

**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**SEPTEMBER 15, 2008**  
**6:30 P.M.**

**1. CALL TO ORDER**

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

- 3. APPROVE MINUTES:** Special Called Council Minutes meeting held September 2,2008  
Council minutes meeting held September 2, 2008

**PRESENTATION:** Village Point Foundation / Historic Markers at Village Point Park Preserve

**PUBLIC HEARING:** Revision to Zoning Map

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Scott**

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

**a.) Ordinance:**

Ordinance Corrections Fund Appropriation / Live Scan Fingerprint System / [Ordinance 2008-55](#)

**b.) Resolutions:**

1. Crowd Control Barricades / Friedrichs Custom Mfg. / [Resolution 2008-49](#)
2. Livescan Fingerprint System / Southern Detention Technologies, Inc. / [Resolution 2008-48](#)
- 3.) Breathable Air Compressor / Sunbelt Fire Apparatus / [Resolution 2008-47](#)
- 4.) Retiree Cost of Living / [Resolution 2008-50](#)
- 5.) Declare Certain Property Surplus / [Resolution 2008-46](#)

**c.) Financial Reports:**

- 1.) Treasurers Report / August 31, 2008
- 2.) Sales & Use Tax Collections / July 31, 2008
- 3.) Lodging Tax Collections / July 31, 2008

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY - Burnam**

Review minutes meeting held September 3<sup>rd</sup>

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**

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

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

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

Review minutes meeting held August 7<sup>th</sup>

**B. Downtown Redevelopment Authority - Barnette**

- a.) Review minutes meeting held September 8<sup>th</sup>
- b.) Appoint Dorothy Morrison / Term September 2008 - August 2009

**C. Industrial Development Board – Yelding**

**D. Library Board - Lake**

Appoint Windrila C. Longmire / Term October 2008 – September 2012  
Re-appoint Dee Gambill / Term October 2008 – September 2012

**E. Planning Commission – Barnette**

**F. Recreation Board - Palumbo**

**G. Utility Board - Scott**

Review minutes meeting held June 25<sup>th</sup>

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

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

a.) *Parade Permit / Bayside Academy Homecoming Parade / October 3, 2008*

b.) *Parade Permit / Daphne High School Homecoming Parade / October 16, 2008*

c.) *Authorize Mayor to enter into an Agreement with South Alabama Mutual Assistance*

**B. City Attorney's Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

a.) **ALDOT: Cooperative Maintenance of Public Right-of-Way Roadside Along the South Side of I-10 West of and adjacent To Eastern Shore Toyota Dealership. . . . . /Resolution 2008-45**

b.) **Declaring Certain Property Surplus / Authorize the Mayor to Dispose of Such Property. . . . . /Resolution 2008-46**

c.) **Bid Award: Breathable Air Compressor / Sunbelt Fire Apparatus. . . . /Resolution 2008-47**

d.) **Bid Award: Livescan Fingerprint System / Southern Detention Technologies, Inc. . . . . /Resolution 2008-48**

e.) **Bid Award: Crowd Control Barricades / Friedrichs Custom Mfg. . . . . /Resolution 2008-49**

f.) **Retiree Cost of Living / Act 2008-555. . . . . /Resolution 2008-50**

g.) **Appointing Election Officials for Run-Off Election. . . . . /Resolution 2008-51**

**ORDINANCES:**

**1<sup>ST</sup> READ**

a.) **Regulating Erosion Control and Sediment for Residential Dwelling and Other Land Disturbance . . . . . /Ordinance 2008-54**

b.) **Correction Funds Appropriation / Livescan Fingerprint System. . . . . /Ordinance 2008-55**

c.) **Revision to Zoning Map. . . . . /Ordinance 2008-56**

d.) **Adopting the Fiscal Year 2009 Budget. . . . . /Ordinance 2008-57**

**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

**SEPTEMBER 2, 2008  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
11:00 A.M.**

**1. CALL TO ORDER**

Council President Burnam called meeting to order at 11:00 a.m.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Eric Nager; August Palumbo arrived at 11:10 a.m.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Willie Robison, BZA.

**2. CANVASS VOTES OF MUNICIPAL ELECTION/ Resolution 2008-44**

Mr. Cohen opened the provisional ballots and read the tally of all the votes. The votes were as follows:

<b><u>MAYOR</u></b>		
<b><u>CANDIDATE DISTRICT</u></b>	<b><u>VOTING MACHINE #</u></b>	<b><u>VOTES</u></b>
<b>ERNEST L. "ERNIE" BERGER</b>	#1	29
	#1	31
	#2	186
	#2	59
	#3	36
	#3	26
	#4/5	75
	#4/5	119
	#6/7	286
	#6/7	73
	PROVISIONAL BALLOTS	3
	ABSENTEE VOTES	<u>33</u>
	<b>TOTAL</b>	<b>956</b>

**AUGUST 25, 2004  
 CITY OF DAPHNE, AL  
 SPECIAL CALLED CITY COUNCIL MEETING  
 10:00 AM**

<u>CANDIDATE DISTRICT</u>		<u>VOTING MACHINE #</u>	<u>VOTES</u>	
<b>E. HARRY BROWN</b>	#1	#1	119	
	#1	#2	120	
	#2	#1	146	
	#2	#2	35	
	#3	#1	116	
	#3	#2	97	
	#4/5	#1	104	
	#4/5	#2	223	
	#6/7	#1	348	
	#6/7	#2	118	
			PROVISIONAL BALLOTS	5
			ABSENTEE VOTES	32
		<b>TOTAL</b>	<b>1,463</b>	

<u>CANDIDATE DISTRICT</u>		<u>VOTING MACHINE #</u>	<u>VOTES</u>	
<b>FRED SMALL</b>	#1	#1	73	
	#1	#2	85	
	#2	#1	293	
	#2	#2	83	
	#3	#1	74	
	#3	#2	67	
	#4/5	#1	129	
	#4/5	#2	245	
	#6/7	#1	241	
	#6/7	#2	81	
			PROVISIONAL BALLOTS	4
			ABSENTEE VOTES	19
		<b>TOTAL</b>	<b>1,394</b>	

**MAYOR - RUN-OFF BETWEEN: E. HARRY BROWN AND FRED SMALL**

**AUGUST 25, 2004  
CITY OF DAPHNE, AL  
SPECIAL CALLED CITY COUNCIL MEETING  
10:00 AM**

**DISTRICT #2**

<b><u>CANDIDATE</u></b>	<b><u>VOTING MACHINE #</u></b>	<b><u>VOTES</u></b>	<b><u>TOTAL</u></b>
<b>CATHY BARNETTE</b>	#1	343	
	#2	95	
	PROVISIONAL BALLOTS	0	
	ABSENTEE VOTES	26	<b>464</b>
<b>KATHY EBBITT</b>	#1	277	
	#2	80	
	PROVISIONAL BALLOTS	0	
	ABSENTEE VOTES	10	<b>367</b>

**COUNCIL MEMBER FOR DISTRICT #2 - CATHY BARNETTE**

**DISTRICT #3**

<b><u>CANDIDATE</u></b>	<b><u>VOTING MACHINE #</u></b>	<b><u>VOTES</u></b>	<b><u>TOTAL</u></b>
<b>JOHN LAKE</b>	#1	185	
	#2	163	
	PROVISIONAL BALLOTS	4	
	ABSENTEE VOTES	5	<b>357</b>
<b>PINA WITHERINGTON</b>	#1	42	
	#2	28	
	PROVISIONAL BALLOTS	0	
	ABSENTEE VOTES	2	<b>72</b>

**COUNCIL MEMBER FOR DISTRICT #3 - JOHN LAKE**

**AUGUST 25, 2004  
CITY OF DAPHNE, AL  
SPECIAL CALLED CITY COUNCIL MEETING  
10:00 AM**

**DISTRICT #4**

<b><u>CANDIDATE</u></b>	<b><u>VOTING MACHINE #</u></b>	<b><u>VOTES</u></b>	<b><u>TOTAL</u></b>
<b>GREG BURNAM</b>	#1	134	
	#2	116	
	PROVISIONAL BALLOTS	0	
	ABSENTEE VOTES	2	<b>252</b>
<b>GARY REYES</b>	#1	123	
	#2	96	
	PROVISIONAL BALLOTS	1	
	ABSENTEE VOTES	2	<b>222</b>

**COUNCIL MEMBER FOR DISTRICT #4 - GREG BURNAM**

**DISTRICT #5**

<b><u>CANDIDATE</u></b>	<b><u>VOTING MACHINE #</u></b>	<b><u>VOTES</u></b>	<b><u>TOTAL</u></b>
<b>WILLIAM "WILLIE"E. ROBISON</b>	#1	17	
	#2	174	
	PROVISIONAL BALLOTS	0	
	ABSENTEE VOTES	6	<b>197</b>
<b>RON SCOTT</b>	#1	21	
	#2	183	
	PROVISIONAL BALLOTS	1	
	ABSENTEE VOTES	2	<b>207</b>

**COUNCILMAN FOR DISTRICT #5 - RON SCOTT**

**AUGUST 25, 2004  
 CITY OF DAPHNE, AL  
 SPECIAL CALLED CITY COUNCIL MEETING  
 10:00 AM**

**DISTRICT #6**

<b><u>CANDIDATE</u></b>	<b><u>VOTING MACHINE #</u></b>	<b><u>VOTES</u></b>	<b><u>TOTAL</u></b>
<b>DEREK BOULWARE</b>	#1	225	
	#2	94	
	PROVISIONAL BALLOTS	0	
	ABSENTEE VOTES	5	<b>324</b>
<b>ERIC NAGER</b>	#1	201	
	#2	101	
	PROVISIONAL BALLOTS	1	
	ABSENTEE VOTES	7	<b>310</b>

**COUNCIL MEMBER FOR DISTRICT #6 - DEREK BOULWARE**

**MOTION BY Councilwoman Barnette to waive the reading of Resolution No. 2008-44. Secoded by Councilman Lake.**

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

**MOTION BY Councilwoman Barnette to adopt Resolution No. 2008-44 with the total votes as read by the City Clerk. Secoded by Councilman Yelding.**

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

Council discussed the employee insurance motion that is on the agenda for the regular Council meeting at 6:30 p.m. to get a feel for which choice would be feasible: either the city pay all, employee pay all or to go 75/25. Council discussed having an ordinance with a percentage of increase that employees would pay toward health insurance every year so that they would not have to revisit this every year. The consensus of Council was to consider it along with the budget at a work session.

SEPTEMBER 2, 2008  
CITY OF DAPHNE, AL  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
11:00 A.M.

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**5. ADJOURN**

<b>MOTION BY Councilwoman Barnette to adjourn.</b>	<i>Seconded by Councilman Lake.</i>	
<b>AYE ALL IN FAVOR</b>	<b>NAY NONE OPPOSED</b>	<b>MOTION CARRIED</b>

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 10:30 AM.**

Respectfully submitted by:

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

**Certified by Presiding Officer:**

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

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

**SEPTEMBER 2, 2008**

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**CITY OF DAPHNE, AL**

**SPECIAL CALLED CITY COUNCIL MEETING**

**1705 MAIN STREET**

**11:00 A.M.**



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

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**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 John 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; Jay Ross, City Attorney; Kim Briley, Finance Director; Sharon Cureton, Human Resource Director; Tonja Young, Library Director; James White, Fire Chief; Bill Eady, Planning Department Director; Sandra Morse, Civic Center Director; Kay Cox, Civic Center; Melvin McCarley, Interim Public Works Director; Richard Merchant, Building Official; David McKelroy, Recreation Director; David Carpenter, Police Chief; Sgt. Glenn Barr, Police Department; Suzanne Henson, Senior Accountant; Jane Robbins, Mayor's Assistant; Al Guarisco, Village Point; Willie Robison, BZA; Selena Vaughn, Village Point; Derek Boulware, IDB.

Absent: Kim Briley, Finance Director.

**3. APPROVE MINUTES:**

**MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held August 18, 2008. *Seconded by Councilman Scott.***

<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>NAY</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>
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**PRESENTATION:** Present Four Sets of Oxygen Masks for Pets / Volunteer Mobile

Representatives of the Impact Club presented Chief White with the masks. They raised \$6,000 to purchase masks for Mobile and Baldwin County.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Scott**

The next meeting will be September 8<sup>th</sup> at 4:00 p.m. in the Executive Council Chambers.

**MOTION:** To renew the City's medical and dental insurance plan with Blue Cross/Blue Shield and establish Fiscal 2009 monthly employee withholdings as follows:

Council agreed to discuss the percentage of employee:

Family: \_\_\_\_\_ Medical 25 Dental  
Individual: \_\_\_\_\_ Medical

Council agreed to consider the employees withholdings at the budget work session.

**MOTION BY Councilman Scott to renew the medical and dental insurance plan with Blue Cross/Blue Shield for the next 12 months.**

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

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

The committee will meet Friday at 10:00 a.m. in the Executive Council Chambers.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

The committee will meet tomorrow in the Executive Council Chambers at 4:30 p.m.

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

There will not be a meeting for the month of September.

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

No report.

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

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

No meeting for September.

**B. Downtown Redevelopment Authority – Barnette**

The next meeting will be September 8<sup>th</sup> at 5:30 p.m. Councilwoman Barnette stated that the appropriations in the lodging tax ordinance has expired and needs to be redone.

**C. Industrial Development Board – Yelding**

Mrs. Toni Fassbender discussed the Economic Incentive Resolution that the IDB adopted to bring businesses to Daphne, and asked for Council endorsement of the package. The IDB hopes to bring good paying jobs to Daphne with this package. She also stated that the board is two members short, and in November it will be three members short since Mr. Boulware will be a Council member. She asked Council to please consider appointing members to the board so that they can have a quorum.

**D. Library Board – Lake**

The minutes for the last meeting are in the packet. Councilman Lake read the statistics from the minutes. The next meeting will be this Thursday at 4:30 p.m.

**E. Planning Commission – Barnette**

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

**E. Recreation Board – Palumbo**

The minutes for the August 13<sup>th</sup> meeting are in the packet, and the next Recreation Board meeting will be September 10<sup>th</sup> at the Recreation Center.

**G. Utility Board – Scott**

The board met last week, and the minutes will be coming. They have generators at the lift stations ready for the storm, and they are continuing to purchase generators for the lift stations so that they will not have to keep renting them.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

**a.) *Authorize the Mayor to enter into the South Alabama Mutual Assistance Agreement***

Mayor Small pulled the agreement from the agenda so that Chief White could look it over. He thanked the Police, Fire, Public Works Departments, and Danny Dillard from Building Inspections for their hard work and time that they put in over the weekend. He stated that at the last meeting Council tasked him, the city engineer and Public Works to start gathering information, and getting a list of all the roads. Mayor Small stated that one thing that would be very helpful is for Council to establish a committee of citizens, maybe one from each district, that would work with that group on the road resurfacing, and the engineers will make the priority list.

Councilman Yelding asked Council to submit names from their district for the next Public Works meeting. He stated that they would need citizens with knowledge of engineering, and that they should compile a list of worst case scenario in each district, and then start taking care of those situations.

Councilman Scott stated that they should have those names by the next Council meeting.

**MOTION BY Councilman Scott to establish a Paving Committee to evaluate and work with the Public Works Committee on a priority matrix including cost estimates, schedule of repairs and a ten year budget. *Seconded by Councilman Yelding.***

The City Attorney stated that this committee will be subject to the Open Meetings Act. Council agreed that the committee can meet after the Public Works Meeting.

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

Councilman Yelding asked Council to start the process of filling the IDB positions by district, and bring those nominations to the Council meeting for approval so that they can get a full board.

Mayor Small stated that there will be a 9/11 ceremony at City Hall around 10:00 a.m.

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

Mr. Ross stated that in 2000 Council passed an ordinance that, basically, set forth 95% of funds from lodging tax for attaining beachfront property and 5% for IDB, and that ordinance ended by its terms on September 30, 2004. So there is no specific earmark of the money from lodging tax since the expiration of ordinance 2000-25. It is just general fund money that comes from lodging tax, and the Council can allocate it any way that it desires. The question is does the ordinance renew itself, there is nothing in the ordinance itself that indicates that it does, so the answer to the question is that it does not renew itself. Mrs. Briley says that we have some financial commitments for the purchase of the bay front area, and we would still owe that and earmark those funds from lodging tax or any other general fund. So when Council embarks on the decision on how to use the lodging taxes there is no pre-determination on how the funds ought to be applied. They have been applied over the last couple of years, basically, by the enactment of the ordinance since the budget implicitly or explicitly has determined how this funding source would be.

Councilman Yelding asked since the ordinance expired does that mean that all the money that has been earmarked all this time should not stay how it was earmarked until they redo the ordinance.

Mr. Ross stated not necessarily, he said that Council had no limitations on how it should be in implementation of the budget year to year after September 30, 2004, when the ordinance expired, was tantamount to making a decision on allocation on how the lodging tax should be applied implicitly. You could have said that I want lodging tax for fiscal year so and so to go to X, and earmark it explicitly for that purpose. You do not have to do a new ordinance because the ordinance ended on its own terms, and it just became regular general fund money attributable to expenses any way that Council desires, or not at all or any other tax that came, it is just general fund money, and you took your aggregate from the general fund and divided it up to Police, Fire, administration, salaries, etc.

Mr. Ross answered a question from Mr. Lake as to whether a road contractor could serve on the road committee, and his initial thought is yes, since the committee will be open to the public, and the bid will have to go out, and the person on the committee should not stand in a unique position as to have any inside knowledge. He said that he would give Mr. Lake an answer by tomorrow.

***C. Department Head Comments***

***James White – Fire Chief*** – thanked Mr. Palumbo and the other private citizens for their help to secure the oxygen masks. Since starting the CPR classes they have trained over 500 citizens.

***Sandra Morse – Civic Center Director*** – introduced Kay Cox to Council, and Mrs. Cox apologized to Council for the mix up at the Civic Center on Election Day. She said that she made a mistake as to the time that the Civic Center was to be opened for the poll workers.

*David Cohen – City Clerk* – called Point of Order – Council did not suspend the rules to consider the formation of the Paving Committee.

**MOTION BY Councilman Yelding to suspend the rules to the rules to consider a motion to establish a Paving Committee. Seconded by Councilman Scott.**

**ROLL CALL VOTE**

<b>Yelding</b>	<b>Aye</b>	<b>Nager</b>	<b>Aye</b>
<b>Barnette</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>	<b>Burnam</b>	<b>Aye</b>
<b>Scott</b>	<b>Aye</b>		

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

**7. PUBLIC PARTICIPATION**

*Mr. Kevin Spriggs – 23 Signal Hill, Spanish Fort – Owner of Daphne business* – spoke in opposition to diverting funds away from the Village Point Foundation to fund DRA and IDB.

*Mr. Willie Robison – 560 Stuart Street* – spoke in opposition to DRA receiving funds from the lodging taxes that the money should be spent to pave the roads.

*Mr. Ben Cruitt – Ridgewood Drive* – invited all in attendance to come up front after the meeting you have their picture taken on this historic occasion of the first Council meeting in the new Council Chambers.

*Mr. Al Guarisco – Randal Avenue* – spoke regarding a group who has been around for about 10 years working for the betterment of the city, and the group needs funding, but not with all the lodging tax.

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

**RESOLUTIONS:**

**NO RESOLUTIONS**

**ORDINANCES**

a.) Adjust Speed Limit in City of Daphne ...../Ordinance 2008-53

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-53. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-53. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

**8. COUNCIL COMMENTS**

*Councilman Yelding* commended the Mayor and staff for preparing the city for Gustav, and stated that the Mayor and his staff are doing a good job.

*Councilwoman Barnette* stated that she brought up the lodging tax so that council could see that it had expired. She is in favor of DRA receiving a portion of the funds. She feels that the money needs to be re-appropriated to the general fund. The lack of action makes the lodging tax susceptible to general fund issues. She believes that they need to set forth an allocation for Bay Front Park, IDB and she would like to see Downtown Redevelopment receive funding. She is not in support reallocating the funds that have already been collected since 2004 to those efforts. A lack of action for doing nothing does leave all those projects susceptible and vulnerable to receiving nothing, and there are pressures to pave and do other projects other than the intention of the lodging tax, and paving does not necessarily bring in tourism.

*Councilman Lake* asked Mr. Cruitt that the city get a copy of the picture to put in the Council Chambers, and said that he appreciated him thinking about taking a picture.

*Councilman Scott* mentioned that there has been a lot said about the new building, the cost and who is responsible for it. He said that the Council, except for Mr. Nager and the few who did not vote for it, bears the responsibility for the building. Council looked at what was needed, not just for today, but had to look out into the future, and the city found itself in the situation after Ivan and Katrina where the city had lost the Planning building which also housed Building Inspection, and had to come up with somewhere to put these folks. The city has been paying commercial rent for three plus years now, and hopefully, soon they will all be in one building.

*Councilman Nager* stated that he enjoyed the presentation by the IDB. The resolution was interesting. He said he would like to look at the legality of business license abatement as well, because that could be an incentive as well. He said that he has enjoyed serving with all the Council, and he congratulated everyone on their re-election to office. He has enjoyed the experience, and he looks back to December to another election, and Council was the only voters, and that election he won. He said that he appreciated the opportunity.

SEPTEMBER 2, 2008  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
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*Councilman Palumbo* echoed what Mr. Scott said about the facility. There were city employees literally working in closets at city hall. There were file cabinets and files stacked every place and literally no place to put them besides the city offices. Now in this building they are able to consolidate the city services. It is one stop shopping, and all the agencies that were in out lying areas will be in this building. Council had to remedy the situation, and also look to the future. This is a 50 year building. He thanked all the employees for their hard work this past weekend.

*Council President Burnam* reminded everybody that Mr. Cruitt has a photo op up front after the meeting, and it is truly a historical night, and it is a good idea.

**10. ADJOURN**

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

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:38 P.M.**

Respectfully submitted by,

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

**Certification by Presiding Officer:**

\_\_\_\_\_  
Greg Burnam  
Council President

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

**PUBLIC HEARING**  
**SEPTEMBER 15 , 2008**

**1.) Revision of Zoning Map**

To: Office of the City Clerk  
From: William H. Eady, Sr., Director of  
Community Development  
Subj: City of Daphne Zoning and Street  
Maps  
Date: July 28, 2008

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, July 24, 2008, seven members were present and the vote carried unanimously for the affirmative recommendation of the above-mentioned request.

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

The ordinance for the zoning map and the resolution for the street map are being prepared by the City Attorney and are scheduled to be submitted on July 30, 2008 for placement on the August 4<sup>th</sup> City Council meeting.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

attachment(s)

To: Office of the City Clerk  
From: William H. Eady, Sr., Director of  
Community Development  
Subj: City of Daphne Zoning and Street  
Maps  
Date: July 28, 2008

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Thank you,

WHE/jd

cc: file

attachment(s)

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2008-**

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**Zoning District Map  
Revision to Appendix H of the City of Daphne  
Land Use and Development Ordinance**

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 24, 2008, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15, and Ordinance 2007-48; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15, and Ordinance 2007-48; and

**WHEREAS**, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on \_\_\_\_\_; and

**WHEREAS**, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

**SECTION I: ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit A of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

**SECTION II: REPEALER**

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, and 2007-48 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

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

---

**GREG BURNAM,  
COUNCIL PRESIDENT**

Date and Time Signed: \_\_\_\_\_

---

**FRED SMALL,  
MAYOR**

Date and Time Signed: \_\_\_\_\_

**ATTEST:**

---

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

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
September 8, 2008  
4:00 P.M.**

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

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

Also in attendance were Mayor Fred Small, Revenue Officer Cornell Smith, and Public Works Superintendent Melvin McCarley.

**II. PUBLIC PARTICIPATION**

There was no public participation.

**III. HUMAN RESOURCES BUSINESS**

There was no Human Resources business.

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

**A. Bids:**

1. 2008-T-CROWD CONTROL BARRICADE

Three bid invitations were sent out, with two sealed bids received, one being a no bid. Mr. McCarley recommended the bid from Friedrichs Custom MFG, Inc. be accepted. It was discussed that \$15,000 is budgeted for barricades.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid 2008-T-CROWD CONTROL BARRICADE to Friedrichs Custom MFG, Inc. for the bid price of \$93.49 each for orders over 100 and \$100.00 each for orders less than 100. Seconded by Mr. Nager. All in favor.***

2. 2008-U-PD / LIVESCAN FINGERPRINT SYSTEM

Six bid invitations were sent out, with 2 sealed bids received. It was discussed that this will allow suspects to be fingerprinted when they are brought into the jail, and their fingerprints entered into the Automated Fingerprint ID System. Ms. Henson explained that this fingerprint system would interface with the existing AFIX Fingerprinting system in the Detective department to create a database and connect to outside databases for research. A memo from Lt Ric Yelding was presented recommending the low bid from Southern Detention Technologies in the amount of \$16,735 be accepted. Ms. Briley noted that since this is linked to jail activities, the purchase could be made from the corrections fund.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid 2008-U-PD/LIVESCAN FINGERPRINT SYSTEM to Southern Detention Technologies, Inc. for the bid price of \$16,735, to be paid from the Corrections Fund. Seconded by Mr. Nager. All in favor.***

### 3. 2008-V-BREATHABLE AIR COMPRESSOR

Seven bid invitations were sent out, with four sealed bids received, two being no bids. A memo from Kenny Hanak was presented recommending the low bid from Sunbelt Fire in the amount of \$35,520 be accepted. It was noted that this purchase will be made from grant monies.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid 2008-V-BREATHABLE AIR COMPRESSOR to Sunbelt Fire, Inc. for the bid price of \$35,520. Seconded by Mr. Nager. All in favor.***

### **B. Proposed Cost of Living Increase for Retired Employees (19) – Retirement Systems of Alabama**

Act 2008-555 of the First Special Session of the Alabama Legislature provides the opportunity of granting a one-time lump sum payment to the retired City employees. Ms. Briley stated that this would be a one-time payment made in December to the 19 retired City employees and would cost the City \$5,162. She explained that the legislature authorized this payment and it is up to each municipality to decide if they want to participate. It was decided to present this proposal to the full council for discussion.

### **C. Declare City Property Surplus: Building Inspection / Fire Inspection Old Furniture / Civic Center / PD . . .**

Schedule A was presented as surplus from Building Inspection, Fire Inspection, Civic Center, and Police. Ms. Henson noted that most items were left over furniture and equipment from the trailers that building and fire inspection moved from. She explained that all items would be listed on GovDeals.com for sale to the public.

***Motion by Mr. Nager to recommend to Council to adopt a resolution declaring property on Schedule A surplus and authorizing the Mayor to dispose of such property. Seconded by Mr. Yelding. All in favor.***

## **V. Current Business**

### **A. 2008-Y-CELLULAR PHONES / 800 MHZ EQUIPMENT**

Ms. Henson noted that the 2008-Y-Cellular Phone bids will be opened tomorrow, September 9. She discussed that the current contract expires in November and asked if the bids could be reviewed prior to the October Council meeting.

### **B. 2009 Budget**

Mayor Small discussed that he will be working on the 2009 budget very aggressively and expects to have it ready for the Council within two weeks. He noted that Ms. Briley had it ready for him several weeks ago.

## **VI. FINANCIAL REPORTS**

### **A. Treasurer's Report: August 31, 2008**

The Treasurer's Report totaling \$20,245,439.02 was presented.

***Motion by Mr. Nager to accept the Treasurer's Report as of August 31, 2008, in the amount of \$20,245,439.02. Seconded by Mr. Yelding. All in favor.***

### **B. Debt Service and Other Obligations Summary**

The debt service and other obligations summary was presented. Ms. Briley noted that this is total principal and interest.

### **C. Sales and Use Taxes: July 31, 2008**

Sales and Use Tax Collected for July 2008	- \$ 888,690
Sales and Use Tax Budgeted for June 2008	<u>-\$1,005,952</u>
Under Budget (for June)	-\$ ( 117,262)

YTD Budget Collections Variance - Under Budget - \$(641,756)

### **D. Lodging Tax Collections, July 31, 2008**

The Lodging Tax Collections report shows \$62,035.23 collected for July 2008.

### **E. Report: New Business Licenses – August 2008**

A report showing new businesses licensed in the City was presented.

### **F. Bills Paid Reports – August 2008**

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

## **VII. ADJOURN**

The meeting was adjourned at 5:05 p.m.

**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: September 8, 2008

Re: Recommendation for Bid Award – 2008 - T - Crowd Control Barricades

The Finance Department and Public Works sent out requests for bids for barricades. Friedrichs was the low bidder and we have decided to accept their bid.

I therefore recommend to this Committee that we award the City of Daphne BID 2008- T - Crowd Control Barricades to Friedrichs.

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

MM:swc

**CITY OF DAPHNE**

**BID OPENING MINUTES**  
**BID DOCUMENT NO: 2008-T-CROWD CONTROL BARRICADES**  
SEPTEMBER 8, 2008  
2:00 P.M.  
CITY HALL

Those present were as follows:

Ms. Suzanne Henson                      Sr. Accountant  
Melvin McCarley                         PW Superintendent

3 bid invitations were mailed/picked up , 2 sealed bids were received.

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

<u>VENDOR</u>		<u>UNIT COST</u>
Friedrichs Custom MFG, Inc	(Quantity-100+)	\$ 93.49
	(Quantity less than 100)	\$100.00
Gulf States Distributors		NO BID



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

MEMORANDUM

**TO:** SUZANNE HENSON  
**FROM:** LT. RIC YELDING   
**DATE:** SEPTEMBER 4, 2008  
**RE:** LIVESCAN FINGERPRINT SYSTEM

**After reviewing the two bids received, we would like to go with Southern Detention Technologies with a total bid price of \$16,734.00. They met all specifications and I visited Robertsdale Police Department to observe the operations of their Livescan system and I was totally satisfied with the operation and low maintenance.**

**The money for the system will come out of the Court Corrections Fund.**

**CITY OF DAPHNE**  
**BID OPENING MINUTES**  
**2008-U-PD/LIVESCAN FINGERPRINT SYSTEM**  
**SEPTEMBER 2, 2008**  
2:00 P.M.  
CITY HALL

Those present were as follows:

Ms. Suzanne Henson  
Don Bell

Sr. Accountant  
Police – Chief Correction Officer

6 bid invitations were mailed/picked up , 2 sealed bids were received.

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

<u>VENDOR</u>	<u>AMOUNT</u>
Southern Detention Technologies, Inc	\$16,735
L-1 Identity Solutions Company (DBA: Identix Inc.)	\$17,893

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

**City of Daphne  
Fire Department  
INTERNAL MEMORANDUM**

**Date:** 9/3/2008

**To:** Suzanne Henson

**From:** K. Hanak



**Subject:** Bid 2008-V-FD Breathable Air Compressor

**CC:**

---

After reviewing the submitted bids, Sunbelt Fire, who was the low bidder, met all required specifications for the equipment. It is our recommendation that their bid be accepted.

**CITY OF DAPHNE**

**BID OPENING MINUTES  
BID DOCUMENT NO: 2008-V-FD/BREATHABLE AIR COMPRESSOR  
SEPTEMBER 2, 2008  
2:00 P.M.  
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Senior Accountant
Lt. John Crawford	Fire Department
Lamar Green	Fire Medic

7 bid invitations were mailed/picked up , 4 sealed bids were received.

Lamar Green opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>		<u>AMOUNT</u>
Tupelo Fire Inc.		NO BID
Sunbelt Fire, Inc.	(LAN 111-13H)	\$35,520
North Alabama Fire Equipment (NAFECO)	(Eagle Air Baron 3)	\$42,969
Tuscaloosa Fire Equipment, Inc.		NO BID

*\*Will be purchased with Grant monies*

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

DATE: August 6, 2008

TO: Agency Director

RE: Employer Rate Change Information if Agency Adopts Provisions of Act 2008-555 form letter

Sharon -  
FUI -

Mayor  
8/12/08

Recently, information was mailed to your office regarding the one-time lump sum payment provided for under the provisions of Act 2008-555. The information included an **Employer Rate Change Information if Agency Adopts Provisions of Act 2008-555** form letter. Information on this form letter may have been incorrect. Please dispose of the form letter previously mailed and replace it with the enclosed **Employer Rate Change Information if Agency Adopts Provisions of Act 2008-555** form letter.

We regret any inconvenience this may cause.

If you have any questions regarding the above, please contact either Mike Mills (extension 1616) or Bill Paul (extension 1306) at telephone number 334-832-4140 for local calls or toll free at 1-800-214-2158.



# Retirement Systems of Alabama



## Teachers'

Paul R. Hubbert, Chair  
Sarah Swindle, Vice Chair

July 29, 2008

David G. Bronner, CEO  
Marcus H. Reynolds, Jr., Deputy

## Employees'

State State Police Public Judicial  
Bob Riley, Chair  
John H. Wilkerson, Jr., Vice Chair

## MEMORANDUM

TO: Agency Director

FROM: William E. Paul, Retirement Executive  
Employees' Retirement System of Alabama

Act 2008-555 of the First Special Session of the Alabama Legislature provides your agency with the opportunity of granting a one-time lump sum payment to certain retired members and beneficiaries. The retiree must have retired and be receiving a monthly retirement benefit from the Employees' Retirement System (ERS) prior to October 1, 2008.

The Act provides for the retiree or beneficiary to receive a one-time lump sum payment of \$1.00 per month for each year of service credited to the retiree's account. Payment will be for a twelve (12) month period or \$12.00 per year of service. Payment will be made in December 2008.

Please review the enclosed Employer Rate Change Form which will provide you with information regarding your agency's employer contributions rate which will be effective October 1, 2008, and the employer contributions rate if your agency elects to grant the 2008 one-time lump sum payment. The cost for the 2008 retiree one-time lump sum payment may be added to your agency's monthly contributions remittance effective with the October 2008 contributions remittance. The enclosed Employer Rate Change Form assumes that the change to your agency's employer contributions rate is made effective with the October 2008 contributions remittance.

To grant the provisions of Act 2008-555 for retirees and beneficiaries of your agency, the governing board of your agency must adopt and submit a Resolution authorizing the increase. For your convenience, enclosed is a Model Resolution for that purpose. **In order to utilize the enclosed employer rate change information, the Resolution to adopt the provisions of Act 2008-555 should be submitted to the ERS by October 31, 2008, and you must change the contributions rate and/or factors on the October 2008 contributions remittance.**

Please note that there is no provision that will allow the one-time lump sum payment to be granted retroactively. Therefore, your agency's Resolution must be submitted by no later than December 1, 2008, if you wish to adopt the provisions of Act 2008-555.

Any retiree or beneficiary whose eligibility for Medicaid benefits is impaired by this payment shall not be entitled to receive the payment. Individuals whose Medicaid eligibility is impaired by the increase should notify this office and request that the increase not be granted.

If you have any questions regarding the implementation of the provisions of Act 2008-555, please contact my office at (334) 832-4140 or 1-800-214-2158, Ext. 1306.

CORRECTED

**Employer Rate Change Information if Agency Adopts Provisions of Act 2008-555**

The following information provides employer contributions rate information if your agency elects to come under the provisions of Act 2008-555, which will provide a one-time lump sum payment to eligible benefit recipients whose effective date of retirement is prior to October 1, 2008.

Agency Name: Daphne

Agency Code: DAP

Employer Contributions Rate as of 10/01/2008: 6.54% of Payroll

5% Employer Factor: 1.308

6% Employer Factor: 1.090

Employer Rate if Act 2008-555 is adopted: 6.59% of Payroll  
**(Assumes effective date of change is 10/01/2008)**

New 5 % Employer Factor: 1.318

New 6 % Employer Factor: 1.098

**The above information assumes that your agency's employer contributions rate is changed with the October 2008 employer contributions rate.** If the employer rate is changed after the October 2008 contributions are remitted, the above stated employer rate is subject to change.

**A Resolution to adopt the increase provided by Act 2008-555 must be provided to the ERS if your agency elects to grant the increase.**

The above information is based on the October 1, 2008, employer contributions rate that this office currently indicates will be in effect. The change in the employer contributions rate would remain in effect through the September 2009.

**RESOLUTION 2008 -**

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

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

**WHEREAS**, the items listed on Schedule A are recommended for disposal.

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

- 1- The property listed on Schedule A is hereby declared to be surplus property, and
- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this 15<sup>th</sup> day of September, 2008.

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

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

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

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

**ATTEST:**

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

## SCHEDULE A

DEPARTMENT	VEHICLE #	VEHICLE DESCRIPTION	VIN # / SERIAL #
Building Inspection	2005	Work Center	
Building Inspection	2019	Desk	
Building Inspection	2057	Desk	
Building Inspection	3312	Desk	
Building Inspection	1498	Desk	
Building Inspection	1510	Desk	
Building Inspection	2018	Desk	
Building Inspection	2042	Desk	
Building Inspection	1641	Hutch	
Building Inspection	5018, 2026	Chair (2)	
Building Inspection	1038, 1039	Chair (2)	
Building Inspection	1069, 5087	Chair (2)	
Building Inspection	1551	Credenza	
Building Inspection	2025	Printer	
Building Inspection		Radio & base station	
Fire Inspection		Desk	
Fire Inspection		Desk	
Fire Inspection		Desk	
Fire Inspection		Chair (2)	
		Misc Shelves, Chairs, & other items	
Civic Center		72" Round Tables (25+)	
Police	3788	Printer Table/Cabinet	
Police		Kodak Carousel Projector 4600	318406
Police		Metal Projector Stand	
Police		Metal Filing Cabinet	
Police		Bookshelf Wood w/two shelves	
Police		Computer Desk (wood)	

# TREASURER'S REPORT

As of August 31, 2008

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$11,698,739.50
OPERATING ACCT	COMPASS	(\$269,767.70)
PAYROLL ACCT	COMPASS	(\$3,596.27)
MUNICIPAL COURT	COMPASS	\$318,871.48
		<u>\$11,744,247.01</u>
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	RBC BANK	\$3,561.30
4 CENT GAS TAX	RBC BANK	\$195,974.62
7 CENT GAS TAX	RBC BANK	\$282,734.15
		<u>\$482,270.07</u>
<b>CAPITAL PROJECTS FUND</b>		
CAPITAL RESERVE	WACHOVIA	\$4,128,123.64
97 WARRANT CONS	WACHOVIA	\$5,210.27
99 WARRANT CONS	REGIONS	\$19,986.95
2000 CONSTRUCTION	REGIONS	\$61,970.00
2006 CONSTRUCTION	WACHOVIA	\$2,148,802.08
		<u>\$6,364,092.94</u>
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	WACHOVIA	\$1,647,770.00
2006 DEBT SERVICE	RBC BANK	\$7,059.00
		<u>\$1,654,829.00</u>
		<u>\$20,245,439.02</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	2002	2003	2004	2005	2006	2007	2008
October	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18
November	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97
December	858,886.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09
January	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87
February	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83
March	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04
April	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85
May	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20
June	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15
July	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34
August	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	-
September	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	-
<b>Totals</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>11,871,233.19</b>	<b>9,396,172.52</b>

### FY 2007 BUDGET/ACTUAL COMPARISONS

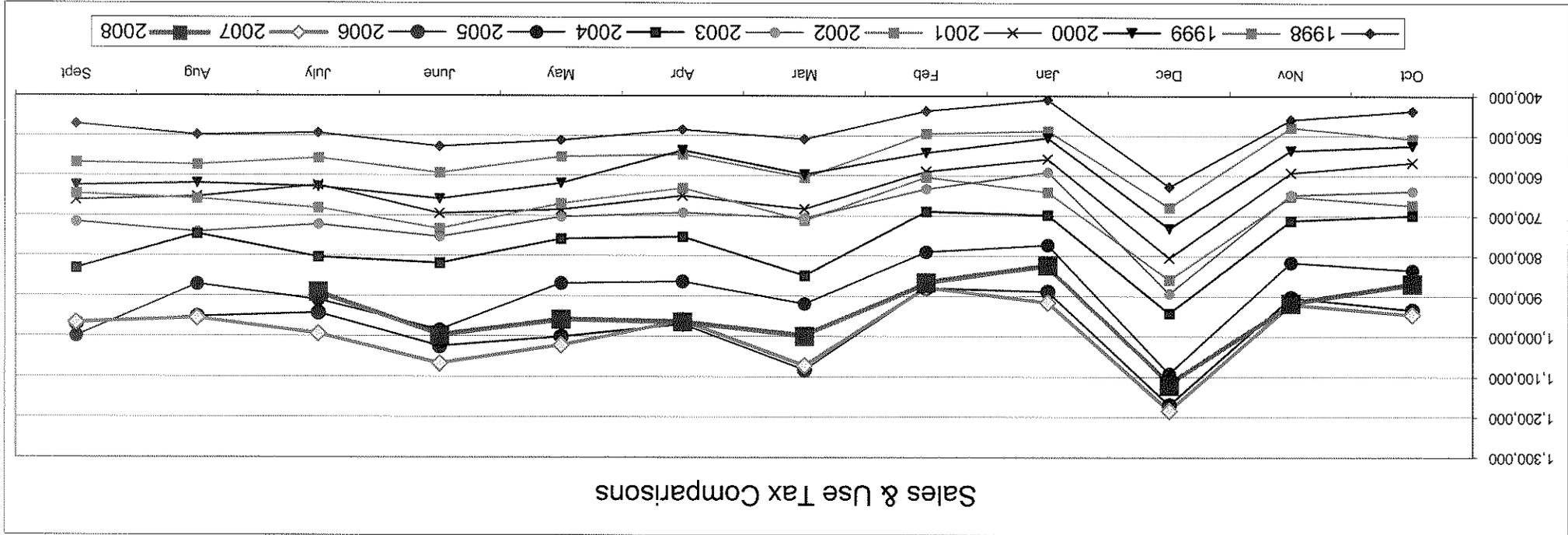
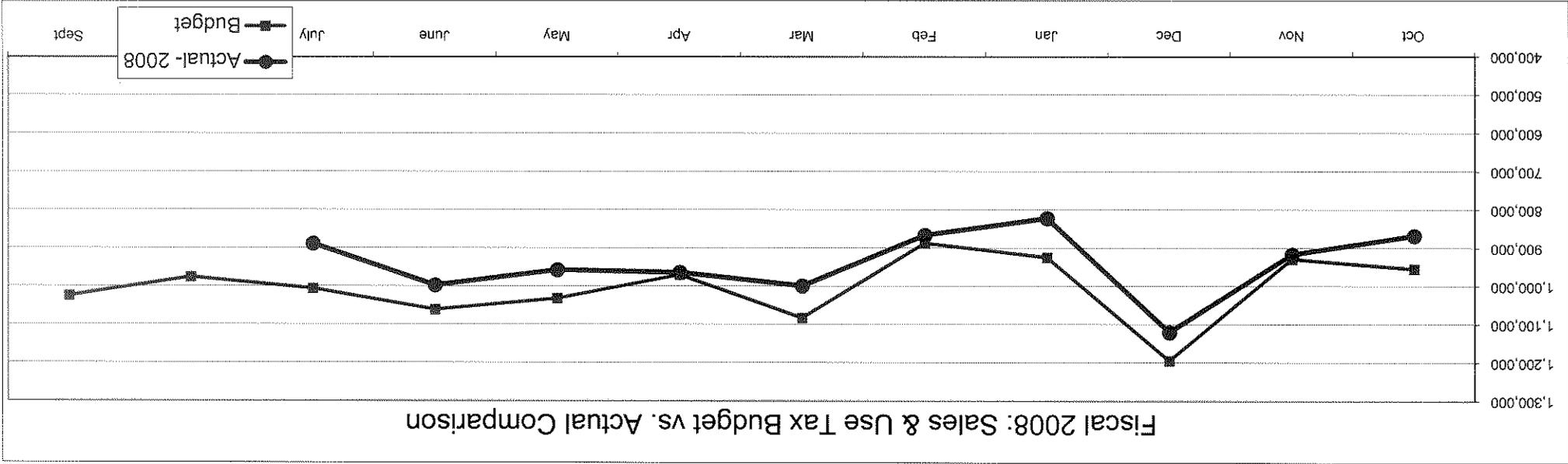
	Actual- 2008	Budget	Monthly Variance	YTD Variance	% of Budget
October	867,190.18	953,988	(86,797.82)	(86,797.82)	-9.10%
November	915,890.97	928,026	(12,135.03)	(98,932.85)	-1.31%
December	1,120,005.09	1,194,410	(74,404.91)	(173,337.76)	-6.23%
January	822,020.87	924,025	(102,004.13)	(275,341.89)	-11.04%
February	865,625.83	886,755	(21,129.17)	(296,471.06)	-2.38%
March	998,616.04	1,082,314	(83,697.96)	(380,169.02)	-7.73%
April	963,691.85	969,742	(6,050.15)	(386,219.17)	-0.62%
May	957,167.20	1,031,713	(74,545.80)	(460,764.97)	-7.23%
June	997,274.15	1,061,004	(63,729.85)	(524,494.82)	-6.01%
July	888,690.34	1,005,952	(117,261.66)	(641,756.48)	-11.66%
August	-	975,079	-	-	-
September	-	1,024,647	-	-	-
<b>Totals</b>	<b>9,396,172.52</b>	<b>12,037,655</b>	<b>(641,756.48)</b>		

### FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
October	(35,216.40)	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	-5.24%	9.64%	19.47%	11.87%	1.28%	-8.19%
November	(3,774.88)	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	-0.58%	9.94%	14.61%	10.66%	1.92%	-0.32%
December	34,122.02	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	3.98%	5.49%	15.93%	7.09%	1.21%	-5.29%
January	(48,911.20)	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	-7.65%	18.00%	10.72%	14.98%	3.09%	-10.15%
February	30,439.25	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	5.05%	8.81%	14.58%	11.32%	-0.02%	-1.41%
March	(5,570.57)	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	-0.78%	20.24%	8.21%	17.86%	-0.94%	-6.81%
April	62,295.27	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	9.89%	8.65%	14.77%	12.24%	-0.89%	0.37%
May	33,824.87	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	5.06%	7.82%	14.50%	15.33%	2.11%	-6.30%
June	20,983.31	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	2.87%	8.71%	20.12%	4.13%	4.13%	-6.49%
July	42,188.32	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	6.21%	11.26%	13.14%	3.61%	5.50%	-10.52%
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%
<b>Annual \$ Change</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>168,436.75</b>	<b>(555,531.75)</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>	<b>9.29%</b>	<b>1.44%</b>	<b>-4.68%</b>

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%

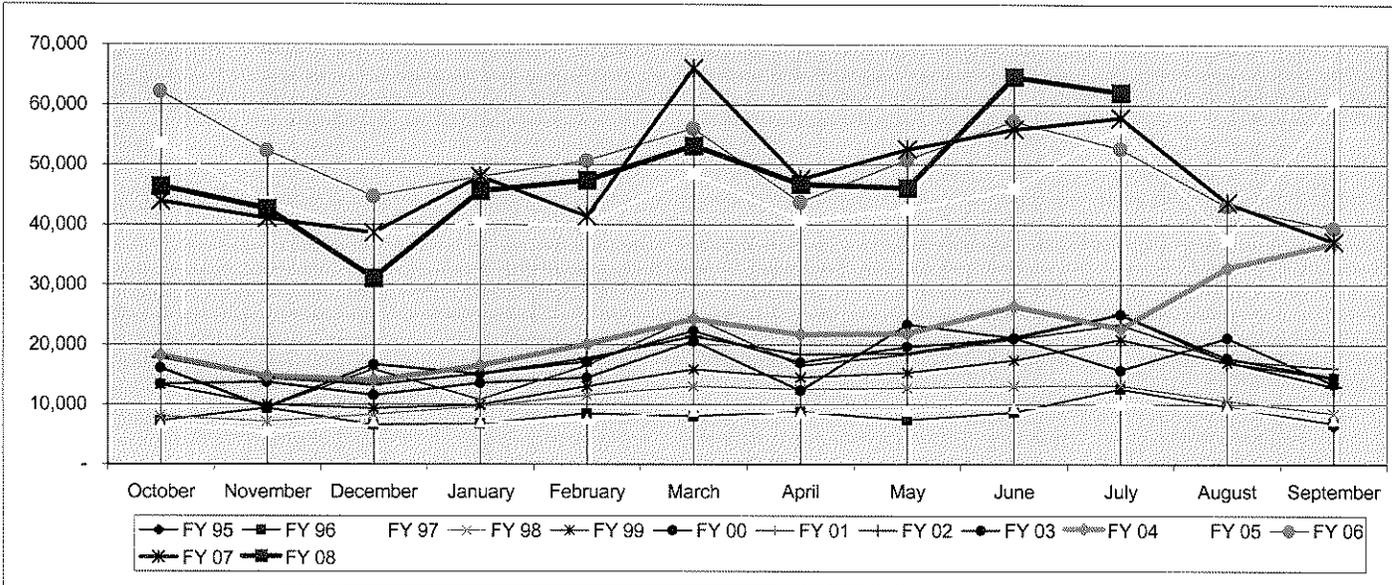
TOTAL collections: 7-31-08	9,396,173
Budgeted: 10-1-07 to 7-31-08	10,037,929
Actual Coll <> Budget, 7-31-08	(641,756)
% Over/(Under) Budget, 7-31-08	-6.39%



### Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	
November	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	
December	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	
January	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	
February	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	
March	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	
April	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	
May	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	
June	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	
July	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	
August	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41		
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	<u>37,180.99</u>	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	485,655.29

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



<b>FY 2008 Budget</b>
620,000
<b>% Budget Collected</b>
<u>7/31/2008</u>
78%

### Debt Service & Other Obligations Summary

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014-2036</u>	<u>Total</u>
Warrants	2,802,783	2,886,389	2,799,094	2,883,429	3,010,703	32,355,413	46,737,811
Limited Obligations	1,433,252	1,429,244	1,429,750	1,429,384	1,428,135	23,732,740	30,882,505
Bldwn Cty Bd Ed	192,000	184,000	176,000	168,000	-	-	720,000
Bldwn Cty- Service Road	-	1,000,000	-	-	-	-	1,000,000
	<u>4,428,035</u>	<u>5,499,633</u>	<u>4,404,844</u>	<u>4,480,813</u>	<u>4,438,838</u>	<u>56,088,153</u>	<u>79,340,316</u>

#### Maturity Dates

1997 Warrants	2017
2003 Warrants	2018
2006 Warrants	2029
2002 Warrants	2032
2002 Limited Obligations	2022
2006 Limited Obligations	2036



**Public Safety Committee**  
*Wednesday, September 3, 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 Gus Palumbo, Councilman Eric Nager, Chief Carpenter, Chief James White, Capt. Scott Taylor

**CALL TO ORDER**

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

**PUBLIC PARTICIPATION –**

No one present.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

**Minutes from August 2008 Meeting**

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

**FIRE DEPARTMENT**

**A. New Business**

**1. Statistics for July 2008**

Chief White went over stats. Chief White advised that he had offered three applicants a firefighter job this week. Two are certified and one will have to attend fire school.

**B. Old Business**

**POLICE DEPARTMENT**

**A. New Business**

**1. Statistics for July 2008 were reviewed. Two officers are mid way through the academy and doing well. We have lost two officers to active military and one more will be leaving soon. Mr. Palumbo advised that he talked to HR about the drop program and the answer from them was that we do not have anyone eligible for that program right now. He would like to know what it entails before employees are eligible to know what the cost might be. Chief said that we have a few that will be eligible in the next couple of years. After a brief discussion on the pros and cons, Chief Carpenter suggested getting someone from the Retirement**

**System to explain the program. Mr. Palumbo asked that it be put on the agenda next month and we'll see if we get some questions answered. We faired good through Hurricane Gustav, just beefed up patrol a little but did not overdo it. Not too much overtime.**

**Chief advised that we will begin holding prisoners for Silverhill PD again at \$42 per day.**

**Asked about how neighborhoods would start up a Neighborhood Watch Program. Chief explained that they can buy the signs and Melvin can put them up. We've had several programs in the Lake Forest and Malbis area. Palumbo stated that the neighbors that started up the program have moved and the program is no longer in existence.**

**B. Old Business**

**OTHER BUSINESS**

**ADJOURN**

There being no further business to discuss, Mr. Nager adjourned the meeting at 5:00 p.m., after a motion by Councilman Nager. The next meeting will be Wednesday, October 8, 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: July 2008

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	1	4
11-Structure Fire/Commercial	0	2
11-Structure Fire/Residential	1	14
12-Fire in Mobile Property used as fixed structure	1	0
13-Mobile Property (vehicle) Fire	1	15
14-Natural Vegetation Fire	1	16
15-Outside Rubbish Fire	0	5
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
<b>2-Overpressure Rupture:</b>	0	0
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	134	1,147
<b>4-Hazardous Conditions (No fire):</b>	9	57
<b>5-Service Call:</b>	15	94
<b>6-Good Intent Call:</b>	15	117
<b>7-False Alarm &amp; False Call:</b>	18	120
<b>8-Severe Weather &amp; Natural Disaster:</b>	1	1
<b>9-Other Situation:</b>	0	2
<b>Total Emergency Calls:</b>	175	1,372
<b>Monthly Total Calls:</b>	199	1,595
<b>Response Time:</b>		
<b>Highest:</b>	12	13
<b>Lowest:</b>	<1	<1
<b>Average (Minutes/Seconds) :</b>	1/12	4/11
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	94	1,311.67
<b>Property Loss - \$</b>	\$201,000	\$1,533,255
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	0/0	1/0
<b>Advance Life Support Rescues</b>	89	594
<b>Number of Patients Treated</b>	134	1,157
<b>Total Mutual Aid Given</b>	2	24
<b>Total Mutual Aid Received</b>	4	9
<b>Child Passenger Safety Seat Inspections/Installations</b>	2	91
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	3	76
<b>Persons Attending</b>	58	3615
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	3	45
<b>Final/Certificate of Occupancy</b>	1	8
<b>General/Annual Inspections</b>	74	930
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	4	134
<b>Business Licenses</b>	14	66
<b>Consultations-</b>	0	43
<b>All Other/Misc. Activities</b>	0	10
<b>Total Activities:</b>	96	1236

Authorized by:

*James White*

Chief James White

Daphne Police Department		Monthly Report					JULY 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	1,108	# New Cases Received:	69	Total Arrestees Received & Processed:	173	1,529		Arson	1	
# Misd. Arrests	52	# Previous Unsolved Cases:	131	Arrestees by Agency:			#Complaints	64	Burglary – Commercial	1
# Felony Arrests	3	# Cases Solved:	52	Daphne PD	151	1,228	#Follow-ups	114	Burglary – Residence	12
DUI Arrests	16	Resulting in Total Arrests:	28	BCSO	2	87	#Citations	1	Burglary - Vehicle	0
Alias Warrant Arrests	43	Felonies:	27	Silverhill PD	0	0	#Warnings	7	Criminal Mischief	13
Citations	455	Misdemeanors:	1	Spanish Fort PD	19	183	#Felines Captured	53	Disorderly Conduct	2
Close Patrols	809	Houses Searched	0	Troopers	0	24	#Canines Captured	37	Domestic Disturbance	16
Warnings	195			INS	0	0	#Other Captured	17	False Info to Police	4
Motorist Assists	244			Other Agencies	1	7	#Returned to Owner	12	Felony Assault	0
Roadway Accidents	55	<b>Warrants:</b>					#Adopted Out	24	Felony Theft	18
Private Property Accidents	19	Bettner Served	71				#Euthanized	45	Harassment	13
Traffic Homicide	1	Agency Assists	30	Highest	34				Identity Theft	5
		Recalls (Pd Fines)	33	Lowest	21				Indecent Exposure	0
<b>DRUG REPORT</b>		Total Warrants Served	134						Kidnapping	0
<b>ROUTINE PATROL/SPECIAL OPS</b>				Meals Served	2,317	24,132			Menacing	0
		<b>Sex Offender:</b>		Medical Cost	2,732.56	\$18,228.81			Misdemeanor Assault	3
# Misd. Marijuana Arrest	0	New Registration:	1	Worker Inmate Hours	579	6,170			Misdemeanor Theft	18
# Felony Marijuana Arrest	0	Contact Verification	0						Murder	0
# Controlled Substance Arrest:	0	Total # registered in Daphne	3						Other Death Investigations	4
# Drug Paraphernalia Arrest	2	<b>DARE:</b>							Public Intoxication	2
Vehicles Searched	69	# Hours Report Writing:							Public Lewdness	0
		# Students Instructed SRO							Receiving Stolen Property	1
Drugs Seized:	0	# Students Instructed DARE							Reckless Endangerment	1
Type:	0	# Police Reports by SRO							Resisting Arrest	1
Money Seized	0	# Arrest by SRO							Robbery	0
Vehicles Seized									Sex Crime Investigations	1
		<b>CODE ENFORCEMENT:</b>							Suicide	0
Commercial Vehicle Inspections	0	Warnings:	7						Suicide, attempted	0
		Citations	6						Theft of Services	0
		Warning							Unauthorized Use of Services	2
		Compliance	3						Weapon Offenses	2
		Follow – Up	1						White Collar Crimes	5
<i>Approved by:</i>		<i>David Carpenter, Chief of Police</i>								

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 7, 2008 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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DRAFT

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. Let us have a roll call.

**Call of Roll:**

Members Present:

Jeri Hargiss, Secretary  
Frank Lamb  
Glen Swaney  
Willie Robison, Chairman  
Billy Mayhand

Member Absent:

Barry Taylor  
Jim Moss

Staff Present:

William H. Eady, Sr., Director of Community Development  
Pat Houston, Recording Secretary  
Tony Hoffman, BZA Attorney

The Chairman stated Pat, who will be voting tonight?

Ms. Houston stated all five members present tonight will be voting.

The Chairman stated the next item on the agenda is the approval of the July 10<sup>th</sup> minutes. Has everyone read the minutes? The Chair will entertain a motion to approve the minutes as written.

**Approval of Minutes:**

The minutes of the July 10, 2008 meeting were considered for approval.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Swaney** to approve the minutes as written.

Upon roll call vote, **the Motion carried, unanimously.**

Mr. Swaney           Aye  
Ms. Hargiss         Aye  
Mr. Lamb            Aye  
Mr. Robison         Aye  
Mr. Mayhand         Aye

**New Business:**

Appeal #2008-08 - Friday Construction

The Chairman stated next on the agenda is Appeal #2008-08, Friday Construction, a variance to allow the residence at 107 Timberline Drive to encroach the front setback line by two-feet on the northwest corner. Mr. Eady, if you would take us through this.

Mr. Eady displayed color transparencies of the northwest corner of the house at 107 Timberline Drive. He stated the house sits at a slight angle. The little red and white pole sits back two-feet on the corner and that is where the encroachment is. It does not go all the way across. It goes to about the middle of the garage where it phases out. The entire house does not encroach the setback, only the northwest corner is encroaching.

Mr. Lamb stated Mr. Eady it starts where the pole is and stops where Pat is standing?

Mr. Eady stated no, sir. It does not go that far. It goes in that direction. It stops about middle ways the garage, probably less than half way across it is clear, maybe not that far.

The Chairman stated anything else?

Mr. Eady stated that is it.

The Chairman stated is the owner here tonight? If you would state your name and address for the record and please speak up for amplification because I have been informed we do not have any microphones tonight.

Mr. Reyner stated my name is Wayne Reyner and I am here on the behalf of the owners of 107 Timberline Drive. We would like to request the variance for the two-foot, twenty-eight inches encroachment on the front setback be granted.

Mr. Swaney stated the house looks fairly new. When was it built?

Mr. Reyner stated it was built, finished three months ago.

Mr. Swaney stated so somebody just missed the setback line?

Mr. Reyner stated right.

The Chairman stated does anyone know how they missed the setback line? I live right around the corner from there, a couple of blocks away.

Mr. Reyner stated it got missed from the pin coming over from where the junction box and power was. The right side pin was there and the

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
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**DRAFT**

left side, but the middle of the pin was not there so it got missed from the curb coming over. It pulled the setback line halfway through the garage.

The Chairman stated thank you. Is there anyone here in opposition to this appeal? Are there any other questions?

Mr. Lamb stated I have a comment. If I am not mistaken there is no penalty from the City of Daphne for buildings to encroach setback lines. I do not think there is. Is that right Mr. Eady? There is no ordinance that says if a builder encroaches the setback and comes to the Board of Adjustment there is a penalty.

Mr. Eady stated I do not think so, no, sir. Not to my knowledge. Unless you want to make them tear it down.

Mr. Lamb stated however, I certainly would like for this Board to investigate the possibility of a fine for any builder who encroaches the setback. I know when I built my house I had the lot surveyed and surveyed and I made absolutely sure we complied with the setbacks, and time and time again this Board is seeing requests for variances that do not comply with the setbacks. I do not know the mechanism to do this, but in my mind five hundred dollars a foot is nothing. We get them all the time with five, six, eight, ten-foot violations. Recently we had one where after the Building Official had approved it they re-oriented the house and made a five-foot violation. I think it is a good time for the City of Daphne to tell builders that you had better know where the setback is before you build in Daphne. They build over the setback because they say I know that the City is not going to make me tear the house down.

Mr. Swaney stated Mr. Hoffman can you make a comment on that? Would that be feasible or not?

Mr. Hoffman stated I believe it would have to go through the City. We would have to talk with Jay Ross possibly writing an ordinance to that effect.

Mr. Swaney stated so it would have to be a separate ordinance?

Mr. Hoffman stated yes.

Mr. Eady stated the correct procedure would be that you voted to do that exactly how you want it, what you want it to say and what you want the penalty will be, and then we would take it and present it to the Planning Commission. We are updating our Land Use Book now.

Mr. Eady stated we put it in there and the Planning Commission would recommend it to the Council for approval to be placed in the Land Use

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
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DRAFT

Book. The whole Ordinance would be up for a vote before the Council and it takes about three months for the entire process and that is the path you have to take. You have to tell him what you want to say. You vote on it after you approve it and recommend it be included in the Land Use Ordinance to the Planning Commission.

Mr. Hoffman stated you would do that as a codification to the land to be sure it passes the mustard both from the City's point of view and yours. I would recommend the concept that we talk about it and work out a draft and let the City Council look at it to make sure that they believe that it passes the mustard, we think it passes the mustard and then you vote to adopt it to recommend to the City.

Mr. Eady stated we would want legal to review it to make sure every thing was okay.

The Chairman stated anyone else? If not, the Chair will entertain a motion. The motion must be made in the affirmative.

**A Motion was made by Mr. Swaney and Seconded by Ms. Hargiss to approve Appeal #2008-08 Friday Construction, for a variance to allow the northwest corner of the residence of 107 Timberline Drive to encroach the front setback line by two-feet.**

Upon roll call vote, **the Motion carried unanimously.**

Mr. Swaney	Aye
Ms. Hargiss	Aye
Mr. Lamb	Aye
Mr. Robison	Aye
Mr. Mayhand	Aye

The Chairman stated the appeal is granted and you can pick that up from Pat in the morning after nine o'clock. Do you know where the Planning Department office is on County Road 64? Okay. You can pick it up after nine o'clock.

Mr. Reyner stated yes, sir. Thank you.

**New Business:**

**Appeal #2008-09 - Metropol #1 LLC**

The Chairman stated the next item on our agenda is Appeal #2008-09, Metropol #1 LLC.

The Chairman stated a variance to allow a proposed duplex to be built on Lot 55 and 56 of the Lakeview Townhomes, Phase 3 to encroach the rear setback line by twenty-feet.

**CITY OF DAPHNE  
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**DRAFT**

Mr. Eady displayed color transparencies of Lot 55 and 56 of the Lakeview Townhomes, Phase Three and the structure proposed to be placed on it. He stated you will see in the upcoming photo is where Metropol has started disturbing Lot 55 and 56 on Lakeshore Drive and that is all I have.

Mr. Swaney stated the elevation is something like thirty-feet.

The Chairman stated does anyone have any questions for Mr. Eady?

Mr. Swaney stated is Appeal 9 and 10 the four lots are adjacent to one another, right?

Mr. Eady stated yes, sir, just paired lots. As far the setbacks, the original rear setback is ten-feet. There is a thirty-foot utility easement that belongs to Lake Forest. It goes across the front of the lots and I understand Lake Forest did not want to give it up. So you cannot build in the easement so you have to move behind the utility easement. There is suppose to be a twenty-five easement in the rear so they are using up twenty feet of that and there is also a five-foot utility easement across the back of the lot. So that is the only thing that is going to be left between the home, the setback line and the golf course.

The Chairman stated five feet.

Mr. Eady stated yes, sir.

Mr. Swaney stated I know we are here to talk about these four lots, but I could not help but notice the setback on the adjacent lots is fifteen-feet and these are thirty and I was wondering why.

Mr. Eady stated that is what I was telling you. Lake Forest has got a thirty-foot utility easement across the front of them.

Mr. Swaney stated according to what I see here in Appeal 2008-10 this property has a smaller setback. Am I wrong?

Mr. Eady stated yes, sir.

Mr. Mayhand stated a point of correction under the engineering comments. It should be Lots 55 and 56 instead of 57 and 58.

The Chairman stated okay.

Mr. Eady stated Lots 57 and 58 are coming up next.

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Mr. Mayhand stated it says Lot 57 and 58 for Appeal 2008-09 and it should be Lots 55 and 56. It does not have a page number, but it is the page one over from the new business page, in the staff report.

Mr. Eady stated okay.

Ms. Houston stated it is a typo on my part. It should read Lot 55 and 56.

The Chairman stated it is showing Lot 57 and 58 and it should be 55 and 56. Is there anyone that would like to speak in favor of this appeal? If so, please step up, speak loud and state your name and address for the record.

Mr. Pikes stated my name is Wesley Pikes and I am here representing the owner, Metropol #1, LLC and I also have with me Mr. Danny Hamilton, who is one of the managers for Metropol #1, he has got a lot more knowledge than I do. In essence we are seeking a variance because the thirty-foot easement that runs across the front of really all four of these lots makes any construction impossible on top of that easement, so we have to go back, if you have the easement and then you have a twenty-five foot setback line behind it. We put it in our application, but that only leaves somewhere between, I believe, twenty-five to twenty-eight feet for construction which we believe creates a substantial hardship and so we are asking for a variance on the rear setback line so that we can move backwards and not be on top of that easement, to kind of move to the back of the lot.

Mr. Swaney stated question. On the second lot. Do you have one of those sheets with you tonight? Let us show Lot 55 and 56, please.

Mr. Pikes stated I do not have one of those booklets. I only have the application with me tonight. If it is something we submitted then I will have it.

The Chairman stated Mr. Eady can you put that on the screen for us please?

Mr. Eady stated which one?

Mr. Swaney stated let us show Lot 55 and 56 that you had the plot plan of.

Mr. Eady stated Lot 55 and 56 are right here.

Mr. Swaney stated okay. Now put the plot plan you had back up there. Mr. Swaney stated now am I in error? But what I see on that drawing indicates a fifteen-foot setback.

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Mr. Eady stated that is right.

Mr. Swaney stated what?

Mr. Eady stated that is true, that is what is supposed to be there, but there is already a thirty-foot utility easement through there, which takes up those fifteen-feet so they cannot build in the utility easement. They have to come all the way back thirty feet.

Mr. Swaney stated the plot plan you put up of Lot 57 and 58 shows that thirty-feet and I am wondering why.

Mr. Eady stated it is just not showing on the map.

Mr. Swaney stated once again, going back. Are you sure that the thirty-foot easement covers all four lots?

Mr. Pikes stated yes, sir. We are as sure as we can be. Mr. Hamilton has actually met with the owners of the easement and asked if they would vacate it and they said no. We have had surveys done and that is how they show the easement.

Mr. Swaney stated is there a representative from the Lake Forest group here tonight?

Mr. Crimmins stated we are all a part of the Lakeview Townhomes Property Owners Association.

The Chairman stated let me make a statement before we go any farther, since the question has been asked. I serve on the Lake Forest POA Board. I have not discussed this issue with anybody concerning that, this is the first I have heard of the Lake Forest POA granting the variance or whatever on the thirty-foot easement through there is when I got this and read it and when Mr. Eady was talking about it. So as far as representation of the Lake Forest POA we do not have anyone here tonight representing the Lake Forest POA. I am here as a citizen of Daphne to serve on the Board of Zoning Adjustment for the City of Daphne and that is the only reason why I am here tonight. I would like for that to be made known up front because no matter how we vote tonight I want that to be made known up front.

Mr. Eady stated Mr. Chairman there is the thirty-foot easement on 57 & 58 and it continues on across on 55 and 56.

Mr. Swaney stated is there anybody here tonight that can address how this thirty-feet is being used?

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Mr. Hamilton stated the thirty-foot easement actually belongs to the Daphne Utilities.

Mr. Swaney stated the thirty-foot easement.

Mr. Eady stated no, it does not.

Mr. Hamilton stated I have met with the Daphne Utilities.

Mr. Eady stated it belongs to Lake Forest.

Mr. Swaney stated Daphne Utilities.

Mr. Hamilton stated yeah, and they say that the sewer lines that runs from Lake Forest straight down into the sewer plant is about twenty four-feet deep. So that is why you have got a thirty-foot easement all the way down the length of Lakeshore Drive including the rest of the houses down through there. Now the reason it is not a problem the rest of the way is because of this drain, but when you get down to 55 and 56 you have taken up with the curve. So not only are you losing the thirty-feet you are losing so more because of the way the street runs.

Mr. Swaney stated okay. I was wondering. This is something that does not evidently show on the original plot plan.

The Chairman stated I have a question. When I was out there looking, and as you saw in the pictures, it had been cleared off to start construction on all this. Did someone come out and say you could not continue?

Mr. Hamilton stated let me start back from the beginning. I was in the Building Department office to take out permits for another job and in the meantime I had been talking to the owners of 57 and 58 about buying those. Well I saw that there was a file sitting on the desk that had 57 and 58 on it, written on it. So I ask the question what is the deal with this lot. They said nobody has been able to build there because nobody can come up with the right plans for these lots. They said they have to be built the same as what is there. So in talking to the owner of the lots he said yeah you have got to build like kind quality, the same type of house there and I have got the plans and everything. So I took the plans and had them redrawn based on the way everything looked. Then when I come back and find out there is a thirty-foot easement there that has not shown up. Then I start talking and find out we are going to have to go before someone to see if we cannot vacate the easement.

Mr. Hamilton stated I went to Mr. Eady office, went to the City of Daphne, went to the Mayor and I went to talk to the guy at the Utilities Board and they said no we cannot do that because of the

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reason I gave you, the sewer. Then we come up with a redesign. We basically take the house, turn it around, and make changes to it front and at the same time when I went over here to the Building Department she said you have got to get a letter from the Lakeview Townhomes Association Architectural Committee that gives you their approval before we can do anything, I said okay. After conversations and after redesigning everything we went to the Committee and said this is what we have. So we get a letter that we build this particular unit, with a few changes and most were cosmetic changes, but take that letter to the Committee and they would give me a permit to clear the lot. So we go out there and we clear the lot. Then I get a call from the City saying do not, we cannot give you the building permit until we work out this twenty-five foot easement on the back. I told her there is no twenty five-foot easement on the back, there is a five-foot easement, a utility easement. A twenty five-foot setback, a five-foot easement is not showing up back there. So we get back with the surveyor and based on the original map book, everything, and page number that there is no twenty five-foot setback out there, but we still could not get a permit until all of this has been worked out so that is why you have a piece of cleared property that is still sitting there.

Mr. Lamb stated if this house gets built, from the rear of the house to the rear of the property, will be five-feet. Is that correct?

Mr. Hamilton stated yes, sir.

Mr. Swaney stated in looking at that property up there it is easy to see that the new property line is all part of the easement.

Mr. Hamilton stated yes, sir. You have got approximately fifteen-feet between the property line and the path. Then it gets wider in some places and then it narrower in other places.

Mr. Lamb stated how are you going to keep that filled hole from dropping off with rain and all that?

Mr. Hamilton stated basically what you have got is your foundation. When you step out of this door you are going to be stepping on the top of this drain so the back of this building is going to serve the retaining wall also. It is not sitting way back here you have got that retaining wall like you have got right now. The twelve inch concrete block poured in the concrete and basically what you have got is a basin in this area. It is going to be right up against it. It is going to be five-feet off the property line. Then in between the two buildings you have got to do a retaining wall.

Mr. Hamilton stated so what you have got right there comes up between the two buildings.

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Mr. Lamb stated who does the balcony belong to that show on the sketch of the house itself? If you have a house with balconies on both sides then you have to take that into consideration as being part of the house. Were they considered for the side setback?

Mr. Hamilton stated yes, sir.

Mr. Lamb stated ten-foot setbacks on the side.

Mr. Hamilton stated yes, sir.

Mr. Lamb stated it looks mighty tight, and it was hard for me to see it on this drawing, that is in the setbacks.

Mr. Hamilton stated you have got thirteen-feet on the rear and you have to a ten-foot balcony, but it is not covered or anything.

Mr. Lamb stated once it is covered it is part of the structure so therefore the outside edge of the property line has got to be ten-feet. Both sides.

Mr. Hamilton stated go back to your original plot plan you had up there. It shows a ten-foot easement and it requires five-feet.

Mr. Eady stated it is R-4.

Mr. Lamb stated it is what?

Mr. Eady stated it is R-4, twenty-five feet in the front, twenty-five in the rear, six and six.

Mr. Lamb stated I thought the little footnote on that page said ten-feet.

Mr. Eady stated I do not know, our Ordinance says six-feet.

Mr. Swaney stated Mr. Eady can you put that front elevation of the house back onscreen? Considering that the elevation at the back of the lot is about thirty-feet, where is the thirty-foot elevation? What level is it in that plot plan? In other words are both of those floors thirty-feet above the golf course level?

Mr. Hamilton stated the front door is going to be around fifteen to eighteen-feet above, half way up from the curb of the lot, because that rod is actually going to be under the house.

Mr. Swaney stated where is the back of the lot?

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Mr. Hamilton stated the back of the lot is probably to the top of the back door, of the front door.

Mr. Swaney stated so there will not be any windows on the bottom of the first floor?

Mr. Hamilton stated the first floor is going to be even with the ground level when you are looking out of this dock hole from the first floor when you are standing in the house and then under that is the garage. So basically you have got an embankment underneath the garage.

Mr. Swaney stated okay. So that means that the bottom is thirty-feet above sea level.

Mr. Hamilton stated I would say more like twenty.

Mr. Mayhand stated do you have a drawing showing the back side?

Mr. Hamilton stated yes, sir. I have a copy of the plans right here.

(The Board took five minutes to review and discuss these plans)

Mr. Pikes stated I want to re-emphasis that no matter what the design on this particular house or dwelling is you still have the issue of the thirty-foot easement in the front and the twenty five-foot setback line, which really only leaves twenty-five to twenty-eight-feet for construction. The developers are going to work with the Architectural Committee to do whatever they want done to have that approved. They do not want to put in something that is out of character. The condition for the variance is that it is really impossible to put any kind of habitable dwelling in there the way it is situated right now because of the setbacks and the easements.

The Chairman stated is there anyone else that would like to speak in favor of this?

Mr. McMurphy stated my name is David McMurphy, and I am on the Architectural Review Committee, and we approved the plans for this building, architecturally the unit for our community. The problem is the building does not fix the building pad. The smallest unit on our street is fourteen hundred and fifty square feet and I think the largest is twenty three hundred so we feel like from a value standpoint it is important that they build something big enough to keep the value of our property up. We have approved it based on that and based on the property setback. No where did it say twenty five-foot setbacks.

Mr. McMurphy stated so we hope you grant the variance so our property values can stay up. We cannot approve a unit any smaller than twelve

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hundred square feet to be close to our values. We think he has done a good job with the architecture. Thank you.

The Chairman stated thank you. Anyone else?

Mr. Crimmins stated I am Walt Crimmins, I am President of the Homeowners Association, and I would just like to echo what David said. Probably more than a dozen years ago another builder attempted to develop both of those lots and we had a terrible condition, and they were unsuccessful. We would like to see our neighborhood complete. We certainly would like to see the open lot that is partially developed now completed. He is developing the lot where the structures, one of them will be roughly seventy one-foot from the street and the other will be seventy eight-feet. I do not think of all the homes in the area there are not any smaller than fourteen hundred feet. I think we are all around eighteen hundred to two thousand square feet. We would like something that is similar, and he has worked with us and brought something similar to the neighborhood. Right now there are three different style homes in the neighborhood, but basically they are all townhomes with the garage in the front. This one is different but there are actually four different styles right now within the neighborhood, but they all have the same basic townhome with the garage in the front. It is slightly different from the other models, but the Architectural Committee and the Homeowners Association have approved it.

The Chairman stated before you sit down. I know I should not ask this question. You having sat up here for many, many years in being a member of the BZA. In my mind I was curious how your mind would be thinking. Could you remove yourself from out there and put yourself up here with having to look at the issues based on the Land Use Ordinance with the way that it reads that you can have a variance based on a hardship of the land and not make this a value appeal?

Mr. Crimmins stated Willie that is a dirty trick for somebody that has sat almost eight years on that Board. But it is something brought on by the land, and the size of the lot. That is why I say the depth of the lot itself, that and the easement leaves them with very little usable room. Certainly nothing will be complimentary to the neighborhood. They would be trying to put what some people call the Katrina cottage in there and that is what we do not want. So you are dealing with something brought on by the land, the depth of the lot, and those lots were there from at least 1984 or earlier and there is the easement that Lake Forest has.

Mr. Swaney stated that easement did exist from day one? Did it not Mr. Crimmins?

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Mr. Crimmins stated Glen I have heard since I got here that there is a thirty-foot easement, a utility easement that actually runs right through our cul-de-sac on down towards the water treatment facility, but I was never aware that it cut into those four lots like it does. I was thinking that it was down the middle of the street all the way. This is sort of a new revelation to me tonight.

Mr. Swaney stated thank you.

The Chairman stated is there anyone that would like to speak in opposition of this appeal?

Mr. Ziekle stated Arthur Ziekle I live on 54. I would like Mr. Eady first off to put on here the building for the contractor to show me how high the floor is off the ground.

Mr. Hamilton stated the bottom of the door level, from the floor down is going to be roughly eighteen-feet.

Mr. Ziekle stated from the floor with the patio on it to the ground is eighteen-feet.

Mr. Hamilton stated about eighteen-feet.

Mr. Ziekle stated now where is that in comparison to the golf course?

Mr. Hamilton stated the golf course will be at the same level in comparison to the patio.

Mr. Ziekle stated okay. Now I would like Mr. Eady to the picture with all of the dirt and pylons because there is one shot that shows my backyard and I want you people to see that.

Mr. Eady stated which one?

The Chairman stated do you have a picture that shows his place? We have them in our book.

Mr. Ziekle stated okay, that is it right there. Now as you can see I have got a gazebo in my backyard. The top of that gazebo is nine-feet high. My patio is a cement patio at the bottom of it. I have got a eight-foot high hundred pound block retaining wall behind there and I am still four-feet lower than the golf course, which means if he puts this patio eighteen or sixteen-feet above ground level those people are going to stand up there and look right down into my patio.

Mr. Ziekle stated now there is no other unit out there that has that available, Lots 45 and 54 on everybody is eight-feet. All of those

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lots are thirty-foot frontage and twenty-foot rear. Now if you look at this map on Lot 54 I have got a hundred and twenty nine-feet on one side and ninety one on the other. So my ninety one-feet on the top is the start of the short lots as shown on Lot 54. I have got thirty-feet on the front and twenty in the back, and I do not see that this thing was done in 1984. I think everyone has been aware of it. They have tried to build on it two different times and could not make it. Just because somebody goes out and buys the lot and says now I am going to form a house that is going to sit there and you people are going to give me the variance so that I can do it because them units do not look like mine. If they would be on the same level as me I would have no complaints, but he is going to put a patio on the side where people can walk out their doors stand on that patio and look down ten-feet into my back yard. Now I would not want that and I do not think anyone on the Board would.

The Chairman stated does anyone have any questions? Is there anyone else that would like to speak in opposition of this appeal?

Ms. Frush stated my name is Carol Frush, and I think you have a copy of the letter that I wrote to the Board. One of my primary concerns is one as it has already been mentioned is the fact that there has been attempted development before on this property. Previous developers have tried to get a variance from the City and they were denied the variance. We have basically lived with what we refer to as the ruins there for about four years, until we could get the developer to tear it down because he had already started to develop it when the City came along and said no you cannot do that. Another great concern that I have that I mentioned in the letter is that there is no back yard and you have already established that. These are rental units and inherently if you are going to have rentals you are going to have children. There is absolutely no place for those children to play in the back, which means that those children are going to have to play either on the golf course which is against the law or in the street. When you come around the corner to Lots 54 and 55 it is a blind curb. So any child who lives in 54 or 55, who is even close to the edge of the driveway, is in danger of being hit. There is no question about it. I find that very disturbing. I realize that there is not a bloody thing that I can do about the fact that he wants to build rental units. He is the owner, developer he can build what he wants to. I totally disagree with some things that other Board members have said, or that Architectural members have said about it enhancing our neighborhood. I do not think rental property that looks like what he is going to develop jammed onto this lot with no back yard is going to enhance our property whatsoever. I have lived in my townhome since 1983 and I have seen the neighborhood go up and down, and up and down. Ms. Frush stated it really bothers me and I feel very passionately about what he want to put on those two lots in particular because I

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think it is very dangerous that this will decrease the value of my property. Let me add one other thing. In all fairness, I am on the Architectural Committee, and when I first looked at those plans I approved them. Mr. Eady can you put the plans up again so we can see what the unit looks like. I was originally told that these were going to be windows with no access and then later the developer said it would be two or three feet. I have a special concern. Again, there is no backyard. As you can see the patios are not buffered. Mr. Hamilton's attorney asked me prior to this meeting about landscaping. We have already removed everything except on the golf course side and we are going to have to have forty-foot trees there in order to have a buffer between those side patios. There is not another unit, and granted there are different style units, but there is not another unit on that street that have the top porches or the open side porch. All of our decks are in the rear, and every deck has a partition between them so that there is privacy. You cannot look out of your deck and look onto someone else, except of the golf course side, there are some that may be open on the golf course side. Thank you.

The Chairman stated thank you, Ms. Frush. Anyone else?

Mr. McMurphy stated the way the subdivision was built after Lake Forest and it is from the bottom side to the fairway and it does slope drastically from my side to the lake side. We do have different elevations and mine is the lowest unfortunately. I am in 50 and he is on 49, 50, but just recently sold one side to another person. I am his next door neighbor and my first floor is fourteen-feet below his first floor, and we have been neighbors ten years. It is just part of the topographic of the street as it has developed with me being on the center of the development. So it is higher on Mr. Hamilton's end and it gets higher on the turn in end. So we do have different elevations and all of our balconies are open to the golf course. As part of approving his architectural plans he has agreed upon blackened a landscape plan, which is typical of any development, so that we can monitor how he plans to buffer his patio and his balcony from the street. I think we have twenty-eight units maybe give or take on our street, and I know five of them are already rented so it is not uncommon for our street. Now we do not have but three little children on our street, you know, I wish we had more, but there are five rental units already. The unit next door to me was a rental before I move in.

The Chairman stated sir, state your name again for the record.

Mr. McMurphy stated I am David McMurphy.

The Chairman stated thank you. Let us call for a vote.

Mr. Morris stated James Morris, number 41 Lakeshore. I just have a question for Mr. Hamilton. It is being emphasized that these are going

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to be rental properties, that assumption that is being made. Is that your plans? Are they going to be regular or sold for rentals or what? I think that needs to be clarified.

Mr. Hamilton stated as we are going into this project they are to be set-up as rental units. Now they are townhomes and eventually they will be sold but as a townhomes. The rent range is going to be around twelve to fifteen hundred dollars a month, more like twelve, twelve hundred and fifty dollars, but if somebody comes along and says we do not want to rent your townhome we want to buy it. Well two hundred and twenty thousand dollars and it is yours, one hundred and ninety-nine thousand dollars, maybe so. A business man or somebody comes along and wants to buy it certainly we will sell it, but you have to present everything. You cannot go in and say you are going to sell these and then all of a sudden turn them into rentals. If you go in with the approach of yes sir, they are going to be rented out, and this is how much they are going to rent for. So the bank and everybody knows this up front and if it happens to sell the bank is happy to hear it. Now let me make one other statement about developed land. That is the elevation from the porch down to right where the driveway is at. From the porch down to the yard, on that side, you are looking at seven to eight, maybe nine-feet at the most, but when you get down to the driveway into the street you are looking at a higher elevation back there. It is designed to where when you walk out and you are standing in that house on the first floor you are even with the golf course, and so we know that it is not eighteen-feet there.

Ms. Davis stated my name is Janice Davis, and I have been living on Lakeshore Drive for about four and a half years, and I am on the Board, was recently voted onto the Board as Treasurer. During the process of approving these plans I was invited to the meeting so I cannot say that I had a part in approving this. When I bought my unit and moved into the area I understood it to be a residential area where the majority of people had owned homes for fifteen or twenty years there. It is a residential area like Lake Forest or any other community whether it be Rock Creek, whether you have homes in the half a million dollar range, Lake Forest includes the two to three hundred thousand dollar range, the townhomes there are, I do not know if they are two hundred and twenty thousand because the value has gone down. A couple of the owners have sold and there are some units there that are rented and I think that any time you bring rentals into an area it lowers the property values. The people that have been there ten, fifteen, twenty and twenty-five years have a lot of money invested in those units, and you are going to remove this approach because we recently had a tremendous apartment complex that was put to the left of us.

Ms. Davis stated my unit is on the end which is directly across from all those units. Now we have got someone coming in that wants to build

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rental units up front which is going to create four more units. How would you like it if somebody built right next to your house that you had two hundred thousand dollars invested in and it was going to be a rental unit? You would not like that because it is going to lower the property values. The tax on our property is always probably ten to twenty thousand dollars higher than we could possibly sell them for now because the values have gone down so much. Two years ago when Katrina came through there was a lot of out of state investors that came through wanting to buy a lot of property in this area, and I was approached by them. When I learned that they wanted to buy them for the purpose of renting them I said no I am not going to do that to my neighbors, who have been here for twenty years, and invested a lot of money, their lives and they love the area. We do not want anymore rental property on this street, this is a family area. We cherish it for that. We are between the Lake and the golf course. We love our street. We love living there and we do not want anymore rental units on there. If you lived, I do not know where you live, but if you had someone that was wanting to build a rental unit next to your property, it is a slap in the face, and it depreciates your value automatically. I was not in that meeting to approve this and I would not have approved it. I saw the house plans and I thought it looked nice, but you are going to be on the street and in ten steps you are going to be in the floor door. I looked at the unit next to Mister right here and you go out the door and you have got a twelve-foot embankment and you do not have view of the golf course you have got a twelve-foot embankment there. So you are going to build the property up where what the second or third floor you might be able to see the golf course. You are not going to have any back yard. There is not going to be any front yard. You are just cramming big townhomes in these little bitty lots and that is not adding value to the neighborhood, in my opinion, it is taking away from the value that has already been taken away, and the City keeps raising these taxes. I fought, I protested and went to Bay Minette they lowered the value of my townhouse six thousand dollars when it should have been lowered another fifteen. There is no way I can sell my property for what they have got it valued at and then the apartments come in and it lowers the value and these will come it and it is going to lower the value. I mean a new unit to build might cost two hundred and twenty thousand or two hundred thousand to build, but you are not going to get that. I can tell you right now you are not going to get it, and that is how I feel.

The Chairman stated thank you madam. This will be the last one because sometimes it seems that we are getting repetitive. We are going over the same things. We do not want to cut anyone off, but it is starting to be where the same things are being said.

Mr. Pikes stated I will not waste any more time. I just wanted to say that as far as the character of the neighborhood I think that you have

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REGULAR MEETING OF AUGUST 7, 2008 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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DRAFT

heard that there are rental houses in the neighborhood, but the important thing is the small of this house, anything smaller the Architectural Board is not going to approve because it is going to be too small to build in the existing space with the thirty-foot easement, and the twenty-five-foot setback. The only kind of structure that you can put in there would be, frankly, too small to be either habitable or to be approved. So in order to have any use at all on these lots a variance has to be granted.

Mr. Ziekle stated may I say something?

The Chairman stated yes, sir. One quick comment.

Mr. Ziekle stated one quick remark. They are asking you for a variance on something that has been there since 1984. Now I think they would have been smart enough to do a contract with Breland and say hey I have only got twenty five-feet to build a house and I cannot do it. So what they did was buy the property, like Mr. Lamb say before, we will just mess it all up and we will just get a variance. They will give it to me and I will build a house and that will be the end of it, and that is my take on it.

The Chairman stated the Chair will entertain a motion. Remember the motion must be made in the positive.

**The appeal was denied due to the lack of a motion.**

The Chairman stated since there is no motion the appeal is denied. Mr. Eady with the appeal being denied is there anything that has to be done to the property. How long do they have to appeal?

Mr. Eady stated they have fifteen days to notify us in writing of their plan to appeal with the Baldwin County Circuit Court.

The Chairman stated you have fifteen days to appeal to notify Planning of your plans to appeal.

Mr. Eady stated since the property has been partly graded it will need to be graded and sloped, and leveled up with two inches of topsoil and grass.

The Chairman stated fifteen days to notify you if they appeal, and if it is not appealed they must do those things that you just said.

Mr. Eady stated yes, sir.

Mr. Lamb stated does this take care of both, Appeal 9 and 10? All four lots.

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The Chairman stated there are four lots involved. Should they be handled separately since they were turned in separately?

Mr. Hoffman stated you need to vote on each appeal separately.

The Chairman stated each separately. Next is Appeal #2008-10 for a variance on the setback line on Lot 57 and 58. We have had much discussion tonight on Lot 55 and 56. Would you like to address the Board again after Mr. Eady goes through this?

Mr. Eady displayed color transparencies of Lot 57 and Lot 58 of the Lakeview Townhomes, Phase Three. He stated everything is the same Mr. Chairman except it is two different lots. Lots number 57 and 58. The structure is the same. As you can see this ground has also been disturbed.

The Chairman stated would anyone like to speak in favor of this? Yes, sir. Please state your name for the record.

Mr. Hamilton stated Danny Hamilton, manager of Metropol, #1 and also the builder. When you put these plot plans back up there showing the side setback of five or six-feet and the thirty-foot easement in the front and there is no where on that map book and page number that shows the twenty five-foot setback in the back. There is no where that says it. What has happened over a period of time the City has gone in there because this was developed prior to the City that being part of the City of Daphne, so it was developed one way and the City takes over and they go in there and they mandatorily put that setback in there. If you go to that map book and page number which my surveyor did there is no twenty five-foot setback in the back. It is just like it shows on that survey. So we are asking for a variance when actually there is nothing there in the original that had a setback.

The Chairman stated Mr. Hoffman because there was nothing there on the original plat it would not have a bearing on the Land Use Ordinance that was passed after this was developed would it?

Mr. Hoffman stated no. The Land Use Ordinance would go.

The Chairman stated it would supersede it.

Mr. Hoffman stated yes, sir.

Mr. Swaney stated the Ordinance passed what year? 1988.

Mr. Hoffman stated 1987 or it might have been 1988.

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Mr. Crimmins stated was this part of the land that came into Daphne in 1987 when Lake Forest was approved?

The Chairman stated all of that should have been annexed into the City of Daphne in 1988. All of it.

Mr. Crimmins stated then is it grandfathered?

The Chairman stated when was the book adopted by the City?

Mr. Hoffman stated September 21, 1987, is my understanding.

The Chairman stated when was this annexed in? Correct me if I am wrong, but anything that was already there would be grandfathered in, but anything that was built afterwards would not come under the grandfather clause. It would come under the new Land Use Ordinance. Am I correct on that?

Mr. Hoffman stated that is correct.

The Chairman stated so it would not have grandfathered in the land itself.

Mr. Hamilton stated so this is not a hardship case. You have four pieces of property that cannot be built on.

Mr. Mayhand stated the way that I look at it and that is just a common sense kind of a way to look at this is that all land cannot be built upon. Some land just cannot be built on at least not in a convenient way. I am not saying that you cannot, but it is going to be very difficult to put a house or something like that inside there small area.

Mr. Crimmins stated you know we have these small lots now because what was done in 1984 before the City got into business. These are like some of the old lots that are fifty-feet wide in Olde Towne Daphne and a hundred-feet long, but they are allowed to build on them. It is a different location, but it is the same situation. These lots are only so deep, that is the way it was meant to be developed under Lake Forest before this became part of Daphne.

Mr. Ziekle stated I have here the original plat that Breland had back in the late 70's or 80's when he developed that property and it says on here that it has a thirty-foot frontage and a twenty-foot rear, and that is from Unit 29 of Lake Forest. I guess I have to ask Mr. Robison this.

Mr. Ziekle stated if this was Unit 29 of Lake Forest was it recorded back over when it was private property?

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**DRAFT**

The Chairman stated say that again please.

Mr. Ziekle stated okay. According to this and it was back in the 80's. It is thirty-foot frontage and twenty-foot rear. Now my unit was built in 1993 and I have got thirty-feet in the front and twenty-feet in the back. Everybody along that line on my side of the golf course is the same. The only thing that I am reading to you is what I read, and it says twenty-foot rear Unit 29, Lake Forest. If I go the Lake Forest by-laws or restrictions and regulations and I go to Unit 29 I find out that they have a twenty-foot setback in the rear. So I am assuming since everybody in that area is twenty-feet back, now you are saying that the City changed it to twenty five-feet. Am I right?

The Chairman stated no, sir.

Mr. Ziekle stated so you are saying that it was twenty-five way back. So you overrode the twenty-feet of Lake Forest?

The Chairman stated Mr. Eady.

Mr. Eady stated if you will look at the different units there is a list. I do not if you have one or not, but there are several places where the setbacks are different on different units all throughout Lake Forest. They are not all the same. So Unit 29, as I understand it, that this is not a part of the Lake Forest property. Is it not? It is not one of their units.

The Chairman stated it is not part of the Lake Forest Property Owners Association.

Mr. Eady stated they do not pay dues.

The Chairman stated no, they do not. It is a part of the Lake Forest Subdivision.

Mr. Eady stated does it have a unit number?

Mr. Ziekle stated excuse me, but if that would be the case and even if it would not be twenty five it would still be the twenty because Lake Forest, Section 29 still says it has to be twenty-foot in the rear.

The Chairman stated someone asked a question a while ago about hardship of the land. Somebody asked that question.

Mr. Hamilton stated I made that statement.

Mr. Pikes stated if I can. I would like to respond to something that was said. I would disagree that not all land can be built upon because

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people actually subdivided and the developer intended it to be built upon. I mean it has lots on it. They are not green space and they are not parks. They were clearly intended to be built on. So it is not impossible. Even if you take away the design of this particular home and do not think about the elevation or some of these patios or porches or whatever, it would still be impossible to build a reasonable size home on that lot and in my opinion that clearly shows that there is a hardship where in this case, this particular incident because of the circumstances and timing that everyone has heard about, it is just impossible to do it. In order to fill up the neighborhood to get the remaining houses in the neighborhood, if anyone is ever going to build on that lot there is going to have to be an easement, and the developer has said and he will say it again that he is willing to do whatever the Architectural Committee wants him to do with regards to the style, the house, the side porches, any of that stuff, but I do not think anyone can argue that it is impossible to build any kind of residential dwelling on it the way it is now.

Mr. Swaney stated does it have to be a multi-family dwelling or can you build a single family dwelling.

Mr. Pikes stated I do not think you can because it would only be, you would have thirty-feet in the front and twenty-five in the back, so you are talking about only twenty five-feet.

Mr. Swaney stated with the side setbacks that is a buildable width.

Mr. Pikes stated but when you take each lot into account with the setback, all of a sudden it is not, in other words.

Mr. Swaney stated on each lot.

Mr. Pikes stated yes, sir.

Mr. Hamilton stated you are correct. We can come in there and redesign this plan which gives us twenty five-foot eight inches in the front to the back, and make each unit eighty-feet wide, being within all of the perimeters of the setback lines, and we would not have to come back to this Board again. So that is the next step, to build exactly inside that setback all the way around and go with this same concept. Then that way we have got everything handled, we have got a retaining wall back there, and we are as far back as that retaining wall and this gentleman here is. When you walk out of the back door you are probably going to be able to look half way up that wall. You are not going to be able walk out and see him over here, but this will be redesigned and it will be within the perimeters of everything we have to do.

Mr. Hamilton stated that is it.

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**DRAFT**

Mr. Swaney stated you will redesign it.

Mr. Hamilton stated yes.

Mr. Crimmins stated will they be townhomes?

Mr. Hamilton stated sure. It is going to be wider and narrower.

The Chairman stated can they do that? Maybe he should table it.

Mr. Eady stated go ahead and make a decision on this. If they come back with a different style then we will do it again. If you table it and do not have a meeting within thirty days it is automatically approved.

The Chairman stated Mr. Hamilton did I hear you say that you would come back with a different style?

Mr. Hamilton stated the style will be the same.

The Chairman stated I mean smaller so that when you reconfigured you would meet all the setback standards.

Mr. Hamilton stated yes, sir.

Mr. Eady stated if he meets all of the standards he would not have to come back here. He needs to withdraw it.

Mr. Lamb stated if he meets all the standards he will not have to come back to us.

Mr. Hoffman stated he would have to withdraw it tonight.

Mr. Lamb stated this appeal could be denied, but if he decides to redesign within the setbacks then he would not have to come back to us at all.

Mr. Hoffman stated if it is denied tonight then he cannot come back for one year.

Mr. Eady stated if he meets the setbacks he will not have to come back to this Board.

The Chairman stated he would not have to come back, but if he came back to ask for anything before the Board on this concerning a variance he could not for a year.

Mr. Eady stated if denied, not for one year.

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The Chairman stated Mr. Hamilton should you not withdraw this appeal and you go through with it, I do not know how it will be ruled, but should you be denied you cannot come back for a year. However, if you withdraw this appeal on Lot 57 and 58 you would not come back in front of the BZA, but if you can reconfigure 55 and 56 then you would not need to come back.

Mr. Eady stated if he builds within the setback limits he does not need to come back on either one.

Mr. Hoffman stated as long as he does not require a variance he can do it. If it required a variance he would have to wait a year to request the variance.

Mr. Swaney stated I guess that we are trying to make is that if you withdrew your appeal tonight you could come back again requesting a variance of a lesser amount on the setback line.

Mr. Hamilton stated on 57 and 58?

The Chairman stated Lot 57 and 58, yes, sir.

Mr. Pikes stated does it have to be withdrawn tonight? Is there a time period?

Mr. Hoffman stated you can ask the Board to hold it over. It has been done before.

The Chairman stated we can vote to table it until the next meeting.

Mr. Pikes stated when is the next meeting?

The Chairman stated it would be the first Thursday in September.

Mr. Eady stated be careful. If we do not get it done within thirty days it is automatically approved. You have to be careful with your time.

Mr. Hoffman stated unless he agrees.

The Chairman stated to table it.

Mr. Hoffman stated if he requests to table it. It can be tabled. Otherwise the Board has to make a decision.

Mr. Hamilton stated on Lot 57 and 58 I request that it be tabled.

Mr. Lamb stated on the thirty days. We meet on the first Thursday of every month. The law goes by calendar days.

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Mr. Hoffman stated he would have to withdraw it. Then he can resubmit it to Planning and go through the whole process again.

Mr. Pikes stated if you would give us a moment.

Mr. Crimmins stated the next meeting date would be twenty-nine days.

Mr. Lamb stated I am not comfortable with tabling it.

Mr. Eady stated if you table it you have to come back with the same thing.

Mr. Hamilton stated I withdraw it.

Mr. Swaney stated you would like to withdraw?

Mr. Hamilton stated right.

The Chairman stated Lot 57 and 58 are withdrawn.

**Adjournment:**

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Ms. Hargiss** to adjourn.

**The Motion carried unanimously.**

There being no further business the meeting was adjourned at 7:30 p.m.

**Respectfully submitted by:**

\_\_\_\_\_  
Pat Houston, Recording Secretary

**APPROVED:** February, 2009

\_\_\_\_\_  
Willie Robison, Chairman

/ph

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

**CALL TO ORDER/ROLLCALL**

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

**Absent:** Mary Riser.

Also present: Mayor Small; Rebecca Hayes, Recording Secretary; Al Guarisco, Village Point Foundation; Maureen Nation, Village Point Foundation; Rhonda Brinsfield.

**Nomination for New Chairman**

Starke resigned as Chairman of the Authority effective immediately.

**MOTION BY Glenn Glass to appoint Kit Smith as Chairman of the Downtown Redevelopment Authority. Seconded by Jackie Ward.**

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

**Revitalization**

Discussion was held regarding the revitalization of Spring Hill, and their mission statement. This is what the Authority wants for Daphne.

Al Guarisco reported on renovation of the Richard Scardamalia Pavilion at Bay Front Park, and they have received an evaluation from an architect regarding what needs to be done.

Discussion was held regarding the lodging tax. Village Point is not opposed to the Authority receiving some of the funds, but would like some to stay for maintenance of Bay Front Property.

**Nomination of New Member**

**MOTION BY Starke Irvine to recommend to Council to appoint Dorothy Morrison to the Authority / Term September 2008 – August 2009. Seconded by Glenn Glass.**

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

Mayor Small stated that an unveiling ceremony of the statue of Daphne could be held before the Jubilee Festival.

**6. ADJOURN**

The meeting adjourned at 6:40 p.m.

DOROTHY MORRISON  
727 Oak Bluff Drive  
Daphne, Alabama 36526  
251-621-0831

My volunteering began when I was 14.....It was time for the March of Dimes and my Momma thought that the neighbors would not be able to turn down a teenagers.....

At 15, after the terrible Polio Epidemic that occurred in Montgomery, I taught swimming to children with polio .....

At Lanier High School in Montgomery and at Auburn I was always involved in service projects of various kinds including Camp Councilor, Chief Page at Youth Legislature which involved the coordination of all the printed materials and arranging the dinner and dance .....

When my daughter wanted to be a Girl Scout there was no leader for her troop in Old Saybrook, Conn..... I became the leader...hopefully doing as good a job as the women who were my leaders when I was a Girl Scout.....

I was Treasurer of the Women of the Methodist Church in Elm Grove, Wis. for several years. During this time I was Room Mother for both my children each year. I became a volunteer with the Milwaukee Symphony. I was asked to be assistant Den Mother for my son Cub Scout Troop and like the projects the boys did. I worked as a Welcome Wagon Hostess greeting new member of the community and securing business to be part of the program.....

In Virginia, I was an active member of the Republican Party working for President Gerald Ford and Senator John Warner. Most of my work was organizing Meet and Greet party. I was a costumed hostess at the homes of George Washington's Mother and Sister each week and for fall and spring Home Tour. I was also a guide for walking tours of Fredericksburg in the spring and fall. I worked as a travel agent.....

In Seattle, I became an active member of the Seattle Symphony Women's Guild, serving in several officer positions including Chair of the Decorator

Show House and Chair of SymphonyEve which are the two major fund raising projects. In the Newcomers Club, I was Chair of the Social and Auction Committees for many years. I was an officer in the Chi Omega Alumnae Association.....

When my husbands business moved us to Oklahoma City for 4 years, I was asked to be the Vice President of Ways and Means for the Oklahoma City Symphony Women's Committee this included luncheon and dinner fund raiser and another Show House .... I was also asked to be Vice President and then President of the Chi Omega Alumnae Association. I was involved in several committees in Trinity Presbyterian Church.....

When we came home to Alabama almost 20 years ago, I was asked to serve as Vice President of the Mobile Symphony Guild Board. I was an active member of the Mobile Symphony Board for 11 years serving on the committees that selected the Christina Littlejohn, General Manager, and Scott Speck, the Conductor. I have the honor of being An Advisor to the Board and was awarded The Golden Brush Award. I was an active member of the Mobile Opera Guild. I am Chairs of both the Rose Palmai Tenser Scholarship Board, a National Vocal Competition. And The Susan B. Gardberg Award, a Mobile County High School Award for Music. I was for several years treasurer of Chi Omega Alumnae Association.....

As an Elder of Government Street Presbyterian Church, I serve this year as Stewardship Chair for 2009, on the Property Committee, was Coordinator of Guesnard House, on the Baytreat Retreat Committee, teach Sunday School, Bible School, Co- Chair of the Women's Retreat, Usher and Greet. I am a member of the Presbyterian Women's Board. I serve as Sales Chair of our cookbook, Simply Divine, A Second Helping by working on media advertising.....

I am a founding member of the Sherlock Holmes Society, Daphne Chapter and was an officer for 2 years...

I have been asked to serve a second term on the Friend of the Daphne Public Library Board.....

At Gus Palumbo's suggestion, after my husband's death, I went to a Beautification Committee Meeting. These were two ladies and Marshall Parson's.....Carolee Grindal spoke of wanting a Butterfly Garden at Gator Alley. I was asked to Chair that committee.

We had the good fortune to have Robert Colville, a student from Bayside, who wanted to be an Eagle Scout who created the Butterfly Garden. Next was Charlie Sumner, another Troop 177 Scout from Spanish Fort, who made benches and tables for Gator Alley. We have two more Scouts looking for projects at Gator Alley. The paved walk entrance and newly installed fence have been completed. Animal toppers for the fence are being carved. It has been my pleasure to work with these young people, the Beautification Committee, and the Public Works and the Parks Department to help our community.

I offer my support to make Downtown Daphne the beautiful place it should be.....

# **LIBRARY BOARD RESUME**

## **BIOGRAPHICAL SYNOPSIS**

*Windrila C. Longmire  
P. O. Box 2025  
Daphne, AL 36526*

*(251) 626-4714*

### **EMPLOYMENT**

#### **STATE OF ALABAMA**

- ❖ Department of Rehabilitation Services: Rehabilitation Employment Specialist, April 2001 – April 2002
- ❖ Department of Rehabilitation Services: District Early Intervention Coordinator, January 1999 – April 2001
- ❖ Department of Industrial Relations: Employment Security Representative, January 1981 – December 1998
- ❖ *Retired April 2002*

#### **DEN-TAL-EZ**

- ❖ Engineering Clerk

#### **COMMUNITY ACTION AGENCY**

- ❖ Coordinator of Program for Disabled Children, August 1977 – September 1978
- ❖ Clerical Assistant, June 1972 – May 1973

### **ORGANIZATION AFFILIATIONS**

St. Adorka's African Universal Church, Sunday School Teacher (25 years), former Administrator & Church Secretary  
Friends of Daphne Public Library  
Alabama Retired State Employees Association  
Eastern Shore Literary Council, Board of Directors and Tutor, August 2006 – March 2008

### **EDUCATION**

University of South Alabama, Bachelor of Science, Business Education, June 1980  
Fairhope High School, Diploma, May 1973

### **EXTRACURRICULAR ACTIVITIES**

Event Planner  
Public Speaking

### **RESIDENCY**

Native of Daphne, AL



# Daphne Utilities

## APPROVED MINUTES

### Utilities Board Meeting

City of Daphne Council Chambers ♦ June 25, 2008 ♦ 5:00 p.m.

#### I. CALL TO ORDER

The June 25, 2008, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:00 p.m.

#### II. ROLL CALL

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

**Others Absent:**

**Others Present:** Jerry Speegle – Board Attorney  
Danny Lyndall – Operations Manager  
Teresa Logiotatos – Finance Manager  
Pam Kellum – Accounting Technician  
Lori Scharles – Executive Assistant  
Voneka Nettles – Accounting Technician  
Melinda Immel - Volkert  
Ray Moore – HMR

**Others Absent:** Rob McElroy – General Manager  
Deloris Brown – Human Resources Manager  
Drew Klumpp – Adm. Services Manager

#### III. PLEDGE OF ALLEGIANCE

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

**Jerry Speegle arrived at 5:02 pm.**

**Ron Scott arrived at 5:06 pm.**

Chairman Segalla requested to re-arrange the agenda in order to accommodate the early departure of Board Member Mayor Fred Small.

#### IV. OLD BUSINESS

**a. Revisionment of Bylaw of Utilities Board of the City of Daphne:**

A review and discussion regarding the clarification of **Article V – Directors** from the Bylaws of the Utilities Board of the City of Daphne proceeded among the Board members and Mr. Speegle. Chairman Segalla requested a further detailed review of the verbiage of this Article V to be presented at the July, 2008 Board meeting of the Utilities Board of the City of Daphne.

**V. APPROVAL OF MINUTES**

**a. Utilities Board Minutes from May 28, 2008:**

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the May 28, 2008, Utilities Board meeting.

**MOTION BY Mayor Small to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted May 28, 2008; Seconded by Mr. Johnston.**

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

**VI. OLD BUSINESS**

**a. Construction Specifications Revisions**

The Construction Specification Revisions presented at the June 25, 2008, Utilities Board meeting were reviewed by the Board. Chairman Segalla called for a Motion for Approval of the Construction Specification Revisions dated June 19, 2008.

**MOTION BY Mayor Small to approve the Construction Specifications Revisions dated June 19, 2008, as presented to the Utilities Board of the City of Daphne; Seconded by Mr. Johnston.**

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

**VII. EXECUTIVE SESSION –**

Chairman Segalla then called for further revision of the Agenda and called for a Motion for Executive Session to discuss pending litigation.

**MOTION BY Vice Chairman Scott to go into Executive Session to discuss pending legal matters at 5:08 pm. Seconded by Secretary Johnston.**

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

*Executive Session concluded at 5:28 pm.*

**MOTION BY Vice Chairman Scott to amend the previous Agreement regarding the pending settlement by the amount discussed in Executive Session. Seconded by Mayor Fred Small.**

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

**VIII. OLD BUSINESS**

**b. Park City Service Agreement:**

Danny Lyndall advised the Board that there has been no additional movement on this issue; he further stated that Daphne Utilities has decided to move forward with taking the necessary action to collect the past due fees including the disconnection of the sewer lateral, if necessary. He referred to a sample policy relative to "sewer only customers" was for the Board's information and review only for upcoming discussions in order to adopt a Resolution for the "Sewer Only" Policy at an upcoming Board meeting. Mr. Scott questioned Mayor Small regarding the City of Daphne's Ordinances and citations for non-payment of a City bill. Mayor Small answered that the existing Ordinance needs to be review and revised. Mr. Scott commented that the Park City Board is ill-serving their constituent due to the large number of residents that are paying their bills resulting in a situation of inequity and Daphne Utilities needs to come to a resolution of this long-standing problem. Mayor Small remarked that a possible revision of the Ordinance would be to send them to court rather than non-service of garbage collection and commented that he would have this issued revisited with the City; he stated that he understands what Daphne Utilities needs to do and asked where the Health Department stand on this procedure. Chairman Segalla stated that he understands that as soon as the sewer is disconnected from a residence, the Health Department will make the residence uninhabitable. Mr. Lyndall stated that he has talked to Teddy King of the Baldwin County Health Department and that Mr. King is aware of the situation but that they do not want to be a police force but they will if necessary. Melinda Immel

confirmed as well that this is the information of which she was aware.

**c. Daphne High School Stadium:**

Danny Lyndall explained that payment has not yet been received from the Baldwin County Board of Education and that the point of contact has since left. Mayor Small offered assistance to contact the Baldwin County Board of Education or the Daphne Quarterback Club.

**d. Items in Abeyance:**

1. **Gas Franchise Agreement** – no updated information.
2. **19 Acres** – Ray Moore of HMR updated the Board that the 45-day comment period has begun and that once the permit is issued it is valid for 3 years and re-application can be submitted.
3. **Capacity Fee Study – Call for Workshop - TABLED**

**IX. NEW BUSINESS –**

Chairman Segalla advised the Board to review a memo and suggested statements that he had sent to Mr. Speegle, Rob McElroy and Deloris Brown for review and consideration. He stated due to recent litigation, he felt that additional information was necessary to strengthen the Personnel Handbook. Mr. Speegle stated that a review of the policy manual will be forthcoming.

Mayor Fred Small left the meeting at 5:39 p.m.

**X. BOARD ATTORNEY'S REPORT**

Mr. Speegle had no further information to add to his report.

**XI. FINANCIAL REPORT**

Pam Kellum reviewed the financial report with the Board. Mr. Johnston restated his request for a third line displayed for the previous year on the graphs: revenue, expense and net income.

**XII. GENERAL MANAGER'S REPORT**

**a. GM Report**

Danny Lyndall reminded the Board of the rescheduled date for the July board meeting due to the AWPCA conference whereby Daphne Utilities will be presented with an award. He also updated the Board on the status of the Elizabeth S. Yelding Park. Vice Chairman Scott commented about the e-billing numbers and suggested to encourage our customers to sign up for the e-billing to eliminate our postage costs. Mr. Lyndall stated that we have an on-going advertising in our billing each month. Chairman Segalla commended Mr. Lyndall and some of his staff for good quality work that generated a encouraging letter from a Daphne resident.

**b. Operations Report**

Mr. Lyndall updated the Board on the fire hydrant painting schedule. He had nothing further to add. Melinda Immel reviewed and updated the Board on the Source Water Assessment. Ray Moore updated the Board that questions and rumors are surfacing regarding sewerage the Friendship Road area.

**XIII. BOARD ACTION – None**

**XIV. PUBLIC PARTICIPATION – None**

**XV. BOARD COMMENTS**

**XVI. ADJOURNMENT:**

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

**AYE: SEGALLA, SCOTT, JOHNSTON, JENKINS**

**ABSENT: SMALL**

**MOTION CARRIED**

The meeting adjourned at 6:45 p.m.



# Daphne Utilities

## APPROVED MINUTES

### Utilities Board Meeting

City of Daphne Council Chambers ♦ July 23, 2008 ♦ 5:00 p.m.

#### I. CALL TO ORDER

The July 23, 2008, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:01 p.m.

#### II. ROLL CALL

**Members Present:** Robert Segalla, Chairman  
Ron Scott, Vice Chairman  
Lon Johnston, Secretary Treasurer  
Fred Small, Mayor  
Fenton E. Jenkins – arrived at 5:23

**Others Absent:**

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

**Others Absent:**

#### III. PLEDGE OF ALLEGIANCE

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

#### IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from June 25, 2008:**

The Chairman requested any additions, deletions, or corrections for the Minutes from the June 25, 2008, Daphne Utilities Board meeting. No comments were given.

**MOTION BY Mr. Johnston to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted June 25, 2008; Seconded by Mr. Scott.**

**AYE: SEGALLA, SCOTT, SMALL, JOHNSTON**

**ABSENT: JENKINS**

**MOTION CARRIED**

Chairman Segalla amended the agenda in order to address the discussion of Item C2 under Old Business – 19 Acres, Daphne Utilities property.

## V. OLD BUSINESS

### a. *Park City Service Agreement*

Jerry Speegle advised the Board that he has been working with Rob McElroy and Danny Lyndall and moving forward on the post-policy change and that it is ready for review by the Board. He explained that the proposal states briefly that if the sewer customer does not pay the sewer bill after an initial warning and an arranged time to pay, Daphne Utilities will cut the sewer off. He stated that this will mainly affect the sewer-only customers because the water will also be cut off for water and sewer customers if their bill is not paid. After Chairman Segalla recommended meeting once more with the Park City Water Board, Mr. McElroy explained that the issue is getting that Board to sit down to talk about this problem without concentrating on the issues of the past. Mr. Scott stated that Councilman Lake asked that the Utilities meet with the Park City Community and asked if that had been done. Mr. McElroy confirmed that he and Deloris Brown had met with citizens representing the Park City Community as well as speaking to Councilman Lake concerning this issue asking his assistance in this matter. Mr. McElroy stated that Councilman Lake remarks that he will look into the situation and see what he can do. Mr. Scott reiterated that whatever policy is put in place is not Park City specific but would apply to any resident. Mr. McElroy confirmed. Chairman Segalla expressed the Board's patience on this issue that has dated back to 2006 and conveyed his concerns of the legality issue that could be highlighted in a court setting; he asked Mr. Speegle's opinion. Mr. Speegle stated that his opinion is that Daphne Utilities has done everything possible to come to a resolution with directors of the Park City Water Board and just can't get anywhere. He also stated that Councilman Lake had an opportunity to assist and those efforts can continue, but to continue to spend more time attempting to gain cooperation with the Park City Water Board would be unproductive. Mayor Small questioned the reconnect fee and the labor involved in reconnection once a customer's bill is up-to-date. Mr. McElroy and Mr. Lyndall explained the process and that the reconnect fee has not been determined as yet. Chairman Segalla stated that if there is a fee that will cost the Utilities money to disconnection or reconnection, this fee needs to be passed on. Mayor Small asked about an ordinance to ticket the customer and require them to appear before the judge first. Mr. Speegle stated that there is an Ordinance 2007-10 which is part of the current proposal, to refer those to the City's Code Enforcement Officer to start proceedings to motivate tenants and owners. Mayor Small suggested having the proper criteria for the ticketing process. Mr. Speegle further commented that the proposal will include that the City pass an Ordinance allowing the Utilities to have a lien on the property for the disconnect charges. Mr. Johnston commented that the past ticketing process has not been overly successful in that approach. He stated that this issue has been before the Utilities Board long enough and that something decisive is required and that the policy needs to be a general policy and rigorously enforced. Mr. Johnston questioned the garbage issue if someone is cut off and still owes for garbage collection. Mr. McElroy stated that the garbage is part of the unpaid bill and until that is paid and the bill would not be differentiated. Chairman Segalla stated that the Utilities provides a service to the City by collecting the payment of the garbage bill, and asked if the Utilities can enforce collection of the garbage bill or if that is a City ordinance that should be enforced by the City and recommended that it is prepared correctly. Mr. Speegle stated that it is the Board's decision to try the Code Enforcement Officer under the 2007-10 Ordinance or move forward with the policy and set disconnect/reconnect fees and get started immediately. Mr. Scott commented that it is disappointing that by the refusal of the Park City Water Board to cooperate with Daphne Utilities, the residents of Park City are at a disservice and should be emphasized. He stated that in the minutes of the Baldwin County Commission meeting of July 2007, the County Commissioners informed the Park City Water Board that they are doing their citizens a disservice. Mr. Lyndall advised that a Resolution will be prepared for review at the August, 2008, board meeting. Mayor Small suggested and Mr. Speegle confirmed that a notice will be sent to those residents affected by this proposal. Chairman Segalla asked if amnesty is part of the proposal to which Mr. McElroy explained that it was included one of the iterations presented to the Park City Water Board that was refused. He further justified that this was money owed to Daphne Utilities. Mayor Small stated that he felt it would send a negative message to the rest of the residents of Daphne if some residents had their delinquencies waived. Mr. McElroy clarified that this was an incentive to absorb the system which is not currently being considered. Chairman Segalla asked for review of the whole package at the next board meeting. Mr. Johnston requested that a reasonable time period should be included in the mailed notification to correct the delinquencies

***Fenton Jenkins arrived at 5:23 pm.***

### b. *Revisions of Bylaws*

Mr. Speegle will include the clarification of the officer in the Bylaws in the August, 2008, board meeting.

### c. *Items in Abeyance*

1. Gas Franchise Agreement – no update.
2. Capacity Fee Study – Call for work session – TABLED

Chairman Segalla mentioned that a topic that was previously on the agenda but was not on the agenda for this month was the Daphne High School stadium whereby Mayor Small was preparing to talk to the Quarterback Club. Mr. McElroy recapped that Daphne Utilities agreed to split with the Baldwin County Board of Education the \$19,000

construction on the storm water relocation then deduct our portion of this from the Capacity Fee on the stadium. He explained that he has had telephone messages from the Baldwin County Board of Education but is unclear if it is relating to this. Mayor Small stated that he would look into this matter.

**3. 19 Acres – Daphne Utilities property**

Chairman Segalla updated the board on this topic. He explained that 4 acres of the 19 that the Utilities was going to subdivide out and sell for residential lots, but because part of the property was wetlands, the Planning Commission denied that request until we could mitigate the fact that the wetlands was going to be filled so that it would be marketable and the Utilities has been working with Ray Moore of HMR who has been dealing with the U.S. Army Corps of Engineers to get a permit to fill 1.7 acres in order to dedicate 15 acres to a conservation trust for greenspace for all time. He further detailed that the Corps of Engineers mailing list was compromised and some of the adjacent property owners were not notified. Chairman Segalla stated that he received some telephone calls regarding this and advised that this has been on our agenda for 1-1/2 years and that the Utilities is not trying to hide anything. Mr. McElroy advised the Board that a letter has been received by an attorney regarding this matter, as well as a planned meeting with the property owner, Marie Bueche, representing the property owners association and a meeting with a representative of the Corps of Engineers. Chairman Segalla indicated that he had spoken with Mrs. Bueche regarding the conservation trust when the initial idea was forming, as well as Councilwoman Cathy Barnette. Ray Moore of HMR displayed to the Board and the public the area in question highlighting the wetlands.

**VI. NEW BUSINESS –**

**a. Increase reconnection fee rates**

Drew Klumpp presented comparison information to the Board relating to the rates for disconnection and reconnection.

**MOTION BY Mr. Johnston to approve the reconnection fee during working hours to \$40.00 and after working hours to \$50.00; Seconded by Mayor Small.**

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

**VII. BOARD ATTORNEY’S REPORT**

Mr. Speegle had no further information to add to his report. Mr. Scott requested the final financial settlement as a result of a legal matter.

**VIII. FINANCIAL REPORT**

Teresa Logiotatos reviewed the financial report with the Board and explained the recent cross-training efforts involving her staff. She also advised the Board that the lower interest rates has effected the interested earned on the savings account and to keep that in mind in the coming months.

**IX. GENERAL MANAGER’S REPORT**

**a. GM Report**

Rob McElroy reviewed the General Manager’s Report with the Board and advised that Deloris Brown had been named president of the Alabama Association of Public Personnel Administrators and that Drew Klumpp had completed his HR certification making 3 certified HR personnel within the Utilities. Mr. Johnston commended the Utilities for the outstanding job performance during a recent storm. Mr. Scott inquired about the generators on hand for the Utilities; Mr. Lyndall explained that Daphne Utilities currently has no portable generators but there are approximately eight permanently-mounted generators and that thirteen additional permanent generators are needed. Mr. Lyndall further explained that Volkert is assisting in applying for grant funds to assist in this matter. Chairman Segalla and Mayor Small praised the Utilities efforts for the refreshments provided during a recent visit by the Boston Crusaders drum and bugle corps.

**b. Operations Report**

Mr. Lyndall updated the Board on the fire hydrant painting. Melinda Immel reviewed and discussed with the Board on the Water Distribution System Modeling.

**X. BOARD ACTION – None**

**XI. PUBLIC PARTICIPATION – None**

**XII. BOARD COMMENTS –**

Mr. Jenkins inquired as to the gas system initial hook-up; Mr. Lyndall explained that it is \$500 based on a graduated scale depending on the number of appliances that will be in the home. Mr. Jenkins asked if an installment plan was in place for that. Mr. McElroy stated that an installment plan for this fee is not currently offered but it could be considered as well as consider a baseline charge.

Chairman Segalla commented on a recent Daphne Utilities employees meeting how impressed he was at the pride the employees display. Mayor Small also conveyed appreciation for the Utilities' partnership with the Daphne High School.

**XIII. ADJOURNMENT:**

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

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

**ABSENT:**

**MOTION CARRIED**

The meeting adjourned at 6:10 p.m.

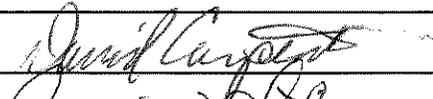
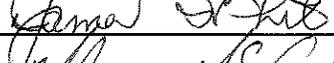
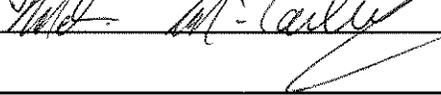
**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Bayside Academy</i>
<b>CONTACT PERSON:</b>	<i>William Carroll or Ben Butzbaugh</i>
<b>ADDRESS:</b>	<i>303 Dryer Avenue Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b> <b>CELL NUMBER:</b>	<i>626-2169 338-6445</i>
<b>TYPE OF PARADE:</b>	<i>Homecoming Parade</i>
<b>DATE OF PARADE:</b>	<i>October 3, 2008</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>East on Belrose -South on Old County - West on Dryer - Parade around Perimeter of Campus</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>250 people &amp; 3-6 Golf Carts</i>
<b>START TIME:</b>	<i>1:15 P.M.</i>
<b>STOP TIME:</b>	<i>2:00 P.M.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Bayside High School Parking Lot (Lot Off Belrose)</i>
<b>ASSEMBLY TIME:</b>	<i>1:15 P.M.</i>
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE APPLIED:</b>	<i>September 5, 2008</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	<i>David Carpenter</i>
<b>FIRE: Chief James White</b>	<i>James White</i>
<b>PUBLIC WORKS: Melvin McCarley</b>	<i>Melvin McCarley</i>
<b>CITY COUNCIL APPROVAL: 9/15/08</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>September 5, 2008</i>
<b>NOTIFICATION:</b>	

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Daphne High School</i>
<b>CONTACT PERSON:</b>	<i>Lt. Col. Lanfair (ROTC)</i>
<b>ADDRESS:</b>	<i>9300 Lawson Road Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b> <b>CELL NUMBER:</b>	<i>850-565-4952 - 850-497-4577 (C) 626-0096</i>
<b>TYPE OF PARADE:</b>	<i>Homecoming Parade</i>
<b>DATE OF PARADE:</b>	<i>October 16, 2008 Thursday</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>Start at Civic Center - Main Street - College Ave - Magnolia - N Main Street - Finish @Elementary School</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>350 People / 20-30 Floats/Cars</i>
<b>START TIME:</b>	<i>4:00 P.M.</i>
<b>STOP TIME:</b>	<i>5:00 - 5:15 P.M.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Marching Units - Daphne Elementary N. Floats/Cars at Civic Center</i>
<b>ASSEMBLY TIME:</b>	<i>3:00 p.m.</i>
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE APPLIED:</b>	<i>September 10, 2008</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief James White</b>	
<b>PUBLIC WORKS: Melvin McCarley</b>	
<b>CITY COUNCIL APPROVAL: 9/15/08</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>September 11, 2008</i>
<b>NOTIFICATION:</b>	

## SOUTH ALABAMA MUTUAL ASSISTANCE AGREEMENT

### I. PURPOSE

To provide an understanding between and among the counties, towns and cities (“Political Entity”) of the South Alabama Mutual Assistance Compact in providing and receiving mutual aid as a result of fire, flood, storm, epidemic, technological failure or accident, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, explosion, terrorism, or man-made disaster, or other conditions (“Disasters”).

### II. AUTHORITIES AND REFERENCES

- A. The basic authority for each county, town or city to enter into this Agreement is Code of Alabama, Title 31, Chapter 9, Sections 31-9-1 through 31-9-24, as amended (the “Alabama Emergency Management Act”) and more specifically Section 31-9-9.
- B. Provisions of this Agreement are based on the various sections and paragraphs of the Alabama Emergency Management Act.

### III. SCOPE

This Agreement encompasses the area represented by the South Alabama Mutual Assistance Compact whose membership consists of the Emergency Management Directors of the counties listed on Appendix A, and an authorized representative of the city, town and county governing officials listed on Appendix B.

### IV. SITUATION

Response to Disasters can exhaust all resources of a city, town, or county and deplete certain types of manpower, equipment, or supplies. When these conditions exist, the affected entity must rely on the next higher level of government, a neighboring entity, volunteer agencies, and/or the private sector for the necessary resources to save or sustain life, health, and property. Such assistance must be provided or received within the proper legal framework as outlined in the Alabama Emergency Management Act and with a clear understanding of the conditions under which such assistance is given or received.

### V. MUTUAL AID AGREEMENT

**Article 1.** The purpose of this Agreement is to provide mutual aid among the parties to this Agreement in meeting any Disaster. The prompt, full, and effective utilization of the resources of the respective counties, towns or cities, including such resources that may be available from the state or federal governments or any other source, are essential to the safety, care and welfare of the people and property thereof in the event of a Disaster. All available resources including personnel, equipment or supplies, shall be incorporated into a

plan or plans of mutual aid. The Emergency Management Directors of the respective county members shall be voting members of the South Alabama Mutual Assistance Compact. The voting members of the South Alabama Mutual Assistance Compact shall establish a committee to formulate plans and take all necessary steps for the implementation of this Agreement which shall be voted on by the voting members. All authorized representatives of the city, town, and county governing officials listed on Appendix B, as may be amended from time to time, shall be associate members and shall not be entitled to voting rights.

**Article 2.** It shall be the duty of each Political Entity that is a member of the South Alabama Mutual Assistance Compact to formulate plans and procedures for implementation of this Agreement including, but not limited to, the authorization of the County Emergency Management Director in their jurisdiction to deploy their resources and free exchange of information and plans, including inventories of personnel, materials, supplies, equipment and other resources available for carrying out provisions of this Agreement. Each participating Political Entity shall bear the risk of its own actions, as it does with its day to day operations, and determine for itself what kinds of insurance and, in what amounts, it should carry. Each assisting Political Entity shall be solely responsible for determining that its insurance is current and adequate prior to providing assistance under this Agreement.

**Article 3.** All mutual aid assistance should be requested by and through the county Emergency Management Agency in which the requesting Political Entity is located. Political Entities that deploy without having received a request may or may not be reimbursed for their expenses. Any party Political Entity requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this Agreement in accordance with the terms hereof; provided, however, that the Political Entity rendering aid may withhold resources to the extent necessary to provide reasonable protection for such Political Entity. Each party to this Agreement shall extend to the Emergency Management employees of any assisting Political Entity, while operating within the requesting jurisdiction under the terms of this Agreement, the same powers, duties, rights, privileges and immunities as if they were performing their duties in the Political Entity in which normally employed or rendering services. Emergency Management forces will continue under the command and control of their normal leaders, but the organizational units will come under the operational control of Emergency Management authorities of the Political Entity receiving assistance.

**Article 4.** Wherever any person holds a license, certificate or other permit issued by any Political Entity evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party Political Entity to meet a Disaster, and such Political Entity shall give due recognition to such license, certificate or other permit as if issued in the Political Entity in which aid is rendered.

**Article 5.** Each Political Entity and each emergency management worker is granted immunity from liability for the death of or injury to persons, or for damages to property as a result of attempting to respond according to this Agreement as provided by law.

**Article 6.** Nothing herein contained shall preclude any party Political Entity from entering into supplementary agreements with any other Political Entity as otherwise provided by law.

**Article 7.** While assisting a requesting Political Entity, the assisting Political Entity shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. The requesting Political Entity shall from any available source, reimburse at a rate of 100% the assisting Political Entity for all direct and indirect payroll costs and expenses incurred in responding to the Disaster, including, but not limited to, employee pensions and benefits, and the pro rata portion of the cost for workers' compensation insurance, as determined by Generally Accepted Accounting Principles (GAAP). The requesting Political Entity is prohibited from granting reimbursement for overtime payroll costs; unless such compensation is in accordance with payroll policies previously established for normal day to day non-disaster activities of the assisting Political Entity. While providing services to the requesting Political Entity, employees of the assisting Political Entity shall remain as employees of their respective agency while responding to, or performing an emergency mutual aid function on behalf of the requesting Political Entity and until which time the emergency management worker is relieved of further emergency mutual aid responsibility by a duly authorized official.

**Article 8.** Each party Political Entity shall provide for the payment of compensation and death benefits to full-time employees of such Political Entity who are members of the Emergency Management forces of that Political Entity, and who sustain injuries or are killed while rendering aid pursuant to this Agreement, in the same manner and on the same terms as if the injury or death were sustained in the Political Entity where they are employed. Each party Political Entity agrees to furnish a copy of this Agreement to its workers' compensation insurance carrier.

**Article 9.** Any party Political Entity rendering aid in another Political Entity pursuant to this Agreement shall be reimbursed by the party Political Entity receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with such requests unless such damage is caused by gross negligence, willful and wanton misconduct, or intentional misuse of the assisting Political Entity's personnel.

**Article 10.** The assisting Political Entity shall be reimbursed for all materials and supplies used or damaged during the period of assistance unless such damage is caused by gross negligence, willful and wanton misconduct, or intentional misuse of the assisting Political Entity's personnel. The assisting Political Entity's personnel shall use reasonable care under the circumstances in the operation and control of all materials and supplies used by them during the period of assistance. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228. In the alternative, the parties may agree that the requesting Political Entity will replace, with like kind and quality as determined by the assisting Political Entity, the materials and supplies used or damaged.

**Article 11.** This Agreement shall be operative immediately upon its ratification by any Political Entity as between it and any other Political Entity so ratifying. Ratification is indicated by the signature of the Chief Executive of the Political Entity and the Emergency Management Director of that respective jurisdiction after being approved by the governing body of the Political Entity. Duly authenticated copies of this Agreement will be deposited with each government entity ratifying this Agreement, the Emergency Management Agency represented by the entity, and the Alabama Emergency Management Agency.

**Article 12.** This Agreement shall continue in force and remain binding on each party Political Entity until the governing body of a Political Entity takes appropriate action to withdraw therefrom. Such action shall not be effective until notice thereof has been sent by the Chief Executive of the party Political Entity desiring to withdraw to Secretary of the South Alabama Mutual Assistance Compact.

**Article 13.** This Agreement shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this agreement is declared unconstitutional or unlawful, or the applicability thereof to any person, entity or circumstance is held invalid, the constitutionality or legality of the remainder of this Agreement and the applicability thereof to other persons, entities and circumstances shall not be affected thereby. Nothing contained in this Agreement shall be construed as a limitation on the powers of participating counties, towns or cities to enter into other agreements relating to emergency management in an emergency or impairing in any respect the force and effect thereof.

VI. RATIFICATION

This Agreement shall become binding and obligatory when it shall have been signed by the Chief Executive Officer (Mayor, Commission Chairperson, Probate Judge, etc.) of the participating county, town and/or city after approval by the governing body of the county, town and/or city authorizing such signature.

This Agreement is approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

For \_\_\_\_\_  
(Name of Political Entity)

By: \_\_\_\_\_  
(Chief Executive)

\_\_\_\_\_  
(Emergency Management Director)

Attest:  
\_\_\_\_\_  
(Clerk or Other)

**City of Daphne Fire Department  
MEMORANDUM**

**Date:** September 4, 2008  
**To:** Mayor Small  
**From:** Chief White *J.W.*  
**Subject:** South Alabama Mutual Assistance Agreement

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Sir, I have read the South Alabama Mutual Assistance Agreement and recommend that it be placed back on the council agenda to authorize you to enter into agreement with its purpose.

Jane

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**From:** David Carpenter [dcarpenter@daphnepolice.org]  
**Sent:** Friday, September 05, 2008 8:28 AM  
**To:** Jane Robbins; mayorsmall  
**Subject:** Re: Agreement

I think this is a very good thing to get involved with. To tell you the truth I thought the Mayor had done this already. This allows us to help other cities and get reimbursed as long as we coordinate through the EMA. When we went and assisted Gulf Shores and Orange Beach we did not get compensated because we were not in a mutual agreement.

David Carpenter  
Chief of Police  
Daphne Police Department  
251-621-2834  
251-621-2826 (fax)

> -----Original Message-----  
> From: Jane Robbins <mayorassist@bellsouth.net>  
> Subject: Agreement  
> Sent: 05 Sep '08 08:19  
>  
> The Mayor asked me to forward to you this agreement to review.  
>  
>  
> Jane Robbins  
>  
> Assistant to Mayor Small  
>  
> 621-9000  
>  
>  
> -----

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**CITY OF DAPHNE**

**RESOLUTION 2008-45**

**Execution of Agreement for Cooperative Maintenance of Public Right of Way with Alabama Department of Transportation: Permit No. 9-2-1519.**

**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 through the Alabama Department of Transportation for:

Maintenance of the roadside “along the south side of I-10 west of and adjacent to Eastern Shore Toyota Dealership, at milepost 38 approximately 1400 LF and 1600 LF west of AL 181 interchange on I-10” pursuant to City of Daphne Zoning Ordinance Article XXXVII, Sec. 37-14 Landscape Standard (c) Interstate 10 North Landscaping.

Which agreement is before the 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 th 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:\_\_\_\_\_

\_\_\_\_\_  
**FREDSMALL**  
**MAYOR**  
Date & Time signed:\_\_\_\_\_

**ATTEST:**

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

**ALABAMA DEPARTMENT OF TRANSPORTATION  
AGREEMENT FOR THE COOPERATIVE MAINTENANCE  
OF PUBLIC RIGHT OF WAY**

Permit No. 9-2-1519 (08)

DIVISION NINTH DISTRICT II

THIS AGREEMENT, entered into this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Alabama Department of Transportation acting by and through its Transportation Director hereinafter referred to as the STATE and \_\_\_\_\_, in an effort to secure a more pleasing appearance on the roadside between along the south side of I-10 west of and adjacent to Eastern Shore Toyota Dealership, at milepost 38 approximately 1400 LF and 1600 LF west of AL181 Interchange

on Route I-10, the City of Daphne Zoning Ordinance Article XXXVII, Sec. 37-14 Landscape Standard (C) Interstate 10 North Landscaping agrees to maintain the vegetative cover in the right-of-way

\_\_\_\_\_ by means of mowing with a flail or rotary mower and hand trimming such that a clean and attractive appearance is obtained. Mowing operations shall be conducted when the height of the vegetative cover reaches NA inches. Reschedule mowing operations in accordance with the planned frequency. In the event that shrubs and/or minor trees are planted within the area, trimming around the plant materials shall be done in conjunction with mowing to obtain a clean and attractive appearance. Clippings or other incidental debris (such as branches, trash, etc.) shall be removed if mounting of the clippings or other incidental debris occurs.

In accepting the above, the Department of Transportation and club, group, business, or municipality agree to do the following:

1. The Department of Transportation will see that adequate sight distances are maintained for maximum public safety; otherwise the Department of Transportation reserves the right to remedy this situation in the most expedient manner.

2. The Department of Transportation is not responsible for the safety of the individual involved or taking part in this work during maintenance operations. Signs indicating "MEN WORKING" can be obtained from the Department of Transportation prior to work and must be returned after completion of work.

3. If Department of Transportation construction (repair of drainage and traffic structures, crossovers and other minor construction) is done in the subject area, it will be the responsibility of the Department of Transportation to establish a stand of vegetative cover if deemed necessary by the Department of Transportation and then the groups', clubs', business', or municipalities' responsibility to maintain the vegetative cover as stipulated herein. In the event of major construction in the subject area, this Agreement shall be voided at a time designated by the Department of Transportation.

4. All work shall be subject to the inspection and approval of the Alabama Department of Transportation. Description of the proposed work must accompany this and any associated proposal. If the maintenance is not conducted as specified herein, the Department of Transportation shall assume maintenance and this Agreement will be invalid. A copy of this Agreement must be kept by all parties that sign the Agreement. The State of Alabama does not grant applicant any right, title, or claim on any highway right-of-way.

5. The club, group, business or municipality agrees to store no equipment, branches, mounds of clippings or plant debris of any kind or any other material on the shoulders of pavement and in the case of multi-lane highways, in the median strips. The pavement will be kept free from waste (clippings, mud and other debris) and equipment.

6. The group, club, business or municipality shall be solely responsible for and hold harmless the Alabama Department of Transportation for any claim for damage done to existing private property, public utility, or the traveling public.

7. This Agreement is executed with the understanding that it is not valid until the club, group, business or municipality has complied with all existing ordinances, laws and zoning boards that have jurisdiction in the county, city or municipality.

8. Failure of the club, group, business or municipality to conform to the provisions of this Agreement will be cause to terminate this Agreement. Notification prior to termination will be made by the Department of Transportation.

9. To the fullest extent permitted by law, the APPLICANT shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from

performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the APPLICANT, anyone directly or indirectly employed by the APPLICANT or anyone for whose acts APPLICANT may be liable.

The term "hold harmless" includes the obligation of the APPLICANT to pay damages awarded against and legally recoverable from the State of Alabama, or the Alabama Department of Transportation, or its officers, agents, servants, and/or employees in both individual and official capacities whose acts or omissions that were the basis of the liability were performed within the course and scope of their employment.

The above conditions are agreed upon:

Name of Club, Group, Business or Municipality:

BY \_\_\_\_\_  
Name and Title Date

BY \_\_\_\_\_  
Name and Title Date

BY \_\_\_\_\_  
Name and Title Date

\_\_\_\_\_  
Telephone Number

For the Alabama Department of  
Transportation :

\_\_\_\_\_  
District Manager Date

\_\_\_\_\_  
Division Engineer Date

\_\_\_\_\_  
Maintenance Engineer Date

**RESOLUTION 2008 - 46**

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

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

**WHEREAS**, the items listed on Schedule A are recommended for disposal.

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

- 1- The property listed on Schedule A is hereby declared to be surplus property, and
- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

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

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

**ATTEST:**

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

**SCHEDULE A**

DEPARTMENT	VEHICLE #	VEHICLE DESCRIPTION	VIN # / SERIAL #
Building Inspection	2005	Work Center	
Building Inspection	2019	Desk	
Building Inspection	2057	Desk	
Building Inspection	3312	Desk	
Building Inspection	1498	Desk	
Building Inspection	1510	Desk	
Building Inspection	2018	Desk	
Building Inspection	2042	Desk	
Building Inspection	1641	Hutch	
Building Inspection	5018, 2026	Chair (2)	
Building Inspection	1038, 1039	Chair (2)	
Building Inspection	1069, 5087	Chair (2)	
Building Inspection	1551	Credenza	
Building Inspection	2025	Printer	
Building Inspection		Radio & base station	
Fire Inspection		Desk	
Fire Inspection		Desk	
Fire Inspection		Desk	
Fire Inspection		Chair (2)	
		Misc Shelves, Chairs, & other items	
Civic Center		72" Round Tables (25+)	
Police	3788	Printer Table/Cabinet	
Police		Kodak Carousel Projector 4600	318406
Police		Metal Projector Stand	
Police		Metal Filing Cabinet	
Police		Bookshelf Wood w/two shelves	
Police		Computer Desk (wood)	

**RESOLUTION NO. 2008 - 47**  
**2008-V-FD/BREATHABLE AIR COMPRESSOR**

**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 BREATHABLE AIR COMPRESSOR will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FD/BREATHABLE AIR COMPRESSOR and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FD/BREATHABLE AIR COMPRESSOR be awarded to Sunbelt Fire Apparatus.

**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 Sunbelt Fire, Inc. for a cost of \$35,520/each as specified in BID SPECIFICATION NO: 2008-V-FD/BREATHABLE AIR COMPRESSOR.

**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. 2008-48**  
**2008-U-PD/LIVESCAN FINGERPRINT SYSTEM**

**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/LIVESCAN FINGERPRINT SYSTEM will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the PD/LIVESCAN FINGERPRINT SYSTEM and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the PD/LIVESCAN FINGERPRINT SYSTEM be awarded to Southern Detention 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 Southern Detention Technologies, Inc. in the amount of \$16,734 as specified in BID SPECIFICATION NO. 2008-U-PD/LIVESCAN FINGERPRINT SYSTEM.

**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. 2008-49**  
**2008-T-CROWD CONTROL BARRICADES**

**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 CROWD CONTROL BARRICADES will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the CROWD CONTROL BARRICADES and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the CROWD CONTROL BARRICADES be awarded to Friedrichs Custom MFG, 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 Friedrichs Custom Mfg, Inc. for unit cost as follows:

Barricades: - \$ 93.49/Each - (Quantity-100+)  
                  -\$100.00/Each - (Quantity less than 100)

as specified in BID SPECIFICATION NO. 2008-T-CROWD CONTROL BARRICADES.

**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 2008-50**

Retiree Cost of Living  
Act 2008-555

**WHEREAS**, Act 2008-555 as adopted by the Alabama Legislature grants a cost-of-living increase to certain eligible retirees and beneficiaries of the Employees' Retirement System whose effective date of retirement for the purpose of receiving benefits is prior to October 1, 2008; and

**WHEREAS**, such cost-of-living increase is equal to \$1.00 per month for each year of service credited to the retiree's account.

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

- 1) Elects to come under the provisions of Section 2 of Act 2008-555 of the First Special Session of the 2008 Legislature and
- 2) Agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired from the City of Daphne prior to October 1, 2008 with the aforementioned increase being paid on or about December 15, 2008.

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

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

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

**ATTEST:**

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

September 19, 2006

Retirements Systems of Alabama  
Attn: William Paul, Retirement Executive  
PO Box 302150  
Montgomery, AL 36130-2150

Dear Mr. Paul:

Enclosed is Resolution 2006-78 whereby the City of Daphne elects to grant the Cost of Living Increase to qualified retirees/survivors as authorized by Act 2006-510.

Thank you for your attention to this matter and if I can be of any additional assistance, please do not hesitate to contact me at 251-621-9000.

For the City of Daphne,

Kimberly Briley, Finance Director

# RESOLUTION NO. 2008 - 51

## APPOINTING ELECTION OFFICIALS MUNICIPAL RUN-OFF ELECTION OCTOBER 7, 2008

**WHEREAS**, a regular municipal election has been called to be held on the 26<sup>th</sup> day of August, 2008, and a runoff election to be held if necessary, on the 7<sup>th</sup> 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:

### **DISTRICT 1:**

Inspector	Ms. Ruth Martin
Chief Clerk	Mrs. Annice Hale Baker
Clerk	Mrs. Bernice Hale
Clerk	Mr. Gerald Bertagnoli
Clerk	Mrs. Mabel Hobbs
Clerk	Mrs. Jeanne Nelson
Clerk	Mrs. Ruth Bolton
Clerk	Mrs. Arva Brown

### **DISTRICT 2:**

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
Clerk	Mrs. Maxine Russell
Clerk	Mr. William Russell

### **DISTRICT 3:**

Inspector	Mr. Glenn Swaney
Chief Clerk	Mrs. Arcola King
Clerk	Mrs. Lillian White
Clerk	Mrs. Betty Baker
Clerk	Mrs. Joyce Moore
Clerk	Ms. Tara Packer

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

**DISTRICT 5:** Inspector Mrs. Inez Ishmael  
 Clerk Mr. Dorothy Rankin  
 Clerk Mr. Frank Barr  
 Clerk Mrs. Ruthie Barr  
 Clerk Mrs. Julie Holden  
 Clerk Mrs. Judy Wells

**DISTRICT 6:** Inspector Mr. John Coulter  
 Clerk Mrs. Marjorie S. Waldrop  
 Clerk Mrs. Cassandra Becker  
 Clerk Mr. Raymond Sturch

**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 4<sup>th</sup> day of August, 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-\_\_**

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**AN ORDINANCE REGULATING EROSION AND SEDIMENT CONTROL  
FOR RESIDENTIAL DWELLING AND ~~REMOVE: NON-COMMERCIAL LAND  
DISTURBANCE~~ **ADD: OTHER LAND DISTURBANCE WITHIN THE CITY OF  
DAPHNE****

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**WHEREAS**, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, general welfare and for the benefit of its citizens to establish regulations for erosion and sedimentation control; and,

**WHEREAS**, it is in the best interest of the citizens of the City of Daphne and the continued development of the area to implement satisfactory controls for sedimentation and erosion for residential dwellings ~~REMOVE: or any non-commercial land disturbing activity~~ **ADD** and other land disturbance within the City of Daphne; and,

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

**SECTION I: PURPOSE**

~~REMOVE: This ordinance is intended to provide minimum standards to ensure effective storm water management, drainage management, and erosion and sediment control measures for either residential dwellings or any non-commercial land disturbing activity.~~

**ADD:** The intent of this Ordinance is to provide minimum standards to ensure effective storm water management, drainage management, and erosion and sediment control measures for residential dwellings and any other activity that results in more than one thousand (1000) square feet land disturbance within the City of Daphne other than activities that would require the issuance of a site disturbance permit from the Community Development Department and the exceptions for land disturbances as noted in Section III.

**SECTION II: DEFINITIONS**

For the purposes of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this ordinance:

- 1). **Best Management Practices** means a wide range of methods and procedures to control the addition of pollutants in the environment and to effectively control the quality and/or quantity of storm water runoff and which are implemented and maintained in accordance with established industry standards, good engineering practices, and the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, ([www.swcc.state.al.us](http://www.swcc.state.al.us)).

- 2). **ADD: Building Inspector** means a City employee who under general supervision, performs technical review of plans and building permit applications for completeness and general compliance to State regulations, model codes and local ordinances. Conducts field inspections of building construction, reconstruction and alterations at various stages and at completion to assure compliance with approved plans and specifications.
- 3). **ADD: Clearing** any activity that removes the vegetative surface cover.
- 4). **City** means the City of Daphne, Alabama.
- 5). **ADD: Code Enforcement Officer** means the City employee who carries out the City's code enforcement program whereby individuals in violation of City codes and related regulations are identified, investigated, and corrected utilizing appropriate enforcement measures.
- 6). **Community Development Director** means the City employee who plans, organizes and reviews the activities and operations of the Community Development Department including planning, and community and neighborhood enhancement.
- 7). **Contractor** means a person or his designee who is responsible for construction or any other type of land disturbing activity.
- 8). **Erosion** means the process by which land surface is worn away by the action of wind, water, ice and/or gravity.
- 9). **Erosion and Sediment Control Plan** means a plan for the control of soil erosion and sediment resulting from a land disturbing activity.
- 10). **ADD: Grading** excavation or fill of material, including the resulting conditions thereof.
- 11). **REMOVE: Land Disturbing Activity** means any activity that results in a change to the existing storm water drainage characteristics of land  
**ADD: Land Disturbing Activity** means any and all activities which results in more than one thousand (1000) square feet of land disturbance and or change to the existing storm water drainage characteristics of land.
- 12). **REMOVE: Permittee** means any person who obtains a Land Disturbance Permit  
**ADD: Permittee** means any person who obtains a Land Disturbance Permit from the City of Daphne Building Department.
- 13). **Sedimentation** means the process by which eroded material is transported and deposited by the action of wind, water, ice and/or gravity.

- 14). **ADD: *Site Containment Inspector*** means the City employee who under general supervision, performs technical review of Best Management Practices Plans, Erosion and Sediment Control Plans and land disturbance permit applications for completeness and general compliance to State regulations, model codes and local ordinances. Conducts field inspections of permitted land disturbance sites, during construction and at completion to assure compliance with approved plans and specifications.
- 15). **Stabilize** means installing structural measures or soil cover to reduce soil erosion by storm water runoff, wind, ice, gravity or mechanical activity.
- 16). **Storm Water Management** means all natural and man-made elements used to convey storm water from the first point of impact within the construction site to a suitable outlet location.

### SECTION III: APPLICABILITY EXCEPTIONS

*REMOVE: This ordinance shall apply to residential dwellings and any non-commercial, land disturbing activity undertaken by any person on any land within the City of Daphne's city limits except for the following:*

**ADD:** This Ordinance shall apply to residential dwellings and any other land disturbance within the City of Daphne; and, undertaken by any person on any land within the City of Daphne's city limits except for the following:

*REMOVE:*

- 1). *Such minor land-disturbing activities as home gardens and individual home landscaping, maintenance, repairs, fences and other related activities which result in minor soil erosion.*
- 2). *Construction or maintenance of above ground public utilities.*
- 3). *Residential accessory structures including, but not limited to, outbuildings, sheds, pools, and the like.*
- 4). *Emergency repairs.*
- 5). *Agricultural and silvicultural operations.*
- 6). *Any land disturbance which requires a Right of Way Permit from the Public Works Department of the City of Daphne.*
- 7). *Any land disturbance activity which has a Land Disturbance Permit from the City of Daphne's Community Development Director or his designee.*

**ADD:**

- 1). Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- 2). Any land disturbance which requires a Right-of-Way Permit from the Public Works Department of the City of Daphne.

3). Existing nursery, agricultural and silvicultural operations.

4). Any land disturbance activity which has a Site Disturbance Permit from the City of Daphne's Community Development Director or his designee.

#### SECTION IV: EROSION AND SEDIMENT CONTROL: MINIMUM REQUIREMENTS

- 1). Best Management Practices shall be required for all land disturbing activities. It shall be the sole responsibility of the contractor/or permittee to promptly implement effective Best Management Practices in accordance with the contractor's ~~REMOVE: building permit~~ ADD: land disturbance permit and submitted Construction Best Management Practices Plan prior to commencing the land disturbing activity. The contractor/or permittee shall be solely responsible for ensuring that all Best Management Practices are implemented and maintained for the entire duration of the land disturbing activity. The contractor/or permittee shall also be solely responsible for ensuring that the Best Management Practices are in accordance with established industry standards, good engineering practices, and all standards as set out in the Alabama Handbook for Erosion and Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, ([www.swcc.state.al.us](http://www.swcc.state.al.us)).
- 2). In the event the Best Management Practices are found to be in need of maintenance or improvements, the contractor/or permittee shall commence and implement all necessary maintenance to the Best Management Practices within forty-eight (48) hours of notice or as soon as practical as conditions may allow.
- 3). ~~REMOVE: That in addition to implementing all necessary maintenance or improvements to the Best Management Practices Plan, the contractor/or permittee shall clean up any sedimentation which results from erosion relating to the construction.~~  
ADD: That in addition to implementing all necessary maintenance or improvements to the Best Management Practices Plan, the contractor/or permittee shall remove any offsite sediments resulting from erosion and/or tracking from the permitted site and stabilize any area disturbed during the removal.
- 4). The contractor and/or permittee ~~REMOVE: shall stabilize~~ ADD: shall permanently stabilize any roadside ditches or embankments in right-of-ways to prevent erosion caused by their land disturbing activity.
- 5). The contractor and/or permittee shall provide the necessary measures to ensure that drainage structures important to overall storm water management and control are not adversely affected by clearing, grading, or any other land disturbing activities.

- 
- 6). The contractor and/or permittee shall ensure proper implementation, regular inspection and continual maintenance of effective Best Management Practices to protect the physical, chemical and biological integrity of groundwater and surface waters.
  - 7). The contractor and/or permittee shall design, implement and regularly maintain Best Management Practices in order to provide effective treatment of discharges of pollutants in storm water resulting from runoff generated by storm events during the land disturbing activity.
  - 8). **ADD: The contractor and/or permittee shall permanently stabilize areas that were disturbed during construction of site prior to issuance of Certificate of Occupancy.**

## **SECTION V: CONSTRUCTION SITE SOLID WASTE MANAGEMENT; MINIMUM REQUIREMENTS**

The contractor and/or permittee shall ensure proper onsite containment and disposal of all construction site trash, debris and any other solid waste, including concrete and brick mortar, in any way resulting from the land disturbing activity.

## **SECTION VI: PERMIT APPLICATION REQUIRED**

- 1). *REMOVE: A permit for any non-commercial or residential dwelling land disturbing activity shall be required. No person, business or corporation shall engage in any land disturbing activity prior to obtaining a land disturbance permit from the City of Daphne. For new construction and remodels, the land disturbance permit is incorporated into the building permit and the building permit must be obtained prior to land disturbance.*  
**ADD: A permit for residential dwellings and other land disturbance within the City of Daphne; shall be required. No person, firm, business or corporation shall engage in any land disturbing activity prior to obtaining a land disturbance permit from the City of Daphne's Building Department. For new construction and additions, the land disturbance permit is incorporated into the building permit and the building permit must be obtained prior to land disturbance.**
- 2). A permit shall be issued to either the titled owner of the said real property or the general contractor/or permittee charged with the contractual obligation of the construction activity.
- 3). A fee of fifty dollars (\$50.00) shall be charged and collected by the City of Daphne, Building Department, for the issuance of the land disturbing permit fee.
- 4). When constructing a residential dwelling, all applications for land disturbing permits shall be accompanied by a Best Management Practices Plan. It is not required that the Best Management Practices Plan be prepared by an engineer, but the plan shall meet all minimum requirements set out in Alabama Handbook for Erosion and Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, ([www.swcc.state.al.us](http://www.swcc.state.al.us)).

**SECTION VII: ENFORCEMENT****REMOVE:**

- 1). *Failure or refusal to implement and maintain Best Management Practices shall be sufficient cause for the City of Daphne, through either a site containment inspector or code enforcement officer, to issue an order suspending all work on the land disturbing site until satisfactory measures are taken to comply with the city code.*
- 2). **Penalties:** *Any person found to be in violation of any provision of this ordinance shall be punished by a fine of not less than fifty dollars, but not more than five hundred dollars, or imprisonment not to exceed one-hundred and eighty days, or both.*
- 3). *This ordinance may also be subject to enforcement by the issuance of a summons and complaint pursuant to Ordinance No. 1993-02, as amended from time to time.*
- 4.) *That each day constitutes a separate violation of this Ordinance.*

ADD: Failure or refusal to implement and maintain Best Management Practices shall be sufficient cause for the City of Daphne, through either a Building Inspector, Site Containment Inspector or Code Enforcement Officer, to issue an order suspending all work on the land disturbing site until satisfactory measures are taken to comply with the city code.

ADD: This ordinance may also be subject to enforcement by the issuance of a summons and complaint pursuant to Ordinance No. 2005-55, Establish Penalties and Enforcement for Violation of Municipal Ordinances, and Ordinance No. 1993-02, Summons and Compliant Schedule of Fines, as amended from time to time. That each day constitutes a separate violation of this Ordinance.

**ADD:SECTION VIII: PENALTIES; INJUNCTIVE RELIEF**

Any person found to be in violation of any provision of this ordinance shall be punished by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500), or imprisonment not to exceed one-hundred and eighty days (180), or both.

In addition to the other remedies so provided herein, the city retains the right to bring an action for injunctive relief to require the payment of damages for, and/or removal from the City or its police jurisdiction, all sediment which has migrated off-site as a result of erosion due to land disturbing activities or has the potential to migrate off-site.

**SECTION IX: REPEALER**

ADD:Ordinance No. 2007-03 is specifically repealed in its entirety and any other ordinances or parts of ordinances conflicting with the provisions of this ordinance is hereby repealed in so far as they conflict.

**SECTION X: SEVERABILITY**

Should any section or provision of this article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

**SECTION XI: 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**  
Date & Time Signed: \_\_\_\_\_

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

**ATTEST:**

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

# CITY OF DAPHNE ORDINANCE NO. 2008-54

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## AN ORDINANCE REGULATING EROSION AND SEDIMENT CONTROL FOR RESIDENTIAL DWELLING AND OTHER LAND DISTURBANCE WITHIN THE CITY OF DAPHNE

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**WHEREAS**, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, general welfare and for the benefit of its citizens to establish regulations for erosion and sedimentation control; and,

**WHEREAS**, it is in the best interest of the citizens of the City of Daphne and the continued development of the area to implement satisfactory controls for sedimentation and erosion for residential dwellings and other land disturbance within the City of Daphne; and,

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

### SECTION I: PURPOSE

The intent of this Ordinance is to provide minimum standards to ensure effective storm water management, drainage management, and erosion and sediment control measures for residential dwellings and any other activity that results in more than one thousand (1000) square feet land disturbance within the City of Daphne other than activities that would require the issuance of a site disturbance permit from the Community Development Department and the exceptions for land disturbances as noted in Section III.

### SECTION II: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this ordinance:

- 1). **Best Management Practices** means a wide range of methods and procedures to control the addition of pollutants in the environment and to effectively control the quality and/or quantity of storm water runoff and which are implemented and maintained in accordance with established industry standards, good engineering practices, and the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, ([www.swcc.state.al.us](http://www.swcc.state.al.us)).
- 2). **Building Inspector** means a City employee who under general supervision, performs technical review of plans and building permit applications for completeness and general compliance to State regulations, model codes and local ordinances. Conducts field inspections of building construction, reconstruction and alterations at various stages and at completion to assure compliance with approved plans and specifications.

- 3). **Clearing** any activity that removes the vegetative surface cover.
- 4). **City** means the City of Daphne, Alabama.
- 5). **Code Enforcement Officer** means the City employee who carries out the City's code enforcement program whereby individuals in violation of City codes and related regulations are identified, investigated, and corrected utilizing appropriate enforcement measures.
- 6). **Community Development Director** means the City employee who plans, organizes and reviews the activities and operations of the Community Development Department including planning, and community and neighborhood enhancement.
- 7). **Contractor** means a person or his designee who is responsible for construction or any other type of land disturbing activity.
- 8). **Erosion** means the process by which land surface is worn away by the action of wind, water, ice and/or gravity.
- 9). **Erosion and Sediment Control Plan** means a plan for the control of soil erosion and sediment resulting from a land disturbing activity.
- 10). **Grading** excavation or fill of material, including the resulting conditions thereof.
- 11). **Land Disturbing Activity** means any and all activities which results in more than one thousand (1000) square feet of land disturbance and or change to the existing storm water drainage characteristics of land.
- 12). **Permittee means** any person who obtains a Land Disturbance Permit from the City of Daphne Building Department.
- 13). **Sedimentation** means the process by which eroded material is transported and deposited by the action of wind, water, ice and/or gravity.
- 14). **Site Containment Inspector** means the City employee who under general supervision, performs technical review of Best Management Practices Plans, Erosion and Sediment Control Plans and land disturbance permit applications for completeness and general compliance to State regulations, model codes and local ordinances. Conducts field inspections of permitted land disturbance sites, during construction and at completion to assure compliance with approved plans and specifications.
- 15). **Stabilize** means installing structural measures or soil cover to reduce soil erosion by storm water runoff, wind, ice, gravity or mechanical activity.
- 16). **Storm Water Management** means all natural and man-made elements used to convey storm water from the first point of impact within the construction site to a suitable outlet location.

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### **SECTION III: APPLICABILITY EXCEPTIONS**

This Ordinance shall apply to residential dwellings and any other land disturbance within the City of Daphne; and, undertaken by any person on any land within the City of Daphne's city limits except for the following:

- 1). Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- 2). Any land disturbance which requires a Right-of-Way Permit from the Public Works Department of the City of Daphne.
- 3). Existing nursery, agricultural and silvicultural operations.
- 4). Any land disturbance activity which has a Site Disturbance Permit from the City of Daphne's Community Development Director or his designee.

### **SECTION IV: EROSION AND SEDIMENT CONTROL: MINIMUM REQUIREMENTS**

- 1). Best Management Practices shall be required for all land disturbing activities. It shall be the sole responsibility of the contractor/or permittee to promptly implement effective Best Management Practices in accordance with the contractor's land disturbance permit and submitted Construction Best Management Practices Plan prior to commencing the land disturbing activity. The contractor/or permittee shall be solely responsible for ensuring that all Best Management Practices are implemented and maintained for the entire duration of the land disturbing activity. The contractor/or permittee shall also be solely responsible for ensuring that the Best Management Practices are in accordance with established industry standards, good engineering practices, and all standards as set out in the Alabama Handbook for Erosion and Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, ([www.swcc.state.al.us](http://www.swcc.state.al.us)).
- 2). In the event the Best Management Practices are found to be in need of maintenance or improvements, the contractor/or permittee shall commence and implement all necessary maintenance to the Best Management Practices within forty-eight (48) hours of notice or as soon as practical as conditions may allow.
- 3). That in addition to implementing all necessary maintenance or improvements to the Best Management Practices Plan, the contractor/or permittee shall remove any offsite sediments resulting from erosion and/or tracking from the permitted site and stabilize any area disturbed during the removal.
- 4). The contractor and/or permittee shall permanently stabilize any roadside ditches or embankments in right-of-ways to prevent erosion caused by their land disturbing activity.

- 5). The contractor and/or permittee shall provide the necessary measures to ensure that drainage structures important to overall storm water management and control are not adversely affected by clearing, grading, or any other land disturbing activities.
- 6). The contractor and/or permittee shall ensure proper implementation, regular inspection and continual maintenance of effective Best Management Practices to protect the physical, chemical and biological integrity of groundwater and surface waters.
- 7). The contractor and/or permittee shall design, implement and regularly maintain Best Management Practices in order to provide effective treatment of discharges of pollutants in storm water resulting from runoff generated by storm events during the land disturbing activity.
- 8). The contractor and/or permittee shall permanently stabilize areas that were disturbed during construction of site prior to issuance of Certificate of Occupancy.

**SECTION V: CONSTRUCTION SITE SOLID WASTE MANAGEMENT;  
MINIMUM REQUIREMENTS**

The contractor and/or permittee shall ensure proper onsite containment and disposal of all construction site trash, debris and any other solid waste, including concrete and brick mortar, in any way resulting from the land disturbing activity.

**SECTION VI: PERMIT APPLICATION REQUIRED**

- 1). A permit for residential dwellings and other land disturbance within the City of Daphne; shall be required. No person, firm, business or corporation shall engage in any land disturbing activity prior to obtaining a land disturbance permit from the City of Daphne's Building Department. For new construction and additions, the land disturbance permit is incorporated into the building permit and the building permit must be obtained prior to land disturbance.
- 2). A permit shall be issued to either the titled owner of the said real property or the general contractor/or permittee charged with the contractual obligation of the construction activity.
- 3). A fee of fifty dollars (\$50.00) shall be charged and collected by the City of Daphne, Building Department, for the issuance of the land disturbing permit fee.
- 4). When constructing a residential dwelling, all applications for land disturbing permits shall be accompanied by a Best Management Practices Plan. It is not required that the Best Management Practices Plan be prepared by an engineer, but the plan shall meet all minimum requirements set out in Alabama Handbook for Erosion and Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, ([www.swcc.state.al.us](http://www.swcc.state.al.us)).

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## **SECTION VII: ENFORCEMENT**

Failure or refusal to implement and maintain Best Management Practices shall be sufficient cause for the City of Daphne, through either a Building Inspector, Site Containment Inspector or Code Enforcement Officer, to issue an order suspending all work on the land disturbing site until satisfactory measures are taken to comply with the city code.

This ordinance may also be subject to enforcement by the issuance of a summons and complaint pursuant to Ordinance No. 2005-55, Establish Penalties and Enforcement for Violation of Municipal Ordinances, and Ordinance No. 1993-02, Summons and Compliant Schedule of Fines, as amended from time to time. That each day constitutes a separate violation of this Ordinance.

## **SECTION VIII: PENALTIES; INJUNCTIVE RELIEF**

Any person found to be in violation of any provision of this ordinance shall be punished by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500), or imprisonment not to exceed one-hundred and eighty days (180), or both.

In addition to the other remedies so provided herein, the city retains the right to bring an action for injunctive relief to require the payment of damages for, and/or removal from the City or its police jurisdiction, all sediment which has migrated off-site as a result of erosion due to land disturbing activities or has the potential to migrate off-site.

## **SECTION IX: REPEALER**

Ordinance No. 2007-03 is specifically repealed in its entirety and any other ordinances or parts of ordinances conflicting with the provisions of this ordinance is hereby repealed in so far as they conflict.

## **SECTION X: SEVERABILITY**

Should any section or provision of this article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

**SECTION XI: 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**  
Date & Time Signed: \_\_\_\_\_

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

**ATTEST:**

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

To: Office of the City Clerk  
From: William H. Eady, Sr., Director of  
Community Development  
Subj: Revision to Building Department  
Ordinance No. 2006-82 for the Site  
Containment Officer, regulating  
erosion and sediment for  
residential dwelling and non-  
commercial land disturbance  
Date: August 28, 2008

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, August 28, 2008, eight members were present and the vote carried unanimously for the affirmative recommendation of the above-mentioned ordinance.

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

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

attachment(s)

**ORDINANCE 2008 - 55**

**Corrections Fund Appropriation**

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

**WHEREAS**, such budget includes certain Special Revenue Funds which can be used only for specified purposes; and

**WHEREAS**, the Corrections Fund may be used for purposes related to the municipal jail in accordance with Code of Alabama Section 11-47-71; and

**WHEREAS**, the Livescan Fingerprint System as bid meets such purposes.

**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 a Corrections Fund appropriation in the amount of \$ 16,735 for the purchase of the Livescan Fingerprint System.

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

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

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

**ATTEST:**

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

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2008-56**

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**Zoning District Map  
Revision to Appendix H of the City of Daphne  
Land Use and Development Ordinance**

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 24, 2008, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15, and Ordinance 2007-48; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15, and Ordinance 2007-48; and

**WHEREAS**, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on September 15, 2008; and

**WHEREAS**, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

**SECTION I: ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit A of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

**SECTION II: REPEALER**

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, and 2007-48 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

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

---

**GREG BURNAM,  
COUNCIL PRESIDENT**

Date and Time Signed: \_\_\_\_\_

---

**FRED SMALL,  
MAYOR**

Date and Time Signed: \_\_\_\_\_

**ATTEST:**

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

*CITY OF DAPHNE*

*ZONE & STREET  
MAP EDITS*

*January 1, 2008 – July 1, 2008*



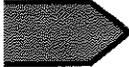
*The Jubilee City*

*Prepared by: Nancy Anderson, GIS Technician, City of Daphne Community Development  
July 16, 2008*

**CITY OF DAPHNE ZONE MAP & STREET MAP CHANGES**  
**January 1,2008 – July 1, 2008**

This report corresponds to the Zone & Street map edits for the period of January 1, 2008 – July 1, 2008. The red numbers on the left-hand margin of this report serve as a key to the map & should be used to identify the particular edit on the map. These edits are further identified on the map by stick-on arrow indicators, with the corresponding assigned number written in a circle above or beside the arrow.

The date displayed at the end of each line of this report is either the date of the Planning Commission Meeting, in which the project was approved or the date the City Council signed the approval ordinance or resolution for the given project.



**SUBDIVISIONS:**

- #01) **DARRING BUSINESS** – NW intersection of Hwy 98 & Van Buren – 3 lots, 1.96 Acres +/- 01/24/2008
- #02) **FAMILY SECURITY CREDIT UNION** – W. side of Hwy 98 – 1 lot, 1.36 Acres +/- 04/24/2008
- #03) **RENAISSANCE CENTER, PHASE 3** – N side of Hwy 90 & Hwy 181- 14 lots, 42.13 Acres +/- 04/24/2008
- #04) **ST CHARLES VILLAGE, PH 1 & 2** – SE of 64 & Pollard – 1 lot, 11.30 Acres +/- 04/24/2008
- #05) **SPORTSMAN MARINE** – Hwy 98 & Gable St. – 5 Lots, 6.71 Acres +/- 03/27/2008



**ANNEXATIONS:**

- #06) **Ordinance # 2008-15**–Milstead Annexation–Pollard Rd S of Whispering Pines-5.5 Acres 02/18/08
- #07) **Ordinance # 2008-31** - Holy Trinity Lutheran – Whispering Pines - 5.05 Acres 04/21/08

**STREET ACCEPTANCE:**

- #08) **Resolution # 2008-24** – Acceptance of County Rd. 13 R.O.W. – C.R. 64 to Milton Jones Rd.- 2520 linear feet +/- City Council 05/06/08

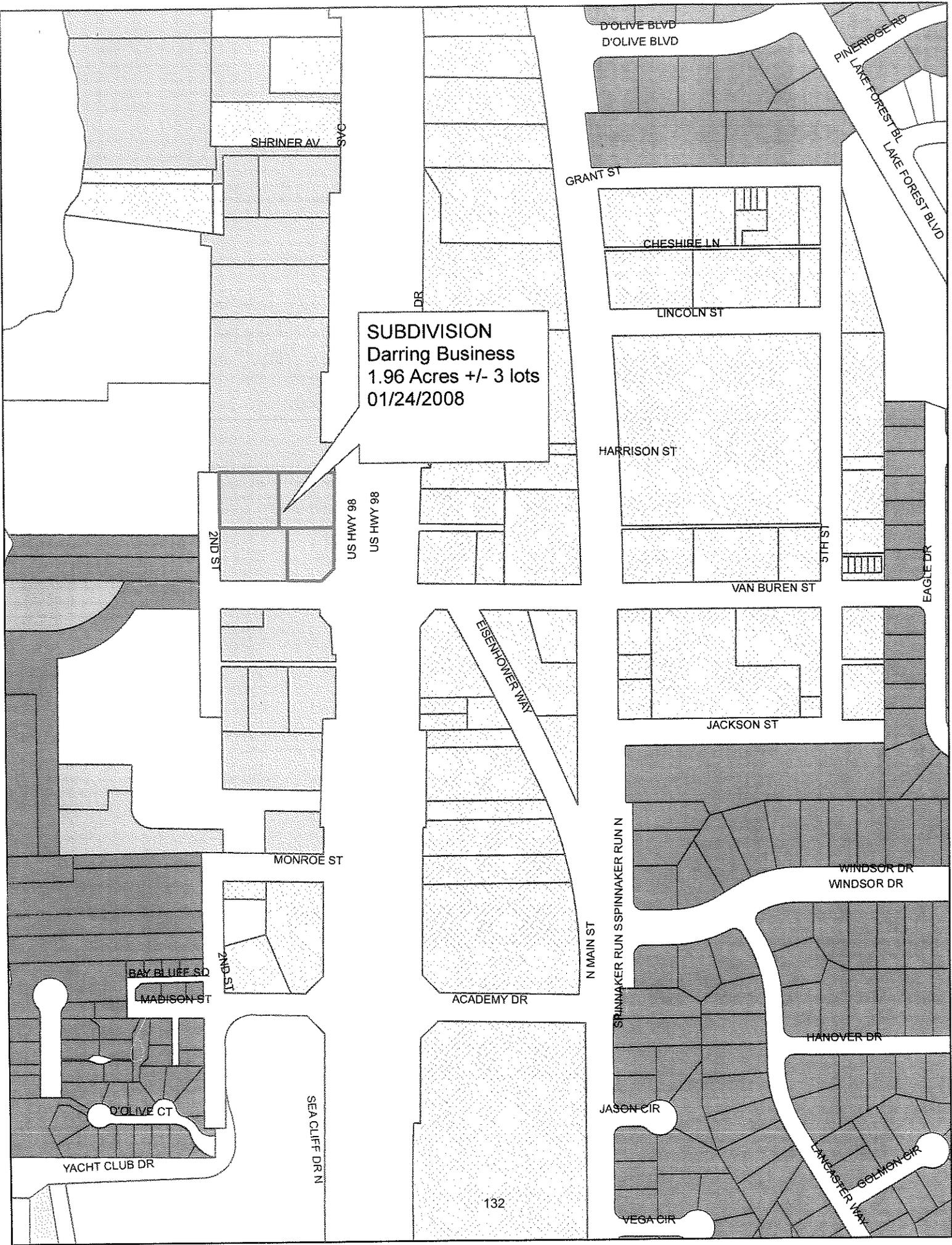
**REZONE:**

- #09) **Ordinance # 2008-05** – Wachter Property – from R-3 to B-1- City Council 01/23/2008
- #10) **Ordinance # 2008-06** – Windscape Apts.– from B-2 to R-4 - City Council 01/23/2008
- #11) **Ordinance # 2008-07** – Klaas Property – from B-2 to R-4 - City Council 01/23/2008

*City of Daphne Map  
Edits*

*SUBDIVISIONS*

*January 1, 2008 – July 1, 2008*



**SUBDIVISION**  
Darring Business  
1.96 Acres +/- 3 lots  
01/24/2008

SHRINER AV

D'OLIVE BLVD  
D'OLIVE BLVD

GRANT ST

CHESHIRE LN

LINCOLN ST

HARRISON ST

VAN BUREN ST

JACKSON ST

WINDSOR DR  
WINDSOR DR

ACADEMY DR

132

2ND ST

US HWY 98  
US HWY 98

EISENHOWER WAY

N MAIN ST

SPINNAKER RUN SSPINNAKER RUN N

HANOVER DR

JASON CIR

VEGA CIR

DAYCATER WAY  
GOLDEN CIR

MONROE ST

BAY BLUFF SD  
MADISON ST

2ND ST

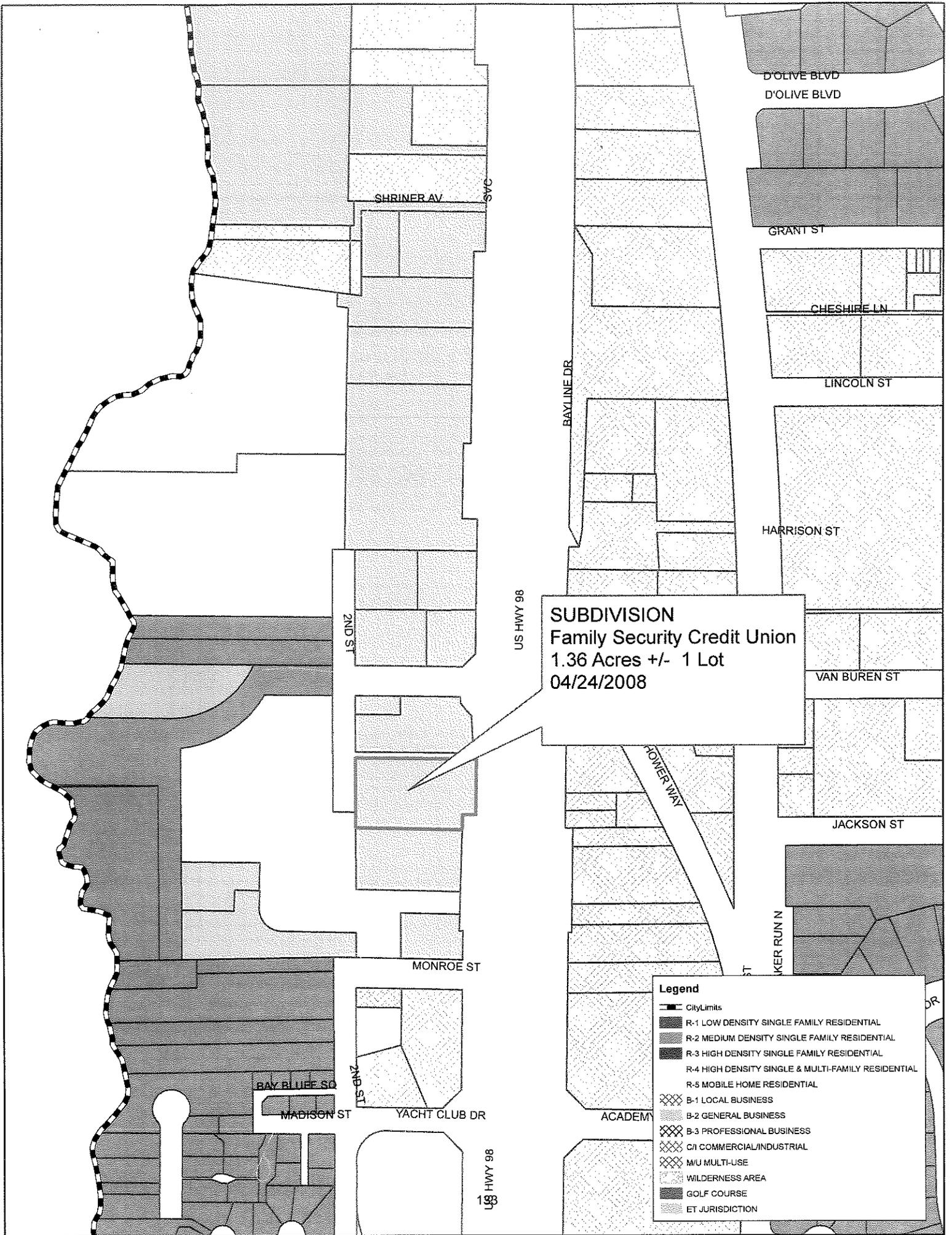
D'OLIVE CT

YACHT CLUB DR

SEA CLIFF DR N

PINERIDGE RD  
LAKE FOREST BL  
LAKE FOREST BLVD

EAGLE DR



**SUBDIVISION**  
 Family Security Credit Union  
 1.36 Acres +/- 1 Lot  
 04/24/2008

- Legend**
- CityLimits
  - R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
  - R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
  - R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
  - R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
  - R-5 MOBILE HOME RESIDENTIAL
  - B-1 LOCAL BUSINESS
  - B-2 GENERAL BUSINESS
  - B-3 PROFESSIONAL BUSINESS
  - C/I COMMERCIAL/INDUSTRIAL
  - M/U MULTI-USE
  - WILDERNESS AREA
  - GOLF COURSE
  - ET JURISDICTION

SHRINER AV

D'OLIVE BLVD  
 D'OLIVE BLVD

GRANT ST

CHESHIRE LN

LINCOLN ST

HARRISON ST

VAN BUREN ST

JACKSON ST

MONROE ST

ACADEMY

BAY BLUFF SQ

MADISON ST

YACHT CLUB DR

US HWY 98

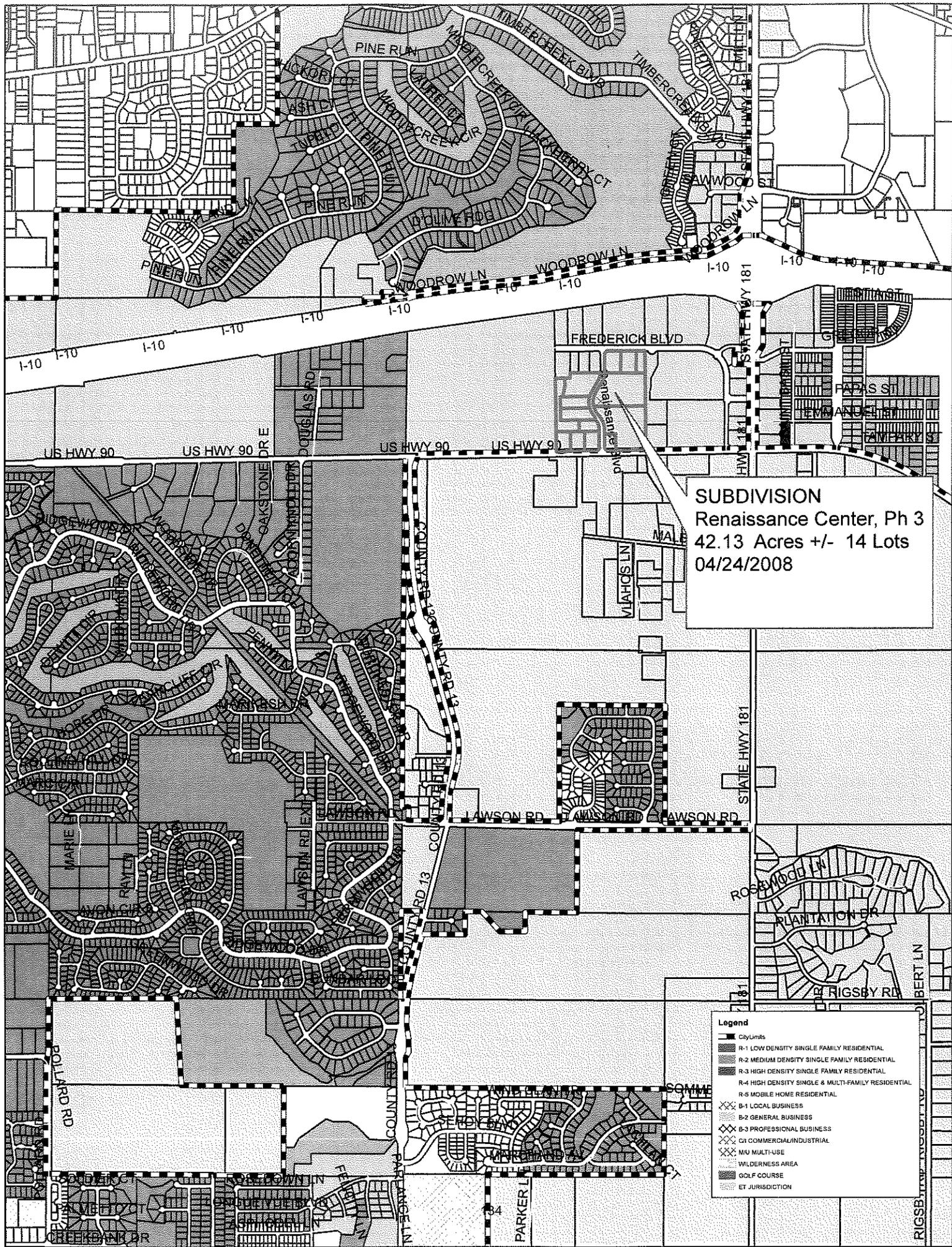
US HWY 98

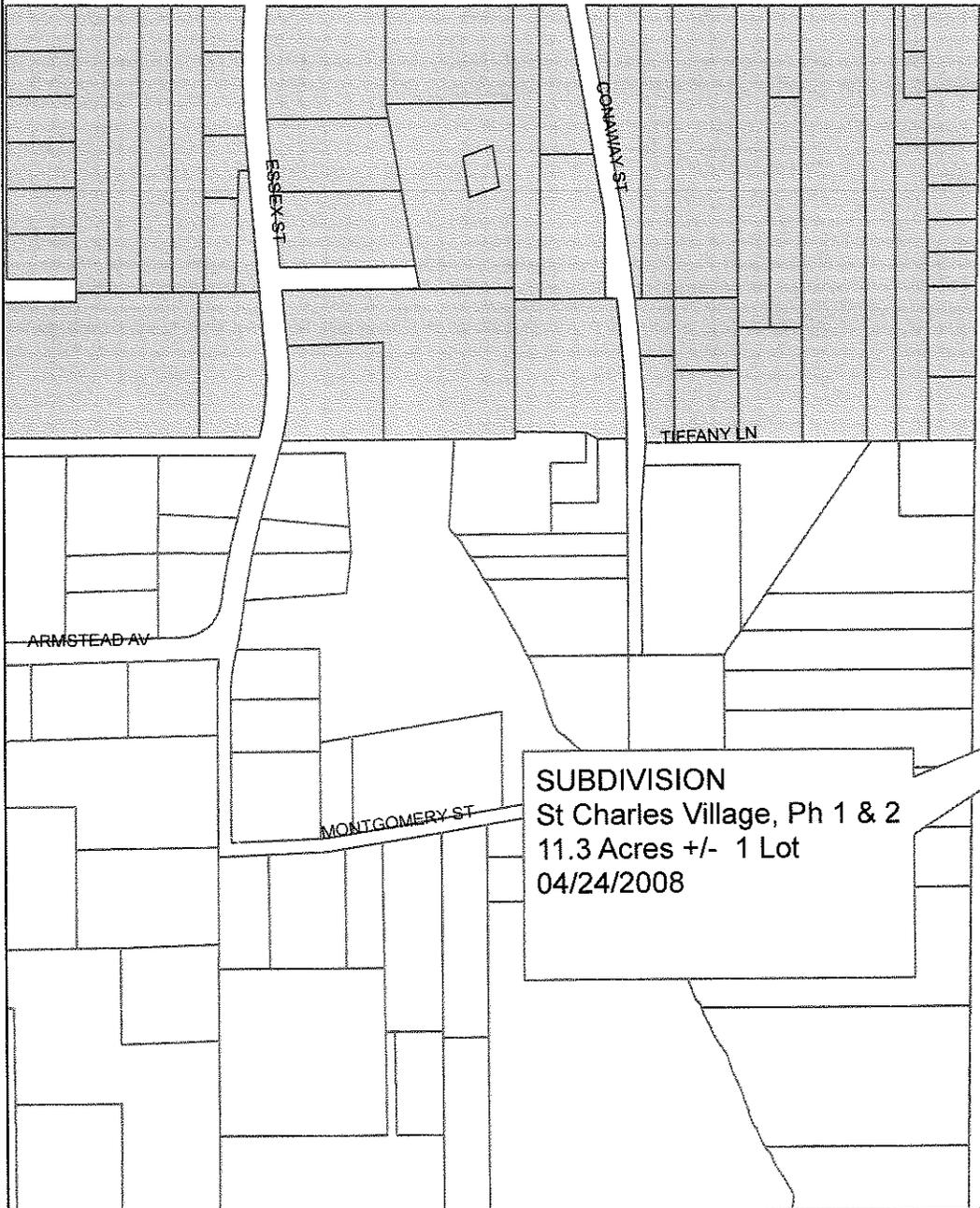
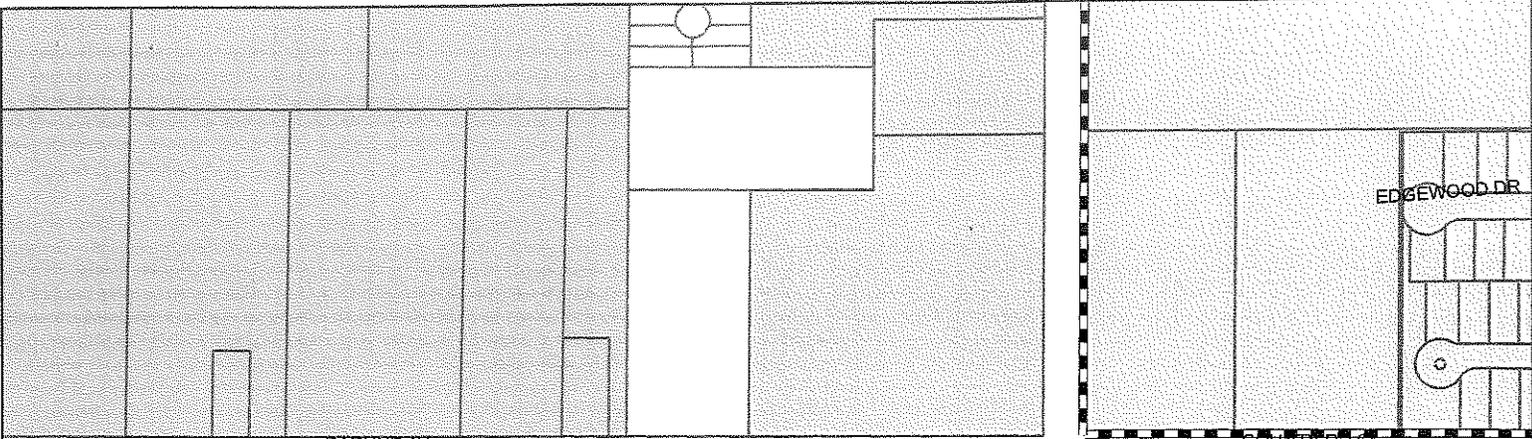
BAYLINE DR

POWER WAY

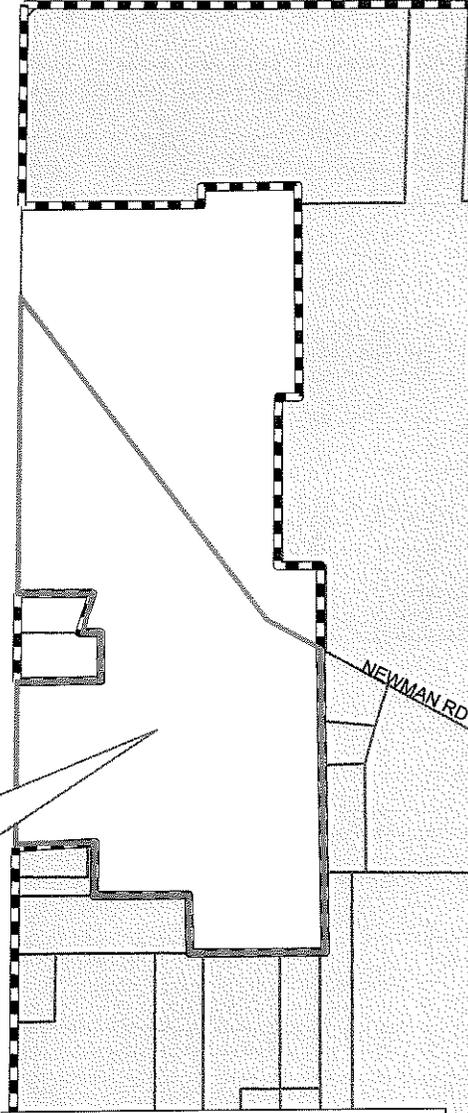
ST  
 KER RUN N

DR



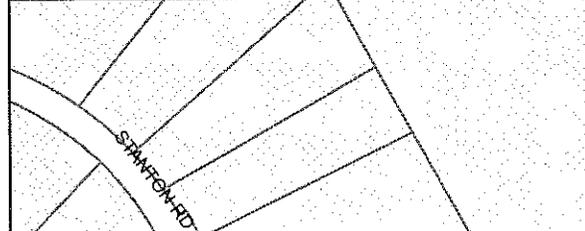


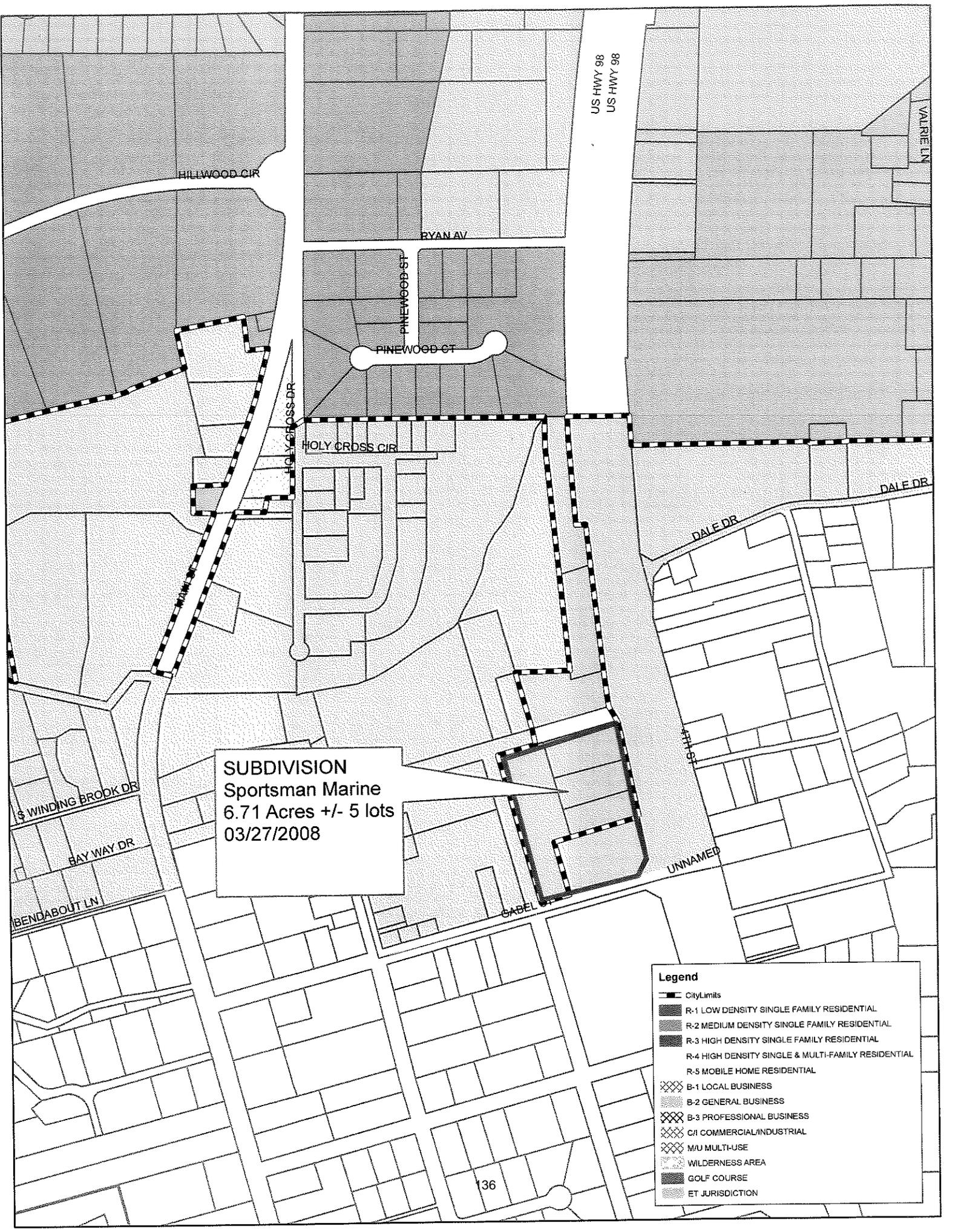
**SUBDIVISION**  
 St Charles Village, Ph 1 & 2  
 11.3 Acres +/- 1 Lot  
 04/24/2008



**Legend**

- City Limits
- R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
- R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
- R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
- R-5 MOBILE HOME RESIDENTIAL
- B-1 LOCAL BUSINESS
- B-2 GENERAL BUSINESS
- B-3 PROFESSIONAL BUSINESS
- C/I COMMERCIAL/INDUSTRIAL
- M/U MULTI-USE
- WILDERNESS AREA
- GOLF COURSE
- ET JURISDICTION





**SUBDIVISION**  
 Sportsman Marine  
 6.71 Acres +/- 5 lots  
 03/27/2008

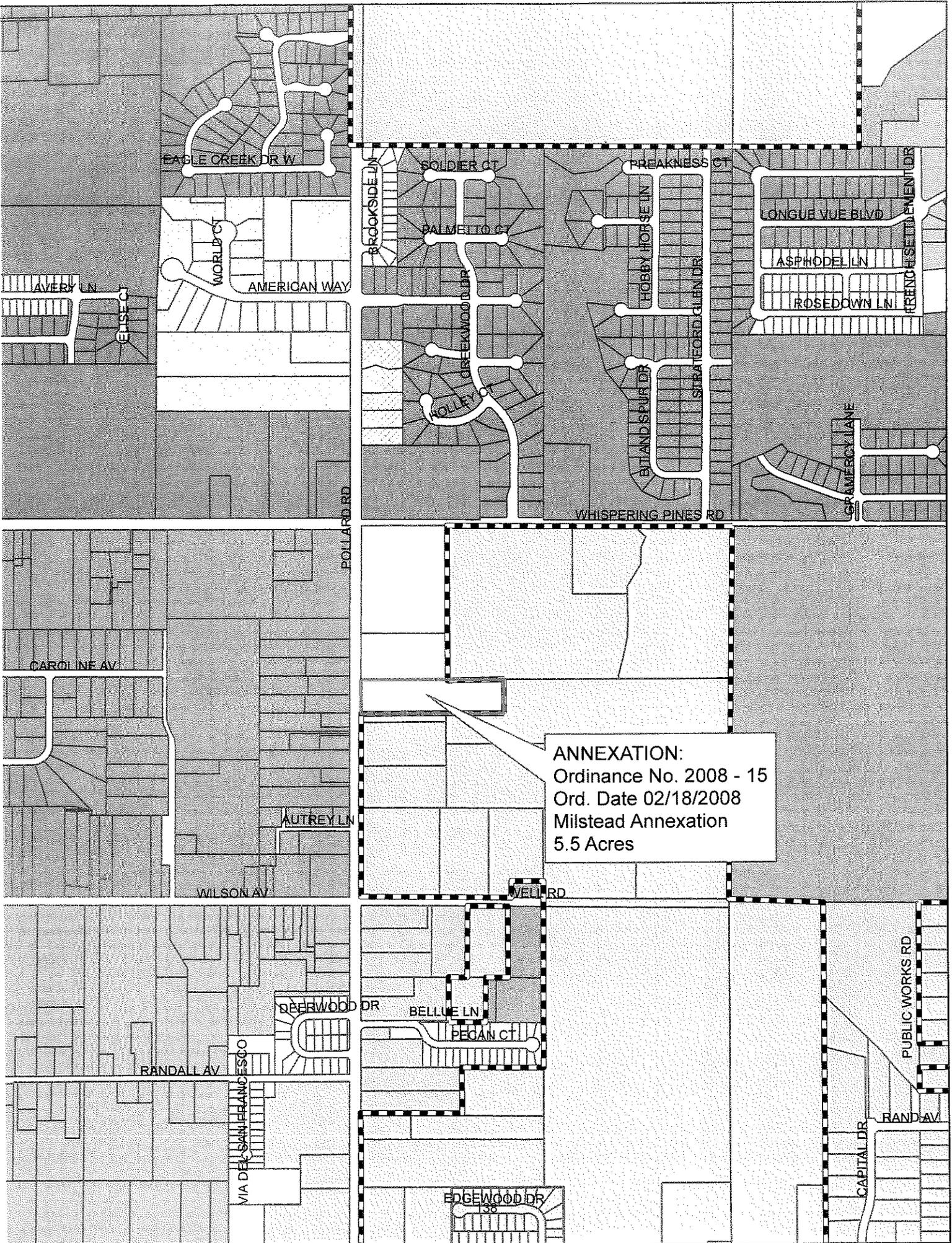
- Legend**
- City Limits
  - R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
  - R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
  - R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
  - R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
  - R-5 MOBILE HOME RESIDENTIAL
  - B-1 LOCAL BUSINESS
  - B-2 GENERAL BUSINESS
  - B-3 PROFESSIONAL BUSINESS
  - C/I COMMERCIAL/INDUSTRIAL
  - M/U MULTI-USE
  - WILDERNESS AREA
  - GOLF COURSE
  - ET JURISDICTION

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*City of Daphne Map  
Edits*

*ANNEXATIONS*

*January 1, 2008 – July 1, 2008*



EAGLE CREEK DR W

SOLDIER CT

PREAKNESS CT

LONGUE VUE BLVD

ASPHODEL LN

ROSEDOWN LN

AVERY LN

WORLD CT

AMERICAN WAY

BROOKSIDE LN

PALMETTO CT

HOBBY HORSE LN

FRENCH SETTLEMENT DR

EMISE CT

CREEKWOOD DR

BIT AND SPUR DR

STRATFORD GLEN DR

GRAMERCY LANE

KOLLEY CT

WHISPERING PINES RD

POLLARD RD

CAROLINE AV

AUTREY LN

ANNEXATION:  
Ordinance No. 2008 - 15  
Ord. Date 02/18/2008  
Milstead Annexation  
5.5 Acres

WILSON AV

WELL RD

DEERWOOD DR

BELLUE LN

PECAN CT

PUBLIC WORKS RD

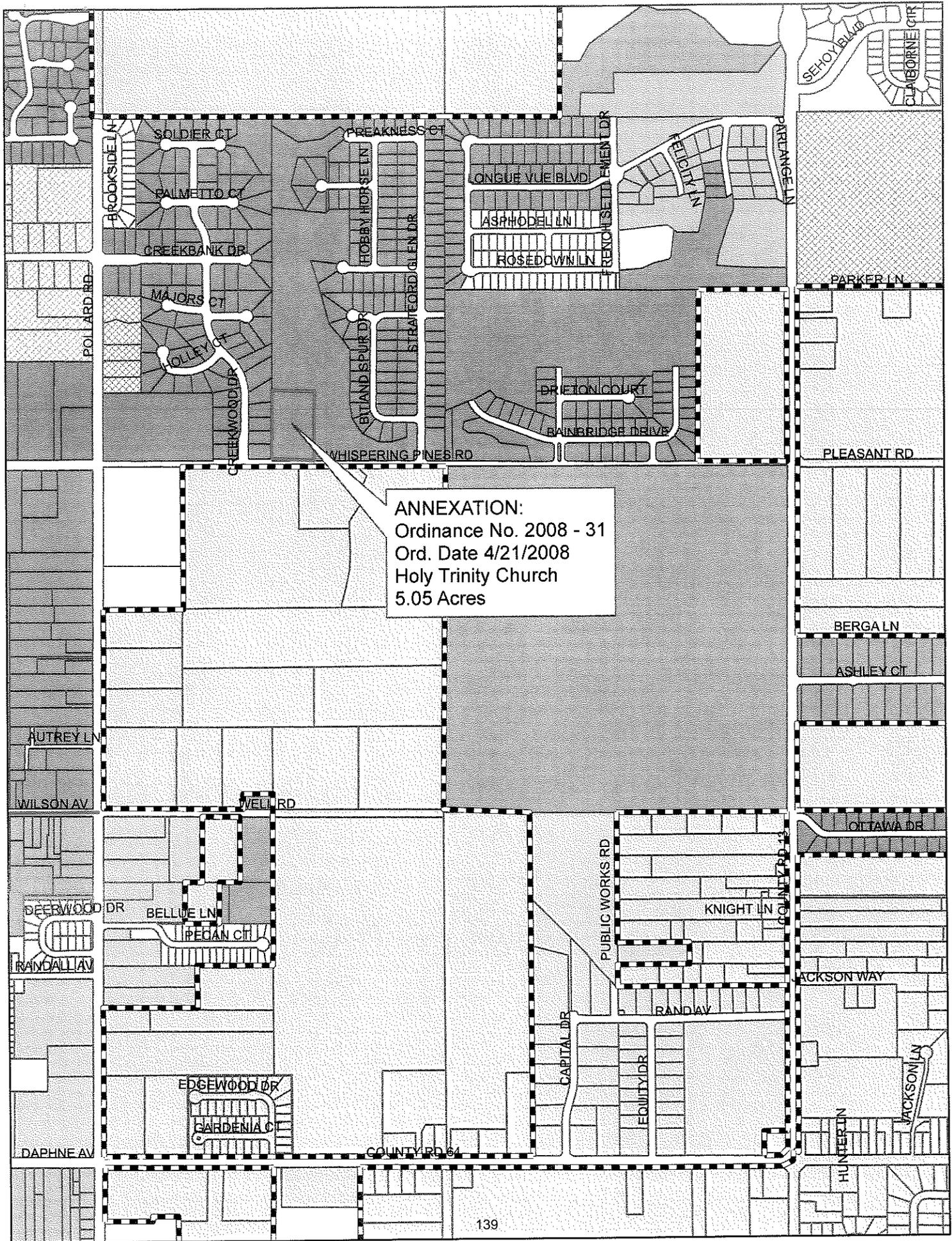
RANDALL AV

VIA DEL SAN FRANCESCO

RAND AV

EDGEWOOD DR  
138

CAPITAL DR



ANNEXATION:  
Ordinance No. 2008 - 31  
Ord. Date 4/21/2008  
Holy Trinity Church  
5.05 Acres

*City of Daphne Zone Map  
Edits*

*STREET  
ACCEPTANCE*

# Proposed County Road 13 Segment Annexation From County Road 64 to Milton Jones Road

COUNTY ROAD 64 - 80 Ft ROW

COUNTY ROAD 13 80 Ft ROW

2420.83 Ft

2658.36 Ft

MILTON JONES ROAD 60 Ft ROW

100 Ft  
End Annexation

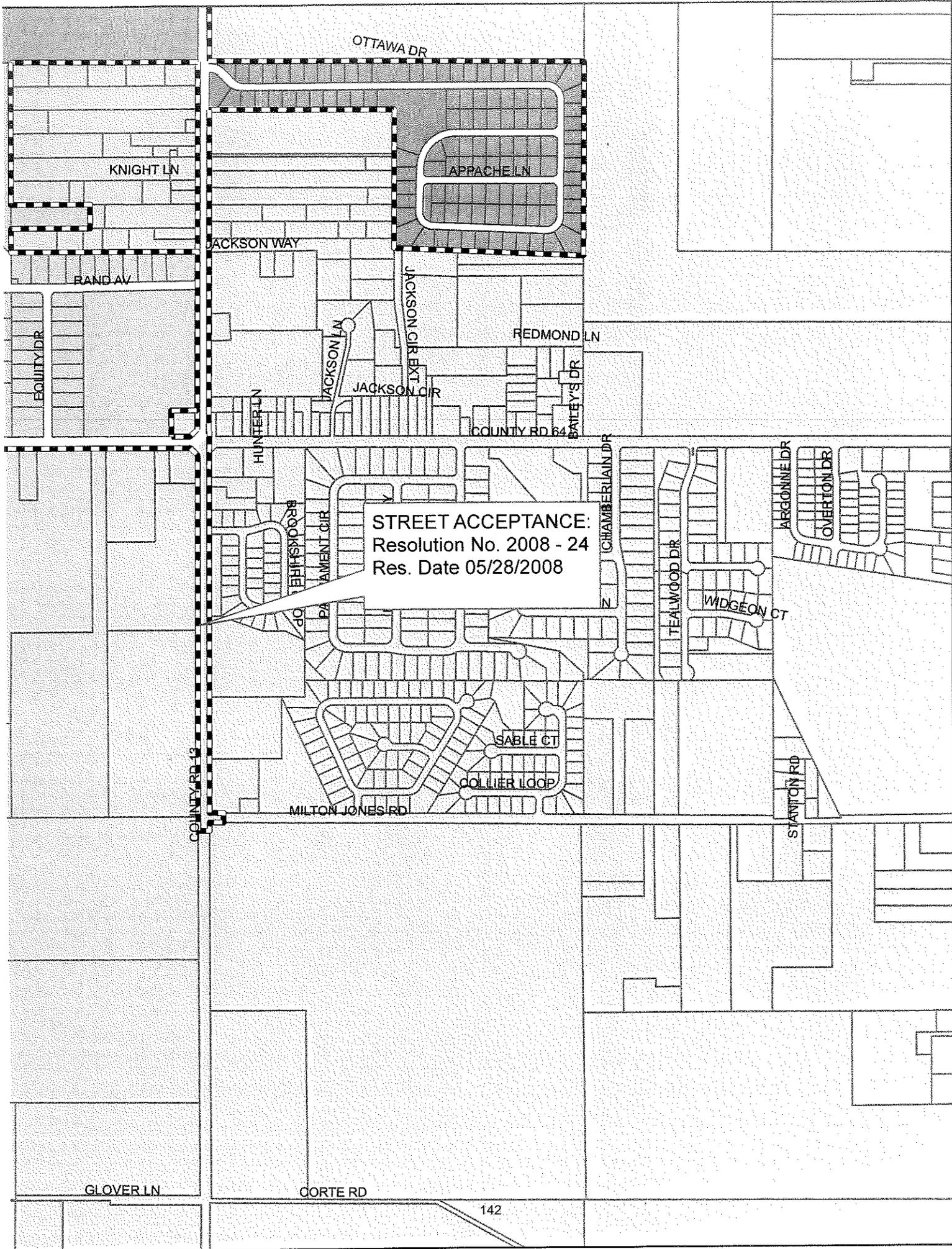
100 Ft  
End Annexation



## Legend

----- Right of Way Centerline

*Drawing not to scale*  
Map prepared by the City of Daphne  
Community Development Department  
4/24/2008



OTTAWA DR

KNIGHT LN

APACHE LN

JACKSON WAY

RAND AV

EQUITY DR

REDMOND LN

JACKSON CIR EXT

JACKSON LN

COUNTY RD 64

BAILEY'S DR

HUNTER LN

STREET ACCEPTANCE:  
Resolution No. 2008 - 24  
Res. Date 05/28/2008

BROOKSHIRE LOOP

PALMAMENT CIR

CHAMBERLAIN DR

TEALWOOD DR

WIDGEON CT

ARGONNIE DR

OVERTON DR

COUNTY RD 13

SABLE CT

COLLIER LOOP

MILTON JONES RD

STANTON RD

GLOVER LN

CORTE RD

*City of Daphne Map  
Edits*

**REZONE**

*January 1, 2008 – July 1, 2008*

RE-ZONE  
Ordinance No. 2008 - 05  
Ord. Date 01/23/2008  
from R-3 to B-1

TRIONE AV

BRYER AV

DAPHNE CT

FALKENBERRY LN

COLLEGE AV

HALLS LN

HALLS LN

BONITA AV

DELACHASE CT

PERCH ST

BASS ST

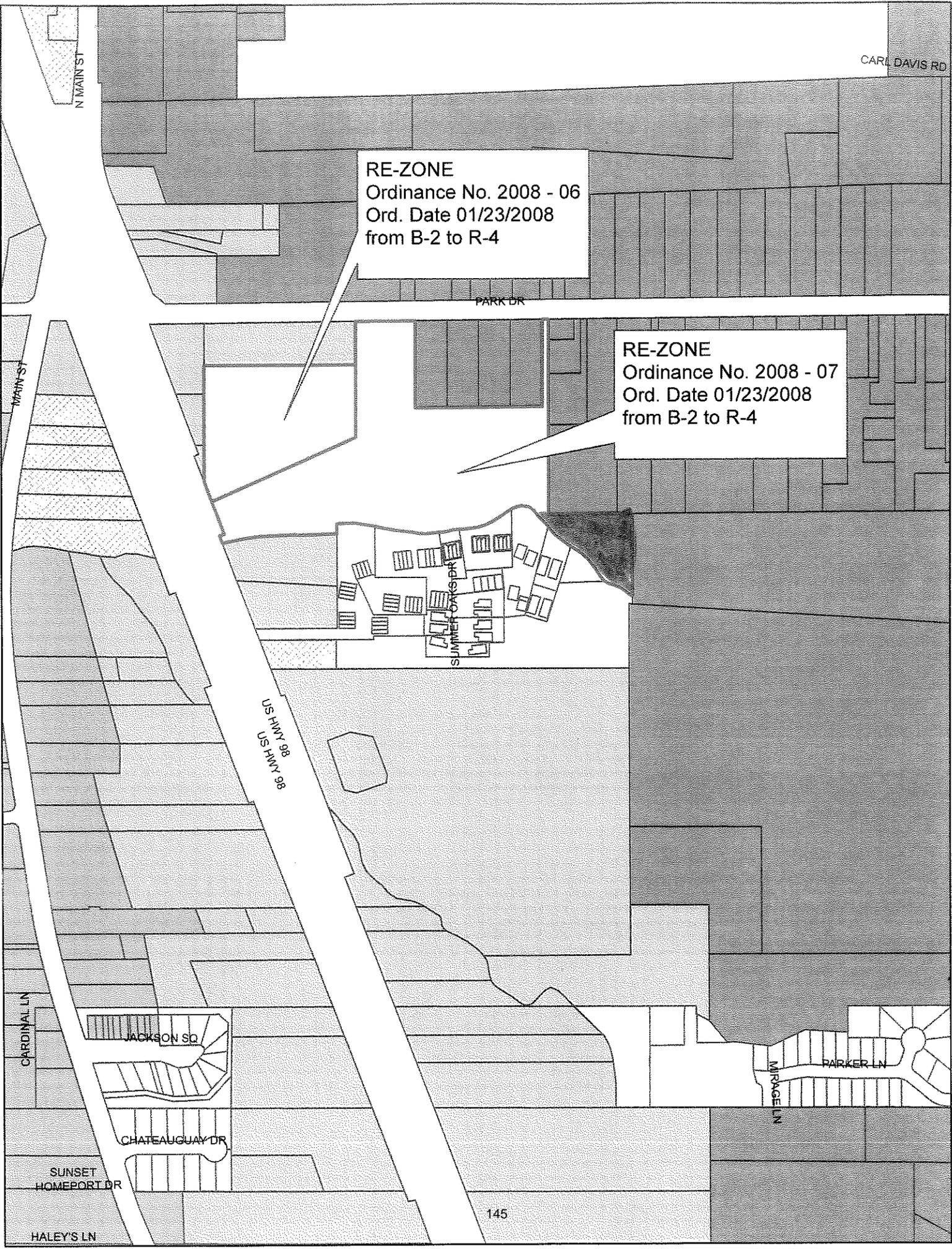
VAN AV

VAN AV

US HWY 98

US HWY 98

STANTON RD



CARL DAVIS RD

RE-ZONE  
Ordinance No. 2008 - 06  
Ord. Date 01/23/2008  
from B-2 to R-4

RE-ZONE  
Ordinance No. 2008 - 07  
Ord. Date 01/23/2008  
from B-2 to R-4

PARK DR

SUMMER OAKS DR

US HWY 98  
US HWY 98

MAIN ST

N MAIN ST

CARDINAL LN

JACKSON SQ

CHATEAUGUAY DR

SUNSET  
HOMEPORT DR

HALEY'S LN

MIRAGE LN

PARKER LN

**ORDINANCE 2008-57**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2009 BUDGET**

**WHEREAS**, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2009 which begins October 1, 2008 and ends September 30, 2009; and

**WHEREAS**, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

**WHEREAS**, the City is required to adopt a budget for the next fiscal year by Ordinance; and

**WHEREAS**, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

**NOW, THEREFORE**, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 budget attached hereto and made a part hereof for the Fiscal Year beginning October 1, 2008 and ending September 30, 2009 is hereby approved and adopted on this the \_\_\_\_\_ of \_\_\_\_\_, 2008.

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

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

**ATTEST:**

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