

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JUNE 16, 2008
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION
PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting minutes meeting held June 2, 2008

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes special meeting held June 2nd

Review minutes meeting held June 9th

a.) Ordinance:

Wooster Residence Alternative Action / [Ordinance 2008-40](#)

b.) Resolution:

Retire Police Dog Canine / [Resolution 2008-28](#)

c. Financial Reports:

1.) Treasurers Report / Ending May 31, 2008

2.) Sales & Use Tax Collections / April 30, 2008

3.) Lodging Tax Collections / April 30, 2008

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held June 6th

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review Beautification minutes meeting held May 2nd

Review Beautification minutes meeting held June 2nd

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

Reappoint Mr. Barry Taylor to BZA / Term ending - 2011

B. Downtown Redevelopment Authority – Barnette

Review minutes meeting held June 9th

C. Industrial Development Board – Yelding

D. Library Board - Lake

Review minutes meeting held May 8th

E. Planning Commission – Barnette

F. Recreation Board - Palumbo

G. Utility Board - Scott

Review minutes meeting held November 28, 2007

Review minutes meeting held January 2, 2008

Review minutes meeting held January 30, 2008

Review minutes meeting held February 27, 2008

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) Authorizing the Mayor to sign certificate for the Bayside Educational Authority /
[/Resolution 2008-29](#)

b.) Motion to authorize mayor to enter into a contract with Church of His Holy Presence for the purchase and maintenance of additional lighting.

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) **Declaring Certain Personal Property Surplus and Authorizing Disposition / Jago PD Dog. /Resolution 2008-28**

b.) **Authorizing Mayor to Sign the Certificate with Respect to Approval of Bonds Issued by the Bayside Academy Educational Building Authority /Resolution 2008-29**

ORDINANCES:

1ST READ

a.) **Wooster Settlement: FEMA Hazardous Mitigation Grant / Proposed Alternative Action. /Ordinance 2008-40**

b.) **Establishing the Use of Electronic Vote Counting Devices. /Ordinance 2008-41**

c.) **Wrecker Service/ Increase Fees. /Ordinance 2008-42**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN NAGER

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

**JUNE 2, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

County Commissioner David Ed Bishop gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake, Greg Burnam; Ron Scott; Eric Nager; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; James White, Fire Chief; Richard Merchant, Building Official; Bill Eady, Planning Department Director; David Carpenter, Police Chief; Melvin McCarley, Interim Public Works Director; Sandra Morse, Civic Center Director; Jane Robbins, Mayor's Assistant; Scott Hutchinson, HMR; Erick Bussey, Attorney; Ron Allen, Library Board; Willie Robison, BZA; Al Guarisco, Village Point; Selena Vaughn, Beautification, Derek Boulware, IDB; David Ed Bishop, Baldwin County Commission.

Absent: Sharon Cureton, Human Resource Director.

MOTION BY Councilman Yelding to appoint Councilman Burnam Council President. *Seconded by Councilman Palumbo.*

AYE Yelding, Barnette, Lake, Scott, Nager, Palumbo

ABSTAIN Burnam

NAY NONE OPPOSED

MOTION CARRIED

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held May 19, 2008. *Seconded by Councilman Yelding.*

AYE Yelding, Barnette, Scott, Palumbo

ABSTAIN Lake, Burnam, Nager

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to approve the Council Work Session minutes meeting held May 15, 2008. *Seconded by Councilman Yelding.*

AYE Yelding, Barnette, Lake, Scott, Palumbo

ABSTAIN Burnam, Nager

NAY NONE OPPOSED

MOTION CARRIED

PRESENTATION: Bay Rivers Art Guild / Valley O'Neal / Introduce New President Marion McAleer

Mrs. O'Neal introduced Mrs. Marion McAleer to Council as the new president of Bay Rivers Art Guild. She will be president for two years.

PRESENTATION : TimberCreek Property Owners Association / Bob Foth

Mr. Foth was not present to read the resolution recognizing the efforts of Councilman Palumbo, Stuart Allhands and Edward Nelson for working to get a traffic signal light at the northern entrance to TimberCreek on U.S. Highway 31. Councilwoman Barnette read the resolution, and the resolution is spread out upon these minutes.

PRESENTATION: Grant Award for Library / Representative Randy Davis

Representative Davis was unable to be present at the meeting to present the award so Council President Burnam asked that this presentation be put on the next Council agenda.

PRESENTATION: Support for Zydeco Festival Sponsors / Sandra Morse

Mayor Small aided by Mrs. Morse presented sponsors of the Zydeco Festival with framed posters for the event. Sponsors are listed below:

Baldwin County Commissioners
Hutchinson, Moore and Rauch
Riviera Utilities
Kathy Ebbitt / Chairman of Flounder Day Parade
Gulf Distributing

David Ed Bishop accepted
Scott Hutchinson accepted
Councilman Palumbo accepted
Kathy Ebbitt accepted
J. R. Ebbitt accepted

JUNE 2, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

3

Sponsors not present:

Budweiser
Naman's Catering
East Bay Kia

Dorsett Productions
Mediacom
Home Depot

Mayor Small read a proclamation from Opelousas, LA Mayor and Aldermen regarding the Daphne Zydeco Festival. The proclamation is spread out upon these minutes.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The committee had a special meeting before the Council meeting at 6:00 p.m. The next meeting will be Monday June 9th at 4:00 p.m.

Councilman Scott stated that they had received the preliminary sales tax report for May, and there seems to be a reversal of the trend. This is the first month that the sales tax collected was more than last year.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The next meeting will be Friday at 10:00 a.m. at City Hall.

C. PUBLIC SAFETY COMMITTEE – Burnam

The next meeting will be Wednesday at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. The committee will not meet in June.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

There will be a meeting June 5th at 6:00 p.m. to consider one petition for a day care at 703 Pine Street in Daphmont subdivision.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be June 9th t 5:30 p.m. It will be a joint meeting with Village Point Foundation.

C. Industrial Development Board – Yelding

Mr. Derek Boulware stated that the board met May 22nd and discussed ideas working along with the Baldwin County Alliance. David Cohen, City Clerk, stated that Mr. Jim Rouprich resigned and Council will need to appoint a replacement from District #2.

D. Library Board – Lake

The next meeting will be Thursday at the Library.

E. Planning Commission – Barnette

MOTION BY Councilwoman Barnette to set a Public Hearing date for July 7, 2008 to consider:

- 1.) Rezoning: Big Sandy / US Hwy 98 & Johnson Road / R-4, High Density Single and Multi-Family Residential District to B-2, General Business District**
- 2.) Amend Land Use & Development Ordinance / Sign Provisions**
- 3.) Rezone: Baldwin AL Development / AL Hwy 181 / From B-1, Local Business District to B-2, General Business District**
- 4.) Annexation: Paul Powers Real Estate Venture / East Side of AL Hwy 181 / Requested Zoning: B-1, Local Business District - 28.52 Acres / R-4, High Density Multi-Family Family Residential District – 12.23 Acres / R-4, High Density Single Family Residential District – 9.14 Acres / R-3, High Density Single Family Residential District – 9.72 Acres**
- 5.) Rezoning: Elite Development Company / NE Corner of Parker Lane and Avery Lane / From R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District**

Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The Site Review meeting will be June 18th at 8:00 a.m. and the Planning Commission meeting will be June 26th at 6:00 p.m.

F. Recreation Board – Palumbo

The board met last month and the minutes are in the packet. The next meeting will be June 11th at 6:00 p.m. at the Recreation Center. Scott Hutchinson will make a presentation on the Master Plan.

G. Utility Board – Scott

The board met last Wednesday, and the minutes will be in the next packet. The board won an award for the best water for a city of a certain size.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

- a.) *ABC License / Homewood Suites by Hilton / 040 – Retail Beer – (On or Off Premises) / 060 - Retail Table Wine – (On or Off Premises)*

MOTION BY Councilwoman Barnette to approve the ABC License for Homewood Suites by Hilton / 040 – Retail Beer – (On or Off Premises / 060 – Retail Table Wine – (On or Off Premises) Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small stated that Vince Calmetti gave 2000 more feet of raised median for landscaping on Hwy 181 in Malbis to make the aesthetics more pleasing.

B. City Attorney's Report

There is a number of pending litigation and personnel matters to discuss with Council, and Mr. Ross asked Council to enter into Executive Session at the end of the meeting.

C. Department Head Comments

David Carpenter – Police Chief – reported that Kenny Hempfleng had a heart attack Friday. He recognized the symptoms and drove himself to the hospital. He has been released from the hospital and is doing fine.

David McKelroy – Recreation Director – announced that last Thursday was the first Art in the Park and thanked Daphne Utilities for purchasing, preparing and serving 700 hot dogs. Recreation also served 700 drinks, 600 snow cones, and 350 bags of popcorn. Art in the Park will also be next Thursday from 10:00 a.m. – 1:00 p.m. at Lott Park. The following Wednesday will start Wet and Wild Wednesdays which will be June 11th, 18th, and 25th.

Tonja Young – Library Director – reported that the Library had their Summer Reading Program kickoff today, “Catch the Reading Bug”. They had a performance by a wild-west duo with a good number of local children present. Everyone is invited to come out and read this summer.

Sandra Morse – Civic Center Director – reported that the time is fast approaching for the 8th Annual Taste of the Eastern Shore. The theme this year is “The Taste of the Eastern Shore Remembers the ‘50’s, with a Sock Hop for Adults. They are asking that people dress according to the period. The “Taste” benefits Daphne High School.

Bill Eady – Planning Director – reported that the Baldwin County Commission during its regular meeting held on May 20th approved the acceptance of County Road 13 right-of-way from County Road 64 south to Milton Jones Road for the City of Daphne. He said that he wanted the Police Department, Fire Department and Public Works to know that they have some new territory. He said that it has been recorded.

7. PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – encouraged folks to get out and vote. He also spoke regarding having a miracle field so that handicap children can play ball.

David McKelroy – Recreation Director – stated that there is a miracle field included the Master Plan for the proposed 122 acre recreational property.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Bid Award: PD Dry Cleaning / Dixie Service Dry Cleaners. /Resolution 2008-25
- b.) Bid Award: PD Uniforms Leather Gear / Lawmen’s & Shooters Supply, Inc. /Resolution 2008-26
- c.) Bid Award: City Hall Landscaping: Shrubbery & Plants / John Deere Landscapes. /Resolution 2008-27

MOTION BY Councilwoman Barnette to waive the reading of Resolutions 2008-25, 2008-26 and 2008-27. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2008-25. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2008-26 and 2008-27. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

a.) Appropriation of Funds: LaCasa Subdivision. /Ordinance 2008-38

1ST READ

b.) Appropriation of Funds: 2006 Construction Fund Landscaping
and Irrigation. /Ordinance 2008-39

MOTION BY Councilwoman Barnette to waive the reading of Ordinances 2008-38. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-38. *Seconded by Councilman Yelding.*

AYE NONE IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2008-39. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Yelding	Aye	Nager	Aye
Barnette	Aye	Palumbo	Aye
Lake	Aye	Burnam	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2008-39. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2008-39. *Seconded by Councilman Yelding.*

Councilman Scott amended the motion to include in the amount of \$107,500. Councilman Yelding seconded the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

9. COUNCIL COMMENTS

Councilman Yelding stated: I would like to bring to Council’s attention something I read in the newspaper today, and I think it is something worthy of us doing something special maybe later on, but a young man by the name of Patrick White was named Alabama State Athlete of the Year, even though he went to school in West Virginia they thought enough of him to make him the Alabama Athlete of the Year. I looked at the list and since 1970 there was only one other kid that made Athlete of the Year out of this area, Jamarcus Russell, out of Mobile. I commend his father, Bo White, our Fire Chief, for a fine young man.

Councilwoman Barnette stated: I would like to commend Ms. Robbins on an excellent Jubilee Breeze. It continues to get more and more weaved together with the theme of the issues, and I think it is a great resource for the City of Daphne. I would like to commend her and the Mayor for a job well done. I would also like to say that I was lucky enough to “Catch the Reading Bug” this morning, and there was a great crowd, and a lot of kids. I am sure I will be a part of “Wet & Wild next Wednesday, and it is another reason why Daphne is so special, because we have so many opportunities and resources for all our residents in a way to embrace and support one another. So seeing all these activities this week really makes me happy to be from Daphne, and proud to be serving the community. I would like to offer my deepest regrets to Mrs. Dana Horst, principal of W.J. Carroll, whose husband passed away, and as well the Scourtes family, and my prayers are with the Hempfleng family. It is a difficult time for all of them, and I hope their family can persevere and pull through. They have all contributed significantly to the City of Daphne in different ways, and as a community we are lucky to have them, and I hope that they know that their support is with them.

Councilman Lake stated: I went to State League a couple of weeks ago, and I did get some very good information from there, and one item is that the State Tourism Board wants cities to sponsor one community organization, and they will help us advertise in the national news media they do regional. I was going to talk with Mrs. Morse about doing the Zydeco Festival, but what they are talking about doing is a Home Coming for Alabama for all the communities, and in return they will present to each community a plaque, one of those historical markers. I am hoping that we can get Daphne’s obituary perhaps put on it and put it some place in the city. I would like to see if the Council could get the chamber to take the lead again in something similar to “Corridor 98” in which they took the lead in getting the crepe myrtles and other things planted along Hwy 98, and do the same for AL Hwy 181. It would be nice to start looking at planting crepe myrtles and oaks in that area, and look at the landscape. It would be good for the chamber to lead that again. One other thing, Mr. Scott you are in my prayers, because I hope you win tomorrow.

JUNE 2, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

9

Councilman Scott stated: I was fortunate enough to go to Coffee with the Mayor, and Mayor Small had Mayor Sam Jones over from Mobile and Congressman Bonner as guest speakers. If you want to stay informed about your community you need to avail yourself to these types of opportunities. Mayor Jones was very impressive, and the spirit of cooperation of this whole area now is something to be proud of. I think in years past there was not a spirit of cooperation between neighboring cities, but those relationships are excellent now, and are improving. As I have said many times the rising tide floats all boats, and we will be successful as a community on the eastern shore or we will be a failure as three communities on the eastern shore, so we need to be pulling for each other. I too want to commend Ms. Robbins on the Jubilee Breeze. The Mayor and Council report about where we were, where we are, and where we are going is worth reading. Also, for the part where we are going, we need input from everybody in the City of Daphne, what is in the Breeze is just where we think we should go, but we need to go where ya'll want to go, and you need to let us know where that is.

Councilman Nager stated: I would just like to bring up that this coming Thursday is the annual meeting for the Eastern Shore Chamber of Commerce. There will be a dinner in Fairhope, to meet the incoming chairman, and commend the outgoing chairman. I would like to commend that organization as an opportunity for its members to participate and influence in a positive way the growth and development of the entire Eastern Shore, not just Daphne. It really follows up on Mr. Scott's comment about the good relationships there, and that we are just one community, and the chamber of commerce is one organization that oversees and participates in all that.

Councilman Palumbo stated: As has been noted by Mr. Robison tomorrow is election day. We will have primaries for the United State Senate. We will be voting for our new Revenue Commissioner, of which we are all hopeful that Mr. Scott is elevated to that position, we will also vote on an amendment that I think is very important to all those at or near retirement in Baldwin County, and that is amendment one which will cap the property tax, the state portion of the property tax for seniors 65 and older who have lived in their residences for 10 years should they sell their homes and downsize and move to another residence. As the law is written now if you move from that home into another home the clock starts all over again on the 10 years. So this will give some relief to our seniors who are on a fixed income. It is very important to take a look at that amendment. I support that amendment. Also I want to express my condolences to Mrs. Horst and to the Scourtes family, and in particular Billy Scourtes who was a friend to this community, to the City of Daphne and the surrounding areas. Every time we had something, in my tenure on this Council, to do with Malbis property he was there to help. He had a board to report to, but he was a very easy gentleman to deal with, and I wish a lot of luck to his successor. I wanted to express my concern to the community of Malbis, and he will be missed.

Mayor Small stated: I would like to encourage everyone to go out and vote. There are some serious amendments on the docket. I went to Westminster's 25th anniversary celebration, and that was a very good celebration. They do such a good job, and the place always looks very nice. The enthusiasm of all the residents was just overwhelming. I just want to congratulate them on their 25th anniversary, and I know that they will be around for another 25 years because of the way they do business.

**JUNE 2, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Council President Burnam stated: I would like to tell my fellow Council members that I appreciate being reappointed as Council President, and I truly mean it. Thank you very much. I thank Mrs. Barnette for filling in for me. Sorry I missed the Zydeco Festival. I was in Miami, but I was telling everybody down there that they should be up here.

MOTION BY Councilman Scott to enter into Executive Session to discuss pending and threatened legal matters and personnel matters. *Seconded by Councilman Palumbo.*

The City Attorney, Jay Ross, certified that these are appropriate reasons to enter into Executive Session according to the Alabama Open Meetings Act, and stated that the session will take 20 minutes.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 8:00 p.m.

The City Attorney, Jay Ross, came out at 8:25 p.m. to say that the session will last another 20 minutes.

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

10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:46 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Cathy Barnette, 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
June 2, 2008
6:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:02 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Also in attendance were Mayor Fred Small, Councilwoman Cathy Barnette, Police Chief David Carpenter, Public Works Superintendent Melvin McCarley, and City Attorney Jay Ross.

Councilman Eric Nager arrived at 6:08 pm.

II. PUBLIC PARTICIPATION

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request - City Hall Landscaping & Irrigation - \$107,500

It was discussed that City Hall landscaping and irrigation projects were not included in the original City Hall bid. Ms. Briley stated funding for the projects could come from sales tax savings the City has realized by appointing Rod Cooke as purchasing agent.

60,000	Shrubbery & Plants
15,000	Irrigation
15,000	Electrical & Lighting Front Lawn
10,000	Fountain
<u>7,500</u>	Well
107,500	

Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating \$107,500 from the 2006 Construction Fund tax savings for landscaping, irrigation, well, water fountain, and electrical service connections at the City Hall Construction and Renovation project site. Seconded by Mr. Scott. All in favor.

B. Bids

1. 2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS

It was discussed that this is the re-bid from April. Discussion continued that the few plants that were identified as invasive species plants were removed from the bid specs. Ms. Briley noted that the Buildings and Property Committee and Ms. Ashley Campbell reviewed the bid before it was sent out. Mr. McCarley stated that three members of the Beautification Committee met with a group at City Hall and reviewed the plan to establish what changes needed to be made to the plant list in the bid specs.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid Number 2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS for unit cost as bid to John Deere Landscapes. Seconded by Mr. Nager. All in favor.

2. 2008-I-POLICE UNIFORMS LEATHER GEAR

3. 2008-J-PD / DRY CLEANING

Ms. Henson noted these are annual bids and the low bidders, who have provided service previously to the City, were recommended for award by the department.

Motion by Mr. Nager to recommend to Council to adopt a resolution awarding the following bids:

2. Bid Number 2008-I-POLICE UNIFORMS LEATHER GEAR for unit cost as bid to Lawmen's Shooters' Supply Inc.

3. Bid Number 2008-J-PD / DRY CLEANING to Dixie Service Cleaners for unit cost as bid.

Seconded by Mr. Yelding. All in favor.

4. 2008-K – PLAYGROUND EQUIPMENT

Ms. Henson advised that no bids were received for the Playground Equipment for May Day Park but that the equipment will be purchased off the U. S. Communities Contract. Ms. Henson noted that the City can purchase off the U. S. Communities Contract just like State Bid Contracts.

IV. ADJOURN

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

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
June 9, 2008
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding, Councilman Eric Nager, Senior Accountant Suz anne Henson and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Mayor Fred Small and Councilwoman Cathy Barnette.

II. PUBLIC PARTICIPATION

A. Gulf Coast Youth Conservation Career Institute – Appropriation Request – Ms. Alva Tate

Ms. Alva Tate with The Knowledge Network II, requested \$2,000 for a Resiliency program that will be presented to approximately 20 children at the Boys and Girls Club of Daphne. Ms. Tate explained that this is an interactive decision making workshop that empowers youth and adults to achieve emotional intelligence through a crisis. Ms. Tate reported that the \$11,000 grant from the Gulf Coast Resource and Conservation Councils has been postponed because matching funds were not received prior to the deadline. Mr. Scott asked that this request come before the Council at a future work session.

B. Downtown Redevelopment Authority – Mr. Starke Irvine

Mr. Starke Irvine discussed that the Downtown Redevelopment Authority (DRA) has been working with the Village Point Park Preserve and has a list of 8 to 10 projects they would like to accomplish within the City. Mr. Starke Irvine discussed the possibility of the DRA borrowing money through a bond issue and noted that the ability to borrow these funds would require the City dedicating funds from Lodging tax collections to the DRA. The Committee asked the DRA to prioritize their list of projects and get cost estimates to be presented at a Council work session so all Council could review.

III. HUMAN RESOURCES BUSINESS

No Human Resources business was reported.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request

1. General Fund: Demolition of Wooster Residence - \$55,186

It was discussed that an Ordinance had previously been approved a general fund appropriation in the amount of \$55,186 to FEMA for the demolition of the Wooster residence at 103 Gordon Circle. A proposed alternative action was also presented to raise the house at the cost of \$60,000 (City's match is 25%). Mayor Small noted that this would be a possible additional cost to the city of \$4,814. The Mayor noted the action taken will be decided by FEMA but additional appropriation needs to be approved (\$4,814).

Note: If FEMA elects the alternative modification of raising the house then Ordinance 2007-44 will no longer be in effect. Therefore a new Ordinance needs to be approved for the raising of the house and associated cost. After further review of the cost of the alternative modification it was found that additional cost to be appropriated would include \$4,814 & \$5,000 for Plumbing/Electrical modifications. An Ordinance for the City's total required matching funds for the alternative modification (\$20,000) will be presented to Council.

Motion by Mr. Yelding to recommend to Council to appropriate an additional \$4,814 if necessary for the 25% match to FEMA for the demolition or raising of the Wooster residence at 103 Gordon Circle as determined by FEMA. Seconded by Mr. Nager. All in favor.

B. Declare City Property Surplus: Jago, Police Drug Canine

Motion by Mr. Nager to recommend to Council to adopt a resolution declaring Jago the Police Drug Canine surplus property and authorizing the Mayor to direct the transfer of Jago to Detective Joe Sullivan for the amount of \$1.00. Seconded by Mr. Yelding. All in favor.

V. Current Business

Daphne Search & Rescue

It was discussed that Daphne Search & Rescue requests receiving an annual appropriation instead of a line item budget. Ms. Henson noted that consideration would need to be given to Vehicle Maintenance and Fuel ... since certain City property was assigned to Search & Rescue. The discussion was tabled to a later meeting due to Mr. Ronnie Champion not being present.

VI. FINANCIAL REPORTS

A. Warrants & Notes: Maturity Schedules

A listing of the maturity schedules of the City's warrants and notes was presented.

B. Treasurer's Report: May 31, 2008

The Treasurer's Report totaling \$21,455,718.18 was presented.

Motion by Mr. Yelding to accept the Treasurer's Report as of May 31, 2008, in the amount of \$21,455,718.18. Seconded by Mr. Nager. All in favor.

C. Sales and Use Taxes: April 30, 2008

Sales and Use Tax Collected for April 2008	- \$ 968,624
Sales and Use Tax Budgeted for April 2008	- <u>\$ 969,742</u>
Under Budget (for April)	- \$ (1,118)

YTD Budget Collections Variance - Under Budget - \$(381,287)

D. Lodging Tax Collections, April 30, 2008

The Lodging Tax Collections report shows \$46,736.02 collected for April 2008.

E. Report of New Business Licenses – May 2008

A list showing new businesses for the month of May was presented.

F. Bills Paid Reports – May 2008

The May Bills Paid Report was contained in Packet #2.

VII. ADJOURN

The meeting was adjourned at 5:10 p.m.

Things To Do...

check
 Alicia In event
 Jacob don't don't get
 Kim to demolish
 then 6000 approp
 to raise house
 if one will include to
 get estimate
 done then to raise house

*REC'D 7/12/08
 KMS*

WETTERMARK, EVEREST,
 ENS & GAILLARD, LLP

ATTORNEYS AT LAW
 3263 COTTAGE HILL ROAD
 P.O. BOX 16629
 MOBILE, ALABAMA 36616-0629

Telephone: [251] 476-4493
 Fax: [251] 479-5566

March 21, 2008

4/28/08 *file*
 called, left message
5/6/08 called, left message

MAR 25 2008

6-3-08
 per Alicia: Job-estimate
 is 6000 + any electrical/
 wiring. City has to put
 up 25%.

15,000
 5,000 misc. wiring, etc
20,000

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

RE: DAVID WOOSTER, et al. v. CITY OF DAPHNE
 AMIC FILE NO.: 014186DS
 INSURED: CITY OF DAPHNE
 CLAIMANT: DAVID AND DONNA WOOSTER
 DATE OF LOSS: 05/18/2003
 CASE NO.: CV-04-0214
 OUR FILE NO.: 04-1095-AJR

Dear Mayor Small:

We have recently received a memorandum from the FEMA Completeness Specialist who conducted a quality control review of our grant application in this case. FEMA is questioning where the funds will come from for the alternative action proposed in the application. Specifically, FEMA needs to confirm that Ordinance 2006-75, which approved a general fund appropriation for the FEMA Hazardous Mitigation Grant application, would apply to the alternative budget. I know that you previously forwarded an ordinance setting aside a general fund appropriation of \$55,186 for the purchase and demolition of the Wooster residence. However, I will need a letter confirming that funding will be available for the proposed alternative action.



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

June 2, 2008

Mr. Melvin McCarley
Daphne Public Works
26435 Public Works Road
Daphne, Alabama 36526

RE: 103 Gordon Circle
Lake Forest

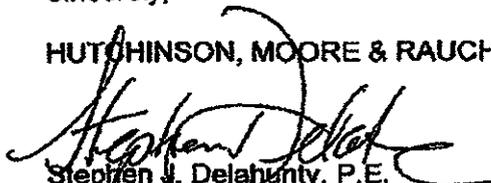
Dear Mr. McCarley:

Hutchinson, Moore & Rauch, LLC received a verbal quote from Fatver's House Movers regarding the raising of the residence at 103 Gordon Circle. Their quote for raising the house 6-8 feet is \$60,000, which includes constructing new pillars, constructing a new sub-floor and providing additional bracing to prevent upstairs racking. This quote does not include electrical or plumbing modifications for the home utilities. This will require separate pricing.

Should you have any questions, please call.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

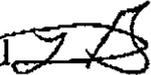


Stephen J. Delahunty, P.E.
Project Manager

/mlp
08.263

**Daphne Police
Department****Internal Letter**

To: Public Safety

From: Captain Daniel Bell 

Date: February 28, 2008

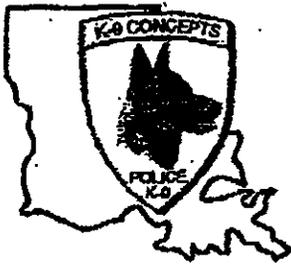
Subject: Police Dog Retirement and
Replacement

In July 2007 the Daphne Police Department K-9 (Jago) attended a mandatory yearly recertification and training school. This school requires the K-9 and handling officer (Jeff Sulzmann) to pass a series of tests and training scenarios to maintain a state certification. While training, Jago showed signs of physical problems and during specific tasks demonstrated that he was in pain. The certifying instructors allowed the certification to stand but suggested limiting the use of Jago. The certifying instructors made it clear that Jago would not be certified again and 2007 would be his last year.

The Daphne Police K-9 performs a variety of duties that include: assisting officers in locating narcotics during traffic stops and search warrants, educating pre-school and school age children, and random searches of the Daphne Schools. Jago is a Ten year old German Sheppard who has served this department for eight years. Jago will be retired in June 2008 and will be placed in a suitable home, pending council resolution, chosen by the Daphne Police Department.

Numerous grants were examined to cover the cost of purchasing a new K-9. Some of those grants included: Planet Dog Foundation, Mil-Bone Canine Heroes Program, Dogs Against Drugs Program, Dogs Against Crime Program, Weed and Seed Communities Grant, National Association of Chiefs of Police, Cox Family Charitable Foundation, and Malbis Memorial Foundation. The listed grants did not apply nor could a grant be found to cover the cost of purchasing a new K-9. The city of Daphne has a large investment in the K-9 program. This investment includes; K-9 car and equipment for that car, Jago, Equipment for Jago, training of the handler, and yearly certifications.

The cost to purchase a new K-9 is \$6,500.00. This cost includes the K-9 and the required two week training course to obtain Alabama certifications.



K - 9 CONCEPTS INC.

139 Robicheaux Rd.
Broussard, LA 70518
(337) 837-2519

21 July 2007

Daphne Police department
1502 Highway 98
Daphne, Alabama 36526

TO WHOM IT MAY CONCERN:

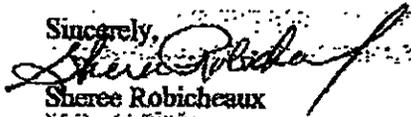
This letter is in reference to your Narcotic Detector Dog: Jago. This is being sent at the request of Jeff Sulzman.

Jeff came through our handler's course w/Jago, as the third or fourth handler of the dog. At that time, Jeff was told that Jago was beginning to show signs of physical problems in checking high. We suggested that he not have the dog check high, unless absolutely necessary.

This month, he came for a couple of days of training prior to an NPCA certification. He worked as did the rest of the dogs his first day here and had to be limited in training on the second day. After one day of several training scenarios, the dog was showing signs of the workout the next day.

While the dog passed certification, it is obvious that this dog should be retired as soon as possible. During the certification, Jago went up to check something high, on his own, without being told and let out a yelp of pain. Jago is very high drive and will do his best to please. But, his job is causing him pain and it is a shame to see the dog try so hard and hurt so much.

I can send names and numbers of other people who were also there to see the dog in certification, so it is not just coming from us.

Sincerely,

Sherree Robicheaux

TREASURER'S REPORT

As of May 31, 2008

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$12,392,395.96
OPERATING ACCT	COMPASS	(\$260,988.10)
PAYROLL ACCT	COMPASS	(\$30,690.55)
MUNICIPAL COURT	COMPASS	\$279,191.18
		<u>\$12,379,908.49</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$4,373.09
4 CENT GAS TAX	FIRST GULF	\$182,518.73
7 CENT GAS TAX	FIRST GULF	\$270,994.80
		<u>\$457,886.62</u>
CAPITAL PROJECTS FUND		
CAPITAL RESERVE	WACHOVIA	\$4,095,271.79
97 WARRANT CONS	WACHOVIA	\$5,210.27
99 WARRANT CONS	REGIONS	\$19,946.74
2000 CONSTRUCTION	REGIONS	\$61,757.03
2006 CONSTRUCTION	WACHOVIA	\$2,430,529.44
		<u>\$6,612,715.27</u>
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$1,689,410.03
2006 DEBT SERVICE	FIRST GULF	\$315,797.77
		<u>\$2,005,207.80</u>
		<u>\$21,455,718.18</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2002	2003	2004	2005	2006	2007	2008
October	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18
November	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97
December	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09
January	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87
February	602,215.06	632,854.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83
March	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04
April	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	968,624.24
May	668,867.28	702,692.15	767,610.49	867,446.44	1,000,424.48	1,021,498.14	-
June	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	-
July	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	-
August	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	-
September	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	-
Totals	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	6,557,973.22

FY 2007 BUDGET/ACTUAL COMPARISONS

	Actual- 2008	Budget	Monthly Variance	YTD Variance	% of Budget
October	867,190.18	953,988	(86,797.82)	(86,797.82)	-9.10%
November	915,890.97	928,026	(12,135.03)	(98,932.85)	-1.31%
December	1,120,005.09	1,194,410	(74,404.91)	(173,337.76)	-6.23%
January	822,020.87	924,025	(102,004.13)	(275,341.89)	-11.04%
February	865,625.83	886,755	(21,129.17)	(296,471.06)	-2.38%
March	998,616.04	1,082,314	(83,697.96)	(380,169.02)	-7.73%
April	968,624.24	969,742	(1,117.76)	(381,286.78)	-0.12%
May	-	1,031,713	-	-	-
June	-	1,061,004	-	-	-
July	-	1,005,952	-	-	-
August	-	975,079	-	-	-
September	-	1,024,647	-	-	-
Totals	6,557,973.22	12,037,655	(381,286.78)		

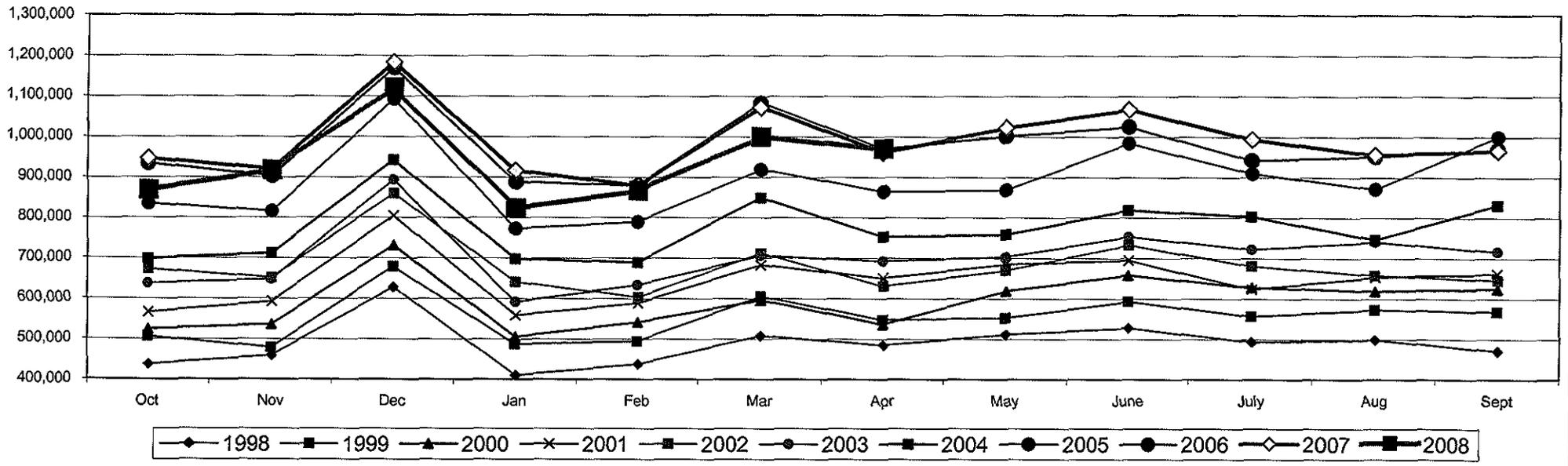
FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
October	(35,216.40)	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	-5.24%	9.64%	19.47%	11.87%	1.28%	-8.19%
November	(3,774.88)	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	-0.58%	9.94%	14.61%	10.66%	1.92%	-0.32%
December	34,122.02	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	3.98%	5.49%	15.93%	7.09%	1.21%	-5.29%
January	(48,911.20)	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	-7.65%	18.00%	10.72%	14.98%	3.09%	-10.15%
February	30,439.25	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	5.05%	8.81%	14.58%	11.32%	-0.02%	-1.41%
March	(5,570.57)	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	-0.78%	20.24%	8.21%	17.86%	-0.94%	-6.81%
April	62,295.27	59,891.11	111,105.26	105,615.91	(8,620.18)	8,483.70	9.89%	8.65%	14.77%	12.24%	-0.89%	0.88%
May	33,824.87	54,918.34	109,835.95	132,978.04	21,073.66	-	5.06%	7.82%	14.50%	15.33%	2.11%	0.00%
June	20,983.31	65,541.16	164,654.26	41,227.61	42,342.85	-	2.87%	8.71%	20.12%	4.19%	4.13%	0.00%
July	42,188.32	81,260.24	105,524.99	32,831.55	51,808.98	-	6.21%	11.26%	13.14%	3.61%	5.50%	0.00%
August	82,965.72	5,326.70	124,497.78	80,720.90	3,882.56	-	12.63%	0.72%	16.70%	9.28%	0.41%	0.00%
September	70,813.95	114,619.44	168,215.28	(30,859.92)	(2,508.81)	-	10.98%	16.02%	20.26%	-3.09%	-0.26%	0.00%
Annual \$ Change	284,159.66	860,992.68	1,418,335.85	994,535.81	168,436.75	(312,582.33)	3.49%	10.21%	15.27%	9.29%	1.44%	-2.63%

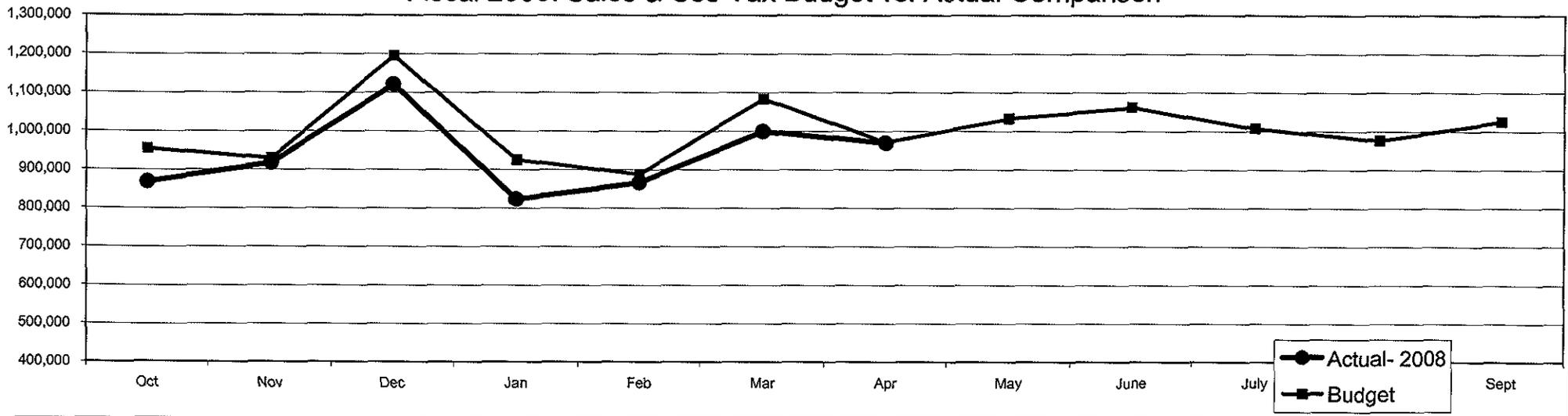
TOTAL collections: FY 07	11,871,233
TOTAL est. bdgt coll: FY 08	12,037,655
Budgeted Dollar Variance 07/08	166,422
Budgeted Percent Variance 07/08	1.40%

TOTAL collections: 4-30-08	6,557,973
Budgeted: 10-1-07 to 4-30-08	6,939,260
Actual Coll (<) Budget, 4-30-08	(381,287)
% Over/(Under) Budget, 4-30-08	-5.49%

Sales & Use Tax Comparisons



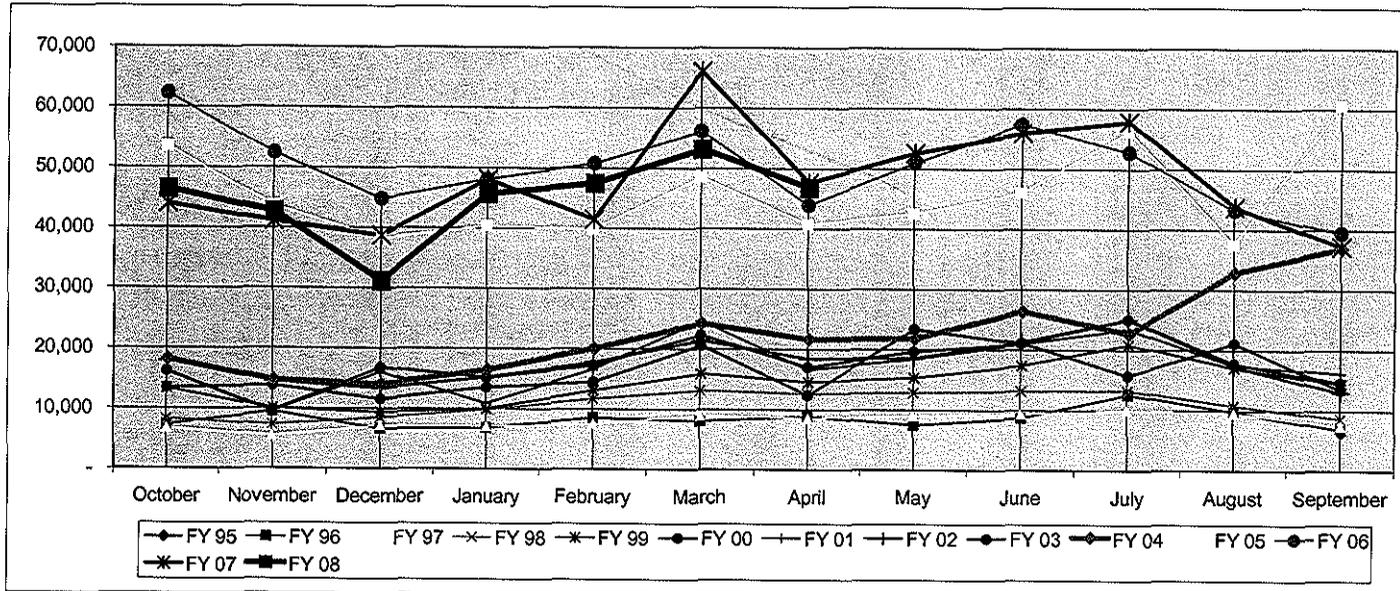
Fiscal 2008: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	<u>37,180.99</u>	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	312,848.75

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



FY 2008 Budget	620,000
% Budget Collected, 4/30/2008	50%

NEW BUSINESSES

May-08

CITY LIMITS		CONTRACTORS	
COMFORT SUITES	1	GRANT GLASS CO., INC	1
DEREK DOUGLAS	1	EXCEL LANDSCAPE DESIGN & INSTALLATION	1
MADE IN THE SHEA	1	L & J PAINTING	1
POWER WASH SPECIALIST LLC	1	ADVANCE POWER TECHNOLOGIES	1
J&J LAWN CARE & CONSTRUCTION	1	DENK'S METAL ERECTORS, INC	1
SPOKEN WORD SPEECH LANGUAGE SERVICES	1	TONY PARNELL TILE LLC	1
VALUE PLACE	1	LOTTS PAINTING & POWER WASHING	1
BURGER KING #16539	1	U S LAWNS OF MOBILE	1
HUDSON PARK COLLECTIONS	1	HIGHMARK ROOFING SERVICE	1
CORDELL APPRAISAL COMPANY	1	CRESCENT BEACH ELECTRIC INC	1
GULF COAST GASKET GUY	1	PROFESSIONAL FACILITIES MGMT, INC	1
FLOOR MEDIC	1	ALLEN'S STEEL PRODUCTS, INC	1
BALI TEAK FURNITURE & MORE	1	ACO PAINTING	1
KID CITY INFLATABLE PARTY ZONE	1	SOUTHERN PRESTRESSED CONCRETE IN	1
TOTAL CITY LIMITS	14	STERLING LANDSCAPE LLC	1
		MIDNITE HEATING AND AIR	1
		TATE ELECTRIC	1
OUTSIDE CITY LIMITS		COASTAL SERVICE LLC	1
SURE CLEAN	1	BAY HAULING SERVICE INC	1
MAIN STREET CHECKS, INC	1	COLE LAWN SERVICES LLC	1
DAL TILE SSC EAST INC	1	GCI INC	1
IMAGE NATIONAL INC	1	EDWARD STRAWN	1
U S LUMBER GROUP INC	1	CHARLIE'S ELECT SERVICE	1
STRUCTURAL SPECIALTIES INC	1	MEYER SMITH INC	1
NUCOR BUILDING SYSTEMS - SWANSEA	1	LEKTRON, INC	1
SHAKLEE U.S. LLC	1	FORBUS REFRIGERATION LLC	1
THE HILLMAN GROUP, INC	1	PREMIER DESIGNS & LANDSCAPING	1
1-800 CONTACTS, INC	1	L.A. WATERWORKS	1
ENTERPRISE LEASING CO OF GA	1	TOTAL CONTRACTORS	28
NUCO2 LLC	1		
IVES BUSINESS FORMS INC	1		
E.F. SAN JUAN INC	1	TOTAL NEW BUSINESSES	68
SHELTER PRODUCTS INC	1		
NETFLIX, INC	1	CLOSED BUSINESSES IN DAPHNE	
JACK HENRY & ASSOCIATES, INC	1	SKINASTICS	1
ADAMS PENSACOLA	1	LILY'S GIFTS	1
KOCH - GLITSCH, LP	1	DANTES PIZZA	1
A4 HEALTH SYSTEMS	1	TOTAL CLOSED IN DAPHNE	3
PURE ROMANCE PARTIES, INC	1		
KMART CORPORATION	1		
STYLE CREST INC	1		
JITTERBUG	1		
JUBILEE LOCK & KEY	1		
JOBS ON THE BEACH LLC	1		
TOTAL OUTSIDE CITY LIMITS	26		

Buildings & Property Committee Meeting

Friday, June 6, 2008

10:00 a.m.

City of Daphne

Council Chambers

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector, Frank Barnett, Maintenance Supervisor,
Deni Biggs, Daphne Civic Center, Ms. Tonja Young, Director Daphne Public
Library

Ms. Valley O'Neil, Mr. Ron Allen, Ms. Jan Blankenhorn, Ms. Dee Gambill

Minutes

Meeting Opened 10:10 a.m.

The Committee discussed a prior request made by John Kilpatrick Ministries to install special lighting for televising Church Services at the Daphne Civic Center. Ms. Biggs stated that Civic Center Director, Ms. Sandra Morse, was waiting on approval from City Attorney Jay Ross.

Mr. Richard Merchant, Buildings Inspector, presented the permit report for the Month of May. According to the report, the City received six new residential and one new commercial permit requests. Mr. Merchant also presented the Planning/Zoning/Building Development Outline for the month of May, 2008.

Mr. Frank Barnett, Public Works Maintenance Supervisor, presented proposals for the Civic Center Chiller System maintenance. Mr. Barnett stated the company with the lowest price quote for an annual maintenance contract is Johnson Controls. Mr. Barnett said he believes Johnson Controls will do a better job on chiller maintenance and their charge for the contract will be lower. **Motion** by Councilman Palumbo to approve the proposal and, upon review of City Attorney, to send the request to Council for approval. **Second** by Chairman John Lake. Motion carried.

Ms. Valley O'Neil gave the Committee an update on a Memorandum between the City of Daphne and Bay Rivers Art Guild concerning the use of the Nicholson Center for an Art and Drama center. Ms. O'Neil stated the Memorandum was

still being worked on by the City Attorney. The Nicholson Center is located on College Avenue and Captain O'Neil Drive in Daphne.

Ms. O'Neil also informed the Committee she had traveled to Montgomery recently to give a five minute presentation to the Alabama Council of the Arts, requesting a matching grant of \$50,000.00 for the Art Guild expansion program. She further reported the grant request is looking very favorable and she should hear something by Friday, June 13. If the grant is awarded to Bay Rivers Art Guild, the City of Daphne will match the grant with \$50,000.00. Mayor Small noted the Art Guild provides artwork for several Buildings throughout the city and will provide art for the new City Hall lobby area.

The Committee made a request for information on a waiver request from Spanish Fort High School. Ms. Biggs stated Ms. Morse did not get the proposed ordinance changes back from the City Attorney Jay Ross but would forward the information as soon as she received it. Councilman Palumbo requested that Ms. Morse contact Mr. Ross and ask him to send the needed changes as soon as possible so the ordinance could be amended.

The Committee discussed Bayfront Park. It was noted the City has funds that are earmarked for the improvement of Bayfront Park and it was agreed by the Committee that the discussion would be put on the July Buildings and Property meeting agenda. Councilman Palumbo requested that Ms. Morse contact Village Point and invite them to be present at the meeting.

The Committee entertained a presentation from Daphne Public Library Board members, along with Ms. Tonja Young, Library Director. Mr. Ron Allen started the presentation by thanking the Committee for their support and requesting their help and guidance in searching out fund raisers for the Library expansion program in the future. Board member Ms. Jan Blankenhorn presented a library floor plan showing projected expansion, and Ms. Dee Gambill made a brochure presentation entitled "Daphne Public Library, Partnership for Growth". The brochure highlighted the changes and growth the Library has experienced over the years, pointing to the fact that Daphne Library is #1 in Baldwin County in circulation and in other areas.

The presentation brochure also highlighted the fact that the Library is doing their part in raising funds for the budget, as much as \$125,000.00 in 2008. It was noted by Ms. Young that besides the \$1,000,000.00 bond issue obtained for the Library expansion program, she would also have access to \$50,000.00 in APSCE grant funds that will go toward library safety projects such as adding safety gates to the plaza, auto-doors (needed for ADA safety compliance), and adding a loading dock. Other "critical needs" projects which will be included in Phase 1

of the program will be storage and cataloging work space, computer lab for public classroom use and a reference room for public use.

Motion was made by Councilman Palumbo to approve sending a favorable request to the June 12 Council Work Session, allowing the Library to move forward with Phase 1 of their expansion program.

Second by Mayor Small. Motion unanimously carried.

Meeting Adjourned 11:50 a.m.

Daphne Beautification Committee
Civic Center Recreation Building, Daphne, AL

Minutes

May 2, 2008

Meeting: General Membership Meeting

Invitees:

City Liaison: Marshall Parsons, David McElroy, Marjorie Bellue, Bill McMann

Members:

Chair: Ann Talton (7)	Bee Wilson (2)	Jessica Prater (1)
Vice Chair: Nancy Henderson (3)	Dorothy Morrison (2)	Carolyn Coleman (2)
Secretary: Judy Sholtis (2)	Selena Vaughn (4)	Tomasina Werner (4)
Treasurer: Frieda Romanchuck (7)	Patty Kearney (5)	Dorothy Rankins (5)
Marilyn O'Connor Moore (2)	Audrey Rouire (6)	Kay Wineman (7)

I. Call to order -- 10:12 a.m.

II. Roll Call – Present were Anne Talton, Nancy Henderson, Judy Sholtis, Frieda Romanchuck, Marilyn O'Connor Moore, Bea Wilson, Dorothy Morrison, Selena Vaughn, Carolyn Coleman, Tomasina Werner, and Marjorie Bellue

III. Approval of Minutes – The minutes were sent out by email. There were no recommendations for changes or reports of errors. A motion was made, seconded and approved by the majority to accept the minutes as posted.

IV. Treasures Report – Frieda Romanchuck stated that the report was basically the same. She gave a detailed explanation of the report. A motion was made, seconded, and approved by the majority to accept the report. Frieda also stated that Andrea dean, who has been helping with our budget, is leaving for another job.

V. Sub-Committee Reports –

a. Arbor Day – The Arbor Day committee needs to start meeting with Marjorie in the next couple of months. Plants to be given out on Arbor Day must be ordered well in advance.

b. Beautification Awards – In June the committee will look at District 4 to receive the award. Anne Talton suggested that the committee think about combining districts 4 and 5.

c. Crape Myrtles – All the Crape Myrtles scheduled to be moved from the 4-lane have been replanted on Hwy. 181.

d. Decorations – The decorations committee will meet Monday, May 12th, to clean banners and iron bunting in preparation for Memorial Day. Many of the decorations used for Memorial Day can remain up for July 4th and Labor Day in September. Majorie reported that replacement bulbs and straps need to be purchased by August to prepare for Christmas.

e. Gator Alley – Dorothy reported that the fence is finished with many thanks to Freddie Johnson and his crew. Dorothy met with Majorie last week and made plans for pine trees to be planted to fill in the space between the large Crape Myrtles already there. A weed mat will be used with low growing plants added later. Dorothy reported that the “no mowing” policy is doing well. There are wild flowers growing. Selena is taping the native trees that have been planted. Dorothy met with David Gullledge from the State of Alabama. The state owns and controls the chain link fence that is in such bad repair. He said it will be fixed within six months. Dorothy met with Patty Kearney and they selected various creatures for the tops of the fence posts. Patty has found some wood that will help with the project. Now they are looking for odd pieces of metal; beads for eyes, marbles, or any kind of junk that can be recycled creatively. Dorothy is requesting 20 concrete car bumpers to keep cars and trucks off the sidewalk. There is also a need for two more garbage containers. Dorothy further reported that Melvin, Margorie, David, Bill, and Freddie have done in 6 weeks what we have tried to get done for 2 years. Dorothy said it was a pleasure to work with them all and exciting to see the jobs finally get accomplished in such a timely manner even with the city being short on staff. Dorothy thanked everyone for all their support on this project. Dorothy reported that Robert’s Eagle Scout ceremony will be May 17th, 4:00 p.m. at Spanish Fort Methodist Church.

VI. Open Business – Top Ten List was read by Selena Vaughn. The list was revised and Selena will send a copy to each council member and DBC member.

VII. New Business – Frieda Romanchuck made note of the fact that the DBC is not listed in the City of Daphne brochure or on the City of Daphne web site. Measures should be taken to correct this.

VIII. Announcements – There is a brown bag lunch/concert at May Day Park every Thursday from 11:00 – 1:30.

IX. Adjournment – Meeting was adjourned at 11:38

Respectfully, Judy Sholtis

Secretary

Daphne Beautification Committee

Civic Center Recreation Building, Daphne, AL

Minutes

June 6, 2008 - 10:00 AM

Meeting: General Membership Meeting

Invitees: Cathy Barnette

City Liaison: Melvin McCarley, Marjorie Bellue, Bill McMahan, David McKelroy,

Members:

Chair: Anne Talton (7)	Bea Wilson (2)	Jessia Prater (1)
Vice Chair: Nancy Henderson (3)	Dorothy Morrison (2)	Carolyn Coleman (2)
Secretary: Judy Sholtis (2)	Selena Vaughn (4)	Tomasina Werner (4)
Treasurer: Frieda Romanchuck (7)	Patty Kearney (5)	Dorothy Rankins (5)
Marilyn O'Connor Moore (2)	Audrey Rouire (6)	Kay Wineman (7)

I. Call to order – 10:08 a.m.

II. Roll call – Those present were Anne Talton, Nancy Henderson, Frieda Romanchuck, Dorothy Morrison, Selena Vaughn, Patty Kearney, Carolyn Coleman, Tomasina Werner, Kay Wineman, Cathy Barnette, Melvin McCauley, Bill McMann and Marjorie Bellue. Mayor Small stopped by for a brief time to give out Community Day Pins to members who had been absent. *Cathy Barnette suggested that Anne email the City Council and inform them that we need another person from District 1, District 3 and District 6. If any member of DBC knows anyone, inform Anne and she will email the Councilman from that District.*

III. Approval of minutes – The minutes were sent out by email, no corrections or changes. A motion was made to accept as posted, seconded and accepted unanimously by vote.

IV. Treasurers Report – None (public works accountant not available)

V. Sub-Committee Reports -

- a. Arbor Day – Need to have a meeting to pick out types and sizes of trees.
- b. Beautification Awards – Committee will stay after DBC meeting to finalize June through September winner.
- c. Decorations – Anne will call a meeting to work on City Hall decorations. A drawing was given to each member to try to come up with outside ideas. Nancy, Kay, Bea and Anne have put up patriotic decorations at Civic Center wall, Jubille Courtyard and Centennial Park.

- d. Gator Alley – Dorothy’s list gave much discussion on the pine trees which had not been planted, wild flowers were beautiful until mowed down, concrete bumpers at the parking area in Gator Alley and the Eagle scouts who had done projects in this area. She has two more prospective scouts who need projects.

VI. Open Business – Top Ten List – Selena went over the list and updated with the help of Melvin Bill. Number two and four have been completed. Number three moved to the bottom of the list as is more of a Village Point item at this time but will need landscaping info from us at a later date. Number eight will be removed with Melvin looking at the area and using asphalt to better the parking. Anne, Tomasina, Nancy, Patty, Kay, Dorothy and Selena will form a Utility Box Subcommittee to include this area and contact Bellsouth for help and continuity. The money encumbered for this project will be released if Bellsouth can do the work. Dorothy will write a letter to Downtown Redevelopment Committee to have them contact businesses encouraging them to beautify their properties plus she will give them tips on how to do this.

VII. New Business – July 4th falls on first Friday. **DBC** will meet at civic center **MONDAY, JULY 7 AT 10 A.M.**

VIII. Public Works –

IX. Announcements – Frieda brought up unfinished business she found while looking through the old minutes.

X. Adjournment - 11:34a.m.

**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:

MEMO

To: Fred Small, Mayor
From: William H. Eady, Sr., Director
Community Development
Subject: BZA Board Member Appointment
Date: June 6, 2008

Mr. Barry Taylor's term on the BZA expires June 2008. The Council needs to reappoint this member.

Mr. Taylor has served well on the BZA, and attends the meetings.

I, respectfully request that he be reappointed to his position as a board member on the BZA.

cc: Becky, City Clerks Office

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
JUNE 9, 2008
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

Starke Irvine called the meeting to order without a quorum present at 5:30 p.m.

Members Present: Starke Irvine, Jackie Ward; Kit Smith; Glenn Glass.

Absent: Mary Riser.

Also present: Rebecca Hayes, Recording Secretary; Ernie Berger, Olde Towne Daphne West; Selena Vaughn, Village Point Foundation; Al Guarisco, Village Point Foundation; Dick Scott, Village Point Foundation; Pat Oberholtzer, Village Point Foundation; Dorothy Morrison, Beautification Committee; Larry Boyd.

2. Approve Minutes / May 12, 2008

MOTION BY Jackie Ward to approve the meeting minutes held May 12, 2008. *Seconded by Kit Smith.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

This was a joint meeting with Village Point Foundation (VPF). The two groups discussed the Finance Committee meeting that was held prior to the DRA meeting where the lodging tax was discussed. The Finance Committee asked that DRA and Village Point Foundation prepare a report with more detailed information as to the projects they want to accomplish, and present it to the Council at a work session.

Cathy Barnette will do a power point presentation. Mary Riser is getting a quote for the decorative lighting. The two groups discussed projects each wanted to accomplish, and what projects they had in common. They discussed coming together to accomplish these goals. Al Guarisco said that there were some members of Village Point that did and some that did not want to join forces with DRA. Selena Vaughn (VPF) voiced her concern about all the money from the lodging tax going to DRA and that there would not be any money for purchasing waterfront property in the future. Pat Oberholtzer (VPF) had some concerns but did not want to voice them until she had some more information.

Starke asked Rebecca to speak to Greg Burnam about setting a special work session or having one before the July 7th Council meeting at 5:00 for the presentation.

Dorothy Morrison stated that she would like to become a member of the Authority to represent the Beautification Committee. Village Point said that they would check with their members to see who would like to become a member of the Authority.

The DRA members voiced their concern that if they did not get funding that it was pointless for them to keep meeting and wasting their time and efforts.

6. ADJOURN

The meeting adjourned at 6:45 p.m.

1. Statistical Report March 2008:

- March 2008 Patrons = 16,921 versus March 2007 Patrons = 21,879; a slight decrease of -1.00 % since this time last year.
- March 2008 Circulation = 21,879 versus March 2007 Circulation = 18,520; an increase of 18.14 % since this time last year.
- YTD Circulation for March 2008 = 119,651, versus YTD Circulation for March 2007 = 109,445; an increase of 9.33 %.
- Items Cataloged = 820.

2. Statistical Report April 2008:

- April 2008 Patrons = 19,161 versus April 2007 Patrons = 16,915; an increase of 13.28 % since this time last year.
- April 2008 Circulation = 22,276 versus April 2007 Circulation = 17,829; an increase of 24.94 % since this time last year.
- YTD Circulation for April 2008 = 141,927, versus YTD Circulation for April 2007 = 127,274; an increase of 11.51 %.
- Items Cataloged = 1,085.

3. Library Updates

- The library applied was chosen as one of 3,000 libraries nationwide to receive the *We the People Bookshelf* award and grant from the National Endowment for the Humanities. The 2008 theme for grant titles was "Created Equal."
- The library applied for and was chosen to receive a grant from the **Alabama Public School and College Education Incentive Fund**. The grant is for construction issues only and \$50,000 was awarded. Randy Davis would like us to wait until he can attend a council meeting to announce the grant publicly.
- Tonja applied and was chosen to participate in the 2008 **Alabama Community Scholars Institute** sponsored by the Alabama Folklife Association with funding from the National Endowment for the Arts and

the Alabama Council on the Arts from June 20-28, 2008. Instruction will be held at the University of South Alabama.

- The library will be wrapping up purchases for the 2008 LSTA grant by the end of the month.
- The library received word following Notice of Intent submission to continue with the application for the 2009 LSTA grant. Awards will be announced in the fall.

4. Staff News

- Daphne's Public Awareness Campaign was used as an example at the Alabama Library Association Convention in Birmingham, Alabama in April. Librarians from all over the state thought the campaign was awesome!
- Approximately 3,000 attendees enjoyed the 2008 Annual Spring into Reading children's Festival. The day was a success from start to finish. The festival was organized by Cathy and Rhonda, with Jessica in charge of the Art Contest and Louise in charge of the Poetry Contest. (Article attached.)
- Deborah & Tonja attended Alabama Writer's Forum, engaging several well-know authors to speak at the library. Contacts were also made with a musician to help with fundraising events. Signed copies were obtained for the Daphne Special Collections.
- Deborah and Louise are set to make a short presentation at the Annual Staff Development Meeting in Robertsdale tomorrow. They will discuss the intergenerational programs we have had and are planning for the teen Advisory Board and the Seniors at The Gardens of Daphne.
- Teen Library Helpers will work during the month of June to help with the extra load during the Summer Reading Programs.
- A Federal Work-Study Student from the United States Sports Academy will begin working Monday for 20 hours per week at no cost to the library.

5. Upcoming Events

- Gulf Coast Zydeco - Daphne Community Day:

The Daphne Public Library, along with the Daphne Recreation Department, has many children's activities planned for the Gulf Coast Zydeco-Daphne Community Day festivities on Saturday, May 17, 2008.

Library activities include children's author Timothy Weeks with his books about *The Wise Mullet*, free Wise Mullet Hats, coloring sheets, stories, and more! Timothy A. Weeks is a Panhandle native and graduate of Baylor University. After residing in New Orleans' French Quarter for several years after graduation, Weeks worked for *Teach For America* in New York City. Living in Amsterdam, Brussels, Bangkok, Frankfurt and Zagreb over the last 10 years as a journalist, Weeks' writings range from high tech investment to restaurant reviews. Weeks, who comes from a proud commercial fishing family, still resides half of the year in Europe as a freelance journalist. Autumn and spring are spent along the Gulf Coast storytelling at schools and cast netting mullet. Critical Praise for "*The Wise Mullet of Cook Bayou*": 'Filled with familiar places and endless wonder' - *Florida Monthly*; 'Strangely endearing' - *Kirkus Discoveries*; 'An extraordinary story and delightful treasure' - *Tony Mennillo, Executive VP, Destin Fishing Museum*; 'Teaches kids to listen to their feelings and act upon them' - *Destin Log*; 'Whimsical children's tale of life on the Gulf Coast' - *Forgotten Coast Line*; 'Fun to read, gorgeously illustrated, and culturally significant' - *W. Francis Spence, Founder, Boggy Bayou Mullet Festival*; 'A gentle story about choices and meeting life's challenges' - *Wakulla Area Times*.

Other library activities include a Barnes and Noble Book Sale with plenty of copies of Lucille Buffett's new seafood cookbook *Crazy Sista Cooking*, a Friends of the Daphne Library used book sale, Storyteller Jo Graven with *Shark Tales*, Fish Painting with Ricky Trionne, Bethany Kraft from the Alabama Coastal Foundation, Line Casting provided by Ben Ricks from the Alabama Wildlife and Freshwater Fisheries, Puppet Shows and Stories with Daphne Children's Librarians Cathy Chandler and Rhonda Moss, and various "Fishy Games" manned by the Daphne Public Library Teen Advisory Board.

The Recreation Department plans to provide Face-painting, Fishy Crafts, Inflatables, a Clown, Jubilee music, an Art Show by the Bay Rivers Art Guild, a Gyrospace, and popcorn.

The Daphne Civic Center has included the Library and Recreation logos in their advertisements for the festival.

Summer Reading Programs will begin and continue throughout the month of June. Many wonderful activities have been planned by Cathy and Rhonda for Preschool through Fifth Grade and by Louise for Sixth through Twelfth Grade.

6. **Public Awareness Campaign**

- Continuing; television advertisements to play on local cable channels soon.

**Daphne Public Library Board
May 8, 2008
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Library Board Members Cassandra Day, Gayle Robinson, Dee Gambill and Jan Blankenhorn; Board Chairman Ron Allen; City Council Liaison Gus Palumbo.

1) Call to Order:

After a quorum was established, Library Board Chairman Ron Allen called the meeting to order at 4:05 pm.

2) Reading and Approval of the Minutes:

The minutes of the March 6, 2008 meeting were reviewed and approved. Motion made by Gayle, second by Cassandra. Motion passed. The minutes of the April 3, 2008 meeting were reviewed and approved. Motion made by Jan, second by Gayle. Motion passed.

3) Chairman's Update on Library Foundation Status:

Ron stated that the library had received the 501 (c)3 status for the foundation and that he was planning to discuss the articles of incorporation with Bill Scully.

4) Discussion of Foundation Board Formation:

Ron stated that the Foundation Board would be elected by ballot and he would like to see seven to nine members on the Foundation Board. At least one Foundation Board member should be elected from the Daphne Library Board and one from the FODL Board.

Ron proposed a meeting of the current Foundation Committee and Library Board members to select Foundation Board members for terms of two years with elections in January. Meetings would be held the fourth Monday of every month in the library, with an annual meeting held the fourth Monday of every January. Ron asked Library Board members to suggest candidates for the Foundation Board.

Ron also stated that the Foundation Board would need to determine what type of bank account to open for the Foundation, which bank to use, and who would be the signatories.

Gus suggested running an advertisement asking for those interested and qualified to serve as active Foundation Board members and fundraisers to reply.

5) Discussion of \$50,000 Construction Grant Use:

Items suggested by Tonja for grant use included:

- 1) Automatic Doors at Front Entry ~\$20,000
- 2) Library Plaza Gates ~\$7,000
- 3) Replace Carpeting ~\$50,000
- 4) Additional Storage & Shelving for Staff Supplies ~Any Amount Helpful

A motion was made by Dee to use the grant funds for items 1 and 2 (doors and gates). Motion was seconded by Jan. Motion passed.

6) Discussion of Building Library Addition in Three Stages:

Ron discusses the current economic status of the country and the community and suggested that the library addition be built in three stages as follows:

- 1) Two-Story Work Space
- 2) Auditorium
- 3) Jr/YA/Reference

7) Discussion and Vote on Estimate for Beginning Stage One of Addition:

Jeff Hudson had presented an estimate of approximately \$935,000 for the work space and computer lab additions.

A discussion followed concerning the need of the work space to increase safety and efficiency during deliveries (new loading dock), to increase productivity in the cataloging department (allowing more new materials to hit the shelves for patrons more quickly), movement of the Book Shop workspace (which supports library programming) allowing room for a public computer lab, addition of reference office (for reference questions and discussions, as well as examination proctoring), addition of an accounting and records office, and addition of storage space for the book Shop materials since the library no longer uses the Eastern Star Building for storage between book sales.

A motion was made to proceed with using the library's \$1M fund to build Stage One (work space and computer lab) was made by Jan and seconded by Cassandra. Motion

passed. Ron stated that he would see that the Board got onto the agendas for the appropriate meetings to get city council approval to spend the funds.

8) Discussion of Library Director's Report

In the interest of time, there was no discussion of the Library Director's Report; however, a four page report was handed out along with a draft copy of a press release naming the Spring into Reading Festival art and poetry winners. A copy of the report is attached to these minutes.

The statistical report for March, 2008 included circulation of 21,879 items compared to 18,520 items for March, 2007 or an increase of 18.14%. The number of people using the library was 16,921 compared to 17,092 for March, 2007 or a slight decrease of 1%. The library processed 1,493 interlibrary loans to Daphne and 1,292 interlibrary loans from Daphne to other Baldwin County libraries. We added 125 new patrons to the system in March (31 junior, 94 adult). Volunteers worked 97 hours and 656 reference questions were answered. Proctored exams totaled 10. Total attendance for children's programs was 418; attendance for young adult programs was 94; attendance for adult programs was 39. Meeting room users totaled 793. Computer users totaled 1392. A total of 560 new items were cataloged in adult materials, while 260 new items were cataloged for children's collections.

The statistical report for April, 2008 included circulation of 22,276 items compared to 17,829 items for April, 2007 or an increase of 24.94%. The number of people using the library was 19,161 compared to 16,915 for April, 2007 or an increase of 13.28%. The library processed 1,455 interlibrary loans to Daphne and 1,292 interlibrary loans from Daphne to other Baldwin County libraries. We added 143 new patrons to the system in March (41 junior, 102 adult). Volunteers worked 89 hours and 668 reference questions were answered. Proctored exams totaled 9. Total attendance for children's programs was 3,581; attendance for young adult programs was 15; attendance for adult programs was 46. Meeting room users totaled 579. Computer users totaled 1409. A total of 644 new items were cataloged in adult materials, while 441 new items were cataloged for children's collections.

9) Citizen Participation

None.

10) Other Business

No other business.

11) Adjourned

The meeting was adjourned by Ron at 5:12 pm.

Respectfully submitted by T. Young, May 27, 2008



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ January 2, 2008 ♦ 5:00 p.m.

I. CALL TO ORDER

The December 2007, regular Board meeting for the Utilities Board of the City of Daphne was held on January 2, 2008, and called to order by Chairman Robert Segalla, at 5:00 p.m.

II. ROLL CALL

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

Others Absent: Fred Small, Mayor

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager
Drew Klumpp – Adm. Services Manager
Lori Scharles – Executive Assistant
Cedric Goodloe – Payroll/Benefits Coordinator
Tim Patton, Engineer - Volkert
RayMiller, Engineer– Volkert
Ray Moore, Engineer – HMR

Others Absent: Deloris Brown – Human Resources Manager

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from November 28, 2007:*

The Chairman requested clarification on **d3** of the Minutes from the November 28, 2007, Utilities Board meeting.

MOTION BY Mr. Scott to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted November 28, 2007; Seconded by Mr. Johnston.

AYE: SEGALLA, SCOTT, JENKINS, JOHNSTON,

ABSENT: SMALL

MOTION CARRIED

Chairman Segalla requested the Board to review possible days in which to hold the regular Utilities Board meetings. After discussion, all Board members present agreed to continue conducting the meetings on the current day as the last Wednesday of the month at 5:00 p.m.

V. OLD BUSINESS

a. *Park City Service Agreement:*

Mr. Speegle informed the Board that he spoke with Park City Attorney Tim Grogan today who would be meeting with his Board this week and that the only issue unclear in the agreement is who would collect the garbage service fees and their charges for water service. He explained that the Park City proposal involved a combined billing but directing the customer to issue separate payment of the bill for water, sewer and garbage service. Mr. Speegle stated that after discussion with Mr. McElroy and Mr. Lyndall, he informed Mr. Grogan of the disapproval of this accounting/billing procedure and to keep the agreement as it was originally drafted. Mr. Grogan was to meet this week to finalize the agreement. Mr. Scott pointed out that the original discussion with Park City was initiated December 20, 2006, and stressed that this issue be finalized by the end of March, 2008. Chairman Segalla requested that Mr. McElroy and Mr. Speegle explore a 60 or 90 day resolution date or be forced to move in another direction.

b. *Wells 10 & 11 Construction Update:*

Mr. McElroy updated the Board on his communication with the Baldwin County Board of Education's Mike Keating which included a cost estimate of \$17,000 for the relocation of the pipe from Daphne Utilities site in order to re-route the water flow. He stated that Mr. Keating wanted a commitment from Daphne Utilities to share half of this cost as Mr. McElroy proposed this to be a better solution for both parties. Mr. McElroy expressed concern that Mr. Keating was still unclear how this would benefit the School Board and that he would have to convince them that it would be in their best interest to spend \$8,500. Mr. McElroy stated that he is continuing to clarify to Mr. Keating what the ultimate goal is, as well as to explore other options with Mr. Speegle if the School Board decides to prohibit the drainage modification. He inquired as to the information that Mr. Speegle had given him earlier that since the property in question was within the city limits, would the Utility be able to deflect the water in any way in order to protect it from damage? Chairman Segalla posed the question to Mr. Speegle that if the terrain is high to low and the water would have natural drainage flow in that manner, is it legal to accumulate the water into a pipe and distribute it onto the neighboring property. Mr. Speegle stated that the problem is the fact that the situation has persisted for so long. Chairman Segalla asked if it would excuse an illegal act; Mr. Speegle responded that the Statute of Limitations can be referred to for a nuisance unless it exceeds two years. Mr. Speegle went on to state that surface run-off is deemed to be a common enemy that can affect everyone and can be diverted but not to harm a lower elevation property by erecting a berm or wall to avoid potential damage to the well. Mr. McElroy further remarked that Mr. Keating appears to understand that it is in their best interest to be a good neighbor with the Utilities by sharing this cost in order to benefit a more aesthetically pleasing and safe solution to this problem. Mr. Scott asked who would be performing the actual work. Mr. McElroy answered that the Utilities would pay half the amount for the School Board to perform the work since it is on their property. Chairman Segalla commented that our employees should exercise this awareness in the day-to-day operations of new construction sites drainage plans.

c. *Items in Abeyance:*

1. **Gas Franchise Agreement** – no updated information.
2. **19 Acres** – no new development.
3. **Daphne High School Stadium** – Mr. McElroy stated that he made contact with Doug Gresham of the Quarterback Club for Daphne High School and that Mr. Gresham will need to meet with Mr. Vickery regarding advertising proposal that had been previously prepared. Chairman Segalla questioned Mr. Speegle if there would be a reason why the School Board would not furnish standard advertising rates for various advertising promotions. Mr. Speegle answered that if it is the School Board, then the information should be subject to the Open Records Act. Mr. McElroy stated that he understood it to be the Quarterback Club that sets the advertising rates but not sure of their function. Mr. Speegle added that he believed that if it is on School Board property, the Quarterback Club would be deemed an agent and subject to the Open Records Act. Chairman Segalla stated that he wants to be given the same fair rates as anyone else and close this issue out and trusted that the Board members are of the same opinion.

VI. NEW BUSINESS – No new business

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing new to add to his report.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the Financial Report for November, 2007, and informed the Board that due to computer alteration of some of the calculations in the Financials, a revised handout was being distributed. Chairman Segalla had questions about the graphs, to which Mrs. Logiotatos stated that she would investigate the inquiry. Mr. McElroy addressed a question from last month’s meeting regarding an entry on the Check History Report and further explained our accounting review procedures.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Mr. McElroy reviewed the General Manager’s report. Drew Klumpp clarified the IT expense graph and answered questions relating to computer replacements. Mr. Klumpp also answered questions regarding the website online payment graphs and the Lend-A-HAND program graphs. Mr. Scott suggested updating a marketing plan on the Lend-A-HAND program to increase participation and a discussion followed.

b. Operations Report

Mr. Lyndall updated the Board on the #5 well and the unfeasibility of re-drilling the well. Mr. Scott questioned the Code Enforcement legal authority for violations, to which Mr. Lyndall explained that the Board had set the policy for fines and penalties for violations to the Daphne Utilities’ Grease Management program. Mr. Lyndall also reviewed the draft Summary of the 2007 Safety Committee. Mr. Jenkins commented that a daily safety briefing is constructive in relaying information to the employees and questioned the documentation of these meetings.

Mr. Ray Miller was present to review the Volkert Project Status Report. No further discussion took place.

Mr. Ray Moore was present to discuss with the Board the HMR Project Status Report. No further discussion

X. BOARD ACTION – None

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS –

Mr. Johnston commented on the success of the performance reviews this year and acknowledge the continued emphasis of the cross-training. Mr. Scott expressed his concern for Mrs. Melinda Immel’s condition and that of her baby

XIII. ADJOURNMENT:

MOTION BY Chairman Segalla to adjourn the meeting. Seconded by Mr. Johnston.

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

The meeting adjourned at 6:02 p.m.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ November 28, 2007 ♦ 5:00 p.m.

I. CALL TO ORDER

The November 28, 2007, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman, Mr. Segalla, at 5:00 p.m.

II. ROLL CALL

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

Others Absent:

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Teresa Logiotatos – Finance Manager
Danny Lyndall – Operations Manager
Deloris Brown – Human Resources Manager
Lori Scharles – Executive Assistant
Melinda Immel, Engineer– Volkert
Ray Moore, Engineer – HMR

Others Absent: Drew Klumpp – Adm. Services Manager

III. PLEDGE OF ALLEGIANCE

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

NOTE: Jerry Speegle arrived at 5:07 p.m.
Fenton Jenkins arrived at 5:11 p.m.
Deloris Brown arrived at 5:12 p.m.

IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from October 31, 2007:**

The Chairman inquired if additions, deletions or corrections were recommended for the Minutes from the October 31, 2007, Utilities Board meeting. No editing was requested, and the Chairman entertained a motion for approval.

MOTION BY Mayor Small to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted October 31, 2007; Seconded by Mr. Johnston.

AYE: SEGALLA, JENKINS, JOHNSTON, SMALL, SCOTT

ABSENT:

MOTION CARRIED

V. OLD BUSINESS

a. *Park City Service Agreement:*

Mr. McElroy informed the Board that Mr. Speegle has been in discussions with Park City's Attorney Tim Grogan and an agreement has been agreed upon but nothing in writing has been received.

b. *Wells 10 & 11 Construction Update:*

Mr. McElroy advised the Board of his meeting with the Baldwin County Board Of Education and a representative of HMR to discuss a remedy of re-routing the ditch that is directed at the well-head.

c. *Step-by-Step Hiring Procedure:*

Mr. McElroy pointed out that the Procedure was included as part of the current Board book and a Board vote on the Procedure was needed. Chairman Segalla clarified that the Procedure is for Supervisors and suggested a disclaimer to that effect.

d. *Items in Abeyance:*

1. **Gas Franchise Agreement** – Mr. Speegle had not arrived in time to discuss this issue.

2. **19 Acres** – no new development.

3. **Daphne High School Stadium** – Mr. Johnston reported that this item was discussed at the previous Finance meeting and was clarified by the Attorney General's Opinions. Chairman Segalla suggested that a more recent Opinion should be sought before the final decision is made and recommended that the Board authorize Mr. Speegle to get that opinion on the capacity fees. Mr. McElroy stated that he had requested Mr. Speegle to prepare such letter. Mr. Scott commented that while he has conceded the fact that the Utility Board is not in a position to give anything away based upon what has been read from previous Opinions; he realizes, however, this is a unique situation and how the capacity fee calculations are determined should be fair to all parties. Chairman Segalla stated that if the Board is of a common mind and that enough legal data is obtained, the decision to obtain or not obtain an updated Attorney General's Opinion would be left at the discretion of Mr. Speegle and that it would be a matter of how the capacity fees are calculated at the end of the stated annual period with which Mr. Speegle and Mr. McElroy are working with a third party. Mr. Scott included that he agreed with this and asked that from a practical standpoint for the Board to find some comparable situation, such as Hoover High School or some other high school in the State of Alabama, in order to determine how those capacity fees were calculated. Mr. Speegle concurred that a similar comparison within the State would be valuable information. Mayor Small stated that it is not beyond the point for the Board to go into some type of contractual agreement with the Quarterback Club to equal whatever type of capacity fees that are determined for some set period of time that would equal out to be zero. Mr. Speegle stated that if the Board is going to get something that is equal value for whatever it is that the Quarterback Club can provide. Mayor Small continued that it would be just like when the City enters a contractual agreement, such as when the band is given so much money to go off and support the City's name; this would be the same type of agreement except that it would be advertising at the stadium. Mr. Speegle stated that we had talked about this before and certainly his thoughts were to find out what the approximate value that advertising would be and relate it to what the capacity fees are because otherwise if it is not quid-pro-quo, it would be a gift. Mayor Small remarked that when we do capacity fees, the Utilities gives residence for instance, \$25 a month, for financing capacity fees. Mr. McElroy stated that it is over time and for the capacity fees that a person pays the maximum amount of time that it can be extended, it comes out to \$25 a month, it's not that whatever your capacity fees that one would just pay \$25 a month, and it is typically residential. Mr. Speegle commented that this extension is not usually permitted for commercial accounts as it results in acquiring the building permit. Mayor Small stated that if it was commercial or residential, it really wouldn't be any different depending on how it was done. Chairman Segalla remarked that Mr. Speegle made a great point that he happened to concur with and that is to determine the value of these capacity fees before any trading takes place; the total dollar amount needs to be calculated; the Chairman affirmed that the calculations for the capacity fees are currently being researched with a third party, and when that is concluded at the end of the reporting year, that is when this Board should begin this process, if in fact this Board does not think an updated Attorney General's Opinion is necessary and Mr. Speegle is comfortable with that decision. Chairman Segalla expressed that he would like Mr. Speegle to advise the Board, from a legal standpoint, if it is necessary to get an updated Opinion or if the information previously provided is sufficiently current. Mr. Speegle stated that he saw no reason to seek an updated Opinion and that he was in agreement with the prior Attorney General's Opinion and that he knew of nothing that has changed or have uncovered cases that have changed. Chairman Segalla then requested of Mr. McElroy, along with the third party with whom he is working, to contact other municipalities of other comparable

sized cities to find out what they may have done and worked out in a parallel situation. Mr. McElroy commented that this has been previously done and that the issue is the numerous methodologies used by cities across the country to build stadiums and sports complexes similar to Daphne's. He further commented that whichever methodology is chosen, it has to be uniformly applicable to everyone and that this reasoning is why the load is being reported for actual comparison. Chairman Segalla closed by stating that he agrees with Mr. Scott in wanting to do something for the High School, but first and foremost that the fiduciary responsibility is to Daphne Utilities and if in fact we can work something out, fine; but if not, his primary responsibility is to ensure that this Utility is financially healthy and nothing can be given away if in fact the numbers turn out to be pretty big. He further added that this Board had previously stated it's position to avoid long-term contracts because they are bothersome and difficult to manage and Mrs. Logiotatos confirmed by nodding her head. Chairman Segalla stressed for clarity that the Board's responsibility is to the Utility, first and foremost; and if other organizations can be helped, that is agreeable with him. Mr. Scott included that the stadium does not belong to the Quarterback Club, that it belongs to the Baldwin County School System, and that is who will get the bill and as far as how they decide pay it is the question. Mayor Small stated that the agreement is that the Quarterback Club will have to pay for it. Mr. Scott further added that whatever we do, and it is important from a public relations standpoint, that we are able to defend without saying our fiduciary responsibility is to the Utility, that we're able to defend this in a court of public opinion so it cannot be anything that is so ridiculous that the stadium is minimally used but being equivalent to xxx number of households that makes the Utility look bad. He remarked that the Board has a dual responsibility of making sure the Utility does not come away looking like a villain. Mr. Scott also stated that if we could find some other stadiums across the country but that it would be best to point to schools in Alabama so that we can look at how those utilities handled the capacity fees and so that we can sit down with whoever is going to pay the fees and justify it. No further comments were made regarding this item.

VI. NEW BUSINESS

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle discussed the agreement with Park City and his correspondence with their attorney Tim Grogan. He stated that there is no change on the issue with Friday Construction Company and that he would be leaving this item on his report. Mr. Speegle mentioned the Rick Fine agreement and the check received for \$15,000 determined from the old option agreement that has since expired. Mr. Speegle further updated the Board about the Daphne Utilities properties title search.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the Financial Report for October, 2007, for the Board. Chairman Segalla referred to a discrepancy on Page 27 regarding "Customers", to which Mrs. Logiotatos assured would be corrected.

IX. GENERAL MANAGER'S REPORT

a. GM Report

Mr. McElroy reviewed the General Manager's report. A discussion took place to move the December Utilities Board meeting date to January 2, 2008.

MOTION BY Mr. Johnston to change the December, 2007, meeting date to January 2, 2008; Seconded by Mr. Scott.

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

Chairman Segalla complimented the Utilities employees on the recent announcement of the naming of the park as the Elizabeth S. Yelding Park at the November 19, 2007, Council meeting. Also, Mr. Scott initiated the subject of Baldwin County Sewer Service providing service on County Highway 64 which prompted further discussion about becoming a viable alternative to developers and homeowners.

b. Operations Report

Mr. Lyndall reviewed the operations report with the Board. An assessment of the abandoned well near City Hall was discussed.

Mrs. Immel requested the Board to consider making a motion to adopt the Proposed Amendments for the Standard Specifications posted on the Daphne Utilities website.

MOTION BY Mr. Jenkins to adopt the Proposed Amendments to the Standard Specifications posted on the Daphne Utilities website. Seconded by Mr. Scott.

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

Mr. Moore discussed with the Board the HMR Project Status Report. He updated the Board on the status of the Highway 64 South sewer project.

X. BOARD ACTION – Step-by-Step Hiring Procedure

Chairman Segalla entertained a Motion for the adoption of the Step-By-Step Hiring Procedure.

MOTION BY Mr. Johnston to approve the Step-By-Step Hiring Procedure. Seconded by Mayor Small.

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

Relative to Human Resources, Cedric Goodloe commented to the Board that Daphne Utilities Human Resources will be focusing on training and development for the manager and supervisors in the field for the upcoming year. Chairman Segalla suggested a follow-up meeting with consultant, Jim Sisson. Mr. Jenkins asked if a field safety officer is assigned to various departments. Mr. Lyndall explained that Kenneth Johnson is the acting safety officer conducting field observations and advising managers and supervisors of safety issues as well as performing safety meetings. Mr. Jenkins questioned if safety reports are prepared. Mr. McElroy clarified how the safety sessions are formed and conducted and the summary that is prepared after each session. The Board requested a reporting of Man-hours without Lost Time Accidents, additionally broken down by crews.

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS –

Mr. Johnston inquired as to the status of the performance reviews. Mr. McElroy discussed with the Board the changes that are being implemented. The Board as well as Mr. Speegle stressed the importance of documentation of personnel issues.

XIII. ADJOURNMENT:

MOTION BY Mayor Small to adjourn the meeting. Seconded by Mr. Johnston.

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

The meeting adjourned at 6:12 p.m.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ January 30, 2008 ♦ 5:00 p.m.

- I. **THE JANUARY 30, 2008, REGULAR MEETING OF THE UTILITIES BOARD OF THE CITY OF DAPHNE WAS CANCELLED DUE TO A LACK OF A QUORUM FOR THIS MEETING.**



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ February 27, 2008 ♦ 5:00 p.m.

I. CALL TO ORDER

The February 27, 2008, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:00 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Lon Johnston, Secretary Treasurer
Fenton E. Jenkins – arrived at 5:04 pm

Others Absent: Fred Small, Mayor

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

Tim Patton, Engineer - Volkert
Ray Moore, Engineer – HMR

Others Absent:

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from January 2, 2008:*

The Chairman inquired if additions, deletions or corrections were recommended for the Minutes from the January 2, 2008, Utilities Board meeting. Chairman Segalla made one recommendation on page 3-VIII Financials to change the word “corruption” and then entertained a motion for approval.

MOTION BY Mr. Johnston to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted January 2, 2008; Seconded by Mr. Scott.

AYE: SEGALLA, SCOTT, JENKINS, JOHNSTON,

ABSENT: SMALL

MOTION CARRIED

b. Utilities Board Minutes from February 19, 2008. Special Meeting:

Chairman Segalla entertained a motion for approval.

MOTION BY Mr. Scott to accept the Utilities Board of the City of Daphne minutes from the Special meeting conducted February 19, 2008; Seconded by Mr. Jenkins.

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

V. OLD BUSINESS

a. Park City Service Agreement:

Mr. Speegle informed the Board that after making the changes that Park City Attorney Tim Grogan requested, the Park City Water Authority would not approve of the agreement. Chairman Segalla stated that Daphne Utilities should proceed with the necessary action to collect the delinquent sewer fees from Park City Water customers'. Mr. Scott asked what the next action would be. Mr. McElroy explained that, using Mobile Area Water and Sewer Service's model, the homeowner would be given the option to authorize Daphne Utilities to install an in-line water cut-off valve on the homeowner's side of the meter, at no cost to the homeowner, and grant in writing for Daphne Utilities the right to turn off the water with Daphne Utilities valve if the homeowner does not pay the sewer. He explained that if the homeowner refuses this option, Daphne Utilities has the legal right to dig up the homeowner's sewer line and install an in-line cut-off valve on the sewer line, which would result in much more exorbitant fees for which the homeowner would be liable. Mr. McElroy further clarified that in cutting off the sewer would require Daphne Utilities to inform the Board of Health, which would result in the Board of Health to declare the home uninhabitable without sewer. Mr. Scott asked if Daphne Utilities has met with the leadership group from the community that frequently attends zoning meeting and suggested doing so. Mr. McElroy stated that he has plans to meet with the community. Mr. Scott also suggested getting the appropriate council member who represents that area involved in a dialog with the citizens of that community. Mr. Speegle explained that the contract with Park City is very simplistic and is binding until 2017 and as such, these contracts are the most difficult to break or cancel. Mr. Scott commented on the amount of time spent on this issue and urged to do whatever is necessary to resolve this debt. Mrs. Brown addressed the Board to recommend to them speaking to the residents to educate them of this situation, either by letter or a community meeting. Chairman Segalla agreed that the residents need to be aware of the legalities of the impending measures that will take place to settle the situation and suggested to work out the details with Mr. McElroy for such a meeting within 60 days.

b. Wells 10 & 11 Construction Update:

Mr. McElroy updated the Board regarding the stormwater run-off issues at the Daphne High School and Trojan Storage tank that the bids were awarded. He reiterated that we agreed with the School Board to split the actual construction cost in half with them for the relocation and it is moving forward.

c. Items in Abeyance:

1. **Gas Franchise Agreement** – no updated information.
2. **19 Acres** – no new development.
3. **Daphne High School Stadium** – Mr. McElroy informed the Board that he and several professionals have studied the 6-month collected data and formulated an agreed-upon methodology to determine the capacity fees for the Jubilee Stadium (Daphne High School Stadium) at \$13,250.00. He stated that he has sent written notification to Mike Keating of the Baldwin County Board of Education and that when the work is completed for the storm-water run-off project, payment will be made for the difference to Daphne Utilities.

VI. NEW BUSINESS –

a. Proposed Advertising at Trojan Field:

Mr. McElroy advised that after reviewing the proposed advertising contract with Doug Gresham of the Daphne High School Quarterback Club, a counter-proposal of \$3,000/year for 5-year contract was offered to them. Mr. McElroy commented that the only issue to be resolved involved the placement of some of the Daphne Utilities' banners and that he and Mr. Gresham were planning to work out the details of this issue within the next two weeks. Chairman Segalla commented that a three-year contract is preferable but noted that Mr. McElroy did not need Board approval for this contract because it is within his authority. Mr. McElroy stated that this is within the budget and that the budget would not require amending.

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle stated that Executive Session would be needed to discuss legal matters, and that he had nothing further to add to his report.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the Financial Report for January 2008. Mr. Scott questioned how the tap fees were determined. Drew Klumpp explained that the customer provides the data for projected consumption for which the tap fees are calculated and final adjustments are made when the actual usage is determined. Mrs. Logiotatos continued her review of the Financial Report and explained to Mr. Scott’s question of the Miscellaneous Payments that they are non-recurring payments and grouped in the category.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Mr. McElroy pointed out for the Board of the additional publication exposure of the Lend-A-Hand program and thanked Mr. Scott for his assistance in this effort, and also noted the billing insert that was mailed to our customers. He continued informing the Board of the upcoming groundbreaking event at the Elizabeth Yelding Park located behind the Daphne Utilities’ main office. Chairman Segalla gave praise to the announcement of Daphne Utilities’ 100% drug-free drug screenings that were performed in February. Mr. Scott commented about the Lend-A-Hand program and comparisons to how other utilities enacted this program.

b. Operations Report

Mr. Lyndall reported to the Board of the updating of various buildings that include painting and landscaping, and also noted that a maintenance project at the Wastewater Reclamation plant concerning a leak was completed without expected delay. Chairman Segalla asked how much of the plant equipment break-down is due to faulty maintenance over the years to which Mr. Lyndall replied that much of the repairs are due to deferred maintenance because of the aged equipment that continues to be used. Chairman Segalla remarked of Kenneth Johnson’s activity with the Code Enforcement and asked him if he is getting good cooperation from the business owners. Mr. Johnson stated that he is getting “very good cooperation” and that it hasn’t been very hard to get them on board because they are very interested in environment. Chairman Segalla thanked and complimented him on a good job.

Mr. Tim Patton was present to review the Volkert Project Status Report. He elaborated on the status of the Production Wells project

Mr. Ray Moore was present to review and discuss with the Board the HMR Project Status Report.

X. BOARD ACTION – Mrs. Logiotatos briefly summarized and updated on the status of the Swap Agreement with AMBAC on the 2000 Series Bond. No Board Action was required.

XI. PUBLIC PARTICIPATION – Mr. Paul Soutullo addressed the Board to ask for assistance in obtaining reimbursement from a plumber who charged him for work on his tap that was already in place. He then notified the Board of property for sale that is not hooked up to the sewer after he had paid for the sewer connection and there is no enforcement of sewer connection. He wanted to bring that to the attention of the Board. Chairman Segalla stated that he was not able to give him legal advice or any official advise as a Utility Board member, but if it were his situation, he would consider small claims court. Mr. McElroy stated that connection or non-connection of the city sewer is a city ordinance and suggested Mr. Soutullo check with Mr. Kirby who is the enforcement arm of that ordinance, or the Mayor’s office.

XII. BOARD COMMENTS – None

XIII. EXECUTIVE SESSION –

MOTION BY Mr. Scott to go into Executive session to discuss legal matters at 5:55 pm. Seconded by Mr. Johnston. Executive session concluded at 6:10 pm.

AYE: SEGALLA, SCOTT, JOHNSTON, JENKINS

ABSENT: SMALL

MOTION CARRIED

XIV. ADJOURNMENT:

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

AYE: SEGALLA, SCOTT, JOHNSTON, JENKINS

ABSENT: SMALL

MOTION CARRIED

The meeting adjourned at 6:11 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

RSA TOWER ■ 11 NORTH WATER STREET, SUITE 30200 ■ MOBILE, ALABAMA 36602 ■ (251) 432-5511

Post Office Box 123 ■ Mobile, Alabama 36601 ■ Facsimile: (251) 694-6375

June 12, 2008

VIA E-MAIL

Mayor Fred Small
City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Re: Educational Building Authority of the City of Daphne/Bayside Academy

Dear Mayor Small:

We have previously discussed the anticipated Bond to be issued by the Educational Building Authority of the City of Daphne/Bayside Academy for the benefit of Bayside Academy. In anticipation of the City Council meeting Monday night I thought it might be helpful to describe the nature of the transaction and the requested approval.

Late last year the City authorized the creation of the Authority for the purpose of assisting with this financing for improvements at the Bayside campus. Bayside and the Authority are now ready to proceed with closing the transaction, and one of the requirements of the Internal Revenue Code is that the issue be approved on behalf of the City, as the jurisdiction creating the Authority and in which the financed facilities are located. As is noted in the requested Certificate, this approval is solely for purposes of compliance with the Internal Revenue Code and does not constitute any sort of commitment or create any liability on the part of the City.

We anticipate closing the transaction on Tuesday, June 17, and appreciate your help in fulfilling this requirement.

Very truly yours,



R. Preston Bolt, Jr.

RPB/sc

cc: Jay Ross, Esquire
Ms. Kim Briley
Mr. Ronald Stevens
Jay Watkins, Esquire

771469_1

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2008 - 28

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION

WHEREAS, the Police Department of the City of Daphne has determined that Jago, Police Drug Canine, is ready for retirement and therefore no longer required for public or municipal purposes; and

WHEREAS, Jago has been a Police Canine for 8 years; and

WHEREAS, Jago has been requested to be adopted by Detective Joe Sullivan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Daphne that:

- 1- The Police Drug Canine, Jago, is hereby retired and declared no longer required for public or municipal purposes as of July 1, 2008; and
- 2- In consideration of \$ 1.00 the Mayor is hereby authorized to direct the transfer of Jago to Detective Joe Sullivan.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ____ day of _____, 2008.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk CMC

RESOLUTION NO. - 29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AUTHORIZING THE MAYOR OF THE CITY OF DAPHNE, ALABAMA TO SIGN THE CERTIFICATE WITH RESPECT TO APPROVAL OF BONDS ISSUED BY THE EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF DAPHNE/BAYSIDE ACADEMY

WHEREAS, on November 19, 2007, the City Council of the City of Daphne, Alabama (the “City Council”) adopted Resolution 2007-101, which approved the formation of the Educational Building Authority of the City of Daphne/Bayside Academy (the “Authority”) in accordance with Chapter 17 of Title XIV of the Code of Alabama (1975), as amended (the “Act”);

WHEREAS, the Authority was incorporated by the filing in the Office of the Judge of Probate of Baldwin County, Alabama the Certificate of Incorporation of the Educational Building Authority of the City of Daphne/Bayside Academy on November 30, 2007; and

WHEREAS, the Act authorizes the Authority to finance the acquisition, construction, installation and development of educational and related facilities for use in connection with educational institutions in the State of Alabama through the issuance of its revenue bonds; and

WHEREAS, Bayside Academy, Inc., a non-profit Alabama corporation (the “Academy”) has requested the Authority to issue its revenue bonds for the purposes of paying the costs of the acquisition, construction, equipping and renovating of certain educational and related facilities for use in connection with the Academy; and

WHEREAS, the Authority conducted a public hearing on December 27, 2007, pursuant to the public notice of the same attached hereto as Exhibit “A”. The purpose of the hearing was to hold a public hearing with respect to the issuance of a certain revenue bond entitled Educational Building Authority of the City of Daphne/Bayside Academy Revenue Bond (Bayside Academy Project), Series 2008; and

WHEREAS, the Authority has approved the issuance of its \$8,500,000 Revenue Bond (Bayside Academy Project), Series 2008 (the “Bond”); and

WHEREAS, the provisions of the Internal Revenue Code of 1986 relating to the issuance of obligations such as the Bond require that the chief elected executive officer of the governmental unit approve the issuance of the Bond after a public hearing following reasonable public notice; and

WHEREAS, the Mayor of the City of Daphne, Alabama is the chief elected executive officer of the governing body of the City of Daphne, Alabama.

NOW, THEREFORE, be it resolved by the City Council of the City of Daphne, Alabama, as follows:

That the execution and delivery of a Certificate with Respect to Approval of Bonds (the "Certificate") be and the same is hereby authorized and approved. The Mayor of the City of Daphne, Alabama is hereby authorized to execute and deliver such Certificate and such Certificate shall be in the form attached hereto as Exhibit "B".

ADOPTED this ____ day of June, 2008.

GREG BURNAM
COUNCIL PRESIDENT

Date & Time Signed: _____

FRED SMALL
MAYOR

Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

771376_1

Exhibit A

Publication of Public Hearing Notice

Exhibit "B"

CERTIFICATE WITH RESPECT TO APPROVAL OF BONDS

As Mayor of the City of Daphne, Alabama, I hereby consent to and approve the issuance by the Educational Building Authority of the City of Daphne/Bayside Academy, a public corporation under the laws of the State of Alabama (the "Authority") of its \$8,500,000 in aggregate principal amount of Revenue Bond (Bayside Academy Project), Series 2008, for the purposes of paying costs of issuance and paying a portion of the costs of the construction, acquisition, equipping, and renovation of certain educational facilities located on the campus of Bayside Academy, Inc. (the "Academy") at 303 Dryer Avenue, Daphne, Alabama 36526, including a new classroom building for grades 3-6, a Performing Arts Center to include seating for 700 people and certain other capital improvements which are considered ancillary improvements under the Act (as defined in the Bond Resolution) and which will be located on the campus of the Academy. In granting this consent, I have carefully considered the nature of the transaction as contemplated in the Bond Resolution and the record of a public hearing held by the Authority with respect to the issuance of the Bonds on December 27, 2007 a copy of the record of which is attached hereto.

My approval is being given pursuant to, and solely for the purpose of, the provisions of the Internal Revenue Code of 1986 relating to the issuance of obligations such as these, and my consent to and approval of the issuance of the Bonds by the Authority should not be construed as expressing any view whatsoever as to the financial feasibility of the Academy or its ability to make the lease payments contemplated by the aforesaid Bond Resolution. This Certificate shall never be taken to impose any liability of any kind whatsoever upon the undersigned, in either an individual capacity or in the capacity of Mayor of the City of Daphne, or upon the City of Daphne.

Given this ____ day of June, 2008.

Mayor, Daphne, Alabama

PRESS-REGISTER

LEGAL AFFIDAVIT

Account Number: 1004559

Name: HAND ARENDALL LLC

Period Ending: 12/17/07

Sale Rep: Jeff Winter

Questions Please Call: (251) 219-5413

HAND ARENDALL LLC
PO BOX 123
ATTN MRS. MCDAVID
MOBILE, AL 36601-0123

- Press - Register
Lock Box 1712
Mobile, AL 36633-1712

START DATE	END DATE	AD NUMBER	P.O. NUMBER / DESCRIPTION	SAU SIZE	BILLED UNITS	TIMES RUN	AMOUNT
12/08	12/15	101261620-12082007	PUBLIC NOTICE NOTICE IS HEREBY GIVEN th	261 Words	261	2	169.65
TOTAL:							169.65

Mecia Carlson being sworn, says that she is bookkeeper of Press-Register which publishes a daily newspaper in the City and County of Mobile, State of Alabama; and attached notice appeared in the issue of

Press-Register 12/8/2007, 12/15/2007

Mecia Carlson
Sworn to and subscribed before me this 17th day of December 2007

Brandi W. Cook
NOTARY PUBLIC

FOR QUESTIONS CONCERNING THIS AFFIDAVIT, PLEASE CALL MECIA CARLSON AT (251) 219-5418. YOU CAN PLACE A LEGAL NOTICE BY EMAIL OR FAX: LEGALS@PRESS-REGISTER.COM OR FAX# (251) 219-5037

WE APPRECIATE YOUR BUSINESS
PRESS REGISTER LOCK BOX 1712, MOBILE, ALABAMA 36633
FOR BILLING INQUIRIES - CALL (251) 219-5413 OR (251) 219-5415

PUBLIC NOTICE
NOTICE IS HEREBY GIVEN that the Educational Building Authority of the City of Daphne/Bayside Academy, a public corporation under the laws of the State of Alabama, on the 27th day of December, 2007, in the Media Center/Library at Bayside Academy, 303 Dryer Avenue, Daphne, Alabama 36526 at 5:30 o'clock p.m. local time, will conduct a public hearing with respect to the issuance of a certain revenue bond entitled Revenue Bond (Bayside Academy Project) Series 2007 (the "Bond"). The Bond is to be issued in an aggregate amount not to exceed \$10,000,000 and for the purposes of financing the cost of construction, acquisition, equipping, and renovation of certain educational facilities located on the campus of Bayside Academy at 303 Dryer Avenue, Daphne, Alabama 36526, including a new classroom building for grades 3-6, a Fine Arts Center to include seating for 350 people, and the renovation of the Mitchell Hall classrooms to create a quadrant for grades 1-2, (the "Facility"), and to pay certain costs of the issuance with respect to such Bond. The Facility will be leased by the Authority pursuant to a Lease Agreement with Bayside Academy, Inc., a not for profit Alabama corporation, which will own and operate the Facility and pay rental in an amount sufficient for the payment of the principal and interest on the Bond.
All interested persons are invited to attend such public hearing to express their views with respect to the aforesaid project and the issuance of the Bond.
EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF DAPHNE/BAYSIDE ACADEMY
PRESS-REGISTER
DECEMBER 8, 15, 2007

ORDINANCE 2008 - 40

**Wooster Settlement: FEMA Hazardous Mitigation Grant
Proposed Alternative Action**

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget October 15, 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, the City Council did heretofore approve a settlement agreement in the case of David Wooster, et al. v. City of Daphne; and

WHEREAS, furthermore, the City Council did heretofore authorize the Mayor to execute the FEMA Hazardous Mitigation Grant Application as it relates to the David Wooster, et al. v. City of Daphne settlement; and

WHEREAS, \$ 55,186 was appropriated by Ordinance 2007-44 for the purchase and demolition of the Wooster residence as it relates to the FEMA Hazardous Mitigation Grant Application; and

WHEREAS, FEMA additionally requires the City to make certain further assurances regarding the commitment of funds for a proposed alternative action.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a General Fund appropriation not to exceed \$ 20,000 is hereby approved for the proposed alternative action for the raising of the Wooster residence as it relates to the FEMA Hazardous Mitigation Grant Application.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

CITY OF DAPHNE
ORDINANCE 2008-41

Establishing the Use of Electronic Vote Counting Devices

STATE OF ALABAMA
BALDWIN COUNTY
CITY OF DAPHNE

WHEREAS, Chapter 7 of Title 17 of the Alabama Code of 1975, and the regulations adopted pursuant thereto by the Alabama Electronic Voting Committee, provide for the use of Electronic Vote Counting Systems; and

WHEREAS, §17-7-21 of the Code of Alabama 1975 provides that a municipality may, in its discretion, by adoption of an appropriate ordinance, authorize, adopt and direct the use of electronic vote counting systems for use in all elections held in such municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that for all elections held subsequent to passage of this ordinance, the use of Optech III P Eagle Vote Counting System and Automark for ADA electronic voting device, systems which complies with §17-7-21 of the Code of Alabama and any regulations adopted pursuant thereto, is hereby authorized for the reporting, counting, and tabulating of any and all election results.

BE IT FURTHER ORDAINED that the Mayor of the City of Daphne, Alabama is hereby directed to file a copy of this ordinance with the Secretary of State as provided in §17-7-21 of the Code of Alabama 1975.

ADOPTED this _____ day of _____, 2008.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO. 2008-42**

**AN ORDINANCE REGULATING TOWING AND RECOVERY
ROTATION SERVICES FOR THE CITY OF DAPHNE**

WHEREAS, The City Council of the City of Daphne, Alabama deems it to be in the interest of public safety and for the benefit of its citizens to provide regulations for the towing of vehicles and wrecker rotation; and

WHEREAS, the Mayor and City Council of the City of Daphne, Alabama, after due consideration, believe the regulation of towing vehicles and wrecker rotation is proper and in the best interest of the City;

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

SECTION 16. MAXIMUM ALLOWABLE TOWING/STORAGE FEES

No tow truck service business on the Daphne Police Department's "wrecker rotation call" list shall charge a fee in excess of amounts set forth herein for tow truck service performed in response to wrecker rotation calls made by a police dispatcher. In addition to the fee caps set forth and provided herein, no other fees may be charged by the tow truck service business that are not expressly set forth by this ordinance.

(A). The tow truck service business may not charge more than Eighty five (\$85.00) dollars for each vehicle towed from one point in the Daphne city limits and police jurisdiction to another point therein, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. In addition to the Eighty five (\$85.00) dollars charge for towing each car, any service call which requires more than one and one half (1-1/2) hours on scene, shall be permitted an additional sixty five (\$65.00) dollars per hour charge.

Shall here by be amended to:

- (A). The tow truck service business may not charge more than One Hundred Five (\$105.00) dollars for each vehicle towed from one point in the Daphne city limits and police jurisdiction to another point therein, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. In addition to the One Hundred Five (\$105.00) dollars charge for towing each car, any service call which requires more than one and one half (1-1/2) hours on scene, shall be permitted an additional sixty five (\$65.00) dollars per hour charge.

SECTION 22. SEVERABILITY

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

SECTION 23. REPEALER

Any other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of conflict.

This ordinance shall take effect upon its due adoption and publication as required by law.

ADOPTED AND APPROVED on this _____ day of _____, 2006.

Greg Burnam
City Council President

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk