

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 16, 2009
BUSINESS MEETING
6:30 P.M.**

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

APPROVE MINUTES: Council Meeting minutes meeting minutes meeting held February 2, 2009

PRESENTATION: Arbor Day Poster Award / Beautification Committee

RECOGNITION: Wolf Cub Den Pack #321 of Boy Scouts of America

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes meeting held February 9th

1.) Resolutions:

- a.) Prepaid Travel / John Lake / August Palumbo / Derek Boulware /
NLC Conference / Washington, D.C. / March 13-18, 2009 / Lake - \$245 /
Palumbo - \$210 / Boulware - \$175 / [Resolution 2009-10](#)
- b.) Bid Award: Street Sweeper Lease / Ingram Equipment Company / [Resolution 2009-11](#)

2.) Ordinances:

- a.) SAFER Grant / [Ordinance 2009-10](#)
- b.) Appropriation of Funds: Civic Center Initiative / [Ordinance 2009-11](#)

3.) Financial Reports:

- a.) Treasurers Report / January 31, 2009
- b.) Sales & Use Tax Collections / December 31, 2008
- c.) Lodging Tax Collections / December 31, 2009

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held February 6th

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board – Yelding

D. Library Board - Lake

Review minutes meeting held January 8th

Review minutes meeting held February 5th

E. Planning Commission – Barnette

Set Public Hearing date for March 16, 2009 to consider:

- 1.) Rezoning: The Howard Company / Located NE of the intersection of Gaurisco and Trione Street /
R-3, High Density Single Family Residential District to MU, Multi Use District

Reset Public Hearing date for March 16, 2009 to consider:

- 1.) Revision to Zoning Map
- 2.) Rezoning: Baldwin AL Development / Property located at the intersection of Highway 31 and AL State Highway 181 / B-1, Local Business District to B-2, General Business District

F. Recreation Board - Burnam

G. Utility Board - Scott

Review minutes meeting held January 7th (Rescheduled December Mtg.)
 Review minutes meeting held January 12th

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) Parade Permit / ABBA Shriners / April 4, 2009

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Prepaid Travel / Lake / Palumbo / Boulware/Resolution 2009-10
- b.) Bid Award: Street Sweeper - Lease/Resolution 2009-11
- c.) Recycling Grant...../Resolution 2009-12

ORDINANCES:

1ST READ

- a.) Authorize Mayor to Execute a Grant Agreement for the SAFER Grant and Appropriate Match for 9 Firefighters/Ordinance 2009-09
- b.) Appropriating Funds: Civic Center Initiative/Ordinance 2009-10
- c.) Adopting the Employees Personnel Handbook...../Ordinance 2009-11

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

**FEBRUARY 2, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Bill Eady.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; James White, Fire Chief; David Carpenter, Police Chief; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Adrienne Jones, Planning Director; Jane Robbins, Mayor's Assistant; Ashley Campbell, Erosion Control Officer; Cornell Smith, Revenue Officer; Marshall Parsons, Horticulturist; Tomasina Werner, Beautification Committee; Public Works employees; Lon Johnston, Utility Board; Willie Robison, BZA.

Absent: Kim Briley, Finance Director; Tonja Young, Library Director;

3. APPROVE MINUTES:

MOTION BY Councilman Yelding to adopt the Council Work Session minutes meeting held January 15, 2009. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED ABSTAIN Burnam

MOTION CARRIED

MOTION BY Councilman Burnam to adopt the Council meeting minutes meeting held January 20, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Burnam to adopt the Special Called Council meeting minutes meeting held January 27, 2009. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED ABSTAIN Burnam

MOTION CARRIED

PRESENTATION: Arbor Day Proclamation / Present Arbor Day Poster Awards

Mayor Small read and presented the proclamation to Marshall Parsons and Whitney Wingbermuehle.

2008 Arbor Day Poster Awards / Posters were displayed at the Library this past year.

Mayor Small presented the poster awards for 2008 to Rachel Favret, Christ the King School, Dionne Walker, W.J. Carroll, was not present, and Morgan Canon, Daphne East, was not present.

Mr. Parsons announced that 3,700 trees will be given away Saturday February 28, 2009 at Village Point Park Preserve at 9:00 a.m.

COUNCIL RETREAT

MOTION BY Councilman Scott to set a Council Retreat date for March 8, 2009. Seconded by Councilman Boulware.

Councilman Scott amended the motion to state the time of the retreat being from 2:00 p.m. until 7:00 p.m. Councilman Boulware seconded the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to retain Bill Hart as moderator for the Council Retreat scheduled for March 8, 2009. Seconded by Councilman Yelding.

Councilman Burnam amended the motion to include that if the retreat is cancelled that Mr. Hart be paid for the time he had spent preparing for it. Councilman Scott and Councilman Yelding accepted the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

No report. The next meeting will be February 9th at 4:00 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report. The next meeting will be Friday at 10:00 at City Hall.

C. PUBLIC SAFETY COMMITTEE – Burnam

The next meeting will be February 11th at 4:30 p.m. in the Executive Chambers.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The next meeting will be Wednesday, February 11th directly following the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The committee met last Friday and the minutes will be in the next packet. The next meeting will be February 27th at 8:00 a.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

The board will meet Thursday at 6:00 p.m. to consider one item that is a variance.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

The minutes for the October meeting are in the packet. The meeting for February has been cancelled, and the next meeting will be in March.

D. Library Board – Lake

No report. The board will meet Thursday at 4:00 p.m.

E. Planning Commission – Barnette

MOTION BY Councilman Burnam to set a Public Hearing to consider revisions to the Zoning map for March 2, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to set a Public Hearing for March 2, 2009 to consider rezoning Baldwin AL Development / Property located at the intersection of Highway 31 and AL State Highway 181 / B-1, Local Business District to B-2, General Business District. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Lake asked the City Clerk to note at the bottom of the next agenda the Public Hearings so that they will not schedule too many for the same night.

Councilman Boulware stated that there is a Special Called Finance meeting two weeks from today.

F. Recreation Board – Burnam

The minutes for the January 14th meeting are in the packet.

G. Utility Board – Scott

The next meeting will be the last Wednesday of the month at 5:00 p.m. in the Council Chambers.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Loyal Order of the Fire Truck / February 22, 2009*

MOTION BY Councilman Burnam to approve the Parade Permit for the Loyal Order of the Fire Truck parade to be held February 22, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) *MOTION: Authorize the Mayor to apply for the NLC Prescription Discount Card*

MOTION BY Councilman Yelding to authorize the Mayor to apply for the NLC Prescription Discount Card. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) *NRCS EWP Fund Discussion*

Mayor Small asked Council to suspend the rules to consider Ordinance 2009-08 to allow him to begin the process to get these places fixed.

Councilman Yelding asked why the area on Pollard Road that he discussed with the Mayor was not on the list to be fixed.

Mrs. Campbell stated that it was included in the request to NRCS, but it was not selected to be on the list, but they said if there was money left over they would fix it.

B. *City Attorney's Report*

No report.

C. *Department Head Comments*

David McKelroy – Recreation Director – reported that they are moving dirt at Trione Sports Complex for the soccer fields.

Ms. Anna Moore – Library – reported that February was Black History month, and announced the speakers that will be coming to the Library.

David Carpenter – Police Chief – stated that the first Mardi Gras Parade is on the 13th, and asked citizens to come out and have a safe and happy Mardi Gras season.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of Eastern Shore Motel – spoke regarding the Council’s decision to help a business that is thinking of coming to Daphne. He asked what the Council was going to do to help the existing businesses in Daphne.

Mr. Richard Savarese – Daphne – spoke regarding amending the business license so a home based virtual business will not be paying twice for the same service.

Mr. Grady Bryant – Painters Union – spoke regarding the Public Works employees union saying: “We have been to this meeting several times and asked this board to meet with our organizing committee. Now, Mr. Lambert has e-mailed each one of ya’ll and we have yet to get a response. I need to know for myself, what’s the problem. We’ve asked to meet, and the workers have problems, and ya’ll are supposed to be the one to fix the problem, and I am letting ya’ll know right now, as of this day, if the Mayor does anything illegal again to my workers, we will start filing board charges. Now, we can work it out simply, without trying to be harsh or anything. Now, if these people want us to go away, they need to let me know right now.”

Mayor Small said that if they are going to start a union they need to go ahead and do it. Right now he does not think that Council should recognize this particular union as representing these employees, because they are not organized at this particular time. The city is not doing any payroll deductions. When that does happen, and if they do organize then that is a different story. He said that you could ask any of the employees in the audience if he has done anything to them, and he does not think anyone of them will stand up and say that he has. He said that all he is saying is fish or cut bait. If they want to organize let them organize, and let these guys support them. Mayor Small likes to see the employees at the Council meetings, and he likes all of them. Again, it is time to fish or cut bait. He does not recognize Mr. Lambert or this other gentleman as being the employee’s spokesperson at this time, and thinks the Council should not recognize them either, because they are not organized.

Mr. Rick Lambert – Business Representative for Local 779 for the Painter’s Union – stated that “the Mayor has seen the union cards. That is why they need to sit down and talk with Council because everything the Mayor is saying is not 100% true. That is why they need to talk with Council. That is all we are asking is to sit down with Council and listen to the organizing committee, and you will find out. Right now we are not going away, and we will be here at the next meeting and each one stand up for their three minutes and we will talk, and bring a sack lunch. All we are asking is that Council listen to them. I am not trying to be rude, I am just asking for a meeting with Council.”

Councilman Yelding stated that he would like to make an observation he said that he did receive their e-mail and their telephone number, but talking to them individually, they cannot do anything. They have to work collectively as a Council. So, meeting with each individually they are not going to be able to do what is necessary. If they are going to meet, they will have to do it collectively as a City Council. He said that is why he has not called back, because there is nothing he can say in behalf of the Council.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Amending the Street Map. /Resolution 2009-06
- b.) Acceptance of Right-of-Way Located from
County Road 13 South to AL Hwy 181 Milton
Jones Road. /Resolution 2009-07
- c.) TEFRA / Tameron Honda. /Resolution 2009-08
- d.) 750 Amendment / Tameron Honda. /Resolution 2009-09

MOTION BY Councilman Scott to waive the reading of Resolution 2009-06, 2009-07, 2009-08 and 2009-09. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2009-06. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2009-008 and 2009-09. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

a.) Tameron Honda / Go Zone /Ordinance 2009-06

1ST READ

b.) Appropriation of Lodging Tax Funds / May Day Park Boat Ramp. /Ordinance 2009-07

c.) Declaring Certain NRCS Projects an “Emergency”
and Authorizing the Mayor to Execute a Contract and
Appropriating Match /Ordinance 2009-08

MOTION BY Councilman Scott to waive the reading of Ordinance 2009-06. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2009-06. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Burnam to suspend the rules to consider Ordinance 2009-07.
Seconded by Councilman Yelding.

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2009-07. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Burnam to adopt Ordinance 2009-07. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2009-08. *Seconded by Councilman Yelding.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2009-08. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2009-08. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

8. COUNCIL COMMENTS

Councilman Scott agreed with Councilman Yelding that individually they have no powers, and he thinks it would be inappropriate for them to meet individually with any employee group. He thinks that circumventing department heads is not the way to run an organization. If the employees have a grievance, or if someone has been harmed the city has a grievance process, and some of those has reached the Council. He felt threatened by the comments of the first gentleman that spoke during public participation representing the union, and felt that was not the way the employees wanted to go. Council has received many legal's that say municipal employee union have very, very, little power, and he just wants the employees to see dollars back for their investment. He asked that they get with Council President Lake to set up a meeting, and they will be glad to meet with them at some point in time. Councilman Scott commented on the actions of Council at the Special Called Council meeting saying that they want to promote jobs in the City of Daphne, and he thinks this is the type of things that local government needs to be encouraging.

**FEBRUARY 2, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

9

Councilman Boulware agreed regarding Councilman Scott, that he also felt threatened by the first gentleman that spoke during public participation representing the union, and feels that the employees do not want to be represented that way. He feels that the employees should go through channels, and he asked Mr. Lambert to take the suggestions that were made tonight.

Councilman Palumbo mentioned a memo that they received from the Beautification Committee regarding the need for new members. He announced that February 13th and 14th the Recreation Department will be hosting the Southern Shootout Soccer Tournament with 18 teams participating. This includes both boys and girls from around the state and some outside the state. The announcement for the tournament has a list of hotels, and six of them were in Daphne. By expanding Trione it will bring tournaments to Daphne. He thanked the Recreation Department for hosting the first lacrosse match. It was well attended, and there were positive comments made regarding the match. Councilman Palumbo asked the union representatives to provide to Council by e-mail or whatever means they want to take, before they come before the Council 1.) officially how many members they have, 2.) who the members are, 3.) how many of them work in the Public Works Department, 4.) if there are any who work for other departments besides Public Works, 5.) the percentage of employees who are signed up dues paying members. They need to know this information before any recognition is given to a union. They would be spinning their wheels if they were not officially a representative of the majority of employees. He agreed with the other Councilman regarding following the city's grievance procedure. He said that he doesn't suppose any grievances have been filed with the HR Department. He said that anything that they need to bring forward to this Council, in his opinion, should be brought to Council collectively, and not individually, and that any grievance or issues should be aired publicly, and if they are not willing to do that, he doesn't know where it goes from here. Councilman Palumbo stated that he has taken the high road for the last time on personal attacks from members of this Council, and he cautions the chair on this Council to refrain from such personal attacks in the future. He also read a comment made by Mike Huckabee, former governor of Arkansas, and presidential candidate, on a Fox TV news show which said "In thirteen and a half years as governor and lieutenant governor, I learned that when someone is in a hurry to get a measure passed you better slow it down, because the reason to hurry it up is rarely urgency to help the citizens, but is urgency to get it passed before people find out what the heck it really is."

Mayor Small stated that it does not matter whether the employees are unionized or not, they still work for him. He does not know what they are talking about him refraining from. He talks with them on a daily basis, and he does not think any of them have a problems working for him or their direct supervisor. He does not go out and direct him, and never have. When the firefighters unionized, they were done before they new anything about it. This was done in a very professional manner, and they had it laid out, and had all the extra things that the union had to offer, the advantages, some extra insurance and things of that nature. The only things that he has ever asked of these guys here, and he thinks Council saw one display tonight of a particular meeting that he had to sit in on as well, but what was the city's employees going to get, and from the beginning all he has heard is representation. He has never seen anything else. He does not think they can make a contract with them, and he doesn't think that there is anything that they have to do or can do. He thinks as a courtesy they may want to listen to the union representative, but they don't have to. He has supported the employees in whatever they have come to him and asked. He knows that this all started after the article in the paper about the

firefighters, and this particular union started visiting the employees trying to organize them. The unions, like anyone else, have to sell so much, and bring in so much money to be able to survive. It is totally up to the Public Works employees as to whether they unionize or not. He asked them to make sure that they have some benefits. Mayor Small said that it was his understanding that to unionize it has to be 50% of the employees, and he doesn't know if they have that or not. He said that they need to either fish or cut bait in this situation. If they are going to localize then they need to do it. It will be at the employee's expense, because it is his understanding that they cannot enter into a contract with them. Mayor Small thanked David McKelroy and Coach Vickery for their assistance with the lacrosse tournament.

Council President Lake stated that the work session agenda is listed at the bottom of the agenda. If anyone has another item to be considered it will be on the next agenda. He is trying to keep the agenda short. The public hearings will also be listed at the end of the agenda. He stated that everyone has a right to be a part of a union. That unions set standards for themselves. He has no problem with people being in a union.

MOTION BY Councilman Burnam to adjourn. <i>Seconded by Councilman Boulware.</i>		
AYE	ALL IN FAVOR	MOTION CARRIED
NAY	NONE OPPOSED	

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:36 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake
Council President
Date & Time Signed: _____

City of Daphne, Alabama

**RECOGNITION OF
CUB SCOUT WOLF DEN PACK 321
OF THE BOY SCOUTS OF AMERICA**

WHEREAS, Wolf Cub Den Pack 321 of the Boy Scouts of America are working on receiving Wolf Advancement **“KNOW YOUR HOME AND COMMUNITY”**; and

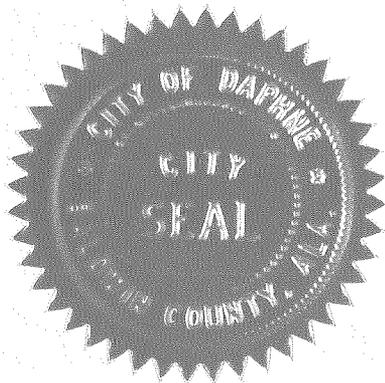
WHEREAS, through Cub Scouting, boys grow strong, gain self-confidence and skills for success, and learn their duty to the world around them; and

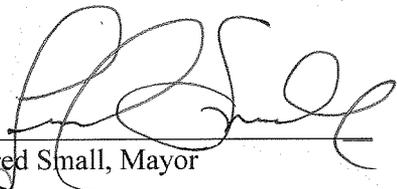
WHEREAS, Cub Scouting takes an active role in increasing the interest and skill levels of today’s youth in science and technology to fulfill our country’s economic needs; and

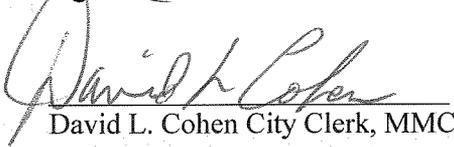
WHEREAS, Cub Scouts learn to relate to peers and others, to respect individual, racial and ethnic differences, and to develop their own feelings of self-worth; and

WHEREAS, Wolf Den of Pack 321 encourage and foster strong positive character-building skills through Pack and group-based activities for boys ages 7 and 8.

NOW, THEREFORE, I, Fred Small, Mayor, and the City Council of the City of Daphne, Alabama do hereby recognize Wolf Den of Pack 321 of Boy Scouts of America, and wish them success in all their endeavors in the future.




Fred Small, Mayor


David L. Cohen City Clerk, MMC

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
February 9, 2009
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:05 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 Bill Eady, Revenue Officer Cornell Smith, and Human Resources Director Sharon Cureton.

Mr. Yelding left at 5:00 pm.

II. PUBLIC PARTICIPATION

Mr. Kevin Spriggs, Daphne business owner, stated that he objected to the suggestion that lodging tax monies be used for drainage projects in the City. He stated that he thinks these funds should be used to promote tourism or for business development. Mr. Spriggs noted that there were definite things the Council could do to help businesses such as relax the sign ordinance at exit 35.

III. HUMAN RESOURCES BUSINESS

Ms. Sharon Cureton reported the City Attorney had advised her that the discussion of the Civic Center Initiatives could not go to an executive session of the Council. Discussion continued on the incentive cost and that to date the Civic Center staff have not been able to attend the training opportunities made available due to scheduling issues at the Civic Center. Mr. Scott discussed his concerns on changes needed for procedures and events in light of current budget constraints. Discussion continued by Mr. Boulware and Mr. Yelding that the initiative procedures should continue to complete the process since monies had already been expended.

<p><i>Motion by Mr. Yelding to recommend to Council to adopt an ordinance allocating up to \$12,000 to continue the process of the Civic Center Initiatives as outlined at the November 17, 2008 hearing. Seconded by Mr. Scott.</i></p> <p><i>AYE: BOULWARE & YELDING NAY: SCOTT MOTION PASSED</i></p>

Ms. Cureton handed out a copy of the new handbook for employees to each Committee member and noted that she is going to present a draft ordinance to the Ordinance Committee for the handbook to be accepted.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Requests

1. Boys & Girls Club - \$101,245

Mayor Small and Mr. Yelding reported that the Mobile Boys and Girls Club will not continue to operate the Boys and Girls Club in Daphne after this month, and the club will shut down March 1 if the City does not agree to take it over. Mayor Small noted that Foley and Fairhope are both planning to bring their Boys & Girls Club under their City's budget and operations. It was discussed that the Boys & Girls Club is a good program that provides structured after school programs with a current enrollment of about 50 children from kindergarten age to 18

years. Mayor Small presented a spreadsheet of estimated revenues and expenses for the program that shows needed funding of approximately \$101,245. He noted that the program requires one full time employee and some additional part time employees and could be run under the recreation department. Mayor Small noted that if the City takes it over, fund raisers could be held and sponsors could be found to offset the City's future funding of the program.

Motion by Mr. Scott to recommend to Council that Mayor Small and Councilman Yelding work to continue the Boys and Girls Club and to adopt an ordinance appropriating funding not to exceed \$101,245 to operate the Boys and Girls Club through Fiscal Year 2009, including hiring one full-time employee with benefits and additional part-time employees with no benefits. Seconded by Mr. Yelding. All in favor.

2. SAFER Grant – Authorize Mayor to Sign Agreement - \$50,544

The SAFER Grant to hire nine firefighters was discussed. A spreadsheet was presented showing the Federal share and the City's cost over the five year grant period. The total cost for the five year period would be \$1,137,550. It was noted that certified firefighters would be hired which would save the City certification costs. The cost for the remainder of this fiscal year is estimated at \$50,544 - \$31,500 for uniforms and \$19,044 for six months salary cost to the City, beginning April 1.

Motion by Mr. Scott to recommend Council adopt an ordinance authoring the Mayor to sign the agreement accepting the SAFER Grant for nine firefighters and appropriating \$50,544 for the City's cost for FY09. Seconded by Mr. Yelding. All in favor.

B. Prepaid Travel

1. John Lake, Councilman, 2009 NLC Congressional City Conference, Washington, D.C., March 13 -19, 2009 - \$245.00
2. August Palumbo, Councilman, 2009 NLC Congressional City Conference, Washington, D.C., March 13 – 18, 2009 - \$210.00
3. Derek Boulware, Councilman, 2009 NLC Congressional City Conference, Washington, D.C., March 14 - 18, 2009 - \$175.00

Motion by Mr. Yelding to recommend to Council to adopt a resolution approving \$35.00 per day each for the following prepaid travel:

1. **John Lake, Councilman, 2009 NLC Congressional City Conference, Washington, D.C., March 13 – 19 , 2009**
 2. **August Palumbo, Councilman, 2009 NLC Congressional City Conference, Washington, D.C., March 13 – 18 , 2009**
 3. **Derek Boulware, Councilman, 2009 NLC Congressional City Conference, Washington, D.C., March 14 – 18 , 2009**
- Seconded by Mr. Scott. All in favor.**

C. Bid – 2009 – J – STREET SWEEPER

The need to replace the 1999 Elgin street sweeper was discussed. The annual maintenance cost for this machine last year was \$30,906. Mayor Small noted that the normal route for the sweeper is to cover the City once a month. Mr. Eady recommended that the alternate bid from Ingram Equipment Company for TYMCO Model#600 / John Deere Sweeper with 10 hours logged be accepted. The Street Department has tested this equipment and thinks it better suits the needs of the City than the current sweeper. Ms. Henson noted that the Mechanical Supervisor had checked with other municipalities who were using the two different sweepers bid and the low bid had received a negative response concerning maintenance issues while the TYMCO Model recommended had received a positive response. Discussion continued that the lease payment would be due in arrears so the payment would not be due for one year.

Motion by Mr. Scott to recommend to Council to adopt a resolution accepting the alternate bid from Ingram Equipment Company for TYMCO Model #600 / John Deer Sweeper with 10 hours logged on it and authorizing the Mayor to enter into a three year lease for the equipment at an annual cost of \$49,883.27. Seconded by Mr. Yelding. All in favor.

V. FINANCIAL REPORTS

A. Treasurer's Report: January 31, 2009

The Treasurer's Report totaling \$21,035,547.18 was presented.

Motion by Mr. Yelding to accept the Treasurer's Report as of January 31, 2009, in the amount of \$21,035,547.18. Seconded by Mr. Scott. All in favor.

B. Sales and Use Taxes: December 31, 2008

Sales and Use Tax Collected for December 2008	- \$ 1,078,885
Sales and Use Tax Budgeted for December 2008	- \$ 1,120,005
Under Budget (for December)	- \$ (41,120)

YTD Budget Collections Variance - Under Budget - \$ (215,705)

C. Lodging Tax Collections, December 31, 2008

The Lodging Tax Collections report shows \$38,144.69 collected for December 2008.

D. Summary Report of Revenues over Expenditures – December 31, 2008

A Summary Statement as of December 31, 2008 showing Expenditures over Revenues of (\$2,896,942) and an Unreserved Fund Balance of \$7,544,992 was presented. Ms. Henson noted the reserve balance is down. Discussion continued on Ad Valorem fees that would be received late this year due to the deadline being extended by the County.

E. Ad Valorem & Business Licenses Comparison as of January 31, 2009

A report showing collections as of January 31, 2009, of Ad Valorem taxes of \$1,114,369 and Business Licenses of \$882,251 was presented.

F. Report: New Business Licenses – January 2009

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

G. Bills Paid Reports – January 2009

The January Bills Paid Report was included in Packet #2.

H. Special Finance Committee Meeting for March 2, 2009

A Special Finance Committee meeting was set for March 2, 2009 to discuss the City Hall HVAC bid and the Pre-Qualifying of contractors for bidding on the Library Alterations & Additions bid.

VI. ADJOURN

The meeting was adjourned at 5:15 p.m.

MEMORANDUM

TO: Finance Committee

FROM: Bailey Yelding

DATE: February 6, 2009

RE: Item for Agenda
Finance Committee
Boys & Girls Club – Daphne, AL

We all know that we are in tough economic times but part of our job in city government is to make sure that community programs continue to the fullest extent for our citizens and the whole community.

With this being said, we have been working closely over the past several months with the Boys & Girls Club of Mobile in trying to render some kind of remedy to being able to continue to keep the doors open.

At this time, in consultation with the Baldwin County leaders of the Boys & Girls Club, we have come up with only one remedy that would allow us to continue this program in the City of Daphne and that is to take in the Boys & Girls of Daphne.

As of right now, finance is working on a budget and I hope to have that budget to you by the meeting on Monday. With this being said I am asking for your full support in helping us remedy this problem and in keeping the programs going for our youth in Daphne.

In talking to the Mayor we have all come up with the plan that the City of Daphne could hire the small staff which at this time I feel like will be one full time and several part time employees that are already there and continue the operations of this club under the recreation department which on the other hand will give Megan White, Recreation Programs Coordinator, with Daphne Recreation Department, the opportunity to and the facility to have further programs for our teens and youth that we have not been able to have an outreach for until this time.

I look forward to the Finance Committee meeting Monday and I hope to have a preliminary comprehensive plan that will show what it will take to move forward for the remainder of this year with the program.

Daphne Boys & Girls Club

	City of Daphne 2009 Budget	Other Club Expenses	Total
Contributions	20,000		20,000
Building Maintenance	2,500	2,300	
Field Maintenance	500		
Electrical Maintenance	500		
Vehicle Maintenance		3,495	
Total Maintenance	3,500	5,795	9,295
Telephone		2,929	
Cell Phone		600	
Water/Gas/Sewer	5,000		
Electricity	16,050		
Total Utilities	21,050	3,529	24,579
Total	44,550	9,324	53,874
Salaries & Wages		85,066	
FICA		6,508	
Retirement*		2,471	
Medical/Dental Insurance*		8,742	
Life & Disability Insurance*		252	
SUI		100	
Workers Compensation		1,300	
Total Personnel		104,439	104,439
* Denotes one full time employee eligible for benefits			
Vehicle Insurance		12,725	
General Liability Insurance		11,000	
Total Insurance		23,725	23,725
Membership Dues		788	
Vehicle Fuel		1,750	
Athletic & Contracted Prof Fees		267	
Program Supplies		4,736	
Awards & Incentives		2,060	
Events & Activities		795	
Field Trips		2,325	
General Office Supplies		365	
Equipment Purchase/Lease/Rental		1,700	
Club Operations Expense		17,631	
Program Expenses		32,417	32,417
Total Expenses	44,550	169,905	214,455
Contribution Credit	(20,000)		(20,000)
Net Expenses	24,550	169,905	194,455
Revenue Sources			
Cigarette Tax		25,181	25,181
Foundations		10,000	10,000
United Way		8,333	8,333
Program & Membership Fees		19,400	19,400
Fund Raising		18,296	18,296
Other Contributions		12,000	12,000
Funding Sources		93,210	93,210
Funding Requirement			(101,245)

**Cost of Hiring Nine Certified or
Non-Certified Firefighters
(Safer Grant)**

Certified Firefighter I & EMT Basic

Uniforms **\$3500.00 x 9 = \$31, 500.00**

Non-Certified Firefighter I and EMT Basic (Mobile Fire Rescue Department)

Uniforms **\$ 3,500.00 x 9 = \$31, 500.00**
Training **\$ 1,000.00 x 9 = \$ 9,000.00**
Per Diem (\$35/day) **\$ 3,150.00 x 9 = \$ 28,350.00**
Salary (while in school) **\$11,770.00 x 9 = \$105,930.00**
Textbooks **\$ 250.00 x 9 = \$ 2,250.00**

Total **\$19, 6770.00 x 9 = \$177,030.00 ***

Non-Certified Firefighter I and EMT Basic (Alabama Fire College Tuscaloosa)

Uniforms **\$ 3,500.00 x 9 = \$ 31,500.00**
Training **\$ 1,350.00 x 9 = \$ 12,150.00**
Lodging **\$ 2,040.00 x 9 = \$ 18,360.00**
Per Diem **\$ 3,150.00 x 9 = \$ 28,350.00**
Salary (while in school) **\$11,770.00 x 9 = \$105,930.00**
Textbooks **\$ 250.00 x 9 = \$ 2, 250.00**
Fuel (City Vehicle) **\$ 100.00 x 2 = \$ 200.00**

Total **\$22,160.00 \$198,740.00***

*** All totals are based on an eighteen week training program.**

Budget

Budget Matrix

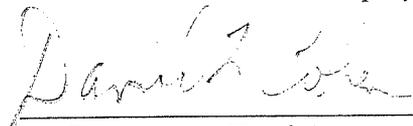
	First 12-Month Period	Second 12-Month Period	Third 12-Month Period	Fourth 12-Month Period	Fifth 12-Month Period	Total
<u>Personnel</u>	309,663	325,146	341,403	358,474	376,397	1,711,083
<u>Fringe Benefits</u>	71,222	74,784	78,523	82,449	86,571	393,549
<u>Travel</u>	0	0	0	0	0	0
<u>Equipment</u>	0	0	0	0	0	0
<u>Supplies</u>	0	0	0	0	0	0
<u>Contractual</u>	0	0	0	0	0	0
<u>Other</u>	0	0	0	0	0	0
<u>Indirect Charges</u>	0	0	0	0	0	0
Federal Share	342,797	312,075	195,030	117,180	0	967,082
<i>City</i> Applicant Share	38,088	87,855	224,896	323,743	462,968	1,137,550
Total:	380,885	399,930	419,926	440,923	462,968	2,104,632

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	JOHN LAKE
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 13-19, 2009
SCHOOL/ORGANIZATION	2009 NLC CONGRESSIONAL CITY CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	WASHINGTON, D.C.
REGISTRATION FEE	\$360.00
LODGING	\$269.00 / Per Night
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$245.00

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

2005 120200 / 52211 / 13
 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.**

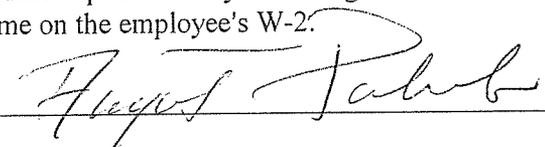
***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

Revised 3/06

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	AUGUST PALUMBO
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 13-18, 2009
SCHOOL/ORGANIZATION	2009 NLC CONGRESSIONAL CITY CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	WASHINGTON, D.C.
REGISTRATION FEE	\$360.00
LODGING	\$269.00 / Per night
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$210.00

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

Vendor # NEW Dept Org # 120200 / Object # 52211 / Proj # 13

***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.**

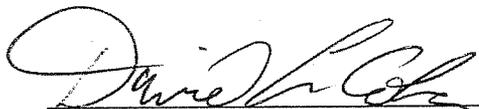
Revised 3/06

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DEREK BOULWARE
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 14-18, 2009
SCHOOL/ORGANIZATION	2009 NLC CONGRESSIONAL CITY CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	WASHINGTON, D.C.
REGISTRATION FEE	\$360.00
LODGING	\$269.00 / Per Night
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$175.00

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

NEW 120200 / 52211 / 13
 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

2009 Congressional City Conference

for America's Cities

Opportunities Not To Miss

Come to Washington, D.C., March 14 – 18 to join America's cities and towns as we forge new partnerships on behalf of the 225 million people we collectively represent with the new Administration and Congress. With the election behind us, the transition underway, and the economy stressed, both the Administration and Congress will have significant impact on the future of our cities and towns.

The National League of Cities Congressional City Conference provides local elected officials and municipal staff a myriad of opportunities you will not want to miss.

There will be opportunities to learn about federal issues important to America's cities and towns, to lobby Congress on those priorities, and to be a part of the clear, unified voice we present to the new Administration and Congress. The program will also include general sessions featuring national leaders, members of the new Administration and Congress, workshops to learn more about the issues and NLC's positions, and a chance to go to Capitol Hill to visit with your representatives on Wednesday, March 18.

The National League of Cities provides the resources, the connections, and the collective power to help city leaders have an impact on Capitol Hill.

The Action Plan

Sunday, March 15

City officials gather at the Marriott Wardman Park Hotel for leadership meetings, policy discussions, and legislative briefings to learn about current federal issues and priorities for America's cities and towns.

Monday, March 16

NLC's leaders and general session speakers set the stage for the action to come by outlining the opportunities and challenges and building capacity to make a difference with Congress on key federal issues.

Tuesday, March 17

The new President and his Cabinet and Congressional leaders are invited to discuss their priorities and ways in which Washington can work with cities and towns to meet the challenges facing the country. The program will wrap up with the opportunity to review NLC's federal legislative agenda and confirm plans for Capitol Hill visits on Wednesday.

Wednesday, March 18 – City Lobby Day

Travel to the Hill for strategic meetings with Congressional leaders to talk about NLC's priorities for federal action and what America's cities and towns want from Congress and the Administration.

Pre-Conference Leadership Training Institute

Information pertaining to the pre-conference Leadership Training Institute Seminars being held Saturday, March 14 and Sunday, March 15,

will be available on the NLC website at www.nlc.org in late December 2008 or early January 2009.

Registered delegates will be notified by e-mail when registration for these seminars is available.

Special Events

Celebrate Diversity Breakfast
Monday, March 16; 7:30 a.m. – 9:00 a.m.; Fee: \$35

The 23rd annual Celebrate Diversity Breakfast will feature a keynote speaker who will provide

Reception and The Capitol Steps
Tuesday, March 17; 6:30 p.m. – 8:00 p.m.

The Capitol Steps will perform on Tuesday as part of a conference wrap-up to energize the

Preliminary Schedule

The Conference will provide a range of education, networking, and strategy sessions to maximize the value of this event for city officials. This preliminary schedule provides an outline of major events during the conference to help delegates make travel plans.

Saturday, March 14

9:00 a.m. – 5:00 p.m. Leadership Training Seminars
1:30 p.m. – 5:00 p.m. City Futures Panel Meetings
5:30 p.m. – 6:45 p.m. Orientation to the National League of Cities for First Time Attendees
5:30 p.m. – 7:00 p.m. Constituency and Special Group Meetings

Sunday, March 15

9:00 a.m. – 5:00 p.m. NLC Board of Directors Meeting
NLC Advisory Council Meeting
Leadership Training Seminars
Policy and Advocacy Committee Meetings
5:15 p.m. – 7:00 p.m. Constituency and Special Group Meetings

Monday, March 16

7:30 a.m. – 9:00 a.m. Celebrate Diversity Breakfast
9:00 a.m. – 10:30 a.m. Opening General Session
10:45 a.m. – 12:15 p.m. Workshop Sessions
12:15 p.m. – 1:30 p.m. Roundtable Networking Lunch
1:45 p.m. – 3:15 p.m. Workshop Sessions
3:30 p.m. – 4:30 p.m. General Session
5:00 p.m. – 6:30 p.m. State League Caucuses and Receptions
Constituency and Special Group Meetings/Events

Tuesday, March 17

7:00 a.m. – 8:30 a.m. Steering Committee Work Sessions
8:45 a.m. – 10:15 a.m. General Session
10:30 a.m. – 11:45 p.m. Workshop Sessions
Noon – 1:30 p.m. Roundtable Networking Lunch
1:45 p.m. – 3:00 p.m. Workshop Sessions
3:15 p.m. – 4:30 p.m. Closing General Session
5:15 p.m. – 6:30 p.m. State League Caucuses and Receptions
6:30 p.m. – 8:00 p.m. Reception and The Capitol Steps

Wednesday, March 18

7:00 a.m. – 11:00 a.m. Shuttle Service to Capitol Hill for Lobbying

Becky

From: nlcregandhousing@jspargo.com
Sent: Tuesday, December 30, 2008 7:57 AM
To: palumbo7@bellsouth.net; becjer@bellsouth.net
Subject: Registration Confirmation and Receipt - 901143



NATIONAL LEAGUE OF CITIES

Strengthening & promoting cities as centers of opportunity, leadership and governance

Registration Confirmation and Receipt - 901143
National League of Cities - Congressional City Conference
March 14-18, 2009
Marriott Wardman Park Hotel
Washington, DC

Confirmation Number: 901143
Date of Registration: 12/29/2008

Name:
Title/Position: Councilman
Representing City: City of Daphne
Address: PO Box 400
Address Con't:
City/State/Zip: Daphne, AL 36526
Country: USA
Phone: 251-621-9000
Fax: 251-621-3538
Email:
Alternate Email: |

Click the button below for
registration and housing
changes/cancellations
[Cancellations/Changes](#)

This confirmation includes BOTH YOUR HOUSING AND REGISTRATION information. This is your official confirmation for conference payment as well as your hotel reservation. Please print this out and retain for your records.

Registration Information

REGISTRATION
Full Conference
\$360.00

Payment Information

Payment Type: CCD Payment
Reference: VISA
4xxx9590 Exp: 06/11
Payment Amount: \$360.00

Amount Due: \$360.00
Amount Paid: \$360.00
Balance Due: \$0.00

The credit card supplied for payment has been charged for the applicable registration fees for the NLC Congressional City Conference. We will not accept alternate forms of payment or change of payment type once registration is submitted. Duplicate payments will be returned.

Registration Change/Cancellation information

All requests for cancellation must be in writing, postmarked by February 2, 2009, and are subject to a \$75.00 processing fee. No partial refunds will be made if you decide not to attend particular functions. No registrations or cancellations will be accepted by telephone. No refunds for cancellations after February 2, 2009.

Hotel Reservation Information

Marriott Wardman Park Hotel

2660 Woodley Road, NW

Washington, DC

Phone: 202-328-2000

Fax: 202-234-0015

Room Type:

Arrival:

Departure:

Smoking Room: No

Sharing Room with:

Special Needs:

\$269.00 / Night

Room Guaranteed by: VI

Card Number: *****

Expiration Date: 06/11

Conference is at this hotel.

Hotel Change/Cancellation Information

Thank you for reserving your hotel room in advance. Please note that some hotels charge your credit card for the one night's room and tax fee guarantee (deposit) immediately upon receipt of the hotel reservation information and/or charge a penalty fee for a departure date earlier than what was confirmed at check-in. Please verify that your arrival and departure dates are correct.

Your assigned hotel requires cancellations to be submitted at least 72 hours prior to your arrival date. If your hotel does not receive notice prior to the 72 hours period, your deposit equivalent to one night's room will not be refunded. If you have any changes or you need to cancel your reservation, you may do so on-line by visiting www.nlc.org or send an email no later than February 22, 2009 to nlcregandhousing@jspargo.com. If you do not receive an acknowledgement reflecting the change or cancellation within 72 business hours, contact us to ensure that we have received your request. After February 22nd, you must contact your assigned hotel directly for all changes and cancellations.

Registration and Housing Center Information

NLC Meeting Services

11208 Waples Mill Road, Suite 112

Fairfax, VA 22030

Phone: (703) 449-6418

Fax: (703) 631-6288

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derrick Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Finance Committee Members

From: William H. Eady, Sr.
Director of Public Works

Date: February 9, 2009

Re: Recommendation for Extending Bid Award – 2009-J-Street Sweeper

After careful review by myself, Freddie Johnson (Street Department Supervisor) and Duke Crutchfield (Mechanical Maintenance Supervisor), we are in favor of accepting the alternate bid from Ingram Equipment Company even though they are not the lowest bidder. This is based on the fact that the equipment offered better suits the needs of the City and will extend the life of the equipment. A few specific items mentioned were:

- Service history with Ingram Equipment.
- Raker Bar – required per specifications outlined.
- Steel vs. Rubber liner (steel being more expensive to replace).
- After broom pressure automatically adjusts – required per specifications outlined.
- Quicker delivery time.

I therefore recommend to this Committee that we award the City of Daphne BID 2009-J-Street Sweeper to Ingram Equipment Company.

Please contact me should you have any questions regarding this bid award.

WHE:swc



The Jubilee City

MEMORANDUM

To: Mr. Eady Public Works Director, Mr. Johnson Supervisor Street

From: Billy D. Crutchfield Mechanical Maintenance Supervisor *BDC*

Re: #705 Street Sweeper - 1999 Sterling SC8000 - \$125,180.00

The City purchased the Elgin sweeper in 1999 it is 9 years old and used daily in a harsh environment. I was asked to do a cost analysis for the past three years and give my recommendation on it. What follows are my findings.

Invoice totals from 1/2006 to 1/2007 were \$13,416.48 of which \$717.82 was for routine maintenance and \$12,698.66 was for non routine maintenance.

Invoice totals from 2/2007 to 12/12/2008 were \$30,906.17 of which \$1,054.02 was for routine maintenance and \$29,852.15 was for non routine maintenance.

Also I've noticed and increase in oil consumption from the main engine as such it could have internal issues.

The Hopper was damaged in Aug. of 2006 and the estimate at that time for a new Hopper assembly was \$26,695.41 just for parts no labor. There was also an estimate on refurbishing the unit at around \$50,000.00 from Sansom Equipment.

After reviewing the invoices from the past three years and the increase in oil consumption on the main engine it is my recommendation that this piece of equipment be retired from service and a new sweeper be looked at for purchase or lease.

CITY OF DAPHNE
BID OPENING MINUTES
BID DOCUMENT NO: 2009-J-STREET SWEEPER
FEBRUARY 9, 2009 - 11:30 A.M. @ CITY HALL

Those present were as follows:

Ms. Suzanne Henson
 Mr. Bill Eady

Sr. Accountant
 Public Works Director

9 invitations to bid were mailed or picked up or e-mailed or faxed, 3 sealed bids were received.
 Mr. Eady opened the bids presented and the bids were read aloud as follows:

VENDOR	MODEL	BID BOND	% RATE	TERM	MONTHLY LEASE AMOUNT	PURCHASE COST	
Ingram Equipment Co., LLC	TYMCO Model #600 / Int'l Engine	Cert Ck		Purchase		144,292.25	
			3.45%	36 Months	51,507.83	154,523.49	
			3.5%	48 Months	39,336.62	157,346.48	
			3.55%	60 Months	32,056.16	160,280.80	
Ingram Equipment Co., LLC	TYMCO Model #600 / Sweeper: John Deere	Cert Ck		Purchase		139,741.25	
				OPTION: Equipment with 10 hours logged			
			3.45%	36 Months	49,883.27	149,649.81	
			3.5%	48 Months	38,095.93	152,383.72	
		3.55%	60 Months	31,045.11	155,225.55		
Truck Equipment Sales, Inc.	Schwarze A7000 / Sweeper: John Deer	Cert Ck		Purchase		138,914.00	
			4.5%	36 Months	48,399.34	145,198.02	
			4.65%	48 Months	37,182.20	148,728.80	
			4.75%	60 Months	30,477.34	152,386.20	
McNeilus Companies					NO BID		

Suzanne Henson, Sr. Accountant

TREASURER'S REPORT

As of January 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	\$12,250,665.77
OPERATING ACCT	COMPASS	(\$301,627.50)
PAYROLL ACCT	COMPASS	(\$2,591.79)
		<u>\$11,946,446.48</u>
AGENCY FUND		
MUNICIPAL COURT	COMPASS	\$347,958.56
SPECIAL REVENUES FUND		
SAIL SITE	RBC BANK	\$6,980.66
4 CENT GAS TAX	RBC BANK	\$218,259.44
7 CENT GAS TAX	RBC BANK	\$310,901.94
		<u>\$536,142.04</u>
CAPITAL PROJECTS FUND		
CAPITAL RESERVE	WACHOVIA	\$4,105,845.00
99 WARRANT CONS	REGIONS	\$11,405.77
2006 CONSTRUCTION	WACHOVIA	\$1,731,569.77
		<u>\$5,848,820.54</u>
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$2,208,500.31
2006 DEBT SERVICE	RBC BANK	\$147,679.25
		<u>\$2,356,179.56</u>
		<u>\$21,035,547.18</u>

SALES & USE TAXES

FY 2009 BUDGET/ACTUAL COMPARISONS

ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	Actual-2009	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	807,109.60	807,109.60	867,190	(60,080.58)	(60,080.58)	-6.93%
November	646,534.10	710,788.74	814,668.03	901,512.38	918,837.95	915,890.97	801,387.04	801,387.04	915,891	(114,503.93)	(114,503.93)	-12.50%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,884.70	1,078,884.70	1,120,005	(41,120.39)	(41,120.39)	-3.67%
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	-	-	822,021	-	-	0.00%
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	-	-	865,626	-	-	0.00%
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	-	-	998,616	-	-	0.00%
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	-	-	963,692	-	-	0.00%
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	-	-	957,167	-	-	0.00%
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	-	-	997,274	-	-	0.00%
July	721,790.90	803,051.14	941,407.68	993,216.66	888,690.34	888,690.34	-	-	908,576	-	-	0.00%
August	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	-	-	869,818	-	-	0.00%
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	960,450.01	-	-	998,476	-	-	0.00%
Totals	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,321,248.79	2,687,381.34	2,687,381.34	11,284,353	(215,704.90)	(215,704.90)	-1.91%

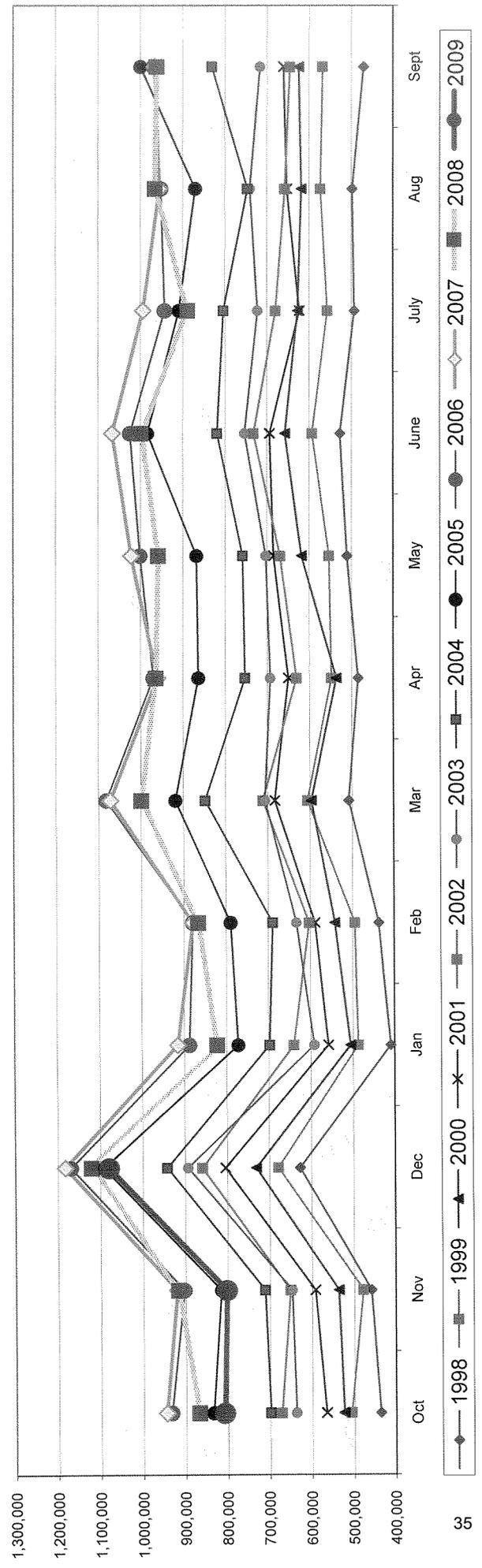
FISCAL YEAR COMPARISONS

	2003-2004	2004-2005	\$ Change	2005-2006	2006-2007	2007-2008	2008-2009	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
October	61,347.94	135,870.13	74,522.19	98,933.95	11,907.70	(77,352.18)	(60,080.58)	9.64%	19.47%	11.87%	1.28%	-8.19%	-6.83%
November	64,254.64	103,877.29	39,622.65	86,846.35	17,325.57	(2,946.98)	(114,503.93)	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.50%
December	48,943.19	149,921.91	100,978.72	77,369.90	14,140.71	(62,579.30)	(41,120.39)	5.49%	15.93%	7.09%	1.21%	-5.29%	-3.67%
January	106,356.03	74,754.15	(31,601.88)	115,630.28	27,408.22	(92,855.46)	-	18.00%	10.72%	14.98%	3.09%	-10.15%	-
February	55,767.23	100,403.54	44,636.31	89,298.68	(148.06)	(12,349.77)	-	8.81%	14.58%	11.32%	-0.02%	-1.41%	-
March	142,766.66	69,675.31	(73,091.35)	163,942.66	(10,176.45)	(72,982.34)	-	20.24%	8.21%	17.86%	-0.94%	-6.81%	-
April	59,891.11	111,105.26	51,214.15	105,615.91	(8,620.18)	3,551.31	-	8.65%	14.77%	12.24%	-0.89%	0.37%	-
May	54,918.34	109,835.95	54,917.61	132,978.04	21,073.66	(64,330.94)	-	7.82%	14.50%	15.33%	2.11%	-6.30%	-
June	65,541.16	164,654.26	99,113.10	41,227.61	42,342.85	(69,159.77)	-	8.71%	20.12%	4.19%	4.13%	-6.49%	-
July	81,260.24	105,524.99	24,264.75	32,831.55	51,808.98	(104,526.32)	-	11.26%	13.14%	3.61%	5.50%	-10.52%	-
August	5,326.70	124,497.78	119,171.08	80,720.90	3,892.56	10,204.69	-	0.72%	16.70%	9.28%	0.41%	1.07%	-
September	114,619.44	168,215.28	53,595.84	(30,859.92)	(2,508.81)	(4,657.34)	-	16.02%	20.26%	-3.09%	-0.26%	-0.46%	-
Annual \$ Change	860,992.68	1,418,335.85	557,343.17	994,535.81	168,436.75	(549,984.40)	(215,704.90)	10.21%	15.27%	9.29%	1.44%	-4.63%	-4.63%

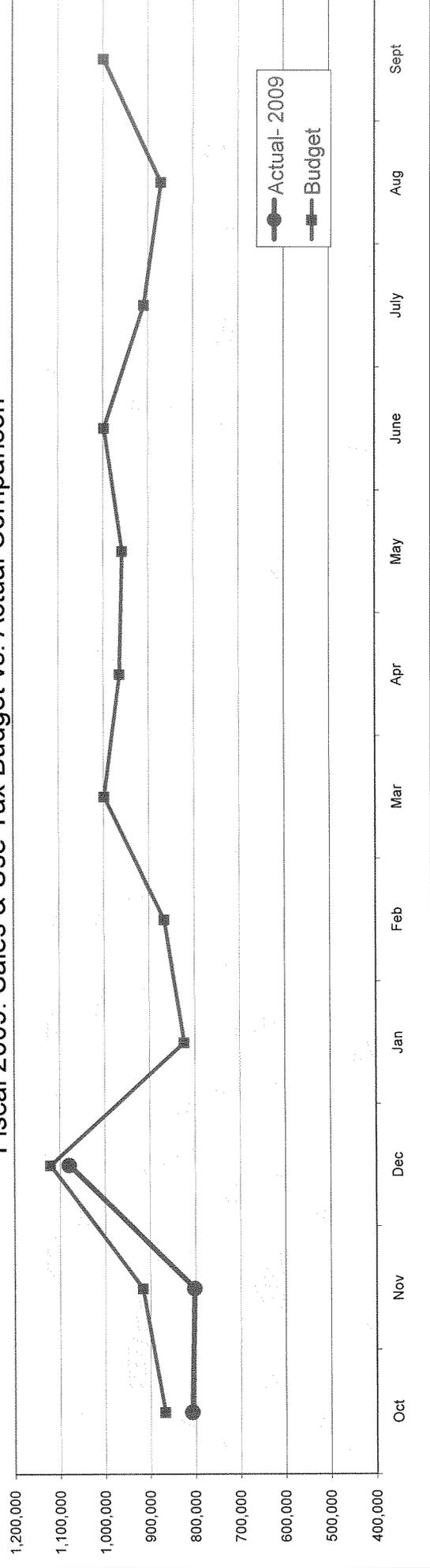
TOTAL collections: 12-31-08	2,687,381
Budgeted: 10-1-08 to 12-31-08	2,903,086
Actual Coll > (<) Budget, 12-31-08	(215,705)
% Over/(Under) Budget, 12-31-08	-7.43%

TOTAL collections: FY 08	11,321,249
TOTAL est. bldgt coll: FY 09	11,284,353
Budgeted Dollar Variance 08/09	(36,896)
Budgeted Percent Variance 08/09	-0.33%

Sales & Use Tax Comparisons



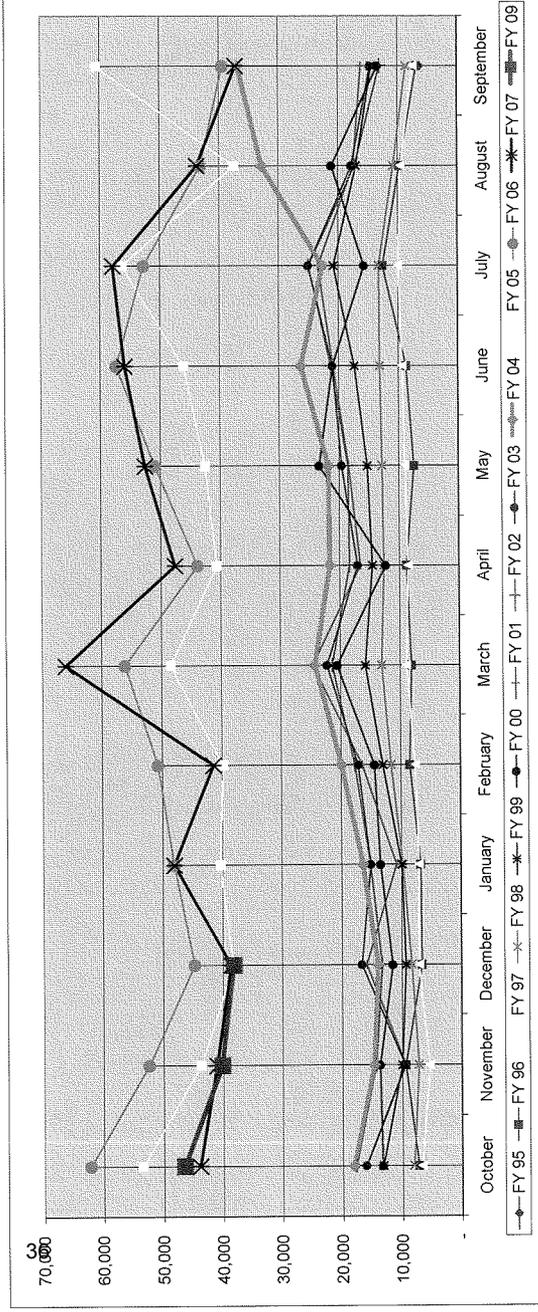
Fiscal 2009: Sales & Use Tax Budget vs. Actual Comparison



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
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	
November	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	
December	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	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	40,334.81	48,014.80	45,607.80	47,340.33		
February	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33		
March	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15		
April	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02		
May	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12		
June	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,336.25	55,924.22	64,626.19		
July	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23		
August	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89		
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	38,847.13	60,635.33	39,398.90	37,180.99		
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	124,866.58

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



GENERAL FUND

Summary Statement of Revenues and Expenditures
- Budgetary Basis

For the Month Ended December 31, 2008

with comparatives: 12-31-02; 12-31-03; 12-31-04; 12-31-05; 12-31-06; and 12-31-07

	<u>12/31/2003</u>	<u>12/31/2004</u>	<u>12/31/2005</u>	<u>12/31/2006</u>	<u>12/31/2007</u>	<u>12/31/2008</u>	Amended Budget	Budgetary Variance Over/(Under)	% Budget
Revenues									
Sales, Use, & Luxury Taxes	1,489,981	1,742,879	1,931,577	1,958,251	1,898,179	1,709,688	11,896,353	(10,186,665)	-86%
Payment in Lieu of Taxes	39,697	44,888	60,604	57,534	58,559	59,376	2,035,000	(1,975,624)	-97%
Ad Valorem Taxes	1,040,165	1,038,076	1,111,237	1,338,712	473,530	123,236	3,981,000	(3,857,764)	-97%
Licenses & Permits	153,766	163,165	203,664	253,557	255,800	71,429	2,074,000	(2,002,571)	-97%
Other Revenues	235,443	206,351	203,860	273,769	268,300	206,803	1,263,157	(1,056,354)	-84%
Total Revenues	2,959,052	3,195,358	3,510,942	3,881,822	2,954,368	2,170,532	21,249,510	(19,078,978)	-90%
Expenditures									
General Government									
Personnel	321,800	349,111	353,306	365,442	411,645	506,791	2,062,332	(1,555,541)	-75%
Operating	113,219	113,903	157,553	166,699	141,525	188,811	1,365,972	(1,177,161)	-86%
Capital	-	-	-	-	-	-	-	-	#DIV/0!
	435,019	463,014	510,859	532,141	553,170	695,601	3,428,304	(2,732,703)	-80%
Public Safety									
Personnel	922,166	930,490	1,034,997	1,241,671	1,516,831	1,832,965	7,238,105	(5,405,140)	-75%
Operating	163,657	134,331	184,503	261,006	224,542	196,423	1,269,668	(1,073,245)	-85%
Capital	1,933	-	-	-	3,060	64,129	19,187	44,942	234%
	1,087,756	1,064,821	1,219,500	1,502,677	1,744,433	2,093,517	8,526,960	(6,433,443)	-75%
Public Works									
Personnel	417,022	437,972	464,471	566,272	488,192	583,199	2,467,221	(1,884,022)	-76%
Operating	136,980	136,722	194,449	240,173	253,856	194,367	1,466,546	(1,272,179)	-87%
Capital	-	-	-	29,361	-	-	80,350	(80,350)	-100%
	554,002	574,694	658,920	835,806	742,048	777,566	4,014,117	(3,236,551)	-81%
Parks & Recreation									
Personnel	185,113	208,699	215,835	222,887	278,471	308,041	1,337,544	(1,029,504)	-77%
Operating	102,785	103,544	115,671	143,326	130,403	114,854	585,422	(470,568)	-80%
Capital	-	31,132	-	200,000	200,000	194,124	192,000	2,124	1%
	287,898	343,375	331,505	566,213	608,874	617,018	2,114,966	(1,497,948)	-71%
Total Departmental									
Personnel	1,846,102	1,926,273	2,068,609	2,396,272	2,695,139	3,230,995	13,105,202	(9,874,207)	-75%
Operating	516,641	488,499	652,176	811,203	750,326	694,455	4,687,608	(3,993,153)	-85%
Capital	1,933	31,132	-	229,361	203,060	258,253	291,537	(33,284)	-11%
	2,364,676	2,445,905	2,720,785	3,436,836	3,648,524	4,183,703	18,084,347	(13,900,644)	-77%
Other Financing Sources & Uses									
Debt Proceeds	-	-	-	-	-	-	-	-	-
Transfers to Debt Service	(421,107)	(559,255)	(516,644)	(802,254)	(810,447)	(817,188)	(2,610,186)	(1,792,998)	69%
Other Transfers & Uses	(74,995)	(84,900)	(70,137)	(50,940)	(66,198)	(66,583)	(558,852)	(492,269)	88%
Total Other Financing Sources/Uses	(496,101)	(644,155)	(586,781)	(853,195)	(876,645)	(883,771)	(3,169,038)	(2,285,267)	72%
Total Revenues Over Expenditures									
	98,275	105,298	203,377	(408,209)	(1,570,800)	(2,896,942)	(3,875)	(2,893,067)	
Unreserved Fund Balance, 10-01	3,825,172	4,106,801	5,968,130	8,298,621	10,050,583	10,441,934			
Unreserved Fund Balance, 12-31	3,923,447	4,212,099	6,171,507	7,890,412	8,479,783	7,544,992			

As of January 31,

	<u>2008</u>	<u>2009</u>	FY 09 <u>Budget</u>
Ad Valorem	2,786,618	1,114,369	3,981,000
Business Licenses	1,106,909	882,251	1,400,000

Buildings and Property Committee Minutes

Friday, February 6, 2009

10:00 a.m.

City of Daphne

City Hall

Committee

Councilman John Lake, Chairman-Absent

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector-Absent

Frank Barnett, Maintenance Supervisor

Minutes

Richard Scardamelia Pavilion

The meeting opened at 10:11 a.m. with a discussion of the appraisal for the Richard Scardamelia Pavilion. Mayor Small stated that the appraisal should be completed next week. He stated that when he receives the appraisal he forward it out to those who need a copy. Councilman Palumbo stated that the parking lot is ready to go out for bid.

Bay Rivers Art Guild

Representatives of Bay Rivers Art Guild reported on the Guild's request to supply the Committee with additional information about the usage of the Daphne Civic Center for the formation of a local theatre group with the first community performance being the "WIZ". They stated that no one will be paid with the exception of a payment for the license of the "WIZ" and musical scores. Ms. McAllier stated that they are also looking at using Trojan Hall for rehearsals and more. The Guild was invited to attend the next Committee meeting to discuss findings and further state what needs they are request from the City. Ms. Morse is to provide the Guild with Civic Center rates.

City Hall Decorator

Councilman Palumbo stated that the decorator for City Hall will meet Monday, February 9, 2009 at 10:00 a.m. with the Mayor and himself to finalize plans.

Maintenance Issues

Mr. Frank Barnett, Buildings Maintenance Supervisor discussed the request to paint the Museum. The Committee requested that Mr. Barnett bring costs to the next meeting.

Mr. Barnett also discussed two estimates that he received for painting the south side of the Civic Center. One bid was from MCP Painting and Drywall at \$12,800.00 the other was from Baldwin Homes at \$14,200.00. This money is available for this project. Mr. Barnett stated that plaza exterior wall can be painted with city workers.

Councilman Palumbo made a **Motion** to allow Mr. Frank Barnett, Buildings Maintenance Supervisor to coordinate with the Civic Center Director, Sandra Morse for usage of the Civic Center's lift when not in use at the Civic Center. **Seconded** by Mayor Small. **Motion Approved.**

Church of His Presence

The Committee continued a discussion of whether to allow the Church of His Presence to continue to book the Daphne Civic Center to operate their church services every Sunday. Mayor Small stated that from a financial point of view the Church has been a consistent renter. (Records reflect Church of His Presence has booked the facility for regular church services from January 8, 2006 through December 2009.)

Councilman Palumbo stated that revenue of this type was not the primary concern but to make the Civic Center open for usage by all citizens and not one church. Councilman Palumbo stated that the Bay River Art Guild was requesting to hold a play at the Civic Center but can't use it because the Church of His Presence has every Sunday booked through the end of 2009. Councilman Palumbo stated that the intent for the facility is important for the service and availability of all Daphne citizens. The Church of his Presence is requesting to book all Sunday's in 2010 as well as possible other dates (Currently the Church of His Presence has no dates booked in 2010). Mayor Small stated that he will have the City Attorney look the matter.

Maintenance Issues

Mr. Frank Barnett, Buildings Maintenance Supervisor stated that he will look into a maintenance contract for the HVAC system at City Hall as the building is now about a year old.

Meeting adjourned at 11:10 a.m.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**Daphne Public Library Board
January 8, 2008
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Library Board Members Windrila Longmire, Gayle Robinson, Dee Gambill, and Jan Blankenhorn; Board Chairman Ron Allen; Friends President Karen Kyzar; Councilman Gus Palumbo.

1) Call to Order:

After a quorum was established, Library Board Chairman Ron Allen called the meeting to order at 4:00 pm.

2) Reading and Approval of the Minutes:

The minutes of the November, 2008 meeting were reviewed and approved. Motion to made by Dee, second by Jan. Motion passed. No December meeting was held.

3) Update on Library Foundation Status:

Ron reported that the Foundation would meet January 26, 2009 at 4:00 pm.

4) Library Director's Report

The monthly report for December, 2008 was reviewed. December showed an overall increase of 28.22 % in circulation, and an increase of 4.41 % in patronage. Other statistics include:

Interlibrary Holds Loaned to Daphne = 1461

Interlibrary Holds Loaned from Daphne = 1148

New Patrons = 124

Volunteer Hours = 72.5

Book Shop Volunteer Hours = 154.5

Total Volunteer Hours = 333.5

Exams Proctored = 5

Reference Questions: 621

Children's Programs Attendance = 484

Teen Programs Attendance = 46

Adult Programs Attendance = 36

Meeting Room Use = 687
New Items Cataloged = 274
Computer Users = 1235

5) Public Participation

None.

6) Other Business

Library Director gave a short presentation on the Oral History and Special Collections for Daphne Public Library.

7) Adjourned

The meeting was adjourned by Ron at 5:00 pm.

Respectfully submitted by T. Young, February 5, 2009

**Daphne Public Library Board
February 5, 2008
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Library Board Members Windrila Longmire, Gayle Robinson, Dee Gambill; Board Vice Chair Jan Blankenhorn; Friends President Carol Simmons.

1) Call to Order:

After a quorum was established, Library Board Vice Chairman Jan Blankenhorn called the meeting to order at 4:12 pm.

2) Reading and Approval of the Minutes:

The minutes of the January, 2008 meeting were reviewed and approved. Motion made by Gayle, second by Windrila. Motion passed.

3) Presentation of stage One Library Addition Drawings by Jeff Hudson

Cancelled due to Ron, Gus and the Mayor not being able to attend. A special meeting will be called next week to review the plans.

4) Update on Library Foundation Status:

Jan reported that the Foundation would meet April 27, 2009 at 4:00 pm. She reported that all but two seats on the Foundation Board have been filled. Two of the previously chosen members could not serve at this time so the Board will choose two more members to take those seats. Jan reported that the new members had been given NCDS reports concerning the fundraising study so that everyone should be operating at the same level of knowledge shortly.

4) Library Director's Report

Special events were discussed, including the 2009 Inauguration being televised in the library, the Inauguration Book Talk, Anthony Sampson's booking for January's Jubilee Mornings, and special author visit with Janis Kearney, biographer to President Clinton and new novel author.

The monthly report for January, 2008 was reviewed. January showed an overall increase of 12.52 % in circulation, and a slight decrease of 2.41 % in patronage. Other statistics include:

Interlibrary Holds Loaned to Daphne = 1785
Interlibrary Holds Loaned from Daphne = 1620
New Patrons = 148
Volunteer Hours = 75.5
Book Shop Volunteer Hours = 141
Total Volunteer Hours = 357.5
Exams Proctored = 6
Reference Questions: 694
Children's Programs Attendance = 383
Teen Programs Attendance = 32
Adult Programs Attendance = 44
Meeting Room Use = 663
New Items Cataloged = 287
Computer Users = 1302

5) Public Participation

Carol announced that she was trying to get the Museum of Mobile to bring an event about their pirate exhibit to the library. The event would be free to the library and would occur in April.

6) Other Business

None.

7) Adjourned

The meeting was adjourned by Ron at 5:18 pm.

Respectfully submitted by T. Young, February 6, 2009

SET A PUBLIC HEARING DATE FOR

MARCH 16, 2009

TO CONSIDER:

- 1.) **REZONE:** The Howard Company / Located NE of the intersection of Gaurisco and Trione Street / R-3, High Density Single Family Residential District to MU, Multi Use District

RESET PUBLIC HEARING DATE FOR

MARCH 16, 2009

TO CONSIDER:

- 1.) Revision to Zoning Map
- 2.) Rezoning: Baldwin AL Development / Property located at the intersection of Highway 31 and AL State Highway 181 / B-1, Local Business District to B-2, General Business District

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: The Howard Company,
Zoning Amendment
Date: February 4, 2009

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential District

PROPOSED ZONING: MU, Multi Use District

LOCATION: Northeast of the intersection of Guarisco and Trione Street

RECOMMENDATION: At the February 3, 2009, special meeting of the City of Daphne Planning Commission, six members were present and the vote carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

REFERENCE: Subdivision: Wachter Subdivision

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Subdivision Plat
3. Attorney Report
4. Petition
5. Legal description
6. Map of property
7. Adjacent property owners
8. Preliminary Draft of Architectural Renderings (Site Plan)
9. Special Planning Commission Meeting Report



January 2009 Planning Report

ZONING AMENDMENT: The Howard Company

Owner: The Howard Company - Chason Wachter **Area:** 0.45 Acres ±

Present Zoning: R-3, High Density Single Family Residential

Proposed Zoning: MU, Multi Use

Location: Northwest of the intersection of Guarisco Street and Trione Avenue

Representative: Trey Jinright, Jinright & Associates

The applicant proposes to rezone the site to "multi-use". Building elevations have been provided for two-unit cottages, i.e., duplex, which the petitioner would like to market as all residential or all commercial or a combination of residential and commercial. The site is 19,698.43 square feet which is less than half of an acre. There is no precedent for MU zoning in the immediate area; however there is precedent for MU northwest of this site across from Lott Park on Main Street. There is B-2 (General Business) zoning to the west and northwest. The site abuts a residence zoned R-3 to the north and west, and to the south across Trione Avenue. East of the site, across Guarisco Street, is an undeveloped lot also zoned R-3. Further east are B-2 districts along Highway 98. The Daphne Post Office, Daphne Utilities, and Macedonia Baptist Church are located in this area, each site is zoned R-3 with uses allowable by Special Exception.

Excerpts from the Land Use & Development Ordinance regarding the MU District

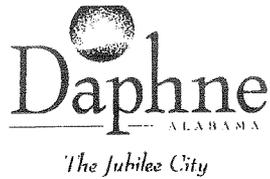
Article 12, Establishment of Districts

A multi-use district shall be limited to a combination of B-1, Local Business, B-2, General Business, B-3, Professional Business, and R-4, High Density Single Family Residential, uses. This district is established to provide opportunity to encourage the concentration of limited retail convenience goods and personal service establishments, business establishments of a professional nature, and high density residential development compatible with a good, high density living environment in a multi-use development for each residential neighborhood.

14-3 Olde Towne Daphne USES PERMITTED

The following zoning districts provided herein established and most specifically defined in Article XII, Establishment of Districts: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Multi-Use. Article XXXV, the Table of Permitted Uses and Conditions, outlines the restrictions for each district.

(See Reverse)



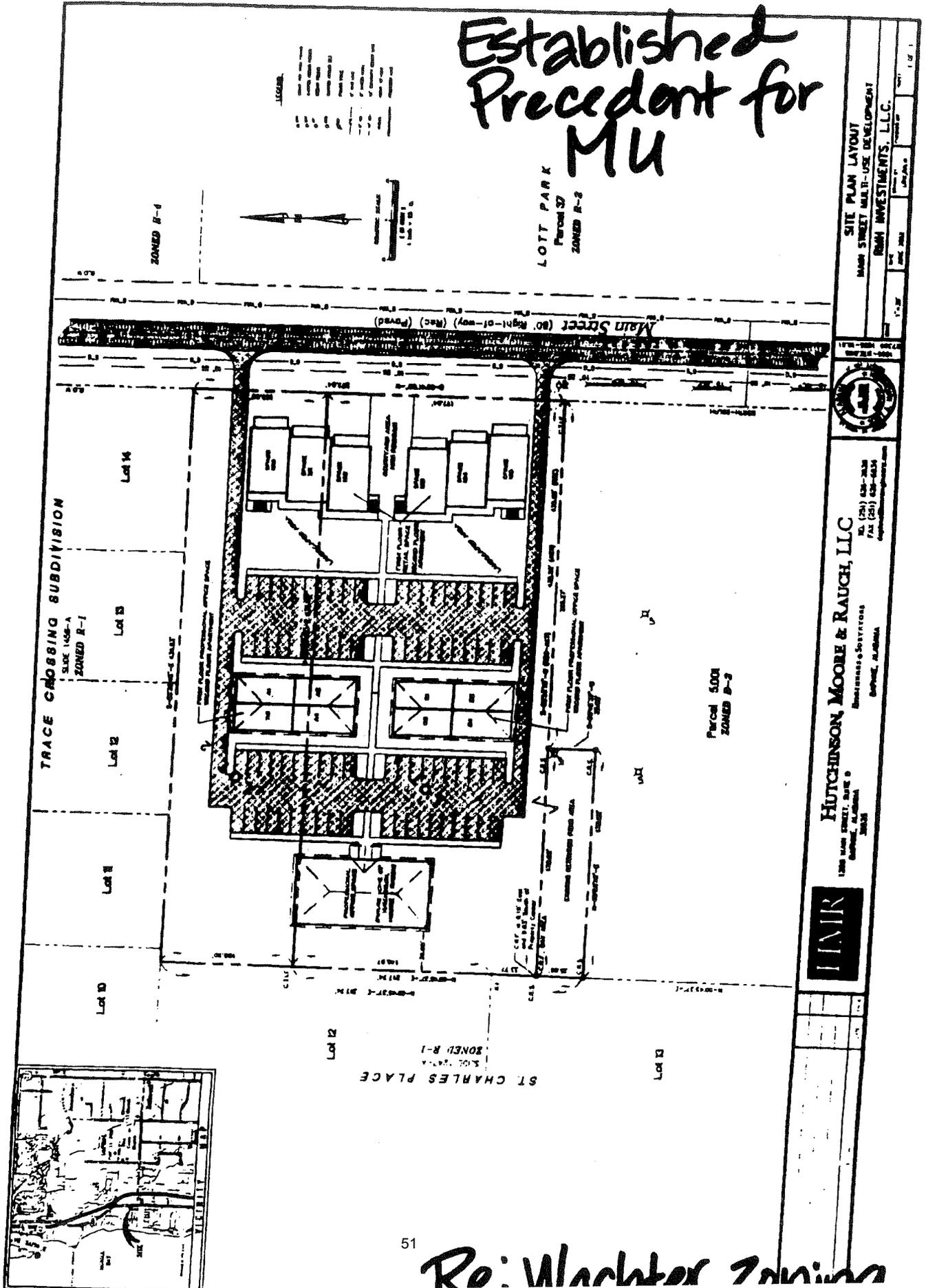
January 2009 Planning Report

The Howard Company Continued

Existing MU Precedent

The Hutchison Moore and Rauch office building located across from Lott Park on Main Street, is the nearest MU zoning district. The petitioner's zoning application stated "current zoning does not allow for the development of mixed use (i.e., retail, professional office and residential apartments). On November 2002, City Council rezoned 3 parcels (from R-1, and B-2) to MU. The conceptual site plan for the "Main Street Multi-Use Development" shows a professional office space (future home of HMR), 2 buildings with a note stating "first floor professional office space/second floor apartment" and a unit with the notation "first floor retail space second floor apartment." This plan has been included for review.

Established Precedent for MU



SITE PLAN LAYOUT
 MAIN STREET MULTI-USE DEVELOPMENT
 RUM INVESTMENTS, L.L.C.



HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS
 1200 MAIN STREET, SUITE 9
 BIRMINGHAM, ALABAMA 35203
 MO (205) 426-2424
 FAX (205) 426-4444
 hutchinsonmoore.com



Re: Wachter zoning

**THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT**

Application Number: Z09-.01

Date Plat Submitted: Dec. 18, 2008

Date Presented: JAN. 22, 2009

Name of Owner: Howard Company, LLC

Address: 118 General Canby Drive, SF 36527
(Street or P.O. Box) (City) (State) (Zip Code)

Telephone# 251-379-4444

Name of Authorized Agent, if other than owner: _____

Address: _____
(Street or P.O. Box) (City) (State) (Zip Code)

Telephone# _____

Subdivision: Manci & Trione Subdivision Block 2

Lot(s): 13, 14, & 15 Unit _____

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

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

 x List of the names and mailing addresses for the adjacent property owners (Date Submitted: 12/18/08).

Meeting Dates:

Planning Commission: 1/22/2009

City Council: 2/02/2009

Reason(s) for requesting the Zoning Amendment:

Multi
Mixed Use

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

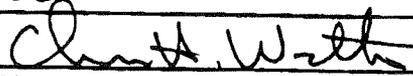
- a) Address 811 Trione Street
DAPHNE, AL
- b) Name of Subdivision Manci & Trione Subdivision, Block 2
- c) Lot numbers involved in change 13, 14 & 15
- d) Total acreage of change 0.453 Acres
- e) Recorded in Map Book 816 Page 0911
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property R-3 High Density, Single Family
- b) Reclassification desired MU, Multi Use
- c) Character of neighborhood Multi Use, Residential & Commercial

3) Certifications:

- a) Owner's Name Howard Company, LLC
- b) Address 118 General Canby Drive, Spanish Fort, AL 36527
- c) Telephone Number 251-379-4444
- d) Date 12/18/2008


Signature of Property Owner

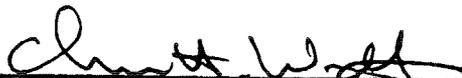
Signature of Property Owner

AGREEMENT

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

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

12/18/2008
Date


Signature of Property Owner

HOWARD COMPANY LLC
ZONING AMENDMENT
EXHIBIT "A"

LEGAL DESCRIPTION

Lots 13, 14, and 15 in Block 2 of the Mancini and Trione Subdivision of the Northwest One-Quarter of the Northwest One-Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East, according to plat recorded in Map Book 1, Page 41, of the Baldwin County Probate Records, less the South 5 feet of Lot 13 in said Block 2, which was heretofore conveyed to the City of Daphne for a right of way by instrument dated September 8, 1962, and recorded in Deed Book 332, Page 280 of said Probate Records.

CERTIFICATE OF OWNERSHIP AND DEDICATION

CITY OF ALABAMA
COUNTY OF BALDWIN

WE, THE UNDERSIGNED, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

SIGNED AND SEAL OF THE RECORDER OF
COUNTY OF BALDWIN

RECITATION BY NOTARY PUBLIC

CITY OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for the County of Baldwin, in the State of Alabama, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

CERTIFICATE OF APPROVAL BY THE CITY OF BALDWIN PLANNING COMMISSION

CITY OF BALDWIN
COUNTY OF BALDWIN

I, the undersigned, the Planning Commission of the City of Baldwin, Alabama, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF BALDWIN
COUNTY OF BALDWIN

I, the undersigned, the Director of Community Development of the City of Baldwin, Alabama, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

CERTIFICATE OF APPROVAL BY THE PUBLIC WORKS DIRECTOR

CITY OF BALDWIN
COUNTY OF BALDWIN

I, the undersigned, the Public Works Director of the City of Baldwin, Alabama, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

CERTIFICATE OF APPROVAL BY THE UTILITIES BOARD OF THE CITY OF BALDWIN

CITY OF BALDWIN
COUNTY OF BALDWIN

I, the undersigned, the Utilities Board of the City of Baldwin, Alabama, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

CERTIFICATE OF APPROVAL BY BALDWIN UTILITIES

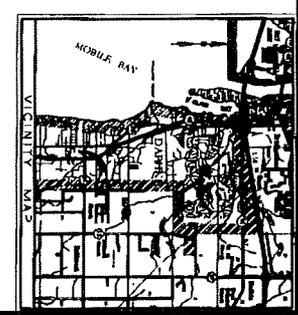
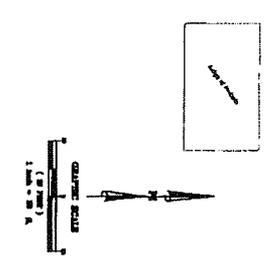
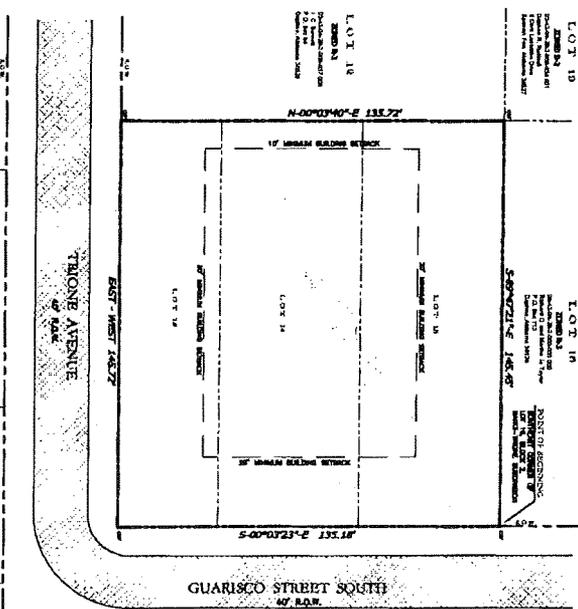
CITY OF BALDWIN
COUNTY OF BALDWIN

I, the undersigned, the Utilities Board of the City of Baldwin, Alabama, do hereby certify that the within and above described property is owned by the undersigned and that the same is being dedicated to the public use of the City of Baldwin, Alabama, as shown on said plat and as hereinafter recited in the body of this certificate.

DATED THIS 20th day of May, 2009.

Wachter Subdivision

A RESUBDIVISION OF LOTS 1A, 14 AND 15
BLOCK 2, MANCINI TRIANGLE SUBDIVISION



PROPERTY OWNER
HONORABLE COMMUNITY, LLC
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

SUBJECT
HONORABLE COMMUNITY, LLC
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

PLANNING COMMISSION
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

UTILITIES BOARD
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

PLANNING COMMISSION
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

UTILITIES BOARD
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

PLANNING COMMISSION
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

UTILITIES BOARD
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

PLANNING COMMISSION
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

UTILITIES BOARD
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

PLANNING COMMISSION
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

UTILITIES BOARD
CITY OF BALDWIN, ALABAMA
11111 BALDWIN ROAD, SUITE 100
BALDWIN, ALABAMA 36505

JADE 57
Jinright & Associates Development Engineers
1114 Peachtree Avenue, Peachtree, Alabama 36352
251.928.3433
www.jade-engineers.com

PRELIMINARY / FINAL PLAT
WACHTER SUBDIVISION
CHASON WACHTER

APPROVED	DATE	APPROVED

**HOWARD COMPANY, LLC
MANCI & TRIONE SUBDIVISION, BLOCK 2**

ADJACENT PROPERTY OWNERS

05-43-04-20-2-000-035.000

05-43-04-20-2-000-046.000

05-43-04-20-2-000-047.000

05-43-04-20-2-000-047.001

05-43-04-20-2-000-048.000

05-43-04-20-2-000-052.000

Richard D. and Martha Jo Taylor

P.O. Box 713

Daphne, Alabama 36526

05-43-04-20-2-000-034.001

Daphne R. Rudicell

4 Cora Slocombe Drive

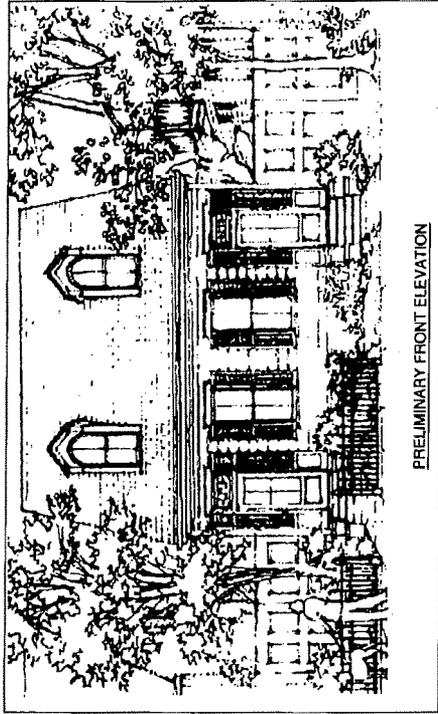
Spanish Fort, Alabama 36527

05-43-04-20-2-000-037.000

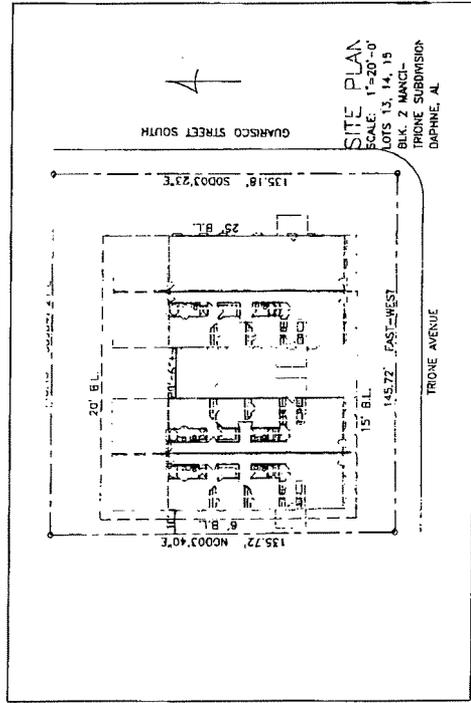
J. C. Burnett

P.O. Box 54

Daphne, Alabama 36526



PRELIMINARY FRONT ELEVATION



SITE PLAN
 SCALE: 1"=20'-0"
 LOTS 13, 14, 15
 BLK. 2 MANCI-
 TRIONE SUBDIVISION
 DAPHNE, AL



PRELIMINARY ARCHITECTURAL PLANS

Jan Dickson

From: "Misty Gray" <misty@rossandjordan.com>
To: "Jan Dickson" <jandplcr@bellsouth.net>; "Adrienne Jones" <ajonesdpln@bellsouth.net>
Cc: <jay@rossandjordan.com>
Sent: Wednesday, January 21, 2009 3:38 PM
Subject: Planning Commission meeting for 1/22/2009

Adrienne & Jan:

The Commission asked me to look at two issues at the work session.

1. **Dunmore:** they wanted to know if the bond was good. I have looked at the Arch Insurance Company and they are registered with the Alabama Secretary of State as a foreign corporation organized in Kansas City, MO. Generally speaking, an insurance company that is not Alabama based can still write insurance in the State. They must register as a foreign corporation with the Secretary of State, but they are not required to register with the Alabama Insurance Commission. They are still allowed to write insurance within the State. Accordingly, I think the bond provided on the Dunmore project is acceptable.
2. **The HomeLife Company:** The Commission was interested in knowing if they could approve a zoning request to rezone a property as a MU, if the only proposed development was all residential. According to the definition of Multi-Use it "shall be limited to a combination" of uses. I think strictly under the wording of the ordinance the property must contain some combination of uses and not be restricted to purely residential.

I ask that you please forward this all planning commission members. If there are any additional questions or concerns, please feel free to email or call me! Thanks.

Misty C. Gray
Ross, Jordan & Gray, P.C.
Post Office Box 210
Mobile, Alabama 36601-0210
(251) 432-5400 telephone
(251) 432-5445 facsimile

ORDINANCE NO. 2009 - _____

**Ordinance to Rezone Property Located Northeast of the Intersection of Guarisco and Trione Street (.453 Acres)
Howard Company**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3 High Density, Single Family District, to MU, Multi Use, Residential & Commercial District, to said property is located Northeast of the Intersection of Guarisco and Trione Street, being more particularly described as follows:

Legal Description:

Lots 13, 14, and 15 in Block 2 of the Mancini and Trione Subdivision of the Northwest One-Quarter of the Northwest One-Quarter of Section 20, Township 5 South, Range 2 East, according to plat recorded in Map Book 1, Page 41, of the Baldwin County Probate Records, less the South 5 feet of Lot 13 in said Block 2, which was heretofore conveyed to the City of Daphne for a right of way by instrument dated September 8, 1962, and recorded in Deed Book 332, Page 280 of said Probate Records.

WHEREAS, the Planning Commission of the City of Daphne on February 3, 2009 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, March 16, 2009 concerning the requested rezoning.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Revised City of Daphne Zoning Map
Date: January 27, 2009

MEMORANDUM

At the January 22, 2009 regular meeting of the City of Daphne Planning Commission six members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned map.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council. The ordinance is being prepared and shall be provided by the City Attorney's office.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-**

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

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

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

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 16, 2009; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, 2007-48 and 2008-56 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2009.

JOHN LAKE,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Baldwin AL Development,
Zoning Amendment
Date: January 27, 2009

MEMORANDUM

PRESENT ZONING: B-1, Local Business

PROPOSED ZONING: B-2, General Business

LOCATION: Southwest of the intersection of Highway 31 and Alabama Highway 181

RECOMMENDATION: At the January 22, 2009, regular meeting of the City of Daphne Planning Commission, six members were present and the vote carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

REFERENCE: Subdivision: TimberCreek Village, Resubdivision of Lot 1 and TimberCreek Commercial, Resubdivision of Parcel "A", Unit Three, Resubdivision of Lot 3

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners



**COMMUNITY DEVELOPMENT STAFF REPORT
Baldwin Alabama Development, LLC
ZONING AMENDMENT**

Owner: Wayne Cave, Baldwin Alabama Development

Current Zoning: B-1, Local Business

Proposed Zoning: B-2, General Business

Location: 0.85 Acres \pm Approximately 600 feet south of the intersection of Highway 31 and Alabama State Highway 181

Representative: Andy Bobe, Rester & Coleman Engineers

****Related Project:** Preliminary/Final for TimberCreek Village, Resubdivision of Lot 1 and TimberCreek Commercial, Resubdivision of Parcel "A", Unit Three, Resubdivision of Lot 3

The applicant proposes to rezone a parcel measuring 100' x 389,' (0.85 acres), from B-1, Local Business to B-2, General Business. There is precedent for B-2 zoning in the area. The site is surrounded to the north by Hwy 31, to south and east by B-2 zoning, and to the west by B-1 zoning. Walgreens and Lot 1 to the east are both zoned B-2. If approved, the site will be combined with Lot 1 for a grocery store development. The southwestern corner of the property touches the Timbercreek Property Owners Association's wilderness area which serves as a 50-ft buffer between the commercial and residential areas.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z09-02 Date Plat Submitted: December 19, 2008
Date Presented: JANUARY 22, 2009

Name of Owner: Baldwin (AL) Development, L.L.C.

Address: P.O. Box 81322 Mobile AL 36689 Telephone # (251)343-1040
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park W. Mobile AL 36606 Telephone # (251)479-4518
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Timber Creek Commercial Resub. of Parcel "A" Unit Three

Lot(s): Portion of Lot 3 Unit: Three

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Dec 22, 08).

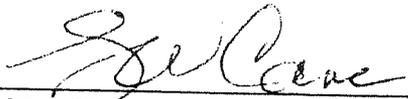
Meeting Dates:

Planning Commission: January 22, 08

City Council: _____

Reason(s) for requesting the Zoning Amendment:

We plan to rezone the property in order to create like zoning on adjacent property that we are in the process of resubdividing.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

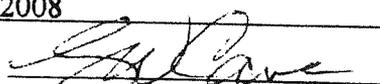
STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

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

- 1) Description of property for which amendment is requested:
 - a) Address No Address known at this time, property is undeveloped.
 - b) Name of Subdivision Timber Creek Commercial Resub. of Parcel "A" Unit Three
 - c) Lot numbers involved in change Lot 3
 - d) Total acreage of change 0.85+/-
 - e) Recorded in Map Book 2149-F Page _____
 - f) Owned in whole by the undersigned? _____
 - g) If owned in part, name(s) of co-owner(s) :

- 2) Zoning change requested:
 - a) Present classification of property B-1
 - b) Reclassification desired B-2
 - c) Character of neighborhood Commercial

- 3) Certifications:
 - a) Owner's Name Baldwin (AL) Development, L.L.C.
 - b) Address P.O. Box 81322 Mobile, AL 36689
 - c) Telephone Number (251) 343-1040
 - d) Date 12-17-2008


Signature of Property Owner

Signature of Property Owner

AGREEMENT

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

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

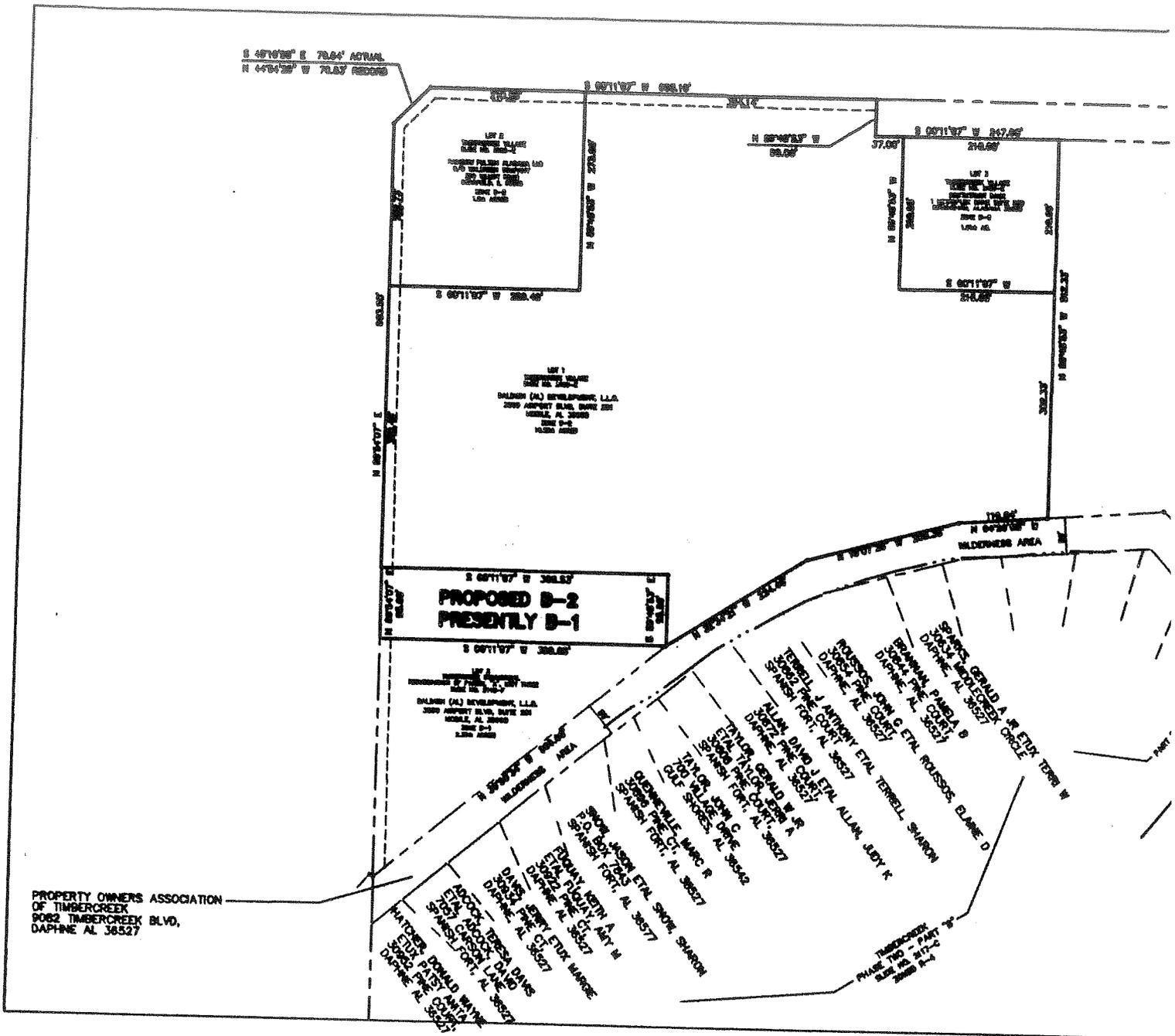
12-17-08
Date


Signature of Property Owner

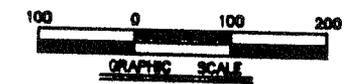
BALDWIN (AL) DEVELOPMENT, L.L.C.
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 0.8490 AC)

DESCRIPTION:

A PORTION OF LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, AS PER PLAT RECORDED ON SLIDE NO. 2149-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, AS PER PLAT RECORDED ON SLIDE NO. 2149-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN S 00° 11' 07" W ALONG THE EAST BOUNDARY LINE OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, A DISTANCE OF 389.53 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE; THENCE RUN N 89° 48' 53" W ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, A DISTANCE OF 95.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE; THENCE RUN N 00° 11' 07" E 389.06 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN N 89° 54' 07" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 31 A DISTANCE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.8490 ACRE.



PROPERTY OWNERS ASSOCIATION
OF TIMBERCREEK
9082 TIMBERCREEK BLVD,
DAPHNE AL 36527



BALDWIN (AL) DEVELOPMENT, L.L.C.
REZONING SKETCH
TO ACCOMPANY
DESCRIPTION
EXHIBIT "B"

RESTER AND COLEMAN
ENGINEERS, INC.
68 MIDTOWN PARK WEST MOBILE, ALABAMA 36608-4148
TELEPHONE NO. (251)-479-4818
FAX NO. (251)-479-4822

**TIMBERCREEK COMMERCIAL RESUB. OF PARCEL "A" UNIT 3
REZONING (LOT 3)**

EBRAHIM MAGHSOUD
C/O HAFEZ CORP
30892 JAY DRIVE
SPANISH FORT, AL 36527

KELLY M. JONES
WESLEY A. JONES
124 WOODBURY LANE
CANTON, GA 30114

SOUTHTRUST BANK
1 METROPLEX DR, SUITE 500
BIRMINGHAM, AL 35209

RAINBOW FULTON AL, LLC
C/O WALGREEN COMPANY
104 WILMONT ROAD #1435
DEARFIELD, IL 60015

PROPERTY OWNERS ASSOCIATION
OF TIMBERCREEK
9082 TIMBERCREEK BLVD,
DAPHNE AL 36527

**Ordinance to Rezone Property Located on the South of the Intersection of
U.S. Highway 31 and Alabama State Highway 181 (0.85 Acres)
Baldwin Alabama Development L.L.C.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District to B-2, General Business District, to said property is located on the South of the Intersection of U.S. Highway 31 and Alabama State Highway 181, being more particularly described as follows:

Legal Description:

A PORTION OF LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, AS PER PLAT RECORDED ON SLIDE NO. 2149-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, AS PER PLAT RECORDED ON SLIDE NO. 2149-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN S 00° 11' 07" W ALONG THE EAST BOUNDARY LINE OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, A DISTANCE OF 389.53 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE; THENCE RUN N 89° 48' 53" W ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE, A DISTANCE OF 95.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, TIMBERCREEK COMMERCIAL, RESUBDIVISION OF PARCEL "A", UNIT THREE; THENCE RUN N 00° 11' 07" E 389.06 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN N 89° 54' 07" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 31 A DISTANCE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.8490 ACRE.

WHEREAS, the Planning Commission of the City of Daphne on January 22, 2009 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, March 16, 2009 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, Local Business District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ January 7, 2009 (December) ♦ 5:00 p.m.

I. CALL TO ORDER

The December, 2008, regular Board meeting for the Utilities Board of the City of Daphne was held on January 7, 2009, and was called to order by Chairman Robert Segalla, at 5:02 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Lon Johnston, Secretary Treasurer
Fred Small, Mayor
Fenton E. Jenkins

Others Absent:

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Adm. Services Manager
Teresa Logiotatos – Finance Manager
Lori Scharles – Executive Assistant
Melinda Immel – Volkert
Ray Moore – HMR

Others Absent:

III. PLEDGE OF ALLEGIANCE

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from December 10, 2008 November meeting):**

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the December 10, 2008, Utilities Board meeting.

MOTION BY Mayor Fred Small to approve the December 10, 2008; Seconded by Mr. Scott.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA, SMALL

ABSENT:

MOTION CARRIED

V. OLD BUSINESS

a. 19 Acres – Daphne Utilities property

Mr. McElroy stated that he presented this topic in a Daphne City Council Work Session and no further developments were reported. He stated that this will not be a high priority issue at this time.

b. Items in Abeyance

1. **Gas Franchise Agreement** – no new information was reported.
2. **Capacity Fee Study** – Mr. McElroy stated he will be reporting on this at the January, 2009 board meeting.
3. **Park City Service Agreement** – to be discussed in Executive Session.

VI. New Business

Nothing new was reported. Ron Scott requested to refer back to the **19 Acres** topic; he stated that at the Council Work Session that one of the council members suggested to sell the property for \$1 or some such number. He commented after discussing with Mr. McElroy that there is a misunderstanding about the relationship between the City of Daphne and the Daphne Utilities Board. Mr. Scott declared that it was suggested before the Council to have a work session to explain specifically the relationship between the two entities. He cited several facts relative to the Utilities Board that he thinks is not known by the Council and recommended that our Utilities staff clarify to the City Council at an upcoming work session and improve the relationship. Chairman Segalla agreed with the suggestion and requested collaboration from Mr. McElroy as well as Mr. Speegle.

VII. BOARD ATTORNEY'S REPORT

Chairman Segalla requested to hold the Board Attorney's Report for Executive session.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financial report for November 2008 with the Board and noted that revenue and expenses are tracking very close to budget and nothing irregular to report. She stated that the \$5million certificates of deposits have been dispersed into \$200,000 increments to mature in April, 2009. Chairman Segalla asked if the \$250,000 protection will be expiring; Mrs. Logiotatos confirmed and stated that the cd provisions will be monitored. She advised the Board that she expects the interest income will be affected by the instability of the current conditions of the economy. Chairman Segalla suggested to request from the City of Daphne the number of building permits issued relative to our capacity fees. Mrs. Logiotatos stated that they are monitoring closely several aspects of the financials to keep well informed of situations in the economy the may have an effect on the financial health of the utilities. Mr. Johnston suggested that at a six-month point a re-evaluation of the budget should be reviewed. Mr. McElroy stated that he is reviewing to expedite some of the capital project in order to generate work in the city and expressed avoiding a budget amendment by watching expenditures and monitoring the financials closely. Chairman Segalla stated that we should examine the economic outlook and take action accordingly.

IX. GENERAL MANAGER'S REPORT

a. GM Report

Rob McElroy reviewed his report by highlighting the recent Christmas luncheon and the retirement of Robert Pace. He thanked Chairman Segalla for attending.

b. Operations Report

Danny Lyndall had nothing further to add to his report. Drew Klumpp answered inquiries to online payments and the new information he was planning to send out into the community. Mr. Scott suggested more positive public relations relative to our projects and improvement to offset the negative news in the community.

Melinda Immel of Volkert & Associates had nothing further to add to her submitted report. Mr. Scott inquired as to the Stimulus Package. Mrs. Immel responded that a list of projects had been prepared for the Alabama League of Municipalities. Mr. McElroy further commented that he personally delivered a list of projects to Congressman Bonner and will follow up on that list. Mr. Scott asked Mrs. Immel to follow up with Congressman Bonners' office.

HMR's Ray Moore had nothing further to include in his report.

X. PUBLIC PARTICIPATION – none

XI. EXECUTIVE SESSION –

MOTION BY Ron Scott to go into Executive Session to discuss pending litigation at 5:18 pm; Seconded by Mr. Johnston.

AYE: SEGALLA, JENKINS, JOHNSTON, SCOTT, SMALL ABSENT: MOTION CARRIED

Executive session concluded at 5:37 p.m.

XII. BOARD ACTION –

- a Motion to Accept the Settlement Agreement with Friday Construction Company to settle the litigation of the Friday Construction Co. lawsuit against Utilities Board of the City of Daphne as presented on behalf of the General Manager, Rob McElroy, to the Board:**

MOTION BY Mayor Fred Small to accept the Settlement Agreement with Friday Construction Company as presented by the General Manager, Rob McElroy. Seconded by Lon Johnston.

AYE: SEGALLA, SCOTT, SMALL, JENKINS, JOHNSTON ABSENT: ABSTAIN: MOTION CARRIED

XIII. BOARD COMMENTS –

Rob McElroy updated the Board on the situation with Park City Water Authority. He advised that he has met with the Executive Director of the Alabama Rural Water Association (ARWA) and they have agreed to act as a mediator between Park City Water Authority and Daphne Utilities Board with regard to joint billing and the North Fork Development. Chairman Segalla clarified that these are two separate issues and stressed to keep it this way. Mr. McElroy continued with reference to the North Fork Development that he advised ARWA that Daphne Utilities will require a written request from Park City for modification to the existing contract that limits Daphne Utilities to a single connection that is defined as a location 6" in diameter and increased capacity assistance with proportional capacity fees in order to proceed. He also advised the Board that the draft capacity fee calculations will be presented at the January 2009 Board meeting to address various issues that have developed in negotiating contracts with developers in order to remain competitive. He explained that the alterations will align the capacity fee schedule with industry standards and also provide alternatives for Daphne Utilities and for developers and the net effect in general will lower the prices to the developer to encourage development and keeps Daphne Utilities competitive. A discussion developed relating to the capacity fees for the North Fork Development and the capacity fees in general. Chairman Segalla pointed out that at a recent Board meeting last year attended by Park City Water Authority's Mr. Austin and Mr. Austin's displeasure of altering the existing water agreement between Park City Water Authority and Daphne Utilities even when a renegotiation was not being discussed.

Mayor Small left the meeting at 5:49 p.m.

Chairman Segalla also emphasized that although he does not want to see this particular development fail, he also does not want to Daphne Utilities to be penalized financially on behalf of our 10,000+ water customers. He stressed that Daphne Utilities should agree to the contract that is in our best interest. Mr. McElroy reminded the Board that Park City Water currently has under the present contract 800,000 to 900,000 gallons a month of excess capacity and that they are asking for another 1-1/2 million gallons a month capacity which will take them over 2 million gallons a month excess capacity and the apartment development may use 600,000-800,000 gallons a month along with impending The Shoulder clinic. He stated that the request will give Park City Water Authority the capacity to remain viable for quite some time. Chairman Segalla pointed out that this is a Daphne Utilities' expense and expressed his trepidations about the issue. Mr. Scott clarified that clarify that the issues with Park City Water Authority are separate and that Daphne Utilities has asked the assistance of the Alabama Rural Water Association (ARWA). He asked Mr. Speegle for his comments if Park City Water Authority is found by Alabama Rural Water Association unable to service the apartment development, would be possible at that time to go before a judge to determine that since it is not duplication of services that Daphne Utilities has a legal right to service the project. Mr. McElroy added that the Executive Director of the ARWA stated that if that happened, she would advise Park City to authorize Daphne Utilities to serve the project. Mr. Scott asked how quickly a judge would decide on an issue such as this. Mr. Speegle stated that it is possible to receive quick results but not likely. Mr. Scott also questioned the issue of the capacity fee calculations and asked when the study would be complete. Mr. McElroy answered that a draft study is ready and

explained that he plans to present the capacity fee study along with the rate study and highlighted options for the developer. Mr. Johnston asked of Mrs. Immel of the capacity of Daphne Utilities if Park City Water Authority's request is granted. Mrs. Immel stated that the new wells that have been installed will be adequate for impending growth of Daphne for the next couple of years. Mr. Johnston also inquired as to running out of the ability to sink wells and add water without effects to the aquifer. Mrs. Immel confirmed that the aquifer is stable as well as the ability to install new wells. Mr. Johnston expressed his concerns of the growth of Daphne Utilities and the recognition of our limits. Mr. McElroy confirmed that this remains a concern in the utility industry and it is unclear how long an aquifer can withstand or saltwater intrusion. Chairman Segalla stated to work out the details with the other party in order to get this issue resolved. Mr. McElroy stated that the main issue is to have something in writing that is enforceable; he commented that Park City had taken the first step by sending a written request and that Daphne Utilities will reply with the methodology in place today that translates into \$300,000. Chairman Segalla stated that the only request in the letter is the increase of our capacity to them from 2 million gallons month to 3.5 million gallon a month.

XIV. ADJOURNMENT-

MOTION BY Mr. Johnston to adjourn the meeting. Seconded by Mr. Scott.

AYE: SEGALLA, SCOTT, , JENKINS, JOHNSTON

ABSENT: SMALL

MOTION CARRIED

The meeting adjourned at 6:06 p.m.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ January 12, 2009 ♦ 5:00 p.m.

I. CALL TO ORDER

A special meeting for the Utilities Board of the City of Daphne was held on January 12, 2009, and was called to order by Secretary/Treasurer Lon Johnston, at 9:06 a.m.

II. ROLL CALL

Members Present: Lon Johnston, Secretary Treasurer
Fred Small, Mayor
Fenton E. Jenkins

Others Absent: Robert Segalla, Chairman
Ron Scott, Vice Chairman

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Lori Scharles – Executive Assistant

Others Absent: Deloris Brown – Human Resources Manager
Drew Klumpp – Adm. Services Manager
Teresa Logiotatos – Finance Manager
Melinda Immel – Volkert
Ray Moore – HMR

III. BOARD COMMENTS –

Mr. McElroy advised the Board that Park City Water submitted another letter dated January 8, 2008 revising their request for water purchase downward to 500,000 gallons per month.

Board Attorney Jerry Speegle and Mr. McElroy presented the Board with a proposed Letter of Intent proposing terms for the additional connection to our system and the purchase of this water capacity. One of the items requested by Park City was an option to buy yet another 500,000 gallons per month at a later date. This item was rejected by the Board.

MOTION BY Mayor Small to authorize Mr. Speegle and Mr. McElroy to develop and issue the Letter of Intent as written to Park City Water Authority. Seconded by Mr. Jenkins.

AYE: JENKINS, JOHNSTON, SMALL

ABSENT: SEGALLA, SCOTT

MOTION CARRIED

Mr. Johnston stressed that Daphne Utilities involvement is directly with Park City Water Authority and not the Developer of the project.

IV. ADJOURNMENT–

MOTION BY Mayor Small to adjourn the meeting. Seconded by Mr. Jenkins.

AYE: JENKINS, JOHNSTON, SMALL

ABSENT: SEGALLA, SCOTT

MOTION CARRIED

The meeting adjourned at 9:25 a.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>ABBA Shriners</i>
CONTACT PERSON:	<i>Joe Crumpton</i>
ADDRESS:	<i>P.O. Box 225 Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>626-2515</i>
TYPE OF PARADE:	<i>Ceremonial</i>
DATE OF PARADE:	<i>April 4, 2009</i>
ROUTE TO BE TRAVELED:	<i>From Civic Center down Main Street to City Hall</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>Cars – 6-7 People 50</i>
START TIME:	<i>9:00 a.m.</i>
STOP TIME:	<i>10:00 a.m.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center Parking Lot</i>
ASSEMBLY TIME:	<i>8:30 a.m.</i>
SPECIAL REQUEST:	
APPROVAL	
POLICE: Chief David Carpenter:	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Bill Eady	<i>William Eady</i>
CITY COUNCIL: <i>2/16/09</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION OF APPROVAL:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2009-10
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:

***John Lake, Councilman, 2009 NLC Congressional City Conference, Washington, D.C.,
March 13 – 19, 2009 - \$245***

***August Palumbo, Councilman, 2009 NLC Congressional City Conference, Washington,
D.C., March 13 – 18, 2009 - \$210***

***Derek Boulware, Councilman, 2009 NLC Congressional City Conference, Washington,
D.C., March 14 – 18, 2009 - \$175***

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 _____, 2009.**

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2009- 11
2009-J-STREET SWEEPER- LEASE

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the STREET SWEEPER - LEASE will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the STREET SWEEPER - LEASE and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the STREET SWEEPER - LEASE be awarded to Ingram Equipment Company; and

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Ingram Equipment Company for the lease amount of \$49,883.27/year for 36 months as specified in BID SPECIFICATION NO: 2009-J-STREET SWEEPER - LEASE and the Mayor is hereby authorized to enter into a lease agreement for the Street Sweeper.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2009-12

**ADEM Application:
ADEM Recycling Fund Grant 2009**

WHEREAS, the City of Daphne is interested in the development of a viable community which will provide its residents and businesses with appropriate and adequate recycling opportunities; and

WHEREAS, the City of Daphne has an existing recycling program ; and

WHEREAS, has City of Daphne has an existing budget for fiscal year 2009 of \$370,691 for recycling; and

WHEREAS, the City of Daphne wishes to purchase two new recycling trucks, one recycling trailer, 596 gallon container, 1514 gallon container, 75 PET Bottles, recycling promotional material, and a mascot costume.

NOW, THEREFORE, be it resolved by the City Council of the City of Daphne, Alabama, that:

1) The City of Daphne shall submit an application to the Alabama Department of Environmental Management in the amount of \$335,500 for enhancing the City of Daphne Recycling Program; and,

2) Fred Small in his capacity as Mayor of the City of Daphne, is hereby authorized to execute such application and any and all additional documents necessary to carry out the purpose of requesting funding and consideration from ADEM on behalf of the City of Daphne for such project; an

3) If funded, the City of Daphne will receive the grant funds with no match required for such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2009

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

ORDINANCE 2009 - 09

An Ordinance Authorizing the Mayor to Execute a Grant Agreement for the SAFER Grant and Appropriating Match for 9 Firefighters

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, the City of Daphne did heretofore submit an application for a SAFER Grant for additional Firefighter personnel; and

WHEREAS, the City of Daphne has received notification that the SAFER Grant has been approved for in the amount of \$ 967,082 over a 5 year period with the City’s match \$1,137,550 over the same 5 year period; and

WHEREAS, such General Fund appropriations totaling \$ 50,544 are needed as the City’s match for FY2009 for the SAFER Grant for nine firefighters and the related operating requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include:

- 1) Appropriations for the following:
 - \$19,044 - 9 Firefighters
 - \$31,500 - Uniforms
- 2) The Mayor is hereby authorized to execute the SAFER Grant agreement and any other related documents thereto; and
- 3) Matching funds not to exceed \$ 50,544 are hereby appropriated.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

**ORDINANCE 2009 - 10
CIVIC CENTER INITIATIVE APPROPRIATION**

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, the Civic Center requires Teambuilding Training and Facilitation for City / Departmental operations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a General Fund appropriation in the amount of \$12,000 is hereby appropriated for the Civic Center Teambuilding Training and Facilitation.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-11**

**Adoption of the City of Daphne Employee Handbook:
Personnel Handbook
Ordinances and Resolutions
Drug and Alcohol Policy
Safety Policies and Procedures Handbook**

WHEREAS, the Ordinance Committee of the City of Daphne, Alabama, at their regular meeting held on February 11, 2009, recommended to the City Council of the City of Daphne to adopt the Personnel Handbook, Ordinances and Resolutions, Drug and Alcohol Policy, and Safety Policies and Procedures Handbook; and

WHEREAS, all current city employees have received a copy of the City of Daphne Employee Handbook and all future hired city employees will receive a copy at the start of their employment with the City of Daphne; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Ordinance Committee believes it is in the best interest of the health, safety and welfare of the employees of the City of Daphne to adopt said Employee Handbook as recommended.

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

SECTION I: THE EMPLOYEE HANDBOOK

The City of Daphne Employee Handbook referenced hereto as Exhibit "A" shall be the official Handbook for all City of Daphne Employees.

SECTION II: REPEALER

Any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF

DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2009.

JOHN LAKE,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

**Cost Estimate for Civic Center Initiatives
Presented to Finance Committee, January 12, 2009**

<p>Facilitation</p>	<p>Have Civic Center department meeting Include the Mayor, HR Director, and facilitator</p> <p>Review: Mayor' Role HR Director's Role Internal Interactions, customer relations Confidentiality concerns</p> <p>2 meetings (December 08, Jan 08)</p>	<p>Facilitator charges are \$75-\$100 per hour</p> <p>Time estimate: 6-8 hours</p> <p>Estimated Cost: \$800</p>	<p>December 08- January 2009</p>
<p>Teambuilding</p>	<p>External source to facilitate communications and working relationships Mayor, HR, Civic Center Director</p> <p>1 meeting per quarter</p> <p>This teambuilding facilitation will serve as a prototype for usage across other departments in the City in 2010</p>	<p>Facilitator charges are \$75-\$100 per hour</p> <p>Time estimate: 2-4 hours per quarter</p> <p>Estimated Cost: \$1600</p>	<p>December 2008 – November 2009</p>
<p>Training</p> <ul style="list-style-type: none"> • Group dynamics • Leadership <ul style="list-style-type: none"> ○ Engender Support ○ Management Styles ○ Mutual Trust and Respect • People Skills • Problem-solving • Managing Change • Diversity • Appropriate Business Relationships 	<p>External trainer to provide training to Civic Center staff</p> <p>Provide Leadership Academy training materials (and any other materials for training not attended) to Civic Center staff for self study</p> <p>Possibly extend training opportunity to all City employees</p> <p>Consider the “train the trainer” concept for delivering training on these topics to departments and multiple shifts across the City. Use Leadership Academy graduates and other interested employees as potential trainers.</p>	<p>Trainer Charges are \$200 per hour</p> <p>Time estimate: 4-6 hours per class, 8 classes</p> <p>Estimated Cost: \$9600</p>	<p>January – December 2009</p>
<p>TOTAL ESTIMATED COST</p>		<p>\$12,000</p>	