

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 17, 2010
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

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

3. APPROVE MINUTES: Council meeting minutes / February 1, 2010
Work Session minutes / February 8, 2010

PRESENTATION: Present Plaques to Retiring Library Board Members:
Mr. Ron Allen & Ms. Gayle Robinson

MOTION: Set a Special Called Council meeting date for Monday, February 22nd or Wednesday
February 24th to interview for the Civic Center Director Position

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / February 8th

a.) Resolutions:

- 1.) Easter Egg Hunt / **Resolution 2010-18**
- 2.) 4th of July Fireworks / **Resolution 2010-19**
- 3.) Disposition of surplus equipment to Daphne High School /
John Deere 1200-A Drag Machine / **Resolution 2010-20**
- 4.) Disposition of surplus equipment / Metal Desk, Metal File Cabinet,
Computer Desk w/Hutch, Candy Canes 4', (84) Candy Canes 8' (4) / **Resolution 2010-21**

b.) Ordinances:

- 1.) Old County Road Gulley Repairs / **Ordinance 2010-10**
- 2.) Windsor Court/Drive Drainage Project / **Ordinance 2010-11**
- 3.) Finance Servers & Backup / **Ordinance 2010-12**
- 4.) Zydeco Festival / **Ordinance 2010-13**

c.) Motions:

- 1.) Authorize the Mayor to enter into an Agreement in the amount of \$29,100 with Volkert and Associates, Inc. for the engineering required for Captain O'Neal Drive and Dryer Avenue Drainage, Roadway & Sidewalk.
- 2.) Authorize the writing off of bad debt for garbage totaling \$25,089.73 and Pilot Fees totaling \$5,684.49 for fiscal years 2004-2007 for those account holders who cannot be located due to moving without a forwarding address, and in some cases, changing names.
- 3.) To instruct the Mayor to immediately reactivate the suspended bid request for the Whispering Pines Road project as engineered by the city's engineer HMR, and for those bids to be made available to the Finance Department within five business days of their reactivation.

d.) Financial Reports:

- 1.) Treasurers Report / January 31, 2010
- 2.) Sales & Use Tax Collections / December 31, 2009
- 3.) Lodging Tax Collections / December 31, 2009

B. BUILDINGS & PROPERTY - Lake

Review minutes / February 5th

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes / January 29th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Review minutes / January 14th

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board – Yelding

Review minutes / January 25th

D. Library Board – Lake

E. Planning Commission – Barnette

Set a Public Hearing date for **April 5, 2010** to consider Revisions to the Zoning Map

F. Recreation Board - Burnam

Background checks – Volunteer Youth Coaches / **Resolution 2010-13**

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) ALDOT: Safe Routes To Schools Grant / County Road 13 / **Resolution 2010-15**

B. City Attorney’s Report

C. Department Head Comments

David Cohen – City Clerk – May Day Park Boat Ramp Update

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) To Mandate Recreation Department Volunteer Coaches

Submit to a Background Check. /Resolution 2010-13

b.) Supporting passage of the Temporary One-Cent Sales Tax

to Maintain Educational Programs and Services in the Baldwin

County Public Schools. /Resolution 2010-14

c.) ALDOT: SRTS (Safe Routes to Schools) Grant County Road 13. /Resolution 2010-15

- d.) City of Daphne Supports Complete Streets Sidewalks Project. /Resolution 2010-16
- e.) Accept All Drainage Easements Located within the Lake Forest Subdivision. /Resolution 2010-17
- f.) Easter Egg Hunt Contribution. /Resolution 2010-18
- g.) Fourth of July Fireworks. /Resolution 2010-19
- h.) Declaring Certain Personal Property Surplus. /Resolution 2010-20
- i.) Declaring Certain Personal Property Surplus. /Resolution 2010-21
- j.) Revisions to Street Map. /Resolution 2010-22

ORDINANCES:

1ST READ

- a.) Old county Road Gulley Repairs /Ordinance 2010-10
- b.) Windsor Court/Drive Drainage Repairs. /Ordinance 2010-11
- c.) Finance Servers & Backup. /Ordinance 2010-12
- d.) General Fund Appropriation: Zydeco Festival. /Ordinance 2010-13

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 1, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

Council President Palumbo called the meeting to order at 6:34 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. 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; Richard Merchant, Building Official; Vickie Hinman, Human Resource Director; Adrienne Jones, Planning Director; Deni Biggs, Interim Civic Center Director; David Carpenter, Police Chief; Kim Briley, Finance Director; Bill Eady, Public Works Director; David McKelroy, Recreation Director; James White, Fire Chief; Jane Robbins, Mayors Assistant; Anne Morris, Reference Librarian; Ashley Campbell, Environmental Program Manager; Scott Hutchinson, City Engineer; Al Guarisco, Village Point Foundation; Selena Vaughn, Beautification Committee; Carolyn Coleman, Beautification Committee; Tomasina Werner, Beautification Committee; Dorothy Morrison, Beautification Committee; Willie Robison, BZA.

Absent: Tonja Young, Library Director.

2. APPROVE MINUTES

MOTION BY Councilman Burnam to adopt the Council meeting minutes meeting held January 19, 2010. *Seconded by Councilwoman Barnette.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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PROCLAMATION: Arbor Day / February 27, 2010

Mayor Small read the proclamation proclaiming February 27,2010 as Arbor Day in Daphne.

PRESENTATION: Presenting the 2009 Arbor Day Posters to Students

Mrs. Carolyn Coleman introduced the Sarah Carson from W.J. Carroll Intermediate School and Lauren Stewart from Daphne East Elementary School whose poster won first place for the State of Alabama in 2009. Mayor Small presented the students with their posters. Mary Ann Florey could not be present to accept her poster. Mrs. Coleman said that the contest for 2010 is under way, that the Arbor Day tree give-away will be at Village Point Preserve and starts at 8:00 a.m. They have over 3,000 trees to give away.

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PRESENTATION: Ashley Campbell, Environmental Program Manager / Coastal Impact Assistance Program Grant Application

Mrs. Campbell asked Council for approval to apply for the grant. The State of Alabama and the county both received several million dollars, and she would like to apply for two (2) grants to restore certain sections of D'Olive Creek and Tiawassee Creek. There is no in-kind match on these funds it is fully funded. She would write in the grant that her management of the grant itself and the process would be in-kind match and labor. There is no cash match required. She asked council for a motion to authorize her to apply for the grants.

MOTION BY Councilman Lake to authorize Ashley Campbell to apply for the two (2) Coastal Impact Assistance Program Grant to restore sections of D'Olive Creek and Tiawassee Creek Watershed with no cash match. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

DISCUSS: Changing the February 15, 2010 meeting Date

MOTION BY Councilman Scott to change the February 15, 2010 Council meeting date to Wednesday, February 17, 2010. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

A. FINANCE COMMITTEE – Boulware
No report. The next meeting will be Monday at 4:00 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake
Minutes for the January 8th meeting are in the packet.

MOTION BY Councilman Lake to authorize the Mayor to negotiate the cost of a contract with Engineered Cooling Services regarding any energy analysis for the Daphne Civic Center, and to forward the proposal to the Finance Committee upon completion of negotiations. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to change the venue for the March 8, 2010 Council Work Session from City Hall to the Richard Scardamalia Pavilion at Bay Front Park. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. PUBLIC SAFETY COMMITTEE – Burnam

Minutes for the January 13th meeting are in the packet. The Fire Department received a Firefighter grant in the amount of \$50,000 to be used toward cardiac monitors. The Fire Department is partnering with South Baldwin Regional Hospital for EMT school for what South Baldwin charges their own employees.

MOTION BY Councilman Burnam to authorize the Mayor to sign a contract with South Baldwin Regional Hospital for EMT School for the Daphne Fire Department for training. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The next meeting will be February 10th at 4:30 at City Hall.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. There will not be a meeting for February unless something is on the agenda, and in such case the meeting will be after the Public Safety meeting

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The committee met last Friday, and the minutes will be in the February 17th council packet.

Councilwoman Barnette stated that at the last Public Works meeting the comment was made that recycling would be discontinued on March 31st. She said that her understanding of the budget that council passed was that they took out \$200,000, but the fate of recycling was to be determined at a later date, of which they are getting closer. The \$200,000 was reflected in the savings of transportation, once a week garbage collections and so on. She would like the council to discuss the fate of recycling before March 31st, and have it go by the wayside.

Councilman Scott stated that at tomorrow’s work session for Baldwin County the Team Green is making a presentation, and part of that is for them to get started so that they can process the City of Daphne’s recycling. That is supposed to be discussed with the Commissioners tomorrow about creating a place where that can happen.

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Mayor Small stated that they are looking at two (2) venues Team Green where you will put recycling in a different bag and into the garbage can, and it will go to landfill where it will be dumped and Team Green will pull the bags out for recycling. There is somebody else interested, it is actually the company that the city sells all the recyclables to in Loxley. They are interested in running the routes and getting the recycling for the city, because they know if it goes to Team Green they loose all that material. He said that they have been talking about that briefly. Right now they have recyclables down to one (1) person as far as in the building. The city does not do any sorting, because it has become financially unreasonable for the city to sort and bundle. They are just pushing it all in the truck, and they get less per ton, but the city saves a lot of money, and then they sort it in Loxley. There are some other things to consider such as they are going to hold back a couple of the rear loader trucks. They are going to look at the budget, and bring to council what they feel like they will have left in recycling, and then will pick it up take it straight to Loxley, if council so pleases. Basically, it is the same thing now except they are able to dump it there and truck it over. They are hoping in the future to take the recycling building and turn it into a garbage transfer station which will save a lot of money by not having to run to the landfill.

Councilwoman Barnette stated that she wanted to make sure that on record they are not discontinuing recycling as of March 31st. She agrees that they need to continue to look at innovative ways. ADEM currently has a municipal grant that she has already contacted the administrator, and if the Mayor would authorize it she would like to work with whomever he would like to push forward with a grant. She just wanted to make sure on record, because it was announced officially at the Public Works meeting that as of March 31st recycling would be discontinued in the city. She wants to make sure that they do not plan to discontinue recycling as of March 31st.

Mayor Small said that what was said all along is that Team Green was going to be in place, and then they would be using the different colored bags and putting it in the garbage.

Councilwoman Barnette stated that they hoped it would be in place.

Mayor Small continued saying that they would no longer be running around the city with curbside recycling picking it up.

Councilwoman Barnette said that that debate was still unfinished. They discussed that Team Green was not yet in place, and they hoped that it could be in place, and provide those bags.

Mayor Small stated that's the pleasure of the council. They have no problem with that whatsoever. They just need the money to carry forward.

Councilwoman Barnette stated that if the Mayor could get that, and Mr. Palumbo would make sure that this is on a work session for when the Mayor needs it to know that he has funds in place while council continues to discuss the options whether it is if Team Green is in place or a transfer station or something else she would appreciate it.

Council President Palumbo stated that his recollection of the budget meeting that they had when Team Green made a presentation to council and he specifically asked them when it would be in place, and they

said by the end of the first quarter, and he guesses that is where March 31st came up, but of course, council did not make any decisions on discontinuing recycling. It was a question of would they change recycling from city pickup to the county program. He said certainly they can discuss it at a work session, but until the council decides to change the recycle program it would continue. He does not see how or why it would be discontinued, and there has been absolutely no plans to do this to his knowledge.

Mayor Small stated that it will run out of funds. What they estimated funds for and budgeted for would get them through six months or through the end of March. That is what was in the budget. They have been able to save some money there by cutting staff down, not baling anymore, just one person there putting it in the trailer. They can look to see how much money they have left for labor, but it is not going to be enough to go the full extended budget year.

Councilwoman Barnette stated that she would like to put that on a work session.

Council President Palumbo stated that he will, and he would like to say for the record that he would not be in favor of discontinuing the recycling program in the city under any circumstances. He cannot see them going backwards on that. He will go on record saying that now, but whether they go to the Team Green program or some other program he feels strongly that they need to keep recycling in the city.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

There will be a meeting on March 4th with one item on the agenda.

B. Downtown Redevelopment Authority – Barnette

Councilwoman Barnette stated that several council members have sent forward some names and/or resumes for Downtown Redevelopment appointments. She is trying to get a number of them collected for the February 17th agenda so for those that have names, she does not necessarily have to see them, but she asked council to provide them to Mrs. Hayes for the council packet deadline, or if they would like her to contact that person on their behalf and go through the history of Downtown Redevelopment she will as she has already done that for some of the council, and that has worked well. She would love to get a slate to present to the council for the February 17th agenda.

C. Industrial Development Board – Yelding

No report. The next meeting is tentatively scheduled to be at Plus Diagnostics to showcase it to the board. They currently employ 35 people with plans to hire 15 more.

D. Library Board – Lake

No report. The next meeting will be Thursday at 4:00 p.m.

E. Planning Commission – Barnette

The Planning Commission met last Thursday, and had a Public Hearing on the proposed changes to the Land Use Ordinance, and after that the commission decided to give it more time. The commission will meet on February 17th to go through it one more time, and then give it to council in March. She mentioned that all comments on the proposed changes need to be to Mrs. Jones by February 10th in order to make the changes, and respond to the comments. Councilwoman Barnette stated that the proposed changes were on the website.

Council President Palumbo asked why the changes were on the website when they have not received a copy of the proposed changes. He said they should have received them first before going on the website.

Councilwoman Barnette stated that she was unaware that council had not received a copy from Mrs. Jones. She said that they would have a copy by tomorrow.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

Councilman Scott reported that there will be a Finance meeting on Wednesday February 17th at the Daphne Utilities office. The regular February meeting has been rescheduled for March 3rd at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Mardi Gras / Loyal Order of the Fire Truck / February 14, 2010*

MOTION BY Councilwoman Barnette to approve the Parade Permit for the Loyal Order of the Fire Truck Parade for February 14, 2010. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) *Parade Permit / S.E.E.D.S. / 5k & Fun Run / March 6, 2010*

MOTION BY Councilman Scott to approve the Parade Permit for S.E.ED.S. 5K & Fun Run for March 6, 2010. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) Parade Permit / Christ the King / Fund Raiser Walk for Haiti / February 13, 2010

MOTION BY Councilwoman Barnette to approve the Parade Permit for Christ the King Fund Raiser Walk for Haiti for February 13, 2010. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

No report. Councilman Scott asked to have an Executive Session at the next Council meeting for an update on all litigation.

C. Department Head Comments

David Carpenter – Police Chief – reported to council that all vehicles ordered through this budget year are in, and being painted. He said that some are already on the road.

David McKelroy – Recreation Director – reported that they are in spring registration for sports.

Vickie Hinman – Human Resource Director – reported that out of the 18 qualified applications for the Civic Center Director position only 14 returned the supplemental questionnaire, and she made copies, and sent them to the City Clerks office. She separated them in two groups. One group was her recommendations, and the other group was the rest of the applications. She asked council to review them.

Councilman Palumbo asked the City Clerk to put the applications in the council work room in the main desk so that council can come by this week to review them. They will discuss the procedure at the work session next Monday.

Adrienne Jones – Planning Director – asked council how many wanted an electronic version of the changes to the Land Use Ordinance, and how many wanted a hard copy.

Council President Palumbo suggested that Mrs. Jones give everyone a hard copy of the proposed changes.

David Cohen – City Clerk - reported that last week the city received an application for a Coastal Impact Grant like they have had in the past. It is a \$50,000 grant with a match of 80/20. He asked council what they wanted to apply for if they want to use it. He does not have any idea of where they would use it right now. It has to be at a water front park.

Councilman Yelding suggested a pier extension.

Councilwoman Barnette asked Mr. Cohen to summarize what has been done in the past and send it to council with the scope of work.

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Council President Palumbo asked if there were any deadlines with these grants.

Mr. Cohen stated that the application deadline is March 12th.

Councilwoman Barnette asked what is the estimated completion of the boat launch.

Mr. Cohen stated that it is based on 120 day contract.

Councilwoman Barnette requested that it get of the city as fast as they can so that they can let the contract.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of Eastern Shore Motel – in favor of ending the recycling program on March 31st.

Ms. Selena Vaughn – Beautification Committee – spoke regarding the not cutting funds for the Arbor Day program. It is important to the Beautification Committee that the city maintain the status of a Tree City, and celebrate Arbor Day.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

2ND READ
1ST READ

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

MOTION BY Councilwoman Barnette to waive the reading of Ordinances 2010-08. *Seconded by Councilman Scott.*

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2010-08. *Seconded by Councilman Scott.*

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

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2010-09. *Seconded by Councilman Scott.*

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2010-09. *Seconded by Councilman Scott.*

Councilman Boulware stated for the record that what they are doing is borrowing money from itself. The city is going to act as its own bank in this situation. They are going to borrow the \$822,500 in the form of this ordinance. As it reads it spells out specifically the revenue from lodging that has been appropriated for the Recreation Board will go to satisfy this loan. It isn't a situation where they are taking money from the reserve at a time when they really don't need to because of the down economy. They are setting up themselves up to put that money back into the pot, so to speak. So it is truly a lender/lendee situation. In fact the last line "no lodging tax funds will be available for other recreational purposes until such time as all sums "borrowed" are repaid in full. He wanted for the record that to be mentioned and recorded.

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

9. COUNCIL COMMENTS

Councilwoman Barnette thanked the Beautification Committee for all the work that they continue to do. She is also glad to see the Top Ten list again. She said it is exciting to expand Arbor Day. Last year was a great event with Lauren Stewart poster being forwarded to the state competition and winning. There was a lot of enthusiasm there last year, and the trees go quickly. Councilwoman Barnette commented on the

recycling program saying there has been a lot of discussion about recycling, and where they go for the future, and she certainly thinks they need to look at it. This is 2010 it is not emotional it is a civic responsibility to have the best environmental footprints the city can. The city has prided itself on that by being the first to hire a Site Containment Inspector, the city has prided itself on the recycling program in the past and receiving awards, they have looked at Arbor Day and continue to maintain the Tree City status. So it is not an emotional thing she thinks it is a civil responsibility, and not to mention that there are financial cost as well for discontinuing, there are additional tipping fees that haven't been presented, the transfer station is not mutually exclusive, she hopes, of what they continue to do with recycling.. The Mayor has put the request for a transfer station before the Public Works Committee several times over the past few years, and they have said from a committee standpoint that that was an important thing to do, and they needed look to see how to do it. So she does not see those as mutually exclusive. They certainly need to look at how to make the program work the best, but she does not know if they have really done that yet to date, but they need to continue to make it efficient and make it fruitful. She does not think that discarding it is the point. She knows that they will look at this at a work session, and she does not think it is an emotional issue she thinks it is a civil responsibility, and she thinks they can find a way to make money if they look at it closely.

Councilman Lake stated that a few of them might have noticed that his wife changed out the floral arrangement behind the dais. They are live plants and clean the air. He asked that the City Clerk office remember to water them.

Councilman Scott stated that he looks forward to Arbor Day. He said as a city they have always been very welcoming to folks that live right outside of the city limits and come and avail themselves of the cities trees, which is fine, they also want them to come and shop in the city's stores and stay in the city's hotels. He said it would be interesting to know how many from inside and outside the city come to get trees, just for a head count not that they try to make them feel like second class citizens. It would be good for the city to know as far as future planning. You will have a lot of folks that live in subdivisions outside the city that come and get trees, and they need to know that the city does offer a number of benefits for folks inside and outside the city limits.

Councilman Boulware recognized Mr. Eady. He is glad to see him back this evening. He said it looks like he is feeling better. They are all glad to see him up and moving around.

Council President Palumbo stated that he did not know before tonight that there was any mentioning of discontinuing recycling. He does not know if someone misspoke, but it certainly has not been discussed amongst the council members. It might be good to squelch a rumor as far as the total discontinuing of recycling. He thinks they do have a responsibility to look into other avenues of how to do it. There was a time when he first came on council when the recycling actually made money. Those were commodities that the city was paid for, but that, he understands, has changed dramatically. The city has a good recycling program, and he gets many comments from folks that if you live in other areas you have to separate your newspapers from your bottles, your bottles from your plastics and so forth, but in Daphne they can all be put in the same recycle bucket, and that is quite a convenience for the employees and citizens. There are employees at the recycling yard that separate the recyclables. That is a real positive for living in the city. He has had a lot of positives comments. He cannot fathom completely abolishing recycling in the city. Daphne is the largest city in the county, and they like to

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consider themselves as leaders in the county, and he cannot imagine them being the only city in the county that does not recycle. He really does not know, again, if someone misspoke on that or if it was a misinterpretation of the fact that they may change recycling in the city, but he will stay on record with that. He wished everyone a fun Mardi Gras, and day off if you have the day off.

10. ADJOURN

MOTION BY Councilwoman Barnette to adjourn. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:42 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk

Certification by Presiding Officer:

August A. Palumbo,
Council President

FEBRUARY 8, 2010
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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

ABSENT: Bailey Yelding; Greg Burnam.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, Human Resource Director; Kim Briley, Finance Director; Pfil Hunt, Gardnyr Michael Capitol; Preston Bolt, Bond Attorney, Hand Arendall; Denise D'Oliveira, SE.E.D.S.; JaNay Dawson, Interim Superintendent of Baldwin County Board of Education; Tracy Roberts; Baldwin County School Board; Coach Don Blanchard, Principal Daphne High School.

Council President Palumbo called the meeting to order at 6:35 p.m.

1. PRESENTATION: S.E.E.D.S. / BALDWIN COUNTY BOARD OF EDUCATION / DENISE D'OLIVEIRA / JAYNAY DAWSON / COACH DON BLANCHARD

Denise D'Oliveira, JaNay Dawson, Coach Blanchard and Tracy Roberts asked council to take a public stand on a temporary one cent sales tax for education. They reported that if they do not receive these funds there will cut to the education programs. Mrs. D'Oliveira handed out a sample resolution for council to consider along with a chart showing the job cuts if the tax does not pass. (*Sample resolution and chart is spread out upon these minutes*)

2. FINANCE:

a.) 2010 Refunding of Warrants

Mr. Pfil Hunt with Gardnyr Michael Capitol explained that this is just a refinancing of bond debt. Because of the economy municipal interest rates are pretty low right now. There is a threshold number that people in finance generally look at and put everything on an apples to apples comparison. What they look at is the amount of present value savings as a percentage of the amount of bonds outstanding. The general threshold GFOA and a lot of people use is three percent (3%) of PV savings. The savings per rata are pretty high at about \$150,000 in today's market. The present value percentage is about six and one half percent (6½%) so you are more than double the normal threshold. This is the whole reason for this potential refunding right now. One of the things council can look at, they have time to decide until after they get the rating and council decides to go forward with the pricing, is that council might want to move the debt around a little bit, and one option is to delay a payment for a year or two building in a little window. What he has shown in the chart is general is keeping the payment the same, the dates the same, and how much are generated in gross saving.

Council asked questions and discussed the refinancing.

The amount to be refinanced is \$2,060,000. The refinance amount will be \$2,185,000. The total amount saved will be close to \$20,000 per year.

b.) Tameron Honda Go Zone Loan Amendment

Mr. Ross stated that Mr. Martin, bond attorney for Tameron Honda, told him this is a routine matter. Since the city was a party to the original lease they must be a signatory to its amendments. They are amending their lease agreement as it relates to the \$9 million that Tameron has on the bond. Apparently Tameron is going to buy the bonds back in some kind of deal so the lease agreement has to be amended. The city is under no financial obligation if Tameron defaults.

**FEBRUARY 8, 2010
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

Councilwoman Barnette asked that Mr. Ross act on the city's behalf and look over the documents to determine the city's best interest in this, and not what they are being told by Tameron.

Mr. Ross stated that Mr. Bolt would be the right person for that job. Mr. Ross stated that he would get the original lease, which is very generic, over to Mr. Bolt tomorrow for him to review. He said that he would peruse them before they come to council.

3. VICTOR GUARISCO MEMORIAL

David Cohen, City Clerk, stated that he spoke with Al Guarisco about this, and he said that Mr. Guarisco was an avid outdoorsman and was responsible for the May Day Park pier being built, and he thought naming the pier after him was fine. The family did not want something big like a building named after him. The Guarisco's are a modest family.

Consensus of council was to name the May Day Park Pier after former Mayor Victor Guarisco.

Councilwoman Barnette asked the City Clerk to send them a list of all city property named after people.

Council President Palumbo stated that they need an ordinance that states that no property shall be named after someone living, and that a person has to be passed away a certain number of years before naming something after that person.

4. CIVIC CENTER DIRECTOR HIRING PROCESS

Council discussed the process.

Consensus of council was that they would make a list of their top four (4) applicants they would like to interview, and they will vote at the council meeting on February 17th. The selection of the top four must be done in public. In case of a tie both applicants will be interviewed.

Council President Palumbo asked that a motion be on the February 17th agenda to set a Special Called Council meeting for February 24th to interview for the Civic Center Director position.

Council discussed setting up a procedure in case the person chosen for some reason cannot take the position.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 8:20 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**August A. Palumbo,
Council President**

RESOLUTION

Supporting Passage of the Temporary One-Cent Sales Tax to Maintain Educational Programs and Services in the Baldwin County Public Schools

Whereas, the correlation between strong, well-funded schools and thriving, prosperous communities is demonstrated daily across our nation; and

Whereas, our own public schools are often cited as the single most important factor in attracting new residents and businesses to Baldwin County; and

Whereas, the Baldwin County Board of Education has been responsive to recent calls from elected officials and local residents to provide new facilities and innovative instructional programs to meet the demands of rapid growth and higher public and governmental expectations; and

Whereas, many improvements in the Daphne schools have been noted over the past twenty years which continue to benefit our children as well as every aspect of life in our community; and

Whereas, the Baldwin County Board of Education made continuous financial progress through 2008, earning top bond ratings and accumulating over \$22 million in reserve funds by the end of that fiscal year; and

Whereas, since that time, a perfect storm of plummeting property values, extended retail losses and an unprecedented shortfall in state funding has wiped out those reserves and left our public schools to operate this year with \$61 million less than in 2008; and

Whereas, failure to pass the proposed temporary, one-cent sales tax would result in irredeemable losses to educational and economic development opportunities over the coming years as well as higher dropout and unemployment rates, lower property values and a widely diminished civic reputation;

Now, therefore, be it resolved that the Daphne City Council supports the March 23 ballot measure to provide approximately \$25 million annually over the next 3 years to maintain needed teachers, administrators and programs which promote student safety and academic success.

Be it further resolved that the Daphne City Council encourages the citizens of Daphne and all of Baldwin County to vote in favor of providing a short-term financial remedy that will keep school doors open, teachers in their classrooms and our children on a level playing field with others across the state.

COMPARISON CHART

Item At Risk	Without the Penny Tax	With the Penny Tax
School-Level Personnel	Jobs at Risk: Teachers, assistant principals, counselors, social workers, nurses, Special ED aides, clerical and custodial staff.	Able to maintain safer staffing levels; able to restore 30-40 critical school staff positions – teachers, Spec. Ed. Units, nurses, bus drivers, lunchroom workers and other support staff, etc.
Extra-Curricular Supplements	Eliminate approximately 370 individual supplements thereby jeopardizing art, band, music & athletic programs.	Able to maintain most extra-curricular supplements and associated programs.
Classroom Sizes- Safety of Classes	Loss of teacher units will greatly increase class sizes and reduce safety and efficiency in schools.	Able to maintain class size; improve instructional programs, academic success and safety of student.
School Closures – Consolidation of Facilities	School closures may be imminent without the Penny Tax, depending upon the severity of state budget cuts.	Unlikely to recommend any closures unless all criteria are met, and closure is deemed critical and necessary to meet state budgetary requirements.
Central Office Operations and Staff	Continue to reduce staff by attrition. Continue to reduce operational budgets and services. Inability to maintain clean schools and well kept grounds.	Continue to reduce staff by attrition. Able to maintain necessary level of services to schools including basic repair and maintenance.
General Fund Balance – Financial Health of BOE	Loss of General Fund Balance jeopardizes ability to meet payroll and other expenses. Inability to handle emergencies/storm damages. Deficit Balances: 2010: \$4.8 Million in the red 2011: \$17.4 Million in the red 2012: \$31.3 Million in the red	Stabilize fund balance. Ability to pay operating expenses and all salaries, emergencies, etc. 2010: \$2.9 Million in the black 2011: \$7.7 Million in the black 2012: \$9.8 Million in the black

How Will Baldwin County Board of Education Use the Penny Tax?

The priorities listed below will assist the Board in meeting critical needs at the LOCAL SCHOOL LEVEL, employ sufficient teachers to reduce effects of unsafe and overcrowded classrooms, and restore academic integrity and excellence. These priorities will enable the Board to bring about financial stability and protection for employee's salaries in the future. The Penny Tax will enable the Board to implement a plan to restore fund balance over a period of time such that the Board meets the State compliance for a one-month operating balance.

- 1. Maintain adequate level of staffing at the local school level.**
- 2. Restore 30-40 critical school staff positions such as teachers, special education positions, nurses, bus drivers, lunch room workers, clerical and custodial positions.**
- 3. Focus spending on providing crucial life, health and safety needs of students and teachers.**
- 4. Maintain certain level of extra-curricular supplements and associated art, band, music and athletic programs at the local schools.**
- 5. Limit impact of school closings.**
- 6. Use to meet the system's current funding shortfall.**

**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 8, 2010
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:07 pm. Present were Chairman Derek Boulware, Councilman Bailey Yelding, Councilman Ron Scott, Finance Director Kim Briley, Senior Accountant Suzânnne Henson, and Accountant Donna Page.

Also in attendance were Councilman Gus Palumbo, Human Resources Director Vickie Hinman, Public Works Director William Eady, Interim Civic Center Director Deni Biggs, Recreation Director David McKelroy and Environmental Programs Manager Ashley Campbell.

Mayor Small arrived at 4:15 pm and left at 5:08 pm. Mr. Yelding left at 5:26 pm.

II. PUBLIC PARTICIPATION

Mr. Kevin Spriggs expressed concern that items not approved in the 2010 budget were coming up for approval, outside of the budget process, such as the \$12,943 for SARPC and the Zydeco Festival. He thinks City funds should be reserved for services for taxpayers, etc. and not for external organizations and parties.

III. Current Business

Mr. Boulware discussed that he thought bids for the Whispering Pines project were going to be submitted. Mr. Scott Hutchinson, with Hutchinson, Moore,& Rauch, LLC noted the bid opening had been scheduled for this past Friday, but was suspended on Wednesday until further notice. Mr. Eady stated he had reviewed the base soil report and did not feel comfortable with the report. Mayor Small, Mr. Eady and Mr. Delahunty with HMR had met and decided the project needed to be looked at further. Traffic concerns were also discussed and Mayor Small highly recommended the project start after school breaks for the summer.

IV. HUMAN RESOURCES BUSINESS

Ms. Vickie Hinman presented the Human Resources activity update. She stated the Human Resources Assistant and Administrative Secretary for the Detective Division positions have been filled internally, and have led to a Records Technician position opening in the Police Department, which has been posted internally.

Also, applications are being reviewed for the Municipal Court Administrator position, and the Council is reviewing questionnaires for the Civic Center Director position.

Ms. Hinman also noted that W-2's were mailed/distributed on January 28, 2010.

V. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Requests –

1. Old County Road Gully Repairs - \$13,960

Mr. Eady discussed the pipe that has ruptured at the end of Old County Road. He noted that it is part of a major storm drainage system and needs to be dug up, replaced and tied into the existing drainage system. He noted that Public Works equipment can't work that deep so it requires an outside contractor. Prices were obtained from four companies even though the cost is under the bid requirement. The lowest bidder is American Asphalt at a price of \$12,960, with engineering and project oversight cost of \$1,000.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$12,960 for construction cost and \$1,000 for engineering and oversight costs for pipe replacement and gully repairs at Old County Road. Seconded by Mr. Yelding. All in favor.

2. Windsor Drainage Project - \$45,000

Ms. Ashley Campbell handed out cost estimates for the Windsor Drainage Project. Ms. Campbell discussed that this drainage problem does not qualify for FEMA funding and it affects eight homes in the Lake Forest subdivision. HMR has estimated the project costs at \$38,020, which includes \$3,000 for engineering services. Ms. Briley stated that between \$4,500 and \$5,000 has already been spent from contracted services on a study of the project and she would like to see this cost included in the appropriation.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating up to \$45,000 for the study, engineering and construction costs for the Windsor Drainage project. Seconded by Mr. Yelding. All in favor.

3. Finance Servers & Backup - \$4,700

Ms. Henson presented a request for two new servers to replace the current exchange server. She noted the current server and backup unit is over five years old and has required a lot of repairs lately and can no longer handle all the programs it has previously operated. Ms. Henson noted that due to budget constraints she was hoping the server could operate one more year but the recent breakdowns show it cannot. This server is the primary server for Word / Excel, and Outlook for the Executive, Legislative, Human Resources, and Finance departments and it also serves as a VPN server to Recreation, Mechanical, and Public Works to connect to City Hall.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$4,700 for two servers, external backup and setup labor. Seconded by Mr. Scott. All in favor.

4. Zydeco Festival - \$29,400

Mr. Gus Palumbo discussed the Buildings & Property Committee's request that Ms. Biggs, Interim Civic Center Director, prepare a proposal streamlining the Zydeco festival to see if it could possibly pay for itself. Ms. Biggs' budget proposal includes reducing the festival from three to two days, cutting out the outdoor Community Day, and raising the ticket prices from \$15 to \$20. The projected cost is \$29,400, with projected revenue of \$31,000. It was noted that sponsorship from the Baldwin County Commission in the amount of \$7,500 is budgeted, but has not been confirmed. Mr. Palumbo requested that \$29,400 be fronted for the festival, to be paid back through ticket sales, sponsorship and tee shirt sales.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$29,400 to front the Zydeco Festival to be held May 14 -15, with revenue received from the festival expected to cover the cost. Seconded by Mr. Yelding. All in favor.

B. Community Contributions

1. Easter Egg Hunt - \$2,300

Ms. Briley discussed that the Rotary Club has notified the City that it will not be coordinating the Easter Egg Hunt this year, and noted that the City has annually contributed \$2,300 for the event. Mr. David Mckelroy noted that the Rotary Club has \$6,000 remaining from previous years collections for the Easter Egg Hunt and those funds should be available. Mr. David Mckelroy stated that the Recreation Department will plan and organize the event and presented a proposed budget for this year's event. He requested that the City contribute \$2,300 again this year.

Motion by Mr. Yelding to recommend Council adopt a resolution funding the Easter Egg Hunt in the amount of \$2,300. Seconded by Mr. Scott. All in favor.

2. Fireworks – 4th of July - \$12,000

A Contract was presented from Pyrotecnico to provide the same fireworks as 2009 at the same cost of \$12,000.

Motion by Mr. Scott to recommend Council adopt a resolution funding the fireworks display in the amount of \$12,000. Seconded by Mr. Yelding. All in favor.

C. Captain O'Neal Drive Engineering Agreement – Authorize Mayor to Enter Agreement – Task #9

It was discussed that this project has previously been approved, but authorization to enter into the agreement was not addressed.

Motion by Mr. Scott to recommend Council authorize the Mayor to enter into an agreement with Volkert, Inc. to provide engineering services for the Captain O'Neal project. Seconded by Mr. Yelding. All in favor.

D. Garbage and Pilot Fee Bad Debt

Daphne Utilities presented garbage and pilot fee bad debt information from fiscal years 04, 05, 06 and 07. The garbage fees total \$25,089.73 and the pilot fees total \$5,684.49. These accounts are closed with no way to collect on them. Daphne Utilities have written off their portion of the bills. Discussion continued that a large majority of the customers on accounts have moved away with no forwarding address or a changed names and collections could not be made.

Motion by Mr. Scott to recommend Council write off the uncollectible, bad debt garbage fees in the amount of \$25,089.73 and pilot fees in the amount of \$5,684.49 from fiscal years 2004, 2005, 2006, and 2007. Seconded by Mr. Yelding. All in favor.

E. Declare City Equipment Surplus

1. 1996 John Deere 1200-A Drag Machine – EQ #422

It was discussed that this machine is beyond its useful life for municipal purposes, and is being utilized by Daphne High School for their ball fields. It is costing the City to maintain it.

Motion by Mr. Scott to recommend Council adopt a resolution declaring the 1996 John Deere 1200-A Drag Machine – EQ#422 surplus and authorize the Mayor to direct the disposition of it to Daphne High School. Seconded by Mr. Boulware. All in favor.

2. Schedule of Miscellaneous Equipment Including Desks, Cabinet and Candy Canes

Motion by Mr. Scott to recommend Council adopt a resolution declaring the submitted schedule of equipment surplus and authorizing the Mayor to dispose of such equipment. Seconded by Mr. Boulware. All in favor.

VI. ISSUES REFERRED TO COUNCIL WORK SESSION

Refunding Outstanding 1997 Warrants

Ms. Briley presented information on refunding the 1997 Warrants that would equal a net savings to the City of \$149,143.10. She stated this would require an ordinance and resolution, and noted the ordinance would need to be approved on the first read in order to complete the financing.

VII. FINANCIAL REPORTS

A. Treasurer’s Report: January 31, 2010

The Treasurer’s Report totaling \$21,478,492.06 was presented. Ms. Briley noted that \$568,000 in business license renewals and over \$1 million in ad valorem taxes were received in January.

Motion by Mr. Scott to accept the Treasurer’s Report as of January 31, 2010, in the amount of \$21,478,492.06. Seconded by Mr. Boulware. All in favor.

B. Sales and Use Taxes: December 31, 2009

Sales and Use Tax Collected for December 2009	- \$ 1,004,037
Sales and Use Tax Budgeted for December 2009	- \$ <u>1,009,741</u>
Under Budget (for December)	- \$ (5,704)

YTD Budget Collections Variance – Over Budget - \$ 12,793

C. Lodging Tax Collections, December 31, 2009

The Lodging Tax Collections report shows \$31,571.38 collected for December 2009.

D. Summary Report of Revenues, Expenditures, and Changes in Fund Balance – December 31, 2009

A Summary Statement of Revenues and Expenditures for the month ended December 31, 2009 was presented showing expenditures over revenues of (\$1,310,214). Ms. Briley noted this is not unusual for this time of year.

E. Report: New Business Licenses – January 2010

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

F. Bills Paid Reports – January 2010

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

VIII. ADJOURN

The meeting was adjourned at 5:46 p.m.

Vickie C. Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits
Coordinator

The Jubilee City

February 5, 2010

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Jobs Announced

Apps Received

Status

Internal Postings:

Human Resources Asst.	6	Position Filled
Admin. Secretary - Detectives	4	Position Filled
Records Technician		Posted: 2/5-2/12

Outside Postings:

Municipal Court Administrator	24	Applications being reviewed
Corrections Officer		Structured Interviews 2/19/10
Communications Officer		Applicant in hiring process
Civic Center Director		Council reviewing questionnaires

Safety Meeting:

In February, meetings will be February 2, 2010 and February 24, 2010. The committee is discussing and reviewing a cell phone policy and a city exposure plan. The safety committee will present these to the appropriate committees and/or council for approval in March.

Payroll:

W-2's mailed/distributed on January 28, 2010

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

DAPHNE PUBLIC WORKS

To: KIM BRILEY, FINANCE DIRECTOR
FINANCE COMMITTEE
FROM: WILLIAM EADY SR. PUBLIC WORKS DIRECTOR
SUBJECT: FUNDING: OLD COUNTY ROAD GULLY REPAIRS
DATE: FEBRUARY 4, 2010

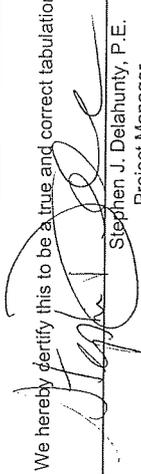
We are requesting funds for the repair of a major storm drainage system. This pipe is located at the end Old County Road, just north of Santa Rosa. The pipe has broken and the ground has collapsed. The pipe will have to be dug up, replaced and tied into the existing drainage system. Quotes have been obtained for this project. The lowest quote was from American Asphalt in the amount of \$12,960. We will also need \$1,000 for the cost of engineering and project oversight. Attached you will find the tabulation sheet, recommendation from the engineers and pictures.

Please accept this memo as a formal request for \$13,960 for these repairs.

CITY OF DAPHNE
OLD COUNTY ROAD GULLY REPAIRS

ITEM#	DESCRIPTION	UNIT	QTY	AMERICAN ASPHALT		JAMES BROTHERS EXCAVATING		AMMONS & BLACKMON		ASPHALT SERVICES	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	MOBILIZATION	LS	1		1,850.00						500.00
2	GUARDRAIL RE-SET	LS	1		1,250.00				3,500.00		
3	UNCLASSIFIED EXCAVATION	LS	1		4,650.00				800.00		1,500.00
4	TIE TO EXISTING STRUCTURE/MANHOLE	LS	1		1,000.00				850.00		
5	30" RCP STORM DRAIN PIPE	LS	1		2,460.00						12,305.00
6	SEEDING & MULCHING / SOLID SOD ON SLOPES AS NEEDED	LS	1		1,750.00				4,400.00		3,900.00
7	STORM DRAIN REPAIR - INCLUDING REPLACING GUARDRAIL & SOLID SODDING	LS	1			13,395.00					
8	REMOVE 30" HDPE	LF	20					100.00	2,000.00		
9	INSTALL 30" RCP	LF	20					150.00	3,000.00		
10	GRADING	LS	1						2,500.00		
11	REMOVE CONCRETE COLLAR	EA	1					400.00	400.00		
12	EROSION CONTROL	LS	1								500.00
TOTAL AMOUNT					\$ 12,960.00		\$ 13,395.00		\$ 17,450.00		\$ 18,705.00

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


Stephen J. Delahunty, P.E.
Project Manager

Hutchinson, Moore & Rauch, LLC



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

February 4, 2010

Mr. William H. Eady, Sr.
Public Works Director
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

RE: Old County Road Gully Repairs

Dear Mr. Eady:

Please review the attached Bid Tabulation for the subject project. All bidders received a scope of work and performed a site visit and understand the immediacy of the repairs for this project.

We recommend award of this contract to the lowest bidder, American Asphalt, at their lowest bid of \$12,960.00.

If you need additional information or have any questions, please contact me at 626-2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

Stephen J. Delahunty, P.E.
Project Manager

/blg
D2500V10.025

bill eady

From: Barbara Garner [barbara@hmreengineers.com]
Sent: Friday, February 05, 2010 8:11 AM
To: billeady@bellsouth.net; 'Stephen Delahunty'
Subject: Old County Road

Mr. Eady,

The proposed Engineering fee for the referenced project is not to exceed \$1,000.00.

Barbara Garner

Hutchinson, Moore & Rauch, LLC
P.O. Box 1127
Daphne, AL 36526
Tel: 251.626.2626
Fax: 251.626.6934

Feb Fin Meeting 4

Windsor Drainage Project

Suzanne

From: Ashley [agcampbell@bellsouth.net]
Sent: Thursday, February 04, 2010 10:21 AM
To: henson
Subject: Windsor Ct Information for Finance Comm. Packet

wanted to let you know that the Public Works Committee made a motion that I present the Windsor Drainage project to the Finance Committee. The Committee requested that I get two proposal's together. One with the cost of engineered drawings with W performing the drainage improvements and the other without engineered drawings and PW performing the work. I will have this information in hand out form to distribute during the meeting. Thanks

Ashley Campbell, CPESC
Environmental Programs Manager
City of Daphne
Office 251-621-3080
Cell 251-234-7122
Fax 251-621-3719



HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS ♦ SURVEYORS ♦ LAND PLANNERS

ENGINEERING COST ESTIMATE

Owner: City of Daphne

Project: Lake Forest Drainage (Windsor Entrance)

Date: February 5, 2010

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	MOBILIZATION / DEMobilIZATION	LS	1		\$ 2,500.00
2	S-INLET	EA	5	\$ 3,000.00	\$ 15,000.00
3	18" RCP	LF	96	\$ 40.00	\$ 3,840.00
4	CONNECT INLET TO EXISTING STORM DRAIN	EA	2	\$ 800.00	\$ 1,600.00
5	SOLID SOD	SY	50	\$ 6.00	\$ 300.00
6	ASPHALT PAVING	SY	550	\$ 10.00	\$ 5,500.00
7	ASPHALT MILLING	SY	480	\$ 6.00	\$ 2,880.00
8	CRUSHED AGGREGATE BASE (825-B)	TONS	40	\$ 40.00	\$ 1,600.00
9	CONNECT TO EXISTING INLET	EA	1	\$ 500.00	\$ 500.00
10	SEED & MULCH	LS	1		\$ 300.00
11	REPAIR CURB SECTION	EA	2	\$ 500.00	\$ 1,000.00
12	ENGINEERING SERVICES	LS	1		\$ 3,000.00
				TOTAL AMOUNT	\$ 38,020.00

FINANCE SERVER APPROPRIATION REQUEST

Finance is in an emergency situation and needs to purchase two new servers to replace the current Exchange server. ***This server is the primary server for designated programs for the following departments: Executive / Legislative / Human Resources/ Revenue & Finance***

Listed below are the programs and stored data on the Exchange Server:

- E-mail / Outlook Program for processing/organizing e-mail (external & internal) run through this server
- All Word and Excel documents
- Remote connections for Public Works / Mechanical / & Recreation to process work orders/ Requisitions / and view departmental account information in Munis.

Due to growth, increased internet/electronic interactions/processes one server can no longer handle all the programs it has previously operated. The old server is over 5 years old and is beyond it's technological life. We were trying to make it one more year on the old server but in the last couple months there has been major issues and increased down time. The last breakdown on the server is the Motherboard and this is a major issue The motherboard for this computer is no longer manufactured since it is over 5 years old and only available by special order. Since there are so few available the cost is high, basically the same as a new server.

Cost for the two new servers needed and a new backup system (since the old backup system is out of date and specific to this server) is listed below:

- **Exchange Server - \$1,079**
- **VPN Server - \$1,879**
- **External Backup - \$ 992**
- **Setup Labor - \$ 750**
\$4,700

An appropriation of \$4,700 is requested.



The Jubilee City

*City of Daphne
Daphne Civic Center*

Memo

To: Chairman Derek Boulware, City of Daphne Finance Committee

From: Deni Biggs, Interim Civic Center Director

Date: January 28, 2010

CC: Councilman Bailey Yelding, Councilman Ron Scott, Ms. Kim Briley, File

Subject: Zydeco Festival 2010

Message:

In the January 8, 2010 Buildings and Property Committee Meeting at the request of Mayor Small, I presented a report on the Gulf Coast Zydeco Music and Crawfish Festival 2010 and the feasibility of making it pay for itself. The request was given a recommendation and a motion was made for the request to go to the Finance Committee for approval. (See Attachments)

I have put together a revised proposal for Festival, May 14, 15, 2010 which is more accurate. Notice tickets have been increased from \$15 to \$20. This is a reasonable price and should not keep anyone away from the festival. The budget will need to be cut quite a bit and all free/outside activity will have to be cut as that part of the festival brought in very little revenue and used a majority of the expenses. (See Attachment)

In the revised proposal the majority of revenue will come from ticket sales, tee shirt sales and hopefully, we'll receive \$7,500 from County Commissioners, as they've always supported us in the past.

Feb mtg

Buildings and Property Committee Meeting

Friday, January 8, 2009

**10:00 AM
City of Daphne
City Hall**

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

Regan Lambert, Buildings Inspection
Frank Barnett, Maintenance Supervisor
Deni Biggs, Interim Civic Center Direct

Committee Minutes

At the request of Mayor Small, Ms. Biggs presented an abbreviated revenue report on the Zydeco Festivals from 2005 – 2009. Ms. Biggs stated that the Zydeco Festival could be continued and stay in the black by cutting out all outside activities on Saturday and Sunday. As these activities are free, they bring in no revenue and take up a large part of the Festival budget. Further, by moving all activities to an inside venue, where Zydeco dancers really prefer to be, revenue from tickets and possible sponsorships could help the City to break even instead of remaining in the negative. Also, Ms. Biggs noted, if there is a small shortfall of revenues, the impact on revenues from lodging, shopping and restaurants may offset Festival costs considerably.

Councilman Palumbo suggested that Ms. Biggs move forward on the Zydeco Festival for 2010 and while there is not money appropriated for the festival this year, save the appropriation process until after the event when the correct amount of festival cost will be known. **Motion** by Councilman Palumbo to support the Gulf Coast Zydeco Music Festival program as presented by Ms. Biggs, considering future appropriation for a revenue shortfall, with a recommendation of approval for the request to go to the Finance Committee. **Second** by Chairman Lake.

Motion to adjourn by Councilman Palumbo, **Second** Chairman Lake.

Meeting ended at 12:15 p.m.



The Jubilee City

*City of Daphne
Daphne Civic Center*

Memo

To: Chairman Derek Boulware, City of Daphne Finance Committee

From: Deni Biggs, Interim Civic Center Director *pb*

Date: January 28, 2010

CC: Councilman Bailey Yelding, Councilman Ron Scott, Ms. Kim Briley, File

Subject: Zydeco Festival 2010

Message:

In the January 8, 2010 Buildings and Property Committee Meeting at the request of Mayor Small, I presented a report on the Gulf Coast Zydeco Music and Crawfish Festival 2010 and the feasibility of making it pay for itself. The request was given a recommendation and a motion was made for the request to go to the Finance Committee for approval. (See Attachments)

I have put together a revised proposal for Festival, May 14, 15, 2010 which is more accurate. Notice tickets have been increased from \$15 to \$20. This is a reasonable price and should not keep anyone away from the festival. The budget will need to be cut quite a bit and all free/outside activity will have to be cut as that part of the festival brought in very little revenue and used a majority of the expenses. (See Attachment)

In the revised proposal the majority of revenue will come from ticket sales, tee shirt sales and hopefully, we'll receive \$7,500 from County Commissioners, as they've always supported us in the past.

Expenses will include band performances, A/V production, tee shirts, miscellaneous and promotional and marketing, which can be kept to a minimum because most of the festival attendees will be coming from out of town. I have had dozens of request from out-of-towners expressing their love and support for the festival and a desire to come again next year. (See Attachment)

The Civic Center staff and I feel we can provide a successful festival (although scaled down quite a bit), and believe it can be made to pay for itself. Also, if we get as many attendees as we had last year, the support of the Baldwin County Commission again, and if we can move on the project immediately it will be a success. Therefore, I would like to request an allocation of funds for the Gulf Coast Zydeco Music Festival 2010 in the amount of \$29,400, with all revenues from the festival to offset expenditures and also considering the possible need for a future appropriation for revenue shortfall. Should there be a shortfall, it shouldn't be a lot and as brought out in the Buildings & Property Committee Minutes on January 8, 2010 "the impact on revenues from lodging, shopping and restaurants should offset Festival costs considerably." I know most of the hotels and restaurants did very well last year during the festival.

We can't promise the festival will pay for itself but from the feed-back we've received from regular attendees of the festival, they love Daphne and the surrounding areas, they have money to spend in Daphne, and they are looking forward to coming back. Some of them even made their hotel reservations before they left last year.

We have a great team at the Civic Center and we all feel we can make a success of the festival and would appreciate your support and confidence. I've attached a revised budget proposal for 2010. Thank you for your consideration of this request.

/db

Attachments

**GULF COAST ZYDECO MUSIC AND CRAWFISH FESTIVAL
2010 BUDGET PROPOSAL**

Projected Cost for 2010 Zydeco Festival

Bands (3 Friday and 5 Saturday, including hotel and food)	\$18,000
Dance Instructors (Friday and Saturday, including hotel and food)	400
Dorsett Productions (2 Days @2,500 each day)	5,000
Tee Shirts (Reduced Order)	2,500
Promotional/Marketing	2,500
Miscellaneous	<u>1,000</u>
Total Projected Cost	\$29,400

Projected Revenue for 2010 Zydeco Festival

Ticket Sales (Projected 1000 @ \$20 each)	\$20,000
Sponsorship (Baldwin County Commission)	7,500
Tee Shirt Sales	<u>3,500</u>
Total Projected Revenue	\$31,000

VARIABLES: Ticket sales, sponsorships, tee shirt sales

Report from Finance Dept.

CIVIC CENTER EVENT: ZYDECO MUSIC FESTIVAL COMPARISON

	2005 ZYDECO	2006 ZYDECO	2007 ZYDECO	COMMUNITY DAY	2007 COMBINED	2008 FRIDAY	SATURDAY & SUNDAY	2008 COMBINED	2009 FRIDAY	SATURDAY & SUNDAY	2009 COMBINED
Revenue:											
Tickets Sales (1014 sold..2007; 1002 sold..2008; 1171 sold 2009 @ \$15)	11,935.00	14,520.00	6,540.00	8,670.00	15,210.00	6,615.00	8,415.00	15,030.00	7,890.00	9,675.00	17,565.00
Sponsors	10,895.00	26,000.00	7,439.00	7,439.00	14,878.00	6,193.00	6,193.00	12,386.00	4,250.00	4,250.00	8,500.00
Grant - State of AL			750.00	750.00	1,500.00						
Booth Rental	2,035.00		1,900.00	1,900.00	3,800.00	2,450.00	2,450.00	4,900.00	2,900.00	2,900.00	5,800.00
Equipment Rental	180.00		75.00	378.00	75.00		225.00	225.00	162.50	162.50	325.00
Concessions/Carnival Rides	2,896.86	667.00			378.00						
Contribution & Other		21.00			378.00						
T-Shirt - 2008 (\$15), Towel, Hat & Bead Sales	1,505.00	2,248.95	1,565.15	1,565.15	5,430.90	2,245.00	2,245.00	4,490.00 #	1,717.50	1,717.50	3,435.00
Total Revenue	29,447.86	43,456.95	18,269.15	20,702.15	38,971.30	17,503.00	19,528.00	37,031.00	16,920.00	18,705.00	35,625.00
Expenses:											
City Labor (overtime, medicare, social security, retirement)	(4,260.28)	(4,732.21)	(6,368.61)	(6,799.60)	(13,168.21)	(1,675.56)	(10,712.00)	(12,387.56)	(2,268.34)	(9,564.00)	(11,832.34)
Contracted Services - Labor	(195.84)	(1,347.76)			(1,543.60)	(873.12)	(873.12)	(1,746.24)	(775.20)	(775.20)	(1,550.40)
Contracted Services - Audio	(5,800.00)	(7,250.00)	(3,375.00)	(3,525.00)	(6,900.00)	(2,500.00)	(5,532.00)	(8,032.00)	(2,500.00)	(5,000.00)	(7,500.00)
Contracted Services - Bands	(26,509.45)	(20,425.00)	(20,225.00)	(4,275.00)	(21,500.00)	(5,900.00)	(26,200.00)	(32,100.00)	(6,600.00)	(22,525.00)	(29,125.00)
Contracted Services - Dance Instruction	(2,375.00)	(2,925.00)	(2,200.00)		(2,200.00)	(3,421.44)		(3,421.44)	(609.87)	(2,336.98)	(2,946.85)
Hotels for Bands/Dance Instruction			(3,060.72)	(1,177.20)	(4,237.92)						
Clown (182079-54440)											
Promotional Advertising	(17,784.23)	(7,525.81)	(6,900.51)	(3,812.16)	(12,712.87)	(5,788.60)	(200.00)	(200.00)		(100.00)	(100.00)
Food (Lunches for inmates)							(5,788.60)	(11,577.20)	(5,660.64)	(5,660.64)	(11,321.28)
Dumpsters & Portables			(310.33)	(1,316.21)	(1,626.54)	(876.67)	(161.00)	(161.00)			
Concession Supplies (Drinks, chips, candy, plates, & bowls)		(926.56)			(926.56)						
Rental (PODS, dance floor, tents, generators, rugs, & helium tank)		(1,611.93)	(2,840.82)	(4,753.86)	(7,165.61)	(3,611.13)	(4,122.72)	(7,733.85)	(4,198.34)	(4,198.34)	(8,396.67)
T-Shirts	(5,249.66)	(5,270.92)	(2,500.50)	(1,143.00)	(3,643.50)	(2,421.62)	(2,421.63)	(4,843.25)	(1,662.50)	(1,662.50)	(3,325.00)
Beads, Rack Cards, Wrist Bands, Mask, Bags, Tissue, Sponsor Frames				(1,438.53)	(1,438.53)	(1,217.30)	(1,217.30)	(2,434.60)	(185.07)	(185.07)	(370.13)
Total Expenses	(62,174.46)	(52,015.19)	(49,781.49)	(28,240.56)	(78,022.05)	(28,285.44)	(58,105.04)	(86,390.48)	(24,952.09)	(52,499.86)	(77,451.96)
Income Over/(Under) Expenses	(32,726.60)	(8,558.24)	(31,512.34)	(7,538.41)	(39,050.75)	(10,782.44)	(38,577.04)	(49,359.48)	(8,032.09)	(33,794.86)	(41,826.96)

Total Revenue Zydeco Festival 2005-2009 - \$184,532.11
Total Expenses Zydeco Festival 2005-2009 - 356,054.14
Total Income Over/Under Expenses - \$171,522.03

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Wednesday, January 27, 2010 12:41 PM
To: recdirc@bellsouth.net; 'Mayor Fred Small'
Cc: 'Jane Robbins'; 'Finance Henson'
Subject: RE: Easter Egg Hunt



Signature

Date

The City Council has not yet funded a 2010 contribution for the Easter Egg Hunt. They need to do so before any City \$ can be spent. I would think they also need to be aware that the City is now the organizer for the event. Our next Finance Comm meeting is Feb 8.

Kim

From: recdirc@bellsouth.net [mailto:recdirc@bellsouth.net]
Sent: Wednesday, January 27, 2010 11:52 AM
To: Mayor Fred Small
Cc: Jane Robbins; Finance Henson; Finance Director Briley
Subject: Easter Egg Hunt

Mayor,

Megan contacted Mr. Gary Fought of the Rotary Club in order to set up organizational meetings for the March 27 Easter Egg Hunt. Mr. Fought informed Megan via e-mail that the Rotary Club would be unable to participate in this years event. The Recreation Department will proceed with the planning of the event, as the Rotary had already informed us that this was going to be their last year anyway. I will contact Finance for accounts and budget info. We will contact the County Commission and inform them about change and request that their contribution be forwarded to us. We will also solicit sponsors in an effort to maintain the event as it has been in the past.

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Monday, February 01, 2010 10:19 AM
To: 'Megan'
Cc: hensonsm@bellsouth.net
Subject: Easter Egg Hunt

Megan,

2,300 is what the City usually contributes. I think this should be the amount requested & then we'll see what the Council wants to do.

Kim

From: Megan [mailto:recpro@bellsouth.net]
Sent: Monday, February 01, 2010 9:34 AM
To: Kim Briley
Cc: recdirc@bellsouth.net
Subject:

Hi Kim-

We are making plans on the Easter Egg Hunt and just need to make sure we are set for the next finance committee meeting. Do you know how much money will be requested? Usually the Rotary Club gets \$2300 from the City for the Hunt. Is that what we should expect to get?

Megan Matrone White
 Recreation Programs Coordinator
 Daphne Recreation Department
 2605 Hwy 98
 P.O. Box 400

Daphne Easter Egg Hunt

			PROPOSED
Revenue		2009	2010
Baldwin County Commission		\$ 2,000.00	\$ 2,000.00
City of Daphne		\$ 2,300.00	
Rotary Club of Daphne-Spanish Fort		\$ 1,000.00	
Concessions		\$ 1,200.00	
	TOTAL	\$ 6,500.00	
Expenses			
Candy		\$ 700.00	\$ 700.00
Clown		\$ 150.00	\$ 150.00
Concessions		\$ 600.00	\$ 200.00
Costumes		\$ 200.00	\$ 200.00
Entertainment		\$ 500.00	\$ 300.00
Film		\$ 400.00	\$ -
Games		\$ 600.00	\$ 600.00
Petting Zoo		\$ 650.00	\$ 650.00
Plastic Eggs		\$ 600.00	\$ 600.00
Pony Rides		\$ 500.00	\$ -
Post Party		\$ 150.00	\$ -
Posters, Flyers & Art		\$ 600.00	\$ 200.00
Prizes		\$ 1,100.00	\$ 1,000.00
T-Shirts		\$ 1,200.00	\$ -
Train		\$ 250.00	\$ 250.00
Miscellaneous		\$ 100.00	\$ 100.00
	TOTAL	\$ 8,300.00	\$ 4,950.00

Rotary has an account that contains approx \$6k.

Suzanne

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Wednesday, January 27, 2010 9:40 AM
To: henson:
Subject: FW: Fireworks needs for City of Daphne

This will need to be on the Feb Fin Comm agenda.

From: Lori Carpenter [mailto:lcarpenter@pyrotecnico.com]
Sent: Friday, January 22, 2010 7:13 AM
To: kmbriley@bellsouth.net
Subject: FW: Fireworks needs for City of Daphne

Kim,

I'm so sorry as you can tell I was trying to get this to you but had your email address wrong. Sorry for the delay. If you will scroll down, the letter below explains the early Incentive but the date has been extended.

Lori

From: Lori Carpenter [mailto:lcarpenter@pyrotecnico.com]
Sent: Monday, January 18, 2010 9:31 AM
To: 'daphnecc@bellsouth.net'
Cc: 'kriley@bellsouth.net'
Subject: FW: Fireworks needs for City of Daphne

Kimberly,
If you would please confirm that you received this, I think I had your email incorrect.

Thank you,
Lori

From: Lori Carpenter [mailto:lcarpenter@pyrotecnico.com]
Sent: Thursday, January 14, 2010 4:26 PM
To: 'kbriley@bellsouth.net'
Subject: FW: Fireworks needs for City of Daphne

Kimberly,

Please find below the letter we spoke about on the phone today and the contract is also attached. If you would let us know your thoughts after your meeting in February we would greatly appreciate it.

Thanks so much for your help,
Lori Carpenter
800-854-4705

Lori Carpenter
Show Coordinator
Pyrotecnico- New Castle

P.O. Box 149
Lewis Castle, PA 16103
1-800-854-4705- Toll Free
724-652-9555- Office
724-652-1288- Fax
www.pyrotecnico.com
www.rockloves.com

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From: Lori Carpenter [mailto:lcarpenter@pyrotecnico.com]
Sent: Tuesday, December 08, 2009 12:03 PM
To: 'daphnecc@bellsouth.net'
Subject: Fireworks needs for City of Daphne

Mr. David Cohen
City of Daphne

Dear David;

Thank you for entrusting Pyrotecnico to be your fireworks entertainment company! We appreciate your past business and hope to have the opportunity to work with you again in 2010.

We are enthusiastically working behind the scenes to prepare for the upcoming season. Our inventory is fully stocked for 2010 with the latest and greatest in colors and special effects! Producing great performances for our customers is our PASSION!

As a valued Pyrotecnico customer, we are proud to offer you the following early order incentive:

If we receive a signed agreement by January 15, 2010, you will receive the same show you had in 2009 at the same price.

To take advantage of this limited time offer, please sign the attached contract and return it in the enclosed self-addressed envelope by January 15, 2010. If you prefer, you may fax the signed contract to us at 724-652-1288.

We duplicated your 2009 Display date, please be sure it is the same for 2010. Also please fill in your desired Rain date; I will contact you should there be a schedule conflict.

In as much as prices have risen over the last several years, we hope you will take advantage of this early order incentive as this is a great way to lock in your price and 2010 date with Pyrotecnico.

Please do not hesitate to contact us anytime should you have any questions or need any further information.

Kindest regards,
Pyrotecnico

FIREWORKS DISPLAY CONTRACT

THIS CONTRACT (this "Contract") is made this _____ day of _____, 2009 by and between **PYROTECNICO**, a Pennsylvania corporation ("Pyrotecnico"), and City of Daphne ("Sponsor"), with its principal place of business located in Daphne, Alabama.

WHEREAS, Pyrotecnico is desirous of providing Sponsor with a fireworks exhibition and display for Sponsor's benefit under such terms and conditions as provided herein, and thereby, the parties agree as follows:

1. **Fireworks Display.** Pyrotecnico shall sell, furnish and deliver to Sponsor certain fireworks which Pyrotecnico agrees to exhibit and display on July 4, 2010 *Raindate: July _____, 2010* in accordance with the program set forth and agreed upon at the time of the signing of this Contract, the specifics of which are set forth in the "Fireworks Exhibition and Display Program" attached hereto and incorporated herein by reference thereto (the "Fireworks Display").

2. **Payment Schedule.** For and in consideration of the Fireworks Display, Sponsor agrees to pay Pyrotecnico the sum of \$ 12,000.00 (the "Contract Price") paid as follows: a. 50% of the Contract Price due upon the signing of this Contract; b. the balance of the Contract Price due within ten (10) days of completion of the Fireworks Display.

Sponsor agrees to pay interest at the rate of 1½ % per month on any delinquent balance of the Contract Price until paid in full. Payment shall be made by certified check or otherwise as agreed by Pyrotecnico to Pyrotecnico at P.O. Box 149, New Castle, PA 16103. Furthermore, in the event Sponsor fails to perform its obligations and responsibilities as set forth herein and it becomes necessary for Pyrotecnico to enforce its rights by hiring an attorney, Sponsor shall be responsible for all attorneys' fees and costs incurred by Pyrotecnico to collect said sums.

3. **Display Responsibilities.** Pyrotecnico and Sponsor will collaborate in the performance of all tasks relating to the Fireworks Display. These tasks include, but are not limited to, (i) procuring and furnishing a place suitable for the Fireworks Display (the "Display Site"), (ii) applying for, obtaining and securing all permits, licenses and approvals required by all applicable local, state and federal laws and regulations as well as those required by any local police and fire departments for the Fireworks Display (collectively, the "Required Approvals"), (iii) providing adequate private and/or public security, police and fire protection, (iv) securing an acceptable location with private and/or public security personnel to park the Pyrotecnico fireworks truck(s) overnight (or for such longer or shorter period as Pyrotecnico may reasonably require in order to effectively provide the Fireworks Display), (v) securing adequate protection to preclude all individuals, other than those authorized by Pyrotecnico, from entering the security area designated by Pyrotecnico, (vi) keeping unauthorized persons or personal or real property of any kind, including, without limitation, motor vehicles, outside of the Display Site, fallout area or safe zone. Pyrotecnico and Sponsor shall fulfil their responsibilities as set forth herein in accordance with all local, state and federal rules, laws, orders and regulations, including those of the National Fire Protection Association (NFPA).

4. **Indemnification and Limitation of Liability.** Sponsor shall indemnify, defend and hold Pyrotecnico and its shareholders, directors, officers, employees, agents, representatives and insurers harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether arising from tort, contract or otherwise, that occur directly or indirectly from (a) the gross negligence or wilful misconduct of Sponsor or its employees, agents, contractors or representatives, or (b) the failure of Sponsor to comply with its obligations and responsibilities as set forth herein. Pyrotecnico shall indemnify, defend and hold Sponsor harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether arising from tort, contract or otherwise, that occur directly or indirectly from the gross negligence or wilful misconduct of Pyrotecnico or its employees, agents, contractors or representatives. Sponsor shall not under any circumstances be entitled to recover any consequential, incidental, exemplary, special and/or punitive damages from Pyrotecnico, including, without limitation, loss of income, business or profits.

5. **Postponement.** In the event that weather is such that Pyrotecnico, in its sole and absolute discretion, determines that the Fireworks Display would be impossible, impractical or would unnecessarily increase the risk of damage or danger to person and/or property, the parties agree to immediately hold a postponement meeting at which time an attempt to reschedule the Fireworks Display shall be discussed with a view toward reaching a mutually satisfactory postponement time and/or date. In the event the mutually satisfactory postponement time and/or date is beyond the day following the scheduled Fireworks Display and it is impracticable for the personnel and equipment of Pyrotecnico to remain at Sponsor's location until the rescheduled Fireworks Display date, then Sponsor shall pay the actual expenses incurred by Pyrotecnico related to the postponement, which shall not exceed forty percent (40%) of the Contract Price. Actual expenses include, but are not limited to, expenses for travel, lodging, labor, meals, rentals, permit fees, set-up and/or dismantling of display, additional taxes or surcharges, or any other additional expenses that incurred prior to and/or as a result of the postponement or cancellation. In the event a mutually satisfactory postponement date for the Fireworks Display cannot be determined, this Contract shall become null and void and neither party shall have any further obligation or responsibility hereunder, provided however, that in such event Sponsor shall pay to Pyrotecnico a sum equal to seventy-five (75%) of the Contract Price as liquidated damages.

6. **Cancellation.** If (i) Sponsor cancels this Contract for any reason, or (ii) Pyrotecnico is unable to timely complete all tasks relating to the Fireworks Display in accordance with this Contract with the assistance of Sponsor and cancels this Contract despite both parties best efforts, liquidated damages for such cancellation shall be paid by Sponsor to Pyrotecnico as follows: a. In the event the Fireworks Display is cancelled more than thirty (30) days before the date scheduled for the Fireworks Display, twenty-five percent (25%) of the amount of the Contract Price; b. In the event the Fireworks Display is cancelled no more than thirty (30) days and no less than four (4) days before the Contract, fifty percent (50%) of the Contract Price; c. If the Fireworks Display is cancelled no more than three (3) days but before the day scheduled for the Fireworks Display, seventy-five percent (75%) of the Contract Price; or d. On the day scheduled for the Fireworks Display, one hundred percent (100%) of the Contract Price.

In the event that Sponsor chooses to terminate this Contract, it shall do so by written notice via certified mail addressed to Pyrotecnico, P.O. Box 149, New Castle, PA 16103. Notice shall be effective upon receipt of said written notice by Pyrotecnico. Except as provided in Section 5 above with respect to weather postponement, in the event of circumstances beyond the control of either party, such as fire, strikes, delay, acts of God or similar causes which prevent the delivery of materials or performances as set forth herein, the parties hereto release one another from any and all obligations and responsibilities contained herein.

7. **Venue.** In any action on or relating to this Contract, the parties hereto consent to the exclusive jurisdiction and venue of the state courts located in Lawrence County, Pennsylvania and of the federal courts located in the United States District Court for the Western District of Pennsylvania..

8. **Legal Construction.** If any provision of this Contract is held to be illegal, invalid or otherwise unenforceable, then: (a) the same shall not affect other terms or provisions of this Contract; and (b) such term or provision shall be deemed modified to the extent necessary to render such term or provision enforceable and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest extent the intent and agreements of the parties set forth herein.

9. **Entire Agreement.** This Contract and the Fireworks Exhibition and Display Program constitutes the entire agreement between the parties hereto, and there are no other understandings, either oral or written, regarding to the subject matter hereof.

IN WITNESS WHEREOF, the undersigned executed this Contract by and through their authorized representatives whose names appear below.

PYROTECNICO

SPONSOR:

By: _____

By: _____

Title: _____

Title: _____



Volkert, Inc.

316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

www.volkert.com

February 3, 2010

The City of Daphne
Attn: Mr. Bill Eady
Post Office Box 400
Daphne, Alabama 36526

Re: Captain O'Neal Drive-Task No. 9

Dear Mr. Eady:

As requested please find two (2) copies of Task Agreement No. 9 to provide engineering services for Drainage, Roadway and Sidewalk Improvements along Captain O'Neal Drive and Dryer Avenue. The project limits extend from Old County Road west along Dryer Avenue then along Captain O'Neal Drive South to College Avenue.

Please review, and if you concur, please sign both copies and return one (1) back to our office for processing.

If you have any questions please advise.

Sincerely,

VOLKERT & ASSOCIATES, INC.

Steve Commander
Vice President

SRC/clw

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia
Collinsville, Illinois • Baton Rouge, Slidell, Louisiana • Biloxi, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina
Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C. 48



**TASK AGREEMENT NO. 9
THE CITY OF DAPHNE, ALABAMA**

**CAPTAIN O'NEAL DRIVE & DRYER AVENUE
DRAINAGE, ROADWAY AND SIDEWALK**

This Task is to be performed in accordance with the provisions of the agreement between The City of Daphne, Alabama (OWNER) and Volkert and Associates, Inc. (ENGINEER) dated _____, 2009

SCOPE OF WORK

Generally, the work in this Task Agreement includes survey and engineering services necessary that will generally include the design of a sidewalk, curb and gutter and closed drainage system as described below:

- Construct sidewalk along the north side of Dryer Ave. from Old County Road to Captain O'Neal Dr and construct curb and gutter along both sides with a closed drainage system. Approximate distance is 750 linear feet.
- Construct sidewalk along the east side of Captain O'Neal Dr from Dryer Ave. to College Ave. and construct curb and gutter along both sides with a closed drainage system. Approximate distance is 650 linear feet.

See attached map for concept. More specifically work includes:

Engineering:

- Develop construction plans and specifications including, coordination with the City, and local utilities as needed
- Develop final engineering cost estimate prior to bidding the job.

Lump Sum Fee: \$17,000.00

Survey:

- Perform a cross section topographic survey within the R/W of the project limits and develop a map of the same.

Lump Sum Fee Survey: \$4,100.00

Construction Observation

Additional construction observation in accordance with the original task agreement No.4.

Hourly (estimated total fee): \$8,000.00

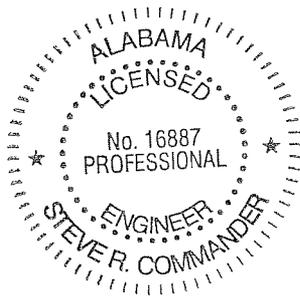
Fee Summary:

Engineering:	\$17,000.00
Survey	\$4,100.00
Const Observation est.	<u>\$8,000.00</u>
Total Addendum 2	\$29,100.00

SCHEDULE - Work will be scheduled upon receipt of authorization and will continue until complete.

FEE - Fees will be billed monthly on an hourly basis, in accordance with rates shown on the attached Fee Schedule.

It is expressly agreed and stipulated between the parties that this contract shall be deemed to have been made in the State of Alabama where the principal office of Volkert & Associates, Inc. is located. This contract shall be governed by the laws of the State of Alabama. The Circuit or District Court of Mobile, Alabama shall have jurisdiction over any dispute which arises under this contract, and each of the parties shall submit and hereby consents to the jurisdiction of either such court.



Submitted by:

Steve R. Commander
Volkert & Associates, Inc.

Date

2/3/10

Approved by:

The City of Daphne, Alabama

Date

Suzanne

Subject: FW: Garbage and Pilot Fee Bad Debt

From: Kim Briley [mailto:knbriley@bellsouth.net]
Sent: Wednesday, February 03, 2010 9:10 AM
To: henson
Subject: FW: Garbage and Pilot Fee Bad Debt

Finance Committee

From: Teresa Logiotatos [mailto:teresa@daphneutilities.com]
Sent: Tuesday, February 02, 2010 4:33 PM
To: Kim Briley
Subject: Garbage and Pilot Fee Bad Debt

Kim looks like the totals for Garbage and Pilot Fees are

Garbage 25,089.73
Pilot Fees .5,684.49

These fees are from fiscal years 04,05,06 and 07. I am proceeding to write off our system our portion of the bills. Let me know what you want to do with your portion. I can send you a listing if you want to try to collect on these. These accounts are closed and the numbering system is the year they became inactive. Have a great night.

City of Daphne, Alabama

General Obligation Refunding and Improvement Warrants

Refunds Series 1997 Unrefunded Portion

Gross Debt Service Comparison

Date	Principal	Coupon	Interest	New D/S	OLD D/S	Savings
04/01/2010	180,000.00	1.080%	3,993.92	183,993.92	202,515.00	18,521.08
04/01/2011	105,000.00	1.080%	45,983.00	150,983.00	167,680.00	16,697.00
04/01/2012	190,000.00	1.410%	44,849.00	234,849.00	254,180.00	19,331.00
04/01/2013	330,000.00	1.670%	42,170.00	372,170.00	391,100.00	18,930.00
04/01/2014	335,000.00	2.010%	36,659.00	371,659.00	390,468.76	18,809.76
04/01/2015	340,000.00	2.450%	29,925.50	369,925.50	389,068.76	19,143.26
04/01/2016	345,000.00	2.910%	21,595.50	366,595.50	386,900.00	20,304.50
04/01/2017	360,000.00	3.210%	11,556.00	371,556.00	388,962.50	17,406.50
Total	\$2,185,000.00	-	\$236,731.92	\$2,421,731.92	\$2,570,875.02	\$149,143.10

PV Analysis Summary (Gross to Gross)

Gross PV Debt Service Savings	133,813.93
Contingency or Rounding Amount	1,353.84
Net Present Value Benefit	\$135,167.77
Net PV Benefit / \$2,060,000 Refunded Principal	6.562%
Net PV Benefit / \$2,185,000 Refunding Principal	6.186%

Refunding Bond Information

Refunding Dated Date	3/01/2010
Refunding Delivery Date	3/01/2010

City of Daphne, Alabama

General Obligation Refunding and Improvement Warrants

Refunds Series 1997 Unrefunded Portion

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
04/01/2010	183,993.92	183,993.92	202,515.00	18,521.08
04/01/2011	150,983.00	150,983.00	167,680.00	16,697.00
04/01/2012	234,849.00	234,849.00	254,180.00	19,331.00
04/01/2013	372,170.00	372,170.00	391,100.00	18,930.00
04/01/2014	371,659.00	371,659.00	390,468.76	18,809.76
04/01/2015	369,925.50	369,925.50	389,068.76	19,143.26
04/01/2016	366,595.50	366,595.50	386,900.00	20,304.50
04/01/2017	371,556.00	371,556.00	388,962.50	17,406.50
Total	\$2,421,731.92	\$2,421,731.92	\$2,570,875.02	\$149,143.10

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	133,813.93
Net PV Cashflow Savings @ 3.482%(AIC)	133,813.93
Contingency or Rounding Amount	1,353.84
Net Present Value Benefit	\$135,167.77
Net PV Benefit / \$2,060,000 Refunded Principal	6.562%
Net PV Benefit / \$2,185,000 Refunding Principal	6.186%

Refunding Bond Information

Refunding Dated Date	3/01/2010
Refunding Delivery Date	3/01/2010

TREASURER'S REPORT

As of January 31, 2010

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$14,233,268.88
OPERATING ACCT	COMPASS	(\$826,085.20)
PAYROLL ACCT	COMPASS	(\$2,613.16)
		<u>\$13,404,570.52</u>
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$326,576.04
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$6,215.99
4 CENT GAS TAX	RBC BANK	\$269,634.36
7 CENT GAS TAX	RBC BANK	\$345,577.37
		<u>\$621,427.72</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,393,909.32
99 WARRANT CONS	REGIONS	\$15,488.27
2006 CONSTRUCTION	WACHOVIA	\$985,612.70
		<u>\$4,395,010.29</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$2,242,068.90
2006 DEBT SERVICE	RBC BANK	\$488,838.59
		<u>\$2,730,907.49</u>
		<u>\$21,478,492.06</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	FY 2010 BUDGET/ACTUAL COMPARISONS												
	2003	2004	2005	2006	2007	2008	2009	2010	Actual-2010	Budget	Monthly Variance	YTD Variance	% of Budget
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	764,641.13	752,167	12,473.91	12,473.91	1.66%
November	646,534.10	710,788.74	814,686.03	901,512.38	918,837.95	915,990.97	801,075.91	761,955.37	761,955.37	755,932	6,023.04	18,496.95	0.80%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,192,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,004,037.20	1,009,741	(5,703.96)	12,792.99	-0.56%
January	590,727.65	697,033.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	-	-	726,313	-	-	-
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	-	-	718,521	-	-	-
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	-	-	855,846	-	-	-
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	-	-	787,606	-	-	-
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,488.14	957,167.20	829,099.81	-	-	793,355	-	-	-
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	-	-	846,847	-	-	-
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	-	-	831,158	-	-	-
August	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	-	-	771,407	-	-	-
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	-	-	859,320	-	-	-
Totals	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,279,349.93	10,039,546.95	2,530,633.70	2,530,633.70	9,708,213	12,792.99		

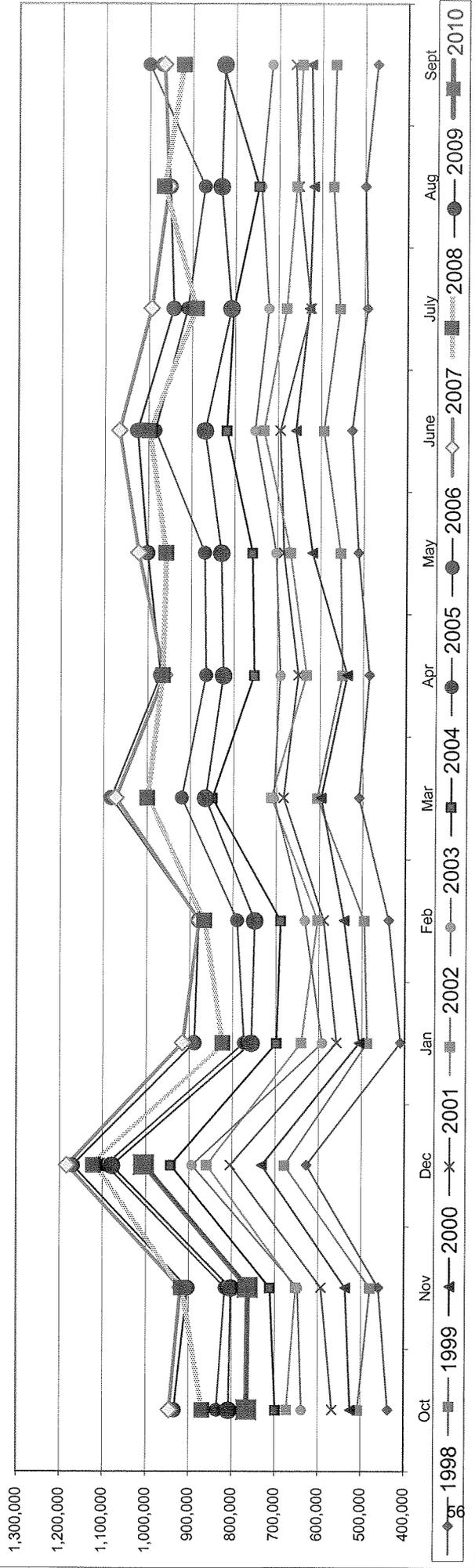
FISCAL YEAR COMPARISONS

	FISCAL YEAR COMPARISONS													
	\$ Change	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	9.64%	19.47%	11.87%	1.26%	-8.19%	-7.00%	-5.19%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.54%	-4.88%
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,283.25)	5.49%	15.83%	7.09%	1.21%	-5.29%	-3.72%	-6.89%
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	-	18.00%	10.72%	14.98%	3.09%	-10.15%	-8.09%	-
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	-	8.81%	14.58%	11.32%	-0.02%	-1.41%	-13.52%	-
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	-	20.24%	8.21%	17.86%	-0.94%	-6.81%	-13.53%	-
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	-	8.65%	14.77%	12.24%	-0.89%	0.37%	-14.58%	-
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	-	7.82%	14.50%	15.33%	2.11%	-6.30%	-13.38%	-
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	-	8.71%	20.12%	4.19%	4.13%	-6.49%	-12.93%	-
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	-	11.26%	13.14%	5.50%	5.50%	-10.52%	-9.07%	-
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	-	0.72%	16.70%	9.28%	0.41%	1.07%	-13.75%	-
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	-	16.02%	20.26%	-3.09%	-0.26%	-4.82%	-10.16%	-
Annual \$ Change	860,992.68	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(155,276.51)	10.21%	15.27%	9.29%	1.44%	-4.99%	-10.99%	-

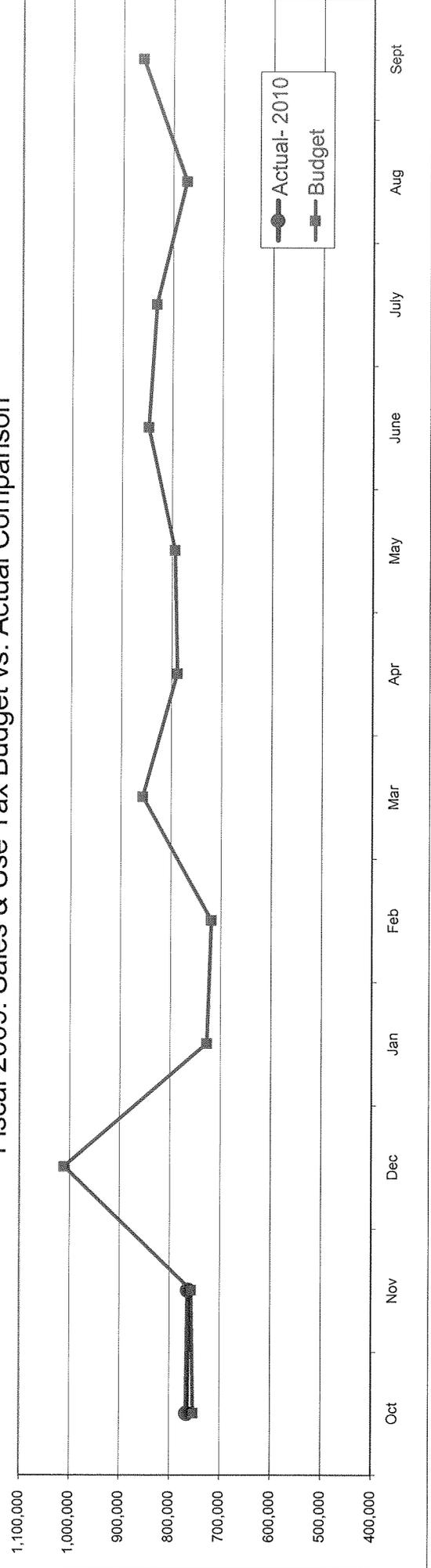
TOTAL collections: FY 09	10,039,547
TOTAL est. bdgt coll: FY 10	9,708,213
Budgeted Dollar Variance 08/09	(331,334)
Budgeted Percent Variance 08/09	-3.30%

TOTAL collections: 12-31-09	2,530,634
Budgeted: 10-1-09 to 12-31-09	2,517,841
Actual Coll: (< Budget, 12-31-09	12,793
% Over/(Under) Budget, 12-31-09	0.51%

Sales & Use Tax Comparisons



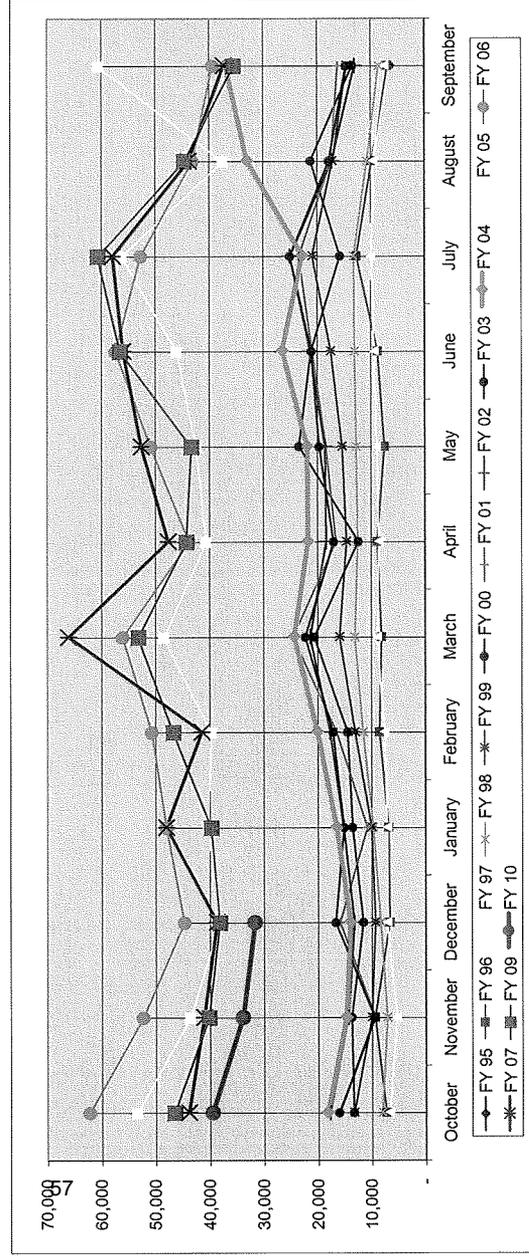
Fiscal 2009: Sales & Use Tax Budget vs. Actual Comparison



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	FY 10
October	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,993.86	16,116.04	12,997.60	14,563.86	211,754.69	269,317.22	601,302.68	573,770.96	591,147.09	549,255.30	104,740.31
November	7,228.60	9,371.57	5,419.99	7,156.30	9,963.87	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	39,405.56
December	6,580.10	6,765.39	7,076.44	8,327.51	9,303.23	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	33,763.37
January	6,765.39	8,466.36	6,990.72	9,704.80	9,934.03	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	31,571.38
February	8,466.36	8,017.74	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	40,394.81	48,014.80	48,012.19	45,607.80	39,706.04	
March	8,017.74	8,902.63	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	53,230.85	
April	8,902.63	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	44,277.75	
May	7,427.26	8,958.97	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	43,293.74	
June	8,672.68	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	57,338.25	55,924.22	64,626.19	56,494.11	
July	12,568.56	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	25,013.71	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	
August	9,721.13	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	44,636.82	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,993.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	104,740.31

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



GENERAL FUND

Summary Statement of Revenues and Expenditures
For the Month Ended December 31, 2009

with comparatives: 12-31-02; 12-31-03; 12-31-04; 12-31-05; 12-31-06; 12-31-07; and 12-31-08

	12/31/2003	12/31/2004	12/31/2005	12/31/2006	12/31/2007	12/31/2008	12/31/2009	Amended Budget	Adopted 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	1,708,771	1,638,806	10,303,713	10,303,713	(8,664,907)	-84%
Payment in Lieu of Taxes	39,697	44,888	60,604	57,534	58,559	59,376	55,000	2,035,000	2,035,000	(1,980,000)	-97%
Ad Valorem Taxes	1,040,165	1,038,076	1,111,237	1,338,712	473,530	107,558	1,746,570	4,698,424	4,698,424	(2,951,855)	-63%
Licenses & Permits	153,766	163,165	203,664	253,557	255,800	71,429	87,978	1,480,175	1,480,175	(1,392,197)	-94%
Other Revenues	235,443	206,351	203,860	273,769	268,300	214,849	231,318	1,304,137	1,304,137	(1,072,819)	-82%
Total Revenues	2,959,052	3,195,358	3,510,942	3,881,922	2,954,368	2,161,984	3,759,672	19,821,449	19,821,449	(16,061,777)	-81%
Expenditures											
General Government											
Personnel	321,800	349,111	353,306	365,442	411,645	506,791	466,734	1,917,368	1,913,814	(1,450,634)	-76%
Operating	113,219	113,903	157,553	166,699	141,525	188,996	158,747	1,089,515	1,082,056	(930,768)	-85%
Capital	435,019	463,014	510,859	532,141	563,170	695,787	625,481	3,006,883	2,995,870	(2,381,402)	-79%
Personnel	922,166	930,490	1,034,997	1,241,671	1,516,831	1,832,965	1,917,810	7,562,071	7,562,071	(5,644,261)	-75%
Operating	163,657	134,331	184,503	261,006	224,542	196,423	174,059	968,075	968,075	(794,016)	-82%
Capital	1,933	-	-	-	3,060	64,129	2,230	117,696	117,696	(115,466)	-98%
Public Safety	1,087,756	1,064,821	1,219,500	1,502,677	1,744,433	2,093,517	2,094,999	8,647,842	8,647,842	(6,553,743)	-76%
Public Works	417,022	437,972	464,471	566,272	488,192	583,199	556,586	2,348,880	2,348,880	(1,792,294)	-76%
Operating	136,980	136,722	194,449	240,173	253,856	194,257	199,777	1,222,865	1,152,509	(1,023,088)	-84%
Capital	554,002	574,694	658,920	835,806	742,048	777,456	353,700	353,700	353,700	-	0%
Parks & Recreation	185,113	208,699	215,835	222,887	278,471	308,041	305,051	1,231,886	1,231,886	(926,835)	-75%
Operating	102,785	103,544	115,671	143,326	130,403	106,062	104,173	541,633	541,633	(437,460)	-81%
Capital	287,898	343,375	331,505	566,213	608,874	606,102	593,224	1,957,519	1,957,519	(1,364,295)	-70%
Total Departmental	1,846,102	1,926,273	2,068,609	2,396,272	2,695,139	3,230,995	3,246,182	13,060,205	13,056,651	(9,814,023)	-75%
Personnel	516,641	488,499	652,176	811,203	750,326	685,739	636,755	3,822,088	3,744,273	(3,185,333)	-83%
Operating	1,933	31,132	-	229,361	203,060	256,129	539,930	655,396	655,396	(115,466)	-18%
Capital	2,364,676	2,445,905	2,720,785	3,436,836	3,648,524	4,172,862	4,422,667	17,537,689	17,456,320	(13,114,822)	-75%
Other Financing Sources & Uses											
Debt Proceeds	-	-	-	-	-	-	353,700	353,700	353,700	-	-
Transfers to Debt Service	(421,107)	(559,255)	(516,644)	(802,254)	(810,447)	(817,188)	(961,152)	(2,831,612)	(2,831,612)	(1,870,460)	66%
Other Transfers & Uses	(74,995)	(84,900)	(70,137)	(50,940)	(66,198)	(69,146)	(39,567)	(754,315)	(472,207)	(714,748)	95%
Total Other Financing Sources/Uses	(496,101)	(644,155)	(586,781)	(853,195)	(876,645)	(886,333)	(647,019)	(3,232,227)	(2,950,119)	(2,585,208)	80%
Total Revenues Over Expenditures	98,275	105,298	203,377	(408,209)	(1,570,800)	(2,897,212)	(1,310,214)	(948,467)	(584,990)	(361,747)	

Motion by the City Council:

To instruct the Mayor to immediately reactivate the suspended bid request for the Whispering Pines Road project as engineered by the city's engineer HMR, and for those bids to be made available to the Finance Department within five business days of their reactivation.

Buildings and Property Committee Meeting

Friday, February 5, 2010

**10:00 AM
City of Daphne
City Hall**

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

Regan Lambert, Buildings Inspection
Frank Barnett, Maintenance Supervisor
Deni Biggs, Interim Civic Center Direct

Committee Minutes (Summary)

A **motion** was made by Gus Palumbo to approve the October and December Meeting minutes. **Second** by John Lake. **Motion Carried.**

Catranis Property - Mr. Catranis was at the meeting regarding the donation of his property to the city. He submitted a survey which Mr. Eady has reviewed and finds in order. Mr. Eady gave a favorable recommendation to accept this property. Gus Palumbo made a motion that we accept the property, John Lake second it. **Motion Carried. Gus asked that Jane Robbins give a copy of the survey and Mr. Eady's recommendation to the City Clerk to include in the February 17th or March 1st council packet.**

Village Point Gate – Selena Vaughn reported on the need to provide a new gate for Village Point Park – police need a safe access from their patrol car. This would be a battery powered opener on the gate. She provided one quote and Frank is getting a quote from another company. Since we need three estimates Selena will obtain another one.

Resolution to accept streets and drainage in Lake Forest - This was discussed at the Public Works meeting last week. Gus said that if there was a motion to bring this to council then Sandy should provide the City Clerk with the minutes reflecting such motion.

Property donation in Lake Forest – Jane Robbins was asked to follow up with Becky Hayes on status of this. We were waiting to here back from the LFPOA about waiving the dues.

Roberts Fence Request – This will be presented at the March meeting.

Richard Merchant (not present) but sent word that he has contacted the contractor about the monies being approved for the slab at Bayfront. Monthly reports were distributed in packet. Bayfront is almost complete with the exception of redoing the three bathrooms. Frank is working on one bathroom at a time.

The Mayor brought to everyone’s attention that in the last council packet was a report that showed the total of impact fees would have been collected from the City for the year if we had that in force. **Gus asked Jane Robbins to bring those two pages to the attention of the City Clerk to bring back to council for their information in the next council packet.**

Gus asked about the window repair in the Executive Chambers on the first floor of City Hall. Frank said they are still trying to locate leak and the cause.

The next Council Work Session, March 8th will be held at Bayfront to give everyone the opportunity to see the improvements.

Motion to adjourn by Councilman Palumbo, **Second** Chairman Lake.

Meeting ended at 10:45 a.m.

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



The Jubilee City

Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: City of Daphne
Buildings and Property Committee

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

Date: February 5, 2010

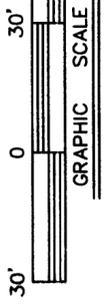
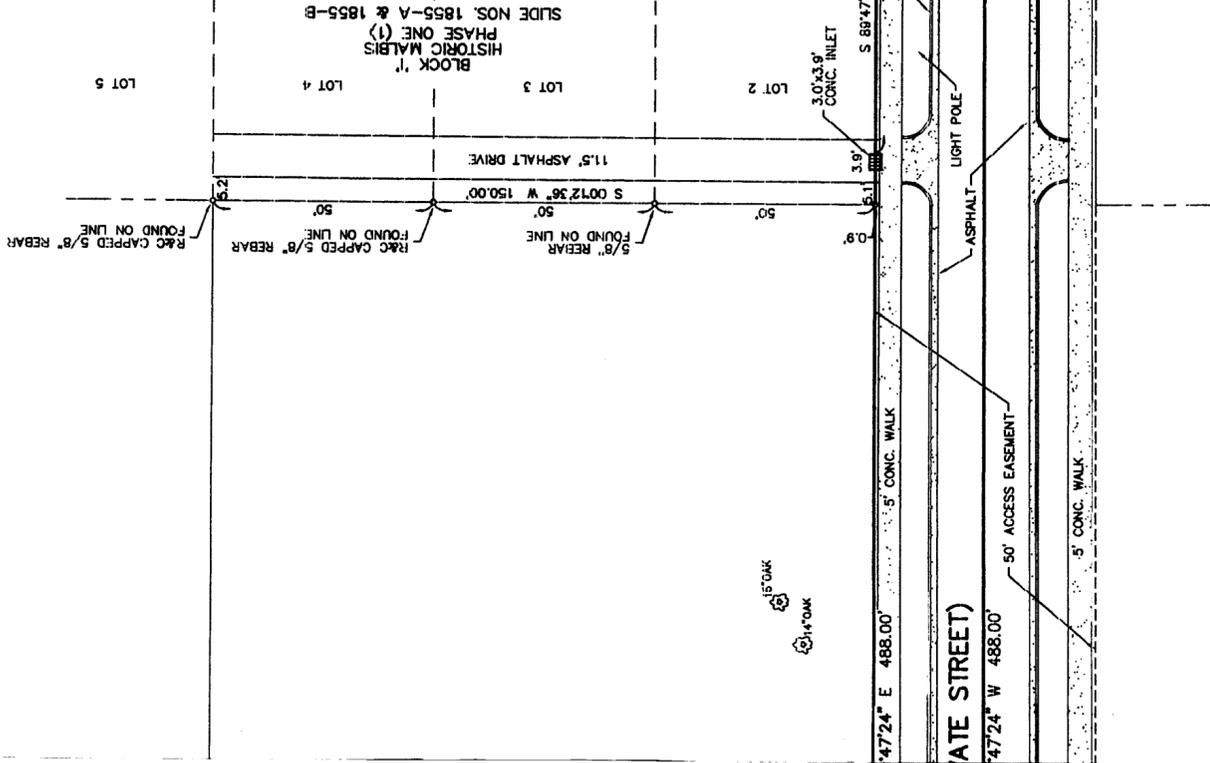
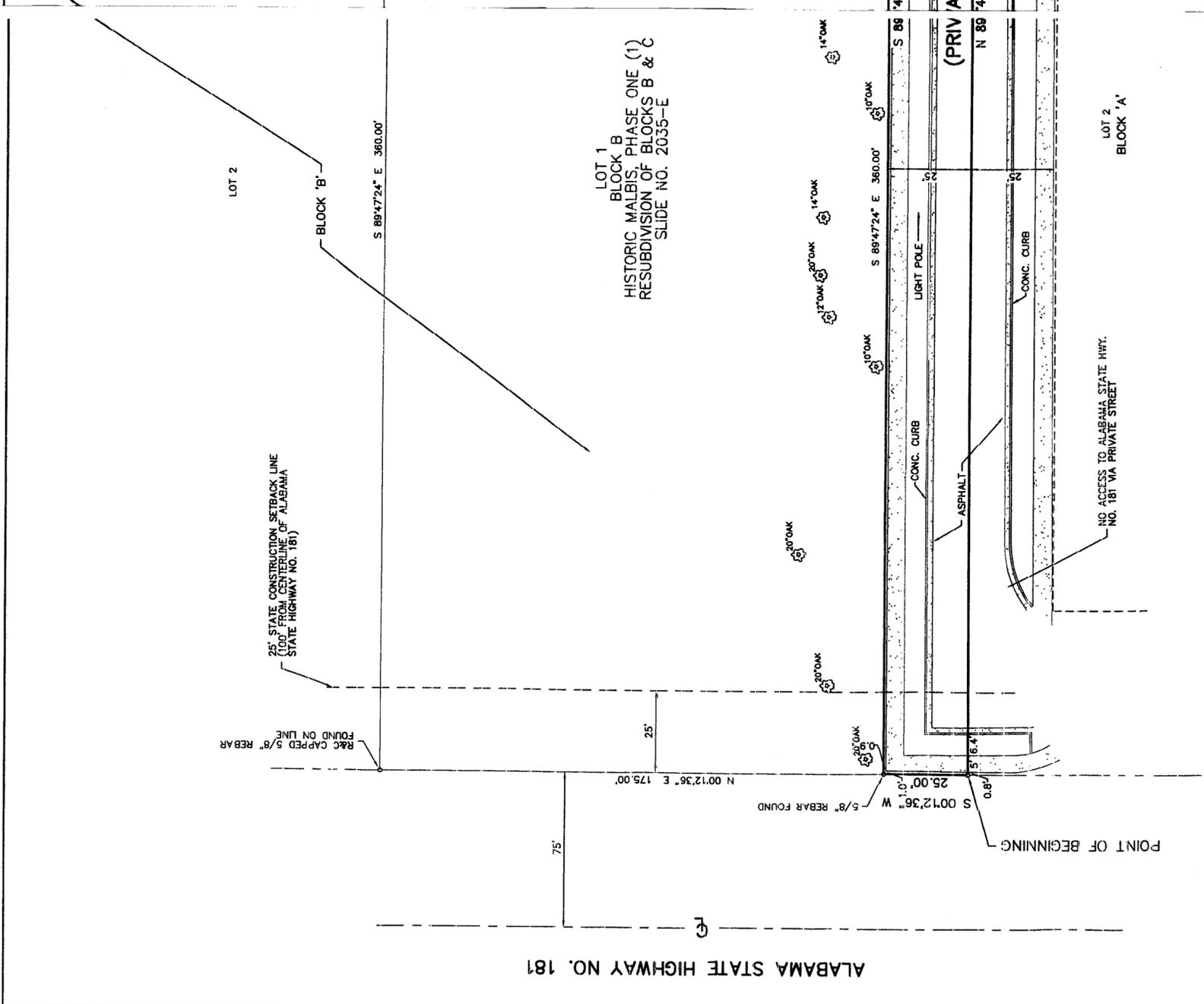
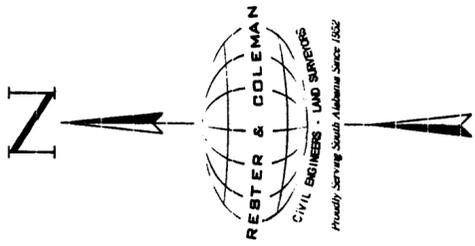
Re: Property Donation – Catranis Property

As requested by the Committee, I have visited the street known as “Private Road” located north of Highway 90 and east of Alabama 181. The road has a 50 foot right of way that is owned by Mr. Nick Catranis on the north side of the centerline and Mr. Kevin Spriggs on the south side of the centerline (see survey map). Mr. Catranis has requested to donate to the City of Daphne the north 25’ that he owns.

The street was developed by the owners of Malbis Subdivision. The street was named Private Road; however, it has always been used by the general public without question.

The street is in good condition and I recommend that the City accept Mr. Catranis’ offer. See attached survey, photos and request.

WHE:swc



NOTES:
 ALL BEARINGS REFERENCED TO RECORD PLAT.
 R&C CAPPED REBAR FOUND AT ALL CORNERS,
 EXCEPT AS SHOWN.

DESCRIPTION: PORTION OF LOT 1 BLOCK B, HISTORIC MALBIS PHASE ONE

THAT PORTION OF LOT 1 BLOCK B, HISTORIC MALBIS, PHASE ONE (1) RESUBDIVISION OF BLOCKS B & C DENOTED AS (PRIVATE STREET) ACCORDING TO PLAT RECORDED ON SLIDE 2035-E OF THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK B, HISTORIC MALBIS PHASE ONE (1) RESUBDIVISION OF BLOCKS B & C, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181, RUN N 00° 12' 36" E ALONG THE WEST BOUNDARY OF SAID LOT 1 AND ALONG THE EAST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 A DISTANCE OF 25.00 FEET TO A POINT OF INTERSECTION OF SAID EAST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 AND THE NORTH RIGHT OF WAY LINE OF PROPERTY DENOTED AS (PRIVATE STREET), THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF PROPERTY DENOTED AS (PRIVATE STREET) AND ALONG THE SOUTH BOUNDARY OF LOT 2 BLOCK "1" HISTORIC MALBIS PHASE (1) AS PER PLAT RECORDED ON SLIDE NOS. 1855A & 1855B AT THE WEST END COURT RECORDS OF BALDWIN COUNTY ALABAMA, RUN S 89° 47' 24" E 488.0 FEET TO THE WEST END OF EMMANUEL STREET AS SHOWN ON SAID PLAT OF HISTORIC MALBIS PHASE ONE (1); THENCE ALONG THE WEST END OF SAID EMMANUEL STREET RUN S 00° 12' 36" W 25.00 FEET TO THE CENTERLINE OF SAID EXISTING (PRIVATE STREET); THENCE ALONG SAID CENTERLINE OF (PRIVATE STREET) RUN N 89° 47' 24" 488.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. NO TITLE OR EASEMENT RESEARCH HAS BEEN PERFORMED ON THIS PROPERTY BY THIS COMPANY. THIS SURVEY ONLY SHOWS WHAT IS VISIBLE ON THE GROUND.

PRIVATE STREET SURVEY
 RESTER AND COLEMAN
 ENGINEERS, INC.
 66 MIDTOWN PARK WEST MOBILE, ALABAMA
 TELEPHONE NO. (251)-479-451

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on January 29, 2010
Location: City Hall Council Chambers

CHAIRMAN - Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3

I. CALL TO ORDER

The January meeting of the Public Works Committee was called to order at 8:00 a.m.

Present: Councilman Bailey Yelding, Councilman John Lake, Councilwoman Cathy Barnette, Frank Barnett–Building Maintenance Supervisor, Sandi Cushway–PW Administrative Assistant, Jaye Robertson–HMR, Tim Lawley–HMR, Councilman Gus Palumbo; Ashley Campbell–Bldg Inspection Department, Buck Conaway–Solid Waste Supervisor, John Peterson–Hatch, Mott & MacDonald, Randy Davis–Volkert, Dorothy Morrison–DBC, Stuart Allhands–Timbercreek Resident, Bob Foth–Timbercreek Resident, Joe Davis–Timbercreek Resident, Paul Burch, Jr.–Timbercreek, Dave Haygood–Timbercreek POA, Eddie Murphy–Lake Forest Resident, Bruce Bechtel–Lake Forest Resident,

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – November and December 2009 reports reviewed.
- B. **Vehicle/Equipment Maintenance Report** – October, November and December 2009 reports reviewed. Councilwoman Barnette questioned the non-routine repairs amounts for the Police Department. Frank Barnett responded that there have been several blown engines and rebuilt transmissions. Councilwoman Barnette would like to know where we stand with regard to vehicle maintenance budget for the Police Department.
- C. **Correspondence** – None
- D. **Public Participation** – Councilman Gus Palumbo spoke on the conditions of the streets in Timbercreek, specifically Timbercreek Blvd and Pine Run, which are the two major roads in the subdivision. The roads were accepted into the City. Bob Foth commented that phase one streets were accepted in 1993. Councilman Palumbo stated that the smaller roads don't get the volume of traffic that these two roads get. Over 600 homes have been built in Timbercreek over the past 15 years. A total of 738 total lots with 668 lots built on. The roads are used by heavy trucks, school buses, and cut through traffic from shopping center. The Highway 31 entrance has a large pot hole. The main cap is off the roadway. Councilman Lake stated that we need to look at this long-term. Due to the significant number of heavy equipment and trucks that drive on these roads, maybe we need to consider adding a fee to permit to cover resurfacing of the roadways due to damage caused by these large trucks. Pot holes in roads decrease the value. We need a long-term solution to this problem. Joe Davis commented that everybody uses Timbercreek Blvd. It is the main artery through the subdivision. Approximately 2/3 of the traffic uses Pine Run. He feels that the problem is just going to continue to get worse. Councilman Lake asked if the resurfacing could be done in ¼ mile sections rather than resurfacing the whole subdivision. Councilman Palumbo added that these roads are also entrances to the City of Daphne and these streets/potholes reflect on the city's image. He said that Mr. Eady did a check of the roads, but he is not sure where Timbercreek is on his priority list. Councilman Palumbo showed a slide show of photos showing the conditions of these roads. He stated that resurfacing the streets would save the city money. The potholes are being filled, but always reappear within a couple of weeks. Councilman Yelding is going to suggest that we get with Mr. Eady. We have a street program in place and may need to reassess since this is a short stretch. Dave Haygood commented that speed reduction devices would be appreciated as well if possible. Councilwoman Barnette agreed that it

would be necessary to look at the road plan that had already been set up and perhaps reassess. Councilman Palumbo reminded the committee that \$500,000 has already been allocated to street repairs and that the city is about to take bids on Whispering Pines. Councilman Lake feels that we need to add a \$2K fee to permits to help cover the costs. Councilman Yelding would like to bring the issue up at the next council work session for discussion. Ashley commented that this is a 10 phase subdivision and that perhaps when opening up a new phase, verbiage should be added to require them to resurface roads.

- E. Mr. Eddy Murphy – 103 Windsor Court. Mr. Murphy commented that nothing has been done about the drains in Lake Forest or at his house. The city doesn't own the streets or easement. Need to spend some federal funds. Mr. Murphy requested a copy of all Public Works work orders turned in since 1986 to see how much money has been spent. Councilman Yelding stated that he would have to look into the legality of how much information can be provided. Mr. Murphy commented that in the mean time, every time it rains, his property fill up. Councilwoman Barnette told Mr. Murphy that we have a resolution on the agenda to address the watershed and other Lake Forest drainage issues. The plan is supposed to be complete in May or June and is a high priority. Mr. Murphy has not heard from Mr. Eady or the city's engineers. Ashley commented that HMR has completed a study which they will present today that should help with the situation. To the best of her knowledge, it was put in writing that the streets were accepted. Councilman Lake said that when Daphne annexed Lake Forest into the city, it accepted the streets and drainage. So, this was addressed in previous administrations. Mr. Murphy stated that there is a 10' easement behind his house and a 20' easement behind his house where water floods. He stated that the neighbor behind him built his house on the easement. Ashley Campbell said that she was working with the city's attorneys to make sure that we come up with a legal solution. Councilwoman Barnette would like for the city attorney's to go through annexation documents and records, and check with Becky's records. If a solution/proof isn't found, then the committee can move forward with a resolution. **Councilwoman Barnette made a motion to continue researching; motion seconded by Councilman Lake.**
- F. Frieda Romanchek – One of the flags with crabs on it is dangling. Flag is located north on Hwy 98 towards Main Street intersection where you turn right onto Main Street. She stated that permission was needed from the state (ALDOT), though she wasn't sure why.

III. **OLD BUSINESS**

- A. **Minutes – October 23, 2009 Councilman Lake made a motion to accept the minutes, motion seconded by Councilwoman Barnette.**
- B. **Mosquito Reports – October 2009 report reviewed.**

IV. **NEW BUSINESS**

- A. Volkert Update on Hwy 98/CR 64 Intersection – This is one of the worst intersections in Daphne with regard to traffic and accidents. Each corner will have a right turn lane, which will move traffic better. Right now, right turn only on arrow. Taking the left turn lanes and moved further to the left so that you can see further down and can turn on a clear green light. There will be "green space" dividing traffic. ALDOT will not allow any plantings over 2' tall on green spaces. Left turn lane increased for stacking on southbound Hwy 98. This will help to clear traffic more quickly. Need to cut down lanes in front of Target. Will have to put up retaining walls. Entrances to Target and other businesses (Staples, Auto Parts store, etc.) will be right in and right turn out only. Looking at the possibility of a light being added at the Target entrance, but not sure if it is feasible due to coordinating with the light at the Hwy 98/CR 64 intersection. This will improve the service entrance behind Target. Will be a right turn only. Will channel traffic with a concrete island. Daphne Avenue/Hwy 98 driveway to bank and other buildings –

- driveways will all be combined into one. Use of stop bars and yield signs. Pedestrian crossing with pedestrian signals will be added to the intersection as well as a protected sidewalk. Roads will have to be cut down from 12' to 11'. Volkert estimates that this will be a \$1 million project. \$700,000 from the state and \$300,000 from the city. The state will install the signal. As we move forward, we will negotiate more with ALDOT. Ashley asked whether eroding drainage will be addressed. Volkert responded that it would be addressed. Councilman Yelding asked that the committee be kept up to date on project.
- B. Ashley Campbell – Nicole Place. Nicole Place in Lake Forest near Home Depot is flooding. 3 homes have flooded since March rain event. Have applied for FEMA grant. Currently the pipe decreases in size from 60" to 42" causing water to pond. Ashley presented letter and recommended to place with 60" pipe. \$371K project. Ashley doesn't feel that there is a good chance that we will be awarded the grant money. The problem is with house foreclosures and lack of tracking on rental homes. She may come back to the committee to seek assistance. Councilman Lake would like to take this issue to the conference. He requested that Ashley write a letter providing information so that he could take it with him. John with HHM commented that inlet and junction boxes are well above inlet tops so water ponds above and since there is no overland release, water fills up the bowl and floods the homes. Councilwoman Barnette said that we need to get a more comprehensive picture of the drainage issue in order to get a better handle on it.
- C. Ashley Campbell – Windsor Entrance (Lake Forest Drainage). Study completed determined that putting in an inlet or two would alleviate some of the problem. Currently, water flows from Wedgewood to Windsor. Cost for inlets would be \$15-20K. Melvin feels that we can accomplish this in-house for much less. Ashley to get with Melvin to get a more accurate price together. Councilwoman Barnette asked if we have plans for this project. She would like to see some plans. It was agreed that the committee needs to move forward with this project as soon as Melvin has cost estimates and plans from HMR. **Councilwoman Barnette made a motion to move forward and send to finance committee; motion was seconded by Councilman Lake. 1) without plans and the city doing the work and 2) with plans and the city doing the work.**
- D. Catranis land donation – The buildings and properties committee asked that Mr. Catranis submit a survey to Mr. Eady. The committee agreed to revisit this topic at the next meeting when Mr. Eady is present.
- E. Eastern Shore Church – donation of road. Councilwoman Barnette would like to know what the costs to repair the road would be before moving forward. **Motion by Councilwoman Barnette; seconded by Councilman Lake.**

V. **DIRECTOR'S REPORT**

- A. Not present

VI. **SOLID WASTE AUTHORITY**

- A. Buck Conaway spoke regarding once a week garbage service. He would like to start once weekly service on April 1st. This would allow 60 days to notify citizens and to get all the carts in and distributed. Every resident gets a cart free of charge. Buck presented the new garbage pickup schedule for once weekly service. Buck stated that it was his understanding that we would discontinue recycling by March 1st; there is no money budgeted for recycling beyond that date. Councilwoman Barnette stated that we need to reevaluate that. She said that recycling was not cut from the budget. Councilman Yelding would like to hold off on discussing until next month when Mr. Eady and the Mayor would be present. Councilwoman Barnette said that she was comfortable with the revised garbage schedule and would like to discuss recycling at the next work session. **Councilwoman Barnette made a motion to accept the revised once weekly garbage pickup schedule. Motion was seconded by Councilman Yelding.** Councilwoman

Barnette would like to see all three schedules (garbage, trash and recycling) on the City's website. Buck will get a copy of all the maps to the council for the work session.

VII. MUSEUM COMMITTEE

- A. Minutes – October 12, 2009

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – December 4, 2009 and January 8, 2010
- B. DBC Update – Dorothy thanked PW for all the work being done on the pot holes. She is concerned about all the junk in the yard of “Sister Julie’s Junk Yard”. She was advised to report this to the Code Enforcement officer, Lonnie Jones. There is a problem with Mardi Gras lights on regular power panel. The committee had requested additional power outlets, but work was never completed. Frank responded that he was never made aware that additional power outlets were needed and would get price estimates together. Several murals have been completed and six more are planned for this spring. Lott Park is looking great. Arbor Day is on February 27th. Approximately 6,000 trees will be given out. The animal shelter will be there to “chip” pets and Starbucks will be there as well.

IX. ENGINEER REPORT

- A. NRCS – Sidewalk plans for CR13/Whispering Pines almost to CR 64. Councilman Yelding asked why not all the way to CR64. Jay responded that there was not enough money to reach CR64. We received a grant through ALDOT and got as much as we could, but it is just not enough. We can eventually go back and connect the sidewalk to CR64.

V. FUTURE BUSINESS

- A. Next Meeting – February 26, 2010

XI. ADJOURNMENT

The meeting adjourned at 9:42 AM. **Councilman Yelding made a motion to adjourn. Motion seconded by Councilwoman Barnette.**

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
SPECIAL CALLED MEETING OF JANUARY 14, 2010 - 10:00 A.M.
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated the number of members present constituted a quorum and the special called meeting of the Board of Zoning Adjustment was called to order at 10:00 a.m. Let us have roll call.

Call of Roll:

Members Present:

Jeri Hargiss, Secretary
Glen Swaney
Willie Robison, Chairman
Jim Moss

Members Absent:

Barry Taylor
Billy Mayhand, Vice Chairman
Frank Lamb

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Houston, Recording Secretary

Staff Absent:

Tony Hoffman, BZA Attorney

The Chairman stated next item on the agenda is the approval of the September 3rd, 2009 minutes. Has everyone read the minutes? The Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the September 3, 2009 meeting were considered for approval.

The Chairman will entertain a motion to approve the minutes as written.

A Motion was made by Mr. Moss and Seconded by Mr. Swaney to approve the minutes as written.

The Motion carried unanimously.

There being no other business the meeting was adjourned.

Adjournment:

A Motion was made by Mr. Moss and Seconded by Ms. Hargiss to adjourn.

The Motion carried unanimously.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
SPECIAL CALLED MEETING OF JANUARY 14, 2010 - 10:00 A.M.
COUNCIL CHAMBERS, CITY HALL

There being no further business the meeting was adjourned at 10:03 a.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED:

Willie Robison, Chairman

/ph

Board of Zoning Adjustment Submittals 2008 and 2009

2008 Appeals

2009 Appeals

Location	Use Variance	Setback or Other Variance	Special Excep.	Admin. Appeal	Location	Use Variance	Setback or Other Variance	Special Excep.	Admin. Appeal
Wild Oak Dr		A			6th St		W		
Van Ave		W			Pollard Rd		D		
Pine St			A		Wildwood Cir		A		
Pine St		D			Nicole Pl		D		
Roper Ln			A		D'Olive Pl		A		
Woodbridge Dr		D			Pine Run		A		
Cap. O'Neal		D			Wedgewood Ct			D	
Timberline Dr			A		TC ARB				W
Lakeview Terr		D			Durnford Hill Ct		A		
Lakeview Terr		W							
Total Apps		7	3				7	1	

D-Denied

A-Approved

W-Withdrawn

**January 25, 2010
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Daphne City Hall,
1705 Main Street, Daphne, AL in conference room.**

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Dan Romanchuk Dennis Kerney, Doug Bailey, and Pokey Miller arrived 6:16 P.M.

Also present – David Cohen, Derek Boulware, and Josh Thornton

2. OLD BUSINESS

a. December 28, 2009 IDB Board Minutes

Motion by Mr. Bailey Seconded by Mr. Romanchuk To approve the minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

b. January 6, 2010 IDB Board Minutes

Motion by Mr. Romanchuk Seconded by Mr. Kerney To approve the minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

Mr. Cohen gave the treasures report with a balance of \$150,072.86.

Motion by Mr. Bailey Seconded by Mr. Kerney To approve the secretary's report.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. NEW BUSINESS

Derek Boulware reported that the commissioning of the ship went off well even with all the rain that was at the event.

5. OTHER BUSINESS

Baldwin County Alliance Update

Josh stated that there was a potential HVAC company looking at the Daphne area.

Plus Diagnostics

Josh stated that Plus Diagnostics had met the goal of hiring 25 employees and would continue to hire an additional 20 employees. Ms. Foresman from Plus Diagnostics had expressed a desire to have the IDB over.

Motion by Mr. Bailey Seconded by Mr. Romanchuk To move the next IDB meeting to Plus Diagnostics.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

HK Automobile Plant

Josh discussed the status of HK Automotive Plant.

5. ADJOURN

Motion by Mr. Bailey Seconded by Mr. Kerney To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

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

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Revised City of Daphne Zoning Map
Date: February 1, 2010

MEMORANDUM

At the January 28, 2010 regular meeting of the City of Daphne Planning Commission seven members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned map.

Please prepare an ordinance and place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

SET A PUBLIC HEARING DATE FOR

APRIL 5, 2010

TO CONSIDER:

- 1.) Revision to Zoning Map**

Planning Commission Submittals 2008 and 2009 Subdivisions & Annexations

2008			2009		
Subdivisions Within Corporate Limits	# of Acres	# of Lots	Subdivisions Within Corporate Limits	# of Acres	# of Lots
Darring Business	1.96	3	Dunmore	95.15	151
Sportsman Marine	6.71	5	Timbercreek Village, Resubdivision of Lot 1 and Timbercreek Comm, Resubdivision of Parcel "a", Unit Three, Resubdivision of Lot 3	12.58	5
Timbercreek Commercial South, Phase 3,	2.24	2	Resubdivision of Lot 3, Creekside Professional Park	0.86	2
Family Security Credit Union	1.36	1	Yancey Branch Woods, Phase II	4.86	13
St Charles Village, Phases I and II	11.33	1	Sterling Acres	1.89	3
The Renaissance Center, Phase III	42.13	14	Replat of Lots 30 & 31, Beau Chene	2.3	1
Ephraim	6.6	3	Madison Place, Phase 3a (approved as Caroline Woods, Phase One)	4.39	12
Bay Community Church	15.34	1	Bain Family	3.8	4
Indigo Place	2.34	5	Huey	2.75	2
The Estates of Tiawasee	49.84	38	Resubdivision of Lots A-1 & A-2, Bellaton, Phase Two	2.7	2
Resubdivision of Lots 1 & 2, Ephraim	4.68	5	Stanton Road Business Park	2.58	4
Handy Lock Self Storage	5.03	2	Hollinger's Terrace	4.83	2
Laurel Springs	25	2	Japonica Place	1.91	2
Baldwin Family Division	1.51	4	Resubdivision of Lot 1, Ephraim	1.61	2
Resub of Lot 2, Medical Office and Cancer Center of Malbis	18.4	2	Wachter	0.45	1
Springs @ Eastern Shore	19.85	1			
Daphne Business Park, Unit III	31.12	8			
17 TOTAL	245.44	97	15 TOTAL	142.66	206
Extraterritorial Planning Jurisdiction (Outside Corporate Limits)			Extraterritorial Planning Jurisdiction (Outside Corporate Limits)		
Powers	59.6	2	Dorsey Woods	29.93	60
Consolidated Acres II	8.08	3			
St Augustine, Phase 1a	21.36	26			
3 TOTAL	89.04	31	1 TOTAL	29.63	60
2008 Annexation Petitions			2009 Annexation Petitions		
	Acres			Acres	
Holy Trinity Lutheran Church	5.05		Swift Supply Company	10.75	
			AJD Family Limited Partnership	10.84	
1 TOTAL	5.05		2 TOTAL	21.59	

Planning Commission Submittals 2008 and 2009

Site Development Plans

2008			2009		
Commercial Site Plans	Acres		Commercial Site Plans	Acres	
Burger King	1.44		Big Daddy	1.69	
Daphne Urgent Care	1.45		North Fork Apts	14.97	
Sportsman Marine	0.81		Bayfront Park Parking Lot and Landscape	5.6	
Lot 1, Timbercreek Office Park	0.62		Daphne Public Library	9.61	
Daphne Sports Complex	122.1		Ahepa-Sr. Apts Daphne	3.52	
The Shoppes of Daphne	0.9		Olde Towne Cottages	0.45	
Family Security Credit Union	1.36		Mystic Moon Pie	2.69	
Johnson Road and U.S. Highway 98 Site Prep Only	8.61		Jumpin Jax Family Fun Center	2.19	
First Community Bank	1.09		Daphne Commercial Park, Ph One, Lot 5	0.63	
Lot 15, Equity Drive-Gulf Teleco	0.5		Performing Arts Center – Bayside Academy	20.79	
Tuscan Plaza	9.09		Camellia Patio Grille	0.31	
Chris Myers Nissan	10.04		Genesis Career College	0.42	
TSS Properties	2.47		Colony Boats	0.66	
Lot 5, Timbercreek Business Park	0.41		Jim Boothe Contracting	0.98	
Malbis Place Commercial Shopping Center	2.98		Eastern Shore Hyundai (site, grading, drainage & temp bldg)	5.43	
St Charles Village, Phase II	7.8				
Eastern Shore Promenade	1.39				
Staples	4.71				
Eastern Shore Christian Center	4.52				
Eastern Shore Baptist Church Youth Building	1.9				
Lot 4, Daphne Commercial Park, Phase 1	0.63				
Bay Community Ministries Expansion	15.35				
The Sugar Kettle Cafe'	0.73				
Eastern Shore Neurology & Pain Center	1.55				
Trione Soccer & Football Complex	52.91				
Mobile Educators Credit Union	0.85				
Gleem Carper One	1				
Magnolia Place Shopping Center (Publix/Dollar General)	9.58				
28 TOTAL	266.79	ac.	15 TOTAL	34.55	ac.

I

**THE CITY OF DAPHNE
COMMUNITY DEVELOPMENT DEPARTMENT**

**2010
PLANNING COMMISSION
APPLICATION DEADLINE & MEETING SCHEDULE**

- ★ Applications to be considered by the City of Daphne Planning Commission are due by 3:00 p.m. on the application date.
- ★ Preliminary Plat, Preliminary/Final Plat, Final Plat, Vacation of Easement/Right-of-Way, Annexation, Site Plan and/or Zoning Amendment Submittals are required to be submitted thirty (30) days prior to the regular meeting.
- ★ Meetings are held in the Council Chambers of Daphne City Hall (1705 Main Street). Attendance of the applicant and/or authorized agent is mandatory.

APPLICATION DATE	SITE PREVIEW DATE ** 8:30 A.M.	MEETING DATE ** 6:00 P.M.
DECEMBER 28, 2009	JANUARY 20, 2010	JANUARY 28, 2010
JANUARY 25, 2010	FEBRUARY 17, 2010	FEBRUARY 25, 2010
FEBRUARY 26, 2010	MARCH 17, 2010	MARCH 25, 2010
MARCH 22, 2010	APRIL 14, 2010	APRIL 22, 2010
APRIL 27, 2010	MAY 19, 2010	MAY 27, 2010
MAY 24 2010	JUNE 16, 2010	JUNE 24, 2010
JUNE 22, 2010	JULY 14, 2010	JULY 22, 2010
JULY 26, 2010	AUGUST 18, 2010	AUGUST 26, 2010
AUGUST 23, 2010	SEPTEMBER 15, 2010	SEPTEMBER 23, 2010
SEPTEMBER 28, 2010	OCTOBER 20, 2010	OCTOBER 28, 2010
*OCTOBER 18, 2010	NOVEMBER 10, 2010	NOVEMBER 18, 2010
*NOVEMBER 16, 2010	DECEMBER 8, 2010	DECEMBER 16, 2010

* Tentative submittal date, holiday schedule subject to change.

** Attendance by the owner and/or an authorized agent at each of these meetings is imperative for proper representation of each project. Before any application requiring Planning Commission approval is considered the engineer, developer, owner or a designated representative of the engineer, developer, or owner shall be present at such hearing to present the submittal to the Commission. In the absence of said engineer, developer, owner, or designated representative, an application request shall not be heard unless otherwise determined by the Planning Commission.

Created: November 9, 2009

Revised: January 12, 2010

Fred Small
Mayor
David McKelroy
Parks & Recreation
Director



Dwayne Coley
Parks Maintenance Supervisor
Mary Jensen
Seniors Program Coordinator
Megan Matrone
Recreation Programs Coordinator
Charlie McDavid
Athletic Coordinator

MEMO

TO: Mayor Fred Small
FROM: David McKelroy, Parks & Recreation *WDM*
RE: Background Checks – Volunteer Youth Coaches
DATE: January 14, 2010

At the January 13, 2010 Daphne Recreation Board meeting, the board recommended that the city recreation department have background screening performed on volunteer coaches of youth sports programs. It was further recommended that Bradley Screening be used to perform the background checks.

Criteria for disqualifying a youth coach is attached and I assume will need to be approved by our attorney for legality. Reports will be returned to me and keep in a secured and locked location.

We intend to use screening for the up coming baseball and softball season, so your immediate attention is requested.

DAPHNE PARKS & RECREATION COACHES BACKGROUND SCREENING

Convictions for the following crimes will prompt a determination that an applicant “does not meet” the criteria to serve as a youth-serving organization.

1. Any felony (any crime punishable by confinement greater than one year).
 - a. Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
 - b. Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range > one year.

2. Any lesser crime involving force or threat of force against a person.

3. Any lesser crime in which sexual relations is an element, including “victimless” crimes of a sexual nature (including pornography).

4. Any lesser crime involving controlled substances within five years.

5. Any lesser crime involving “DUI” within five years.

No volunteer coach shall provide transportation for any participants without the signed authorization from the participant’s legal parent or guardian.

No activity (practice, games, team party, etc) can take place on city facilities without an approved manager/coach in attendance.

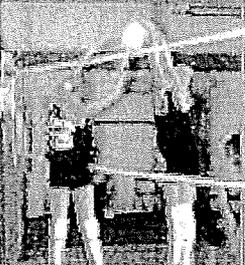
The City of Daphne will screen the following number of coaches per team:

Baseball / Softball	3 coaches
Soccer	2 coaches
Football	4 coaches
Cheerleading	2 coaches

\$10.00



Church
Volunteers
Youth Sports
Volunteers



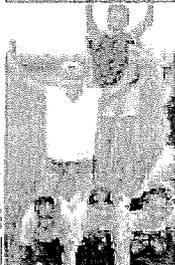
Parks and
Recreation
Volunteers



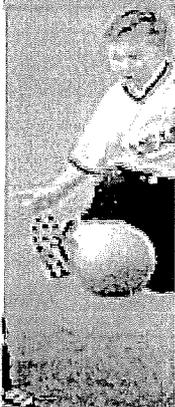
Boy Scouts
Girl Scouts



School
Volunteers
Mentor
Volunteers



Boys and
Girls Club
Volunteers



YMCA
YWCA

Where Safety truly does come 1st

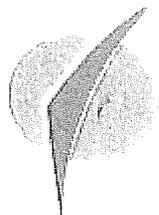
Welcome to National Background Data's *Safety 1st Volunteer Screening Program*. *Safety 1st* was designed, created and subsidized by National Background Data, LLC.

The *Safety 1st Volunteer Screening Program* is available only through a select group of NBD professional background screening company affiliates. These selected affiliates have a deep understanding of volunteer and non-profit organizations and are already providing background-screening services of volunteers.

A *Safety 1st Volunteer Screening* provides a compiled, comprehensive report that includes, in addition to the criminal data from The National Background Directory™, information on the volunteer's previous residence addresses, whether a Social Security number has been issued, maiden and/or married names associated with the SSN, and whether the volunteer's SSN is currently being used by other individuals.

The National Background Directory™ is one of the largest private-sector criminal history databases in the nation. It draws data from multiple criminal record sources in all 50 states and the District of Columbia. It includes criminal data from criminal courts, state criminal record repositories, probation, prison parole and release files, sex offender registries and other government agencies, as well as additional criminal history data proprietary to NBD.

The purpose of the *Safety 1st Volunteer Screening Program™* is to aid volunteer and non-profit organizations and agencies in determining whether prospective volunteers have a pattern of criminal behavior that would make it unwise for them to be working with children or other vulnerable populations.



BRADLEY

SCREENING

www.bradley-personnel.com

5283 Vaughn Road

334-272-3439

334-272-7302 FAX

Background Investigation Release Form

I understand and acknowledge that an investigative consumer report may be obtained for employment purposes. I authorize the company I have made application with, or its designated agent, to conduct pre-employment or other employment related inquiries after I am hired (to the extent allowed by law) and authorize any past or present employer, or other business, governmental agency or individual contacted to supply the requested information and documents concerning me and to provide full and complete disclosure. I understand that all pre-employment screening activities are conducted in compliance with ADA, EEOC and the Fair Credit Reporting Act requirements. I release from liability the company I have made application with, and its representative for gathering and using such information. I fully release the person or entity provide the information of any right or claim of confidentiality concerning disclosure of the information as may be requested concerning: (1) Complete background reference and work history checks; (2) Criminal and civil litigation history information or any other public records (such as driving records, liens, judgments, and sex offender status); (3) Previous incidents of alleged sexual or racial harassment; (4) Previous incidents of violent behavior and/or suspected dishonest acts; (5) Results of previous drug testing within the past two years if positive for illegal substances; (6) Social Security Number verification. I request that any law enforcement agency, institution, information service bureau, school, employer, reference, or insurance company contacted pursuant to this investigation consent form cooperate fully and completely in responding to the inquiries.

Signature

Date

APPLICANT INFORMATION:

Last Name

First

Middle

Maiden

Address

City

State

Zip Code

Social Security Number

Date of Birth

Drivers License

State Issued

SERVICES ORDERED:

Safety First

Safety First & Alabama

COMPANY NAME REQUESTING INFORMATION: _____

BRADLEY SCREENING
5283 Vaughn Road
Montgomery, AL 36116
PH: (334) 272-3539
FAX: (334) 272-7302

SERVICE AND MEMBERSHIP AGREEMENT
EMPLOYEE
PART 1
SCREENING

The undersigned User and Bradley Personnel agree to the terms and conditions as follows:

User has a permissible purpose for obtaining consumer reports, as defined by Section 604 Of the Fair Credit Reporting Act (15 U.S.C. 168 1b), hereinafter called "FCRA". The User certifies requests for report information shall be used to determine an individuals Eligibility, as outlined therein in the FCRA, which includes:

- A) In connection with a credit transaction involving the consumer on whom the information Is to be furnished and involving the extension of credit to, or review or collection of an Account of, the consumer; or
- B) For employment purposes pursuant to procedures prescribed from time to time on when it is considering the individual inquired upon for employment, promotion, reassignment or retention as any employee, and for no other purpose; or
- C) In connection with the underwriting of insurance involving the consumer or review of Existing policy holders for insurance underwriting purposes, or in connection with an Insurance claim where written permission of the consumer has been obtained;
- D) In connection with a tenant screen application involving the consumer ; or
- E) In connection with a legitimate business need for the information in connection with a Business transaction initiated by the consumer or to review an account to determine Whether the consumer continues to meet the terms of the account: and the client Agrees to identify to the Screening Service each request at the time such report is Ordered, and to certify the legitimate business need for such report; or
- F) In connection with a determination of the consumer's eligibility for a license or other Benefit granted by a governmental instrumentality required by law to consider an Applicant's financial responsibility or status; or
- G) As a potential investor or service, or current insurer, in connection with a valuation of, or An assessment of the credit or pre-payment risks associated with, an existing credit Obligation.

User further certifies that each time a request for information or a credit report is made for Employment purposes User will comply with Section 604 of the FCRA as follows:

1. Consumer has been given a clear and conspicuous disclosure in writing at any time Before the report is procured or caused to be procured, in a document that consists Solely of the disclosure, that consumer report may be obtained for employment Purposes;
2. Consumer has authorized User, in writing, to procure the report;
3. The information in the consumer report will not be used in violation of any applicable Federal or state equal employment opportunity law or regulation;
4. Before taking adverse action based in whole or in part on the consumer report Provided User will provide to the consumer a copy of the report and a copy of the Consumer rights, as approved by the Federal Trade Commission

5. User will maintain copies of all written authorization for a minimum of three (3) years
From the date of inquiry.

All information, whether oral or written, will be kept strictly confidential, by both parties except as
required by law.

No information from the reports will be revealed to the subject of the report or any other person except a
person

Whose duty required him to pass on the transaction in relation to which the report was ordered. No
information will

Be requested for the use of any other entity.

The User certifies that reports will be ordered only when intended to be used for employment purposes,
or in

Connection with a legitimate business or association's need in connection with transaction involving the
consumer

Or public. The user also agrees to comply with any applicable state requirements concerning access to or
use of motor

Vehicle records, credit reports, criminal records or any other related reports governed by the individuals
state, The User

Agrees to cooperate with BRADLEY PERSONNEL in monitoring the use of such reports.

User understands that the FCRA provides that any person who knowingly and willfully obtains
information on a

Consumer from a consumer reporting agency under false pretenses shall be fined under Title 18, or
imprisoned no

More than two years, or both.

User will maintain copies of all written authorization for a minimum of three (3) years from the date of
inquiry.

User agrees to comply with Section 623 of the FCRA and provide to BRADLEY PERSONNEL
accurate information

On subject(s) to be reported upon. User will provide to BRADLEY PERSONNEL any notice of dispute
by subject(s)

Of the completeness or accuracy of any information. User agrees to furnish BRADLEY PERSONNEL
any pertinent

Other information to make the report more complete, immediately when requested.

User recognizes and agrees that information is secured by and through human resources, thus files relied
upon may

Not be accurate, complete and/or current. BRADLEY PERSONNEL cannot be an insurer of or
guarantee the accuracy

Of the information or the record keeping of third parties such as, but not limited to, the department of
motor vehicles,

County, state and federal courts, state repositories, state and regional prisons, local police stations,
federal bankruptcy

Courts, federal civil courts, state medical boards and other professional licensing organizations, and

Agreement. BRADLEY PERSONNEL may upon its election, discontinue serving the user
Or cancel without notice.

DATE ----- NAME OF BUSINESS -----
-

PRINT NAME ----- TITLE -----
-

SIGNATURE -----

Company name _____

Contact name _____

Billing address _____

Phone number _____

Fax number _____

Reports to be sent to you in what manner:

E-mail address _____

Secure fax number _____

Regular mail address _____

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:



ALABAMA DEPARTMENT OF TRANSPORTATION



BOB RILEY
GOVERNOR

NINTH DIVISION
OFFICE OF DIVISION ENGINEER
1701 I-65 WEST SERVICE ROAD N
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624

JOE MCINNES
TRANSPORTATION DIRECTOR

February 3, 2010

FEB - 5 2010

The Honorable Fred Small
Mayor, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Dear Mayor Small:

**RE: Project No. SRTS-SR10 (912)
Sidewalks/Crosswalks/Signage Projects
City of Daphne
Baldwin County**

Attached is the original agreement between the City and the State on the above-referenced project. Please review the agreement. If it is acceptable to you, execute and return the document to this office.

A resolution is also enclosed which will need to be certified in order to authorize you to sign the agreement. **The City's seal must be affixed to both the resolution and the signed agreement.**

If you have any questions regarding this matter, please contact Mr. Dewayne A. Hood at (251) 470-8253.

Sincerely,

Vincent E. Calametti, P.E.
Division Engineer

By Dewayne A. Hood
Dewayne A. Hood
Transportation Administrator
Special Projects

VEC/DAH/dah
Attachment
c: File

**AGREEMENT
FOR SAFE ROUTES TO SCHOOL PROJECT
BETWEEN THE STATE OF ALABAMA AND
THE CITY OF DAPHNE
FOR
INFRASTRUCTURE IMPROVEMENTS
IN
BALDWIN COUNTY**

Project No. SRTS – SR10 (912)

PART ONE (1): INTRODUCTION

This Agreement is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as STATE; and the City of Daphne , hereinafter referred to as AGENCY, in cooperation with the U. S. Department of Transportation, Federal Highway Administration, hereinafter referred to as FHWA, and

WHEREAS, Sections 1101(a)(17) and 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Use (SAFETEA-LU) created the Safe Routes to School Program for primary and middle schools.

WHEREAS, the Safe Routes to School Program purpose should be... (1) to enable and encourage children, including those with disabilities, to walk and bicycle to school; (2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and (3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

WHEREAS, the AGENCY developed a project application including the document relating thereto, which was subsequently submitted to the STATE and approved, and

WHEREAS, it is in the public interest for the STATE and the AGENCY to participate in the Safe Routes to School Program, as reflected in the application process and the guidelines for implementing a project grant.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

PART TWO (2): PROJECT PROVISIONS

- A. Project Description:** The AGENCY will undertake a Safe Routes to School project in accordance with this Agreement, subject to the plans herein approved by the STATE and the requirements, provisions, terms, and conditions in the project application, including the documents relating thereto, developed by the AGENCY and approved by the STATE. This application, including the documents relating thereto, is on record at the STATE and is hereby incorporated in and made a part of this Agreement by reference. It is understood by the AGENCY that failure to carry out the project in accordance with the Agreement, approved plans and the project application, including documents related thereto, may result in the loss of federal funding for the project.
- B. Time Limit:** This project will commence upon execution of this Agreement and upon written authorization to proceed from the STATE directed to the AGENCY. The AGENCY shall have no more than one (1) year from the date of execution of this agreement to begin construction, or to commence other eligible activities in accordance with the scope of work approved by the STATE. If this stipulation is not met, the STATE will notify the AGENCY in writing that the project is terminated.
- C. Project Funding:** It is expressly understood that federal funds for this project will be provided from SAFETEA-LU, Sections 1101(a)(17) and 1404 and the STATE will not be liable for any funding. It is further understood that this is a cost reimbursement program and no federal funds will be provided to the AGENCY prior to the accomplishment of

completed work for which reimbursement is requested. Cost for the project will be financed, when eligible for federal participation, on the basis of 100 percent federal Safe Routes to School funds, not to exceed a maximum amount of \$148,250.00. The State assumes no liability for funding this program. Plans for constructing improvements under this project will be developed by or for the AGENCY at no expense to the STATE or FHWA. Construction improvements under this agreement will be in keeping with applicable competitive bid laws unless another method of construction, such as a force account, is approved in writing by the STATE and FHWA. Any other cost incurred by the AGENCY relating to this project which is determined to be ineligible for reimbursement by the STATE and FHWA expenditures in excess of the limiting amount in this agreement will be borne and paid by the AGENCY with no liability of the STATE or FHWA for any such cost. The required engineering, inspection and construction oversight will be performed using STATE procedures and policies but without cost to the STATE or FHWA.

- D. Project Budget:** The AGENCY will develop and submit to the STATE for approval a proposed project budget. This budget will be in sufficient form and detail as may be required by the STATE. As a minimum, all major work items will be described in detail and an estimated cost and source of funds will be indicated for each item. Space will be provided for approval by the STATE Division Engineer and date of such approval. All items of cost for which the AGENCY seeks reimbursement must be included in a budget approved by the STATE in order to be considered for reimbursement. Budget adjustments may be necessary and may be accepted with adequate justification provided by the AGENCY, subject to the written approval of the STATE. However, under no

circumstances will the AGENCY be reimbursed for expenditures over and beyond the maximum amount approved by the STATE.

- E. Ownership of Property:** All work accomplished under the provisions of this agreement will be accomplished on property owned by or which will be acquired by the AGENCY at no expense to the STATE or FHWA. Any exceptions to this requirement must be approved by the STATE in writing prior to incurring costs for which reimbursement is requested by the AGENCY. In cases where property is leased, the terms of the lease will not be less than the expected life of the improvements.
- F. Acquisition of Property:** Acquisition of real property by the AGENCY as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act (49 CFR 24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.
- G. Protection of Interest:** No change in use or ownership of real property acquired or improved with funds provided under the terms of this agreement will be permitted without prior written approval from the STATE and FHWA. The STATE and FHWA will be credited on a prorata share any revenues received by the AGENCY from the sale or lease of property, which is the site of the federally funded project.
- H. Purchase of Project Equipment and/or Services:** The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be procured in accordance with applicable state and federal laws, rules, regulations, and procedures, including utilization of state competitive bidding requirements applicable to counties, municipalities and school boards in the State of Alabama.

The AGENCY will, when authorized by the STATE, will prepare and submit plans and cost estimates for construction and/or services pursuant to this agreement to the ALDOT

SRTS Division Representative. The AGENCY and the ALDOT Division will assure that the entire bid package (plans, specifications, estimates, etc.) meets all state and federal requirements. The AGENCY will receive written approval from the STATE to proceed.

I. Invoicing: The AGENCY will, when appropriate, submit invoices to the STATE for reimbursement for work performed by or for the AGENCY in carrying out the terms of this agreement. Requests for reimbursement will be made on forms provided by the STATE and will be submitted through the appropriate Division Engineer for payment. The AGENCY may bill the STATE not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, unpaid, and the invoice will be notarized. The allowable costs are defined in 41 CFR Subpart 1-15.7 of the Federal Procurement Regulations and will include direct and indirect cost incurred in carrying out the project as shown in the approved application and the documents related thereto.

Invoices for any work performed by the AGENCY under the terms of this agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after the twelve-month period will not be eligible for payment.

J. Maintenance: Upon completion and acceptance of the work by the STATE, the AGENCY will assume full responsibility for the completed facilities.

K. Contracts under this Agreement: The AGENCY will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to

its rights and responsibilities under this Agreement, without the prior written approval of the STATE.

L. Records and Reports:

1. Establishment and Maintenance of Accounting Records: The AGENCY will establish and maintain, in accordance with requirements established by the STATE, separate accounts for the project, either independently or separately within its existing system, to be known as the Project Account. The cost accounting system must be approved and acceptable to the STATE as determined by the auditor of the STATE.
2. Documentation of Project Cost: All charges to the Project Account will be supported by properly executed invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges, in accordance with the requirements of the STATE.
3. Checks, Orders and Vouchers: All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the project will be clearly identified, readily accessible and kept separate and apart from all other such documents.
4. Reports: The AGENCY will provide monthly reports to the STATE on progress of the project in such manner as the STATE may require. The AGENCY will also provide the STATE any information requested regarding the project.
5. Financial Statements: The AGENCY will submit to the STATE, at such time as the STATE may require, such financial statements, data, records, contracts and other documents and items of any respect related to the project as may be requested by the STATE.

6. Right of Access to Records: The STATE will have full access to and right to examine all project records at all times, and all records of any nature which in any manner relate to the project or to this Agreement in any way.

M. Regulations: The STATE hereby obligates the AGENCY to comply with all state and federal laws, rules, regulations, and procedures applicable to this Agreement. The STATE, upon request, will furnish to the AGENCY a copy of any and all applicable state and federal laws, rules, regulations, and procedures.

N. Point of Contact: The applicable or appropriate Division Office of the STATE will be the lead agency relative to the work performed under this agreement and will be the point of contact for the AGENCY.

PART THREE (3): MISCELLANEOUS PROVISIONS

A. Agency to Indemnify: The AGENCY will be responsible at all times for this project and all of the work performed under this Agreement and especially the AGENCY will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, employees, and agents of each, from and against any and all claims, actions, damages, loss, liabilities, including attorney's fees and expenses whatsoever or any amount paid in compromise thereof arising out of or in connection with the performance of the work under this Agreement and this project and from and against these at any time arising out of or in connection with the performed work and project.

B. Audit and Inspection: The AGENCY will permit the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, to inspect, at any time, any and all equipment utilized or used in performance of the project; records of all transportation services

rendered by the AGENCY in the use of such equipment; and any and all data and records which in any way relate to the project or to the accomplishment of the project. The AGENCY will also permit the above noted persons to audit the books, records and accounts of the AGENCY pertaining to the project at any and all times and the AGENCY will give its full cooperation to those persons or their authorized representatives, as applicable.

- C. Audit Requirements:** The AGENCY will comply with all audit requirements set forth in the Federal Office of Management and Budget (OMB) circular A-128 or A-133 whichever is applicable.
- D. Termination:** In the event the AGENCY fails at any time, in any manner, to comply with any provision, requirement, term or condition of this Agreement, such failure will constitute a default by the AGENCY under this Agreement. Any such default or defaults not corrected by the AGENCY within thirty (30) days following receipt of written notice from the STATE by certified or registered mail of such default or defaults, will be deemed a breach by the AGENCY of this Agreement, and the right on the part of the STATE to terminate the Agreement by giving ten (10) days written notice of termination. A waiver by the STATE of a default or defaults by the AGENCY will not constitute a waiver of subsequent default or defaults by the AGENCY. In addition, if funding for this project is terminated by FHWA, the STATE will have the right to terminate this Agreement by giving ten (10) days written notice of termination. Said notice will be mailed by certified or registered mail.
- E. Retention of Records:** The AGENCY will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of federal interest, or close out, and the STATE, the Comptroller

General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any of said materials at all reasonable times during said period.

- F. Performance:** The AGENCY will commence, carry on, and complete the project with all practical dispatch, in a sound, economical, and efficient manner.
- G. Equal Employment Opportunity:** The AGENCY will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The AGENCY will take affirmative action to insure that applicants for employment are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, or national origin. Such actions will include, but not be limited to the following: employment; upgrading; demotion; transfer; recruitment; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any and all AGENCY materials for the purpose of monitoring the AGENCY'S compliance with the provisions of this section.
- H. Title VI – Civil Rights Act of 1964:** The AGENCY will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d.)et seq.), the regulations of USDOT issued thereunder (49 CFR, Subtitle A, Part 21), and the assurance by the AGENCY pursuant thereto. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any and all AGENCY materials which will permit them to monitor the AGENCY for compliance with the provisions of this section.

- I. Prohibited Interest:** No member, officer, or employee of the AGENCY during their tenure of employment, and for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- J. Americans with Disabilities Act:** The AGENCY will comply with all requirements of The Americans with Disabilities Act of 1990 (ADA).
- K. Arbitration:** Following the utilization of voluntary alternative dispute resolution, if any dispute should remain, then the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive of all parties.
- L. Permission to Start Work:** The AGENCY will not proceed with the project work until the STATE gives written authorization for the AGENCY to proceed.
- M. Restrictions on Lobbying:** The prospective participant/recipient, by causing the execution of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under 31 U. S. C. §1352 and the person signing same for and on behalf of the prospective participant/recipient that:
- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under 31 U.S.C. § 1352, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under 31 U.S.C. § 1352, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, and that all such subrecipients shall certify and disclose accordingly.

N. Other Applicable Regulations: The AGENCY will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 U.S.C. § 1857(h) as amended by 42 U.S.C. § 7401, et seq., Section 508 of the Federal Water Pollution Control Act, 33 U.S.C. § 1368, Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

O. Subcontracts: The AGENCY will not enter into any subcontract without prior written consent of the STATE and will include in all subcontracts entered into pursuant to this Agreement all of the above clauses as required by the STATE.

P. Exhibits M and N are hereby attached to and made a part of this Agreement.

- Q. Agreement Change:** The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- R. Drug Free Workplace Act of 1988:** The AGENCY assures the STATE that it publishes a statement notifying employees of the policies in support of a drug free workplace; and establishes an ongoing drug-free awareness program.
- S. Expiration:** This Agreement shall become null and void on 09/30/2010, as to any work provided herein which has not been authorized by FHWA.
- T. 7/24th Law:** Nothing shall be construed under the terms of this Agreement by the AGENCY or the STATE that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

City of Daphne, Alabama

By: _____
City Clerk (Signature)

By: _____
As Mayor (Signature)

Type Name of Clerk

Type Name of Mayor

APPROVED AS TO FORM:

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:



Vince Calametti, Division Engineer

Robert J. Jilla
Multimodal Transportation Engineer

D. W. Vaughn
Chief Engineer/Deputy Director

STATE OF ALABAMA, ACTING BY AND THROUGH
THE ALABAMA DEPARTMENT OF TRANSPORTATION

D. J. McInnes, Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this _____ day of _____, 20__.

Bob Riley
Governor, State of Alabama

CERTIFICATION

This certification is applicable to the instrument to which it is attached when directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 3 1, U.S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 13 52, Title 3 1, U.S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 3 1, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$ 10,000 and not more than \$ 100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 3 1, U.S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$ 100,000 and that all such subrecipients shall certify and disclose accordingly.

7/1/02

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this agreement is to be made, agreement will be subject to termination.

MEDIATION CLAUSE FOR STATE CONTRACTS

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative hearings or where appropriate, private mediators.

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION 2010-13

A RESOLUTION TO MANDATE RECREATION DEPARTMENT VOLUNTEER COACHES SUBMIT TO A BACKGROUND CHECK

WHEREAS, the City of Daphne finds that the protection of children and young adults is of the utmost importance and within the health, safety, and welfare of its citizens; and

WHEREAS, the City of Daphne allows for volunteers to assist with the teaching and coaching of the sports of Baseball, Softball, Soccer, Football, and Cheerleading to children and young adults; and

WHEREAS, the City desires that all volunteer coaches be of a character not criminal in nature, nor are prone to or have displayed the same, and that there exists a rational basis for the exclusion of said individuals from being around and responsible for children and young adults; and

WHEREAS, the City desires that no individual shall be allowed to coach sports under the City of Daphne Recreation Department unless said individual has submitted to, and been cleared by, a criminal background check subject to certain limitations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

Section 1. All volunteers who desire to coach the sports of Soccer or Cheerleading, up to a maximum of two (2) per team, must give the City of Daphne permission to conduct a criminal background check. Failure to submit to, or allow the City to conduct, a criminal background check shall result in disqualification of any individual to participate as a volunteer coach.

Section 2. All volunteers who desire to coach the sports of Baseball or Softball, up to a maximum of three (3) per team, must give the City of Daphne permission to conduct a criminal background check. Failure to submit to, or allow the City to conduct, a criminal background check shall result in disqualification of any individual to participate as a volunteer coach.

Section 3. All volunteers who desire to coach the sport of Football, up to a maximum of four (4) per team, must give the City of Daphne permission to conduct a criminal background check. Failure to submit to, or allow the City to conduct, a criminal background check shall result in disqualification of any individual to participate as a volunteer coach.

RESOLUTION 2010-13
PAGE 2

Section 4. Convictions for the following crimes will prompt a determination that an applicant does not meet eligible criteria to participate as a volunteer coach for any sport under the City of Daphne Recreation Department:

- 1.) Any felony (any crime punishable by confinement greater than one year).
 - a.) Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
 - b.) Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction.
- 2.) Any lesser crime involving force or threat of force against a person.
- 3.) Any lesser crime in which sexual relations is an element, including “victimless” crimes of a sexual nature (including, but not limited to, possession or distribution of child pornography)
- 4.) Any lesser crime involving controlled substances within five years.
- 5.) Any lesser crime involving driving under the influence within five years.

Section 5. No volunteer coach shall provide transportation for any participant participating in a sport under the City of Daphne Recreation Department without submitting to, and having been cleared by, a criminal background check.

Section 6. No activity including but limited to practices, games, and team parties may take place on City premises without a coach/manager who has submitted to, and has been cleared by, a criminal background check.

Section 7. The City of Daphne reserves the right to run a criminal background check at any time once a volunteer applicant submits to a criminal background check.

Section 8. All criminal background reports will be housed in a secured and locked area on City premises. Reports shall be kept confidential and not open to the public except where applicable law demands release of information contained in the reports.

RESOLUTION 2010-13

PAGE 3

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

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

**AUGUST A. PALUMBO
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

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

RESOLUTION 2010-14

Supporting Passage of the Temporary One-Cent Sales Tax to Maintain Educational Programs and Services in the Baldwin County Public Schools

Whereas, the correlation between strong, well-funded schools and thriving, prosperous communities is demonstrated daily across our nation; and

Whereas, our own public schools are often cited as the single most important factor in attracting new residents and businesses to Baldwin County; and

Whereas, the Baldwin County Board of Education has been responsive to recent calls from elected officials and local residents to provide new facilities and innovative instructional programs to meet the demands of rapid growth and higher public and governmental expectations; and

Whereas, many improvements in the Daphne schools have been noted over the past twenty years which continue to benefit our children as well as every aspect of life in our community; and

Whereas, the Baldwin County Board of Education made continuous financial progress through 2008, earning top bond ratings and accumulating over \$22 million in reserve funds by the end of that fiscal year; and

Whereas, since that time, a perfect storm of plummeting property values, extended retail losses and an unprecedented shortfall in state funding has wiped out those reserves and left our public schools to operate this year with \$61 million less than in 2008; and

Whereas, failure to pass the proposed temporary, one-cent sales tax would result in irredeemable losses to educational and economic development opportunities over the coming years as well as higher dropout and unemployment rates, lower property values and a widely diminished civic reputation.

NOW BE IT RESOLVED that the Daphne City Council supports the March 23, 2010 ballot measure to provide approximately \$25 million annually over the next three years to maintain needed teachers, administrators and programs which promote student safety and academic success.

BE IT FURTHER RESOLVED that the Daphne City Council encourages the citizens of Daphne and all of Baldwin County to vote in favor of providing a short-term financial remedy that will keep school doors open, teachers in their classrooms and our children on a level playing field with others across the state.

RESOLUTION 2010-14
PAGE 2

ADOPTED AND APPROVED this _____, day of _____, 2010.

August A. Palumbo,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION 2010-15

**ALDOT: SRTS (Safe Routes to Schools) Grant
County Road 13**

WHEREAS, the Baldwin County Trailblazers did make application for a SRTS grant on behalf of the City of Daphne; and

WHEREAS, such grant was funded by ALDOT.

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

- 1) That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation (ALDOT) relating to a Safe Routes to School (SRTS) project with total funding by the Federal Highway Administration, which agreement is before the City Council;
- 2) That the agreement be executed in the name of the City, for and on behalf of the City, by the Mayor;
- 3) That it be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

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

August A. Palumbo, Council President

Fred Small, Mayor

I, the undersigned, qualified, and acting City Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council named therein, at a regular meeting of such Council held on the _____ day of _____, 2010; and such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2010.

David L, Cohen
City Clerk

RESOLUTION NO. 2010-16

City of Daphne Supports Complete Streets Sidewalks Project

WHEREAS, the City Council of the City of Daphne supports construction of streets to enable safe access for all users, including motorists, pedestrians, bicyclists, and public transportation; and

WHEREAS, the City Council of City of Daphne will consider these practices with Complete Streets Sidewalks Project when undertaking construction, reconstruction and repair of our roadways.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Daphne support and adopt as a policy **"The Complete Streets Sidewalks Project."**

APPROVED AND ADOPTED ON THE ____ DAY OF _____, 2010.

August A. Palumbo
Council President

Fred Small
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**CITY OF DAPHNE
RESOLUTION NO. 2009-17**

**A RESOLUTION TO ACCEPT ALL DRAINAGE EASEMENTS LOCATED
WITHIN THE LAKE FOREST SUBDIVISION**

WHEREAS, the maintenance of the natural flow of storm water and drainage easements is within the health, safety, and welfare of the citizens of the City of Daphne and serves a public purpose; and

WHEREAS, current Alabama law provides that the City of Daphne possesses no duty for the maintenance of drainage easements located within the City unless the City officially accepts said easements; and

WHEREAS, the City of Daphne has from time to time dedicated resources to drainage problems located within the Lake Forest subdivision since its annexation into the City; and

WHEREAS, the City Council of the City of Daphne recognizes the need to manage all drainage easements located within the Lake Forest subdivision and desires to accept the same pursuant to an official act;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows;

All drainage easements, as determined by plat filed in the Probate Court of Baldwin County, Alabama, and the maintenance of the same, located within the Lake Forest subdivision are hereby, and from thenceforth, accepted to be under the control and supervision of the City of Daphne.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ DAY OF DECEMBER 2010.

**AUGUST A. PALUMBO,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

DAVID L. COHEN
City Clerk

RESOLUTION 2010-18

Fiscal 2010 Easter Egg Hunt Contribution

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

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

WHEREAS, the Easter Egg Hunt is one such event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the amount of \$ 2,300 from Community Contributions will be utilized for the 2010 Daphne Easter Egg Hunt.

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2010-19

Fiscal 2010 Fourth of July Fireworks

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

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

WHEREAS, the Fourth of July Fireworks is one such event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute agreements in the amount of \$12,000 for the City's 2010 Fourth of July firework display.

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk

RESOLUTION 2010-20

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION

WHEREAS, the Parks Department of the City of Daphne has determined that a 1996 John Deere 1200-A Drag Machine is no longer required for public or municipal purposes; and

WHEREAS, such John Deere Drag Machine listed below is beyond it's useful life for municipal purposes; and

WHEREAS, the Parks Department has been made aware that this Drag Machine could be utilized at the Daphne High School ballfields; and

WHEREAS, this John Deere Drag Machine will be donated "AS IS" and without warranty of any kind, express, or implied, and recipient will release, acquit, and hold the City harmless for any and all claims for damages, causes of action, for any purpose;

WHEREAS, this John Deere Drag Machine are recommended for disposal;

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

1- The following property is hereby declared to be surplus:

SN: M01200A928487 1996 John Deere 1200-A Drag Machine - EQ#422

and

2- The Mayor is authorized to direct the disposition of the above listed property to Daphne High School.

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

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

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2010-21

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Animal Shelter		Metal Desk 5"L x 30"W	
Animal Shelter	0022	Metal File Cabinet 15" x 18"	
		Computer Desk W/Hutch (w/Glass	
Grounds		Monitor Window)	
Beautification		Candy Canes 4' (84)	
Beautification		Candy Canes 8' (4)	

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

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

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

August A. Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk CMC

**CITY OF DAPHNE
RESOLUTION NO. 2010 - 22**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 28, 2009, favorably recommended to the City Council of the City of Daphne, Alabama a revision to the City of Daphne Street Map as presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, due notice of said revisions to the City of Daphne Street Map 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, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believe it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on January 28, 2010, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, Resolution 2007-69, Resolution 2008-02, and Resolution 2008-41, and Resolution 2009-06, Resolution 2009-72 entitled "City of Daphne Street Map" are hereby repealed in their entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THIS THE 17th DAY OF _____, February,
2010.

AUGUST A. PALUMBO,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Revised City of Daphne Street Map
Date: January 28, 2010

MEMORANDUM

At the January 28, 2010 regular meeting of the City of Daphne Planning Commission seven members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned map.

Please prepare a resolution and place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

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

**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 28, 2010 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60; and

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

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on April 5, 2010; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

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

SECTION III: EFFECTIVE DATE

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

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

**AUGUST A. PALUMBO,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

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

ORDINANCE 2010-10

OLD COUNTY ROAD GULLEY REPAIRS

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

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

WHEREAS, certain gulley repairs due to a broken pipe and ground collapse are necessary at the end of Old County Road north of Santa Rosa for the maintenance of a major storm drainage system as well as for the safety of citizens and their property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2010 Budget is hereby amended to include a General Fund appropriation in the amount of \$13,960 for gulley repairs for Old County Road.

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

August Palumbo,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2010-11

WINDSOR COURT/DRIVE DRAINAGE REPAIRS

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

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

WHEREAS, certain drainage repairs are necessary on Windsor Court/Drive for the safety of citizens and their property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2010 Budget is hereby amended to include a General Fund appropriation for an amount not to exceed \$45,000 for drainage repairs for Windsor Court/Drive.

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

August Palumbo,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2010-12

Finance Servers & Backup

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

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

WHEREAS, the adopted budget did not include an appropriation for the replacement of servers and a backup system for word, excel, and email applications that serve the Legislative, Executive, Human Resources, Finance, and Revenue Departments; and

WHEREAS, during the past couple of months there have been major technological and equipment issues leading to down time and increased maintenance requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2010 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 4,700 for the purchase of two new servers to replace the current exchange server and for the purchase of a new backup system to interface with the new servers.

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

August Palumbo, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2010-13

Zydeco Festival

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

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

WHEREAS, the adopted budget did not include an appropriation for the annual Zydeco Festival ("Festival"); and

WHEREAS, the City Council has determined that this Festival is important to the community; and

WHEREAS, a revised plan for funding the Festival has been submitted to the City Council and is attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2010 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 29,400 for the Zydeco Festival. Such amount shall be "paid back" to the General Fund with revenues available from ticket sales, sponsorships, and tee shirt sales.

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

August Palumbo,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk MMC

**GULF COAST ZYDECO MUSIC AND CRAWFISH FESTIVAL
2010 BUDGET PROPOSAL**

Projected Cost for 2010 Zydeco Festival

Bands (3 Friday and 5 Saturday, including hotel and food)	\$18,000
Dance Instructors (Friday and Saturday, including hotel and food)	400
Dorsett Productions (2 Days @2,500 each day)	5,000
Tee Shirts (Reduced Order)	2,500
Promotional/Marketing	2,500
Miscellaneous	<u>1,000</u>
Total Projected Cost	\$29,400

Projected Revenue for 2010 Zydeco Festival

Ticket Sales (Projected 1000 @ \$20 each)	\$20,000
Sponsorship (Baldwin County Commission)	7,500
Tee Shirt Sales	<u>3,500</u>
Total Projected Revenue	\$31,000

VARIABLES: Ticket sales, sponsorships, tee shirt sales