

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

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

**APPROVE MINUTES:** Council Meeting minutes meeting minutes meeting held March 2, 2009

**PRESENTATION:** Barry Booth / Honor Flight

**PUBLIC HEARINGS:**

- 1.) **REZONE: Baldwin AL Development**  
**Property located southwest of the intersection of**  
**Highway 181 and AL Hwy 31 / B-1, Local Business to**  
**B-2, General Business / [Ordinance 2009-17](#)**
- 2.) **REZONE: Howard Company / Property located**  
**Northeast of the intersection of Guarisco and**  
**Trione Street / R-3, High Density Single Family**  
**Residential District to MU, Multi-Use District / [Ordinance 2009-18](#)**
- 3.) **Revisions of the City of Daphne Zoning Map / [Ordinance 2009-19](#)**

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

Review Special meeting minutes meeting held March 2<sup>nd</sup>

Review minutes meeting held March 9<sup>th</sup>

**1.) Resolutions:**

- a.) Bid Award: Oil Lubricants / PEPCO / [Resolution 2009-18](#)
- b.) Boys & Girls Club Contribution / [Resolution 2009-19](#)
- c.) Baldwin County Housing Alliance Contribution / [Resolution 2009-20](#)

**2.) Ordinances:**

- a.) Police Replacement Vehicle / [Ordinance 2009-14](#)
- b.) Solid Waste Worker Senior Classifications / [Ordinance 2009-15](#)
- c.) Trione Soccer and Football Complex Change Order / [Ordinance 2009-16](#)

**3.) Financial Reports:**

- a.) Treasurers Report / February 28, 2009
- b.) Summary of Revenues over Expenditures / January 31, 2009
- c.) Sales & Use Tax Collections / January 31, 2009
- d.) Lodging Tax Collections / January 31, 2009

**B. BUILDINGS & PROPERTY - Lake**

Review minutes meeting held March 6<sup>th</sup>

- C. PUBLIC SAFETY - Burnam
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

- A. Board of Zoning Adjustments – Jones
- B. Downtown Redevelopment Authority - Barnette
- C. Industrial Development Board – Yelding
- D. Library Board - Lake
- E. Planning Commission – Barnette
- F. Recreation Board - Burnam
- G. Utility Board - Scott

Review minutes meeting held January 28<sup>th</sup>

**6. REPORTS OF OFFICERS:**

- A. Mayors Report
  - a.) ABC License / Bimini Bobs / 020 – Restaurant Retail Liquor
  - b.) Parade Permit / Bayside Medical Missions / 5K & 1 Mile Run / December 5, 2009
- B. City Attorney’s Report
- C. Department Head Comments

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Bid Award / Oil & Lubricants / PEPCO...../Resolution 2009-18
- b.) Fiscal Year 2009 Boys and Girls Contribution ...../Resolution 2009-19
- c.) Fiscal Year 2009 Baldwin County Housing Alliance Contribution...../Resolution 2009-20

**ORDINANCES:**

**1<sup>ST</sup> READ**

- a.) Appropriation of Funds: Police Vehicle Replacement ...../Ordinance 2009-14
- b.) Appropriations of Funds: Solid Waste Worker Senior Classifications...../Ordinance 2009-15
- c.) Appropriation Capital Reserve: Trione Soccer and Football Complex Phase I...../Ordinance 2009-16

- d.) Rezone: Baldwin AL Development / SW of the Intersection of  
U.S. Hwy 31 & AL Hwy 181 / B-1, Local Business to B-2,  
General Business ..... /Ordinance 2009-17**
- e.) Rezone: Howard Company / NE of the Intersection of  
Guarisco and Trione Streets ..... /Ordinance 2009-18**
- f.) Revision to Zoning Map. .... /Ordinance 2009-19**

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILMAN YELDING

PRESENT\_\_ ABSENT\_\_ \_

COUNCILWOMAN BARNETTE

PRESENT\_\_ ABSENT\_\_

COUNCILMAN LAKE

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN BURNAM

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN SCOTT

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN BOULWARE

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN PALUMBO

PRESENT\_\_ ABSENT\_\_ \_

**MAYOR**

MAYOR SMALL

PRESENT\_\_ ABSENT\_\_ \_

**CITY CLERK:**

DAVID L. COHEN

PRESENT\_\_ ABSENT\_\_

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

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

1

**1. CALL TO ORDER**

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

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

Invocation was given by Councilman Scott.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; James White, Fire Chief; Tonja Young, Library Director; David Carpenter, Police Chief; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Adrienne Jones, Planning Director; Frank Barnette, Maintenance Supervisor; Marshall Parsons, Horticulturist; Suzanne Henson, Senior Accountant; Megan Matrone, Recreation Department; Carolyn Coleman, Beautification Committee; Tomasina Werner, Beautification Committee; Willie Robison, BZA; Lon Johnston, Utility Board; Bob Segalla, Utility Board; Tom Byrne, IDB; Starke Irvine, DRA.

Absent: Kim Briley, Finance Director.

**3. APPROVE MINUTES:**

**MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held February 16, 2009. *Seconded by Councilman Scott.***

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

**MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held February 12, 2009. *Seconded by Councilman Scott.***

**AYE Yelding, Barnette, Burnam, Scott, Palumbo, Lake                      ABSTAIN Boulware**

**MOTION CARRIED**

**PRESENTATION:** Arbor Day Poster / Winner of State of Alabama Contest / Lauren Stewart

Marshall Parsons stated that Ms. Stewart would be representing the State of Alabama at the National Arbor Day Contest.

Councilwoman Barnette stated that citizens can vote on line for Lauren.

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

2

**PUBLIC HEARING:** Incentive Package for Plus Diagnostics

Council President Lake opened the Public Hearing at 6:43 p.m.

*Mr. Josh Thornton – Baldwin County Economic Development Alliance* – thanked Council for working with them on this project. He thinks this is a great opportunity for the people for Daphne. He said that he talked with Dusty Brown with EDDAA a couple of weeks ago, they help with training in the State of Alabama, and he said that this was one of the best benefit packages that he has seen from a company in a long time.

**4.REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / *Boulware***

**MOTION BY Councilman Yelding to accept the following as Pre-Qualifying contractor applicants for the Library Alterations and Additions:**

- |   |  |
|---|--|
| i.) Bayshore Construction Co., Inc      | viii.) Stuart Contracting                          |
| ii.) Case Construction , LLC            | xi.) TerMac Construction, Inc.                     |
| iii.) Don Gordon Construction, Inc.     | x.) Thomas Industries, Inc.                        |
| iv.) Gates Builders, Inc.               | xi.) Trademark Construction, Inc.                  |
| v.) G.M. Stuart, Inc.                   | xii.) Witherington Construction Corp.              |
| vi.) M.W. Rogers Construction Co., Inc. | xiii.) Youngblood-Barrett Construction & Eng., LLC |
| vii.) Reed Construction Co., LLC        |  |

*Seconded by Councilwoman Barnette.*

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

The next meeting will be March 9<sup>th</sup> at 4:00 p.m.

**B. BUILDINGS AND PROPERTY COMMITTEE – Lake**

No report. Next meeting will be Friday at 10:00 a.m. in the Executive Chambers

**C. PUBLIC SAFETY COMMITTEE – Burnam**

The minutes for the February 11<sup>th</sup> meeting are in the packet, and there is nothing that requires Council action. The next meeting will be March 11<sup>th</sup> at 4:30 p.m.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo**

The minutes for the February 11<sup>th</sup> meeting are in the packet. The next meeting will be March 11<sup>th</sup> after the Public Safety meeting.

Councilman Burnam asked that the burn ordinance be placed on the agenda.

Councilwoman Barnette mentioned the committee had discussed the sign ordinance. She feels that this is part of the Land Use Ordinance and should not be considered by the Ordinance Committee. She would like to see it go to Mrs. Jones for review. Councilwoman Barnette asked to place discussion of the protocol for handling the Land Use Ordinance on the work session agenda.

**E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding**

The minutes for the January 30<sup>th</sup> meeting are in the packet. Councilman Yelding relinquished the floor to Mr. Marshall Parsons, city horticulturalist. He presented to Council an evaluation done on the wholly oak tree at Centennial Park. He said that according to the evaluation that the structure shows that there is something wrong with the tree, and that at some point in time the tree would fall. The recommendation was to cut the tree down before it falls down and hurts someone. He said that he needs direction from Council on how to proceed.

**MOTION BY Councilman Yelding to authorize the staff to proceed with whatever they feel would be the best plan for the wholly oak tree in Centennial Park. *Seconded by Councilwoman Barnette.***

**AYE Yelding, Barnette, Scott, Boulware, Palumbo, Lake**

**NAY Burnam**

**MOTION CARRIED**

The next meeting will be March 27<sup>th</sup> at 8:00 a.m. at City Hall.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Ms. Jones**

No report.

**B. Downtown Redevelopment Authority – Barnette**

No report.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

Jeff Hudson gave a presentation to Council regarding the Library expansion. He showed Council a model of the addition and floor plan.

**E. Planning Commission – Barnette**

The Work Session is scheduled for March 18<sup>th</sup> at 8:00 a.m., and the Planning Commission meeting will be March 26<sup>th</sup> at 6:00 p.m. She stated that they have been discussing having a joint meeting with Council to present the proposed changes to the Land Use Ordinance, but they have not yet decided on a date.

**F. Recreation Board – Burnam**

The minutes for the February 11<sup>th</sup> meeting are in the packet. Councilwoman Barnette stated that she is against any digital display signs for the city.

**G. Utility Board – Scott**

The board met last Wednesday, and the next meeting will be March 25<sup>th</sup> 5:00 p.m. in the Council Chambers.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

a.) *ABC License / Kathy's Package Store / 011 - Lounge Retail Liquor – Class II (Package)*

**MOTION BY Councilwoman Barnette to approve the ABC License for Kathy's Package Store / 011 – Lounge Retail Liquor / Class II (Package). *Seconded by Councilman Yelding.***

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

Mayor Small discussed with Council the renting of the Civic Center consecutively, and that it was the City Attorney's opinion that he has to abide by the ordinance which says that it can be rented consecutively as long as they give a deposit. He asked Council for direction in this matter.

Council President Lake stated that he will put this on the April 16<sup>th</sup> Work Session agenda.

**MOTION BY Councilman Palumbo to suspend the rules to consider a motion to declare a moratorium on repetitive renting of the Civic Center until after the April 16, 2009 Council Work Session. *Seconded by Councilman Boulware.***

**ROLL CALL VOTE**

<b>Yelding</b>	<b>Aye</b>	<b>Boulware</b>	<b>Aye</b>
<b>Barnette</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Aye</b>
<b>Burnam</b>	<b>Aye</b>	<b>Lake</b>	<b>Aye</b>
<b>Scott</b>	<b>Aye</b>		

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

**MOTION BY Councilman Palumbo to declare a moratorium on repetitive renting of the Civic Center, not more than one consecutive week at a time, cannot book any further than already booked, until after the April 16, 2009 Council Work Session. *Seconded by Councilman Boulware.***

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

Mayor Small also asked for direction on the purchase of the property behind city hall. Councilman Scott stated that it would be appropriate to discuss this in Executive Session.

Council President Lake stated that they could do this at the end of the meeting.

***B. City Attorney's Report***

Mr. Ross discussed with Council the incentive package resolution with Council asking for direction.

Council directed Mr. Ross to use similar language as the letter of intent that was sent to Plus Diagnostics.

He reported that the status of the BRAG lease has changed from a lease to a sale of the Nicholson Center.

Councilwoman Barnette stated that if they are going into Executive Session for these purposes they should have the information beforehand.

***C. Department Head Comments***

***David McKelroy – Recreation Director*** – reminded everyone that the S.E.E.D.S. run is this weekend, and it is one of their biggest fund raisers.

***Sandra Morse – Civic Center Director*** – announced that the Baldwin County Home Builders Showcase is Saturday and Sunday.

***David Carpenter – Police Chief*** – reported that there were no major incidents during Mardi Gras, except that one of the police officers was hit by a drunk driver after one of the parades, but his doing fine and is out of the hospital.

***David Cohen – City Clerk*** – reminded Council and Department Heads that the deadline for items to be on the Council agenda are due the Wednesday before the Council meeting at 5:00 p.m.

**7. PUBLIC PARTICIPATION**

***Mr. Willie Robison – 560 Stuart Street*** – spoke regarding the church that meets at the Civic Center saying at least it is rented, and that they are a good group of people. He asked why with a \$7 million building is Council paying for a place to meet off premises.

*Mrs. Christian Helmick - Daphne* – spoke representing families that have children that walk to school at Christ the King and cross the street at Belrose and Main, and she asked Council to consider putting a crosswalk at that intersection. (A letter and list of names that walk or ride bikes to and from Christ the King School are spread out upon these minutes.)

*Mrs. Joann Brodaus – Representing the Eastern Shore Dogwood Girls* – spoke to Council regarding a contribution to help the girls go to the Cherry Blossom Festival in Washington, D.C. There are five (5) girls from Daphne on the court.

*Mr. Kevin Spriggs – Owner of Eastern Shore Motel in Daphne* - spoke regarding the Sign Ordinance saying he feels that it discriminates against local businesses, and favors industrial businesses. The way the ordinances reads now it puts them at a disadvantage. He asked Council to revisit that ordinance.

*Mr. Chris Francis – Landscaper, I.S.A. Certified Arborist* - spoke regarding the wholly oak tree at Centennial Park confirming that it does need to come down. He also supported the church using the Civic Center, and spoke against the incentive package offered to Plus Diagnostics.

*Mr. Bob Segalla – Daphne* – spoke regarding the Utilities coming before Council for presentations in 10 minute increments to report on how the Utilities interfaces with the city, and to report on the state of the Utilities.

**8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

**RESOLUTIONS:**

- a.) **Easter Egg Hunt Contribution. .... /Resolution 2009-13**
- b.) **Bid Award: City Hall Phase II Air Conditioning  
Duct Rework. .... /Resolution 2009-14**
- c.) **Transportation Enhancement Grant Project  
Sidewalk & Bike Path / County Rd. 13North Section /  
County Rd. 13 South Section / Hwy 98 & Whispering Pines Rd.  
Pedestrian Crossing / Park Dr. & Pollard Rd ..... /Resolution 2009-15**
- d.) **Fiscal Year 2009 Dogwood Girls Contribution ..... /Resolution 2009-16**
- e.) **Authorize Advertisement of Potential Job Positions  
with the City of Daphne ..... /Resolution 2009-17**

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-13. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-13. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Resolution 2009-14 and 2009-15. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED

MOTION By Councilwoman Barnette to adopt Resolution 2009-14. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2009-15. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Resolution 2009-16 and insert the amount of \$1,500. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2009-16 with inserting the amount of \$1,500. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED

MOTION BY Councilman Yelding to waive the reading of Resolution 2009-17. *Seconded by Councilman Boulware.*

AYE Yelding, Burnam, Scott, Boulware, Palumbo, Lake

NAY Barnette

**MOTION CARRIED**

MOTION BY Councilman Yelding to adopt Resolution 2009-17. *Seconded by Councilman Boulware.*

AYE Yelding, Burnam, Scott, Boulware, Palumbo, Lake

NAY Barnette

**MOTION CARRIED**

**ORDINANCES:**

**2<sup>ND</sup> READ**

- b.) Authorize Mayor to Execute a Grant Agreement for the SAFER Grant and Appropriate Match for 9 Firefighters. .... /Ordinance 2009-09
- c.) Appropriating Funds: Civic Center Initiative ..... /Ordinance 2009-10
- d.) Adopting the Employees Personnel Handbook. .... /Ordinance 2009-11
- d.) Rezone: Big Sandy LLC / Property located on the SE Corner of U.S. Hwy 98 and Johnson Road / B-2, General Business District to R-4, High Density Multi-Family Residential District ..... /Ordinance 2009-12

**1<sup>ST</sup> READ**

- e.) Appropriation: Boys & Girls Club. .... /Ordinance 2009-13

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-09. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

**MOTION CARRIED**

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-09. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

**MOTION CARRIED**

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-10. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-10. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-11. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-11. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-12. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2009-12. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Lake called a Special Council meeting for March 24, 2009 6:30 P.M. to consider Ordinance 2009-13 regarding the Daphne Youth Center.

MOTION BY Councilwoman Barnette to table Ordinance 2009-13 for the March 16, 2009 council agenda until a Special Called Council meeting to be held on Tuesday March 24, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**8. COUNCIL COMMENTS**

*Councilwoman Barnette* commented on the air conditioning project saying while worthwhile they have spent \$7½ million plus, and now they still have additional expenses, and she did not feel it was a priority when they did it and will remain firm on her nays against the city hall building projects. She does not feel they should be advertising jobs that are not actually jobs. She is excited that the city has additional firefighters, and hopefully they can continue to move with Chief White for a fire station in this part of town.

*Councilman Scott* said that several meetings ago they missed an opportunity to point out that Chief Whites's son, Pat, was most valuable player in the Senior Bowl played here. He apologized to Chief White for the oversight, and said how proud they are of his son, and how well he has represented Daphne.

*Councilman Boulware* said that he heard something tonight about a decision was a "no brainer". He said that the short time he has been on the Council he has found that there is no such thing. He said that they have been elected to take on the task of making important decisions for the city, and that should not be taken lightly. They should never rush into a decision without looking at all the information that they have. It is entirely too important what they try to do here for the city. He wanted everyone to know what kind of work goes into doing what the Mayor and Council does. There can never be a "no brainer" decision it would just be an unwise way to go about running this town.

*Councilman Palumbo* congratulated the Fire Department on receiving the SAFER grant. He said that this is the first year since he has been on Council that they have received this grant. He said that maybe this would get them up to three men on a truck. He cautioned the future Council, because they will get whole bill for these nine firefighters, which will be about #350,000 a year. He said to keep in mind that Federal dollars come with a string, and to be cognizant of long term cost of federal dollars.

*Mayor Small* he wanted to get on the Finance Committee agenda the contribution for the Boys and Girls Club, which they have always contributed \$20,000, and the city is now six months into the fiscal year, and he feels that the city owes them at least \$10,000. He said that when Mr. Harrison Black made his presentation to Council that they seemed in favor of it, and he would also like to add the Baldwin County Housing Alliance appropriation to the agenda.

*Council President Lake* stated that he would like to see city hall named after Victor Guarisco.

**MOTION BY Councilman Burnam to enter into Executive Session to discuss potential real estate transactions for a period of 20 minutes. The City Attorney certified that this was an appropriate reason according to the Open Meetings Act. Seconded by Councilwoman Barnette.**

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

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

11

**Council entered into Executive Session at 8:40 p.m.**

**Council returned from Executive Session at 8:58 p.m.**

**MOTION BY Councilwoman Barnette to reject the offer on the Gerhart property, and that the city should cease negotiations. Seconded by Councilman Palumbo.**

**AYE Yelding, Barnette, Burnam, Boulware, Palumbo, Lake**

**NAY Scott**

**MOTION CARRIED**

Councilman Palumbo asked if the Rules and Procedure ordinance has been rewritten. He thought it should have been on the agenda by now.

Council asked that the ordinance be amended and brought forward to Council.

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

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:00 P.M.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen,  
City Clerk, MMC

**Certification by Presiding Officer:**

\_\_\_\_\_  
John Lake  
Council President

Date & Time Signed: \_\_\_\_\_

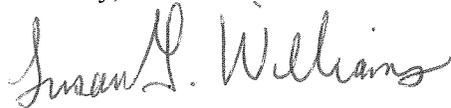
March 2, 2009

Daphne City Council  
City of Daphne

To whom it may concern,

I am writing to ask that a cross walk be placed at the top end of Belrose Ave in Daphne, AL. I have two children who walk home from Christ the King School at least two days a week. This would make the walk home much safer for them and many other children that also walk. Please consider this for the safety of our children.

Sincerely,

A handwritten signature in cursive script that reads "Susan G. Williams".

Susan G. Williams  
7 St Charles Place  
Daphne, AL 36526  
251-626-7893

*Christ The King Walkers and Bike Riders to and from School*

<b>Hellmich Family</b> Mary Grace 10 Lawson 8	513 Polo Trace	
<b>Mattingly Family</b> Claire 10	10 St. Charles Place	
<b>Pintarelli Family</b> Weslee 10 Lilly 7	709 Magnolia	
<b>Thayer Family</b> Avery 10 Thomas 8 Isabelle 6	706 Magnolia	
<b>Giardina Family</b> Adam 14 David 10	515 Polo Trace	
<b>McManus Family</b> Trent 11	504 Trace Crossing	
<b>Shi Zhong Ou</b> Shen 10 Jia 8	886 Randall Avenue	
<b>Mims Family</b> Walker 13	403 Santa Rosa	
<b>Stroud Family</b> Sam 9 David 8	510 Sherwood Lane	
<b>Terrell Family</b> Ainsley 8 Ryleigh 6	516 Polo Trace	
<b>Roberts Family</b> Caitlyn 12	510 Polo Trace	(She walks to Sol y Luna)
<b>Coder Family</b> Maddie		(She walks to Sol y Luna)

**O'Conner Family**  
Nicholas 13  
Sarah 10

11 St. Charles Place

**Broom Family**  
Taylor 14  
Kendall 12

5 St Charles Place

**Williams Family**  
Drew 14  
JP 9

7 St. Charles Place

**PUBLIC HEARING LIST  
FOR COUNCIL MEETING**

**MARCH 16, 2009**

**TO CONSIDER:**

- 1.) REZONE: Baldwin AL Development  
Property located Southwest of the intersection of  
Highway 181 and AL Hwy 181 / B-1, Local  
Business to B-2, General Business**
- 2.) REZONE: Howard Company / Property located  
Northeast of the intersection of Guarisco and  
Trione Street / R-3, High Density Single Family  
Residential District to MU, Multi-Use District**
- 3.) Revisions of the City of Daphne Zoning Map**

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

## MEMORANDUM

**PRESENT ZONING:** B-1, Local Business

**PROPOSED ZONING:** B-2, General Business

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

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

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

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

Thank you,  
ADJ/jd

cc: file

attachment(s)

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



---

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

---

**Owner:** Wayne Cave, Baldwin Alabama Development

**Current Zoning:** B-1, Local Business

**Proposed Zoning:** B-2, General Business

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

**Representative:** Andy Bobe, Rester & Coleman Engineers

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

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

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

Application Number: Z09-02      Date Plat Submitted: December 19, 2008

Date Presented: JANUARY 22, 2009

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

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

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

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

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

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

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

Meeting Dates:

Planning Commission: January 22, 08

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

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

  
\_\_\_\_\_  
**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

a) Address No Address known at this time, property is undeveloped.

b) Name of Subdivision Timber Creek Commercial Resub. of Parcel "A" Unit Three

c) Lot numbers involved in change Lot 3

d) Total acreage of change 0.85+/-

e) Recorded in Map Book 2149-F Page \_\_\_\_\_

f) Owned in whole by the undersigned? \_\_\_\_\_

g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

2) Zoning change requested:

a) Present classification of property B-1

b) Reclassification desired B-2

c) Character of neighborhood Commercial

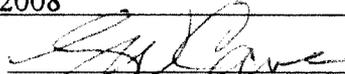
3) Certifications:

a) Owner's Name Baldwin (AL) Development, L.L.C.

b) Address P.O. Box 81322 Mobile, AL 36689

c) Telephone Number (251) 343-1040

d) Date 12-17-2008

  
\_\_\_\_\_  
Signature of Property Owner

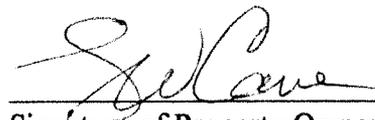
\_\_\_\_\_  
Signature of Property Owner

**AGREEMENT**

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

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

12-17-08  
Date

  
Signature of Property Owner

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

**DESCRIPTION:**

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



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

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

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

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

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

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



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

# MEMORANDUM

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

**PROPOSED ZONING:** MU, Multi Use District

**LOCATION:** Northeast of the intersection of Guarisco and Trione Street

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

**REFERENCE:** Subdivision: Wachter Subdivision

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

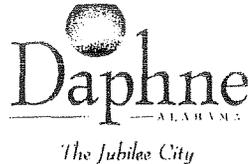
Thank you,  
 ADJ/jd

cc: file

attachment(s)

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





January 2009 Planning Report

**ZONING AMENDMENT: The Howard Company**

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

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

**Proposed Zoning:** MU, Multi Use

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

**Representative:** Trey Jinright, Jinright & Associates

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

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

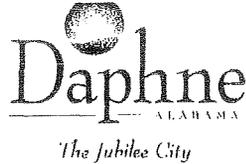
**Article 12, Establishment of Districts**

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

**14-3 Olde Towne Daphne USES PERMITTED**

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

(See Reverse)



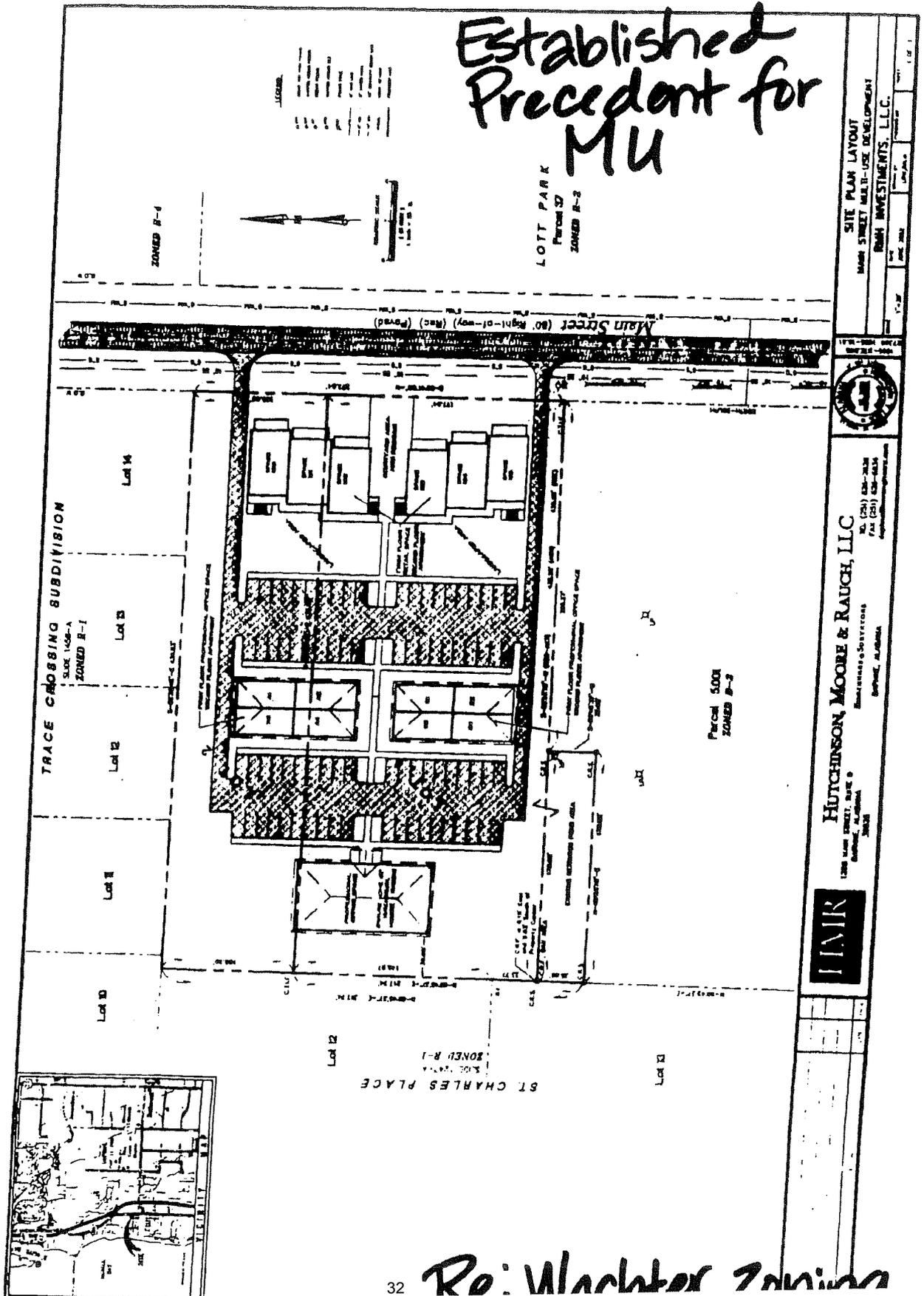
*January 2009 Planning Report*

## **The Howard Company Continued**

### **Existing MU Precedent**

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

Established Precedent for MU



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

Application Number: Z09-.01 Date Plat Submitted: Dec. 18, 2008

Date Presented: JAN. 22, 2009

Name of Owner: Howard Company, LLC

Address: 118 General Canby Drive, SF 36527 Telephone# 251-379-4444  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone# \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Manci & Trione Subdivision Block 2

Lot(s): 13, 14, & 15 Unit \_\_\_\_\_

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

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

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

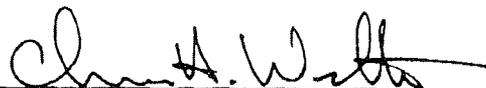
Meeting Dates:

Planning Commission: 1/22/2009

City Council: 2/02/2009

Reason(s) for requesting the Zoning Amendment:

Multi  
Mixed Use



**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**

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

Revised: March 18, 2004

### APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

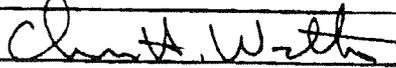
- a) Address 811 Trione Street  
DAPHNE, AL
- b) Name of Subdivision Manci & Trione Subdivision, Block 2
- c) Lot numbers involved in change 13, 14 & 15
- d) Total acreage of change 0.453 Acres
- e) Recorded in Map Book 816 Page 0911
- f) Owned in whole by the undersigned? YES
- g) If owned in part,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

2) Zoning change requested:

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

3) Certifications:

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

  
Signature of Property Owner

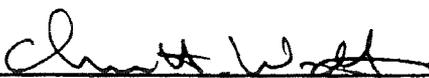
\_\_\_\_\_  
Signature of Property Owner

**AGREEMENT**

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

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

12/18/2008  
Date

  
Signature of Property Owner

HOWARD COMPANY LLC  
ZONING AMENDMENT  
EXHIBIT "A"

LEGAL DESCRIPTION

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





HOWARD COMPANY, LLC  
MANCI & TRIONE SUBDIVISION, BLOCK 2

ADJACENT PROPERTY OWNERS

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

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

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

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

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

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

Richard D. and Martha Jo Taylor

P.O. Box 713

Daphne, Alabama 36526

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

Daphne R. Rudicell

4 Cora Slocombe Drive

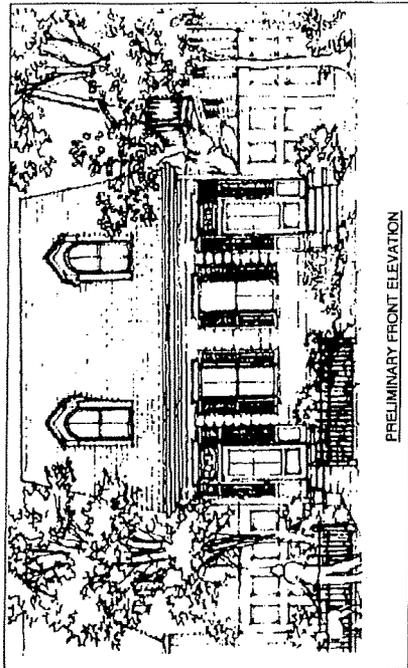
Spanish Fort, Alabama 36527

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

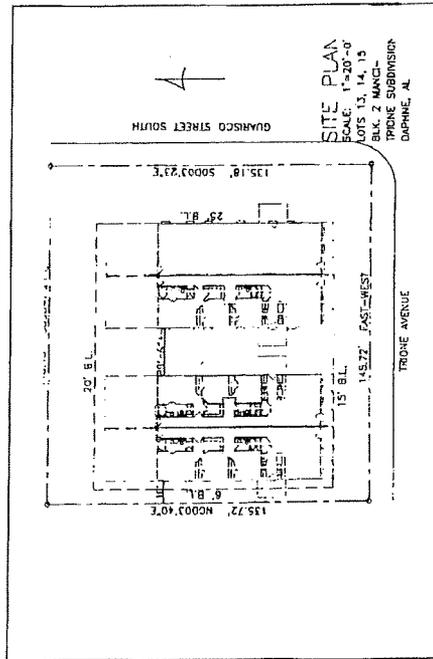
J. C. Burnett

P.O. Box 54

Daphne, Alabama 36526



PRELIMINARY FRONT ELEVATION



PRELIMINARY ARCHITECTURAL PLANS

**Jan Dickson**

---

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

Adrienne & Jan:

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

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

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

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

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

## MEMORANDUM

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

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

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

Thank you,  
ADJ/jd

cc: file

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY OF DAPHNE  
SPECIAL FINANCE COMMITTEE MINUTES  
March 2, 2009  
5:30 P.M.**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 5:30 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley and Senior Accountant Suz anne Henson.

Also in attendance was Public Works Director Bill Eady.

**II. PUBLIC PARTICIPATION**

**III. HUMAN RESOURCES BUSINESS**

A. Ms. Cureton spoke concerning the status of the Boys and Girls Club.

**IV. ISSUES REQUIRING ACTION BY CITY COUNCIL**

**A. Bids:**

1. 2009-I-CITY HALL PHASE II AIR CONDITIONING DUCT REWORK

Eleven bid invitations were mailed/ picked up, with three sealed bids received. Public Works Director Bill Eady recommended the lowest bid from Batchelor’s Mechanical Contractors, Inc. in the amount of \$119,268 be accepted. Discussion was made that the original estimate received for this project was \$170,000 and that monies are available for this project from the Building Maintenance monies previously appropriated.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid Number 2009-I-CITY HALL PHASE II AIR CONDITIONING DUCT REWORK in the amount of \$119,268 to Bachelor Mechanical Contractors. Seconded by Mr. Scott. All in favor.***

2. 2009-L-LIBRARY ALTERATIONS & ADDITIONS – PRE-QUALIFYING OF BIDDERS

Ms. Henson explained that 21 Pre-Qualification Applications were received and that the applications were reviewed by Richard Merchant, Building Inspector; Jeff Hudson, Hatch, Mott, McDonald; and Kim Briley, Finance Director. Ms. Henson noted that she had prepared a summary of the submittals and that 13 of the 21 were recommended to qualify to bid on the Library Alterations & Additions project.

***Motion by Mr. Yelding to recommend Council to qualify the following contractors to bid on the 2009-L-LIBRARY ALTERATIONS & ADDITIONS bid:***

***Bayshore Construction Co Inc  
Case Construction LLC  
Don Gordon Construction Inc  
Gates Builders, Inc  
G. M. Stuart, Inc***

**M. W. Rogers Construction Co., Inc**  
**Reed Constructions Co, LLC**  
**Stuart Contracting**  
**TerMac Construction, Inc**  
**Thomas Industries, Inc**  
**Trademark Construction, Inc**  
**Witherington Construction Corp**  
**Youngblood-Barrett Construction & Eng, LLC**  
**Seconded by Mr. Scott. All in favor.**

## **B. APPROPRIATION REQUEST**

### 1. Easter Egg Hunt - \$2,300

Ms. Henson discussed that it is time to prepare for the annual Easter Egg Hunt and a request has been made for the monies. Ms. Henson noted there is a Resolution in the Council Packet to authorize the Mayor to execute agreements necessary to make contributions.

***Motion by Mr. Yelding to recommend to Council to adopt an Resolution authorizing the Mayor to enter into an agreement. Seconded by Mr. Scott. All in favor.***

### 2. Boys & Girls Club - \$90,527

A summary sheet was included in the packet reflecting the operating cost for the Daphne Youth Club. Ms. Henson noted that the current annual appropriation for the Boys & Girls Club is \$20,000. Mayor Small had previously discussed with committee members that since ½ year has passed, the \$10,000 has been requested for payment. Further discussion was made that there is not a Resolution in the current Council Packet and that further discussion on the Boys and Girls Club would be made at the next Council Work Session. *(Per Mayor Small: Current request is for \$11,167 to cover seven months of operations for Fiscal Year 2009).*

### 3. Housing Alliance - \$20,000

A request was made by Mayor Small to discuss appropriating \$20,000 to the Housing Alliance from monies already appropriated as a Community Contributions but currently undesignated. Mayor Small had discussed this request at the February 12, 2009 Council Work Session. Discussion continued that this is a good program.

***Motion by Mr. Yelding to recommend to Council to adopt an Resolution authorizing the Mayor to enter into an agreement with funds coming from Approved but undesignated Community Contributions. Seconded by Mr. Scott. All in favor.***

### 4. Dogwood Trail Girls – Appropriation Request

Ms. Henson just noted as an FYI that a Resolution for an appropriation to the Dogwood Trail Girls was in the Council Packet per the request of Council President, John Lake.

## **V. ADJOURN**

The meeting was adjourned at 6:15 p.m.

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

**I. CALL TO ORDER/ROLL CALL**

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

Also in attendance were Mayor Fred Small, Public Works Director Bill Eady, Human Resources Director Sharon Cureton and Police Captain Danny Bell.

**II. PUBLIC PARTICIPATION**

Mr. Larry Cook, Daphne citizen, reported that he had noticed an expired business license posted at a local restaurant, and asked what the City's procedure on delinquent licensees is. Ms. Briley stated that a delinquent report is run after the renewal deadline, from which each delinquent business will receive a second invoice and would be charged penalties and interest. Further action is taken as necessary by the Revenue Officer.

Mr. Kevin Spriggs, Daphne business owner, stated that he objected to the City giving money for the Housing Alliance. He stated that he thinks this would just create a bureaucracy and would be one of the least efficient ways to spend tax dollars. Mr. Spriggs also objected to the \$300,000 a year the City is spending on the recycling program. He questioned what the City is getting out of the program and if it is really protecting the environment.

**III. HUMAN RESOURCES BUSINESS**

Ms. Sharon Cureton presented a Human Resources department activity update in the Committee packet. Mr. Yelding noted that the Activity Update was very informative and asked Ms. Cureton to continue providing this report.

**IV. ISSUES REQUIRING ACTION BY CITY COUNCIL**

**A. Appropriation Requests**

1. Police Replacement Vehicle - \$13,115

Captain Danny Bell requested that the totaled 2004 Crown Victoria Police Interceptor, #504, be replaced. The replacement cost would be \$22,827.12 and our insurance settlement will be \$9,712.96. The cost to the City to replace this vehicle will be \$13,114.16. Mr. Scott asked if we could seek restitution from the drunk driver who caused the accident. Captain Bell explained that since a City police officer was injured in the accident, the criminal case is under the State's purview. Mayor Small reported that he has asked City Attorney Jay Ross to look into the City's options in this case.

***Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$13,114.16 to purchase a 2009 Ford Crown Victoria with additional equipment as listed to replace police vehicle #504 which was totaled in an accident. Seconded by Mr. Yelding. All in favor.***

2. Solid Waste Worker Reclassification to Solid Waste Worker Senior - \$14,034

A request to reclassify three Solid Waste Worker positions to Solid Waste Worker Senior positions was presented. Ms. Cureton explained that there are 12 garbage and recycling trucks with only 9 current SW Senior positions. This position requires a CDL license. Currently some trucks are being driven by Solid Waste Worker's who have CDL licenses, but do not hold the position of SW Seniors. Mr. Yelding noted that the Public Works Committee recommends this reclassification.

***Motion by Mr. Yelding to recommend Council adopt an ordinance approving three Solid Waste Worker positions be reclassified to Solid Waste Worker Senior positions at an annual cost of \$14,033.76. Seconded by Mr. Scott. All in favor.***

3. Change Order: Trione Soccer & Football Complex - \$40,500

A change order in the amount of \$40,500 for an irrigation system for the Trione Soccer & Football Complex was presented. It was discussed that the original contract amount of \$837,218 was reduced to \$810,776.80 with a supplemental agreement, saving on the paving costs of the Complex. The irrigation system would increase the contract to \$851,276.80. Mr. Boulware asked what additional change orders or other additions may be needed for this project. Mayor Small stated that approximately \$70,000 would be required for restrooms. It was also discussed that lighting the Complex could cost approximately \$200,000 but would not be a change order, and the City expects to be assisted in providing lighting.

***Motion by Mr. Scott to recommend Council adopt an ordinance 1) authorizing the Mayor to execute the change order to Bid Document No. 2009-C-Trione Soccer & Football Complex Phase 1 for the irrigation system, and 2) appropriating \$ 14,059 from the Capital Reserve Fund. The total contract will be increased from \$837,218 to \$851,276.80. Seconded by Mr. Yelding. All in favor.***

## **B. Bids: 2009-K-OIL AND LUBRICANTS**

Six bid invitations were sent out, with four sealed bids received. Mr. Eady recommended the low bid from PEPCO be accepted. Ms. Henson noted that they had the previous bid contract.

***Motion by Mr. Scott to recommend to Council to adopt a resolution awarding bid 2009-K-OIL AND LUBRICANTS as bid per unit to PEPCO. Seconded by Mr. Yelding. All in favor.***

## **V. FINANCIAL REPORTS**

### **A. Treasurer's Report: February 28, 2009**

The Treasurer's Report totaling \$23,811,368.16 was presented. Ms. Briley noted that this includes over \$2 million in ad valorem taxes that were received in February.

***Motion by Mr. Scott to accept the Treasurer's Report as of February 28, 2009, in the amount of \$23,811,368.16. Seconded by Mr. Yelding. All in favor.***

### **B. Sales and Use Taxes: January 31, 2009**

Sales and Use Tax Collected for January 2009	- \$ 760,048
Sales and Use Tax Budgeted for January 2009	- \$ 822,021
Under Budget (for January)	- \$ ( 61,973)

YTD Budget Collections Variance - Under Budget - \$ (277,678)

Ms. Briley noted that sales tax for FY 2008 had to be adjusted down because a business paid \$40,526.22 in error in September and a refund is pending. (Paid to Daphne instead of Mobile.)

Mr. Boulware referred to the negative revenue collections to date of (\$277,678) and a memorandum from Ms. Briley noting the decreasing revenue. He stated that we are headed down a road of uncertainty and would like to discuss the City's options at the next finance committee meeting. Ms. Briley stated that she did not think this is the time to draw against the fund balance of the General Fund based on the uncertain economic times we are experiencing. Mr. Yelding noted that we need to spend some money, especially on roads. Discussion continued that some monies were available in the Capital Reserve Fund and the Gas Tax Funds for Road Repairs.

The following was discussed as possible funding sources for road projects:

1,200,000	Capital Reserve
202,869	General Fund encumbered from prior fiscal year
200,000	Gas Tax Funds

### **C. Lodging Tax Collections, January 31, 2009**

The Lodging Tax Collections report shows \$39,800.93 collected for January 2009.

### **D. Summary Report: Revenues, Expenditures & Changes in Fund Balance – January 31, 2009**

A Summary Statement as of January 31, 2009 showing Revenues over Expenditures of \$820,798 and an Unreserved Fund Balance of \$11,262,732 was presented. Mr. Scott noted that this report is skewed because ad valorem taxes that will be used all year peak in cash flows at this time of year. It was noted that although the \$820,798 is good, it is low when compared to prior fiscal years.

### **E. Report: New Business Licenses – February 2009**

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

### **F. Bills Paid Reports – February 2009**

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

## **VI. OLD BUSINESS – FROM SPECIAL FINANCE MTG ON MARCH 2, 2009**

### **A. Boys & Girls Club - \$11,167**

Ms. Henson noted that the current annual appropriation already in the budget for the Boys & Girls Club is \$20,000. Mayor Small had previously discussed with committee members that since ½ year has passed, that half of this contribution, \$10,000, should be approved for payment. Further discussion that the Club will continue to operate through April and that the pro-rata share would be \$ 11,167. Further discussion on the Boys and Girls Club will be at the next Council Work Session.

**Mayor Small noted that the current request is for \$11,167 to cover seven months of operations for Fiscal Year 2009.**

***Motion by Mr. Scott to recommend to Council to adopt a resolution authorizing the Mayor to execute the agreement necessary for the City to make contributions in the amount of \$11,167 to the Boys and Girls Club as appropriated in the FY 2009 budget. Seconded by Mr. Yelding. All in favor.***

## **B. Housing Alliance - \$20,000**

A request was made by Mayor Small to discuss appropriating \$20,000 to the Housing Alliance from monies already appropriated as Community Contributions but currently undesignated. Mayor Small had discussed this request at the February 12, 2009 Council Work Session. Discussion continued that this is a good program.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution authorizing the Mayor to enter into an agreement with Baldwin County Housing Alliance and funding to be from approved but undesignated Community Contributions. Seconded by Mr. Scott. All in favor.***

## **VII. ADJOURN**

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

**Fred Small**  
Mayor

**Sharon Cureton**  
Human Resources Director



**Sherree Hilburn**  
Payroll and Benefits  
Coordinator

**Vickie Hinman**  
Human Resources Assistant

*The Jubilee City*

March 6, 2009

**HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE**

<b>Jobs Announced (Jan. to present)</b>	<b>Applications Received</b>	<b>Positions</b>
Mechanic	19	1
Fire Fighter	65	9
Corrections Officer	78	1
Library Aide	76	1
Volunteer Coordinator	1	1
PSW-Grounds	2	1
PSW Sr.-Sports	4	1
Youth Club Director	Just Announced	1
Youth Club Assistant Director	"	1
Youth Club Program Coordinator	"	4
Youth Club Van Driver	"	1
Mechanic (Heavy Eqmt)	"	1

**Training**

Leadership Academy

First Wednesday of every month 8-10 a.m. Jan-Dec, 2009

Leadership Academy Makeup Sessions (from missed 2008 sessions)

First Thursday of every month 8-10 a.m. March –August, 2009

Safety Meetings

Last Wednesday of every month 8:15 a.m. Jan-Dec, 2009

New Employee Orientation

8-12 March 2009

**Recently Completed Projects**

Distribution of Safety Awards to 248 eligible employees for July-December 2008 time period

Distribution of new Employee Handbook to all employees

Updating forms and employee notification on new FMLA legislative changes

Preparing for move to new offices

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

Personnel Investigations involving allegations of workplace violence and employee misconduct

**Upcoming Events and Projects**

1. South Alabama Regional Planning Commission (SARPC) Job Fair      April 24, 2009  
Mobile Civic Center
  
2. Fire Fighter Testing      March 16 and 17, 2009  
Physical Agility Test and Structured Oral Interviews
  
3. Correctional Officer Testing      Date to be determined  
Written Test and Structured Oral Interviews
  
4. Employee Service Awards      April 29, 2009      City Hall  
Recognizing employees with 5, 10, 15, 20, and 25 years of service
  
5. Researching insurance plans and costs for upcoming budget year
  
6. Updating FMLA policy posters across City departments
  
7. Updating new COBRA policy posters and forms from changes recently passed by Congress
  
8. Ongoing department reminders on evaluation due dates
  
9. Quarterly random drug tests

**Please check out our website for updated information on training opportunities, job announcements, personnel policies and forms! [www.daphneal.com/hr](http://www.daphneal.com/hr)**

# Daphne Police Department



# Internal Letter

**To:** Chief Carpenter  
Public Safety Committee  
Finance Committee

**From:** Captain Daniel Bell

**Date:** February 27, 2009

**Subject:** Replacement Vehicle  
Needed for Totaled Police  
Car (# 504)

---

On February 19, 2009 a Daphne Police Officer was injured during a traffic accident when a drunk driver struck the police car he was driving. The officer sustained injuries and is being treated. The officer is expected to return to full duty by March 4, 2009. The Alabama State Police investigated this accident and found the Daphne Police Officer had no fault in this accident. The other driver was listed as the sole contributor to this accident. The police car the officer was driving was a 2004 Ford Crown Victoria Police Interceptor vehicle 504. The police car was severely damaged and was considered totaled by the cities insurance company. The Police Department requested the actual replacement costs for this vehicle but this request was denied. The replacement cost request was discussed with the cities insurance provider and they agreed the request was unreasonable. The police department's position was made clear but the request was ultimately denied. The insurance company would only be required to pay for the current value of the police car and not the replacement cost.

The insurance company totaled the police car and settled by paying \$8,688.00. Additional costs were associated with this totaled vehicle and the replacement vehicle. Those additional costs were discussed with the insurance companies and it was agreed that they would pay a portion of those costs. The total settlement agreed upon by the insurance company is outlined below.

- \$8,688.00 Current Value of 2004 Ford Crown Victoria
- \$.96 Replacement cables and wires
- \$320.00 Labor costs for transferring equipment
- \$584.00 Painting, Striping, Decals for new vehicle
- \$105.00 Tow fee for damaged vehicle
- \$15.00 Title Transfer Fee
- **\$9,712.96 TOTAL Settlement from insurance company**

# **Daphne Police Department**



# **Internal Letter**

The cost of a replacement police car will be reduced by using the existing equipment from the totaled police car 504. The cost of a new police car is \$22,100.00. Additional equipment not available in 2004 should be purchased to bring this new vehicle into compliance with department fleet expectations and performance. Those costs are outlined below.

- \$22,100.00 2009 Ford Crown Victoria
- \$179.90 Push Bumper
- \$368.50 Prisoner Transport Seat – Biohazard
- \$178.72 Center console
- **\$22,827.12 TOTAL Replacement costs without settlement**

The insurance money from the settlement will be held in an account pending the approval and ordering of a replacement vehicle. The overall cost to the city to replace this police car is:

- \$22,827.12 2009 Ford Crown Victoria with additional equipment
- \$9,712.96 Settlement from insurance company
- \$13,114.16 TOTAL funds requested from the city to replace police car

Please contact me should you have any questions.

Fred Small  
Mayor

Sharon Cureton  
Human Resources Director



Sherree Hilburn  
Payroll and Benefits  
Coordinator

Vickie Hinman  
Human Resources Assistant

*The Jubilee City*

February 20, 2009

**INTERNAL MEMORANDUM**

**TO:** ✓ Kim Briley, Finance Director  
✓ Mr. Eady, Public Works Director

**FROM:** Sharon Cureton, HR Director *Scureton*

**RE:** Solid Waste Worker

A concern with the pay classification of three Solid Waste Worker positions has come to the attention of the Mayor and I.

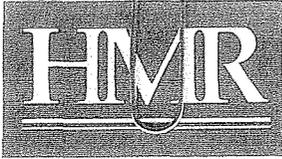
Solid Waste Worker is the entry level position in garbage and recycling. Solid Waste Worker Senior is the advanced level position requiring a Commercial Driver's license (CDL). The classification was designed to drive and operate the 12 garbage and recycling trucks we have in operation. These trucks require a CDL license to drive.

Public Works is requesting that three additional Solid Waste Worker positions (1 vacant, 2 occupied with employees with CDLs) be reclassified to Solid Waste Worker Senior. **This will give 12 Solid Waste Worker Senior positions to drive the 12 garbage and recycling trucks.** It is important the individuals with CDLs be properly compensated for their training and certification.

This request will need to go before the Public Works Committee and the Finance Committee for review. A representative from Public Works should be at both meetings to present this request and I will also be there to answer any questions.

I have calculated an estimate of what this reclassification will cost on the next page. If there are any questions, please let me know.

Position	Pay Change		Cost
Solid Waste Worker position 1 (vacant)	Grade 6 Step 1 \$9.73	Grade 11 Step 1 \$12.14	\$2.41 per hr
Solid Waste Worker position 1 (filled with a 4 year employee with a CDL)	Grade 6 Step 6 \$11.14	Grade 11 Step 2 \$12.49	\$1.35 per hr
Solid Waste Worker position 1 (filled with a 4 year employee with a CDL)	Grade 6 Step 7 \$11.42	Grade 11 Step 3 \$12.85	\$1.43 per hr
<b>TOTAL ANNUAL COST</b>	$5.19 \times 2080 = \$10,795.20$ $\$10,795.20 \times .30 \text{ (benefits)} =$ <b>\$14,033.76</b>		<b>\$14,033.76</b>



# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

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

February 27, 2009

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

RE: Trione Soccer & Football Complex, Phase 2

Dear Mayor Small:

Attached is Change Order No. 1 for the installation of an irrigation system at the subject project site. The price submitted for this work is fair and reasonable and the design and equipment is in concurrence with the Daphne Recreation Department.

We respectfully request that said Change Order be approved and added to this project.

If you have any questions or require additional information, please contact me at 626.2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in black ink, appearing to read 'Stephen J. Delahunty', written over a faint, larger version of the same signature.

Stephen J. Delahunty, P.E.  
Project Manager

/blg  
Enclosure  
02500/3293/09.074



# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

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

## CHANGE ORDER

Order No. 1

Date: February 27, 2009

Agreement Date: \_\_\_\_\_

NAME OF PROJECT: Bid Document No. 2009-C-Trione Soccer & Football Complex Phase 1

OWNER: City of Daphne

CONTRACTOR: James Brothers Excavating, Inc.

ENGINEER: Hutchinson, Moore & Rauch, LLC

The following changes are hereby made to the CONTRACT DOCUMENTS:

ADD:

QTY	UNIT	ITEM	UNIT PRICE	TOTAL
1	LS	Irrigation System	\$40,500.00	\$40,500.00

### CONTRACT PRICE:

Original CONTRACT PRICE: \$810,776.80

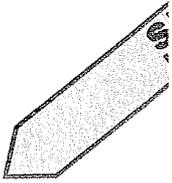
Current CONTRACT PRICE due to this CHANGE ORDER will be INCREASED by: \$40,500.00

The new CONTRACT PRICE including this CHANGE ORDER will be \$851,276.80

CONTRACTOR: *Mark A. B...* DATE: 3/2/09

RECOMMENDED: *Stephen Delahoz* DATE: 3/2/09

OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_





# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

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

## SUPPLEMENTAL AGREEMENT

Date: February 9, 2009

NAME OF PROJECT: 2009-C-Trione Soccer & Football Complex Phase 1

OWNER: The City of Daphne

CONTRACTOR: James Brothers Excavation

ENGINEER: Hutchinson, Moore & Rauch, LLC

The following changes are hereby made to the Contract Documents for Value Engineering

### DELETE:

QTY	UNIT	ITEM	UNIT PRICE	TOTAL
20,850	SYCIP	Crushed Aggregate Base Course, 6" Compacted Thickness, 825-B (301-A)	9.45	197,032.50
650	SY	Milling (408-A)	3.00	1,950.00
650	SY	Bituminous Concrete Wearing Surface, Mix 1, 1.5" Thick, Patching (429-A)	9.00	5,850.00
696	LF	18" RCP (530-A)	24.50	17,052.00
880	LF	24" RCP (530-A)	40.50	35,640.00
248	LF	36" RCP (530-A)	68.00	16,864.00
6	EA	Grate Inlet	2,600.00	15,600.00
60	LF	Jack & Bore w/12" Steel Encasement (649-A)	10.00	600.00
3,000	LF	Silt Fence, Type A (665-J)	5.00	15,000.00
2	CY	Concrete for Sewer Lines (SS-10)	100.00	200.00
450	LF	3" Forcemain (PVC) (SS-6)	7.50	3,375.00
2	EA	Typical Sewer Services (Includes 3"x2" Reducer) (SS-19)	10.00	20.00
480	LF	58.5"x36" RCAP (530-B)	121.50	58,320.00
58,800	SY	Solid Sodding, Bermuda Type (654-A)	2.15	126,420.00
2	EA	Sanitary Sewer Cleanouts	75.00	150.00
800	LF	3" PVC Waterline (WL-1) (Schedule 80)	7.50	6,000.00
4,125	LF	6" C-900 PVC Waterline (WL-1)	11.00	45,375.00
750	LBS	Ductile Iron or Cast Iron Water Fittings (WL-2)	4.00	3,000.00
2	EA	3" Gate Valves (WL-2)	650.00	1,300.00
1	EA	6" Gate Valves (WL-3)	825.00	825.00
1	EA	Tapping Valve & Sleeve (6"x10") (WL-5)	100.00	100.00
Total Cost Deleted Items				\$550,673.50

ADD:

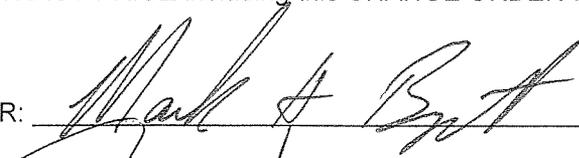
QTY	UNIT	ITEM	UNIT PRICE	TOTAL
300	LF	6" Sleeves	5.50	1,650.00
20,434	SYCIP	6" Sand/Clay Base Course (301-A)	2.45	50,063.30
19,790	SY	Bituminous Concrete Wearing Surface, Mix 1, 1.5" Thick (429-A)	7.00	138,530.00
584	LF	18" HDPE (530-A)	24.50	14,308.00
832	LF	24" HDPE (530-A)	33.00	27,456.00
1	LS	Striping (Parking Lot)	6,800.00	6,800.00
2	EA	18" Pipe End Treatment	550.00	1,100.00
55,800	SY	Solid Sodding, Bermuda Type (654-A)	2.15	119,970.00
2,500	LF	Silt Fence, Type A (665-J)	5.00	12,500.00
508	LF	58.5"x36" RCAP (530-B)	121.50	61,722.00
5	EA	Grate Inlet (621-C)	1,970.00	9,850.00
5.5	ACRE	Seeding/Mulching	1,250.00	6,875.00
40	LF	3" Forcemain	7.50	300.00
2,900	LF	Concrete Curb, Type "N"	11.00	31,900.00
<b>Water Items</b>				
665	LF	3" Waterline	7.50	4,987.50
2,495	LF	6" Waterline	11.00	27,445.00
875	LBS	Ductile Iron or Cast Iron Water Fittings	4.00	3,500.00
3	EA	6" Gate Valve	825.00	2,475.00
1	EA	6" Tapping Valve & Sleeve (6"x12")	2,800.00	2,800.00
Total Cost Added Items				\$524,231.80

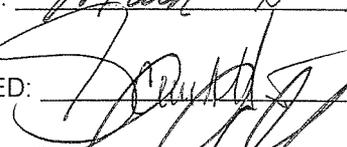
**CONTRACT PRICE:**

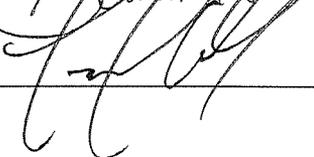
Original CONTRACT PRICE: \$837,218.50

Current CONTRACT PRICE due to this SUPPLEMENT will be DECREASED by: \$26,441.70

The new CONTRACT PRICE including this CHANGE ORDER will be \$810,776.80

CONTRACTOR:  DATE: 2/11/09

RECOMMENDED:  DATE: 2/11/09

OWNER:  DATE: 2/12/09

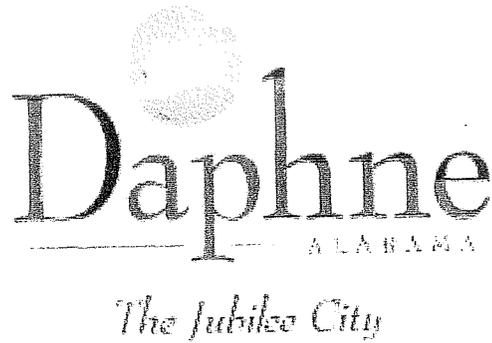


Fred Smith  
Mayor

Dwight Coffey  
City Clerk

Kimberly Briley  
Finance Director/ Treasurer

William H. Tady, Sr.  
Director of Public Works



Bradley Yelton, 1  
District 1

Carly Bowers  
District 2

John L. Lake  
District 3

Greg W. Burdette  
District 4

Reinald Scott  
District 5

Herrick Bradburn  
District 6

Wesley Palumbo  
District 7

To: Kim Briley, Finance Director  
Finance Committee Members

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

Date: February 27, 2009

Re: Recommendation for Bid Award  
2009-K-OIL & LUBRICANTS

Four bids were received with PEPCO being the lowest bidder. I therefore recommend to this Committee that we award the City of Daphne BID 2009-K-Oil & Lubricants to PEPCO.

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

WHT:swc

**CITY OF DAPHNE**  
**BID: 2009-K-OIL & LUBRICANTS**

February 26, 2009  
 11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson  
 Mr. Duke Crutchfield

Sr. Accountant  
 Mechanical Supervisor

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

Mr. Duke Crutchfield opened the bids presented and the bids were read aloud as follows:

Product Description	Quantity/Case Unit	Size	PEPCO (Chevron Products)	Richardson Oil LLC (Chevron Products)	The McPherson Co (Mobile/Exxon Products)	Minto Energy Corp (Mobile/Exxon Products)
CHEVRON SUPREME 5W-20	12	1QT	25.81	32.74	32.73	37.95
CHEVRON SUPREME 5W-30	12	1QT	26.60	32.10	32.73	37.95
CHEVRON SUPREME SYNTHETIC 10 W30	6	1QT	30.16	34.83	34.65	41.95
CHEVRON DELO 400 MULTIGRADE 15W40	12	1QTS	32.95	38.61	35.88	39.50
CHEVRON DELO 400 MULTIGRADE 15 W40	6	1GAL.	65.90	78.61	72.30	77.99
CHEVRON DEXRON 111/MERCON ATF	12	1QT	25.18	32.29	30.12	38.50
CHEVRON MERCON V ATF	12	1QT	38.02	-	41.58	51.75
CHEVRON DELO 400 SAE 30	12	1QT	26.96	35.78	32.04	39.75
CHEVRON 1000 THF	5 Gallon	PAIL.	43.18	63.00	45.15	58.95
CHEVRON RYKON OIL AWISO 68	5 Gallon	PAIL.	38.61	41.78	31.55	69.95
CHEVRON RYKON ISO 32	5 Gallon	PAIL.	38.06	40.93	30.80	69.75
CHEVRON UNIVERSAL GEAR SAE 80W-90	5 Gallon	PAIL.	53.47	64.48	49.40	80.75
CHEVRON UNIVESAL GEAR LUBRICANT	12	1.8LB BOTTLES	36.53	-	48.38	55.90
<b>TOTAL UNIT COST</b>			<b>481.42</b>	<b>495.15</b>	<b>517.31</b>	<b>700.28</b>

*Suzanne Henson, Sr. Accountant*

# TREASURER'S REPORT

As of February 28, 2009

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$14,971,224.76
OPERATING ACCT	COMPASS	(\$570,575.29)
PAYROLL ACCT	COMPASS	(\$1,277.05)
		<u>\$14,399,372.42</u>
<b>AGENCY FUND</b>		
MUNICIPAL COURT	COMPASS	\$352,092.23
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	RBC BANK	\$7,729.29
4 CENT GAS TAX	RBC BANK	\$222,293.54
7 CENT GAS TAX	RBC BANK	\$316,734.04
		<u>\$546,756.87</u>
<b>CAPITAL PROJECTS FUND</b>		
CAPITAL RESERVE	WACHOVIA	\$4,092,125.62
99 WARRANT CONS	REGIONS	\$11,406.21
2006 CONSTRUCTION	WACHOVIA	\$1,705,234.05
		<u>\$5,808,765.88</u>
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	WACHOVIA	\$2,556,684.86
2006 DEBT SERVICE	RBC BANK	\$147,695.90
		<u>\$2,704,380.76</u>
		<u>\$23,811,368.16</u>

**GENERAL FUND**

Summary Statement of Revenues, Expenditures, and  
Changes in Fund Balance- Budgetary Basis  
For the Month Ended January 31, 2009

with comparatives: 1-31-03; 1-31-04; 1-31-05; 1-31-06; 1-31-07; 1-31-08

	1/31/2003	1/31/2004	1/31/2005	1/31/2006	1/31/2007	1/31/2008	1/31/2009	Amended Budget	Budgetary Variance Over/(Under)	% Budget
<b>Revenues</b>										
Sales, Use, & luxury Taxes	2,294,561	2,475,708	2,883,661	3,154,040	3,193,731	3,071,000	2,848,707	11,896,353	(9,047,646)	-76%
Payment in Lieu of Taxes	53,619	98,882	61,537	96,766	84,025	164,413	163,771	2,035,000	(1,871,229)	-92%
Ad Valorem Taxes	2,092,700	2,265,995	2,391,987	2,572,879	2,871,530	2,786,618	3,176,048	3,981,000	(804,952)	-20%
Licenses & Permits	860,477	1,041,997	939,809	1,145,184	642,045	1,445,833	971,875	2,074,000	(1,102,125)	-53%
Other Revenues	300,187	288,669	354,501	553,020	488,530	354,267	380,476	1,263,157	(882,681)	-70%
<b>Total Revenues</b>	<b>5,601,544</b>	<b>6,171,251</b>	<b>6,631,496</b>	<b>7,521,889</b>	<b>7,279,860</b>	<b>7,822,130</b>	<b>7,540,877</b>	<b>21,249,510</b>	<b>(13,708,633)</b>	<b>-65%</b>
<b>Expenditures</b>										
<b>General Government</b>										
Personnel Operating	397,528	426,989	465,478	475,443	499,918	555,620	659,640	2,062,332	(1,402,692)	-68%
Capital	216,243	183,817	170,557	321,382	240,006	207,914	280,586	1,365,972	(1,085,386)	-79%
	26,380	25,350	-	43,875	-	-	-	-	-	#DIV/0!
	642,152	636,156	636,035	840,701	739,924	763,534	940,226	3,428,304	(2,488,078)	-73%
Personnel Operating	1,190,166	1,232,846	1,265,879	1,411,334	1,673,478	2,074,569	2,400,152	7,238,105	(4,837,953)	-67%
Capital	208,593	223,532	198,245	346,538	363,635	359,926	292,142	1,269,668	(977,526)	-77%
	12,553	20,884	-	-	7,686	55,547	64,252	19,187	45,065	235%
	1,411,312	1,477,261	1,464,124	1,757,872	2,044,799	2,490,042	2,766,545	8,526,960	(5,770,415)	-68%
Personnel Operating	556,233	548,789	585,157	582,224	749,924	650,139	759,088	2,467,221	(1,708,133)	-69%
Capital	273,426	229,227	260,714	361,942	351,898	369,590	324,416	1,466,546	(1,142,130)	-78%
	14,030	13,950	-	130,404	31,956	3,320	-	80,350	(80,350)	-100%
	843,689	791,966	845,871	1,074,570	1,133,778	1,023,048	1,083,504	4,014,117	(2,930,613)	-73%
Personnel Operating	238,407	253,911	277,142	289,028	296,886	371,231	401,196	1,337,544	(936,348)	-70%
Capital	156,605	156,213	163,611	156,324	178,948	167,306	170,206	585,422	(415,216)	-71%
	6,591	2,109	31,138	-	200,000	200,000	194,124	192,000	2,124	1%
	401,603	412,232	471,891	445,352	675,834	738,537	765,526	2,114,966	(1,349,440)	-64%
<b>Total Departmental</b>	<b>2,382,334</b>	<b>2,462,534</b>	<b>2,593,656</b>	<b>2,758,030</b>	<b>3,220,205</b>	<b>3,651,559</b>	<b>4,220,077</b>	<b>13,105,202</b>	<b>(8,885,125)</b>	<b>-68%</b>
Personnel Operating	854,867	792,788	793,127	1,186,186	1,134,488	1,104,735	1,067,349	4,687,608	(3,620,259)	-77%
Capital	61,555	62,293	31,138	174,279	239,641	258,867	258,376	291,537	(33,161)	-11%
	3,298,755	3,317,615	3,417,921	4,118,495	4,594,335	5,015,161	5,545,802	18,084,347	(12,538,545)	-69%
<b>Other Financing Sources &amp; Uses</b>										
Debt Proceeds	24,206	-	-	-	-	-	-	-	-	-
Transfers to Debt Service	(995,725)	(517,993)	(690,802)	(690,659)	(1,069,672)	(1,080,595)	(1,089,584)	(2,610,186)	(1,520,602)	58%
Other Transfers & Uses	(156,094)	(100,483)	(122,115)	(75,825)	(83,428)	(84,971)	(84,693)	(558,852)	(474,159)	85%
<b>Total Other Financing Sources/Uses</b>	<b>(1,127,612)</b>	<b>(618,476)</b>	<b>(812,917)</b>	<b>(766,184)</b>	<b>(1,153,101)</b>	<b>(1,165,566)</b>	<b>(1,174,277)</b>	<b>(3,169,038)</b>	<b>(1,994,761)</b>	<b>63%</b>
<b>Total Revenues Over Expenditures</b>	<b>1,175,177</b>	<b>2,235,161</b>	<b>2,400,659</b>	<b>2,637,210</b>	<b>1,532,425</b>	<b>1,641,403</b>	<b>820,798</b>	<b>(3,875)</b>	<b>824,673</b>	
Unreserved Fund Balance, 10-01	2,386,488	3,825,172	4,106,801	5,968,130	8,298,621	10,050,583	10,441,934			
Unreserved Fund Balance, 1-31	3,561,664	6,060,333	6,507,459	8,605,340	9,831,046	11,691,986	11,262,732			

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	807,109.60
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,387.04
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,884.70
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	760,047.93
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	-
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	-
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	-
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	-
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	-
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	-
August	739,993.63	745,320.33	869,818.11	954,421.57	950,539.01	964,626.26	-
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	919,923.79	-
<b>Totals</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>11,871,233.19</b>	<b>11,280,722.57</b>	<b>3,447,429.27</b>

### FY 2009 BUDGET/ACTUAL COMPARISONS

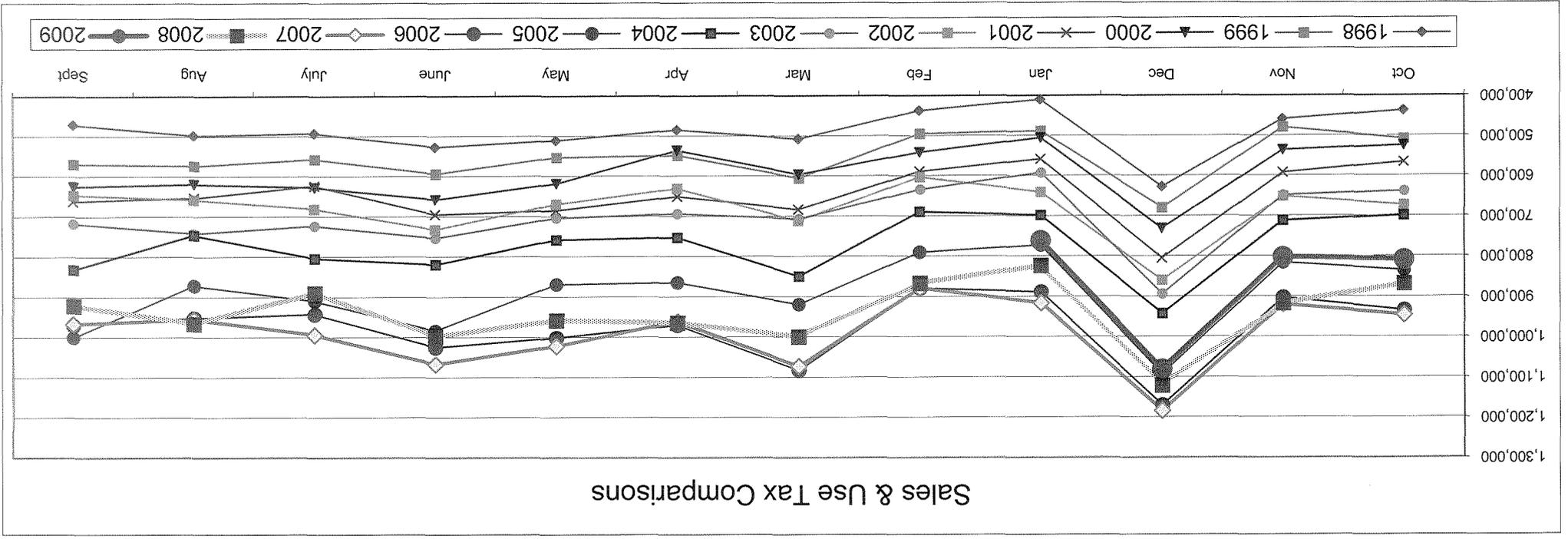
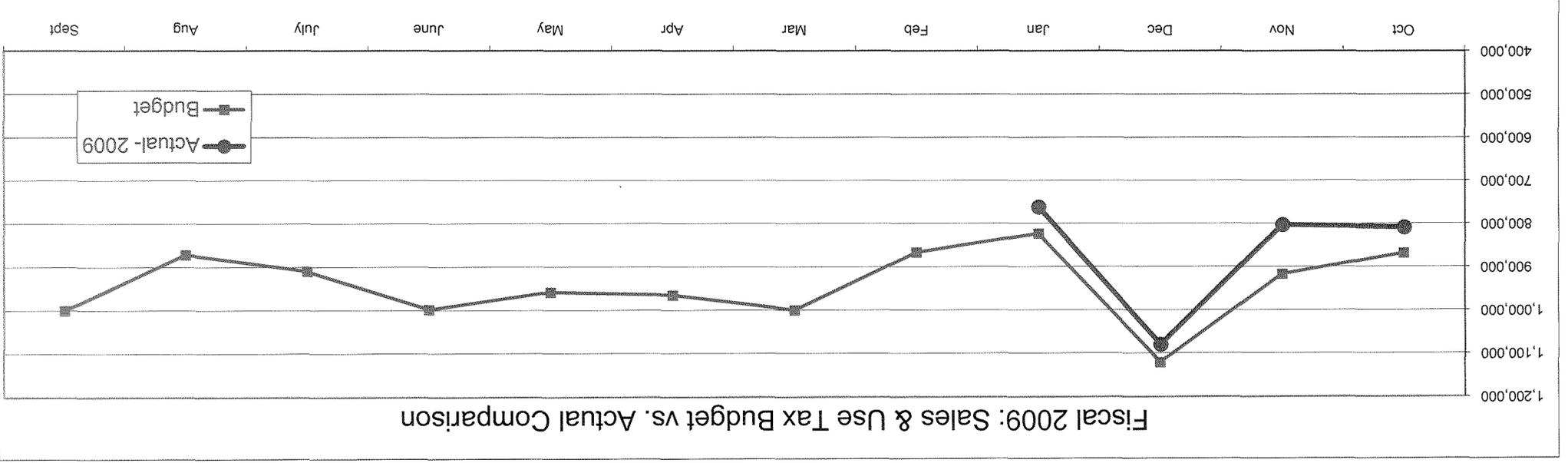
	Actual- 2009	Budget	Monthly Variance	YTD Variance	% of Budget
October	807,109.60	867,190	(60,080.58)	(60,080.58)	-6.93%
November	801,387.04	915,891	(114,503.93)	(114,503.93)	-12.50%
December	1,078,884.70	1,120,005	(41,120.39)	(41,120.39)	-3.67%
January	760,047.93	822,021	(61,972.94)	(61,972.94)	-7.54%
February	-	865,626	-	-	0.00%
March	-	998,616	-	-	0.00%
April	-	963,692	-	-	0.00%
May	-	957,167	-	-	0.00%
June	-	997,274	-	-	0.00%
July	-	908,576	-	-	0.00%
August	-	869,818	-	-	0.00%
September	-	998,476	-	-	0.00%
<b>Totals</b>	<b>3,447,429.27</b>	<b>11,284,353</b>	<b>(777,677.84)</b>		

### FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,080.58)	9.64%	19.47%	11.87%	1.28%	-8.19%	-6.93%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,503.93)	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.50%
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,120.39)	5.49%	15.93%	7.09%	1.21%	-5.29%	-3.67%
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(61,972.94)	18.00%	10.72%	14.98%	3.09%	-10.15%	-7.54%
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	-	8.81%	14.58%	11.32%	-0.02%	-1.41%	-
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	-	20.24%	8.21%	17.86%	-0.94%	-6.81%	-
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	-	8.65%	14.77%	12.24%	-0.89%	0.37%	-
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	-	7.82%	14.50%	15.33%	2.11%	-6.30%	-
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	-	8.71%	20.12%	4.19%	4.13%	-6.49%	-
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	-	11.26%	13.14%	3.61%	5.50%	-10.52%	-
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	-	0.72%	16.70%	9.28%	0.41%	1.07%	-
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(45,183.56)	-	16.02%	20.26%	-3.09%	-0.26%	-4.68%	-
<b>Annual \$ Change</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>168,436.75</b>	<b>(590,510.62)</b>	<b>(277,677.84)</b>	<b>10.21%</b>	<b>15.27%</b>	<b>9.29%</b>	<b>1.44%</b>	<b>-4.97%</b>	

TOTAL collections: FY 08	11,280,723
TOTAL est. bdgt coll: FY 09	11,284,353
Budgeted Dollar Variance 08/09	3,630
Budgeted Percent Variance 08/09	0.03%

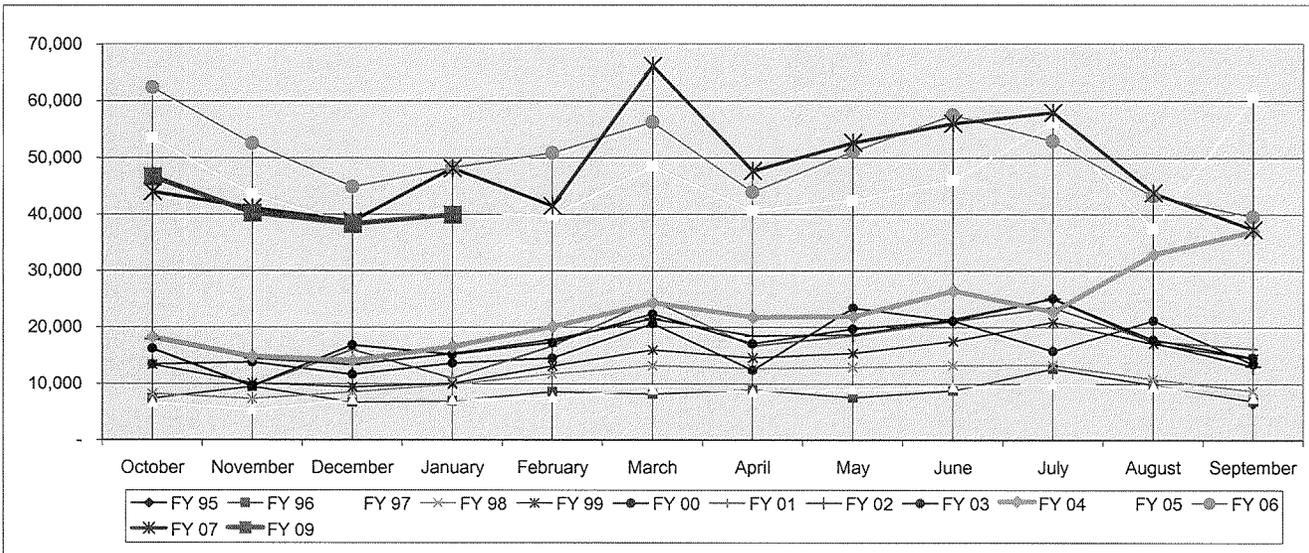
TOTAL collections: 1-31-09	3,447,429
Budgeted: 10-1-08 to 1-31-09	3,725,107
Actual Coll > (<) Budget, 1-31-09	(277,678)
% Over/(Under) Budget, 1-31-09	-7.45%



### Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,800.93
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	
September	<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>	<u>39,398.90</u>	<u>37,180.99</u>	<u>49,698.91</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	601,302.68	573,770.96	591,147.09	164,667.51

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



FY 2009 Budget  
924,600  
% Budget Collected  
1/31/2009  
18%

# NEW BUSINESSES

## February-09

CITY LIMITS		CONTRACTORS	
<b>RETAILERS</b>		TAMRON INC	1
SBD DIABETIC SUPPLIES	1	ROBERT LEE BARBEE	1
THE BEDAZZLING BROOKE	1	JAMES L HENDERSON	1
<b>ALL OTHER</b>		DC LAWN & LANDSCAPE	1
XIULU RUAN	1	DEEP SOUTH IRRIGATION	1
PHYSICIANS' PAIN SPECIALIST	1	LARRY DISHMAN	1
JOHN PATRICK COUCH	1	GREG WILLIAMS ELECTRIC CO	1
WET LOOK	1	BALDWIN FRAMING	1
EXPRESS OIL CHANGE	1	B & T PLUMBING	1
BETTER SPACES HOME STAGING	1	MID-SOUTH ROOF SYSTEMS	1
MBM DETAILING	1	RONALD WILKINS	1
BIMINI BOB'S	1	SECURITY VAULT WORKS, INC	1
DEBRA'S PET STYLES	1	WHITNEY COMPANY, INC	1
JACKSON'S MARKET	1	WESLEY CONSTRUCTION	1
THE ROSE LAW FIRM, PC	1	HARE AND ASSOCIATES INC	1
ARMSTRONG LAW FIRM, INC	1	RCI ELECTRIC	1
EMERGI-CASH	1	DAUGHERTY CONSTRUCTION	1
DAPHMONT CUTS-N-STYLES	1	A D E ELECTRICAL	1
<b>TOTAL INSIDE CITY LIMITS</b>	<b>16</b>	GEOTHERMAL SOLUTIONS, INC.	1
		<b>TOTAL CONTRACTORS</b>	<b>19</b>
<b>OUTSIDE CITY LIMITS</b>		<b>INSURANCE</b>	
HANSON PIPE & PRECAST LLC	1	MIDWEST EMPLOYERS CASUALTY	1
SCENIC REALTY INC	1	AMERICAN CONTRACTORS INDEMNITY	1
HOUGHTON MIFFLIN HARCOURT PUBLISHING	1	BRISTOL WEST INSURANCE CO	1
FIRETROL PROTECTION SYSTEMS	1	SILVERSCRIPT INSURANCE CO	1
VINSON GUARD SERVICE INC	1	THE MEGA LIFE AND HEALTH INS	1
BELL'S TRUCK TRAILER REPAIR	1	GULF COAST TITLE INSURANCE	1
COMPUTER EXPRESS	1	COMPANION COMMERCIAL INS	1
ZIVA DIVA BELLY DANCE	1	CHURCH LIFE INSURANCE	1
SOUTHERN LIVING RESTORATION	1	ESSENTIA INSURANCE CO	1
HCC \$10 QUALITY DETAIL INC	1	CHESAPEAKE LIFE INSURANCE	1
CDI CORPORATION	1	EQUITABLE LIFE & CASUALTY INSURANCE	1
WACHTER NETWORK SERVICE	1	LAFAYETTE LIFE INSURANCE CO	1
GENERAL NUTRITION CORP	1	PROTECTIVE INSURANCE COMPANY	1
EVANS ANNING CO	1	LINCOLN BENEFIT LIFE CO	1
SAVE YOUR GLASS	1	<b>TOTAL INSURANCE</b>	<b>14</b>
DYNAMIC SECURITY INC	1	<b>TOTAL NEW BUSINESSES</b>	
LEASE SERVICES	1	<b>CLOSED BUSINESSES IN DAPHNE</b>	
LAWN MASTERS LLC	1	BALI TEAK FURNITURE & MORE	1
BEACH'N LAWN MAINTENANCE	1	CHILD OF MINE	1
FUTURE HEALTH CONCEPTS, INC	1	CHECKERS	1
HENKEL CORP	1	VIRTUAL SALON	1
BAMA STEEL, LLC	1	DREAM CATCHER BEDDING	1
METAL BUILDING SOFTWARE	1	ATHENS CAFÉ	1
QLT CONSUMER LEASE SERVICES	1	<b>TOTAL BUSINESSES CLOSED IN DAPHNE</b>	<b>6</b>
TECHKNOW INC	1		
DISCOUNT LOCKSMITH	1		
GEOTECHNICAL ENGINEERING TESTING INC	1		
ALL ABOUT SHUTTERS & MORE LLC	1		
TRILOGY LEASING CO, LLC	1 <sup>67</sup>		
<b>TOTAL OUTSIDE CITY LIMITS</b>	<b>29</b>		

## Buildings and Property Committee Minutes

Friday, March 6, 2009

10:00 a.m.

City of Daphne

City Hall

Committee

Councilman John Lake, Chairman

Mayor Fred Small-Absent

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Meeting

Councilman Palumbo and Ms. Mickey Boykin discussed the lease agreement for the Daphne Museum/Methodist Church. Councilman Palumbo stated that the lease agreement should be reviewed once again by the Museum committee and then be forwarded to the city attorney who in turn will send it to the church committee to obtain approval. Council Palumbo stated that when all changes are approved the document will go to the City Council for approval.

The Committee discussed two painting bids for the museum to paint and make repairs to the exterior walls, windows, doors, steeple, lattice, and glaze windows. One bid was from MCP painting and Drywall in the amount of \$5,000.00 and the other bid was from Professional Painting Services in the amount of \$6,120.00. **Motion** by Councilman Palumbo to send the bids to the Finance Committee. **Seconded** by Councilman Lake. **Motion Approved.**

Mr. Frank Barnett, Maintenance Supervisor, discussed the Civic Center roof and that it is in need of repair and replacement in places. Councilman Lake requested that Mr. Barnett contact the manufacturer of the roofing products that have failed to try to obtain some sort of relief for the failure of their products. Councilman Lake stated that this is a 20 year roof that failed in 12 years. **Motion** by Councilman Palumbo to authorize the cost to write the specifications to reroof the east section of the Civic Center. **Seconded** by Councilman Lake. **Motion Approved.**

Councilman Palumbo requested that Mr. Barnett look into putting chair rail moulding around certain meeting rooms at City Hall to prevent the walls from becoming damaged.

The meeting closed at 10:45 a.m.

MCP PAINTING & DRYWALL  
P.O. BOX 1064  
MONTROSE, ALABAMA 36559  
(251) 928-6575 / (251) 929-1418 FAX

February 11, 2009

City of Daphne  
Public Works Dept.  
Mr. Frank Barnett  
Daphne, AL 36526

RE: Daphne Museum & Methodist Church, Drwyer Avenue, Daphne, Alabama

MCP Painting & Drywall proposes to furnish all labor, materials and insurance necessary to complete the following scope of work:

**Scope of Work: Exterior Painting of the Daphne Museum as follows...**

1. Wash, prep, repair wood as necessary and paint the exterior walls, windows, doors, steeple & lattice, to match the existing colors.

Total Base Bid - \$4,500.00

2. Alternate #1 – Glaze windows \$500.00 (add to base bid if approved)
3. Four working days to complete.

Respectfully,



Dago Caprara  
Project Manager  
(251) 680-6309

\$5000.00

# Professional Painting Services

3070 Western Woods Drive  
 Mobile, Al 36618  
 (251) 654-5777  
 Fax (251) 649-5714

## PROPOSAL

Proposal #: <b>1665</b>
Sheet #: 1 of 1
Date: <b>02/13/09</b>

**PROPOSAL SUBMITTED TO:**

**LOCATION OF WORK TO BE PERFORMED:**

Name: Division of Public Works c/o Frank Barnett	Address: 405 Dryer - Old Methodist Church & Museum
Address: 26435 Public Works Rd.	City & State: Daphne, Al 36526
City & State: Daphne, Al 36526	Date of Plans:
Phone #: 621-3182      379-6776 cell      621-3189 fax	Architect:

**We hereby propose to furnish the materials and perform the labor necessary for the completion of the exterior preparation & painting of Museum.**

**Work will consist of:**

- 1. Chemically treat mildew & pressure wash all surfaces to be painted.**
- 2. Repair two damaged windows on North side.**
- 3. Scrape & sand loose / peeling paint.**
- 4. Remove loose window glazing & condition raw wood with linseed oil.**
- 5. Re-glaze windows as needed.**
- 6. Prime new work & bare surfaces with BLP 5-6 (or brand of choice) exterior oil base primer.**
- 7. Install backer rod & caulk as needed to ensure a moisture seal.**
- 8. Match existing colors & apply two coats of BLP Weather Tite (or brand of choice) satin.**
- 9. Work site areas & job related debris will be maintained & disposed of daily.**

***Professional Painting will furnish a 60ft. Lift for the preparation & painting of steeple.***

**References are attached.**

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

Six thousand one hundred twenty Dollars      **\$6,120.00**

**With payments to be as follows:**

Upon completion.

*Any alteration or deviation from above specifications including extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.*

Respectfully submitted \_\_\_\_\_  
 B. Keith Oliver

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

### ACCEPTANCE OF PROPOSAL

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

Date:

Signature:

# Permit Summary

2009-03-02

---

## BL - BUILDING PERMIT

---

Total Fees Collected:	\$5,792.00
*JOB COST*	\$715,310.00
Total Number of 'BL' Permits Issued during 02/2009 :	37

---

Total Fees Collected:	\$5,792.00
*JOB COST*	\$715,310.00
Total Number of 'BL' Permits Issued:	37

---

## EL - ELECTRICAL PERMIT

---

Total Fees Collected:	\$1,665.50
	\$67,100.00
Total Number of 'EL' Permits Issued during 02/2009 :	12

---

Total Fees Collected:	\$1,665.50
	\$782,410.00
Total Number of 'EL' Permits Issued:	12

---

## ME - MECHANICAL PERMIT

---

Total Fees Collected:	\$699.93
	\$6,747.00
Total Number of 'ME' Permits Issued during 02/2009 :	8

---

Total Fees Collected:	\$699.93
	\$789,157.00
Total Number of 'ME' Permits Issued:	8

---

## PL - PLUMBING PERMIT

---

Total Fees Collected:	\$1,381.50
	\$27,500.00
Total Number of 'PL' Permits Issued during 02/2009 :	9

---

Total Fees Collected:	\$1,381.50
	\$816,657.00
Total Number of 'PL' Permits Issued:	9

---

Grand Total Fees Collected:	\$9,538.93
Grand Total Job Cost:	\$816,657.00
Grand Total Number of Permits Issued:	66

---

# Revenue Summary Report By Type and Code

2009-03-02

Transaction Date Between: 02/01/2009 And 02/28/2009

Type	Code	Code Description	Gross Revenue	Remitted Disc.	Net Revenue
Permit	BL	BUILDING PERMIT	\$5,792.00	\$0.00	\$5,792.00
	EL	ELECTRICAL PERMIT	\$1,665.50	\$0.00	\$1,665.50
	ME	MECHANICAL PERMIT	\$699.93	\$0.00	\$699.93
	PL	PLUMBING PERMIT	\$1,381.50	\$0.00	\$1,381.50
<b>Total For Permit(s)</b>			<b>\$9,538.93</b>	<b>\$0.00</b>	<b>\$9,538.93</b>
<b>Grand Total</b>			<b>\$9,538.93</b>	<b>\$0.00</b>	<b>\$9,538.93</b>

City of Daphne

Periodic Report of Permits Issued by Occupancy

03/02/2009

Issue Date: -

Applied Date: 2009-02-01 - 2009-02-28

		Code	Permit Count	# of Units	Valuation	Permit Fee
<b>BUILDING PERMIT</b>						
<i>Residential</i>						
R1	SITE	BL	1			\$50.00
	POOL	BL	1		\$24,293.00	\$140.00
R3	SITE	BL	6			\$300.00
	SCREEN PORCH	BL	1		\$14,167.00	\$90.00
	REPAIR	BL	1		\$12,000.00	\$75.00
	REMODEL	BL	2		\$44,000.00	\$250.00
	RE-ROOF	BL	4		\$27,880.00	\$205.00
	ADDITION	BL	1		\$1,500.00	\$25.00
	POOL	BL	1		\$26,450.00	\$150.00
	VINYL SIDING	BL	1		\$20,000.00	\$115.00
	STORAGE BUILDING	BL	1		\$2,000.00	\$25.00
<i>Non-Residential</i>						
B2	STORAGE BUILDING	BL	1		\$5,000.00	\$180.00
<b>Total - BUILDING PERMIT</b>			<b>21</b>		<b>\$177,290.00</b>	<b>\$1,605.00</b>
<b>ELECTRICAL PERMIT</b>						
<i>Residential</i>						
R3	SITE	EL	1			\$110.00
<b>Total - ELECTRICAL PERMIT</b>			<b>1</b>			<b>\$110.00</b>
<b>Grand Total</b>			<b>22</b>		<b>\$177,290.00</b>	<b>\$1,715.00</b>

# CERTIFICATE OF OCCUPANCY

FEBRUARY      2009

<u>OWNER</u>	<u>ADDRESS</u>	<u>SUBDIVISION</u>	<u>PERMIT</u>	<u>DATE</u> <u>CLOSED</u>
J A MACLAY	30355 GREEN CT	TIMBERCREEK	08-510	2/4/2009
COLONY HOMES	24667 CHANTILLY	BELLATON	08-711	2/6/2009
GULF COAST TELECO	26244 EQUITY DRIVE	COMMERCIAL	08-689	2/6/2009
COLONY HOMES	9823 EVANSTON	BELLATON	08-720	2/25/2009
J D HAMILTON	103 CHATWOOD CIRCLE	LAKE FOREST	08-1046	2/26/2009
JOHNNY LANGENBACH	8851 RAND AVENUE	COMMERCIAL	07-975	2/27/2009
HERITAGE HOMES	116 MEADOW CIRCLE	LAKE FOREST	08-1078	2/27/2009

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

CASE NO. 2009-2

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. March 5, 2009 (initial) WJ  
DATE FORWARDED TO POLICE DEPT. March 5, 2009 WJ  
DATE RECEIVED BY POLICE DEPT. 3/5/09 WJ  
DATE: APPROVED  DISAPPROVED   
POLICE DEPT SIGNATURE [Signature]  
DATE RETURNED TO REVENUE DIV. 3/5/09 WJ  
DATE FORWARDED TO CITY CLERK 3/6/09 WJ  
DATE RECEIVED BY CITY CLERK 3/6/09 RH  
SCHEDULED DATE ON AGENDA 3/16/09 RH

Council Action:  APPROVED  DISAPPROVED  TABLED

COMMENTS: \_\_\_\_\_

Rescheduled for Council Agenda Date: \_\_\_\_\_

Council Action:  APPROVED  DISAPPROVED  TABLED

COMMENTS: \_\_\_\_\_

DATE RETURNED TO REVENUE DIV.: \_\_\_\_\_

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



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**  
**Confirmation Number: 20090305094527111**



Type License: 020 - RESTAURANT RETAIL LIQUOR      State: \$300.00    County: \$400.00  
Type License:      State:      County:  
Trade Name: **BIMINI BOBS**      Filing Fee: \$50.00  
Applicant: **RGB SPANISH FORT LLC**      Transfer Fee:  
Location Address: 29249 HWY 98    DAPHNE, AL 36526  
Mailing Address: 160 ST EMANUEL ST    MOBILE, AL 36602  
County: **BALDWIN**    Tobacco sales: **NO**      Tobacco Vending Machines:  
Sale of Products Containing Ephedrine: **NO**      Type Ownership: **LLC**  
Book, Page, or Document info: **BOOK 6059 PAGE 445**    Do you sell Draft Beer: **Y**  
Date Incorporated: 10/11/2006    State incorporated: **AL**      County Incorporated: **MOBILE**  
Date of Authority: 10/11/2006

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

ROBERT G BAUMHOWER 4040388 - AL	MEMBER	08/04/1955 PORTSMOUTH VA	21201 ARYSHIRE LN FAIRHOPE, AL 36532

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? **YES**  
Does ABC have any actions pending against the current licensee? **NO**  
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? **NO**  
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? **NO**  
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? **YES**  
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? **NO**  
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? **NO**  
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? **NO**

Contact Person: **STEVE ZUCKER**      Home Phone: 251-625-2778  
Business Phone: 251-583-3262      Cell Phone:  
Fax:      E-mail:

PREVIOUS LICENSE INFORMATION:      Previous License Number(s)  
Trade Name: **D'OLIVE BAYWOOD FIRED GRILL**    License 1: 020-001318002-000  
Applicant: **PERDIDO KEY INVESTMENT GROUP, LLC.**    License 2:



**STATE OF ALABAMA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20090305094527111

If applicant is leasing the property, is a copy of the lease agreement attached? YES  
 Name of Property owner/lessor and phone number: SPRIGGS ENTERPRISES INC 251-990-0584  
 What is lessors primary business? REAL ESTATE  
 Is lessor involved in any way with the alcoholic beverage business? NO  
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES  
 Is the business used to habitually and principally provide food to the public? YES  
 Does the establishment have restroom facilities? YES  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO  
 Building Dimensions Square Footage: 6700 Display Square Footage:  
 Building seating capacity: 150 Does Licensed premises include a patio area? YES  
 License Structure: ONE STORY License covers: ENTIRE STRUCTURE  
 Number of licenses in the vicinity: 5 Nearest: .25  
 Nearest school: 2 miles Nearest church: 1 miles Nearest residence: 2 blocks  
 Location is within: CITY LIMITS Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**  
**Confirmation Number: 20090305094527111**



**Initial each**

**Signature page**

AB  
AB

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

AB  
AB

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

AB  
AB

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

AB  
AB

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

AB  
AB

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

AB  
AB

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

AB  
AB

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

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

AB  
AB

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

X Applicant Name (print): Robert Baumhoer

X Signature of Applicant: [Handwritten Signature]

Notary Name (print): Charlotte Jensen

Notary Signature: [Handwritten Signature]

Commission expires: 06/04/2012

Application Taken: 3/5/09 App. Inv. Completed:  
 Submitted to Local Government: 3/5/09  
 Received in District Office: Reviewed by Supervisor:

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

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Bayside Medical Missions</i>
<b>CONTACT PERSON:</b>	<i>Flor Fellers</i>
<b>ADDRESS:</b>	
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b> <b>CELL NUMBER:</b>	<i>928-4248</i> <i>928-1929</i>
<b>TYPE OF PARADE:</b>	<i>5K &amp; 1 Mile Run</i>
<b>DATE OF PARADE:</b>	<i>December 5, 2009</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>See Attached Map</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>300</i>
<b>START TIME:</b>	<i>8:00 A.M.</i>
<b>STOP TIME:</b>	<i>11:00 A.M.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Frame Corner on Main St. &amp; College Ave.</i>
<b>ASSEMBLY TIME:</b>	<i>7:45 A.M.</i>
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE APPLIED:</b>	<i>February 25, 2009</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	<i>David Carpenter</i>
<b>FIRE: Chief James White</b>	<i>James White</i>
<b>PUBLIC WORKS: Bill Eady</b>	<i>William Heady 3-4-09</i>
<b>CITY COUNCIL APPROVAL: 3/16/09</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>February 25, 2009</i>
<b>NOTIFICATION:</b>	



**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

**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:**

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# Daphne Utilities

# APPROVED MINUTES

## Utilities Board Meeting

City of Daphne Council Chambers ♦ January 28, 2009 ♦ 5:00 p.m.

### I. CALL TO ORDER

The January 28, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:01 p.m.

### II. ROLL CALL

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

**Others Absent:**

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

**Others Absent:** Ray Moore – HMR

### III. PLEDGE OF ALLEGIANCE

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

### IV. APPROVAL OF MINUTES

**a. Utilities Board Minutes from January 7, 2009 (December 2008 meeting):**

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the January 7, 2009, Utilities Board meeting.

**MOTION BY Mr. Johnston to approve the January 7, 2009; Seconded by Mayor Small.**

**AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA, SMALL**

**ABSENT:**

**MOTION CARRIED**

**b. Utilities Board Minutes from January 12, 2009 Special Meeting:**

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the January 12, 2009, Utilities Board special meeting.

**MOTION BY Mayor Small to approve the January 12, 2009; Seconded by Mr. Johnston.**

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

**V. OLD BUSINESS**

**a. 19 Acres – Daphne Utilities property** – no new information was reported.

**b. Items in Abeyance**

1. **Gas Franchise Agreement** – no new information was reported.
2. **Capacity Fee Study** – Mr. McElroy stated this will be reported on along with the rate study being currently reviewed.
3. **Park City Service Agreement** – Mr. McElroy updated the Board regarding the Northfork Apartment complex that an agreement had been signed by Park City Water Authority and advised that signature by Daphne Utilities Board is requested at this meeting.

**VI. New Business**

**a. Resolution to Amend Certain portions of Resolution 1986-3, which was adopted by the Utilities Board on September 1, 1986; and Resolution 2003-01, which was adopted by the Utilities Board on September 1, 2003.**

Mr. Lyndall explained to the Board the necessity of amending the method of calculating commercial capacity fees. A discussion followed regarding the calculation method relative to different meter sizes. It was agreed to approve the Resolution as presented and if necessary, amend it accordingly.

**b. Proposed Wastewater Legislation**

Mr. Lyndall addressed the Board regarding the information on the Proposed Wastewater Legislation that will be introduced at the Regular Session as written will impact Daphne Utilities, if passed. Mayor Small suggested Mr. McElroy and Mr. Lyndall attend the “Coffee with the Mayor” event the next day in order to possibly discuss this piece of legislation with Randy Davis and Joe Faust. Chairman Segalla advised that he thought the purpose of the legislation is well-intended, but the application is inadequate and expressed his disapproval of the legislation. Mayor Small reiterated the impact this will have on Daphne Utilities as well as the Daphne Planning Commission.

**VII. BOARD ATTORNEY’S REPORT**

Mr. Speegle had nothing further to add to his report. Mr. Johnston inquired as to the remaining issues with the Park City Water Authority. Mr. McElroy advised that with the help of Alabama Rural Water Association and ADEM, the subject of the joint billing will be forthcoming. Mr. Johnston stated that it is disappointing that at 37 months from the first entry that this topic continues to be discussed. Mr. McElroy stated that a sewer cutoff policy will be in draft form for February’s Board meeting and that working out the joint billing with Park City Water does not address the sewer problems that exist even in the Belforest area. Mr. Jenkins asked if there is a way to know what amount customer owes. Mr. McElroy explained that our office knows exactly what they owe and a policy is already in place for cutoff for Daphne Utilities water customers. He further explained that the intent is to have a similar policy apply for sewer customers as water customers, which is generally 3 months. Mr. Scott stated that the Daphne City Council passed a resolution at a most recent council meeting that calls for a letter from the City attorney to be distributed to delinquent account holders relative to past-due garbage bills allowing for payment arrangements within a certain period of time and that citations are issued for non-compliance.

**VIII. FINANCIAL REPORT**

Teresa Logiotatos reviewed the financial report for December 2008 with the Board and noted that the Utilities are very close to the projected budget on the net income for year to date. She stated that there are no other issues of concern other than the two discussed last month relating to the decreased interest income and capacity fees and that both categories were being monitored. She compared the figures for sewer, water, irrigation and gas revenues without including capacity fees from October through December 2008 to present figures and noted that these metered services are higher than last year. She had nothing further to highlight. Mayor Small inquired about increased bank charges. She indicated that the interest income that previously covered these charges in addition to earning an income has decreased and is becoming an expense but has not become a large amount at this point.

**IX. GENERAL MANAGER'S REPORT**

**a. GM Report**

Rob McElroy had nothing further to add to his report

**b. Operations Report**

Danny Lyndall had nothing further to add to his report. Mr. Johnston asked what happens when a grease-trap violation occurs. Mr. Lyndall explained that a previously-passed resolution relative to the grease-trap ordinance allowed for fines as well as for cutting off the water for non-compliance, however none of these actions have been required.

Melinda Immel of Volkert & Associates updated the Board regarding the stimulus package and her contact with Congressman Bonner's office. She stated that the legislative body is creating the funds and where those funds will be allocated. She indicated that her sources have indicated that these funds will be channeled through ADECA.

Mr. Lyndall addressed the Board on behalf of HMR's Ray Moore who was unable to attend the meeting.

**X. PUBLIC PARTICIPATION – none**

**XI. BOARD ACTION –**

- a. Resolution 2009-01 – Amend Certain Portions of Resolution 1986-3, which was Adopted by the Utilities Board on September 1, 1986; and Resolution 2003-01, which was Adopted by the Utilities Board on September 1, 2003.**

**MOTION BY Mayor Fred Small to approve Resolution 2009-01, to Amend Certain Portions of Resolution 1986-3, which was Adopted by the Utilities Board on September 1, 1986; and Resolution 2003-01, which was Adopted by the Utilities Board on September 1, 2003. Seconded by Ron Scott.**

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

- b. RESOLUTION 2009-02 – Vote to Approve Park City Water Sale Agreement**

Chairman Segalla commented to highlight the consistent cooperation of Daphne Utilities with the Park City Water Authority;

**MOTION BY Ron Scott to approve the Park City Water Sale Agreement; Seconded by Mayor Fred Small.**

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

**XII. BOARD COMMENTS –**

Chairman Segalla also gave a timeline of the documented support given by Daphne Utilities to Park City Water Authority. Mayor Small suggested enlightening the Daphne City Council with this information at an upcoming Council work session.

Mr. Scott suggested to the Board that a new member manual be available for future board members relating to liability insurance, duties, etc. Chairman Segalla agreed and stated that he would compile information he has assembled during his terms on the Board and will have it distributed. Mr. McElroy informed the board that a binder of information containing board policies, Alabama Open Meetings Act, Certificate of Incorporation and Bylaws and previous resolutions have been provided to Mr. Bo White and Mr. Jenkins at the start of their terms. Chairman Segalla stated that he would provide the information he had available. Mr. Jenkins stated that he did receive the information provided by Mr. McElroy but that personal liability was not included in that information. He also restated his view on the implementation of the employee suggestion boxes and that the Human Resources department should administer this procedure. Mr. McElroy advised that he previously met with all the Supervisors discussing this course of action and that it is a continuing dialog with them and that the boxes will be installed by the next board meeting.

**XIII. ADJOURNMENT–**

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

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

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION NO. 2009-18  
2009-K-OIL & LUBRICANTS**

**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 OIL & LUBRICANTS will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the OIL & LUBRICANTS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the OIL & LUBRICANTS be awarded to Petroleum Energy Products Co. (PEPCO).

**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 Petroleum Energy Products Co. (PEPCO) for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2009-K-OIL & LUBRICANTS.

Product Description	Quantity/Case Unit	Size	PEPCO (Chevron Products)
CHEVRON SUPREME 5W-20	12	1QT	25.81
CHEVRON SUPREME 5W-30	12	1QT	26.60
CHEVRON SUPREME SYNTHETIC 10 W30	6	1QT	30.16
CHEVRON DELO 400 MULTIGRADE 15W40	12	1QTS	32.95
CHEVRON DELO 400 MULTIGRADE 15 W40	6	1GAL.	65.90
CHEVRON DEXRON 111/MERCON ATF	12	1QT	25.18
CHEVRON MERCON V ATF	12	1QT	38.02
CHEVRON DELO 400 SAE 30	12	1QT	26.96
CHEVRON 1000 THF	5 Gallon	PAIL.	43.18
CHEVRON RYKON OIL AWISO 68	5 Gallon	PAIL.	38.61
CHEVRON RYKON ISO 32	5 Gallon	PAIL.	38.06
CHEVRON UNIVERSAL GEAR SAE 80W-90	5 Gallon	PAIL.	53.47
CHEVRON UNIVESAL GEAR LUBRICANT	12	1.8LB BOTTLES	36.53

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed: \_\_\_\_\_

**Fred Small, Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**RESOLUTION 2009-19**

**Fiscal 2009 Boys and Girls Club Contribution**

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

**WHEREAS**, the City of Daphne has made appropriations in its Fiscal 2009 Budget for the benefit of certain community agencies and events; and

**WHEREAS**, the Boys and Girls Club is one such agency.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions in the amount of \$11,167 to the 2009 Daphne Boys and Girls Club as appropriated in the Fiscal Year 2009 Budget.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**RESOLUTION 2009-20**

**Fiscal 2009 Baldwin County Housing Alliance Contribution**

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

**WHEREAS**, the City of Daphne has made appropriations in its Fiscal 2009 Budget for the benefit of certain community agencies and events; and

**WHEREAS**, the Baldwin County Housing Alliance is one such agency.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions in the amount of \$20,000 to the Baldwin County Housing Alliance with undesignated appropriations in the Fiscal Year 2009 Budget.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk

**ORDINANCE 2009-14**  
**Police Vehicle Replacement Appropriation**

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

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

**WHEREAS**, on February 19, 2009, police vehicle #504 was involved in an accident; and

**WHEREAS**, the City's insurance carrier has deemed the 2004 Ford Crown Victoria vehicle to be "totaled" as a result of such collision; and

**WHEREAS** such vehicle is required in order to meet public safety requirements.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 13,115 for the replacement of the 2004 Ford Crown Victoria.

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

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**ORDINANCE 2009-15**

**An Ordinance Appropriating Funds:  
Solid Waste Worker Sr Classifications**

**WHEREAS**, the Fiscal 2009 budget includes a combined total of nine Solid Waste Worker Senior positions in the Solid Waste, Garbage, and Recycling department budgets; and

**WHEREAS**, there are currently twelve solid waste, garbage, and recycling vehicles in operation; and

**WHEREAS**, in order to operate such vehicles a Commercial Driver's License ("CDL") is required; and

**WHEREAS**, a factor differentiating a Senior Worker from a Solid Waste Worker is the possession of a CDL; and

**WHEREAS**, it has come to the attention of management that there are not enough Solid Waste Senior positions included in the budget to equal the number of garbage, recycling, and solid waste vehicles in operation and thus some employees are not receiving the compensation they deserve for holding a CDL and operating such equipment; and

**WHEREAS**, the Fiscal 2009 cost to properly classify the three employees currently classified as Solid Waste Workers, but holding a CDL and operating such equipment that requires such CDL is \$ 14,034.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that a combined total of three Solid Waste Worker positions in Solid Waste, Garbage, and Recycling be reclassified as Solid Waste Worker Seniors and that \$ 14,034 is hereby appropriated for such reclassification. Such reclassification shall not increase the number of authorized positions; the number of authorized Solid Waste Worker Senior positions shall increase from 9 to 12 and the number of Solid Waste Worker positions shall decrease from 11 to 8.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**John Lake, Council President**

Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**

Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**ORDINANCE 2009-16**

**Capital Reserve Appropriation  
Trionne Soccer and Football Complex Phase I**

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

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

**WHEREAS**, Resolution 2008-66 heretofore awarded the bid for the Trione Soccer and Football Complex Phase I to James Brothers Excavating Inc; and

**WHEREAS**, such bid award totaled \$ 837,218 and included an additional Capital Reserve appropriation in the amount of \$ 147,731; and

**WHEREAS**, subsequent to the execution of such contract, certain change orders relating to the parking lot and irrigation are required; and

**WHEREAS**, the net cost of such change orders is \$ 14,059; and

**WHEREAS**, such additional cost is not included in the budget for the project.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a Capital Reserve appropriation in the amount of \$ 14,059 for the execution of change orders for the Trione Soccer and Football Complex Phase I and the Mayor is hereby authorized to execute such change orders on behalf of the City.

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

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**ORDINANCE NO. 2009 - 17**

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

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

**Legal Description:**

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

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

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

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

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

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**ORDINANCE NO. 2009 - 18**

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

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

**Legal Description:**

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

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

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

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

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

\_\_\_\_\_  
**John Lake, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2009-19**

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

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

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

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

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

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

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

**SECTION I: ZONING DISTRICT MAP**

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

**SECTION II: REPEALER**

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

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009.**

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**JOHN LAKE,**  
**COUNCIL PRESIDENT**  
Date and Time Signed:

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**FRED SMALL,**  
**MAYOR**  
Date and Time Signed:

**ATTEST:**

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

*CITY OF DAPHNE*

*Zone & Street Map  
Edits*

*July 1, 2008 – January 1, 2009*



*The Jubilee City*

*Prepared by: Nancy Anderson, GIS Manager, City of Daphne Community Development  
January 09, 2009*

**CITY OF DAPHNE ZONE MAP & STREET MAP CHANGES**  
**July 2008 – January 2009**

This report corresponds to the Zone & Street map edits for the period of July 1, 2008 – January 1, 2009. The red numbers on the left-hand margin of this report serve as a key to the map & should be used to identify the particular edit on the map. These edits are further identified on the map by stick-on arrow indicators, with the corresponding assigned number written in a circle above or beside the arrow.

The date displayed at the end of each line of this report is either the date of the Planning Commission Meeting, in which the project was approved or the date the City Council signed the approval ordinance or resolution for the given project.

**SUBDIVISIONS:**

- #1) **Ephraim** – Wilson Av @ Watts Ln, 3 lots, 14.55 Acres +/- 07/24/08
- #2) **Bay Community Church** – Hwy 90 & 181 – 1 lot, 15.34 Acres +/- 07/24/08
- #3) **Powers Real Estate Venture** – East of Hwy 181, N of Oldfield, ET Jurisdiction – 2 lots, 59.6 Acres +/- 07/24/08
- #4) **Indigo Place** –NW of Whispering Pines & Parker Ln intersection –5 lots, 2.34 Acres +/- 08/28/08
- #5) **The Estates of Tiawasse** – off County Road 13 – 38 lots, 49.84 Acres +/- 09/25/08
- #6) **Ephraim, Re-Sub Lot 2** – Wilson Av @ Watts Ln – 5 lots, 4.68 Acres +/- 10/23/08
- #7) **Handy Lock Self Storage Re-Subdivision** – Hwy 98 & Cnty Rd 64 – 2 lots, 5.03 Acres +/- 10/23/08
- #8) **Consolidated Acres 2** – S of Milton Jones & Hwy 181, ET Jurisdiction – 3 lots, 8.08 Acres +/- 10/23/08
- #9) **Baldwin Family Division** – Hwy 98 & Hall's Ln – 4 lots, 1.51 Acres +/- 10/23/08
- #10) **St Augustine, Ph 1A** – Rigs by Rd, ET Jurisdiction – 26 lots, 21.36 Acres +/- 11/20/08
- #11) **Re-sub Lot 2 Medical Office & Cancer Ctr** – Hwy 90 – 2 lots, 18.4 Acres +/- 11/20/08
- #12) **Springs at Eastern Shore** – Hwy 98 & Johnson Rd – 1 lot, 19.85 Acres +/- 11/20/08
- #13) **Daphne Business Park, Unit 3** – Hwy 98 & Johnson Rd – 1 lot, 19.85 Acres +/- 11/20/08
- #14) **Klassic Kar Wash** – exempt re-plat of boundaries – 12/18/08

**REZONE:**

- #15) **Ordinance # 2008-44** – Big Sandy, LLC – from R-4 to B-2- City Council 07/21/2008
- #16) **Ordinance # 2008-47** – Madison Pl ,portion of Ph 3 & 4 – from R-3 to R-4,( high density,single family) - City Council 07/21/2008
- #17) **Ordinance # 2008-66** – Ashley Gates, Ph 1 & 2 – from B-2 to R-4, (high density, multi-family) - City Council 12/01/2008