

**CITY OF DAPHNE  
CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
JUNE 5, 2006  
6:30 P.M.**

**1. CALL TO ORDER**

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

- 3. APPROVE MINUTES:** Council Meeting Minutes meeting held May 15, 2006  
Work Session Minutes meeting held May 24, 2006

**PRESENTATION:** Report by Phillip Wiese / Gazebo at Village Point Park Preserve

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

Review minutes meeting held May 26<sup>th</sup>

**a.) Prepaid Travel:**

- 1.) David L. Cohen / ADECA Recreation Programs Compliance Workshop /  
June 8-9, 2006 / Montgomery, AL / \$70 / Resolution 2006-50

**b.) Bids:**

- 1.) Road Projects: Crack Seal and Cape Seal / Florida Highway Products , Inc.  
Resolution 2006-48

- 2.) Police Vehicle Equipment / Firehouse Sales & Service, Inc. / Resolution 2006-49

**c.) MOTION:**

State Sales Tax Holiday ( Jubilee Square)

**d.) Resolutions:**

State Sales Tax Holiday / Resolution 2006-51

**e.) Financial Reports:**

- 1.) Treasurers Report / April 30, 2006  
2.) Sales Tax Collection Graphs / March 31, 2006  
3.) Lodging Tax Collections / March 31, 2006

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY – Burnam**

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

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

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

**A. *Board of Zoning Adjustments* – Eady**

**B. *Downtown Redevelopment Authority* - Barnette**

**C. *Industrial Development Board* – Yelding**

**D. *Library Board* – Lake**

Review minutes meeting held May 8<sup>th</sup>

**E. Planning Commission – Barnette**

Review minutes meeting held February 23<sup>rd</sup>

Review minutes meeting held April 27<sup>th</sup>

**F. Recreation Board - Palumbo**

Review minutes meeting held May 10<sup>th</sup>

**G. Utility Board – Scott**

Presentation by Rob McKelroy / Bio-Diesel Process

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

**B. City Attorney’s Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

Charlene Mooney

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Amending the Comprehensive Plan ...../Resolution 2006-47
- b.) Bid Award: Road Projects Crack Seal & Cape Seal /  
Florida Highway Products, Inc. .... /Resolution 2006-48
- c.) Bid Award: Police Vehicle Equipment /  
Firehouse Sales & Service, Inc. .... /Resolution 2006-49
- d.) Prepaid Travel / David L. Cohen. .... /Resolution 2006-50
- e.) Approving the City of Daphne’s Participation in the  
State of AL Sales Tax Holiday as Authorized by  
Act 2006-574 for the Year 2006. .... /Resolution 2006-51

**ORDINANCES:**

**2ND READ**

- a.) Rezone: Two Step Partners / Property Located on the  
Corner of 2<sup>nd</sup> Street and Van Buren Street  
R-3 High Density Single Family Residential  
District to B-@ General Business District. .... /Ordinance 2006-17
- b.) Amend the Land Use & Development Ordinance /  
Sign Provisions. .... /Ordinance 2006-39

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILMAN YELDING

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

COUNCILWOMAN BARNETTE

PRESENT\_\_ ABSENT\_\_

COUNCILMAN LAKE

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

COUNCILMAN BURNAM

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

COUNCILMAN SCOTT

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

COUNCILWOMAN LANDRY

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

COUNCILMAN PALUMBO

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

**MAYOR**

MAYOR SMALL

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

**CITY CLERK:**

DAVID L. COHEN

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

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**MAY 15, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

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

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

Mr. Eady gave the invocation.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Nancy Seale, Library; Kim Briley, Finance Director; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; Starke Irvine, DRA.

**3. APPROVE MINUTES:**

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

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

**PROCLAMATION:** National Police Week – May 14-20, 2006

*Mayor Small* read and presented the proclamation to Chief Carpenter.

**PRESENTATION:** People to People Ambassadors / Mary Hanson

*Mayor Small* read and presented recognition proclamations to the students who are representing Daphne this summer as People to People Student Ambassadors.

**PUBLIC HEARING:** Rezone: Two Step Partners / Property located  
Corner of 2<sup>nd</sup> Street and Van Buren Street /  
From R-3, High Density Single Family  
Residential District to B-2 General Business  
District

*Mr. Doug Bailey*, Hutchinson, Moore & Rauch, gave a presentation saying that the first time the rezoning was presented an omission was made of one of the adjacent property owners, and that this was corrected and is being presented again for consideration by the Council.

*Council President Burnam* opened the Public Hearing at 6:44 p.m.

No one spoke.

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

**PUBLIC HEARING:** Amendment to the Land Use and Development Ordinance /  
Sign Provisions

*Mr. Tim Fleming*, attorney for the City, gave a presentation on the changes to the Ordinance.

*Mr. Yelding* said to make sure that the public buildings that can have electronic signs be designated.

*Mrs. Barnette* stated for the record that she thinks the adoption of the interstate corridor section of the proposed sign ordinance is a step backwards, and that she thinks that the community has worked very hard to get where they are today, and so she is not in support of that section.

*Council President Burnam* opened the Public Hearing at 6:54 p.m.

*Ms. Selina Hoover – Daphne* – spoke regarding a letter she received from Lamar Signs regarding the five (5) year amortization or “grandfathered signs”.

*Ms. Rita Romanchuck – Daphne* – spoke regarding the big Lowe’s sign as opposed to other signs and the lack of signs that she has seen in her travels.

*Council President Burnam* closed the Public Hearing at 7:09 p.m.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

*Mr. Scott* stated that the minutes of the May 1<sup>st</sup> meeting are in the packet. He stated that there is an Ordinance that will be considered later in the meeting. He stated that the next meeting will be June 12<sup>th</sup> at 5:00 p.m.

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

*Mr. Lake* stated that the minutes for the meeting held May 5<sup>th</sup> are in the packet. He reported that there were several items being sent to the Finance Committee for review. Mr. Lake stated that they are still looking for a place for a marina, but the property that was being considered at the southern end of the city is not being considered any longer. The Committee is looking at city owned property for a marina. Mr. Lake continued saying that the items being sent to the Finance Committee were requests from the Bay Rivers Art Guild, request for a Maintenance Director, Civic Center lighting, and the re-sealing and striping of the Civic Center parking lot.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

*Council President Burnam* stated that the minutes for the May 2<sup>nd</sup> meeting is in the packet, and that no action by the Council was needed. The next meeting will be June 6<sup>th</sup>.

**E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

*Mrs. Landry* stated that the Committee will meet June 6<sup>th</sup> after the Public Safety meeting to consider two Ordinances.

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

*Mr. Yelding* stated that the minutes for the April 28<sup>th</sup> meeting are in the packet. He stated that the NRCS Ordinance on the agenda is an emergency and needed to be voted on tonight. He stated the funding was for \$1,628,500 with a 25% match. He asked Mr. Eslava to speak on the project.

*Mr. Eslava* stated that this is for infrastructure improvements that would otherwise come out of the city's pocket. He stated that the city has never received this much money before. He advised that the city should take advantage of it. He stated that NRCS award starts when it is awarded, and that they received notice late, so that puts the city 25% into the 200 calendar days for all projects to be completely finished. The projects and funding amounts are as follows: 1.) Cedar Circle / Bryants Gulley / \$227,000, 2.) Lakeview Loop (D'Olive Creek) / \$86,000, 3.) Montclair Place (Lake Forest) / \$89,500. 4.) Yancey Branch (Village Point Park) / \$310,000, 5.) Whiting Court (& Church Street) / \$862,000, 6.) County Road 64 (Widening @ two (2) lane portion, will be three (3) lanes) / \$54,000, Grand Total / \$1,628,500.

*Mr. Yelding* stated the next meeting will be May 26<sup>th</sup> at 8:00 a.m. in the Council Chambers.

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

**A. Board of Zoning Adjustments – Eady**

There will not be a meeting in May.

**B. Downtown Redevelopment Authority – Barnette**

*Mrs. Barnette* stated that there was not a meeting in May. The next meeting will be June 12<sup>th</sup>.

**C. Industrial Development Board – Yelding**

*Mr. Yelding* stated that the minutes are in the packet. The next meeting will be May 22<sup>nd</sup> 6:00 p.m.

**D. Library Board – Lake**

*Mr. Lake* stated that there will be a reception for the Bay Rivers Art Guild artists that did the murals in the children's section of the Library Sunday, May 21<sup>st</sup> 2:00 p.m. – 4:00 p.m. at the Library. He invited the Council to come to show their appreciation. Mr. Palumbo reminded everyone that Memorial Day weekend the Library is having new carpet installed and will reopen June 1<sup>st</sup>.

**E. Planning Commission – Barnette**

The Site review meeting will be May 17<sup>th</sup> 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be May 25<sup>th</sup> 6:00 p.m. in the Council Chambers.

**F. Recreation Board – Burnam**

*Mr. Palumbo* stated the minutes for the last meeting will be in the next Council packet. The next meeting will be June 14<sup>th</sup> at 6:00 p.m.

**G. Utility Board – Scott**

The next meeting will be May 31<sup>st</sup> at 5:00 p.m. Mr. Scott stated that Utilities has a machine that converts used cooking oil into, what they call, bio-diesel fuel that can be run in all the vehicles that Utilities has that uses diesel. He stated that another by-product is glycerin, which you can make into soap. He said the average cost per gallon is 60¢, and it is a batch process and right now they can make about 900 gallons in a 24 hour period. He said Utilities only use about 500 gallons of diesel a month. He said that the city could avail itself to some of their diesel. He said it is very clean running, and the Utilities is very pleased with it. He said this all started because of sewer clogs, which are primarily caused by grease being poured down the drains into the sewer and the sewer would back up and then have sewer spills, and obviously this is not good for the environment, and the bay. The Utilities put forth a program to collect cooking oil. They gave out containers, and they have pickup spots, and from that a gentleman came to them with this process, and gave them an opportunity to use the oil and do something with it. If they use it for on the street vehicles, they have to pay the state and federal tax.

**6. REPORTS OF THE OFFICERS:**

*A. Mayor's Report*

*Mayor Small* stated that the minutes for the School Committee meeting are in the packet.

1.) *ABC License / Mosley's Market / 040 Retail Beer – (On or Off Premises) /  
060 Retail Wine – (On or Off Premises)*

2.) *ABC License / PaPa's Pizza / 040 Retail Beer – (On or Off Premises) /  
060 Retail Wine – (On or Off Premises)*

**MOTION BY Mrs. Barnette to approve the ABC License for PaPa's Pizza / 040 Retail Beer – (On or Off Premises), and 060 Retail Wine – (On or Off Premises). *Seconded by Mrs. Landry.***

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

**MOTION BY Mrs. Barnette to approve the ABC License for Mosley's Market / 040 Retail Beer – (On or Off Premises), and 060 Retail Wine – (On or Off Premises). *Seconded by Mrs. Landry.***

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

*Mr. Palumbo* stated that it is his understanding that over a week ago that Dr. Harvey sent to the city a 135 page report that the Council commissioned back in September, the final draft of the report and the Council has not received the report. He requested that the Mayor make the report available to the Council as soon as possible, in fact directly.

*Mayor Small* said that what they have now is a draft for verification by the committee. They will go over to make sure that all the information is correct. He said that he has set a time line for the committee to get their information back to Dr. Harvey in order to get it on the May 24<sup>th</sup> Work Session, but he said for that to happen Dr. Harvey would have to receive the information by tomorrow, and that is not going to happen.

Discussion was held as to who appointed a committee when Dr. Harvey was hired, because he was the best in the state, to gather the information and present it to the Council. An e-mail to the Council by the committee was mentioned where the committee would edit the report and present it to the Council. Council was concerned about the report being edited. The Mayor pointed out that they will not edit the contents per-say, but will just verify that the facts are right.

**MOTION BY Mr. Palumbo that the School Feasibility report be turned over to the Council. *Seconded by Mrs. Barnette.***

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

*Council President Burnam* stated that they needed to suspend the rules in order to consider the motion, because it is not on the agenda.

Council discussed whether or not the School Feasibility Study was on the agenda. Mr. Palumbo felt that it was, because of the inclusion of the School Committee minutes.

*Council President Burnam and Mrs. Barnette* explained that the School Committee is a totally separate issue that does not involve the School Feasibility Study, the School Committee is dealing with what is happening to those schools right now, not if the City will establish it's own school system. Mrs. Barnette stated that she would like to see the report, because she thinks there is valuable information in it that they could utilize with their discussion with the Board of Education. She stated that the Mayor is perfectly within his right to set up whatever committee that he deems is necessary to get the job done. She wanted the public to know that these are separate issues. She pointed out that that the other issue that the Committee pointed out to the Board of Education is that the city did not want to see a major school on Daphne South, that they would like to see both schools remain open, and that Mr. Yelding was very eloquent in stating that they would like to see it go back to the natural progression of school to school to school, and for them to look at additional property. Some of the Council felt that a review of the report is following the protocol that is followed when presenting Ordinances, that it is reviewed several times to make sure it is right before presenting it to Council. It gets to confusing seeing draft after draft. Most of the Council stated that they would like to have the report.

*Council President Burnam* allowed the motion for suspension of the rules to follow the Rules of Procedure adopted by the Council when the Council took office.

**MOTION BY Mr. Palumbo to suspend the rules to consider a motion that the School Feasibility report be turned over to the Council. *Seconded by Mrs. Barnette.***

**ROLL CALL VOTE**

<b>Yelding</b>	<b>Aye</b>	<b>Landry</b>	<b>Nay</b>
<b>Barnette</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>	<b>Burnam</b>	<b>Aye</b>
<b>Scott</b>	<b>Aye</b>		

**ALL IN FAVOR** Yelding, Barnette, Lake, Scott, Palumbo, Burnam      **NAY** Landry

**MOTION FAILED**

*Mayor Small* asked the Council to enter into Executive Session later on in the meeting to discuss the good name and character of an employee.

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

**Mr. Ross** stated that the Media Com audit information has been delivered, and that the report should be ready in early June. He stated that Media Com is currently operating under three (3) Franchise Agreements with the city and would like to combine them and renegotiate one agreement. He also, reported to the Council regarding a seminar that he, the Mayor, Mr. Eady and Mr. Fleming attended a couple of weeks ago on behalf of the city in Orange Beach regarding recently enabled legislation passed by the Governor under Act 2006-300 which set up impact fees for Baldwin County, passed by Governor Riley on April 4, 2006. There is a consultant group out of Bethesda, Maryland which gave a very detailed presentation on the pros and cons, and how you implement impact fees based on their interpretation of Alabama law, and based on laws around the country where impact fees are in force and effect. They are working with Orange Beach and they are happy with it, and they are willing to come to Daphne in about two (2) weeks for a very preliminary evaluation. They want to meet with, at least, the Planning Director, Mr. Eady and some other representatives to gather information. The cost of that will be \$200 per hour, estimated two (2) or three (3) hours at the most, and from there the consultant group will go back to Bethesda and put a proposal together for the city, and come back to the city with a proposal broken down into sections with what they think the city might need in order to fully implement and, help the city, implement impact fees. Mr. Ross stated that he, the Mayor, and Mr. Eady talked and think that it would be a good idea to spend three (3) or four (4) hours of their economic time to let the group come, on Orange Beach time, to give them some preliminaries. Mr. Ross also stated that the warrant Ordinance will be ready in a week or ten (10) days, and as soon as it is ready Mr. Martin will bring copies for the Council to decide if they want to put it on a work session or send it to the Finance Committee.

**Council President Burnam** stated that there is money in the budget for this type of service.

***C. Department Head Comments***

**David Carpenter – Police Chief** – stated that there had been a couple of fatal accidents in Daphne the last couple of days. They received an ADECA grant and will be doing a safety blitz checking to see if folks are buckled up.

**David McKelroy – Recreation Director** – reported that the next couple of Thursdays is “Art in the Park” from 9:00 a.m. to 2:00 p.m. He also stated that the Daphne High School Girls Softball team is in the State Tournament that starts Friday.

**Sandra Morse – Civic Center Director** – reminded everyone that the Gulf Coast Zydeco Festival is this weekend, and that there will be a large crowd. She invited everyone to come and have a good time. She stated that they have some great bands lined up from Southwest Louisiana, and one from California.

**Ken Eslava – Public Works Director** – stated that the NRCS Ordinance is an emergency and needs to be voted on tonight.

*David Cohen – City Clerk* – stated that the city received and ADECA Recreational Trails grant to build a boardwalk at May Day Park, and to put utilities underground. He said the city received another grant to install restroom facilities.

*Ken Eslava – Public Works Director* – stated that the Boy Scout that came before Council for permission to build a gazebo has completed it, and he did a great job.

7. **PUBLIC PARTICIPATION**

*Ms. Diane O’Connor Page – Daphne* – spoke regarding who represents the citizens of Daphne and stopping the LNG plant, spot zoning, eminent domain, and environmental pollution.

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

**RESOLUTIONS**

**RESOLUTIONS:**

- a.) **Authorize Mayor to Sign Contract with ADECA for Recreational Trails Grant / May Day Park Boardwalk. .... /Resolution 2006-46**

MOTION BY Mrs. Barnette to <u>waive the reading</u> of Resolution 2006-46. <i>Seconded by Mrs. Landry.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	<b>MOTION CARRIED</b>

MOTION BY Mrs. Barnette to <u>adopt</u> Resolution 2006-46. <i>Seconded by Mr. Landry.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	<b>MOTION CARRIED</b>

**ORDINANCES:**

**1<sup>st</sup> READ**

- a.) **Rezone: Two Step Partners / Property Located on the  
Corner of 2<sup>nd</sup> Street and Van Buren Street  
R-3 High Density Single Family Residential  
District to B-@ General Business District ...../Ordinance 2006-17**
- b.) **Declaring Certain NRCS Project an “Emergency” and  
Authorizing the Mayor to Execute a Contract and  
Appropriating Match ...../Ordinance 2006-38**
- c.) **Amend the Land Use & Development Ordinance /  
Sign Provisions. .... /Ordinance 2006-39**

**MOTION BY Mrs. Barnette to suspend the rules to consider Ordinance 2006-38. *Seconded by Mrs. Landry.***

**ROLL CALL VOTE**

<b>Yelding</b>	<b>Aye</b>	<b>Landry</b>	<b>Aye</b>
<b>Barnette</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Aye</b>
<b>Scott</b>	<b>Aye</b>	<b>Burnam</b>	<b>Aye</b>

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

**MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-38. *Seconded by Mrs. Landry.***

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

**MOTION BY Mrs. Barnette to adopt Ordinance 2006-38. *Seconded by Mrs. Landry.***

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

**Council President Burnam** stated that they have seen Ordinance 2006-17 several times and he thinks they should vote on it.

MOTION BY Mrs. Landry to suspend the rules to consider Ordinance 2006-17. Seconded by Mr. Lake.

ROLL CALL VOTE

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

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

NAY Barnette

**MOTION FAILED**

ORDINANCES 2006-17 AND 2006-39 ARE FIRST READ.

**8. COUNCIL COMMENTS**

*Mr. Yelding* congratulated Mrs. Morse for procuring money from the Baldwin County Commission for the Zydeco Festival.

*Mrs. Barnette* stated that the Mayor sent invitations for the Memorial Day celebration being held at the Old Methodist Church Museum at 2:00 p.m. on May 28<sup>th</sup>, and she encouraged the Council and public to come and participate in the celebration. She stated that she and Mr. Scott was talking about the proposed LNG ConocoPhillips facility, and she thinks it would be good if the City of Daphne to come out and ask either the Council or Mayor to write a letter saying that, although they know that they need energy sources, but a closed loop facility would be best for tourism in our area, as well as to protect the fishery. She stated that she would like the city to ask Governor Riley to veto the current ConocoPhillips facility at this point.

*Mr. Yelding* asked if that was a motion.

*Mrs. Barnette* said yes, but they had to suspend the rules to consider it.

**MOTION BY Mr. Scott to suspend the rules to consider a motion to have the Mayor write a letter to Governor Riley asking him to veto the proposed ConocoPhillips Facility with a “Open Loop System”. Seconded by Mr. Yelding.**

Council discussed whether or not they needed a motion to have the Mayor write a letter or can they just request that he write the letter.

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*Mrs. Landry* said she is not prepared to vote on something that she just heard about, and knows nothing about.

*Mrs. Barnette* apologized, and stated that this has been considered for four (4) years, and just assumed everyone know about it. She stated that Governor Riley will be meeting about this on May 24<sup>th</sup> and wanted the letter there beforehand.

*Mrs. Barnette* rescinded her motion.

*Council President Burnam* instructed Mr. Cohen to write a letter on their behalf to Governor Riley and each Council member would sign it.

*Mr. Yelding* requested that it be reflected in the minutes how this will be done, so that there will not be any confusion.

*Mr. Lake* voiced agreement with Mrs. Barnette regarding the closed loop method for the LNG facility. He stated that the open loop method was hazardous to the environment.

*Mr. Landry* stated that she wanted to go on record to say that she is not saying that she is in favor of it, she just does not know anything about it, but she will look it up on the internet. She asked the Mayor about the committee meeting for the school document she said certainly they are open to the public, and she thinks any of them could attend the meeting, and she would like to know when it will be held and where. So that they can be there when they are looking over the final document from Dr. Harvey. She asked the public to be aware that school will be out next week and that there will be a lot of kids running around in the communities.

*Mr. Palumbo* stated that the Council has not been advised of any meetings that the committee has had, where they were, when they were, and who participated in them until he made the request for Dr. Harvey's study last week. He finds it questionable. He asked again that Council be give a copy of the document, now. He does not think it needs to be in the hands of the committee, and in their own words, edit and amend it, it is their words, if Council will read their e-mail.

*Mr. Scott* stated that it was his understanding that if he came down and presented the study to the Council that there would be an extra charge and the Council has not approved that.

*Mayor Small* said that in his contract there is one time that he will come and present it to the Council, and that is in the amount of money that was allotted. Mayor Small apologized to Mr. Palumbo for his aggravation, and that he never meant it to be toward any Council member. He stated that he believed that all Council members have known that there were a group of people gathering this information, and working with Dr. Harvey, he does not think that has been in secret. This committee was not gathered to give a recommendation, nor are they going to give a recommendation to council, and he does not think that

it would be fair. He thinks the information should be given to the Council, and the Council come to their own conclusion, because they are the legislative body. The document that has been sent is just a draft, for

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verification. The e-mail may have said amended, but what they will amend is anything that is wrong with the information that they have gathered.

*Council President Burnam* asked what could possibly be wrong in the report that they would know?

*Mayor Small* stated, for example, say that the number of students that were in a disability class may be 5 and the report may say 50. He stated that when he gets the final report he will e-mail it out to everyone.

**MOTION BY Mr. Yelding to enter into Executive Session to discuss the good name and character of an employee. Seconded by Mrs. Barnette. The City Attorney certifies that the Executive Session is warranted for the reason stated. The session will last 15 minutes.**

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

**Council entered into Executive Session at 8:21 p.m.**

**Council returned from Executive Session at 8:45 p.m.**

**9. ADJOURN**

**MOTION BY Mr. Lake to adjourn. Seconded by Mrs. Landry.**

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

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:45 P.M.**

Respectfully submitted by,

Certification of Presiding Officer:

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

\_\_\_\_\_  
Greg Burnam, Council President  
Date & Time Signed:\_\_\_\_\_

**MAY 24, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

1

**COUNCIL MEMBERS PRESENT:** Cathy Barnette; Greg Burnam, arrived at 7:00 p.m.; August Palumbo.

Absent: Bailey Yelding; John Lake; Ron Scott; Regina Landry.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Tim Fleming, Attorney.

Absent: Jay Ross, City Attorney

**1. CALL TO ORDER**

*Councilwoman Barnette* called the meeting to order at 6:40 p.m.

**2. DISCUSS: WEBSITE UPDATE / SHANNON SPIVEY**

*Mrs. Spivey* stated that she, Robyn Andrews, Recreation Dept., and Ken Royal, Library Computer tech, have been working with Mr. Dick Scott from Site One to update the city's website to make it uniform and to correct wrong information.

Mr. Dick Scott gave a power point presentation of what the website will look like and the updates. The updates will include:

1. New home page design
2. Better navigation system
3. News ticker and instant messages
4. Search box
5. Direct upload by staff
6. Staff information

The website will have a uniform look, and will be easy for the public to navigate. There will not be a need to go back and forth to the home page, because all the headings will show up on each page, in addition to the headings for the specific department. Public Works has been working on an update for their website to include an emergency information site. Site One will provide the software that will give the staff the capability to update the website at anytime, provided the city continue to use Site One. The cost will be: 120 hours to design @\$68.00 per hour, for a total of \$8,160.00.

Mr. Ken Royal discussed some things the Mayor has him working on:

1. All employees have same e-mail address (like bellsouth, hotmail, etc.)

**MAY 24, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
WORK SESSION  
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2

2. Have same server. On or off site
3. Get e-mails instantly on PDA
4. Department heads access large documents by getting a network attached storage appliance where a department can store information that will be accessible to other departments instead of e-mailing the information
5. Looking at computers talking with other computers within the city

### **3. DISCUSS: RECREATION BOARD**

Mr. Palumbo discussed the possibility of dissolving the Recreation Board and making it the Recreation Committee. He stated that it is more efficient as a committee to come before Council with a request and Council either does it or not. He stated that they would like to keep the members down to seven (7) instead of nine (9), because it is easier to make decisions with a smaller amount of people. Mr. Palumbo requested the City Clerk to locate the incorporation ordinance and distribute it to the Council.

There being no further business to discuss, the meeting adjourned at 7:46 p.m.

Respectfully submitted by

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

Certification of Presiding Officer

\_\_\_\_\_  
Greg Burnam  
Council President  
Date & Time Signed:\_\_\_\_\_

**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**  
**May 26, 2006**  
**3:00 P.M.**

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

The meeting was called to order at 3:00 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson, and Accountants Lisa White and Donna Page.

Also in attendance were Mayor Fred Small, Public Works Director Ken Eslava, and Mayor's Assistant Shannon Spivey.

Absent was Councilwoman Regina Landry.

**II. PUBLIC PARTICIPATION**

There was no public present at the meeting.

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

**A. Prepaid Travel: David Cohen, City Clerk – ADECA Recreation Programs Compliance Workshop, Montgomery, AL, June 8-9, 2006 - \$70**

A prepaid travel request for Mr. David Cohen, City Clerk, in the amount of \$70 was presented. Mr. Scott noted that this was for a grant writing workshop.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution approving prepaid travel for David Cohen, City Clerk in the amount of \$70 to attend the ADECA Recreation Programs Compliance Workshop in Montgomery, AL, June 8-9, 2006. Seconded by Mr. Scott.***

**B. Bids**

**1. 2006-T-Road Projects: Crack Seal and Cape Seal**

Mr. Ken Eslava submitted a memo recommending the bid be awarded to the sole bidder, Florida Highway Products. Mr. Eslava discussed that \$500,000 is budgeted for road improvements and that Florida Highway Products' bid for a total estimated project cost of \$433,198.80 would be using that appropriation. Mr. Eslava stated that the work could begin next month and would take approximately 40 to 45 days to complete. He noted that traffic management would take some planning.

***Motion by Mr. Scott to recommend to Council to adopt a resolution awarding the Bid 2006-T-Road Projects: Crack Seal and Cape Seal to Florida Highway Products for a cost of \$15.00/gal Asphalt Cement and \$6.20/sq yd Cape Seal (estimated total project cost - \$433,198.80) . Seconded by Mr. Yelding.***

**2. 2006-U- Police Vehicle Equipment**

A recommendation by Captain Scott Taylor was presented to award the bid received from Firehouse Sales & Service Inc. for unit cost as bid (initial purchase for new equipment - \$19,560.30), to equip new police vehicles.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding the bid to Firehouse Sales & Service Inc. for unit cost as bid. Seconded by Mr. Yelding.***

### **C. State of Alabama Sales Tax Holiday**

Ms. Briley stated the sales tax holiday is estimated to total \$40,000 - \$45,000 in lost sales tax revenue. Ms. Briley discussed the Jubilee Square agreement. Bond Counsel, Hand Arendall, has reviewed the Jubilee Square Agreement and is of the opinion that because the source of debt service for Jubilee Square is a pledge of sales tax collections that the City would have to "cover" the lost sales tax revenues for that location only. This is estimated to total no more than \$1,000. All other debt outstanding is a general obligation and is not tied to a specific revenue source. Mr. Scott inquired about the administration of the sales tax holiday. Ms. Briley stated she has discussed the matter with Joan Lindsey, Revenue Officer, and she is comfortable with the administrative details. Discussion followed that the City participating in the sales tax holiday would be a benefit for citizens.

***Motion by Mr. Yelding to recommend to Council that the City participate in the State Sales Tax Holiday and that the City "cover" the loss of pledged Sales Tax Collections for Jubilee Square debt service requirements. Seconded by Mr. Scott.***

## **IV. CURRENT BUSINESS**

### **A. COLA (Cost of Living Adjustment)**

Mayor Fred Small stated that he supported a 3% Cost of Living Adjustment for employees. Mayor Small referred to the chart prepared by Ms. Briley that breaks down the cost of granting a COLA and stated that the City can afford the increase. Discussion followed with Mr. Yelding stating that he supported a COLA but he would like the issue to be brought up at a work session of the full council.

Mr. Scott asked about the status of the 2007 budget preparation. Ms. Briley stated that the 2007 request forms had been distributed to the various departments for them to complete.

***Motion by Mr. Scott to recommend to Council that the Cost of Living Adjustment be on the next work session of the council for study. Seconded by Mr. Yelding.***

## **V. FINANCIAL REPORTS**

### **A. Treasurers Report: April 30, 2006**

Ms. Briley discussed that the Treasurers Report of \$13,986,724.64 represented a \$279,000 increase from last month.

***Motion by Mr. Yelding to recommend to Council to accept the Treasurer's Report as of April 30, 2006, in the amount of \$13,986,724.64. Seconded by Mr. Scott.***

### **B. Sales Tax Collection Graphs, March 31, 2006**

Ms. Briley discussed sales tax collections for the month of March total \$1,079,696.93. This represents \$155,910.93 over budget for the month and \$604,997.22 over budget year-to-date. March sales tax collections were \$161,864.76 over the same period last year.

### **C. Lodging Tax Collections, March 31, 2006**

The Lodging Tax Collections report shows \$56,076.62 collected for March. Mr. Scott discussed that the Holiday Inn will be opening soon.

**D. Bills Paid Report, April 30, 2006**

The Bills Paid Report was contained in Packet #2.

**VI. OTHER BUSINESS**

**A. Finance Committee Meeting Time**

Chairman Ron Scott noted that his work schedule had changed due to Daylight Savings Time and noted he would be available to move the meeting time from 5:00 pm to 4:00 pm if it would be better for everyone else. Mr. Yelding noted he could meet at 4:00 p.m. Ms. Henson noted she would follow up with Ms. Landry to see if the change in time would be good for her.

**VII. ADJOURN**

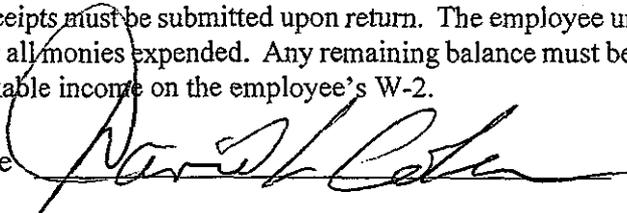
The meeting was adjourned at 3:30 pm.

## PREPAID TRAVEL REQUEST FORM

<b>EMPLOYEE NAME/TITLE</b>	DAVID L. COHEN
<b>DEPARTMENT</b>	LEGISLATIVE
<b>DATES OF TRAVEL</b>	JUNE 8, 9, 2006
<b>SCHOOL/ORGANIZATION</b>	ADECA RECREATION PROGRAMS COMPLIANCE WORKSHOP
<b>LOCATION FOR TRAINING: CITY/STATE</b>	MONTGOMERY, AL
<b>REGISTRATION FEE</b>	\$
<b>LODGING</b>	\$
<b>TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)</b>	\$70.00

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

Employee Signature




Department Head Approval

8069  
Vendor #

120200 / 52211 / \_\_\_\_\_  
Dept Org # Object # Proj #

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

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

OFFICE OF THE GOVERNOR

**BOB RILEY**  
GOVERNOR



ALABAMA DEPARTMENT OF ECONOMIC  
AND COMMUNITY AFFAIRS

**Bill JOHNSON**  
DIRECTOR

**STATE OF ALABAMA**

May 16, 2006

**MEMORANDUM**

**TO:** The Honorable Fred Small  
Mayor of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

**FROM:** Bill Johnson   
Director

**RE:** Recreation Programs Compliance Workshop

The Alabama Department of Economic and Community Affairs (ADECA) is conducting a grant administration workshop for the Land & Water Conservation Fund and Recreational Trails Program grant recipients. The workshop is scheduled for June 8 and 9, 2006, at the Center for Commerce, 401 Adams Avenue, Montgomery, Alabama, beginning at 1:00 p.m. on the 8<sup>th</sup> and ending at 12:00 noon on the 9<sup>th</sup>. The meeting will be held in the Center's 7<sup>th</sup> floor auditorium. Participants can access the Center for Commerce parking deck from the Hull Street entrance by entering the code (552\*). A location map is attached.

Please bring a copy of your application for assistance and concurrence letters from the Alabama Historical Commission, U.S. Army Corps of Engineers, and the U.S. Fish & Wildlife Service to the workshop.

Overnight accommodations can be arranged at [www.visitingmontgomery.com](http://www.visitingmontgomery.com) by clicking on "Lodging". Conveniently located hotels on the Eastern bypass include Hampton Inn East, Courtyard by Marriott, Drury Inn, and La Quinta Inn.

To confirm attendance, please call Crystal Davis at 334-242-5445 (Fax 334-353-4311) or email her at [crystal.davis@adeca.alabama.gov](mailto:crystal.davis@adeca.alabama.gov) by June 5, 2006. Please provide the name(s) of the workshop attendees and the city/county they will represent. The person that will be administering the project for the city of Daphne is required to attend the workshop.

**CITY OF DAPHNE  
BID OPENING MINUTES**

**BID DOCUMENT NO: 2006-T-ROAD PROJECTS: CRACK SEAL & CAPE SEAL**

MAY 17, 2006

11:30 A.M.

CITY HALL

Those present were as follows:

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

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

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

**VENDOR**

**ESTIMATED PROJECT COST**

Florida Highway Products, Inc.

N. Main Street	- \$170,200.00
Windsor Drive	- \$ 41,000.00
Lake Forest Blvd	- \$103,646.40
Daphne Avenue	- \$ 35,752.40
Trione, Guarisco & Mancie Avenue	- \$ 72,100.00
Mobilization-Lump Sum	- \$ 10,500.00
<b>* Grand Total</b>	<b>\$433,198.80</b>

*\*All quantities are approximate and final payment will be by final measurements:*

<b>Summary:</b>	<b>Crack Seal – Approx 1,510 @ \$15.00/Gal = \$ 22,650.00</b>
	<b>Cape Seal – Approx 64,524 @ \$ 6.20/Sq Yd = \$400,048.80</b>
	<b>Mobilization – Lump Sum = \$ 10,500.00</b>
	<b>Grand Total \$433,198.80</b>

  
\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

**MEMORANDUM**

**CITY of DAPHNE...DIVISION of PUBLIC WORKS**

To: Mayor Fred Small  
Kim Briley, Finance Director  
Finance Committee

Approved for Agenda

Signature

Date

From: Ken Eslava, Director of Public Works

Date: May 19, 2006

Re: Recommendation of Bid Award / 2006-T- ROAD PROJECTS  
CRACK SEAL & CAPE SEAL

Please consider this as my formal recommendation for the contract award for bid document 2006-T-ROAD IMPROVEMENTS; CRACK SEAL & CAPE SEAL to be awarded to Florida Highway Products, in the amount of \$433,198.80.

Three bid packages were sent out to vendors for this work, and we received one sealed bid back. Florida Highway products is the only ALDOT contractor in the State of Alabama approved for application of this process, and carries full licensure as an Alabama State Contractor as required by our bid specifications.

FHP met all requirements of our bid specs, and has agreed to begin work as soon as all City approvals have been executed( i.e. Finance Committee and City Council). A final bid tabulation is as follows:

Bachelor Paving, Inc.:.....bid package returned

James H. Adams & Sons Construction:.....no response

Florida Highway Products:..... \$433,198.80

I have attached a copy of the bid as submitted by Florida Highway Products for your review.

QUOTATION SHEET  
CRACK & CAPE SEAL APPLICATION

copy

CITY OF DAPHNE, AL. ROAD PROJECTS

1.	N. Main Street		
a.	Crack Seal with polyester reinforced asphalt cement at \$15. <sup>00</sup> per gal – approximately 600 gal.	=	\$ 9,000. <sup>00</sup>
b.	Cape Seal at \$6. <sup>20</sup> sq yd estimated quantity – 26,000 sq yds	=	161,200. <sup>00</sup>
			<hr/> \$170,200. <sup>00</sup>
2.	Windsor Drive		
a.	Crack Seal with polyester reinforced asphalt cement at \$15. <sup>00</sup> per gal – approximately 150 gal.	=	\$ 2,250. <sup>00</sup>
b.	Cape Seal at \$6. <sup>20</sup> sq yd estimated quantity – 6,250 sq yds	=	38,750. <sup>00</sup>
			<hr/> \$41,000. <sup>00</sup>
3.	Lake Forest Blvd.		
a.	Crack Seal with polyester reinforced asphalt cement at \$15. <sup>00</sup> per gal – approximately 370 gal.	=	\$ 5,550. <sup>00</sup>
b.	Cape Seal at \$6. <sup>20</sup> sq yd estimated quantity – 15,822 sq yds	=	98,096. <sup>40</sup>
			<hr/> \$103,646. <sup>40</sup>
4.	Daphne Ave.		
a.	Crack Seal with polyester reinforced asphalt cement at \$15. <sup>00</sup> per gal – approximately 130 gal.	=	\$ 1,950. <sup>00</sup>
b.	Cape Seal at \$6. <sup>20</sup> sq yd estimated quantity – 5,452 sq yds	=	33,802. <sup>40</sup>
			<hr/> \$35,752. <sup>40</sup>
5.	Trione, Guarisco & Mancini Ave.		
a.	Crack Seal with polyester reinforced asphalt cement at \$15. <sup>00</sup> per gal – approximately 260 gal.	=	\$ 3,900. <sup>00</sup>
b.	Cape Seal at \$6. <sup>20</sup> sq yd estimated quantity – 11,000 sq yds	=	68,200. <sup>00</sup>
			<hr/> \$72,100. <sup>00</sup>

All quantities are approximate and final payment will be by final measurements

Summary – Crack Seal – Approx. 1510 gal. @ 15. <sup>00</sup>	=	22,650. <sup>00</sup>
Cape Seal – Approx 64524 sq yds @ 6. <sup>20</sup>	=	400,048. <sup>80</sup>
Mobilization – Lump Sum	=	10,500. <sup>00</sup>

Conversation w/ F.H.P. on 3/19/06 @ 4:30 pm.  
Question: Why the \$0.40/sq yd increase since submittal of lower quote on 3/25/06??

GRAND TOTAL \$ 433,198.<sup>80</sup>

Cape Seal has a high percentage of crushed aggregate. The increase of \$0.40/sq yd. can be attributed to increase in aggregate mat'l, increase in trucking costs (fuel surcharge increase)

**CITY OF DAPHNE**

**BID OPENING MINUTES  
BID DOCUMENT NO: 2006-U-POLICE VEHICLE EQUIPMENT  
MAY 17, 2006  
11:30 A.M.  
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Captain Scott Taylor	Police
Mr. Duke Crutchfield	Mechanical

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

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

<u>VENDOR</u>	<u>TOTAL UNIT COST</u>
Firehouse Sales & Service, Inc.	\$19,560.30



\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

**TO: FINANCE COMMITTEE**  
**FROM: CAPTAIN SCOTT TAYLOR**  
**RE: SEALED BID**  
**DATE: 05-23-06**

SKT

**I HAVE REVIEWED THE ONLY SEALED BID THAT WAS SUBMITTED FOR THE POLICE VEHICLE EQUIPMENT AND I AM REQUESTING THAT THIS BID BE ACCEPTED. IT WAS SUBMITTED BY FIREHOUSE SALES IN MOBILE, AL. THE PRICES FOR THESE ITEMS ARE VERY FAIR FOR THIS MARKET. THE POLICE DEPARTMENT HAS WORKED WITH THIS COMPANY BEFORE AND THEY HAVE PROVIDED QUALITY EQUIPMENT AND SERVICE.**

## 2006-U-POLICE VEHICLE EQUIPMENT

### EQUIPMENT TO BE INSTALLED ON 2006 CROWN VICTORIA POLICE INTERCEPTOR

3- LIGHT BARS- FEDERAL SIGNAL 44" ARJENT SL LED, 582004, BLUE AND BLUE, (4) 6 INTERSECTION LED LIGHTS, (4) 6 LED BLUE, (4) 9 LED BLUE, (2) TAKEDOWN LIGHTS, (2) ALLEY LIGHTS, BLUE DOMES, SIGNAL MASTER BAR, DELUXE CONTROLLER AND MOUNTING HARDWARE

Warranty  
3yrs - Arjent Bar  
5yrs - LED Bulbs

3 @ \$ 1724.50 /ea = \$ 5173.50

1- INTERIOR BLUE LIGHTS- STAR ULB42-BB, INTERIOR UNDERCOVER LED PHANTOM LIGHT BAR, FRONT WINDSHIELD, COLOR- BLUE, 3 ROWS LED

Warranty  
1yr.

1 @ \$ 788.00 /ea = \$ 788.00

1- INTERIOR BLUE LIGHTS- STAR ULB42-1-BB, INTERIOR UNDERCOVER LED PHANTOM LIGHT BAR, REAR WINDOW, COLOR- BLUE, 3 ROWS LED

Warranty  
1yr.

1 @ \$ 788.00 /ea = \$ 788.00

4- STOBE LIGHT KITS, SHO-ME, HIDEAWAY, 6 BULBS IN KIT, 60 WATTS OR 90 WATTS

Warranty  
5yrs - power supply  
1yr - Strobe Bulbs

4 @ \$ 253.50 /ea = \$ 1014.00

4- MICRO LITES LEDS, SHO-ME, 11.9064, COLOR BLUE, BLACK HOUSING, 4 LIGHT KIT WITH FLASHERS AND SWITCHES

Warranty  
2-yrs

4 @ \$ 323.50 /ea = \$ 1294.00

4- CONSOLES- HAVIS SHIELDS, C-1800, 18", WITH ACCESSORY PLATES, ARMREST, AND MOUNTING HARDWARE

Warranty  
Lifetime

4 @ \$ 236.50 /ea = \$ 946.00

4- COMPUTER STANDS- HAVIS SHIELDS, C-TCB-1, TELESCOPY COMPUTER BASE

Warranty  
Lifetime

4 @ \$ 124.50 /ea = \$ 498.00

4- COMPUTER STANDS- HAVIS SHIELDS, C-3090-4, LAPTOP PLATFORM WITH TILT SWIVEL, AND ADJUSTABLE HEIGHT

Warranty  
Lifetime

4 @ \$ 166.50 /ea = \$ 666.00  
**2006-U-POLICE VEHICLE EQUIPMENT**

4- COMPUTER STANDS- HAVIS SHIELDS, C-SS, LAPTOP SCREEN SUPPORTS

*Warranty Lifetime*  
4 @ \$ 18.40 /ea = \$ 736.00

4- RADIOS- KENWOOD TK-980, (800 MHz)

*Warranty 2 yrs*  
4 @ \$ 399.40 /ea = \$ 1,597.60

4- RADIOS- KENWOOD TK-7160 HG, (VHF)

*Warranty 2 yrs*  
4 @ \$ 399.40 /ea = \$ 1,597.60

5- WINDOW BARRIERS- SETINA, REAR PASSENGER WINDOWS

*Warranty 1 yr.*  
4 @ \$ 130.50 /ea = \$ 522.00

4- PARTITIONS, SETINA, 10-S, LEXAN SLIDING CENTER, WITH BUCKET SEAT PLATE AND MOUNTING HARDWARE

*Warranty - 5 yrs*  
4 @ \$ 420.00 /ea = \$ 1,680.00

4- SHOTGUN LOCKS, PROGARD G5000UT, WITH 10 SECOND TIMERS

*Warranty 1 yr*  
4 @ \$ 170.80 /ea = \$ 683.20

4- SIREN SPEAKERS, FEDERAL SIGNAL DYNA MAX, MS-100, 100 WATT, WITH MOUNTING BRACKETS

*Warranty - 2 yrs*  
4 @ \$ 149.70 /ea = \$ 598.80

4- SIREN/LIGHT CONTROLS, FEDERAL SIGNAL TOUCHMASTER, UTMD-MB

*Warranty - 5 yrs*  
4 @ \$ 410.00 /ea = \$ 1,640.00

PRICES MUST INCLUDE ALL SHIPPING COSTS.

ALL EQUIPMENT MUST BE DELIVERED WITHIN 21 DAYS AFTER BID AWARD

*Del. Will Be 30-35 Days ARO*

**GRAND TOTAL \$ 19,560.30**

**Kim**

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**From:** Preston Bolt [pbolt@handarendall.com]  
**Sent:** Friday, May 19, 2006 3:07 PM  
**To:** kmbriley@bellsouth.net  
**Cc:** Jay M. Ross  
**Subject:** Series 2000 Limited Obligation Warrant -- CONFIDENTIAL



Kim:

This is in response to your request for my thoughts on the impact of the proposed sales tax holiday on the Limited Obligation Warrant issued in 2000 as part of the development of the Jubilee Square project. As you know the source of payment of the Warrant is sales tax proceeds and the City pledged its sales tax to payment of the warrant. Moreover, the amount payable in any year is limited to a percentage portion of the sales taxes collected from that facility (which is referred to as the "Debt Service Limit"). Accordingly, any waiver of taxes would reduce the amount paid in a given year unless the principal and interest owed that year were less than the Debt Service Limit.

In the authorizing Ordinance of the City Council the City agreed to collect the tax to the extent sufficient to pay the debt service on the Warrant: "The City has covenanted and agreed in the Authorizing Ordinance that so long as this Warrant is outstanding it will levy and collect the Pledged Tax to the extent necessary to pay the principal hereof and interest hereon, subject to the Debt Service Limit and the other conditions and limitations herein set forth." While there may be arguments to the contrary, the conservative approach is that this covenant binds the City to continue to levy the tax, and not to waive it if that would reduce the amount to be paid in a given year.

If the Debt Service Limit is likely to be higher than the amount owed (i.e., if the required principal and interest owed is less than 75% of the tax proceeds from the project), the issue is academic, since the holder of the Warrant will get the same amount either way. I assume, however, that is not the case at this point. There may be several ways to address the situation where the sales tax holiday would reduce the amount paid to the holder, but here are 3 possibilities:

- Decline to adopt the tax holiday
- Get the consent of the Warrant holder to the holiday and to any reduction in payment arising from it
- Agree to make up any shortfall out of other revenues, so that the holder is made whole

Please let me know if you would like to discuss this further. I will be out of the office Monday and Tuesday.

Preston

**R. Preston Bolt, Jr.**  
**Hand Arendall, L.L.C.**  
**3000 AmSouth Bank Bldg.**

**Kim**

---

**From:** Robbins, Wanda [Wanda.Robbins@revenue.alabama.gov]  
**Sent:** Monday, May 15, 2006 4:25 PM  
**To:** kmbriley@bellsouth.net  
**Subject:** Sales Tax Holiday

May 15, 2006

To: All Counties and Municipalities in Alabama

On April 17, 2006 the State Legislature passed Act No. 2006-574 exempting certain "covered items" from the state sales and use tax during the first full weekend of August of each year, commencing at 12:01 a.m. on the first Friday in August and ending at twelve midnight the following Sunday, beginning with August 2006. A copy of Rule 810-6-3-.65 entitled Sales Tax Holiday is enclosed. This rule will become effective July 1, 2006 as an emergency rule and will remain in effect for 120 days during which time the Department will take measures to adopt the rule permanently under the administrative rule-making procedures.

Pursuant to Act No. 2006-574, any county or municipality may, by resolution or ordinance adopted at least 30 days prior to the first full weekend of August, provide for the exemption of "covered items" from county or municipal sales or use taxes during the same time period, under the same terms, conditions, and definitions as provided for the state sales tax holiday. A county or municipality is prohibited from providing for a sales and use tax exemption during any period other than the first full weekend in August. As required in the above referenced rule and Code of Alabama 1975, Section 11-51-210(e), a participating county or municipality shall submit a certified copy of their adopted resolution or ordinance providing for the sales tax holiday, and any subsequent amendments thereof, to the Alabama Department of Revenue at least 30 days prior to the effective date of the resolution or ordinance. The Department will compile this information into a list of all counties and municipalities participating in the sales tax holiday and issue a current publication of the list on its website at:

**[www.revenue.alabama.gov/salestax/STholiday.htm](http://www.revenue.alabama.gov/salestax/STholiday.htm)**

It is important that the retailers in your county or municipality are informed of your decision to participate or not to participate in a timely manner in order for them to make necessary arrangements, including programming cash registers and training employees. It is also important that the Department of Revenue be notified, even if your decision is not to participate, in order to provide assistance and answer questions for the retailers and residents in your county or municipality, and for the proper administration of the taxes during this weekend.

Please provide notification to the Department of whether your locality will participate. If your decision is to participate, include with the notification a certified copy of the resolution or ordinance adopted. Notification can be faxed to 334-353-7666 or mailed to:

ALABAMA DEPARTMENT OF REVENUE  
Attention: Deborah Lee, Room 4311  
Sales, Use & Business Tax Division  
Post Office Box 327900  
Montgomery, Alabama 36132-7900

If we can be of assistance, please contact Local Tax Unit, Deborah Lee (334-353-9133), Tina Emfinger (334-242-1499), or James Mayberry (334-353-7718).

810-6-3-.65 Sales Tax Holiday

(1) Beginning at 12:01 a.m. on Friday August 4, 2006, and ending at twelve midnight on Sunday August 6, 2006, a sales tax holiday is enacted pursuant to Act No. 2006-574, whereby no state sales or use tax is due on "covered items" as defined herein. For each year thereafter, the sales tax holiday begins at 12:01 a.m. on the first Friday in August and ends at twelve midnight the following Sunday.

(2) Pursuant to Act No. 2006-574, any county or municipality may, by resolution or ordinance adopted at least 30 days prior to the first full weekend of August, provide for the exemption of "covered items" from county or municipal sales or use taxes during the same time period, under the same terms, conditions, and definitions as provided in this rule for the state sales tax holiday. A county or municipality is prohibited from providing for a sales and use tax exemption during any period other than the first full weekend in August. A participating county or municipality shall submit a certified copy of their adopted resolution or ordinance providing for the sales tax holiday, and any subsequent amendments thereof, to the Alabama Department of Revenue at least 30 days prior to the effective date of the resolution or ordinance. The Department will compile this information into a list of all counties and municipalities participating in the sales tax holiday and issue a current publication of the list on its website.

(3) "Covered items" means: Articles of clothing with a sales price of one hundred dollars (\$100), or less, per article of clothing. The exemption applies regardless of how many items are sold on the same invoice to a customer. "Clothing" means all human wearing apparel suitable for general use including sandals, shoes and sneakers. Clothing shall not include the following listed items which are excluded from the exemption:

- (a) Belt buckles sold separately;
- (b) Costume masks sold separately;
- (c) Patches and emblems sold separately;
- (d) Sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles;
- (e) Sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers;
- (f) In addition to (a) through (e) above, clothing shall not include clothing accessories or equipment, protective equipment, or sport or recreational equipment, as defined in 1., 2., and 3. below, and which are therefore taxable:

1. "Clothing accessories or equipment" means incidental items worn on the person or in conjunction with "clothing." The following list includes examples of "clothing accessories or equipment" and is not intended to be an all-inclusive list:

- (i) briefcases;
- (ii) cosmetics;
- (iii) hair notions, including, but not limited to, barrettes, hair bows, and hair nets;
- (iv) handbags;
- (v) handkerchiefs;
- (vi) jewelry;
- (vii) sun glasses, non-prescription;
- (viii) umbrellas;

- \_\_\_\_\_ (ix) wallets;
- \_\_\_\_\_ (x) watches; and
- \_\_\_\_\_ (xi) wigs and hair pieces.

\_\_\_\_\_ 2. "Protective equipment" means items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use. The following list includes examples of "protective equipment" and is not intended to be an all-inclusive list:

- \_\_\_\_\_ (i) breathing masks;
- \_\_\_\_\_ (ii) clean room apparel and equipment;
- \_\_\_\_\_ (iii) ear and hearing protectors;
- \_\_\_\_\_ (iv) face shields;
- \_\_\_\_\_ (v) hard hats;
- \_\_\_\_\_ (vi) helmets;
- \_\_\_\_\_ (vii) paint or dust respirators;
- \_\_\_\_\_ (viii) protective gloves;
- \_\_\_\_\_ (ix) safety glasses and goggles;
- \_\_\_\_\_ (x) safety belts;
- \_\_\_\_\_ (xi) tool belts; and
- \_\_\_\_\_ (xii) welders gloves and masks.

\_\_\_\_\_ 3. "Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. The following list includes examples of "sport or recreational equipment" and is not intended to be an all-inclusive list:

- \_\_\_\_\_ (i) ballet and tap shoes;
- \_\_\_\_\_ (ii) cleated or spiked athletic shoes;
- \_\_\_\_\_ (iii) gloves, including, but not limited to, baseball, bowling, boxing, hockey, and golf; goggles;
- \_\_\_\_\_ (iv) hand and elbow guards;
- \_\_\_\_\_ (v) life preservers and vests;
- \_\_\_\_\_ (vi) mouth guards;
- \_\_\_\_\_ (vii) roller and ice skates;
- \_\_\_\_\_ (viii) shin guards;
- \_\_\_\_\_ (ix) shoulder pads;
- \_\_\_\_\_ (x) ski boots;
- \_\_\_\_\_ (xi) waders; and
- \_\_\_\_\_ (xii) wetsuits and fins.

\_\_\_\_\_ (4) "Covered items" means: A single purchase, with a sales price of seven hundred fifty dollars (\$750), or less, of computers, computer software, and school computer supplies. "Computer," "computer software," and "school computer supplies" shall not include furniture and any systems, devices, software, peripherals designed or intended primarily for recreational use, or video games of a non-educational nature. These items are defined as follows:

\_\_\_\_\_ (a) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

\_\_\_\_\_ (b) "Computer software" means a set of coded instructions designed to cause a

"computer" or automatic data processing equipment to perform a task.

(c) "School computer supply" means an item commonly used by a student in a course of study in which a computer is used. The following is an all-inclusive list of school computer supplies:

1. Computer storage media; diskettes, compact disks;
2. Handheld electronic schedulers, except devices that are cellular phones;
3. Personal digital assistants, except devices that are cellular phones;
4. Computer printers; and
5. Printer supplies for computers; printer paper, printer ink.

(5) "Covered items" means: Noncommercial purchases of school supplies, school art supplies, and school instructional material, up to a sales price of fifty dollars (\$50) per item. These items are defined as follows:

(a) "School supply" is an item commonly used by a student in a course of study. The following is an all-inclusive list:

1. Binders;
2. Book bags;
3. Calculators;
4. Cellophane tape;
5. Blackboard chalk;
6. Compasses;
7. Composition books;
8. Crayons;
9. Erasers;
10. Folders, expandable, pocket, plastic, and manila;
11. Glue, paste, and paste sticks;
12. Highlighters;
13. Index cards;
14. Index card boxes;
15. Legal pads;
16. Lunch boxes;
17. Markers;
18. Notebooks;
19. Paper, loose leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;
20. Pencil boxes and other school supply boxes;
21. Pencil sharpeners;
22. Pencils;
23. Pens;
24. Protractors;
25. Rulers;
26. Scissors; and
27. Writing tablets.

(b) "School art supply" is an item commonly used by a student in a course of study for artwork. The following is an all-inclusive list:

1. Clay and glazes;
2. Paints, acrylic, tempora, and oil;
3. Paintbrushes for artwork;
4. Sketch and drawing pads; and
5. Watercolors.

(c) "School instructional material" is written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The following is an all inclusive list:

1. Reference maps and globes;
2. Required textbooks on an official school book list with a sales price of more than thirty dollars (\$30) and less than fifty dollars (\$50).

(6) "Covered items" means: Noncommercial purchases of books with a sales price of not more than thirty dollars (\$30) per book. The term book shall mean a set of printed sheets bound together and published in a volume with an ISBN number, but does not include magazines, newspapers, periodicals, or any other document printed or offered for sale in a non-bound form.

(7) Covered items are exempt only if the individual item is priced at or below the established threshold for the exemption. Exemption for only a portion of an individual item is not allowed. The following example illustrates the application of the rule to the exemption:

(a) A customer purchases a pair of pants costing \$120.00. Tax is due on the entire \$120.00. The exemption does not apply to the first \$100.00 of the price of an item of clothing selling for more than \$100.00.

(8) Splitting of items normally sold together. To qualify for the exemption, items normally sold in pairs shall not be separated, and articles that are normally sold as a single unit must continue to be sold in that manner. The following examples illustrate the application of the rule to the exemption:

(a) A pair of shoes sells for \$200.00. The pair of shoes cannot be split in order to sell each shoe for \$100.00 to qualify for the exemption.

(b) A suit is normally priced at \$300.00. The suit cannot be split into a coat and slacks so that one of the articles may be sold for \$100.00 or less to qualify for the exemption. However, articles that are normally sold as separate articles, such as a sport coat and slacks, may continue to be sold as separate articles and qualify for the exemption.

(c) A packaged gift set consisting of a wallet (ineligible item) and tie (eligible item) would not qualify for the exemption.

(9) "Buy one, get one free" and other similar offers. If a dealer offers "buy one, get one free" or "two for the price of one" on covered items, the purchase shall qualify for the exemption when all other conditions of the exemption are met. However, if a dealer offers a "buy one, get one for a reduced price" the two prices cannot be averaged to qualify both items for the exemption. The following examples illustrate the application of the rule to the exemption:

(a) A dealer offers "buy one, get one free" on a pair of shoes. The first pair of shoes has a sale price of \$99.00 and the second pair is free. Both pairs of shoes will qualify for the exemption because the first pair of shoes does not exceed the \$100.00 exemption limitation.

(b) A coat is purchased for \$120.00 and a second coat is purchased for half price (\$60.00) at the time the first coat is purchased. The second coat will qualify for the exemption, but the tax will be due on the first coat. In this example, the sales price of the items may not be averaged in order to qualify for the exemption.

(10) Discounts, coupons, and rebates. A discount by the seller reduces the sales price of the item and the discounted sales price determines whether the sales price is within the sales tax holiday price threshold. A coupon that reduces the sales price is treated as a discount if the seller is not reimbursed for the coupon amount by a third-party. If a discount applies to the total amount paid by a purchaser rather than to the sales price of a particular item and the purchaser has purchased both eligible property and taxable property, the seller should allocate the discount based on the total sales prices of the taxable property compared to the total sales prices of all property sold in that same transaction. The application of the exemption to discounts, coupons and rebates extended on a covered item during the exemption period is illustrated by the following examples:

(a) If a dealer sells a pair of jeans with a sales price of \$110.00 and offers to discount the item 10 percent at the time of sale, the exemption would apply because the actual sales price of the jeans is \$99.00.

(b) If a customer buys a \$400.00 suit and a \$55.00 shirt, and the retailer is offering a 10 percent discount, after applying the 10 percent discount, the final sales price of the suit is \$360.00, and the sales price of the shirt is \$49.50. The suit is taxable (its price is over \$100.00) and the shirt is exempt (its price is less than \$100.00).

(c) If a dealer offers a reduction in sales price of \$100.00 through a store coupon for a computer with a sales price of \$850.00, the exemption would apply to the purchase because the dealer's actual sales price to the customer is \$750.00.

(d) If a customer gives to a dealer a manufacturer's coupon for \$100.00 for a computer with a sales price of \$850.00, the exemption would not apply.

(e) Rebates generally occur after the sale, thus the amount of the rebate does not affect the sales price of the purchased item. For example, if a pair of jeans was purchased for \$110.00 with a manufacturer's rebate for \$10.00, the exemption would not apply because the sales price is in excess of \$100.00.

(11) Exchanges. The application of the exemption to an exchange of a covered item purchased during the exemption period is illustrated by the following examples:

(a) A customer purchases a covered item during the exemption period, but later exchanges the item for a different size, color, or other feature, and the original sale is not cancelled. No additional tax is due even though the exchange is made after the exemption period.

(b) A customer purchases a covered item during the exemption period. After the

exemption period has ended, the customer returns the item and receives credit on the purchase of a different item and the original sale is cancelled. Sales tax is due on the total sales price of the newly purchased item.

(c) A customer purchases a covered item before the exemption period. During the exemption period the customer returns the item and receives credit on the purchase of a different covered item and the original sale is cancelled. Sales tax is not due on the sale of the new item if the new item is purchased during the exemption period.

(12) Layaway sales. A layaway sale is a transaction in which articles are set aside for future delivery to a purchaser who makes a deposit, agrees to pay the balance of the sales price over a period of time, and, at the end of the payment period, receives the merchandise. A sale of a covered item under a layaway sale will qualify for the exemption when final payment on the layaway order is made by, and the item is given to, the purchaser during the exemption period; or when title to the covered item transfers to the purchaser and delivery is made to the purchaser during the exemption period. A sale made by completion of transfer of title after the exemption period shall not qualify for the exemption.

(13) Rain checks. A rain check allows a customer to purchase an item at a certain price at a later time because the particular item was out of stock. Covered items purchased during the exemption period with the use of a rain check will qualify for the exemption regardless of when the rain check was issued. Issuance of a rain check during the exemption period will not qualify a covered item for the exemption if the item is actually purchased after the exemption period.

(14) Mail, telephone, e-mail, and Internet sales. The sale of a covered item qualifies for exemption when sold through the mail, telephone, e-mail or Internet when the item is paid for and delivered to the customer during the exemption period; or when title to the covered item transfers to the purchaser and delivery is made to the purchaser during the exemption period. Pursuant to Section 40-23-1(a)(5), the sale of an item is not closed or completed until the time and place where delivery occurs to the purchaser after the act of transportation ends and the item comes to rest in this state for use or consumption. Covered items that are pre-ordered and delivered to the customer during the exemption period qualify for the exemption.

(15) Gift certificates and gift cards. Covered items purchased during the exemption period using a gift certificate or gift card will qualify for the exemption, regardless of when the gift certificate or gift card was purchased. Covered items purchased after the exemption period using a gift certificate or gift card are taxable even if the gift certificate or gift card was purchased during the exemption period. A gift certificate or gift card cannot be used to reduce the selling price of a covered item in order for the item to qualify for the exemption.

(16) Returns. For a 60 day period immediately after the sales tax holiday exemption period, when a customer returns an item that would qualify for the exemption, no credit for or refund of sales tax shall be given unless the customer provides a receipt or invoice that shows tax was paid, or the seller has sufficient documentation to show that tax was paid on the specific item. This 60 day period is set solely for the purpose of designating a time period during which the customer must provide documentation that shows that sales tax was paid on returned merchandise. The 60 day period is not intended to change a seller's policy on the time period during which the seller will accept returns.

(17) Different time zones. The time zone of the purchaser's location determines the

authorized time period for a sales tax holiday when the purchaser is located in one time zone and a seller is located in another.

(18) Records. The retailer is not required to obtain an exemption certificate on sales of covered items during the exemption period. However, the retailer's records should clearly identify the type of item sold, the date on which the item was sold, the sales price of all items and, if applicable, any tax charged.

(19) Reporting Exempt Sales. No special reporting procedures are necessary to report exempt sales on covered items made during the exemption period. Exempt sales are to be included in the Gross Sales Amount and in the Deductions amount reported on the state and local returns. Taxable sales and exempt transactions should be reported as currently required by law.

(20) Transportation Charges.

(a) Where delivery is made by common carrier or the U.S. Postal Service, the transportation charge if billed as a separate item and paid directly or indirectly by the purchaser, is excluded from the sales price of the covered item. Transportation charges made by any other means are included as part of the sales price of the covered item, whether or not separately stated. Transportation charges are not separately stated if included with other charges and billed as "shipping and handling" or "postage and handling."

(b) "Shipping and handling" or "postage and handling" charges are included as part of the sales price of the covered item, whether or not separately stated. If multiple items are shipped on a single invoice, to determine if any covered items qualify for the exemption for purposes of determining a sales tax holiday price threshold, the shipping and handling charge or postage and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice.

(21) This rule shall become effective July 1, 2006.

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

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RON SCOTT  
DISTRICT 5  
REGINA LANDRY  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

# Memo

**TO:** Finance Committee

**FROM:** Mayor Small

**SUBJECT:** COLA

**DATE:** May 26, 2006

*L. Small*

**Based on the recent unprecedented increase in fuel prices, I believe that it is time for the City of Daphne to grant at least a 3% cost of living increase for our employees. The increase in fuel prices have not only made it much more expensive to get to work, it has also made everything, especially groceries, more expensive for our employees. I believe by passing this now, you will have it in place before the 2007 budget making those deliberations easier and you will also help out the employees as we move into hurricane season.**

**COLA (Cost of Living Adjustment)**

	<u>Annual</u>	<u>Pro Rata- Quarterly</u>
5%	480,000	120,000
4%	384,000	96,000
3%	288,000	72,000
2%	192,000	48,000

# TREASURER'S REPORT

As of April 2006

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<b>ACCT TITLE</b>	<b>BANK</b>	<b>BALANCE</b>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$8,758,514.90
OPERATING ACCT	COMPASS	(\$428,128.09)
PAYROLL ACCT	COMPASS	(\$2,563.86)
MUNICIPAL COURT	COMPASS	\$260,760.26
		<u>\$8,588,583.21</u>
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$2,759.95
4 CENT GAS TAX	FIRST GULF	\$157,624.87
7 CENT GAS TAX	FIRST GULF	\$159,481.24
		<u>\$319,866.06</u>
<b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$601.51
CAPITAL GROWTH	SOUTHTRUST	\$3,545,378.94
97 WARRANT CONS	SOUTHTRUST	\$4,997.05
99 WARRANT CONS	REGIONS	\$543,532.52
2000 CONSTRUCTION	REGIONS	\$90,431.66
		<u>\$4,184,941.68</u>
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	SOUTHTRUST	\$893,333.69
		<u>\$13,986,724.64</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,079,696.93
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	
<b>Totals</b>	<b>6,634,029.78</b>	<b>7,110,160.82</b>	<b>7,751,180.20</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>5,847,879.42</b>

### FY 2006 BUDGET/ACTUAL COMPARISONS

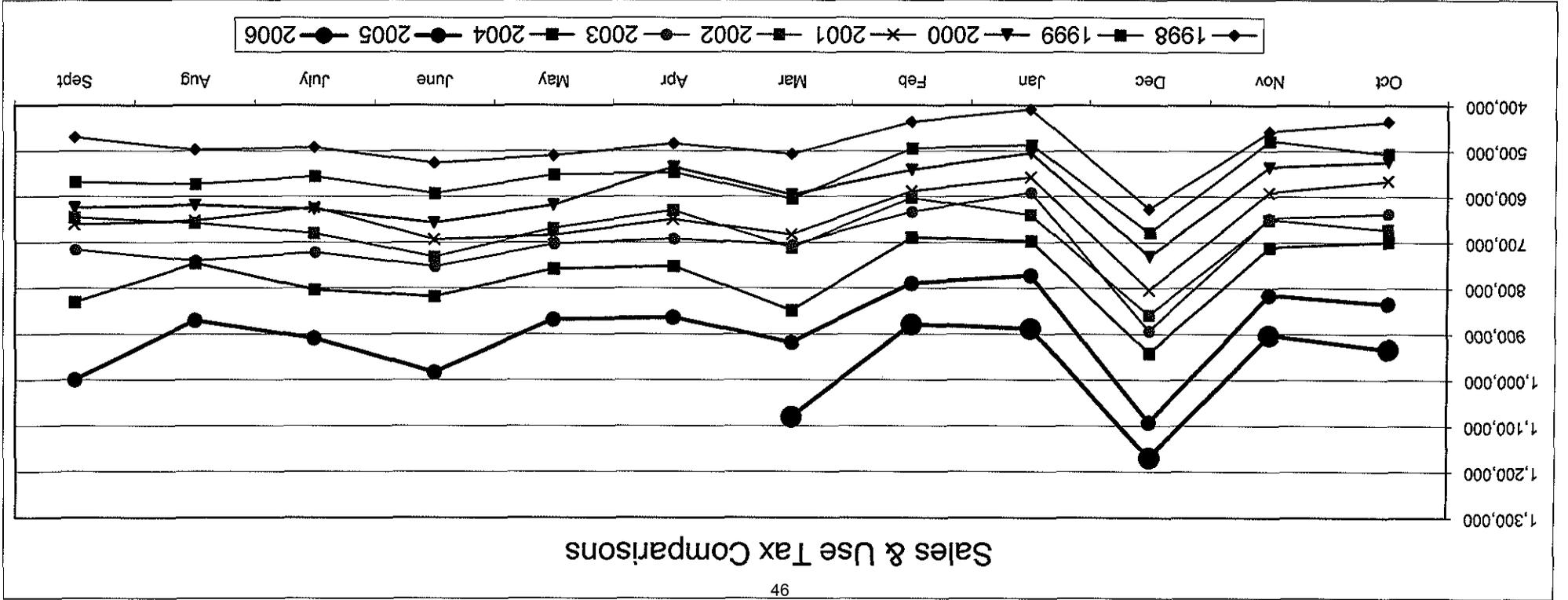
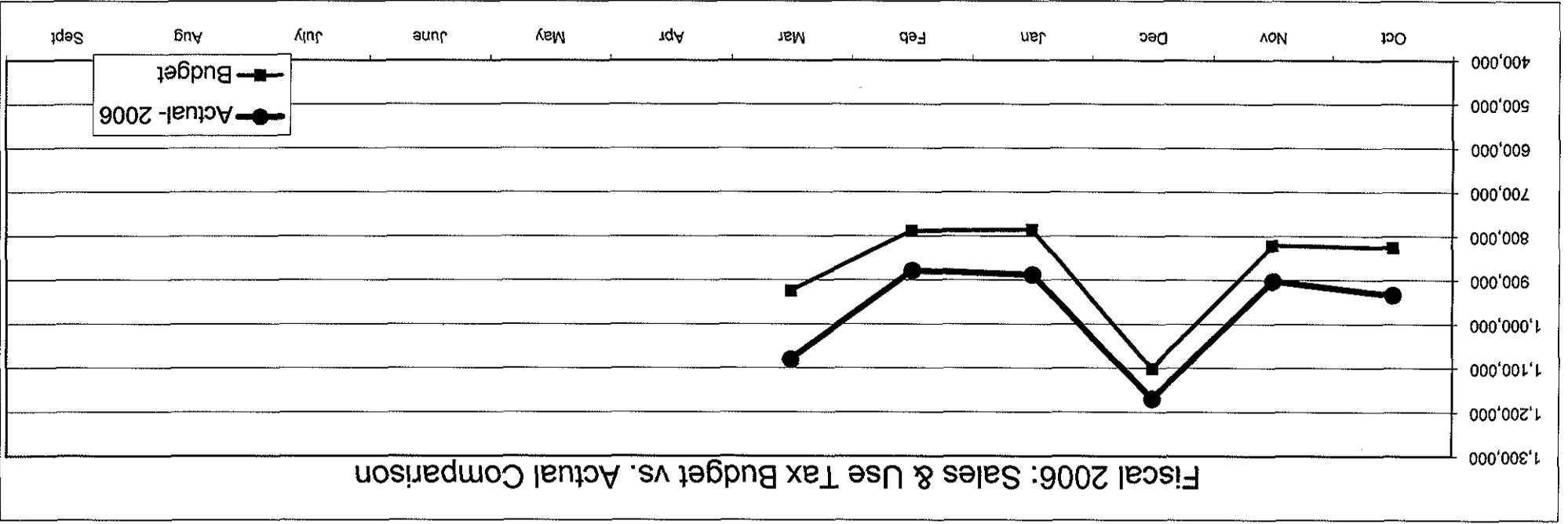
	Actual-2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	932,634.66	825,474	107,160.68	107,160.68	12.98%
November	901,512.38	820,652	80,860.42	188,021.10	9.85%
December	1,168,443.68	1,100,098	68,345.56	256,366.66	6.21%
January	887,468.11	785,065	102,403.51	358,770.17	13.04%
February	878,123.66	787,808	90,316.12	449,086.29	11.46%
March	1,079,696.93	923,786	155,910.93	604,997.22	16.88%
April		852,157			0.00%
May		870,852			0.00%
June		952,994			0.00%
July		903,547			0.00%
August		875,817			0.00%
September		920,338			0.00%
<b>Totals</b>	<b>5,847,879.42</b>	<b>10,618,586</b>	<b>604,997.22</b>		

### FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>							
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	10.66%
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	7.09%
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	14.98%
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54	89,298.58	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	11.32%
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31	161,864.76	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	17.64%
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26		-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	
May	65,789.32	65,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95		11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26		10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	71,054.58	(4,231.14)	58,677.60	42,188.32	81,260.24	105,524.99		12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78		7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	168,215.28		9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
<b>Annual \$ Change</b>	<b>476,131.04</b>	<b>641,019.38</b>	<b>393,592.24</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,418,335.85</b>		<b>7.18%</b>	<b>9.02%</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>	

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

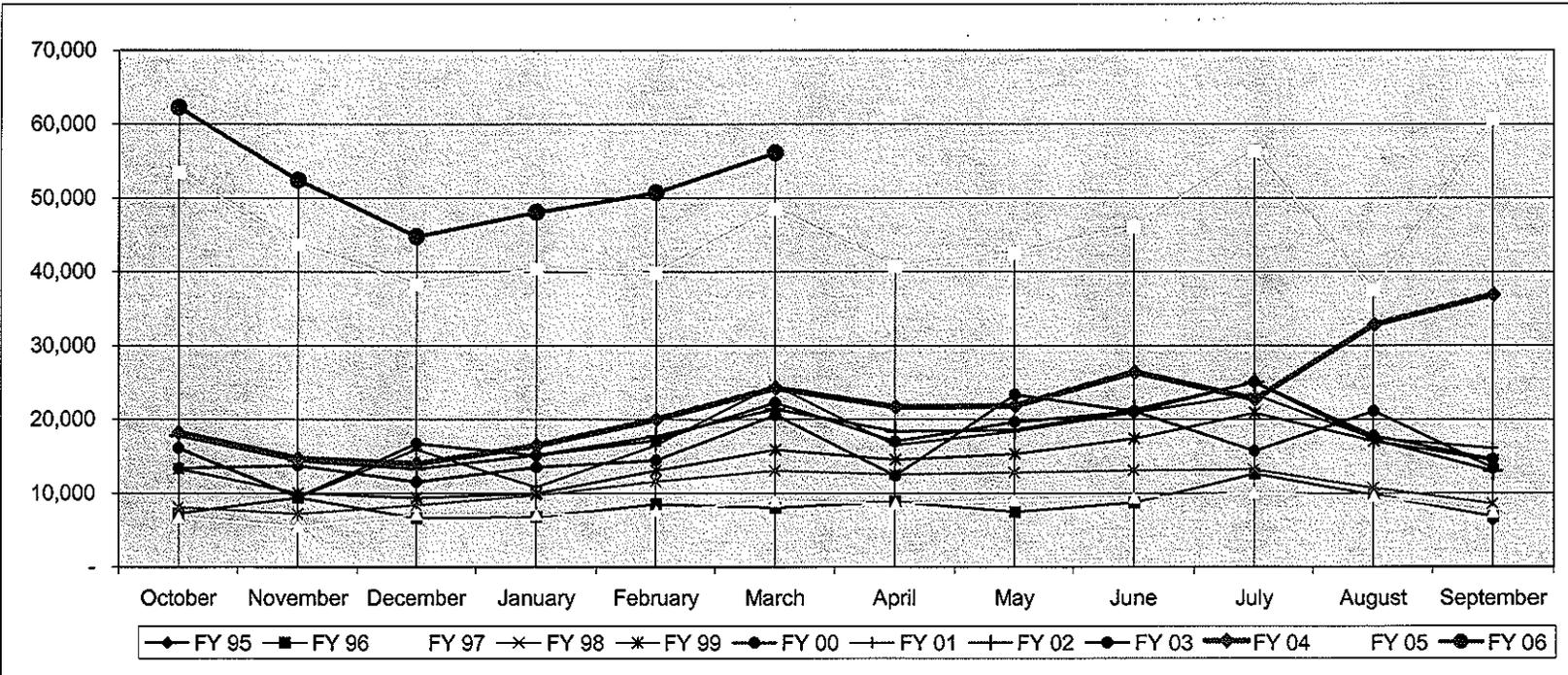
TOTAL collections: 3-31-06	5,847,879
Budgeted:10-1-05 to 3-31-06	5,242,882
Actual Coll(>)Budget, 3-31-06	604,997
% Over/(Under) Budget, 3-31-06	11.54%



### Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	
<b>Total</b>	<b>6,371.27</b>	<b>100,428.26</b>	<b>96,406.17</b>	<b>128,825.48</b>	<b>170,726.13</b>	<b>193,945.54</b>	<b>205,978.62</b>	<b>212,999.73</b>	<b>211,754.69</b>	<b>269,317.22</b>	<b>547,535.15</b>	<b>313,987.80</b>

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



<b>FY 2006 Budget</b>	<b>617,000</b>
<b>% Budget Collected, 3/31/2006</b>	<b>51%</b>

**DAPHNE RECREATION BOARD**  
**MINUTES OF THE MEETING**  
**May 10, 2006**

Present: Councilman Gus Palumbo, Councilman Greg Burnam, David McKelroy-Recreation Director, Kit Smith, Matt Cunningham, Eric Smith, James Foster and Coach Vickery

Public Participation:

Danny Nicholas – Southern Playground / Playworld Systems  
Presentation on playground equipment, regulations (ADA & Handicapped ) and cost

Chris Allen  
Presentation on BMX bicycle park

Members were encouraged to assess Daphne’s recreational facility needs.

Changing the board from nine members to seven was recommended.

Daphne Recreation Department provided the following information:

<u>Program</u>	<u>Participation #'s</u>	<u>Location</u>
Dixie Youth Baseball (5-12)	525 (46 teams)	Lott Park
Dixie Boys Baseball (13-14)	73 (6 teams)	DHS & Trione
Dixie Boys Baseball (15-16)	15 (1 team)	DHS
Girls Fast pitch Softball	175 ( 11 teams)	Trione
Men’s Church Softball	16 teams	Trione
Men’s Summer Softball	16 teams	Trione
Co-ed Softball	10 teams	Trione
Youth Football	175 (7 teams)	DHS & DIS
Cheerleading	80 (7 teams)	

Youth Soccer	625 (50 teams)	Trione & DMS
Men's Fall Softball	10 teams	Trione
Fall Co-ed Softball	8 teams	Trione

Trione Sports Complex has been used / rented every weekend since January 14 and is scheduled for use every weekend until October 7. Activities include men's softball, boy's baseball and girl's fast pitch softball.

Having no further business, meeting was adjourned.

Next meeting – June 14

**PUBLIC WORKS COMMITTEE MEETING**  
**May 26, 2006**

Councilman Bailey Yelding, District 1  
Councilwoman Cathy Barnette, District 2  
Councilman John Lake, District 3

**I. CALL TO ORDER**

The May meeting of the Public Works Committee was called to order at 8:05 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Melvin McCarley, Aileen Trotter

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

The committee reviewed the correspondence and the work request reports for April 2006.

In reference to the work order requests, Ken Eslava indicated that mosquito control spraying began at the beginning of April. He also pointed out that the requests for mowing have dropped because of an aggressive hydra-mowing program over the winter months. Mayor Small said that the Mowing Department is doing a good job, and the City is looking good.

**III. OLD BUSINESS**

A. The committee reviewed the minutes from the Public Works Committee meeting held April 28, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

B. Dauphine Acres Park

Mr. Edgeworth has been contacting the City concerning the property off of Camellia Court, and the potential for an infestation of rats in the area. Ken Eslava indicated that he will investigate corrective measures and the possibility of using NRCS funding to remediate the area. This could include the installation of sidewalks. Mayor Small requested that the weeds be trimmed and the grass cut periodically.

**IV. NEW BUSINESS**

A. Gateway to Daphne

Mayor Small indicated that Daphne Utilities has agreed to install irrigation for a gateway to Daphne at the south end of the City on Scenic Highway 98 when the City decides to install plants to improve the area.

**V. DIRECTOR'S REPORT**

A. Public Works Master Plan Progress Update

The engineers have completed the site surveys of the properties at the Public Works facility and the Mechanical Maintenance facility. Ken and the Mayor will evaluate the proposals for improvements. The recycling and household hazardous waste drop offs will be located at the front of the property.

Mayor Small will meet with the property owner of the 3.5 acres situated next to the Public Works facility next week.

- B. ALDOT Grant Sidewalk Status Update  
Scott Hutchinson will send the bid packages out next week for the installation of these sidewalks. Once the bid is let, the contractor will have 90 days to complete construction.

There were discussions on the installation of the sidewalks along County Road 64. The right-of-way was used up when the road was widened. Ken Eslava indicated that he will have Scott Hutchinson send out requests for easements from the property owners on the south side of the road for installation of sidewalks.

- C. District Two Sidewalk Status Report  
Ken Eslava indicated that the sidewalk project continues to move toward Deer Avenue, followed by Belrose and Lee Avenue. Ken Eslava indicated that they will have a public meeting before they begin construction since they have received a couple of letters from residents in that area who do not want the sidewalks installed.

As previously discussed, the sidewalks along 6<sup>th</sup> Street from College to Dryer will not be installed as there is a paved parking lot that extends the length of the road. Also, the sidewalk on Captain O'Neal from Dryer Avenue to College Avenue will not be installed because of the logistics of the area.

- D. City Road Construction Status Report  
Ken Eslava indicated that all of the road construction projects have been completed in Park City, as has the resurfacing of Lawson Road. John Lake inquired about the plans for road improvements on Park Drive, the main street in Park City. Ken indicated that he is looking into this area and soil testing will be needed.

He has sent a recommendation to the Finance Committee to award the balance of the work for the micro-surfacing bid at today's Finance Committee meeting. The contractor has agreed to begin work next month once he receives the bid.

- E. Piers/Boardwalk Construction Status Report  
Ken Eslava indicated that the pier at May Day Park is nearly complete. It is still lacking a roof for the gazebo, stairs, handrails, and the landing. In addition, the pier at Village Point Park is complete. Mr. Eslava indicated that all pier construction projects should be completed within two to three weeks.

Ken Eslava indicated that the playground at Bayfront Park has been removed due to alligator sightings.

- F. Ken's Attendance at APWA Annual Convention in Orange Beach, AL  
Ken Eslava will attend the Alabama Public Works Association meeting in Orange Beach on May 30 through June 1, 2006.

- G. Dryer Avenue Access Update  
Mayor Small is expecting an update later today on the status of the Dryer Avenue Access.

Mayor Small indicated that the Tallent property boundary survey is almost complete. Councilman Bailey Yelding has requested a sketch of the property.

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

- A. The minutes from the April Museum Committee meetings were reviewed.
- B. Councilwoman Cathy Barnette inquired into the status of the Dunbar and Walding properties near the Museum. Mayor Small indicated that he has looked into the possibility of the property being donated to the City, which would then be designated as part of the Museum.

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the May Beautification Committee meetings were reviewed.
- B. Councilman Bailey Yelding indicated that he knows a resident who is interested in participating in the Beautification Committee, and he will provide that person's name to the Committee.

**IX. ENGINEER REPORT**

- A. NRCS Update  
No comments were made about the NRCS projects.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held June 23, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

The meeting adjourned at 10:15 a.m.

**CITY OF DAPHNE  
PUBLIC WORKS COMMITTEE AGENDA  
Time: 8:00 AM on May 26, 2006  
Location: City Hall Council Chambers**

**Councilman Bailey Yelding, District 1  
Councilwoman Cathy Barnette, District 2  
Councilman John Lake, District 3**

**I. CALL TO ORDER**

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

- A. Correspondence
- B. Work Request Report

**III. OLD BUSINESS**

- A. Minutes – April 28, 2006

**IV. NEW BUSINESS**

- A. Any other business deemed necessary

**V. DIRECTOR'S REPORT**

- A. Public Works Master Plan Progress Update
- B. ALDOT Grant Sidewalk Status Update
- C. District Two Sidewalk Status Report
- D. City Road Construction Status Report
- E. Piers/Boardwalk Construction Status Report
- F. Ken's Attendance at APWA Annual Convention in Orange Beach, AL
- G. Dryer Avenue Access Update

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

- A. Minutes – April 10, 2006

**VIII. BEAUTIFICATION COMMITTEE**

- A. Minutes – May 5, 2006

**IX. ENGINEER REPORT**

- A. NRCS Update

**V. FUTURE BUSINESS**

- A. Next Meeting – June 23, 2006, 8:00 a.m.

**XI. ADJOURNMENT**



Dear Public Works,

Thank you for all  
your help with the  
festival!

Sincerely,  
Jonja

1 mm 2005

05-01-06 A10:16 IN

Dear Mr. Eslava,

I just wanted to take a minute to say thank you for the great work the City of Daphne did adjacent to my property in Lake Forest. The stabilization of the hill side and the addition of rip wrap will go a long way in preventing additional sediment from silting up Lake Forest down stream. The completion of this work to protect the watershed has also provided me with a great peace and mind.

I have been working in New Orleans for Homeland Security/FEMA in support of Hurricane Katrina since November 2005. I get to come home to Daphne every other weekend plus one week per 30 days of deployment. It was a great surprise to see all the work completed. Plus the bonus that the job was done before this year's hurricane season gets here.

Thank you again and your staff for a job well done. If there is ever anything I can do to help you out with any projects in or around Daphne and Lake Forest please feel free to contact me any time.

Sincerely,  
Victoria J. Phelps  
111 Worchester Drive  
Daphne Al 36526

Good work to  
GAD 5/6/05

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Jubilee Christian Center  
28186-B Hwy. 98 MOBILE AL 366  
Daphne, AL 36526  
20 MAY 2006 PM 2 T



To the Public Works of Daphne, 5/08/2006  
Thank you so much for being a part of our Hurricane Awareness Day. We know you are busy and we appreciate your coming to spend the day with us for this important community event. It was so generous of you to support our efforts in getting the community ready for hurricane season. Thank you again. Your presence was very much appreciated.  
Sincerely, Pastor Mike Matthews



**Daphne Elementary School South**

1000 Main Street

Daphne, AL 36526

251.626.0277

251.626.0488 (FAX)

Dana Horst, Principal

May 8, 2006

Dear Candice, Freddy, Duane and others in Public Works,

On behalf of Daphne Elementary School South I would like to thank you for all your assistance for our Field Day on April 28<sup>th</sup>; we had a very successful day because of people in the community like you all.

Thank you for the tents, for putting them up, for the garbage cans, for cutting the grass and for the ice for our ice chests. All the little things amounted to a lot and we really appreciate it.

Everyone had a fantastic day. We all appreciate what you do for our children at Daphne Elementary School South.

Sincerely,

Elizabeth Jennings

Daphne Elementary School South

Physical Education teacher



## Alabama Wildlife Federation

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3050 Lanark Road • P.O. Box 1339  
Millbrook, Alabama 36054  
Phone (334) 285-4550 • Fax (334) 285-4959

May 10, 2006

Mr. Ken Eslava  
Public Works Director, City of Daphne  
1705 Main Street  
Daphne, AL 36526

Dear Ken:

I just wanted to thank you for all the help with the T.R. "Buddy" Beiser Reef Dedication Ceremony at Mayday Pier on May 4<sup>th</sup>. I know that everything was in order with the grounds thanks to your leadership and hospitality. We cannot thank you enough, but know that the AWF and I recognize your efforts and appreciate you tremendously.

Sincerely,

Tim L. Gothard  
Executive Director



Partners-in-Education  
of The Community  
Heart



# Certificate of Appreciation

This certificate is awarded to

*City of Daphne / Public Works, Ken Eslava*

in recognition of valuable contributions

*Partners-in-Education 2006  
Daphne High School*





The  
Daphne Public Library  
cordially invites you to  
**Something to BRAG About -**  
**An Artists' Reception**



*Sunday, May 21, 2006*

*2:00—4:00 pm*

*At the Daphne Public Library*

*In honor of*

*the ladies of BRAG*

*and the wonderful mural they painted in*

*the Children's Reading Room.*

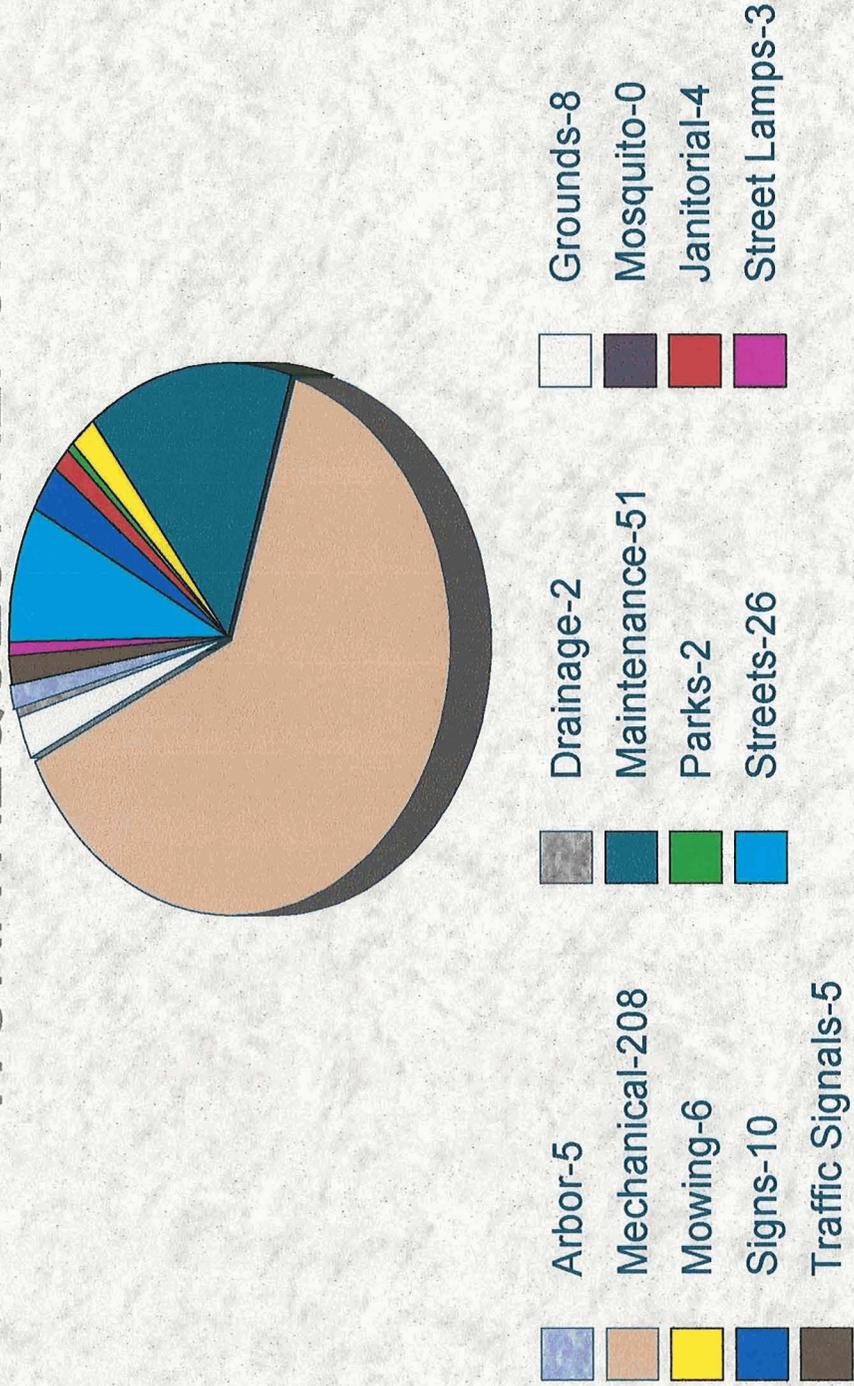


*Sponsored by the  
Friends of the Daphne Public Library*

# Division of Public Works

## April 2006

### WORK REQUEST REPORT



**PUBLIC WORKS COMMITTEE MEETING**  
**April 28, 2006**

Councilman Bailey Yelding, District 1  
Councilwoman Cathy Barnette, District 2  
Councilman John Lake, District 3

**I. CALL TO ORDER**

The April meeting of the Public Works Committee was called to order at 8:04 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Melvin McCarley, Aileen Trotter

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

The committee reviewed the correspondence and the work request reports for February and March 2006.

**III. OLD BUSINESS**

A. The committee reviewed the minutes from the Public Works Committee meeting held February 24, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

B. Councilwoman Cathy Barnette requested an update on the household hazardous waste building and the master plan for the Public Works facility. Ken Eslava indicated that the master plan is being drawn up and there is a possibility that the placement of the HHW building may be changed at the Public Works facility in order to improve accessibility by the public. Ken Eslava indicated that the master plan should be completed in May. It may allow for the location of Daphne Utilities near the Public Works facility.

Mayor Small indicated that the creation of a GIS department is being considered. Councilman John Lake requested that the City investigate hiring an IT person. Mayor Small stated that the new employee at the library is providing some IT support, and the City will be receiving assistance in standardizing software and other computer products.

Mayor Small indicated that a master plan is also being created for the Police Department. The animal shelter may be located at the Police Department. The mechanical shop will be relocated to the Public Works facility. An appraisal of the property for the mechanical shop has been received. Councilman John Lake indicated that he would prefer that the property be leased instead of being sold.

C. Councilman Bailey Yelding inquired about the status of the installation of the sewer in Dauphine Acres. Mayor Small indicated that he has maps of the sewer available that he can discuss with Mr. Yelding.

**IV. NEW BUSINESS**

A. Out-front Deck Mowers

A study of the cost to purchase the mowers versus leasing them was conducted. The study indicates that the City would benefit more from a purchase of the mowers than a lease. The costs for the purchase would be \$119,000 versus \$123,000 for the lease. Mowers depreciate by 70% every two years, which is also when the warranty expires and mechanical problems often develop. By purchasing new mowers every two years, the City saves money overall and also owns <sup>the</sup> mowers that can then be sold or auctioned. There

will be an emergency meeting of the Finance Committee on Monday to discuss a change in the budget since the total purchase cost will be needed up front.

**Councilwoman Cathy Barnette made a motion to send to the Finance Committee the positive recommendation for the purchase of the out-front deck mowers; Councilman Bailey Yelding seconded the motion.**

- B. Hurricane Awareness Day is Saturday, April 29, 2006, at the Jubilee Christian Center from 10 am until 4 pm. Public Works employees will represent the City at the event. Publications from the Baldwin County Emergency Management Agency will be available to the public. There were discussions of the possibility of the City holding the event in 2007.
- C. Councilwoman Cathy Barnette expressed concerns from the residents in the neighborhood near the Dryer Public Access. They are concerned that the Dryer Access will be taken over by Bayside, since it is shown in their master plan. Mayor Small indicated that they are going to survey the public access area. He indicated that he has been in contact with Bayside Board Members to make an agreement that will allow for two to four parking spaces for the Dryer Public Access.

**Cathy Barnette made a motion to send to the Finance Committee the request for funding for the survey for the Dryer Access. The motion was seconded by Councilman John Lake.**

Ken Eslava stated the he has received one quote for the remediation of the stairs at the Dryer Public Access.

City Clerk David Cohen will be requested to research the agreement on the bay access in this area.

**V. DIRECTOR'S REPORT**

- A. Road Improvements Update  
Paving began in Park City on Thursday, April 27, as part of the \$500,000 in funds allotted for road improvements. Nine and a half roads were paved before work ended. On Monday, May 1, work in Park City will be completed and then will begin on Lawson Road. Baldwin County is completing all full depth asphalt surfacing as outlined in the handout. All micro-surfacing is being sent to public bid.
- B. Sidewalk Projects Update  
Ken Eslava indicated that the sidewalk project in Daphmont has been completed. District 2 sidewalks will be installed next, beginning with Deer Avenue, Belrose, and Lee Avenue. Planning for the sidewalks along Captain O'Neal is in the works. Mayor Small has asked Ken Eslava to review the costs of the installation of the sidewalks by City employees versus bidding the work. Ken Eslava indicated that the comparison shows that the sidewalk installation is more cost effective when completed by City employees.

Councilman Bailey Yelding requested that the sidewalks in Daphmont be revisited in order to re-dress the areas. He also requested that the Grounds Department evaluate two trees at 305 Oak Street that are hanging over the sidewalks.

Councilwoman Cathy Barnette inquired into the sidewalk installation on Captain O'Neal. Ken Eslava indicated that the sidewalks will be placed on the east side of the street. The sidewalk along Captain O'Neal will be from College to Deer.

Sidewalks along 6<sup>th</sup> Street from College to Dryer (item i on the handout) will not be installed as there is a paved parking lot that extends the length of the road.

- C. Emergency Management/Upcoming Hurricane Season Discussion  
This item was discussed in conjunction with Item E. Emergency Management Web Site Progress
- D. Update on NRCS projects  
All of the City's NRCS projects were approved, and the Mayor has contracts for \$1.682 million. The projects will be discussed in the Finance Committee meeting, and should be discussed at the May 15 City Council meeting. A portion of the gulley on Whiting Court will be included in the projects, as will County Road 64. Councilwoman Cathy Barnette requested a public meeting once the scope of the District 2 projects is established.
- E. Emergency Management Web Site Progress  
A template of the web site is provided in the handout. It will provide links to other agencies, information related to emergency conditions, information for employees, etc. Mayor Small and Ken Eslava will meet to determine what else should be included. The web site should be published in mid-May.

Councilman John Lake would like to have the City library work with the State library system to ensure that there is no fee associated with using computers when evacuees need access to this type of information during evacuation.

Councilwoman Cathy Barnette requested an update on the City's disaster preparedness plan. Ken Eslava indicated that he is in the process of updating the hurricane handbook. Mayor Small indicated that the City has not held a hurricane season preparation meeting yet. Captain David Wilson has been designated as the co-emergency management coordinator along with Ken Eslava.

Several items in the disaster preparation handbook were discussed.

## **VI. SOLID WASTE AUTHORITY**

### **VII. MUSEUM COMMITTEE**

- A. The minutes from the February and March Museum Committee meetings were reviewed.

### **VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the March and April Beautification Committee meetings were reviewed.

## **IX. ENGINEER REPORT**

- A. NRCS Update  
The NRCS update was provided as part of the Director's Report.

**X. FUTURE BUSINESS**

**A.** The next Public Works Committee meeting will be held May 26, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

The meeting adjourned at 9:11 a.m. **Councilwoman Barnette motioned to adjourn.**  
**Councilman Lake seconded the motion.**

**MEMORANDUM**

**CITY of DAPHNE...DIVISION of PUBLIC WORKS**

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**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 23, 2006**

**Re: Public Works Master Plan Progress Update**

**The Public Works Master Plan has come full circle and we are now actively working on two proposals.**

**Initial meetings were held with Volkert & Associates to discuss the scope of work for the Plan, which involved the following steps:**

- Professional Property Engineering Survey.....complete**
- Survey & locate existing on-site facilities.....complete**
- Survey of existing square footage of buildings currently in use @ Mechanical Maint. Facility.....complete**
- Drafting basic plan to begin**
- overlays of future facility arrangement.....complete**

**We have completed the first of two rough “paper model” layouts showing the proposed arrangement of facilities within the existing property boundaries. As we stepped through this first arrangement, it became obvious that the Public Works Division will need to acquire additional bordering property in order to meet the needs of the future**

**Estimated expenditures to date: \$7500.00**

**Budgeted funds for Master Plan Development: NTE \$15,000.00**

# **MEMORANDUM**

## **CITY of DAPHNE...DIVISION of PUBLIC WORKS**

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**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 23, 2006**

**Re: ALDOT Sidewalk Projects update**

**In speaking with Scott Hutchinson of HMR regarding our ALDOT Grant sidewalk projects, he advises me that the engineering completed a couple of months ago, and the documents have been returned from Montgomery approved for bid issuance.**

**The documents should be issued for public bid late next week, or early the following week, and are expecting the following schedule to apply to the balance of the project:**

**Receipt of sealed bids: NLT June 23, 2006**

**Bid Tabulation: Week of June 26, 2006**

**Bid Award: Week of July 3, 2006**

**Pre- construction meeting & notice to proceed: Week of July 10, 2006**

**Estimated contract completion: Awaiting input from Scott Hutchinson**

**Sidewalks in this scope of work are:**

**Whispering Pines Road...from Main Street East to C.R. 13**

**Park Drive...from U.S. 98 to Japonica Lane**

**Daphne Avenue...from Main Street to U.S. 98**

**C.R. 64..from U.S. 98 to Pollard..*have now encountered R.O.W. problems***

**MEMORANDUM**

**CITY of DAPHNE...DIVISION of PUBLIC WORKS**

---

**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 23, 2006**

**Re: District Two Sidewalk update**

**Work continues on the Deer Avenue sidewalk down the West right-of-way, working from Main Street towards Captain O'Neal Drive.**

**Once complete with this run, we will shift to Belrose Avenue, and then to Lea Avenue...completing all East-West sidewalk runs planned for this Council District.**

**The thought process behind working the East-West runs first is for us to have ample time to resolve a minute amount of documented public concern with sidewalks on Captain O'Neal Drive. As well, we will be planning out the sidewalks there as relating to existing drainage patterns, existing driveways, etc. In scoping out our plans, the East right-of-way is definitely the path of least resistance for this construction effort.**

**As well, we will be constructing the footbridge in the "S" curve prior to the sidewalks reaching that far South on Captain O'Neal.**

**Deleted from the existing District Two list are:**

**Sixth Street...between College Avenue and Dryer Avenue  
Captain O'Neal Drive...between Dryer Avenue and College Avenue**

**Prior to beginning the Deer Avenue sidewalk, we had expended \$21,000.00 in completing District One sidewalk projects.**

**There was \$100,000.00 allotted in the Capital budget for the overall sidewalk construction program.**

# **MEMORANDUM**

## **CITY of DAPHNE....DIVISION of PUBLIC WORKS**

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**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 23, 2006**

**Re: City Road Construction Status Report**

**As I have reported previously to Council, we have completed the asphalt overlay / paving phase of our \$500,000.00 road improvement program thus far.**

**Expenditures thus far for the paving of Park City roads, and the overlay of Lawson Road, will near the \$80,000.00 mark. We did add a 3/8 mile strip of South Main Street to the Countys' scope of work while we had them in town. This was not initially planned, but we saw the opportunity of having them already mobilized and took advantage of their very reasonably priced work in this case.**

**The balance of the road work, listed below, has been publicly bid....bids received and tabulated and a recommendation for project award in the amount of \$433,198.80 has been forwarded to Finance Committee for approval. The successful bidder, Florida Highway Products, has committed to begin work in June based on approval by Council at next weeks meeting.**

**Approved projects are: North Main Street, Windsor Drive (Lake Forest), Lake Forest Boulevard, Daphne Avenue, Trione Street, Guarisco Street and Mancini Avenue.**

# **MEMORANDUM**

## **CITY of DAPHNE....DIVISION of PUBLIC WORKS**

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**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 24, 2006**

**Re: Piers / Boardwalk construction update**

**Mayday Pier is now nearing completion...all concrete work is complete and the gazebo is being constructed on the West end of the pier. The stairs leading down to the crabbing piers is incomplete. A contractor will finish the landing of the pier with a nice wooden deck and an ADA compliant ramp leading to the handicapped parking spaces. I estimate a two week completion schedule for this pier. Public Works will now begin the installation of lighting and electrical for the pier. The overall project is within the contractual dollar limits...and is on schedule.**

**Village Point Pier(Daphne Ferry Pier) completed this past weekend. Public Works is now planning the installation of the electrical requirements for the pier. The support piling are substantially longer on the new pier, and should withstand more significant storms in the future. The overall project is within the contractual dollar limits....and is on schedule.**

**Village Point Boardwalk is on track to finish late this week. Lacking are a few handrails and the task of nail head driving will be the last task on the project. The overall project is within the contractual dollar limits....and is on schedule.**

**As the carpenters finish the Boardwalk, they will shift their focus on completion of the Bayfront Pier. I estimate that this project will complete in three weeks or less. Public Works is currently planning the Electrical & Water requirements for the pier, and will begin installation**

**as soon as the pier itself completes. The overall project is within the contractual dollar limits....and is on schedule.**

**MEMORANDUM**

**CITY of DAPHNE....DIVISION of PUBLIC WORKS**

---

**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 24, 2006**

**Re: My attendance @ Alabama Public Works Association Convention**

**I will be attending the annual convention of the Alabama Chapter of the American Public Works Association in Orange Beach, Alabama next week.**

**I'll be out of the office next Tuesday and Wednesday, attending technical sessions covering such topics as Household Hazardous Waste, new trends in Solid Waste Management, alternative fuels, current road construction trends, etc., as well as interfacing with other Public Works Officials from around the State of Alabama.**

**This opportunity always proves beneficial in that I get to converse with other officials who deal in precisely the same work requirements as our Public Works Division manages....and often pick up several hints from others on how to improve our operating efficiency.**

# **MEMORANDUM**

## **CITY of DAPHNE....DIVISION of PUBLIC WORKS**

---

**To: Mayor Fred Small  
Public Works Committee**

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



**Date: May 24, 2006**

**Re: Dryer Public Access status update**

**Misty Gray in Jay Ross' office is still verifying legal ownership of the access at the West end of Dryer Avenue...leading down to Mobile Bay. Once her work is complete, a report should be forwarded to Mayor Small for his review.**

**In speaking with the Mayor on this subject, he indicated that he has directed Hutchinson, Moore & Rauch to execute a survey of said property in order to confirm the legal boundaries of the property.**

**Mayor Small can give us all an update of this project status on Friday. I have received one quotation from a local contractor to rebuild the public access stairs down the face of the bluff on this property.**

**THE OLD METHODIST CHURCH MUSEUM OF DAPHNE  
MINUTES - APRIL 10, 2006**

The regular monthly meeting of the Old Methodist Church Museum of Daphne was held on April 10, 2006. The meeting was called to order by President, Mickey Boykin.

**ATTENDEES:** Helen Callaway, Tot Brantley, Polly Gregorius, Camilla Butler, Jeanne Nelson, Betty Baker, Lucy Cunningham, Emily Hammond, Al Guarisco, Candice Bishop, Margie Waldrop, Mickey Boykin.

**MINUTES:** The minutes of the March meeting were read and approved as corrected.

**TREASURER'S REPORT:** No report.

**COMMITTEE REPORTS:**

**Telephone:** No report.

**Fund Raising:** No report.

**Exhibits:**

1. Display case for Sirmon wedding dress. Mickey gave Candice photos and measurements of the Bertolla display case with the suggestion that the new case need not be as elaborate. Candice asked about the glass and hardware. Mickey advised her to tell Marshall (Parsons) to purchase whatever was needed and to present a bill to the museum.

2. Shelves for display of old books. Al stated that he may be able to complete the project this week and further stated that he had a bill for supplies in the amount of \$78.44 to present to Treasurer, who was absent at this meeting. Helen Callaway announced that she had some of her grandfather's encyclopedias that she wished to donate to the museum.

**Publicity:** Mickey announced that she had sent an article about the monthly meetings to the Baldwin Register for publication.

**Special Events:** Memorial Day Celebration. Mickey and Al met with the mayor and staff on April 4. The following decisions were made:

1. The date, time, and place of the celebration will be on Sunday, May 28 at 2:00 at the museum.
2. The Reverend Mike Parker, Pastor, Daphne Baptist Church, will give invocation.
3. Keynote Speaker: Joe Birindelli
4. Music: Al volunteered to contact someone with Little Bethel Baptist Church
5. Public Works Dept. will again set up tent, chairs, podium and microphone and will furnish ice chests and bottled water.
6. Daphne Police Dept. will be involved.
7. Refreshments will be provided by volunteers.
8. Glenn Robinson agreed to display some of his military memorabilia.
9. Candice will again prepare the brochure.
10. Mickey and Shannon (mayor's asst) will visit Battleship Park and take photos of the Vietnam Memorial to be used for the cover of the brochure.

**Discussion:** Emily announced that the Montrose AME pastor had spoken at their church last week and he was just great. She said they also had a choir. Al said if Little Bethel Baptist church could not participate, then he would contact the pastor of the AME church.

**Cemetery:** No report.

**Volunteers:** Decision made to close museum on all major holidays: Easter, 4<sup>th</sup> July, Thanksgiving, Christmas.

**Chamber of Commerce Tourism Bureau:** Al announced the county's plans for a county-wide walking tour. More info will

be forthcoming. The upcoming county bicentennial was briefly discussed. Mickey announced that Shannon Spivey, Mayor Small's assistant, had asked to speak to the museum volunteers about this event. She is scheduled to speak at our May meeting.

**UNFINISHED AND ONGOING BUSINESS:**

**Renovations/Grounds:** Candice reported that the city had installed a street light positioned so that the museum sign could be seen at night.

**Tours:** Jeanne reported that Christ the King 3<sup>rd</sup> grade class tour was scheduled for Wednesday, 26 April from 12:40 to 3:00 p.m. Emily reported that all 3<sup>rd</sup> grade classes of Daphne Elementary School North were scheduled for tours Monday - Thursday, April 24-28, at 9:30 a.m. She also reported that the school had received a grant in the amount of \$250 that could be indirectly donated to the museum if the museum agreed to purchase suitable articles for distribution to all students. She further stated that we had ordered 300 ballpoint pens from Tubbie's Tees in Fairhope at a estimated cost of \$185.00. The excess grant money would then be deposited in the museum's bank account. The color purple was selected for the pens with the name and address of the museum printed in gold on the pens. Purple and gold are the school colors. A schedule for volunteers to assist in the tours was established.

**Dunbar and Walding Properties:** Shannon to follow up with Rev. Fillingim on the mayor's request that the Methodist Church consider donating museum and cemetery property to the City of Daphne.

**Self-Guided Tour of Museum Leaflet:** No report.

**Long Range Plans:** No report.

**Cemetery Brochure:** Completed.

**Plaque Commending Restoration Society:** Mickey and Emily visited East Bay Engraving shop in Fairhope and secured some prices for the plaque. Mickey presented suggested wording to be inscribed. Al suggested including a photo of the church as it appeared after Hurricane Frederic. Mickey remarked that she thought it would be a nice gesture to present the plaque to former officers and/or members of the board of directors at a regular council meeting with the understanding that the plaque would be returned to the museum for permanent display. Following the presentation, a brief promotion of the museum could be given.

**City Council Agenda:** See above paragraph.

**Purchase of Copier:** Mickey announced the need for a new copier. She has discussed this with Pat. No vote called for since this issue was previously approved. A copier will be purchased in the near future.

**NEW BUSINESS:** Mickey announced that the museum had several pieces of inoperable electronic equipment which needed to be disposed of. Public Works Dept. now has a disposal area for such items. When items are identified, Public Works employees can pick them up and transport them to disposal site.

**ANNOUNCEMENTS:** Next regular meeting - May 8.

**ADJOURNMENT:** There being no further business, the meeting was adjourned.

Submitted by:  
Mickey Boykin

# Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

## Minutes of Meeting

May 5, 2006 - 10:00 AM

**Meeting:** General Membership Meeting

**Invitees:**

**City Liaison:** Marshall Parsons, Marjorie Bellue

**Members:**

Chair: Carollee Grindel (4)	Nancy Henderson (3)	Jerry Guillott (4)
Vice Chair: Vincent Russo (2)	Dorothy Morrison (2)	Audry Rouire (6)
Secretary: Anne Talton (7)	Dorothy Rankins (5)	Patty Kerney (5)
	Frieda Romanchuck (7)	Bea Wilson (2)
Marilyn O'Connor Moore (2)	Tomasina Werner (4)	

- I. **Call to order** – 10:04 a.m.
- II. **Roll call** – Present – Anne Talton, Frieda Romanchuck, Marilyn O'Connor Moore, Jerry Guillott, Tomasina Werner, Dorothy Rankins, Dorothy Morrison, Bea Wilson, Audry rouire, Patty Kerney, Marshall Parsons and Marjorie Bellue
- III. **Approval of minutes** – The minutes of the April meeting were accepted as read.
- IV. **Announcements** - Frieda announced that a resolution from the Daphne Beautification committee to ban digital billboards in Daphne had not been necessary at the Planning Commissions meeting as it did not pass.
- V. **Sub-Committee Reports**
  - a) Crepe Myrtles – This subcommittee did not meet this month as we have given quite a lot of requests for Crepe Myrtles planting to Marshall and he has not been able to start at this time. The agreement between Foley and Daphne for the tree digger had been lost and they had to resubmit the request.
  - b) Butterfly Gardens – Dorothy Morrison gave us a lot of information from her trip to Europe. She said that the butterflies need caves and a lot of water. She and Carollee will have a meeting with the rest of their committee on May 22. Marshall informed us that the state gave him permission to plant three acres of wildflowers.

- c) Christmas Decorations – Frieda Romanchuck, Nancy Henderson and Marshall Parsons met and started sorting through the old decorations and they do need to meet again. Patty Kearney and Dorothy Morrison volunteered to help. Marshall will be meeting with a professional display designer to get some new ideas.
- d) Beautification Awards – Jerry Guillott said that she needs more help in selecting worthy businesses to give these awards to. Audrey Rouire and Patty Kerney volunteered to help her. She will call them to have a meeting.

**VI. Open business**

- a) Park Tour – re-scheduled to this meeting – Marshall had his van and would be our tour guide.

**VII. New Business - none**

- VIII. Public Works Report** – Marshall reported that the tree remediation work would be finished by May 16. The tree trimming was almost finished in Lake Forest and he had one more area to trim. There had been a lot of tree permits taken out (fear of another hurricane) and this has kept him very busy. He told us that trees are stronger if left in large numbers instead of thinning them down, especially taking out all of the pine trees.

Tomasina asked for the chairmen of subcommittees to give her reports to use for publicity to let the public know what we do.

- IX. Adjournment** – 10:47 (Seven of us went on the Parks Tour with Marshall and it was a delightful, informative outing for all of us – Thanks Marshall)

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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**Daphne Library Board  
May 8, 2006  
Meeting Minutes**

**In Attendance:**

Interim Library Director Nancy Seale, Board Members Glenn Swaney, Chairman, Cassandra Day, Ernie Seckinger, Anita Rigas, Council Representatives Gus Palumbo and John Lake. Absent was Gayle Robinson.

**Call to order:**

After a quorum was established, Glenn Swaney called the meeting to order at 4:35 pm.

**Reading and Approval of Minutes:**

The minutes of the April 10, 2006 meeting were reviewed and approved.

**Monthly Reports:**

The Monthly Report for April was presented to the Board and accepted. Ms Seale reported that the numbers for the Children's Festival will be presented next month. Circulation was down slightly due to the closing of the children's room while a mural was being painted by local artists from BRAG. New adult books are being processed with a backlog developing due to Nancy's additional duties. The book money should be spent by August so that new material will be in by the end of the year in October.

**Library Maintenance:**

The old carpet will be replaced over the Memorial Day weekend, with Mr. Swaney overseeing the project. It was reported that Ken Eslava is checking on the inadequate lighting in the Library parking lot. It was suggested that this item be put on the agenda for the City's Building and Properties meeting. The new copier has been approved which will replace the printers in the computer booths, with patrons paying for copies as they need them. Ken Royal, the computer technician, will set up the copier. He is also helping with a layout of the shelving to get it back into place after the carpet installation. It was reported that the City is looking at hiring a full-time maintenance person for preventative issues in City buildings. Discussion followed about the need for site overview and construction management when the time comes for the Library expansion. Ernie Seckinger reported on resources about planning for expansion from Kansas. Mr. Palumbo announced that the parking lot will be resealed.

**Old Business:**

Glenn Swaney will follow up on a revision of Library Policies per advice from the City Attorney.

Sharing of the computer technician by the City was discussed with the consensus that another person should be hired if needed.

The City approval of \$1 million for Library expansion as part of a recent bond issue was discussed. Council minutes will be checked for special wording of usage of the money.

Glenn reported on a phone call to Jo Bonner's Washington office in an attempt to secure more funding, grants, etc.

Hurricane preparedness was discussed with the idea that the purchase of a large generator would be beneficial for the protection of Library materials and provide computers and internet access.

Ernie Seckinger requested that a conference call be set up for Library Director position interviews if he is out of town when they are scheduled.

**Upcoming events:**

A Town Meeting about Public Libraries is being scheduled for Saturday, June 3, at the Daphne Library from 10:00-1:00 according to information received by Ernie. It was suggested that we publicize this event to the public.

Tonja Young sent a press release announcing a reception for the BRAG artists who painted the mural in the children's room to be held Sunday, May 21 from 2:00-4:00.

**Public Participation:**

None

The meeting adjourned at 5:30 pm.

Respectfully submitted by Anita Rigas

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF FEBRUARY 23, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

**CALL TO ORDER:**

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

**CALL OF ROLL:**

**Members Present:**

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

**Staff Present:**

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

The Chairman stated the first order of business is the call to order. Please let the record reflect all members are present and the Commission has one position vacant. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the January 26, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

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

**NEW BUSINESS:**

The Chairman stated the next order of business is administrative presentation review for Eastern Shore Park Landscape Plan.

An introductory presentation was given by Ms. Camilla Latidy, representing Kent Broom Landscape Architects, of a proposed landscape plan for Interstate 10 North of Eastern Shore Park Subdivision. A slide show presentation was given of the three options proposed by Mr.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF FEBRUARY 23, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Broom. The first option is to leave the project as is and maintain the grass every two weeks to present to the public a clean, healthy and easy to maintain right-of-way.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF FEBRUARY 23, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF APRIL 27, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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

CALL TO ORDER:

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:02 p.m.

CALL OF ROLL:

**Members Present:**

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

**\* Ms. Barnette arrived at 6:10 p.m.**

**Staff Present:**

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

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

APPROVAL OF MINUTES:

The minutes of the March 30, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mayor Small **to approve the minutes of the regular meeting. The Motion carried. Mr. Kirby abstained due to his absence at the meeting.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF APRIL 27, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF APRIL 27, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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**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. 2006-47**

**A RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
VISION STATEMENT SECTION AND IMAGE MAP**

**WHEREAS**, the City of Daphne Planning Commission having previously engaged in the extensive studies of the environment, patterns of development, distribution of population and having made a careful and comprehensive survey and study of present conditions and future growth patterns for the City of Daphne and with due regard to its relation to neighboring territories as well as the characteristics of social and economic structure within the City of Daphne and;

**WHEREAS**, the City of Daphne Planning Commission, by Resolution, gave unanimous, favorable recommendation on November 23, 2005 to amend the Comprehensive Plan with a new vision statement and image map and;

**WHEREAS**, all requirements and requisites of the laws of the State of Alabama have been met with regard to discussion, preparation and passage of the Comprehensive Plan and the City of Daphne Planning Commission have recommended favorable adoption by the Daphne City Council;

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE** that the document entitled *ADaphne Comprehensive Plan@* and all official maps and related documents pertaining thereto, be and is hereby amended an adopted by the Daphne City Council on this the 5<sup>th</sup> day of June, 2006.

**CITY OF DAPHNE, ALABAMA**

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.**

Ms. Burnett stated the revision to the image map represented is from Van Buren Street to Interstate 10 West of U.S. Highway 98. This would allow residential high rise development to exceed fifty feet within the described area. The proposal will combine residential and business uses which are compatible to the residential high rise development within a height limit of two hundred feet. The developer once placed on the image map shall petition the Planning Commission and City Council for a zoning amendment to a residential high rise, RHR, zone.

Mr. Rob McElroy, General Manager of the Utilities Board of the City of Daphne, commented on the amendment proposed by Mr. Fine in the public hearing. He stated that the Utilities Board of the City of Daphne had affirmed the agreement for the proposed sale of the property located Southwest of the intersection of Merritt Boulevard and U. S. Highway 98. He requested that the Planning Commission consider the proposed revision to the Image Map to include the property for Mr. Merritt and the Utilities Board.

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

**A Motion was made by Ms. Barnette and Seconded by Mayor Small to adopt the revision to the Vision Statement section of the Comprehensive Plan.**

*Upon roll call vote, the Motion carried.*

Mayor Small	Aye
Mr. Chason	Aye
Mr. Carrisco	Aye
Mr. West	Aye
Mr. Segalla	Aye
Ms. Barnette	Aye
Mr. Eide	Aye

**A Motion was made by Ms. Barnette and Seconded by Mr. Chason to adopt the revision to the Image Map section of the Comprehensive Plan to include the area located from Van Buren Street to Interstate 10 West of U.S. Highway 98 (reference: Apalachee Residential Community) and the area, presented by Mr. Rick Fine, located West and Southwest of the intersection of Merritt Boulevard and U. S. Highway (reference: Utilities Board of the City of Daphne and Robert Merritt property).**

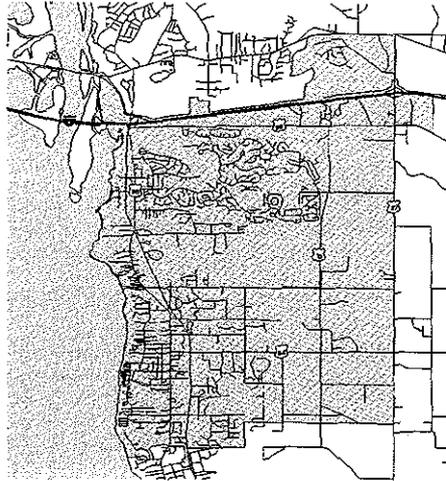
*Upon roll call vote, the Motion failed.*

Mayor Small	Nay
Mr. Chason	Aye
Mr. Carrisco	Nay
Mr. West	Nay
Mr. Segalla	Abstained
Ms. Barnette	Aye
Mr. Eide	Aye

**A Motion was made by Mr. West and Seconded by Mayor Small to adopt the**

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# PREPARING DAPHNE FOR THE FUTURE



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## A Comprehensive Plan 2000-2020

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### **Purpose**

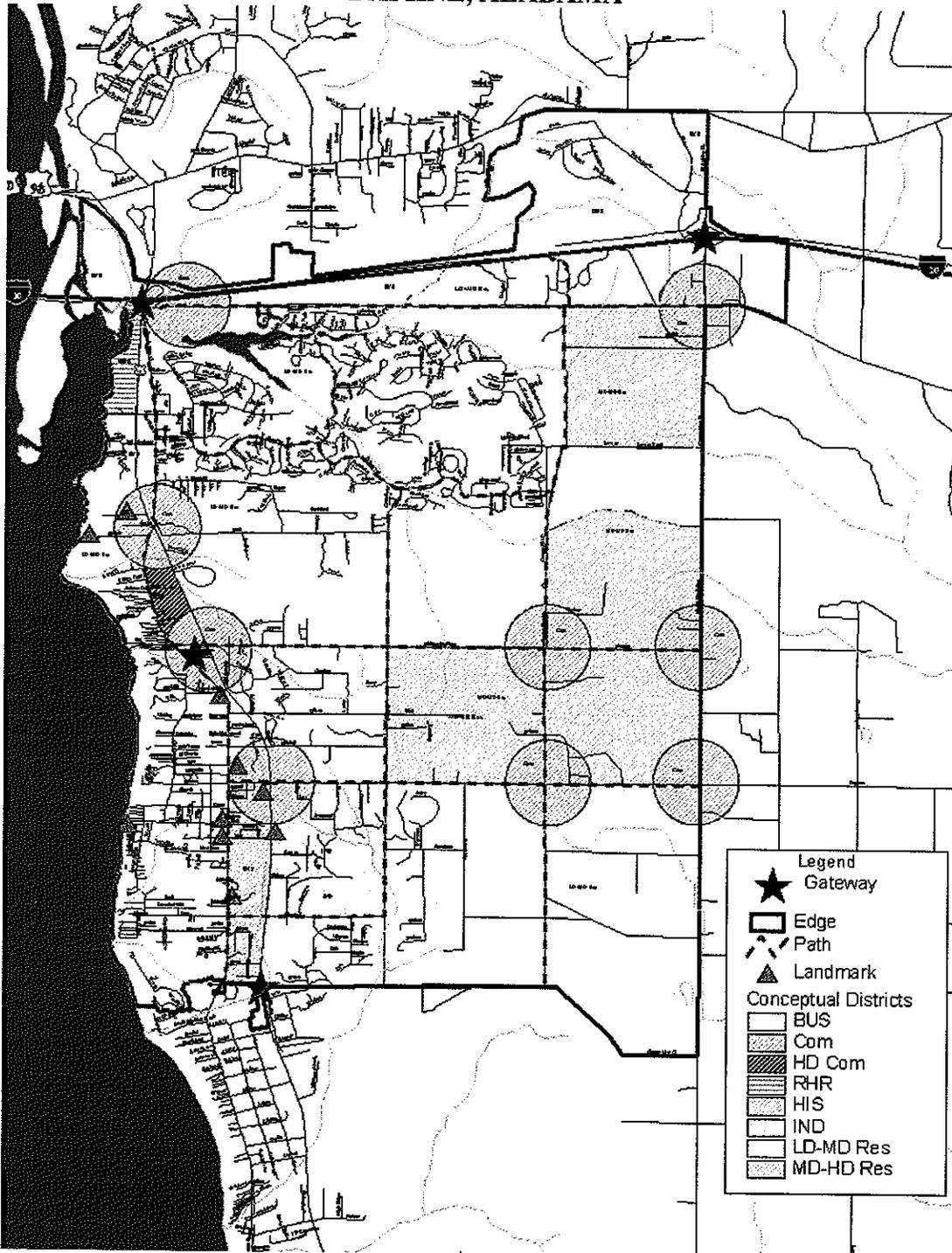
To be the preferred residential waterfront community in South Alabama for families, retirees and businesses.

### **Vision<sup>1</sup>**

To be a safe, healthy, caring and progressive City committed to a high quality of life, financial self-sufficiency, a spirit of civic cooperation, a strong sense of community, and a positive environment for educational, personal, cultural, religious, and business growth. Through comprehensive planning, the citizens of Daphne intend to manage and direct the City's growth, ensuring the highest quality of living for each resident by, preserving the residential climate, city image and small town character, stimulating economic growth, and attracting quality industry, while preserving and protecting the natural environment and scenic beauty for all.

1. Amended: November 22, 2005

**FIGURE 3  
IMAGE MAP<sup>1</sup>  
DAPHNE, ALABAMA**



1. Amended: November 22, 2005

**Resolution 2006- 48**

**RESOLUTION: 2006-T-ROAD PROJECTS CRACK SEAL & CAPE SEAL**

**WHEREAS**, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

**WHEREAS**, the City of Daphne acknowledges that ROAD PROJECTS: CRACK SEAL & CAPE SEAL will exceed \$50,000; and

**WHEREAS**, the City of Daphne did receive and review bids for the ROAD PROJECTS: CRACK SEAL & CAPE SEAL and has determined that the bid as presented is reasonable; and

**WHEREAS**, staff recommends the bid for ROAD PROJECTS: CRACK SEAL & CAPE SEAL be awarded to Florida Highway Products, Inc.;

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid Florida Highway Products, Inc. in the amount of \$15.00/Gal Crack Seal and \$6.20/Sq Yd Cape Seal (Total estimated project cost \$433,198.80) as specified in BID SPECIFICATION NO. 2006-T-ROAD PROJECTS: CRACK SEAL & CAPE SEAL.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_ , 2006.

\_\_\_\_\_  
**Greg Burnam, Council President**  
Date & Time Signed:\_\_\_\_\_

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

**ATTEST:**

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

**RESOLUTION NO. 2006- 49**  
**2006-U-POLICE VEHICLE EQUIPMENT**

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

**WHEREAS**, The City of Daphne acknowledges that the cost for the POLICE VEHICLE EQUIPMENT will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the POLICE VEHICLE EQUIPMENT and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the POLICE VEHICLE EQUIPMENT be awarded to Firehouse Sales & Service, Inc. .

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Firehouse Sales & Service, Inc. for unit cost as bid herein and made a part hereof for BID SPECIFICATION NO. 2006-U-POLICE VEHICLE EQUIPMENT.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5<sup>th</sup> day of June ,2006.**

\_\_\_\_\_  
**Greg Burnam, Council President**  
Date & Time Signed:\_\_\_\_\_

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

**ATTEST:**

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

## 2006-U-POLICE VEHICLE EQUIPMENT

### EQUIPMENT TO BE INSTALLED ON 2006 CROWN VICTORIA POLICE INTERCEPTOR

3- LIGHT BARS- FEDERAL SIGNAL 44" ARJENT SL LED, 582004, BLUE AND BLUE, (4) 6 INTERSECTION LED LIGHTS, (4) 6 LED BLUE, (4) 9 LED BLUE, (2) TAKEDOWN LIGHTS, (2) ALLEY LIGHTS, BLUE DOMES, SIGNAL MASTER BAR, DELUXE CONTROLLER AND MOUNTING HARDWARE

Warranty  
3 yrs - Arjent Bar  
5 yrs - LED Bulbs

3 @ \$ 1724.<sup>50</sup> /ea = \$ 5173.<sup>50</sup>

1- INTERIOR BLUE LIGHTS- STAR ULB42-BB, INTERIOR UNDERCOVER LED PHANTOM LIGHT BAR, FRONT WINDSHIELD, COLOR- BLUE, 3 ROWS LED

Warranty  
1 yr.

1 @ \$ 788.<sup>00</sup> /ea = \$ 788.<sup>00</sup>

1- INTERIOR BLUE LIGHTS- STAR ULB42-1-BB, INTERIOR UNDERCOVER LED PHANTOM LIGHT BAR, REAR WINDOW, COLOR- BLUE, 3 ROWS LED

Warranty  
1 yr.

1 @ \$ 788.<sup>00</sup> /ea = \$ 788.<sup>00</sup>

4- STROBE LIGHT KITS, SHO-ME, HIDEAWAY, 6 BULBS IN KIT, 60 WATTS OR 90 WATTS

Warranty  
5 yrs - power supply  
1 yr - Strobe Bulbs

4 @ \$ 253.<sup>50</sup> /ea = \$ 1,014.<sup>00</sup>

4- MICRO LITES LEDS, SHO-ME, 11.9064, COLOR BLUE, BLACK HOUSING, 4 LIGHT KIT WITH FLASHERS AND SWITCHES

Warranty  
2 yrs

4 @ \$ 323.<sup>50</sup> /ea = \$ 1,294.<sup>00</sup>

4- CONSOLES- HAVIS SHIELDS, C-1800, 18", WITH ACCESSORY PLATES, ARMREST, AND MOUNTING HARDWARE

Warranty  
Lifetime

4 @ \$ 236.<sup>50</sup> /ea = \$ 946.<sup>00</sup>

4- COMPUTER STANDS- HAVIS SHIELDS, C-TCB-1, TELESCOPY COMPUTER BASE

Warranty  
Lifetime

4 @ \$ 124.<sup>50</sup> /ea = \$ 498.<sup>00</sup>

4- COMPUTER STANDS- HAVIS SHIELDS, C-3090-4, LAPTOP PLATFORM WITH TILT SWIVEL, AND ADJUSTABLE HEIGHT

Warranty  
Lifetime

4 @ \$ 1166.50 /ea = \$ 4666.00  
**2006-U-POLICE VEHICLE EQUIPMENT**

4- COMPUTER STANDS- HAVIS SHIELDS, C-SS, LAPTOP SCREEN SUPPORTS

Warranty  
Lifetime

4 @ \$ 184.00 /ea = \$ 736.00

4- RADIOS- KENWOOD TK-980, (800 MHZ)

Warranty  
2 yrs

4 @ \$ 399.40 /ea = \$ 1,597.60

4- RADIOS- KENWOOD TK-7160 HG, (VHF)

Warranty  
2 yrs

4 @ \$ 399.40 /ea = \$ 1,597.60

5- WINDOW BARRIERS- SETINA, REAR PASSENGER WINDOWS

Warranty  
1 yr.

4 @ \$ 130.50 /ea = \$ 522.00

4- PARTITIONS, SETINA, 10-S, LEXAN SLIDING CENTER, WITH BUCKET SEAT PLATE AND MOUNTING HARDWARE

Warranty - 5 yrs

4 @ \$ 420.00 /ea = \$ 1,680.00

4- SHOTGUN LOCKS, PROGARD G5000UT, WITH 10 SECOND TIMERS

Warranty  
1 yr

4 @ \$ 170.80 /ea = \$ 683.20

4- SIREN SPEAKERS, FEDERAL SIGNAL DYNA MAX, MS-100, 100 WATT, WITH MOUNTING BRACKETS

Warranty - 2 yrs

4 @ \$ 149.70 /ea = \$ 598.80

4- SIREN/LIGHT CONTROLS, FEDERAL SIGNAL TOUCHMASTER, UTMD-MB

Warranty - 5 yrs

4 @ \$ 410.00 /ea = \$ 1,640.00

PRICES MUST INCLUDE ALL SHIPPING COSTS.

ALL EQUIPMENT MUST BE DELIVERED WITHIN 21 DAYS AFTER BID AWARD

Del. Will Be 30-35 Days A.R.

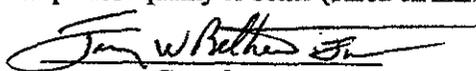
**GRAND TOTAL \$ 19,560.30**

## 2006-U-POLICE VEHICLE EQUIPMENT

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM.

### OPTION:

- Additional purchases may be required throughout the year for same unit cost as stated in bid contract. Quantities and frequency of purchases will be at the City's discretion. Equipment must be of comparable quality or better (based on market availability).

  
Comply

Do not Comply

COMPANY NAME

FireHouse Sales & Service

PHONE NUMBER

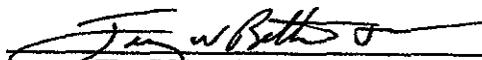
251-432-1625

FAX NUMBER

251-431-0706

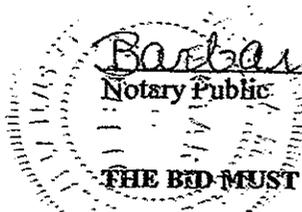
FEDERAL ID#

63-0941913

  
AUTHORIZED SIGNATURE

Jerry W. Bethea Jr.  
PRINT NAME

Quotation for the described bid submitted to the City of Daphne, Alabama this 16<sup>th</sup> day of May, 2006.

  
Barbara M. Wall  
Notary Public

THE BID MUST BE RETURNED IN PERSON TO:

CITY OF DAPHNE  
ATTENTION: SUZANNE HENSON  
1705 MAIN STREET  
DAPHNE, ALABAMA 36526

BY MAIL TO:

CITY OF DAPHNE  
ATTENTION: SUZANNE HENSON  
P.O. BOX 400  
DAPHNE, ALABAMA 36526

(FAXED BIDS WILL NOT BE ACCEPTED)

**RESOLUTION 2006- 50  
PREPAID TRAVEL**

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

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

***David Cohen, City Clerk, ADECA Recreation Programs Compliance Workshop,  
June 8-9, 2006, Montgomery, AL. - \$70***

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on  
this \_\_\_\_-\_\_-\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam, Council President**

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

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

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

**ATTEST:**

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

**RESOLUTION NO. 51**

**A RESOLUTION APPROVING THE CITY OF DAPHNE'S  
PARTICIPATION IN THE STATE OF ALABAMA SALES  
TAX HOLIDAY AS AUTHORIZED BY ACT NO. 2006-574  
FOR THE YEAR 2006.**

**BE IT RESOLVED**, by the City Council of the City of Daphne, Alabama as follows:

Section 1. Section 4 of Alabama Act No. 2006-574 grants municipal governments authority to provide for the exemption of certain covered items from the payment of municipal sales tax during a period commencing at 12:01 a.m. on the first Friday in August of each year and ending at twelve midnight the following Sunday under the same terms, conditions and definitions as provided for the state sales tax holiday.

Section 2. The City of Daphne grants approval for the exemption of certain covered items from the payment of municipal sales tax for the period commencing at 12:01 a.m. Friday, August 4, 2006 and ending at twelve midnight Sunday, August 6, 2006 under the same terms, conditions and definitions as provided for by Act No. 2006-574 and Alabama Department of Revenue Rule 810-6-3.65.

Section 3. This Resolution shall become effective July 1, 2006.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam, Council President**  
Date & Time Signed:\_\_\_\_\_

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

**ATTEST:**

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

**ORDINANCE NO. 2006 – 17**

**Ordinance to Rezone Property Located  
on the corner of 2<sup>nd</sup> Street and Van Buren Street  
Two Step Partners, L.L.C.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, said property is located on the corner of 2<sup>nd</sup> Street and Van Buren Street in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

Parcel A:

Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.

Parcel B:

Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.

**WHEREAS**, the Planning Commission of the City of Daphne on March 30, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, May 15, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,**  
**THIS day \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

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

**ATTEST:**

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

**TWO STEP PARTNERS, LLC  
ZONING AMENDMENT**

**EXHIBIT "A"**

**Legal Description:**

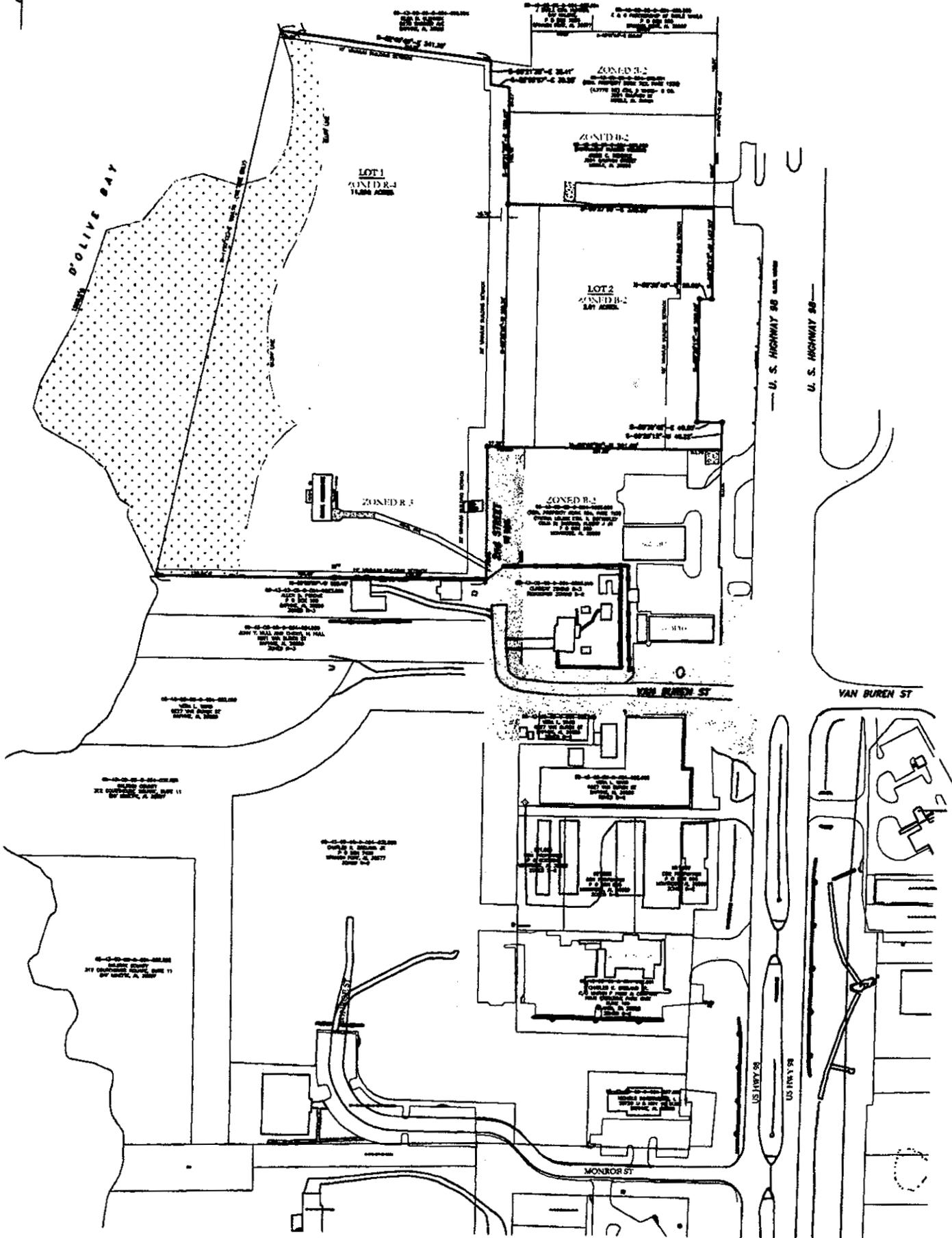
**Parcel A:**

**Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.**

**Parcel B:**

**Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.**

**Reference: formerly Cecil Parrish property located at 28720 2<sup>nd</sup> Street**



TWO STEP PARTNERS  
 ZONING AMENDMENT EXHIBIT "B"



**CITY OF DAPHNE  
ORDINANCE NO. 2006 - 39**

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**AN ORDINANCE ADDING/AMENDING THE FOLLOWING SECTIONS OF THE CITY OF DAPHNE, ALABAMA LAND USE AND DEVELOPMENT ORDINANCE, ORDINANCE 2002-22, ADOPTED ON SEPTEMBER 3, 2002, THEREBY ADOPTING A REVISION TO ARTICLE XXXIII, SIGN PROVISIONS**

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**WHEREAS**, the Planning Commission of the City of Daphne, Alabama, at their special meeting held on April 7, 2006 considered certain amendments to the Sign Provisions of the City of Daphne Land Use and Development Ordinance (Ordinance No. 2002-22) and set forth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

**WHEREAS**, due notice of said revision of the ordinance has been presented to the public as required by law through publication and a public hearing was held before the City Council on May 15, 2006 concerning said amendments; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne, after due consideration deem that said amendments are proper and believed to be in the best interest of the City that amendments be affirmed.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT THE DESCRIBED AMENDMENT BELOW IS HEREBY ADOPTED AS FOLLOWS:**

**SECTION I:**

**This Section hereby repeals the following sections in their entirety:**

**Article XXXIII, Section 33-5 (e)(2), Section 33-5 (h), 33-5 (1), 33-9 (a), 33-10 (title name), and 33-10 (j) (2) currently read as follow:**

**33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED**

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July), retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

- (1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two

(2) square feet and forty-two (42) inches in height.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet.

**33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

(1) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers, information/directional signs may be permitted subject to the following:

**33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)**

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign.

**SECTION II:**

This Section hereby amends the City of Daphne Land Use and Development Ordinance by establishing the following sections to replace those previously repealed under Section I of this Ordinance and hereby adding Sections 33-10 (k) and (1).

Article XXXIII, Sections 33-5 (e)(2), 33-5 (h), 33-5 (l), 33-9 (a), 33-10 (title name), 33-10 (j)(2), 33-10(k), and 33-10(l) thereby providing for "Interstate Corridor Signs" (33-10(k)) and "Commercial/Retail Development Interior Street Signs" (33-10(l)), and shall read respectively as follows:

**33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED**

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

(1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet and forty-two (42) inches in height. Such directional signs may have the name of the business, but may not contain advertisements for sales, specials, and the like.

(2) Property Owners Associations (i.e., "POA's") will be allowed to place interior directional signs along city right of ways in neighborhoods. Said signs shall be no greater than 2 square feet and not to exceed 42 inches in height, constructed of wood material, and sand blasted, carved or other similar lettering, aesthetically designed to harmoniously blend with the surrounding neighborhood.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet. This shall include signs commonly referred to as "Pump Toppers" on top of gasoline pumps and shall be limited to 2 ½ square feet in dimensions. In recognition that parent oil companies often provide said signs to the subsidiary stations, minor deviations in size shall be allowed, subject to the approval of the code enforcement officer.

**33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

- (2) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:

**33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)**

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for signs requiring sign permits in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign facing a public road in front of a school or public building, or on or around the supporting structure of the sign.

(k) Interstate Corridor Signs:

One "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of 200 feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 10 and/or Interstate Right of Way with a right of way that has no property other than a city, county, or state right of way between the subject real property and the interstate right of way. No sign shall be erected on any lot or parcel containing less than 200 feet of said frontage space. The sign shall be located at or very near the interstate right of way of the parcel, and shall contain no more than 250 square feet of signage.

Said sign shall be no greater than 40 feet in height, measured from the finished grade of the property and shall be no greater than 20 feet in width. Any sign to be erected shall be subject to the approval of the Planning Commission."

- (1) Commercial/Retail Development Interior Street signs:

Inasmuch as commercial developments continue to arise within the City limits which contain private interior streets with retail and/or business space being located on both sides of said private interior streets, advertising signs shall be allowed to be placed at each end of the private interior street. Said sign shall be either a monument style or "Street Lamp, hanging sign" style. Said signs shall be limited to 30 square feet on each side of the sign, regardless of the number of businesses located on said private interior street.

Monument style signs shall be no higher than 5 feet, and Street Lamp style signs shall be no higher than 20 feet, both to be measured from the finished grade. Any proposed sign must first be approved by the Planning Commission prior to being erected.

### **SECTION III: CONFLICTS**

This Section provides for conflicts with other articles, ordinances, or regulations. If the provisions of this article conflict with other articles, ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

### **SECTION IV: SEVERABILITY**

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

### **SECTION V: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

\_\_\_\_\_  
GREG BURNAM  
COUNCIL PRESIDENT  
DATE/TIME SIGNED: \_\_\_\_\_

\_\_\_\_\_  
FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DAVID COHEN, CITY CLERK, MMC