

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
MAY 2, 2005**

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION:
PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES: April 18, 2005**

RECOGNIZE: Bay Side Academy Chess Team / Regina Landry

PUBLIC HEARING: Proposed Annexation: Mitchell Company
Property located at the NW Corner of Whispering Pines Rd.
and County Road 13

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE - Scott**
Review minutes of Special meeting held April 26th
 - a.) Amend 2005 General Fund / Ordinance 2005-23
 - b.) Filing for CDBG DRI Grant / Resolution 2005-35
- B. BUILDINGS AND PROPERTY COMMITTEE- Lake**
- C. PLANNING/ZONING/CODE ENFORCEMENT - Barnette**
- D. PUBLIC SAFETY/ORDINANCE COMMITTEE- Burnam**
- 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**
- E. Planning Commission – Barnette**
- F. Recreation Board - Burnam**
- G. Utility Board B Scott**

6. REPORTS OF THE OFFICERS:

- A. Mayors Report**
 - a.) Change the May 16th Council Meeting
 - b.) Discuss: Paying for a School Feasibility Study
- B. City Attorney's Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS:

- a.) **Authorize the Filing of a FY CDBG DRI Grant Application. /Resolution 2005-35**
- b.) **Supporting the Proposed Northern By-Pass at I-10
Between Highway 98 and Highway 181. /Resolution 2005-34**

ORDINANCES:

- a.) **Annexation: Mitchell Company – Property located at the NW Corner of
Whispering Pines Road & County Rd. 13. /Ordinance 2005-22**
- b.) **Appropriating Funds and Amending Sales &
Use Tax Revenue Projections. /Ordinance 2005-23**

9. COUNCIL COMMENTS

June 16th Quarterly Council Retreat/Work Session

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 18, 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

Mr. Lake gave the invocation. Marshall Parsons, who returned from serving in Iraq for a year, lead the 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; 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; Capt. Matt Creel, Fire Dept.; Brookes McKenzie, Fire Fighter; Melvin McCarley, Public Works Supervisor; Capt. Randy Bishop, Jail Administrator; Marshall Parsons, Grounds Supervisor; Scott Hutchinson, City Engineer; Lon Johnston, Utility Board, Willie Robison, BZA; Al Guarisco, Village Point; Starke Irvine, DRA; John Coulter, IDB.

Absent: David Carpenter, Police Chief; Mund Hanson, Fire Chief.

3. APPROVE MINUTES OF MEETING HELD: April 4, 2005

MOTION BY Mrs. Barnette to adopt the minutes of the April 4, 2005 meeting. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

The minutes for the April 11th meeting are in the packet. Mr. Scott stated that there were a number of items that will be covered under Resolutions and Ordinances. He reported that the Treasurers Report ending March 31, 2005 has a balance of \$9,045,955.56.

MOTION BY Mr. Scott to accept the Treasurers Report ending March 31, 2005 with a balance of \$9,045,955.56. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

Mr. Scott reported that the Sales Tax collected through February 2005 was 788,825.08. The collections were \$104,000 above 2004, and \$150,507.13 above budget. They will be giving attention to capital improvements, so the budget will be adjusted next month. He said the lodging tax was approximately \$40,000, that is also above what was budgeted.

B. BUILDING/PROPERTY COMMITTEE - Lake

Mr. Lake reported that the Committee met April 1st and the minutes are in the packet. One item they discussed was purchasing additional land around City Hall for parking. The Committee's recommendation to the full Council is to give the Mayor the authority

**APRIL 18, 2005
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

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 growth.

MOTION BY Mr. Lake to authorize the Mayor 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 growth. *Seconded by Mr. Scott.*

Mrs. Barnette voiced concern regarding how they will be moving forward with that.

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

MOTION CARRIED

Mr. Lake stated that the a Committee discussed the addition to City Hall with regards to the future needs of the City. The recommendation from the Committee is to authorize Hutchinson, Moore & Rauch to do a Civil Survey of City Hall property listing all existing conditions.

MOTION BY Mr. Lake to authorize Hutchinson, Moore & Rauch to do a Civil Survey of City Hall property listing all existing conditions. *Seconded by Mrs. Barnette.*

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

C. PLANNING/ZONING/CODE ENFORCEMENT - *Barnette*

No report.

D. PUBLIC SAFETY/ORDINANCE COMMITTEE - *Burnam*

Mrs. Landry reported the Committee met last Tuesday and the minutes are in the packet. She stated that work has begun on the old Dillard's building, and there is a north Police Department precinct planned for this area. The Committee discussed the Temporary Business License. The next meeting will be Tuesday May 3rd 4:30 p.m.

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

No report. The next meeting will be Friday, April 22nd 8:00 a.m. at the Public Works Building.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments -

There will not be a meeting in May.

B. Downtown Redevelopment Authority - *Barnette*

No report.

C. Industrial Development Board - *Yelding*

No report. The next meeting will be April 25th at 6:00 p.m. in the Executive Council Chambers.

D. Library Board - *Lake*

The minutes for the March 14th and April 11th meetings are in the packet. He reported that there will be a special called meeting May 12th instead of meeting on the 9th. They will discuss expansion of the Library. Mr. Lake stated that 1,300 people used the computers last month, this is a 25% increase since the new network was set up. He said that the "Spring Into Reading Festival" was last weekend with a good turnout.

E. Planning Commission - *Barnette*

Mrs. Barnette stated the minutes for the March 24th meeting are in the packet. She said the Site Review meeting will be Wednesday, April 20th at 9:00 a.m. The Planning Commission meeting will be April 28th 6:00 p.m.

There was discussion regarding the development of an Overlay District for condo's. Mrs. Barnette said the Committee set up for this

has discussed it. Mr. Burnam stated that there were citizens interested in being on that Committee. Mrs. Barnette said she will let the Council know when the Committee will be meeting.

F. Recreation Board - Burnam

No report.

G. Utility Board - Scott

Mr. Scott reported that the Utility Board, at their last meeting, increased the water and sewer rates. He said that this is the first increase since 1994.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

Mayor Small asked the Council to make a motion authorizing him to sign a contract with the architects working on the addition to City Hall.

MOTION BY Mr. Palumbo to authorize the Mayor to enter into a contract as negotiated with the Buildings & Property Committee as outlined on page 83 of the packet, the negotiated rate being seven point five percent (7.5%) of the Cost of the Work. Seconded by Mr. Lake.

Mr. Burnam asked that before signing the contract with the architect, that a provision be made for the architect to correct the spelling of his name on the plaque at the Civic Center. Mr. Burnam has been asking for several years to have this corrected.

Mayor Small assured Mr. Burnam that it will be taken care of before he signs the contract.

B. City Attorney's Report

Mr. Ross stated that he had an issue that involves the good name and character of an individual to discuss with the Council in Executive Session at the end of the meeting.

C. Department Heads Comments:

Ken Eslava - Public Works Director - reminded everyone that the "Relay for Life" walk is Friday from 6:00 p.m. until 2:00 a.m. at the Daphne Middle School. He reported that the Baldwin County Commission has proclaimed this week as Environmental Cleanup Week (Litter only). He said the cleanup at Lake Forest Dam Saturday by Boy Scouts will be Saturday. The Rescue Squad will help them with this.

David McKelroy - Recreation Director - announced that Jazz in the Plaza is Sunday from 5:00 p.m. to 9:00 p.m.

Dale Foster - Librarian - thanked David McKelroy, the Recreation Department, the Police Department, the Public Works Department, the Fire Department, and the Utility Department for their assistance with the "Spring Into Reading Festival" this past weekend. There were around 1,400 - 1,500 Kids and Parents who attended the Festival.

7. PUBLIC PARTICIPATION:

Mr. Willie Robison - 560 Stuart Street - spoke regarding the increase in the water and sewer rates, and spoke against contributing money to the new Spanish Fort High School.

Ms. Jean Marie McDonnell - Daphne - spoke against contributing to the new Spanish Fort High School saying the money should come from the County not the cities.

Mrs. Joan Crowder - Daphne - spoke regarding the increase in water and sewer rates saying, they should look at how this will affect

the older ones who live in Daphne.

Mr. Al Guarisco - Randall Avenue - spoke regarding the increase in water and sewer rates saying, this is a big jump at one time.

Mr. Jim Lay - 6480 Haley's Lane - spoke regarding the City accepting Haley's Lane as a City street. He spoke about the recent runoff from the heavy rain storm that came down his lane.

8. RESOLUTIONS, ORDINANCES, & OTHER BUSINESS:

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

MOTION BY Mr. Lake to waive the reading of Resolutions 2005-27, 2005-28, 2005-29, 2005-30, 2005-31, 2005-32, and 2005-33. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolutions 2005-27, 2005-28, 2005-29, 2005-30, 2005-31, 2005-32, and 2005-33. *Seconded by Mr. Yelding.*

Council discussed the Flexible Spending Account and supporting the Baldwin County Commission regarding connecting County Road 13 from I-10 to County Road 104.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2nd READ

- a.) Annexation: Crystal Springs L.L.C..... /Ordinance 2005-15
- b.) Appropriating Funds: Emergency Road Repairs..... /Ordinance 2005- 16

APRIL 18, 2005
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM

ALL IN FAVOR NAY

NONE OPPOSED

MOTION CARRIED

MOTION BY Mr. Yelding to adopt Ordinance 2005-21. *Seconded by Mrs. Landry.*

ALL IN FAVOR NAY

NONE OPPOSED

MOTION CARRIED

9. COUNCIL COMMENTS:

Mrs. Barnette welcomed Marshall home and thanked him for all he did.

Mr. Lake spoke regarding the growth of Daphne and growth of Utilities saying the Council needs to look at impact fees as a way to address this issue.

Mr. Scott said that the Utilities charges \$4,400 to connect to utilities, to tap into sewer \$1,900, and to tap into water \$2,900. He said the Utilities has \$15 million of construction projects required from ADEM, and future requirements from ADEM, and they are in violation of their Bond covenants that could not be phased in. He said they have started a program where citizens can donate \$1.00 when paying for utilities to help indigent people with their bills.

Mrs. Landry reminded everyone about the Zydeco 5K Run for SEEDS on May 21st.

Mr. Palumbo said that the Daphne High School Percussion Ensemble out of 165 bands from 50 states and some foreign countries came in third in the Championships.

MOTION BY Mrs. Barnette to enter into Executive Session to discuss the good name and character of someone. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

Council entered into Executive Session at 7:49 p.m.

Council returned from Executive Session at 8:09 p.m.

MOTION BY Mrs. Landry to suspend the rules to consider a motion to affirm the Mayor's decision regarding a personnel issue. *Seconded by Mrs. Barnette.*

ROLL CALL VOTE

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

City of Daphne, Alabama
Office of the Mayor

Congratulations

*BAYSIDE ACADEMY NATIONAL CHAMPIONSHIP CHESS TEAM
and Coach Eric Nager*

WHEREAS, the world's largest chess tournament in history was held in Nashville, Tennessee on April 8th and 9th 2005; and

WHEREAS, Stephen Smith finished 7th out of 318 players overall in the under 1200 section; and

WHEREAS, Joey Nickerson tied for 25th overall in the under 1200 section; and

WHEREAS, the under 900 team finished 14th overall; and

WHEREAS, the unrated team finished 18th overall; and

WHEREAS, we wish to recognize the contribution of other members of the team, including Jay Smith, David Gardner, Sam Davis, JB Galle, and David Mackey; and

WHEREAS, the under 1200 team beat out 60 other teams to win the National Championship Title;

NOW THEREFORE, Mayor Small and the City Council of Daphne, Alabama do hereby extend sincere congratulations to these fine young men and Coach Eric Nager and wish them continued success in their future endeavors and Mayor Small and the City Council also extend appreciation to Southern Capital Service for allowing Eric Nager to coach the Bayside Academy Chess Team.



Fred Small, Mayor

Attest: _____
David L. Cohen, City Clerk, CMC

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Proposed annexation into the
City of Daphne
Date: March 25, 2005

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, March 24, 2005, eight members were present and one vacant. The vote was seven for and one against the annexation recommendation.

Upon receipt of said documentation, please set the public hearing, advertise, and place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/hb

cc: Mayor Small
file

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(Higbee Subdivision)

Lot 2

The undersigned, **The Mitchell Company**, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as **Higbee SUBDIVISION** 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 its petition:

1. **Description Of Property:** The description of the property which Petitioner requests 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. **Owner:** The Petitioner, **The Mitchell Company**, is the owner 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 upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

R-3 High Density Single Family Residential

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 _____,

Respectfully submitted,

Name of Corporation

By:

Its: _____

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that _____ whose name as _____ of _____, 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 on the day same bears date.

GIVEN under my hand and official seal on this the _____ day of _____, _____.

SEAL)

(NOTARY

NOTARY PUBLIC
My commission expires:

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(_____)

The undersigned,
, files this petition with the Clerk of the City of Daphne
requesting the property hereafter described commonly referred to
as _____ 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 its petition:

1. **Description Of Property:** The description of the property
which Petitioner requests 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. **Owner:** The Petitioner, _____,
is the owner 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 upon annexing the said Property
into the corporate limits of the City of Daphne. Please state the
requested zoning, if other than R-1, or any other conditions
which may apply upon annexation:

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 _____,

Respectfully submitted,

By:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that _____ whose name 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 on the day same bears date.

GIVEN under my hand and official seal on this the _____ day of _____, _____.

SEAL) _____ (NOTARY

NOTARY PUBLIC
My commission expires:

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
SPECIAL FINANCE COMMITTEE MINUTES
APRIL 26, 2005
6:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:07 P.M. Present were Councilman Bailey Yelding; Councilwoman Regina Landry; Finance Director Kim Briley; Senior Accountant Suzânn Henson; and Accountant I Belinda Job.

Chairman Ron Scott arrived at 6:08 P.M.

Also in attendance were Mayor Fred Small and Public Works Director Ken Eslava.

II. CAPITAL REQUESTS

Mayor Small discussed the "Evaluation of Capital Requests-Available Funds" report prepared by Ms. Briley. The report reflects funds available for appropriation total \$1,143,409. Discussion continued this report summarizes cash on hand as of February 28, 2005, net of: Reserves, Encumbrances, Designations, Debt Payment Reserves, Payables, Receivables and an Allowance for Ad Valorem Tax and Business Licenses revenues received during the first five months of the year, but required to finance activities during the full year. Discussion continued the report also takes into account a Financial Stability Indicator allowance. An increase in the Sales & Use Tax projections of \$1,577,745 is presented. This increase was calculated using current year actual collections over budget (\$737,095) for the first five months of FY 2005 and adding a 6% monthly increase over actual FY 2004 collections for the remaining 7 months. It was noted that the report also includes a deduction for amounts appropriated after the adoption of the FY 2005 budget (total \$ 434,336.)

Mayor Small discussed that while a total of \$1,114,268 should be appropriated; there are items that may not be purchased this fiscal year (due to time constraints, etc...). These amounts, if not spent, will be carried forward into FY 2006 as a reserve in the amount of \$ 166,125. This includes:

- \$101,870 – ½ ALDOT Sidewalk Match (the City should spend approximately ½ this year.)
- \$19,500 – Replacement for a 1994 Van requested by Public Works. Noted if necessary, this item could be withheld as the current vehicle is still in fair running condition; however, repair costs on older model vehicles are continuing to escalate therefore becoming less cost effective for the City.
- \$44,755 Electronic Signage – Studies need to be conducted to determine the location of the sign and how it should be constructed.

Additionally, \$ 200,000 is being transferred to Capital Reserve to fund future, as of yet, undesignated projects.

Discussion continued regarding expenses in road repairs/maintenance and labor costs that may be incurred as a result of future annexations. Ms. Landry added if the City does move forward with annexations, a new Fire Station would be required. Mayor Small noted that would come over the next few years and noted there may be grant funds available for this construction. Mr. Scott discussed the Public Works Committee has reviewed a list of street improvements totaling \$1.2 million. Mayor Small noted there are several large projects the City is considering such as \$4-\$5 million for City Hall expansion/renovation and a new Recreation Park. These projects, if approved, need to be included in one bond issue. Mr. Scott noted the City also needs to move forward with considering a 2% lodging tax increase; however he would like to notify the local hotels first.

Mr. Scott discussed that while it is the responsibility of the Finance Committee to make recommendations to the City Council, the City's Department Managers have made requests they deem necessary for the continued operation of their departments. Mayor Small and the Finance Director have evaluated these requests. Mr. Scott noted that Ms. Briley has provided information regarding available funds. Mayor Small stated that based on this, his recommendation is to approve the capital appropriations in the amount of \$1,114,268.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance amending the FY 2005 budget to increase Sales & Use Tax Estimated Revenues by \$ 1,577,745 and to Appropriate funds in the amount of \$1,114,268 for Capital Requests as listed in the Schedule of Proposed Appropriation Amendments. Seconded by Ms. Landry.

TO: Mayor Small
Finance Committee

FROM: Kim Briley, Finance Director

DATE: April 26, 2005



RE: Evaluation of Capital Requests- Available Funds

For the purpose of determining the funds presently available for new capital appropriations, the following is presented:

I. Determination of "Cash" on Hand and Available for Appropriation

Vital to understanding the City's ability to fund new appropriations is an understanding of the information presented on the monthly Treasurers Report. As you are aware, the monthly Treasurers Report is a *statement of cash on hand* at month end. It does not take into consideration a reduction for amounts encumbered/reserved/designated. Nor does it reflect assets/liabilities which have not been received/dispensed. Another factor not reflected by the Treasurers Report is that all revenues are not received proportionately throughout the year. For example, the majority of Ad Valorem Tax and Business License revenues are collected December/January/February; however, these revenues are required throughout the budget year in order to support annual appropriations. Therefore, the Treasurers Report is not an indicator of funds available for appropriation.

To illustrate this concept, the following is presented as of February 28, 2005:

\$ 9,811,885	Total Cash
(\$ 4,426,615)	Reserved for projects, encumbrances, designations, debt payments
\$ 319,550	Total (all funds) accounts receivable is greater than liabilities
<u>(\$ 2,089,190)</u>	85% of Ad Valorem Tax and Business Licenses revenues are received during the first five months of the year; however, these revenues are required to fund monthly appropriations for the remainder of the year. This is the allowance already received, to be applied to amounts already appropriated for the remaining budget year.

\$ 3,615,630	Cash on hand net of Reserves, Encumbrances, Designations, Debt Payments, Payables, Receivables, and Allowance for 85% of Ad Valorem Tax and Business Licenses revenues received during first five months of year.
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However, this analysis cannot stop at this point. It is financially prudent and sound to consider the balance on hand required as a Financial Stability Indicator. This is one of the crucial margins used by rating agencies in rating the City's debt issues and in the determination of the City's credit worthiness by various financial institutions for future borrowings. This has an effect on interest rates and the ability of the City to attract buyers of its warrants.

The City of Daphne presently has an A-1 rating from Moody's. At the time of this rating affirmation in May 2003, the City's undesignated fund balance was 16.9% of revenues.

In order to maintain this 16.9% margin, an unreserved balance of \$ 2,733,231 is required. Therefore, for purpose of this analysis, this amount is deducted from the above net amount of \$ 3,615,630.

\$ 3,615,630	Cash on hand net of Reserves, Encumbrances, Designations, Debt Payments, Payables, Receivables, and Allowance for 85% of Ad Valorem Tax and Business Licenses revenues received during first five months of year.
(<u>\$ 2,733,231</u>)	Financial Stability Indicator allowance
\$ 882,399	Unreserved and Available as of February 28, 2005

II. Amend Sales Tax Collections

During the preparation and adoption of the Fiscal 2005 budget, there was a great deal of uncertainty concerning what effect the opening of the Eastern Shore Centre in Spanish Fort would have on City of Daphne Sales Tax revenues. Additionally, another factor unknown was the after-effects of Hurricane Ivan: clean-up, repairs, etc.

As of February 28, 2005, total Sales & Use Tax collections are \$ 767,095 over budget. Budget projections for the remainder of 2005 are calculated based on actual 2004 collections for each remaining month plus a moderate 6% increase.

The sum of these calculations results in an amendment increase of \$ 1,577,745 for a total Sales & Use Tax budget of \$ 10,188,032.

\$ 1,577,745	Amendment to Sales & Use Tax Budget Estimate
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III. Budget Amendments Already Approved

Since the adoption of the budget, General Fund amendments totaling \$ 434,336 have been approved.

\$ 434,336	Total amendments previously approved
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****Schedule is attached for reference****

IV. New Capital Appropriations

Based on this analysis, appropriations totaling \$ 1,143,409 can be considered for new Capital Appropriations:

\$ 1,577,745 Amendment to Sales & Use Tax Budget Estimate

(\$ 434,336) Amended Appropriations approved/pending approval
\$ 1,143,409

V. Schedule of Recommended New Capital Appropriations

Attached are detailed and summary schedules of proposed Appropriation Amendments totaling \$ 1,114,268.

This will leave of balance of \$ 29,141 available for any additional appropriations.

FY 2005 Budget Amendments

	<u>General Fund</u>	
Ordinance 05-02	25,000	DMS Fence & Gates
	<u>27,555</u>	Executive & Legislative Office Renovations
	52,555	
Ordinance 05-05	12,535	May Day Park Concrete Panels
Ordinance 05-06	1,200	Police Firing Range Dues
	8,347	Property & Liability Insurance Premiums
	25,000	Advance to Civic Center (Zydeco)
	<u>40,000</u>	Storage Building: Recreation & Beautification Supplies
	74,547	
Ordinance 05-09	15,722	Surety Bonds: Increased coverage Premium
Ordinance 05-16	95,000	Emergency Road Repairs
Ordinance 05-17	1,000	Leg Contracted Svcs
Ordinance 05-17	9,100	May Day Park
Ordinance 05-18	16,970	Building Inspector
Ordinance 05-19	15,000	EPA Grant
Ordinance 05-20	5,000	Spanish Fort High School
Ordinance 05-21	<u>136,907</u>	CR 13 Improvements
	278,977	
	434,336	

Summary Schedule of Proposed Appropriation Amendments

<u>Function:</u>	<u>Vehicles</u>	<u>(# of Units)</u>	<u>Building Improvements</u>	<u>Equipment</u>	<u>Infrastructure</u>	<u>Other</u>	<u>TOTAL</u>
<u>General Government</u>							
Building Maintenance	36,000	(2)	-	-	-	-	36,000
Executive	11,880	(1)	-	-	-	-	11,880
SubTotal	47,880	(3)	-	-	-	-	47,880
<u>Public Safety</u>							
Police	165,000	(6)	-	-	-	-	165,000
Fire	-	-	35,000	-	-	-	35,000
Rescue	25,000	(1)	-	-	-	-	25,000
Building Inspections	14,000	(1)	-	-	-	-	14,000
SubTotal	204,000	(8)	35,000	-	-	-	239,000
<u>Public Works</u>							
Infrastructure	-	-	-	-	203,740	-	203,740
Street	35,000	(1)	-	17,500	10,000	-	62,500
Grounds	38,500	(2)	-	-	-	-	38,500
Mowing	18,000	(1)	-	-	-	-	18,000
Garbage	170,000	(1)	-	-	-	-	170,000
SubTotal	261,500	(5)	-	17,500	213,740	-	492,740
<u>Parks & Recreation</u>							
Civic Center	-	-	-	44,755	-	-	44,755
Library	-	-	20,000	20,000	-	-	40,000
Parks & Playgrounds	17,000	(1)	-	-	-	-	17,000
Recreation	13,000	(1)	11,810	-	-	-	24,810
SubTotal	30,000	(2)	31,810	64,755	-	-	126,565
<u>Other</u>							
SARPC	-	-	-	-	-	8,083	8,083
Transfer to Cap Reserve	-	-	-	-	-	200,000	200,000
SubTotal	-	-	-	-	-	208,083	208,083
TOTAL	543,380	(18)	66,810	82,255	213,740	208,083	1,114,268

FISCAL YEAR 2005
SCHEDULE OF PROPOSED APPROPRIATION
AMENDMENTS

Department	Org	Amount	Description	Page
General Government				
Building Maintenance	126200	18,000	Van (Replace 1990 Model)	1
		18,000	Van (Replace 1989 Model)	2
		36,000		
City Hall: Administrative	120400	11,880	New Vehicle	3
Total: General Government		47,880		
Public Safety				
Police	142524	37,500	New Vehicle: Homeland Security Position	4-5
		127,500	Replacement Vehicles (5)	4-5
		165,000		
Fire	144000	35,000	Outside Stairwell for Burn Building (Total cost \$ 70,000; other 1/2 to be paid by volunteers.)	6
Rescue	144500	25,000	Replace 1990 Model Pick-Up Truck	7
Building Inspections	146200	14,000	Replace 1997 car with truck	8-9
Total: Public Safety		239,000		
Public Works				
Infrastructure		203,740	ALDOT Sidewalk Match	10
Street	164800	35,000	1-Ton Flat Bed Truck: (Replace 1990 Model)	11
		17,500	Traffic Control Sign	12
		5,000	Speed Tables: Old Spanish Trail	13
		5,000	Speed Tables: Caroline	13
		62,500		
Grounds	165000	19,000	Pick Up Truck (Mosquito Truck Replacement)	14
		19,500	Van (Replace 1994 Model)	15
		38,500		
Mowing	165200	18,000	Pick Up Truck (Replace 1990 Model)	16
Garbage	764542	170,000	Automated Garbage Truck	17-22
		170,000		
Total: Public Works		492,740		

Department	Org	Amount	Description	Page
Parks & Recreation				
Civic Center	786000	44,755	Electronic Signage	23
Library	183000	10,000	Heating & Air Conditioning (Replacement)	24
		20,000	Two Copiers (Replacement)	24
		10,000	Carpet (Replacement)	24
		40,000		
Parks & Playgrounds	181000	17,000	Pick Up Truck (Replace 1987 Model)	25
		17,000		
Recreation	182000	13,000	Pick Up Truck (Replace 1991)	26
		11,810	Power Doors	27-28
		24,810		
Total: Parks & Recreation		126,565		
Other				
SARPC		8,083	2nd half pro-rata share	
Transfers to Capital Reserve		200,000	Reserve for future projects	
Total: Other Appropriations		208,083		
TOTAL RECOMMENDED APPROPRIATION AMENDMENT		1,114,268		

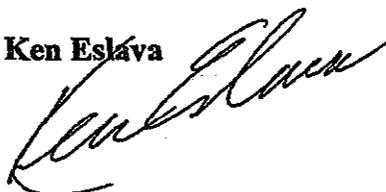
**FY2005 BUDGET
 BUILDING MAINTENANCE DEPARTMENT
 CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
 NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
Technician Van	A	\$16,000.00
		18,000

TECHNICIAN VAN

This request is to replace a 14 year old Ford "mini" pickup truck (truck #108), which is costing the City more and more every year in upkeep and maintenance. The vehicle has over 147,000 miles and our need for increased cargo space has increased due to growing quantities of work orders. The truck is basically worn out, and my recommendation is to auction it at years end. Additionally, due to its small carrying capacity, we have to make several trips across town just to accomplish our days work. The purchase of a new basic mid-size van will allow us to reduce maintenance expenses over the next several years, as well as greatly reducing fuel expenses by eliminating unnecessary trips across town.

Ken Eslava



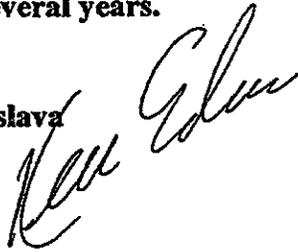
**FY2005 BUDGET
 BUILDING MAINTENANCE DEPARTMENT
 CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
 NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
Technician Van	A	\$16,000.00
		18,000

TECHNICIAN VAN

This request is to replace a 15 year old Ford Aerostar van (truck #29), which is costing the City excessive amounts of money to keep operational. The vehicle has over 151,000 miles and the repeated breakdowns of this vehicle, combined with the difficulty & costs associated with acquiring older model vehicle parts, is costing more than the actual cash value of the van. The truck is worn out, has a cracked engine block and my recommendation is to auction it at years end. The purchase of a new basic mid-size van will allow us to eliminate maintenance expenses over the next several years.

Ken Eslava



TO: Finance Committee
City Council

FROM: Fred Small, Mayor

DATE: April 14, 2005

A handwritten signature in black ink, appearing to be 'Fred Small', written over the 'FROM' field.

RE: Administrative Vehicle

This is to serve as supporting documentation for the request for a City Hall Administrative Vehicle. Presently, City Hall has a vehicle for post office/bank runs every morning and afternoon. The other vehicle is used by all departments for out-of-town training. Therefore, there are many occasions when no City vehicle is available for City Hall staff who need to conduct business outside of the office. This new vehicle will be limited to use only for City Hall staff for such business.

Budget 2004-2005
Capital

Item: Vehicles Purchased

Cost: 6 @ \$23,500

Justification: Due to the hiring of a Homeland Security Officer this past year, we need to purchase one new vehicle for that officer. We need to replace five cars in our fleet that have very high mileage and are between seven and nine years old.

Total Cost = \$141,000

Item: **Equipment for Vehicles**

Cost: **5 @ \$2,000 = \$10,000**
 1 @ \$14,000 = \$14,000

Justification: **We will need to completely outfit one vehicle at a cost of around \$14,000. This vehicle is for the newly created Homeland Security Officer. The cost includes all equipment necessary to outfit this vehicle. The four replacement vehicles will need new wiring, strobe packages and other equipment that cannot be transferred to the new ones.**

Total Cost = \$24,000

\$35,000 Outside Stairwell for Burn Building

In continueing with the building program at the training field and to provide a safe training environment for firefighters and other personnel, we must have outside stairs for the burn building. This will allow for the use of the 2nd through 4th floors by providing a second egress. The volunteers have estimated the cost to be approximately \$70,000.00 for the stairwell. We are requesting that the City of Daphne provide half of this cost in the FY-2005 budget.

**FY2005 BUDGET
SEARCH & RESCUE DEPARTMENT
CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
FORD F-350, HEAVY DUTY PICK UP TRUCK. IT WILL HAVE AN EXTENDED CAB, DUAL GAS TANKS WITH HEAVY DUTY LEAF SPRINGS, HEAVY DUTY TOWING PACKAGE. FULL ONE TON VERSION.	A	\$25,000.00

FORD F-350

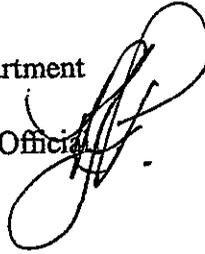
This truck will be replacing an 1990 model pick up truck that is costing significantly in the area of maintenance. Existing vehicle, with over 110,000 miles, is worn out. Due to the fact that we respond to emergency situations, we have to be assured that our vehicles are in first class shape. Please keep in mind that we are a public safety/emergency response organization as are the police and fire departments.

Memorandum

To: Kim Briley, Finance Department

From: Ronnie Phillips, Building Official

Date: April 14, 2004



Attached is a memo dated January 19, 2005 and January 25, 2005, requesting the replacement of a 1997 car for a truck and hiring of a new Building Inspector. The car is a very high mileage vehicle requiring more and more costly and constant repairs. In March 2005 we had the front end replaced and now the transmission is acting bad. We are required to carry a ladder tied down protruding from the trunk, which gives a horrible professional image. The car is not applicable to job sites and development sites that we are required to access daily. ~~Also in the same memo was some new operating expenditures, contingent upon hiring of a new Building Inspector. This person will also need a vehicle.~~



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: City Council and Mayor
From: David Cohen, City Clerk *DC*
Subject: Transportation Enhancement Program Grants
Date: February 9, 2005

The City of Daphne was successful in its grant applications for five of five grants applied for. The grants are for bicycle/pedestrian concrete sidewalks that are eight feet wide. The total cost for the project is \$1,018,700. The grant is for 80% or \$814,900. The city will be required to match 20% or \$203,740. These grants are restricted to bid only with no in-kind match. They do allow engineering cost to be included. The break down on cost and location are the following:

- a. The total cost for Whispering Pines Road from Main Street to Pollard Road project is \$374,500 with a break down of \$299,600 grant and \$74,900 match.
- b. The total cost for Whispering Pines Road from Pollard Road to Hwy 13 project is \$216,400 with a break down of \$173,120 grant and \$43,280 match.
- c. The total cost for Park Drive from Main Street to Pinehill Drive project is \$185,500 with a break down of \$148,400 grant and \$37,100 match.
- d. The total cost for County Road 64 from U.S. 98 to Pollard Road project is \$189,800 with a break down of \$151,840 grant and \$37,960 match.
- e. The total cost for Daphne Avenue from Main Street to U.S. Highway 98 project is \$52,500 with a break down of \$42,000 grant and \$10,500 match.

10

**FY2005 BUDGET
STREET DEPARTMENT
CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
1 TON, 4 DOOR FLAT BED	A	\$35,000.00
See attached		

**JUSTIFICATION FOR CAPITAL PURCHASE OF NEW TRUCK
FOR STREETS DEPARTMENT**

This is a request for a new one(1) ton, four(4) door flatbed truck with a dump body. This is to replace a 1990 model truck with 155,000 miles on it. It is currently operating on its third engine, as we speak having its transmission replaced and has an ever increasing number of mechanical problems.

Fourteen(14) year old vehicles, such as our existing truck, have long since outlived their expected usefulness. They now cost us huge sums of money annually to maintain, and its time for several of these vehicles to be retired.

The purchase of this new truck, which will cost \$35,000.000, will allow us to keep up with daily work orders and street maintenance requirements. We currently have to delay important work due to mechanical problems with equipment, such as the old vehicle which will be sent to auction.

Ken Eslava



**FY2005 BUDGET
TRAFFIC DIVISION
CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
TRAFFIC CONTROL SIGN	A	\$17,500.00
Used to control traffic on highways while work is being completed on traffic lights, street lights and other routine maintenance. This is a lighted sign that gives drivers ample warning of approaching work.		
TOTAL		\$17,500.00

CODES (A) Capital Equipment Purchases
 (B) Construction Projects
 (C) New Line Items

**FY2005 BUDGET
STREET DEPARTMENT
CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
SPEED HUMPS- MAXWELL AVE, OLD SPANISH TRAIL, CAROLINE AVE.	B	\$15,000.00
TOTAL		\$15,000.00

CODES (A) Capital Equipment Purchases
 (B) Construction Projects
 (C) New Line Items

FY2005 BUDGET
GROUNDS DEPARTMENT
CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
NEW LINE ITEMS

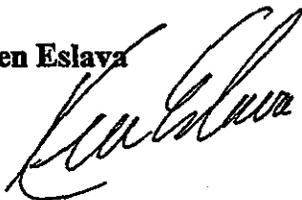
DESCRIPTION	CODE	TOTAL
F150 PICK UP TRUCK	A	\$19,000.00

MOSQUITO CONTROL TRUCK REPLACEMENT
JUSTIFICATION

Our existing mosquito control truck has been suffering mechanical problems. This used truck was selected several years ago for mosquito spraying use not because it was adequately sized, but because it happened to be available at the time. The existing truck (with over 160,000 start & stop miles) is a mini-sized pickup truck, loaded with a mosquito spraying skid unit built for a full size truck! The skid unit is extremely heavy and has overloaded the truck, broken down the suspension system and wears the brakes & transmission terribly. It will, predictably, be stranding us in the upcoming year and leaving us with no way to spray our City for mosquitoes.

The health and welfare of our citizens hinge upon the dependable, regular spraying of the City every morning & night. Thus far this year, there have been zero reports of West Nile Virus within our City limits. This can be attributed to the fact that we constantly nurse the existing truck into another week of operations, week after week. I think that its significantly important to be able to depend on this vehicle to function, thus my recommendation for the purchase of a new full size F-150 single cab pickup truck is fully justified.

Ken Eslava



**FY2005 BUDGET
 GROUNDS DEPARTMENT
 CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
 NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
Van	A	\$19,500.00
<p>The existing van, which we use for inmate transport, is on its way to the auction block. It is a 1994 van (#703) with nearly 200,000 miles on it, and has moved into the category where costs of repair to the van exceed the value of the vehicle itself.</p> <p>The new van would then transport inmates to and from Loxley Work Release Center, transport employees to and from seminars and training (this practice will save fuel costs... we currently have to take two or three vehicles to training events due to inability to transport quantities of personnel) and be used to transport flowers and arrangements to and from community events.</p>		
TOTAL		\$19,500.00

CODES (A) Capital Equipment Purchases
 (B) Construction Projects
 (C) New Line Items

**FY2005 BUDGET
MOWING DEPARTMENT
CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
F150 PICK UP TRUCK	A	\$18,000.00

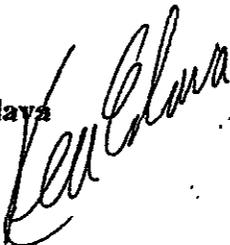
**CAPITAL EQUIPMENT REQUEST FOR NEW F-150 EXTENDED
CAB PICKUP TRUCK FOR MOWING DEPARTMENT**

The existing Ford F-250 extended cab pickup truck (truck #24) is a 1990 model with 170,000 miles on it. It stays in the shop for repairs, is on its third transmission, and needs removing from the City fleet. The doors are falling off (hinges rusting away) and is considered to be unsafe, and I categorize this vehicle as a liability to the City of Daphne.

As a proven general rule, when our trucks near the 150,000 mile mark and are used hard every day in street operations, they near the end of their life cycle. By then, they have had a couple of transmissions, air conditioning systems fail regularly, and are burning oil by the quart daily. They often fail on the street, causing the City to incur towing charges in order to get them back to the Mechanical Maintenance facility for repair.

This new truck will be used daily to transport manpower and equipment to and from work areas on City rights-of-way.

Ken Eslava



CAPITAL REQUEST FOR NEW AUTOMATED GARBAGE TRUCK FOR SOLID WASTE DIVISION

When the City of Daphne entered the garbage business four years ago, we began serving 5400 residences. We began that operation with 3 garbage trucks and 9 men, three(3) men to a truck.

WE ARE CURRENTLY SERVICING NEARLY 6300 RESIDENCES, WITH THE SAME 3 GARBAGE TRUCKS AND 9 MEN!!!!

Over this four year period of being in the garbage business, we have increased the customer base by 900 residences!!! Our trucks have aged four(4) years, entering their fifth year of service, and now is the time to begin the replacement process. Although they are maintained properly, and we have gotten excellent service thus far, I know that the five year mark brings us to the point of expecting mechanical failures that shut trucks down. These vehicles run four(4) out of every five(5) days a week, run hard with stop and start operations and are now showing signs of expected wear. The population growth, and new home construction, has now strained our manpower & trucks to the point that we can hardly keep up any longer. Due to their immense commitment to complete their daily workload, our men are working harder and harder to keep up with the increasing workload. They tire out and then suffer injuries which are causing our Workers Compensation claims to skyrocket.

My vision, and request, is to purchase an automated garbage truck which will take one employee to operate. He sits in the cab of the truck, the truck lifts and empties the extremely heavy loads...**NOT OUR EMPLOYEES**. No one gets hurt, run over by aggressive drivers and the operator of the truck never leaves his seat!

The initial purchase of this new automated truck will cost more than a traditional rear loading truck, but there are immediate savings to be recognized by the automated truck operations. The savings are in manpower costs, and savings to the City in annual Workers Compensation claims. Please see the comparison below:

Purchase of traditional Rear Loading truck.....	\$130,000.00
Annual costs of 3 employees to operate (one driver, two hoppers).....	\$65,000.00
Estimated annual average workers comp claims.....	\$10,000.00

TOTAL..\$190,000.00

Purchase of new automated garbage truck.....	\$170,000.00
Annual cost of one driver to operate.....	\$25,000.00
Estimated annual average workers comp claims.....	0

TOTAL \$195,000.00

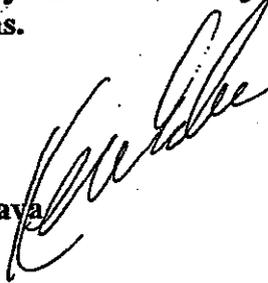
See next page

To conclude, the City of Daphne would save an average of nearly \$50,000.00 per year, after the first year of operation, in manpower expenses by choosing automated operations. Workers Compensation claims savings would be recognized immediately upon starting automated operations, and be recognized every year from now on.

We need to make this purchase now, before we find ourselves faced with having to later due to catrastrrophic mechanical failure of our aging fleet. The garbage operations showed a profit in fiscal year 2003, and I fully expect them to in fiscal year 2004. By moving into automated operations now, I'm seeing a manpower reduction in the immediate future...thus laying the groundwork & opportunity for the City of Daphne to remain profitable in the garbage business from now on!!!

I'll gladly discuss this subject further as required, please call me if there are any questions.

Ken Eslava



MEMORANDUM

CITY of DAPHNE...DIVISION OF PUBLIC WORKS

**To: Mayor Fred Small
City of Daphne Council Members
Sharon Cureton, Human Resource Director
Kim Briley, Finance Director**

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

Date: January 21, 2005

**Re: Emphasis on new automated garbage truck request by the
Public Works Department**

Please find attached an article from the Mobile Register denoting an accident which occurred in Mobile yesterday involving a traditional rear loading garbage truck, such as the three which I currently operate here in the City of Daphne.

A driver, apparently not paying attention, literally ran into the back of the garbage truck on Moffett Road in Mobile, injuring the two "hoppers"(garbage throwers) and damaging the City garbage truck. This incident will cost the City of Mobile tens of thousands of dollars in repair costs to the truck & workers compensations claims. The ripple effect of accidents such as this: it also results in higher insurance rates for the City in the end....both workers comp insurance & vehicle insurance coverage costs. Additionally, the costs of temporary workers while the injured men recover are not to be overlooked or forgotten.

In my FY 2005 Capital Budget requests, I have requested a new automated garbage truck. Not only does this automated truck operate more efficiently, it takes only one person to operate. In the protection of the cab, the driver operates all functions of the truck via a joystick, and never has to expose himself to serious injury...or worse case scenario, a fatality. Please understand that our trucks have been rear ended during operations in the recent past...the throwers were paying close enough attention to avoid being injured as the drivers slid into the back of the truck! Tragically, this is a very common occurrence in the solid waste

industry and it's certainly one of our prime responsibilities to minimize risks of serious injury or death for our employees. About half of the fleet of Mobile's garbage trucks are now fully automated vehicles, which Mayor Mike Dow has fully advocated as safer, more efficient and has significantly curbed their need for hiring new people...due to the one man per truck operations.

For full justification of my capital request, see the FY 2005 Budget Capital Equipment Request Section.

Thanks for your consideration.

MOBILE REGISTER

FRIDAY, JANUARY 21, 2005

Class

METRO/REGION

FRIDAY, JANUARY 21, 2005

MOBILE

Crash injures garbage workers

By SUSAN DAKER
Staff Reporter

Two city of Mobile sanitation workers were sent to the hospital Thursday morning after they were thrown from the back of a garbage truck that was rear-ended in west Mobile, officials said.

Cedric Carroll, 28, of Prichard was taken to the University of South Alabama Medical Center, while Telesavalas Butler, 24, of Mobile was taken to Springhill Medical Center, said Cpl. Marcus Young, spokesman for the Mobile Police Department.

A nursing supervisor said that Carroll was listed in fair condition late Thursday. Al Stokes, chief of staff for Mayor Mike Dow, said Carroll suffered injuries including fractures to his leg.

Butler, on the other hand, was treated and released, according to a nursing supervisor at Springhill.

The accident occurred at about 8:40 a.m. when a pickup truck driven by Alan Polk, 23, hit the garbage truck as it was traveling east in the far right lane on Moffett Road near Spyglass Drive, Young said.

The men were riding on the back of one of the city's old garbage trucks, highlighting part of the reason Mobile is switching to new trucks, Stokes said. At this time, about half of the city of Mobile is serviced by new, automated, one-man garbage trucks, Stokes said.

Mobile Mayor Mike Dow has advocated the new collection system as a

Please see *Garbage* Page 7B

INTEROFFICE MEMORANDUM

TO: MS. KIM BRILEY, FINANCE DIRECTOR
FROM: MS. SANDRA MORSE, DIRECTOR, DAPHNE CIVIC CENTER
SUBJECT: CAPITAL REQUESTS
DATE: 1/19/2005
CC:

The following requests are presented for consideration for capital appropriations:

1. **Electronic Signage:** Electronic signage is requested for usage by the Daphne Civic Center, Library, and Recreation Department. This signage will allow the above named departments to do away with unsightly banners and signs in front of the Civic Center Complex. Each of the three departments will share the cost of the signage. It is estimated that the cost of the signage will be \$44,755.00. (See Attached)

2. **Stage Flooring-Civic Center:** When the Civic Center was constructed costs were cut which was reflected in the quality of some products in the facility. The Stage floor presents itself as one of the areas needing upgrading. The product that was used for the finish floor was Masonite board. This product absorbs moisture from the air and buckles. This poses a liability hazard for the City with usage by bands, dancers, and other performers. Request is made for \$14,000.00 to replace the stage flooring at the Civic Center. This is the estimated cost based on information from companies who specialize in stage flooring. To date I have not received a written estimate. When the written estimates are received I will forward them to you.

The stage consists of the following layers:

Top: ¼ inch Masonite sheets

2 sheets of ¾ inch untreated plywood

4 inch of poured concrete which is thicker at the front

Fill dirt

Bottom: Original concrete floor

Daphne Public Library

P.O. Box 1225
Daphne, AL 36526
251-621-2818

MEMO

To: Kim Briley, Finance Director
From: Dale Foster, Library Director
Date: April 15, 2005
Re: FY 2005 Capital Requests for the Library

1. Replacement of Two (2) Heating and Air Conditioning Units - \$10,000

Existing units are 9 years old and nearing the end of their life cycle. Both an air conditioning repairman and City of Daphne Public Works Dept. have recommended replacing two of the existing units.

2. Replacement of Two (2) Photocopiers - \$20,000

Existing photocopiers are 9 years old and nearing the end of their life cycle. Parts are becoming difficult to find and the quality of the copies is deteriorating. New digital technology is now available that will provide greater copying capabilities for patrons and library staff. One photocopier will replace the existing public use copier. The other photocopier will replace the existing staff copier and will be networked to the staff PC workstations.

3. Replacement of Carpeting in North Reading Room Area - \$10,000

The adhesive holding the carpeting to the concrete floor has deteriorated and the carpeting is bubbling up in several spots. This has become a safety hazard. After several repair efforts by a professional carpet company and City of Daphne Public Works Dept., it was determined that the problem can not be repaired without replacing the existing carpet and adhesive. Only carpet in the targeted area will be replaced, not the entire building.

~~4. Repair of Leaking Roof in Community Room - \$10,000~~

~~Recent storms have caused water leakage into the Community Room, resulting in carpet damage. The City of Daphne Public Works Dept. has attempted to repair the problem on several occasions without success. The building architect has been called in twice to review the problem. Structural repairs will need to be made in order to stop the leaks.~~

**FY2005 BUDGET
 PARKS & PLAYGROUNDS DEPARTMENT
 CAPITAL EQUIPMENT PURCHASES, CONSTRUCTION PROJECTS, AND/OR
 NEW LINE ITEMS**

DESCRIPTION	CODE	TOTAL
Ford F150 Pick Up	A	\$17,000.00

CAPITAL REQUEST JUSTIFICATION REQUEST FOR NEW F-150 PICKUP TRUCK...PARKS DEPARTMENT

The existing pickup truck(truck #37) which 3 Parks personnel operate out of is a 1987 model, and has over 200,000 miles on it. As with other vehicles of this age(17 years old), it is a liability to the City of Daphne due to wear and usage. Maintenance costs & fuel consumption are out of control for this vehicle, and replacement is mandatory at this point.

Doors won't stay closed and secure, transmissions wear out, motor is worn out, body has rusted out holes in it, air conditioning systems can no longer be repaired, etc.....this vehicle needs to be scrapped / auctioned immediately.

I am requesting the purchase of a new Ford F-150 extended cab pickup truck for the transport of manpower & equipment to 13 respective Park sites for the performance of their regular maintenance activities. This vehicle will cost \$17,000.00 after tool boxes, etc. are installed on it.

Ken Eslava



**CITY OF DAPHNE
FY 2005 BUDGET REQUESTS**

182000 592151 Capital – Bldgs/Prop

New Height Adjustable Backboards and Rims at Nicholson Center

Budget Estimate - ~~\$5000~~ 3500

The current backboards at the Nicholson Center are at a fixed height of 10 feet. This height is not recommended of children under the age 12. Adjustable height goals would allow the gym to be used by all ages without using portable goals. Portable goals are unstable and must be stored when not in use.

This is a one-time expense.

182000 59105 Capital – New Vehicle

Mid-Size Extended Cab Pickup

Budget Estimate - \$13,000

The Recreation Department currently has two pickups (2003 Ford F-150 Extended Cab and a 1991 GMC Sonoma Regular Cab). In FY 2004 the Recreation Department had to begin delivery of home bound meals for the S.A.I.L. program. The only vehicle that can accommodate these deliveries is the full size F-150. This prevents the full size F-150 from being used from 11:00am to 1:00pm. The replacement of the 14 year old regular cab GMC Sonoma with a mid-size extended cab truck would benefit both SAIL and Recreation.

Expenses beyond the FY2005 would be insurance, maintenance and fuel. SAIL reimburses the City for its use for meal delivery.

RECREATION DEPARTMENT
SENIOR CENTER
CAPITAL IMPROVEMENTS

Power Door Opener

Due to the increase of Senior Citizen activity with those of special needs (wheelchairs, walkers etc.) there is a need for power door opener for the Senior Center. Along with serving more meals, additional lobby space is also needed. Enclosing the circular entrance of the Recreation and Senior Center and installing a power door opener would be extremely beneficial for the Center. An expected grant from the state for this project was denied due to funding.

Prior estimates were under \$10,000. A current estimate will be done before 1/21/05.

Port City Glass & Mirror Co., Inc.

1242 Montlimar Drive Mobile, AL 36609
Ph. (251) 414-5858 Fax (251) 414-5525

Fax

To: DAPHNE REC. DEPT From: RON HARRISON
Attn: DAVID MCKELROY Date: 2/10/05
Fax: 621-3717 Pages: (Including Cover) 1
Re: DAPHNE REC. CENTER REHAB

WE ARE PLEASE TO QUOTE YOU THE FOLLOWING ON THE ABOVE REFERENCED PROJECT:

KANNEER STOREFRONT WITH 3'7" PAIR NARROW STILE
DOORS - FINISH TO BE MEDIUM BRONZE
GLAZING TO BE 1/4" CLEAR TEMPERED
DOORS TO BE POWER ASSISTED WITH STANLEY
MAGIC FORCE LOW ENERGY HEAVY-DUTY SWING DOOR OPERATORS
WITH (1) JAMB TUBE BUTTON & (1) PEDESTAL MOUNTED
WIRELESS BUTTON

TOTAL PRICE, TAX INCLUDED \$11,810⁰⁰

WE EXCLUDE: ELECTRICAL WORK - OWNER MUST

WE ALSO EXCLUDE CLEANING, PROTECTION, AND BONDS. ALL WORK SHALL BE PERFORMED DURING NORMAL WORKING HOURS; 7 A.M.-5 P.M. MON-FRI.

Handwritten signature: Frank [unclear]

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

FY 2005 Budget Amendments

	<u>General Fund</u>	
Ordinance 05-02	25,000	DMS Fence & Gates
	<u>27,555</u>	Executive & Legislative Office Renovations
	52,555	
Ordinance 05-05	12,535	May Day Park Concrete Panels
Ordinance 05-06	1,200	Police Firing Range Dues
	8,347	Property & Liability Insurance Premiums
	25,000	Advance to Civic Center (Zydeco)
	<u>40,000</u>	Storage Building: Recreation & Beautification Supplies
	74,547	
Ordinance 05-09	15,722	Surety Bonds: Increased coverage Premium
Ordinance 05-16	95,000	Emergency Road Repairs
Ordinance 05-17	1,000	Leg Contracted Svcs
Ordinance 05-17	9,100	May Day Park
Ordinance 05-18	16,970	Building Inspector
Ordinance 05-19	15,000	EPA Grant
Ordinance 05-20	5,000	Spanish Fort High School
Ordinance 05-21	<u>136,907</u>	CR 13 Improvements
	278,977	
	434,336	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2005-34

Resolution Supporting the Proposed Northern By-Pass North of I-10 Between Highway 98 and Highway 181

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

SECTION I: That the Mayor and City Council fully support the proposed Northern By-Pass North of I-10 between Highway 98 and Highway 181.

SECTION II: That the City Clerk shall forward a certified copy of this Resolution to the Alabama Department of Transportation and State Representatives.

ADOPTED AND APPROVED ON THIS the _____ day of _____, 2005.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed:_____

FRED SMALL
MAYOR
Date & Time Signed:_____

ATTEST:

DAVID I. COHEN
CITY CLERK, MMC

RESOLUTION NO. 2005-35

**AUTHORIZING THE FILING OF
A FY 2005 CDBG DRI GRANT APPLICATION
City of Daphne**

WHEREAS, the State of Alabama has funds available to municipal governments for housing and public facilities improvements through its Community Development Block Grant Program; and

WHEREAS, the City of Daphne desires to apply for a Community Development Block Grant for construction of Well Road that will serve as an evacuation route for a neighborhood is composed of predominately low and moderate income households; and

WHEREAS, the public was informed about the community development project including the proposed filing of this application in a public hearing held on May 2, 2005 at the City Hall.

WHEREAS, the total estimated project cost is \$463,100. The city desires to seek \$400,000 in CDBG DRI grant funds, while providing \$63,100 of local cash match.

NOW THEREFORE BE IT RESOLVED by the City of Daphne that an application to the Department of Economic and Community Affairs hereby requesting \$400,000 in grant funds while the City of Daphne commits to provide a cash amount of \$63,100 for a total project cost of \$463,100 hereby approved, and the Daphne City Council hereby authorizes Fred Small, in his official as capacity Mayor to sign all appropriate application forms necessary for the submission of this grant application is hereby approved.

Motion to approve the foregoing resolution and authorize the mayor to sign all appropriate grant application forms was made by Council Person _____ and seconded by Council Person _____ and approved by the Council on this the 2nd day of May, 2005.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

May 2, 2005

Mr. John D. Harrison, Director
Alabama Department of Economic
and Community Affairs
401 Adams Avenue
Suite 580
P.O. Box 5690
Montgomery, AL 36103

Dear Mr. Harrison:

Attached you will find an original and two copies of an application for 2005 CDBG Disaster Recovery funds in the amount of \$400,000 for the City of Daphne. The purpose of this project is to construct Well Road that will serve as a critical link to the evacuation routes for a low and moderate income neighborhood. During Hurricane Ivan the residents of this neighborhood were stranded and couldn't evacuate, even though all of Daphne was included in the mandatory evacuation area, south of Interstate 10. There are only two north-south routes, Highway 59 in Foley and Highway 98 in Daphne. The north-south evacuation routes normally used by residents of this neighborhood were underwater and impassable. The construction of Well Road will provide a critical east-west linkage to Highway 98 and US 90 for the residents of the identified neighborhood. The City of Daphne is requesting grant funds in the amount of \$400,000 and will provide a cash match of \$63,100 for a total project cost of \$463,100.

Your sincere consideration of our project is greatly appreciated.

Sincerely,

Fred Small, Mayor
City of Daphne

ORDINANCE NO. 2005-22

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
The Mitchell Company
(Property located at the Northwest corner of Whispering Pines Road and County Road 13)**

**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 March 24, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Resident , zone**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on May 2, 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

LOT 2, HIGBEE SUBDIVISION

EXHIBIT "A"

BEGINNING AT THE SOUTHEAST CORNER OF STRATFORD GLEN, PHASE ONE, ACCORDING TO PLAT RECORDED ON SLIDE NO. 2062-A OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, RUN N 00E 04' 49" W THE EAST BOUNDARY OF SAID STRATFORD GLEN, PHASE ONE, AND ALONG THE EAST BOUNDARY OF STRATFORD GLEN, PHASE ONE B, AS RECORDED ON SLIDE NO. 2086-B AND THE EAST BOUNDARY OF STRATFORD GLEN, PHASE TWO, AS RECORDED ON SLIDE NO. 2101-C OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1296.44 FEET TO A POINT; THENCE RUN S 89E 58' 38" E 1936.41 FEET TO A POINT; THENCE RUN S 00E 14' 46" E 1295.67 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WHISPERING PINES ROAD (60' ROW); THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF WHISPERING PINES ROAD RUN WEST 1940.16 FEET TO THE POINT OF BEGINNING CONTAINING 57.601 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**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 2005-23

**An Ordinance Appropriating Funds and
Amending Sales & Use Tax Revenue Projections**

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 considered certain capital appropriations and reviewed the Sales & Use Tax budget by comparing projections to year to date actual collections; and

WHEREAS, proposed budget amendments are herein setforth.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2005 General Fund Budget is hereby amended to include the following:

<u>Estimated Revenues:</u>	\$ 1,577,745	Sales & Use Taxes
<u>Appropriations:</u>	\$ 1,114,268	Per attached Schedule

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

