

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JULY 21, 2008
6:30 P.M.

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

3. APPROVE MINUTES: Council Meeting minutes meeting held July 7, 2008

PRESENTATION: Summer Reading Program Awards / Tonja Young

PRESENTATION: Certificate of Congratulations / Hilton Garden Inn

PRESENTATION: Certificate of Congratulations / Miss Alabama Teen/ Courtney Parker

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes of Special meeting held July 15th

a.) Ordinances:

- 1.) Appropriation: Mowing Dept. Equipment Maintenance / [Ordinance 2008-49](#)
- 2.) Absentee Election manager Compensation / [Ordinance 2008-48](#)

b.) Resolutions:

Bid Awards:

- 1.) Cardiac Monitor/Defibrillator / Zoll Medical Corp. / [Resolution 2008-32](#)
- 2.) Automated Fingerprint & Palm Print / Afix Technologies, Inc / [Resolution 2008-33](#)
- 3.) Police Vehicle Equipment / Firehouse Sales & Service, Inc / [Resolution 2008-34](#)
- 4.) Plastic Pipe / Vellano Bros. / [Resolution 2008-35](#)
- 5.) Safety Shoes / Gulf Supply Company, Inc. / [Resolution 2008-36](#)

c.) MOTION:

- 1.) Authorize paying mileage to “on call” Court Magistrates out of the Corrections Fund

d.) Financial Reports:

- 1.) Treasurers Report / June 30, 2008
- 2.) Sales & Use Tax Collections / May 31, 2008
- 3.) Lodging Tax Collections / May 31, 2008

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held July 11th

C. PUBLIC SAFETY - Burnam

Review minutes meeting held July 9th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review Beautification minutes meeting held July 7th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Eady**
- B. Downtown Redevelopment Authority – Barnette**
- C. Industrial Development Board – Yelding**

D. Library Board - Lake

Review minutes meeting held July 3rd

E. Planning Commission – Barnette

Review minutes meeting held June 26th

F. Recreation Board - Palumbo

Review minutes meeting held July 9th

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) *ABC License / Roussos / 020 Restaurant Retail Liquor*

b.) *ABC License / Daruma / 020 Restaurant Retail Liquor*

c.) **MOTION:** *Authorize Mayor to enter into a License Agreement for maintenance of a sidewalk with the Baldwin County Board of Education*

d.) **MOTION:** *Re-appoint Judge Thomas Doyle for a two (2) year term*

B. City Attorney’s Report

1.) **MOTION:** *Authorize Mayor to sign MS4 Storm Water Monitoring Plan Inter-Jurisdictional Agreement*

2.) Discuss: Bay Rivers Art Guild MOU for lease of the Nicholson Center

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) **Recreational Trails Grant / Lake Forest Lake Sidewalk. /Resolution 2008-30**

b.) **ALDOT Agreement: Installation and Operation of a New Traffic Signal at the Intersection of U.S. Hwy 90 at Renaissance Blvd. /Resolution 2008-31**

c.) **Bid Award: Cardiac Monitor/Defibrillators / Zoll Medical Corp. /Resolution 2008-32**

d.) **Bid Award: Automated Fingerprint & Palm Print / Afix Technologies. /Resolution 2008-33**

e.) **Bid Award: Police Vehicle Equipment / Firehouse Sales and Service, Inc. /Resolution 2008-34**

f.) **Bid Award: Plastic Pipe / Vellano Bros., Inc. /Resolution 2008-35**

g.) **Bid Award: Safety Shoes/Boots / Gulf Supply, Inc. /Resolution 2008-36**

h.) **Appointing Election Officials.² /Resolution 2008-37**

ORDINANCES:

2ND READ

- a.) **Repealing Ordinance 2004-08 to Reestablish Rules For Fee Waivers and Communications Requirements For Schools Use of the Daphne Civic Center and Bay Front Park. . . . /Ordinance 2008-43**
- b.) **Rezone: Property Located on the Southeast Corner of US Highway 98 and Johnson Road / Big Sandy / R-4 to B-2. /Ordinance 2008-44**
- c.) **Amending the Land Use and Development Ordinance / Sign Provisions. /Ordinance 2008-45**
- d.) **Rezone: Property Located on the Northeast Corner of Parker Lane and Avery Lane / Elite Development Company / R-3 to R-4. /Ordinance 2008-47**
- e.) **Compensation for the Absentee Election Manager. /Ordinance 2008-48**

1ST READ

- f.) **Appropriation: Mowing Equipment Maintenance. /Ordinance 2008-49**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN NAGER

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

JULY 7, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman Lake gave the invocation.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Kim Briley, Finance Director; Sharon Cureton, Human Resource Director; Tonja Young, Library Director; James White, Fire Chief; Richard Merchant, Building Official; Bill Eady, Planning Department Director; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Melvin McCarley, Interim Public Works Director Jane Robbins, Mayor's Assistant; Tracy Bishop, Admin Tech, Police Department; Judge Thomas Doyle; Capt. Scott Taylor; Scott Hutchinson, City Engineer; Ron Allen, Library Board; Willie Robison, BZA; Al Guarisco, Village Point; Selena Vaughn, Beautification; Tomasina Werner, Beautification; Derek Boulware, IDB; Danny Lyndal, Utilities; Andy Ruten, Attorney.

Absent: Jay Ross, City Attorney; David McKelroy, Recreation Director.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held June 16, 2008. *Seconded by Councilman Yelding.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held June 12, 2008. *Seconded by Councilman Yelding.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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SWEARING IN: Officer Todd Gresham

Judge Thomas Doyle swore in Officer Gresham as his fiancé Lane Leader held the Bible, and Mayor Small and Chief Carpenter looked on.

JULY 7, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

2

PUBLIC HEARING: Recreational Trails Grant / Sidewalk along Lake Forest on the Shopping Center Side

The Public Hearing was advertised for July 21, 2008, so it will be held at that Council meeting.

DISCUSSION : Paving the Roads in Lake Forest

There is \$170,000 in the paving fund. Mayor Small stated that it would be nice to have another \$200,000 minimum to go with that to complete the rebuilding of the sub-bases, areas that are heavily disturbed, and where the sub-bases are torn up. Then from there money is needed to begin resurfacing.

Mr. John Coulter – 602 Ridgewood Drive - spoke asking where were the fulfillment of promises that were made to fix and repave the roads in Lake Forest.

Mr. Willie Robison – 560 Stuart Street – stated that it was said that \$800,000 had been spent on paving roads in Lake Forest and he wanted to know where the \$800,000 was spent.

Mr. Henry Lawson – Daphne - stated that he was concerned with the roads in the future. He said that if they could resurface the roads back in 1989 that they could resurface them today.

Council discussed the problem, and the consensus was for Public Works to look at the problem of repaving in Lake Forest and bring their finding to a work session.

PUBLIC HEARINGS:

1.) Rezoning: Big Sandy / US Hwy 98 & Johnson Road / R-4, High Density Single and Multi-Family Residential District to B-2, General Business District / Six Members Present / Unanimous Favorable Recommendation

Mr. David Diehl gave a presentation. Councilwoman Barnette stated that this received a unanimous favorable recommendation from the Planning Commission.

Council President Burnam opened the Public Hearing at 7:04 p.m.

No one spoke for or against the proposed rezoning.

Council President Burnam closed the Public Hearing at 7:04 p.m.

2.) Amend the Land Use and Development Ordinance / Sign Provisions / Six Members Present / Unanimous Favorable Recommendation

Mr. Erick Bussey gave the presentation stating that in essence this ordinance is bringing clarification to articles 32 and 37. The clarifications are that anyone applying for a sign permit must have a Daphne business license before receiving a permit, and that a hold harmless agreement be signed, and that a decision must be made within 30 days by the Code Enforcement Officer, whereas before there was not a time limit for a decision. The amendment received a unanimous favorable recommendation from Planning Commission.

Council President Burnam opened the Public Hearing at 7:11 p.m.

Mr. Henry Lawson – Daphne – asked what the Eastern Shore Overlay District encompasses.

Council President Burnam closed the Public Hearing at 7:14 p.m.

3.) Rezoning: Elite Development Company / NE Corner of Parker Lane and Avery Lane / From R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District / Six Members Present / Unanimous Favorable Recommendation

Mr. David Diehl gave the presentation.

Council President Burnam opened the Public Hearing at 7:18 p.m.

Mr. Donald Ouellette – Madison Place – spoke regarding having roads restricted when having special events.

Council President Burnam closed the Public Hearing at 7:20 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The minutes for the Special meeting are in the packet regarding the audit report. Miss Kelly Kichler a representative of the auditing firm gave the report stating that there were no findings or issues that were found, and there were no material adjustments that needed to be made.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The next meeting will be Friday.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the June 4th meeting are in the packet. In the minutes the committee discussed reducing the speed limit on some streets to 25 mph but they did not complete the motion to recommend it to Council, so they will consider this again at the next meeting on Wednesday, at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The committee did not meet in June. The next meeting will be Wednesday after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the May 23rd meeting are in the packet. There was not a quorum for June so the committee did not meet. The next meeting will be July 25th at 8:00 a.m. in the Council Chambers, and they will discuss the \$170,000 for the repaving of streets.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The board will meet Thursday at 6:00 p.m. with four submittals, a variance to allow an addition to encroach the front setback line by ten-feet at 506 Pine Street; a special exception to allow the operation of a drug and alcohol treatment center facility to be built on Roper Lane; a variance to allow a proposed garage to encroach the south side yard setback line by four point two feet at 313 Woodbridge Drive and a variance to allow a garage to be added onto the front of the residence located at 805 Captain O’Neal Drive.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be July 14th, and the Authority along with the Village Point Foundation will be at the work session with a power point presentation regarding the lodging tax.

C. Industrial Development Board – Yelding

Mr. Derek Boulware reported that the board discussed the resignation of Mr. Jim Rouprich, and that the board appointed him treasurer for IDB. The board discussed the establishment for new guidelines for Daphne’s economic development incentives, and they agreed on several so that will be coming out in the near future. They also discussed the development of a new comprehensive plan, because the last one was prepared in 1999, and it was for the next 20 years, and a lot of things have changed since then, and the IDB feels that working together with the City Council and Utility Board would be an important step in developing and idea that they can then implement.

D. Library Board – Lake

a.) **MOTION:** to authorize the letting of bids for the Library Expansion Project. This will be for just one phase of the project. When Council did the bond issue in 2005 they set aside a million dollars for the library, and some \$60,000 was spent on the fund raising attempt and public relations portion of what this was all about, and they have already approved spending the dollars so this is just a formality allowing them to go out for bids.

MOTION BY Councilman Lake to authorize the letting of bids for the Library Expansion Project. Seconded by Councilman Yelding.

MOTION BY Councilwoman Barnette to amend the motion to include in Phase I of the program which is the storage and catalog workspace, computer lab for public classroom use, the reference room for public use, the safety gates, and the handicap accessible doors, not to exceed the plan presented by the Library Board at the recent Council work session.

Council discussed the amended motion.

Councilman Lake withdrew his motion, and Councilman Yelding withdrew his second.

MOTION BY Councilwoman Barnette to authorize the letting of bids to the Library Board for the Phase I Daphne Library Expansion Project to include the safety gates to the plaza, the auto-doors needed for ADA safety compliance, the loading dock, the storage and cataloging workspace, the computer lab for public classroom use, and a reference room for public use not to exceed the remaining fund balance within the pre-allocated million dollars granted to the Library Board. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

E. Planning Commission – Barnette

The minutes for the May 22nd meeting are in the packet. The Site Review meeting will be July 16th at 8:00 a.m. and the Planning Commission meeting will be July 24th at 6:00 p.m. in the Council Chambers.

F. Recreation Board – Palumbo

The minutes for the June 11th meeting are in the packet. They have received two competitive bids for the playground equipment at May Day Park, and the board will be forwarding a recommendation to Council. The next meeting will be Wednesday at 6:00 p.m. at the Recreation Center.

G. Utility Board – Scott

The minutes for the March 26th, April 30th and May 28th meetings are in the packet. Councilman Scott read an invitation to the dedication of the Elizabeth Yelding Park being held July 25th.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) ABC License / Don Carlos / 020 Restaurant Retail Liquor

MOTION BY Councilwoman Barnette to approve the ABC License for Don Carlos / 020 Restaurant Retail Liquor. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

*b.) **MOTION:** Appoint City Clerk as Election Manager to Handle Election Supplies and Provide a Qualified Voters List*

MOTION BY Councilman Palumbo to appoint the City Clerk as Election Manager. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) **MOTION:** *Reject Bids for the Justice Center Air Conditioning System*

MOTION BY Councilman Scott to reject the bids for the Air Conditions System at the Justice Center. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

d.) **MOTION:** *Approve Boy Scout Project at Village Point Park Preserve / Christian Barrett*

MOTION BY Councilwoman Barnette to approve the proposed project by Boy Scout Christian Barrett at Village Point Park Preserve as outlined in his letter. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

Mr. Bussey asked Council to enter into Executive Session at the end of the meeting to discuss pending litigation which will take approximately 45 minutes.

C. Department Head Comments

David Carpenter – Police Chief – announced that they were involved with a manhunt today, and thanked all the citizens in that were involved in the chase, and especially the citizens that helped in the arrest.

David Cohen – City Clerk – announced that the qualifying of candidates continues until 5:00 p.m. on July 15th.

7. PUBLIC PARTICIPATION

Mr. Donald Ouellette – Madison Place – spoke regarding a section of sidewalk on Whispering Pines being on a slant about of about a 15 degree angle where water drains into peoples yards, and he is curious as to why the city over the years has not fixed the problem.

Mr. Henry Lawson – 104 Booksetuth – thanked Council for discussing the road paving in Lake Forest. He announced that on July 15th at 7:00 p.m. there will be a Mayoral candidate forum hosted by Drexel Gilbert. He also reported that Lake Forest is starting a Neighborhood Watch program.

Mrs. Karen Nady – Captain O'Neal – announced that on Tuesday August 5th there will be a Candidate Forum at the Civic Center at 7:00 p.m. hosted by Olde Towne Daphne West.

Mr. Rod Drummond – Ridgewood Drive – spoke regarding the 25 mph speed limit saying that it is fruitless and a waste of money to replace the signs. He said that no one abides by the speed limit now and they will abide by them when lowered.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Recreational Trails Grant / Lake Forest Lake Sidewalk. /Resolution 2008-30

Resolution 2008-30 was pulled and will be on the July 21, 2008 Council meeting.

ORDINANCES:

2ND READ

- a.) Amend 2008-65 / Wrecker Service/ Increase Fees /Ordinance 2008-42

1ST READ

- b.) Repealing Ordinance 2004-08 to Reestablish Rules For
Fee Waivers and Communications Requirements For
Schools Use of the Daphne Civic Center and Bay Front Park. /Ordinance 2008-43
- c.) Rezone: Property Located on the Southeast Corner of
US Highway 98 and Johnson Road / Big Sandy / R-4 to B-2. /Ordinance 2008-44
- d.) Amending the Land Use and Development Ordinance /
Sign Provisions. /Ordinance 2008-45
- e.) Annexations: Powers Real Estate Venture “Central Park” /
Property Located on East Side of AL Highway 181. /Ordinance 2008-46
- f.) Rezone: Property Located on the Northeast Corner of
Parker Lane and Avery Lane / Elite Development Company /
R-3 to R-4. /Ordinance 2008-47
- g.) Compensation for the Absentee Election Manager. /Ordinance 2008-48

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-42. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-42. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2008-43, 2008-44, 2008-45, 2008-46, 2008-47 AND 2008-48 WERE MADE 1ST READ.

9. COUNCIL COMMENTS

Councilman Nager stated: I want to commend the Public Safety and Recreation Board for the fantastic firework display on the 4th of July. I thought it was an outstanding show, and well worth it. My only comment would be that next year if it could start a little bit earlier, because it gets dark about 8:15 or 8:30, and the fireworks don't start until 9:00, and for those with small children it sometimes makes it prohibitive to attend. Other than that I thought it was an outstanding show.

Mayor Small stated: I want to thank the Public Works, Fire, and Police Departments for their hard work with the fireworks display. Also, I don't want people to forget that the districts are going on for the Peanut League all week long at Lott Park. They are very good ball games, of course it is coach pitch, but it is great games to see, and you will see some good ball players out there with this league playing.

Erick Bussey, Attorney – asked Council to consider suspending the rules and voting on the compensation for the Absentee Ballot Manager ordinance because time is of the essence.

Council discussed why time was of the essence for this ordinance.

MOTION BY Councilman Yelding to suspend the rules to consider Ordinance 2008-48. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

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

MOTION FAILED

JULY 7, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

9

ORDINANCE 2008-48 WILL STAY A 1ST READ

MOTION BY Councilwoman Barnette to enter into Executive Session to discuss pending litigation which will take 45 minutes. *Seconded by Councilman Scott.*

The City Attorney, Erick Bussey, certified that this was an appropriate reason to enter into Executive Session according the to Alabama Open Meetings Act, and stated that the session will take 45 minutes.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 8:30 p.m.

Council returned from Executive Session at 9:20 p.m.

10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:22 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Greg Burnam
Council President
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
July 15, 2008
5:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:00 pm. Present were Chairman Ron Scott, Councilman Eric Nager, Finance Director Kim Briley, Senior Accountant Suz  ne Henson and Accountant Donna Page.

Councilman Bailey Yelding was absent.

Also in attendance were Revenue Officer Cornell Smith, Human Resources Director Sharon Cureton, Fire Chief James White, Police Lieutenant Jud Beedy, and Public Works Superintendent Melvin McCarley.

II. PUBLIC PARTICIPATION

There was no public participation.

III. HUMAN RESOURCES BUSINESS

Ms. Cureton invited the Committee members to the employee wellness fair to be held July 30, from 11 -2 at the Civic Center. Ms. Cureton stated that she will be requesting a review of the remaining job classifications this year as requested by Council. This will be the third and final group of reviews and will cover pay grades 14 and above; affecting 47 employees. Ms. Cureton noted that last year's reviews resulted in no recommendations for changes.

Ms. Cureton also discussed the new performance review for employees was implemented last year. Ms. Cureton explained that the new performance review form will be task specific. Mr. Scott asked for a copy of the forms to be presented at the next Committee meeting.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request

1. General Fund: Mowing Department Equipment Maintenance Account - \$30,000

Mr. McCarley discussed the City's mowing equipment. He noted that the mowers are about four years old and now require some major repairs to keep them going. He stated that it is time to replace them, but at \$28,000 each the funds are not available. Currently the budget is over expended \$15,000 for repairs and further repairs are expected since there is still 2 ½ months remaining this fiscal year. Discussion continued and agreement was made that \$25,000 should be sufficient to finish the fiscal year.

Motion by Mr. Nager to recommend to Council to adopt an ordinance appropriating \$25,000 to Public Works for the mowing department equipment maintenance account. Seconded by Mr. Scott. All in favor.

B. Bids

1. 2008-M-FD / CARDIAC MONITOR / DEFIBRILLATOR

Ten bid invitations were sent out/picked up, with one sealed bid received. It was discussed that this is highly specialized equipment, and must interface with current equipment used by local EMT services. Ms. Briley stated that the bid received is within the budgeted amount.

Motion by Mr. Nager to recommend to Council to adopt a resolution awarding Bid 2008-M-FD / CARDIAC MONITOR / DEFIBRILLATOR to Zoll Medical Corporation in the amount of \$16,929.50 with the optional accessories, CO2 detector in the amount of \$3,150.00 and battery charger in the amount of \$1,101.75. Seconded by Mr. Scott. All in favor.

2. 2008-N-PD / AUTOMATED FINGERPRINT AND PALM PRINT

Three bid invitations were sent out, with one sealed bid received. Lieutenant Jud Beedy noted that this is very highly specialized equipment and very few vendors sell this type of equipment. He discussed that this equipment can compare known prints to one print in approximately two minutes. Currently the one source the City has in the State for comparing fingerprints is the Alabama Bureau of Investigation. Lt. Beedy noted that 90 percent of the people the police department prints do not qualify to be sent to ABI, and the ones that do take days to process. He discussed that this will also allow searching of the local databases of Baldwin County, City of Mobile and other local governments. Ms. Briley stated that this bid is under the budgeted amount.

Motion by Mr. Nager to recommend to Council to adopt a resolution awarding Bid 2008-N-PD / AUTOMATED FINGERPRINT AND PALM PRINT to Afix Technologies, Inc. in the amount of \$33,300. Seconded by Mr. Scott. All in favor.

3. 2008-O-POLICE VEHICLE EQUIPMENT

Six bid invitations were sent out, with one sealed bid received. Ms. Henson noted that this is an annual bid to be used in the event vehicle equipment is needed throughout the year. Ms. Henson explained that this equipment is used to outfit a new police vehicle or to replace old equipment as required.

Motion by Mr. Nager to recommend to Council to adopt a resolution awarding Bid 2008-O-POLICE VEHICLE EQUIPMENT to Firehouse Sales & Service, Inc. for unit cost as bid. Seconded by Mr. Scott. All in favor.

4. 2008-Q-PLASTIC PIPE

Six bid invitations were sent out, with one sealed bid received. Ms. Henson noted that Circle Pipe who has the current contract declined to extend it another year due to cost increase and did not bid this year. Mr. McCarley noted that the pricing on the bid received is an increase from the current contract, but is in line with today's market.

Motion by Mr. Nager to recommend to Council to adopt a resolution awarding Bid 2008-Q-PLASTIC PIPE to Vellano Bros., Inc. for unit cost as bid. Seconded by Mr. Scott. All in favor.

5. 2008-R-SAFETY SHOES / BOOTS

Twelve bid invitations were sent out, with five sealed bids received, two being no bids. Mr. McCarley recommended accepting the bid from Gulf Supply Company since they were the low bid for the overall unit cost. He noted that Gulf Supply has the current contract and he has been pleased with their service.

Motion by Mr. Nager to recommend to Council to adopt a resolution awarding Bid 2008-R-SAFETY SHOES / BOOTS to Gulf Supply Company, Inc. for unit cost as bid. Seconded by Mr. Scott. All in favor.

C. "On-Call" Magistrate

The options of the magistrate on call driving the City vehicle home or the City paying mileage were discussed. Ms. Briley stated that if mileage is paid it would be paid from the Corrections Fund, not the General Fund.

Motion by Mr. Nager to recommend that Council approve paying mileage to the "on-call" Magistrate from the Corrections Fund. Seconded by Mr. Scott. All in favor.

D. Compensation for Absentee Election Managers

The compensation for absentee election managers was discussed. Mr. Scott stated that we need to confirm there is no ordinance on the City's books establishing that the salary of the City Clerk is in lieu of all other compensation. Discussion continued that compensation would only be paid on days when work relating to absentee ballots as listed in the Alabama Code is performed. Discussion followed that in the City Clerk's absence, it is the understanding of the committee that the City Clerk Assistant would be assuming these responsibilities and would be eligible for the compensation.

Motion by Mr. Nager to recommend- as provided for by Code of Alabama Section 17-11-14- that Council approve compensation of \$50 per day to the manager who performs the absentee work (the City Clerk) during the 35 days before the election, and during a run-off election if applicable. Seconded by Mr. Scott. All in favor.

V. Current Business

Workers Compensation Premium Increase

The additional premium in the amount of \$58,719 for the 2007 Workers Compensation policy was discussed. Ms. Briley stated that this is based upon the 2007 Payroll Audit and due to the increased public safety salaries.

VI. FINANCIAL REPORTS

A. Treasurer's Report: June 30, 2008

The Treasurer's Report totaling \$21,032,784.58 was presented.

Motion by Mr. Nager to accept the Treasurer's Report as of June 30, 2008, in the amount of \$21,032,784.58. Seconded by Mr. Scott. All in favor.

B. Sales and Use Taxes: May 31, 2008

Sales and Use Tax Collected for May 2008	- \$ 957,195
Sales and Use Tax Budgeted for May 2008	- <u>\$1,031,713</u>
Under Budget (for May)	- \$ (74,518)

YTD Budget Collections Variance - Under Budget - \$(455,805)

C. Lodging Tax Collections, May 31, 2008

The Lodging Tax Collections report shows \$46,145.12 collected for May 2008.

D. Report of New Business Licenses – June 2008

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

E. Bills Paid Reports – June 2008

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

VII. ADJOURN

The meeting was adjourned at 5:55 p.m.

Memo

To: Kim Briley, Finance Director
Finance Committee

From: Melvin McCarley, Public Works Director *M. McCarley*

Date: 7/1/2008

Re: Request for Additional Funds

We are requesting funds for the Mowing Department equipment maintenance account. Due to the age of the equipment, we have had some major repairs. This equipment is used 10 hours a day, 6 days a week and the coverage area continues to grow. The budget cuts this year were deep and we have already used that money and then some. As of this date, we are \$15,000 short in this account and will need an additional \$15,000 to cover projected deficiencies. We cannot shut down operations and do not have money in other accounts to make up the difference.

Please accept this memo as a formal request for \$30,000 for the Mowing Department's equipment maintenance account 165200-56182.



DAPHNE FIRE DEPARTMENT

28280 NORTH MAIN STREET • PO BOX 400
DAPHNE, ALABAMA 36526-0400
BUSINESS OFFICE: (251) 621-2836
BUREAU OF FIRE PREVENTION: (251) 621-2815
FAX: (251) 621-2833



Established
1953

Established
1927

Date: 7/2/08

To: Suzanne Henson

From: Battalion Chief Kenny Hanak *KH* 

Subject: Bid 3 2008-M-FD Cardiac Monitor Defibrillator

CC:

After reviewing the bid for the cardiac monitor/defibrillator, the low bidder Zoll Medical met all required specifications. I recommend that they be awarded the bid.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2008-M-FD/CARDIAC MONITOR/DEFIBRILLATOR
JUNE 20, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Kenny Hanak Battalion Chief

10 bid invitations were mailed/picked up, 1 sealed bid was received.

Kenny Hanak opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>BID BOND</u>	<u>AMOUNT</u>	<u>OPTIONAL ACCESSORIES</u>	
			<u>CO2 DETECTOR</u>	<u>BATTERY CHARGER</u>
ZOLL MEDICAL	X	16,929.50	3,150.00	1,101.75
SAFETY SOURCE		No Bid		



Suzanne Henson, Sr. Accountant

MEMORANDUM

TO: SUZANNE HENSON
FROM: CHIEF CARPENTER 
DATE: JUNE 23, 2008
RE: BID ACCEPTANCE

Please take this memo as our acceptance of the Automated Fingerprint & Palm Print Identification System bid received from Afix Technologies.

If you have any questions, please contact me.

CITY OF DAPHNE

**BID OPENING MINUTES
2008-N-PD/AUTOMATED FINGERPRINT & PALM PRINT
JUNE 20, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Lt. Jud Beedy Police

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

Lt. Jud Beedy opened the bid presented and the bid was read aloud as follows:

<u>VENDOR</u>	<u>BOND</u>	<u>TOTAL UNIT COST</u>
AFIX TECHNOLOGIES	X	\$33,300.00

Suzanne Henson, Sr. Accountant

MEMORANDUM

TO: SUZANNE HENSON
FROM: CHIEF CARPENTER *D.C.*
DATE: JUNE 25, 2008
RE: POLICE EQUIPMENT BID

PLEASE ACCEPT THE BID OF FIREHOUSE SALES FOR OUR POLICE EQUIPMENT NEEDS FOR THE NEXT YEAR. FIREHOUSE SALES WAS THE ONLY COMPANY TO BID ON THESE PRODUCTS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2008-O-POLICE VEHICLE EQUIPMENT
JUNE 20, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Captain Danny Bell	Police

6 bid invitations were mailed/picked up , 1 sealed bid was received.

Danny Bell opened the bid presented and the bid was read aloud as follows:

VENDOR

TOTAL UNIT COST

Firehouse Sales & Service, Inc.

Unit Cost *(see attached)*

Suzanne Henson, Sr. Accountant

2008-O-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	44" Blue w/Amber Signal Master	Federal Signal <i>yes</i>	Arjent SL-S2 LED 583004	\$1,129. ⁰⁰
Light Bar = Undercover Front Interior	Interior Undercover LED phantom light bar, 3 rows LED blue	Star <i>yes</i>	ULB42-BB	\$556. ⁰⁰
Light Bar = Undercover Rear Interior	Interior Undercover LED phantom light bar, 3 rows LED blue	Star <i>yes</i>	ULB42-1BB	\$556. ⁰⁰
Strobe Light Kit =	6 Bulbs/Cables in Kit, 60 Watt Hideaway	SHO-ME <i>yes</i>	21.9600T	\$183. ⁰⁰
Side Lights = Micro Lights LED	Blue LED 4 light kit with flashers and switches, black housing	SHO-ME <i>yes</i>	11.9064	\$337. ⁰⁰
Dual Cup Holder		Havis Shield <i>yes</i>	C-CHNY	\$23.53
Center Console =	18" with accessory plate, arm rest, and mounting hardware	Havis Shield <i>yes</i>	C-1800	\$178.72
Computer Stand Telescopy Base		Havis Shield <i>yes</i>	C-TCB-1	\$110.94
Computer Stand Laptop Platform with Tilt Swivel and adjustable hight		Havis Shield <i>yes</i>	C-3090-4	\$160.25
Computer Stand Laptop Screen Supports		Havis Shield <i>yes</i>	C-SS	\$17.75
Window Barriers	Rear Window, steel	Setina <i>yes</i>	FS	139. ⁹⁰
Cage Partician	Lexan sliding center, with bucket seat plate and mounting hardware	Setina <i>yes</i>	10-S	459. ⁰⁰
Rifle Rack with lock	ELS-275 - ELS Gun Rack W	Big Sky Racks Inc <i>yes</i>	BSR-1	45. ⁵⁰
Shotgun Rack with lock	With 10 second timers	Pro-Gard <i>yes</i>	G5000UT	218. ⁴⁰
Siren/Speaker	Dyna Max MS-100, 100 watt, with mounting hardware	Federal Signal <i>yes</i>	MAX-MS-100	139. ⁸⁰
Light/Siren Control "Touch Master"	Touch Master	Federal Signal <i>yes</i>	UTMD-MB	375. ⁵⁰
Push Bumper	High strength Aluminum	Setina <i>yes</i>	PB400	179. ⁹⁰
Prisoner Transport Rear Seat	ABS	Proguard <i>yes</i>	S6001+G ABS	348. ⁵⁰
Grill lights	LED Light Kit Blue	Sound Off <i>yes</i>	EGHST1B	101. ⁵⁰
Front Window = Triple Light Stick LED	Triple LED Light Blue	SHO-ME <i>yes</i>	11.2715	319. ⁵⁸
Headlight Flashers	Random Flashers	SHO-ME <i>yes</i>	03W3126	39. ⁸⁸
Headlight LED Light Kit	Blue LED	SHO-ME <i>yes</i>	11.3705	249. ⁹⁰
Tag Light Bracket	License Plate Bracket	SHO-ME <i>yes</i>	12.4407	24. ⁸⁵
Tag Lights	3 LED - blue	SHO-ME <i>yes</i>	12.0300	\$62. ⁶⁵
* Center Console <i>See note Below</i>	30" with face Plate and Storage Box	Havis Shield <i>yes</i>	C-3011 C-3010 C-AP1395	\$328. ⁹⁸
Storage Cargo Storage Box with lock	1-D-R Tactical Box 44.75" Long / 48"Wide/12"High	D&R Electronics <i>yes</i>	TS-01-42	\$1310. ⁰⁰
TOTAL			TOTAL	\$7,616.43

note: * Item 25: The C-3011 is NO Longer Available
The Replacement Part # C-3010 Console w/ C-AP1395 Storage Box
(New)

2008-O-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 Firehouse 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 18 day of June, 2008.

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)

MEMORANDUM

CITY of DAPHNE - DIVISION OF PUBLIC WORKS

To: Suzanne Henson, Sr. Accountant
Finance Committee Members

From: Melvin McCarley, Superintendent
Divisions of Public Works & Maintenance

Date: July 15, 2008

Re: Recommendation for Bid Award 2008-Q-Plastic Pipe

The Finance Department and Public Works sent out requests for bids for Plastic Pipe. Only one company responded and met all specifications. Their pricing was in line with today's market. The company was Vellano Brothers Inc.

I therefore recommend to this Committee that we award the City of Daphne BID 2008-Q-Plastic Pipe to Vellano Brothers Inc.

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

MM:swc

CITY OF DAPHNE
BID OPENING MINUTES
BID DOCUMENT NO: 2008-Q-PLASTIC PIPE
JULY 14, 2008
11:30 A.M.
CITY HALL

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Melvin McCarley Public Works Director

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

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

VENDOR :

Vellano Bros., Inc.

<u>Size Pipe</u>	<u>Per Foot as Bid</u>
<u>20' pcs:</u>	
4"	DNE
6"	DNE
8"	3.55
10"	4.95
<u>20' pcs :</u>	
12"	6.56
15"	9.55
18"	12.11
24"	20.65
30"	28.75
36"	37.30
42"	48.60
48"	63.40
60"	DNE

*DNE – Does Not Exist



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE - DIVISION OF PUBLIC WORKS

To: Suzanne Henson, Sr. Accountant
Finance Committee Members

From: Melvin McCarley, Superintendent
Divisions of Public Works & Maintenance

Date: July 15, 2008

Re: Recommendation for Bid Award 2008-R-Safety Shoes

The Finance Department and Public Works sent out requests for bids for Plastic Pipe. Five companies responded and three met all specifications. Gulf Coast's overall price was lower and we have been pleased with their service in the past.

I therefore recommend to this Committee that we award the City of Daphne BID 2008-R-Safety Shoes to Gulf Supply Company.

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

MM:swc

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2008-R-SAFETY SHOES/BOOTS
JULY 14, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Melvin McCarley Public Works

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

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

<u>VENDOR</u>		<u>TOTAL UNIT COST</u>
Gulf Supply Company, Inc. (Wolverine)	8" Boot	\$ 120.00
	6" Boot	\$ 109.00
	Shoe	<u>\$ 77.75</u>
		\$ 306.75
Safety Shoes Plus (Wolverine)	8" Boot	\$ 115.00
	6" Boot	\$ 106.00
	Shoe	<u>\$ 97.00</u>
		\$ 318.00
Safety Solutions, Inc. (Wolverine)	8" Boot	\$ 129.00
	6" Boot	\$ 117.00
	Shoe	<u>\$ 104.00</u>
		\$ 350.00
Safety Source, Inc.	No Bid	
Lawmen & Shooters Supply	No Bid	



Suzanne Henson, Sr. Accountant

FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF



COUNCIL MEMBERS
BAILEY YELDING, JR.
DISTRICT 1

CATHY BARNETTE
DISTRICT 2

JOHN L. LAKE
DISTRICT 3

GREG BURNAM
DISTRICT 4

RON SCOTT
DISTRICT 5

ERIC NAGER
DISTRICT 6

AUGUST A. PALUMBO
DISTRICT 7

MEMORANDUM

TO: City Council

FROM: Mayor Fred Small

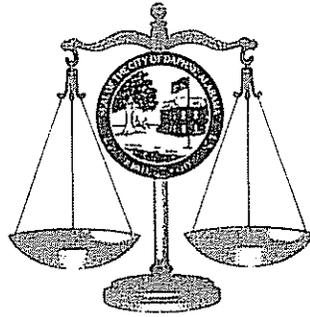
DATE: June 25, 2008

SUBJECT: City Vehicle – Magistrate’s Use

The Judge is requesting two options for the “on call” magistrate’s use of the city vehicle. They are permitted to drive the vehicle home when on call. Keep in mind some of the employees only have one personal car which means they would have to possibly use the city vehicle while on call for personal use because their car would be here in Daphne. The other option would be to allow mileage to be paid for travel in their personal car when on call. These monies would be taken from the corrections fund which will not cost the city any additional money. Also, note that the court’s vehicle was purchased from corrections fund account. Please find attached a copy of the Judge’s letter and a copy of the Attorney General’s Opinion allowing mileage reimbursement from the corrections fund.

DAPHNE MUNICIPAL COURT

1502 HIGHWAY 98
DAPHNE, ALABAMA 36526
(251) 621-2824
(251) 621-3192 FAX



HON. THOMAS P. DOYLE, JUDGE
FAYE HOWELL, COURT ADMINISTRATOR

FIFI RIGGIO, MAGISTRATE
LEAH HENRY, MAGISTRATE

June 19, 2008

Mayor Fred Small
City of Daphne
P O Box 400
Daphne AL 36526

Dear Mayor:

At the present time, this office rotates magistrates "on call" duty between each magistrate on a monthly basis. The magistrates live in Mobile, Robertsedale, and Fairhope respectively. Due to the increase cost of fuel, travel expenses for each magistrate has increased to the extent that it costs each magistrate more than the overtime pay associated with each "call out".

I request the city council, by resolution, allow the "on call" magistrate to be permitted to either drive the city vehicle to and from work or allow mileage to be paid for travel from the corrections fund, when they are "on call".

Thank you for your assistance in this matter. If you need additional information, please advise.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to be 'Thomas Doyle', is written over the 'Sincerely,' text.

Thomas Doyle
Municipal Judge
City of Daphne

March 16, 2006

Honorable Carl E. Chamblee, Jr.
Municipal Judge
Argo Municipal Court
8885 Gadsden Highway
Argo, Alabama 35173

Municipal Judges – Corrections Fund –
Municipal Courts – Transportation –
Mileage – Jefferson County

The Town of Argo may use Corrections Fund monies to pay the cost of police officers transporting prisoners from the county jail to municipal court and for the magistrate to travel to the jail for 48-hour hearings if the town determines the expenditures are necessary for the operation and maintenance of the jail and court. The determination of the appropriate costs, including mileage rate, per diem, or actual expenses, is in the discretion of the town council.

Dear Judge Chamblee:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

1. May the Town of Argo use funds from the Corrections Fund to pay police officers to transport prisoners from the county jail to municipal court and to pay the magistrate to travel to the jail for 48-hour hearings?

2. If so, what mileage rate and cost for going to and from the jail can be charged to the fund?

FACTS AND ANALYSIS

Your request states that the Town of Argo does not have a jail. You further state that the town has contracted with the Sheriff of St. Clair County to house prisoners in the county jail. The prisoners must be transported from the jail in Ashville to the municipal court in Argo.

Section 11-47-7.1(a) of the Code of Alabama authorizes an individual municipality, or municipalities jointly, to levy and assess an additional court cost for cases filed in the municipal court. ALA. CODE § 11-47-7.1(a) (Supp. 2005). These funds are paid into the "Corrections Fund." *Id.* Section 11-47-7.1(a) further provides that "[t]he affected governing body shall allocate the funds exclusively for the operation and maintenance of the municipal jail or jails, other correctional facilities, if any, any juvenile detention center, or any court complex." *Id.*

This Office has previously held that money from the Corrections Fund may be used: (1) for the purchase of law books and materials to establish a library within a jail or court complex; (2) to remodel and refurnish the magistrate's office located in town hall; (3) to repair, remodel, and renovate a city's court complex; and (4) for salaries of personnel and office machines of a court complex. Opinions to Honorable William Dennis Schilling, Municipal Judge, City of Pleasant Grove, dated April 1, 2003, A.G. No. 2003-117; Honorable Mike Byrd, Mayor, Town of Newton, dated June 29, 2001, A.G. No. 2001-213; to Honorable Michael E. Box, Attorney, City of Chickasaw, dated May 9, 2000, A.G. No. 2000-136; to Honorable Robert B. Hezlep, Jr., Mayor, Town of Branchville, dated June 13, 1996, A.G. No. 96-00236. This Office has also held that Corrections Fund monies may be used to pay the county pursuant to a contractual agreement for the housing of municipal prisoners in the county jail as authorized by section 11-80-3 of the Code of Alabama. ALA. CODE § 11-80-3 (1994).

Unless there is an agreement to the contrary, a municipality remains liable for the costs of transporting municipal prisoners housed in the county jail or municipal defendants incarcerated in a state institution to municipal court. Opinions to Honorable Martha A. Elrod, Gadsden City Clerk, dated October 26, 1999, A.G. No. 2000-015; Honorable Joe S. Bailey, Municipal Judge, Auburn Municipal Court, dated December 6, 1994, A.G. No. 95-00045; Honorable Thomas H. Benton, Sheriff, Baldwin County, dated August 14, 1981, A.G. No. 81-00516.

In considering work release funds under section 14-8-37 of the Code of Alabama, which similarly provides that the county retains 25 percent of an inmate's work release wages to pay "costs incident to the inmate's confinement" [ALA. CODE § 14-8-37 (1995)], this Office concluded that the county

Honorable Carl E. Chamblee, Jr.
Page 3

could purchase a van for the county jail to transport inmates to and from doctors' offices and other facilities. Opinion to Honorable Cecil Reed, Sheriff, DeKalb County Sheriff's Office, dated November 30, 2000, A.G. No. 2001-036.

Most recently, this Office stated that the Town of Trinity could use Corrections Fund monies to contract with the Morgan County 911 Center to enter the town's warrants into the NCIC database if the town determined that the payment of the fee was a necessary expenditure for the operation and maintenance of the jail and court. Opinion to Honorable Vaughn Goodwin, Mayor, Town of Trinity, dated September 13, 2005, A.G. No. 2005-193.

The determination of the appropriate costs for the transportation of prisoners and the travel of the magistrate is in the discretion of the town council. The payment of expenses varies greatly among state and local governmental entities. The current mileage rate for state employees is .445¢ per mile. If the town chooses to pay a mileage rate and per diem, it may condition mileage to the magistrate on the magistrate's driving a personal vehicle. The town, however, is not limited to those costs. It may choose to pay actual expenses in lieu of mileage and per diem.

CONCLUSION

The Town of Argo may use Corrections Fund monies to pay the cost of police officers transporting prisoners from the county jail to municipal court and for the magistrate to travel to the jail for 48-hour hearings if the town determines the expenditures are necessary for the operation and maintenance of the jail and court. The determination of the appropriate costs, including mileage rate, per diem, or actual expenses, is in the discretion of the town council.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING
Attorney General
By:

BRENDA F. SMITH
Chief, Opinions Division

Suzanne

From: Kim Briley [kibriley@bellsouth.net]
Sent: Wednesday, July 09, 2008 6:08 PM
To: hensonsm@bellsouth.net
Subject: FW: Compensation of Absentee Election Managers
Importance: High

Finance Committee . . .

From: David Cohen [mailto:daphnecc@bellsouth.net]
Sent: Wednesday, July 09, 2008 5:03 PM
To: kim briley
Subject: Fw: Compensation of Absentee Election Managers
Importance: High

Dear Kim

Ron asked that this be placed on the finance committee

David

----- Original Message -----

From: [David Cohen](#)
To: [Eric Nager](#) ; [Greg Burnam](#) ; [Fred Small](#) ; [August Palumbo](#) ; [Bailey Yelding](#) ; [John Lake](#) ; [Ron Scott](#) ; [cathy barnette](#)
Sent: Wednesday, July 02, 2008 1:42 PM
Subject: Fw: Compensation of Absentee Election Managers

Dear City Council

At a recent meeting a new law was discussed with regard to absentee election manager pay. I am enclosing the Alabama League interpretation with regard to the new law. I have prepared a ordinance for the July 7th council meeting. Please give me a call if you have any questions.

Sincerely
David Cohen
City Clerk

----- Original Message -----

From: [Theresa](#)
To: [Theresa](#)
Sent: Thursday, June 26, 2008 3:32 PM
Subject: Compensation of Absentee Election Managers

PLEASE Do Not Respond to this Email!!

If you have any questions concerning this email, please contact the ALM Legal Staff
at (334) 262-2566.

ATTENTION: CLERKS, MAYOR, ATTORNEY, ADMINISTRATORS AND
MANAGERS

**PLEASE SEE THE ATTACHMENT CONCERNING THE COMPENSATION OF
ABSENTEE ELECTION MANAGERS.**

Compensation of Absentee Election Manager

In 2006, the Alabama Legislature passed Act 2006-570, a 371 page bill that recodified state election laws. One provision in this Act amended Section 17-11-14, Code of Alabama 1975, to remove the restriction on municipal employees receiving pay for performing the duties of the absentee election manager. The section now provides that the Absentee Election Manager is entitled to at least \$50.00 per day for each of the 45 days prior to the Election Day and for the day of the election for which his or her services are required.

The Attorney General has noted in AGO 88-434 that "the right to compensation grows out of the rendition of services. 63A, Am. Jur.2d, 'Public Officers and Employees,' Section 432." As a result, the Attorney General concluded that this Section (17-11-14) required paying the county absentee election manager only for 21 days before a runoff election, despite the specific statutory language requiring payment for 45 days before each election.

Based on this opinion and our discussions with various election experts, the League has developed the following answers to questions received on this issue:

1. **Is this law mandatory on municipal governments?** Yes
2. **Who serves as the absentee election manager in municipal elections?** No official action by the council is necessary to appoint the clerk as the municipal absentee election manager. State law provides that the city clerk serves as the municipal absentee election manager unless he or she is disqualified from holding the position or declines to hold the position, in which event a new appointment would have to be made by the council.
3. **Is the compensation required by this law in addition to the clerk's regular salary?**
Yes
4. **Is the pay due for every day within the 45 day period?** The statute states that the manager is entitled to compensation for the period before the election and on election day "for which his or her services are required." It is our opinion that the 45 day requirement of Section 17-11-14 does not automatically apply in municipal elections. In municipal elections, the official list of qualified voters shall be furnished to the absentee election manager at least 35 days before the election. Section 17-11-5, Code of Alabama, 1975. Since the municipal elections manager has no responsibilities in a general election until the ballots are delivered, it is our opinion that compensation begins on the day absentee ballots are delivered to the clerk, which may be more than 35 days before the election. As far as we can determine, neither the Attorney General or a court has definitively ruled as to whether compensation is due even on days when no work relating to absentee ballots has been performed by the absentee election manager.

Further, absentee balloting in municipal elections is different from that in county elections. Many smaller municipalities will not even have a single absentee ballot cast and compensation for the full statutory period is not the best interpretation in this situation. While arguments can be made both ways, we feel that the language in Section

17-11-14 is best interpreted as meaning that services have to be performed in order for compensation to be due for any specific day. Therefore, a municipal absentee election manager is only entitled to be compensated for days on which he or she actually performs absentee services.

5. **What actions constitute absentee election services for which compensation is due?**

The services an absentee election manager performs which are compensable include, but are not limited to:

- Processing absentee applications (accepting absentee applications and returning absentee ballots)
- Verifying that the voter's identification was included with the ballot
- Striking names of absentee voters off the list
- Posting the absentee voters list
- Delivery of the ballots to the election officials
- Delivery of the list of absentee voters to the board of registrars the day after the election
- Contacting provisional absentee voters

The absentee elections manager is entitled to be compensated a minimum of \$50.00 on days when any of these duties or others must be performed.

6. **Are other individuals who may, from time to time, assist the absentee election manager entitled to this pay also?** State law only requires the payment to be made to the absentee election manager. The council may, in its discretion, pay additional compensation or provide comp time to employees who assist the absentee election manager.

7. **How do municipalities implement this law?** The council should enact a resolution to establish the rate of compensation for the absentee election manager. This resolution should be in place prior to the assumption of duties of absentee election manager. We have provided sample language below. Because this does not change the election process or affect voting rights, in the League's opinion this resolution would NOT have to be precleared by the Department of Justice following adoption. Section 17-11-14 of the Code of Alabama, has already been precleared and that Code Section mandates compensating the municipal absentee elections manager. This resolution merely implements this legislation. This change could be implemented by the adoption of a general and permanent ordinance, rather than by a resolution, if the municipality wishes to implement this for all future elections. If the municipality adopts this as a general and permanent ordinance, Section 2 of the sample resolution should be deleted and replaced with the following suggested language:

"Section 2. This ordinance is adopted pursuant to Section 17-11-14 Code of Alabama, 1975, and shall be effective in all elections, both general and special, from and after the date of adoption."

8. **Does the absentee election manager have to accept this compensation?** No. Any officer or employee of a municipality may voluntarily diminish his or her salary by following the procedures outlined in Section 36-6-10, Code of Alabama 1975.

9. **If we have a runoff election, is compensation required?** Yes. Compensation should be made for each day the absentee election manager performs services during the runoff election.

**SAMPLE RESOLUTION SETTING COMPENSATION FOR ABSENTEE ELECTIONS
MANAGER**

A RESOLUTION

BE IT RESOLVED BY THE CITY [TOWN] COUNCIL OF _____, ALABAMA, AS
FOLLOWS:

Section 1. Compensation for the Absentee Election Manager for the City [Town] of _____, shall be and the same is hereby fixed at the sum of \$_____ per day for each day absentee elections services are performed from the date of delivery of the absentee ballots to the absentee elections manager and including the day of the election, to be paid from the city [town] treasury.

Section 2. This resolution is adopted pursuant to Section 17-11-14 Code of Alabama, 1975, and shall be effective for all municipal elections, both general and special, held in the year 2008.

ADOPTED THIS THE ___ DAY OF _____, 2008.

Presiding Officer

ATTEST:

City [Town] Clerk

Suzanne

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Wednesday, July 09, 2008 6:12 PM
To: 'Small, Fred'; hensonsm@bellsouth.net
Subject: FW: Absentee Elections Manager
Importance: High

See attached also for Finance Committee

From: David Cohen [mailto:daphnecc@bellsouth.net]
Sent: Wednesday, July 09, 2008 5:06 PM
To: kim briley
Subject: Fw: Absentee Elections Manager
Importance: High

----- Original Message -----

From: Ken Smith (Office)
To: daphnecc@bellsouth.net
Sent: Tuesday, July 08, 2008 4:59 PM
Subject: FW: Absentee Elections Manager

David-

The information in the most recent message does not contradict what was posted earlier, it merely provides another option that has just been called to our attention.

First, according to Section 17-11-14, the municipal absentee ballot manager is, in our opinion, entitled to receive \$50.00 for each day spent performing duties as absentee elections manager.

Second, in response to numerous requests from other clerks who asked if they had to accept this money, we pointed out that Section 36-6-10, allows any official to decline all or part of their compensation.

Third, Section 11-43-6, allows municipal council to pass an ordinance providing that the salary any municipal official receives will be in lieu of all other compensation.

These are optional choices that each municipality (or individual clerk) has the power to exercise. As in previous election years, as we answer questions on this and other subjects, new information comes to light and we have an obligation to provide that information to our members.

Ken Smith
Deputy Director/General Counsel
Alabama League of Municipalities
kens@alalm.org

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From: Theresa [mailto:TheresaL@alalm.org]
Sent: Tuesday, July 08, 2008 4:20 PM
To: 'Ken Smith (Office)'
Subject: FW: Absentee Elections Manager
Importance: High

From: David Cohen [mailto:daphnecc@bellsouth.net]
Sent: Tuesday, July 08, 2008 4:12 PM
To: Theresa
Subject: Re: Absentee Elections Manager

Dear Theresa

Well, which way is it. I presented it to the City Council last night, July 7, 2008, and they wanted to know why they had never heard of it. Now your saying the Alabama League does not know. I expect an immediate response, because what you put out in the previous e-mail. Our jobs as city clerks are by appointment. A mistake such as what this appears could have far reaching affect to a City Clerk and their job status in November.

Sincerely
David Cohen
City Clerk of Daphne

----- Original Message -----

From: Theresa
To: Theresa
Sent: Tuesday, July 08, 2008 3:56 PM
Subject: Absentee Elections Manager

PLEASE Do Not Respond to this Email!!

**If you have any questions concerning this email, please contact the
at (334) 262-2566.**

AND ATTORNEYS

The League has been asked whether Section 11-43-6, Code of Alabama 1975, has any impact on the issue of compensating the absentee elections manager in municipal elections given that municipalities may have existing ordinances in place that were adopted pursuant to this Section.

Section 11-43-6, Code of Alabama 1975, states:

"Provision for compensation of and disposition of fees collected by municipal officers generally.

"It may be provided by ordinance that any city or town officer, elected or appointed, shall receive a salary in lieu of all other compensation, and, in such cases, such officer shall not receive for his own use any fees or other compensation for his services as such officer but shall collect the fees authorized by law or ordinance and pay the same into the city or town treasury."

This statute, which has not been amended since 1940, authorizes a municipality to adopt an ordinance establishing that the salary of any officer shall be in lieu of all other compensation.

The compensation authorized for the absentee elections manager by Section 17-11-14, is payment for handling duties related to absentee balloting. This compensation was authorized by a legislative act passed in 2006.

As noted in our posting below, the city clerk serves as the absentee elections manager by virtue of holding the office of city clerk. Essentially, Section 17-11-14 establishes extra compensation that the clerk receives for performing duties as absentee elections manager.

Section 11-43-6 does not appear to have been construed in a situation similar to this. There have been no cases or Attorney General's Opinions construing this provision in these circumstances. However, based on the specific language in Section 11-43-6, an argument can be made that a municipal council has the authority to adopt an ordinance that prevents the payment of additional compensation to the clerk for performing duties as the absentee elections manager.

Because Section 11-43-6 was first enacted in 1907, it is entirely possible that some municipalities already have existing ordinances in place that prohibit certain officers from receiving compensation other than their salaries. Municipalities should check their local ordinances to determine whether such an ordinance exists.

TREASURER'S REPORT

As of June 30, 2008

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$12,079,423.08
OPERATING ACCT	COMPASS	(\$202,120.05)
PAYROLL ACCT	COMPASS	(\$8,765.05)
MUNICIPAL COURT	COMPASS	<u>\$281,416.49</u>
		\$12,149,954.47
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$5,091.88
4 CENT GAS TAX	FIRST GULF	\$187,122.83
7 CENT GAS TAX	FIRST GULF	<u>\$271,313.53</u>
		\$463,528.24
CAPITAL PROJECTS FUND		
CAPITAL RESERVE	WACHOVIA	\$4,077,058.57
97 WARRANT CONS	WACHOVIA	\$5,210.27
99 WARRANT CONS	REGIONS	\$19,960.43
2000 CONSTRUCTION	REGIONS	\$61,828.10
2006 CONSTRUCTION	WACHOVIA	<u>\$2,339,550.90</u>
		\$6,503,608.27
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$1,869,848.89
2006 DEBT SERVICE	FIRST GULF	<u>\$45,844.71</u>
		\$1,915,693.60
		<u>\$21,032,784.58</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2002	2003	2004	2005	2006	2007	2008	Actual-2008	Budget	Monthly Variance	YTD Variance	% of Budget
October	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	867,190.18	953,988	(86,797.82)	(86,797.82)	-9.10%
November	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	915,890.97	928,026	(12,135.03)	(98,932.85)	-1.31%
December	858,065.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,120,005.09	1,194,410	(74,404.91)	(173,337.76)	-6.23%
January	639,636.95	590,727.65	697,083.68	771,937.83	887,468.11	914,876.33	822,020.87	822,020.87	924,025	(102,004.13)	(275,341.89)	-11.04%
February	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	865,625.83	886,755	(21,129.17)	(286,471.06)	-2.38%
March	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	998,616.04	1,082,314	(83,697.96)	(380,169.02)	-7.73%
April	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	968,624.24	968,624.24	969,742	(1,117.76)	(381,286.78)	-0.12%
May	688,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,194.70	957,194.70	1,031,713	(74,518.30)	(455,805.08)	-7.22%
June	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	-	-	1,061,004	-	-	-
July	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	-	-	1,005,952	-	-	-
August	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	-	-	975,079	-	-	-
September	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	-	-	1,024,847	-	-	-
Totals	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	7,515,167.92	7,515,167.92	12,037,655	(455,805.08)		

FY 2007 BUDGET/ACTUAL COMPARISONS

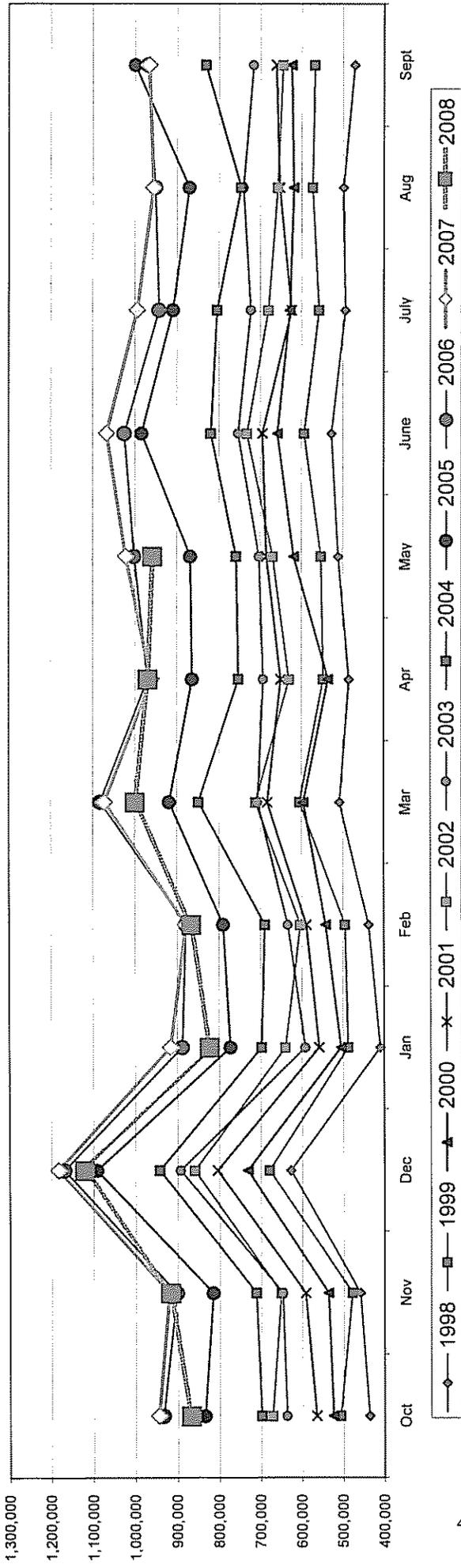
FISCAL YEAR COMPARISONS

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
October	(35,216.40)	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	-5.24%	9.64%	19.47%	11.87%	1.28%	-8.19%
November	(3,774.88)	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	-0.58%	9.94%	14.61%	10.66%	1.92%	-0.32%
December	34,122.02	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	3.98%	5.49%	15.93%	7.09%	1.21%	-5.29%
January	(48,911.20)	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	-7.55%	18.00%	10.72%	14.98%	3.09%	-10.15%
February	30,439.25	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	5.05%	8.81%	14.58%	11.32%	-0.02%	-1.41%
March	(5,570.57)	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	-0.78%	20.24%	8.21%	17.86%	-0.94%	-6.81%
April	62,295.27	59,891.11	111,105.26	105,615.91	(8,620.16)	8,483.70	9.89%	7.82%	14.77%	12.24%	-0.89%	0.88%
May	33,824.87	54,918.34	109,835.95	132,978.04	21,073.66	(64,303.44)	5.06%	7.82%	14.50%	15.33%	2.11%	-6.30%
June	20,963.31	65,541.16	164,654.26	41,227.61	42,342.85	-	2.87%	8.71%	20.12%	4.19%	4.13%	0.00%
July	42,188.32	81,260.24	105,524.99	32,831.55	51,808.98	-	6.21%	11.26%	13.14%	3.61%	5.50%	0.00%
August	82,965.72	5,326.70	124,497.78	80,720.90	3,882.56	-	12.63%	0.72%	16.70%	9.28%	0.41%	0.00%
September	70,813.95	114,619.44	168,215.28	(30,859.92)	(2,508.81)	-	10.98%	16.02%	20.26%	-3.09%	-0.26%	0.00%
Annual \$ Change	284,159.66	860,992.68	1,418,335.85	994,535.81	168,436.75	(376,885.77)	3.49%	10.21%	15.27%	9.29%	1.44%	-3.17%

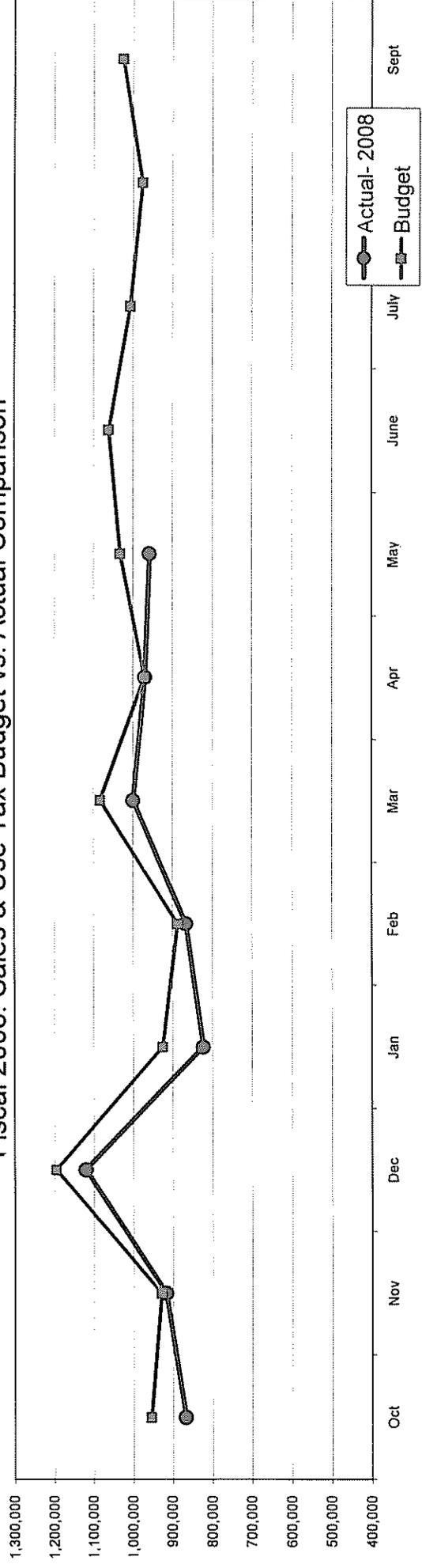
TOTAL collections: FY 07	11,871,233
TOTAL est. bdgt coll: FY 08	12,037,655
Budgeted Dollar Variance 07/08	166,422
Budgeted Percent Variance 07/08	1.40%

TOTAL collections: 5-31-08	7,515,168
Budgeted: 10-1-07 to 5-31-08	7,970,973
Actual Coll: > Budget, 5-31-08	(455,805)
% Over/(Under) Budget, 5-31-08	-5.72%

Sales & Use Tax Comparisons



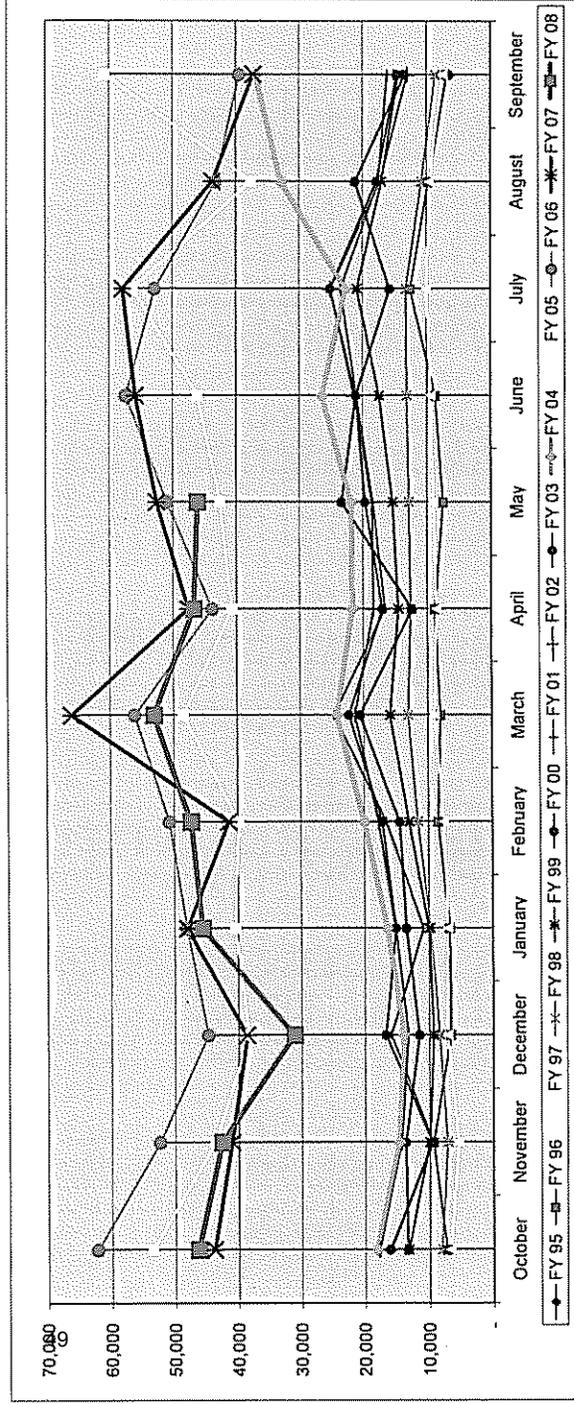
Fiscal 2008: Sales & Use Tax Budget vs. Actual Comparison



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
October	7,228.60	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47
November	9,371.57	9,371.57	5,419.99	7,156.30	9,953.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84
December	6,580.10	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14
January	6,765.39	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80
February	8,466.36	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33
March	8,017.74	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15
April	8,802.85	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02
May	7,427.26	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	
June	8,672.68	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	
July	12,568.56	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	
August	9,721.13	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	
September	6,806.02	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,647.13	60,635.33	39,398.90	37,160.99	
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	358,993.87

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



FY 2008 Budget
620,000
% Budget Collected,
5/31/2008
58%

NEW BUSINESSES

June-08

CITY LIMITS	OUTSIDE CITY LIMITS
COASTAL COUNSELING & CONSULTING LLC	1 SUPERIOR POOL 1
RBC BANK USA	1 SUNNY BAY RECYCLING 1
HOME RELIEF SERVICES LLC	1 TOTAL OUTSIDE CITY LIMITS 27
GYN ONCOLOGY CENTER	1
MALBIS EXPRESS DETAIL	1
ROUSSO'S SEAFOOD AND CATERING	1 CONTRACTORS
BABY NEEDS NEW SHOES	1 A G CONTRACTING 1
TRACTOR & INDUSTRIAL PARTS CENTER	1 MITCHELL CONSTRUCTION LLC 1
SOMETHING SWEET BAKE SHOP	1 DOUG'S SERVICE COM 1
SCS SPORT KARATE, LLC	1 GULFPORT IRRIGATION & LANDSCAPING 1
LITTLE GYM OF THE EASTERN SHORE	1 PROFESSIONAL ROOFING CO 1
TEAM GREEN RECYCLING	1 RICKY MOTES CONSTRUCTION 1
DEFENDER SECURITY COMPANY	1 HOLLENBACK & SATHER SOUTH INC 1
SAND DOLLAR PHOTO	1 US LAWNS OF TUSCALOOSA 1
DK THE CLOWN	1 REDD ROOFING 1
MALBIS YAMAHA SUZUKI	1 CONRAD WATSON AIR CONDITIONING 1
EASTERN SHORE URGENT CARE	1 P & J PAINTING 1
LAURENS POOL MAINTENANCE	1 LEEDO MANUFACTURING CO 1
TOTAL CITY LIMITS	18 EDWARDS DRYWALL INC 1
	RON KENDALL MASONRY INC 1
OUTSIDE CITY LIMITS	COMPACTOR SERVICES INC 1
SIGNS PLUS OF MERIDIAN LLC	1 SCHOEN HEATING & A/C 1
ALARM & SECURITY TECHNOLOGIES, INC	1 BENGTON MASONRY 1
LAWMEN'S & SHOOTERS' SUPPLY	1 ALL CONCRETE SERVICES INC 1
BINSWANGER GLASS	1 BAYSIDE BUILDERS LLC 1
ENTERPRISE SECURITY	1 ACE INSULATION 1
GREEN BEAM LAWN SERVICE	1 ROGERS ELECTRIC 1
RODAN & FIELDS LLC	1 REACH COMMUNICATIONS INC 1
CUSTOM CLEANING PROS	1 PHOENIX UNDERGROUND CONSTRUCTION 1
TECH SYSTEMS INC	1 TOTAL CONTRACTORS 24
TOOL EXPO CORPORATION	1
STRICKLAND PAPER CO INC	1 TOTAL NEW BUSINESSES 69
F & E SPORTSWEAR INC	1
CHARTONE INC	1 CLOSED BUSINESSES IN DAPHNE
R & R PARTS INC	1 HOUSE OF DIXIE 1
ETAILE DIRECT LLC	1 TOTAL BUSINESSES CLOSED IN DAPHNE 1
ROCKY BRAND RETAIL	1
PERFORMANCE CONTRACTING INC	1
ROOFING SUPPLY OF ATLANTA, LLC	1
HURRI-BOLT NORTH AMERICA	1
SUPERIOR PRESS	1
JGA BEACON INC	1
FAST & CLEAN COMPANY	1
OMP INC	1
BIRKENSTOCK USA LP	1
SNO-WHIZ	1

Buildings and Property Committee Minutes

July 11, 2008

10:00 a.m.

City of Daphne

Council Chambers

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector

Mr. Jeff Hudson, Hatch Mott MacDonald

Mr. Melvin McCarley, Public Works Director

Minutes

The meeting opened at 10:15 a.m. Mayor Small opened the meeting with an update on the Bayfront Park Pavilion projected renovation. Mayor Small stated that he asked the Village Pointe Foundation to be involved in the renovation project. Mr. William Caswell was introduced by Mr. Al Guarisco, a Village Point member as the Architect that they had chosen for the project. Mr. Caswell discussed preliminary ideas for the facility. Mr. Caswell was asked to present a cost estimate for his services to be presented to the Finance Committee for funding. The Committee instructed the Village Point Foundation to bring back to the Committee ideas for the renovation of the facility.

Mr. Richard Merchant, Buildings Inspector reported nine (9) new residential applications, two (2) new commercial applications and some renovating of current homes.

Mr. Jeff Hudson of Hatch Mott MacDonald presented a Contract for Preliminary/Schematic Design Services for the Bay Rivers Art Center (Renovation of the Nicholson Center). The contract is for the Schematic Design only of Phase I of the new Art Center. The Scope of Services include: Task 1-Master Plan Design-\$18,000.00, Task 2-Conceptual Site Plan-\$5,000.00, and Task 3-Existing Building, Boundary & Topographic Survey \$5,800.00 with total Estimated Fees of \$28,800.00.

Mr. Hudson also presented the Construction Cost Estimate for the Daphne Library Addition – Phase I which is estimated at \$953,196.00.

Councilman Lake stated that he has requested the costs to have the elevator go to three stories instead of two at the library. Councilman Lake stated that it is important to look at adding a third floor to the facility as the cost of doing so now is minimal compared to adding it in the future.

The Committee discussed the preparing of a MOU with reference to the Bay Rivers Art Guild and the Nicholson Center. The Committee reviewed information from the City Attorney and Ms. Valley O'Neal about the project. The Committee instructed Ms. Morse to have Mr. Ross complete the MOU based on the information that was compiled so that the Committee can present it to the full Council for consideration.

The Committee discussed the need for a MOU to be prepared for the Friends of the Old Methodist Church Museum of Daphne. Mayor Small stated that he will contact the City Attorney to have the document prepared.

The meeting adjourned at 11:49 a.m.

City of Daphne

Permit Activity Report

2008-07-01

Permit Code: BL BUILDING PERMIT

Residential - NEW - R1 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
2106-1	HONS BUILDERS	08-505		606 BELROSE AVE	Yes	A	06/09/2008	06/09/2008	\$35,130.00	\$195.00
	HONS BUILDERS			DAPHNE, AL 36526		Sub Division:				
Total Residential - NEW - R1 BL Permit(s)										\$195.00

Residential - NEW - R3 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
2147-1	HYMAN HOMES, INC.	08-532		29973 D'OLIVE RIDGE	Yes	A	06/16/2008	06/16/2008	\$387,810.00	\$1,955.00
	HYMAN HOMES, INC.			DAPHNE, AL 36526		Sub Division: TIMBERCREEK				
482-1	BENCHMARK HOMES, INC.	08-521		7725 ELIZABETH DR	Yes	A	06/12/2008	06/12/2008	\$109,500.00	\$565.00
	BENCHMARK HOMES, INC.	08-FL		DAPHNE, AL 36526		Sub Division: MADISON PLACE				
5391-1	METROPOL ONE LLC	08-517		133 GREENWOOD DR	Yes	A	06/11/2008	06/11/2008	\$120,930.00	\$620.00
	METROPOL ONE LLC			DAPHNE, AL 36526		Sub Division: LAKE FOREST				
5115-1	FRIDAY CONSTRUCTION	08-516		133 LAKE FRONT DR	Yes	A	06/11/2008	06/11/2008	\$114,000.00	\$585.00
	FRIDAY CONSTRUCTION	08-FLK		DAPHNE, AL 36526		Sub Division: LAKE FOREST				
5115-1	FRIDAY CONSTRUCTION	08-515		104 SUMMIT CIR.	Yes	A	06/11/2008	06/11/2008	\$98,700.00	\$510.00
	FRIDAY CONSTRUCTION			DAPHNE, AL 36526		Sub Division: LAKE FOREST				
Total Residential - NEW - R3 BL Permit(s)										\$4,235.00

Residential - NEW - R2 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4848-1	HOME OWNER	08-571		27300 MAIN ST	Yes	A	06/27/2008	06/27/2008	\$66,600.00	\$350.00
	HOME OWNER			DAPHNE, AL 36526		Sub Division:				
Total Residential - NEW - R2 BL Permit(s)										\$350.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
482-1	BENCHMARK HOMES, INC.	08-513		7371 FRANKLIN SQ CT	Yes	A	06/10/2008	06/10/2008	\$111,210.00	\$575.00
	BENCHMARK HOMES, INC.	08-FJ		DAPHNE, AL 36526		Sub Division: FRANKLIN SQUARE				
2220-1	J.A. MACCLAY, JR.	08-510		30355 GREEN CT	Yes	A	06/10/2008	06/10/2008	\$137,460.00	\$705.00
	J.A. MACCLAY, JR.			DAPHNE, AL 36526		Sub Division: TIMBERCREEK				
Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)										\$1,280.00

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)

2

\$248,670.00

\$1,280.00

City of Daphne

Permit Activity Report

2008-07-01

Total Residential - NEW BL Permit(s) 9 \$1,181,340.00 \$6,060.00

Total Residential BL Permit(s) 9 \$1,181,340.00 \$6,060.00

Non Residential - NEW - B2 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5251-1	THOMAS INDUSTRIES	08-523		6847 PARK DRIVE	Yes	A	06/12/2008	06/12/2008	\$158,000.00	\$1,048.00
	THOMAS INDUSTRIES	08-FM		DAPHNE, AL 36526		Sub Division:				
4313-1	TERMAC CONSTRUCTION INC.	08-503		1806 US HWY 98	Yes	A	06/09/2008	06/09/2008	\$907,000.00	\$5,542.00
	TERMAC CONSTRUCTION INC.	08-FI		DAPHNE, AL 36526		Sub Division:				

Total Non Residential - NEW - B2 BL Permit(s) 2 \$1,065,000.00 \$6,590.00

Total Non Residential - NEW BL Permit(s) 2 \$1,065,000.00 \$6,590.00

Total Non Residential BL Permit(s) 2 \$1,065,000.00 \$6,590.00

Total BL Permit(s) 11 \$2,246,340.00 \$12,650.00

Grand Totals 11 \$2,246,340.00 \$12,650.00

City of Daphne

Periodic Report of Permits Issued by Improvement

07/01/2008

	Code	Permit Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT					
Residential					
REINSPECTION FEE	R3	BL	1		\$50.00
SITE	R3	BL	1		\$50.00
NEW	R1	BL	1	\$35,130.00	\$195.00
	R3	BL	5	\$830,940.00	\$4,235.00
	R2	BL	1	\$66,600.00	\$350.00
	R4 - HIGH DENSITY R	BL	2	\$248,670.00	\$1,280.00
	R1	BL	1	\$20,000.00	\$115.00
REPAIR	R4 - MULTI-FAMILY	BL	1	\$2,795.00	\$30.00
	R1	BL	2	\$190,000.00	\$980.00
REMODEL	R3	BL	2	\$39,399.00	\$230.00
	R3	BL	4	\$16,340.00	\$145.00
RE-ROOF	R2	BL	1	\$7,069.00	\$55.00
	R1	BL	1	\$2,560.00	\$30.00
FENCE	R3	BL	1	\$40,000.00	\$215.00
ADDITION	R3	BL	4	\$108,385.00	\$610.00
POOL	R2	BL	1	\$15,000.00	\$90.00
CARPORT	R3	BL	1	\$2,500.00	\$30.00
STORAGE BUILDING	R2	BL	1		\$50.00
MISCELLANEOUS	R3	BL	1		
DEMOLITION	R3	BL	1		
Non-Residential					
REINSPECTION FEE	B2	BL	2		\$100.00
NEW	B2	BL	2	\$1,065,000.00	\$6,590.00
REMODEL	B2	BL	1	\$4,500.00	\$30.00
POOL	B2	BL	1	\$58,750.00	\$379.00
Total - BUILDING PERMIT			38	\$2,753,638.00	\$15,839.00
Grand Total			38	0.00	\$2,753,638.00
					\$15,839.00

Revenue Summary Report By Type and Code

2008-07-01

Transaction Date Between: 06/01/2008 And 06/30/2008

Type	Code	Code Description	Gross Revenue	Remitted Disc.	Net Revenue
Permit	BL	BUILDING PERMIT	\$18,529.00	\$0.00	\$18,529.00
	EL	ELECTRICAL PERMIT	\$4,130.00	\$0.00	\$4,130.00
	ME	MECHANICAL PERMIT	\$3,710.00	\$0.00	\$3,710.00
	BL	PLUMBING PERMIT	\$30.00	\$0.00	\$30.00
	PL	PLUMBING PERMIT	\$1,897.00	\$0.00	\$1,897.00
Total For Permit(s)			\$28,296.00	\$0.00	\$28,296.00
Grand Total			\$28,296.00	\$0.00	\$28,296.00

JUNE 2008
CERTIFICATE OF OCCUPANCY

OWNER	ADDRESS	SUBDIVISION	PERMIT#	DATE CLOSED
ST. CHARLES VILLAGE DEVELOPMENT	25806 POLLARD RD. UT. 212	ST. CHARLES VILLAGE	07-1361	6/3/08
ST. CHARLES VILLAGE DEVELOPMENT	25806 POLLARD RD. UT. 112	ST. CHARLES VILLAGE	07-1361	6/3/08
ST. CHARLES VILLAGE DEVELOPMENT	25806 POLLARD RD. UT. 113	ST. CHARLES VILLAGE	07-1360	6/3/08
ST. CHARLES VILLAGE DEVELOPMENT	25806 POLLARD RD. UT. 213	ST. CHARLES VILLAGE	07-1360	6/3/08
COASTAL BANK & TRUST	7050 U.S. HWY 90		07-1242	3/31/08
STRATEGIC RESTAURANTS (BURGER KING)	29685 HWY 181		08-206	6/5/08
VICTOR BROWN	1150 MONTGOMERY ST.		07-1176	6/12/08
COUNTRY CLUB DEVELOPMENT, LLC	9949 BELLATON AVE.	BELLATON	08-114	6/13/08
BENCHMARK HOMES	105 MELLATTAU CIR.	LAKE FOREST	08-20	6/13/08
BENCHMARK HOMES	730 AVERY LN.	MADISON PLACE	08-178	6/17/08
ST. CHARLES VILLAGE DEVELOPMENT	25806 POLLARD RD. UT. 118	ST. CHARLES VILLAGE	08-301	6/17/08
ST. CHARLES VILLAGE DEVELOPMENT	25806 POLLARD RD. UT. 119	ST. CHARLES VILLAGE	08-301	6/17/08
DON CARLOS	29669 HWY 181		07-970	6/9/08
GORUM HOME BUILDERS	30210 LOBLOLLY CIR.	TIMBERCREEK	06-1031	6/24/08
METROPOL ONE, LLC	370 RIDGEWOOD DR.	LAKE FOREST	08-221	6/25/08
DAVID STAPLETON BUILDERS	30674 PINE CT.	TIMBERCREEK	07-845	06/25/08
CORTE & BRINDLEY DEVELOPMENT	9949 BELLATON AVE. (POOL)	BELLATON	08-186	6/13/08
MELLOW MUSHROOM	29698 FREDERICK BLVD.		08-111	6/26/08

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JUNE 2008

SUBDIVISIONS CORPORATE LIMITS	NUMBER OF LOTS	NO. RESIDENTIAL AND COMMERCIAL PERMITS ISSUED
ASHLEY PLACE, PHASE ONE	20	
AUSTIN PLACE, PHASE ONE	14	
AUSTIN PLACE, PHASE TWO	9	
BELLATON, PHASE ONE	59	
BELLATON, PHASE TWO	56	
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
BROOKHAVEN, PHASE ONE	52	
BROOKSIDE, PHASE ONE		
CANTERBURY PLACE, PHASE ONE	36	
CANTERBURY PLACE, PHASE TWO	34	
CANTERBURY PLACE, PHASE THREE	40	
CANTERBURY PLACE, PHASE FOUR	13	
CHARLESTON OAKS, PHASE ONE	24	
CHATEAUGUAY SQUARE, PHASE ONE	12	
CREEKSIDE, PHASE ONE	37	
CREEKSIDE, PHASE TWO	50	
CREEKSIDE, PHASE THREE	5	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	1
FRENCH SETTLEMENT, PHASE ONE	31	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	
HISTORIC MALBIS, PHASE TWO, PART B	69	
HISTORIC MALBIS, PHASE THREE, PART A	8	
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
KRYSTAL RIDGE, PHASE ONE	10	

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JUNE 2008

LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	
LAKE FOREST		3
LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	
MADISON PLACE, PHASE TWO		1
OAK CREEK, PHASE ONE	34	
OAKSTONE, PHASE ONE	12	
OLD FIELD, PHASE ONE		
OTTAWA SPRINGS, PHASE ONE	64	
PECAN TRACE, PHASE ONE	29	
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SAINT CHARLES VILLAGE		
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	
SEHOY, PHASE FIVE	29	
STRATFORD GLEN, PHASE ONE	34	
STRATFORD GLEN, PHASE ONE B	17	
STRATFORD GLEN, PHASE TWO	29	
STRATFORD GLEN, PHASE THREE	47	
SUNSET BAY VILLAS		
TIAWASEE TRACE, PHASE ONE	51	
TIMBERCREEK, PHASE ONE	191	
TIMBERCREEK, PHASE TWO	81	
TIMBERCREEK, PHASE THREE	54	
TIMBERCREEK, PHASE FOUR	55	1
TIMBERCREEK, PHASE FIVE	26	
TIMBERCREEK, PHASE SIX	85	
TIMBERCREEK, PHASE SEVEN	72	
TIMBERCREEK, PHASE EIGHT	52	
TIMBERCREEK, PHASE NINE	93	
TIMBERCREEK, PHASE TEN	31	1

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR JUNE 2008

TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

Public Safety Committee

Wednesday, July 9, 2008

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilman Eric Nager
Fire Chief James White
PW Sup. Melvin McCarley

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

Committee Members Attending:

Councilman Greg Burnam, Councilman Gus Palumbo, Chief Carpenter, Fire Chief James White, Capt. Daniel Bell, Lt. Kenny Hempfleng, PW Sup. Melvin McCarley.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION –

No one present. There was some discussion about abandoned cars in Lake Forest. It was decided that it would be discussed at the Ordinance Committee Meeting that followed the Public Safety Meeting with Henry Lawson.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June 2008 Meeting

Motion by Mr. Palumbo to adopt the minutes. *Seconded by Mr. Burnam.* The minutes were adopted. **Motion carried.**

FIRE DEPARTMENT

A. New Business

1. Statistics for May 2008

Chief White went over his department stats. CPR classes have started and have gone well. Response has been great. The fire department was awarded an Assistance to Firefighter Grant for around \$9,000 to purchase new hose and a breathable tank to refill their air tanks. They have re-applied for the Safer Grant. Chief is working on making Daphne a regional facility for training through the Fire College.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for May 2008

Chief went over the stats. Citations are high because we were working a traffic grant during this time. Councilman Burnam asked how the traffic grant worked as far as repayment, and Chief explained that we are given so much money and when an officer

works it, we take that much money away from the balance until all is spent. We receive equipment for working these grants. Gus Palumbo asked about the traffic accident software that we purchased for THI, and Captain Bell replied that we recently used the information that it gathered to get a murder indictment. We're still waiting for the bids to get in on the fingerprint system. Chief mentioned that Silverhill was wanting to house their prisoners at our facility again. He asked Eric with Ross and Jordan to draw up a contract for Silverhill. It was mentioned that residents were wanting a speed hump on Randall Avenue. A traffic petition was turned in but no one was present. Only 11 signatures appeared on the petition and the committee agreed that was not enough for it to even be considered. Lt. Hempfleng said he would do "D" runs on the street to try and slow down the traffic .

B. Old Business

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Burnam adjourned the meeting at 5:00 p.m., after a motion by Councilman Nager. The next meeting will be Wednesday, August 6, 2008 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: May 2008

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	1	1
11-Structure Fire/Commercial	0	2
11-Structure Fire/Residential	0	11
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	14
14-Natural Vegetation Fire	1	12
15-Outside Rubbish Fire	0	4
16-Special Outside Fire	0	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	131	1,006
4-Hazardous Conditions (No fire):	9	51
5-Service Call:	8	82
6-Good Intent Call:	16	103
7-False Alarm & False Call:	17	111
8-Severe Weather & Natural Disaster:	0	1
9-Other Situation:	0	1
Total Emergency Calls:	153	1,201
Monthly Total Calls:	183	1,400
Response Time:		
Highest:	11	13
Lowest:	<1	<1
Average (Minutes/Seconds) :	4/11	4/11
Miscellaneous Reports:		
Training Hours	164	1,066.67
Property Loss - \$	\$300	\$1,455,955
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0/0	1/0
Advance Life Support Rescues	78	509
Number of Patients Treated	143	1,019
Total Mutual Aid Given	3	22
Total Mutual Aid Received	0	8
Child Passenger Safety Seat Inspections/Installations	10	87
Fire Prevention Awareness/Education:		
Classes	5	67
Persons Attending	620	2,688
Bureau of Fire Prevention:		
Plan Reviews	5	41
Final/Certificate of Occupancy	1	4
General/Annual Inspections	88	834
General/Re-Inspections (Violation Follow-up - Annual)	7	130
Business Licenses	4	59
Consultations-	0	43
All Other/Misc. Activities	2	9
Total Activities:	107	1,120

Authorized by:

James White

Chief James White

Daphne Police Department		Monthly Report					May 2008			
Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor/Lt. Yelding)				
						YTD				
# Complaints	1,119	# New Cases Received:	59	Total Arrestees Received & Processed:	173	1,214		Arson	0	
# Misd. Arrests	72	# Previous Unsolved Cases:	130	Arrestees by Agency:			#Complaints	67	Burglary – Commercial	7
# Felony Arrests	8	# Cases Solved:	45	Daphne PD	136	968	#Follow-ups	98	Burglary – Residence	3
DUI Arrests	13	Resulting in Total Arrests:	17	BCSO	10	72	#Citations	5	Burglary - Vehicle	2
Alias Warrant Arrests	23	Felonies:	15	Loxley PD	0	0	#Warnings	5	Criminal Mischief	9
Citations	588	Misdemeanors:	2	Silverhill PD	0	0	#Felines Captured	50	Disorderly Conduct	2
Close Patrols	670	Houses Searched	0	Spanish Fort PD	23	145	#Canines Captured	28	Domestic Disturbance	27
Warnings	184			Troopers	4	24	#Other Captured	27	False Info to Police	3
Motorist Assists	121			INS	0	0	#Returned to Owner	15	Felony Assault	0
Roadway Accidents	44	Warrants:		Other Agencies	0	0	#Adopted Out	21	Felony Theft	17
Private Property Accidents	16	Bettner Served	60				#Euthanized	15	Harassment	8
Traffic Homicide	0	Agency Assists	20	Highest	37				Identity Theft	5
		Recalls (Pd Fines)	17	Lowest	25				Indecent Exposure	0
DRUG REPORT		Total Warrants Served	97						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	2,690	19,510			Menacing	1
		Sex Offender:		Medical Cost	2,084	\$14,170.35			Misdemeanor Assault	5
# Misd. Marijuana Arrest	3	New Registration:	0	Worker Inmate Hours	589	4,883			Misdemeanor Theft	19
# Felony Marijuana Arrest	2	Contact Verification	1						Murder, attempted	1
# Controlled Substance Arrest:	1	Total # registered in Daphne	2						Other Death Investigations	1
# Drug Paraphernalia Arrest	1	DARE:							Public Intoxication	1
Vehicles Searched	50	# Hours Report Writing:	7						Public Lewdness	0
		# Students Instructed SRO	750						Receiving Stolen Property	2
Drugs Seized: marijuana	4	# Students Instructed DARE	50						Reckless Endangerment	2
Money Seized	0	# Police Reports by SRO	3						Resisting Arrest	0
Vehicles Seized	0	# Arrest by SRO	3						Robbery	0
									Sex Crime Investigations	0
Commercial Vehicle Inspections	2	CODE ENFORCEMENT:							Suicide	0
		Warnings:	8						Suicide, attempted	0
		Citations	0						Theft of Services	0
		Warning Compliance	16						Unauthorized Use of Services	1
		Follow – Up	14						Weapon Offenses	1
									White Collar Crimes	3
Approved by:		David Carpenter, Chief of Police								

Daphne Beautification Committee

Civic Center Recreation Building, Daphne, AL

Minutes

Monday, July 7, 2008 - 10:00 AM

Meeting: General Membership Meeting

Invitees:

City Liaison: Melvin McCarley, Bill McMann, Marjorie Bellue, David McKelroy, Jane Robbins

Members:

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

I. Call to order – 10:08 a.m.

II. Roll call – Those present were Anne Talton, Nancy Henderson, Kay Wineman, Bea Wilson, Frieda Romanchuck, Patty Kearney, Dorothy Morrison, Marilyn O'Connor Moore and the mayor's assistant Jane Robbins. Dorothy Rankins has resigned and Audrey Rouire has left. We are down to 13. Anne asked everyone to look for possible new members, especially District 1 (1), District 3 (1), District 5 (1) and District 6 (2). *We have five members from District 2 and 3 from District 7*

III. Approval of minutes – A motion was made to accept the minutes as posted, seconded and accepted by a majority.

IV. Treasurers Report - Frieda gave a report which included the additional funds from the mayor towards the Christmas decorations for city hall. The mayor feels confident that all \$4,000 will be approved. \$2,000 is already approved. Windsor Florist is looking for five foot wreaths for the new city hall. Frieda has found a computer program that will allow us to receive spread sheet. The treasurer's report was approved and accepted.

V. Sub-Committee Reports -

- a. Arbor Day – The committee met and selected trees for 2009. More flowering trees and trees of a larger size as purchased in 2007. They would like to increase quantity. A discussion was held on approaching businesses for donations towards more trees. Jane will check on the procedure for outside money towards trees.

- b. Beautification Awards – The last presentation was well attended and a good write up in the paper. Hilton Garden Inn received the award for this period.
- c. Decorations – A vote was taken to leave the patriotic decorations up until Labor Day.
- d. Gator Alley – Dorothy reported that the fence, crape myrtles, pine trees are in place. Bumpers are there with one painted blue. Moving forward with clean up plans.

VI. Open Business – Top Ten List – Selena went over our list and some of the items have been deleted or will be taken care of this month. The signs for the rose garden will now include new landscape timbers and rocks as the garden is in a bad state to be directing people to it at this time. Dorothy mentions approaching the Art Group and have decorative painting beautify the ugly utility boxes. She will get approval from utilities. Montrose tree canopy still not trimmed to show off the welcome to Daphne sign.

VII. New Business - Dorothy has contacted 18 towns in Alabama that are the size of Daphne to see what they do to beautify their towns. We have been invited to help some of them start a beautification committee. We may take road trips to visit and photo some of the towns. One idea to help Daphne is to have Businesses adopt end caps in intersections. Seasonal plantings in the color of the High School (purple and yellow) or patriotic (red, white, blue) were two examples.

VIII. Public Works – No one was present from public works.

IX. Announcements – None

X. Adjournment - 11:34 a.m.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**Daphne Public Library Board
July 3, 2008
Meeting Minutes**

In Attendance:

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

1) Call to Order:

After a quorum was established, Library Board Chairman Ron Allen called the meeting to order at 4:00 pm.

2) Reading and Approval of the Minutes:

The minutes of the June 5, 2008 meeting were reviewed and approved. Motion made by Dee, second by Gayle. Motion passed.

3) Update on Presentation of Building Committee to City Council:

The committee of Jan and Dee prepared a power point booklet and a drawing to use at the Buildings and Property Committee meeting on Friday, May 9. The same presentation was made before the City Council. Ron stated that the presentation had been well received and it looked like the project would be approved.

The board discussed the building project and agreed that a meeting should be held to move forward once the Council has approved the expenditure, and that all our ideas for changes should be presented together to prevent extra expense.

4) Discussion of Foundation Board and Library Board

Ron discussed forming the Foundation Board.

5) Public Participation

Visitor Chris Jennings had questions about how scouts could help with the library addition as part of his Citizenship in the Community badge project.

5) Other Business

Ron discussed the need for enlarging the Library Board, and stated that the board might not meet in August. Cassandra announced that she would not be reappointed and that the Board should be thinking of a replacement member since her term expires at the end of September.

6) Adjourned

The meeting was adjourned by Ron at 5:05 pm.

Respectfully submitted by T. Young, July 16, 2008

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 26, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

SUMMARIZATION OF MINUTES:

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

CALL TO ORDER:

The 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:

Don Terry
Jeff Carrico, Chairman
Frank Smith
Larry Chason, Vice Chairman
Ed Kirby

Members Absent:

Fred Small, Mayor
Victoria Phelps, Secretary
Cathy Barnette, Councilwoman

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Planner
Lonnie Jones, Code Enforcement Officer
Jay Ross, Attorney

The first order of business is the call to order. Please let the record reflect that Mayor Small, Ms. Phelps, and Ms. Barnette are not present.

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of May 22, 2008 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?

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 26, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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

A **Motion** was made by Mr. Terry and **Seconded** by Mr. Kirby **to approve the minutes of the regular meeting, subject to revising the minutes to reflect that Mr. Chason was not present. The Motion carried.**

Mr. Chason: I abstain due to my absence at the meeting.

OLD BUSINESS:

The first order of business under old business is site plan review for TSS Properties.

SITE PLAN REVIEW:

File S08-13:

Site: TSS Properties

Location: Northwest of the intersection of Whispering Pines and Pollard Roads, Lot 25, Daphne Commercial Park, Phase One

Area: 2.47 Acres +

Owner: Lane Van Ingen

Engineer: William Laurence

An introductory presentation was given by Mr. Van Ingen, the owner, requesting site plan review for a boat and RV storage facility located Northwest of the intersection of Whispering Pines and Pollard Road on Lot 25 of Daphne Commercial Park, Phase One. I have an existing business on Lot 16 of Daphne Commercial Park, Phase One called Transportation Safety Services, and we are proposing to develop a boat and RV storage facility on Lot 25. This will be a staged development. The site will not have buildings on it now. At some point in the future, when the funding is available it will. At this point, all that we are proposing to do is place an eight-foot chain link fence around the property and put gravel on the site so that it can be used for storage in order to generate some revenue from the property. I will be happy to answer any questions you may have.

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

Mr. Kirby: The sign has been removed from the site. A sign permit and a business license application need to be in place prior to installation of the sign.

Mr. Chason: Do you have a letter of approval from the architectural committee?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 26, 2008
~~COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.~~

SUMMARIZATION OF MINUTES:

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Ms. Jones: A letter has been provided to staff.

Mr. Van Ingen: No. I have a copy of my letter with the initials of Mr. Rance Reehl, the owner and representative from the architectural committee.

Mr. Chason: It was my understanding that Mr. Reehl is not the owner of the subdivision or the representative for the architectural committee anymore.

Mr. Van Ingen: If that is true, then I am not aware of that. He reviewed and initialed my letter over two years ago.

Chairman: You have had some issues with this site. You must comply with the building code prior to the issuance of a site disturbance permit. 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 Mr. Terry **to approve the site plan for TSS Properties for the installation of an eight-foot chain link fence and a gravel drive way (approval with no buildings at this time). The Motion carried unanimously.**

NEW BUSINESS:

The first order of business under new business is site plan review for Lot 5, TimberCreek Business Park.

SITE PLAN REVIEW:

File S08-16:

Site: Lot 5, TimberCreek Business Park

Location: Timber Circle, Northwest of the intersection of Interstate 10 and Alabama Highway 181

Area: 0.41 Acres ±

Owner: Hyman Homes - Bob Hyman

Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting site plan review for a duplex professional office facility located on Timber Circle, Northwest of the intersection of Interstate 10 and Alabama Highway 181.

The site will have central detention which was developed for this area

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of TimberCreek Subdivsion, landscaping, and associated parking. I will be happy to answer any questions you may have.

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 Mr. Kirby and **Seconded** by Mr. Terry **to approve the site plan for Lot 5, TimberCreek Business Park. The Motion carried unanimously.**

The next order of business is site plan review for St. Charles Village, Phase 2.

File S08-18:

Site: St. Charles Village, Phase 2

Location: Southeast of the intersection of County Road 64 and Pollard Road

Area: 7.8 Acres +

Owner: Trustmark South - Justin Clements

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting site plan review the second phase or for a continuation of the existing units of St. Charles Village. The master and landscape plan were approved previously by this Commission. This plan has the same type of units as shown in phase one. We are following the master plan with the exception of the fact that there will be one less unit in order to accommodate the design of the storm water detention for the site. There is an existing eight-foot privacy fence abutting the residential homes as the buffer between districts. The berm that exists in the rear of the property used for sound proofing will be removed during construction. I will be happy to answer any questions you may have.

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

Mr. Chason: At the site preview meeting, we discussed the maintenance of detention facility documents for a commercial and residential development. I had asked that the commercial form be revised to better address the responsibility issue as to what point the detention facility would be conveyed to the property/unit owners for the development. In this document I do not think it is as clear as it is in the residential form.

It needs to be better defined as to when that conveyance will take

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place by deed to the owners of the units. I would like to see Mr. Clements, the developer/owner, and Mr. Ross, our attorney, work this out. The conveyance should occur when the number of units sold is fifty point one percent.

Mr. Ross: The responsibility of the maintenance of the detention facility should remain the owner's responsibility until the number of units sold is fifty-one percent.

Mr. Clements: Our attorney is present and will be glad to work with your attorney to come up with an acceptable resolution, but the issue of the maintenance of the detention facility will be addressed in the property owners' association documents which are provided to each of the owners.

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 Mr. Terry **to approve the site plan for St. Charles Village, Phase 2, contingent upon the developer/owner's agreement that the responsibility of the detention facility shall remain that of the owner until such time fifty-one percent of the units are sold. The Motion carried unanimously.**

The next order of business is final plat review for Yancey Branch Woods Subdivision, Unit II.

FINAL PLAT REVIEW:

File SDPF08-04:

Subdivision: Yancey Branch Woods, Unit II

Location: North Whispering Pines Road and East of U. S. Highway 98

Area: 4.86 Acres +, (13) lots

Owner: YBW II, L.L.C. - Bruce White

Engineer: Hutchinson, Moore & Rauch - Ray Moore

Chairman: Unfortunately, we only have five members present which is a quorum, allows us to call the meeting to order, and conduct business. The approval of a subdivision plat requires six affirmative votes from the Planning Commission.

Tonight, we only have five members which means we cannot take action on a final or preliminary/final plat. The action on these agenda items

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~~will be held over until the next regular meeting. However, I will allow the discussion and comments on the projects, but no vote.~~

Mr. Moore: We discussed at site preview the final plat for a thirteen-lot subdivision located North of Whispering Pines Road and East of U. S. Highway 98.

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

Mr. Chason: When the subdivision was originally submitted there were fourteen lots and now there are twelve. I have visited the site and have seen that there are some topographic and maximum density issues with the site which may affect the approval of the final plat. I was particularly concerned with the proposed location of the driveways and construction of the streets within the subdivision. I think this project may have to go forward with less than the number of lots shown on the final plat because I do not believe some of them can be built on. A residential home constructed on some of these lots would require the construction of basement. My concern is that a builder in this area does not know how to construct a basement.

Mr. Smith: I have a home in the mountains, and a builder can build anything there including a basement. I do not think that a builder can construct a basement on flat land.

Ms. Dickson: Mr. Chairman, for the record I would like to ask a question. I am confused. Mr. Moore requests approval of a thirteen-lot subdivision. Mr. Chason mentioned preliminary plat approval of a fourteen-lot subdivision and said now you have submitted a final approval of a twelve-lot subdivision. Can you ask Mr. Moore to explain?

Mr. Moore: At the time of the submittal of the preliminary plat there were fourteen lots proposed. When we got on the site because of the topography we changed it to twelve lots. We added one more, lot 13, which was sold to the owner of this phase to include it in the final plat so the detention facility and common area could be transferred or deeded back to the property owners' association with an undivided interest.

Mr. Chason: As discussed, I would like to see a design of what will be constructed on the lots prior to consideration of the approval of the plat next month.

Chairman: Do any of the Commissioners have any further questions or comments? If not, the next order of business is preliminary/final plat review for Ephraim Subdivision.

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PRELIMINARY/FINAL PLAT REVIEW:

File SDPF08-08:

Subdivision: Ephraim

Location: On the North side of Wilson Avenue
Area: 6.6 Acres +, (3) lots
Owner: Johnny Ephraim, Charles Harris, and Christina White
Engineer: Borden Engineering - Richard Borden

An introductory presentation was given by Mr. Richard Borden, representing Borden Engineering. I am ready to proceed with the presentation of the subdivision for Mr. Ephraim.

Chairman: Mr. Borden, I can take comments from the Planning Commission, but I do not have enough members present to act on the preliminary/final plat. We will have to do that next month. Do any of the Commissioners have any questions or comments? If not, the next order of business is an administrative presentation of revisions to the Estates of Tiawasee Subdivision.

ADMINISTRATIVE PRESENTATION:

Presentation to be given by Mr. Art Rigas, the owner's representative, of a revision to the preliminary plat for the Estates of Tiawasee Subdivision.

Chairman: Mr. Rigas is not present. Ms. Watt would like to address the Commission.

Ms. GiGi Watt, representing South Alabama Regional Planning Commission, addressed the Commission to advise the members of classes for Planning/Zoning Official certification offered by the University of North Alabama and sponsored by South Alabama Regional Planning Commission in Mobile. I will be sending the information to the Planning Coordinator to distribute to the Planning Commission. The classes are being offered for in this area and sponsored by us for Planning Commission members.

Chairman: Please forward the email to the Planning Commission members and the attorney.

Ms. Dickson: Yes sir.

The next order of business is an administrative presentation regarding

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The setbacks for the Park at Whispering Pines.

An introductory presentation was given by William H. Eady, Director of Community Development. Mr. Chairman, there have been some concerns about the setbacks for the Park at Whispering Pines. Mr. Lewis, the developer/owner, is here to answer any questions you may have. He has gone to great lengths to show that they were built as approved by the Planning Commission, and that they are in the proper place as shown on the approved plans. As you can see, the thirty-foot setback line is shown on the drawing on display. Mr. Lewis had a surveyor to do a survey to assure us that they were located beyond the thirty-foot setback. If you add the thirty-feet with the other figures shown on the survey, the building setback exceeds some forty-five plus feet.

Chairman: The setbacks appear to meet the requirements.

Mr. Eady: Mr. Lewis is here to answer any questions you may have. He also has given us a revised landscape plan, which we have had for some time, where he plans to put in taller trees along Pollard Road. He has removed some of the trees, replaced them with others, and submitted a revised landscape plan that is estimated to cost approximately one hundred thousand dollars.

Chairman: Thank you, Mr. Eady. Do any of the Commissioners have any questions or comments?

Mr. Chason: I would like to thank Mr. Lewis for adding the landscaping. It was something that he had to do, and it is appreciated. It will go a long way to help with what I think was a misunderstanding.

Mr. Bill Lewis, representing Seaman Capital, L.L.C., the developer/owner, I committed to Mr. Eady that we would do a project that would be a credit to the City of Daphne, and we want to make certain that is what we have. I had told him that we had substantially beefed up the landscaping on the Pollard Road frontage. After we get this in, he and I are going to go across the street and look at it. If we need more, then we are going to get more until we get it the way the City of Daphne wants it.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

ADJOURNMENT:

THE CITY OF DAPHNE
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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 6:39 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: July 24, 2008

Jeff Carrico, Chairman

THE CITY OF DAPHNE
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City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, AL. 36526
July 9, 2008
6:00 pm

Members Present: Chairman Ed Nelson, Eric Smith, Rick Cleveland, Lynne Thompson-Yates and Glenn Vickery

Members Absent: Kit Smith, Matt Cunningham and John Peterson

Advisory Staff Present: David McKelroy, Parks and Recreation Director

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:07 pm.

Review and Approval of Minutes

Motion was made by Eric Smith and seconded by Lynne Thompson-Yates to approve the June 11, 2008 meeting minutes. Motion passed.

Program Reports

Athletics Charlie McDavid reported on programs in progress and upcoming programs. The Daphne Dixie Boys 13 year old team won the District tournament and will participate in the Alabama South State in Eufaula starting July 18. Over 150 youth will participate in the British Sports Soccer Camp starting July 14. Registration for Fall Sports (soccer, football and Cheer) will begin July 12.

Community Activities Received information on completed programs and upcoming events and programs.

Senior Adults Mary Jensen presented information on current and upcoming programs and participation numbers for June.

Summer Clinics Coach Vickery reported that over 400 youth were participating in the summer camps at the high school.

Old / New Business

1. Status of Infrastructure – New Sports Complex No Report

2. Status on Trione Sports Complex Chairman Ed Nelson and Kit Smith meet with Mayor Small and discussed their concerns with the proposed lease and the loss of 31 years from the original lease. Mayor Small contacted Baldwin County School Superintendent Faron Hollinger, Ed Nelson contacted School Board member Tracy Roberts and Kit Smith contacted School Board member Robert Willis. On July 3, Mayor Small and Ed Nelson meet with Superintendent Hollinger. Mr. Hollinger expressed that the additional property

should be included with the original lease with no reduction in the lease terms. Mr. Hollinger stated he would arrange a meeting with School and City attorney, along with himself, Mr. Eddie Tyler, Mayor Small and Ed Nelson in order to finalize the lease on the additional property.

Preliminary cost estimates for the “total completed” addition to Trione Sports Complex were presented by HMR. Director David McKelroy and Scott Hutchinson from HMR will meet again and develop a playable fields cost estimates.

3. Nicholson Center title/deed concerns Kit Smith has been in contact with Missty Gray from Jay Ross’ office. They will continue to be in contact to resolve the concerns and keep the Board informed.

4. The terms of Kit Smith, John Peterson and Matt Cunningham expire in July 2008. Eric Smith made a motion, seconded by Lynne Thompson-Yates to re-appoint these members. Motion passed. City Council must approve these re-appointments.

Comments from Board Members

Ed Nelson commented on:

1. Duplication of services between Recreation and Civic Center
2. Safety Committee’s adopt a park plan
3. Yearly budget

Rick Cleveland commented on the need for more activities for teens, possibly sponsoring dances.

Adjourn

The meeting was adjourned at 7:08 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CASE NO. 2008-10

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 6-23-08 (initial) KS

DATE FORWARDED TO POLICE DEPT. 6-23-08 KS

DATE RECEIVED BY POLICE DEPT. 6-24-08 ~~KS~~

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 7-8-08 KS

DATE FORWARDED TO CITY CLERK 7-8-08 KS

DATE RECEIVED BY CITY CLERK 7-8-08 RH

SCHEDULED DATE ON AGENDA 7-21-08 RH

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)

TYPE APPLICATION

020 - Restaurant Retail Liquor

Name of Applicant (s) Roussos Food Services, Inc.

Circle One: Ind. Part. Assoc. Corp. LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
JOHN GEORGE ROUSSOS	AL 2149187 President	11/21/1944 Greenville, SC	30854 Pine Ct. Daphne, AL 36527	2 Yrs
JAMES GEORGE ROUSSOS	AL 2638973 Vice- President	09/25/1949 Dade, FL	139 Rolling Hill Dr. Daphne, AL 36526	6 Mos
GEORGIA FOUSSOS BROWN	AL 3406978 Secretary- Treasurer	03/29/1956 Mobile, AL	11339 Getchell Dr. Theodore, AL 36582	4 Yrs.

Corporate Information: Instrument # 1118751 Date 05/28/2008 County Baldwin
(Enter book and page or document info.) (Incorporation or Authority)

Trade Name Roussos

Location 28611 Hwy. 98 Daphne, AL 36526 County Baldwin

Mailing Address 8720A Rand Ave. Daphne, AL 36526
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name Ruby Tuesday, Inc. Type 020 Year 2007-2008
 Trade Name Ruby Tuesday # 2833 License Number 000550902

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of DAPHNE, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation 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? Y N

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? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)

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? Y N

(If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above 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 received in this State. 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 licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should 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.

STATE OF ALABAMA
 COUNTY OF Baldwin
 Signed [Signature] Title Sec. Treasurer Date 06/23/2008

The undersigned Georgia Roussos Brown Sec./Treasurer for Roussos Food Services, Inc.
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 23rd day of June, 2008

[Signature]
 Signature of Notary Public
 Notary Public, State at Large My commission expires

[Signature]
 Signature of Affiant
 Business Phone (251) 621-1463 Home Phone (251) 973-0132
 FAX (251) 625-3440 Other (251) 454-1768

CONTACT INFORMATION
 Contact Person: Georgia Roussos Brown, Sec./Treasurer for Roussos Food Services, Inc.
 Phone Numbers: Home: (251) 973-0132 Business: (251) 621-1463
 Fax: (251) 625-3440 Pager: Other: (251) 454-1768
 Internet/Web Address: Email Address:

Does the premises have a fully equipped and operational kitchen? Y N NA
 Does the establishment have restroom facilities? Y N
 Is place of business habitually and principally used for providing food to the public? Y N Snacks Only NA
 Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y N
 Will this business be operated PRIMARILY as a package store? Y N
 If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y N NA

INVESTIGATION SECTION OF APPLICATION

Will applicant engage in the sale of tobacco products? Y N If yes, type of business: _____
 Number of tobacco vending machines present: 0
 Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y N (Benadryl, Claritin, Motrin, Sudafed, etc.)
 Neighborhood investigation waived in accordance with Application Guidelines X

Building seating capacity 180 License premises includes patio area Y N
 Building Dimensions: Length 66 ft Width 100 ft Square Footage 6600 Sales and Display Square Footage _____
 License covers: Entire structure Portion of: Top Floor Bottom Floor Other
 License Structure: One Story Two Story Multi-Story Single Structure Shopping Center Motel/Hotel
 Structure Material: Wood Brick/Block Metal/Pre-Fab Other

Is location within city limits? Y N Police Protection: County City
 Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 1 blk
 Nearest: School Church Private Residence
 within 2 blocks within 2 blocks within 2 blocks
 within 1/2 mile within 1/2 mile within 1/2 mile
 Exceeds Above Exceeds Above Exceeds Above

EXPLANATION OF VIOLATIONS

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a solo applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)
 Name Date Violation Jurisdiction Disposition
 I certify no member of this corporation has a criminal record.

Name	Date	Violation	Jurisdiction	Disposition

FILING FEE ACKNOWLEDGEMENT

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.
 Signature of Applicant: _____

TRANSFER AGREEMENT License Type: _____ License # _____

I, _____, as _____ (Name) _____, as _____ (Title) holding current ABC License at this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee: _____ Date: _____
 Applicant: _____ Date: _____

LEASE/PURCHASE OWNERSHIP

If applicant OWNS property, is copy of recorded deed attached? Y N
 If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y N
 If applicant is LEASING the property, is a copy of the lease agreement attached? Y N
 A: Name of Property Owner/Lessor: Charles K. Breland Jr. Contact #: (251) 626-6495
 B: What is the LESSOR'S primary business? Real Estate
 C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y N (If yes, explain on an attached sheet)
 D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y N (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) _____
 Agent/ID _____ Supervisor _____

AGENT: Application taken: 06/23/2008 Application/Investigation completed: _____ (Review includes complete application packet)
 LOCAL GOVERNMENT: Submitted: 6/23/08 Received from: _____ Forwarded to D.O.: _____
 SUPERVISOR: Received in District Office: _____ Reviewed: _____ Forwarded to C.O.: _____

CASE NO. 2008-9

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 6-16-08 (initial) KS

DATE FORWARDED TO POLICE DEPT. 6-16-08 KS

DATE RECEIVED BY POLICE DEPT. 6-16-08 NTT

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 7-8-08 KS

DATE FORWARDED TO CITY CLERK 7-8-08 KS

DATE RECEIVED BY CITY CLERK 7-8-08 BH

SCHEDULED DATE ON AGENDA 7-21-08 RN

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)

Date Revised: _____
By: _____

TYPE APPLICATION

Date Approved: _____
By: _____

020 - Restaurant Retail Liquor

Name of Applicant (s) Magnolia Place Japanese Restaurant, Inc.

Circle One: Ind. Part. Assoc. Corp. LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
HUANG SI, PIN	AL President	07/07/1941 CHINA	23676 Sparrows Pt. DAPHNE, AL 36526	1 Yr
SHI ZHONG OU	AL 6710960 Secretary	11/07/1965 CHINA	886 Randall Ave. DAPHNE, AL 36526	10 Yrs
XIAN CHU OU	AL 7943202 Vice-President	12/10/1966 CHINA	23676 Sparrows Pt. DAPHNE, AL 36526	4 Yrs.

Corporate Information: Instrument # 1119257 Date 6/2/2008 County Baldwin
(Enter book and page or document info.) (Incorporation or Authority)

Trade Name Daruma Japanese Sushi & Steakhouse

Location 27955 Hwy. 98 Ste. S-T Daphne, AL 36526 County Baldwin

Mailing Address 27955 Hwy. 98 Ste. S-T Daphne, AL 36526
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name Daruma Japanese Sushi & Steakhouse, Inc. Type 020 Year 2007-2008
Trade Name Daruma Japanese Sushi & Steakhouse License Number 000539402

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of DAPHNE, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation 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? Y N

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? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached) Y N

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? Y N
(If Yes, explain in Investigation Section) Signature of applicant _____

The undersigned agrees, if a license is issued as herein above applied for, to comply at all times with and 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 received in this State. 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 licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should 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.

STATE OF ALABAMA Signed _____
COUNTY OF Baldwin Title President Date 06/10/2008

The undersigned XIAN CHU OU, Vice-President of Magnolia Place Japanese Restaurant, Inc.
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)
applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 10th day of June, 2008

Charlotte M. Jorgensen Signature of Notary Public
Notary Public, State at Large My commission expires _____
[Signature] Signature of Affiant
Business Phone (251) 626-8886 Home Phone (917) 915-7582

New * Effective Oct. 1 *

For Central Office Use Only License No. Date of Issue Amount of Fee

GENERAL APPLICATION INFORMATION

Contact Person: XIAN CHU OU

Phone Numbers: Home: (917) 915-7582 Business: (251) 626-8886

Fax: _____ Pager: _____ Other: _____

Internet/Web Address: _____ Email Address: _____

Does the premises have a fully equipped and operational kitchen? Y N NA

Does the establishment have restroom facilities? Y N

Is place of business habitually and principally used for providing food to the public? Y N Snacks Only NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y N

Will this business be operated PRIMARILY as a package store? Y N

If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y N NA

INVESTIGATION SECTION OF APPLICATION (to be completed by investigating ABC Agent)

Will applicant engage in the sale of tobacco products? Y N If yes, type of business: _____

Number of tobacco vending machines present: 0

Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y N (Benadryl, Claritin, Motrin, Sudafed, etc.)

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 60 License premises includes patio area Y N

Building Dimensions: Length 34 ft Width 40 ft Square Footage 2160 Sales and Display Square Footage _____

License covers: Entire structure Portion of: Top Floor Bottom Floor Other

License Structure: One Story Two Story Multi-Story Single Structure Shopping Center Motel/Hotel

Structure Material: Wood Brick/Block Metal/Pre-Fab Other

Is location within city limits? Y N Police Protection: County City

Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 100 yds

Nearest: School Church Private Residence

within 2 blocks within 1/2 mile Exceeds Above

within 2 blocks within 1/2 mile Exceeds Above

within 2 blocks within 1/2 mile Exceeds Above

EXPLANATION OF LAW VIOLATIONS

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition

I certify no member of this association has a criminal record.

FILING FEE ACKNOWLEDGEMENT

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.

Signature of Applicant: _____

TRANSFER AGREEMENT

License Type: _____ License # _____

I, _____, as _____, holding current ABC License at _____, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee: _____ Date: _____

Applicant: _____ Date: _____

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

LEASE/PROPERTY OWNERSHIP

If applicant OWNS property, is copy of recorded deed attached? Y N

If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y N

If applicant is LEASING the property, is a copy of the lease agreement attached? Y N

A: Name of Property Owner/Lessor: Magnolia Shopping Center, Inc. Contact #: (404) 879-1370

B: What is the LESSOR'S primary business? Real Estate

C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y N (If yes, explain on an attached sheet)

D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y N (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) _____

Agent/ID _____ Supervisor _____ (Review includes complete application packet)

AGENT: Application taken: 06/10/2008 Application/Investigation completed: 1/1 Forwarded to D.O.: 1/1

LOCAL GOVERNMENT: Submitted: 6/12/08 Received from: 1/1

SUPERVISOR: Received in District Office: 1/1 Reviewed: 1/1 Forwarded to C.O.: 1/1

STONE, GRANADE & CROSBY, P. C.

ATTORNEYS AT LAW

PLEASE REPLY TO:

POST OFFICE DRAWER 1509
BAY MINETTE, ALABAMA 36507
TELEPHONE: (251) 937-2417
FACSIMILE: (251) 937-0483

www.sgclaw.com

FRED K GRANADE*
SAMUEL N CROSBY
GEORGE R IRVINE III*
L BRIAN CHUNN
T DEVEN MOORE
SHAWN T ALVES
R SCOTT LEWIS
CAROLYN DOHN+
J BRADFORD BOYD HICKS

OF COUNSEL
NORBORNE C. STONE JR
ELIZABETH CROSBY CHEELY*

ALSO ADMITTED IN FLORIDA*
ALSO ADMITTED IN LOUISIANA*
ALSO ADMITTED IN FLORIDA & MISSISSIPPI+
ONLY ADMITTED IN PENNSYLVANIA*

DAPHNE OFFICE:
7133 STONE DRIVE
DAPHNE, ALABAMA 36526
TELEPHONE: (251) 626-6696
FACSIMILE: (251) 626-2617

FOLEY OFFICE:
7823 HIGHWAY 59 SOUTH
FOLEY, ALABAMA 36535
TELEPHONE: (251) 955-5155
FACSIMILE: (251) 955-5055

July 7, 2008

Mr. Jaye Robertson
Hutchison, Moore & Rauch, L.L.C.
P. O. Box 1127
Daphne, Alabama 36526

RE: BOE / Daphne Sidewalks

Dear Jaye:

Enclosed please find a License Agreement that has been executed by the Baldwin County Board of Education. Please coordinate with the City of Daphne to obtain their acceptance of the License. Please return a fully executed copy of the License Agreement to me at your convenience.

Please let me know if there is anything further I can do to assist you in this matter.

Yours very truly,



R. SCOTT LEWIS

For the Firm

RSL/jrp

Enclosures

STATE OF ALABAMA

COUNTY OF BALDWIN

LICENSE

KNOW ALL MEN BY THESE PRESENTS: The Baldwin County Board of Education, an agency of the State of Alabama (hereinafter referred to as the "Licensor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to it in hand paid by the City of Daphne, a municipal corporation organized under the laws of the State of Alabama (hereinafter referred to as the "Licensee"), the receipt and sufficiency of which is hereby acknowledged, and the benefits accruing to Grantor, does hereby grant unto the City of Daphne, a license on, over and across the following described real property, located in Baldwin County, Alabama:

Beginning at the intersection of the south right of way line of Whispering Pines Road and the west right of way line of Baldwin County Highway 13, thence run along said south right of way line of Whispering Pines Road, in a westerly direction, a distance of 1,820 feet more or less to the Point of Ending. Said area (the "License Area") is further depicted on Exhibit "A" which is attached hereto and incorporated herein by reference.

The purpose of this license is for the maintenance of a sidewalk which has been constructed in the License Area.

Prior to any construction or repair, the Licensee shall provide prior written notice a minimum of two business days in advance, to the principal of Daphne Middle School.

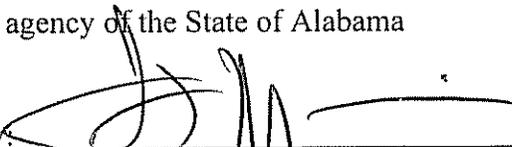
Prior to performing any construction, maintenance or repair, it shall be the sole responsibility of the Licensee to implement and maintain all appropriate safety precautions until the work is complete. All work shall be performed in such a way to ensure the safety of the Licensor's employees, students and visitors.

The Licensee promises to indemnify and hold Licensor harmless from and against any damage or cause of action accruing or resulting from the Licensee's activities.

This license shall be non-exclusive and shall be revocable upon thirty (30) days advance written notice from Licensor to Licensee. Notwithstanding the foregoing, Licensee's promise to indemnify and hold Licensor harmless shall survive the termination of the license.

IN WITNESS WHEREOF, the Licensor caused this instrument to be executed by its duly authorized representative on this _____ day of _____, 2008.

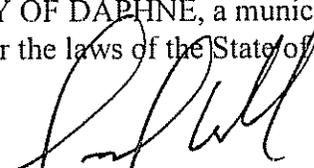
THE BALDWIN COUNTY BOARD OF EDUCATION,
an agency of the State of Alabama

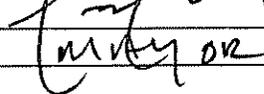
By: 

FARON HOLMINGER
As its Superintendent and Ex-Officio Secretary

ACCEPTED AND AGREED:

CITY OF DAPHNE, a municipal corporation organized
under the laws of the State of Alabama

By: 

Its: 

ATTEST:

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Elizabeth L. Coe, a Notary Public, in and for said County in said State, hereby certify that FARON HOLLINGER, whose name as Superintendent and Ex-Officio Secretary of the BALDWIN COUNTY BOARD OF EDUCATION, 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 this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Board.

Given under my hand and seal this 18th day of June, 2008.

Elizabeth L. Coe
Notary Public, Baldwin County, Alabama
My Commission Expires: 10/5/2010

STATE OF ALABAMA

COUNTY OF BALDWIN

I, _____, a Notary Public, in and for said County in said State, hereby certify that _____, whose name as _____, and _____, whose name as _____ of the City of Daphne, a municipal corporation organized under the laws of the State of Alabama, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipal corporation.

Given under my hand and seal this ____ day of _____, 2008.

Notary Public, Baldwin County, Alabama
My Commission Expires: _____

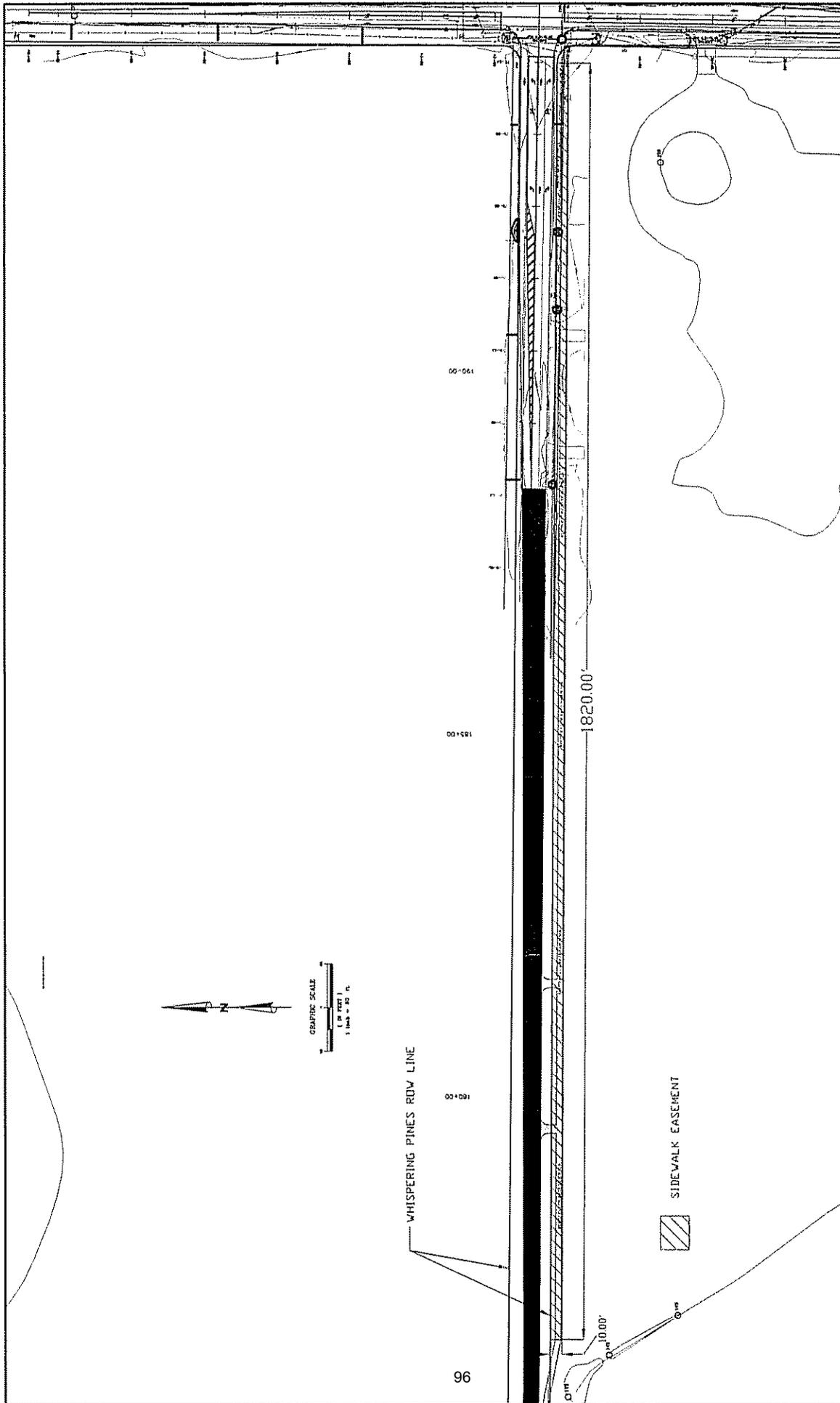
GRANTOR'S ADDRESS:
2600 North Hand Avenue
Bay Minette, AL 36507

GRANTEE'S ADDRESS:

This instrument prepared by:

R. SCOTT LEWIS of

STONE, GRANADE & CROSBY, P.C.
Attorneys at Law
Post Office Drawer 1509
Bay Minette, Alabama 36507
(251)937-2417



<p>EXHIBIT A (DAPHNE MIDDLE EAST EASEMENT) ALDOT PROJECT NO: SIP1E-1E05(933)</p>		<p>DATE: MAY 2008 DRAWN BY: [blank] CHECKED BY: [blank]</p>
<p>EXHIBIT 1-A.DWG 02590-0120-10.01</p>		<p>CITY OF DAPHNE</p>
<p>HUTCHINSON, MOORE & RAUCH, LLC 2019 MARK STREET DAPHNE, ALABAMA 36526</p>		<p>ENGINEERS SURVEYORS LAND PLANNERS</p>
<p>TEL (251) 626-2626 FAX (251) 626-6034 daphne@hmengineers.com</p>		<p>DATE: [blank] SCALE: [blank]</p>

EXHIBIT A

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

ROSS, JORDAN & GRAY, P.C.

**Attorneys At Law
1111 Dauphin Street
Mobile, AL 36604
Telephone (251) 432-5400
Facsimile: (251) 432-5445
Writers e-mail address: jay@rossandjordan.com**

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

**MAILING ADDRESS:
POST OFFICE BOX 210
MOBILE, ALABAMA 36601**

June 30, 2008

VIA EMAIL ONLY

Ms. Ashley Campbell, CPESC
Site Containment Inspector
CITY OF DAPHNE
Post Office 400
Daphne, AL 36526

***RE: PHASE 1 NPDES MS4 STORMWATER MONITORING PLAN
INTERJURISDICTIONAL AGREEMENT***

Dear Ashley,

I have reviewed the proposed "Interjurisdictional Agreement Stormwater Management" by and among Baldwin County, ALDOT, the City of Spanish Fort, the City of Daphne and the City of Fairhope. The agreement essentially provides for a joint working agreement with the entities to work together for the application and permitting requirements for each of the party's respective geographical areas and to share permitting responsibilities and cost for an NPDES MS4 permit.

Please note that the agreement contemplates the employment of a consultant is to be selected by the County after consultation with each of the other entities prior to the County retention of a consultant. The total cost for the consultant can not exceed eighty thousand (\$80,000.00) dollars with each entity to bear one fifth (1/5) of the cost payable within sixty (60) days of written request from the County. It should be noted that the County shall not be required to retain a consultant if the County is unable to obtain a qualified consultant in an amount in excessive of \$80,000.00.

Additionally, each party shall retain responsibility for the design, construction, ownership, maintenance and liability for any future stormwater management infrastructure built by a Party. Each Party agrees to, and shall, develop any and all new infrastructure subject to the terms of this Agreement, in accordance with Permit requirements.

At the Council work-session when you presented this, Councilmember Palumbo queried that if a violation occurred by an individual party would the violation be a joint and severable obligation against all. The answer to this query is in a negative. While the agreement does not expressly so state, the purposed agreement clearly excludes any liabilities as any violation would be the “charged” governmental entity. I find the document to be satisfactory although slightly ambiguous on this particular point. I would however, appreciate the review of any comments by the other entities should the same be articulated.

With your consent I plan to ask Councilmember Burnam to place this on next Monday’s Council agenda for formal consideration and anticipates approval of this proposed agreement.

Thanking you I remain...

Sincerely yours,

JAY M. ROSS

JMR/jk

Cc: Mayor Fred Small (via email)

**INTERJURISDICTIONAL AGREEMENT FOR STORMWATER MANAGEMENT BY AND
AMONG BALDWIN COUNTY, ALABAMA, THE ALABAMA DEPARTMENT OF
TRANSPORTATION, THE CITY OF SPANISH FORT, THE CITY OF DAPHNE, AND THE
CITY OF FAIRHOPE**

THIS AGREEMENT is made by and among Baldwin County, Alabama, the Alabama Department of Transportation, the City of Spanish Fort, the City of Daphne, and the City Fairhope, by and through their respective governing bodies or authorized agents, as follows:

WITNESSETH:

WHEREAS, Baldwin County, Alabama is a political subdivision of the State of Alabama, and the Baldwin County Commission is its duly formed and existing governing body (collectively "County"), and whereas, the cities of Spanish Fort, Daphne, and Fairhope are duly incorporated municipalities (collectively "Municipalities") existing and situated in Baldwin County, Alabama (County and Municipalities shall hereinafter be referred to collectively as "Parties"); and

WHEREAS, the Alabama Department of Transportation ("ALDOT") is an agency of the State of Alabama; and

WHEREAS, subject to the terms and conditions herein, the Parties desire to work cooperatively, to address and manage stormwater systems and activities, and to develop and implement a stormwater management program, within the collective area of the corporate limits of the Municipalities, as the same may be altered from time-to-time during the term of this Agreement, and all unincorporated areas of Baldwin County, Alabama south of US Highway 31 and west of State Highway 181, as those highways are situated at the time of this Agreement (said incorporated and unincorporated areas being collectively referred to hereinafter as "Permit Jurisdiction" (Exhibit A hereto depicts the

Permit Jurisdiction as the same exists at the time of the execution of this Agreement)); and

WHEREAS, to further the said cooperative efforts, the Parties and ALDOT wish to be co-permittees of, and shall endeavor to use best efforts to secure and maintain, a single National Pollutant Discharge Elimination System (“NPDES”) Phase I Municipal Separate Storm Sewer System (MS4) Permit for the Permit Jurisdiction (“Permit”); and

WHEREAS, the Parties acknowledge that associated permitting requirements include, without limitation, public education and outreach, maintenance activities, construction activities, post-construction activities, industrial/commercial facilities, and illicit discharge detection and elimination; and

WHEREAS, subject to the terms herein, the Parties and ALDOT wish to bear responsibility for compliance with certain permitting requirements as the same may apply to, or in, their respective geographical areas or projects inside the Permit Jurisdiction, and to share other permitting responsibilities and costs, subject to the terms and conditions set out hereinbelow; and

WHEREAS, the Parties acknowledge and agree that they can more economically and efficiently manage stormwater within their respective jurisdictions by the cooperative efforts and terms set out herein, including, without limitation, their combining of certain services and sharing of certain costs associated with the development and implementation of a stormwater monitoring plan and permit, and further, the Parties acknowledge and agree that such cooperative efforts serve a public purpose and benefit the general public interest, safety, health and welfare; and

WHEREAS, federal regulations require interjurisdictional agreements between co-permittees which share responsibility for implementation of

stormwater management programs under Permits, and whereas the Parties and ALDOT acknowledge and agree that they are authorized and empowered to enter into this interjurisdictional agreement, namely

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the sufficiency of which being hereby acknowledged, the Parties and ALDOT do hereby agree as follows:

1. **Recitals**: The above recitals and statements are incorporated as part of this Agreement, and shall have the effect and enforceability as all other provisions herein.
2. **Purpose**: It is the general purpose of this Agreement to delineate both the separate and shared responsibilities of the Parties for development and submission of a Permit application for the Permit Jurisdiction, and for activities, services, and costs associated with maintenance of, and compliance with, the Permit. Unless otherwise provided herein, the Parties shall be independently responsible for, and shall ensure compliance with each and every Permit requirement as applicable to, and in, the Parties' respective geographical areas inside the Permit Jurisdiction.
3. **Administration**: No separate legal or governmental entity is established by this Agreement. The Parties agree to work cooperatively to timely prepare and submit necessary Permit application(s) and/or materials for the Permit Jurisdiction. The Parties shall share, pro-rata, any and all application and renewal fees associated therewith.
4. **Permit Coordination, Writing, and Submittal**:
 - a) County agrees to provide existing staff and funds necessary to coordinate, with the other Parties, the writing of the Permit application relating to the Permit Jurisdiction. County shall identify and develop all aspects of the Permit application related to the unincorporated areas of the Permit Jurisdiction, including current minimum measures, existing best management practices, and steps

to develop a plan for stormwater management suitable to said unincorporated areas.

- b) The City of Spanish Fort agrees to provide existing staff and funds necessary to identify and develop all aspects of the Permit application related to the municipal limits of the City of Spanish Fort, including current minimum measures, existing best management practices, steps to develop a plan for stormwater management suitable to said municipal limits.
- c) The City of Daphne agrees to provide existing staff and funds necessary to identify and develop all aspects of the Permit application related to the municipal limits of the City of Daphne, including current minimum measures, existing best management practices, steps to develop a plan for stormwater management suitable to said municipal limits.
- d) The City of Fairhope agrees to provide existing staff and funds necessary to identify and develop all aspects of the Permit application related to the municipal limits of the City of Fairhope, including current minimum measures, existing best management practices, steps to develop a plan for stormwater management suitable to said municipal limits.
- e) ALDOT agrees to maintain, and comply with, all NPDES permits on which ALDOT is or may become a permittee, relating to ALDOT projects within the Permit Jurisdiction during the term of this Agreement.

5. Stormwater Management Monitoring :

a) The County shall select and retain the services of a qualified consultant, by and through a contract between County and the selected consultant, to develop a stormwater management monitoring plan for the Permit Jurisdiction, as required under the Permit or by applicable law, regulation and/or ordinance. The County shall consult each of the other Parties hereto prior to County's selection and retention of the said consultant. Each Party agrees to, and shall, bear and reimburse County a pro rata portion of all expenses and costs incurred by County in relation to the selection and retention of the said

consultant, which total expenses and costs shall not exceed \$80,000.00. Each Party shall reimburse and pay to County the Party's said respective pro rata share within sixty (60) days of written request from County. Notwithstanding the foregoing, County shall not be required to retain a consultant, and shall not otherwise be obligated under this subparagraph, in the event County is unable to retain a qualified consultant for an amount equal to or less than \$80,000.00.

b) Each Party shall perform, or caused to be performed, monitoring at sites within their respective geographical areas in the Permit Jurisdiction, as specified in the said stormwater monitoring plan, and shall bear its own respective costs and expenses associated with the same. Each Party shall collect, and preserve as necessary, its own data for annual measurements and results, and shall bear its own respective costs and expenses associated with the same. Further, each Party shall promptly provide a copy of all such data to any other Party(ies), upon request of, and at no cost to the requesting Party(ies).

6. **Reporting:** Each Party shall prepare and submit report(s) to the Alabama Department of Environmental Management ("ADEM") or other governmental agency(ies), as and when required by the Permit, applicable law, regulation and/or ordinance, and, at the time(s) of such submittal(s), shall provide one copy of each such report to all other Parties and ALDOT at no cost. Each Party shall bear its own respective costs and expenses associated with the preparation and submittal of the said report(s).

7. **Ownership, Operation, and Control of Stormwater Infrastructure:** Each Party agrees to, and shall, retain ownership, operational responsibility, maintenance and liability for its existing infrastructure in accordance with the approved Permit, as may be conditioned by existing contractual agreements relating to the same. Each Party agrees to, and shall, retain responsibility for the design, construction, ownership, maintenance and liability for any future stormwater management infrastructure built by the Party. Each Party agrees to, and shall, develop any and all new infrastructure subject to the terms of this Agreement, in accordance with Permit requirements.

8. **Particular ALDOT responsibilities to County and Municipalities:** ALDOT shall observe and comply with all aspects of its stormwater monitoring

plan, shall provide appropriate sampling and location data to all other Parties hereto, and shall timely notify the other Parties of proposed construction or other projects inside the Permit Jurisdiction which may reasonably impact stormwater or the Permit, and of all hazards and spills inside the Permit Jurisdiction. ALDOT shall provide the said data and notices at no cost to the other Parties hereto.

9. **Particular County and Municipalities responsibilities to ALDOT:** The Parties shall provide ALDOT with maps as necessary to indicate the Permit Jurisdiction and any changes thereto during the term of this Agreement, and further will provide ALDOT with one copy of their respective reports submitted hereunder, at no cost to ALDOT.
10. **Cooperation:** Nothing in this Agreement is intended, nor shall this Agreement be construed, to prohibit any Party or ALDOT from working or cooperating with any number of other Parties or ALDOT, as the case may be, in relation to any of such cooperating Parties' and/or ALDOT's individual obligations hereunder.
11. **Term, Termination, and Amendments:**
- a) This Agreement shall become effective at the time of the last required signature hereto, and the Agreement shall be and remain effective throughout the duration of the Permit, and shall expire upon the expiration of the Permit.
 - b) Any Party may withdraw from this Agreement upon such Party becoming a permittee on another NPDES permit, separate from the subject Permit herein; provided, however, that such withdraw shall become effective only upon thirty (30) days written prior notice to the other Parties and ADEM, and further provided that such withdraw shall not release, excuse or in any other manner diminish any obligation herein to reimburse County for fees, expenses and costs, noted in 5. a) above, for which County has become obligated prior to the effective date of withdraw.
 - c) This Agreement may be amended only as and upon written agreement of all parties hereto.

12. **No Third Party Beneficiaries:** There shall be no third party beneficiaries to this Agreement.

13. Severability: If any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof. This Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

14. No Agency: It is neither the express nor the implied intent of the Parties or ALDOT to create an agency relationship pursuant to this Agreement.

15. Entire Agreement: This Agreement represents the entire and integrated agreement between the Parties and ALDOT, and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by all Parties and ALDOT.

16. Failure to Strictly Enforce Performance: The failure of any Party(ies) or ALDOT to insist upon the strict performance of any of the terms, covenants, agreements and conditions of this Agreement shall not constitute, and shall never be asserted by any Party(ies) or ALDOT as constituting, a default or be construed as a waiver or relinquishment of the right of any Party(ies) or ALDOT to thereafter enforce any such term, covenant, agreement, or condition, but the same shall continue in full force and effect.

17. Assignment: Neither this Agreement nor any interest herein shall be assigned, transferred or otherwise encumbered by any Party(ies) or ALDOT without the prior written consent of the other Party(ies) and ALDOT.

18. Choice of Law: The Parties and ALDOT acknowledge and agree that this Agreement shall be construed, interpreted and enforced for all purposes, including without limitation the nature and availability of remedies, by the laws of the State of Alabama, without giving effect to Alabama conflict of laws.

IN WITNESS WHEREOF, the Parties and ALDOT have caused this Agreement to be duly executed on the dates and as follows:

DRAFT

ROSS, JORDAN & GRAY, P.C.

Attorneys At Law

1111 Dauphin Street

Mobile, AL 36604

Telephone (251) 432-5400

Facsimile: (251) 432-5445

Writers e-mail address: jay@rossandjordan.com

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

MAILING ADDRESS:
POST OFFICE BOX 210
MOBILE, ALABAMA 36601

June 30, 2008

VIA EMAIL ONLY

Mr. Fred Small, Mayor
CITY OF DAPHNE
Post Office Box 400
Daphne, AL 36526

Re: Bay Rivers Art Guild Proposed Lease (BRAG)

Dear Mayor,

I have reviewed the communication between Valley and the Memorandum of Understanding previously presented by Bay Rivers Art Guild (BRAG) for the City's consideration for a long-term lease of the Nicholson Center. As you are aware I have opined that the issues related to the title and the legal description are being resolved by Missty Gray of my office and clearly do not impose an impediment to a long term lease of the referenced real property.

My comments regarding the proposed agreement with Bay River Arts Guild are as follows:

1. BRAG requests a lease of ninety-nine (99) years, I believe a lease should be no than forty-nine (49) years and perhaps less.
2. The lease should contain a termination provision that should and if the City's needs change, the City would have the right to utilize the real property for other purposes, then perhaps a two, or three year termination clause could be appropriate.
3. Will the City agree to pay and be responsible for all repairs, maintenance and utilities.

4. BRAG should pay and be responsible for liability insurance to cover patrons that visit the facilities and be responsible liability insurance to cover their personal property.
5. Since BRAG anticipates leasing the property to third parties for non-BRAG related events and charge a fee should the rates be set by the City Council as we do for the Civic Center and other City property. Who should be the recipient of the rental proceeds and who should be involved in the scheduling? BRAG is of the belief that the Recreation Department has no desire to run an Art Guild and may not wish to be involved in scheduling and collection of dollars related to events.

It is my understanding that BRAG is in the process of hiring a certified fund raiser to raise approximately two million dollars (\$2,000,000.00) and desires to have a lease for at least forty-nine (49) years although their desire is for ninety-nine (99) years. There has also been discussion on the City's side about limiting the use of the building for rental and BRAG purposes and that there be no political activities. These are the primary issues that may need to be discussed and resolved by Council. Once these issues are resolved it should be relatively easy to draft a lease agreement satisfactory to all concerned.

It is my understanding that you will bring this before the City Council for consideration at the next scheduled work session.

Sincerely yours,

JAY M. ROSS

JMR/jk

Cc: Valley "by email"

MEMORANDUM OF UNDERSTANDING

Bay Rivers Art Guild submits this Memorandum of Understanding to the City of Daphne.

In return for the use of the Nicholson Center (to be renamed Bay Rivers Art Guild) for a lease of 99 years at an annual rent of \$10 we proposed to provide the following cultural opportunities for the City of Daphne.

In keeping with our Mission Statement we intend to continue providing quality educational opportunities for the citizens in the following ways:

- Monthly art exhibits featuring local and regional artists
- Outreach programs providing art for local businesses on a rotating basis
- Workshops featuring national, regional and local artists
- Classes designed for Fall, Winter and Spring. These classes are conducted by BRAG artist/instructors and run 6 to 8 weeks.
- Summer Art Camp - 20 classes offered over a 5 week period for children age 3-12
Supervised lunch hour offered this year.
- After school programs: Public and home-schooled Fine Arts Programs
- Juried Shows: 3 per year at which we offer awards totaling close to \$5,000
- Second Saturday Series - an introductory class to various media, acrylic, oil, pastel, etc. held on the 2nd Saturday of each month and conducted by BRAG artists/instructors
- Pay-as-you-attend studio classes two days a week
- Open studio - every Friday - opportunity to bring in and work on current projects
- Critique Friday - 3rd Friday - opportunity for peer review of works in progress

We intend to continue the Partnerships we have developed over the last two years:

- Partners in Education with BCBE
- Art programs with Daphne Public Library
- Chamber of Commerce - providing lunch for artists during the Jubilee Festival
- Alabama Council on the Arts - attending the annual Art Summit with BCBE
- Daphne Recreation - Art in the Park and Recreation Center Exhibit of BRAG
- Future art program in development for seniors 65 and older
- Five Rivers Delta Center Fine Arts Exhibit
- Springhill Memorial Color by Kids Program
- Catherine Place - art instruction by BRAG artist Marilyn Ammons
- Various Churches in area - offering teens an opportunity for community service in Art Camp as well as offering scholarships to children in need
- Rental for children's birthday parties
- Scholarship Show for BCHS Seniors (\$1,000, \$500 and \$300 scholarship awards)
- Watercolor and Graphics Society of Mobile

Opportunities we intend to pursue:

- Expanded classes and workshops, many of which have been held off-site due to space constraints
- Calendar of K-12 school tours
- Pursue national talent for workshops. Currently in discussion with artists in California, Hawaii, Connecticut and New Orleans
- Alliance with a Daphne Theatre Group
- Alliance with a Concert Series
- Extended office coverage
- Extended hours of operation
- Rental for private affairs
- Meeting site for business breakfasts meetings and conferences
- Gala Fund Raising event in April 2009

Building Maintenance:

From 1993 to 1998 we were nomads, occupying one city owned facility after another. In 1998 under Harry Brown we obtained a lease on the old City Jail. We operated for several years in three rooms. After the Maintenance Department removed storage items from what is now our store room, member-husbands painted and built shelving. At the same time, the women of BRAG painted the exterior and interior of the building. Three years ago, the city emptied the back room, knocked down two walls and we created the area which now houses the children's' department. Two years ago, at our request, the City laid down sheet vinyl flooring and the entire Guild was repainted by members. Last year, at our request, our hanging system was installed by the Daphne City Maintenance. We offer this history to show our proactivity in creating an environment that is welcoming and conducive to our mission statement. We have every intention of bringing this work ethic to our new home at the Nicholson Center.

During our tenure at the old City Jail the City of Daphne has maintained and insured the building. We carry liability and content insurance on the building. We also carry liability insurance for the Officers and Board. City maintains the grounds.

Internal Operations: We are currently working on a Strategic Plan, a Long Range Business Plan, and arranging for an audit. We have a CPA who meets with our Treasurer once a month. We have a web-master who keeps our website up to date with entry forms for shows, current class and workshop calendars, as well as our award winning art work. Our Board consists of 12 people - 8 artists and 4 non-artists - an ex-banker, two businessmen and one City Council Member.

Respectfully submitted: Valley O'Neal for Bay Rivers Art Guild May 2, 2008

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

Resolution 2008-30

Recreational Trails Grant: Lake Forest Lake Grant

WHEREAS, the City of Daphne proposes to construct a walking trail around Lake Forest Lake to provide for the health and well being of the general public and be ADA compliant; and

WHEREAS, the city intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance to develop a walking trail at May Day Park from the Recreational Trails Grant Program; and

WHEREAS, said programs are limited to funding a maximum of eighty percent or (\$100,000) of the proposed project cost estimates at (\$964,000) which will be used to develop the boardwalk upon (acres) around the lake.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne hold in reserve twenty percent (\$20,000) of the proposed project cost for the purpose of matching the Recreational Trails Grant Fund assistance, and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Daphne understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

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

Greg Burnam, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

July 3, 2008

Mr. David Cohen
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

RE: Proposed Sidewalk and Trail
North Main to Lake Forest along the lake

Dear Mr. Cohen:

The attached drawing shows the proposed pedestrian trail for connecting the sidewalk on North Main at D'Olive Creek with Lake Forest. Due to the topography and the vast majority of the site being possible wetlands, a 6' wide boardwalk is recommended. The proposed project also includes a new timber bridge across D'Olive Creek.

Based on current construction costs and recent bids, we estimate the cost of this project to be \$964,000. This cost includes survey, design, wetland delineation, permitting and construction surveillance.

Should you have any questions or need any additional information, please call me at 626-2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in black ink, appearing to read 'Scott A. Hutchinson', written over a horizontal line.

Scott A. Hutchinson, P.E.

/blg

Enclosure
08.290

CITY OF DAPHNE

RESOLUTION 2008-31

**Installation and Operation of a New Traffic Signal at the Intersection of
U.S. Highway 90 at Renaissance Boulevard**

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

- 1. That the City of Daphne, Alabama enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Installation and operation of a new traffic signal at the
intersection of U.S. Highway 90 at Renaissance Boulevard

Which agreement is before this Council;

- 2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf;
- 3. That the signature of the Mayor be attested by the City Clerk and that the seal of the City be affixed to the agreement.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

ADOPTED AND APPROVED this _____ day of _____, 2008.

**GREG BURNAM,
COUNCIL PRESIDENT**

Date & Time Signed: _____

ATTEST:

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

I, the undersigned qualified and acting clerk of the City of Daphne, Alabama do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the ____ day of _____, 2008 and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereinto set my hand and affixed the official seal of the City on this ____ day of _____, 2008.

David L. Cohen,
City Clerk, MMC

Permit Number _____ Project Number _____
Division NINTH County BALDWIN

STATE OF ALABAMA acting by and through the
ALABAMA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR THE INSTALLATION AND/OR MAINTENANCE OF
TRAFFIC CONTROL SIGNALS AND/OR STREET LIGHTING

This Agreement, in accordance with resolution number _____
dated _____, attached hereto and made a part of this Agreement, is made
and entered into by and between the Alabama Department of Transportation (hereinafter referred to as STATE),
CITY OF DAPHNE (hereinafter referred to as OWNER), and applicable
 not applicable] RENAISSANCE CENTER, LLC (hereinafter referred to as PERMITTEE,
if applicable and so indicated) for the accomplishment of the following work as hereinafter indicated by the
alphabetic letter of X marked in parenthesis, to wit:

- A. Installation of new:
 Traffic Control Signals Flashing Signal(s)
 Street Lighting Other: _____
 B. Upgrading of existing traffic control signal(s) and/or street lighting.
 C. Removal of existing traffic control signal(s) and/or street lighting.
 D. Operation and maintenance of installed or upgraded existing traffic control signal(s) and/or street
lighting

The accomplishment of the work above indicated by the alphabetic letter X marked in parenthesis and
hereinafter signified by the use of the corresponding alphabetic letter A, B, C, and/or D as applicable, will be at the
following location(s): *NOTE - If more space is needed, please use continuation sheets.*

The Intersection of U.S. Highway 90 at Renaissance Boulevard in the City of Daphne, Alabama

Now therefore, in consideration of the benefits occurring to each of the parties to this Agreement from the
accomplishment of the work hereinbefore described, the parties hereto do hereby agree to the following provisions
and terms for the accomplishment of the work hereinabove identified.

- 1 In the event the work to be accomplished is hereinabove identified by A and/or B, the
 STATE OWNER PERMITTEE will furnish and the STATE OWNER PERMITTEE
will install the equipment and/or associated hardware utilized in the accomplishment of the work. In the event
the STATE contributes funds to the work and the OWNER and/or PERMITTEE will be credited or debited for
under-runs or overruns respectively, then "Exhibit O" is attached to and made a part of this agreement
- 2 In the event the OWNER and/or PERMITTEE agrees to furnish and install the equipment and/or associated
hardware at its own expense, the STATE will not participate in either the purchase, installation, maintenance, or
provision of electrical energy for the equipment and/or associated hardware
- 3 The equipment and/or associated hardware shall be installed in accordance with the applicable following:
 - A Manual on Uniform Traffic Control Devices for Streets and Highways, current edition
 - B The State of Alabama Special and Standard Highway Drawings, current year version
 - C The National Electrical Code, current edition.
 - D Alabama Department of Transportation Standard Specifications of Highway Construction, current edition
 - E Special Provision #3483, dated 15 September 1999, SECTION 750 - Furnishing & Installing Roadway
Lighting System

F Code of Alabama, 1975 (as Amended) with specific reference to:

- 1) ~~§23-1-113~~, Municipal Connecting Link Roads - Stipulations and conditions [specifically subparagraphs (6) and (7)]
- 2) ~~§32-5A-32~~, Traffic-control signal legend
- 3) ~~§32-5A-33~~, Pedestrian-control signals
- 4) ~~§32-5A-34~~, Flashing signals
- 5) ~~§32-5A-35~~, Lane-direction-control signals

- 4 The STATE shall determine the type, quality, and quantity of the equipment and/or associated hardware to be utilized in the accomplishment of the work hereinbefore provided for under this Agreement. In the event the OWNER and/or PERMITTEE furnishes and/or installs the equipment and/or associated hardware to be utilized in the accomplishment of the work hereinabove identified by A and/or B, the OWNER and/or PERMITTEE shall ascertain that the type and quality of the equipment and/or associated hardware is in accordance with the STATE's Materials, Sources, and Devices with Special Acceptance Requirements as maintained by the STATE's Bureau of Materials and Tests
- 5 Title to any and all equipment and/or associated hardware furnished by the STATE shall remain in the STATE and the STATE is deemed to be the sole owner of such equipment and/or hardware
6. The equipment and/or associated hardware shall be operated and maintained at the sole expense of the OWNER. The OWNER agrees to provide electrical energy on a continuing basis as required, beginning at the time of initial electrical service connection during the construction of the system. The OWNER agrees further to maintain said equipment and/or associated hardware in a good state of repair at all times, as required in accordance with the applicable documents: Manual on Uniform Traffic Control Devices for Streets and Highways; Alabama Department of Transportation Standard Specifications for Highway Construction; and Special Provision #3483, dated 15 September 1999, SECTION 750. Any traffic control signal equipment and/or associated hardware must also be in accordance with any traffic signal operating plan of the STATE which is in effect at the applicable time of such maintenance. If a malfunction of the equipment and/or associated hardware should ever occur, the OWNER shall effect repairs immediately. If said malfunction presents a potential hazard to the motoring public and the OWNER is unable to repair the equipment and/or associated hardware in a timely manner as determined by the STATE, the STATE reserves the right to repair the equipment and/or associated hardware and invoice the owner for all costs incurred. The OWNER agrees to pay to the STATE all such costs incurred by the STATE promptly upon receipt of the invoice from the STATE.
7. Removal of the equipment and/or associated hardware, hereinabove identified by C, will be at the sole expense of the () STATE () OWNER () PERMITTEE.
- 8 The STATE reserves the right to demand the removal of the equipment and/or associated hardware should the STATE deem its condition or operation hazardous. Further, the STATE shall have the right to remove the equipment and/or associated hardware should the OWNER fail to do so upon demand by the STATE. Any equipment and/or associated hardware which is deemed by the STATE to be non-uniform or obsolete will be removed and disposed of by the OWNER. None of the non-uniform or obsolete equipment and/or associated hardware which has been removed shall be reused on the STATE highway system.
- 9 In the event the STATE furnished equipment and/or associated hardware is removed by the OWNER at any future time, all such equipment shall be removed and returned to the STATE.
- 10 If future traffic conditions require changes and/or adjustments to said equipment and/or associated hardware (other than ordinary timing), the OWNER will obtain the approval of the STATE before such changes are implemented. All such changes shall be at the sole cost and expense of the OWNER.
- 11 In the event Federal funds are utilized in the accomplishment of the work hereinbefore described, "Exhibit M" is attached to and made a part of this Agreement.
- 12 FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be construed as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute of Constitutional provision or amendment, either now in effect or which may, during the course of this Agreement, be enacted, then the conflicting provision in the Agreement shall be deemed null and void.

For any and all disputes arising under the terms of this Agreement, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative Hearings or where appropriate, private mediators.

13 **TERMINATION DUE TO INSUFFICIENT FUNDS**

- a) If the Agreement term is to exceed more than one fiscal year, then said Agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years
- b) In the event of prorotation of the fund from which payment under this Agreement is to be made, this Agreement will be subject to termination.

14 Traffic volume counts, traffic signal warranting criteria, traffic signal diagrams, and final construction plans, as applicable, are attached hereto and made part of this Agreement

15 Type and number of signal heads (Example: 1 each 1 way, 3 section, 12 in red, 12 in yellow, 12 in green).

1 each 1 way 5 section 12 inch red, yellow arrow, green arrow, yellow, green; 5 each 1 way 3 section 12 inch red, yellow, green

TYPE OF SIGNAL	CONTROLLER
<input checked="" type="checkbox"/> Traffic Control <input type="checkbox"/> Pedestrian Control <input type="checkbox"/> Flashing Beacon <input type="checkbox"/> Lane Control <input type="checkbox"/> School Flasher <input type="checkbox"/> R R Crossing <input type="checkbox"/> Flasher With Sign Message <input type="checkbox"/> Other	Make: <u>Eagle</u> Model #: <u>EPAC 300</u> <input type="checkbox"/> Fixed Time <input type="checkbox"/> Two Phase <input type="checkbox"/> Semi Actuated <input type="checkbox"/> Four Phase <input checked="" type="checkbox"/> Full Actuated <input checked="" type="checkbox"/> Eight Phase <input type="checkbox"/> Other SYSTEM <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

16. Distance in feet to the nearest adjacent traffic control signal:
 North N/A South N/A East 2,240 feet West 2,400 feet
- 17 Vertical and horizontal clearances for all traffic control signal equipment and/or associated hardware shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways and the Alabama Department of Transportation Special and Standard Highway Drawings, current year edition.
- 18 The cycle length for actuated controller(s) shall be dictated by traffic actuation of the detectors, with minimum time ratios established from data contained in the traffic volume count. The cycle length and green time for fixed time controller(s) shall be dictated by the traffic volume count with adjustments when STATE approved.
- 19 In the event the warranting of the traffic signal(s) is based on projected traffic volumes developed and generated by a qualified Transportation Engineering consulting firm using computer programs, data and methodology noted in the Transportation Research Board's Highway Capacity Manual and the Institute of Transportation Engineers Trip Generation Handbook. If after the traffic signal is installed, the actual traffic volumes do not meet the Manual on Uniform Traffic Control Devices projected warranting criteria, the STATE reserves the right to demand the removal of the traffic signal and/or associated hardware from the STATE highway system.
- 20 In the event the work to be accomplished is hereinbefore identified by A and/or B and (1) in part or wholly constitutes an interconnected, coordinated, fixed time relationship, signal control operation between two or more intersections (herein referred to as a SYSTEM and hereinabove indicated by the alphabetic letter X marked in parenthesis in the controller box above), (2) is located within the limits of a SYSTEM, or (3) is within close proximity as to adjoin a SYSTEM. The PERMITTEE STATE OWNER shall substantiate the work identified by A and/or B to be SYSTEM compatible. Evidence of substantiation shall be submitted to the STATE prior to the execution of this Agreement and shall include a minimum of three (am peak, pm peak, and off peak) timing plans (cycle, split, and offset combinations) for all phasing sequences with associated time/space diagrams for each intersection location identified hereinbefore by A and/or B and any immediately adjoining intersection(s) not identified hereinbefore but part of a SYSTEM. Said submittals may be computer generated; submittals may include simulation file data. The STATE reserves the right to require the use of any existing timing plan(s) in effect prior to the execution of this Agreement if the work constitutes an addition to or a part of a SYSTEM; any use of the existing number of timing plans may supersede the hereinabove required minimum of three. Submittal data described herein, as applicable, are attached hereto and made a part of this Agreement.

In witness whereof, the parties hereto have caused this Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Maintenance Engineer.

(Seal of OWNER)

RENAISSANCE CENTER, LLC
Legal Name of PERMITTEE (if applicable)

By: 
Authorized Signature

CITY OF DAPHNE
Legal Name of OWNER

Attest: _____

By: _____
Authorized Signature

Recommended for approval:

By: _____
Division Engineer

Approved as to form:

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

STATE OF ALABAMA acting by and through the ALABAMA DEPARTMENT OF TRANSPORTATION

The within and foregoing Agreement is hereby approved on this _____
day of _____, 20_____.

APPROVED:

By: _____
State Traffic Engineer

By: _____
Maintenance Engineer

RESOLUTION NO. 2008-32
2008-M-FD/CARDIAC MONITOR/DEFIBRILLATORS

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 FD/CARDIAC MONITOR/DEFIBRILLATORS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the FD/CARDIAC MONITOR/DEFIBRILLATORS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the FD/CARDIAC MONITOR/DEFIBRILLATORS be awarded to Zoll Medical Corporation;

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 Zoll Medical Corporation for unit cost of \$16,929.50 and optional equipment: CO2 Detector - \$3,150 / Battery Charger - \$1,101.75 as specified in BID SPECIFICATION NO: 2008-M-FD/CARDIAC MONITOR/DEFIBRILLATORS.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2008-33
2008-N-PD/AUTOMATED FINGERPRINT & PALM PRINT

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 PD/AUTOMATED FINGERPRINT & PALM PRINT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the PD/AUTOMATED FINGERPRINT & PALM PRINT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PD/AUTOMATED FINGERPRINT & PALM PRINT be awarded to Afix Technologies, 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 Afix Technologies, Inc. in the amount of \$33,300 as specified in BID SPECIFICATION NO. 2008-N-PD/AUTOMATED FINGERPRINT & PALM PRINT.

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

Greg Burnam, Council President
Date & Time

Signed:_____

Fred Small, Mayor
Date & Time

Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**RESOLUTION NO. 2008-34
2008-O-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. 2008-O-POLICE VEHICLE EQUIPMENT.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___day of _____,2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

2008-O-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	44" Blue w/Amber Signal Master	Federal Signal <i>yes</i>	Arjent SL-S2 LED 583004	\$1,129. ⁰⁰
Light Bar = Undercover Front Interior	Interior Undercover LED phantom light bar, 3 rows LED blue	Star <i>yes</i>	ULB42-BB	\$556. ⁰⁰
Light Bar = Undercover Rear Interior	Interior Undercover LED phantom light bar, 3 rows LED blue	Star <i>yes</i>	ULB42-1BB	\$556. ⁰⁰
Strobe Light Kit =	6 Bulbs/Cables in Kit, 60 Watt Hideaway	SHO-ME <i>yes</i>	21.9600T	\$183. ⁰⁰
Side Lights = Micro Lights LED	Blue LED 4 light kit with flashers and switches, black housing	SHO-ME <i>yes</i>	11.9064	\$337. ⁰⁰
Dual Cup Holder		Havis Shield <i>yes</i>	C-CHNY	\$23.53
Center Console =	18" with accessory plate, arm rest, and mounting hardware	Havis Shield <i>yes</i>	C-1800	\$178.72
Computer Stand Telescopy Base		Havis Shield <i>yes</i>	C-TCB-1	\$110.94
Computer Stand Laptop Platform with Tilt Swivel and adjustable hight		Havis Shield <i>yes</i>	C-3090-4	\$160.25
Computer Stand Laptop Screen Supports		Havis Shield <i>yes</i>	C-SS	\$17.75
Window Barriers	Rear Window, steel	Setina <i>yes</i>	FS	139. ⁹⁰
Cage Partician	Lexan sliding center, with bucket seat plate and mounting hardware	Setina <i>yes</i>	10-S	459. ⁰⁰
Rifle Rack with lock	ELS-275 - ELS Gun Rack W	Big Sky Racks Inc <i>yes</i>	BSR-1	45. ⁵⁰
Shotgun Rack with lock	With 10 second timers	Pro-Gard <i>yes</i>	G5000UT	218.40
Siren/Speaker	Dyna Max MS-100, 100 watt, with mounting hardware	Federal Signal <i>yes</i>	MAX-MS-100	139. ⁸⁰
Light/Siren Control "Touch Master"	Touch Master	Federal Signal <i>yes</i>	UTMD-MB	375. ⁵⁰
Push Bumper	High strength Aluminum	Setina <i>yes</i>	PB400	179.90
Prisoner Transport Rear Seat	ABS	Proguard <i>yes</i>	S6001+G ABS	348. ⁵⁰
Grill lights	LED Light Kit Blue	Sound Off <i>yes</i>	EGHST1B	101. ⁵⁰
Front Window = Triple Light Stick LED	Triple LED Light Blue	SHO-ME <i>yes</i>	11.2715	319. ⁹⁸
Headlight Flashers	Random Flashers	SHO-ME <i>yes</i>	03W3126	39. ⁸⁸
Headlight LED Light Kit	Blue LED	SHO-ME <i>yes</i>	11.3705	249.90
Tag Light Bracket	License Plate Bracket	SHO-ME <i>yes</i>	12 4407	24. ⁸⁵
Tag Lights	3 LED - blue	SHO-ME <i>yes</i>	12 0300	\$62. ⁶⁵
* Center Console <i>See note Below</i>	30" with face Plate and Storage Box	Havis Shield <i>yes</i>	C-3010 C-3011 w/ # C-AP1395	\$1 328. ⁹⁸
Storage Cargo Storage Box with lock	1-D-R Tactical Box 44.75" Long / 48"Wide/12"High	D&R Electronics <i>yes</i>	TS-01-42	\$1310. ⁰⁰
TOTAL			TOTAL	\$7,616.43

ote: * Item 25: The C-3011 is NO Longer Available
The Replacement Part # C-3010 Console w/ C-AP1395 Storage Box (New)

**RESOLUTION NO. 2008-35
2008-Q-PLASTIC PIPE**

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 PLASTIC PIPE will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the PLASTIC PIPE be awarded to Vellano Brothers Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Vellano Brothers Inc. for unit cost listed in BID SPECIFICATION NO. 2008-Q-PLASTIC PIPE.

<u>Size Pipe</u>	<u>Per Foot as Bid</u>
20' pcs :	
4"	DNE
6"	DNE
8"	3.55
10"	4.95

20' pcs :	
12"	6.56
15"	9.55
18"	12.11
24"	20.65
30"	28.75
36"	37.30
42"	48.60
48"	63.40
60"	DNE

**DNE – Does Not Exist*

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

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

**RESOLUTION NO. 2008-36
2008-R-SAFETY SHOES/BOOTS**

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 SAFETY SHOES/BOOTS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the SAFETY SHOES/BOOTS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the SAFETY SHOES/BOOTS be awarded to Gulf Supply Co., 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 Gulf Supply Co., Inc. for following unit cost:

- 8" Boot - \$120.00
- 6" Boot - \$109.00
- Shoe - \$ 77.75

as specified in BID SPECIFICATION NO. 2008-R-SAFETY SHOES/BOOTS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2008 - 37

APPOINTING ELECTION OFFICIALS MUNICIPAL ELECTION AUGUST 26, 2008

WHEREAS, a regular municipal election has been called to be held on the 26th day of August, 2008, and a runoff election to be held if necessary, on the 7th of October, 2008; and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides in part, that the municipal governing body, not less than 15 days before the holding of any municipal election appoint from the qualified electors of the respective wards or voting districts officers to hold the election; and

WHEREAS, Section 11-46-24 of the Code of Alabama, 1975, as amended, provides that where voting places are designated within each district where voting machines are used that the municipal governing body shall appoint election officials to consist of one chief inspector, who shall supervise the conduct of all the other officials and the operation of the voting place, one chief clerk, one returning officer, and for each voting machine to be used at each voting place there shall be appointed two assistant clerks; and

WHEREAS, Section 11-46-27 requires the governing body of the municipality to appoint from the qualified electors of the City one inspector; one returning officer and two clerks who shall meet on the day of election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting, and returning the absentee ballots at such election.

WHEREAS, the City Council of the City of Daphne recognizes the time spent by those who are to perform the duties of election officials and shall be compensated as follows:

- | | | |
|-----|-------------|----------|
| 1.) | Inspector | \$200.00 |
| 2.) | Chief Clerk | \$150.00 |
| 3.) | Clerk | \$125.00 |

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama that the election officials for said election shall be as follows:

<u>DISTRICT 1:</u>	Inspector	Ms. Ruth Martin
	Chief Clerk	Mrs. Annice Hale Baker
	Clerk	Mrs. Bernice Hale
	Clerk	Mr. Gerald Bertagnoli
	Clerk	Mrs. Julie Holden
	Clerk	Mrs. Judy Wells

<u>DISTRICT 2:</u>	Inspector	Joe Crumpton
	Chief Clerk	Mr. Jamie Rudicell
	Clerk	Mrs. Jane Bodman
	Clerk	Mr. Jim Bodman
	Clerk	Mrs. Nettie Malloy
	Clerk	Mrs. Jackie Issacs
	Clerk	Mrs. Mickey Boykin

<u>DISTRICT 3:</u>	Inspector	Mr. Glenn Swaney
	Chief Clerk	Mrs. Arcola King
	Clerk	Mrs. Lillian White
	Clerk	Mrs. Betty Baker
	Clerk	Mrs. Joyce Moore

DISTRICT 4: Chief Clerk Mr. David White
Clerk Geraldine Towns
Clerk Mr. Bill Chappelle
Clerk Mr. Clyde Ussery
Clerk Mrs. Helen Callaway

DISTRICT 5: Inspector Mrs. Inez Ishmael
Clerk Mr. Dorothy Rankin
Clerk Mr. Frank Barr
Clerk Mrs. Ruthie Barr
Clerk

DISTRICT 6: Inspector Mr. John Coulter
Clerk Mrs. Marjorie S. Waldrop
Clerk
Clerk
Clerk

DISTRICT 7: Chief Clerk Mrs. Jacquelyn Odom
Clerk Mrs. Rose Lambert
Clerk Ms. Monica Romagnano
Clerk Mr. James Odom
Clerk Mrs. Frieda Romanchuk
Clerk Ms. Leann O'Brian

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

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO. 2008-43**

=====

**AN ORDINANCE REPEALING ORDINANCE
No. 2004-08 AND TO REESTABLISH RULES FOR FEE
WAIVERS AND COMMUNICATIONS REQUIREMENTS
FOR SCHOOLS' USE OF THE DAPHNE
CIVIC CENTER AND BAYFRONT PARK**

=====

WHEREAS, the City of Daphne wishes to promote the health welfare and safety of the citizens of the City by waiving the fee for the use of the Daphne Civic Center and Bayfront Park for local schools; and

WHEREAS, the Buildings and Property Committee, have proposed that the City Council adopt rules for the purpose of consideration of school fee waiver requests.

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

That Ordinance No. 2004-08 be and is hereby repealed in its entirety.

SECTION I: WAIVER OF FEES

That the following schools shall each be entitled to use of the Civic Center and/ or Bayfront Park on a first come first serve basis with base rental fees and percentages of ticket sales waived as follows:

- A) **Daphne High School, Daphne Middle School, Bayside Academy, and Christ the King:**
 - (1) Total of three (3) weekdays (Monday-Thursday) per year.
 - (2) Total of one (1) weekend day per year (Friday is considered a weekend day).
 - (3) The school principals of Daphne High School, Daphne Middle School, Bayside Academy, and Christ the King shall contact the Daphne Civic Center at the beginning of the school year via letter requesting the date(s) of use and further stating the name of the school organization and/or department requesting the use of the Civic Center or

Bayfront Park. A follow-up telephone call shall be made to the Civic Center to ensure that the Sales Department received the notification and for any other provisions that may be necessary. (The Civic Center should receive this letter and confirmation call no later than 30 days into the new school year. All bookings are on a first come first serve basis.)

B) Daphne Elementary School and Daphne Intermediate School

- (1) Total of two (2) days per year with one (1) day which can be a weekend day (Friday is considered a weekend day).
- (2) The school principals of Daphne Elementary School and Daphne Intermediate School shall contact the Daphne Civic Center at the beginning of the school year via letter requesting the date(s) of use and further stating the name of the school organization and/or department requesting the use of the Civic Center or Bayfront Park. A follow-up telephone call shall be made to the Civic Center to ensure that the Sales Department received the notification and for any other provisions that may be necessary. (The Civic Center should receive this letter and confirmation call no later than 30 days into the new school year. All bookings are on a first come first serve basis.)

C) Spanish Fort Public Schools

- (1) Total of two (2) days per year of which one (1) day is to be a weekday (Monday-Thursday) and the remaining day be a weekend day. (Friday is considered a weekend day).
- (2) The City of Spanish Fort School Board shall contact the Daphne Civic Center at the beginning of the school year via letter requesting the date(s) of use and further stating the name of the school organization and/or department requesting the use of the Civic Center or Bayfront Park. A follow-up telephone call shall be made to the Civic Center to ensure that the Sales Department received the notification and for any other provisions that may be necessary. (The Civic Center should receive this letter and confirmation call no later than 30 days into the new school year. All bookings are on a first come first serve basis.)

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.

SECTION III. EFFECT OF REPEAL

This Ordinance shall operate expressly to repeal Ordinance 2004-08 in its entirety to repeal and hereby replace any and all previous ordinances related to fee waiver requirements in regards to the aforementioned schools as mandated by the City of Daphne, Alabama.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective and shall be in full force from and after the date of its adoption and approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE _____ DAY OF _____, 2008.**

**GREG BURNAM,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

ORDINANCE NO. 2008 -44

**Ordinance to Rezone Property Located on the Southeast Corner of
U.S. Highway 98 and Johnson Road (0.72 Acres)
Big Sandy L.L.C.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-4, High Density Single and Multi-Family Residential District to B-2, General Business District, to said property is located on the Southeast Corner of U.S. Highway 98 and Johnson Road, being more particularly described as follows:

Legal Description:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE SOUTH 627.0 FEET; THENCE RUN NORTH 89 DEGREES 31 MINUTES EAST, A DISTANCE OF 1510.4 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY NO. 98, (ALSO KNOWN AS STATE HIGHWAY PROJECT S-635 (2)), SAID POINT BEING MARKED BY AN 3/4" IRON PIPE CORNER MARKER SITUATED SOUTH 05 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 88.6 FEET FROM RIGHT-OF-WAY MONUMENT STATION 265+00 FOR THE POINT OF BEGINING: THENCE RUN NORTH 89 DEGREES 52 MINUTES 16 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 25 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.76 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 32 MINUTES 54" WEST, A DISTANCE OF 160.46 FEET TO A CRIMPED TOP IRON PIPE MARKER ON THE EAST MARGIN OF SAID HIGHWAY NO. 98; THENCE RUN NORTH 05 DEGREES 57 MINUTES 45 SECONDS EAST ALONG THE EAST MARGIN OF SAID HIGHWAY NO. 98, A DISTANCE OF 208.30 FEET TO THE POINT OF BEGINING. TRACT CONTAINS 0.72 ACRES MORE OR LESS AND LIES IN THE NORTHWEST QUARTER OF SECTION 29 TOWNSHIP-5-SOUTH, RANGE-3-EAST, IN BALDWIN COUNTY, ALABAMA

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-4, High Density Single and Multi-Family Residential District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

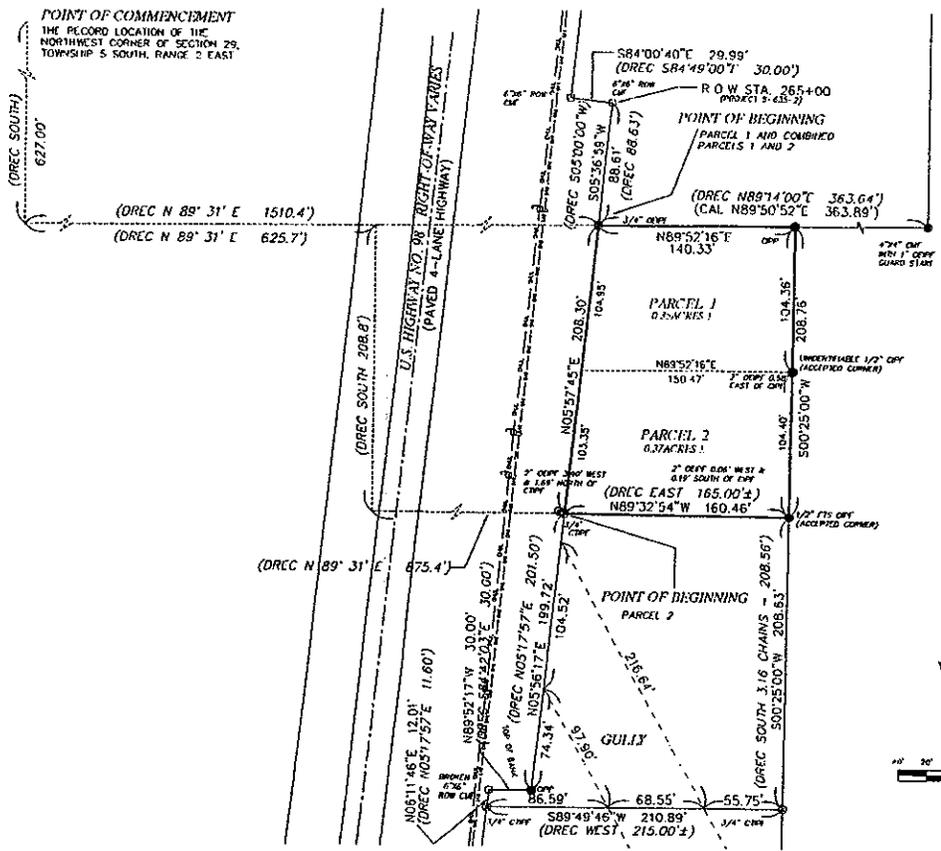
ATTEST:

David L. Cohen
City Clerk, MMC

BIG SANDY, L.L.C.
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 0.72 AC)

COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE SOUTH 627.0 FEET; THENCE RUN NORTH 89 DEGREES 31 MINUTES EAST, A DISTANCE OF 1510.4 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY NO. 98, (ALSO KNOWN AS STATE HIGHWAY PROJECT S-635 (2)), SAID POINT BEING MARKED BY AN 3/4" IRON PIPE CORNER MARKER SITUATED SOUTH 05 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 88.6 FEET FROM RIGHT-OF-WAY MONUMENT STATION 265+00 FOR THE POINT OF BEGINING: THENCE RUN NORTH 89 DEGREES 52 MINUTES 16 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 25 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.76 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 32 MINUTES 54" WEST, A DISTANCE OF 160.46 FEET TO A CRIMPED TOP IRON PIPE MARKER ON THE EAST MARGIN OF SAID HIGHWAY NO. 98; THENCE RUN NORTH 05 DEGREES 57 MINUTES 45 SECONDS EAST ALONG THE EAST MARGIN OF SAID HIGHWAY NO. 98, A DISTANCE OF 208.30 FEET TO THE POINT OF BEGINING. TRACT CONTAINS 0.72 ACRES MORE OR LESS AND LIES IN THE NORTHWEST QUARTER OF SECTION 29 TOWNSHIP-5-SOUTH, RANGE-3-EAST, IN BALDWIN COUNTY, ALABAMA

PROPERTY IS LOCATED IN THE NW 1/4 OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



SURVEYOR'S NOTES:

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
6. SURVEY WAS CONDUCTED ON SEPTEMBER 26TH 2008, AND OCTOBER 5TH, 7TH, 11TH AND 20TH 2008, AND IS RECORDED IN FIELD BOOK #156, AT PAGES 72, 74, 78, & 79 AND IN FIELD BOOK #152 AT PAGES 14 & 36 AND IN AN ELECTRONIC DATA FILE.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.

LEGEND:

- CON = CONCRETE MONUMENT FOUND IN PLACE
- CIPE = CRIMP TOP IRON PIN FOUND IN PLACE
- IPF = IRON PIN FOUND IN PLACE
- CIPE = CAPPED IRON PIN FOUND IN PLACE
- OEIP = OPEN END IRON PIPE FOUND IN PLACE
- CIPE = 1/2" ODS CAPPED IRON PIN PLACED
- EDS = ENGINEERING DEVELOPMENT SERVICES
- FTS = FAIRHOPE TITLE & SURVEY, CO., INC.
- PREC = RECORD MAP OR PLAT BEARING AND DISTANCE (SURVEY BY FAIRHOPE TITLE & SURVEY, CO., INC. DATED 12/23/1985) (SURVEY BY CLAUDE W. ARNOLD, DATED 01/20/1971)
- POW = RIGHT-OF-WAY
- OUHL = OVERHEAD UTILITY LINE
- GAS = UNDERGROUND NATURAL GAS PIPELINE
- CU = UTILITY POLE

SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN
WE, ENGINEERING DEVELOPMENT SERVICES, LLC, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF BALDWIN COUNTY, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

LANDS SURVEYED DESCRIBED AS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE SOUTH 82° 0 FEET; THENCE RUN NORTH BY DEGREES 39 MINUTES EAST, A DISTANCE OF 1510.4 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY NO. 90, (ALSO KNOWN AS STATE HIGHWAY PROJECT 5-63 (2)), SAID POINT BEING MARKED BY AN 3/4" IRON PIPE CORNER MARKER SITUATED SOUTH 05 DEGREES 30 MINUTES 59 SECONDS WEST, A DISTANCE OF 88.6 FEET FROM RIGHT-OF-WAY MONUMENT STATION 265+00 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 02 MINUTES 16 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 25 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.76 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 52 MINUTES 54" WEST, A DISTANCE OF 160.46 FEET TO A CORNER TOP IRON PIN MARKER ON THE EAST MARGIN OF SAID HIGHWAY NO. 90, THENCE RUN NORTH 05 DEGREES 57 MINUTES 45 SECONDS EAST ALONG THE EAST MARGIN OF SAID HIGHWAY NO. 90, A DISTANCE OF 208.30 FEET TO THE POINT OF BEGINNING; TRACT CONTAINS 0.72 ACRES MORE OR LESS AND LIES IN THE NORTHWEST QUARTER OF SECTION 29 TOWNSHIP-5-SOUTH, RANGE-2-EAST, IN BALDWIN COUNTY, ALABAMA.

WE FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS ON SAID PROPERTY BY BUILDING OR FENCES SITUATED ON ADJACENT PROPERTY; AND THAT THERE ARE NO RIGHTS-OF-WAY, EASEMENTS, NON-JOINT DRIVEWAYS, ETC. OF ACROSS SAID PROPERTY, VISIBLE ON THE SURFACE, EXCEPT AS HEREON NOTED.

(DESCRIPTIONS COMPOSED FROM ACTUAL FIELD SURVEY AND OFFICE RECORDS)

WE FURTHER STATE THAT WE HAVE SURVEYED AND OWNED SUBJECT PROPERTY AT THE REQUEST AND INSTANT OF THE OWNER THEREOF.

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 1, 2002.

4/19/2008
ENGINEERING DEVELOPMENT SERVICES, L.L.C.
DAVID E. DIEHL AL P.L.S. No. 26014



BOUNDARY SURVEY		DATE: 12/22/07
YANCE, INGE & ASSOCIATES		SCALE: 1" = 60'
ENGINEERING DEVELOPMENT SERVICES, L.L.C.		DRAWN BY: JLD
Engineering • Planning • Surveying • Construction Management 2714 Poland Road • Dauphin, Alabama 36626 P.O. Box 1229 • Dauphin, Alabama 36626 (205) 828-2322 • Fax: (205) 828-2025 www.edservices.com		CHECKED BY: DLE
Engineering • Planning • Surveying • Construction Management 2714 Poland Road • Dauphin, Alabama 36626 P.O. Box 1229 • Dauphin, Alabama 36626 (205) 828-2322 • Fax: (205) 828-2025 www.edservices.com		PROJECT NO.: 1-04-5, 1-2-2 BALDWIN COUNTY ALABAMA PROJECT NO.: 070425N DATE: 04/19/2008 SHEET NO. 1 OF 1

**CITY OF DAPHNE
ORDINANCE NO. 2008-45**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE,
ALABAMA LAND USE AND DEVELOPMENT ORDINANCE 2002-22, as
ADOPTED by the CITY COUNCIL ON SEPTEMBER 3, 2002**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 22nd day of May, 2008 and has made a favorable recommendation for adoption to the City Council;

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

SECTION I: GENERAL PROVISIONS

That Article XXXIII entitled “*Sign Provisions*”, denoted as section 33-2 (a) (1) be and is hereby deleted in its entirety and is replaced as follows:

33-2 (a) (1) the following apply

(1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications maybe necessary to fully advise and acquaint the Code Enforcement Officer with

location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date of when the application is received. Further an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION II: That Article XXXVII, entitled “*Eastern Shore Park Overlay District-General Provisions*”, denoted as section 37 (15) entitled “Permitted Signs” shall include a new subsection (k) which shall provide as follows:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications maybe necessary to fully advise and acquaint the Code Enforcement Officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date of when the application is received. Further an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION III: CONFLICT WITH OTHER ORDINANCES.

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby placed to the extent of such conflict.

SECTION IV. SEVERABILITY

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

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 the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2008.**

**GREG BURNAM,
CITY COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

ORDINANCE NO. 2008 -47

**Ordinance to Rezone Property Located on the Northeast Corner of
Parker Lane and Avery Lane (10.01 Acres)
Elite Development Company**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, to said property is located on the Northeast Corner of Parker Lane and Avery Drive, being more particularly described as follows:

Legal Description:

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA 4 OF MADISON PLACE SUBDIVISION, PHASE TWO, AMENDED, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2258F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 746.60 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 494.33 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 85.68 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 741.26 FEET; THENCE RUN SOUTH 13 DEGREES 06 MINUTES 30 SECONDS EAST, A DISTANCE OF 170.66 FEET; THENCE RUN SOUTH 24 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 86.58 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, A DISTANCE OF 335.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 10.01 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

“EXHIBIT A”
MADISON PLACE,
PHASE THREE (PORTION) AND PHASE FOUR (PORTION)
REZONE
LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA 4 OF MADISON PLACE SUBDIVISION, PHASE TWO, AMENDED, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2258F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 746.60 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 494.33 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 85.68 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 741.26 FEET; THENCE RUN SOUTH 13 DEGREES 06 MINUTES 30 SECONDS EAST, A DISTANCE OF 170.66 FEET; THENCE RUN SOUTH 24 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 86.58 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, A DISTANCE OF 335.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 10.01 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ORDINANCE 2008-48

COMPENSATION FOR ABSENTEE ELECTIONS MANAGER

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

Section 1 Compensation of the Absentee Elections Manager or his designee for the City of Daphne shall be and the same is hereby fixed at the sum of \$_____ per day for the performance of his or her duties with respect to the absentee ballots on election day and during the 35-day period prior to day of the election for which his or her services are required, to be paid from the city treasury.

Section 2 This ordinance is adopted pursuant to §17-11-14 Code of Alabama, 1975, and shall be effective in all elections, both general and special, from and after the date of adoption.

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

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

ORDINANCE 2008-49

FY 2008 – Mowing Equipment Maintenance

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

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

WHEREAS, budgeted monies were not sufficient for unforeseen repairs required to maintain mowing equipment for the City.

WHEREAS, such appropriations totaling \$25,000 are needed to maintain the equipment in the mowing department.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include General Fund appropriations in the amount of \$25,000 for equipment in the mowing department.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC