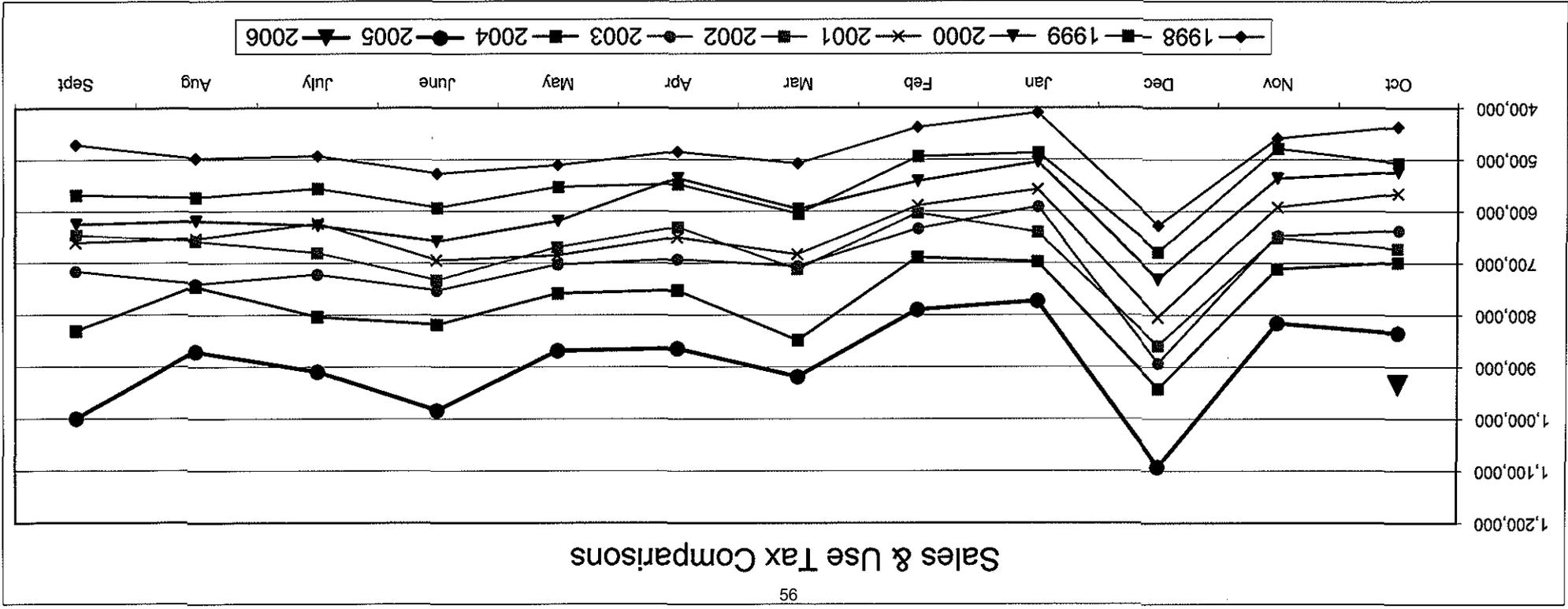
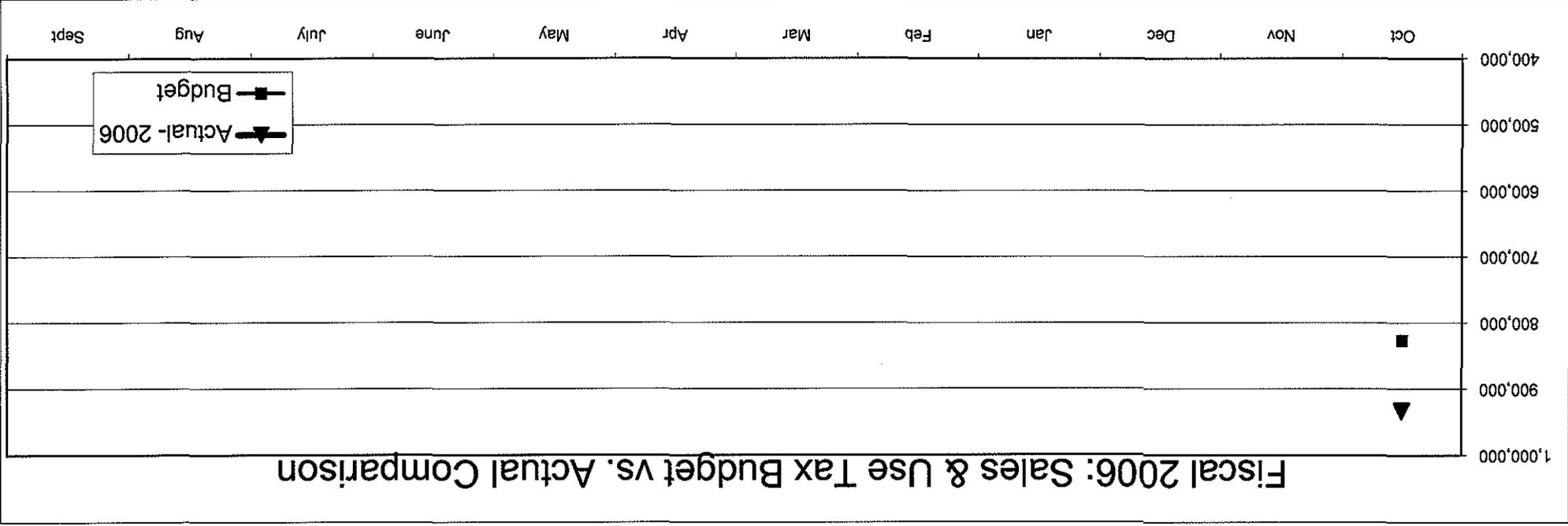
	Actual-2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	932,634.66	825,474	107,160.68	107,160.68	12.98%
November		820,652			0.00%
December		1,100,098			0.00%
January		785,065			0.00%
February		787,808			0.00%
March		923,786			0.00%
April		852,157			0.00%
May		870,852			0.00%
June		952,994			0.00%
July		903,547			0.00%
August		875,817			0.00%
September		920,338			0.00%
<b>Totals</b>	<b>932,634.66</b>	<b>10,618,586</b>	<b>107,160.68</b>		

### FISCAL YEAR COMPARISONS

	\$ Change							Percent Change						
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29		12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91		7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15		3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54		9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31		-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26		-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95		11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26		10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99		12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	45,682.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78		7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	168,215.28		9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
<b>Annual \$ Change</b>	<b>476,131.04</b>	<b>641,019.38</b>	<b>393,592.24</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,418,335.85</b>		<b>Annual % Change</b>	<b>7.18%</b>	<b>9.02%</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>

TOTAL collections: FY 05	10,708,261
TOTAL est. bdtg coll: FY 06	10,618,586
Budgeted Dollar Variance 05/06	(89,675)
Budgeted Percent Variance 05/06	-0.84%

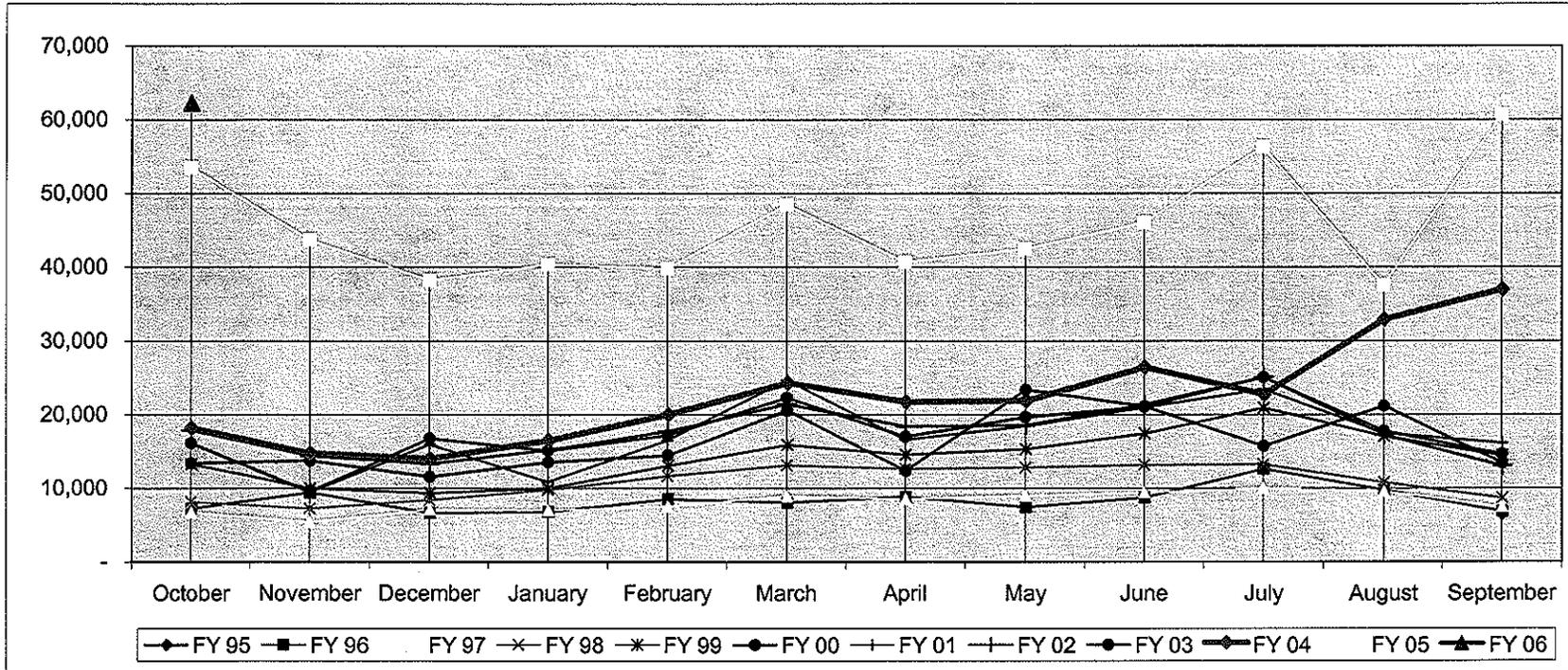
TOTAL collections: 10-31-05	932,635
Budgeted: 10-1-05 to 10-31-05	825,474
Actual Coll > (<) Budget, 10-31-05	107,161
% Over/(Under) Budget, 10-31-05	12.98%



## Monthly Lodging Tax Collections

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

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



# NEW BUSINESSES FOR NOVEMBER 2005

<b>BRICK &amp; MORTAR BUSINESSES - CITY LIMITS</b>	
PULL TOYS	1
SOUTHERN EAGLE MORTGAGE INC	1
DOC GREEN'S GOURMET SALADS	1
OCEAN TUG & BARGE ENGINEERING CORP	1
BIG ROBOT PROMOTIONS	1
<b>TOTAL NEW BUSINESSES - CITY LIMITS</b>	<b>5</b>

<b>OUT OF CITY</b>	
COURSON, CHRISTOPHER	1
SIGN A RAMA	1
ROBERTS BROTHERS C & PM INC	1
EVERYDAY CELEBRATIONS INC	1
PROFESSIONAL DENTAL TECHNOLOGIES THE	1
MOBILE MODULAR MANAGEMENT CORP	1
ADVO CARE INTERNATIONAL LP	1
ELITE SPORTSWEAR LP	1
WINE SOURCE	1
GLOBAL HEALTH TRAX INC	1
ARCHITECTURAL CONCEPTS GULF COAST	1
SOLIDEAL TIRE INC	1
GALACTEK CORP	1
BENCO DENTAL SUPPLY	1
CONKLIN METAL INDUSTRIES INC	1
SOLIDEAL TIRE INC	1
ORTHOCLEAR INC	1
STATE INDUSTRIES	1
ATLANTA DENTAL SUPPLY CO	1
MAZDA NORTH AMERICAN OPERATIONS	1
MOSOLUTIONS LLC	1
STERLING CONCRETE LLC	1
JMF SOLUTIONS INC	1
TUDOR CUSTOM RECREATION EQUIPMENT IN	1
<b>TOTAL NEW BUSINESSES - NOT IN CITY</b>	<b>24</b>

<b>CONTRACTORS</b>	
LEE'S CONSTRUCTION	1
BRUCE MOORE ROOFING	1
GM PRO WINDOW CLEANING	1
ELLIOTT BUILDERS INC	1
WAMBLE PLUMBING	1
M&G PLUMBING & CONSTRUCTION	1
ANCHOR SECURITY SERVICES I T LLC	1
C&W PRECISION INSTALLATION	1
PRO-COAT PAINTING	1
BUILT RITE SIGNS	1
FLOMEX CONSTRUCTION LLC	1
ALL WEATHER CONSTRUCTION OF MOBILE	1
NEW HAVEN HOMES LLC	1
SITE READY	1
JLM RENOVATIONS	1
SOUTHERN TURFCARE INC	1
FECHTLER & SONS	1
JMJ SERVICES	1
COOPER CONSTRUCTION & REMODELING	1
<b>TOTAL NEW CONTRACTORS</b>	<b>19</b>

<b>INSURANCE COMPANIES</b>	
None	
<b>TOTAL INSURANCE COMPANIES</b>	<b>0</b>

<b>TOTAL NEW BUSINESSES OCTOBER 2005</b>	<b>48</b>
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<b>TOTAL BUSINESSES CLOSED AUGUST - CITY</b>	
NUTHOUSE	1
SQUASH BLOSSOM	1
AMERIPRIDE LINEN	1
<b>TOTAL DAPHNE BUSINESSES CLOSED</b>	<b>3</b>

## **Buildings and Property Committee Meeting**

**Friday, December 2, 2005**

**10:00 a.m.**

**City of Daphne**

**Council Chambers**

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director, Daphne Civic Center

Ken Eslava, Director, Public Works

### **Minutes**

Meeting convened at 10:15 a.m. with committee members Mayor Fred Small, and Councilman August Palumbo in attendance. Also in attendance were Ms. Sandra Morse, Director, Daphne Civic Center, Mr. Ken Eslava, Director, Public Works, Mr. Al Guarisco, Ms. Rebecca Wolff, Mr. Jeff Hudson and Ms. Robin Smith, Daphne Civic Center.

Councilman Palumbo informed the committee that the Mayor's request to acquire an appraisal for the City's Johnson road property is coming up for second read at the Council meeting Monday night, December 5, 2005. Mr. Eslava spoke about the benefit of acquiring an appraisal and the selling of this property and possibly relocating the dog pound next to public works.

An update on hurricane finals was made by Mr. Eslava. He stated that all post hurricane recovery and repairs were complete.

Mr. Travis Howze made a written request for a full refund for a booking at the Bayfront Park in the amount of \$810.00. Families lost their homes and wedding attire due to Hurricane Katrina. A motion was made by Councilman Palumbo to make a full refund of \$810.00 to Mr. Travis Howze. The motion was seconded by Mayor Small. **Motioned Approved.**

A written request was made by Mr. Earl Kellam for a full refund for booking at Bayfront Park in the amount of \$202.50. The event was cancelled due to the hurricane Katrina. Motion was made by Councilman Palumbo to make a full refund to Mr. Earl Kellam for \$202.50. The motion was seconded by Mayor Small. **Motion Approved.**

A written request from Spanish Fort High School asking for use of the Civic Center facility for a fundraiser event for February 3, 2006 was considered. The school also requested the yearly waived usage of the facility for 2 week days and 1 weekend day each year. Mayor Small stated that he would like to refer the request of 2 weekdays and 1

weekend day be considered at the next City Council work session. Motion seconded by Councilman Palumbo. **Motion approved.** The requested date of February 3, 2006 was approved by Mayor Small with the following amendments: Base rental fee waived, but cleaning fee, hourly rate, and all incidentals will be charged as usual.

Written request by the Baldwin County Humane Society for waiver of all fees involved in usage of the Civic Center facility for Christmas By the Bay, December 2-4, 2005, amounting to roughly 8,000.00 was considered. This request was made due to the usually high number of animals from Hurricane Katrina needing assistance and low attendance of vendors, a large number could not attend who were from Louisiana. A **Motion** was made by Councilman Palumbo to send this request to the Finance Committee for consideration of waiving this any fees only due to special circumstances from Hurricane Katrina. Motion seconded by Mayor Small. **Motion Approved.** Ms. Morse will do a breakdown of all costs for the Finance Committee.

A Civic Center interior update was given by Ms. Sandra Morse showing samples of new carpet and site furniture that will be used in replacing those damaged by the Red Cross Hurricane shelter after Hurricane Katrina. Issues discussed in reference to the process for ordering and installing these items. At the current time price quotes have been obtained and invoices submitted to the Red Cross for payment. Also discussed were minor repairs that will need to be made such as painting of the walls in both the lobby and arena areas.

Ms. Morse stated that she would contact Mr. Jay Ross to have a concession coatroom agreement created. This policy would require all organizations who utilize the coat check room at the Civic Center and Bayfront Park to be responsible for any and all items under their care and release the Civic Center of all responsibility.

A letter was presented requesting a fee waiver for The American Red Cross Annual Volunteer Recognition Meeting honoring Hurricane Katrina Volunteers sometime between June 12<sup>th</sup> & 22<sup>nd</sup>, 2005. Mayor Small requested that Ms. Morse acquire a breakdown of all costs that may be incurred for this event and present it to him.

Winter Wonderland Concert – Baldwin Pops, Monday, December 5, 2005. The committee was informed of this event by Ms. Morse and request was made for it to be mention at City Council meeting Monday Night, December 5, 2005. Mayor Small and Councilman Palumbo agreed to do this.

Navy Band Winter Concert – Saturday, December 17, 2005. The request was made by Ms. Morse for this event to also be mentioned at the City Council meeting Monday night, December 05, 2005. Mayor Small and Councilman Palumbo agreed to do this.

Mr. Al Guarisco, & Ms. Rebecca Wolff representing Village Point, presented a letter from Mr. Stock Irvine in reference to his purchasing an 11 acre area of property adjoining Bayfront Park. Mr. Guarisco objected to the sale of this property and feels this should be utilized as part of the park and future plans for an Amphitheater. No objection was made in reference to 7 different properties at the entrance to Bayfront Park currently owned by

Mr. Irvine. Mr. Guarisco feels these properties have the potential to enhance the Park. Mr. Palumbo stated determination should first be made as to whether this land is part of the city property which adjoins Bayfront, he suggested Mr. Guarisco check with the City Clerk to find out if the property is within the park land itself. Ms. Wolff acquired information from the City Clerk that this land is being paid for and cannot be made part of Park property until last payment made in September 2006. Mr. Palumbo suggested that this be brought before the Council to have this land declared Park property, thus enabling it from being bought and used as commercial property.

Mr. Jeff Hudson, City Architect, made presentation of the plans for additions and renovations to City Hall plus reworking of parking area. A request was made for consideration to the adjoining church for permission for overflow parking. 31,000 square feet would be added to the existing 10,000 making total of 41,000 additional square feet. There was no significant difference between cost of building new facility, or reworking the existing one. \$7,000,000.00 is currently the price for completing this project. A **Motion** was made by Councilman Palumbo for recommendation on preliminary plans, concerning renovations to City Hall, to be sent, with a favorable recommendation, to Finance Committee for review on mechanics of putting this project into action. **Motion Approved.**

Meeting adjourned at 11:53.

To: Mr. ~~Stan~~ Steve Morse

Buildings and Property Committee Meeting  
Friday Dec. 2, 2005

Attached are the items you requested  
from us in that meeting

1. Letter from Starke dated 10-4-2005
2. His layout of proposal on Bayfront Dr  
and hand sketch of portion of the  
11.5 acre Townhome acquisition.
3. Resolution No. 2003-67 - purchasing  
the 11.5 acres

★ Village Point Foundation  
members Al Hearnice  
Rebecca Wolf.

# Memo

**To:** Mayor Fred Small  
**From:** Starke Irvine  
**Date:** October 4, 2005  
**Re:** Bayfront Park Dr Proposal

---

The attached plat is a proposal I request you and the Council consider.

- 1.) I suggest an exchange of 50' of our high dry land for 150' of city land below the bluff. The 50 feet will be used by the city for a roadway to the city bluff property. The 150' will be used by us to develop a detention pond and use for construction of a portion of a building.
- 2.) I request they city sell to Irvine Properties, Inc. that land which lies south of the lots which face Bayfront Park Dr. based on a value established by a qualified appraiser and approved by a lending institution. We will develop as a commercial site on Main St and R-4 residential with a mixture of townhomes and cottages, all architecturally designed. This will be done in a PUD style, as the road will remain private in order for it to be less intrusive on the environment (asphalt without curb and gutter, and as natural as possible)
- 3.) The infrastructure for Bayfront Dr is to be installed as a public-private partnership, with the city, utility board and the owners of lots on Bayfront all participating in the cost. The utilities will be run to meet the current code requirements. The street is to be resurfaced and "on street" parking established, by each lot owner giving an easement of 7' of frontage depth per lot.
- 4.) The city will construct a north - south road from the north line of Bayfront Dr along the bluff to Jordan Dr for better traffic flow.

I would like to discuss this proposal at your earliest convenience, assuming it makes sense. Time is very much of the essence.

S. Starke Irvine

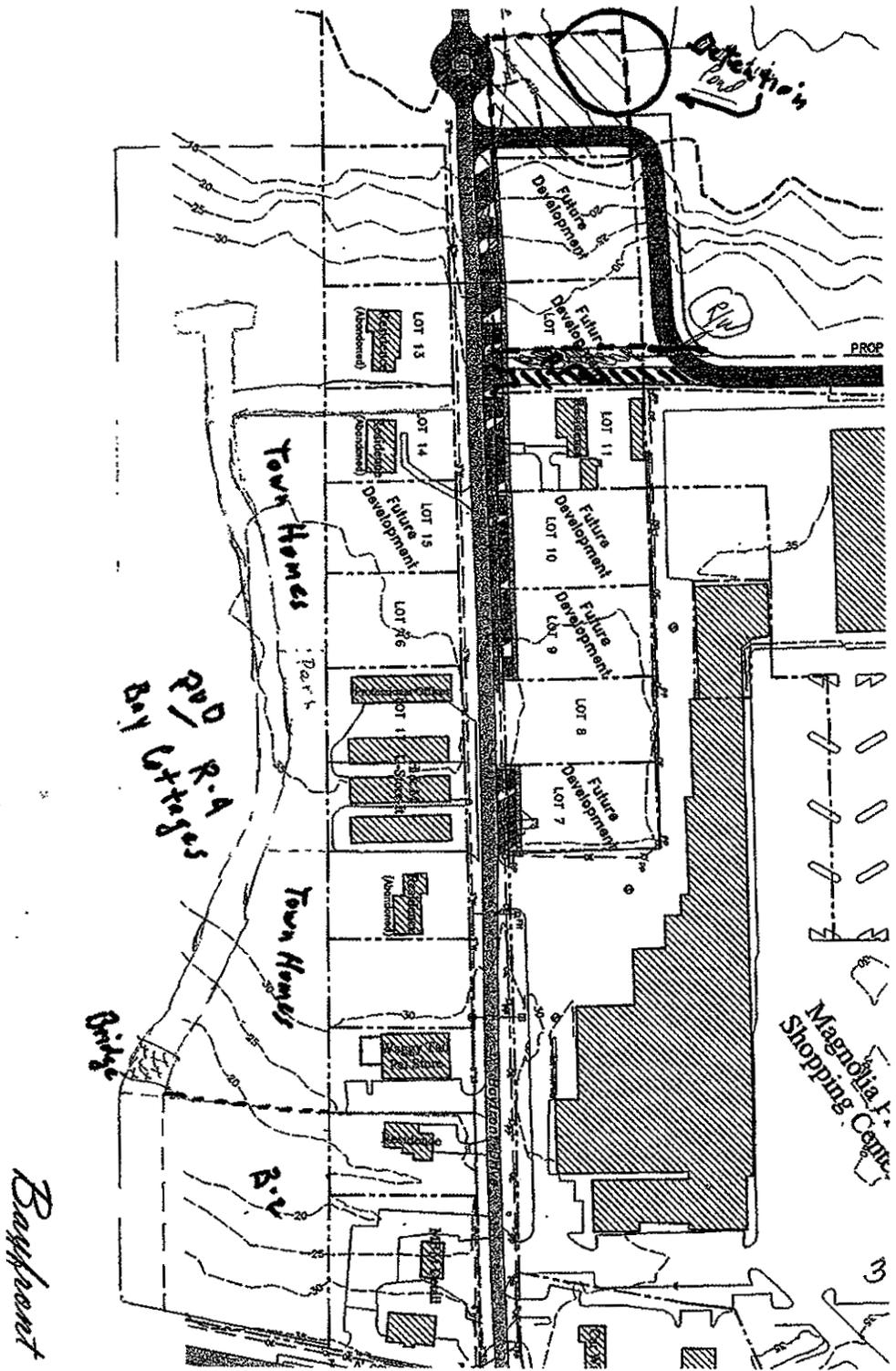


<sup>1</sup>  
E-Mail: [irvineco@aol.com](mailto:irvineco@aol.com)  
[www.IrvineProperties.com](http://www.IrvineProperties.com)

P. O. Box 2497  
Daphne, AL 36526

(251) 621-1337  
FAX (251) 621-8555





**RESOLUTION NO. 2003-67**

**VILLAGE POINT PROPERTY ACQUISITION  
Purchase 11.5 +/- Acres from Scenic 98 Ltd.**

**WHEREAS**, the City Council of the City of Daphne, Alabama has determined that it would be in the best interest of the citizens of Daphne to acquire additional bay front property for public use to benefit the community in many ways for years to come; and

**WHEREAS**, the City Council of the City of Daphne authorizes the Mayor to negotiate a purchase agreement with Scenic 98 Ltd. for the acquisition of certain bay front property located on the north side of the City's Village Point Park Preserve property; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Daphne, Alabama does hereby authorize the mayor to enter into such agreement subject to the following terms with Scenic 98 Ltd. as follows:

1. The purchase price for the 11.5 +/- acres is \$922,000.00.
2. One third of the purchase price (\$307,333.33) plus 5% interest per annum is due to Scenic 98 Ltd. as an initial installment on October 1, 2004.
3. The second purchase installment is due two years from the joint execution of the Purchase Agreement, for an amount equal to one third of the "Purchase/Price" plus interest at no higher than 5% per annum.
4. The final lease/purchase installment is due three years from the joint execution of the Purchase Agreement, for the remainder of the purchase price plus interest at no higher than 5% per annum.
5. That E. Harry Brown, in his capacity as Mayor of the City of Daphne, and David L. Cohen, as City Clerk, are hereby authorized to execute such Purchase Agreement as may be approved by the City Attorney and the appropriate representative of the Scenic 98 Ltd.; and to execute any other documents as may be necessary to carry out the purpose of acquisition of said property.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this 15<sup>th</sup> day of September, 2003.

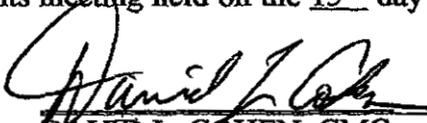
  
E. HARRY BROWN, MAYOR

**ATTEST:**

  
DAVID L. COHEN, CITY CLERK, CMC

STATE OF ALABAMA    )  
COUNTY OF BALDWIN )

I, David L. Cohen, CMC, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its meeting held on the 15<sup>th</sup> day of September, 2003.

  
\_\_\_\_\_  
DAVID L. COHEN, CMC  
City Clerk



# Memo

**To:** Mayor Fred Small  
**From:** Starke Irvine  
**Date:** October 4, 2005  
**Re:** Bayfront Park Dr Proposal

The attached plat is a proposal I request you and the Council consider.

- 1.) I suggest an exchange of 50' of our high dry land for 150' of city land below the bluff. The 50 feet will be used by the city for a roadway to the city bluff property. The 150' will be used by us to develop a detention pond and use for construction of a portion of a building.
- 2.) I request they city sell to Irvine Properties, Inc. that land which lies south of the lots which face Bayfront Park Dr. based on a value established by a qualified appraiser and approved by a lending institution. We will develop as a commercial site on Main St and R-4 residential with a mixture of townhomes and cottages, all architecturally designed. This will be done in a PUD style, as the road will remain private in order for it to be less intrusive on the environment (asphalt without curb and gutter, and as natural as possible) *At \$600,500*
- 3.) The infrastructure for Bayfront Dr is to be installed as a public-private partnership, with the city, utility board and the owners of lots on Bayfront all participating in the cost. The utilities will be run to meet the current code requirements. The street is to be resurfaced and "on street" parking established, by each lot owner giving an easement of 7' of frontage depth per lot.
- 4.) The city will construct a north - south road from the north line of Bayfront Dr along the bluff to Jordan Dr for better traffic flow.

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S. Starke Irvine

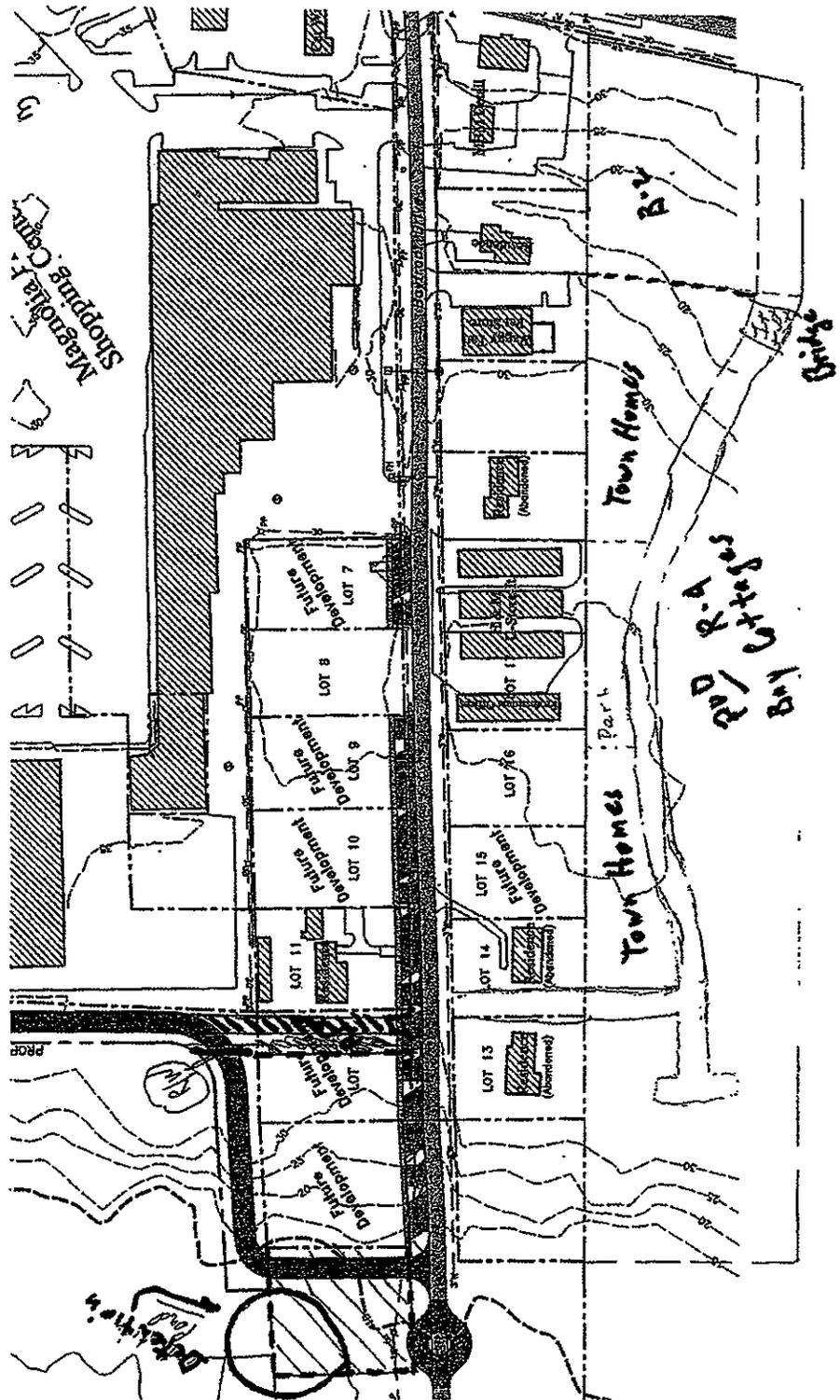


1  
E-Mail: [irvineco@aol.com](mailto:irvineco@aol.com)  
[www.IrvineProperties.com](http://www.IrvineProperties.com)

P. O. Box 2497  
Daphne, AL 36526

(251) 621-1337  
FAX (251) 621-8555





*Bayfront*

## Public Safety Committee

*Monday, December 5, 2005*

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

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

### **Committee Members Attending:**

Councilman Greg Burnam, Councilman Gus Palumbo, Police Chief David Carpenter, Capt. David Wilson, Capt. Randy Bishop, Capt. Scott Taylor, Fire Chief Mund Hanson, PW Superintendent Melvin McCarley and Michele Hanson.

Also Present: Mayor Small, Lt. Daniel Bell, PW Director Ken Eslava

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

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

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

- A. New Business**
- B. Old Business**

#### **III. APPROVAL OF MINUTES FROM PREVIOUS MEETING Minutes from November 8, 2005 Meeting**

*Motion by Mr. Palumbo* to adopt the minutes as presented. *Seconded by Mr. Burnam.* The minutes were adopted without revision. **Motion carried.**

#### **I. FIRE DEPARTMENT**

##### **A. New Business**

##### **1. Statistics for November 2005**

Chief Hanson reviewed the stats for November.

##### **B. Old Business**

Mr. Palumbo commented on the SAFER grant rejection letter, stating he would like to know why the City was not awarded the grant. The email was a uniform letter not giving any details.

#### **II. POLICE DEPARTMENT**

##### **A. New Business**

##### **1. Statistics for October 2005**

Chief Carpenter reviewed the stats for October. Chief Carpenter stated that there were high volume of roadway accidents this month, like last month. If this trend continues, additional officers will be needed soon. Chief stated there were 4 death investigations

for the month of October. All appear to be natural causes, however an autopsy is being performed on 1.

**2. School Zone Awareness**

Capt. Taylor stated that Judge Doyle has had tickets come before him and its been questioned. He stated the people who pass the school and get a citation, they see the speed limit sign as they enter the school zone, but there are no signs where the school zone ends. Therefore, Judge Doyle asked if a sign could be placed stating "end of school zone". Mr. Palumbo suggested painting a line where the zone starts and stops. Mr. Eslava stated a sign would be better and Public Works would take care of it.

**B. Old Business**

**1. North Precinct**

Capt. Bishop stated we're hoping Patrol will be moving in this week and admin. will be there the following week. The precinct will be open 24/7. There will be a phone in the lobby for after hours that will ring directly to dispatch. Chief Carpenter stated he is hoping to have an opening ceremony sometime in January.

Chief Carpenter extended "a job well done" to Lt. Bell and the Detective Division for the solving of the Zaxby's robbery that took place last year. One of the new detectives, Jason Vannoy, took over the case and was able to solve it.

The committee discussed the need for the city to have the resource of a crime lab since the Department of Forensic Science is longer processing fingerprints, toxicology, etc. Lt. Bell would like to see a detective specialized in this field.

**III. OTHER BUSINESS**

**VII. ADJOURN**

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:15 p.m.

The next meeting will be **Tuesday, January 3, 2006 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period: November, 2005**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	1	1
11-Structure Fire/Commercial	-	-
11-Structure Fire/Residential	-	1
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	4	5
14-Natural Vegetation Fire	1	2
15-Outside Rubbish Fire	-	1
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
<b>2-Overpressure Rupture:</b>	-	-
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	115	218
<b>4-Hazardous Conditions (No fire):</b>	5	8
<b>5-Service Call:</b>	9	16
<b>6-Good Intent Call:</b>	9	21
<b>7-False Alarm &amp; False Call:</b>	3	13
<b>8-Severe Weather &amp; Natural Disaster:</b>	-	-
<b>9-Other Situation:</b>	-	-
<b>Total Emergency Calls:</b>	126	255
<b>Monthly Total Calls:</b>	147	286
<b>Response Time:</b>		
<b>Highest:</b>	13	13
<b>Lowest:</b>	1	1
<b>Average (Minutes/Seconds) :</b>	4/46	4/40
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	381	489.5
<b>Property Loss - \$</b>	9,900	13,400
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	-/-	-/-
<b>Child Passenger Safety Seat Inspections/Installations</b>	6	21
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	3	62
<b>Persons Attending</b>	634	2,597
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	12	17
<b>Final/Certificate of Occupancy</b>	2	2
<b>General/Annual Inspections</b>	146	294
<b>Business Licenses</b>	5	11
<b>Consultations</b>	-	-
<b>All Other/Misc. Activities</b>	5	6
<b>Total Activities:</b>	170	331

Authorized by:

*A. Mund Hanson*

A. Mund Hanson

Daphne Police Department			Monthly Report - October 2005							
Patrol Division		Detective Division:		JAIL:			Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:	
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)			(Capt. Wilson)			
						YTD				
# Complaints	1,234	# New Cases Received:	50	Total Arrestees Received & Processed:	178	<u>178</u>	# Misd. Marijuana Arrest	1	Arson	0
# Misd. Arrests	19	# Previous Unsolved Cases:	156	Arrestees by Agency:			# Felony Marijuana Arrest	0	Burglary – Residence	4
# Felony Arrests	3	# Cases Solved:	28	Daphne PD	102	102	# Controlled Substance Arrest:	1	Burglary – Commercial	2
# Citations	286	Resulting in Total Arrests:	16	BCSO	17	<u>17</u>	# Drug Paraphernalia Arrest	0	Burglary – Vehicles	6
# Close Patrols	101	Felonies:	7	Loxley PD	29	<u>29</u>			Criminal Mischief	7
# Warnings	219	Misdemeanors:	9	Silverhill PD	10	<u>10</u>	Vehicles Searched	8	Domestic Disturbance	24
# Motorist Assist	227	Houses Searched	0	Spanish Fort PD	18	<u>18</u>			Disorderly Conduct	4
# Alias Warrants	50			Troopers	0	<u>0</u>	Drugs Seized: cocaine, marijuana		Felony Theft	10
# Roadway Accidents	86			INS	0	<u>0</u>	Money Seized	\$0	Misdemeanor Theft	11
# Private Prop. Accidents	23	<b>Warrants:</b>		Other Agencies	2	<u>2</u>	Vehicles Seized	0	Felony Assault	0
# DUI's	2	Bettner Served	28						Misdemeanor Assault	3
		Officer Served	12	Highest	44		<b>Animal Control</b>		False Info to Police	3
		Recalls (Pd Fines)	32	Lowest	22		#Complaints	80	Harassment	30
		Total Warrants Served	72				#Follow-ups	122	Indecent Exposure	0
				Meals Served	2,398	2,398	#Citations	5	Kidnapping	0
		<b>Sex Offender:</b>		Medical Cost	\$1,787.82	1,787.82	#Warnings	10	Murder	0
		New Registration:	0	Worker Inmate Hours	861	861	#Felines Captured	12	Menacing	1
		Contact Verification	0				#Canines Captured	18	Public Intoxication	0
		Total # registered in Daphne	7				#Other Captured	16	Public Lewdness	0
		<b>DARE:</b>					#Returned to Owner	14	Receiving Stolen Property	0
		# Hours Report Writing:	8				#Adopted Out	22	Robbery	0
		# Students Instructed SRO	475				#Euthanized	11	Reckless Endangerment	1
		# Students Instructed DARE	535						Suicide	0
		# Police Reports by SRO	5						Attempted Suicide	0
		# Arrest by SRO	6						Other Death Investigations	4
									Theft of Services	0
		<b>CODE ENFORCEMENT:</b>							Unauthorized Use of Services	2
		Warnings:	2						White Collar Crimes	2
		Citations	4						Weapon Offenses	0
		Warning Compliance	3							
		Follow – Up	2							
<hr/>										
<i>Approved by:</i>				<i>David Carpenter, Chief of Police</i>						
<hr/>										

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

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**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.

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**CALL TO ORDER:**

The Chairman stated the number of members present constitutes a quorum and the special meeting of the City of Daphne Planning Commission was called to order at 5:40 p.m.

**CALL OF ROLL:**

**Members Present:**

Fred Small, Mayor  
Larry Chason, Secretary  
Jeff Carrico  
Carter Eide  
Warren West, Vice Chairman  
Robert Segalla, Chairman  
Cathy Barnette, Councilwoman

**Members Absent:**

Ed Kirby

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Tim Fleming, Associate Attorney  
Jay Ross, Attorney

**Staff Absent:**

Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Kirby is not present and the Commission has one position vacant. The next order of business is the adoption of the revisions to the Comprehensive Plan-Image Map and Vision Statement. Subsequent to the special meeting, we held a public hearing to discuss these amendments.

**NEW BUSINESS:**

**PROPOSED AMENDMENT OF IMAGE MAP:**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

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**Introduction:**

Ms. Burnett, South Alabama Regional Planning Commission, outlined the agenda for the meeting.

Ms. Burnett, South Alabama Regional Planning Commission, stated subsequent to this meeting, we discussed the proposed revision to the Vision Statement and the Image Map section of the Comprehensive Plan. This would establish a vision statement for your community preserving the residential climate and small town character while preserving and protecting the natural environment and scenic beauty. The Image Map would set a boundary for the proposed residential verses commercial/mixed use development. The revision to the image map represented is from Van Buren Street to Interstate 10 West of U.S. Highway 98. This would allow residential high rise development to exceed fifty feet within the described area. The proposal will combine residential and business uses which are compatible to the residential high rise development within a height limit of two hundred feet. The developer once placed on the image map shall petition the Planning Commission and City Council for a zoning amendment to a residential high rise, RHR, zone.

Mr. Rob McElroy, General Manager of the Utilities Board of the City of Daphne, commented on the amendment proposed by Mr. Fine in the public hearing. He stated that the Utilities Board of the City of Daphne had affirmed the agreement for the proposed sale of the property located Southwest of the intersection of Merritt Boulevard and U. S. Highway 98. He requested that the Planning Commission consider the proposed revision to the Image Map to include the property for Mr. Merritt and the Utilities Board.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to adopt the revision to the Vision Statement section of the Comprehensive Plan.**

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

***Mayor Small           Aye***  
***Mr. Chason           Aye***  
***Mr. Carrisco         Aye***  
***Mr. West             Aye***  
***Mr. Segalla          Aye***  
***Ms. Barnette         Aye***

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

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Mr. Eide                      Aye

A Motion was made by Ms. Barnette and **Seconded** by Mr. Chason **to adopt the revision to the Image Map section of the Comprehensive Plan to include the area located from Van Buren Street to Interstate 10 West of U.S. Highway 98 (reference: Apalachee Residential Community) and the area, presented by Mr. Rick Fine, located West and Southwest of the intersection of Merritt Boulevard and U. S. Highway (reference: Utilities Board of the City of Daphne and Robert Merritt property).**

Upon roll call vote, the Motion failed.

Mayor Small                Nay  
Mr. Chason Aye  
Mr. Carrisco                Nay  
Mr. West                    Nay  
Mr. Segalla                 Abstained  
Ms. Barnette                Aye  
Mr. Eide                     Aye

A Motion was made by Mr. West and **Seconded** by Mayor Small **to adopt the revision to the Image Map section of the Comprehensive Plan as originally presented by Ms. Burnett to include the area located from Van Buren Street to Interstate 10 West of U.S. Highway 98 (reference: Apalachee Residential Community).**

Upon roll call vote, the Motion carried.

Mayor Small                Aye  
Mr. Chason Aye  
Mr. Carrisco                Aye  
Mr. West                    Aye  
Mr. Segalla                 Aye  
Ms. Barnette                Aye  
Mr. Eide                     Aye

A Motion was made by Mr. West and **Seconded** by Mayor Small **to table the proposed amendment to the City of Daphne Land Use and Development Ordinance for the Residential High Rise District. The Motion carried unanimously.**

ADJOURNMENT:

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

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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 5:50 p.m.*

***Respectfully submitted by:***

Jan Dickson, Planning Coordinator

**APPROVED:** November 22, 2005

Robert Segalla, Chairman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**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 6:10 p.m.

**CALL OF ROLL:**

**Members Present:**

Fred Small, Mayor  
Jeff Carrico  
Larry Chason, Secretary  
Warren West, Vice Chairman  
Robert Segalla, Chairman  
Carter Eide  
Cathy Barnette, Councilwoman

**Members Absent:**

Ed Kirby

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Jay Ross, Attorney  
Tim Fleming, Associate Attorney  
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Kirby is not present and the Commission has one position vacant. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the October 27, 2005 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 minutes of the regular meeting. The Motion carried unanimously.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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The minutes of the November 9, 2005 special 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 Mayor Small **to approve the minutes of the special meeting. The Motion carried unanimously.**

The Chairman stated the next order of business under old business is preliminary plat review for the addition to Lot 29, Eagle Creek Subdivision.

**OLD BUSINESS:**

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF05-25:**

**Subdivision: Addition to Lot 29, Eagle Creek Subdivision**

Location: Eagle Creek Drive West of Pollard Road

Area: 3.37 Acres +, (1) lots

Owner: Gulf Coast Referral Service - Sonny Nichols

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Moore, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat approval of a three-acre subdivision consisting of one lot located on Eagle Creek Drive West of Pollard Road. The division consists of the reduction of the three hundred foot buffer zone located to the West of the subdivision to one hundred feet for inclusion in lot 29.

The Chairman stated I would like to ask the attorney, Tim Fleming, to comment. He has done some research regarding the case law. We need an attorney's opinion rather than just a layman's interpretation. I do not believe that Mr. Nichols can do anything with the property.

Mr. Fleming stated I would be happy to. This was a very interesting legal issue. In looking back through the Planning Commission from 1999, the bottom line is the Commission said this area would be used as a deed restricted buffer zone. They unanimously approved the preliminary plat contingent upon the construction of the fence and the creation of the three hundred foot buffer zone being maintained or sold to the adjacent property owner. I believe at some point an

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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adjacent property owner was going to purchase the property and from my review of the minutes that the adjacent property owner may have been the owner of the dirt pit. As the project went along, the final plat which was approved and recorded says that this was a deed restricted buffer zone which is not included in the subdivision. I have done some research. Candidly, I do not know of any law which prohibits someone from adding property to another piece of property, as a general term.

Mr. Fleming stated the Code of Alabama 1975, as amended 35-2-51 (b) states that the acknowledgment and recording of such plat or map shall be held to be a conveyance in fee simple of such portion of the premises platted as are marked or noted on such plat or map as donated or granted to the public, and the premises intended for any street, alleyway, common or public use, as shown in such plat or map, shall be held in trust for the uses and purposes intended or set forth in such plat or map. I think that is where we are here is common or public use.

An adjacent property owner, Ms. Fellows, requested clarification on the action of the Commission.

The Chairman stated we are asking the owner to preserve the deed restricted buffer zone and deed it to the property owners association. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to request the present owner to create a deed of conveyance to the property owners' association to include the deed restricted three hundred foot buffer zone as referenced in Parcel A on the recorded plat of Eagle Creek Subdivision, Phase One. The Motion carried unanimously.**

The Chairman stated the first order of business under new business is site plan review for Transportation Safety Services.

**NEW BUSINESS:**

**SITE PLAN REVIEW:**

**File S05-24:**

**Site: Transportation Safety Services**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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Location: Northwest of the intersection of Whispering Pines and Pollard Roads, Lot 16, Daphne Commercial Park, Phase One  
Area: 0.6 Acres +  
Owner: Transportation Safety Services - Lane Van Ingen  
Engineer: Cowles, Murphy, Glover & Associates - Gary Cowles

An introductory presentation was given by Mr. Cowles, representing Cowles, Murphy, Glover & Associates, requesting site plan review for a business office facility located Northwest of the intersection of Whispering Pines and Pollard Roads on Lot 16 of Daphne Commercial Park, Phase One. I will be glad to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to grant Site Plan approval to Transportation Safety Services. The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for Handy Lock Self Storage.

**File S05-25:**

**Site: Handy Lock Self Storage**

Location: Northeast of the intersection of U.S. Highway 98 and Daphne Avenue  
Area: 5.03 Acres +  
Owner: Eastern Shore Self Storage - Jim Horne  
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Hutchinson, representing Hutchinson, Moore & Rauch, requesting site plan review for a business office and self storage facility located Northeast of the intersection of U.S. Highway 98 and Daphne Avenue. I will be glad to answer any questions you may have.

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Eide **to grant Site Plan approval to Handy Lock Self Storage. The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for New Farmers Insurance.

**File S05-26:**

**Site: New Farmers Insurance**

Location: Southwest corner of Timber Circle and Mill Lane  
Area: 0.67 Acres +  
Owner: J. Crickett, LLC  
Engineer: Rester & Coleman Engineers - Richard Benham or Andy Bobe

An introductory presentation was given by Mr. Bobe, representing Rester & Coleman Engineers, requesting site plan review for a business office facility located Southwest corner of Timber Circle and Mill Lane. I will be glad to answer any questions you may have.

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

A **Motion** was made by Mayor Small and **Seconded** by Ms. Barnette **to grant Site Plan approval to New Farmers Insurance. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Cotton Ridge Estates Subdivision.

**PRELIMINARY PLAT REVIEW:**

**File SDP05-20:**

**Subdivision: Cotton Ridge Estates**

Location: East side of County Road 54 West, one-half mile South of County Road 64  
Area: 14.4 Acres +, (39) lots  
Owner: Terry Lazzari Davis, Kristi Lazzari Eringman, and John Robert Eringman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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Agent: B & B Development, LLC  
Engineer: Moore Engineering - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting preliminary plat approval of a fourteen-acre subdivision consisting of thirty-nine lots located on the East side of County road 54 West approximately one half mile South of County Road 54. I will be happy to answer any questions you may have.

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

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to grant Preliminary Plat approval to Cotton Ridge Estates. The Motion carried unanimously.**

The Chairman stated the next order of business is master plan plat review for Canaan Place Subdivision.

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting Master Plan approval for Canaan Place Subdivision.

The Chairman stated the next order of business is preliminary plat review for Canaan Place Subdivision, Phase One and Two.

**File SDP05-21:**

**Subdivision: Canaan Place, Phase One and Two**

Location: Northwest corner of the intersection of County Road 54 and 54 East  
Area: 79.21 Acres  $\pm$ , (183) lots  
Owner: C & E, LLC  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a seventy-nine acre subdivision consisting of one hundred and eighty-three lots located Northwest corner of the intersection of

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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County Road 54 and 54 East. The subdivision consists of less than eight acres with R-3, High Density Single Family Residential, size lots. The subdivision will be constructed in two phases. The percentage of recreation area is technically twelve and one half acres. With sixteen percent taken out for the lake, you have six and one half acres left. This gives you seven and a half percent of recreation area. The subdivision will consist of smaller lots for high end custom homes. The lots will be one hundred and fifteen feet deep in order to leave a large area in the back yard. The recreation area is placed around the lake and will be landscaped with a park area. Also, there will be a thirty to fifty-foot buffer from the back of the lots to the lake. We have removed lot 53 in order to put in a clubhouse and a pool area. The owner has requested that a six-foot buffer area be provided along County Road 54 for either a green area which will be landscaped, a hedge, or a decorative wall. He would prefer not to construct a fence. 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.

An adjacent property owner, Ms. Judy Dailey Naef, addressed the Commission to express her concerns regarding the proposed development and how it would impact her property. She requested the developer/owner consider landscaping the pumping station near the subdivision.

Mr. Jason Estes, representing Engineering Development Services, stated that will be no problem.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property. They

discussed the proposed development with regard to the following: percentage and distribution of recreation area throughout the development, placing a sidewalk along County Road 54, a reconfiguration of the first section of lots to be consistent with the lots in Avalon Subdivision to the South, having the access of the first section of lots placed on County Road 54, noncompliance of storm water drainage, the placement of a buffer zone along County Road 54, and the type of sanitary sewer.

Mr. Jason Estes addressed the storm water drainage and expressed that

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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he was very confident about the design. He discussed the sanitary sewer and the need for a pumping station for this development.

Mr. Diehl addressed the concerns expressed by the Commission.

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

A **Motion** was made by Mr. Eide and **Seconded** by Mr. West **to grant the Master Plan for Canaan Place Subdivision.**

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

<b><i>Mayor Small</i></b>	<b><i>Nay</i></b>
<b><i>Mr. Carrico</i></b>	<b><i>Aye</i></b>
<b><i>Mr. West</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Chason</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Segalla</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Eide</i></b>	<b><i>Aye</i></b>
<b><i>Ms. Barnette</i></b>	<b><i>Nay</i></b>

***No Motion.***

Mr. Diehl stated we have meet all of the requirements of the subdivision regulations of the City of Daphne.

Mr. Ross, attorney, stated you must give a valid reason for the denial of the subdivision. The reasons have to be articulated or within thirty days it constitutes approval of the subdivision.

Mr. Carrico asked if it could be passed onto the City Council.

The Chairman stated it does not go to the City Council. If you do not take action, then it is automatically approved in thirty days.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to deny the Preliminary Plat for Canaan Place Subdivision, Phase One and Two, due to the noncompliance of storm water runoff, as well as, we are tasked with upholding the Comprehensive Plan as it applies to continuity for the project.**

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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---

Mr. Chason stated we are denying the subdivision, but in my mind if we have approved the Master Plan we have approved the subdivision.

The Chairman stated we must dispose of this motion because revisiting the action on the Master Plan. The motion is for disapproval of Canaan Place Subdivision, Phase One and Two. Does the motion have to be withdrawn, Mr. Ross? Mr. Chason wants to go back to the Master Plan.

Mr. Ross stated you can ask Ms. Barnette to withdraw the motion and the Mayor must accept.

The Chairman requested Ms. Barnette to withdraw the motion.

Ms. Barnette withdrew the motion for denial and the Mayor concurred.

The Chairman stated he will entertain a motion to reintroduction of the motion for approval of the Master Plan. Only someone who voted for it can make that motion.

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to deny the Master Plan for Canaan Place Subdivision. The Motion carried unanimously.**

Mr. Ross stated I do not think you have to articulate the reasons for denial of the Master Plan. You can certainly make the argument that if the Master Plan is not approved then you would likely expect the subdivision would not, likewise, can be approved. Since it is on the agenda, I would certainly take some action.

The Chairman stated if in fact the Master Plan is not approved, you need to articulate your reasons for denying Phases One and Two when in fact you turned down the entire proposal.

Mr. Eady stated the Master Plan is a concept. It is not recorded, but the subdivisions are. You need to take action on the subdivision and give a valid reason for denial.

The Chairman stated he will entertain a motion for disapproval of Canaan Place Subdivision, Phase One and Two.

Mr. Ross stated Mr. Chairman may I interrupt. As per state law, as

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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outlined in our ordinance, disapproval of the preliminary plat, if disapproved, the reasons for such action shall be stated in writing, and if possible, recommendations made as to the basis on which the plat will be approved. So we certainly need to reiterate the reasons for the denial. Either in the same or a subsequent motion, the Commission should articulate any recommendations they may have for the development.

The Chairman stated he will entertain a motion for disapproval of Canaan Place Subdivision, Phase One and Two and articulate the reasons for doing so.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to deny the Preliminary Plat for Canaan Place Subdivision, Phase One and Two, due to the noncompliance of storm water runoff, continuity of the project is not consistent with the Comprehensive Plan, and the denial of the Master Plan for the development. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Chaucer Ridge Subdivision.

**File SDP05-22:**

**Subdivision: Chaucer Ridge**

Location: County Road 54 East  
Area: 9.7 Acres +, (36) lots  
Owner: Elite Development, LLC  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a ten-acre subdivision consisting of thirty-six lots located on County Road 54 East. 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.

An adjacent property owner, Ms. Judy Dailey Naef, addressed the Commission to express her concerns regarding the proposed development and how it would impact her property. She requested to submit a letter and various documents to the Commission.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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---

The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. In order to give proper consideration to the documents, he requested that the Commission consider tabling action on the subdivision. If there is no objection, the Chair would entertain a motion.

Mr. Diehl stated that he conceded to the waiving of the thirty-day rule for the approval of a subdivision.

A **Motion** was made by Mayor Small and **Seconded** by Ms. Barnette **to table the Preliminary Plat approval for Chaucer Ridge until the next regular meeting of December 22, 2005. The Motion carried unanimously.**

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

**ATTORNEY'S REPORT:**

Mr. Ross stated no report.

**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 7:35 p.m.*

***Respectfully submitted by:***

Jan Dickson, Planning Coordinator

**APPROVED:** December 22, 2005

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**SUMMARIZATION OF MINUTES:**

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Robert Segalla, Chairman

THE CITY OF DAPHNE  
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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF DECEMBER 8, 2005  
COUNCIL CHAMBERS, CITY HALL - 2:00 P.M.

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**CALL TO ORDER:**

The Chairman stated the number of members present constitutes a quorum and the special meeting of the City of Daphne Planning Commission was called to order at 2:00 p.m.

**CALL OF ROLL:**

**Members Present:**

Larry Chason, Secretary  
Jeff Carrico  
Carter Eide  
Warren West, Vice Chairman  
Robert Segalla, Chairman  
Cathy Barnette, Councilwoman  
Ed Kirby

**Members Absent:**

Fred Small, Mayor

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Jay Ross, Attorney

**Staff Absent:**

Tim Fleming, Associate Attorney  
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mayor Small is not present and the Commission has one position vacant. The first order of business is the reconsideration of Canaan Place Subdivision.

**NEW BUSINESS:**

**CANAAN PLACE SUBDIVISION, PHASE ONE AND TWO AND MASTER PLAN:**

The Chairman stated the engineer has requested the consideration of the application be removed and placed on the regular meeting scheduled for December 22, 2005. Therefore, the only item that we have to

THE CITY OF DAPHNE  
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discuss today is the proposed amendment to the Land Use Ordinance, High Rise Residential District.

The Chairman stated before we get started though, I think there is something that Mr. Ross would like to address.

Mr. Ross stated there are some matters that have come up in the past two days which have to do with threatened litigation and the character and good name of a person. I would ask that we go into a brief executive session for fifteen minutes at the most to discuss them. If it will be more than that, then I could come out to announce the additional time.

The Chairman stated in regard to this matter, the Commission needs to adjourn into executive session. The Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to adjourn into executive session at 2:05 p.m. The Motion carried unanimously.**

The meeting reconvened at 2:35 p.m.

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

**Discussion of Proposed Amendments to the City of Daphne Land Use and Development Ordinance:**

Discussion of Draft 3, including public comments and attorney changes of the proposed amendments to the City of Daphne Land Use and Development Ordinance dated December 8, 2005. The current regulations address districts, open space, setbacks, parking, and landscaping. The new criteria for residential development would address the boundaries by establishing a map, height, density, and setbacks.

The Chairman stated that the revisions to the ordinance encompassed most of the comments expressed at the public hearing by the public.

**Public Participation:**

The following issues were addressed by concerned citizens during public participation: opposition to high rise residential development, public notice, and availability of documents to public meetings.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF DECEMBER 9, 2005  
COUNCIL CHAMBERS, CITY HALL - 2:00 P.M.

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The Planning Commission discussed at length the following: the definition of green space, international building code, mid rise residential condominiums, access to the bay, setbacks, setting height verses square footage of the property, net buildable area, and location of parking verses setbacks. They instructed Mr. Ross to revise the ordinance so it shall include any building more than fifty (50) feet in height which would address mid and high rise residential developments, as well as, the other changes noted.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. West *to favorably recommend to the City Council the revision to the Land Use and Development Ordinance, dated December 8, 2005, Draft No. 3, the High Rise Residential Ordinance with public comments and attorney changes, subject to the changes proposed by the Planning Commission and written by Mr. Ross, City Attorney.*

*Upon roll call vote, the Motion carried.*

Mr. Chason Aye  
Mr. Carrisco       Aye  
Mr. West            Aye  
Mr. Segalla        Aye  
Ms. Barnette       Nay  
Mr. Eide            Aye  
Mr. Kirby          Aye

**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 3:30 p.m.*

***Respectfully submitted by:***

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF DECEMBER 9, 2005  
COUNCIL CHAMBERS, CITY HALL - 2:00 P.M.

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Jan Dickson, Planning Coordinator

**APPROVED:** November 22, 2005

Robert Segalla, Chairman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF DECEMBER 9, 2005  
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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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**PLANNING COMMISSION**

**SET PUBLIC HEARING FOR:**

**JANUARY 16, 2006**

- 1.) Amending the Land Use and Development Ordinance No. 2002-22 Thereby Adding a Residential High Rise Article and Other Necessary Amendments

DTTo: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Proposed Amendment to the  
City of Daphne Land Use and  
Development Ordinance -  
Residential High Rise  
District

## MEMORANDUM

Date: December 9, 2005

At the special meeting of the City of Daphne Planning Commission on December 8, 2005, seven members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the ordinance.

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

Due to the fact that additions and/or deletions were made during the meeting, the revisions to the ordinance shall be provided to your office by the City Attorney.

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

Thank you,

WHE/jd

cc: file

PLEASE PUBLISH in the Bulletin on **Wednesday, December 21, 2005.**

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby give the first time that the City Council of the City of Daphne will hold a Public Hearing on January 16, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amending the Land Use and Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2006 – \_\_\_\_**

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**AN ORDINANCE AMENDING ORDINANCE NO. 2002-22 (THE  
CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE)  
THEREBY ADDING A RESIDENTIAL HIGH RISE ARTICLE AND  
OTHER NECESSARY AMENDMENTS**

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of Daphne, Alabama, and

**WHEREAS**, the City Council of Daphne, Alabama has previously enacted ordinance number 2002-22 governing land use and development within the City jurisdiction, and

**WHEREAS**, the City Council of Daphne, Alabama desires to establish rules and regulations governing the development and building of Residential High Rise structures within the City of Daphne, Alabama, and in conjunction therewith must amend various articles and subsections of the current Land Use and Development Ordinance to promote consistency throughout, and

**WHEREAS**, the Cit Council of the City of Daphne, Alabama, desires therefore to amend the current Land Use and Development Ordinance contain the following additions and deletions thereto, now therefore,

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

**SECTION I. ARTICLE VIII, §8-2 entitled DEFINITION OF TERMS shall be amended as follows by the following amendments:**

1. (23) "Building Height" and the definition contained therein is hereby deleted in its entirety and replaced with the following definition:

"( 23) Building Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded element shall not exceed the maximum height by more than fifteen (15) feet.

2. (178) "Townhouse" and the definition contained therein is hereby deleted in its entirety and replaced with the following definition:

(178) Town House – Single Family: A one family dwelling with ground floor outside access, attached to three or no more than five, one family dwelling s by common vertical fire resistant walls without openings, and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

3. The following definitions shall be added to the list of definitions contained in Article VIII, §8-2 as follows, and the City of Daphne Community Development Office shall be authorized to re-number the definitions contained therein accordingly:

Condominium – Mid Rise: A building, if containing three to seven stories in which dwelling units, offices, or floor area are owned individually and the structure, common area and facilities are owned by all owners or a proportional, undivided basis. Underground parking facilities are not counted in the height, however, ground level parking beneath the building shall be counted as a story.

Condominium –High Rise: A building containing eight (8) but not exceeding 16 stories in which dwelling units, offices, or floor area are owned individually and the structures, common area and facilities are owned by all owners or a proportional undivided basis. Underground parking facilities are not counted

in the height, however, ground level parking beneath the building shall be counted as a story.

Duplex - 2 Family: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof, and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

Garden Apartments Multi-Family: One or more two or three story, multi-family structures containing 8 to 20 dwelling units and including related off-street parking, open space and recreation facilities, and not exceeding Fifty (50) feet in height. Structures shall not exceed 200 feet in length, Access may be from a common hall or individual entrance. Dwelling units may be located back to back, adjacent, and on top of one another.

Green Space (Green Area): Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park.

Net Buildable Area: The total horizontal area of a parcel, in square feet, less the area of any waterway, less the area of any wetlands, less the area of any submerged lands, less the area required for setbacks. For the purposes of computing net buildable area all waterways, wetlands, submerged lands and setback area square footages shall be rounded up to the next highest whole number.

Patio Home: A single family dwelling on a separate lot with opens space setbacks on four sides and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

Wetlands: An area or areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Submerged Lands: Lands beneath navigable waters.

**SECTION II: ARTICLE XII entitled ESTABLISHMENT OF DISTRICTS, §12-2 RESIDENTIAL DISTRICTS shall be amended to include by addition thereto a “Residential High Rise” district, as follows:**

**12-2 RESIDENTIAL DISTRICTS**

- (f) RHR, Residential High-Rise:

The intent of this district is to provide opportunity for High-Rise High Density urban type residential developments exceeding fifty (50) feet in height. The area is denoted on the Image Map found in the City's Comprehensive Plan.

Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services.

- (g) That as a condition precedent for consideration of the rezoning of any parcel of real property to RHR (Residential High Rise), such owner of said parcel of real property or authorized agent thereof, shall first make application to the City Planning Commission for consideration to amend the City's Comprehensive Plan for that parcel of real property to be included on the Image map.

The requirement to be considered for inclusion on the Image Map shall be in such format as is determined by the Community Development Director, and shall include, at a minimum, a site plan which shall depict dimensions of the proposed building in relation to the parcel of real property which it will be situated upon and an architectural rendition of the proposed development. Only upon the Planning Commission's affirmative vote for inclusion the Image Map shall the owner or authorized agent thereof, than be permitted to proceed with appropriate request to rezone said parcel of real property to RHR, subject to and consistent with other provisions for rezoning under the City's Land Use and Development Ordinance.

**SECTION III: ARTICLE XIII entitled DISTRICT REQUIREMENTS, §13-4, shall be deleted in its entirety and replaced with the following:**

**13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, AND OTHER FACTORS**

The following shall apply in districts as outlined, except in an R-5, Mobile Home Residential District, Planned Unit Developments, the Olde Towne Daphne District, and the Village Overlay District:

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	Minimum Lot Area ( <u>Sq Ft</u> )	Minimum Lot Width At Setback <u>Line</u>	Maximum Lot Coverage ( <u>%</u> ) <sup>a</sup>	Maximum <u>Density</u> <sup>b</sup>
<u>R-1, Low Density</u>				

<u>Residential:</u> Single Family	20,000	100	25	2.0
<u>R-2, Medium Density Residential:</u> Single Family	15,000	90	25	2.5
<u>R-3, High Density Residential:</u> Single Family	12,000	80	30	3.5
<u>R-4, High Density Single and Multi-Family Residential:</u> Single Family Two-Family Multi Family	5,000 10,000 7,500 <sup>e</sup>	50 80 85	38 35 35	8.0 8.0 14.0
<b><u>RHR Residential High-Rise Multi-Family Residential</u></b>	<b><u>N/A</u></b>	<b><u>85</u></b>	<b><u>35</u></b>	<b><u>N/A</u></b>
<u>Extraterritorial Planning Jurisdiction</u> Single Family	12,000	80	30	3.5

- 
- a. Percentage shall be factored on net buildable area.
  - b. Dwelling units per gross acre to be developed.
  - c. For one (1) unit plus 2,500 square foot for each additional unit.

**SECTION IV: ARTICLE XIII entitled DISTRICT REQUIREMENTS, §13-7, shall be amended by deleting the last sentence, and to thus read as follows:**

**13-7 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed two-and-one-half (2-1/2) stories or thirty-five (35) feet in height in an R-1, Low Density Single Family, R-2, Medium Density Single Family, or R-3, High Density Single Family Residential, district or more than four (4) stories or fifty (50) feet in height in any R-4, High Density Single and Multi-Family Residential, Business, or Commercial/Industrial, district. (See Definition of Height, Building, Article VIII, Definition of Terms).

**SECTION V: ARTICLE XIV, entitled THE OLDE TOWN DAPHNE DISTRICT, §14-18, shall be amended by deleting the last sentence, and to thus read as follows:**

**14-18 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

**SECTION VI: ARTICLE XXXVI, entitled THE VILLAGE OVERLAY DISTRICT, §36-18 shall be amended by deleting the last sentence thereof, and to thus read as follows:**

**36-18 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

**SECTION VII: ARTICLE XXXV entitled TABLE OF PERMITTED USES shall be deleted in its entirety and replaced with the following Table of Permitted Uses:**

ARTICLE XXXV	USE DISTRICT										
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R	R	R	R	R		R	R	R	R	
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	R	R	R	R	R		R	R	R		

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Air Conditioning sales and service							R	R		R	
Ambulance/EMS service							R	R	P	R	
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:											
Amusement Park								R			
Amusement arcade, kiddie land								R			
Archery range								R			
Baseball batting range								R			
Billiard or pool hall								R			
Bowling alley								R			
Fairgrounds, circus or carnival								R		R	
Golf Course	P	P	P	P	P		P	P		P	
Golf Course, miniature							P	R			
Golf, driving range	P	P	P	P	P		P	R			
Racquetball or tennis courts, indoor	P	P	P	P	P		P	P		P	
Skating rink							P	R			
Tennis Courts, outdoor; need not be enclosed within a structure	P	P	P	P	P		P	P		P	
Theater, indoor						P	P	R			
Theater, outdoor/drive-in; need not be enclosed within a structure								P			
Animal clinic/kennels for small animals; need not be enclosed within a structure								R		R	
Antique store, including repairing, restoration and refinishing								R		R	
Apparel and accessory store						P	R	R			
Appliance store							R	R			

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

ARTICLE XXXV	USE DISTRICT										
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
<b>Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure</b>							P	P		R	
<b>Bakery, retail</b>						P	R	R			
<b>Bakery, wholesale</b>								R		R	
<b>Bank, including drive-in bank</b>							R	R	R		
<b>Barber shop or beauty parlor</b>							R	R			
<b>Barber and beauty supplies and equipment sales</b>								R		R	
<b>Bicycle, lawnmower sales, service and repair</b>								R		R	
<b>Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure</b>								P		R	
<b>Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited</b>	R	R	R	R	R		R	R			
<b>Boat dry storage; pleasure boats having lengths not greater than 31 feet</b>								R		R	
<b>Boat sales, accessories and service</b>								R		R	
<b>Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure</b>									R	R	
<b>Book store</b>						P	R	R			
<b>Bottling works</b>								P		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district							R		R		
Bus and railroad terminal facilities							R		R		
Business machines sales and service							P	R		R	
Business school or college							P	P	P		
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S	
Cabinet or carpenter shop								R		R	
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S	
Cabinet or carpenter shop								R		R	
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant						P		R	R		
Camera and photographic supply store								R	R		
Candy, nut and confectionery store								R	R		
Canvas products manufacture								P		R	
Carting, express, crating, hauling, storage								R		R	
Catering shop or service							R	R			
Cemetery, subject to requirements of the Special Provisions	S	S	S	S	S		S	S	S	S	
Churches and related accessory buildings	S	S	S	S	S		R	R	R	S	
City Hall, police station, fire station, courthouse, federal office building and similar public building	R	R	R	R	R		R	R	R	R	
Clay and clay products manufacture; need not be enclosed within a structure								P		R	
Clinic, dental, medical or psychiatric for humans	S	S	S	S	S		R	R	R	S	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	S	S	S	S	S		R	R		P	
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line	S	S	S	S	S		P	P		P	
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line	S	S	S	S	S		P	P	P		
College sorority or fraternity house	S	S	S	S	S		P	P	P		
Communications Towers								S		P	
Concrete and concrete products manufacture; need not be enclosed within a structure										R	
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided								R		R	
Convenience Store						P	R	R			
Correctional, detention or penal institution								S		S	
Dairy equipment sales								R		R	
Dairy products sales							R	R			
Delicatessen						P	R	R			
Department store								R			
Dog pound; need not be enclosed within a structure								P		R	
Drive-in restaurant							P	R			
Drug Store						P	R	R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Dry cleaning shop, including self-service							R	R			
Dry goods or fabric store							R	R			
Dwelling, one-family	R	R	R	R							
Dwelling, two-family				R							
Dwelling, multi-family				R							
Electric power generating plant								S		S	
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts	P	P	P	P	P		P	P	P	P	
Electric repair shop								R		R	
Electric Supply Store								R		R	
Elevator maintenance service								R		R	
Employee credit union office							R	R	R		
Exterminator service office							P	R		R	
Farm and garden equipment and supply store								R		R	
Farmers' markets								R		R	
Fix-it shop, including small appliance repair							R	R		R	
Floor covering sales and service							R	R		R	
Floral shop							R	R			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.								R		R	
Food products processing plant								R		R	
Food products, wholesale storage and sales								R		R	
Freight depot, railway or truck								P		R	
Fruit and produce, retail							R	R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Funeral home, mortuary or undertaking establishment							R	R			
Furniture and home furnishing store, including office furniture and equipment								R		R	
Furniture repair, including upholstering and refinishing								R		R	
Gas regulator station	P	P	P	P	P		P	P	P	P	
Gift shop						P	R	R			
Grocery store, retail						P	R	R			
Gymnasium, commercial							R	R			
Hardware store, retail, wholesale, storage and sales							R	R			
Hatchery, poultry or fish										R	
Heating and plumbing equipment, supplies and service								R		R	
Hobby shop and supply store							R	R		R	
Home occupation	R	R	R	R	R		R	R	R		
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans	S	S	S	S	S		P	P	P		
Hotel and motel							P	R			
Ice Cream parlor						P	R	R			
Ice Plant										R	
Industrial park										R	
Innovative Design Developments				P							
Institution for children or the aged, day care	S	S	S	S	S		S	S			
Interior decorating shop							R	R			
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence or sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.										P	

ARTICLE XXXV	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
<b>TABLE OF PERMITTED USES AND CONDITIONS</b>											
<b>Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.</b>	S	S	S	S	S		S	S			
<b>Laboratory, scientific</b>								S		R	
<b>Laboratory, medical or dental</b>							R	R		R	
<b>Landscape garden sales; need not be enclosed within a structure</b>							R	R		R	
<b>Laundry, self-service</b>				P			R	R			
<b>Laundry, and dry cleaning pick-up station</b>							R	R			
<b>Laundry and dry cleaning plant</b>								R		R	
<b>Laundry, linen supply or diaper service</b>								R		R	
<b>Leather goods or luggage goods store</b>							R	R			
<b>Library</b>	R	R	R	R	R		R	R			
<b>Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements</b>							R	R			
<b>Loan office</b>							R	R			
<b>Locksmith</b>							R	R			
<b>Lodging, boarding or rooming houses, and tourist homes</b>				S			S	S			
<b>Lumber yards and building materials; need not be enclosed within a structure</b>								R		R	
<b>Machine Shop</b>								P		R	
<b>Machinery, tools and construction equipment, sales and service</b>								S		R	
<b>Mail order house</b>								R		R	
<b>Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to the following:</b>											
<b>Automobile assembly</b>										R	
<b>Clothing and garment manufacturing</b>										R	

ARTICLE XXXV	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
<b>TABLE OF PERMITTED USES AND CONDITIONS</b>											
<b>Food products processing and packaging</b>										R	
<b>Glass products manufacturing</b>										R	
<b>Laboratories for testing materials, chemical analysis, photographic processing.</b>										R	
<b>Metal products manufacturing</b>										R	
<b>Millwork and similar wood products manufacturing</b>										R	
<b>Musical instruments and parts manufacturing</b>										R	
<b>Paper products manufacturing</b>										R	
<b>Plastics manufacturing</b>										R	
<b>Scientific, optical and electronic equipment assembly and manufacturing</b>										R	
<b>Shipbuilding and repair yard; need not be enclosed within a structure</b>										R	
<b>Souvenirs and novelties manufacturing</b>										R	
<b>Surgical and dental supplies manufacturing</b>										R	
<b>Toy, sporting goods and athletic goods manufacturing</b>										R	
<b>Marina, minor; see boat storage, service and repair minor</b>								R		R	
<b>Marina, major; see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service</b>								P		R	
<b>Marine stores and supplies</b>								R		R	
<b>Manufactured Home</b>			P	P	R						
<b>Mobile Home Park</b>					R						
<b>Mobile Home Subdivision</b>					R						
<b>Motorcycle sales, service, and repair</b>								R		R	
<b>Music store</b>							R	R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails	P	P	P	P	P		P	P			
News Stand							R	R			
Night club, bar, tavern and cocktail lounge when separate from a restaurant							R	R			
Office buildings, general							R	R		R	
Office buildings, professional							R	R	R		
Office equipment and supplies, retail							R	R			
Oil and gas exploration and production activities	S	S	S	S	S		S	S	S	S	
Optician							R	R	R		
Paint and wallpaper store							R	R		R	
Painting and decorating contractor								R		R	
Paper supplies, wholesale								R		R	
Park or playground including recreation centers; need not be enclosed within a structure	P	P	P	P	P		P	P			
Pawn Shop							S	R			
Pet Shop							S	R			
Photographic studio and/or processing							R	R			
Picture framing and/or mirror silvering							S	R		P	
Planned Unit Development, fixed dwelling	P	P	P	P							
Planned Unit Development, mobile home					P						
Plastic fabrication								P		R	
Plumbing shop							R	R		R	
Police substation, including Highway Patrol	P	P	P	P	P		P	P	P	P	
Post Office	P	P	P	P	P		P	P	P	P	

ARTICLE XXXV	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
<b>TABLE OF PERMITTED USES AND CONDITIONS</b>											
<b>Printing, blueprinting, bookbinding, Photostatting, lithographing and publishing establishment.</b>							R	R		R	
<b>Public utility production and maintenance buildings with proper screening</b>							P	P		P	
<b>Public utility substation with proper screening</b>	P	P	P	P	P		P	P	P	P	
<b>Radio and television antenna (amateur)</b>	R	R	R	R	R		R	R	R	R	
<b>Radio and television station and transmitting tower (commercial)</b>								S		P	
<b>Riding academy; need not be enclosed within a structure</b>								P			
<b>Roofing and sheet metal shop</b>								P		R	
<b>Rooming house and boarding house</b>				S			S	S			
<b>Rug and/or drapery cleaning service contained within a structure</b>								P		R	
<b>Sand and gravel storage yard; need not be enclosed within a structure</b>								P		R	
<b>Sawmill or planing mill</b>								P		R	
<b>Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama</b>	S	S	S	S	S		S	S	S	S	
<b>Seafood store, retail</b>							R	R			
<b>Sewage disposal plant; need not be enclosed within a structure</b>								P		P	
<b>Shoe repair shop</b>							R	R			
<b>Shoe store, retail</b>							R	R			
<b>Sign shop</b>								R		R	
<b>Sporting goods store</b>							R	R			
<b>Stone monument sales, retail; may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure</b>								S		R	
<b>Studio for dance or music</b>							R	R			
<b>Studio for professional work or teaching of fine arts such as photography, drama, speech and painting</b>							R	R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Surgical or dental supplies retail								R		R	
Tailor shop							R	R			
Taxi dispatching station							R	R			
Taxi terminal, storage and repair of vehicles								R		R	
Taxidermy shop							R	R		R	
Teen club or youth center	S	S	S	S	S		S	S			
Telephone exchange	P	P	P	P	P		P	P	P	P	
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening								R		R	
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year							R	R			
Tires, batteries and other automotive accessories sales establishments								R		R	
Tobacco store							R	R			
Tourist Home				S			S	S			
Toy Store							R	R			
Trade school or college	S	S	S	S	S		S	S	S	S	
Transit vehicle storage and servicing; need not be enclosed within a structure									P	P	
Variety Store						P		R			
Veterinary service								R		R	
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities								P		P	
Water storage; need not be enclosed within a structure	P	P	P	P	P		P	P	P	P	
Water or sewage pumping station	P	P	P	P	P		P	P	P	P	
Welding shop								P		R	

ARTICLE XXXV	USE DISTRICT										
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Well drilling company								R		R	
YMCA, YWCA and similar institutions	S	S	S	S	S		S	S			
Zoo							S			S	

**SECTION VIII: ADDITION OF RESIDENTIAL HIGH-RISE DEVELOPMENT ARTICLE – the following new article shall be added to the existing Land Use and Development Ordinance, as follows:**

**ARTICLE XXXVIII  
RESIDENTIAL HIGH-RISE DEVELOPMENT**

**38-1    PURPOSE**

The intent of this article is to provide for the creation of high-rise residential developments that exceed 50 feet in height. The area of application is outlined on the Image Map found in the Comprehensive Plan and is restricted to the zoning district of RHR, Residential High Rise. The provisions of this article shall apply to both “High Rise” and “Mid Rise” structures, as defined in this article.

**38-2    DEFINITIONS**

- .1        Building Height. The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded element shall not exceed the maximum height by more than fifteen (15) feet.

- .2 Net Buildable Area: The total horizontal area of a parcel, in square feet, less the area of any waterway, less the area of any wetlands, less the area of any submerged lands, less the area required for setbacks. For the purposes of computing net buildable area all waterways, wetlands, submerged lands and setback area square footages shall be rounded up to the next highest whole number.
- .3 Wetlands: An area or areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
- .4 Submerged Lands: Lands beneath navigable waters.

**38-3 HEIGHT EXCEPTIONS**

The maximum livable height requirements shall not include structures or other appurtenances such as screening, parapet walls, condensers or other mechanical apparatus, communication antennas necessary for the operation of the building.

- .1 Heights may be allowed up to 200 ft or 16 stories by the Planning Commission in areas denoted for Residential High-Rise Development as found on the Image Map in the City’s Comprehensive Plan.
- .2 Additional net area minimums and setbacks will be required.
- .3 International Code Standards will be required for buildings over fifty (50) feet.

**38-4 SETBACKS**

The minimum setbacks for structures shall be not less than 50 ft. or .5 foot to 1 foot to height ratio, which ever is greater, and calculated as follows:

<u>Height Ft.</u>	<u>Minimum Setback</u>	<u>Net Acres Minimum Net Buildable Acres Required</u>
<u>200</u>	<u>100</u>	<u>1.89</u>
<u>175</u>	<u>85</u>	<u>1.57</u>
<u>150</u>	<u>75</u>	<u>1.29</u>
<u>125</u>	<u>62.5</u>	<u>1.03</u>
<u>100</u>	<u>50</u>	<u>0.08</u>

<u>75</u>	<u>50</u>	<u>0.80</u>
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1. Not less than 2.0 parking spaces per dwelling unit.
2. An additional 25% of area will be required that will be used as green area and will be in addition to net areas if additional setbacks are required.
3. Additional buffers may be required for the protection of streams, rivers, watersheds, wetlands or the like. See ARTICLE XVIII of the Land Use and Development Ordinance.

**38-5 WATER AND SEWER CONNECTIONS**

- .1 Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system. Residential High Rise Developments will not be approved unless the appropriate utility has the capacity to provide the required service.
- .2 All Residential High-Rise structures will require the installation of a grease trap which shall be accessible for regular inspection and cleaning.

**38-6 SIGN PROVISIONS**

See Article XXXIII

38-6.1 Signs shall be restricted to monument style signs.

**38-7 PARKING**

- .1 Underground parking facilities are encouraged and will not be counted in the height, however, ground level parking beneath the building shall be counted as a story. Internal parking shall not exceed 25% of the structure height. There shall not be less than two (2.0) parking spaces per dwelling unit. Parking may be provided outside of the building footprint.
- .2 There shall be no overnight storage of travel trailers, motor homes, hauling trailers, boat trailers, boats, wrecked or disabled vehicles on the property. (See Section 16-3 (j)). In no case may commercial vehicles used for hauling dangerous or hazardous products be parked or stored on premises.

**38-8      SIDEWALKS**

- .1 Sidewalks within the “*Gated Compounds*” shall be provided and shall not be less than four (4) feet wide.

**39-9      Traffic Impact Analysis**

A Traffic Impact Analysis may be required for Residential High-Rise developments. The results and any corrective measures necessary shall be included as part of, and in addition to, the requirements for site plan review and approval.

**39-10     Environmental Compatibility**

It is the intent of this section to ensure environmental compatibility of the proposed development with the natural environment. Additional buffers may be required for the protection of streams, rivers, watersheds, wetlands or the like, (see Section 38-4 number 3). Other requirements that may be considered by the Planning Commission may include, but not be limited to, reflective or specialized glass and lighting to serve as a flight path deterrent for migrating birds.

**SECTION IX: SEVERABILITY.**

The provisions of this ordinance shall supersede any conflict provisions of any other ordinances or resolutions previously adopted which pertain to the establishment of fines and penalties for violations a job classification and pay plan. Should any provision of this ordinance be declared invalid or unenforceable by court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

**SECTION X: EFFECTIVE DATE.**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

---

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

\_\_\_\_\_  
FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DAVID COHEN, CITY CLERK, MMC

PLEASE PUBLISH in the Bulletin Legal Section on **Wednesday, December 28, 2005.**

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby give the second time that the City Council of the City of Daphne will hold a Public Hearing on January 16, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amending the Land Use and Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2006 – \_\_\_\_\_**

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**AN ORDINANCE AMENDING ORDINANCE NO. 2002-22 (THE  
CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE)  
THEREBY ADDING A RESIDENTIAL HIGH RISE ARTICLE AND  
OTHER NECESSARY AMENDMENTS**

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of Daphne, Alabama, and

**WHEREAS**, the City Council of Daphne, Alabama has previously enacted ordinance number 2002-22 governing land use and development within the City jurisdiction, and

**WHEREAS**, the City Council of Daphne, Alabama desires to establish rules and regulations governing the development and building of Residential High Rise structures within the City of Daphne, Alabama, and in conjunction therewith must amend various articles and subsections of the current Land Use and Development Ordinance to promote consistency throughout, and

**WHEREAS**, the Cit Council of the City of Daphne, Alabama, desires therefore to amend the current Land Use and Development Ordinance contain the following additions and deletions thereto, now therefore,

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

**/END SYNOPSIS**



**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION 2005- 84  
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA  
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

***Ken Eslava, Public Works Director, NPSI Playground Inspector Certification  
Course and Exam, January 19-22, 2006, Florence, AL.....\$105  
Mr. Dwayne Coley, Parks Supervisor, NPSI Playground Inspector Certification  
Course and Exam, January 19-22, 2006, Florence, AL.....\$105***

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on  
this \_\_\_\_ day of \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

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

**RESOLUTION NO. 2005- 85**  
**2006-G-TEN (10) ROW ALUMINUM BLEACHERS**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the TEN (10) ROW ALUMINUM BLEACHERS will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the TEN (10) ROW ALUMINUM BLEACHERS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the TEN (10) ROW ALUMINUM BLEACHERS be awarded to Dant Clayton Corporation

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Dant Clayton Corporation for unit cost as follows:

Two (2) Bleachers - \$16,953  
Additional purchases - \$ 9,200/each

as specified in BID SPECIFICATION NO. 2006-G-TEN (10) ROW ALUMINUM BLEACHERS.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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



**RESOLUTION 2005- 86**

**Agreement: Community Action Agency- Hurricane Katrina**

**WHEREAS**, Hurricane Katrina did strike the Gulf Coast August 29, 2005; and

**WHEREAS**, as a result Hurricane Katrina, the Community Action Agency did provide/assist in the sheltering of evacuees; and

**WHEREAS**, the Community Action Agency cannot receive direct funding from FEMA for such tasks; and

**WHEREAS**, the City of Daphne is eligible for FEMA reimbursement and may serve as a pass-through agent of FEMA funds.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor is hereby authorized to enter into an agreement with the Community Action Agency whereby the City of Daphne will serve as a pass-through agent for FEMA funds pursuant to the Shelter Agreement attached hereto and made a part hereof.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**SHELTER AGREEMENT**  
**EM- 3237**

**City/ County \_\_\_\_\_ has tasked (Agency/Organization) \_\_\_\_\_ to provide/assist sheltering of Hurricane Katrina and Rita evacuees. City/County \_\_\_\_\_ agrees to pay for all eligible cost associated with the sheltering of evacuees. All cost submitted by (Agency/Organization) \_\_\_\_\_ will be reviewed initially by City/County \_\_\_\_\_ for eligibility and payment.**

This agreement between the above referenced State/Local Government and Tasked Agency shall be effective on the date signed by the relevant parties and retroactive to the declaration date of the Disaster.

The designated representatives of the above referenced parties certify that:

1. The above referenced State/Local Government shall act as the eligible Applicant for reimbursement under the Public Assistance Program for sheltering evacuees from Hurricanes Katrina and Rita.
2. The above referenced Tasked Agency performed sheltering operations on behalf of the above referenced State/Local Government.
3. All eligible costs incurred by the above referenced Tasked Agency for sheltering of evacuees from Hurricanes Katrina and Rita shall be reimbursed by the City/County Government.
4. City/County governments will seek reimbursement for eligible cost paid in accordance with the "Procedures for Reimbursement".

Signed for the City/County Government:

\_\_\_\_\_  
Name and Title (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Signed for the Tasked Agency:

\_\_\_\_\_  
Name and Title (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**RESOLUTION 2005- 87**

**Goldman Sachs Investment**

**WHEREAS**, the City of Daphne presently has funds totaling \$ 732,589 invested, pursuant to the Code of Alabama restrictions, with Crabtree Advisory Group serving as advisor and Charles Schwab serving as custodian; and

**WHEREAS**, Crabtree Advisory Group believes they can better serve the City of Daphne by moving such investment funds from the custodianship of Charles Schwab to the custodianship of Goldman Sachs.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor and Finance Director are hereby authorized to execute such documents as are necessary to enter into a custodial agreement with Goldman Sachs for the investment, pursuant to Code of Alabama restrictions, of certain city funds.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**RESOLUTION 2005 - 88**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION**

**WHEREAS**, the Search and Rescue Department of the City of Daphne has determined that the 1975 Motor Home and a 13' Boston Whaler Boat and Trailer are no longer required for public or municipal purposes; and

**WHEREAS**, the 1975 Motor Home and a 13' Boston Whaler Boat and Trailer that was previously utilized in the City's Search and Rescue Department is no longer used by City; and

**WHEREAS**, the 1975 Motor Home and a 13' Boston Whaler Boat and Trailer has been recommended for surplus; and

**WHEREAS**, the South Baldwin Search and Rescue, Inc. has a need for this equipment for search and rescue operations in the South Baldwin area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Daphne that

1- The following property is hereby declared to be surplus:

1975 Motor Home (VIN:M40CA5S036900 )  
13' Boston Whaler Boat and Trailer

and

2- The Mayor is authorized to direct the donation of the above listed property to the South Baldwin Search and Rescue, Inc..

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**ORDINANCE NO. 2005 - 70**

**Ordinance to Rezone Property Located Southeast corner of the intersection of Pecan Court and Pollard Road (0.38+/- Acres)  
A & B-10, LLC**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-4, High Density Single and Multi-Family Residential District, to B-2, General Business District, said property is located at the Southeast corner of the intersection of Pecan Court and Pollard Road in Daphne, Alabama, being more particularly described as follows:

**LEGAL PROPERTY DESCRIPTION**

LOT 29, PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA. TRACT CONTAINS 0.37 ACRES, MORE OR LESS, AND LIES IN SOUTHWEST QUARTER SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST.

**WHEREAS**, the Planning Commission of the City of Daphne on October 27, 2005 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, December 5, 2005 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-4, High Density Single and Multi-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 \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

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



**ORDINANCE NO. 2005 - 71**

**Ordinance to Rezone Property Located on Alabama Highway 181 across from Austin Road (2.88+/- Acres)  
Country Club Development, LLC**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Local Business District, said property is located on Alabama Highway 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

**LEGAL PROPERTY DESCRIPTION**

COMMENCE AT THE "LOCALLY ACCEPTED" NORTH QUARTER CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN SOUTH 00 DEGREES 17 MINUTES 17 SECONDS WEST, A DISTANCE OF 664.23 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 99.98 FEET; THENCE RUN SOUTH 58 DEGREES 51 MINUTES 38 SECONDS EAST, A DISTANCE OF 59.28 FEET; THENCE RUN SOUTH 87 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 585.09 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 1460.45 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 190.00 FEET FOR A POINT OF BEGINNING THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 140.00 FEET; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 217.93 FEET; THENCE RUN SOUTH 05 DEGREES 39 MINUTES 45 SECONDS WEST, A DISTANCE OF 163.73 FEET; THENCE RUN SOUTH 06 DEGREES 46 MINUTES 50 SECONDS EAST, A DISTANCE OF 182.85 FEET; THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1090.34 FEET, AN ARC DISTANCE OF 84.91 FEET, (CHORD BEARS NORTH 74 DEGREES 10 MINUTES 09 SECONDS EAST, 84.89 FEET); THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1230.00 FEET , AN ARC DISTANCE OF 231.96 FEET, (CHORD BEARS NORTH 77 DEGREES 20 MINUTES 27 SECONDS EAST, 231.61 FEET); THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET , AN ARC DISTANCE OF 37.59 FEET, (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 775.24 FEET , AN ARC DISTANCE OF 210.66 FEET, (CHORD BEARS NORTH 04 DEGREES 23 MINUTES 17 SECONDS EAST, 210.02 FEET); THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET, (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET); THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 138.50 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 2.88 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**WHEREAS**, the Planning Commission of the City of Daphne on October 27, 2005 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, December 5, 2005 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-3, High Density Single Family Residential District, to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA, THIS day \_\_\_\_ day of \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

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

**ORDINANCE NO. 2005- 72**

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

**Water Tank Site – Malbis Plantation**

**(Property located at the Southeast of the intersection of Lawson Road and County Road 13)**

**BE IT ORDAINED BY THE MAYOR AND 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 27, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Resident , zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on December 5, 2005 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 MAYOR AND CITY COUNCIL  
OF THE CITY OF DAPHNE, ALABAMA**, as follows:

**DESCRIPTION OF PROPERTY:**

COMMENCING AT A 6"X8" POST MARKING THE NORTHWEST CORNER OF THE  
SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP

5 SOUTH, RANGE 2 EAST; THENCE N89°42'53"W ALONG THE SOUTH PROPERTY LINE OF THE PROPERTY NOW OR FORMERLY OWNED BY THE BALDWIN COUNTY BOARD OF EDUCATION A DISTANCE OF 798.81 FEET TO A CAPPED ROD AND THE POINT OF BEGINNING; S00°17'07"W A DISTANCE OF 300 FEET TO A CAPPED ROD; THENCE N89°42'53"W A DISTANCE OF 377.35 FEET TO A CAPPED ROD AND THE EAST LINE OF AN EXISTING 100 FOOT ALABAMA POWER EASEMENT; THENCE N41°58'49"W ALONG SAID NORTH LINE OF SAID ALABAMA POWER EASEMENT A DISTANCE OF 405.39 FEET TO A CAPPED ROD AND THE SOUTH PROPERTY LINE OF THE PROPERTY NOW OR FORMERLY OWNED BY THE BALDWIN COUNTY BOARD OF EDUCATION; THENCE S89°42'53"E ALONG SAID SOUTH LINE OF SAID PROPERTY A DISTANCE OF 650 FEET TO THE POINT OF BEGINNING, CONTAINING 3.54 ACRES, MORE OR LESS.

REFERENCE: DAPHNE UTILITIES

**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.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**ORDINANCE 2005- 73**

**An Ordinance Appropriating Funds**

**Crowd Control Barricades**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, several Mardi Gras groups parade through the streets of Daphne and the City has determined that, due to public safety concerns, it is necessary to purchase additional crowd control barricades for placement along the parade routes.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 25,000 for the purchase of crowd control barricades.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**ORDINANCE 2005- 74**

**An Ordinance Appropriating Funds**

**Bay Front Drive Water Main & Sewer Project**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, the City of Daphne has determined it beneficial to extend water and sewer services down Bay Front Drive.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 26,000 to extend water and sewer services down Bay Front Drive ~~contingent~~ upon execution of the following:

- 1) A 50/50 cost-sharing agreement between the City of Daphne and the Daphne Utilities Board for the laying of pipe down Bay Front Drive **AND**
- 2) A 3 way cost-sharing agreement between the City of Daphne, Daphne Utilities Board, and Stark Irvine for providing utilities to the Bay Front Drive area.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

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

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

**ATTEST:**

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

**ORDINANCE 2005- 75**

**An Ordinance Appropriating Funds**

**Install Flooring: Bay Rivers Art Guild**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, City of Daphne does lease certain municipal property located at 1704 6<sup>th</sup> Street to the Bay Rivers Art Guild; and

**WHEREAS**, the City, as lessor, wishes to preserve the building for future use.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 Budget is hereby amended to include a General Fund appropriation in an amount not to exceed \$ 950 for the purpose of installing new flooring of the municipal property located at 1704 6<sup>th</sup> Street and presently leased by the Bay Rivers Art Guild.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

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

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

**ATTEST:**

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

**ORDINANCE 2005- 76**

**An Ordinance Appropriating Funds:  
Executive Assistant Pay Adjustment**

**WHEREAS**, Ordinance 2004-52 setting forth the City of Daphne's Pay and Classification Plan was approved and adopted January 3, 2005; and

**WHEREAS**, subsequent to the adoption of such plan, additional duties have been assigned to the Mayor's Executive Assistant; and

**WHEREAS**, the Archer Company did heretofore review the revised job description and make a recommendation that a one time pay increase would be in order as compensation for such additional duties.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 appropriation in the amount of \$ 1,920 is hereby approved as a one time pay adjustment for the Mayor's Executive Assistant.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**ORDINANCE 2005- 77**

**An Ordinance Appropriating Funds**

**Library Computer Services Technician**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, the Library has realized a substantial increase in useage during the past five years; and

**WHEREAS**, staffing levels have not kept pace with such increased demands and staffing levels have fallen below Alabama Public Library Service (APLS) standards.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 30,000 (wages & benefits pro-rated for 9 months) for the funding of a new Library Computer Services Technician position.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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