

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 18, 2008
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION
PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting minutes meeting held February 6, 2008
Amended minutes from the February 6, 2008 Council meeting / **NO ACTION**

4. REPORT STANDING COMMITTEES:

A . FINANCE COMMITTEE - Scott

Review minutes meeting held February 11th

a.) Bid Awards:

- 1.) Concrete Pipe / Hanson Pipe & Products, Inc. / **Resolution 2008-05**
- 2.) Concrete Material / Reynolds Ready Mix, LLC / **Resolution 2008-04**

b.) Resolution:

- 1.) Declare Surplus Equipment / **Resolution 2008-06**

c.) Ordinances:

- 1.) 2.5% COLA (excluding Public Safety Pay Table) / **Ordinance 2008-20**

d.) Financial Reports:

- 1.) Treasurers Report / January 31, 2008
- 2.) Sales Tax Collections / December 31, 2008
- 3.) Lodging Tax Collections / December 31, 2008

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held February 1st

- a.) Raising Civic Center Rates / **Ordinance 2008-21**

C. PUBLIC SAFETY - Burnam

Review minutes meeting held February 6th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review Beautification minutes meeting held February 1st

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

Reappoint Frank Lamb / Term ends March 2011

Reappoint Billy Mayhand / Term ends March 2011

B. Downtown Redevelopment Authority – Barnette

Review minutes meeting held February 11th

C. Industrial Development Board – Yelding

D. Library Board - Lake

Reappoint Janesy Blankkenhorn to Library Board

E. Planning Commission – Barnette

F. Recreation Board - Palumbo

Review minutes meeting held February 13th

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayors Report

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Bid Award: Concrete Material / Reynolds Ready Mix, LLC /Resolution 2008-04**
- b.) **Bid Award: Concrete Pipe / Hanson Pipe & Products, Inc. /Resolution 2008-05**
- c.) **Declaring Certain Property Surplus and Authorizing Mayor to Dispose of Such Property. /Resolution 2008-06**

ORDINANCES:

2ND READ

- a.) **Amend Certain Personnel Policies and Procedures Related to Vacation Accrual. /Ordinance 2008-10**
- b.) **Amend Certain Personnel Polices and Procedures Related to Compensatory Time. /Ordinance 2008-11**
- c.) **Annexation: Luther Jr. and Sharon Milstead / Property located on Pollard Rd. / Requested Zoning R-4, High Density Multi-Family Residential District. /Ordinance 2008-15**
- d.) **Establish the Salary of the City Council Members. /Ordinance 2008-16**
- e.) **Establish Salary of the Mayor / \$85,000 Per Year. /Ordinance 2008-17**
- f.) **Establish Salary of the Mayor / \$37,500 Per Year. /Ordinance 2008-18**
- g.) **To Protect the Air Quality in the City of Daphne. /Ordinance 2008-19**
- h.) **FY 2008 Capital and Personnel Appropriations / COLA /Ordinance 2008-20**

1ST READ

- i) **Amending Ordinance 2004-21 / Civic Center Rates. /Ordinance 2008-21**
- j) **FY 2008 Fire Personnel & Operating. /Ordinance 2008-22**
- k) **FY 2008 Fire Capital. /Ordinance 2008-23**

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 NAGER

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 6, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Willie Robison gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake arrived at 6:42 p.m.; Greg Burnam; Ron Scott; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; James White, Fire Chief; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; Capt. Scott Taylor, Police Department; Melvin McCarley, Interim Public Works Director; Adrienne Jones, City Planner; Jane Robbins, Mayor's Assistant; Willie Robison, BZA; Mickey Boykin, Daphne Museum; Anne Talton, Beautification Committee; Dorothy Morrison, Beautification Committee; Tomasina Werner, Beautification Committee

Absent: Bill Eady, Planning Department Director; David Carpenter, Police Chief.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to approve the Council meeting minutes meeting held January 22, 2008 as amended: *The vote for suspension of the rules to consider a motion to appropriated \$50,000 matching funds for a grant from the State of Alabama Performing Arts "AYE was not ALL IN FAVOR, and on the vote to adopt Ordinance 2008-04 she asked for the word "Scenic" be added before Hwy 98 for clarification. Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to approve the Work Session minutes meeting held January 17, 2008. *Seconded by Councilman Nager.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PROCLAMATION: Arbor Day

Mayor Small read and presented the proclamation to representatives of the Beautification Committee.

PUBLIC HEARINGS: Annexation: Luther Jr. and Sharon Milstead / Property located on Pollard Road / Requested Zoning: R-4, High Density Multi-Family Residential District

Mr. Mitchell Davenport gave a presentation for the request.

Councilwoman Barnette stated that the request received a unanimous favorable recommendation from the Planning Commission.

Council President Burnam opened the Public Hearing at 6:50 P.M.

No one spoke in favor or against the proposed annexation.

Council President Burnam closed the Public Hearing at 6:51 P.M.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

No report. The next meeting will be next Monday at 4:00 p.m. in the Council Chambers.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report.

C. PUBLIC SAFETY COMMITTEE – Burnam

The committee met just before the Council meeting. The statistic reports are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

There will not be a meeting in February.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The Committee met on January 28th and the minutes will be in the next packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

There was not a meeting in January, and there will not be a meeting in February.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be Monday at 5:30 p.m.

C. Industrial Development Board – Yelding

Mr. Cohen stated that the next meeting will be the 4th Thursday in March at Eastern Shore Toyota. He stated that there are two (2) resumes in the packet for the last position on the board.

Councilwoman Barnette stated that the prospective member should come from District #1.

Councilman Yelding stated that he could not find anyone willing to serve on the board from his district.

MOTION BY Councilman Lake to nominate Diane Hurst to the Industrial Development Board. Seconded by Councilwoman Barnette.

MOTION BY Councilman Scott to include Derek Boulware as a nominee for the Industrial Development Board. Seconded by Councilman Nager.

VOTE ON APPOINTING DEREK BOULWARE TO THE INDUSTRIAL DEVELOPMENT BOARD

ROLL CALL VOTE

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

AYE Yelding, Scott, Nager, Palumbo, Burnam

NAY Barnette, Lake

MOTION CARRIED

Mr. Derek Boulware was appointed to the Industrial Development Board.

D. Library Board – Lake

The minutes for the last meeting are in the packet.

E. Planning Commission – Barnette

The minutes for the last meeting are in the packet. Councilwoman Barnette, and she requested to go into Executive Session at the end of the meeting to discuss some business.

MOTION BY Councilwoman Barnette to set a Public Hearing date for March 17, 2008 to consider revisions to the zoning map. Seconded by Councilman Yelding.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

F. Recreation Board – Palumbo

The next meeting will be February 13th at 6:00 p.m. at the Recreation Center.

G. Utility Board – Scott

There was not a meeting in January due to lack of a quorum. The next meeting will be the last Wednesday in February at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Daphne United Methodist Church / Annual 5K & Fun Run / March 22, 2008*

MOTION BY Councilwoman Barnette to approve the Parade Permit for the Daphne United Methodist Church / Annual 5K & Fun Run for March 22, 2008. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. *City Attorney's Report*

Mr. Ross stated that the referendum letter has been delivered to the Attorney General, and he received verbal communication that an opinion would be here before the deadline in two (2) weeks.

Councilwoman Barnette stated that, obviously, they are still in the fact finding stage trying to determine what they can or cannot do, but she said if she understands it correctly just to be able to continue down the road of what they may or may not be able to do she understands that they will have to contact the Department of Justice to let them know that they are considering a referendum vote. She said that they probably have time to discuss this at the work session, and that is probably a more appropriate place and asked Council President Burnam to add this to the work session to consider sending a note to the Justice Department to let them know that they are considering a referendum vote, just because they too would also prefer the six (6) month notice.

Mr. Ross stated that Council would not be bound by the referendum vote, but before you have the referendum you must petition the Justice Department for pre-clearance, and the Justice Department has 60 days to say yes or no. He said if Council wanted to move forward at all they should start the process with the Department of Justice and if they say yes Council has option to hold the referendum or not to hold one.

Mr. Cohen stated that they have to set the salaries regardless of what is done.

Council President Burnam said that this would not be a bad work session discussion, and he said to put this on the work session agenda for next week.

C. *Department Head Comments*

Sharon Cureton – Human Resource Director – asked whether or not the ordinances on compensatory time and vacation accrual needed to come back to the Ordinance Committee.

Councilman Palumbo stated that Mrs. Cureton called him late this afternoon to ask whether or not it was necessary to come back to the Ordinance Committee with the ordinance on compensatory time, and he thinks they are beyond that because all the work was done by the City Attorney, and his suggestion to her was to answer any questions that the Council might have directly, because she can best answer those. He

stated that if Council thinks it is best for her to address questions now that is fine or wait until it comes up under ordinances is fine too. He said that they are basically housekeeping measures.

Councilwoman Barnette asked what the changes were from 2005.

Mrs. Cureton stated that Council approved higher vacation accrual rates for firefighters in 2005, and in 2006 the same section of the Handbook was amended to change vacation from advancing to accrual. The higher vacation accrual rates for firefighters were accidentally not reflected in the 2006 change.

Tonja Young – Library Director – reported a special event presenting the Quilters from Gee’s Bend will be here on February 15th at 7:00 p.m. at the Civic Center.

David Cohen – City Clerk – discussed changing the district lines and polling sites.

Council President Burnam asked that a smaller map of each district be made and put in their boxes for review, and sometime in the near future they will discuss it.

Councilman Scott asked when the drop dead date for changing the district lines is.

Mr. Cohen stated May 26, 2008.

Councilman Scott stated that there is time to discuss this at a work session, if he can get the map created between now and next week then at the next Council meeting they can have it up for a vote.

Mr. Cohen stated that the polling sites needed pre-clearance before they can be used as such.

Council President Burnam asked Council to look at Ordinance 2004-17 listing the polling sites which is included in the packet to see if the sites are OK with the same polling and they will let him know at the work session.

7. PUBLIC PARTICIPATION

Willie Robison – 560 Stuart Street – spoke regarding the smoking ordinance asking for clarification on Private Clubs.

Mr. Phillip Bell – Daphne – spoke in favor of the smoking ordinance.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

a.) Revision to Street Map. /Resolution 2008-02

- b.) Appropriation of Funds: \$50,000 Match for Alabama Performing Arts Grant for Nicholson Center/Resolution 2008-03

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2008-02. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2008-02. *Seconded by Councilman Nager.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2008-03. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2008-03 with the \$50,000 earmarked out of the de-annexation money for the purpose of funding the city's portion of the grant if the city receives the grant. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Daphne Museum Appropriation. /Ordinance 2008-12
- b.) Prohibiting Smoking Within the City of Daphne. /Ordinance 2008-13
- c.) FY 2008 Capital and Personnel Appropriations. /Ordinance 2008-14

1ST READ

- d.) Amend Certain Personnel Policies and Procedures Related to Vacation Accrual. /Ordinance 2008-10

- e.) Amend Certain Personnel Policies and Procedures Related to Compensatory Time. /Ordinance 2008-11**
- f.) Annexation: Luther Jr. and Sharon Milstead / Property located on Pollard Rd. / Requested Zoning R-4, High Density Multi-Family Residential District. /Ordinance 2008-15**
- g.) Establish the Salary of the City Council Members. /Ordinance 2008-16**
- h.) Establish Salary of the Mayor / \$85,000 Per Year. /Ordinance 2008-17**
- i.) Establish Salary of the Mayor / \$37,500 Per Year. /Ordinance 2008-18**

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-12. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-12. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to waive the reading of Ordinance 2008-13. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2008-13. *Seconded by Councilman Palumbo.*

Councilman Palumbo called for the vote on the question before discussion of the ordinance.

ROLL CALL VOTE

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

AYE Lake, Palumbo

NAY Yelding, Barnette, Scott, Nager, Burnam

MOTION FAILED

MOTION BY Councilman Nager to table Ordinance 2008-14. *Seconded by Councilman Scott.*

Councilman Nager stated stemming from the Public Safety meeting held prior to the Council meeting some information came to light about the needs, not just of firefighters, which they have talked about before, but for fire equipment. Also, he understands that at the Finance Committee meeting on Monday, there will be further projections available for the city's financial situation, and in the light of all those matters he thinks it is prudent for the Finance Committee to digest this new information that they learned today in addition to incorporating the projections before they proceed further with these considerations.

AYE Yelding, Lake, Scott, Nager, Palumbo, Burnam

NAY Barnette

MOTION CARRIED

ORDINANCES 2008-10, 2008-11, 2008-15, 2008-16, 2008-17 AND 2008-18 WERE MADE 1ST READ.

9. COUNCIL COMMENTS

Councilwoman Barnette stated that she thinks they could have done a better job in handling the smoking ordinance. She said the reason she voted against it is because items that they discussed like defining what a bar is, and the percentage of sales has yet to be modified as presented to them, so right now a bar is nebulous topic for what their percentage of sales are. She said that she does not like the ordinance as it is presented because she thinks there a changes that needed to be made, but she thinks that a majority of residents have spoken to the fact that they would like to see a smoking

ordinance passed, so she thinks that they still need to do something, but she is not sure what the answer is. She thinks they have a good template to start with to create and improve. Councilwoman Barnette stated that they did not do themselves a service as far as the smoking ordinance tonight. She said the second point is the 22nd of January she brought up the need at a previous work session for firefighters. She said that they have a tremendous need within the City of Daphne to hire folks not only to serve District #1 and #2, but they needed those people on board a long time ago. She understands that projections need to come, but she again is disappointed that they cannot seem to hire these people, because regardless of where they are going to be housed those people are needed yesterday. So, she hopes that her colleagues can see the importance of getting these folks hired at the very next meeting. She said that they continue to delay and defer, and this is public safety, this is a huge issue, and she is very passionate about what she has learned, what they have all learned, and they need to take action. Councilwoman Barnette stated that their primary service as a city is to provide public safety, and right now she does not feel that they are doing that job adequately. She commended Public Works and Public Safety, and all the city employees for the Mardi Gras season. She said the parades are wonderful for Daphne, and she thinks they highlight the city in a positive way, and folks that come from out of town thoroughly enjoy coming to the city, and it makes her proud to live in Olde Towne Daphne, and walk down to the parades. She feels it is wonderful for the entire community to have that fellowship.

Councilman Lake said that he would say this on the smoking ordinance....

Council President Burnam stated that also according to Roberts Rules of Order if you are on the losing end of the vote you cannot bring it back up during this session.

Councilman Lake said that he is not bringing the ordinance back up that he was just going to state his views on the ordinance.

Council President Burnam stated that the vote came about by Roberts Rules of Order, they did it that way by Roberts Rules of Order, and it will continue that way throughout this meeting. He said that at the next meeting he can bring it up, but tonight he cannot. He said that he was on the losing end of the vote, and he cannot bring that subject up anymore.

Councilman Palumbo called Point of Order stating that you cannot bring the matter up for another vote, but under Council comments you can comment on anything you want to. He said he can talk about anything he wants as long as he does not bring it back up for a vote at this session.

Council President Burnam asked for direction from the City Clerk and City Attorney.

Mr. Ross stated that under Council comments that anybody can say anything.

Councilman Lake stated that this is the first time in 16 years he has seen a Council member being stopped from voicing their personal opinion, and he feels that it was a gross misuse of position, and it was really beyond anything that he has seen since he has been on the Council. He stated that he was insulted.

Council President Burnam apologized for the misunderstanding.

Councilman Lake stated that Council President Burnam showed his personal opinion even by the wording of prohibiting smoking in the City of Daphne. He said that this ordinance has been discussed and re-discussed, and discussed again. He said that the issues of the smoke screen of the issue brought up about Private Clubs was brought up by someone who is opposed to the ordinance in the first place. He does not think that those smoke screens should have held any sway on anyone on the Council, but people were looking for reasons to vote against it, because they did not want to vote for it. He thinks that voicing how they felt on the issue showed how they really felt. He said some might have been confused, and he will give them that opinion, because he thinks some felt they could revoke on the issue. He said that the smoking ordinance in itself is a safety issue, and it is an issue of protecting the public from poison. He said they are talking about a poisonous substance. He said if you had asbestos in this room, people would be saying this is horrible, in dealing with the lead at the schools they closed down the whole school to cleanup. That is nowhere near as poisonous as cigarette smoke.

Councilman Scott stated that no doubt this is an extremely emotional issue, and one of which he thinks that the no smoking ordinance would have passed, but it lost, basically on a parliamentary move. He agreed with Councilwoman Barnette that the ordinance still needs some work. He said that he ran for this position based on changing the tone on the Council, because he felt that there was too much strife among the seven (7) Council members. He felt like the majority of the time the tone on this Council has been very good. He said that they have disagreed a lot, and occasionally they might get a little loud, but they have always walked out of the chambers friends. He does think that Mr. Burnam thought that there was a mistake being made, parliamentarily, and he has been called to task on the Roberts Rules of Order several times, and he thought he was trying to be correct. He said that they will be better for this, that they will all still be friends, and they will get through this. He said that he knows times are tough, and he does not know if they will have a COLA or not, but he assured the city employees that he will not vote a pay increase for the future Council members unless they agree to pay a 2.5% increase to the employees. He will certainly not vote an 80% increase, or whatever it is, for the Council pay. He said to let them have the Finance meeting next week and look at the numbers, the world is not coming to an end. He said that Daphne is still in a very strong financial position, but they need to make some good decisions. He stated that they need to tighten their belt a little.

Councilman Nager stated that this coming Monday is a very special event coming up held by the Eastern Shore Chamber of Commerce. It is the kickoff to the Business Academy, which is designed to provide training to the employees of the member business, and is also open to anyone in the community that would like to attend. He said it will be held at the Grand Hotel, and they have two (2) outstanding speakers coming from out of town. He said that one is from the Nixon White House, plus he will be talking about ethical decision making from lessons he learned from being in that administration. He said it is a feather in their cap on the Eastern Shore to have this event. He encouraged anyone that is interested to attend. He said that this is part of the Blue Print for Tomorrow, and part of the Chambers whole vision of transforming the community into a better place to work and live.

Councilman Palumbo stated that he also gives the benefit of the doubt to Mr. Burnam as far as procedure. He said that he does not know that there was any attempt to prevent discussion on any issue. He will grant that. He said that this is the first time he has been disappointed in this Council. He said that almost every ordinance that they passed the preamble to it says “in order to promote the health and welfare of its citizens”, and in the face of irrefutable evidence that smoking pollutes the air and causes cancer to their citizens five members of the Council voted down the smoking ordinance. He said that you could say that it is over this or that technicality, but at the last work session he brought up Mrs. Barnette’s objection, or her concern about the percentage of alcohol and food and so forth, he attempted to get that hashed out at the work session, and the minutes will reflect that he was cut off and not allowed to do that. He said since then they have had numerous opportunities to discuss this, and any particular issues, and he thinks it is disingenuous for the Council to use a technicality like that to vote against this ordinance. He said that there are other reasons, and he wishes they would speak up and say what the real reasons are. Councilman Palumbo stated that the reason for calling for the vote on the question was not to allow silly amendments to water down the ordinance. He said that you are either for public health in this city or you are not. He said that he is embarrassed that seven (7) other cities in Baldwin County have had the concern for citizens to pass a public health issue ordinance, and they have not. He said that even the city of Prichard, and God knows they could certainly use all the economy they can get, but have looked beyond that for the safety of their citizens, and this Council has failed the citizens of Daphne. He said that he will call upon his fellow Council members who were on the winning side to kill the smoking ordinance for this city to bring it forward and move on and get it done. He said that the people want it. He said that the Mobile Register brought out in an editorial two (2) weeks ago pointing out a survey done in Alabama showed that 90% of the population is in favor of non-smoking ordinances. He said that he does not know if you could get 90% of the people to agree on anything else. He stated that he does not think the citizens of Daphne are that much out of step with the rest of Alabamians. He stated that if there is a way to bring it back that is was coming back. He said that if he has another Council member to sign with him that two (2) Council members can place it back on the agenda.

MOTION BY Councilwoman Barnette to enter into Executive Session to discuss possible eminent litigation. *Seconded by Councilman Yelding.*

The City Attorney certified that the Executive Session is needed for the reason stated, and should take about 20 minutes.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

Council entered into Executive Session at 7:58 p.m.

Council returned from Executive Session at 8:24 p.m.

**FEBRUARY 6, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

12

10. ADJOURN

MOTION BY Councilman Scott to adjourn. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:24 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam, Council President
Date & Time Signed: _____

**JANUARY 22, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

**AMENDED MINUTES FROM THE
FEBRUARY 6, 2008 MEETING:
VOTE TO SUSPEND THE RULES
FOR MATCHING FUNDS GRANT FROM
THE STATE OF AL PERFORMING ARTS
WAS NOT “ALL IN FAVOR” & ADDED
“SCENIC HWY 98” TO MOTION TO
ADPOT ORDINANCE 2008-04**

MOTION BY Councilman Scott to suspend the rules to consider a motion to appropriate \$50,000 matching funds for a grant from the State of Alabama Performing Arts. *Seconded by Councilman Palumbo.*

ROLL CALL VOTE

Barnette	Nay	Scott	Aye	Palumbo	Aye
Lake	Aye	Nager	Abstain	Burnam	Nay

AYE Lake, Scott Palumbo **NAY** Barnette, Burnam **ABSTAIN** Nager

MOTION FAILED

E. Utility Board – Scott

The next meeting will be January 30th at 5:00 p.m. in the Council Chambers. Councilman Scott stated that at the last Council meeting he mentioned the “Round Up” program that the Utility Board has, and they only have 100 people out of 9,000 who are participating in the program, and he will continue to encourage the citizens to round up their utility bills. He also asked that all get the word out about the program.

6. REPORTS OF THE OFFICERS:

A. *Mayor’s Report*

a.) *ABC License / The Barrel Room Wine & Spirits, Inc. / 010 Lounge Retail Liquor Class I*

MOTION BY Councilwoman Barnette to approve the ABC License for The Barrel Room Wine & Spirits, Inc. / 101 Lounge Retail Liquor Class I. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) *Parade Permit / Shadow Barons / Mardi Gras / February 2, 2008*

MOTION BY Councilman Scott to approve the Permit for the Apollo’s Mystic Ladies / Mardi Gras / January 25, 2008. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

JANUARY 22, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

AMENDED MINUTES FROM THE
FEBRUARY 6, 2008 MEETING:
VOTE TO SUSPEND THE RULES
FOR MATCHING FUNDS GRANT FROM
THE STATE OF AL PERFORMING ARTS
WAS NOT "ALL IN FAVOR" & ADDED
"SCENIC HWY 98" TO MOTION TO
ADPOT ORDINANCE 2008-04

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-04. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-04. *Seconded by Councilman Scott.*

Councilwoman Barnette stated that the revision to the map is to include the southern portion of Daphne's city limits which includes the Judge Roy Bean's property. It extends, basically from W. J. Carroll School south to Daphne's border on the east side of Scenic Hwy 98.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2008-05. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2008-05. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading for Ordinance 2008-06. *Seconded by Councilman Scott.*

AYE Barnette, Scott, Nager, Palumbo, Burnam NAY Lake

MOTION CARRIED

**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 11, 2008
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Councilman Eric Nager arrived at 4:05.

Also in attendance were Fire Chief James White, Public Works Superintendent Melvin McCarley, Human Resources Director Sharon Cureton, and Revenue Officer Cornell Smith.

II. PUBLIC PARTICIPATION

A. John Peterson, D'Olive Bay Watershed

Mr. John Peterson, President of the Lake Forest Properties Association, discussed the request for funds for the development of a comprehensive, conceptual watershed plan for D'Olive Bay. This will (1) Manage the watershed and improve water quality; and (2) Fund the design for the watershed management. The request is for \$10,000: with \$5,000 required before the last City council meeting in March, and \$5,000 for FY 2009.

B. Selena Vaughn – Village Point Foundation

Ms. Selena Vaughn with the Village Point Foundation discussed improvements for Bay Front Park for 2008: (1) Relocate parking lot to back of building; (2) Complete landscaping; (3) Construct restrooms; and (4) Optionally install playground equipment. Discussion continued that cost for moving the parking lot would need to be obtained and that the City engineers currently have a drawing and cost estimate for construction of the restrooms. Mr. Scott discussed Lodging Tax as a funding source. Mr. Scott recommended that Ms. Vaughn meet with Mr. McCarley to obtain job estimates.

III. HUMAN RESOURCES BUSINESS

Ms. Sharon Cureton reported on the current projects in Human Resources. Ms. Cureton discussed the employee handbook and noted that the goal of updating and distributing the handbook to all employees is on track. Ms. Cureton stated that the handbook had not been reprinted since 1994 and that once it is updated and printed, it will be put on a cycle of reprinting every three to four years.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Bids

1. 2008-B-Concrete Pipe

Two bid invitations were mailed/picked up, with no bids received. Ms. Henson presented a negotiated bid from Hanson Pipe & Products, who agreed to extend their current prices bid in January 2006.

Motion by Mr. Yelding to recommend to Council to adopt a resolution accepting the negotiated bid for concrete pipe from Hanson Pipe & Products as presented. Seconded by Mr. Nager. All in favor.

2. 2008-C-Concrete Material

Four bid invitations were mailed/picked up, with one sealed bid received. The vendor, Reynolds Ready Mix has the current contract and their price went down \$3.00 per cubic yard.

Motion by Mr. Yelding to recommend to Council to adopt a resolution accepting the bid for concrete material from Reynolds Ready Mix, LLC at a cost of \$88 per cubic yard. Seconded by Mr. Nager. All in favor.

B. Surplus Equipment – 1995 Ford Crown Vic

Motion by Mr. Yelding to recommend to Council to adopt a resolution declaring the 1995 Ford Crown Vic surplus property and authorizing the Mayor to dispose of such property. Seconded by Mr. Nager. All in favor.

V. Current Business

A. Appropriation Request – Recycling Dump Hoppers - \$9,680

Mr. Melvin McCarley discussed the need for hoppers for recycle drop-off material. The cans being used currently require frequent dumping and are filled to overflow on weekends. Mr. Scott noted that with revenue down, we will need to prioritize all requests.

B. Discuss 2.5% COLA Effective April - \$82,600

The COLA was discussed. Mr. Scott noted that it would be impossible for him to vote for an increase for the incoming council and/or mayor without approving the 2.5% cost of living adjustment for the employees. Mr. Nager agreed.

C. Discuss Public Safety Requests

Chief James White presented a request for six new firefighters to man a new fire station at the Fire Training Facility and purchase a new truck. The proposal will be discussed at the work session Thursday, February 14. Mr. Scott asked Ms. Briley to compile the costs associated with the fire department requests.

VI. FINANCIAL REPORTS

A. Treasurer's Report: January 31, 2008

The Treasurer's Report totaling \$23,545,800.00 was presented. Ms. Briley noted that the increase of \$1,692,200.00 over last month is due to ad valorem taxes and business license renewal collections.

Motion by Mr. Nager to accept the Treasurer's Report as of January 31, 2008, in the amount of \$23,545,800.00. Seconded by Mr. Scott. All in favor.

B. Sales and Use Taxes: December 31, 2007

Sales and Use Tax Collected for December 2007 - \$1,120,005
Sales and Use Tax Budgeted for December, 2007 - \$1,194,410
Under Budget (for December) - \$ (74,405)

YTD Budget Collections Variance - Under Budget - \$ (173,338)

C. Lodging Tax Collections, December 31, 2007

The Lodging Tax Collections report shows \$31,081.14 collected for December 2007.

D. Summary Statement of Revenues and Expenditures, December 31, 2007

Revenues Over (Under) Expenditures FY 07 as of 12/31/2006 - \$ (408,209)
FY 08 as of 12/31/2007 - \$(1,212,235)
Difference 06/07 \$ (804,026)

Ms. Briley noted there were two main reasons for the difference: 1) ad valorem tax collections through December 2006 were \$ 500,000 higher than collections through December 2007 and 2) public safety personnel expense was \$ 270,000 higher in 2007 than in 2006. (Ms. Briley noted that \$3.3 million in ad valorem taxes have been received as of January 31, 2008.)

E. Report of New Business Licenses – January 2008

A list showing new businesses for the month of January was presented.

F. Bills Paid Reports – January 2008

The January Bills Paid Report for Fiscal Year 2007 was contained in Packet #2. The January Bills Paid Report for Fiscal Year 2008 was contained in Packet #2A.

VII. ADJOURN

The meeting was adjourned at 5:25 p.m.

*Feb 108 Finance Committee
Waiting For Actual Amount Requested*

Kim

From: Peterson, John W [John.Peterson@hatchmott.com]
Sent: Thursday, January 10, 2008 7:34 AM
To: ronscott5@bellsouth.net
Cc: Bailey Yelding; Fred Small; Jay Ross; Jane Robbins; Gus Palumbo; Eric Nager; John Lake; Suzanne Henson; David Cohen; Greg Burnam; Kim Briley; Cathy Barnette
Subject: RE: Funding Request for Finance Committee

Ron,
 I have asked David Yeager to request this on behalf of the NEP. I suspect you will receive a form letter similar to what will be sent to Spanish Fort and Baldwin County. It will happen as fast as possible. I spoke to Greg last night at the Rec Board meeting. We look forward to getting in front of you on the 17th.

Thanks,
 John

From: ronscott5@bellsouth.net [mailto:ronscott5@bellsouth.net]
Sent: Wednesday, January 09, 2008 3:52 PM
To: Peterson, John W
Cc: Bailey Yelding; Fred Small; Jay Ross; Jane Robbins; Gus Palumbo; Eric Nager; John Lake; Suzanne Henson; David Cohen; Greg Burnam; Kim Briley; Cathy Barnette
Subject: RE: Funding Request for Finance Committee

A formal request would probably help. Greg Burnam is responsible as council president of setting the work session agendas. Please make sure Greg is ok with this being on the January work session.

Ron

----- Original message from "Peterson, John W" <John.Peterson@hatchmott.com>: -----

Ron,
 That is fine. I think it will be good to have the entire council available for a brief presentation. Is it possible to have the Finance Committee review the funding possibility or availability and have that information for the Council Work Session? I want to be clear. The funds in the request will be going to the Mobile Bay NEP for this specific engineering and planning. They will put out an RFP tailored to meet the needs of the watershed through some consultation with stream restoration specialists as well as agencies of the government. I will be meeting with Mr. Yeager later today to discuss the RFP and the initial meeting with interested consultants. Obviously the RFP will be written to stay within available funds. It is important that commitments for funds from all sources be obtained quickly. We will be speaking to Daphne, Spanish Fort and Baldwin County in the coming days.
 A couple of points we would want to bring up in the presentation will be the City of Daphne's encouragement of development along Highway 90 and its current and future impacts on this watershed. There will also be discussion about the results found in the Alabama Geological Survey's ongoing sediment load studies for these tributaries within the watershed. The results that have come in point to a serious problem in areas outside of Lake Forest itself. That is why your help is being sought. I look forward to hearing the schedule for the work session and what time we need to be available. I appreciate your help in getting this in everyone's hands. Do I need a more formal request letter from MBNEP?

John

From: ronscott5@bellsouth.net [mailto:ronscott5@bellsouth.net]
Sent: Tuesday, January 08, 2008 2:08 PM
To: Peterson, John W
Cc: Bailey Yelding; Fred Small; Jay Ross; Jane Robbins; Gus Palumbo; Eric Nager; John Lake; Suzanne Henson; David Cohen; Greg Burnam; Kim Briley; Cathy Barnette
Subject: Re: Funding Request for Finance Committee

John,

Our next Finance Committee meets on 1/14 @ 5:30. It might be better if we take this matter to our January work session which I think is scheduled for 1/17 @ 6:30.

----- Original message from "Peterson, John W" <John.Peterson@hatchmott.com>: -----

> Councilman Scott,

>

* > As you may be aware, the Mobile Bay NEP has placed \$25,000 in their
 > budget to pay for engineering and project planning for a remediation and
 > enhancement within the D'Olive Creek Watershed. The proposed project
 > will include extensive restoration of the Lake Forest Lake as well as
 > many other stream enhancements. The goal of the project is to reduce
 > impacts to Mobile Bay through planned improvements, remedial activities,
 > and control facilities installed along the D'Olive and Tiawasee Creeks.
 > David Yeager, of MBNEP, has told me that his funding alone will be
 > insufficient to put in place the information necessary to promote
 > funding this project to the US Congress and State Representatives. The
 > estimated cost is from \$50,000 to \$75,000 in total.
 > In the December meeting of the LFPOA board, they approved a \$5,000
 > funding allocation for the MBNEP to use in engineering this project. The
 > Board also requested that I assist the MBNEP in gaining other funding
 > sources, such as city and county governments that have jurisdiction in
 > the watershed. Daphne is the largest stakeholder in this watershed, by
 > far. We will also be approaching the City of Spanish Fort and Baldwin
 > County. We are asking that Daphne consider funding a portion of this
 > engineering study. A contribution from local governments is a great way
 > of showing to the federal agencies that local governments are concerned
 > about this problem and see it as a priority. A Daphne contribution would
 > go a long way in making that point. I would like the opportunity to
 > present this request for funding an appropriation to the MBNEP for this
 > engineering work to the Finance Committee. It is important that this
 > city stay involved with this project. As more and more developers in
 > this area create runoff issues and environmental concerns, Daphne must
 > be involved in the process to protect our natural resources from damage
 > and remediating damages that have already occurred. Clearly, the City of
 > Daphne has a duty and a responsibility to help in this project. The
 > amount that Daphne should consider funding will be discussed with the
 > finance committee, I expect the request to be no less than \$10,000.

>

- > Please, let me know when the next finance committee meets and place this
- > issue on the agenda for it. Also, Should I be prepared for a
- > presentation with a slide show or other information? I will also ask
- > that David Yeager come and speak to the council or the committee to
- > provide added information.

>
> Thank you for your efforts,

>
> John W. Peterson P.E.
> Senior Project Engineer
> Hatch Mott MacDonald
> 805 Daphne Avenue
> Daphne, Alabama 36526
> Office: (251) 626-5514
> FAX: (251) 626-7321

>
>

> Attention:
> This e-mail and any files transmitted with it from Hatch Mott MacDonald are
> confidential and intended solely for use of the individual or entity to whom
> they are addressed. If you have received this e-mail in error please immediately
> notify the sender.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Attention:
This e-mail and any files transmitted with it from Hatch Mott MacDonald are confidential and intended solely for use of the individual or entity to whom they are addressed. If you have received this e-mail in error please immediately notify the sender.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Attention:
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CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2008-B-CONCRETE PIPE
JANUARY 30, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Ms. Lisa White	Accountant

2 bid invitations were mailed/picked up , 0 sealed bids were received.

N/A opened the bids presented and the bids were read aloud as follows:

VENDOR

TOTAL UNIT COST

No Bids



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE - DIVISION OF PUBLIC WORKS

To: Suzanne Henson
Finance Committee Members

From: Melvin McCarley, Superintendent 
Divisions of Public Works & Maintenance

Date: February 11, 2008

Re: Recommendation for Bid Award – 2008-B Concrete Pipe

The Finance Department and Public Works sent out requests for bids for the Rock. No bids were received in response.

Hanson Pipe had the 2006-L Concrete Pipe bid and has agreed to continue service with the City with no price increases. We will receive this in writing from Hanson Pipe as confirmation.

I therefore recommend to this Committee that we award the City of Daphne BID 2008-B-CONCRETE PIPE to Hanson Pipe.

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

MM:swc

Attention: Jim Riis



February 11, 2008

Hanson Pipe & Products, Inc.
Attention: Mr. Jeff Pollard
991 Schillinger Road North
Mobile, AL 36608

RE: 2008-B-CONCRETE PIPE

Dear Mr. Pollard:

The above referenced bid expires on February 28, 2008. The bid was sent out but had no responses. The City has the option to negotiate the bid and my understanding is that you are willing to extend the cost bid for the 2006-L-CONCRETE PIPE bid another year with the option to extend a second and third year.

Your written response is required before a negotiated contract can be awarded. Please note that the contract will only be officially awarded by Council's approval. Council will review the request to award negotiated contract at their February 18, 2007 meeting. Please fax your response before February 13, 2008. The original response must have an authorized signature (owner) and must be notarized and returned to the following address:

City of Daphne
Attention: Ms. Suzanne Henson
P. O. Box 400
Daphne, AL 36526

If you have any questions please contact me at 251-621-9000. Thank you for your service during the past year.
For the City of Daphne,
Suzanne Henson
Sr. Accountant

THE RETURN LETTER MUST BE NOTARIZED

*My Commission Expires 11/27/2011
Notary State of Alabama at Large*

Sworn to and subscribed before me this
12th day of February, 08

Audal M. Whoney

I agree to negotiate a new contract that extends the same cost bid in Bid 2006-L-CONCRETE PIPE the Contract through February 28, 2009

James Y. Riis
Authorized signature
James Y. Riis Sales Hanson Pipe



I decline the request to negotiate the contract _____
Authorized signature

Cc Melvin McCarley, PW Superintendent
Andria Deane, P W Accountant
Sandi Cushway, PW Executive Secretary

1705 Main Street - P. O. Box 400 - Daphne, AL 36526 Phone: 251-621-9000 Fax: 251-626-3008

**BID DOCUMENT 2006-L-CONCRETE PIPE
COMPANY NAME:**

2006-L

<u>Description</u>	<u>Price per linear foot</u>	
	<u>Grout</u>	<u>Rubber Gasket</u>
12" T & G C-3	<u>DNE</u>	<u>DNE</u>
15" T & G C-3	<u>14.45</u>	<u>14.45</u>
18" T & G C-3	<u>16.03</u>	<u>16.03</u>
21" T & G C-3	<u>21.75</u>	<u>21.75</u>
24" T & G C-3	<u>26.44</u>	<u>26.44</u>
27" T & G C-3	<u>32.60</u>	<u>32.60</u>
30" T & G C-3	<u>36.65</u>	<u>36.65</u>
36" T & G C-3	<u>51.93</u>	<u>51.93</u>
42" T & G C-3	<u>64.89</u>	<u>64.89</u>
48" T & G C-3	<u>84.55</u>	<u>84.55</u>
54" T & G C-3	<u>103.56</u>	<u>103.56</u>
60" T & G C-3	<u>125.52</u>	<u>125.52</u>
66" T & G C-3	<u>152.05</u>	<u>152.05</u>
72" T & G C-3	<u>175.55</u>	<u>175.55</u>
84" T & G C-3	<u>237.19</u>	<u>237.19</u>
96" T & G C-3	<u>262.50</u>	<u>262.50</u>
18" X 11" T & G C-3 ARCH	<u>25.65</u>	<u>25.65</u>
22" X 13" T & G C-3 ARCH	<u>27.33</u>	<u>27.33</u>
29" X 18" T & G C-3 ARCH	<u>36.21</u>	<u>36.21</u>
36" X 23" T & G C-3 ARCH	<u>43.38</u>	<u>43.38</u>
44" X 27" T & G C-3 ARCH	<u>60.14</u>	<u>60.14</u>
51" X 31" T & G C-3 ARCH	<u>77.83</u>	<u>77.83</u>
58" X 36" T & G C-3 ARCH	<u>98.52</u>	<u>98.52</u>
65" X 40" T & G C-3 ARCH	<u>120.17</u>	<u>120.17</u>
73" X 45" T & G C-3 ARCH	<u>149.31</u>	<u>149.31</u>
88" X 54" T & G C-3 ARCH	<u>206.05</u>	<u>206.05</u>

DESCRIPTION

PRICE PER LINEAR FOOT

4' X 4'	<u>187.50</u>
6' X 4'	<u>307.50</u>
8' X 4'	<u>360.00</u>
6' X 5'	<u>332.50</u>
8' X 5'	<u>387.50</u>

NOTE: ALL ARCH PIPE TO BE FURNISHED WITH RAM NECK GASKET MATERIAL IN LIEU OF RUBBER GASKET.

ALL BIDS MUST BE RECEIVED IN PERSON OR BY MAIL

**BID DOCUMENT 206. CONCRETE PIPE
COMPANY NAME:**

PAYMENT:

Payment for the reinforced concrete pipe shall be made at the quoted price per linear foot which shall be compensation in full for furnishing all labor, equipment, materials and incidentals for furnishing and delivering the materials.

ALL DELIVERY COST SHOULD BE INCLUDED IN PRICE.

BIDS WRITTEN IN PENCIL WILL NOT BE ACCEPTED.

BIDS MUST BE RETURNED ON ENCLOSED QUOTE SHEET WITH TOTAL UNIT COST LISTED.

A UNIT COST MUST BE LISTED ON THE QUOTE SHEET FOR ALL PIPE SIZES. IF YOUR COMPANY IS NOT ABLE TO SUPPLY A COST ON A PARTICULAR PIPE SIZE, THE FOLLOWING CODE MUST BE LISTED ON THE QUOTE SHEET.

**SO - SPECIAL ORDER
DNE - DOES NOT EXIST**

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM. BID SHEETS MUST BE SIGNED BY COMPANY OWNER OR AUTHORIZED PERSONNEL AND NOTARIZED.

Signature: 

Printed Name: JONATHAN D. CHISM

Company: HANSON PIPE & PRODUCTS

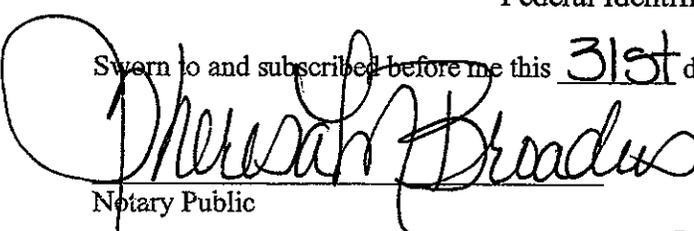
Address: 991 Schillinger Rd. N.

Telephone: (251) 633 4100

Fax: (251) 633 7373

Federal Identification Number: 62-0158340

Sworn to and subscribed before me this 31st day of January, 2006.


Notary Public

QUOTATIONS

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2008-C-CONCRETE MATERIAL
JANUARY 30, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Ms. Lisa White	Accountant

4 bid invitations were mailed/picked up , 1 sealed bids were received.

LISA WHITE opened the bids presented and the bids were read aloud as follows:

VENDOR

COST/CUBIC YD

Reynolds Ready Mix, LLC

0-5 Cubic Yds - \$88.00
Over 5 Cubic Yds - \$88.00



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE - DIVISION OF PUBLIC WORKS

To: Kim Briley, Finance Director
Finance Committee Members

From: Melvin McCarley, Superintendent 
Divisions of Public Works & Maintenance

Date: February 8, 2008

Re: Recommendation for Bid Award – 2008-C Concrete Material

The Finance Department and Public Works sent out requests for bids. The only company who responded met exact specifications and that was Reynolds Ready Mix.

I therefore recommend to this Committee that we award the City of Daphne BID 2008-C-CONCRETE MATERIAL to Reynolds Ready Mix.

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

MM:swc

**General Fund
FY 2008**

Estimated Revenues > Appropriations	1,131,394
Ordinance 2008-02	<u>(246,809)</u>
	884,585
<hr/>	
Transfers In (To close these Construction Funds)	
Transfers from 1997 Construction Fund	5,200
Transfers from 2000 Construction Fund	<u>61,200</u>
	66,400

Available for Appropriation	950,985
------------------------------------	----------------

Appropriations

Personnel

3 Lieutenants: April	(75,367)	Annual Cost 150,733
3 Firefighters: April	<u>(71,997)</u>	Annual Cost 143,994
	(147,364)	

Operating

Training (6 New Firefighters)	(14,000)
Immunizations (6 New Firefighters)	(1,500)
Wellness Program (6 New Firefighters)	(700)
Uniforms (6 New Firefighters)	(7,000)
Equipment- Turnout Gear, Radios (6 New Firefighters)	<u>(22,000)</u>
	(45,200)

Capital

Fire Engine	(310,000)
Equipment for Fire Engine	(97,632)
Station Construction: Fire Training Facility	(80,000)
Equipment to outfit Station	<u>(32,148)</u>
	(519,780)

Other

-
-
-

Appropriations	(712,344)
-----------------------	------------------

Estimated Revenues > Appropriations	<u>238,642</u>
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TREASURER'S REPORT

As of January 31, 2008

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	\$13,277,945.11
OPERATING ACCT	COMPASS	(\$681,028.74)
PAYROLL ACCT	COMPASS	(\$2,621.55)
MUNICIPAL COURT	COMPASS	\$231,975.35
		<u>\$12,826,270.17</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$11,144.80
4 CENT GAS TAX	FIRST GULF	\$165,096.05
7 CENT GAS TAX	FIRST GULF	\$248,875.30
		<u>\$425,116.15</u>
CAPITAL PROJECTS FUND		
CAPITAL RESERVE	WACHOVIA	\$4,024,304.92
97 WARRANT CONS	WACHOVIA	\$5,207.88
99 WARRANT CONS	REGIONS	\$16,348.63
2000 CONSTRUCTION	REGIONS	\$61,546.25
2006 CONSTRUCTION	WACHOVIA	\$4,012,508.64
		<u>\$8,119,916.32</u>
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$2,169,432.92
2006 DEBT SERVICE	FIRST GULF	\$5,064.44
		<u>\$2,174,497.36</u>
		<u>\$23,545,800.00</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2002	2003	2004	2005	2006	2007	2008	Actual-2008	Budget	Monthly Variance	YTD Variance	% of Budget
October	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	867,190.18	953,968	(86,797.82)	(86,797.82)	-9.10%
November	650,308.98	646,534.10	710,788.74	814,666.03	901,612.38	918,837.95	915,890.97	915,890.97	928,026	(12,135.03)	(98,932.86)	-1.31%
December	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,120,005.09	1,194,410	(74,404.91)	(173,337.76)	-6.23%
January	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	-	-	924,025	-	-	-
February	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	-	-	886,755	-	-	-
March	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	-	-	1,082,314	-	-	-
April	629,863.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	-	-	969,742	-	-	-
May	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	-	-	1,031,713	-	-	-
June	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	-	-	1,061,004	-	-	-
July	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	-	-	1,005,952	-	-	-
August	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	-	-	975,079	-	-	-
September	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	-	-	1,024,647	-	-	-
Totals	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	2,903,086.24	2,903,086.24	12,037,655	(173,337.76)	(173,337.76)	

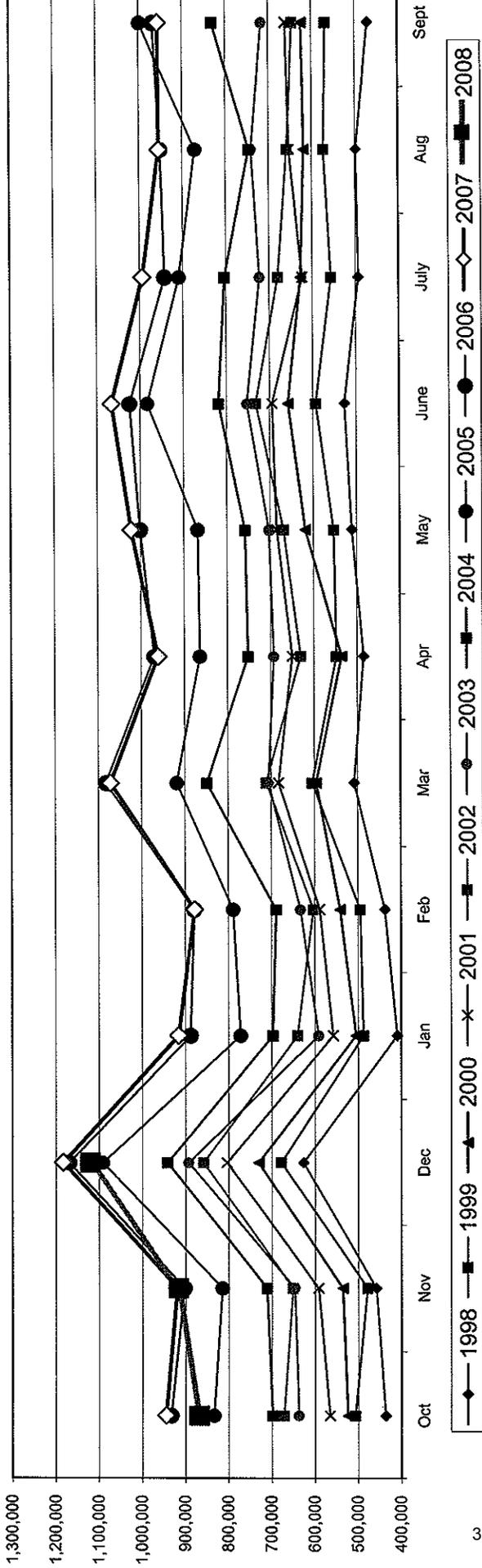
FISCAL YEAR COMPARISONS

	\$ Change		Percent Change		Annual % Change	
	2003-2004	2004-2005	2003-2004	2004-2005	2005-2006	2006-2007
October	(35,216.40)	61,347.94	9.64%	19.47%	11.37%	1.28%
November	(3,774.88)	64,264.64	9.94%	14.61%	10.66%	1.92%
December	34,122.02	48,943.19	5.49%	15.93%	7.09%	1.21%
January	(48,911.20)	106,356.03	18.00%	10.72%	14.98%	3.09%
February	30,439.25	55,767.23	8.81%	14.56%	11.32%	-0.02%
March	(5,570.57)	142,766.66	20.24%	8.21%	17.86%	-0.94%
April	62,295.27	59,891.11	8.65%	14.77%	12.24%	-0.89%
May	33,824.87	54,918.34	7.82%	14.50%	15.33%	2.11%
June	20,983.31	65,541.16	8.71%	20.12%	4.19%	0.00%
July	42,188.32	81,260.24	11.26%	13.14%	3.61%	5.50%
August	82,965.72	5,326.70	0.72%	16.70%	9.28%	0.41%
September	70,813.95	114,619.44	16.02%	20.26%	-3.09%	-0.26%
Annual \$ Change	284,159.66	860,992.68	10.21%	15.27%	9.29%	1.44%
Annual % Change			3.49%			-1.20%

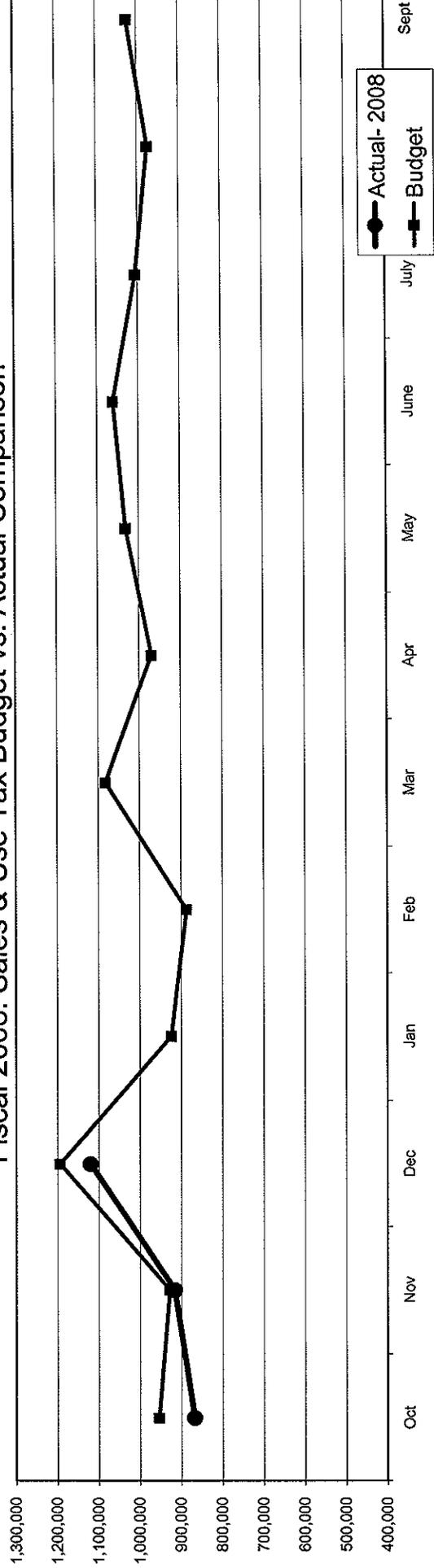
TOTAL collections: FY 07	11,871,233
TOTAL est. bdgt col: FY 08	12,037,655
Budgeted Dollar Variance 07/08	166,422
Budgeted Percent Variance 07/08	1.40%

TOTAL collections: 12-31-07	2,903,086
Budgeted: 10-1-07 to 12-31-07	3,076,424
Actual Col: (-) Budget, 12-31-07	(173,338)
% Over/(Under) Budget, 12-31-07	-5.63%

Sales & Use Tax Comparisons



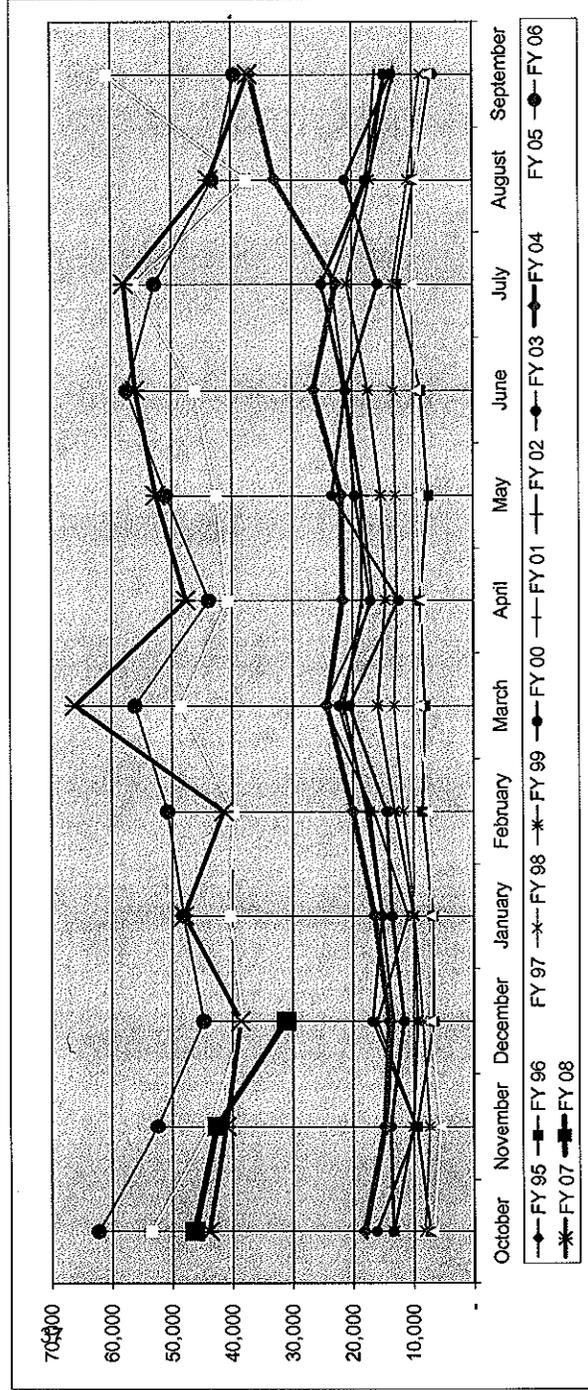
Fiscal 2008: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	
November	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	
December	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	
January	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19		
February	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78		
March	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49		
April	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84		
May	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61		
June	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22		
July	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80		
August	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41		
September	6,371.27	6,808.02	7,400.70	8,586.97	14,397.17	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99		
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	120,041.45

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



FY 2008 Budget	620,000
% Budget Collected, 12/31/2007	19%

GENERAL FUND
Summary Statement of Revenues and Expenditures
- Budgetary Basis

For the Month Ended December 31, 2007

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

	<u>12/31/2002</u>	<u>12/31/2003</u>	<u>12/31/2004</u>	<u>12/31/2005</u>	<u>12/31/2006</u>	<u>12/31/2007</u>	<u>Amended Budget</u>	<u>Budgetary Variance Over/(Under)</u>	<u>% Budget</u>
Revenues									
Sales, Use, & Luxury Taxes	1,359,856	1,489,981	1,742,879	1,931,577	1,988,251	1,898,179	12,599,655	(10,701,476)	-85%
Payment in Lieu of Taxes	35,544	39,697	44,888	60,604	57,534	58,589	1,925,000	(1,866,441)	-97%
Ad Valorem Taxes	1,234,318	1,040,165	1,038,076	1,111,237	1,338,712	840,090	3,761,000	(2,920,910)	-78%
Licenses & Permits	120,205	153,766	163,165	203,664	253,557	255,800	2,067,300	(1,811,500)	-88%
Other Revenues	177,622	235,443	206,351	203,860	273,769	256,139	1,211,727	(955,588)	-79%
Total Revenues	2,927,546	2,959,052	3,195,358	3,510,942	3,881,822	3,308,766	21,564,682	(18,255,916)	-85%
Expenditures									
General Government									
Personnel Operating	300,928	321,800	349,111	353,306	365,442	411,507	1,868,338	(1,456,831)	-78%
Capital	150,926	113,219	113,903	157,553	166,699	143,257	1,214,572	(1,071,315)	-88%
	17,057	-	-	-	-	-	-	-	#DIV/0!
	468,911	435,019	463,014	510,859	532,141	554,764	3,082,910	(2,528,146)	-82%
Public Safety									
Personnel Operating	894,486	922,166	930,490	1,034,997	1,241,671	1,516,408	6,693,978	(5,177,570)	-77%
Capital	156,020	163,657	134,331	184,503	261,006	226,954	1,387,465	(1,160,511)	-84%
	12,351	1,933	-	-	-	-	92,220	(92,220)	-100%
	1,062,857	1,087,756	1,064,821	1,219,500	1,502,677	1,743,362	8,173,663	(6,430,301)	-79%
Public Works									
Personnel Operating	420,787	417,022	437,972	464,471	566,272	488,008	2,361,490	(1,873,482)	-79%
Capital	198,677	136,980	136,722	194,449	240,173	265,764	1,373,699	(1,107,935)	-81%
	11,803	-	-	-	29,361	9,843	259,165	(249,322)	-96%
	631,267	554,002	574,694	668,920	835,806	763,615	3,994,354	(3,230,739)	-81%
Parks & Recreation									
Personnel Operating	181,003	185,113	208,699	215,835	222,887	278,367	1,279,774	(1,001,407)	-78%
Capital	120,489	102,785	103,544	115,671	143,326	130,274	706,049	(575,775)	-82%
	6,591	-	31,132	-	200,000	200,000	200,000	-	0%
	308,083	287,898	343,375	331,505	566,213	608,641	2,185,823	(1,577,182)	-72%
Total Departmental	1,797,204	1,846,102	1,926,273	2,068,609	2,396,272	2,694,290	12,203,580	(9,509,290)	-78%
Personnel Operating	626,111	516,641	488,499	652,176	811,203	766,249	4,681,785	(3,915,536)	-84%
Capital	47,802	1,933	31,132	-	229,361	209,843	551,385	(341,542)	-62%
	2,471,118	2,364,676	2,445,905	2,720,785	3,436,836	3,670,382	17,436,750	(13,766,368)	-79%
Other Financing Sources & Uses									
Debt Proceeds	15,737	-	-	-	-	-	-	-	-
Transfers to Debt Service	(794,135)	(421,107)	(559,255)	(516,644)	(802,254)	(810,447)	(2,640,775)	(1,830,328)	69%
Other Transfers & Uses	(122,632)	(74,995)	(84,900)	(70,137)	(50,940)	(40,173)	(602,572)	(562,399)	93%
Total Other Financing Sources/Uses	(901,030)	(496,101)	(644,155)	(586,781)	(853,195)	(850,619)	(3,243,347)	(2,392,728)	74%
Total Revenues Over Expenditures	(444,601)	98,275	105,298	203,377	(408,209)	(1,212,235)	884,585	(2,096,820)	

NEW BUSINESSES

January-08

CITY LIMITS		CONTRACTORS	
DAPHNE HEALTH & WELLNESS CENTER	1	J T NATIONAL CO INC	1
ERA PLATINUM PROPERTIES	1	WILLIS HAULING INC	1
BAGS N TAGS	1	DELTA FLOORING INC	1
PULMONARY ASSOCIATES OF MOBILE	1	LARRY BATCHELOR MECHANICAL, LLC	1
BALEU REALTY MANAGEMENT	1	CHECKPOINT SYSTEM INC	1
BRYANT BANK	1	PRESTRIDEE HOME IMPROVEMENT	1
GULF COAST POLYSTEEL INC	1	G W SANDERS ELECTRIC	1
MICHAEL O'DOWD M.D.	1	ALL-PRO ROOFING CONSTRUCTION	1
MAHER SAHAWNEH M.D.	1	MR. HANDYMAN OF MOBILE & EASTERN SHORE	1
PAMELA A MOORE	1	SOUTHERN STATES PLUMBING COMPANY	1
B WELL	1	GALARZA OLMEDO CONSTRUCTION	1
BELLATOR REAL ESTATE & DEVELOPMENT	1	CAYLOR CONCRETE FINISHING	1
SCOTT CONSULTING INC	1	DEMOUY GENERAL CONTRACTING	1
DR JENNIFER GRACE	1	COASTAL BUSINESS SOLUTION LLC	1
SOL Y LUNA	1	J & G PAINTING AND REMODELING	1
TOTAL CITY LIMITS	15	COASTAL CONSTRUCTION CO	1
		AMERICAN OVERHEAD DOORS & MORE	1
		GUARDIAN CONTRACTORS INC	1
		ARMCO LLC	1
		TOTAL CONTRACTORS	19
OUTSIDE CITY LIMITS		INSURANCE	
HYDRO STEAM	1	EMCASCO INSURANCE CO	1
FEDERAL SECURITY AND PROTECTION AGENCY	1	MEDMARC CASUALTY INSURANCE	1
AMERICAN LIGHTING SALES, INC	1	DAIRYLAND INSURANCE CO	1
METROPOL 1 LLC	1	THE NORTHERN ASSURANCE CO	1
GLOBAL DISTRIBUTION NETWORK	1	ONE BEACON AMERICA INSURANCE	1
BARLOWORLD HANDLING, LLC	1	MIC GENERAL INSURANCE CO	1
ASSOCIATED OFFICE SYSTEMS	1	CHURCH LIFE INSURANCE CO	1
RED-D-ARC WELDERENTALS	1	FACTORY MUTUAL INSURANCE CO	1
KENDALL & HUNT PUBLISHING	1	TOTAL INSURANCE	8
ALLIANCE LAUNDRY SYSTEMS LLC	1		
THERMWOOD CORPORATION	1		
VILLA LIGHTING SUPPLY CO	1		
TRM COPY CENTERS LLC	1		
BESAM ENTRANCE SOLUTIONS	1		
SOUTHEAST TOYOTA DISTRIBUTORS LLC	1		
BOWDEN ARCHITECTURE	1		
APPLIED INDUSTRIAL TECHNOLOGIES	1		
PRODUCT PARTNERS LLC	1		
PARADISE PAPER LLC	1		
VITA-MIX	1		
HANSON PIPE & PRODUCTS PRECAST SE	1		
VMWARE	1		
TOTAL OUTSIDE CITY LIMITS	22		

Buildings and Property Committee Minutes

February 1, 2008

10:00 a.m.

City of Daphne

Council Chambers

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector

Minutes

The meeting opened at 10:05 a.m.

Huntington College and Signage

A discussion of Huntington College and Signage was cancelled.

John Kilpatrick Ministries-Adding lights to Civic Center

The Committee discussed a request from John Kilpatrick Ministries to allow the Church to install additional lights in the Civic Center so that their services can be televised. The Committee reviewed information on the request and noticed that the actual lights are owned by a Mr. Steve King and not the Church. The Committee requested that Ms. Morse contact the Church to let them know that the City would have to work directly with Mr. King and not the Church. The Committee further asked Ms. Morse to present the request to Mr. Jay Ross, City Attorney to review and possibly prepare an agreement.

Request to sell property to the City of Daphne-Southerland Realty

The Committee reviewed a request from Southerland Realty to the City of Daphne to purchase the land that is located adjacent to and directly north of the Exxon convenient store on Highway 98 in Daphne, Alabama. The sale price is offered at \$260,000.00. The Committee stated that the City of Daphne does not need the land and it would not be a good use of City monies at this time.

Parker Lane abatement /27188 Parker Lane-Refer to Finance Committee

Mr. Richard Merchant, Building Official discussed an abatement located at 27188 Parker Lane. Mr. Merchant stated that the structure was to have been demolished or removed in December of 2007 per court records however; the owners have failed to do so. Mr. Merchant presented estimates to remove the trailer that ranged from \$1,500.00 to \$2,500.00. Councilman Palumbo

stated that the City of Daphne is responsible for the removal. **Motion** by Councilman Palumbo to refer the request for the demolition to the full Council. **Seconded** by Mayor Small. **Motion Approved.**

Gates at Scenic Overlook-Refer to Finance Committee

The Committee stated that security gates need to be placed at the Scenic Overlook and that these gates should be locked at night. **Motion** by Councilman Palumbo to refer the request to the Finance Committee for funding of the project not to exceed \$1,000.00. **Seconded** by Mayor Small. **Motion Approved.**

Rework the parking lot at Bayfront Park-Refer to Finance Committee

The Committee discussed a plan to rework the parking at Bayfront Park. Mayor Small stated that it would be better and more economical for the City of hire a private company to perform the work. Ms. Pat Oberholtzer (guest) stated she thought that the plan was a good one, that Village Pointe Foundation would like to start a fundraising effort, and that Sam's had made a \$1,000.00 contribution to the Village Pointe Foundation. The Committee discussed adding restroom facilities at the park. David Cohen, City Clerk came to the meeting at 10:40 a.m. and discussed possible facilities with hot and cold water in a trailer format. Mr. Cohen also discussed a similar setup at Gulf Shores. The Committee also discussed the problem with the sewer lines which would require a pump. Ms. Pat Oberholtzer also mentioned there was not a fire hydrant on property.

Motion by Councilman Palumbo to send a request to the Finance Committee to approve \$90,540.00 plus the amount for adding rest room facilities on the property. These funds are to come from lodging taxes for waterfront development. **Seconded** by Mayor Small. **Motion Approved.**

Civic Center Rates-Ordinance Amendment-Motion to Full Council

The Committee discussed increasing the rates at the Daphne Civic Center. Council Palumbo stated that the Civic Center rates have never been increased since 1999. **Motion** Mayor Small to send a recommendation to the full Council to increase and round up the Civic Center base rates and cleaning rates by 25% and increasing the per hour charge to \$20.00. This increase would amend Ordinance 2004-20. **Seconded** by Councilman Palumbo. **Motion Approved.**

Request for Civic Center Refund

The Committee considered a request from Ms. Theresa Yelding for a full refund of \$710.00 for rental of the Daphne Civic Center for a May 24, 2008 event. **Motion** by Council Palumbo to refund one half of the fees back as stated in Ordinance 2004-20. Councilman Palumbo stated that if the date rebooks the other one half of the fees that were paid will be refunded to Ms. Yelding. **Seconded** by Mayor Small. **Motion Approved.**

Eastern Shore Chamber Lease

The Committee reviewed that lease between the Eastern Shore Chamber of Commerce and the City of Daphne for the Overlook.

Civic Center and Bayfront Park Ordinance Changes

Ms. Morse discussed needed changes for the Civic Center and Bayfront Park Ordinances and stated that she would soon provide the committee with proposed updates. The Committee requested that Ms. Morse review the reduced rate fee for nonprofit organizations for the Bayfront Park as a discrepancy had been discovered. The Committee requested that the Mayor and Ms. Morse work out a solution to rectify the discrepancy.

Memorandum

To: Sandra Morse, Buildings and Properties Committee

From: Richard Merchant, Building Official JRM

Date: January 28, 2008

Re: Abatement located at 27188 Parker Lane

Attached are copies of quotes to demolish/remove the abatement structure located at 27188 Parker Lane. The structure was suppose to be demolished/removed in December, per court records, but the owners have failed to do so.

J C III, Inc.
24001 State Highway 181
Daphne, AL 36526
Phone (251) 990-5047
Fax (251) 990-5097

January 21, 2008

City of Daphne
Ragan Lambert
Building Dept.
P.O. Box 400
Daphne, AL 36526

RE: 27188 Parker Lane

Ragan,

Bid for demolition and haul off of trailer at 27188 Parker Lane would be \$2,500.00. If you have any questions, please feel free to call.

Respectfully,
Big Red Container, Inc.

Ken Weed



PROPOSAL

ATTN. Reagen
JOB ESTIMATE



Houston Contractors, Inc.

Concrete - Asphalt Paving

~~Telephone (630) 264-1307 • FAX (630) 264-1707~~

~~449 Woodlawn Avenue, Aurora, IL 60506~~ *251-6108496*

Proposal Submitted To:

Work To Be Performed At:

Name *City of Daphne*

Parker Lane

Street _____

Street _____

City _____

City *Daphne* State *Ala*

State _____

Date of Plans *Pending*

Phone *251-621-3080 Fax 621-3719*

Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of .

Demolition trailer and haul all debris from job site. All electric and utility
service will be removed by someone else.

All material is guaranteed to specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of

Dollars (\$ *1500.00*).

with payments to be made as follows: *Complete payment after job is completed*

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted *Robt Houston*

Per *Houston Contractors*

Houston Contractors

Note - This proposal may be withdrawn by us if not accepted within *30* days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date _____ Signature _____

Overlook Gates

1	20'	Schedule 80 - 3" OD	\$	159.00
1	20'	Outside Schedule 40 - 4"	\$	232.00
2	20'	Schedule 40 - 2 13/16"	\$	93.70
3	20'	Schedule 40 - 2"	\$	<u>107.10</u>

Gate - Steel \$ 591.80

Paint Materials \$ 80.00

Labor - 40 Hours \$ 2000.00

SUBTOTAL \$ **2671.80**

(Plus Street Department for setting posts)

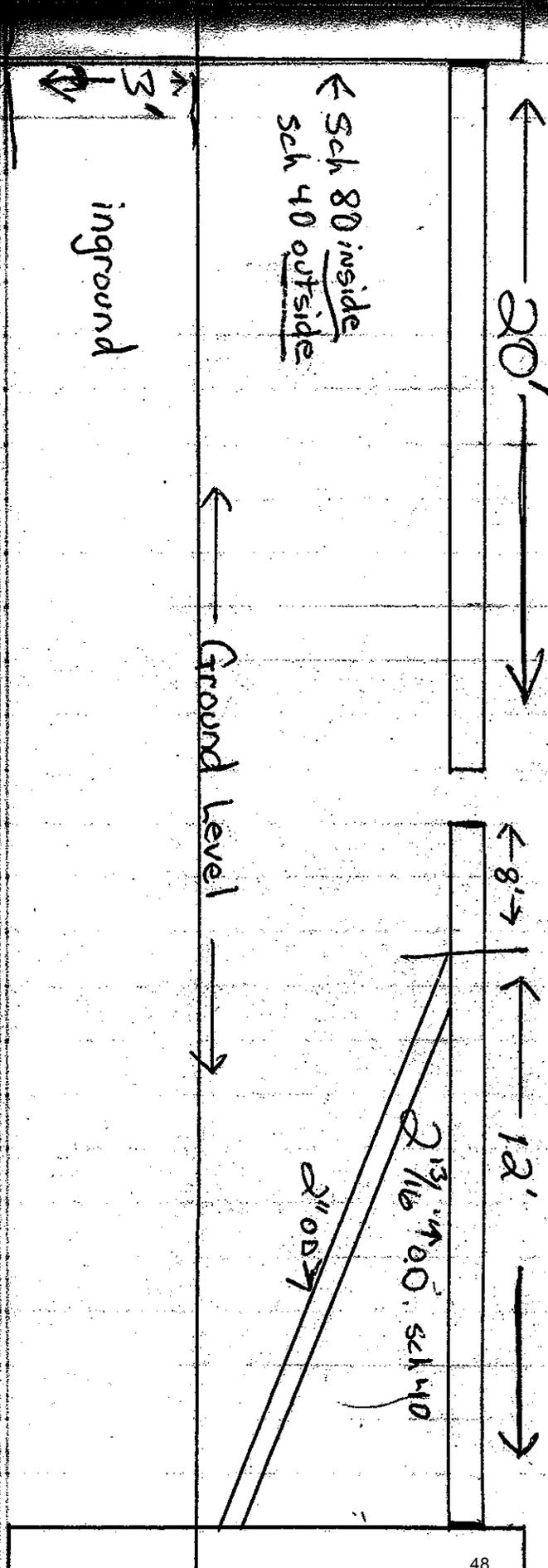
Streets Labor (3 Men for 4 hours @ \$25.00/hour) \$ 300.00

Flatbed Truck (4 hours at \$53.00/hour) \$ 212.00

1 Yard of Concrete \$ 97.00

TOTAL \$ **3280.80**

Materials (paint, pipe, concrete) \$ 768.80



HUTCHINSON, MOORE & RAUCH
ENGINEERS ♦ SURVEYORS ♦ LAND PLANNERS
ENGINEERING COST ESTIMATE

DAPHNE BAYFRONT PARK

SEPTEMBER 2007

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	MOBILIZATION	LS	1	5,000.00	\$ 5,000.00
2	EROSION CONTROL	LS	1	3,000.00	\$ 3,000.00
3	EARTHWORK	LS	1	12,000.00	\$ 12,000.00
4	4" AGGREGATE (NO. 57) PARKING LOT	SY	2,000	6.00	\$ 12,000.00
5	CONCRETE CURB	LF	980	13.00	\$ 12,740.00
6	SIDEWALK	SF	600	3.00	\$ 1,800.00
7	FENCE	LF	160	25.00	\$ 4,000.00
8	LATTICE AROUND BOTTOM OF BUILDING	LS	1	10,000.00	\$ 10,000.00
9	LANDSCAPE & IRRIGATION	LS	1	30,000.00	\$ 30,000.00
TOTAL AMOUNT					\$ 90,540.00

City of Daphne

Permit Activity Report

2008-01-31

Permit Code: BL BUILDING PERMIT

Residential - NEW - R3 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5391-1	METROPOL ONE LLC	08-48		127 LAKESHORE DR	Yes	A	01/17/2008	01/17/2008	\$121,260.00	\$625.00
	METROPOL ONE LLC	08-EM		DAPHNE, AL 36526			Sub Division:			
5390-1	J. ROBERT MILLER	08-41		8664 HICKORY CT	Yes	A	01/15/2008	01/15/2008	\$313,650.00	\$1,585.00
	J. ROBERT MILLER			DAPHNE, AL 36526			Sub Division: TIMBERCREEK			
1658-1	FOSTER HOME BUILDERS	08-61		29319 ACORN KNOLL DR	Yes	A	01/23/2008	01/23/2008	\$355,260.00	\$1,795.00
	FOSTER HOME BUILDERS			DAPHNE, AL 36526			Sub Division: OAK CREEK			
482-1	BENCHMARK HOMES, INC.	08-20		105 MELLATTAU CIRCLE	No	A	01/08/2008	01/08/2008	\$134,130.00	\$690.00
	BENCHMARK HOMES, INC.	08-EL		DAPHNE, AL 36526			Sub Division: LAKE FOREST			
4906-1	JOHN LASSITER HOME CONSTRUC	08-1		10378 TAMPARY ST.	Yes	A	01/02/2008	01/02/2008	\$170,880.00	\$870.00
	JOHN LASSITER HOME CONSTRUC			DAPHNE, AL 36526			Sub Division: HISTORIC MALBIS			
				Total Residential - NEW - R3 BL Permit(s)			5		\$1,095,180.00	\$5,565.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5369-1	CHANCELLOR ENTERPRISES	08-78		8160 COUNTY RD. 64	Yes	A	01/29/2008	01/29/2008	\$4,276,000.00	\$25,656.00
	CHANCELLOR ENTERPRISES			DAPHNE, AL 36526			Sub Division: AUDUBON PARK APARTMENTS			
482-1	BENCHMARK HOMES, INC.	08-70		8118 PECAN CT	Yes	A	01/28/2008	01/28/2008	\$103,890.00	\$535.00
	BENCHMARK HOMES, INC.			DAPHNE, AL 36526			Sub Division: PECAN TRACE			
3173-1	MITCHELL HOMES	08-82		10215 ESTIA ST	Yes	A	01/31/2008	01/31/2008	\$104,400.00	\$540.00
	MITCHELL HOMES			DAPHNE, AL 36526			Sub Division: HISTORIC MALBIS			
3173-1	MITCHELL HOMES	08-81		10209 ESTIA ST	Yes	A	01/31/2008	01/31/2008	\$105,030.00	\$545.00
	MITCHELL HOMES			DAPHNE, AL 36526			Sub Division: HISTORIC MALBIS			
				Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)			4		\$4,589,320.00	\$27,276.00
				Total Residential - NEW BL Permit(s)			9		\$5,684,500.00	\$32,841.00
				Total Residential BL Permit(s)			9		\$5,684,500.00	\$32,841.00

Non Residential - NEW - B2 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5369-1	CHANCELLOR ENTERPRISES	08-54		29793 WOODROW LANE	Yes	A	01/18/2008	01/18/2008	\$3,478,000.00	\$20,868.00
	CHANCELLOR ENTERPRISES			DAPHNE, AL 36526			Sub Division:			
				Total Non Residential - NEW - B2 BL Permit(s)			1		\$3,478,000.00	\$20,868.00

City of Daphne

Permit Activity Report

2008-01-31

Total Non Residential - NEW BL Permit(s)	1	\$3,478,000.00	\$20,868.00
Total Non Residential BL Permit(s)	1	\$3,478,000.00	\$20,868.00
Total BL Permit(s)	10	\$9,162,500.00	\$53,709.00
Grand Totals	10	\$9,162,500.00	\$53,709.00

City of Daphne

Periodic Report of Permits Issued by Improvement

01/31/2008

Permit Fee Valuation # Of Units Permit Count Code

BUILDING PERMIT		Residential	
REINSPECTION FEE	R3	2	\$100.00
SITE	R3	2	\$100.00
SCREEN PORCH	R3	1	\$40.00
NEW	R3	5	\$1,095,180.00
REMODEL	R3	1	\$38,442.00
RE-ROOF	R3	1	\$6,200.00
ADDITION	R3	6	\$456,277.00
POOL	R2	1	\$100,000.00
VINYL SIDING	R3	1	\$25,000.00
SUNROOM	R3	1	\$30,000.00
GARAGE	R3	1	\$1,246.00
STORAGE BUILDING	R3	1	\$5,000.00
Non-Residential			
NEW	B2	1	\$3,478,000.00
REMODEL	B2	1	\$15,000.00
RE-ROOF	B2	1	\$3,400.00
MISCELLANEOUS	B2	1	\$50.00
Total - BUILDING PERMIT			
		33	\$9,889,985.00
Grand Total		33	0.00
			\$58,187.00

Type	Code	Code Description	Gross Revenue	Remitted Disc.	Net Revenue
Permit	BL	BUILDING PERMIT	\$59,052.00	\$0.00	\$59,052.00
	EL	ELECTRICAL PERMIT	\$20,040.00	\$0.00	\$20,040.00
	ME	MECHANICAL PERMIT	\$7,682.65	\$0.00	\$7,682.65
	PL	PLUMBING PERMIT	\$6,247.50	\$0.00	\$6,247.50
Total For Permit(s)			\$93,022.15	\$0.00	\$93,022.15
Grand Total			\$93,022.15	\$0.00	\$93,022.15

Revenue Summary Report By Type and Code

Transaction Date Between: 01/01/2008 And 01/31/2008

2008-01-31

Revenue Detail Report

Transaction Date Between: 01/01/2008 And 01/31/2008

Transaction Type: **Permit**

Code	Session	TaxpayerID	Loc#	Taxpayer Name	Trans Date	Revenue Amt	Discount Amt	Issue Fee	Penalty Amt	Interest Amt	Fees 1-5	Trans Total Invoice
BL	01/02/2008	4906	1	JOHN LASSITER HOME C	01/02/2008	\$945.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$945.00
BL	01/04/2008	5301	1	DAN MOONEY CUSTOM H	01/04/2008	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
BL	01/07/2008	4912	1	OWNER	01/07/2008	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
BL	01/08/2008	482	1	BENCHMARK HOMES, IN	01/08/2008	\$765.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$765.00
BL	01/08/2008	4846	1	HOME OWNER	01/08/2008	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00
BL	01/08/2008	5380	1	GLAZIK CONSTRUCTION	01/08/2008	\$210.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$210.00
BL	01/09/2008	4967	1	J.K. NELSON CONSTRUC	01/09/2008	\$665.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$665.00
BL	01/10/2008	5387	1	SUN WORLD INC	01/10/2008	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00
BL	01/11/2008	4838	1	YOUNGBLOOD-BARRETT	01/11/2008	\$1,228.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,228.00
BL	01/11/2008	4846	1	HOME OWNER	01/11/2008	\$165.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$165.00
BL	01/14/2008	4371	1	THOMAS J. LEE ROOFIN	01/14/2008	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
BL	01/15/2008	5390	1	J. ROBERT MILLER	01/15/2008	\$1,660.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,660.00
BL	01/15/2008	4846	1	HOME OWNER	01/15/2008	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
BL	01/15/2008	2568	1	KAISER POOLS	01/15/2008	\$140.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$140.00
BL	01/16/2008	4846	1	HOME OWNER	01/16/2008	\$240.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$240.00
BL	01/17/2008	4893	1	LIPFORD CONSTRUCTIO	01/17/2008	\$225.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$225.00
BL	01/17/2008	5391	1	METROPOL ONE LLC	01/17/2008	\$650.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$650.00
BL	01/18/2008	5369	1	CHANCELLOR ENTERPRI	01/18/2008	\$20,968.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,968.00
BL	01/18/2008	5369	1	CHANCELLOR ENTERPRI	01/18/2008	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
BL	01/23/2008	4912	1	OWNER	01/23/2008	\$90.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$90.00
BL	01/23/2008	1658	1	FOSTER HOME BUILDER	01/23/2008	\$1,870.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,870.00
BL	01/24/2008	5393	1	INTEGRITY REMODELING	01/24/2008	\$265.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$265.00
BL	01/24/2008	3017	1	MCDONOUGH HOMES, IN	01/24/2008	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
BL	01/25/2008	5329	1	PREMIER PROPERTIES	01/25/2008	\$290.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$290.00
BL	01/25/2008	4912	1	OWNER	01/25/2008	\$35.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00
BL	01/28/2008	4846	1	HOME OWNER	01/28/2008	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00
BL	01/28/2008	482	1	BENCHMARK HOMES, IN	01/28/2008	\$600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$600.00
BL	01/29/2008	4912	1	OWNER	01/29/2008	\$35.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00
BL	01/29/2008	5369	1	CHANCELLOR ENTERPRI	01/29/2008	\$25,806.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25,806.00
BL	01/29/2008	4846	1	HOME OWNER	01/29/2008	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00
BL	01/30/2008	2444	1	JOHN IKNER HOMES LLC	01/30/2008	\$540.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$540.00
BL	01/31/2008	3173	1	MITCHELL HOMES	01/31/2008	\$620.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$620.00
BL	01/31/2008	3173	1	MITCHELL HOMES	01/31/2008	\$615.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$615.00
EL	01/03/2008	2067	1	HILLCREST ELECTRIC, IN	01/03/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00
EL	01/07/2008	178	1	ALL SOUTH ELECTRIC	01/07/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00
EL	01/07/2008	3035	1	MCLAUGHLIN BUILDERS	01/07/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00

EL	01/07/2008	3035	1	MCLAUGHLIN BUILDERS	01/07/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/07/2008	4861	1	SASSER ELECTRICAL SE	01/07/2008	\$225.00	\$0.00	\$0.00	\$0.00	\$0.00	\$225.00	No
EL	01/07/2008	4861	1	SASSER ELECTRICAL SE	01/07/2008	\$1,695.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,695.00	No
EL	01/07/2008	5090	1	JC ELECTRIC	01/07/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/07/2008	193	1	ALLEN'S SERVICES, INC.	01/07/2008	\$150.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150.00	No
EL	01/08/2008	3470	1	PHOENIX ELECTRICAL S	01/08/2008	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	No
EL	01/09/2008	3840	1	RON HODGES ELECTRIC,	01/09/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/11/2008	2067	1	HILLCREST ELECTRIC, IN	01/11/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/14/2008	3333	1	OSTIES ELECTRICAL SE	01/14/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/15/2008	5175	1	G W SANDERS ELECTRIC	01/15/2008	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	No
EL	01/16/2008	4521	1	V & M ELECTRIC INC	01/16/2008	\$653.40	\$0.00	\$0.00	\$0.00	\$0.00	\$653.40	No
EL	01/18/2008	1456	1	EAST BAY ELECTRICAL S	01/18/2008	\$93.00	\$0.00	\$0.00	\$0.00	\$0.00	\$93.00	No
EL	01/18/2008	1456	1	EAST BAY ELECTRICAL S	01/18/2008	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	No
EL	01/18/2008	2034	1	HELLMICH ELECTRIC INC	01/18/2008	\$2,563.60	\$0.00	\$0.00	\$0.00	\$0.00	\$2,563.60	No
EL	01/24/2008	4293	1	TATE ELECTRIC	01/24/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/24/2008	2067	1	HILLCREST ELECTRIC, IN	01/24/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/25/2008	1939	1	GULF ELECTRIC COMPA	01/25/2008	\$13,035.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,035.00	No
EL	01/28/2008	4912	1	OWNER	01/28/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/29/2008	1704	1	FULTON ELECTRICAL CO	01/29/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/29/2008	1704	1	FULTON ELECTRICAL CO	01/29/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
EL	01/31/2008	5394	1	J & G PAINTING & ELECT	01/31/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/04/2008	2959	1	MARTY'S HEAT & AIR LLC	01/04/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/04/2008	122	1	AIR OF EXCELLENCE	01/04/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/07/2008	975	1	CLIMATEMP COOLING &	01/07/2008	\$663.75	\$0.00	\$0.00	\$0.00	\$0.00	\$663.75	No
ME	01/08/2008	5386	1	MOORE HEATING AND AI	01/08/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/09/2008	74	1	ACTION HEATING AND AI	01/09/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/10/2008	5334	1	GULF COAST COMFORT	01/10/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/11/2008	4502	1	UNIQUE HEATING & AIR	01/11/2008	\$45.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	No
ME	01/11/2008	2020	1	HEAD'S HEATING & AIR C	01/11/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/15/2008	5389	1	LARRY BATCHELOR MEC	01/15/2008	\$3,823.40	\$0.00	\$0.00	\$0.00	\$0.00	\$3,823.40	No
ME	01/15/2008	3150	1	MIKKELSEN'S HEATING &	01/15/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/16/2008	1541	1	ENVIRONMENTAL CONTR	01/16/2008	\$1,821.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,821.00	No
ME	01/16/2008	2020	1	HEAD'S HEATING & AIR C	01/16/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/17/2008	4957	1	AVAILABLE HEAT & AIR	01/17/2008	\$172.50	\$0.00	\$0.00	\$0.00	\$0.00	\$172.50	No
ME	01/18/2008	1758	1	GATLIN HEATING & AIR C	01/18/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/22/2008	1557	1	ESTES HEATING & AIR C	01/22/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
ME	01/29/2008	5155	1	A & O HEATING & COOLJ	01/29/2008	\$57.00	\$0.00	\$0.00	\$0.00	\$0.00	\$57.00	No
PL	01/04/2008	4943	1	DOMESTIC PLUMBING	01/04/2008	\$202.50	\$0.00	\$0.00	\$0.00	\$0.00	\$202.50	No
PL	01/07/2008	2075	1	HLH CONSTRUCTORS, IN	01/07/2008	\$600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$600.00	No
PL	01/07/2008	3035	1	MCLAUGHLIN BUILDERS	01/07/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	01/15/2008	3731	1	RICKY N. FLYNN	01/15/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No
PL	01/16/2008	1486	1	ED DISMUKES PLUMBING	01/16/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	No

PL	01/17/2008	604	1	BOSTER PLUMBING	01/17/2008	\$30.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No
PL	01/22/2008	5392	1	SOUTHERN STATES PLU	01/22/2008	\$4,755.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No
PL	01/22/2008	1486	1	ED DISMUKES PLUMBING	01/22/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No
PL	02/01/2008	498	1	BEST PLUMBING	01/31/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No
PL	02/01/2008	498	1	BEST PLUMBING	01/31/2008	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No
Total Net Revenue / Discount / Net Revenue For Permit(s)																			
Grand Total Gross Revenue / Discount / Net Revenue																			
\$93,022.15 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$93,022.15																			
\$93,022.15																			

CERTIFICATE OF OCCUPANCY

JAN 2008

<u>OWNER</u>	<u>ADDRESS</u>	<u>SUBDIVISION</u>	<u>PERMIT</u>	<u>DATE</u> <u>CLOSED</u>
HANCOCK BANK	27397 HWY 98	COMMERCIAL	07-758	1/2/2008
CARLOS YOUNG	28221 9TH AVE		07-104	1/2/2008
ERICK PERRIN	27723 TALLENT LANE		07-669	1/4/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 100	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 200	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 101	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 201	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 102	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 202	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 103	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 203	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 104	MULTI-FAMILY	07-822	1/7/2008
ST CHARLES VILLAGE LLC	25806 POLLARD RD UN 204	MULTI-FAMILY	07-822	1/7/2008

CERTIFICATE OF OCCUPANCY

JAN 2008

<u>OWNER</u>	<u>ADDRESS</u>	<u>SUBDIVISION</u>	<u>PERMIT</u>	<u>DATE CLOSED</u>
BAILEY CONSTRUCTION	30165 LOBLOLLY CIRCLE	TIMBERCREEK	07-785	1/18/2008
CHRIS LEIGH HOMES	30014 D'OLIVE RIDGE	TIMBERCREEK	07-729	1/18/2008
SUDDENLY LLC	23923 DEVONFIELD LANE	OLD FIELD	07-707	1/29/2008
COCHRAN HOME BUILDERS	9116 PINE RUN	TIMBERCREEK	07-423	1/30/2008
FRIDAY CONSTRUCTION	112 TIMBERLINE DR	LAKE FOREST	07-712	1/8/2008
HANCOCK BANK	30723 HWY 181	COMMERCIAL	07-816	1/11/2008
PKD INC	106 TIMBERLINE DR	LAKE FOREST	07-594	1/14/2008
S & P OF NORTHWEST FL	110 TIMBERLINE DR	LAKE FOREST	07-1024	1/16/2008
BENCHMARK HOMES	8206 PECAN CT	PECAN TRACE	07-1144	1/17/2008

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2008

SUBDIVISIONS CORPORATE LIMITS	NUMBER OF LOTS	NO. RESIDENTIAL AND COMMERCIAL PERMITS ISSUED
ASHLEY PLACE, PHASE ONE	20	
AUSTIN PLACE, PHASE ONE	14	
AUSTIN PLACE, PHASE TWO	9	
BELLATON, PHASE ONE	59	
BELLATON, PHASE TWO	56	
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
BROOKHAVEN, PHASE ONE	52	
BROOKSIDE, PHASE ONE		
CANTERBURY PLACE, PHASE ONE	36	
CANTERBURY PLACE, PHASE TWO	34	
CANTERBURY PLACE, PHASE THREE	40	
CANTERBURY PLACE, PHASE FOUR	13	
CHARLESTON OAKS, PHASE ONE	24	
CHATEAUGUAY SQUARE, PHASE ONE	12	
CREEKSIDE, PHASE ONE	37	
CREEKSIDE, PHASE TWO	50	
CREEKSIDE, PHASE THREE	5	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	
FRENCH SETTLEMENT, PHASE ONE	31	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	
HISTORIC MALBIS, PHASE TWO, PART B	69	2
HISTORIC MALBIS, PHASE THREE, PART A	8	1
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
KRYSTAL RIDGE, PHASE ONE	10	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2008

LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	
LAKE FOREST		2
LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	
MADISON PLACE, PHASE TWO		
OAK CREEK, PHASE ONE	34	1
OAKSTONE, PHASE ONE	12	
OLD FIELD, PHASE ONE		
OTTAWA SPRINGS, PHASE ONE	64	
PECAN TRACE, PHASE ONE	29	1
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SAINT CHARLES VILLAGE		
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	
SEHOY, PHASE FIVE	29	
STRATFORD GLEN, PHASE ONE	34	
STRATFORD GLEN, PHASE ONE B	17	
STRATFORD GLEN, PHASE TWO	29	
STRATFORD GLEN, PHASE THREE	47	
SUNSET BAY VILLAS		
TIAWASEE TRACE, PHASE ONE	51	
TIMBERCREEK, PHASE ONE	191	
TIMBERCREEK, PHASE TWO	81	
TIMBERCREEK, PHASE THREE	54	1
TIMBERCREEK, PHASE FOUR	55	
TIMBERCREEK, PHASE FIVE	26	
TIMBERCREEK, PHASE SIX	85	
TIMBERCREEK, PHASE SEVEN	72	
TIMBERCREEK, PHASE EIGHT	52	
TIMBERCREEK, PHASE NINE	93	
TIMBERCREEK, PHASE TEN	31	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2008

TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

Public Safety Committee
Wednesday, February 6, 2008

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilman Eric Nager
Fire Chief James White
PW Sup. Melvin McCarley

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilman Greg Burnam, Councilman Eric Nager, Councilwoman Cathy Barnette, Councilman Palumbo, Lt. Kenny Hempfleng, Fire Chief James White, PW Sup. Melvin McCarley.

CALL TO ORDER

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

PUBLIC PARTICIPATION – Mr. Burnam called on Paul Jones to express his concerns about the fire department. Mr. Jones wants Station 1 manned to improve response time to fires in Old Daphne. He was advised that the city owns the property that Station 1 sits on and the volunteers own the building.

Charlotte Plumb and Michael Thompson with the Baldwin County Health Department were in attendance to promote the County Animal Shelter. They want to build a new shelter and it will cost around \$4 million dollars. They have come up with a pet licensing plan countywide to help fund the shelter project. They would like for all municipalities to participate in the licensing project. It would cost the City of Daphne \$34,000 if they choose to participate.

Herbert Hinchliffe from Stratford Glen Subdivision was in attendance asking for a stop light at Pollard Road and Whispering Pines Road due to the increased construction in the area, increase in traffic, etc. Mayor Small advised that the city asked the developer to kick in some money to redo that intersection at a later date. Evelyn Hamilton was also there from Stratford Glen thanking the City for the barrier that was placed on Stratford Way.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from December 2007 Meeting

Motion by Mr. Palumbo to adopt the minutes. ***Seconded by Mr. Nager.*** The minutes were adopted.
Motion carried.

FIRE DEPARTMENT

A. New Business

1. Statistics for December 2007

Chief White addressed Mr. Jones' concerns. Read a transcript from the night of the house fire on Cameron Court. Response time was 6 minutes 17 seconds according to 911. First police officer was within 2 minutes of the call to 911. His first transmission was "On scene, house if fully involved". He also did a survey from Station 2 to District 1. He did a one year survey and a four year survey to check response times. The four year survey was 6 minutes 42 seconds. The one year survey, the most recent survey

was 6 minutes and 2 seconds. By National Standards that is fantastic response time on a house fire. There is no delayed response. Chief White does agree that there is a need for a fire station in that district. He handed out paperwork containing their proposals for the fire department. Volunteers have committed \$175,000 toward construction of a new training site on Stanton Road. He doesn't feel like it would be feasible to man Station 1, but they were proposing to make living quarters on the back of the new training building on Stanton Road to have a fire station at that site. It would be an ideal location. All they would need would be a trailer to use as temporary housing until the building gets built. Also there would be a need for 6 additional firefighters. Cathy Barnette wanted to know why Station 1 was not feasible. Chief White stated that there were no living quarters there. But she said she knows we have a need for Station 5 due to annexation. She stated that the city owned Station 1 and she had a deed. She knows that the volunteers do a lot of work for that facility, fundraisers, etc. Melvin McCarley stated that the city owns the property and that the volunteers own the building. Cathy Barnette stated we have a need and need coverage. It needs to be manned promptly. Kenny Hanak stated that out of the dollar figure, only \$80,000 of it is construction. Even if they were to move into Station 1 they would still need an engine and the equipment to staff it. Cathy Barnette said that when she and Chief White talked she was told that we have 3 engines in that building. Where did they go? Joey Holasz explained that we only have 2 backup engines with only 1 being feasible to run as a front line pumper for daily operations. Kenny Hanak stated that the newest one of the three is 15 years old. Melvin McCarley stated the other one is a 1979 model. She asked what the ages of the city's other trucks were. The ones we are using as on-duty trucks are 1999 and newer. Cathy Barnette asked, "Why is the 1995 not good enough?" I just don't understand the life of a fire engine. Right now we're using that as our reserve truck, stated Chief White in case one of the other trucks should have to be down with mechanical problems. Melvin McCarley stated that of the two trucks over at Station 1, one is a 1989 and a 1979, plus a service truck. Kenny stated that they must have a reserve truck. He stated that the 1979 and the 1989 do not have the compartment space, and they are not fit for daily use due to their age. Chief White agreed that a station needs to be manned in District 1 to lower ISO ratings and to lower response times from 6 minutes to approximately 3 minutes. Joey Holasz stated the 6 minutes response times also include non-emergency runs that are adding into their response time report, so actually their response time on a real fire call is approximately 4 minutes. Councilwoman Barnette doesn't care where it goes, she just wants a station on the south end. Councilman Burnam wanted to know from the fire department personnel in attendance how bad the need for more firefighters is. Joey made reference to the fire at Lake Forest Apartments, almost losing 4 firemen that night. He said he just did not have enough personnel to fight that fire with floors and roofs collapsing. As their supervisor, he feels responsible. There is no price tag on a life, so for that reason he feels they need more firefighters on the fire trucks. Councilman Burnam wants to know why we are pursuing the ALS when we first and foremost need more firemen. He stated we shouldn't even be in that business yet if we're not covered for fire. He said he is ashamed and embarrassed that he was even in support of that. Chip Martin said that ALS calls are the majority of our fire department calls. Greg Burnam wants to talk about fires first. Kenny Hanak doesn't think the ALS is taking away from their fire fighting capabilities. Greg Burnam said it is taking away from our personnel. If we are putting people on that ALS truck that means that's people we could have in the fire department position. Kenny Hanak stated that the guys on the ALS truck still fight fire. They are firefighters first, and medical second.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for December 2007

Lt. Hempfleng reviewed the police department stats for December 2007. Kenny brought up the fact that Officer Mark Flynn has been active military duty for the past two years and will not return for two more years. He explained that due to Mark being in the military that we have been holding that spot and salary for two years. All council people in attendance agreed that we should go ahead and fill that vacant slot and when, or if Mark Flynn comes back from military service the city can create a slot for him.

Councilman Palumbo voiced his concern about the criminal mischief in Timbercreek. Lt. Hempfleng stated that he will have the patrol units conduct D-runs to try and put a halt to the problem.

B. Old Business

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Burnam adjourned the meeting at 6:15 p.m., after a motion by Councilman Nager. The next meeting will be Wednesday, March 5, 2008 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Daphne Beautification Committee

Civic Center Recreation Building, Daphne, AL

Minutes

February 1, 2008 - 10:00 AM

Meeting: General Membership Meeting

Invitees:

City Liaison: Marshall Parsons, Bill McMann, Marjorie Bellue

Members:

Chair: Anne Talton (7)

Jessia Prater (1)

Vice Chair: Nancy Henderson (3)

Dorothy Morrison (2)

Carolyn Coleman (2)

Secretary: Judy Sholtis (2)

Selena Vaughn (4)

Tomasina Werner (4)

Treasurer: Frieda Romanchuck (7)

Patty Kearney (5)

Dorothy Rankins (5)

Marilyn O'Connor Moore (2)

Audrey Rouire (6)

Kay Wineman (7)

I. Call to order – 10:08 a.m.

II. Roll call – Present were Anne Talton, Nancy Henderson, Judy Sholtis, Frieda Romanchuck, Marilyn O'Connor, Dorothy Morrison, Selena Vaughn, Patty Kearney, Audrey Rouire, Carolyn Coleman, Tomasina Werner, Marshall Parsons, Marjorie Bellue, and Bill McMann

III. Approval of minutes – The minutes were sent out by email. A motion was made, seconded and was approved by majority to accept the minutes as posted.

IV. Treasurers Report - Frieda Romanchuck presented the comprehensive budget report. Marshall Parsons made a correction removing a 1/22/08 Home Depot expense of \$16.88 as that was not a DBC expense. A motion was made, seconded, and approved by the majority to accept the report with the noted correction.

V. Sub-Committee Reports –

- a. Beautification Awards – No movement since the December award to the The Frame Corner. Beautification Awards committee will meet again this month to discuss the March award that will be given to someone in District 3.
- b. Gator Alley – Dorothy Morrison suggested inviting the Mayor to the groundbreaking of the new parking lot and will coordinate the event with City Hall and Public Works. Clearing of the chain link fence along the water is still a concern and Dorothy continues to wrangle volunteers to remove vegetation as Public Works is unable to staff this effort presently. More plantings, adding

sculpture and installing benches and tables are hoped for this year. Dorothy and Tomasina will try again to contact Charlie, Eagle Scout hopeful, who has been unreachable. Marshall and Bill are looking into refurbishing some existing benches through the Parks Department. A motion to allow public Works to spend up to \$250 to repair as many as 6 benches if the Parks Department will not furnish through their department.

- c. Crape Myrtles – The installation of these trees will resume after Mardi Gras and Public Works will follow the 2007 priority list created by the DBC.
- d. Arbor Day – The Arbor Day Committee will meet at Village Point Park, 2/4 at 10:00 AM to review the site and work on the details of the event. Carolyn Coleman and Patty Kearney brought the 3 winning posters from the 3 participating schools and will forward to the state competition. Audrey Rouire has schedule tree plantings at Bayside Academy, 2/19/08, 1 PM to plant 3 trees, and at Daphne North on 2/29/08, 1:15PM planting 8-10 trees plus more to replace those that died last year. She will coordinate the event with Public Works and the inviting of the Mayor to the events. Anne Talton is producing the booklet to be handed out at the event and needs a list of sponsors that need to be included.
- e. Easter Decorations – The Holiday Decorations Committee will meet soon to touch up the paint on the existing decorations. A motion passed to approve for Marjorie to spend \$300 each, quantity 2, for a total of \$600 for wired, lighted Bunnies to be staked and placed at Highway 98 and Main Street, replacing the Mardi Gras band.
- f. Sculpture – Dorothy Morison is working with Mr. Ross the City Attorney on a hold harmless agreement for artists.

VI. Open Business –

Top ten List – The Top Ten List was read by Selena Vaughn and updated by the DBC and Public Works. Kudos to Public Works for attending to the landscaping in front of the Welcome Signs and for assigning dates to the remaining projects on the list. The list will be updated accordingly and distributed to Mayor Small, Council, Recreation and Public Works.

VII. New Business –

- a. Anne Talton asked on behalf of Judy Sholtis that Public Works replace the secretary's recorder with one that will work with a Vista Operating System.
- b. Anne Talton met with Rob McElroy earlier today to discuss the DBC working with Daphne Utilities on landscaping ideas for two areas in the parking lot on Main Street between Guarison Lane and the Jubilee Courtyard. Daphne Utilities is moving the fire hydrant is they are willing to landscape the area from which it is being removed and the mirror bed at the other end of the same parking lot.

Dorothy Morrison and Selena Vaughn will look at the area and Dorothy will get back with Mr. McElroy.

- c. Frances Harrell is unable continue on the DBC so Nancy Henderson will replace her as Historian.

VIII. Public Works – Marshall Parsons reviewed his to-do list with DBC and added:

- Check into hiding the faux park video camera plugs that dangle conspicuously now
- Contact Toni Fastbender with Toyota seeking support for an Arbor Day Banner

IX. Announcements –

- a. May is the newest target date for completion of City Hall.
- b. Judy Sholtis' granddaughter is ill and needs our thoughts.
- c. Arbor Day flags going up as Mardi Gras flags come down

X. Adjournment - 11:40 a.m.

Respectfully submitted by Selena Vaughn for Judy Sholtis.

**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:

To: Fred Small, Mayor
From: William H. Eady, Sr. ^{WHE} Director
Community Development
Subject: BZA Board Member Appointment
Date: February 6, 2008

MEMO

Mr. Frank Lamb's term on the BZA expires March 2008. The Council needs to reappoint this member.

Mr. Billy Mayhand's term on the BZA also expires in March 2008. The Council needs to reappoint this member.

Both men have served well on the BZA, and attend all meetings.

I, respectfully request that they be reappointed to their positions as board members on the BZA.

cc: Becky, City Clerks Office

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
JANUARY 14, 2008
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

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

Members Present: Starke Irvine, Chris Donald; Lad Drago; Glenn Glass;

ABSENT: Jackie Ward; Kit Smith; Ceann Wachter.

Board Members Present: Cathy Barnette; Robert Lloyd; Mary Lloyd; Andy Citrin,.

Board Members Absent: Jeff Hudson; Mayor Small.

Also present: Dorothy Morrison, Beautification Committee; Ryan Glass.

2. OLD BUSINESS

FUNDING

Starke reported that Councilperson Cathy Barnett said DRA does not qualify to receive any money presently from the lodging tax. We can however, according to Cathy, have an ordinance proposed to include us.

Starke has also spoken with Congressman Jo Bonner who helped Springhill Village Group obtain their funds through ADECA, and he feels we should make the same approach. Congressman Bonner's office sent him a package of information which he is studying. If he finds that this can be done, they can seek a grant writer on a contingency fee basis and proceed in this direction. Springhill has raised in their first year \$1 million with the backing of the City of Mobile and the community. \$300K came from ADECA for their "Strategic Plan" study and. Starke believes if we need his help Congressman Bonner will definitely assist. Steve McMillan and Randy Davis can and will be of great support.

STREETSCAPE

Kent Broom says he cannot locate needed information from anyone in regard to dimensions of the right-of-way for Main St. He was told by the city that what they have could be off by as much as seven (7) feet at any given point. Cathy said she has an idea and will follow it up to see she what can turn up.

FIRE PLUG & STEEL POLE REMOVAL IN FRONT OF UNCORKED WINE SHOP

Dorothy Morrison, Beautification Committee, reported the job is on someone's work order and should be completed soon.

WEB PAGE

Mary & Bob Lloyd are working on this idea with the mayor's office. They would like to have information about Olde Towne on the city page plus a link to a separate page for The Olde Towne District. The Springhill Village Group in Mobile has a good web site, and they are way ahead of DRA in the area of money, they have \$1 million and we have no money. The members discussed this at length.

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
FEBRUARY 11, 2008
5:30 P.M.**

2

ARCHITECTURAL RESTRICTION AND GUIDELINES

The members want to go forward with these and will ask the City Planner to request an amendment to the Olde Towne Overlay District to establish an architectural requirement of Italian Architecture. It was mentioned that they had discussed asking Auburn, sometime ago, if they would like to take this on as a project. Kit Smith will be asked about looking into this matter.

The members also discussed asking the city to extend DRA's authority over the Village Overlay District. This seems to be a natural fit as this area has no one watching its development. There is nothing that restricts the DRA to just the Olde Towne District. We, basically, did that by design when we began working in earnest on this area some years ago.

DEVELOPMENT OF PROPERTY BEHIND CENTENNIAL PARK / GLENN GLASS

Glenn reported on the development behind Centennial Park saying they will begin work in the very near future. Pat James has had designed a mixed use retail/residential (either apartment or condo, not determined yet) building. This is an exciting venture as it will add to what the Glass Brothers and the City are doing in that area. More information on this as it develops.

3.) NEW BUSINESS

BUSINESS SUPPORT GROUP (RETAIL ASSOCIATION)

The members discussed encouraging the merchants to form an association to help with their businesses. We are going to obtain their e-mail addresses to build an address list for mass mailings. The members would like to add Olde Town Daphne West when we have their approval, also BRAG.

ESTABLISHING A PUBLIC RELATIONS COMMITTEE & FINANCE COMMITTEE

Two Committee's were officially set up with the first being a Public Relations Committee. It will be handled by Bob & Mary Lloyd. They are working on several different projects, and as soon as the Authority obtains funding we can then begin establishing more of an image for the Olde Towne District, and also create more public support. The second is financing. Glenn Glass and Starke are going to work on this.

NEXT MEETING

The next meeting will be March 10th.

ADJOURN

The meeting adjourned at 6:45 p.m.

Library

Janesy Blankenhorn
711 Jordan LN
Daphne, AL
(251) 626-3638
morgain3@bellsouth.net

Objective: To serve on the Daphne Public Library Board

Experience:
2001 - 2006 Volunteered at DPL in the Summer Reading Program and Spring into Reading Festival
Friends of DPL member

1994-1999 AIDB Mobile, AL
Teacher, Home trainer for Blind/ Deaf Infants & Toddlers and their Families

1992-1994 Alabama State Department of Education Mobile, AL
Child Find Coordinator

1989-1992 Regional Council Coordinator for Early Intervention
Working with Agencies and Families of Preschool Handicapped Children

1989 UCP of Mobile
Program Coordinator

1987-1989 USA Graduate Assistant in Special Education

1984-1985 Spanish Fort Presbyterian Church Nursery School - Teacher

1973-1977 Hyde Park Union Church Nursery School - Teacher

1967-1968 Chicago Public Schools - Teacher

Education: B.A., Roosevelt University - Chicago 1967
Elementary Education

M. Ed., USA - Mobile 1989

City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, AL. 36526
February 13, 2008
6:00pm

Members Present: Chairman Ed Nelson, Rick Cleveland, Matt Cunningham, John Peterson, Eric Smith and Lynne Thompson-Yates

Members Absent: Kit Smith

Advisory Staff Present: David McKelroy, Parks and Recreation Director and Coach Glenn Vickery

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:04pm.

Review and Approval of Minutes

After review and correction, Matt Cunningham made a motion to approve the minutes. Motion was seconded by Rick Cleveland and motion carried.

Program Reports

Athletics – Charlie McDavid: Registration for spring sports is complete. 66 participants (6 teams) for Dixie Boys, 76 for girls softball ages 6-13, 24 teams for Monday Church softball and 10 teams for Wednesday Men’s Open league.

Community Activities – Megan Matrone: Instructor contract have been updated, SEEDS Fun Run is March 1, Rotary Easter Egg Hunt is March 15 at Lott Park and Music Under the Star all band have been booked.

Senior Adults – Mary Jensen: We will sponsor 2 – 6 week programs for respite care for Alzheimer’s patients.

Old / New Business

1. New Sports Complex - Tim Lawley from HMR present plans for the entrance of the complex. After comments, a motion by Rick Cleveland and seconded by John Peterson was passed to allow HMR to present the plans and a cost estimate to David Cohen for his grant application and permission for HMR to submit the Site Plan package to the Planning Commission on February 27.
2. School Board Lease - A tentative agreement has been worked out. If all goes well the plan will be presented at the school board work session on February 14, voted on by

the board on February 21 and presented to the Daphne City Council on March 3. A motion was made by John Peterson, seconded by Eric Smith and unanimously passed a recommendation, in the event the lease is approved, that the Council approve the initiation of Phase I of the Trione Soccer and Football complex and that funding would be from the de-annexation proceeds for recreation.

3. Nicholson Center / BRAG - At the February 6, 2008 city council meeting, the council agreed to participate in a \$50,000 grant with the Alabama State Council on the Arts. The grant is for the architectural design phase of the Nicholson Center to convert it to useable space for Bay River Art Guild (BRAG). Council agreed that the \$50,000 would come from the de-annexation proceeds for recreation. It was questioned by the recreation board, if there is any further action required by the board. A motion was by John Peterson and seconded by Lynne Thompson-Yates and passed that some consideration be given to providing space for SEEDS in the Nicholson Center design.

4. Evaluation for Recreation Classification - The Archer Company, in its review of city jobs, recommended that Recreation Program Coordinator (7530) be increased from grade 17 to grade 19. A motion was made in concurrence with the Archer Company recommendation by Rick Cleveland, seconded by Matt Cunningham and unanimously passed.

Comments from the Director

Playground Equipment at May Day Park was removed from the Capital Budget for FY2008. Photos of the equipment were shown to the Recreation Board showing that this equipment is dangerous for use by the public. A motion to recommend the replacement of this equipment was made by Eric Smith, seconded by Lynne Thompson-Yates and unanimously passed.

Adjourn

The meeting was adjourned at 6:45pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION NO. 2008-04
2008-C-CONCRETE MATERIAL**

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

WHEREAS, The City of Daphne acknowledges that the cost for the CONCRETE MATERIAL will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CONCRETE MATERIAL and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CONCRETE MATERIAL be awarded to Reynolds Ready Mix LLC.

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

0 - 5 C.Y. - \$88.00/C.Y. (Delivered)
Over 5 C.Y.- \$88.00/C.Y. (Delivered)

as specified in BID SPECIFICATION NO. 2008-C-CONCRETE MATERIAL.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2008- 05
2008-B-CONCRETE PIPE

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

WHEREAS, The City of Daphne acknowledges that the cost for the CONCRETE PIPE will exceed this amount; and

WHEREAS, No bids were received and therefore can be negotiated; and

WHEREAS, Staff has reviewed the negotiated the bid for the CONCRETE PIPE and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the negotiated bid for the CONCRETE PIPE be awarded to Hanson Pipe & Products, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Hanson Pipe & Products, Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2008-B-CONCRETE PIPE.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**BID DOCUMENT 2006-L-CONCRETE PIPE
COMPANY NAME:**

2006-L

<u>Description</u>	<u>Price per linear foot</u>	
	<u>Grout</u>	<u>Rubber Gasket</u>
12" T & G C-3	<u>DNE</u>	<u>DNE</u>
15" T & G C-3	<u>14.45</u>	<u>14.45</u>
18" T & G C-3	<u>16.03</u>	<u>16.03</u>
21" T & G C-3	<u>21.75</u>	<u>21.75</u>
24" T & G C-3	<u>26.44</u>	<u>26.44</u>
27" T & G C-3	<u>32.60</u>	<u>32.60</u>
30" T & G C-3	<u>36.65</u>	<u>36.65</u>
36" T & G C-3	<u>51.93</u>	<u>51.93</u>
42" T & G C-3	<u>64.89</u>	<u>64.89</u>
48" T & G C-3	<u>84.55</u>	<u>84.55</u>
54" T & G C-3	<u>103.56</u>	<u>103.56</u>
60" T & G C-3	<u>125.52</u>	<u>125.52</u>
66" T & G C-3	<u>152.05</u>	<u>152.05</u>
72" T & G C-3	<u>175.55</u>	<u>175.55</u>
84" T & G C-3	<u>237.19</u>	<u>237.19</u>
96" T & G C-3	<u>262.50</u>	<u>262.50</u>
18" X 11" T & G C-3 ARCH	<u>25.65</u>	<u>25.65</u>
22" X 13" T & G C-3 ARCH	<u>27.33</u>	<u>27.33</u>
29" X 18" T & G C-3 ARCH	<u>36.21</u>	<u>36.21</u>
36" X 23" T & G C-3 ARCH	<u>43.38</u>	<u>43.38</u>
44" X 27" T & G C-3 ARCH	<u>60.14</u>	<u>60.14</u>
51" X 31" T & G C-3 ARCH	<u>77.83</u>	<u>77.83</u>
58" X 36" T & G C-3 ARCH	<u>98.52</u>	<u>98.52</u>
65" X 40" T & G C-3 ARCH	<u>120.17</u>	<u>120.17</u>
73" X 45" T & G C-3 ARCH	<u>149.31</u>	<u>149.31</u>
88" X 54" T & G C-3 ARCH	<u>206.05</u>	<u>206.05</u>

DESCRIPTION

PRICE PER LINEAR FOOT

4' X 4'	<u>187.50</u>
6' X 4'	<u>307.50</u>
8' X 4'	<u>360.00</u>
6' X 5'	<u>332.50</u>
8' X 5'	<u>387.50</u>

NOTE: ALL ARCH PIPE TO BE FURNISHED WITH RAM NECK GASKET MATERIAL IN LIEU OF RUBBER GASKET.

ALL BIDS MUST BE RECEIVED IN PERSON OR BY MAIL

BID DOCUMENT 200 - CONCRETE PIPE

COMPANY NAME:

PAYMENT:

Payment for the reinforced concrete pipe shall be made at the quoted price per linear foot which shall be compensation in full for furnishing all labor, equipment, materials and incidentals for furnishing and delivering the materials.

ALL DELIVERY COST SHOULD BE INCLUDED IN PRICE.

BIDS WRITTEN IN PENCIL WILL NOT BE ACCEPTED.

BIDS MUST BE RETURNED ON ENCLOSED QUOTE SHEET WITH TOTAL UNIT COST LISTED.

A UNIT COST MUST BE LISTED ON THE QUOTE SHEET FOR ALL PIPE SIZES. IF YOUR COMPANY IS NOT ABLE TO SUPPLY A COST ON A PARTICULAR PIPE SIZE, THE FOLLOWING CODE MUST BE LISTED ON THE QUOTE SHEET.

**SO - SPECIAL ORDER
DNE - DOES NOT EXIST**

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM. BID SHEETS MUST BE SIGNED BY COMPANY OWNER OR AUTHORIZED PERSONNEL AND NOTARIZED.

Signature: 

Printed Name: JONATHAN D. CHISM

Company: HANSON PIPE & PRODUCTS

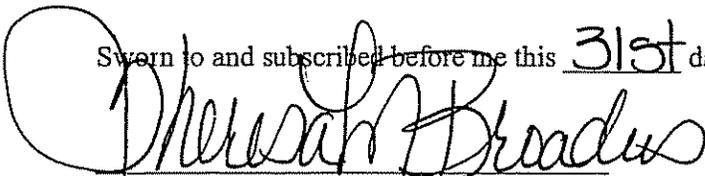
Address: 991 Schilling Rd. N.

Telephone: (251) 633 4100

Fax: (251) 633 7373

Federal Identification Number: 62-0158340

Sworn to and subscribed before me this 31st day of January, 2006.


Notary Public

QUOTATIONS

RESOLUTION 2008 - 06

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

Janitorial	395	1995 FORD CROWN VIC	2FALP71W3SX152658

2- The Mayor is authorized to advertise and accept bids through Govedeals.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 _____, 2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

CITY OF DAPHNE

ORDINANCE NO. 2008-10

A ORDINANCE TO AMEND CERTAIN PERSONNEL POLICIES AND PROCEDURES RELATED TO VACATION ACCRUAL

WHEREAS, the City Council of the City of Daphne recognized in Resolution 2005-74 that the City of Daphne Fire Department members work shifts and hours worked per year caused an inequity in the calculation of vacation time benefits earned by fire fighters, and;

WHEREAS, the City Council of the City of Daphne determined in Resolution 2005-74 to rectify this inequity through the Personnel Manual for the City of Daphne by providing a higher vacation accrual rate for firefighters, and;

WHEREAS pursuant to Resolution 2006-74 the City Council of the City of Daphne modified certain provisions of the Personnel Manual related to vacation leave from advancing to accrual but omitted higher vacation accrual rates for firefighters.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS:

SECTION ONE: Section 9.4.2.3. “ACCRUAL OF VACATION LEAVE” is hereby amended to clarify vacation accrual rates for employees working 2080 and 2808 hours per year.

Continuous Years of Service	% X 2080	Hours Earned Per Year
0 thru 9 years	.0385 per hour	80 hours per year
10 thru 14 years	.0577 per hour	120 hours per year
15 thru 24 years	.0769 per hour	160 hours per year
Over 24 years	.0962 per hour	200 hours per year

Continuous Years of Service	% X 2808	Hours Earned Per Year
0 thru 9 years	.0385 per hour	108 hours per year
10 thru 14 years	.0577 per hour	162 hours per year
15 thru 24 years	.0769 per hour	216 hours per year
Over 24 years	.0962 per hour	270 hours per year

SECTION TWO: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION THREE: REPEALER

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___ DAY OF _____, 2008.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

GREG BURNAM
Council President

Date and time: _____

**CITY OF DAPHNE
ORDINANCE NO. 2008-11**

**A ORDINANCE TO AMEND CERTAIN
PERSONNEL POLICIES AND PROCEDURES
RELATED TO COMPENSATORY TIME**

WHEREAS, the City Council of the City of Daphne, Alabama, has certain personnel policies and procedures which are required to be administered by the Human Resources Director, and;

WHEREAS, the City Council of the City of Daphne, Alabama, believes that certain policies need adjusting for the efficient operation of the city, and,

WHEREAS, the City Council of the City of Daphne, Alabama, desires to enhance City policy in certain aspects of the personnel policies and procedures related to compensatory time;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION ONE: That **Section 9.2.2.4.** of the Personnel Policy and Procedures Handbook entitled “**COMPENSATORY TIME**” is hereby eliminated in its entirety.

SECTION TWO: That all other sections or any parts of sections or subsections thereof within the Personnel Policy and Procedures Handbook that in any way relate or reference “Compensatory Time” including references as found within Sections 9.2.2. entitled “Non Exempt Employee”, Section 9.2.3. “Exempt Employee”, Section 9.3.3.1. “Entitlement to Overtime”, Section 9.4.3.9. “Coordination with Worker’s Compensation”, Section 9.5.1.2. “Coordination with other Provided Leaves”, and Section 9.7.2. “Content of Attendance Records” be and are hereby deleted and the Personnel Policy and Procedures Handbook be amended to reflect the same.

SECTION THREE: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION FOUR: REPEALER

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___ DAY OF _____, 2008.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

ORDINANCE NO. 2008-15

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

**Luther Jr. and Sharon Milstead Annexation
(Property located on Pollard Road)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on December 20, 2007 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Multi-Family Residential District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 6, 2008 concerning the petition for annexation; and,

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

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

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

LOT 1 OF LAUREL SPRINGS SUBDIVISION

The above described land is located in the West one-half of the Northwest one-fourth of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama and contains 5.5 acres.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

Exhibit A
Luther and Sharon Milstead
LEGAL DESCRIPTION

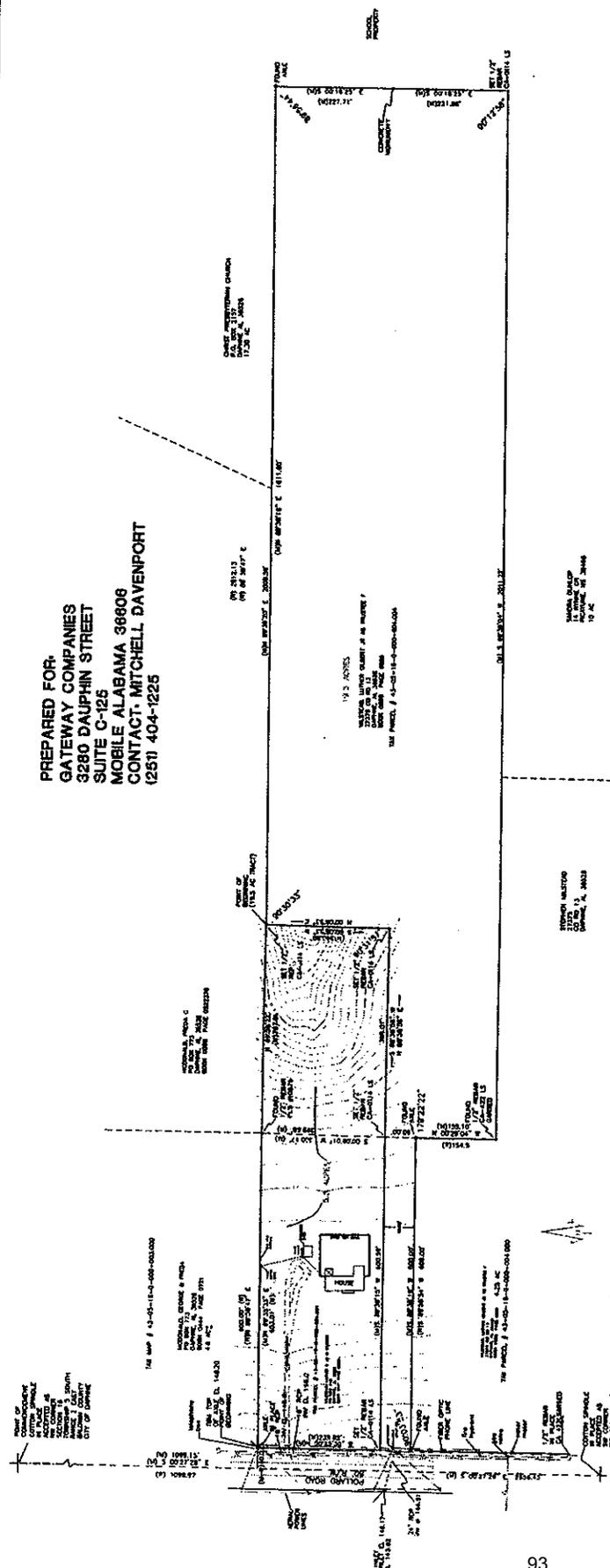
LOT 1 OF LAUREL SPRINGS SUBDIVISION

The above described land is located in the West one-half of the Northwest one-fourth of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama and contains 5.5 acres.

EXHIBIT B LUTHER AND SHARON MILSTEAD

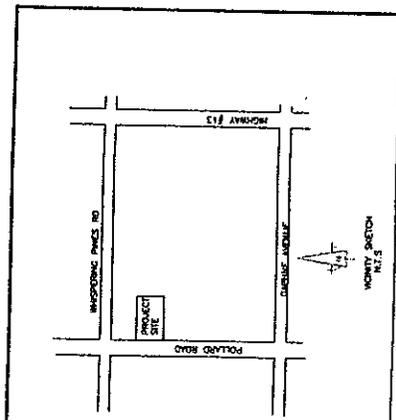
RAY & GILLIAND, P.C.	
181 E. CHRYM BEAUMS ST.	MOBILE, ALABAMA 36608
PHONE: 334-885-1007	FAX: 334-885-1007
SCALE: 1" = 100'	DATE: 11-12-07
BOUNDARY	

PREPARED FOR:
GATEWAY COMPANIES
3280 DAUPHIN STREET
SUITE C-125
MOBILE ALABAMA 36608
CONTACT: MITCHELL DAVENPORT
(251) 404-1225



FLOOD INFORMATION
FLOOD INFORMATION IS
BASED ON THE 1984 FLOOD
INSURANCE RATE MAP
DATE JULY 17TH 2007

TYPE SURVEY - BOUNDARY/TOPOGRAPIHC
FIELD WORK PERFORMED NOVEMBER 2-4-2007
DATA FROM 2007 FLOOD INSURANCE RATE MAP
IS INCORPORATED INTO THIS SURVEY
THE ABOVE SURVEY IS A PRELIMINARY
SURVEY AND SHOULD NOT BE USED OR
RELIED ON WITHOUT THE ASSISTANCE OF
A PROFESSIONAL SURVEYOR



STATE OF ALABAMA
I, _____, Surveyor, do hereby certify that the above described land is the property of the State of Alabama, and that the same is subject to the provisions of the Act of March 14, 1901, and the Act of March 14, 1907, and the Act of March 14, 1909, and the Act of March 14, 1911, and the Act of March 14, 1913, and the Act of March 14, 1915, and the Act of March 14, 1917, and the Act of March 14, 1919, and the Act of March 14, 1921, and the Act of March 14, 1923, and the Act of March 14, 1925, and the Act of March 14, 1927, and the Act of March 14, 1929, and the Act of March 14, 1931, and the Act of March 14, 1933, and the Act of March 14, 1935, and the Act of March 14, 1937, and the Act of March 14, 1939, and the Act of March 14, 1941, and the Act of March 14, 1943, and the Act of March 14, 1945, and the Act of March 14, 1947, and the Act of March 14, 1949, and the Act of March 14, 1951, and the Act of March 14, 1953, and the Act of March 14, 1955, and the Act of March 14, 1957, and the Act of March 14, 1959, and the Act of March 14, 1961, and the Act of March 14, 1963, and the Act of March 14, 1965, and the Act of March 14, 1967, and the Act of March 14, 1969, and the Act of March 14, 1971, and the Act of March 14, 1973, and the Act of March 14, 1975, and the Act of March 14, 1977, and the Act of March 14, 1979, and the Act of March 14, 1981, and the Act of March 14, 1983, and the Act of March 14, 1985, and the Act of March 14, 1987, and the Act of March 14, 1989, and the Act of March 14, 1991, and the Act of March 14, 1993, and the Act of March 14, 1995, and the Act of March 14, 1997, and the Act of March 14, 1999, and the Act of March 14, 2001, and the Act of March 14, 2003, and the Act of March 14, 2005, and the Act of March 14, 2007.

I, _____, Surveyor, do hereby certify that the above described land is the property of the State of Alabama, and that the same is subject to the provisions of the Act of March 14, 1901, and the Act of March 14, 1907, and the Act of March 14, 1909, and the Act of March 14, 1911, and the Act of March 14, 1913, and the Act of March 14, 1915, and the Act of March 14, 1917, and the Act of March 14, 1919, and the Act of March 14, 1921, and the Act of March 14, 1923, and the Act of March 14, 1925, and the Act of March 14, 1927, and the Act of March 14, 1929, and the Act of March 14, 1931, and the Act of March 14, 1933, and the Act of March 14, 1935, and the Act of March 14, 1937, and the Act of March 14, 1939, and the Act of March 14, 1941, and the Act of March 14, 1943, and the Act of March 14, 1945, and the Act of March 14, 1947, and the Act of March 14, 1949, and the Act of March 14, 1951, and the Act of March 14, 1953, and the Act of March 14, 1955, and the Act of March 14, 1957, and the Act of March 14, 1959, and the Act of March 14, 1961, and the Act of March 14, 1963, and the Act of March 14, 1965, and the Act of March 14, 1967, and the Act of March 14, 1969, and the Act of March 14, 1971, and the Act of March 14, 1973, and the Act of March 14, 1975, and the Act of March 14, 1977, and the Act of March 14, 1979, and the Act of March 14, 1981, and the Act of March 14, 1983, and the Act of March 14, 1985, and the Act of March 14, 1987, and the Act of March 14, 1989, and the Act of March 14, 1991, and the Act of March 14, 1993, and the Act of March 14, 1995, and the Act of March 14, 1997, and the Act of March 14, 1999, and the Act of March 14, 2001, and the Act of March 14, 2003, and the Act of March 14, 2005, and the Act of March 14, 2007.

OWNER/DEVELOPER

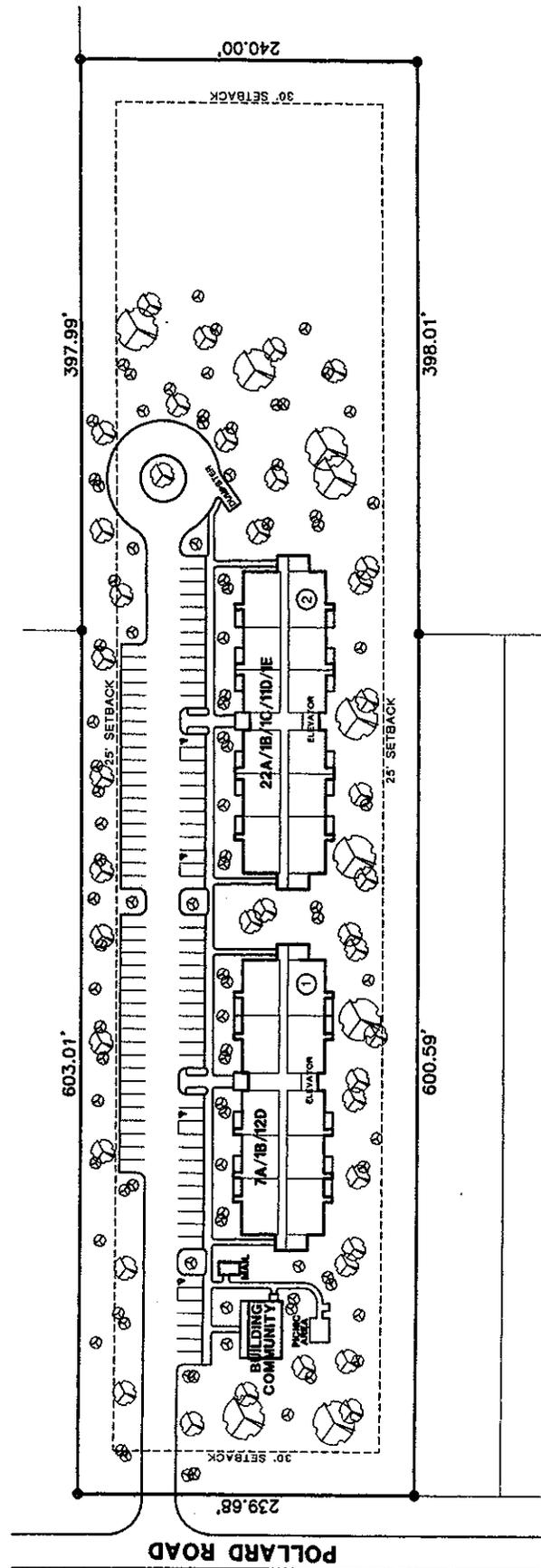
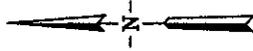
LAUREL SPRINGS APARTMENTS, LTD.
 970 FLORENCE BOULEVARD
 FLORENCE, ALABAMA 36631

ARCHITECT

McKEAN & ASSOCIATES, ARCHITECTS, LLC
 2815 ZELDA ROAD
 MONTGOMERY, ALABAMA 36106

LEGEND

UNIT TYPE	COUNT
UNIT 'A' - ONE BEDROOM	28 UNITS
UNIT 'B' - ONE BEDROOM - HANDICAP	2 UNITS
UNIT 'C' - ONE BEDROOM - SEN. IMPAIRED	1 UNIT
UNIT 'D' - TWO BEDROOM -	23 UNITS
UNIT 'E' - TWO BEDROOM - HANDICAP	1 UNIT
TOTAL UNITS	56 UNITS
PARKING SPACES:	90
SITE AREA:	6.6 ACRES ±



SCHEMATIC SITE PLAN

LAUREL SPRINGS APARTMENTS
DAPHNE, ALABAMA

NOVEMBER 15, 2007



CITY OF DAPHNE

ORDINANCE NO. 2008-16

=====
**AN ORDINANCE TO ESTABLISH THE SALARY OF THE
CITY COUNCIL MEMBERS**
=====

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

SECTION ONE:

That the salary of the City Council President of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Six Hundred Sixty-Six Dollars and Sixty-Seven Cents(\$666.67) semi-monthly.

SECTION TWO:

That the salary of the City Council Vice President of the City of Daphne, commencing November 1, 2008, shall be and the same in hereby fixed at Five Hundred Fifty Dollars (\$550.00) semi-monthly.

SECTION THREE:

That the salary of the City Council Members of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Five Hundred Dollars (\$500.00) semi-monthly.

SECTION FOUR:

That the City Council Members shall be entitled to a cell phone.

SECTION FIVE:

That an Ordinance setting forth the salary of the City Council Members is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

SECTION SIX:

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2008-17

=====

AN ORDINANCE TO ESTABLISH THE SALARY OF THE MAYOR

=====

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

SECTION ONE:

That the salary of the Mayor of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Eighty-Five Thousand Dollars (\$85,000.00) annually, to be paid in twenty-four (24) equal installments on the first and second payroll of each month.

SECTION TWO:

That as additional compensation, the Mayor shall be entitled to a vehicle allowance in the amount of Six Thousand Dollars (\$6,000.00) per year, paid in \$500.00 installments each month. Vehicle allowance is given in lieu of use of all city vehicles.

SECTION THREE:

That the Mayor shall be entitled to all health care benefits, which may be provided for full-time employees of the City of Daphne and a cell phone.

SECTION FOUR:

That any Ordinance setting forth the salary of the Mayor is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

SECTION FIVE:

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA** on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2008-18

=====
AN ORDINANCE TO ESTABLISH THE SALARY OF THE MAYOR
=====

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

SECTION ONE:

That the salary of the Mayor of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Thirty-Seven Thousand Five Hundred Dollars (\$37,500) annually, to be paid in twenty-four (24) equal installments on the first and second payroll of each month.

SECTION TWO:

That as additional compensation, the Mayor shall be entitled to a vehicle allowance in the amount of Six Thousand Dollars (\$6,000.00) per year, paid in \$500.00 installments each month. Vehicle allowance is given in lieu of use of all city vehicles.

SECTION THREE:

That the Mayor shall be entitled to all health care benefits, which may be provided for full-time employees of the City of Daphne and a cell phone.

SECTION FOUR:

That any Ordinance setting forth the salary of the Mayor is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

SECTION FIVE:

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA** on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE
ORDINANCE NO. 2008 - 19

**AN ORDINANCE TO PROTECT THE AIR QUALITY IN THE CITY OF
DAPHNE**

WHEREAS, the City Council of the City of Daphne finds and declares that the purposes of this ordinance is to protect the public health and welfare by protecting the air quality within the City of Daphne.

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

SECTION ONE: DEFINITIONS

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- a. "Bar" means a stand-alone enclosed area in which the principal or sole purpose and business of the establishment is the serving of alcoholic beverages for **consumption which comprises at least 60% or greater in gross sales**. This term includes such establishments where the sale or service of food is made, but only if it is incidental to the service of alcoholic beverages. Bars must be posted off limits to minors and must not allow any minors inside.
- b. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- c. "Employee" means a person who is hired by another to perform a task or job in consideration for direct or indirect monetary wages, gain or profit, and a person who volunteers his or her services for a non-profit entity. This term includes independent contractors.
- d. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that hires the services of one or more employees.
- e. "Enclosed Area" means that area between a floor and ceiling that is enclosed or is capable of being enclosed, on all sides by solid walls, windows, and/or

doorways, and which is climate controlled by a HVAC or similar air handling system.

- f. "Place of Employment" means an area under the control of an Employer where Employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "Place of Employment" unless it is also used as a location of a business, child care, adult care, or health care facility.
- g. "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sell alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a due under 26 U.S.C. Section 501. A "private club" is not open to the general public. A private club established for the purpose of avoiding the prohibitions on smoking called for in this Article shall be deemed a Public Place, however.
- h. "Public Place" means an enclosed area to which the general public is invited or in which the general public is permitted, including but not limited to, banks, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A "private club" facility is a "public place" when being used for a function to which the general public is invited or allowed to attend. A private residence is not a "public place" unless it is used as a business location, child care, adult day care, or health care faculty.
- i. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco products in any manner or form.
- j. "Sports Arena" means sports pavilions, stadiums, ball fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble

to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION TWO: APPLICATION OF ARTICLE TO CITY-OWNED FACILITIES

All property, including buildings and vehicles and parks, which are owned, leased, or operated by the City of Daphne shall be subject to the provisions of this Article.

SECTION THREE: PROHIBITION OF SMOKING IN PUBLIC PLACES

Smoking shall be prohibited in all enclosed Public Places, as well as the areas within a reasonable distance outside of the main entrance(s) of such Public Places, within the City of Daphne

SECTION FOUR: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT

Smoking shall be prohibited in all enclosed areas which are places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed areas. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

SECTION FIVE: PROHIBITION OF SMOKING IN OUTDOOR ARENAS AND STADIUMS

Smoking shall be prohibited in the seating areas of all outdoor sports arenas, stadiums, and amphitheaters, as well as in bleachers and grandstands for use by spectators at sporting and other public events.

SECTION SIX: REASONABLE DISTANCE

Smoking shall be prohibited within a reasonable distance of 20 linear feet outside all main entrances/exits to enclosed areas where smoking is prohibited in this Article.

SECTION SEVEN: WHERE SMOKING NOT PROHIBITED

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the prohibitions in this Article:

- a. Private residences which are not also a place of employment, business or public place as defined herein.
- b. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- c. Private clubs when being used or occupied by its members only.
- d. Places of employment that do not meet the definition of an Enclosed Area (except those covered by the provisions of Sections Five and Six).
- e. Bars.

SECTION EIGHT: DECLARATION OF ESTABLISHMENT AS NONSMOKING

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section Nine is posted.

SECTION NINE: POSTING OF SIGNS

- a. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- b. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- c. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

SECTION TEN: NONRETALIATION; NONWAIVER OF RIGHTS

- a. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.
- b. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

SECTION ELEVEN: ENFORCEMENT

- a. This Article shall be enforced by the Daphne Police Department or Code Enforcement Officer as designated by the Mayor.
- b. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Daphne.
- c. Any citizen who desires to register a complaint under this Article may initiate enforcement with the Police Department.
- d. The Health Department, Police Department, Fire Department, or their designees shall, when an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
- e. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
- f. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
- g. In addition to the remedies provided by the provisions of the Section, the City of Daphne or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

SECTION TWELVE: VIOLATION AND PENALTIES

- a. Any person who smokes in an area where smoking is prohibited by the provisions of this Article shall upon conviction be guilty of an infraction, punishable by a fine not to exceed fifty dollars (\$50) per occurrence plus cost of court.
- b.) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of the Article shall be guilty of an infraction, punishable by:
 - i. A fine not exceeding one hundred dollars (\$100) for a first violation.
 - ii. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - iii. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- c. In addition to the fines established by this Section, violation of this Article by a person who, owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- d. Violations of this Article are hereby declared to be a public nuisance, which may be abated by the City Council by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- e. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

SECTION THIRTEEN: SEVERABILITY

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

SECTION FOURTEEN: EFFECTIVE DATE

This Article shall be effective ninety (90) days from and after the date of its adoption and its publication as required by law.

APPROVED AND ADOPTED, this 6th day of February, 2008.

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL,
MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

CITY OF DAPHNE
ORDINANCE NO. 2008-19

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AN ORDINANCE TO PROTECT THE AIR QUALITY IN THE CITY OF DAPHNE

WHEREAS, the City Council of the City of Daphne finds and declares that the purposes of this ordinance is to protect the public health and welfare by protecting the air quality within the City of Daphne.

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

SECTION ONE: DEFINITIONS

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

a. "Assisted Living Facility" means a living arrangement in which people with special needs, especially older people with disabilities, reside in a facility that provide help with everyday tasks such as bathing, dressing, and taking medication.

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Comment [MA1]: new definition and paragraph

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b. "Bar" means a stand-alone enclosed area in which the principal or sole purpose and business of the establishment is the serving of alcoholic beverages for consumption which comprises at least 60% or greater in gross sales. This term includes such establishments where the sale or service of food is made, but only if it is incidental to the service of alcoholic beverages. Bars must be posted off limits to minors and must not allow any minors inside.

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c. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, includes retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

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d. "Employee" means a person who is hired by another to perform a task or job in consideration for direct or indirect monetary wages, gain or profit, and a person who volunteers his or her services for a non-profit entity. This term includes independent contractors.

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e. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that hires the services of one or more employees.

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f. “Enclosed Area” means that area between a floor and ceiling that is enclosed or is capable of being enclosed, on all sides by solid walls, windows, and/or doorways and which is climate controlled by a HVAC or similar air handling system.

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g. “Place of Employment” means an area under the control of an Employer where Employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “Place of Employment” unless it is also used as a location of a business, child care, adult care, or health care facility.

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SMOKING ¶
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h. “Private Club” means an organization, whether incorporated or not, that is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax under 26 U.S.C. Section 501. A “Private Club” is not open to the general public. A private club established for the purpose of avoiding the prohibitions on smoking called for in this Article shall be deemed a Public Place, however.

i. “Public Place” means an enclosed area to which the general public is invited or is permitted, including but not limited to, banks, educational facilities, health care facilities, hotel and motel lobbies, Laundromats, public transportation, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A “Private Club” facility is a “Public Place” when being used for a function to which the general public is invited or allowed to attend. A private residence is not a “Public Place” unless it is used as a business location, child care, adult day care, or health care faculty.

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j. "Retail tobacco store" means any retail establishment utilized primarily for the sale of tobacco products and smoking accessories in which the sale of other products, including food and beverages, does not exceed 40 percent of gross revenues.

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k. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or form.

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l. "Sports Arena" means sports pavilions, stadiums, public recreational fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

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ORDINANCE: 2008-19 NO
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SECTION TWO: APPLICATION OF ARTICLE TO CITY-OWNED FACILITIES

All Property, including building and vehicle and parks, which are owned, leased, or operated by the City of Daphne shall be subject to the provisions of this Article.

SECTION THREE: PROHIBITION OF SMOKING IN PUBLIC PLACES

Smoking shall be prohibited in all enclosed Public Places, as well as the areas within a reasonable distance outside of the main entrance(s) of such Public Places, within the City of Daphne.

SECTION FOUR: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT

Smoking shall be prohibited in all enclosed areas which are a place of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed areas. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

SECTION FIVE: PROHIBITION OF SMOKING IN OUTDOOR ARENAS AND STADIUMS

ORDINANCE: 2008-19 NO SMOKING
PAGE FOUR

Smoking shall be prohibited in the seating areas of all outdoor sports arenas, stadiums, and amphitheaters, as well as in bleachers and grandstands for use by spectators at sporting and other public events.

SECTION SIX: REASONABLE DISTANCE

Smoking shall be prohibited within a reasonable distance of 20 linear feet outside all main entrances/exits to enclosed areas where smoking is prohibited in this Article.

SECTION SEVEN: WHERE SMOKING NOT PROHIBITED

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the prohibitions in this Article:

- a. Private residences which are not also a place of employment, business or public place as herein defined.
- b. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that no more than **thirty percent (30%)** of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance. The status of rooms as smoking on nonsmoking may not be changed, except to add additional nonsmoking rooms.
- c. Private clubs when being used or occupied by its members **and their guests only. This provision shall only apply when no individual under the age of nineteen (19) is present.**
- d. Places of employment that do not meet the definition of an Enclosed Area (except those covered by the provisions of Sections 1006 or 1007).
- e. Bars.
- f. **Private and semiprivate rooms in assisted living facilities or long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article .**

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**ORDINANCE 2008-19 NO SMOKING
PAGE FIVE**

~~g. Retail tobacco stores, provided that no on-premise consumption of alcoholic beverages is permitted and smoke from these establishments does not infiltrate into areas where~~

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SECTION EIGHT: DECLARATION OF ESTABLISHMENT AS NONSMOKING

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may designate the premises as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 9 (A) is posted.

SECTION NINE: POSTING OF SIGNS

- a. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- b. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- c. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

SECTION TEN: NONRETALIATION; NONWAIVER OF RIGHTS

- a. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.
- b. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

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SECTION ELEVEN: ENFORCEMENT

- a. This Article shall be enforced by the Daphne Police Department or code enforcement office, as designated by the Mayor.
- b. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Daphne.
- c. Any citizen who desires to register a complaint under this Article may initiate enforcement with the Police Department.
- d. The Health Department, Police Department, Fire Department, or their designees shall, inspect for compliance with this Article.
- e. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
- f. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
- g. In addition to the remedies provided by the provisions of the Section, the City Clerk/Administrator or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for an injunction to enforce those provisions in any court of competent jurisdiction.

SECTION TWELVE: VIOLATION AND PENALTIES

- a. Any person who smokes in an area where smoking is prohibited by the provisions of this Article shall, upon conviction, be guilty of an infraction Punishable by a fine not to exceed fifty dollars (\$50) per occurrence plus court cost.
- b. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of the Article shall be guilty of an infraction, punishable by:

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SMOKING ¶
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- A fine not exceeding one hundred dollars (\$100) for a first violation.
- A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
- A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

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- c. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- d. Violations of this Article are hereby declared to be a public nuisance, which may be abated by the City Council by restraining order, preliminary and permanent injunction, or other means provided for by law. The City may take action to recover the costs of the nuisance abatement.
- e. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

SECTION THIRTEEN: SEVERABILITY

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which may be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

SECTION FOURTEEN: EFFECTIVE DATE

This Article shall be effective ninety (90) days from and after the date of its adoption and its publication as required by law.

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APPROVED AND ADOPTED, _____ this day of _____ 2008.

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GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL, MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

Air Quality Ordinance

Section One Definitions

Health care facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, any hospital, rehabilitation hospital or other clinic, including any weight control clinic, nursing home, home for the aging or chronically ill, laboratory, or the office of any surgeon, chiropractor, physical therapist, physician, dentist, or specialist within these professions . This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within a health care facility .

Meeting facility means a building designed, operated and used primarily for private functions .

Outdoor areas, including outdoor patios, that are adjacent to bars or restaurants and that are served by employees of such bars or restaurants, but which are at least twenty (20) feet from outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited by this Article. For purposes of this subsection, the term "outdoor area" shall mean an outdoor area that does not have a roof, and has at least one side which does not extend to the ceiling or is not solid.

Private function (as presented)

Retail tobacco store means any retail establishment utilized primarily for the sale of tobacco products and smoking accessories in which the sale of other products, including food and beverages, does not exceed 40 percent of gross revenues .

Separate enclosed area (as presented)

Section 2

As Daphne Parks, etc. are "public places" I believe City property is not allowed?
What about deck at Bayfront Park, etc?

Section 3

Amend to say Smoking shall be prohibitedexcept for designated smoking areas.

Section 5

Amend: except at designated smoking areas.

Section 7

Hotel rooms 30%

Private and semiprivate rooms in nursing homes, long-term care facilities and or assisted living facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article .

Retail tobacco stores, provided that no on-premise consumption of alcoholic beverages is permitted and smoke from these establishments does not infiltrate into areas where smoking is prohibited under the provisions of this article.

Erick's sheet

G but to modify read...Any restaurant with a liquor license with the sale of Alcoholic beverages less than 60% may construct a separate enclosed area. The SEA may not exceed 30% of the total area of the restaurant.

(language may need to be cleaned up, too many with clauses but you get the iidea.

Places where I still believe ordinance unclear

Yesterday questions regarding potential hardship petitions and process for hearing those? I do not want to open an "appeal process" but ...

What our intentions are for City facilities: parks, etc. Can folks smoke in our parks? Deck at Bayfront park for a private function, etc?

Lastly,

If we really care about employee safety too...let's not allow smoking in bars but apply the separate enclosure areas to both bars and restaurants.

ORDINANCE 2008 - 20

FY 2008 Capital and Personnel Appropriations

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15 , 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that a certain appropriation is required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, such appropriation totaling \$82,600 is needed for a 2.5% COLA for all employees excluding those represented on the Public Safety Pay Table.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include General Fund appropriations in the amount of \$82,600 for a 2.5% COLA for all employees excluding those represented on the Public Safety Pay Table.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2008.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

**CITY OF DAPHNE
ORDINANCE 2008-21**

**ORDINANCE TO AMEND ORDINANCE 2004-21
AMENDING CIVIC CENTER RATES**

WHEREAS, the City Council of the City of Daphne desires to increase the rental rates at the Daphne Civic Center and,

WHEREAS, the Buildings and Property Committee after consideration propose that the Daphne Civic Center rates be amended and increased by rounding up the rates by twenty-five percent and increasing the per hour charge to twenty dollars; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT SECTIONS “XVII A” AND SECTION “XVII B” OF ORDINANCE 2004-20 SHALL BE AND ARE HEREBY AMENDED AS FOLLOWS:

Section XVII - RENTAL FEES

A. Base rates and cleaning rates shall be increased by rounding up the rates by twenty-five percent and increasing the per hour charge to twenty dollars. The proposed rates are as listed below; and

MEETING ROOM	SQ.FT.	CAPACITY THEATRE	CURRENT RATES	Proposed Increase	
				25% Appx.	25% Real
Entire Facility	-	-	\$1,000.00 base	1,250.00	1,250.00
			300.00 cleaning	375.00	375.00
			15.00 per hour	20.00	
Exhibit Hall w/stage	11,800	1,700	\$450.00 base	565.00	562.50
			200.00 cleaning	250.00	250.00
			15.00 per hour	20.00	
Exhibit Hall w/stage, 2 Dressing Rms	-	-	\$550.00 base	690.00	687.50
			200.00 cleaning	250.00	250.00
			15.00 per hour	20.00	
The Wisteria Reception Area North Gallery	4,900	544	\$275.00 base	345.00	343.75
			200.00 cleaning	250.00	250.00

			15.00 per hour	20.00	
North Gallery	1,200+	138	\$50.00 base	65.00	62.50
			50.00 cleaning	65.00	62.50
			15.00 per hour	20.00	
South Gallery	1,200+	138	\$50.00 base	65.00	62.50
			50.00 cleaning	65.00	62.50
			15.00 per hour	20.00	
The Willow	1,505	214	\$100.00 base	125.00	125.00
			100.00 cleaning	125.00	125.00
			15.00 per hour	20.00	
Kitchen	-	-	\$150.00 Flat Rate	190.00	187.50
Full Service			50.00 Cleaning	65.00	62.50
Kitchen Serving Area	-	-	\$75.00 Flat Rate	95.00	93.75
			50.00 Cleaning	65.00	62.50
Kitchen & Serving Area Only	-	-	\$175.00 Flat Rate	220.00	218.75
			50.00 Cleaning	65.00	62.50
			15.00 Per Hour	20.00	
Greenroom	384	-	\$150.00 Base	190.00	187.50
			50.00 Cleaning	65.00	62.50
			15.00 Per Hour	20.00	
Greenroom/DR 2	-	-	\$200.00 Base	250.00	250.00
			100.00 Cleaning	125.00	125.00
			15.00 Per Hour	20.00	
Greenroom/DR 2 & Stage	-	-	\$275.00 Base	345.00	343.75
			200.00 Cleaning	250.00	250.00
			15.00 Per Hour	20.00	
Greenroom/DR 1,2 & Stage	-	-	\$300.00 Base	375.00	375.00
			200.00 Cleaning	250.00	250.00
			15.00 Per Hour	20.00	
*Concession Area	-	-	\$100.00 Flat Rate	125.00	125.00
			25.00 Cleaning	35.00	31.25
Parking Lot	-	-	\$20.00 Per Displayed Vehicle	25.00	25.00
Cleaning Fee Mandatory					

B. In addition to the base rental fees the following hourly rates shall apply: \$20.00 per hour for each hour of usage and \$50 per hour for each hour of usage for all holidays and city off days.

The Director shall maintain an updated list of rental items which is to be treated as part of this Ordinance's fee schedule.

3. SEVERABILITY

If any article, section, sentence, clause or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

4. REAFFIRMATION

That all other sections of Ordinance 2003-17 not specifically referenced or amended herein shall remain in full force and effect.

5. EFFECTIVE DATE

That the provisions of this ordinance shall become effective upon the approval and publication as prescribed by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this _____ day of _____, 2008.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

ORDINANCE 2008 - 22

FY 2008 Fire Personnel & Operating

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15, 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, such appropriations totaling \$ 192,564 are needed for certain new fire department personnel and the related operating requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include appropriations in the amount of \$ 192,564 as scheduled on the following attachment for certain new fire department personnel and the related operating requirements.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2008.

Greg Burnam,
Council President
Date & Time
Signed:_____

Fred Small, Mayor
Date & Time
Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

**General Fund
FY 2008**

Estimated Revenues > Appropriations	1,131,394
Ordinance 2008-02	<u>(246,809)</u>
	884,585
Transfers In (To close these Construction Funds)	<u> </u>
Transfers from 1997 Construction Fund	5,200
Transfers from 2000 Construction Fund	<u>61,200</u>
	66,400

Available for Appropriation	950,985
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Appropriations

Personnel

3 Lieutenants: April	(75,367)	Annual Cost 150,733
3 Firefighters: April	<u>(71,997)</u>	Annual Cost 143,994
	(147,364)	

Operating

Training (6 New Firefighters)	(14,000)
Immunizations (6 New Firefighters)	(1,500)
Wellness Program (6 New Firefighters)	(700)
Uniforms (6 New Firefighters)	(7,000)
Equipment- Turnout Gear, Radios (6 New Firefighters)	<u>(22,000)</u>
	(45,200)

Appropriations	(192,564)
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Estimated Revenues > Appropriations	<u><u>758,422</u></u>
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ORDINANCE 2008 - 23

FY 2008 Fire Capital

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15, 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, such appropriations totaling \$ 519,780 are needed for certain new fire department capital requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended as follows to include appropriations in the amount of \$ 519,780 for certain new fire department capital requirements:

310,000	Fire Engine
97,632	Equipment for Fire Engine
80,000	Station Construction @Fire Training Facility
32,148	Equipment to Outfit Station

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2008.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC