

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MAY 4, 2009
BUSINESS MEETING
6:30 P.M.**

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

APPROVE MINUTES: Council Meeting minutes meeting minutes meeting held April 20, 2009
Council Work Session minutes meeting held April 16, 2009

PROCLAMATION: National Police Week / May 10-16, 2009

PROCLAMATION: National Correctional Officer Week / May 3-9, 2009

CERTIFICATE OF RECOGNITION: Thomas Curry / Daphne High School Student

RECOGNITION: Marine Science Class / "Plastics in Our Waters" Contest Winners

RECOGNITION: Chamber's Youth Leadership Project Recognition

CERTIFICATE OF RECOGNITION: Bailey Yelding / Coaches Hall of Fame / AL High School
Athletic Association

MOTION TO SET DATE: Employee Hearing for May 11, 2009

MOTION TO CHANGE: The May 11, 2009 Work Session date

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Boulware**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
Review minutes meeting held April 5th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
Set Public Hearing Date for **June 1, 2009** to consider an ordinance annexing Swift Supply, Inc. /
Property located North of Milton Jones Road / Requested zoning B-2, General Business District
- F. Recreation Board - Burnam**
- G. Utility Board - Scott**
Review minutes meeting held February 25th
MOTION: Re-appoint Lon Johnston and Fenton Jenkins / Terms to expire 2014

6. REPORTS OF OFFICERS:

- A. *Mayors Report*
- B. *City Attorney's Report*
- C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Baldwin County Energy Alliance/Resolution 2009-38
- b.) Appoint Board Member to Renaissance Improvement District/Resolution 2009-39
- c.) Authorize Filing Application for CDBG Grant...../Resolution 2009-40

ORDINANCES:

2ND READ

- a.) Appropriation: FY 2009 Munis Financial and Payroll Software Upgrade...../Ordinance 2009-22
- b.) Appropriation: FY 2009 City Hall Generator Maintenance/Ordinance 2009-23
- c.) Appropriation: FY 2009 Museum Painting...../Ordinance 2009-24
- d.) Street and Road Infrastructure Projects...../Ordinance 2009-25
- e.) Appropriation: Atrium Furniture from General Fund...../Ordinance 2009-26

1ST READ

- f.) Impose a Temporary Moratorium on Any Rezoning Applications for Multi-Use and R-4, High Density Single Family Residential Zoning or Annexation Applications that Request Such Zoning...../Ordinance 2009-27
- g.) Extending Lodging Tax Ordinance...../Ordinance 2009-28

9. COUNCIL COMMENTS

10. ADJOURN

**TENTATIVE ITEMS FOR THE MAY WORK SESSION
ITEMS MAY BE PUT ON A LATER WORK SESSION AGENDA**

1. **PROPOSED TREE COMMITTEE**
2. **PROTOCOL FOR CHANGING THE LAND USE ORDINANCE / SIGNS**
3. **VISIONING PLAN**
4. **TECHNOLOGY INNOVATION CENTER / STEVE KOSER / JOE BULLOCK**
5. **BRATS / DESTINATION HUB**
6. BRAGG LEASE
7. PROPOSED TREE ORDINANCE COMMITTEE
8. MEET WITH PLANNING COMMISSION / PROPOSED CHANGES TO LAND USE ORDINANCE

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

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6:30 P.M.**

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1. CALL TO ORDER

Council President Lake called the meeting to order at 6:33 P.M.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Eady.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; James White, Fire Chief; David Carpenter, Police Chief; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Adrienne Jones, Planning Director; Tonja Young, Library Director; Suzanne Henson, Senior Accountant; Jane Robbins, Mayors Assistant; Tracy Bishop, Administrative Assistant for PD; Barry Chrestman, PD; Lt. Ric Yelding, PD; Rob McElroy, Utility Director; Danny Lyndall, Utilities; Willie Robison, BZA; Starke Irvine, DRA; Al Guarisco, Village Point Foundation.

Absent:. Kim Briley, Finance Director;.

3. APPROVE MINUTES:

MOTION BY Councilman Burnam to adopt the Council meeting minutes meeting held April 6, 2009 as amended by Councilman Scott below:

Under Council Comments change “He stated that the city is responsible for the Highway 90 & Highway 181 blowout and for the Sehoj blowout to “He stated that the city is not responsible for the Highway 90 and Highway 181 blowout, but is responsible for the Sehoj blowout. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Dogwood Girls

Mrs. Joann Broadus introduced the girls to council and gave a synopsis of the events at the Cherry Blossom Festival in Washington, D.C.

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PRESENTATION: South Alabama Regional Planning Commission

Ms. Jenny White spoke to Council regarding the Baldwin County Energy Alliance. She stated that they were not asking for money just for a resolution supporting the Alliance. She said that the resolution would be on the May 4, 2009 agenda for approval.

PROCLAMATION: National Telecommunicators Week

Councilman Boulware presented the proclamation to Ms. Barry Chrestman as Chief Carpenter and Lt. Ric Yelding looked on.

PUBLIC HEARING: 2009 CDBG Application

Ms. Stacy McKean, Galbraith & Associates, gave the presentation. The application is to sewer 76 houses behind Target off Highway 64, which was submitted in 2008 and was denied. They thought that the application deserved better consideration so they want to submit the application again for 2009.

Council wanted to know what the figures were for the project. Ms. McKean stated that Hutchinson, Moore and Rauch were refiguring the cost, but that the grant is for \$500,000 with the city matching with \$1,282,805. This money was left over. If the city receives the grant the amount will be close to covering the cost.

Council President Lake opened the Public Hearing at 6:49 p.m.

Mr. Kevin Spriggs – Owner of Eastern Shore Motel – asked what ADECA was.

Mr. Willie Robison – 560 Stuart Street – asked what was the reason in applying.

Council President Lake closed the Public Hearing at 6:56 p.m.

PUBLIC HEARING: Altapointe Health Systems, Inc.

Mr. Schlesinger gave a presentation. There is a need in Baldwin County for a psychiatric hospital. Mobile cannot handle all the needs, so they look to Baldwin County to care of this side of the bay. They will be providing 200 jobs. 100 are high school graduate positions, and the others are nurse practitioners and other professional positions. They will not house violent criminals. It will be a highly secure building. They have never had a problem at the Mobile facility. They work closely with law enforcement. It will be a quiet facility. They are partner with Baldwin Mental Health. They are a non-profit organization.

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Council asked questions, and expressed safety concerns for the facility and the neighborhood.

Council President Lake opened the Public Hearing at 7:39 p.m.

Mr. Troy Sawyer – Lake Forest – asked whether the facility will ever house criminals, because there is no where to send them? He also asked if they were going to upgrade the existing fencing, and when they were going to meet with Lake Forest residents.

Mrs. Pauline Ouellette – 7720 Elizabeth Drive - asked if they were going to be a 24 hour admitting facility, and if not where would they keep patients until they are admitted?

Mr. Don Ouellette – 7720 Elizabeth Drive – asked what type of personnel would they have there 24 hours a day?

Dr. Steve Lyrene – Fairhope – stated that there is a shortage of facilities for mental patients in Baldwin County. Baldwin County patients now have to seek care outside of the county in Mobile, Pensacola, Biloxi and Birmingham.

Mr. Willie Robison – 560 Stuart Street – asked if they had a Certificate of Need, and can they be denied if they are not a non-profit organization. Also, can they operate without a bond issue.

Mr. Mickey Boykin – 207 Beal Lane – stated is not Daphne a caring and compassionate community. She said why are they asking questions of them, from what she is hearing it is a safe facility that is needed here. She is in support of the facility.

Mr. Schlesinger addressed all the publics questions.

Council President Lake called for a five minute recess at 7:55 p.m.

Council reconvened at 8:00 p.m.

SET PUBLIC HEARING DATE: Highway 90 Sewer Assessments for May 18, 2009

MOTION BY Councilwoman Barnette to set a Public Hearing date to consider assessments for the Highway 90 sewer. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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SET PUBLIC HEARING DATE: To Declare Certain Property Surplus / Nicholson Center /
1410 Captain O’Neal Drive / Adjacent to Mobile Bay

This was pulled from the agenda.

A. FINANCE COMMITTEE – Boulware
The minutes for the April 13th meeting are in the packet

a.) Treasurers Report for February 28, 2009

MOTION BY Councilman Scott to accept the Treasurers Report ending February 28, 2009 with a balance of \$21, 409, 023.22. *Seconded by Councilwoman Barnette.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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b.) Summary of Revenues & Expenditures

- 1.) Revenues & Expenditures as of February 28, 2009 shows an unreserved fund balance of \$11,775,912.
- 2.) Sales tax collections were down, as well as, permits and business licenses, but ad valorem collections were strong.
- 3.) Expenditures were down about \$100,000 from this time last year
- 4.) Departments are continuing to spend conservatively
- 5.) Council has stated that street and roads are a priority, but careful attention needs to be paid to the grants approved because recent grants approved have not been for streets and road, and they are requiring significant matches that are not budgeted

c.) Sales Tax Collections for February 28, 2009

Sales Tax Collections for February, 2009 were \$748,422, and \$865,626 was budgeted. Collections were down \$117,204 for February. Year-to-date collections are down \$400,859

d.) Lodging Tax Collections for February 28, 2009

Lodging tax collected for February was \$46,699.01.

Next meeting will be May 11th .

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The minutes for the April 3rd minutes are in the packet. The next meeting will the May 1st at 10:00 in the Executive Council Chambers.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report. Police Department submitted the COPS grant.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. The next meeting will be the second Wednesday of the month following the Public Safety meeting. The committee will be considering amending the MOT ordinance, because the state limits the fines to \$200, but in the city's ordinance the fines are up to \$500.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The Beautification Committee minutes are in the packet. Councilman Yelding stated that the city has a critical issue regarding garbage trucks. There are trucks that are broken down and some in a state of bad repair. It is the Council responsibility to keep Mr. Eady's department running. They may need to lease some trucks, because it would be cheaper than constantly repairing the old trucks.

Mr. Eady stated that all trash trucks are down. The equipment is worn out.

Councilman Scott stated that the garbage truck list is on the Special Finance agenda.

Council asked that they be informed when Public Works is experiencing problems with the trucks so that they will have answers for citizens when they call.

The next meeting will be the last Friday of the month at 8:00 a.m. in the Council Chambers.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

The next meeting will be May 7th at 6a;00 p.m. with one item on the agenda.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report. The next meeting will be Monday at 6:00 p.m.

D. Library Board – Lake

The April meeting was canceled, and has been rescheduled for this Thursday at 4:00 p.m.

E. Planning Commission – Barnette

The minutes for the March 26th meeting are in the packet. The commission had a special meeting on April 9th to discuss changes to the Land Use Ordinance, and are looking forward to coming to Council to discuss them and the Comprehensive Plan. The next meeting will be Thursday at 6:00

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p.m. On the agenda for the first meeting in May will be an ordinance putting a moratorium on R-4 developments with a favorable or unfavorable recommendation.

F. Recreation Board – Burnam

The minutes for the April 8th meeting are in the packet. No action is required.

G. Utility Board – Scott

Mr. Bob McElroy, Utility Director, gave a synopsis of the history of the Utility Board.

There will be a Special Finance meeting on April 22nd at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

*a.) Parade Permit / Bayside Medical Missions / April 11, 2009 / Changing Date/
Council approved the date of December 5th at the March 16th meeting*

MOTION BY Councilwoman Barnette to approve the Parade Permit for Bayside Medical Missions for September 26, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) ABC License / Alec Naman Catering / 140 Special Events License / Zydeco Festival

MOTION BY Councilwoman Barnette to approve the ABC License for Alec Naman Catering / 140 Special Events License / Zydeco Festival. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

a.) AT&T Franchise Agreement

Mr. Ross stated that at a previous council meeting Council had agreed to a five year agreement with three year audit clause. He asked Council to ratify that motion.

MOTION BY Councilman Yelding to authorize the Mayor to enter into a Franchise Agreement with AT&T for five years and three year audit clause. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) BRAGG

Mr. Ross discussed the sale of the Nicholson saying that the deed prohibits the sale of the Nicholson Center. According to the deed the property would revert back to the state in such a case. So in his opinion the city could not sell the Nicholson Center.

Council President Lake stated that the majority of the Council are in favor of leasing the Nicholson Center to BRAGG.

MOTION BY Councilman Palumbo the ban efforts to sell or surplus property known as Nicholson Center, and negotiate a lease with Bay Rivers Art Guild (“BRAGG”). *Seconded by Councilman Boulware.*

Council wants to work with BRAGG so they can effectively go after grants.

Council President Lake appointed Councilman Scott and Councilman Boulware as a committee to negotiate a lease with BRAGG and bring it back to Council.

Councilman Palumbo stated for the record that before the notion of selling the Nicholson Center came up Buildings and Property worked for a year on the lease. Somewhere purchasing the property came into it. He doesn't believe they should sell that property, or any other city owned property. He said that the Nicholson Center is an historical property, and that it used to be the County Seat at one time.

Councilman Scott feels that there should be someone from Buildings and Property on the committee to negotiate with BRAGG.

Council President Lake appointed Councilman Palumbo to the committee.

Negotiating Committee: Councilman Scott, Councilman Boulware and Councilman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President requested that the new lease be brought to the May Work Session.

C. Department Head Comments

Suzanne Henson – Senior Accountant – stated that the Special Finance meeting will be May 4th at 5:30 p.m. to consider a NRCS bid, and for the garbage trucks to go out to bid.

Adrienne Jones – Planning Director – announced that the Planning office will be closed Thursday and Friday, because they are moving into city hall on those days.

David McKelroy – Recreation Director – announced that Brown Bag by the Bay is every Thursday from 11:30 a.m. – 1:00 p.m. This weekend is Music Under the Stars at City Hall from 6:00 -9:00 p.m.

Sandra Morse – Civic Center Director – announced that tomorrow is the Baldwin Pops Spring Concert. The doors open at 6:00 p.m. and starts at 7:00 p.m.

David Carpenter – Police Chief – reported that the Police Department is in the same boat as Public Works. They have several engines that have gone out on cars with high mileage. He reported on the drive by shooting incident in Daphmont. He said that with the help of citizens suspects were arrested. Also, a suspect was arrested for the robbery of the Eastern Shore Motel.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – owner of Eastern Shore Motel – thanked the Police Department for their quick response to the robbery. He asked Council to vote no on Resolution 2009-32, and the ordinance spending money from the lodging tax on furniture when the Public Works Director is begging for money.

Mr. Willie Robison – 560 Stuart Street - opposed Ordinance 2009-26 to spend \$50,000 for furniture for the atrium. It is totally unnecessary, and is being fiscally irresponsible.

Mr. William Wright – Daphne – thanked the Police Department for their response to the incident in Daphmont.

Mrs. Dorothy Williams – Daphmont - spoke regarding the crime in Daphmont, and asked police to patrol more in the area that crime is getting serious in the neighborhood.

Mrs. Adell Powe – 607 Daphmont Drive - spoke regarding her many calls to the Police Department to patrol Daphmont better, but it took something like the shooting to get them out there. She feels they need to patrol more regularly in Daphmont.

Mr. Willie Williams – 1109 Pollard Road – spoke regarding the Boys and Girls club and community involvement. He want programs that kids are interested in to be offered at the club.

Mr. Al Guarisco – 1109 Randall Avenue – spoke regarding the expired lodging tax ordinance.

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8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Altapointe Health Services, Inc. Bond Issue/Resolution 2009-27
- b.) Bid Award: Asphalt / Mobile Asphalt Co/Resolution 2009-28
- c.) Bid Award: Rock / Martin Marietta Aggregates. /Resolution 2009-29
- d.) Fiscal 2009 Fourth of July Fireworks. /Resolution 2009-30
- e.) Fiscal 2009 Boys and Girls Club Contribution /Resolution 2009-31
- f.) Fiscal 2009 South Alabama Regional Planning
Commission. /Resolution 2009-32
- g.) Prepaid Travel / David Cohen. /Resolution 2009-33
- h.) Approving Participation in the State of Alabama
Sales Tax Holiday for the Year 2009. /Resolution 2009-34
- i.) Declaring Certain Property Surplus & Authorizing
Mayor to Dispose of Such Property. /Resolution 2009-35
- j.) Authorizing Issuance of Credit Cards: Court. /Resolution 2009-36
- i.) Amending Resolution 2008-03 / Architectural
Plans for Nicholson Center. /Resolution 2009-37

MOTION BY Councilman Scott to *wave the reading* of Resolutions 2009-27, 2009-28, 2009-29, 2009-30, 2009-31, 2009-32, 2009-33, 2009-34, 2009-35, 2009-36 and 2009-37. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-27. *Seconded by Councilman Boulware.*

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

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-28 and 2009-29. *Seconded by Councilman Yelding.*

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

MOTION BY Councilwoman Barnette to adopt Resolution 2009-30 and 2009-31. *Seconded by Councilman Yelding.*

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

MOTION BY Councilwoman Barnette to adopt Resolution 2009-32. *Seconded by Councilman Scott.*

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

MOTION BY Councilwoman Barnette to adopt Resolution 2009-33, 2009-34 and 2009-36. *Seconded by Councilman Yelding.*

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

MOTION BY Councilwoman Barnette to adopt Resolution 2009-35. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-37. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

a.) Council Rules of Procedure...../Ordinance 2009-21

1ST READ

b.) Appropriation: FY 2009 Munis Financial and Payroll Software Upgrade...../Ordinance 2009-22

c.) Appropriation: FY 2009 City Hall Generator Maintenance...../Ordinance 2009-23

d.) Appropriation: FY 2009 Museum Painting...../Ordinance 2009-24

e.) Street and Road Infrastructure Projects...../Ordinance 2009-25

f.) Appropriation of Lodging Tax Funds: Atrium Furniture...../Ordinance 2009-26

MOTION BY Councilman Palumbo to waive the reading of Ordinance 2009-21. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NOPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-21 with the following amendments. *Seconded by Councilman Yelding.*

1. Make Section XXVI: Motions coming from committees still need a second to the motion.

Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2. Add to Section II: The regularly scheduled Council Work Session will held on the Monday between the first and second council meetings at 6:30 p.m. at the City Hall Council Chambers. Items for the agenda must be turned in by 5:00 p.m. of the Wednesday before the Work Session. *Seconded by Councilman Scott.*

Council discussed the amendment.

Councilman Scott called for the question.

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

MOTION CARRIED

MOTION BY Councilman Palumbo to amend Ordinance 2009-21 to add to Section XXV regarding Public Hearings that “after the initial presentation all questions and comments are limited to three minutes per speaker”. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-21 as amended. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilwoman Barnette stated that she is not in favor of Ordinance 2009-26 until the lodging tax ordinance is changed. She thinks the need for furniture should be for another work session. She said that the intent of Council was to keep the intent of the old lodging tax ordinance where 95% went to bay front properties and 5% went to IDB.

MOTION BY Councilwoman Barnette to reinstate and extend Ordinance 2000-34 and extend it from October 1, 2004 through September 30, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Palumbo asked that Ordinance 2009-26 be amended to funds will come from the General Fund.

ORDINANCSE 2009-22, 2009-23, 2009-24, 2009-25 AND 2009-26 WERE MADE
1ST READ.

8. COUNCIL COMMENTS

Councilwoman Barnette stated they need to look at the special exceptions issue, because it is not going away. She said they need to research it.

Councilman Palumbo stated that they still do not have the sound system right. Something needs to be done with the system or keep telling citizens to speak into the microphone. He stated that Spanish Fort Middle School is having their first Art Extravaganza, and invited everyone to attend. He said that most of the students live in Daphne.

Council President Lake asked that in the final lodging tax ordinance that they take into consideration the proposal from the hotel representatives for a shopping and entertainment area.

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:28 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake
Council President
Date & Time Signed: _____

APRIL 16, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

COUNCIL MEMBERS PRESENT: John Lake; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: Bailey Yelding; Cathy Barnette; Greg Burnam.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross; Sandra Morse, Civic Center Director.

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

1. JUBILEE SQUARE DRAINAGE

Mrs. Ashley Campbell gave a presentation along with a power point presentation. Ms. Patty Hurley from ADEM was also present. Mrs. Early stated that ADEM has grant money available for projects like this. Mrs. Campbell said that the city's MS-4 permit is up for renewal and the new one will require some of these changes. She wants to do a green theme in phased projects. The project will call for bio-retention ponds in different areas of the parking lot, and for green areas throughout the parking lot. The green areas will be tied to the storm water drainage in case of overflow. Estimated cost for Phase I and Phase II is about \$120,000 and the total cost is around \$400,000. There will be a 40% match which can be in-kind services. Mrs. Campbell said that ADEM is willing to work with the city, and they have a large sum of money available.

2. CIVIC CENTER ORDINANCE / LONG TERM LEASING

Mr. Vaughn, attorney for Church of His Presence, made a presentation to Council. The minister of the church, John Kilpatrick, stated that the church pays approximately \$100,000 per year, and pays the fees upfront. They have 600 plus members and it is hard for them to find a place large enough to meet. They have purchased land in Spanish Fort, but because of the economy they cannot get a loan to build their church. He mentioned that when the 600 plus members meet they are here all day, and they spend money in Daphne. He stated that some of the members live in Daphne.

Council discussed and asked questions of Mr. Kilpatrick. Some of the Council did not have a problem with them leasing long term. They felt it is better to rent it to the church than have it empty just in case someone else wants to rent it.

Council did not come to a consensus.

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3. BRATS / DESTINATION HUB TO CONNECT WITH THE WAVE FROM MOBILE

Mr. Taylor was not contacted about being here this evening for the meeting. Mayor Small asked that he be rescheduled for the next meeting.

Councilman Palumbo discussed with Council the furniture for the atrium. He asked that the ordinance appropriating funds be on Monday's agenda. Mayor Small said that the funds could come from the lodging tax.

Council President Lake asked that this be added to the agenda for Monday.

4. BAY RIVERS ART GUILD / NICHOLSON CENTER

Mr. Starke Irvine wanted to know where things stood with the purchase of the Nicholson Center. There were some changes to the agreement that was sent to the city attorney. Mr. Ross stated that he had the agreement, and he would forward it to Council.

Council President Lake asked that the agreement be put on the agenda for Monday under City Attorney's report.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 7:55 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake
Council President
Date & Time Signed: _____

City of Daphne, Alabama
Office of the Mayor

PROCLAMATION
National Police Week

Whereas, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police week; and

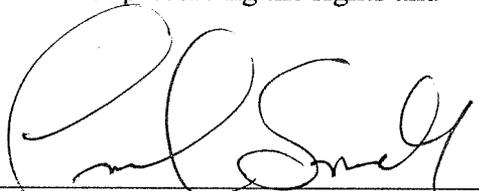
Whereas, the members of the law enforcement agency of the City of Daphne play an essential role in safeguarding the rights and freedoms of the City of Daphne; and

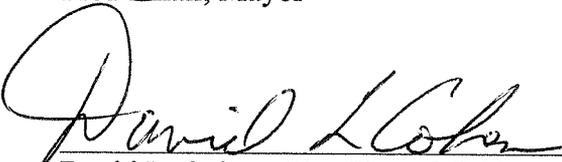
Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of the City of Daphne unceasingly provide a vital public service;

Now, therefore, I, Mayor of the City of Daphne, call upon all citizens of Daphne and upon all patriotic, civic and educational organizations to observe the week of May 10- 16, 2009, as Police Week and observe Thursday, May 15th, as Peace Officers' Memorial Day with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.




Fred Small, Mayor

ATTEST: 
David L. Cohen, City Clerk, MMC

City of Daphne, Alabama
Office of Mayor

PROCLAMATION
NATIONAL CORRECTIONAL OFFICER WEEK
May 3, 2009 – May 9, 2009

WHEREAS, on May 3, 2009 through May 9, 2009 will be celebrated across the United States as “*National Correctional Officer Week*,” and

WHEREAS, our Correction Officers are on the job 24 hours a day, 7 days a week, and whatever emergency might occur, they are there; and

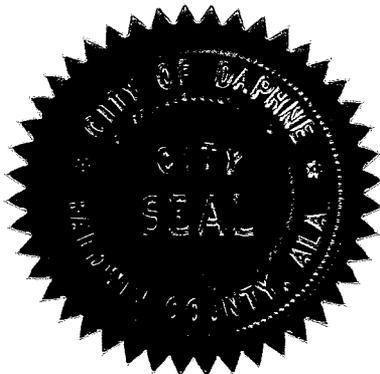
WHEREAS, the week will be dedicated to increasing the public awareness of the excellent job performed by the Correction Officers of the Daphne Police Department, and their efforts to protect public safety; and

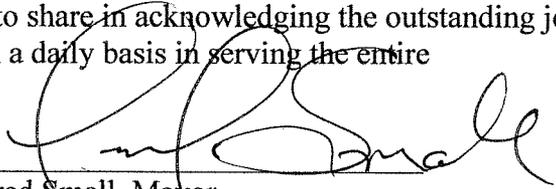
WHEREAS, other criminal justice agencies and members of the public are encouraged to acknowledge the important role the Correction Officers of the Daphne Police Department perform in the protection and service to the City of Daphne and its citizens.

Now, Therefore, the Mayor and City Council of the City of Daphne do hereby proclaim the week of May 3 through May 9, 2009 as:

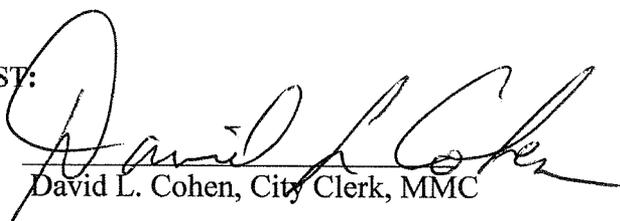
NATIONAL CORRECTION OFFICER WEEK

And encourage the citizens of Daphne to share in acknowledging the outstanding job the correction professionals perform on a daily basis in serving the entire community.




Fred Small, Mayor

ATTEST:


David L. Cohen, City Clerk, MMC

Public Safety Committee
Wednesday, April 15, 2009

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilman Derek Boulware
Fire Chief James White
PW Sup. Bill Eady

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

Committee Members Attending:

Councilman Greg Burnam, Councilman Gus Palumbo, Chief James White, Mr. Bill Eady, Lt. Ric Yelding.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 4:40 p.m.

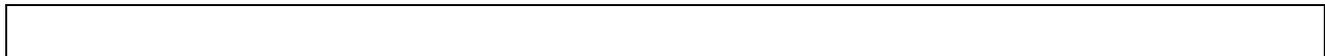
PUBLIC PARTICIPATION –

Larry Cook was present to ask Councilman Burnam if he had read the copy of the Lake Forest covenant that he handed him at the last council meeting. Burnam stated he had glanced over it. Mr. Cook wanted to know what he thought of the two excerpts about burning that were added to the covenants. Burnam stated that he had not let the city attorneys look over it, but he didn't feel like it would suffice. Burnam stated that Chip was wanting to rewrite our burn ordinance and look at some other ordinances to compare to. Mr. Cook stated that at the October POA meeting that they would introduce to new ordinance. Mr. Palumbo asked if he had talked to the POA about enforcing that since the city cannot enforce subdivision covenants. Burnam said that whatever the subdivision wants to do is fine with the city but the city cannot enforce it. Mr. Cook asked would the city still issue burn permits if a subdivision had a ban from burning. Chief White said the subdivision should be aware that there is no burning which would keep them from coming to the fire station requesting one. If they come to the station, more than likely they would be issued one since they are in the city limits. It would be up to the subdivision to enforce their no burn ban. Chief White said that Mr. Prater with POA in Lake Forest said he was against the burn ban. Mr. Cook advised that he was going to contact him, because Mr. Prater had told him that he was for the burn ban.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from March 2009 Meeting

Mr. Palumbo made a motion to approve the minutes with one correction from Chief White changing the hiring of 5 firefighters to 9 firefighters. It was seconded by Mr. Burnam. The motion passed.



FIRE DEPARTMENT

A. New Business

1. Statistics for February 2009 were reviewed. Chief White advised that Chip had filled him in a little bit about last month's meeting on changing burn permit issuance.

Palumbo and Burnam stated that they really didn't discuss any changes to the ordinance at this time. They just kicked around ideas. Chief told about Tommy Bertagnolli had open heart surgery and was doing well. The fire department made a run on an elderly gentleman having a full blown heart attack. Stated a neighbor did CPR until fire medics arrived and just faded back in the crowd. Never knew who he was, but really would like to find him and thank him.

Chief stated that they had a really large property loss on his report, but most of it was the equipment lost from the fire at Lake Forest maintenance building that burned. Chief stated that they sent them a bill for their equipment that was damaged during the fighting of the fire. LFPOA agreed to pay the bill.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for February 2009 were reviewed. The jail contracts for Spanish Fort and Silverhill are ready and need to be signed by the mayor. We have the approval letter for the COPS Grant. The animal shelter also received another \$20,000 grant from Maddie's Adoption Program. We had an attempted suicide in the jail last month, but due to the fast action of a police officer and two corrections officers they were able to cut the knot that she had tied out of her t-shirt from around her neck and save her life.

Mr. Bussey was in attendance wanting to know who was going to serve the delinquent garbage collection MOT's that are billed through the COD Utilities. Utilities has no Code Enforcement Officer, they just provide a service to the city by adding that on their bills. Garbage is not a utility function. The mayor, at his discretion, may appoint as many law enforcement officers as he wants. It doesn't have to be Lonnie Jones. It could be Public Works if someone was appointed by the mayor. Bussey stated that as it stands now, it must be Lonnie Jones or a law enforcement officer.

Old Business

OTHER BUSINESS

It was decided that the PSC Meeting would be moved back to the second Wednesday of each month to accommodate Mr. Boulware's work schedule.

Chief White passed out a sheet showing all of the city entities in the county and what they pay for maintenance on their hydrants. Daphne Utilities charges the fire department (out of their budget) \$68,000 a year for maintaining the hydrants. The fire department cannot take on the maintenance due to the fact that if they break, the fire department doesn't have the equipment to fix them.

ADJOURN

There being no further business to discuss, Mr. Burnam adjourned the meeting at 6:00 p.m. The next meeting will be Wednesday, May 13, 2009 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

**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
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: February 2009

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	3
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	3	4
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	1
14-Natural Vegetation Fire	0	0
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	116	205
4-Hazardous Conditions (No fire):	2	6
5-Service Call:	37	54
6-Good Intent Call:	10	20
7-False Alarm & False Call:	9	21
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	0
Total Emergency Calls:	174	306
Monthly Total Calls:	178	314
Response Time:		
Highest:	<1	11
Lowest:	11	<1
Average (Minutes/Seconds) :	<1/11	1/11
Miscellaneous Reports:		
Training Hours	14	72
Property Loss - \$	\$711,000	\$711,000
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	74	124
Number of Patients Treated	116	206
Child Passenger Safety Seat Inspections/Installations	6	12
Classes		
Classes	4	7
Persons Attending	191	203
Plan Reviews		
Plan Reviews	2	7
Final/Certificate of Occupancy	3	3
General/Annual Inspections	48	166
General/Re-Inspections (Violation Follow-up - Annual)	17	19
Business Licenses	5	9
Consultations-	0	0
All Other/Misc. Activities	0	1
Total Activities:	75	228

Authorized by:

James White

Chief James White

Daphne Police Department		Monthly Report					FEBRUARY 2009			
Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor/ Lt. Yelding)				
						YTD				
# Complaints	958	# New Cases Received:	45	Total Arrestees Received & Processed:	161	819		Arson	0	
# Misd. Arrests	72	# Previous Unsolved Cases:	146	Arrestees by Agency:			#Complaints	43	Burglary – Commercial	4
# Felony Arrests	4	# Cases Solved:	42	Daphne PD	120	631	#Follow-ups	72	Burglary – Residence	2
DUI Arrests	15	Resulting in Total Arrests:	10	BCSO	5	17	#Citations	3	Burglary - Vehicle	2
Alias Warrant Arrests	27	Felonies:	10	Loxley PD	0	0	#Warnings	6	Criminal Mischief	3
Citations	282	Misdemeanors:	0	Silverhill PD	3	42	#Felines Captured	11	Disorderly Conduct	1
Close Patrols	174	Houses Searched	0	Spanish Fort PD	33	122	#Canines Captured	28	Domestic Disturbance	20
Warnings	131			Troopers	0	6	#Other Captured	6	False Info to Police	2
Motorist Assists	233			INS	0	0	#Returned to Owner	12	Felony Assault	0
Roadway Accidents	44	Warrants:		Other Agencies	0	1	#Adopted Out	15	Felony Theft	12
Private Property Accidents	14	Bettner Served	52				#Euthanized	4	Harassment	8
Traffic Homicide	0	Agency Assists	36	Highest	37				Identity Theft	4
		Recalls (Pd Fines)	40	Lowest	27				Indecent Exposure	0
DRUG REPORT		Total Warrants Served	128						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	2,472	13,410			Menacing	0
		Sex Offender:		Medical Cost	\$4,632.00	\$34,195.00			Misdemeanor Assault	1
# Misd. Marijuana Arrest	1	New Registration:	0	Worker Inmate Hours	838	2,999			Misdemeanor Theft	17
# Felony Marijuana Arrest	0	Contact Verification	2						Murder	0
# Controlled Substance Arrest:	1	Total # registered in Daphne	3						Other Death Investigations	3
# Drug Paraphernalia Arrest	1	DARE:							Public Intoxication	1
Vehicles Searched	49	# Hours Report Writing:	2						Public Lewdness	0
		# Students Instructed SRO	150						Receiving Stolen Property	0
Drugs Seized:	1	# Students Instructed DARE	400						Reckless Endangerment	0
Type: marijuana		# Police Reports by SRO	1						Resisting Arrest	0
Money Seized	0	# Arrest by SRO	0						Robbery	2
Vehicles Seized	0								Sex Crime Investigations	1
		CODE ENFORCEMENT:							Suicide	0
Commercial Vehicle Inspections	12	Warnings:	5						Suicide, attempted	1
		Citations	8						Theft of Services	0
		Warning Compliance	11						Unauthorized Use of Services	0
		Follow – Up	1						Weapon Offenses	1
									White Collar Crimes	8
Approved by:				David Carpenter, Chief of Police						

**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:

SET PUBLIC HEARING DATE

FOR

JUNE 1, 2009

Annexation: Swift Supply

Property located on the North side of Milton
Jones Road / Requested zoning B-2, General
Business District

MEMORANDUM

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Swift Supply, Inc.,
Mr. David Swift, President
Annexation Review
Date: April 29, 2009

PRESENT ZONING: B-1, Professional Business, in Baldwin County District 15

PROPOSED ZONING: B-2, General Business, City of Daphne

LOCATION: North side of Milton Jones Road

RECOMMENDATION: At the April 23, 2009, regular meeting of the City of Daphne Planning Commission, six members were present and the vote was four ayes and two abstentions for the above-mentioned petition for annexation.

REFERENCE: Subdivision: Milton Jones Commercial Park, Lots 1, 2, and 3

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

The ordinance for the annexation is being reviewed and shall be prepared by the City Attorney's office and forwarded to you by Wednesday, April 27, 2009.

Thank you,
ADJ/jd

cc: file

attachment(s)

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



The Jubilee City

Annexation Review: Swift Supply 10.76 acres 3 lots Milton Jones Road

Owner: Swift Supply Inc., David Swift

Contiguous to Daphne Corporate Limits: Yes (Milton Jones Road)

Existing Conditions: Lot 1-Swift Supply Business; Lots 2 and 3-Undeveloped

Existing Zoning: B-1 Professional Business District—Baldwin County District 15

Proposed Zoning: B-2 General Business

According to the Table of Permitted Uses, "lumber yards and building materials; need not be enclosed within a structure" is allowed in B-2 and C/I zoning districts by right.

Surrounding Zonings/Uses: District 15 Baldwin County

North- (R-2B) Single Family/Chamberlain Trace Unit 1

South-(E-R) Estate Residential/ Undeveloped

East- (B-1) Professional Business/Undeveloped

West-(R-4) Single Family/Chelcey Place Subdivision

Existing Service Providers:

Utilities—Belforest Water

Sewer—Individual Septic Tank (Baldwin County Health Department)

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 1

Sewer and Gas—Daphne Utilities

Baldwin County Schools—N/A

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**

(SWIFT SUPPLY INC.)

The undersigned, DAVID D. SWIFT, PRESIDENT, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as LOTS 1, 2, AND 3, MILTON JONES COMM 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 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, DAVID D. SWIFT, SWIFT SUPPLY, 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:

B-2, GENERAL BUSINESS

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 6TH day of MARCH,
2009.

Respectfully submitted,

Name of Corporation

By:

David D. Swift

Its:

President

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that DAVID D. SWIFT whose name as PRESIDENT of SWIFT SUPPLY, 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 6th day of March, 2009.

John B. Bulette (NOTARY SEAL)

NOTARY PUBLIC

My commission expires: 6/4/2012

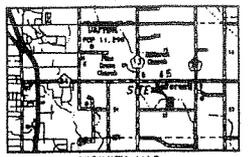
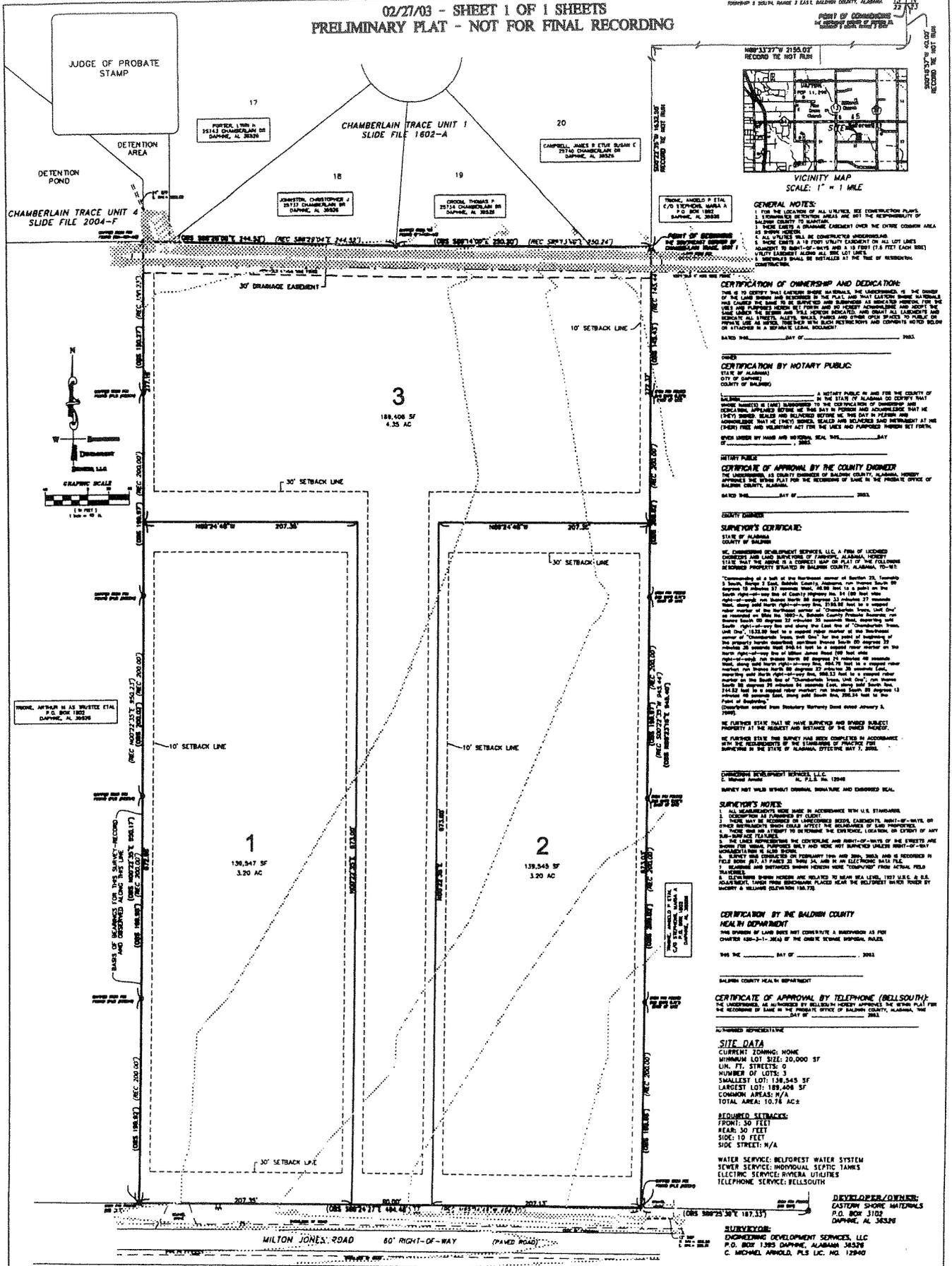
SWIFT SUPPLY INC.

MILTON JONES ROAD COMMERCIAL PARK,
LOTS 1, 2, & 3
ANNEXTION
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 10.75 ACRES)

LOT 1, 2, AND 3, MILTON JONES ROAD COMMERCIAL PARK AS RECORDED
IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2111-B.

02/27/03 - SHEET 1 OF 1 SHEETS
 PRELIMINARY PLAT - NOT FOR FINAL RECORDING

PROPERTY IS LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA.



GENERAL NOTES:
 1. THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
 2. UNDEVELOPED DETENTION AREAS ARE NOT THE RESPONSIBILITY OF THE DEVELOPER.
 3. THESE LOTS ARE DRAINAGE EASEMENTS OVER THE ENTIRE COMMON AREA AS SHOWN HEREON.
 4. ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
 5. THREE (3) FEET MINIMUM CLEARANCE TO ALL LOT LINES SHALL BE MAINTAINED BY THE OWNER AND SHALL BE MAINTAINED AT ALL TIMES.
 6. ALL UTILITIES SHALL BE INSTALLED AT THE TIME OF RECORDING.
 7. RECORDS SHALL BE MAINTAINED AT THE TIME OF RECORDING.

CERTIFICATION OF OWNERSHIP AND DEDICATION:
 I, THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT THE PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, HAS BEEN APPROVED BY ME IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATUTES OF BALDWIN COUNTY, ALABAMA, EFFECTIVE MAY 17, 2001.

CERTIFICATION BY NOTARY PUBLIC:
 I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____ IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

CERTIFICATION OF APPROVAL BY THE COUNTY ENGINEER:
 I, _____, COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT THE PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, HAS BEEN APPROVED BY ME IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATUTES OF BALDWIN COUNTY, ALABAMA, EFFECTIVE MAY 17, 2001.

SURVEYOR'S CERTIFICATE:
 I, _____, SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

ENGINEERING DEVELOPMENT SERVICES, LLC:
 I, _____, ENGINEER, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

CERTIFICATION BY THE BALDWIN COUNTY HEALTH DEPARTMENT:
 I, _____, HEALTH DEPARTMENT, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

CERTIFICATE OF APPROVAL BY TELEPHONE (BELLSOUTH):
 I, _____, BELLSOUTH, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

REQUIRED SETBACKS:
 FRONT: 30 FEET
 REAR: 30 FEET
 SIDE: 10 FEET
 SIDE STREET: N/A

WATER SERVICE: BELFLOREST WATER SYSTEM
SEWER SERVICE: INDIVIDUAL SEWER TANKS
ELECTRIC SERVICE: RIVERA UTILITIES
TELEPHONE SERVICE: BELLSOUTH

DEVELOPER/OWNER:
 EASTERN SHORE MATERIALS
 P.O. BOX 3102
 DAPHNE, AL 36526

SURVEYOR:
 ENGINEERING DEVELOPMENT SERVICES, LLC
 P.O. BOX 1385 DAPHNE, ALABAMA 36526
 C. MICHAEL ARNOLD, PLS. LIC. NO. 12940

CERTIFICATION OF APPROVAL FOR RECORDING:
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT BOUND HEREON HAS BEEN FOUND TO COMPLY WITH THE CONVEYANCE LAWS AND DEVELOPMENT CODES OF BALDWIN COUNTY, ALABAMA, AND THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES (ELECTRIC):
 I, _____, RIVERA UTILITIES, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

LEGEND:
 RC = RECORD
 CS = CONCRETE
 CP = CONCRETE CURB
 CU = CONCRETE UTILITY
 TW = TYPICAL WATER
 TW = TYPICAL WATER

OWNER	D.E.D.
DESIGNER	A.E.F.
DATE	J.P.B.
PREPARED BY	J.S.A.
REVIEWED BY	C.M.A.
SCALE	1" = 40'
PROJECT NO.	030126
DATE	02/27/03

BOUNDARY SURVEY AND PLAT OF SUBDIVISION
MILTON JONES
COMMERCIAL PARK
 ENGINEERING DEVELOPMENT SERVICES, LLC
 Engineering • Planning • Surveying • Construction Management

CERTIFICATION OF APPROVAL FOR RECORDING:
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT BOUND HEREON HAS BEEN FOUND TO COMPLY WITH THE CONVEYANCE LAWS AND DEVELOPMENT CODES OF BALDWIN COUNTY, ALABAMA, AND THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

CERTIFICATE OF APPROVAL BY BELFLOREST WATER SYSTEM:
 I, _____, BELFLOREST WATER SYSTEM, DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN _____ AND _____ AND THAT THEY ARE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING AND WHOSE SIGNATURES ARE SET FORTH IN THE FOREGOING AND THAT THEY HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING AND VOLUNTARILY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2003.

\\030126\p\in\0126prelim.dwg Thu Mar 20 10:35:11 2003 DED

ANNEXATION SWIFT SUPPLY EXHIBIT "B"

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2009-_____**

**AN ORDINANCE TO ANNEX PROPERTY
PROPERTY LOCATED ON THE NORTH SIDE OF MILTON JONES ROAD
SWIFT SUPPLY, INC.**

WHEREAS, on the 6th day of March, 2009, Swift Supply, Inc., being the owner of the real property herein described, did file with the City a petition asking that said real property be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of April 23, 2009, considered said petition and forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for said petition of annexation; and

WHEREAS, after proper publication a public hearing was held on _____ by the City Council of the City of Daphne concerning said petition for annexation; and

WHEREAS, said petition did contain the signatures of all owners of the described real property and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne after lawful notice and public hearing did determine it is in the public interest that said property be annexed into the City of Daphne, Alabama and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

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

SECTION ONE: ANNEXATION

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged as to include all of the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described territory, to-wit:

NAME:	SWIFT SUPPLY, INC.
DESCRIPTION:	LOT 1, 2 AND 3, MILTON JONES ROAD COMMERCIAL PARK AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2111-B.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama and to be zoned B-2, General Business District.

SECTION TWO: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS ____ DAY OF _____, 2009.

JOHN LAKE
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

PLEASE Publish in the Bulletin Legal Section on Saturday,
May 9, 2009

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on June 1, 2009 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2009-_____**

**AN ORDINANCE TO ANNEX PROPERTY
PROPERTY LOCATED ON THE NORTH SIDE OF MILTON JONES ROAD
SWIFT SUPPLY, INC.**

WHEREAS, on the 6th day of March, 2009, Swift Supply, Inc., being the owner of the real property herein described, did file with the City a petition asking that said real property be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of April 23, 2009, considered said petition and forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for said petition of annexation; and

WHEREAS, after proper publication a public hearing was held on June 1, 2009 by the City Council of the City of Daphne concerning said petition for annexation; and

WHEREAS, said petition did contain the signatures of all owners of the described real property and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne after lawful notice and public hearing did determine it is in the public interest that said property be annexed into

PLEASE Publish in the Bulletin Legal Section on Saturday, May 16, 2009

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on May 9, 2009, that the City Council of the City of Daphne will hold a Public Hearing on June 1, 2009 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2009-**

**AN ORDINANCE TO ANNEX PROPERTY
PROPERTY LOCATED ON THE NORTH SIDE OF MILTON JONES ROAD
SWIFT SUPPLY, INC.**

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WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of April 23, 2009, considered said petition and forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for said petition of annexation; and

WHEREAS, after proper publication a public hearing was held on June 1, 2009 by the City Council of the City of Daphne concerning said petition for annexation; and

WHEREAS, said petition did contain the signatures of all owners of the described real property and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

/END SYNOPSIS



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ February 25, 2009 ♦ 5:00 p.m.

I. CALL TO ORDER

The February 25, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:03 p.m.

II. ROLL CALL

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

Others Absent: Ron Scott, Vice Chairman

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

Others Absent:

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from January 28, 2009:**

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the January 28, 2009, Utilities Board meeting.

MOTION BY Mr. Johnston to approve the January 28, 2009; Seconded by Mayor Small.

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

MOTION CARRIED

V. OLD BUSINESS

a. **Capacity Fee Study / Rate Study**

Mr. McElroy stated that the presentation remains scheduled for the April meeting.

b. Park City Water Authority – Joint Billing Agreement

Mr. McElroy advised that the connection contract had been signed however, he is awaiting payment. He further advised that the Joint Billing Agreement had been sent to Alabama Rural Water acting as a mediator in this issue but have heard nothing further.

c. Wastewater Legislation

Mr. McElroy stated that he had met with several County Commissioners to express in detail some of the concerns with this Legislation and although it was slightly modified as a result, it still remains a document that is not in the best interest of Daphne Utilities. He commented that there should be a way to be exempt from this Legislation, but that is currently not an option and it appears that the modified document will be submitted for vote. He ended stating that he is willing to work with the County Commission on this, but cannot support the Legislation in its present modified form and urged the Board to express their opinions likewise. The Chairman conveyed his opinion that another layer of authority is not needed from the established Commissioners that are not professional engineers and also to presume the cost and revenue ratios in order to set rates. The Chairman stated that he is opposed to the Legislation. Mayor Small mentioned that it only affects Daphne in the extra-territorial jurisdiction out of the city limits and that after reading the entire document, that some of the Legislation is not really bad and will be beneficial in order to force other companies to operate in the correct manner.

Mr. Johnston asked for an update on the City-owned properties and the Daphne Utilities properties whereby the City of Daphne and Daphne Utilities each have assets located. Mr. Lyndall explained that the Utilities' properties have been identified, however a few still remain under the City of Daphne's name and will require at some point a determination as to how to get these properties transferred over the Daphne Utilities. Mr. Johnston requested closure on the properties and also asked for a review of the pilot fee money, such as what it is used for and the expiration date and where it is headed. Chairman Segalla explained that the City Council enacted the pilot fee to help pay for the sewerage of the City, that there is no expiration date, and it is based on a percentage of the sewer bill. He stated that he presumes that when the City is fully 100% sewerage that the pilot fee will be discontinued. Mr. Johnston inquired from a customer perspective and wondered when this will conclude. Mr. McElroy stated that this could be better answered by the Daphne City Council.

d. Items in Abeyance

1. **Gas Franchise Agreement** – no new information was reported.
2. **19 Acres – Daphne Utilities property** – no new information was reported.

VI. New Business

a. Sewer Only Cutoff Policy – to be distributed at Wednesday Board meeting

Mr. McElroy indicated that a few minor changes were recommended by Mr. Speegle and were noted in red. He stressed that it would be beneficial to move on the policy, however left discretion to the Board. A review and discussion of the policy and procedure followed. Chairman Segalla stressed that everyone be treated the same and procedure consistency. Mr. Lyndall explained that what is being proposed to pass this evening is the policy itself, and that the procedure will follow once the policy is in place.

RESOLUTION 2009-03 – Vote to Adopt a Cutoff Policy for Sewer Only Customers

MOTION BY Lon Johnston to approve RESOLUTION 2009-03 Policy for Sewer Only Service as submitted to the Utilities Board of the City of Daphne on February 25, 2009; Seconded by Fenton Jenkins

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

Chairman Segalla reviewed his memo and attachments previously distributed and asked if anyone had any questions. No further discussion took place regarding the memo. Mr. Jenkins, however, asked to be updated on the installation of the suggestion boxes. Mr. McElroy stated that the boxes are in place, the managers have been instructed as to the use and procedure of the boxes, and that everyone will be informed of the suggestion boxes at an upcoming company lunch meeting.

Chairman Segalla recognized Melinda Immel for a recent award she received. Mr. McElroy then presented Mrs. Immel with a declaration as a token of Daphne Utilities' appreciation for all the dedication, diligent work, and contributions she performs on the Utilities' behalf.

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing further to add to the submitted report but asked if anyone had any questions. Chairman Segalla asked about the correspondence to Sonny Nichols. Mr. Speegle and Mr. McElroy discussed the details of this issue and it was agreed that it is Sonny Nichols’ burden to prove the claim of his assertions.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financial report for January 2009 with the Board and noted that she is tracking accounts receivable very closely and noted that she is not seeing any signs of unpaid collections. She pointed out that approximately \$25,000 of garbage bad debt was written off for February 2009, is off of the Utilities’ books, and sent to the City for collection. She stated that after an assessment of some older accounts that they have been turned over to a collection agency. She continued her review of the financials with the Board. She informed the Board of a new relationship with another bank in order to avoid having all monies in one place.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Rob McElroy had nothing further to include in his report. Chairman Segalla requested to attend the training course for the managers on the Interviewing Process. Drew Klumpp highlighted for the Board on the updated security and asset protection that he is implementing for the Utilities. Mr. McElroy noted that the previous security plan to be phased in over a period of time in order to comply with Homeland Security was quickly enacted due to recent security concerns and incidents.

Chairman Segalla thanked City Councilman Derek Boulware for attending our meeting. Mr. Johnston requested of Mrs. Logiotatos to notify the Board of a trend in the increase of delinquency.

b. Operations Report

Danny Lyndall had nothing further to add to his report.

Melinda Immel of Volkert & Associates had nothing further to add to his report.

Ray Moore of HMR had nothing to add to his report.

X. PUBLIC PARTICIPATION – none

XI. BOARD ACTION –

- a. **RESOLUTION 2009-03** – Vote to Adopt a Cutoff Policy for Sewer Only Customers – implemented under “New Business”

XII. BOARD COMMENTS – None

XIII. ADJOURNMENT–

MOTION BY Mr. Johnston to adjourn the meeting. Seconded by Mr. Jenkins.

AYE: SEGALLA, SMALL, JENKINS, JOHNSTON

ABSENT: SCOTT

MOTION CARRIED

The meeting adjourned at 5:49 p.m.

**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:

**CITY OF DAPHNE
RESOLUTION NO. 2009-38**

**ENDORING THE SOUTH ALABAMA REGIONAL PLANNING COMMISSION AS THE
GRANT APPLICANT TO THE SOUTHEAST ENERGY EFFICIENCY ALLIANCE**

WHEREAS, the Southeast Energy Efficiency Alliance (SEEA) is an alliance of regional residential consumer organizations, large businesses, several regional utilities, federal and state agencies, and a variety of environmental and other non-profit organizations interested in the promotion and achievement of energy efficiency in the Southeast; and

WHEREAS, energy alliances have been successful in promoting energy conservation in other regions of the United States by bringing businesses, utilities, governments, public utility commissions, low income energy advocates, large energy consumers and universities to promote energy efficient policies and practices; and

WHEREAS, the creation of an energy alliance represents an organizational vehicle and program plan to access federal and other funds with a leveraging potential not otherwise likely; and

WHEREAS, the SEEA has issued a Request for Proposals for a grant to design and implement a local energy alliance that will promote energy efficiency through public and private partnerships and will conduct energy audits, promote energy conservation, and facilitate the creation of renewable energy through projects accessing funding sources for energy-related projects; and

WHEREAS, the South Alabama Regional Planning Commission, organized pursuant to applicable Alabama Law, has the regional organization structure, 501 (c) (3) status, and the resources to coordinate the formation of a regional Energy Alliance for Baldwin County, AL known as the “Baldwin County Energy Alliance;” and

WHEREAS, Participation in a regional Energy Alliance may benefit the citizens of Daphne; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, IN REGULAR SESSION ASSEMBLED, that The City of Daphne endorses the designation of the South Alabama Regional Planning Commission as the grant applicant to the Southeast Energy Efficiency Alliance related to the proposed creation of a “Baldwin County Energy Alliance” and that the City will appoint a representative to participate in the organization of the Alliance.

ADOPTED AND APPROVED, under the Seal of the City Council of Daphne, Baldwin County Alabama on this the ____ day of _____, 2009.

CITY OF DAPHNE , ALABAMA
A MUNICIPAL CORPORATION

JOHN LAKE,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST

DAVID L. COHEN,
CITY CLERK, MMC

RESOLUTION NO. 2009-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE APPOINTING ONE DIRECTOR TO THE BOARD OF DIRECTORS OF RENAISSANCE IMPROVEMENT DISTRICT

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”), previously approved the formation of Renaissance Improvement District (the “District”), in accordance with Chapter 99A of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, the City desires to appoint Howard Patterson as a member of the District’s Board of Directors.

NOW, THEREFORE, be it resolved by the Council, as follows:

1. That Howard Patterson is hereby appointed by the Council as a member of the District’s Board of Directors.
2. The term of Howard Patterson shall begin immediately upon his appointment and shall end at 11:59 p.m. on June 5, 2011.

ADOPTED this ____ day of _____, 2009

JOHN LAKE
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

**RESOLUTION 2009-40
AUTHORIZING THE FILING OF
FY 2009 COMPETITIVE LARGE CITIES CDBG 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; and

WHEREAS, the City of Daphne desires to apply for a Community Development Block Grant for sewer improvements; and

WHEREAS, the public was informed about the community development project including the proposed filing of this application in a public hearing held on April 20, 2009 at the Daphne City Hall.

WHEREAS, the total estimated project cost is \$1,782,805. The City desires to seek \$500,000 in CDBG grant funds, while guaranteeing \$1,282,805 of local cash match.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that an application to the Alabama Department of Economic and Community Affairs hereby requesting \$500,000 in grant funds while the City commits to provide a cash amount of \$1,282,805 for a total project cost of \$1,782,805 is hereby approved, and the City Council hereby authorizes Fred Small, in his official capacity as Mayor to sign all appropriate letters, forms and documents necessary for the submission of this grant application is also 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 4th day of May, 2009.

John Lake
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

Project Cost Estimate

Gravity System: (Highway 64 Sewer CDBG Grant Program)

1. Construction Cost	\$1,600,000.00
2. Engineering Cost to Complete Fee	\$20,000.00
3. Engineering Construction Surveillance and BMP Monitoring Fee	\$57,805.00
4. Geotechnical Services	\$20,000.00
5. Purchase of Easements and Lift Station Sites	\$10,000.00
6. Grant Administrative Fee	<u>\$75,000.00</u>
Total	\$1,782,805.00

**HUTCHINSON, MOORE & RAUCH
ENGINEERS ♦ SURVEYORS
ENGINEERING COST ESTIMATE**

PROJECT NAME: HIGHWAY 64 SOUTH SEWER (GRAVITY)

DATE: MAY 2, 2009

CLIENT NUMBER: D2501

JOB: 1544-10.02

ITEM #	APPROX QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE DOLLARS CTS	AMOUNT
SS-1	2,500	LF	4" PVC SEWER PIPE FOR STACKS AND LATERALS	\$ 16.00	\$ 40,000.00
SS-1	1,500	LF	6" PVC SEWER PIPE FOR STACKS AND LATERALS	\$ 18.00	\$ 27,000.00
SS-2	245	LF	8" DUCTILE IRON PIPE (DEPTH 0'-6')	\$ 40.00	\$ 9,800.00
SS-2	18	LF	8" DUCTILE IRON PIPE (DEPTH 6'-8')	\$ 45.00	\$ 810.00
SS-2	36	LF	8" DUCTILE IRON PIPE (DEPTH 8'-10')	\$ 48.00	\$ 1,728.00
SS-2	10	LF	8" DUCTILE IRON PIPE (DEPTH 10'-12')	\$ 54.00	\$ 540.00
SS-2	347	LF	8" DI SEWER PIPE (14'-16')	\$ 65.00	\$ 22,555.00
SS-2	144	LF	8" DI SEWER PIPE (16'-18')	\$ 84.00	\$ 12,096.00

ITEM #	APPROX QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE DOLLARS CTS	AMOUNT
SS-2	1,246	LF	8" PVC SEWER PIPE (DEPTH 0'-6')	\$ 20.00	\$ 24,920.00
SS-2	2,580	LF	8" PVC SEWER PIPE (DEPTH 6'-8')	\$ 22.00	\$ 56,760.00
SS-2	2,765	LF	8" PVC SEWER PIPE (DEPTH 8'-10')	\$ 25.00	\$ 69,125.00
SS-2	1,099	LF	8" PVC SEWER PIPE (DEPTH 10'-12')	\$ 32.00	\$ 35,168.00
SS-2	721	LF	8" PVC SEWER PIPE (DEPTH 12'-14')	\$ 38.00	\$ 27,398.00
SS-2	700	LF	6" PVC SEWER PIPE DEPTH (0'-6')	\$ 20.00	\$ 14,000.00
SS-2	12,900	LF	4" PVC SEWER PIPE (FROM 5' OUTSIDE HOUSE TO ROW LINE OF STREET)	\$ 8.00	\$ 103,200.00
SS-3	86	EA	8" X 4" WYE	\$ 55.00	\$ 4,730.00
SS-3	20	EA	8" X 6" WYE	\$ 75.00	\$ 1,500.00
SS-3	2	EA	8" X 8" TEE	\$ 135.00	\$ 270.00
SS-4	10	EA	48" DIAMETER MANHOLE (DEPTH 0'-6')	\$ 2,400.00	\$ 24,000.00

ITEM #	APPROX QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE DOLLARS CTS	AMOUNT
SS-4	10	EA	48" DIAMETER MANHOLE (DEPTH 6'-8')	\$ 2,600.00	\$ 26,000.00
SS-4	7	EA	48" DIAMETER MANHOLE (DEPTH 8'-10')	\$ 3,100.00	\$ 21,700.00
SS-4	2	EA	48" SANITARY SEWER MANHOLE (DEPTH 10'-12')	\$ 3,800.00	\$ 7,600.00
SS-4	1	EA	48" SANITARY SEWER MANHOLE (DEPTH 12'-14')	\$ 4,000.00	\$ 4,000.00
SS-4	2	EA	48" SANITARY SEWER MANHOLE (DEPTH 14'-16')	\$ 5,000.00	\$ 10,000.00
SS-5	6	LF	8" PVC DROP CONNECTIONS FOR MANHOLE	\$ 500.00	\$ 3,000.00
SS-6	675	LF	3" CLASS 200 PVC FORCE MAIN (SDR 18)	\$ 8.00	\$ 5,400.00
SS-7	1	LS	SANITARY SEWER PUMPING STATION SUBMERSABLE TYPE		\$ 100,000.00
SS-21	12	EA	TREATED TIMBER BRACING & PILE BENTS FOR SEWER PIPE	2,500.00	\$ 30,000.00
SS-10	20	CY	CONCRETE FOR SEWER CONSTRUCTION	\$ 250.00	\$ 5,000.00
SS-14	9,100	LF	HAUNCHING FOR PVC SEWER PIPE	\$ 5.00	\$ 45,500.00

ITEM #	APPROX QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE DOLLARS CTS	AMOUNT
SS-16	9,211	LF	INTERNAL VIDEO INSPECTION	\$ 2.00	\$ 18,422.00
SS-21	86	EA	HOUSEHOLD CONNECTION	\$ 3,000.00	\$ 258,000.00
3	1,000	CY	SAND OR SAND-CLAY BACKFILL	\$ 15.00	\$ 15,000.00
PA-1	2,600	SY	REMOVING AND PREPARATION OF BASE OF FLEXIBLE PAVEMENT	\$ 20.00	\$ 52,000.00
PA-2	1,200	SY	PAVEMENT WEARING SURFACE FOR PATCH SURFACING	\$ 14.00	\$ 16,800.00
PA-3	13,026	SY	PAVEMENT WEARING SURFACE FOR FULL WIDTH RESURFACING	\$ 9.00	\$ 117,234.00
408-A	13,026	SY	PLANING EXISTING PAVEMENT (APPROXIMATELY 1.5" THICKNESS)	\$ 6.00	\$ 78,156.00
PA-4	100	SY	REMOVING AND REPLACING CONCRETE PAVEMENT	\$ 52.00	\$ 5,200.00
PA-5	2,600	SY	TEMPORARY ASPHALT PATCH	\$ 60.00	\$ 156,000.00
GC-2	2,000	LF	CRUSHED STONE FOUNDATION	\$ 8.00	\$ 16,000.00

ITEM #	APPROX QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE DOLLARS CTS	AMOUNT
GC-8	1,360	LF	4" DIRECTIONAL BORE HDPE PIPE (SDR 21)	\$ 46.00	\$ 62,560.00
GC-8	160	LF	8" DIRECTIONAL BORE WITH HDPE PIPING (SDR 21)	\$ 65.00	\$ 10,400.00
GC-10	50	LF	REMOVE AND REPLACE CONCRETE CURB AND GUTTER	\$ 16.00	\$ 800.00
EC-1	4	ACRE	GRASSING FOR EROSION CONTROL	\$ 2,000.00	\$ 8,000.00
EC-2	3	ACRE	MULCHING	\$ 1,500.00	\$ 4,500.00
EC-3	2,804	SY	SOLID SODDING	\$ 8.00	\$ 22,428.00
EC-9	3,000	LF	SILT FENCE	\$ 6.00	\$ 18,000.00
EC-10	100	EA	HAY BALES	\$ 7.00	\$ 700.00
EC-11	1,000	SY	GEOTEXTILE BLANKET BIODEGRADABLE (SLOPE PROTECTION)	\$ 6.00	\$ 6,000.00
TOTAL AMOUNT					\$ 1,600,000.00

ORDINANCE 2009-22

FY 2009 MUNIS Financial and Payroll Software Upgrade Appropriation

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

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

WHEREAS, the current software version is over four years old and notification has recently been received that this version will now only receive limited software support, and

WHEREAS, future versions will require upgrading operating systems to a Sequel Server system which the City is not currently using; and

WHEREAS, a Disaster Recovery Service is needed to ensure Payroll and City financial operations can continue off site in case of a Natural Disaster.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$18,712 for the upgrade of the server and software, and for the implementation of an off site Disaster Recovery Service for the City’s Financial and Payroll Software System.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-23

FY 2009 City Hall Generator Maintenance Appropriation

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

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

WHEREAS, a maintenance agreement is needed for the City Hall Generator to ensure that the equipment is properly maintained and certain parts and maintenance will be "covered" under the agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include General Fund appropriations in the amount of \$16,666 to obtain a five year maintenance agreement for the City Hall Generator.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-24

FY 2009 Museum Painting Appropriation

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

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

WHEREAS, the museum is in need of painting to prevent exterior deterioration and protect the building from the elements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include General Fund appropriations in the amount of \$5,000 for the painting of the Daphne Museum to stop the exterior deterioration and protect the building.

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-25**

**AN ORDINANCE TO ESTABLISH THE TRANSPORTATION ENHANCEMENT
PROJECT FOR STREET AND ROAD INFRASTRUCTURE PROJECTS
WITHIN THE CITY OF DAPHNE**

WHEREAS, the maintenance and upkeep of the City's roadways is within the City's responsibility for the health, safety, and welfare of its citizens and visitors; and,

WHEREAS, the maintenance and upkeep of the City's roadways requires constant supervision and labor by City employees; the cost of which is subject to variation as circumstances dictate; and,

WHEREAS, the maintenance and upkeep of the City's roadways requires expenditures of City funds that must be determined pursuant to its Comprehensive Roadway Maintenance Program for inclusion in its Annual Budget and varied by proper procedure pursuant to City Ordinance; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon deliberation, has determined to be in the best interest of the City to establish a minimum monetary amount for roadway maintenance to be set aside each year and the same to be funded from its Annual Budget;

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

SECTION I: PERMENANT MINIMUM MONETARY REQUIREMENT FOR ROADWAY MAINTENANCE

The City Council determines that an amount of _____ dollars (\$....) shall be henceforth dedicated and established as a minimum amount of City funds utilized for the exclusive purpose of City roadway maintenance.

SECTION II: MINIMUM MONETARY REQUIREMENT FOR ROADWAY MAINTENANCE TO BE INCLUDED IN ANNUAL BUDGET

The minimum amount of \$500,000 dollars utilized for the exclusive purpose of City roadway maintenance shall be dedicated each year by the City Council when it establishes the City Annual Budget. Said amount shall be subject to enlargement should the Council, after consideration and debate, decide it just and proper for the minimum amount to be increased each year when establishing the City's Annual Budget.

SECTION III: SEVERABILITY

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

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2009

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David Cohen,
City Clerk MMC

ORDINANCE 2009-26

Furnishing City Hall Atrium

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

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

WHEREAS, the atrium at the new City Hall facility is currently unfurnished; and

WHEREAS, the City Council has determined it to be in the best interest of the City to appropriate funds for such furnishings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 50,000 for furnishing the atrium at the new City Hall facility.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-27**

=====

**AN ORDINANCE TO IMPOSE A TEMPORARY
MORATORIUM ON ANY REZONING APPLICATIONS FOR
MULTI-USE AND R-4, HIGH DENSITY SINGLE FAMILY
RESIDENTIAL ZONING OR ANNEXATION APPLICATIONS
THAT REQUEST SUCH ZONING**

=====

WHEREAS, the City of Daphne Planning Commission and Daphne City Council are currently in the process of amending the City Land Use Ordinance, and;

WHEREAS, the Planning Commission on its regularly scheduled meeting of April 23, 2009 voted to send a favorable recommendation to the City Council of the City of Daphne to place a temporary moratorium on applications for rezoning to a Multi-Use or R-4, High Density Single Family Residential Zone or for applications of annexation requesting such zoning, and;

WHEREAS, the City Council for the City of Daphne believes that the health, welfare, and safety of the citizens of the City of Daphne will be promoted if there are uniform and consistent land use regulations related to such zoning within the City, and;

WHEREAS, the City Council of the City of Daphne believes that a six month moratorium on all requests for rezoning to a Multi-Use or R-4, High Density Single Family Residential Zone or annexation applications requesting such zone is necessary in order to have sufficient time in which the City will notice for public hearing and subsequently implement the new Land Use Ordinance for future development within the City;

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

SECTION I:

That the City of Daphne hereby imposes a six (6) month moratorium on any request to rezone any property to a Multi-Use Zone as defined by City of Daphne Land Use and Development Ordinance Section 12-3(d) or R-4 High Density Multi-Family Residential zones as defined in said Ordinance Section 12-2(d) or any application for annexation requesting the zone of Multi-Use or R-4 High Density

Multi-Family Residential.

SECTION II:

That the provisions of this ordinance shall expire by lapse of time unless the City Council takes further action to extend the same.

SECTION III:

This ordinance shall be in full force and effect upon its approval and adoption by the City Council and publication as is required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF CITY OF DAPHNE, ALABAMA, this the _____ day of _____, 2009.

CITY OF DAPHNE, A Municipal Corporation

JOHN LAKE
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Moratorium on annexation and/or
zoning amendment applications for
R-4, High Density Multi-Family
Residential, and MU, Multi-Use,
zoning classifications
Date: April 27, 2009

MEMORANDUM

At the April 23, 2009 regular meeting of the City of Daphne Planning Commission six members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned moratorium.

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

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

Thank you,
ADJ/jd

cc: file

ORDINANCE 2009-28

Use of Lodging Tax Proceeds

WHEREAS, Ordinance No. 1995-15 and 1997-28 as adopted August 7, 1995 and December 8, 1997, respectively, provide for the levy and imposition of a Lodging Tax; and

WHEREAS, Section 10 of Ordinance 1995-15 restricted the proceeds of such Lodgings Tax for the purpose of purchasing, developing, and maintaining beach front property in the City of Daphne; and

WHEREAS, subsequently, Ordinance 2000-34 as adopted October 2, 2000 amended the use of Lodging Tax proceeds and set forth 95% to be restricted for the purchase, development, and maintenance of beach front property and the remaining 5% to be allocated to the Industrial Development Board (IDB) for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted by Resolution 2000-31 on June 19, 2000; and

WHEREAS, furthermore, such Ordinance 2000-34 approved such division of Lodging Tax proceeds for the period of October 1, 2000 through September 30, 2004; and

WHEREAS, subsequent to the expiration of Ordinance 2000-34 the City Council continued to approve and appropriate funds in the annual budget, including amendments from time to time, according to the 95/5% allocation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that 1) the appropriations of lodging taxes made according to the terms set forth by Ordinance 2000-34 after its expiration on September 30, 2004, are hereby ratified and 2) it is the intent of the City Council to continue to restrict Lodging Tax proceeds according to the terms of Ordinance 2000-34 through September 30, 2009.

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC