

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JULY 20, 2009
BUSINESS MEETING
6:30 P.M.

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

APPROVE MINUTES: Council meeting minutes / July 6, 2009
Council Work Session minutes / July 13, 2009

PRESENTATION: Jeffrey Boudreau / Eagle Scout Project

PRESENTATION: Mayor Small / David Whetstone

VETO OF ORDINANCE 2009-32 / Election and Appointment of City Officers and Returned to City Council for Consideration

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / July 13th

1.) Bid Awards:

- a.) Uniforms / Public Works / G & K Services / [Resolution 2009-64](#)
- b.) Police Uniforms Leather Gear / Lawmen's & Shooters Supply, Inc / [Resolution 2009-65](#)
- c.) Police Vehicle Equipment / Firehouse Sales & Service, Inc. / [Resolution 2009-66](#)
- d.) Park Chemicals / (Lesco, Inc.) d/b/a John Deere Landscapes, Inc. / [Resolution 2009-67](#)

2.) Resolutions:

- a.) Declare City Equipment Surplus / 1998 Ford Mustang / [Resolution 2009-68](#)
- b.) Declare Certain Property Surplus / 11 Bullet Resistant Vests / [Resolution 2009-69](#)
- c.) Authorize Mayor to apply for ADEM Grant / [Resolution 2009-70](#)

3.) Ordinances:

- a.) Appropriating Funds: Adult League Umpires / [Ordinance 2009-38](#)
- b.) Appropriating Funds: Engineering: Trione Park Soccer & Football Project / [Ordinance 2009-39](#)
- c.) Appropriating Funds: Daphne Statue / [Ordinance 2009-40](#)
- d.) Appropriating Lodging Tax Funds: May Day Sand Management Study / [Ordinance 2009-41](#)

4.) Financial Reports:

- a.) Treasurers Report / June 30, 2009
- b.) Summary of Revenues over Expenditures / May 31, 2009
- c.) Sales & Use Tax Collections / May 31, 2009
- d.) Lodging Tax Collections / May 31, 2009

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones*
- B. Downtown Redevelopment Authority - Barnette*
- C. Industrial Development Board – Yelding*
- D. Library Board - Lake*
- E. Planning Commission – Barnette*
Review minutes / June 25th
- F. Recreation Board - Burnam*
Review minutes / July 8th
- G. Utility Board - Scott*
Review minutes / April 29th

6. REPORTS OF OFFICERS:

- A. Mayors Report*
 - a.) ABC License / Uncorked Fine Wines / 010 – Lounge Retail Liquor Class I / Moving to US Hwy 98
 - b.) Special Events Permit / S.E.E.D.S. / Mama Mia Cook Off / November 14, 2009
- B. City Attorney’s Report*
- C. Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: Uniforms/ Public Works / G & K Services/Resolution 2009-64
- b.) Bid Award: Police Uniforms Leather Gear /
Lawmen’s & Shooters Supply, Inc. /Resolution 2009-65
- c.) Bid Award: Police Vehicle Equipment / Firehouse Sales & Service /Resolution 2009-66
- d.) Bid Award: Park Chemicals / (Lesco, Inc.) d/b/a
John Deere Landscapes, Inc. /Resolution 2009-67
- e.) Declaring Certain Property Surplus and Authorizing
the Mayor to Dispose of Such Property. /Resolution 2009-68
- f.) Declaring Certain Personal Property Surplus and
Authorizing Disposition. /Resolution 2009-69
- g.) AL Dpt. Of Environment Management Jubilee Square
Storm Water Retrofit. /Resolution 2009-70
- h.) Rename a Portion of North Main to Jubilee Parkway. /Resolution 2009-71

ORDINANCES:

2ND READ

- a.) **Adopt the 2006 International Fire Code with Amendments /
Repeal 2005-07.....Ordinance 2009-37**

1ST READ

- b.) **Increase Budget for Adult League Umpires/Ordinance 2009-38**
- c.) **General Fund Appropriation: Trion Soccer and
Football Complex Engineering/Ordinance 2009-39**
- d.) **Appropriation: Daphne Statue...../Ordinance 2009-40**
- e.) **Lodging Tax Appropriation: May Day Boat Launch
Sand Management Study...../Ordinance 2009-41**

9. COUNCIL COMMENTS

- a.) **MOTION:** Appoint an Employee Health Insurance Committee
- b.) Discuss Civic Center Director Position and Human Resource Director Position
- c.) Set Special Council Meeting Date for a Personnel Hearing / Employee Grievance

10. ADJOURN

AUGUST 10TH WORK SESSION ITEMS

- 1. COACH VICKERY / SUMMER CAMP UPDATE**

TENTATIVE WORK SESSION ITEMS

- 1. VISIONING PLAN**
- 2. PROTOCOL FOR CHANGING SIGN ORDINANCE**
- 3. TRAVEL BUDGET**
- 4. GARBAGE ORDINANCE**
- 5. DOWNTOWN REDEVELOPMENT AUTHORITY**

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

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6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Bill Eady.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Buzz Jordan, Attorney; Bill Eady, Public Works Director; Kim Briley, Finance Director; David Carpenter, Police Chief; James White, Fire Chief; David McKelroy, Recreation Director; Tonja Young, Library Director; Ashley Campbell, Environmental Program Manager; Vickie Hinman, Interim Human Resource Director; Adrienne Jones, Planning Director; Jane Robbins, Mayors Assistant; John Williams, Civic Center; Helen Burdette, Civic Center; Heather Leggett, Civic Center; Jason Agee, Civic Center; Maria Nicholson, Police Department; Rob McElroy, Daphne Utility Director; Ed Nelson, Recreation Board; Ron Allen, Library Board; Willie Robison, BZA; Ron Allen, Library Board; Mickey Boykin, Daphne Museum Board; Tomasina Werner, Beautification Committee; Kevin Anson, AL Dpt of Marine Resources.

Absent: Richard Merchant, Building Official; Deni Biggs, Interim Civic Center Director.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held June 15, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meetings held June 17, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to adopt the Special Called Council minutes meeting held June 24, 2009. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meeting held July 1, 2009. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PUBLIC HEARING: May Day Park Boat Landing

Mr. David Cohen, City Clerk, explained that the boat ramp will extend out over the water, and allow the sand to wash through and back and forth and migrate as the tide dictates. Currently there is a situation where the boat ramp is basically sanded in, and it has roughly a 6 inch to a foot deep depth out for a number of yards out from the land itself, and in essence the pilings that are there now are holding some of the sand back which are disallowing the sand to flow naturally through that area. This boat ramp would alleviate the sand stopping at the boat ramp, and basically bogging boaters down. The boat ramp will be comparatively where the crab piers stick out from the existing May Day pier. Basically, you will back your boat down over the shallower area sand that is shifting to deeper water.

Council President Lake opened the Public Hearing at 6:37 p.m.

Mr. Ted Byrne – 1405 Captain O’Neal Drive – asked what type of paving will be on the ramp, and are there plans to dredge out beyond the boat ramp.

Mr. Ack Moore, Thompson Engineering, the engineer of the project, explained that the paving will be pre-stressed concrete with grooves for non-slip, and it will be a bulkhead coming out about 30 feet with concrete on top of that. The boat ramp starts and goes out about 135 feet, and goes down into the water. There are no plans to dredge. That is an additional cost, and there is not enough money allotted for this project. There will be concrete paving in the portion just to the east of the boat ramp, where there is asphalt now. The reason for this is when the water gets up in high tide when there is hurricanes you don’t want that area to be destroyed. They are not going to use paving stones there, it looks nice to do that, but they are going to score the concrete to look like paving stones. The bulkhead will come out about 30 feet, and that will be paved with concrete. The boat ramp will start from there, and go out 130 feet from the end of the bulkhead. There will be a one inch scoring on the slabs so that it will be a non-slippery surface. The boat ramp will be 16 feet wide with eight inch curb on each side, and there will be finger piers on each side to allow people to walk out and tie up their boat. They will have to launch the boat and tie up the boat, and park their boat and trailer at the top of the hill, and walk back down. There will be enough room under the boat ramp so the sand can flow on through and won’t fill it up like it has been doing. That is the object of the whole exercise. It will be concrete slabs on top of concrete piling with concrete bent caps every 25 feet. At the end rubble there to keep from scouring. He has this scheduled to be finished by December 15th.

Councilwoman Barnette stated that this a 80/20 match through the Department of Conservation of Natural Resources with the state paying 80 percent and the city paying 20 percent. The permeable pavers

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will start where the planting area is now, and that will be a permeable parking lot up the hill and at the boat launch area.

Mr. Moore stated that there will be 15 spaces for boat trailers, and there will be civilian parking also, and it will all be permeable pavers so the water will soak into the ground, and will have a crushed stone base so the water can flow on through and go down hill.

Mr. Paul Canale – 1503 Captain O’Neal Drive – asked what the effect will be on the surrounding beach with the sand migration.

Mr. Eddie Murphy – 103 Windsor Court – asked if the Army Corp of Engineers was in on the project.

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

VETO OF ORDINANCE 2009-32 / Election and Appointment of City Officers:

MOTION BY Councilwoman Barnette to overturn the Mayor’s veto, and to adopt ordinance 2009-32. Seconded by Councilman Palumbo.

Council President Lake asked the city attorney if council needed to reaffirm the vote on ordinance 2009-32, and then overturn the veto.

Mr. Ross stated that he has reviewed Roberts Rules of Order, the verbatim transcript, and consulted with another attorney, Mr. Robert Eddington, who is an expert on Roberts Rules of Order, asking him to look at the wording of the motion “I call for a vote on the question” verses “I call for the question” and he opined after reviewing the transcript of verbatim dialogue that it appears that the subject of the motion was for the previous question. The colloquial form was used by the council member, but it was clear that he was moving to cut off debate and to call for a vote on the principal issue. When the motion was made the chairman should have required a second, and at that point no further debate would have been allowed on the adoption of the previous question. He should have then called for a vote on the cutting off of debate, and had there been a two thirds vote on that motion the next step would have been to call for a vote on the ordinance itself. Roberts Rules of Order makes it quite clear there must be a second on the motion of the previous question. One person cannot be allowed under Roberts Rules to stop debate. So, he opines that because of that there has never been a vote on the underlying motion, to wit, the appointing authority issue that came before the council. Mr. Ross stated that if you assume that the debate, however, had naturally concluded, and no body else wanted to speak, then it passed because no one was shut off from the communication or prohibited from speaking. If there was somebody that wanted to speak that was not given that right, then it hind sight, the motion to shut debate with two thirds vote should have come to pass first.

Council President Lake stated that he agrees, and that he tried to have a vote on the motion at the end of the vote on the question. He asked can they vote tonight on it, and then vote on the veto or do they have

to vote on it again tonight and then wait for the Mayor to veto it again and wait and come back two weeks, or whenever, and go through this whole process again.

Council discussed this with Mr. Ross.

Council President Lake asked Mr. Ross again, and he asked for a yes or no answer, if they vote on the motion tonight again or do they vote on the veto.

Mr. Ross stated that since the motion is on the floor, it is on the agenda although veto verses ordinance they are probably ok, in his opinion, to vote on the motion again, and that would reaffirm its, presumptively, non-approval by whatever the vote is as long as it is a majority.

Councilwoman Barnette withdrew her motion.

Councilman Palumbo withdrew his second.

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-32. *Seconded by Councilman Palumbo.*

Mr. Ross stated that this is considered a new ordinance so the Mayor will have 10 days from adoption to veto the ordinance.

The city clerk asked if this is a vote on the ordinance, everyone has spoken, and are now voting on the issue itself.

Council President Lake stated yes.

ROLL CALL VOTE

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

AYE Yelding, Barnette, Boulware, Palumbo, Lake

NAY Burnam, Scott

MOTION CARRIED

Mr. Ross stated that under section 17 of the rules of the council the rules can be suspended by a two thirds vote by the members present on a temporary non-permanent matter. The motion to do a hiring freeze on department heads and/or city employees, as the case may be, since you have to have unanimity to suspend the rules, make a motion to suspend the rules then you can bring it up by simple majority, secondly, and then you can vote on the motion third, and you accomplish the same thing with no argument by using the rules that are written.

Councilman Palumbo withdrew his motion.
Councilman Boulware withdrew his second.

MOTION BY Councilman Palumbo to suspend the rule to consider the previous matter.

Councilwoman Barnette amended the motion to suspend the council rules of procedure to discuss whether or not to address the issue of the hiring freeze.

Councilman Palumbo restated his motion to suspend the rules for the purpose of considering an extension of the hiring freeze for department heads. *Seconded by Councilwoman Barnette.*

AYE Yelding, Barnette, Boulware, Palumbo, Lake

NAY Burnam, Scott

MOTION CARRIED

MOTION BY Councilman Palumbo to extend the hiring freeze for department heads only until the first of the fiscal year. *Seconded by Councilman Boulware.*

AYE Yelding, Barnette, Boulware, Palumbo, Lake

NAY Burnam, Scott

MOTION CARRIED

A. FINANCE COMMITTEE – Boulware

No report. The next meeting will be July 13th at 4:00 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report. The next meeting will be July 10th in the Mayors office.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the June 10th meeting are in the packet, and no action by council is required. The next meeting will be Wednesday at 4:30 p.m.

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D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. The next meeting will be Wednesday after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

Re-appointment: Jeri Hargiss / Term expires July 2012

MOTION BY Councilwoman Barnette to re-appoint Jeri Hargiss to the Board of Zoning Adjustments term to expire July 2012. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The next meeting will be July 6th at 6:00 p.m. with two items on the agenda.

B. Downtown Redevelopment Authority – Barnette

Councilwoman Barnette reported that the entire Authority has resigned from their positions so there are no members on the Authority at this time with no future meetings scheduled. The council will have to discuss at a later date what the vision and direction of the Downtown Redevelopment Authority may or may not be.

Council President Lake asked that this be put on the work session list, and decide whether to consider it this month or next month.

C. Industrial Development Board – Yelding

Re-appointment of Harold “Pokey” Miller / Term expires December 2014

MOTION BY Councilman Yelding to re-appoint Harold “Pokey” Miller to the Industrial Development Board term expiring December 2014. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. Library Board – Lake

The minutes for the June 10th meeting are in the packet.

Appoint Andre LaPalme / Term expires September 2011

MOTION BY Councilman Palumbo to appoint Andre LaPalme to the Library Board to fill the term vacated by Dee Gambill, term to expire September 2011. *Seconded by Councilwoman Barnette.*

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

E. Planning Commission – Barnette

Councilwoman Barnette stated that the Attorney General’s opinion came back and that the proposed annexation of Swift Supply, Inc. would not be a long lasso since the county deeded the road to the city.

MOTION BY Councilwoman Barnette to set a Public Hearing for August 3, 2009 to consider an ordinance annexing Swift Supply, Inc. property located North of Milton Jones Road / Requested zoning B-2, General Business District. *Seconded by Councilman Yelding.*

Councilwoman Barnette stated that Swift Supply modified their request to take out Lot 2, and to advertise as such.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – Burnam

The next meeting will be Wednesday at 6:30 p.m.

Re-appoint Ed Nelson / Term expires July 2014

MOTION BY Councilman Burnam to re-appoint Ed Nelson to the Recreation Board term expiring July 2014. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

G. Utility Board – Scott

Rob McElroy, Utility Director, thanked everyone for their patience with them a week ago, because they had what is in essence the perfect storm of problems affecting the utilities in a span of one hour. They had three major line breaks, and lost four wells, nearly half of their water production capacity, in the span of one hour. It took them until about Sunday afternoon to fully recover from that, and they have come up with a good valving scheme. He wanted to present Mr. Larry Jackson to the council, but he had a family emergency, and could not be here. All the credit for the recovery is planted in his lap. His crews repaired the water line breaks, and his valving scheme that he came up

with from his many years of service to the utility were the key part to their recovery in the operation. He asked council to pass on the entire city's thanks to him.

Councilman Yelding asked Mr. McElroy to present Mr. Jackson to council in the near future.

Mr. McElroy said that he would love to. He stated that another issue that has been in the paper lately, and he wanted to update council on it, is that they have sent out some warning letters on unpaid sewer that is predominately in the Belforest and Park City area, and he urged council that if they know anybody that is affected by this to come in and meet with them. The philosophy for Daphne Utilities is if you work with us we will work with you, and if people will come in to them they will sit down and talk with them he is confident they will find a payment scheme that gets the matter resolved quickly without interruption of sewer service. They simply cannot provide free sewer service to anybody in the city, because it is not fair to the people that pay for their sewer. He said that if council has any questions to call him, and that if any of their constituents have questions to ask them to come in and see them, and they will be treated with respect, care and concern, because they are valuable customers to the utilities.

Councilman Scott asked that the utilities work on a key communicator list so that council can be sent an e-mail when events like this happen so that when their constituents call they will have answers.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

- a.) ABC License / Target / 050 – Retail Beer (Off Premises Only) / 070 – Retail Table Wine (Off Premises Only)***

MOTION BY Councilwoman Barnette to approve the ABC License for Target / 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only). *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- b.) MOTION:*** To extend the weekend advertising for businesses to allow them to advertise every weekend through September 30, 2009

MOTION BY Councilman Scott that based on the city's sign ordinance section 33-5-E that the council during this economic stimulus period allow the advertising that the Mayor outlined on the weekends from now until September 30, 2009, and the advertising to include all manner of advertising mentioned in this section of the ordinance. *Seconded by Councilman Burnam.*

Council discussed that this would come under the "any other occasion" clause in this section of the sign ordinance.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- c.) **MOTION:** To allow merchants at Jubilee Square to replace the city’s existing community banner structure with Jubilee Square signage which will have to meet city sign ordinance guidelines

MOTION BY Councilman Scott to allow merchants at Jubilee Square to replace the city’s existing community banner structure with Jubilee Square signage which will have to meet city sign ordinance guidelines. Seconded by Councilman Yelding.

Council discussed the legality of allowing merchants to do this on city property.

**Councilman Scott withdrew his motion.
Councilman Yelding withdrew his second.**

Council asked the Mayor, Councilwoman Barnette, Mr. Ross, city attorney, and Adrienne Jones, Planning Director to research what can and cannot be done with the signage, and have a recommendation at the next council meeting. Council wants to help the businesses but they want to do it legally.

- d.) **MOTION:** To rename the entrance from Hwy 90 into Jubilee Square, the T section, which is a short section of North Main Street Jubilee Square Parkway

MOTION BY Councilman Boulware to rename the entrance from Hwy 90 into Jubilee Square, the T-section, which is a short section of North Main Street, where you make a right to continue on North Main Street or left into the shopping center, Jubilee Square Parkway. Seconded by Councilwoman Barnette.

Council suggested putting a green sign over the street light at the intersection with the name of the street so people can see it.

Councilwoman Barnette asked to include that it would be contingent on ALDOT approval.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- e.) **Easement for Thomas Medical Center**

Mayor Small stated that the city has property where the city barn and animal shelter is at Johnson Road and US Highway 98, and the Marino family has owned a short strip in there for many years from when US Highway 98 was built. The Mayor has been in discussion with the Marino family after discussion with the Fire Chief that this was a very good location to build the potential fire station from the grant for which they are now applying. The Mayor said that the topography of the area is closer to the NFL property area plus it gets the fire department away from that intersection so that the city can have an emergency cut through there. The Marino family is willing to give the city the property, and in exchange they would like the 30 foot easement they have on city property from Jordan Road at Thomas Medical Center down to their property to the west increased to a 50 foot easement, which would be a commercial type right-of-way or easement in case anything commercial ever happened down there.

The Mayor asked the council to give him permission to pursue that transaction for the city.

MOTION BY Councilman Yelding to authorize the Mayor to make the proper transition of property between the Marino family and the City of Daphne property to allow for the city's future fire station. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

f.) MOTION: To allow Mayor to retain his own attorney

MOTION BY Councilman Scott to allow the Mayor to retain an attorney to represent him. *Seconded by Councilman Burnam.*

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

MOTION FAILED

B. City Attorney Report

Mr. Ross reported on the Attorney General's Opinion regarding the proposed annexation of Swift Supply, Inc. saying the opinion is that it would not be a long lasso annexation since the city was deeded the road by the county. He stated that there are two matters that need to be discussed in Executive Session an employee grievance which council will have to vote on in an open vote, and pending legal matters which may necessitate a vote in public.

C. Department Head Comments

James White – Fire Chief - stated that they are applying for the grant for the new fire station.

David Carpenter – Police Chief – reported that there have been four more arrest for the drive by shooting incident in TimberCreek.

John Williams – Civic Center – stated ballroom dancing is July 17th and the Taste of the Eastern Shore is August 14th, and tickets are on sale at the Civic Center and Daphne High School.

Adrienne Jones – Planning Director - reported that council should have received a rendering of the Publix building that was presented at the Site Review meeting.

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7. PUBLIC PARTICIPATION

Mr. Rod Drummond – 367 Ridgewood – wanted to know why these actions are being taken against the Mayor, and if it was some kind of punishment, and if so what has he done to warrant this type of treatment.

Mr. Eddie Murphy – 103 Windsor Court – spoke opposing the garbage ordinance 2009-35 reducing garbage pickup to once a week.

Mrs. Sherry Weller506 Ridgewood Drive – state that she is disappointed and embarrassed by the actions against the Mayor.

Mr. Willie Robison – 560 Stuart Street – stated that Mr. Eddington has served as the parliamentarian for the Lake Forest Property Owners Association for a long time. He stated that it does take a second when you call for the question. You are moving to close debate and that needs a two thirds majority.

Mr. Kevin Spriggs – Owner Easter Shore Motel – spoke regarding the garbage ordinance stating that the city burns up over \$300,000 per year subsidizing recycling. He said that the city needs to use science and economics when considering garbage. He commented on the actions against the Mayor saying that they were going against what the constituents want, and they have overturned the election. He said that council needs to give the public an explanation for their actions.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) **Acceptance of Streets & Drainage / Located in the Renaissance Center Subdv., Phase Three. /Resolution 2009-61**
- b.) **Acceptance of Streets & Drainage / Located in the Caroline Woods Subdv., Phase One /Resolution 2009-62**
- c.) **Support Fire Department to seek a FEMA Fire Station Construction Grant. /Resolution 2009-63**

MOTION BY Councilwoman Barnett to waive the reading of Resolutions 2009-61 and 2009-62. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-61 and Resolution 2009-62. Seconded by Councilman Scott.

Councilwoman Barnette stated that these received a unanimous favorable recommendation from the Planning Commission.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to wave the reading of Resolution 2009-63. Seconded by Councilwoman Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-63. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Ordinance Requesting NRCS Assistance and Appropriating Match:
March 25 – April 3, 2009 Rain Event. /Ordinance 2009-34
- c.) Amending Ordinance 2002-34: Garbage Collection. /Ordinance 2009-35
- d.) Lodging Tax Appropriation: Improvement to Richard Scardamalia
Pavilion Building. /Ordinance 2009-36
- e.) Adopt the 2006 International Fire Code with Amendments /
Repeal 2005-07. /Ordinance 2009-37

MOTION BY Councilwoman Barnette to wave the reading of Ordinance 2009-34. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY Burnam, Scott MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-34. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilman Yelding to waive the reading of Ordinance 2009-35. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to adopt Ordinance 2009-35. Seconded by Councilman Boulware.

Council discussed the ordinance and came to the consensus that they need to do more research on the subject.

Councilman Yelding withdrew his motion.
Councilman Boulware withdrew his second.

Council President Lake stated that this will be considered at a work session.

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-36. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-36. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2009-37 WAS MADE A 1ST READ.

MOTION BY Councilman Scott to enter into Executive Session to discuss an employee hearing and pending legal matters. The session will last for 20 minutes.

The city attorney certified that the reason given is acceptable according to the Open Meetings Act.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 9:30 p.m.

Councilman Boulware came out of Executive Session at 9:50 p.m. to state that the session will be another ten minutes.

Council returned from Executive Session at 10:04 p.m.

MOTION BY Councilwoman Barnette to appoint the Mayor as the settling authority for the Maria Nicholson settlement hearing on July 14, 2009.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to uphold the termination in the Sandra Morse hearing. Seconded by Councilman Burnam.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

8. COUNCIL COMMENTS

Council President Lake reported that the council has been asked to form a team for the Family Promise Sausage Cook Off on Sunday from 3:00 p.m. to 6:00 p.m. at Oak Hollow Farms, and Farm Fresh will sponsor the council if they form a team by providing the meat for the council team.

**JULY 6, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 10:07 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake,
Council President
Date & Time Signed: _____

JULY 13, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

ABSENT: Bailey Yelding; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Kim Briley, Finance Director; Vickie Hinman; Interim Human Resource Director; Rob McElroy, Utility General Manager; Danny Lyndall, Utilities; Bob Segalla, Utility Board.

Absent: Mayor Small; Jay Ross, City Attorney.

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

1. COACH VICERY / SUMMER CAMP UPDATE

Coach Vickery rescheduled to speak at the August work session.

2. CHAMBER OF COMMERCE / BUSINESS SURVEY / MIKE MAXWELL

Mr. Maxwell reported the findings of the survey to council. Mr. Phillip Webb, President of Bank Corp South listed the weaknesses and strengths for the Eastern Shore:

Weaknesses

- Businesses are not expanding, they are making adjusts just to stay in business
- Lack of skilled labor for hourly jobs
- Lack of affordable housing for hourly job holders
- Insurance costs
- Credit access is stricter
- Property taxes

Strengths

- Quality of schools
- Quality of work force
- Quality of community services
- Quality of life

He said that recession has hit the Eastern Shore, but is fairing better than most of the county.

3. ROB MCELROY / FIRE HYDRANT MAINTENANCE

Mr. McElroy addressed the letter that was sent to Daphne Utilities by the council stating that the city was no longer going to pay for the fire flow testing service since utilities already used the hydrants to flush out the water system. He stated that they started doing the fire flow testing back in 1950 for the city with no practical purpose for the utilities. They do not have to use the fire hydrants to flush

their water system. He stated that you have to be very precise when doing a fire flush. He said that this is very serious, and needs to be done. Mr. McElroy wants to come before the Public Safety committee to discuss this issue. He said that according to their bond covenants they cannot give free service to a municipality or county. He is also concerned about communications between Daphne Utilities and the council, because they have been billing the city for this work since October, and they were not notified until June 6th that the city wanted to stop the service. The utilities wants to be partners with the city, but there needs to be communication between the two. He asked to come before the Public Safety committee to discuss this issue.

Councilman Burnam stated that he will make sure that he is on the next agenda. He stated that Chief White at a recent Public Safety meeting gave them a list of all the surrounding cities that showed that the utilities provided that service for the city at no charge.

4. EMPLOYEE HEALTH INSURANCE

Mrs. Sherree Hilburn, Benefits Coordinator, reported to council her findings in comparing insurance carriers. She reported the differences between the Local Government insurance and United Health Care. Mrs. Hilburn said that once you have signed up with the Local Government program it is almost impossible to get out, because you cannot sign up with Blue Cross or United for a period of two years. She called a couple of doctors that employees use most to ask if they take United Health Care insurance and they said that they did, but will not take new patients with United, because they do not pay as well as Blue Cross. She pointed out to council that right now with Blue Cross the city has a \$500,000 reserve, and that there would not be an increase in premium this year. She said if they chose to change carriers now they would lose the \$500,000.

Councilman Lake stated that they need to be creative with the insurance plan to keep costs down. He suggested having a \$5,000 deductible where employees pay the first \$5,000 of medical bills and after that it will not cost anything.

Mrs. Hilburn stated that you would have to have a committee and educate them on how that would work, and let the committee explain it to their work mates. She stated that they would look at that figure and be scared off saying they could not afford that. She suggested that council have a committee to work out options for employee insurance.

Council suggested Council President Lake, and Mr. Scott said that he would be on a committee, because that is what he used to do.

Council President Lake asked that a motion to appoint a committee be on the agenda for Monday's meeting.

JULY 13, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

3

5. ADJOURN

There being no further business to discuss the meeting adjourned at 7:44 p.m.

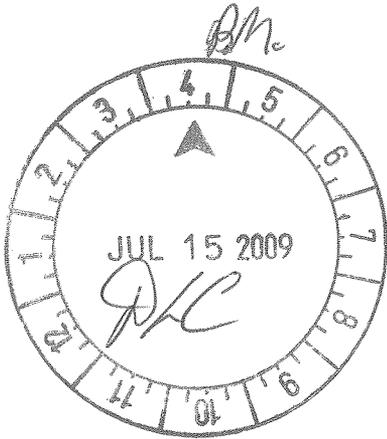
Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake
Council President

Date & Time Signed: _____



The Jubilee City

MAYOR'S OFFICE OFFICIAL VETO

TO: City Clerk

FROM: Mayor Fred Small 

DATE: July 15, 2009

SUBJECT: **ORDINANCE 2009-32**
Appointment of City Department Heads with Council as
the Appointing Authority

This stands as my notice to you stating my veto of above ordinance (ORDINANCE 2009-32). I object to this ordinance because the City Council has not the knowledge to resume the responsibility of such actions. The City Council works as a part-time legislative body and has no powers under the laws set forth within the State of Alabama to direct and or give direction to department heads and appointed officials (Police Chief, Fire Chief) of any kind within the City of Daphne.

I veto the above ordinance because of its content and question the legality as to a legislative body having the powers to hire such employees and be the employee's final body for grievances and the judicial hearings for terminations.

I veto this above said ordinance because of the options the legislative body will have to put unqualified personnel in these said positions and the ability to make these positions political to a point of instability thru all departments within the city.

Page 2
Memorandum
Ordinance 2009-32
June 24, 2009

I veto above said ordinance because the fact that I have done nothing wrong and have not been given any information as to why the council wants to take these powers away from the Mayor's office. I have hired quality people as department heads and worked together with them to be able to accomplish running the city in the black for over four years while keeping a high level of service for the citizens of Daphne.

I veto the above said ordinance because the Mayor is the only political member that is protected from a liability stand point 24/7, 365 days of the year not the council. The council takes on great liability situations not only for the City but personally as well.

Now I would like to ask each Council Member are you ready for the added liability to not only the City but personally? If not then I ask for you to support me in this veto not as a rejection of the request, but because of the lack of time to provide proper planning which results in not spending the tax payer's money wisely but taking a chance of having an inferior product to offer and adding undue liability to the City and yourself.

CITY OF DAPHNE

ORDINANCE NO. 2009-32

AN ORDINANCE FOR ELECTION AND APPOINTMENT OF CITY OFFICERS AND COUNCIL AS APPOINTING AUTHORITY

WHEREAS, the City Council of the City of Daphne, heretofore, adopted various resolutions and ordinances vesting within the Mayor power of appointment for certain city employees, and to set the term of service, and;

WHEREAS, the City Council of the City of Daphne, believes it to be in the best interest of the City to amend said resolutions and ordinances to remove the appointing authority from the Mayor for certain employment positions and place it within the discretion of the City Council:

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

SECTION I: APPOINTING AUTHORITY

Pursuant to the authority granted to the City Council by laws of the State of Alabama and pursuant to and in furtherance of the procedures as established by the Personnel Handbook as originally established by Resolution 1994-39 and as amended by Resolution 1995-13, Resolution 1999-24, Resolution 1999-63, Ordinance 1997-31, Ordinance 1998-10, Ordinance 1999-08, Ordinance 2000-04, Ordinance 2009-11 and such other resolutions and ordinances that relate to the Personnel Policy and Procedures, it is hereby established that the City Council does exercise its appointing authority by electing to fulfill certain offices and setting terms of services, not to exceed the term of the Mayor. As appointing authority, the City Council, reserves the right to any hiring, firing and/or disciplinary action(s) and that all references made or referred to the Office of the Mayor in the Personnel Policy and Procedures manual, as amended, shall be amended to reflect that the Council shall exercise such authority. Such officers shall include City Clerk; Treasurer/Finance Director; Chief of Police; Fire Chief; Municipal Judge; City Prosecutor; City Attorney; Code Enforcement Officer; Planning Director; Public Works Director; Human Resource Director; Library Director; Recreation Director; Building Official; and Civic Center Director.

SECTION II: 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 portion hereof pertaining to the election and appointment of officers thereof, shall remain in full force and effect.

SECTION III: REPEALER

Any Resolution(s) or Ordinance(s) or parts of any Resolution(s) or Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City council of Daphne and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this 6th day of July, 2009.



John Lake, Council President

Date & Time Signed: 7/06/09 10:10pm

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
July 13, 2009
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:10 pm. Present were, Councilman Bailey Yelding, Councilman Ron Scott, Finance Director Kim Briley, Senior Accountant Suzâne Henson and Accountant Donna Page.

Chairman Derek Boulware was absent. Councilman Yelding presided over the meeting.

Also in attendance were Mayor Fred Small, Public Works Director Bill Eady, Interim Human Resources Director Vickie Hinman, Recreation Director David McKelroy, and Environmental Programs Manager Ashley Campbell.

II. PUBLIC PARTICIPATION

Mr. Mark Chapman, with Smith, Dukes, & Buckalew, presented the City's Audit Report for Fiscal Year 2008. He noted that they issued an "unqualified opinion", meaning it was a clean audit with no issues. Mr. Chapman noted that the City prepares 98% of the financials in the audit. He referred to Ms. Briley to discuss the Management Discussion and Analysis. Ms. Briley highlighted the "Management's Discussion and Analysis" and recommended the Committee members read the complete report which summarizes the City's financial activities for the year.

Ms. Briley further discussed the increase in Public Safety expenditures of \$1,084,336 over FY 2007 expenditures. This is due to the first full year of the pay adjustment for Public Safety employees, three new firefighter positions, and the fact that there are not as many vacancies. Ms. Briley also noted that while sales and use tax revenues have been down, ad valorem revenue has increased. Mr. Scott stated that he did not think that trend would continue through FY 2010 due to the economic conditions affecting the value of property. Ms. Briley also stated that the City's debt outstanding decreased by \$1,581,832 during FY 2008 and that the City's reserves still look good.

Mr. Kevin Spriggs asked how much the City's current debt is. Ms. Briley replied that it is \$47,126,221, but explained that part of that is pledged sales tax.

III. HUMAN RESOURCES BUSINESS

Ms. Vickie Hinman presented a Human Resources department activity update in the Committee packet. Mr. Scott asked about employee training. Ms. Hinman discussed several training events that occur throughout the year: new employee orientation is held quarterly for employees hired and City's policies and procedures are presented; regular supervisor training which is mandatory and covers various personnel topics; and other training events are held though out the year for current employees. Ms. Hinman stated that training covers many different subjects, including such things as sexual harassment, safety, and ethics. She reported that all training received by employees is entered into Munis, (the City's financial/personnel computer software program), to record each employee's training history.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Requests

1. Recreation – Adult League Umpires - \$16,200

Mr. David McKelroy, Recreation Director, requested an additional \$16,200 for adult league umpires. Mr. McKelroy noted that adult league softball teams have increased from 16 last year to 24 this year and presented a projection showing that the increased revenue would more than cover the additional expense.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating an additional \$16,200 for adult league umpire expense. Seconded by Mr. Yelding. All in favor.

2. Trione Park Soccer & Football Project – Additional Funding for Engineering - \$49,313

It was discussed that the total engineering costs for the Trione Park Soccer and Football Project was not given at bid award and an additional appropriation of \$49,313 is needed.

Ms. Briley also presented a spreadsheet detailing the expenditures from the \$ 1,000,000 Reserve for Recreation and noted the funds have been fully expended.

Motion by Mr. Scott to recommend Council adopt an ordinance to pay the engineer's cost for Trione Park Soccer and Football Project in the amount of \$49,313 with the understanding that all engineer costs will be submitted and approved in the original appropriations of future projects. Seconded by Mr. Yelding. All in favor.

3. Daphne Statue Reimbursement Request - \$13,102.48

Mr. Scott discussed that although the City has no legal obligation to pay Ms. Nueman for the Daphne Statue negotiated by the Downtown Redevelopment Authority (according to the letter from the City's attorney), he thinks the City does have a moral obligation to do so. He recommended however that the \$13,102.48 cost be divided into two equal payments, with one payment made in FY 2009 and one in FY 2010. Ms. Briley noted the need for a contract and stated that the City Attorney had prepared such.

Mr. Scott made a motion to recommend Council authorize two equal payments with a total aggregate cost of \$13,102.48 be made to Fran Nueman for the Daphne statue, with one payment to be made in FY 2009, and one payment to be made in FY 2010. Seconded by Mr. Yelding. All in favor.

4. May Day Boat Launch Sand Management Study

Ms. Campbell discussed the ADCNR (Alabama Dept of Conservation and Natural Resources) three year study proposal for the May Day Boat Launch Sand Management Study. This is a \$56,000 grant requiring a 25% City match of \$14,000. Ms. Campbell explained that the May Day Boat Launch is a demonstration project meant to allow sand to migrate under the launch and go out the north and south sides. This grant will compliment the original study and will allow quarterly monitoring to see if the sand is migrating properly. Discussion was made on the need for this study. Ms. Campbell discussed citizen concerns on this issue and the Mayor noted the need for Daphne to maintain an operational boat ramp.

Mr. Scott made a motion to recommend Council adopt an ordinance appropriating a 25% City match of \$14,000 to the ADCNR Grant for a May Day Boat Launch Sand Management Study in the amount of \$56,000. Seconded by Mr. Yelding. All in favor.

B. Pending Items

Jubilee Square Storm Water Retrofit – City Match / Engineering

Ms. Ashley Campbell, Environmental Programs Manager, presented the Jubilee Square Storm Water Retrofit grant project. She explained it would be a three year ADEM grant totaling \$462,000, which includes a 40% in-kind match by the City of \$184,800.

Motion by Mr. Scott to recommend Council to adopt a resolution authorizing the Mayor to apply for an ADEM Grant for Jubilee Square Storm Water Retro-fit in the amount of \$462,000 which includes a 40% City in-kind match of \$184,800. Seconded by Mr. Yelding. All in favor.

C. Bids:

Ms. Henson noted that all staff recommendations were the low bid:

1. 2009-Y-POLICE UNIFORMS LEATHER GEAR

Ten Bid invitations were mailed/picked up/e-mailed with three sealed bids received. Staff recommended the low bid from Lawmen's & Shooters' Supply, Inc. be accepted.

2. 2009-Z-POLICE VEHICLE EQUIPMENT

Four bid invitations were mailed/picked up/e-mailed, with two sealed bids received. Staff recommended the low bid from Firehouse Sales & Service be accepted.

3. 2009-AA-UNIFORMS (PUBLIC WORKS)

Seven bid invitations were mailed/picked up/emailed, with four sealed bids received. Staff recommended the low bid from G & K Services be accepted.

4. 2009-BB-PARKS CHEMICALS

Six bid invitations were mailed/picked up/e-mailed, with one sealed bid received. Staff recommended the bid from Lesco, Inc./John Deere Landscapes be accepted.

Motion by Mr. Scott to recommend Council adopt resolutions awarding the following bids per staff recommendations:

- 1. 2009-Y-POLICE UNIFORMS LEATHER GEAR as bid to Lawmen's & Shooters' Supply, Inc.***
- 2. 2009-Z-POLICE VEHICLE EQUIPMENT as bid to Firehouse Sales & Service.***
- 3. 2009-AA-UNIFORMS (PUBLIC WORKS) as bid to G & K Services.***
- 4. 2009-BB-PARKS CHEMICALS as bid to Lesco, Inc./John Deere Landscapes.***

Seconded by Mr. Yelding. All in favor.

D. Declare City Equipment Surplus

1. Bullet Resistant Vests (11) – Expired Life

A request from Police Chief Carpenter to donate 11 expired bullet resistant vests to the Armor of God, Ten-Four Ministries was presented. It was discussed that Ten-Four Ministries will refurbish the vests and donate them to agencies who cannot afford vests. An Acknowledgement and Release Agreement will be signed and the City will have no liability.

Motion by Mr. Scott to recommend Council adopt a resolution declaring the 11 expired bullet resistant vests surplus and authorizing the Mayor to donate them to Armor of God, Ten-Four Ministries. Seconded by Mr. Yelding. All in favor.

2. 1998 Ford Mustang – (DARE Vehicle)

Motion by Mr. Scott to recommend Council adopt a resolution declaring the 1998 Ford Mustang (DARE Vehicle) surplus and authorizing the Mayor to dispose of such property. Seconded by Mr. Yelding. All in favor.

V. Current Business

City Hall Parking Lot – Engineering / Contract Work

Mr. Steve Delahunty, PE, with Hutchinson, Moore & Rauch, LLC, presented information on improvements made and work needed to complete the City Hall South and West Parking Lots. Mr. Delahunty noted that engineering fees for the project are estimated to total \$5,500. Ms. Henson noted that there is money remaining in the retainage from the City Hall building to cover the cost of the parking lot project and noted the project will go out for bid, so this will come back before the committee at a later date. The Mayor noted that the front parking lot is currently in mitigation and will not be included with this project.

VI. FINANCIAL REPORTS

A. Treasurer's Report: June 30, 2009

The Treasurer's Report totaling \$20,460,094.56 was presented.

Motion by Mr. Yelding to accept the Treasurer's Report as of June 30, 2009, in the amount of \$20,460,094.56. Seconded by Mr. Scott. All in favor.

B. Sales and Use Taxes: May 31, 2009

Sales and Use Tax Collected for May 2009	- \$ 829,100
Sales and Use Tax Budgeted for May 2009	- \$ <u>957,167</u>
Under Budget (for May)	- \$ (128,067)

YTD Budget Collections Variance - Under Budget - \$ (804,327)

C. Lodging Tax Collections, May 31, 2009

The Lodging Tax Collections report shows \$43,293.74 collected for May 2009.

D. Summary Report: Revenues, Expenditures & Changes in Fund Balance – May 31, 2009

A Summary General Fund Statement of Revenues, Expenditures & Changes in Fund Balance as of May 31, 2009, was presented. The statement shows that expenditures are currently over revenues by (\$237,245). Ms. Briley noted that this is the first time this year monies have been used from fund balance.

E. General Fund Budget Amendments, as of May 31, 2009

A listing of General Fund Budget Amendments as of May 31, 2009 was presented.

F. Zydeco Music Festival Comparison

A report showing Zydeco revenue and expenditure comparisons from 2005 through 2009 was presented.

G. Report: New Business Licenses – June 2009

A report showing new businesses licensed in the City for the month of June was presented.

H. Bills Paid Reports – June 2009

The June Bills Paid Report was included in Packet #2.

VII. ADJOURN

The meeting was adjourned at 5:15 p.m.

SMITH, DUKES & BUCKALEW, L.L.P.

GILBERT F. DUKES, JR.
G. TIMOTHY GASTON
J. WILBERT JORDAN, JR.
KERRY L. WEATHERFORD
E. LAMAR REEVES
KEVIN M. RITTELMAYER
APRIL B. BOUDREAUX
MARK R. CHAPMAN
TIMOTHY B. SMITH

CAROL E. CROWE

CERTIFIED PUBLIC ACCOUNTANTS

ONE MAISON BUILDING

3800 AIRPORT BOULEVARD

MOBILE, ALABAMA 36608

MAILING ADDRESS
P.O. BOX 160427
MOBILE, ALABAMA
36616
TELEPHONE (251) 343-1200
FAX: (251) 344-0966

July 13, 2009

To the Mayor and City Council
City of Daphne, Alabama
Daphne, AL 36526

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Daphne, Alabama for the year ended September 30, 2008, and have issued our report thereon dated July 13, 2009. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter dated August 31, 2006 and with subsequent discussions. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City of Daphne, Alabama are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2008. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the financial statements was:

Page Two:

Management's estimate of depreciation expense and accumulated depreciation is based on the estimated useful lives of capital assets purchased. We evaluated the key factors and assumptions used to develop those estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

The disclosure of long-term debt in Note 10 to the financial statements.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. The attached schedule summarizes uncorrected misstatements of the financial statements. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated July 13, 2009.

Page Three:

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the governmental unit’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the Mayor, City Council and management of the City of Daphne, Alabama and is not intended to be and should not be used by anyone other than these specified parties.

Smith, Duker & Budcalew, L.L.P.

Fred Small
Mayor

Sharon Cureton
Human Resources Director



Sherree Hilburn
Payroll and Benefits
Coordinator

Vickie Hinman
Human Resources Assistant

The Jubilee City

July 9, 2009

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Jobs Announced	Apps Received	Status
Communications Officer	66	Applications are being reviewed.
Human Resources Director	35	Applicants interviewed & references made. No decision until fiscal year per Council.

Training

Leadership Academy

First Wednesday of every month 8-10 a.m. Jan.-Dec. 2009

July 1 – Presentations:

- Finance Department
- Police Department and Fire Department on the City's Emergency/Disaster procedures.

Leadership Academy Makeup Sessions (from missed 2008 sessions)

First Thursday of every month 8-10 a.m. March –August, 2009

July 2 Make-up sessions were on *Violence in the Workplace* and *Terminations*

Safety Meetings 8:15 a.m. Jan.-Dec. 2009

Last Wednesday of every month except for July

June 24 Safety Committee meeting – Discussed property/injury report. Year-to-date only 6 claims are not eligible for a safety award for January-June 2009. Safety awards will be issued by July 31. Discussed keeping employees hydrated when working outside in heat, (ex. Water, Gatorade, and Cooling Bandanas) and developing City Employee Exposure Plan for contact with hazardous materials. Additional discussion next meeting: hepatitis shots for Solid Waste Workers and City Building Inspections.

Note: Next Safety meeting on July 22, 2009

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3073⁸ Fax: (251) 621-4506

Projects Completed:

All terminated employee personnel files, payroll and benefit records removed from storage unit and moved in the Human Resources Work Room in May. This ended monthly rental cost for storage unit. All records have been filed and stored in our new Work Room for easier access.

Upcoming Events and Projects

- Quarterly Employee Random Drug Test
- July 29 – Employee Benefits Fair @ Civic Center from 11:00 a.m. - 2:00 p.m.
- Continuous Cross Training of Human Resources Department Staff on Procedures/Reports

Please check out our website for updated information on training opportunities, job announcements, personnel policies and forms! www.daphneal.com/hr

Fred Small
Mayor
David McKelroy
Parks & Recreation
Director



The Jubilee City

Dwayne Coley
Parks Maintenance Supervisor

Mary Jensen
Seniors Program Coordinator

Megan Matrone
Recreation Programs Coordinator

Charlie McDavid
Athletic Coordinator

Approved For Finance Comm. Agenda

Signature _____
Date 6/23/09

MEMO

TO: Kim Briley, Finance Director
FROM: David McKelroy, Park & Recreation Director *wsm*
RE: Increase budget – Adult League Umpires
DATE: June 22, 2009

Kim,

I would like to request an additional \$16,200 in account #182075.53422.61, Adult League Umpires. Our softball and soccer leagues have grown rapidly. This is not an increase expense to the city in that increased revenues from registration will cover the cost of the umpires (see attached projection). I'm sure this will have to go to Finance and then be approved by Council. If there are any questions, please contact me.

Thanks

	Needed	Expected Revenue
Summer Men's Open League	\$9280	\$9600
Summer Coed	\$4800	\$5200
Summer Adult Soccer	\$2120	\$2250
TOTAL	\$16,200	\$17,050

Approved For Finance Comm. Agenda

[Handwritten Signature]
Signature
Date 5/27/09

Kim

From: Scott Hutchinson [sah@hmreengineers.com]
Sent: Monday, May 18, 2009 1:56 PM
To: Kim Briley (Kim Briley)
Subject: Trione Park

49,313

Addl approp for Trione Park project

Kim,

We have about 100 days left on the contract, but we should be through before that. Attached are all of the invoices on the project through April 12. The invoices that make up construction surveillance (114118 thru 114408) total \$27,412.61. We will be invoicing about \$6,900 for 4/13-5/10, and anticipate about \$5,000 in June, \$5,000 in July, and \$5,000 in August.

I hope this info helps.

Scott A. Hutchinson, P.E.

Kim -
Can we not just
pay out of special
services?

what is this?
Explain

when this bid was
awarded, they did
not give us the engineering
budget. This is so appropriate
for the necessary
engineering -
and

No - don't have
this much
available - the
total budget is
only ~~3,000-~~
3,000-
MND

JUNE 30, 2009

FY 2007

FY 2008

FY 2009

Invoice Date	Invoice No.	Project No.	Amount	Invoice Date	Invoice No.	Project No.	Amount	Invoice Date	Invoice No.	Project No.	Amount	
<u>Recreation Survey & Master Plan</u>												
11/15/06	110140	2685-10.01	1,067.63	11/30/07	112411	2685-10.01	3,911.38	10/10/08	113717	3293-10.25	18,481.29	
1/12/07	110463	2685-10.01	195.00	1/17/08	112582	2685-10.01	1,235.00	11/4/08	113822	3293-10.25	12,396.66	
2/1/07	110589	2685-10.01	2,827.50	1/28/08	112683	2685-10.01	2,382.34	12/15/08	113954	3293-10.25	3,480.95	
3/15/07	110829	2685-10.01	3,675.00	3/7/08	112865	2685-10.01	3,775.87	1/16/09	114039	3293-10.25	762.50	
3/29/07	110943	2685-10.01	1,007.50	3/31/08	112969	2685-10.01	1,209.13	2/6/09	114118	3293-10.25	3,900.69	
5/1/07	111097	2685-10.01	3,477.50	4/30/08	113090	2685-10.01	265.62	3/16/09	114247	3293-10.25	9,651.84	
5/23/07	111269	2685-10.01	2,267.50	6/24/08	113324	2685-10.01	132.81	4/23/09	114272	3293-10.25	7,513.82	
6/28/07	111469	2685-10.01	231.87	8/29/08	113571	2685-10.01	3,529.08	<u>53201-Engineering Services</u>				
6/28/07	111469	2685-10.01	4,907.50						11/13/08	Ad	773.69	
7/24/07	111649	2685-10.01	1,384.77						3/6/09	James Bro.	267,814.02	
			<u>21,528.09</u>						4/7/09	James Bro.	87,753.64	
									4/28/09	James Bro.	83,712.82	
									6/1/09	James Bro.	241,734.40	
									<u>592261-Sports Fields</u>			
									<u>681,788.57</u>			
									<u>Nicholson Center Renovation</u>			
									3/18/09	Res. 2009-37	21,090.62	
									<u>21,090.62</u>			
									<u>759,066.94</u>			
<u>Sports Complex: Entrance Road Design</u>												
8/28/07	111912	2981-10.11	16,501.78	1/28/08	112679	2981-10.11	10,519.38	<u>Trione Park - Phase 1</u>				
9/28/07	112071	2981-10.11	10,487.80	1/17/08	112591	2981-10.11	6,260.82	10/10/08	113717	3293-10.25	18,481.29	
10/31/07	112269	2981-10.11	13,464.28	3/4/08	112813	2981-10.11	8,661.25	11/4/08	113822	3293-10.25	12,396.66	
				5/23/08	113193	2981-10.11	1,548.32	12/15/08	113954	3293-10.25	3,480.95	
				4/30/08	113093	2981-10.11	3,212.32	1/16/09	114039	3293-10.25	762.50	
				3/31/08	112972	2981-10.11	4,558.55	2/6/09	114118	3293-10.25	3,900.69	
				6/24/08	113328	2981-10.11	2,936.77	3/16/09	114247	3293-10.25	9,651.84	
									4/23/09	114272	3293-10.25	7,513.82
									<u>56,187.75</u>			
									<u>37,697.41</u>			
									<u>40,453.86</u>			
									<u>61,981.95</u>			
									<u>54,138.64</u>			
									<u>54,138.64</u>			
									<u>759,066.94</u>			
TOTAL FY 2007				TOTAL FY 2008				TOTAL FY 2009				

**Capital Reserve Fund:
Reserve for Recreation
June 30, 2009**

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>Total</u>
De-Annexation Proceeds	1,000,000.00	-	-	-	-	1,000,000.00
Interest	14,152.50	37,769.16	36,610.91	16,025.83	2,595.95	107,154.35
Total Financing Sources	1,014,152.50	37,769.16	36,610.91	16,025.83	2,595.95	1,107,154.35
Dog Park	-	-	14,706.88	-	-	14,706.88
Property	-	237,066.83	-	-	-	237,066.83
Entrance Design	-	-	40,453.86	37,697.41	-	78,151.27
Sports Fields- Trione Phase I	-	-	-	-	718,169.43	718,169.43
Recreation Survey & Master Plan	-	-	21,528.09	16,441.23	-	37,969.32
Nicholson Center Renovation	-	-	-	-	21,090.62	21,090.62
Total Financing Uses	-	237,066.83	76,688.83	54,138.64	739,260.05	1,107,154.35
Financing Sources Over/(Under) Uses	1,014,152.50	(199,297.67)	(40,077.92)	(38,112.81)	(736,664.10)	-

ROSS, JORDAN & GRAY, P.C.

Attorneys at Law

1111 Dauphin Street

Mobile, AL 36604

Telephone: (251) 432-5400

Facsimile: (251) 433-6868

jason@rossandjordan.com

JAY M. ROSS
JOE CARL "BUZZ" JORDAN
MISSTY C. GRAY
FREDERICK T. "ERICK" BUSSEY
R. JASON CRANE

MAILING ADDRESS:
POST OFFICE BOX 210
MOBILE, AL 36601-02101

July 13, 2009

Ms. Kim Briley
Finance Director
CITY OF DAPHNE
Post Office Box 400
Daphne, AL 36526

RE: FINANCIAL OBLIGATIONS FOR NUEMAN STATUE

Dear Ms. Briley,

You recently requested an opinion from our office regarding the following matters: whether the City of Daphne is obligated to pay the debt on a contract that it was not a party to and secondly, if the City does not have an obligation to repay the debt on the contract, may the City if it so chooses, repay the obligation.

As I understand the facts surrounding this specific issue, a group of local business owners incorporated as the Downtown Redevelopment Authority and negotiated with artist Fran Nueman for the creation and placement of a statue at the Daphne Municipal Complex. Under the terms of that agreement, the Downtown Redevelopment Authority was obligated to pay Nueman for the creation and placement of the statue. Additionally, the City of Daphne was never a party to the agreement and did not have any obligations otherwise under the agreement. The Redevelopment Authority was ultimately not able to satisfy its part of the agreement, namely payment to Nueman, of which over thirteen thousand dollars remains outstanding. Recently, Nueman sent an invoice to the City of Daphne requesting that the City pay her the outstanding balance.

To answer the first question, it is my opinion that the City of Daphne does not have any obligation to pay Nueman for the statue. Firstly, the City of Daphne never appropriated funds for, nor requested bids for the creation and placement of the statue. Secondly, the City of Daphne was never a party to the agreement, of which there is no written record evidencing the

Ms. Kim Briley
Page Two
July 13, 2009

intent of the parties. Generally speaking, a person can not be held liable for breach of a contract if the person was not a party to the contract to begin with. Furthermore, there must also be evidence of the party's intent to enter into an agreement. Neither can be shown here. Finally, the lack of a written contract also arguably precludes payment by the City of Daphne. Contracts or agreements which call for a special promise to answer for the debt, default or miscarriage of another must be in writing or are void under § 8-9-2 of the Alabama Code, also known as "the Statute of Frauds". For all of the reasons expressed above, it is my opinion that the City of Daphne has no obligation to re-pay the debt incurred by the Downtown Redevelopment Authority for the creation and placement of a statue at Daphne Municipal Plaza.

Conversely, research of the relevant law has shown nothing preventing the City of Daphne, should it decide to do so, from paying the debt which was incurred by the Downtown Redevelopment Authority for the statue. However, payment by the City of Daphne is subject to the general restrictions applicable to most payments of funds by the City of Daphne. Firstly, the City must find a valid public purpose in doing so, and secondly, the City must amend its budget to provide for the payment of the funds. Other than these general restrictions, there is no law which would prevent payment by the City of Daphne to answer for the Downtown Redevelopment Authority's outstanding obligation to Fran Nueman for creation and placement of the statue at Daphne Municipal Plaza.

Should the City of Daphne decide to undertake such action, it is my opinion that the action should be reflected in writing. I have included a proposed agreement containing the proper language with this opinion letter. In the interim, should you have any other questions regarding this matter, please do not hesitate to contact me.

Sincerely yours,

R. JASON CRANE
For the Firm

RJC/pb

cc: Jay M. Ross, Esquire

PROPOSED AGREEMENT

WHEREAS, the Downtown Redevelopment Authority did enter into an Agreement with Fran Nueman for the creation of and placement of a statue at the Daphne Municipal Complex; and,

WHEREAS, Fran Nueman did complete her obligation under the Agreement on or about March 17th, 2004; and

WHEREAS, the Downtown Redevelopment Authority did breach the terms of the Agreement with Fran Nueman by failing to pay the outstanding balance for the statue; and,

WHEREAS, the City of Daphne was not a party to the original agreement of the above-referenced parties; and,

WHEREAS, the City of Daphne having found a valid public purpose in fulfilling the Agreement on behalf of the Downtown Redevelopment Authority; and

WHEREAS, the City of Daphne having amended its current budget to allow for the appropriation to Fran Nueman of the outstanding obligation of the Downtown Redevelopment Authority;

NOW THEREFORE, in consideration of the premises, the mutual undertakings and benefits to accrue to the parties and to the public, the parties hereto agree as follows:

The City of Daphne does hereby agree to pay Fran Nueman, the amount of thirteen thousand, one hundred and two dollars, and forty-eight cents (**13,102.48**), which is the amount of the outstanding obligation between Fran Nueman and The Downtown Redevelopment Authority.

Fran Nueman, upon acceptance of this amount, does hereby warrant that the agreement between the Downtown Redevelopment Authority and Fran Nueman is hereby fulfilled, all parties having fulfilled their respective obligations, and there is no further outstanding obligation on or arising from the agreement between the Downtown Redevelopment Authority and Fran Nueman.

In addition, for and in consideration of same, Fran Nueman hereby releases, acquits and forever discharges the City of Daphne, its affiliates, subsidiaries, officers, directors, employees, representatives, attorneys, agents, successors, insurers, and assigns from any and all claims, actions or causes of action, which Fran Nueman now has or may hereafter have against the City of Daphne.

FRAN NUEMAN

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned notary public in and for the said County, in the said State, do hereby certify that, FRAN NUEMAN, whose name is signed to the forgoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this _____ day of _____ 2009.

(SEAL)

NOTARY PUBLIC
Commission Expires: _____

May Day Boat Launch Sand Management Study

3 Year Study (detailed on proposal)

ADCNR 75% Match	\$42,000.00
City 25% Match	<u>\$14,000.00</u>
Total Cost	\$56,000.00

Recommended monitoring plan for Daphne Mayday Park

1. Air photos

- ½ mile of shoreline centered on Mayday Park
- Extend from Belrose to MacMillan Ave.
- Vertical and obliques
- Afternoon sun angle
- (Thigpen quality)
- Quarterly for first year then semi-annually

2. Shoreline mapping

- Mayday Park area (600 feet)
- Extend from one pier south to one pier north
- This will be below MHW
- Install staff gage on pier for water level
- Map shoreline early in the morning (no waves)
- Quarterly for first year then semi-annually

3. Beach profile surveys

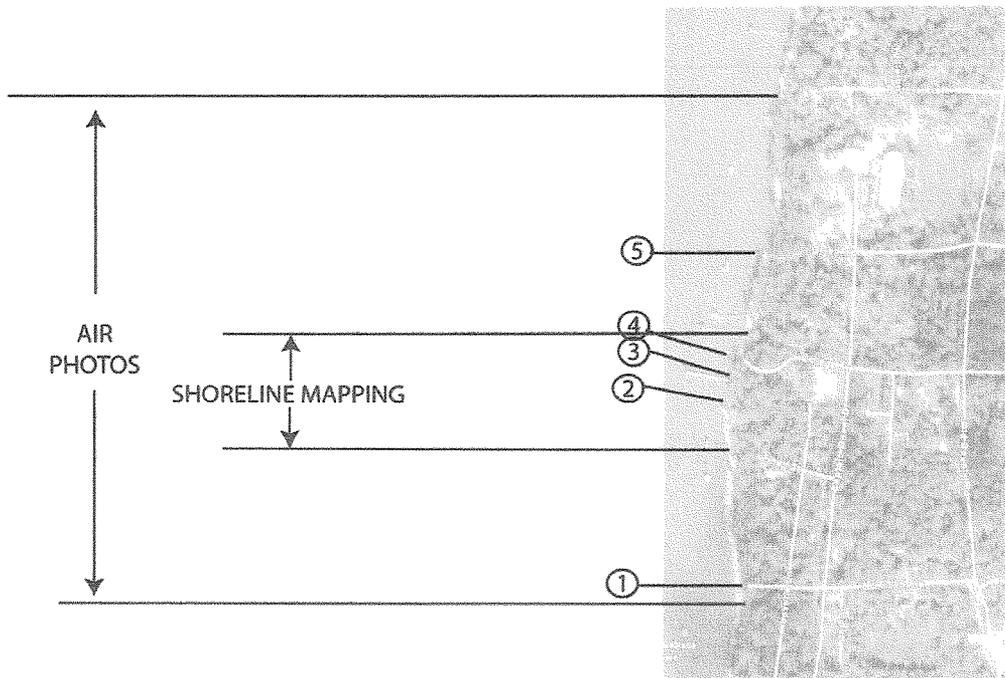
- Sand elevation surveys from upland into water
- Extend at least 200 feet from shore
- Establish individual benchmarks on each line
- 5 lines (MacMillan, Dryer, Mayday-3)
- Quarterly for first year then semi-annually
- (one post-storm survey as-needed)

4. Wave and sand transport

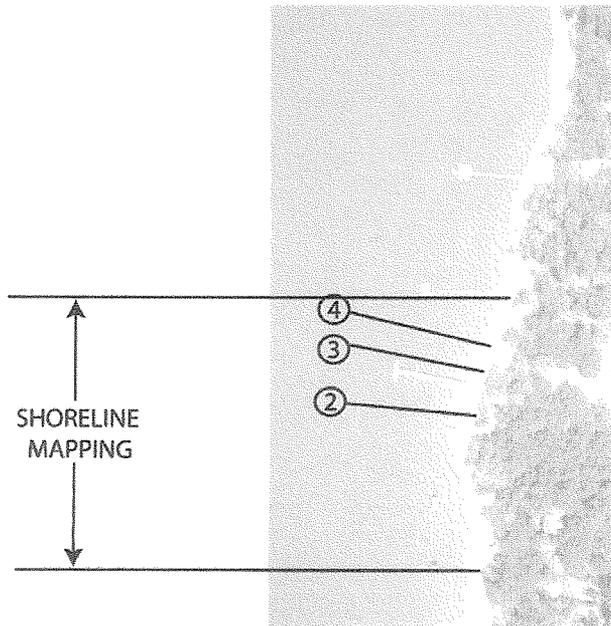
- Estimated for period of monitoring
- Based on Middle Bay or airport
- Following analysis in Sept. 2008 South Coast Engineers report

5. Analysis and reporting

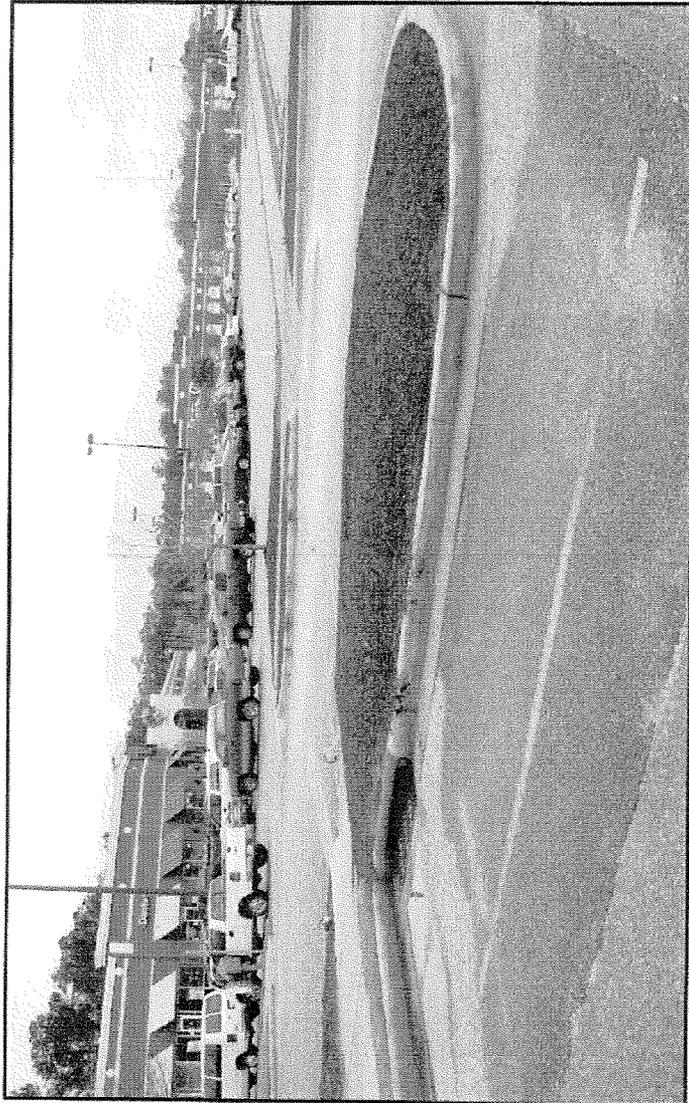
- Annual reports summarizing impact of 2009 project
- Quarterly and semi-annual data reports as needed



① — BEACH
 — PROFILE
 LOCATIONS



Jubilee Square Retrofit Conceptual Plan



City of Daphne

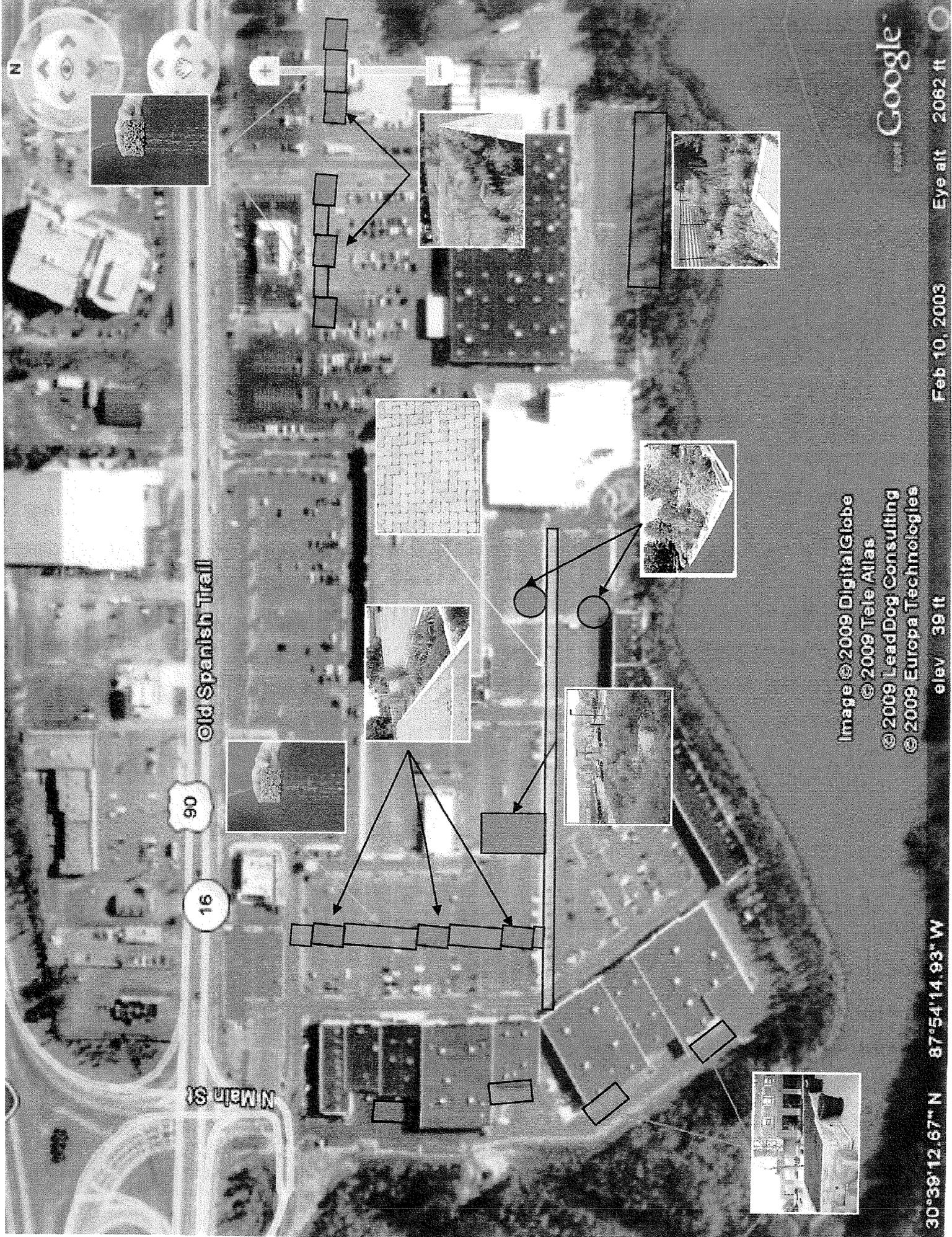
Prepared by:
Lee Walters
Goodwyn, Mills & Cawood

Approved For Finance Comm. Agenda

[Signature]

Signature
7/10/09

Date



N

Old Spanish Trail

90

16

N Main St

Image © 2009 DigitalGlobe
© 2009 Tele Atlas
© 2009 LeadDog Consulting
© 2009 Europa Technologies

Google

30°39'12.67" N 87°54'14.93" W

Feb 10, 2003

elev 39 ft

Eye alt 2062 ft

Jubilee Retrofit Estimated Cost Analysis

Bio-retention Area # 1	Boater's World Parking Lot			
Task	Unit	Cost/Unit	Total	
Saw cut Asphalt (LF)	320	\$5	\$1,600	
Asphalt Removal and Disposal (CY)	89	\$75	\$6,660	
Underdrain (LF)	420	\$15	\$6,300	
Stone (CY)	133	\$25	\$3,330	
Engineered Soil (CY)	333	\$12	\$3,996	
Mulch (CY)	40	\$20	\$799	
Geotextile Fabric (SY)	400	\$1.5	\$600	
Plantings (SF) includes trees/shrubs, no irrigation	3,600	\$2.5	\$9,000	
	TOTAL		\$32,285	

Bio-retention Area # 2	Goody's Parking Lot			
Task	Unit	Cost/Unit	Total	
Underdrain (LF)	900	\$15	\$13,500	
Stone (CY)	416	\$25	\$10,406	
Engineered Soil (CY)	1,041	\$12	\$12,488	
Mulch (CY)	125	\$20	\$2,498	
Geotextile Fabric (SY)	1,250	\$1.5	\$1,875	
Plantings (SF) includes trees/shrubs, no irrigation	11,250	\$2.5	\$28,125	
	TOTAL		\$68,891	

Porous Asphalt Strip	Goody's Parking Lot			
Task	Unit	Cost/Unit	Total	
Saw cut Asphalt (LF)	770	\$5	\$3,850	
Asphalt Removal and Disposal (CY)	69	\$75	\$5,203	
Underdrain (LF)	770	\$15	\$11,550	
Stone (CY)	139	\$25	\$3,469	
Engineered Soil (CY)	347	\$12	\$4,163	
Porous Asphalt (SY)	417	\$30	\$12,500	
	TOTAL		\$40,734	

Jubilee Retrofit Estimated Cost Analysis

Bio-retention Area # 3 Home Depot Parking Lot

Task	Unit	Cost/Unit	Total
Underdrain (LF)	2,200	\$15	\$33,000
Stone (CY)	740	\$25	\$18,500
Engineered Soil (CY)	1,850	\$12	\$22,200
Mulch (CY)	222	\$20	\$4,440
Geotextile Fabric (SY)	2,222	\$1.5	\$3,333
Plantings (SF) includes trees/shrubs, no irrigation	20,000	\$2.5	\$50,000
TOTAL			\$131,473

Porous Asphalt Strip Home Depot Parking Lot

Task	Unit	Cost/Unit	Total
Saw cut Asphalt (LF)	540	\$5	\$2,700
Asphalt Removal and Disposal (CY)	48	\$75	\$3,608
Underdrain (LF)	540	\$15	\$8,100
Stone (CY)	96	\$25	\$2,405
Engineered Soil (CY)	241	\$12	\$2,886
Porous Asphalt (SY)	289	\$30	\$8,667
TOTAL			\$28,365

Bio-retention Area # 4 Rave Parking Lot

Task	Unit	Cost/Unit	Total
Underdrain (LF)	120	\$15	\$1,800
Stone (CY)	30	\$25	\$740
Engineered Soil (CY)	74	\$12	\$888
Mulch (CY)	9	\$20	\$178
Geotextile Fabric (SY)	89	\$1.5	\$133
Plantings (SF) includes trees/shrubs, no irrigation	800	\$2.5	\$2,000
TOTAL			\$5,739

Jubilee Retrofit Estimated Cost Analysis

Bio-retention Area # 5 Home Depot Back Parking Lot

Task	Unit	Cost/Unit	Total
Saw cut Asphalt (LF)	310	\$5	\$5
Asphalt Removal and Disposal (CY)	50	\$75	\$3,746
Underdrain (LF)	310	\$15	\$4,650
Stone (CY)	100	\$25	\$2,498
Engineered Soil (CY)	250	\$12	\$2,997
Mulch (CY)	30	\$20	\$599
Geotextile Fabric (SY)	300	\$1.5	\$450
Plantings (SF) includes trees/shrubs, no irrigation	2,700	\$2.5	\$6,750
TOTAL			\$21,695

Permeable Paver Sidewalk

Task	Unit	Cost/Unit	Total
Sidewalk Removal (CY)	148	\$75	\$11,100
Gravel (CY)	296	\$25	\$7,400
Geotextile Fabric (SY)	889	\$1.5	\$1,333
Sand (CY)	148	\$20	\$2,960
Permeable Pavers (SF)	8,000	\$3.5	\$28,000
TOTAL			\$50,793

Elevated Landscape Bed (Cost per Bed)

Task	Unit	Cost/Unit	Total
Retaining Wall (4-sided)	Lump Sum	\$2,500	\$2,500
Stone (CY)	2	\$25	\$56
Engineered Soil (CY)	6	\$12	\$67
Mulch (CY)	7	\$20	\$139
Geotextile Fabric (SY)	7	\$1.5	\$10
Plantings (SF) includes trees/shrubs, no irrigation	60	\$2.5	\$150
TOTAL			\$2,921

Design & Construction Oversight

Lump Sum	\$79,500
----------	-----------------

MEMORANDUM

TO: SUZANNE HENSON
FROM: CHIEF CARPENTER 
DATE: JULY 7, 2009
RE: BID ACCEPTANCE

Please take this memo as our acceptance of the leather bid received from Lawmen's & Shooter's Supply. They came in under price over the other two companies that sent bids, and we have been satisfied with their service in the past.

If you have any questions, please contact me.

CITY OF DAPHNE

BID OPENING MINUTES BID DOCUMENT NO: 2009-Y-POLICE UNIFORMS LEATHERGEAR

**July 7, 2009
11:30 A.M.**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant

Captain Danny Bell Police

10 Bid invitations were mailed/picked up/e-mailed, 3 sealed bids were received. Captain Bell opened the bids presented and the bids were read aloud as follows:

ITEM DESCRIPTION	DESCRIPTION.....	TERRY'S UNIFORMS	GULF STATES DISTRIBUTORS, INC	LAWMEN'S & SHOOTERS' SUPPLY INC.
Ammo Pouch, Double - Basketweave Leather - Dutyman or Equivalent	Velcro or Hidden Snaps	15.75	28.00	15.78
Ammo Pouch, Double - Plain Leather - Dutyman or Equivalent	Velcro or Hidden Snaps	14.75	28.00	13.30
Badge, Wallet - B538 Blue Lettering with State Seal, Blackinton or Equivalent w/Clip	Gold or Silver	51.25	55.00	48.51
Belt, Dress - Basketweave Leather, Don Hume B112, Ranger	Silver or Gold Buckle Size:	15.00	-	24.90
Belt, Dress - Plain Leather - Don Hume B112, Ranger	Silver or Gold Buckle Size:	15.00	-	23.76
Belt Keepers - Single or Double Snap or Velcro, Basketweave Leather	Silver or Gold Snaps Single or Double Snaps or Velcro	2.30	6.50	2.41
Belt Keepers - Single or Double Snap or Velcro, Plain Leather	Silver or Gold Snaps Single or Double Snaps or Velcro	2.30	6.50	2.41
Flashlight Ring - Basketweave or Plain	Silver or Gold Snaps	4.50	6.75	4.34
Gun Belt, Inner - Basketweave Leather, Dutyman or Equivalent, Velcro	Size:	14.50	26.00	13.23

ITEM DESCRIPTION	DESCRIPTION	TERRY'S UNIFORMS	GULF STATES DISTRIBUTORS, INC	LAWMEN'S & SHOOTERS' SUPPLY INC.
Gun Belt, Inner - Plain Leather, Dutyman or Equivalent, Velcro	Size:	14.50	26.00	12.95
Gun Belt, Outer - Basketweave Leather - Dutyman or Equivalent, Velcro	Size:	32.50	49.00	28.08
Gun Belt, Outer - Plain Leather - Dutyman or Equivalent, Velcro	Size:	31.50	49.00	27.53
Handcuff Case - Basketweave Leather, Closed Case with Snap - Dutyman or Equivalent	Silver or Gold Snaps	13.85	22.00	12.20
Handcuff Case - Plain Leather, Closed Case with Snap - Dutyman or Equivalent	Silver or Gold Snaps	13.35	22.00	11.65
Handcuff Case - Basketweave Leather, Open Face - Dutyman or Equivalent		13.85	21.00	11.54
Handcuff Case - Plain Leather, Open Face - Dutyman or Equivalent		13.35	21.00	11.10
Holster - Basketweave Leather - Don Hume Level Two Security-Automatic H745-SH	Left or Right Handed Glock 22, 23 or 27	98.00	-	70.91
Holster - Plain Leather - Don Hume Level Two Security-Automatic H745-SH	Left or Right Handed Glock 22, 23 or 27	96.00	-	68.51
ID Case, Wallet Badge and ID Card with B538 Badge with place for money		22.00	29.00	13.17
Pepper Spray Holder, Basketweave Leather - MK-3 with Flap (Small)	Silver, Gold, or Hidden Snaps	13.20	22.00	11.38
Pepper Spray Holder, Plain Leather - MK-3 with Flap (Small)	Silver, Gold, or Hidden Snaps	12.50	22.00	11.10
Pepper Spray Holder, Basketweave Leather - MK-4 with Flap (Large)	Silver, Gold, or Hidden Snaps	14.50	22.00	13.36
Pepper Spray Holder, Plain Leather - MK-4 with Flap (Large)	Silver, Gold, or Hidden Snaps	14.30	22.00	12.20
Stinger Holder - Basketweave Leather, Open Top		13.50	19.00	12.48
Stinger, Holder - Plain Leather, Open Top		13.50	19.00	12.20
TOTAL		565.75	521.75	489.00

MEMORANDUM

TO: SUZANNE HENSON
FROM: CHIEF CARPENTER *AC*
DATE: JULY 7, 2009
RE: BID ACCEPTANCE

Please take this memo as our acceptance of the Police Vehicle Equipment bid received from Firehouse Sales & Service, Inc. They came in under price over Gulf States Distributors (who did not have a complete bid package), and we have been satisfied with their service in the past.

If you have any questions, please contact me.

Equipment	Description / Size	Make	Model	Firehouse Sales & Service	Firehouse Sales & Service	Gulf States Distributors
Push Bumper	High strength Aluminum	Setina	PB400	194.25		239.00
Prisoner Transport Rear Seat	ABS	Proguard	S6001+G ABS	427.40		299.00
Grill lights	LED Light Kit Blue	Sound Off	EGHST1B	112.60		139.00
Front Window = Triple Light Stick LED	Triple LED Light Blue	SHO-ME	11.2715	349.90		409.00
Headlight Flashers	Random Flashers	SHO-ME	03W3125	43.88		49.00
Headlight LED Light Kit	Blue LED	SHO-ME	11.3705		258.90	-
Tag Lights=	3 LED blue with license plate bracket	SHO-ME	12.03	96.45		75.00
Center Console	30" with face Plate and Storage Box	Havis Shield	C-3010 / C-AP1395		348.90	-
Steel Cargo Storage Box with lock	1-D-R Tactical Box 44.75" Long / 48"Wide/12"High	D&R Electronics	TS-01-42		1,399.90	-
TOTAL				<i>Comparison of like items bid</i> 5,497.63	2,931.28	<i>Comparison of like items bid</i> 5,980.00

8,428.91

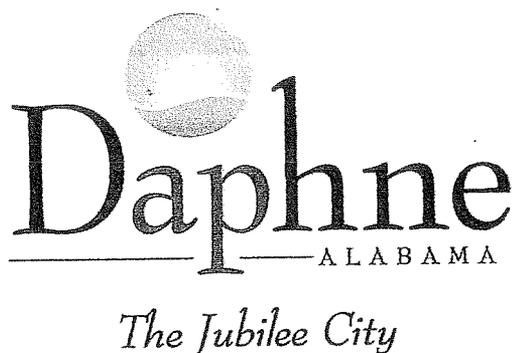
Did not bid on all items

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derrick Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Finance Committee Members

From: William H. Eady, Sr.
Director of Public Works

Date: July 10, 2009

Re: Recommendation Bid Award – 2009-AA-Uniforms

After careful review we are in favor of accepting the bid from G&K Services. They are the low cost bidder and are able to provide all the items listed and meet the delivery time requirements.

I therefore recommend to this Committee that we award the City of Daphne BID 2009-AA-Uniforms to G&K Services.

Please contact me should you have any questions regarding this bid award.

WHE:swc

CITY OF DAPHNE
BID OPENING MINUTES BID DOCUMENT NO: 2009-AA-UNIFORMS
July 7, 2009
11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson
 Mr. Melvin McCarley

Sr. Accountant
 PW Superintendent

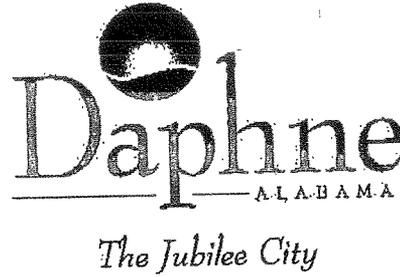
Z bid invitations were mailed/picked up/e-mailed, 4 sealed bids were received.

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

ITEM #	DESCRIPTION	ZOGHBY'S	G & K SERVICES	AT WORK UNIFORMS	AT WORK UNIFORMS-OPTIONS	CINTAS
1	Cell Phone Pocket Pants Size 28 - 42	18.50	14.22	19.80		22.03
	Size 44 - 48	20.85	15.65	23.00		24.03
2	Cell Phone Pocket Shorts Size 28 - 42	18.75	13.25	18.60		22.03
	Size 44 - 48	18.75	14.58	21.70		24.03
3	Cargo Pocket Pants - Cotton Size 28 - 42	23.00	22.00	26.00		18.28
	Size 44 - 48	25.00	26.92	30.60		20.28
4	Cargo Pocket Shorts - Cotton Size 28 - 42	22.25	19.31	22.40		17.53
	Size 44 - 48	22.25	23.38	26.35		19.53
5	100% Poly Pocket T-Shirt S - XL	17.50	30.00	15.46	10.95 - colors	6.92
	2X - 4X	19.00	36.00	16.80	14.00 - colors	8.92
6	Industrial Stripe Short Sleeve Work Shirt S - XL	17.85	13.02	16.10	12.10 - Solids	16.96
	2X - 4X	20.00	15.62	18.50	13.80 - Solids	18.96
7	Industrial Stripe Long Sleeve Work Shirt S - XL	19.50	13.02	17.70	13.85 - Solids	19.92
	2X - 4X	22.00	15.62	20.50	15.80 - Solids	21.92
8	Long Sleeve Pocket Henley Shirt S - XL	19.95	8.90	19.20		17.70
	2X - 4X	23.95	10.19	20.75		19.70
9	Hooded Sweatshirt Jacket (Thermal Lined - all colors) S - XL	39.70	20.78	39.60		29.53
	2X - 4X	44.50	24.95	43.45		31.53
10	Hooded Sweatshirt Jacket (Unlined - all colors) S - XL	23.95	19.42	26.90		23.80
	2X - 4X	29.00	24.32	28.95		25.80

ITEM #	DESCRIPTION	ZOGHBY'S	G & K SERVICES	AT WORK UNIFORMS	AT WORK UNIFORMS-OPTIONS	CINTAS
11	100% Cotton Pocket T-Shirt Short Sleeve S - XL	9.25	5.25	7.75		6.01
	2X - 4X	11.65	7.90	9.90		8.01
12	Insulated Coveralls S - XL	49.50	39.15	53.75		48.96
	2XL - 4 XL	58.00	46.95	63.70		50.96
13	Storm Jacket S - 4XL	37.50	32.80	42.30		46.47
	XL - 4XL	42.50	38.60	43.85		51.47
14	Short Sleeve Pocket Sports Shirts S - XL	18.95	12.87	16.90		16.85
	2XL - 4XL	24.00	16.90	18.45		18.85
15	Long Sleeve Pocket Sports Shirts S - XL	19.95	20.16	23.45		20.03
	2XL - 4XL	24.50	23.80	25.00		22.03
16	Short Sleeve Sanded Twill Shirts S - XL	24.95	19.82	24.60		25.30
	2XL - 4XL	26.95	24.90	26.15		27.30
17	Long Sleeve Sanded Twill Shirts S - XL	24.95	20.05	25.35		24.18
	2XL - 4XL	26.95	25.15	26.90		26.18
18	100% Cotton Washed Jean 28 - 42	15.95	13.18	16.90		24.78
	44 - 50	17.00	15.80	18.40		27.78
19	Long Sleeve Cotton Pocket T-Shirt S - XL	11.75	8.85	9.95		10.70
	2XL - 4XL	15.25	11.06	11.70		12.70
20	Ladies Side Elastic Pants SIZES 4 - 20	15.50	14.18	15.90		24.78
	22 - 28	17.95	17.00	19.00		26.78
21	Big & Tall 60/40 Pique Polo Shirt 2" extended tail S - XL	18.25	21.60	15.75		22.80
	2XL - 4XL	20.85	24.60	17.30		24.80
22	Safety Challenger Jacket S - XL	46.50	57.25	50.00		76.73
	2XL - 4XL	51.65	57.25	51.50		81.61
TOTAL		1,096.50	956.22	1,106.81	-	1,135.46

Fred Small
Mayor
David McKelroy
Parks & Recreation
Director



Dwayne Coley
Parks Maintenance Supervisor
Mary Jensen
Seniors Program Coordinator
Megan Matrone
Recreation Programs Coordinator
Charlie McDavid
Athletic Coordinator

MEMO

TO: Kim Briley, Finance Director
FROM: David McKelroy, Parks & Recreation Director *WDSM*
RE: Bid 2009-BB-Parks Chemicals
DATE: July 13, 2009

It is my recommendation that Bid 2009-BB-Parks Chemicals be awarded to Lesco, Inc / John Deere Landscapes, Inc. Lesco/John Deere was the only bid submitted, however they were our chemical provider last year and we are very satisfied with the product and service.

**CITY OF DAPHNE
 BID OPENING MINUTES BID DOCUMENT NO: 2007-DD & 2009-BB-PARKS CHEMICALS**

**8/1/2007 & 07/13/09
 11:30 A.M.**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant	2009 - Lisa White	Accountant
Mr. Melvin McCarley	PW Superintendent	2009 - Mr. David McKelroy	"
Mr. Dwayne Coley	Parks Supervisor		

6 bid invitations were mailed/picked up/e-mailed, 2007-3 & 2009-2 sealed bids were received.

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

PRODUCT	UNIT	2007 - AGRILIANCE-AFC		2007 - LESCO, INC.		2007 - SOUTHERN TURFCARE		2009 - LESCO/JOHN DEERE LANDSCAPES	
		UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Fertilizer									
18-0-18 50%PPSCU	50 pound	\$ 12.00	\$ 12.24	\$ 15.43	\$ 20.00				
18-24-12 50%MOP	50 pound	\$ 15.50	\$ 12.75	\$ 16.94	\$ 19.74				
21-3-21 TCRN 65%	50 pound	\$ 9.00	\$ 15.64	\$ 21.75	\$ 24.07				
21-0-0 Ammonium Sulfate	50 pound	\$ 16.50	\$ 8.25	\$ 11.64	\$ 8.55				
24-2-11 40% PPSCU 6FE	50 pound	\$ 19.00	\$ 13.34	\$ 18.49	\$ 16.38				
33-0-17Sprayable	50 pound	\$ 17.00	\$ 13.20	\$ 22.10	\$ 18.52				
Pre-M 25-2-5 (Herbicide: Pre-emerge with fertilizer)	50 pound	\$ 13.00	\$ 16.15	\$ 17.99	\$ 17.99				
Pre-m 0-0-8 (Herbicide: Pre-emerge with fertilizer)	50 pound	\$ 102.00	\$ 14.25	\$ 13.50	\$ 18.06				
18-1-8	50 pound	\$ 27.51	\$ 27.51	\$ 27.30	\$ 22.65				
18-2-18 Bio Solids	50 pound	\$ 11.01	\$ 11.01	\$ 166.04	\$ 16.88				
	TOTAL	\$	\$ 144.34	\$	\$	\$	\$	\$	\$
Insecticide									
Dylox	30 pound	\$ 27.55	\$ 29.52	\$ 35.40	\$ 38.79				
Lesco Fate	1 pound	\$ 11.20	\$ 9.97	\$ 19.50	\$ -				
Lesco Fate	10 pound	\$ 106.00	\$ 84.77	\$ 195.00	\$ 93.28				
Talstar Flowable	1 quart	\$ 30.25	\$ 35.00	\$ 62.67	\$ 39.65				
Top Choice	50 pound	\$ 153.00	\$ 145.00	\$ 164.00	\$ 199.99				
Varsity Ant Bait	25 pound	\$ 163.25	\$ 160.00	\$ 211.60	\$ 59.58				
Orthene T&O	WSP packets	\$ 11.20	\$ 9.97	\$ 14.43	\$ -				
Orthene T&O	25 pound	\$ 106.00	\$ 84.77	\$ 428.50	\$ -				
Merit 75 WP	2 oz	\$ 44.25	\$ 39.84	\$ 57.07	\$ 38.88				
Sevin	2.5 gallons	\$ 88.00	\$ 71.00	\$ 107.10	\$ 102.74				
	TOTAL	\$	\$ 740.70	\$	\$	\$	\$	\$	\$
Herbicide									
			669.84	1,295.27					

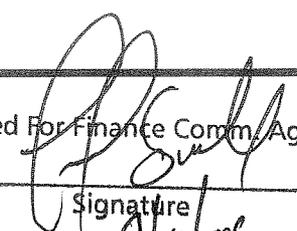
PRODUCT	2007 - AGRILIANCE-AFC		2007 - LESCO, INC.		2007 - SOUTHERN TURFCARE		2009 - LESCO/JOHN DEERE LANDSCAPES	
	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Revolver	1 quart	\$ 183.50	\$ 176.82	\$ 196.00	\$ 240.75			
Monument	5 X 5 packets	\$ 221.25	\$ 361.28	\$ 220.00	\$ 235.00			
Simazine	2.5 gallon	\$ 35.00	\$ 40.63	\$ 48.60	\$ 69.80			
Drive 75DF	1 pound	\$ 78.40	\$ 91.50	\$ 118.26	\$ 59.80			
Sedgehammer	1.3 ounce	\$ 80.00	\$ 92.66	\$ 104.40	\$ 95.37			
Manage	1.3 ounce	\$ 125.00	\$ 116.12	\$ 155.00	\$ 100.45			
Manor	2 ounce	\$ 112.75	\$ 99.50	\$ 84.50	\$ 121.25			
Momentum Premium	2.5 gallon	\$ 42.50	\$ 50.25	\$ 58.00	\$ 68.23			
MSMA 6.6	2.5 gallon	\$ 525.00	\$ 750.00	\$ 465.00	\$ 1,075.00			
Prosecutor Pro	30 gallon	\$ 55.00	\$ 75.00	\$ 75.99	\$ 89.75			
Prosecutor Pro	2.5 gallon	\$ 116.00	\$ 140.00	\$ 140.00	\$ 120.35			
Weed Plex	1 gallon	\$ 116.00	\$ 140.00	\$ 140.00	\$ 144.89			
Reward	1 gallon	\$ 92.00	\$ 96.21	\$ 128.70	\$ 106.33			
Scythe	2.5 gallon	\$ 87.00	\$ 85.00	\$ 112.20	\$ 100.24			
Snapshot	50 pound	\$ 55.00	\$ 57.75	\$ 122.19	\$ 70.27			
Three Way Selective	2.5 gallon	\$ 92.95	\$ 96.61	\$ 121.87	\$ 96.57			
Sethoxydim	1 gallon	\$ 109.75	\$ 120.02	\$ 98.20	\$ 98.20			
Quick Silver	8 ounces	\$ 94.00	\$ 100.42	\$ 94.93	\$ 129.16			
Basegran	1 gallon	\$ 96.61	\$ 96.61	\$ 121.87	\$ 96.59			
Vantage	1 gallon	\$ 76.50	\$ 85.36	\$ 94.25	\$ 107.64			
Image Herbicide	1 pint	\$ 45.00	\$ 18.30	\$ 157.50	\$ 163.87			
Dismiss	1.6 ounce	\$ 90.75	\$ 91.76	\$ 85.00	\$ 95.00			
Certainty	1.25 ounce	\$ 2,433.35	\$ 3,074.46	\$ 2,804.46				
	TOTAL	\$	\$	\$	\$			
Fungicide								
Banol	1 gallon	\$ 392.50	\$ 318.47	\$ 425.00	\$ 521.38			
T-Storm	2.5 gallon	\$ 391.00	\$ 262.00	\$ 475.00	\$ 266.96			
Mancozeb	12 pound	\$ 42.00	\$ 38.50	\$ 58.35	\$ 59.99			
Heritage	1 pound	\$ 385.00	\$ 270.00	\$ 455.40	\$ 413.70			
Manicure Ultrex	5 pound	\$ 38.50	\$ 43.75	\$ 55.36	\$ 41.13			
Subdue	1 gallon	\$ 618.00	\$ 434.00	\$ 786.50	\$ 760.20			
	TOTAL	\$ 1,867.00	\$ 1,366.72	\$ 2,255.61				
Miscellaneous								
Double Eagle Blend Rye Grass Seed	50 pound	\$ 44.00	\$ 53.50	\$ 54.00	\$ 52.50			
Pro-Choice Soil Master	50 pound	\$ 15.00	\$ 7.50	\$ 9.20	\$ 9.00			
ProChoice Quick Dry	50 pound	\$ 15.00	\$ 8.00	\$ 9.45	\$ 10.00			
Pro Max	2 pound	\$ 70.00	\$ 70.00	\$ 62.50	\$ 62.50			
Regi-Max	2.5 gallon	\$ 850.00	\$ 850.00	\$ 53.75	\$ 605.48			
Spreader Sticker, Non-ionic	2.5 gallon	\$ 43.75	\$ 46.36	\$ 35.00	\$ 46.99			
Spreader Sticker	1 gallon	\$ 18.00	\$ 22.70	\$ 14.30	\$ 20.99			
Tracker Dye	1 quart (soluble packets)	\$ 55.00	\$ 20.75	\$ 17.79	\$ 15.10			
Tracker Dye	2.5 gallon	\$ 58.00	\$ 58.00	\$ 96.88	\$ 41.04			

PRODUCT	2007 - AGRILIANCE- AFC		2007 - LESCO, INC.		2007 - SOUTHERN TURFCARE		2009 - LESCO/JOHN DEERE LANDSCAPES	
	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Bolster	2.5 gallon	\$	123.83	\$	79.80	\$	172.50	
Chelated Iron Liquid	2.5 gallon	\$	37.50	\$	18.30	\$	54.25	
Dolomitic Lime (pelletized)	50 pound	\$	7.00	\$	4.90	\$	5.05	
Wasp & Hornet Spray	17.5 ounce can	\$	4.87	\$		\$	6.00	
Recede	1 pint	\$	12.00	\$	9.95	\$	16.10	
Lesco Green	2.5 gallon	\$	80.00	\$	98.00	\$	121.88	
Recede Antifoam	1 gallon	\$	20.00	\$	119.40	\$	17.00	
Rye Grass Seed Perennial - Eagle Blend	50 pounds	\$	44.00	\$	52.50	\$	54.69	
Ecogentral Moisture Manager	2.5 gallon	\$	140.00	\$	89.75	\$	56.00	
Athletic Field Marking Chalk	50 lb	\$	531.25	\$	4.75	\$	5.48	
TOTAL		\$	5,674.30	\$	1,663.06	\$	695.39	
GRAND TOTAL		\$	5,674.30	\$	6,918.42	\$	7,216.77	
Not an even comparison - items not bid on need to be removed								

Suzanne

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Wednesday, July 08, 2009 9:07 AM
To: 'Tracy Bishop'
Cc: hensonsm@bellsouth.net
Subject: RE: Armor of God Project

Approved For Finance Comm Agenda



Signature
7/10/09

Date

The Council will need to adopt a resolution declaring these vests surplus & authorizing the mayor to dispose. Suzanne is "in charge" of these dispositions and is your point of contact, so I am copying her on this.

Kim
-----Original Message-----

From: Tracy Bishop [mailto:tbishop@daphnepolice.org]
Sent: Wednesday, July 08, 2009 8:53 AM
To: Kim Briley
Subject: Fw: Armor of God Project

Kim,

We have 11 vests that have long expired that have been stored in a closet. I received a brochure from the Chief of Police in Muscle Shoals explaining how they have taken it upon themselves to donate expired no longer used vests to agencies that have none. We would like to donate our no longer used, expired vests to this program to help out those not as fortunate as our city is. Attached are the release of liability forms they need us to sign. Will you check it out and let me know if there is anything further we need to do? I will bring you the brochure to read over when I come over there.

Thanks!!

Tracy Bishop
Daphne Police Department
Administrative Assistant
251-621-2834
251-621-3597 (fax)

> -----Original Message-----
> From: Travis Yates <tenfourministries@yahoo.com>
> Subject: Armor of God Project
> Sent: 07 Jul '09 20:09
>
> Tracy,
> Thank you for contacting us. I have attached the form that your
> agency would complete.
>
> I have also attached the form that those that receive the vests would
> sign. Your legal department may be intererested in seeing these. In
> addition, vests are not identified as coming from any particular agency.
> We have yet to have any issues but if anyone has a questions or
> concerns, please let me know.
>
> If your agency decides to donate the vests, let me know and we can
> arrange shipping to our distribution center. We will pay all
> expenses. We have a large demand for vests so your donation can
> definitely help us. Thank you again.
>
> Here are several news stories on the project: [LINK:
> http://www.tenfourministries.org/aogmedia.html]
> http://www.tenfourministries.org/aogmedia.html
>

MEMORANDUM

Approved For Finance Comm. Agenda
Signature *[Handwritten Signature]*
Date 7/10/09

TO: FINANCE COMMITTEE
FROM: CHIEF DAVID CARPENTER
DATE: JULY 10, 2009
RE: VEST DONATION

David Carpenter

We would like to donate 11 expired vests to the Armor of God, Ten-Four Ministries for them to share with agencies that cannot afford vests. They will absorb all shipping costs and have included an acknowledgement and release document signed by Ten-Four Ministries designed to hold us harmless in any future litigation and in addition will supply us with a tax-deductible receipt for the donation.

The Armor of God Project is dedicated to protecting those that protect us. They will recycle used ballistic vests and provide them at no cost to officers that need them.

ACKNOWLEDGEMENT AND RELEASE

Ten-Four Ministries, Inc. and RYAN AUSTIN (recipient) have entered into an agreement for the contribution of equipment:

Specifically, the Executive Director of Ten Four Ministries, Inc. has authorized and allowed Ten-Four Ministries to donate to recipient certain equipment, namely one (1) used bullet resistant vest that is not represented or warranted by Ten Four Ministries, Inc. to meet any standard of quality, design, or suitability for any use.

Now, therefore, in consideration of the foregoing, the said undersigned RYAN AUSTIN, does hereby acknowledge receipt and delivery of said equipment and accepts it in its "AS IS" condition and without warranty of any kind, express, or implied, and release, acquit, and forever discharge, hold harmless and agree to indemnify Ten-Four Ministries, Inc. and its agents, servants, and successors from any and all claims for damages, causes of action, demands, rights, damages, costs, expenses and compensation whatever for and by virtue of the fact that said Ten-Four Ministries has conveyed unto the said recipient the said property and item(s) herein described and from any action or conduct of the said recipient, its employees and agents and agents or end users from which any such damages, causes of action, demands which may arise.

In witness whereof, the undersigned does hereby set his hand and seal this ____ day of _____ 2009.

Ryan Austin

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned authority, a Notary in and for said State and County, hereby certify that RYAN AUSTIN is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument executed the same voluntary on the day the same bears date.

Given under my hand and official seal the ____ day of _____ 2009.

Signature of Notary

My commission expires: _____

(Attach Notary Seal)

ACKNOWLEDGEMENT AND RELEASE

The *City of Daphne (Donor)* and *Ten-Four Ministries, Inc. (Recipient)* have entered into an agreement for the contribution of equipment declared to be no longer suitable for use by the donor:

Specifically, the City of Daphne has authorized and allowed Ten-Four Ministries, Inc. to donate to recipient certain equipment, namely Eleven (11) used bullet resistant vests that are not represented or warranted by donor to meet any standard of quality, design, or suitability for any use.

Now, therefore, in consideration of the foregoing, the said undersigned Executive Director of Ten-Four Ministries, Inc. whose address is P.O. Box 52005, Tulsa, Oklahoma, being fully authorized to do so, does hereby acknowledge receipt and delivery of said equipment and accepts it in its "AS IS, WHERE IS" condition and without warranty of any kind, express, or implied, and release, acquit, and forever discharge, hold harmless and agree to indemnify Donor their agents, servants, and successors from any and all claims for damages, causes of action, demands, rights, damages, costs, expenses and compensation whatever for and by virtue of the fact that said donor has conveyed unto the said recipient the said property and items herein described and from any action or conduct of the said recipient, its employees and agents and agents or end users from which any such damages, causes of action, demands which may arise. Donor agrees to provide written notice to Recipient within ten (10) days after receipt of any claim, action or demand made against Donor for which indemnification may apply. Recipient shall have the right to retain counsel to assist in the defense of any such claim, action or demand, and said counsel shall serve as co-counsel to any counsel retained by donating party. Donor shall not agree or consent to any judgment or settlement without the express written consent of Recipient. In the event Donor fails to comply with the terms of this paragraph, Recipient's obligations pursuant to this agreement shall be null, void and of no effect.

Donor – Mayor, Fred Small

In witness whereof, the undersigned does hereby set his hand and seal in his capacity as Executive Director and with full authority to do so this ____ day of _____ 2009.

L.S.

Travis Yates

Executive Director, Ten-Four Ministries, Inc.

STATE OF OKLAHOMA

COUNTY OF _____

I, the undersigned authority, a _____ in and for said State and County, hereby certify that Travis Yates whose name as Executive Director, Ten-Four Ministries, Inc. is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument that he, in his official capacity as said Executive Director and with full authority, executed the same voluntary on the day the same bears date.

Given under my hand and official seal the ____ day of _____ 2009.

Official

My commission expires: _____
(Attach Seal of Office)

> Travis Yates
> [LINK: <http://www.vestforlife.com/>] www.vestforlife.com
>
> --- On TUE, 6/30/09, TEN FOUR MINISTRIES - ARMOR OF GOD PROJECT
> _<FEEDBACK@EXAMPLE.COM>_ wrote:
>
> From: Ten Four Ministries - Armor of God Project
> <feedback@example.com>
> Subject: Feedback from Armor of God Project
> To: tenfourministries@yahoo.com, ray@tenfourministries.org,
> clint@tenfourministries.org
> Date: Tuesday, June 30, 2009, 11:52 AM
>
>
> Name: Tracy Bishop - Daphne Police Department
>
> Email: [LINK:
> <http://us.mc459.mail.yahoo.com/mc/compose?to=tbishop@daphnepolice.org>]
> tbishop@daphnepolice.org
>
> Subscribe: Yes
>
> List Donation on website: Yes
>
> Vest Condition: some wear
>
> How did you hear about the Project: Chief Robert Evans sent a
> brochure to my Chief David Carpenter.
>
> Comments: We are excited to donate 11 vests that someone else not as
> fortunate can use and maybe save their life.

Put on the full armor of God, so that you will be able to stand firm against the schemes of the devil. - Ephesians 6:11



ARMOR OF GOD

P R O J E C T

How The Project Began

The Armor of God project began in 2008 when Muscle Shoals (AL) Police Lieutenant Clint Reck was approached about sending used ballistic vests to the Philippine National Police (PNP) Department in Manila. Lieutenant Reck teamed up with his home church, Parkview Baptist, and they sent 24 used vests to the Philippine National Police.

One day after receiving the vests, a high ranking PNP Officer chased a stolen car to a dead end road and was shot point blank in the chest by the suspect. The vest saved the life of the officer.

"Protecting those who protect us"

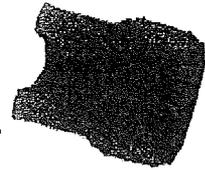
The Key To Life

Thousands of law enforcement professionals in the United States and around the world are working in dangerous environments and they do not have a ballistic vest to protect them. In addition, thousands of officers are graciously provided new ballistic vests every five years. While the manufacturer warranty may be expired, often the vest will still effectively protect those that do not have one.

Ten-Four Ministries has teamed up with Muscle Shoals Lieutenant Clint Reck, Mr. Ray Mahan and Parkview Baptist Church in providing ballistic vests to law enforcement professionals that need them.

The Armor of God Project is dedicated to protecting those that protect us. We will recycle used ballistic vests and provide them at no cost to officers that need them.

Along with these vests, those receiving them will get something much more important. The key to everlasting life. As these vests are given to those that need them to stay alive, we will be partnering with pastors and missionaries to present the Gospel of Jesus Christ to those officers.



How You Can Help

If you have a used vest to donate, please contact us at www.vestforlife.com and fill out the "VEST DONATION FORM". We will pick up the vest from you at no cost and in return we will send you an acknowledgement and release document signed by Ten-Four Ministries designed to hold you harmless in any future litigation and in addition supply you with a tax-deductible receipt for your donation.

Ten-Four Ministries will be absorbing all shipping costs within the United States for this project. A donation of just \$20 will likely ship one vest. If you would like to assist us, you can mail a tax deductible donation made out to Ten-Four Ministries to the address below. Please note "Armor of God Project" on the memo line of you check.

You may also make a donation on-line at www.vestforlife.com. Simply click on the "Donate" button, after which you will go to PayPal's secure web site to enter your personal information. A PayPal account is not required and major credit cards are accepted.

For additional information please contact us at: info@tenfourministries.org

TEN - FOUR MINISTRIES

P.O. Box: 52005
Tulsa, Oklahoma 74152

Put on the full armor of God, so that you will be able to stand firm against the schemes of the devil. - Ephesians 6:11

TEN FOUR MINISTRIES

P.O. Box 52005
Tulsa, Oklahoma 74152

P.O. Box 2993

Muscle Shoals, AL 35662

www.tenfourministries.org

email: info@tenfourministries.org

Ten-Four Ministries is a tax exempt non-profit organization under section 501(c)(3) of the United States Internal Revenue Code.

Thousands of law enforcement officers in the United States and around the world have a common problem ...

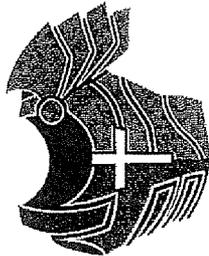


... by working together we can do something about it.



ARMOR OF GOD PROJECT

"Protecting those who protect us"



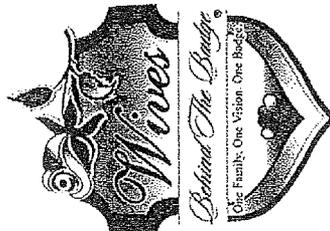
ARMOR OF GOD PROJECT

"Protecting those who protect us"

Project partners:



www.tagaligtas.org



www.wivesbehindthebadge.org

www.vestforlife.com

www.vestforlife.org

TREASURER'S REPORT

As of June 30, 2009

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	\$12,369,610.49
OPERATING ACCT	COMPASS	(\$317,822.01)
PAYROLL ACCT	COMPASS	(\$7,859.51)
		<u>\$12,043,928.97</u>
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$343,616.50
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$2,025.72
4 CENT GAS TAX	RBC BANK	\$239,238.32
7 CENT GAS TAX	RBC BANK	\$322,983.21
		<u>\$564,247.25</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,580,575.52
99 WARRANT CONS	REGIONS	\$12,682.34
2006 CONSTRUCTION	WACHOVIA	\$1,539,089.90
		<u>\$5,132,347.76</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,883,006.53
2006 DEBT SERVICE	RBC BANK	\$492,947.55
		<u>\$2,375,954.08</u>
		<u>\$20,460,094.56</u>

SALES & USE TAXES

FY 2009 BUDGET/ACTUAL COMPARISONS

ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	Actual- 2009	Budget	Monthlv. Variance	YTD Variance	% of Budget
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	806,503.85	867,190	(60,686.33)	(60,686.33)	-7.00%
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	801,075.91	915,891	(114,815.06)	(175,501.39)	-12.54%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,182,584.39	1,078,330.45	1,078,330.45	1,120,005	(41,674.64)	(217,176.03)	-3.72%
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	755,541.41	822,021	(66,479.46)	(283,655.49)	-8.09%
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	748,620.87	865,626	(117,004.96)	(400,660.45)	-13.52%
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	863,535.78	998,616	(135,080.26)	(676,259.23)	-13.53%
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	823,173.33	963,692	(140,518.52)	(804,326.62)	-14.58%
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	829,099.81	957,167	(128,067.39)		-13.38%
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	-	-	997,274	-		0.00%
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	-	-	908,576	-		0.00%
August	739,993.63	745,320.33	869,818.11	960,539.01	954,421.57	964,626.26	-	-	869,818	-		0.00%
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	919,923.79	-	-	998,476	-		0.00%
Totals	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,280,722.57	6,705,881.41	6,705,881.41	11,284,353	(804,326.62)		

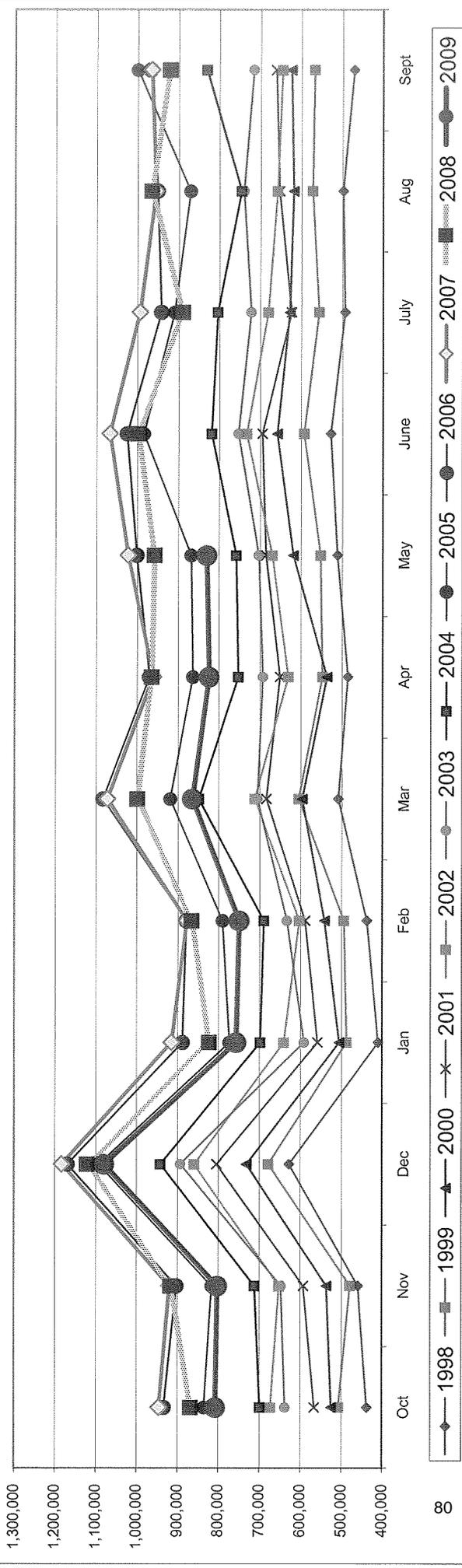
FISCAL YEAR COMPARISONS

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	9.64%	19.47%	11.87%	1.28%	-8.19%	-7.00%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.54%
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	5.49%	15.93%	7.09%	1.21%	-5.29%	-3.72%
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	18.00%	10.72%	14.98%	3.09%	-10.15%	-8.09%
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	8.81%	14.58%	11.32%	-0.02%	-1.41%	-13.52%
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	20.24%	8.21%	17.86%	-0.94%	-6.81%	-13.55%
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	8.65%	14.77%	12.24%	-0.89%	0.37%	-14.58%
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	7.82%	14.50%	15.33%	2.11%	-6.30%	-13.38%
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)		8.71%	20.12%	4.19%	4.13%	-6.49%	
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)		11.26%	13.14%	5.50%	5.50%	-10.52%	
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69		0.72%	16.70%	9.28%	0.41%	1.07%	
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(45,183.56)		16.02%	20.26%	-3.09%	-0.26%	-4.68%	
Annual \$ Change	860,992.68	1,418,335.85	994,535.81	168,436.75	(590,510.62)	(804,326.62)	10.21%	15.27%	9.29%	1.44%	-4.97%	

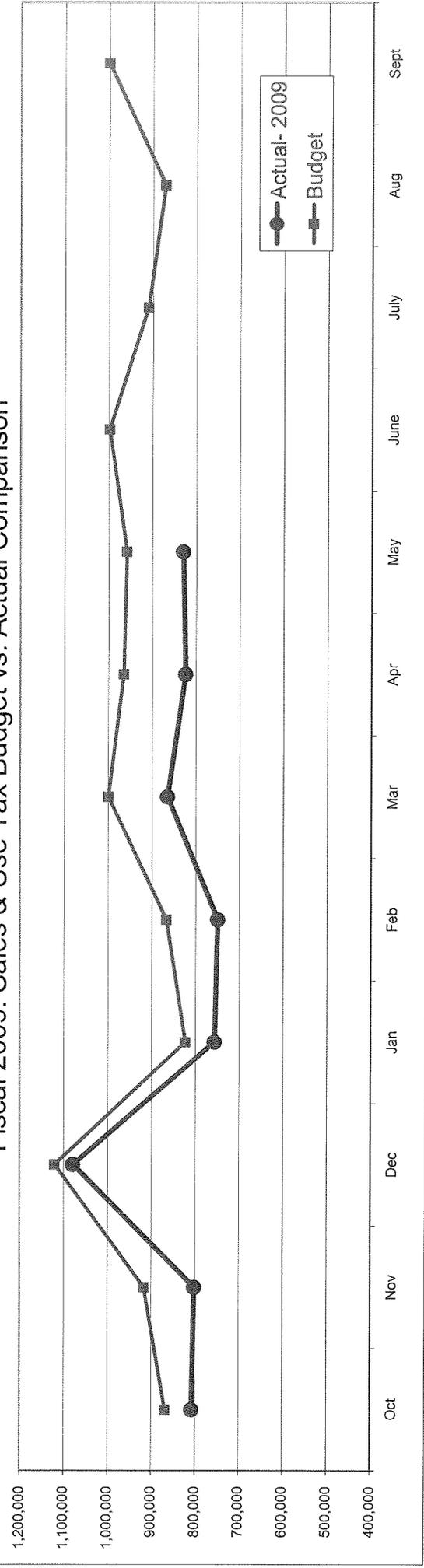
TOTAL collections: FY 08	6,705,881
TOTAL est. bdgt coll: FY 09	7,510,208
Budgeted Dollar Variance 08/09	(804,327)
Budgeted Percent Variance 08/09	-10.71%

TOTAL collections: FY 08	11,280,723
TOTAL est. bdgt coll: FY 09	11,284,353
Budgeted Dollar Variance 08/09	3,630
Budgeted Percent Variance 08/09	0.03%

Sales & Use Tax Comparisons



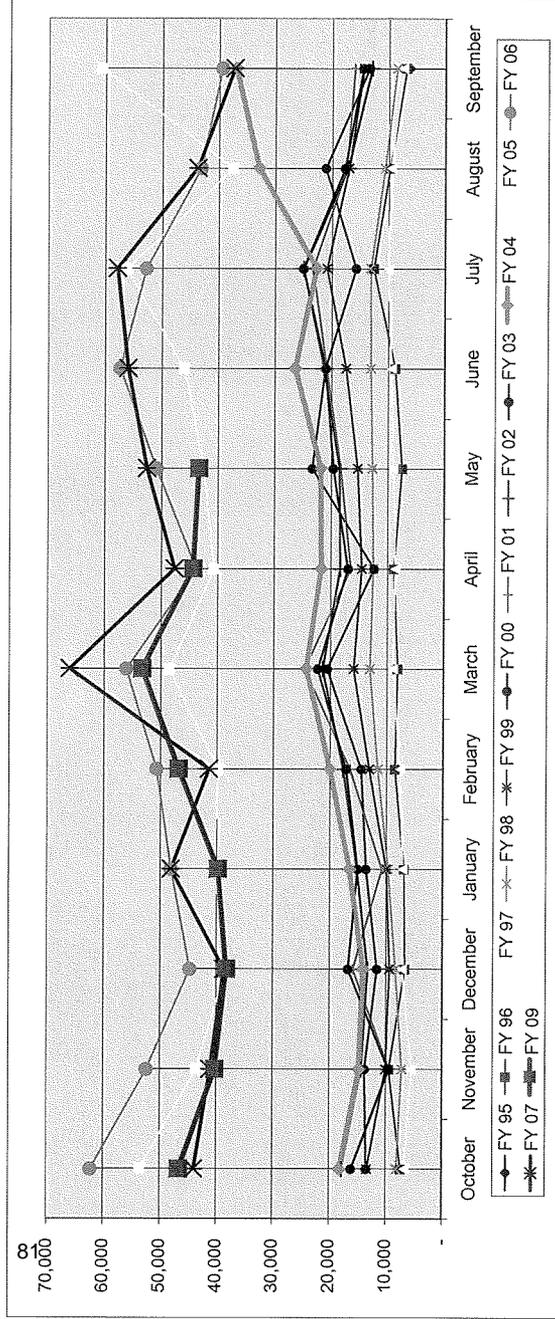
Fiscal 2009: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09
October	6,371.27	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	46,543.20
November	6,371.27	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	40,178.69
December	6,371.27	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	38,144.69
January	6,371.27	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	39,706.04
February	6,371.27	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	46,699.01
March	6,371.27	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	53,230.85
April	6,371.27	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	44,277.75
May	6,371.27	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	46,145.12	43,293.74
June	6,371.27	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	56,924.22	64,626.19	49,698.91
July	6,371.27	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	62,035.23	49,698.91
August	6,371.27	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	55,792.89	49,698.91
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	49,698.91
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	591,147.09	352,073.97

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



GENERAL FUND

Summary Statement of Revenues, Expenditures, and
Changes in Fund Balance- Budgetary Basis
For the Month Ended May 31, 2009
with comparatives: 5-31-03; 5-31-04; 5-31-05; 5-31-06; 5-31-07; 5-31-08

	5/31/2003	5/31/2004	5/31/2005	5/31/2006	5/31/2007	5/31/2008	5/31/2009	Amended Budget	Budgetary Variance Over/(Under)	% Budget
Revenues										
Sales, Use, & luxury Taxes	5,068,032	5,624,867	6,400,459	7,153,930	7,205,609	6,919,027	6,244,459	11,896,353	(5,651,894)	-48%
Payment in Lieu of Taxes	113,572	170,584	128,170	189,857	259,503	258,504	256,415	2,035,000	(1,778,585)	-87%
Ad Valorem Taxes	2,431,364	2,698,370	2,752,473	3,022,409	3,526,687	3,628,433	4,492,338	3,981,000	511,338	13%
Licenses & Permits	1,426,347	1,547,708	1,590,859	1,794,766	2,035,813	2,148,368	1,599,210	2,078,575	(479,365)	-23%
Other Revenues	779,932	862,103	759,622	1,323,681	1,021,609	863,744	849,064	1,489,802	(640,738)	-43%
Total Revenues	9,819,247	10,903,633	11,631,583	13,484,643	14,049,220	13,818,076	13,441,485	21,480,730	(8,039,245)	-37%
Expenditures										
General Government										
Personnel	834,791	854,026	964,473	1,009,456	1,107,234	1,183,266	1,255,368	2,052,627	(797,259)	-39%
Operating	545,761	541,760	581,277	611,325	717,718	648,757	811,649	1,492,542	(680,893)	-46%
Capital	47,924	32,332	6,920	113,660	-	7,970	-	13,712	(13,712)	-100%
Public Safety	1,428,476	1,428,119	1,552,670	1,734,441	1,824,952	1,839,992	2,067,017	3,558,881	(1,491,864)	-42%
Personnel	2,456,047	2,436,918	2,699,855	2,998,075	3,501,682	4,319,160	4,593,779	7,383,808	(2,790,029)	-38%
Operating	496,100	531,162	533,593	719,638	825,433	849,533	778,390	1,315,942	(537,552)	-41%
Capital	258,810	186,631	65,910	42,531	179,866	133,908	71,708	91,428	(19,721)	-22%
Public Works	3,210,956	3,154,710	3,299,358	3,760,244	4,506,980	5,302,600	5,443,876	8,791,178	(3,347,302)	-38%
Personnel	1,144,647	1,137,038	1,260,806	1,291,947	1,498,212	1,336,325	1,484,400	2,459,890	(975,490)	-40%
Operating	588,707	639,822	708,482	829,571	853,378	802,551	772,692	1,538,779	(766,087)	-50%
Capital	84,003	27,223	61,875	366,816	111,163	11,062	7,533	80,350	(72,817)	-91%
Parks & Recreation	1,817,357	1,804,083	2,031,163	2,488,334	2,462,752	2,149,938	2,264,625	4,079,019	(1,814,394)	-44%
Personnel	512,779	522,731	603,711	613,956	642,088	768,309	786,916	1,340,009	(553,093)	-41%
Operating	303,716	353,447	390,496	418,211	440,544	408,470	368,018	585,422	(217,404)	-37%
Capital	22,695	24,561	46,287	-	200,000	200,000	184,811	192,000	(7,189)	-4%
Total Departmental	839,191	900,739	1,040,493	1,032,167	1,282,632	1,376,779	1,339,746	2,117,431	(777,685)	-37%
Personnel	4,948,264	4,950,712	5,528,844	5,913,435	6,749,216	7,607,060	8,120,463	13,236,334	(5,115,871)	-39%
Operating	1,934,285	2,066,191	2,213,847	2,578,744	2,837,072	2,709,311	2,730,749	4,932,685	(2,201,936)	-45%
Capital	413,431	270,747	180,993	523,007	491,029	352,939	264,052	377,490	(113,438)	-30%
Other Financing Sources & Uses	7,295,981	7,287,651	7,923,684	9,015,185	10,077,317	10,669,309	11,115,264	18,546,509	(7,431,245)	-40%
Debt Proceeds	278,591	-	-	-	-	-	-	-	-	-
Transfers to Debt Service	(1,800,959)	(1,287,697)	(1,512,121)	(1,374,481)	(2,074,723)	(2,090,383)	(2,184,883)	(2,610,186)	(425,303)	16%
Other Transfers & Uses	(322,355)	(439,460)	(327,781)	(182,943)	(738,810)	(291,091)	(378,583)	(798,433)	(419,850)	53%
Total Other Financing Sources/Uses	(1,844,723)	(1,727,156)	(1,839,902)	(1,557,424)	(2,813,532)	(2,381,474)	(2,563,467)	(3,408,619)	(845,152)	25%
Total Revenues Over Expenditures	678,544	1,888,826	1,867,997	2,912,034	1,158,371	767,292	(237,245)	(474,398)	237,153	
Unreserved Fund Balance, 10-01	2,386,488	3,825,172	4,106,801	5,968,130	8,298,621	10,050,583	10,510,392			
Unreserved Fund Balance, 5-31	3,065,032	5,713,997	5,974,797	8,880,164	9,456,992	10,817,876	10,273,147			

**General Fund Budget Amendments
as of May 31, 2009**

Budget Reconciliation:	
Adopted Rev>App	21,562
<u>New Appropriations</u>	
Ord 08-57	58,866
Ord 08-57	<u>22,562</u>
Adopted Budget Edits	81,428
Ord 08-59	(19,187)
Ord 08-61	(6,250)
Ord 09-03	(13,920)
Ord 09-08	(144,000)
Ord 09-09	(54,288)
Ord 09-10	(12,000)
Ord 09-13	(65,466)
Ord 09-14	(13,115)
Ord 09-15	(14,034)
Ord 09-20	(40,000)
Ord 09-22	(18,712)
Ord 09-23	(16,666)
Ord 09-24	(5,000)
Ord 09-26	(50,000)
Ord 09-30	(35,000)
Ord 09-31	<u>(69,750)</u>
New Appropriations	<u>(577,388)</u>
Amended Rev>Exp	<u>(474,398)</u>

Medical/Dental Employee Contribution Adjustment
 Adjust run-off election budget to actual cost

Police Vehicle Replacement
 MS4 Monitoring Plan
 Annual Job Reclassification
 NRCS: Gustav & Faye
 Net cost [9] firefighters
 Civic Center Initiative
 Daphne Youth Club
 Police Vehicle Replacement
 Solid Waste Worker Sr Classifications
 Emergency: March Rains
 Financial & Payroll Software Upgrade
 City Hall Generator Maintenance Agreement
 Museum Painting
 City Hall Atrium
 Mowing Equipment Maintenance
 Garbage/Recycling/Solid Waste Vehicle Replacement

Recap of New Appropriations

150,844	General Government
97,290	Public Safety
184,000	NRCS Grants & Storms
123,784	Public Works
<u>21,470</u>	Recreation & Library
<u>577,388</u>	

CIVIC CENTER EVENT: ZYDECO MUSIC FESTIVAL COMPARISON

	2005 ZYDECO	2006 ZYDECO	2007 ZYDECO	COMMUNITY DAY	2007 COMBINED	2008 FRIDAY	SATURDAY & SUNDAY	2008 COMBINED	2009 FRIDAY	SATURDAY & SUNDAY	2009 COMBINED
Revenue:											
Tickets Sales (10/14 sold...2007; 1002 sold...2008; 1171 sold 2009 @ \$15)	11,935.00	14,520.00	6,540.00	8,670.00	15,210.00	6,615.00	8,415.00	15,030.00	7,890.00	9,675.00	17,565.00
Sponsors	10,895.00	26,000.00	7,439.00	7,439.00	14,878.00	6,193.00	6,193.00	12,386.00	4,250.00	4,250.00	8,500.00
Grant - State of AL	-	-	750.00	750.00	1,500.00	-	-	-	-	-	-
Booth Rental	2,035.00	-	1,900.00	1,900.00	3,800.00	2,450.00	2,450.00	4,900.00	2,900.00	2,900.00	5,800.00
Equipment Rental	180.00	-	75.00	-	75.00	-	225.00	225.00	162.50	162.50	325.00
Concessions/Carnival Rides	2,896.86	667.00	75.00	378.00	378.00	-	-	-	-	-	-
Contribution & Other	-	21.00	-	-	-	-	-	-	-	-	-
T-Shirt - 2008 (\$15), Towel, Hat & Bead Sales	1,506.00	2,248.95	1,565.15	1,565.15	3,130.30	2,245.00	2,245.00	4,490.00	1,715.00	1,715.00	3,430.00
Total Revenue	29,447.86	43,456.95	18,269.15	20,702.15	38,971.30	17,503.00	19,528.00	37,031.00	16,917.50	18,702.50	35,620.00
Expenses:											
City Labor (overtime, medicare, social security, retirement)	(4,260.28)	(4,732.21)	(6,368.61)	(6,799.60)	(13,168.21)	(1,675.56)	(10,712.00)	(12,387.56)	(2,268.34)	(9,480.12)	(11,748.46)
Contracted Services - Labor	(195.84)	(1,347.76)	-	-	-	(873.12)	(873.12)	(1,746.24)	(775.20)	(775.20)	(1,550.40)
Contracted Services - Audio	(5,800.00)	(7,250.00)	(3,375.00)	(3,525.00)	(6,900.00)	(2,500.00)	(5,532.00)	(8,032.00)	(2,500.00)	(5,000.00)	(7,500.00)
Contracted Services - Bands	(26,509.45)	(20,425.00)	(20,225.00)	(4,275.00)	(24,500.00)	(5,900.00)	(26,200.00)	(32,100.00)	(6,600.00)	(22,525.00)	(29,125.00)
Contracted Services - Dance Instruction	(2,375.00)	(2,925.00)	(2,200.00)	-	(2,200.00)	-	-	-	-	-	-
Hotels for Bands/Dance Instruction	-	-	(3,060.72)	(1,177.20)	(4,237.92)	(3,421.44)	-	(3,421.44)	(609.87)	(2,336.98)	(2,946.85)
Clown (182079-54440)	(17,784.23)	(7,525.81)	(8,900.51)	(3,812.16)	(12,712.67)	(5,788.60)	(5,788.60)	(200.00)	(100.00)	(100.00)	(100.00)
Promotional Advertising	-	-	(310.33)	(1,316.21)	(1,626.54)	-	(161.00)	(161.00)	(5,604.39)	(5,604.39)	(11,208.78)
Food (lunches for inmates)	-	(926.56)	-	-	-	(876.67)	(876.67)	(1,753.34)	(492.15)	(492.15)	(984.29)
Dumpsters & Portables	-	-	-	-	-	-	-	-	-	-	-
Concession Supplies (Drinks, chips, candy, plates, & bowls)	-	(1,611.93)	(2,840.82)	(4,753.86)	(7,594.68)	(3,611.13)	(4,122.72)	(7,733.85)	(4,189.84)	(4,189.84)	(8,379.67)
Rental (PODS, dance floor, tents, generators, rugs, & helium tank)	-	(5,270.92)	(2,500.50)	(1,143.00)	(3,643.50)	(2,421.62)	(2,421.63)	(4,843.25)	(1,662.50)	(1,662.50)	(3,325.00)
T-Shirts	(5,249.66)	-	-	(1,438.53)	(1,438.53)	(1,217.30)	(1,217.30)	(2,434.60)	(185.07)	(185.07)	(370.13)
Beads, Rack Cards, Wrist Bands, Mask, Bags, Tissue, Sponsor Frames	-	-	-	-	-	-	-	-	-	-	-
Total Expenses	(62,174.46)	(52,015.19)	(49,781.49)	(28,240.56)	(78,022.05)	(28,285.44)	(58,105.04)	(86,390.48)	(24,887.34)	(52,351.23)	(77,238.58)
Income Over/(Under) Expenses	(32,726.60)	(8,558.24)	(31,512.34)	(7,538.41)	(39,050.75)	(10,782.44)	(38,577.04)	(49,359.48)	(7,969.84)	(33,648.73)	(41,618.58)

NEW BUSINESSES

June-09

CITY LIMITS		CONTRACTORS	
LOOKING GLASS INVESTIGATIONS	1	A & C PLUMBING	1
JANET WILSON WEALTH MANAGEMENT	1	GULF ATLANTIC INSULATION, INC	1
DWERBS, LLC	1	EASTERN SHORE LANDSCAPING	1
LAND & LAWN SPECIALISTS	1	JONES WATERPROOFING AND CONSTRUCTION	1
AMERICAN PROPERTY PRESERVATION CLUB 44	1	NORTH AMERICAN ROOFING SERVICE	1
DR JOHN ANDREW HARCOURT	1	KINETIC SERVICES LLC	1
PERFECT BALANCE BOOKKEEPING	1	RIVIERA POOLS, INC	1
R.W. NORTH SALON	1	SHIRLEY & SON, INC	1
BALDWIN LAWN SERVICE, LLC	1	WOODS ELECTRICAL CONTRACTING	1
DASINGER RENOVATIONS, LLC	1	PRO SIGNS, INC	1
HEAVENLY MISS & TINY MISS	1	A-EXPRESS SIGNS CO	1
R. MICHAEL BRUMFIELD & CO., P.C.	1	M & J ELECTRIC, INC	1
TOTAL INSIDE CITY LIMITS	13	HARDSCAPES LLC	1
		CC'S MAINTENANCE	1
		CORNERSTONE POURED WALLS, LLC	1
		ADVANCE PLUMBING CO	1
		RD ELECTRIC	1
		MALLORY PLUMBING	1
		NORTHWEST FLORIDA A/C, LLC	1
		BAY CITY MORTGAGE SERVICES	1
		HUFF ENTERPRISES	1
		TOTAL CONTRACTORS	26
		TOTAL NEW BUSINESSES	61
		CLOSED BUSINESSES IN DAPHNE	
		BAY COFFEE	1
		TOTAL CLOSED BUSINESSES	1
OUTSIDE CITY LIMITS			
VIP GLASS SERVICE, LLC	1		
CHAUFEE'S CATERING	1		
STORYBOOK PHOTOGRAPHY	1		
ACG MARKETING	1		
COMMERCIAL HOOD CLEANING SERVICE	1		
INGENIUM WINES LLC	1		
MART & MARKO'S BOOKS	1		
LOS AMIGOS	1		
JASON'S OUTDOOR SERVICES	1		
BAHAMA FREEZE SHAVED ICE	1		
DENT MAN	1		
ACCURATE LAWN CARE	1		
LONESOURCE, INC	1		
D & D DIRT - EXCAVATING LLC	1		
KELLY BROS HARDWARE - ALABAMA	1		
FUJITSU AMERICA, INC	1		
PARTY PEOPLE ENTERTAINMENT	1		
NATIONAL WINDOW CLEANING CO., INC	1		
RED HAWK INDUSTRIES LLC	1		
OLYMPUS IMAGING AMERICA INC	1		
J & D COMPANY, LLC	1		
COMPUSA.COM	1		
TOTAL OUTSIDE CITY LIMITS	22		
CONTRACTORS			
FATHER NATURE LANDSCAPES OF MOBILE BAY	1		
TRI-STATE SERVICE & MAINTENANCE	1		
TRIPLE B ROOFING	1		
JC CONSTRUCTION	1		
SOUTHERN COMFORT	1		

**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:

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 25, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

DRAFT OF MINUTES:

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CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Frank Martin, Secretary
Ed Kirby, Chairman
Larry Chason
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Don Terry, Vice Chairman
Victoria Phelps
Joe Lemoine

Staff Present:

Adrienne D. Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Ashley Campbell, Environmental Programs Manager
Jay Ross, Attorney

Staff Absent:

Missty Gray, Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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Chairman: Please let the record reflect Ms. Phelps, Mr. Lemoine and Mr. Terry are not present.

The next order of business is review of the minutes.

APPROVAL OF MINUTES:

The minutes of the May 28, 2009 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

Mr. Chason: I have a correction to the minutes. On page 15, in regard to the annexation request for Ms. Defillippi, AJD Family Partnership, I made the motion for an unfavorable recommendation. The motion was to deny; therefore, the vote of the members should have been yes not no.

Chairman: That is correct. If there are no further additions, deletions, or corrections at this time, the Chair will entertain a motion.

A Motion was made by Mr. Chason and **Seconded** by Ms. Barnette **to approve the minutes of the May 28, 2009 regular meeting. The Motion carried unanimously. Mayor Small abstained due to his absence at the meeting.**

OLD BUSINESS:

The first order of business under old business is site plan review for the Performing Arts Center for Bayside Academy.

SITE PLAN REVIEW:

File S09-10:

Site: Performing Arts Center for Bayside Academy

Zoning: R-1, Low Density Single Family Residential

Location: West of Old County Road, North of Dryer Avenue

Area: 20.79 Acres +

Owner: Bayside Academy - Tom Johnson

Architect: Knodel Associate Architects - Bruce Knodel

**THE CITY OF DAPHNE
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Ms. Barnette: Before you get started, I want to say for the record that I will be abstaining from the discussion and voting.

An introductory presentation was given by Mr. Bruce Knodel, representing Knodel Associate Architects, requesting site plan review of a performing arts center for Bayside Academy located West of Old County Road North of Dryer Avenue. We are here again asking for your consideration. I will be happy to answer any questions you may have.

Chairman: I believe from the last time we were here the questions had been answered, but we just did not have enough members present to pass it. Do any of the Commissioners have any questions or comments? I have been asked to allow the public to address the Commission. I did this last time, but I am going to make an exception and allow public participation again. If you have anything to say, I am going to allow you three minutes to speak. I would like to open the floor to public participation.

The adjacent property owners addressed the Commission to express their concerns regarding the proposed development and how it would impact their property.

Ms. Jean-Marie McDonnell expressed her concerns regarding historical preservation. Since I last talked to you, I had a chance to pull the letter from the Alabama Historical Commission who went to the Corps of Engineers to ask them to do an archeological survey. The site that we were looking at during this time encompassed the entire stream, and this time it does not. What I want to say is with filling out this report Mr. Luker, the engineer, and Head Master Johnson in Part 3, Section D asks are there any potential findings and the report says no. That is incorrect. I asked Jan to pass one of the findings around. There was at least one arrow head which was found in that stream, as well as, many other things. There is a historical marker at the end. This new plan is just a few yards from an active stream. It also does not report on this ADEM statement that the stream is forty or fifty feet down into a ravine. I open for questions later because I will not be able to stay for the meeting. The original parking lot in 1990 was put in illegally. The EPA said that it could not be placed on top of an artesian well. At that time, Bayside Academy wrote a letter and said they did not feel they were in violation. It is just very hard for me. I can understand why the other architect did not want to take on this project as a result of all of the publicity. I do have to say that it is much better plan. It just irritates me when someone lies. That was basically a lie on that report. I needed for you to understand that.

THE CITY OF DAPHNE
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Mr. Tom Johnson, the Head Master for Bayside Academy addressed the comments made by Ms. McDonald. I have been with Bayside for twelve years. Everything we have done has been to enhance the beauty of Daphne and protect it environmentally. We have made the campus more environmentally friendly. Another factor to consider is our Fine Arts program. The area we live in is noted for people which are subject to Fine Arts, and Bayside is not exception. I have more Fine Art teachers than I have football coaches. We teach music, voice, piano, band, strings, ballet, jazz, ceramics, sculpture, and we need a place for our students to perform. I feel that performance is the purest form of evaluation. We are looking for our students to have a quality place to perform. We promise that we do things that are required of us, and we go beyond the call of duty. Thank you.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property.

Chairman: Do any of the Commissioners have any further questions or comments? With that being said, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Martin **to approve the site plan for Performing Arts Center for Bayside Academy. The Motion carried. Ms. Barnette abstained.**

Mr. Ross: Make a note, Ms. Barnette abstained from the vote count. For the record, there were five ayes and one abstention so the motion passes.

NEW BUSINESS:

The first order of business under new business is final plat review for Madison Place Subdivision, Phase Three "A."

FINAL PLAT REVIEW:

File SDF09-04:

THE CITY OF DAPHNE
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Subdivision: Madison Place, Phase Three "A"

Zoning(s): R-4, High Density Single Family Residential

Location: Northeast of the intersection of Parker Lane and Whispering Pines Road, North of Madison Place Subdivision, Phase Two
Area: 4.39 Acres \pm , (12) lots
Owner: A & B-10, L.L.C. - John Avent & Joe Bullock
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting final plat review of a four-point three nine-acre subdivision consisting of twelve lots located Northeast of the intersection of Parker Lane and Whispering Pines Road just North of Madison Place Subdivision, Phase Two. I would like to throw something else out there. The builder would like to buy these lots to build a different product. In doing so we would like to request to change the name of this phase of Madison Place Subdivision to Caroline Woods, Phase One. This section will stand on its own with its own detention pond and storm water drainage. In this section, we actually copied the covenants of Madison Place Subdivision. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? In this section do you have conduit in place, but no power to the subdivision.

Mr. Jason Estes: Riviera Utilities does not like to connect the power until you have a request for power for the first house.

Mr. Chason: Will the future phases be Madison Place or Caroline Woods?

Mr. Diehl: Caroline Woods.

Chairman: So Phase 3B and 4 will be Caroline?

Mr. Diehl: They will be called Caroline Woods Subdivision, Phase Two and Three.

Chairman: Do you know who the builder is?

Mr. Diehl: I do not know. It will be a new product and will be a lot different.

THE CITY OF DAPHNE
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Mr. Chason: One of the things I would like to comment on that they have done here. I like giving the lots and the common area a lot number making it much easier to turn the responsibility over to the property owners' association by conveyance of a legal description. I went out and looked at the detention pond. Are there any plans to do anything on the back of it?

Mr. Diehl: I am not sure if when you went out and looked at it if the guys had been out there. I just left there the fence was up on one side, the posts on the other side, and the landscaping is out front. Also, as far as numbering the common area, I would like to take credit for that, but it was not me. It was Ms. Jones' idea. She asked us to do that.

Mr. Chason: I do not doubt that.

Mayor Small: When you get finished what is going to be done with American Way? Are you going to close that off?

Mr. Diehl: No sir. We were required to make that connection. We really do not perceive very much traffic going through there.

Mayor Small: If you are going to the high school or going North that would be the easiest way.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the final plat for Caroline Woods Subdivision, Phase One formerly known as Madison Place Subdivision, Phase Three "A." The Motion carried unanimously.**

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the streets in Caroline Woods Subdivision, Phase One formerly known as Madison Place Subdivision, Phase Three "A." The Motion carried unanimously.**

The next order of business is preliminary plat review for the Resubdivision of Lot 4, Phase 1A and Lots 18 & 20 of the Renaissance Center Subdivision, Phase Three.

PRELIMINARY PLAT REVIEW:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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File SDP09-01:

Subdivision: Resubdivision of Lot 4, Phase 1A and Lots 18 & 20 of the Renaissance Center, Phase Three

Zoning(s): B-2, General Business

Location: Approximately one half mile West of Alabama Highway 181 on Renaissance Boulevard

Area: 8.51 Acres \pm , (3) lots

Owner: Renaissance Center, L.L.C. - Terry Ogletree

Engineer: Jinright & Associates - Trey Jinright

An introductory presentation was given by Mr. Jinright, representing Jinright & Associates, requesting preliminary plat review of an eight-point five one acre subdivision consisting of three lots located approximately one half mile West of Alabama Highway 181 on Renaissance Boulevard. We are replatting three lots in this phase and relocating a detention pond. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the preliminary plat for the Resubdivision of Lot 4, Phase 1A and Lots 18 & 20 of the Renaissance Center Subdivision, Phase Three. The Motion carried unanimously.**

The next order of business is site plan review for Camellia Patio Grille.

SITE PLAN REVIEW:

File S09-08:

Site: Camellia Patio Grille

Zoning: B-2, General Business

Location: Northeast of the intersection of Main Street and

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Area: Trione Avenue
0.31 Acres +
Owner: Dr. Glenn Glass
Engineer: Hutchinson, Moore & Rauch - Jay Robertson

An introductory presentation was given by Mr. Jay Robertson, representing Hutchinson, Moore & Rauch, requesting site plan review of a renovation of an existing structure, as well as, parking area and landscaping improvements for the purpose of using the facility as a restaurant. The site is located Northeast of the intersection of Main Street and Trione Avenue. Since the site review meeting, we have addressed a few issues. We have moved the solid waste storage receptacle to the East side of the restaurant and added a drive way in there so the garbage truck can access it. We have added a future twenty-foot easement to connect to the next street through lot 24, but the agreement has not been reached yet with the adjacent property owner. We have designed the West side of the building to be staff parking. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? My concern is how are you going to get in and out of there and now it is where are you going to park anyway.

Mr. Robertson: I think this is just a temporary fix until we get that easement. You are still going to have to park on the South side.

Mayor Small: You put in a ten-foot wide gravel drive way. Does the site plan meet the minimum requirements as it is presented?

Ms. Jones: Yes.

Mayor Small: We are going to have some parking downtown anyway. Eventually, we are going to have to bite the bullet and add public parking.

Chairman: I am concerned about the restaurant having one hundred seats and the customers not having access and sufficient parking. The restaurant will have to depend on the public parking at the park.

Chairman: We will be using up the parking for the park by allowing the restaurant customers to park there and then they will not be any parking for the park. Where are people going to park and how are we going to get them in and out? Those are my concerns.

Mr. Robertson: Your concerns are valid concerns. There is going to be more than five people at the restaurant at one time. This is temporary

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until we obtain the easement, but it is kind of out of our hands. My client does want a road through there. It was shown on the original plan.

Chairman: Since that plan, has he sold this lot?

Mr. Robertson: Actually someone else owns this lot.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Were the Utilities Board's comments regarding the grease trap addressed?

Mr. Robertson: I sent a copy of the letter and the criteria to Community Development that I had sent to Daphne Utilities.

Mr. Chason and Ms. Barnette expressed concerns about the easement being shown and not being obtained by the owner.

Chairman: I am still concerned about the parking and the access to the property.

Mayor Small: I have concerns also, but the site plan does meet the minimum requirements of the Olde Towne Daphne District.

Mr. Chason: Sometimes we get requests and for months and months nothing happens. We have an issue here we need to work out. Can you tell me that if he gets approval tonight that he is going to start this project?

Mr. Robertson: He is very near starting the project. He wants to start as soon as possible at least that is what he has relayed to me.

Mr. Chason: Is there any explanation as to what the hang up is?

Mayor Small: The person who owned the property there is just not ready to do anything or to do a road through there. Originally, they were going to do a joint project with a business and living quarters up above to the North of there with an alley way.

Mayor Small: I do not know what is going on, but I think it is the timing. With what a developer is going through that is probably what is the problem. It may be financing. I do not know.

Mr. Chason: Didn't we at one time see a proposal or a site plan for a restaurant and condo development on both of these parcels and give approval to the site plan and master plan? I would like to see the

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support of the City to require the developer to put an alley way there since he had given us a site plan that we had acted on. I think this man is dependent on the alley way. He went ahead and bought the property based on the approval of a site plan which shows a street through there. If he is not going to put a street through there, then maybe we should send him a letter to say we are not going to honor the site plan.

Mayor Small: I think that it is out of hands.

Mr. Chason: I can appreciate that.

Mayor Small: It also goes away after one year or so doesn't it?

Mr. Chason: No.

Chairman: Site plan approval does unless we extend it.

Ms. Barnette: I do not think it was a site plan. I think it was more of a master plan for under the Live Oaks Café. It showed the diagonal parking, the alley way, and there was sort of a master plan for the condo development. The Live Oak Café was the site plan.

Chairman: The original plan that we had showed lot 24 as parking with an alley way going all the way through.

Mr. Chason: Do they have a lease on the other property?

Mayor Small: No. That is just a right-of-way. I have talked to Mr. Taylor about that, but have been unable to do anything because of financial restrains. It may be time for us to bite the bullet. It would not take much for us to get that going.

Mr. Chason: Is that private property?

Mayor Small: It is private property behind that fence. He has given us a little bit out of the right-of-way to put some parking on. He would like to lease that to us with an option to buy. I would like to see us get it and keep it natural with a gravel parking lot.

Mr. Chason: I would like to see the customers park by the restaurant or in front of the restaurant. That is what they are going to want to do. If not, they will park on the street or wherever they want to park.

Mr. Bill Caswell: I am the architect for the project. Ms. Barnette is correct. You did at one time see a restaurant and condo master plan

**THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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for this site, but the plan was withdrawn in order to submit a site plan for the expansion of this building for a restaurant. Since that time, Dr. Glass has been diligently trying to obtain an easement and has been unable to reach an agreement of the adjacent property owner.

Ms. Barnette: This may not be what you want to hear, but don't you think it would be better to hold off the approval of the site plan for another month until the owner of this property has obtained the easement? Possibly some pressure from the Planning Commission and the City Council may help you to obtain the easement.

Chairman: Other than being able to drive all the way through, I guess there is nothing else we can do. Restaurants on the four lane have a parking ratio of one and one quarter for every four seats, but somehow restaurants in the Olde Towne Daphne District were exempt. This was probably because of City Hall parking, but people are not going to park over there and walk over here to eat. I thought after the work session you would come back with an easement.

Mr. Caswell: It may still happen, but it is not happening right now.

Chairman: I hate to hold him up, but I still have major concerns about parking and access.

Mr. Martin: A city like Mobile or Charleston either would have parking or public parking lots. There is no way a restaurant would be in downtown Charleston without parking so where does the burden lie then. It looks like the City is going to have to take responsibility and get something going.

Chairman: At this time, I understand what you are saying. You park in a public parking lot, ride the trolley for ten and twelve minutes, and then you get back on, and go back. I have done it.

Mayor Small: Mr. Chairman can I ask Ms. Jones a question?

Chairman: Yes sir.

Mayor Small: Do we meet all of the requirements of the Ordinance?

Ms. Jones: Yes.

Mayor Small: The thing about this is Mr. Glass has been trying to work this out for two and one half years. What do we have to do to the West side? I mean the East side. Do you have to put up a fence there because it is residential?

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Ms. Jones: Although the property is being used as residential, it is zoned commercial, B-2.

Mayor Small: All of that in there is zoned B-2 so he will not have to put a fence up.

Ms. Jones: If anything, they could try to work out an agreement to park on their property.

Chairman: Do any of the Commissioners have any further questions or comments?

Chief White: I am concerned about the off street parking of the customers on the street in case of an emergency. It would be hard to accommodate an emergency situation if you had off street parking on both sides of the street.

Mayor Small: They meet all of the requirements of the Ordinance. I have the same concerns that we all do, but someone has got to get out there and spend some money to build a parking lot.

Chairman: I know that it is not in our purview to determine whether or not something is accessible or not. Adequate parking for a restaurant or any other business is not going to be acceptable. That is not going to be here nor there. That is going to be Dr. Glass's call.

Ms. Barnette: I would like to hear from the architect that he would not like to hold for a month and use the previous approval site plan of this property so that pressure from this body would not help with that easement.

Mr. Caswell: They have been working on that site for several years and this site for more than six months so I do not think that this is anything that would slow down Dr. Glass from doing this project.

Ms. Barnette: No, I meant in assisting in acquiring the easement from the adjacent property owners.

Mr. Caswell: I think all of the suggestions have been very good.

Mayor Small: I would hate to sacrifice his financing for him to have to wait another month.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

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A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the site plan for Camellia Patio Grille, and strongly suggest obtaining the easement to the property to the North. The Motion carried unanimously.**

The next order of business is an administration review of the May Day Park Boat Ramp Project for the City of Daphne.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Ack Moore, representing Thompson Engineering, of the proposed May Day Park Boat Ramp Project. We resolved the issue with the bulkhead. It will not be thirty feet. Actually it will be going out thirty-six feet. The boat ramp will begin at the bulkhead and go out approximately one hundred twenty-five feet from the shoreline. There will be no permeable parking. We are going to use concrete and score it to make so it looks like pavement. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Do we have the permit yet?

Ms. Campbell: We have the State lands permit in house. We will have the public hearing in July on the issuance of the Corps of Engineers permit.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to the site plan for the May Day Boat Ramp Project. The Motion carried unanimously.**

The next order of business is an administration review for Renaissance Subdivision, Phase Three.

An introductory presentation was given by Mr. Trey Jinright, representing Jinright & Associates, requesting the release of a two million two-hundred and eight two-thousand dollar and one million eight hundred fifty thousand three hundred and twenty-five dollar letter of credit for the Renaissance Center Subdivision, Phase Three performance surety. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

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Mayor Small: Has everything been done?

Ms. Jones: Yes.

Chairman: Are we going to release the performance bond pending the relocation of the detention pond in this phase?

Ms. Jones: What I am asking for is when the contractor comes in there will be an instrument given at the time of the issuance of the site disturbance bond for the purpose of our protection from off site impact.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to approve the release of a two million two-hundred and eight two-thousand dollar and one million eight hundred fifty thousand three hundred and twenty-five dollar letter of credit for the Renaissance Center Subdivision, Phase Three performance surety. The Motion carried unanimously.**

Ms. Jones: With this, I need a recommendation for street acceptance also.

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the streets in Renaissance Center Subdivision, Phase Three. The Motion carried unanimously.**

The next order of business is an administration review for Mary Longmire.

An introductory presentation was given by Ms. Mary Longmire, the owner of the subject property, located at the end of Walton Road West of Jemison Road requesting an exemption to the regulations in accordance with Section 11-5 of the Land Use and Development Regulations which states, "The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale or exchange are reduced below the minimum size requirements of the zoning district in which the division is to occur." The subject property is located in the City of Daphne's extraterritorial jurisdiction. I have a piece of property that is too

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small to build on. I am taking some property from two other lots to add to it. I will be happy to answer any questions you may have.

Chairman: The recorded drawing shows a right-of-way across both of your lots. If the right-of-way is at the top of the previous lots, then it will be right in the middle of the lot that you are trying to make big enough to build on. If this is done, then it will give you the required square footage to build on either side of right-of-way?

Ms. Longmire: Right.

Chairman: Does it cut down on the lot size requirement of the other lots?

Ms. Longmire: No.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve to grant the exemption to the regulations regarding the division of land for Mary Longmire in accordance with Section 11-5 of the Land Use and Development Regulations. The Motion carried unanimously.**

The next order of business is public participation.

PUBLIC PARTICIPATION:

No participation.

The next order of business is the attorney's report.

ATTORNEY'S REPORT:

Mr. Chason: There is a letter here from you. Are you going to comment on it?

Mr. Ross, attorney: I will be happy to. There are two matters. One thing I received yesterday is the results from the Attorney General Opinion on the annexation for Swift Supply Company. The Attorney General at the request of the City Council has opined that a municipality can use a road way, but cannot use just a right-of-way for the purpose of annexation. The Swift Supply annexation would work if the City Council decided to do it. It was a question regarding the

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long lasso, and the Attorney General said that is not a violation of state law. The other issue that is dear to Mr. Chason's heart was regarding Bayside Academy. At the last Planning Commission, it was the opinion of me that just having a child as a student at Bayside Academy and voting on Bayside Academy created a conflict and that was the opinion of my office. After speaking with Mr. Chason, I did a little more research and interesting enough the League of Municipalities had one opinion and Mr. Hugh Evans, the Ethics Commission, however, memorialized that in this case it is not considered a conflict of interest unless a member of the Planning Commission is on the Board of Directors for Bayside Academy and receives an income or salary from the academy. That person would have to be more than just a parent of a student who attends the school. He also concluded that Planning Commission members are subject to ethic violations the same as a public official. I would like to apologize for the inconsistency of which I am responsible. I think the letter of June 16, 2009 clears it up. I would also like to comment that Planning Commission members are subject to Ethics Law and should be careful when speaking or voting. With the communication Mr. Chason and I had, he felt as if Planning Commission members are not subject to it. What I think is secondary, but more importantly the Ethics Commission thinks a Planning Commission member is subject to it. The Mayor and Ms. Barnette are familiar with it. Different people have different opinions such as the League and a different agency such as the Ethics Commission may opine differently. I apologize again for the inconsistent response that came out of my office. Those are the two things I wanted to report on. I will be happy to answer any questions you may have.

Ms. Barnette: So the League said it was a conflict and the Ethics Commission said that it is not?

Mr. Ross: That is correct. I am taking the blame, but must explain that Ms. Gray talked to the League and did not talk to the Ethics Commission. I did not really agree with what the League said so that is why I wanted to get an opinion of the Ethics Commission.

Ms. Barnette: Is an elected official verses an appointed official germane to the question?

Mr. Ross: No. I understand your question, but for ethical issues there is not distinction. I read the statute, and I think that it can be interpreted either way.

Mr. Chason: Would it take more than two minutes to research it further

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to get it where I can read it myself? It is my understanding that the definition for an elected official would not include an appointed official. I want to see where it says in the law for Alabama that it says that a Planning Commission member is a public official and are subject to the Ethics Law.

Mr. Ross: I will find that for you. I think that I have an opinion from the Ethics Commission that says that.

Mr. Chason: The Planning Commission is made of employees of the City, elected officials, and appointed members from the general public.

Mr. Ross: In the role that you play as does each Planning Commission member, you are in a decision and otherwise advisory role. Your decision and/or recommendation affects people that come for business.

Ms. Barnette: I would like to have a clarification about ex parte contact also.

Chairman: I would really like to have that clarified too. We have been taught at every seminar that we have attended to avoid ex parte communication.

Mr. Ross: I last heard that from Mr. Juster a few years ago. I questioned him to see where it says that a prospective person is prohibited from having a conversation with a Planning Commission member. He could not site me one nor there any specific statute, case law or opinions which states that. It makes sense and makes it easier for you. There is not prohibition someone from coming to speak to you or a City Council member. Mr. Juster just thinks it is a bad idea.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Mr. Martin: I would like to ask the members to consider an amendment to the By-Laws to require the attendance of a certain number of meetings for a member or to be able to ask them to resign.

Ms. Barnette: We need to set a work session to work on the Land Use Ordinance.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS:

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Ms. Jones: Two of the Planning Commission members, Mr. Chason and Mr. Kirby, Mayor Small, and some of the Board of Zoning Adjustment members attended the seminar in Fairhope given on the Sunshine and Ethics Law. At the work session, it was requested that I research to see if there is a method to guarantee a subdivision's workmanship and Acts of God after the release of the letter of credit. You may require a letter of credit with an energizer clause for a period of two years.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

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

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: July 23, 2009

Ed Kirby, Chairman

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City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, AL. 36526
July 8, 2009
6:30 pm

Members Present: Chairman Ed Nelson, Rick Cleveland, Matt Cunningham, Eric Smith, Kit Smith and Lynn Thompson-Yates

Members Absent: John Peterson

Advisory Staff Present: Mayor Fred Small, Councilman Greg Burnam, and David McKelroy, Parks and Recreation Director

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:32 pm.

Review and Approval of the Minutes

Motion was made Eric Smith and seconded by Rick Cleveland to approve the June 10, 2009 minutes. Motion passed.

Program Reports

Information was provided by Athletic, Senior and Fitness about current programs, upcoming events and participation.

Recreation Programs Coordinator Megan White presented a proposal for Community Movie Night. Discussion followed as to location, cost and targeted audience.

Old / New Business

1. Trione Sports Complex Soil preparation for new facilities was discussed. It was recommended that soil samples be sent the Auburn University – Baldwin campus for testing. Funding options were discussed in an effort to complete the lighting and restrooms at the new fields as well as providing funds for future needs associated with the Master Plan. The board further recommended that there be stronger enforcement of “No Alcoholic Beverages” in all city parks.

2. Joe Patrick Park Restroom The sewer hook-up for the park restroom has been set up for completion.

3. Background Checks Question arose with regard to background check due to newspaper publications that Mobile County Sheriff performing these duties in Mobile County. Chairman Ed Nelson contacted several local officials about Baldwin County law enforcement agencies performing these duties. It was the opinion of the agencies that they were unable to perform these background checks. The board further discussed background checks on volunteer coaches with regards to policies, procedures and cost.

Comments from Director

Information was provided about Daphne hotel occupations for the USFA girl's softball tournament held in Daphne on June 26-28. A total of 65 teams participated in the tournament. Of the hotels surveyed, 222 rooms were occupied by tournament participants.

Information about parks signs was presented to the board for their suggestions and recommendations. It was recommended that "NO SWIMMING" be changed to "SWIM AT YOUR OWN RISK" at all parks with the exception of Gator Alley.

Comments form Advisors

Chairman Ed Nelson presented the following recommendation, which were all approved by the board:

1. That the Council allows the Recreation Board to fill two alternate positions on the board.
2. That a Non voting Youth Member be added to the board.
3. That all programs be surveyed at completion or at some time during the year to provide information as to the quality, facilities, equipment and personnel of each program.
4. That participation reports be provided on all programs.
5. That one board member attends the Council Meeting in which the Recreation Board minutes appear.
6. That the board develops a sequential plan of the Master Plan.

Rick Cleveland provided information on Impact Fees and spoke for there benefits to recreation.

Adjourn

The meeting was adjourned at 8:05 pm.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ April 29, 2009 ♦ 5:00 p.m.

I. CALL TO ORDER

The April 29, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:07 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 – Benefits Coordinator
Melinda Immel – Volkert & Associates
Tim Patton – Volkert & Associates
Ray Moore – 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 March 25, 2009:*

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the February 25, 2009, Utilities Board meeting.

MOTION BY Mr. Johnston to approve the March 25, 2009; Seconded by Ron Scott.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA

ABSENT: SMALL

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS

a. Capacity Fee Study / Rate Study

Mr. McElroy advised the Board that the Work-session held Wednesday, April 22, 2009, regarding the capacity fee and rate study was informative and a teleconference will be coordinated for Mayor Small and Fenton Jenkins in order for Blair Troutman to update them to prepare for the May Board meeting that will be held on June 3, 2009. Ron Scott commented that the Board is preparing to make a philosophical change whereby a policy will be implemented to not cross subsidized lines.

b. Park City Water Authority – Joint Billing Agreement

Mr. McElroy had no new additional information regarding the Joint Billing Agreement and stated that it should be removed from the Agenda. Chairman Segalla agreed.

c. Wastewater Legislation

Mr. McElroy reported that he will be traveling to Montgomery with an Eastern Shore Chamber delegation and will follow-up with the Board at the next Board meeting.

d. Sewer Only Cutoff Policy

Drew Klumpp addressed the Board of the procedures that are being developed in the form of disconnect letters as well as a “sewer only” application that will be reviewed by Jerry Speegle prior to distribution to avoid any legal complications. A detailed discussion took place with the Board regarding procedural correspondence.

e. Items in Abeyance

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

VI. New Business

a. Presentation by Greg Strachan from Bryant Bank – Mr. Strachan introduced Bryant Bank to the Board and discussed the benefits of banking with them.

b. Audit Report – Michael Andreoli with Robertson, Andreoli & Covington, P.C., presented and discussed the audit report for Daphne Utilities to the Board.

c. MWPP – Danny Lyndall explained to the Board that the annual NPDES permit required this resolution regarding the Municipal Water Pollution Prevention Program

MOTION BY Mr. Scott to approve Resolution 2009-04 - Municipal Water Pollution Prevention (MWPP) Program; Seconded by Lon Johnston.

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

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing further to add to the submitted report, but reviewed the public record issues associated with Northfork legal issue.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the March 2009 financial report for with the Board. She discussed the Certificates of Deposit that will be maturing and the inopportune time to re-invest. She also emphasized that the interest income and capacity fees may not be as positive this year as anticipated. Mr. Johnston requested information for an upcoming meeting on how many banks Daphne Utilities has business dealings with and the criteria for doing business with a prospective bank. Mr. McElroy requested an extension of a year for Robertson, Andreoli & Covington, P.C. to continue the annual audit due to the possibility of rate changes and long-range planning. The Board expressed their responsibility to decide the auditor of the Utilities’ audit.

MOTION BY Mr. Scott to continue for the next audit period to use the services of Robertson, Andreoli & Covington, P.C. with notice to firm that this may not always be the case and for a review a year from now; Seconded by Fenton Jenkins.

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

IX. GENERAL MANAGER’S REPORT

a. GM Report

Rob McElroy informed that all the managers and supervisors have been advised that Daphne Utilities had been selected in the top 35 of the Wall Street Journal's Review of Small Business in America. He had nothing further to add to his report.

b. Operations Report

Danny Lyndall had nothing further to add to his report.

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

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

Cedric Goodloe presented an overview of Daphne Utilities' safety and training as compiled by the Daphne Utilities Safety Committee. Fenton Jenkins inquired about supervisory job openings. Mr. McElroy and Mr. Goodloe explained the hiring procedures for supervisory and non-supervisory procedures.

X. PUBLIC PARTICIPATION – None

XI. BOARD ACTION – None

XII. BOARD COMMENTS – Fenton Jenkins asked about the status of the suggestion box. Mr. McElroy answered that the suggestion boxes have been in place for a couple of months with only 2 responses and both items have been addressed.

XIII. ADJOURNMENT–

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

AYE: JENKINS, JOHNSTON, SEGALLA, SCOTT

ABSENT: SMALL

MOTION CARRIED

The meeting adjourned at 6:37 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CASE NO. 2009-11

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 6-29-09 (initial) us

DATE FORWARDED TO POLICE DEPT. 6-29-09 us

DATE RECEIVED BY POLICE DEPT. 6/30/09 MTH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 7/06/09 KJ

DATE FORWARDED TO CITY CLERK 7/06/09 KS

DATE RECEIVED BY CITY CLERK 7/06/09 RAH

SCHEDULED DATE ON AGENDA 7/20/09 RAH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**
Confirmation Number: 20090629081539430



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:

THE BARREL ROOM FINE WINE & SPIRITS, INC
Address: 1714 MAIN STREET
 DAPHNE, AL 36526
Telephone: 251-625-2153

NEW APPLICANT:

THE BARREL ROOM FINE WINE AND SPIRITS INC
Address: 11078 LAKE CIRCLE
 DAPHNE, AL 36526
Telephone: 251-625-8808

Current License No: 010-001402702-470

LICENSED PREMISES ADDRESS: 29117 US HWY 98 DAPHNE , AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 19 day of June, 2009.

CURRENT LICENSEE (NAMED ON LICENSE)

Keith Kector
Keith Kector

Print Name:
Title: Owner / President

NEW LICENSEE (APPLICANT)

Keith Kector

Print Name: Keith Kector
Title: Owner / President

WITNESS: (By ABC Enforcement)
Revised 9/08

Charolette Jorigan



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090629081539430



Initial each

Signature page

KR

In reference to law violations, I attest to the truthfulness of the responses given within the application.

KR

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

KR

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

KR

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

KR

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

KR

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

KR

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Keith Rector

Signature of Applicant: Keith Rector

Notary Name (print): Charlotte M. Jernigan

Notary Signature: Charlotte M. Jernigan

Commission expires: 06/04/2012

Application Taken: 6/29/09 App. Inv. Completed:

Submitted to Local Government: 6/29/09

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD



ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090629081539430

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **JOHNNY LITTLETON 251-545-6978**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **2400** Display Square Footage:
 Building seating capacity: **80** Does Licensed premises include a patio area? **YES**
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**
 Number of licenses in the vicinity: **2** Nearest: **0.5**
 Nearest school: **2 miles** Nearest church: **2 miles** Nearest residence: **2 blocks**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
KEITH DAVID RECTOR	FIGHTING 1980	BILOXI	NOL PROS

Need to Renew



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090629081539430



Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I State: County:
Type License: State: County:
Trade Name: UNCORKED FINE WINES Filing Fee:
Applicant: THE BARREL ROOM FINE WINE AND SPIRITS INC Transfer Fee: \$50.00
Location Address: 29117 US HWY 98 DAPHNE, AL 36526
Mailing Address: 11078 LAKE CIRCLE DAPHNE, AL 36526
County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0
Sale of Products Containing Ephedrine: NO Type Ownership: CORPORATION
Book, Page, or Document info: INSTRUMENT 969735 Do you sell Draft Beer: N
Date Incorporated: 04/20/2006 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 04/20/2006 Business Type:

Name:	Title:	Date and Place of Birth:	Residence Address:
LAURI JILL RECTOR 6926825 - AL	SEC TREAS	03/08/1962 BILOXI MS	11078 LAKE CIRCLE DAPHNE, AL 36526
KEITH DAVID RECTOR 7103744 - AL	PRESIDENT	02/20/1956 NAGOYA HONSHU JAPAN	11078 LAKE CIRCLE DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: KEITH DAVID RECTOR
Business Phone: 251-625-8808
Fax:

Home Phone: 251-625-2153
Cell Phone: 251-654-1091
E-mail: jrector62@bellsouth.net

PREVIOUS LICENSE INFORMATION:
Trade Name: UN-CORKED FINE WINES
Applicant: THE BARREL ROOM FINE WINE & SPIRITS, INC

Previous License Number(s)
License 1: 010-001402702-470
License 2:

CITY OF DAPHNE SPECIAL EVENTS PERMIT

ORGANIZATION:	<i>S.E.E.D.S.</i>
CONTACT PERSON:	<i>Denise D'Oliveira</i>
ADDRESS:	<i>P.O. Box 460 Daphne, AL 36526</i>
PHONE NUMBER: (HOME)	<i>626-9966</i>
PHONE NUMBER: (BUSINESS)	<i>626-7333</i>
CELL NUMBER:	<i>605-8777</i>
DATE OF SPECIAL EVENT:	<i>November 14, 2009</i>
TYPE OF SPECIAL EVENT:	<i>Mama Mia Cook Off</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>700</i>
START TIME:	<i>3:00 p.m. (Set up Friday, Nov. 13, 2009 & 8:00 a.m. Saturday Morning, Nov. 14, 2009)</i>
STOP TIME:	<i>10:00 p.m.</i>
FACILITY/PARK TO BE USED:	<i>City Hall & Grounds</i>
SPECIAL REQUESTS:	<i>Block off Main Street from Manca Avenue to Trione Avenue at 12:00 Noon on November 14, 2009</i>
DATE APPLIED FOR PERMIT:	<i>July 6, 2009</i>
APPROVAL	
COUNCIL:	<i>7/20/09</i>
POLICE:	<i>Chief David Carpenter</i>
FIRE:	<i>Chief James White</i>
PUBLIC WORKS:	<i>Bill Eady</i>
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>July 6, 2009</i>
NOTIFICATION OF APPROVAL:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION NO. 2009-64
2009-AA-UNIFORMS**

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

WHEREAS, The City of Daphne acknowledges that the cost for the UNIFORMS will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the UNIFORMS be awarded to G & K Services.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of G & K Services for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2009-AA-UNIFORMS.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

BID DOCUMENT 2009 -AA- UNIFORMS

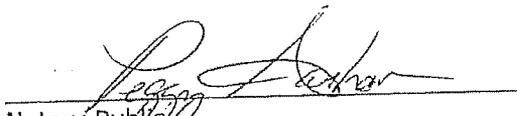
Prior to the annual contract expiration and upon mutual agreement by the City and the Contractor, the term of the contract may be extended for a second and a third year.

COMPANY NAME GJK Services
ADDRESS 701 St. Anthony St
CITY, STATE, ZIP Mobile AL 36603
PHONE NUMBER 251 379 0765
FAX NUMBER 251 422 0859
E-MAIL Lauren.Moore@gjkservices.com


AUTHORIZED SIGNATURE

Lauren L Moore
PRINT NAME

Quotation for the described bid submitted to the City of Daphne, Alabama this 7th day of July, 2009.


Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 27, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

ALL BIDS MUST BE RECEIVED IN PERSON OR BY MAIL

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

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

BID DOCUMENT 2009 -AA- UNIFORMS

ITEM #	DESCRIPTION		BID PRICE	ORDER #
1	Cell Phone Pocket Pants	Size 28 - 42	\$ 14.22	1261-789
		Size 44 - 48	\$ 15.65	1261-789
2	Cell Phone Pocket Shorts	Size 28 - 42	\$ 13.25	1236-789
		Size 44 - 48	\$ 14.58	1236-789
3	Cargo Pocket Pants - Cotton	Size 28 - 42	\$ 22. ⁰⁰	1259-065
		Size 44 - 48	\$ 26. ⁹²	1259-065
4	Cargo Pocket Shorts - Cotton	Size 28 - 42	\$ 19. ³¹	1280-065
		Size 44 - 48	\$ 23. ³⁸	1280-065
5	100% Poly Pocket T-Shirt	S - XL	\$ 30. ⁰⁰	1081-991
		2X - 4X	\$ 36. ⁰⁰	1081-991
6	Industrial Stripe Short Sleeve Work Shirt	S - XL	\$ 13.02	1013-015 (SS)
		2X - 4X	\$ 15.62	1013-015 (SS)
7	Industrial Stripe Long Sleeve Work Shirt	S - XL	\$ 13.02	1013-015 (LS)
		2X - 4X	\$ 15.62	1013-015 (LS)
8	Long Sleeve Pocket Henley Shirt	S - XL	\$ 8.90	24106
		2X - 4X	\$ 10.19	24106
9	Hooded Sweatshirt Jacket (Thermal Lined - all colors)	S - XL	\$ 20.78	12500
		2X - 4X	\$ 24.95	12500
10	Hooded Sweatshirt Jacket (Unlined - all colors)	S - XL	\$ 19.42	993M
		2X - 4X	\$ 24.32	993M
11	100% Cotton Pocket T-Shirt Short Sleeve	S - XL	\$ 5.25	911
		2X - 4X	\$ 7.70	911
12	Insulated Coveralls	S - XL	\$ 39.15	1430-015
		2XL - 4 XL	\$ 46.95	1430-015
13	Storm Jacket	S - 4XL	\$ 32. ⁸⁰	M740
		XL - 4XL	\$ 38. ⁶⁰	M740

BID DOCUMENT 2009 -AA- UNIFORMS

14	Short Sleeve Pocket Sports Shirts	S - XL	\$ 12.87	2101
		2XL - 4XL	\$ 16.90	2101
15	Long Sleeve Pocket Sports Shirts	S - XL	\$ 20.14	0B15
		2XL - 4XL	\$ 23.80	0B15
16	Short Sleeve Sanded Twill Shirts	S - XL	\$ 19.82	M500S
		2XL - 4XL	\$ 24.90	M500S
17	Long Sleeve Sanded Twill Shirts	S - XL	\$ 20.05	M500
		2XL - 4XL	\$ 25.15	M500
18	100% Cotton Washed Jean	28 - 42	\$ 13.18	1223-833-520
		44 - 50	\$ 15.80	1223-833-520
19	Long Sleeve Cotton Pocket T-Shirt	S - XL	\$ 8.85	24106
		2XL - 4XL	\$ 11.06	24106
20	Ladies Side Elastic Pants	SIZES 4 - 20	\$ 14.18	1210-442
		22 - 28	\$ 17.00	1210-442
21	Big & Tall 60/40 Pique Polo Shirt 2" extended tail	S - XL	\$ 21.60	0B1T
		2XL - 4XL	\$ 24.60	0B1T
22	Safety Challenger Jacket	S - XL	\$ 57.25	1023-991
		2XL - 4XL	\$ 57.25	1023-991

BID DOCUMENT : 2009-AA-UNIFORMS

were not received constitutes a significant deviation from the bid invitation and to reject the bid. The City will award the bid based upon the price, service and quality. The bidder must mark comply or exception for each specification listed. Bids must be submitted on the enclosed tabulation sheets. All bids must be written in ink. Bids submitted in pencil will not be accepted. Bidders are expected to examine the specifications carefully. Failure to do so will be at the bidder's risk and he cannot secure relief with a plea of error in the bid. The bidder awarded the bid must obtain a City of Daphne business license within ten (10) days after award notification.

V. METHOD OF PAYMENT

All purchases must follow the policies and procedures of the City of Daphne Purchasing Department, which require a purchase order prior to delivery. The purchase order number must be on each billing invoice. Each department placing an order is responsible for submitting their invoices to Accounts Payable for payment.

VI. CONFLICT OF INTEREST

No employee, officer or agent of the City shall have any interest in the award of this contract or the bidder. The award of the contract shall be based solely on the lowest and most responsive bidder.

VII. COLLUSION

If there is any reason for believing that collusion exists among the bidders, any and/or all proposals may be rejected. Those participating in such collusion may be barred from submitting bids on the same or other work with the City of Daphne.

VIII. SPECIFICATIONS

1. Cell Phone Pocket Pants (All Colors & Sizes) City seal in Orange on seat of pants:

Comply Dickies Exception _____

2. Black / Navy / Charcoal
Cargo Pocket Shorts - Cotton (All Colors & Sizes) City seal in Orange on seat of pants:

Comply Red Kap Exception _____
Navy / Khaki

3. Cell Phone Pocket Pants -- Cotton (All Colors & Sizes) City seal in Orange on seat of pants:

Comply Dickies Exception _____
Black / Navy / Charcoal

4. Cell Phone Pocket Shorts (All Colors & Sizes) City seal in Orange on seat of pants:

Comply Red Kap Exception _____
Navy / Khaki

BID DOCUMENT 2009 -AA- UNIFORMS

5. 100% Poly Pocket T-Shirt - One Color Screen Printing of the City of Daphne Seal and Department Name (All Colors & Sizes - Must be available in safety yellow, safety green & safety orange, as well as other standard colors):

Comply GK ^{safety yellow} ^{safety orange} Exception No safety green in 100% poly only cotton
 High visibility tee shirt - Ans / M-3xl

6. Industrial Short Sleeve Work Shirt - Full Color Embroidery of the City of Daphne Logo and Department Name (All Colors & Sizes - Stripes & Solids):

Comply GK Exception _____
 Variety striped to solid colors S-3xl

7. Industrial Long Sleeve Work Shirt - Full Color Embroidery of the City of Daphne Logo and Department Name (All Colors & Sizes - Stripes & Solids):

Comply GK Exception _____
 variety striped to solid colors S-3xl

8. Long Sleeve Henley Pocket Shirt - Full Color Embroidery of the City of Daphne Logo and Department Name (All Colors & Sizes)

Comply Henley only SS avail → Exception Gildan (all Long Sleeve Pocket
 -100% cotton
 S-3xl: variety colors

9. Hooded Sweatshirt (thermal lined) - Full Color Embroidery of the City of Daphne Logo and Department Name (All Colors & Sizes - Must be available in safety orange as well as other standard colors):

Comply Gildan Hoodie Exception _____
 -thermal lined S-3xl: Black, Navy, Safety Green, Safety orange, Sport Gray
 -safety orange S-2xl - white, Ash, Red, Blue, Green, Indigo Blue, purple...

10. Hooded Sweatshirt Jacket (unlined - all colors) One Color Screen Printing of the City of Daphne Seal and Department Name

Comply Jerzees Hooded Exception _____
 Full-Zip sweatshirt / S-3xl / variety colors

11. 100% Cotton Pocket T-Shirt (all colors and colors) One Color Screen Printing of the City of Daphne Seal and Department Name (Lime Green and Orange)

Comply Ans Exception Very Lime vs. Lime Green
 (very sim color)
 -100% cotton (S-3xl) + variety colors
 -key lime + orange

12. Insulated Coveralls - Navy (All Sizes) One Color Screen Printing of the City of Daphne Logo and Department Name

Comply GK Exception _____
 - 65/35
 - Insulated coveralls
 - S-4xl

BID DOCUMENT 2009 -AA- UNIFORMS

13. Storm Jacket (Navy/all sizes) – Full Color Embroidery of the City of Daphne Logo and Department Name
 Comply Harrison Jacket Exception _____
 -weather proof / Navy / S-4x1
14. Short Sleeve Pocket Sports Shirts (Cotton) – Full Color Embroidery of the City of Daphne Logo and Department Name. Available in all colors.
 Comply Outerbanks Exception _____
 -short sleeve w/ pocket / S-4x1 / variety colors
15. Long Sleeve Pocket Sports Shirts (Cotton) – Full Color Embroidery of the City of Daphne Logo and Department Name. Available in all colors
 Comply Outerbanks Exception _____
 -100% cotton / S-3x1 / variety colors
16. Short Sleeve Sanded Twill Shirts – Full Color Embroidery of the City of Daphne Logo and Department Name. Available in all colors.
 Comply Harrison Exception _____
 -short sleeve / variety colors / S-4x1
17. Long Sleeve Sanded Twill Shirts – Full Color Embroidery of the City of Daphne Logo and Department Name. Available in all colors.
 Comply Harrison Exception _____
 -long sleeve twill / S-6x1
18. 100% Cotton Garment Washed Jean with City Seal on seat of pants. All sizes.
 Comply GK regular fit denim jeans Exception _____
19. Long Sleeve Pocket T-Shirt (all colors and colors). One Color Screen Printing of the City of Daphne Seal and Department Name (must have Lime Green and Orange).
 Comply Gildan Exception _____
20. Safety Green + Orange available + variety colors / S-3x1
 Ladies Side Elastic Pant 65/35. All sizes and colors.
 Comply GK women's 65/35 6-22 even variety colors Exception no elastic waist pants
21. Big and Tall 60/40 Pique Polo with 2" extended tail. Embroidered with City Logo and Department Name. Available in assortment of colors.
 Comply Outerbanks LT-3XLT Exception 2" extended tail - Outerbanks only avail. 1 1/2 extended tail
22. Safety Challenger Jacket (Safety Yellow/Green to meet Federal ANSI Guidelines) Embroidered with City logo and Department name.
 Comply GK Exception _____
 -ANSI-certified
 -high visibility
 -4-128

RESOLUTION NO. 2009-65
2009-Y-POLICE UNIFORMS LEATHER GEAR

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

WHEREAS, The City of Daphne acknowledges that the cost for the POLICE UNIFORMS LEATHER GEAR will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the POLICE UNIFORMS LEATHER GEAR and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the POLICE UNIFORMS LEATHER GEAR be awarded to Lawmen's & Shooters' Supply Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Lawmen's & Shooters' Supply Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2009-Y-POLICE UNIFORMS LEATHER GEAR.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

Sent Sample - Danny Bell Reviewed - OK send back sent Return slip

BID: 2009-Y-POLICE UNIFORMS LEATHER GEAR

Price		
13.58	Dutyman 8521 or 8521H	
15.78(H)	Ammo Pouch, Double - Basketweave Leather - Dutyman or Equivalent	Velcro or Hidden Snaps
13.30	Ammo Pouch, Double - Plain Leather - Dutyman or Equivalent	Dutyman 8511 Velcro or Hidden Snaps
34.91 (R) 48.51 (H)	Badge, Wallet - B538 Blue Lettering with State Seal, Blackinton or Equivalent w/Clip	Gold or Silver
24.90	Belt, Dress - Basketweave Leather, Don Hume B112, Ranger	Silver or Gold Buckle Size:
23.76	Belt, Dress - Plain Leather - Don Hume B112, Ranger	Silver or Gold Buckle Size:
2.41	Dutyman 2421 Belt Keepers - Single or Double Snap or Velcro, Basketweave Leather	Silver or Gold Snaps Single or Double Snaps or Velcro
2.41	Dutyman 2411 Belt Keepers - Single or Double Snap or Velcro, Plain Leather	Silver or Gold Snaps Single or Double Snaps or Velcro
4.12 Plain 4.34 B/W	Flashlight Ring - Basketweave or Plain	Dutyman 3011 Plain Dutyman 3021 B/W Silver or Gold Snaps
13.23	Dutyman 5121	15.43 XL-2XL
Up to IG.	Gun Belt, Inner - Basketweave Leather, Dutyman or Equivalent, Velcro	Size: 16.53 3XL-4XL
12.95	Dutyman 5111	15.15 XL-2XL
Up to IG.	Gun Belt, Inner - Plain Leather, Dutyman or Equivalent, Velcro	Size: 16.25 3XL-4XL
28.08	Dutyman 5021	31.38 XL-2XL
Up to IG.	Gun Belt, Outer - Basketweave Leather - Dutyman or Equivalent, Velcro	Size: 33.58 3XL-4XL
27.53	Dutyman 5011	30.83 XL-2XL
Up to IG.	Gun Belt, Outer - Plain Leather - Dutyman or Equivalent, Velcro	Size: 33.03 3XL-4XL
12.20	Handcuff Case - Basketweave Leather, Closed Case with Snap - Dutyman or Equivalent Dutyman 8821	Silver or Gold Snaps
11.65	Handcuff Case - Plain Leather, Closed Case with Snap - Dutyman or Equivalent Dutyman 8811	Silver or Gold Snaps
11.54	Dutyman 8321 Handcuff Case - Basketweave Leather, Open Face - Dutyman or Equivalent	
11.10	Dutyman 8311 Handcuff Case - Plain Leather, Open Face - Dutyman or Equivalent	
70.91	Holster - Basketweave Leather - Don Hume Level Two Security-Automatic H745-SH	Left or Right Handed Glock 22, 23 or 27
68.51	Holster - Plain Leather - Don Hume Level Two Security-Automatic H745-SH	Left or Right Handed Glock 22, 23 or 27
13.17	Strong 79610 ID Case, Wallet Badge and ID Card with B538 Badge with place for money	
11.38	Dutyman 3621 Pepper Spray Holder, Basketweave Leather - MK-3 with Flap (Small)	Silver, Gold, or Hidden Snaps
11.10	Dutyman 3611 Pepper Spray Holder, Plain Leather - MK-3 with Flap (Small)	Silver, Gold, or Hidden Snaps
12.48	Dutyman 2621 or 2621H	
13.36 H	Pepper Spray Holder, Basketweave Leather - MK-4 with Flap (Large)	Silver, Gold, or Hidden Snaps
12.20	Dutyman 2611 (no Hidden Snap) Pepper Spray Holder, Plain Leather - MK-4 with Flap (Large)	Silver, Gold, or Hidden Snaps
12.48	Dutyman 2821P Stinger Holder - Basketweave Leather, Open Top	
12.20	Dutyman 2811P Stinger, Holder - Plain Leather, Open Top	
TOTAL		

BID: 2009-Y -POLICE UNIFORMS LEATHER GEAR

- IF PRODUCT BID ON IS DIFFERENT FROM BRAND NAME SPECIFIED, SAMPLE MUST BE SUBMITTED.
- QUANTITIES ORDERED WILL VARY WITH NEED.
- DELIVERY COSTS MUST BE INCLUDED IN BID PRICE.
- UPON THE AWARD FOR THE BID, THE VENDOR MUST HAVE OR OBTAIN A CURRENT CITY OF DAPHNE BUSINESS LICENSE.
- PRIOR TO CONTRACT EXPIRATION AND UPON MUTUAL AGREEMENT BY THE CITY AND THE CONTRACTOR, THE TERM OF THE CONTRACT MAY BE EXTENDED FOR A SECOND AND THIRD YEAR.

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

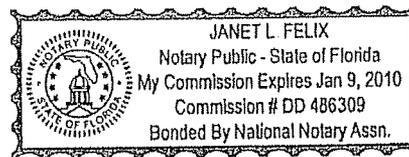
COMPANY NAME Lawmen's & Shooters' Supply Inc.
PHONE NUMBER 772-569-8700
FAX NUMBER 772-569-2955
FEDERAL ID# 59-2223132
E-MAIL bids@lawmens.net

Crystal Mazzoli
AUTHORIZED SIGNATURE

Crystal Mazzoli
PRINT NAME

Quotation for the described bid submitted to the City of Daphne, Alabama this 2 day of July, 2009.

Janet L. Felix
Notary Public



THE BID MUST BE RETURNED IN PERSON TO:

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

BY MAIL TO:

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

(FAXED BIDS WILL NOT BE ACCEPTED)

**RESOLUTION NO. 2009-66
2009-Z-POLICE VEHICLE EQUIPMENT**

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Firehouse Sales & Service, Inc. for unit cost as bid herein and made a part hereof for BID SPECIFICATION NO. 2009-Z-POLICE VEHICLE EQUIPMENT.

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

John Lake, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

FIREHOUSE SALES & SERVICE, INC.

908 Montgomery St. • Mobile, AL 36603

JERRY W. BETHEA, JR.
MUNICIPAL SALES
NIGHT PH (251) 928-8102
FAX (251) 431-0717

OFFICE (251) 432-1625
1-800-243-FIRE
EMAIL: mail@fyfryterhillmarine.com

7-7-09
Firehouse Safety Service

2009-Z-POLICE VEHICLE EQUIPMENT

Where a specific brand is noted, all bidders should be aware that the brand name is used to indicated the desired quality and performance of the product that is desired.

Equipment	Description / Size	Make	Model	Cost
PATROL VEHICLES				
Light Bar = Signal Bar Roof Mounted	S-2 44" Blue and Amber, Mounting Hardware	Federal Signal	Argent SL LED 583004	\$ 1,224. ⁰⁰
Light Bar = Undercover Front Interior	Interior Undercover LED phantom light bar, 3 rows LED blue	Star	ULB42-BB	\$ 559. ⁸⁵
Light Bar = Undercover Rear Interior	Interior Undercover LED phantom light bar, 3 rows LED blue	Star	ULB42-1BB	\$ 557. ⁸⁵
Strobe Light Kit =	6 Bulbs in Kit, 90 Walt Hideaway Random Headlight Flasher <i>Complete w/ 6 Bulbs</i>	SHO-ME	Sound off ETKG90CCC	\$ 216. ⁷⁵
Side Lights = Micro Lights LED	Blue LED 4 light kit with flashers and switches, black housing	SHO-ME	11.9064	\$ 361. ⁴⁵
Dual Cup Holder		Havis Shield	C-CHNY	\$ 20. ⁵⁰
Center Console =	18" with accessory plate, arm rest, and mounting hardware	Havis Shield	C-1800	\$ 203. ⁶⁰
Computer Stand Telescopy Base		Havis Shield	C-TCB-1	\$ 216. ²⁵
Computer Stand Laptop Platform with Tilt Swivel and adjustable light		Havis Shield	C-3090-4	\$ 191. ⁸⁰
Computer Stand Laptop Screen		Havis Shield	C-SS	\$ 19. ⁹⁸
Supports		Havis Shield	FS	\$ 149. ⁵⁰
Window Barriers	Rear Window, steel	Selina		\$ 474. ⁶⁰
Cage Partition	Lexan sliding center, with bucket seat plate and mounting hardware	Selina	10-S	\$ 257. ⁰⁰
Rifle Rack with lock	Big Sky Rifle Rack with Timer switch lock	Racks Inc	ELS-275-A / KIT -275-1	\$ 248. ⁴⁰
Shotgun Rack with lock	With 10 second timers	Pro-Gard	GS000UT	\$ 153. ⁴⁰
Siren/Speaker	Dyna Max MS-100, 100 watt, with mounting hardware	Federal Signal	MAX-MS-100	\$ 429. ⁹⁰
Light/Siren Control "Touch Master"	Touch Master	Federal Signal	UTMD-MB	\$ 194. ²⁵
Push Bumper	High strength Aluminum	Selina	PB400	\$ 427. ⁴⁰
Prisoner Transport Rear Seat	ABS <i>S6007-G</i>	Proguard	S6001+G ABS	\$ 112. ⁶⁰
Grill Lights	LED Light Kit Blue	Sound Off	EGHST1B	\$ 349. ⁹⁰
Front Window = Triple Light Stick LED	Triple LED Light Blue	SHO-ME	11.2715	\$ 43. ⁸⁸
Headlight Flashers	Random Flashers	SHO-ME	03W3125	\$ 258. ⁹⁰
Headlight LED Light Kit	Blue LED	SHO-ME	11.3705	\$ 96. ⁴⁵
Tag Lights =	3 LED blue with license plate bracket <i>12.0300 w/ 12.4306</i>	SHO-ME	# 12.4306 & 12.0300	\$ 348. ⁹⁰
Center Console	30" with face Plate and Storage Box	Havis Shield	C-3010 / C-AP1395	\$ 1,399. ⁹⁰
Steel Cargo Storage Box with lock	1-D-R Tactical Box 44.75" Long / 48" Wide / 12" High	D&R Electronics	TS-01-42	\$ 842. ⁹¹
TOTAL				\$ 8,429.91

Jerry W. Bethea, Jr.

2009-Z-POLICE VEHICLE EQUIPMENT

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

OPTION:

> Additional purchases may be required throughout the year for same unit cost as stated in bid contract. Quantities and frequency of purchases will be at the City's discretion. Equipment must be of comparable quality or better (based on market availability). If equipment requirements change to accommodate a different year model then vendor will supply equipment of same quality with a cost not to exceed cost bid.

yes
Comply

Do not Comply

COMPANY NAME Fire House Sales + Service, Inc.
PHONE NUMBER 251-432-1625
FAX NUMBER 251-431-0706
E-MAIL _____
FEDERAL ID# # 63-0941913

Jerry W. Bethea Jr.
AUTHORIZED SIGNATURE

Jerry W. Bethea Jr.
PRINT NAME

Quotation for the described bid submitted to the City of Daphne, Alabama this 6th day of July, 2009.

Carla J. White
Notary Public

THE BID MUST BE RETURNED IN PERSON TO:

BY MAIL TO:

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

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

(FAXED BIDS WILL NOT BE ACCEPTED)

**RESOLUTION NO. 2009-67
2009-BB-PARK CHEMICALS**

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

WHEREAS, The City of Daphne acknowledges that the cost for the PARK CHEMICALS will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the PARK CHEMICALS be awarded to (Lesco, Inc) d/b/a John Deere Landscapes, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of (Lesco, Inc.) d/b/a John Deere Landscapes, Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2009-BB-PARK CHEMICALS.

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

John Lake, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

reflect the total cost for 2.5 gallons of product, not the per gallon cost.) Unit prices must be adjusted to match the quantities as listed on the bid. In the event that a product offered is packed differently than specified in the bid it must be noted in the "exception" column.

BID DOCUMENT: 2009-BB-PARKS CHEMICALS

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

COMPANY NAME
ADDRESS

LESCO, Inc.
1301 East 9th Street
Suite 1300
Cleveland, OH 44114-1849
1-800-921-5325

FEDERAL ID#
PHONE NUMBER
FAX NUMBER
E-MAIL

34-0904517
216-706-9250
248-581-1433
bids.ejohn@leescorlandscapes.com

Margaret Prozynek

AUTHORIZED SIGNATURE

Margaret Prozynek

PRINT NAME

Sworn to and subscribed before me this 9th day of July, 2009.

Molly Marie Vorous

Notary Public
MOLLY MARIE VOROUS
NOTARY PUBLIC • STATE OF OHIO
Recorded in Cuyahoga County
My commission expires 12/28/11

ALL BIDS MUST BE RECEIVED

Bid Document 2009-BB-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXTENDED COST	EXCEPTION
Fertilizer				
18-0-18 50%PPSCU #001846	50 pound	\$ 11.00/box	\$ 200.00	-
18-24-12 50%MOP #001841	50 pound	\$ 19.74/box	\$ 19.74	-
21-3-21 TCRN 65% #005500	50 pound	\$ 21.07	\$ 21.07	-
21-0-0 Ammonium Sulfate #015186	50 pound	\$ 8.55	\$ 8.55	-
24-2-11 40% PPSCU 6FE #001558	50 pound	\$ 16.38	\$ 16.38	-
33-0-17 Sprayable #001716	50 pound	\$ 18.52	\$ 18.52	-
Pre-M 25-2-5 (Herbicide: Pre-emerge with fertilizer) #005515	50 pound	\$ 17.99	\$ 17.99	-
Pre-m 0-0-8 (Herbicide: Pre-emerge with fertilizer) #001078	50 pound	\$ 18.06	\$ 18.06	-
18-1-8 #001069	50 pound	\$ 22.65	\$ 22.65	-
18-2-18 Bio Solids #001040	50 pound	\$ 16.88	\$ 16.88	-
	1	\$ 16.88	\$	-
	1	\$ 16.88	\$	-
Insecticide				
Dylox #081262	30 pound	\$ 38.79	\$ 38.79	-
Lesco Fate	1 pound	\$	\$0.00	-
Lesco Fate #001509 #001510	10 pound (2 1/2 gal.)	\$ 93.28	\$ 93.28	-
Taistar Flowable #001074 Crossmark Herbicide	4 quart 1 gal.	\$ 39.65/gal.	\$ 39.65	-
Top Choice #081182	50 pound	\$ 19.99	\$ 19.99	-
Varsity Ant Bait #001405 #001406	25 pound	\$ 59.58	\$ 59.58	-
Orthene T&O	WSP packets	\$	\$0.00	-
Orthene T&O	25 pound	\$	\$0.00	-
Merit 75 WP #086197	2 oz	\$ 38.88/gal.	\$ 38.88	-
Sevin #082007	2.5 gallons	\$ 102.74/gal.	\$ 102.74	-

* Labels Enclosed

Bid Document 2009-BB-PARKS CHEMICALS					
PRODUCT	UNIT		UNIT PRICE	EXTENDED COST	EXCEPTION
Herbicide					
Revolver #014501	1 quart		\$240.75	\$240.75	
Monument #14510 (Agency Price)	5 X 5 packets		\$235.00	\$1,880.00	
Simazine #035821	2.5 gallon		\$69.90/2.5gal.	\$174.75	
Drive 75DF #063899	1 pound		\$59.90	\$59.90	
Sedgehammer #0884101	1.3 ounce		\$95.37	\$95.37	
Manage #0884101 Sedgehammer	1.3 ounce		\$95.37	\$95.37	
Manor #091501 Nonion	2 ounce		\$100.45	\$100.45	
Momentum Premium #088825	2.5 gallon		\$21.25	\$53.13	
MSMA 6.6 #069067	2.5 gallon		\$69.23	\$173.08	
Prosecutor Pro #069121	30 gallon		\$1,075.00	\$32,250.00	
Prosecutor Pro #069129	2.5 gallon	10	\$99.75	\$997.50	
Weed Plex #0891202	1 gallon	1	\$120.35	\$120.35	
Reward #73711	1 gallon	1	\$144.99	\$144.99	
Scythe #013776	2.5 gallon	1	\$100.33	\$100.33	
Snapshot #035012	50 pound	1	\$100.24	\$100.24	
Three Way Selective #069372	2.5 gallon	1	\$70.27	\$70.27	

* Items Enclosed

Bid Document 2009-BB-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXTENDED COST	EXCEPTION
Sethoxydim #090538	1 gallon	\$96.59	\$96.59	-
Quick Silver #090452	8 ounces	\$98.10	\$98.10	-
Basegran #091294	1 gallon	\$129.16	\$129.16	-
Vantage #090575 Sethoxydim	1 gallon	\$96.59	\$96.59	-
Image Herbicide #091206	4 pint 1.4902	\$107.64	\$107.64	-
Dismiss #088739	1.6 ounce	\$103.87	\$103.87	-
Certainty #088732	1.25 ounce	\$95.00	\$95.00	-
Fungicide				
Banol #091831	1 gallon	\$521.76	\$521.76	-
T-Storm #090809	2.5 gallon	\$266.96	\$266.96	-
Mancozeb #090792	12 pound	\$59.91	\$59.91	-
Heritage #091210 (Ammonium free)	1 pound	\$413.70	\$413.70	-
Manicure Ultrex #084897	5 pound	\$41.13	\$41.13	-
Subdue #091215	1 gallon	\$760.20	\$760.20	-

Label Enclosed

Bid Document 2009-BB-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXTENDED COST	EXCEPTION
<i>Miscellaneous</i>				
Double Eagle Blend Rye Grass Seed #111163	50 pound	\$52.50	\$52.50	
Pro-Choice Soil Master #111163	560	\$9.00	\$5,040.00	
ProChoice Quick Dry #111163	240	\$10.00	\$2,400.00	
Pro Max #111163	1	\$62.50	\$62.50	
Regi-Max #111163	1	\$605.48	\$605.48	
Spreader Sticker, Non-ionic #111163	1	\$46.99	\$46.99	
Spreader Sticker #111163	1	\$20.99	\$20.99	
Tracker Dye #111163	11	\$15.10	\$166.10	
Tracker Dye #111163	1	\$41.04	\$41.04	
Bolster #111163	1	\$12.50	\$12.50	
Chelated Iron Liquid	1	\$54.25	\$54.25	
Dolomitic Lime (pelletized) #111163	1	\$5.05	\$5.05	
Wasp & Hornet Spray (ESQ) #111163	1	\$6.00	\$6.00	
Recede #111163	1	\$5.46	\$5.46	
Lesco Green #111163	1	\$76.71	\$76.71	
Recede Antifoam #111163	1	\$54.69/lb.	\$54.69	
Rye Grass Seed Perennial - Eagle Blend #111163	7	\$90.00	\$630.00	
Ecogentral Moisture Manager	1	\$82.50	\$82.50	
Athletic Field Marking Chalk #111163	1	\$5.25	\$5.25	
TOTAL				\$
COMPANY NAME: LESCO				SIGNATURE: Margaret Dwyer

* *

RESOLUTION 2009 - 68

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

WHEREAS, the Department Heads of the City of Daphne have determined that the items listed below are no longer required for public or municipal purposes; and

WHEREAS, the items listed below are recommended for disposal.

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

1- The property listed below is hereby declared to be surplus property, and

DEPT	VEH #	VEHICLE DESCRIPTION	VIN # / SERIAL #
Police	898	1998 Ford Mustang (DARE Vehicle)	1FAFP4047WF11706

2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2009 - 69

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION

WHEREAS, the Police Department of the City of Daphne has determined that the Police Vests listed below are no longer required for public or municipal purposes; and

WHEREAS, such Vests listed below are beyond their expired life; and

WHEREAS, the Police Department has been made aware of a company that distributes older vests to government agencies who do not have funding for any vests or do not have an adequate supply to meet their needs; and

WHEREAS, these vests will be donated "AS IS" and without warranty of any kind, express, or implied, and recipient will release, acquit, and hold the City harmless for any and all claims for damages, causes of action, for any purpose;

WHEREAS, these vests are recommended for disposal;

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

1- The following property is hereby declared to be surplus:

Bullet Resistant Vests (11) – expired life

and

2- The Mayor is authorized to direct the disposition of the above listed property to Ten Four Ministries, Inc for distribution to other government agencies who have a need for them.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

Resolution 2009-70
Alabama Dept of Environmental Management
Jubilee Square Storm Water Retrofit

WHEREAS, the City of Daphne is aware of possible grant funding from the Alabama Department of Environmental Management (ADEM) for improvements at the Jubilee Square Shopping Center to include the construction of a Storm Water Retrofit; and

WHEREAS, such improvements will improve the Parking Lot areas in Jubilee Square Shopping Center; and

WHEREAS, the project is a three year grant totaling \$462,000, which includes a 40% match from the City of Daphne in the amount of \$ 184,800.

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

- 1) The City of Daphne hereby authorizes the Mayor to apply for the grant for the Jubilee Square Storm Water Retrofit project; AND
- 2) If funded the City will make available matching funds in the amount of \$184,800.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2009-71

**To Rename the Northern Most Part of North Main Street to
Jubilee Parkway**

WHEREAS, the City Council would like to promote the Jubilee Square Shopping Center; and

WHEREAS, the City of Daphne will make all notifications to E-911 before changing street name.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA to change the name of the street at the northern most point of North Main Street to Jubilee Parkway and to expend the funds necessary to have the sign made and affixed.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE NO. 2009-37

FIRE PREVENTION CODE FOR THE CITY OF DAPHNE

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2005-07 AND TO ADOPT
THE 2006 INTERNATIONAL FIRE CODE WITH AMENDMENTS THERETO
FOR THE CITY OF DAPHNE, ALABAMA**

WHEREAS, the International Fire Code 2006, copyright by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama, pursuant to Resolution No. 2006-101 adopted by the City Council of the City of Daphne, Alabama, on the 2nd day of January, 2007,

WHEREAS, the City Council of Daphne, Alabama on the 2nd day of January, 2007 adopted Ordinance Number 2007-2, with amendments thereto, in an attempt to repeal Ordinance No. 2005-07, yet said Ordinance did not contain a proper repeal clause to effectuate the said repeal of Ordinance No. 2005-07; and

WHEREAS, the City Council of Daphne, Alabama, desires to officially adopt the 2006 International Fire Code with amendments.

SECTION 1: AMENDMENTS

A.

Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as “this code.”

B.

Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:

103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

C.

Section 103.2 Appointment. Of the International Fire Code shall be removed in its entirety.

D.

Section 105.6.30 of the International Fire Code shall be repealed in its entirety and a new section 105.6.30 shall be added to read as follows.

Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization.

No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be \$75.00

E.

Section 105.7.1 of the International Fire Code shall be repealed in its entirety and a new section 105.7.1 shall be added to read as follows:

Servicing Fixed Fire Extinguishing Systems

No person shall engage in the business of servicing or inspecting fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service or inspect a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to service or inspect fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Any modifications made to a fixed system including adding additional flow points will require an installation permit.

A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.

The technician who actually performs the work of servicing or inspecting the fixed fire extinguishing systems shall legibly sign and date the service

tag verifying that all work was done in compliance with current NFPA standards.

A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.

The permit fee for servicing a fixed fire extinguisher system shall be \$75.00

Section 105.7.1.1

Fixed Fire Extinguishing Systems Installation

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Any modifications made to a fixed system including adding additional flow points will require an installation permit.

A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.

The technician who actually performs the installation of the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The Fire Code Official shall require certain operational tests upon final inspection.

The permit fee for each fire extinguisher system installation shall be \$75.00

F.

Section 105.7.4 of the International Fire Code shall be repealed in its entirety and a new section 105.7.4 shall read as follows:

Servicing Fire Alarm Systems

No person shall engage in the business of servicing fire alarm systems without obtaining a permit from the Fire Code Official. The permit is good only for that calendar year of which it is issued. There is excepted from the requirements of Section 105.7.4 installations of the following types:

- (1) One and two family dwellings
- (2) Any buildings with single station detectors only.
- (3) Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.

No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a State of Alabama Fire Alarm Permit issued by the State Fire Marshals office.

A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.

The permit fee to service a fire alarm system shall be \$75.00

Section 105.7.4.1

Fire Alarm System Installation

No person shall install a fire alarm system without having the plans reviewed by the Fire Code Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.7.4.1 installations in any building with single station detectors only.

Installer must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Any person or entity who designs fire alarm systems must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.

Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.

All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".

Fire Alarm Control Units (FACU) will be located at the entrance of the building or provide an annunciator panel at the entrance and also indicate the location of the main panel.

The permit fee for installing a fire alarm system shall be \$75.00

G.

Section 105.7.5 of the International Fire Code shall be repealed in its entirety and a new section 105.7.5 shall be added to read as follows:

Fire Pumps Installation

Any person who installs fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.

No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

Installer must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must have fire pump plans reviewed by the Fire Code Official before commencing installation.

All testing of the fire pump shall comply with NFPA 25. The Fire Code Official may require certain operational test upon final inspection.

The permit fee to install a fire pump shall be \$75.00

Section 105.7.5.1 shall be added to read as follows:

Servicing Fire Pumps

Any person who services, test or inspects fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.

No person shall service, test or inspect a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

The Person/Business who obtains the permit must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder

The permit fee to service, test or inspect a fire pump shall be \$75.00

H.

Section 105.7.14 shall be added to read as follows:

Portable Fire Extinguisher Service

No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.

No person shall be issued a permit to service a portable fire extinguisher that does not possess a manufacturer's service manual for the type of extinguisher being serviced, and have the proper training. They shall have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400 Daphne, AL 36526 listed as a Certificate Holder.

The technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The annual permit fee for portable fire extinguisher service shall be \$75.00

I.

Section 105.7.15 shall be added to read as follows:

Servicing Fire Sprinkler Systems

No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who services or maintains fire sprinkler systems must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

No person shall perform maintenance or testing on fire sprinkler systems unless that person is certified by the Alabama State Fire Marshal's office and approved by the Fire Code Official.

Installer must possess a current City of Daphne business license.

The permit fee for servicing a fire sprinkler system shall be \$75.00

The permit is good only for that calendar year of which it is issued.

Section 105.7.15.1

Install Automatic Fire Sprinkler Systems

No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 "installer") must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must possess a current City of Daphne business license.

Installer must have sprinkler plans reviewed by the Fire Code Official before commencing installation.

Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.

The Fire Code Official shall be present during the final inspection of the sprinkler system.

Relocating more than three (3) sprinkler heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention.

The permit fee for each automatic fire sprinkler system installation shall be \$75.00

J.

Section 105.7.16 shall be added to read as follows:

Additional Permits

Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.

It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

All checks and money orders shall be made out to the City of Daphne.

All certifications whether they are manufacture or NICET must be current and not have expired.

General requirements for a permit are as followed:

1. Current city of Daphne Business license.
2. Current one million dollar (\$1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.
3. Approved by the Fire Code Official.
4. Current Training certificates.
5. Permit fee of \$75.00

K.

Section 307.2.1 of the International Fire Code shall be repealed in its entirety and a new section 307.2.1 shall read as follows:

Authorization.

Open burning shall only be allowed once a calendar month per address/ location during the months that outdoor burning is allowed by the State Air Quality Agencies. A permit must be obtained before any burning starts and all provisions of the burn permit shall be followed.

L.

Section 307.4.1 of the International Fire Code shall be repealed in its entirety and a new section 307.4.1 shall read as follows:

Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Bonfire permits shall

only be issued to organizations (Churches, Schools, and other Civic Groups) not to private individuals.

M.

Section 503.2.5 of the International Fire Code shall be repealed in its entirety and a new section 503.2.5 shall read as follows:

Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus per the provisions in accordance with Appendix D, Table D103.4. and figure D103.1.

N.

Section 505.1 of the International Fire Code that reads “Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches” shall be repealed and shall read “numbers shall be a minimum of 5 inches high with a minimum stroke of 0.5 inches”.

O.

Section 506.1 of the International Fire Code shall be repealed in its entirety and a new section 506.1 shall read as follows:

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system, fire alarm system or any alarm that generates a fire department response. The Fire Code Official shall also have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

P.

508.5.7 Hydrant Outlet Location shall be added to read as follows:

Hydrants shall be installed with the center of the outlet cap nut at least 18 inches above the adjoining final grade.

Q.

Section 905.3.1 of the International Fire Code shall be repealed in its entirety and a new section 905.3.1 shall read as follows:

Building height.

Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. A class I,

Manual Wet, standpipe system shall be installed in building where the floor level of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access.

R.

Section 906 Portable Fire Extinguishers,
906.1 "Exception" shall be removed in its entirety.

S.

Section 1007.6.3 Two-way communication shall be repealed in its entirety and a new section 1007.6.3 shall read as follows:

Two-way communication

Areas of refuge shall be provided with a two-way communication system between the area of refuge and a central control point. The area of refuge shall also have controlled access to a public telephone system. Location of the central control point shall be approved by the fire department. The two-way communication system shall include both audible and visible signals.

SECTION 2: PROCEDURES FOR VIOLATION OF MUNICIPAL ORDINANCES

Any person found violating this Ordinance shall be subject to a fine as adopted by the City of Daphne Procedures for Violation of Municipal Ordinances, Ordinance No. 2005-55 and Ordinance No. 2007-31 and/or its amendments or updated Ordinance in the effect of at the time of the offence.

SECTION 3: ORDINANCES REPEALED

Ordinance 2005-07 shall be repealed in its entirety, replaced with the provisions of this Ordinance. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECETION 4: SEVERABILITY

If any provision of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not in any way effect the remaining portions hereof, which shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be in full force and effect and be in force from and after the date of its approval by the City Council of Daphne and publication as required by law.

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

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

ORDINANCE 2009-38

Increase Budget for Adult League Umpires

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

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

WHEREAS, Adult League participation has grown and monies are needed for additional umpires for Adult League games; and

WHEREAS, the City Council has determined it to be in the best interest of the City to appropriate additional funds for the Adult League umpires.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 16,200 for Adult League Umpire Fees.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-39

**General Fund Appropriation
Trione Soccer and Football Complex Engineering**

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

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

WHEREAS, Resolution 2008-66 heretofore awarded the bid for the Trione Soccer and Football Complex Phase I to James Brothers Excavating Inc; and

WHEREAS, such bid award totaled \$ 837,218 and included additional Capital Reserve appropriations in the amount of \$ 147,731 and \$14,059; and

WHEREAS, subsequent to the execution of such contract, fees for engineering services were incurred; and

WHEREAS, such additional cost is not included in the project budget; and

WHEREAS, such engineering fees total \$ 49,313.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a Capital Reserve appropriation in the amount of \$ 49,313 for engineering services for the Trione Soccer and Football Complex.

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-40

Daphne Statue

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

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

WHEREAS, the installation of the Daphne Statue in the Water Fountain in the front of the City Hall Building has been completed; and

WHEREAS, the cost of the Artist fees for the Daphne Statue total \$15,299.70 of which the Downtown Redevelopment Authority (DRA) paid \$2,197.22; and

WHEREAS, the Authority does not have funds available to pay the remaining balance due of \$ 13,102.48; and

WHEREAS, the City Council has determined it to be in the best interest of the City to fulfill the DRA's commitment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 6,551.24 for the Daphne Statue. The remaining balance will be paid in Fiscal 2010.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-41

**Lodging Tax Appropriation
May Day Boat Launch Sand Management Study**

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

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

WHEREAS, Lodging Tax funds may be used for the purchase, development, and maintenance of beachfront property; and

WHEREAS, the City did heretofore receive a grant from the ADCNR (Alabama Dept of Conservation and Natural Resources) for improvements to the boat ramp at May Day Park; and

WHEREAS, such grant requires the City to monitor sand movement in order to evaluate the success of the project; and

WHEREAS, such study will total \$ 56,000 and 75% funding is available from the ADCNR; and

WHEREAS, the City's match required is \$ 14,000.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a Lodging Tax appropriation in the amount of \$ 14,000 (City's match) for a three year sand management study for the May Day Boat Launch and the Mayor is hereby authorized to execute any and all documents related to such sand movement study.

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

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC