

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
APRIL 18, 2005**

1. CALL TO ORDER

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

3. APPROVE MINUTES: April 4, 2005

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes meeting held April 11th

a.) Prepaid Travel: / Resolution 2005-27

- 1.) Betty Stevens/Court Magistrate/Certification Training / 5/11-13/05/Tuscaloosa, AL
- 2.) Billy Crutchfield/Mechanical Maintenance Supervisor / Waste Expo / 5/2-6/05/Las Vegas, NV
- 3.) Clement Conaway/solid Waste Supervisor/ Waste Expo / 5/2-6/05 / Las Vegas, NV

b.) Bid Awards:

- 1.) Fuel / Resolution 2005-28
- 2.) Horticulture Chemicals / Resolution 2005-29
- 3.) PDRadio console Equipment / Resolution 2005-30
- 4.) Oil & Lubricants / Resolution 2005-31

c.) Approve new Bank Account – “Flexible Spending Plan” / Resolution 2005-32

d.) New Appropriations:

- 1.) Emergency Road Repairs / Ordinance 2005-16
- 2.) County Road 13 Improvements / Ordinance 2005-13
- 3.) City of Foley USEPA Special Appropriations Grant / Ordinance 2005-19
- 4.) Building Inspector / Ordinance 2005-18
- 5.) Spanish Fort High School / Ordinance 2005-20
- 6.) General Fund: Ordinance 2005-17

a.) May Day Park Survey & Master Plan

b.) Legislative Contracted Services

Four Cent Gas Tax Fund: Ordinance 2005-17

a.) Old county Road Traffic Striping

b.) Street Striping

e.) Financial Reports:

- 1.) Treasurers Report / March 31, 2005
- 2.) Sales Tax Collection / February 28, 2005
- 3.) Lodging Tax Collections / February 28, 2005
- 4.) General Funds Budgetary Statement / February 28, 2005

B. BUILDINGS AND PROPERTY COMMITTEE- Lake

Review minutes meeting held April 1st

C. PLANNING/ZONING/CODE ENFORCEMENT - Barnette

D. PUBLIC SAFETY/ORDINANCE COMMITTEE- Burnam

Review minutes meeting held April 5th

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady
- B. Downtown Redevelopment Authority -Barnette
- C. Industrial Development Board - Yelding
- D. Library Board – Lake
 Review minutes meeting held March 14th
 Review minutes meeting held April 11th
- E. Planning Commission – Barnette
 Review minutes meeting held March 24th
- F. Recreation Board - Burnam
- G. Utility Board B Scott

6. REPORTS OF THE OFFICERS:

- A. *Mayors Report*
 - a.) *Supporting the Baldwin County Commission with Regard to Connecting County Road 13 from I-10 to Highway 104 / Resolution 2005-33*
- B. *City Attorney’s Report*
- C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS:

- a.) Prepaid Travel / Betty Stevens/Billy Crutchfield/Clement Conaway. /Resolution 2005-27
- b.) Bid Award: Fuel / Petroleum Energy Products Company. /Resolution 2005-28
- c.) Bid Award: Horticulture Chemicals / LESCO, Inc. /Resolution 2005-29
- d.) Bid Award: Radio Console Equipment / Hurricane Electronics, Inc. /Resolution 2005-30
- e.) Bid Award: Oil & Lubricants / Davison Oil Company, Inc. /Resolution 2005-31
- f.) Establishing “The Flexible Spending Plan” Bank Account. /Resolution 2005-32
- g.) Supporting the Baldwin County commission with Regard to Connecting
 County Road 13 from I-10 to Highway 104. /Resolution 2005-33

ORDINANCES:

2nd READ

- a.) Annexation: Crystal Springs L.L.C. /Ordinance 2005-15
- b.) Appropriating Funds: Emergency Road Repairs. /Ordinance 2005- 16
- c.) Appropriating Funds: May Day Park Survey & Master Plan /
 Legislative Contracted Services / Old County Road Traffic Striping /
 Street Striping. /Ordinance 2005-17

- d.) Appropriating Funds: Additional Building Inspector. /Ordinance 2005-18**
- e.) Appropriating Funds: City of Foley: 2003 US EPA Special
Appropriation Grant. /Ordinance 2005-19**
- f.) Appropriating Funds: Spanish Fort High School. /Ordinance 2005-20**
- g.) Appropriating Funds: County Road 13 Improvements. /Ordinance 2005-21**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**APRIL 4, 2005
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

1. CALL TO ORDER

Council President Burnam called meeting to order at 6:30 P.M.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

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

Also present: Mayor Small; David Cohen, City Clerk, Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; David Carpenter, Police Chief; Ronnie Phillips, Building Inspection Director; Sharon Cureton, Human Resource Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Kim Briley, Finance Director; Dale Foster, Librarian; Sandra Morse, Civic Center Director; Mund Hanson, Fire Chief; Melvin McCarley, Public Works Supervisor; Capt. Randy Bishop, Jail Administrator; Lon Johnston, Utility Board, Willie Robison, BZA;

3. APPROVE MINUTES OF MEETING HELD: March 21, 2005

MOTION BY Mrs. Barnette to adopt the minutes of the March 21, 2005 meeting. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

PRESENTATION: Boys & Girls Clubs Youth of the Year / Mrs. Barbara Brown

Mrs. Brown asked the Mayor to introduce the Youth of the Year. Mayor Small introduced Shanavia Reed to the audience. Ms. Reed invited the Council and Mayor to the Youth of the Year banquet Thursday May 7, 2005.

PROCLAMATION: National Library Week / April 10-16, 2005

Mr. Lake presented and read the proclamation to Mr. Dale Foster, Librarian and Deborah Norris, Reference Librarian. Mr. Foster reminded the audience that the Library is now open on Tuesday nights thanks to Representative Randy Davis, and he encouraged the students to come because Tuesday evenings has been designated as student night.

PUBLIC HEARING: Annexation: Crystal Springs, L.L.C.

There was not a presentation for this Public Hearing.

Council President Burnam opened the Public Hearing at 6:39 p.m.

Mr. David Preston - 9880 County Road 64 - Questioned the motive for wanting to be annexed into Daphne, was it money or some other incentive.

Mr. Lon Johnston - 316 Whiting Court - Said it was wrong to vote on this without a presentation.

Mayor Small explained that there are 140 acres to be annexed, and an upscale shopping center and Lowe's are in the plans to be built on the property.

Council President Burnam closed the Public Hearing at 6:45 p.m.

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Mr. Scott reported that the Committee will meet on Monday, April 11th at 4:00 p.m. He said they will look at capital improvements, and asked the Department Heads if they have not already done so, to get there request to the Finance Department.

B. BUILDING/PROPERTY COMMITTEE - Lake

Mr. Lake reported that the Committee met last week and the minutes will be in the next Council packet.

C. PLANNING/ZONING/CODE ENFORCEMENT - Barnette

No report.

D. PUBLIC SAFETY/ORDINANCE COMMITTEE - Burnam

The next meeting will be tomorrow 4:30 p.m. at the Justice Center.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY - Yelding

Mr. Yelding said the Committee met on March 25th. He mentioned the Public Works Director is ready to move on to Capital items, because there are some things that are really needed by the Public Works Department. The next meeting will be April 22nd at 8:00 a.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments -

Mr. Eady reported that the Board met on March 22nd with two appeals. One was for a set back encroachment which was approved, and the other was an application for a Day Care Center, which was approved.

B. Downtown Redevelopment Authority - Barnette

The next meeting will be April 12th at 5:15 p.m.

C. Industrial Development Board - Yelding

No report. The next meeting will be April 25th at 6:00 p.m. in the Executive Council Chambers. The IDB will make a presentation at the April 21st Council Work Session.

**APRIL 4, 2005
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

D. Library Board - Lake

The “Spring Into Reading” Children’s Festival will begin on April 16th 11:00 a.m. - 2:00 p.m. The next meeting will be April 11th 4:30 p.m. at the Library.

E. Planning Commission - Barnette

Mrs. Barnette stated that the Council needs to set a Public Hearing for the proposed annexation of the Mitchell Company, Inc. /Lot 2, Higbee Subdivision, on Whispering Pines and County Road 13.

MOTION BY Mrs. Barnette to set a Public Hearing date of May 2, 2005 6:30 P.M. to consider annexation of the Mitchell Company, Inc. / Lot 2, Higbee Subdivision. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Barnette said that the minutes for the last meeting are not in the packet due to the Planning Department moving to their new facilities off of County Road 64.

F. Recreation Board - Burnam

No report.

G. Utility Board - Scott

Mr. Scott said the minutes for the last meeting were in the packet. The next meeting is a special meeting scheduled for April 11th 6:00 p.m., and one of the topic will be a rate increase for water and sewer. He stated there has not been a base increase since 1994.

Mrs. Barnette asked if the Grease Ordinance and the sewer connect list have come back in their meeting, or what the status of those two issues are.

Mr. Ross said it has been back and forth between attorneys with amendments, and he thinks that it is in the hands of Mr. Rigas right now, but he does not know for sure, but he will check with Mr. Taylor tomorrow.

Mr. Scott said they have a “No Connect” list that they claim is as pure as it can be. He does not know what their next step would be.

Mrs. Barnette said she read in the minutes they were checking with Mr. Eady for parcel identification. She said she will be at the special meeting and ask them about it at that time.

6. REPORTS OF THE OFFICERS:

A. Mayor’s Report

Mayor Small reported that the Council needed to appoint a voting delegate to the AL League of Municipalities Conference being held in Huntsville in May.

MOTION BY Mr. Yelding to appoint Mr. Lake as the Voting Delegate for the City of Daphne at the AL League of Municipalities Conference being held May 21-24, 2005 in Huntsville, AL. Seconded by Mrs. Landry.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

Mayor Small reminded everyone about the Mayor's Prayer Breakfast on May 5, 2005 7:30 a.m. at the Grand Hotel. He also announced the American Cancer Society's "Relay for Life" event being held April 22nd at Daphne Middle School. He stated they have a "Kiss the Pig" contest with the himself, the Council, Chief Carpenter, and Ken Eslava on the list to kiss the pig. Whoever has the most money donated with their name on it has to kiss the pig. Mayor Small reported that the city is owed back from FEMA \$1.4 million, closer to \$1.5 million, and outstanding with the state is \$213,000. So the city is owed \$1.6 million dollars, which goes back into the General Fund, from hurricane Ivan.

B. City Attorney's Report

Mr. Ross stated that he had several things to discuss with the Council in Executive Session, pending litigation and a personnel issue, which can be at the end of the meeting.

C. Department Heads Comments:

Chief Carpenter - Police Department - thanked Public Works for their help last Friday morning in keeping the public from driving through dangerous places in the road.

David McKelroy - Recreation Director - reported said they are busy slate that started tonight Dixie Youth at Lott Park, Men and Girls Softball at the Sports Complex that starts tomorrow night, and the Dixie Boys started tonight at the High School. They are in full gear with the athletic programs which will be pretty congested for the next eight to ten weeks. He reminded everyone about Jazz in the Plaza on the 24th.

Sharon Cureton - HR Director - reported that the public can now go on line to the City of Daphne's Web-Site and click on the Human Resources button and find out what positions the City has open, and also download an application and fax it to the Human Resource office, so the public does not have to come to City Hall to see what jobs are available or apply for a job. Mrs. Cureton reported to the Council they have started a "Lunch and Learn" programs for employees to address some concerns that they have, and she invited the Council to join in.

Mr. Eady - Planning Director - mentioned to the Council that they need to appoint another person to the BZA, and that the Planning Commission needs two members appointed. He said that the Planning Department has moved to a new location at 26051 Equity Drive, located on the corner of Equity Drive and County Road 64, and he invited the Council to visit.

Mrs. Barnette asked Mr. Eady to report on the certification classes for Planning, Zoning and BZA.

Mr. Eady said the classes will for council members, Planning Commission members, BZA members, and any other employee that wants to come. The classes will deal with Planning, zoning and all the things that they deal with on a daily basis in the City.

APRIL 4, 2005

**CITY OF DAPHNE, AL
CITY COUNCIL MEETING**

6:30 PM

Mrs. Barnette said the dates are May 6th and May 13th 8:30 a.m. - 4:30 p.m. and May 20th 8:30 a.m. - 12:30. She also said that this will go for their Certified Municipal Planning Officials Credits, if you would like.

Ken Eslava - Public Works Director - reported that the recent rain event at the end of last week, officially reported 13 inches of rain. He said that the workers at Public Works did a great job in stabilizing the roads in the City.

7. PUBLIC PARTICIPATION:

Mrs. Jean Singleton / People to People - introduced the High School ambassadors who will be traveling abroad to Australia. *Mrs. Diane Holmes* introduced the 5th and 6th graders who will be traveling to England.

Mrs. Annette Lay - 6490 Haley's Lane - Care House - reported that April is Child Abuse Awareness Month. She said they helped over 500 families and children who were physically and sexually abused last year. She stated that it does happen in Baldwin County in the middle and southern part of County.

Mrs. Donna Wooster - 103 Gordon Circle & *Catherine Weichman* - 105 Gordon Circle - spoke regarding flooding of their houses.

Mr. Paul Soutullo - Hayley's Lane - spoke regarding water run-off issues.

Mr. Willie Robison - 560 Stuart St. - spoke regarding the proposed increase in water and sewer fees.

Mr. David Preston - 9880 county Road 64 - spoke regarding the height variance for the condo's that was approved at a previous Council meeting.

Mrs. Annette Lay - 6490 Hayley's Lane - spoke regarding water run-off onto Hayley's Lane, and asked the City to accept the Lane as a City street.

Ken Eslava - Public Works Director - asked *Mrs. Lay* to draft a letter asking the City for help in this regard, and send it to him.

Mrs. Barnette asked *Mr. Eslava* to make a list of priority problem areas.

8. RESOLUTIONS, ORDINANCES, & OTHER BUSINESS:

RESOLUTIONS:

No Resolutions

MOTION BY Mrs. Landry to authorize the Mayor to execute by agreement an appropriate contract between the City and Cypress / Spanish Fort I, L.P., a Texas Limited Partnership related to the de-annexation of the Dewberry property by Spanish Fort pursuant to a local legislative act, contingent upon the contract being reviewed and acceptable to the Mayor and City Attorney. *Seconded by Mrs. Barnette*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Mrs. Landry to suspend the rules to consider a motion authorizing the Mayor to execute by appropriate document to inform the Baldwin County local delegation that the City Council consents to the proposed local bill authorizing the de-annexation of the Dewberry property from the corporate limits of Daphne into the corporate limits of Spanish Fort. *Seconded by Mrs. Barnette*

ROLL CALL VOTE

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Mrs. Landry to authorize the Mayor to execute by appropriate document to inform the Baldwin County local delegation that the City Council consents to the proposed local bill authorizing the de-annexation of the Dewberry property from the corporate limits of Daphne into the corporate limits of Spanish Fort. *Seconded by Mrs. Barnette*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**APRIL 4, 2005
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
APRIL 11, 2005
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 P.M. Present were Chairman Ron Scott; Councilman Bailey Yelding; Councilwoman Regina Landry; Finance Director Kim Briley; Senior Accountant Suz anne Henson; and Accountant I Belinda Job.

Also in attendance were Councilman Gus Palumbo; Mayor Fred Small; Public Works Director Ken Eslava; Human Resources Director Sharon Cureton; Fire Chief Mund Hanson; Recreation Director David McKelroy and Building Official Ronnie Phillips.

II. PUBLIC PARTICIPATION

A. Starlight Performing Arts Team – Appropriation Request – Ms. Melissa Moody

Mr. Scott discussed the Performing Arts Booster Club is a tax deductible organization for the Starlight Performing Arts Team. They are requesting a contribution from the City of Daphne in the amount of \$4,000. Ms. Melissa Moody with the Booster Club discussed that funding for Performing Arts in the public school system has been cut to the point that Performing Arts at the elementary level is almost non existent; young children receive approximately 12 hours of music per school year. Ms. Moody discussed Starlight Performing Arts is an organization that supports children whose area of interest is in song, dance and acting. Discussion continued the group consists of children from all over the County with approximately 1/3 of the children being from the Daphne/Fairhope area. Mr. David McKelroy, Recreation Director noted the Starlight Program was taught for a number of years at the Recreation Department as part of its endeavors to include the arts and theater. Discussion continued the group utilized the Daphne Civic Center until rental costs of the facility became more than the group could afford.

Ms. Moody noted the group was invited last year to perform on the Carnival Cruise Line and will be performing at Epcot this summer. Ms. Moody noted that Starlight’s tag line is “Bringing Broadway to Baldwin”. Discussion continued the children have out of pocket expenses for traveling, costumes, etc. to perform in places such as Carnival Cruise Line and Epcot. Ms. Moody discussed, as a Performing Arts Booster Club, they have been able to help the children by purchasing additional sound equipment and microphones in order that they may have a more professional experience. Ms. Moody also discussed the group wishes to establish a college scholarship program for seniors in the areas of drama and song. A presentation has already been made to the City of Orange Beach and Foley and they have been asked to make a presentation to the City of Gulf Shores next month.

Mr. Scott noted the Finance Committee has previously discussed the need to set a policy regarding community contributions. Mr. Scott continued the City’s Comprehensive Plan calls for the City to be involved in educational endeavors and that this type of activity should be considered. Mr. Yelding expressed concern over the City branching outside the limits of the City noting the Council has already been approached by two levels of the People to People organizations requesting contributions. Mr. Scott noted he would meet with Ms. Briley and prepare a draft policy for community contributions for review at a later Finance Committee Meeting.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Spanish Fort High School – Appropriation Request – Mr. Mike Lucci, Principal

Councilman Gus Palumbo spoke on behalf of Mr. Mike Lucci, Principal of the new Spanish Fort High School regarding an appropriation request for the purchase of items not provided by the School Board such as teacher name plates on the classroom doors, various signage, stanchions for rope lines in the office, bulletin boards, Venetian blinds for the classrooms, etc. Discussion continued when a new school is built, basically all that is provided is the building, desks and a few books. The City of Spanish Fort has given \$23,000 and the Spanish Fort High School Enrichment Foundation is contributing \$15,000. Mr. Palumbo also noted there are approximately 800 residences within the City of Daphne whose children will be mandated to attend the Spanish Fort School now or in the future. Mr. Palumbo noted from the registrations already turned in, there are approximately 200 students living in Daphne who will be attending

the Spanish Fort School in the fall. Mr. Palumbo also noted that over time as families move or new homes are built in the area this number will increase. Mr. Scott discussed the City has given a great deal over the years to the Daphne Schools and noted that not all students attending Daphne Schools are citizens of Daphne, but have come from the County as well as Spanish Fort. Mr. Scott discussed showing support for the new Spanish Fort School and suggested consideration of an appropriation of \$10,000. Ms. Landry discussed since the opening of Daphne High School, the children of Spanish Fort who attended Daphne High School have benefited greatly from the City of Daphne's generosity. Ms. Landry further discussed that while she is not in favor of supporting feeder schools outside the City of Daphne, she felt the Council should vote on the requested amount and not increase that amount. Discussion continued that \$5,000 would be a fair contribution to the school.

Mayor Small added there are many areas within the Baldwin County School System that are not financially supported by the Board of Education. Discussion continued these areas, such as athletic facilities, athletic equipment, etc. are supported by the local municipalities, parents or other fund raising efforts. Mr. Scott discussed possibly bringing awareness to this fact, through some type of public announcement, while showing the City of Daphne's support of the new Spanish Fort School through its contribution.

Motion by Ms. Landry to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$5,000 for the new Spanish Fort High School. Seconded by Mr. Yelding.

B. New Personnel Request – Building Inspector

Mr. Ronnie Phillips, Building Official, noted that after discussion and review, the Building Inspections Department wishes to request an additional Building Inspector rather than creating a Deputy Building Official position at this time. Mr. Phillips discussed the present Building Inspection Department staff consists of himself and one inspector; due to the number of inspections required they are unable to fulfill their commitment to the community. Discussion continued the City of Fairhope conducts approximately the same number of inspections as Daphne but with five people. Mr. Scott noted it appears that in the past, the City's inspections have not been as complete as they are now, such as with gas connections. Mr. Phillips noted this is an area they are currently working on. Mayor Small noted Daphne is now doing a more thorough job than it ever has before. Mayor Small further discussed with the present rate of construction within the City, another Building Inspector is needed in order to allow Mr. Phillips the time needed to review drawings more thoroughly. Discussion continued the Building Inspections Department has already brought in enough money to sustain itself, even with an additional inspector.

Motion by Mr. Yelding to recommend to Council to authorize the appropriation of funds, posting and hiring of an additional Building Inspector for the Building Inspections Department. Seconded by Ms. Landry.

C. Prepaid Travel:

1. **Betty Stevens, Court Magistrate** – Certification Training and Maintenance Training Institutes – University of Alabama, May 10-13, 2005 - \$140
2. **Billy Crutchfield, Mechanical Maintenance Supervisor** and **Clement Conaway, Solid Waste Supervisor** - Waste Expo - Las Vegas, NV, May 1-6, 2005 - \$210

Motion by Mr. Yelding to recommend to Council to approve prepaid travel as follows:

- ***Betty Stevens, Court Magistrate in the amount of \$140 to attend the Certification Training and Maintenance Training Institute at the University of Alabama in Tuscaloosa, Alabama, May 10-13, 2005.***
- ***Billy Crutchfield, Mechanical Maintenance Supervisor in the amount of \$210 to attend the Waste Expo in Las Vegas, Nevada, May 1-6, 2005.***
- ***Clement Conaway, Solid Waste Supervisor in the amount of \$210 to attend the Waste Expo in Las Vegas, Nevada, May 1-6, 2005.***

Seconded by Ms. Landry.

D. Bid Awards

1. 2005-L-Fuel

Three bid invitations were mailed with three bids received. It is the recommendation of the Public Works Director to award the fuel bid to the low bidder, PEPCO, at a margin of \$0.015 for unleaded and \$0.015 for diesel.

2. 2005-M-Oil & Lubricants

Four bid invitations were mailed with four bids received. It is the recommendation of the Public Works Director to award the oil & lubricants bid to Davison Oil, the low bidder meeting specifications, for unit costs as specified in bid.

3. 2005-N-PD/Radio Console Bids

Four bid invitations were mailed with three bids received. It is the recommendation of the Police Chief to award the radio console bid to Hurricane Electronics, low bidder meeting specifications, for a total cost of \$58,985.

4. 2005-O-Horticultural Chemicals

Seven bid invitations were mailed with one bid received. It is the recommendation of the Public Works Director to award the horticultural chemicals bid to Lesco for unit costs as specified in bid. Mr. Eslava noted Lesco has previously provided excellent service and pricing.

Motion by Mr. Yelding to recommend to Council to award the following bids to the lowest bidder meeting specifications:

- a. 2005-L-Fuel – PEPCO (Petroleum Energy Products Company), at a margin of \$0.015 for both unleaded and diesel.***
 - b. 2005-M-Oil & Lubricants – Davison Oil, for unit costs as specified in bid.***
 - c. 2005-N-PD/Radio Console Bids – Hurricane Electronics, Inc., for a total cost of \$58,985.***
 - d. 2005-O-Horticultural Chemicals – LESCO, Inc., for unit costs as specified in bid.***
- Seconded by Ms. Landry.***

E. Appropriation Requests:

1. May Day Park Improvements – Survey and Master Plan - \$9,100

Mayor Small discussed a great deal of work has been done at other parks, especially Village Pointe Park through the years and it is now time to address improvements at May Day Park. Discussion continued some examples of things that should be done are placing a seawall away from the land in order to create a beach area and calm bay for boats to load and unload, extend the pier, and construct another pavilion out. Mayor Small noted grants are available for these types of improvements; however the City cannot apply for these grants until a survey and master plan is in place. Mr. Eslava noted the City's old parks have been in the system for so long, there is no documentation in terms of accurate surveys, boundaries, and high tide lines; things that are critical to the grant process. Ms. Landry asked the Mayor if he was aware of a particular grant already? The Mayor noted he was not but noted that the City has been very successful with previous applications for waterfront grants. Mayor Small requested an appropriation for the City's Engineering Firm HMR (Hutchinson, Moore & Rauch, LLC) to prepare a Boundary, Topographic and Tree Survey at a cost of \$3,200 and develop a Master Plan at a cost of \$5,900 for the May Day Park location.

Motion by Ms. Landry to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$3,200 for a Boundary, Topographic and Tree Survey and \$5,900 for the development of a Master Plan for May Day Park, with both to be prepared by Hutchinson, Moore & Rauch (HMR). Seconded by Mr. Yelding.

2. Street Striping – Estimated Cost - \$5,500 (Four Cent Gas Tax Fund)

Mr. Eslava discussed a street striping request, through the County Commission, that will allow the County Highway Department to perform the City's street striping for material costs only. Discussion continued this has been the agreement in previous years and as the City finds additional streets that need striping, they are simply added to the list. The City pays for materials only and the County stripes upon the City's request. Mr. Eslava noted if there are any streets in any of the districts that are not included on the list, to please let him know so it can be added. Mayor Small asked Ms. Briley if the funds were available in the gas tax fund. Ms. Briley noted funds were available.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$5,500 from the Four Cent Gas Tax Fund for material costs for the County Highway Department to perform street striping within the City of Daphne. Seconded by Ms. Landry.

3. Old County Road & Captain O'Neal Drive - Traffic Striping - Estimated Cost - \$18,750

Mr. Eslava discussed safety issues that currently exist on Old County Road and Captain O'Neal where right-of-ways are very narrow and the street borders the sidewalks. Discussion continued on State standards. One example of a State standard was discussed where guard rails require a certain distance from the white lines on the side, however, there is no room for guard rails in certain areas of these roads. Mr. Eslava noted the only thing the City can legally do to comply with State standards is to apply thermoplastic reflective striping and reflective markers to mark both sides of the road and center. Mr. Eslava discussed the thermoplastic striping lasts 5 times longer than regular paint striping and due to the unsafe nature of these areas; both the State and County have recommended the thermoplastic striping as opposed to regular paint striping. Discussion continued the cost of the thermoplastic striping is considerably higher than paint striping due to being made of a different material and is super visible at night. Mr. Scott asked how long regular paint striping would last. Mr. Eslava noted on a heavily traveled roadway, it would wear out in less than a year. Discussion continued the "S" curves and narrow road on Captain O'Neal make it mandatory to have the best in public safety the City can provide. Discussion continued on the possible need to post a 25 mph speed sign also. Mayor Small asked if the City currently had thermoplastic applied anywhere. Mr. Eslava noted it was applied at the turn lanes at Hwy 98 coming in to the Elementary School, the Windsor entrance into Lake Forest, and Van Buren at Hwy 98. Mr. Eslava also noted the State uses thermoplastic on Hwy 98. Discussion continued quotes have been received on this project and it is the recommendation of the Public Works Committee to award the project to the low quote from Ozark Striping Company, Inc. for a cost of \$18,750. Ms. Briley discussed the Four Cent Gas Tax Fund has an unreserved fund balance of \$29,000, therefore it is recommended that both the street striping by the County and the thermoplastic striping on Old County Road and Captain O'Neal be paid from this fund.

Motion by Ms. Landry to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$18,750 from the Four Cent Gas Tax Fund for thermoplastic striping to be applied to Old County Road and Captain O'Neal Drive. Seconded by Mr. Yelding.

4. County Road 13 Improvements - \$136,907.33

Mr. Eslava discussed the need for the widening of County Road 13 in front of Daphne East School and Daphne Middle School. Discussion continued the Baldwin County Commission and the Baldwin County Board of Education have each agreed to provide 1/3 funding for this project, leaving 1/3 funding to be provided by the City of Daphne. Mr. Eslava noted the project would include installing new turn lanes and new signalization at the intersection at Whispering Pines Road. Discussion continued if this project is approved, the City can go out for bid so the project may be scheduled while school is out for the summer. Ms. Briley discussed an agreement should be drafted between the three parties. Mr. Eslava noted the County and the Board of Education were currently working on their agreement as a pair and that the City would contract with the County after the county and School Board have an agreement in place. Discussion continued the City and the City's engineer HMR would oversee the project.

Motion by Ms. Landry to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$136,907.33 for 1/3 of the costs to widen County Road 13 in front of Daphne East and Daphne Middle Schools and to install turn lanes and new signalization at the intersection of County Road 13 and Whispering Pines Road. Seconded by Mr. Yelding.

5. 2003 US EPA Special Appropriations Grant – Watershed Management Program

Mr. Scott discussed the Watershed Management Program is a watershed study that is being conducted through the City of Foley, with the City of Fairhope and City of Daphne being partners. Discussion continued this is a \$1,000,000 grant that has already been awarded to the City of Foley. Discussion continued the City of Daphne is being asked to provide \$15,000 cash and \$132,000 in in-kind services. Ms. Briley noted concerns regarding whether the \$132,000 in-kind services could be met. Mayor Small discussed the \$15,000 appropriation would be made by each City, he believes the study could help the City with other decisions. Discussion continued the studies are needed should the City move forward with the creation of an Erosion Control Officer position. Mayor Small also noted with the completion of the study, there will be future opportunities for more grants.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$15,000 for the City's share of the Watershed Management Program, contingent upon the City of Foley and City of Fairhope entering into an Agreement of Understanding with the City of Daphne. Seconded by Ms. Landry.

6. Legislative Contracted Services - \$1,000

Mayor Small discussed the Legislative Contracted Services account, which is used to pay for moderators to preside at meetings that require one. The current budget has been depleted by prior mediation. It was noted that moderation is a much better alternative to attorney fees and legal proceedings. Discussion continued regarding an appropriation request of \$1,000 to replenish the account in the event a moderator is needed in the future. Discussion continued if the funds are needed somewhere else, a line item transfer could be done.

Mr. Scott asked as a matter of information, what the status was between Bayside Academy and the Belrose residents. Mayor Small noted the committee at the school has decided, rather than build the parking lot over the stream; they are going to improve the usage of the stream for educational purposes.

Motion by Ms. Landry to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$1,000 to replenish the City's Legislative Contracted Services account. Seconded by Mr. Yelding.

F. Approve New Bank Account – Flexible Spending Plan

Ms. Briley discussed the City now offers a flexible spending plan for the pre-tax deduction of medical and dependent care expenses. Discussion continued the new account would be used to hold the money deducted and reimburse employees as receipts are turned in for reimbursement. Mr. Scott asked how this plan was administered. Ms. Briley noted it is through AFLAC. Discussion continued the employees would have a paper request that would be turned in to AFLAC with the receipts. Ms. Briley discussed the initial program will be for a 6 month period in order to bring it in line with the City's fiscal year. Discussion continued the plan will be renewed in October and hopefully bring in more participants.

Motion by Mr. Yelding to recommend to Council to authorize the Mayor and Finance Director to open a new City Flexible Spending Plan bank account. Seconded by Ms. Landry.

G. Emergency Road Appropriation for Road Repairs - \$95,000

Mr. Eslava discussed recent heavy rains have resulted in several city roads being washed out or undermined, creating the need for immediate and serious repairs. Discussion continued the City would need to move forward with making the repairs and then seek reimbursement from NRCS. Mr. Scott asked if it is known for certain the City would receive reimbursement from NRCS. Mr. Eslava noted, that while he could not give 100% assurance, in the few years the City has been applying for NRCS projects, the City has never failed to get all the money requested on any project. Mr. Eslava noted Scott Hutchinson of HMR has also reviewed the needed road repairs.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance amending the budget to appropriate funds in the amount of \$95,000 for the purpose of emergency road repairs as a result of the recent flooding rains. Seconded by Ms. Landry.

IV. CURRENT BUSINESS

1. Discuss Capital Requests (Packet #3)

Mayor Small requested this item be tabled until a more thorough review of the list and discussion could be made. Mr. Yelding discussed in the past, the Finance Director and the Mayor have reviewed the requests first and presented to the Finance Committee a prioritized list for review. Discussion continued the committee would also need to know how much money is available to spend on capital requests before recommendations are made. Mayor Small discussed there are a number of road paving improvements that need to be done that are not included in the capital requests. Discussion continued on the need to set aside a specific amount of money each year for road improvements. The Mayor and Ms. Briley will work to prepare a prioritized list of capital requests to be presented at a Special Finance Committee Meeting on Monday, April 18 at 4:00 pm.

2. New Personnel Request – City Nurse

Ms. Sharon Cureton discussed Councilman Lake had requested information regarding what the City is currently spending on nursing care at the jail. Discussion continued the City utilizes a contract nurse approximately 1 ½ hrs 2-3 times per week. Ms. Cureton noted the nurse provides very minimal care for approximately 30 – 35 inmates per day, such as blood pressure checks, assessing their physical condition, referring them to a doctor if necessary and counting out medication, at a cost of \$80 per hour. Discussion continued the City spent almost \$13,000 on this contract last year. Ms. Cureton discussed in addition to the contract nurse, the City also pays for a case management nurse, through Millennium Risk Management (Workers Compensation). Discussion continued the case management nurse is used for on the job injuries that are severe, such as back injuries; to be sure the employee is taken care of and is back to work as soon as possible. Mr. Yelding asked Ms. Cureton if the nurse she is requesting would be able to handle these cases also. Ms. Cureton discussed not only would they handle these types of cases, but they would be able to perform wellness screenings for employees; provide wellness training and education; assist the Fire Department in monthly Community Relations Events; and provide first aid emergency medical treatment for employees. Ms. Cureton noted the nurse would work from the jail and coordinate with the Human Resources Department to assist with workers comp issues. Discussion continued the Human Resources Department is currently investigating other areas the nurse may be able to provide service in such as physicals for new employees and breath alcohol testing. Ms. Cureton discussed according to the Alabama Board of Nursing, the nurse must be an RN to work in the jail. Ms. Cureton noted she has already obtained some job descriptions from other cities and a full time position would grade out at approximately \$32,000-\$33,000 per year, however, what she is looking at would be a part time position, possibly someone who is an RN but does not want to work full time. Discussion continued this would place the salary at approximately \$20,000 with benefits which is what the City is currently spending. Mr. Scott requested Ms. Cureton obtain additional information on a part time position and how the position would be coordinated with the various departments and report back to the Finance Committee.

3. Erosion Control / Storm Water Inspector

Mayor Small discussed the recent heavy rains underscore the need for an Erosion Control / Storm Water Inspector who is devoted to inspecting each site, attending preconstruction meetings, etc. Mr. Phillips discussed that 95% of siltation is coming from the construction industry. Mr. Phillips noted his department has tried to do some spot enforcement but that more time is needed in this area. Discussion continued the first major unprotected project in this area was Highway 98 which runs the entire length of the City's watershed. Discussion continued the Lake Forest project and the I-10 Bayway followed with everything filtering down into the bay. Mr. Phillips noted this has created a huge problem for our area that will continue to grow unless someone is specifically devoted to this problem. Mr. Eslava discussed an Erosion Control / Storm Water Inspector would be the 1st step in controlling the City's erosion problem. Mr. Scott asked if the City had some land use ordinances that are not being enforced. Mr. Phillips discussed there is a submittal process and that ADEM has the written regulatory guidelines. Discussion continued, there has never been personnel on board to go out and enforce it, and make sure what has been submitted to the Planning Commission is being done. Mr. Phillips noted the City has the authority to assess fines through its Code Enforcement Officer; however he has not found any across the board provisions in the ordinance. Mr. Eslava discussed ADEM is the regulatory agency, however, they only have one Field Enforcement Officer for Baldwin County. Mr. Yelding

discussed while he agrees this position is needed for the City; the Committee needs more specific information in terms of a job description and pay scale. Mayor Small noted the job description is currently being prepared. Discussion continued that more information would be brought forward at the Special Finance Committee Meeting on Monday, April 18 at 4:00 pm and would be presented at the next Council work session for discussion.

V. FINANCIAL REPORTS

A. Treasurers Report: March, 2005

Ms. Briley discussed cash is down about \$800,000 from last month. \$500,000 is due to some debt service payments and \$300,000 was in the general fund. Discussion continued that this is expected; January has a large influx of cash due to Ad Valorem and Business License collections. These large amounts are not received every month. Mr. Scott asked if the \$600,000 recently received from FEMA was reflected. Ms. Briley noted it was received in April.

Motion by Ms. Landry to recommend to Council to accept the Treasurer's Report as of March 31, 2005 in the amount of \$9,045,955.56. Seconded by Mr. Yelding.

B. Sales Tax Collection Graphs – February 28, 2005

Mr. Scott discussed total collections for February 2005 were \$788,825.08. Discussion continued collections were \$100,403.54 above collections for February 2004; and \$150,507.13 above budget for the month. As of February 28, 2005 (5th month of the fiscal year), actual collections exceeded budget by \$767,095 (21.71%).

C. Ad Valorem Taxes – March 31, 2005

Mr. Scott discussed collections are currently \$545,359 under budget as of March 31, 2005. Ms. Briley noted a comparison of March 31, 2005 to March 31, 2004 shows an increase of about \$45,000. Mr. Scott noted the City had projected a 10% increase in ad valorem taxes with the County's reappraisal of property, however, that reappraisal process did not occur. Mr. Scott discussed the State will begin this year doing reappraisals on 25% of the properties in Baldwin County. Discussion continued the State most likely will begin in the beach area, therefore, the City may not see any increase. Mr. Scott noted the County is currently re-pricing land throughout the entire County which could result in some increases in land prices for the City.

D. Lodging Tax Collections, February 28, 2005

Mr. Scott discussed lodging tax collections for February 28, 2005 were \$39,797.68 compared to \$19,952.91 for February 29, 2004, an increase of almost \$20,000.

E. General Fund Budgetary Statement – February 28, 2005

Ms. Briley discussed the Statement of Revenues, Expenditures, and Changes in Fund Balance for the month ended February 28, 2005. Discussion continued the report shows revenues with comparatives for Fiscal Year 2001-2004 as well as departmental expenditures. Ms. Briley noted the report also shows the actual as of February 28, 2005 compared to the adopted budget and the amended budget with a variance. Mr. Scott noted the City is 5 months into the Fiscal Year (approximately 41%).

F. New Business Licenses

Ms. Briley noted this information is as requested.

G. Review Bills Paid Report – March 31, 2005

Mr. Yelding asked why the City was paying the Utility Board for fire hydrants. Ms. Briley noted this is the monthly fee paid to the Utility Board for fire hydrant maintenance. Mr. Eslava discussed this fee is for testing, flushing and record keeping on the fire hydrants. Mr. Yelding asked why the City should have to pay this maintenance fee when the Utility Board is already collecting the water charge. Mr. Scott noted he would request justification from Chief Hanson.

VI. OTHER BUSINESS

A. Sidewalks

Mayor Small discussed the need to start proposing a certain amount of sidewalks per year. Mr. Eslava noted it would depend on the right-of-ways that the City owns. Discussion continued if the City does not have enough right-of-way for a sidewalk; it may have to go into right-of-way acquisition for sidewalks which could get expensive. Mayor Small asked if the City could use funds from the Four Cent and Seven Cent Gas Tax Funds for sidewalks. Ms. Briley stated no.

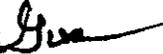
VII. ADJOURN

The meeting was adjourned at 5:46 pm.

**SPANISH FORT HIGH SCHOOL
1 PLAZA DE TOROS
SPANISH FORT, ALABAMA 36527**

March 17, 2005

Mr. August Palumbo
City Councilman (Dist.7)
City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Dear Mr. Palumbo: 

I write to tell you of the excellent progress we are making in preparing to open our new high school in an orderly and professional manner. The degree of support we are receiving from the Greater Spanish Fort High School Community is truly extraordinary. The Board of Education central office staff is being most helpful by assisting with our planning and providing resources when and where they are needed. The City of Spanish Fort and the Spanish Fort High School Enrichment Foundation has also been most helpful by granting the school \$23,000.00 and \$15,000.00 respectively. Individual community members are actively helpful a wide variety of ways.

Most observers are not aware that a substantial portion of the Spanish Fort High School student body will come from families living within the Daphne city limits, specifically within the subdivisions of Timber Creek, Malbis Plantation, and the surrounding area.

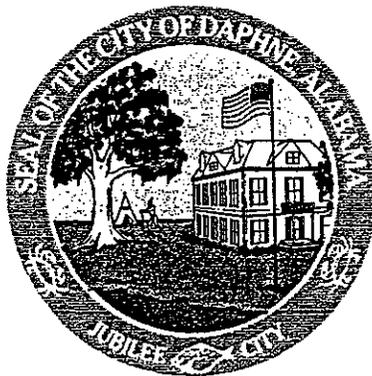
I know the city is continually approached by individuals and organizations representing worthy causes seeking financial support. Reluctantly, I am joining their ranks. While the board, City of Spanish Fort, and the foundation have been very generous, there are still some important expenses left uncovered; most of which have to do with accomplishing the many small things required to change the school opening from being a routine undertaking to the début of a sophisticated well organized attractive public high school.

I am hopeful that you will be willing to suggest to the City Council and Mayor Small that the city consider making a modest contribution to the General Fund of the high school in order to assist in covering start up costs. If you would like, I would be pleased to provide a listing of unfunded start up requirements and their individual costs. Should the city decide to contribute to the school, I will ensure that proper credit be given in the local media.



Michael J. Lucci
Principal

FRED SMALL
MAYOR
DAVID L. COHEN, MMC
CITY CLERK
KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER
DAVID B. CARPENTER II
CHIEF OF POLICE
A. MUND HANSON
FIRE CHIEF



COUNCIL MEMBERS

BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
GREG W. BURNAM
DISTRICT 4
RON SCOTT
DISTRICT 5
REGINA LANDRY
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

Mr. Michael Lucci, Principal
Spanish Fort High School
P.O. Box 7504
Spanish Fort, Alabama 36527

Dear Mike:

I am in receipt of your letter dated March 17, 2005 requesting financial assistance from the City of Daphne to help with uncovered expenses involved in the opening of Spanish Fort High School. As you know, I am a strong supporter of education in general and in particular will lend any help I can regarding the opening of the school. I believe that my district is the only one affected by residents attending the new school; however, the number of Daphne students who fall within the school's district is substantial. I intend to discuss the matter with my colleagues in hopes of gaining support from the council.

This is to advise that your request is set on the agenda of the council Finance Committee meeting to be held on Monday, April 14, at 4:00 PM in the council chamber. I am not a member of that committee but will attend to offer support for this request.

If I can be of further assistance, please let me know.

Best regards,

August A. Palumbo
District 7

SAFETY, FOOT TRAFFIC, AND CROWD CONTROL REQUIREMENTS

*Spanish
Foot
H.S.*

1. Three visitor control signs are required for each of the school's 15 exterior doors for posting of the following mandatory information.

- Drug, alcohol, weapons free campus
- Check in/out procedures
- Identification of adults & requirement for visitors identification badge
- Prohibition against unescorted adults

45 signs (8X10 inches) \$11.50 each \$517.50

2. Door signs so that every teacher and counselor has his/her name on the classroom door.

60 signs X \$9.75 each \$585.00

3. Two frames/room to hold tornado plans and evacuation plans

75 rooms X 2 X \$3.70 each \$555.00

4. Hallway sign holders & traffic control tapes \$1500.00

\$3157.50

THREE WALL ART DISPLAY AREAS

One in the school reception area and two in the interior courtyard

\$3,300.00

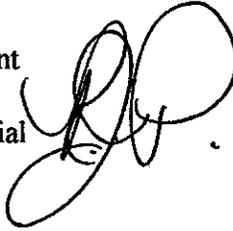
Total \$6477.50

Memorandum

To: Kim Briley, Finance Department

From: Ronnie Phillips, Building Official

Date: April 11, 2005



With the present and anticipated growth in the City of Daphne, the need has become apparent to me for a minimum of one additional building Inspector at this time.

This department has already payed for itself in the first quarter and one week into the 2005 revenue calendar. Even after hiring a much needed second Building Inspector, this department is projected to generate roughly \$400,000.

| | |
|----------------|---|
| First Quarter: | \$149,163 |
| April 2005: | <u>\$ 8,958</u> |
| Total: | \$158,121 (generated since January 1, 2005) |

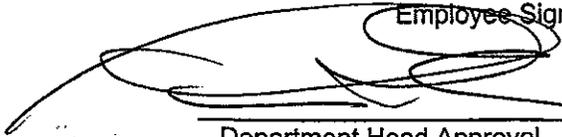
Anticipated Building Department Operating Expenditures for 2005: \$158,317

This leaves only \$196 shortfall with nine months to go. Projected surplus is roughly \$400,000.

| PREPAID TRAVEL REQUEST FORM | |
|---|-----------------------------|
| EMPLOYEE NAME / TITLE | Betty Stevens Magistrate |
| DEPARTMENT | Court |
| DATES OF TRAVEL | May 10, 2005 - May 13, 2005 |
| SCHOOL/ORGANIZATION | University of Alabama |
| LOCATION FOR TRAINING: CITY / STATE | Tuscaloosa, AL |
| REGISTRATION FEE | \$ 105.00 |
| LODGING | \$ 263.07 |
| TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS) | \$ 35 x 4 = \$ 140.00 |

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

Employee Signature Betty Stevens


 Department Head Approval

Vendor # 875
 Dept Org # 122200
 Object # 52211
 Proj# _____

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

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

Certification Training and Maintenance Training Institutes

FOR MUNICIPAL COURT CLERKS AND MAGISTRATES
Spring 2005 - The University of Alabama
April 6-8 or May 11-13

PLEASE REGISTER ME FOR THE INSTITUTE INDICATED BELOW:

- Certification... April 6-8..... Tuscaloosa..... (Program #04-304-05:Cert) Fee: \$165.00
 Maintenance .. April 6-8..... Tuscaloosa..... (Program #04-304-05:Main) Fee: \$105.00
 Certification... May 11-13..... Tuscaloosa..... (Program # 04-305-05:Cert) Fee: \$165.00
 Maintenance .. May 11-13..... Tuscaloosa..... (Program # 04-305-05:Main) ... Fee: \$105.00

NAME: Miss Mrs. Mr. Betty Stevens
PREFERENCE ON NAME TAG _____
POSITION: Magistrate AGENCY DAPHNE
ADDRESS: 1502 US Hwy 98 CITY DAPHNE STATE AL ZIP 36526
DAYTIME PHONE 251-622-2824
EMAIL ADDRESS: _____

MAKE ALL CHECKS PAYABLE TO THE UNIVERSITY OF ALABAMA

Mail form and fee to:
Registration Services
College of Continuing Studies
The University of Alabama
Box 870388
Tuscaloosa, AL 35487-0388

Phone in Registration to:
(205) 348-3000

Fax Registration form to:
(205) 348-6614

NOTE: Phone or FAX registrations must have purchase order number or MasterCard, VISA, or Discover Card Number

COPIES

JOHN G. BURTON ENDOWMENT FUND SCHOLARSHIPS John G. Burton Endowment Fund Scholarships are being offered to Certification Institute applicants. Applicants must be municipal court clerks or magistrates.

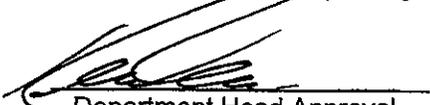
Criteria include, but are not limited to, financial need and if the applicant will be a first-time participant. Participants already enrolled in the program are eligible if they demonstrate strong financial need. Scholarships in the amount of \$300.00 each are available. Scholarship monies must be used for the Institute registration fee and associated travel costs.

To receive a scholarship application form or additional information regarding the Institute, call Tommy Pow at (205) 348-9066 or Stephanie Sharp (205) 348-9937 (ssharp@ccs.ua.edu). You may write him at The University of Alabama, College of Continuing Studies, Box 870388, Tuscaloosa, AL 35487-0388.

| PREPAID TRAVEL REQUEST FORM | |
|--|-------------------------------------|
| EMPLOYEE NAME / TITLE | BILLY CRUTCHFIELD - MECH SUPERVISOR |
| DEPARTMENT | MECHANICAL DEPT |
| DATES OF TRAVEL | MAY 1-6 |
| SCHOOL/ORGANIZATION | WASTE EXPO |
| LOCATION FOR TRAINING: CITY / STATE | LAS VEGAS, NV |
| REGISTRATION FEE | \$ 450 ⁰⁰ |
| LODGING 119 ⁰⁰ PER NIGHT x 9% TAX | \$ 648 ⁵⁵ |
| TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS) 6 DAYS | \$ 210 ⁰⁰ |

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

Employee Signature

Department Head Approval

3032
Vendor #

167000
Dept Org #

52211
Object #

Proj#

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

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

| PREPAID TRAVEL REQUEST FORM | |
|--|-------------------------------|
| EMPLOYEE NAME / TITLE | CLEMENT CONAWAY SW Supervisor |
| DEPARTMENT | SOLID WASTE |
| DATES OF TRAVEL | MAY 1-6 |
| SCHOOL/ORGANIZATION | WASTE EXPO |
| LOCATION FOR TRAINING: CITY / STATE | LAS VEGAS, NV |
| REGISTRATION FEE | \$ 450 ⁰⁰ |
| LODGING \$119 ⁰⁰ PER NIGHT x 9% TAX | \$ 648 ⁵⁵ |
| TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS) 6 DAYS | \$ 210 ⁰⁰ |

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

Employee Signature Clement Conaway

[Signature] Department Head Approval 3232 Vendor # 164000 Dept Org # 52211 Object # Proj#

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

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



CONFERENCE MAY 2-5, 2005 EXHIBITS MAY 3-5, 2005 LAS VEGAS CONVENTION CENTER LAS VEGAS, NEVADA



WASTE EXPO



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PRIMEDIA
Business Exhibitions

Exhibitor List:

(as of November 10, 2004)

Looking for a particular type of product or service? To help the exhibit floor will be organized into three product concepts:

- ❖ Collection & Transfer
- ❖ Landfill Management

The Exhibit Floor will also contain the following pavilions:

- ❖ NEW: e-waste Pavilion
- ❖ Technology Pavilion

A-1 Plastics Ltd.
Abletech, Inc.
Accent Wire Products
Accu-Trax
Ace Netting & Nettec
Adjust-A-Bar, Inc.
AERO Industries, Inc.
Ag-Bag Environmental
AirBorn Industries, Inc.
Albion Industries
Alcoa Wheel Products
Al-Jon, Inc.
Allegheny Paper Shredders Corp.
Allied Waste Industries, Inc.
American Baler Co.
American Roll-Off/Hook-All Hooklifts
American Waste Digest
Ameri-Kan
Ameri-Kart Corp.
Ameri-Shred Corp.
Amrep, Inc.
Andela Products, Ltd.
ARROW-MAGNOLIA International
Artech Reduction Technologies
Assurance Agency Ltd.
Austrian Trade Commission
AUTOCAR TRUCK
Baldwin Filters
Bandit Industries, Inc.
Barker Products
BASF Corp.
Bayne Premium Lift Systems
Becker-Underwood, Inc.
Bennett Controls
BioCycle
BOMAG
Bondtech Corp.
Brake Pro, Ltd.
Bridgeport Mfg., Inc.
Brunel Corp.
Builrite Handlers
Bulk Handling Systems (BHS)
Bulldog Caster Co., Inc.
Capital Industries, Inc.
Cardinal Scale Mfg. Co.
Carlisle Motion Control Industries
Caron Compactor Co.
Cascade Engineering, Inc.
Castrol Heavy Duty Lubricants, Inc.
Caterpillar, Inc.
Caterpillar Inc., Industrial Power Systems
Chemstation International
CEI Equipment Co., Inc.
Center Capital Corp.
CES-Landtec
Chalmers Suspensions Int'l., Inc.
Clean Energy
Clear Computing, Inc.
Coast 2 Coast Financial Solutions, Inc.
Columbia Corp.
Concrete Washout Systems, Inc.
Conestoga-Rovers & Associates
Consolidated Fabricators Corp.
Container Components

Continental Biomass Industries, Inc.
Continental Tire North America, Inc.
Core Computing Solutions
Cover-All Building Systems
CP Mfg., Inc.
Cram-a-lot/I.V. Mfg., Inc.
Crane Carrier Co.
Crane Equipment Mfg. Corp.
Crewson Industries
CRW Group, Inc.
CTP/Integrated Receivable Processing
Cummins, Inc.
Cummins Westport, Inc.
DEL Hydraulics
Delta Pacific Builders
Desert Micro
DH Caster & Wheel
Diamond Z Mfg.
Diamondback Products, Inc.
Dixie Industries
(Div. of Columbus McKinnon)
Donovan Enterprises
Dragon Products
DuraTech Industries
Dynamic Decals & Graphics, Inc.
East Mfg. Corp.
ECCO
Ecolo Odor Control Systems Worldwide
ECOSORB
EIA/NSWMA/WASTEC/EIA
Insurance Programs
EMCON/OWT, Inc.
Emery Winslow Scale Co.
Enterprise Co.
Enviro-Group, Inc.
Environmental Protecting Equipment
Equipco Mfg.
EREF
Evergreen National Indemnity Co.
Express Blower, Inc.
Express Brake International
Financial Federal Credit, Inc.
Finn Corp.
First Lab
Five Peaks Technology
Fleetguard Emissions Solutions
Flexaire Mfg., Inc.
Fontaine Modification Co.
Ford Commercial Truck
Freightliner Trucks
FuelMaster/Syn-Tech Systems, Inc.
G & H Mfg. Ltd.
Global Sensor Systems, Inc.
Gold Circuit, Inc.
Golder Associates, Inc.
Groeneveld
Grote Industries
Hagglunds Drives, Inc.
Hale Trailer Brake & Wheel
Hallco Mfg. Co., Inc.
Hampel Corp.
Harmony Enterprises, Inc.
Harris Waste Management Group, Inc.
Haul-All
The Hauler Magazine

Heil Environmental
Helac Corp.
Hendrickson Intern.
Hercules Bulldog Sr
Hustler Conveyor C
Pulverizer Co.
ICMA Independent
Manufacturers Allia
ID Industries
IESI
Impact Plastics, Inc.
Institute of Informa
Intec Video Systems
International Truck
IPL Products Ltd.
J & J Truck Bodies &
J&M Tire Internation
John Deere Constr.
Johnston Madvac
Kann Mfg. Corp.
Karl W. Schmidt &
Keith Mfg. Co.
Kennametal
Kimmel & Associat
King Midas Enterpr
KNL Holdings, LLC
Komar Industries, Ir
Komatsu America C
Labrie Equipment L
Landfill Service Co
Leach Co.
Libra Digital On-Bo
LoadMaster
MAC Trailer Mfg. In
Mack Trucks, Inc.
Mailhot Industries
Marcel Equipment
Marlin Co.
Martin Marietta Co
McNeilus Truck & A
Medi-Rub Corp.
Mentor Engineering
Michelin North Am
Microcool
Midwest Lube, Inc.
MITL
Morbark, Inc.
Mountain Tarp
MSW Management
Multi Bag, Inc.
Multi-Seal Corp.
Muncie Power Proc
Mustang Co.
National Fleet Prod
North American Po
Norton Environmer
OAKLEAF Waste M
O'Brian Tarp System
Ohio Magnetics, In
OMNEX Control Sy
One Plus Corp.
Onyx Waste Service
Orion Safety System
Otto Environmenta
PAK-MOR Ltd.

WASTE EXPO



WWW.WASTEEXPO.COM

CONFERENCE MAY 2-5, 2005 EXHIBITS MAY 3-5, 2005
LAS VEGAS CONVENTION CENTER LAS VEGAS, NEVADA

Putting it all together...
With something for everyone

- ❖ Small and Medium Sized Private Sector Waste Management Companies
- ❖ Large Private Sector Solid Waste Management Companies
- ❖ Public Sector
- ❖ Manufacturers and Suppliers

At WasteExpo, you will:

- ❖ View the latest in solid waste and recycling technologies with over 425 exhibitors at North America's largest showcase of equipment.
- ❖ Keep current with industry trends by attending WasteExpo Conference Sessions.
- ❖ Reinforce old and make new business contacts at WasteExpo Networking Functions.

Exhibit Hall Hours:

Tuesday, May 3, 10:00 am – 5:00 pm
Wednesday, May 4, 10:00 am – 5:00 pm
Thursday, May 5, 10:00 am – 1:00 pm

Visit www.wasteexpo.com for updated registration, exhibitor, conference, special event, hotel and travel information.

To register, visit www.wasteexpo.com (use customer code A08)
Fax to 708-344-4444 or Mail to: WasteExpo 2005 Registration;
PO Box 604, Brookfield, IL 60513-0604.

Organized by:
PRIMEDIA
Business Exhibitions

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Waste Age



Interested in Exhibiting? Call L

Registration Options:

1. NEW and IMPROVED Full Event Option

The WasteExpo Full Event Option now includes all of the following:

- ❖ One ticket to the WasteExpo **Welcome Reception** on Monday evening
- ❖ Unlimited access to the **WasteExpo Exhibit Hall for 3 days**
- ❖ Unlimited access to **4 days of WasteExpo Conference Sessions**
- ❖ **3 Boxed Lunch Discussions** (Monday – Wednesday)

Register by January 28th, 2005, and receive this \$1165 value for only \$570, a savings of over 50%.

Further discounts available to members of EIA/NSWMA/WASTEC, SWANA and APWA. (Additional registration is required for the Inspirational Breakfast and Medical Waste Conference.)

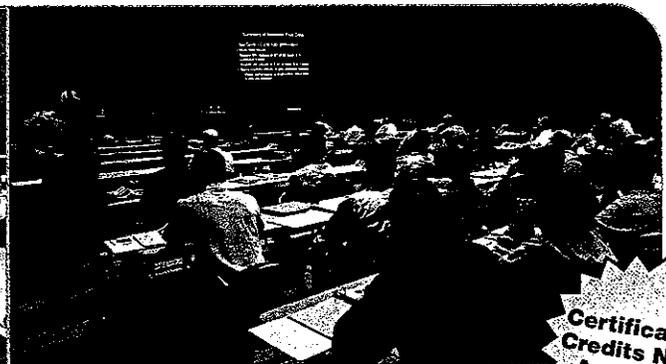


2. Exhibits Only Option

Register Today and Save \$35.

Unlimited access to the WasteExpo exhibit hall for all three days of the Show.

Price: \$15 if you register by January 28, 2005, or \$50 if you register on-site.



Certification Credits Now Available!

Education Sessions:

This year's WasteExpo Conference Program covers the latest trends, topics and technologies in the solid waste and recycling industries. Business Operations, Safety, Technical Information, and Landfill Operations are some of the issues to be covered. In addition, WasteExpo welcomes the Waste Tech Landfill Technology Track into this year's conference program.

Sessions include: *Keys to Your Financial Fitness, New Rules of the Road, What Wall Street Thinks of the Industry, Managing Food Waste, Container Management, Alternative Fuels, Single Stream Recycling, Natural Disaster Management, E-Waste, Automated Collection, Landfill Operations, Garbage Contracts, Financing Options for Small Businesses, Municipal Marketing & Management, Rural Collection, Recovered Paper Markets, Composting, Landfill Tax Credits and Innovations in Safety Programs.*

Be a part of the **Boxed Lunch Discussions:**

- ❖ *Flow Control: Its Merits and Legality*
- ❖ *Growing Your Business*
- ❖ *Talking Trash about Leadership*

On Wednesday, attend one of the following **New Super Sessions:**

- ❖ *CEO Roundtable*
- ❖ *Residential Route Auditing*
- ❖ *Legal Updates and Roundtable*

And on Thursday, don't miss the **Half Day Workshops:**

- ❖ *Analytical Fleet Management*
- ❖ *Residential Pricing*
- ❖ *Everything You Wanted to Know about Recovered Paper Pricing*

For complete conference updates, please visit www.wasteexpo.com in the coming months and watch your mailbox for the WasteExpo Attendee Brochure.

www.wasteexpo.com

WASTE EXPO



Conference: May 2-5, 2005

Exhibits: May 3-5, 2005

Las Vegas Convention Center, Las Vegas, NV

Dear Industry Professional,

Welcome to a sneak preview of WasteExpo 2005. Here are some of the show highlights we have in store for this coming year:

Exhibit Floor

The WasteExpo Show Floor has expanded to 2 levels of exhibits featuring the latest technologies in solid waste and recycling equipment. With over 425 exhibitors and three times more exhibit space than the next trade show option, WasteExpo is the largest show in North America serving both the private and public sectors.

Targeted Conference Sessions full of tips, technologies and training enabling you to run your business or department more effectively and efficiently – critical to your long term success.

This year, sessions will be targeted to serve you:

- ❖ Small and Medium Sized Private Sector Waste Management Companies
- ❖ Large Private Sector Solid Waste Management Companies
- ❖ Public Sector Solid Waste Professionals

WasteExpo continues to offer certification credits for the 2005 Conference Program.

Interested in Medical Waste Issues? The Medical Waste Conference will again be co-locating with WasteExpo in Las Vegas.

Expanded Registration Options

The WasteExpo Full Event Option now includes 4 days of conference sessions, 3 days of access to the WasteExpo Exhibit Floor, 3 boxed lunch discussions and a ticket to the WasteExpo Welcome Reception.

Networking Opportunities

- ❖ Come catch up with old friends and make new business contacts at the WasteExpo Welcome Reception, the EIA's BASF Golf Tournament and Inspirational and Awards Breakfast, Boxed Lunch Discussions and EREF's Annual Equipment Auction.
- ❖ Problem solve with engineers and sales/marketing teams from the industry's top suppliers.
- ❖ Hold meetings with your top executives and regionally based employees.

Las Vegas

With award-winning restaurants, casinos, world class golf and endless entertainment possibilities, Las Vegas is one of the most exciting convention destinations in the world.

WasteExpo is your company's best and most cost effective opportunity to get so much done, in one place, at one time!

SPECIAL OFFER!

You are among a select group of waste industry professionals to receive this special offer. Pre-register for WasteExpo 2005 today and save \$35 on your Exhibit Hall admission or \$200+ on the Full Event Package. To take advantage of these special rates, registrations must be received by January 28, 2005.

Have a colleague who is also interested in benefiting from all WasteExpo has to offer? Attached is a Pass-Along Registration Form so they can register at reduced rates too!

In the coming months, complete show information will be mailed to you or you can go to www.wasteexpo.com for the latest show updates and to register online.

I look forward to seeing you in Las Vegas!

Rita Ugianskis-Fishman
Show Director, WasteExpo
Primedia Business Exhibitions

MEMORANDUM
CITY of DAPHNE...DIVISION of PUBLIC WORKS

To: Kim Briley, Finance Director
Finance Committee members

From: Ken Eslava, Director
Divisions of Public Works & Maintenance

Date: March 31, 2005

Re: Bid Award Recommendation / Fuel

This the bid award recommendation for the Fuel contract for the City. Quotations for both Unleaded Gasoline and Diesel Fuel were required to be submitted.

There were 3(three) invitations to bid on this contract and we received quotes from all 3(three) back from the vendors. All three complied with our specifications, thus no disqualifications occurred. A very important fact regarding this contract award....the award is based not on price per gallon(due to fluctuating market conditions), but is based on the "margin", or vendor profit per gallon. The bid comparison for the three vendors is as follows:

| VENDOR | MARGIN |
|------------------------------|--|
| PEPCO..... | \$0.015 (unleaded gasoline) \$0.015 (diesel fuel) |
| Minto Energy..... | \$0.0173 (unleaded gasoline) \$0.0273 (diesel fuel) |
| Radcliff Economy..... | \$0.0248 (unleaded gasoline) \$0.0248 (diesel fuel) |

I therefore recommend to this Committee that the City of Daphne award the contract for Fuel to PEPCO based on the fact that a) they

were the lowest bidder (thus have the lowest profit "margin") and b) they did comply with all required specifications.

A couple of interesting footnotes relating to fuel:

Last years City of Daphne contract had an all time low "margin" of \$0.0093!

Our overall fuel consumption(for both unleaded gasoline & diesel fuel) always exceeds 100,000 gallons annually!

CITY OF DAPHNE

BID: 2003-L-FUEL

March 28, 2005

11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson

Mr. Ken Eslava

Mr. Duke Crutchfield

Sr. Accountant

PW Director

Mechanical Maintenance Supervisor

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

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

| <u>VENDOR</u> | <u>MARGIN UNL / DSL</u> | <u>DESCRIPTION BREAKDOWN</u> | <u>UNL 89</u> | <u>DIESEL</u> |
|---|-----------------------------|----------------------------------|---------------|---------------|
| PEPCO (Petroleum Energy Products Co .015 / .015 | | RACK \$/GAL | 1.5267 | 1.5805 |
| | | INSPECTION FEE | 0.0200 | 0.0200 |
| | | TRUST FUND FEE | 0.0100 | 0.0100 |
| | | MARGIN | 0.0150 | 0.0150 |
| | | | 1.5717 | 1.6255 |
| Radcliff Economy Marine Service, Inc. .0248 / .0248 | | RACK \$/GAL | 1.5267 | 1.5805 |
| | | INSPECTION FEE | 0.0200 | 0.0200 |
| | | TRUST FUND FEE | 0.0100 | 0.0100 |
| | | MARGIN | 0.0248 | 0.0248 |
| | | | 1.5815 | 1.6353 |
| Minto Energy | .0173 / .0273 | RACK \$/GAL | 1.5267 | 1.5805 |
| | | INSPECTION FEE | 0.0200 | 0.0200 |
| | | TRUST FUND FEE | 0.0100 | 0.0100 |
| | | MARGIN | 0.0173 | 0.0273 |
| | | | 1.5740 | 1.6378 |

NOTE: RACK COST WILL FLUCTUATE WITH SUPPLIERS COST BUT MARGIN WILL REMAIN CONSTANT THROUGHOUT CONTRACT.



Suzanne Henson, Sr. Accountant

Kiev

MEMORANDUM

CITY of DAPHNE...DIVISION OF PUBLIC WORKS

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

**From: Ken Eslava, Director
Divisions of Public Works & Maintenance**



Date: March 31, 2005

Re: Bid Award Recommendation / Oil & Lubricants

This is the bid award recommendation for the Oil & Lubricants contract for our Mechanical Maintenance Facility.

There were 4(four) bidders who submitted quotations for this contract. One of the bidders, Radcliff Economy, was disqualified from final consideration due to his failure to comply with our bid specifications. The bid comparison for the final three vendors, and the total unit price for 14 specific products is as follows:

| | |
|--------------------------|-----------------|
| Davison Oil..... | \$359.00 |
| PEPCO..... | \$370.29 |
| Minto Energy..... | \$451.70 |

I therefore recommend to this Committee that the City of Daphne award the contract for Oil & Lubricants to Davison Oil based on the fact that they a) are the lowest bidder and b) they did comply with all required specifications.

cc: Billy Crutchfield, Mechanical Maintenance Supervisor

CITY OF DAPHNE

BID: 2005-M-OIL & LUBRICANTS

March 28, 2005
11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson
Mr. Ken Eslava
Mr. Duke Crutchfield

Sr. Accountant
Public Works Director
Mechanical Maintenance Supervisor

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

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

**CITY OF DAPHNE - OIL & LUBRICANTS BID
BID DOCUMENT # 2005-M-OIL AND LUBRICANTS**

| Product Description | Quantity/Case Unit | Size | Davision Oil | PEPCO | Minto Energy | Radcliff |
|-------------------------------------|--------------------|-----------------|---------------|---------------|---------------|------------------------|
| | | | | | | Did not meet Bid Specs |
| CHEVRON SUPREME 5W-20 | 12 | 1QT | 17.12 | 20.10 | 20.29 | |
| CHEVRON SUPREME 5W-30 | 12 | 1QT | 15.05 | 15.97 | 17.35 | |
| CHEVRON SUPREME SYNTHETIC 10 W30 | 6 | 1QT | 21.77 | 22.16 | 27.48 | |
| CHEVRON DELO 400 MULTIGRADE 15W40 | 12 | 1QTS | 19.28 | 19.70 | 23.27 | |
| CHEVRON DELO 400 MULTIGRADE 15 W40 | 6 | 1GAL. | 38.56 | 39.40 | 46.54 | |
| CHEVRON DEXRON 111/MERCON ATF | 12 | 1QT | 13.97 | 14.36 | 17.56 | |
| CHEVRON MERCON V ATF | 12 | 1QT | 25.46 | 26.99 | 27.53 | |
| CHEVRON DELO 400 SAE 30 | 12 | 1QT | 18.17 | 18.48 | 28.98 | |
| CHEVRON 1000 THF | 5 Gallon | PAIL. | 25.50 | 29.43 | 43.75 | |
| CHEVRON RYKON OIL AWISO 68 | 5 Gallon | PAIL. | 24.95 | 22.33 | 28.14 | |
| CHEVRON RYKON ISO 32 | 5 Gallon | PAIL. | 24.95 | 22.33 | 28.14 | |
| CHEVRON UNIVERSAL GEAR SAE 80W-90 | 5 Gallon | PAIL. | 34.56 | 35.79 | 42.46 | |
| CHEVRON ULTRA-DUTY GREASE EP NLGI 2 | 40 | 14OZ CARTRIDGES | 54.72 | 57.98 | 68.25 | |
| CHEVRON UNIVESAL GEAR LUBRICANT | 12 | 1.8LB BOTTLES | 24.94 | 25.28 | 31.96 | |
| TOTAL UNIT COST | | | 359.00 | 370.29 | 451.70 | |



Suzanne Henson, Sr. Accountant

MEMORANDUM

TO: FINANCE COMMITTEE
FROM: CHIEF CARPENTER
DATE: MARCH 29, 2005
RE: RADIO CONSOLE BIDS

We would like to use Hurricane Electronics to install the radio console equipment that we opened bids on. They supplied all required documents as listed on the bid sheet.

If you need additional information, please contact me.

MEMORANDUM

To: Chief David Carpenter
From: Captain Randy Bishop
Date: March 29, 2005
Re: Radio Console Bids

On March 29, 2005 we opened bids on the radio consoles. 4 bids were mailed out and only 3 responded. One was for no bid at all the other one was \$11,000.00 over budget and did not supply a bid bond as required.

Hurricane Electronics came in with a bid of \$58,985.00 and supplied all required documents as listed on the bid sheet. It is therefore my recommendation that we go ahead and send our recommendation to the finance committee (no later than Thursday of this week) to accept and move ahead with installation of the radio system by Hurricane Electronics.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2005-N-RADIO CONSOLE
MARCH 28, 2005
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson
Captain Randy Bishop

Sr. Accountant
Police Department

4 bid invitations were mailed/picked up by contractors 3 sealed bids were received.

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

| <u>VENDOR</u> | <u>UNIT COST</u> | <u>BID BOND</u> |
|-----------------------------|------------------|-----------------|
| CommServe, Inc. | No Bid | |
| Hurricane Electronics, Inc. | \$58,985.00 | Cert Ck |
| Telex Communications | \$71,948.00 | None |



Suzanne Henson, Sr. Accountant

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

Ken Eslava, Jr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Regina Landry
District 6

August Palumbo
District 7

To: Finance Committee
From: Ken Eslava, Director of Public Works
Subject: Horticultural Chemical Bid #2005-0
Date: March 29, 2005

I recommend that the Horticultural Chemical bid be awarded to Lesco. Several bid invitations were mailed out by the finance department, but Lesco was the only company to submit a bid. In the past, Lesco has provided excellent service and pricing. I have provided a spreadsheet comparing prices from the previous bid to current bid.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2005-O-HORTICULTURE CHEMICALS
MARCH 28, 2005
10:30 A.M.
CITY HALL**

Those present were as follows:

| | |
|----------------------|-----------------------------------|
| Ms. Suzanne Henson | Sr. Accountant |
| Mr. Ken Eslava | Public Works Director |
| Mr. Duke Crutchfield | Mechanical Maintenance Supervisor |

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

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

| <u>VENDOR</u> | <u>TOTAL UNIT AMOUNT</u> |
|-------------------------|--------------------------|
| Gil Manufacturing, Inc. | No Bid |
| LESCO, Inc. | \$8,646.27 |

Minimum of 80% of listed items required to be bid on.



Suzanne Henson, Sr. Accountant

Bid Document 2005-O Horticultural Chemicals

| PRODUCT | UNIT | UNIT PRICE | PREVIOUS BID |
|---------------------|------------|-------------|--------------|
| Herbicide | | | |
| Revolver | 1 quart | \$ 167.38 | N/A |
| Admiral Herbicide | 1 gallon | \$ 49.15 | N/A |
| Algaecide | 5 gallon | \$ 125.00 | 125.00 |
| Monument | | \$ 2,075.00 | N/A |
| Simazine | 2.5 gallon | \$ 46.35 | N/A |
| Drive 75DF | 1 pound | \$ 83.00 | 75.00 |
| Manage | 1.3 ounce | \$ 85.00 | 81.00 |
| Manor | 2 ounce | \$ 135.00 | 120.00 |
| Momentum Premium | 2.5 gallon | \$ 90.00 | 85.00 |
| MSMA 6.6 | 2.5 gallon | \$ 65.00 | 58.00 |
| Prosecutor Pro | 30 gallon | \$ 1,150.00 | 1140.00 |
| Prosecutor Pro | 2.5 gallon | \$ 105.00 | 110.00 |
| Reward | 1 gallon | \$ 125.00 | 110.00 |
| Scythe | 2.5 gallon | \$ 86.00 | 82.00 |
| Oryzalin | 2.5 gallon | \$ 191.25 | N/A |
| Snapshot | 50 pound | \$ 85.00 | 70.00 |
| Three Way Selective | 2.5 gallon | \$ 65.00 | 115.00 |
| Vantage | 1 gallon | \$ 110.00 | 105.00 |
| Lescogran | 1 gallon | \$ 98.75 | N/A |
| | | \$ | |
| Fungicide | | | |
| Banol | 1 gallon | \$ 330.00 | 325.00 |
| T-Storm | 2.5 gallon | \$ 350.00 | N/A |
| Mancozeb | 12 pound | \$ 62.15 | N/A |
| Heritage | 1 pound | \$ 379.50 | 365.00 |
| Manicure Ultrex | 5 pound | \$ 48.10 | 46.00 |
| Subdue | 1 gallon | \$ 560.00 | 590.00 |
| | | \$ | |

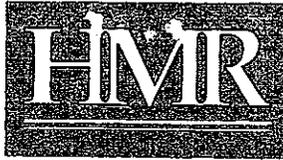
Bid Document 2005-O Horticultural Chemicals

| PRODUCT | UNIT | UNIT PRICE | PREVIOUS BID |
|-------------------------|-------------|------------|--------------|
| Fertilizer | | | |
| 12-2-14 L&O | 50 pound | \$ 13.65 | 12.00 |
| 14-14-14 L&O | 40 pound | \$ 17.90 | 14.50 |
| 18-0-18 50%PPSCU | 50 pound | \$ 10.50 | 9.50 |
| 18-24-12 50%MOP | 50 pound | \$ 11.65 | 11.00 |
| 21-3-21 TCRN 65% | 50 pound | \$ 16.00 | N/A |
| 20-20-20 Macron | 25 pound | \$ 23.00 | 16.80 |
| 23-0-23 Macron | 25 pound | \$ 23.00 | 16.80 |
| 21-0-0 Ammonium Sulfate | 50 pound | \$ 8.75 | 7.00 |
| 24-2-11 40% PPSCU 6FE | 50 pound | \$ 10.95 | 9.50 |
| 33-0-17Sprayable | 50 pound | \$ 11.75 | 9.89 |
| Pre-M 25-2-5 | 50 pound | \$ 15.40 | 17.00 |
| Pre-m 0-0-8 | 50 pound | \$ 17.50 | 18.80 |
| 20-10-5 Novex tablets | 25 pound | \$ 35.00 | N/A |
| | | \$ | \$ |
| Insecticide | | | |
| Dylox | 30 pound | \$ 28.00 | 30.50 |
| Horticultural Oil | 2.5 gallon | \$ 20.00 | 18.90 |
| Lesco Fate | 1 pound | \$ 11.20 | N/A |
| Lesco Fate | 10 pound | \$ 106.70 | N/A |
| Permethrin Pro | 1.25 gallon | \$ 91.10 | 100.00 |
| Talstar Flowable | 1 gallon | \$ 167.50 | 168.00 |
| Talstar Granular EZ | 25 pound | \$ 25.00 | 25.00 |
| Talstar Granular PL | 25 pound | \$ 21.00 | 21.00 |
| Top Choice | 50 pound | \$ 140.50 | 131.00 |
| Varsity Ant Bait | 25 pound | \$ 185.00 | 175.00 |
| Onyx | 32 ounce | \$ 97.50 | N/A |
| | | \$ | \$ |

Bid Document 2005-O Horticultural Chemicals

| PRODUCT | UNIT | UNIT PRICE | PREVIOUS BID |
|------------------------|----------------|------------|--------------|
| <i>Miscellaneous</i> | | | |
| Pro-Choice Soil Master | 50 pound | \$ 8.50 | N/A |
| ProChoice Quick Dry | 50 pound | \$ 9.00 | N/A |
| Pro Max | 2 pound | \$ 81.70 | N/A |
| Primo Max | 1 gallon | \$ 390.00 | N/A |
| Atheletic Paint | case of 12 | \$ 47.05 | 38.00 |
| Spreader Sticker | 2.5 gallon | \$ 36.05 | 30.00 |
| Tracker Dye | 1 quart | \$ 22.79 | 50.00 |
| Bolster | 2.5 gallon | \$ 118.00 | N/A |
| Chelated Iron Liquid | 2.5 gallon | \$ 33.70 | N/A |
| Dolomitic Lime | 50 pound | \$ 4.50 | 5.50 |
| Wasp & Hornet Spray | 17.5 ounce can | \$ 4.15 | N/A |
| Lesco -Sol | 2 pound | \$ 10.80 | N/A |
| Recede | 1 pint | \$ 9.95 | N/A |
| Lesco Green | 2.5 gallon | \$ 103.90 | N/A |
| | | \$ 8646.27 | |

TOTAL COMPARABLE ITEMS \$4,579.14 \$4,537.69



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

March 15, 2005

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

RE: May Day Park

Dear Mayor Small:

Hutchinson, Moore & Rauch, LLC is pleased to offer you an estimate for surveying and master planning services for the referenced site. Following is a list of the tasks to be provided, the associated fees, and a brief description of each task:

Boundary, Topographic and Tree Survey \$3,200

A boundary survey of the property will be required to locate and verify the existing property corners. The topographic survey will be used to determine the existing grade of the affected area, locate existing utilities, locate natural drainage features, establish a temporary benchmark on site, and to develop a topographic map of the site at one foot contour intervals. The information can be used to develop and design a grading, drainage, utilities and landscaping plan. The tree survey will locate all existing trees to ensure that they will be preserved and protected.

Master Plan \$5,900

HMR will develop a master plan showing recreational opportunities while preserving the park's physical and historic resources. The present and future needs of the citizens of Daphne who will be using the park will be the guiding elements in the planning of the park. Recreational considerations will include:

- New and improved beach
- Pavilion and picnic areas
- Restroom facilities
- Improved vehicular and pedestrian circulation
- Designated parking facilities
- Boat ramp and docking upgrades
- Improvement and expansion of existing pier
- Playground area
- Landscape and security lighting
- Improvement and enhancement of existing landscape

Honorable Fred Small, Mayor
March 15, 2005
Page 2

HMR will prepare a preliminary master plan for your consideration and review. After plan review by the City Council and other interested parties, a final master plan will be prepared. The final plan will incorporate recommendations as expressed by the City Council.

Thank you for the opportunity to provide our services. Should you have any questions or need additional information, please contact me at 626-2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



María A. Bueche, ASLA
Project Manager

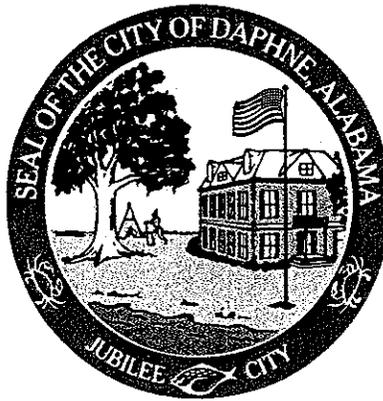
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Fred Small
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Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Regina Landry
District 6

August Palumbo
District 7

March 24, 2005

**Mr. David Ed Bishop, Chairman
Baldwin County Commission
312 Courthouse Square
Bay Minette, Al. 36507**

Re: County Assistance with Street Striping

Dear Mr. Bishop,

Please consider this a formal request for the Baldwin County Commission to approve the County Highway Department in assisting the City of Daphne with the paint striping of City streets.

In past efforts of this type, the City of Daphne has reimbursed the County for the cost of all materials used in striping projects within the City. We respectfully request that this same agreement apply in this case as well. Should the Commission approve our request, I have attached a list of streets requiring paint striping which can be forwarded directly to the Highway Department for scheduling.

As always, we are very appreciative of the consideration afforded the City of Daphne by the Baldwin County Commissioners.

On Behalf of the City of Daphne, I Am Sincerely

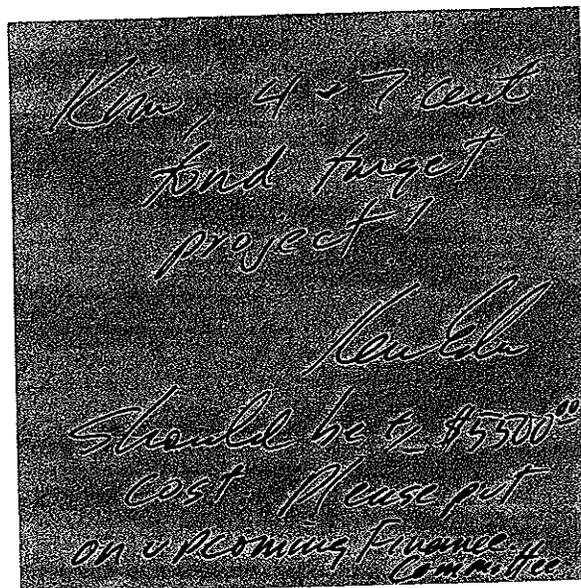
**Ken Eslava, Director
Divisions of Public Works & Maintenance**

**cc: Daphne Mayor Fred Small (w/att.)
Ms. Kim Briley, City of Daphne Finance Director(w/att.)
City of Daphne Public Works Committee(w/att.)
Mr. George Davis, County Engineer, Baldwin County Highway Dep't.(w/att.)**

List of City of Daphne streets which require paint striping...all noted streets are to have solid double yellow centerline w/ a solid white stripe on each side of the street.

- *Wilson Avenue...from Main Street to Pollard Road...(0.9 miles) & crosses U.S. 98**
- *Randall Avenue...from Main Street to Pollard Road...(1.0 miles) & crosses U.S. 98**
- *Maxwell Avenue...from Main Street to Captain O'Neal Drive...(0.6 miles)**
- *Magnolia Avenue...From Main Street to Old County Road...(0.4 miles)**
- *Lea Avenue...from Main Street to Old County Road...(0.4 miles)**
- *Van Avenue...from Main Street to U.S. 98...(0.3 miles)**
- *Academy Drive...From North Main Street to U.S. 98...(0.16 miles)**
- *Van Buren Street...from North Main Street to U.S. 98...(0.15 miles)**
- *County Road 13...from Whispering Pines Road to Lawson Road...(1.5 miles)..complete with yellow centerline reflectors**
- *Deer Avenue...from Main Street to Captain O'Neal Drive...(0.5 miles)**
- *Belrose Avenue...from Main Street to end of road...(0.6 miles)**
- *College Avenue...from Main Street to Captain O'Neal Drive...(0.5 miles)**
- *Warren Drive...from Johnson Road to Pine St...(0.4 miles)**
- *Daphmont Drive...from Pine Street to end of road...(0.4 miles)**
- *Jones Street...from Johnson Road to Pickett St...(0.2 miles)**
- *Pickett Street...from Jones St. to U.S. 98...(0.1 miles)**

Overall, I estimate the total requirements at slightly over 8 linear road miles. Please let me know if there are any questions regarding this effort. And again, thank you for your assistance.



*Kim, 4-7 out
ford target
project 1
Should be to \$5500⁰⁰
cost. Please put
on upcoming Finance
Committee*

MEMORANDUM

CITY of DAPHNE...DIVISION OF PUBLIC WORKS

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

From: Ken Eslava, Director of Public Works

Date: March 29, 2005

Re: Fund Appropriation / Traffic Striping

As you are aware, there has been a long standing concern for public safety on Old County Road due to the proximity of the roadway to public sidewalks. In some places, there is merely inches which separate vehicular traffic from pedestrians. As well, there is the same concern for public safety on Captain O'Neal Drive...the road is narrow, heavily traveled and has a very dangerous "S" curve in its South end.

The only available solution which is allowable by roadway design (thus legal) is to apply the best paint striping & reflective markers that are available on the market. Both roads are very heavily traveled and require materials which are not only durable, but extremely reflective at night. I have selected a combination of reflective thermoplastic striping & ALDOT approved reflective markers to be applied not only down the center, but on both sides of the road as well. Thermoplastic is applied using a heat source and has nearly five times the lifespan of regular painted stripes.

The cost of this project will be \$18,750.00 and my recommendation to the Public Works Committee, as well as this Committee, will be to use available funds in the 4 & 7 cent gas tax fund to cover the costs. (The Public Works Committee has recommended the execution of this project) I have spoken with Ms. Briley and adequate funds are available for use. Furthermore, my recommendation is to award the work to the Ozark Striping Company in the amount of \$18,750.00. I have attached a bid tabulation for your convenience indicating quotations from the only traffic striping companies in our area still in business.

BID TABULATION
OLD COUNTY ROAD/CAPTAIN O'NEAL DRIVE
TRAFFIC STRIPING PROJECT

Ammons & Blackmon Construction
Spanish Fort, Alabama.....No Bid

Ozark Striping Company, Inc.
Ozark, Alabama.....\$18,750.00

Gulf Coast Traffic Engineers
Pensacola, Fla.....\$20,051.95

My recommendation, as reflected on the prior page, is to award the project to Ozark Striping Company. They are the low bidder on the job, coming in at some \$1301.95 less than the highest bidder.

QUOTATION

FROM: OZARK STRIPING COMPANY, INC.
POST OFFICE BOX 847
OZARK, AL 36361
PHONE 334-774-2138
FAX 334-774-9073

TO: CITY OF DAPHNE PUBLIC WORKS
POST OFFICE BOX 400
DAPHNE, AL 36526
251-621-3182
FAX# 251-621-3189

BID DATE: March 22, 2005

PROJECT: OLD COUNTY ROAD & CAPTAIN O'NEAL ROAD
BALDWIN COUNTY AL

ATTENTION: KEN ESLAVA

| QUANTITY | UNIT | ITEM DESCRIPTION | PRICE | AMOUNT |
|----------------------|-------------|--|--------------|---------------|
| PAINT | | | | |
| 1.000 | LUMP | LUMP SUM STRIPING (CLASS 1 TYPE A) TO INCLUDE PAVEMENT MARKERS | \$8,750.00 | 8,750.00 |
| THERMOPLASTIC | | | | |
| 1.000 | LUMP | LUMP SUM STRIPING (CLASS 2 TYPE A) TO INCLUDE PAVEMENT MARKERS | \$18,750.00 | 18,750.00 |

BOTH ROADS TO BE STRIPED AT THE SAME TIME.
BOTH ROADS TO BE STRIPED IN SAME TYPE MATERIAL.

- * ONE MOVE-IN IS INCLUDED FOR PERMANENT WORK. ADD 5,000.00 FOR EACH ADDITIONAL.
- * GROSS RECEIPTS TAX AND BOND ARE NOT INCLUDED.
- * NO TEMPORARY WORK, CLEANING OR REMOVAL ARE INCLUDED.
- * PRICE VALID IF ACCEPTED WITHIN 30 DAYS.

LEON M. GROSS, III
PRESIDENT

GULF COAST TRAFFIC ENGINEERS, INC.

FAX QUOTATION

& BARRICADE SERVICE
 8203 KIPLING ST., P.O. BOX 10625
 PENSACOLA, FL 32524-0625
 PHONE: (850) 478-7066
 FAX: (850) 476-0244

DATE: 30-Mar-2005

JOB: TRAFFIC STRIPING
 DESC: VARIOUS LOCATIONS
 LOCATION: DAPHNE, AL
 FAX: 1-251-621-3189
 PHONE: 1-251-621-3182
 PROJ. #

TO: THE CITY OF DAPHNE
 PUBLIC WORKS DEPARTMENT
 ATTN: MR. KEN ESLAVA, DIRECTOR OF PUBLIC WORKS & MAINTENENCE
 P.O. BOX 400
 DAPHNE, AL 36526

QUOTE # **6527**
 CODE: D- ST

| Bid Item Number | Estimated Quantity | Work Description | Unit | Unit Price | Amount |
|--|--------------------|---|------|----------------------------|----------|
| OLD COUNTY ROAD | | | | | |
| | | <u>OPTION NO. 01:</u> | | | |
| 1. | 1.8 | SOLID WHITE, CLASS 1, TYPE A TRAFFIC STRIPE | MILE | 865.00 | 1,557.00 |
| 2. | 1.8 | SOLID YELLOW, CLASS 1, TYPE A TRAFFIC STRIPE | MILE | 865.00 | 1,557.00 |
| | | <u>OPTION NO. 02:</u> | | | |
| 1. | 1.8 | SOLID WHITE, CLASS 2, TYPE A TRAFFIC STRIPE | MILE | 2,218.00 | 3,992.40 |
| 2. | 1.8 | SOLID YELLOW, CLASS 2, TYPE A TRAFFIC STRIPE | MILE | 2,745.00 | 4,941.00 |
| | | <u>OPTION NO. 03:</u> | | | |
| 1. | 354 | INSTALL RAISED PAVEMENT MARKERS AT 40' ON CENTER FOR CENTERLINE STRIPING AND EDGELINE STRIPING. | EA | 4.75 | 1,681.50 |
| <i>\$10,614.90</i> | | | | | |
| CAPT. O'NEAL DRIVE | | | | | |
| | | <u>OPTION NO. 01:</u> | | | |
| 1. | 1.6 | SOLID WHITE, CLASS 1, TYPE A TRAFFIC STRIPE | MILE | 865.00 | 1,384.00 |
| 2. | 1.6 | SOLID YELLOW, CLASS 1, TYPE A TRAFFIC STRIPE | MILE | 865.00 | 1,384.00 |
| | | <u>OPTION NO. 02:</u> | | | |
| 1. | 1.6 | SOLID WHITE, CLASS 2, TYPE A TRAFFIC STRIPE | MILE | 2,218.00 | 3,548.80 |
| 2. | 1.6 | SOLID YELLOW, CLASS 2, TYPE A TRAFFIC STRIPE | MILE | 2,745.00 | 4,392.00 |
| | | <u>OPTION NO. 03:</u> | | | |
| 1. | 315 | INSTALL RAISED PAVEMENT MARKERS AT 40' ON CENTER FOR CENTERLINE STRIPING AND EDGELINE STRIPING. | EA | 4.75 | 1,496.25 |
| <i>\$9,437.05</i> | | | | | |
| NOTE: Actual units in place at the above unit prices will prevail. | | | | TOTAL = \$20,051.90 | |
| PAYMENT WITHIN 5 DAYS RECEIPT OF INVOICE WITH APPROVED CREDIT | | | | | |

ACCEPTANCE OF BID

TOTAL SEE ABOVE

SIGNED: _____

PRINT: _____

DATE: _____

NOTE: THIS QUOTATION IS VOID 30 DAYS FROM DATE UNLESS SIGNED AND A COPY IS RETURNED TO BIDDER.

David

DAVID E. COOK, VICE PRESIDENT

BARRICADE SERVICE / COMPLETE TENNIS COURTS / ROAD AND PARKING LOT STRIPING / ASPHALT SEALING

do the course anymore, but that she would check into it. Mr. Lake stated that the solid waste crews cover the entire city twice a week and that they would be excellent reporting agents. Mr. Yelding asks about the supervisors and whether or not they were authorized to close a job, and Mr. Eslava stated that they would be directing any problems to him.

E. County Road 64 Update

Mr. Eslava wrote a letter to the county engineer and had received no response thus far.

F. Lake Forest

Mr. Eslava explains that the lake is coming up in a work session. He wants any questions brought up now while it's on the table. Mrs. Barnette starts out saying that her initial instinct is to say no, then changes her answer to a maybe. She thinks that they should finish up on the storm water authority grant and look over the budget assessment first before making a decision on the lake. Mr. Lake states that he somewhat agrees with Mrs. Barnette. He goes on to explain that the State and the County both need to be involved in this project because they are contributing to the problem. Mr. Yelding brings up the fact that an Environmental Officer would do a world of wonder, due to all the trouble the lake has caused in the past and continues to cause in the present. Mr. Yelding is curious to know what Mr. Eslava thinks of the lake and wants his opinion. Mr. Eslava states that he has always wanted the problem solved and that's why he brought it to council, and especially before a legal issue comes of it. Mrs. Barnette thinks there should be a study performed to better inform the council of what exactly needs to happen.

G. Old County Road & Captain O'Neal

Mr. Eslava announced that he obtained quotes on thermoplastic striping for the entire run of Captain O'Neal and Old County, to include reflective markers all the way down the middle and on both sides of the street. He stated that the price would be around \$18,000, but would make the very dangerous curves a safer place to both walker and drivers. That quote would cover the 2 ½ mile stretch of road in question. Mr. Lake states that it sounds like the safest thing to do as well. They discuss thermoplastic material amongst themselves. **Mrs. Barnette motioned to request financing in the amount of \$18,000 for 4 and 7 cent tax funds for the striping project on Old County and Captain O'Neal; Mr. Lake seconded the motion and all were in favor.**

H. Paint Striping Request - Baldwin Co. Highway Dept.

Mr. Eslava mentions that there are parking lots and turning lanes that need to be striped. He mentions that there are also some roads to be striped and lets the committee know that he will get them all a list.

VI. **SOLID WASTE AUTHORITY**

A. Household Hazardous Waste Program

Mr. Yelding asked Mr. Eslava how things are going in this particular area and Mr. Eslava responded that things are moving slowly but surely. He speaks of a piece of

MEMORANDUM

CITY OF DAPHNE...DIVISION OF PUBLIC WORKS

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

**From: Ken Eslava, Director
Divisions of Public Works**

Date: March 30, 2005

Re: Fund appropriation request / County Road 13

As I informed you in our last City Council meeting, I visited the Baldwin County Commission work session on Tuesday, March 15, 2005 with the mission of requesting financial assistance for traffic improvements on County Road 13.....in front of Daphne East & Daphne Middle Schools. The traffic situation around these schools is nothing short of a catastrophe ...primarily due to the addition of Daphne East Elementary School traffic and not taking zone traffic flow into account during design & construction of the school.

I met with both the Commissioners & Dr. Faron Hollinger of the Baldwin County Board of Education, and requested of each that they contribute 1/3 of the cost of widening of County Road 13 & installing new turn lanes complete with new signalization at the intersection @ Whispering Pines Road. The City of Daphne would be the other 1/3 share contributor required to complete project execution.

After my technical presentation of the project to the Commissioners & Dr. Hollinger, they both unanimously agreed to financially participate in the project for a combined total of 2/3 of the project cost.

The County Road 13 Improvement Project Cost breaks out as follows:

Total Project cost: \$410,722.00

Baldwin County Commission.....\$136,907.33
Baldwin County Board of Education.....\$136,907.33
City of Daphne.....\$136,907.33

Therefore, this is my formal request of the Finance Committee to recommend to full Council, that we commit our 1/3 share in the amount of \$136,907.33 to this project. As additional supporting information, the Public Works Committee has, in the form of motion to this Committee, unanimously recommended the allocation of these funds for said project. This motion was made during the Public Works Committee meeting held last Friday, March 25, 2005. I have attached the meeting minutes for your convenience.

Thank you for your consideration & commitment.

the sidewalks every tenth of a mile. Mrs. Barnette asks if they should prioritize a few of these areas and Mr. Eslava agreed. They discuss getting volunteers involved. Mr. Yelding moves on to the next topic and Mr. Eslava states that a finance recommendation relating to streets and roads. He also brings up that someone asked about a pay as you go program. The committee discusses it and thinks it isn't in the best interest of the city at this time. They discuss how bad the roads in Lake Forest are as well as other areas. Mr. Eslava states an inexact figure on how much it may cost to resurface the roads. He estimates that it may be around one million dollars. He also states that he would like a list of all roads that are of top priority so he can look into them as well. Mrs. Barnette asks if they can do whatever is appropriate for the finance committee to understand that these are additional costs added to the one million already mentioned. Mr. Lake seconded the statement. Mr. Lake went into detail on what the additional costs may include, and he mentioned the sewer project on Pinehill Road being inappropriately handled. He goes on to say that it is important that Pinehill is addressed and put on the list. They turn the conversation back to the resurfacing of the roads. Mr. Eslava said that they may want to do this by bond issue. They were all in favor. Mrs. Barnette asked that they mention to finance that it is important that they catch up with the maintenance. **Mr. Yelding asks if there is a motion on the floor for sending the aforementioned information to the finance committee in the amount of 1.2 million dollars. Mr. Lake motioned that in order to establish a better road maintenance program, that a bond issue be requested in the amount of 1.2 million dollars for necessary resurfacing throughout the City; Mrs. Barnette seconded the motion and all were in favor.**

B Sediment & Erosion Control Enforcement

Mr. Eslava presented a job description for the Environmental Officer of the City of Fairhope. He stated that it could be used as a starting point for the creation of a position for the City of Daphne. Once the committee has decided on the qualifications on this position, it will then be submitted to Human Resources. Mrs. Barnette states that they need to figure out what the qualifications need to be and how technical the position should be. She suggests that they find someone that may be willing to further their education if need be. They decide to discuss it further at a work session on April 8, at 8:00 a.m.

C. County Road 13 - City/County/Baldwin Co. Board of Education

Mr. Eslava repeats, from the last council meeting, that they were successful in getting approximately \$274,000 from the County and the Board of Education. **Mr. Yelding states that they need a motion to send to the finance committee for the City's portion of the project for approval. Mrs. Barnette motioned to request financing in the amount of \$137,000 as the City's portion of the County Road 13 project; Mr. Lake seconded the motion and all were in favor.**

D. Environmental Officer Update

Mr. Eslava explains to the committee that he had a discussion with all of his supervisors on this subject on erosion control. Mrs. Barnette mentions that ADEM has a free course for public service workers and wanted to know if Mr. Eslava would be interested. She mentioned that was free training, but wasn't entirely sure if they

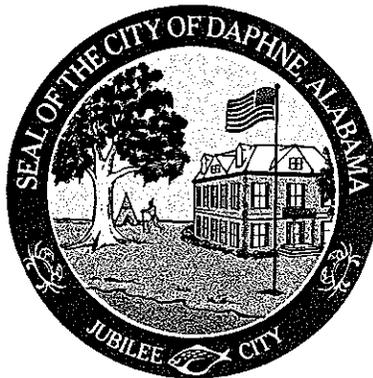
FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID B. CARPENTER II
CHIEF OF POLICE

A. MUND HANSON
FIRE CHIEF



COUNCIL MEMBERS

BAILEY YELDING, JR.

DISTRICT 1

CATHY BARNETTE

DISTRICT 2

JOHN L. LAKE

DISTRICT 3

GREG W. BURNAM

DISTRICT 4

RON SCOTT

DISTRICT 5

REGINA LANDRY

DISTRICT 6

AUGUST A. PALUMBO

DISTRICT 7

TO: Mayor Small

FROM: Kim Briley, Finance Director *Kim Briley*

DATE: March 9, 2005

RE: 2003 EPA Special Appropriations Grant:
City of Foley, Fairhope, and Daphne

The following is a re-cap of our meeting today with Scott Hutchinson and David Rauch of Hutchinson, Moore, & Rauch, LLC.

Purpose of Grant:

The grant has been in the works for about 2 ½ years. The purpose of the grant is to conduct a study leading to the development of a plan that will provide a basis for additional long range planning. This study will provide information to be used in conjunction with the NPDES-MS4 program. The objective is to present findings for the following territorial and extra-territorial issues:

- 1) Establishment of watershed goals, objectives, and plans
- 2) Financing mechanisms such as the establishment of Impact Fees
- 3) Collection of comprehensive data regarding waste water issues
- 4) Compilation of land-use regulatory actions

Recommendations will be presented at the conclusion of the study. Each City will exercise its own authority and discretion to determine which recommendations to implement. There is no requirement for the City to adopt any of the study's recommendations.

Administrative and Financial Issues:

The City of Foley is the grant recipient and administrator. The Grant Agreement is with Foley. Daphne and Fairhope are required to assist Foley in meeting match requirements (\$ 132,000 In-Kind Services and \$ 15,000 Cash [each].) The In-Kind Services being requested would be time sheets documenting time required to collect data for the study. This will include the time spent by GIS operators.

Concern was expressed regarding the ability of the City of Daphne to meet the \$132,000 In-Kind match.

It was discussed that the City of Foley needs to send Daphne and Fairhope some written instructions regarding when the documentation of time needs to begin and the type of documentation required. Additionally, the over-head rate used by governmental agencies for federal grants is typically approved by the granting agency prior to submitting any type of pay request. Has the EPA approved an over-head rate for this grant? Mr. Rauch stated he would be contacting the EPA Project Officer, Mary Ann Gerber, to determine what the EPA will need regarding over-head calculations. The project period of the grant is also needed.

Because the City of Foley is the grant recipient, all federal grant requirements rest with Foley. Foley is securing all contracts and will be submitting all requests for payment to the EPA. Foley will be the recipient of all grant funds. It was also noted that Daphne wants to participate in the project, but the responsibilities need to be better defined. Therefore, the attached ***Agreement of Understanding*** was drafted.

The Daphne City Council has not formally approved the City's participation in the project. This will need to be submitted to the City Council and approved prior to the commencement of any work by the City of Daphne.

Conclusion

The City Attorney has a draft of the agreement and is reviewing it. Upon his review, it will be forwarded to the City Attorneys of Foley and Fairhope for their review.

It was determined that since the Mayors and City Council representatives from Foley, Fairhope, and Daphne will be attending the NLC meeting in Washington, DC March 11-15, that this issue could be discussed collectively at that time. This would help expedite the commencement of the study.

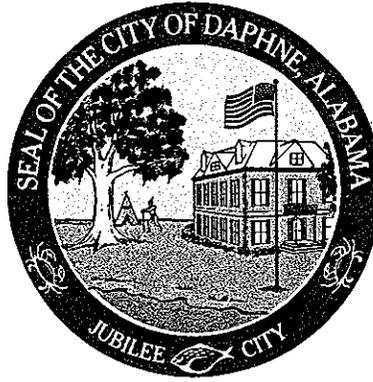
FRED SMALL
MAYOR

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RON SCOTT

DISTRICT 5

REGINA LANDRY

DISTRICT 6

AUGUST A. PALUMBO

DISTRICT 7

TO: Jay Ross, Ross & Jordan

FROM: Kim Briley, Finance Director

DATE: March 2, 2005

VIA FACSIMILE: 432-5445

RE: 2003 US EPA Special Appropriations Grant

Attached for your review is an Agreement of Understanding for the above grant. I have consulted with Janey Galbraith, Grants Consultant, in the drafting of this Agreement and it is modeled after an agreement between the Mobile County Commission and the Mobile Area Water System.

The City of Foley has received a grant with a total project cost of \$ 1,103,818 for a Watershed Management Program. (Copy of award document is attached.) Apparently, there was a verbal understanding between Mayor Brown, Kant, and Russell regarding this grant. However, the Daphne City Council has not, as of this date, officially authorized any participation: cash or in-kind. It is my understanding that the City of Foley is moving forward with the grant and has asked Daphne to begin documenting in-kind services (totaling \$ 132,000) for the grant project. I have some concerns as to whether the City of Daphne will be able to meet and document this high level of in-kind services. Also, a \$ 15,000 cash contribution is expected.

This agreement is necessary in order to protect the City of Daphne from federal grant compliance-related issues and to clearly define who will be responsible for the grant activities. Daphne was not awarded the grant and will not be a party to the grant administration, so Daphne's participation limits need to be fully understood by all parties.

As this is both a legal and financial matter, please contact me and we will discuss the next step for the execution of this agreement. Perhaps the next step would be for you to contact the legal counsel of Foley and Fairhope?

CC: Mayor Small

XP - 97486704 - 0 Page 1



U.S. ENVIRONMENTAL PROTECTION AGENCY

* Grant Agreement

| ASSISTANCE ID NO. | | | DATE OF AWARD |
|-------------------|----------|--------|---------------|
| PRG | DOC ID | AMEND# | |
| XP | 97486704 | - 0 | JAN 22 2004 |
| TYPE OF ACTION | | | MAILING DATE |
| New | | | JAN 20 2004 |
| PAYMENT METHOD: | | | ACH# |
| Reimbursement | | | |

RECIPIENT TYPE:
Municipal

Send Payment Request to:
Dorothy Rayfield, Water Management Division, 404-562-9278

RECIPIENT:

City of Foley
P.O. Drawer 400
Foley, AL 36536
EIN: 63-6001763

PAYEE:

P.O. Drawer 400
Foley, AL 36536

PROJECT MANAGER

R. Timothy Russell
P.O. Drawer 400
Foley, AL 36536
E-Mail:
Phone: 251-043-1545

EPA PROJECT OFFICER

MaryAnn Gerber
61 Forsyth Street
Atlanta, GA 30303-8960
E-Mail: Gerber.MaryAnn@epa.gov
Phone: 404-562-9462

EPA GRANT SPECIALIST

Elaine Curles
Grants Management Office
E-Mail: Curles.Elaine@epa.gov
Phone: 404-562-8364

PROJECT TITLE AND DESCRIPTION
SPECIAL APPROPRIATION GRANT

NEW AWARD - This project is to prepare a comprehensive water infrastructure assessment and watershed management program for Southwest Baldwin County, Alabama.

BUDGET PERIOD

10/01/2003 - 07/01/2005

PROJECT PERIOD

10/01/2003 - 07/01/2005

TOTAL BUDGET PERIOD COST

\$1,103,818.00

TOTAL PROJECT PERIOD COST

\$1,103,818.00

NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

* The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the City of Foley for 55.00 % of all approved costs incurred up to and not exceeding \$607,100 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 05/27/2003 included herein by reference.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS

61 Forsyth Street
Atlanta, GA 30303-8960

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, Region 4
Water Management Division
61 Forsyth Street
Atlanta, GA 30303-8960

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

J. I. Palmer, Jr., Regional Administrator

DATE
JAN 22 2004

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be re-funded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

R. Timothy Russell, Mayor

DATE
2/16/04

**AGREEMENT OF UNDERSTANDING
BETWEEN
THE CITY OF FOLEY, CITY OF FAIRHOPE, AND CITY OF DAPHNE
2003 US EPA Special Appropriations Grant
known as the
“Southwest Baldwin County Watershed Management Program”**

WHEREAS, the City of Foley (hereinafter Foley) has received a 2003 US Environmental Protection Agency (EPA) Special Appropriations Grant (hereinafter EPA Grant) for the benefit of Foley and the Cities of Fairhope (hereinafter Fairhope) and Daphne (hereinafter Daphne). As of the dates hereinafter set forth below, Foley, Fairhope, and Daphne do hereby agree to enter into an Agreement of Understanding for the purpose of clarifying responsibilities concerning the EPA Grant.

NOW, THEREFORE BE IT RESOLVED, that said Agreement of Understanding is as follows:

CITY OF FOLEY:

1. The Grant Agreement with the EPA is executed by the City of Foley and the Project Manager is R. Timothy Russell, Mayor City of Foley.
2. The EPA Grant agreement states that Foley will prepare a comprehensive water infrastructure assessment and watershed management program for Southwest Baldwin County, Alabama for a total project cost of \$ 1,103,818 (\$ 607,100 cash and \$ 496,718 match.)
3. Foley has procured the services of Program Administrator and Professional Engineer and has retained the services of Hutchinson, Moore, and Rauch to represent Foley, Fairhope, and Daphne in all matters concerning and associated with the proper administration and implementation of the EPA Grant.
4. Foley will take all actions necessary to determine whether an Environmental Review is required and will take full responsibility for compliance with such Environmental Review requirements and regulations.
5. Foley assumes all responsibilities regarding the procurement of services for the grant according to the Regulatory Authority of 40 CFR Part 31.
6. Foley assumes all responsibilities of compliance with all rules, regulations, and guidelines required by the EPA Grant.
7. Foley will comply with all local, state, and federal laws and regulations as they apply to the EPA Grant project.
8. Foley will provide written instructions and procedures to Fairhope and Daphne regarding the grant documentation required for the EPA Grant.
9. Foley will maintain all records, including fiscal records and books related to the EPA Grant for audit and other purposes and will make such information available to Fairhope and Daphne upon request.

CITY OF FAIRHOPE AND DAPHNE:

1. Fairhope and Daphne will provide assistance to Foley with the EPA Grant upon receipt of a written request and instruction regarding the assistance required.
2. Fairhope and Daphne will participate in the Southwest Baldwin County Watershed Management Program and Fairhope and Daphne will each provide \$ 15,000 cash and \$132,000 In-Kind Services to Foley; provided that adequate staff levels, time, and documentation are available to meet the \$132,000 In-Kind requirement.
3. Fairhope and Daphne are not parties to the Grant Agreement with the EPA and will not participate in the procurement of any services related to the EPA Grant.

Effective Date of Acceptance by City of Foley: _____

Effective Date of Acceptance by City of Fairhope: _____

Effective Date of Acceptance by City of Daphne: _____

CITY OF FOLEY

R. Timothy Russell, Mayor

ATTEST & SEAL:

City Clerk, City of Foley

CITY OF FAIRHOPE

Tim Kant, Mayor

ATTEST & SEAL:

City Clerk, City of Fairhope

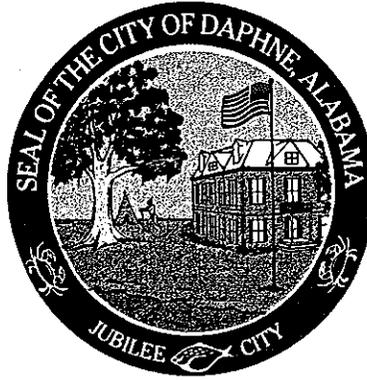
CITY OF DAPHNE

Fred Small, Mayor

ATTEST & SEAL:

City Clerk, City of Daphne

FRED SMALL
MAYOR
DAVID L. COHEN, MMC
CITY CLERK
KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER
DAVID B. CARPENTER II
CHIEF OF POLICE
A. MUND HANSON
FIRE CHIEF



COUNCIL MEMBERS

BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
GREG W. BURNAM
DISTRICT 4
RON SCOTT
DISTRICT 5
REGINA LANDRY
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

MEMO

TO: Finance Committee
FROM: Mayor Small
SUBJECT: Contracted Services
DATE: April 8, 2005

I am requesting that additional funds be placed into the Legislative Contracted Services account, which is used to pay for moderator's to preside at meetings that require one. The account has been depleted by two meetings between Bayside Academy and the Belrose residents. I would like to have money available in case another situation should come up where a moderator is needed. I am requesting that \$1,000 be added to this account.

MEMORANDUM

CITY of DAPHNE...DIVISION OF PUBLIC WORKS

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

**From: Ken Eslava, Director
Divisions of Public Works & Maintenance**

Date: April 11, 2005

Re: Emergency Appropriation...Road Repairs

As you will recall, 1 ½ weeks ago the City of Daphne received 13" of recorded rainfall within a two day period. This was again, the equivalent of a 100 year storm event.

Some of our streets and roads suffered severe damage as a result of this overwhelming quantity of water in such a short time frame. Myself and Scott Hutchinson of HMR have evaluated the damages, and estimate that permanent repairs to our infrastructure will cost nearly \$95,000.00. These are repairs which NRCS will pay to remediate, however, the application for and receipt of federal funds will take a number of months to complete. Our Public Works forces have made temporary repairs to affected damaged areas, but permanent repairs to our roads must be performed immediately in order to prevent further damage or risk complete road loss should another rain event of equal proportions come along.

We simply cannot afford to completely lose one of our main traffic corridors!

My formal request of the Finance Committee, and full Council, is to provide an Emergency Allocation for Road Repairs in the amount of \$95,000...which would allow us to complete critical repairs now. Once the City receives its appropriation from the NRCS, we would simply reimburse the General Fund the entire amount used in the repair

projects. In the last several years, myself and Scott Hutchinson have been 100% successful at getting a) all of the required funding from NRCS that we request for b) all of the projects which we have chosen as qualifying projects for NRCS funding. So reimbursement for City coffers is fairly secure, as long as the U.S. Congress continues to fund the Natural Resources Conservation Service(NRCS), which is a division of the U.S. Department of Agriculture.

As a footnote, there are other projects within the City which we intend to pursue NRCS funding for. Which are direct results of this past storm event...such as interim measures to prevent further flooding on Lakeview Loop in Lake Forest. But these are not emergency repairs to City infrastructure, thus will be allowed to track thru the regular application process of the NRCS for funding allowance.

Thank you for your consideration.

**cc: Mayor Fred Small
David Cohen, City Clerk
Mr. Scott Hutchinson, Hutchinson, Moore & Rauch Engineers**

**Damaged roads within the City of Daphne
Municipal limits, resulting from 13" rainfall event of
Thursday, April 3 and Friday, April 4, 2005**

Johnson Road.....between Main Street & U.S. 98

County Road 64....between U.S. 98 and Conaway Street

County Road 13....between Lawson Road and Highway 90

Camellia Lane....between Dauphine Circle & Caroline Ave.

Pollard Road....South of County Road 64

TREASURER'S REPORT

As of March 2005

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

| <u>ACCT TITLE</u> | <u>BANK</u> | <u>BALANCE</u> |
|--|-------------|-----------------------|
| GENERAL FUND & ENTERPRISE FUNDS | | |
| MMA ACCT | COMPASS | \$5,469,243.43 |
| OPERATING ACCT | COMPASS | (\$397,713.81) |
| PAYROLL ACCT | COMPASS | (\$8,882.92) |
| MUNICIPAL COURT | COMPASS | <u>\$183,542.72</u> |
| | | \$5,246,189.42 |
| SPECIAL REVENUES FUND | | |
| SAIL SITE | FIRST GULF | \$3,337.09 |
| 4 CENT GAS TAX | FIRST GULF | \$117,851.08 |
| 7 CENT GAS TAX | FIRST GULF | <u>\$84,037.22</u> |
| | | \$205,225.39 |
| CAPITAL PROJECTS FUND | | |
| CDBG LOAN REPAY | COMPASS | \$5,884.47 |
| CAPITAL GROWTH | SOUTHTRUST | \$1,763,440.14 |
| 97 WARRANT CONS | SOUTHTRUST | \$4,825.97 |
| 99 WARRANT CONS | REGIONS | \$925,899.13 |
| 2000 CONSTRUCTION | REGIONS | <u>\$89,728.15</u> |
| | | \$2,789,777.86 |
| DEBT SERVICE FUND | | |
| DEBT SERVICE | SOUTHTRUST | \$804,762.89 |
| | | <u>\$9,045,955.56</u> |

SALES & USE TAXES

FY 2005 BUDGET/ACTUAL COMPARISONS

| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | Actual-2005 | Budget | Monthly Variance | YTD Variance | % of Budget |
|---------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------------|-------------------|-------------------|-------------|
| October | 505,823.52 | 523,515.85 | 565,075.77 | 671,899.04 | 636,482.64 | 697,830.58 | 833,700.71 | 833,700.71 | 666,924 | 166,776.88 | 166,776.88 | 25.01% |
| November | 477,755.53 | 535,573.14 | 591,377.80 | 650,308.98 | 646,534.10 | 710,788.74 | 814,666.03 | 814,666.03 | 666,813 | 147,853.43 | 314,630.31 | 22.17% |
| December | 677,887.14 | 730,634.15 | 803,488.81 | 858,086.66 | 892,208.68 | 941,151.87 | 1,091,073.78 | 1,091,073.78 | 894,141 | 196,932.76 | 511,563.07 | 22.02% |
| January | 486,672.84 | 504,442.67 | 557,344.42 | 639,638.85 | 590,727.65 | 697,083.68 | 771,837.83 | 771,837.83 | 666,813 | 105,025.23 | 616,588.30 | 15.75% |
| February | 493,808.01 | 540,983.07 | 587,990.90 | 602,215.06 | 632,654.31 | 688,421.54 | 788,825.08 | 788,825.08 | 638,318 | 150,507.13 | 767,095.43 | 23.58% |
| March | 604,374.14 | 595,340.89 | 682,504.29 | 710,960.77 | 705,390.20 | 848,156.86 | 750,404 | 750,404 | 750,404 | - | - | - |
| April | 546,895.63 | 535,386.42 | 649,639.77 | 629,853.17 | 692,148.44 | 752,039.55 | 687,815 | 687,815 | 687,815 | - | - | - |
| May | 552,248.34 | 618,037.66 | 684,188.67 | 669,867.28 | 702,692.15 | 757,610.49 | 706,814 | 706,814 | 706,814 | - | - | - |
| June | 592,710.00 | 657,414.17 | 693,747.71 | 731,684.73 | 752,668.04 | 818,209.20 | 764,508 | 764,508 | 764,508 | - | - | - |
| July | 556,101.54 | 627,156.12 | 622,924.98 | 679,602.58 | 721,790.90 | 803,051.14 | 731,063 | 731,063 | 731,063 | - | - | - |
| August | 572,426.86 | 618,088.96 | 652,404.99 | 657,027.91 | 739,983.63 | 745,320.33 | 711,532 | 711,532 | 711,532 | - | - | - |
| September | 567,326.23 | 623,657.72 | 660,492.09 | 644,827.41 | 715,641.36 | 830,260.80 | 725,140 | 725,140 | 725,140 | - | - | - |
| Totals | 6,634,029.78 | 7,110,160.82 | 7,751,180.20 | 8,144,772.44 | 8,428,932.10 | 9,289,924.78 | 4,300,103.43 | 4,300,103.43 | 8,610,284 | 767,095.43 | 767,095.43 | |

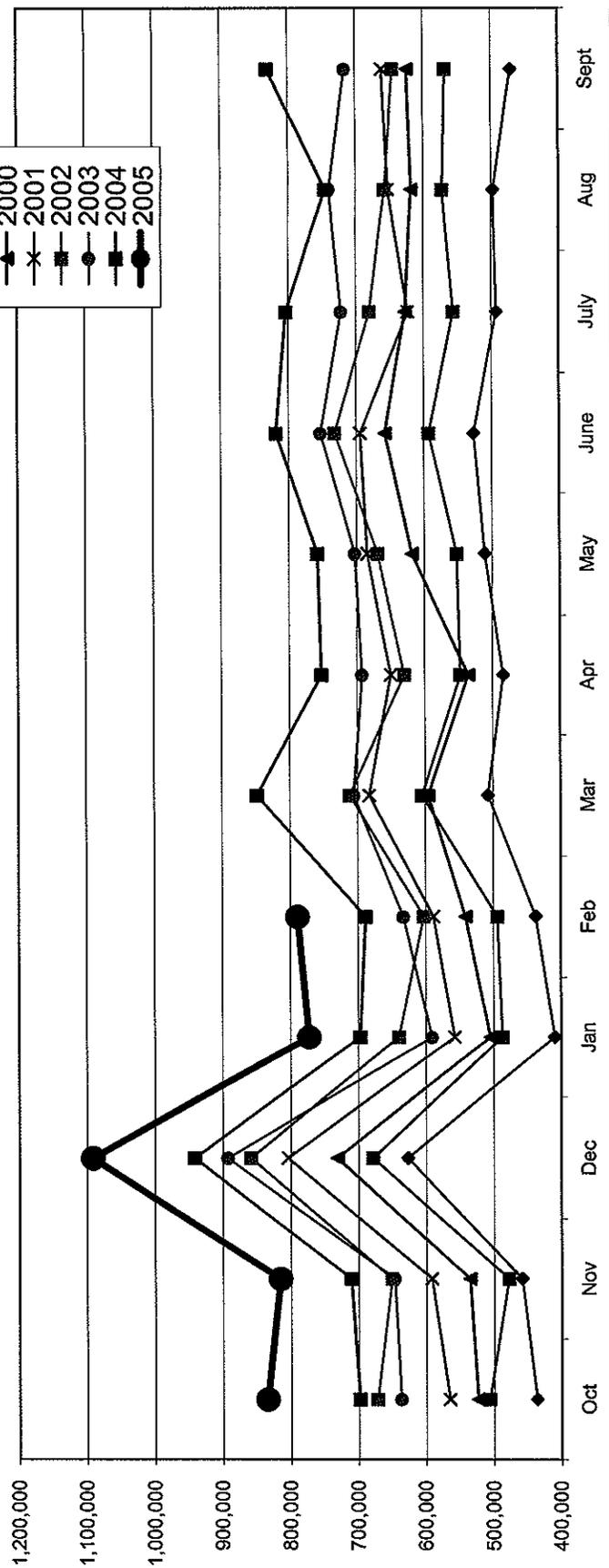
FISCAL YEAR COMPARISONS

| | 1999-2000 | 2000-2001 | 2001-2002 | 2002-2003 | 2003-2004 | 2004-2005 | Percent Change | 2000-2001 | 2001-2002 | 2002-2003 | 2003-2004 | 2004-2005 |
|-------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------|--------------|--------------|---------------|---------------|-----------|
| October | 17,892.33 | 41,559.92 | 106,823.27 | (35,216.40) | 61,347.94 | 135,870.13 | 18.87% | 7.94% | 18.87% | -5.24% | 9.64% | 19.47% |
| November | 57,817.61 | 55,804.66 | 58,931.18 | (3,774.88) | 64,254.64 | 103,877.29 | 9.97% | 10.42% | 9.97% | -0.58% | 9.94% | 14.61% |
| December | 52,747.01 | 72,854.66 | 54,597.85 | 34,122.02 | 48,943.19 | 149,921.91 | 8.80% | 9.97% | 3.98% | 5.49% | 5.49% | 15.99% |
| January | 17,769.83 | 52,901.75 | 82,294.43 | (48,911.20) | 106,356.03 | 74,754.15 | 14.77% | 10.49% | -7.65% | 18.00% | 18.00% | 10.72% |
| February | 47,155.06 | 47,027.83 | 14,224.16 | 30,439.25 | 55,767.23 | 100,403.54 | 2.42% | 8.69% | 5.05% | 6.05% | 8.81% | 14.58% |
| March | (9,033.25) | 87,163.40 | 28,456.48 | (5,570.57) | 142,766.66 | 142,766.66 | 4.17% | 14.64% | -0.78% | 20.24% | 20.24% | - |
| April | (11,559.21) | 114,303.35 | (19,786.60) | 62,295.27 | 59,891.11 | 59,891.11 | -3.05% | 21.35% | 9.89% | 8.65% | 8.65% | - |
| May | 65,789.32 | 66,151.01 | (15,321.39) | 33,824.87 | 54,918.34 | 54,918.34 | -2.24% | 10.70% | 5.06% | 7.82% | 7.82% | - |
| June | 64,704.17 | 36,933.54 | 37,937.02 | 20,983.31 | 65,541.16 | 65,541.16 | 5.47% | 5.53% | 2.87% | 8.71% | 8.71% | - |
| July | 71,054.58 | (4,231.14) | 56,877.60 | 42,188.32 | 81,260.24 | 81,260.24 | 9.10% | -0.67% | 6.21% | 11.26% | 11.26% | - |
| August | 45,662.10 | 34,316.03 | 4,622.92 | 82,965.72 | 5,326.70 | 5,326.70 | 0.71% | 5.55% | 12.63% | 0.72% | 0.72% | - |
| September | 56,331.49 | 36,834.37 | (15,664.65) | 70,813.95 | 114,619.44 | 114,619.44 | -2.37% | 5.91% | 10.98% | 16.02% | 16.02% | - |
| Annual \$ Change | 476,131.04 | 641,019.38 | 393,592.24 | 284,159.66 | 880,992.68 | 564,827.02 | 5.08% | 9.02% | 3.49% | 10.21% | 10.21% | |

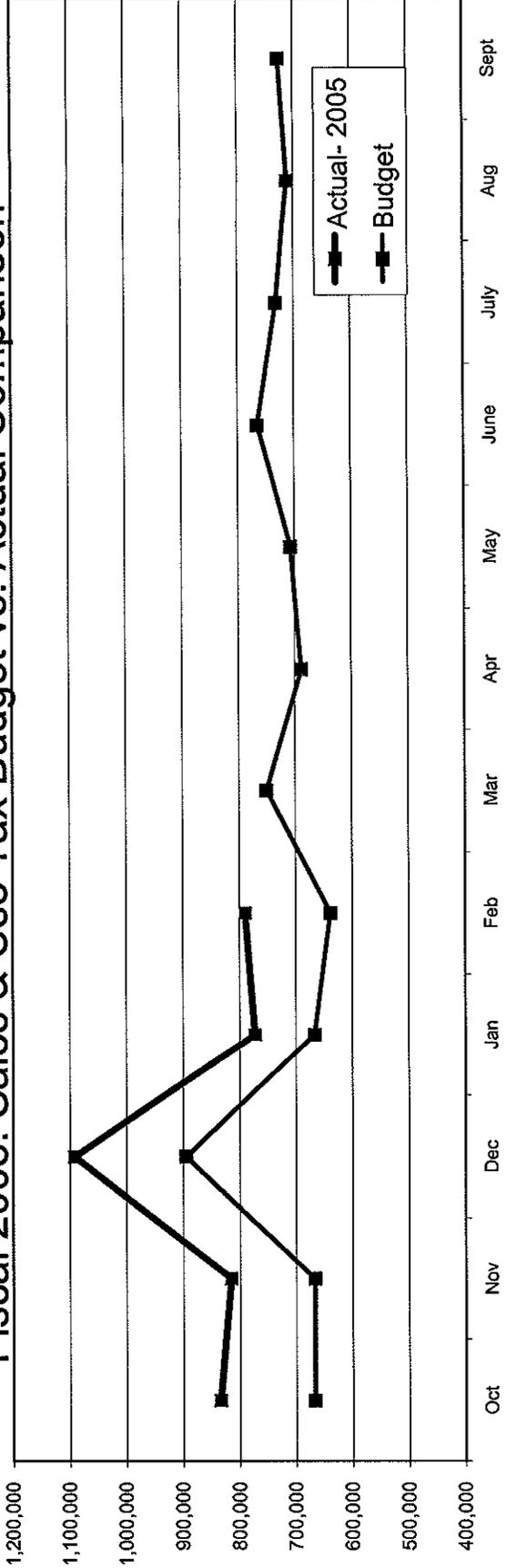
| | |
|--------------------------------|-----------|
| TOTAL collections: 2-28-05 | 4,300,103 |
| Budgeted: 10-1-04 to 2-28-05 | 3,533,008 |
| Actual Col>(<)Budget, 2-28-05 | 767,095 |
| % Over/(Under) Budget, 2-28-05 | 21.71% |

| | |
|--------------------------------|-----------|
| TOTAL collections: FY 04 | 9,289,925 |
| TOTAL est. bdgt coll: FY 04 | 8,610,284 |
| Budgeted Dollar Decrease 04/05 | (679,641) |
| Budgeted Percent Decrease | -7.32% |

Sales & Use Tax Comparisons



Fiscal 2005: Sales & Use Tax Budget vs. Actual Comparison



Ad Valorem Taxes

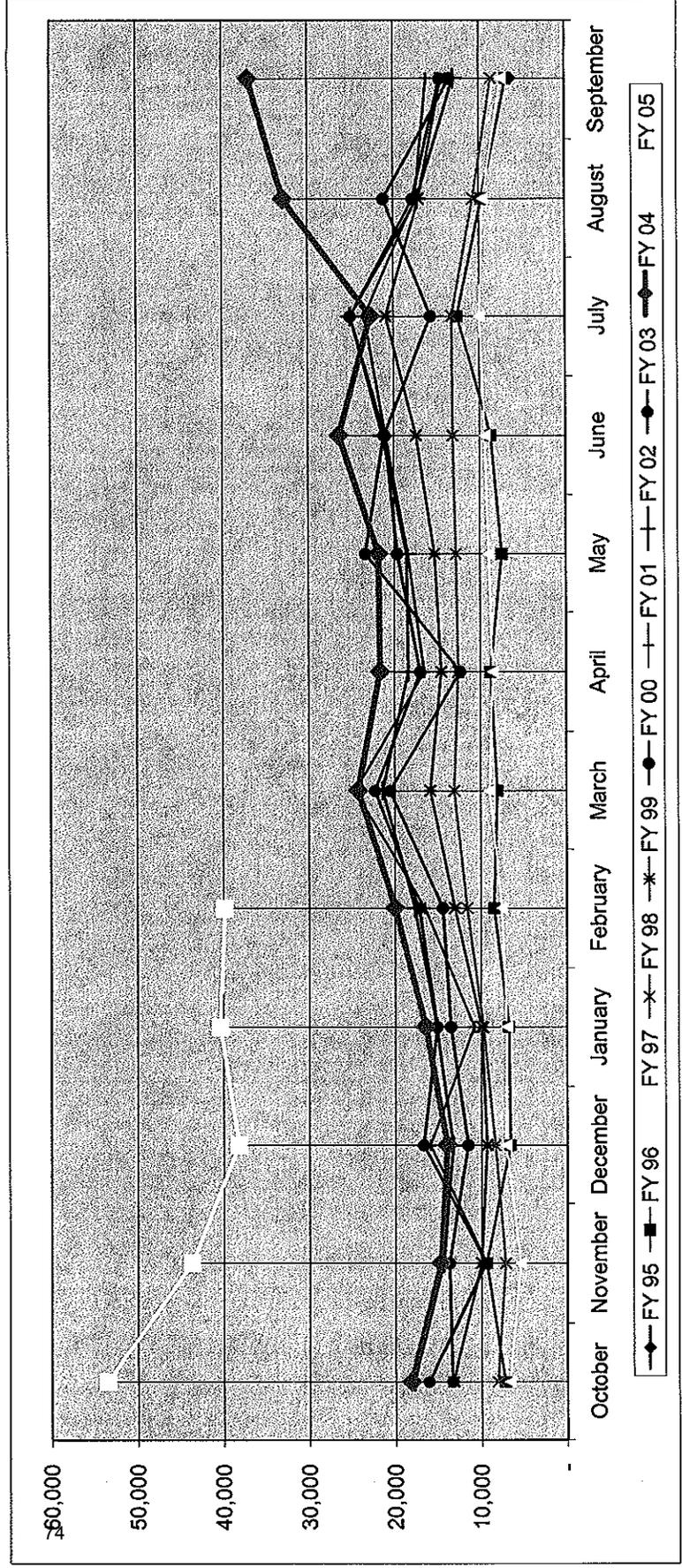
| | 2001 | 2002 | 2003 | 2004 | 2005* | 2005- Budget/ | 2005- Budget/ |
|----------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Property Taxes | 1,996,746 | 2,130,635 | 2,254,739 | 2,508,168 | 2,433,197 | 2,775,000 | (341,803) |
| Shares Taxes | 29,688 | 29,881 | 30,090 | 30,316 | - | 31,000 | (31,000) |
| Auto Taxes | 369,493 | 385,623 | 384,801 | 396,865 | 157,444 | 330,000 | (172,556) |
| | <u>2,395,927</u> | <u>2,546,138</u> | <u>2,669,631</u> | <u>2,935,349</u> | <u>2,590,641</u> | <u>3,136,000</u> | <u>(545,359)</u> |

* As of 3-31-2005

Monthly Lodging Tax Collections

| | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 | FY 05 |
|--------------|-----------------|-------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 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 | |
| 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 | |
| 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 | |
| January | 6,765.39 | 6,990.72 | 9,704.80 | 9,934.03 | 13,517.89 | 10,802.39 | 15,150.55 | 15,089.26 | 16,416.20 | 40,334.81 | |
| February | 8,466.36 | 7,536.69 | 11,579.98 | 13,024.87 | 14,425.61 | 16,482.91 | 17,680.30 | 17,174.37 | 19,952.91 | 39,797.68 | |
| March | 8,017.74 | 8,902.63 | 13,048.18 | 15,837.90 | 20,536.51 | 24,601.77 | 21,371.61 | 22,248.25 | 24,206.01 | | |
| 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 | | |
| 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 | | |
| 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 | | |
| 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 | | |
| 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 | | |
| September | 6,806.02 | 7,400.70 | 8,586.97 | 14,397.17 | 13,393.86 | 16,116.04 | 12,997.60 | 14,563.86 | 36,847.13 | | |
| 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 | 215,473.57 |

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



CITY OF DAPHNE
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE-Munis Basis
FOR THE MONTH ENDED FEBRUARY 28, 2005

with comparatives as of 2-28-01; 2-28-02; 2-28-03 and 2-29-04

Ordinance 2004-31

| | 2/28/2001 | 2/28/2002 | 2/28/2003 | 2/29/2004 | 2/28/2005 | Adopted Budget | Amended Budget | Variance- (Under)/Over | % Budget |
|--------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-------------------|-------------------|---------------------------|----------------|
| Revenues | | | | | | | | | |
| Sales, Use, & Luxury Taxes | 2,663,441.88 | 2,970,657.67 | 2,922,005.67 | 3,210,214.84 | 3,695,794.16 | 9,071,472 | 9,071,472 | (5,375,687.84) | 41% |
| Payment in Lieu of Taxes/Franchise F | 153,376.90 | 115,165.42 | 71,148.34 | 118,442.25 | 79,833.83 | 1,265,000 | 1,265,000 | (1,185,166.17) | 6% |
| Ad Valorem Taxes | 1,981,086.02 | 2,063,572.69 | 2,268,229.23 | 2,431,314.82 | 2,490,707.20 | 3,136,000 | 3,136,000 | (645,292.80) | 79% |
| Licenses & Permits | 409,245.75 | 408,312.53 | 1,242,679.14 | 1,355,354.32 | 1,316,941.88 | 1,661,260 | 1,661,260 | (344,318.12) | 79% |
| Intergovernmental | 16,281.96 | 75,450.34 | 40,824.54 | 23,886.97 | 82,278.64 | 118,160 | 118,160 | (35,881.36) | 70% |
| Fees & Charges | 50,052.22 | 57,836.50 | 99,512.85 | 100,435.99 | 98,677.31 | 312,050 | 312,050 | (213,372.69) | 32% |
| Fines | 145,252.44 | 120,658.76 | 158,077.86 | 167,665.66 | 177,896.48 | 405,500 | 405,500 | (227,603.52) | 44% |
| Interest | 88,669.83 | 28,972.02 | 18,947.16 | 24,019.06 | 25,668.69 | 50,000 | 50,000 | (24,331.31) | 51% |
| Grants | 20,497.90 | 42,285.98 | 73,416.86 | 26,774.00 | 41,807.00 | 56,000 | 84,876 | (43,069.00) | 49% |
| Miscellaneous | 75,477.93 | 23,270.93 | 10,107.86 | 48,664.21 | 20,278.14 | 61,045 | 68,645 | (48,366.86) | 30% |
| Revenues SubTotal | 5,603,382.83 | 5,906,182.84 | 6,904,949.51 | 7,506,772.12 | 8,029,873.33 | 16,136,487 | 16,172,963 | (8,143,089.67) | 50% |
| NRCS Grants | 97,590.68 | 153,502.01 | - | - | - | - | - | - | #DIV/0! |
| Insurance Proceeds/FEMA | - | 22,456.73 | - | - | - | - | - | - | #DIV/0! |
| Non-Recurring Rev | 97,590.68 | 175,958.74 | - | - | - | - | - | - | #DIV/0! |
| Total Revenues | 5,700,973.51 | 6,082,141.58 | 6,904,949.51 | 7,506,772.12 | 8,029,873.33 | 16,136,487 | 16,172,963 | (8,143,089.67) | 50% |

75

| | 2/28/2001 | 2/28/2002 | 2/28/2003 | 2/29/2004 | 2/28/2005 | Adopted Budget | Amended Budget | Variance- (Under)/Over | % Budget |
|---------------------------|------------|------------|------------|------------|------------|-------------------|-------------------|---------------------------|----------|
| Expenditures | | | | | | | | | |
| GENERAL GOVERNMENT | | | | | | | | | |
| Legislative | | | | | | | | | |
| Personnel | 55,568.35 | 60,000.80 | 59,097.38 | 62,205.67 | 65,760.16 | 164,704 | 164,704 | (98,943.84) | 40% |
| Operating | 68,102.41 | 69,192.02 | 50,862.26 | 60,529.87 | 74,846.59 | 178,400 | 169,770 | (94,923.41) | 44% |
| Capital | 2,002.27 | - | 2,853.77 | - | - | 3,000 | 16,630 | (16,630.00) | 0% |
| | 125,673.03 | 129,192.82 | 112,813.41 | 122,735.54 | 140,606.75 | 346,104 | 351,104 | (210,497.25) | 40% |
| Municipal Elections | | | | | | | | | |
| Operating | - | - | - | 4,128.88 | - | 29,500 | 29,500 | (28,500.00) | 0% |
| Executive | | | | | | | | | |
| Personnel | 46,821.84 | 49,545.43 | 49,978.69 | 49,010.91 | 53,553.81 | 124,445 | 124,445 | (70,891.19) | 43% |
| Operating | 9,772.96 | 9,067.04 | 8,824.94 | 2,700.25 | 4,732.71 | 10,870 | 33,425 | (28,692.29) | 14% |
| Capital | 2,099.98 | - | - | 20,128.50 | - | - | - | - | #DIV/0! |
| | 58,694.78 | 58,612.47 | 58,803.63 | 71,839.66 | 58,286.52 | 135,315 | 157,870 | (99,583.48) | 37% |
| Human Resources | | | | | | | | | |
| Personnel | 45,127.82 | 47,667.27 | 51,843.49 | 54,713.49 | 60,552.50 | 159,871 | 159,871 | (99,318.50) | 38% |
| Operating | 17,186.40 | 21,509.29 | 20,048.06 | 35,497.30 | 13,175.78 | 94,400 | 96,176 | (83,000.22) | 14% |
| Capital | - | - | - | - | - | 1,500 | - | - | #DIV/0! |
| | 62,314.22 | 69,176.56 | 71,891.55 | 90,210.79 | 73,728.28 | 255,771 | 256,047 | (182,318.72) | 29% |

Ordinance 2004-31

| | <u>2/28/2001</u> | <u>2/28/2002</u> | <u>2/28/2003</u> | <u>2/29/2004</u> | <u>2/28/2005</u> | <u>Adopted Budget</u> | <u>Amended Budget</u> | <u>Variance- (Under)/Over</u> | <u>% Budget</u> |
|---------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|-----------------------|-------------------------------|-----------------|
| Finance | | | | | | | | | |
| Personnel | 79,347.30 | 98,737.02 | 102,304.06 | 111,936.39 | 120,894.16 | 313,156 | 313,156 | (192,261.84) | 39% |
| Operating | 21,537.21 | 28,805.56 | 29,674.37 | 21,356.82 | 17,101.71 | 119,250 | 119,250 | (102,148.29) | 14% |
| Capital | 236.18 | - | 28,067.55 | - | - | - | - | - | #DIV/0! |
| | <u>101,120.69</u> | <u>127,542.58</u> | <u>160,045.98</u> | <u>133,293.21</u> | <u>137,995.87</u> | <u>432,406</u> | <u>432,406</u> | <u>(294,410.13)</u> | <u>32%</u> |
| Revenue | | | | | | | | | |
| Personnel | 28,511.70 | 30,054.93 | 30,532.90 | 36,164.73 | 43,839.37 | 116,833 | 116,833 | (72,993.63) | 38% |
| Operating | 5,568.64 | 6,668.45 | 13,158.78 | 12,783.98 | 8,554.88 | 36,425 | 36,425 | (27,870.12) | 23% |
| Capital | - | - | - | 5,221.44 | - | - | - | - | #DIV/0! |
| | <u>34,080.34</u> | <u>36,723.38</u> | <u>43,691.68</u> | <u>54,170.15</u> | <u>52,394.25</u> | <u>153,258</u> | <u>153,258</u> | <u>(100,863.75)</u> | <u>34%</u> |
| Planning/Zoning | | | | | | | | | |
| Personnel | 71,920.55 | 89,024.46 | 89,733.47 | 76,570.59 | 93,029.79 | 239,846 | 239,846 | (146,816.21) | 39% |
| Operating | 11,668.41 | 16,364.63 | 12,472.62 | 11,229.36 | 17,983.53 | 57,000 | 57,000 | (39,016.47) | 32% |
| Capital | 4,218.04 | - | - | - | - | 1,700 | 1,700 | (1,700.00) | 0% |
| | <u>87,807.00</u> | <u>105,389.09</u> | <u>102,206.09</u> | <u>87,799.95</u> | <u>111,013.32</u> | <u>298,546</u> | <u>298,546</u> | <u>(187,532.68)</u> | <u>37%</u> |
| Legal/Risk Management | | | | | | | | | |
| Operating- Legal | 34,651.33 | 40,677.24 | 54,390.87 | 46,380.52 | 33,275.43 | 170,000 | 170,000 | (136,724.57) | 20% |
| Operating- Risk Mgt | 1,490.00 | 86,773.50 | 105,846.88 | 111,532.88 | 156,189.00 | 123,500 | 123,500 | 32,689.00 | 126% |
| | <u>36,141.33</u> | <u>127,450.74</u> | <u>160,237.75</u> | <u>157,913.40</u> | <u>189,464.43</u> | <u>293,500</u> | <u>293,500</u> | <u>(104,035.57)</u> | <u>65%</u> |
| Municipal Court | | | | | | | | | |
| Personnel | 55,749.96 | 52,443.72 | 60,207.53 | 65,064.70 | 63,296.71 | 169,204 | 169,204 | (105,907.29) | 37% |
| Operating | 16,292.30 | 18,229.27 | 19,036.97 | 20,204.05 | 19,230.62 | 54,020 | 54,020 | (34,789.38) | 36% |
| | <u>72,042.26</u> | <u>70,672.99</u> | <u>79,244.50</u> | <u>85,268.75</u> | <u>82,527.33</u> | <u>223,224</u> | <u>223,224</u> | <u>(140,696.67)</u> | <u>37%</u> |
| Building Maintenance | | | | | | | | | |
| Personnel | 56,572.54 | 57,457.03 | 59,817.10 | 58,523.15 | 63,016.25 | 160,048 | 160,048 | (97,031.75) | 39% |
| Operating | 34,281.08 | 34,389.16 | 40,034.01 | 5,324.34 | 8,624.69 | 36,140 | 36,140 | (27,515.31) | 24% |
| Capital | 385.55 | - | - | - | - | - | - | - | #DIV/0! |
| | <u>91,239.17</u> | <u>91,846.19</u> | <u>99,851.11</u> | <u>63,847.49</u> | <u>71,640.94</u> | <u>196,188</u> | <u>196,188</u> | <u>(124,547.06)</u> | <u>37%</u> |
| Janitorial | | | | | | | | | |
| Personnel | - | - | - | 20,921.92 | 21,834.80 | 54,517 | 54,517 | (32,682.20) | 40% |
| Operating | - | - | - | 887.08 | 2,993.00 | 13,955 | 13,955 | (10,962.00) | 21% |
| Capital | - | - | - | - | - | - | - | - | #DIV/0! |
| | <u>-</u> | <u>-</u> | <u>-</u> | <u>21,809.00</u> | <u>24,827.80</u> | <u>68,472</u> | <u>68,472</u> | <u>(43,644.20)</u> | <u>36%</u> |
| City Hall Facilities Support | | | | | | | | | |
| Operating | - | - | - | 20,420.58 | 20,170.77 | 76,550 | 83,550 | (63,379.23) | 24% |
| TOTAL GENERAL GOVERNMENT | 439,620.06 | 484,930.86 | 503,514.62 | 535,111.55 | 585,777.55 | 1,502,624 | 1,502,624 | (916,846.45) | 39% |
| Personnel | 220,550.74 | 331,676.16 | 354,349.76 | 352,975.91 | 376,878.71 | 1,022,711 | 1,022,711 | (645,832.29) | 37% |
| Operating | 8,942.02 | - | 30,921.32 | 25,349.94 | - | 6,200 | 18,330 | (18,330.00) | 0% |
| Capital | <u>669,122.82</u> | <u>816,606.82</u> | <u>888,785.70</u> | <u>913,437.40</u> | <u>962,656.26</u> | <u>2,508,634</u> | <u>2,543,665</u> | <u>(1,581,008.74)</u> | <u>38%</u> |

| | <u>2/28/2001</u> | <u>2/28/2002</u> | <u>2/28/2003</u> | <u>2/29/2004</u> | <u>2/28/2005</u> | <u>Adopted Budget</u> | <u>Amended Budget</u> | <u>Variance- (Under/Over)</u> | <u>% Budget</u> |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|-----------------------|-----------------------|-------------------------------|-----------------|
| Ordinance 2004-31 | | | | | | | | | |
| PUBLIC SAFETY | | | | | | | | | |
| Police Administration | | | | | | | | | |
| Personnel | - | - | 71,756.09 | 86,500.51 | 113,324.71 | 280,646 | 280,646 | (167,321.29) | 40% |
| Operating | - | - | 72,535.98 | 82,125.13 | 82,145.19 | 178,524 | 178,354 | (96,208.81) | 46% |
| Capital | - | - | 8,695.66 | 1,320.00 | - | - | - | - | #DIV/0! |
| | - | - | 152,987.73 | 169,945.64 | 195,469.90 | 459,170 | 459,000 | (263,530.10) | 43% |
| SWAT (Sp Weapons & Tactical Eqpt) | | | | | | | | | |
| Personnel | - | - | - | - | - | - | - | - | #DIV/0! |
| Operating | - | - | - | - | 4,625.99 | 9,056 | 9,056 | (4,430.01) | 51% |
| Capital | - | - | - | - | - | - | - | - | #DIV/0! |
| | - | - | - | - | 4,625.99 | 9,056 | 9,056 | (4,430.01) | 51% |
| Patrol | | | | | | | | | |
| Personnel | - | - | 502,150.75 | 487,560.08 | 521,691.17 | 1,363,411 | 1,363,411 | (841,719.83) | 38% |
| Operating | - | - | 59,666.81 | 64,081.20 | 71,882.68 | 179,618 | 179,618 | (107,735.32) | 40% |
| Capital | - | - | - | 16,242.65 | - | - | - | - | #DIV/0! |
| | - | - | 561,817.56 | 567,883.93 | 593,573.85 | 1,543,029 | 1,543,029 | (949,455.15) | 38% |
| Detective | | | | | | | | | |
| Personnel | - | - | 186,736.47 | 184,973.47 | 174,068.33 | 497,430 | 497,430 | (323,361.67) | 35% |
| Operating | - | - | 18,309.72 | 17,336.92 | 24,848.64 | 64,055 | 64,755 | (39,906.36) | 38% |
| Capital | - | - | - | 9,541.24 | - | 6,500 | 6,500 | (6,500.00) | 0% |
| | - | - | 205,046.19 | 211,851.63 | 198,916.97 | 567,985 | 568,685 | (369,768.03) | 35% |
| Communications | | | | | | | | | |
| Personnel | - | - | 113,294.35 | 110,224.63 | 125,639.28 | 358,177 | 358,177 | (232,537.72) | 35% |
| Operating | - | - | 10,890.01 | 11,904.28 | 13,142.50 | 29,977 | 29,977 | (16,834.50) | 44% |
| Capital | - | - | - | - | - | - | - | - | #DIV/0! |
| | - | - | 124,184.36 | 122,128.91 | 138,781.78 | 388,154 | 388,154 | (249,372.22) | 36% |
| Corrections | | | | | | | | | |
| Personnel | - | - | 168,314.94 | 175,490.67 | 161,789.36 | 451,788 | 451,788 | (289,998.64) | 36% |
| Operating | - | - | 58,384.38 | 38,455.83 | 35,163.42 | 128,499 | 128,499 | (93,335.58) | 27% |
| Capital | - | - | - | 7,605.66 | - | - | - | - | #DIV/0! |
| | - | - | 226,699.32 | 221,552.16 | 196,952.78 | 580,287 | 580,287 | (383,334.22) | 34% |
| Animal Control | | | | | | | | | |
| Personnel | - | - | 41,257.45 | 42,416.84 | 44,136.06 | 113,522 | 113,522 | (69,385.94) | 39% |
| Operating | - | - | 5,931.53 | 7,610.90 | 6,390.77 | 22,553 | 22,723 | (16,332.23) | 28% |
| Capital | - | - | - | 12,603.92 | - | - | - | - | #DIV/0! |
| | - | - | 47,188.98 | 62,631.66 | 50,526.83 | 136,075 | 136,245 | (85,718.17) | 37% |
| Police Subtotal | 999,608.08 | 1,106,137.01 | 1,083,510.05 | 1,087,166.20 | 1,140,648.91 | 3,064,974 | 3,064,974 | (1,924,325.09) | 37% |
| Personnel | 198,211.97 | 208,723.59 | 225,718.43 | 221,514.26 | 238,199.19 | 612,282 | 612,982 | (374,782.81) | 39% |
| Operating | 93,027.36 | 28,935.85 | 8,695.66 | 47,313.47 | - | 6,500 | 6,500 | (6,500.00) | 0% |
| Capital | 1,290,847.41 | 1,343,796.45 | 1,317,924.14 | 1,355,993.93 | 1,378,848.10 | 3,683,756 | 3,684,456 | (2,305,607.90) | 37% |

Ordinance 2004-31

| | 2/28/2001 | 2/28/2002 | 2/28/2003 | 2/29/2004 | 2/28/2005 | Adopted Budget | Amended Budget | Variance- (Under)/Over | % Budget |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|----------------|----------------|------------------------|----------|
| Central Communications | | | | | | | | | |
| Operating | 6,562.18 | 1,149.52 | 3,460.00 | 289.95 | 258.50 | 7,000 | 7,000 | (6,741.50) | 4% |
| Capital | 6,562.18 | 1,149.52 | 3,460.00 | 289.95 | 258.50 | 65,000 | 65,000 | (65,000.00) | 0% |
| | | | | | | 72,000 | 72,000 | (71,741.50) | 0% |
| Fire | | | | | | | | | |
| Personnel | 297,591.65 | 331,645.54 | 343,254.13 | 389,585.12 | 388,651.44 | 1,008,000 | 1,008,000 | (619,348.56) | 39% |
| Operating | 58,138.82 | 66,667.81 | 78,833.72 | 104,058.84 | 83,372.15 | 246,329 | 262,829 | (179,456.85) | 32% |
| Capital | 24,663.72 | 3,908.31 | 19,081.69 | 2,978.53 | - | 16,500 | - | - | #DIV/0! |
| | 380,394.19 | 402,221.66 | 441,169.54 | 496,622.49 | 472,023.59 | 1,270,829 | 1,270,829 | (798,805.41) | 37% |
| Rescue | | | | | | | | | |
| Operating | 11,763.82 | 10,766.89 | 5,972.96 | 4,909.86 | 5,472.37 | 31,470 | 31,470 | (25,997.63) | 17% |
| Capital | 1,596.00 | - | - | - | - | - | - | - | #DIV/0! |
| | 13,359.82 | 10,766.89 | 5,972.96 | 4,909.86 | 5,472.37 | 31,470 | 31,470 | (25,997.63) | 17% |
| Building Inspections | | | | | | | | | |
| Personnel | 47,172.75 | 49,119.75 | 41,527.57 | 39,414.50 | 51,553.32 | 134,377 | 134,377 | (82,823.68) | 38% |
| Operating | 3,538.05 | 7,003.39 | 5,642.25 | 6,621.83 | 11,749.40 | 27,240 | 27,240 | (15,490.60) | 43% |
| Capital | - | - | - | - | - | 5,200 | 5,200 | (5,200.00) | 0% |
| | 50,710.80 | 56,123.14 | 47,169.82 | 46,036.33 | 63,302.72 | 166,817 | 166,817 | (103,514.28) | 38% |
| Code Enforcement | | | | | | | | | |
| Personnel | 16,007.33 | 16,616.22 | 16,734.04 | 17,449.54 | 18,304.18 | 46,549 | 46,549 | (28,244.82) | 39% |
| Operating | 837.80 | 1,281.60 | 1,244.72 | 1,559.65 | 2,025.70 | 8,415 | 7,715 | (5,689.30) | 26% |
| Capital | - | - | - | - | - | - | - | - | #DIV/0! |
| | 16,845.13 | 17,897.82 | 17,978.76 | 19,009.19 | 20,329.88 | 54,964 | 54,264 | (33,934.12) | 37% |
| TOTAL PUBLIC SAFETY | | | | | | | | | |
| Personnel | 1,360,379.81 | 1,503,518.52 | 1,485,025.79 | 1,533,615.36 | 1,599,157.85 | 4,253,900 | 4,253,900 | (2,654,742.15) | 38% |
| Operating | 279,052.64 | 295,592.80 | 320,872.08 | 338,954.39 | 341,077.31 | 932,736 | 949,236 | (608,158.69) | 36% |
| Capital | 119,287.08 | 32,844.16 | 27,777.35 | 50,292.00 | - | 93,200 | 76,700 | (76,700.00) | 0% |
| | 1,758,719.53 | 1,833,955.48 | 1,833,675.22 | 1,922,861.75 | 1,940,235.16 | 5,279,836 | 5,279,836 | (3,339,600.84) | 37% |
| PUBLIC WORKS | | | | | | | | | |
| Administration | | | | | | | | | |
| Personnel | 94,673.78 | 96,173.50 | 83,883.26 | 94,162.59 | 94,215.08 | 248,351 | 248,351 | (154,135.92) | 38% |
| Operating | 23,693.57 | 24,410.37 | 29,538.43 | 24,801.85 | 29,331.87 | 107,160 | 107,260 | (77,928.13) | 27% |
| Capital | - | - | 1,544.95 | - | - | 9,000 | 9,000 | (9,000.00) | 0% |
| | 118,367.35 | 120,583.87 | 114,966.64 | 118,964.44 | 123,546.95 | 364,511 | 364,611 | (241,064.05) | 34% |
| Public Works Facilities Support | | | | | | | | | |
| Operating | - | - | - | 7,674.63 | 10,151.82 | 27,530 | 27,530 | (17,378.18) | 37% |
| | 97,590.68 | 156,805.86 | 15,318.32 | 1,896.28 | - | - | - | - | #DIV/0! |
| Grants | | | | | | | | | |
| Personnel | 75,410.80 | 71,817.28 | 68,717.90 | 67,189.82 | 81,993.10 | 214,244 | 214,244 | (132,250.90) | 38% |
| Operating | 40,041.55 | 40,464.52 | 45,528.65 | 42,852.96 | 22,610.57 | 162,565 | 162,565 | (139,954.43) | 14% |
| Capital | - | - | 1,256.50 | - | - | 20,000 | 20,000 | (20,000.00) | 0% |
| | 115,452.35 | 112,281.80 | 115,503.05 | 110,042.78 | 104,603.67 | 396,809 | 396,809 | (292,205.33) | 26% |

Ordinance 2004-31

| | 2/28/2001 | 2/29/2002 | 2/28/2003 | 2/29/2004 | 2/28/2005 | Adopted Budget | Amended Budget | Variance- (Under)/Over | % Budget |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|----------------|----------------|------------------------|----------|
| Street | | | | | | | | | |
| Personnel | 185,524.42 | 172,051.59 | 167,537.09 | 157,724.52 | 177,735.10 | 460,748 | 460,748 | (283,012.90) | 39% |
| Operating | 123,346.13 | 141,530.36 | 145,033.30 | 133,149.38 | 163,754.48 | 490,810 | 483,040 | (319,285.52) | 34% |
| Capital | 4,700.00 | 1,635.30 | 11,993.48 | 13,950.00 | 24,765.33 | 24,000 | 31,770 | (7,004.67) | 78% |
| | 313,570.55 | 315,217.25 | 324,563.87 | 304,823.90 | 366,254.91 | 975,558 | 975,558 | (609,303.09) | 38% |
| Street-Infrastructure Capital | - | - | - | - | - | 155,615 | 155,615 | (155,615.00) | 0% |
| Grounds | | | | | | | | | |
| Personnel | 153,935.10 | 176,019.34 | 159,521.57 | 134,994.63 | 151,870.07 | 447,827 | 447,827 | (295,956.93) | 34% |
| Operating | 66,090.86 | 72,475.22 | 52,356.78 | 73,493.63 | 63,450.72 | 214,425 | 208,935 | (145,484.28) | 30% |
| Capital | 4,463.15 | 1,556.04 | 11,401.14 | - | - | - | - | - | #DIV/0! |
| | 224,489.11 | 250,050.60 | 223,279.49 | 208,488.26 | 215,320.79 | 662,252 | 656,762 | (441,441.21) | 33% |
| Mowing | | | | | | | | | |
| Personnel | 80,414.73 | 79,622.96 | 89,222.92 | 116,382.95 | 112,903.45 | 315,370 | 315,370 | (202,466.55) | 36% |
| Operating | 26,055.84 | 42,276.42 | 23,824.32 | 40,193.41 | 32,590.12 | 136,926 | 136,926 | (104,335.88) | 24% |
| Capital | 106,470.57 | 121,899.38 | 113,047.24 | 156,576.36 | 145,493.57 | 452,296 | 452,296 | (306,802.43) | 32% |
| Garage | | | | | | | | | |
| Personnel | 116,426.48 | 117,861.12 | 117,728.46 | 119,211.63 | 128,664.83 | 366,858 | 366,858 | (238,193.17) | 35% |
| Operating | 138,705.72 | 134,297.20 | 140,955.00 | 99,732.19 | 117,964.17 | 451,750 | 451,570 | (333,605.83) | 26% |
| Capital | 21,282.71 | - | 2,658.90 | - | - | - | - | - | #DIV/0! |
| Reimbursements | (108,269.45) | (102,724.26) | (110,598.96) | (75,033.77) | (72,784.95) | (285,000) | (285,000) | 212,215.05 | 26% |
| | 168,145.46 | 149,434.06 | 150,743.40 | 143,910.05 | 173,844.05 | 533,608 | 533,428 | (359,583.95) | 33% |
| TOTAL PUBLIC WORKS | | | | | | | | | |
| Personnel | 706,385.31 | 713,545.79 | 686,611.20 | 689,666.14 | 747,381.63 | 2,053,398 | 2,053,398 | (1,306,016.37) | 36% |
| Operating | 477,933.67 | 455,454.09 | 437,236.48 | 421,898.05 | 439,833.75 | 1,591,166 | 1,577,826 | (1,137,972.25) | 28% |
| Capital | 30,445.86 | 3,191.34 | 28,854.97 | 13,950.00 | 24,765.33 | 208,615 | 216,385 | (191,619.67) | 11% |
| Grants | 97,590.68 | 156,805.86 | 15,378.32 | 1,896.28 | - | - | - | - | #DIV/0! |
| Reimbursements | (105,269.45) | (102,724.26) | (110,598.96) | (75,033.77) | (72,784.95) | (285,000) | (285,000) | 212,215.05 | 26% |
| | 1,144,086.07 | 1,226,272.82 | 1,057,422.01 | 1,052,376.70 | 1,139,215.76 | 3,568,179 | 3,562,609 | (2,423,393.24) | 32% |
| RECREATION & LIBRARY | | | | | | | | | |
| Parks | | | | | | | | | |
| Personnel | 81,360.71 | 97,299.62 | 92,520.32 | 87,532.09 | 97,734.28 | 261,119 | 261,119 | (163,384.72) | 37% |
| Operating | 48,475.89 | 60,259.73 | 75,606.75 | 91,801.01 | 90,228.52 | 422,737 | 465,762 | (375,533.48) | 19% |
| Capital | - | 767.32 | 6,591.00 | - | 2,301.80 | 2,000 | 2,000 | 301.80 | 115% |
| | 129,836.60 | 158,326.67 | 174,718.07 | 179,333.10 | 190,264.60 | 685,856 | 728,881 | (538,616.40) | 26% |
| Recreation | | | | | | | | | |
| Personnel | 94,327.79 | 112,216.53 | 101,446.58 | 122,476.34 | 121,698.06 | 355,901 | 355,901 | (234,202.94) | 34% |
| Operating | 40,719.00 | 70,133.66 | 77,963.72 | 75,191.64 | 81,938.16 | 258,885 | 259,385 | (177,446.84) | 32% |
| Capital | 2,583.15 | 1,250.30 | - | - | 28,876.00 | 2,500 | 31,376 | (2,500.00) | 92% |
| | 137,629.94 | 183,600.49 | 179,410.30 | 197,667.98 | 232,512.22 | 617,286 | 646,662 | (414,149.78) | 36% |

Ordinance 2004-31

| | <u>2/28/2001</u> | <u>2/28/2002</u> | <u>2/28/2003</u> | <u>2/29/2004</u> | <u>2/28/2005</u> | <u>Adopted Budget</u> | <u>Amended Budget</u> | <u>Variance- (Under)Over</u> | <u>% Budget</u> |
|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|-----------------------|------------------------------|-----------------|
| Library | | | | | | | | | |
| Personnel | 90,051.17 | 99,551.22 | 102,620.19 | 109,906.70 | 133,711.54 | 353,276 | 353,276 | (219,564.46) | 38% |
| Operating | 31,654.60 | 42,437.05 | 38,609.09 | 35,669.19 | 44,156.43 | 101,960 | 101,864 | (57,707.57) | 43% |
| Capital | - | - | - | 3,938.00 | - | 10,000 | 10,000 | (10,000.00) | 0% |
| | <u>121,705.77</u> | <u>141,988.27</u> | <u>141,229.28</u> | <u>149,513.89</u> | <u>177,867.97</u> | <u>465,236</u> | <u>465,140</u> | <u>(287,272.03)</u> | <u>38%</u> |

TOTAL LIBRARY AND RECREATION

| | | | | | | | | | |
|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|------------------|------------------|-----------------------|------------|
| Personnel | 265,739.67 | 309,067.37 | 296,587.09 | 319,915.13 | 353,143.88 | 970,296 | 970,296 | (617,152.12) | 36% |
| Operating | 120,849.49 | 172,830.44 | 192,179.56 | 202,661.84 | 216,323.11 | 783,582 | 827,011 | (610,687.89) | 26% |
| Capital | 2,583.15 | 20,177.62 | 6,594.00 | 3,938.00 | 31,177.80 | 14,500 | 43,376 | (12,198.20) | 72% |
| | <u>389,172.31</u> | <u>483,915.43</u> | <u>495,357.65</u> | <u>526,514.97</u> | <u>600,644.79</u> | <u>1,768,378</u> | <u>1,840,683</u> | <u>(1,240,038.21)</u> | <u>33%</u> |

Total Expenditures

| | | | | | | | | | |
|----------------|---------------------|---------------------|---------------------|---------------------|---------------------|-------------------|-------------------|-----------------------|------------|
| Personnel | 2,772,124.85 | 3,011,062.34 | 2,971,738.70 | 3,078,308.18 | 3,285,460.91 | 8,780,218 | 8,780,218 | (5,494,757.09) | 37% |
| Operating | 1,038,386.54 | 1,255,553.49 | 1,304,637.88 | 1,316,490.19 | 1,374,132.88 | 4,307,494 | 4,376,784 | (3,002,651.12) | 31% |
| Capital | 161,258.11 | 38,053.12 | 94,144.64 | 93,529.94 | 55,943.13 | 322,515 | 354,791 | (298,847.87) | 16% |
| Grants | 97,590.68 | 156,805.86 | 15,318.32 | 1,896.28 | - | - | - | - | #DIV/0! |
| Reimbursements | (108,269.45) | (102,724.26) | (110,598.96) | (75,033.77) | (72,784.95) | (285,000) | (285,000) | 212,215.05 | 26% |
| | <u>3,961,090.73</u> | <u>4,358,750.55</u> | <u>4,275,240.58</u> | <u>4,415,190.82</u> | <u>4,642,751.97</u> | <u>13,125,227</u> | <u>13,226,793</u> | <u>(8,584,041.03)</u> | <u>35%</u> |

Excess (Deficit) of Revenues Over (Under) Expenditures Before Other Financing Sources (Uses)

| | | | | | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|------------------|------------------|-------------------|-------------|
| | <u>1,739,882.78</u> | <u>1,723,391.03</u> | <u>2,629,708.93</u> | <u>3,091,581.30</u> | <u>3,387,121.36</u> | <u>3,011,260</u> | <u>2,946,170</u> | <u>440,951.36</u> | <u>115%</u> |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|------------------|------------------|-------------------|-------------|

OTHER FINANCING SOURCES/(USES)

| | | | | | | | | | |
|--|-----------------------|-----------------------|-----------------------|---------------------|-----------------------|--------------------|--------------------|---------------------|-------------|
| Gen Long-Term Debt Proceeds | 82,119.90 | - | 26,747.55 | - | - | - | - | - | #DIV/0! |
| Allow-Compensated Absences | - | - | - | - | - | - | - | - | #DIV/0! |
| Allowance for Pay Plan Implementatio | - | - | - | - | - | (500,000) | (500,000) | 500,000.00 | 0% |
| Transfers from Other Funds | - | - | - | 331.36 | - | - | - | - | #DIV/0! |
| Transfers to Debt Service | (1,114,452.92) | (1,211,272.80) | (1,197,314.60) | (709,558.21) | (917,860.75) | (1,950,045) | (1,950,045) | 1,032,184.25 | -47% |
| Transfers to Capital Reserve | - | - | - | - | - | - | - | - | #DIV/0! |
| Transfers to 4 Cent Gas Tax | - | (29,254.01) | - | - | - | - | - | - | #DIV/0! |
| Transfers to SWA Enterprise Fund | - | (58,763.38) | - | - | - | (41,707) | (41,707) | 41,707.00 | 0% |
| Transfers to Civic Center Ent Fund | (90,398.36) | (151,732.09) | (183,109.26) | (152,740.79) | (132,012.29) | (404,945) | (404,945) | 272,932.71 | -33% |
| Transfers to BayFront Ent Fund | (19,857.00) | (21,825.99) | (17,998.71) | (23,023.16) | (17,241.81) | (72,776) | (72,776) | 55,534.19 | -24% |
| Transfers to Lodging Tax (BF Property) | - | - | - | - | - | (309,277) | (309,277) | 309,277.00 | 0% |
| Transfers to NRCs | - | - | - | - | (4,111.95) | (10,000) | (10,000) | 5,888.05 | -41% |
| Transfers to SAIL Site | (6,134.38) | (8,738.13) | (4,994.84) | (6,827.73) | (7,035.41) | (18,337) | (18,337) | 11,301.59 | -38% |
| | <u>(1,148,722.76)</u> | <u>(1,481,586.40)</u> | <u>(1,376,669.86)</u> | <u>(891,818.53)</u> | <u>(1,078,262.21)</u> | <u>(3,307,087)</u> | <u>(3,307,087)</u> | <u>2,228,824.79</u> | <u>-33%</u> |

| | | | | | | | | | |
|---|-------------------|-------------------|---------------------|---------------------|---------------------|------------------|------------------|---------------------|-------------|
| Total Rev Over (Under) Expenditure | <u>591,160.02</u> | <u>241,804.63</u> | <u>1,253,039.07</u> | <u>2,199,762.77</u> | <u>2,308,859.15</u> | <u>(295,827)</u> | <u>(360,917)</u> | <u>2,669,776.15</u> | <u>640%</u> |
|---|-------------------|-------------------|---------------------|---------------------|---------------------|------------------|------------------|---------------------|-------------|

Unresvd Fund Balance, 9-30
Unresvd Fund Balance, 2-28

| | | | | | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|--|--|--|--|
| | 2,431,236.03 | 2,381,053.76 | 2,386,487.81 | 3,825,171.70 | 4,106,800.68 | | | | |
| | 3,022,396.05 | 2,622,858.39 | 3,639,526.88 | 6,024,934.47 | 6,415,659.83 | | | | |

NEW BUSINESSES FOR MARCH

Brick and Mortar Businesses (in the city)

| | |
|--|-----------|
| EASTERN SHORE CHIROPRACTIC | 1 |
| CC'S CLEANING SERVICE | 1 |
| HUDGENS & EILAND LLP | 1 |
| HART FAMILY LLC | 1 |
| ALL THE RAGE HAIR STUDIO | 1 |
| PREMO-PROMOS LLC | 1 |
| HANDYMAN | 1 |
| CINGULAR WIRELESS II LLC | 1 |
| TIMBER CREEK DENTAL | 1 |
| PRESTIGE TITLE INC | 1 |
| VERITAS WEATLTH MANAGEMENT | 1 |
| NATIONAL COOPERATIVE GROCERS ASSOCIATION | 1 |
| DONNA KORBE MS LPC | 1 |
| POWER GENERATION CONSULTANT | 1 |
| PHY-SIQUE | 1 |
| SALON CHAMELEON - JANE MELTON | 1 |
| POCHE POLYGRAPH | 1 |
| STEVEN'S PAINTING & DECORATING CO | 1 |
| TRI-CITY GRASS | 1 |
| | 19 |

OUT OF CITY

| | |
|----------------------------------|-----------|
| OMEGA PROPERTIES INC | 1 |
| MASTERLEEN CARPET CARE | 1 |
| YELLOW BOOK SALES & DISTRIBUTION | 1 |
| ADRIAN STEEL COMPANY | 1 |
| FIRE MATERIALS GROUP LLC | 1 |
| SAFECO INC | 1 |
| MODERN MILLWORK COMPANY | 1 |
| S&W NELSON ENTERPRISES INC | 1 |
| RELIABLE LAWN SERVICE | 1 |
| SOUTHCHASE MORTGAGE | 1 |
| GENERATOR SERVICE CO INC | 1 |
| HENRICKS BUILDING SUPPLY LLC | 1 |
| MAGAZINE EXPRESS | 1 |
| EBSICO INDUSTRIES | 1 |
| | 14 |

Contractors

| | |
|--|---|
| P & J PLUMBING | 1 |
| COLEY AIR CONDITIONING INC | 1 |
| INTERIOR TRIM DESIGN | 1 |
| LONNIE A DINKINS | 1 |
| ALLEN'S PAVING | 1 |
| FREMIN'S HOME IMPORVEMENT & REMODELING LLC | 1 |
| SIMMONS PLUMBING | 1 |

NEW BUSINESSES FOR MARCH

| | |
|----------------------------------|-----------|
| S AND O ENTERPRISES INC | 1 |
| R & A ROOFING | 1 |
| UTILX CORPORATION | 1 |
| ACS CONSTRUCTION INC | 1 |
| STONES RIVER ELECTRIC INC | 1 |
| PALM COAST CONSTRUCTION INC | 1 |
| NORM WATSON CONSTRUCTION INC | 1 |
| BALDWIN CULTURED MARBLE | 1 |
| PAM WARD CONSTRUCTION | 1 |
| HARMONY SOUND & VISION | 1 |
| ULTIMATE TREE SERVICE | 1 |
| COASTAL GLASS LLC | 1 |
| TYSONS HOME & AUTO INC | 1 |
| AZALEA BUSINESS SERVICES INC | 1 |
| DAVID WALTON DECORATIVE PAINTING | 1 |
| PENNY HOWELL CONTRACTOR | 1 |
| DELTA FARMS & SERVICES | 1 |
| MCCONICO, DARYEL | 1 |
| DBA ELECTRIC | 1 |
| TOP NOTCH BUILDERS | 1 |
| UNITED ELECTRICAL SERVICES INC | 1 |
| FOWLER COAST INC | 1 |
| | 29 |

Insurance Companies

| | |
|---------------------------------------|----------|
| HERITAGE INDEMNITY COMPAN | 1 |
| CATEPILLAR INSURANCE CO | 1 |
| ENCOMPASS INDEMNITY - FIRE & MARINE | 1 |
| ENCOMPASS INDEMNITY - OTHER | 1 |
| COMPBENEFITS INSURANCE COMPANY | 1 |
| QUANTA INDEMNITY COMPANY | 1 |
| AMERICAN LIFE INS CO OF NEW YORK, THE | 1 |
| | 7 |

TOTAL NEW BUSINESSES 69

Businesses Closed in the Month of March 0

Buildings and Property Committee Meeting

April 1, 2005

10:00 a.m.

Council Chambers

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

The meeting was called to order at 10:05 a.m. Jeff Hudson of Gatlin Hudson Architects, Inc. presented the preliminary drawings for the proposed City Hall. Mr. Hudson stated that he had spoken with city department heads that will occupy the facility to obtain special needs as well as other facility requests. Mr. Hudson discussed the fact that an engineering investigation is needed for the facility to determine the extent of possible construction. The potential structure will have over 52,000+ sq. ft. of office space with a proposed basement vault for record storage of 7,000 sq. ft.

Mr. Hudson stated that the City of Daphne needs to begin looking at purchasing additional land surrounding City Hall for parking. The **Motion** was made by Councilman Palumbo to make recommendation to the full Council to give the Mayor the authority to contact property owners on 6th Street informing them that the City of Daphne is interested in the possibility of purchasing their property for future city growth. **Seconded** by Mayor Small.

Mr. Hudson recommended that the City of Daphne pre-qualifies contractors for the project. He stated that he will provide the Buildings and Property Committee additional information on the process. Mr. Hudson further stated that it would be more cost effective to demolish the current structure as the storage vault could be constructed above ground, an engineering investigation would not be required, and additional space could be added to the facility without difficulty.

A **Motion** was made by Councilman Palumbo to recommend to the full Council for Hutchinson, Moore & Rauch to prepare a Civil Survey of City Hall property listing all existing conditions. **Seconded** by Chairman Lake.

Mayor Small stated that he would contact the County to see if they need space in the new facility. The Mayor mentioned the possibility of their needing space for a satellite office of some sort.

Mr. Jeff Hudson presented his proposal for architectural and engineering services. The proposal called for Gatlin Hudson Architects to receive 7.9% of the cost of the work. Councilman Palumbo entered into negotiations with Mr. Hudson with reference to the

percentage to be paid by the City of Daphne. An agreement was made for Mr. Hudson to reduce the percentage from 7.9% to 7.5% for the project. (See Attached)

The Committee discussed the type of signage needed for the Civic Center Complex.

Mayor Small made a presentation to the Committee about the possibility of the City purchasing 114 acres of land that may be available for the City to purchase that could be used for a recreational site. The property is owned by the Tallent family. The Mayor also discussed the possible sale of City land to the City of Spanish Fort.

The Mayor presented an estimate for surveying and master planning services for May Day Park from Hutchinson, Moore & Rauch, LLC for the committee to review.

The meeting adjourned at 11:05 a.m.

Sandra Morse



Gatlin Hudson Architects, Inc.

P. O. Box 1185 Daphne, AL 36526 (251) 626-5514 Fax (251) 626-7321

April 1, 2005

Mayor Fred Small

City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Re: Proposal for Architectural/Engineering Services
Renovations and Additions to Daphne City Hall
GHA#0506

Mayor Small,

The following is a brief description of the Project and Fee proposal for the Renovations and Additions to Daphne City Hall.

Project Description:

The Work consists of the renovation of the existing City Hall building and the addition of a two story building with a basement to house various departments within the City and to accommodate the Daphne Utilities Board Administration offices within the facility.

Scope of Work:

The Scope of Work includes Preliminary Design, Schematic Design, Design Development, Construction Documents, Bidding & Negotiating, Construction Administration and Final Close-out.

GHA will provide Architectural, Electrical, Mechanical and Structural Engineering (except Civil Engineering) Services as well as Construction Administration of the work.

ARCHITECTS • LAND PLANNERS • DESIGNERS

State Registrations

Alabama: #3066; #3357; #3068
Florida: #AA0003367; AR0016110
Georgia: #007377, #009203; #0220282
Maryland: #7977

Mississippi: #2928; #0724435
Missouri: #AR006171
North Carolina: #7985
South Carolina: #5812, #5858, #99094

Tennessee: #00021672
Virginia: #041007787

April 1, 2005
Page 2
Mayor Small

The following is a general list of some of the Services to be provided:

1. Assemble Owners program requirements
2. Measure and document existing conditions.
3. Provide demolition drawings.
4. Provide new drawings.
5. Coordinate Owners equipment requirements.
6. Develop Phasing plan to house current facility functions during construction.
7. Provide Bid Documents.
8. Administer Bidding Procedures.
9. Coordinate Award and provide Contracts between the Owner and Contractor.
10. Make periodic site visits during construction and review shop drawings.
11. Do final punch list and walk through with the State.

Timeline:

As the Scope of Work is further defined we will provide a timeline schedule for the Project.

Compensation:

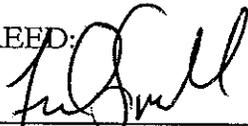
Our proposal to provide Architectural, Electrical, Mechanical and Structural Engineering Services on this Project is seven point five percent (7.5%) of the Cost of the Work. This fee reflects the fact that extensive renovation work is involved in this project. The task of documenting existing conditions, creating demolition documents for bidding, and designing new construction in and around existing conditions is time consuming and involves a lot of care and attention which we will endeavor to provide.

Upon approval of this proposal we will prepare the Owner/Architect Contract.

If you have any questions please do not hesitate to call me to discuss any aspect of this proposal.

Sincerely,

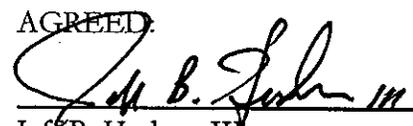
Jeff B. Hudson III, AIA
Gatlin Hudson Architects

AGREED: 

Mayor Fred Small

4/1/05

DATE:

AGREED: 

Jeff B. Hudson III

4/1/05

DATE:

Public Safety Committee

Tuesday, April 5, 2005

*Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilwoman Regina Landry
City Attorney Jay Ross
City Attorney Tim Fleming
Michele Hanson - Secretary*

*Police Chief David Carpenter
Captain David Wilson
Captain Randy Bishop
Captain Scott Taylor
Fire Chief Mund Hanson
PW Sup. Melvin McCarley*

Committee Members Attending:

Chairman Greg Burnam, Councilwoman Regina Landry, Councilman Gus Palumbo, Police Chief David Carpenter, Capt. David Wilson, Capt. Randy Bishop, Fire Chief Mund Hanson, City Attorney Tim Fleming, PW Superintendent Melvin McCarley, Code Enforcement Officer Ed Kirby and Michele Hanson, secretary.

Also Present: Joan Lindsey, Revenue

I. CALL TO ORDER

Mrs. Landry **convened** the meeting at 4:37 p.m. (*Mr. Burnam arrived at 6:10 p.m.*)

II. PUBLIC PARTICIPATION

- A. New Business**
- B. Old Business**

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from March 8, 2005 Meeting

| |
|---|
| <p><i>Motion by Gus Palumbo</i> to adopt the minutes as presented. <i>Seconded by Regina Landry</i> The minutes were adopted without revision. <i>Motion carried.</i></p> |
|---|

I. FIRE DEPARTMENT

A. New Business

1. Statistics for March 2005

Chief Hanson reviewed the stats for March. Chief Hanson stated calls were up from the previous month. Mr. Palumbo asked about the child passenger safety seat inspections and installations. Chief Hanson stated all of the firefighters, with the exception of 2, are technicians certified through "Safe Kids" and the department installs the child safety seats.

2. Department of Homeland Security Grant

Chief Hanson advised that the Department of Homeland Security will be accepting applications for the "SAFER" grant. This grant provides funding to hire personnel and incentives for recruiting and retaining volunteers. The grant will be for a four year period with the city providing an increasing grant match of 10, 20, 50 then 70 percent through the 4 year period. Mr. Palumbo asked how many positions this grant would be funding. Chief Hanson stated he would like to ask for 12 and that he has not received the guidelines for the grant, just the application, however it does state that the grant will not exceed \$100,000 per firefighter. Mrs. Landry asked if Chief Hanson wanted this to go before Finance. He stated he would and then to the full Council for their approval of the application process.

B. Old Business

II. POLICE DEPARTMENT

A. New Business

1. County Corrections Agreement (Prisoner Housing)

Chief Carpenter reviewed the agreement with the committee. Chief stated he has discussed this with Capt. Bishop and they agree that the Police Department would not need to house our inmates with Bay Minette. Mr. Palumbo asked if we did have an overflow, what would be done. Capt. Bishop stated that currently we have a “gentleman’s agreement” with Fairhope.

Motion by Gus Palumbo for the City not to enter into the contract with BCSO for the housing of prisoners and have the City advised by letter. **Seconded by Regina Landry.** Motion carried.

2. Daily Inmate Cost

Chief Carpenter stated this is a report to show what is spent daily on inmates. Capt. Bishop stated that the cost is to house an inmate at Daphne is \$24.47 daily.

B. Old Business

1. North Precinct

Capt. Taylor stated that AIG has given us more space and a sketch plan of the building. He stated that he and the Mayor met with AIG and they have agreed to let Capt. Taylor revise the sketch plans and submit those for production. He stated that most of the construction will be done by AIG, however we would be responsible for painting, flooring and some electrical work.

I. CITY ATTORNEYS

A. New Business

1. Temporary Vendors Business License

2. MOT/Schedule of Fines

The Committee discussed at length the proposed Temporary Vendors Business License and MOT/Schedule of Fines ordinances. Several changes were made to these drafts and will be presented at the May meeting.

B. Old Business

1.

VII. OTHER BUSINESS

II. LEGISLATIVE ORDINANCE COMMITTEE

IX. ADJOURN

There being no further business to discuss, Chairman Burnam **adjourned** the meeting.

The next regular scheduled meeting will be **Tuesday, May 3, 2005 at 4:30 p.m. at the Joseph H. Hall Justice Center.**

Respectfully submitted,

Daphne Public Safety Committee

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: March, 2005

| | Current: | FY to Date: |
|--|------------|-------------|
| Suppression: | | |
| 1-Fire/Explosion: | | |
| 10-Fire, Other | - | - |
| 11-Structure Fire/Commercial | 1 | 3 |
| 11-Structure Fires/Residential | 2 | 9 |
| 12-Fire in Mobile Property used as fixed structure | - | - |
| 13-Mobile Property (vehicle) Fire | 2 | 14 |
| 14-Natural Vegetation Fire | 1 | 15 |
| 15-Outside Rubbish Fire | - | 4 |
| 16-Special Outside Fire | - | - |
| 17-Cultivated Vegetable Crop Fire | - | - |
| 2-Overpressure Rupture: | - | 2 |
| 3-Rescue Call and Emergency Medical Service Incidents: | 96 | 579 |
| 4-Hazardous Conditions (No fire): | 6 | 31 |
| 5-Service Call: | 21 | 97 |
| 6-Good Intent Call: | 7 | 66 |
| 7-False Alarm & False Call: | 11 | 61 |
| 8-Severe Weather & Natural Disaster: | - | - |
| 9-Other Situation: | 1 | 6 |
| Total Emergency Calls: | 125 | 758 |
| Monthly Total Calls: | 148 | 887 |
| Response Time: | | |
| Highest: | 18 | 18 |
| Lowest: | 1 | 1 |
| Average (Minutes/Seconds) : | 4/52 | 4/52 |
| Miscellaneous Reports: | | |
| Training Hours | 198.75 | 1,531.31 |
| Property Loss - \$ | 75,900 | 280,901 |
| Fire Personnel Injuries by Fire/Civilian Injuries by Fire | 1/3 | 1/3 |
| Child Passenger Safety Seat Inspections/Installations | 15 | 73 |
| Fire Prevention Awareness/Education: | | |
| Classes | 5 | 76 |
| Persons Attending | 332 | 3,218 |
| Bureau of Fire Prevention: | | |
| Plan Reviews | 11 | 48 |
| Final/Certificate of Occupancy | - | - |
| General/Annual Inspections | 196 | 1015 |
| Business Licenses | 6 | 0 |
| Consultations | - | 3 |
| All Other/Misc. Activities | - | 4 |
| Total Activities: | 213 | 1090 |

Authorized by:

A. Mund Hanson

A. Mung Hanson

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

Daphne Library Board
March 14, 2005
Meeting Minutes

In Attendance:

Library Director Dale Foster, Board Members Glenn Swaney, Chairman, Cassandra Day, Ernie Seckinger, Anita Rigas, Council Representative Gus Palumbo. Absent were Gayle Robinson and John Lake.

Call to Order:

After a quorum was established, Glenn Swaney called the meeting to order at 4:30 pm.

Reading and Approval of Minutes:

The minutes from the February 14, 2005 meeting were reviewed and approved.

Monthly Report:

The Report for February was presented by the Director and approved by the Board. Circulation numbers were flat for the second month, hopefully leveling out. Computer users numbered over 1300, with patrons quickly becoming accustomed to the new system. The wireless network, totally separate from the staff and library network, is working well.

Grant from Randy Davis for "Student Night @ the Library":

Representative Randy Davis has provided \$1500 to help the Library stay open on Tuesday evenings. Since this will not totally fund the extra staff hours needed for an entire year, Mr. Foster and Mr. Davis decided to spotlight special nights for students. Tutors will be provided by the Friends of the Library, the Literacy Council, and Teen Tutors. Special marketing is also planned. "Student Night" will begin in April after Spring Break, discontinued for Summer, and then resume in the Fall. This pilot program will hopefully show the need for these extra hours to be permanent, with a new staff member being added by the Fall. A press conference is being planned with Randy Davis to announce this program to the public.

Update on New Public Access Computer Network and Wireless Hotspot:

Four "Express PCs" have been purchased by the Friends. They are to be used for short times to check email, search the catalog, and do quick searches on the web. SAM Internet management software will be installed on each machine. The Library is now a Hot Spot, with wireless Internet provided throughout the building. The coverage is good, even to the Community Room.

Book Donation from Alabama Coastal Foundation:

In the Realm of Rivers, a beautiful book of photographs and stories about the Mobile-Tensaw Delta, was donated to the Library by the Alabama Coastal Foundation. With text by Sue Walker and photographs by Dennis Holt, this is a wonderful donation to our Earth Matters Collection.

Report on Library Building Expansion:

Mr. Swaney contacted the Community Foundation for information. They did not offer any names to serve but indicated that they will help train the committee when it is established. Randy Davis was suggested as a committee member, as well as Dee Gamble, and Ellen Cox. Mr. Palumbo mentioned that representatives of Aronov, AIG, American Express, and the Bedsole Foundation could be contacted when the time comes to approach businesses. The goal is to have the committee in place by April.

Upcoming Library Events:

Jubilee Mornings: 10:00 am on April 6, 2005. Local poets Betty Spence and Amy LaPalme will talk about their own poetry writing process and read selections of their poetry. A poetry reading by interested participants will be held at this event.

Children's Spring into Reading Festival: Saturday, April 16, 2005, 11:00 am-2:00 pm.

Special Event: April 28, 2005, 6:30 pm, Joyce Cauthen of the Alabama Humanities Foundation's Speaker in the House Program will speak on the topic "Please Pass the Folklore: Family Traditions in the Kitchen and Around the Dinner Table."

The Library will be closed on Friday, May 20 for BCLC Training Day.

Children's Summer Reading Program, June 1-June 30.

Comments:

John Lake called from Washington to say that our information packet had been delivered to our Congressmen.

Ernie Seckinger suggested that Board members check into the "Freedom to Read Act" which repeals part of the Patriot Act that allows access to a person's reading habits at libraries and bookstores. Mr. Seckinger suggested that Board members communicate their opinions to their Congressional representatives.

The meeting adjourned at 5:30 pm.

Submitted by Anita Rigas

**Daphne Library Board
April 11, 2005
Meeting Minutes**

In Attendance:

Library Director Dale Foster, Board Members Glenn Swaney, Chairman, Cassandra Day, Gayle Robinson, Ernie Seckinger, and Anita Rigas. Absent were Council Representatives John Lake and Gus Palumbo.

Call to Order:

After a quorum was established, Glenn Swaney called the meeting to order at 4:30 pm.

Reading and Approval of Minutes:

The minutes from the March 14, 2005 meeting were reviewed and approved.

Monthly Report:

The Report for March was presented by the Director and approved by the Board. Circulation numbers appear to be leveling out, up about 3% for the first six months of this year over last year at the same time. Computer usage is up 27% from the first six months of last year.

Update on Student Night @ the Library:

Mr. Foster shared a copy of the newspaper article on the press conference for this event. Over 45 patrons visited the Library the first evening. There was discussion on permanently changing the Library hours to stay open on Tuesday night. However, it can not be done on grant money alone. The project will be evaluated during the summer and various options will be explored.

Update on New Public Access Computer Network and Wireless Hotspot:

Mr. Foster reported that computer usage jumped 25% in the short time since the new network has been installed. There has been virtually no publicity about the wireless system but several people are in every day to take advantage of our Hotspot. The Director reported that we have received the last two PCs for public access, and as soon as they are installed we will be at full capacity, with nine public Internet access PCs and three PCs dedicated to the online catalog. Three new staff workstations have been received. Hopefully, a surplus sale of the old PCs can be conducted in such a way that the Friends of the Library will receive some money since they provided funding to purchase these PCs for the Library.

Report on Library Building Expansion:

Mr. Swaney suggested that prospective members of the Library Expansion Committee be invited to the next Board meeting. Refreshments would be served, and a presentation on future plans for the Library would be made by Mr. Foster. Names mentioned were Ernie Seckinger, Colleen Hatchett, Dee Gamble, Allen Cox, Frank Johnson of Aronov, Carolyn Walthall, Darrylen Bender, Bob Edington, and Barry Booth. The meeting would be at 4:30, May 12, in the Community Room. Our Council representatives John Lake and Gus Palumbo would also be invited to attend.

Upcoming Library Events:

Children's Spring Into Reading Festival, Saturday, April 16, 2005. The Director passed out a copy of a press release prepared by Tonja Young, Children's Librarian, detailing the activities included in this event.

SPECIAL EVENT: On April 28, 2005, 6:30 pm in the Community Room of the Library, Joyce Cauthen of the Alabama Humanities Foundation's Speaker in the House Program will speak on the topic "Please Pass the Folklore: Family Traditions in the Kitchen and Around the Dinner Table."

The Library will be closed on Friday, May 20, for BCLC Staff Training Day in Foley. All public libraries in Baldwin County will be closed that day.

Children's Summer Reading Program, June 1 – June 30.

Mr. Foster informed the Board that he will be traveling to Montgomery this week to pick up the State Aid checks. A photo op has been scheduled with Legislators to present the checks.

The meeting adjourned at 5:15 pm.

Submitted by Anita Rigas

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CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Fred Small, Mayor
John Barry
Cathy Barnette, Councilwoman*
Warren West, Vice Chairman
Ken Day, Chairman
Larry Chason
John Coulter, Secretary
Ed Kirby

Staff Present:

William H. Eady, Sr., Director of Community Development
Pat Houston, Planning Technician
Helen Burdette, Administrative Assistant
Nancy Anderson, GIS Technician
Jay Ross, Attorney

* Ms. Barnette requested to be excused at 7:23 p.m.

The Chairman stated the first order of business is the call to order. The next order of business is approval of the minutes of the February 22, 2005 regular meeting.

APPROVAL OF MINUTES:

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

Mr. Chason stated on page 6, there is a roll call vote, I voted aye.

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to approve the minutes. The Motion carried.**

The Chairman stated in terms of the agenda, based on some schedules, I would like to make a couple of changes to accommodate these schedules, as best as I can. I would like to skip down and begin with the site reviews and follow the agenda from that point on, then at the end come

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back and pick up these other two items under administrative presentation.

NEW BUSINESS:

SITE REVIEW:

File S05-03:

Site: Jubilee Square - Old Dillard's Building

Location: East of U.S. Highway 98 and on U.S. Highway 90
Area: 8.04 Acres +,
Owner: AIG Baker Shopping Center Properties, L.L.C.
Engineer: LAI Engineering

An introductory presentation was given by Mr. Ron Carson, representing AIG Baker, requesting site plan review for the old Dillard's building in Jubilee Square Shopping Center. Mr. Carson stated what we purpose to do, since the old Dillard's has relocated, is bring in a Hobby Lobby shop, that will take up the majority of the one hundred thousand square foot building. We will have forty thousand square feet remaining. We are purposing a Main Street type concept, where we will have shops interfacing on the street with major parking and two plaza areas on either side to accommodate restaurants and things of that nature. In conjunction with that we are hoping to expand the theater by adding two more screens. We are looking at part of that work to bring the main street drive down through the rear parking lot in order to create a better traffic circulation through there so folks will be more interested in coming through that area of the shopping center and open up the parking from the front so you can see it. As far as the site plan goes, that is about it.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. West **to approve the Site Plan for Jubilee Square - Old Dillard's Building. The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for Eastern Shore Harley Davidson.

SITE PLAN REVIEW:

File S05-04:

Site: Eastern Shore Harley Davidson

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Location: On U.S. Highway 90
Area: 5.00 Acres ±,
Owner: BDI Properties L.L.C.
Engineer: Frank A. Dagley & Associates

An introductory presentation was given by Mr. Frank Dagley, representing the owner of the Mobile Harley Davidson, Mr. Mc Cloud and Mr. Smith, requesting site plan approval of a five-acre lot for the placement of a motorcycle retail sales and training facility. They have a very successful business in Mobile and they are planning to open a new facility here in Daphne. This is our site plan and it is on Highway 90 between Highway 98 and County Road 13. The facility is about a fifteen thousand square foot building. We have parking, which is required, and a retention pond. There will be, what they call, a test or training track area here. There were some questions about the noise, but we discussed that in the utility street meeting. As they explained, it just an area to make sure a guy knows how to ride a motorcycle. There are no loud noises that should interfere with the neighbors. I guess the biggest question was the utilities. We met with the Utility Board last night. We have a plan that is somewhat different from this. We were showing a directional bore water and sewer line going in this direction. We now have gotten permission, from the people who own this property, to cross it. Now we are planning to go straight across, then down this existing easement, and tie into it. We have done calculations to pull a eight- inch line. I believe our previous drawings showed a six-inch line. We have done engineering calculations to show we can deliver ample fire protection to this building. As much as two thousand gallons a minute. I think the Fire Marshal was somewhat concerned about that, but we have done our homework on it. Art Rigas, has pretty much blessed our plans. I think the Utility Board was in favor or endorsed this procedure to get water and sewer to the facility. We know there is an ongoing study about running the sewer down Highway 90, and we would certainly want to tie on to it if it is available when the time comes. The owners are under edict, from Harley, to open this facility in the fall. It does not look like that sewer line will be ready by then, so this would be an alternate method. We have gotten prices from contractors to do this work. It is in the neighborhood of twenty-five to thirty thousand dollars. We are ready to go forward with the project. I will be glad to answer any questions.

Mr. Coulter stated Mr. Dagley, the alternate plan is it final until they start on Highway 90 in the fall?

Mr. Dagley stated I think, based on our discussion with the Utilities Board, this will be Plan (A), and Plan (B) would be to tie on to the line if and when it is available. They need to get in operation. It was discussed last night and I think the Mayor was there.

Mr. Coulter stated so you do not anticipate any changes other than

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that.

Mr. Dagley stated that would be the only change. We would hope that it was ready because we would rather spend that money other than tying the building on to a line that will be costly.

Mr. Coulter stated okay.

Mr. West stated I have two questions and I think you answered one of them. The line borders around whether it is large enough, according to something I have here. Now, you have worked it up with Utilities, that the line is large enough to provide the fire protection that is required. Is that correct?

Mr. Dagley stated that is correct. They have actually provided us with the test data on the hydrants. We took that data and applied the engineering calculations to it see if it was adequate to supply the two thousand gallons needed.

Mr. West stated another thing related to this, and I am not sure if I heard the answer to this. There is a question about whether the sprinkler system is required or not. Has that been resolved?

Mr. Dagley stated well, that is a hard question to answer about the sprinkler system dictated by the fire prevention code. There are ways to build a large building by putting in fire walls, and not a sprinkler system. We anticipate probably putting in a sprinkler system, but that will be in the final design, and of course, it will have to be reviewed by the Building Inspector, and the Fire Marshal. The main question is, do we have adequate water supply to do this, and we feel like we do. I think to answer your question, more than likely we will have a sprinkler system, but if the code allows us not to have one and it will be subject to the Fire Marshal's review, of course, then we may not.

Mr. West stated I guess, Mr. Chairman, in my mind is that I am looking at a statement by the Fire Marshal, Chip Martin, which says "after review of the above-named plans it was found not, and not is underlined, to be in compliance with the Standard Fire Prevention Code. They need a larger water line to service the site due in part to the possible need for a fire sprinkler system and an additional fire hydrant." I would like to see this amended if it has all been resolved, and this is rescinded.

Mr. Dagley stated well, I might need to clarify that. We have shown you a six-inch line on our drawing, and as I stated from the beginning of my talk, we are planning to use an eight-inch line, and that was one of the questions he had. I do not know if there is anybody here from the Fire Marshal's office or not, but that was, I think, his objection. Is there anybody here from Art Rigas's office?

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Mr. Eady stated I am not from Art Rigas's office, but that report was made prior to the meeting with the Utility Board. So the recommendation had already gone out, and the books were printed, and so forth and so on. So this will correct that problem.

Mr. West stated that will be corrected.

Mr. Eady stated yes, sir.

Mr. West stated thank you, very much.

Mr. Chason stated Mr. Eady, have you talked to the Utility Board?

Mr. Eady stated no, sir.

Mr. Chason stated you know, I think where we are making decisions, and I am talking about in the future. If we are making decisions based on a utility, where we have letters from the Fire Marshal and different people, I think we should make it a practice to get something from the Utilities Department. There is always two sides to every story, and I would like to hear what is their whole summation about the eight-inch water line, or the absence thereof, and the way they see it. I am a little bit willing to take Mr. Dagley's word for it, but in the future if we are making decisions based on these letters. Since we have so many departments within the City, we ought to have something from that department, before we act, that says we are acting appropriately on it.

The Chairman stated I think this is also a concern of the Chair that we share in this case. Especially, since we have written documentation to the contrary. It would be great to close out doubt if we had a follow-up letter to amend the claim. Where I could confidently, have something in writing to satisfy the change. I recalled hearing him at the site preview meeting indicating that an eight-inch line would be adequate, but again, I do not have anything in the form of writing as a way to act in this proceeding.

Mr. Dagley stated I do not know what to say, but I disagree with you. We want to move on with this project, and then to get delayed again because of his letter, I do not know what to say. As Mr. Eady, said that would be corrected. I do not think any one of these calculations could say what size water line is required, but I know we have, and I will put my engineering seal on it and guarantee it. I know that may not be the right way to do it, but of course, the Utilities Board has, and Mayor Small was there, fully endorsed our plan. I do not know what else we can do.

Ms. Barnette stated we discussed at site preview meeting the fact that

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the recommendation from the Planning Director said they recommend no further subdivisions or developments be approved until acceptable sewer and water for fire protection is available in the entire area. We know that the adjacent property owners have withdrawn, I think, right now, with a desire for a development. I am a little concerned, and I am fine with this short term measure, knowing when this goes in that we can have them reallocate the line because Lake Forest certainly cannot handle all of this. If we approve this one, I guess the question is, are we then saying to the next, and the next one, and the next one, yes, you all can do these short term measures, which is how I understood, Mr. Eady's unfavorable recommendation as a legal report. So I kind of need some clarification also from Mr. Eady as to what he sees as how to go forward with this. In the site preview he unfavorably recommended it because they did not have adequate water supply.

Mr. Eady stated at the time that structure did not have adequate service either. That is what I meant a while ago. When I received that letter from the Fire Marshal, it was my bases for that. However, I did recommend that no further development be made there until adequate water and sewer has been installed from Mobile Infirmary to County Road 181. The whole area is beginning to develop and it is going to develop fast. We cannot allow it to develop until we get the adequate water and sewer there. As for this system right here, I have no doubt it will work fine, for that one particular building. Anything else past here, I do not know.

Mayor Small stated Mr. Chairman, if I may. We discussed this last night and we approved Mr. Dagley's boring under the road, but there into brought up the importance of putting utilities in on Highway 90, and moving them on down. I think it was my understanding that we are going to do that in an expedient manner or at least, as far as these properties right here, and then head it on east.

Mr. Barry stated I would like clarification just to be on record. When we put the sewer and water line out to your property, is it your intent to abandon the other line, take pressure off of Lake Forest, and go with the line that will run along Highway 90?

Mr. Dagley stated well, I think that will be the case with the sewer. Now, the water, Art Rigas is saying that water line is a good thing to loop the system. It is an asset to the system, so once it is tied all together it would be no reason to abandon it. It will be tied into the water line on Highway 90.

Mr. Barry stated you are saying whatever the recommendation of the City is, at that time, you will go along with it?

Mr. Dagley stated well, I would think so.

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Mayor Small stated that is kind of what we tried to talk about last night. There were some concerns about paying this one tap fee, and we agreed on that. They did agree at the time the utilities are brought up there, expecting sewer, they would detach from the line that is going under Highway 90, and attach to the new line going down it.

Mr. Barry stated I am uncomfortable with running through Lake Forest for anything. Lake Forest needs to be residential with no other lines going into it is just a quark of mine, but whatever the City recommends you are willing to do.

Mr. Dagley stated that is correct.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Coulter **to approve the Site Plan for Eastern Shore Harley Davidson.**

Mr. West stated excuse me, but I have another question. Mr. Kirby, are the signs in compliance?

Mr. Kirby stated the signs they specified were not in compliance, but we have worked them out.

Mr. West stated thank you, very much.

Ms. Barnette stated Mr. Eady, could you clarify now the Planning Department's recommendation. What is the recommendation of the Planning Department? Is it still within our book?

Mr. Eady stated as far as this particular site. I have no problem if an eight-inch line has been installed. I agree with everyone else. However, I do not think we need to go any further with any other developments until we get the line in.

Mr. Barry stated so you are saying there are other interests in developing property along Highway 90.

Mr. Eady stated yes, there is a lot of interest in all that property. From this point, all the way back to the west of Mobile Infirmary.

Mr. Barry stated so you are telling them it is fine to go ahead with their projects and tunnel under the highway like they are going to do. Mr. Eady stated no, I have not told them anything.

Mr. Barry stated we are giving an agreement as to how they can bypass the system, which is not in yet. If we have another person that develops next to them, then they can say they did it, how come we cannot do it. Are we saying well they drilled underneath so they can too.

Mr. Eady stated I said it from the beginning, even before this lot was

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subdivided, we were told at the work session that there would not be any work done for five years, and the next week I had Harley Davidson on the table. I recommended then or at least I discussed that I felt, and I still do that adequate water and sewer should be carried down Highway 90. Either from the west of County Road 181 or to the east, I do not care, so as to service the entire section of property because I get calls about it almost daily, and certainly weekly, as to what can be done here or what can be done there. Just recently nine and a half acres were sold just east of this property and I really do not know what they are planning on putting in there, so this needs to be done. We cannot go out there right in the middle of the world, start developing, and not have service to it. This situation came up to Mr. Rigas, with the Utilities Department, and if it is the way they want to service this one particular building then I do not have any problem with that, but as an overall plan from the Infirmary to County Road 181, we need to have water and sewer put in along Highway 90.

Mr. Barry stated I am just concerned that we are opening ourselves up to a can of worms going in, unless we have a plan for what we are going to say to the next guy that comes up. You and I both know the next guy is coming. I do not know who he is or where he is coming from, but he is coming, and we will have to have an answer. What he is doing here, which I happen to agree with, is going to trickle on down until the line gets here.

Mr. Eady stated I do not have any control, input or anything into any of that. I can only, I feel like from a planning standpoint, that we need the two lines, water and sewer.

Mr. Dagley stated if I may say something. I would think if the Utilities Board did not want anyone else to do this they would put a moratorium on that area until such time as the line is done. That would be something to think about doing.

Mr. Barry stated if I were the guy next to you I would say why did put a moratorium on you. I understand the argument on both sides. I am just trying to make sure that we are covered. I think it is right, and you are doing the right thing, we are glad to have you.

The Chairman stated we have a motion and I have a second for site plan approval of the Eastern Shore Harley Davidson. Without any further discussion I will entertain a motion.

Mr. Chason stated I call that we move forward with the vote.

Upon roll call vote, ***the Motion carried.***

Mayor Small Aye
Mr. Barry Aye
Ms. Barnette Aye

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Mr. West Aye
Mr. Day Aye
Mr. Chason Aye
Mr. Coulter Aye
Mr. Kirby Aye

The Chairman stated the next order of business is a site plan review for Wilson Avenue and Main Street.

SITE REVIEW:

File S05-05:

Site: Wilson Avenue and Main Street

Location: Wilson Avenue and Main Street
Area: 1.93 Acres +,
Owner: Mary Rockwell
Engineer: Perry C. Jinright, III/Hutchinson, Moore & Rauch,
L.L.C.

An introductory presentation was given by Mr. Jinright, representing Hutchinson, Moore & Rauch, requesting site plan review for development of a parking lot at Wilson Avenue and Main Street.

Ms. Houston stated Mr. Jinright, could you please speak into the microphone. Thank you.

Mr. Jinright stated the owner is requesting to remove the old concrete slab and asphalt, and carve a new paved parking lot in place of it, then landscape the boundary of the site. It would help clean up this corner, as well as, provide a drainage system. There were some concerns about the water from the rain running north toward Highway 98, but we are going to install a small landscape berm there, and that will catch that water, and direct it toward Highway 98. We are not increasing the drainage in that area or anything of that nature. It will actually be less. We are taking out the old driveway, taking out the concrete, taking out the old asphalt. We are installing one paved driveway with rest being landscaped. They have Live Oak trees in there, and we are going to make it look much nicer. I will be happy to answer any questions you may have.

A Motion was made by Mr. Kirby and Seconded by Ms. Barnette to approve the Site Plan for Wilson Avenue and Main Street. The Motion carried unanimously.

Mr. Jinright stated thank you.

Mr. Eady stated before we get into the next review. If all of you would please speak directly into your microphones. These are

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directional microphones and you need to speak right into the end of them. You would be surprised what this lady does not hear on these tapes. If you will be patient with us so she can get everything on the tape. Thank you.

The Chairman stated the next order of business is a final plat review for Oak Creek Subdivision.

FINAL PLAT REVIEW:

File SDF05-01:

Subdivision: Oak Creek Subdivision (Sylvan Knoll)

Location: On the South side of U.S. Highway 90, West of County Road 13

Area: 21.23 Acres +, (50) Lots

Owner: MAJ, L.L.C.

Engineer: Ray Moore/Hutchinson, Moore & Rauch, L.L.C.

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting final plat approval for a twenty-one point twenty-three acre subdivision consisting of fifty-six lots located on the south side of U.S. Highway 90, west of County Road 13. He stated you have already given preliminary plat approval to this subdivision formerly known as Sylvan Knoll. I will be happy to answer any questions.

Ms. Barnette stated can you discuss what you have done for storm water?

Mr. Hutchinson stated do you mean since the original plan?

Ms. Barnette stated this is the first plan I have seen. The reason I ask is, I recently saw some footage of some high velocity rain events in this area. I was just curious as to how it has been engineered in the twenty-five year storm.

Mr. Hutchinson stated right. Nothing ground breaking at all has happened to anger the structures within the subdivision, the inlets and underground pipes. They are fine for the twenty-five year storm. The retention pond it runs to has stuff in it that meets the requirements of the twenty-five year storm. It releases the predevelopment flow into the pond. The only thing different about this structure is it has a stage to provide retention for a five year, ten year or twenty-five year storm.

Ms. Barnette stated will you go back and re-engineer that if it is not adequate or is that pretty much it once we accept this subdivision? Or will the City be responsible for it?

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Mr. Hutchinson stated well, once you give final plat approval, and the Council accepts the streets and the drainage system, but you will not be accepting the pond, it will still be the responsibility of the Homeowner's Association. If you have a problem excluding the pond, it will be the City's responsibility.

Ms. Barnette stated but you do not know if the Homeowner's Association will charge a fee or not.

Mr. Hutchinson stated I am sure they will. There is a common area here and one here, which all have to be maintained. There is landscaping that has to be maintained, so the fees will take care of all that.

Mr. West stated Mr. Chairman, I believe there is a bond involved. We are not really ready for what you have asked. You have a bond saying that you are going to finish the work. What is missing, in my brochure, is a copy of the application for a bond.

Mr. Hutchinson stated well, we did not post a bond. We posted a cashier's check. A certified check.

Mr. West stated posted what?

Mr. Hutchinson stated in lieu of a bond, we wrote a certified check for the amount that is required. You take the remaining work that needs to be done, such as asphalt, pipes or whatever has to be done, and post one hundred and fifty percent of the cost of that work, whether it is a bond or a check.

Mr. West stated does the Planning Department have copy of that?

Mr. Eady stated we have the check.

Mr. West stated are you satisfied?

Mr. Eady stated I have the check.

Mr. West stated okay. That is all I needed to know.

Mr. Coulter stated Scott, bring me up to date on this pond. You said it is guaranteed for twenty-five years.

Mr. Hutchinson no, sir. It is designed for what we call the twenty-five year storm.

Mr. Coulter stated you also said when something happens within that twenty-five years it is the responsibility of the homeowners association.

Mr. Hutchinson stated no, sir, Mr. Coulter. The term twenty-five year

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storm simply means that it is associated with the percent chance of that storm event happening over one year. For instance, a one hundred year storm means there is a one percent chance of that happening any given year. It does not mean we are going to have one every twenty-five years. Why some person named these storms that way back when, I do not know. Simply, a specific storm event will be called a twenty-five year storm.

Mr. Coulter stated so when does the homeowners association get involved?

Mr. Hutchinson stated immediately.

Mr. Coulter stated why is it not the developers responsibility? Why should the homeowners be burdened with this?

Mr. Hutchinson stated good question. He will be the homeowners association until the lots are built out and they are willing to take over. The POA will exist. The developer will be the only member of that POA, as far as responsibility, until a group chooses to take over.

Mr. Barry stated on a subdivision like this.

Mr. Hutchinson stated I would see it happening within a year. Normally, it would be within a couple of years.

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

A Motion was made by Mr. Kirby and Seconded by Mr. West to grant Final Plat approval to Oak Creek Subdivision, Phase One. The Motion carried unanimously.

The Chairman stated the next order of business is final plat review for Sunset Bay Villas, Phase VII.

FINAL PLAT REVIEW:

File SDF05-01:

Subdivision: Sunset Bay Villas, Phase VII

Location: South of Lake Forest Yacht Club, West of East Bay
Area: 0.37 Acres +, (8) Lots
Owner: Sunset Bay Villas, Inc.
Engineer: Johnny Holley/Hutchinson, Moore & Rauch, L.L.C.

Mr. Coulter stated Mr. Chairman, this was not on our site preview

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meeting agenda last week. Why is it coming up at the last minute in this meeting?

Mr. West stated I like to look these sites over before I vote on them.

The Chairman stated I understand your concern, and it was my understanding that this was presented to the City, and placed on the agenda at the last minute.

Mayor Small stated I can answer some of this for him. Mr. West, one thing was they agreed to post a bond. All they lack doing is the final paving. They have tenants that need to move in because they actually will not have any place to go at the end of this month. By this request, in talking to the engineers, and them wanting to post the bond, such as what just happened with the last approval of this type subdivision, I felt like we could help them out.

Mr. Coulter stated that subdivision has been formed the last four years, did they not know about it thirty days ago. Why come up at the last minute with something like this?

Mayor Small stated I think the weather held them up some.

Mr. Moore stated Ray Moore, of Hutchinson, Moore & Rauch. Mr. Coulter, this was, and I apologize, brought by the real estate agent to Councilwoman Barnette and Mayor Small to plead, at the last minute, as a hardship case for you to hear this tonight. They probably have every excuse that you could hear out of this, but it was mainly because of the weather. Ivan pushed everything back with this. As a matter of fact, we posted a letter of credit, one hundred and fifty percent of what was lacking. The pavement, as of today, is done, and everything else is complete. Again, Mr. Coulter, I apologize, it was all just last minute, and that is not normally how we do things.

Mr. Coulter stated I know, and that is why I am curious.

Mr. Moore stated and we do apologize. It was more or less a problem with real estate and those individuals getting in there. Again, I apologize for that.

Mr. Chason stated Mr. Eady, you have reviewed all of their information, as far as the normal application, and recommend approval.

Mr. Eady stated no, I did not recommend approval. The reason I did not was because I got the final part of the submittal this afternoon. I got the power floor elevation and the thirty thousand dollar check for streets.

Mr. West stated Mr. Chairman, I accept what has been said about this having to be put up with no other tenure in mind and having the

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Planning Commission look at it. I find myself at a disadvantage and I am going to concede that there were some circumstances here, I accept that, but I am firm in my opinion that we should not do this. I do not feel qualified to comment on it. I have got to have some time to look at it, and to look at the site, and to understand it. So I feel I am at a real disadvantage, I do not like it, and I hope we do not do it, too often.

Mr. Moore stated no, sir. You do not ever see this out of us, either. I appreciate this. It is only one building and one building only. It is an A-Class Building, a single structure.

Mr. West stated am I just suppose to accept that. I do not know if it is alright or not because I have not had chance to look at it.

The Chairman stated I certainly share your concerns as well as the other Planning Commission members, as to having the opportunity to view the plan before this meeting at site preview. However, in this particular case, since it is a final plat review, you have at some point, reviewed this information. Quite often, when it comes to a final plat review, even though it is submitted on time, there is still the performance bond for work yet to be completed. So from an inspection point, it is not unlike other cases that normally come before the Planning Commission.

Mr. Moore stated also, Mr. Chairman, the streets, roads and utilities are not accepted by the City, as part of the subdivision.

Mr. Chason stated I am looking at your plans, Ray, and I have not been out there either, I guess the street, on the need not be built area that leads to these units, quit. What happens to the street? Does it dead end?

No cul-de-sac? Does it loop around?

Mr. Moore stated it is complete. It loops around just like it is showing right there. It keeps going. The street is completely in and paved right now.

Mr. Chason stated proof of the need not be built area.

Mr. Moore stated correct. That is just normally what you put on condominiums until the structure is in.

Mr. Chason stated it just looked like the end of the line. Of course, I have not been down there.

Mr. Moore stated no, sir. The streets are completely in from that location all the way around, circling all the way back to the west, and tying back in.

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Mr. West stated which building is it? One building.

Mr. Moore stated one building, yes, sir.

Mr. West stated can you show me where it is?

Mr. Moore stated it is in that corner, right there.

Mr. West stated just one building.

Mr. Moore stated yes, sir. That whole building. There is another building right here under construction, and another one here under construction, as a matter of fact there are three under construction that you get to before you get here.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Barry **to grant Final Plat approval to Sunset Bay Villas, Phase VII. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Wooten/Estes Subdivision.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF05-02:

Subdivision: Wooten/Estes

Location: North Side of U. S. Highway 90
Area: 25.72 Acres +, (2) lots
Owner: James Wooten & William Estes
Engineer: Moore Surveying - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting preliminary/final plat approval of a twenty-five acre subdivision consisting of two lots located South of Lake Forest Yacht Club and West of East Bay Apartments. He stated this is a request from the owners Mr. Wooten and Mr. Estes to subdivide their twenty-five acre property into two parcels.

The Chairman stated I guess we are quickly back to the issue of adequate utilities, again.

Mr. Kirby stated I believe on our last subdivision we said, at that time, and even in our site preview meeting, since the water and sewer were not available, that we would not do any more subdivisions in this area. Am I not correct in my assumption?

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The Chairman stated that is my recollection of it.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to deny Preliminary/Final Plat approval to Wooten/Estes Subdivision due to lack of water and sewer.**

The Chairman stated since this is a preliminary/final I need to present the opportunity to oppose this to the public. He opened the floor to public participation. With no adjacent property owners present, he closed public participation.

Mr. Ford stated I am Mike Ford, Mike Ford Realty Company, and I represent the people that own the property next door to this property. I do not recall hearing about no more subdivisions until the utilities are there. We were under the impression that this was going to be an office building here. We were under the impression it could go in like other subdivisions along Highway 90, into Lake Forest, at the time, back then when I talked to Art. The other twenty acres that are there, I think will be viable to the property that is already there and their subdivisions. This part here it was my understand there would be an office building there. It was my understand again, like the subdivisions along Highway 90 that we would be allowed to go into Lake Forest until the lines are put in there. I would like to know when that line is coming. Does anyone know?

Mayor Small stated the engineering work is being done on it now.

Mr. Ford stated is there a time on this thing?

Mayor Small stated no. I hope it is going to be soon.

Mr. Ford stated let me ask another question because I am going to have to tell these clients of mine. If you cannot get sewer are there provisions for a septic tank? You see the water is going to go underneath there and it is kind of hard to make it loop into Lake Forest. I understand from the Utility Board that is a good situation because you have got the water loop. If you cannot supply sewer to that site in the City can you put a septic tank up in the meantime until the sewer line comes.

The Chairman stated I believe the Ordinance indicates there are some distance requirements in regards to whether or not you can put in sewer. I think based on the level of development, I guess we can sort of foresay on this particular plat here, I will tell you due to previous recommendations of the Planning Department that you not further subdivide this particular plat until such time adequate, public utilities are in place. We closed public participation, so we normally do not get into such matters pertaining to the Ordinance, which lays out the distance requirements that you can put in a septic

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system. I am not certain that this particular plat is what you are looking for.

Mr. Ford stated I am not certain they would want to do that. I am just saying, is that an option, since you cannot provide the sewer or it is not available there through the City. I just wonder if it is an option that they might want to pursue if they want to get started, then the line comes along, and they can hook on to it. That is all I am wondering about because the water is already there. I do not think, again that is up to you all, but it does not seem to me that one more person hooking onto the water coming through that loop will hurt anything. It is the sewer that is the problem. We know that several parcels between here and the hospital have been marked that they are going to be developed, and I was just wondering, and I do not know how big an office these people are going to be put on it, I just want to know if it is an option at the present time to put a septic tank on there, and be under the same thing that you had before, except with the Harley people, to when that sewerage line does come they would have to hook onto it.

Mr. Kirby stated I just want to back up a minute. I made the motion and I am going to leave the motion alone. When this property was first subdivided, to give Harley Davidson a piece, at that time, it is my recollection, that we would not entertain anymore subdivision, from these owners, until water and sewer was adequate. Now, that is the way I am remembering it. The owners, at that time, knew this because they subdivided the first piece off.

Mr. Ford stated you may well be right, Ed. I do not recall that, but you may well be right. I am not calling you on the point. My point was after this subdivision if you cannot provide the service there, and you cannot tell us when it is going to be there, basically, is a septic tank an option.

Mr. Kirby stated I guess one other comment. I guess what I got out of that is they are suppose to have that line, that far, before the previous building is built because they can tie onto it, and not have to do the sewer in Lake Forest.

Mr. Ford stated that is not ours. We sold that to the car people, and certainly, it is going to be an asset to that. I just wanted to know if that was an option, so you all are basically saying it is not or you do not know or it is. What can I tell the people when they ask me the question.

The Chairman stated I cannot give you a definitive answer right now because of the language in the Ordinance that relates to septic systems. If you feel like that can provide you relief then certainly you can bring your request back.

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Mr. Ford stated one other question. We do not have to wait a year to come back, do we?

The Chairman stated I would not think so.

Mr. Ford stated thank you, very much.

The Chairman stated there being no further indications, public participation is now closed.

Upon roll call vote, *the Motion carried.*

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|--------------|-----|
| Mayor Small | Aye |
| Mr. Barry | Aye |
| Ms. Barnette | Aye |
| Mr. West | Aye |
| Mr. Day | Aye |
| Mr. Chason | Aye |
| Mr. Coulter | Aye |
| Mr. Kirby | Aye |

The Chairman stated the next order of business is preliminary/final plat review for JMO Subdivision.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF05-07:

Subdivision: JMO Subdivision

Location: Northeast Corner of Lawson Road & County Road 13
Area: 4.67 Acres \pm , (3) lots
Owner: Jerome O'Brien-Janice Reed-Mark Reed-Omega Group,
L.L.C.
Engineer: Julius Barrett

An introductory presentation was given by Mr. Jerry O'Brien representing the owners of the property, requesting preliminary/final plat approval of a four and one half acre subdivision consisting of three lots located on the Northeast corner of Lawson Road and County Road 13.

The Chairman stated I do not recall any major issues that were identified with the property in regards to this. Do any of the Commissioners or Mr. Eady have any questions or comments?

Mr. West stated there was a question that came up about annexation. This is in the area where it is eligible for annexation. I do not recall if we got an answer on that, but it is something that interests me. It is eligible for annexation. I guess my question is are there

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any plans for annexation.

Mr. O'Brien stated at the present time the purpose of the subdivision is in order to kind of accommodate a couple of prospective users of the property. We will have to leave that up to the users of the property in order to determine whether or not annexation is an option they wish to pursue. I cannot say that is going to happen, and I cannot say it is not. We are the current owners of the property, and we are really trying to subdivide the property, pursuant to a couple of contractual agreements that we have when we sell the property. We did not think the users of the property would have to deal with that question with the Planning Commission at that time.

Mr. West stated thank you.

The Chairman stated because this is a preliminary/final plat review I must provide an opportunity for public participation. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to grant Preliminary/Final Plat approval to JMO Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Oak Knowle Subdivision.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF05-08:

Subdivision: Oak Knowle

Location: Cummings Lane
Area: 3.8 Acres \pm , (3) lots
Owner: Joseph D. Williams
Engineer: Moore Surveying - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting preliminary/final plat approval of a four acre subdivision consisting of three lots located on Cummings Lane off Main Street. He stated you have an existing residence on Lot 3, which will remain two and a half acres. Lot 1 is twenty-four thousand plus square feet and Lot 2 is twenty-six thousand plus square feet. It is an R-2 zone, which requires ninety foot wide lots and fifteen thousand square feet. They are going to connect to the City sewer, and also to the water line meters on Main Street. Are there any questions?

Mr. Chason stated Mr. Ross you have to back me up on this. I had an

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occasion recently to deal with a title company and a surveyor with regards to an existing lot in town. I just want to point out, and make sure that everybody understands the way I do, but the definition, in the Ordinance, of the front of a lot, is the side that butts the street. So in this particular case, the north side of this lot that butts the street is the front of the lot. The setbacks that are required are forty-feet front, forty-feet rear, and so these dotted line that are drawn on our map here do not adequately depict, legally, what the front and rear of this lot is. I am not opposed to the subdivision, but what I want to point out is this problem is a lot bigger than this body, as far as, what we think is an appropriate subdivision of this property. It is going to be a title problem for whoever buys this lot and builds a house, if they get closer than forty-feet to the street or closer than forty-feet to the rear of the lot. It is not going to be our call, it is a matter of a conflict with our Ordinance. I can tell you that in the other case I was involved in, the title insurance company was unwilling to write the title insurance without an exception, and the bank was unwilling to finance the property without a variance being granted. In that particular case there was already an existing lot. Our Building Department cannot go out there and give a building permit on these lots if there is any other structure closer than forty-feet to the street or forty-feet to the rear of the lot, based on the definition of a lot, and the front of the lot. So, although I would love to cooperate, and allowed these people to subdivide this property, I am pointing out, that without doubt, and I will ask Mr. Ross to confirm this, they are going to have a problem, if we permit it. Therefore, I am not going to be for it.

Mr. Moore stated let me ask you a question before he answers. Was that lot an existing lot that did not have setbacks shown on the plat?

Mr. Chason stated in that particular case it was a lot that was properly platted and approved. It was a corner, and then it was sold, and built on. A building permit and a certificate of occupancy was issued, in error, but upon selling the property, a different surveyor, surveyed it, took our definition of what constitutes the front, side and rear of the lot, redrew the setbacks, and found that there was an encroachment. Therefore, in started the problem with the title company and with the bank. As I understand, I think that thing, right now, is before the Board of Adjustment, with the City of Daphne, trying to straighten out a mistake. I am just simply saying before we make a mistake we need to modify our definition to allow this type of thing or we are going to create title problem for people by approving this type of subdivision.

Mr. Moore stated Mr. Ross, I do not know the incident, but if we put on the plat where the front yard, rear yard, and side yard setbacks are, in this case, then would that define where the front, rear and side yard setbacks are?

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Mr. Chason stated this lot is about one hundred-feet north and south, so if you can build on about a twenty-foot section on the lot, if you can get your house in there then you will be okay. As long as you understand that your setbacks are drawn wrong.

Mr. Barry stated Mr. Moore, you can report yourself in the work session tonight, and of course, I have thought about it, through and through. It appears to me that Lot 2 is not on the street.

Mr. Moore stated it is on a driveway, it is not really on the street. It is off of the easement.

Mr. Barry stated so the pertinent street would be U. S. Highway 98. there on the street. That is the only street right, we are talking about.

Mr. Moore stated that is the street.

Mr. Barry stated so there is no street on the corner. When you look at a piece of property, you look for four sides, and on the number of the four sides is there a street. Therefore, it would appear to me to be that the street that is directly toward, by the driveway, is the street that would determine which is the front of the property, although the property does not itself front right onto the street, it faces the street, and it has a driveway. Most property do not have a street right next to their garage, they have a driveway, and this one just has enough property in front of it that the driveway goes past. So, I am looking at this as saying okay, there is no street for this property, other than Highway 98, and at that it would give you the setback on that side of the building, which would be your front setback. That would actually be the side that is facing where the driveway goes to, and not to the street.

Mr. Moore stated yes, sir. Like I said if we put on the plat that this is the front yard setback, and this is the rear yard setback, and this is the side yard, and that is the side yard, you are spelling out that there is no reinterpretation, from someone down the road, that this is the front setback over here. Because you would actually have it on the plat saying that is your front yard setback. Then when someone goes to build a house saying that is the front yard setback, and you have another surveyor, X, Y, Z, come along and tries to redraw the setback from here, without a clear definition as to which setback is which, then there might be some interpretation, but I believe if you put on a recorded plat that this is your front yard setback, and that this is your rear, the side and side then there will not be any reinterpretation, as to it.

Mr. Chason stated let us ask Mr. Ross. Is the title company going to insure it?

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Ms. Barnette stated this definition come from our Land Use Ordinance? If we have something in our Ordinance that is not compatible then we need to fix it.

Mr. Ross stated Mr. Chason's, description of the prior problem is exactly correct. You will be happy to know the Board of Zoning Adjustment did grant the variance two nights ago.

Mr. Chason stated that was a hardship.

Mr. Ross stated it was, and I think that is why they did it. I have not studied this analysis carefully, but Mr. Eady, do you have any thought on this particular, scenario.

Mr. Eady nodded no.

Mr. Moore stated when you take this particular scenario by putting where the rear yard, where the side yard, and where the front yard, and it is spelled out, and that way once you put it on the plat in writing, you do not have interpretation as to where that setback will be.

Ms. Barnette stated so you are redefining our Ordinance and descriptions, and you cannot do that. I mean that is not what our Ordinance says.

Mr. Ross stated I agree with Ms. Barnette. I need to look at the answer to your question, specifically, and I do not want to do that right now.

By granting the subdivision of the lots we do not warrant anything other than what the Ordinance says, so you can grant the subdivision. It will be up to the prospective developer of the lot to deal with the setback lines, but Mr. Chason is correct in his analysis of immediate past problems.

Ms. Barnette stated I would add that we have seen what happens sometimes when we grant subdivisions when know there might be potential problems with a feature in them. We have already beared that burden once tonight.

Mr. Chason stated I would appreciate knowing if I bought this lot. I would like to know about a problem like this existed, and I do not think the Building Department would issue a building permit outside that twenty-foot strip.

Mr. Ross stated right, and they should not do it if they recognize it, and we all have a heightened sense of that now. I am not putting you off, I am just now prepared to answer your precise question, tonight. I could look at it, and formulate an opinion, but I would hate to give you an opinion tonight on it. Cause I am just not a pre-lawyer, it

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takes me a minute to look at it.

Mr. Moore stated so what is the answer?

Mr. Chason stated to give you an answer to the problem, we cannot grant that.

Mr. Moore stated so when you say ask for a variance, do would you ask for the it before or after you do the subdivision?

Mr. Chason stated before you do the subdivision of the setbacks.

Ms. Barnette stated I do not know whether this will be eligible or not because it is for financial gain, and that is not a hardship.

The Chairman stated it certainly seems like they are making some issues surface here that is making it difficult to get through this. I guess I am going to have to consider tabling this for a month so we can perhaps get a better handle on this, do you any objections to this consideration.

Mr. Moore stated I do not. I would be delighted to let Mr. Ross, have time to look at our suggestion about the facing of the setbacks on this, as to where the front, rear, and side, face.

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to table the Preliminary/Final Plat approval for the Oak Knowle Subdivision.**

The Chairman stated it has been motioned and properly seconded to table the preliminary/final plat review of Oak Knowle Subdivision. Is there any debate?

Mr. Eady stated yes, sir. If you table it and you do not come back in thirty days, it becomes approved. You might just want to deny it and let him bring it back in thirty days. Unless you think you are going to have it in less than thirty days.

Mr. Chason stated well, I did not understand that. I withdraw my motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to deny Preliminary/Final Plat approval for Oak Knowle Subdivision due to improper consistency with the Land Use Ordinance.**

Mr. Moore stated may I make a motion to withdraw it because if it is denied I will have to pay the fee and things of that nature again.

Mr. Eady stated you can do that.

Mr. Chason stated you may withdraw it, but still have Mr. Ross look at

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within a time period.

Ms. Barnette stated Mr. Chairman, I rescind my motion.

The Chairman stated okay.

Mr. Moore stated thank you.

The Chairman stated the next order of business is preliminary plat review for Rolling Meadows.

PRELIMINARY PLAT REVIEW:

File SDP05-06:

Subdivision: Rolling Meadows

Location: Intersection of County Road 64 and County Road 54
Area: 28.89 Acres \pm , (56) lots
Owner: Tristan A. Lazzari
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary plat approval of a 28.89 acre subdivision consisting of fifty-six lots located at the intersection of County Road 64 and County Road 54. As I recall in the work session there were no major issues. I will be happy to answer any questions.

The Chairman stated are there any questions by the Commissioners?

Mr. West stated I think I am confused so let me state what is on my mind.

I am reading from the Fire Department memo "After review of the above named plans it was found to be in compliance with the Standard Fire Prevention Code." Who is providing the water?

Mr. Diehl stated that will be Belforest Water System.

Mr. West stated I guess what my question is, how can the City of Daphne certify that the Belforest Water System meets the requirements of the Standard Fire Prevention program?

The Chairman stated if I remember correctly from the site plan review the Fire Department is certifying that the plans are laid out, as to the spacing of the hydrants, meeting the standards. It does not speak to the water pressure or things of that nature, only the design or the layout of the subdivision.

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Mr. West stated I find this inadequate. We need a different statement from the Fire Department, other than it meets all requirements because in my mind it is not worth much. Does Belforest Water Systems meet the requirements of the Standard Fire Code?

Mr. Diehl stated for the City of Daphne?

Mr. West stated do they meet any requirements for anybody?

Mr. Diehl stated there is available pressure that they will be able to get insurance. Whatever rating they get, comes with the pressure that is available, and dictates how much their insurance costs. They will have adequate fire protection, but whether or not it meets the very, very high standards of the City of Daphne, I do not know.

Mr. West stated this keeps coming up, and we have another one later. I think it is an inconsistency. It is an uncertainty in my mind, and has been for a years as to whether or not Belforest, I think it is a great community, and I think their water pressure system may be sufficient, but I cannot get anything from them. We had an hour and a half discussion on this subject and I was hoping to hear it had been resolved. As I recall the Fire Department was going to provide Belforest with the pressure that they had to meet, and they were going to check to see if they had met them. I do not know if that had to do with all of this or not, but it says "to the Chairman, please accept this correspondence as an indication of Belforest Water System being able to provide portable water to Brookhaven Subdivision located on Whispering Pines Road. The water service grind that meets the minimum requirements will be made available to Brookhaven Subdivision. We will commence the required preparations upon receipt your written documentation by the agency that has regulatory authority listing these minimum requirements." So I guess they are still waiting to hear from somebody what the minimum requirements are.

Mr. Diehl stated yes, sir, I think that is on another application. On my application they have stated that they have water there. I think everybody has written letters of approval on our design and layout. Also, I would note that there is a water tower a thumb throw away from here, so I do not think we are going to have any water pressure problems on this site.

Mr. Barry stated as I recall, two issues with the Fire Chief from the area said that this one was not a problem it could be handled. It was the second one, the other area that he could not say, for sure, he could handle, and that is the one we have the letter on. This one, as I understood it, the Fire Chief said there would not even be any problem with this. Was that not what happened to you? The two are getting mixed up, and this is the one they were told that it would not be a problem.

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Mr. Diehl stated that is correct.

Mr. West stated it is not clear to me. I do not know whether it meets it or not. I am not sure if the water pressure is sufficient to provide adequate fire protection on this subdivision.

Ms. Barnette stated I may be able to add a reminder that might be helpful. The Belforest Water System in their by-laws are not charged with providing fire protection to a community. So, when we met in our site preview, they reminded us, they would not send us a letter stating they could provide adequate fire protection because it is not what they are charged to do, but what they did say was that they did have adequate water pressure for this Rolling Meadows Subdivision, and they were twenty gallons per minute off for the Landsdown Subdivision, and they would not give us a letter stating they could adequately address it. So all we ever received from the City of Daphne was when we were talking about the fire protection in our areas outside our city limits that Belforest services, always having the Standard Fire Prevention Code. We had talked about how we would try to work with them to get the protection you want, but right now they will not even give us the letter authorizing it is not part of their chartered mandate. Does that help?

Mr. West stated do I understand then that our fire department is of the opinion that there is sufficient water pressure to adequately discharge a fire.

Ms. Barnette stated I read it that way because of the Brookhaven Subdivision they told us, after review of the plan, they were found not to be in compliance with the Standard Prevention Code.

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

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Kirby **to grant Preliminary Plat approval to Rolling Meadows Subdivision. The Motion carried.**

Upon roll call vote, **the Motion carried.**

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| Mayor Small | Aye |
| Mr. Barry | Aye |
| Ms. Barnette | Aye |
| Mr. West | Nay |
| Mr. Day | Aye |
| Mr. Chason | Aye |

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Mr. Coulter Aye
Mr. Kirby Aye

Mr. Diehl stated thank you.

Ms. Barnette requested to be excused at 7:23 p.m.

The Chairman stated the next order of business is preliminary plat review for Landsdown Subdivision.

PRELIMINARY PLAT REVIEW:

File SDP05-01:

Subdivision: Landsdown Subdivision

Location: On Alabama Highway 181 South of Rigsby Road
Area: 37.09 Acres +, (67) lots
Owner: The Mitchell Company, Inc.
Engineer: Rester & Coleman Engineers - Don or Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting preliminary plat approval of a 37.09 acre subdivision consisting of sixty-seven lots located on Alabama Highway 181, south of Rigsby Road. He stated this subdivision came before you a couple of months ago, and I think the main concern, at that time, were stormwater issues. Since that time we have added two more ponds here for the twenty-five year drainage storm to make sure we do not go above the streets. Other than that I do not think there were any other issues, and I will be happy to answer any questions you may have.

The Chairman stated I do not recall any major issues that surfaced at the site preview meeting.

Mr. Barry stated was the triangle area at the top of the swamp where the retention has been added.

Mr. Coleman stated we added one in there and we added one in down here.

Mr. Barry stated okay, so you added two.

Mr. Coleman stated yes, sir.

Mr. Barry stated cause I remember you talking about one.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public

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participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to grant Preliminary Plat approval to Landsdown Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business the Brookhaven Subdivision, but I think we need to go back to the front of the agenda since they are related and proceed on them.

PETITIONS:

ANNEXATION REVIEW:

An introductory presentation was given by Mr. Andrew Lewis, representing the Mitchell Company, requesting annexation of a fifty-seven point sixty (57.60) acre parcel on the Northwest corner of Whispering Pines Road and County Road 13, to be zoned as R-3, High Density, Single Family Residential. The owners of this property is the Mitchell Company, Inc. He stated I was here a couple of months ago with this application, and at that point in time we had one hundred and forty-two units in the original application, actually, I think by the time we got to the hearing it was one hundred and forty-nine units, and you all approved it as an R-2 zoning. After that we withdrew the application, but since that time we have had a few conversations with some City Officials and decided to bring this petition or the application back before you. The petition is for one hundred and thirty-five lots and we are still requesting R-3 zoning. The site plan we turned in yesterday has two entrances, one on Whispering Pines, and at the work session last week it was requested one of the entrances, which was the western most, be moved a little to the west, to line up with the interior street within the subdivision. The site plan was turned in just yesterday day, do you have that. We also have the curb cut to the west, which is the Stratford Glen Subdivision to the west, and I believe it is in the City, which we are contiguous with, and they are also zoned R-3. We have engineering, which is about six point five percent of the overall site, commandeering another five percent, so we have about six and a half acres commandeering a detention area. The lot sizes range from twelve thousand square feet to twenty-seven thousand square feet, with the majority being between the twelve to fourteen thousand square feet range. Like I said we are adjacent to R-3 property. As you can see, we left the interior street there, and here is the retention area with a common area here and a common area there. Again, one hundred and thirty-five lots, and there is where the curb is cut to the existing subdivision. Also, last week at the work session, it was discussed about the widening of this area for the future, and since then we have done included an additional ten foot strip there future widening. I will be glad to answer any question.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES DRAFT
REGULAR MEETING OF MARCH 24, 2005
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Coulter stated I am concerned about safety in that corner you have from the entrance of Brookhaven Drive to County Road 13, where the school patrol is right there. It is eight hundred and seventy-six feet. What kind of provisions are you making for safety for those kids to walk across there who do not take the bus? I asked that question before and I do not think I got an answer.

Mr. Lewis stated I am sorry, but I think I tried to address that the last time I was here. I do not know exactly what you are looking for.

Mr. Coulter stated let me put it this way. A certain amount of children will not take the because it is too close to the school cross the street. Three quarters of a mile south of there on County Road 13, you have the Intermediate School, and if will be the same thing there. I do not know what the targeted estimate is or how many children there are going to be, but some are going to come out of Brookhaven Drive, and walk down there without any sidewalks and without any protection, and I do not think the developer should allow something like that.

Motion was made by Mr. Kirby and **Seconded** by Mr. Barry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation of Brookhaven Subdivision the fifty-seven point sixty (57.60) acre parcel on the Northwest corner of Whispering Pines Road and County Road 13 as R-3, High Density, Single Family, zoning with one hundred and thirty-five lots.*

Upon roll call vote, *the Motion carried.*

| | |
|-------------|-----|
| Mayor Small | Aye |
| Mr. Barry | Aye |
| Mr. West | Aye |
| Mr. Day | Aye |
| Mr. Chason | Aye |
| Mr. Coulter | Nay |
| Mr. Kirby | Aye |

The Chairman stated the next order of business is preliminary plat review for Brookhaven Subdivision.

PRELIMINARY PLAT REVIEW:

File SDP05-07:

Subdivision: Brookhaven Subdivision

Location: Northwest corner of Whispering Pines Road & County

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES DRAFT
REGULAR MEETING OF MARCH 24, 2005
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Road 13

Area: 57.60 Acres +, (135) lots

Owner: The Mitchell Company, Inc.

Engineer: Rester & Coleman Engineers - Don or Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting preliminary plat approval of a 57.60 acre subdivision consisting of one hundred and thirty-five lots located on the Northwest corner of Whispering Pines Road and County Road 13.

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

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Kirby **to grant Preliminary Plat approval to Brookhaven Subdivision.**

Upon roll call vote, **the Motion carried.**

| | |
|-------------|-----|
| Mayor Small | Aye |
| Mr. Barry | Aye |
| Mr. West | Aye |
| Mr. Day | Aye |
| Mr. Chason | Aye |
| Mr. Coulter | Nay |
| Mr. Kirby | Aye |

The Chairman stated the next order of business is an administrative presentation, regarding Daphne Commerce and Technology Center.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting the Planning Commission not to exercise their extraterritorial jurisdiction over the proposed one hundred and ninety (190) acre development known as Daphne Commerce and Technology Center, in order for them to pre-market property prior to plat approval.

The Chairman stated I made a request for our attorney, Mr. Ross to research this.

Mr. Ross stated my associate, Tim Fleming has researched this and has a prepared statement.

Mr. Fleming stated in Alabama Code 1975, Section 11-52-30(a) it states "shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES DRAFT
REGULAR MEETING OF MARCH 24, 2005
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. There is a one hundred dollar fine on the book for doing this.

ATTORNEY'S REPORT:

Mr. Ross, City Attorney, stated I am still researching this and will be prepared next month to give you a definitive answer on the things we have discussed tonight, Mr. Chairman.

ADJOURNMENT:

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

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

There being no further business, the meeting was adjourned at 8:05 p.m.

Respectfully submitted by:

Pat Houston, Planning Technician

APPROVED: April 28, 2005

Kenneth Day, Chairman

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2005-27
PREPAID TRAVEL**

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

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

Betty Stevens, Court Magistrate, Certification Training and Maintenance Training Institutes, May 10-13, 2005, Tuscaloosa, AL - \$140

Billy Crutchfield, Mechanical Maintenance Supervisor, Waste Expo, May 1-6, 2005, Las Vegas, NV - \$210

Clement Conaway, Solid Waste Supervisor, Waste Expo, May 1-6, 2005, Las Vegas, NV - \$210

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

APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on this 18th day of April, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**RESOLUTION NO. 2005-28
2005-L-FUEL**

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 FUEL will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the FUEL be awarded to PEPCO (Petroleum Energy Products Company).

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 PEPCO (Petroleum Energy Products Company) for margin cost of:

**.015 – UNL 89+
.015 – DIESEL**

as bid herein and made a part hereof for BID SPECIFICATION NO. 2005-L-FUEL.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 18th day of April, 2005.

**_____
Greg Burnam, Council President
Date & Time Signed:_____**

**_____
Fred Small, Mayor
Date & Time Signed:_____**

ATTEST:

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

**RESOLUTION NO. 2005-29
2005-O-HORTICULTURE CHEMICALS**

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 HORTICULTURE CHEMICALS will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the HORTICULTURE CHEMICALS be awarded to LESCO, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of LESCO, Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2005-O-HORTICULTURE CHEMICALS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 18th day of April, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

Bid Document 2005-O- Horticultural Chemicals

| PRODUCT | UNIT | UNIT PRICE | EXCEPTION |
|-------------------------|-------------|------------|-----------|
| Fertilizer | | | |
| 12-2-14 L&O | 50 pound | \$ 13.65 | |
| 14-14-14 L&O | 40 pound | \$ 17.90 | |
| 18-0-18 50%PPSCU | 50 pound | \$ 10.50 | |
| 18-24-12 50%MOP | 50 pound | \$ 11.65 | |
| 21-3-21 TCRN 65% | 50 pound | \$ 16.00 | |
| 20-20-20 Macron | 25 pound | \$ 23.00 | |
| 23-0-23 Macron | 25 pound | \$ 23.00 | |
| 21-0-0 Ammonium Sulfate | 50 pound | \$ 8.75 | |
| 24-2-11 40% PPSCU 6FE | 50 pound | \$ 10.95 | |
| 33-0-17Sprayable | 50 pound | \$ 11.75 | |
| Pre-M 25-2-5 | 50 pound | \$ 15.40 | |
| Pre-m 0-0-8 | 50 pound | \$ 17.50 | |
| 20-10-5 Novex tablets | 25 pound | \$ 35.00 | |
| Insecticide | | | |
| Dylox | 30 pound | \$ 28.00 | |
| Horticultural Oil | 2.5 gallon | \$ 20.00 | |
| Lesco Fate | 1 pound | \$11.20 | |
| Lesco Fate | 10 pound | \$ 106.70 | |
| Permethrin Pro | 1.25 gallon | \$ 91.10 | |
| Talstar Flowable | 1 gallon | \$ 167.50 | |
| Talstar Granular EZ | 25 pound | \$ 25.00 | |
| Talstar Granular PL | 25 pound | \$ 21.00 | |
| Top Choice | 50 pound | \$ 140.50 | |
| Varsity Ant Bait | 25 pound | \$ 185.00 | |
| Onyx | 32 ounce | \$ 97.50 | |
| Herbicide | | | |
| Revolver | 1 quart | \$ 167.38 | |
| Admiral Herbicide | 1 gallon | \$ 49.15 | Aqua-neat |

| Bid Document 2005-O-Horticultural Chemical | | | |
|---|-------------|-------------------|----------------------|
| Product | Unit | Unit Price | Exception |
| Algaecide | 5 gallon | \$ 125.00 | |
| Monument | 10 x5 x5 gm | \$ 2,075.00 | |
| Simazine | 2.5 gallon | \$ 46.35 | |
| Drive 75DF | 1 pound | \$ 83.00 | |
| Manage | 1.3 ounce | \$ 85.00 | |
| Manor | 2 ounce | \$ 135.00 | |
| Momentum Premium | 2.5 gallon | \$ 90.00 | |
| MSMA 6.6 | 2.5 gallon | \$ 65.00 | |
| Prosecutor Pro | 30 gallon | \$ 1,150.00 | Round-Up Pro |
| Prosecutor Pro | 2.5 gallon | \$ 105.00 | Round-Up Pro |
| Reward | 1 gallon | \$ 125.00 | |
| Scythe | 2.5 gallon | \$ 86.00 | |
| Oryzalin | 2.5 gallon | \$ 191.25 | Surflan |
| Snapshot | 50 pound | \$ 85.00 | |
| Three Way Selective | 2.5 gallon | \$ 65.00 | |
| Vantage | 1 gallon | \$ 110.00 | |
| Lescogran | 1 gallon | \$89.75 | |
| Fungicide | | | |
| Banoi | 1 gallon | \$ 330.00 | |
| T-Storm | 2.5 gallon | \$ 350.00 | Cleary's 3336 |
| Mancozeb | 12 pound | \$ 62.15 | |
| Heritage | 1 pound | \$ 379.50 | |
| Manicure Ultrex | 5 pound | \$ 48.10 | 46.30 for 16 + cases |
| Subdue | 1 gallon | \$ 560.00 | |
| Miscellaneous | | | |
| Pro-Choice Soil Master | 50 pound | \$ 8.50 | |
| ProChoice Quick Dry | 50 pound | \$ 9.00 | |
| Pro Max | 2 pound | \$ 81.70 | |
| Primo Max | 1 gallon | \$ 390.00 | |
| Atheletic Paint | case of 12 | \$ 47.05 | |
| Spreader Sticker | 2.5 gallon | \$ 36.05 | |
| Tracker Dye | 1 quart | \$ 22.79 | |
| Bolster | 2.5 gallon | \$ 118.00 | |

Bid Document 2005-O- Horticultural Chemicals

| PRODUCT | UNIT | UNIT PRICE | EXCEPTION |
|----------------------|----------------|------------|-----------|
| Chelated Iron Liquid | 2.5 gallon | \$ 33.70 | |
| Dolomitic Lime | 50 pound | \$ 4.50 | |
| Wasp & Hornet Spray | 17.5 ounce can | \$ 4.15 | |
| Lesco -Sol | 2 pound | \$ 10.80 | |
| Recede | 1 pint | \$ 9.95 | |
| Lesco Green | 2.5 gallon | \$ 103.90 | |
| | TOTAL MISC | \$ | |
| | GRAND TOTAL | \$ | |

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

COMPANY NAME LESCO, INC.
1301 EAST 9TH STREET
SUITE 1300
ADDRESS CLEVELAND, OHIO 44114-1849
bids@lesco.com//www.lesco.com
FEDERAL ID# 34-0904517
PHONE NUMBER 800-321-5325 Local 251-666-5222
FAX NUMBER 216-706-1612 251-666-5996

Linda M. Haas
AUTHORIZED SIGNATURE
Linda M. Haas
PRINT NAME

Sworn to and subscribed before me this 24th day of MARCH, 2005.

Margaret Dworzak
 Notary Public

MARGARET DVORZNAK
Notary Public, State of Ohio
 My Commission Expires 9-21-05

ALL BIDS MUST BE RECEIVED NO LATER THAN 11:15 A.M. ON MARCH 28, 2005

IN PERSON :
 CITY OF DAPHNE
 FINANCE DEPARTMENT
 ATTENTION: SUZANNE HENSON
 1705 MAIN STREET
 DAPHNE, ALABAMA 36526

BY MAIL :
 CITY OF DAPHNE
 FINANCE DEPARTMENT
 ATTENTION: SUZANNE HENSON
 P.O. BOX 400
 DAPHNE, ALABAMA 36526

RESOLUTION NO. 2005-30
2005- N-PD/RADIO CONSOLE EQUIPMENT

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

WHEREAS, The City of Daphne acknowledges that the cost for the PD/RADIO CONSOLE EQUIPMENT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the PD/RADIO CONSOLE EQUIPMENT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PD/RADIO CONSOLE EQUIPMENT be awarded to Hurricane Electronics, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Hurricane Electronics, Inc. for a cost of \$58,985 as specified in BID SPECIFICATION NO: 2005-N-PD/RADIO CONSOLE EQUIPMENT.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 18th day of April, 2005

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**RESOLUTION NO. 2005-31
2005-M-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 Davison Oil Company Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Davison Oil Company Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2005-M-OIL & LUBRICANTS.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 18th day of April, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

CITY OF DAPHNE - OIL & LUBRICANTS BID
BID DOCUMENT # 2005-M-OIL AND LUBRICANTS

| Product Description | Quantity/Case Unit | Size | Cost (Includes Delivery) | Comments/Exceptions |
|-------------------------------------|--------------------|-----------------|--------------------------|---------------------|
| CHEVRON SUPREME 5W-20 | 12 | 1QT | 17.12 | |
| CHEVRON SUPREME 5W-30 | 12 | 1QT | 15.05 | |
| CHEVRON SUPREME SYNTHETIC 10 W30 | 6 | 1QT | 21.77 | |
| CHEVRON DELO 400 MULTIGRADE 15W40 | 12 | 1QTS | 19.28 | |
| CHEVRON DELO 400 MULTIGRADE 15 W40 | 6 | 1GAL. | 38.56 | |
| CHEVRON DEXRON 111/MERCON ATF | 12 | 1QT | 13.97 | |
| CHEVRON MERCON V ATF | 12 | 1QT | 25.46 | |
| CHEVRON DELO 400 SAE 30 | 12 | 1QT | 18.17 | |
| CHEVRON 1000 THF | 5 Gallon | PAIL. | 25.50 | |
| CHEVRON RYKON OIL AWISO 68 | 5 Gallon | PAIL. | 24.95 | |
| CHEVRON RYKON ISO 32 | 5 Gallon | PAIL. | 24.95 | |
| CHEVRON UNIVERSAL GEAR SAE 80W-90 | 5 Gallon | PAIL. | 34.56 | |
| CHEVRON ULTRA-DUTY GREASE EP NLGI 2 | 40 | 14OZ CARTRIDGES | 54.72 | |
| CHEVRON UNIVESAL GEAR LUBRICANT | 12 | 1.8LB BOTTLES | 24.94 | |
| TOTAL UNIT COST | | | | |

FIRM: DAVISON Oil Co Inc

DATE: 3/16/05

BY: Ray Melton

Signature in Ink Only

RAY MELTON

PRINT NAME

THIS MUST BE NOTARIZED!

Sworn to and subscribed before me this 16th day of March 2005.

Betty B Grandquest

Notary Public

My Commission Expires 2-15-2006

RESOLUTION NO. 2005-32

A Resolution Establishing “The Flexible Spending Plan” Bank Account

WHEREAS, during Fiscal Year 2005, the City of Daphne will implement a Flexible Spending Plan whereby employees are allowed a pretax deduction for medical and dependant care expenses; and

WHEREAS, such plan requires the establishment of a separate bank account; and

WHEREAS, Compass Bank is recommended to be the depository for “The Flexible Spending Plan”.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Daphne that a bank account is hereby established for “The Flexible Spending Plan” and Compass Bank is the designated depository.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2005-33

**A Resolution Supporting the Baldwin County Commission with Regard to Connecting
County Road 13 from I-10 to Highway 104**

WHEREAS, the City of Daphne is joining with Baldwin County Commission in support of connecting County Road 13 from I-10 to Highway 104; and

WHEREAS, the City of Daphne is committed to increasing our transportation infrastructure to meet the needs of our citizens and businesses as well as our visitors; due to the rapid growth of traffic congestion and the need to provide adequate evacuation in the event of dangerous weather; and

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Daphne, Alabama, supports the Baldwin County Commission in connecting County Road 13 from I-10 to Highway 104.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA**, this ____ day of _____ 2005.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

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

The undersigned, Crystal Springs, L.L.C., Exchange Intermediary Services SPE #1, L.L.C., Malbis Plantation, Inc., Christine T. Marks, Constantine T. Tampary and Anthony T. Tampary file this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Eastern Shore Park to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of their petition:

1. Description Of Property: The description of the property which Petitioners request to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this Petition as if fully set out herein (the "Property").

2. Map Of Property: Attached hereto as Exhibit "B" and made a part of this Petition, is a map of the Property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. Owners: The Petitioners, Crystal Springs, L.L.C., Exchange Intermediary Services SPE #1, L.L.C., Malbis Plantation, Inc., Christine T. Marks, Constantine T. Tampary and Anthony T. Tampary, are the owners of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. Specific Conditions: This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below in this Section 4 upon annexing the said Property into the corporate limits of the City of Daphne (the "Conditions"). The Conditions are as follows:

(a) The Property receives a B-2 (General Business District) zoning classification;

(b) The City of Daphne provides water, sewer and electrical utility service to the Property in quantities sufficient to service the commercial and retail development of the Property.

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this _ day of February, 2005.

Respectfully submitted,

[EXECUTION ON FOLLOWING PAGES]

CRYSTAL SPRINGS, L.L.C.,
an Alabama limited liability company

By: Crystal Springs Management, Inc.
Its: Manager

By: *Jake F. Aronov*
Its: *PRESIDENT*

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that *JAKE F. ARONOV*, whose name as *PRESIDENT* of Crystal Springs Management, Inc., a corporation, acting in its capacity as the Manager of Crystal Springs, L.L.C., an Alabama limited liability company, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as Manager of the aforesaid limited liability company.

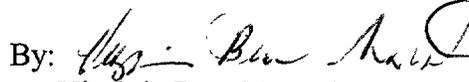
Given under my hand and official seal this 8th day of February, 2005.

Janice B. Nix
Notary Public
(Print Name) *JANICE B. NIX*
My commission expires: *11-8-08*

**EXCHANGE INTERMEDIARY SERVICES SPE#1,
L.L.C.,**
an Alabama limited liability company

By: Exchange Intermediary Services, Inc.

Its: Sole Member

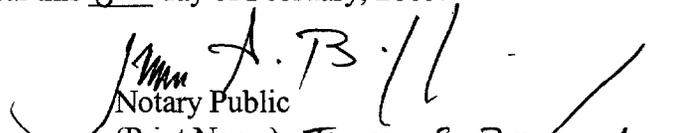
By: 
Virginia Bear Mazyck

Its: Manager

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, the undersigned authority, a Notary Public in and for said State at Large hereby certify that Virginia Bear Mazyck, whose name as Manager of Exchange Intermediary Services, L.L.C., an Alabama limited liability company, acting in its capacity as the Sole Member of Exchange Intermediary Services SPE #1, L.L.C., an Alabama limited liability company, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company, acting in its capacity as the Sole Member of Exchange Intermediary Services SPE#1, L.L.C.

Given under my hand and official seal this 8th day of February, 2005.


Notary Public
(Print Name) JAMES S. BELLAMY
My commission expires: JUNE 25, 2005

MALBIS PLANTATION, INC.

By: Historic Malbis Development Corporation,
Its Attorney-in-Fact

By:
Its:

[Handwritten Signature]
Pres.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, Notary Public in and for said County in said State, hereby certify that Neal Nash, whose name as President of Historic Malbis Development Corporation, an Alabama corporation acting in its capacity as attorney-in-fact for Malbis Plantation, Inc., an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Historic Malbis Development Corporation, acting in the aforesaid capacity for Malbis Plantation, Inc.

Given under my hand and seal this 9th day of February, 2005.

MARIE PRICE
Notary Public, State of Florida
My Commission Expires March 8, 2006
My Reg. No. is 050872

[Handwritten Signature]
Notary Public
My commission expires: 3-8-06

**CHRISTINE T. MARKS, CONSTANTINE T.
TAMPARY, AND ANTHONY T. TAMPARY**

By: Historic Malbis Development
Corporation,
Their Attorney-in-Fact

By:
Its:



Neal Nash
Pres.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, Notary Public in and for said County in said State, hereby certify that Neal Nash, whose name as President of Historic Malbis Development Corporation, an Alabama corporation acting in its capacity as attorney-in-fact Christine T. Marks, Constantine T. Tampary and Anthony Tampary, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Historic Malbis Development Corporation, acting in the aforesaid capacity for Anthony Tampary.

Given under my hand and seal this 9th day of February, 2005.

MARIE PRICE
Notary Public, State of Florida
My Comm. Expires March 8, 2006
Comm. No. DD 080872

Marie Price
Notary Public
My commission expires: **3-8-06**

CRYSTAL SPRINGS, L.L.C., EXCHANGE INTERMEDIARY SERVICES,
MALBIS PLANTATION, INC., CHRISTINE T. MARKS, CONSTANTICE T.
TAMPARY, AND ANTHONY T. TAMPARY
ANNEXATION

EXHIBIT "A"

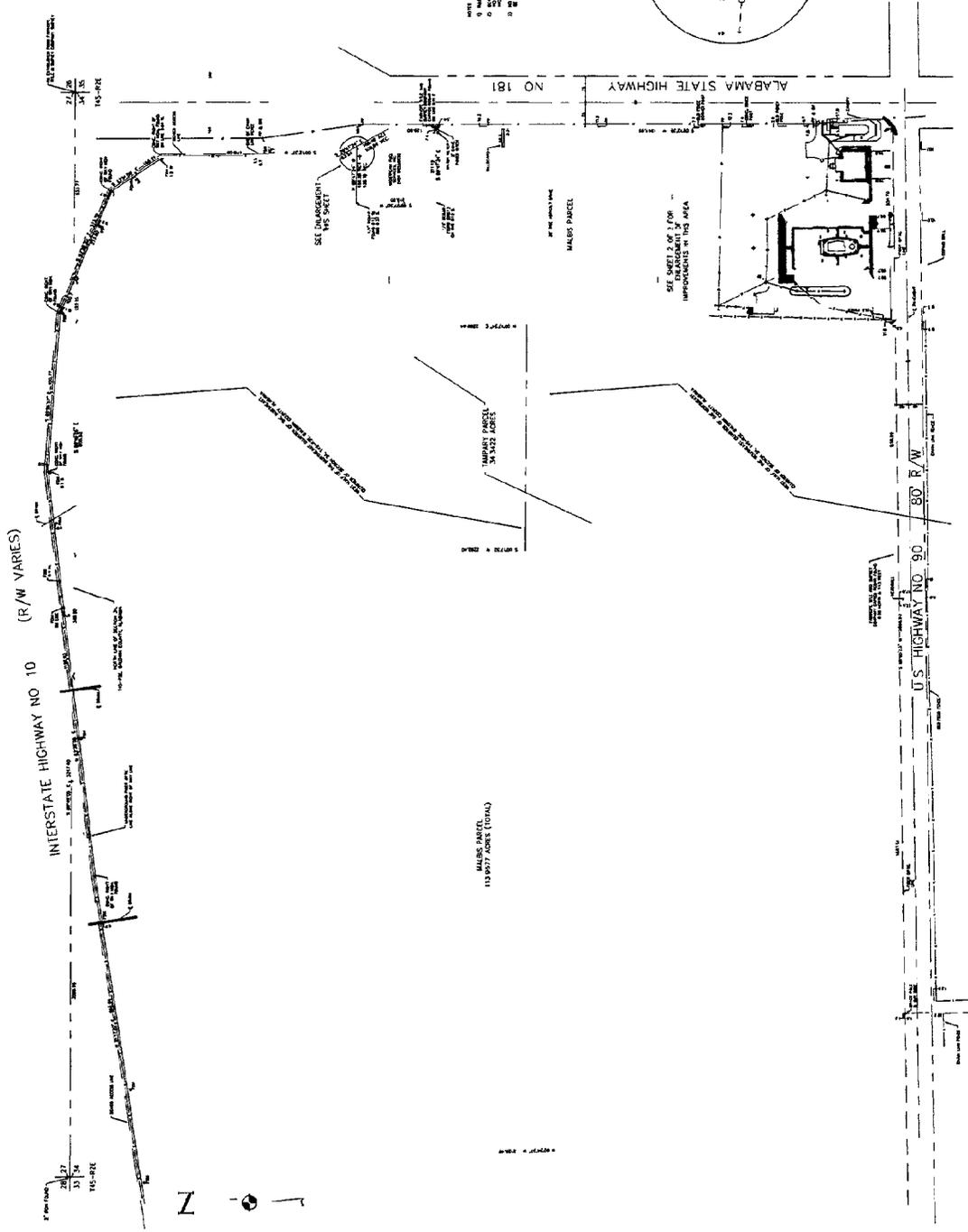
COMMENCING AT THE NORTHEAST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA, RUN N 89° 49' 05" W ALONG THE NORTH LINE OF SAID SECTION 34, T4S-R2E, A DISTANCE OF 533.77 FEET TO ITS INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 67° 58' 55" E 273.0 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 33° 51' 59" E 166.21 FEET TO ITS INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 RUN S 00° 12' 37" W 479.08 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 RUN S 29° 47' 24" E 63.54 FEET TO THE NORTHEAST CORNER OF THE PROPERTY NOW OR FORMERLY OF MIDSTREAM FUEL SERVICES, INC.; THENCE ALONG THE NORTH BOUNDARY OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY RUN N 89° 47' 24" W 158.28 FEET TO THE NORTHWEST CORNER OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY; THENCE ALONG THE WEST BOUNDARY OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY RUN S 00° 07' 30" W 218.0 FEET TO THE SOUTHWEST CORNER OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY; THENCE ALONG THE SOUTH BOUNDARY OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY RUN S 89° 47' 24" E 211.19 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 RUN S 00° 12' 36" W 1267.85 FEET TO ITS INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90 RUN S 89° 05' 23" W 554.70 FEET TO A POINT ON THE EAST LINE OF WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG SAID EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E AND THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 34, T4S-R2E RUN N 00° 13' 54" E 2269.84 FEET TO A POINT ON THE AFOREMENTIONED NORTH LINE OF SECTION 34, T4S-R2E; THENCE ALONG SAID NORTH LINE OF SECTION 34, T4S-R2E, RUN N 89° 49' 05" W 655.92 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG THE WEST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E AND THE WEST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E RUN S 00° 17' 52" W 2282.40 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90 RUN S 89° 05' 23" W 1683.54 FEET TO A POINT; THENCE RUN N 00° 54' 37" W 2128.49 FEET TO A POINT OF THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE NO. 10, RUN AS FOLLOWS: N 81° 47' 20" E 816.04 FEET, N 83° 28' 08" E 1158.93 FEET, S 85° 56' 57" E 455.77 FEET, S 67° 58' 55" E 100.7 FEET TO THE POINT OF BEGINNING. CONTAINING 113.9577 ACRES.

CRYSTAL SPRINGS, L.L.C., EXCHANGE INTERMEDIARY SERVICES,
MALBIS PLANTATION, INC., CHRISTINE T. MARKS,
CONSTANTICE T. TAMPARY, AND ANTHONY T. TAMPARY
ANNEXATION

EXHIBIT "A"

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA AND A PROTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S- R2E, BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS: COMMENCING AT NORTHEAST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA, RUN N 89' 49' 05" W ALONG THE NORTH LINE OF SAID SECTION 34, T4S-R2E, A DISTANCE OF 655.92 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 34, T4S-R2E; THENCE CONTINUING N 89' 49' 05" W ALONG SAID NORTH LINE OF SECTION 34, T4S-R2E RUN 655.92 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG THE WEST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E AND THE WEST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E RUN S 00' 17' 52" W 2282.40 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO.90; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO.90 RUN N 89' 05' 23" E 658.69 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG SAID EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E AND THE EAST LINE OF THE AFOREMENTIONED WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E RUN N 00° 13' 54" E 2269.84 FEET TO THE POINT OF BEGINNING. CONTAINING 34.3422 ACRES.

REFERENCE: EASTERN SHORE PARK



LEGEND

--- EASEMENT

--- PROPERTY LINE

--- FENCE

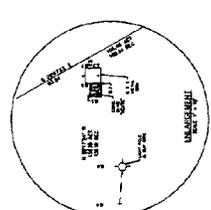
--- ROAD

NOTES

1. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND THE STATE OF ALABAMA.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND THE STATE OF ALABAMA.

3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND THE STATE OF ALABAMA.



ANNEXATION EXHIBIT 'B'

ANNEXATION

THIS ANNEXATION IS A PART OF THE RECORDING OF THE ANNEXATION OF THE LAND SHOWN ON THIS PLAN TO THE CITY OF MALBIS, ALABAMA, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ANNEXATION AGREEMENT AND THE ANNEXATION ORDER.

THE ANNEXATION OF THE LAND SHOWN ON THIS PLAN TO THE CITY OF MALBIS, ALABAMA, IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ANNEXATION AGREEMENT AND THE ANNEXATION ORDER.

THE ANNEXATION OF THE LAND SHOWN ON THIS PLAN TO THE CITY OF MALBIS, ALABAMA, IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ANNEXATION AGREEMENT AND THE ANNEXATION ORDER.

REVISIONS

| NO. | DATE | BY | REVISION |
|-----|----------|-----|----------|
| 1 | 11/11/05 | ... | ... |
| 2 | ... | ... | ... |
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DATE: 11/11/05
 DRAWN BY: ...
 CHECKED BY: ...
 TITLE: ...
 FILE NO: ...
 PLOT NO: ...

ORDINANCE NO. 2005- 15

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
Crystal Springs, L.L.C.
(Property located at the Northwest Corner of Intersection U.S. 90 Hwy. and AL Hwy. 181)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on February 22, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business, zone**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on April 4, 2005 concerning the petition for annexation; and,

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

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

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

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

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

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

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

"EXHIBIT A"

LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA, RUN N 89° 49' 05" W ALONG THE NORTH LINE OF SAID SECTION 34, T4S-R2E, A DISTANCE OF 533.77 FEET TO ITS INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 67° 58' 55" E 273.0 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 33° 51' 59" E 166.21 FEET TO ITS INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 RUN S 00° 12' 37" W 479.08 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 RUN S 29° 47' 24" E 63.54 FEET TO THE NORTHEAST CORNER OF THE PROPERTY NOW OR FORMERLY OF MIDSTREAM FUEL SERVICES, INC.; THENCE ALONG THE NORTH BOUNDARY OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY RUN N 89° 47' 24" W 158.28 FEET TO THE NORTHWEST CORNER OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY; THENCE ALONG THE WEST

BOUNDARY OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY RUN S 00° 07' 30" W 218.0 FEET TO THE SOUTHWEST CORNER OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY; THENCE ALONG THE SOUTH BOUNDARY OF SAID MIDSTREAM FUEL SERVICES, INC. PROPERTY RUN S 89° 47' 24" E 211.19 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO.181; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181 RUN S 00° 12' 36" W 1267.85 FEET TO ITS INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90 RUN S 89°05' 23" W 554.70 FEET TO A POINT ON THE EAST LINE OF WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG SAID EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E AND THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 34, T4S-R2E RUN N 00° 13' 54" E 2269.84 FEET TO A POINT ON THE AFOREMENTIONED NORTH LINE OF SECTION 34, T4S-R2E; THENCE ALONG SAID NORTH LINE OF SECTION 34, T4S-R2E, RUN N 89° 49' 05" W 655.92 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG THE WEST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E AND THE WEST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E RUN S 00° 17' 52" W 2282.40 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90 RUN S 89° 05' 23" W 1683.54 FEET TO A POINT; THENCE RUN N 00° 54' 37" W 2128.49 FEET TO A POINT OF THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE NO. 10, RUN AS FOLLOWS: N 81° 47' 20" E 816.04 FEET, N 83° 28' 08" E 1158.93 FEET, S 85° 56' 57" E 455.77 FEET, S 67° 58' 55" E 100.7 FEET TO THE POINT OF BEGINNING. CONTAINING 113.9577 ACRES.

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA AND A PROTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S- R2E, BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS: COMMENCING AT NORTHEAST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA, RUN N 89° 49' 05" W ALONG THE NORTH LINE OF SAID SECTION 34, T4S-R2E, A DISTANCE OF 655.92 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 34, T4S-R2E; THENCE CONTINUING N 89° 49' 05" W ALONG SAID NORTH LINE OF SECTION 34, T4S-R2E RUN 655.92 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T4S-R2E; THENCE ALONG THE WEST LINE OF SAID WEST HALF

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REFERENCE: EASTERN SHORE PARK

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2005.

Greg Burnam
Council President

Date & Time Signed:

Fred Small
Mayor

Date & Time Signed:

ATTEST:

David L. Cohen
City Clerk, MMC

ORDINANCE 2005-16

**An Ordinance Appropriating Funds
Emergency Road Repairs**

WHEREAS, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

WHEREAS, the City of Daphne received 13” of rainfall for the period of March 31-April 1, 2005; and

WHEREAS, as a result of such heavy rains, several streets located within the City of Daphne sustained severe damage and require immediate repairs in order to prevent further damage to the City’s infrastructure; and

WHEREAS, the City of Daphne will be making application with the NRCS (Natural Resources Conservation Service) for reimbursement of expenses incurred for such road repairs; and

WHEREAS, it is necessary to complete repairs prior to a grant funding determination by the NRCS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2005 Budget is hereby amended to include a General Fund emergency appropriation in the amount of \$ 95,000 for emergency repairs to the streets listed below. Additionally, the Mayor is hereby authorized to make application with the NRCS for the reimbursement of such funds.

- Johnson Road between Main Street & US 98
- County Road 64 between US 98 & Conaway Street
- County Road 13 between Lawson Road & Highway 90
- Camellia Lane between Dauphine Circle & Caroline Avenue
- Pollard Road south of County Road 64

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005-17
An Ordinance Appropriating Funds

May Day Park Survey & Master Plan
Legislative Contracted Services
Old County Road Traffic Striping
Street Striping

WHEREAS, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2005 Budget is hereby amended to include the following:

- General Fund:

- \$ 9,100 May Day Park Survey & Master Plan
 - \$ 1,000 Legislative Contracted Services
 - \$ 10,100

- Four Cent Gas Tax Fund:

- \$ 18,750 Old County Road Traffic Striping
 - \$ 5,500 Street Striping
 - \$ 24,250

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005-18

An Ordinance Appropriating Funds

Additional Building Inspector

WHEREAS, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

WHEREAS, new construction of homes and businesses within Daphne is continuing to increase and such construction requires certain inspections (building, mechanical, plumbing, etc) to insure that applicable building codes and other standards heretofore adopted by the City of Daphne are followed; and

WHEREAS, the City of Daphne recognizes the need to authorize a new Building Inspector position in order to meet the increased demands of such new construction inspections.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2005 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 16,970 (wages & benefits pro-rated for 5 months) for the funding of a new Building Inspector position.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk. MMC

ORDINANCE 2005-19

An Ordinance Appropriating Funds

**City of Foley:
2003 US EPA Special Appropriations Grant**

WHEREAS, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

WHEREAS, the City of Foley has received a Watershed Management Program Special Appropriations grant from the US EPA for the purpose of conducting a study leading to the development of long range planning goals and objectives for the watershed; and

WHEREAS, the City of Foley has agreed to expand the scope of the study to include areas within the City of Daphne and the City of Fairhope; and

WHEREAS, the City Council of the City of Daphne has determined that participation in the watershed study will provide vital information required to address watershed issues within the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: 1), the City of Daphne does hereby appropriate \$15,000 to the City of Foley for participation in the watershed study contingent on the receipt of a signed written Agreement of Understanding between Foley, Fairhope, and Daphne; and 2) the Mayor is hereby authorized to execute such Agreement of Understanding and any other documents required in order for the City of Daphne to participate in such watershed study.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005-20

An Ordinance Appropriating Funds

Spanish Fort High School

WHEREAS, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

WHEREAS, a new high school which will serve approximately eight hundred (800) Daphne residents has been constructed in Spanish Fort; and

WHEREAS, the City of Daphne recognizes the importance of supporting educational opportunities for its citizens.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2005 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 5,000 to Spanish Fort High School for the purpose of assisting with such costs as are necessary for the opening of the school in August 2005.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005-21

**An Ordinance Appropriating Funds
County Road 13 Improvements**

WHEREAS, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

WHEREAS, traffic improvements are required for the section of County Road 13 located in front of Daphne East and Daphne Middle Schools due to the increased traffic volume as a result of the opening of the Daphne East Elementary School; and

WHEREAS, such improvements are estimated to total \$ 410,722; and

WHEREAS, the City of Daphne has requested funding assistance from the Baldwin County Commission and the Baldwin County Board of Education for this project and each has committed to funding 1/3 of the cost.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2005 Budget is hereby amended to include 1) a General Fund appropriation in the amount of \$ 410,722 for the construction of County Road 13 improvements and 2) General Fund Estimated Revenues are hereby amended to include contributions in the amount of \$ 273,814.66 (2/3's of the estimated project cost).

Such amendments are contingent upon the execution of a contract between the City of Daphne and the Baldwin County Commission. The Mayor is hereby authorized to execute such agreement on behalf of the City of Daphne.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC