

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JANUARY 19, 2010
BUSINESS MEETING
6:30 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION /
PLEDGE OF ALLEGIANCE**

APPROVE MINUTES: Council meeting minutes / January 4, 2010
Special Called Council meeting minutes / January 11, 2010
Council Work Session minutes / December 14, 2009
Council Work Session minutes / January 11, 2010

PRESENTATION: Jay Hastings / Update on Scenic Byway Coastal Connection

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / January 4th

Review minutes / January 11th

a.) Resolutions:

- 1.) Prepaid Travel / David Cohen / Municipal Clerk Training / Tuscaloosa, AL
January 26-29, 2010 / \$140 / **Resolution 2010-04**
- 2.) Declaring Certain Property Surplus / 3 Trash Loaders / Ford F-150 Pickup Truck /
Resolution 2010-10

b.) Ordinances:

- 1.) Lodging Tax Appropriation: Stabilization of the Bayfront
Richard Scardamalia Pavilion Foundation / **Ordinance 2010-08**

c.) Financial Reports:

- 1.) Treasurers Report / December 31, 2009
- 2.) Sales & Use Tax Collections / November 30, 2009
- 3.) Lodging Tax Collections / November 30, 2009

d.) Items Forwarded From Council Work Session:

- 1.) Fiscal Year 2010 Community Contributions:
 - i.) Eastern Shore Chamber of Commerce / **Resolution 2010-11**
 - ii.) SARPC / **Resolution 2010-12**
 - iii.) Sports Complex: Lighting / Restrooms/Concession Stands (2) / Bleachers (4)
Ordinance 2010-09
- 2.) **MOTION:** To increase the flexible spending account limit for un-reimbursed medical expenses from \$2,000 to \$3,000 per year, and to qualify for the increase an employee must have five (5) service by years of October 1st of each new plan year.

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Beautification: Review minutes / January 8th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board – Yelding

Review minutes / January 6th

D. Library Board – Lake

MOTION: Appoint Chantal Booth to Library Board to replace Gayle Robinson /
Term ends 2013

E. Planning Commission – Barnette

F. Recreation Board - Burnam

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) Parade Permit / Mardi Gras / Mystic Order of Persephone / February 12, 2010 /
Rain Date February 14, 2010

b.) Parade Permit / Mardi Gras / Shadow Barons / February 13, 2010 /
Rain Date February 14, 2010

c.) ABC License / De Cuba / 040 – Retail Beer (On or Off Premises) /
060 - Retail Table Wine (On or Off Premises)

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Granting TEFRA Bond Approval / Mercy Medical. /Resolution 2010-03

b.) Prepaid Travel / David Cohen. /Resolution 2010-04

c.) Declaring Certain Personal Property Surplus. /Resolution 2010-10

d.) Eastern Shore Chamber of Commerce Contribution. /Resolution 2010-11

e.) South AL Regional Planning Commission Contribution. /Resolution 2010-12

ORDINANCES:

2ND READ

- a.) **Amending the Land Use and Development Ordinance /
West Highway 90 Retail District Overlay...../Ordinance 2010-06**
- b.) **Annexation: AJD Family Limited Partnership / Located at the
Intersection of Friendship Road and County Highway 64...../Ordinance 2010-07**

1ST READ

- c.) **Lodging Tax Appropriation: Stabilization of the Bayfront Richard
Scardamalia Pavilion / Foundation (Slab on Grade)...../Ordinance 2010-08**
- d.) **General Fund Appropriation: Sports Complex Lighting /
Restrooms/Concession Stands (2) / Bleachers (4)...../Ordinance 2010-09**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**JANUARY 4, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Scott.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; Greg Burnam; Ron Scott; Derek Boulware.

ABSENT: John Lake, August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, Human Resource Director; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Bill Eady, Public Works Director; Deni Biggs, Interim Civic Center Director; Richard Merchant, Building Official; Joey Holasz, Fire Dpt.; Captain Danny Bell, Police Dpt.; Ann Morris, Library; Suzanne Henson, Senior Accountant; Jane Robbins, Mayors Assistant; Lt. Ric Yelding, Police Dpt.; Scott Hutchinson, City Engineer; Al Guarisco, Village Point Foundation; Selena Vaughn, Village Point Foundation;

Absent: David Carpenter, Police Chief; Kim Briley, Finance Director; James White, Fire Chief; Tonja Young, Library Director.

2. APPROVE MINUTES

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held December 21, 2009 as amended to include Mr. Donald Olds comments regarding the Captain O'Neal drainage problem under Public Participation. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Mr. Eric Byrne / Update on Eagle Scout Project

Mr. Byrne gave a presentation along with slides regarding his project of building a trail on the new Recreation Property. The project is finished except for a kiosk that was being built at the High School that will have maps of the trail.

**JANUARY 4, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

PRESENTATION: Mr. Jason Hoover / Animal Shelter Website

Mr. Hoover gave a presentation on the new Animal Shelter website, and stated that the new website was funded by a Maddie's Fund grant. The website is hooked up to Pet Finders, and other shelters.

PUBLIC HEARING: West Highway 90 Retail District Overlay / Ordinance 2010-06

Councilwoman Barnette gave a presentation of the ordinance.

Council President Palumbo opened the Public Hearing at 6:50 p.m.

Mr. Rod Drummond – Ridgewood Drive - asked about the cost involved.

Council President Palumbo closed the Public Hearing at 6:54 p.m.

PUBLIC HEARING: Annexation: AJD Family Limited Partnership / Located at the Intersection of Friendship Road and County Highway 64

Councilwoman Barnette gave a presentation.

Council President Palumbo opened the Public Hearing at 6:54 p.m.

No one spoke for or against the annexation.

Council President Palumbo closed the Public Hearing at 6:55 p.m.

MOTION: Authorizing the Council President to make informational and procedural requests on behalf of the council as a whole.

MOTION BY Councilman Lake to authorize the Council President to make informational and procedural requests on behalf of the council as a whole. *Seconded by Councilwoman Barnette.*

Council discussed the motion.

MOTION BY Councilman Boulware to amend the motion to say: Authorize the Council President to make informational and procedural requests of the Mayor on behalf of the City Council as a whole as it pertains to Human Resources direction and as that pertains to department heads. *Seconded by Councilman Scott.*

ROLL CALL VOTE

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

AYE Yelding, Scott, Boulware

NAY Barnette, Lake, Burnam, Palumbo

MOTION FAILED

MOTION BY Councilman Burnam to amend the original motion to say: Authorize the Council President to make informational and procedural requests of department heads to the Mayor on behalf of the Council as a whole. *Seconded by Councilwoman Barnette.*

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

NAY Boulware

MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

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

NAY Boulware

MOTION CARRIED

A. FINANCE COMMITTEE – Boulware

There was a Special Called meeting at 5:45 p.m. before the Council meeting. At the last meeting council sent a request to the IDB to consider funding the commissioning of the USS Independence, but by law they cannot do this so if IDB formally agrees to give the city the \$5,000 then the City can contribute the money under contract agreement.

MOTION BY Councilman Boulware to set a Special Called Council meeting for January 11, 2010 at 6:30 p.m. joint with the Work Session to consider a resolution appropriating the funds for the USS Independence Commissioning. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

The next meeting will be January 11, 2010 at 4:00 p.m. in the Executive Conference Room

**JANUARY 4, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

4

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The next meeting will be Friday at 10:00 a.m.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the December 9th meeting are in the packet. There is no council action needed. The next meeting will be January 13th At 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The next meeting will be January 13th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The Beautification minutes for the December 4th meeting are in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

The minutes for the December 3rd meeting are in the packet. There were no applications for January or February. There will be a Special Called meeting in January just to approve the September minutes to take care of a matter that has been appealed to the circuit court.

B. Downtown Redevelopment Authority – Barnette

No report. Councilwoman Barnette asked council if they had any nominations if so she would take the resume. Council President Palumbo stated that he had one.

C. Industrial Development Board – Yelding

The IDB voted to support the \$5,000 to Commission the USS Independence so he is confident that they will put the money in the city's coffers.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

The minutes for the unapproved minutes for the December 17th meeting are in the packet.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

No report. The December meeting will be Wednesday at 5:00 p.m.

JANUARY 4, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

No report.

B. City Attorney Report

No report.

C. Department Head Comments

Vickie Hinman – Human Resource Director – reported that there were 114 applications for the position of Civic Center Director. Out of the 114 only 20 met the qualifications. She has developed a questionnaire for them to fill out as to their prior experience, business development such as marketing skills, etc. She will send them out if council approves. After she receives the responses council can narrow them down from the 20.

Council President Palumbo asked Mayor Small to have Mrs. Hinton to proceed with sending out the questionnaire.

Adrienne Jones – Planning Director – stated that she will be distributing the draft of the new Land Use Ordinance on Friday.

David Cohen – City Clerk – stated that he has toured the Eagle Scout project at the new recreation property, and said that there was talk earlier about going after grants, and before he proceeds he really wants to get a concise definition of which one council wants him to go after. Council needs to focus on what they are trying to do in the park, but the scout project and getting it opened up allows entrance, and that starts the whole proces. He has been asking council for direction for a while. Thankfully, Mr. James, Mr. Pittman, and Mr. Ellis helped start the process and opened the property up. It is a vast piece of property, and there are a lot of things that can be done. The Recreation Board needs to define what they want to do first on the property.

Council President Palumbo requested that the City Clerk gather the information, and get with Mr. Nelson.

7. PUBLIC PARTICIPATION

Mr. Robert Hinton – Manager of J&J Furniture – spoke regarding the Going Out of Business Ordinance.

Mr. Rod Drummond – Ridgewood Drive – spoke regarding the motion made earlier in the meeting regarding requesting information through the Mayor.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) May Day Park Boat Ramp & parking Lot Improvements. /Resolution 2010-01

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2010-01. *Seconded by Councilman Scott.*

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

MOTION BY Councilwoman Barnette to adopt Resolution 2010-01. *Seconded by Councilman Scott.*

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

ORDINANCES:

2ND READ

- a.) Annexation: Rights-of-Way AL Hwy 181 & U.S. Hwy 90. /Ordinance 2010-01
- b.) Defining Procedures for Going Out
of Business and Other Similar Sales. /Ordinance 2010-02
- c.) Lodging Tax Appropriation: Park Signs. /Ordinance 2010-03
- d.) Lodging Tax Appropriation: Sports Complex. /Ordinance 2010-04

1ST READ

- e.) Lodging Tax Appropriation: may Day Park Boat Ramp
and Parking Lot Improvements /Ordinance 2010-05
- f.) Amending the Land Use and Development Ordinance /
West Highway 90 Retail District Overlay. /Ordinance 2010-06
- g.) Annexation: AJD Family Limited Partnership / Located
at the Intersection of Friendship Road and
County Highway 64. /Ordinance 2010-07

MOTION BY Councilwoman Barnette to waive the reading of Ordinances 2010-01 and 2010-02.
Seconded by Councilman Yelding.

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2010-01. *Seconded by Councilman Burnam.*

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2010-02. *Seconded by Councilman Boulware.*

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

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2010-03. *Seconded by Councilman Scott.*

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2010-03. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Scott to table Ordinance 2010-04 for a discussion at a Work Session.
Seconded by Councilwoman Barnette.

Council President Palumbo requested that this ordinance be placed on the January 11, 2010 Work Session agenda.

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

MOTION BY Councilman Scott o suspend the rules to consider Ordinances 2010-05. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Yelding	Aye	Scott	Aye
Barnette	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Burnam	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-05 with the amended figures. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinances 2010-05. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY Boulware MOTION CARRIED

ORDINANCES 2010-06, 2010-07, WERE MADE 1ST READ.

9. COUNCIL COMMENTS

Councilman Yelding thanked Mr. Hinton for coming and sharing his information with council, because he feels this is very pertinent and important to the city to put this ordinance in place.

Councilwoman Barnette hoped that everyone had a safe and happy holiday season. She said that they are now in 2010 with a lot of work before them. She looks forward to a prosperous and productive 2010.

Councilman Lake stated that he made a request from the Utility Board several months ago for information, and he is not going away. He will continue on until he gets the information, and he does not feel that what he asked for is out of the ordinary. All he is asking for is clarification of records.

Councilman Scott stated that he would take issue that the information has not been provided to Mr. Lake. He put the information in the council area for council review. He said that what he has asked for would take up a full week of one of the staff members, and if he individually wants to pay for the information then he needs to write an individual letter and request it. He said that if he is speaking for council then he is going to ask council to make a vote up or down that they are willing to fund the information that he is requesting. He asked Mr. Lake to make a charge against the Utility Board or keep quiet.

Councilman Boulware stated that they are not always going to agree, but let's hope that we serve.

Council President Palumbo wished everyone a happy New Year, and he hopes that 2010 is a good year for the city. He thanked Mr. Hinton also for his input, and he hopes that this ordinance will help keep an even playing field for the business licensees in the city that grind it out day in and day out without gimmicks. This ordinance is not designed to be the advertising police, but most city's this size in the State of Alabama have ordinance like this in place. He thinks it will be a good thing for the businesses in the city.

10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:10 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk

Certification by Presiding Officer:

August A. Palumbo,
Council President

**JANUARY 11, 2010
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

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

ABSENT: Greg Burnam; Cathy Barnette.

Also present: Mayor Small arrived at 6:40 p.m.; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Duke Crutchfield, Mechanical Supervisor; David McKelroy, Recreation Director; Sherree Hilburn, Human Resource Dpt.; Vickie Hinson, Human Resource Director; Suzanne Henson, Senior Accountant; Selena Vaughn, Village Point Foundation.

3. RESOLUTION 2010-02 / 2010 USS INDEPENDENCE LCS2 COMMISSIONING CONTRIBUTION

MOTION BY Councilman Scott to waive the reading of Resolution 2010-02. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2010-02. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 6:42 p.m.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

**August Palumbo,
Council President**

**DECEMBER 14, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: Bailey Yelding.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Missty Grey, Attorney; Erick Bussey, Attorney; Adrienne Jones, Planning Director; Planning Commission Members: Ed Kirby, Chairman; Joe Lemoine, Don Terry and Frank Martin; Darrelyn Bender, ES Chamber; Jay Hastings, ES Chamber; Leland Whaley, representing Academy Sports.

Absent: Jay Ross, City Attorney.

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

1. CAPTAIN O'NEAL DRAINAGE & SIDEWALKS

Mrs. Ashley Campbell, Environmental Programs Manager and Andy James, Volkert & Associates, explained that the drainage problems were exacerbated by all the rain recently. She said that property is at risk, and the drainage needs to be corrected. Slides were shown of the damage to the property. Mrs. Campbell stated that portions of the damage has been submitted to FEMA and accepted, and they have obtained the necessary permits to proceed with the work.

PROJECT TOTAL: \$467,685

FEMA	\$119,332.35
General Fund : Base / FEMA & Non-FEMA /	\$164,407.65
General Fund: Engineering / Survey / Inspection / Environmental	\$ 58,300.00
Gas Tax: Roadway & Curbing	\$ 74,595.00
Lodging Tax: Sidewalk Improvements	\$ 41,050.00

Mrs. Campbell stated that this has become time sensitive partly due to FEMA'S slow actions. She said that the Mayor finally called Congressman Bonner to speed them up, and partly due to how it came out of the Finance Committee meeting last month. She asked council to please consider suspending the rules to appropriate the funds at Monday's council meeting in order to get this project moving along. She said that Congressman Bonner called to let the Mayor know that the FEMA money has been sent to the state for the city.

2. MIKE KEATING / ORGANIZATIONAL GOALS

Councilwoman Barnette stated that Mr. Keating could not be here due to a scheduling conflict. She explained that he is new to this area, and is willing to do an assessment of the city to see where improvements can be made. This will be at not cost to the city, and after the assessment has been completed he will report his finding to council, and if council wants to end it there that is fine with Mr. Keating. There is no obligation on the city's part.

DECEMBER 14, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

Consensus of the council was that it would be of benefit to the city whether or not they retained Mr. Keating's services after the assessment.

Council President Palumbo asked Councilwoman Barnette to bring forth a motion at the council meeting Monday authorizing Mr. Keating to do the assessment.

3. WEST HIGHWAY 90 RETAIL DISTRICT OVERLAY

Councilwoman Barnette gave an overview of how the overlay came about. She stated that Academy Sports approached the Mayor and Planning Commission about coming to Daphne, and what the needs were. In October they came to the Planning Commission meeting, and at that meeting the Planning Commission set forth to draft an overlay district that would have modifications and waivers to allow a development in that area to work within the Land Use Ordinance. The boundaries are from the traffic light entering Jubilee Square Shopping Center and the traffic light at the Bayview Drive entrance to Lake Forest across from Mobile Infirmary with Mobile Infirmary included in the overlay.

Ms. Grey, City Attorney, expressed concerns with sections 39-1 (b) Retrofitting, 39-8 (h) Release of Bond, and 39-16(b) (2) West Hwy 90 Retail shopping District Interstate Pylon Sign. She stated that they would recommend deleting section 39-1 (b). Ms Grey said that it allows for waivers or modification to the requirements of this overlay district if "hardship or injustice" is found. It allows the Commission to make modifications and impose "reasonable" conditions. However, it does not define "hardship", "injustice" or "reasonable". It provides no guidance for what is considered a hardship for injustice on a developer, and it makes no provisions for reasonable modifications. It allows a case-by-case determination which could open the Commission up to unequal treatment of developers. Regarding section 39-8 (h) they want to make sure 20 months is long enough before releasing the bond. Once the city has accepted the drainage and improvements the city is responsible. The concern with 39-16 (b) (2) is the clause "The developer/owner is permitted to install and maintain one (1) pylon sign at or near the Northwestern boundary of the District... She stated that this seems to imply an off-premise sign is allowed at the District boundary, and not within the property boundary. The language may be cleaned up to state that the developer/owner is permitted to install and maintain one (1) on-premises pylon sign, and go on to discuss the dimensions and other requirements. The title may be amended to read "West Highway 90 Retail Shopping District Pylon Sign" deleting the word interstate.

Consensus of council is that they are in agreement with the changes.

Council President Palumbo asked Ms. Grey to make the changes to the suggested ordinance. He asked her to make sure that the sign is to be within the property boundary that it cannot be off premise.

**DECEMBER 14, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Ms. Grey stated that Mr. Ross has opined that any changes that council makes to the ordinance does not have to go back to the Planning Commission.

4. ADJOURN

There being no further business to discuss the meeting adjourned at 8:25 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**August A. Palumbo,
Council President**

**JANUARY 11, 2010
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

COUNCIL MEMBERS PRESENT: Bailey Yelding; John Lake; Greg Burnam arrived at 7:06 p.m.; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: Cathy Barnette.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Vickie Hinman, Human Resource Director; Suzanne Henson, Senior Accountant; Duke Crutchfield, Mechanic Shop Supervisor; Melvin McCarley, Public Works Supervisor; Sherree Hilburn, Human Resource; David McKelroy; Recreation Director; Ed Nelson, Recreation Board; Selena Vaughn, Village Point Foundation.

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

1. ORDINANCE 2010-04 / LODGING TAX APPROPRIATION / SPORTS COMPLEX

Council discussed the ordinance. They did not want to deplete the Lodging Tax Fund. There is \$1,134,305 in the fund, and money has already been earmarked for the May Day Park boat ramp and parking lot improvements. The city has to pay for the project and then the state will reimburse the city when the project is finished. The project is around \$600,000 and the state will reimburse the city minus the city's match and refund the city \$445,000. The Finance Committee at its meeting before the work session recommended spending \$30,000 to pour a concrete pad under the Scardamalia Pavilion which will come out of the lodging tax. Council also discussed the option of leasing the lights, and loaning the money for the restrooms, concession stands and bleachers. This would not deplete the lodging tax fund. Also, the money would be paid back.

Consensus of Council was that they are in favor of improving the Sports Complex, but not depleting the fund.

Council President Palumbo suggested taking the whole amount for restrooms, concession stands and bleachers from the reserve fund which will be paid back over a period of time, and lease the lights. He requested the Finance staff to give them figures as to leasing verses buying the lights. Mrs. Henson reminded council that these would have to be bid out, and that will take a time. Council President Palumbo asked her to have an ordinance prepared for Tuesday night with figures.

2. COMMUNITY CONTRIBUTIONS /SARPC / EASTERN SHORE CHAMBER OF COMMERCE

SARPC is requesting their annual contribution of \$12,943.50, and the Eastern Shore Chamber of Commerce is requesting their annual contribution of \$6,000. Council discussed that they had cut community contributions in half in the budget, and they will have to determine who gets what. Councilman Yelding stated that it should be the ones that render a service to the city.

Consensus of council was that these are annual contributions, and Council President Palumbo requested that a resolution be prepared for Tuesday's council meeting to release the funds for SARPC and the Eastern Shore Chamber of Commerce.

3. FLEXIBLE SPENDING LIMIT INCREASE

Vickie Hinman, Human Resource Director, made a request of council to increase the Flexible Spending Account limit from \$2,000 to \$3,000, and base the increase on tenure.

Consensus of council was that they had no objection to increasing the limit.



“The Waters, Ways & Wildlife of Alabama’s Gulf Coast”

Vision

To create a sense of place, a destination, where coastal Alabama’s natural, historic and recreational assets are all a part of an enjoyable and educational experience for visitors and where the spirit and importance of coastal stewardship are encouraged.

Goals

- Promote economic development activities that are compatible with corridor’s character and cultural integrity.
- Develop and implement resource protection, maintenance, preservation and enhancement initiatives.
- Involve local residents, businesses and local governments in the scenic corridor development program.
- Promote alternative modes of transportation along the corridor.
- Provide context sensitive enhancements.
- Increase public knowledge of the unique facets of the corridor.

Themed Itineraries

- Connecting with Nature
- Connecting with the Past
- Connecting with Each Other
- Connecting the Land and the Sea

Benefits of Byway Designation

- Exposure through state and national Scenic Byway marketing programs
- Potential grant funding for preservation, improvements and marketing
- Focus on shoulder season visitation
- Increased visitor spending
- Sustainability of the assets

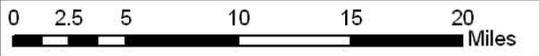
ALABAMA'S



COASTAL CONNECTION
Scenic Byway



	AL Coastal Birding Trail
	Coastal Byway (130 Miles)
	Major Roads
	Cities/Towns
	State_Fed_Parks
Resource points	
	Primary
	Secondary



* Detailed Segment Maps are available in the Coastal Connection Corridor Management Plan

**JANUARY 11, 2010
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

Council President Palumbo requested the City Clerk to research to see how they handled the last increase whether by motion or resolution, and have it on Tuesday's agenda.

4. BID PROCESS / TRUCKS

Councilman Boulware stated that a vendor came to the Finance Committee meeting to express his opinion that the city's specs for the knuckleboom trucks were written to narrowly, and because of this it limits competition in the bidding process.

Mr. Hamrick commented that there was a flaw in the city's bidding process involving Bid Bridge, and because of the flaw it is costing the city money. Because of the narrowly written specs in favor of one company Bid Bridge shut him and others out of bidding, and that left only one company to bid, therefore, the city pay's a higher cost because there was no competition.

Mayor Small stated that he now understands Mr. Hamrick's complaint, and that they need to look at Bid Bridge. He said that if they had not excluded him, and allowed him to put an envelope in there then everyone would have known that and their bid would have been cheaper. He thinks that what it really comes to is more of the Bid Bridge situation, and if the city uses Bid Bridge they need to broaden the specs. When they wrote the specs whether it was for a Ford or Chevrolet it would still give him the opportunity to put an envelope in there which makes everybody else guess instead of excluding him right from the beginning. He spoke with Mrs. Henson talked about it earlier, and if there was a problem with that then they need to look at it differently with certain items, and certain things. He said that it can be great for some things, but some things they have to be cautious on. He said that he understands where Mr. Hamrick is coming from now.

Councilman Yelding stated that there was a problem, but Mr. Hamrick will not be able to work through council that he needed to get with those who do the day to day operations of the city which is the Mayor, the staff and Mrs. Henson. He appreciated Mr. Hamrick's presentation.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 8:33 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**August A. Palumbo,
Council President**

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
SPECIAL FINANCE COMMITTEE MINUTES
January 4, 2010
5:45 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:45 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Senior Accountant Suz anne Henson and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Mayor Fred Small, Public Works Director William Eady, and Mayor's Assistant Jane Robbins.

II. PUBLIC PARTICIPATION

There was no public participation.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request – Lodging Tax – Mayday Park Boat Ramp & Parking Lot Improvements

The Mayday boat ramp and parking lot improvements were discussed. A grant from ADCNR for 75% of the project, not to exceed \$445,000 has been received. The City has previously adopted Ordinance 2009-33 appropriating \$148,333. After bids were received and engineering costs were received the total project cost is \$653,983, requiring a City match of \$208,983. It was noted that this includes engineering costs of \$59,453, which covers the engineer's inspection fee to oversee the construction.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$60,650 from the Lodging Tax fund for the balance required to meet the City's match of \$208,983 for the Mayday Park Boat Ramp & Parking Lot Improvements. Seconded by Mr. Yelding. All in favor.

B. Bid – 2010-A MAYDAY PARK BOAT RAMP AND PARKING LOT IMPROVEMENTS

The bid tabulations for the Mayday park boat ramp and parking lot improvements were presented. The low bid received from Waterfront Construction Inc. in the amount of \$594,530.35 was recommended by staff and Thompson Engineering. Mr. Ack Moore with Thompson Engineering noted that the bid price is good for 30 days which will expire on January 17, 2010. Discussion continued that the contract allows 120 days for construction and that there is a grant deadline to complete the project as well as the need to complete the project prior to boating season.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2010-A-MAYDAY PARK BOAT RAMP AND PARKING LOT IMPROVEMENTS to Waterfront Construction Inc. in the amount of \$594,530.35. Seconded by Mr. Yelding. All in favor.

C. Resolution – Fiscal 2010 USS Independence LCS 2 Commissioning Contribution

Mr. Boulware discussed the support of the USS Independence LCS 2 Commissioning. The Council has previously requested that the City of Daphne's Industrial Development Board fund this contribution. It has been determined, however, that legally the IDB cannot spend monies for projects based outside of their jurisdiction. The IDB, however does wish to donate \$5,000 to the City for Community Contributions.

Motion by Mr. Boulware to recommend Council to support the USS Independence LCS 2 Commissioning with a \$5,000 contribution pending the IDB contribution of \$5,000 to the City for Community Contributions. Seconded by Mr. Scott. All in favor.

IV. ADJOURN

The meeting was adjourned at 6:05 p.m.

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
January 11, 2010
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chairman Derek Boulware, Councilman Bailey Yelding, Councilman Ron Scott, Senior Accountant Suzâne Henson, and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Human Resources Director Vickie Hinman, Revenue Officer Cornell Smith, and Building Inspector Richard Merchant.

II. PUBLIC PARTICIPATION

A. Bayfront Signs – Mr. Kevin Spriggs

Mr. Kevin Spriggs asked if the Council approved \$4,900 from Lodging Tax for Bayfront signs. Mr. Scott replied that this purchase has been approved. Mr. Spriggs expressed his concerns on this use of the Lodging Tax funds and stated that he objected to the purchase.

B. City's Insurance Renewal – Mr. Robbie Robertson

Mr. Robbie Robertson with Robertson Insurance Agency, Inc. presented an overview of the City's current insurance coverage. The City is in year two of a three year policy. Mr. Robertson noted that even though the City's property value increased from \$35,457,900 to \$37,852,000, the annual premium decreased from \$385,339 to \$385,252.

III. HUMAN RESOURCES BUSINESS

Ms. Vickie Hinman presented the Human Resources activity update. She noted that interviews are being held this week for the Human Resources Assistant position, and hopes to have it filled by Friday. Questionnaires have been mailed to the top 20 people for the Civic Center Director position and they are due back by January 18, 2010. Regret letters are being prepared for mailing to the remaining applicants. The open position for Municipal Court Administrator will be advertised by January 15; and the Corrections Officer and Communications Officer open positions will be filled from active applicant lists on file. Ms. Hinman noted that when a position is advertised, the applicant list remains active for a year, and can be used without re-advertising the position.

Ms. Hinman also noted that W-2's will be mailed by January 31, 2010.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request – Lodging Tax Fund – Stabilization of Bayfront Park Building Slab: (Slab on Grade) - \$32,576

The recommendation of the Buildings and Properties Committee to pour a concrete slab underneath the Bayfront Park building was discussed. Mr. Richard Merchant stated that this would stabilize the foundation and make the underneath usable. He noted the slab would be 1 ½ feet at the highest point. Mr. Scott asked whether railings should be put up. Ms. Henson noted that under Public Works bid law since the project is under \$50,000 it did not have to be bid, but that proposals were obtained and staff recommends the low be accepted from John Ikner Homes.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$32,576 from Lodging Tax Funds for the Bayfront Park Building Slab and award the project to John Ikner Homes. Seconded by Mr. Yelding. All in favor.

B. Prepaid Travel: David Cohen, City Clerk, Certification Training Institute for Municipal Clerks, Tuscaloosa, AL, January 26-29, 2010 - \$140

It was discussed that only required training should be approved this year. Mr. Scott also noted that Tuscaloosa's lodging tax is 13%.

Motion by Mr. Yelding to recommend Council adopt a resolution approving pre-paid travel for David Cohen, City Clerk, Certification Training Institute for Municipal Clerks, Tuscaloosa, AL January 26-29, 2010 in the amount of \$140.00. Seconded by Mr. Scott. All in favor.

C. 2009 – CDBG Sewer Project – Policies and Procedures

Ms. Janey Galbraith with Galbraith & Associates, LLC presented Policy Statements and the accompanying Resolutions for the ADECA Community Development Block Grant #LR-CM-PF-09-004 – Sewer Extension Project. Ms. Galbraith noted these policies are required by ADECA for the CDBG project only. It was discussed that previously similar resolutions have been adopted for prior CDBG grants, but that since some language has changed, new resolutions are needed. Ms. Galbraith noted that the deadline for approving the resolutions is the third week in January.

Ms. Galbraith stated that the environmental review for the project has been completed, with written concurrence received as needed. Also, notices will be in Wednesday's paper, and a community meeting needs to be held to get written permission from homeowners for right-of-entry and to up hook the sewage lines to their homes. Mr. Yelding noted that there will be no "hook-up fee" or cost to the homeowner. He stated that he will get with Ms. Galbraith on setting up the community meeting.

Mr. Scott discussed that there is a City Ordinance in place that requires property owners to hook up or pay the monthly fee once sewage was installed in their community and if it applied to this project. Clarification was made though that through this grant property owners in this area would have their sewage hooked up at no charge. Ms. Galbraith noted though that this is a one time offer, if the property owner does not hook up during this time they will have to pay if they hook up at a later date and that needs to be expressed to the property owners at the community meeting.

Motion by Mr. Yelding to recommend Council adopt the following five resolutions pertaining to the ADECA CDBG Block Grant #LR-CM-PF-09-004 Sewer Extension Project:

- 1. Resolution Adopting Fair Housing Policy**
- 2. Resolution Adopting Standards of Conduct Policy**
- 3. Resolution Adopting Land Acquisition Policy**
- 4. Resolution Adopting Written Procurement Policy**
- 5. Resolution Adopting Citizen Participation Plan**

Seconded by Mr. Scott. All in favor.

D. Declare City Equipment Surplus

The following four vehicles were presented as surplus:

- Vehicle #796 – 2000 GMC C7500 Trash Loader
- Vehicle #98 – 1998 Ford F80 Trash Loader
- Vehicle #75 – 1996 Ford F800 Trash Loader
- Vehicle #190/804 – 1990 Ford F150 Pick-up

Motion by Mr. Yelding to recommend Council adopt a resolution declaring the following vehicles surplus and authorizing the Mayor to dispose of such property:

- Veh #796 - - 2000 GMC C7500 Trash Loader**
- Veh #98 – 1998 Ford F80 Trash Loader**
- Veh #75 – 1996 Ford F800 Trash Loader**
- Veh #190 / 804 – 1990 Ford F150 Pick-up**

Seconded by Mr. Scott. All in favor.

V. ISSUES REFERRED TO COUNCIL WORK SESSION

VI. FINANCIAL REPORTS

A. Treasurer's Report: December 31, 2009

The Treasurer's Report totaling \$20,424,693.61 was presented.

Motion by Mr. Scott to accept the Treasurer's Report as of December 31, 2009, in the amount of \$20,424,693.61. Seconded by Mr. Yelding. All in favor.

B. Sales and Use Taxes: November 30, 2009

Sales and Use Tax Collected for November 2009	- \$ 761,955
Sales and Use Tax Budgeted for November 2009	- \$ <u>755,932</u>
Over Budget (for November)	- \$ 6,023
YTD Budget Collections Variance – Over Budget	- \$ 18,497

C. Lodging Tax Collections, November 30, 2009

The Lodging Tax Collections report shows \$33,763.37 collected for November 2009.

D. Report: New Business Licenses – December 2009

A report showing new businesses licensed in the City and closed businesses for the month of December was presented.

E. Bills Paid Reports – December 2009

The December Bills Paid Report for FY09 and FY10 was included in Packet #2 and #2-A.

VII. ADJOURN

The meeting was adjourned at 4:55 p.m.

**RENEWAL PROPOSAL
FOR
THE CITY OF DAPHNE
2010 – 2011**

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

ROBBIE ROBERTSON, AGENT

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. Occurrence Form
2. \$1,000 Deductible
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. \$1000 Deductible - Data Processing Equipment and Copiers
3. \$1000 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

PREMIUM SUMMARY

COMPREHENSIVE GENERAL LIABILITY	\$135,722
<i>Company – Alabama Municipal Insurance Corp.</i>	
PUBLIC OFFICIALS LIABILITY (Included Above)	
<i>Company – Alabama Municipal Insurance Corp.</i>	
LAW ENFORCEMENT LIABILITY (Included Above)	
<i>Company – Alabama Municipal Insurance Corp.</i>	
COMMERCIAL AUTOMOBILE	\$121,388
<i>Company – Employers Mutual Companies</i>	
EQUIPMENT	\$21,519
<i>Company – Employers Mutual Companies</i>	
PROPERTY	\$106,623
<i>Company – Employers Mutual Companies</i>	
TOTAL PREMIUM	\$385,252

COVERAGE SUMMARY COMPARISON

	2009-2010	2010-2011
Property	\$35,457,900	\$37,852,000
Automobiles Insured	192	185
Equipment	\$4,217,783	\$5,295,066

Vickie C. Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits
Coordinator

The Jubilee City

January 7, 2010

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Open Positions

Human Resources Asst.
Civic Center Director
Municipal Court Administrator
Corrections Officer
Communications Officer

Status

Interviews Jan. 11 – Jan. 14
Mailed Questionnaire 1/07/10
Posting: January 15, 2010
February 2009 applicant list
August 2009 applicant list

Training:

Title VII – December 11, 2009
Sensitivity/Communication Skills – January 8, 2010

Safety Meeting:

Last Wednesday of the month - January 27, 2010

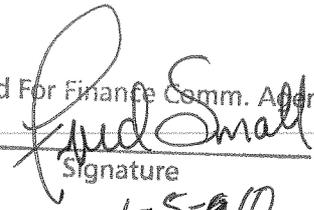
Payroll:

W-2's will be mailed by January 31, 2010

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

Suzanne

Approved For Finance Comm. Agenda



Signature

1-5-10

Date

Subject: FW: Slab under Bayfront Park Building

From: Richard Merchant [mailto:bldgofficial@bellsouth.net]
Sent: Wednesday, December 30, 2009 2:53 PM
To: hensonsm@bellsouth.net
Subject: Slab under Bayfront Park Building

Suzanne, it is the recommendation of the Building Department to allocate the funds for the stabilization of the Bayfront Park foundation (Slab on Grade) to the low bidder John Ikner Homes for the amount of \$32,576.00. This project has been approved by the Buildings and Properties Committee for consideration by the Finance Committee.

Thanks,

Richard Merchant
Building Official/CFM
City of Daphne
251-621-3080

Buildings and Property Committee Minutes

Friday, November 6, 2009

10:00 a.m.

City of Daphne

1705 Main Street

Mayor's Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Deni Biggs, Interim Civic Center Director

Summary

Minutes

I. Richard Merchant stated he had received quote/proposals for pouring the concrete slab underneath the Richard Scardamalia Pavilion at Bayfront park. According to Mr. Merchant, a contractor has been chosen for the job and Richard requested permission to move forward with the project. Motion by Chairman Lake to send the request to Finance Committee. Second by Mayor Small.

J. Other Business: Mr. Guarisco requested that we move forward on the kayak ramp at Bayfront Park. He suggested the city take care of it since it just involves putting down gravel. The gravel will stop before the sand area. Mayor Small asked Ashley to get with Mr. Eady and look at it. There was discussion about signage as well.

Mayor Small requested permission to move forward on a project request from Daphne Utilities. Mayor Small had received a request form Utilities to purchase property on Johnson Road from the City for a warehouse and construction facility and had received permission from Council to research sale of the property. Request from Mayor Small to pursue Motion by Chairman Lake to allow Mayor Small to move forward with Second Mayor Small.

Motion to Adjourn by Mayor Small. Second Chairman Lake.

Meeting ended at 11:10 a.m.

Deni Biggs
Interim Director
Daphne Civic Center
251-626-5300

JOHN IKNER HOMES

757 Coleman Av Fairhope, AL 36532

251-232-9423 Phone

251-929-1982 Fax

Proposal

NOVEMBER 10 2009

Client: City of Daphne
Project: Bay Front Pavallaion
Location: Daphne, Alabama
Phone: 251-621-3080
Fax: 251-621-3719

Dear Richard Merchant,

We are pleased to provide labor, material, and supervision for concrete on the above referenced project for the lump sum of Thirty two Thousand Five Hundred and Seventy Six dollars and no cents **(\$32,576.00)**. This proposal is subject to a mutually agreeable contract and payment terms.



Our Inclusions are as follows:

1. Slab area will be approximately 1 foot past existing concrete on the perimeter, which is 144' by 54' or 7,776 sf.
2. Concrete to be 3,000 psi pea gravel mix.
3. Concrete finish will be light broom.
4. Perimeter footing shall be minium 16" below finish grade.
5. Slab depth shall be 3" minimum at highest piling cap.
6. Expansion joints will be cut 1/3 the depth of the slab and atleast every 500sf in both directions.
7. No rebar or Wire Mesh is required, only fiber mesh in concrete.
8. Fill dirt and placement required for proper elevation.
9. 1/8" fall from center of building for water to drain to slab edges.
10. Install 250' of 5 ¼ x 4" to allow for expansion

Our Exclusions are as follows:

1. Landscape
2. Concrete sealer
3. Backfill against new slab edges

Thanks,

John Ikner

MDH Construction Services, Inc.

8954 S. Lamhatty Ln.
Daphne, Al. 36526
Fax 251-621-1872
Ph 251-379-4043

Invoice

Date	Invoice #
11/9/2009	321

Bill To
The City of Daphne Fax 621-3719

Description	Amount
6200 Bayfront Park Form and pour a cap slab under the building. We will form and pour to specs sent. We will cut expansion joints in the slab. It will have a broom finish. Note: Slab shall extend out 1' past the piling caps. We will use 3000# mix with fiber. No rebar or wire mesh. Slab will be 3" over piling caps. Footers will be 16" below finish grade.	35,000.00
Total	\$35,000.00

ERIC LAZZARI CONSTRUCTION

P.O. BOX 1015, DAPHNE, AL 36526

Phone (251) 626-2241

Fax (251) 626-2959

Lazzari@aol.com

November 4, 2009

Richard Merchant
Building Official
City of Daphne

Re: Bid Proposal for 6200 Bayfront Park Drive, Daphne, AL.

Dear Richard,

We propose to perform the following work for the price listed below:

Slab area approximately 7776 ft. 144' by 54'.

Slab area to be 1 foot in clear past the existing concrete around pilings.

Perimeter footing shall be minimum 16" below finish grade.

Slab depth shall be 3" minimum at highest piling cap.

We will provide expansion joints between piles running in both directions continuous to the edge of the slab.

There will be no rebar or rewire in the slab. Fiber will be used.

We will provide and place all fill dirt.

We will supply all concrete and labor and materials.

We have verified all dimensions before submitting this quote.

We will dome the slab per instructions by City of Daphne.

The bid amount is \$34,600.00.

The proposed price is good for thirty (30) days.

Thank you for the opportunity to bid this project.

Sincerely,

Eric V. Lazzari
Owner

PERDUE CONCRETE, INC.

P.O. Box 820
Daphne, AL 36526
E-mail: jperdue1@bellsouth.net



(251) 929-1600
Truck 604-1360
Fax 928-7683

Date October 26, 2009

CITY OF DAPHNE

Att: Richard

RE: BAYFRONT PARK SLAB

SCOPE OF WORK

Labor and Material For 7,776 sf.Slab

inclusions

1. Set all forms provided by Perdue Con.
2. Add fill dirt and compact by Perdue Con.
3. Furnish all equipment and plastic as needed
4. Pump, place and finish all concrete [3000psi concrete, 4 inches thick, 16" footer below existing grade] by Perdue Con.
5. Saw cut joints [1"deep]
6. Apply basic curing compound furnish by Perdue Con.
7. Clean up

exclusions

concrete testing or soil testing

rebar , reinforce wire

Amount of bid \$ 52,500.00

Thanks you for the opportunies ,for any questions please call my cell phone

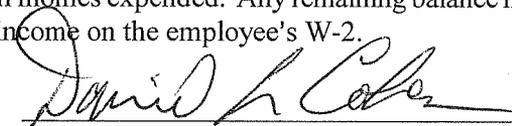
Johnnie Perdue

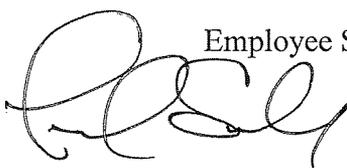
cell 251-604-1360

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DAVID L. COHEN
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	JANUARY 26-29, 2010
SCHOOL/ORGANIZATION	CERTIFICATION TRAINING INSTITUTE FOR MUNICIPAL CLERKS
LOCATION FOR TRAINING: CITY/STATE	TUSCALOOSA, AL
REGISTRATION FEE	\$225.00
LODGING	\$336.00
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 

 _____

Department Head Approval

8069 120200 / 52211 / _____
 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 3/06



REGISTRATION & GENERAL INFORMATION

REGISTRATION: The registration fee for this program is **\$225/person**. This includes breaks, instruction and a complete materials package. It **does not** include hotel accommodations or meals. To register, please refer to the registration page of this handout and choose the best option for you. If you have any questions about the registration process, please call (205) 348-3000.

DATE AND SITE: The programs will be held January 27 - 29, 2010, on The University of Alabama campus at the Bryant Conference Center, Tuscaloosa, Alabama.

TIME: Registration check-in process will take place from 7:30 a.m. to 8:15 a.m. The programs run from 8:15 a.m. to 4:45 p.m. on January 27 & 28 and will end at 12:00 p.m. on January 29.

CANCELLATIONS/REFUNDS: Cancellations made less than 10 working days prior to the program are subject to a cancellation fee of \$60.00. Refunds cannot be made after a course has begun; however, a substitute participant may be designated in place of a registrant who cannot attend.

The University of Alabama reserves the right to cancel, postpone or combine class sessions; to limit registrations or change instructors.

HOTEL ACCOMMODATIONS: Blocks of rooms at special rates are being held for participants at the following facilities (Be sure to mention you are with the Institute or the Academy when you make your reservation):

Hotel Capstone
320 Bryant Drive
Tuscaloosa, AL 35401
(205) 752-3200

Hampton Inn
600 Harper Lee Drive
Tuscaloosa, AL 35404
(205) 553-9800

CONTINUING EDUCATION UNIT (CEU) CREDIT: The CEU (non-credit) has been designed to recognize the efforts made by individuals in approved continuing education programs. These programs have been assigned 2.0 CEUs each. Upon request and payment of a \$10 fee, participants may receive a certificate of completion, which identifies the number of CEUs awarded.

ADDITIONAL INFORMATION: Please contact Tommy Pow at (205) 348-9066; e-mail tpow@ccs.ua.edu; FAX (205) 348-9276; or write to The University of Alabama, College of Continuing Studies, Box 870388, Tuscaloosa, AL 35487-0388

Becky

From: DoNotReply@HotelCapstone.com
Sent: Friday, December 04, 2009 10:14 AM
To: becjer@bellsouth.net
Subject: Here is you r reservation Confirmation.

David Cohen
CCS - Donna Keene - Profession
P.OBox 400
Daphne, AL 36526
United States

Date: 12-04-2009

Time: 10:13 AM

Facsimile:

Reservation Advice

Attention: David Cohen

Status: NEW

It is a pleasure to confirm your reservation as follows:-

Reservation Number: 182064

Arrival Date: 01-26-2010

Guest Name(s) David Cohen

Arrival Flight:

Arrival Time:

Company Name: CCS - Donna Keene - Profession

Departure Date: 01-29-2010

Accommodation: Traditional 2 Queen NS

Number of Rooms: 1

Daily Room Rate: \$112.00
Municipal City Clerk

Number of Guests: 1

Room rate subject to 13% lodging tax.

Remarks

Reservations are not transferable

RESERVATIONS ARE HELD UNTIL 6PM ONLY UNLESS A LATER FLIGHT
NUMBER IS INDICATED OR A GUARANTEE IS REQUESTED.



Galbraith & Associates, L.L.C.

Development Consultants

1900 Schillinger Road South, Mobile, Alabama 36695

Telephone: 251/633-6727 Fax: 251/633-2099

e-mail: grantslady@msn.com

December 9, 2009

January Finance Comm.

Ms. Kim Briley
City of Daphne
P.O. Box 400
Daphne, AL 36526

Re: Policy Statements required for ADECA Community Development Block Grant # LR-CM-PF-09-004- Sewer Extension Project

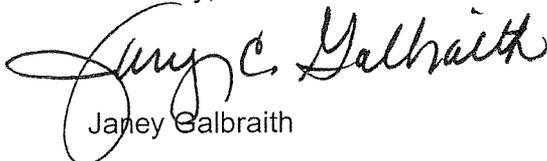
Dear Kim:

Enclosed are the Policy Statements and accompanying Resolutions for the above referenced project to be presented to the City Council for approval at their first meeting in January 2010. These policies are comprehensive as ADECA requires them to be, but do remember they related to the CDBG project only and do not govern other city procedures. Please distribute a copy to each of the Council Members and Finance Committee members for their review prior to the meeting. I plan to attend the Finance committee meeting on January 11 to answer any questions about these policies. The following Policy Statements and Resolutions are attached:

- 1) Resolution Adopting Fair Housing Policy
- 2) Resolution Adopting Standards of Conduct Policy
- 3) Resolution Adopting Land Acquisition Policy
- 4) Resolution Adopting Written Procurement Policy
- 5) Resolution Adopting Citizen Participation Plan
- 6) Determination that the City of Daphne is not required to develop a Language Access Plan

Once approved, please provide the appropriate signatures on the copies tabbed "sign here" and enclose one original copy in the pre-paid Fed Ed Envelope to mail back to Galbraith & Associates. Thank you and if you have any questions, please let me know.

Sincerely,


Janey Galbraith



Galbraith & Associates, L.L.C.

Development Consultants

1900 Schillinger Road South, Mobile, Alabama 36695

Telephone: 251/633-6727 Fax: 251/633-2099

e-mail: grantslady@msn.com

December 9, 2009

Ms. Kim Briley
City of Daphne
P.O. Box 400
Daphne, AL 36526

Re: Policy Statements required for ADECA Community Development Block Grant # LR-CM-PF-09-004- Sewer Extension Project

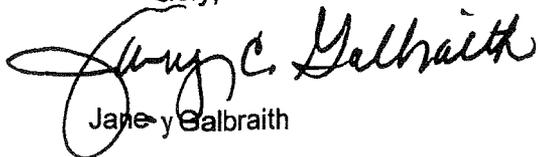
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Once approved, please provide the appropriate signatures on the copies tabbed "sign here" and enclose one original copy in the pre-paid Fed Ed Envelope to mail back to Galbraith & Associates. Thank you and if you have any questions, please let me know.

Sincerely,


Jane-y Galbraith

**RESOLUTION 2010-
FAIR HOUSING RESOLUTION**

LET IT BE KNOWN TO ALL PERSONS of the City of Daphne that discrimination in the sale, lease, advertisement or financing of housing, or in the provision of real estate brokerage services because of race, color, religion, national origin, sex, handicap or familial status is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Fair Housing Amendments Act of 1988. Furthermore, it is the policy of the City of Daphne to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, national origin, sex, handicap or familial status. Therefore, the City does hereby pass the following Resolution.

BE IT RESOLVED that within the available resources of the City of Daphne, all persons who feel that they have been discriminated against in any housing or real estate purchase, conveyance or transaction because of race, color, religion, national origin, sex, handicap or familial status will be assisted to seek equity under federal and state laws by filing a complaint with the Atlanta Regional Office of Fair Housing and Equal Opportunity or the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall cause owners of real estate, builders, developers, and mortgage lenders to become aware of their respective responsibilities and rights under federal Fair Housing legislation and all other applicable state or local laws or ordinances.

SAID PROGRAM shall at a minimum include, but shall not be limited to: (1) the publicizing of this policy and other applicable fair housing information through local media, community organizations and businesses engaged in the sale, lease, financing, or development of housing; and (2) the distribution of posters, flyers, and any other means which will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

NOW THEREFORE BE IT RESOLVED by the City of Daphne that these procedures are hereby adopted. The City will comply with these procedures to the best of its ability.

Motion to approve the foregoing resolution was

made by: _____

seconded by _____

approved by the City Council on this the ____ day of January 2010.

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk

RESOLUTION

**ADOPTING THE CITY OF DAPHNE
STANDARDS OF CONDUCT POLICY**

LET IT BE KNOWN TO ALL PERSONS, No employee, officer, or agent of the City of Daphne shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: the employee, officer, or agent; or any member of his immediate family, his partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

BE IT RESOLVED, The officers, employees, or agents of the City of Daphne, will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. (The City of Daphne has established minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. These established thresholds are meant to reflect the same monetary values established by the State of Alabama.)

BE IT FURTHER RESOLVED, To the extent permitted by state (Title 36, Chapter 25, Alabama Code) or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the officers or employees of the City of Daphne, or agents, or by contractors or their agents.

NOW THEREFORE BE IT RESOLVED by the City of Daphne that these procedures are hereby adopted. The City will comply with these procedures to the best of its ability.

Motion to approve the foregoing resolution was

made by: _____

seconded by _____

approved by the Council on this the ____ day of January 2010.

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk

**RESOLUTION
ADOPTING LAND ACQUISITION POLICIES AND PROCEDURES
FOR PROPERTY TO BE ACQUIRED WITH COMMUNITY
DEVELOPMENT FUNDS**

WHEREAS, the State of Alabama has funds available to municipal governments for housing, and public facilities improvements through its Community Development Block Grant Program; and

WHEREAS, the City of Daphne has been awarded a Community Development Block Grant and desires to comply with all State and Federal policies and procedures to the fullest extent possible, keeping in mind the inherent limitations of implementation of said procedures with limited staff persons;

WHEREAS, these LAND ACQUISITION POLICIES AND PROCEDURES are guided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and are those which have been established by ADECA and are acceptable to HUD and ADECA.

NOW THEREFORE BE IT RESOLVED by the City of Daphne that these procedures are hereby adopted. The City will comply with these procedures to the best of its ability.

Motion to approve the foregoing resolution was

made by:_____

seconded by _____

approved by the Council on this the ___ day of January 2010.

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk

**RESOLUTION
AUTHORIZING THE ADOPTION OF A
WRITTEN PROCUREMENT POLICY
FOR THE CITY OF DAPHNE**

WHEREAS, the State of Alabama has funds available to local governments for housing, and public facilities improvements through its Community Development Block Grant Program; and

WHEREAS, the City of Daphne has received grant funds from the Alabama Department of Economic and Community Affairs for a community development block grant project; and

WHEREAS, the State of Alabama requires that the local governing body adopt a Written Procurement Policy that will specify who has authority to initiate purchase requests.

NOW THEREFORE BE IT RESOLVED by the City that the Written Procurement Policy is hereby adopted and is attached to and made a part of this resolution.

Motion to approve the foregoing resolution was

made by _____

seconded by _____

approved by the City Council on this the ____ day of January 2010.

August A, Palumbo, Council President

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk

WRITTEN PROCUREMENT POLICY CITY OF DAPHNE

The City of Daphne will follow the procurement methods described below and will ensure that all contracts will be in writing, include the appropriate state, federal, and local clauses, and that all contracts will be authorized by the city council. Further, the City of Daphne will ensure that the procurement of labor, services, or materials will be conducted in accordance with these local written procedures that conform to 24 CFR 85.36 (Common Rule), Title 41, Code of Alabama (Bid Law), and Title 39, Code of Alabama (Public Works Law). The Mayor has the authority to issue all purchase orders as long as the budget is not exceeded. A master copy of all purchase orders shall be maintained by the Finance Director in order to avoid a duplication of purchases. Minority business and small businesses will be notified each time bids are taken for materials, supplies or professional services.

All procurement follows one of the following methods:

1. Small Purchase

- a. See State Bid Law (Title 41, Code of Alabama) Common Rule (24 CFR 85.36),
 1. Price or rate quotations for purchases or contracts with an aggregate cost \$15,000 or less must be obtained from at least three (3) qualified sources. (No purchase or contract involving an amount in excess of \$15,000 shall be divided into parts involving amounts \$15,000 or less for the purpose of avoiding the requirements of the Bid Law.) File documentation is required.
- b. See Public Works Law (Title 39, Code of Alabama) and Common Rule (24 CFR 85.36),
 1. Price or rate quotations for professional services with an aggregate cost of \$100,000 or less must be obtained from at least three (3) qualified sources.

File documentation and contract for professional services are required.

2. Contracts for public works involving \$50,000 or less may be let without advertising or sealed bids. Price or rate quotations must be obtained from at least three (3) sources. (No public work involving a sum in excess of \$50,000 shall be split into parts involving sums of \$50,000 or less for the purposes of evading the Public Works Law.) File documentation is required.

2. Sealed Bids

a. See State Bid Law (Title 41, Code of Alabama),

1. All purchases in excess of \$15,000 shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail or other electronic means to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.
2. All original bids together with all documents pertaining to the award of the contract shall be retained in accordance with a retention period of at least seven years established by the Local Government Records Commission and shall be open to public inspection.

b. See Public Works Law (Title 39, Code of Alabama),

1. Definition of Public Works: The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with

financing to be retired with public funds in the form of lease payments or otherwise.

2. Before entering into any contract for a public works involving an amount in excess of \$50,000, the awarding authority shall advertise for sealed bids. If the awarding authority is the state or a county, or an instrumentality thereof, it shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or some part thereof, is to be made. If the awarding authority is a municipality, or an instrumentality thereof, it shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding authority shall advertise by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for the length of time as may be determined. In addition to bulletin board notice, sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request. For all public works contracts involving an estimated amount in excess of \$500,000, awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state.
3. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in a designated office of the awarding authority, state the procedure for obtaining plans and specifications, state the time and place in which bids shall be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place.

3. Competitive Negotiations

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. See Common Rule (24 CFR 85.36)
- b. Requests for proposals will be publicized and identify all evaluation factors and their relative importance.
- c. Proposals will be solicited from an adequate number of qualified sources.
- d. The city will include a method for conducting technical evaluations of the proposals received and for selecting awardees.
- e. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- f. The city may use competitive proposal procedures for qualifications-based procurement of architectural engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

4. Noncompetitive Negotiations

Procurement by noncompetitive proposals or "sole source" is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes

noncompetitive proposals; and after solicitation of a number of sources, competition is determined inadequate.

- a. Proper documentation that one or more of the above circumstances existed.
- b. There is no conflict of interest by the parties involved.
- c. Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

5. Price/Cost Analysis

The city will perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals.

- a. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts.
- b. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.
- c. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.
- d. The city will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.
- e. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past

performance, and industry profit rates in the surrounding geographical area for similar work.

- f. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 85.22).
The city has determined that the cost principals that shall prevail are those established by ADECA for grants administration and the USDA fee scale for architects and engineers. In general, as long as these proposed costs for professional services fall within the recognized industry standards, i.e., the current ADECA administrative scale guideline or the USDA/RD engineering scale, then no further cost analysis or justification will be required.
- g. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

All procurement transactions must be conducted in a manner that provides maximum open and free competition. All written selection procedures will provide, as a minimum:

1. Solicitations of offer must:

- Contain a clear and accurate description of the technical requirements for the material, project or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition.
- Clearly state all requirements bidders must fulfill such as adequate licensing as well as the factors used to evaluate bids or proposals.

TASK A: IDENTIFY METHOD OF PROCUREMENT

Procurement under grants must be made by one of the following methods:

- Small Purchase Procedures,
- Competitive Sealed Bids (publicly advertised),
- Competitive Negotiation (RFP), or
- Noncompetitive Negotiation (sole source).

The description of these methods includes state and federal laws. State law is more restrictive in some cases and therefore prevails. Remember if local laws and procedures are more restrictive then they must prevail.

1. Small Purchase Procedures

Small purchase procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than \$15,000. The City follows local laws and systems for small purchases.

- At a minimum, price or rate quotations must be obtained from an adequate number of qualified sources. Documentation is essential.
- State CDBG Intergovernmental Policy Letter Number 1 (or the most current revision), Policy On Selection of Engineers, Architects; consultants, Other Professional Services Relating to Procurement Of, Expenditures Made, In Regard to State CDBG funds” allows small Purchase Procedures for Professional services in the aggregate not more than \$100,000 (See Exhibit PL-1)
- So long as proposed costs for professional fees fall within recognized industry standards, i.e., the current ADECA administrative scale guideline or the USDA/RD engineering scale, then no further cost analysis or justification is required. The city must solicit price or rate quotations from a minimum of three (3) qualified sources.

2. Competitive Sealed Bid (Publicly Advertised)

Title 41, Code of Alabama, “Competitive Bid Law” requires competitive bids to be taken on contracts for labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property involving fifteen thousand dollars (\$15,000) or more. Professional services are exempt from the “Competitive bid Law.

Sealed bids are publicly solicited through formal advertising. To be feasible to use competitive sealed bids the following conditions must be present:

- A complete, adequate and realistic specification or description of purchase is available;
- Two or more responsible bidders are willing and able to effectively compete for the business; and

- The procurement lends itself to a firm fixed price contract that allows selection of the successful bidder based principally on price. Cost plus a percentage of the cost is forbidden.

Additionally, it must also comply with the following:

- a sufficient time prior to the date set for opening of bids, bids must be solicited from an adequate number of known suppliers. In addition, the invitation must be publicly advertised. (Publish at least once a newspaper of general circulation where the project is carried out if the grantee is a town or city and no less than three times if the grantee is a county government.)
- all public works contracts that are expected to cost in excess of \$500,000 shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state.
- the invitations for bids, including specifications and pertinent attachments, must clearly define the times or services needed to allow the bidders to properly respond.
- all bids must be opened publicly at the time and place stated in the invitation for bids.
- A firm-fixed price contract award must be made by written notice to the lowest responsible bidder whose bid conforms to the invitation for bids. If specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs must be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the grantee indicates that such discounts are generally taken.
- any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

3. Competitive Negotiations

Competitive Negotiations may be used if conditions are not appropriate for the use of sealed bids in compliance with the Common Rule (24 CFR art 85 section 36). Either a fixed-price or a cost-reimbursable type contract may be awarded, as appropriate. If competitive negotiation is used the following requirements apply:

- Solicit proposals from an adequate number of qualified sources to permit reasonable competition. A Request for Proposals must be

publicized and reasonable requests by other sources to compete must be honored to the maximum extent practicable.

- Identify in the Request for Proposals all significant evaluation factors, including price or cost where required and their relative importance.
- Provide mechanisms for technical evaluation of the proposals received, determinations of responsible vendors for the purpose of written or oral discussions and selection criteria for contract award.
- Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.
- Competitive negotiation procedures may be used for procurement of architectural/engineering or other professional services. By this method, competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

Alabama CDBG Intergovernmental Policy Letter Number 12 (a) (Revision 2) or the most recent revision thereof, "Policy On Allowable Administrative Cost" and Selection of Engineers, Architects, Consultants, Other Professional Services
Alabama CDBG Intergovernmental Policy Letter Number 1, (Revision 9) or the most recent revision thereof, "Policy On Selection of Engineers, Architects, Consultants, Other Professional Services Relating To Procurement Of, and Expenditures Made, In Regard to State CDBG Funds," addresses modifications to procurement of professional services. Briefly:

- Services costing not more than \$100,000 may be procured by the use of Small Purchase Procedures.
- Services costing more than \$100,000 require competitive negotiation (with two or more providers) except when justified by one or more of the special situations addressed in the policy letter.

So long as proposed costs for professional fees fall within recognized industry standards, i.e., the ADECA administrative scale or the USDA engineering scale, then no further cost analysis or justification is required.

4. Noncompetitive Negotiations

Noncompetitive negotiation or "sole source" procurement is limited to the following:

- The item or service is available from only one source.
- Urgent public need or emergency will not allow for a delay caused by advertising
- After solicitation of a number of sources, competition is determined inadequate or only one response is received.
- State CDBG Intergovernmental Policy Letter Number 1 (Revision 4) or the most recent revision, addresses noncompetitive negotiation. Such contracts shall be made with responsible contractors or vendors who are able to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to contractor integrity, record of past performance, financial and other technical resources or accessibility to other necessary resources.

Caution when using this method of procurement. You must ensure:

- Proper documentation that one or more of the above circumstances existed.
- There is no conflict of interest by the parties involved.
- A clear and accurate description of the technical requirements for the material, produce or service to be procured. Such description must not, in competitive procurement, contain features which unduly restrict competition.
- All selection procedures must clearly state all requirements bidders must fulfill such as adequate licensing as well as the factors used to evaluate bids or proposals.

TASK B: EMPLOYMENT OF A CERTIFIED PROFESSIONAL ENGINEER

The City will procure the services of a register professional engineer to prepare plans and specifications for all public works projects. The city attorney will review bid documents as will any administrative consultants who manages all federal funded projects for the city.

RESOLUTION-

**AUTHORIZING THE ADOPTION OF A
CITIZEN PARTICIPATION PLAN
FOR THE CITY OF DAPHNE**

WHEREAS, the State of Alabama has funds available to local governments for housing, and public facilities improvements through its Community Development Block Grant Program; and

WHEREAS, the City of Daphne has received a Community Development Block Grant; and

WHEREAS, the State of Alabama requires that the local governing body adopt a Citizen Participation Plan that includes certain nondiscriminatory language as part of the overall management of grant funds.

NOW THEREFORE BE IT RESOLVED by the city that the attached Citizen Participation Plan is hereby adopted. Said plan is attached to and made a part of this resolution.

Motion to approve the foregoing resolution was

made by _____

seconded by _____

and approved by the City on this the ____ day of January 2010.

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk

CITY OF DAPHNE
CITIZEN PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
TABLE OF CONTENTS

	<u>PAGE NO.</u>
Section 1. INTRODUCTION	2
Section 2. SCOPE OF PARTICIPATION	2
Section 3. CITIZEN PARTICIPATION CONTACT PERSON	3
Section 4. TECHNICAL ASSISTANCE	3
Section 5. PUBLIC HEARINGS	4
Section 6. PROGRAM INFORMATION	7
Section 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS	9
Section 8. SECTION 504, REHABILITATION ACT OF 1973, AS AMENDED GRIEVANCE PROCEDURES	10
Section 9. AMENDMENTS	11
Section 10. AUTHORITY	12

SECTION 1. INTRODUCTION

The City of Daphne has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program. This Plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the Alabama Department of Economic and Community Affairs (ADECA) and the Department of Housing and Urban Development (DHUD). This Plan supersedes all other Citizen Participation Plans which may have been adopted by the City Council.

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the City of Daphne's CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the City Council.

SECTION 2. SCOPE OF PARTICIPATION

The City of Daphne will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the City. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. changes and/or amendments to approved CDBG projects; and,
- c. assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of Daphne are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

SECTION 3. CITIZEN PARTICIPATION CONTACT PERSON

Mayor Fred Small will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at (251) 621-9000 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.

SECTION 4. TECHNICAL ASSISTANCE

The staff of the City of Daphne shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Mayor of Daphne or the Citizen Participation Coordinator.

SECTION 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate income persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

5.1 Public Hearing Times and Locations

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the City Council. Public hearings may be held at any site which, in the opinion of the City, provides adequate access for citizen participation.

Hearings will normally be held at the Daphne City Hall. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the City, be held at an alternate location to be specified in the public hearing notice(s).

5.2 Application Public Hearing

At least one public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the ADECA for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the City to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG

application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the City during any fiscal year. Substantial changes in community development or housing needs in the community as determined by local officials may necessitate another hearing to fulfill the role of the first public hearing prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; the application timetable(s); the application rating process; the schedule of meetings and hearings; activities previously funded in the City through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan will also be discussed at this meeting.

The City may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the City Council.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

5.3 Amendment Public Hearings

The City will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the City. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved

activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the City shall hold a public hearing on all formal amendments which require the ADECA approval. For "local" amendments (as defined by the ADECA) and changes for which the ADECA approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled City Council meetings where such changes or amendments are considered.

5.4 Assessment of Performance Public Hearings

Citizens of the City will be provided with the opportunity to comment on the performance of local officials, the City staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the City in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the ADECA for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

5.5 Additional Hearings

Other public hearings may be held as deemed necessary by the City Council in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

5.6 Limited English Proficiency Residents

The City has followed the guidance provided in the ADECA's Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

5.7 Public Hearing Notice

Notice of public hearings will be published in a local newspaper at least seven (7) days prior to the hearing date. The City may waive hearing notice requirements in cases where unusual circumstances justify alternative means of notifying the general public. In such situations, shorter notice may be given, and public notices posted in public places may be used in place of a notice published in the newspaper. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed. Notices for public hearings may be run or posted, separately or together, as may be deemed necessary by the Mayor of the City.

5.8 Accessibility to Low and Moderate Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The City shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The City shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance. Additionally, the City shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

SECTION 6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the City shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the City. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the ADECA and/or the DHUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the City; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the City disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the City shall not disclose any information which may, in the opinion of the Mayor, be deemed of a confidential nature.

SECTION 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the City.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Mayor. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Mayor, then the aggrieved may appeal his/her case to the City Council.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the City Council be unable to

sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the ADECA.

Citizens may, at any time, contact the ADECA and/or the DHUD directly to register comments, objections or complaints concerning the City's CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the ADECA or the DHUD.

All comments or complaints submitted to the ADECA or the DHUD shall be addressed in writing to:

Alabama Department of Economic and Community Affairs
Attn: CDBG Program
401 Adams Avenue, Suite 580
P O Box 5690
Montgomery, Alabama 36103-5690

Or:

U.S. Department of Housing and Urban Development
Attn: Community Planning and Development Division
Medical Forum Building
950 22nd Street North, Suite 900
Birmingham, Alabama 35203

Records of all comments, objections and/or complaints by citizens concerning the City's CDBG program and subsequent action taken in response to those comments shall be maintained on file at City Hall and shall be made available for public inspection upon request.

SECTION 8. SECTION 504, REHABILITATION ACT OF 1973, AS AMENDED GRIEVANCE PROCEDURES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that no qualified disabled person shall solely on the basis of handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

As such, the City of Daphne is required to do the following:

1. Assess its efforts to comply with applicable 504 requirements and set forth and maintain a plan for appropriate corrective actions.
2. Remove physical obstructions to handicapped persons from public buildings and facilities.
3. Take special needs of the handicapped persons into consideration in the

- design and construction of federally assisted projects.
4. Disseminate program information to interested beneficiaries and members of the general public who are handicapped.
 5. Ensure that employment and personnel practices do not discriminate against qualified disabled job applicants and employees, and that employment opportunities are not denied or restricted for handicapped workers based on the need to make reasonable accommodations to the workplace.
 6. Provide handicapped persons access to and participation in all services and/or activities of the governing body of Washington County.

Whether members of the general public or employees of the City of Daphne qualify as handicapped persons they must be assured that the City of Daphne is committed to complying with the above requirements and the regulations set forth under Section 504, 24 CFR, Part 8. In the event individuals or organizations claim that the City has discriminated against qualified disabled persons solely on the basis of being disabled, the following procedures have been established to assure those grievances are addressed in a timely, fair, equitable and competent manner:

1. Written grievances shall be first filed with the Mayor of Daphne who serves as the 504 handicapped Compliance Coordinator located at the Daphne City Hall, located at 1705 Main Street Daphne, Alabama.
2. A designated representative shall investigate the written complaint and prepare a written response to the complainant within 15 working days of receipt of the complaint. The city's response shall contain as a minimum, the findings of fact in the matter, any corrective action that the city may undertake, and if applicable an explanation of why no corrective action is deemed appropriate or necessary on the part of the city.
3. In the event that the persons or organizations filing the complaint are not in agreement with the city's response, a written appeal may be filed directly with the City Council. The Council may schedule a hearing on the matter either as a special meeting or as part of a regularly scheduled commission meeting. The Council's final decision will be made known to the complainant in a written response within 15 working days of the appeal hearing.

SECTION 9. AMENDMENTS

The City may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the City to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the City. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the City Council and shall be incorporated into this Plan.

SECTION 10. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the City of Daphne in the development, implementation and execution of any Community Development Block Grant program.

**FOUR-FACTOR ANALYSIS
FOR LIMITED ENGLISH PROFICIENCY
PERSONS**

**COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

CITY OF DAPHNE

Purpose: In compliance with Executive Order 13166, the City of Daphne has developed the following Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

Daphne Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Daphne will undertake to guarantee access to the Daphne Community Development Block Grant (CDBG) programs by LEP persons.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

Currently, the U.S. Census does not provide data regarding Limited English Proficiency below the County Level. Therefore, for determining the LEP population, the City of Daphne utilized the following method(s) to determine the LEP population in Daphne.

Individuals conducting income surveys in the project area were asked to determine if any LEP households were located in the potential project area. According to surveyors, there were 0 households located in the proposed project area. This does not represent a threshold population of LEP residents.

2. The frequency with which the LEP persons come into contact with the program.

The proposed project does include acquisition, relocation, housing rehabilitation, and/or water/sewer hookups. Therefore, residents are likely to have considerable direct contact with the program and its staff.

3. The nature and importance of the program, activity, or service provided by the program.

The proposed project does provide direct assistance to project area beneficiaries related to hookups; therefore, the nature of the activity or service is of significant importance to the proposed project area(s) residents.

4. The resources available and costs to the recipient.

Currently, the ADECA website can be utilized to translate some written materials. Additionally, local volunteers have been identified to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project. Furthermore, many of the common forms used in the implementation of a CDBG project are available in multiple languages on the HUD and DOL websites. Additionally, translation activities are an eligible CDBG administrative expense. Therefore, limited LAP measures are reasonable given the resources available to Daphne.

Certification: Based on the above Four-Factor Analysis, the City of Daphne is not required to develop a LAP. However, the City will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation activities.

Fred Small, Mayor

January __, 2010

RESOLUTION 2010 -

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	VEH #	VEHICLE DESCRIPTION	VIN # / SERIAL #
Solid Waste	796	2000 GMC C7500 TRASH LOADER	1GDM7H1C4YJ518120
Solid Waste	98	1998 FORD F80 TRASH LOADER	1FDXF80C1WVA27947
Solid Waste	75	1996 FORD F800 TRASH LOADER	1FDYF80E6TVA05220
Fire	190 / 804	1990 FORD F150 PU	1FTEX15N9LKA52747

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

August A. Palumbo, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk CMC

TREASURER'S REPORT

As of December 31, 2009

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	\$12,325,128.83
OPERATING ACCT	COMPASS	(\$149,329.49)
PAYROLL ACCT	COMPASS	(\$6,789.68)
		<u>\$12,169,009.66</u>
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$310,606.08
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$5,239.99
4 CENT GAS TAX	RBC BANK	\$265,486.30
7 CENT GAS TAX	RBC BANK	\$340,234.57
		<u>\$610,960.86</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,392,765.46
99 WARRANT CONS	REGIONS	\$12,895.27
2006 CONSTRUCTION	WACHOVIA	\$1,179,387.06
		<u>\$4,585,047.79</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$2,119,980.46
2006 DEBT SERVICE	RBC BANK	\$629,088.76
		<u>\$2,749,069.22</u>
		<u>\$20,424,693.61</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	2010	Actual- 2010	Budget	Monthly Variance	YTD Variance	% of Budget
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	764,641.13	752,167	12,473.91	12,473.91	1.66%
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	761,955.37	755,932	6,023.04	18,496.95	0.80%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	-	1,009,741	1,009,741	-	-	-
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	-	726,313	726,313	-	-	-
February	632,654.31	688,421.54	786,825.08	878,123.66	877,975.60	865,625.83	748,620.87	-	718,521	718,521	-	-	-
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	-	865,846	865,846	-	-	-
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	-	787,606	787,606	-	-	-
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	-	793,355	793,355	-	-	-
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	-	846,847	846,847	-	-	-
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	-	831,158	831,158	-	-	-
August	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	-	771,407	771,407	-	-	-
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	-	859,320	859,320	-	-	-
Totals	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,279,349.93	10,039,546.95	1,526,596.50	1,526,596.50	9,708,213	18,496.95	18,496.95	-10.99%

FY 2010 BUDGET/ACTUAL COMPARISONS

FISCAL YEAR COMPARISONS

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	19.47%	11.87%	1.28%	-8.19%	-7.00%	-5.19%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	14.61%	10.66%	1.92%	-0.32%	-12.54%	-4.88%
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	-	15.93%	7.09%	1.21%	-5.29%	-3.72%	-
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	-	10.72%	14.98%	3.09%	-10.15%	-8.09%	-
February	55,767.23	100,403.54	89,288.58	(148.06)	(12,349.77)	(117,004.96)	-	14.58%	11.32%	-0.02%	-1.41%	-13.52%	-
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	-	8.21%	17.86%	-0.94%	-6.81%	-13.53%	-
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	-	14.77%	12.24%	-0.89%	0.37%	-14.58%	-
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	-	14.50%	15.33%	2.11%	-6.30%	-13.38%	-
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	-	20.12%	4.19%	-6.49%	-6.49%	-12.93%	-
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	-	13.14%	3.61%	5.50%	-10.52%	-9.07%	-
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	-	16.70%	9.28%	0.41%	1.07%	-13.75%	-
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	-	20.26%	-3.09%	-0.26%	-4.82%	-10.16%	-
Annual \$ Change	860,992.68	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(80,983.26)	15.27%	9.29%	1.44%	-4.99%	-10.99%	-

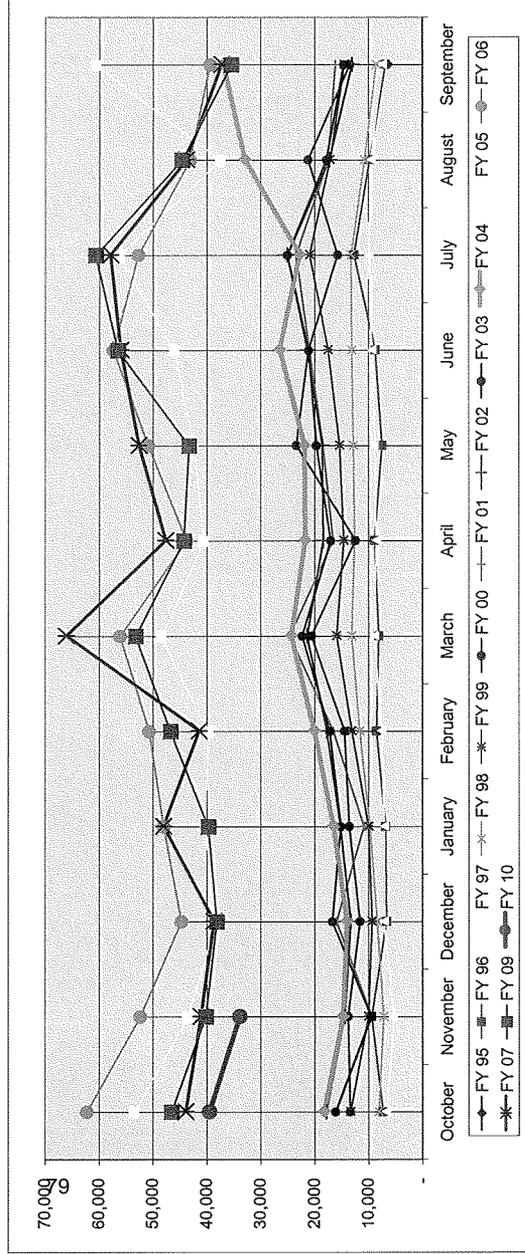
TOTAL collections: FY 09	10,039,547
TOTAL est. bdgt coll: FY 10	9,708,213
Budgeted Dollar Variance 08/09	(331,334)
Budgeted Percent Variance 08/09	-3.30%

TOTAL collections: 11-30-09	1,526,597
Budgeted: 10-1-09 to 11-30-09	1,508,100
Actual Coll: < > Budget, 11-30-09	18,497
% Over/(Under) Budget, 11-30-09	1.23%

Monthly Lodging Tax Collections

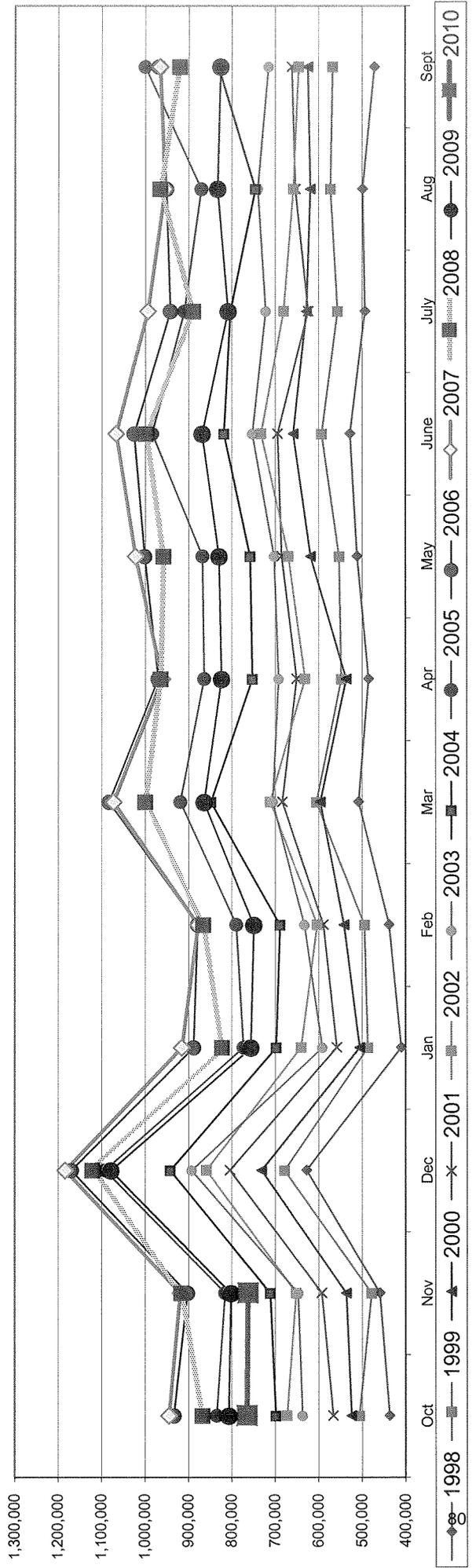
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56
November	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37
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	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	
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	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	
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	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	
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	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	
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	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	
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	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	
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	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	
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	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	
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	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	
September	6,371.27	6,808.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	14,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	
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	601,302.68	573,770.96	591,147.09	549,255.30	73,168.93

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

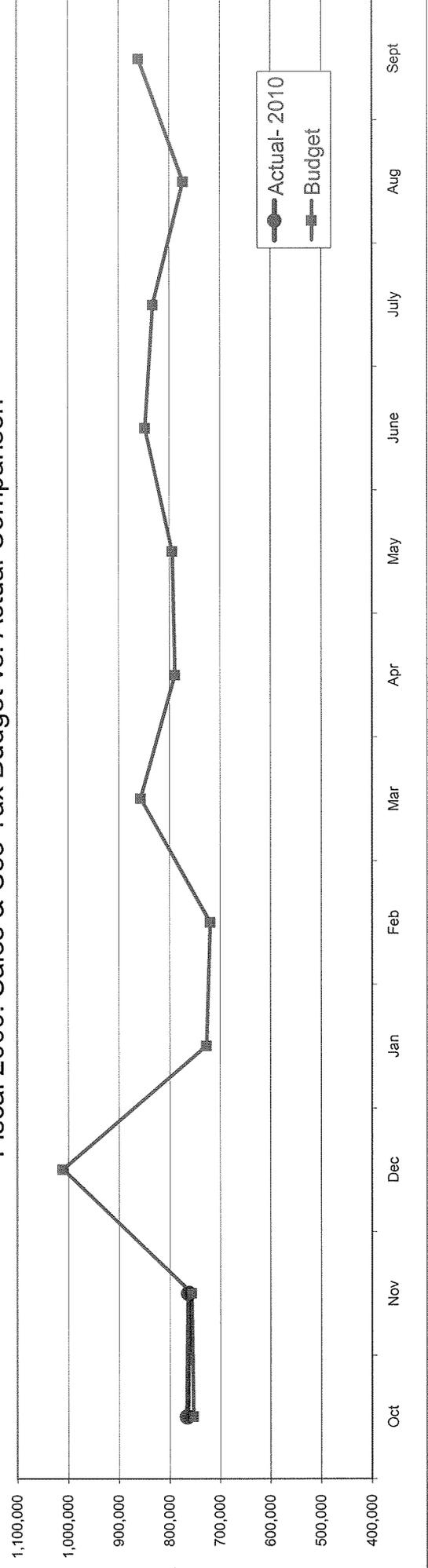


FY 2010 Budget
545,000
% Budget Collected,
10/31/2009
13%

Sales & Use Tax Comparisons



Fiscal 2009: Sales & Use Tax Budget vs. Actual Comparison



NEW BUSINESSES

December-09

CITY LIMITS		CLOSED BUSINESSES IN DAPHNE	
SOUTHERN CARE, INC	1	BOOKS-A-MILLION	1
FOTO FANTASY, INC	1	TOTAL CLOSED BUSINESSES IN DAPHNE	1
BALDWIN COUNTY LAND & LOTS REALTY, INC	1		
HART CHEM., LLC	1		
JUMPIN JAX	1		
BRANCH BANK AND TRUST COMPANY	1		
MICHAEL LORY CAMPBELL, MD	1		
MARY'S SUPER SERVICE	1		
MOSAIC MEDSPA	1		
TOTAL INSIDE CITY LIMITS	9		

OUTSIDE CITY LIMITS	
ARCADIA PUBLISHING INC	1
NILFISK - ADVANCE, INC	1
IVCO, INC	1
SEAMAN CORPORATION	1
U.S. TSUBAKI, INC	1
NINTENDO OF AMERICA INC	1
KNIGHT ABBEY COMMERCIAL PRINTING	1
DONALD J CARLEY	1
HRB DIGITAL LLC	1
ALLSOUTH SIGN INC	1
GREEN TEAM	1
BLUE ISLAND	1
TELGIAN CORPORATION	1
SMITH SOUTHERN EQUIPMENT, INC	1
ERHARDT DESIGNS, INC	1
MERRIMACK SERVICES CORP	1
SPECTRUM FINANCIAL SYSTEMS, INC	1
THERMO FISHER SCIENTIFIC	1
THE OUTDOOR GREATROOM SHOWROOM	1
AERIAL ACCESS EQUIPMENT	1
BUSINESS SYSTEMS & CONSULTANTS	1
LAWSON PRODUCTS, INC	1
TOTAL OUTSIDE CITY LIMITS	22

CONTACTORS	
COMPLETE CONSTRUCTION	1
VECTOR SECURITY, INC	1
LEGACY CABINETS	1
AMBIENT SOLUTIONS	1
TOTAL CONTRACTORS	4

TOTAL NEW BUSINESSES	35
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CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

January 8, 2010 Meeting Minutes

Treasury reported a balance of \$6,401.18.

District 1
Vacant

Public Works Report by Margorie Bellue:

The electrical box at Centennial Park that is still underpowered for supporting holiday lights will be discussed this week with Frank Barnett. The street cleaning on last month's list was completed. The Lott Park plantings, Dog Park plantings and Main Street guard rail plantings are still to be done. The Dog Park plantings will be part of the Arbor Day celebration in February. The Hwy 98 median cross over plan is a priority with a target date of January 31 for submission to ALDOT. After this plan is submitted, plans for the I-10 Exits and the Hwy 98 & Main Street landscaping plan will begin. Arbor Day is on track. The Dog Park tree plantings and coordinating the Daphne High School agri-science students to bag the trees will be done by Margie. Ickes has confirmed they will donate mulch at the event.

District 2
Carolyn Coleman
Dorothy Morrison, Chair
Marilyn O'Conner
Bea Wilson

District 3
Vacant

District 4
Tomasina Werner, Publicity
Selena Vaughn, Secretary

Sub-Committee Reports

District 5
Patty Kearney

Arbor Day– Carolyn has confirmed that all the same schools from last year have their materials and plan to participate in the student poster contest again this year. Carolyn is coordinating a presentation for the poster winners at the first Council Meeting of February when the Arbor Day Proclamation will read by the mayor.

District 6
Elaine Maxime

Beautification Awards—Next award will be in January for District 4&5 combined. Finance had no report. Gator Alley had no report. Main Street is on hold. Median Crossovers is waiting on PW & ALDOT.

District 7
Vacant

Publicity– Ideas for Arbor Day publicity were discussed and considerations are ongoing.

City Liaisons
Margorie Bellue
Bill Eady
David McKelroy
Denise Penrey

Seasonal Decorations will require more work days by DBC volunteers. There are so many light bulbs to be checked and replaced and all were not completed by Christmas. Workdays will continue and be moved to Wednesdays if that turns out to be a better day than Mondays for everyone. January 13th at 9 will be the next workday to proceed working on Mardi Gras decorations as the parade is February 5. Also discussed, the poinsettias that hang along Main Street will be counted and a revised plan for placement will be considered for next year along with the possibility of ordering more.

Meeting adjourned at 10:10 AM.





CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

January 2010 List

Parks and Recreation Department

- *As a future project, DBC supports removing oak stump in Centennial Park & replacing with a gazebo.*

Public Works Department

- Centennial Park breakers / electrical still under powered
- Hwy 98 Median master plan to be submitted to ALDOT by end of January
- Lott Park Plantings
- Guard Rail Plantings
- Dog Park Planting in February for Arbor Day celebration
- Master landscaping plan needed for Hwy 98 at Main Street intersection
- Master plan needed for Daphne I-10 exits



Respectfully submitted,
Selena Vaughn
605-6243
vaughn@mchsi.com

**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:

**JANUARY 6, 2010
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET
6:00 P.M.**

DRAFT

1. CALL TO ORDER/ROLL CALL

Members present – Tom Byrne, Toni Fassbender, Dan Romanchuk Dennis Kerney.

Absent: Pokey Miller, Brian Groeschell, Doug Bailey.

Also present – Rebecca Hayes and Councilman Derek Boulware.

1. NEW BUSINESS

Procedures for meetings

The board discussed the procedure for alerting members of meetings. They want e-mails sent out a week ahead of time, and members called early on the day of the meeting as a reminder. They also want the member list to be updated and kept updated.

2. OLD BUSINESS

Consideration of appropriating \$5,000 to the City of Daphne for the Commissioning of the USS Independence.

It was the legal opinion of the City Attorney that IDB could not contribute the money directly, but they could give the money to the city and they could contribute the money.

MOTION BY Tom Byrne to appropriate \$5,000 to the City of Daphne for the Commissioning of the USS Independence. Seconded by Dennis Kearney.

AYE ALL IN FAVOR NAY NONE OPPOSED ABSTAIN FASSBENDER

**JANUARY 6, 2010
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET
6:00 P.M.**

2. ADJOURN

MOTION BY Dan Romanchuk to adjourn. Seconded by Tom Byrne.

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 6:50 P.M.**

Respectfully Submitted,

Rebecca A. Hayes,
Acting Recording Secretary

Approved:

Toni Fassbender, Chairman

To whom it concern:

I got very excited when I received your letter. I want to thank you for considering me to be part of such an important program. I will be more than happy to assist my community in anyway possible. I will give you a brief description of myself in the next paragraph.

My name is Chantal Booth. I was born and raised in Veracruz, Mexico. I attended Cristobal Colon University before I moved to the USA. I have been married to Dr. Barry F. Booth for 15 years. We lived in California for three years while my husband was in the USMC. While we lived there, I attended College of Alameda. I worked as a math and Spanish tutor at College of Alameda. I also worked as an optician while I went to school. After those three years, we moved back to Alabama. We lived in Birmingham for seven years. I worked for CSC (Computer Science Corporation) as a supervisor. I worked as an account receivable supervisor for Children's Hospital. When my husband graduated from Dental School, we moved to Daphne. I have been teaching Spanish since. I have taught at Bayside Academy in Daphne, Bayside Academy in Gulf Shores, K-1 center in Fairhope, and some day cares. Currently, I am working at Loxley Elementary School as an ESL translator. I have been teaching there for three years and I am very content to be around all my students.

My husband Barry and I have two precious sons. Barry who is 12 years old and Bennett who is seven years old.

My hobbies are tennis, reading, and cooking. Once again many thanks for your consideration in me to be part of the Daphne Public Library Board of Trustees and the Daphne Library Foundation Board of Directors.

If you need to contact me please call at 251-654-1564

Sincerely,

Chantal Booth

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Mystic Order of Persephone</i>
CONTACT PERSON:	<i>Kim Langham</i>
ADDRESS:	<i>912 Van Avenue Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>379-6167 581-3731</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>February 12, 2010 - Friday February 14, 2010 - Sunday</i>
ROUTE TO BE TRAVELED:	<i>From Daphne Civic Center down Main St. - turn @College Ave. - down to 6th St. - turn right on Belrose Ave & back to Main and back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>5 Floats, 25 Units, 700 People</i>
START TIME:	<i>6:45 p.m.</i>
STOP TIME:	<i>8:30 p.m.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
APPROVAL	
POLICE: <i>Chief David Carpenter</i>	<i>David Carpenter</i>
FIRE: <i>Chief James White</i>	<i>James White</i>
PUBLIC WORKS: <i>William H. Eady</i>	<i>William H Eady</i>
CITY COUNCIL: <i>1-19-10</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION:	

Received Proof of Insurance: December 18, 2009
Received Parade Permit Fee: December 17, 2009

**CITY OF DAPHNE
PARADE PERMIT**

ORGANIZATION:	<i>Shadow Barons</i>
CONTACT PERSON:	<i>Damon Henderson</i>
ADDRESS:	<i>P.O. Box 2770 Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>533-4263 928-5319</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>February 13, 2010 - Saturday Rain Date: February 14, 2010 - Sunday (@2:00 P.M. or recommended time)</i>
ROUTE TO BE TRAVELED:	<i>From Daphne Civic Center down Main St. - turn @College Ave. - down to 6th St. - turn right on Belrose Ave & back to Main and back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>17 Units (cars, trucks or by itself / 575 People (includes marching bands, riders, security & other)</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:00 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
ASSEMBLY TIME:	<i>4:30 P.M.</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Bill Eady	<i>William H Eady Jr</i>
CITY COUNCIL: 1-19-10	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>December 22, 2009</i>
NOTIFICATION:	

Received Proof of Insurance: December 17, 2009
Received Parade Permit Fee: December 17, 2009

CASE NO. 2009-14

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 9/25/09 (initial) WR
 DATE FORWARDED TO POLICE DEPT. 9/25/09 WR
 DATE RECEIVED BY POLICE DEPT. 9/26/09 MTH
 DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]
 DATE RETURNED TO REVENUE DIV. 1/13/10 MTH ES
 DATE FORWARDED TO CITY CLERK 1/13/10 hs
 DATE RECEIVED BY CITY CLERK 1/13/10 RH
 SCHEDULED DATE ON AGENDA 1/19/10 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090924132302282



Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) State: \$150.00 County: \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) State: \$150.00 County: \$75.00

Trade Name: **DE CUBA**

Filing Fee: \$100.00

Applicant: **HELEN HINTERLONG BEISEL**

Transfer Fee:

Location Address: 1714 MAIN ST DAPHNE, AL 36526

Mailing Address: 1714 MAIN ST DAPHNE, AL 36526

County: **BALDWIN** Tobacco sales: **YES** Tobacco Vending Machines: **0**

Sale of Products Containing Ephedrine: **NO** Type Ownership: **INDIVIDUAL**

Book, Page, or Document info: Do you sell Draft Beer: **N**

Date Incorporated: State incorporated: County Incorporated:

Date of Authority: Business Type:

Name: Title: Date and Place of Birth: Residence Address:

HELEN HINTERLONG BEISEL 6253778 - AL	OWNER	03/05/1942 HAMILTON OH	22811 HILLWOOD RD FAIRHOPE, AL 36532

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? **YES**

Does ABC have any actions pending against the current licensee? **NO**

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? **NO**

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? **NO**

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? **YES**

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? **NO**

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? **NO**

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? **NO**

Contact Person: **JACK BEISEL**

Home Phone: 251-343-6807

Business Phone: 251-454-8662

Cell Phone:

Fax:

E-mail: **OMOARCH@AOL.COM**

PREVIOUS LICENSE INFORMATION:

Trade Name:

Previous License Number(s)

Applicant:

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20090924132302282

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **SANDBANK LLC 251-476-0700**

What is lessors primary business? **REAL ESTATE**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**

Is the business used to habitually and principally provide food to the public? **NO**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **900** Display Square Footage:

Building seating capacity: **4** Does Licensed premises include a patio area? **YES**

License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**

Number of licenses in the vicinity: **2** Nearest: **.5**

Nearest school: **3 miles** Nearest church: **1 blocks** Nearest residence: **1 blocks**

Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090924132302282



Initial each

Signature page

[Signature]

In reference to law violations, I attest to the truthfulness of the responses given within the application.

[Signature]

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

[Signature]

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

[Signature]

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

[Signature]

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

[Signature]

I hereby swear, and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Heleen Hinkley Boyd

Signature of Applicant: *[Signature]*

Notary Name (print): Charlotte M. Ferrigan

Notary Signature: *[Signature]* Commission expires: 06/04/2012

Application Taken: 9/24/09 App. Inv. Completed:
 Submitted to Local Government: 9/24/09
 Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
 Received from Local Government:
 Forwarded to Central Office:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2010-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, GRANTING TEFRA BOND APPROVAL PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, The Special Care Facilities Financing Authority of the City of Daphne, Villa Mercy (the “Authority”) has been established pursuant to Section 11-62-1 *et seq.* of the Code of Alabama, 1975, as amended, to assist nonprofit entities in the financing and refinancing of healthcare and related facilities; and

WHEREAS, the Authority has heretofore issued its Revenue Bonds (Mercy Medical Project), Series 1997 (the “Bonds”) for the benefit of Mercy Medical, A Corporation, a nonprofit corporation organized under the laws of the State of Alabama (the “Corporation”) which owns and operates assisted living facilities, independent living facilities and skilled nursing facilities in Daphne, Fairhope and Mobile, Alabama; and

WHEREAS, a portion of the proceeds of the Bonds were used by the Corporation to finance and refinancing capital expenditures at certain skilled nursing and assisted living facilities of the Corporation known as McAuley Place (the “Facility”) located in Mobile, Alabama; and

WHEREAS, the Corporation has requested the assistance of the Authority and the City Council of the City of Daphne with respect to certain requirements of the Internal Revenue Code of 1986, as amended (the “Code”) relating to the sale of the Facility; and

WHEREAS, pursuant to the provisions of the Code, the Corporation intends to keep the Bonds outstanding pursuant to their terms and has elected to utilize the “alternate qualified use of proceeds” provisions of the Code whereby the proceeds of the sale of the Facility will be applied by the Corporation to other qualified capital expenditures; and

WHEREAS, pursuant to Section 147(f) of the Code a public hearing has been held on the date hereof on behalf of the Authority (the “TEFRA Hearing”) relating to the application of the sale proceeds of the Facility in an amount not exceeding \$4,000,000 to the alternate qualified uses as more particularly described in the notice of the TEFRA Hearing (the “TEFRA Notice”) attached hereto as Exhibit A; and

WHEREAS, prior to the TEFRA Hearing, the TEFRA Notice was published in *The Daphne Bulletin* on January 6, 2010 and in the *Press-Register* (Mobile County) on January 5, 2010, as required by Section 147(f) of the Code; and

WHEREAS, Section 147(f) of the Code requires approval by the City Council of the City of Daphne following the TEFRA Hearing of the application of the sale proceeds of the Facility to the alternate qualified uses as described in the TEFRA Notice; and

WHEREAS, the Corporation has requested that the City Council of the City of Daphne grant approval of the application of the sale proceeds of the Facility as described in the TEFRA Notice, all as required by Section 147(f) of the Code.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that, in accordance with the requirements of Section 147(f) of the Code, the application and re-allocation of up to \$4,000,000 of proceeds of the sale of the Facility to the projects described in the TEFRA Notice attached hereto and incorporated herein by reference, in accordance with, and as permitted by, the alternate qualified use provisions of the Code, is hereby approved.

ADOPTED AND APPROVED this _____ day of _____, 2010.

This Resolution shall take effect immediately.

August A. Palumbo,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

**RESOLUTION 2010-04
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 Clerks,
Tuscaloosa, AL, January 26-29, 2010 - \$140**

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 _____, 2010.**

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2010-10

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	VEH #	VEHICLE DESCRIPTION	VIN # / SERIAL #
Solid Waste	796	2000 GMC C7500 TRASH LOADER	1GDM7H1C4YJ518120
Solid Waste	98	1998 FORD F80 TRASH LOADER	1FDXF80C1WVA27947
Solid Waste	75	1996 FORD F800 TRASH LOADER	1FDYF80E6TVA05220
Fire	190 / 804	1990 FORD F150 PU	1FTEX15N9LKA52747

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

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

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2010-11

Fiscal 2010 Eastern Shore Chamber of Commerce

WHEREAS, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events, and strategic plans; and

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2010 Budget for the benefit of certain community agencies and events; and

WHEREAS, the Eastern Shore Chamber of Commerce is one such agency:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions in the amount of \$6,000 to the Eastern Shore Chamber of Commerce as appropriated in the Fiscal Year 2010 Budget.

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2010-12

Fiscal 2010 South Alabama Regional Planning Commission

WHEREAS, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2010 Budget for the benefit of certain community agencies and events; and

WHEREAS, the South Alabama Regional Planning Commission is one such agency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute agreements in the amount of \$12,943 for the City's 2010 contribution to the South Alabama Regional Planning Commission.

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk. MMC

ORDINANCE 2010-06

AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE NO. 2002-22, ADOPTED SEPTEMBER 3, 2002.

WHEREAS, the Planning Commission of the City of Daphne at their regular meeting held on November 19, 2009, considered certain amendments to the City of Daphne Land Use and Development Ordinance and set forth **an affirmative recommendation** to the City Council of the City of Daphne that said amendments should be affirmed; and,

WHEREAS, due notice of the said amendment has been presented to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and,

WHEREAS, a public hearing in regard to said amendment to the City of Daphne Land Use and Development Ordinance was held on January 4, 2010; and,

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration, deemed that the amendments requested are proper and believe it to be in the best interest of the City that said amendments be affirmed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that said amendments described below are hereby adopted as follows:

SECTION I: WEST HIGHWAY 90 RETAIL DISTRICT OVERLAY DISTRICT

ARTICLE XXXIX

39-1 GENERAL PROVISIONS

(a) Purpose of the West Highway 90 Retail Shopping District

Whereas the City of Daphne promotes a quality living environment that sustains a balanced mix of commercial development that serves the day-to-day need of its residents, and promotes its image as a desirable and economically stable community. The City of Daphne, Alabama, a municipal corporation (the "City") hereby adopts the following provisions for the establishment of the West Highway 90 Retail Shopping District (90-WRSD) is hereby created to recognize and reinforce the importance of the existing interstate retail business corridor as a major commercial center for the City of Daphne. The intent is to enhance and encourage the retention of existing businesses and the establishment of new entrepreneurial businesses along Interstate 10 as demonstrated in the Eastern Shore Park District Overlay.

(b) Boundaries

The West Highway 90 Retail Shopping District (90-WRSD) is hereby established. The boundaries are as shown on the West Highway 90 Retail Shopping District Overlay Map and shall be considered an amendment to the Official Zoning Map of the City of Daphne. The map shall be amended in the same manner as any other zoning district permitted by the Land Use and Development Ordinance, and shall be amended in accordance with the provisions of Section 3-4.

This District shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more other zoning districts provided for by the Land Use and Development Ordinance.

39-2 DISTRICT REQUIREMENTS

The following zoning districts shall be allowed as established and most specifically defined in Article XII, Establishment of Districts: B-2, General Business and B-3, Professional Business.

(a) Permitted Uses

Permitted uses in the District are as provided in Article 35, Table of Permitted Uses. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district. Furthermore, the outdoor display of merchandise is permitted by the operator of a store, provided that the outdoor areas for such activities are limited to off-street parking areas and sidewalks in the District. Any outdoor sales for special events shall require a special permit issued by the City.

(b) Setbacks

The following setback requirements shall apply in districts as outlined below.

MINIMUM ZONING DISTRICT SETBACK REQUIREMENTS

Zoning District	Front Yard (ft)			Rear Yard	Side Yard	Corner Lot ^c Side Yard (ft)	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
B-2	30	20	100	a, b	a, b	30	25
B-3	30	20	100	a, b	a, b	30	25

Notes:

a. None, except it will be five (5) feet where abutting an alley, or where abutting a residential district it shall be at least thirty (30) feet.

b. Where a public or semi-public use abuts any part of a single family residential district, a buffer zone ten (10) feet wide shall be required. Where a commercial district abuts any part of a residential district a buffer zone of twenty (20) feet shall be required. Said buffer zone shall be designed in compliance with the provisions established in Section 19-10.

c. Lot Orientation: On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

(c) Maximum Building Height

Structures of more than five (5) stories or sixty-five (65) feet shall not be permitted.

(d) Performance Standards for the District

All lots in the District, and improvements thereon, shall comply with the following minimum standards:

1. Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operations of the business, and otherwise comply with the provisions provided herein.
2. No entrances or exits shall direct traffic into adjacent residential districts.
3. Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten percent (10%).
4. Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this Ordinance, as well as, State and Federal regulations.
5. Non-permanent structures such as trailers, sheds, and other such buildings used for business purposes may be permitted in business districts, provided, however, that such structures may only be located at the rear and side of permanent structures and must be adequately screened by landscaped buffers or opaque fencing.
6. All dumpsters shall be enclosed on all four sides in order to conceal them from public view and screened from public view with an opaque fence or wall of permanent construction.

39-3 IMPROVEMENT STANDARDS

- (a) All streets in the District, whether private or dedicated for public use, shall be paved and adequately drained.
- (b) The full width of any public road improvements in the District shall be graded, including the sub-grade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of an area. A base course consisting of at least eight (8) inches of a sand-clay mixture with one hundred percent (100%) standard compaction shall be laid on a soundly prepared sub-grade. A prime coat shall be sprayed uniformly over the base course. An approved type wearing surface compliant with State Highway Standard 416-A one and one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must conform to approved State and County Highway Department standards.
- (c) All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall also be graded and shall be seeded in a manner that enhances the appearance of the environment.

- (d) All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

39-4 MINIMUM STREET REQUIREMENTS

	Major Street	Collector Street	Local Street	Cul-de-Sac (Turnaround)	Alley
Minimum Right-of-Way:	100'	60'	50'	50' (100' diam.)	30'
Minimum Pavement: As Req'd	36'	27'	28'	20' (80' diam.)	20'
Maximum Grade:	3%	5%	5%	5%	5%
Minimum Angle of Intersection in Degrees:	80°	60°	60°	60°	60°
Minimum Curb Radius at Intersection:	40'	30'	15'	15'	15'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	100'	100'

Notes:

- 1 Cul-de-sacs shall not be longer than six hundred (600) feet measured from the centerline of the intersecting street to the center of the turnaround.
- 2 Minimum pavement width is measured from back of curb to back of curb.
- 3 Maximum grade may vary with topography subject to Planning Commission approval based on recommendation of Director of Public Works, Community Development or City Engineer.

39-5 SIDEWALKS & PEDESTRIAN WALKWAYS

It is the intent of this section to require the installation of five (5) feet wide concrete or asphalt sidewalks on both sides of the street in the District in order to encourage vehicles and pedestrian connectivity within the City of Daphne. Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented to the City by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

(a) Installation

Sidewalks shall provide for pedestrian traffic and design thereof shall encourage safe means of access that minimize conflicts between vehicles and pedestrians. The use of pervious and/or permeable material or other innovative low impact design measures that promote may be considered by the Planning Commission in lieu of typical sidewalk installation. Due consideration shall be given to the practicality and feasibility of sidewalk installation depending upon the proposed development and the location. Except where exempted or modified by the Planning Commission, sidewalks shall be installed as follows:

- 1) Along the perimeter of all developments where adjacent to City right-of-way.
- 2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails and/or paths are incorporated into the design for formal/recreational open space as provided in Article 11-14(h). No final plat shall be approved until this provision is satisfied.
- 3) At the discretion of the Planning Commission, the sub-divider(s)/developer(s) may be required to provide access through greenways and common areas by sidewalk or trail. In such an instance, a trail may be implemented in lieu of the installation of sidewalks or to augment the sidewalk system. The trail path and design shall be reviewed and approved by the Planning Commission. Said trail shall be no less than ten (10) feet wide and shall be composed of permeable, porous paving materials.
- 4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.
- 5) For all new subdivisions, restrictive covenants, as are required in Article 17, Subdivision Review, shall provide for the installation sidewalks and/or trails by the developer.
- 6) The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of 200% of the estimated cost. Said surety shall not expire prior to a 24 month period.

39-6 WATER AND SEWER CONNECTIONS

All developments, individual lots, or parcels shall be properly connected to a public community water and public sanitary sewer system.

39-7 DRAINAGE AND EROSION CONTROL REQUIREMENTS

Article 18, Drainage and Storm Sewers, of the Land Use Ordinance is incorporated herein by reference.

39-8 SPECIAL PROVISIONS

(a) Utility Placement

Water, sewer, gas, electric power, telephone, cable television, and other utility lines shall be installed underground by the developer and/or owner in all new commercial or industrial developments, expansions and/or renovations of existing development. Said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Location of Roadway Fire Hydrants

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than six hundred (600) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

(c) Location of Street Lighting

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is deemed necessary, the Director of Community Development shall require the developer to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

(d) Placement of Street Signs

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs consistent with the theme of the development, subject to approval of the Director of Community Development.

39-9 COMMENCEMENT OF CONSTRUCTION OR SITE DISTURBANCE

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities pursuant to the provisions of this Article and no such activity shall commence prior to the approval of either a preliminary plat or site plan as is applicable. Fees for said permit shall be as are more specifically enumerated in Article 34 of the Land Use, entitled "Schedule of Fees."

39-10 FINAL INSPECTION OF IMPROVEMENTS

To ensure compliance with development regulations the project shall be inspected by all applicable entities prior to final approval by the City of Daphne. Under no circumstance shall the City be held liable for faulty workmanship, defects or improper engineering for private property.

Street Improvements

To certify that streets are installed to minimum design standards, the developer/owner shall select an independent testing laboratory to perform necessary tests and submit test results to the Department of Community Development for prior to final inspection.

When all required improvements are installed and test results are submitted, the developer/owner shall call for a final inspection. Inspections shall be made in regard to the following: implementation of engineering design for storm water management and related improvements, utility improvements, environmental stability, landscaping, compliance with Fire Code and Building Code standards.

All appropriate entities including but not limited to the Director of Community Development, Public Works, and/or the City Engineer or a duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications prior to final plat approval or issuance of a certificate of occupancy.

39-11 SUBDIVISION REGULATIONS

Article 17, Procedures for Subdivision Review, of the Land Use Ordinance is incorporated herein by reference.

39-12 PROCEDURES FOR SITE PLAN REVIEW

(a) Use and Applicability

The District Regulations shall be complied with for all development in the District, regardless of whether such development involves the construction of business and commercial structures, additions thereto, construction of a park, public rights-of-way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission.

(b) Special Provisions

The following shall apply:

- (1) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of these District Regulations, as well as applicable building and fire codes.
- (2) Said approval shall be authorization to begin work, subject to a pre-construction meeting and the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if a site disturbance permit has been acquired and no building or construction activities have occurred on the permitted site.

- (3) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development, and/or the City Engineer and/or Director of Public Works or authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

(c) Plan Content

The plan shall contain all information as reflected on the current departmental checklist for a site which may be modified at the discretion of the Director of Community Development when applicable.

(d) Reconsideration of Certain of Requirements

The Director of Community Development may waive certain requirements contained in this Article if it is determined that the requirements are not essential to a proper decision on the proposed development; or, may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. The Director of Community Development may waive the requirement for a pre-construction conference if it is determined that the project would create minimum impact to the surrounding properties.

(e) Issuance of Site Disturbance Permit

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission. Fees for said permit shall be as are more specifically enumerated in Article 34 of the Land Use Ordinance, entitled the Schedule of Fees.

(f) Issuance of Building Permit

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided the application is in compliance with all applicable City, County, as well as State and Federal requirements.

(g) Requirement of Bond

Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial site that, in the opinion of the City Engineer, Director of Community Development or Public Works, constitutes a land disturbing activity, which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing

activity shall be required to submit a performance bond to the City prior to the issuance of a site disturbance permit.

At the time of approval of the site plan by the Planning Commission, the bond shall become effective and shall extend for a period of at least two (2) years following the issuance of the Certificate of Occupancy by the City. The bond shall be in the amount of ten percent (10%) of the total cost for the performance of all site work on the said location with bond to cover such drainage, erosion and siltation damage, if any.

The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as the adequacy and the security thereon.

(h) Release of Bond

At the expiration of twenty-four (24) months from the issuance of the Certificate of Occupancy, the City Engineer, Director of Public Works shall determine if the drainage design implementation of the project has:

- (1) Been performed in accordance and functions within the parameters of the design standards as set forth by the project engineer;
- (2) Received from the project engineer a Certificate of Performance which states the drainage functions have been constructed in substantial accordance with the plans, specifications, and engineering guidelines;
- (3) Had any material adverse impact on any streams, waterways or third parties; and,
- (4) Complied with all ADEM regulations in effect at the time of said completion.

Upon the Director of Community Development's receipt and evaluation of the criteria as enumerated in this Section and upon recommendation of the Planning Commission, the City shall release the developer and/or the bondholder from further obligations under said bond.

If it is determined that the requirements of this Section have not been met then the bond may be extended for one six (6) month interval to allow the developer and/or bondholder additional time to correct the deficiencies which prohibited the release of the bond. If a site contractor is unable and/or unwilling to satisfy the deficiencies as enumerated by the City Engineer/Director of Public Works, the bond shall be forfeited with the bond being payable to the City for the direction of such work and/or activities necessary for the completion of the improvements. The developer and/or bondholder of the property thereof shall be liable for any additional cost incurred.

39-13 PARKING REQUIREMENTS FOR OVERLAY DISTRICTS

(a) General

Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley. Parking shall comply with the minimum requirements noted.

PARKING SCHEDULE

(a)	Land Use on Lot:	Parking Requirements
	Dwellings:	

	(1) Hotels/Motels: Without restaurants, lounges, and banquet facilities	One and a half (1.5) space for each bedroom
	(With in-house restaurants, convention/meeting capabilities):	One and one-half banquet facilities, or one and a half (1.5) spaces for each guest bedroom
(b)	Public Assembly:	
	(1) Theaters, Auditoriums, Coliseums, Stadiums, and Similar Places of Assembly:	One (1) space for each four (4) seats
(c)	Health Facilities:	
	(1) Hospitals, Sanitariums, Nursing Homes, Homes for the Aged and Similar uses:	One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.
	(2) Kennels and Animal Hospitals	A parking area equal to thirty (30) percent of the total enclosed or covered area.
	(3) Medical, Dental and Health Offices and Clinics:	One (1) space for each two hundred (200) square feet of floor area used for offices and similar purposes.
	(4) Mortuaries and Funeral Parlors	Ten (10) spaces per parlor, chapel unit or one
(d)	Business:	
	(1) Restaurants (including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments	Ten (10) parking spaces for each one thousand (1,000) square feet of floor area.
	(2) Commercial and Shopping Centers:	One (1) space per two hundred fifty (250) square feet of floor area.
(e)	Uses Not Listed Above	Four and one-half (4.5) parking spaces per one thousand (1,000) square feet of floor area.
	CALCULATION OF FLOOR AREA: In the calculation of floor area to determine parking ratios, the term “floor area” shall mean enclosed areas which are heated and cooled.	Expressly excluded from this term are garden center floor areas and outdoor storage areas or outdoor sales areas.

(b) Design Standards

(1) Definition

An off-street parking space is an all-weather surfaced area not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.

(2) Parking Area Dimensions

The design and dimensions of the standard parking area shall have a minimum nominal dimension of eighteen (18) feet in depth and nine (9) feet in width.

The design and dimension of handicap parking areas shall be in accordance with the Americans with Disabilities Act.

(3) Width of Two-Way Access Driveways

The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

(4) Paving Standards: Parking spaces and driveways shall be paved to the standards established by the City.

(5) Drainage

Off-street parking facilities shall be drained to prevent damage to abutting property and streets, and to prevent pollutants from draining onto such streets and the adjacent lots. Landscape and perimeter areas shall be so graded as to direct runoff to the storm drainage system. The storm drainage system shall be designed to include water quality measures for the first one (1) inch of rainfall.

(6) Off-Street Loading and Unloading Space

Off-street loading/unloading spaces shall be provided as hereinafter required by these District Regulations.

(a) Size of Spaces

Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length.

However, upon sufficient demonstration a particular loading space will be used exclusively by shorter trucks, the Planning Commission may, upon

request, reduce the minimum length accordingly to as much as thirty-five (35) feet.

(b) Connection to Street or Alley

Each required off-street loading and unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

(c) Floor Area More Than Ten Thousand (10,000) Square Feet

There shall be provided for each commercial building, or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading and unloading space. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

(d) Location

All required off-street loading and unloading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot when shared with the user occupying said adjacent lot.

39-14 LANDSCAPE AND TREE PROTECTION

(a) Purpose

The intent of this Section is to establish minimum standards for the provision, installation, and maintenance of landscape plantings and trees in order to achieve a healthy, beautiful, and safe community.

(b) Applicability and Use

(1) Applicability:

The provisions of this Article apply to all projects within the District involving the construction of business and commercial structures, all existing structures which increases the gross floor area by thirty (30) percent or more and other projects as required by the Planning Commission.

(2) Use or Ownership Provision:

In the event of a change in: (a) use of property, (b) occupancy, or (c) ownership regardless of name change to any business, commercial, or industrial development, it shall be the responsibility of the owner to comply with the provisions of this Article within one hundred and eighty (180) days from the date in which the change occurs.

(c) Buffer Zone Requirements

Where a business district in the District abuts, without any intervening public road right-of-way, any part of an adjoining residential area, a buffer zone twenty (20) feet wide shall be required.

The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously. This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof, as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design recommended and approved by the Planning Commission.

(2) Screen Planting Strip

A staggered double row of evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.

(3) Natural Forest

A natural forest is in its undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be twenty-five (25) feet and shall be shown on the landscape plan. The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to final approval.

(d) Landscape Standards

(1) Site Plan Review

A site plan shall not be approved by the Planning Commission without an acceptable landscape and irrigation plan. A Certificate of Occupancy shall not be issued for any development project unless a certification of compliance letter has been submitted from the design engineer and the design landscape architect. Said certification shall include the following:

inspection date; signature and seal of said engineer and landscape architect; list of deficiencies and/or deviations from plans approved by the Planning Commission; and a statement regarding compliance with plans submitted.

(2) Subdivision Review

A subdivision shall not be approved by the Planning Commission without an acceptable landscape and irrigation plan, as the same is defined pursuant to the provisions of this Section of the District Regulations.

All subdivisions shall require a landscape plan for the common areas of the subdivision: the entrance, detention pond, and other areas which are deemed appropriate by the Planning Commission.

(3) Jubilee Square Mall or West Highway 90 Retail Shopping District Landscaping Retrofit

Jubilee Square Mall or The District shall be developed as a Low Impact Development (LID) wherein the Planning Commission shall consider innovative low impact development landscape design, techniques and methods as a means to decrease stormwater runoff, pollution, erosion and to recharge groundwater. Bio-retention areas, porous asphalt, permeable pavers, pervious walkways, elevated landscape beds, bio-retention cells, vegetated swales, infiltration trenches, and dry wells to increase storage volume and facilitate infiltration are encouraged.

(4) Interstate 10 Landscaping

To the extent the City has authority to do so, it authorizes the developer/owner to remove some trees in that portion of Interstate 10 which abuts the northern boundary of the District. Such removal is conditioned upon the following:

- (a) Submission to and approval by the Planning Commission of a landscaping plan prepared by the developer/owner;
- (b) Obtaining any necessary permits from the Alabama Department of Transportation for the installation of landscaping improvements within the area from which trees are removed; and,
- (c) The developer/owner's installation of the landscaping improvements according to the approved landscaping plan.

(e) **Revisions to Landscape Plan**

If proposed construction shall cause changes in the landscape or irrigation plan, a revised plan shall be submitted to the Director of Community Development for re-evaluation.

(f) Issuance of Site Disturbance Permit

A landscape and irrigation plan shall be submitted for review by and the recommendation or other comments of the Director of Community Development and shall be subject to the approval of the Planning Commission prior to the issuance of a Site Disturbance Permit.

(g) Compliance with Landscape Provisions

All subject properties, as well as those owned by the City, shall comply with the provisions of this Article.

(h) Certification and Plan Requirements

Landscape plans shall be drawn and stamped by a licensed landscape architect registered in the State of Alabama.

The landscape plan shall be of professional quality and include the following:

- (1) Date, scale, north arrow, title, and names and contact information for property owner(s), developer, and the landscape architect.
- (2) Location of existing boundary line dimensions of the building site, existing water sources, significant drainage features, existing and proposed streets or alleys, existing or proposed utility easements on or adjacent to the building site, rights-of-way, setbacks, locations of proposed parking spaces, and location of existing and/or proposed sidewalks.
- (3) The location(s) and dimension(s) of the proposed landscaped areas within the parking area.
- (4) Locations, type, and design of the proposed irrigation system.
- (5) Location and species of buffer zone vegetation.

(i) Certification by Alabama Licensed Landscape Architect

Any and all landscape plans as required in this Section shall, in addition to any other requirements, be reviewed and approved by an Alabama licensed and registered landscape architect to be designated by the Planning Commission with the professional costs for such services to be reimbursed to the City by the party submitting the plans for approval. Such landscape architect's review shall include the design, irrigation, location and type of planting, and any and all other criteria necessary so as to ensure that the planting and design is consistent with local standards.

If the landscape architect's review fee is known at the time of the plan's submission, the submitting party shall pay the fee upon submission. Otherwise,

the fee shall be paid by the submitting party within ten (10) days of receipt of a statement of the amount of the fee.

39-15 OFF-STREET PARKING FACILITIES

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas which accommodate six (6) or more parking spaces:

- (a) At least fifteen percent (15%) of the total lot area intended for off-street parking shall be suitably landscaped.
- (b) Interior portions of the parking area at intervals of twelve (12) parking spaces shall be broken by provision of landscaped islands. Such landscape islands shall include the placement of shade or flowering trees at least two and one-half (2-1/2) inches or greater in caliper and ten (10) feet in height at planting.
- (c) Each separate landscaped area must be a minimum of two hundred eighty (280) square feet if it is to be counted toward the minimum landscaped area requirements.
- (d) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (e) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (f) A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities.

If required, such areas shall be planted with a combination of trees, shrubs, and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Director of Community Development.

- (g) Innovative landscape designs using “natural cluster of trees” rather than the required one (1) tree at intervals of twelve (12) parking spaces may be used if approved by the Planning Commission.

39-16 SIGN PROVISIONS

(a) Signs Prohibited in the West Highway 90 Retail Shopping District

The following signs are prohibited:

(1) Prohibited Placement

Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole is prohibited, except that a manufacturer's or installer's identification (ID) plate shall be permitted, provided that such plate does not exceed 5 x 8 inches in size.

(2) Prohibited Wording

Any sign which is not a traffic control sign and uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs is prohibited.

(3) Flashing Signs Prohibited

(a) General Prohibition:

Except as otherwise provided in subsection (b) (1) below, flashing signs, signs which contain intermittent illuminations and digital LED signs/reader boards are prohibited.

(b) Exceptions:

This subsection does not prohibit the following:

- (1) Signs required for traffic control; and,
- (2) Signs which exhibit time, date, temperature, and other customary public information.

(4) Prohibited Sign Types

Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Section 33-5, Subsection (d)(e) of Article 33 of the Land Use Ordinance, ladder-type signs, billboard signs or off-premises signs. "Billboard" is defined as "an off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located." "Off-premises sign" is defined as "a billboard or other sign on which any portion thereof relates to a premises (or activities thereon) other than the property on which said sign is located."

(5) Prohibited Sign Effects

Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.

(6) Illuminated Tubing

(a) General Prohibition:

Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building are prohibited.

(b) Exception:

This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

(b) Permitted Signs

The following signs are permitted, subject to review by the Planning Commission to determine compliance with the sign criteria provided below in this and further subject to the requirement that permitted signs shall have internal illumination only.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article 8, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(1) Monument and Pylon Signs:

Except as otherwise provided in these District Regulations, the following monument and pylon signs are permitted in the District.

(2) West Highway 90 Retail Shopping District Pylon Sign:

(a) The developer/owner or their designee is permitted to install and maintain one (1) on-premise pylon sign on their development as a location to be approved by the Planning Commission. This sign is permitted to have panels for multiple businesses in the District, provided that the panel space on each side of the West Highway 90 Retail Shopping District Pylon Sign shall not exceed nine hundred (900) square feet in the aggregate and no individual panel shall have more than two hundred and fifty (250) square feet or less than one hundred and fifty (150) square feet per side.

(b) The height of the West Highway 90 Retail Shopping Pylon Sign shall not exceed ninety (90) feet and shall be determined based on a sight line study obtained by the developer/owner and approved by the Planning Commission as justification for the proposed height and to insure that the top panel on the sign is visible while traveling in any direction on Interstate 10.

The sight line study shall consider the following:

- a. The topographical elevation of the location of the West Highway 90 Retail Shopping District Interstate Pylon Sign;
 - b. Any obstruction to the sign panels by trees, other signs, structures or items along Interstate 10.
 - (c) Any lot in the District which abuts Interstate 10 and either has at least two hundred (200) feet along the right-of-way of Interstate 10, or is located at the intersection of the Interstate 10 ramp/right-of-way and Highway 90, shall be permitted one (1) individual lot interstate pylon sign at or near said lot's common boundary with Interstate 10.
 - (d) Permitted individual lot interstate signs shall not exceed fifteen (15) feet in width, nor forty-five (45) feet in height, and shall have a maximum area of three hundred (300) square feet per face. Lots in the West Highway 90 Retail Shopping District which border Interstate 10, other than those described immediately above may not have an individual lot interstate pylon sign unless approved as a variance by the Board of Zoning Adjustment.
- (3) Shopping Center or Development Signs
- One (1) sign is permitted on U.S. Highway 90 identifying the development. Each side may also have panels beneath the development identification not exceeding one hundred and fifty (150) square feet each for multiple businesses within the District. No sign shall exceed twenty-one (21) feet in height or fifteen (15) feet in width.
- (4) Monument Signs
- Each lot having frontage on U.S. Highway 90, or any other public road or right-of-way within or abutting the District shall be permitted to have one (1) monument sign for each public road right of way which the lot abuts. The sign shall be placed perpendicular to the said highways and/or right of way. If the lot's road frontage is three hundred (300) feet or less, then the permitted sign area shall not exceed fifty (50) square feet per face. If the lot's road frontage exceeds three hundred (300) feet then the permitted sign area shall not exceed one hundred (100) square foot per face. All monument signs shall have a pedestal. The sign shall not exceed fifteen (15) feet in height, pedestal included.
- (5) Directional Signs
- Directional Signs shall be permitted at the intersection of all roads in the West Highway 90 Retail Shopping District. Directional Signs shall not exceed sixteen (16) square feet per face.
- (6) Wall-Mounted Signs

Each establishment/business premises under 65,000 square feet of building area in B-1, Local Business and B-2, General Business districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of the building. Each establishment 65,000 square feet of building area or larger may acquire a permit for wall mounted signage of a size not to exceed six and one half percent (6.5%) of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

(a) Side Surface Area Wall-Mounted Signage

A business establishment sixty five thousand (65,000) square feet of building area or more may have two (2) additional wall-mounted signs of a size not to exceed five percent (5%) of the surface area of the side of the building. Said signage shall be limited to one side of the building, either the left or right side or the rear of the building.

(b) Accessory Use Advertisement Wall-Mounted Sign

A business establishment between forty thousand (40,000) square feet of building area to one hundred thousand (100,000) square feet of building area may have one (1) additional wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use.

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of advertising accessory uses. No business establishment may have more than three (3) wall-mounted signs.

(7) Menu Type Signs

One menu type sign per drive-thru window service shall not exceed forty (40) square feet in area or eight (8) feet in height.

(8) Gasoline and Fuel Signs

Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other applicable sign requirements for the West Highway 90 Retail Shopping District.

(9) New Construction Signs

(a) General Provision

Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress may be permitted. One (1) such sign, no greater than ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

(b) Temporary Advertising Sign

A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.

(c) Temporary Promotional Banners

Two (2) temporary signs or banners not exceeding fifty (50) square feet each in area and temporary decorative flags, bunting, pennants and streamers for recognizing grand openings are permitted. Said temporary banners shall be kept in good condition and shall be permitted no more than fourteen (14) days. Furthermore, decorative seasonal banners are permitted on light standards at all times, provided that the same are maintained in good condition.

39-17 DISTRICT MAP

The West Highway 90 Retail Shopping Overlay District Map Exhibit is hereby adopted as a part of this Ordinance, (See Appendix).

SECTION 3: REPEALER.

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

SECTION 4: SEVERABILITY.

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

SECTION 5: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption and publication as required by law.

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

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION

AUGUST A. PALUMBO,
COUNCIL PRESIDENT

FRED SMALL,
MAYOR

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE NO. 2010-07

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

**AJD Family Limited Partnership
(Property located on the Southeast of intersection of County Road 64 and
Friendship Road)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on August 27, 2009 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on January 4, 2010 concerning the petition for annexation; and,

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

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

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

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

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

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

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

“Exhibit A”

DESCRIPTION OF ANNEXATION:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN N-89°39'12"-W, 1273.36 FEET TO A POINT; THENCE RUN S-00°22'22"-W, 39.50 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64 AND THE POINT OF BEGINNING; THENCE CONTINUE S-00°22'22"-W, 15.00 FEET TO A POINT; THENCE RUN N-89°39'57"-W, 1149.56 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 170.00 FEET TO A POINT; THENCE RUN N-89°39'12"-W, 15.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 183.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E, 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 409.55 FEET TO A POINT; THENCE RUN S-89°45'00"-E, 304.23 FEET TO A POINT; THENCE RUN S-00°12'13"-W, 564.17 FEET TO A POINT; THENCE RUN N-89°45'00"-W, 304.69 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 404.36 FEET TO A POINT; THENCE RUN S-89°28'24"-E, 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W, 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 1775.61 FEET TO A POINT; THENCE RUN N-89°39'12"-W LEAVING SAID EAST RIGHT-OF-WAY LINE, 170.00 FEET TO A POINT; THENCE RUN N-00°15'00"-E, 170.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64; THENCE RUN S-89°39'57"-E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1164.59 FEET TO THE POINT OF BEGINNING, CONTAINING 14.78 ACRES, MORE OR LESS.

SECTION 6: REPEALER
Ordinances numbers 2009-56 is hereby repealed in its entirety.

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

**August A. Palumbo,
Council President**

**Fred Small,
Mayor**

ATTEST:

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

ORDINANCE 2010-08

**Lodging Tax Appropriation
Stabilization of the Bayfront Richard Scardamalia Pavilion Building
Foundation (Slab on Grade)**

WHEREAS, Ordinance 2009-52 approved and adopted the Fiscal Year 2010 Budget on October 19, 2009; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2010 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2010 budget; and

WHEREAS, Lodging Tax funds may be used for the purchase, development, and maintenance of beachfront property; and

WHEREAS, the Buildings and Property Committee has requested that the City Council consider an appropriation for the stabilization of the Bayfront Richard Scardamalia Pavilion Foundation (Slab on Grade).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 Budget is hereby amended to include a Lodging Tax appropriation in the amount of \$32,576 for the stabilization of the foundation for the Richard Scardamalia Pavilion.

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2010-09

Sports Complex Lighting / Restrooms (2) / Concession / Bleachers (4) Appropriation

WHEREAS, Ordinance 2009-52 approved and adopted the Fiscal Year 2010 Budget on October 19, 2009; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2010 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2010 budget; and

WHEREAS, Ordinance 2009-55 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital items; and

WHEREAS, estimated annual revenues total \$ 160,000 for such recreational purposes; and

WHEREAS, the City has certain newly constructed soccer and football fields at the Sports Complex which require immediate funding (to complete the project) for the installation of lighting, (2) bathrooms, and (4) bleachers; and

WHEREAS, the lodging tax funding source for such capital recreational items has not accumulated to the point of providing funding for such improvements.

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

1) The Fiscal Year 2010 Budget is hereby amended to include a General Fund appropriation for the Sports Complex in the amount of \$ 822,500 for the following capital improvements:

\$ 497,500: Soccer/Football Lighting

\$ 275,000: (2) Bathroom/Concession Buildings

\$ 50,000: (4) Elevated Bleachers

2) Lodging tax proceeds allocated for such recreational grounds capital items have not accumulated to fund such improvements. However, monies are available from General Fund Reserves. Such funds shall be "loaned" to the recreation reserve and repaid from Recreation designated Lodging Tax Funds as are allocated to recreation by Ordinance 2009-55 as such lodging tax collections are recognized. No lodging tax funds will be available for other recreational purposes until such time as all sums "borrowed" are repaid in full.

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC