

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 20, 2006
6:30 P.M.**

1. CALL TO ORDER

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

3. APPROVE MINUTES: City Council Minutes meeting held January 17, 2006

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

Review minutes meeting held February 13th

1.) MOTIONS:

a.) Authorize Mayor to enter into 5 Year Contract:

Baldwin County Economic Development Alliance

b.) Approve the following relative to the 2006 Warrant Issue:

1.) Bank of New York: Paying Agent/Registrar/Escrow Agent

2.) Wachovia Bank: Construction Fund Depository

2.) Prepaid Travel / Resolution 2006-13

a.) Betty Stevens / Magistrate / AL Judicial College 2006 Regional Seminars for Court & Police Officials / April 20-21, 2006 / Montgomery, AL / \$105

b.) Ha Le Riggio / Magistrate / Certification Training and Maintenance Training for Municipal Court clerks and Magistrates / March 7-10, 2006 / Tuscaloosa, AL / \$140

c.) David Cohen / City Clerk / 2006 NLC Annual Congressional City Conference / March 10-15, 2006 / Washington, D.C. / \$210

d.) Bailey Yelding / City Council / 2006 NLC Annual Congressional City Conference / March 10-15, 2006 / Washington, D.C. / \$210

e.) Cathy Barnette / City Council / 2006 NLC Annual Congressional City Conference / March 10-15, 2006 / Washington, D.C. / \$210

f.) John Lake / City Council / 2006 NLC Annual Congressional City Conference / March 12-15, 2006 / \$140

g.) Regina Landry / City Council / 2006 NLC Annual Congressional City Conference / March 10-15, 2006 / Washington, D.C. / \$210

3.) Resolutions:

1.) Bid Award: All Terrain Vehicle / Baldwin Tractor & Equipment / Resolution 2006-14

2.) Bid Award: Asphalt / Hosea O. Weaver & Sons, Inc. / Resolution 2006-15

3.) Bid Award: Concrete / Reynolds Ready Mix, LLC / Resolution 2006-16

4.) Bid Award: Concrete Pipe / Hanson Pipe & Products, Inc. / Resolution 2006-17

5.) Bid Award: Rock Material / Martin Marietta Aggregates / Resolution 2006-18

6.) Confiscated Funds Signatories / Resolution 2006-19

4.) Appropriations:

1.) \$ 1,312,235 - Capital/Personnel/Operating / Ordinance 2006-11

2.) \$ 1,000 - Daphne Jubilee Court Scholarship Program / Ordinance 2006-12

5.) **Ordinances:**

- 1.) Lodging Tax: Increase Levy 6% and Change Use of Funds / Ordinance 2006-12

6.) **Financial Reports:**

- 1.) Treasurers Report / January 31, 2006
- 2.) Sales Tax Collection Graphs / December 31, 2005
- 3.) Lodging Tax Collections / December 31, 2005
- 4.) Ad Valorem Tax Collections / January 31, 2006
- 5.) Summary Statement of Revenues, Expenditures & Change in Fund Balance / September 30, 2005

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held February 3rd

C. PUBLIC SAFETY - Burnam

Review minutes meeting held February 7th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Review Ordinance Committee minutes meeting held February 7th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – Yelding

Review Beautification Minutes meeting held Feb. 3

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board – Yelding

D. Library Board – Lake

E. Planning Commission – Barnette

Review minutes meeting held January 26th

F. Recreation Board - Burnam

G. Utility Board – Scott

Review minutes meeting held January 25th

6. REPORTS OF OFFICERS:

A. Mayors Report

- a.) Parade Permit / Daphne United Methodist Church / 5K & Fun Run / April 15, 2006

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Prepaid Travel / Cathy Barnette, Betty Stevens, Ha Le Riggio, John Lake, Regina Landry, Bailey Yelding, David Cohen. /Resolution 2006-13

- b.) Bid Award: 2006-1-PD/All Terrain Vehicle / Baldwin Tractor & Equipment. /Resolution 2006-14

- c.) Bid Award: 2006-J-Asphalt / Hosea O. Weaver & Sons. /Resolution 2006-15
- c.) Bid Award: 2006-K-Concrete Material / Reynolds Ready Mix. /Resolution 2006-16
- d.) Bid Award: 2006-L-Concrete Pipe / Hanson Pipe & Products. /Resolution 2006-17
- e.) Bid Award: 2006-M-Rock Material / Martin Marietta
Aggregates. /Resolution 2006-18
- f.) Confiscated Funds Signatories. /Resolution 2006-19
- g.) Approve to Request an Attorney Generals Opinion. /Resolution 2006-20

ORDINANCES:

- a.) Amending the Land Use and Development Ordinance
Adding a Residential High Rise Article and Other
Necessary Amendments 3rd READ /Ordinance 2006-02
- b.) Reestablishing A Misdemeanor Offense for the Unlawful
Discharge of Pneumatic Weapons – Excepting Therefrom
Paint Ball Guns 2ND READ /Ordinance 2006-06
- c.) Annexation: TimberCreek Property 2ND READ. /Ordinance 2006-07
- c.) Amending Personnel Policies and Procedures Related to
A Productive Work Place, Equal Employment Opportunities
Sexual Harassment, Workplace Violence, Retaliation,
Complaint Procedures, and Security Measures
2ND READ. /Ordinance 2006-08
- d.) Amending Personnel Policies and Procedures Related to
Employee Insurability 2ND READ /Ordinance 2006-09
- e.) Appropriation of Funds: Amended Budget /Ordinance 2006-11
- f.) Daphne Jubilee Court Scholarship Program. /Ordinance 2006-12
- g.) 6% Lodging Tax Levy Amendment to the Use of
Lodging Tax Proceeds. /Ordinance 2006-13
- h.) Franchise Agreement: Malbis Properties, LLC. /Ordinance 2006-14
- i.) Adopting Revision to City Street Map. /Ordinance 2006-15

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**FEBRUARY 6, 2006
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 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman John Lake gave the invocation.

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

Also present: Mayor Small; David Cohen, City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Kim Briley, Finance Director; Richard Merchant, Building Official; Nancy Seale, Library; Marshall Parsons, Grounds Dept.; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; Willie Robison, BZA; Starke Irvine, DRA; Bob Segalla, Utility Board; John Coulter, BZA; Lon Johnston, Utility Board;

Absent: Sharon Cureton, Human Resource Director

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Work Session minutes meeting held January 12, 2006. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to approve the Council Meeting minutes meeting held January 17, 2006. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to approve the Special Work Session minutes meeting held January 31, 2006. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PROCLAMATION: Arbor Day / Marshall Parsons & Carollee Grindel

Mayor Small read and presented the proclamation to Marshall Parsons with the Grounds Department and Carollee Grindel with the Beautification Committee.

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2

PRESENTATION: Baldwin County Board of Registrars / Doris Hearn / Harriet Ford

Mrs. Doris Hearn asked the Council for their help in finding inactive voters. She said there are 7,000 voters missing in Baldwin County. She stated that those need to update their information with the Board.

Mrs. Harriet Ford reported the different venues they will be attending where citizens can come and update their information or register to vote.

PRESENTATION: Dr. Larry Ennis / Sewer Exception

Dr. Ennis gave the Council a handout and proceed to explain why he should receive a sewer hookup exception. He said the cost would be \$14,000 and would have to go above or under a creek, and that he is so far back off the road. He mentioned the 200% rule mentioned in the Land Use Ordinance.

Mr. Ross explained that this rule applies to new construction.

Dr. Ennis still felt this rule applied to him.

Council President Burnam asked Mr. Ross to research this and prepare a letter for Dr. Ennis and have the information available at the next Council Meeting.

PUBLIC HEARINGS: 1.) **Annexation:** Remainder of TimberCreek Property
Northwest of the Intersection of TimberCreek Subdivision
and Interstate 10 /*Ordinance 2006-07*

Mr. Joel Coleman gave a presentation mentioning the request to be zoned B-2, General Business.

The Council questioned the request for zoning.

Mr. Allen Cox with the TimberCreek Land Company explained why they need the B-2 zoning, because they need it for retail business which is not included in B-1. He said this is because of the Highway 13 corridor, the only business they can put there is retail. He said if the state does not do the corridor they will build houses on the property. He just wants to finish the TimberCreek project.

Council President Burnam opened the Public Hearing at 7:19 p.m.

Mr. Jackie Glasgow with ALDOT gave the Council a map of the Highway 13 corridor, and told the Council that the State is two (2) to three (3) months of acquiring right-of-ways for the corridor. He asked the Council not to annex or rezone the property. He said this will make the

property more costly, and they do not have an unlimited barrel of money. The budget is \$9.8 million. If acquiring the rights-of-way goes over budget it will delay the project three (3) to four (4) years.

Council President Burnam closed the Public Hearing at 7:30 p.m.

2.) **TEFRA** / Approval for Infirmiry Health System, Inc. Bond Issue

Mr. Mark Nix explained that this was just a necessary formality for the IRS. The city is in no way obligated by the resolution granting approval.

Council President Burnam opened the Public Hearing at 7:34 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 7:35 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The next meeting will be Monday, February 13th at 5:00 p.m. in the Executive Council Chamber.

Council President Burnam asked that the Capital Budget be put on the Finance agenda.

B. Buildings and Property Committee – Lake

The Committee met last Friday, and the minutes will be in the next packet. Mr. Lake deferred to Mr. Palumbo for the report as he was absent from the meeting.

Mr. Palumbo stated that the Committee authorized the Mayor to enter into a Memorandum of Understanding with Johnson Controls for them to do at no charge a survey of several city facilities, one in particular is the Civic Center to see if they could benefit from suggestions about automatic controls the air conditioning. He said they also had a report from the Building Official, Richard Merchant, with the Building Inspections Department, they will now be reporting to the Buildings and Property Committee as part of the Committee. Mr. Palumbo stated that they had distributed, under separate cover, statistics and photographs of some abatement proceedings that he has initiated on some buildings within the city. The Committee is waiting for an opinion from the City Attorney on the composition of several boards that the Mayor will have to appoint. One is an Abatement Board, which they initiate abatement proceedings under the new Ordinance, and the other is a Board of Appeals for the same reason. He said he thinks they are five member boards, and the Ordinance is very specific as to who is appointed. He said the Council can make suggestions to the Mayor regarding qualified persons. He said, unofficially, he thinks the Mayor is the appointing authority for these boards.

C. PUBLIC SAFETY – Burnam

No report. The next meeting will be tomorrow at 4:30 p.m. in the Council Chambers.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Mrs. Landry said that the next meeting will be tomorrow at 5:30 p.m., and right after that they will consider the sign ordinance. Mrs. Landry asked Mr. Cohen to call the Sign Committee members and invite them to the meeting. She stated that this will not be a separate meeting since the Sign Committee had been disbanded, but will meet under the Ordinance Committee.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the January 27th meeting are in the packet. Mr. Yelding stated that the Public Works staff is working on the sidewalks. He also stated that the Beautification Committee met and did some reorganization. He asked Ms. Carollee Grindle to comment on the meeting.

Ms. Grindle stated that they established a mission statement, because without a purpose they could not accomplish anything. She stated that they would like to have two (2) members from each district to serve on the Committee so that the city is well represented. She said the Committee feels that they should spend the \$10,000 budget responsibly. She stated that she appreciated the support from the Council.

Mr. Yelding stated that the next Public Works meeting will be February 24th at 8:00 a.m. He stated that he will start attending the Beautification meetings.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

There will not be a meeting in February. Mr. Eady stated that the minutes for the January 5th meeting will be in the next packet.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be February 13th at 5:00 p.m.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

The minutes for the January 9th meeting are in the packet, and the next meeting will be February 13th at 4:30 p.m.

E. Planning Commission – Barnette

Mrs. Barnette stated that the minutes for the December 22nd meeting are in the packet. She stated that several Public Hearings need to be set.

MOTION BY Mrs. Barnette to set Public Hearings on March 6, 2006 to consider the following Ordinances:

1. Revision to the Zoning Map

2. **Rezone: Country Club Development LLC / Bellaton Subdv. Phase Three / Property located off Highway 181 / From R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District.**
3. **Rezone: Two Step Partners, LLC / Property located on the corner of 2nd Street and Van Buren Street/ From R-3, High Density Single Family Residential District to B-2, General Business District.**
4. **Annexation: Julio Corte, Jr. / 10 Foot Strip / R-1, Low Density Single Family Residential District.**
5. **Annexation: Julio Corte, Jr. / 11.66 Acres / R-1, Low Density Single Family Residential District.**
6. **Annexation: French Settlement / 132.02 Acres / R-1, Low Density Single Family Residential District, – R-2, Medium Density Single Family Residential District – R-3, High Density Single Family Residential District – and R-4, High Density Single Family Residential District.**
7. **Annexation: Julio Corte, Jr. / 21.27 Acres / R-4, High Density Single Family Residential District.**
8. **Annexation; Julio Corte, Jr. / 18.91 Acres / R-3, High Density Single Family Residential District.**
9. **Annexation: Julio Corte, Jr. / 25.14 Acres / R-2, Medium Density Single Family Residential District.**

Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

No report. The minutes for the January 25th meeting will be in the next packet.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

1.) Parade Permit / S.E.E.D.S. 5K & Fun Run / March 4, 2006

2.) Parade Permit / Loyal Order of Fire Trucks / February 26, 2006

MOTION BY Mrs. Landry to approve the Parade Permit for S.E.E.D.S. 5K & Fun Run to be held March 4, 2006, and the Parade Permit for the Loyal Order of Fire Trucks to be held February 26, 2006. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- 3.) Liquor License / Doc Greene's Gourmet Salads / 060 – Retail Wine – On or Off Premises*
- 4.) Liquor License / Doc Greene's Gourmet Salads /040 – Retail Beer – On or Off Premises*

**MOTION BY Mrs. Barnette to approve the Liquor License for Doc Greene’s Gourmet Salads – 060- Retail Wine – On or Off Premises and 040 – Retail Beer – On or Off Premises.
Seconded by Mrs. Landry.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

5.) Liquor License / Bayside Academy / Annual Fund Raiser / 140 Special Events Retail

Mayor Small announced a fund raiser at Lott Park to be held February 18th for Paul Raines, Jr., who was injured while serving in Iraq, to help the family with expenses.

B. City Attorney’s Report

No report.

C. Department Head Comments

Chief Hanson – Fire Department – said they were gearing up for Mardi Gras and asked the citizens to be careful during the season.

Chief Carpenter – Police Department – announced that the Daphne 8th grade girls basketball team won County Championship. He said that the turning lanes at Whispering Pines that Public Works installed at Whispering pines are working well, and are able to reposition some work force with the school crossing guards and the four (4) Way stop sign at Santa Rosa was also working well.

Ken Eslava – Public Works Director - wanted to give a pat on the back to HMR for designing the turn lanes at Whispering Pines, and thanked the Baldwin County Commission, and the Board of Education for participating in this project. He said that they are preparing for Mardi Gras as well. He announced that they received a \$40,000 Urban Forestry grant, It will be a total of \$53,000 project, \$40,000 will be for contracted services, and the other \$13,000 will be in-kind services and/or cash matches by the city. This is the kickoff day for the automated garbage collection program. He said as time goes by he feels they will see a significant savings over the course of the project and a virtual elimination of employee injuries as a result of this project.

7. PUBLIC PARTICIPATION

Mr. Mark Taupeka – Village Drive – Represents the Community Association Board – read a prepared statement, which is spread out upon these minutes, opposing a sewer exception for Dr. Ennis.

Dr. Fonteneau – Village Drive – spoke regarding the sewer exception for Dr. Innis and urged the Counsel to not grant the exception. He feels Dr. Ennis should connect to the system for the health and welfare of the community.

Dr. Ennis – Village Drive – spoke regarding his request for the sewer exception.

Mr. Kevin Spriggs – 23 Signal Hill, Spanish Fort and business owner in Daphne, spoke in favor of the High Rise Ordinance saying it is the best way to revitalize the community,

Mrs. Ruth Seawell – S.E.E.D.S. – gave the Council an application for the 5K run being held in March.

Ms. Diane Connor Paige – said that Daphne has the best Fire and Police Departments and sanitation in the south. She spoke her concerns for the eminent domain laws, and environmental pollution.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the High Rise Ordinance voicing his concerns regarding the phrase “and other necessary amendments” in the title of the Ordinance. He wondered what the other necessary amendments were, and he said that the stopping point for the district should be Van Buren.

Mr. Starke Irvine – 304 Bayhill Drive – said that the remainder of the TimberCreek property is in the County now and Mr. Cox can build what he wants to. Mr. Irvine said that he would like for the annexation to be approved.

Mr. Lon Johnston – 316 Whiting Court – spoke regarding the city school study asking if there was a time line for the study to be completed, how will the study be communicated to the city, and if there will be a referendum.

Mr. David Hudgins – represents Daphne Bluff, LLC – stated that his client owns a small parcel below Van Buren, in which the surrounding property is businesses, and would like the boundary to include his clients property.

Mr. Rick Fine – Daphne – requested that the Council extend the boundary for the High Rise District to Jordan Lane to include his property.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **TEFRA Bond Issue Approval / Infirmary Health System, Inc. /Resolution 2006-09**
- b.) **Joint Resolution / Baldwin County Commission City of Daphne, Spanish Fort / D’Olive Creek Watershed Assessment by AL Dpt. Of Environmental Management. /Resolution 2006-10**

- c.) Acceptance of Streets & Drainage / Oak Creek Subdv. /Resolution 2006-11
- d.) Authorization of Preparation for the Issuance of Refunding and capital Improvement Warrants /Resolution 2006-12

MOTION BY Mrs. Barnette to waive the reading of Resolutions 2006-09. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION
CARRIED

MOTION BY Mrs. Barnette to adopt Resolutions 2006-09. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION
CARRIED

MOTION BY Mrs. Barnette to waive the reading to Resolutions 2006-10. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolutions 2006-10. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-11. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-11. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-12. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-12. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

- a.) Amending the Land Use and Development Ordinance
Adding a Residential High Rise Article and Other
Necessary Amendments **2nd READ**...../Ordinance 2006-02
- b.) Reestablishing A Misdemeanor Offense for the Unlawful
Discharge of Pneumatic Weapons – Excepting Therefrom
Paint Ball Guns **1ST READ**...../Ordinance 2006-06
- c.) Annexation: TimberCreek Property **1ST READ**...../Ordinance 2006-07
- d.) Amending Personnel Policies and Procedures Related to
A Productive Work Place, Equal Employment Opportunities
Sexual Harassment, Workplace Violence, Retaliation,
Complaint Procedures, and Security Measures
1ST READ...../Ordinance 2006-08
- e.) Amending Personnel Policies and Procedures Related to
Employee Insurability **1ST READ**...../Ordinance 2006-09

ORDINANCES 2006-06, 2006-07, 2006-08, AND 2006-09 WERE MADE 1ST READ.

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-02. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt Ordinance 2006-02. *Seconded by Mr. Palumbo.*

Mrs. Barnette made a motion for an amendment to Ordinance 2006-02.

MOTION BY Mrs. Barnette to amend the height requirement of the from 200 feet to 140 feet. *Seconded by Mr. Scott.*

ROLL CALL VOTE

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

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

AMENDED MOTION FAILS

CONTINUE - MOTION TO ADOPT ORDINANCE 2006-02

MOTION BY Mr. Lake to remove letter “g”, and extend boundary go to Jordan Lane for the stopping point.

Mr. Ross advised the Council that this Ordinance does not address the boundary. The boundary has been set by Council earlier period of events. The removal of section “g” would eliminate making application to be added to the image map. The removal of section “g” will not affect the boundary.

Council discussed this at length including the boundaries for the district.

Mr. Lake withdrew his motion.

CONTINUE – MOTION TO ADOPT ORDINANCE 2006-02

MOTION BY Mr. Yelding to go into recess for 15 minutes to give the City Attorney time to prepare and extension to the height request moratorium. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council went into recess at 9:20 p.m.

Council returned from recess at 9:49 p.m.

MOTION BY Mrs. Landry to reconsider the last vote on the motion amending Ordinance 2006-02 deleting section “g” by Mr. Palumbo. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Landry to rescind the motion by Mr. Palumbo amending Ordinance 2006-02 deleting section “g”. *Seconded by Mr. Palumbo.*

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

MOTION CARRIED

MOTION BY Mrs. Landry to reconsider the vote on the adoption of the original Ordinance 2006-02. *Seconded by Mr. Lake.*

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

MOTION CARRIED

MOTION BY Mr. Palumbo to table Ordinance 2006-02. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2006-02 WAS TABLED.

MOTION BY Mr. Scott to suspend the rules to consider Ordinance 2006-10. Seconded by Mrs. Landry.

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Ordinance 2006-10. Seconded by Mrs. Barnette

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2006-10. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

8. COUNCIL COMMENTS

Mrs. Barnette asked if they were going to set a work session to discuss Ordinance 2006-02.

Mr. Burnam said he did not think it was necessary tonight.

Mrs. Barnette asked the City Clerk to schedule a time when all the Council can get together.

Mr. Scott said that there is a lot of interest in redoing the medians in Lake Forest, and he is looking forward to working with Mr. Eslava. He stated that he understands that this will be on the work session agenda.

Mr. Palumbo stated for any of the Planning Commission members who happen to be at the meeting the procedure from here on the matter is still a little bit uncertain, but it is very likely that the Council will have a work session and consider changes, the ones that were mentioned tonight, and he thinks the Council is sending a strong message back to the Planning Commission that the consensus on these changes be adopted for the Land Use Ordinance, and he hopes that the Planning Commission will strongly consider that so that when it does come back to the Council they have a firm definitive Ordinance that will pass or fail, and they to quite go through this first process again. He said he last month he attended the Baldwin

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

County School Board meeting, at which time, if they recall the Council passed a Resolution requesting that the proposed International Baccalaureate Program that was under study by the School Board be placed in the Daphne Schools, and that measure is under heavy consideration by the School Board, and he thinks Daphne has a good chance of getting it. He said if anyone is interested contact the School Board Members and let them know how you feel.

9. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 10:02 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam

Date & Time Signed: _____

cc: Ross

Presented at the
February 6, 2006
City Council Mtg.

Mark Taupeka

From: Mark Taupeka [Mtaupeka@bellsouth.net]
Sent: Monday, February 06, 2006 12:53 PM
To: 'yelding1@bellsouth.net'; 'Cathy Barnette'; 'johnlake3@bellsouth.net'; 'burnam4@bellsouth.net'; 'ronscott5@bellsouth.net'; 'reginalandry6@bellsouth.net'; 'palumbo7@bellsouth.net'
Cc: 'dmecke@bellsouth.net'; 'jpwillis@311magnolia.com'; 'denisebrowning@bellsouth.net'; 'm2d3@hotmail.com'
Subject: Ennis Sewer Exception Request

Dear Councilpersons:

The Board of Woodmont Association that governs Montrose Village Subdivision in which the Ennis' property is located objects to their request for a sewer exception to the City of Daphne Ordinance Numbers 1999-10 and 2001-12. Every lot in this subdivision along with those in the other three Woodmont subdivisions (Montrose Village First Addition, Hillwood and Woodbridge) is under the same requirement. All but a few have complied. Granting an exception to the Ennis' would set a dangerous precedent that could be used by the other lot owners who have so far refused to comply. The Board of Woodmont Association, which represents about 75 lot owners in the above referenced subdivisions, supports the Daphne Utilities Board in the uniform application of the above referenced City of Daphne Ordinances without exceptions, and further concurs with said Board that the best way to protect the eastern shore's natural waterways and environment is through hookup to the city's sanitary sewer system.

Mark Taupeka
Woodmont Association, Inc.
P.O. Box 260
Montrose, AL 36559
251-621-7687
mtaupeka@bellsouth.net

Board Members:

Donny Mecke, 424 Village Drive
Mark Taupeka, 300 Woodbridge Drive
Jay Willis, 446 Village Drive
Melinda Hicks, 306 Woodbridge Drive
Denise Browning, 301 Woodbridge Drive

**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 13, 2006
5:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:00 pm. Present were Chairman Ron Scott; Councilman Bailey Yelding; Finance Director Kim Briley; Senior Accountant Suzanne Henson; and Accountant Belinda Job.

Councilwoman Regina Landry arrived at 5:19 pm.

Also in attendance were Public Works Director Ken Eslava; Police Chief David Carpenter; Police Captain Scott Taylor and Fire Chief Mund Hanson.

II. PUBLIC PARTICIPATION

A. Blueprint for Tomorrow – Mr. Ray Moore / Ms. Darrelyn Bender

Mr. Moore discussed the “Blueprint for Tomorrow” is a bold, community-wide five-year initiative which establishes a public-private partnership to guide and stimulate the economic growth of the Eastern Shore. Mr. Moore provided a list of current investors in the program and noted that approximately \$700,000 has already been raised. Also provided was a budget that has been established for a \$1.25 Million Goal and a \$2 Million Stretch Goal. Mr. Moore discussed the “Blueprint for Tomorrow” program is requesting a contribution from the City of Daphne in the amount of \$35,000 per year for 5 years.

Discussion continued this same request has been made to Fairhope and Spanish Fort and that Fairhope would be voting on it tonight. Discussion continued a request was also made to the Baldwin County Commission for \$40,000 per year. Mr. Moore discussed the breakdown would be a 60/40 split with 60% coming from private business and 40% from the public sector.

Mr. Scott discussed it is his understanding that the City cannot legally commit for 5 years. Ms. Briley discussed the City would have a contract containing verbiage that the contribution was subject to annual appropriation. Mr. Scott discussed the Finance Committee would need to know more specifically what the “Payback” will be for the City’s \$35,000 a year. Mr. Scott discussed the City is already working on some things such as a \$10,000 appropriation for the Baldwin County Economic Development, noting there would probably be some duplication of what the Blueprint for Tomorrow will do. Mr. Yelding asked if all the Cities did not participate, how would the “plans” be implemented throughout the Eastern Shore without omitting that particular City. Mr. Moore noted if that were to happen, they would try to raise the funds from another source. Ms. Bender noted that while the City would still reap the benefits of the program, they would not have a voice in any matter. Ms. Bender discussed the amount of money raised will be the determining factor in what will be done in accordance with where the focus is for the partners who participate. Ms. Bender discussed one of the main goals is to hire three full time professionals; one for tourism to start a Tourism Council for the Eastern Shore; one for Governmental Affairs who will work with the groups to help keep attention on issues such as CR13, HWY 181, etc; and the third is for Economic Development which is not to replace the Baldwin County Economic Development Alliance, but to work with them. Mr. Scott noted he is in favor of this program and can see where the City will benefit and would like to see the Committee recommend this positively to the Council. Mr. Yelding asked what the timeline is. Ms. Bender noted the year would start once this passes. Mr. Moore discussed the actual kickoff event will be held March 3, 2006 at the Daphne Civic Center and it is hoped that 50% of their goal is met by that time. Mr. Scott noted this item is included in the list of community contributions and will be discussed again later in the meeting.

B. SEEDS - \$35,000 Appropriation Request

Ms. Ruth Seawell discussed a request from SEEDS (Supporting Educational Enrichment in Daphne’s Schools) for financial support from the City in the amount of \$35,000. Ms. Seawell noted the presentation back in December generated a number of questions and requests for additional information with regard to funding options. Discussion continued that the profit and loss statement for the first year of incorporation shows that while over \$20,000 was generated in fundraisers and solicitations; only \$6,000 was distributed to Daphne

schools. Ms. Seawell explained this was due to the numerous startup costs involved in the beginning such as filing expenses, brochure development, fundraiser materials, etc. Discussion continued there are still a few financial hurdles to overcome before SEEDS can obtain its goal for distributing over 75% of the revenue raised directly back to Daphne Schools. Those hurdles include development of a website, an updated brochure, and establishment of a part-time administrator. Ms. Seawell discussed that while the foundation will continue with community fundraising events and direct corporate solicitations, there is the potential to secure grant monies. Discussion continued in order to secure grant funds, an organization must show a wide range of commitment and support within the community it serves, as well as a clear objective for the monies. Ms. Seawell discussed the foundations primary focuses are to support Teacher Mini-Grants, promote the International Baccalaureate Program, provide for scholarships, and the Lyceum Project. Discussion continued it is the foundations goal to reach a level in the next 3 years to have grants as the most significant funding source. Ms. Seawell noted that by having the Business Community, City, Parents and the Schools involved, the foundation will be able to position itself for being successful in grant writing. Discussion continued the SEEDS foundation will benefit everyone by raising the level of expectations of the City's schools, private included.

Ms. Seawell discussed other foundations such as Fairhope, Spanish Fort, Foley and Gulf Shores, have all received some form of support either through the local Chamber of Commerce or through their City. Discussion continued the Foley Chamber of Commerce funds a staff person who is dedicated 80% of the time to the South Baldwin Education Foundation as a part time administrator. Ms. Seawell noted the Spanish Fort Education Foundation has received \$20,000 from the Baldwin County Commission and that SEEDS will be requesting the same. Discussion continued the Baldwin County Commission is currently considering giving \$20,000 over the next 5 years to the Fairhope Performing Arts Center, a project of Fairhope's foundation, FEEF. Ms. Seawell noted the Gulf Shores Education Foundation receives funding from a local tax placed on new condo development.

Mr. Scott discussed it is a part of the City's comprehensive plan to be supportive of the City's schools and noted that this matter would be discussed later in the meeting with other Budget Appropriation requests.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Prepaid Travel:

1. **Cathy Barnette, City Councilwoman** – Smartcode Workshop – Biloxi, MS, March 2-4, 2006 - \$105
2. **Betty Stevens, Magistrate** – Alabama Judicial College 2006 Regional Seminars for Court & Police Officials – Birmingham, AL, April 19-21, 2006 - \$105. Mr. Scott noted this same class is being offered in Mobile three weeks later and asked why Ms. Stevens is not attending that class to eliminate lodging expenses. (Note: Ms. Briley spoke with Court and was advised that Faye Howell and Fi Fi Riggio, both Court Magistrates, would be attending the class held in Mobile and that all three Magistrates could not be out of the office at the same time.)
3. **Ha Le Riggio (Fi Fi), Magistrate** – Certification Training and Maintenance Training Institutes for Municipal Court Clerks and Magistrates – Tuscaloosa, AL, March 7-10, 2006 - \$140
4. **John Lake, City Councilman** – 2006 Annual Congressional City Conference – Washington, D.C., March 12-15, 2006 - \$140
5. **Cathy Barnette, City Councilwoman** – 2006 Annual Congressional City Conference – Washington, D.C., March 11-14, 2006 - \$140
6. **Regina Landry, City Councilwoman; Bailey Yelding, City Councilman; David Cohen, City Clerk** – 2006 Annual Congressional City Conference – Washington, D.C., March 10-15, 2006 - \$210 each.

Motion by Mr. Yelding to recommend to Council to adopt a resolution approving prepaid travel as follows:

- ***Cathy Barnette, City Councilwoman in the amount of \$105 to attend the Smartcode Workshop in Biloxi, Mississippi, March 2-4, 2006..***

- **Betty Stevens, Magistrate in the amount of \$105 to attend the Alabama Judicial College 2006 Regional Seminars for Court & Police Officials in Birmingham, Alabama, April 19-21, 2006.**
- **Ha Le Riggio (Fi Fi), Magistrate in the amount of \$140 to attend the Certification Training and Maintenance Training Institutes for Municipal Court Clerks and Magistrates in Tuscaloosa, Alabama, March 7-10, 2006.**
- **John Lake, City Councilman in the amount of \$140 to attend the 2006 Annual Congressional City Conference in Washington, D.C., March 12-15, 2006.**
- **Cathy Barnette, City Councilwoman in the amount of \$140 to attend the 2006 Annual Congressional City Conference in Washington, D.C., March 11-14, 2006.**
- **Regina Landry, City Councilwoman; Bailey Yelding, City Councilman; David Cohen, City Clerk in the amount of \$210 each to attend the 2006 Annual Congressional City Conference in Washington, D.C., March 10-15, 2006.**

Seconded by Ms. Landry.

B. Bids

1. 2006-I-PD / All Terrain Vehicle

Mr. Scott discussed a request from Captain Scott Taylor to purchase an All Terrain Vehicle (ATV), with the purchase to be funded by a \$10,000 donation made to the Police Department. Chief Carpenter discussed the various ATV's available were looked at and test driven in order to determine what type would best suit the Departments needs. Discussion continued it is the recommendation of the Police Department to award this bid to Baldwin Tractor and Equipment for the purchase of a 2006 Kubota RTV900 for a total cost of \$9,030.00. It was noted in the Police Department's written recommendation that while Baldwin Tractor and Equipment was not the low bidder, they were the only bidder to meet specifications who did not quote a damaged or discontinued vehicle.

Motion by Ms. Landry to recommend to Council to adopt a resolution awarding Bid 2006-I-PD / All Terrain Vehicle to Baldwin Tractor and Equipment for a total cost of \$9,030.00 to be paid for with donated funds made to the Police Department. Seconded by Mr. Yelding.

2. Public Works Bids:

Discussion was made that the following Public Works Bids would be awarded according to the recommendations of the Public Works Director:

- a. **2006-J-Asphalt** – Recommended awarding to Hosea Weaver & Sons, the low bidder meeting specifications for unit costs as per bid.
- b. **2006-K-Concrete Material** – Recommended awarding to Reynolds Ready Mix, Inc., the only bidder, for a cost of \$91.00 per cubic yard.
- c. **2006-L-Concrete Pipe** – Recommended awarding to Hanson Concrete Pipe Co., the only bidder, for unit costs as per bid.
- d. **2006-M-Rock Material** – Recommended awarding to Martin Marietta, the only bidder, for unit costs as per bid.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding the following bids as per the recommendations of the Public Works Director:

- 1) **Bid 2006-J-Asphalt to Hosea Weaver & Sons, the low bidder meeting specifications for unit costs as per bid.**
- 2) **Bid 2006-K-Concrete Material to Reynolds Ready Mix, Inc., the only bidder, for a cost of \$91.00 per cubic yard.**

3) Bid 2006-L-Concrete Pipe to Hanson Concrete Pipe Co., the only bidder, for unit costs as per bid.

4) Bid 2006-M-Rock Material to Martin Marietta, the only bidder, for unit costs as per bid.

Seconded by Ms. Landry.

C. Appropriation Requests:

1. FY06 Capital & Personnel Appropriations

Mr. Scott discussed the Mayor's recommendations for the FY 2006 Budget Amendments as follows:

- **Personnel (\$339,451)** – Implementing the Phase III Pay Plan; Administrative Technician for Building Inspections; Accountant for Finance Department; 3 Part-Time Community Center Associates for Recreation Department; 6 Firefighters who will man Fire State #4 located in Timber Creek; 4 Police Officers; and 1 Detective.
- **Costs Associates with New Personnel (\$195,341)** – Furniture for Finance; Operating Cost & Turn Out Gear for new firefighters and Station 4 bunk Room Supplies; and vehicles & operating costs for new Patrol Officers.
- **Community Contributions (\$87,815)** – To be discussed later.
- **Operating (\$19,000)** – Household Hazardous Waste Training for Garbage/Recycling; Master Plan for Police; and Master Plan for Public Works.

Mr. Scott asked for an explanation of "Master Plan". Chief Carpenter discussed the Police Department had asked for a new storage building, but the Buildings & Property Committee did not want to see aluminum buildings going up everywhere. Discussion continued that a Master Plan should be developed for any new buildings that would show where everything is currently located, where any new buildings would go and approximately what size they would be. Mayor Small noted often grant money is available for such projects; however, these funds cannot be sought after without a "Master Plan" in place.

- **Capital (\$151,628)** – Vehicle for Erosion Control Officer with Building Inspections; 3 Detective vehicles; Expansion of Recycling Building for Household Hazardous Waste.

Chief Carpenter noted the Detectives are currently in 1998 & 1999 Taurus'. Discussion continued the Detectives carry a lot of specialized equipment and are unable to work out of their present vehicles.

- **Repairs & Maintenance (\$54,000)** – Repair Stage Floor at Civic Center; Computer System Upgrade at Recreation; and Roof Repair at Library.

Mr. Scott noted all of the recommendations total \$16,249 over revenues available for appropriation. Discussion continued the Mayor is also recommending \$500,000 in paving and that these funds be taken from the General Fund Reserves. Mr. Scott discussed the Treasurer's Report from one year ago (January 2005) reflected a balance of \$10,119,000. Discussion continued the January 2006 Treasurer's Report reflects a balance of \$13,834,000. Mr. Scott discussed the additional \$3 million dollars is made up of FEMA reimbursements, increased Ad Valorem taxes, and increased sales tax which has all added to the City's reserves. Discussion continued for the first 3 months of the fiscal year, the City exceeded its sales tax budget by \$240,000. Ms. Briley noted at September 30, 2005 (end of fiscal year) the City's Unreserved Fund Balance is \$5,968,130.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating funds in accordance with the Mayor's Budget Amendment Recommendation, with the exception of the Community Contributions. Seconded by Ms. Landry.

2. FY06 Community Contributions Appropriations

The Community Contributions Appropriations requests in the amount of \$87,815 were discussed as follows:

- A. Mobile Bay NEP - \$3,000: Mayor Small discussed the Mobile Bay NEP has been assisting the City with the D'Olive Watershed Project and the sediment in Lake Forest. Discussion continued it would benefit the City to continue to support this organization.
- B. Santa America - \$2,000: Mayor Small discussed this is a non-profit organization started by Ernie Burger that provides Santa Clauses all over the Country to under privileged children, especially those who have sick parents or themselves or parents who have a terminal illness. Discussion continued Mr. Burger will be holding his first forum at Bayside for training, which will bring approximately 80-100 Santa's in town who will provide the City with lodging and meal revenue.
- C. SARPC – \$1,815: Mr. Scott discussed SARPC does a lot for the City that the City cannot do for itself, such as provide the meal program, however, the City's dues did go from \$8,000 to \$16,000 last year. Mayor Small discussed planning is the primarily focus of SARPC and that the City may want to consider utilizing other consultants for the City's Comprehensive Plan once the contract year ends.
- D. Ecumenical Ministries \$10,000: Mr. Yelding discussed Ecumenical Ministries provides a number of services to the Citizens who need them such as building wheel chair ramps in homes where the residents cannot afford to. Discussion continued they will also provide detail of who they have assisted and what services they have provided for the citizens of Daphne.
- E. Blue Print for Tomorrow –\$35,000: Ms. Landry asked if the City could legally commit funds for a 5-year period to support this cause. Ms. Briley discussed the City would enter into a contract with the Chamber of Commerce and the contract would be subject to funds being available for annual appropriations. Mr. Yelding discussed he does not feel the Blue Print for Tomorrow Education Segment will be able to enhance education in the City the way SEEDS will be able to do, noting that this would be SEEDS direct focus. Ms. Landry noted she was not in support of the Blue Print for Tomorrow Education Segment, noting that it appeared it would be moving into areas that are the direct responsibility of the Baldwin County School Board. Mayor Small noted another presentation needs to be scheduled to discuss these concerns as well as provide additional and more specific information before the City can make a recommendation.
- F. Daphne Dance Team – \$1,000: Ms. Landry discussed this group is a legitimate school group and not a group from a "For Profit" dance studio.

Mr. Scott discussed recommending everything to Council except for the Blueprint for Tomorrow.

Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating funds in accordance with the Mayor's Community Contributions Budget Amendment Recommendation, with the exception of the "Blue Print for Tomorrow" program. Seconded by Mr. Yelding.

Mayor Small left the meeting.

3. Jubilee Court Scholarship Program – Start Up Cost - \$1,000

Ms. Landry discussed the group is in the process of planning their pageant and the girls have worked very hard for the City and believes the City should support them. Mr. Yelding expressed concern over the problems that existed with the former group and the fact that the City Council has yet to establish the Jubilee Court Scholarship Program as a City sponsored program. Mr. Yelding also discussed the amount of money being requested, noting these girls will not graduate from High School until 2007 & 2008. Ms. Landry discussed the group is only asking for \$1,000 start up money, that the \$1,000 scholarship money would not have to be paid until the girls graduate.

Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating funds in the amount of \$1,000 as start up costs for the Jubilee Court Scholarship Program. Seconded by Mr. Scott. Mr. Yelding opposed.

D. Authorize Mayor to Enter Into Contract: Baldwin County Economic Development Alliance

Ms. Briley noted the funds have already been appropriated and the contract is saying the City will give \$10,000 for the next 5 years with the clause stating it is an annual appropriation. Mr. Yelding noted the Baldwin County Economic Development Alliance provides for the City in some areas the Blue Print for Tomorrow is proposing.

Motion by Mr. Yelding to recommend that Council authorize the Mayor to enter into a 5-year contract with the Baldwin County Economic Development Alliance for an annual appropriation of \$10,000. Seconded by Ms. Landry.

E. Change in Signatories for Confiscated Funds Account

Police Chief David Carpenter requested that Captain David Wilson and Sgt James Mathews be removed as authorized signatories on the Confiscated Funds Account and that Captain Scott Taylor, Lt Danny Bell and Cpl Brian Gulsby be added as authorized signatories.

Motion by Ms. Landry to recommend to Council to adopt a resolution authorizing the removal of Captain David Wilson and Sgt James Mathews as authorized signatories for the Confiscated Funds Account and to add Captain Scott Taylor, Lt Danny Bell and Cpl Brian Gulsby as newly authorized signatories. Seconded by Mr. Yelding.

F. Discuss Lodging Tax Rate Increase

Ms. Briley discussed a comprehensive summary regarding the proposed Lodging Tax increase. Discussion continued if the City increases the tax from 4% to 6%, the funds would be used as follows: Total Revenue less Debt Service (Bay Front Property) less IDB Contributions (increased from 5% to 15%) with the remainder being split 60/40 (60% for Beachfront Property (Purchase/Development/Maintenance) and 40% for Vehicles & Equipment).

Motion by Ms. Landry to recommend to Council to adopt an ordinance authorizing an increase in the City's Lodging Tax from 4% to 6% with funds disbursed as outlined in the Report. Seconded by Mr. Yelding.

G. 2006 Warrant Issue

1. **Paying Agent/Registrar/Escrow Agent** – It is the recommendation of the Finance Director to authorize Bank of New York to serve as Paying Agent/Registrar/Escrow Agent with fees as follows: Acceptance Fee – waived; Annual Paying Agent Fee - \$750; Annual Escrow Agent Fee - \$300
2. **Construction Fund Depository** – It is the recommendation of the Finance Director to authorize Wachovia Bank to serve as depository for the 2006 Construction Fund with an interest rate of 3.91%.

Ms. Briley noted 3.91% interest will be paid on the funds until all the construction projects are paid. Discussion continued this rate is tied to the federal funds rate so it will fluctuate with the market. Mr. Scott asked what would happen if the rate went above what the City is paying for the money. Ms. Briley noted the City cannot earn more interest than it is paying, therefore, the difference would have to be refunded to the IRS.

Motion by Mr. Yelding to recommend to Council to authorize Bank of New York to serve as Paying Agent/Registrar/Escrow Agent and to authorize Wachovia Bank to serve as depository for the 2006 Construction Fund. Seconded by Ms. Landry.

IV. CURRENT BUSINESS

A. Reschedule March Finance Meeting

Ms. Briley discussed the current date for the March Finance Meeting will conflict with the 2006 Annual Congressional City Conference in Washington D.C. that Finance Committee members will be attending. The March meeting was changed to March 9 at 5:00 pm.

V. FINANCIAL REPORTS

A. Treasurers Report: January 31, 2006

Ms. Briley discussed the treasurer's report in the amount of \$13,834,126.42 is up \$2,720,000 from last month. Discussion continued \$1,450,000 was Ad Valorem Taxes, \$840,000 was Business Licenses, and \$650,000 was FEMA Reimbursements.

Motion by Ms. Landry to recommend to Council to accept the Treasurer's Report as of January 31, 2006 in the amount of \$13,834,126.42. Seconded by Mr. Yelding.

B. Summary Statement of Revenues, Expenditures, and Changes in Fund Balance, September 30, 2005

Ms. Briley discussed the Summary Statement of Revenues, Expenditures, and Changes in Fund Balance for Fiscal Year 2005. Ms. Briley noted the following: FY2005 brought in 3% (\$468,124) more revenues than budgeted; Departments spent \$560,065 less than budgeted; and Transfers to other funds were \$553,493 less than was budgeted; bringing total Revenues over Expenses to \$1,994,130.

C. Sales Tax Collection Graphs – December 31, 2005

Sales Tax Collection Graphs showed the following: Total collections for December 2005 were \$1,168,443.68; Collections were \$77,369.90 above collections for December 2004 and \$68,345.56 above budget for the month; Collections are 7.09% over the same month last year; YTD collections are \$256,367 (9.34%) over YTD budget as of December 31, 2005.

D. Monthly Lodging Tax Collections – December 31, 2005

The Lodging Tax Collections report for December 31, 2005 showed collections were \$44,694.55 compared to \$38,197.96 for December 31, 2004.

Mr. Scott asked if lodging tax was budgeted. Ms. Briley noted it is budgeted in a Special Revenues Fund, not in the General Fund. Mr. Scott asked if that information could be helpful to look at. Ms. Briley noted she would add it to the report.

E. Ad Valorem, January 31, 2006

The Ad Valorem Tax report shows tax collections as of January 31, 2006 were 2,572,879 and are currently \$694,121 under budget.

F. New Business Licenses

The Business License report for January 2006 was contained in the Finance Packet and showed 32 new businesses opened in the City, 43 new businesses not in the City, 34 contractors, and 3 insurance companies. The report also showed 3 businesses closed.

G. Bills Paid – January 31, 2006

The bills paid report as of January 31, 2006 was contained in Packet #2.

VI. OTHER BUSINESS

A. Cost of Living Raise

Mr. Scott inquired about the Cost of Living Raise noting it was not included in the Mayor's recommendations. Ms. Landry noted they asked the Mayor to make his recommendation and all he recommended was implementation of the Phase III Pay Plan. Mr. Scott noted he just wanted to be sure it was not an oversight.

VII. ADJOURN

The meeting was adjourned at 6:22 pm.

Blueprint For Tomorrow
Creating Advantage for the Eastern Shore

Leadership Council
Chairman:
Senator Bradley Byrne

Campaign
General Chairman:
Tim Rosson

Advance Division
Co-Chairmen:
David Clark
David Head, Jr
Rance Reehl

Campaign Leadership
Council:
Owen Bailey
Charlie Bassett
Commissioner David Ed Bishop
Mayor Joe Bonner
Bob Callahan Sr.
Downtown Fairhope Business
Association
Jack Edwards
Robin Fitzhugh
Charles Ham
David Head Sr.
Starke Irvine
Mayor Tim Kant
Larry Merrihew
Will Newberry
Jim Nix
Mary Kay Polys
Dr. Tom Rosandich
Robert Seaborn
Mayor Fred Small
Steve Solberg
Larry Thomas
Terry Thompson
John White-Spunner

Campaign Communications
Chairman:
Rod Platt

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

Dear Mayor Small:

Blueprint for Tomorrow is a bold, community-wide five-year initiative which establishes a public-private partnership to guide and stimulate the economic growth of the Eastern Shore. Developed by over one hundred key corporate and community leaders, with input from other concerned groups, this comprehensive program is a bold effort to bring our private corporate leadership together with our local elected officials for the good of our community.

The mission of *Blueprint for Tomorrow* is to enhance the area's economic development, education, transportation / infrastructure, tourism, governmental affairs and environment by providing leadership in defining and addressing our community's needs and opportunities. *Blueprint for Tomorrow* will enable businesses to work cooperatively with the cities of Daphne, Fairhope, Spanish Fort and Baldwin County to develop and implement dynamic new programs that will enable us to take charge of our economic destiny.

We've set our goal for *Blueprint for Tomorrow* at \$1,250,000 over the next five years. Each of the volunteers in this campaign has already made a substantial commitment of his time, energy and financial resources to the success of this initiative. We urge you to join us in this important program because economic and community development are truly everyone's job.

We request that the City of Daphne consider a pledge of \$35,000 per year to *Blueprint for Tomorrow* beginning in 2006 and extending through 2010...a total commitment of \$175,000 over the next five years. Your pledge will be a sound business investment in the economic growth of the Eastern Shore.

Thank you for your leadership and for joining us in making *Blueprint for Tomorrow* a success.

With warmest regards,



Tim Rosson
Campaign General Chairman

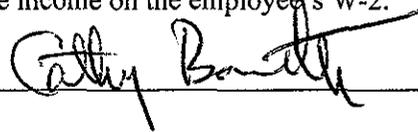
A. For Agenda
7/2/06
Signature
1-31-06
Date

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	CATHY BARNETTE
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 2-4, 2006
SCHOOL/ORGANIZATION	SMARTCODE WORKSHOP
LOCATION FOR TRAINING: CITY/STATE	BILOXI, MS
REGISTRATION FEE	\$465.00
LODGING	
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$105.00

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

Employee Signature _____




Department Head Approval

4088
Vendor #

120200 / 52211 / 12
Dept Org # Object # Proj #

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

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

PREPAID TRAVEL REQUEST FORM	
EMPLOYEE NAME / TITLE	BETTY STEVENS/MAGISTRATE
DEPARTMENT	COURT
DATES OF TRAVEL	APRIL 19-21, 2006
SCHOOL/ORGANIZATION	ALABAMA JUDICIAL COLLEGE
LOCATION FOR TRAINING: CITY / STATE	BIRMINGHAM, ALABAMA
REGISTRATION FEE	\$ 95.00
LODGING	\$ 199.68
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$35x3= \$105.00

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

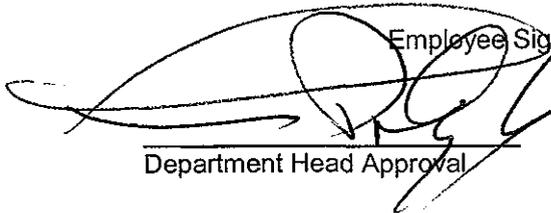
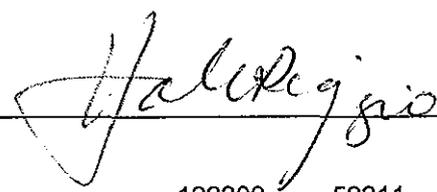
Employee Signature Betty Stevens


875 CT122200 52211 _____
 Department Head Approval Vendor # Dept Org # Object # Proj#

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

PREPAID TRAVEL REQUEST FORM	
EMPLOYEE NAME / TITLE	<i>Ha Le Riggio / Magistrate</i>
DEPARTMENT	Court
DATES OF TRAVEL	03/07/06 – 03/10/06
SCHOOL/ORGANIZATION	Alabama Judicial College The University of Alabama
LOCATION FOR TRAINING: CITY / STATE	Tuscaloosa
REGISTRATION FEE	\$195.00
LODGING	\$ 279.72 (3 Nights)
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$ 140.00 (4 Days)

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


Employee Signature


Department Head Approval
Vendor #
122200
52211
Dept Org #
Object #
Proj#

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

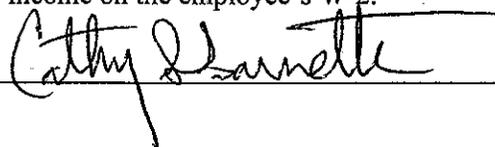
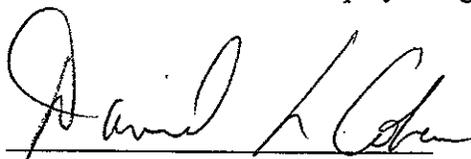
***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	CATHY BARNETTE
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 10, 2006 - MARCH 15, 2006
SCHOOL/ORGANIZATION	NLC CONGRESSIONAL CITY CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	WASHINGTON, D.C.
REGISTRATION FEE	\$335.00
LODGING	\$1,254.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$210.00

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

Employee Signature

Department Head Approval

4088

Vendor #

120200

Dept Org #

/ 52211

Object #

/ 12

Proj #

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

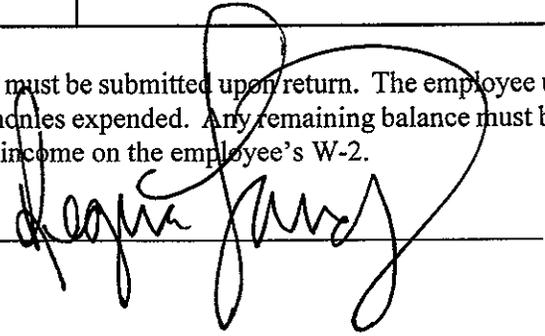
***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	REGINA LANDRY
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 10, 2006 - MARCH 15, 2006
SCHOOL/ORGANIZATION	NLC CONGRESSIONAL CITY CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	WASHINGTON, D.C.
REGISTRATION FEE	\$335.00
LODGING	\$1,254.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$210.00

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

Employee Signature _____



_____ 3988 120200 / 52211 / 16
 Department Head Approval Vendor # Dept Org # Object # Proj #

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

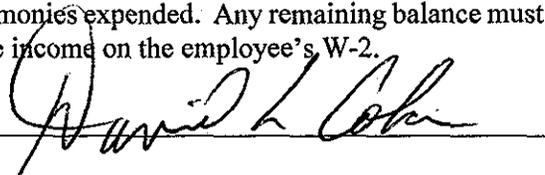
***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DAVID L. COHEN
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	MARCH 10, 2006 - MARCH 15, 2006
SCHOOL/ORGANIZATION	NLC CONGRESSIONAL CITY CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	WASHINGTON, D.C.
REGISTRATION FEE	\$335.00
LODGING	\$1,254.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$210.00

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

Employee Signature



Department Head Approval

8069
Vendor #

120200 / 52211 / _____
Dept Org # Object # Proj #

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

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

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-I-PD/ALL TERRAIN VEHICLE
JANUARY 9, 2006
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Captain Scott Taylor Police

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

Captain Taylor opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>		<u>UNIT COST</u>
Gulf Shores Power Sports	Rhino 660	\$8,800 (Deduct \$160 if picked up)
	QUV 620	\$8,039 (Deduct \$160 if picked up)
Baldwin Tractor & Equipment	Kubota RTU900	\$9,030
Foley Implement Co., Inc.	Gator HPX 4x4	\$7,900
Grady Marine	Polaris Ranger 4x4	\$8,800
	Option: Polaris Ranger 4x4 EFI	\$9,350
	Option: Polaris Ranger XP	\$9,850



Suzanne Henson, Sr. Accountant

To: Finance Committee
From: Captain Scott Taylor 
Date: February 8, 2006
Re: ATV Bids for the Police Department

PURCHASE REQUESTED FROM DONATED MONEY ACCOUNT # 1002-250257

On January 9, 2006, seven All Terrain Vehicles (ATV's) were bid. I recommend that the bid for the **2006 Kubota RTV900 for \$9,030.00** from Baldwin Tractor and Equipment be accepted. Though this was not the lowest bid, it is the only vehicle that was not eliminated by specs, damage or being discontinued. This vehicle met or exceeded all the specs except for the color. It comes in Orange or camouflage. This is a spec that can be easily overcome by our department. The other specs were written for safety, performance and comfort reasons and if these other specs aren't met, they are not easily overcome and could jeopardize the safety, comfort or performance of this vehicle. This is a very good bid on this vehicle. These vehicles are normally priced over \$10,000. This vehicle has some features that the others don't have. This vehicle is the only one that has an OSHA certified roll bar. This vehicle has a transmission. The others are belt driven. This could lead to a much longer life for the vehicle. This vehicle can stop on a steep incline, the driver can get out and walk away from it and then get back in and can accelerate again without rolling back down the incline; this is due to the vehicle automatically stopping when the gas pedal is released, without having to push the brake. The vehicle then stops in place and stays in place as long as it is in gear. This is a great safety feature if you need to rescue someone on an incline and load them in the vehicle and continue up to help other people. This feature also saves wear on the brakes because you rarely ever have to use the brakes. This vehicle has a lot of accessories, including a hard top. Baldwin Tractor is located in Robertsdale which is much more convenient to Daphne than the other bidders, if the vehicle requires service, parts or accessories.

This vehicle is being purchased with a \$10,000 donation to the police department to be used to benefit our department. The Police Department Command staff decided to use this money to purchase an ATV to primarily be used during and after hurricanes and to use it at events such as Mardi Gras, 4th of July, sporting events and other parades or events that require a smaller, more versatile mode of transportation. This vehicle would also be used for search and rescue missions, especially involving children and the elderly, or crime scenes located in remote areas. It will also be used for special patrol duties such as Jubilee Mall or problem areas occurring on the golf courses. For the money, this is the best vehicle for the department's needs and it should last for many, many years.

First lowest bid:

2006 John Deer Gator HPX: \$7,900.00 (Foley Implement)-

Not Accepted due to not meeting the minimum specs. This does not meet the minimum ground clearance of 7”.

2nd lowest bid:

2005 Suzuki QUV: \$8,039.00 (Gulf Shores Power Sports)-

Not Accepted due to this being the only unit the bidder has available in stock and it has noticeable large swirl scratches on the front hood that can not be removed. This is a “buy as is” offer. This is a 2005 model. The bidder said that his company will not sell any more of the QUV’s once this one is sold. There are no 2006 model vehicles, because the QUV appears to be discontinued and the bidder could not dispute that. We do not want to take a chance on a discontinued unit that we intend to keep for many years. Parts, service and accessories could be very hard to get in the next few years. We want to add a hard top to the vehicle we purchase and the bidder could not find where Suzuki sold hard tops for these vehicles. The bidder said that we could probably find an after-market hard top somewhere. I would prefer to purchase a hard top that was made specifically for the vehicle we purchase. With this vehicle being discontinued, I do not feel that this vehicle would be a good purchase for the police department.

3rd lowest bid:

2006 Polaris Ranger: \$8,800.00 (Grady Marine)-

Not Accepted due to not meeting the minimum specs. This does not meet the minimum height of 75”. This does not meet the minimum engine displacement of 617cc

4th lowest bid:

2006 Yamaha Rhino 660: \$8,808.00 (Gulf Shores Power Sports)-

Not Accepted due to not meeting the minimum specs. This does not meet the minimum width of 57”. This does not meet the minimum height of 75”.

5th lowest bid:

2006 Kubota RTV900 Worksite: \$9,030.00 (Baldwin Tractor and Equipment)-

Accepted

6th lowest bid:

2006 Polaris Ranger EFI (Limited Edition): \$9,350.00 (Grady Marine)-

Not Accepted due to not meeting the minimum specs. This does not meet the minimum height of 75”. This does not meet the minimum engine displacement of 617cc.

Highest bid:

2006 Polaris Ranger XP: \$9,850.00 (Grady Marine)-

Not Accepted due to not meeting the minimum specs. This does not meet the minimum height of 75”.

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director
Finance Committee Members**

From: Ken Eslava, Public Works Director



Date: February 2, 2006

Re: Bid award recommendation: 2006-J-ASPHALT

Please consider this my formal recommendation to award the bid for asphalt material to Hosea Weaver & Sons, per BID DOCUMENT 2006-J-ASPHALT.

There were two sealed bids received on these products, one from Mobile Asphalt Co., and the other from Hosea Weaver & Sons. Although Mobile Asphalt provided bid prices on less than 50% of our line item requests, they did furnish prices on those items we use the most. Because of that, I did consider them a viable contender for the bid award.

However, after comparing prices on the most critical line items, I did find that Hosea Weaver & Sons supplied the most competitive(lowest) prices.....in all cases.

Please call should there be any questions regarding this recommendation for award.

CITY OF DAPHNE
BID OPENING MINUTES
BID DOCUMENT NO: 2006-J-ASPHALT
FEBRUARY 1, 2006
11:30 A.M.

Those present were as follows:

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

2 bid invitations were mailed, 1 sealed bids were received.

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

<u>VENDOR</u>	<u>COST PER TON</u>		
		<u>Furn</u>	<u>Furn&Del</u>
H. O. Weaver & Sons Inc	424A -	\$41.50	NO BID
	424B -	\$41.50	NO BID
	424C -	\$41.00	NO BID
	416-1 -	\$40.50	NO BID
	416-2 -	\$40.50	NO BID
	414-1 -	\$39.00	NO BID
	414-2 -	\$39.00	NO BID
	327-1 -	\$38.00	NO BID
	327-2 -	NO BID	NO BID
	Asphalt Cold Patch 35lb -		NO BID
	Mobile Asphalt Company LLC	424A -	\$44.50
424B -		\$44.50	\$48.25
424C -		\$44.25	\$48.00
416-1 -		\$43.50	\$47.25
416-2 -		\$44.00	\$44.75
414-1 -		\$42.00	\$45.75
414-2 -		\$42.00	\$45.75
327-1 -		\$45.75	\$45.75
327-2 -		\$42.00	\$45.75
Asphalt Cold Patch 35lb -			\$12.50



 Suzânnne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director
Finance Committee Members**

From: Ken Eslava, Public Works Director

Date: February 2, 2006

Re: Bid award recommendation: 2006-K-CONCRETE MATERIAL

Please consider this my formal recommendation to award the bid for concrete to Reynolds Ready Mix, Inc., per BID DOCUMENT 2006-K-CONCRETE MATERIAL.

This was the only bid received for this material. Because there was only one bid received, I have investigated the price submitted by Reynolds, and find the price comparable to other suppliers in the immediate area.

Please call if there are any questions regarding this bid.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-K-CONCRETE MATERIAL
FEBRUARY 1, 2006
11:30 A.M.
CITY HALL**

Those present were as follows:

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

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

KEN ESLAVA opened the bids presented and the bids were read aloud as follows:

VENDOR

COST/CUBIC YD

Reynolds Ready Mix, LLC

0-5 Cubic Yds - \$91.00
Over 5 Cubic Yds - \$91.00



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE....DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director
Finance Committee Members**

From: Ken Eslava, Public Works Director

Date: February 2, 2006

Re: Bid award recommendation: 2006-L-CONCRETE PIPE

Please consider this my formal recommendation to award the bid for concrete pipe to Hanson Concrete Pipe Co., per BID DOCUMENT 2006-L-CONCRETE PIPE.

This was the only bid received for this material. Because there was only one bid received, I have investigated the prices submitted by Hanson Pipe, and find them to be competitive with other suppliers of these products.

The principle difference in vendor prices for these products is simply the transportation(fuel) charges....Hanson, who is located in Mobile, is the closest supplier to the Mobile-Baldwin County area thus can ship less expensively than suppliers located in Pensacola, Fla. or Mississippi.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-L-CONCRETE PIPE
FEBRUARY 1, 2006
11:30 A.M.
CITY HALL**

Those present were as follows:

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

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

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

VENDOR

TOTAL UNIT COST

Hanson Pipe

Unit Cost as Bid
(see attached)



Suzanne Henson, Sr. Accountant

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

<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 2006-L-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

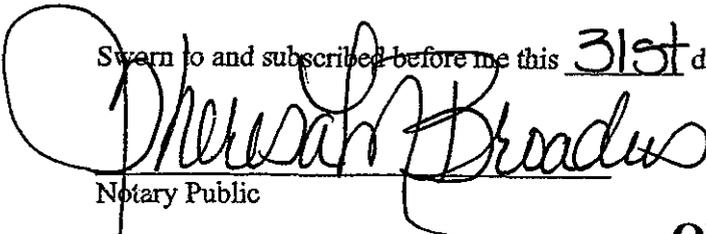
Address: 991 Schillinger Rd. N.

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

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Kim Briley, Finance Director
Finance Committee Members**

From: Ken Eslava, Public Works

Date: February 2, 2006

Re: Bid award recommendation: 2006-M-ROCK MATERIAL

Please consider this my formal recommendation to award the bid for rock materials to Martin Marietta, per BID DOCUMENT: 2006-M-ROCK MATERIAL.

There were two sealed bids received for these materials, with the other vendor submitting a “no bid” status for all line item requirements.

Because they were the only vendor to submit a bid, I investigated the prices submitted by Martin Marietta and find them to be in line with current market prices for our immediate area.

**CITY OF DAPHNE
BID OPENING MINUTES**

**BID DOCUMENT NO: 2006-M-ROCK MATERIAL
FEBRUARY 1, 2006
11:30 A.M.
CITY HALL**

Those present were as follows:

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

2 bid invitations were mailed, 2 sealed bids were received.

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

VENDOR

COST PER TON

Martin Marietta Aggregates

Crushed Aggregate 825-A - \$22.75
Crushed Aggregate 825-B - \$22.75
#57 Limestone - \$23.75
#78 Pea Gravel - \$24.00
Rip Rap – Class I - \$29.25
Rip Rap – Class II - \$29.25

Vulcan Materials Company

NO BID



Suzanne Henson, Sr. Accountant

FY 2006 Budget
Budget Amendment Recommendation

Available for Appropriation **830,986**

Recommendations:

Phase III Pay Plan	(47,017)	
Building Inspections	(18,932)	Administrative Technician
Finance	(18,904)	Accountant
Recreation	(19,872)	(3) Part-Time Community Ctr Assc/Admin Tech
Fire	(128,754)	(6) Firefighters
Police	(85,836)	(4) Police Officers
Police	(20,136)	Detective

Personnel (339,451)

Finance	(6,500)	Furniture
Fire	(32,286)	Operating Cost for new Firefighters
Fire	(8,005)	Turn Out Gear for new Firefighters
Fire	(550)	Station 4 Bunk Room Supplies
Police	(148,000)	Vehicles & Operating Costs for new Patrol Officers
Costs Associated with New Personnel	(195,341)	

Blue Print for Tomorrow	(35,000)	
SEEDS	(35,000)	
Mobile Bay NEP	(3,000)	
Daphne Dance Team	(1,000)	
SARPC (additional pro-rata cost)	(1,815)	
Ecumenical Ministries	(10,000)	
Santa America	(2,000)	
Community Contributions	(87,815)	

Garbage/Recycling	(2,000)	Household Hazardous Waste Training
Police	(2,000)	Master Plan
Public Works	(15,000)	Master Plan
Operating	(19,000)	

Building Inspections	(18,000)	Vehicle: Erosion Control Officer
Police	(81,504)	(3) Detective Vehicles
Garbage/Recycling	(52,124)	Expansion of Recycling Bldg: Household Haz Waste
Capital	(151,628)	

Civic Center	(22,000)	Repair Stage Floor
Recreation	(12,000)	Computer System Upgrade
Library	(20,000)	Roof Repair
Repair & Maintenance	(54,000)	

Revenues Over Appropriations **(16,249)**

Other Financing Sources/(Uses)

Fund Balance, General Fund	500,000	
Paving	(500,000)	



Supporting Educational Enrichment in Daphne's Schools

Approved For Agenda

Signature

12-15-05

Date

DATE: December 2, 2005

TO: Mayor Fred Small
Council President Greg Burnam
Council President Pro Tem John Lake
Councilman Bailey Yelding Jr.
Councilwoman Cathy Barnette
Councilman Ron Scott
Councilwoman Regina Landry
Councilman August Palumbo

FROM: SEEDS (Supporting Educational Enrichment in Daphne's Schools)

RE: Request for Financial Support

On behalf of SEEDS, Daphne's educational enrichment foundation, thank you for your generous past support, both financial and in-kind. We are coming before you now to request a budget appropriation in the amount of \$35,000 for the 2006 fiscal year. These funds will be used for the following:

- Salary support for a part-time director (\$20,000)
- Design, printing and mailing of an updated membership brochure (\$ 5,000)
- Development of a website (\$10,000)

We have made great strides since we first approached the City in 2004. Our membership is growing. We incorporated and obtained a 501(c)(3) designation from the IRS. We have held two successful special events, the Cajun Challenge 5K and Fun Run and the First Annual Mamma Mia Cook-Off, held last month. SEEDS' enrichment dollars are currently at work at Christ the King Catholic School and on each of our five public school campuses through our first round of teacher grants. We have held quarterly meetings with school principals, an activity that will be on-going.

Our plans for 2006 include the continued campaign to bring the acclaimed International Baccalaureate Program to Daphne High School, awarding even more enrichment grants to our teachers and begin the planning process for *The Lyceum*, a unique learning resource for our schools and the community. We will be raising funds for those endeavors through an annual membership campaign, grants and fund raising events.

SEEDS has reached the point in our development where we need a part-time director. Since the inception of this organization, our team of volunteers, the majority of whom have full-time jobs, has been acting as a fully-staffed office, a scenario that will not be sustainable in the near future given our plan of action. Please note that the other education foundations in Baldwin County, Fairhope, Foley, Gulf Shores and Spanish Fort, have either part- or full-time administrative support underwritten by city government, donors, chambers of commerce or a combination of those sources. We are requesting a one-time contribution of \$20,000 to underwrite the director's salary for one year.

Our mission is to promote a lifelong love of learning among the children of Daphne by providing enrichment opportunities at school and in the community and by advocating for educational improvements and innovation. To help continue our progress toward meeting that mission, it is necessary for us to continually gain membership. The second part of our request is for a one-time contribution of \$5,000 to help underwrite the design, printing and mailing of an updated membership brochure. This brochure will be used as the centerpiece of our 2006 Annual Membership Campaign.

The third part of our request is for a one-time contribution of \$10,000 to underwrite the development and launch of a website. The website will feature information about our organization, our schools and the City of Daphne, as well as calendars, announcements and opportunities for involvement. Links to all schools websites, the City's website and others will be provided.

We appreciate the opportunity to submit this request to the City of Daphne. With the city supporting our overhead cost, SEEDS should be able to put back into the community every dollar we raise through our fundraising efforts. We look forward to the opportunity to make a formal presentation to you and answer your questions. Thank you for considering this request that will serve to benefit all Daphne schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Seawell', with a large, stylized initial 'R'.

Ruth Seawell, President
SEEDS



Supporting Educational Enrichment in Daphne's Schools

DATE: January 2, 2005

TO: Mayor Fred Small
Council President Greg Burnam
Council President Pro Tem John Lake
Councilman Bailey Yelding Jr.
Councilwoman Cathy Barnette
Councilman Ron Scott
Councilwoman Regina Landry
Councilman August Palumbo

FROM: SEEDS (Supporting Educational Enrichment in Daphne's Schools)

RE: Request for Financial Support

In December SEEDS presented our request for financial support for our upcoming 2006 initiatives to the Finance Committee. At the request of the committee, SEEDS has done further research into funding options and prepared the attached proposal. Unfortunately we were not able to have it completed by the January Finance Committee meeting but plan to present it to the committee in February. In the meantime we would like to share this request with each of the council members and welcome an opportunity to discuss SEEDS mission and plans with each of you in person when it is convenient.

SEEDS Current Financial Status

You will find enclosed the profit and loss statements of our first year of incorporation. As you can see we raised over \$20,000 in fundraisers and solicitations but only distributed \$6,000 to Daphne schools. This is because there were numerous startup cost involved in the beginning such as filing expenses, brochure development, fundraiser materials, etc. Unfortunately we still feel we have a few financial hurdles to overcome before SEEDS can obtain the goal of distributing over 75% of the revenue raised directly back to Daphne schools. These include the development of a website, an updated brochure and the establishment of a part-time administrator.

You will also note in our P&L statement SEEDS has primarily raised monies through direct solicitations and community fundraisers. There is potential to increase both of these, we believe, over the next few years but SEEDS would like to raise the our largest revenue from corporate and foundation grants. To secure grant monies an organization must show a wide range of commitment and support within the community it serves, as well a clear objective for the monies. We believe the success of our two signature fundraisers, Mamma Mia Cookoff and Classic Rock 5K Race, demonstrate this. We also believe the Teachers Mini-Grant, IB Initiative and Lyceum Project are all fundable objectives. Therefore, while it is important to continue these activities, there is still development and overhead cost that need to be met until the grants can be secured.

Approved For Agenda

7/2/05

Signature

1-31-04

Date



Supporting Educational Enrichment in Daphne's Schools

Attached is a three year budget. You will note that corporate and foundation grants account for only 19% of the revenue in 2006 but are increased to 46% by 2008. Likewise, distributions are only 43% of the expenses in 2006 but increase to 71% by 2008. You will also note, more importantly, that for 2006 and 2007 SEEDS operates in a deficit. That is why we are approaching the City Council. We hope you will help offset this budget deficit with either a one-time contribution or a contractual relationship with SEEDS.

Examples of Community Support in other Baldwin County Education Foundations

It is not uncommon for non-profit organizations to seek funding from other organizations within the community they serve. Foley's foundation, South Baldwin Education Foundation, was formed a little over two years ago, out of the South Baldwin Chamber of Commerce. Currently the chamber funds a staff person who is dedicated 80% of the time to the foundation as a part time administrator. The Spanish Fort Education Foundation received \$20,000 from the Baldwin County Commission last year and the commission is currently considering giving \$20,000 over the next 5 years to the Fairhope Performing Arts Center, a project of Fairhope's foundation, FEEF. The oldest in the county, FEEF is also working cooperatively with the City of Fairhope and Baldwin County Board of Education in the funding of the Arts Center, although they have also been successful in securing outside grant monies. Perhaps one the more desirable contribution arrangements is the local tax placed on new condo development in Gulf Shores and distributed by the city to community organizations like the Gulf Shores education foundation.

Immediate Funding Needs

As we mentioned in our previous request and have included in our budget, SEEDS would like to advertise for a part-time administrator as well as develop a website and new membership brochure. Attached is a job description for a part-time administrator. We believe SEEDS has reached a point in our development that if we are to implement the budget and goals outlined above we need more than the current team of volunteers. Most of the other foundations in the county have a paid part-time or full-time administrator. We believe it is critic to our success to have such strategic and administrative help. The developments of a website and updated brochure are one time cost that will also secure our success.

Other opportunities to contribute to SEEDS are the under-writing of our fundraising expenses or direct contribution to our initiatives. We believe there are many creative ways in which the City of Daphne can partner with SEEDS for the benefit of the entire community and appreciate your thoughtful consideration of them.

In the coming months SEEDS will be soliciting a new slate of board of directors who we expect to help assist us in our fundraising efforts. If you have suggestions of individuals within your constituents who you think would be appropriate please let me know. In the meantime I look forward to opportunity to discuss this request and SEEDS mission with you in person.

Sincerely yours,

Ruth Cardinal Seawell
SEEDS President

1:57 PM
01/05/06
Accrual Basis

Supporting Educational Enrichment in Daphne Schools
Profit & Loss
September 2004 through August 2005

	<u>Sep '04 - Aug 05</u>
Ordinary Income/Expense	
Income	
Cajun Challenge Fundraiser	4,764.00
Cajun Challenge Sponsorships	3,000.00
Concessions Income	372.00
Donations	13,792.50
	<hr/>
Total Income	21,928.50
Expense	
Bank Charges	37.10
Banners & Decals	1,122.54
Cajun Challenge Fundraiser Exps	
Banners	60.00
Cups	396.42
Door prizes	300.00
Food & Drinks	648.60
Insurance	638.60
Pizza Party	135.91
Portable Toilets	300.00
Race Director	350.00
Supplies	87.61
T-Shirts	2,054.50
Transportation	125.00
Trophies & Ribbons	263.92
	<hr/>
Total Cajun Challenge Fundraiser Exps	5,360.56
Concession Expense	359.63
Filing Fee	500.00
Gift Certificates	100.00
Grants Paid	5,869.00
Memberships	115.00
Office Supplies	416.89
PO Box Rental	66.00
Postage	26.54
Printing & Brochures	3,146.00
Registration Fees	100.00
Telephone	300.78
	<hr/>
Total Expense	17,520.04
	<hr/>
Net Ordinary Income	4,408.46
	<hr/>
Net Income	<u>4,408.46</u>

1:31 PM

01/15/06

Accrual Basis

Supporting Educational Enrichment in Daphne Schools

Profit & Loss

September 1, 2005 through January 15, 2006

	<u>Sep 1, '05 - Jan 15, 06</u>
Ordinary Income/Expense	
Income	
Donations	40.00
Foundation Grants	5,000.00
Mama Mia Auction	870.00
Mama Mia Sponsors	6,155.00
Mama Mia Team Entries & Tickets	1,760.00
Mama Mia Ticket Sales	3,070.00
Total Income	<u>16,895.00</u>
Expense	
Classic Rock Run Expenses	
Race Certification	190.00
Total Classic Rock Run Expenses	190.00
Grants Paid	500.00
Mama Mia Cook-Off	
Insurance	381.10
Off-Duty Policeman	125.00
Paper Products & Decorations	220.91
Portable Toilets	150.00
Posters & banners	554.96
Prizes & Awards	262.34
Rentals- Tables & Tents	1,974.75
Sound System	875.00
Supplies	234.34
Wine	318.96
Total Mama Mia Cook-Off	<u>5,097.36</u>
Office Supplies	14.09
Principals Luncheon	165.47
Printing & Brochures	2,790.00
Telephone	175.09
Total Expense	<u>8,932.01</u>
Net Ordinary Income	<u>7,962.99</u>
Net Income	<u><u>7,962.99</u></u>



Supporting Educational Enrichment in Daphne's Schools

SEEDS - Three Year Budget

Revenue	2006		2007		2008	
	Dollars	% of Total	Dollars	% of Total	Dollars	% of Total
Community Fundraisers						
Mamma Mia Cookoff	\$ 15,000	29%	\$ 17,000	22%	\$ 18,000	13%
Classic Rock 5K Race	\$ 10,000	19%	\$ 12,000	16%	\$ 15,000	11%
Solicitations						
Friends of Seeds	\$ 10,000	19%	\$ 12,000	16%	\$ 15,000	11%
Corporate Partners	\$ 7,000	13%	\$ 10,000	13%	\$ 15,000	11%
Corporate/Foundation Grants	\$ 10,000	19%	\$ 25,000	33%	\$ 75,000	54%
Total	\$ 52,000		\$ 76,000		\$ 138,000	
Expenses						
	2006		2007		2008	
	Dollars	% of Total	Dollars	% of Total	Dollars	% of Total
Community Fundraisers						
Mamma Mia Cookoff	\$ 5,000	6%	\$ 5,000	6%	\$ 5,000	4%
Classic Rock 5K Race	\$ 6,000	7%	\$ 6,000	7%	\$ 6,000	4%
Development						
Website	\$ 8,500	10%	\$ 700	1%	\$ 700	1%
Brochure	\$ 5,000	6%	\$ -	0%	\$ -	0%
Advertising	\$ 1,000	1%	\$ 2,000	2%	\$ 2,000	1%
Administrative						
Salaries	\$ 20,000	24%	\$ 21,000	23%	\$ 22,050	16%
Telephone	\$ 600	1%	\$ 630	1%	\$ 662	0%
Postal	\$ 200	0%	\$ 210	0%	\$ 221	0%
Office	\$ 1,000	1%	\$ 1,050	1%	\$ 1,103	1%
Printing	\$ 500	1%	\$ 525	1%	\$ 551	0%
Distributions						
Principal Quarterly Luncheons	\$ 900	36%	\$ 900	6%	\$ 900	2%
Teacher Mini Grants	\$ 12,000	14%	\$ 17,000	19%	\$ 25,000	19%
IB Support	\$ 20,000	24%	\$ 20,000	22%	\$ 20,000	15%
LYCEUM	\$ 2,500	3%	\$ 15,000	17%	\$ 50,000	37%
Total	\$ 83,200		\$ 90,015		\$ 134,186	
Balance	\$(31,200)		\$(14,015)		\$ 3,814	



Supporting Educational Enrichment in Daphne's Schools

POSITION DESCRIPTION

TITLE: SEEDS Administrator
REPORTS TO: SEEDS Board of Directors

DESCRIPTION:

The SEEDS Administrator will be responsible for coordinating and supervising all committees and programs of SEEDS, a non-profit organization established in late 2003 and granted full IRS non-profit status in March 2005. The position will be responsible for managing all initiatives to advance SEEDS' mission to provide education enrichment opportunities in all Daphne schools and in the community and advocate for educational improvements and innovation, including but not limited to the responsibilities listed below. The Administrator, under the direction and with the assistance of the Board of Directors, will also foster cooperation and communication among government officials, local educators and business resources to further the organization's goals and objectives.

QUALIFICATIONS:

The SEEDS Administrator should possess a bachelor's degree with previous work experience relating, but not limited to, non-profit management, fund development and strategic planning, public relations and/or education. with preferred experience in fundraising and education.

DUTIES AND RESPONSIBILITIES:

The SEEDS Administrator should be able to execute the following duties under the direction of SEEDS President and Board of Directors. Note that this is not an exhaustive list; additional duties and responsibilities may be added with the express consent of the SEEDS Board of Directors as seen fit:

The duties include but are not limited to:

1. Develop and maintain a close working relationship with SEEDS' volunteer leadership, local government officials, local education leaders and key personnel, foundations and other funding sources, and key businesses and industries.
2. Administer and report to the SEEDS Board of Directors all items relating to membership, fundraising, advocacy, volunteer management and leadership development including but not limited to annual fundraisers, meetings with educators, membership drives, etc.
3. Preparation of all minutes, agendas and documents relating to SEEDS meetings
4. Active solicitation of funding to support the mission of SEEDS through programs such as Friends of SEEDS, corporate partners and grants
5. Active recruitment of new members to SEEDS Board of Directors and steering committees
6. Develop marketing materials that increase awareness of SEEDS, its mission and initiatives, including an annual report
7. Work with Board Treasurer to ensure that financial records are kept to meet IRS requirements for 501(c)(3) organizations.

*The Daphne Jubilee Court Scholarship Program
407 Circle Drive
Fairhope, AL 36532
928-4742*

*Board of Directors
Terri McKeever
Martha Lathan
Katie Puckett
Mary McIlwain*

Approved For Finance Comm. Agenda

Signature
11/4/05
Date

October 31, 2005

City of Daphne, Finance Committee

Dear Finance Committee,

The Daphne Jubilee Court Scholarship Program Board of Directors, respectfully request that the City of Daphne Finance Committee consider providing scholarship funds in the amount of \$4,000.00 to be divided among the four girls of the current 2005-2006 Daphne Jubilee Court. These funds will provide each girl \$1,000.00 to the college of their choice upon graduation from high school. Two of the current court members will graduate in 2007 and the other two girls will be graduating in 2008. We would also like to request that a \$1,000.00 be set aside this year as a start up fee for the program that is tentatively scheduled to be held in April 2006.

Traditionally this program has selected five girls to represent the Jubilee City which would mean that instead of \$4,000.00 being in the budget for next year (2006-2007) an additional \$1,000.00 would be needed to provide for five girls instead of this year's four. We do not foresee asking for any start up funds as it is the hope of the current Board that proceeds from the 2006-2007 program will be conservatively budgeted and spent.

The current court members continue to represent the City of Daphne at local events. These young ladies have held their heads high during the last few months amidst much adversity from the local media as well as some of their peers. These young ladies as well as this Board of Directors appreciate your consideration regarding the funding of this worthwhile program.

Respectfully,



Terri McKeever
Chairperson, The Daphne Jubilee Court Scholarship Program

January 18, 2006

City of Daphne
Mayor Fred Small
P.O. Box 400
Daphne, AL 36526

Dear Mayor Small,

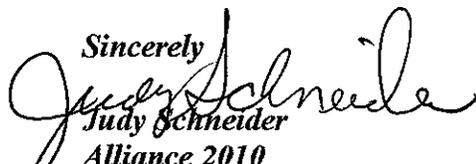
We want to thank you for your generous support to the Alliance 2010's Economic Development program.

With your pledge, you have provided the momentum that assures we will reach our goals in workforce development, business growth, retention and the resulting net new jobs.

I have taken the liberty of enclosing a new contract indicating The City of Fairhope's agreed upon commitment to the Alliance as well as an invoice for year 1 of the commitment. If you would prefer to receive this invoice during a specific month, please indicate on the form and return it at your earliest convenience, it would be greatly appreciated.

The Alliance Board and staff will always be interested in your ideas and constructive suggestions for improvement.

Again, thanks for your support. Together, we will keep Baldwin County moving forward.

Sincerely

Judy Schneider
Alliance 2010
(251) 947-4998

Cc: Robert Ingram, CEO, BCEDA
Bob Higgins, Vice President
Hiram Templeton, Chairman, BCEDA
Hon. R. Timothy Russell, Mayor, Co-Chair Alliance 2010
Sheila Hodges, Meyer Real Estate, Co-Chair Alliance 2010
Robert Craft, CEO, Craft Farms, Co-Chair Alliance 2010
Hon. Frank Burt, Jr., Commissioner, Co-Chair Alliance 2010



BALDWIN
COUNTY

Economic
Development
Alliance

Good People. Good Business.

STATE OF ALABAMA

COUNTY OF BALDWIN

CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES

THIS INDENTURE is made and entered into on this the _____ day of _____, 2005 by and between the CITY OF DAPHNE, ALABAMA (hereinafter referred to as CITY) and the BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE, INC., a private, non-profit corporation, (hereinafter referred to as ALLIANCE);

WITNESSETH

WHEREAS, the CITY has determined that the welfare of the CITY'S citizens requires a healthy, diverse economy; and

WHEREAS, the ALLIANCE has started a new five year economic development; and

WHEREAS, the ALLIANCE has developed a \$3 million budget for its five year program to be funded by a public/private partnership.

NOW, THEREFORE, the CITY expresses its support for the development plans of the ALLIANCE and authorizes its Mayor to execute an agreement with the ALLIANCE for good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, the parties hereto do AGREE as follows:

1. The term of this agreement shall begin upon the execution hereof and provide an extension of the agreement through October 1st, 2010.
2. The CITY fiscal year runs from September 30th to September 30th of the succeeding year. During the fiscal year of the contract, CITY agrees to pay to the ALLIANCE for support of the ALLIANCE, contingent on appropriations of \$10,000.00 per year, for the fiscal years 2005-2006 and 2006 – 2007 and 2007 – 2008 and 2008 – 2009 and 2009 – 2010.
3. The ALLIANCE shall perform the following services in conjunction with and for the benefit of the CITY, to-wit:
 - a) To provide and administer economic development and workforce development services for the CITY,
 - b) To seek, discover and endeavor to attract and promote new and expanding business and industrial prospects within Baldwin County, Alabama and to create new jobs and employment, and economic improvements and expansion for the benefit of the citizens of Baldwin County, Alabama,

- c) To gather, keep updated, research and distribute information and data to be used as advertisements and presentations to general and specific business and industrial prospects,
 - d) To develop and secure tools of the trade such as maps, charts, photos, topos, briefing facilities, brochures, reports, etc., necessary and required to adequately promote new and expanding business and industry,
 - e) To work with existing businesses and industries for expansions, problem solving, counseling and other services pertinent to their expansion,
 - f) To work for the mutual economic and industrial development of the CITY and pursuant thereto to maintain contact, cooperate and work closely with other agencies and organizations with similar purposes such as: Alabama Department of Economic and Community Affairs/Alabama Development Office; Industrial Development Departments of Public and Private Utilities; Local, Area and Regional Planning and Development Agencies; Highway, Air and Water Transportation Development organizations; and all other groups, organizations, agencies and individuals pertinent to the purposes stated herein,
 - g) To implement a public/private partnership program for economic development and workforce development in Baldwin County, Alabama,
 - h) To recruit new economic development investment.
4. Notwithstanding any of the provisions of this AGREEMENT, it is understood and agreed that the CITY has no financial interest in the business of the ALLIANCE and shall not be liable for any debts or obligations incurred by the ALLIANCE, nor shall the CITY be deemed or construed to be a partner, joint venture or otherwise interested in the assets of the ALLIANCE, or profits earned or derived by the ALLIANCE, nor shall the ALLIANCE at any time or times use the name or credit of the CITY in purchasing, or attempting to purchase equipment, supplies or other things whatsoever.
5. The ALLIANCE, in the performance of its duties, responsibilities and obligations hereunder, shall not be deemed to be an agent of the CITY but shall take all steps at its own expense, as the CITY may from time to time request, to indicate and assure that it is an independent contractor. The CITY does not, and will not, assume any responsibility for the means which, or manner in which, services by the ALLIANCE, provided for herein, are performed, but on the contrary, the ALLIANCE shall be wholly responsible therefore.
6. The ALLIANCE shall not transfer or assign this AGREEMENT or any of the rights or privileges granted herein without the prior written consent of the CITY, the ALLIANCE shall comply strictly with all the laws of Baldwin County, Alabama, the State of Alabama, the United States of America and all the rules and regulations of all applicable agencies thereof.

Page 3

IN WITNESS WHEREOF the parties hereto have affixed their hands and seals on the day and year first written above.

ATTEST:

City Clerk

Hiram Templeton, Chairman
Baldwin County Economic Development
Alliance, Inc.

Fred Small,
Mayor

INTERNAL MEMO

TO: FINANCE DIRECTOR KIM BRILEY
FROM: CHIEF DAVID CARPENTER DC.
DATE: 01-12-06
RE: CUSTODIANS

Please remove Captain David Wilson and Sgt James Mathews as authorized persons for signatures on the temporary Police Confiscation Account. Please update this list with the new supervisors that will work with this account.

Please add:

Captain Scott Taylor
Lt Danny Bell
Cpl Brian Gulsby

As a reminder, this is the temporary account separate from the Drug Asset Forfeiture Account. Please call Capt Wilson if you have any questions at 621-2834. I understand this takes council approval for the change.

TO: Mayor Small
Finance Committee

FROM: Kim Briley, Finance Director

DATE: February 2, 2006

RE: Lodging Tax

This report is presented in order to provide comprehensive summary information regarding the Lodging Tax:

- Background information related to the levy and use of proceeds
- Financial Summary of historical use of proceeds
- Outstanding debt
- Rate comparative with surrounding municipalities
- Five year projection including a proposed revision to the restrictions for use of Lodging Tax proceeds and two rate change options.

I. Background

Lodging Taxes are levied pursuant to Ordinance 1995-15 (effective September 1, 1995.) The taxes were initially “designated for use for the purpose of purchasing, developing, and maintaining beach front property.”

Subsequently, Ordinance 1997-28 was adopted wherein the rate increased from 3% to 4%.

Thereafter, Ordinance 2000-34 was adopted wherein the use of the tax proceeds was amended as follows:

95%: “for the purpose of purchasing, developing, and maintaining beachfront property.”

5%: “for the purpose of providing funding to the IDB for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted in Resolution 2000-31.”

The 4% tax rate and the 95/5% use of proceeds rule is in effect today.
--

II. Financial Summary

[Note: For purposes of this discussion, grants, donations, and the effects of debt restructuring are included at net values.]

From September 1995 through December 2005, Lodging Tax revenues totaling \$ 2,303,501 have been collected.

The following is a summary of uses of the Lodging Tax funds:

\$ 4,647,397	Property Purchases (required the issuance of debt)
\$ 72,379	Industrial Development Board
\$ 50,669	Bay Front Park Improvements
<u>\$ 4,770,445</u>	

III. Debt

Principal outstanding for property purchases totals \$ 3,124,666. (The total due including interest is \$ 5,192,379.)

Maturity Schedules follow:

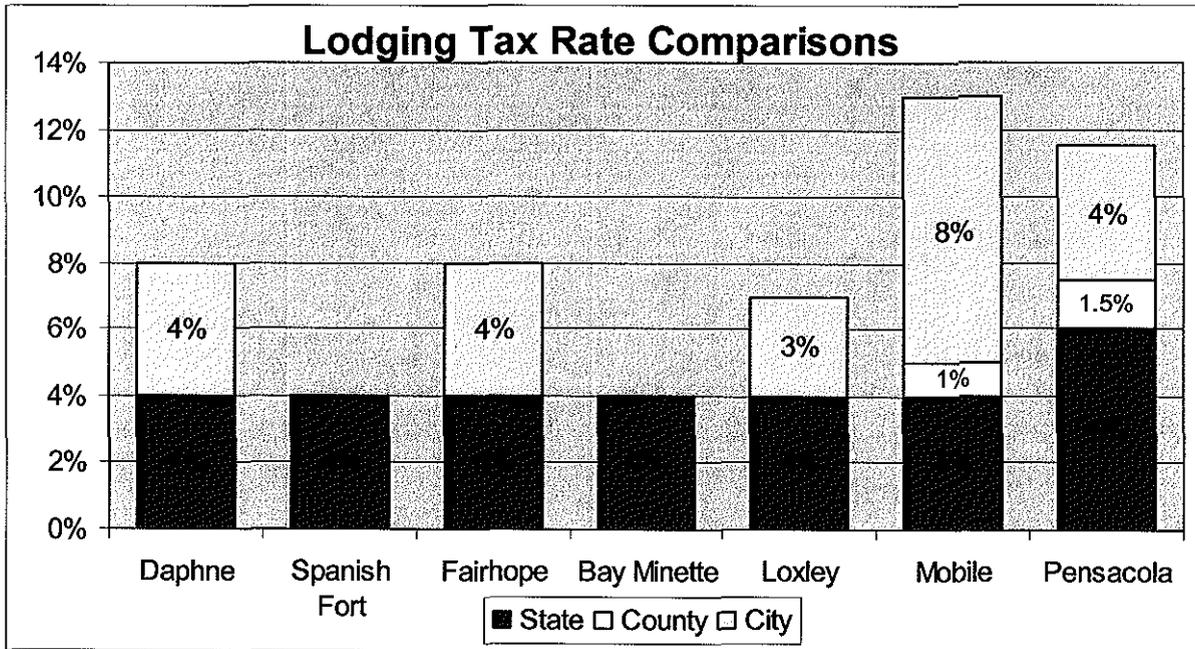
10-1-2006 Scenic 98 Ltd Purchase Agreement
 2-1-2032 2002 General Obligation Warrants: (Subject to call Feb 1, 2012)

Total annual debt service requirements for the 2002 Warrants: \$ 165,000;
 Due to Scenic 98 Ltd: 10-1-2006: \$322,700

IV. Rate Comparisons

Municipalities in the surrounding area were surveyed. The rate of lodging taxes levied ranged from no municipal taxes in Spanish Fort and Bay Minette to 8% in Mobile.

Total lodging taxes (including state and county levied) ranged from 4% in Spanish Fort and Bay Minette to 13% in Mobile. The following graph presents lodging tax rate comparatives:

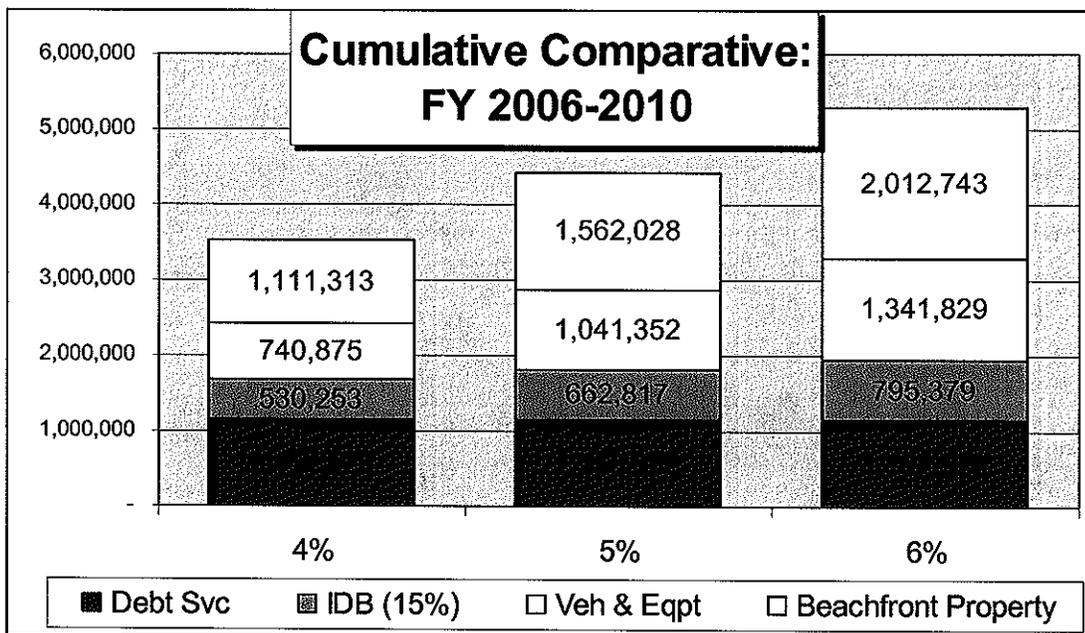


V. Projections

Presented below is a Five-Year Lodging Tax Fund (FY 2006-2010) cumulative projection for municipal tax rates ranging from the current 4% to 6%.

Note the following basis for the presentation:

- Revenue projections include the construction of two new hotels within the next year and an annual increase of 5%.
- IDB contributions are increased from 5% to 15%.
- Debt service is as currently exists for Bay Front property.
- Reserves [equal to Projected Revenues Less IDB Contributions Less Debt Service] are established as follows:
 - 60%: Beachfront Property (Purchase/Development/Maintenance)
 - 40%: Vehicles & Equipment



More detailed annual information is attached for reference.

4%

	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>
Revenue Projected	617,012	677,012	710,863	746,406	783,726
IDB (5%)	(30,851)	(33,851)	(35,543)	(37,320)	(39,186)
Debt Service	<u>(487,926)</u>	<u>(167,134)</u>	<u>(165,493)</u>	<u>(165,363)</u>	<u>(166,663)</u>
	98,236	476,027	509,826	543,722	577,877
IDB (Increase to 15%)	<u>(61,701)</u>	<u>(67,701)</u>	<u>(71,086)</u>	<u>(74,641)</u>	<u>(78,373)</u>
Balance Available for Appropriation	36,535	408,326	438,740	469,082	499,505
Beachfront Property: Purchase/Develop/Mntc (60%)	(21,921)	(244,996)	(263,244)	(281,449)	(299,703)
Vehicles and Equipment (40%)	<u>(14,614)</u>	<u>(163,330)</u>	<u>(175,496)</u>	<u>(187,633)</u>	<u>(199,802)</u>

- - - - -

5%

	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>
Revenue Projected	771,265	846,265	888,579	933,007	979,658
IDB (5%)	(38,563)	(42,313)	(44,429)	(46,650)	(48,983)
Debt Service	<u>(487,926)</u>	<u>(167,134)</u>	<u>(165,493)</u>	<u>(165,363)</u>	<u>(166,663)</u>
	244,776	636,818	678,656	720,994	764,012
IDB (Increase to 15%)	<u>(77,127)</u>	<u>(84,627)</u>	<u>(88,858)</u>	<u>(93,301)</u>	<u>(97,966)</u>
Balance Available for Appropriation	167,650	552,191	589,798	627,693	666,047
Beachfront Property: Purchase/Develop/Mntc (60%)	(100,590)	(331,315)	(353,879)	(376,616)	(399,628)
Vehicles and Equipment (40%)	<u>(67,060)</u>	<u>(220,877)</u>	<u>(235,919)</u>	<u>(251,077)</u>	<u>(266,419)</u>

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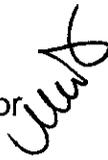
6%

	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>
Revenue Projected	925,518	1,015,518	1,066,294	1,119,609	1,175,589
IDB (5%)	(46,276)	(50,776)	(53,315)	(55,980)	(58,779)
Debt Service	<u>(487,926)</u>	<u>(167,134)</u>	<u>(165,493)</u>	<u>(165,363)</u>	<u>(166,663)</u>
	391,317	797,608	847,486	898,265	950,147
IDB (Increase to 15%)	<u>(92,552)</u>	<u>(101,552)</u>	<u>(106,629)</u>	<u>(111,961)</u>	<u>(117,559)</u>
Balance Available for Appropriation	298,765	696,056	740,857	786,304	832,588
Beachfront Property: Purchase/Develop/Mntc (60%)	(179,259)	(417,634)	(444,514)	(471,783)	(499,553)
Vehicles and Equipment (40%)	<u>(119,506)</u>	<u>(278,423)</u>	<u>(296,343)</u>	<u>(314,522)</u>	<u>(333,035)</u>

- - - - -

TO: Finance Committee

FROM: Kim Briley, Finance Director



DATE: February 7, 2006

RE: 2006 Warrants:

- Paying/Registrar/Escrow Agent
- Construction Fund Depository

Requests for Proposal (RFPs) were sent out for the above referenced services associated with the pending issuance of the 2006 Warrants.

Paying/Registrar/Escrow Agent: RFPs were sent to:
Bank of New York
Regions Bank
US Bank

Recommendation: Bank of New York to serve as Paying Agent/Registrar/Escrow Agent with fees as follows:

Acceptance Fee..... Waived
Annual Paying Agent Fee.....\$ 750
Annual Escrow Agent Fee.....\$ 300

Construction Fund Depository: RFPs were sent to:
Compass Bank
Regions Bank
Wachovia Bank

For discussion purposes, interest rates are for the effective date of 2-1-2006.

- Compass Bank offered an interest rate of 3.75%
- Wachovia Bank offered an interest rate of 3.91%
- Regions Bank offered a three-tiered proposal with rates ranging from 1% to 4.5%

Recommendation: Wachovia Bank to serve as depository for the 2006 Construction Fund based on analysis of the proposals and the long-term total projected interest earnings.

TREASURER'S REPORT

As of January 2006

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

ACCT TITLE	BANK	BALANCE
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$8,380,107.80
OPERATING ACCT	COMPASS	(\$196,951.55)
PAYROLL ACCT	COMPASS	(\$6,065.93)
MUNICIPAL COURT	COMPASS	\$266,531.79
		<u>\$8,443,622.11</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$3,845.93
4 CENT GAS TAX	FIRST GULF	\$144,008.44
7 CENT GAS TAX	FIRST GULF	\$142,428.23
		<u>\$290,282.60</u>
CAPITAL PROJECTS FUND		
CDBG LOAN REPAY	COMPASS	\$532.35
CAPITAL GROWTH	SOUTHTRUST	\$3,420,933.05
97 WARRANT CONS	SOUTHTRUST	\$4,957.42
99 WARRANT CONS	REGIONS	\$534,469.97
2000 CONSTRUCTION	REGIONS	\$90,275.02
		<u>\$4,051,167.81</u>
DEBT SERVICE FUND		
DEBT SERVICE	SOUTHTRUST	\$1,049,053.90
		<u>\$13,834,126.42</u>

GENERAL FUND

Summary Statement of Revenues, Expenditures, and Changes in Fund Balance- Budgetary Basis For the Month Ended September 30, 2005

	GAAP Basis				Budgetary Basis	Amended Budget	Budgetary Variance	
	2002	2003	2004	2005			Over/(Under)	% Budget
Revenues								
Sales, Use, & luxury Taxes	8,593,728	8,918,504	9,806,455	11,277,480	11,277,480	10,676,132	601,348	6%
Payment in Lieu of Taxes	1,029,262	1,153,745	1,218,170	1,239,320	1,239,320	1,265,000	(25,680)	-2%
Ad Valorem Taxes	2,546,138	2,669,631	2,935,349	3,015,895	3,015,895	3,136,000	(120,105)	-4%
Licenses & Permits	710,195	1,641,990	1,590,786	1,811,698	1,811,698	1,652,260	159,438	10%
Other Revenues	1,258,336	1,343,111	1,348,152	1,225,379	1,225,379	1,372,256	(146,877)	-11%
Total Revenues	14,137,660	15,726,980	16,898,912	18,569,772	18,569,772	18,101,648	468,124	3%

Expenditures

General Government

Personnel	1,232,025	1,279,929	1,389,961	1,478,445	1,478,445	1,502,624	(24,179)	-2%
Operating	756,861	812,081	873,542	901,943	933,163	1,068,959	(135,796)	-13%
Capital	181,907	85,904	32,088	47,287	97,287	108,123	(10,836)	-10%
	2,170,793	2,177,915	2,295,591	2,427,676	2,508,895	2,679,706	(170,811)	-6%

Public Safety

Personnel	3,709,241	3,706,606	3,917,126	4,319,641	4,319,641	4,253,900	65,741	2%
Operating	788,888	821,159	862,341	946,007	937,866	962,343	(24,477)	-3%
Capital	91,751	574,740	457,881	316,302	372,376	351,203	21,173	6%
	4,589,880	5,102,506	5,237,348	5,581,949	5,629,882	5,567,446	62,436	1%

Public Works

Personnel	1,742,683	1,747,597	1,824,638	2,016,411	2,016,411	2,053,398	(36,987)	-2%
Operating	1,101,349	1,013,271	1,156,045	1,219,722	1,210,541	1,584,659	(374,118)	-24%
Capital	198,174	466,323	304,805	514,648	556,411	519,001	37,410	7%
	3,042,205	3,227,191	3,285,489	3,750,781	3,783,363	4,157,058	(373,695)	-9%

Parks & Recreation

Personnel	793,501	804,129	876,688	974,289	974,289	970,296	3,993	0%
Operating	499,973	502,022	593,912	742,554	733,195	812,173	(78,978)	-10%
Capital	49,985	27,592	87,083	90,809	180,809	183,819	(3,010)	-2%
	1,343,458	1,333,743	1,557,684	1,807,653	1,888,293	1,966,288	(77,995)	-4%

Total Departmental

Personnel	7,477,450	7,538,262	8,008,413	8,788,786	8,788,786	8,780,218	8,568	0%
Operating	3,147,071	3,148,532	3,485,840	3,810,226	3,814,764	4,428,134	(613,370)	-14%
Capital	521,816	1,154,560	881,858	969,046	1,206,883	1,162,146	44,737	4%
	11,146,337	11,841,354	12,376,111	13,568,059	13,810,433	14,370,498	(560,065)	-4%

Other Financing Sources & Uses

Debt Proceeds	160,524	589,292	6,738	-	-	-	-	-
Transfers to Debt Service	(2,117,358)	(2,319,414)	(1,950,980)	(1,962,965)	(1,962,965)	(1,950,045)	12,920	-1%
Other Transfers & Uses	(978,963)	(665,696)	(2,070,089)	(1,044,618)	(1,206,169)	(1,772,582)	(566,413)	32%
Total Other Financing Sources/Uses	(2,935,797)	(2,395,818)	(4,014,331)	(3,007,583)	(3,169,134)	(3,722,627)	(553,493)	15%

Total Revenues Over Expenditures	55,526	1,489,808	508,470	1,994,130	1,590,205	8,523	1,581,682	
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Unreserved Fund Balance, 10-01	2,381,054	2,386,488	3,825,172	4,106,801				
GAAP Basis Rev > Exp	55,526	1,489,808	508,470	1,994,130				
Increase in Reserve for Encumbrar	(52,730)	(51,124)	(226,841)	(156,668)				
Change in Designations	2,638	-	-	23,867				
Unreserved Fund Balance, 9-30	2,386,488	3,825,172	4,106,801	5,968,130				

SALES & USE TAXES

ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38
December	677,887.14	730,634.15	803,488.81	858,086.68	892,208.68	941,151.87	1,091,073.78	1,168,443.88
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,810.49	867,446.44	
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	
August	572,428.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	
September	567,325.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	
Totals	6,634,029.78	7,110,160.82	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	3,002,590.72

FY 2006 BUDGET/ACTUAL COMPARISONS

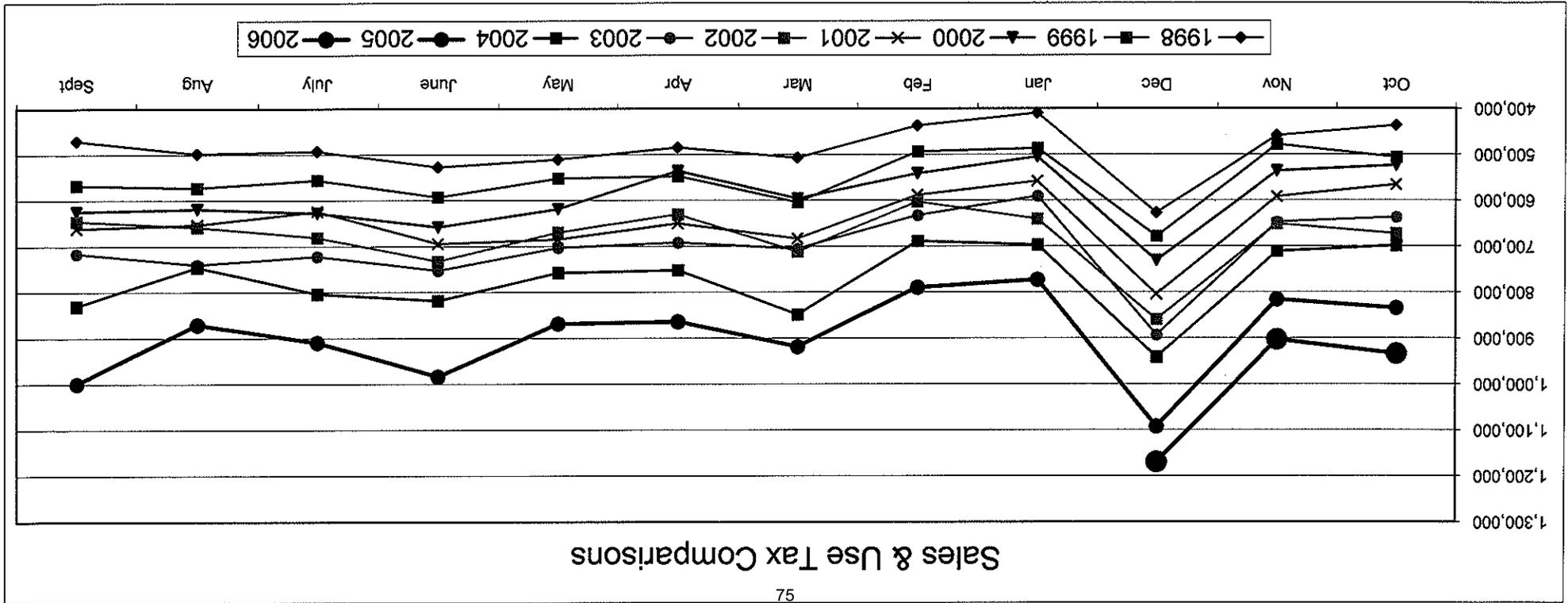
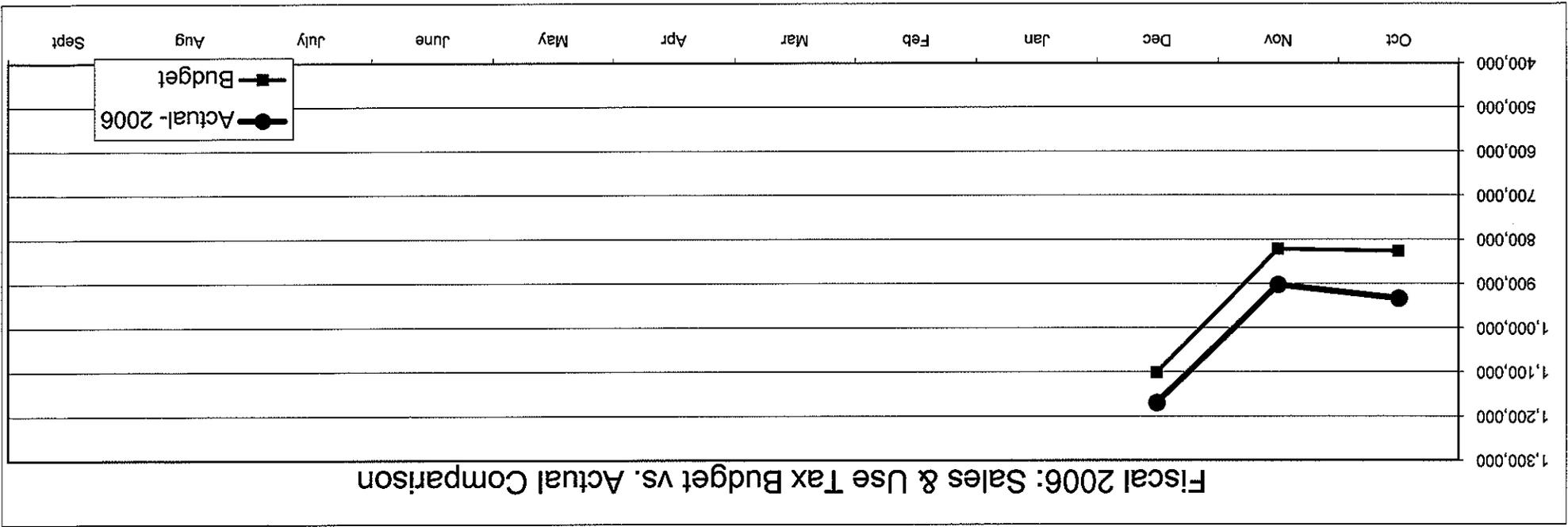
	Actual- 2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	932,634.66	825,474	107,160.68	107,160.68	12.98%
November	901,512.38	820,652	80,860.42	188,021.10	9.85%
December	1,168,443.88	1,100,098	68,345.56	256,366.66	6.21%
January		785,065			0.00%
February		787,808			0.00%
March		923,786			0.00%
April		852,157			0.00%
May		870,852			0.00%
June		952,994			0.00%
July		903,547			0.00%
August		875,817			0.00%
September		920,338			0.00%
Totals	3,002,590.72	10,618,586	256,366.66		

FISCAL YEAR COMPARISONS

	<u>\$ Change</u>							<u>Percent Change</u>						
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	10.66%
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	7.09%
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15		3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54		9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	
March	(9,033.25)	87,163.40	28,455.48	(5,570.57)	142,786.66	69,875.31		-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26		-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	
May	65,789.32	68,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95		11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26		10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	71,054.58	(4,231.14)	58,677.60	42,188.32	81,260.24	105,524.99		12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78		7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	168,215.28		9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
Annual \$ Change	476,131.04	641,019.38	393,592.24	284,159.66	860,992.68	1,418,335.85		7.18%	9.02%	5.08%	3.49%	10.21%	15.27%	

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

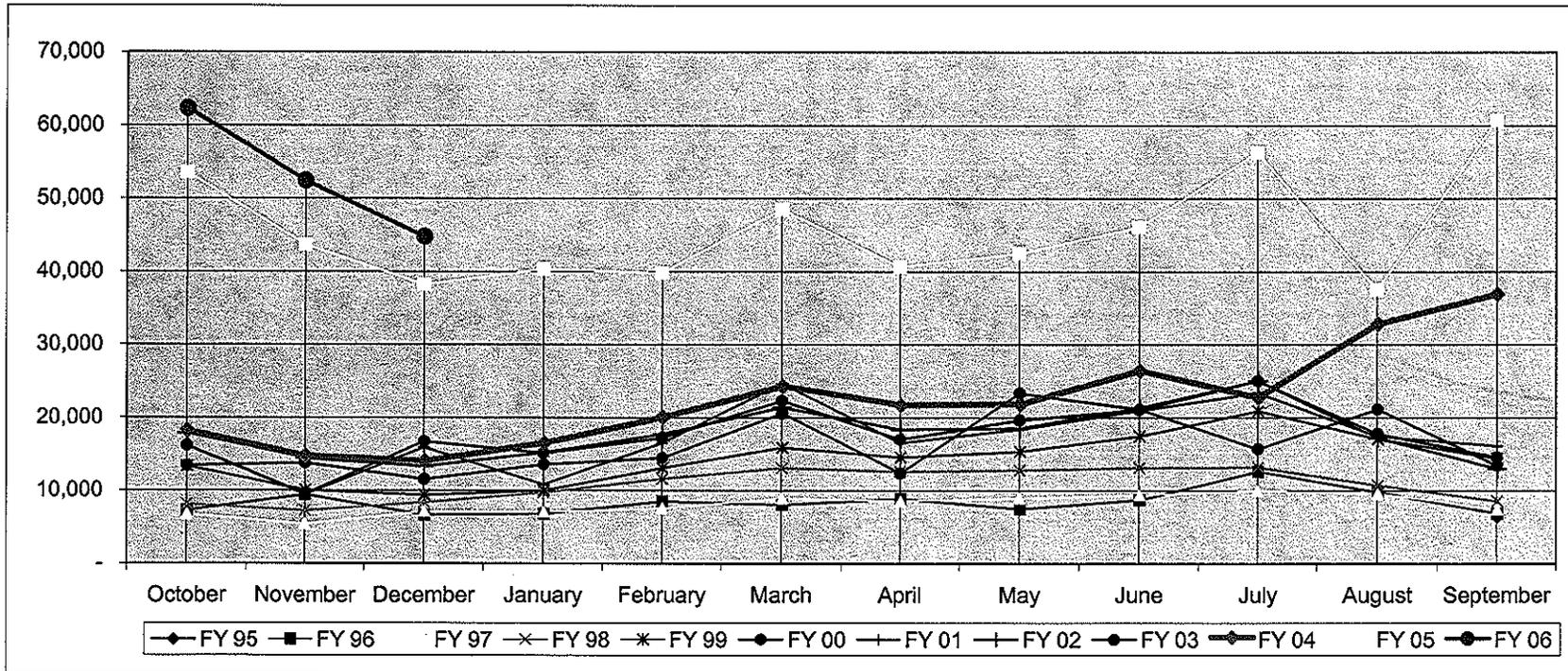
TOTAL collections: 12-31-05	3,002,591
Budgeted: 10-1-05 to 12-31-05	2,746,224
Actual Coll - (<) Budget, 12-31-05	256,367
% Over/(Under) Budget, 12-31-05	9.34%



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	
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	159,212.27

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



Ad Valorem Taxes

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006*</u>	<u>2006- Budget</u>	<u>2006: Budget/ Actual Variance</u>
Property Taxes	1,996,746	2,130,635	2,254,739	2,508,168	2,552,513	2,463,709	2,886,000	(422,291)
Shares Taxes	29,688	29,881	30,090	30,316	30,543	-	31,000	(31,000)
Auto Taxes	369,493	385,623	384,801	396,865	432,838	109,170	350,000	(240,830)
	<u>2,395,927</u>	<u>2,546,138</u>	<u>2,669,631</u>	<u>2,935,349</u>	<u>3,015,895</u>	<u>2,572,879</u>	<u>3,267,000</u>	<u>(694,121)</u>

* As of 1-31-2006

NEW BUSINESSES FOR JANUARY 2006

BRICK & MORTAR BUSINESSES - CITY LIMITS

ACTION WHOLESALE HOME IMPROVEMENT	1
AROUND THE CLOCK SITTING SERVICE	1
ASHLEY'S CLEANING SERVICES	1
BACK BAY BUILDERS INC	1
BUDGET TRUCK RENTAL LLC	1
CLUB SUN TANNING SALON	1
COMPASS POINT COUNSELING	1
CRAFTON CHIROPRACTIC	1
EDDIE YOUNGBLOOD BUILDERS	1
ERRANDS EXPRESS	1
FOSTER CHIROPRACTIC	1
GROUNDSAW ENTERPRISES LLC	1
GULF COAST GENERATOR SALES & SVC INC	1
HANDY LOCK SELF STORAGE	1
LANDSCAPE CO LLC, THE	1
M K CREATIONS	1
MARDI GRAS MADNESS (MOVED)	1
MOUTHPIECE CONSULTING	1
DEGHANI-SANICH, SUSAN	1
ODDYSEY HEALTHCARE OF BALDWIN CTY	1
PREMIER GARAGE	1
PURPOSE DRIVEN PAINTING	1
RIISNET LLC	1
STAINED GLASS ETC	1
STUCKAS PROPERTIES LLC	1
SUNBELT BROKER INC	1
SUNSTONE MASONRY INC	1
SURETY LAND TITLE INC	1
SYNERGY EARTH SYSTEMS LLC	1
UNLIMITED; U TOO: CUSTOM FIT	1
WALGREEN CO (MALBIS)	1
WIRELESS OUTLET	1
TOTAL NEW BUSINESSES - CITY LIMITS	32

CONTRACTORS

JUBILEE RIDGE LLC	1
CUSTOM ENGINEERING SOLUTIONS	1
BRANNON, TONY R	1
H E NEWELL INC	1
SOUTHLINE LLC	1
JOHN G WALTON CONSTRUCTION CO INC	1
BES CONSTRUCTION LLC	1
ALEXANDRIA HOMES LLC	1
CM PROPERTIES LLC	1
DOMESTIC PLUMBING LLC	1
ACCESS CONTROL ALARM SERVICE	1
QUALITY BUILT FENCES & DECKS	1
DAD CONTRACTORS	1
PLEASANT ROOFING & PAINTING	1
Y3K ENERGY INC	1
NEW LIFE ENTERPRISES	1
BALDWIN ELECTRIC INC	1
TRI STATE FIRE PROTECTION	1
ROBINSON DEVELOPMENT CO INC	1
BENJAMIN COOK DEVELOPMENT LLC	1
A/C SERVICE SOLUTIONS INC	1
SCOTT TEW HOMES INC	1
STEADMAN CONTRACTING SERVICES INC	1
RE-ROOF AMERICA CORP	1
PIKE ELECTRIC INC	1
PROFESSIONAL DRAIN SERVICE	1
SHAW SERVICES LLC	1
QUALITY 1ST PAINTING	1
TRICO GENERAL CONTRACTORS INC	1
JOE REID PLUMBING	1
BLISS PRODUCTS & SERVICES INC	1
FIESTA POOLS	1
KISTLER MCDUGAL CORP	1
BLOUNT CAMPBELL CONSTRUCTION INC	1
TOTAL NEW CONTRACTORS	34

NEW BUSINESSES FOR JANUARY 2006

OUT OF CITY	
SITE PRO 1 INC	1
GH PARTS & COMPONENTS INC	1
BING HAN (USA) ENTERPRISES LIMITED	1
ENIVA CORPORATION	1
AIR-TECH OF PENSACOLA INC	1
COMPLETE NETWORK SERVICES INC	1
COWLES, MURPHY & GLOVER	1
STOFFEL SEALS CORP	1
ISAGENIX INTERNATIONAL LLC	1
DMX MUSIC	1
GUEST SUPPLY LLC	1
ADVANCE BUILDING MAINTENANCE	1
POINT VIEW REALTY INC	1
LIBERTY'S CLEANING	1
MOMAR	1
CARDTRONICS LP	1
WIZARD INTERNATIONAL INC	1
RE/MAX PARTNERS (WRIGHTCRAFT LLC)	1
OMNILIFE USA INC	1
FANTASTIC TOURS	1
INFOR GLOBAL SOLUTIONS (COLORADO) INC	1
LIBERTY WIRELESS	1
MYSTIC TAN INC	1
MERIDIAN BIOSCIENCE CORP	1
MEADWESTVACO CORPORATION	1
VARSITY SPIRIT CORP	1
FRONTRANGE SOLUTIONS USA INC	1
SIMPLE SOLUTIONS BY TERESA	1
TASTEFULLY SIMPLE INC	1
HILTON SYSTEMS SOLTUTIONS LLC	1
COFFEE PRO INC	1
LINDE GAS LLC	1
SYSCO FOOD SERVICES GULF COAST INC	1
GULF WILBERT VAULT CO INC	1
TEREX UTILITIES SOUTH INS	1
EQUIPMENT SERVICES INC	1
TRIPLE M REALTY LLC	1
CHRIST IS THE KING CLEANING SERVICE	1
ENERGY SYSTEMS SOUTHEAST LLC	1
ESTHER INC	1
GCN HOLDINGS LLC	1
ADP CLAIMS SOLUTIONS GROUP INC	1
STANDARD ELECTRIC SUPPLY CO INC	1

INSURANCE COMPANIES	
NORTHERN INS CO OF AMERICA	1
RSUI INDEMNITY COMPANY	1
AXA EQUITABLE LIFE INSURANCE CO	1
TOTAL INSURANCE COMPANIES	
3	

TOTAL NEW BUSINESSES OCTOBER 2005	112
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TOTAL BUSINESSES CLOSED AUGUST - CITY	
DOLLAR TREE	1
RITZ CAMERA	1
HONOR SYSTEM SNACKS	1
TOTAL DAPHNE BUSINESSES CLOSED	
3	

Buildings and Property Committee Meeting

Friday, February 3, 2006

10:00 a.m.

**City of Daphne
Council Chambers**

Minutes

Committee

Councilman John Lake, Chairman (Absent)

Mayor Fred Small

Councilman August A. Palumbo

Also present

**Sandra Morse, Director Daphne Civic Center, Shannon Spivey, Mayors
Assistant,**

**Richard Merchant, Building Official, Ragan Lambert, Permit Technician, Ashley
Campbell, Erosion Inspector, and Mr. Al Guarisco**

The Mayor informed the Committee that he was aware that the stage floor at the Civic Center was in need of replacement as the Masonite floor that was installed during construction warped soon after it was installed. The product used was not the proper product for stage flooring and is causing a serious safety hazard for dancers and all who use the stage at the Civic Center. (Mayor Small also received a letter asking for the stage floor to be replaced by the producers of The Nutcracker.) **(See attached)**

The Mayor informed the Committee that the Building Inspection Department is now placed under the Buildings & Property Committee. Richard Merchant, Building Official

Ragan Lambert, Permit Technician, Ashley Campbell, Erosion Inspector attended the meeting and presented the attached Planning/Zoning Building Development Outline for January 2006, City of Daphne Building Permits Report for January 2006, Certificate of Occupancy for January 2006, Yearly Building Report for the City of Daphne for 2000-2005, City of Daphne Building Permits for December, 2005 and January 2006.

Mayor Small stated that Mr. Merchant will attend the Committee meeting and bring all pertinent reports.

Mr. Merchant is working to establish the Board of Adjustments and Appeals (Abatements) and the Construction Board of Adjustment and Appeals for the Building Department.

It was stated that Mr. Jay Ross, City Attorney would be consulted to find out who would appoint these Boards.

Mr. Al Guarisco presented several photos of City owned buildings designed by Mr. Jeff Hudson, Gatlin-Hudson Architects. Mr. Guarisco stated his concerns about the size of the new City Hall project as well as stating that it could have simpler lines and that the function of City buildings should be met without unnecessary costly structures. Mr. Guarisco presented several photos of the current City Hall, the new building on the corner of Hwy. 98 and 64, the library, Civic Center, Justice Center, Recreation Department, Christ the King Church, and others.

Councilman Palumbo stated that the City is interested in spending a little more for the construction so that they don't just renovate the facility for current needs but plan wisely for future needs. He also stated that it is difficult to judge the size of the facility because from the rendering the sides of the facility can appear to be a part of the front of the building.

Mayor Small stated that several of Daphne's citizens voiced their concerns to have a facility with an Italian design to represent the history of the city. Mayor Small encouraged Mr. Guarisco to have a share in future meetings and to also bring any other interested party.

Mayor Small presented a Memorandum of Understanding from Johnson Controls, Inc. to confirm the interest of the City of Daphne in developing an energy/operational efficiency project and provide a preliminary feasibility analysis study of various City departments at no charge to the City of Daphne. **(See Attached) Motion** by Mayor Small to allow him and Kim Briley to enter into the MOU with the City of Daphne. **Seconded** Councilman Palumbo. **Motion Approved.**

Mayor Small discussed looking into possible revenue possibilities of the City owned parking lot at Jubilee Square. Mayor Small stated that he was recently informed that Star Bucks wanted to build on the City owned parking lot in the shopping center and that he is researching the particulars of the situation. **(See attached map)**

Mayor Small presented the Appraisal Report for the City owned property located in the Northwest corner of U.S. Highway 98 and Johnson Road in Daphne for review. **(See attached)**

Mayor Small stated that he would prefer all Department Heads to work through the maintenance Department when ordering building equipment.

Meeting adjourned at 11:35 a.m.
Sandra Morse Recording

January 10, 2006

Gayle Dearman
801 Captain O'Neal Drive
Daphne, Alabama 36526

The Honorable Fred Small
Mayor, City of Daphne
Post Office Box 400
Daphne, AL 36526

The Honorable Daphne City Council Members
Post Office Box 400
Daphne, AL 36526

Dear Mayor Small and Council Members:

Bay Shore Ballet is extremely interested in holding its annual production of the holiday classic, *The Nutcracker*, at the Daphne Civic Center. Although we have held the past several performances at the Foley Civic Center, in reality the stage is too small to accommodate this professional quality production by Bay Shore Ballet. After looking at alternative venues last week, we found Daphne Civic Center fits our needs perfectly with its convenient location, excellent accommodations, and most attractive facilities. We were especially excited to learn that the Civic Center is available this coming December 14th through the 17th, the dates of our performance. We were prepared to reserve the dates last week, when our excitement and plans were dashed upon discovering that the stage floor is warped and buckled to the extent that the dancers can't dance on it.

We are still eager to hold our five *Nutcracker* performances at the Daphne Civic Center, and are ready to commit by signing the contract and paying the deposit, but can only do so if we are assured the stage floor will be repaired prior to the performances. We are writing now to determine whether or not there are plans to repair the stage floor this year. If there are, we would like to reserve the Civic Center December 14th through the 17th. If the decision has not yet been made, is it possible to sign a contract now reserving the dates mentioned above, but with a clause that allows us to cancel the contract if the floor is not repaired by a specified date?

Again, we are eager to perform at the Daphne Civic Center and any assistance you can give us in making this possible will be greatly appreciated. Because we need to reserve a venue immediately, we would appreciate your responding as quickly as possible. I can be reached at 626-7792 (O), 626-0437 (H) or 610-3693 (C).

Thank you very much for your attention to this matter.

Sincerely,



Gayle Dearman

Sandra

From: Mayor Small [mayorsmall@bellsouth.net]
Sent: Tuesday, January 31, 2006 4:53 PM
To: 'Sandra Morse'
Subject: FW: Johnson Controls' energy audit of City of Daphne

This is the information that the Mayor would like to go to Buildings and Property. Mr. Warner cannot come on short late notice but he will be glad to provide any other information , references that we request. Can you send me a new agenda to post? Thanks. Shannon

From: John.B.Warner@jci.com [mailto:John.B.Warner@jci.com]
Sent: Tuesday, January 24, 2006 10:41 AM
To: mayorsmall@bellsouth.net
Subject: Johnson Controls' energy audit of City of Daphne

Dear Mayor Small:

Thank you for the time that you spent with me this morning. Per our conversation, please review the attached MOU/non-disclosure agreement, along with a list of information that we would need to conduct a preliminary energy assessment. Please note that this document clearly states that our preliminary analysis does not financially obligate the City, and that all information shared is confidential.

Once I receive a signed agreement and the requested information, I should be able to turn around some benchmarking information for you within a couple of weeks. It will be interesting to see if a savings opportunity does in fact exist. If you have any questions whatsoever, please give me a call. Thanks again.

P.S. I have left a message for Mr. McElroy, and if it is possible, I would like to assess an opportunity there at the same time we look at your data. We'll see.

John B. Warner, CHE
Business Development for Healthcare
Johnson Controls, Inc.
23950 Montrose Woods Drive
Fairhope, AL 36532
Office: 251-690-7811, ext. 5004
Cell: 251-455-8364
Fax: 251-690-9219

MEMORANDUM OF UNDERSTANDING

PARTIES:

City of Daphne, AL

1705 Main Street
Daphne, AL 36526
Fred Small, Mayor

Johnson Controls, Inc. (JCI)

23950 Montrose Woods Drive
Fairhope, AL 36532
John B. Warner, Account Executive

This Memorandum of Understanding (MOU) is to confirm the interest of The City of Daphne in developing an energy/operational efficiency project, and is herein referred to as the "MOU".

It is our mutual understanding that this MOU will provide for a preliminary feasibility analysis to be conducted by Johnson Controls, Inc. (JCI) and in cooperation with The City of Daphne to:

1. Identify, prioritize, and recommend potential improvements for the City's facilities that would result in reduced energy consumption and improved operational efficiency;
2. Quantify, on a preliminary basis, the associated savings, both energy and operational that would result from the improvements;
3. Provide The City of Daphne with a preliminary report outlining the potential improvements and recommendations that will produce a positive operational and/or economic impact.

Information Exchange

Recognizing the unique aspects of the anticipated project, The City of Daphne agrees to assist JCI by providing the following information, if available:

1. List of City Facilities to be included in the preliminary study, including associated square footage (please include building name, address, and use of building).
2. Utility Release (include all account numbers and note the facility served);
3. Copy of Building Footprint.
4. Age and Condition of HVAC Systems and Roofs at all facilities.
5. List of any major complaints/issues with buildings regarding comfort, indoor air quality, heating and cooling.
6. Itemized Utility Bills Expenses for last 24 months for above facilities. Utilities to include natural gas, electricity, water and sewer (copies of actual bills are preferred, however, should bills be unavailable, utility information should show, by month, consumption. {e.g. kWh for electricity, therms or ccf for natural gas}, actual and billed kW for electricity, and cost. Provide rate schedule for each utility.
7. Budgetary Information for Planned Capital Equipment Purchases or Replacements (as it relates to HVAC, Lighting, Plumbing, etc.)
8. Repair and Maintenance Costs for above listed items.
9. Copy of Capital Plan including Funds Budgeted and Capital Improvements Identified.

LED Traffic Lighting

1. Number of intersections.
2. Number of lights by color or direction per intersection.
3. Amount of inventory on hand.
4. Cost per bulb.
5. Current wattage and type of bulb.
6. Are intersections currently metered or is a flat rate being charged.
7. Copy of actual bills for a 3-year period identified by intersection or location.

Street Lighting

1. Number of lights.
2. Wattage of bulbs.
3. Inventory on hand.
4. Cost per bulb.
5. Current wattage and type of bulb.
6. Are intersections being metered or is a flat rate being charged.
7. Copy of actual bills for a 3 year period identified by intersection or location

Service Contracts

1. List types of outsourced services that the City utilizes.
2. Copies of contracts listed above (Terms and Conditions).

The City of Daphne also agrees to assist JCI in facilitating dialogue with the City's key personnel who can contribute vital information as it relates to this assessment and the priorities of the City. The purpose of this is to introduce the conceptual structure of the anticipated program and to understand what specific performance, operational, accounting, and legal aspects should considered or be met prior to the City proceeding with the remaining steps of the process.

Upon completion of this preliminary assessment and assuming that it meets the City's financial and performance objectives, it is the intent of the The City of Daphne to proceed with the remaining steps of the timeline listed in this MOU. This process may include, but is not limited to: Execution of a Public/Private Partnership; and/or Request for Qualifications from Energy Services Companies, Selection of an ESCO to perform the detailed audit, design and implementation of the improvements under a guaranteed savings performance based arrangement with the selected ESCO.

Timeframe

It is the intent of the parties to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

February 15, 2006	JCI & City - Executed Memorandum of Understanding (MOU)
March 1, 2006	JCI - Receive Utility Release Form and Information required for Preliminary Assessment from City
March 15, 2006	JCI - On Site Facility Review
March 31, 2006	JCI - Review Preliminary Assessment Results w/City Staff

March 31, 2006	City – Provide the City Council with Preliminary Results of Assessment
March 31, 2006	City – Adopt Resolution to Release RFQ
April 30, 2006	City – RFQ's Due From ESCO's
April and May, 2006	City – Committee Review and Evaluation of RFQ Responses
June 1, 2006	City – Adopt Resolution to Award Contract
June and July, 2006	ESCO – Detailed Audit Phase
TBA	City and ESCO – Contract Negotiations
TBA	City and ESCO – Contract Agreement and Execution
TBA	City and ESCO – Implementation of Project

Parties understand that this Memorandum of Understanding is not legally or financially binding, but simply represents the parties' commitment to the process to determine the potential that may exist for The City of Daphne to utilize performance based contracting to improve the efficiency and performance of their facilities. All information collected by JCI will be kept strictly confidential.

The parties have duly executed this Agreement, in duplicate, as of the date set forth below.

The City of Daphne, Alabama

Johnson Controls, Inc.

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

COURTNEY & MORRIS APPRAISALS, INC.

1290 Main Street • Suite B
Daphne, Alabama 36526
Phone (251) 626-8882
Fax (251) 626-8896

MEMBER OF:

ALABAMA REAL ESTATE APPRAISERS BOARD
APPRAISAL INSTITUTE (FORMERLY AMERICAN INSTITUTE OF
REAL ESTATE APPRAISERS AND SOCIETY OF REAL ESTATE APPRAISERS)

EDWARD N. MORRIS, JR.*
JEX R. LUCE, JR., M.A.I., S.R.P.A.†
FRANK E. COURTNEY
JOHN C. JOHNSON
JOE M. COURTNEY, JR., Baldwin County
S.K. SMITH, III, Baldwin County
*ALSO CERTIFIED IN MISSISSIPPI
†ALSO CERTIFIED IN FLORIDA

JOSEPH M. COURTNEY, SR., M.A.I., S.R.P.A.
(1924-1997)

January 31, 2006

Mayor Fred Small
City of Daphne
Post Office Box 400
Daphne, AL 36526

Dear Mayor Small:

In compliance with your request, I have made a Summary Appraisal Report of certain Real Property located in the Northwest corner of U.S. Highway 98 and Johnson Road in Daphne, Baldwin County, Alabama. The Subject Property consists of an approximate 7.07± acre site that is improved with the City of Daphne Mechanical Maintenance Facility and the Albert Corte Animal Shelter.

I have been engaged by Mayor Fred Small/The City of Daphne to estimate the market value of the Subject Property for sale purposes. Market value is defined as:

Definition of Market Value

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. buyer and seller are typically motivated;
- b. both parties are well informed or well advised, and each acting in what he considers his own best interest;
- c. a reasonable time is allowed for exposure in the open market;
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Date of the Report

January 26, 2006

Date of Market Value Estimate

January 26, 2006

Interest Valued

Fee Simple Interest, less oil, gas, and mineral rights.

Definition of Fee Simple Interest

The value of a fee simple interest is defined by the Real Estate Appraisal Terminology Handbook as:

An absolute fee; a fee without limitations to any particular class of heirs or restrictions, but subject to the limitations of eminent domain, escheat, police power, and taxation. An inheritable estate.

Intended Use of the Report

It is the appraiser's understanding that this appraisal will assist the client (The City of Daphne) in the matters relating to the possible sale of the Subject Property.

Legal Description

Was not provided for this assignment.

Location Description

The Subject Property is located in the Northwest corner of the intersection of U.S. Highway 98 and Johnson Road in the Southeastern sector of Daphne, Alabama.

Property utilization is almost entirely of a commercial nature along U.S. Highway 98 in the immediate vicinity. This development varies from a local building supply known as NFL which is adjacent and Northeast of the Subject to strip shopping centers, auto dealers, restaurants, offices, service stations, etc. The Daphne South 4th through 5th grade elementary school is just to the Northwest. There are residential homes to the West and Southwest of the Subject.

U.S. Highway 98 is the main traffic artery leading in a Southerly direction along the Eastern Shore area of Baldwin County from Interstate 10 to the community of Barnwell. This major traffic artery has experienced significant commercial development over the past 15+ years with the construction of a Wal-Mart Super Center, a Target store, Walgreens, Winn-Dixie Market Place, Staples, and new car dealers, etc.

In short, the location is considered to be good. Based on the growth experience of the last two decades, a much larger residential community is anticipated East of the Subject. Commercial development along Highway 98 is expected to grow at an above average pace over the intermediate term. Real estate values appear to be firmly entrenched and hold out the possibility of continued attractive growth, given continued positive economic condition.

Zoning

The Subject Property is located within the Daphne corporate limits and is zoned B-2, General Business District. This zoning is intended to provide opportunities for activities causing noise and heavy traffic; not considered compatible in more restrictive business districts. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes.

Assessment and Taxes

In 2005, the Subject Property was assessed as two separate parcels. Details relevant to the two parcels are as follows:

Owner:	City of Daphne
Tax I.D.#:	05-43-04-20-3-000-044.001
Site Size:	1.3± Acres
Appraised Value:	\$306,300 – Land \$71,500/Building \$234,800
Tax Liability:	Exempt

Owner:	City of Daphne
Tax I.D.#:	05-43-04-20-3-000-052.000
Site Size:	5.9± Acres
Appraised Value:	\$545,800
Tax Liability:	Exempt

Property Description

The Subject Property consists of an irregular shaped tract of land that lies in the Northeast corner of U.S. Highway 98 and Johnson Road in the Southeastern sector of Daphne, Alabama. The site is presently improved with the City of Daphne Mechanical Maintenance Facility and the Albert Corte Animal Shelter.

The mechanical facility is an approximate 25 year old metal building with approximately 21,378+ square feet of warehouse/shop/office area. In addition to the main building there is a

5,928+ square foot open shed located about sixty feet South of the maintenance facility. The appraiser observed a fuel/gas island also near the main building. The Albert Corte Animal Shelter is located in the Southwest sector of the site and in the appraiser's opinion has no value. Someone purchasing this highway 98 corner location in all likelihood would remove the facility and assign no value to the building and the Subject is valued accordingly.

The appraiser reviewed a copy of a survey dated November 7, 1997 by McCrory & Williams. This survey was in a file of Horticulturist Marshall Parsons. The legal description on this survey indicates the site size to be 7.07± acres. The site is very irregular in configuration and can best be depicted by reviewing the attached tax plats and aerial photographs, etc.

According to the survey, there is a triangular out-parcel located between the Subject and U.S. Highway 98 in the Northeast corner. This survey indicates the Subject has 439.96 feet of frontage along Johnson Road, 260.20 feet on the West side of 98, and 93.72 feet of frontage at the intersection of Johnson Road and 98.

In addition to the above mentioned road frontage, access is also via Thomas Avenue which is a paved roadway that leads from Main Street to the North Eastern sector of the site.

The topography of the site is gently rolling to basically level based upon my physical inspection. The area near Johnson Road is near road grade, U.S. Highway 98 appears to be 15+ foot above grade from the Subject site. Due to the Subject being below grade from U.S., the visibility of any new improvement would be somewhat diminished and could lengthen the Subject's marketability.

Utilities

Utilities available to the Subject Property consist of electricity, water, sewer and telephone service at this time.

Sales History

USPAP Standards Rule 1-5 (a,b) requires an appraiser to consider and analyze (a) any current agreement of sale, option, or listing of the property being appraised, if such information is available to the appraiser in the normal course of business and (b) any prior sales of the property being appraised that occurred within three years.

Based on a review of the Baldwin County Probate records, there have been no transactions involving the Subject Property over the past three years to the appraiser's best knowledge.

Definition of Highest and Best Use

Highest and best use, simply stated, is the perfect improvement to a site which will produce the maximum rate of return on invested capital. It is defined as:

"That reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability." (The Dictionary of Real Estate Appraisal, 3rd Edition, published by the Appraisal Institute, 1993).

The Subject Property is presently zoned B-2, General Business District. This district is to provide for opportunities for activities causing noise and heavy traffic; not considered compatible in more restrictive business districts. Based on current zoning the site appears to be destined for commercial development.

Physically, the site is located on the West side of U.S. Highway 98. U.S. Highway 98 is the primary North/South traffic artery for the Eastern Shore of Baldwin County, as it extends South from Interstate 10 in Daphne through Montrose and Fairhope to the Barnwell community. The most recent traffic study along the U.S. Highway 98 in Daphne shows that traffic has increased significantly due to increased residential development in and around the Eastern Shore area.

As previously stated, the site encompasses a total area of 7.07 acres. Access from Johnson Road, Thomas Avenue, and U.S. Highway 98 is considered good. All public utilities are available to the site including city water and sewer. From a physical standpoint, the site appears to have the size, access, and utilization character to attract development from commercial entities.

The existing improvements consist of an approximate 21,378 square foot warehouse/shop/office area, a 5,928+ square foot open shed and the animal shelter. The buildings are in good to average condition. The main buildings could be readily modified to accommodate an alternate use. The animal shelter in all likelihood would be removed by a new purchaser and no value is given to this improvement.

From a financially feasible perspective, the site appears to be very attractive due to its visible location. As previously stated, there are wide arrays of commercial properties in the immediate locale ranging from professional office space, automobile dealerships to retail space. The feasible use of the property could fall within a broad range of high intensity commercial uses.

Having examined the possible, legal, permissible, and feasible uses, the next step is to consider the use that would produce the highest return to the owner. After careful analysis, I am of the opinion the highest and best use of the area with the mechanical maintenance facility would be

its current use, that of a warehouse/shop space. There is no alternate use available that would justify demolition of these improvements. It is the appraiser's opinion this sector of the Subject site should be sold in a separate transaction from that corner site fronting U.S. 98 and Johnson Road. The most logical buyer would be the adjacent property owner, NFL Building Supply.

Type of Appraisal and Reporting Option

The Uniform Standards of Professional Appraisal Practice, 2005 Edition provide for two types of real property appraisals - Complete and Limited. A Complete Appraisal is defined as:

The act or process of developing an opinion of value or an opinion of value developed without invoking the Departure Rule.

The only difference between the two types of appraisals is that a Limited Appraisal results from invoking the Departure Provision, which states:

An appraiser may enter into an agreement to perform an assignment in which the scope of work is less than, or different from, the work that would otherwise be required by the specific requirements.

In valuing the property under consideration, the appraiser has performed a Limited Summary Appraisal, which is defined as:

The act or process of developing an opinion of value or an opinion of value developed under and resulting from invoking the Departure Rule. (Statement of Appraisal Standards No. 7, Uniform Standards of Professional Appraisal Practice, 2006 edition)

The Departure Provision states:

This provision permits limited departures from sections of the Uniform Standards that are classified as *specific guidelines* rather than binding requirements. The burden of proof is on the appraiser to decide before accepting an assignment and invoking this provision that the result will not confuse or mislead. The burden of disclosure is also on the appraiser to report any departures from specific guidelines.

An appraiser may enter into an agreement to perform an assignment that calls for something less than, or different from, the work that would otherwise be required by the specific guidelines, provided that prior to entering into such agreement:

1. the appraiser has determined that the appraisal or consulting process to be performed is not so limited that the resulting assignment would tend to mislead or confuse the client or the intended users of the report;

2. the appraiser has advised the client that the assignment calls for something less than, or different from the work required by the specific guidelines and that the report will clearly identify and explain the departure(s); and
3. the client has agreed that the performance of a limited appraisal or consulting service would be appropriate.

When the Departure Provision is invoked, the Standards state that the appraiser must state the departures taken. For this report, the specific departure was:

1. Exclusion of the Market Approach to Value.
2. Exclusion of the Income Approach to Value.

The Market Approach to Value requires the compilation of sales of similar properties from the Subject's market area. There are sales of warehouse buildings on small acreage sites, but the number of differences between the Subject Property and the sales would require large subjective adjustments (most sales are on sites worth less than \$100,000). With large and subjective adjustments, the degree of accuracy of adjustments could be challenged. Additionally, there are only a limited number of similar transactions as most properties like the Subject are owner occupied so resales are scarce. Therefore, I have omitted this value approach.

The Income Approach to Value was not utilized due to the difficulty in finding market rentals. As stated previously, properties similar to the Subject are almost exclusively owner occupied in Baldwin County so there is little comparable rental information to apply to the Subject. Because of this, the Income Approach was not applied for this appraisal.

In valuing metal warehouse buildings, the Cost Approach to Value is generally considered to be a reliable value indicator. Additionally, the site value represents the majority of the value in the Subject Property. Therefore, the Cost Approach to Value is considered to be the best available value indicator. It represents the cost of entry into the market for a property such as the Subject.

Although the level of reliability may be somewhat diminished, the appraiser does not feel that the exclusion of the Market and Income Approaches would result in a misleading analysis. The client is a frequent user of appraisal reports and the appraiser is satisfied that the client has a level of understanding of the type of real estate and market conditions involved so as to understand the reliability of a Limited Appraisal. The client has been advised of departure taken and is in agreement with the appropriateness of performing a Limited Appraisal.

There are three types of written real property appraisal reports - Self-Contained, Summary, and Restricted. The essential difference among the three options is in the use and application of the terms describe, summarize, and state. Describe is used to connote a comprehensive level of detail in the presentation of information. Summarize is used to connote a more concise presentation of information. State is used to connote the minimal presentation of information.

For this assignment a Limited Summary Appraisal Report, which is intended solely for the use of the use of the client, has been completed and the appraiser considers anyone else an unintended user. The client understands the restricted utility of this report option and based on the intended use of the appraisal has agreed to a Limited Appraisal Report. The report may not be properly understood by a third party without additional information contained in the appraiser's work files.

Site Valuation

The Subject Property is somewhat unique in that it is a 7.07 acre tract with frontage on U.S. Highway 98. U.S. Highway 98 has been developed for a number of years and there are very few acreage tracts available for development. The Subject is also irregular in configuration and below U.S. Highway grade which will limit visibility to a degree. Five comparable acreage sales were utilized involving commercial properties within the Subject's competitive market area. Four sales were along the U.S. Highway 98 corridor with one sale being located at the intersection of Alabama 181 and U.S. Highway 31 at the extreme Northeastern sector of the Daphne corporate limits North of the Timbercreek Subdivision. My analysis of these sales has utilized the sales price per square foot unit of comparison and has applied adjustments to the indicated unit prices to compensate for dissimilar features influencing value. These features include time, size, utility, topography and zoning.

I have outlined sales dating back to 2002 from the time of valuation. The unadjusted price per square foot ranges from a low of \$3.48 to a high of \$6.48. The average unadjusted price per square foot works out to \$4.38/S.F. After making adjustments for differences between the comparables and the Subject, I have an adjusted range in value from \$3.99/S.F. to \$5.27/S.F. The average adjusted price per square foot is \$4.42/S.F.

The primary attributes of the site are the easy access, central location and being on of the few remaining larger acreage tracts along U.S. Highway 98 in Daphne. Keeping this in mind, I feel that the market value of the Subject site would fall in the range as indicated by the adjusted

comparable sales. Therefore, I estimate the Market Value of the Subject site to be \$4.50/S.F., or,

307,969 S.F. @ \$4.50/S.F. = \$1,385,861

Round to: \$1,386,000

ONE MILLION THREE HUNDRED EIGHTY-SIX THOUSAND DOLLARS

- A Market Data Analysis Grid is included in the Addenda.

Definition of Cost Approach to Value

In this process, the land value is estimated separately through a market comparison. The properties which were chosen for comparison and adjustment to the Subject site are considered to be under similar environmental and economic influences. The details of these "comparable" site sales are listed in the addenda of the report. The value estimate by the Cost Approach is then arrived at by adding the estimated land value to depreciated value of the improvements. The rationale of this approach is that the replacement cost new plus land value represents the upper limit of value. Deduction of depreciation from all causes, if properly estimated, should reflect market value.

From the analysis of site sales in the area, and my conclusions are so stated, the value of the Subject site is estimated to be \$1,386,000.

There is a distinction between replacement cost and reproduction cost. Replacement costs are those costs which would be incurred in acquiring an equally valuable substitute property. On the other hand, reproduction costs are those which would allow for reproduction of a new replica of the property on the basis of current prices with the same or closely similar materials.

Depreciation

Depreciation of the Subject improvements is an important factor in the Cost Approach to Value. It has been defined by the American Institute of Real Estate Appraisers in its Appraisal Terminology Handbook as follows:

Depreciation...An effect caused by deterioration and/or obsolescence. Deterioration is evidenced by wear and tear, decay, dry rot, cracks, encrustations, or structural defects. Obsolescence is divisible into two parts, functional and economic. Functional obsolescence is the adverse effect on value resulting from defects in design and impaired utility. It can also be caused by changes over the years that have made some aspect of the structural, material, or design obsolete by current standards. Functional obsolescence may be due to poor plan, mechanical inadequacy or superadequacy, functional inadequacy or superadequacy due to size, age, or other. It is evidenced by conditions within the property. Economic obsolescence is caused by factors external to the property. Economic obsolescence is caused by factors external to the property, such as inharmonious property uses. It is caused by adverse factors which result in some degree of market rejection. The extent of this item is the extent of the loss in market value.

Replacement Cost Estimate

In arriving at the present day cost of replacing the Subject improvements, the appraiser has consulted a number of the better known cost manuals. Also available from the appraiser's files is data relative to the cost of similar projects undertaken in recent years. Analysis of this data indicates that buildings which would serve the same purpose as the Subject improvements would cost approximately \$26 to \$36 per square foot to build in today's market, depending on the type of interior finish, size, and other variables and \$4 to \$6 per square foot for the metal shed.

Construction of this type is considered to have an economic life of approximately 35 years. The subject improvements are about 26 years old and in good to average condition. I have estimated the effective age to be 11 years. Assuming an economic life of 35 years and utilizing the straight line method of depreciation indicates an annual rate of depreciation of 31 percent (11/35).

An estimate obtained by the Cost Approach may not reflect entirely the prevailing economic or market conditions. The cost of an improvement cannot be recovered in the market if there is no need for the improvement, if the structure is an overimprovement or of poor design, or if rentals are reduced due to economic conditions.

Bearing in mind the shortcomings of this approach, calculations and valuations of the Subject Property via this method are presented below:

Calculations

Warehouse/Office Combo/Shed

21,378 S.F. @ \$28.00/S.F.	\$598,584
5,928 S.F. @ \$5.00/S.F.	29,640
Less: Depreciation @ 31%	<u>(194,749)</u>
Depreciated Value of Improvements	\$433,475
Add: On-site Improvements (Driveway, etc.)	50,000
Add: Estimated Site Value	<u>1,386,000</u>
Estimated Value via the Cost Approach	\$1,869,475

Round to: \$1,869,500

ONE MILLION EIGHT HUNDRED SIXTY-NINE THOUSAND FIVE HUNDRED
DOLLARS.

In view of the fact that the principle component of value of the Subject Property is the unimproved land, it is the appraiser's opinion that the Cost Approach to Value is the most reliable indicator of the Subject Property's value. The Cost Approach Estimate was derived from two separate methods. The vacant land was estimated after an analysis and review of comparable land sales in the area. These comparable sales were adjusted for differences in size, topography, location, date of sale, and utility as compared to the Subject Property.

The contributory value of the improvements to the property value was estimated by determining the Reproduction Cost New of the improvements and then deducting the estimated depreciation from all causes from that figure.

This summary appraisal report is a brief recapitulation of the appraiser's data, analysis, and conclusions. Additional supporting documentation is retained in the appraiser's files.

Concluded Market Value

\$1,869,500

Indicated Exposure Time

Six to twelve months.

Estimated Marketing Time

Six to twelve months.

In the appraiser's opinion, the City should consider selling the improvements (21,878± S.F. of warehouse and 5,928 S.F. shop) and Northern sector of the site in a separate transaction from the U.S. Highway 98/Johnson Road sector of the site.

My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Practice (USPAP) of the Appraisal Standards Board of the Appraisal Foundation (as required by the Financial Institutions Reform, Recovery, and Enforcement Act - FIRREA) and the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.

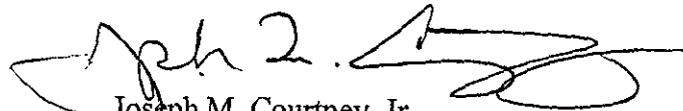
I certify that I have no interest, present or contemplated, in the property described herein, and that neither the employment nor the compensation is contingent on the value of the property, and that this appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan. According to my best knowledge and belief, all statements and information contained in this report are true and correct, subject to the limiting conditions.

This assignment was made subject to the regulations of the State of Alabama Real Estate Appraisers Board. The undersigned State licensed real estate appraiser has met the requirements of the board that allows this report to be regarded as a certified appraisal.

Respectfully submitted,



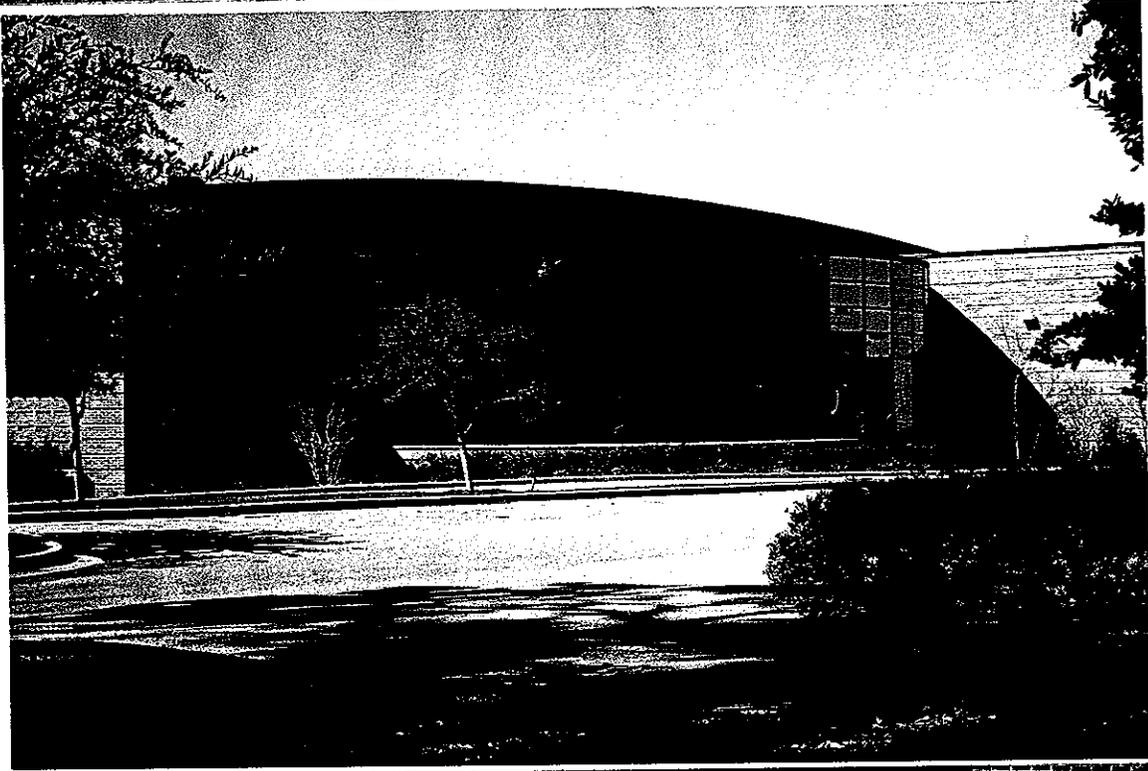
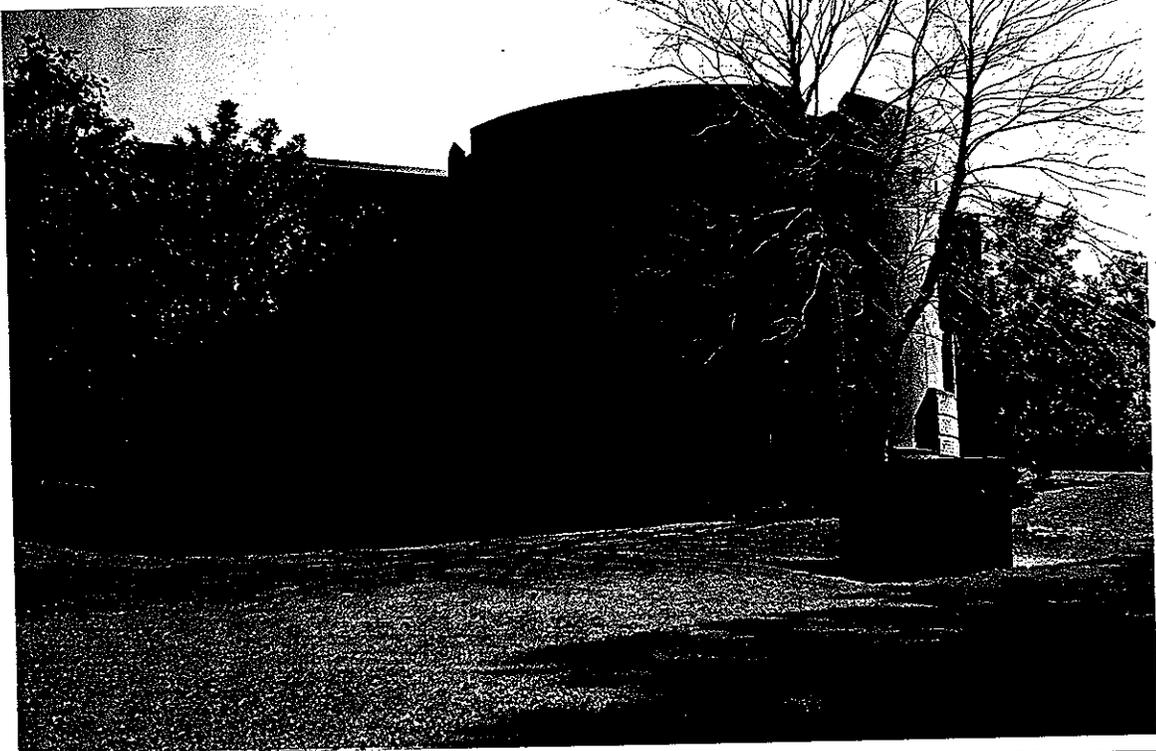
S. K. Smith, III

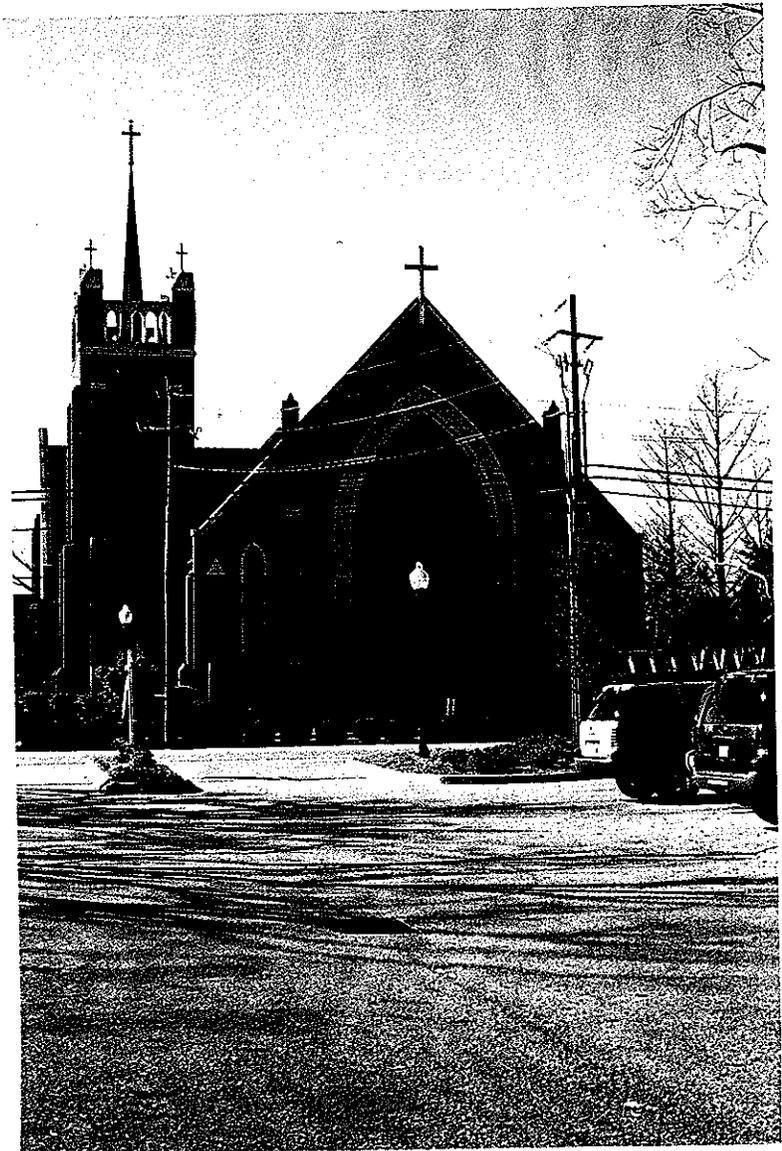


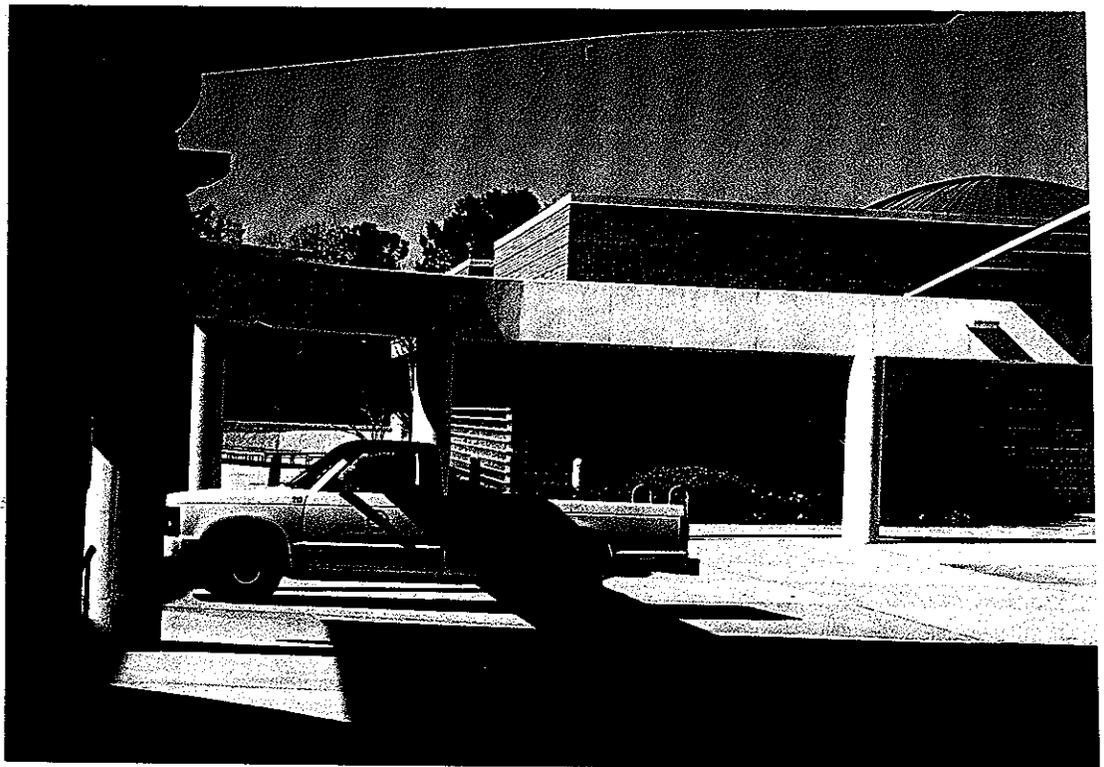
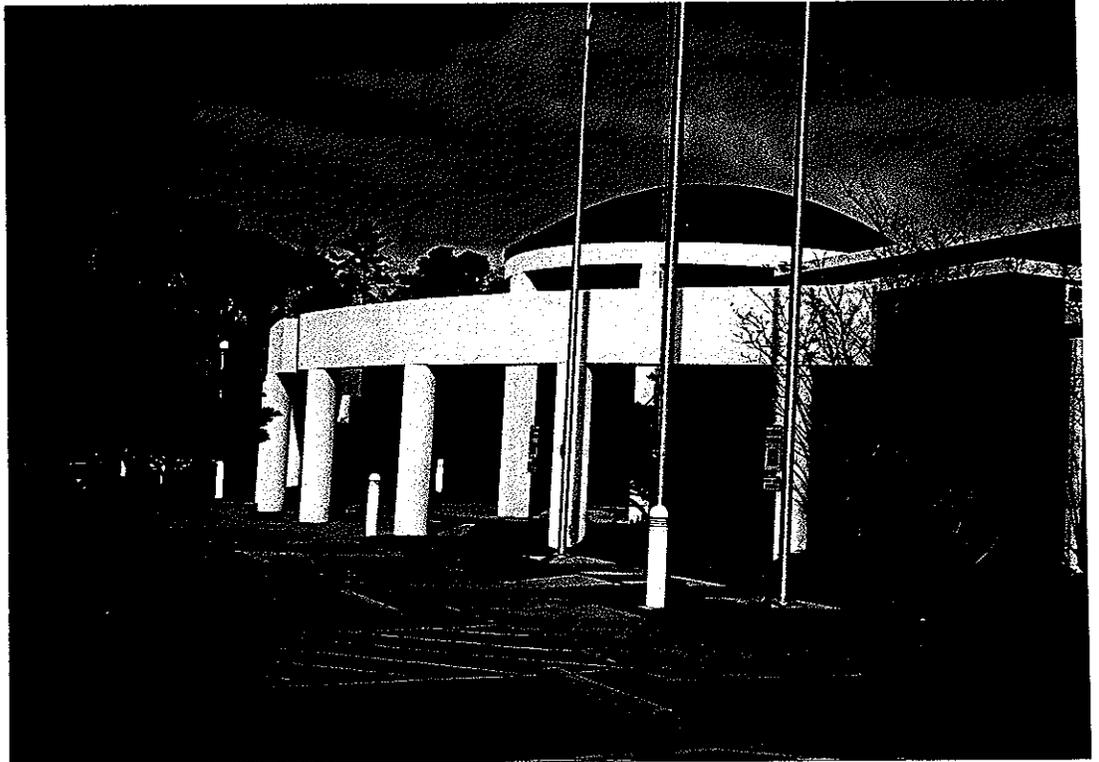
Joseph M. Courtney, Jr.
Review Appraiser

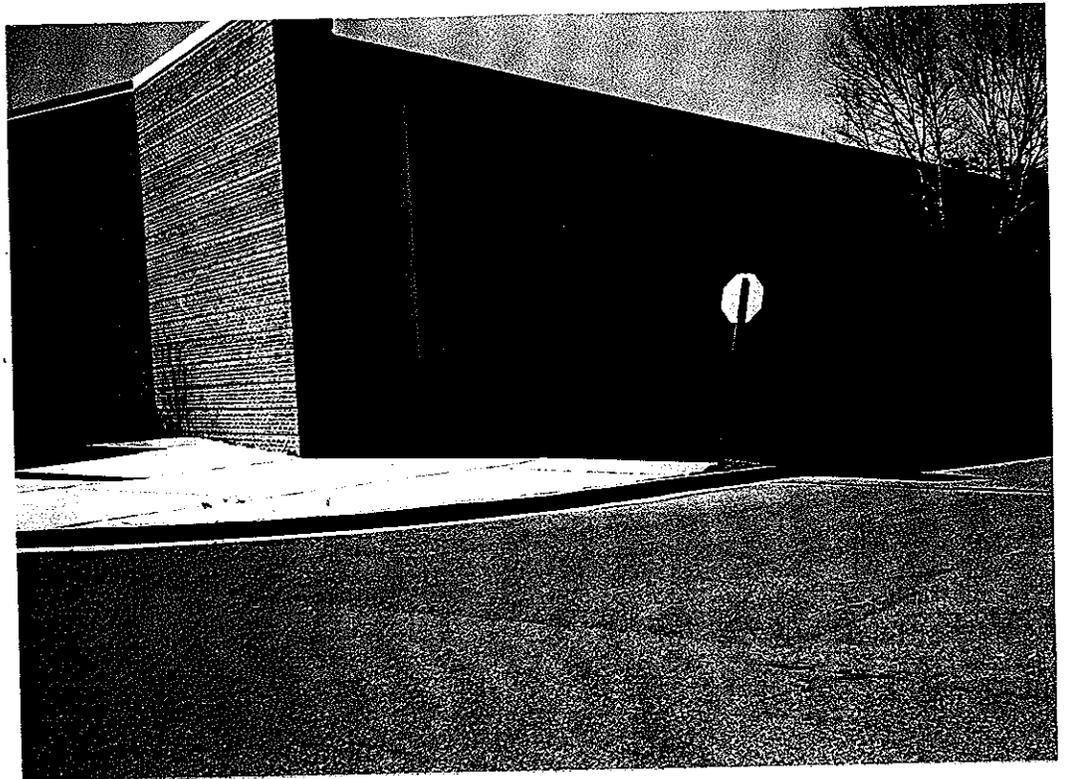
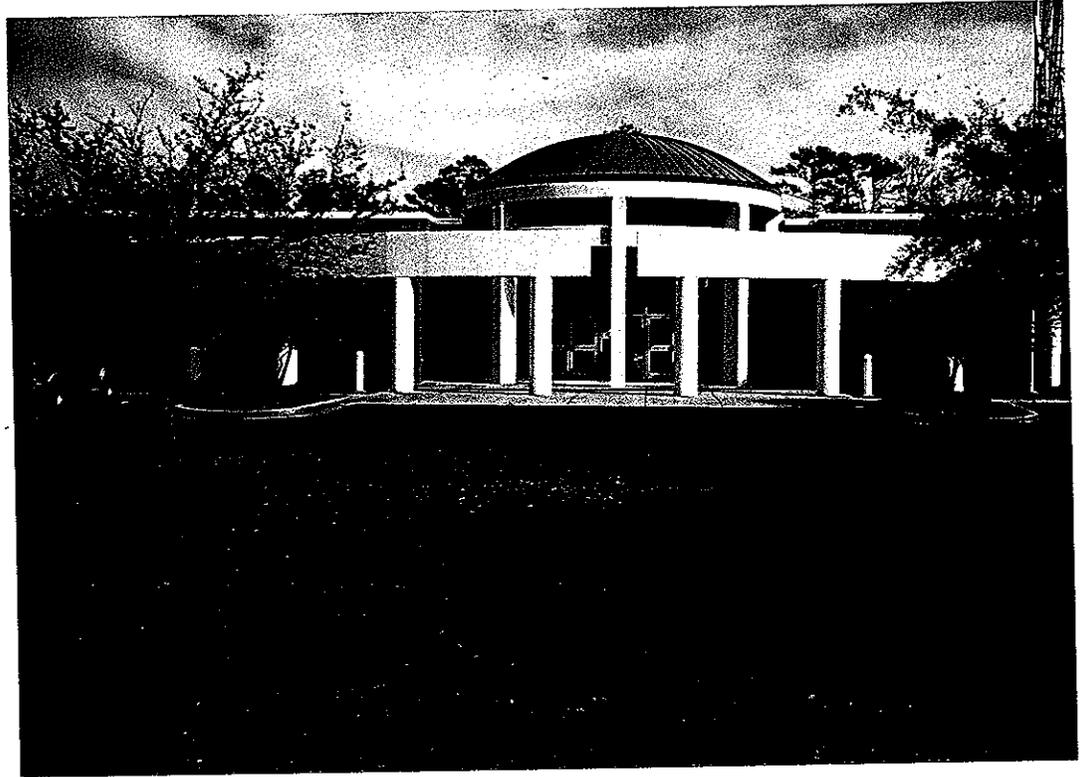
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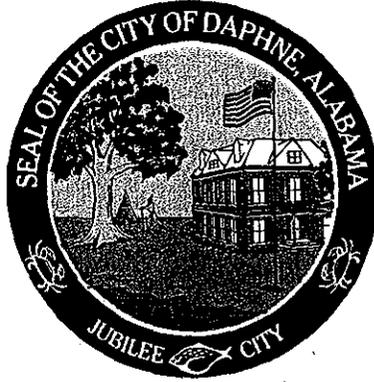
FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID B. CARPENTER II
CHIEF OF POLICE

A. MUND HANSON
FIRE CHIEF



COUNCIL MEMBERS

BAILEY YELDING, JR.

DISTRICT 1

CATHY BARNETTE

DISTRICT 2

JOHN L. LAKE

DISTRICT 3

GREG W. BURNAM

DISTRICT 4

RON SCOTT

DISTRICT 5

REGINA LANDRY

DISTRICT 6

AUGUST A. PALUMBO

DISTRICT 7

Memo

TO: Richard Merchant, Building Official
CC: Sandra Morse, Buildings and Property Committee

FROM: Mayor Small
SUBJECT: Building Inspection Department
DATE: January 19, 2006

At this time I would like to place the Building Inspection Department under the Buildings and Property Committee. Up to this point, this Department has not reported to any committee and has not had any way for their information to reach the City Council. The Buildings and Property Committee meets the first Friday of every month at City Hall. Building Inspection will need to have a representative at these meetings.

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2006

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	5
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
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	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	1
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	1
HISTORIC MALBIS, PHASE TWO, PART B	69	1
HISTORIC MALBIS, PHASE THREE, PART A	8	1
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	1
LAKE FOREST		2
LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2006

OAK CREEK, PHASE ONE	34	2
OAKSTONE, PHASE ONE	12	
OTTAWA SPRINGS, PHASE ONE	64	12
PECAN TRACE, PHASE ONE	29	
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	1
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	1
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	2
TIMBERCREEK, PHASE TWO	81	2
TIMBERCREEK, PHASE THREE	54	
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	
TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

CITY OF DAPHNE BUILDING PERMITS FOR MONTH OF JANUARY 2006

DATE	NO.	NAME	ADDRESS	COST	FEE
1/3/06	7	TSS PROPERTIES	27540 WORLD CT. LT 16	160,000	960
1/4/06	13	PAUL HILL	29681 ST. BASIL ST. LT 3 UT I H/M	145,860	745
1/5/06	17	JERRI TAYLOR	29943 ST. BARBARA ST. LT 7 UT F H/M	132,240	680
1/5/06	18	JERRI TAYLOR	30808 PINE CT. LT 54 UT 2 T/C	162,180	830
1/5/06	22	L AND P BUILDERS	26137 VIA DEL SAN FRANCESCO LT 2 UT 2 LACASA	134,700	690
1/10/06	41	RUTH BAIRD	7294 CYPRESS AVE. LT 15	162,240	830
1/11/06	46	ROBIN LEJEUNE	121 HAVENWOOD CIR. LT 171 UT 24 L/F	148,740	760
1/17/06	58	JIM MCDONOUGH HOMES	9570 BELLA DR. LT 31 BELLATON	229,800	1,165
1/17/06	66	ALEXANDRIA HOMES, LLC	9792 BELLA DR. LT 58 BELLATON	205,080	1,045
1/18/06	70	MCVAY CONSTRUCTION	27572 CLAIBORNE CIR. LT 27 UT 2 SEHOY	128,310	660
1/18/06	73	G.E. HOMES	9568 MARCHAND AVE. LT 21 UT 4 SEHOY	158,100	810
1/19/06	74	JERRY SMITH HOME BUILDERS	30459 MIDDLECREEK CIR. LT 45 UT 1 T/C	187,260	955
1/20/06	81	LIPPINCOTT CUSTOM BUILDERS	9595 BELLA DR. LT 21 BELLATON	259,320	1,315
1/23/06	85	SNOW HOMES	1439 POLLARD RD. LT 17	144,510	740
1/23/06	88	INFINITY HOMES	7222 PARK DR.	159,240	815
1/26/06	109	DAVID STAPLETON BUILDERS	30933 PINE CT. LT 37 UT 2 T/C	174,060	890
1/27/06	115	HYMAN HOMES	9500 BELLA DR. LT 27 BELLATON	204,580	1,040
1/30/06	120	BAY AREA CUSTOM HOMES	8850 NORTH CT. LT 176 UT 1 T/C	369,990	1,865
1/30/06	121	SCOTT TEW HOMES, INC.	9951 BELLA DR. LT 4 BELLATON	243,780	1,235
1/30/06	132	WESTERN GATE CONSTRUCTION	313 RIDGEWOOD DR. LT 41 UT 10 L/F	102,930	530
1/30/06	133	BRETT/ROBINSON	29464 ACORN KNOLL DR. LT 32 OAK CREEK	200,220	1,020

1/30/06	134	BRETT/ROBINSON	29488 ACORN KNOLL DR. LT 33 OAK CREEK	210,750	1,070
1/30/06	136	LIPPINCOTT CUSTOM HOMES	10358 TAMPARY ST. LT 4 UT Z H/M	173,030	885
1/31/06	137	G.E. HOMES	9725 OTTAWA DR. LT 49 OTTAWA SPRINGS	137,850	705
1/31/06	138	G.E. HOMES	9228 OTTAWA DR. LT 45 OTTAWA SPRINGS	155,220	795
1/31/06	139	G.E. HOMES	9236 OTTAWA DR. LT 44 OTTAWA SPRINGS	137,400	705
1/31/06	140	G.E. HOMES	9252 OTTAWA DR. LT 43 OTTAWA SPRINGS	196,800	1,000
1/31/06	141	G.E. HOMES	9264 OTTAWA DR. LT 42 OTTAWA SPRINGS	177,060	905
1/31/06	142	G.E. HOMES	9272 OTTAWA DR. LT 41 OTTAWA SPRINGS	128,490	660
1/31/06	143	G.E. HOMES	9286 OTTAWA DR. LT 40 OTTAWA SPRINGS	196,800	1,000
1/31/06	144	G.E. HOMES	9304 OTTAWA DR. LT 39 OTTAWA SPRINGS	180,060	920
1/31/06	145	G.E. HOMES	9098 OTTAWA DR. LT 6 OTTAWA SPRINGS	155,220	795
1/31/06	146	G.E. HOMES	9086 OTTAWA DR. LT 5 OTTAWA SPRINGS	159,570	815
1/31/06	147	G.E. HOMES	9078 OTTAWA DR. LT 4 OTTAWA SPRINGS	168,900	860
1/31/06	148	G.E. HOMES	9066 OTTAWA DR. LT 3 OTTAWA SPRINGS	177,060	905

	#OF PERMITS	VALUATION	FEES
RESIDENTIAL:	34	6,007,350	30,640
MISCELLANEOUS:	9	68,762	545
COMMERCIAL:	1	160,000	960
REMODELING:	3	11,000	105
ADD. & REPAIRS:	2	66,550	376
MECHANICAL:	79	12,300	8,385
DEMOLITION:	1		50
STORAGE BLDG.:	1	8,976	60
POOLS:	3	76,825	435
SEWERS:	3		60
TOTALS:	136	6,411,763	41,616

JANUARY 2006
CERTIFICATE OF OCCUPANCY

OWNER	ADDRESS	SUBDIVISION	PERMIT#	DATE CLOSED
LANCE & VICTORIA FAY	7874 EAGLE CREEK DR. W.	EAGLE CREEK	05-00522	1/3/06
PETER HUNT	29910 ST. SIMON ST.	HISTORIC MALBIS	05-00588	1/5/06
JOHN SAINTS	29909 ST. SIMON ST.	HISTORIC MALBIS	05-00497	1/9/06
DR. GUPTA	8987 TIMBERCREEK BLVD.	TIMBERCREEK	05-00561	1/9/06
BENCHMARK HOMES	7554 AVERY LANE	MADISON PLACE	05-00997	1/10/06
BENCHMARK HOMES	7532 AVERY LANE	MADISON PLACE	05-01238	1/10/06
MITCHELL HOMES	29918 ST. HELEN ST.	HISTORIC MALBIS	05-00781	1/10/06
BETH KIRKLEY	1012 WILSON AVE.		05-00253	1/10/06
MODEL HOMES, LLC	29874 ST. HELEN ST.	HISTORIC MALBIS	05-00056	1/11/06
WILLIAM BUSH	27546 STRATFORD GLEN DR.	STRATFORD GLEN	05-00878	1/11/06
JERMELINA JONGKO	8169 PINE RUN	TIMBERCREEK	05-00517	1/11/06
AIG BAKER	6902 HWY 90	JUBILEE SQUARE	05-00679	1/12/06
AIG BAKER	6900-1 THRU 6900-11 HWY 90	JUBILEE SQUARE	05-00679	1/12/06
AIG BAKER	6890-11 THRU 6890-21 HWY 90	JUBILEE SQUARE	05-00679	1/12/06
MIKE HAYES	8954 S. LAMHATTY LN.	TIAWASEE TRACE	05-00425	1/12/06
LAWRENCE T. & MARIAN MOITY	8044 DEERWOOD DR.	DEERWOOD SQUARE	05-00982	1/12/06
GREG REESE	27654 RED EAGLE DR.	SEHOY	05-00427	1/17/06
ROBERT MCVAY	27655 RED EAGLE DR.	SEHOY	05-00490	1/20/06
VIOLA THORNTON	8062 BROOKSIDE LANE	BROOKSIDE	05-00894	1/20/06
REGINALD HUBBARD	8046 BROOKSIDE LANE	BROOKSIDE	05-00890	1/20/06
ELLA FULLER	820 THOMAS AVE.	LODEE ESTATES	05-00607	1/20/06
JOHN & ANN HORNING	26196 VIA DEL SAN FRANCESCO	LACASA	05-01090	1/24/06
PHILLIP HENDERSON	30158 PERSIMMON DR.	TIMBERCREEK	05-00856	1/24/06
JULIS & JANICE POOLSON	8074 BROOKSIDE LANE	BROOKSIDE	05-00892	1/24/06

JANUARY 2006
CERTIFICATE OF OCCUPANCY

ALONZO & PAMELA SANDERS	806 THOMAS AVE.	LODEE ESTATES	05-00518	1/25/06
ALBERT APPLIN	29945 ST. HELEN ST.	HISTORIC MALBIS	05-00590	1/26/06
WILLIAM MCLEOD	30146 PERSIMMON DR.	TIMBERCREEK	05-00857	1/26/06
BENJAMIN CHARLES	8058 BROOKSIDE LANE	BROOKSIDE	05-00895	1/26/06
MARY MONTANUS	29945 ST. SIMON ST.	HISTORIC MALBIS	05-00777	1/30/06
OMNI HEALTH & FITNESS	27955 HWY 98		05-01133	1/30/06

2000 YEARLY BUILDING REPORT FOR THE CITY OF DAPHNE

RESIDENTIAL	145	\$20,050,000	\$89,025
COMMERCIAL	25	\$9,366,242	\$46,560
MISCELLANEOUS	125	\$969,946	\$7,642
MECHANICAL	678	\$1,420,969	\$50,405.79
REMODELING	35	\$5,481,900	\$26,950
ADDITIONS & REPAIRS	35	\$1,829,453	\$9,460
POOLS	17	\$341,950	\$1,980
CARPORTS	4	\$30,000	\$210
SUNROOMS	7	\$83,440	\$530
GARAGES	7	\$120,324	\$710
STORAGE BUILDINGS	5	\$15,100	\$160
TOTAL		\$39,709,324	\$233,632.79

2001 YEARLY BUILDING REPORT FOR THE CITY OF DAPHNE

RESIDENTIAL	175	\$25,040,000	\$112,473
COMMERCIAL	39	\$18,817,393	\$93,380
MISCELLANEOUS	140	\$1,338,884	\$9,280
MECHANICAL	796	\$1,640,175	\$71,732
REMODELING	34	\$1,911,461	\$9,925
ADDITIONS & REPAIRS	45	\$1,416,799	\$7,691.65
POOLS	19	\$408,013	\$2,355
CARPORTS	3	\$7,325	\$90
SUNROOMS	5	\$51,780	\$340
GARAGES	5	\$81,000	\$480
STORAGE BUILDINGS	10	\$21,889	\$270
DEMOLITION	2	\$20,000	\$165
INTERIOR WORK	8	\$74,000	\$500
ELEVATORS	1	\$24,000	\$135
TOTALS		\$50,852,719	\$308,816.65

2002 YEARLY BUILDING REPORT FOR THE CITY OF DAPHNE

RESIDENTIAL	191	27,580,000	124,110
COMMERCIAL	23	13,160,535	66,744
MISCELLANEOUS	125	1,019,577	7,319
MECHANICAL	763	828,023	64,701
REMODELING	28	1,279,904	6,830
ADDITIONS & REPAIRS	48	1,741,953	9,525
POOLS	16	360,892	2,065
CARPORTS	2	7,660	70
SUNROOMS	10	94,725	635
GARAGES	5	32,000	235
STORAGE BUILDINGS	14	50,900	485
DEMOLITION	7	3,000	295
INTERIOR WORK	17	323,450	1,865
ELEVATORS	4	48,000	300
SCREEN PORCH	4	32,570	225
TOTALS		46,563,189	285,404

2003 Yearly Building Report for The City of Daphne

Type	Number of Permits	Valuation	Permit Fee
New Residential	268	\$42,551,900	\$190,843.50
New Commercial	16	\$24,257,908	\$97,017
Miscellaneous	171	\$885,785	\$8,130
Mechanical	902	\$669,614	\$109,840
Remodeling	37	\$2,705,149	\$14,310
Additions & Repairs	46	\$2,132,487	\$11,430
Pools	18	\$370,046	\$2,140
Carports	4	\$41,800	\$270
Sunrooms	10	\$91,375	\$630
Garages	5	\$80,000	\$475
Storage Buildings	12	\$50,675	\$445
Screen Porches	1	\$8,600	\$60
Elevators	3	\$49,600	\$304
Demolitions	7	\$122,000	\$885
Interior Work	4	\$266,000	\$1,430
Totals		\$74,282,939	\$438,209.50

2004 Yearly Building Permits Report for the City of Daphne

	Number of Permits	Valuation	Fee
Residential	246	\$38,272,676.00	\$194,750.00
Commercial	14	\$8,118,731.00	\$48,714.00
Miscellaneous	123	\$684,388.00	\$5,816.50
Mechanical	834	\$571,126.00	\$73,946.00
Additions/Repairs	46	\$1,849,099.00	\$10,366.00
Remodels	37	\$1,965,720.00	\$11,856.00
Pools	23	\$565,790.00	\$3,215.00
Carports	1	\$5,000.00	\$40.00
Garages	3	\$40,200.00	\$250.00
Storage Buildings	11	\$27,800.00	\$300.00
Sunrooms	13	\$182,107.00	\$1,120.00
Demolitions	1	0	\$50.00
Interior Finish	2	\$71,500.00	\$432.00
Screen Porches	3	\$22,040.00	\$160.00
Totals	1,357	\$52,376,177.00	\$351,015.50

2005 Yearly Building Permits Report for the City of Daphne

	Number of Permits	Valuation	Fee
Residential	349	\$56,442,019.00	\$288,054.00
Commercial	13	\$9,102,341.00	\$53,898.00
Miscellaneous	138	\$805,697.00	\$6,389.00
Mechanical	1093	\$824,883.00	\$133,978.00
Additions/Repairs	51	\$2,700,712.00	\$15,511.00
Remodels	38	\$4,317,830.00	\$37,434.40
Pools	23	\$524,372.00	\$2,990.00
Carports	6	\$18,500.00	\$185.00
Garages	4	\$43,000.00	\$275.00
Storage Buildings	16	\$249,800.00	\$1,640.00
Sunrooms	15	\$207,208.00	\$1,280.00
Demolitions	11	0	\$500.00
Interior Finish	8	\$304,429.00	\$1,856.00
Totals	1,765	\$75,520,791.00	\$543,990.40

CITY OF DAPHNE BUILDING PERMITS FOR MONTH OF DECEMBER 2005

DATE	NO.	NAME	ADDRESS	COST	FEE
12/1/05	1746	BRUCE LANG BUILDERS	9476 HACKBERRY CT. LT 19 UT 8 T/C	203,460	1,035
12/1/05	1747	INFINITY HOMES	29372 HIDDEN CREEK CIR.	144,450	740
12/1/05	1748	JERRY SMITH HOME BUILDERS	9800 BELLA DR. LT 59 UT 1 BELLATON	214,830	1,090
12/2/05	1750	BENCHMARK HOMES	115 PENNY LN. LT 33 UT 24 L/F	130,080	670
12/2/05	1759	GREG STANLEY	388 RIDGEWOOD DR. LT 19 UT 19 L/F	123,960	635
12/2/05	1760	SCOTT WILLIAMS	121 TOMRICK CIR. LT 93 UT 13 L/F	124,950	640
12/5/05	1763	ELLIOTT BUILDERS	30197 LOBLOLLY CIR. LT 88 UT 9 T/C	145,800	745
12/8/05	1777	J.A. MACLAY, JR.	30249 GREEN CT. LT 20 UT 4 T/C	134,160	690
12/8/05	1778	RACHEL BRINGHURST	27942 OAKACHOY LOOP LT 7 UT 5 SEHOY	180,150	920
12/8/05	1779	HYMAN HOMES	8701 PINE RUN LT 11 UT 9 T/C	286,890	1,450
12/8/05	1781	CHRIS MILLER CONST.	30934 PINE CT. LT 42 UT 2 T/C	131,250	675
12/9/05	1784	ART LAMI HOMES	116 BROADMOOR DR. LT 87 UT 14 L/F	126,330	650
12/13/05	1794	NEW HAVEN HOMES	9512 KASEY CT. LT 41 UT 1 BELLATON	240,240	1,220
12/14/05	1797	D & W HOMES	30142 LOBLOLLY CIR. LT 56 UT 9 T/C	147,900	755
12/14/05	1798	D & W HOMES	30182 LOBLOLLY CIR. LT 51 UT 9 T/C	138,600	710
12/15/05	1802	PKD, INC.	29963 ST. BARBARA ST. LT 9 UT F H/M	102,360	530
12/15/05	1804	LIPSCOMB HOMES	8258 PECAN CT. LT 15 UT 1 P/T	114,780	590
12/20/05	1824	MW ROGERS CONSTRUCTION	7143 U.S. HWY 90	700,000	4,200
12/20/05	1831	BES CONSTRUCTION	168 GREENWOOD DR. LT 63 UT 12 L/F	138,780	710
12/20/05	1836	BENCHMARK HOMES	109 PINEVIEW CIR. LT 176 UT 21 L/F	122,760	630
12/27/05	1852	MIKE MCCONNELL HOMES	896 VAN AVE. LT 7	136,020	700

12/28/05	1855	DAVID STAPLETON BUILDERS	30686 PINE CT. LT 63 UT 2 T/C	174,060	890
12/28/05	1862	CHRIS GIBSON	29975 ST. BARBARA ST. LT 10 UT F H/M	123,180	635
12/28/05	1864	SOUTHERN COASTAL DEV. GROUP	9720 BELLA DR. LT 54 UT 1 BELLATON	182,220	930
12/29/05	1870	BENCHMARK HOMES	905 RYAN AVE. LT 2	125,730	645
12/30/05	1877	MCLAUGHLIN BUILDERS	29991 D'OLIVE RIDGE LT 7 UT 10 T/C	281,700	1,425

FEES

RESIDENTIAL:	25	3,974,640	20,310
MISCELLANEOUS:	6	33,424	300
COMMERCIAL:	1	700,000	4,200
REMODEL:	1	8,000	55
ADD. & REPAIRS:	2	830,000	4,915
MECHANICAL:	86	20,235	9,446
POOLS:	2	50,300	280
CARPORT:	1	3,000	30
STORAGE BLDG.:	2	13,100	100
DEMOLITION:	1		50
TOTAL:		5,632,699	39,686

DECEMBER 2005
CERTIFICATE OF OCCUPANCY

OWNER	ADDRESS	SUBDIVISION	PERMIT#	DATE CLOSED
ANNE REESE	9412 MARCHAND AVE.	SEHOY	03-01231	12/1/05
KEVIN & CARLA LITTLE	9122 MAGNOLIA CT.	TIMBERCREEK	04-01112	12/7/05
DON & MARIE JOHNSON	29741 JASON MABLIS BLVD.	HISTORIC MALBIS	05-00653	12/7/05
JAN HART	8345 ROCKING HORSE CIR.	STRATFORD GLEN	05-00397	12/9/05
JULIE HYMAN & TAYLOR WILKINS	30188 LOBLOLLY CIR.	TIMBERCREEK	05-01122	12/12/05
HILARY L. NELSON, JR.	30377 GREEN CT.	TIMBERCREEK	05-00491	12/12/05
HILARY L. NELSON, JR.	30363 GREEN CT.	TIMBERCREEK	05-00456	12/12/05
DONALD & SHELIA AHO	7946 EAGLE CREEK DR. W.	EAGLE CREEK	05-00372	12/14/05
KIM BULLARD	29908 ST. HELEN ST.	HISTORIC MALBIS	05-00496	12/15/05
JOHN HAYDEN & DAHLIA SHEMTOB	29937 ST. HELEN ST.	HISTORIC MALBIS	05-00493	12/15/05
ROBERT RUSSELL	29950 ST. HELEN ST.	HISTORIC MALBIS	05-00494	12/15/05
ROBERT CIANI	8892 S. LAMHATTY LANE	TIAWASEE TRACE	05-00711	12/15/05
BOBBY & JULIE HOWALL	408 VILLAGE DR.		05-00687	12/19/05
DAPHNE MAZDA	24675 U.S. HWY 98		04-01327	12/19/05
LEN VANCE	9518 AUTAUGA BEND	SEHOY	04-01475	12/20/05
MR. & MRS. LINDSAY	30537 PINE CT.	TIMBERCREEK	05-00366	12/20/05
TIM PIERCE	29928 ST. HELEN ST.	HISTORIC MALBIS	05-00792	12/28/05
ERIC TROGDEN	29936 ST. HELEN ST.	HISTORIC MALBIS	05-00776	12/28/05
WAYNE WILLIAMS	29920 ST. SIMON ST.	HISTORIC MALBIS	05-00723	12/28/05
FAIRES RUDELL	29951 ST. SIMON ST.	HISTORIC MALBIS	05-00495	12/28/05
WILLIAM PATERSON	27529 STRATFORD GLEN DR.	STRATFORD GLEN	05-00177	12/28/05
CHRISTOPHER M. & JANELLE L. JONES	27533 LACHLAN CT.	SEHOY	05-01071	12/28/05
BILLY & SHANNON WHIGHAM	7960 EAGLE CREEK DR. E.	EAGLE CREEK	05-00685	12/28/05

DECEMBER 2005
CERTIFICATE OF OCCUPANCY

JOHN & JODY PRINE	7815 EAGLE CREEK DR. W.	EAGLE CREEK	05-00896	12/28/05
KEN BARNETT	7830 EAGLE CREEK DR. W.	EAGLE CREEK	05-00686	12/28/05
FRED & MARY ELLEN CRUMP	7920 EAGLE CREEK DR. W.	EAGLE CREEK	05-00689	12/28/05
JASON & KATIE VANNOY	7840 EAGLE CREEK DR. W.	EAGLE CREEK	05-00523	12/28/05
JAMES HENSON	27558 STRATFORD GLEN DR.	STRATFORD GLEN	05-00705	12/30/05
FREDRICK & AMANDA OUTLAW	7860 EAGLE CREEK DR. W.	EAGLE CREEK	05-00690	12/29/05

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR DECEMBER 2005

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	3
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
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	
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	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	1
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	
HISTORIC MALBIS, PHASE TWO, PART B	69	
HISTORIC MALBIS, PHASE THREE, PART A	8	2
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
LACASA DI SAN FRANCESCO, PHASE ONE	24	
LAKE FOREST		6
LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	
OAKSTONE, PHASE ONE	12	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR DECEMBER 2005

PECAN TRACE, PHASE ONE	29	1
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	
SEHOY, PHASE FIVE	29	1
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	2
TIMBERCREEK, PHASE THREE	54	
TIMBERCREEK, PHASE FOUR	55	1
TIMBERCREEK, PHASE FIVE	26	
TIMBERCREEK, PHASE SIX	85	
TIMBERCREEK, PHASE SEVEN	72	
TIMBERCREEK, PHASE EIGHT	52	1
TIMBERCREEK, PHASE NINE	93	4
TIMBERCREEK, PHASE TEN	31	1
TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	1
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

CITY OF DAPHNE BUILDING PERMITS FOR MONTH OF JANUARY 2006

DATE	NO.	NAME	ADDRESS	COST	FEE
1/3/06	7	TSS PROPERTIES	27540 WORLD CT. LT 16	160,000	960
1/4/06	13	PAUL HILL	29681 ST. BASIL ST. LT 3 UT I H/M	145,860	745
1/5/06	17	JERRI TAYLOR	29943 ST. BARBARA ST. LT 7 UT F H/M	132,240	680
1/5/06	18	JERRI TAYLOR	30808 PINE CT. LT 54 UT 2 T/C	162,180	830
1/5/06	22	L AND P BUILDERS	26137 VIA DEL SAN FRANCESCO LT 2 UT 2 LACASA	134,700	690
1/10/06	41	RUTH BAIRD	7294 CYPRESS AVE. LT 15	162,240	830
1/11/06	46	ROBIN LEJEUNE	121 HAVENWOOD CIR. LT 171 UT 24 L/F	148,740	760
1/17/06	58	JIM MCDONOUGH HOMES	9570 BELLA DR. LT 31 BELLATON	229,800	1,165
1/17/06	66	ALEXANDRIA HOMES, LLC	9792 BELLA DR. LT 58 BELLATON	205,080	1,045
1/18/06	70	MCVAY CONSTRUCTION	27572 CLAIBORNE CIR. LT 27 UT 2 SEHOY	128,310	660
1/18/06	73	G.E. HOMES	9568 MARCHAND AVE. LT 21 UT 4 SEHOY	158,100	810
1/19/06	74	JERRY SMITH HOME BUILDERS	30459 MIDDLECREEK CIR. LT 45 UT 1 T/C	187,260	955
1/20/06	81	LIPPINCOTT CUSTOM BUILDERS	9595 BELLA DR. LT 21 BELLATON	259,320	1,315
1/23/06	85	SNOW HOMES	1439 POLLARD RD. LT 17	144,510	740
1/23/06	88	INFINITY HOMES	7222 PARK DR.	159,240	815
1/26/06	109	DAVID STAPLETON BUILDERS	30933 PINE CT. LT 37 UT 2 T/C	174,060	890
1/27/06	115	HYMAN HOMES	9500 BELLA DR. LT 27 BELLATON	204,580	1,040
1/30/06	120	BAY AREA CUSTOM HOMES	8850 NORTH CT. LT 176 UT 1 T/C	369,990	1,865
1/30/06	121	SCOTT TEW HOMES, INC.	9951 BELLA DR. LT 4 BELLATON	243,780	1,235
1/30/06	132	WESTERN GATE CONSTRUCTION	313 RIDGEWOOD DR. LT 41 UT 10 L/F	102,930	530
1/30/06	133	BRETT/ROBINSON	29464 ACORN KNOLL DR. LT 32 OAK CREEK	200,220	1,020

1/30/06	134	BRETT/ROBINSON	29488 ACORN KNOLL DR. LT 33 OAK CREEK	210,750	1,070
1/30/06	136	LIPPINCOTT CUSTOM HOMES	10358 TAMPARY ST. LT 4 UT Z H/M	173,030	885
1/31/06	137	G.E. HOMES	9725 OTTAWA DR. LT 49 OTTAWA SPRINGS	137,850	705
1/31/06	138	G.E. HOMES	9228 OTTAWA DR. LT 45 OTTAWA SPRINGS	155,220	795
1/31/06	139	G.E. HOMES	9236 OTTAWA DR. LT 44 OTTAWA SPRINGS	137,400	705
1/31/06	140	G.E. HOMES	9252 OTTAWA DR. LT 43 OTTAWA SPRINGS	196,800	1,000
1/31/06	141	G.E. HOMES	9264 OTTAWA DR. LT 42 OTTAWA SPRINGS	177,060	905
1/31/06	142	G.E. HOMES	9272 OTTAWA DR. LT 41 OTTAWA SPRINGS	128,490	660
1/31/06	143	G.E. HOMES	9286 OTTAWA DR. LT 40 OTTAWA SPRINGS	196,800	1,000
1/31/06	144	G.E. HOMES	9304 OTTAWA DR. LT 39 OTTAWA SPRINGS	180,060	920
1/31/06	145	G.E. HOMES	9098 OTTAWA DR. LT 6 OTTAWA SPRINGS	155,220	795
1/31/06	146	G.E. HOMES	9086 OTTAWA DR. LT 5 OTTAWA SPRINGS	159,570	815
1/31/06	147	G.E. HOMES	9078 OTTAWA DR. LT 4 OTTAWA SPRINGS	168,900	860
1/31/06	148	G.E. HOMES	9066 OTTAWA DR. LT 3 OTTAWA SPRINGS	177,060	905

	#OF PERMITS	VALUATION	FEES
RESIDENTIAL:	34	6,007,350	30,640
MISCELLANEOUS:	9	68,762	545
COMMERCIAL:	1	160,000	960
REMODELING:	3	11,000	105
ADD. & REPAIRS:	2	66,550	376
MECHANICAL:	79	12,300	8,385
DEMOLITION:	1		50
STORAGE BLDG.:	1	8,976	60
POOLS:	3	76,825	435
SEWERS:	3		60
TOTALS:	136	6,411,763	41,616

JANUARY 2006
CERTIFICATE OF OCCUPANCY

OWNER	ADDRESS	SUBDIVISION	PERMIT#	DATE CLOSED
LANCE & VICTORIA FAY	7874 EAGLE CREEK DR. W.	EAGLE CREEK	05-00522	1/3/06
PETER HUNT	29910 ST. SIMON ST.	HISTORIC MALBIS	05-00588	1/5/06
JOHN SAINTS	29909 ST. SIMON ST.	HISTORIC MALBIS	05-00497	1/9/06
DR. GUPTA	8987 TIMBERCREEK BLVD.	TIMBERCREEK	05-00561	1/9/06
BENCHMARK HOMES	7554 AVERY LANE	MADISON PLACE	05-00997	1/10/06
BENCHMARK HOMES	7532 AVERY LANE	MADISON PLACE	05-01238	1/10/06
MITCHELL HOMES	29918 ST. HELEN ST.	HISTORIC MALBIS	05-00781	1/10/06
BETH KIRKLEY	1012 WILSON AVE.		05-00253	1/10/06
MODEL HOMES, LLC	29874 ST. HELEN ST.	HISTORIC MALBIS	05-00056	1/11/06
WILLIAM BUSH	27546 STRATFORD GLEN DR.	STRATFORD GLEN	05-00878	1/11/06
JERMELINA JONGKO	8169 PINE RUN	TIMBERCREEK	05-00517	1/11/06
AIG BAKER	6902 HWY 90	JUBILEE SQUARE	05-00679	1/12/06
AIG BAKER	6900-1 THRU 6900-11 HWY 90	JUBILEE SQUARE	05-00679	1/12/06
AIG BAKER	6890-11 THRU 6890-21 HWY 90	JUBILEE SQUARE	05-00679	1/12/06
MIKE HAYES	8954 S. LAMHATTY LN.	TIAWASEE TRACE	05-00425	1/12/06
LAWRENCE T. & MARIAN MOITY	8044 DEERWOOD DR.	DEERWOOD SQUARE	05-00982	1/12/06
GREG REESE	27654 RED EAGLE DR.	SEHOY	05-00427	1/17/06
ROBERT MCVAY	27655 RED EAGLE DR.	SEHOY	05-00490	1/20/06
VIOLA THORNTON	8062 BROOKSIDE LANE	BROOKSIDE	05-00894	1/20/06
REGINALD HUBBARD	8046 BROOKSIDE LANE	BROOKSIDE	05-00890	1/20/06
ELLA FULLER	820 THOMAS AVE.	LODEE ESTATES	05-00607	1/20/06
JOHN & ANN HORNUNG	26196 VIA DEL SAN FRANCESCO	LACASA	05-01090	1/24/06
PHILLIP HENDERSON	30158 PERSIMMON DR.	TIMBERCREEK	05-00856	1.24.06
JULIS & JANICE POOLSON	8074 BROOKSIDE LANE	BROOKSIDE	05-00892	1:24:06

JANUARY 2006
CERTIFICATE OF OCCUPANCY

ALONZO & PAMELA SANDERS	806 THOMAS AVE.	LODEE ESTATES	05-00518	1/25/06
ALBERT APPLIN	29945 ST. HELEN ST.	HISTORIC MALBIS	05-00590	1/26/06
WILLIAM MCLEOD	30146 PERSIMMON DR.	TIMBERCREEK	05-00857	1/26/06
BENJAMIN CHARLES	8058 BROOKSIDE LANE	BROOKSIDE	05-00895	1/26/06
MARY MONTANUS	29945 ST. SIMON ST.	HISTORIC MALBIS	05-00777	1/30/06
OMNI HEALTH & FITNESS	27955 HWY 98		05-01133	1/30/06

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2006

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	5
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
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	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	1
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	1
HISTORIC MALBIS, PHASE TWO, PART B	69	1
HISTORIC MALBIS, PHASE THREE, PART A	8	1
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	1
LAKE FOREST		2
LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JANUARY 2006

OAK CREEK, PHASE ONE	34	2
OAKSTONE, PHASE ONE	12	
OTTAWA SPRINGS, PHASE ONE	64	12
PECAN TRACE, PHASE ONE	29	
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	1
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	1
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	2
TIMBERCREEK, PHASE TWO	81	2
TIMBERCREEK, PHASE THREE	54	
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	
TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

Abatement Property

<u>Address</u>	<u>Owner</u>	<u>Location</u>	<u>PPIN</u>
909-A Daphne Ave	Daphne Plaza Inc	Behind Eckerds	077982
Dryer Ave (west of 405)	Paula J. Dunbar	West of Daphne Museum	048536
901 Randall Ave	Frank & Ann Donovan Garrett	Randall Ave linked to 809	015943
1273 Montgomery St	Lillian Thompkins	Address	071963
1174 Montgomery St.		south east end @ John Montgom	30185
1301 Montgomery St	Luiclle Conaway (life estate)	end of Montgomery, n.e. end	078756
1300 Montgomery St			098566
915 Vann Ave	COMPLETE		
28190 Pinehill Rd (10th Ave)	COMPLETE		
1415 Wilson Ave	COMPLETE		



1301



1301



1300



1300



133



1273



1174



901



W of 405

909-A

Public Safety Committee

Tuesday, February 7, 2006

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

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

Committee Members Attending:

Councilman Greg Burnam, Councilman Gus Palumbo, Councilwoman Regina Landry, Chief David Carpenter, Capt. Randy Bishop, Capt. David Wilson and Chief Mund Hanson.

Also Present: Mayor Small, Capt. Kenny Hanak, PW Director Ken Eslava and Sean Ahern.

I. CALL TO ORDER

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

II. PUBLIC PARTICIPATION

A. New Business

1) Speed Limit Reduced - Sean Ahern (27193 Creekwood Drive)

Mr. Ahern was present to ask the committee to consider a request to have the speed limit on Creekwood Drive reduced from 30 mph to 25 mph. He would also like to see "Children at Play" sign installed. Mr. Eslava stated there is a traffic study pending right now and would be ready by tomorrow.

Motion by Mr. Burnam to favorably recommend to the council to reduce the speed limit on Creekwood Drive from 30 mph to 25 mph. ***Seconded by Ms. Landry.*** **Motion carried.**

2) Speed Limit/Traffic Study - Jon Porter (27391 Stratford Glen)

Mr. Porter submitted by mail a request for a speed hump to be placed on Stratford Glen. Mr. Eslava stated that a traffic study has been done and feels that the majority of those speeding are contractors working on the newest phase. He does not recommend a speed hump, but rather more police presence in the area. Chief Carpenter stated he will have patrol monitor the area closely and report back to the committee.

3) Mayor Small - Letter from ALDOT (Highway 90 widening)

Mayor Small submitted his letter to Ronnie Poiroux requesting the speed limit on Highway 90 in Daphne to be lowered from 55 mph to 45 mph. He further states that many sections of this road has obstructed views along with the challenges of entering and exiting various subdivisions and businesses along Hwy 90.

B. Old Business

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING
Minutes from January 3, 2005 Meeting

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

IV. FIRE DEPARTMENT

A. New Business

1. Statistics for January 2006

Chief Hanson reviewed the stats for January and the 2005 comparison report. He stated that beginning this year the department will be separating the Annual Inspections and the Re-inspections on the monthly report.

2. AG Opinion

Chief Hanson stated he is requesting an AG's opinion on the what portions of a NFIRS document is considered public record. The committee discussed several issues and situations where this could be unclear and Chief Hanson stated it is the opinion of the City Attorney to get the Attorney General to address this matter.

Motion by Mr. Burnam to favorably recommend to the council to have an AG's opinion on what portions of the NFIRS document can be considered public record and for the City Attorney to draft a resolution for that opinion. *Seconded by Ms. Landry.* **Motion carried.**

3. Fire Information

Chief Hanson submitted to the committee information requested by Mr. Palumbo for staffing Fire Station #4 and implementing the staffing of an EMS truck. He also included the number of emergency calls and response time for each of Daphne's four fire districts.

A. Old Business

V. POLICE DEPARTMENT

B. New Business

1. Statistics for December 2005

Chief Carpenter reviewed the stats for December and the 2005 yearly stat report. He stated that during 2005, the police department worked over 2,000 accidents. Mr. Palumbo commented on the number of animals that were captured, euthanized and adopted out at the Animal Shelter.

2. Letter from Tidewater Real Estate

Capt. Wilson reviewed the letter submitted by Mr. Allen Cox from Tidewater Real Estate. Mr. Cox encouraged the city council to plan now to increase the police department in order to maintain the safe living environment that Daphne has.

B. Old Business

VI. OTHER BUSINESS

1) 4-way stop at Santa Rosa & Main

Mr. Eslava submitted a memo requesting that the 4-way stop at Santa Rosa & Main Street be made permanent. He commented that the stop signs have reduced the number of accidents at this intersection. With a recommendation from the committee to the council this will allow his department to complete any legal measures necessary such as pavement markings, concrete curbing, etc.

<p><i>Motion by Mr. Palumbo</i> to favorably recommend to the council to make the 4-way stop at the intersection of Santa Rosa & Main Street permanent. <i>Seconded by Mr. Burnam.</i> Motion carried.</p>

2) Traffic Study Results - Old Daphne Area

Mr. Eslava submitted to the committee a traffic study done in the Old Daphne area. He commented on the results and his recommendations based on the results. Mr. Burnam requested that this be placed on next months agenda for further review.

3) Speed Cushions

Mr. Eslava submitted information to the committee on new traffic calming devices. These devices are more fire department friendly in that they allow the trucks to straddle the devices, however passenger vehicles would have to slow down to cross them.

VII. ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 6:15 p.m.
The next meeting will be **Tuesday, March 7, 2006 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: January, 2006

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	-	1
11-Structure Fire/Commercial	-	-
11-Structure Fire/Residential	3	5
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	4	9
14-Natural Vegetation Fire	-	3
15-Outside Rubbish Fire	1	3
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
2-Overpressure Rupture:	-	-
3-Rescue Call and Emergency Medical Service Incidents:	96	432
4-Hazardous Conditions (No fire):	2	16
5-Service Call:	8	32
6-Good Intent Call:	16	50
7-False Alarm & False Call:	9	29
8-Severe Weather & Natural Disaster:	1	1
9-Other Situation:	-	1
Total Emergency Calls:	123	517
Monthly Total Calls:	140	582
Response Time:		
Highest:	11	15
Lowest:	1	1
Average (Minutes/Seconds) :	4/30	4/42
Miscellaneous Reports:		
Training Hours	62.5	843
Property Loss - \$	37,900	52,300
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	-/-	-/1
Child Passenger Safety Seat Inspections/Installations	17	45
Fire Prevention Awareness/Education:		
Classes	3	66
Persons Attending	73	2,720
Bureau of Fire Prevention:		
Plan Reviews	3	27
Final/Certificate of Occupancy	25	27
General/Annual Inspections	127	601**
General/Re-Inspections (Violation Follow-up - Annual)	2	2**
Business Licenses	13	30
Consultations	-	-
All Other/Misc. Activities	12	19
Total Activities:	182	706

Authorized by:

**Not Complete

A. Muntz Hanson

City of Daphne Fire Department Yearly Comparison Report

	2002	2003	2004	2005
Suppression:				
1-Fire/Explosion:				
10-Fire, Other	3	3	3	1
11-Structure Fire/Commercial	4	6	4	5
11-Structure Fires/Residential	17	13	23	19
12-Fire in Mobile Property used as fixed structure	1	1	-	-
13-Mobile Property (vehicle) Fire	20	9	29	21
14-Natural Vegetation Fire	14	17	22	24
15-Outside Rubbish Fire	8	5	5	9
16-Special Outside Fire	1	2	5	-
17-Cultivated Vegetable Crop Fire	-	1	-	-
2-Overpressure Rupture:	4	3	2	3
3-Rescue Call and Emergency Medical Service Incidents:	875	923	1068	1347
4-Hazardous Conditions (No fire):	59	44	56	66
5-Service Call:	177	162	192	139
6-Good Intent Call:	125	117	134	144
7-False Alarm & False Call:	118	144	113	104
8-Severe Weather & Natural Disaster:	5	2	-	3
9-Other Situation:	6	4	8	1
Total Emergency Calls:	<i>1132</i>	<i>1205</i>	<i>1410</i>	<i>1649</i>
Yearly Total Calls:	<i>1447</i>	<i>1456</i>	<i>1664</i>	<i>1886</i>
Response Time:				
Highest:	17	15	15	18
Lowest:	1	1	1	1
Average (Minutes/Seconds) :	3/58	4/13	4/50	4/51
Miscellaneous Reports:				
Training Hours	2,956.31	5,477.95	4,570.23	3,592.44
Property Loss - \$	344,050	314,500	97,000	474,546
Fire Personnel / Civilian Injuries by Fire	- / -	4/-	1/-	-/5
Child Passenger Safety Seat Inspections/Installations	142	87	116	184
All Page Incidents: (Multi-company support required)	220	211	233	187
Bureau of Fire Prevention:				
Inspections:				
Plan Reviews	32	33	96	97
General/Annual Inspections	149	329	1661	1904
Consultations	4	8	9	4
Final/Certificate of Occupancy	23	13	8	4
Business Licenses	126	46	83	57
All Other/Misc. Inspections	31	18	17	26
Total Inspections:	<i>365</i>	<i>447</i>	<i>1874</i>	<i>2092</i>
Fire Prevention Awareness/Education:				
Classes/Persons Attending	62/5531	83/6682	100/5,549	100/7744

Daphne Police Department			Monthly Report				December 2005				
Patrol Division		Detective Division:		JAIL:			Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)			(Capt. Wilson)				
						YTD					
# Complaints	1,413	# New Cases Received:	67	Total Arrestees Received & Processed:	170	<u>516</u>	# Misd. Marijuana Arrest	1	Arson	0	
# Misd. Arrests	38	# Previous Unsolved Cases:	88	Arrestees by Agency:			# Felony Marijuana Arrest	0	Burglary – Residence	4	
# Felony Arrests	5	# Cases Solved:	21	Daphne PD	88	287	# Controlled Substance Arrest:	1	Burglary – Commercial	4	
# Citations	6	Resulting in Total Arrests:		BCSO	18	<u>52</u>	# Drug Paraphernalia Arrest	0	Burglary – Vehicles	5	
# Close Patrols	195	Felonies:	18	Loxley PD	27	<u>83</u>			Criminal Mischief	18	
# Warnings	156	Misdemeanors:	0	Silverhill PD	10	<u>28</u>	Vehicles Searched	20	Domestic Disturbance	28	
# Motorist Assist	209	Houses Searched	0	Spanish Fort PD	16	<u>51</u>			Disorderly Conduct	1	
# Alias Warrants	39			Troopers	3	<u>4</u>	Drugs Seized:marijuana,ecstasy		Felony Theft	25	
# Roadway Accidents	92			INS	0	<u>0</u>	Money Seized	\$0	Misdemeanor Theft	21	
# Private Prop. Accidents	24	Warrants:		Other Agencies	8	<u>11</u>	Vehicles Seized	0	Felony Assault	0	
# DUI's	6	Bettner Served	20						Misdemeanor Assault	1	
Traffic Homicide		Officer Served	2	Highest	30	102	Animal Control		False Info to Police	1	
		Recalls (Pd Fines)	11	Lowest	14	53	#Complaints	74	Harassment	10	
		Total Warrants Served	33				#Follow-ups	120	Indecent Exposure	0	
				Meals Served	1,503	5,544	#Citations	5	Kidnapping	0	
		Sex Offender:		Medical Cost	\$2,108.30	5,343.11	#Warnings	8	Murder	0	
		New Registration:	0	Worker Inmate Hours	359	1,688	#Felines Captured	7	Menacing	4	
		Contact Verification	0				#Canines Captured	26	Public Intoxication	0	
		Total # registered in Daphne	7				#Other Captured	2	Public Lewdness	0	
		DARE:					#Returned to Owner	17	Receiving Stolen Property	0	
		# Hours Report Writing:	0				#Adopted Out	32	Robbery	2	
		# Students Instructed SRO	165				#Euthanized	13	Reckless Endangerment	0	
		# Students Instructed DARE	420						Suicide	0	
		# Police Reports by SRO	0						Attempted Suicide	1	
		# Arrest by SRO	0						Other Death Investigations	3	
									Theft of Services	0	
		CODE ENFORCEMENT:							Unauthorized Use of Services	0	
		Warnings:	1						White Collar Crimes	8	
		Citations	1						Weapon Offenses	0	
		Warning Compliance	0								
		Follow – Up	3								
Approved by:			<i>David Carpenter, Chief of Police</i>								

Daphne Police Department		2005 Yearly Report			January thru December 2005				
Patrol Division	Detective Division:	JAIL:	Drug Report - Routine Patrol & Special Ops:	Crimes Reported This Month:					
(Capt. Taylor)	(Lt. Bell / Capt. Taylor)	(Capt. Bishop)	(Capt. Wilson)						
			YTD						
# Complaints	16,037	# New Cases Received:	628	Total Arrestees Received & Processed:	2,559	# Misd. Marijuana Arrest	19	Arson	0
# Misd. Arrests	370	# Previous Unsolved Cases:		Arrestees by Agency:		# Felony Marijuana Arrest	2	Burglary – Residence	51
# Felony Arrests	81	# Cases Solved:	167	Daphne PD	1,297	# Controlled Substance Arrest:	16	Burglary – Commercial	24
# Citations	3,158	Resulting in Total Arrests:	153	BCSO	187	# Drug Paraphernalia Arrest	20	Burglary – Vehicles	49
# Close Patrols	1,636	Felonies:	96	Loxley PD	313			Criminal Mischief	104
# Warnings	2,702	Misdemeanors:	57	Silverhill PD	124	Vehicles Searched	93	Domestic Disturbance	308
# Motorist Assist	2,867	Houses Searched	10	Spanish Fort PD	199			Disorderly Conduct	30
# Alias Warrants	489			Troopers	33	Drugs Seized:		Felony Theft	208
# Roadway Accidents	1,943			INS	11	Money Seized	\$7,890	Misdemeanor Theft	261
# Private Prop. Accidents	317	Warrants:		Other Agencies	39	Vehicles Seized	0	Felony Assault	5
# DUI's	136	Bettner Served	391					Misdemeanor Assault	20
Traffic Homicide		Officer Served	156	Highest		Animal Control		False Info to Police	10
		Recalls (Pd Fines)	388	Lowest		#Complaints	857	Harassment	148
		Total Warrants Served	907			#Follow-ups	1,505	Indecent Exposure	1
				Meals Served	24,908	#Citations	58	Kidnapping	0
		Sex Offender:		Medical Cost	19,381.83	#Warnings	104	Murder	1
		New Registration:	2	Worker Inmate Hours	7,177	#Felines Captured	122	Menacing	9
		Contact Verification	6			#Canines Captured	263	Public Intoxication	8
		Total # registered in Daphne	7			#Other Captured	108	Public Lewdness	2
		DARE:				#Returned to Owner	195	Receiving Stolen Property	8
		# Hours Report Writing:	9			#Adopted Out	422	Robbery	9
		# Students Instructed SRO				#Euthanized	289	Reckless Endangerment	9
		# Students Instructed DARE						Suicide	0
		# Police Reports by SRO	10					Attempted Suicide	20
		# Arrest by SRO	8					Other Death Investigations	21
								Theft of Services	0
		CODE ENFORCEMENT:						Unauthorized Use of Services	13
		Warnings:	67					White Collar Crimes	63
		Citations	27					Weapon Offenses	3
		Warning Compliance	65						
		Follow – Up	124						
Approved by:					David Carpenter, Chief of Police				

**CITY OF DAPHNE ORDINANCE COMMITTEE MEETING
FEBRUARY 7, 2006
MEETING MINUTES**

In Attendance:

Mayor Small, Committee Chairperson Regina Landry, Council Member Gus Palumbo and Greg Burnam, plus nine (9) members of the Public. Mr. Ed Kirby was absent.

Call to Order:

After a quorum was established, Regina Landry called the meeting to order.

Public Participation:

Public participation was received. Mr. Kevin Spriggs, a local business owner provided information regarding future electronic price signs for gasoline stations. Mr Spriggs stated that within the next 5 to 10 years the major oil companies will be mandating the use of electronic pricing signs to replace the current signs being used. Mr. Spriggs requested that the City consider allowing these types of electronic signs in the future.

Mr. David Hudgens, Attorney for the Hilton Garden Inn in Daphne, Alabama, addressed the Committee regarding nonconforming signs and the amortization schedules currently in place in our Sign Ordinance. Mr. Hudgens indicated that the amortization schedule is sure to be challenged in court and he suggested the City seek an alternative to that measure.

Mr. Troy Tatum, with Lamar Advertising presented a five minute video presentation for digital displa billboards. He proposed that the City allow Lamar Advertising to "test" a sign and allow them to place the sign at one of its current locations. Lamar Advertising is willing to allow the City advertising space on the sign at no charge. Mr. Tatum proposed a sign 10 feet 6 inches by 36 feet in dimensions. The current billboards are 14 feet by 48 feet in dimensions.

A representative from Scenic, Alabama was present and provided information considering the negative impact billboards have on

communities.

**CITY OF DAPHNE ORDINANCE COMMITTEE MEETING
FEBRUARY 7, 2006
MEETING MINUTES**

The City Attorney was requested to research the issue of what effect would occur if the City amends its Sign Ordinance to allow billboards which are currently considered nonconforming signs, on the remainder of nonconforming signs existing within the City.

A motion was made by Councilman Palumbo to send the Sign Ordinance changes as originally proposed by the Sign Ordinance Committee onto the City Council or if necessary back to the Planning Commission if required to do so.

The next Ordinance Committee meeting was scheduled for March 7, 2006 at 5:30 p.m.

ADJOURNMENT:

The meeting was adjourned at 8:45 p.m.

Daphne Beautification Committee
City Hall 1705 Main Street, Daphne, AL

Minutes of the February 3, 2006 meeting

The meeting was called to order at 10:06 by the president, Carollee Grindel. Also present were Vincent Russo, Anne Talton, Roger Davidson, Dorothy Rankins, Tomasina Werner, Audrey Rouire, Marilyn O'Connor Moore, Nancy Henderson, Patty Kerney, Dorothy Morrison, Bea Wilson, and representing the city were Marshall Parsons and Marjorie Bellue.

The minutes were distributed and read by all present. Dorothy Morrison made a motion to make a change in the minutes and the charter limiting the elected board to a two-year period. Marilyn O'Connor Moore seconded the motion and it was approved. The minutes were then accepted.

Margorie Bellue informed us of Arbor Day Plans and asked for a sub committee to help her with the distribution of trees on February 25th at the Recreation Department from 8 to noon. Anne Talton, Roger Davidson, Patty Kerney volunteered to go early (7 a.m.) to help set up refreshments that our committee will pay for. The rest of the sub committee Carollee Grindel, Nancy Henderson, Audry Rouire and Marilyn Moore will arrive at 8 a.m.

Marshal spoke on the need for sub committees in general and also asked for a sub committee to direct the planting of the crepe myrtles that will be removed from Highway 98. That committee is Roger Davidson, Anne Talton, Bea Wilson, Dorothy Rankin, Dorothy Morrison, Tomasina Werner and Audrey Rouire. Marshall reported that a 40 thousand dollar grant for the Tree Remediation has been received for Daphne. His report covered the care of the Daphne Rose Garden. He asked for a sub committee to help with that. Audrey Rouire, Vincent Russo and Marilyn Moore volunteered. Marshall gave out bench information and suggested a uniform bench throughout Daphne. The committee reviewed the style of bench that Marshall had found in his research. Vincent made a motion to have the city buy them. This was seconded and accepted with a unanimous vote. Property Owners Associations can then buy them from the city.

The secretary asked each person present which district they lived in and we found that District two had four people present and no one to represent District one.

The New Business was tabled until the March meeting.

Respectfully submitted,

Anne Talton, Secretary

**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:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

CALL TO ORDER:

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Jeff Carrico, Chairman
Larry Chason, Secretary
Warren West, Vice Chairman
DeLeon Thomas
Cathy Barnette, Councilwoman
Ed Kirby

Members Absent:

Carter Eide

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Jay Ross, Attorney
Tim Fleming, Associate Attorney
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Eide is absent and the Commission has one position vacant. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the December 22, 2005 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to approve the minutes of the regular meeting. The Motion carried unanimously.**

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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The Chairman stated the next order of business under old business is preliminary plat review for Canaan Place Subdivision, Phase One and Two.

OLD BUSINESS:

PRELIMINARY PLAT REVIEW:

File SDP05-21:

Subdivision: Canaan Place, Phase One and Two

Location: Northwest corner of the intersection of County Road 54 and 54 East
Area: 79.21 Acres +, (183) lots
Owner: C & E, LLC
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a seventy-nine acre subdivision consisting of one hundred and eighty-three lots located Northwest corner of the intersection of County Road 54 and 54 East. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners, the Naefs, addressed the Commission to express her concerns regarding the proposed development and how it would impact her property. Mrs. Naef stated one of the surveys is off by three feet, but we do not wish to raise any opposition to the development of Canaan Place or Chaucer Ridge Subdivisions contingent upon the engineers addressing the concerns outlined in the letter issued by our attorney, Mr. Taylor.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property.

The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. If there is no objection, the Chair would entertain a motion.

A Motion was made by Mr. Kirby and Seconded by Ms. Barnette to approve the preliminary plat for Canaan Place Subdivision, Phase One and Two.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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The Motion carried unanimously.

The Chairman stated the next order of business under old business is an administrative presentation for Chaucer Ridge Subdivision.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, of the proposed revisions to Chaucer Ridge Subdivision on County Road 54 East. The Chairman stated the next order of business under new business is an administrative presentation for the City of Daphne Zoning Map.

NEW BUSINESS:

ADMINISTRATIVE PRESENTATION:

REVISION TO THE CITY OF DAPHNE ZONING AND STREET MAPS:

An introductory presentation was given by Ms. Anderson, GIS Technician, of the proposed City of Daphne Street Map. This is a revision we are bringing to you of the zoning map with a listing of changes made in the city. This Department requests acceptance and recommendation to the City Council.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion for a recommendation to the City Council to accept the street map.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning Map. The Motion carried unanimously.**

The Chairman stated the next order of business under new business is an administrative presentation of the proposed City of Daphne Street Map.

An introductory presentation was given by Mr. Eady, Director of Community Development, of the proposed City of Daphne Street Map. This is a revision we are bringing to you of an up-to-date listing of the streets in the city. This Department requests acceptance and recommendation to the City Council.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion for a recommendation to the City Council to accept the street map.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Street Map. The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for the Pat White Building.

SITE PLAN REVIEW:

File S05-01:

Site: Pat White Building

Location: Southeast of the intersection of U. S. Highway 98 and Stanton Road, Lot 16, Block B, Daphne Business Park, Unit 2
Area: 0.8 Acres +
Agent: Pat White
Owner: Janet White Penry
Engineer: Don Williams Engineering - Don Williams

An introductory presentation was given by Mr. Williams, representing Don Williams Engineering, requesting site plan review for a commercial office facility located Southeast of the intersection of U. S. Highway 98 and Stanton Road on Lot 16, Block B, of Daphne Business Park, Unit 2. I will be glad to answer any questions you may have.

The Chairman stated do any of the Commissioners have any further questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mayor Small **to grant Site Plan approval to the Pat White Building. The Motion carried unanimously.**

The Chairman stated the next order of business is a revised final plat review for Historic Malbis Subdivision, Phase III-A.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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FINAL PLAT REVIEW:

File SDF06-01: (AMENDED)

Subdivision: Historic Malbis, Phase III-A

Location: Northeast of the intersection of U.S. Highway 90 and Alabama Highway 181 on the West side of Saint Barbara Street

Area: 4.47 Acres +, (8) lots

Owner: Historic Malbis Development Corporation - Dave Taylor

Engineer: Hatch Mott McDonald - Kendall Kilpatrick

An introductory presentation was given by Mr. Kilpatrick, representing Hatch Mott MacDonald, requesting revised final plat approval of a four-acre subdivision consisting of eight lots located Northeast of the intersection of U.S. Highway 90 and Alabama Highway 181 on the West side of Saint Barbara Street.

Mr. Kilpatrick stated the revisions to the plat include a change in the side setbacks, as well as, a note indicating that these lots are consistent with the Block C requirements of the Historic Malbis Development. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to grant Revised Final Plat approval to Historic Malbis Subdivision, Phase III-A. The Motion carried unanimously.**

The Chairman stated the next order of business is final plat review for Churchill Subdivision.

File SDF06-02:

Subdivision: Churchill

Location: On U.S. Highway 31 near Shambo Road

Area: 34.43 Acres +, (78) lots

Owner: Austin Brook, L.L.C. - Lee Davenport

Engineer: Hutchinson, Moore & Rauch - Ray Moore or Scott Hutchinson

An introductory presentation was given by Mr. Moore, representing Hutchinson,

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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Moore & Rauch, requesting final plat approval of a thirty- four acre subdivision consisting of seventy-eight lots located on U.S. Highway 31 near Shambo Road. The subdivision is not complete; however, the developer has posted a performance bond to Baldwin County in the amount of one hundred and fifty percent of the total cost of the improvements. I will be happy to answer any questions you may have.

Mr. West and Ms. Barnette asked Mr. Moore to outline for the Commission the improvements necessary to complete the subdivision.

Mr. Moore stated performance bond was issued several weeks ago and since this time substantial work has been done. At this point, the contractor is ready to begin paving the streets in the subdivision. The performance bond is more than sufficient to cover the remaining improvements of the infrastructure within the subdivision.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mayor Small **to grant Final Plat approval to Churchill Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for the Old Home Place, Phase III.

PRELIMINARY PLAT REVIEW:

File SDP06-01:

Subdivision: The Old Place, Phase III

Location: On Austin Road, approximately one half mile East of Alabama Highway 181

Area: 34.52 Acres +, (43) lots

Owner: Del A. Corte

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Tom Granger, representing Hutchinson, Moore & Rauch, requesting preliminary plat approval of a thirty-four acre subdivision consisting of forty-three lots located on Austin Road approximately one half mile East of Alabama Highway 181. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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comments.

Mayor Small stated an ordinance should be written and put in place which outlines the responsibility and maintenance of a detention pond within a subdivision, as well as, a requirement for the City of Daphne to inspect and enforce the maintenance them.

Mr. Carrico requested that Mayor Small's comments be noted in the record. The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Ms. Barnette **to grant Preliminary Plat approval to the Old Place Subdivision, Phase Three. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Oldfield Subdivision, Phase One.

File SDP06-02:

Subdivision: Oldfield, Phase One

Location: On the West side of Alabama Highway 181 approximately one half mile North of Higbee Road

Area: 83.01 Acres \pm , (151) lots

Owner: Julio Corte, Jr.

Agent: Mike McLaughlin

Engineer: Engineering Development Services - David Diehl

An introductory presentation to be given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of an eight-three acre subdivision consisting of one hundred fifty-one lots located on the West side of Alabama Highway 181 approximately one half mile North of Higbee Road. The developer is pursuing annexation into the City of Daphne later in this meeting; therefore, they will be requesting the placement of potable water and sanitary sewer from the Utilities Board of the City of Daphne for this project. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to grant Preliminary Plat approval to the Oldfield Subdivision, Phase One. The Motion carried unanimously.**

The Chairman stated the next order of business is a zoning review for Two Step Partners, L.L.C.

PETITIONS:

ZONING AMENDMENT REVIEW:

File Z06-01: Two Step Partners, L.L.C.

Location: Northeast of U. S. Highway 98 and 2nd Street, 28720 2nd Street
Area: 0.6 Acres +
Owner: Two Step Partners - Dr. Barry Booth and Celia Wallace
Engineer: Hutchinson, Moore & Rauch - Doug Bailey

Present Zoning: R-3 Proposed Zoning: B-2

Reference: Formerly the Cecil Parrish property

An introductory presentation was given by Mr. Bailey, representing Hutchinson, Moore & Rauch, requesting the rezoning of lots 4, 5, 6, and 7 of Block 56, of Park City Subdivision from an R-3, High Density Single Family Residential, to a B-2, General Business, zone. He stated we are asking for the rezoning of this parcel for the use of the presently constructed building for a business office facility. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby **and Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning for Two Step Partners, L.L.C. from an R-3, High Density Single Family Residential, to a B-2, General Business, zone.**

The Motion carried unanimously.

THE CITY OF DAPHNE
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The Chairman stated the next order of business is a master plan review for County Club Development, L.L.C.

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting revised master plan approval for Bellaton Subdivision.

A **Motion** was made by Mr. Chason and **Seconded** by Mayor Small **to grant approval for the revised master plan for Bellaton Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is a zoning review for Country Club Development, L.L.C.

File Z06-02: Country Club Development, LLC

Location: On Alabama Highway 181 across from Austin Road
Area: 32.48 Acres +
Owner: Fred L. Corte
Agent: Country Club Development, LLC - Trae Corte
Engineer: Engineering Development Services - David Diehl

Present Zoning: R-3 Proposed Zoning: R-4

Reference: A portion of Phase Three of Bellaton Subdivision

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting the rezoning of a portion of Bellaton Subdivision, Phase Three from an R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone. We are asking for the rezoning of this parcel for the construction of residential subdivision which uses a smaller lot width and setbacks consistent with R-4 zoning. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

Mr. Trae Corte, the owner of Country Club Development, L.L.C., stated Mr. Chairman public participation is required for the zoning amendment. I want to ensure that the action is handled properly to deter any problems in the future as a result of procedure.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or

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comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small *and Seconded* by Mr. Chason *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning for Country Club Development, L.L.C. from an R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone, excluding the B-1, Local Business, zone as shown on the Master Plan.*

Mr. Chason stated the B-1, Local Business, zone shown on the map is not a part of this phase. It is a part of phase two.

An **Amended Motion** was made by Mayor Small *and Seconded* by Mr. Chason *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning for Country Club Development, L.L.C. (Reference: Bellaton Subdivision, Phase Three) from an R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone. The Motion carried unanimously.*

The Chairman stated the next order of business is annexation review for Julio Corte, Jr.

ANNEXATION REVIEW:

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting annexation of a ten-foot strip, an eleven acre parcel, a twenty-five acre parcel, an eighteen acre parcel, and a twenty-one acre parcel located on the West side of Alabama Highway 181 approximately one half mile North of Higbee Road with R-1, R-2, R-3, and R-4, zoning, respectively. The owner of subject property is Julio Corte, Jr. The preliminary plat was presented as Oldfield Subdivision, but the master plan was previously approved as Cottonwood.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

Ms. Dickson stated public participation is not necessary for annexation because the public hearing is held by the City Council.

The Chairman closed public participation. Do any of the Commissioners or Mr. Eady

THE CITY OF DAPHNE
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have any further questions or comments? If there is no objection, the Chair would entertain a motion. He asked if the annexation could be done as one or separate motions.

Mr. Eady stated each parcel was submitted individually. Therefore, it would require separate motions.

A **Motion** was made by Ms. Barnette **and Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Julio Corte, Jr. of the ten-foot strip along the West side of Alabama Highway 181 with R-1, Low Density Single Family Residential, zoning. The Motion carried unanimously.**

A **Motion** was made by Mr. Kirby **and Seconded** by Mr. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Julio Corte, Jr. of the eleven-acre parcel West of Alabama Highway 181 with R-1, Low Density Single Family Residential, zoning. The Motion carried unanimously.**

A **Motion** was made by Mr. Kirby **and Seconded** by Mr. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Julio Corte, Jr. of the twenty-five acre parcel West of Alabama Highway 181 with R-2, Medium Density Single Family Residential, zoning. The Motion carried unanimously.**

A **Motion** was made by Ms. Barnette **and Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Julio Corte, Jr. of the eighteen-acre parcel West of Alabama Highway 181 with R-3, High Density Single Family Residential, zoning. The Motion carried unanimously.**

A **Motion** was made by Mr. Kirby **and Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Julio Corte, Jr. of the twenty-one acre parcel West of Alabama Highway 181 with R-4, High Density Single Family Residential, zoning. The Motion carried unanimously.**

The Chairman stated the next order of business is annexation review for Derek Antonio Defillipi, Kevin Stacey Defillipi, Antonio James Defillipi, Luther G. and Sharon Milstead, and Steve Milstead.

Introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting annexation of an one hundred and thirty-two acre parcel located Northwest of the intersection of County

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Road 13 and Whispering Pines Road with R-1, R-2, R-3, and R-4 zoning. The owners of subject property are Derek Antonio Defillipi, Kevin Stacey Defillipi, Antonio James Defillipi, Luther G. and Sharon Milstead, and Steve Milstead.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Barnette **and Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Derek Antonio Defillipi, Kevin Stacey Defillipi, Antonio James Defillipi, Luther G. and Sharon Milstead, and Steve Milstead with R-1, Low Density Single Family Residential, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential, zoning as outlined on the Master Plan which is on file in the City of Daphne Community Development Department. The Motion carried unanimously.**

The Chairman stated the next order of business is an administrative presentation for a revision to the City of Daphne Land Use and Development Ordinance, Article XXXIII, Sign Ordinance.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Tim Fleming, Associate Attorney, and Ed Kirby, a member of the Sign Committee and the Code Enforcement Officer, of a revision to the City of Daphne Land Use and Development Ordinance, Article XXXIII, Sign Provisions.

Many of the members of the Commission commented on the changes which were discussed at the Wednesday, January 18, 2006, site preview meeting of the Planning Commission and the requests by concerned parties to address the proposed changes to the ordinance. In light of the fact that the ordinance had been given to them on short notice, Mayor Small and Ms. Barnette felt as if it should be sent back to the Sign Committee for further review before action by the Planning Commission.

A **Motion** was made by Mr. Chason **and Seconded** by Mayor Small **to direct the additions and deletions to the Sign Provisions of the City of Daphne Land Use and Development Ordinance, made by the City of Daphne**

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2006
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Planning Commission and the Associate Attorney, Mr. Tim Fleming, dated January 19, 2006 to the Sign Committee for further review and to allow additional public input. The Motion carried unanimously.

Mr. Gus Palumbo, Councilman, commented on the creation of the Sign Committee and the revisions to the ordinance. He stated he felt as if the Sign Committee, a subcommittee of the ordinance committee, had held numerous meetings to address the concerns of the members and the public. At that point, we, the committee felt as if we had exhausted all avenues and elected to forward the results to the Planning Commission for review and a recommendation to the City Council for the adoption thereof.

The next order of business is the attorney's report.

ATTORNEY'S REPORT:

Mr. Ross stated no report.

ADJOURNMENT:

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion to adjourn.

A Motion was made and **Seconded to adjourn. The Motion carried unanimously.**

There being no further business, the meeting was adjourned at 7:20 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: February 23, 2006

Jeff Carrico, Chairman

THE CITY OF DAPHNE
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MINUTES

Utilities Board of the City of Daphne

CITY COUNCIL CHAMBERS

January 25, 2006

5:00 P.M.

I. Call to Order

II. Roll Call:

The Utility Board Meeting was called to order by the Chairman, Bob Segalla, at 5:00 p.m. on Wednesday, January 25, 2006.

Members Present: Robert Segalla, Chairman; Ron Scott, Vice Chairman; Lon Johnston, Secretary Treasurer (arrived at 5:05 p.m.); Lloyd Taylor, Board Attorney

Absent: Mayor Fred Small

Others Present: Rob McElroy, Stan Clayton, Teresa Logiotatos, Deloris Brown, Stephnie Merchant, Ray Moore, Melinda Immel, Tim Patton, Ed Bellue, Andrew Bolar, Donnie Douglas, Terry Cawthron, Rebecca Williamson, Tim Jones, Drew Klumpp,

III. Pledge of Allegiance

IV. Approval of Minutes

The Board reviewed the minutes from the December 28, 2005, Utility Board Meeting.

Mr. Scott made a motion to approve the minutes from December 28, 2005, and Mr. Patterson seconded the motion: all were in favor.

V. Old Business

A. Brookhaven Subdivision

Mr. McElroy informed the Board that Belforest Water System had signed an agreement to authorize Daphne Utilities to provide water for pressure testing of the Brookhaven Subdivision. Mr. Taylor advised the Board that he was working with the attorney for Belforest Water to finalize the agreement defining the territory for water services in the Brookhaven Subdivision. He stated that the agreement would clearly define the areas serviced by Daphne Utilities and Belforest Water System within the subdivision. Mr. Scott inquired regarding the process of how disputed utility service territories were handled and Mr. Taylor explained the legalities.

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MINUTES

Utilities Board of the City of Daphne

CITY COUNCIL CHAMBERS

January 25, 2006

5:00 P.M.

B. Riviera Utilities Property

Mr. Taylor informed the Board that he was waiting on Irby and Heard, P.C., for the title on the property. He stated that he had discussed the issue with the City Attorney and had informed him that based on the title requirements a City ordinance may be required.

VI. New Business

VII. Finance Reports

A. Financial Reports

Mrs. Logiotatos reviewed the December 31, 2005, financial reports with the Board, and updated them on the status of the financial audit. She answered Board inquiries relating to the balance sheet, expenditures, and refinancing benefits.

VIII. General Manger's Report

A. Administration/HR/Purchasing

Mr. McElroy reviewed the General Manager's Report with the Board. He discussed plans for reorganization that were necessary to keep the Utility running effectively, efficiently, and to meet the needs of the City of Daphne. He reviewed the revised organizational chart with the Board and informed them that he was reassigning Mr. Clayton to the position of Planning & Construction Manager due to the extensive workload and increase involving current and future capital projects and planning. He informed the Board that he was in the process of finalizing the reorganization primarily in the operations area and that the plan would be completed and implemented within the next two to three weeks. He stated that he would be available to meet with the Board members individually if there were questions.

Mr. Segalla informed Mr. Clayton that he had done a great job and commended him on the time and effort that he had expended with several recent major projects. Mr. Segalla told Mr. Clayton that he felt capital improvements and planning were his strong suit, and that he was glad the General Manager recognized this real talent and was putting him where he could do the most good for the Utility. Mr. Segalla stated that the Board was only interested in interviewing and approving four positions within the organization of Daphne Utilities: General Manager, Finance Manager, Human Resources Manager, and Operations Manager. He stated that involvement in additional positions would be micromanaging and the Board was not going to micromanage. Mr. Segalla stated that the Board does not evaluate the departmental operations managers/supervisors on a daily basis and although the Board has good knowledge of what the managers do, they do not know how proficient they are at

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MINUTES

Utilities Board of the City of Daphne

CITY COUNCIL CHAMBERS

January 25, 2006

5:00 P.M.

their jobs. Mr. Segalla stated a pay for performance program was in place which had purified the system, rewarding good hard work, and that it was not yet perfect but it would be thanks to the managers/supervisors, Rob, and Stan. Mr. Segalla requested a motion from the Board to approve the revised organizational chart and authorize the Human Resources Manager to advertise for an Operations Manager. Mr. Segalla requested that the Human Resource Manager screen the applications and resumes to narrow down the list to no less than 25 percent and/or 4 applicants for the Board to interview.

Mr. Scott inquired if the Operations Manager position would be posted internally. Mr. Segalla stated that it would. Mr. Scott personally commended and thanked Stan for the excellent job he had done and informed him of recent high regards and compliments from council member Cathy Barnette. Mr. Patterson asked if the revised organizational chart reflected the discussed changes for the Operations Manger position and Mr. McElroy stated that it did.

Mr. Johnston motioned approve the organizational chart and authorize the Human Resources Manger to advertise for the position of Operations Manager, and Mr. Scott seconded the motion; all were in favor.

B. Operations Report

Mr. Clayton thanked the Board and the Departmental Managers for all of their support while he served as Operations Manager. Mr. Clayton reviewed the Operations Report with the Board.

C. Engineering/Current Construction Reports

Melinda Immel of Volkert & Associates reviewed the report and updated the Board on the status of current projects. Mrs. Immel informed the Board that ADECA was going to receive 74 million dollars from Hurricane Katrina, and that they were very optimistic about receiving the 1 million dollar grant for the equalization tank at the Wastewater Treatment Plant. She updated the Board on the status of current bids and planning commission submittals.

Ray Moore of HMR reviewed the project and engineering status report with the Board. He advised the Board that bids were opened January 24 for the upgrade to Well #5. He recommended that the Board award the bid to the Griner Drilling Service, Inc. who was the lowest bidder at \$258,800. Mr. Scott inquired regarding the significant difference in the bids received and performance bonds. Mr. Johnston inquired regarding the time frame for completion of the project and

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MINUTES

Utilities Board of the City of Daphne

CITY COUNCIL CHAMBERS

January 25, 2006

5:00 P.M.

liquidated damages. Mr. Patterson inquired regarding previous work performed by Griner Drilling.

Mr. Scott motioned to award the bid to Griner Drilling for the Well #5 upgrade, and Mr. Patterson seconded the motion; all were in favor.

IX. Resolutions/Board Action Required

A. General Manager Monetary Authority Resolution 2006-01

The Board reviewed the revised resolution prepared by Mr. Taylor that was amended to reflect \$100,000 limit contingent upon attorney and finance manager approval.

Mr. Scott motioned to adopt Resolution 2006-01 granting monetary authority to the General Manager, and Mr. Johnston seconded the motion; all were in favor.

X. Public Participation

Mr. Segalla thanked all the Managers for attending the meeting and asked them if they would like to make any comments or ask any questions. Mr. Segalla stated that he would like to thank all of the managers for doing a good job and making Daphne Utilities the best in the State.

XI. Board Comments

XII. Executive Session

XIII. Adjournment

Mr. Scott motioned to adjourn at 5:50 p.m.

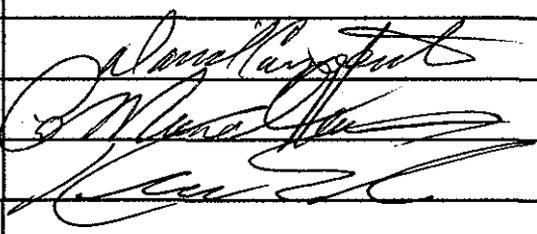
The Board meeting was called back to order by the Chairman at 5:50 p.m. to amend Resolution 2006-01 due to incorrect verbiage. The resolution read Treasurer where it should have read Finance Director. Mr. Scott motioned to authorize the Board Attorney replace "Treasurer" with "Finance Director" in Resolution 2006-01, and Mr. Johnston seconded the motion all were in favor.

Mr. Scott motioned to adjourn at 5:52 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne United Methodist Church</i>
CONTACT PERSON:	<i>Neil Beasley</i>
ADDRESS:	<i>P.O. Box 609 2401 Main Street, Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>709- 1222 (Neil Cell) 626-2722 (Church) Fax: 626-7728</i>
TYPE OF PARADE:	<i>5K & Fun Run</i>
DATE OF PARADE:	<i>April 15, 2006 Saturday</i>
ROUTE TO BE TRAVELED:	<i>See attached map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>100-150</i>
START TIME:	<i>8:30 A.M.</i>
STOP TIME:	<i>9:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne United Church 2401 Main Street</i>
ASSEMBLY TIME:	<i>8:00 p.m.</i>
SPECIAL REQUEST:	
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief Mund Hanson	
PUBLIC WORKS: Ken Eslava	
CITY COUNCIL: February 20, 2006	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>February 3, 2006</i>
NOTIFICATION:	

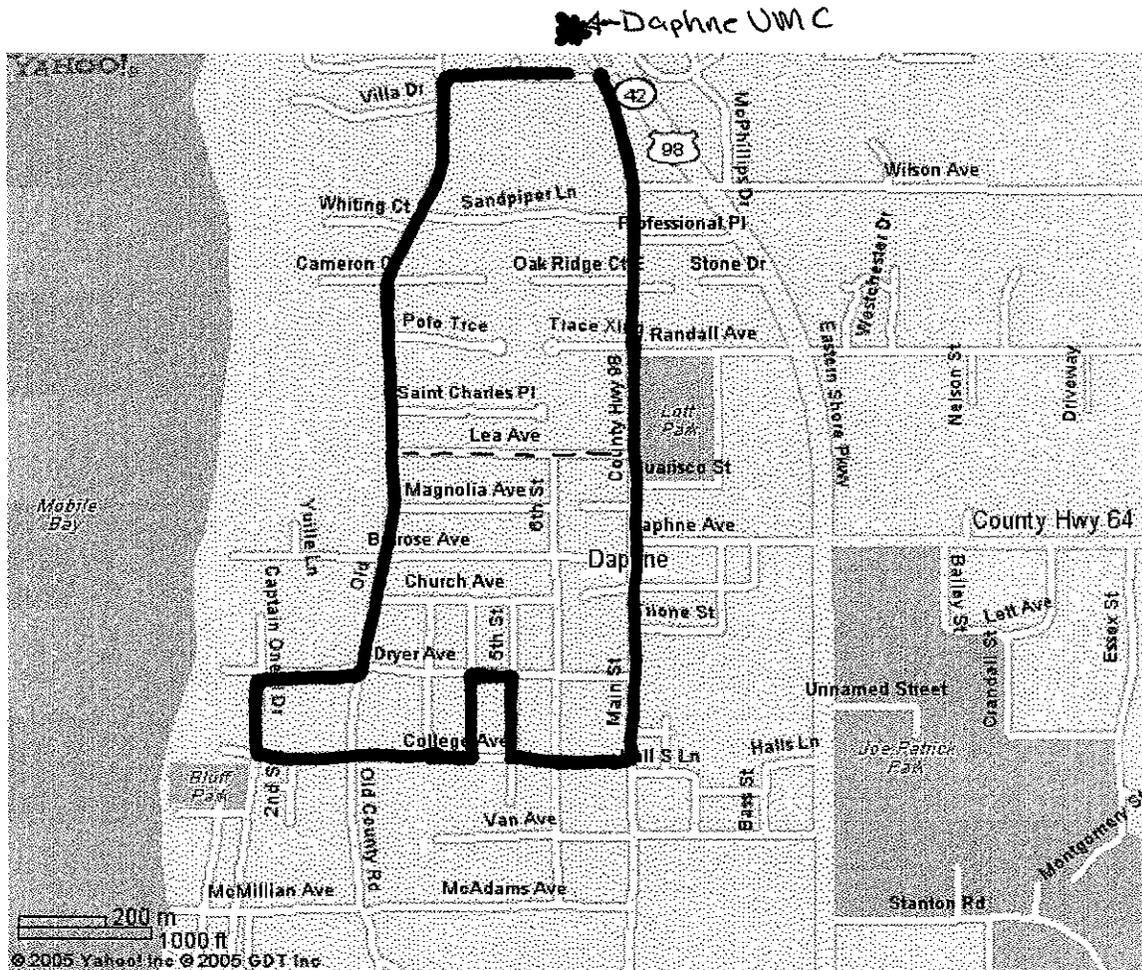
Daphne United Methodist Church Community Life Center

2401 Main Street
P.O. Box 609
Daphne, AL 36526

CLC Office: (251) 626 - 2722
Church Office: (251) 626 - 2287
Fax: (251) 626 - 7728
Email: neil@dumc.org

Saturday April 15th 8:30 - 9:30 AM
5k & Fun Run

Our church would like to offer the above runs for our church members. The 5K would follow the route outlined on the map below. The fun Run would follow a similar route - South on Main, West on Lea Ave., and then north on Old County. Both runs would start and stop at the church.



CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2006- 13
PREPAID TRAVEL**

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

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

***Cathy Barnette, City Council, Smartcode Workshop, March 2-4, 2006,
Biloxi, MS - \$105***

***Betty Stevens, Magistrate, Alabama Judicial College 2006 Regional
Seminars for Court & Police Officials, April 20-21, 2006, Montgomery, AL - \$105***

***Ha Le Riggio (Fi Fi), Magistrate, Certification Training and Maintenance
Training Institutes for Municipal Court Clerks and Magistrates,
March 7-10, 2006, Tuscaloosa, AL - \$140***

***John Lake, City Council, 2006 Annual Congressional City Conference,
March 12-15, 2006, Washington, D.C. - \$140***

***Regina Landry, City Council, 2006 Annual Congressional City
Conference, March 10-15, 2006, Washington, D.C. - \$210***

***Cathy Barnette, City Council, 2006 Annual Congressional City
Conference, March 11-14, 2006, Washington, D.C. - \$140***

***Bailey Yelding, City Council, 2006 Annual Congressional City Conference, March
10-15, 2006, Washington, D.C. - \$210***

***David Cohen, City Clerk, 2006 Annual Congressional City Conference,
March 10-15, 2006, Washington, D.C. - \$ 210***

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

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

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION NO. 2006 - 14
2006-I-PD/ALL TERRAIN VEHICLE

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 PD/ALL TERRAIN VEHICLE will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the PD/ALL TERRAIN VEHICLE and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PD/ALL TERRAIN VEHICLE be awarded to Baldwin Tractor & Equipment

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 Baldwin Tractor & Equipment for a cost of \$9,030 as specified in BID SPECIFICATION NO: 2006-I-PD/ALL TERRAIN VEHICLE.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION NO. 2006-15
2006-J-ASPHALT

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 ASPHALT will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the ASPHALT be awarded to Hosea O. Weaver & Sons 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 Hosea O. Weaver & Sons Inc. for unit cost as follows:

<u>Product</u>	<u>-</u>	<u>Furnished</u>
327-Mix 1	-	\$38.00
327-Mix 2	-	No Bid
414-Mix 1	-	\$39.00
414 Mix 2	-	\$39.00
416 Mix 1	-	\$40.50
416 Mix 2	-	\$40.50
424-A	-	\$41.50
424-B	-	\$41.50
424-C	-	\$41.00

as specified in BID SPECIFICATION NO. 2006-J-ASPHALT.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk CMC

**RESOLUTION NO. 2006-16
2006-K-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. - \$91.00/C.Y. (Delivered)
Over 5 C.Y.- \$91.00/C.Y. (Delivered)

as specified in BID SPECIFICATION NO. 2006-K-CONCRETE MATERIAL.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

**RESOLUTION NO. 2006-17
2006-L-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, Staff has reviewed the bids for the CONCRETE PIPE and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the 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. 2006-L-CONCRETE PIPE.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

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

<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 2006-L-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

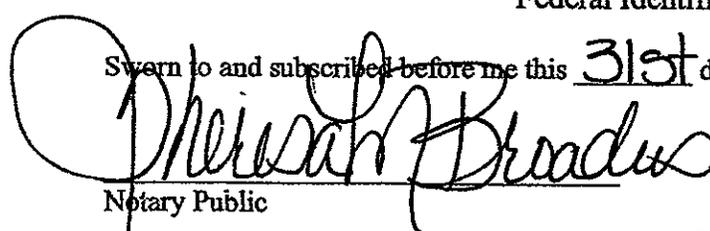
Address: 991 Schillinger Rd. N.

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

RESOLUTION NO. 2006-18
2006-M-ROCK 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 ROCK MATERIAL will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the ROCK MATERIAL be awarded to Martin Marietta Aggregates.

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 Martin Marietta Aggregates for unit cost (delivered) as follows:

Crushed Aggregate 825-A	-\$22.75
Crushed Aggregate 825-B	- \$22.75
#57 Limestone	- \$23.75
#78 Pea Gravel	- \$24.00
Rip Rap – Class I	- \$29.25
Rip Rap – Class II	- \$29.25

as specified in BID SPECIFICATION NO. 2006-M-ROCK MATERIAL.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2006- 19

Confiscated Funds Signatories

WHEREAS, a separate bank account for Confiscated Funds was heretofore established and authorized by Resolution 1999-60; and

WHEREAS, the signatories for such Confiscated Funds were established to be the Mayor or Finance Director and a certain representative from the Daphne Police Department; and

WHEREAS, the Resolution 1999-60 named David Wilson and James Mathews as such Daphne Police Department signatories; and

WHEREAS, the Daphne Police Department has requested revisions to the authorized signatories.

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

- 1) David Wilson and James Mathews are hereby removed as signatories of the Confiscated Funds account; and
- 2) The authorized signatories for the Confiscated Funds account are hereby established as Mayor Fred Small or Finance Director Kimberly Briley and Captain Scott Taylor or Lieutenant Danny Bell or Corporal Brian Gulsby; and
- 3) All other provisions of Resolution 1999-60 remain in full force and effect.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION NO. 2006-20

**TO REQUEST AN OPINION
FROM THE ATTORNEY GENERAL**

WHEREAS, the Daphne Fire Department utilizes the National Fire Incident Reporting System (NFIRS), which is a type of incident reporting system developed by the United States Fire Administration, and

WHEREAS, from time to time the Daphne Fire Department receives requests from the public for copies of various portions of the NFIRS documents relating to specific incidents, and

WHEREAS, there is no authority which specifically addresses the portions, if any, of the NFIRS documents which fall under the public records law and thereby require public disclosure,

NOW THEREFORE, be it that the City Council of the City of Daphne, Alabama, instructs its attorney to request an opinion from the Attorney General on the following question:

What portion, if any, of the National Fire Incident Reporting System documents fall under the definition of public records and therefore would require disclosure by the fire department to members of the public requesting the same.

DONE AND ADOPTED this _____ day of _____,
2006.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

CERTIFICATE OF PASSAGE

I, the undersigned City Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing resolution was duly approved and adopted by the City Council of the City of Daphne, Alabama, at a meeting held on the _____ day of _____, 2006.

David L. Cohen
City Clerk, MMC

February 15, 2006

Mr. Troy King
Attorney General for the State of Alabama
Alabama State House
11 South Union Street
Montgomery, Alabama 36130

RE: Request for an Attorney General opinion on the public disclosure of National Fire Incident Reporting System (NFIRS) documents

Dear Mr. Attorney General:

This law firm represents the City of Daphne, Alabama, and the Daphne Fire Department. The fire department uses a type of incident reporting system called an NFIRS, a copy of which I have attached for your review. At times, the fire department receives requests from members of the public for copies of NFIRS documents relating to a specific incident, and the fire department has asked this firm's advice on the legality of disclosing or withholding those documents

As background, and according to literature published by the Federal Emergency Management Agency (FEMA) and the United States Fire Administration (USFA), the NFIRS was developed by the USFA to help state and local governments develop fire reporting and analysis capability for their own use, and to obtain data that can be used to assess and subsequently to combat the fire problem more accurately at a national level.

In 1999, an updated version of the NFIRS was introduced, which expands the collection of data beyond fires to include the full range of fire department activity on a national scale. Where previous versions of the NFIRS were fire based, the revised version is an all-incident reporting system.

Participating fire departments fill out incident, casualty and optional reports for fires and other incident types as they occur. They forward the completed incidents via paper forms or computer files to the State office, where the data are validated and consolidated into a single computerized database.

Periodically, the aggregate statewide data are sent to the National Fire Data Center at the USFA to be released and included in the National Database. This database is used to answer questions about the nature

and causes of injuries, deaths, and property loss resulting from fires. The information is disseminated through a variety of means to States and other organizations. The database constitutes the world's largest national annual collection of incident information.

In our research we have found no previous Attorney General opinions nor case law which specifically addresses what portions of the NFIRS documents would fall under the definition of public records and therefore require disclosure to the public.

Therefore, our inquiry to your office would be as follows:

What portion, if any, of the National Fire Incident Reporting System documents fall under the definition of public records and therefore would require disclosure by the fire department to members of the public requesting the same.

Should you require any additional information from this firm or the fire department, please do not hesitate to call.

Respectfully submitted,

Jay M. Ross
As Attorney for the City of Daphne,
Alabama and the City of Daphne Fire
Department

cc: Mr. Fred Small, Mayor
Mr. Mund Hanson, Fire Chief

CITY OF DAPHNE ORDINANCE NO. 2006 – 02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submerged Lands: Lands beneath navigable waters.

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

12-2 RESIDENTIAL DISTRICTS

- (f) RHR, Residential High-Rise:

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

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

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

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

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

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

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

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

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

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

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

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

13-7 MAXIMUM BUILDING HEIGHT

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

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

14-18 MAXIMUM BUILDING HEIGHT

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

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

36-18 MAXIMUM BUILDING HEIGHT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE XXXVIII
RESIDENTIAL HIGH-RISE DEVELOPMENT**

38-1 PURPOSE

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

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

38-2 **DEFINITIONS**

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

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

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

- .4 Submerged Lands: Lands beneath navigable waters.

38-3 **HEIGHT EXCEPTIONS**

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

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

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

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

38-4 SETBACKS

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

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

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

38-5 WATER AND SEWER CONNECTIONS

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

38-6 SIGN PROVISIONS

See Article XXXIII

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

38-7 PARKING

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

38-8 SIDEWALKS

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

39-9 Traffic Impact Analysis

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

39-10 Environmental Compatibility

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

SECTION IX: SEVERABILITY.

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

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

SECTION X: EFFECTIVE DATE.

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

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

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

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

ATTEST:

DAVID COHEN, CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO: 2006- 06**

**AN ORDINANCE REPEALING ORDINANCE 1999-32 IN ITS ENTIRETY AND
RE-ESTABLISHING A MISDEMEANOR OFFENSE FOR THE UNLAWFUL
DISCHARGE OF PNEUMATIC WEAPONS WITHIN THE CITY OF DAPHNE,
EXCEPTING THEREFROM “PAINT BALL GUNS”**

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City of Daphne by establishing a misdemeanor offense of discharging pneumatic weapons within the City of Daphne, and

WHEREAS, the City Council of the City of Daphne, Alabama recognizes that a legitimate and appropriate recreational industry now exists involving pneumatic weapons commonly known as “paint ball guns” and that the participation in said recreational activity should not be subjected to criminal penalty, and

WHEREAS, former Ordinance No. 1999-32 made it unlawful to discharge any pneumatic powered weapon within the City of Daphne, which would include “paint ball guns”; and

WHEREAS, the City Council of the City of Daphne, Alabama desires to revise the City’s policy on pneumatic weapons by making it legal to discharge pneumatic powered “paint ball guns” within the City of Daphne; and

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

Ordinance No. 1999-32 is hereby repealed in its entirety and is replaced by the following ordinance:

SECTION I:

It shall be unlawful for any person to discharge a firearm or pneumatic powered weapon within the city limits of the City of Daphne, Alabama; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to prohibit any citizen from discharging a firearm when lawfully defending himself or others; nor to prohibit the discharging of firearms within an indoor firing range which has been certified by an architect or engineer to have been constructed in substantial compliance with the design and specifications issued the National Rifle Association or other nationally recognized organization.

Exception: This section shall not apply to the discharge of recreational pneumatic powered paint ball guns.

SECTION II:

Any person violating this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one (\$1.00) dollar and no more than five hundred (\$500.00) dollars, and/or up to six (6) months in the city jail, or both, at the discretion of the Court.

SECTION III: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the City Council of the City of Daphne, Alabama which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION IV: SEVERABILITY

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

SECTION V: EFFECTIVE DATE

That this Ordinance shall be in full force and effect upon its adoption as provided by law by the City Council of the City of Daphne.

APPROVED AND ADOPTED THIS THE _____ DAY OF _____, 2006.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed:_____

FRED SMALL
MAYOR
Dated & Time Signed:_____

ATTEST

DAVID L. COHEN
CITY CLERK, MMC

ORDINANCE NO. 2006 - 07

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

**TIMBERCREEK LAND COMPANY, INC.
ANNEXATION OF REMAINDER OF TIMBERCREEK PROPERTY
NORTHWEST OF THE INTERSECTION OF
TIMBERCREEK SUBDIVISION AND INTERSTATE 10**

**BE IT ORDAINED BY THE MAYOR AND 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 22, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business, zone;** and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 6, 2006 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 MAYOR AND 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.

EXHIBIT AA@**LEGAL DESCRIPTION:**

Beginning at the Northwest corner of Lot 44, TimberCreek, Phase Nine (Amended Plat), as per plat recorded on Slide No. 2056-D of the Probate Court Records of Baldwin County, Alabama; thence along the West boundary of said TimberCreek, Phase Nine (Amended Plat), run as follows: S 201 51= 15@ W 296.10 feet, S 261 13= 34@ W 60.00 feet, S 631 46= 26@ E 20.33 feet, S 261 13= 34@ W 150.00 feet, S 631 46= 26@ E 135.23 feet, S 121 39= 08@ W 123.51 feet, S 231 27= 51@ E 138.95 feet, S 151 43= 34@ W 250.00 feet, S 741 16= 26@ E 41.00 feet, S 151 43= 34@ W 222.16 feet to the Southwest corner of said TimberCreek, Phase Nine (Amended Plat); thence along the South boundary of said TimberCreek, Phase Nine (Amended Plat) run as follows: S 781 35= 12@ E 130.29 feet, S 831 57= 06@ E 167.69 feet, S 581 10= 49@ E 308.72 feet, N 721 14= 17@ E 382.69 feet, S 841 23= 50@ E 192.17 feet, N 611 55= 13@ E 312.41 feet, N 491 29= 06@ E 328.79 feet, N 421 07= 38@ E 282.03 feet, N 461 02= 22@ E 182.14 feet, N 561 44= 36@ E 163.06 feet to the Southwest corner of TimberCreek, Phase Seven (Amended Plat), as per plat recorded on Slide No. 1929-A of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along the South boundary of said TimberCreek, Phase Seven (Amended Plat), run as follows: N 651 21= 49@ E 200.26 feet, N 731 02= 20@ E 159.77 feet, N 751 26= 43@ E 202.24 feet, S 741 13= 21@ E 215.40 feet, N 691 02= 41@ E 310.47 feet, N 861 50= 19@ E 100.13 feet to the Northwest corner of TimberCreek, Phase Ten, Part AA@, as per plat recorded on Slide No. 2226-A of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along the West boundary of said TimberCreek, Phase Ten, Part AA@, run as follows: S 401 17= 11@ E 193.74 feet, S 161 53= 28@ E 200.00 feet, S 191 00= 14@ E 60.00 feet to a point on the arc of a 613.97 foot radius curve concave Northwardly; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@ and along said arc of curve, run Northeastwardly 52.94 feet to a point; said point bears N 681 31= 34@ E 52.92 feet from the last described point; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@, run as follows: S 291 19= 04@ E 121.27 feet, S 001 28= 35@ E 208.88 feet, N 891 38= 38@ E 54.64 feet to a point on the arc of a 65 foot radius curve concave Northeastwardly; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@ and along said arc of curve, run Southwestwardly 182.87 feet to a point; said point bears S 531 29= 32@ E 128.25 feet from the last described point; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@, run S 531 44= 03@ E 215.90 feet to a point on the West terminus of a service road that is North of and adjacent to the North right of way line of Interstate Highway No. 10; thence along said West terminus of a service road that is North of and adjacent to the North right of way line of Interstate Highway No. 10, run S 001 03= 02@ W 70.89 feet to a point on the North line of Section 33, T4S-R2E, Baldwin County, Alabama; thence along said North line of Section 33, T4S-R2E, run S 891 28= 59@ W 249.37 feet to a point; thence run N 001 48= 51@ W 76.04 feet to a point; thence run S 891 23= 39@ W 140.00 feet to a point; thence run S 001 48= 51@ E 75.73 feet to a point on said North line of Section 33, T4S-R2E; thence along said North line of Section 33, T4S-R2E, run S 891 28= 59@ W 265.82 feet to a point; thence run S 001 00= 08@ W 101.88 feet to a point on the North right of way line of Interstate Highway No. 10; thence along said North right of way line of Interstate Highway No. 10, run S 811 32= 21@ W 4683.42 feet to a point; thence continuing along said North right of way line of Interstate Highway No. 10, run S 811 30= 38@ W 848.37 feet to a point on the centerline of a natural drain; thence along said centerline of a natural drain, run as follows: N 271 12= 16@ W 182.77 feet, N 411 35= 31@ W 146.10 feet, N 571 15= 17@ W 276.05 feet, N 301 59= 34@ W 144.94 feet, N

481 55= 22@ W 263.34 feet, N 481 17= 49@ W 273.25 feet to a point on the South boundary of Senior Douglas Subdivision, as per plat recorded in Map Book 8, Page 116 of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along said South boundary of Senior Douglas
ORDINANCE 2006- ANNEXATION TIMBERCREEK PAGE 3

Subdivision, run N 891 39= 00@ E 419.86 feet to a point; thence run N 891 25= 13@ E 1322.04 feet to the Southwest corner of Section 28, T4S-R2E, Baldwin County, Alabama; thence along the West boundary of said Section 28, T4S-R2E, run N 001 04= 44@ W 1326.14 feet, more or less, to a point; thence run S 891 07= 07@ E 1527.77 feet to the point of beginning. Containing 139.6 Acres, more or less.

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.

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen

City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO.: 2006- 08**

**AN ORDINANCE TO AMEND CERTAIN PERSONNEL POLICIES AND
PROCEDURES RELATED TO A PRODUCTIVE WORK PLACE,
EQUAL EMPLOYMENT OPPORTUNITIES,
SEXUAL HARASSMENT, WORKPLACE VIOLENCE, RETALIATION,
COMPLAINT PROCEDURES AND SECURITY MEASURES**

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 additional clarification should be provided for equal employment opportunities related to issues of sexual harassment, workplace violence, retaliation, complaint procedures and security measures , and,

WHEREAS, the City Council of the City of Daphne, Alabama, desires to enhance City policy in enforcement aspects of the personnel policies and procedures related to these subject matters;

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

SECTION ONE: That Section 1.1.6. entitled “**EQUAL EMPLOYMENT OPPORTUNITIES**” be and is hereby amended to add Section 1.1.6.1. to be entitled “**COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITIES**” which shall provide as follows:

1.1.6.1. Commitment to Equal Employment Opportunities: The City of Daphne is committed to equal employment opportunities for qualified persons. The City recognizes and appreciates each employee’s work and contribution to the City’s success, and the City believes that all employees are to be treated fairly and with respect. The City provides equal employment opportunities and equal treatment in all aspects of employment to all employees and all applicants for employment without regard to race, color, religion, sex, (including pregnancy, child birth and other related medical conditions), national origin, age, physical and/or

mental, disability, and/or military obligation. The City is committed to making reasonable accommodations to ensure equal employment opportunities for qualified disabled individuals. Violation of this policy shall not be permitted and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

SECTION TWO: That Section 7.3.4.17. entitled “**HARASSMENT**” be and is hereby deleted in its entirety and restated as follows:

7.3.4.17. Harassment. That the City of Daphne expects all employees, including department managers and supervisors, to respect the feelings of fellow employees and to treat co-employees in a courteous and professional manner. The City shall not tolerate any form of harassment in the workplace. Specifically forbidden is harassment due to a person’s sex, race, national origin, religion, age and/or physical or mental disabilities. *Certain examples of prohibited harassment include, but are not limited to: offensive, insulting or demeaning remarks, gestures, jokes, pranks, slurs, graffiti, e-mails, pictures, cartoons and the like, about a person’s sex, race, national origin, religion, age and/or physical or mental disabilities or statements or comments that reflect upon stereotypes related to a persons sex, race, national origin, religion, age and/or physical or mental disabilities.* Harassment of City employees is strictly forbidden and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

SECTION THREE: That Section 1.4. entitled “**SEXUAL HARASSMENT PROVISIONS**” be and is hereby amended to delete Section 1.4.1. “**PROHIBITED**” and replaced with “**PROHIBITED CONDUCT**” which shall provide as follows:

1.4.1. (a). Prohibited Conduct. That the City of Daphne requires all employees to maintain a professional workplace that is free of sexual harassment. Department managers, supervisors and co-employees shall not threaten or insinuate that an employee’s refusal to submit to sexual advances or any other form of sexual harassment will adversely effect the employee’s continued employment, pay, benefits, working conditions or job opportunities. Similarly, department managers and supervisors shall not state or imply, expressly or otherwise, that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee’s employment opportunities, hours, pay, benefits and/or other terms or conditions of employment or advancement of employment.

(b). The City of Daphne expressly prohibits any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a department manager, supervisor, employee, or any other persons so employed with the City.

Some examples of prohibited conduct shall include, but are not to be limited to the following:

- a. The use of profane or vulgar language;
- b. Unwelcome sexual flirtations, sexual advances or sexual propositions;
- c. Sexually oriented or suggestive jokes or comments;
- d. Comments implied about a person's body or sex life;
- e. Sexually degrading words, including sexual slang used to describe any person;
- f. Any physical contact of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing and/or hugging;
- g. The display, reproduction or transmission of sexually explicit and/or sexually suggestive images, objects, or cartoons in or about the workplace;
- h. Sexually suggestive or vulgar graffiti, including words and/or drawings;
- i. A department manager or supervisor's comments suggesting that an employee will suffer employment consequences such as demotion, discharge or denial of a pay raise if such employee does not agree to certain demands or if the employee complains about offenses of sexual behavior or other forms of harassment;
- j. Comments suggesting that the employee will receive favorable treatment in exchange for sexual favors.

(c). No department manager or supervisor has any authority to take any adverse action against an employee, including discharge, demotion or reducing the employee's work hours, benefits or pay because the employee refuses or has refused to submit to any sexual advances or any other form of sexual harassment. Similarly, no department manager or supervisor shall have any authority to provide an employee preferential treatment because the employee consents to the submission of sexual advances or any other form of sexual harassment. Sexual harassment of City employees is strictly forbidden and shall result in disciplinary action up to and including termination and shall otherwise be treated as a Group Two (2) offense.

SECTION FOUR: That Section 1.4. entitled “**SEXUAL HARASSMENT PROVISIONS**” be and is hereby amended to delete 1.4.3. and replaced with “**RETALIATION FORBIDDEN**” and add a new section to be designated as 1.4.4. entitled “**EEO/HARASSMENT/RETALIATION COMPLAINT PROCEDURE**” which shall provide as follows :

1.4.3. Retaliation Forbidden: That the City of Daphne encourages all employees of the City to immediately come forward if such employee has a discrimination or harassment complaint and the City does expressly affirm that no adverse action shall or may be taken or allowed against any employee who, in good faith, reports discrimination or harassment in the workplace. Retaliation against the employee shall be grounds for discipline and shall be considered a Group Two (2) offense.

1.4.4. EEO/Harassment/Retaliation Complaint Procedure: An employee shall promptly report any observed or any known incidences of discrimination, harassment and/or retaliation directly to the Human Resources Director to ensure that the City can promptly investigate, and if appropriate, take prompt and effective action. It is considered inappropriate and insufficient for an employee to report or complain only to a manager or supervisor. If a complaint involves the Human Resources Director, then the employee shall promptly report said complaint to the Mayor. All managers and supervisors shall have a responsibility to address any observed or reported harassment, discrimination or retaliation and shall immediately stop such misconduct if such occurs in their presence. All managers and supervisors shall have the responsibility to report observed or reported harassment, discrimination or retaliation to the Human Resources Director, even if no employee initiates a complaint. Failure to do so may result in disciplinary action, which shall be considered a Group Two (2) offense. The City of Daphne, through the Human Resources Director or Mayor’s office, shall thoroughly investigate all complaints and the complaining employee may be required to prepare a written report detailing the alleged allegation and to sign the report. To the extent practical, investigations will be confidential with extreme and due regard for the sensitive nature of such complaint. After completing an investigation, the Human Resources Director or the Mayor will determine if the complaint is valid. The Human Resources Director or the Mayor shall take prompt and appropriate disciplinary action up to and including discharge against the person or persons engaged in misconduct, depending upon the severity of the violation. If appropriate, the City has the discretion to provide counseling services, referrals and medical assistance

for employees. Employees who have reported violations of this policy will be notified by the Human Resources Director, subject to confidentiality, of how their reports were investigated and what actions were taken, within thirty (30) calendar days of the filing of said complaint.

SECTION FIVE: That new Section 1.8 is hereby created and entitled ***“WORKPLACE VIOLENCE”*** which shall provide as follows:

1.8 (a) ***Workplace Violence:*** That the City shall not tolerate acts of violence committed by or against City employees and shall strictly prohibit employees from making threats of, or engaging in, violent behavior. Workplace violence is defined as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. It can occur inside or outside the workplace. Such prohibited conduct includes, but is not limited to, the following:

- (a). Intentionally injuring another employee or person;
- (b). Expressly or implicitly threatening physical injury to another person or employee;
- (c). Otherwise engaging in behavior that creates reasonable fear of physical injury to another person or employee or that subjects another individual to severe or extreme emotional distress or mental anguish;
- (d). Possessing, brandishing, or using a firearm, knife or other weapon while on City premises or engaging in City business, or threatening to use or utilizing any other object as a weapon;
- (e). Threatening to damage, or intentionally damaging, real or personal property;
- (g). Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

- (b). If an employee feels threatened or in danger of violent behavior, they shall immediately advise their supervisor and/or department manager and then promptly report the threat to the Human Resources Director. It may also be necessary to contact the Daphne Police Department. All threats of, or actual violence, both direct and indirect, shall be reported as soon as possible, and no later than twenty four (24) hours after occurrence. Such threats include threats by employees, by customers, vendors, solicitors or other members of the public and fears of being stalked and/or attacked in the workplace. Threats of violence may also include a co-worker discussing violence toward themselves in the form of a suicidal plan. All employees are encouraged to reach out and help their co-employees by reporting such comments to their immediate supervisor.

- (c). The City is committed to the safety and well-being of their employees, and for this reason, the City may provide, through the health insurance provider, counseling services, referrals and/or medical assistance for employees who have been victims of violence, as well as employees who are in need of help in dealing with personal or work related problems that generate anger, hostilities, or self harm ideas.

When reporting a threat of violence, the employee should be as specific in detail as possible (please refer the Attachment 1: Entitled ***Security Measures in Case of Workplace Violence*** for additional information on how to respond to a crisis situation).

The City shall thoroughly investigate all complaints and violations of workplace violence. The complaining employee may be required to prepare a written report describing the alleged violation and will be required to sign the report. If, after completing the investigation, the Human Resources Director and/or Mayor determines that a complaint is valid, the Human Resources Director and/or Mayor shall take prompt disciplinary action, up to and including discharge against the employee or employees engaged in the misconduct, depending upon the severity of the violation. Non-employees engaged in violent acts on the employer's premises will be reported to law enforcement for consideration of prosecution.

Employees who have reported violations of this policy shall be notified by the Human Resources Department, subject to confidentiality, of the status of their report, and that it was investigated and what actions were taken by the City, within thirty (30) calendar days of the complaint. The City will actively intervene at any indication of possible hostility or a violent situation.

SECTION SIX: 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 SEVEN: 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 EIGHT: EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, 2006, 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 _____, 2006.**

GREG BURNAM
Council President

Date & Time Signed: _____

FRED SMALL
Mayor

Date & Time Signed: _____

ATTEST:

DAVID COHEN
City Clerk, MMC

ATTACHMENT ONE

SECURITY MEASURES IN CASES OF WORKPLACE VIOLENCE

1. EMERGENCY CONTACTS: In instances of workplace violence or threats of such violence the following emergency contacts are available:
 - A. Police Call 911 or 621-9100
 - B. Rescue Fire Department 911
 - C. Medical Industrial Medical Clinic-Daphne
7101 Highway 90 Suite 101
Daphne, AL 36526
251-625-8222
 - D. Employee Counseling Alabama Psychiatric Services
1203 US Hwy 98
Daphne, AL
621-9167

2. EVACUATION and COMMUNICATION: Upon learning that a suspicious intruder, violent person, or active shooter is in the building, the person discovering the incident shall:
 - A. Call 911, report the incident, and call for **CODE RED** within the city building. The **CODE RED** shall be announced over the building's PA system if available, portable radios, office to office phone calls, or by runner (as a last resort). If a runner has to be used, it is imperative that the runner announce **CODE RED** quickly to each office in a direction away from the threat and that the runner secures himself/herself in the last office announced to. Office personnel who choose to run outside may be running into the intruders if they are still outside the building.
 - B. A **CODE RED** places the city building into lockdown status. All office personnel upon receiving communication of a **CODE RED**, shall quickly and immediately lock their office door. The employees shall then move away from the door and stay secure as far from the door as possible until the police resolve the situation. Employees are not to open the door if demanded by the intruder.
 - C. Employees caught in the hallway during a **CODE RED** should immediately go to the nearest office and get secure. All doors are to remain closed until the Police Department responds, resolves the situation, and individually goes to each office, gives an "all clear", and escorts each office to a safe place.
 - D. If office personnel hear movement and see physical descriptions of the intruders, they should call the police department and relay the information without leaving the secured office.

- E. The same procedures apply if the situation turns into a hostage situation. Employees will stay in their office until police safely escort each office out of the danger area. Office personnel should expect to stay in lockdown for some time depending on the situation. The police department will safely evacuate each office out only when it is safe to do so.
- F. Once the threat has been neutralized or if the intruder is secured in a police perimeter, the police department will start evacuating the personnel room by room to a safe assembly point. The police department will determine where the assembly will take place as it will not be pre-determined.
- G. Once at the assembly area, every supervisor of each office will be asked to account for persons present and those missing. The names of missing personnel will be given to the police officer conducting the evacuation.
- H. The evacuated personnel will most likely be kept in one location until all personnel are present and/or accounted for. Additional police interviews will likely be conducted of employees and citizens that were in the building at the time of lockdown.

**CITY OF DAPHNE
ORDINANCE NO. 2006- 09**

**AN ORDINANCE TO AMEND CERTAIN
PERSONNEL POLICIES AND PROCEDURES
RELATED TO EMPLOYEE INSURABILITY**

WHEREAS, the City Council of the City of Daphne, Alabama, has established ordinances related to personnel policies and procedures for employees within the City of Daphne, and,

WHEREAS, the City Council of the City of Daphne, Alabama, has determined that it is in the best interest of the City to employ and retain individuals who have driving records that can be insured at a preferred rate by the City's general liability carrier, and,

WHEREAS, the City Council of the City of Daphne, Alabama, believes that additional clarification is needed on the status of employees who have been identified by the insurance carrier as uninsurable.

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

SECTION ONE: Section 6.7.2.3.1. (a) of Ordinance 2005-52 is hereby repealed and replaced in its entirety as follows:

6.7.2.3.1 (a). That when the City receives information from the City's general liability carrier that an employee is excluded from having driving privileges and is otherwise uninsurable, the Human Resource Director shall contact the employee and the employee's supervisor immediately upon notification. The employee's driving privileges shall immediately be suspended until such time as the employee is able to provide additional information to the liability carrier, through Human Resources, in the form of a motor vehicle record, accident report, or any other documentation so that the liability carrier may cause a final determination to be made on the employee's insurability. Employees must provide this information as quickly as possible and not to exceed 10 days from notification.

If such final determination by the City's liability carrier is made that the employee is not insurable, the employee may be dismissed pursuant to the procedures as set forth in Section 6.7.3., and other

applicable provisions of the Personnel Policy and Procedures Handbook.

SECTION TWO: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict, shall be and are hereby repealed.

SECTION FOUR: REAFFIRM

All other provisions of Ordinance 2005-52 remain in full force and effect.

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 _____, 2006.

GREG BURNAM
Council President
Date and time signed: _____

FRED SMALL
Mayor
Date and time signed: _____

ATTEST:

DAVID L. COHEN
City Clerk, MMC

ORDINANCE 2006- 11

An Ordinance Appropriating Funds

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

WHEREAS, such Fiscal Year 2006 budget, as heretofore amended, includes \$ 830,986 Revenues in excess of Appropriations; and

WHEREAS, the September 30, 2005 Financial Statements report a \$ 1,861,330 increase to the Unreserved Fund Balance of the General Fund; and

WHEREAS, the City Council has considered certain capital, personnel, and operating appropriation requests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 General Fund Budget is hereby amended to include:

A) Appropriations totaling \$ 812,235 as per the attached schedule and summarized below:

- \$ 339,451 Personnel
- \$ 195,341 Costs associated with new Personnel
- \$ 151,628 Capital
- \$ 54,000 Repair & Maintenance
- \$ 52,815 Community Contributions
- \$ 19,000 Operating

B) Appropriation from the General Fund Unreserved Fund Balance:

- \$ 500,000 Street Paving/Resurfacing

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2006- 12

DAPHNE JUBILEE COURT SCHOLARSHIP PROGRAM

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

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

WHEREAS, the Daphne Jubilee Court Scholarship Program promotes the City of Daphne in a positive manner; and

WHEREAS, the City Council of the City of Daphne recognizes the discipline and skills required for such positive representation and the importance of these programs to Daphne.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$1,000 (One Thousand Dollars) to be used toward “start up fees” is hereby appropriated to the Daphne Jubilee Court Scholarship Program .

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE NO 2006- 13

**6% Lodging Tax Levy
Amendment to the Use of Lodging Tax Proceeds**

WHEREAS, the following Ordinances regarding Lodging Taxes were heretofore adopted:

Ordinance No. 2000-34 adopted October 2, 2000
Ordinance No. 2000-25 adopted July 17, 2000
Ordinance No. 1997-28 adopted December 8, 1997
Ordinance No. 1995-15 adopted August 7, 1995

WHEREAS, the City Council has determined that in order to better meet the needs of the City of Daphne, the Lodging Tax levy and the use of Lodging Tax proceeds must be amended.

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

SECTION I: Section 1 of Ordinance 2000-34 is hereby amended as follows:

The uses of lodging taxes collected are hereby divided as follows:

- 1) Payment of Debt Service required for the purchase, development, and/or maintenance of beachfront property.
- 2) Fifteen percent (15%) of gross proceeds collected shall be used for the purpose of providing funding to the Daphne Industrial Development Board (IDB) for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted in Resolution 2000-31 by the Daphne City Council June 19, 2000.
- 3) Such Lodging Tax proceeds remaining after debt service payments and IDB Contributions are hereby divided into reserves as follows:
 - 60% Beachfront Property: Purchase/Development/Maintenance
 - 40% Vehicles and EquipmentSuch reserves shall be subject to annual appropriation as approved by the City Council.

All other provisions of Ordinance No. 2000-34 shall remain in full force and effect.

**6% Lodging Tax Levy
Amendment to Use**

SECTION II: LEVY OF TAX IN CITY- Section 1 of Ordinance 1997-28 which levied a four percent (4%) tax for lodging is hereby amended and a six percent (6%) Lodging Tax is hereby levied.

All other provisions of Ordinance No. 1997-28 shall remain in full force and effect.

SECTION III: SEVERABILITY CLAUSE- The provisions of this ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part that remains.

SECTION IV: EFFECTIVE DATE- This Ordinance shall be in full force and effect at 12:01 am on the first day of May 2006, and the first payment of taxes hereunder shall become delinquent unless paid on or prior to June 20, 2006.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2006- 14

Franchise Agreement: Malbis Properties, L.L.C.

WHEREAS Malbis Properties, L.L.C., an Alabama limited liability company, is desirous of obtaining a permanent franchise for authority to construct, operate and maintain (or to have the same done in its behalf), lighting and landscaping on a portion of a municipal street right-of-way within the City limits of the City of Daphne, and;

WHEREAS, the City of Daphne, having a statutory right to grant franchises under Alabama Code and having heretofore enacted Ordinance 2005-38 to authorize certain outdoor advertising signs, raised lighting and landscaping for the benefit of Malbis Properties, L.L.C., and;

WHEREAS, the City of Daphne believes it to be in the best interest of the health, welfare and safety of the citizens of The City of Daphne to grant a permanent franchise to Malbis Properties, L.L.C.;

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

SECTION ONE: That a permanent franchise, containing the hereinafter prescribed terms and conditions, be, and the same hereby is, granted unto Malbis Properties, L.L.C., an Alabama limited liability company, and its successors and assigns in the ownership of the parcel described as Lot 14 according to the Final Plat of Eastern Shore Park recorded in Slides 2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama, to allow Malbis Properties, L.L.C., its successors and assigns as specified below, to construct, install, maintain and use a sign and related lighting and landscaping on a portion of the right-of-way known as Dimitrios Avenue owned by the City of Daphne, which portion of said right-of-way is described as follows:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama, more particularly described as follows:

Commence at the northeast corner of said Section 34, said point being reproduced from a survey by Rester and Coleman Engineers, Inc., dated April 10, 1997; thence, run South 89°56'56" West along the north boundary of the NE 1/4 of said Section 34, as calculated from said survey, a calculated distance of 533.77 feet to a point on the south right-of-way of U.S. Interstate Highway 10 (variable right-of-way; thence, run South 67°57'44" East along said right-of-way a distance of 273.02 feet to a concrete right-of-way monument found; thence, run South 33°51'04" East along said right-of-way distance of 165.52 feet

to a concrete right-of-way monument found at the intersection of said Interstate right-of-way and the west right-of-way of Alabama Highway No. 181 (said right-of-way being 320 feet in width at this point); thence, run South 00°10'57" West along the west right-of-way of said Alabama Highway No. 181 a distance of 479.73 feet to a 1/2" rebar and cap set at a point of right-of-way change; thence, run South 29°50'31" East along the west right-of-way of said Alabama Highway No. 181, and along said right-of-way change, a distance of 170.10 feet to a rebar found at the end of said right-of-way change (said right-of-way being 150 feet in width at this point); thence, run South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 638.11 feet to the POINT OF BEGINNING; thence, continue South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 13.00 feet; thence, depart said right-of-way and run North 89°46'47" West a distance of 190.17 feet; thence, run North 00°13'13" East a distance of 1.11 feet; thence, run North 76°43'28" East a distance of 50.97 feet; thence, run South 89°46'47" East a distance of 140.61 feet to the POINT OF BEGINNING.

Said parcel lying and being situated in Baldwin County, Alabama and containing 2,178 square feet, more or less, and being generally depicted in that map attached to the franchise appended hereto.

SECTION TWO: That by accepting this franchise, the aforesaid Malbis Properties, L.L.C., its successors and assigns in said Lot 14 (hereinafter collectively called "Grantee"), does assume and agree to be bound by the several duties and obligations imposed upon them by the following terms and conditions of this franchise, namely:

- (a) The outdoor advertising sign and related lighting and landscaping shall be installed, operated and maintained in compliance with, and subject to the provisions of, Ordinance No. 2005-38, as the same may be hereafter amended from time to time.
- (b) Upon allowing installation of said outdoor advertising sign and related lighting and landscaping, no liability will attach to the City of Daphne from the existence, use or maintenance of such improvements, and the Grantee does hereby indemnify and hold harmless the City of Daphne from any and all liability arising out of the installation and/or maintenance of said improvements including all defense costs that may be incurred by City arising from any claims by any third parties against the City.

- (c) No other construction of any type will be built by or for Grantee under the terms of this permit.
- (d) The City shall have authority to enter upon said right-of-way for the maintenance and repair any of its existing facilities located therein.
- (e) Grantee may permit other businesses operating on any portion of the real property to utilize portions of the sign for advertising, subject to compliance with the provisions of Ordinance No. 2005-38.
- (f) Grantee's rights in this franchise are as owner of Lot 14, according to the Final Plat of Eastern Shore Park recorded in Slides 2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama. The rights in this franchise are an appurtenant right in said Lot 14 which are assigned to, and held by, any owner of the fee simple title to said Lot 14 without any separate instrument of assignment to such owner or, by separate instrument of assignment, to the owner or owners of any lot or lots in the aforesaid plat.

SECTION THREE: That the Mayor is hereby authorized to execute and the City Clerk to attest, on behalf of the City, that certain Franchise Agreement attached hereto, such agreement to be effective upon counter-execution by Grantee.

SECTION FOUR: The Clerk is further instructed to publish this Ordinance in accordance with the provisions of §11-43C-29 et seq Code of Alabama (1975) as amended.

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

THE CITY OF DAPHNE

GREG BURNAM
COUNCIL PRESIDENT

Date & Time Signed:_____

FRED SMALL
MAYOR

Dated and Time_____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

FRANCHISE AGREEMENT

STATE OF ALABAMA
BALDWIN COUNTY

WHEREAS, Malbis Properties, L.L.C., an Alabama limited liability company, desires to have constructed, operated and maintained a sign with related lighting and landscaping (collectively, the "Improvements") within the right-of-way limits of a portion of Dimitrios Avenue.

WHEREAS, that portion of the street right-of-way where the Improvements will be situated is described as follows:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama, more particularly described as follows:

Commence at the northeast corner of said Section 34, said point being reproduced from a survey by Rester and Coleman Engineers, Inc., dated April 10, 1997; thence, run South 89°56'56" West along the north boundary of the NE 1/4 of said Section 34, as calculated from said survey, a calculated distance of 533.77 feet to a point on the south right-of-way of U.S. Interstate Highway 10 (variable right-of-way; thence, run South 67°57'44" East along said right-of-way a distance of 273.02 feet to a concrete right-of-way monument found; thence, run South 33°51'04" East along said right-of-way distance of 165.52 feet to a concrete right-of-way monument found at the intersection of said Interstate right-of-way and the west right-of-way of Alabama Highway No. 181 (said right-of-way being 320 feet in width at this point); thence, run South 00°10'57" West along the west right-of-way of said Alabama Highway No. 181 a distance of 479.73 feet to a 1/2" rebar and cap set at a point of right-of-way change; thence, run South 29°50'31" East along the west right-of-way of said Alabama Highway No. 181, and along said right-of-way change, a distance of 170.10 feet to a rebar found at the end of said right-of-way change (said right-of-way being 150 feet in width at this point); thence, run South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 638.11 feet to the POINT OF BEGINNING; thence, continue South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 13.00 feet; thence, depart said right-of-way and run North 89°46'47" West a distance of 190.17 feet; thence, run North 00°13'13" East a distance of 1.11 feet; thence, run North 76°43'28" East a distance of 50.97 feet; thence, run South 89°46'47" East a distance of 140.61 feet to the POINT OF BEGINNING.

Said parcel lying and being situated in Baldwin County, Alabama and containing 2,178 square feet, more or less, and being generally depicted in that map appended hereto as Exhibit "A", and;

WHEREAS, the City of Daphne, an Alabama municipal corporation, has agreed pursuant to City Ordinance Number 2006-_____ for Malbis Properties, L.L.C., as owner of Lot 14, according to the Final Plat of Eastern Shore Park recorded in Slides

2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama, its successors and assigns in said lot, to construct, operate and maintain (or cause the same to be constructed, operated and maintained) the Improvements within the above-described portion of the right-of-way limits of Dimitrios Avenue;

NOW, THEREFORE, in consideration of the premises and in consideration of One Dollar (\$1.00) each to the other in hand paid, the receipt whereof is hereby acknowledged, Malbis Properties, L.L.C. and the City of Daphne, Alabama, agree as follows:

1. The City authorizes and permits Malbis Properties, L.L.C. to construct, operate and maintain the Improvements (or cause the same to be constructed, operated and maintained) within the right-of-way previously described, in compliance with and subject to the provisions of Ordinance 2005-38.
2. Malbis Properties, L.L.C. agrees that no liability will attach to the City from the Improvements, or the use or maintenance of the Improvements, and Malbis Properties, L.L.C. hereby does indemnify and hold harmless the City of Daphne, Alabama from any and all liability arising out of the existence, use or maintenance of said Improvements, including any litigation costs incurred by City.
3. No other construction of any type will be built pursuant to the terms of this permanent franchise.
4. The City of Daphne shall have authority to enter upon said right-of-way for the maintenance and repair of any of its existing facilities located therein.
5. Malbis Properties, L.L.C. may permit other businesses operating on any portion of the real property subject to Ordinance No. 2005-38 to utilize portions of the sign for advertising in compliance with, and subject to the provisions of, Ordinance No. 2005-38.
6. Malbis Properties, L.L.C.'s rights in this franchise are as owner of Lot 14, according to the Final Plat of Eastern Shore Park recorded in Slides 2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama. The rights in this franchise are an appurtenant right in said Lot 14 which are assigned to, and held by, any owner of the fee simple title to said Lot 14 without any separate instrument of assignment to such owner or, by separate instrument of

assignment, to the Owner or Owners of any lot or lots in the aforesaid plat.

IN WITNESS WHEREOF, MALBIS PROPERTIES, L.L.C., ACTING THROUGH ITS DULY AUTHORIZED MANAGER, HAS CAUSED THIS FRANCHISE AGREEMENT TO BE EXECUTED IN ITS NAME AND BEHALF THIS THE _____ DAY OF _____, _____.

MALBIS PROPERTIES, L.L.C. (SEAL)

By: Malbis Properties Management, Inc.
As its: Manager

By: _____
Its: _____

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, the undersigned, a Notary Public in and for said State at Large, hereby certify that _____, whose name as _____ of Malbis Properties Management, Inc., an Alabama corporation, acting in its capacity as Manager of Malbis Properties, L.L.C., an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, _____, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its aforesaid capacity as Manager of said limited liability company as of the date hereof.

Given under my hand this _____ day of _____, _____.

Notary Public
My Commission Expires:

IN WITNESS WHEREOF, THE CITY OF DAPHNE, ACTING THROUGH ITS
MAYOR. HAS SET ITS HAND AND SEAL, THIS THE ____ DAY OF
_____, 2006.

THE CITY OF DAPHNE
A Municipal Corporation

MAYOR FRED SMALL
Date and Time_____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO. 2006-15**

City of Daphne Street Map

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended to update the City Daphne Street map; and,

WHEREAS, said additional map is necessary due to need to up date the City of Daphne street map due to the addition of new city streets; and,

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

WHEREAS, the Mayor and City Council of the City of Daphne after due consideration believe the update to said City of Daphne Street Map as requested by the Planning Commission is proper and in the best interest of the City; and,

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

SECTION I. Adoption of Map:

The City of Daphne Street Map proposed by the City of Daphne Planning Commission to the City Council on February 6, 2006 is hereby adopted as the official "City of Daphne Street Map."

SECTION I. REPEALER

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

SECTION II. EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, ON THE _____ DAY OF _____, 2006.

**Greg Burnam
Council President**

Date & Time Signed: _____

**Fred Small
Mayor**

Date & Time Signed: _____

ATTEST:

David Cohen, City Clerk, MMC

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Revision to City of Daphne
Street Map
Date: January 31, 2006

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned revision to the City of Daphne Street Map.

Upon receipt of said documentation from the City Attorney's office, please place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: file