

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
APRIL 4, 2011
BUSINESS MEETING
6:30 P.M.**

1. CALL TO ORDER

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

3. APPROVE MINUTES: Council meeting minutes / March 21, 2011

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / Special meeting / March 21st

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY – Palumbo

Review minutes / March 9th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review Beautification Minutes / March 4th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Re-appoint: Billy Mayhand / Term expires March 2014

B. Downtown Redevelopment Authority – Barnette

Review minutes / March 28th

C. Industrial Development Board – Yelding

D. Library Board – Lake

E. Planning Commission – Barnette

a.) Review minutes / January 27th

b.) Review minutes / February 24th

c.) Set a Public Hearing Date for May 2, 2011 to consider:

Rezoning: *GCD Acquisitions I, L.L.C.*

Property Located: Northwest of the intersection of Anchor Cross Boulevard and U. S. Highway 90,
Lot 2A of the re-subdivision of Lot 2, Medical Office Building and Cancer
Center of Malbis

Present Zoning: B-2, General Business District

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

Recommendation: No recommendation

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor's Report

a.) Parade Permit / Daphne United Methodist Church / Annual 5K & Fun Run / April 23, 2011

b.) Request for Extension of Promotional Weekends for Advertising

B. City Attorney’s Report

MOTION: Consideration of Proposed Settlement for Schaeffer and Murphy Litigation

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Acceptance of Property / Mary F. Smith / Round-About. /Resolution 2011-31
- b.) Acceptance of Property / Orrie J. & Earlie Smith / Round-About. /Resolution 2011-32
- c.) Acceptance of Property / YMCA / Round-About. /Resolution 2011-33

ORDINANCES:

2ND READ

- a.) Appropriation of Funds: Temporary Services: Custodian. /Ordinance 2011-21
- b.) Appropriation of Funds: Deputy Finance Director. /Ordinance 2011-22
- c.) Amending Job Classification Schedule / Deputy Finance Director. /Ordinance 2011-23
- d.) Approving Hiring Freeze Exception: Grounds Public Service Worker. /Ordinance 2011-24
- e.) Approving Hiring Freeze Exception: Mechanic Technician. /Ordinance 2011-25
- f.) Appropriation of Funds: (5) Police Vehicles. /Ordinance 2011-26
- g.) Appropriation of Funds: Used Wheel Loader with Interchangeable Attachments. /Ordinance 2011-29

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

**MARCH 21, 2011
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 Reese.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Richard Johnson, Publics Works Director; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Kim Briley, Finance Director; Vickie Hinman, Human Resource Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director; Jane Ellis, Mayors Assistant; Suzanne Henson, Senior Accountant; Buzz Jordan, Attorney; Bob Segalla, Utility Board; Dorothy Morrison, Beautification Committee; Willie Robison, BZA.

3. APPROVE MINUTES

MOTION BY Councilman Scott to adopt the March 7, 2011 Council meeting minutes. Seconded by Councilman Boulware.

Council President Barnette noted that the Mayor was absent for the March 7, 2011 meeting, and he is listed as present.

Motion by Councilman Scott to approve the March 7, 2011 minutes as amended. Seconded by Boulware.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to adopt the Council Work Session minutes meeting held March 14, 2011. Seconded by Councilman Palumbo.

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

MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

Sales and Use Taxes: January 31, 2011

Sales and Use Tax Collected for January 2011 - \$ 817,230
Sales and Use Tax Budgeted for January 2011 - \$ 714,825
Over Budget (for January) - \$ 102,405

YTD Budget Collections Variance – Over Budget - \$ 343,860

Lodging Tax Collections, January 2011

The Lodging Tax Collections report shows **\$49,006.12** collected for January 2011.

The next meeting will be April 11th at 4:00 p.m. in the Executive Conference Room

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

MOTION BY Councilman Lake to approve the construction and wording of the plaque for the fountain and statue in front of City Hall as presented to the Buildings and Property Committee by the Downtown Redevelopment Authority. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Back to Finance Report

Motion by Councilman Scott to accept the Treasurer’s Report as of February 28, 2011 in the amount of \$23,877,135.84. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. PUBLIC SAFETY COMMITTEE – Palumbo

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The minutes for the March 9th meeting are in the packet.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

Council received the Public Works Directors report before the meeting. The round-about at Whispering Pines Road and Pollard Road has been completed, and they are waiting on the light inspection by Riviera Utilities. The sidewalk on County Road 13 that goes from the school to Rand

Avenue will be completed this week. Also Claiborne Circle drainage is in the process, and is soon to be completed. The junipers on U.S. Highway 98 has been replaced with sod.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

Re-appoint Mr. Frank Lamb to the BZA for a three (3) year term.

MOTION BY Councilman Scott to re-appoint Mr. Frank Lamb to the Board of Zoning Adjustments term to end March 2014. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The board will meet April 7th at 6:00 p.m.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be Monday March 28th at 5:15 p.m.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

The commission will meet Thursday at 5:00 p.m.

F. Recreation Board – Reese

No report.

G. Utility Board – Scott

The next meeting will be a week from Wednesday at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

Mayor's Report

a.) ABC License / Bayside Academy / 140 – Special Events Retail

MOTION BY Councilman Yelding to approve the ABC License for Bayside Academy / 140 – Special Events Retail. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Parade Permit / Christ the King Respect for Life Committee / Annual Pilgrimage /
April 9, 2011

MOTION BY Councilman Scott to approve the Parade Permit for Christ the King Respect for Life Committee / Annual Pilgrimage / April 9, 2011. Seconded by Councilman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) Parade Permit / Prodissee Pantry / 5K & 1 Mile Fun run / October 29, 2011

MOTION BY Councilman Scott to approve the Parade Permit for Prodissee Pantry/ 5K & 1 Mile Fun Run / October 29, 2011. Seconded by Councilman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

d.) Parade Permit / Daphne East Elementary School / 1 Mile Fun Run K-6 / April 1, 2011

MOTION BY Councilman Boulware to approve the Parade Permit for Daphne East Elementary School / 1 Mile Fun Run K-6 / April 1, 2011. Seconded by Councilman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

Mr. Ross stated that there is pending litigation that he would like to discuss with council in Executive Session. He said that council could adjourn into Executive Session.

C. Department Head Comments

James White – Fire Chief – reported that CPR classes are scheduled for April 4th and May 4th 6:00 p.m. at the Recreation Center.

Margaret Thigpen – Civic Center Director – reported that the Mobile Bottle Collectors are at the Civic Center this weekend, Modern Dance tickets are on sale for April 15th, Zydeco tickets go on sale April 21st.

Tonya Young – Library Director – reported that they were proud to host the Library of Congress Exhibit March 11th, and 12th. 1,000 people visited the exhibit. “Spring into Reading” begins April 2nd. She also reported that the computer classes have been very successful.

7. PUBLIC PARTICIPATION

Mr. George Lieb – 192 Country Club Drive - commended council for action on the road project in Lake Forest, and for doing the projects right.

Ms. Callie Goodrum – Tillman’s Corner, Mobile – she works with Common Sense in Spanish Fort - She wanted to introduce council to Common Sense campaign to council, because they have been part of the community for several years. They have had events in Daphne that have been quite successful. They are a 501-C-4 which allows them to do with everything except politics. They can get involved with issues, and if council wants them to get involved with some issues that they are working for or against to let them know, and they will see if they can help. She invited everyone to a “Tea Party” scheduled for April 15th.

Dr. Joe Jablecki – 140 Rolling Hill Drive – asked council to consider reducing taxes since the city is having overages.

Mr. Kevin Spriggs – Owner of Eastern Shore Hotel – spoke regarding funding: cost of city hall, recycling, Zydeco Festival and the Chamber of Commerce, and the need to prioritize. He applauded council for not borrowing the money to do the road projects.

Mr. Rod Drummond – 357 Ridgewood Drive – spoke regarding the hiring freeze.

Mr. Henry Lawson – 104 Boosketuh – spoke regarding the Lake Forest road projects.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Lake Forest Road Improvements. /Resolution 2011-23
- b.) TimberCreek Road Improvements /Resolution 2011-24
- c.) Bid Award: 28 Cubic Yard High Compaction Automated Refuse
Collection Truck /Resolution 2011-25
- d.) Bid Award: Used Wheel Loader with Interchangeable Attachments. . . . /Resolution 2011-26
- e.) Bid Award: Concession Soft Drink Contract /Resolution 2011-27
- f.) Prepaid Travel / Adrienne Jones. /Resolution 2011-28
- g.) Declaring Certain Property Surplus & Authorize
the Mayor to Dispose of Such Property /Resolution 2011-29
- h.) Sales Tax Holiday. /Resolution 2011-30

MOTION BY Councilman Palumbo to waive the reading of Resolutions 2011-23, 2011-24, 2011-25 and 2011-26. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Resolutions 2011-23, 2011-24, 2011-25 and 2011-26. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to waive the reading of Resolutions 2011-28, 2011-29 and 2011-30. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Resolutions 2011-28, 2011-29 and 2011-30. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR EXCEPT NAY Lake on 2011-29

MOTION CARRIED

MOTION BY Councilman Palumbo to waive the reading of Resolution 2011-27. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2011-27 with the understanding that the City Attorney will review the contract. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Revisions to Zoning Map/Ordinance 2011-20

1ST READ

- b.) Appropriation of Funds: Temporary Services: Custodian/Ordinance 2011-21
- c.) Appropriation of Funds: Deputy Finance Director/Ordinance 2011-22
- d.) Amending Job Classification Schedule / Deputy Finance Director/Ordinance 2011-23
- e.) Approving Hiring Freeze Exception: Grounds Public Service Worker. /Ordinance 2011-24
- f.) Approving Hiring Freeze Exception: Mechanic Technician. /Ordinance 2011-25
- g.) Appropriation of Funds: (5) Police Vehicles /Ordinance 2011-26
- h.) Lake Forest Road Improvements/Ordinance 2011-27
- i.) TimberCreek Road Improvements/Ordinance 2011-28
- j.) Appropriation of Funds: Used Wheel Loader with Interchangeable Attachments/Ordinance 2011-29

MOTION BY Councilman Palumbo to waive the reading of Ordinance 2011-20. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2011-20. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to suspend the rules to consider Ordinances 2011-27 and 2011-28. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to waive the reading of Ordinance 2011-27. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Ordinance 2011-27. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to suspend the rules to consider Ordinance 2011-26. *Seconded by Councilman Scott.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Nay	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE Yelding, Reese, Scott, Boulware, Palumbo NAY Lake, Barnette

MOTION FAILED

ORDINANCES 2011-21, 2011-22, 2011-23, 2011-24, 2011-25, 2011-26 AND 2011-29 WERE MADE A FIRST READ.

8. COUNCIL COMMENTS

Councilman Lake said that it was \$4,000 for five (5) vehicles not one (1) vehicle the difference in the prices. He thinks that is about \$700 per vehicle so that is a different take on it.

Councilman Boulware said that the road project is a success and a victory for the people in the audience. For him this is an extremely happy day.

Councilman Palumbo thanked all the city workers for helping to have a happy and safe Mardi Gras season. He thinks they failed to mention the Civic Center when thanking everyone last time. The Civic Center was an extremely busy place during that time. There were events plus the parades at night plus the parking, and the staff was buzzing like bees for two (2) weeks, and they certainly did not want to leave them out. He asked Mrs. Thigpen to relay the council's thanks to the Civic Center

**MARCH 21, 2011
 CITY COUNCIL MEETING
 1705 MAIN STREET
 DAPHNE, AL
 6:30 P.M.**

staff. He also thanked to the Library for hosting for hosting the Library of Congress. He thanked Congressman Bonner’s office, because he was responsible for getting Daphne on the list.

Council President Barnette stated that it is now spring, and it is glorious, and Daphne’s beauty is showing. It is a nice time to be in Daphne, and to see the city’s splendor. They are getting close to the bottom of the city’s reserves, and they said that they were not going to sit on the money, and they have now released it so there will be a lot of tough decisions for this council with the remainder of the capital request, but she thinks it shows their commitment to moving forward. The Easter Egg Hunt is forthcoming, the Sunset at Bayfront Park has started so there are a lot of fun events in Daphne to take advantage of, and to remember what a fantastic place they live in.

9. ADJOURN

MOTION BY Councilman Palumbo to adjourn into Executive Session to discuss pending litigation, and the session will last 20 minutes. *Seconded by Councilman Scott.*

The City Attorney certified that the above stated reason for adjourning into Executive Session is appropriate according to the Open Meetings Act.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 7:40 p.m.

Respectfully submitted by,

 David L. Cohen,
 City Clerk, MMC

Certification by Presiding Officer:

 Cathy S. Barnette,
 Council President

**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
SPECIAL FINANCE COMMITTEE MINUTES
March 21, 2011 @ 6:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, and Senior Accountant Suz anne Henson. Mayor Fred Small and Public Works Director Richard Johnson were also present.

II. PUBLIC PARTICIPATION

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request

1. 2011- G-TIMBER CREEK ROAD IMPROVEMENTS - \$305,071.75

Mr. Scott noted the engineering cost seemed high for this project. Mr. Scott Hutchinson with HMR discussed that the \$40,000 estimated engineering cost when the ordinance was originally adopted ending up being \$30,000; and the \$36,000 estimated for additional engineering has been adjusted to \$27,000.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$305,071.75 for Timber Creek Road Improvements, making the total project cost \$335,071.75 . Seconded by Mr. Yelding. Motion carried.

2. Finance Personnel Request: Deputy Director - \$ 27,260 (annual cost of \$ 65,423)

Ms. Briley noted this has been before the Council at a Work Session. Mr. Scott noted since Ms. Briley was employed with the City 20 years ago, the number of funds has grown from 5 to 29.

Motion by Mr. Yelding to recommend Council adopt an Ordinance approving the new position of Finance Deputy Director. Seconded by Mr. Scott. Mr. Boulware voted nay. Motion carried.

Motion by Mr. Scott to recommend Council adopt an Ordinance appropriating for FY11 \$27,260 to hire a Finance Deputy Director. Seconded by Yelding. Mr. Boulware voted nay. Motion carried.

B. Bids

1. 2011- G-TIMBER CREEK ROAD IMPROVEMENTS

Discussion was made concerning the bid and the recommendation was to award to the low bidder Roads Inc. of Northwest Florida.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2011-G-TIMBER CREEK ROAD IMPROVEMENTS to Roads Inc. of Northwest Florida in the amount of \$278,071.75. Seconded by Mr. Yelding. Motion carried.

2. 2011-N-CONCESSION SOFT DRINK CONTRACT

Discussion was made concerning the bid and recommendation was to award to Coca-Cola.

Motion by Mr. Yelding to recommend Council adopt a resolution awarding bid 2011-N-CONCESSION SOFT DRINK CONTRACT to Coca-Cola Bottling Company Consolidated at the unit prices bid. Seconded by Scott. Motion carried.

IV. ADJOURN

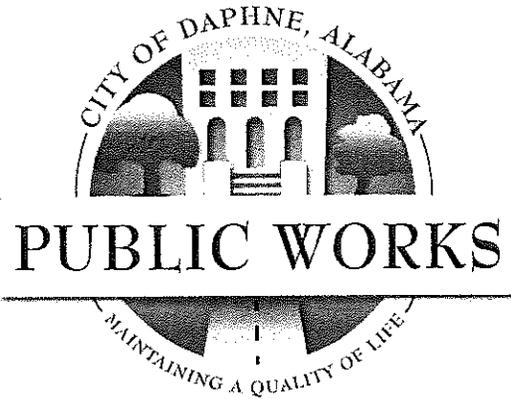
The meeting was adjourned at 6:11 p.m.

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard D. Johnson, P.E.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

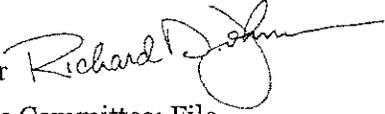
Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

Memorandum

To: The Honorable Mayor Fred Small
From: Richard D. Johnson, P.E.; Public Works Director 
CC: Councilman Derek Boulware; Chairman, Finance Committee; File
Date: March 21, 2011
Re: FY2011 – Capital Road Improvement Projects – Timber Creek Boulevard

Mr. Mayor:

Based upon the bid tabulations provided by our City Engineer, HMR Engineers, on March 18, 2011, it is my recommendation to award the Contract to Road Inc. of NWF for the proposed Timber Creek Boulevard Improvements. They are the qualifying low bidder.

Yours,

RDJ



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

March 18, 2010

Mayor Fred Small
City of Daphne
Post Office 400
Daphne, Alabama 36526

RE: Bid Document No.: 2011-G-Timber Creek Road Improvements

Dear Mayor Small:

Enclosed is the Tabulation of Bids received March 18, 2011 for the subject project.

We recommend that you award the Contract to Roads Inc. of Northwest Florida at their submitted lowest bid of \$278,071.75.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in black ink that reads 'James H. Robertson, II'.

James H. Robertson, II, P.E.
Project Manager

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CITY OF DAPHNE
BID DOCUMENT NO.: 2011-G-TIMBER CREEK ROAD IMPROVEMENTS
MARCH 18, 2011



Hutchinson, Moore & Rauch, LLC
 Engineers + Surveyors + Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #1 ROADS INC OF NWF			BIDDER #2 ASPHALT SERVICES, INC.			BIDDER #3 SUMMIT INDUSTRIES, LLC		
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	ASPHALT REMOVAL (1.8" THICK) (206-C)	SY	12,295	\$ 1.90	\$ 23,360.50	\$ 2.25	\$ 27,663.75	\$ 2.10	\$ 25,819.50			
2	REMOVE CONCRETE DRIVEWAY (206-C)	SY	18	\$ 8.00	\$ 144.00	\$ 20.00	\$ 360.00	\$ 17.80	\$ 316.80			
3	REMOVE/RESET MAILBOX (209-A)	EA	1	\$ 100.00	\$ 100.00	\$ 25.00	\$ 25.00	\$ 91.20	\$ 91.20			
4	UNCLASSIFIED EXCAVATION (210-A)	CYIP	300	\$ 6.00	\$ 1,800.00	\$ 6.00	\$ 1,800.00	\$ 7.80	\$ 2,340.00			
5	BORROW EXCAVATION (210-D)	CYIP	200	\$ 8.00	\$ 1,600.00	\$ 12.00	\$ 2,400.00	\$ 15.90	\$ 3,180.00			
6	ROADBED PROCESSING (21' WIDE) (230-A)	ROBDD STA	52	\$ 150.00	\$ 7,800.00	\$ 200.00	\$ 10,400.00	\$ 319.50	\$ 16,614.00			
7	AGGREGATE SURFACING (3" THICK) (305-B)	TON	100	\$ 48.00	\$ 4,800.00	\$ 50.00	\$ 5,000.00	\$ 45.00	\$ 4,500.00			
8	TACK COAT (.005 GAL/SY) (405-A)	GAL	165	\$ 3.25	\$ 536.25	\$ 5.00	\$ 825.00	\$ 3.85	\$ 635.25			
9	MILLING (0"-1" THICK) (408-A)	SY	4,230	\$ 1.10	\$ 4,653.00	\$ 1.90	\$ 8,037.00	\$ 2.15	\$ 9,094.50			
10	MILLING (2" THICK) (408-A)	SY	640	\$ 1.20	\$ 768.00	\$ 1.90	\$ 1,216.00	\$ 2.15	\$ 1,376.00			
11	SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE, 1/2" MAX AGGREGATE SIZE, ESAL RANGE B (110#/SY) (424-A)	TON	1,850	\$ 69.50	\$ 128,575.00	\$ 76.65	\$ 141,802.50	\$ 77.90	\$ 144,115.00			
12	SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 1/2" MAX AGGREGATE SIZE, ESAL RANGE B (110#/SY) (424-B)	TON	1,075	\$ 74.00	\$ 79,550.00	\$ 73.90	\$ 79,442.50	\$ 86.60	\$ 92,020.00			
13	MOBILIZATION (600-A)	LS	1		\$ 10,000.00		\$ 10,521.25		\$ 11,600.10			
14	UNDERDRAIN / FRENCH DRAIN (606-A)	LF	250	\$ 16.00	\$ 4,000.00	\$ 16.00	\$ 4,000.00	\$ 13.05	\$ 3,262.50			
15	CONCRETE DRIVEWAY (6" THICK) (618-A)	SY	18	\$ 45.00	\$ 810.00	\$ 65.00	\$ 1,170.00	\$ 39.75	\$ 715.50			
16	TOPSOIL, 4" COMPACTED THICKNESS (650-A)	CYIP	40	\$ 11.00	\$ 440.00	\$ 20.00	\$ 800.00	\$ 32.35	\$ 1,294.00			
17	SOLID SODDING (664-A)	SY	300	\$ 3.00	\$ 900.00	\$ 4.00	\$ 1,200.00	\$ 2.75	\$ 825.00			
18	WATTLES (665-C)	LF	120	\$ 7.00	\$ 840.00	\$ 10.00	\$ 1,200.00	\$ 8.95	\$ 1,074.00			
19	TRAFFIC CONTROL MARKINGS (CHANNEL LINE) WHITE, CLASS 2, TYPE A (703-A)	SF	254	\$ 4.00	\$ 1,016.00	\$ 5.00	\$ 1,270.00	\$ 4.40	\$ 1,117.60			
20	TRAFFIC CONTROL MARKINGS (STOP BAR) WHITE, CLASS 2, TYPE A (703-B)	SF	140	\$ 6.00	\$ 840.00	\$ 5.00	\$ 700.00	\$ 4.15	\$ 581.00			

CITY OF DAPHNE
BID DOCUMENT NO.: 2011-G-TIMBER CREEK ROAD IMPROVEMENTS
MARCH 18, 2011



Hutchinson, Moore & Rauch, LLC
 Engineers + Surveyors + Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #1 ROADS INC OF NWF			BIDDER #2 ASPHALT SERVICES, INC.			BIDDER #3 SUMMIT INDUSTRIES, LLC		
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
21	TRAFFIC CONTROL LEGEND (ARROW) WHITE, CLASS 2, TYPE A (703-B)	SF	150	\$ 4.00	\$ 600.00	\$ 5.00	\$ 750.00	\$ 5.10	\$ 765.00			
22	CONSTRUCTION SIGNS (740-B)	SF	352	\$ 7.00	\$ 2,464.00	\$ 12.00	\$ 4,224.00	\$ 13.10	\$ 4,611.20			
23	CONES (36" HIGH) (740-E)	EA	45	\$ 3.00	\$ 135.00	\$ 25.00	\$ 1,125.00	\$ 12.90	\$ 580.50			
24	WARNING LIGHTS, TYPE B (DETACHABLE HEAD) (740-I)	EA	8	\$ 180.00	\$ 1,440.00	\$ 200.00	\$ 1,600.00	\$ 85.00	\$ 680.00			
25	BALLAST FOR CONES (740-M)	EA	45	\$ 4.00	\$ 180.00	\$ 8.00	\$ 360.00	\$ 12.65	\$ 569.25			
26	BARRICADE, TYPE 3 (740-F)	EA	4	\$ 180.00	\$ 720.00	\$ 200.00	\$ 800.00	\$ 257.05	\$ 1,028.20			
TOTAL AMOUNT					\$ 278,071.75		\$ 308,692.00		\$ 328,806.10			

CITY OF DAPHNE
BID DOCUMENT NO.: 2011-G-TIMBER CREEK ROAD IMPROVEMENTS
MARCH 18, 2011



Hutchinson, Moore & Rauch, LLC
 Engineers • Surveyors • Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #4		BIDDER #6	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	ASPHALT REMOVAL (1.8" THICK) (206-C)	SY	12,295	\$ 2.00	\$ 24,590.00	\$ 3.35	\$ 41,188.25
2	REMOVE CONCRETE DRIVEWAY (206-C)	SY	18	\$ 50.00	\$ 900.00	\$ 30.00	\$ 540.00
3	REMOVE/RESET MAILBOX (209-A)	EA	1	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
4	UNCLASSIFIED EXCAVATION (210-A)	CYIP	300	\$ 18.00	\$ 5,400.00	\$ 35.00	\$ 10,500.00
5	BORROW EXCAVATION (210-D)	CYIP	200	\$ 19.00	\$ 3,800.00	\$ 20.00	\$ 4,000.00
6	ROADBED PROCESSING (21' WIDE) (230-A)	RDBD STA	52	\$ 370.00	\$ 19,240.00	\$ 375.00	\$ 19,500.00
7	AGGREGATE SURFACING (3" THICK) (305-B)	TON	100	\$ 34.00	\$ 3,400.00	\$ 45.00	\$ 4,500.00
8	TACK COAT (.005 GAL/SY) (405-A)	GAL	165	\$ 5.00	\$ 825.00	\$ 3.00	\$ 495.00
9	MILLING (0"-1" THICK) (408-A)	SY	4,230	\$ 2.00	\$ 8,460.00	\$ 2.50	\$ 10,575.00
10	MILLING (2" THICK) (408-A)	SY	640	\$ 3.50	\$ 2,240.00	\$ 5.00	\$ 3,200.00
11	SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE, 1/2" MAX AGGREGATE SIZE, ESAL RANGE B (110#/SY) (424-A)	TON	1,850	\$ 79.50	\$ 147,075.00	\$ 75.00	\$ 138,750.00
12	SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 1/2" MAX AGGREGATE SIZE, ESAL RANGE B (110#/SY) (424-B)	TON	1,075	\$ 92.00	\$ 98,900.00	\$ 100.00	\$ 107,500.00
13	MOBILIZATION (600-A)	LS	1		\$ 17,000.00		\$ 30,000.00
14	UNDERDRAIN / FRENCH DRAIN (608-A)	LF	260	\$ 11.50	\$ 2,875.00	\$ 20.00	\$ 5,000.00
15	CONCRETE DRIVEWAY (6" THICK) (618-A)	SY	18	\$ 50.00	\$ 900.00	\$ 75.00	\$ 1,350.00
16	TOPSOIL, 4" COMPACTED THICKNESS (660-A)	CYIP	40	\$ 35.00	\$ 1,400.00	\$ 30.00	\$ 1,200.00
17	SOLID SODDING (664-A)	SY	300	\$ 3.75	\$ 1,125.00	\$ 7.00	\$ 2,100.00
18	WATTLES (665-Q)	LF	120	\$ 5.50	\$ 660.00	\$ 10.00	\$ 1,200.00
19	TRAFFIC CONTROL MARKINGS (CHANNEL LINE) WHITE, CLASS 2, TYPE A (703-A)	SF	254	\$ 4.85	\$ 1,231.90	\$ 7.25	\$ 1,841.50
20	TRAFFIC CONTROL MARKINGS (STOP BAR) WHITE, CLASS 2, TYPE A (703-B)	SF	140	\$ 4.85	\$ 679.00	\$ 7.25	\$ 1,015.00

CITY OF DAPHNE
BID DOCUMENT NO.: 2011-G-TIMBER CREEK ROAD IMPROVEMENTS
MARCH 18, 2011

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #4		BIDDER #5	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
21	TRAFFIC CONTROL LEGEND (ARROW) WHITE, CLASS 2, TYPE A (703-B)	SF	150	\$ 4.85	\$ 727.50	\$ 7.25	\$ 1,087.50
22	CONSTRUCTION SIGNS (740-B)	SF	352	\$ 10.00	\$ 3,520.00	\$ 10.00	\$ 3,520.00
23	CONES (36" HIGH) (740-E)	EA	45	\$ 10.00	\$ 450.00	\$ 15.00	\$ 675.00
24	WARNING LIGHTS, TYPE B (DETACHABLE HEAD) (740-I)	EA	8	\$ 150.00	\$ 1,200.00	\$ 150.00	\$ 1,200.00
25	BALLAST FOR CONES (740-M)	EA	45	\$ 2.00	\$ 90.00	\$ 10.00	\$ 450.00
26	BARRICADE, TYPE 3 (740-F)	EA	4	\$ 250.00	\$ 1,000.00	\$ 200.00	\$ 800.00
TOTAL AMOUNT					\$ 347,888.40		\$ 392,387.25



Hutchinson, Moore & Rauch, LLC
 Engineers • Surveyors • Land Planners

HOSEA O. WEAVER & SONS
 BIDDER #4

MOBILE ASPHALT CO.
 BIDDER #5

We hereby certify this to be a true and correct compilation on the above named project.

James H. Robertson, II
 James H. Robertson, II, P.E.
 Project Manager

Hutchinson, Moore & Rauch, LLC

**CITY OF DAPHNE
BID# 2011-N-CONCESSION SOFT DRINK
MARCH 17, 2011**

PRESENT WERE:

**MS. SUZANNE HENSON
FRED SMALL**

**SENIOR ACCOUNTANT
MAYOR**

2 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, FAXED, 1 SEALED BIDS RECEIVED.
THE PRESENTED BIDS WERE OPENED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

VENDER

Coca-Cola Bottling Co. Consolidated

<u>Products</u>	<u>Price</u>
Bag in box syrup (5 gal)	\$ <u>77.50</u>
Bag in box syrup (2-1/2 gal)	\$ <u>38.75</u>
CO2 Deposits	\$ <u>65.00</u>
CO2 Canisters	\$ <u>18.00</u>
12 oz can soft drink (24 ct)	\$ <u>8.25</u>
12 oz plastic bottle soft drink (24 ct)	\$ <u>N/A</u>
12 oz plastic bottle name brand water (24 ct)	\$ <u>8.25</u>
20 oz plastic bottle soft drinks	\$ <u>17.50</u>
20 oz plastic bottle name brand water (24 ct)	\$ <u>13.25</u>
12 oz plastic bottle sports drink (24 ct)	\$ <u>N/A</u>
20 oz plastic bottle sports drink (24 ct)	\$ <u>18.25</u>

** Contract requires awarded vendor to provide to specified parks request: Scoreboards / Ice Machine / Menu Boards / Soft Drink Fountains / Coolers / Banners...

** Retail Rebate Program - \$2/case paid annually on all retail cases & 25% Commission/Monthly



SUZANNE HENSON, SR. ACCOUNTANT



CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

March 4, 2011 Meeting Minutes

In attendance: Margie Bellue, Dwayne Coley, Richard Johnson, Dorothy Morrison, Denise Penry, Rebecca Trosclair, Tomasina Werner, Bea Wilson, Selena Vaughn

District 1

February meeting minutes were approved. Treasury posted a \$5,725.65 balance.

District 2

Carolyn Coleman
Dorothy Morrison,
Chair
Marilyn O'Connor-
Moore
Bea Wilson

DBC complimented Public Works on a great Arbor Day event and on the newly planted roundabout. Public Works will get letter of thanks to sponsors signed by the Mayor and Selena will distribute DBC certificate of thanks to sponsors. Left over native trees were given to Wetland resources to plant at restoration projects in Daphne and the ornamental trees were distributed at the Lake Forest Garden Club March meeting. Need to consider adding fruit trees next year.

District 3

District 4
Tomasina Werner,
Publicity
Selena Vaughn,
Secretary

Public Works Report:

Azaleas on County Road intersection were removed to improve traffic visibility
Vines were removed from Main Street power lines

The southwest corner of Centennial Park was planted with hawthorns

The KFC permit for clearing has not yet been given

District 5

David Dueitt
Patty Kearney

The flag project is on hold until the proposed Civic Center sign is installed

Woodsmen of America will donate flags and poles

Dorothy is talking to Mrs. Dunbar about permission to continue the sidewalk near the florist on Main Street

District 6

Elaine Maxime

The sidewalk on 13 is going well

District 7

Rebecca Trosclair

Lake Forest road repairs are going to bid. Will have new zoysia hybrid in medians. Possible start date could be in May and will start at Lawson entrance.

Resurfacing of 98 could begin in August.

City Liaisons
Margorie Bellue
Richard Johnson
Dwayne Coley
David McKelroy
Denise Penry
Pat Albert

DBC's new median landscaping plan for 98 will begin with Whispering Pines inter Section

Looks like 181 will be annexed and become a landscaping project of Daphne
Public Works staff is down 30%

Margorie distributed copies of the Tree City program and ideas were discussed for new projects to renew and possibly raise our level of certification. Discussion to be continued.

DBC Report:

Requested the lattice signs around the City need to be kept in good repair and possible finished.

PW to look at visibility at Van and Main.

Pines at Gator Alley parking lot need to be trimmed.

Pines on 98 near Wal Mart have many vines to be removed—City getting permit
Beautification Award in April will be for District 2

Everyone is to bring ideas to the April meeting about repainting the welcome signs to match and about wording for the Public Works vehicles regarding beautification.

Meeting adjourned.



The City of Daphne
Public Safety Committee
Tuesday, March 9, 2011

Committee Members Attending:

Chairman August Palumbo, Councilman Derek Boulware, Councilman Kelly Reese, Police Captain Daniel Bell, Fire Battalion Chief Joey Holasz and Volunteer Fire/Public Works Representative Chief Melvin McCarley.

Public Attending:

No one was present to address the committee.

I. CALL TO ORDER

Mr. Palumbo called the meeting to order at 4:30 pm

II. PUBLIC PARTICIPATION

A. New Business

B. Old Business

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 9, 2011 Meeting

Boulware made a motion to adopt the minutes with amendments to the minutes to read ‘Boulware suggested that the money be paid back for trucks by the Volunteers for example how we did the lodging tax’ and to amend the ‘fire trucks should be replaced every 10 years’. The motion was seconded by Palumbo and the motion carried. The minutes were adopted with the revisions listed.

I. POLICE DEPARTMENT

A. New Business

1. Statistics were reviewed for February 2011

B. Old Business

1. Citizen Complaint – Pine Run

Captain Bell reported that the Police Department concentrated on Pine Run. Over the last 10 months, the police department has dedicated 19 hours and 37 minutes, checked 1,525 cars, wrote 19 tickets, and 10 warnings so we have dedicated significant resources to address the issue on Pine Run. Palumbo stated that he thought the complaint was before and after school traffic. Captain Bell stated that we would continue to stay in this area of TimberCreek.

2. Capital Budget FY 2011

Captain Bell asked about the status of approving the Capital Budget for FY 2011. Captain Bell stated that he does have 6 weeks, so it isn't an emergency; however, there is a time limit involved. There was much discussion on the procedure of adopting the capital budget and some discussion of other

department vehicle needs. Captain Bell said that Ford does not offer a police package comparable to our needs; we are going to go with the Chevrolet Tahoe. Terry Thompson Chevrolet has been notified of our needs and intentions.

Danny Bell filled the committee in on our unhappiness with Kustom Signals. How they gave unsatisfied references to us to call upon, equipment that does not work properly, and the problem with getting equipment fixed.

Melvin stated that the State said “No” to the U-turn sign at TimberCreek and 181, but they are going to do a traffic study and would rather not put it up right now.

Palumbo made a motion to send the capital request of the funding of 5 vehicles and equipment with justification prepared by the police department in the amount of \$190,000 to the Finance Committee requesting they approve this funding before the entire FY11 Capital Budget is approved. Boulware seconded and the motion carried.

I. FIRE DEPARTMENT

A. New Business

1. Statistics for February 2011. Put the sign back up on Green Court behind the Fire Station #4 to keep the public from using it as a cut through. Holasz stated that since all of the construction and businesses have built there, the 18 wheeler and truck traffic has gotten worse about turning around in the Fire Station parking lot. Melvin will put up no truck signs up.

Palumbo stated that he had heard nothing from Jay Ross on the storage building behind Lake Forest Country Club. Lake Forest was asking us to pay for all of their expenses to make them pass inspection with the fire inspector. It was forwarded to the City Attorney for action.

Melvin stated that they would need more money to complete the Training Field. May be needing a loan from the City to the Volunteers around \$150,000. It would be paid back over a three to four year period. Palumbo told Melvin to get his bid specs ready for new truck and other equipment at the training facility so that they can be expedited when brought back before the committee.

B. Old Business

VII. OTHER BUSINESS

IX. ADJOURN

Chairman Palumbo **adjourned** the meeting at 5:30 p.m.

The next regular scheduled meeting will be Tuesday, April 13th at 4:30 p.m. at Daphne City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

**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:

MEMO

To: Cathy Barnette, Council President
From: Adrienne Jones, Director Community
Development
Subject: BZA Board Member Appointment
Date: March 22, 2011

Mr. Billy Mayhand's term on the BZA expires March 2011. The Council needs to reappoint this member for another three year term of March 2011 to March 2014.

Mr. Mayhand has served the BZA very well, and he attends all meetings.

I, respectfully request that he be reappointed to his position as a Board Member on the BZA.

cc: Becky, City Clerks Office
Mayor Small

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL**

**1705 MAIN STREET
MARCH 28, 2011
5:15 P.M.**

DRAFT

1. CALL TO ORDER/ROLLCALL

Casey Zito called the meeting to order at 5:30 p.m.

Members Present: Casey Zito; Ronald Nero; Ken Balme; Doug Bailey; Kelly Hughes.

ABSENT: Laurie Gorowsky; Mary Beth Mantiply.

Also present: Rebecca Hayes, recording secretary; Cathy Barnette, council liaison; Dorothy Morrison, Beautification Committee.

Absent: Laurie Gorowsky; Beth Mantiply.

2. Adopt Minutes / February 28, 2011

MOTION BY Ronald Nero to approve the February 28, 2011 meeting minutes with correcting Mr. Rudolf's name under the website report. *Seconded by Kelly Hughes.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Casey gave an overview of the last meeting for those not present.

3. WEBSITE

Ken found 400 pages of information on fiber optics. In the information it stated that fiber optics was a sure fire way of attracting businesses to a community.

Casey will get the proposal from JMF, and she asked Ken to contact the person he knows that does websites and get a proposal from them. She asked Rebecca to talk with Jane regarding the new city website and having links on it.

4. PLAQUE

Casey reported that council approved the construction and wording for the plaque for the fountain. Discussion was held on the next step in the process. They decided that they should get a design first. Doug said that he would talk with Jeff Hudson about doing the design, and then meet with the Public Works Director regarding construction of the base, and to have the plaque done. Discussion was also held on the placement of the plaque.

The goal is to have everything finalized at the next meeting

5. MASTER PLAN

Doug Bailey said that Stacey McKean, grant writer, will be at the next meeting to discuss grants with the members.

DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
FEBRUARY 28, 2010
5:00 P.M.

2

6. EVENTS DOWNTOWN

Suggestions were discussed for events to be held downtown to draw citizens to the downtown area.

7. REPORT ON BEAUTIFICATION PROJECTS / DOROTHY MORRISON

Dorothy said that they are working with Flowers Etc. to extend the sidewalk by their drive way. Guido's has replaced their plants. They have also extended flowers at the south of Centennial Park. The Authority discussed having an improvement fund to encourage merchants to spruce their property up. Cathy will check with Kim to see how much money the Authority has, and what how they can spend the money.

4. NEXT MEETING

The next meeting will be April 25th, 2011 at 5:15 p.m.

5. ADJOURN

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Downtown Redevelopment Authority

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 27, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 5:05 p.m.

CALL OF ROLL:

Members Present:

Joe Lemoine, Secretary
Don Terry
Ed Kirby, Chairman
Victoria Phelps
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Fred Small, Mayor
Dan Gibson

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney
Ashley Campbell, Environmental Programs Manager

Staff Absent:

Missty Gray, Attorney
Erick Bussey, Associate Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect Mr. Gibson and Mayor Small are not present.

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the December 16, 2010 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 27, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. Lemoine and **Seconded** by Ms. Barnette *to approve the minutes of the December 16, 2010 regular meeting, as submitted. The Motion carried unanimously.*

The next order of business under old business is an administrative presentation for Paradiso Subdivision.

OLD BUSINESS:

ADMINISTRATIVE PRESENTATION:

For the record, the preliminary plat was approved by the Daphne Planning Commission on January 22, 2009, and a one year extension was granted on was granted on December 17, 2009.

An introductory presentation was given by Mr. Andrew James, representing Volkert & Associates, requesting a one-year extension of the approval of the preliminary plat for Paradiso Subdivision. I will be happy to answer any questions you may have.

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

Mr. Lemoine: Mr. James, so all you are asking for is a one year extension. Is that correct?

Mr. James: Yes sir.

Ms. Barnette: For the record, I would like to say I am not in favor of granting an extension for a project.

Chairman: Do any of the Commissioners have any further questions or comments? We have a request to grant a one-year extension to Paradiso Subdivision. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Lemoine and **Seconded** by Mr. Terry *to grant a one-year extension of the preliminary plat for Paradiso Subdivision. The Motion carried. Ms. Barnette dissented.*

The next order of business under new business is site plan review for Autistic Therapy.

NEW BUSINESS:

SITE PLAN REVIEW:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 27, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

File S11-01:

Site: Autistic Therapy

Zoning(s): B-2, General Business

Location: Northeast of the intersection of County Road 64 and Rand Avenue, Lots 25 & 26, Austin Place Commercial Park, Phase Three

Area: 0.92 Acres ±

Owner: Darla Mohler

Agent: Central Associates - Gene Davis

Engineer: JPH Engineering - Jerry Hutcherson

An introductory presentation was given by Mr. Gene Davis, representing Central Associates, and Ms. Darla Mohler, the owner, requesting site plan review of a medical office facility located northeast of the intersection of County Road 64 and Rand Avenue on Lots 25 & 26, Austin Place Commercial Park, Phase Three. I will be happy to answer any questions you may have.

Chairman: Mr. Davis before we get started, we have several different revised sets of plans, and I am not sure if staff has had enough time to review them.

Mr. Davis: I am sure they have because I have gotten a response from the fire marshal.

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

Ms. Barnette: Mr. Johnson, have you had a chance to review the latest revision to this drawing?

Mr. Richard Johnson, Public Works Director: The final set I received was stamped by an engineer on January 18, 2011.

Chairman: So Mr. Johnson did you review the set of plans that we have?

Ms. Jones: The memorandum that you have is the one that we received yesterday, and it is based on the review of the set of plans dated January 18, 2011. Those comments are tied to the set of plans that you were given for the work session.

Mr. Johnson: We are both talking about the same set of plans?

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

Mr. Lemoine: Mr. Chairman, I have two sets of plans that are stamped January 18, 2011. One of them has a detention pond, and the other one does not.

Mr. Davis: That is correct. The second set was in response the questions and/or comments made at the work session.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 27, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Lemoine: So how do we know which one is correct?

Mr. Davis: The one that has the detention pond is the one that Mr. Johnson had made his comments on last Friday.

Ms. Phelps: Do we have the correct plan on power point?

Ms. Jones: Yes. It is the one that Mr. Johnson refers to in his memo.

Mr. Davis: We have two plans. One is with detention, the other one is not, and we are willing to do either one.

Ms. Barnette: Would it be appropriate to hear from Mr. Johnson?

Mr. Johnson: I cannot fault an applicant for trying to perfect the plan. If you are receiving a set of plans every day, it is unreasonable to ask for me to continue to review them. After the work session, I talked to the design engineer about the direction in which he was going to take. I told him when you get that designed, then email it to me for my review. I understand that my role is to review a site or subdivision plan if it has drainage or utility infrastructures. I have to base the review on how the development standards are listed in our Ordinance. The issue at hand that this body has got to come to a conclusion on is when there is redevelopment to an existing development, do you apply the regulations that were in place the time the development took place or the regulations in place today? I learned that it is based on the date the application was submitted. With that being said, what is submitted here does not meet our Ordinance. Do you waive those requirements, give a variance to it or ignore them? I can't ignore the regulations that are in place. There are some issues that affect the city itself with drainage ways and detention ponds. We have moved seven beaver dams and lowered the water in the pond. It does not resolve the issue that there has been no maintenance of a facility that is located on private property and has supported private development for sixteen or seventeen years. Also over time and the way the structure was designed, it does not support any portion of this development. Unfortunately, this applicant's two lots drain to and bypasses the detention pond. The letter of the law says that you provide for it onsite or if it is provided for in a common ground area, your engineer evaluates that system based on the current standards. With that, I will be happy to accept any questions.

Chairman: Mr. Davis, you alluded to the fact that you would do either one of the site plans.

Mr. Davis: Yes. That is correct.

Mr. Johnson: If the detention facility is not encumbered with ownership issues, we would prefer common ground detention. Unfortunately, there are so many issues that are beyond this applicant's control. It is an unreasonable burden for them to take on the task of evaluating, repairing and maintaining a detention facility for them to use for their site. It would be cheaper to establish the detention on their site.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 27, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: Will the storm water inlet located in the northwest corner of the property be sufficient?

Mr. Johnson: Absolutely. Eventually the burden of the maintenance of the detention pond that is there which does serve a large portion of the development is something that we cannot continue to ignore. I do not know what body, but someone is going to have to take some action there.

Chairman: I do not know that either. I do know we had asked the City Council to place a moratorium on any further development in this subdivision which feed into the detention pond, and it never happened. I would like to ask if you are ok with that set of plans.

Mr. Johnson: I will be happy to work with them if you approve the set of plans.

Ms. Jones: The title of the plan you wish to approve is entitled "the Office Building."

Chief White: Can you explain what changes were made in order for the plans to come in compliance with the fire marshal?

Mr. Davis: We took out the fire hydrant that the fire marshal originally wanted us to put in. In its place, we are going to install a free standing siamese connection.

Mr. Terry: You also shortened the parking lot and added some of the parking in the front in order to accommodate the fire department turn around.

Mr. Davis: You should have a letter where he approved that.

Ms. Jones: I can assure you that Chip did approve the fire hydrant and the parking.

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

A Motion was made by Ms. Phelps and Seconded by Mr. Terry to approve the site plan for Autistic Therapy of the revision to the plans entitled "the Office Building" to include onsite storm water detention.

An Amended Motion was made by Ms. Phelps and Seconded by Mr. Terry to approve the site plan for Autistic Therapy of the revision to the plans entitled "the Office Building" to include onsite storm water detention and a siamese value connection per the request of the Fire Marshal.

An Amended Motion was made by Ms. Phelps and Seconded by Mr. Terry to approve the site plan for Autistic Therapy, contingent upon submission of a revision to the plans entitled "the Office Building." The revision shall include onsite storm water detention and a siamese value connection per the request of the Fire Marshal. The final draft of the site plan must be submitted to the department of Community Development within one week, on February 3, 2011. The Motion carried. Mr. Chason abstained.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 27, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

The next order of business is preliminary/final plat review for the Resubdivision of Lot 1, Mark Trione's Belforest Subdivision, Unit 2.

PRELIMINARY/FINAL:

File SDPF11-01:

Subdivision: The Resubdivision of Lot 1, Mark Trione's Belforest Subdivision, Unit 2

Zoning(s): B-2, Neighborhood Business, Baldwin County District 15

Location: On the north side of Milton Jones Road approximately one thousand three hundred feet west of Alabama Highway 181, City of Daphne extraterritorial planning jurisdiction

Area: 14.39 Acres \pm , (2) lots

Owner: Lee "Trip" Pittman

Engineer: GeoSurveying - Matt or Jima Kountz

An introductory presentation was given by Mr. Matt Kountz, representing GeoSurveying, requesting preliminary/final plat review of a fourteen-point three nine-acre subdivision consisting of two lots located on the north side of Milton Jones Road approximately one thousand three-hundred feet west of Alabama Highway 181. The subdivision lies in your extraterritorial planning jurisdiction. We have been working with Baldwin County. We have basically addressed all of their concerns, except we will have to install a fire hydrant prior to the County signing the plat. I will be happy to answer any questions you may have.

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

Ms. Barnette: According to the second set of comments from Baldwin County, they have not approved the subdivision yet. I guess it has not been resolved.

Mr. Kountz: The main issue that Baldwin County has is they are changing the position of those who review the plans. The person who is spear heading this now is Steve Pumphrey. Based on my conversation this afternoon with him, we have addressed all of his concerns, except for the fire hydrant issue.

Ms. Jones: We still do not have a follow-up or the final letter from the County. As I stated in the work session with these being minor issues and the fact they are in the extraterritorial planning jurisdiction, you can approve it and I will not sign off on it until we get the information we are looking for.

Ms. Barnette: In the past, we have been granting a preliminary rather than a final.

Mr. Kountz: I guess my question would be will we have to submit all of the information again?

Ms. Barnette: That would be up to this body. We could approve as a preliminary, and yes you would have to come back to us for the final.

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Ms. Barnette: If this body feels it is minor enough, then we would approve it as a preliminary/final. I think both of them is fine with me.

Chairman: If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette to approve a preliminary plat for the Resubdivision of Lot 1 of Mark Trione's Belforest Subdivision, Unit 2.

Ms. Barnette: I withdraw that motion.

Mr. Chason: So we are doing this because we want him to come back?

Chairman: Until such time we have something from Baldwin County that says all of the other questions have been answered.

Mr. Kountz: Why couldn't we make that one of the contingencies for approval and go ahead and give us preliminary/final? The reason I am asking is this project has been dragging on, and the County obviously not willing to step up and do anything to resolve this. Up until the time that we came here, we were still addressing issues. I would like to ask that you give us preliminary/final so we do not come back again in one month.

Mr. Chason: All of the issues are contained in Mr. Beebe's letter, and he is going to be the reviewer and finder of fact. It is going to be a matter of Ms. Jones verifying that he said yes or no. Instead of waiting another thirty days for him to come by, I do not see why we do not let her decide.

Ms. Jones: This is not something that has to go before a board or any where else, except an administrative review by me.

Mr. Chason: If the County official says all of the requirements have been met, then we do not have to wait another thirty days.

Chairman: Are you ok with that Ms. Barnette?

Ms. Barnette: Yes, but I do not like contingencies.

Chairman: I don't either. Do any of the Commissioners have any further questions or comments? He opened the floor to public participation.

Ms. Susan Cade, the prospective owner, of the new parcel spoke and asked the Planning Commission to approve the plat contingent to the outstanding issues with Baldwin County being addressed so Mr. Pittman could proceed with the sale of the lot to them.

Chairman: The Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Mr. Chason to approve the preliminary/final plat for the Resubdivision of Lot 1 of Mark Trione's Belforest Subdivision, Unit 2, contingent upon the submission of a revised plat in compliance with Baldwin County requirements and the installation of a fire hydrant. The Motion carried unanimously.

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The next order of business is administrative presentation for Bayside Academy.

ADMINISTRATIVE PRESENTATION:

BAYSIDE WEIGHT ROOM EXPANSION AND LOCKER ROOM/BATHROOM ADDITION:

An introductory presentation was given by Mr. Tom Granger, representing Hutchinson, Moore & Rauch. This proposal consists of the proposed construction of two facilities on this site. One of which is the weight room expansion, and the other is the addition of a locker room and bathroom. The weight room is a single story co-ed, one thousand seven hundred square foot, addition which is less than a thirty percent increase of floor area as outlined in the Daphne Land Use Ordinance and may not require the review of the Planning Commission. The proposed construction of the locker and bathroom addition is under the existing stadium. This will not increase enrollment, affect the storm water drainage, and will not require additional parking. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the weight room expansion and the locker room and bathroom addition, as submitted. The Motion carried unanimously.**

The next order of business is administrative presentation for the Jubilee Retail Overlay District Pylon Sign.

JUBILEE RETAIL OVERLAY DISTRICT PYLON SIGN:

An introductory presentation was given by Mr. Phillip McAfee, representing L.A. Daphne, L.L.C., requesting Planning Commission approval of the installation of a ninety-foot tall, eight hundred and eighty-six-square foot pylon sign, to be located at one of the shopping center entrances approximately two hundred feet west of existing Starbucks and north of the service road that you see there. Unfortunately, I was unable to make the work session, and I am not nearly as eloquent as Mr. Carlson is, but I will do my best. What we have done since the work session is contact Mr. Leon Barber, the Western Division Engineering Supervisor - Riveria Utilities, to discuss the proposed location of the sign. We had our sign representative stake out the location of the pylon sign in conjunction with the existing power lines. After reviewing the area which we staked out for the sign, he said it fell outside of the Riveria Utilities easement area. However, it does meet the distance requirement of a structure to a transmission line in compliance with the National Electrical Safety Code. He requested we shift the location of the sign to the west to avoid a distribution line and Riveria's proposed elimination of the transmission line running south behind our shopping center. We are approximately fifty feet from the East/West transmission line and approximately ten feet from the distribution line which runs Northeast/Southwest.

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Mr. McAfee: That met the separation criteria of the code, but he asked that we shift the pylon sign slightly to get a little more separation to the distribution line. I apologize that the requested improvements to the drawings requested at the work session did not get in until today. Those picture generally the same, but our sign representative has modified them to get them as close to scale as possible. Those were presented to you via email this morning, and the other ones were presented just before the meeting started. They are revisions to what was presented to you previously. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? I will say the drawings that were emailed to us were a little confusing with regard to where the sign would be located. You have stated that the location is approximately two hundred feet west of Starbucks.

Mr. McAfee: The location shown on the landscape drawing is exactly where it will be going. Because of the easement, it prevents us from getting any closer to U. S. Highway 90 with the structure.

Chairman: So now you are proposing to move it a little further west to get away from the easement.

Mr. McAfee: Yes sir. When I had spoken to Mr. Barber, I asked him do you two, three or five feet, he said whatever you can do. There are limitations to how far we can go west also.

Chairman: My question to you is your ninety-foot sign starts at ground elevation which is eighteen or nineteen feet.

Mr. McAfee: The contour shown on the drawing is a nineteen-foot contour. The sign runs approximately at the sixteen feet contour so we are down lower than the service roads around us and certainly below Interstate 10.

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

Ms. Phelps: I have a couple of comments. We have some other photos which show several height variances at fifty feet from Interstate 10. It looks like you would be fine at fifty feet in height. There are a couple of things I wanted to get on the record. One is, is this sign positioned inside of what we consider to be the Jubilee Retail Overlay District? Adrienne?

Ms. Jones: Yes. It is.

Ms. Phelps: I want to get that on the record. The second thing is, will the manager of the sign will be L.A. Daphne and will decide which tenants will manage what tenants come on and off the sign? Will you be the builder and the owner of the sign?

Mr. McAfee: That is correct.

Ms. Phelps: We also asked for a wind load stamp to be provided. I had concerns about the wind load capacity. I do not know if you got that or not.

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Mr. McAfee: I did not want to design it and pay for a drawing to be stamped by an engineer prior to approval. According to my sign consultant, it has or will be designed to handle the wind load.

Mr. Ray Floyd, representative of Advantage Sign Company: When we come to get the sign permit, we will provide a stamped drawing from our engineer.

Mr. McAfee: We will have to come in for an actual sign permit prior to the erection of the sign.

Ms. Phelps: Like I brought out at the work session, we have a policy and our policy says you have the ability to have a sign that can be ninety feet. You can have a monument and a development sign based on the site line study provided by the developer and approved by the Planning Commission as justification for the proposed height and to insure that the top panel on the sign is visible while traveling in any direction on Interstate 10. We had pictures which showed the sign at sixty feet that also met that requirement. I just wanted to get that on the record.

Ms. Barnette: Mr. Chairman, I guess it does not come as anyone's surprise I am biased against the tall sign although I did vote for the overlay district. I recognize this is a unique area and needs a higher signage that is allowed in other parts of the community. However, I do agree with Ms. Phelps comments. Based on the information that has been provided to us, I do not see the need for a ninety-foot sign. Would you be willing to tell me based on the photograph you have submitted, why ninety feet is necessary when it appears that in fact it is not? That would be my first question. Secondly, I guess we did this to encourage development or redevelopment in Jubilee Square Shopping Center. This sign does not match the character of the development. I would like to know if there is a way to have the sign fit a little more appropriately. Would you be willing to do some type of brick column in order for it to match the color scheme of the development so it would not stand out, but would seem as if it is a part of the development? Here we just have a sign that really does not fit the development. Is there any way to modify it for it to fit within the development?

Chairman: Mr. Lemoine would you like to ask something before he answers the question?

Mr. Lemoine: No. I would like to comment on ninety-foot verses the sixty-foot development sign.

Mr. McAfee: First, I would like to ask who submitted the sixty-foot alternate?

Ms. Jones: You did.

Mr. McAfee: I know what I submitted. What I had submitted originally was a sign study given to me by Dick's Sporting Goods. Several months ago, when I stood before you for that approval, the issue came up about the pylon. I told you that Dick's Sporting Goods would be coming before separately from us to present the pylon sign.

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Mr. McAfee: They realized after they had done their study and started the process that it was better suited for someone to represent them a little closer to Daphne rather than Pittsburgh, Pennsylvania. That is when they asked us to take over the process, and we agreed to do that. What I had submitted to Adrienne originally were sign details which they had created for another location. At that time, she made it quite clear to me we needed to have a site specific location. After discussing it with their consultant because Dick's was no longer involved, we decided to go with a local consultant. This consultant is familiar with this area and has actually built signs along this interstate. I submitted the previous drawings which were not applicable to this location. That unfortunately was in error. The location was shown as being closer to Starbucks on the other side of the entrance approximately two hundred feet to the east. We looked at coming to this side of the drive, but long story short, the consultant that has been working with us had not submitted photos previously. Another consultant submitted those photos for a different location. In my opinion, given the distance from Interstate 10 and the site is located down radiant from the surrounding road, you want to capture for the tenant and for the revitalization of this shopping center the best visibility possible. The lower you drop the height of the pylon sign, the harder it will be to have it visible from Interstate 10. Driving in from Mobile today, I was looking to see what I could see first. If we drop it down thirty more feet, you will not be able to find the sign very quickly. It will be too late when I realize that Dick's Sporting Goods is in there or whatever is in the shopping center. That is why I believe the sign needs to be ninety feet tall in height. I know that opinions vary, and I know that. I thought we did a pretty good job with the size of the structure. With respect to a brick column, I do not know how far you would take that up before it became funny looking. At the base of this sign, I think that our landscape architect has done an excellent job of adding landscaping to help screen the bottom of this sign and use plants that would not grow so tall to become a hindrance. I am open to suggestions, but I thought we had hit the mark. Again, I recognize that is a matter of opinion.

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

Mr. Lemoine: With regard to the ninety-foot verses the sixty-foot development sign, I do not have a problem with the ninety feet. If they do it at sixty feet, then who is going pay for them to come back later and bring it up to the ninety feet. I am sure that it will not be the City of Daphne. I do not have a problem with the ninety feet in height. If we did not want ninety feet, then we should not have put it in our Overlay District requirements, and then come back and ask someone to lower their sign. Therefore, I am in totally in favor of the ninety-foot sign.

Mr. Terry: Mr. Chairman.

Chairman: Yes sir.

Mr. Terry: I would like to go back a little bit when the Overlay District was done. For political correctness, I will just say our proposed former tenant which we jumped through hoops to get all of this done for.

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Mr. Terry: I remember that tenant asking for three signs on each side of their building. They were going to be on the end building, but they wanted a sign on the front facing to the east, a sign on the north along with possible a mural, if I remember correctly, and also one on the west side so I am sure they would ask for a ninety-foot sign also. I think the City is coming out better as far as beautification with just going with the ninety-foot sign. If my measurements are correct like the gentleman said if you are one of the lower tenant panels, you are going to be thirty-three feet down at the top, not the center of their panel. Therefore, I am also in favor of the ninety-foot sign.

Chairman: If you look at the contours, you are going to be three to four feet from the road bed height.

Mr. McAfee: To explain the contours, I think that it is going to be a little more than that. This is based on an engineer drawing dated 2001. I just happened to have that information, and that is why I used it. Just based on physically going down there where the flags are located is more than ten feet on the low side.

Chairman: Rather than it being ninety feet in height if you start out on the low side, then the sign will be closer to eighty feet in height at the road bed.

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

Mr. Chason: I just want to add this since you were not at the work session. I wanted to make sure we are clear that you understand this is not a conceptual plan. This is the actual sign, and the location is the actual location. You will have two major tenant panels and six subtenant panels, and that will not change. I was told at the work session that will not change in the future, and that was exactly correct. It will not change from what we see here.

Mr. McAfee: Barring any changes in the shopping center, that is correct.

Mr. Chason: That is what I was concerned about. We want to give the people who are charged with the responsibility of the enforcement of the regulations in the field plenty of latitude. However, there are routine daily things they deal with and then there are big signs which create a lot of controversy and draw a lot of attention. For that matter, my thought is if you find you have to change this, then you need to come back to this body.

Mr. McAfee: When you say change, are you saying with respect to the number of panels?

Mr. Chason: The location, the number of panels or anything to do with the dimensions.

Mr. McAfee: Ok. Understood.

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

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Ms. Barnette: Mr. Chairman, I would like to respond to one comment. When we did the Overlay District, we did have ninety feet in height in there, but we also required the sight line study for the justification. When we passed the regulations that was the maximum height. We did not say that meant that everything that came before us would be ninety feet so that is why we required the sight line study. If we did not care about sight line study, then it would be ridiculous for us to make an applicant go through the process if we intended to just give the ninety feet. The regulation was to require a sight line study to determine the height of the sign, for the record. I do think that the landscaping underneath is excellent. I do personally think that it will be too goofy looking. I do think with my inclination for signs that I think ninety feet is way too high. I hear your justification on the sixty feet, and you are probably right. I think seventy or eighty would be more than enough. That is just my two cents. I am under ruled on that.

Mr. Chason: Whom did the sight line study?

Ms. Barnette: We apparently saw the incorrect sight line study.

Mr. McAfee: No Ma'am. There was a sight line study done by our consultant here which was submitted.

Ms. Phelps: That is shot four on one page from the overpass.

Ms. Barnette: That is the incorrect one.

Ms. Jones: It is noted as option two in your packet along with the additional information that you got tonight.

Mr. Chason: Do they have to pay for these spots or the location on the sign? Do you have a buyer for the bottom two spots?

Mr. McAfee: They are under negotiation pending the outcome of this meeting.

Mr. Chason: So you are saying whether or not they can be sold depends on whether or not they are going to be five or ten feet higher or lower?

Mr. McAfee: That is right.

Mr. Chason: What I heard or what you said is the concern about the location of the lower panels.

Mr. McAfee: That is correct. Currently we have the tenants that you see there that are very interested. If we lower the sign, whoever takes the lower panels it would be to their detriment.

Mr. Chason: Then common sense tells me that the height has to do with the view from the interstate. That matters to Jubilee and Home Depot because it is large, and they are on top. If you are traveling seventy-five miles per hour down the interstate, you will see that. Do you have time to see them if they are higher or lower?

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Mr. Chason: Being located on the sign is still as important as being able to read it from the interstate. The question about the line of sight is if you are sitting on U. S. Highway 90 or Interstate 10 is it there? If it is, then it would still have value even if it was going to be a little lower. I do not think you can see the two bottom signs from the interstate even if it was one hundred and twenty feet. What is the dimension of one of those small panels?

Chairman: Seven feet by eleven feet. It is seven feet tall by eleven feet wide.

Mr. Floyd, Advantage Signs: We are at eighty feet above grade. The bottom panels are thirty-five feet below that. If we are eighty feet above grade, you will be able to read every panel on there. If you drop it below that, you will not be able to read the bottom panels.

Chairman: Interstate signs that we read while driving seventy miles per hour is much taller than that such as a directional sign which tells you to get off at the next exit.

Mr. Chason: I am sitting here trying to determine whether or not this pylon sign will help the shopping center and if this is a deal killer. I am looking at the overall height to width, the topography, and the landscaping. I am looking at all of that in my mind to determine if the pylon sign is absolutely necessary. If these Commissioners are saying that it is just as effective at seventy feet as it will be at ninety feet, then why not make it seventy feet. The only thing that I am hearing you say is the lower panels need to be seen from the interstate. If the pylon is not ninety feet, then you will not be able to see the lower panels. Is that what you are saying?

Mr. McAfee: I think what I am saying is based on what our consultant which does this for a living is saying that this is what is needed. After driving down the interstate as I mentioned earlier and seeing where this sign would become visible, it is imperative, in my mind, that we maintain the taller sign.

Mr. Chason: I certainly do not want to offend your consultant, but does he ever recommend a smaller pylon sign?

Chairman: It would be a lot cheaper for them.

Mr. Chason: I just want to know.

Chairman: Now, let me ask this. We have trees in that place to around this sign.

Mr. Chason: Look at the size of the little man right there. The trees are not going affect the sign.

Mr. Floyd: To spend the kind of money they are spending and to ask them to lower the sign would make the sign less effective.

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Ms. Phelps: Well, go seventy feet. We are trying to save you money.

Mr. Lemoine: We will be saving him money by not making the bigger sign and eliminating some very good potential occupants of Jubilee Square Shopping Center.

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

A Motion was made by Ms. Lemoine and **Seconded** by Chief White *to approve the installation of the Jubilee Retail Overlay District Pylon Sign, with their definition of the criteria necessary for the ninety-foot pylon sign. The Motion carried. Mr. Chason, Ms. Phelps and Ms. Barnette dissented.*

After the motion was made and seconded, the Chairman called for discussion.

Ms. Phelps: I'm in favor of the sign, but not at ninety feet, rather at seventy feet. It would be just as effective at seventy feet and could be more compatible with the existing development. While you've gone the extra mile for landscaping around the base, I think the sign as a whole should reflect what the rest of Jubilee represents.

Chairman: Anything else?

Councilman Barnette: I think I made my comments clear as well. I concur.

Chairman: I have a motion and a second. If there's, no other discussion. All those in favor say aye:

Lemoine, Terry, Chief White, Chairman: Aye

Chairman: Opposed?

Chason, Phelps, Barnette: Nay

Ms. Dickson asked for those opposed to please raise their hands to be accounted for.

Chairman: Motion passes.

The next order of business is administrative presentation for the City of Daphne 2011 Street Improvements.

CITY OF DAPHNE 2011 STREET IMPROVEMENTS:

An introductory presentation was given by Mr. Richard Johnson, Public Works Director, of the proposed City of Daphne 2011 Street Improvements. The first two phases will be in Lake Forest Subdivision. The first phase is the improvements at the main boulevard coming into Lake Forest. The second will be at the U. S. Highway 90 entrance and Bayview Drive going to the east. The next phase will be at Lawson Road and County Road 13. We will be doing road paving and curb and a valley gutter around the raised medians. This will allow stacking relief and create a right-hand turn lane for the school.

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Mr. Johnson: The third phase will be in TimberCreek Subdivision. To address their concerns, we will be doing some repaving within the subdivision. The fourth phase will be at the intersection of U. S. Highway 98 and Whispering Pines Road. This will be the completion of the paving for Whispering Pines Road and will include the realignment of the turn lanes at that intersection. In this case the Alabama Department of Transportation will be funding fifty percent of the cost. The final phase of the project will be at what we call "Hamburger Hill." We propose to correct the bad intersection at the median near U.S. Highway 98 and Interstate 10. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Phelps and **Seconded** by Mr. Terry to approve Chief White *to approve the City of Daphne 2011 Street Improvements. The Motion carried unanimously*

The next order of business is administrative presentation for the City of Daphne and the Utilities Board of the City of Daphne.

DIVISION OF PROPERTY FOR THE CITY OF DAPHNE AND THE UTILITIES BOARD OF THE CITY OF DAPHNE:

An introductory presentation was given by Mr. Ross, City Attorney, regarding the dividing of property for public use for the City of Daphne and the Utilities Board of the City of Daphne. Due to illness, Hutchinson, Moore & Rauch was unable to complete the preparation of the documents necessary to present this proposal to the Planning Commission tonight. I would like to postpone discussion until the next regular meeting of February 24, 2011.

The next order of business is administrative presentation for the revision to the City of Daphne Zoning and Street Map.

CITY OF DAPHNE REVISION TO THE CITY OF DAPHNE ZONING AND STREET MAP:

An introductory presentation was given by Ms. Nancy Anderson, the GIS Manager, of a revision to the zoning and street maps with a list of changes have been made in the City. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Phelps and **Seconded** by Mr. Lemoine *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning and Street Maps. The Motion carried unanimously.*

The next order of business is public participation.

PUBLIC PARTICIPATION:

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Chairman: Is there anyone who would like to address the Planning Commission?

Mr. Kevin Springs, a business owner: I wanted to comment on some of the things that came up tonight. One is signage. The Sign Provisions section is probably the most damaging Ordinance in Daphne. It needs to be addressed. The City right now is having a problem with business revenues of which you have a lot of power by approving projects. The City has done a lot of things to cut the expenditures in the budget. I think that it is improper for you as a body to be able to set a limit on the height of building or a sign. Signs should be determined by the owner of the sign and based on the engineer's recommendation and design to erect the sign. This body does not have the expertise as an individual or a business owner to determine what a shopping center needs to be successful. Business owners in that position need to make those decisions. In my opinion, ninety feet is not enough. I would have gone for one hundred and twenty. I would also like to comment on Mr. Johnson's projects and how the Alabama Department of Transportation will affect residences in that area. If the State had their way, they would make U. S. Highway 98 a controlled access highway. I have a meeting scheduled with the Mayor and Mr. Johnson. I think they need to meet with the business owners' in that area to discuss how they will be impacted before the plans are executed. To me it is unrealistic, to go into a development like Lake Forest Subdivision and install curb and gutter without looking at utilizing assessments.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

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

Ms. Victoria Phelps requests an Alabama Department of Transportation update regarding the progress of the improvements to Alabama Highway 181. She asked Ms. Jones to contact Mr. Vince Calmetti or Mr. Don Powell to ask them to make a presentation at the February 16, 2011 site preview meeting.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS:

Ms. Jones: No report.

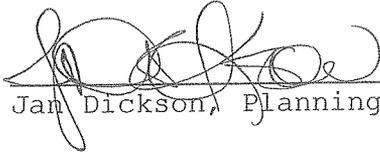
ADJOURNMENT:

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

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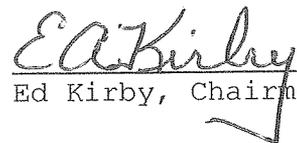
There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: March 24, 2011



Ed Kirby, Chairman

CITY OF DAPHNE
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1. CALL TO ORDER DATE: JANUARY 28, 2011

2. CALL OF ROLL ADJ/JD

3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of December 16, 2010. (APPROVED AS SUBMITTED)

4. OLD BUSINESS:

A. ADMINISTRATIVE PRESENTATION:

Presentation to be given by Mr. Jay Dickson, representing Volkert & Associates, requesting an extension of time for the approval of the preliminary plat for Paradiso Subdivision. The preliminary plat was approved by the Planning Commission on January 22, 2009, and a one year extension was granted on was granted on December 17, 2009. (APPROVAL OF A ONE-YEAR EXTENSION SET TO EXPIRE ON JANUARY 26, 2012)

5. NEW BUSINESS:

A. SITE PLAN REVIEW:

File S11-01: (APPROVED, CONTINGENT UPON SUBMISSION OF A REVISION TO THE PLANS ENTITLED "THE OFFICE BUILDING". REVISION SHALL INCLUDE ONSITE DETENTION AND A SIAMESE VALUE CONNECTION PER THE REQUEST OF THE FIRE MARSHAL. THE FINAL DRAFT OF THE SITE PLAN MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT WITHIN ONE WEEK, FEBRUARY 3, 2011)

Site: Autistic Therapy

Zoning (s): B-2, General Business

Location: Northeast of the intersection of County Road 64 and Rand Avenue, Lots 25 & 26, Austin Place Commercial Park, Phase Three

Area: 0.92 Acres ±

Owner: Darla Mohler

Agent: Central Associates - Gene Davis

Engineer: JPH Engineering - Jerry Hutcherson

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 27, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

B. PRELIMINARY/FINAL:

1. **File SDPF11-01: (APPROVED, CONTINGENT UPON THE SUBMISSION OF A REVISED PLAT IN COMPLIANCE WITH BALDWIN COUNTY REQUIREMENTS AND THE INSTALLATION OF A FIRE HYDRANT)**

Subdivision: The Resubdivision of Lot 1, Mark Trione's Belforest Subdivision, Unit 2

Zoning(s): *B-2, Neighborhood Business, Baldwin County District 15*

Location: On the north side of Milton Jones Road approximately one thousand three hundred feet west of Alabama Highway 181, City of Daphne extraterritorial planning jurisdiction

Area: 14.39 Acres \pm , (2) lots

Owner: Lee "Trip" Pittman

Engineer: Geo-Surveying - Matt or Jima Kountz

D. ADMINISTRATIVE PRESENTATION:

1. **Presentation to be given by Mr. Tom Granger, representing Hutchinson, Moore & Rauch, regarding the construction of a weight room expansion and locker room/bathroom addition to Bayside Academy. (APPROVED)**
2. **Presentation to be given by Mr. Phillip McAfee, representing L.A. Daphne, L.L.C., and Mr. Ray Floyd, representing Advantage Sign Company, requesting Planning Commission approval of the installation of the ninety-foot Jubilee Retail Overlay District pylon sign, as outlined in Article XXXIX of the Jubilee Retail Overlay District. (APPROVED)**
3. **Presentation to be given by Mr. Richard Johnson, Public Works Director, of the proposed City of Daphne 2011 Street Improvements.(FAVORABLE RECOMMENDATION TO THE CITY COUNCIL)**
4. **Presentation to be given by Ms. Adrienne Jones, Community Development Director, or Mr. Jay Ross, City Attorney, regarding the dividing of property for public use-City of Daphne and Daphne Utilities. (POSTPONED UNTIL THE FEBRUARY 24, 2011 MEETING AGENDA)**

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 27, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

5. Presentation to be given by Nancy Anderson, GIS Manager, of a revision to the City of Daphne Zoning and Street Map. (FAVORABLE RECOMMENDATION TO THE CITY COUNCIL)

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS: MS. VICTORIA PHELPS REQUESTS AN ALABAMA DEPARTMENT OF TRANSPORTATION UPDATE REGARDING ALABAMA HIGHWAY 181 PROGRESS. SHE ASKED MS. ADRIENNE JONES TO CONTACT MR. VINCE CALMETTI OR MR. DON POWELL AND ASK THEM TO COME TO THE FEBRUARY 16, 2011 WORK SESSION

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 5:04 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Dan Gibson
Joe Lemoine, Secretary
Don Terry
Ed Kirby, Chairman
Victoria Phelps
Larry Chason, Vice Chairman
*Cathy Barnette, Councilwoman

Ms. Barnette arrived at 5:07 p.m.

Members Absent:

Chief James "Bo" White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney

Staff Absent:

Ashley Campbell, Environmental Programs Manager
Misty Gray, Attorney
Erick Bussey, Associate Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect Chief White is not present.

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the January 27, 2011 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

Ms. Phelps requested that the minutes be tabled until the next regular meeting in order for her to meet with Ms. Dickson to discuss corrections to the minutes, as well as, to add and adequately capture comments during the discussion of the Jubilee Retail Overlay District Pylon Sign which were not contained within the minutes submitted for review and approval.

Chairman: The Commission members had discussed verbatim some time ago and agreed that the Planning Coordinator would no longer do verbatim minutes.

Mr. Chason: These minutes consist of both verbatim and a summarization.

Ms. Jones: I am confused. What are you wanting the minutes to consist of that is missing?

Ms. Phelps: I would like the minutes to include comments that are made during agenda item discussion that we, the Planning Commission members, feel are relevant and should be included.

Chairman: The minutes are meant to be a summarization of the discussion and the action of the Planning Commission. In the future, during the course of the meeting, please say that the comments should be included in the record.

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

A Motion was made by Ms. Phelps and Seconded by Mr. Chason to table the minutes of the January 27, 2011 regular meeting until the next regular meeting of March 24, 2011. The Motion carried unanimously.

The next order of business is an administrative presentation for a master plan revision of Caroline Woods Subdivision, Phases Two & Three.

NEW BUSINESS:

CAROLINE WOODS SUBDIVISION, PHASES TWO & THREE:

MASTER PLAN:

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting revised master plan review for Caroline Woods Subdivision, Phases Two and Three. The revised master plan is simply a reflection of the rezoning which was previously approved and the proposed resubdivision of Lot 27 in Caroline Woods Subdivision, Phase Two A. I have also provided a master plan with a sidewalk detail to address Mr. Gibson's comments at the work session.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Diehl: The sidewalk on the front property line will be done at the time of the construction of the homes in this phase of the subdivision. All other sidewalks will be installed by the contractor. I will be happy to answer any questions that you have.

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

Mr. Lemoine: Will there be any additional signage installed in order to identify the additional phases of Caroline Woods Subdivision?

Mr. Diehl: The only development signage will be the Caroline Woods sign which is currently in place.

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

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the revised master plan for Caroline Woods Subdivision, Phases Two & Three. The Motion carried. Ms. Barnette abstained.

PRELIMINARY PLAT REVIEW:

File SDF11-01:

Subdivision: Resubdivision of Lot 27, Caroline Woods, Phase Two "A"

Zoning(s): R-4, High Density Single Family Residential

Location: Northwest of the intersection of Pollard and Whispering Pines Roads, north of Madison Place Subdivision, west of Caroline Woods Subdivision, Phase One

Area: 1.38 Acres ±, (7) lots

Owner: Plan B Investments, L.L.C. - Jacob Cunningham

Engineer: Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary plat review of a one point three eight acre subdivision consisting of seven lots located northeast of the intersection of Pollard and Whispering Pines Roads and north of Madison Place Subdivision, west of Caroline Woods Subdivision, Phase One. All of the lots have available to them the infrastructure with the exception of power. Riveria Utilities will install the power and then we will submit for final plat review. I will be happy to answer any questions you have.

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

A Motion was made by Ms. Phelps and Seconded by Mr. Terry to approve the preliminary plat for the Resubdivision of Lot 27 of Caroline Woods Subdivision, Phase Two A. The Motion carried. Ms. Barnette abstained.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

The next order of business is administrative presentation for the City of Daphne and the Utilities Board of the City of Daphne.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Adrienne Jones, Community Development Director, regarding the dividing of property for public use- City of Daphne and the Utilities Board of the City of Daphne. The dividing of property is to clear up the title with property owned by the City of Daphne and the Utilities Board of the City of Daphne. At which time the City Council will review a proposal for a land swap with the Utilities Board of the City of Daphne. The parcels and/or lots must be identified by the approval of the plats to be reviewed and approved by the Planning Commission.

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

Mr. Chason: I have no problem with the plat for the Utilities Board of the City of Daphne and the City of Daphne which includes the Bay Rivers Art Guild and the water tower, but I do have issue with the plat for the property located on Johnson Road. I think the parcels should be identified by the Government Survey Parcel Identification according to the bearings and distance if the larger parcel cannot be surveyed and adequately identified as a lot in the subdivision in order to avoid confusion or complications in the future.

There was some discussion about Mr. Chason's comments. The Planning Commission decided to vote on the two subdivisions separately.

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

A Motion was made by Mr. Chason and Seconded by Mr. Barnette to approve the exempt plat for the City Hall Subdivision. The Motion carried unanimously.

A Motion was made by Mr. Chason and Seconded by Ms. Phelps to approve the exempt plat for the Johnson Road Subdivision, contingent upon Parcel Two being identified as the larger parcel according to the Government Survey Parcel Identification method by bearings and distance less and except the smaller parcel. The Motion carried unanimously.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Ouellette, the President of the Madison Place Property Owners' Association: With regards to the Madison Place and Caroline Woods Subdivision, the dirt pit located to the north at the intersection of Park Drive and Tallent Lane continues to expand and is creating a sink hole. What is being done to protect the residents which live adjacent to the dirt pit?

Chairman: Mr. Ouellette, that would be an issue for the Code Enforcement Officer.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

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

No comments.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS:

Ms. Jones: The Daphne Land Use Ordinance is scheduled to be discussed at the next work session held by the City Council on March 14, 2011.

ADJOURNMENT:

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

There being no further business, the meeting was adjourned at 5:33 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: March 24, 2011



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 24, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. CALL TO ORDER DATE: MARCH 17, 2011

2. CALL OF ROLL ADJ/JD

3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of January 27, 2011. (TABLED UNTIL THE NEXT REGULAR MEETING OF FEBRUARY 24, 2011.)

4. NEW BUSINESS:

A. CAROLINE WOODS SUBDIVISION, PHASES TWO & THREE:

1. MASTER PLAN: (APPROVED)

Presentation to be given by Mr. David Diehl, representing Engineering Development Services, requesting revised master plan review for Caroline Woods Subdivision, Phases Two and Three.

2. PRELIMINARY PLAT REVIEW:

File SDF11-01: (APPROVED)

Subdivision: Resubdivision of Lot 27, Caroline Woods, Phase Two "A"

Zoning(s): *R-4, High Density Single Family Residential*

Location: Northwest of the intersection of Pollard and Whispering Pines Roads, north of Madison Place Subdivision, west of Caroline Woods Subdivision, Phase One

Area: 1.38 Acres ±, (7) lots

Owner: Plan B Investments, L.L.C. - Jacob Cunningham

Engineer: Engineering Development Services - David Diehl

B. ADMINISTRATIVE PRESENTATION: (CITY HALL EXEMPT PLAT-APPROVED); AND JOHNSON ROAD EXEMPT PLAT-APPROVED, CONTINGENT UPON PARCEL TWO BEING IDENTIFIED AS THE LARGER PARCEL ACCORDING TO THE GOVERNMENT SURVEY PARCEL IDENTIFICATION METHOD BY BEARING AND DISTANCE LESS AND EXCEPT THE SMALLER PARCEL).

Presentation to be given by Ms. Adrienne Jones, Community Development Director, or Mr. Jay Ross, City Attorney, regarding the dividing of property for public use-City of Daphne and Daphne Utilities.

5. PUBLIC PARTICIPATION

6. ATTORNEY'S REPORT

7. COMMISSIONER'S COMMENTS

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 24, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

8. DIRECTOR'S COMMENTS

9. ADJOURNMENT

To: Office of the City Clerk
From: Adrienne D. Jones,
Community Development Director
Subject: Planning Commission Minutes and Report
Date: March 25, 2011

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of January 27, 2011 and February 24, 2011 and the January, February and March reports for placement on the Monday, April 7, 2011 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

AJ/jd

From the Office of

Adrienne D. Jones
Community Development Director
P. O. Box 400
Daphne, Alabama 36526
251-621-3184 ph
251-621-3185 fx

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 24, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. CALL TO ORDER DATE: MARCH 25, 2011

2. CALL OF ROLL

3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of January 27 and February 24, 2011. (APPROVED AS SUBMITTED).

4. OLD BUSINESS:

A. ADMINISTRATIVE PRESENTATION: (APPROVED)

Presentation to be given by Ms. Adrienne Jones, Community Development Director, or Mr. Jay Ross, City Attorney, regarding the dividing of property for public use-City of Daphne and Daphne Utilities. The subject property is located southeast of the intersection of U. S. Highway 98 and Johnson Road.

5. NEW BUSINESS:

A. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Mr. Joe Steen, Real Estate Development representing 181 Venture, L.L.C., requesting a re-plat review of Parcels 05-43-06-23-0-000-018.002 owned by Mr. Brent Cumbest, Mr. Mark Cumbest, and Mr. Joe Steen, and 05-43-06-23-0-000-015.005 owned by Belforest Baptist Church, to remove an interior common lot line of each parcel in accordance with Article 11-5 of the Land Use and Development Ordinance. Currently zoned B-1, Professional Business District, and B-3, General Business District in Baldwin County District 15. Located southwest of the intersection of County Road 64 and Alabama Highway 181 (Shown as Lot A). (APPROVED)

2. Presentation to be given by Mr. Joe Steen, Real Estate Development representing 181 Venture, L.L.C., requesting a re-plat review of Parcels 05-43-06-23-0-000-018.000 owned by Mr. Brent Cumbest, Mr. Carter Franklin and Mr. Mark Cumbest, and 05-43-06-23-0-000-015.005 owned by Belforest Baptist Church, to remove an interior common lot line of each parcel in accordance with Article 11-5 of the Land Use and Development Ordinance. Currently zoned B-1, Professional Business District, and B-3, General Business District in Baldwin County District 15. Located southwest of the intersection of County Road 64 and Alabama Highway 181 (Shown as Lot 1). (APPROVED)

3. Presentation to be given by Mr. Chason Wachter, owner, requesting an extension of time for the approval of the site plan for the Olde Towne Cottages located northwest of the intersection of Trione and Guarisco Streets. The site plan was approved by the Planning Commission on April 23, 2009. (APPROVED)

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 24, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

4. Presentation to be given by Mr. David Diehl, representing Preble-Rish, requesting a master plan revision for St. Augustine Subdivision. The subject property is located northeast of County Road 64 on Rigsby Road of the City of Daphne extraterritorial jurisdiction in Baldwin County District 15. (APPROVED)

B. ZONING AMENDMENT: (UNFAVORABLE RECOMMENDATION. FIVE MEMBERS VOTED IN THE AFFIRMATIVE AND FOUR DISSENTED).

1. *Present Zoning: B-2, General Business*

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

File Z11-01: GCD Acquisitions I, L.L.C.

Location: Northwest of the intersection of Anchor Cross Boulevard and U. S. Highway 90, Lot 2A of the Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis
Area: 11 Acres ±
Owner: GCD Acquisitions I, L.L.C.
Agent: Easlan Capital - Gordon Gibson
Owner: GCD Acquisitions I, L.L.C. - Kent Levenson

6. PUBLIC PARTICIPATION
7. ATTORNEY'S REPORT
8. COMMISSIONER'S COMMENTS
9. DIRECTOR'S COMMENTS
10. ADJOURNMENT

SET A PUBLIC HEARING DATE

MAY 2, 2011

TO CONSIDER:

- 1.) Rezone: GCD Acquisitions I, L. L. C.
- Property Located: Northwest of the intersection of Anchor Cross Boulevard and U.S. Highway 90, Lot 2A of the Re-subdivision of Lot 2, Medical Office Building and Cancer Center of Malbis
- Present Zoning: B-2, General Business District
- Requested Zoning: R-4, High Density Multi-Family Residential District
- Recommendation: No recommendation

To: Office of the City Clerk
From: Adrienne D. Jones, ^{ADJ}
Director of Community Development
Subject: GCD Acquisitions I, L.L.C.
Zoning Amendment Review
Date: March 25, 2011

MEMORANDUM

PRESENT ZONING: B-2, General Business

PROPOSED ZONING: R-4, High Density Multi-Family Residential

LOCATION: Northwest of the intersection of Anchor Cross Boulevard and U. S. Highway 90, Lot 2A of the Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis

RECOMMENDATION: At the Thursday, March 24, 2011, regular meeting of the Daphne Planning Commission, nine members were present and the motion to set forth an unfavorable recommendation failed. Five members voted in the affirmative and four dissented. Although the majority of those present voted in favor of the motion, a super majority would have been necessary for an unfavorable 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 on Monday, April 4, 2011.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Map of property
5. Conceptual Site Plan Map
6. Adjacent property owners' list
7. Typical building elevation

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

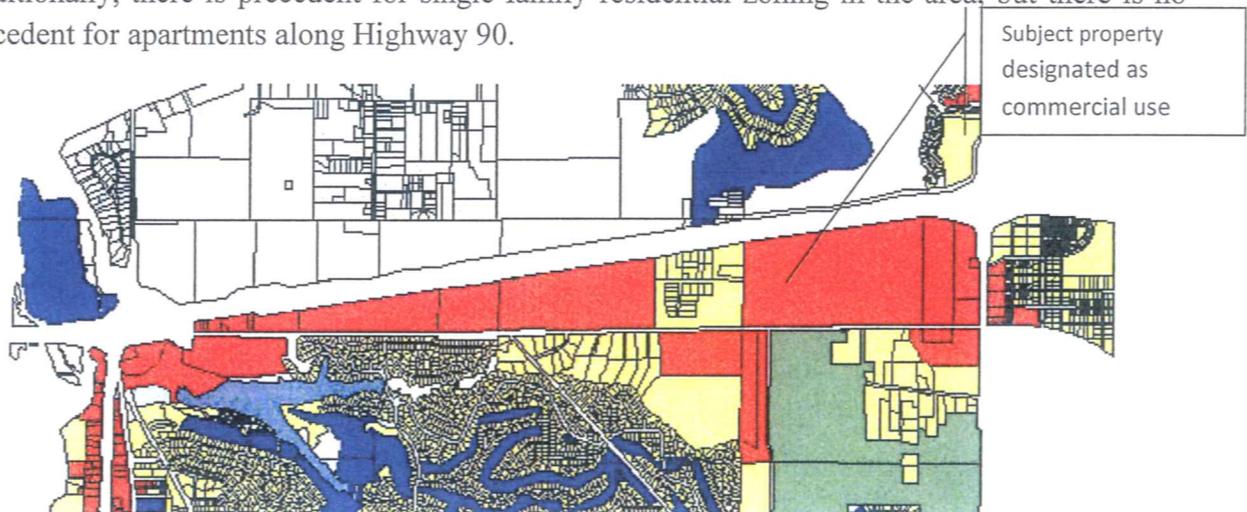
GCD Acquisitions I, L.L.C

B-2 TO R-4

GCD Acquisitions, LLC proposes to rezone Lot 2A of the Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis, an 11 acre site located northeast of the intersection of Highway 90 and County Road 13. The property is currently zoned B-2, General Business. The applicant proposes to rezone the site to R-4 High Density Multi-family Residential for apartments. The site abuts the Cancer Center of Malbis to the south, the proposed interchange to Interstate 10 right-of-way to the west, and the undeveloped right-of-way for Anchor Cross Boulevard to the east. Other than the Cancer Center, all neighboring properties are undeveloped sites with B-2 zoning designation.

Excerpt from Future Land Use Map

The Future Land Use Map designates the subject property as commercial. The current zoning is consistent with the comprehensive plan, whereas, the R-4 multi-family proposal is not. Additionally, there is precedent for single family residential zoning in the area, but there is no precedent for apartments along Highway 90.



Excerpt from the Comprehensive Plan

“...a future land use map... was produced to guide growth and development. The land use plan for the City of Daphne is for retail commercial development to be clustered along major arterial roads and major intersections, while office-commercial uses are concentrated in the Daphne Avenue and downtown areas. Residential development forms a hierarchal pattern, with higher density residential uses abutting commercial areas. One intent of this pattern is to preserve the cohesiveness and stability of low density neighborhoods while allowing convenient access from major and minor arterial roads to high density residential areas.”

Zoning Recommendation: The Comprehensive plan says that “*higher density residential uses should abut commercial areas, and that high density residential areas should be permitted in locations with convenient access from major and minor arterial roads.*” The question to consider is whether or not the City promotes the integration of high density residential uses into this area.

Staff Recommendation-DENIAL

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z11-01 Date Plat Submitted: 2/24/11

Date Presented: 3/24/11

Name of Owner: GCD Acquisitions I, LLC

Address: 3328 Peachtree Rd, Ste 300 Atlanta, GA 30326 Telephone# 404-442-7888
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Markes & Williams, LLC

Address: Two Midtown Plaza, Ste 1150, 1349 W. Peachtree St, Atlanta, GA Telephone# 404-892-3999
(Street or P.O. Box) (City) (State) (Zip Code) 30309

Subdivision: Medical Office Buid

Lot(s): 2A 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: 02/24/11).

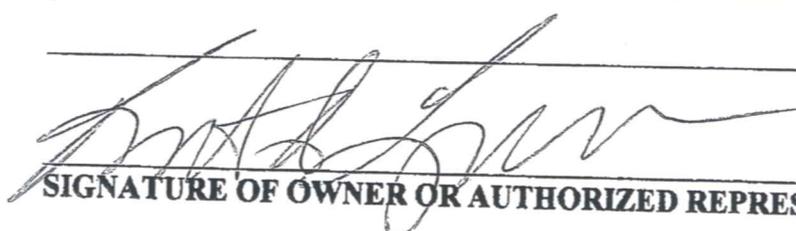
Meeting Dates:

Planning Commission: 3/24/11

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Need property rezoned from B-2 to R-4 Multi-family to allow 14 units per acre.



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:

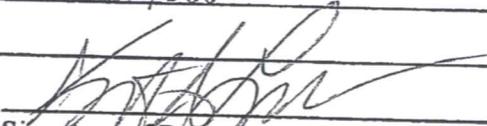
- a) Address _____
- b) Name of Subdivision Medical Office Build
- c) Lot numbers involved in change Lot 2A
- d) Total acreage of change ~11 acres
- e) Recorded in Map Book _____ Page 1166 439
- f) Owned in whole by the undersigned? Yes.
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property B-2
- b) Reclassification desired R-4 Multi-Family
- c) Character of neighborhood _____

3) Certifications:

- a) Owner's Name GCD Acquisitions I, LLC
- b) Address 3328 Peachtree Rd, Ste 300, Atlanta, GA 30326
- c) Telephone Number 404-442-7888
- d) Date _____


Signature of Property Owner

Signature of Property Owner

GCD ACQUISITIONS I, L.L.C.
ZONING AMENDMENT REVIEW

NORTHWEST OF THE INTERSECTION
OF U.S. HIGHWAY 90 AND ANCHOR CROSSING BOULEVARD

EXHIBIT "A"

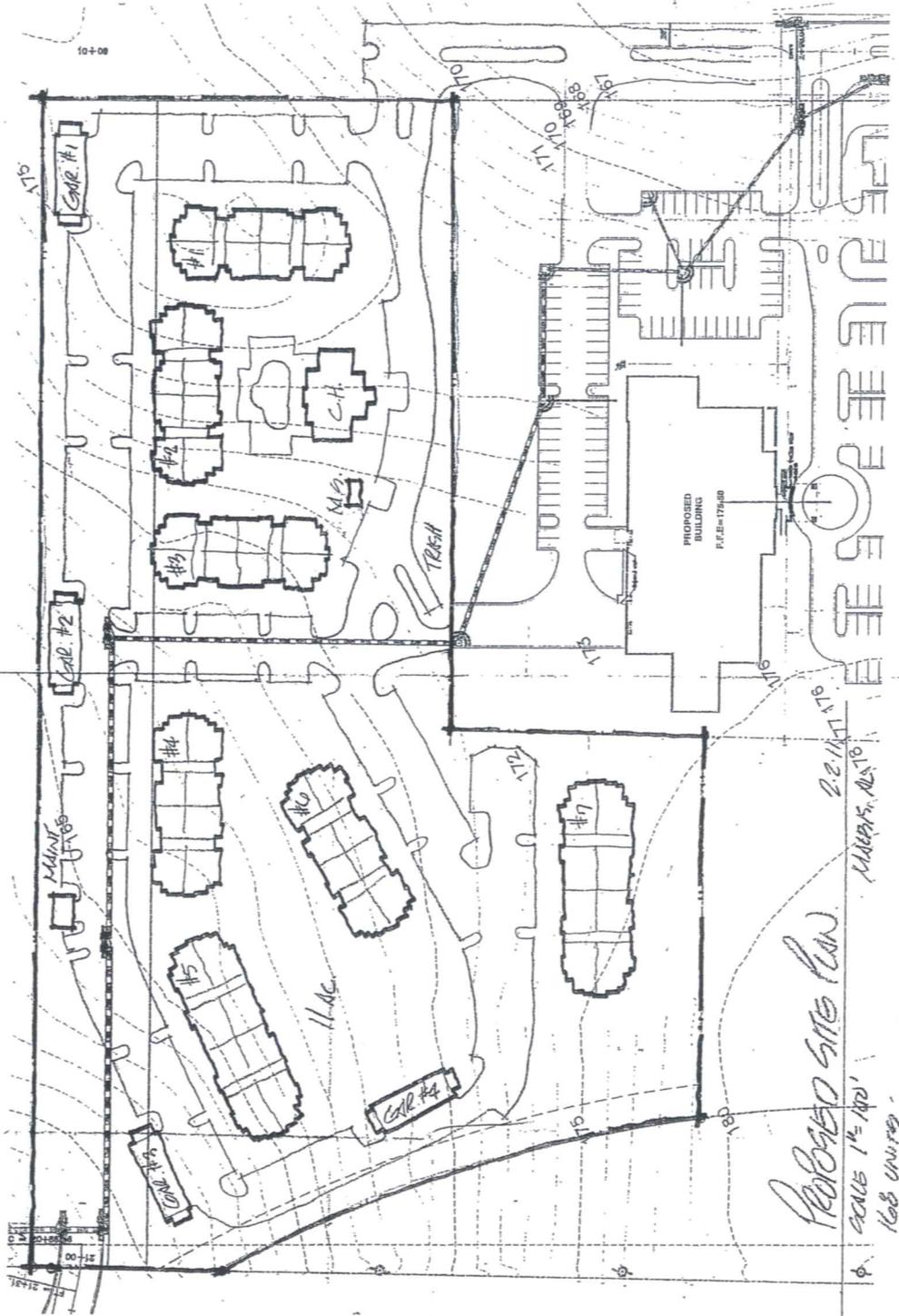
(LOT 2A, THE RESUBDIVISION OF LOT 2, MEDICAL OFFICE AND CANCER
CENTER SUBDIVISION)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

LEGAL DESCRIPTION:

LOT 2A, RESUBDIVISION OF LOT 2, MEDICAL OFFICE BUILDING AND CANCER CENTER OF MALBIS, AS PER PLAT RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS SLIDE No. 2411-B. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH WEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST BALDWIN COUNTY, RUN N 00° 45' 37" E 2,938.43 FEET MORE OR LESS, TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, THENCE RUN N 89° 02' 24" E 1,075.10 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF ANCHOR CROSS BOULEVARD, AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS SLIDE No. 2368-A. THENCE RUN N 00° 08' 46" E 54.79 FEET TO A POINT, THENCE RUN N 00° 08' 46" E 537.46 FEET TO THE POINT OF BEGINNING; THENCE RUN S 89° 37' 02" W 574.08 FEET TO A POINT; THENCE RUN S 01° 22' 24" W 230.62 FEET TO A POINT; THENCE RUN S 89° 30' 23" W 343.74 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 13, SAID POINT BEING ON THE ARC OF A CURVE THAT IS CONCAVE SOUTHWESTWARDLY HAVING A CENTRAL ANGLE OF 20°59'41" AND A RADIUS OF 1,265,92 FEET; THENCE ALON THE ARC OF SAID CURVE RUN NORTHWESTWARDLY 463.87 FEET TO A POINT, SAID POINT BEARS N 17°58'43" W 461.27 FEET FROM THE LAST DESCRIBED POINT; THENCE RUN N 00° 45' 37" E 174.20 FEET TO A POINT; THENCE RUN N 89° 58' 04" E 1,154.34 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF ANCHOR CROSS DRIVE; THE NC RUN S 00° 08' 46" W 376.19 FEET ALONG TO THE POINT OF BEGINNING AND CONTAINING: 11.0061 ACRES.

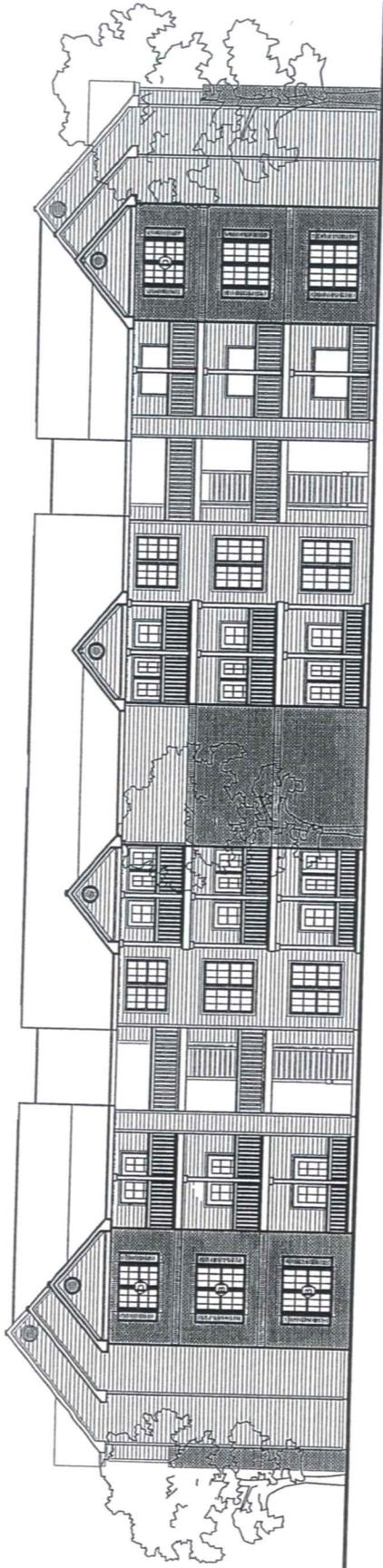


PROPOSED SITE PLAN
 SCALE 1" = 100'
 1000 UNITS
 PARKING 2 SPACES/UNIT
 D.M.C.

**Adjacent Property Owners
Names & Mailing Address
February 24, 2011**

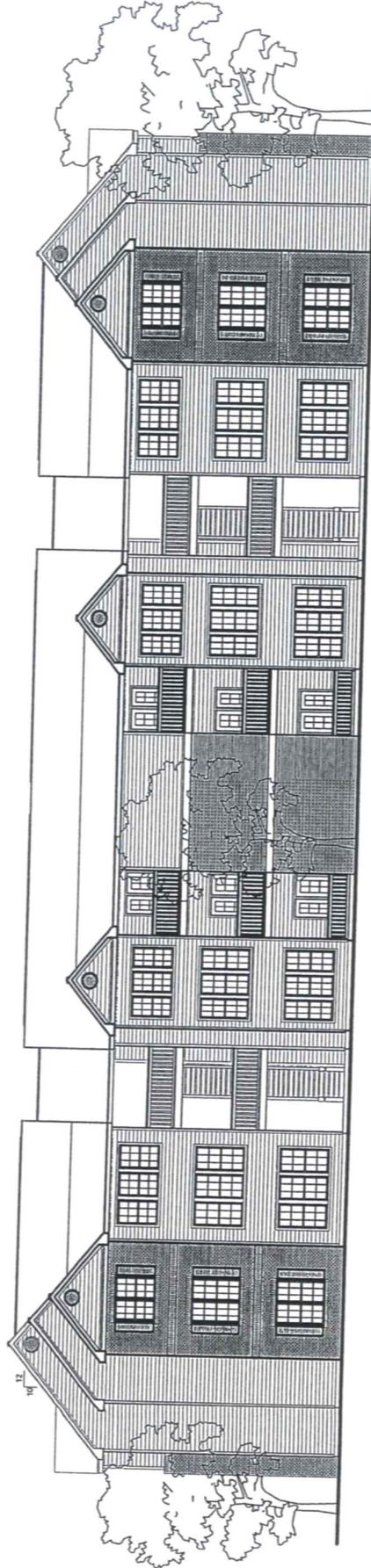
Malbis Cancer Center, LLC
29653 Anchor Cross Rd
Daphne, AL 36526

Malbis Plantation, Inc
29470 St Hwy 181
Daphne, AL 36526



1 BUILDING TYPE A FRONT ELEVATION

SCALE 1" = 20'-0"



2 BUILDING TYPE A REAR ELEVATION

SCALE 1" = 20'-0"

4-01-09



Easlan Prototype

MILLER/PLAYER & ASSOCIATES
 ARCHITECTS AND PLANNERS, LTD.
 1010 east north street, greenville, s.c.
 (864) 242-0177

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-**

**Ordinance to Rezone Property Located
Northwest of intersection of Anchor Cross Blvd. and U.S. Hwy. 90**

WHEREAS, GCD Acquisitions I, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2 General Business to R-4 High Density Multi-Family Residential; and,

WHEREAS, said real property is Northwest of the intersection of U.S. Highway 90 and Anchor Crossing Boulevard, and more particularly described as follows:

Lot 2A, Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis, as per plat recorded in the Baldwin County Probate Court records Slide No. 2411-B. Being more particularly described as follows:

Commencing at the Southwest Corner of Section 34, Township 4 South, Range 2 East Baldwin County, Run N 0045'37"E 2,938.43 feet more or less, to the intersection of the North right of way line of U. S. Highway 90, thence run N 8902'24"E 1,075.10 feet to the intersection of the West right of way line of Anchor Cross Boulevard, as recorded in the Baldwin County Probate Court records Slide No. 2368-A. Thence run N 0008'46"E 54.79 feet to a point, thence run N0008'46"E 537.46 feet to the Point of Beginning; thence run S8937'02"W 574.08 feet to a point; thence run S0122'24"W 230.62 feet to a point; thence run S8930'23"W 343.74 feet to a point on the East right of way line of County Road 13, said point being on the arc of a curve that is concave Southwestwardly having a central angle of 2059'41" and a radius of 1,265,92 feet; thence along the arc of said curve run Northwestwardly 463.87 feet to a point, said point bears N1758'43"W 461.27 feet from the last described point; thence run N0045'37"E 174.20 feet to a point; thence run N8958'04"E 1,154.34 feet to a point on the aforementioned West right of way line of Anchor Cross Drive; the NC run S0008'46"W 376.19 feet along to the Point of Beginning and containing 11.0061 acres.

WHEREAS, at the City of Daphne Planning Commission meeting on March 24, 2011, the Commission considered said request and set forth no recommendation to the City Council of the City of Daphne regarding said property rezoning request; and,

WHEREAS, due notice of said proposed rezoning 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 May 2, 2011; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property 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: ZONING

That above described real property is hereby rezoned from B-2 General Business to R-4 High Density Multi-Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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 _____, 2011.

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne United Methodist Church</i>
CONTACT PERSON:	<i>Neil Beasley</i>
ADDRESS:	<i>2401 Main St. Daphne AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>251-709-1222 Cell 251-626-2722</i>
TYPE OF PARADE:	<i>5 K and Fun Run</i>
DATE OF PARADE:	<i>April 23, 2011 / Saturday</i>
ROUTE TO BE TRAVELED:	<i>See attached map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>100 running and walking one car</i>
START TIME:	<i>8am</i>
STOP TIME:	<i>9am</i>
ASSEMBLY AREA/STREET:	<i>Daphne United Methodist Church / 2401 Main St.</i>
ASSEMBLY TIME:	<i>7:30am</i>
SPECIAL REQUEST:	<i>Would like to have a police car lead the run</i>
APPROVAL	
POLICE: Chief David Carpenter:	<i>[Signature] for Chief Carpenter</i>
FIRE: Chief James White:	<i>[Signature]</i>
PUBLIC WORKS: Richard Johnson:	<i>[Signature]</i>
CITY COUNCIL:	<i>4-04-11</i>
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>March 29, 2011</i>
NOTIFICATION OF APPROVAL:	

Ads by Google Running Pedometer Running Route

Best Google Maps Route Mileage Route Planning Maps

Jump zoom: 12 go more

Gmaps Pedometer

Recording...

Undo last point

english metric

Total Distance: 5.1203 km

automatically (for runners)

Draw route: automatically (for cyclists)

manually (straight lines)

Turn off mile markers

Turn on calorie counter

Elevation: off [small](#) [large](#)

[Complete](#) there and [back](#) route

Saving...

[Clear points and start over](#)

[Print map](#)

[Export as GPX](#) (external link)

[Message Board \(Mileposts\)](#) | [Support](#) | [FAQ](#) | [About](#) | [Usage Instructions](#) | [Acknowledgements](#) | [Change History](#)
(All links open in a [new window](#))

NEW feature: **Open Street Map** overlay!
[Find out](#) why your friendly neighborhood map nerd is excited about this!

Been there, done that, [bought the shirt](#).
Shop the new gmap-pedometer [t-shirt shop](#).



[Run NYC for Asthma UK](#) Join our 2011 team and help us fight asthma. www.asthma.org.uk/newyork

[HypOxygen - Boost EPO](#) Increase VO2 Max and Performance Enhance Oxygen Uptake - Free Sample

[Mobile Coupons](#) 1 ridiculously huge coupon a day. It's like doing Mobile at 90% off! www.Groupon.com/Mobile

From: "Jane Ellis" <mayorassist@bellsouth.net>
To: "David Cohen" <daphnecc@bellsouth.net>; "Becky"
<becjer@bellsouth.net>; "Cathy Barnette" <barnette2@bellsouth.net>
Subject: FW: Sign Ordinance Request
Date: Wednesday, March 30, 2011 8:43 AM

David,

The Mayor would like for this to be on the agenda under his report for the Council Meeting April 4th please. He would like for the council to make a motion to continue the extension of the sign ordinance allowing advertising every weekend for the month of April through the end of October 2011.

Thank you.

Jane

From: Brad Grigs [mailto:daphneAL@anytimefitness.com]
Sent: Tuesday, March 29, 2011 5:35 AM
To: mayorsmall@bellsouth.net
Cc: ljones@daphnepolice.org; jbeedy@daphnepolice.org;
mayorassist@bellsouth.net
Subject: Sign Ordinance Request

Mayor Small,

I would like to request your assistance concerning the sign ordinance.

Last summer the city of Daphne allowed an extension to the sign ordinance. It was allowed that business could extend the once a month promotional weekend and allow advertising every weekend for a specific period of time. This would allow small business owners like myself and others to advertise more than just one weekend a month. Last year when the city allowed this extension it help many small business advertise through this tough economic climate.

Please let me know what I can do in order to assist you in this request.

Thank you for all your support and help with this request.

Sincerely,

Brad

Cell# 251.747.2662

Brad Griggs

Daphne Anytime Fitness

2020 Highway 98, Suite C

Daphne, AL 36526

Office: 251.626.5018

daphneal@anytimefitness.com

<<http://www.anytimefitness.com/default.aspx>>
cid:image001.png@01C89F9C.18DA66A0

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Brad Griggs
Daphne Anytime Fitness
2020 Highway 98, Suite C
Daphne, AL 36526
Office: 251.626.5018
daphneal@anytimefitness.com

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No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1204 / Virus Database: 1498/3537 - Release Date: 03/29/11

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO. 2011-31



WHEREAS, Mary F. Smith, desires to grant, bargain, sell and convey to the City of Daphne, Alabama a certain parcel of real property for use as a Right of Way for a Public Road, and;

WHEREAS, the City of Daphne desires to accept the herein described real property, and;

WHEREAS, the City of Daphne recognizes that the total assessed value of said property according to the Tax Assessor’s records of Baldwin County, Alabama is \$1,701.00 and;

WHEREAS, said property is located within the corporate limits of the City of Daphne, Baldwin County, Alabama and is more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East; thence run S-0000'00"-W, 39.73 feet to a point; thence run S-9000'00"-W, 39.89 feet to a point on the East right-of-way line of Pollard Road, and the Point of Beginning; thence run S-0015'07"-W, along said South right-of-way line, 67.67 feet to a point; thence run N-3711'44"-W, 85.27 feet to a point on the South right-of-way line of Whispering Pines Road; thence run S-8942'45"-E, 51.85 feet to the Point of Beginning, lying in Section 17, Township 5 South, Range 2 East, containing 0.04 acres, more or less.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted by the City of Daphne, Alabama.

ADOPTED AND APPROVED THIS _____ day of _____, 2011.

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

**CATHY BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

STATE OF ALABAMA
COUNTY OF BALDWIN

RIGHT OF WAY DEED FOR PUBLIC ROAD
FEE SIMPLE WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the benefit to the public, payment of One Thousand Seven Hundred and One and 00/100 (\$1,701.00) Dollars and other good and valuable consideration given to the undersigned by the **CITY OF DAPHNE, ALABAMA**, An Alabama Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged, and for the further consideration of the benefits accruing to the Grantor and to the public from the construction of a public road through or across its lands, **MARY F. SMITH**, a widowed woman, the undersigned Grantor has this day bargained and sold, and by these presents does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the **CITY OF DAPHNE, ALABAMA**, the following described property lying and being in Baldwin County, Alabama, and being more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East; thence run S-00°00'00"-W, 39.73 feet to a point; thence run S-90°00'00"-W, 39.89 feet to a point on the East right-of-way line of Pollard Road, and the Point of Beginning; thence run S-00°15'07"-W, along said South right-of-way line, 67.67 feet to a point; thence run N-37°11'44"-W, 85.27 feet to a point on the South right-of-way line of Whispering Pines Road; thence run S-89°42'45"-E, 51.85 feet to the Point of Beginning, lying in Section 17, Township 5 South, Range 2 East, containing 0.04 acres, more or less.

Legal Description Prepared by:
Hutchinson, Moore & Rauch, LLC
2039 Main Street
Daphne, Alabama 36526

THIS CONVEYANCE PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

TO HAVE AND TO HOLD unto the **CITY OF DAPHNE, ALABAMA**, its successors and/or assigns in fee simple forever.

And for the consideration, aforesaid, does for herself, for her heirs, executors, administrators, successors, and/or assigns covenant to and with the City of Daphne, Alabama, that she is lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that she has a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the Grantor(s); and that she will forever warrant and defend the title thereto against the lawful claims of all person whomsoever.

The Grantor herein further covenants and agrees that the purchase price or consideration above-stated is in full compensation to it for this conveyance, and hereby releases the City of Daphne, Alabama and all of its employees and officers from any and all damages to its remaining property contiguous to the property hereby conveyed arising out of the location, construction, improvement, landscaping, maintenance, or repair of any public road or highway that may be so located on the property herein conveyed.

IN WITNESS WHEREOF, MARY F. SMITH, by and through her lawful Attorney-in-Fact Mary E. Smith, has hereunto set her hand and seal, this 24th day of March, 2011.



MARY F. SMITH, GRANTOR, by and
through her lawful Attorney-in-Fact Mary
E. Smith

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said State and County, hereby certify that MARY F. SMITH, Grantor herein, by and through her lawful attorney in fact Mary E. Smith, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, she executed the same voluntarily on the day same bears date.

Given under my hand and seal this 24th day of March, 2011.



NOTARY PUBLIC

Commission Expires: 10-11-2012

THIS INSTRUMENT PREPARED BY:

Misty C. Gray
ROSS, JORDAN & GRAY, P.C.
Post Office Box 210
Mobile, Alabama 36601-0210
(251) 432-5400 telephone
(251) 432-5445 facsimile
misty@rossandjordan.com

CITY OF DAPHNE

RESOLUTION NO. 2011-32



WHEREAS, Orrie J. Smith, Jr. and Earlie Smith, husband and wife, desire to grant, bargain, sell and convey to the City of Daphne, Alabama a certain parcel of real property for use as a Right of Way for a Public Road, and;

WHEREAS, the City of Daphne desires to accept the herein described real property, and;

WHEREAS, the City of Daphne recognizes that the value of said property is \$6,000.00 and;

WHEREAS, said property is located within the corporate limits of the City of Daphne, Baldwin County, Alabama and is more particularly described as follows:

Commencing at the Southeast corner of Section 8, Township 5 South, Range 2 East; thence run N-0000'00"-W, 40.27 feet to a point; thence run S-9000'00"-W, 39.79 feet to a point on the North right-of-way line of Whispering Pines Road, and the Point of Beginning; thence run N-8942'45"-E, along said East right-of-way line, 47.04 feet to a point; thence run N-5332'01"-E, leaving said North Right-of-way Line 58.64 feet to a point on the West right-of-way line of Pollard Road; thence run S-0011'42"-W, along said West right-of-way line 35.09 feet to the Point of Beginning, lying in Section 8, Township 5 South, Range 2 East, containing 0.02 acres, more or less.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted by the City of Daphne, Alabama.

ADOPTED AND APPROVED this ____ day of _____, 2011.

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

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

STATE OF ALABAMA
COUNTY OF BALDWIN

RIGHT OF WAY DEED FOR PUBLIC ROAD
FEE SIMPLE WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the benefit to the public, payment of Six Thousand and No/100 (\$6,000.00) Dollars and other good and valuable consideration given to the undersigned by the **CITY OF DAPHNE, ALABAMA**, An Alabama Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged, and for the further consideration of the benefits accruing to the Grantor and to the public from the construction of a public road through or across its lands, **ORRIE J. SMITH, JR. and EARLIE SMITH**, husband and wife, the undersigned Grantors have this day bargained and sold, and by these presents do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the **CITY OF DAPHNE, ALABAMA**, the following described property lying and being in Baldwin County, Alabama, and being more particularly described as follows:

Commencing at the Southeast corner of Section 8, Township 5 South, Range 2 East; thence run N-00°00'00"-W, 40.27 feet to a point; thence run S-90°00'00"-W, 39.79 feet to a point on the North right-of-way line of Whispering Pines Road, and the Point of Beginning; thence run N-89°42'45"-E, along said East right-of-way line, 47.04 feet to a point; thence run N-53°32'01"-E, leaving said North Right-of-way Line 58.64 feet to a point on the West right-of-way line of Pollard Road; thence run S-00°11'42"-W, along said West right-of-way line 35.09 feet to the Point of Beginning, lying in Section 8, Township 5 South, Range 2 East, containing 0.02 acres, more or less.

Legal Description Prepared by:
Hutchinson, Moore & Rauch, LLC
2039 Main Street
Daphne, Alabama 36526

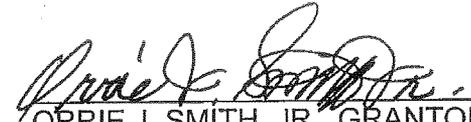
THIS CONVEYANCE PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

TO HAVE AND TO HOLD unto the CITY OF DAPHNE, ALABAMA, its successors and/or assigns in fee simple forever.

And for the consideration, aforesaid, the Grantors do for themselves, for their heirs, executors, administrators, successors, and/or assigns covenant to and with the City of Daphne, Alabama, that they are lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that they have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the Grantor(s); and that it will forever warrant and defend the title thereto against the lawful claims of all person whomsoever.

The Grantors herein further covenant and agree that the purchase price or consideration above-stated is in full compensation to it for this conveyance, and hereby releases the City of Daphne, Alabama and all of its employees and officers from any and all damages to its remaining property contiguous to the property hereby conveyed arising out of the location, construction, improvement, landscaping, maintenance, or repair of any public road or highway that may be so located on the property herein conveyed.

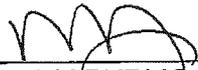
IN WITNESS WHEREOF, ORRIE J. SMITH, JR. and EARLIE SMITH have hereunto set their hands and seals, this 28th day of March, 2011.

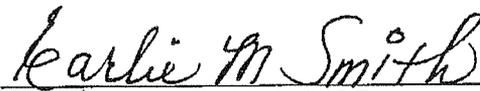

ORRIE J. SMITH, JR., GRANTOR

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said State and County, hereby certify that ORRIE J. SMITH, JR., Grantor herein, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day same bears date.

Given under my hand and seal this 28th day of March, 2011.


NOTARY PUBLIC
Commission Expires: 11-7-2012


EARLIE SMITH, GRANTOR

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said State and County, hereby certify that EARLIE SMITH, Grantor herein, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, she executed the same voluntarily on the day same bears date.

Given under my hand and seal this 28th day of March, 2011.


NOTARY PUBLIC
Commission Expires: 11-7-2012

THIS INSTRUMENT PREPARED BY:

Missty C. Gray
ROSS, JORDAN & GRAY, P.C.
Post Office Box 210
Mobile, Alabama 36601-0210
(251) 432-5400 telephone
(251) 432-5445 facsimile
missty@rossandjordan.com

CITY OF DAPHNE

RESOLUTION NO. 2011- 33



WHEREAS, the YMCA of South Alabama, Inc. Formerly Known As YMCA of Metropolitan Mobile, Inc., an Alabama Corporation, desires to grant, bargain, donate and convey to the City of Daphne, Alabama a certain parcel of real property for use as a Right of Way for a Public Road, and;

WHEREAS, the City of Daphne desires to accept the herein described real property, and;

WHEREAS, said property is located within the corporate limits of the City of Daphne, Baldwin County, Alabama and is more particularly described as follows:

Commencing at the Southwest Corner of Section 9, Township 5 South, Range 2 East; thence run N-0000'00"-W, 29.80 feet to a point; thence run S-9000'00"-E, 40.17 feet to a point on the East right-of-way line of Pollard Road, and the Point of Beginning; thence run N-0011'42"-E, along said East right-of-way line, 64.21 feet to a point; thence run S-5643'50"-E, leaving said East right-of-way line 117.97 feet to a point on the North right-of-way line of Whispering Pines Road; thence run N-8942'29"-W, along said North right-of-way line 98.85 feet to the Point of Beginning, lying in Section 9, Township 5 South, Range 2 East, containing 0.07 acres, more or less.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted by the City of Daphne, Alabama.

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

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 8/ 6/2010 10:26 AM
TOTAL \$ 19.00
3 Pages

1245166

STATE OF ALABAMA
COUNTY OF BALDWIN



RIGHT OF WAY DEED FOR PUBLIC ROAD
FEE SIMPLE WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the benefit to the public and other good and valuable consideration given to the undersigned by the **CITY OF DAPHNE, ALABAMA**, An Alabama Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged, and for the further consideration of the benefits accruing to the Grantor and to the public from the construction of a public road through or across its lands, the **YMCA OF SOUTH ALABAMA, INC. Formerly Known as YMCA OF METROPOLITAN MOBILE, INC.**, an Alabama Corporation, the undersigned Grantor has this day bargained and donated, and by these presents does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the **CITY OF DAPHNE, ALABAMA**, the following described property lying and being in Baldwin County, Alabama, and being more particularly described as follows:

Commencing at the Southwest Corner of Section 9, Township 5 South, Range 2 East; thence run N-00°00'00"-W, 29.80 feet to a point; thence run S-90°00'00"-E, 40.17 feet to a point on the East right-of-way line of Pollard Road, and the Point of Beginning; thence run N-00°11'42"-E, along said East right-of-way line, 64.21 feet to a point; thence run S-56°43'50"-E, leaving said East right-of-way line 117.97 feet to a point on the North right-of-way line of Whispering Pines Road; thence run N-89°42'29"-W, along said North right-of-way line 98.85 feet to the Point of Beginning, lying in Section 9, Township 5 South, Range 2 East, containing 0.07 acres, more or less.

Legal Description Prepared by:
Hutchinson, Moore & Rauch, LLC
2039 Main Street
Daphne, Alabama 36526

State of Alabama, Baldwin County
Judge of Probate in and for said state and county, hereby certify that
the within is a true and correct copy of _____

Right of Way Deed
1245166

as it appears on record in my office.
Given under my hand this 27th day of Jan 20 11

91 Tim Russell Probate Judge

3

YMCA OF SOUTH ALABAMA, INC.
Formerly Known As the YMCA OF
METROPOLITAN MOBILE, INC.,
GRANTOR

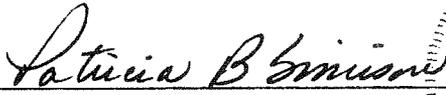
BY: 
TED BENNETT

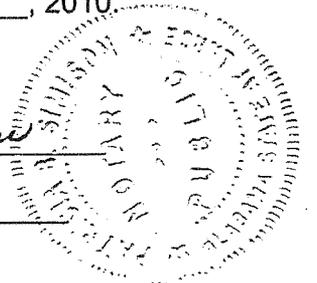
AS ITS: CHIEF VOLUNTEER OFFICER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said State and County, hereby certify that **TED BENNETT**, as Chief Volunteer Officer of **YMCA OF SOUTH ALABAMA, INC. Formerly known as YMCA OF METROPOLITAN MOBILE, INC.** the Grantor herein, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he executed the same voluntarily, with full authority and as an act of said Corporation on the day same bears date.

Given under my hand and seal this 3rd day of August, 2010.


NOTARY PUBLIC
Commission Expires: 3/11/12



THIS INSTRUMENT PREPARED BY:
Missty C. Gray
ROSS, JORDAN & GRAY, P.C.
Post Office Box 210
Mobile, Alabama 36601-0210
(251) 432-5400 telephone
(251) 432-5445 facsimile
missty@rossandjordan.com

ORDINANCE 2011-21

TEMPORARY SERVICES: CUSTODIAN

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent 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, two custodians, with assistance from inmates, have been cleaning municipal buildings, as well as the restrooms, in the City's parks; and

WHEREAS, for various reasons, inmate labor is no longer available; and

WHEREAS, two full-time employees can no longer service municipal buildings as well as the parks restrooms; and

WHEREAS, there is a need for an additional position.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 11,500 for the purpose of contracting through a temporary services agency for a custodian for the remainder of Fiscal 2011. This will temporarily increase the number of custodial staff from two to three.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-22

**AN ORDINANCE APPROPRIATING FUNDS:
Deputy Finance Director**

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, 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 Finance Director has submitted a request to the Mayor for a new position of Deputy Finance Director; and

WHEREAS, the Mayor did approve such request to be forwarded to the City Council for funding and authorization to advertise and hire a Deputy Finance Director in accordance with the Personnel Policies and Procedures Manual; and

WHEREAS, the City Council has become aware of the crucial need for a Deputy Finance Director.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

- an appropriation in the amount of \$ 27,260 (annual cost of \$ 65,423) for the new position of Deputy Finance Director is hereby approved and made a part of the FY 2011 budget AND
- the Mayor is hereby authorized to move forward with the hiring of such position.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-23

AN ORDINANCE AMENDING JOB CLASSIFICATION SCHEDULE:

Deputy Finance Director

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

WHEREAS, whereas the critical need of a new Deputy Finance Director position has been submitted to the City Council; and

WHEREAS, the City Council has determined that there is a need for such position; and

WHEREAS, the Archer Company did prepare a Job Description for such new position and the proposed job grade is 32.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the following is hereby incorporated into the City of Daphne Job Classification Schedule:

Grade 32: Deputy Finance Director

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-24

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
Grounds Public Service Worker**

WHEREAS, Ordinance 2010-71 as adopted on December 20, 2010 imposed a hiring freeze on all Fiscal 2011 vacant positions unless the City Council gives express approval for the position to be filled; and

WHEREAS, the Public Works Director submitted a request to the Mayor to fill the recently vacated position of Grounds Public Service Worker; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of a Grounds Public Service Worker.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an amendment to the section of Ordinance 2010-71 regarding the hiring freeze is hereby approved for the filling of the Grounds Public Service Worker position that was recently vacated (estimated annual cost, including benefits, for entry level \$ 31,130- \$ 33,137); and

FURTHERMORE, that the position shall be filled in accordance with all provisions of the Employee Handbook and the related Employee Pay Scale.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-25

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
Mechanic Technician**

WHEREAS, Ordinance 2010-71 as adopted on December 20, 2010 imposed a hiring freeze on all Fiscal 2011 vacant positions unless the City Council gives express approval for the position to be filled; and

WHEREAS, the Public Works Director submitted a request to the Mayor to fill the recently vacated position of Mechanic Technician; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of a Mechanic Technician.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an amendment to the section of Ordinance 2010-71 regarding the hiring freeze is hereby approved for the filling of the Mechanic Technician position that was recently vacated (estimated annual cost, including benefits, for entry level \$ 39,133-\$ 41,842); and

FURTHERMORE, that the position shall be filled in accordance with all provisions of the Employee Handbook and the related Employee Pay Scale.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011- 26

(5) Police Vehicles Appropriation

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent 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 police department has a plan to replace vehicles every six to seven years in order to maintain high performance and thereby reduce maintenance costs and provide additional protection to police officers in the event of accidents and high speed responses; and

WHEREAS, five vehicles (3- 1999 models, 1- 2000 model, and 1-2001 model) are in need of replacement in Fiscal 2011.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$190,000 for the replacement of five police vehicles.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-29

PW/Used Wheel Loader with Interchangeable Attachments

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent 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, in prior fiscal years, the City has leased a Wheel Loader for use in the Public Works Department; and

WHEREAS, such operating lease will expire March 23, 2011; and

WHEREAS, a comparison of the cost of leasing ($\$21,500/\text{yr} = \$86,000/4 \text{ yr Term}$) vs. purchasing ($\$50,388$) used equipment was prepared; and

WHEREAS, it was determined that it would be less costly over the life of the equipment to purchase a used wheel loader rather than continue to lease a new one; and

WHEREAS, the FY 11 budget does include \$21,500 to continue leasing the wheel loader and an additional appropriation of \$28,888 will allow for the purchase of a used wheel loader.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$28,888 for the purchase of a used wheel loader. (*Cost of used wheel loader - \$50,388 – [\$21,500 FY11 Budget]*)

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC