

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
DECEMBER 20, 2010
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

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

- 3. APPROVE MINUTES:** Council meeting minutes / December 6, 2010
Council Work Session Minutes / December 13, 2010

PUBLIC HEARINGS:

- 1.) **Rezone:** Big Sandy / 0.72 acres
Located: Southeast of the intersection of U.S. Highway 98 and Johnson Road
Present Zoning: B-2, General Business
Requested Zoning: R-4, High Density Multi-Family Residential District
Planning Commission Recommendation: Unanimous Favorable
- 2.) **Rezone:** TDG Lake Forest, LLC / 2.92 acres & 3.39 acres
Located: Southeast of Van Buren Street and North Main Street
Present Zoning: B-1, Local Business and R-3, High Density Single Family Residential District
Requested Zoning: R-4, High Density Multi-Family Residential District
Planning Commission Recommendation: Unfavorable / Six members present / Five members voted in the affirmative and one dissented. A supermajority is required for a favorable recommendation

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / December 13th

1.) Ordinances:

- a.) Reclassify parts Technician @Mechanical Shop / **Ordinance 2010-74**
- b.) Reclassify and Recognize Personnel @Civic Center / **Ordinance 2010-75**
- c.) Centennial Park Gazebo / **Ordinance 2010-76**

2.) Resolutions:

Bid Awards:

- a.) Crowd Barricades / Friedrichs Custom Mfg. / **Resolution 2010-111**

Other Resolutions:

- a.) Declare City Property Surplus / 1990 Ford Pickup / **Resolution 2010-112**

3.) Financial Reports:

- a.) Treasurers Report / November 30, 2010
- b.) Sales & Use Tax Collections / October 31, 2010
- c.) Lodging Tax Collections / October 31, 2010

4.) BP Grant Status and Proposed Reallocation of Funds

B. BUILDINGS & PROPERTY - Lake

Review minutes / December 6th

- a.) Land Swap with Daphne Utilities
- b.) Plaque to be donated by Downtown Redevelopment Authority

C. PUBLIC SAFETY – Palumbo

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority – Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board – Lake**
- E. Planning Commission – Barnette**
- F. Recreation Board – Reese**
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayor’s Report**
- B. City Attorney’s Report**
 - a.) Jubilee Square Reciprocal Agreement Update
 - b.) BZA Members Terms
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: Crowd Barricades / Friedrichs Custom Mfg. /Resolution 2010-111
- b.) Declare Certain Property Surplus /Resolution 2010-112

ORDINANCES:

2ND READ

- a.) Revisions to Zoning Map. /Ordinance 2010-66
- a.) Amending the Land Use Ordinance Table of Uses and Conditions /
Bowling Alley & Family Entertainment Center. /Ordinance 2010-69
- c.) Amending the Land Use Ordinance Table of Uses and Conditions /
Convenient Store. /Ordinance 2010-70
- d.) Fiscal Year 2011 Budget. /Ordinance 2010-71

1ST READ

- e.) Rezone: Big Sandy Property. /Ordinance 2010-72
- f.) Rezone: TDG Lake Forest, LLC Property. /Ordinance 2010-73
- f.) Reclassify Parts Technician @Mechanical Shop. /Ordinance 2010-74
- g.) Reclassify and Reorganize Personnel @Civic Center. /Ordinance 2010-75
- h.) Centennial Park Gazebo. /Ordinance 2010-76

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__ _

COUNCILMAN BOULWARE

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 6, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Scott.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: John Lake.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Tonja Young, Library Director; Richard Johnson, Publics Works Director; Adrienne Jones, Planning Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Vickie Hinman, Human Resource Director; Suzanne Henson, Senior Accountant; Jane Robbins, Mayor’s Assistant; Tomasina Werner, Beautification Committee; Ed Kirby, Planning Commission; Doug Dugat, Recreation Board; Willie Robison, BZA; Al Guarisco, Village Point Foundation.

Absent: Kim Briley, Finance Director.

3. APPROVE MINUTES

MOTION BY Councilman Boulware to approve the November 15, 2010 Council meeting minutes. *Secoded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to approve the November 29, 2010 Council Work Session minutes. *Secoded by Councilman Scott.*

AYE Reese, Scott, Boulware, Palumbo, Barnette ABSTAIN Yelding

MOTION CARRIED

**DECEMBER 6, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
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PUBLIC HEARING:

1. Amending the Land Use Ordinance / Table of Permitted Uses / Add a Bowling Alley and Entertainment Center as a use allowed upon Planning Commission approval in a B-1, Local Business District / Ordinance 2010-69

Mrs. Adrienne Jones gave the presentation. She stated that an unfavorable recommendation was sent forth because there were not enough members present to give a favorable recommendation. The majority of the members voted in favor of the change, but because there was not six (6) affirmative votes it had to come to council with an unfavorable recommendation. At the November Planning Commission meeting this change was reconsidered and it did get a favorable recommendation in a majority vote.

Council requested the definition of Family Entertainment Center (FEC), and Mrs. Jones read as follows:

“Any commercial venue utilizing an internal entertainment activity as an anchor and is complimented by varying forms of other entertainment or food and beverage venues which may vary in square footage and revenue potential. An FEC may cross a wide spectrum from casual family recreation to planned events for business or other gatherings.”

Council President Barnette opened the Public Hearing at 7:01 p.m.

Mr. David McKelroy – 103 Grove Circle – spoke opposing the location of the bowling alley.

Mr. David D’Amoore – 100 Grove Circle – spoke opposing the location of the bowling alley.

Mr. Shawn Womack – 104 Cherry Hill Drive – spoke in favor of the location of the bowling alley.

Mr. Don Baird – 2200 East Bay Drive Apt. #29 – President of Baldwin County Youth Bowling Association - spoke in favor of the location of the bowling alley.

Ms. Jolee Havard – 2603 Main Street – spoke opposing the location of the bowling alley.

Ms. Suzanne Estrada – 27901 Tawasha Court – Tiawasse Subdivision – spoke in opposition to the location of the bowling alley.

Mr. Doug Dugat – 9391 Montpelier Place – stated that the council should do what is best for Daphne, and look for what is appropriate for the area and then make changes.

Ms. Cheryl McCoy – 104 Brookwood Circle – spoke in favor of the bowling alley.

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Mr. Paul Yonkey – Fairhope – Professional Bowlers Association – spoke in favor of the location bowling alley.

Mr. Willie Robison – 506 Stuart Street – spoke in favor of the location of the bowling alley.

Ms. Susan Edmond – 102 Cherry Hill Drive – spoke in opposition to changing the table of uses for the bowling alley. *(She handed Council President Barnette a petition which is spread out upon these minutes)*

Mr. Will Rice – 27952 Tawasha Court – Tiawassee Subdivision – spoke in favor of the location of the bowling alley.

Mrs. Jan Yoder – 482 Ridgewood Drive – spoke in opposition to the location of the bowling alley.

Mr. Don Wiggins, Sr. Lake Forest – spoke in favor of the location of the bowling alley.

Mr. Don Appleton – 480 Ridgewood Drive – spoke in opposition to the location of the bowling alley.

Ms. Sharon Wright – Daphne – Represents project – gave council earlier 218 names on a petition in favor of the location of the bowling alley *(which are spread out upon these minutes)*. She has spoken with the principal of the high school and she is fine with the project, and she also spoke with Pastor LeGear of the church across from the property he is fine with the proposed bowling alley.

Mr. Dusty Cole – Longview Drive, Foley – Family owns Gulf Bowl in Foley – stated that they have been looking for property for 16 months. He said that people from Daphne, Spanish Fort and Fairhope that visit their establishment have asked them to come to the Eastern Shore.

Mrs. Marilyn Glover – 9543 Wellington Court – spoke in favor of the location of the bowling alley.

Mr. Terry Redfearn – 26808 County Road 13 – spoke in opposition of changing the table of uses for B-1, because it will change all the B-1's in the city.

Council President Barnette closed the Public Hearing at 7:45 p.m.

2. Amending the Land Use Ordinance / Table of Permitted Uses / For the designation of a convenience store by right in a B-1, Local Business District, as a use allowed upon Planning Commission approval / Ordinance 2010-70

Mrs. Adrienne Jones gave the presentation. Seven Planning Commission members were present and the motion carried unanimously for a favorable recommendation

Council President Barnette opened the Public Hearing at 8:16 p.m.

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Mr. Kevin Spriggs – Owner of three (3) convenient stores in Daphne – is not in favor of giving the Planning Commission full power.

Mr. Terry Redfearn – 26808 County Road 13 – asked questions about Planning Commission approval.

Council President Barnette closed the Public Hearing at 8:23 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

No report. The next meeting will be December 13th at 4:00 p.m. in the Executive Conference room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met this afternoon, and there are several motions coming to council.

C. PUBLIC SAFETY COMMITTEE –

No report. The next meeting will be Wednesday at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. The next meeting will be Wednesday after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the October 18th meeting are in the packet. The next meeting will be the 3rd Monday of the month at 5:00 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

Re-appoint: Glen Swaney / Term to end May 2013 & Willie Robison / Term to end November 2013

MOTION BY Councilman Scott to re-appoint Glen Swaney term to end May 2013 and Willie Robison term to end November 2013. *Seconded by Councilman Palumbo.*

The City Clerk stated that you cannot have terms ending in different months. Council President Barnette asked the City Attorney to check to see if the dates were right.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

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B. Downtown Redevelopment Authority – Barnette

The minutes for the November 22nd meeting are in the packet. There will not be a meeting in December.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report. The board will not meet in December.

E. Planning Commission – Barnette

The minutes for the September 23rd meeting are in the packet.

MOTION BY Councilman Scott to set a Public Hearing date for January 3, 2011 to consider:

a.) *Rezone: Plan B Investments*

***Located: Northeast of the intersection of Parker Land and Whispering Pines Road
Northwest of
Madison Place***

Present Zoning: R-e, High Density Single Family Residential District

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unanimous Favorable

Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to set a Public Hearing date for January 3, 2011 to consider:

b.) *Rezone: MPWS, LLC*

Located: Southwest Corner of Lawson Road and County Road 13

Present Zoning: B-1, Local Business District

Requested Zoning: B-2, General Business District

Planning Commission Recommendation: Unfavorable / Eight members present / Seven members voted in the affirmative and one dissented.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – Reese

No report. The next meeting will be Wednesday at 6:00 p.m.

G. Utility Board – Scott

The minutes for the last meeting will be in the next packet. The next meeting will be the last Wednesday of the month.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *AIG Baker Development Agreement: Sixth Amendment and Supplement / Resolution 2010-110*

Mayor Small stated that the agreement is self-explanatory. CimCo Refrigeration has portable Ice Skating Rinks, and this is just an idea of theirs. They are not trying to sell it. The city will have to get sponsors and raise money, because this is not anything that where you can make money. They have this in Mobile, and have it readily available and would like to have one somewhere in Daphne. He suggested Jubilee Square, because they have the Boater's World building that, if Alex Baker agrees, can be used to operate from which would be very handy. It would take very little to install it, but there are still a lot of hurdles to get over. It will take approval from City Council, and change to the Development Agreement before they can go any further.

b.) MOTION: *To authorize the Mayor to execute any documents with CimCo Refrigeration, LLC which are necessary for the placement and operation of the temporary skating rink at Jubilee Square*

MOTION BY Councilman Scott to authorize the Mayor to execute any documents with CimCo Refrigeration, LLC which are necessary for the placement and operation of the temporary skating rink at Jubilee Square. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) *Parade Permit / Daphne High School / Victory Parade State 6-A Champions / December 9, 2010*

MOTION BY Councilman Scott to approve the Parade Permit for the Daphne High School Victory Parade Sate 6-A Champions to be held December 9, 2010. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Scott suggested sending a letter of congratulations to Spanish Fort High School and Daphne High School.

Councilman Boulware suggested recognizing the team at the December 20th council meeting with a formal resolution.

Mayor Small stated that he had talked with Mayor Bonner and they want to do something collectively after each community has recognized the teams.

B. City Attorney Report

Mr. Ross stated that there was some pending litigation that he needed to discuss with council in Executive Session, but it was not critical that it be done at this meeting.

Council President Barnette stated that since it is not critical they will consider it at the next meeting.

C. Department Head Comments

David Carpenter – Police Chief – encouraged shoppers to put presents in their trunks, and when they get home put them where they are not visible from windows. He reported that a the verdict for the capital murder case committed in Daphne was guilty, and two Daphne officers were commended by the District Attorney.

Margaret Thigpen – Civic Center Director – reported that 900 were in attendance tonight at the Baldwin Pops concert being held at the Civic Center.

Adrienne Jones – Planning Director – reported that the Site Preview meeting will be Wednesday at 8:30 a.m., and the regular Planning Commission will meet Thursday, December 16th.

7. PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – reminded everyone that tomorrow was December 7th Pearl Harbor Day.

Mr. Willie Williams – 1513 Pollard Road - reported an incident of a racial comment being made by an employee of a construction company doing work for Hutchinson, Moore and Rauch on the Community Development Block Grant sewer project. He requested that council take action to rectify the situation.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Street Acceptance / Oldfield Subdivision, Phase One. /Resolution 2010-107
- b.) Street Acceptance / Caroline Woods Subdivision, Phase Two A /Resolution 2010-108
- c.) Street Acceptance / Dunmore Subdivision, Phase Two, Part B /Resolution 2010-109
- d.) AIG Baker Development Agreement: Sixth Amendment & Supplement. . . . /Resolution 2010-110

MOTION BY Councilman Palumbo to waive the reading of Resolutions 2010-107, 2010-108, 2010-109 and 2010-110. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Resolutions 2010-107, 2010-108, 2010-109 and 2010-110. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

a.) Hwy 98 Median Engineering/Agreement with ALDOT/Ordinance 2010-68

1ST READ

b.) Amending the Land Use Ordinance Table of Uses and Conditions /
Bowling Alley & Family Entertainment Center. /Ordinance 2010-69

c.) Amending the Land Use Ordinance Table of Uses and Conditions /
Convenient Store. /Ordinance 2010-70

d.) Fiscal Year 2011 Budget. /Ordinance 2010-71

MOTION BY Councilman Palumbo to waive the reading of Ordinance 2010-68. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2010-68. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2010-69, 2010-70 and 2010-71 WERE MADE A FIRST READ.

8. COUNCIL COMMENTS

Mayor Small – said that the New York firefighters will be in town Wednesday and leave out Thursday morning. They have been coming every year since Hurricane Katrina to bring toys to those affected by Hurricane Katrina.

Councilman Yelding stated a correction that he was not part of the bowling situation in Foley. He was at Fairhope High School where they utilized the bowling alley in Fairhope. They would go three (3) days a week with the PE classes, and he felt that it was a tremendous asset to the kids having that facility to use at the time, and he feels the same way about a bowling alley in Daphne.

Councilman Boulware said that it was brought up tonight that they are elected by the people, and they expect council to voice their opinions, and sometimes they are like the citizens and sometimes they are not like the citizens, and that is the way that it works. He thinks that they have all sort of said how they stand on the bowling alley issue. He realizes that the issue at hand tonight was not specifically about the Cole's or the Family Entertainment Center, but it was about changing the Table of Uses. However, sitting in front of him is a plan for the Eastern Shore Entertainment Center so it is hard to separate the two (2). You could tell that from the comments that were made tonight. It was not just cut and dried as this is only about changing a zoning or changing a Table of Use. It is specifically about what the purpose will be for this action. His position has been clear. He thinks he has said it a couple of times it is a square peg round hole situation. No doubt this is what Daphne could use, that the Eastern Shore could use. He would love to see it in the city, and there are plenty of opportunities to have this type of business in Daphne, but in his mind there is no doubt that this is a high impact business which is designed for B-2 zoning. There are areas in the city which were laid out specifically for this purpose. Let there be no mistake, he is concerned, with all due respect to the members of the Planning Commission, that their process for deciding how to get to this point, need to be examined for sure, but this for sure just does not fit were it is being proposed.

Councilman Palumbo said that bowling is a great activity, and tonight he was trying to bring to the council's attention that amending the Land Use Ordinance is not about bowling, and a bowling Family Entertainment Center would be a great thing for Daphne. Whether or not it belongs there he is happy to discuss at a rezoning hearing on the merits of a rezoning, which is what it is, and what it should be. These proposed Land Use Ordinance changes are highly unusual, and it will be setting a bad precedent for the council to make the change on particular projects that come up. If it is green and should be in a purple zone the council should consider rezoning it to purple. It is as simple as that. He gave his personal congratulations to the Trojans, the Toro's of Spanish Fort and to the Admirals who went deep into the playoffs, but just came up a little bit short. Probably, this is the only time in their lifetime where Daphne and Spanish Fort would both be State Champions in the same year, because Spanish Fort will eventually, probably, become a 6-A school. Unless this happens again in the next year or two which is very tough to repeat in any championship, it is tough to repeat at any level, he thinks they have witnessed something. He said that this is an accomplishment, and congratulated them.

Councilwoman Barnette responded to the comments regarding reactive planning saying that this body itself has requested from the Planning Commission on several occasions, most recently, the Jubilee Retail District to respond to site conditions. So the consistency in the application and the responsive nature of planning is not solely at the discretion of the Planning Commission. With that said, she will

say that the Planning Commission takes their job very seriously, and whether it is confusion or a lack of understanding the individuals of the Planning Commission feel a little bit beat up, she and the Mayor are not worried about it because they are elected officials and they get beat up all the time, but the Planning Commission members are a volunteer member organization that take their job very seriously. The comments that have been made, to some extent, have made it seem that the members of the Planning Commission have had ulterior motives or motives that are not pure or proper for the residents in the City of Daphne. She just wanted to remind the council that it is probably the most labor intensive of all of the boards and commissions in the city, and the extent of knowledge and work that is required is impressive, and they have all gone through considerable training to carry their role properly for Daphne. This is not to usurp power or attempt to do anything other than what the Planning Commission has seen the City Council do and respond to and attempt to address those concerns for the city. Those recommendations are clearly that - recommendations. She would like to defend the Planning Commission, because they have not had the ability to do so. They are here to serve the community, and they are here just to forward recommendations to the council for these items. They are doing the best job that they can do with the information that they have for the city.

9. ADJOURN

MOTION BY Councilman Scott to adjourn. Seconded by Councilman Yelding.

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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There being no further business to discuss the meeting adjourned at 9:10 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

December 6, 2010 Council mtg:
Presented by:
Ms. Susan Edmond

TOTAL
69
signatures

30

TO: PLANNING AND ZONING
COMMUNITY DEVELOPMENT
DAPHNE CITY COUNCIL MEMBERS
Mrs. Cathy Barnette, Mr. Bailey Yelding, Jr., Mr. John Lake, Mr. Kelly Reese, Mr. Ron Scott,
Mr. Derek Bouleware, Mr. August Palumbo

FROM: Citizens and Property Owners in the City of Daphne

DATE: DECEMBER 1, 2010

RE: OPPOSITION TO BOWLING ALLEY ON HWY 13 AT LAWSON ROAD IN EITHER OF THE FOLLOWING INSTANCES:

- 1.) CHANGING TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 and/or
- 2.) RE-ZONING THE ABOVE NAMED LOCATION FROM B1 to B2

Changing the Table of Usage will set a precedent that could allow future undesirable business locations. Mr. Chason stated at the Planning Commission meeting on November 18, 2010 that as B-1 property it could be worse. This sounds threatening and I feel that bridge can be crossed when it happens. For now the changing of the table of usage in order to construct a bowling alley is just wrong at this site. This will serve as an indication that the Council is favoring developers over the citizens of Daphne who voted you into office.

Changing the zoning from B-1 to B-2 would be spot zoning and opens the door to others who would want the same for their businesses. There are multiple locations available in the city that is more suitable to this type of business. Please think of the residents and not just the revenue dollars. Equal revenue and possibly more revenue could be generated by placing this establishment in a more suitable area that would not need a vote to change the table of usage.

A bowling alley/restaurant/bar/pool hall/game room does not seem to be right for this location although I think Daphne could benefit in many ways from such an establishment at another location. This location is directly behind homes that will suffer devaluation along with other homes located nearby. It will increase traffic that is already very heavy, and will get heavier once Hwy 13 is extended to I-10. The noise pollution will be increased immensely, for what is now a fairly a quiet neighborhood.

I encourage the bowling alley owners to explore other areas in Daphne. There are other locations that would be more beneficial to their business and less intimidating to homeowners. Somewhere on Hwy 98 or 90 would bring about more exposure for this facility,

Please consider these proposals as if this were your backyard before you vote.

As council member who was voted into office by the citizens of this city, I thought your position was to protect the citizens in matters such as this. As you may or may not know, this property was once zoned residential. A business of this enormity is quite a jump from residential to B-1 to B-2.

Please note that this letter will be presented again at the Council Meeting, December 6, 2010, in the form of a petition with signatures of the citizens of Daphne.

- 1 BK
- 2 AK
- 3 AM
- 4 KUB
- 5 KH
- 6 GTM
- 7 AM
- 8 AL
- 9 JBC
- 10 DDC
- 11 SA
- 12 JF
- 13 AD
- 14 TG
- 15 AE
- 16 DL
- 17 MS
- 18
- 19 JL
- 20 BME
- 21 J
- 22 J
- 23 m4
- 24 AS
- 25 CS
- 26 EPS
- 27 J
- 28 AD
- 29 CB
- 30 Susan Edmond

TO: CITY OF DAPHNE COUNCIL MEMBERS
 PLANNING AND ZONING
 COMMUNITY DEVELOPMENT

SUBJECT: OBJECTION TO: 1) CHANGE TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 PROPERTY
 2) REZONE PROPERTY LOCATED AT LAWSON RD AND COUNTY RD 13

NAME	ADDRESS	PHONE #	DATE
15) Lisa Elie	107 Douglas Dr, Daphne, AL	251-626-3871	12-4-10
16) Dorothy Danton	112 Cherryfield, Daphne, AL	251-626-0807	12-4-10
17) Diane Sublett	128 Cherry Hill, Daphne, AL	251-626-5945	12-4-10
18) M. Kelly	128 Cherry Hill, Daphne, AL	251-626-5945	12/14/10
19) John Taylor	126 Collins, Daphne, AL	251-626-5297	12/5/10
20) Shelby M. Veir	476 Ridgewood Dr, Daphne, AL	251-626-8138	12/5/10
21) Angela Appleton	480 Ridgewood Dr, Daphne, AL	251-621-1715	12/5/10
22) Rebecca Bergman	107 Lawson Rd, Daphne, AL	251-626-0323	12/5/10
23) Melissa C. Bergman	107 Lawson Rd, Daphne, AL	251-626-0323	12/5/10
24) Helen Staffield	101 Lawson Rd, Daphne, AL	251-626-0084	12/5/10
25) Clay Staffield	101 Lawson Rd, Daphne, AL	625-2054	12/5/10
26) Elizabeth P. Stewart	103 Cherryfield Dr, Daphne, AL	626-2707	12/5/2010
27) Sherry D. Hill	105 Shamrock, Daphne, AL	251-960-2596	12-16-2010
28) Laurie A. Drake	103 Meadowood Dr, Daphne, AL	251-621-7193	251-599-4784
29) Krista L. Burt	100 Cherry Hill Dr, Daphne, AL	251-545-2246	12-6-10
30) Dawn Elmore	102 Cherryfield Dr, Daphne, AL	251-626-6889	12/6/10

TO: CITY OF DAPHNE COUNCIL MEMBERS
 PLANNING AND ZONING
 COMMUNITY DEVELOPMENT

SUBJECT: OBJECTION TO: 1) CHANGE TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 PROPERTY
 2) REZONE PROPERTY LOCATED AT LAWSON RD AND COUNTY RD 13

NAME	ADDRESS	PHONE #	DATE
1 Christopher King	126 Rolling Hills Daphne	751-626-5227	12/2/10
2 Anne & Fuslane	126 Rolling Hill Dr	626-5297	12/2/10
3 Emma McDonald	609 Belrose Ave	625-4126	12/3/10
4 Tim Bam	9943 cumbria Drive	334-208-1716	12/3/10
5 Wylie Hicks	7558 Elizabeth Dr.	533-7232	12/3/10
6 Ed McCall	609 Berose Ave DAPHNE AL	656-6130	12/3/10
7 Fredy McCall	29861 ST. GEORGE ST.	626-9767	12/3/10
8 Don E Carow	469 Ridgewood Dr	626-6212	12/4/10
9 Thomas A Cam	469 Ridgewood Dr.	626-6212	12/5/10
10 Nancy D. Dyer	452 Ridgewood Dr.	625-0823	12/5/10
11 Sylvia H. Hall	452 Ridgewood Dr	625-0873	12/5/10
12 John S	454 Ridgewood Dr	626-5187	12/5/10
13 Kathleen Benour	454 Ridgewood Dr.	626-5187	12/5/10
14 J.A. Dwyer	454 456 Ridgewood	625-3325	12/5/10

December 6, 2010 Council Mtg
Presented by:
Ms. Susan Edmond

5

TO: DAPHNE CITY COUNCIL MEMBERS
Mrs. Cathy Barnette, Mr. Bailey Yelding, Jr., Mr. John Lake, Mr. Kelly Reese, Mr. Ron Scott,
Mr. Derek Bouleware, Mr. August Palumbo

FROM: SUSAN EDMOND
102 Cherryhill Drive
Daphne, AL 36526

DATE: DECEMBER 1, 2010

RE: OPPOSITION TO BOWLING ALLEY ON HWY 13 AT LAWSON ROAD IN EITHER OF THE FOLLOWING INSTANCES:

- 1.) CHANGING TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 and/or
- 2.) RE-ZONING THE ABOVE NAMED LOCATION FROM B1 to B2

Changing the Table of Usage will set a precedent that could allow future undesirable business locations.

Mr. Chason stated at the Planning Commission meeting on November 18, 2010 that as B-1 property it could be worse. This sounds threatening and I feel that bridge can be crossed when it happens. For now the changing of the table of usage in order to construct a bowling alley is just wrong at this site. This will serve as an indication that the Council is favoring developers over the citizens of Daphne who voted you into office.

Changing the zoning from B-1 to B-2 would be spot zoning and opens the door to others who would want the same for their businesses. There are multiple locations available in the city that is more suitable to this type of business. Please think of the residents and not just the revenue dollars. Equal revenue and possibly more revenue could be generated by placing this establishment in a more suitable area that would not need a vote to change the table of usage.

A bowling alley/restaurant/bar/pool hall/game room does not seem to be right for this location although I think Daphne could benefit in many ways from such an establishment at another location. This location is directly behind homes that will suffer devaluation along with other homes located nearby. It will increase traffic that is already very heavy, and will get heavier once Hwy 13 is extended to I-10. The noise pollution will be increased immensely, for what is now a fairly a quiet neighborhood.

I encourage the bowling alley owners to explore other areas in Daphne. There are other locations that would be more beneficial to their business and less intimidating to homeowners. Somewhere on Hwy 98 or 90 would bring about more exposure for this facility,

Please consider these proposals as if this were your backyard before you vote.

As council member who was voted into office by the citizens of this city, I thought your position was to protect the citizens in matters such as this. As you may or may not know, this property was once zoned residential. A business of this enormity is quite a jump from residential to B-1 to B-2.

Please note that this letter will be presented again at the Council Meeting, December 6, 2010, in the form of a petition with signatures of the citizens of Daphne.

3/3/11
JLH
ZMY II
Jen
DT

December 6, 2010 Council Mtg
Presented by:
Ms. Susan Edmond

25

TO: PLANNING AND ZONING
COMMUNITY DEVELOPMENT
DAPHNE CITY COUNCIL MEMBERS
Mrs. Cathy Barnette, Mr. Bailey Yelding, Jr., Mr. John Lake, Mr. Kelly Reese, Mr. Ron Scott,
Mr. Derek Bouleware, Mr. August Palumbo

FROM: Citizens and Property Owners in the City of Daphne

DATE: DECEMBER 1, 2010

RE: OPPOSITION TO BOWLING ALLEY ON HWY 13 AT LAWSON ROAD IN EITHER OF THE FOLLOWING INSTANCES:

- 1.) CHANGING TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 and/or
- 2.) RE-ZONING THE ABOVE NAMED LOCATION FROM B1 to B2

1 AW
2 JB
3 AJ
4 PS
5 JM
6 JG
7 TJ
8 JMS
9 MJB
10 DA
11 AB
12 ERB
13 OCY
14 LP
15 JW
16 JY
17 J
18 TK
19 J
20 LB

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TO: CITY OF DAPHNE COUNCIL MEMBERS
 PLANNING AND ZONING
 COMMUNITY DEVELOPMENT

SUBJECT: OBJECTION TO: 1) CHANGE TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 PROPERTY
 2) REZONE PROPERTY LOCATED AT LAWSON RD AND COUNTY RD 13

NAME	ADDRESS	PHONE #	DATE
1	Angela D'Ambrosio	100 Grove Circle, Daphne, AL 36526	251-463-0960 12/2/10
2	Cherie Lewis	106 Fenscliff Circle Daphne 36526	251-367-0176 12/2/10
3	Antonio Gadsden	2634e CR 13 - Daphne, AL 36526	251-626-1621 12/2/10
4	Ray Zell	117 Creekside Dr Daphne, AL 36526	251-676-6837 12/2/10
5	Patricia Southern	139 Kingswood Dr. Daphne, AL 36526	251- 681 ⁶⁸¹ -9907 12/2/10
6	Jan Jenkins	105 Grove Ln Daphne, AL 36526	251-490-9226 12/2/10
7	Terry Jenkins	- same address	
8	Sue Ann Rios	116 Fernwood Circle Daphne, AL 36526	251-625-1169 12-2-10
9	Phil Beata	28567 County Road 13 36526	251-533-3378 12/6/10
10	Phil Beata	146 Dunbar Loop Daphne, AL 36526	251-599-9827 12/6/10
11	Heather Broward	104 Highland circle Daphne, AL 36526	251-709-9880 12-6-10
12	Eddie Bender	103 Voeg Dr. Daphne, AL 36526	251-751-5822 12-6-10
13	Den, Murphy	101 VEGA DR. DAPHNE 36526	251-694-4418 12.6.10

TO: CITY OF DAPHNE COUNCIL MEMBERS
 PLANNING AND ZONING
 COMMUNITY DEVELOPMENT

SUBJECT: OBJECTION TO: 1) CHANGE TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 PROPERTY
 2) REZONE PROPERTY LOCATED AT LAWSON RD AND COUNTY RD 13

NAME	ADDRESS	PHONE #	DATE
14 Lonne De Vault	430 Ridgewood Daphne	626-3568	
15 Philip Williams	427 Ridgewood Daphne		
16 Henry Roman	429 Ridgewood DAPHNE		
17 Sean Lundy	439 RIDGEWOOD DR. DAPHNE	(978) 857-8906	
18 Tristan Kitchens	458 Ridgewood Dr. Daphne	(251) 222-4057	
23 Tammy Mallett	400 Ridgewood Dr Daphne AL	601-8981	
20 Shane Bowman	464 RIDGEWOOD PR, 251-621-0204		
24 [unclear]	466 N. Egwood Dr		
22 Kathy Richards	468 Ridgewood Dr. Daphne	463-1313	
23 Penny Houston	478 Ridgewood Dr Daphne	602 999-1468	
24 Donald Gardner			
25			
26			
27			

December 6, 2010 Council Mtg.
Presented by:
Ms Susan Edmond

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TO: PLANNING AND ZONING
COMMUNITY DEVELOPMENT
DAPHNE CITY COUNCIL MEMBERS
Mrs. Cathy Barnette, Mr. Bailey Yelding, Jr., Mr. John Lake, Mr. Kelly Reese, Mr. Ron Scott,
Mr. Derek Bouleware, Mr. August Palumbo

FROM: Citizens and Property Owners in the City of Daphne

DATE: DECEMBER 1, 2010

RE: OPPOSITION TO BOWLING ALLEY ON HWY 13 AT LAWSON ROAD IN EITHER OF THE FOLLOWING INSTANCES:

- 1 D.D.
- 2 CDTA
- 3 Kyle
- 4 Brian
- 5 J.M.
- 6 L.S.
- 7 J.C.
- 8 W.L.
- 9 T.M.
- 10 A.M.C.
- 11
- 12 L.V.G.
- 13 B.B.
- 14 Lane
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

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TO: CITY OF DAPHNE COUNCIL MEMBERS
 PLANNING AND ZONING
 COMMUNITY DEVELOPMENT

SUBJECT: OBJECTION TO: 1) CHANGE TABLE OF USAGE TO INCLUDE A BOWLING ALLEY AS B-1 PROPERTY
 2) REZONE PROPERTY LOCATED AT LAWSON RD AND COUNTY RD 13

NAME	ADDRESS	PHONE #	DATE
1 Mr. & Mrs. David & Angela D'Ambrase	100 Grove Circle	251-463-0960	12/2/10
2 Mr. & Mrs. Carl & Ard	110 Fernwood Cir.	251-623-3252	12/3/10
3 Mr. & Mrs. Kelli & Rubio	112 Fernwood Cir	251-644-7431	12/3/10
4 Mrs. Mrs. Alvin Russ	116 Fernwood Cir	251-625-1109	12/3/10
5 Mrs. & Mrs. Yveta & Meant	115 Fernwood Cir	251-625-2721	12/3/10
6 Mr. Raul Johnson	113 Fernwood Cir	251-583-4897	12-3-10
7 Yveta E. Meant	109 Fernwood Circle	251-621-8607	12/3/10
8 William Sawyer	107 Fernwood Circle	251-247-0589	12-3-10
9 Tom Whitell	102 Fernwood Cir		12-3-10
10 Mrs. & Mr. [unclear]	102 Grove Cir	850-377-3366	12-3-10
11 Anna Hilman	106 Grove Circle	251-644-7732	12/3/10
12 Lynn Perkins	105 Grove C.	251-490-9226	12/3/10
13 Barbara Burrell	104 Co. Cir	251-626-3738	12-3-10
14 Mr. & Mrs. David McFarley	103 Grove Cir	251-348-7192	12-3-10

December 6, 2010 Council mtg:

Presented by:

Sharon Wright
White Spinner

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County
Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

Name	Address	Date
Michelle Mirely	SandHwood dr. Daphne AL	11-6-10
Mark Richards	468 Ridgewood Daphne, AL	11-6-10
Corey Pruitt	563 Middle St	11-6-10
Nick Sherrill	119 Melanie Loop Daphne, AL	11-6-10
Ryan Lane	2935 N Canine Hwy Lane Daphne AL	11-6-10
Adon Bowers	103 Kentwood Circle Daphne AL	11-6-10
Mark		
Matt Affe	275 Maplewood Loop Daphne AL	11-7-10
Juday Davis	205 Maplewood loop Daphne, AL	11-7-10
Dale Anluhl	103 Worcester Dr Daphne	11-7-10
Cody McMan / Cody M.	105 Meadow Wood Loop	
3-13	24739 Kingship Rd Daphne	11-9-10
Wayne [unclear]	112 [unclear] line court Daphne	11-10-90
Larry Jackson, Jr.	26379-4 Co Rd 13, Daphne, AL	11-10-10
Christopher	107 Woodside Dr Daphne AL	11-10-10
Rudven Lee	8124 Pecan Ct DAPHNE, AL	11-10-10
Gingee Burkett	106 Plaza Circle Daphne AL 36522	11-10-10
Donald Stanton	9822 Milton Jones Rd. Daphne AL 36526	11-10-10
Wilhelmina Morgan	27402 Stratford Glen Dr Daphne AL 36526	11-10-10
Betty Inabinet	103 Beechwood cir, Daphne AL 36526	
Rob Inabinet	103 Beechwood cir, Daphne, AL 36526	
Emuel Lewis	106 Beechwood Cir, Daphne, AL 36526	379-178
Betty Inabinet	103 Beechwood Cir Daphne AL	
Rob Inabinet	103 Beechwood Cir, Daphne AL	379-173
Laurel Springs	106 Beechwood Cir. Daphne, AL 36526	11-30-10
LARRY TAYLOR	109 Beechwood Cir Daphne, AL 36526	12-1-10
TROYL FARRELL	107 Beechwood Cir Daphne, AL 36526	12-1-10
Charlie Hunt	101 " " "	"
Cecilia Hunt	101 " " "	"
Don Wiggins	100 Beechwood Cir Daphne AL	12-1-10
Theresa Wiggins	" " " " "	12-1-10

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

Name	Address	Date
Wendy Dickerson	111 Kentwood DR.	11-22-10
Jamie Moss	108 Booske Trch	11-23-10
Jasna Cummell	155 Country Club Dr.	11/23/10
Andrew Marshall	912 Van Ave. 1515	11/23/10
Justin Capstran	9530 Kasey Ct	11/24/10
Walter Woodson	109 Lawson Rd.	11/24/10
Stephany D. Hecker	108 Ferncliff Cir.	11/24/10
John Pest	505 Church Ct	11/24/2010
Scott Tanner	162 Greenwood	11/24/2010
Walter Roberts	1417 Braunview Dr.	11-24-10
Megan Bell	912 Van Ave #312	11-25-10
Jeff Bell	912 Van Ave #312	11-25-10
Staci Bustle	137 Michael Loop	11-27-10
Michael Bustle	137 Michael Loop	11-27-10
Ahonda Jones	9 N. Church St	11-27-10
Cindy Kenneth	3 Judd Trail	11-28-10
Greg Kenneth	3 Judd Trail	11-28-10
Daniel Skarin	Grand Point Apartments	11-28-10
Michael Green	Grand Point Apts	11-28-10
Arlene Kaye	Lake Forest	11-28-10
Daniel Aldredge	Lake Forest	11/28/10
Louise West	Lake Forest	11/28/10
Christina LeJeune	Lake Forest	11-28-10
Paul Brooks	6584 HALEY'S Ln.	11-29-10
Kathy Thomas	117 Marikesh Dr Lake Forest	11/29-10
Brian Morris	23926 Tullamore Dr	11-29-10
	106 IR.9 Cir	11-30-10

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Rd and County Rd 13
for bowling alley/family entertainment center

As current residents of Lake Forest and/or the City of Daphne, we are in support of this amended use.

Name	Address	Date
William Robison	560 Stuart St	10/18/10
Carol Robison	560 Stuart St.	10-31-10
LARRY COOKE	143 KINGSWOOD DR	11-01-10
DONALD J. OUELLETTE	7120 ELIZABETH DR.	11-01-10
Meroy A. Williams	113 WINDSOR DR.	11-22-10
Bryan J. Buehler	7616 Avery Ln	11-23-10
Michael Geth	100 Tower Pt Apt 4H Daphne AL	11/23/10
Ron Redford	163 Country Club Dr Daphne	11/23/10
KYAN MAYER	1003 CAPTAIN ONEAL DR Daphne	11/23/10
Marc Dapremont	7343 Franklin Sq ct Daphne	11-23-10
Tanya Nuckolls	119 Melanie Loop Daphne	11/23/10
Jennifer Marquis	102 Glenwood Circle Daphne	11/23/10
Tennille Scott	1007 Ackett ave Daphne AL	11/23/10
Michelle Worsham	122 Tomrick Circle Daphne AL	11/23/10
BOBBIE GIBSON	25878 Pollard Rd #2118 Daphne	11-23-10
Ariel Hammond	25878 Pollard Rd #1921 Daphne	11/23/10
Pat Randolph	106 Paige Cir Daphne	11/23/10
JAY DONKEL	2 PARMAR AL DAPHNE	11/23/10
Michael M. Base	194 Country Club Daphne	11/23/10
WYNNE HALL	30111 Loxley Circle Daphne AL	11-23-10
Glenn Spence	102 Clay Circle Daphne AL	11-23-10
TONI FASSBENDER	103 PIPPIN CIRCLE DAPHNE AL	11-23-10
CHARLES E. YANNY	1106 CAROLINE AV. DAPHNE AL	11-23-10
RUTH A. YANNY	1106 CAROLINE AV DAPHNE AL	11-23-10
JACK E. SIMS, JR	559 STUART ST. DAPHNE AL	11-29-10
Elizabeth Hayes	558 Stuart St, Daphne, AL	11-29-10
Andy Hayes	558 Stuart St. Daphne AL	11-29-10
SHARON SIMS	559 Stuart St. Daphne, AL	11-29-10
GEORGE L. MCKEE	562 STUART ST DAPHNE, AL	11-29-10

PAID
11-12-10

ATTN: Adrienne Jones

Please forward to Council!

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

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Name	Address	Date
Diana Basso	2200 E Bay Dr #29 Daphne AL	11/03/10
Linda BONES	9354 Sanibel Loop Daphne AL	11-4-10
ROGER LAWTE	131 Greenway Dr. Daphne AL	11/4/10
Brandon Cox	608 Magnolia Ave Daphne AL	11/4/10
Edward Kline	22944 Turkey Island Dr Daphne AL	11/4/10
April Sp. Ileton	2601 Center Dr Daphne	11/5/10
Nyquie Turkey	1512 Tibbony Lane Daphne	11/5/10
Dhruvika Parley	1512 Tibbony Lane Daphne	11/5/10
Sara Parley	1512 Tibbony Lane Daphne	11/5/10
Andrew Durnan	118 Rivera Vista Rd Daphne	11/5/10
Suzanne Wright	104 McMillan Ave Daphne	11/5/10
Celine Wilson	" " " "	" " " "
Dan Stewart	25660 Austin Rd Daphne	11-5-10
Marla V. Kelly	25660 Austin Rd Daphne	11-5-10
Diane Jones	8160 County Bellway Daphne	11-5-10
Julie Cummings	9424 Wind Clasticail, Daphne	11-6-10
Kathleen Carraway	114 Pine Ridge Rd, Daphne	11-7-10
Nathan Carraway	114 Pine Ridge Rd, Daphne	11-7-10
Dora Hudson	7870 Landings Eagle Dr. NW Daphne	11-7-10
Jennifer Kelly	279 Rolling Hill Dr. Daphne AL	11-7-10
Laurel Kelly	279 Rolling Hill Dr Daphne AL	11/7/10
Jake Brown	104 Lamb Circle Daphne AL	11/7/10
Whitney Moore	135 Ocean Cir Daphne AL	11/8/2010
Rebecca Sill	Willowbrook Cir Daphne AL	11-8-10
Whitney Moore		
Jerika Johnson	1903 Ballard Rd Daphne, AL	11-9-10
Laura Glaser	118 Cameron Circle Daphne, AL	11-9-10
J. M. M.	27161 Hwy 91 Daphne AL 36826	11-9-10
M. M.	27446 US Hwy 98 Apt 203 Daphne, 36824	11-9-2010
M. M.	102 Lake Forest Blvd Daphne AL	11-9-2010
M. M.	107 Michael Ln	11-9-2010
Victoria Mitchell	2333 Pennock Rd Daphne AL	11-9-10
Alanna Hammond	146 Bay View Dr 36526	11-9-10
Elliot Jones	133 Lakeland Dr 36526	11-9-10
Keith Gardner	102 Iron Rock Cr Daphne 36526	11-9-10

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2nd sheet AHN: Adrienne Jones

To: City of Daphne
City Council Members

Please Forward
11-15-10

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

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Name	Address	Date
David McMurphy	50 Lake shore Ln	11-10-2010
Michelle Michelson	500 Jackson St. #1008	11-10-2010
Justin Blackwell	24633 Lakeland Blvd	11-10-2010
Jeremy Schwan	27815 Hwy 191	11-10-2010
Kelvin Gasky	2764 Pecan Ct.	11-10-2010
John Barnett	809 Randall Ave Daphne	11-10-10
DAVID DOBENS	8100 ALABAMA CT DAPHNE	11-10-10
Matthew	100 Kingswood Dr Daphne	11/10/10
Mario Grundrofer	130 Purnford Hill Ct.	11-10-10
Andrey Waiding	129 Purnford Hill Ct.	11/10/10
Karla Rowell	28007 Hwy 92	11-11-10
Myrae Murray	135 Lee Grand Dr Daphne	11-11-10
Adrienne Holley	132 Spiceland Dr Daphne	11-11-10
Erison Peterding	115 American Cir Daphne	11-11-10
David Allen	149 Hope Drive Daphne	11-11-10
Justin Fleming	506 Southern way Daphne	11-12-10
Adam Faust	165 Brentwood Dr	11-12-10
Mike Cal	165 Brentwood Dr	11-12-10
Patricia Winkler	750 Whittington Pines Rd	11-13-10
Gene Davis	103 Bernard Cir Daphne	11-13-10
Thomas Winkler	103 Bernard Cir Daphne	11-13-10
Barbara Rowell	103 Bernard Cir Daphne	11-13-10
Kate Rowell	103 Bernard Cir Daphne	11-13-10
Linda Barnes	106 Jean Cir Daphne	11-13-10
Brittany Mearns	713 Schmitt Ln Daphne	11-13-10
Laurel Smith	9254 Marchand Ave Daphne	11-14-10
Judy Seale	9264 Marchand Ave Daphne	11-14-10
Erin Smyler	35819 Hwy 325 Prichard	11-14-10
Paula Gasky	151 Lakeside Loop Daphne	11-15-10
Wendy Gasky	1144 Elizabeth Dr Daphne	11-11-10
Lindsay Rogers	6464 Thoroughbred Daphne	11-14-10
Tracy	6464 Thoroughbred Daphne	11-14-10
Suzanne Rowell	28206 Turkey Branch Dr Daphne	11-14-10

300

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

34

Name	Address	Date
Nicole Hunsader	8087 Pine Run	11/16/10
Carrie Brynes	138 Lake Grant Dr.	11/16/10
Trisha Hinoje	69100 N main st.	11/16/10
Shana Tumbler	2200 F Bay Dr. Apt 113	11/16/10
SARA Shrab	2093 SEA CLIFF DR DAPHNE	11/16/10
Allyson Threadwell	2093 Sea Cliff Dr South	11/16/10
TITANIA KIMBALL	912 VAN AVENUE #1612 Daphne	11/17/10
Valencia W. Rainey	912 Van Ave #1612 Daphne	11/17/10
Karen B. Koch	9231 Marchand Ave Daphne	11/17/10
April White	493 Bridgewood Dr Daphne, A	11/17/10
Charles Turner	112 Timberline Dr Daphne	11/18/10
Cheryl	312 Van Ave Apt 1214 Daphne AL 36626	11/18/10
Heidi Foster	106 Timberline Dr Daphne	11/19/10
CAROL PATRICK	323 GAY'S WAY DAPHNE	11/19/10
Scott Locke	143 Brentwood Ave	11/19/2010
Shana Sedig		11/20/10
JEN WILKER ROBERTSON		11/20/10
ADAM FAUST	165 Brentwood Dr	11/20/10
Jack Seyler	165 Brentwood Dr	11/20/10
Anna Strasser	106 Maxwell Dr.	11/20/10
Rodney Strasser	106 Maxwell Dr	
Lon Ann Strasser	106 Maxwell Dr	
Cherie Strasser	106 Maxwell Dr	
Jeff Gates	106 Maxwell Dr.	
Sharon Strasser	P.O. BOX 455 Daphne	
Russell Strasser	P.O. BOX 455 Daphne	
Robert Reynolds	10201 14th St	11/20/10
Brandon Roberts	102 Vista Cir.	11/20/10
Debbie	102 Vista Cir	11/20/10
Danika Boyd	131 Brentwood Dr Daphne	11/21/10
Quincy Moore	3701 Bay Branch Dr Daphne	11-21-10
Baileya Muckler	2704 1/2 Bit + Spinn Drive Daphne	11/21/10
Rita LeDoux	121 Hancock St Daphne AL 36526	11-21-10
Anthony Tidwell	26920 pilard Rd apt 572 36526	11-22-10

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Rd and County Rd 13
for bowling alley/family entertainment center

As current residents of Lake Forest and/or the City of Daphne, we are in support of this amended use.

Name	Address	Date
Emilie Johnson	9770 Pleasant Rd Daphne	9/30/10
Rachel Tullier	2595 Hammer Ravenwood Circle Daphne	9/30/10
Linda W. Cramer	27804 Oakchovy Ln. Daphne	9/30/10
Donald Nelson	9748 Bella Drive - Daphne, AL	9/30/10
Judy Bradley	24739 Friendship Rd Daphne AL	10/01/10
Barry L. Johnson	26213 Co. Rd 13 Daphne AL	10-1-2010
Sharon M. Rodgers	133 Lakefront Dr. Daphne AL	10/01/10
Tom Falk	15845 Pine Grove Rd EXT W Bay Minette AL	10/1/10
Linnette Williams	7508 Melody Lane	10/1/10
Monty Williams	P.O. Box 252755 Daphne AL	10/1/10
Jack Weller	100 Lawson Rd Daphne AL	10/6/10
Brent A	105 Meadowood Loop Daphne AL	10/6/10
Elbert Harrison	106 Chinguapin Cir Daphne, AL	10/6/10
Joe Hall	P.O. Box 814 Daphne AL	10/6/10
MARK Brown	P.O. Box 55 Daphne AL	10/6/10
Mark Brown	Daphne AL	10/6/10
Carlos Butler	Daphne AL	10/6/10
M. H. Williams	Daphne AL	10/6/10
Douayne Carnes	Daphne AL	10/6/10
Laura Wilho	10346 Emmanuel St	10/6/10
Alvin Pate	111 CROSS CREEK	10/6/10
Roddie White	410 Village Dr.	10/6/10
May	150 Bay Loop Dr	10-6-10
Wayne Walker	115 Kenda Ave	1-06-10
Colby Taylor	P.O. Box 1104 PC AL 36564	10-06-10

5

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Rd and County Rd 13
for bowling alley/family entertainment center

As current residents of Lake Forest and/or the City of Daphne, we are in support of this amended use.

Name	Address	Date
Pamela G. Hanson	810 Juniper Court Daphne 36526	10-03-10
Tom B. Hanson	810 Juniper Court Daphne 36526	October 31, 2010
Richard Taylor	27542 LACKLAN Ct. 36526	10-03-10
Martha Gayle	27542 Lacklan Ct. 36526	10-04-10
Wilhelmina A Morgan	27402 Stratford Glen Dr 36526	10-04-10

September 22, 2010

City of Daphne

RE: Eastern Shore Entertainment Center

This is in reference to the family entertainment center that is to be located on County Road 13 & Lawson In Daphne, Al. I have been a residence of Lake Forrest community for the past 15 years and I am also a league bowler currently bowling at The Gulf Bowl in Foley. I have known the Cole Family for over 20 years and they have done a great job with The Gulf Bowl in respect to a beautiful center and customer service. I know that they will bring a beautiful Family Entertainment Center to the Daphne area and I am in full support of this center on County Road 13 & Lawson.

My wife and I were at the meeting last week for the Lake Forrest residence and we cannot attend the meeting on Thursday, September 22, 2010. If you have any questions, please feel free to contact me.

Respectfully,

Don & Theresa Wiggins
251/751-1727 cell

Don Wiggins
Theresa Wiggins

Sharon Wright

From: Tracy Womack [tracy@wsa-re.com]
Sent: Thursday, September 30, 2010 2:07 PM
To: 'Sharon'; 'Matt White'
Subject: FW: Family Entertainment in Daphne

From: wade.huie@mindspring.com [mailto:wade.huie@mindspring.com]
Sent: Thursday, September 30, 2010 2:03 PM
To: palumbo7@bellsouth.net; becjer@bellsouth.net; yelding1@bellsouth.net; ronscott5@bellsouth.net; boullware6@bellsouth.net; johnlake3@bellsouth.net; reese4@bellsouth.net; barnette2@bellsouth.net
Subject: Family Entertainment in Daphne

To Daphne City Council :

My wife (who grew up in Huntsville) and I (who grew up in Macon and Decatur, Ga.) own three homes in Lake Forest, which are being rented--namely 128 Marikesh, 102 Sandcrest, 103 Lakefront). Due to work reasons, we currently live in Los Angeles, California. When the time is right, however, we anticipate returning to our native South to retire and live in one of our homes, as we love your area as well the people. (So different from where we are now!)

We tried our best to keep informed about developments in the area and were recently thrilled to hear of the proposed development of a family entertainment center off Road 13 near Lawson Rd. After all the doom and gloom from the oil spill, some good news for a change!

We understand, however, there is some opposition to the project, as there always is whenever change is proposed. We love the natural setting of Lake Forest but can't understand why anyone would be against such an obvious economic boon to the community. Not only would it provide wholesome entertainment to those living in the area, would it not also provide jobs to many of its residents, not to mention much needed income for the city? Why go to Fairhope or Foley or Mobile for fun when we can do the very same right here at home? Not to mention from a purely selfish side, such a first-class complex can only help property values, which as of late, I need not remind you, have sharply fallen.

Development does not have to be a dirty word. As multi-home owners in Daphe, we implore the Council to approve the project so that the area can remain a part of the 21st Century.

Feel free to call us if you'd like further comment .

Wade Huie & Sarma Eglitis 310-313-4448

p.s. Nearly forgot...We also like to bowl!

Wade Huie
Keller Williams Realty
310-663-9172
310-862-1731 (message)
Lic#01363546

9/22/2010

To whom it may concern;

As a property owner in Lake Forest I would like to express my support of the Family Entertainment Center that is proposed for the property located on the corner of Lawson Rd and Cnty Rd 13, behind the Lake Forest subdivision. My home is within 500 ft of where this proposed site is located and I feel this center will be a positive enhancement to our subdivision. I believe this is a great location for the center because it will be a family entertainment center right next door (within walking distance) to the largest family subdivision in our area. In addition this center will be a great asset to the city of Daphne as it will provide jobs and revenue in a time when our city really needs them. It will also keep our money in our city and not spent in Foley, Bay Minette or Mobile.

Thank you,

A handwritten signature in black ink that reads "Sean Womack". The signature is written in a cursive style with a large initial 'S'.

Sean Womack

104 Cherryhill Dr.

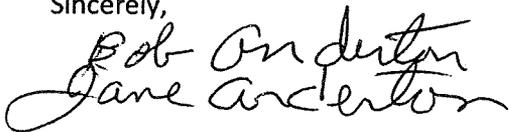
Daphne, AL. 36526

Dear City of Daphne:

We are long time residents of Lake Forest and use the Lawson Road entrance/exit frequently. We understand there is a proposed Family Entertainment Center off Co. Rd. 13 near Lawson Rd. We are in total support and favor of the Family Entertainment Center and the proposed site. Children, adults and especially teenagers need a family friendly place to go for fun in Daphne. This is an excellent location for such a center and we feel it will be a big asset to the area.

Thank you for your time.

Sincerely,

Handwritten signature of Bob and Jane Anderton in cursive script.

Bob and Jane Anderton
107 Pagan Circle
Daphne, AL

I make Lake Forest subdivision my home and have for a number of years. In regards to a new bowling alley being built in Daphne adjacent to Lake Forest, I think it's a great idea. The entire Eastern Shore will benefit from it. At the present time you have to go to Mobile or Foley to enjoy bowling and I'd rather not have to travel. Plus, I'd prefer to spend my money in Daphne if possible.

Please approve the bowling alley at Lawson and 13.

Thank you,

Sara Trione

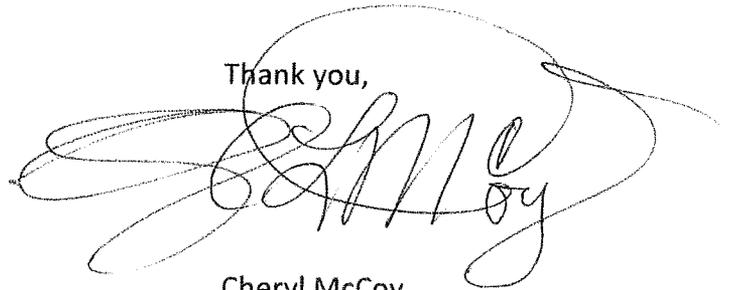
A handwritten signature in cursive script, appearing to read "Sara Trione". The signature is written in black ink and is positioned below the typed name.

9/22/2010

To whom it may concern;

As a property owner in Lake Forest I would like to express my support of the Family Entertainment Center that is proposed for the property located on the corner of Lawson Rd and Cnty Rd 13, behind the Lake Forest subdivision. I believe this is a great location for the center as it will be a family entertainment center right next door to the largest family subdivision in our area. In addition this center will be a great asset to the city of Daphne as it will provide jobs and revenue in a time when our city really needs it. It will also keep our communities dollars spent within our community.

Thank you,

A handwritten signature in black ink, appearing to read 'Cheryl McCoy', written over a large, faint circular stamp or watermark.

Cheryl McCoy

To Whom It May Concern

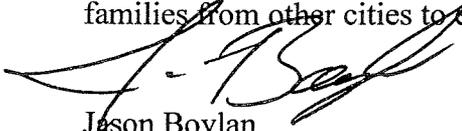
I live in Daphne in the Lake Forest community and I'm in favor of the proposed Family Entertainment Center at County Road 13 and Lawson Road. Daphne is in need of a facility where people of all ages can go for entertainment. Please vote yes on allowing this center at the proposed location in Daphne.

Anne Trione
Lake Forest Resident

A handwritten signature in black ink that reads "Anne Trione". The signature is written in a cursive style with a large, looping initial "A" and a long, sweeping underline.

To the City of Daphne:

I am writing this letter in support of the family entertainment center going in on county road 13, that backs up to Lake Forest. I think this would be a great asset to the city of Daphne and the families of the eastern shore. This facility would generate income for the city, which I think the city could use and also would generate jobs. I am also a homeowner of Lake Forest and I do not see this hurting property values, I see it as a great asset, especially with so many families living in Lake Forest and the city of Daphne, these families would spend their money here in Daphne, instead of going to Mobile, Bay Minette or Foley. We need to put Daphne back on the map and I think putting a family entertainment center would not only be great for the city of Daphne, but it would bring families from other cities to experience the eastern shore.



Jason Boylan
118 Chatam Loop
Daphne, Al 36526

Baldwin County Economic Development Alliance

September 24, 2010

Sharon White
WHITE-SPUNNER & ASSOCIATES, INC.
3201 Dauphin Street
Mobile, Alabama 36606

Dear Sharon White,

Thank you for asking us about our knowledge of the Gulf Bowl and its potential Daphne project.

The Alliance has worked with Gulf Bowl owners in the past and we have watched it grow from a small, low tech, small employer in Foley to a major entertainment center featuring high tech games and bowling and a very popular restaurant. Owners have presented us with information on their proposed Daphne project and it appears that it would add something new to the area and would be a nice generator of sales tax dollars.

We are not involved with their efforts to buy and/or rezone property and are not offering any opinion on these matters, but our past experience with the organization has been very positive.

Sincerely,

Robert Ingram
President/CEO

Foley Intermediate Foley, AL

News & Events Intellectual Social Athletics Alumni

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- Sports

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- Alumni

Bowling Tournament Winners

Wednesday, December 09, 2009

Print Email



We have had fun bowling at the Gulf Bowl during P.E. on Fridays. Coach Anderson had a Bowling Tournament. The bowling tournament winners for 5th grade girls are: 1st Place Kaylee Vines, 2nd Place Natalee Grumbley, and 3rd Place Emily Ivey. The winners for 5th grade Boys are: 1st Place Miguel Lopez, 2nd Place David Esparza, 3rd Place Kyle Melton. The winners for the 6th grade girls are: 1st Place Taylor Knighten, 2nd Place Olivia Shoots, 3rd Place Jenny Pham. The winners for 6th grade boys are: 1st Place Bailey Thompson, 2nd Place Osman Valladares, 3rd Place Wil McWatters. Congratulations to all winners!!!

View all Highlights

Print Email

Highlights

Welcome Back, Students!

Supply Lists

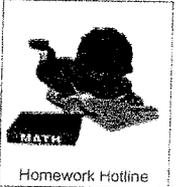
CHRISTIAN MURRAY WINS SCHOLARSHIP!

Archery Club goes to Nationals

Infection Control in the School Setting

Sock Hop

more articles.



Navy Junior Reserve Officer Training Corps
Gulf Shores High School
P.O. Box 3729
Gulf Shores, AL 36547

To Whom it may concern,

It is my pleasure to recommend the Gulf Bowl entertainment center in Foley. I am the Senior Naval Science instructor at Gulf Shores high school and we have had the pleasure of using their facility for the past eight years. We have incorporated bowling into our overall sports program and visit the center around 6 times during the school year.

Our cadets really enjoy bowling. The atmosphere is friendly and fun and I think the staff does their best at making it a great experience. We feel welcome there.

Please contact me at (251) 968-4774 if I can provide any additional information on this fine organization.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce McCandless". The signature is stylized with a large, looping initial "B" and "M".

CDR Bruce McCandless, USN (ret)

City of Daphne,

I am writing on behalf of Gulf Bowl in Foley, Alabama. As a teacher in the Baldwin County I can attest to the quality of management and services to the community of Foley. Gulf Bowl is always willing to help the schools in any way possible. As a parent of two small children I have never had any reservations about taking them to Gulf Bowl. It is a family oriented safe environment. The city of Daphne will be nothing but pleased with what Gulf Bowl will bring to your community.

Sincerely,

Rusty Hinson
Foley Elementary School

Sharon Wright

From: Gulf Bowl [gulfbowl@gulftel.com]
Sent: Wednesday, September 15, 2010 11:57 AM
To: 'Sharon Wright'
Subject: FW: Letter of Support

Here is another one!

From: Smith, Ellyson S. [mailto:essmith@lifesouth.org]
Sent: Wednesday, September 15, 2010 10:57 AM
To: gulfbowl@gulftel.com
Subject: Letter of Support

Sonya:
Please let me know if we can do anything else.
Thanks!
Sommer



Baldwin Region

6451 Merritt Blvd., Suite C
Daphne, AL 36526

(251) 621-9644
(251) 621-9609 Fax
(888) 795-2707

www.lifesouth.org

September 15, 2010

To Whom It May Concern,

We at LifeSouth Community Blood Centers strongly support the expansion of the Gulf Bowl to Daphne, Alabama. Their business has been phenomenal in supporting LifeSouth's mission of supplying blood to our local community hospitals, through hosting blood drives. This family owned, local business is an asset to our community, and we look forward to our future working relationship at their new Daphne location. The owners of The Gulf Bowl truly believe in the value of serving their community's needs, while providing a safe and family oriented recreational area.

By allowing LifeSouth to hold blood drives, The Gulf Bowl in Foley has helped us maintain our local blood supply. The Gulf Bowl expansion to Daphne will benefit the entire community by bringing their 50 years of business savvy, and to Daphne.

Sincerely,

Sommer Smith
Donor Recruiter
essmith@lifesouth.org
Cell: 251.776.8976

Your non-profit community blood center serving hospitals in Florida, Alabama, and Georgia.

Sommer Smith
Donor Consultant



6451 Merritt Blvd Suite-C
Baldwin, AL 36532
Phone: 1-888-795-2707 Ext: 56404
essmith@lifesouth.org
www.lifesouth.org

Connecting our donors to our patients

Message from: essmith@lifesouth.org
Message to: gulfbowl@gulftel.com
Attached files: 0

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September 2010

To Whom It May Concern:

Gulf Bowl has been a very positive addition to Foley. They have been in the area for a very long time and the move to the new location in Foley has made things even better than before. We started a Church Bowling Team 3 years ago and it has brought a lot of people together. I have seen the new location cater to Schools, Youth Groups, Church Groups, Seniors, Men and Woman groups that have a passion for bowling. The arcade is a great place for young and old. The restaurant is a wonderful place for lunch and dinner.

I would support their opening another Bowling Center and think it would benefit any community.

Sincerely,

Cindy Deemer
FUMC Church Financial Secretary
And
Bowler

Sharon Wright

From: Gulf Bowl [gulfbowl@gulftel.com]
Sent: Tuesday, September 07, 2010 1:08 PM
To: 'Sharon Wright'
Subject: FW: Letter CSU

Sharon, here is a letter of support by Columbia Southern University. They have over 400 employees now and expanding.

From: Brittany Berry [mailto:brittany.berry@columbiasouthern.edu]
Sent: Tuesday, September 07, 2010 1:03 PM
To: Gulf Bowl
Subject: RE: Letter

Here you go. ☺

To Whom this may concern:

Columbia Southern University has been working with the Gulf Bowl in Foley, Alabama for the last 3 years. Many of our staff enjoy the facility with family and friends and when we have company events we continue to call on Gulf Bowl. I personally know the owners who continue to go out of their way to make our events a great time. The facility is top of the line with great food and professional staff. Each year we have company events at their facility and it is always a huge success for us. I think having Gulf Bowl in Foley, Alabama has made a huge impact on our community and our company.

Sincerely,

Chantell M. Cooley

Columbia Southern University
Executive Vice President of Admissions/Partnership Development
251-224-0541
800-977-8449 ext 1121
www.columbiasouthern.edu

Brittany Berry

Executive Assistant to the Executive Vice President of Admissions/ Partnership Development
800-977-8449 ext. 1154 | (251) 224-0591- Direct Line
Fax: 251-224-0580
PO Box 3110 | Orange Beach, AL 36561
brittany.berry@columbiasouthern.edu

Become a Partner. Build a Future.
Ask me how to receive a 10 % tuition discount!

DECEMBER 13, 2010
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware.

ABSENT: August Palumbo

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Erick Bussey, Attorney; Adrienne Jones, Planning Director; Vickie Hinman, Human Resource Director.

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

1. EASTERN SHORE CHAMBER OF COMMERCE / BLUE PRINT FOR TOMORROW

Mr. Ray Moore stated that the chamber wanted to come before council this evening to update council on what is going on with the chamber, and where they have been for the last couple of years.

Mr. Joe Bullock summarized the past accomplishments of Blue Print for Tomorrow campaign. The program consisted of five (5) components, and one of them was tourism. The chamber through the Blue Print for Tomorrow established a Tourism Council in 2007. That council was comprised of industry representation across the three (3) cities. This council oversaw the initiative taking place by the tourism industry which accounted for over the period of time of the program approximately \$4 million in local tax revenue, and over three (3) million visitors to the Eastern Shore. They also implemented a program called “The Eastern Shore Offers More” which was a program offering money saving discounts to the local businesses. The transportation component they hired a consultant to study expanding the public transportation system on the Eastern Shore. Working with Baldwin County they helped to establish transportation hubs along the Eastern Shore. The economic development component they establish a Business Academy, and the purpose for this was to provide high quality professional development opportunities on the Eastern Shore. They also performed a feasibility analysis for creating a Technology Park and Research Center on the Eastern Shore. For this initiative, which is referred to as TIC, Technology Innovation Center, where they partnered with the Baldwin County Economic Development Alliance to make sure that that dream becomes a reality, in that it, in fact, is located on the Eastern Shore. The education component through chamber volunteers they presented the Choices Decision Making Program to 68 seventh grade classrooms along the Eastern Shore. They also instituted the Step Program for high school students which would give them an overview of the high demand jobs that they will be experiencing in our area in the future. The government affairs component where they sponsored a resolution with the Baldwin County Commission establishing an annual forum bringing together the three cities on the Eastern Shore to work on like projects. They established the annual Eastern Shore Legislative Agenda and forums to discuss issues facing local businesses including property insurance. In his opinion Blue Print for Tomorrow has been wildly successful. He thanked the City of Daphne for supporting this program.

Mrs. Beverly Allen was here for three (3) reasons. First she is a past president of the chamber, second she has been a resident of Daphne for 31 years, and third she has had a business in Daphne for the past 24 years. She also supports the Blue Print for Tomorrow, and has pledged to commit to the chamber for the next five (5) years in writing, so she is financially committed to it also. She

reviewed the outline for the Blue Print for a Better Tomorrow. There was a feasibility study done where 100 community leaders and community business leaders were interviewed to see what the most important things were to those people for the Eastern Shore over the next five (5) years, and they were: economic development and work force development, tourism and public and community affairs. They set off a five (5) year goal of objectives from 2011-2015. A couple of important parts of those objectives are that they are looking at creating 330 new and indirect jobs, create a minimum of \$5.5 million in new capital investments, help to generate \$7.4 million in additional payroll, create \$400,000 in new tax revenues and expand and enhance the county work force by training 750 students.

Ms. Darrelyn Bender said that there have been many, many man hours that have gone into these past five (5) years, and the upcoming five (5) years. She pointed out that she hears that Daphne does not have a tourism base, but when you look at the hotels that have been built in this area the city has a huge, huge investment in tourism. A report from the State of Alabama Tourism Department shows that there is an impact on this area with tourism. This is the time that they need to work together to market the area. She summarized the campaign that they are working on for tourism on the Eastern Shore. She described the ads that will appear in newspapers in Huntsville, Birmingham and Montgomery. She said that this all takes money. The two (2) things that the chamber will not back off of is economic development and tourism.

2. JUBILEE SQUARE RECIPORCAL EASEMENT AND OPERATION AGREEMENT

Ms. Missty Grey who has worked on this agreement was not present to discuss the agreement due to illness. Council President Barnette deferred the agreement to the January work session.

3. SELF-INSURE / VICKIE HINMAN, HUMAN RESOURCE DIRECTOR

Mr. James Rowland with Occidental Benefits gave the presentation. He pointed out that the city would keep the same plan design, but there would be significant savings by going with partial-self-insure. If the city had been self-insured for the last four (4) years the savings would have been \$526,852.80. If the city went to self-insure next year the savings would be approximately \$178,000.

The consensus of council was to send the proposal to the Finance Committee for a recommendation, and then bring to council.

4. BP MONEY / REALLOCATION

Council requested the following information regarding the BP grants from Mayor Small:

1. A copy of the grant submission for both grants detailing how funds were to be spent, and what the city presented for support
2. How much and on what have funds been spent to date (by grant award)
3. What was requested and to whom with regard to re-allocation of funds

Mayor Small stated that there was \$531,000 remaining as of November 30th.

Councilman Boulware requested that this information be presented at the January Finance Committee meeting.

4. GOLF COURSE ZONING

Mrs. Adrienne Jones presented the information regarding the zoning for the golf course areas.

Councilman Scott pointed out that golf courses do not automatically receive the golf course zoning that they would have to come in and apply for that zoning, otherwise, they remain at whatever zoning they have presently.

Council discussed waiving the application fee if they should want to apply for rezoning. They asked the City Attorney to check to see if that was possible.

Council discussed the zoning map saying that there really was not a reason not to vote on the zoning map since it is just updating the map of actions already taken by council.

Council President Barnette requested that the zoning map be placed on the agenda for Monday.

Council President Barnette allowed a member of the audience to speak.

Mr. Clint Jones – Daphne – New York Life Insurance Company - requested to be a part of the self-insure discussions. He said that he had talked with Human Resources before regarding this, but after a while they would not return his calls.

Council President Barnette stated that they are always looking for options.

The Finance Committee members and the rest of the council were agreeable to talk with Mr. Jones, and have him come to the Finance meeting.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 8:11 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**August A. Palumbo,
Council President**

PUBLIC HEARING LIST
FOR COUNCIL MEETING
DECEMBER 20, 2010

TO CONSIDER:

- 1.) **Rezone:** Big Sandy / 0.72 acres
Located: Southeast of the intersection of U.S. Highway 98 and Johnson Rd.
Present Zoning: B-2, General Business
Requested Zoning: R-4, High Density Multi-Family Residential District
Planning Commission Recommendation: Unanimous Favorable

- 2.) **Rezone:** TDG Lake Forest, LLC / 2.92 (B-1) acres & 3.39 acres (R-3)
Located: Southeast of Van Buren Street and North Main Street
Present Zoning: B-1, Local Business and R-3, High Density Single Family Residential District
Requested Zoning: R-4, High Density Multi-Family Residential District
Planning Commission Recommendation: Unfavorable / Six members present / Five members voted in the affirmative and one dissented. A supermajority is required for a favorable recommendation

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Big Sandy, L.L.C.
Zoning Amendment Review
Date: November 2, 2010

MEMORANDUM

PRESENT ZONING: B-2, General Business, City of Daphne

PROPOSED ZONING: R-4, High Density Multi-Family
District, City of Daphne

LOCATION: Southeast of the intersection of U. S.
Highway 98 and Johnson Road

RECOMMENDATION: At the Thursday, October 28, 2010,
regular meeting of the Daphne Planning
Commission, six members were present
and the motion to recommend approval
carried unanimously.

The appropriate documentation and action of the Planning Commission has been provided to the City Attorney for preparation of the ordinance. Upon receipt of said documentation, please place on the appropriate City Council agenda to set the public hearing for Monday, December 20, 2010.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Review
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners' list

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

Big Sandy, L.L.C

B-2 TO R-4

Big Sandy, LLC. proposes to rezone a 0.72 acre parcel from B-2 General Business to R-4 Multi-family residential zone. According to the overall master plan, the property will be used as the primary access point for a 256 unit apartment development community.

The proposed zoning district is consistent with existing R-4, Multi-family zoning on the adjoining property to the south/east.

The Future Land Use Map designates the subject property as residential, thus the proposal is consistent with the Comprehensive plan.

Recommendation: Approval.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 210-05 Date Plat Submitted: Sept. 28, 2010

Date Presented: Oct. 28, 2010

Name of Owner: Big Sandy, LLC

Address: 169 Dauphin Street, Suite 101, Mobile, AL 36602 Telephone #251-432-2520
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Hutchinson, Moore & Rauch, LLC

Address: Post Office Box 1127 Daphne AL 36526 Telephone #251-626-2626
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Springs at Eastern Shore, Replat of Lot 1

Lot(s): _____ Unit _____

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

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

List of the names and mailing addresses for the adjacent property owners (Date Submitted: Sept. 28, 10).

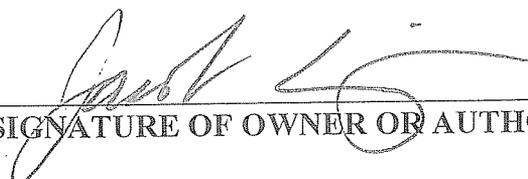
Meeting Dates:

Planning Commission: Oct. 28, 10

City Council: Dec 20, 10

Reason(s) for requesting the Zoning Amendment:

(outparcel)
To allow lot to be subdivided into Lot 1 of Springs at Eastern Shore



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

a) Address _____

b) Name of Subdivision Springs at Eastern Shore, Replat of lot 1

c) Lot numbers involved in change 1

d) Total acreage of change 0.72

e) Recorded in Map Book _____ Page _____

f) Owned in whole by the undersigned? Yes

g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

a) Present classification of property B2

b) Reclassification desired R4

c) Character of neighborhood business/residential

3) Certifications:

a) Owner's Name Jacob Cunningham - Big Sandy, LLC

b) Address 169 Dauphin Street, Suite 101, Mobile, AL 36526

c) Telephone Number 251-432-2520

d) Date September 23, 2010



Signature of Property Owner

AGREEMENT

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

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

9/23/10
Date

Jack L...
Signature of Property Owner

BIG SANDY, L.L.C.
ZONING AMENDMENT REVIEW

800' SOUTH OF JOHNSON ROAD EAST OF HIGHWAY 98
EXHIBIT "A"

(RESUBDIVISION OF LOT 1, SPRINGS AT EASTERN SHORE)

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

PROJECT REFERENCE: SPRINGS AT EASTERN SHORE

ADJACENT PROPERTY OWNERS
SPRINGS AT EASTERN SHORE

Suzanne D Parsons
85 Fairway Drive
Birmingham, AL 35213
05-43-09-29-2-000-036.003

Mary Ellen Wood
713 Daphmont Drive
Daphne, AL 36526
05-43-09-29-1-000-087.000

Cococay, LLC
602 Highway 98
Daphne, AL 36526
05-43-09-29-2-000-036.006

Tina Alexander
Post Office Box 2632
Daphne, AL 36526
05-43-09-29-2-000-003.002
05-43-09-29-2-000-003.004

Norma L Altamirano
10082 Bay Haven Circle
Fairhope, AL 36532
05-43-09-29-2-000-035.000

Otis & Frederick Pickett
Post Office Box 69
Daphne, AL 36526
05-43-09-29-2-000-007.000

Michael Mitchell
2458 Friar Lane
Mobile, AL 36605
05-43-09-29-2-000-034.000

WPNVA, LLC
Post Office Box 7475
Mobile, AL 36670
05-43-09-29-2-000-008.000

Willie Mae Williams
Post Office Box 1065
Daphne, AL 36526
05-43-09-29-2-000-030.000

Ida Jean Reed
110 Valrie Lane
Daphne, AL 36526
05-43-09-29-2-000-029.001

Linda and Larry Howard
Post Office Box 817
Daphne, AL 36526
05-43-09-29-2-000-028.000

Jordan Investments, LLC
Post Office Box 2747
Mobile, AL 36652-2747
05-43-09-29-1-000-093.000

Robert and Monya Johnson
1960 Story Road
San Jose, CA 95122
05-43-09-29-1-000-090.000

Universal Brokers Realty Inc. of San Jose
1960 Story Road
San Jose, CA 95122
05-43-09-29-1-000-088.000

ORDINANCE NO. 2010-

**Ordinance to Rezone Property Located Southeast of the
Intersection of U.S. 98 and Johnson Road
Big Sandy, LLC
(0.72 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4 High Density Multi-Family Residential District, to said property is located, southeast of the intersection of U.S. Highway 98 and Johnson Road being more particularly described as follows:

Legal Description:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

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

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: TDG Lake Forest, L.L.C.
Zoning Amendment Review
Date: November 2, 2010

MEMORANDUM

PRESENT ZONING: B-1, Local Business, and R-3, High Density Single Family Residential, City of Daphne

PROPOSED ZONING: R-4, High Density Multi-Family District, City of Daphne

LOCATION: Southeast of Van Buren Street and North Main Street

RECOMMENDATION: At the Thursday, October 28, 2010, regular meeting of the Daphne Planning Commission, six members were present and the motion to recommend approval failed. Five members voted in the affirmative and one dissented. Although the majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

The appropriate documentation and action of the Daphne Planning Commission has been provided to the City Attorney for preparation of the ordinance. Upon receipt of said documentation, please place on the appropriate City Council agenda to set the public hearing for Monday, December 20, 2010.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Review
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners' list

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

TDG LAKE FOREST, L.L.C

B-1 TO R-4

&

R-3 TO R-4

TDG Lake Forest, LLC proposes to rezone Lake Forest Apartments, a 6.31 acre site, from B-1 and R-3 to R-4 Multi-family zoning. The apartments were originally developed in 1979 and were subsequently annexed into the City of Daphne.

According to Article 9-2 of the Land Use & Development Ordinance, *Nonconforming Use*, the entire development is classified as a grandfathered non-conforming use.

The density of the existing complex (20 units/acre) exceeds the maximum allowable density of R-4, Multi-family district (14 units/acre). If the property is rezoned, the apartment use would be in compliance with R-4 zoning; however the *density will be noncompliant*.

A subsequent submittal to the Daphne Board of Zoning Adjustment requesting a variance in the allowable density of the site from 14 units per acre to 20 units per acre would be necessary. In 2007, building #3 was destroyed in a fire. All that currently remains of the building is a concrete slab. At 14 units per acre, building #3 cannot be reconstructed nor could any future unit which may be destroyed be re-built.

The Future Land Use Map designates the subject property as residential, thus the proposal is consistent with the Comprehensive plan.

Zoning Recommendation: Approval.

Subsequent Recommendation: Replat the property to combine the fragmented sites into one lot of record.

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address 500 JACKSON ST. DAPHNE AL 36532
- b) Name of Subdivision _____
- c) Lot numbers involved in change N/A
- d) Total acreage of change 6.31 AC 2.92, 3.39
- e) Recorded in Map Book N/A Page _____
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-3 & B-1
- b) Reclassification desired R-4 MF.
- c) Character of neighborhood BUSINESS MULTIFAMILY AND SINGLE FAMILY RESIDENTIAL

3) Certifications:

- a) Owner's Name TDG LAKE FOREST, LLC
- b) Address 2304 LAKESHORE DR SUITE 425 BIRMINGHAM AL 35209
- c) Telephone Number 205-503-4000
- d) Date 9/23/2010

Signature of Property Owner

Signature of Property Owner

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z10-04

Date Plat Submitted: Sept. 28, 2010

Date Presented: Oct. 28, 2010

Name of Owner: TDG LAKE FOREST, LLC

Address: 2204 LAKESHORE DR SUITE 425 BIRMINGHAM AL 35209 Telephone# 205-503-4000
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: EDS LLC

Address: 9499 BELLATON AVE DAPHNE, AL 36526 Telephone# 626-2122
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Reference: lake forest apartments

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 09/28/10).

Meeting Dates:

Planning Commission: Sept. 28, 2010

City Council: Dec. 20, 2010

Reason(s) for requesting the Zoning Amendment:

TO CHANGE ZONING TO MATCH CURRENT AND FUTURE LAND USE - PROPERTY HAS CONTAINED APARTMENTS SINCE 1979

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

AGREEMENT

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

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

9/24/10

Date



Signature of Property Owner

**TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)**

ZONING AMENDMENT

**SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET**

EXHIBIT "A"

**B-1, LOCAL BUSINESS, TO R-4, HIGH DENSITY
MULTI-FAMILY RESIDENTIAL
(2.92 ACRES)**

LEGAL DESCRIPTION:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.

TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)
ZONING AMENDMENT

SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET

EXHIBIT "A"

**R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL, TO R-4 HIGH DENSITY
MULTI-FAMILY RESIDENTIAL (3.39 ACRES)**

LEGAL DESCRIPTION:

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

TDG LAKE FOREST, LLC
REZONING
ADJ PROPOERTY OWNERS

BAUER, THERESA D
117 WINDSOR DR
DAPHNE AL 36526

BENNETT, JEAN D
28091 LAKEVIEW DRIVE
DAPHNE AL 36526

BOOTH, BARRY L
P O BOX 7406 PORTER VAN BUREN
SPANISH FORT AL 36577

BOOTH, BARRY L
P O BOX 7406 LF CORNER
SPANISH FORT AL 36577

BOOTH, STACY ETAL SUTHERLAND, R
MARK
P O BOX 1
MONTROSE AL 36559

BROWNING, CHRISTOPHER ETAL
BROWNING, TAR
111 WINDSOR DR
DAPHNE AL 36526

BROWNING, ELLIS GAINES III
115 WINDSOR DRIVE
DAPHNE AL 36526

EDS
9949 BELLATON AVE
DAPHNE AL 36526

FIRST-CITIZENS BANK & TRUST
COMPANY
515 S FLOWER STREET SUITE 1200
LOS ANGELES CA 90071

GIBBONS, HOWELL EUGENE
4309 PACKINGHAM DR
MOBILE AL 36609

GODWIN, STEVEN MARK
28620 NORTH MAIN ST
DAPHNE AL 36526

H & M RENTALS INC
P O BOX 7896
SPANISH FORT AL 36527

JUBILEE POINTE L L C
P O BOX 2613
MOBILE AL 36652

LAM, KIN ETAL BING, OU YOU
9286 OTTAWA DR
DAPHNE AL 36526

LOGAN, JEFFERY L
107 EAGLE DR
DAPHNE AL 36526

LUNA, JAMES ANTHONY ETAL LUNA,
JESSICA L
109 EAGLE DRIVE
DAPHNE AL 36527

MILLER, JANICE W ETAL HARRIS,
ASHLEIGH J
28550 SPINNAKER RUN N
DAPHNE AL 36526

MILLS, W MARVIN & JEAN
105 WINDSOR DRIVE
DAPHNE AL 36526

MITCHELL, ROBERT A
111 EAGLE DRIVE
DAPHNE AL 36526

RANDALL, BUDDY E
P O BOX 2328
DAPHNE AL 36526

SLADE, ROBERT M ETAL SLADE,
REBECCA
109 WINDSOR DRIVE
DAPHNE AL 36526

SLJ CAPITAL L L C
P O BOX 397
SUMMERDALE AL 36580

TDG LAKE FOREST, LLC
2204 LAKESHORE DR SUITE 425
BIRMINGHAM AL 35209

WHITE, MICHAEL D & CONNIE A
105 EAGLE DR
DAPHNE AL 36526

WILLIAMS, LEROY A
113 WINDSOR DRIVE
DAPHNE AL 36526

ARBACZAUSKAS, STANISLAUS ETAL
ARBACZAUSK
1616 WINDSOR DRIVE
DAPHNE AL 36526

ASKELSON, ROBERT
33 GENERAL CANBY DR
SPANISH FORT AL 36527

TDG Lake Forest, L.L.C.

Citizen Concern



BARRY LEE BOOTH, D.M.D.
PROFESSIONAL CORPORATION
POST OFFICE BOX 7406
SPANISH FORT, AL 36577-7406

Adrienne D. Jones
Director of Community Development
Daphne, Alabama

October 28, 2010

Dear Ms. Jones,

In response to the request for rezoning for Lake Forest Apartments, I would like for the P & Z to consider the problem of Van Buren Street parking.

I believe this situation is not in compliance with the existing parking requirements.

I do not oppose the rezoning but I do ask that Van Buren Street be restored to the right of way boundaries.

Respectfully

Barry Lee Booth, D.M.D.

ORDINANCE NO. 2010-

**Ordinance to Rezone Property Located Southeast of
Van Buren Street and North Main Street
TDG Lake Forest, LLC
(2.92 Acres and 3.39 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to R-4, High Density Multi-Family Residential District, to said property is located, southeast of Van Buren Street and North Main Street being more particularly described as follows:

B-1 - Legal Description:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.
LEGAL DESCRIPTION:

R-3 - Legal Description: 3.39 Acres

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an unfavorable 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 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**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 13, 2010
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:06 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Senior Accountant Suz anne Henson, and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, and Civic Center Director Margaret Thigpen.

II. PUBLIC PARTICIPATION

There was no public participation.

III. HUMAN RESOURCES BUSINESS

Ms. Vickie Hinman, Human Resources Director, presented the Human Resources activity update. The Revenue Officer and the the PT School Crossing Guard positions have also been filled with start dates of January 3, 2011, and December 16, 2010, respectively. The vacant Recreation Program Coordinator position has been reposted externally. A more detailed list of additional duties and responsibilities have been included in the job description for the external posting. This vacancy was advertised as an internal vacancy, but was not filled.

The next Safety Committee meeting will be Wednesday, December 15 at 8:15 a.m. and the Museum is the City building scheduled to be inspected in December.

Other projects include attending another Health Reform seminar on December 2; presenting comparisons of self-insured versus fully-insured at the Council work session tonight; and preparation of year end reports for payroll and benefits. Also, Ms. Hinman has been named to be on the Baldwin County Society for Human Resources Management Board.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Requests

1. Parts Technician Grade 6NE to Admin Tech Grade 9NE

Ms. Hinman discussed the Parts Technician position that was sent to Archer Company for review in September. Archer has recommended the job be reclassified as an Admin Tech position. Ms. Henson noted that the person in this position handles the bulk of all City invoices, manages the Mechanical Shop inventory, purchasing of new parts and parts monitoring and security, fuel system monitoring, and entering of all Repair Orders in the Mechanical Shop's vehicle maintenance software. Mr. Johnson discussed that this department lost an Accounting Tech position whose duties have been absorbed by the Parts Technician. The annual cost of this reclassification is estimated at \$2,790.

Motion by Mr. Scott to recommend Council adopt an ordinance approving the reclassification of the Parts Technician Grade 6NE position to an Admin Tech Grade 9NE position at an annual cost of \$2,790. Seconded by Mr. Yelding. Motion carried.

2. Audio Visual Manager Grade 16NE to Operations Manager Grade 18NE – Annual Cost \$4,841

Ms. Margaret Thigpen had requested Archer Company review the new job duties of the Audio Visual Manager and they have recommended it be reclassified as an Operations Manager.

3. (2) Sales Assistants Grade 9NE to (1) Sales Manager Grade 17E

Ms. Thigpen presented her request to change the two sales assistant positions to one sales manager position. She believes it will help to get a qualified and experienced person who can market our facilities. It was noted that both Sales Assistant Positions are currently vacant. This change will save an estimated \$18,982 per year.

Motion by Mr. Scott to recommend Council adopt an ordinance approving the reclassification of the Audio Visual Manager Grade 9NE to an Operations Manager Grade 18NE at an annual cost of \$4,841, and the change of two Sales Assistant Grade 9NE positions to one Sales Manager Grade 17E position at an annual savings of \$18,982. Seconded by Mr. Yelding. Motion carried.

4. Centennial Park Gazebo - \$10,751 - \$12,799

A request from the Public Works Committee to construct a gazebo at Centennial Park was discussed. Mr. Johnson presented a proposal for a “ready-to-assemble” gazebo for \$9,974 plus \$1,218 shipping that could be installed by our Public Works staff for an estimated \$1,606.58, or a total cost of \$12,798.58. He noted this was much less than the estimated \$23,000 to build one. Mr. Yelding referred to the minutes of the Public Works Committee where he objected to investing in a gazebo for Centennial Park before bathrooms were built at Park City Park. He noted this was on the agenda three or four years ago and was never built. It was discussed that approximately \$46,000 has been encumbered for these bathrooms (*\$45,549.30 is encumbered*). Mr. Johnson noted that he would research available plans to build the bathrooms and felt the bathrooms could be constructed for the encumbered amount. Mr. Scott stated that he would not support the gazebo without the bathrooms being built also. Mr. Boulware suggested that if the money is encumbered, the Council consider both projects.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$12,798.58 for a gazebo at Centennial Park and using the \$45,549 encumbered funds to build bathrooms at Park City Park. Seconded by Mr. Scott. Motion carried.

B. Bids

2011-F-CROWD CONTROL BARRICADES

Eight bid invitations were sent out, with one sealed bid received. It was noted that barricades are part of the approved equipment to be purchased with BP monies.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2011-F-CROWD CONTROL BARRICADES to Friedrichs Custom MFS, Inc. at a cost of \$97.00 each for quantities of 100+ and \$104.50 each for quantities less than 100. Seconded by Mr. Yelding. Motion carried.

C. Declare City Property Surplus:

The following vehicle was presented for surplus:

Dept	Tag/Veh#	Description	Vin # / Serial #
Street	1320	1990 Ford F350 Crew PU	2FTJW35H9LCA43610

Motion by Mr. Yelding to recommend Council adopt a resolution declaring the listed property surplus and authorizing the Mayor to dispose of such equipment. Seconded by Mr. Scott. Motion carried.

V. CURRENT BUSINESS

Delinquent Garbage Collection Update

Mr. Johnson gave an update on the delinquent garbage collections. He stated that PW evaluated past due accounts and agreed to only go back three years for collection attempts. Mr. Johnson noted that a few delinquent accounts have been cleared up. He noted that he had a meeting scheduled with Daphne Utilities at 2 p.m. today, but they cancelled today. Mr. Johnson noted that determining how payments on past due accounts have been applied and making sure the City gets a portion of partial payments made are major concerns. Mr. Johnson has implemented new procedures for any new delinquent accounts to try to clear them up as soon as possible.

VI. FINANCIAL REPORTS

A. Treasurer's Report: November 30, 2010

The Treasurer's Report totaling \$17,873,631.16 was presented. Ms. Henson noted that \$2,000,000 has been moved from the MMA account to the City's investment account. Mr. Scott asked that the investment account balance be added to the Treasurer's Report.

Motion by Mr. Yelding to accept the Treasurer's Report as of November 30, 2010, in the amount of \$17,873,631.16. Seconded by Mr. Scott. Motion carried.

B. Sales and Use Taxes: October 31, 2010

Sales and Use Tax Collected for October 2010 is \$800,277.

C. Lodging Tax Collections, October 31, 2010

The Lodging Tax Collections report shows \$56,001.39 collected for October 2010.

D. Report: New Business Licenses – November 2010

A report showing new businesses licensed in the City for the month of November was presented.

E. Bills Paid Reports – November 2010

The November Bills Paid Report for FY 2010 was included in Packet #2 and the November Bills Paid Report for FY 2011 was included in Packet #2-A.

VII. ADJOURN The meeting was adjourned at 5 p.m.

Fred Small
Mayor

Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

The Jubilee City

December 13, 2010

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Jobs Announced

Apps Received

Status

Revenue Officer

DOH – Jan 3, 2010

PT School Crossing Guard

DOH – Dec. 16, 2010

Recreation Program Coord.

Re-Posted:Dec.7-Dec. 21

Safety Committee:

Next meeting will be Wednesday, December 15, 2010 at 8:15 a.m.

City Building Inspection of Museum in month of December

Human Resources Department Projects:

Health Reform seminar – December 2, 2010

December 13 Work Session – Occidental Benefits/Chappelle Consulting presentation

Researching insurance plans and costs for upcoming budget year

End of year reports in payroll and benefits

Baldwin County SHRM

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3075 Fax: (251) 621-4506

**Buildings & Property Committee Meeting
Monday, December 6, 2010 5:00 PM
Daphne City Hall**

Committee

Councilman John Lake
Councilman August A. Palumbo
Mayor Fred Small
Richard Merchant, Building Inspector
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Councilman Gus Palumbo, Mayor Fred Small, Richard Johnson, Public Works Director, Frank Barnett, Maintenance Supervisor, Margaret Thigpen, Civic Center Director, Jane Robbins, Richard Merchant & Ashley Campbell Building Department.

Meeting began around 5:15 pm.

Minutes from November Meeting: Motion made to approve minutes from November Meeting. Approved.

Civic Center Report – Margaret Thigpen reported on the following items:

Civic Center & Bayfront:

Margaret proposed the following staff changes:

AV Manager =	\$35,531+	Operations Manager =	\$39,747+
Admin Sec. =	\$29,162+	Admin. Sec. =	\$36,892+
(2) Sales Asst's =	<u>\$61,772+</u>	(1) Sales Manager =	<u>\$33,982+</u>
	\$126,465+		\$110,621+

She believes this will be a good move to get a “seasoned” person that has worked this industry to help/solicit booking meetings/events.

Gus asked would this cut/adjustment in staff be sufficient in the year(s) down the road when things pick up more and Margaret said yes she felt like it would be sufficient. He asked Ms. Hinman, Human Resource Director would it need to go to council and she said yes. **Mayor Small made a motion (Gus made second – motion carried) that this staff change proposal go the Finance Committee with a favorable recommendation and from Finance to Council for approval.**

"LW-A-HEX" Laminated Wood - Arch - Hexagon
Formerly the "SC-HEX" Model



www.rcpshelters.com

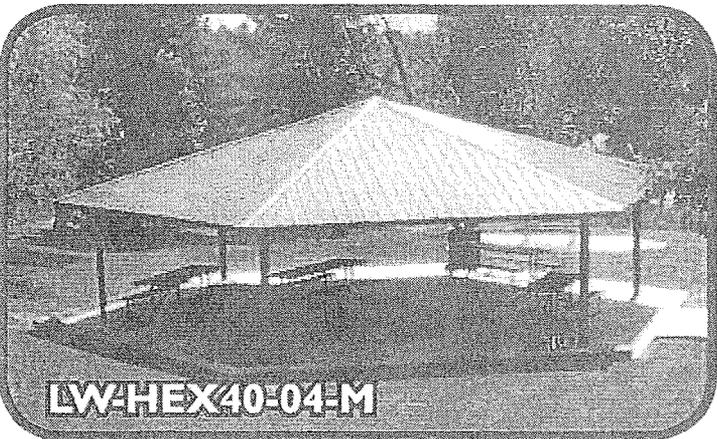


"LW-HEX" Laminated Wood - Hexagon

Formerly the "JB" Model

RCP

www.rcpshefters.com



"SLF-HEX" Steel Frame - Hexagon



www.rcpsheeters.com



SLF-HEX30-04

Standard Features

- Prime Painted Tube Steel Frame
- #1 2x8 T&G SYP Roof Deck, S/L
- #1 2x6 Treated SYP Fascia
- 4:12 or 6:12 Roof Pitch
- All Hidden Fasteners
- Engineered to Local Code

Optional Features

- State Certified Drawings
- Finish Painted Tube Steel Frame
- Powder Coated Tube Steel Frame
- Galvanized Tube Steel Frame
- Round Columns
- Decorative Column Collars
- Factory Stain (Deck/Fascia)
- Cedar Deck or Fascia
- 30 Year Shingle Roofing
- 26 Gauge Metal Roofing
- True Standing Seam Metal Roofing
- Other Roof Pitch Options Available
- Redwood Louvered Cupola
- 2" Tier Superstructure
- Steel Overhead Ornamentation, Railings, or Benches
- Partially or Fully Enclosed (see pg. 54)

Hexagon Diameters

12'	16'	18'	20'	24'	25'	28'	30'	32'
34'	36'	38'	40'	42'	48'	50'	60'	65'

Custom sizes available upon request



SLF-HEX16-04-5V



SLF-HEX30-04-5V



J.A. Dawson & Co., Inc.
 P.O. BOX 1178
 PELHAM, AL 35124
 PHONE: (205)663-5058, (800)221-8869 FAX: (205)663-5012
 WEB: www.jadawsonco.com EMAIL: info@jadawsonco.com

QUOTE

#Q100902R

DATE: 10/1/10

BY: PATRICK RICE

PRICE@JADAWSONCO.COM

BILL TO:

City of Daphne
 Attn: Frank Barrent
 1705 Main Street
 Daphne, AL 36526
 Phone: 251-621-3182 Fax: 251-621-3185

SHIP TO:

City of Daphne
 Attn: Frank Barrent
 1705 Main Street
 Daphne, AL 36526
 Phone: 251-621-3182 Fax: 251-621-3185

RE: DAPHNE SHELTER PRICING

QTY	MODEL #	DESCRIPTION	EACH	TOTAL
1	6S24-2T	24' All Steel Two Tier Six Sided Shelter w/ 24 GA. R Panel Steel Roof	\$9,974.00	\$9,974.00
1	RAIL	Railing Per Section	ADD	\$308.00
1	6S25-2T	25' All Steel Two Tier Six Sided Shelter w/ 24 GA. R Panel Steel Roof	\$10,791.25	\$10,791.25
1	RAIL	Railing Per Section	ADD	\$360.00
1	6S28-2T	28' All Steel Two Tier Six Sided Shelter w/ 24 GA. R Panel Steel Roof	\$12,367.50	\$12,367.50
1	RAIL	Railing Per Section	ADD	\$360.00
1	FRT	Freight for any One	ADD	\$1,218.00
		Installation of Any One Structure	ADD	\$10,571.00
		Installation by MDS Construction, Fairhope, AL		
		For drawings, calculations, and footers, add \$1,150.00 per Design.		
		All Items by Litchfield Landscape Elements		

NOTES: SALES TAX WILL BE ADDED TO INVOICE UNLESS PROOF OF EXEMPTION IS PROVIDED. **PRICE DOES NOT INCLUDE INSTALLATION OR UNLOADING UNLESS CONTRACTED.** IF CONTRACTING INSTALLATION, CUSTOMER IS RESPONSIBLE FOR LOCATING AND MARKING UTILITY LINES. READ ATTACHED TERMS AND CONDITIONS FOR IMPORTANT ADDITIONAL DETAILS.

J.A. DAWSON & CO., INC. DATE CUSTOMER DATE P.O. NUMBER

PRICES ARE FIRM FOR 30 DAYS. ORDERS WILL SHIP IN APPX. 45-60 DAYS AFTER RECEIPT OF COMPLETE ORDER, WITH DELIVERY WITHIN APPX. 10 DAYS OF SHIPMENT. ACCEPTANCE OF THIS QUOTE INDICATES YOUR AGREEMENT TO J. A. DAWSON'S TERMS- NET 30 DAYS FOB SHIPPING WITH APPROVED CREDIT. SIGNED P.O. OR THIS SIGNED QUOTATION (ALL PAGES) REQUIRED FOR ALL ORDERS. **PLEASE READ ATTACHED TERMS AND CONDITIONS.**

Thank you for your business!

PAGE 1 OF 2



J.A. Dawson & Co., Inc.

P.O. BOX 1178

PELHAM, AL 35124

PHONE: (205)663-5058, (800)221-8869 FAX: (205)663-5012

WEB: www.jadawsonco.com EMAIL: info@jadawsonco.com

QUOTE

#Q100902R

DATE: 10/1/10

BY: PATRICK RICE

PRICE@JADAWSONCO.COM

BILL TO:

City of Daphne

Attn: Frank Barrent

SHIP TO:

City of Daphne

Attn: Frank Barrent

**** STANDARD TERMS AND CONDITIONS ****

THE FOLLOWING APPLY WITHOUT EXCEPTION UNLESS EXPRESSLY STATED OTHERWISE ON THIS QUOTE.

TERMS AND CONDITIONS OF SALE

Required for Complete Order: Purchase Order or signed quote, credit approval, complete billing & shipping address w/ contact names and phone numbers, and color selections. Contractors provide fully executed bid/performance/payments bonds as applicable.

Acceptance of this Transaction: constitutes entire agreement between buyer and seller. Failure to pay when agreed is basis for legal action to be taken. Buyer agrees to pay all legal costs for collection and reasonable attorney fees, and hereby waives rights of exemption as to personal property under the laws of the state of Alabama or any other state. In connection with this transaction, a finance charge will be imposed on the past due balance at an annual percentage rate of 18%, or 1-1/2% per month.

Delivery Schedule: Upon written notification of order (with or without installation services) delivery will be made in approx. 45-60 days. Customer has 10 days after ordering to make request to delay ship date if site will not be ready. All efforts will be made to accommodate requests, but no change is guaranteed. Freight carrier is instructed to call 24 hours in advance to arrange delivery.

Unloading: Unless unloading service is contracted, unloading of delivery truck is responsibility of customer. Forklift may be required. If unloading, customer is responsible for accepting and noting any damages or shortages on the freight bill and inspecting/inventorying equipment upon receipt. Customer must notify our office immediately of any discrepancies. Freight carrier is instructed to call your designated contact 24 hours in advance to arrange delivery. If job site is not prepared and ready for installation when equipment delivers, any pre-existing unloading agreement is voided and customer is responsible for truck unloading and equipment storage.

Additionally Insured: Any entity or person named as additionally insured, add \$150.00 per each occurrence.

TERMS AND CONDITIONS IF CONTRACTING INSTALLATION SERVICES

Utilities: Customer is responsible for the location and marking of all underground utilities and sprinklers prior to installation. J.A. Dawson & Co., Inc. is not responsible for damages or repairs to any form of underground utility or sprinklers.

Equipment Layout: To be as illustrated & accepted on submitted drawings. Any requested changes may result in additional charges.

Site Conditions: Installation quotations are based on a prepared level surface (slope not to exceed 1/2" over 25'), and open truck access to the area. We require a 10' wide path into the site and unloaded equipment to be within 100'. Please notify estimator of site concerns to ensure proper quotation. If installation crew arrives and installation cannot be performed due to unprepared surface or inadequate access, an additional \$1,500.00 will be charged for return trip. Pier spoils from installation shall be spread at site. Site will be left rough grade. Upcharge of \$65.00 per hour per man plus necessary equipment rental will be added for installation in rock, concrete or existing asphalt. Removal of existing equipment, trees, etc. by others unless specifically contracted.

Machinery Use: Installation requires the use of heavy machinery. All efforts are made to minimize damage to the site. It is recommended that all final landscaping, fencing, sidewalks, etc. be completed after installation of equipment and/or surfacing. J.A. Dawson & Co., Inc. is not responsible for damage to grass or other site features due to normal, necessary equipment use. Please notify estimator to discuss concerns prior to accepting quotation in case revisions are needed.

Waste Disposal: Dumpster or approved dumping area must be provided for packaging and other waste during installation. J.A. Dawson & Co., Inc. is not responsible for removing waste from the property unless specifically contracted.

Security: J.A. Dawson & Co., Inc. is pleased to supply & install your equipment in a timely, professional manner. Upon completion, the equipment is secured with tape to discourage play and allow concrete to dry for 72 hours. Premature play will cause equipment to become loose in the concrete footings. Customer is responsible for prohibiting access to equipment during this critical drying time. J.A. Dawson & Co., Inc. is not responsible for equipment that becomes loose in the concrete due to premature access or events beyond our control. If purchasing rubber safety surfacing, the 72 hour waiting period also applies. Premature access will leave imprints in rubber surfacing. Customer is responsible for security.

J.A. DAWSON & CO., INC.

DATE

CUSTOMER

DATE

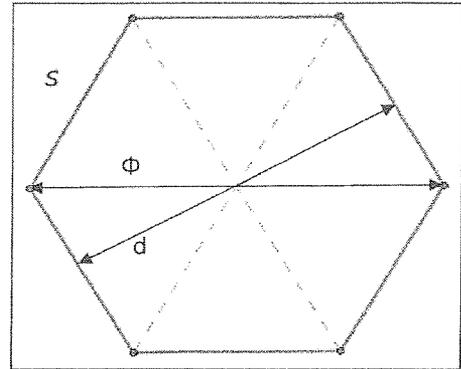
P.O. NUMBER

Thank you for your business!

PAGE 2 OF 2

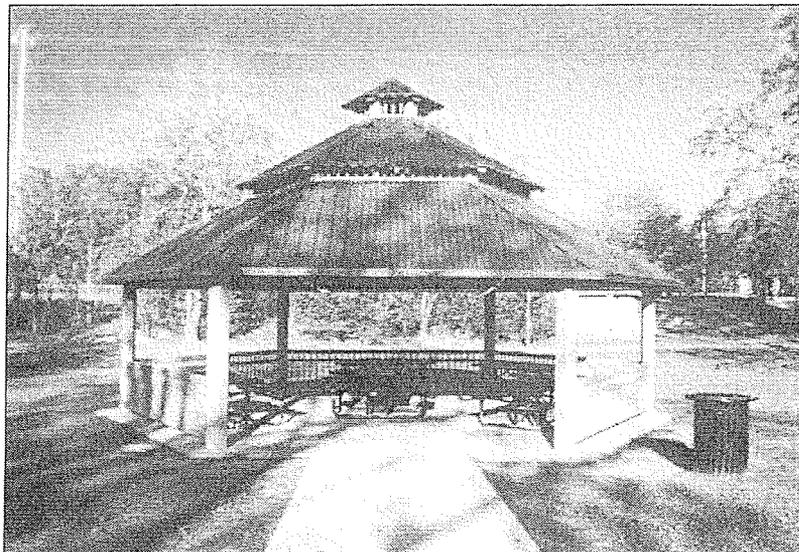
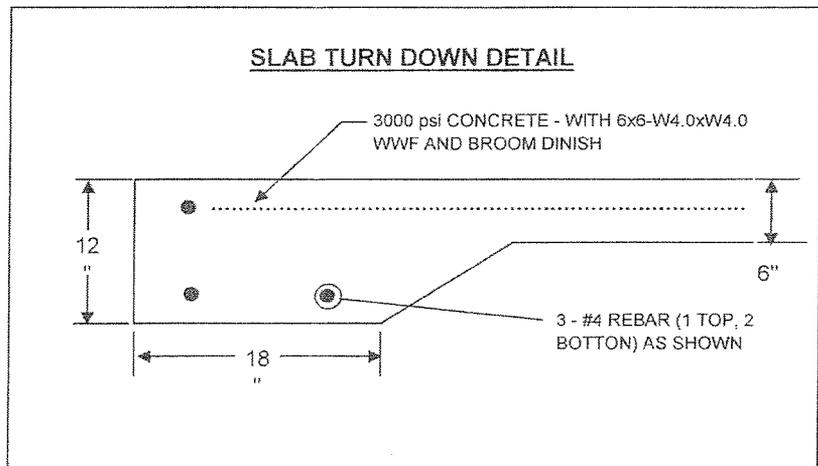
Slab at Bicentennial Park - Gazebo

d = 24.00 ft
 Φ = 27.71 ft
 s = 13.86 ft
 Area = 498.83 ft²
 Slab = 6.00 in
 Vol = 322.16 ft³ = 11.93 yds



Cost Breakdown of Slab

Concrete 12 yds = \$1,135.20
 Rebar 12 sticks = \$81.84
 WWF 1 roll = \$98.56
 Forms 83 L.F. = \$290.98
 Total Slab Cost (Materials) = \$1,606.58



9974.00
 1218.00

 11,192.00
 1606.58

 12,798.58

Suzanne

From: mayorsmall@bellsouth.net
Sent: Friday, November 19, 2010 8:47 PM
To: Suzanne Henson
Subject: Re: October 18, 2010 PW Committee Meeting

Yes

Mayor Small

From: "Suzanne Henson" <hensonsm@bellsouth.net>
Date: Fri, 19 Nov 2010 20:48:06 -0600
To: 'Mayor Small' <mayorsmall@bellsouth.net>
ReplyTo: <hensonsm@bellsouth.net>
Cc: 'Kim Briley' <knbriley@bellsouth.net>
Subject: FW: October 18, 2010 PW Committee Meeting

Mayor,
Do you approve this item to be on the Finance Agenda?

From: Assistant PW [mailto:assistantpw@bellsouth.net]
Sent: Tuesday, November 16, 2010 12:32 PM
To: suzanne henson
Subject: October 18, 2010 PW Committee Meeting

I have highlighted the motion made by Councilwoman Barnette to forward a favorable recommendation to the Finance Committee. The motion was seconded by Councilman Lake. The actual numbers (cost) of the Gazebo were not included in the packet. I will have to get with Richard to get those numbers for you.

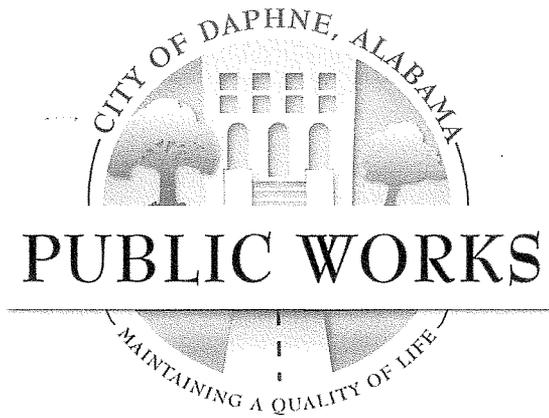
Sandi Cushway

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard Johnson, P. E.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Vacant
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Suzanne Henson, Senior Accountant

From: Richard Johnson, P. E., Public Works Director

Date: November 23, 2010

Re: Crowd Control Barricades Bid Document 2011-F

Bids were sent out for the purchase of Crowd Control Barricades. These barricades are used throughout the year to ensure public safety at various events.

One bid was received and we would like to recommend Friedrichs Custom Mfg Inc. Their cost is in line with previous purchases.

Please call me if you have any questions.

From: City of Daphne Solid Waste [daphnesw@bellsouth.net]
Sent: Monday, December 06, 2010 4:17 PM
To: henson
Subject: FW: Delinquent Garbage 2008, 2009, 2010

Suzanne,

I think that Richard wants this information in the Finance Meeting Package. I am out of the office until Thursday.

Tracey

From: City of Daphne Solid Waste [mailto:daphnesw@bellsouth.net]
Sent: Monday, December 06, 2010 4:16 PM
To: DirectorPW (directorpw@bellsouth.net)
Subject: Delinquent Garbage 2008, 2009, 2010

MEMO

To: Richard Johnson
From: Tracey Miller, Srv Coordinator
Date: December 5, 2010
Re: Delinquent Garbage 2008, 2009 and 2010

Attached is a copy of the delinquent reports. We are currently in process of determining if the delivered letters were actually received by a current customer who is delinquent or just lost in the mail before monies are spent.

The Finance Department reported 2 received payments in the amount of \$49.60. I have receipts of 7 payments in the amount of \$160.97. Utilities Board could not report on accounts that are written off.

We have the current balances outstanding for 2008 \$ 6870.19 , 2009 \$ 8710.11 and 2010 \$ 8185.88 for a total of \$

12/6/2010

66.48. The second letters will go out on Friday December 10, 2010 if funds are available for certified letters.

Delinquent Garbage Report

As of December 5, 2010

Fiscal Year 2008

	October 20, 2010 Reporting	December 5, 2010 Reporting	Balance Collected
Fiscal Year 2008 Bal Forward	\$ 5194.69	\$ 5277.19	
Current Bal	\$ 1553.00	\$ 1593.00	
Total	\$ 6747.69	\$ 6870.19	
Mailed Out	136		
Undeliverable	90		
Deceased	2		
Proposed Reach	47		

Delinquent Garbage Report

As of December 5, 2010

Fiscal Year 2010

	October 20, 2010 Reporting	December 5, 2010 Reporting	
Fiscal Year 2010 Bal Forward	\$ 6182.18	\$ 6232.83	
Current Bal	\$ 2022.61	\$ 1953.05	
Total	\$ 8204.79	\$ 8185.88	
Mailed Out	177		
Undeliverable	66		
Proposed Reach	111		

TREASURER'S REPORT

As of November 30, 2010

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$10,782,514.64
OPERATING ACCT	COMPASS	(\$212,276.42)
PAYROLL ACCT	COMPASS	(\$3,395.83)
		<u>\$10,566,842.39</u>
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$319,590.35
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$6,929.46
4 CENT GAS TAX	RBC BANK	\$312,994.29
7 CENT GAS TAX	RBC BANK	\$258,723.42
		<u>\$578,647.17</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$2,768,219.96
2006 CONSTRUCTION	WACHOVIA	\$894,567.70
		<u>\$3,662,787.66</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,846,887.75
2006 DEBT SERVICE	RBC BANK	\$898,875.84
		<u>\$2,745,763.59</u>
		<u>\$17,873,631.16</u>

Collected : November 2010 for October 2010

10040000 - 40110	Sales Tax	\$	710,073.91
10040000 - 40112	Auto Tax	\$	40,281.56
10040000 - 40115	Consumer Use	\$	6,521.88
10040000 - 40120	Sellers Use	\$	20,305.75
10040000 - 40125	Rental	\$	16,592.46
10040000 - 40130	Casual & Use	\$	<u>6,502.17</u>

\$ 800,277.73

4804 - 40135	Lodging Tax	\$	<u>56,001.39</u>
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NEW BUSINESSES

November-10

CITY LIMITS		CONTRACTORS	
RETAILERS		CR SIGNS, INC	1
BEDZZZ EXPRESS	1	DR. IRRI GATOR, LLC	1
ALL OTHER		CLEAR IMAGE GLASS	1
MOBILE BAY TARPONS	1	K2 CONSTRUCTION	1
TOTAL CITY LIMITS	2	GATOR SIGN FACTORY	1
OUTSIDE CITY LIMITS		BILL SMITH ELECTRIC, INC	1
BPS DIRECT LLC	1	BLAKE CONSTRUCTION COMPANY	1
PREMIER WINDOW OF THE GULF COAST	1	SAM A TYREE ROOFING	1
GENERAL SUPPLY & SERVICE	1	METRO FIRE PROTECTION, LLC	1
MCGRAIL SIGNS & GRAPHICS	1	DARRELL'S FLOOR COVERING	1
EASY STYLE BAGS & ACCESSORIES	1	TOTAL CONTRACTORS	10
HEROMAN SERVICES PLANT COMPANY	1	TOTAL NEW BUSINESSES	22
APPLIED SOFTWARE TECHNOLOGY	1		
LEISURE CREATIONS	1		
LA HUNTVE, LLC	1		
VALERIE HOLLAND-STREETER	1		
TOTAL OUTSIDE CITY LIMITS	10		

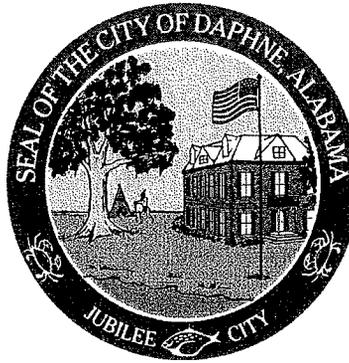
FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF



COUNCIL MEMBERS

BAILEY YELDING, JR.
DISTRICT 1

CATHY BARNETTE
DISTRICT 2

JOHN L. LAKE
DISTRICT 3

KELLY D. REESE
DISTRICT 4

RON SCOTT
DISTRICT 5

DEREK BOULWARE
DISTRICT 6

AUGUST A. PALUMBO
DISTRICT 7

MEMO

TO: Mayor Small
Kim Briley, Finance Director

FROM: Cathy S. Barnette, Council President *CSB/PAW*

SUBJECT: BP Grants and Re-Allocation of Funds

DATE: December 15, 2010

Following up on the discussion at the work session on Monday regarding the BP Grants and re-allocation of funds I respectfully request on behalf of the council the following information:

1. A copy of the grant submission package for both grants detailing how funds were to be spent, and what the City presented for support
2. How much and on what have funds been spent to date (by grant award)
3. How much, and on what have funds been spent
4. What was requested and to whom with regard to re-allocation of funds

Please provide the information to the City Clerk for distribution to council for review. Thank you for providing the information.

CC: Council

RESOLUTION-2010-52

**AGREEMENT BETWEEN: ALABAMA EMERGENCY MANAGEMENT
AGENCY AND CITY OF DAPHNE: DEEPWATER HORIZON INCIDENT
(BP OIL SPILL)**

WHEREAS, the State of Alabama has funds made available from BP for local governments to prevent, minimize or mitigate the damage from the Deepwater Horizon Incident including any protective measures taken to prevent or respond to the oil spill; and

WHEREAS, the City of Daphne will receive \$500,000 to fund these protective measures ; and

WHEREAS, the AEMA requires that the local governing body enter into an Agreement and submit a project application to receive the grant funds.

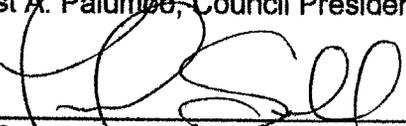
NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Daphne that:

- 1) The City of Daphne hereby accepts the agreement attached hereto and made a part hereof with the AEMA; AND
- 2) The Mayor is hereby authorized to sign all documents relative to the grant from the Alabama Emergency Management Agency (AEMA) for the Deepwater Horizon Incident (BP Oil Spill) on behalf of the City of Daphne.

ADOPTED AND APPROVED on this the 17th day of May, 2010.



August A. Palumbo, Council President



Fred Small, Mayor

ATTEST:



David Cohen, City Clerk

JUNE 14, 2010
 SPECIAL CITY COUNCIL MEETING
 1705 MAIN STREET
 DAPHNE, AL
 6:30 PM

MOTION BY Councilman Scott to authorize the Mayor to apply for additional AEMA grant funds. Seconded by Councilwoman Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. PUBLIC WORKS DIRECTOR

NAME	VOTES	TOTAL
Andrew Bobe	Yelding, Barnette, Boulware	3
Robert Christman		0
Rodney Cotton		0
Billy Crutchfield		0
Robert Cummings	Barnette, Scott	2
Paul David		0
George Davis, Jr.	Lake	1
Barry Dees		0
Bobby Doughman	Barnette	1
Russell Dyess		0
Robert Ferrell, Jr.		0
Robert (Bob) Fuqua		0
Helen Hood		0
Christopher Hornberger		0
Henry Holland		0
Richard Houze		0
Michael Hotchkiss		0
Jason Jackson		0
Christopher Johnson		0
Freddie Johnson		0

Buildings & Property Committee Meeting
Monday, December 6, 2010 5:00 PM
Daphne City Hall

Committee

Councilman John Lake
Councilman August A. Palumbo
Mayor Fred Small
Richard Merchant, Building Inspector
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Councilman Gus Palumbo, Mayor Fred Small, Richard Johnson, Public Works Director, Frank Barnett, Maintenance Supervisor, Margaret Thigpen, Civic Center Director, Jane Robbins, Richard Merchant & Ashley Campbell Building Department.

Meeting began around 5:15 pm.

- A.) Minutes from November Meeting:** Motion made to approve minutes from November Meeting. Approved.
- B.) Property Swap Between Daphne Utilities Board and the City:** For review was a letter detailing the proposed properties that the Utilities would like to swap (see attached). There was discussion about the tower that is next to the BRAG building behind city hall – this would need to be subdivided possible which would need to go to the Planning Commission. Adrienne Jones, Planning Director, will look into this. Jay Ross said there would be some cost the city involved regarding a survey and title would be needed. **Motion made to take this to council with a favorable recommendation. Second motion made – so approved.**
- C.) Downtown Redevelopment Authority Request – Monument Sign:** Motion (attached) was read that was made at the last Downtown Redevelopment Authority Meeting to seek permission from the city to building a monument and plaque to recognize Fran Neuman for her work on the “Daphne” sculpture that is located in the fountain in front of city hall. The committee doesn’t have a problem with the group installing the sign but the Mayor did emphasize and ask the group to be mindful when getting prices of the budget and try to keep in within the amount designated by the group (up to \$900).
- D.) City Policy for Land Donations to City within D’Olive Watershed:** Ashley Campbell distributed information about three different properties that the owners wish to donate to the city. In the past she has always brought these requests to the committee individually but would like permission to put together a policy on what we will accept, the procedures, etc. In general most of these properties help with our watershed and

green space. Gus Palumbo commented that the only draw back would be the liability owning the properties (i.e. Schaffer case or Woerster case). Suggestion was made that she talk to Adriene regarding the land use ordinance and a creation of a conversation easement zone. Ashley did say that if enough parcels were accumulated we may could establish our own land bank and sell credits. Mayor Fred Small suggested that Ashley move forward an work on it and get it ready for committee review.

E.) Civic Center Report – Margaret Thigpen reported on the following items:

Civic Center & Bayfront:

Margaret proposed the following staff changes:

AV Manager =	\$35,531+	Operations Manager =	\$39,747+
Admin Sec. =	\$29,162+	Admin. Sec. =	\$36,892+
(2) Sales Asst's =	\$61,772+	(1) Sales Manager =	\$33,982+
	\$126,465+		\$110,621+

She believes this will be a good move to get a “seasoned” person that has worked this industry to help/solicit booking meetings/events.

Gus asked would this cut/adjustment in staff be sufficient in the year(s) down the road when things pick up more and Margaret said yes she felt like it would be sufficient. He asked Ms. Hinman, Human Resource Director would it need to go to council and she said yes. Mayor Small made a motion (Gus made second – motion carried) that this staff change proposal go the Finance Committee with a favorable recommendation and from Finance to Council for approval.

Liquor Liability Issue: We continue to get a clear definition of BYOB. She presented three (3) refund requests from groups that wanted to cancel because of these new requirements. Continued discussion of this issue and the off duty police officer insurance coverage. Gus Palumbo asked if the city could get the liability insurance to cover the events without the client having to do so and pass along that cost to them? A general policy to cover all city events? Possible through AMEC. Margaret will look into this suggestion. **Gus mad a motion to grant full refunds to these three groups. Second motion made – approved.**

Her full report attached.

F.) Building Department Monthly Reports – November 2010 (attached)

G.) Any other business:

HVAC unit at city hall – Frank Barnette reported that it is time to start looking for a maintenance agreement for the unit at city hall. It is starting to have some problems and he would like to begin looking for an agreement to cover it for the future. The committee told him to move forward.

Barry Booth's Property:

Richard Johnson and Kit Smith looked at this property and determined it was not suitable for a swap due to the drainage area.

Meeting adjourned.

ZIEMAN, SPEEGLE, JACKSON & HOFFMAN, L.L.C.

ATTORNEYS
FIVE DAUPHIN STREET
SUITE 301, BAYPORT BUILDING
MOBILE, ALABAMA 36602

THOMAS TROY ZIEMAN, JR.
JEROME E. SPEEGLE
ROBERT G. JACKSON, JR.
ANTHONY M. HOFFMAN
WILLIAM STEELE HOLMAN II *
JENNIFER S. HOLIFIELD **

Post Office Box 11
Mobile, Alabama 36601
Telephone: (251) 694-1700
Facsimile: (251) 694-1998

November 10, 2010

www.ziemanspeegle.com

* ALSO ADMITTED IN GEORGIA AND MISSISSIPPI
** ALSO ADMITTED IN FLORIDA

Writer's Internet Address:
jspeegle@ziemanspeegle.com

Via U.S. Mail and E-mail

Jay M. Ross, Esq.
Ross, Jordan & Gray P.C.
Post Office Box 210
Mobile, AL 356601
jay@rossandjordan.com

RE: Property Swap between City of Daphne and Daphne Utilities Board

Dear Jay:

As we discussed, there are properties on which wells and lift stations are located that are operated by the Utilities Board, but are still owned, as far as legal title, in the City of Daphne's name. Also, there are properties that we believe need to be transferred to the City including the BRAG building and the nineteen acre property that has previously been discussed. The BRAG building property probably needs to be subdivided so that the BRAG building is transferred to the City and the water tank on Sixth Street will continue to be owned by Daphne Utilities.

The properties that we propose be transferred to Daphne Utilities are as follows:

Well # 1	Water well/treatment
Well # 2	Water well/treatment
Johnson Road East	Lift Station
Valerie Lane	Lift Station
Warren Drive	Lift Station

The properties that we propose be transferred to the City are as follows:

BRAG Building

19 Acres

ZIEMAN, SPEEGLE, JACKSON & HOFFMAN, L.L.C.

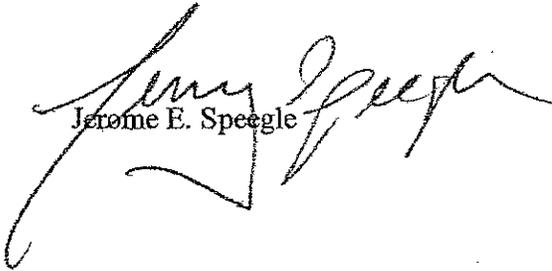
11/10/2010

Page 2

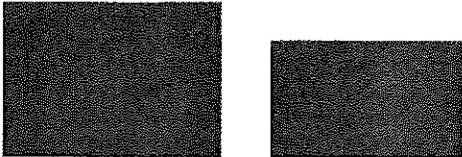
Please give me your thoughts at your convenience. I know that these transfers will require both Utilities Board and City Council approval.

If you need any more information from me, please let me know.

Sincerely yours,


Jerome E. Speegle

JES/eah



B & P December 6, 2010

Civic Center:

- October 2010 = 7 events = \$11,007.00 in the month for the month
- November 2010 = 7 events = \$8,152.00 in the month for the month
- Ballroom Dance – Sold 283 tickets + (1) donation
 - Revenue = \$4293.00; Pay out Expenses = \$2,788.54; “In-kind” Expenses = \$4,356.50
- HVAC upgrade nearing completion
- Roof over North Gallery still a work in progress
- Table Leg Project and alternative fix
 - Projected cost \$6,750.00 (just 90 tables)
 - Actual cost \$300.00 (all tables)
- Dance Floor
- Additional Meeting Room to Civic Center Inventory – open as of December 6
- Staff Change

▪ A/V Manager =	\$35,531+	Operations Mgr =	\$39,747+
▪ Admin Sec. =	\$29,162+	Admin Sec. =	\$36,892+
▪ (2) Sales Ass’t =	<u>\$61,772+</u>	(1) Sales Mgr=	<u>\$33,982+</u>
	\$126,465+		\$110,621+
- Liquor Liability/Security/Fire protection challenge update
 - Cancellation/Refund Request
 - Delta Sigma Theta = \$2,685.00
 - November 19, 2010
 - November 18, 2011
 - November 16, 2012
 - Kappa Alpha Psi = \$895.00
 - December 17, 2010

Bayfront:

- October 2010 = 9 events = \$4,582.00 in the month for the month; \$625.00 discounted
- November 2010 = 6 events = \$2,863.00 in the month for the month
- Sub Floor Update – work in progress
- Table Leg Project
 - Projected cost \$3,375.00 (just 37 tables)
 - Actual Cost \$300.00 (all tables)
- Liquor Liability/Security/Fire protection challenge
 - Cancellation/Refund Request
 - Milton Cabaret = \$420.00
 - November 27, 2010

Jane Robbins

From: Becky <becjer@bellsouth.net>
Sent: Thursday, November 18, 2010 4:20 PM
To: Jane Robbins
Subject: Item for Buildings and Property Committee
Attachments: 20101118131948016.pdf

Jane,

Please place this portion of minutes from the Downtown Redevelopment Authority on the Building and Property agenda. I will see if I can get someone from the Authority to be at the meeting to explain. It is the motion under New Business.

Becky

DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
OCTOBER 25, 2010
5:00 P.M.

2

members wanted a new cost analysis of putting the utilities underground. This needs to be done first before any other projects can be done.

6. HOLIDAY EVENT

It is too late to plan events for this year, but the members want to get with the merchants to partner with them in planning events for the Olde Towne area. Councilwoman Barnette mentioned that the Arthritis Foundation is moving their Jingle Bell Run to Daphne, and will be December 4th, and December 3rd is the Christmas Parade.

7. NEW BUSINESS

Discussion was held on having a monument sign built to display the artist and contributors of the fountain project. It was mentioned that there was some money in an old account that can go toward this project.

MOTION BY Ronald Nero to seek permission from the city to build a monument and plaque to recognize Fran Neuman for her valued contributions as designer of the fountain and sculptress of the statue of "Daphne" in front of city hall, and the many contributors to the project. The Olde Daphne Fountain/Park, Inc. will provide funding (up to \$900) to construct an 18" (w) x 18" (d) x 4' (h) pedestal and plaque. Location of the pedestal will be in a prominent place between the fountain and clock. Appropriate City of Daphne protocol will be followed to see the project to completion. The design must be approved by the Downtown Redevelopment Authority prior to construction and placement. The Authority recommends this project to the Buildings and Property Committee. *Seconded by Laura Gorowsky.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. NEXT MEETING

The next meeting will be November 22nd at 5:15 p.m.

5. ADJOURN

MOTION BY Doug Bailey to adjourn the meeting. *Seconded by Ronald Nero.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The meeting adjourned at 6:35 p.m.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**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 NO. 2010-111
2011-F-CROWD CONTROL BARRICADES

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 \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the CROWD CONTROL BARRICADES will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CROWD CONTROL BARRICADES and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CROWD CONTROL BARRICADES be awarded to Friedrichs Custom MFG, Inc.

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 Friedrichs Custom Mfg, Inc. for unit cost as follows:

Barricades: - \$ 97.00/Each - (Quantity-100+)
 -\$104.50/Each - (Quantity less than 100)

as specified in BID SPECIFICATION NO. 2011-F-CROWD CONTROL BARRICADES.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 20th **day of** December, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2010 - 112

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

WHEREAS, the Department Heads of the City of Daphne have determined that the items listed below are no longer required for public or municipal purposes; and

WHEREAS, the items listed below are recommended for disposal.

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

- 1- The property listed below is hereby declared to be surplus property, and

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Street	1320	1990 FORD F350 CREW PU	2FTJW35H9LCA43610

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2010-66**

**Zoning District Map
Revision to Appendix H of the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on September 23, 2010 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19 and Ordinance No. 2009-60; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on November 1, 2010; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances No. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19 and 2009-60 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE _____ DAY OF _____, 2010.**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

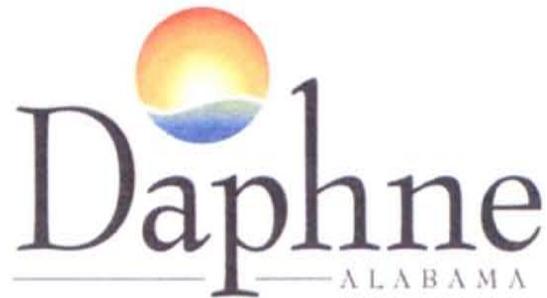
**FRED SMALL,
MAYOR**

ATTEST:

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

City of Daphne Zone Map

Re-Zone Audit



The Jubilee City

*Prepared by: Nancy Anderson, GIS Manager, City of Daphne Community Development
September 14, 2010*

City of Daphne Zone Map Audit

September 14, 2010

A zoning audit was conducted on the City of Daphne Zone map beginning on August 27, 2010. During this audit re-zoning Ordinances were checked against the zone map display and database. Documentation checked included; the ordinance acceptance notebook maintained by the Assistant City Clerk, zoning edit reports & the zone map database maintained by this reporter and re-zoning application packets maintained in digital files on the City of Daphne web site City Council section and plat files maintained by the Community Development Department.

Ordinances included in this audit ranged from #2004-07 through #2010-39.

Specific re-zoning ordinances checked are as follows:

Ord #	Date	Prev Zone	Re- Zone	Location
2004-07	3/1/2004	B-2	B-3	T'Crk Business Park
2005-70	12/19/05	R-4	B-2	Intersection Pecan Ct & Pollard
2005-71	12/19/05	R-3	B-1	Al 181 acr from Austin Rd (Bellaton)
2005-43	10/03/05	R-2	B-2	Hurley Prop, N side of Hwy 64
2006-16	03/20/06	R-3	R-4	Hwy 181 Bellaton
2006-17	06/05/06	R-3	B-2	Lots 4-7, Block 56 Park City, 2 nd & Van Buren
2006-51	08/07/06	B-1	R-4	Bellaton, Hwy 181 acr from Austin Rd
2006-52	08/07/06	R-3	R-4	Bellaton, Hwy 181 acr from Austin Rd
2006-53	08/07/06	R-3	B-1	Bellaton, Hwy 181 acr from Austin Rd
2006-67	09/18/06	B-2	MU	Cypress Pointe Apts
2006-68	09/18/06	B-2	MU	Cypress Pointe Apts
2006-69	09/18/06	R-2	R-4	Morse Sub, Randall Ave, E of Deerwood
2007-19	4/16/07	R-3	B-1	Malbis Plantation, Cnty Rd 13 & Lawson
2007-24	06/04/07	R-5	B-1	Witherington Prop, Whispering Pines
2007-51	12/17/07	R-2	B-3	Demaris Anderson prop, Main St
2007-53	12/17/07	B-1	B-2	William Lange prop, Hwy 98
2007-54	12/17/07	B-1	B-2	Dr Booth prop, Veteran's Point Hwy 98
2008-05	01/22/08	R-3	B-1	Wachter prop, Main St
2008-06	01/22/08	B-2	R-4	Windscape 2, E of Hwy 98 & Park Dr
2008-07	01/22/08	B-2	R-4	Klaas prop, E of Hwy 98 & S Park Dr
2008-44	07/21/08	R-4	B-2	SE corner Hwy 98 & Johnson Rd
2008-47	07/21/08	R-3	R-4	NE corner Parker Ln & Avery Ln
2008-66	12/01/08	B-2	R-4	Ashley Gates Apts
2009-04	01/20/09	B-1	B-2	Johnny Littleton prop, Hwy 98
2009-12	03/02/09	B-2	R-4	Big Sandy, LLC
2009-17	03/16/09	B-1	B-2	Baldwin Al Development, Publix
2009-18	04/06/09	R-3	MU	Howard Property
2009-65	12/21/09	R-2	B-1	Trione Heir Property
2010-39	08/02/10	R-2	B-2	Dale Family Property

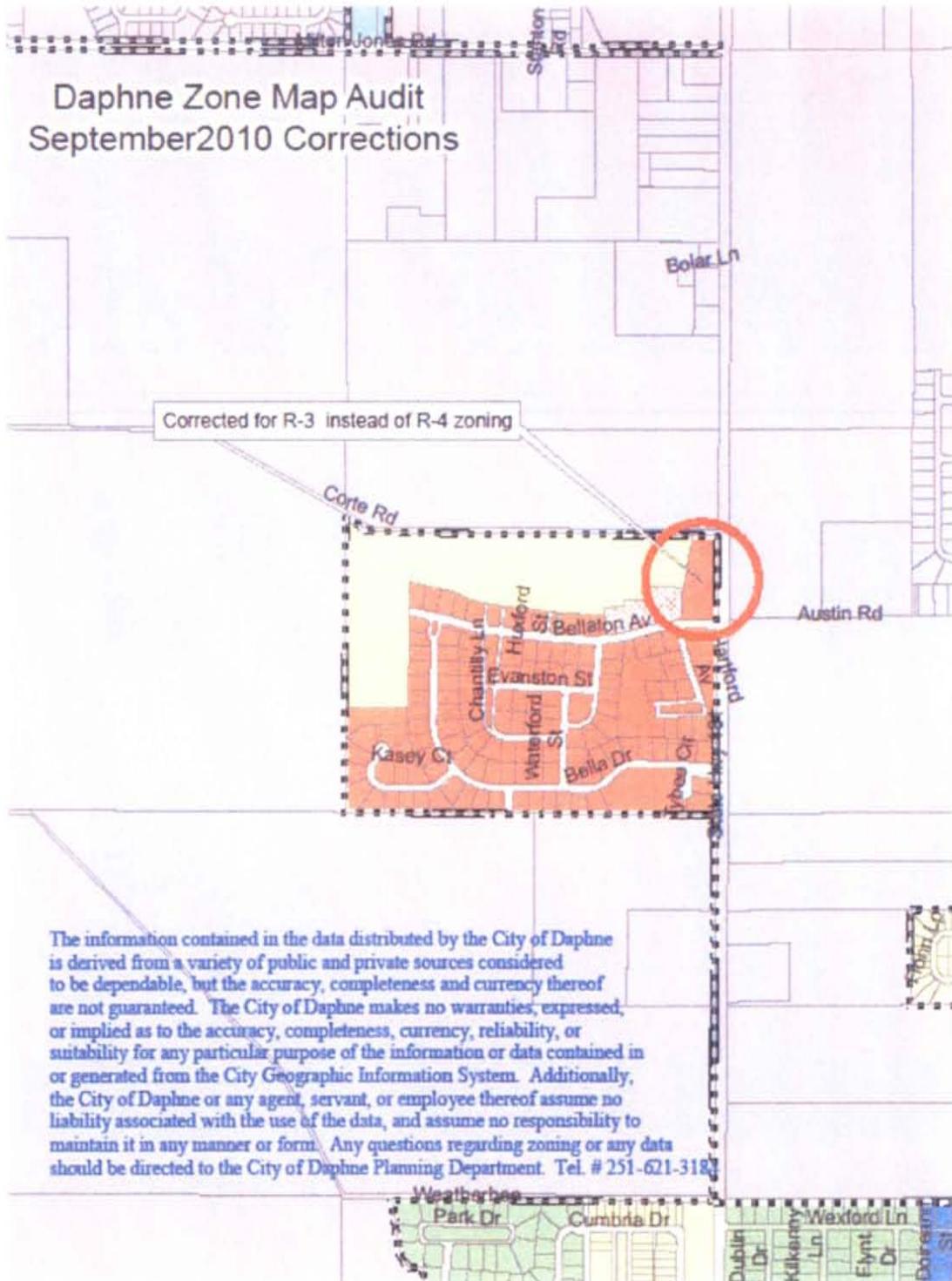
Findings:

- Corrected 2007-19 to reflect not B-2 but B-1 zoning
- Corrected Bellaton in N E corner from R-4 to R-3

- Changed golf course symbolization to reflect underlying zoning in these areas per request of City Council

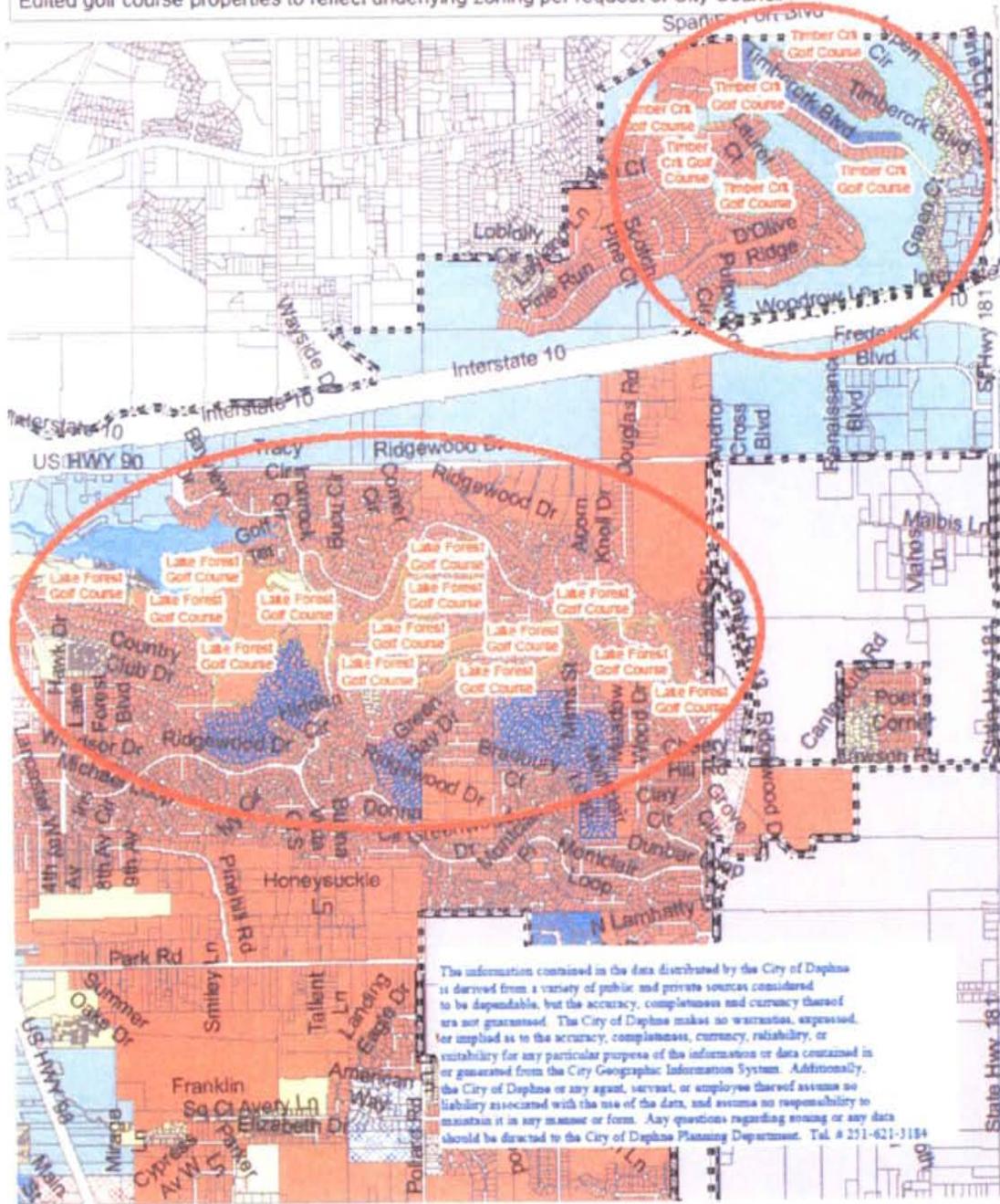
Daphne Zone Map Audit September 2010 Corrections

Corrected for R-3 instead of R-4 zoning



Daphne Zone Map Audit September 2010 Corrections

Edited golf course properties to reflect underlying zoning per request of City Council



Zone Map Legend



- Zone Map legend reflecting the changes. Golf courses are displayed in their respective zone colors but are outlined in green and labeled for the particular course.
- Future developments are now outlined in purple while maintaining their approved zone color fills. This special outline is used in areas such as Lake Forest where large blocks of land were subdivided & the plats were filed but have not yet been developed.

Recommendations:

- Arrange to receive digital copies of signed ordinances directly through email rather than paper copies through third party.
- Include signed ordinance copies in the 6 month update zone map edit reports provided to the Planning Commission & City Council.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2010-69**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance's
Table of Permitted Uses and Conditions**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 23, 2010, considered certain proposed amendments to Article XXXV titled "Table of Permitted Uses and Conditions", of the City of Daphne Land Use and Development Ordinance No. 2002-22, and any amendments to the same; and,

WHEREAS, after consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of amendment to the Table of Permitted Uses and Conditions contained within said Article XXXV of the City of Daphne Land Use and Development Ordinance to amend the Use District for a Family Entertainment Center; and,

WHEREAS, after consideration of amendment to said Table of Permitted Uses and Conditions contained in Article XXXV of said Ordinance the Planning Commission sent an unfavorable recommendation to the City Council of the City of Daphne for amendment to the Use District for Bowling Alley; and

WHEREAS, due notice of said proposed amendments has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on December 6, 2010; and,

WHEREAS, the City Council of the City of Daphne after due consideration and review and consideration of the recommendations, both favorable and unfavorable, of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance, Article XXXV titled "Table of Permitted Uses and Conditions", is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENT

The Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance shall be amended

(a) to permit “Family Entertainment Center” as a defined Use allowed by Planning Commission approval in Use District B-1, the below shall be and is hereby added to the Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance, Ordinance 2002-22 and its amendments;

(b) to permit a “Bowling Alley” as a defined Use allowed upon Planning Commission approval in Use District B-1 and by right in Use District B-2, the below shall be and is hereby added to the Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance, Ordinance 2002-22 and its amendments;

ARTICLE XXXV	USE DISTRICT								
TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	C/I
Bowling alley						P	R		
Family Entertainment Center						P			

All other sections, uses, conditions and/or contents of the Table of Permitted Uses and Conditions shall remain the same and shall be unchanged by this Ordinance; this Ordinance is only to amend the “Family Entertainment Center” and “Bowling Alley” designations.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION

CATHY S. BARNETTE,
COUNCIL PRESIDENT

FRED SMALL,
MAYOR

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2010-_____**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance's
Table of Permitted Uses and Conditions**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 23, 2010, considered certain proposed amendments to Article XXXV titled "Table of Permitted Uses and Conditions", of the City of Daphne Land Use and Development Ordinance No. 2002-22, and any amendments to the same; and,

WHEREAS, after consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of amendment to the Table of Permitted Uses and Conditions contained within said Article XXXV of the City of Daphne Land Use and Development Ordinance to amend the Use District for a Family Entertainment Center; and,

WHEREAS, after consideration of amendment to said Table of Permitted Uses and Conditions contained in Article XXXV of said Ordinance the Planning Commission sent an unfavorable recommendation to the City Council of the City of Daphne for amendment to the Use District for Bowling Alley; and

WHEREAS, upon further consideration the Planning Commission of the City of Daphne, Alabama at its regular meeting held on November 18, 2010, reconsidered the amendment of the Table of Permitted Uses and Conditions contained in Article XXXV of said Ordinance and voted to send a favorable recommendation to the City Council of the City of Daphne for amendment to the Use District for Bowling Alley; and

WHEREAS, due notice of said proposed amendments has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on _____; and,

WHEREAS, the City Council of the City of Daphne after due consideration and review and consideration of the recommendations of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance, Article XXXV titled "Table of Permitted Uses and Conditions", is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENT

The Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance shall be amended

(a) to permit “Family Entertainment Center” as a defined Use allowed by Planning Commission approval in Use District B-1, the below shall be and is hereby added to the Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance, Ordinance 2002-22 and its amendments;

(b) to permit a “Bowling Alley” as a defined Use allowed upon Planning Commission approval in Use District B-1 and by right in Use District B-2, the below shall be and is hereby added to the Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance, Ordinance 2002-22 and its amendments;

ARTICLE XXXV	USE DISTRICT								
TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	C/I
Bowling alley						P	R		
Family Entertainment Center						P			

All other sections, uses, conditions and/or contents of the Table of Permitted Uses and Conditions shall remain the same and shall be unchanged by this Ordinance; this Ordinance is only to amend the “Family Entertainment Center” and “Bowling Alley” designations.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its

approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION

AUGUST A. PALUMBO, COUNCIL PRESIDENT

Date and Time Signed:

FRED SMALL, MAYOR

Date and Time Signed:

ATTEST:

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



Post Office Box 7475, Mobile, Alabama 36670-0475
TEL: 251.471.1000 | FAX: 251.471.1785

December 15, 2010

Daphne City Council
P.O. Box 400
Daphne, AL 36526

Re: Amendment of the Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance to allow a Family Entertainment Center and Bowling Alley by Planning Commission approval in Use District B-1.

Dear Members of the Daphne City Council:

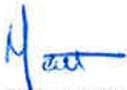
White-Spunner & Associates, Inc. has been involved in the recent discussions regarding the amendment of your Table of Permitted Uses and Conditions by way of our representation of the landowners of a 4.4 acre parcel at the Southwest Corner of County Road 13 and Lawson Road. From the onset of this project, we have consulted with various individuals representing the City of Daphne as to the viability and direction to take this project. We have been advised at every turn, and taken every turn, including advising the Bowling Alley Operator to reconsider the Renaissance Development where some City Officials have represented they would like to see the facility. The Planning Commission has supported an amendment to the B-1 Use District in lieu of a rezoning to B-2. The merits for this application were that the Planning Commission represented that they would rather retain the more restrictive B-1 Use District over the B-2 Use District but supported the Bowling Alley/Family Entertainment Center use proposed for the site due to the proposed use's similarity in nature to other uses provided for in the B-1 Use District such as an indoor theater, skating rink, etc. The Planning Commission supported the amendment subject to their approval of the development.

We have weighed the merits of continuing to bring this before you. We have been continually encouraged by those with the City and residents of the Community to continue to pursue the successful location of this facility on the site referred to above along with the Bowling Operator's continued desire to locate on this site. We have been extremely forthcoming to all concerned residents. Economically, White-Spunner & Associates, Inc. would relish being part of bringing additional sales taxes and jobs to the City. We look forward to continuing to develop commercial business in the City of Daphne, in

particular along the County Road 13 corridor. The merits of amending the B-1 Land Use Ordinance would have to lie somewhere in the fact that very seldom do you have a facility of this nature attempt to locate in the City, and that perhaps the current B-1 Use Ordinance was outdated or did not properly accommodate a use that properly fits within the intention of the Ordinance and is comparable to other uses already allowed in the B-1 Use Ordinance.

We have felt that the definition of the Family Entertainment Center currently presented to you is perhaps not specific enough and feel a definition that more aptly describes the facility we envision may be "Family Entertainment Center consisting of bowling, arcade, laser tag and other similar venues to be complimented with dining and beverage venues".

We at White-Spunner & Associates, Inc. value your time and service to the community. We look forward to bringing other commercial business to the City. We feel strongly that the Cole Family Entertainment Center would be an asset to the Community at the present site being discussed.



E. Matthew White
President

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2010-70**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance’s
Table of Permitted Uses and Conditions**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on August 26, 2010, considered certain proposed amendments to Article XXXV titled “Table of Permitted Uses and Conditions”, of the City of Daphne Land Use and Development Ordinance No. 2002-22, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of said amendment to the Table of Permitted Uses and Conditions contained within said Article XXXV of the City of Daphne Land Use and Development Ordinance; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on December 6, 2010; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendment to the City of Daphne Land Use Ordinance, Article XXXV titled “Table of Permitted Uses and Conditions”, is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENT

The Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance shall be amended to permit “Convenience Store” as a defined Use allowed by right in Use District B-2 and by Planning Commission approval in Use District B-1, the below shall be and is hereby added to the Table of Permitted Uses and Conditions contained in Article XXXV of the City of Daphne Land Use and Development Ordinance, Ordinance 2002-22 and its amendments:

ARTICLE XXXV	USE DISTRICT								
TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	C/I
Convenience Store						P	R		

All other sections, uses, conditions and/or contents of the Table of Permitted Uses and Conditions shall remain the same and shall be unchanged by this Ordinance; this Ordinance is only to amend the “Convenience Store” designation.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION

AUGUST A. PALUMBO, COUNCIL PRESIDENT

FRED SMALL, MAYOR

ATTEST:

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

ORDINANCE 2010-71

AN ORDINANCE ADOPTING THE FISCAL YEAR 2011 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2011 which begins October 1, 2010 and ends September 30, 2011; and

WHEREAS, the City Council has reviewed and considered such proposed budget and submitted certain revisions to such proposed budget; and

WHEREAS, the City Council believes that the amended proposed budget is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City's procedures require the adoption of the budget by Ordinance; and

WHEREAS, if the amounts budgeted for departmental operating items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other departmental items or purposes, provided that the total amount of the adopted budget is not exceeded.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 budget Option _____ as attached hereto and made a part hereof for Fiscal Year 2011 beginning October 1, 2010 and ending September 30, 2011 is hereby approved.

FURTHERMORE, as of the date of this adoption, a hiring freeze is hereby enacted. Authorized positions vacated, for any reason, may only be advertised and filled upon express approval by the City Council.

Approved and adopted on this the _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

FY 2011
Balanced Budget Proposal #1
General Fund

Projected Exp>Rev (806,147)

Fund Balance- Paving 500,000

Release Encumbered \$ to Fund Balance

FY 99: Speed Tables	5,000
FY 03: Bay Front Bldg Imprvmnts	32,000
FY 04: Decorative Street Lightng	58,800
Bay Front Bldg Imprvmnts	10,365
FY 06: Bay Front Water Main/Swr	<u>25,380</u>

131,545

Revenue Adjustments:

Riviera PILOT	(150,000)
Property Taxes	83,000
Business Licenses	70,000
Investment Earnings	<u>130,000</u>

Actual FY10 revenues 1,610,000; so proposed budget is 190,000 over FY10 actual not reduced the full 190,000 b/c of Publix impact on the shopping area.

133,000

Expenditures:

Finance- Investment Mgt Fee	(12,000)
Ruff Wilson Youth Org	(27,205)
Reduce Council Training to 2,500	17,500
Reduce City Attorney	25,000
Property/Liability Insurance	<u>15,000</u>

Note: Add to exp to match the cigarette tax paid to the organization

18,295

Transfers:

Apply Interest from Debt Svc Fund to Reduce Transfers to Debt Svc	<u>24,000</u>
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24,000

Revenues> Expenditures 693

Note: Changing the Medical Insurance to Self-Insured will not result in a "savings" this fiscal year. The "savings" will be next FY if the amount paid into the plan this FY is more than the total claims paid out.

FY 2011
Balanced Budget Proposal #2
General Fund

Projected Exp>Rev (806,147)

Fund Balance- Paving 500,000

Release Encumbered \$ to Fund Balance

FY 99: Speed Tables	5,000	
FY 03: Bay Front Bldg Imprvmnts	32,000	
FY 04: Decorative Street Lighting	58,800	
Bay Front Bldg Imprvmnts	10,365	
FY 06: Bay Front Water Main/Swr	25,380	
Library Roof Repair	13,070	
FY 07: Main St Conceptual Streetsca	4,000	
FY 08: Abatement & Demolition	<u>9,729</u>	
		158,344

Revenue Adjustments:

Riviera PILOT	(150,000)	Actual FY10 revenues 1,610,000; so proposed budget is 190,000 over FY10 actual not reduced the full 190,000 b/c of Publix impact on the shopping area.
Property Taxes	83,000	
Business Licenses	35,000	
Investment Earnings	<u>130,000</u>	
		98,000

Expenditures:

Finance- Investment Mgt Fee	(12,000)	
Ruff Wilson Youth Org	(27,205)	Note: Add to exp to match the cigarette tax paid to the organization
Reduce Council Training to 2,500	17,500	
Reduce Overtime	18,264	
Reduce City Attorney	15,000	
Property/Liability Insurance	<u>15,000</u>	
		26,559

Transfers:

Apply Interest from Debt Svc Fund to Reduce Transfers to Debt Svc	<u>24,000</u>	
		24,000

Revenues> Expenditures 756

Note: Changing the Medical Insurance to Self-Insured will not result in a "savings" this fiscal year. The "savings" will be next FY if the amount paid into the plan this FY is more than the total claims paid out.

FY 2011
Balanced Budget Proposal # 3
General Fund

Projected Exp>Rev	(806,147)	
Fund Balance- Paving	500,000	
Allowance for Vacant Positions	300,000	
<u>Release Encumbered \$ to Fund Balance</u>		
FY 99: Speed Tables	5,000	
FY 03: Bay Front Bldg Imprvmnts	32,000	
FY 04: Decorative Street Lighting	58,800	
Bay Front Bldg Imprvmnts	10,365	
FY 05: Civic Center Elec Signage	14,755	(remaining encumb for future consideration 30,000)
FY 06: Bay Front Water Main/Swr	25,380	
Library Roof Repair	13,070	
FY 07: Main St Conceptual Streetscape	4,000	(Original appropriation 10,000)
FY 08: Abatement & Demolition	9,729	
	<u>173,099</u>	
<u>Revenue Adjustments:</u>		
Riviera PILOT	(150,000)	Actual FY10 revenues 1,610,000; so proposed budget is 190,000 over FY10 actual not reduced the full 190,000 b/c of Publix impact on the shopping area.
Property Taxes	83,000	
Business Licenses	50,000	
Investment Earnings	<u>220,000</u>	Takes into account an additional 2,000,000 investment in Jan 2011
		203,000
<u>Expenditures:</u>		
Finance- Investment Mgt Fee	(22,000)	
Ruff Wilson Youth Org	(27,205)	Note: Add to exp to match the cigarette tax paid to the organization
Reduce Council Training to 2,500	17,500	
Reduce Overtime	18,264	
Reduce City Attorney	15,000	
Property/Liability Insurance	15,000	
Chamber of Commerce	(6,000)	
SARPC	(12,944)	
Community Contributions	(10,556)	
4th of July Fireworks	<u>(12,000)</u>	
		(24,941)
<u>Transfers:</u>		
Apply Interest from Debt Svc Fund to Reduce Transfers to Debt Svc	<u>24,000</u>	
		24,000
Revenues> Expenditures		<u>369,011</u>

Note: Changing the Medical Insurance to Self-Insured will not result in a "savings" this fiscal year. The "savings" will be next FY if the amount paid into the plan this FY is more than the total claims paid out.

Positions required to remain due to grant funding: 1) the Police Dept COPS award states " your agency is expected to make a good faith effort to retain the positions funded by the grant funds at the conclusion of the grant." Furthermore, a requirement of the grant is that the number of positions must be above the May 1, 1995 funding level. 2) Still awaiting official word and documentation for the fire SAFER grant. However, the funded and accepted grant application states "the City Council committed to the matching funds for these positions and sustaining the positions from the end of the grant period forward." 2011 Cost: 224,896; 2012 Cost 323,743; 2013 Cost 462,968.

ORDINANCE NO. 2010-72

**Ordinance to Rezone Property Located Southeast of the
Intersection of U.S. 98 and Johnson Road
Big Sandy, LLC
(0.72 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4 High Density Multi-Family Residential District, to said property is located, southeast of the intersection of U.S. Highway 98 and Johnson Road being more particularly described as follows:

Legal Description:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

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

**BIG SANDY, L.L.C.
ZONING AMENDMENT REVIEW**

**800' SOUTH OF JOHNSON ROAD EAST OF HIGHWAY 98
EXHIBIT "A"**

(RESUBDIVISION OF LOT 1, SPRINGS AT EASTERN SHORE)

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

PROJECT REFERENCE: SPRINGS AT EASTERN SHORE

ORDINANCE NO. 2010-73

**Ordinance to Rezone Property Located Southeast of
Van Buren Street and North Main Street
TDG Lake Forest, LLC
(2.92 Acres and 3.39 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to R-4, High Density Multi-Family Residential District, to said property is located, southeast of Van Buren Street and North Main Street being more particularly described as follows:

B-1 - Legal Description:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.
LEGAL DESCRIPTION:

R-3 - Legal Description: 3.39 Acres

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an unfavorable 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 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)**

ZONING AMENDMENT

**SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET**

EXHIBIT "A"

**B-1, LOCAL BUSINESS, TO R-4, HIGH DENSITY
MULTI-FAMILY RESIDENTIAL
(2.92 ACRES)**

LEGAL DESCRIPTION:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.

**TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)
ZONING AMENDMENT**

**SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET**

EXHIBIT "A"

**R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL, TO R-4 HIGH DENSITY
MULTI-FAMILY RESIDENTIAL (3.39 ACRES)**

LEGAL DESCRIPTION:

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

Ordinance 2010-74

**An Ordinance Amending Job Classification Schedule
Mechanical Shop**

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged with coordinating with the Archer Company in order to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the reclassification and amendment as recommended by the Archer Company is hereby approved to revise the Mechanical Shop Parts Technician from Grade 6 Non-exempt to Grade 9 Non-Exempt at an annual cost of \$ 2,790 and 2) the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule:

FROM:	Mechanical Shop Parts Tech	<u>Grade</u> 6NE
TO:	AdminTech	9NE

Total Annual Cost: 2,790. Fiscal 2011 Cost: 2,093.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

Ordinance 2010-75

**An Ordinance Amending Job Classification Schedule
Civic Center**

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged to coordinate with the Archer Company to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the reclassification and amendment as recommended by the Archer Company is hereby approved to:

- 1) reclassify the Audio Visual Manager to Operations Manager with an annual cost of \$ 4,841; and
- 2) reclassify the Sales Assistant position to a Sales Manager and thereby reduce the current staffing level from two Sales Assistants to one Sales Manager with an annual cost reduction of \$ 18,982; and
- 3) the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule:

		<u>Grade</u>
FROM:	Audio Visual Manager	9NE
TO:	Operations Manager	18NE
FROM:	Sales Assistant	9NE
TO:	Sales Manager	17E

Furthermore, be it ordained that the Sales Assistant positions are no longer to be funded and filled until such time as the City Council determines necessary.

Total Annual Cost Reduction: 14,141. FY 11 Cost Reduction 10,606.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2010-76

**CENTENNIAL PARK GAZEBO APPROPRIATION & PARK CITY PARK
BATHROOM PROJECT**

WHEREAS, the Fiscal Year 2011 Budget is being considered by the City Council;
and

WHEREAS, prior to the adoption of the Fiscal Year 2011 budget, the City Council
has determined that certain appropriations are required and should be approved
and made a part of the Fiscal Year 2011 budget; and

WHEREAS, the Public Works Committee has recommended constructing a
gazebo at Centennial Park for the use and enjoyment of Daphne's citizens; and

WHEREAS, the cost of the gazebo construction is \$ 12,799; and

WHEREAS, funds have previously been encumbered for the construction of
Restrooms at Park City Park.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
Daphne, Alabama, that a General Fund appropriation in the amount of \$12,799
be hereby approved for the construction of the Centennial Park Gazebo and that
the Park City Park Restroom project shall be expediently installed as previously
funded and encumbered.

APPROVED AND ADOPTED by the Mayor and City Council of the City of
Daphne, Alabama, this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC