

CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JANUARY 17, 2006
6:30 P.M.

1. CALL TO ORDER

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

3. APPROVE MINUTES: Council Meeting Minutes meeting held January 3, 2006

PUBLIC HEARING: Amending the Land Use and Development Ordinance
Adding a Residential High Rise Article and Other Necessary
Amendments

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes meeting held January 9th

a.) Prepaid Travel: Resolution 2006-03

- 1.) Rebecca Hayes, Assistant City Clerk / Certification Training Institute for Municipal & Master Clerks / February 7-10, 2006 / Tuscaloosa, AL / \$140
- 2.) David Cohen, City Clerk / Certification Training Institute for Municipal & Master Clerks / February 7-10, 2006 / Tuscaloosa, AL / \$140
- 3.) Tracy Miller, Mechanical Accounting Technician / Trak Academy – Fuel System Training / February 6-8, 2006 / Frisco, TX / \$105

b.) Resolutions:

- 1.) Bid Awards
 - a.) May Day Pier Repairs / Resolution 2006-004
 - b.) Daphne Pier & Boardwalk Repairs / Resolution 2006-05
 - c.) Sod & Hay / Resolution 2006-06
- 2.) Refinancing 1997 & 1999 Warrants / Resolution 2006-07
- 3.) 2006 Warrant Issue / Resolution 2006-08

c.) Appropriations:

- 1.) \$ 11,853 Property & Liability Insurance Renewal / Ordinance 2006-03
- 2.) \$ 17,000 Police Department: North Precinct / Ordinance 2006-04
- 3.) \$ 2,000 Building Inspection: Temporary Position / Ordinance 2006-05

d.) Financial Reports:

- 1.) Treasures Report / December 31, 2005
- 2.) Sales & Use Tax Collections Graphs / November 30, 2005
- 3.) Lodging Tax Collections / November 30, 2005

B. BUILDINGS & PROPERTY

Review minutes meeting held January 6th

C. PUBLIC SAFETY - Burnam

Review minutes meeting held January 3rd

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Review Ordinance Committee minutes meeting held January 4th

Review Sign Committee minutes meeting held January 4th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Eady
- B. Downtown Redevelopment Authority -Barnette
Review minutes meeting held January 9th
- C. Industrial Development Board – Yelding
- D. Library Board – Lake
- E. Planning Commission – Barnette
- F. Recreation Board - Burnam
- G. Utility Board – Scott
Review minutes meeting held December 28th

6. REPORTS OF THE OFFICERS:

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

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Prepaid Travel / Rebecca Hayes/David Cohen/Tracy Miller/Resolution 2006-03
- b.) May Day Pier Repairs. /Resolution 2006-04
- c.) 2006-C-Daphne Pier & Boardwalk Repairs. /Resolution 2006-05
- d.) 2006-H-Sod & Hay. /Resolution 2006-06
- e.) Authorizing Refinancing: 1997 & 1999 Warrant Issues. /Resolution 2006-07
- f.) 2006 Warrants: Underwriter and Bond Counsel. /Resolution 2006-08

ORDINANCES:

- a.) Amending the Land Use and Development Ordinance
Adding a Residential High Rise Article and Other
Necessary Amendments 1ST READ /Ordinance 2006-02
- b.) Appropriating Funds: Property/Liability Insurance Renewal
1ST READ. /Ordinance 2006-03
- c.) Appropriating Funds: Police Department: North Precinct
1ST READ. /Ordinance 2006-04
- d.) Appropriating Funds: Building Inspections Temporary Position
1ST READ. /Ordinance 2006-05

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

JANUARY 3, 2006
CITY COUNCIL MEETING
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6:30 P.M.

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1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Lake gave the invocation.

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

Also present: Mayor Small; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Kim Briley, Finance Director; Dale Foster, Librarian; Richard Merchant, Building Official; Sandra Morse, Civic Center Director; Capt. David Wilson, Police Dept.; Nancy Seale, Library, Tonya Young, Library; Capt. Matt Creel, Fire Dept.; Firefighters Steve Barr and Josh Harlan; Starke Irvine, DRA; Willie Robison, BZA; John Coulter, IDB; Melinda Immell, Volkert & Associates.

Absent: Mund Hanson, Fire Chief; David Carpenter, Police Chief;

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Work Session minutes meeting held December 15, 2005. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to approve the Council Meeting minutes meeting held December 19, 2005. *Seconded by Mrs. Landry.*

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

NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Pfil Hunt / Gardnyer Michael Capital, Inc.

Mr. Hunt reported to the Council on the Aronov project saying that not much has changed since his last report. He stated that there are four (4) signed letters of intent to come into the project. He said he is not at liberty to say who they are, but Mr. Johnston is at the stage of turning the letters of intent

into contracts. Mr. Hunt stated that the Bond Issue will be a self-supporting Bond Issue with no City support, whatsoever, no City guarantees. Once they have knowledge of who the tenants are, they will look at the sales that will be produced by each of those types of tenants, therefore, the sales tax produced in the district by those individual type tenants. They then work backwards to decide the Bond Issue to make sure there is enough sales tax on their share to float the Bond, and also within the parameters that the City has laid out. Mr. Hunt said that he spoke with Mr. Johnston today, and he said that by the next Council meeting he hopes to be here to talk about one that will be closed by then, along with the status of the other three (3).

Mr. Scott said that his understanding is that a lot of this property is actually going to be sold to the individual, which from a standpoint of credit worthiness, doesn't that give you a little bit of advantage as far as selling the bonds, predicated that they are not going anywhere?

Mr. Hunt said probably a slight advantage, because it shows that they are there for the long haul, and they are not going to pack up their tent and head somewhere else, and they will be there to produce the sales tax that is needed.

Mr. Scott said the percentage that will end up being put on the bond is predicated upon the credit worthiness, basically on the amount of sales that they project of the tenants or the people that will fill those places.

Mr. Hunt said that is correct.

Mrs. Barnette said for the structure of the district itself, that they have not gone through yet, that comes after these letters of intent, what is the time line of how the district is actually formed?

Mr. Hunt said they are waiting for the actual contracts to be signed, where they can bring back the final development agreement to the City Council for final approval of what that district will look like.

Mrs. Barnette said that is when we will put the dollars, and actually figure out who is on the oversight committee, etc.

Mr. Hunt said that is correct.

Mrs. Barnette stated that they don't actually know the time line then.

Mr. Hunt said that Mr. Johnston hopes to be at the next Council meeting, and he can give you a better time frame, because he will have one of the signed contracts.

Mr. Palumbo asked if the Bond Attorneys are under way?

Mr. Hunt said yes, they have been working with them for about six (6) months, and they are about ready to do a validation proceeding in Circuit Court.

Mr. Hunt alerted the Council that Congress has been working to pass some hurricane tax relief , and last week they passed a bill, better known as the “Gulf Opportunity Zone Act”, also know as the “Katrina Relief Bill.” This Bill designated certain counties in AL, MS, and LA as more or less privileged counties where every public entity, or bond issuer, in that county has a new opportunity, and that is under Tax Code you are restricted from doing refinancing to one time, so what they have done is to say that everyone in these affected counties, you can now have an extra free pass, an extra shot at refinancing the city’s bonds. He has been running numbers all weekend on potential issuers, and the city’s 1997 and 1999 General Obligation Warrants, one of them would have been restricted because of that refunding problem, and one that wouldn’t. He said that both of them right now in today’s market actually generate pretty decent savings. Mr. Hunt handed out his findings to the Council. He said the savings, between the two, total somewhere between \$500,000 and \$600,000 present value. He stated that the 1997 bonds produce about \$25,000 in savings a year for a gross savings of about \$306,000, and the series 1999 bonds produce roughly \$15,000 to \$20,000 a year in savings, for a total of \$403,000. This is an opportunity that the City has never had before for one of the bonds. He said that this is just information for the Council. He said that they do not know how fast people were going to jump into the market to take advantage of this, because there is only a \$1.2 billion cap for the State of AL.

Mr. Yelding asked that if they run slow the City could be left out?

Mr. Hunt said yes, that there is a cap for each state. Alabama’s is the smallest at \$1.2 billion.

Mrs. Barnette asked if this was for Mobile and Baldwin counties, or what is the eligible counties.

Mr. Hunt said it runs up the west side of the state to Tuscaloosa. There is some debate right now, they believe that it is the affected ten (10) counties, but there is some debate that the language is so ambiguous that it is state wide. If it is state wide, then there will be a rush with the big guys from Jefferson County and Birmingham.

Mrs. Landry asked what would be the next step to take advantage of this time line.

Mr. Hunt said it is up to the Council.

Mr. Scott asked Mrs. Briley to have this on the next Finance Committee agenda, with a recommendation from her and the Mayor.

PRESENTATION: Ms. Shawn Holland / Monument at Scenic Overlook

Ms. Holland asked the Council for permission to install a plaque honoring the fallen soldiers from the Revolutionary War, Spanish from Mobile and British from Pensacola, at the Scenic Overlook pavilion.

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Council President Burnam instructed Ms. Holland to present the designs for the plaques to the Buildings and Property Committee, and then they will forward it to Council with a recommendation.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

No report. The next meeting will be Monday, January 9th at 5:00 p.m.

B. Buildings and Property Committee – Lake

Council discussed bonds for the City Hall renovation, Highway 90 sewer, and the Tallent property. The Council knows the amount of the sewer project and property, but they are not sure of the amount for the City Hall renovation. Council requested that Mr. Hudson be present at the next Buildings and Property meeting to present the figures for the renovation, and that the Buildings and Property Committee send a recommendation to Council for the next Work Session. The Council also requested that Mr. Hudson attend the next Work Session also, and make a presentation of the building and figures. Mayor Small and Mrs. Briley will handle the Request for Proposals from bond companies.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The minutes for the December 5th meeting are in the packet. The next Ordinance Committee and Sign Committee meeting will be tomorrow.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report. The next meeting will be on the 4th Monday of the month 8:00 a.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The next meeting will be January 5th at 6:00 p.m. at City Hall, with one appeal, which is a setback encroachment.

B. Downtown Redevelopment Authority – Barnette

There was not a meeting in December, and the next meeting will be Monday at 5:15 p.m.

C. Industrial Development Board – Yelding

There was not a meeting in December, and the next meeting will be the 4th Monday of the month at 6:00 p.m.

D. Library Board – Lake

Mr. Palumbo reported that the December 12th minutes are in the packet. He stated that the Board recommended that the position of Computer Technician be approved for the Library, which was taken care of at the last Council meeting. The next meeting will be January 9th 4:30 p.m.

E. Planning Commission – Barnette

MOTION BY Mrs. Barnette to set a Public Hearing for February 6, 2006 to consider a proposed Ordinance for annexing the remainder of TimberCreek property / 139 acres located West of Interstate 10 and Woodrow Lane with B-2, General Business, zoning. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Recreation Board – Burnam

No report. Council President Burnam asked that each member look to their district for nominees for the Board.

F. Utility Board – Scott

Mr. Scott reported that the Board met on December 28th, and the minutes will be in the next packet. He said that they increased the tap fee for sewer hookup \$300 and \$200 for water hookup. He stated that they are continuing to work on the sewer non-connects sending out new letters. So far five, (5) people that have not responded will receive citations.

Mr. Yelding asked the Council President if he could go back to the Recreation Board report.

Council President Burnam said yes.

Mr. Yelding asked if they were appointing one (1) person from each district.

Council President said yes, that is how it will work.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Parade Permit / Apollo's Mystic Ladies / Mardi Gras / February 17, 2006 / Rain Date February 23, 2006

MOTION BY Mr. Scott to approve the Parade Permit for the Apollo's Mystic Ladies to parade on the date of February 17, 2006 with a rain date of February 23, 2006. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

No report.

C. Department Head Comments

Dale Foster – Librarian – said that he will be on a leave of absence, and that Nancy Seale will be the administrative authority for the Library.

Ken Eslava – Public Works Director – reported that the new automated trucks are scheduled to start running in early February. They will serve nine (9) subdivisions with about 1,500 homes. He said that the Bayside Academy traffic study was complete and will be forwarded to the Public Safety Committee. He also reported that the bids for the three Daphne piers and the Board Walk will be on the next Finance Committee agenda.

Captain David Wilson – Police Department - reported that there was a strong police presence during the Christmas season, and that they stayed on top of things. The North Precinct helped in this with the changing of shifts, making their presence known. The open house will be later on when they finish the decorating of the office.

7. PUBLIC PARTICIPATION

Mr. Louie Nady – Captain O’Neal – spoke regarding the City calendar not being available on the website. He also spoke regarding a special Planning Commission meeting where information was not made available before the meeting.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Acceptance of Streets and Drainage /
Located in Madison Place Subdivision, Phase Two. /Resolution 2006-01
- b.) Acceptance of Streets and Drainage /
Located in Ottawa Springs, Phase One. /Resolution 2006-02

**MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-01 and 2006-02.
Seconded by Mr. Scott.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-01 and 2006-02. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

- a.) Extension of the Moratorium on Approval and Construction of Buildings in Excess of Fifty (50) Feet and/or Four (4) Stories in Height...../Ordinance 2006-01

MOTION BY Mrs. Barnette to suspend the rules to consider Ordinances 2006-01. *Seconded by Mr. Scott.*

ROLL CALL VOTE

Yelding	Aye	Landry	Aye
Barnette	Aye	Palumbo	Aye
Lake	Aye	Burnam	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-01. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 200-01. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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8. COUNCIL COMMENTS

Mr. Yelding wished every a happy New Year. He also said that he is looking forward to a great year working with the Council.

Mrs. Barnette concurred with Mr. Yelding's comments. She announced a meeting of constituents from District #2 on January 30th. Mrs. Barnette thanked the Council for suspending the rules and adopting the extension of the moratorium.

Mr. Scott wished everyone a happy New Year.

Mrs. Landry wished everyone a happy New Year, and said she is looking forward to a great year.

Council President Burnam wished Mrs. Briley a happy birthday.

9. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:46 P.M.

Respectfully submitted by,

David L. Cohen
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Council President

Date & time Signed: _____

PUBLIC HEARING

January 17, 2006

- 1. Amending the Land Use and Development Ordinance /
Adding a Residential High Rise Article and Other Necessary
Amendments**

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

MEMORANDUM

Date: December 9, 2005

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

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

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

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

Thank you,

WHE/jd

cc: file

**CITY OF DAPHNE
ORDINANCE NO. 2005 – ____**

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

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

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

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

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

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

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

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

"(23) Building Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded

element shall not exceed the maximum height by more than fifteen (15) feet.

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

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

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

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

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

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

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

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

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

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

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

Submerged Lands: Lands beneath navigable waters.

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

12-2 RESIDENTIAL DISTRICTS

- (f) RHR, Residential High-Rise:

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

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

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

The requirement to be considered for inclusion on the Image Map shall be in such format as is determined by the Community

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

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

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

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

	Minimum Lot Area (Sq Ft)	Minimum Lot Width At Setback Line	Maximum Lot Coverage (%) ^a	Maximum Density ^b
<u>R-1, Low Density Residential:</u> Single Family	20,000	100	25	2.0
<u>R-2, Medium Density Residential:</u> Single Family	15,000	90	25	2.5
<u>R-3, High Density Residential:</u> Single Family	12,000	80	30	3.5
<u>R-4, High Density Single and Multi-Family Residential:</u> Single Family Two-Family Multi Family	5,000 10,000 7,500 ^c	50 80 85	38 35 35	8.0 8.0 14.0

<u>RHR Residential High-Rise Multi-Family Residential</u>	<u>N/A</u>	<u>85</u>	<u>35</u>	<u>N/A</u>
<u>Extraterritorial Planning Jurisdiction Single Family</u>	12,000	80	30	3.5

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

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

13-7 MAXIMUM BUILDING HEIGHT

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

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

14-18 MAXIMUM BUILDING HEIGHT

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

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

36-18 MAXIMUM BUILDING HEIGHT

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

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

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT									
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R	R	R	R	R		R	R	R	R
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	R	R	R	R	R		R	R	R	
Air Conditioning sales and service							R	R		R
Ambulance/EMS service							R	R	P	R
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:										
Amusement Park								R		
Amusement arcade, kiddie land								R		
Archery range								R		
Baseball batting range								R		
Billiard or pool hall								R		
Bowling alley								R		

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT									
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I
Fairgrounds, circus or carnival								R		R
Golf Course	P	P	P	P	P		P	P		P
Golf Course, miniature							P	R		
Golf, driving range	P	P	P	P	P		P	R		
Racquetball or tennis courts, indoor	P	P	P	P	P		P	P		P
Skating rink							P	R		
Tennis Courts, outdoor; need not be enclosed within a structure	P	P	P	P	P		P	P		P
Theater, indoor						P	P	R		
Theater, outdoor/drive-in; need not be enclosed within a structure								P		
Animal clinic/kennels for small animals; need not be enclosed within a structure								R		R
Antique store, including repairing, restoration and refinishing								R		R
Apparel and accessory store						P	R	R		
Appliance store							R	R		
Armory				S	S		R	R		P
Art gallery or museum	S	S	S	S	S		R	R	S	
Art sculptures, statues, monuments	S	S	S	S	S		P	P	P	P
Art supplies							R	R		
Auditoriums, stadiums, coliseums, and other such places of public assembly	S	S	S	S	S			P		P
Automobile Air Conditioning Sales and Service								R		R
Automobile Glass and Upholstery Installation								R		R
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer									R	R
Automobile parts sales, except used parts								R		R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided									P		P
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district									R		R
Automobile and truck laundry, including steam cleaning											R
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures									R		R
Automobile and truck sales and service; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities									R		R
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure								P	P		R
Bakery, retail						P	R	R			
Bakery, wholesale								R			R
Bank, including drive-in bank							R	R	R		
Barber shop or beauty parlor							R	R			
Barber and beauty supplies and equipment sales								R			R
Bicycle, lawnmower sales, service and repair								R			R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT									
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure								P		R
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited	R	R	R	R	R		R	R		
Boat dry storage; pleasure boats having lengths not greater than 31 feet								R		R
Boat sales, accessories and service								R		R
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure								R		R
Book store						P	R	R		
Bottling works								P		R
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district							R		R	
Bus and railroad terminal facilities							R		R	
Business machines sales and service							P	R		R
Business school or college							P	P	P	
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S
Cabinet or carpenter shop								R		R
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S
Cabinet or carpenter shop								R		R
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant						P		R	R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Camera and photographic supply store								R	R		
Candy, nut and confectionery store								R	R		
Canvas products manufacture								P		R	
Carting, express, crating, hauling, storage								R		R	
Catering shop or service							R	R			
Cemetery, subject to requirements of the Special Provisions	S	S	S	S	S		S	S	S	S	
Churches and related accessory buildings	S	S	S	S	S		R	R	R	S	
City Hall, police station, fire station, courthouse, federal office building and similar public building	R	R	R	R	R		R	R	R	R	
Clay and clay products manufacture; need not be enclosed within a structure								P		R	
Clinic, dental, medical or psychiatric for humans	S	S	S	S	S		R	R	R	S	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	S	S	S	S	S		R	R		P	
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line	S	S	S	S	S		P	P		P	
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line	S	S	S	S	S		P	P	P		
College sorority or fraternity house	S	S	S	S	S		P	P	P		
Communications Towers								S		P	
Concrete and concrete products manufacture; need not be enclosed within a structure											R

ARTICLE XXXV	USE DISTRICT									
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided								R		R
Convenience Store						P	R	R		
Correctional, detention or penal institution								S		S
Dairy equipment sales								R		R
Dairy products sales							R	R		
Delicatessen						P	R	R		
Department store								R		
Dog pound; need not be enclosed within a structure								P		R
Drive-in restaurant							P	R		
Drug Store						P	R	R		
Dry cleaning shop, including self-service							R	R		
Dry goods or fabric store							R	R		
Dwelling, one-family	R	R	R	R						
Dwelling, two-family				R						
Dwelling, multi-family				R						
Electric power generating plant								S		S
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts	P	P	P	P	P		P	P	P	P
Electric repair shop								R		R
Electric Supply Store								R		R
Elevator maintenance service								R		R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Employee credit union office							R	R	R		
Exterminator service office							P	R		R	
Farm and garden equipment and supply store								R		R	
Farmers' markets								R		R	
Fix-it shop, including small appliance repair							R	R		R	
Floor covering sales and service							R	R		R	
Floral shop							R	R			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.								R		R	
Food products processing plant								R		R	
Food products, wholesale storage and sales								R		R	
Freight depot, railway or truck								P		R	
Fruit and produce, retail							R	R			
Funeral home, mortuary or undertaking establishment							R	R			
Furniture and home furnishing store, including office furniture and equipment								R		R	
Furniture repair, including upholstering and refinishing								R		R	
Gas regulator station	P	P	P	P	P		P	P	P	P	
Gift shop							P	R	R		
Grocery store, retail							P	R	R		
Gymnasium, commercial								R	R		
Hardware store, retail, wholesale, storage and sales								R	R		
Hatchery, poultry or fish										R	
Heating and plumbing equipment, supplies and service								R		R	
Hobby shop and supply store							R	R		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Home occupation	R	R	R	R	R		R	R	R		
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans	S	S	S	S	S		P	P	P		
Hotel and motel							P	R			
Ice Cream parlor						P	R	R			
Ice Plant										R	
Industrial park										R	
Innovative Design Developments				P							
Institution for children or the aged, day care	S	S	S	S	S		S	S			
Interior decorating shop							R	R			
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence or sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.										P	
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.	S	S	S	S	S		S	S			
Laboratory, scientific								S		R	
Laboratory, medical or dental							R	R		R	
Landscape garden sales; need not be enclosed within a structure							R	R		R	
Laundry, self-service				P			R	R			
Laundry, and dry cleaning pick-up station							R	R			
Laundry and dry cleaning plant								R		R	
Laundry, linen supply or diaper service								R		R	
Leather goods or luggage goods store							R	R			
Library	R	R	R	R	R		R	R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements							R	R			
Loan office							R	R			
Locksmith							R	R			
Lodging, boarding or rooming houses, and tourist homes				S			S	S			
Lumber yards and building materials; need not be enclosed within a structure								R		R	
Machine Shop								P		R	
Machinery, tools and construction equipment, sales and service								S		R	
Mail order house								R		R	
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to the following:											
Automobile assembly										R	
Clothing and garment manufacturing										R	
Food products processing and packaging										R	
Glass products manufacturing										R	
Laboratories for testing materials, chemical analysis, photographic processing.										R	
Metal products manufacturing										R	
Millwork and similar wood products manufacturing										R	
Musical instruments and parts manufacturing										R	
Paper products manufacturing										R	
Plastics manufacturing										R	
Scientific, optical and electronic equipment assembly and manufacturing										R	
Shipbuilding and repair yard; need not be enclosed within a structure										R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Souvenirs and novelties manufacturing											R
Surgical and dental supplies manufacturing											R
Toy, sporting goods and athletic goods manufacturing											R
Marina, minor; see boat storage, service and repair minor								R			R
Marina, major; see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service								P			R
Marine stores and supplies								R			R
Manufactured Home			P	P	R						
Mobile Home Park					R						
Mobile Home Subdivision					R						
Motorcycle sales, service, and repair								R			R
Music store							R	R			
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails	P	P	P	P	P		P	P			
News Stand							R	R			
Night club, bar, tavern and cocktail lounge when separate from a restaurant							R	R			
Office buildings, general							R	R			R
Office buildings, professional							R	R	R		
Office equipment and supplies, retail							R	R			
Oil and gas exploration and production activities	S	S	S	S	S		S	S	S	S	
Optician							R	R	R		
Paint and wallpaper store							R	R			R
Painting and decorating contractor								R			R
Paper supplies, wholesale								R			R

ARTICLE XXXV	USE DISTRICT										
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Park or playground including recreation centers; need not be enclosed within a structure	P	P	P	P	P		P	P			
Pawn Shop							S	R			
Pet Shop							S	R			
Photographic studio and/or processing							R	R			
Picture framing and/or mirror silvering							S	R		P	
Planned Unit Development, fixed dwelling	P	P	P	P							
Planned Unit Development, mobile home					P						
Plastic fabrication								P		R	
Plumbing shop							R	R		R	
Police substation, including Highway Patrol	P	P	P	P	P		P	P	P	P	
Post Office	P	P	P	P	P		P	P	P	P	
Printing, blueprinting, bookbinding, Photostatting, lithographing and publishing establishment.							R	R		R	
Public utility production and maintenance buildings with proper screening							P	P		P	
Public utility substation with proper screening	P	P	P	P	P		P	P	P	P	
Radio and television antenna (amateur)	R	R	R	R	R		R	R	R	R	
Radio and television station and transmitting tower (commercial)							S			P	
Riding academy; need not be enclosed within a structure							P				
Roofing and sheet metal shop							P			R	
Rooming house and boarding house				S			S	S			
Rug and/or drapery cleaning service contained within a structure							P			R	
Sand and gravel storage yard; need not be enclosed within a structure							P			R	
Sawmill or planning mill							P			R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama	S	S	S	S	S		S	S	S	S	
Seafood store, retail							R	R			
Sewage disposal plant; need not be enclosed within a structure								P		P	
Shoe repair shop							R	R			
Shoe store, retail							R	R			
Sign shop								R		R	
Sporting goods store							R	R			
Stone monument sales, retail; may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure								S		R	
Studio for dance or music							R	R			
Studio for professional work or teaching of fine arts such as photography, drama, speech and painting							R	R			
Surgical or dental supplies retail								R		R	
Tailor shop							R	R			
Taxi dispatching station							R	R			
Taxi terminal, storage and repair of vehicles								R		R	
Taxidermy shop							R	R		R	
Teen club or youth center	S	S	S	S	S		S	S			
Telephone exchange	P	P	P	P	P		P	P	P	P	
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening								R		R	
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year							R	R			
Tires, batteries and other automotive accessories sales establishments								R		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Tobacco store							R	R			
Tourist Home				S			S	S			
Toy Store							R	R			
Trade school or college	S	S	S	S	S		S	S	S	S	
Transit vehicle storage and servicing; need not be enclosed within a structure								P		P	
Variety Store						P	R				
Veterinary service								R		R	
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities								P		P	
Water storage; need not be enclosed within a structure	P	P	P	P	P		P	P	P	P	
Water or sewage pumping station	P	P	P	P	P		P	P	P	P	
Welding shop								P		R	
Well drilling company								R		R	
YMCA, YWCA and similar institutions	S	S	S	S	S		S	S			
Zoo								S		S	

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

**ARTICLE XXXVIII
RESIDENTIAL HIGH-RISE DEVELOPMENT**

38-1 PURPOSE

The intent of this article is to provide for the creation of high-rise residential developments that exceed 50 feet in height. The area of application is outlined on the Image Map found in the Comprehensive Plan and is restricted to the zoning district of RHR,

Residential High Rise. The provisions of this article shall apply to both "High Rise" and "Mid Rise" structures, as defined in this article.

38-2 DEFINITIONS

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

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

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

- .4 Submerged Lands: Lands beneath navigable waters.

38-3 HEIGHT EXCEPTIONS

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

- .1 Heights may be allowed up to 200 ft or 16 stories by the Planning Commission in areas denoted for Residential High-

- Rise Development as found on the Image Map in the City's Comprehensive Plan.
- .2 Additional net area minimums and setbacks will be required.
- .3 International Code Standards will be required for buildings over fifty (50) feet.

38-4 SETBACKS

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

<u>Height Ft.</u>	<u>Minimum Setback</u>	<u>Net Acres Minimum Net Buildable Acres Required</u>
<u>200</u>	<u>100</u>	<u>1.89</u>
<u>175</u>	<u>85</u>	<u>1.57</u>
<u>150</u>	<u>75</u>	<u>1.29</u>
<u>125</u>	<u>62.5</u>	<u>1.03</u>
<u>100</u>	<u>50</u>	<u>0.08</u>
<u>75</u>	<u>50</u>	<u>0.80</u>

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

38-5 WATER AND SEWER CONNECTIONS

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

38-6 SIGN PROVISIONS

See Article XXXIII

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

38-7 PARKING

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

38-8 SIDEWALKS

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

39-9 Traffic Impact Analysis

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

39-10 Environmental Compatibility

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

SECTION IX: SEVERABILITY.

The provisions of this ordinance shall supersede any conflict provisions of any other ordinances or resolutions previously adopted which pertain to the

establishment of fines and penalties for violations a job classification and pay plan. Should any provision of this ordinance be declared invalid or unenforceable by court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

SECTION X: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2005.

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

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

ATTEST:

DAVID COHEN, CITY CLERK, MMC

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
January 9, 2006
5:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:00 P.M. Present were Chairman Ron Scott; Councilman Bailey Yelding; Councilwoman Regina Landry; Finance Director Kim Briley; Senior Accountant Suz anne Henson; and Accountant I Belinda Job.

Also in attendance were Mayor Fred Small; Public Works Director Ken Eslava; Captain Randy Bishop; and Captain Scott Taylor.

II. PUBLIC PARTICIPATION

Councilman John Lake noted that along with discussions regarding the proposed bond issue for the Recreation Development, Highway 90 Sewer Project and City Hall Renovations, he would like the Council to additionally consider the proposed expansion of the library. (Council has previously discussed a \$3,000,000 Library expansion). Discussion continued the Library and the Friends of the Library are looking to raise about \$2,000,000 through grants and donations and it was hoped the City would contribute \$1,000,000 to the project. Mr. Lake also noted, when asking for funding assistance from various sources, it helps the cause if they can say the City has pledged \$1,000,000. Mr. Lake asked that consideration be given to adding an additional \$1,000,000 for the Library expansion to the proposed \$11,100,000 bond issue.

Mr. Scott asked how much money the Fairhope Library raised outside of what the City funded. Mr. Swaney, City of Daphne Library Board member, noted he would have to research to be certain but he believed that the Single Tax Colony contributed approximately \$800,000 and the City of Fairhope contributed approximately \$1.5 million. Mr. Lake noted the Fairhope Library also has a Federal Grant in the amount of \$500,000.

Mr. Swaney noted the estimated \$3,000,000 for the Daphne Library expansion is based on rough square footage estimates at this point in time. Mayor Small asked when the expansion is scheduled to take place. Mr. Swaney discussed it was part of the 5-year plan, with construction to begin in approximately 3 years, and be completed at the end of the 5 years. Mr. Scott asked Mr. Swaney to research the Fairhope Library for more specifics with regard to what the facility is going to cost and what their different funding options were.

Mr. Scott discussed the City's constitutional debt margin has increased to \$18,000,000 as a result of the re-valuations; which is up from \$12,000,000. Discussion continued that while the City does not want to borrow to the limit, the additional \$1,000,000 for the Library expansion should be considered in the discussion of new money. Mayor Small noted another option to including this in the bond issue would be for the City to make a pledge each year for the next three years and have funds in the amount of \$333,333 earmarked annually for the Library expansion. Ms. Landry discussed, if the City's annual pledge were to fall short over the next three years, then consideration could be given to doing a bond issue for the Library at that time. Mr. Lake noted if the City acquires the funds now through the current proposed bond issue, then the money could be put aside in a separate account specifically for the library expansion, thereby eliminating the need for a bond issue later. Mr. Scott asked what the \$11,100,000 bond issue is going to cost the City. Ms. Briley noted it would be approximately \$850,000 per year, noting the rate would be 3.15% on year 1 and 4.62% on year 20. Mr. Lake discussed allowing the money to earn interest that could be applied to the cost of the funds. Ms. Briley noted the City would have to be careful because it could run into arbitrage with the IRS and the City cannot earn more than what it borrowed. Discussion continued this matter would be considered later in the discussion on the new bond issue.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Insurance Renewal – John A. Robertson Insurance – Mr. Robbie Robertson

Mr. Robertson discussed an overview of the insurance renewal noting the format is exactly the same as in previous years. Discussion continued General Liability, Public Official Liability, Law Enforcement Liability and Employee Benefit Liability have the same limits of \$5,000,000. Discussion continued Inland Marine is broken down; Property Coverage is shown with physical addresses and deductibles; and Vehicle Coverage is broken down by department with vehicle identification numbers and deductibles for each vehicle. Mr. Robertson discussed an Optional Quote on the property deductible but noted after conducting an analysis based on the previous two storms (Ivan & Katrina), he felt it would not be in the City's best interest to spend the additional \$78,000 a year. Mr. Robertson noted the overall insurance rates and deductibles held consistent with last year's costs and that vehicle coverage is only up due to the City purchasing several new vehicles. Mr. Robertson discussed the General Liability, Public Official Liability, Law Enforcement Liability, and the Employee Benefit Liability would remain with Alabama Municipal Insurance Corporation (AMIC). Ms. Briley discussed a summary of the budget verses the proposal on the insurance coverage shows that an additional \$11,853 is needed for the new premium. Discussion continued an additional appropriation would need to be approved and the Mayor would need to be authorized to enter into the insurance renewal contract.

Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating an additional \$11,853 for insurance renewal and to authorize the Mayor to enter into an insurance renewal contract with John A. Robertson Insurance. Seconded by Mr. Yelding.

-----Mr. Yelding stepped out at 5:10-----

B. Prepaid Travel:

1. **Rebecca Hayes, Assistant City Clerk and David Cohen, City Clerk** - Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy – Tuscaloosa, AL – February 8-10, 2006 - \$140 each
2. **Tracey Miller, Accounting Tech, Sr.** – Trak Academy “New Fuel System” – Frisco, TX – February 6-8, 2006 - \$105

Motion by Ms. Landry to recommend to Council to adopt a resolution approving prepaid travel as follows:

- ***Rebecca Hayes, Assistant City Clerk and David Cohen, City Clerk in the amount of \$140 each to attend the Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy in Tuscaloosa, Alabama, February 8-10, 2006.***
- ***Tracey Miller, Accounting Tech, Sr. in the amount of \$105 to attend the Trak Academy “New Fuel System” in Frisco, Texas on February 6-8, 2006.***

Seconded by Mr. Scott.

-----Mr. Yelding stepped back in at 5:13-----

C. Bids:

1. **2006-B-Mayday Pier** - Mr. Eslava discussed 9 bid invitations were sent out with 3 bids received. Discussion continued there was a significant difference in price between the lowest bidder and the other two bidders. Mr. Eslava noted after further review, it was found that the lowest bidder owns all of its own equipment and has a different method for setting concrete slabs which will save the City money. Discussion continued this work cannot begin until FEMA has been given a “Notice to Proceed”, and reimbursement from FEMA will be made to the City upon completion of the project. It was also noted that this work is only to bring the pier back to what it was prior to the storm and any improvements made would come under a separate project. Mr. Eslava noted it is the recommendation of himself and City Engineers, Hutchinson, Moore & Rauch, LLC to award this contract to the low bidder, McInnis, LLC for a cost of \$287,062.00.

2. **2006-C-Daphne Pier & Boardwalk** - Mr. Eslava discussed 9 bid invitations were sent out with 3 bids received. Mr. Eslava noted it is the recommendation of himself and City Engineers, Hutchinson, Moore & Rauch, LLC to award this contract to the low bidder, Blount Campbell Construction, Inc. for a cost of \$299,550.25.

Ms. Landry asked if the City needed approval from FEMA prior to awarding these contracts. Mr. Eslava noted the contracts should be formally awarded to the Contractors but not authorized to begin construction until approval is received from FEMA. Discussion continued this will also lock the contractors into their quoted price. Mr. Eslava noted he hopes to have FEMA approval within the next 30 days. Mr. Scott asked if the City has a personal FEMA representative. Ms. Briley noted the City has to deal with different people at different levels. Mr. Eslava noted there are also different representatives for each storm. Mayor Small noted if we have problems, he can address them at a higher level.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid 2006-B-Mayday Pier to the low bidder, McInnis, LLC for a cost of \$287,062.00; and to award bid 2006-C-Daphne Pier & Boardwalk to the low bidder, Blount Campbell Construction, Inc. for a cost of \$299,550.25. Both projects pending Notice to Proceed from FEMA. Seconded by Ms. Landry.

3. **2006-H-Sod & Hay** - Mr. Eslava discussed the previous bid (2006-E-SOD & HAY) was rejected and noted the new bids have come in reflecting considerable savings. Discussion continued six bid invitations were sent out with three bids received. Mr. Eslava noted it is his recommendation to award this bid to Southern Sod, the low bidder. Mr. Scott asked how much is usually spent on grass each year. Mr. Eslava noted it varies from year to year but ranges from \$5,000-\$7,000, possibly more depending on what projects are underway.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid 2006-H-Sod & Hay to the low bidder, Southern Sod for unit costs as per bid. Seconded by Ms. Landry.

D. Appropriation Requests:

1. **Additional Capital – North Precinct - \$17,000**

Mr. Scott discussed a request from the Police Department for an appropriation in the amount of \$17,000 to purchase items needed to complete the North Precinct Police Station. Mr. Scott noted additional monies are needed due to the costs being higher than expected. Discussion continued these funds will be used for signage for the building as well as for furniture, equipment and supplies.

Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating funds in the amount of \$17,000 to the Daphne Police Department for the completion of the North Precinct Police Station. Seconded by Mr. Yelding.

2. **Building Inspections – Temporary Position**

Mayor Small discussed a request from the Building Inspections Department to fund a temporary person to assist the Building Inspections Office for approximately 160 hours through the end of February. Mayor Small discussed the Department is currently overwhelmed with phone calls, inspections, permits, etc., and anticipates an additional increase due to the upcoming condos and anticipated annexation. Discussion continued this is possibly a position that would need to be filled permanently in the future. Mr. Yelding asked what the process was for filling temporary positions. Ms. Briley noted it would be filled through a Temporary Employment Agency. Mayor Small noted the current staff of Building Inspectors and Site Containment Officer spends most of their time out in the field. Discussion continued the new Site Containment Officer has been working the past 2 months on training those not doing a very good job of site containment, and has just started today shutting down jobs, which is generating an increased number of phone calls coming into the Department. Mr. Yelding noted this is the only department that does not fall under a committee and that consideration should be given to

possibly placing them under the Buildings & Property Committee in order to give them a place to go with their needs or requests.

Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating funds not to exceed \$2,000 for the hiring of a temporary employee for the Building Inspections Department. Seconded by Mr. Yelding.

E. Refinancing 1997 and 1999 Warrants

Ms. Briley discussed the Gulf Opportunity Zone Refunding legislation has made it possible for the City to consider refunding the 1997 and 1999 Warrant Issues. Ms. Briley noted, based on the analysis presented by Gardnry Michael, the recommendation states as follows: "Under the authority of the Gulf Opportunity Zone legislation, Gardnry Michael is recommended to serve as underwriter for the refunding of the 1997 and 1999 Warrant Issues and Hand Arendall to serve as bond counsel". Discussion continued the present value savings are 4.178% and 4.552% respectively for the 1997 and 1999 issues, which equals a combined total debt service savings of \$710,316. Ms. Briley noted there was another underwriter who had presented a proposal however; they did not give any specific numbers. It was also noted that Gardnry Michael was the first to advise the City of this refunding opportunity. Discussion continued these are professional services, therefore not requiring them to be bid.

Motion by Mr. Yelding to recommend to Council to adopt a resolution authorizing Gardnry Michael to serve as underwriter for the Refunding of the 1997 and 1999 Warrants, and authorizing Hand Arendall to serve as bond counsel. Seconded by Ms. Landry.

F. 2006 G. O. Warrants

Ms. Briley discussed RFP's (Request For Proposals) were sent out on the borrowing of \$11,100,000 to be used for the purchase of Land for Recreational Development, Sewer Projects on Highway 90, and City Hall Renovations.

Ms. Briley noted, for the Bond Counsel, three requests for proposals were sent out and three received from Miller, Hamilton, Snider, & Odom, LLC; Walston, Wells, & Birchall, LLC; and Hand Arendall, LLC. Discussion continued that all three firms are very capable of handling this issue; therefore, it is the recommendation to award the Bond Counsel to Hand Arendall who provided the lowest quote of \$16,000.

Ms. Briley noted, for the Underwriter, 3 requests for proposals were sent out and 3 received from Edward Jones, AmSouth, and Gardnry Michael. Discussion continued interest rates ranged from 3.15% in year 1 to 4.62% in year 20 with debt service averaging approximately \$850,000 annually on a AAA-insured issue. Ms. Briley also noted this would be backed by the City's A-1 Moody's rating. Discussion continued the underwriting spread per bond, or how much the underwriter will charge for the services offered, were 13.50 Edward Jones, 7.50 Gardnry Michael, and 6.53 AmSouth. Ms. Briley discussed the difference between AmSouth and Gardnry Michael is \$10,767, however, AmSouth did not present a refunding scenario. Discussion continued if two issues had to be done (one refunding and one new money) rather than one, the \$10,767 difference would be negated due to the increased cost of items such as official statement preparation/printing. Therefore Ms. Briley stated it is her recommendation for Gardnry Michael to serve as underwriter for the issuance of \$11,100,000 GO Warrants.

Mr. Scott discussed he believes it would be a good idea to add the \$1,000,000 to pledge for the Library expansion. Mayor Small discussed the Library is a part of the City and should be considered as fairly as any other project, therefore, with money being fairly inexpensive now, it would be a good time to borrow. Mr. Yelding added if something important is on the table, it should be considered at this time.

Motion by Mr. Yelding to recommend to Council to adopt the following:

- 1. "New Money" proposal that includes \$1,700,000 Land for Recreational Development, \$2,400,000 Sewer Project: Hwy 90, and \$7,000,000 City Hall Renovations; and to add \$1,000,000 for the Library Expansion, for a total "New Money" request of \$12,100,000.***
 - 2. Authorize Gardnyr Michael to serve as underwriter for the issuance of \$12,100,000 GO Warrants.***
 - 3. Authorize Hand Arendall, LLC to serve as Bond Counsel.***
- Seconded by Ms. Landry.***

Ms. Landry asked what happens if other funding sources are obtained for some of these projects and the entire \$12,100,000 is not needed. Ms. Briley noted the Council can adopt a "Change of Use" resolution and then the money could be used for another municipal purpose.

Mayor Small discussed the City is working with Galbraith & Associates to try and secure an Economic Development Grant for the sewer project. Discussion continued that State Revolving Funds may also be available. Mayor Small also noted the League of Municipalities has a new funding mechanism called the AMFund. Ms. Briley discussed this may be something to consider as it is a turn-key operation with no trustee/insurance/bond counsel fees involved with a potential savings to the City. Discussion continued the City's \$12.1 million request could be presented to the League to see what they could offer. Mr. Lake discussed the difference in working with Gardnyr Michael and the League is that, Gardnyr Michael watches over things and determines when it is the best time to go after the bond issues, often securing a lower interest rate. Discussion continued with the League of Municipalities, they may not look for the best opportunity.

Discussion regarding the time frame for issuance. Ms. Briley noted 5-7 weeks is needed.

Mr. Scott asked if the recommendation to Council for the new money should be withdrawn at this time until Ms. Briley could acquire additional information from the League. Mr. Scott noted the City should proceed with Gardnyr Michael underwriting the refunding of the 1997 and 1999 warrant and allow Ms. Briley to see what the League can do to assist the City on the \$12,100,000 in new money. Discussion continued on leaving the recommendation as is in the event it is found the League will not have a better offer. Ms. Briley noted she could have the resolution for Gardnyr Michael prepared for Monday's Council meeting and if some information can be obtained from the League this week, she would let everyone know by Monday. Mr. Scott noted time would allow for the matter to be tabled and sent back to the Finance Committee if necessary.

IV. CURRENT BUSINESS

A. Tallent Property – Balance Due - \$1,650,000

Mayor Small discussed this is a reminder that the City has entered into a contract with Willie Tallent for the purchase of property and that \$50,000 in earnest money has been paid. Discussion continued the balance of \$1,650,000 is due by March 13, 2006. Mr. Scott noted it should be mentioned to the Council when the bond issue gets underway, that the longer it takes to get that done, the longer the City will have to tap into its cash flow in order to fund some of the projects.

V. FINANCIAL REPORTS

A. Treasurers Report: December 31, 2005

The treasurer's report in the amount of \$11,112,895.42 was contained in the Finance packet.

Motion by Mr. Scott to recommend to Council to accept the Treasurer's Report as of December 31, 2005 in the amount of \$11,112,895.42. Seconded by Mr. Yelding.

B. Sales Tax Collection Graphs – November 30, 2005

Mr. Scott discussed total collections for November 2005 were \$901,519.61. Discussion continued collections were \$86,853.58 above collections for November 2004; and \$80,867.65 above budget for the month. Discussion continued collections are 10.66% over the same month last year. Mr. Scott noted year to date collections are currently \$188,028.33 over budget.

Mr. Scott discussed the budget includes funds for capital and personnel that have not been appropriated yet. Ms. Briley noted the \$1.6 million minus the debt service we are about to have minus the appropriations that have already been approved leaves a balance of \$886,839 to be allocated.

C. Monthly Lodging Tax Collections – November 30, 2005

Mr. Scott discussed lodging tax collections for November 30, 2005 were \$52,326.23 compared to \$43,652.17 for November 30, 2004; and total collections for FY06 were \$114,517.72 compared to \$97,143.12 for the same time last year. Discussion continued on the potential of increasing the lodging tax rate. Ms. Landry and Mr. Yelding requested this item be placed on the next Finance Committee agenda for discussion and requested Ms. Briley present some numbers reflecting an increase.

D. New Business Licenses

The Business License report for December 2005 was contained in the Finance Packet and showed four new businesses opened in the City, 15 new businesses not in the City, and 14 contractors. The report also showed 1 business closed.

E. Bills Paid – December 31, 2005

The bills paid report as of December 31, 2005 was contained in Packet #2.

VI. ADJOURN

The meeting was adjourned at 6:10 pm.

**RENEWAL PROPOSAL
FOR
THE CITY OF DAPHNE
2006 – 2007**

**JOHN A. ROBERTSON INSURANCE
AGENCY, INC.
POST OFFICE BOX 1048
FAIRHOPE AL 36533
(251) 928-2163**

ROBBIE ROBERTSON, AGENT

PREMIUM SUMMARY

I. COMPREHENSIVE GENERAL LIABILITY	\$120,735
<i>A. Company – Alabama Municipal Insurance Corp.</i>	
II. PUBLIC OFFICIALS LIABILITY (Included Above)	
<i>A. Company – Alabama Municipal Insurance Corp.</i>	
III. LAW ENFORCEMENT LIABILITY (Included Above)	
<i>A. Company – Alabama Municipal Insurance Corp.</i>	
IV. COMMERCIAL AUTOMOBILE	\$120,247
<i>A. Company – Employers Mutual Companies</i>	
V. EQUIPMENT	\$ 16,234
<i>A. Company – Employers Mutual Companies</i>	
VI. PROPERTY	\$ 62,592
<i>A. Company – Employers Mutual Companies</i>	
VII. TOTAL PREMIUM	\$319,808

I. COMPREHENSIVE GENERAL LIABILITY

A. LIMIT

1. \$5,000,000 Per Occurrence
2. \$5,000,000 Products and Completed Operations Aggregate
3. \$5,000 Premises Medical Payments
4. \$100,000 Damage to Premises Rented To You
5. No Aggregate

B. COVERAGE

1. Premises and Operations
2. Products and Completed Operations
3. Personal and Advertising Injury
4. Occurrence Form
5. \$1,000 Deductible
6. Non-Auditable Policy

II. PUBLIC OFFICIAL LIABILITY

A. LIMIT

1. \$5,000,000 Per Occurrence
2. \$5,000,000 Aggregate Limit

B. COVERAGE

1. \$5,000,000 Per Occurrence
2. \$1,000 Deductible Per Occurrence
3. Employee Related Lawsuits - Included

III. LAW ENFORCEMENT LIABILITY

A. LIMIT

1. \$5,000,000 Per Occurrence
2. No Aggregate Limit

B. COVERAGE

1. Occurrence Form
2. \$1,000 Deductible

IV. EMPLOYEE BENEFIT LIABILITY

A. LIMIT

1. \$5,000,000 Per Occurrence
2. \$5,000,000 Aggregate Limits

V. VEHICLE COVERAGE

A. LIMIT

1. \$1,000,000 Combined Single Limits Bodily Injury and Property Damage
2. \$40,000 Uninsured Motorists
3. \$1,000,000 Hired and Non-Owned Automobile Liability
4. Comprehensive - See Schedule
5. Collision - See Schedule

B. COVERAGE

1. SEE ATTACHED SCHEDULE

VI. INLAND MARINE COVERAGE

A. LIMIT

1. SEE ATTACHED SCHEDULE

B. COVERAGE

1. All Risk Form
2. \$500 Deductible - Data Processing Equipment and Copiers
3. \$500 Deductible - All Scheduled Equipment

VII. PROPERTY COVERAGE

A. LIMIT

1. See Attached Schedule

B. COVERAGE

1. Special Form - Including Theft
2. Replacement Cost Valuation
3. \$5,000 Per Occurrence Deductible, All Peril Except:
4. Wind and Hail Deductible - Refer to Schedule

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	REBECCA A. HAYES
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	FEBRUARY 7-10, 2006
SCHOOL/ORGANIZATION	CERTIFICATION TRAINING INSTITUTE FOR MUNICIPAL & MASTER CLERKS
LOCATION FOR TRAINING: CITY/STATE	TUSCALOOSA, AL
REGISTRATION FEE	\$205.00
LODGING	\$237.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$140.00

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

Employee Signature Rebecca A. Hayes


 8064
 120200 / 52211 / _____
 Department Head Approval Vendor # Dept Org # Object # Proj #

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

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

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DAVID L. COHEN
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	FEBRUARY 7-10, 2006
SCHOOL/ORGANIZATION	CERTIFICATION TRAINING INSTITUTE FOR MUNICIPAL & MASTER CLERKS
LOCATION FOR TRAINING: CITY/STATE	TUSCALOOSA, AL
REGISTRATION FEE	\$205.00
LODGING	\$237.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$140.00

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

Employee Signature _____


8069
120200 / 52211 /

Department Head Approval Vendor # Dept Org # Object # Proj #

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

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

Revised 4/04

PREPAID TRAVEL REQUEST FORM	
EMPLOYEE NAME / TITLE	Tracey Miller, Asst Tech, Sr.
DEPARTMENT	Mechanical
DATES OF TRAVEL	2-6, 2-7, 2-8
SCHOOL/ORGANIZATION	Snake Academy "New Fuel System"
LOCATION FOR TRAINING: CITY / STATE	Frisco, TX
REGISTRATION FEE	\$ FREE
LODGING	\$
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$ 105.00

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

Employee Signature Tracey Miller

Department Head Approval [Signature] Vendor # _____ Dept Org # 167000 Object # 52211 Proj# _____

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

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



ENGINEERING, INC.

Computerized Fuel Management Systems Since 1981



Corporate Sales: 2901 Crescent Drive ♦ Tallahassee, FL 32301 ♦ PH (850) 878-4585 ♦ FAX (850) 656-8265

Trak Academy

AGENDA February 7th, 2006
Frisco, Texas

Instructor: Doug Young, Katherine Blyth, Bud Daley, John Blyth

Trak System Techniques Class

Morning

- 8:30a – 9:00a Welcome - Coffee and Introductions
- 9:00a – 9:30a WinCC Overview - Tips & Tricks -
- 9:30a – 10:00a Messages – Preventative Maintenance & General
- 10:00a – 11:00a Reports – Getting the most from your Reports
- 11:00a – 11:30a Exporting – Standard Formats / Translation Table

Lunch Break

Afternoon

- 1:00p – 2:00p Exporting for Custom Reports: Excel, Word, PDF
- 2:00p – 4:00p Hardware - Sentry VI & SentryGOLD
Also: Data Converter, Key Encoder, Pulsar Power Unit, Pump Control Module, Barrier, Pulsar, IP Serial Device, Preventative Maintenance
Changing out Parts
Troubleshooting
- 4:00p **OPTIONAL: Additional Hardware Information**
Fully Automated – VMU & Hose Controls

Class Location: **Holiday Inn Express Hotel & Suites**
4220 PRESTON ROAD
FRISCO, TX 75034 phone: 972-668-9400

Approximately 20 miles north of the Dallas-Fort Worth Airport. Directions from airport to hotel follows. A block of hotel rooms are reserved under "Trak Engineering" – please call to book your room. Group Rate \$89 a night. Class conducted in Hotel Meeting Room.

Visit our WEBSITE @ <http://www.trakeng.com>

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-B-MAYDAY PIER REPAIRS
DECEMBER 12, 2005
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Mr. Stephen Delahunty	Engineer, HMR, LLC
Mr. Scott Hutchinson	Engineer, HMR, LLC
Mr. Ken Eslava	Public Works Director

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

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

<u>VENDOR</u>	<u>BID BOND</u>	<u>UNIT COST</u>
Blount Campbell Construction	Ct Ck	Base - \$416,087.50 *Alternate - <u>\$ 26,000.00</u> \$442,087.50
McInnis, LLC	YES	Base - \$278,862.00 *Alternate - <u>\$ 8,200.00</u> \$287,062.00
Carter's Contracting Services	YES	Base - \$456,900.00 *Alternate - <u>(\$ 12,320.00)</u> \$444,580.00

*Alternate – Debris Disposal Offsite



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

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

From: Ken Eslava, Director of Public Works 

Date: December 28, 2005

**Re: Recommendation for Project Award:
2006-B Mayday Pier Repairs
2006-C Daphne Pier and Boardwalk Repairs**

Upon review of submitted bids for the aforementioned projects, I support the recommendations of Hutchinson, Moore & Rauch to award the projects as stated in their letters to Mayor Small dated December 27, 2005.

As this recommendation proceeds through the City of Daphne process of review and approval by the Finance Committee & City Council, I will be in touch with FEMA to check the status of this project regarding an official authorization to proceed.

In order to remain compliant with Federal regulations, and not jeopardize our Federal funding for these projects, we will need the official approval from FEMA before authorizing the successful bidder to begin construction. I hope to have acquired the notice to proceed before this recommendation reaches the City Council for approval.



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

Approved For Agenda

Signature
12-29-05
Date

December 27, 2005

Honorable Fred Small
The City of Daphne
1705 Main Street
Daphne, Alabama 36526

RE: 2006-B Mayday Pier Repairs

Dear Mayor Small:

Enclosed is the Tabulation of Bids received December 12, 2005 for the subject project.

We recommend that you award the Contract to McInnis, LLC at their submitted lowest bid of \$287,062.00.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC


Stephen J. Delahunty, P.E.
Project Manager

SJD\big
D2500\2335\05.661

CITY OF DAPHNE
MAYDAY PIER REPAIRS
DECEMBER 12, 2005

		Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners			BIDDER #1 McINNIS, LLC		BIDDER #2 BLOUNT CAMPBELL CONSTRUCTION, INC.		BIDDER #3 CARTER'S CONTRACTING SERVICES, INC.	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
BASE BID										
1	MOBILIZATION	LS	1	\$ 37,000.00	\$ 37,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	
2	DEMOLITION AND REMOVAL	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 108,750.00	\$ 108,750.00	\$ 50,000.00	\$ 50,000.00	
3	DOUBLE T DECK UNITS	EA	24	\$ 4,900.00	\$ 117,600.00	\$ 9,301.57	\$ 223,237.68	\$ 7,514.00	\$ 180,336.00	
4	CONCRETE REPAIRS - PATCHING	SF	90	\$ 217.00	\$ 19,530.00	\$ 16.78	\$ 1,510.20	\$ 165.00	\$ 14,850.00	
5	CONCRETE REPAIRS - SEALING	LF	120	\$ 25.00	\$ 3,000.00	\$ 5.29	\$ 634.80	\$ 70.00	\$ 8,400.00	
6	ANCHOR BOLTS INCLUDING ANGLE CONNECTORS	EA	48	\$ 420.00	\$ 20,160.00	\$ 96.80	\$ 4,646.40	\$ 665.00	\$ 31,920.00	
7	POURABLE JOINT SEAL	LF	462	\$ 6.00	\$ 2,772.00	\$ 3.17	\$ 1,464.54	\$ 22.00	\$ 10,164.00	
8	REINFORCED CONCRETE FOOTING	CY	4	\$ 1,500.00	\$ 6,000.00	\$ 457.50	\$ 1,830.00	\$ 995.00	\$ 3,980.00	
9	TIMBER HANDRAIL	LF	792	\$ 25.00	\$ 19,800.00	\$ 19.83	\$ 15,705.36	\$ 27.50	\$ 21,780.00	
10	TIMBER STAIRS	LS	1	\$ 2,750.00	\$ 2,750.00	\$ 1,126.75	\$ 1,126.75	\$ 475.00	\$ 475.00	
11	COVERED PAVILION	LS	1	\$ 15,750.00	\$ 15,750.00	\$ 26,187.50	\$ 26,187.50	\$ 29,995.00	\$ 29,995.00	
12	BONDS AND INSURANCE	LS	1	\$ 4,500.00	\$ 4,500.00	\$ 16,000.00	\$ 16,000.00	\$ 95,000.00	\$ 95,000.00	
TOTAL AMOUNT BASE BID					\$ 278,862.00		\$ 416,093.23		\$ 456,900.00	
ALTERNATE										
	DEBRIS DISPOSAL OFFSITE	LS	1	\$ 8,200.00	\$ 8,200.00	\$ 26,000.00	\$ 26,000.00	\$ (12,320.00)	\$ (12,320.00)	
TOTAL AMOUNT BID					\$ 287,062.00		\$ 442,093.23		\$ 444,580.00	

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


STEPHEN J. DELAHUNTY, P.E.
Project Manager
Hutchinson, Moore & Rauch, LLC

NOTE: BOLD/ITALICIZED NUMBERS INDICATE AN ERROR IN THE EXTENSION OF UNIT PRICE. THIS DOES NOT CHANGE THE BIDDERS STANDING.

D2500/2335

CITY OF DAPHNE

BID OPENING MINUTES

BID DOCUMENT NO: 2006-C-DAPHNE PIER & BOARDWALK REPAIRS

DECEMBER 12, 2005

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Mr. Stephen Delahunty	Engineer, HMR, LLC
Mr. Scott Hutchinson	Engineer, HMR, LLC
Mr. Ken Eslava	Public Works Director

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

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

<u>VENDOR</u>	<u>BID BOND</u>	<u>UNIT COST</u>
Asphalt Supply, LLC	YES	\$487,905.00
Bay South Ltd	YES	\$373,526.00
Blount Campbell Construction	Ct Ck	\$299,550.25



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

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

From: Ken Eslava, Director of Public Works

Date: December 28, 2005

**Re: Recommendation for Project Award:
2006-B Mayday Pier Repairs
2006-C Daphne Pier and Boardwalk Repairs**

Upon review of submitted bids for the aforementioned projects, I support the recommendations of Hutchinson, Moore & Rauch to award the projects as stated in their letters to Mayor Small dated December 27, 2005.

As this recommendation proceeds through the City of Daphne process of review and approval by the Finance Committee & City Council, I will be in touch with FEMA to check the status of this project regarding an official authorization to proceed.

In order to remain compliant with Federal regulations, and not jeopardize our Federal funding for these projects, we will need the official approval from FEMA before authorizing the successful bidder to begin construction. I hope to have acquired the notice to proceed before this recommendation reaches the City Council for approval.



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

December 27, 2005

Honorable Fred Small
The City of Daphne
1705 Main Street
Daphne, Alabama 36526

RE: 2006-C Daphne Pier and Boardwalk Repairs

Dear Mayor Small:

Enclosed is the Tabulation of Bids received December 12, 2005 for the subject project.

We recommend that you award the Contract to Blount Campbell Construction, Inc. at their submitted lowest bid of \$299,550.25.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in cursive script that reads 'Stephen J. Delahunty'.

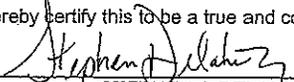
Stephen J. Delahunty, P.E.
Project Manager

SJD\big
D250012350105.665

CITY OF DAPHNE
 DAPHNE PIER AND BOARDWALK REPAIRS
 DECEMBER 12, 2005

		Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners		BIDDER #1 BLOUNT CAMPBELL CONSTRUCTION, INC.		BIDDER #2 BAYSOUTH, LTD		BIDDER #3 ASPHALT SUPPLY, LLC	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	DEMOLITION AND REMOVAL - ALL SITES	LS	1	\$ 20,500.00	20,500.00	12,000.00	12,000.00	40,000.00	40,000.00
2	LABOR, MATERIALS AND PERFORMANCE BOND	LS	1	\$ 11,000.00	11,000.00	7,249.00	7,249.00	7,000.00	7,000.00
SITE 1									
1a	TREATED TIMBER PILES - 9" DIAMETER	LF	1,950	\$ 18.75	36,562.50	18.00	35,100.00	19.00	37,050.00
1b	TYPICAL PIER - 10' SECTION	LF	210	\$ 143.72	30,181.20	190.00	39,900.00	345.00	72,450.00
1c	TIMBER BENCHES	EA	2	\$ 268.75	537.50	800.00	1,600.00	600.00	1,200.00
SITE 2									
2a	TYPICAL BOARDWALK INCLUDING PILES	LF	560	\$ 109.86	61,521.60	113.00	63,280.00	139.00	77,840.00
2b	TYPICAL BRIDGE SECTION INCLUDING PILES	LF	585	\$ 123.79	72,417.15	209.00	122,265.00	296.00	173,160.00
SITE 3									
3a	TREATED TIMBER PILES - 9" DIAMETER	LF	1,945	\$ 18.72	36,410.40	18.00	35,010.00	19.00	36,955.00
3b	TYPICAL PIER - 5' SECTION	LF	338	\$ 90.00	30,420.00	169.00	57,122.00	125.00	42,250.00
TOTAL AMOUNT					\$ 299,550.35		\$ 373,526.00		\$ 487,905.00

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



 STEPHEN J. DELAHUNTY, P.E.
 Project Manager
 Hutchinson, Moore & Rauch, LLC

NOTE: BOLD/ITALICIZED NUMBERS INDICATE AN ERROR IN THE EXTENSION OF UNIT PRICE BID. THIS DOES NOT CHANGE THE BIDDERS STANDING.

D2500/2350

CITY OF DAPHNE
BID OPENING MINUTES
BID DOCUMENT NO: 2006-H-SOD AND HAY
JANUARY 9, 2006
11:30 A.M.
CITY HALL

Those present were as follows:

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

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

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

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

Craft Turf Farms LLC

Centipede Sod	\$ 72.00 per pallet
St. Augustine Sod	\$132.00 per pallet
Construction Grade Centipede	\$ 62.00 per pallet
Roll sod Centipede with Disposal Core	\$ 39.00 per roll
Construction Grade Centipede	\$ 62.00 per roll
Construction Grade Hay	NOT AVAILABLE

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

Southern Sod

Centipede Sod	\$ 67.50 per pallet
St. Augustine Sod	\$115.00 per pallet
Construction Grade Centipede	\$ 60.00 per pallet
Roll Sod Centipede with Disposal Core	\$ 38.50 per roll
Construction Grade Centipede	\$ 32.25 per roll
Construction Grade Hay	\$ 3.50 per bale

***Minimum order – 6 pallets**

Cleverdon Farms

Centipede Sod	\$ 75.00 per pallet
St. Augustine Sod	\$125.00 per pallet
Construction Grade Centipede	NOT AVAILABLE
Roll Sod Centipede with Disposal Core	\$ 37.50 per roll
Construction Grade Centipede	NOT AVAILABLE
Construction Grade Hay	NOT AVAILABLE



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE....DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director
Suzanne Henson, Sr. Accountant**

From: Ken Eslava, Public Works Director

Date: January 9, 2006

Re: Recommendation for bid award...2006-H-SOD & HAY

Please consider this my formal recommendation to award the annual bid, 2006-H- SOD & HAY, to Southern Sod based on the facts that a) they are the low bidder and b) met all required specifications.

There were six(6) bids sent out for quotations with three(3) sealed bids being returned to the City. Southern Sod returned unit price quotations which were considerably less than their two competitors, Craft Turf Farms and Cleverdon Farms. Cleverdon submitted quotes for only 50% of our bid specification requirements, therefore not meeting ours needs as a capable vendor.

Shown below is a bid tabulation for your review:

	Southern Sod	Craft Turf	Cleverdon
Centipede Sod(pallet).....	\$67.50	\$72.00	\$75.00
St. Augustine Sod(pallet).....	\$115.00	\$132.00	\$125.00
Construction Grade Centipede(pallet).....	\$60.00	\$62.00	N/A
Roll Sod with Disposable Core(roll).....	\$38.50	\$39.00	\$37.50
Construction Grade Centipede(roll).....	\$32.25	\$62.00	N/A
Construction Grade Hay(bale).....	\$3.50	DNE	N/A

As a result of rejecting previous bids for these items & executing a new bid process, we have saved the City several thousand dollars in annual operating costs.

LETTER OF MEMORANDUM

TO: KIM BRILEY, FINANCE DIRECTOR
FROM: CAPT WILSON *DWW*
DATE: 12-20-05
RE: ADDITIONAL CAPITAL / NORTH PRECINCT

Approved For Finance Comm. Agenda

[Handwritten Signature]

Signature
12-29-05

Date

Kim, we are going to fall short on what we need to get into the North Precinct building if we want it to be nice. Attached please find some documentation requesting approximately \$17,000 to be added to our Capital Requests for this year's budget since the Capital has not been finalized yet.

Chief Carpenter has already briefed the Mayor and was instructed to send this additional request straight to you for the Finance Committee to look at. Would you please call me when you receive this and confirm you have it? Thanks in advance.

INTERNAL MEMO

TO: CHIEF CARPENTER
FROM: CAPTAIN TAYLOR
RE: NORTH PRECINCT
DATE: 12-19-05

SKT

The construction of the Precinct is nearing completion. AIG Baker has completed their part of the construction inside the building. The cost for this project has been higher than expected. This project was budgeted only **\$43,730**. So far **\$35,574.98** has been spent. This leaves **\$8,155.02**. This amount will not be enough to properly complete this project. As you know, several thousand dollars were saved by having Ed Kirby and Donald Bettner do all of the electrical work. If they had not done this work then we probably would not have had enough money to do a lot of the things that have been done so far. The patrol division has been conducting shift changes out of this building for less than a week and they have had to work with fewer conveniences than they are used to. This is a very worthwhile project that if done right will be a source of pride for our department, our city and our citizens. It has already paid dividends. On Friday, 12-16-05, one of our officers was driving through the Jubilee Mall lot, heading to the precinct, and was flagged down by a citizen that pointed out a suspicious vehicle near the Hobby Lobby. The officer immediately made contact with this vehicle and discovered five people out of south Florida that were working the interstate passing counterfeit one hundred dollar bills. They had already passed three of the bills in the Jubilee Mall and several at the Spanish Fort mall. The officers seized over \$14,000 in counterfeit one hundred dollar bills from these subjects and stopped their crime spree. I believe that the precinct being in this area contributed greatly to this case by increasing the amount of patrol cars that are coming and going from this high traffic area near the interstate. Had this citizen not seen the patrol car driving in the lot, she may not have ever reported this suspicious activity. I am requesting that more money be appropriated immediately to complete this project. The additional amount needed is **\$17,000.00**. Attached is a list of items that are needed.

ITEMS NEEDED TO COMPLETE THE NORTH PRECINCT PROJECT

1. Signage for building: \$3,500.00
2. Furniture for three offices and the muster room: \$15,000.03
3. Dry Erase boards and cork boards for the muster room: \$1,154.85
4. Television for the muster room: \$378.00
5. Wall baskets for the muster room: \$395.00
6. Storage lockers for muster room: \$750.00
7. Chairs for the lobby: \$200.00
8. Computer for one office: \$1066.00
9. Laser network printer for one office: \$500.00
10. Television for one office: \$200.00
11. Electric hole punch for one office: \$110.00
12. Refrigerator for building: \$135.00
13. Microwave for building: \$70.00
14. Cabinet for microwave/coffee: \$250.00
15. Vacuum for building: \$100.00
16. Mirrors, soap and paper towel dispensers, and signs for two restrooms: \$750
17. Blinds for windows: \$400
18. Rack for storage room: \$100

TOTAL: \$25,058.88
- \$8,155.02
\$16,903.86

Memorandum

To: Finance Committee

From: Richard Merchant

RM

Date: January 5, 2006

Re: Funding for temporary help

I am requesting funding for a temporary person to help Ragan in our office thru the end of February. We are extremely overwhelmed with phone calls , inspections, permits, etc., with an increase on the way due to the upcoming condos and anticipated annexation. We purchased new permitting software in August and have not been able to fully utilize it due to the extreme work load, not to mention, we have files stored at the Planning department that needs to be organized because we are unable to find important documents without extensive searching. We are requesting the following amount:

\$11.00 hour @ 160 hours = \$1,760.00

Approved for Agenda

[Handwritten Signature]

Signature

1-6-06

Date

H. R. 4440—2

- Sec. 407. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 408. Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 409. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 410. Amendment related to the Omnibus Budget Reconciliation Act of 1990.
Sec. 411. Amendment related to the Omnibus Budget Reconciliation Act of 1987.
Sec. 412. Clerical corrections.
Sec. 413. Other corrections related to the American Jobs Creation Act of 2004.

Subtitle B—Trade Technicals

- Sec. 421. Technical corrections to regional value content methods for rules of origin under Public Law 109-53.

TITLE V—EMERGENCY REQUIREMENT

- Sec. 501. Emergency requirement.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

“PART II—TAX BENEFITS FOR GO ZONES

“Sec. 1400M. Definitions.

“Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

“SEC. 1400M. DEFINITIONS.

“For purposes of this part—

✓ (1) **GULF OPPORTUNITY ZONE.**—The terms ‘Gulf Opportunity Zone’ and ‘GO Zone’ mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(2) **HURRICANE KATRINA DISASTER AREA.**—The term ‘Hurricane Katrina disaster area’ means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

(3) **RITA GO ZONE.**—The term ‘Rita GO Zone’ means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

(4) **HURRICANE RITA DISASTER AREA.**—The term ‘Hurricane Rita disaster area’ means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

(5) **WILMA GO ZONE.**—The term ‘Wilma GO Zone’ means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

(6) **HURRICANE WILMA DISASTER AREA.**—The term ‘Hurricane Wilma disaster area’ means an area with respect to which

H. R. 4440—4

“(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

“(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

“(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

“(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

“(i) by substituting ‘60 percent’ for ‘50 percent’ in subparagraph (A) thereof, and

“(ii) by substituting ‘70 percent’ for ‘60 percent’ in subparagraph (B) thereof.

“(B) Section 143 (relating to mortgage revenue bonds; qualified mortgage bond and qualified veterans’ mortgage bond) shall be applied—

“(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

“(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

“(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

“(iv) by substituting ‘\$150,000’ for ‘\$15,000’ in subsection (k)(4) thereof.

“(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

“(D) Section 146 (relating to volume cap) shall not apply.

“(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting ‘50 percent’ for ‘15 percent’ each place it appears.

“(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

“(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

“(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

“(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

“(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

“(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

“(B) the requirements of paragraph (5) are met.

“(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility

bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

“(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

“(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(A) \$4,500,000,000 in the case of the State of Louisiana,

“(B) \$2,250,000,000 in the case of the State of Mississippi, and

“(C) \$1,125,000,000 in the case of the State of Alabama.

“(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

“(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

“(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

“(C) the requirements of section 143 are met with respect to all bonds issued under this subsection.

“(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(c) LOW-INCOME HOUSING CREDIT.—

“(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

“(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

“(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

“(ii) the Gulf Opportunity housing amount for such State for such calendar year.

“(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term ‘Gulf Opportunity housing amount’ means, for any calendar year, the amount equal to the product of \$18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the

TO: Mayor Small
Finance Committee

FROM: Kim Briley, Finance Director

DATE: January 9, 2006

RE: 2006 General Obligation Warrant Issue

Assessed Valuation, 9-30-05	208,682,500
Constitutional Debt Margin, 9-30-05	18,075,341

I. Refunding 1997 and 1999 Issues: Gardnyr Michael made a proposal to the City Council at the January 3, 2006, meeting regarding the Gulf Opportunity Zone Refunding legislation. Since that time, another underwriter has stepped forward with a similar proposal.

The state has not yet adopted procedures for the administration of this refunding mechanism, but should be doing so in the next few weeks.

Refundings are generally considered to be beneficial when the Present Value savings is at least 3%. The refunding proposal as presented by Gardnyr Michael suggests a present value cash flow savings of 4.178% and 4.552% respectively for the 1997 and 1999 issues. This equals a combined total debt service savings of \$ 710,316.

Bond Counsel fees would total approximately \$ 14,000.

Recommendation: Under the authority of the Gulf Opportunity Zone legislation, Gardnyr Michael to serve as underwriter for the Refunding of the 1997 and 1999 Warrant Issues and Hand Arendall to serve as bond counsel. (See below recommendation with Hand Arendall as low quote.)

II. "New Money"

1,700,000	Land for recreational development
2,400,000	Sewer Project: Highway 90
<u>7,000,000</u>	City Hall Renovations
11,100,000	

Bond Counsel: Requests for Proposal were forwarded to three firms and the following responses were received:

Not to exceed \$ 25,000: Miller, Hamilton, Snider, & Odom, LLC
\$ 20,500: Walston, Wells, & Birchall, LLC
\$ 16,000: Hand Arendall, LLC

Recommendation: Bond Counsel: Hand Arendall, LLC

TO: Mayor Small
Finance Committee

FROM: Kim Briley, Finance Director

DATE: January 11, 2006

RE: 2006 GO Warrant Issue

After further review and evaluation of the financing proposals submitted by Gardnyr Michael and the AMFund, **the previous recommendation for Gardnyr Michael to serve as underwriter stands.**

This recommendation is based on the following:

Basis for Determination of Interest Rate.

The AMFund schedule is based on a Fixed Rate Swap transaction. In other words, debt is issued at a variable rate and then swapped for a fixed rate bond on the date of issuance.

Alternatively, on the date of issue, Gardnyr Michael issues the debt at the prevailing market rates. This eliminates some of the market risk associated with Rate Swap transactions.

Interest Rate.

The AMFund reflects one rate for the term of the warrants.

The option offered by Gardnyr Michael reflects lower rates at the beginning of the term with an increase over the life of the issue. The higher rates quoted by AMFund are not reached until year 11 of the Gardnyr Michael issue.

Fees.

Although the AMFund is marketed as a "turn key" financing option, there are costs associated with it. This fee is added to the monthly interest payments and totals \$ 1,044,418 over the life of the issue.

Gardnyr Michael's \$ 171,000 issuance fees.

All-Inclusive Cost (AIC).

The AIC of the AMFund totals 4.637%;

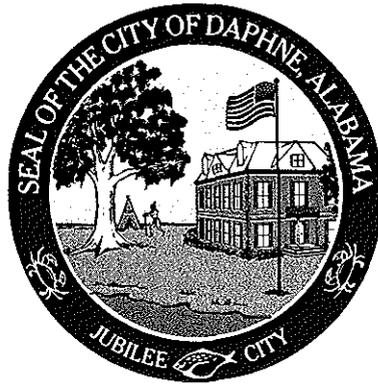
the AIC of the Gardnyr Michael issue totals 4.34%.

Total Debt Service.

Total debt service payments quoted by the AMFund are \$ 17,213,696;

Gardnyr Michael quotes total debt service payments of \$ 16,836,828.

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



COUNCIL MEMBERS

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

Memo

TO: Finance Committee
FROM: Mayor Small
SUBJECT: Tallent Property
DATE: December 29, 2005

As of December 29, 2005, the City has entered into a contract with Willie Tallent for the purchase of property. \$50,000 in earnest money has been paid to Mr. Tallent with the balance of \$1,650,000.00 due by March 13, 2006.

TREASURER'S REPORT

As of December 2005

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$5,771,990.40
OPERATING ACCT	COMPASS	(\$275,515.07)
PAYROLL ACCT	COMPASS	(\$18,654.08)
MUNICIPAL COURT	COMPASS	\$223,050.70
		<u>\$5,700,871.95</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$2,770.76
4 CENT GAS TAX	FIRST GULF	\$139,408.16
7 CENT GAS TAX	FIRST GULF	\$136,689.00
		<u>\$278,867.92</u>
CAPITAL PROJECTS FUND		
CDBG LOAN REPAY	COMPASS	\$492.65
CAPITAL GROWTH	SOUTHTRUST	\$3,401,350.40
97 WARRANT CONS	SOUTHTRUST	\$4,942.82
99 WARRANT CONS	REGIONS	\$538,354.97
2000 CONSTRUCTION	REGIONS	\$90,217.68
		<u>\$4,035,358.52</u>
DEBT SERVICE FUND		
DEBT SERVICE	SOUTHTRUST	\$1,097,797.03
		<u>\$11,112,895.42</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,519.81
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	
June	592,710.00	657,414.17	693,747.71	731,694.73	752,668.04	818,209.20	982,863.46	
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	
Totals	6,634,029.78	7,110,160.82	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	1,834,154.27

FY 2006 BUDGET/ACTUAL COMPARISONS

	Actual-2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	932,634.66	825,474	107,160.68	107,160.68	12.98%
November	901,519.81	820,652	80,867.65	188,028.33	9.85%
December		1,100,098			0.00%
January		785,065			0.00%
February		787,808			0.00%
March		923,786			0.00%
April		852,157			0.00%
May		870,852			0.00%
June		952,994			0.00%
July		903,547			0.00%
August		875,817			0.00%
September		920,338			0.00%
Totals	1,834,154.27	10,618,586	188,028.33		

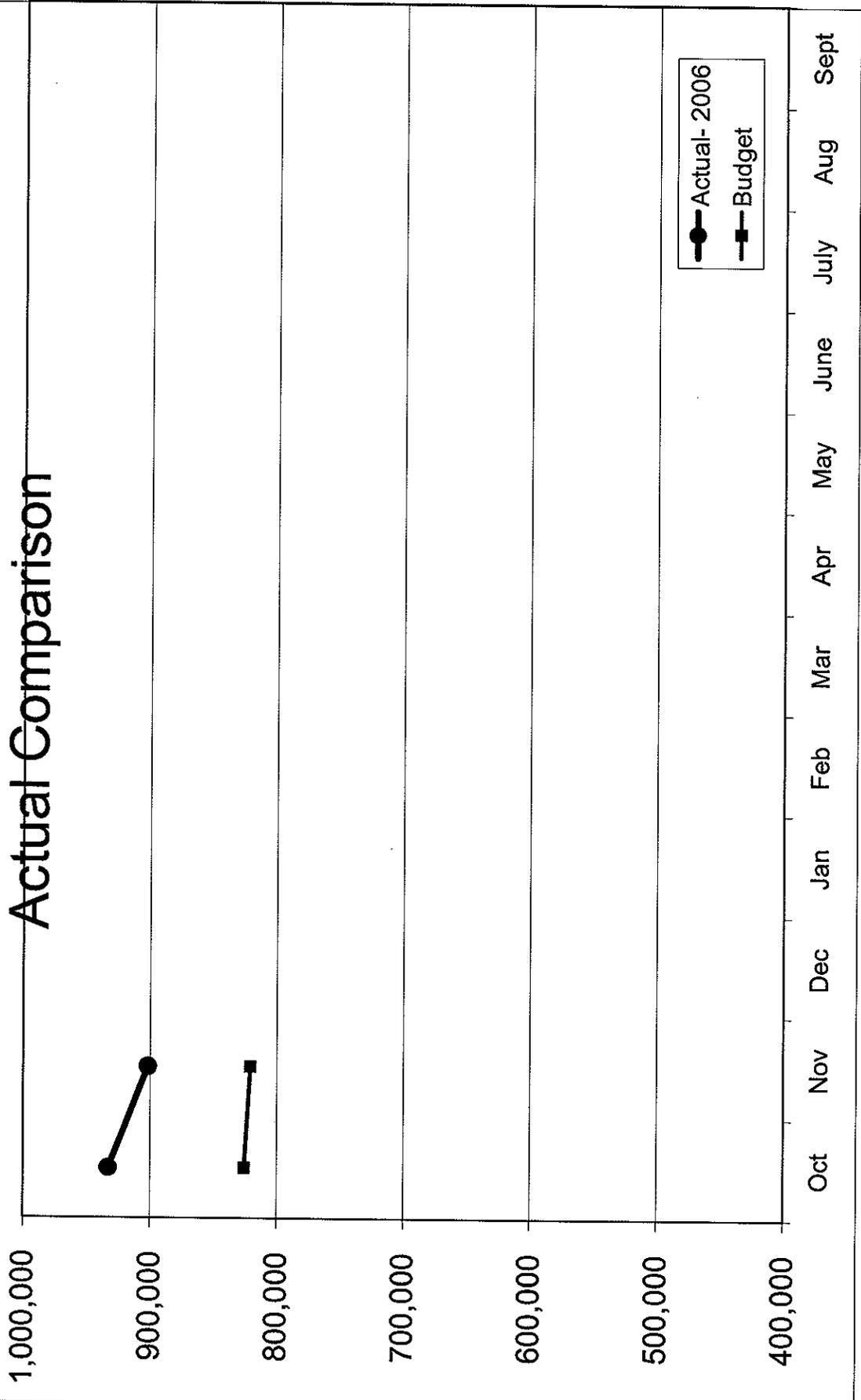
FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>							
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	86,853.58	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	10.66%
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91		7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15		3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54		9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31		-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26		-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95		11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26		10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99		12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78		7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	168,215.28		9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
Annual \$ Change	476,131.04	641,019.38	393,592.24	284,159.66	860,992.68	1,418,335.85		7.18%	9.02%	5.08%	3.49%	10.21%	15.27%	

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

TOTAL collections: 11-30-05	1,834,154
Budgeted: 10-1-05 to 11-30-05	1,646,126
Actual Coll > (<) Budget, 11-30-05	188,028
% Over/(Under) Budget, 11-30-05	11.42%

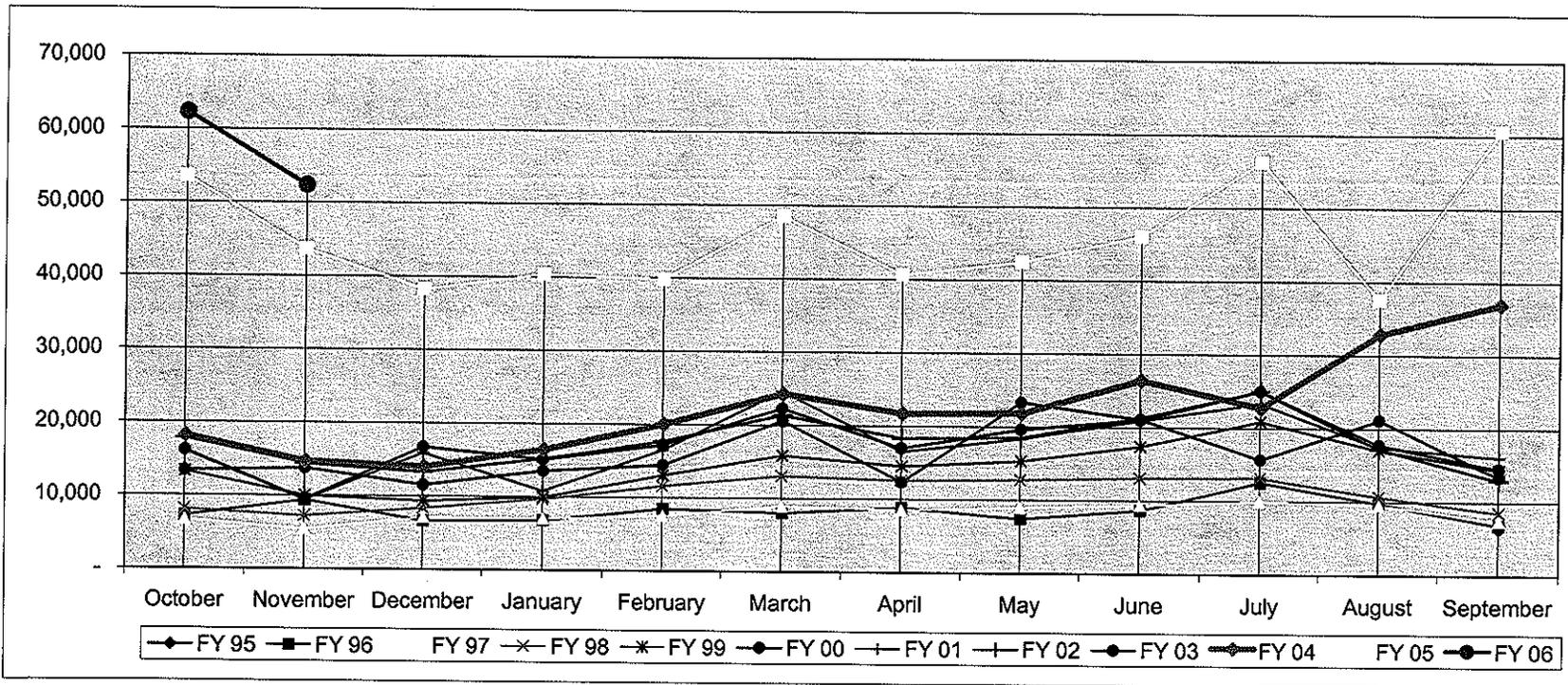
Fiscal 2006: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	114,517.72

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



NEW BUSINESSES FOR DECEMBER 2005

BRICK & MORTAR BUSINESSES - CITY LIMITS	
SANTUARY NEW & USED BOOKS	1
NEAL'S TREE SERVICE INC	1
BAY SWEEPERS	1
DAPHNE FAST TAX	1
TOTAL NEW BUSINESSES - CITY LIMITS	4

OUT OF CITY	
SHANNON & ASSOCIATES ADVERTISING GROU	1
TRAK ENGINEERING INC	1
MCPAR GARDENS	1
DFS FUNDING LP	1
WALGREEN NATIONAL CORPORATION	1
SOMERSET CAPITAL GROUP LTD	1
AMAZON HERB COMPANY	1
MOREDIRECT INC	1
TRIANGLE SYSTEMS INC	1
DELTAURORA LLC	1
VESTCOM RETAIL SOLUTIONS	1
TRANSPORTATION SAFETY SERVICES	1
GULISTAN CARPET	1
URBAN OUTFITTERS	1
HITATCHI CAPITAL AMERICA CORP	1
TOTAL NEW BUSINESSES - NOT IN CITY	15

CONTRACTORS	
CONKLIN CONSTRUCTION	1
DALEY TOWER SERVICE INC	1
B&B CONSTRUCTION	1
M&G PLUMBING & CONSTRUCTION	1
NEAL'S TREE SERVICE INC	1
BOOTH CONSTRUCTION	1
SOUTHERN ELECTRICAL SERVICES INC	1
CLT TREE REMOVAL INC	1
FC FIRE PROTECTION INC	1
ALLIED ALLARMS INC	1
OAKLEY EXCAVATING INC	1
BACKLUND & ASSOC DEMOLITION	1
AUTO VISION & FIX-N-CHIPS	1
W S NEWELL INC	1
TOTAL NEW CONTRACTORS	14

INSURANCE COMPANIES	
None	0
TOTAL INSURANCE COMPANIES	0

TOTAL NEW BUSINESSES OCTOBER 2005	33
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TOTAL BUSINESSES CLOSED AUGUST - CITY	
DELIMNA FOR HER (JST)	1
TOTAL DAPHNE BUSINESSES CLOSED	1

Buildings and Property Committee Meeting
1705 Main Street, Daphne, AL
City Hall Council Chambers
January 6, 2006
10:00 a.m.

Committee
Councilman John Lake, Chairman
Mayor Fred Small
Councilman August A. Palumbo

Sandra Morse, Director, Daphne Civic Center; Shannon Spivey, Executive Office; Jeff Hudson, Gatlin-Hudson Architects; Phillip Brown, Coldwell Banker JME Realty

Minutes

The meeting was called to order at 10:10 am by Chairman John Lake.

1. Presentation by Phillip Brown pertaining to property located at Highway 98 and Johnson Road.

Mr. Brown distributed a handout pertaining to the sale of City property located at Highway 98 and Johnson Road where the animal shelter and the City garage are now located. Handout compared the listing price of property around this site to what Mr. Brown thinks the City could get for its property. Councilman Lake inquired as to the status of the appraisal and Mayor Small stated that it was in the process and he hoped it would be completed by the end of this month. Councilman Lake also discussed the possibility of the City leasing this property if the animal shelter and the garage were relocated, but the Mayor believes that the City would need the funds from the sale of the property to be able to relocate the garage to the public works facility on Co. Rd. 64 and the animal shelter to the Justice Center.

2. Discuss use of Eastern Star Building for a partnership with an institution of higher learning.

Councilman Palumbo offered to contact local universities to see if there is any interest in one of them using the Eastern Star building for Baldwin County Classes with the possibility of them growing and having an even stronger presence on the Eastern Shore in the future. If any of the schools do seem interested, he will then ask for their representatives to come talk to the City.

3. Jeff Hudson presentation on the Daphne City Hall Complex with funding estimates.

Mr. Hudson presented folders for each councilperson. The folders contained the needs assessment for each department, floor plans, and an estimated budget.

<p>MOTION: Councilman Palumbo made a motion to recommend to the council that they approve the schematic design, approve for Gatlin-Hudson to prepare bid documents and to appoint Mayor Small as the Owner's Representative. Seconded by Councilman Lake. Motion carried.</p>
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**1705 Main Street, Daphne, AL
City Hall Council Chambers
January 6, 2006
10:00 A.M.**

Page 2

Councilman Palumbo also asked that the motion be attached to the outside of each councilperson's folder so that they can review it.

4. Additional items

Councilman Lake asked about the presentation from Shawn Holland. Ms. Morse told the committee that Ms. Holland will make a presentation to them as soon as she has a preliminary design and some firm figures and sources of funding. Councilman Lake wanted to point out that he had a study done years ago to locate the correct Village Site and he wanted to be sure that was taken into consideration when reviewing the wording and placement of the plaque.

Ms. Morse informed the committee that Le Crewe de Spaniards asked to be able to load and unload for their parade in Spanish Fort at the Daphne Civic Center. The committee referred this question to Chief Carpenter and possibly the public safety committee.

**Motion made by Councilman Palumbo to adjourn at 11:10.
Motion seconded by Councilman Lake. Motion carried.**

Public Safety Committee

Tuesday, January 3, 2006

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

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

Committee Members Attending:

Councilman Greg Burnam, Councilman Gus Palumbo, Councilwoman Landry, Capt. David Wilson, Capt. Scott Taylor, Lt. Daniel Bell, Capt. Matt Creel, PW Superintendent Melvin McCarley.

I. CALL TO ORDER

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

II. PUBLIC PARTICIPATION

A. New Business

1) Stewart Giardina (515 Polo Trace) - Paint ball guns

Mr. Giardina stated that his neighbor had complained about his sons using paint ball guns in their back yard and that police told him that according to city ordinance the paint ball guns were against the law because it is pneumatically powered. He contacted Capt. Wilson about the situation and Capt. Wilson stated that the current ordinance deals with pneumatic weapons such as pellet gun, and does outlaw paint ball guns which the police department never realized. The police department does not have a problem changing the ordinance to exclude paint ball guns. Ms. Landry stated she will have this placed on the Ordinance Committee agenda with a favorable recommendation from this committee. Capt. Wilson advised that any nuisance calls about paint balls guns will be dealt with by other means but that the police didn't feel these devices should be outlawed.

B. Old Business

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from December 5, 2005 Meeting

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

I. FIRE DEPARTMENT

A. New Business

1. **Statistics for December 2005**

Capt. Creel reviewed the stats for December. He stated emergency medical calls are 80% of what the department does.

B. Old Business

II. POLICE DEPARTMENT

A. New Business

1. Statistics for November 2005

Capt. Wilson reviewed the stats for November.

2. FY05 Police Report

Mr. Palumbo commented that the traffic accidents were up. Capt. Wilson stated that fatality wrecks are becoming more common. Lt. Bell stated that a traffic accident death would require a weeks worth of work for that one officer. Mr. Palumbo asked if the department has an accident investigation division. Capt. Wilson stated all patrol works accidents, it is not specialized. We are hoping with new officers we can become more specialized within the department. Capt. Wilson stated there were 1945 roadway accidents and 310 private property accidents for the fiscal year. Mr. Burnam asked about the Domestic Disturbance calls and what that involved. Capt. Taylor stated that anytime there is a call of a domestic nature, a report is written. Capt. Wilson stated that it's required by law and further stated these are also time consuming. Capt. Taylor stated the report will included whether or not alcohol or drugs were involved, if children were present and if so their names and ages, whether or not there was probably cause, etc. Capt. Wilson reminded the committee that beat officers investigated over 2000 wrecks which keeps them from answering calls. The high number of accidents is just another point of why we need more police officers.

B. Old Business

1. North Precinct

Capt. Taylor advised that the sign design request has been sent to AIG Baker. After their approval, it will be sent out for bid. Capt. Taylor stated he has sent in a request to the finance committee for \$17,000 in additional funds to finish with the furnishings. No date has been set for the Open House until the building is ready and furnished.

III. OTHER BUSINESS

VII. ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting.

The next meeting will be **Tuesday, February 7, 2006 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

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

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	-	1
11-Structure Fire/Commercial	-	-
11-Structure Fire/Residential	1	4
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	-	5
14-Natural Vegetation Fire	1	3
15-Outside Rubbish Fire	1	2
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
2-Overpressure Rupture:	-	-
3-Rescue Call and Emergency Medical Service Incidents:	118	336
4-Hazardous Conditions (No fire):	6	14
5-Service Call:	8	24
6-Good Intent Call:	13	34
7-False Alarm & False Call:	7	20
8-Severe Weather & Natural Disaster:	1	1
9-Other Situation:	-	-
Total Emergency Calls:	139	394
Monthly Total Calls:	156	442
Response Time:		
Highest:	15	15
Lowest:	1	1
Average (Minutes/Seconds) :	4/56	4/46
Miscellaneous Reports:		
Training Hours	36.5	736.5
Property Loss - \$	1,000	14,400
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	-/-	-/1
Child Passenger Safety Seat Inspections/Installations	7	28
Fire Prevention Awareness/Education:		
Classes	-	63
Persons Attending	-	2,647
Bureau of Fire Prevention:		
Plan Reviews	7	24
Final/Certificate of Occupancy	-	2
General/Annual Inspections	177	471
Business Licenses	6	17
Consultations	-	-
All Other/Misc. Activities	1	8
Total Activities:	191	522

Authorized by:

A. Mungl Hanson

Daphne Police Department			Monthly Report			November 2005			
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:	
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		(Capt. Wilson)			
					YTD				
# Complaints	1,074	# New Cases Received:	43	Total Arrestees Received & Processed:	168	# Misd. Marijuana Arrest	2	Arson	0
# Misd. Arrests	28	# Previous Unsolved Cases:	110	Arrestees by Agency:		# Felony Marijuana Arrest	0	Burglary – Residence	1
# Felony Arrests	2	# Cases Solved:	12	Daphne PD	97	# Controlled Substance Arrest:	1	Burglary – Commercial	1
# Citations	319	Resulting in Total Arrests:		BCSO	17	# Drug Paraphernalia Arrest	1	Burglary – Vehicles	5
# Close Patrols	123	Felonies:	3	Loxley PD	27			Criminal Mischief	3
# Warnings	237	Misdemeanors:	6	Silverhill PD	8	Vehicles Searched		Domestic Disturbance	26
# Motorist Assist	145	Houses Searched		Spanish Fort PD	17			Disorderly Conduct	3
# Alias Warrants	50			Troopers	1	Drugs Seized: cocaine/marijuana		Felony Theft	20
# Roadway Accidents	57			INS	0	Money Seized	\$0	Misdemeanor Theft	20
# Private Prop. Accidents	21	Warrants:		Other Agencies	1	Vehicles Seized	0	Felony Assault	0
# DUI's	12	Bettner Served	26					Misdemeanor Assault	1
		Officer Served	5	Highest	28	Animal Control		False Info to Police	1
		Recalls (Pd Fines)	15	Lowest	17	#Complaints	64	Harassment	9
		Total Warrants Served	46			#Follow-ups	116	Indecent Exposure	0
				Meals Served	1,643	#Citations	1	Kidnapping	0
		Sex Offender:		Medical Cost	\$1,446.99	#Warnings	13	Murder	0
		New Registration:	0	Worker Inmate Hours	468	#Felines Captured	6	Menacing	0
		Contact Verification	6			#Canines Captured	23	Public Intoxication	1
		Total # registered in Daphne	7			#Other Captured	6	Public Lewdness	0
		DARE:				#Returned to Owner	13	Receiving Stolen Property	0
		# Hours Report Writing:	8			#Adopted Out	37	Robbery	0
		# Students Instructed SRO	600			#Euthanized	28	Reckless Endangerment	0
		# Students Instructed DARE	350					Suicide	0
		# Police Reports by SRO	4					Attempted Suicide	2
		# Arrest by SRO	3					Other Death Investigations	4
								Theft of Services	0
		CODE ENFORCEMENT:						Unauthorized Use of Services	0
		Warnings:	0					White Collar Crimes	4
		Citations	2					Weapon Offenses	0
		Warning Compliance	5						
		Follow – Up	12						
Approved by:									
				David Carpenter, Chief of Police					

Daphne Police Department			2005 Fiscal year Report							
Patrol Division		Detective Division:		JAIL:			Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:	
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)			(Capt. Wilson)			
						YTD				
# Complaints	15,835	# New Cases Received:	582	Total Arrestees Received & Processed:		<u>2,240</u>	# Misd. Marijuana Arrest	30	Arson	0
# Misd. Arrests	754	# Previous Unsolved Cases:		Arrestees by Agency:			# Felony Marijuana Arrest	2	Burglary – Residence	55
# Felony Arrests	90	# Cases Solved:	153	Daphne PD		1,336	# Controlled Substance Arrest: Lortab, Oxycontin	14	Burglary – Commercial	23
# Citations	3,090	Resulting in Total Arrests:	159	BCSO		<u>178</u>	# Drug Paraphernalia Arrest	23	Burglary – Vehicles	46
# Close Patrols	1,535	Felonies:	102	Loxley PD		<u>290</u>			Criminal Mischief	118
# Warnings	2,548	Misdemeanors:	57	Silverhill PD		<u>108</u>	Vehicles Searched	71	Domestic Disturbance	295
# Motorist Assists	2,535	Houses Searched	10	Spanish Fort PD		<u>180</u>			Disorderly Conduct	31
# Alias Warrants	453			Troopers		<u>39</u>	Drugs Seized:		Felony Theft	199
# Roadway Accidents	1,945			INS		<u>70</u>	Money Seized	\$7,890	Misdemeanor Theft	274
# Private Prop. Accidents	310	Warrants:		Other Agencies		<u>39</u>	Vehicles Seized	0	Felony Assault	6
# DUI's	133	Bettner Served	392						Misdemeanor Assault	19
		Officer Served	178	Highest			Animal Control		False Info to Police	11
		Recalls (Pd Fines)	390	Lowest			#Complaints	800	Harassment	139
		Total Warrants Served	960				#Follow-ups	1,591	Indecent Exposure	3
				Meals Served		24,691	#Citations	80	Kidnapping	0
		Sex Offender:		Medical Cost		18,286.56	#Warnings	93	Murder	1
		New Registration:	2	Worker Inmate Hours		6,881	#Felines Captured	115	Menacing	5
		Contact Verification	1				#Canines Captured	290	Public Intoxication	11
		Total # registered in Daphne	6				#Other Captured	91	Public Lewdness	3
		DARE:					#Returned to Owner	210	Receiving Stolen Property	9
		# Hours Report Writing:	41				#Adopted Out	395	Robbery	9
		# Students Instructed SRO					#Euthanized	289	Reckless Endangerment	8
		# Students Instructed DARE							Suicide	0
		# Police Reports by SRO	25						Attempted Suicide	22
		# Arrest by SRO	13						Other Death Investigations	17
									Theft of Services	1
		CODE ENFORCEMENT:							Unauthorized Use of Services	15
		Wanings:	104						White Collar Crimes	60
		Citations	24						Weapon Offenses	3
		Warning Compliance	102							
		Follow – Up	146							
<i>Approved by:</i>		<i>David Carpenter, Chief of Police</i>								

Ordinance Committee

Wednesday January 4, 2006

1705 Main Street

Daphne, AL

5:00 p.m.

*Councilwoman Regina Landry, Chairperson
Councilman Greg Burman
Councilman Gus Palumbo
David Cohen, Secretary*

*City Attorney Jay Ross
City Attorney Tim Fleming
Code Enforcement Officer Ed Kirby*

Committee Members Attending:

Chairperson Regina Landry, Councilman Gus Palumbo, Code Enforcement Officer Ed Kirby.
City Attorney Tim Fleming.

Absent: Councilman Greg Burnam, Jay Ross, City Attorney.

Also Present: Captain David Wilson.

I. CALL TO ORDER

Mrs. Landry **convened** the meeting at 5:05 p.m.

II. PUBLIC PARTICIPATION

No one present to address the committee.

III. APPROVAL OF MINUTES

No minutes.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Codification of City Ordinances

b.) Firearms Ordinance 1999-32

Captain Wilson said that the Police Department is in favor of changing the language that makes paint ball guns illegal. They want to allow paint ball guns. He did not think the spirit and intent of the law was to prohibit paint ball guns.

MOTION BY Mr. Palumbo that on the recommendation of the Police Department the Ordinance Committee recommends to amend Ordinance 1999-32 Section I be revised to exclude what is commonly know as paint ball guns, and refer this to the City Attorney to prepare the amendment to the Ordinance as so stated. Seconded by Mrs. Landry.

MOTION CARRIED

***Ordinance Committee Meeting
1705 Main Street
Daphne, AL
January 4, 2006
5:00 P.M.***

V. OTHER BUSINESS

There was no other business to discuss

VI. ADJOURN

There being no further business to discuss, the meeting was adjourned.

Respectfully submitted,

Ordinance Committee

**Sign Committee Meeting
1705 Main Street
Daphne, AL
January 4, 2006
5:30 P.M.**

I. *Call To Order*

Mrs. Landry called the meeting to order.

II. *Members Present*

Councilwoman Landry, Councilman Burnam, Councilman Palumbo, Code Enforcement Officer Ed Kirby, City Attorney Tim Fleming, Janine Raby, Kenny Bishop and Freida Romanchuck.

Absent: Mickey Boykin

III. *Discussion*

Mrs. Landry said that the Committee needed to decide on a recommendation at this meeting to give to the Planning Commission. The Committee discussed whether to expand the district to both sides of I-10, whether to allow signs outside of the district, or to limit tall signs to property along I-10. The Committee commented that they did not want to look like Mobile. They wanted Daphne to keep the small town feel. The Committee discussed limiting it to just frontage.

RECOMMENDATION FROM SIGN COMMITTEE TO PLANNING COMMISSION:

40 feet in height
20 feet in width
250 square feet maximum
Property must adjoin I-10 with at least 200 feet road frontage
Limit sign to a single occupant

Mrs. Landry instructed Mr. Fleming to prepare the recommendation for final approval, and the Committee will meet Tuesday, January 17th at 5:30 p.m. to review it before sending it to the Planning Commission.

IV. *Public Participation*

No one spoke.

V. *Adjourn*

MOTION BY Mr. Palumbo to adjourn. Seconded by Mrs. Landry.

MOTION CARRIED

The meeting adjourned at 7:01 P.M.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
NOVEMBER 14, 2005
5:15 P.M.**

1. CALL TO ORDER/ROLLCALL

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

Present: Starke Irvine; Glenn Glass; Ceann Wachter; Chris Donald; Jackie Ward.

Absent: Todd Chambliss; Kit Smith; Tracey Woodham.

Board Members Present: Mayor Small; Cathy Barnette; Jeff Hudson.

Board Members Absent: Andy Citrin.

Also present: Rebecca Hayes, Recording Secretary; Patsy Miller; Julie Myers; Leslie Leachman; Mary Lloyd; Robert Lloyd.

2. APPROVE MINUTES / NOVEMBER 14, 2005

**MOTION BY Glenn Glass to approve the minutes meeting held November 14, 2005.
Seconded by Ceann Watcher.**

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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3. OLD BUSINESS

a.) Update on City Hall Design / Jeff Hudson

Jeff Hudson gave an update on the renovation of City Hall. He presented drawings of the design of the outside of the building and the plans for the inside of the building. The Authority was pleased with the conceptual drawing presented by Jeff.

4. NEW BUSINESS

a.) Review terms of members

The authority decided to have the terms as follows:

Dr. Glenn Glass	3 years	Starke Irvine	Expires 2007	(Decide # of years at that time)
Ceann Wachter	2 years	Kit Smith	Expires 2007	(Decide # of years at that time)
Dr. Chris Donald	4 years	(at reappointment, it is 3 years now)		
Jackie Ward	1 year			

Dr. Todd Chambliss and Tracey Woodham will be considered at a later date.

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET
DAPHNE, AL
JANUARY 9, 2006
5:15 P.M.**

The Authority discussed the South School traffic study that was promised by the School Board. Starke asked the Mayor to check into this and see when it will be done, as well as checking on the design of the building, and to check on what is going to happen to the Daphne North School.

Starke asked that Tracy Roberts and Denise Schmidt be contacted and invited to the next meeting. Glenn said that he would take care of this.

The members changed the meeting time to 5:30 p.m.

Starke reported that Riviera Utilities has not done the plans for the underground utilities, so they cannot do the report requested by the Finance Committee in order to receive funding.

The meeting adjourned at 5:55 p.m.

MINUTES

Utilities Board of the City of Daphne

CITY COUNCIL CHAMBERS
DECEMBER 28, 2005
5:00 P.M.

I. Call to Order

II. Roll Call:

The Utility Board Meeting was called to order by the Chairman, Bob Segalla, at 5:05 p.m. on Wednesday, December 28, 2005.

Members Present: Robert Segalla, Chairman; Ron Scott, Vice Chairman; Lon Johnston, Secretary Treasurer; Fred Small, Mayor; Lloyd Taylor, Board Attorney

Absent: Bob Patterson

Others Present: Rob McElroy, Stan Clayton, Stephnie Merchant, Teresa Logiotatos, Steve Delahunty, Melinda Immel, Tim Patton

III. Pledge of Allegiance

IV. Approval of Minutes - November 30, 2005

The Board reviewed the minutes from the November 30, 2005, Utility

Mr. Scott made a motion to approve the minutes from November 30, 2005, and Mayor Small seconded the motion; all were in favor.

Board Meeting.

V. Old Business

A. Brookhaven Subdivision - Belforest Water System

Mr. McElroy updated the Board on the status of the water service for Brookhaven subdivision.

B. Sale of Utility Board Property

Mr. Taylor updated the Board on the status of legalities and research regarding the sale of Utility Board property.

VI. New Business

A. Agreement - Fine Enterprises/Daphne Utilities

Mr. McElroy advised the Board of a modification to the agreement with Fine Enterprises.

B. Bayfront Villa

Mr. Clayton reviewed the project costs for Bayfront Villa. The Board discussed the Bayfront project and requested additional information from management.

VII. Finance Reports

A. Financial Reports

Mrs. Logiotatos reviewed the November 30, 2005, financial reports with the Board. The Board discussed natural gas losses and program marketing strategies.

VIII. General Manger's Report

A. Administration/HR/Purchasing

Mr. McElroy reviewed the General Manager's Report with the Board.

B. Operations Report

Mr. Clayton reviewed the Operations Report with the Board.

C. Engineering/Current Construction Reports

Steve Delahunty of HMR and Melinda Immel of Volkert reviewed project and construction status reports with the Board.

IX. Resolutions/Board Action Required

A. General Manager Negotiation Power Resolution

The Board reviewed the resolution prepared by Mr. Taylor and requested that it be amended to reflect \$100,000 limit contingent upon attorney and finance manager approval. The resolution was tabled and will be presented at the January meeting.

B. Capacity Fee Increase Resolution 2005-22

Mr. Johnston motioned to adopt resolution 2005-22 increasing the capacity fee for water by \$200 and sewer by \$300, and Mr. Scott seconded the motion; all were in favor.

X. Public Participation

Mr. Segalla advised the Board and Managers of a complaint regarding insufficient notice of water service interruption. The requested a public notification program to be developed to better inform customers of planned service interruptions and provide general information on what to expect and how it can affect their appliances.

XI. Board Comments

XII. Executive Session

XIII. Adjournment

Mayor Small motioned to adjourn at 6:20 p.m., and Mr. Johnston seconded the motion; all were in favor.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2006- 03
PREPAID TRAVEL**

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

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

David Cohen, City Clerk, Certification Training Institute for Municipal & Master Clerks, February 7-10, 2006, Tuscaloosa, AL - \$140

Rebecca Hayes, Assistant City Clerk, Certification Training Institute for Municipal & Master Clerks, February 7-10, 2006, Tuscaloosa, AL - \$140

Tracey Miller, Mechanical Accounting Technician, Trak Academy – Fuel System Training, February 6-8, 2006, Frisco, TX - \$105

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

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**RESOLUTION 2006- 04
2006-B-MAYDAY PIER REPAIRS**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the MAYDAY PIER sustained damages during Hurricane Katrina and the damages for these repairs will exceed \$50,000; and

WHEREAS, The City of Daphne has applied for reimbursement from the Federal Emergency Management Agency (FEMA) for the repairs of the MAYDAY PIER REPAIRS; and

WHEREAS, the City of Daphne did receive and review bids for the MAYDAY PIER REPAIRS and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for MAYDAY PIER REPAIRS be awarded to McInnis, LLC.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE,

- 1) Hereby accept the bid from McInnis, LLC in the amount of \$287,062 as specified in BID SPECIFICATION NO. 2006-B-MAYDAY PIER REPAIRS.
- 2) Notice To Proceed will be contingent upon official approval from FEMA.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2006- 05
2006-C-DAPHNE PIER & BOARDWALK REPAIRS

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the DAPHNE PIER & BOARDWALK sustained damages during Hurricane Katrina and the damages for these repairs will exceed \$50,000; and

WHEREAS, The City of Daphne has applied for reimbursement from the Federal Emergency Management Agency (FEMA) for the repairs of the DAPHNE PIER & BOARDWALK; and

WHEREAS, the City of Daphne did receive and review bids for the DAPHNE PIER & BOARDWALK REPAIRS and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for DAPHNE PIER & BOARDWALK REPAIRS be awarded to Blount Campbell Construction, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE,

- 1) Hereby accept the bid from Blount Campbell Construction, Inc. in the amount of \$299,550.25 as specified in BID SPECIFICATION NO. 2006-C-DAPHNE PIER & BOARDWALK REPAIRS.
- 2) Notice To Proceed will be contingent upon official approval from FEMA.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

**RESOLUTION NO. 2006- 06
2006-H-SOD AND HAY**

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

WHEREAS, The City of Daphne acknowledges that the cost for the SOD AND HAY will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the SOD AND HAY and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the SOD AND HAY be awarded to Southern Sod.

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

	<u>Delivered</u>		<u>Picked Up</u>
Centipede Sod	\$ 67.50	(pallet)	\$ 62.50
St. Augustine Sod	\$115.00	(pallet)	\$105.00
Construction Grade Centipede	\$ 60.00	(pallet)	\$ 55.00
Roll Sod Centipede with Disposal Core	\$ 38.50	(roll)	\$ 36.00
Construction Grade Centipede	\$ 32.25	(roll)	\$ 31.00
Construction Grade Hay	\$ 3.50	(bale)	<i>Do Not Deliver</i>

as specified in BID SPECIFICATION NO. 2006-H-SOD AND HAY.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2006- 07

A Resolution Authorizing Refinancing: 1997 & 1999 Warrant Issues

WHEREAS, the City of Daphne has outstanding certain debt known as the 1997 General Obligation Refunding and Improvement Warrants (hereinafter “1997 issue”) and the 1999 General Obligation Improvement Warrants (hereinafter “1999 issue”); and

WHEREAS, such 1997 and 1999 issues mature in 2017 and 2029, respectively; and

WHEREAS, Congress did recently enact certain legislation entitled the Gulf Opportunity Zone Act (hereinafter “Act”) which allows issuers in areas affected by recent hurricanes to take advantage of an additional debt refunding opportunity; and

WHEREAS, this Act will allow the 1997 and 1999 issues to be refunded with a greater than 3% (three percent) present value savings.

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

- 1) The City of Daphne hereby elects to refund the 1997 and 1999 Warrant issues pursuant to the authority granted by the Gulf Opportunity Zone Act; and
- 2) Gardnyr Michael Capital and Hand Arendall are hereby designated to serve, respectively, as Underwriter and Bond Counsel for the purpose of completing such refunding; and
- 3) The Mayor and Finance Director are hereby authorized to execute any such documents and to complete such actions as are necessary relative to such refunding.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2006- 08

**2006 Warrants:
Underwriter and Bond Counsel**

WHEREAS, the City Council of the City of Daphne, Alabama, has reviewed and evaluated the need for certain capital improvements as herein listed and hereafter referred to as "Improvements"; and

1,000,000	Library Addition
1,700,000	Land for Recreation Development
2,400,000	Sewer Project: Highway 90
<u>7,000,000</u>	City Hall Renovations
12,100,000	

WHEREAS, Requests for Proposal have been obtained for underwriter and bond counsel services relative to the financing of such improvements.

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

- 1) Gardnyr Michael Capital is hereby designated as "Underwriter" and Hand Arendall is hereby designated as Bond Counsel for the financing of such improvements; and
- 2) The Mayor and Finance Director are hereby authorized to execute any and all documents and to complete such actions as are necessary relative to the financing of such improvements.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

CITY OF DAPHNE ORDINANCE NO. 2006 – 02

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

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

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

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

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

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

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

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

"(23) Building Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded

element shall not exceed the maximum height by more than fifteen (15) feet.

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

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

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

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

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

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

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

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

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

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

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

Submerged Lands: Lands beneath navigable waters.

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

12-2 RESIDENTIAL DISTRICTS

- (f) RHR, Residential High-Rise:

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

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

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

The requirement to be considered for inclusion on the Image Map shall be in such format as is determined by the Community

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

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

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

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

	Minimum Lot Area (Sq Ft)	Minimum Lot Width At Setback Line	Maximum Lot Coverage (%) ^a	Maximum Density ^b
<u>R-1, Low Density Residential:</u> Single Family	20,000	100	25	2.0
<u>R-2, Medium Density Residential:</u> Single Family	15,000	90	25	2.5
<u>R-3, High Density Residential:</u> Single Family	12,000	80	30	3.5
<u>R-4, High Density Single and Multi-Family Residential:</u> Single Family Two-Family Multi Family	5,000 10,000 7,500 ^c	50 80 85	38 35 35	8.0 8.0 14.0

<u>RHR Residential High-Rise Multi-Family Residential</u>	<u>N/A</u>	<u>85</u>	<u>35</u>	<u>N/A</u>
<u>Extraterritorial Planning Jurisdiction Single Family</u>	12,000	80	30	3.5

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

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

13-7 MAXIMUM BUILDING HEIGHT

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

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

14-18 MAXIMUM BUILDING HEIGHT

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

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

36-18 MAXIMUM BUILDING HEIGHT

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

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

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R	R	R	R	R		R	R	R	R	
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	R	R	R	R	R		R	R	R		
Air Conditioning sales and service							R	R		R	
Ambulance/EMS service							R	R	P	R	
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:											
Amusement Park								R			
Amusement arcade, kiddie land								R			
Archery range								R			
Baseball batting range								R			
Billiard or pool hall								R			
Bowling alley								R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Fairgrounds, circus or carnival								R		R	
Golf Course	P	P	P	P	P		P	P		P	
Golf Course, miniature							P	R			
Golf, driving range	P	P	P	P	P		P	R			
Racquetball or tennis courts, indoor	P	P	P	P	P		P	P		P	
Skating rink							P	R			
Tennis Courts, outdoor; need not be enclosed within a structure	P	P	P	P	P		P	P		P	
Theater, indoor						P	P	R			
Theater, outdoor/drive-in; need not be enclosed within a structure								P			
Animal clinic/kennels for small animals; need not be enclosed within a structure								R		R	
Antique store, including repairing, restoration and refinishing								R		R	
Apparel and accessory store						P	R	R			
Appliance store							R	R			
Armory				S	S		R	R		P	
Art gallery or museum	S	S	S	S	S		R	R	S		
Art sculptures, statues, monuments	S	S	S	S	S		P	P	P	P	
Art supplies							R	R			
Auditoriums, stadiums, coliseums, and other such places of public assembly	S	S	S	S	S			P		P	
Automobile Air Conditioning Sales and Service								R		R	
Automobile Glass and Upholstery Installation								R		R	
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer								R		R	
Automobile parts sales, except used parts								R		R	

ARTICLE XXXV	USE DISTRICT										
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided								P		P	
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district								R		R	
Automobile and truck laundry, including steam cleaning										R	
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures								R		R	
Automobile and truck sales and service; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities								R		R	
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure							P	P		R	
Bakery, retail						P	R	R			
Bakery, wholesale								R		R	
Bank, including drive-in bank							R	R	R		
Barber shop or beauty parlor							R	R			
Barber and beauty supplies and equipment sales								R		R	
Bicycle, lawnmower sales, service and repair								R		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure								P		R	
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited	R	R	R	R	R		R	R			
Boat dry storage; pleasure boats having lengths not greater than 31 feet								R		R	
Boat sales, accessories and service								R		R	
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure								R		R	
Book store						P	R	R			
Bottling works								P		R	
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district							R		R		
Bus and railroad terminal facilities							R		R		
Business machines sales and service							P	R		R	
Business school or college							P	P	P		
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S	
Cabinet or carpenter shop								R		R	
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S	
Cabinet or carpenter shop								R		R	
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant						P		R	R		

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Camera and photographic supply store								R	R		
Candy, nut and confectionery store								R	R		
Canvas products manufacture								P		R	
Carting, express, crating, hauling, storage								R		R	
Catering shop or service							R	R			
Cemetery, subject to requirements of the Special Provisions	S	S	S	S	S		S	S	S	S	
Churches and related accessory buildings	S	S	S	S	S		R	R	R	S	
City Hall, police station, fire station, courthouse, federal office building and similar public building	R	R	R	R	R		R	R	R	R	
Clay and clay products manufacture; need not be enclosed within a structure								P		R	
Clinic, dental, medical or psychiatric for humans	S	S	S	S	S		R	R	R	S	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	S	S	S	S	S		R	R		P	
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line	S	S	S	S	S		P	P		P	
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line	S	S	S	S	S		P	P	P		
College sorority or fraternity house	S	S	S	S	S		P	P	P		
Communications Towers								S		P	
Concrete and concrete products manufacture; need not be enclosed within a structure											R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided									R		R
Convenience Store						P	R	R			
Correctional, detention or penal institution								S			S
Dairy equipment sales								R			R
Dairy products sales							R	R			
Delicatessen						P	R	R			
Department store								R			
Dog pound; need not be enclosed within a structure								P			R
Drive-in restaurant							P	R			
Drug Store						P	R	R			
Dry cleaning shop, including self-service							R	R			
Dry goods or fabric store							R	R			
Dwelling, one-family	R	R	R	R							
Dwelling, two-family				R							
Dwelling, multi-family				R							
Electric power generating plant								S			S
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts	P	P	P	P	P		P	P	P	P	P
Electric repair shop								R			R
Electric Supply Store								R			R
Elevator maintenance service								R			R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Employee credit union office							R	R	R		
Exterminator service office							P	R		R	
Farm and garden equipment and supply store								R		R	
Farmers' markets								R		R	
Fix-it shop, including small appliance repair							R	R		R	
Floor covering sales and service							R	R		R	
Floral shop							R	R			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.								R		R	
Food products processing plant								R		R	
Food products, wholesale storage and sales								R		R	
Freight depot, railway or truck								P		R	
Fruit and produce, retail							R	R			
Funeral home, mortuary or undertaking establishment							R	R			
Furniture and home furnishing store, including office furniture and equipment								R		R	
Furniture repair, including upholstering and refinishing								R		R	
Gas regulator station	P	P	P	P	P		P	P	P	P	
Gift shop							P	R	R		
Grocery store, retail							P	R	R		
Gymnasium, commercial								R	R		
Hardware store, retail, wholesale, storage and sales								R	R		
Hatchery, poultry or fish										R	
Heating and plumbing equipment, supplies and service								R		R	
Hobby shop and supply store								R	R	R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Home occupation	R	R	R	R	R		R	R	R		
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans	S	S	S	S	S		P	P	P		
Hotel and motel							P	R			
Ice Cream parlor						P	R	R			
Ice Plant										R	
Industrial park										R	
Innovative Design Developments				P							
Institution for children or the aged, day care	S	S	S	S	S		S	S			
Interior decorating shop							R	R			
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence or sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.										P	
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.	S	S	S	S	S		S	S			
Laboratory, scientific								S		R	
Laboratory, medical or dental							R	R		R	
Landscape garden sales; need not be enclosed within a structure							R	R		R	
Laundry, self-service				P			R	R			
Laundry, and dry cleaning pick-up station							R	R			
Laundry and dry cleaning plant								R		R	
Laundry, linen supply or diaper service								R		R	
Leather goods or luggage goods store							R	R			
Library	R	R	R	R	R		R	R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements							R	R			
Loan office							R	R			
Locksmith							R	R			
Lodging, boarding or rooming houses, and tourist homes				S			S	S			
Lumber yards and building materials; need not be enclosed within a structure								R		R	
Machine Shop								P		R	
Machinery, tools and construction equipment, sales and service								S		R	
Mail order house								R		R	
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to the following:											
Automobile assembly										R	
Clothing and garment manufacturing										R	
Food products processing and packaging										R	
Glass products manufacturing										R	
Laboratories for testing materials, chemical analysis, photographic processing.										R	
Metal products manufacturing										R	
Millwork and similar wood products manufacturing										R	
Musical instruments and parts manufacturing										R	
Paper products manufacturing										R	
Plastics manufacturing										R	
Scientific, optical and electronic equipment assembly and manufacturing										R	
Shipbuilding and repair yard; need not be enclosed within a structure										R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Souvenirs and novelties manufacturing											R
Surgical and dental supplies manufacturing											R
Toy, sporting goods and athletic goods manufacturing											R
Marina, minor; see boat storage, service and repair minor								R			R
Marina, major; see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service								P			R
Marine stores and supplies								R			R
Manufactured Home			P	P	R						
Mobile Home Park					R						
Mobile Home Subdivision					R						
Motorcycle sales, service, and repair								R			R
Music store							R	R			
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails	P	P	P	P	P		P	P			
News Stand							R	R			
Night club, bar, tavern and cocktail lounge when separate from a restaurant							R	R			
Office buildings, general							R	R			R
Office buildings, professional							R	R	R		
Office equipment and supplies, retail							R	R			
Oil and gas exploration and production activities	S	S	S	S	S		S	S	S	S	
Optician							R	R	R		
Paint and wallpaper store							R	R			R
Painting and decorating contractor								R			R
Paper supplies, wholesale								R			R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Park or playground including recreation centers; need not be enclosed within a structure	P	P	P	P	P		P	P			
Pawn Shop							S	R			
Pet Shop							S	R			
Photographic studio and/or processing							R	R			
Picture framing and/or mirror silvering							S	R		P	
Planned Unit Development, fixed dwelling	P	P	P	P							
Planned Unit Development, mobile home					P						
Plastic fabrication								P		R	
Plumbing shop							R	R		R	
Police substation, including Highway Patrol	P	P	P	P	P		P	P	P	P	
Post Office	P	P	P	P	P		P	P	P	P	
Printing, blueprinting, bookbinding, Photostatting, lithographing and publishing establishment.							R	R		R	
Public utility production and maintenance buildings with proper screening							P	P		P	
Public utility substation with proper screening	P	P	P	P	P		P	P	P	P	
Radio and television antenna (amateur)	R	R	R	R	R		R	R	R	R	
Radio and television station and transmitting tower (commercial)								S		P	
Riding academy; need not be enclosed within a structure								P			
Roofing and sheet metal shop								P		R	
Rooming house and boarding house				S			S	S			
Rug and/or drapery cleaning service contained within a structure								P		R	
Sand and gravel storage yard; need not be enclosed within a structure								P		R	
Sawmill or planning mill								P		R	

ARTICLE XXXV	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
TABLE OF PERMITTED USES AND CONDITIONS											
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama	S	S	S	S	S		S	S	S	S	
Seafood store, retail							R	R			
Sewage disposal plant; need not be enclosed within a structure								P		P	
Shoe repair shop							R	R			
Shoe store, retail							R	R			
Sign shop								R		R	
Sporting goods store							R	R			
Stone monument sales, retail; may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure								S		R	
Studio for dance or music							R	R			
Studio for professional work or teaching of fine arts such as photography, drama, speech and painting							R	R			
Surgical or dental supplies retail								R		R	
Tailor shop							R	R			
Taxi dispatching station							R	R			
Taxi terminal, storage and repair of vehicles								R		R	
Taxidermy shop							R	R		R	
Teen club or youth center	S	S	S	S	S		S	S			
Telephone exchange	P	P	P	P	P		P	P	P	P	
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening								R		R	
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year							R	R			
Tires, batteries and other automotive accessories sales establishments								R		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Tobacco store							R	R			
Tourist Home				S			S	S			
Toy Store							R	R			
Trade school or college	S	S	S	S	S		S	S	S	S	
Transit vehicle storage and servicing; need not be enclosed within a structure								P		P	
Variety Store						P		R			
Veterinary service								R		R	
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities								P		P	
Water storage; need not be enclosed within a structure	P	P	P	P	P		P	P	P	P	
Water or sewage pumping station	P	P	P	P	P		P	P	P	P	
Welding shop								P		R	
Well drilling company								R		R	
YMCA, YWCA and similar institutions	S	S	S	S	S		S	S			
Zoo								S		S	

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

**ARTICLE XXXVIII
RESIDENTIAL HIGH-RISE DEVELOPMENT**

38-1 PURPOSE

The intent of this article is to provide for the creation of high-rise residential developments that exceed 50 feet in height. The area of application is outlined on the Image Map found in the Comprehensive Plan and is restricted to the zoning district of RHR,

Residential High Rise. The provisions of this article shall apply to both "High Rise" and "Mid Rise" structures, as defined in this article.

38-2 DEFINITIONS

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

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

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

- .4 Submerged Lands: Lands beneath navigable waters.

38-3 HEIGHT EXCEPTIONS

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

- .1 Heights may be allowed up to 200 ft or 16 stories by the Planning Commission in areas denoted for Residential High-

Rise Development as found on the Image Map in the City's Comprehensive Plan.

- .2 Additional net area minimums and setbacks will be required.
- .3 International Code Standards will be required for buildings over fifty (50) feet.

38-4 SETBACKS

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

<u>Height Ft.</u>	<u>Minimum Setback</u>	<u>Net Acres Minimum Net Buildable Acres Required</u>
<u>200</u>	<u>100</u>	<u>1.89</u>
<u>175</u>	<u>85</u>	<u>1.57</u>
<u>150</u>	<u>75</u>	<u>1.29</u>
<u>125</u>	<u>62.5</u>	<u>1.03</u>
<u>100</u>	<u>50</u>	<u>0.08</u>
<u>75</u>	<u>50</u>	<u>0.80</u>

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

38-5 WATER AND SEWER CONNECTIONS

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

38-6 SIGN PROVISIONS

See Article XXXIII

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

38-7 PARKING

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

38-8 SIDEWALKS

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

39-9 Traffic Impact Analysis

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

39-10 Environmental Compatibility

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

SECTION IX: SEVERABILITY.

The provisions of this ordinance shall supersede any conflict provisions of any other ordinances or resolutions previously adopted which pertain to the

establishment of fines and penalties for violations a job classification and pay plan. Should any provision of this ordinance be declared invalid or unenforceable by court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

SECTION X: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2005.

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

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

ATTEST:

DAVID COHEN, CITY CLERK, MMC

ORDINANCE 2006- 03

An Ordinance Appropriating Funds

Property/Liability Insurance Renewal

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

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

WHEREAS, John A. Robertson Insurance Agency serves as the City's property and liability insurance agent; and

WHEREAS, the City of Daphne has received and evaluated renewal quotes for property and liability insurance effective for the period of February 26, 2006 – February 27, 2007; and

WHEREAS, the Fiscal 2006 budget does include an appropriation in the amount of \$ 307,955 for such property and liability insurance renewal; and

WHEREAS, the total renewal premium is \$ 319,808.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 General Fund appropriation in the additional amount of \$ 11,853 is hereby approved for the funding of the property and liability insurance annual premiums.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2006- 04

An Ordinance Appropriating Funds

Police Department: North Precinct

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

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

WHEREAS, City of Daphne did heretofore appropriate the sum of \$ 43,730 for the furnishing of the Police Department: North Precinct located at Jubilee Square; and

WHEREAS, the Police Department does require certain additional funds in order to adequately complete and furnish such North Precinct.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 Budget is hereby amended to include a General Fund appropriation in an amount not to exceed \$ 17,000 for the purpose of completing and furnishing the Police Department North Precinct.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2006- 05

An Ordinance Appropriating Funds

Building Inspections Temporary Position

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

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

WHEREAS, the Building Inspections Department is in need of additional administrative assistance; and

WHEREAS, the City of Daphne recognizes the need to authorize a Temporary position in order to meet the increasing work load demands in the Building Inspections Department.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 General Fund appropriation in an amount not to exceed \$2,000 is hereby approved for the funding of a Building Inspections Department Temporary administrative position.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC