

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 18, 2006
6:30 P.M.**

1. CALL TO ORDER

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

3. APPROVE MINUTES: Work Session Minutes meeting held August 31, 2006
Council Minutes / September 5, 2006

PRESENTATION: Santa America / Ernie Berger

PRESENTATION: S.E.E.D.S. / Mamma Mia Cook Off / Ruth Sewell

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

Review minutes meeting held September 11th

a.) Bids:

- 1.) Highway 64 NRCS / **Resolution 2006-79**
- 2.) May Day Park Boardwalk / **Resolution 2006-80**

b.) Motions:

- a.) Pay Exception / James Rivers / Police Department
- b.) NRCS Grant Extension
- c.) Increase City Attorney Rate of Compensation / \$140 hr / \$500 per Month Retainer

c.) Resolutions:

- 1.) Malbis Properties Development Agreement: Issuance Cost / **Resolution 2006-77**
- 2.) Retiree COLA / **Resolution 2006-78**

d.) Ordinances:

- 1.) 2007 Budget / **Ordinance 2006-75**

e.) Financial Reports:

- a.) Treasurers Report / August 31, 2006
- b.) Sales Tax Collection Graphs / July 31, 2006
- c.) Lodging Tax Collections / July 31, 2006

B. BUILDINGS & PROPERTY - Lake

Review Building Inspections Reports for August

C. PUBLIC SAFETY - Burnam

Review minutes meeting held September 5th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review Beautification minutes meeting held August 3rd

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

Re-appoint Walter Crimmins / Term October 31, 2006 – October 30, 2009

- B. Downtown Redevelopment Authority - Barnette*
- C. Industrial Development Board - Yelding*
- D. Library Board - Lake*
- E. Planning Commission - Barnette*
- F. Recreation Board - Palumbo*
- G. Utility Board - Scott*

6. REPORTS OF OFFICERS:

- A. Mayors Report*
 - a.) Parade Permit / Daphne High School Homecoming Parade / September 28, 2006*
 - b.) Parade Permit / Bounds Family YMCA / Annual 2 Mile Fun Run / October 20, 2006*
- B. City Attorney's Report*
- C. Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Supporting the Establishment of a Mobile National Cemetery Annex in South AL...../Resolution 2006-76
- b.) Amending Resolution 2006-42 Authorizing Mayor to Enter Into Development Agreement with Malbis Properties, LLC...../Resolution 2006-77
- c.) Retiree Cost of Living Act 2006-510/Resolution 2006-78
- d.) Bid Award: 2006-CC-Highway 64 NRCS / DAP-0905-01 Agreement 69-4101-6-30 / Asphalt Supply, LLC/Resolution 2006-79
- e.) Bid Award: 2006-JJ-Mayday Park Boardwalk / Trawick Contractors, Inc. /Resolution 2006-80

ORDINANCES:

2ND READ

- a.) Rezone: Cypress Pointe LLC / Property Located off of U.S. Hwy 98 / B-2, General Business District to MU, Mixed Use District. /Ordinance 2006-67
- b.) Rezone: Cypress Pointe Village / Property Located off U.S. Hwy 98 by Utility Board Property / B-2, General Business District to MU, Mixed Use District. /Ordinance 2006-68
- c.) Rezone: Morse Subdivision / Property Located at 1401 Randall Ave. / R-2, Medium Density Single Family Residential District to R-4, High Density Single Family Residential District. /Ordinance 2006-69

d.) Annexation: Malbis Plantation, US Hwy 90 / Property Located West of the Aronov Development along US Hwy 90...../Ordinance 2006-71

e.) Revision to Zoning District Map...../Ordinance 2006-73

1ST READ

f.) Adopting the Fiscal Year 2007 Budget...../Ordinance 2006-75

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

AUGUST 31, 2006
CITY OF DAPHNE
CITY COUNCIL
WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.

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COUNCIL MEMBERS PRESENT: Bailey Yelding arrived at 6:30 p.m.; John Lake; Greg Burnam, Ron Scott; August Palumbo.

ABSENT: Cathy Barnette; Regina Landry.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, Meredith Turpin, Attorney; City Attorney; Kim Briley, Finance Director; Mund Hanson, Fire Chief; Sandra Morse, Civic Center Director; Ken Eslava, Public Works Director; Suzanne Henson, Senior Accountant; Rob McElroy, Utilities Director; Melinda Immel, Volkert & Associates; Employees of the City.

1. CALL TO ORDER

Council President Burnam called the meeting to order at 5:35 p.m.

2. DISCUSS: SEWERS / ROB MCELROY

Mr. McElroy reported to Council what areas still need to be sewerred and discussed gravity fed sewers and grinder pumps.

Council asked questions of Mr. McElroy one being which parcel would service more people.

Mr. McElroy stated South County Road 64 has 107 parcel and will take three (3) times the money for gravity sewers and it will be cheaper to go with low pressure sewer. He stated it would cost \$1.7 million to sewer. Mr. McElroy stated that for \$2½ million he could do all the sewers with low pressure sewer. He said the City could go with low pressure systems and stretch the dollars.

3. DISCUSS: EMPLOYEE FLEXIBLE SPENDING ACCOUNT FEE

Mrs. Cureton stated that there are currently 46 employees signed up for the Flexible Spending Account, and the administrative fee totals \$2,760.

Mr. Scott stated that the use of the debit card is an administrative decision only, and not an issue for the Council to decide. He stated the only issue before them tonight is paying the administrative fee.

Mr. Ronnie Wallace with AFLAC stated that the fee is only charged to the employees who participate in the program. Mr. Wallace answered questions from the Council. He stated that the City and the employees benefit from the program.

4. DISCUSS: COST OF LIVING ADJUSTMENT

Mrs. Cureton stated that the last COLA was in 2002. She stated that the Council has talked about it for the last two (2) or three (3) years. She stated that a 3% increase would move the pay scale up. She stated that in the past the employees have been given a lump sum, and that was a mistake, and that is why the pay scale was way off.

Mrs. Briley discussed the analysis of Personnel cost. She stated that 3% would total \$276,478 including taxes.

Mr. Scott stated that with the new tax assessments done there will be enough money there to offset a cost of living adjustment. He stated that he was in favor of COLA.

Sgt. Brian Goolsby with the Police Department discussed a report that was forwarded to Council on the cost of living increases on the Eastern Shore.

Mr. Yelding stated that the report from the Police Department was well put together, and that he was in favor of COLA, and for getting the Police Department's salaries up to speed with the surrounding cities. He stated that he did not realize that the City was so far behind other cities in salaries for police officers.

Mr. Lake stated that he was in favor of COLA. He stated that City needs to do what it can to keep employees happy.

Mr. Palumbo stated that he is in favor of COLA, and he agreed that the report was well done, and not over done.

Mayor Small stated that he was highly in favor of COLA.

5. DISCUSS: IMPACT FEES

Mayor Small stated that he has met several times with the other Mayor's and SARPC, and the other cities are thinking about going with impact fees. He stated if the City wants to move forward with the study he recommends going with Tischler – Bise, because they are very familiar with this already, and have done some of them in Baldwin County. He said that they can reflect the cost of the study back in the fees. He stated that it will take SARPC a while to get going since they have never done this before. The Mayor highly recommended that the Council go with Tischler – Bise.

Mr. Ross stated that it is important to have depth of detail in case they are challenged in court. He thinks that Tischler – Bise will do a good job as well.

Council discussed using Tischler – Bise for the impact fee study. The Council agreed that Tischler – Bise would be the best to do the study, and they wanted the Public Hearings included with the contract.

6. DISCUSS: SURPLUS ITEMS

Mr. Lake stated that as long as he has been on the Council that surplus items have been with the Buildings & Property Committee. He said that the Committee would look at the items to see if they are surplus and then send it to the Finance Committee.

Mrs. Henson stated that she did some extensive research and surplus has always gone through the Finance Committee. She stated that when she came to work for the City in 1996 she developed procedures and the Resolution for the sale of the surplus items. She said that the first sale was in 1996, and there have been three (3) or four (4) more sales since that time. She stated that it is a lot of work for so little money.

Council discussed this issue and felt that the “Property” in Buildings & Property meant real estate and buildings. The consensus of the Council was that they did not see the need of giving this to Buildings & Property since it is being handled so well now through the Finance Committee.

7. INCREASE IN ATTORNEY’S FEES

Mr. Scott stated that the vote from the Finance Committee was unanimous for recommending an increase in the City Attorney’s fees. He said they felt it was a competitive rate as compared with other cities, and that it was not an outrageous amount. Mr. Scott stated that Mr. Ross did not approach the Committee with the request, that the Committee took a pro-active approach and did some research on what other cities were paying their attorney’s, and then the Committee approached Mr. Ross.

Council discussed this issue and most were in agreement with increasing the City Attorney’s rates, and that they were not unreasonable, but some had issues with the increase request.

Mrs. Briley stated that there was enough of money in the budget already so the budget will not need to be increased. She said that what was allocated last year for attorney’s fees was enough to cover the rate increase.

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8. COMMENTS

Mr. Cohen stated that he is doing some research on an issue that has come up in the Lake Forest community where multiple families are living under one roof. He said that the definition of what is a single family dwelling and what is multiple family dwelling is not spelled out in the Land Use Ordinance. Mr. Cohen stated that he talked with the City of Auburn who is already addressing this issue, and that this will be discussed during the Ordinance Committee meeting and then be sent to the Planning Commission to address.

Mayor Small stated that a representative of ALDOT was at a meeting that he attended and the representative stated that the state was out of money for sidewalks grants because of overruns. The representative told them that when the budget is adopted in October the rest of the funds will be available to finish the sidewalks, and all the city needs to do is wait on the OK to get started. Mayor Small also stated that Congressman Bonner toured the Utilities facilities where they make the diesel fuel and he was very impressed.

9. ADJOURN

There being no further business to discuss, the meeting adjourned at 7:55 p.m.

Respectfully submitted by

David L. Cohen
City Clerk, MMC

Certification of Presiding Officer

Greg Burnam
Council President
Date & Time Signed: _____

SEPTEMBER 5, 2006
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 6:35 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; Regina Landry; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Meredith Turpin, Attorney; Bill Eady, Planning Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Tonja Young, Library Director; Kim Briley, Finance Director; Mund Hanson, Fire Chief; Capt. David Wilson, Police Department; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Sandra Morse, Civic Center Director; Ray Moore, Hutchinson, Moore & Rauch; Mickey Boykin, Daphne Museum; Willie Robison, BZA; Starke Irvine, DRA; Former Mayor Victor Guarisco.

3. APPROVE MINUTES:

**MOTION BY Mrs. Barnette to adopt the Council Meeting minutes meeting held August 21, 2006.
Seconded by Mrs. Landry.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Santa America / Ernie Berger

Mr. Berger was not present.

- PUBLIC HEARINGS:**
- a.) Amending the Village Overlay Map
 - b.) Rezone: Cypress Pointe, LLC / Property located On U.S. Highway 98/ B-2, General Business District to MU, Mixed-Use
 - c.) Rezone: Cypress Pointe Village / Property located at On U.S. Highway 98 next to Utility Property / B-2, General Business District to MU, Mixed-Use
 - d.) Rezone: Vernon & Sandra Morse / Property located on Randall Avenue / R-2, Medium Density Single Family Residential District to R-4, High Density Single Family Residential District
 - e.) Annexation: Malbis Plantation – Interstate 10 / Property located on Interstate 10 / Requested B-2, General Business District Zoning
 - f.) Annexation: Malbis Plantation, Inc. / Property located U.S. Highway 90 West of the Eastern Shore Center / Requested B-2, General Business District Zoning
 - g.) Amending the Land Use & Development Ordinance / Village Overlay District – Maximum Building Height
 - h.) Amending the Land use & Development Ordinance / Zoning Map

a.) Amending the Village Overlay Map

Mr. Eady gave a presentation of the changes to the map. He stated that there were six (6) members present at the Planning Commission meeting and it was a unanimous affirmative recommendation for the changes. *Mr. Eady* stated that the Cypress Pointe and Utility property will be included on the Overlay map as Mixed Use.

No questions from Council.

Council President Burnam opened the Public Hearing at 6:40 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 6:41 p.m.

b.) Rezone: Cypress Pointe, LLC / Property located on U.S. Hwy 98 / B-2, General Business District to MU, Mixed Use

Mr. Flout gave a presentation.

Council asked questions of *Mr. Flout*, and asked for the Planning Commission recommendation.

Mr. Eady stated that it was a unanimous affirmative recommendation.

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

No one spoke.

Council President closed the Public Hearing at 6:45.30 p.m.

c.) Rezone: Cypress Pointe Village / Property located on U.S. Hwy 98 next to Utility Property / B-2, General Business District to MU, Mixed Use

Mr. Flout gave the presentation in the previous Public Hearing.

No questions from Council.

Council President Burnam opened the Public Hearing at 6:46 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 6:47 p.m.

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d.) Rezone: Vernon & Sandra Morse / Property located on Randall Avenue / R-2, Medium Density Single Family Residential District to R-4, High Density Single Family Residential District

Mr. Starke Irvine gave a presentation.

No questions from Council.

Council President Burnam opened the Public Hearing at 6:49 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 6:49.30 p.m.

e.) Annexation: Malbis Plantation – Interstate 10 / Property located on Interstate 10 / Requested Zoning B-2, General Business District

Mr. Eady gave a presentation.

No questions from Council.

Council President Burnam opened the Public Hearing at 6:50 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 6:51 p.m.

Council President Burnam stated that the Ordinance, 2006-70, has been withdrawn from the agenda by Malbis Plantation, Inc.

f.) Annexation: Malbis Plantation, Inc. / Property located on U.S. Hwy 90 West of the Eastern Shore Center / Requested zoning B-2, General Business District

Mr. Ray Moore gave the presentation.

No questions from Council.

Council President Burnam opened the Public Hearing at 6:53 p.m.

No one spoke.

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

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*g.) Amending the Land Use and Development Ordinance / Village Overlay District /
Maximum Building Height*

Mr. Eady gave a presentation. He stated that in section 36.18 it states that a variance request over the 50 ft. height limit would come before Council for approval. The amendment removes this section and it will state that a variance request over the 50 ft. height limit will come before the BZA.

Several Council members were uncomfortable with this going before BZA since they are not elected officials.

Mr. Eady explained this is following Alabama Code.

Mr. Ross stated that the issue coming before the BZA instead of Council is more defensible and will be better served as a BZA issue, and that it states in the Alabama Code that it should go before BZA. He stated that the next appeal after BZA is Circuit Court.

Council President Burnam requested that this item be but on the Work Session agenda.

Council President Burnam opened the Public Hearing at 7:06 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 7:07 p.m.

g.) Amending the Land Use and Development Ordinance / Zoning Map

Mr. Eady gave a presentation. He stated that it was a unanimous affirmative recommendation from the Planning Commission.

No questions from Council.

Council President Burnam opened the Public Hearing at 7:08 p.m.

No one spoke.

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

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

Mr. Scott stated that the minutes that the next meeting will be Monday at 3:30 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

No report.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

Mr. Yelding stated that the minutes for the August 25th meeting are in the packet. He said that the Committee is asking for an appropriation of funds to complete the designated sidewalks. He stated that they are running out of money and will not be able to finish if money is not appropriated.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

Mr. Eady stated that the Board will meet September 7th at 6:00 p.m. with one (1) appeal which is a non-conforming trailer. He stated that the Council needs to re-appoint Mr. Walter Crimmins to the BZA.

MOTION BY Mrs. Barnette to re-appoint Mr. Walter Crimmins to the BZA, term is from October 31, 2006 – October 30, 2009. Seconded by Mr. Lake.

Mr. Scott asked if they could wait until the next meeting to appoint Mr. Crimmins. He stated that since this is such an important and weighty appointment he would like time to look at the members.

Mrs. Barnette withdrew her motion.

Mr. Lake withdrew his second to the motion.

MOTION WITHDRAWN

B.) Downtown Redevelopment Authority / Barnette

Mrs. Barnette stated that the Authority will not meet in September. Mrs. Barnette asked Mr. Starke Irvine to comment on the last meeting.

Mr. Irvine stated that it was the best meeting they have had in a while. He said that there were good things getting ready to happen in Olde Towne Daphne. He said that the Authority will meet in October.

Mr. Scott stated that the City has Boards that have much responsibility and they need to have a budget to work with to accomplish their goals. They cannot accomplish their goals if they are not funded. It is like the DRA, they have a goal of putting all utilities underground, but without funding they cannot get this done. He would like to see these Boards funded if not in this budget, then in next years budget.

C. Industrial Development Board – Yelding

Mr. Yelding stated that the Board met August 28th and the minutes will be in the next packet.

D. Library Board – Lake

Mr. Palumbo stated that the new Children’s Librarian is Melissa Ott, and he asked Ms. Young to bring her to the next meeting and introduce her to the Council. He stated that the next meeting will be Monday.

E. Planning Commission – Barnette

Mrs. Barnette reported that the minutes for the June, July and August meetings are in the packet.

MOTION BY Mrs. Barnette to set Public Hearings on October 2, 2006 to consider:

- 1.) Annexation of Pollard Group, LLC / Property located SE of the Intersection of Pollard Rd. & County Road 64
- 2.) Amend the Land Use and Development Ordinance/ Residential High Rise Development District

Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Barnette stated that the Site Review meeting is on September 20th at 8:00 a.m., and the Planning Commission meeting will be September 28th at 6:00 p.m. She stated that the Residential High Rise Ordinance is in the packet tonight.

F. Recreation Board – Palumbo

The next meeting will be September 13th at 6:00 p.m.

G. Utility Board – Scott

Mr. Scott stated that the minutes of the July 26th meeting are in the packet. He said that the next meeting will be the last Wednesday of the month at 5:00 p.m. in the Council Chambers.

6. REPORTS OF THE OFFICERS:

A. Mayor’s Report

Mayor Small stated that Council at the Work Session came to a consensus that they would like to go with Tischler - Bise to do the study.

Mr. Ross stated that he talked with Carson Bise and he has dropped the price \$5,000, which will \$60,000 without public participation.

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract with Tischler – Bise for approximately \$64,000, which includes public participation. Seconded by Mrs. Barnette.

AYE Yelding, Barnette, Lake, Scott, Landry, Burnam

NAY Palumbo

MOTION CARRIED

B. City Attorney’s Report

No report.

C. Department Head Comments

David McKelroy – Recreation Director – reported that the Baldwin County Jamboree is Saturday at Daphne High School. He said that there will be ten (10) cities represented, and 49 teams. He said that will be about 5,000 players and family. He stated that soccer starts Monday. He invited everyone to come out and watch the games on Mondays, Tuesdays and Thursdays.

Tonja Young – Library Director – reported that the Friends of the Library will be having a sidewalk book sale on Saturday.

Ken Eslava – Public Works Director – reminded everyone that the Jubilee Festival is this weekend. He said that the Jamboree at the High School is a big event. He read an excerpt from the Baldwin Register regarding a solid waste worker, Tommy Bertagnoli, Jr. who helped a woman who was being attacked by a pitbull dog helping to fight off the dog and rendering first aid until medical help arrived.. He said that he was a hero for the day.

7.) PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – spoke regarding a comment made by Councilman Palumbo about the BZA.

Mrs. Mickey Boykin – 207 Bealle Lane - spoke regarding impact fees.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

a.) Amending the Personnel Policies & Procedure

Handbook / Vacation Carry Over/Resolution 2006-73

- b.) Amending the Personnel Policies & Procedure
Handbook / Advanced Vacation Leave...../Resolution 2006-74

- c.) Amending the Personnel Policies & Procedure
Handbook / Pay Exceptions/Resolution 2006-75

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-73. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-73. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolutions 2006-74, and 2006-75. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-74. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-75. *Seconded by Mrs. Barnette.*

Mr. Yelding stated that with all the changes through the years a new Personnel Handbook should be published which will include all the changes.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) 2006 Limited Obligation Special Tax Warrants (Eastern Shore Park). . . . /Ordinance 2006-62
- b.) Appropriating Funds: PD Traffic Accident Investigation Equipment. . . . /Ordinance 2006-63
- c.) Appropriation of Funds: City Hall Architectural Service / Site Preparation / Survey & Engineering. . . . /Ordinance 2006-64
- d.) Regulating Towing and Recovery Rotation Services. . . . /Ordinance 2006-65
- e.) Regulating Parking Within the City of Daphne. . . . /Ordinance 2006-66

1ST READ

- f.) Amend Village Overlay District Map. . . . /Ordinance 2006-54
- g.) Rezone: Cypress Pointe LLC / Property Located off of U.S. Hwy 98 / B-2, General Business District to MU, Mixed Use District. . . . /Ordinance 2006-67
- h.) Rezone: Cypress Pointe Village / Property Located off U.S. Hwy 98 by Utility Board Property / B-2, General Business District to MU, Mixed Use District. . . . /Ordinance 2006-68
- i.) Rezone: Morse Subdivision / Property Located at 1401 Randall Ave. / R-2, Medium Density Single Family Residential District to R-4, High Density Single Family Residential District. . . . /Ordinance 2006-69
- j.) Annexation: Malbis Plantation, Inc. I-10 / Property Located East of Old Malbis Subdivision along I-10 /Ordinance 2006-70
- k.) Annexation: Malbis Plantation, US Hwy 90 / Property Located West of the Aronov Development along US Hwy 90. . . . /Ordinance 2006-71
- l.) Amendment to the Village Overlay District / Maximum Building Height. . . . /Ordinance 2006-72
- m.) Revision to Zoning District Map. . . . /Ordinance 2006-73
- n.) Accepting Public Works Road as a City Street. . . . /Ordinance 2006-74

MOTION BY Mrs. Landry to waive the reading of Ordinance 2006-62, 2006-63, 2006-64, 2006-65 and 2006-66. Seconded by Mrs. Barnette.

MOTION BY Mrs. Barnette to adopt Ordinance 2006-62, *Seconded by Mr. Yelding.*

Council asked to see a check list to make sure everything has been done.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-63. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2006-64. *Seconded by Mr. Palumbo.*

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

MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-65. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-66. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2006-70 WAS WITHDRAWN EARLIER IN THE MEETING.

MOTION BY Mr. Scott to suspend the rules to consider Ordinance 2006-74.f Seconded by Mrs. Landry.

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Ordinance 2006-74. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2006-74. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to suspend the rules to consider Ordinance 2006-54. Seconded by Mrs. Landry.

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to waive the reading of Ordinance 2006-54. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt Ordinance 2006-54. *Seconded by Mrs. Landry.*

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

ORDINANCE 2006-72 WAS SENT TO A WORK SESSION EARLIER IN THE MEETING.

ORDINANCES 2006-67, 2006-68, 2006-69, 2006-71, and 2006-72 AND 2006-73 WERE MADE A 1ST READ

7. COUNCIL COMMENTS

Mr. Scott urged all to come out to the Jubilee Festival this weekend.

Mr. Palumbo stated regarding the BZA, (the Ordinance amending the Land Use & Development Ordinance,) that this is another matter where this matter should be have been before the Work Session. He said that any Ordinance change, an Ordinance is law, and that any change to an Ordinance should have been before the Work Session, which would have precluded any discussion here tonight, or misunderstandings. He pointed out that it also did not go before the Ordinance Committee. It seems like procedures are sometimes adhered to very strictly and other times are simply bypassed. He thinks the matter will be taken care of, because it will be discussed at the Work Session.

Greg Burnam announced that on September 11, 2006 at 6:00 p.m. the Police Department and Fire Department will hold a remembrance ceremony for 9/11 at City Hall.

David McKelroy – Recreation Director – announced that on Friday 9:00 – 3:00 the Recreation Department is hosting a blood drive. It is a competitive drive between the Fire Department, Police Department, Utilities and Riviera Utilities.

9. ADJOURN

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

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

**SEPTEMBER 5, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:48 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
September 11, 2006
3:30 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 3:35 pm. Present were Chairman Ron Scott, Councilwoman Regina Landry, Finance Director Kim Briley, Senior Accountant Suzânn Henson, and Accountant Donna Page.

Absent was Councilman Bailey Yelding.

Also in attendance were Mayor Fred Small and Public Works Director Ken Eslava.

II. PUBLIC PARTICIPATION

A. Daphne Beautification Committee

The following members of the Daphne Beautification Committee were present to request that they be put on the agenda to present their proposal to the City Council requesting funding of approximately \$70,000.00: Ms. Carollee Grindel, Chair, Ms. Frieda Romanchuk, and Ms. Tomasina Werner. It was noted that capital project requests would most likely be discussed in November. Mayor Small stated that he would add this request to the capital list.

B. Lake Forest Community Walking Trail

As a representative of the Lake Forest Improvement Committee, Ms. Tomasina Werner also requested information on the City constructing sidewalks for the Lake Forest Community Walking Trail. Mr. Scott noted that estimates for a four foot wide sidewalk were between \$60,000 and \$80,000 per mile. It was also noted that this would be a capital project and would take a number of years to complete, since it is approximately 7 ½ miles around Ridgewood Drive. It was discussed that the Lake Forest Improvement Committee should develop a priority schedule of sidewalk locations for presentation to Council. Mr. Scott stated that the project may be precluded from most grants because it is in a private subdivision, but that it is a unique situation since the City owns the median where the majority of the sidewalks would be constructed. Ms. Werner discussed that the Lake Forest Improvement Committee hoped to work with the Baldwin County Trailblazers for the sidewalks to be considered as part of the Trailblazer trails. Ms. Werner noted that the sidewalks being part of the trails would help to obtain grants for the project.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Bids

1. 2006 –CC-Highway 64 NRCS

Three bids were received for the USDA NRCS Agreement: 69-4101-6-30, Highway 64-DAP-0905-01. The project scope is the widening of CR 64 where the two lane portion still exists, and to replace the insufficient drainage culverts which lie beneath the road. Mr. Ken Eslava recommended that the low bid from Asphalt Supply in the amount of \$161,950.56 be accepted.

Motion by Ms. Landry to recommend to Council to adopt a resolution awarding Bid Number 2006-CC-Highway 64 NRCS in the amount of \$161,950.56 to Asphalt Supply Inc. Seconded by Mr. Scott.

2. 2006-II-Horticultural Chemicals

Ms. Henson noted that Horticultural Chemicals had previously been bid and that since only one bid was received it was rejected and rebid in order to obtain more competitive bids. Three bids were received for the second bidding with one of them being incomplete. Of the two complete bids received, Mr. Eslava recommended that the bid be awarded to Southern Turfcare. Mr. Eslava noted that they are the low bidder for line item pricing for items used the most. Ms. Henson explained that the bid comparison spreadsheet handout (bid minutes) reflects all items bid on by both qualified bidders.

Motion by Mr. Scott to recommend to Council to adopt a resolution awarding Bid Number 2006-II-Horticultural Chemicals to Southern Turfcare for unit cost as bid. Seconded by Ms. Landry.

Note: After the meeting, Mr. Eslava requested that his recommendation be pulled pending further review of the bids.****

3. 2006-JJ-Mayday Park Boardwalk

Mr. Eslava reported that three bids were received for this project to construct a boardwalk from the Mayday parking lot to the pier, and to install underground utilities in the Park. He recommended the low bid received from Trawick Construction in the amount of \$105,014.50 be accepted. An \$80,000.00 grant for this project has been received (\$64,000 ADECA / \$16,000 City match). Mr. Eslava noted that since the grant was approved that cost for materials and labor have increased therefore requiring additional funds (\$25,014.50) to complete the project. Mr. Eslava requested the additional \$25,014.50 be appropriated to complete this project.

Motion by Ms. Landry to recommend the appropriation of funds in the amount of \$25,014.50 and to adopt a resolution awarding Bid No. 2006-JJ-Mayday Park Boardwalk to Trawick Construction in the amount of \$105,014.50. Seconded by Mr. Scott.

B. City Constructed Sidewalks - \$42,000.00

Mr. Eslava discussed that the Fiscal Year 2006 allotted funding of \$87,625.00 to complete sidewalks in Districts 1 and 2 will be exhausted with the completion of the Captain O'Neal Drive sidewalk and pedestrian footbridge. Mr. Eslava noted that Caroline Avenue and Pinehill Road will be left to complete. Due to the increased cost in concrete costs, Mr. Eslava asked for an additional \$42,000.00 in install a four foot wide sidewalk (1.7 miles). Discussion followed that the project would not begin until after October so this \$42,000.00 should be from the 2007 budget.

Mr. Eslava noted that Randall Avenue would be the next area to be considered and at current cost would require an additional \$20,000.

Motion by Ms. Landry to recommend to Council that \$42,000.00 for City constructed sidewalks be added to the 2007 Budget for completion of sidewalks on Caroline Avenue and Pinehill Road. Seconded by Mr. Scott.

C. Request Pay Exception – James Rivers - Police

Memorandums from Police Chief David Carpenter were presented requesting that the City rehire former City Detective James Rivers as a Patrol Officer at the starting Grade and Step of 13 – 13. This rate would be \$16.72 per hour and is less than his previous rate of \$16.97 per hour, but is above the entry level pay the City can start an employee at without City Council approval. The Mayor discussed that Mr. Rivers has over eight years experience with the City and would not require the time and money needed to train a new Officer.

Motion by Ms. Landry to recommend to Council to re-hire James Rivers as a Patrol Officer at pay Grade 13, Step 13, a pay rate of \$16.72 per hour. Seconded by Mr. Scott.

D. NRCS Extention Agreement

The United States Department of Agriculture, Natural Resources Conservation Service prepared an amendment to their agreement with the City of Daphne extending the completion date from August 22, 2006 until November 22, 2006 and asked that the City approve this extension.

Motion by Mr. Scott to recommend to Council to accept the NRCS extension date of November 22, 2006. Seconded by Ms. Landry.

IV. CURRENT BUSINESS

A. 2006-BB-Daphne Fire Tower Stairs

Ms. Henson discussed that six bid invitations were sent out, but no bids were received on the Fire Tower Stairs. By State Bid law, if no bids are received the bid can be negotiated. Fire Chief Mund Hanson is evaluating vendors interested in the project.

B. 2006-FF-VP Park / Yancey Branch / Lakeview Loop

Ms. Henson reported that three bid invitations were sent out, but no bids were received. The Project is currently being negotiated.

C. Issuance Cost – Malbis Properties Development Agreement - \$375,000.00

It was discussed that Resolution 2006-42 authorizing the Mayor to enter into a Development Agreement with Malbis Properties LLC. (\$8,800,000) did not include the issuance cost (\$375,000). Discussion continued that the resolution needs to be revised, Ms. Briley noted a revised resolution would be in the Council packet.

D. Purchase of Police Vehicle – Drug Forfeiture Monies

Ms. Briley reported that funds were available in the local and federal drug forfeiture accounts for the Police department to purchase a 2007 Ford Expedition. This vehicle is being purchased from the State vehicle bid list.

E. City Hall Bid – Pre-Qualification of Bidders

Ms. Henson discussed that there is currently an ad in the local newspapers requesting Pre-Qualifying bid applications for the City Hall Project. Ms. Henson noted that all bidders will have to be pre-qualified in order to bid on the City Hall project. Ms. Henson noted that the deadline for contractors to submit the Pre-Qualification application is September 20, 2006. Ms. Henson discussed setting a Special Finance Committee meeting to review the applications and make a recommendation to Council on which contractors to approve for the bidding process. Ms. Henson noted that she and Jeff Hudson, City Architect, had discussed that the applications could be reviewed at the first City Council meeting in October. It was discussed that the Finance Committee meet at 5:30 p.m. prior to the October 2, 2006 Council meeting.

F. Retiree COLA

Mr. Scott discussed Alabama Legislative ACT 2006-510 which grants a 7% increase to retirees. Mr. Scott noted that the retirees received a 3% increase last year and that the Retirement Systems of Alabama grants the increases, but then asks the employers to fund them. Ms. Landry asked if a lesser amount than 7% could be approved. Ms. Briley stated that the Act would have to be approved or disapproved as written; the 7% could not be changed. Mr. Scott stated that he was against approving the increase, but requested that it be on the next City Council agenda for a vote.

G. Fiscal 2007 Budget

Mr. Scott stated that the operating budget is up to the Mayor and Department Heads, and the new capital and personnel appropriations are the areas the Council needs to be most involved with. Mayor Small stated that he had made a few revisions to the operating budgets submitted by the Department Heads, and that overall the Department Heads did a good job preparing their proposed 2007 budgets. Mr. Scott stated he did not have a problem with passing the operating budget as is. This will be discussed at the work session on Thursday, September 14, 2006 and may be ready for a first reading at the next Council meeting.

H. Daphne High School Stadium

Mayor Small stated that the School Board will be at the council work session to discuss the city participating in the Daphne High School field expansion project. It was noted that the school board is expected to fund \$ 1,000,000 and the quarter back club to fund an additional \$ 250,000. This will leave a balance of between \$ 1.3 and \$ 1.4 million that will be requested from the City. The Mayor discussed "spreading" this cost over a period of five to six years. Ms. Briley is going to be providing annual cost estimates. A contract agreement will have to be worked out if the City decides to participate.

V. FINANCIAL REPORTS

A. Treasurer's Report: August 31, 2006

The Treasurer's Report of \$24,201,527.01 was presented. Ms. Briley noted that the report included \$564,910.00 received from FEMA for Hurricane Katrina reimbursements. Mr. Scott noted that the City's reserve amount could not be obtained from the Treasurer's Report- the Treasurer's Report in only a report of the total cash on hand. The amount in reserve could be obtained from the financial statements. He noted reserves are currently approximately \$7,000,000.00.

Motion by Mr. Scott to recommend to Council to accept the Treasurer's Report as of August 31, 2006, in the amount of \$24,201,527.01. Seconded by Ms. Landry.

B. Sales and Use Taxes: July 31, 2006

The sales and use taxes collection spreadsheet and graphs as of July 31, 2006 were presented. Collections for July 2006 were \$941,407.68. Mr. Scott noted that they were \$37,860.86 over budget or 4.19%, the lowest increase this fiscal year.

C. Lodging Tax Collections, July 31, 2006

The Lodging Tax Collections report shows \$52,752.31 collected for July 2006. Mr. Scott noted that this was down from last year. It was discussed that the Holiday Inn Express is now open.

D. Bills Paid Report, August 31, 2006

The Bills Paid Report was contained in Packet #2.

VI. ADJOURN

The meeting was adjourned at 4:50 pm.

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-CC-HWY 64 NRCS
AUGUST 15, 2006
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Mr. Steve Delahunty HMR

8 bid invitations were mailed/picked up by contractors 3 sealed bids were received.

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

<u>VENDOR</u>	<u>AMOUNT BID</u>	<u>BID BOND</u>
Asphalt Supply	\$161,950.56	Yes
H E Newell, Inc.	\$246,047.00	Yes
Phillips & Jordan Inc.	\$248,059.75	Yes



Suzanne Henson, Sr. Accountant

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

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

From: Ken Eslava, Public Works Director



Date: August 29, 2006

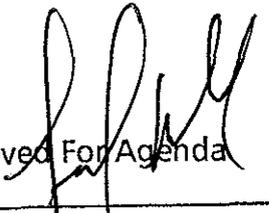
Re: Recommendation for Bid Award

Please consider this my formal recommendation for you to award the bid for USDA NRCS AGREEMENT: 69-4101-6-30, HIGHWAY 64-DAP-0905-01...to Asphalt Supply in the amount of \$161,950.56.

This project scope is the widening of CR 64 where the two lane portion still exists, and to replace the insufficient drainage culverts which lie beneath the road.

As reflected in the HMR Bid Tabulation, the other two bids received were from Phillips and Jordan(\$248,059.75) and H.E. Newell(\$246,047.50).

We have now received the time extension necessary from the NRCS, so the appropriate Notice To Proceed and contract signatures are now in order to be executed.

Approved For Agenda


Signature

Date
8-30-06

CC Kim
8/23



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

8/23/06
HMR - TO get me copies of the
Dobby bid packages.
*X-out sign contract until
the approved extension is
received from NRCS.

August 16, 2006

Honorable Fred Small, Mayor
The City of Daphne
Post Office 400
Daphne, Alabama 36526

RE: USDA NRCS EWPP Agreement No.: 69-4101-6-30
Highway 64 - DAP-0905-01

Dear Mayor Small:

Enclosed is the Tabulation of Bids received August 15, 2006 for the subject project.

We recommend that you award the Contract to Asphalt Supply at their submitted lowest bid of \$161,950.56.

Also enclosed are the original bid packages received, these are for your files.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

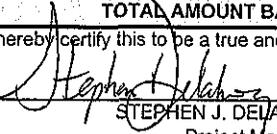
Scott A. Hutchinson, P.E.
Project Manager

SAH/blg
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USDA NRCS AGREEMENT:
 69-4101-6-30
 HIGHWAY 64-DAP-0905-01
 AUGUST 15, 2006

 Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners		BIDDER #1 ASPHALT SUPPLY		BIDDER #2 PHILLIPS & JORDAN		BIDDER #3 H.E. NEWELL			
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	ROAD WIDENING	LS	1		\$ 41,589.90		\$ 111,457.00		\$ 111,885.00
2	SEEDING AND MULCHING	LS	1		\$ 3,800.00		\$ 2,660.00		\$ 2,625.00
3	STRUCTURE REMOVAL	LS	1		\$ 5,300.00		\$ 3,325.00		\$ 1,300.00
4	POLLUTION CONTROL	LS	1		\$ 4,500.00		\$ 3,325.00		\$ 8,600.00
5	MOBILIZATION	LS	1		\$ 20,000.00		\$ 6,650.00		\$ 15,000.00
6	GRADING AND SHAPING	LS	1		\$ 2,200.00		\$ 9,177.00		\$ 10,000.00
7	EARTHFILL	CY (TBM)	100	\$ 15.50	\$ 1,550.00	\$ 53.20	\$ 5,320.00	\$ 9.75	\$ 975.00
8	72" REINFORCED CONCRETE PIPE	LF	76	\$ 404.70	\$ 30,757.20	\$ 645.00	\$ 49,020.00	\$ 550.00	\$ 41,800.00
9	ROCK RIPRAP, CLASS 2	TON	642	\$ 76.38	\$ 49,035.96	\$ 85.25	\$ 54,730.50	\$ 80.00	\$ 51,360.00
10	GEOTEXTILE FILTER BLANKET (7 OZ NONWOVEN)	SY	715	\$ 4.50	\$ 3,217.50	\$ 3.35	\$ 2,395.25	\$ 3.50	\$ 2,502.50
TOTAL AMOUNT BASE BID					\$ 161,950.56		\$ 248,059.75		\$ 246,047.50

We hereby certify this to be a true and correct tabulation on the above named project.


 STEPHEN J. DELAHUNTY, P.E.
 Project Manager
 Hutchinson, Moore & Rauch, LLC

CITY OF DAPHNE

BID OPENING MINUTES

BID DOCUMENT NO: 2006-FF-VP PARK/YANCEY BRANCH/LAKEVIEW LOOP

SEPTEMBER 7, 2006

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson

Sr. Accountant

Mr. Steve Delahunty

HMR Engineers

3 bid invitations were mailed/picked up by contractors 0 sealed bids were received.

<u>VENDOR</u>	<u>AMOUNT BID</u>	<u>BID BOND</u>
---------------	-------------------	-----------------

NO BIDDERS

Contract to be negotiated



Suzanne Henson, Sr. Accountant

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-JJ-MAYDAY PARK BOARDWALK
September 6, 2006
11:30 A.M.
CITY HALL**

Those present were as follows:

Mr. David Cohen	City Clerk
Mr. Ken Eslava	Public Works Director
Ms. Suzanne Henson	Sr. Accountant
Mr. Steve Delahunty	Hutchinson, Moore & Rauch, LLC
Mr. Scott Hutchinson	Hutchinson, Moore & Rauch, LLC

4 bid invitations were picked up by contractors 3 sealed bids were received.

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

<u>VENDOR</u>	<u>BID BOND</u>	<u>ADDENDUM</u>	<u>AMOUNT OF BID</u>
Trawick Construction	X	X	\$105,014.50
Waterfront Construction	X	X	\$107,870.00
Bay South Limited, Inc.	X	X	\$114,147.00



Suzanne Henson, Sr. Accountant

Resolution 2006 - 46

**May Day Park Boardwalk Grant
Recreational Trails Grant: 06-RT-53-001**

WHEREAS, the City of Daphne commits to construct a boardwalk trail at May Day Park to provide for the health and well being of the general public and be ADA compliant; and

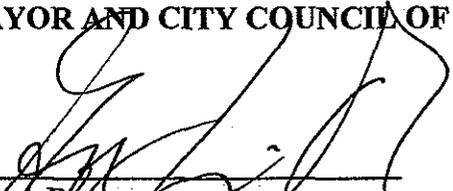
WHEREAS, the city accepts the offer of financial assistance from Alabama Department of Economic and Community Affairs in the grant amount of \$64,000 ; and

*→ **WHEREAS**, said programs are limited to funding a maximum of eighty percent (\$64,000) of the project cost estimates at (\$80,000) which will be used to develop the boardwalk upon (3.61 acres) of the park from the parking area to the public pier and relocate all utilities underground.

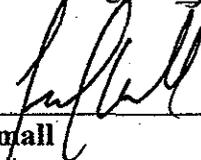
NOW THEREFORE BE IT RESOLVED, that the City of Daphne commit to twenty percent (\$16,000) of the proposed project cost for the purpose of matching the Recreational Trails Grant Fund assistance, and

BE IT FURTHER RESOLVED, the City of Daphne authorizes the mayor to sign the acceptance of sub-grant award and other assurances to comply with all applicable Federal and State laws, rules and regulations.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF DAPHNE, ALABAMA, this 15th day of May, 2005.



Greg Burnham
Council President
Date & Time Signed: 5-15-06 8:52 P.m.



Fred Small
Mayor
Date & Time Signed: 5-16-06 07:30

ATTEST:


David L. Cohen
City Clerk, MMC

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

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

From: Ken Eslava, Public Works Director

Date: September 11, 2006

**Re: Bid Award...BID DOCUMENT NO. 2006-JJ-MAYDAY PARK
BOARDWALK
REQUEST ADDITIONAL FUNDING FOR
PROJECT**

**Please consider this my formal recommendation to award the
aforementioned project bid to Trawick Construction, in the amount of
\$105,014.50, and are the low bidder on the project.**

**The scope of this project is to construct a boardwalk from the Mayday
parking lot to the pier, and as well, to install underground utilities in the
Park.**

**There were four(4) contractors to pick up bid packages, and three(3) of
them returned sealed bids. The bid tabulations are as follows:**

Trawick Construction.....	\$105,014.50
Waterfront Construction.....	\$107,870.00
Bay South Limited, Inc.....	\$114,147.00

**The second part of this document is to request additional funding for
the project. David Cohen secured an \$80,000.00 grant to pay for the
project, but as reflected above, the total cost for the project has
increased since his grant application was approved. Please consider this
my request for an additional \$25,014.50 from the City of Daphne be
appropriated for completion of the total funding required.**



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

September 8, 2006

Honorable Fred Small, Mayor
The City of Daphne
Post Office 400
Daphne, Alabama 36526

RE: USDA NRCS EWPP
Bid Document No.: 2006-JJ-Mayday Park Boardwalk

Dear Mayor Small:

Enclosed is the Tabulation of Bids received September 7, 2006 for the subject project.

We recommend that you award the Contract to Trawick Contractors at their submitted lowest bid of \$105,014.50.

Also enclosed are the original bid packages received, these are for your files.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in black ink, appearing to read 'Stephen J. Delahunty', written over the printed name.

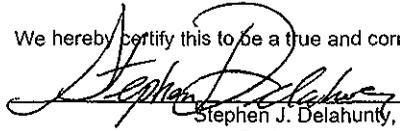
Stephen J. Delahunty, P.E.
Project Manager

SJD/blg
D25002147106.649

CITY OF DAPHNE
 BID DOCUMENT NO.: 2006-JJ-MAYDAY PARK BOARDWALK

 Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 TRAWICK CONTRACTORS		BIDDER #2 WATERFRONT CONSTRUCTION		BIDDER #3 BAY SOUTH LTD	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING AND GRUBBING (201-A)	LS	1	\$ 5,500.00	5,500.00	\$ 5,000.00	5,000.00	\$ 3,000.00	3,000.00
2	LABOR, MATERIALS AND PERFORMANCE BOND	LS	1	\$ 890.00	890.00	\$ 27,000.00	27,000.00	\$ 2,717.00	2,717.00
3	TYPICAL BOARDWALK INCLUDING PILES	LF	670	\$ 142.35	95,374.50	\$ 111.00	74,370.00	\$ 159.00	106,530.00
4	8" TIMBER PILES (CONTINGENCY ITEM)	LF	100	\$ 32.50	3,250.00	\$ 15.00	1,500.00	\$ 19.00	1,900.00
TOTAL AMOUNT					\$ 105,014.50		\$ 107,870.00		\$ 114,147.00

We hereby certify this to be a true and correct tabulation on the above named project.


 Stephen J. Delahunty, P.E.
 Project Manager
 Hutchinson, Moore & Rauch, LLC

PLEASE NOTE AN INFORMAL PROTEST WAS PRESENTED

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

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

From: Ken Eslava, Public Works Director

Date: September 7, 2006

Re: City constructed sidewalks

Approved For Agenda

Signature

Date

Please consider this my formal request for additional funds to complete the sidewalks as designated on our Master Sidewalk list. Due to the dramatic increase in concrete costs recently, our allotted funding of \$87,625.00 will exhaust with the completion of the Captain O'Neal Drive sidewalk and pedestrian footbridge. This will complete all sidewalks in Districts 1 & 2.

Left to complete are Caroline Avenue, from Whispering Pines Road to Wilson Avenue(via Locke Lane) and Pinehill Road, from Park Drive to Seventh Avenue South. I am recommending that we not construct the Randall Avenue sidewalk at this time, due to the fact that we are considering roadway widenings and/or drainage improvements for either Randall or Wilson Avenues. The sidewalk would be constructed as part of the road widening project for Randall Avenue.

For the Caroline Avenue & Pinehill Road sidewalk completion, I am requesting \$42,000.00 to install 8976 linear feet(1.7 miles) of 4' wide sidewalk...4" thick. Once funded, this work is anticipated to complete sometime in November of this year.

As a footnote, Randall Avenue would require an additional \$20,000.00 to complete if constructed in this same general time frame.

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING

Memorandum

To: Mayor Small
From: Human Resource Department
Date: 9-6-06
Re: Requested pay exception for James Rivers

The following data is furnished in reference to the request stated above:

Years related experience: Hired Jan 1998 as Patrolman, promoted to Detective 8-4-05
Voluntary resignation April 13, 2006 at \$16.97 per hour

Educational level: High School, APOST

Requested pay grade, pay step, hourly rate: Pay Grade 13, Step 13, \$16.72 per hr

Pay and experience levels of current City employees in same job classification:

Job Classification	Date of Hire	Hrly rate	Grade	Step
POLICE OFFICER	08/14/03	13.85	13	5
POLICE OFFICER	06/04/98	16.00	13	11
POLICE OFFICER	06/09/04	13.85	13	5
POLICE OFFICER	08/10/06	13.13	13.	3
POLICE OFFICER	05/13/04	13.49	13	4
POLICE OFFICER	01/06/03	13.85	13	5
POLICE OFFICER	08/06/01	14.57	13	7
POLICE OFFICER	01/01/98	15.29	13	9
POLICE OFFICER	12/20/01	13.85	13	5
POLICE OFFICER	08/03/06	13.13	13.	3
POLICE OFFICER	04/03/03	13.49	13	4
POLICE OFFICER	07/27/06	13.13	13	3
POLICE OFFICER	04/21/05	12.77	13	2
POLICE OFFICER	06/01/04	13.85	13	5
POLICE OFFICER	11/06/00	14.21	13	6
POLICE OFFICER	07/16/98	15.65	13	10
POLICE OFFICER	01/20/03	13.85	13	5
POLICE OFFICER	05/02/02	13.49	13	4
POLICE OFFICER	03/31/05	12.77	13	2
POLICE OFFICER	07/27/06	13.13	13	3

Page Two
Pay Exception for James Rivers

POLICE OFFICER

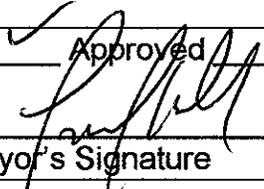
07/27/06

13.13

13

3

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
	
_____ Mayor's Signature	<u>9-8-06</u> Date

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
_____	_____
Council President's Signature	Date

MEMORANDUM

TO: MAYOR SMALL
FROM: CHIEF CARPENTER DC.
DATE: SEPTEMBER 6, 2006
RE: RE-HIRE

I would like to re-hire Jim Rivers as a patrolman with the starting Grade and Step being 13-13. This step would put him starting at \$16.72. He was making \$16.97 when he left, but he was a detective Grade 14 and the position we have open is for a patrolman.

I am attaching the previous memo I had sent to the council requesting Jim be allowed to be rehired at a pay comparable to when he left. This is a very positive situation for the police department as we can put him right to work.

MEMORANDUM

TO: COUNCIL MEMBERS
FROM: CHIEF CARPENTER D.C.
DATE: JULY 27, 2006
RE: RE-HIRING JIM RIVERS

Jim Rivers was employed with the City of Daphne Police Department for over eight years. He had risen to the rank of Detective within the department. He was offered a job with Hurricane Electronics making \$10,000 more than his salary as a Detective. With much thought and apprehension he accepted the position with Hurricane Electronics but gave us a four week notice. He did not want to leave us without clearing as much of his caseload as he could.

Jim approached me this week and said that his new job was not what he expected and would like to come back to work for the Daphne Police Department. I welcomed the idea and told him the Detective position had been filled, but we had a Patrol position open. He stated he would be happy in Patrol and could still do the job. His termination report recommended re-hiring without reservation.

I met with Mayor Small about re-hiring Jim and explained the circumstances and the advantages of hiring Jim back and he agreed. Captain Wilson contacted HR about hiring Jim back with his pay as close to what he was making when he left the City. We knew he would have to take a decrease since he would be going back to Patrol. He left on April 14, 2006 at a Grade 14, Step 12 making \$16.97 an hour. HR states that we cannot hire him in at this amount without Council approval because he has been gone from the City for over ninety days. If it had been within ninety days it would be treated as a "Leave of Absence" and he could be re-hired without Council approval.

Jim is a good employee that we can put right to work. We will not have to spend money training him for the next six months. I am requesting the Council to approve re-hiring Jim Rivers at a Grade 13, Step 13 and reinstate his benefits as they were when he left.

I will be glad to meet with each of you to discuss this matter.

Cc: Mayor Small
Human Resources

United States Department of Agriculture



Natural Resources Conservation Service
207 Faulkner Drive, Suite 107
Bay Minette, AL 36507

September 5, 2006

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

RE: Completion Extensions for EWP Sites

Dear Mayor Small:

Lynn Thomas, NRCS Contracting Officer, prepared the enclosed amendment to the existing agreement reflecting the extended completion date. The amended cooperative agreement needs to be filled out according to the action authorized from your City Council.

After these agreements have been filled out and signed please return them to our office at:
207 Faulkner Drive, Suite 107, Bay Minette, AL 36507.

Your immediate attention in this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Larry Morris".

Larry Morris
District Conservationist

AGREEMENT NO.: 69-4101-6-30
STATE: ALABAMA

COOPERATIVE AGREEMENT
between
CITY OF DAPHNE
and the
**UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE**

AMENDMENT NO. 1

- I. Subject agreement is hereby amended to extend the completion date from 22 August 2006 to 22 November 2006. Paragraph B 1 of the agreement is amended accordingly.
- II. All other terms and conditions remain unchanged.
- III. APPROVED:

CITY OF DAPHNE

This action is authorized at an official Meeting of the _____ on
On the _____ day of _____, 2006 at

State of Alabama

BY: _____

(Signature)

TITLE: _____

Date: _____

DATE: _____

**UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE**

BY: _____

TITLE: State Conservationist

DATE: _____

Kim

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Thursday, September 07, 2006 8:39 AM
To: 'Lee Martin'
Subject: RE: Issuance expenses total and maximum principal amount of Warrants

Lee:

I left you a voice mail but wanted to follow-up with this. The total principal amount, including issuance expenses, should be \$ 8.8 million.

Kim

From: Lee Martin [mailto:LeeMartin@mhsolaw.com]
Sent: Wednesday, September 06, 2006 2:28 PM
To: Pfilip Hunt; frank.johnston@aronov.com; W. Holt Speir; Jennie.autrey@aronov.com; Kim Briley
Cc: Brian Cash; Giles Perkins; Linda Larsen
Subject: Issuance expenses total and maximum principal amount of Warrants

To the best of my knowledge, the issuance expenses are as follows:

\$100,000 for tax credit management fee (already paid by Aronov)
\$115,351 for Capell Howard fees (already paid by Aronov)
\$19,447 for city attorneys fees (already paid by city and to be reimbursed to it)
\$55,000 for financial advisory fee (to be paid to Pfil Hunt)
\$57,500 for fees and expenses (to be paid to Miller Hamilton)
\$25,000 for survey cost (estimated and not yet paid)
\$2,702 for contingency

Accordingly the total amount of the issuance expenses will be \$375,000. Aronov should pay the financial advisory fee and the bond counsel fee directly to the financial advisor and the bond counsel. It should pay the sum of \$47,149 to the Kim Briley as the City Treasurer to reimburse the city for its cost and to provide Kim with \$27,702 to be deposited in the issuance expense account that she will maintain and which will be used to pay for the survey and any other expenses.

The total maximum principal amount of the Warrants will be \$8,800,000 plus \$375,000, which together total \$9,175,000.

If there are any errors in the above figures, please advise me ASAP

A. Lee Martin
505 20th St. North
Ste. 1200
Birmingham, AL 35203
(205) 226-5200

This e-mail is confidential and may be protected by the attorney-client privilege. It is intended for the sole use of the recipient(s) named above. If you have received it in error, please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purpose or disclose its contents to any other person. To do so could violate state and federal privacy laws. Thank you for your cooperation.

To comply with Circular 230, we inform you that any advice in this communication (including attachments) concerning a Federal tax issue is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding penalties that may be imposed on such person.

**CITY OF DAPHNE
RESOLUTION 2006-42**

**Authorizing Mayor To Enter Into Development Agreement With Malbis Properties,
LLC**

Whereas, Malbis Properties, LLC is in the process of developing a retail and commercial development to be know as Eastern Shore Park on a portion of the site owned by Malbis Properties and/or its affiliates and located within the City; and

Whereas, the City of Daphne and Malbis Properties, LLC previously entered into a Memorandum of Understanding on or about February 24, 2005 involving, among other things the issuance and sale of tax-exempt indebtedness to fund the acquisition, installation, and construction of public infrastructure; and

Whereas, The City Council for the City of Daphne believes that the Mayor of the City of Daphne has negotiated in good faith with Malbis Properties, LLC concerning the terms and conditions of a Development Agreement between the parties; and

Whereas, The City Council has reviewed the Development Agreement and the terms and conditions therein, authorizing the city to enter into indebtedness in the sum of EIGHT MILLION, EIGHT HUNDRED THOUSAND AND NO/100THS DOLLARS (\$8,800,000.00)

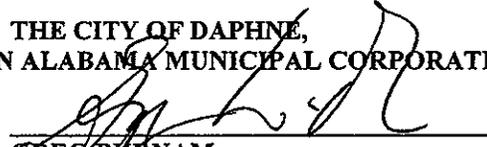
Whereas, The City Council for the City of Daphne believes that it is in the best interest of the citizens of Daphne to enter into a Development Agreement with Malbis Properties, LLC for the development Eastern Shore Park;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE:

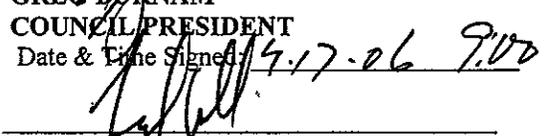
That the Mayor of Daphne, Alabama, The Honorable Fred Small, is hereby authorized to execute on behalf of the City of Daphne that certain Development Agreement with Malbis Properties, LLC dated April 17, 2006.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE 17TH DAY OF APRIL, 2006.

THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION

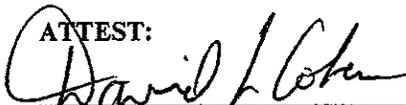

GREG BORNAM
COUNCIL PRESIDENT

Date & Time Signed: 4-17-06 9:00 P.M.


FRED SMALL
MAYOR

Date & Time Signed: 4-18-06 17:52

ATTEST:


DAVID L. COHEN, CITY CLERK, MMC

DEVELOPMENT AGREEMENT

"EASTERN SHORE PARK"

THIS DEVELOPMENT AGREEMENT (this "Agreement"), dated this ___ day of _____, 2006, is by and between MALBIS PROPERTIES, L.L.C., an Alabama limited liability company ("Malbis Properties"), and the CITY OF DAPHNE, ALABAMA, a municipality organized and existing under the laws of the State of Alabama (the "City"). Malbis Properties and the City may be together referred to as the "Parties."

RECITALS

WHEREAS, Malbis Properties is in the process of developing a retail and commercial development to be known as Eastern Shore Park (the "Commercial Development") on a portion of the site (the "Malbis Properties Land") owned by Malbis Properties and/or its affiliates and located within the City, as more particularly described in Exhibit A hereto (the "Land"); and

WHEREAS, the City and Malbis Properties previously entered into a Memorandum of Understanding, dated as of February 24, 2005, pursuant to which the City agreed, among other things, to issue and sell tax-exempt indebtedness in an amount of not less than Ten Million, Two Hundred Thousand Dollars (\$10,200,000) to fund the acquisition, installation, and construction of certain to-be-identified public infrastructure (the "Public Improvements") on certain of the Land, a portion of which has been dedicated to the City as public road rights-of-way or on which Malbis Properties has or will grant an easement interest in favor of the City (said property or interests therein granted or to be granted to and held by the City, the "Public Land") and certain adjacent public road rights-of-way; and

WHEREAS, it has now been determined that such Public Improvements shall include, by way of example and without limitation, the addition or improvement of roadways and utilities surrounding and within the Land so as to alleviate traffic congestion on Alabama Highway 181 and U.S. Highway 90 and other existing public roadways, and as to provide for improved access to Eastern Shore Park, including, by way of example and without limitation, earthwork, grading, retaining walls, erosion control, environmental mitigation, water, storm and sanitary sewer and drainage facilities (including storm water drainage conduits, storm water retention ponds and water and sewer line extensions), roadways, watering for roadway plantings, lighting, landscaping, signage, signalization and paving/curbing and gutters for the roadways, storm drainage conduits and detention ponds, facilities for other utilities (including power improvements and telephone and internet access) and other items normally considered public infrastructure, all as shown on the Plat attached hereto as Exhibit B and the Plans and Specifications (as hereinafter defined). The Commercial Development, the Land and the Public Improvements are collectively referred to herein as the "Development"; and

WHEREAS, the City has determined that the Development will advance the economic base of the City, as well as the prosperity and welfare of its citizens, and is a direct benefit to the City and its residents, will result in significantly increased sales tax revenues to the City, will boost property values in the vicinity of the Development and will lead to additional economic activity in the area of the City surrounding the Development. In addition, as a result of the

Development, substantial additional annual property taxes will accrue to the City. As a further result of the Development, many new jobs will be generated for full or part-time employees of the Development; and

WHEREAS, pursuant to Section 94.01 of the Official Recompilation of the Constitution of Alabama of 1901, also known as Amendment 772, the City is authorized to issue its warrants for the purpose of promoting the economic development of the City; and

WHEREAS, Malbis Properties has now requested that the City issue its limited obligation warrants in a principal amount not less than the sum of (i) the Public Improvements Costs (as hereinafter defined), (ii) in the event the Warrants are sold to the Underwriter (as hereinafter defined), the Warrant Sale Costs (as hereinafter defined) and (iii) the Costs of Issuance (as hereinafter defined) (the "Warrants"); and

WHEREAS, the City and Malbis Properties now desire to enter into this Agreement in order to, among other things, provide for (a) the acquisition, installation, and construction of the Commercial Development on the Malbis Properties Land by Malbis Properties and such others to whom Malbis Properties may sell a portion or portions of the Malbis Properties Land, (b) the acquisition, installation, and construction of the Public Improvements by Malbis Properties on behalf of the City, and (c) the payment, to the extent of Warrant proceeds, of the Public Improvements Costs, the Warrant Sale Costs and the Costs of Issuance and/or the reimbursement, to the extent of Warrant proceeds, to Malbis Properties by the City of the Public Improvements Costs and the Costs of Issuance; and

WHEREAS, in consideration of the public benefits which the City and its residents will receive from the Development, and in further consideration of the acquisition, installation, and construction of the Public Improvements and the conveyance of Public Land to the City by Malbis Properties subject to the provisions herein stated, the City has agreed to issue the Warrants upon the terms hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged by the Parties, Malbis Properties and the City hereby covenant and agree as follows:

ARTICLE I

DEFINITIONS

1.1 Definitions. As used in this Agreement, all defined terms set forth above shall have the meanings so ascribed to them, and, in addition, the following terms shall have the following meanings:

"Additional Land Owners" means those persons to whom Malbis Properties has agreed to sell and convey or will, subsequent to the date of this Agreement, agree to sell and convey, a portion or portions of the Malbis Properties Land.

"Applicable Environmental Laws" shall mean any applicable laws, rules or regulations pertaining to health or the environment, or petroleum products, or radon radiation, or oil or hazardous substances, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), as codified at 42 U.S.C. § 9601 et seq., as amended, the Resource Conservation and Recovery Act of 1976, as amended ("RCRA") and the Federal Emergency Planning and Community Right-To-Know Act of 1986, as amended.

"Authorizing Ordinance" means that certain Ordinance adopted by the City Council of the City on April 17, 2006, approving the transactions contemplated by this Agreement.

"Bond Counsel" means Miller, Hamilton, Snider & Odom, L.L.C., Mobile, Alabama.

"City" means the City of Daphne, Alabama, a municipality organized and existing under the laws of the State of Alabama.

"Closing" and "Closing Date" shall mean the date upon which the Warrants are issued, and all other closing documents hereinafter described are executed.

"Commercial Development" means a commercial development to be known as "Eastern Shore Park," which is presently contemplated to include a Lowe's Home Improvement store, a Sam's Club, automobile dealerships, boat dealerships and other retail and commercial establishments permitted under the Overlay District Ordinance, as well as outparcels and building pads which will be conveyed to others for additional retail, restaurant, office and possible hotel uses.

"Costs of Issuance" means the costs of issuing the Warrants, including, without limitation, the premium for the title insurance policy described in Section 3.2, the cost of the survey described in Section 3.3, the reasonable fees of the City's and Malbis Properties financial advisors as described in Section 7.2 and all reasonable fees and expenses of Bond Counsel, the City's counsel and Malbis Properties' counsel.

"Development" means the Commercial Development, the Public Improvements and the Land collectively.

"Environmental Report" has the meaning set forth in Section 3.4.

"First Principal Payment Date" means (i) if the Warrants are sold to the Underwriter, the date to be specified in the Warrant Ordinance as the date that the first principal payment on the Warrants will be due and payable, or (ii) if the Warrants are issued to Malbis Properties (or its assignee), the date specified in writing by Malbis Properties to the City Treasurer and to the Registrar as the date the first principal payment on the Warrants will be due and payable.

"Fiscal Year" means the period of October 1 through September 30, or such other fiscal year period as the City may hereafter adopt.

"Force Majeure" means any Act of God or the public enemy, strikes, lockouts, work slowdowns or stoppages or other labor disputes, insurrections, riots or other civil disturbances, orders of the United States of America or any state of the United States of America or of any of the departments, agencies, political subdivisions or officials of the United States of America or any state thereof; or orders of any other civil or military authority, or partial or entire failure of public utilities, or any other condition or event beyond the reasonable control of Aronov.

"Land" means the Malbis Properties Land and the Public Land.

"Malbis Properties" means Malbis Properties, L.L.C., an Alabama limited liability company, or its successors and assigns.

"Malbis Properties Land" means that portion of the Land to be retained by Malbis Properties or the Additional Land Owners following conveyance of the Public Land to the City as provided in Article III hereof.

"Net Proceeds" means, if the Warrants are sold to the Underwriter, the proceeds derived from the sale of the Warrants to the Underwriter less (i) the amount of such proceeds used to pay the Costs of Issuance or to reimburse Malbis Properties for the Costs of Issuance paid by Malbis Properties and (ii) the Warrant Sale Costs.

"Overlay District Ordinance" means the City of Daphne Ordinance No. 2005-38, an ordinance which amends the City's Land Use and Development Ordinance 2002-22 and applies to the Land.

"Plans and Specifications" means the plans and specifications for the Public Improvements and the Commercial Development to be prepared by an engineer or architect selected and retained by Malbis Properties (and, in the case of the Commercial Development, the Additional Land Owners), which such plans and specifications are subject to the reasonable review and approval of the City as described in Sections 2.1(c) and 2.2(b) below.

"Plat" means the final plat of Eastern Shore Park, as approved by the City, a copy of which is attached hereto as Exhibit B.

"Pledged Tax Revenues" means forty percent (40%) of all Tax Revenues levied by and paid to the City from businesses conducted wholly within the Commercial Development for a period commencing on the Closing Date and expiring on the thirtieth (30th) anniversary of the Closing Date; provided, however, that with respect to the sales tax levied by and paid to the City on the sale of automobiles, the term "Pledged Tax Revenues" means fifty percent (50%) of all such Tax Revenues.

"Pledged Tax Revenues Fund" has the meaning set forth in Section 4.2(b).

"Public Improvements" means, collectively, the Public Land, the improvements to the Public Land identified in the Plat and the Plans and Specifications, and the improvements to certain adjacent public road rights-of-way all as more fully set out in the Tax Certificate.

"Public Improvements Costs" means the lesser of (i) the costs of the acquisition, installation and construction of all Public Improvements (including, without limitation, interest on construction loans and all other fees and expenses incurred by Malbis Properties in connection with the financing of the acquisition, installation and construction of the Public Improvements), as such amounts are determined based upon the final amounts payable for such Public Improvements pursuant to applicable executed contracts (and all change orders) for such work and (ii) Eight Million, Eight Hundred Thousand Dollars (\$8,800,000).

"Public Land" has the meaning set forth in Section 3.1.

"Registrar" means the registrar and paying agent for the Warrants, as appointed by the City pursuant to the provisions of the Warrant Ordinance.

"Reserve Fund" has the meaning set forth in Section 4.2(c).

"Tax Certificate" means the certain Tax Certificate and Agreement of the City, as confirmed in part by Malbis Properties, which is delivered to Bond Counsel and the Registrar contemporaneously with sale and delivery of the Warrants.

"Tax Revenues" means the sales tax, lodgings tax, and other similar tax revenues levied by and paid to the City from businesses conducted within the Development in effect on the date of the delivery of this Agreement.

"Underwriter" means Gardnyr Michael Capital, Inc., Mobile, Alabama.

"Warrant Fund" has the meaning set forth in Section 4.2(c).

"Warrant Ordinance" means the ordinance of the City to be adopted hereafter authorizing the issuance of the Warrants.

"Warrant Sale Costs" means, if the Warrants are sold to the Underwriter, the amounts as shall be required by the terms of the Warrant Ordinance to fund the Reserve Fund and a capitalized interest fund for the benefit of the Warrants.

"Warrants" means the City's Limited Obligation Warrants, Series 2006, which will be issued by the City on the Closing Date, as described in Article IV hereof, in the aggregate principal amount equal to the total of the Public Improvements Costs plus the Warrant Sale Costs (if the Warrants are sold to the Underwriter) plus the Costs of Issuance.

ARTICLE II

THE DEVELOPMENT

2.1 Construction of Public Improvements.

(a) Malbis Properties shall manage the design, engineering, acquisition, installation, construction and completion of the Public Improvements in accordance with the Tax Certificate,

the Plat and the Plans and Specifications, as required by the Overlay District Ordinance and the City's generally applicable planning and development rules and regulations.

(b) If the Warrants are sold to the Underwriter, the City hereby agrees, from and to the extent of the Net Proceeds of the Warrants to pay, or to reimburse Malbis Properties, the Public Improvements Costs. If the Warrants are issued to Malbis Properties, the Warrants shall be full payment or reimbursement to Malbis Properties of the Public Improvements Costs and the Costs of Issuance. The City acknowledges that acquisition, installation, and construction of the Public Improvements will be proceeding simultaneously with acquisition, installation, and construction of the Commercial Development, and that certain contracts, in order to be the most cost efficient, cannot be separated into separate contracts for work wholly on the Public Land and on certain adjacent public road rights-of-way versus work wholly on the Malbis Properties Land. In such cases, the City agrees that the costs of such improvements that are attributable to the Public Land and certain adjacent public road rights-of-way and can be demonstrated to the reasonable satisfaction of Bond Counsel to be so attributable, all as such amounts are determined based upon the final amounts payable for such improvements pursuant to applicable executed contracts (and all change orders) for such work shall constitute "Public Improvements Costs" as such term is used herein.

(c) The Plans and Specifications for the Public Improvements shall be subject to the reasonable approval of the City and shall be consistent with the Tax Certificate unless changes to the Tax Certificate are approved by Bond Counsel. The City agrees that its approval will not be unreasonably withheld, conditioned or delayed. Such approval shall not amount to an approval of the Public Improvements' conformity with applicable building codes and other usual inspection approvals by the City normal to any new construction in the City, which such approval process shall proceed in the normal course. Malbis Properties agrees to obtain all necessary approvals and permits for the Public Improvements from the City or other governmental entity in the normal course.

(d) Following the approval of the Plans and Specifications for the Public Improvements by the City, Malbis Properties shall proceed to effect the construction of the Public Improvements on the Public Land and on the adjacent public road rights-of-way substantially in accordance with such Plans and Specifications, the Tax Certificate and the Plat, all as agent for the City. Malbis Properties further covenants that it will use its best efforts to complete the Public Improvements in an orderly and expeditious manner, subject to delays incident to Force Majeure.

(e) Malbis Properties agrees that it shall require the general contractor for the Public Improvements to post a performance bond and a labor and materialmen's payment bond with good and sufficient surety issued by a company qualified to issue such bonds in the State of Alabama in an amount sufficient to insure completion of the construction of the Public Improvements according to the construction contract therefor, with Malbis Properties as obligee of the bonds and the City as additional obligee thereunder. The bonds shall be obtained from such companies in such amounts as shall be approved in advance by the City, such approval not to be unreasonably withheld, conditioned, or delayed. A copy of said bonds shall be furnished to the City prior to the beginning of the construction of the Public Improvements. In the event the general contractor for the Public Improvements defaults in the performance of its construction

contract, Malbis Properties agrees to take appropriate action to enforce said bonds or otherwise cause the work to be timely completed.

(f) If the City has not done so, Malbis Properties will arrange for necessary financing to pay for the acquisition, installation, and construction of all Public Improvements, subject to reimbursement by the City pursuant to Article IV hereof.

(g) Notwithstanding any provision herein to the contrary, Malbis Properties may choose to postpone installation of a final seal coat for any roadways or completion of other comparable work pending construction of the Commercial Development, and such postponement shall not constitute a default or breach of Malbis Properties' obligations hereunder.

(h) Malbis Properties covenants and agrees that it will pay or cause to be paid promptly all persons or entities supplying work or materials for the construction of the Public Improvements. In the event that any materialmen's or mechanics' liens are filed against the Public Land in connection with Malbis Properties' construction of the Public Improvements, Malbis Properties covenants and agrees that it will discharge or make other arrangements reasonably acceptable to the City with respect to (including, without limitation, bonding off or insuring over any such lien) any mechanic's or other lien filed against the Public Land regardless of whether Warrant proceeds are available to reimburse it.

2.2 The Commercial Development.

(a) Malbis Properties and the Additional Land Owners shall develop the Commercial Development substantially in accordance with the Plat and the Plans and Specifications.

(b) The Plans and Specifications for the Commercial Development shall be subject to the reasonable approval of the City. The City agrees that its approval will not be unreasonably withheld, conditioned, or delayed and the City acknowledges that the Plans and Specifications for the Commercial Development may change numerous times as leases or sales contracts are executed for the Commercial Development, or for other reasons incident to the development of the Commercial Development. Such approval shall not amount to an approval of the Commercial Development's conformity with applicable building codes and other usual inspection approvals by the City normal to any new construction in the City, which such approval process shall proceed in the normal course.

(c) Following the approval of the Plans and Specifications for the Commercial Development, Malbis Properties shall proceed (and shall make its best efforts to cause the Additional Land Owners to proceed) to effect the construction of the Commercial Development substantially in accordance with such Plans and Specifications and the Plat. Malbis Properties further covenants that it will use its best efforts (and shall make its best efforts to cause the Additional Land Owners) to complete the Commercial Development in an orderly and expeditious manner, subject to delays incident to Force Majeure.

(d) Design work for the Commercial Development shall be subject to the reasonable approval of the City and shall include all work through preparation of the Plans and Specifications and construction documents. The design work for the Commercial Development shall be performed by Malbis Properties and the Additional Land Owners at their own expense.

Malbis Properties agrees to obtain (and to use its best efforts to cause the Additional Land Owners to obtain) all necessary approvals and permits for the Commercial Development from the City or other applicable governmental entity in the normal course.

(e) The City agrees to cooperate in good faith with Malbis Properties in any replatting or corrective instruments that may be required in connection with the dedication of the public road rights-of-way by recordation of the Plat and the creation of easements in favor of the City. The City and Malbis Properties acknowledge that the Land lies within an overlay district subject to the Overlay District Ordinance.

ARTICLE III

PUBLIC LAND

3.1 Conveyance of Public Land to City. Malbis Properties (i) has dedicated to the City those public road rights-of-way depicted in the Plat, (ii) has granted to the City easements for those drainage conduits, retention ponds and other storm drainage facilities depicted in the Plat, and (iii) agrees to grant to the City such other utility and public easements which are consistent with the Plat and the Plans and Specifications and have been contemplated by the parties to this Agreement in connection with the acquisition, installation and construction of the Public Improvements (said property or interests therein dedicated or granted or to be granted to and held by the City, the "Public Land"). It is presently anticipated that the Public Improvements will be comprised of the addition or improvement of roadways and utilities surrounding and within the Land, including, by way of example and without limitation, earthwork, grading, retaining walls, erosion control, environmental mitigation, water, storm and sanitary sewer and drainage facilities (including storm water drainage conduits, storm water retention ponds and water and sewer line extensions), roadways, watering for roadway plantings, lighting, landscaping, signage, signalization and paving/curbing and gutters for the roadways, storm drainage conduits and detention ponds, facilities for other utilities (including power improvements and telephone and internet access) and other items normally considered public infrastructure, all as shown on the Plat and the Plans and Specifications. The Public Improvements will be acquired, installed and constructed by Malbis Properties in accordance with the provisions of Article II hereof.

3.2 Title Insurance. To the extent routinely required by the City in the course of accepting dedication of public easements or public road rights-of-way, Malbis Properties will provide to the City at Closing an owner's ALTA title insurance policy issued by a title insurance company acceptable to Malbis Properties and the City, insuring the City's title to the Public Land, subject to (i) the lien for current year's ad valorem taxes, a lien not yet due and payable, and (ii) such other matters of title to which the City shall reasonably consent. City agrees that if Malbis Properties has approved an exception to title, any refusal of the City to approve the same shall be deemed unreasonably withheld. As a condition to Closing, there must be no other exceptions to title except as set forth in clauses (i) and (ii) above, unless such exceptions shall be first approved by the City, such approval not to be unreasonably withheld, conditioned, or delayed.

3.3 Survey. To the extent routinely required by the City in the course of accepting dedication of public easements by separate easement instrument (as opposed to dedication as a

part of accepting the Plat), Malbis Properties will, at Malbis Properties' cost, deliver to the City prior to Closing a boundary survey of the portion of the Public Land which is the subject of such separate easement instruments, which such survey shall be certified to the City, shall locate all corners, improvements, encroachments, easements, utilities, roadways adjoining or crossing the Public Land, and any other exceptions listed in the Title Commitment described in Section 3.2 hereof.

3.4 Environmental. Prior to Closing, Malbis Properties will deliver to the City for the City's reasonable review and approval, a Phase I Environmental Site Assessment for the Development (the "Environment Report"), which must confirm, as a condition to Closing, that the Public Land is not in violation of or subject to any existing, pending, or threatened investigation or inquiry by any governmental authority or any remedial obligations under any Applicable Environmental Laws. Malbis Properties will indemnify and hold the City harmless from and against, and reimburse the City for, any fees, charges, liabilities, reasonable expenses, and reasonable fees of environmental professionals, and reasonable attorney's fees incurred by the City, in the event the Public Land or any part thereof is hereafter determined to be in violation of any Applicable Environmental Law, provided, however, that such indemnity shall not extend to contamination on the Public Land after Closing, unless such contamination is caused by Malbis Properties. The indemnifications set forth in this Section 3.4 shall survive the Closing and shall not be merged into the documents executed on the Closing Date.

ARTICLE IV

THE WARRANTS

4.1 The Warrants.

(a) Pursuant to the provisions of the Warrant Ordinance, the City will issue the Warrants on the Closing Date to provide for the payment or reimbursement, as the case may be, of the Public Improvements Costs, the Warrant Sale Costs (if the Warrants are sold to the Underwriter) and the Costs of Issuance.

(b) At the election of Malbis Properties delivered in a written direction to the City, the City shall either (i) cause the Warrants to be sold to the Underwriter, or (ii) issue the Warrants to Malbis Properties (or its assignee). If the Warrants are sold to the Underwriter, then the City shall apply the Net Proceeds of the Warrants to pay directly the Public Improvements Costs or to reimburse to Malbis Properties the Public Improvements Costs. In such event, Malbis Properties agrees that it shall demonstrate to the City's satisfaction that the Public Improvements Costs equal or exceed the Net Proceeds of the Warrants by providing the City with audited reports detailing such costs. If the Warrants are issued to Malbis Properties, then Malbis Properties agrees to accept the Warrants from the City on the Closing Date in full reimbursement of the Public Improvements Costs and the Costs of Issuance. In such event, Malbis Properties agrees that it shall demonstrate to the City's satisfaction that the Public Improvement Costs and the Costs of Issuance equal or exceed the principal amount of the Warrants by providing the City with audited reports detailing such costs.

(c) If the Warrants are sold to the Underwriter, the Warrants shall bear such tax-exempt interest rate, payable semi-annually, as shall be determined by the Underwriter and the City with the approval of Malbis Properties.

If the Warrants are issued to Malbis Properties (or its assignee), the Warrants shall bear interest, payable semi-annually, at the lesser of (i) a tax-exempt interest rate of seven and a half percent (7½%) per annum (or the taxable equivalent of such interest rate if the interest on such Warrants, or any portion thereof, is not, in the opinion of Bond Counsel, exempt from federal income taxation) or (ii) the rate at which the Underwriter certifies that it will purchase the Warrants in the form of and on the date that the Warrants are to be issued to Malbis Properties (or its assignee); provided, however, that if the rate at which the Underwriter certifies that it will purchase the Warrants is lower than the rate set forth in (i) above, such certificate shall be accompanied by an agreement pursuant to which the Underwriter will grant Malbis Properties (or its assignee), for a period of thirty (30) days following the Closing Date, the option to require the Underwriter to purchase the Warrants at a purchase price equal to one hundred percent (100%) of the principal amount thereof, plus the interest accrued thereon to the date of purchase, and stating that if Malbis Properties (or its assignee) elects to exercise its option to require the Underwriter to purchase the Warrants, the closing of such purchase shall take place no later than thirty (30) days after Malbis Properties (or its assignee) gives written notice to the Underwriter of its intention to exercise such option.

(d) The Warrants shall be payable in accordance with a thirty (30) year amortization schedule and shall be subject to redemption no later than six (6) years six (6) months after the Closing Date at a redemption price specified below and with such conditions as shall be more particularly specified in the Warrant Ordinance; provided, however, that if the Warrants are issued to Malbis Properties (or its assignee), the thirty (30) year amortization schedule shall not commence until the day that is one year prior to the First Principal Payment Date. The early redemption shall be effected at the option of the City with notice of the said option being given in writing to the Registrar and to Malbis Properties (or its assignee) at least sixty (60) days prior to the date fixed for redemption which such redemption shall be at and for a redemption price equal to one hundred percent (100%) of the principal amount of the then outstanding Warrants, plus the interest accrued thereon to the date fixed for redemption. Any debt obligation issued and sold by the City to provide funds to redeem the Warrants shall be approved by Bond Counsel and sold to the Underwriter.

4.2 Limited Obligation of City; Warrant Fund and Reserve Fund.

(a) The Warrants shall be a limited obligation of the City payable solely from the Pledged Tax Revenues. Except for the Pledged Tax Revenues, neither the full faith and credit nor the taxing power of the City are pledged to the payment of the Warrants.

(b) Pursuant to the Warrant Ordinance, there shall be established a fund (the "Pledged Tax Revenues Fund") into which the City will deposit, on a monthly basis, the Pledged Tax Revenues. If the Warrants are sold to the Underwriter, the City's obligation to make such deposits shall commence at such time as shall be specified in the Warrant Ordinance. If the Warrants are issued to Malbis Properties (or its assignee), the City's obligation to make such deposits shall commence on the Closing Date.

(c) Amounts on deposit in the Pledged Tax Revenues Fund shall be transferred to the warrant fund to be created pursuant to the Warrant Ordinance (the "Warrant Fund") to provide for the payment of the principal of and interest on the Warrants as shall be provided in the Warrant Ordinance. In the event the Pledged Tax Revenues deposited from the Pledged Tax Revenues Fund into the Warrant Fund during any Fiscal Year are less than the principal of and interest on the Warrants coming due during such Fiscal Year and payments from the debt service reserve fund to be created pursuant to the Warrant Ordinance (the "Reserve Fund") are insufficient to make up such difference, then the obligation of the City to make payments into the Warrant Fund for such Fiscal Year shall be deemed satisfied and discharged and the City shall have no further liability with respect to payments into the Warrant Fund for such Fiscal Year; provided, however, that the principal of and interest on the Warrants not paid in any Fiscal Year shall be carried forward to subsequent Fiscal Years (but, in no event, past thirty (30) years from the Closing Date) and such amounts (plus the interest thereon) shall be paid in subsequent Fiscal Years to the extent that there are excess Pledged Tax Revenues deposited into the Pledged Tax Revenues Fund in subsequent Fiscal Years.

(d) To the extent that the amount of Pledged Tax Revenues deposited into the Pledged Tax Revenues Fund during any Fiscal Year is in excess of the amount required to be deposited into the Warrant Fund (*i.e.*, the principal of and interest on the Warrants coming due during such Fiscal Year), such excess Pledged Tax Revenues shall first be used as provided in subsection (c) above and, to the extent not so used, shall be deposited into the Reserve Fund to the extent the Reserve Fund is not then fully funded. In the event the Warrants are issued to Malbis Properties (or its assignee), the Reserve Fund will be funded in this manner until such time as the Reserve Fund is fully funded, and thereafter said excess portion of the Pledged Tax Revenues shall be used as shall be provided in the Warrant Ordinance.

4.3 Tax-Exempt. The Warrants will be issued based on the approving opinion of Bond Counsel to the effect that (i) the Warrants are valid and legal obligations of the City payable solely from and secured by the Pledged Tax Revenues and (ii) the interest on the Warrants is excludable from the gross income of the recipients thereof for purposes of federal income taxation subject to such qualifications and other matters as are customary.

4.4 Validation. In the event the validity and legality of the Warrants is challenged, the City shall use its "best-efforts" to prove the validity and legality of the Warrants, including, if deemed necessary, validating the Warrants.

ARTICLE V

REPRESENTATIONS AND WARRANTIES

5.1 Representations and Warranties of Malbis Properties. To induce the City to enter into this Agreement and to pay to Malbis Properties the Net Proceeds or to issue the Warrants to Malbis Properties in reimbursement of the Public Improvements Costs and the Costs of Issuance, Malbis Properties does hereby make the following representations and warranties to the City, which representations and warranties shall be deemed made by Malbis Properties to the City also as of the Closing Date and shall not be merged into the documents executed on the Closing Date:

(a) Malbis Properties is a limited liability company duly formed, validly existing, and in good standing under the laws of the State of Alabama, and is duly qualified to do business in and is in good standing with the State of Alabama. Malbis Properties has full power and authority to enter into this Agreement and to incur the obligations set forth herein, each of which have been authorized by all necessary limited liability company action of Malbis Properties.

(b) This Agreement constitutes a legal, valid and binding obligation of Malbis Properties, enforceable in accordance with its terms.

5.2 Representations of City. To induce Malbis Properties to enter into this Agreement, to dedicate and grant the Public Land and interests therein to the City, and to accept the Warrants from the City in payment of the Public Improvements Costs and the Costs of Issuance, the City does hereby make the following representations and warranties to Malbis Properties, which representations and warranties shall be deemed made by the City to Malbis Properties also as of the Closing Date and shall not be merged into the documents executed on the Closing Date:

(a) The City has the full right and authority to enter into this Agreement and to consummate or cause to be consummated the transactions contemplated herein, including, without limitation, the issuance of the Warrants and the payment or reimbursement of the Public Improvements Costs and the Costs of Issuance. This Agreement has been and will be properly authorized and properly executed and constitutes the legal, valid and binding obligation of the City, and the subsequent administrations of the City, enforceable in accordance with its terms.

(b) The City has determined that this Agreement and the issuance of the Warrants are consistent with and not violative of the Constitution and laws of the State of Alabama and, further, that the City is authorized to issue the Warrants as contemplated by this Agreement by Section 94.01 of the Official Recompilation of the Constitution of Alabama of 1901.

ARTICLE VI

CLOSING

6.1 Contingencies to Closing. Notwithstanding any provision herein to the contrary, the Closing is contingent upon the following conditions having been satisfied if the Warrants are initially issued to Malbis Properties:

(a) Malbis Properties has approved the form of the Warrants, the Authorizing Ordinance, the Warrant Ordinance and all other documents executed by the City in connection therewith.

(b) Malbis Properties has received and approved (or waived) the legal opinion regarding the tax-exempt status of the Warrants as required under Section 4.3 hereof.

6.2 Closing Date. The Closing Date will be on the date specified in writing by Malbis Properties to the City. Closing shall occur at such location as mutually agreed to by the parties. The Warrants shall be issued by the City on the Closing Date.

ARTICLE VII

MISCELLANEOUS

7.1 Assignment. Notwithstanding anything herein to the contrary, no sale, transfer, conveyance, lease, pledge, encumbrance or other hypothecation of any of the Commercial Development by Malbis Properties to a third party shall constitute or be deemed a transfer of any of Malbis Properties' covenants, agreements, or indemnities as set forth herein unless express reference is made in such instrument of conveyance to the specific covenants, agreements, and indemnities set forth herein and the deed by which Malbis Properties is transferring to such third party. The City shall have no right to assign its rights and duties under this Agreement to any party. Malbis Properties may sell the Commercial Development, or portions thereof, to a third party or parties, and may, at its option, transfer and assign the Warrants, if any, issued by the City to Malbis Properties to a third party or parties, or retain the same, separate and apart from Malbis Properties ownership of the Commercial Development. Notwithstanding the sale of the Commercial Development, or any portion thereof, Malbis Properties shall remain liable for all indemnification obligations set forth herein; provided, however, that if the financial condition of a transferee is acceptable to the City in the City's reasonable discretion and if the transferee agrees to assume all indemnification obligations of Malbis Properties hereunder, Malbis Properties shall be released from any further liabilities to the City as described herein.

7.2 Commissions. Malbis Properties and the City warrant and represent to the other, that there are and shall be no brokerage fees, commissions, or other remuneration of any kind arising from the execution of this Agreement or the Closing other than the fee of Gardner Michael Capital, Inc., which is serving as the City's financial advisor, and Tax Credit Management, Inc., which is serving as Malbis Properties' financial advisor. Malbis Properties and the City shall forever indemnify and hold the other harmless against and in respect of any and all claims, losses, liabilities and expenses, including, without limitation, reasonable attorney's fees and court costs, which the City or Malbis Properties may incur on account of any claim by any broker or agent or other person on the basis of any arrangements or agreements made or alleged to have been made by or on behalf of Malbis Properties or the City, as the case may be, in respect to the transactions herein contemplated. The provisions of this Section shall survive the Closing Date.

7.3 Notices. Any notice required or permitted to be delivered hereunder shall, except as otherwise expressly provided herein, be deemed to have been given upon the earlier to occur of (i) actual receipt by the addressee thereof including without limitation via facsimile transmission or personal delivery; (ii) the third (3rd) day after the deposit of such notice in the United States Mail, postage prepaid, registered or certified mail, return receipt requested, addressed to Malbis Properties or the City, as the case may be, as set forth below; or (iii) the first (1st) day after such notice has been deposited with a nationally recognized overnight courier (i.e. Federal Express); in either case, such notices to be addressed as follows:

To Malbis Properties: Malbis Properties, L.L.C.
3500 Eastern Boulevard
Montgomery, Alabama 36116
Telephone (334) 277-1000
Facsimile (334) 244-2555

Attention: Frank M. Johnston

With a copy to: W. Holt Speir, Esq.
Capell & Howard, P.C.
150 South Perry Street
Montgomery, Alabama 36104
Telephone (334) 241-8029
Facsimile (334) 271-8229

To City: City of Daphne
P. O. Box 400
Daphne, Alabama 36526

With a copy to: A. Lee Martin, Esq.
Miller, Hamilton, Snider & Odom, LLC
505 20th Street North
Suite 1200
Birmingham, Alabama 35203

7.4 Entire Agreement. This Agreement contains the entire agreement of the parties and there are no representations, oral or written, relating to the transactions described herein which have not been incorporated herein. Any agreement hereafter made shall be ineffective to change, modify or discharge this Agreement in whole or in part unless such agreement is in writing and is signed by the party against whom enforcement of any change, modification, or discharge is sought.

7.5 Attorney's Fees. Any signatory to this Agreement who is the prevailing party in any legal proceedings against any other signatory brought under or with relation to this Agreement or transaction shall be additionally entitled to recover court costs, cost of litigation or discovery and reasonable attorneys fees and reasonable accountants fees incurred solely in connection with such litigation, from the non-prevailing party.

7.6 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered to be an original document.

7.7 Successors and Assigns. This Agreement shall inure to the benefit of and bind the parties hereto, their respective successors and/or assigns.

7.8 City's Liabilities. Notwithstanding any provision hereof to the contrary, the parties agree and acknowledge that the obligations of the City as set forth herein are limited by the limitations imposed on municipalities by the Constitution of the State of Alabama and laws affecting the use and maintenance of public property, however, such limitations shall not impair the obligations of the City under the Warrants.

7.9 Survival of Covenants. The covenants in this Agreement shall not terminate until they have been fully performed or have expired by their terms. All covenants, representations and warranties shall survive the Closing Date.

7.10 Severability. If any term or provision hereof shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this Agreement and shall not affect the validity of the remainder of this Agreement.

7.11 Governing Law. This Agreement shall be governed by the laws of the State of Alabama without regard to its principles of conflict of laws which would result in the application of the laws of any other jurisdiction.

7.12 No Waiver. No consent or waiver, express or implied, by either party hereto or to any breach or default by the other party in the performance by the other party of its obligations hereunder shall be valid unless in writing and no such consent or waiver to or of one breach or default shall constitute a consent or waiver to or of any other breach or default in the performance by such other party of the same or any other obligations of such party hereunder. Failure on the part of either party to complain of any act or failure to act of the other party or to declare the other party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder. The granting of any consent or approval in any one instance by or on behalf of any party hereto shall not be construed to waive or limit the need for such consent in any other or subsequent instance.

7.13 Remedies. Whenever either party hereto shall default in the performance of any of its obligations under this Agreement, the other party hereto may take whatever legal proceeding (including actions for damages or for specific performance to the extent provided by law) as shall be necessary or desirable to enforce any agreement or condition contained herein or any other obligation of the defaulting party imposed by law. The parties hereto recognize an action for specific performance.

7.14 No Partnership or Joint Venture. Nothing contained in this Agreement shall constitute or be construed to be a partnership or joint venture between the City and Malbis Properties and their respective successors and assigns.

7.15 Headings. The headings in the Sections in this Agreement are for convenience of reference only and shall not form a part hereof.

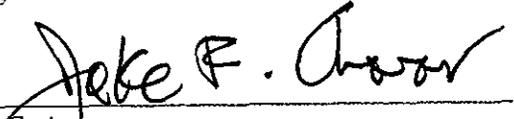
7.16 Third-Party Beneficiaries. Except as set forth herein, this Agreement is intended only for the benefit of the signing parties hereto, the Registrar, the Underwriter, and the Bond Counsel, and neither this Agreement, nor any of the rights, interest or obligations hereunder, is intended for the benefit of any person other than those so stated.

[Signatures follow on next page]

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed by their duly authorized officers and/or representatives, to be effective the day and year first above written.

MALBIS PROPERTIES, L.L.C.,
an Alabama limited liability company

By: Malbis Properties Management, Inc.
Its: Manager

By: 
Jake F. Aronov
Its: President

THE CITY OF DAPHNE,
a municipality organized and existing under
the laws of the State of Alabama

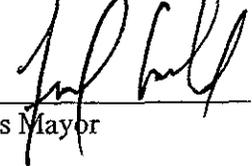
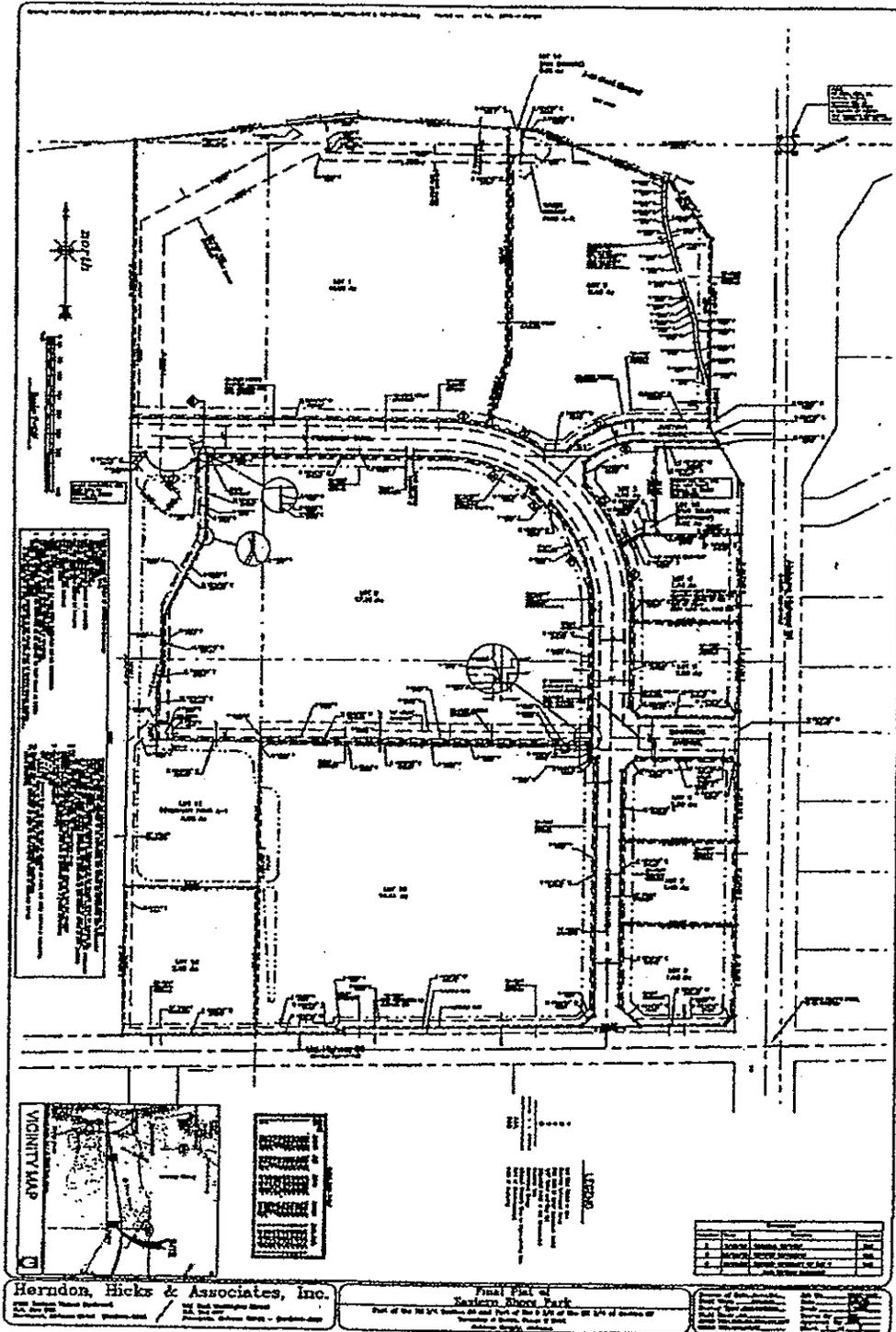
By:  4/17/2006
Its Mayor

EXHIBIT A

PROPERTY DESCRIPTION

All real property which is subdivided under, and depicted in, the Map of the Final Plat of Eastern Shore Park, as said Map appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Slide 2244-A and Slide 2244-B (the "Plat"), including but not limited to Lots 1-14 of the Plat and those public road rights of way identified in the Plat as Justina Avenue, Dimitrios Avenue and Fredrerick Boulevard.

Exhibit B



NOTE: This exhibit is not to scale. The original of the Plat is recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Slides 2244-A & 2244-B. Any information which is not legible on this Exhibit can be read on the Plat recorded in the aforesaid office.



Retirement Systems of Alabama



Teachers'
Paul R. Hubbert, Chair
Sarah Swindle, Vice Chair

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

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

July 20, 2006

MEMORANDUM

TO : Agency Director

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

Act 2006-510 of the first special session of the Alabama Legislature grants a cost-of-living increase to certain retirees and surviving beneficiaries of the Employees' Retirement System whose effective date of retirement for the purpose of receiving benefits is on or before September 1, 2005. However, in order for benefits to be payable to individuals covered under the provisions of this Act, the governing board of the individual's former employer must elect by Resolution to come under the provisions of the Act and agree to bear the cost of the cost-of-living increase granted to said individuals.

The effective date of the increase is October 1, 2006. The increase shall be seven (7%) of current gross benefit, including all previous increases, paid to retiree or to beneficiary of deceased member or deceased retiree, with a minimum monthly increase of \$25.00.

Enclosed is a current list of the names of retirees/beneficiaries and the increase for which each is eligible to receive. Any retiree/beneficiary who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase shall not be entitled to receive said increase. Individuals whose Medicaid eligibility would be affected by this increase should notify this office and request that the increase not be granted.

The employer may, at any time, elect to grant the cost-of-living increase to become effective October 1, 2006, or October 1 of any subsequent year. If the increase is granted to become effective October 1 of a subsequent year, please do not submit your Resolution at this time. There shall be no requirement to pay the cost-of-living retroactively, if the COLA is to be effective October 1 of a subsequent year.

Payment for the cost of the increase will be added to your agency's monthly contributions reports (monthly remittance report). You will be notified by letter of the change to your employer rate and factors. The attached form letter will provide information regarding the change in your employer contributions rate, if you elect to grant the 2006 COLA.

A Model Resolution for granting or declining to grant the increase authorized by Act 2006-510 is enclosed for your convenience. Your agency **must complete and submit** a Resolution to come under the provisions of this Act. If you have any questions regarding the implementation of the provisions of Act 2006-510, please contact my office at (334) 832-4140 or 1-800-214-2158, Ext. 306.

WEP
Enc.
cc: File

Employer Rate Information

The following provides the rate that is effective for your agency beginning October 1, 2006. The contribution factors should be changed for the October contributions report due November 1:

Agency Name: Daphne

Agency Code: DAP

Employer Contributions Rate Effective 10/1/2006: 6.31% of payroll

5 % Employer Factor: 1.262

6 % Employer Factor: 1.052

The following information provides the contribution rate and factors if your agency elects to come under the provisions of Act 2006-510 effective October 1, 2006, and the change to your employer contributions rate is made effective with your agency's October 2006 monthly contributions remittance due November 1:

Employer Rate if Act 2006-510 is adopted: 6.54% of Payroll
(Assumes effective date 10/01/2006)

5 % Employer Factor if Act 2006-510 is adopted: 1.308

6 % Employer Factor if Act 2006-510 is adopted: 1.090

If your agency elects to grant the 2006 cost-of-living increase (COLA) and the change to your employer rate/factors will not be made with the October 2006 contributions remittance, the above information may change. You will be advised accordingly by the Employees' Retirement System of Alabama (ERS), if you adopt the COLA and the change is not made to the October 2006 remittance.

Please note that a copy of the Resolution to adopt the increase provided by Act 2006-510 must be provided to the ERS, if your agency elects to grant the increase.

RETIREMENT SYSTEMS OF ALABAMA
 RETIRED COST OF LIVING DETAIL LISTING FOR UNIT CODE: DAP

ACCOUNT INFORMATION	(1980)	(1982)	(1985)	(1988)	(1990)	COST OF LIVING					(2006) CURRENT BENEFIT		
						1993	1994	1996	1998	2000	2002	2005	
*** UNIT TOTALS ***													
.995/10 COLA 1993 :						50.55							
.994/10 COLA 1994 :						131.86							
.996/10 COLA 1996 :						242.94							
.998/10 COLA 1998 :						459.29							
:000/10 COLA 2000 :						318.36							
:002/10 COLA 2002 :						308.91							
:005/10 COLA 2005 :						708.59							
						34.67							
						1401.78 *							
CURRENT BENEFITS :						19939.75							

1401.78 monthly 7% increase
 * 12

 16,821.36 Annual cost

TREASURER'S REPORT

As of August 2006

TO: FINANCE COMMITTEE

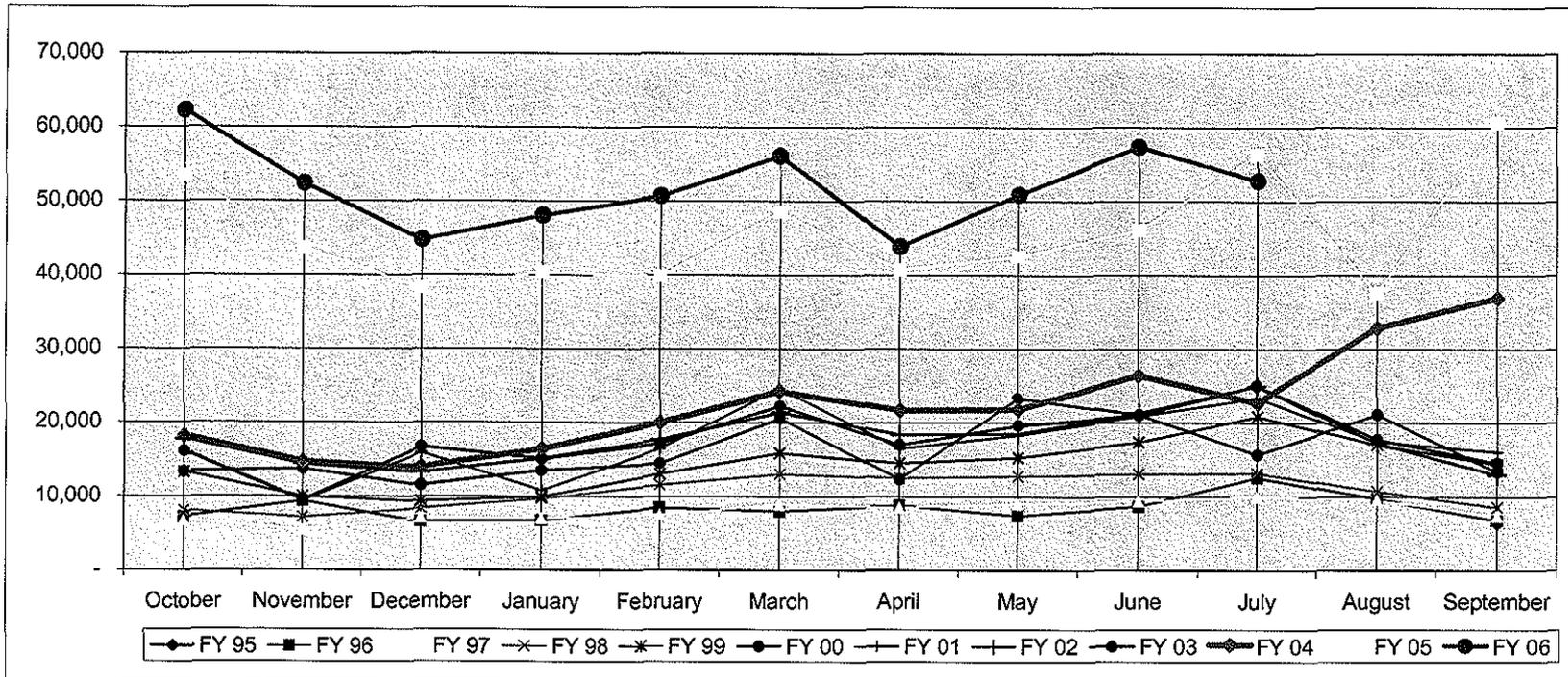
FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$7,119,725.24
OPERATING ACCT	COMPASS	(\$108,725.63)
PAYROLL ACCT	COMPASS	(\$1,634.62)
MUNICIPAL COURT	COMPASS	<u>\$253,022.83</u>
		\$7,262,387.82
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$3,038.91
4 CENT GAS TAX	FIRST GULF	\$177,043.84
7 CENT GAS TAX	FIRST GULF	<u>\$183,890.84</u>
		\$363,973.59
CAPITAL PROJECTS FUND		
CDBG LOAN REPAY	COMPASS	\$704.51
CAPITAL RESERVE	WACHOVIA	\$3,885,609.98
97 WARRANT CONS	WACHOVIA	\$5,053.29
99 WARRANT CONS	REGIONS	\$552,598.30
2000 CONSTRUCTION	REGIONS	\$90,657.17
2006 CONSTRUCTION	WACHOVIA	<u>\$10,539,300.52</u>
		\$15,073,923.77
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$1,501,241.83
		<u>\$24,201,527.01</u>

Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91
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
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
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
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	
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	518,764.01

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



FY 2006 Budget
617,000
% Budget Collected,
<u>7/31/2006</u>
84%

SALES & USE TAXES

ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07
July	558,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	
Totals	6,634,029.78	7,110,160.82	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	9,784,641.27

FY 2006 BUDGET/ACTUAL COMPARISONS

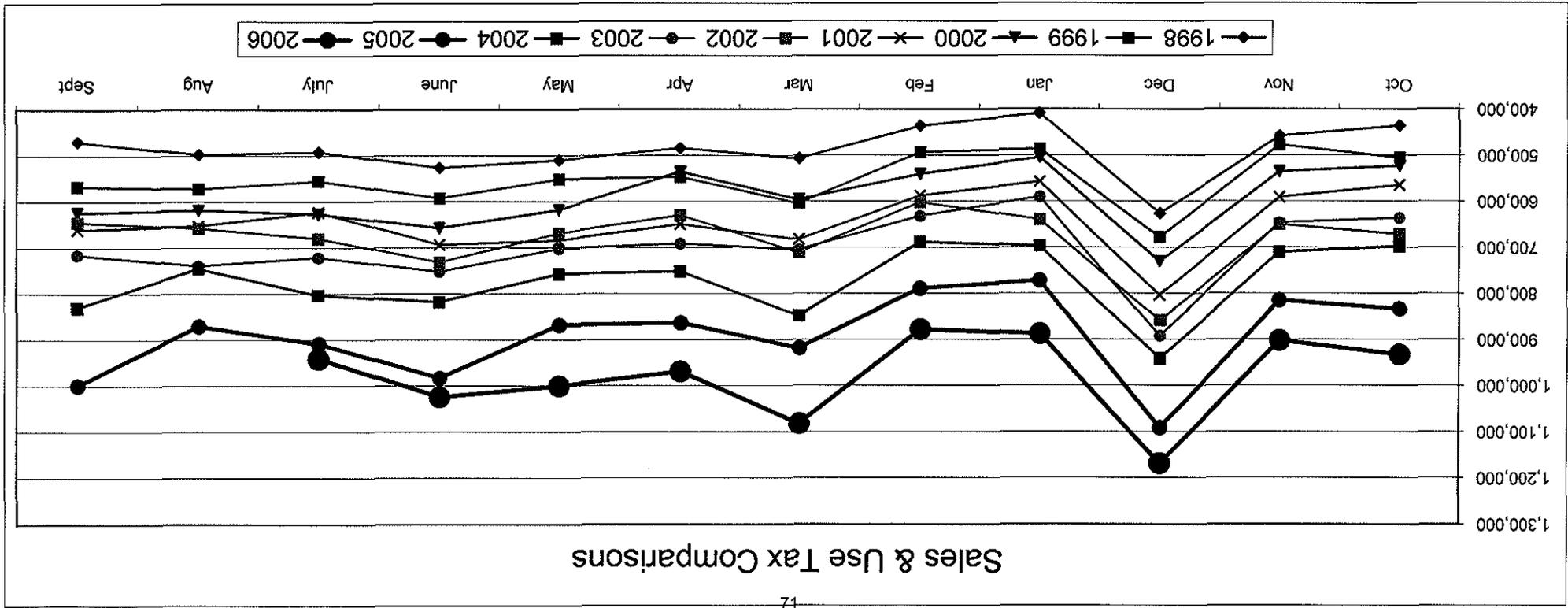
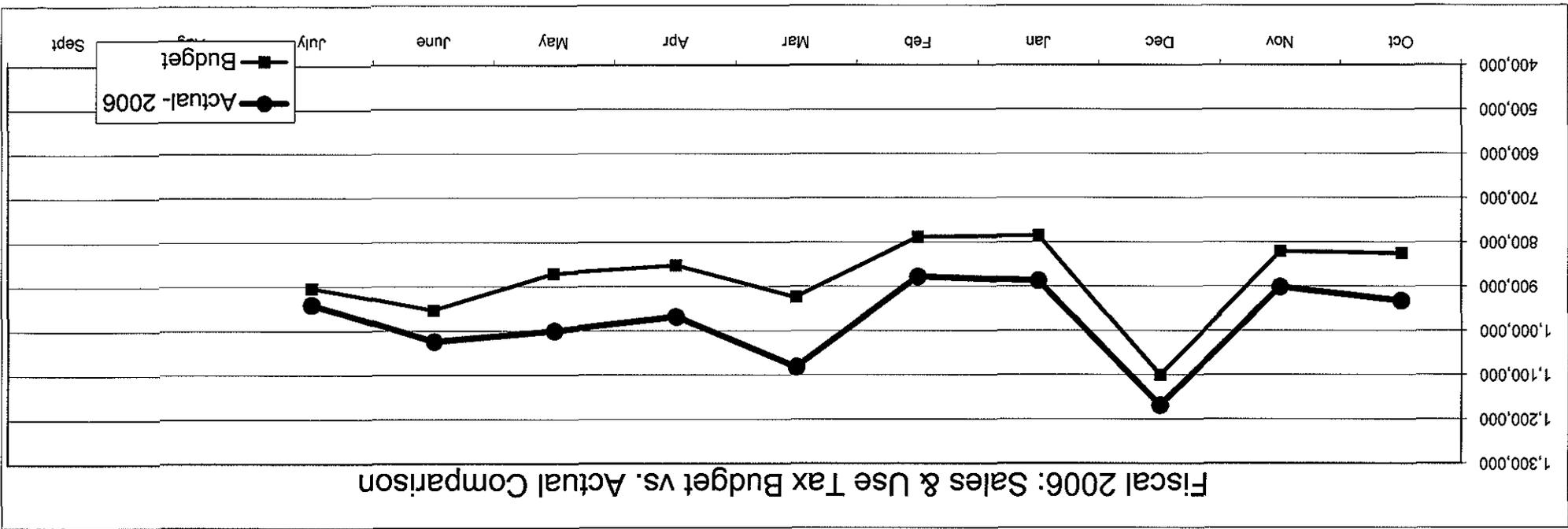
	Actual- 2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	932,634.66	825,474	107,160.68	107,160.68	12.98%
November	901,512.38	820,652	80,860.42	188,021.10	9.85%
December	1,168,443.68	1,100,098	68,345.56	256,366.66	6.21%
January	887,468.11	785,065	102,403.51	358,770.17	13.04%
February	878,123.66	787,808	90,316.12	449,086.29	11.46%
March	1,081,774.83	923,786	157,988.83	607,075.12	17.10%
April	968,760.72	852,157	116,604.14	723,679.26	13.68%
May	1,000,424.48	870,852	129,572.92	853,252.18	14.88%
June	1,024,091.07	952,994	71,096.59	924,348.77	7.46%
July	941,407.68	903,547	37,860.86	962,209.63	4.19%
August		875,817			0.00%
September		920,338			0.00%
Totals	9,784,641.27	10,618,586	962,209.63		

FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>							
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	3.50%	7.94%	18.67%	-5.24%	9.64%	19.47%	11.87%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	10.66%
December	52,747.01	72,854.66	54,587.85	34,122.02	48,943.19	149,921.91	77,369.90	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	7.09%
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	14.98%
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54	89,298.58	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	11.32%
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,768.66	69,675.31	163,942.66	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	17.86%
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26	105,615.91	-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	12.24%
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95	132,978.04	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	15.33%
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26	41,227.61	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	4.19%
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99	32,831.55	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	3.61%
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78		7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	168,215.28		9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
Annual \$ Change	476,131.04	641,019.38	393,592.24	284,159.66	860,992.68	1,418,335.85		Annual % Change	7.18%	9.02%	5.08%	3.49%	10.21%	15.27%

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

TOTAL collections: 7-31-06	9,784,641
Budgeted: 10-1-05 to 7-31-06	8,822,432
Actual Coll > (<) Budget, 7-31-06	962,210
% Over/(Under) Budget, 7-31-06	10.91%



August 11, 2006

VIA EMAIL ONLY: ronscott5@bellsouth.net

Mr. Ron Scott, Finance Committee
CITY OF DAPHNE
Post Office Box 400
Daphne, Alabama 36526

RE: ATTORNEY COMPENSATION

Dear Mr. Scott:

Several weeks ago, you requested that I provide you and the other members of the Finance Committee with a brief overview of my current attorney fees for representation of other governmental entities and a proposal for an increase in my hourly rate on behalf of my representation for the City of Daphne.

As you may be aware, I have served as the attorney for the Daphne Planning Commission since approximately 1998, at which time the hourly rate was \$100.00 per hour. In the fall of 2000, I was given the privilege of becoming the interim City attorney and in January 2001 I was designated as the City attorney. The hourly compensation remained at \$100.00 per hour, but did include a monthly retainer of \$500.00. Over the passage of time, the hourly rate has remained at \$100.00 per hour. The \$500.00 monthly retainer is not credited against any hourly rate, and is thought to serve as a small retainer to guarantee the presence of the City attorney.

Both costs and time demands have now increased and the work has become much more complex. As such, the need has arisen to explore an increase in the hourly rate to help offset the costs associated with doing

business.

Presently, some of the governmental entities I represent include the County of Mobile for which compensation is at the rate of \$150.00 per hour and also provides reimbursement for seminars, travel, and travel related expenses so long as it is incidental to and a part of County business. I also represent the City of Bayou La Batre. This work is divided into a variety of categories with majority of the rate billed at \$200.00 per hour and some at \$100.00 per hour. I represent the Bayou La Batre Utilities Board, and that hourly rate is also broken down to \$200.00 per hour for the majority of the work and some of the work is at \$100.00 per hour, although there is a motion pending by the Chairman to raise the minimum rate to \$150.00 per hour. I represent Mobile County Water, Sewer and Fire Protection Authority, which pays \$130.00 per hour and Grand Bay Water Authority at a similar rate. Until February 2006, I represented the Lake Forest Property Owners' Association, Inc., and that rate was \$135.00 per hour. I also represent the Town of Mt. Vernon, whose rate is currently at \$100.00 per hour. Additionally, my rates for private clients average between \$160.00 and \$210.00 per hour.

In an effort to provide comparison information in this letter to you, I have become aware of what other attorneys are charging in the Baldwin County and Mobile County areas for representing the City and County government. Those rates average between \$150.00 and \$200.00 per hour. I am also aware that other attorneys, outside my firm, that perform legal work for the City's separate related entities may be charging as much as \$200.00 per hour.

Without a doubt, it is a pleasure and an honor to represent the City of Daphne. I will continue to strive and make changes both personally and professionally to provide the very best service that I can for the City, yet the cost of doing business is ever increasing. My suggested proposal is to modify the rate to the sum of \$140.00 per hour for all hourly rate work with the monthly retainer to remain at \$500.00.

I will respect and honor whatever the Finance Committee recommends and the Council's ultimate decision concerning this request. I do appreciate your consideration regarding this increase, and I will be pleased to answer any questions that the Committee may require.

Respectfully submitted,

JAY M. ROSS

Public Safety Committee

Tuesday, September 5, 2006

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilwoman Regina Landry
Fire Chief Mund Hanson
PW Sup. Melvin McCarley

Police Chief David Carpenter
Captain David Wilson
Captain Randy Bishop
Captain Scott Taylor
Michele Hanson - Secretary

Committee Members Attending:

Councilman Greg Burnam, Councilwoman Regina Landry, Capt. David Wilson, Capt. Scott Taylor, Chief Hanson and PW Sup. Melvin McCarley.

Also Present: Mayor Small, Lt. Daniel Bell, PW Director Ken Eslava.

I. CALL TO ORDER

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

II. PUBLIC PARTICIPATION

1) Traffic Accidents - Hwy 98 @ Academy Drive

Mr. Burnam requested this report. Based on the report, a traffic signal is not warranted at this time. No action was taken.

2) Traffic Concerns - Mary Ann Carroll/Windsor Drive

Capt. Taylor stated that 3 directed patrols were run at three different times, which resulted in 394 vehicles being clocked, with 2 speeding citations issued, 1 seatbelt citation and 1 warning for speeding. The highest speed clocked was 45 mph. Capt. Taylor stated the department will keep up the enforcement and put out the speed trailer.

3) Turn Signal - Daphne Ave/Main St. - Mayor Small

Mayor Small requested that the committee look at having a left turn signal installed on Main Street turning east onto Daphne Avenue and if it can be done have a turn signal onto Belrose Avenue also. Mr. Eslava stated he will check and see if the box will allow a turn signal there.

4) Speed Hump - Christine Wetzel/402 Belrose Ave.

Mayor Small stated that Ms. Wetzel is concerned about the increased speeding on Belrose Avenue and the excessive traffic and inadequate parking during Bayside events. Ms. Wetzel provided a petition for a speed hump on Belrose, however it was not detailed enough. A city petition form will be given to Ms. Wetzel for submission. Mayor Small suggested the City Council have a work session with Bayside to discuss some resolutions to this matter.

5) Speed Hump - Wanda Patterson/144 Rolling Hill Drive

Ms. Patterson was not present. A petition was mailed to her, but has not been returned to the Public Safety Committee. Tabled until the next meeting.

6) Fairway Traffic Study

Committee reviewed the traffic study. Fairway Drive is on the exclusion list. Mr. Burnam requested a letter be sent to Tom Byrne advising him of the findings of this traffic study.

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING
Minutes from August 8, 2006 Meeting

Motion by Ms. Landry to adopt the minutes as presented. *Seconded by Mr. Burnam.* The minutes were adopted without revision. **Motion carries.**

IV. FIRE DEPARTMENT

A. New Business

1. Statistics for July 2006

Chief Hanson reviewed the stats for July. He stated July was an average month. He stated his new fire fighters will graduate from school on September 9th.

2. Fire Prevention Code Ordinance

Chief Hanson stated the proposed ordinance would adopt the International Fire Code not the Southern Building Code. He further stated that the permit fees had increased from \$50 to \$75.

Motion by Ms. Landry to favorably recommend the Fire Prevention Code Ordinance to the Ordinance Committee. *Seconded by Mr. Burnam.* **Motion carries.**

B. Old Business

V. POLICE DEPARTMENT

A. New Business

1. Statistics for July 2006

Capt. Wilson reviewed the stats for July. Mr. Burnam inquired about the high number of motorist assist calls. Capt. Wilson stated that most of those calls were vehicle unlocks, which is still provided by the police department. He further commented that most departments in the area do not offer this service. Capt. Taylor stated that accidents were up.

B. Old Business

Capt. Wilson stated that training is going well with our new officers. We have 5 officers in training.

VI. OTHER BUSINESS

Capt. Wilson reminded everyone of the 9/11 ceremony to be held at City Hall on Monday at 6:00 p.m.

VII. ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:30 p.m. The next meeting will be **Tuesday, October 3, 2006 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, 2006

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	-	2
11-Structure Fire/Commercial	1	3
11-Structure Fire/Residential	2	17
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	1	18
14-Natural Vegetation Fire	2	13
15-Outside Rubbish Fire	1	7
16-Special Outside Fire	-	1
17-Cultivated Vegetable Crop Fire	-	-
2-Overpressure Rupture:	-	1
3-Rescue Call and Emergency Medical Service Incidents:	105	1108
4-Hazardous Conditions (No fire):	1	35
5-Service Call:	12	87
6-Good Intent Call:	-	117
7-False Alarm & False Call:	6	84
8-Severe Weather & Natural Disaster:	-	1
9-Other Situation:	-	4
Total Emergency Calls:	125	1323
Monthly Total Calls:	147	1498
Response Time:		
Highest:	12	15
Lowest:	1	1
Average (Minutes/Seconds) :	4/31	4/27
Miscellaneous Reports:		
Training Hours	199	2665.75
Property Loss - \$	14,200	103,950
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	-/-	-/2
Child Passenger Safety Seat Inspections/Installations	9	102
Fire Prevention Awareness/Education:		
Classes	-	85
Persons Attending	-	4,756
Bureau of Fire Prevention:		
Plan Reviews	12	68
Final/Certificate of Occupancy	2	37
General/Annual Inspections	160	1570
General/Re-Inspections (Violation Follow-up - Annual)	29	180
Business Licenses	9	84
Consultations	-	7
All Other/Misc. Activities	2	26
Total Activities:	214	1972

Authorized by:

A. Mund Hanson

A. Mund Hanson

Daphne Police Department			Monthly Report			JULY 2006				
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		(Capt. Wilson)				
						YTD				
# Complaints	1,394	# New Cases Received:	51	Total Arrestees Received & Processed:	157	<u>1,758</u>	# Misd. Marijuana Arrest	5	Arson	0
# Misd. Arrests	31	# Previous Unsolved Cases:	91	Arrestees by Agency:			# Felony Marijuana Arrest	0	Burglary – Residence	4
# Felony Arrests	9	# Cases Solved:	10	Daphne PD	103	1,025	# Controlled Substance Arrest:	0	Burglary – Commercial	10
# Citations	165	Resulting in Total Arrests:		BCSO	13	<u>142</u>	# Drug Paraphernalia Arrest	1	Burglary – Vehicles	1
# Close Patrols	111	Felonies:	1	Loxley PD	13	<u>264</u>			Criminal Mischief	12
# Warnings	101	Misdemeanors:	2	Silverhill PD	9	<u>107</u>	Vehicles Searched	11	Domestic Disturbance	24
# Motorist Assist	199	Houses Searched	0	Spanish Fort PD	11	<u>167</u>			Disorderly Conduct	0
# Alias Warrants	32			Troopers	6	<u>32</u>	Drugs Seized:marijuana		Felony Theft	22
# Roadway Accidents	91			INS	0	0	Money Seized	\$0	Misdemeanor Theft	21
# Private Prop. Accidents	22	Warrants:		Other Agencies	2	<u>21</u>	Vehicles Seized	0	Felony Assault	0
# DUI's	9	Bettner Served	44						Misdemeanor Assault	1
Traffic Homicide	0	Officer Served	20	Highest	34		Animal Control		False Info to Police	12
		Recalls (Pd Fines)	60	Lowest	23		#Complaints	62	Harassment	0
		Total Warrants Served	124				#Follow-ups	95	Indecent Exposure	0
				Meals Served	2,019	18,825	#Citations	2	Kidnapping	0
		Sex Offender:		Medical Cost	\$2,558.90	20,223.03	#Warnings	4	Murder	0
		New Registration:	0	Worker Inmate Hours	642	7,901	#Felines Captured	63	Menacing	0
		Contact Verification	0				#Canines Captured	38	Public Intoxication	0
		Total # registered in Daphne	6				#Other Captured	12	Public Lewdness	1
		DARE:					#Returned to Owner	13	Receiving Stolen Property	1
		SEE ATTACHED					#Adopted Out	42	Robbery	0
							#Euthanized	56	Reckless Endangerment	1
									Suicide	0
									Attempted Suicide	4
									Other Death Investigations	1
									Theft of Services	0
		CODE ENFORCEMENT:							Unauthorized Use of Services	0
		Warnings:	3						White Collar Crimes	4
		Citations	8						Weapon Offenses	0
		Warning Compliance	3						Sexual Assault	1
		Follow – Up	5						Identity Theft Investigation	9
<i>Approved by:</i>				<i>David Carpenter, Chief of Police</i>						

Buildings and Property

City of Daphne

Permit Activity Report

Thursday, August 31, 2006

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R3 BL Permits

Txpld - Loc#	Contractor Name / Location Name	Permit # / Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
3173-1	MITCHELL HOMES	06-1148		29958 ST. HELEN ST.	Yes	A	08/15/2006	08/15/2006	\$106,920.00	\$550.00
	MITCHELL HOMES	06-ATP		DAPHNE, AL 36526						
87-1	ADCOCK FINE HOMES	06-1097		9546 HACKBERRY CT	Yes	A	08/07/2006	08/07/2006	\$191,460.00	\$975.00
	ADCOCK FINE HOMES			DAPHNE, AL 36526						
87-1	ADCOCK FINE HOMES	06-1098		30944 PINE CT	Yes	A	08/07/2006	08/07/2006	\$161,010.00	\$825.00
	ADCOCK FINE HOMES			DAPHNE, AL 36526						
5150-1	LAMBERT BUILDING & DEV. LLC	06-1099		30862 PINE CT	Yes	A	08/07/2006	08/07/2006	\$179,130.00	\$915.00
	LAMBERT BUILDING & DEV. LLC			DAPHNE, AL 36526						
5151-1	MAXWELL CONSTRUCTION CO.	06-1105		10431 EMMANUEL ST	Yes	A	08/08/2006	08/08/2006	\$164,640.00	\$840.00
	MAXWELL CONSTRUCTION CO.	06-ATI		DAPHNE, AL 36526						
2054-1	HERITAGE HOMES OF MOBILE	06-1167		264 RIDGEWOOD DR	Yes	A	08/17/2006	08/17/2006	\$134,940.00	\$690.00
	HERITAGE HOMES OF MOBILE	06-ATV		DAPHNE, AL 36526						
3132-1	MIKE FORWOOD GENERAL CONTR	06-1171		30209 GREEN CT	Yes	A	08/18/2006	08/18/2006	\$136,710.00	\$700.00
	MIKE FORWOOD GENERAL CONTR			DAPHNE, AL 36526						
1548-1	ERIK PERRIN	06-1116		27757 TALLENT LANE	Yes	A	08/09/2006	08/09/2006	\$90,150.00	\$470.00
	ERIK PERRIN			DAPHNE, AL 36526						
84-1	ADAMS HOMES, LLC	06-1127		8073 DEERWOOD DR	Yes	A	08/11/2006	08/11/2006	\$101,520.00	\$525.00
	ADAMS HOMES, LLC	06-ATJ		DAPHNE, AL 36526						
84-1	ADAMS HOMES, LLC	06-1128		8067 DEERWOOD DR	Yes	A	08/11/2006	08/11/2006	\$116,700.00	\$600.00
	ADAMS HOMES, LLC	06-ATK		DAPHNE, AL 36526						
2147-1	HYMAN HOMES, INC.	06-1130		30770 PINE CT	Yes	A	08/14/2006	08/14/2006	\$170,760.00	\$870.00
	HYMAN HOMES, INC.	06-ATL		DAPHNE, AL 36526						
3046-1	MCVAY CONSTRUCTION CO. INC.	06-1131		106 TIMBERLINE CT	Yes	A	08/14/2006	08/14/2006	\$110,760.00	\$570.00
	MCVAY CONSTRUCTION CO. INC.	06-ATM		DAPHNE, AL 36526						
4905-1	ROACH BUILDERS, INC.	06-1095		30114 LOBLOLLY CIRCLE	Yes	A	08/07/2006	08/07/2006	\$130,710.00	\$670.00
	ROACH BUILDERS, INC.	06-ATH		DAPHNE, AL 36526						
3173-1	MITCHELL HOMES	06-1147		29961 ST. HELEN ST.	Yes	A	08/15/2006	08/15/2006	\$107,670.00	\$555.00
	MITCHELL HOMES	06-ATO		DAPHNE, AL 36526						
922-1	CHRIS LEIGH HOMES, INC.	06-1220		8124 PINE RUN	Yes	A	08/28/2006	08/28/2006	\$235,190.00	\$1,195.00
	CHRIS LEIGH HOMES, INC.	06-AUA		DAPHNE, AL 36526						
3173-1	MITCHELL HOMES	06-1149		29991 GREGOR ST	Yes	A	08/15/2006	08/15/2006	\$106,920.00	\$550.00
	MITCHELL HOMES	06-ATQ		DAPHNE, AL 36526						

City of Daphne

Permit Activity Report

Thursday, August 31, 2006

3173-1	MITCHELL HOMES	06-1150	29960 ST. HELEN ST.	Yes	A	08/15/2006	08/15/2006	\$114,690.00	\$590.00
	MITCHELL HOMES	06-ATR	DAPHNE, AL 36526						
3173-1	MITCHELL HOMES	06-1151	29959 ST. SIMON ST.	Yes	A	08/15/2006	08/15/2006	\$93,510.00	\$485.00
	MITCHELL HOMES	06-ATS	DAPHNE, AL 36526						
3173-1	MITCHELL HOMES	06-1152	29961 ST. SIMON ST.	Yes	A	08/15/2006	08/15/2006	\$104,760.00	\$540.00
	MITCHELL HOMES	06-1152	DAPHNE, AL 36526						
3046-1	MCVAY CONSTRUCTION CO. INC.	06-1154	105 TIMBERLINE CT	Yes	A	08/15/2006	08/15/2006	\$122,280.00	\$630.00
	MCVAY CONSTRUCTION CO. INC.	06-ATU	DAPHNE, AL 36526						
4684-1	WESTERN GATE CONSTRUCTION	06-1181	294 RIDGEWOOD DRIVE	Yes	A	08/21/2006	08/21/2006	\$100,800.00	\$520.00
	WESTERN GATE CONSTRUCTION I		DAPHNE, AL 36526						
2305-1	JAMES RAY BUILDERS, INC.	06-1188	30122 LOBLOLLY CIR	Yes	A	08/23/2006	08/23/2006	\$140,970.00	\$720.00
	JAMES RAY BUILDERS, INC.	06-ATW	DAPHNE, AL 36526						
4034-1	SJ&L. INC.	06-1193	8986 LONGUE VUE BLVD	Yes	A	08/24/2006	08/24/2006	\$171,960.00	\$875.00
	SJ&L, INC.	06-ATY	DAPHNE, AL 36526						
2862-1	LUXURY LIVING BUILDERS, INC.	06-1212	9483 MARCHAND AVE	Yes	A	08/25/2006	08/25/2006	\$174,960.00	\$890.00
	LUXURY LIVING BUILDERS		DAPHNE, AL 36526						
2862-1	LUXURY LIVING BUILDERS, INC.	06-1213	27768 OAKACHOY LOOP	Yes	A	08/25/2006	08/25/2006	\$161,190.00	\$825.00
	LUXURY LIVING BUILDERS		DAPHNE, AL 36526						
2220-1	J. A. MACLAY, JR.	06-1215	30301 GREEN CT	Yes	A	08/25/2006	08/25/2006	\$134,220.00	\$690.00
	J.A. MACLAY, JR.	06-ATZ	DAPHNE, AL 36526						
3173-1	MITCHELL HOMES	06-1146	29901 GREGOR ST	Yes	A	08/15/2006	08/15/2006	\$133,020.00	\$685.00
	MITCHELL HOMES	06-ATN	DAPHNE, AL 36526						
Total Residential - NEW - R3 BL Permit(s)						27		\$3,697,550.00	\$18,950.00
Total Residential - NEW BL Permit(s)						27		\$3,697,550.00	\$18,950.00
Total Residential BL Permit(s)						27		\$3,697,550.00	\$18,950.00
Total BL Permit(s)						27		\$3,697,550.00	\$18,950.00
Grand Totals						27		\$3,697,550.00	\$18,950.00

City of Daphne

Periodic Report of Permits Issued by Improvement

09/01/2006

		Code	Permit Count	Valuation	Permit Fee
BUILDING PERMIT					
Residential					
NEW	R3	BL	27	\$3,697,550.00	\$18,950.00
REPAIR	R3	BL	2	\$47,000.00	\$265.00
REMODEL	R3	BL	3	\$78,000.00	\$435.00
RE-ROOF	R3	BL	6	\$31,400.00	\$255.00
POOL	R3	BL	5	\$190,495.00	\$1,040.00
VINYL SIDING	R3	BL	3	\$31,805.00	\$210.00
CARPORT	R3	BL	1	\$31,900.00	\$175.00
STORAGE BUILDING	R3	BL	4	\$13,376.00	\$135.00
MISCELLANEOUS	R3	BL	8	\$21,938.00	\$255.00
Non-Residential					
REMODEL	B2	BL	1	\$43,500.00	\$264.00
MISCELLANEOUS	B2	BL	1		\$50.00
Total - BUILDING PERMIT			61	\$4,186,964.00	\$22,034.00
Grand Total			61	\$4,186,964.00	\$22,034.00

City of Daphne

Permit Activity Summary Report

Friday, September 01, 2006

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	62	\$4,228,964.00	\$22,259.00
EL	ELECTRICAL PERMIT	38	\$661,110.00	\$8,495.00
ME	MECHANICAL PERMIT	31	\$32,400.00	\$3,370.00
PL	PLUMBING PERMIT	31	\$40,761.00	\$2,008.00
Grand Totals		162	\$4,963,235.00	\$36,132.00

Permit Inspection Listing

Thursday, August 31, 2006 3:40:11 PM

Permit #	Job Address	Issue Date	Contractor	Inspection	Date	Approved	Owner
05-1870	905 RYAN AVE. Proposed Use: NEW RESIDENTIAL HOME	12/29/2005	BENCHMARK HOMES, INC.	FINAL	8/1/2006	No	BENCHMARK HOMES
05-1836	109 PINEVIEW CIRCLE Proposed Use: new residential home	12/20/2005	BENCHMARK HOMES, INC.	FINAL	8/1/2006	No	ALBERCHT
05-1836	109 PINEVIEW CIRCLE Proposed Use: new residential home	12/20/2005	BENCHMARK HOMES, INC.	FINAL	8/2/2006	Yes	ALBERCHT
06-290	9298 WIND CLAN TRAIL Proposed Use: NEW RESIDENTIAL HOME	02/20/2006	HOMES BY DESIGN BUILDERS LLC	FINAL	8/3/2006	Yes	HOMES BY DESIGN BUILDERS, LLC
0500899	8802 S. LAMHATTY LANE	06/07/2005	WILLIAM GARDNER	FINAL	8/3/2006	Yes	WILLIAM GARDNER
0500703	29865 GREGOR ST.	05/18/2005	MITCHELL HOMES	FINAL	8/3/2006	No	MITCHELL HOMES
05-1139	27514 HOBBY HORSE LANE Proposed Use: NEW RESIDENTIAL HOME	08/25/2005	MITCHELL HOMES	FINAL	8/4/2006	No	MITCHELL HOMES
05-1517	27528 HOBBY HORSE LANE Proposed Use: NEW RESIDENTIAL HOME	11/19/2005	MITCHELL HOMES	FINAL	8/4/2006	Yes	MITCHELL HOMES
05-1519	27450 HOBBY HORSE LANE Proposed Use: NEW RESIDENTIAL HOME	11/19/2005	MITCHELL HOMES	FINAL	8/4/2006	No	MITCHELL HOMES
05-1870	905 RYAN AVE. Proposed Use: NEW RESIDENTIAL HOME	12/29/2005	BENCHMARK HOMES, INC.	FINAL	8/4/2006	No	BENCHMARK HOMES
06-807	27955 HWY 98 STE. K & L Proposed Use: REMODEL	06/02/2006	COMMERCIAL RENOVATORS	FINAL	8/7/2006	No	MITCHELL COMPANY
0500080	29725 WOODROW LANE	01/12/2005	J. F. PATE & ASSOCIATES	FINAL	8/7/2006	No	HOLIDAY INN EXPRESS
05-1870	905 RYAN AVE. Proposed Use: NEW RESIDENTIAL HOME	12/29/2005	BENCHMARK HOMES, INC.	FINAL	8/8/2006	No	BENCHMARK HOMES
06-230	25355 PROFIT DR. Proposed Use: NEW COMMERCIAL BUILDING	02/14/2006	OWNER	FINAL	8/8/2006	No	JANET WHITE PENRY
05-1138	8364 PREAKNESS CT Proposed Use: NEW RESIDENTIAL HOME	08/25/2005	MITCHELL HOMES	FINAL	8/9/2006	Yes	MITCHELL HOMES
0500498	29895 ST. HELEN ST.	04/14/2005	MITCHELL HOMES	FINAL	8/9/2006	No	MITCHELL HOMES
06-70	27572 CLAIBORNE CIR Proposed Use: NEW RESIDENTIAL HOME	01/18/2006	MCVAY CONSTRUCTION CO. INC.	FINAL	8/9/2006	No	MCVAY CONSTRUCTION
0500784	29937 ST. SIMON ST.		MITCHELL HOMES	FINAL	8/9/2006	Yes	MITCHELL HOMES
0400331	8076 HOLLEY CT	03/04/2004	COASTAL CARPENTRY	FINAL	8/9/2006	Yes	BANCROFT
05-1519	27450 HOBBY HORSE LANE Proposed Use: NEW RESIDENTIAL HOME	11/19/2005	MITCHELL HOMES	FINAL	8/9/2006	Yes	MITCHELL HOMES
06-807	27955 HWY 98 STE. K & L Proposed Use: REMODEL	06/02/2006	COMMERCIAL RENOVATORS	FINAL	8/9/2006	Yes	MITCHELL COMPANY

Permit #	Job Address	Issue Date	Contractor	Inspection	Date	Approved	Owner
0500703	29865 GREGOR ST.	05/18/2005	MITCHELL HOMES	FINAL	8/9/2006	Yes	MITCHELL HOMES
05-1763	30197 LOBLOLLY CIR.	12/07/2005	ELLIOTT BUILDERS, INC.	FINAL	8/10/2006	No	ELLIOTT BUILDERS
Proposed Use:	NEW RESIDENTIAL HOME						
06-59	615 MAGNOLIA AVE	01/17/2006	OWNER	FINAL	8/10/2006	Yes	JEFF LAND
Proposed Use:	VINYL SIDING						
0401549	8228 PINE RUN	12/30/2004	J. A. MACLAY, JR.	FINAL	8/10/2006	No	J.A. MACLAY, JR.
06-674	102 WILDWOOD DRIVE	05/09/2006	HERITAGE HOMES OF MOBILE	FINAL	8/10/2006	No	HERITAGE HOMES OF MOBILE
Proposed Use:	NEW RESIDENTIAL						
05-1139	27514 HOBBY HORSE LANE	08/25/2005	MITCHELL HOMES	FINAL	8/11/2006	Yes	MITCHELL HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-674	102 WILDWOOD DRIVE	05/09/2006	HERITAGE HOMES OF MOBILE	FINAL	8/15/2006	Yes	HERITAGE HOMES OF MOBILE
Proposed Use:	NEW RESIDENTIAL						
05-1740	9380 MARCHAND AVE	11/29/2005	G.E. HOMES	FINAL	8/17/2006	No	G.E. HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-240	1013 DAPHNE AVE	02/14/2006	STEADMAN CONTRACTING SERVICE	FINAL	8/18/2006	Yes	EASTERN SHORE SELF STORAGE D
Proposed Use:	NEW COMMERCIAL BUILDING						
0500897	29835 GREGOR ST.	05/18/2005	MITCHELL HOMES	FINAL	8/18/2006	No	MITCHELL HOMES
0500080	29725 WOODROW LANE	01/12/2005	J. F. PATE & ASSOCIATES	FINAL	8/18/2006	No	HOLIDAY INN EXPRESS
06-289	27595 CLAIBORNE CIR	02/20/2006	HONS BUILDERS	FINAL	8/18/2006	No	HONS BUILDERS
Proposed Use:	NEW RESIDENTIAL HOME						
05-967	26125 VIA DEL SAN FRANCESCO	08/16/2005	L AND P BUILDERS, INC.	FINAL	8/18/2006	No	L AND P BUILDERS, INC.
Proposed Use:	NEW RESIDENTIAL HOME						
0500498	29895 ST. HELEN ST.	04/14/2005	MITCHELL HOMES	FINAL	8/18/2006	Yes	MITCHELL HOMES
06-289	27595 CLAIBORNE CIR	02/20/2006	HONS BUILDERS	FINAL	8/21/2006	No	HONS BUILDERS
Proposed Use:	NEW RESIDENTIAL HOME						
06-289	27595 CLAIBORNE CIR	02/20/2006	HONS BUILDERS	FINAL	8/21/2006	Yes	HONS BUILDERS
Proposed Use:	NEW RESIDENTIAL HOME						
05-1126	9064 BROOKSIDE LANE	08/24/2005	ADAMS HOMES, LLC	FINAL	8/21/2006	No	ADAMS HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-230	25355 PROFIT DR.	02/14/2006	OWNER	FINAL	8/21/2006	Yes	JANET WHITE PENRY
Proposed Use:	NEW COMMERCIAL BUILDING						
05-1393	9708 BELLA DRIVE	10/25/2005	M D PRICE BUILDER, LLC	FINAL	8/22/2006	No	M D PRICE BUILDER, LLC
Proposed Use:	NEW RESIDENTIAL HOME						
05-967	26125 VIA DEL SAN FRANCESCO	08/16/2005	L AND P BUILDERS, INC.	FINAL	8/22/2006	Yes	L AND P BUILDERS, INC.
Proposed Use:	NEW RESIDENTIAL HOME						
06-582	27214 ELISE CT	04/20/2006	BENCHMARK HOMES, INC.	FINAL	8/22/2006	Yes	BENCHMARK HOMES
Proposed Use:	NEW RESIDENTIAL HOME						

Permit #	Job Address	Issue Date	Contractor	Inspection	Date	Approved	Owner
06-85	1439 POLLARD RD	01/23/2006	SNOW HOMES	FINAL	8/22/2006	No	SNOW HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-224	27994 OAKACHOY LOOP	02/13/2006	J.K. NELSON CONSTRUCTION LLC	FINAL	8/22/2006	No	J.K. NELSON CONSTRUCTION LLC
Proposed Use:	NEW RESIDENTIAL HOME						
05-1740	9380 MARCHAND AVE	11/29/2005	G.E. HOMES	FINAL	8/22/2006	Yes	G.E. HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
0500080	29725 WOODROW LANE	01/12/2005	J. F. PATE & ASSOCIATES	FINAL	8/23/2006	No	HOLIDAY INN EXPRESS
05-1870	905 RYAN AVE.	12/29/2005	BENCHMARK HOMES, INC.	FINAL	8/23/2006	Yes	BENCHMARK HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
05-1393	9708 BELLA DRIVE	10/25/2005	M D PRICE BUILDER, LLC	FINAL	8/24/2006	No	M D PRICE BUILDER, LLC
Proposed Use:	NEW RESIDENTIAL HOME						
0500080	29725 WOODROW LANE	01/12/2005	J. F. PATE & ASSOCIATES	FINAL	8/24/2006	Yes	HOLIDAY INN EXPRESS
06-224	27994 OAKACHOY LOOP	02/13/2006	J.K. NELSON CONSTRUCTION LLC	FINAL	8/24/2006	Yes	J.K. NELSON CONSTRUCTION LLC
Proposed Use:	NEW RESIDENTIAL HOME						
05-1190	7923 PINE RUN	09/13/2005	CHRIS LEIGH HOMES, INC.	FINAL	8/24/2006	Yes	CHRIS LEIGH HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-132	313 RIDGEWOOD DR	01/30/2006	WESTERN GATE CONSTRUCTION	FINAL	8/24/2006	Yes	WESTERN GATE CONSTRUCTION
Proposed Use:	NEW RESIDENTIAL HOME						
06-115	9500 BELLA DR	01/27/2006	HYMAN HOMES, INC.	FINAL	8/24/2006	Yes	HYMAN HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-768	6900-1 HWY 90	05/24/2006	OWNER	FINAL	8/25/2006	No	BPM CONSTRUCTION
Proposed Use:	TENANT BUILD OUT						
05-1393	9708 BELLA DRIVE	10/25/2005	M D PRICE BUILDER, LLC	FINAL	8/25/2006	Yes	M D PRICE BUILDER, LLC
Proposed Use:	NEW RESIDENTIAL HOME						
05-1778	27942 OAKACHOY LOOP	12/08/2005	HOME OWNER	FINAL	8/25/2006	No	RACHEL BRINGHURST
Proposed Use:	new residential home						
06-985	27538 STRATFORD GLEN DR	07/12/2006	HORIZON SUNROOMS OF ALABAMA	FINAL	8/25/2006	Yes	DONALD WILSON & JEANNE NEMET
Proposed Use:	ADDITION						
06-384	30941 MILLS LANE	03/13/2006	STUART CONTRACTING CO., INC.	FINAL	8/28/2006	Yes	STUART CONTRACTING
Proposed Use:	NEW COMMERCIAL BUILDING						
0500697	29835 GREGOR ST.	05/18/2005	MITCHELL HOMES	FINAL	8/28/2006	Yes	MITCHELL HOMES
06-384	30941 MILLS LANE	03/13/2006	STUART CONTRACTING CO., INC.	FINAL	8/28/2006	No	STUART CONTRACTING
Proposed Use:	NEW COMMERCIAL BUILDING						
0500035	8255 PECAN CT	01/07/2005	LIPSCOMB HOMES LLC	FINAL	8/29/2006	No	LIPSCOMB HOMES
06-563	8042 DEERWOOD DRIVE	04/17/2006	ADAMS HOMES, LLC	FINAL	8/29/2006	No	ADAMS HOMES
Proposed Use:	NEW BUILDING PERMIT						
0500488	8165 PECAN CT	04/13/2005	LIPSCOMB HOMES LLC	FINAL	8/29/2006	No	LIPSCOMB HOMES

Permit #	Job Address	Issue Date	Contractor	Inspection	Date	Approved	Owner
06-73	9568 MARCHAND AVE	01/18/2006	G.E. HOMES	FINAL	8/29/2006	Yes	G.E. HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
05-1168	8249 PECAN CT	09/08/2005	LIPSCOMB HOMES LLC	FINAL	8/29/2006	No	LIPSCOMB HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
05-1804	8258 PECAN CT	12/15/2005	LIPSCOMB HOMES LLC	FINAL	8/29/2006	No	LIPSCOMB HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
05-1357	8195 PECAN CT	10/18/2005	LIPSCOMB HOMES LLC	FINAL	8/29/2006	No	LIPSCOMB HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
05-1356	8261 PECAN CT	10/18/2005	LIPSCOMB HOMES LLC	FINAL	8/29/2006	No	LIPSCOMB HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
05-1778	27942 OAKACHOY LOOP	12/08/2005	HOME OWNER	FINAL	8/30/2006	Yes	RACHEL BRINGHURST
Proposed Use:	new residential home						
06-563	8042 DEERWOOD DRIVE	04/17/2006	ADAMS HOMES, LLC	FINAL	8/30/2006	Yes	ADAMS HOMES
Proposed Use:	NEW BUILDING PERMIT						
06-85	1439 POLLARD RD	01/23/2006	SNOW HOMES	FINAL	8/30/2006	Yes	SNOW HOMES
Proposed Use:	NEW RESIDENTIAL HOME						
06-724	193 LAKEVIEW LOOP	05/17/2006	BENCHMARK HOMES, INC.	FINAL	8/31/2006	No	BENCHMARK HOMES
Proposed Use:	NEW RESIDENTIAL HOME						

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR AUGUST 2006

SUBDIVISIONS CORPORATE LIMITS	NUMBER OF LOTS	NO. RESIDENTIAL AND COMMERCIAL PERMITS ISSUED
ASHLEY PLACE, PHASE ONE	20	
AUSTIN PLACE, PHASE ONE	14	
AUSTIN PLACE, PHASE TWO	9	
BELLATON, PHASE ONE	59	
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
BROOKSIDE, PHASE ONE		
CANTERBURY PLACE, PHASE ONE	36	
CANTERBURY PLACE, PHASE TWO	34	
CANTERBURY PLACE, PHASE THREE	40	
CANTERBURY PLACE, PHASE FOUR	13	
CHARLESTON OAKS, PHASE ONE	24	
CHATEAUGUAY SQUARE, PHASE ONE	12	
CREEKSIDE, PHASE ONE	37	
CREEKSIDE, PHASE TWO	50	
CREEKSIDE, PHASE THREE	5	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	2
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	
FRENCH SETTLEMENT, PHASE ONE	31	1
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	7
HISTORIC MALBIS, PHASE TWO, PART B	69	1
HISTORIC MALBIS, PHASE THREE, PART A	8	
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	
LAKE FOREST		4

PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR AUGUST 2006

LAUREL PLACE, PHASE ONE	15	
MADISON PLACE, PHASE ONE	67	
MADISON PLACE, PHASE TWO		
OAKSTONE, PHASE ONE	12	
OTTAWA SPRINGS, PHASE ONE	64	
PECAN TRACE, PHASE ONE	29	
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	1
SEHOY, PHASE FIVE	29	1
STRATFORD GLEN, PHASE ONE	34	
STRATFORD GLEN, PHASE ONE B	17	
STRATFORD GLEN, PHASE TWO	29	
STRATFORD GLEN, PHASE THREE	47	
SUNSET BAY VILLAS		
TIAWASEE TRACE, PHASE ONE	51	
TIMBERCREEK, PHASE ONE	191	
TIMBERCREEK, PHASE TWO	81	3
TIMBERCREEK, PHASE THREE	54	
TIMBERCREEK, PHASE FOUR	55	2
TIMBERCREEK, PHASE FIVE	26	
TIMBERCREEK, PHASE SIX	85	
TIMBERCREEK, PHASE SEVEN	72	
TIMBERCREEK, PHASE EIGHT	52	1
TIMBERCREEK, PHASE NINE	93	3
TIMBERCREEK, PHASE TEN	31	
TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	

SITE CONTAINMENT INSPECTIONS

Oct. 27-Present

Month	Documented Site Inspection	Satisfactory Site Conditions	UnSatisfactory Site Conditions	Needs Improvements Site Conditions	Complaints	Inspected Un-permitted Sites	Collected Un-permitted Fees	Sites Stop Work Issued
October	32	23	9	0	0	0	0	0
November	117	62	23	32	1	1	\$3099.00	0
December	52	9	5	38	3	3	\$1809.50	0
January	71	3	32	36	3	1	\$1540.00	5
February	78 (13NE)	3	15	47	10	0	\$0000.00	2
March	71 (9NE)	3	18	41	3	0	\$0000.00	2
April	66 (8NE)	6	29	23	8	1	\$22,511.02	0
May	85 (5NE)	5	17	58	0	1	\$13,930.00	1
June	86 (8NE)	12	18	48	3	0	0	1
July	66 (2NE)	4	8	52	0	0	0	1
August	76 (3NE)	11	4	58	3	0		1
Totals	800	141	178	433	34	7	\$42,889.52	13

Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

Minutes of Meeting

August 3, 2006 - 10:00 AM

Meeting: General Membership Meeting

Invitees:

City Liaison: Marshall Parsons, Marjorie Bellue

Members:

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

I. Call to order – 10:05 a.m.

II. Roll call – Present – Carollee Grindel, Frieda Romanchuck, Jerry Guillott, Tomasina Werner, Dorothy Rankins, Bea Wilson, Audrey Rouire, Patty Kearney, Anne Talton, Marjorie Bellue and Marshall Parsons. Also one visitor, Selena Vaughn

III. Approval of minutes – The minutes of the July meeting were read, corrected and approved.

IV. Sub-Committee Reports

- a) Butterfly Gardens – Carollee Grindel reported that this committee met and worked up a budget request of \$3,000 for landscaping and irrigation plus \$1,000 for plantings of shrubs. A total of \$4,000 to request from the city.
- b) Arbor Day – This committee will need to meet in September to start preparing for February 24, 2007.

V. Open business –

- 1. Charter – Carollee asked everyone to look over the latest Revision for discussion next month.

2. Publicity – Tomasina Werner asked us to review and comment on the outline of her article that would give the committee needed publicity. The title of the article is “Something Worth Leaving Behind” – We’re working on it! Each section of the outline was discussed, corrected and worked on.

VI. New Business

1. Budget

- a. 2006 Update – A frame is needed to complete the Gateway sign on Hwy. 98. A motion was made by Dottie Rankins and seconded by Jerry Guillott to spend \$1,000 to build the frame.
- b. 2007 Plan – This plan was presented to the committee by Carollee Grindel and Frieda Romanchuck. Because the Budget deadline had been moved up, they had been working to get this budget proposal to us by the August 3, meeting. The budget requests for the Gateway signs, D’Olive Park Butterfly Gardens, Christmas Decorations, Observation Deck at Scenic Overlook and Continuing Operation budgets were carefully discussed, evaluated and adjusted. A motion was made by Dottie Rankins and seconded by Bea Wilson that the budget was approved and submitted to council. The vote was unanimously approved.

VII. Public Works Report - none

VIII. Adjournment – 11:36 a.m.

Respectfully Submitted,

Anne Talton, Secretary

**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:

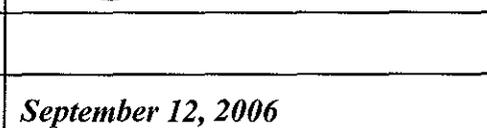
RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

**CITY OF DAPHNE
PARADE PERMIT**

ORGANIZATION:	<i>Daphne High School</i>
CONTACT PERSON:	<i>Col. Smith</i>
ADDRESS:	<i>9300 Lawson Road Daphne, AL</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>948-7211 / Cell# 978-6654 626-0096 / 626-8787</i>
TYPE OF PARADE:	<i>Homecoming Parade</i>
DATE OF PARADE:	<i>September 28, 2006 - Thursday</i>
ROUTE TO BE TRAVELED:	<i>Start at Civic Center to Main St. - Main St. to College Ave. - College Ave. to 6th St. - 6th St. to Main St. - Main St. to Daphne Elementary</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>350 People / 25-30 Floats & Cars</i>
START TIME:	<i>4:00 P.M. "Sharp"</i>
STOP TIME:	<i>5:00 -5:15 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Marching Units - Daphne Elementary Floats & Cars - Civic Center</i>
ASSEMBLY TIME:	<i>3:00 P.M.</i>
SPECIAL REQUEST:	
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief Mund Hanson	
PUBLIC WORKS: Ken Eslava	
CITY COUNCIL:	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 12, 2006</i>
NOTIFICATION:	

**CITY OF DAPHNE
PARADE PERMIT**

ORGANIZATION:	<i>Bounds Family YMCA</i>
CONTACT PERSON:	<i>Garilynn Gillespie</i>
ADDRESS:	<i>8051 Whispering Pines Road Daphne, AL</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>402-2716 626-0888 / 626-5104</i>
TYPE OF PARADE:	<i>2 Mile Fun Run</i>
DATE OF PARADE:	<i>October 20, 2006 - Friday</i>
ROUTE TO BE TRAVELED:	<i>"See attached map"</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>150 - 200</i>
START TIME:	<i>6:00 P.M.</i>
STOP TIME:	<i>7:30 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Whispering Pines Road @Bounds YMCA</i>
ASSEMBLY TIME:	<i>5:30 P.M.</i>
SPECIAL REQUEST:	<i>Roads Closed per map</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief Mund Hanson	
PUBLIC WORKS: Ken Eslava	
CITY COUNCIL:	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 11, 2006</i>
NOTIFICATION:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO. 2006-76

**A RESOLUTION SUPPORTING THE ESTABLISHMENT
OF A MOBILE
NATIONAL CEMETERY ANNEX IN SOUTH ALABAMA**

WHEREAS, the United States Department of Veterans’ Affairs, through the National Cemetery Administration honors veterans with final resting places in national shrines and with lasting tributes that commemorate their service to our nation; and,

WHEREAS, the Mobile National Cemetery, Mobile, Alabama administered by the Barrancas National Cemetery, Pensacola, Florida is closed to new interments; and

WHEREAS, no place exists in South Alabama to honor and lay to rest our United States Veterans; and

WHEREAS, the opportunity to serve this great need based on appropriated funding, available land, the interest of Alabama cities, towns and communities, governmental entities, military organizations, veterans, their families, and the many patriotic citizens of South Alabama is now at hand.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA to support the establishment of a Mobile National Cemetery Annex to be located in Baldwin County and Administered by the United Stated Department of Veterans’ Affairs.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABMA this the _____ day of _____, 2006.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

RESOLUTION 2006-77

Amending Resolution 2006-42 authorizing Mayor to enter into Development Agreement with Malbis Properties, LLC

WHEREAS, Resolution 2006-42 as adopted April 17, 2006, authorized the Mayor to execute the Development Agreement with Malbis Properties, LLC; and

WHEREAS, such Resolution authorized the city to enter into indebtedness in the sum of Eight Million, Eight Hundred Thousand Dollars (\$ 8,800,000); and

WHEREAS, such \$ 8,800,000 indebtedness was for Public Improvements Costs and did not include the costs of issuance; and

WHEREAS, certain issuance expenses, including financial and legal advisory fees, have been incurred as a part of the issuance of the Limited Obligation Special Tax Warrants; and

WHEREAS the Development Agreement dated April 17, 2006, states that the Warrants will be issued for an amount equal to the cost of the Public Improvements in addition to the costs of issuance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Daphne that Resolution 2006-42 is hereby amended to authorize the city to enter into indebtedness in the sum of Eight Million, Eight Hundred Thousand dollars (\$ 8,800,000) plus issuance costs not to exceed Three Hundred Seventy-Five Thousand Dollars (\$ 375,000) for a total indebtedness not to exceed Nine Million One Hundred Seventy-Five Thousand Dollars (\$ 9,175,000) according to the terms of the Malbis Properties LLC Development Agreement approved and adopted April 17, 2006.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2006-78

Retiree Cost of Living
Act 2006-510

WHEREAS, Act 2006-510 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 on or before September 1, 2005; and

WHEREAS, such cost-of-living increase is equal to seven percent (7%) of the current gross benefit, including all previous increases, paid to retiree or to beneficiary of deceased member or deceased retiree, with a minimum monthly increase of \$ 25.00.

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 Act 2006-510 of the First Special Session of the 2006 Legislature and
- 2) Agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the increase as provided for by said Act for those eligible employees retired from the City of Daphne with the aforementioned increase being effective with the October 2006 benefit payments.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2006.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

Resolution 2006-79

**RESOLUTION: 2006-CC-HIGHWAY 64 NRCS
DAP-0905-01 Agreement No. 69-4101-6-30**

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

WHEREAS, the City of Daphne acknowledges that HIGHWAY 64 NRCS - DAP-0905-01 will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the HIGHWAY 64 NRCS - DAP-0905-01 and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for HIGHWAY 64 NRCS - DAP-0905-01 be awarded to Asphalt Supply, LLC.;

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 Asphalt Supply, LLC. in the amount of \$161,950.56 as specified in BID SPECIFICATION NO. 2006-CC-HIGHWAY 64 NRCS - DAP-0905-01 Agreement no: 69-4101-6-30.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 18th day of September , 2006.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

**RESOLUTION 2006-80
2006-JJ-MAYDAY PARK BOARDWALK**

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

WHEREAS, the City of Daphne is the recipient of a Recreational Trails Grant: 06-RT-53-001 in the amount of \$64,000; and

WHEREAS, such Recreational Trails Grant shall be used for the construction of the Mayday Park Boardwalk; and

WHEREAS, the City of Daphne did advertise for bids for the construction of an Mayday Park Boardwalk in The Bulletin on August 19 and 23, 2006, and in the Mobile Register on August 23, 2006 and did open bids for construction on September 6, 2006 at the Daphne City Hall in Daphne, Alabama and;

WHEREAS, the City of Daphne did receive and review bids for the MAYDAY PARK BOARDWALK and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for MAYDAY PARK BOARDWALK be awarded to Trawick Contractors, 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 from Trawick Contractors, Inc. in the amount of \$105,015.50 as specified in BID SPECIFICATION NO. 2006-JJ-MAYDAY PARK BOARDWALK.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 18th day of September , 2006.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE NO. 2006 - 67

**Ordinance to Rezone Property Located off of U.S. 98 Highway by
Cypress Pointe LLC /
Cypress Pointe Apartments**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to MU, Mixed-Use District, said property is located off of U.S. 98 Highway in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCE AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358.00 FEET MORE OR LESS TO A POINT (NORTH 44°48'48" WEST, A DISTANCE OF 304.30 FEET); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348.00 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT, (THAT FALLS IN A BEAVER POND); THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to MU, Mixed-Use District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam
Council President
Date & Time Signed:_____

Fred Small
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

MERRITT PROPERTY - EXHIBIT "A"

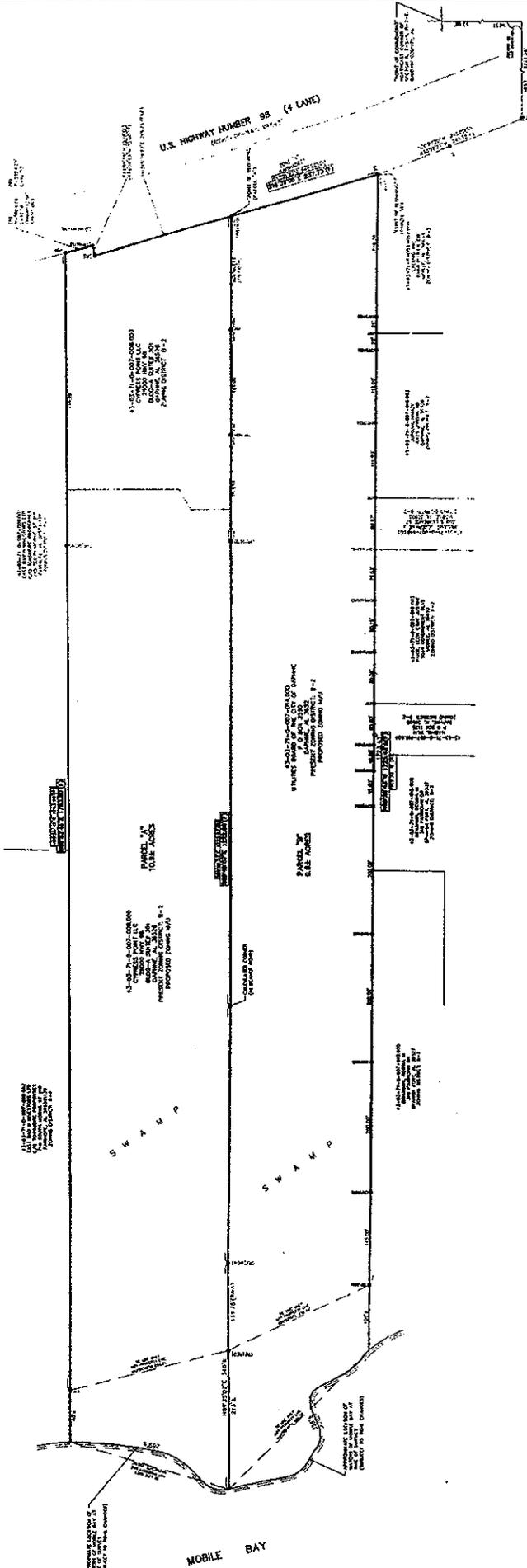
CYPRESS POINTE VILLAGE

PARCEL "A" LEGAL DESCRIPTION:

COMMENCE AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358.00 FEET MORE OR LESS TO A POINT (NORTH 44°48'48" WEST, A DISTANCE OF 304.30 FEET); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348.00 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT, (THAT FALLS IN A BEAVER POND); THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

REVISED LEGAL

CYPRESS POINT, L.L.C.
ZONING AMENDMENT EXHIBIT "B"



LEGAL DESCRIPTIONS

LEGAL DESCRIPTIONS

SECTION 1: A certain parcel of land, more or less, situated in the County of Baldwin, State of Alabama, and being more particularly described as follows: ...

SECTION 2: A certain parcel of land, more or less, situated in the County of Baldwin, State of Alabama, and being more particularly described as follows: ...

SECTION 3: A certain parcel of land, more or less, situated in the County of Baldwin, State of Alabama, and being more particularly described as follows: ...

LEGEND

10	ROAD WITH EASEMENTS OR RIGHTS
11	ADJACENT PROPERTY OR DISTANCE
12	ADJACENT PROPERTY OR DISTANCE
13	ADJACENT PROPERTY OR DISTANCE
14	ADJACENT PROPERTY OR DISTANCE
15	ADJACENT PROPERTY OR DISTANCE
16	ADJACENT PROPERTY OR DISTANCE
17	ADJACENT PROPERTY OR DISTANCE
18	ADJACENT PROPERTY OR DISTANCE
19	ADJACENT PROPERTY OR DISTANCE
20	ADJACENT PROPERTY OR DISTANCE

McCrorry Williams
ENGINEERS SURVEYORS

1000 CHERRY ROAD, ANNE MARSH, ALABAMA 36604
PHONE: (205) 925-8912 FAX: (205) 925-9140
Email: mwilliams@mcwilliams.com

ZONING AMENDMENT FOR CYPRESS POINT AND UTILITY BOARD

CHART NO. 7-1-0-5, 8-1-0-5, BALDWIN COUNTY, AL

SCALE: 1"=100'

DATE: MAY 1, 2009

APPROVED BY: [Signature]

JOB NO. 12003-1002

SHEET 1 OF 1

ORDINANCE NO. 2006 - 68

**Ordinance to Rezone Property Located off of U.S. 98 Highway by
Utility Board for Cypress Pointe Village**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to MU, Mixed-Use District, said property is located off of U.S. 98 Highway in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET MEASURED WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358 FEET MORE OR LESS TO A POINT (THAT BEARS NORTH 44°48'48" WEST AND MEASURES, 304.30 FEET FROM THE LAST DESCRIBED POINT); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT THAT FALLS IN A BEAVER POND; THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to MU, Mixed-Use District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam
Council President
Date & Time Signed:_____

Fred Small
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

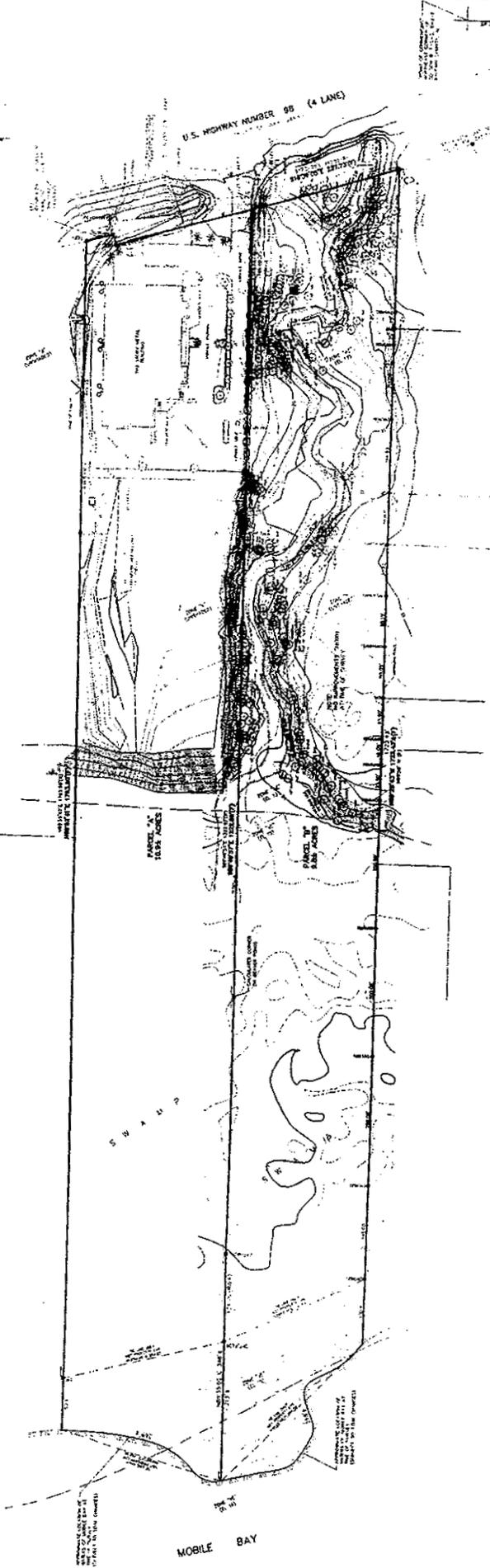
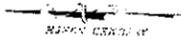
DAPHNE UTILITIES PROPERTY - EXHIBIT "A"

CYPRESS POINTE VILLAGE

PARCEL "B" LEGAL DESCRIPTION:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET MEASURED WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358 FEET MORE OR LESS TO A POINT (THAT BEARS NORTH 44°48'48" WEST AND MEASURES, 304.30 FEET FROM THE LAST DESCRIBED POINT); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT THAT FALLS IN A BEAVER POND; THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

REVISED LEGAL



FIELD NOTES:
 THIS SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD ON THE 15TH DAY OF APRIL 1958. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1946 AND THE SURVEYING ACT OF 1954. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1946 AND THE SURVEYING ACT OF 1954. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1946 AND THE SURVEYING ACT OF 1954.

NOTES:
 THIS SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD ON THE 15TH DAY OF APRIL 1958. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1946 AND THE SURVEYING ACT OF 1954. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1946 AND THE SURVEYING ACT OF 1954. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1946 AND THE SURVEYING ACT OF 1954.

LEGEND	
1	1/4 SECTION
2	1/2 SECTION
3	3/4 SECTION
4	SECTION
5	1/4 SECTION (ADJACENT TO SECTION)
6	1/2 SECTION (ADJACENT TO SECTION)
7	3/4 SECTION (ADJACENT TO SECTION)
8	SECTION (ADJACENT TO SECTION)
9	1/4 SECTION (ADJACENT TO SECTION)
10	1/2 SECTION (ADJACENT TO SECTION)
11	3/4 SECTION (ADJACENT TO SECTION)
12	SECTION (ADJACENT TO SECTION)
13	1/4 SECTION (ADJACENT TO SECTION)
14	1/2 SECTION (ADJACENT TO SECTION)
15	3/4 SECTION (ADJACENT TO SECTION)
16	SECTION (ADJACENT TO SECTION)
17	1/4 SECTION (ADJACENT TO SECTION)
18	1/2 SECTION (ADJACENT TO SECTION)
19	3/4 SECTION (ADJACENT TO SECTION)
20	SECTION (ADJACENT TO SECTION)
21	1/4 SECTION (ADJACENT TO SECTION)
22	1/2 SECTION (ADJACENT TO SECTION)
23	3/4 SECTION (ADJACENT TO SECTION)
24	SECTION (ADJACENT TO SECTION)
25	1/4 SECTION (ADJACENT TO SECTION)
26	1/2 SECTION (ADJACENT TO SECTION)
27	3/4 SECTION (ADJACENT TO SECTION)
28	SECTION (ADJACENT TO SECTION)
29	1/4 SECTION (ADJACENT TO SECTION)
30	1/2 SECTION (ADJACENT TO SECTION)
31	3/4 SECTION (ADJACENT TO SECTION)
32	SECTION (ADJACENT TO SECTION)
33	1/4 SECTION (ADJACENT TO SECTION)
34	1/2 SECTION (ADJACENT TO SECTION)
35	3/4 SECTION (ADJACENT TO SECTION)
36	SECTION (ADJACENT TO SECTION)
37	1/4 SECTION (ADJACENT TO SECTION)
38	1/2 SECTION (ADJACENT TO SECTION)
39	3/4 SECTION (ADJACENT TO SECTION)
40	SECTION (ADJACENT TO SECTION)

LEGAL DESCRIPTIONS

LEGAL DESCRIPTIONS OF THE PARCELS SHOWN ON THIS MAP. THE PARCELS ARE DESCRIBED AS FOLLOWS: PARCEL NO. 1835 JONES, PARCEL NO. 1836 JONES, PARCEL NO. 1837 JONES, PARCEL NO. 1838 JONES, PARCEL NO. 1839 JONES, PARCEL NO. 1840 JONES, PARCEL NO. 1841 JONES, PARCEL NO. 1842 JONES, PARCEL NO. 1843 JONES, PARCEL NO. 1844 JONES, PARCEL NO. 1845 JONES, PARCEL NO. 1846 JONES, PARCEL NO. 1847 JONES, PARCEL NO. 1848 JONES, PARCEL NO. 1849 JONES, PARCEL NO. 1850 JONES, PARCEL NO. 1851 JONES, PARCEL NO. 1852 JONES, PARCEL NO. 1853 JONES, PARCEL NO. 1854 JONES, PARCEL NO. 1855 JONES, PARCEL NO. 1856 JONES, PARCEL NO. 1857 JONES, PARCEL NO. 1858 JONES, PARCEL NO. 1859 JONES, PARCEL NO. 1860 JONES, PARCEL NO. 1861 JONES, PARCEL NO. 1862 JONES, PARCEL NO. 1863 JONES, PARCEL NO. 1864 JONES, PARCEL NO. 1865 JONES, PARCEL NO. 1866 JONES, PARCEL NO. 1867 JONES, PARCEL NO. 1868 JONES, PARCEL NO. 1869 JONES, PARCEL NO. 1870 JONES, PARCEL NO. 1871 JONES, PARCEL NO. 1872 JONES, PARCEL NO. 1873 JONES, PARCEL NO. 1874 JONES, PARCEL NO. 1875 JONES, PARCEL NO. 1876 JONES, PARCEL NO. 1877 JONES, PARCEL NO. 1878 JONES, PARCEL NO. 1879 JONES, PARCEL NO. 1880 JONES, PARCEL NO. 1881 JONES, PARCEL NO. 1882 JONES, PARCEL NO. 1883 JONES, PARCEL NO. 1884 JONES, PARCEL NO. 1885 JONES, PARCEL NO. 1886 JONES, PARCEL NO. 1887 JONES, PARCEL NO. 1888 JONES, PARCEL NO. 1889 JONES, PARCEL NO. 1890 JONES, PARCEL NO. 1891 JONES, PARCEL NO. 1892 JONES, PARCEL NO. 1893 JONES, PARCEL NO. 1894 JONES, PARCEL NO. 1895 JONES, PARCEL NO. 1896 JONES, PARCEL NO. 1897 JONES, PARCEL NO. 1898 JONES, PARCEL NO. 1899 JONES, PARCEL NO. 1900 JONES, PARCEL NO. 1901 JONES, PARCEL NO. 1902 JONES, PARCEL NO. 1903 JONES, PARCEL NO. 1904 JONES, PARCEL NO. 1905 JONES, PARCEL NO. 1906 JONES, PARCEL NO. 1907 JONES, PARCEL NO. 1908 JONES, PARCEL NO. 1909 JONES, PARCEL NO. 1910 JONES, PARCEL NO. 1911 JONES, PARCEL NO. 1912 JONES, PARCEL NO. 1913 JONES, PARCEL NO. 1914 JONES, PARCEL NO. 1915 JONES, PARCEL NO. 1916 JONES, PARCEL NO. 1917 JONES, PARCEL NO. 1918 JONES, PARCEL NO. 1919 JONES, PARCEL NO. 1920 JONES, PARCEL NO. 1921 JONES, PARCEL NO. 1922 JONES, PARCEL NO. 1923 JONES, PARCEL NO. 1924 JONES, PARCEL NO. 1925 JONES, PARCEL NO. 1926 JONES, PARCEL NO. 1927 JONES, PARCEL NO. 1928 JONES, PARCEL NO. 1929 JONES, PARCEL NO. 1930 JONES, PARCEL NO. 1931 JONES, PARCEL NO. 1932 JONES, PARCEL NO. 1933 JONES, PARCEL NO. 1934 JONES, PARCEL NO. 1935 JONES, PARCEL NO. 1936 JONES, PARCEL NO. 1937 JONES, PARCEL NO. 1938 JONES, PARCEL NO. 1939 JONES, PARCEL NO. 1940 JONES, PARCEL NO. 1941 JONES, PARCEL NO. 1942 JONES, PARCEL NO. 1943 JONES, PARCEL NO. 1944 JONES, PARCEL NO. 1945 JONES, PARCEL NO. 1946 JONES, PARCEL NO. 1947 JONES, PARCEL NO. 1948 JONES, PARCEL NO. 1949 JONES, PARCEL NO. 1950 JONES, PARCEL NO. 1951 JONES, PARCEL NO. 1952 JONES, PARCEL NO. 1953 JONES, PARCEL NO. 1954 JONES, PARCEL NO. 1955 JONES, PARCEL NO. 1956 JONES, PARCEL NO. 1957 JONES, PARCEL NO. 1958 JONES, PARCEL NO. 1959 JONES, PARCEL NO. 1960 JONES, PARCEL NO. 1961 JONES, PARCEL NO. 1962 JONES, PARCEL NO. 1963 JONES, PARCEL NO. 1964 JONES, PARCEL NO. 1965 JONES, PARCEL NO. 1966 JONES, PARCEL NO. 1967 JONES, PARCEL NO. 1968 JONES, PARCEL NO. 1969 JONES, PARCEL NO. 1970 JONES, PARCEL NO. 1971 JONES, PARCEL NO. 1972 JONES, PARCEL NO. 1973 JONES, PARCEL NO. 1974 JONES, PARCEL NO. 1975 JONES, PARCEL NO. 1976 JONES, PARCEL NO. 1977 JONES, PARCEL NO. 1978 JONES, PARCEL NO. 1979 JONES, PARCEL NO. 1980 JONES, PARCEL NO. 1981 JONES, PARCEL NO. 1982 JONES, PARCEL NO. 1983 JONES, PARCEL NO. 1984 JONES, PARCEL NO. 1985 JONES, PARCEL NO. 1986 JONES, PARCEL NO. 1987 JONES, PARCEL NO. 1988 JONES, PARCEL NO. 1989 JONES, PARCEL NO. 1990 JONES, PARCEL NO. 1991 JONES, PARCEL NO. 1992 JONES, PARCEL NO. 1993 JONES, PARCEL NO. 1994 JONES, PARCEL NO. 1995 JONES, PARCEL NO. 1996 JONES, PARCEL NO. 1997 JONES, PARCEL NO. 1998 JONES, PARCEL NO. 1999 JONES, PARCEL NO. 2000 JONES.

Richard Williams
 APR 5, 1958
 SURVEYOR

BOUNDARY & TOPOGRAPHIC SURVEY FOR FINE ENTERPRISES			
DATE	APR 5, 1958	BY	RICHARD WILLIAMS
SCALE	AS SHOWN	PROJECT	MOBILE BAY
JOB NO.	1835-1900	SHEET	1 OF 1

McCroskey Williams
 ENGINEERS & SURVEYORS

100 WEST 10TH AVENUE, SUITE 100, DENVER, CO. 80202
 PHONE: 333-1111
 FAX: 333-1111

ORDINANCE NO. 2006 - 69

**Ordinance to Rezone Property Located at 1401 Randall Avenue
Morse Subdivision**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located at 1401 Randall Avenue in Daphne, Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST , RUN WEST 574.5 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1, RANDALL’S SUBDIVISION ACCORDING TO PLAT RECORDED IN MISCELLANEOUS BOOK 1, PAGE 227 IN THE OFFICE OF THE PROBATE COURT OF BALDWIN COUNTY , ALABAMA; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 9 , 935 FEET , FOR A POINT OF BEGINNING , THENCE RUN SOUTH 278 FEET TO A POINT ON THE NORTH SIDE OF A 30 FOOT ROAD KNOWN AS RANDALL AVE. , THENCE RUN WEST 330 FEET TO THE POINT OF BEGINNING , CONTAINING TWO ACRES(2) MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day ____ day of _____, 2006.

Greg Burnam
Council President
Date & Time Signed:_____

Fred Small
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

VERNON H. MORSE AND SANRDA F. MORSE
1401 RANDALL AVE., DAPHNE, AL 36526
REZONING TO R-4

EXHIBIT "A"

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST , RUN WEST 574.5 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1, RANDALL'S SUBDIVISION ACCORDING TO PLAT RECORDED IN MISCELLANEOUS BOOK 1, PAGE 227 IN THE OFFICE OF THE PROBATE COURT OF BALDWIN COUNTY , ALABAMA; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 9 , 935 FEET , FOR A POINT OF BEGINNING , THENCE RUN SOUTH 278 FEET TO A POINT ON THE NORTH SIDE OF A 30 FOOT ROAD KNOWN AS RANDALL AVE. , THENCE RUN WEST 330 FEET TO THE POINT OF BEGINNING , CONTAINING TWO ACRES(2) MORE OR LESS.

ORDINANCE NO. 2006-71

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
MALBIS PLANTATION, INC
US Highway 90
(Property located West of the Aronov Development along US 90 Highway)**

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

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

“Exhibit A”

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°45'37"-E, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE N-00°45'37"-E, LEAVING SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN N-81°21'57"-E ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN S-00°54'09"-W, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN S-89°02'25"-W ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2006.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

Malbis Plantation, Inc.
Annexation of 100 acres West of Aranov Development

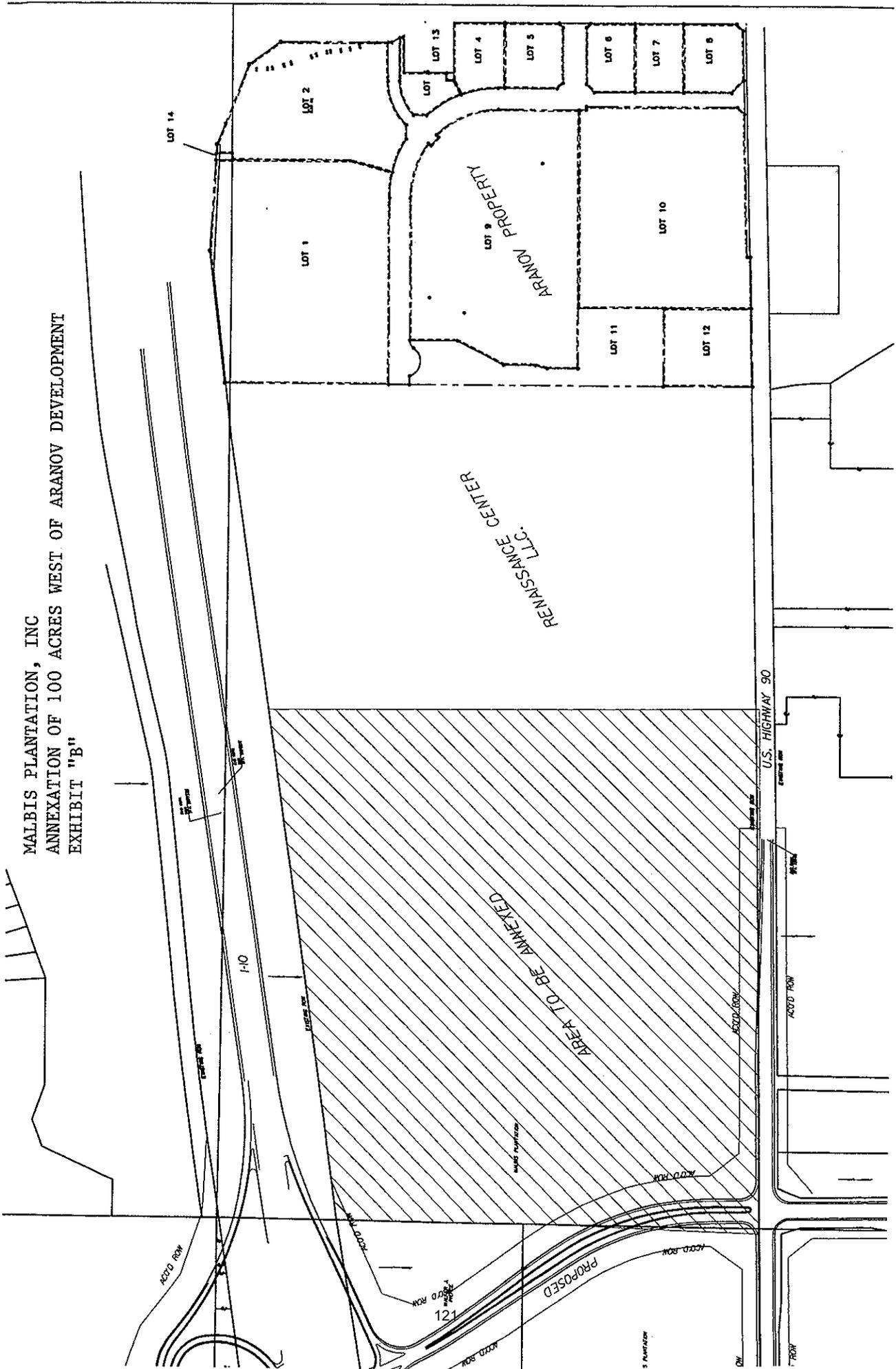
Exhibit "A"

Legal Description of Property:

OVERALL DESCRIPTION OF SURVEY:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°45'37"-E, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE N-00°45'37"-E, LEAVING SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN N-81°21'57"-E ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN S-00°54'09"-W, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN S-89°02'25"-W ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

MALBIS PLANTATION, INC
ANNEXATION OF 100 ACRES WEST OF ARANOV DEVELOPMENT
EXHIBIT "B"



**CITY OF DAPHNE
ORDINANCE NO. 2006-73**

**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, at their regular meeting held on July 27, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 September 5, 2006; and,

WHEREAS, the Mayor and City Council of the City of Daphne after due consideration believe the amendments to said Zoning District Map as requested by the Planning Commission are proper and in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY 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 the 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 setforth in Ordinance No. 2002-22.

SECTION II. REPEALER

Ordinance Nos. 2002-22, Appendix H “Exhibit A”, 2003-06, 2005-11, and Ordinance No. 2006-24 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 IV. EFFECTIVE DATE

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE _____ DAY OF _____, 2006.**

CITY OF DAPHNE

**GREG BURNAM
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL
MAYOR**

Date & Time Signed: _____

ATTEST:

**DAVID COHEN
CITY CLERK, MMC**

ORDINANCE 2006-75

AN ORDINANCE ADOPTING THE FISCAL YEAR 2007 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2007 which begins October 1, 2006 and ends September 30, 2007; 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 2007 budget attached hereto and made a part hereof for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007 is hereby approved and adopted on this the _____ of _____, 2006.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

**GENERAL FUND
FISCAL 2007 BUDGET SUMMARY**

Excess Estimated Revenues Over Approp & Other Financing Uses	1,086,181
Impact Fee Study	(70,000)
3% Cost of Living Adjustment	(276,478)
Flexible Spending Acct Fees	(3,240)
Sidewalks: Caroline Ave/Pinehill Rd	<u>(42,000)</u>
	(391,718)

Revised Excess Estimated Revenues Over Approp & Other Financing Uses	694,463
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**CAPITAL RESERVE FUND
FISCAL 2007 BUDGET SUMMARY**

Excess Estimated Revenues Over Approp & Other Financing Uses	718,087
May Day Park: Recreational Trails Grant	<u>(25,015)</u>
	(25,015)

Revised Excess Estimated Revenues Over Approp & Other Financing Uses	693,072
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**GENERAL FUND
FISCAL 2007 BUDGET SUMMARY**

Excess Estimated Revenues Over Approp & Other Financing Uses	1,086,181
Impact Fee Study	(70,000)
3% Cost of Living Adjustment	(276,478)
Flexible Spending Acct Fees	(3,240)
Sidewalks: Caroline Ave/Pinehill Rd	<u>(42,000)</u>
	(391,718)

Revised Excess Estimated Revenues Over Approp & Other Financing Uses	694,463
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**CAPITAL RESERVE FUND
FISCAL 2007 BUDGET SUMMARY**

Excess Estimated Revenues Over Approp & Other Financing Uses	718,087
May Day Park: Recreational Trails Grant	<u>(25,015)</u>
	(25,015)

Revised Excess Estimated Revenues Over Approp & Other Financing Uses	693,072
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**GENERAL FUND
FISCAL 2007 BUDGET SUMMARY**

	BUDGET <u>FY 07</u>	(Amended) BUDGET- <u>FY 06</u>	ACTUAL <u>FY 05</u>	ACTUAL <u>FY 04</u>
<u>ESTIMATED REVENUES</u>				
Sales & Use Taxes	11,892,975	10,618,586	10,708,261	9,289,925
Ad Valorem Taxes	3,331,000	3,267,000	3,015,895	2,935,349
Business Licenses	1,350,000	1,281,000	1,228,901	1,226,599
PILOT Taxes	1,345,000	1,243,500	1,239,320	1,218,170
Luxury Taxes	562,000	524,748	569,219	516,530
Permits	534,300	481,720	578,423	362,088
Court Collections	400,000	400,000	383,414	393,452
Intergovernmental	227,160	152,160	206,400	182,918
Fees & Charges	230,865	210,150	216,154	207,312
Recreation	120,800	119,530	123,639	120,649
Grants	15,000	70,000	84,529	110,305
Interest	166,000	65,000	67,359	60,776
Miscellaneous	7,900	22,602	148,257	274,838
Total Estimated Revenues	20,183,000	18,455,996	18,569,771	16,898,911
<u>APPROPRIATIONS</u>				
General Government	3,065,277	2,692,104	2,427,676	2,295,591
Public Safety	6,717,140	6,401,577	5,581,949	5,237,348
Public Works	4,024,829	4,300,079	3,750,781	3,285,489
Recreation & Library	1,629,555	1,845,856	1,807,653	1,557,684
Total Appropriations	15,436,801	15,239,616	13,568,059	12,376,112
Estimated Revenues Over Appropriations Before Other Financing Sources & Uses	4,746,199	3,216,380	5,001,712	4,522,799
<u>OTHER FINANCING SOURCES & USES</u>				
Gen Long Term Debt Proceeds	-	-	-	6,738
Trans from Other Funds	-	-	200	551
Other Financing Sources	-	-	200	7,290
Allow for Comp Absences/Pay Plan	-	(47,017)	-	-
Transfers to Debt Service Fund	(2,668,795)	(2,483,006)	(1,962,965)	(1,950,980)
Transfers to Capital Reserve	(500,000)	(500,000)	(403,740)	(159,916)
Transfers to 99 Construction Fund	-	-	-	(1,050,000)
Transfers to Enterprise Funds	(443,223)	(545,288)	(525,623)	(475,450)
Transfers to Special Revenue Funds	(48,000)	(36,987)	(115,455)	(385,275)
Other Financing Uses	(3,660,018)	(3,612,298)	(3,007,783)	(4,021,620)
Total Other FinSources (Uses)	(3,660,018)	(3,612,298)	(3,007,583)	(4,014,331)
Excess (Deficit) Est Rev Over (Under) Approp & Other Financing Uses	1,086,181	(395,918)	1,994,129	508,468

**ENTERPRISE FUND
FISCAL 2007 BUDGET SUMMARY**

	<u>2007</u>	2006 <u>Amended Budget</u>	<u>Actual</u>	
			<u>2005</u>	<u>2004</u>
<u>Revenues</u>				
Charges for Services	1,115,000	1,060,000	1,144,005	1,055,465
Rental Fees	<u>278,800</u>	<u>233,800</u>	<u>213,287</u>	<u>228,048</u>
	1,393,800	1,293,800	1,357,292	1,283,513
<u>Expenses</u>				
Garbage/Recycling	1,105,009	1,173,813	1,159,689	1,030,382
Civic Center	555,985	520,874	586,691	581,326
Bay Front Park	<u>166,038</u>	<u>144,401</u>	<u>136,535</u>	<u>122,171</u>
	1,827,032	1,839,088	1,882,915	1,733,879
<u>Other Financing Sources</u>				
Transfers from General Fund	443,223	545,288	525,623	475,449
Revenues & Other Financing Sources Over/(Under) Expenses	<u>9,991</u>	<u>-</u>	<u>-</u>	<u>25,083</u>

**DEBT SERVICE FUND
FISCAL YEAR 2007 BUDGET
with Prior Year Comparatives**

	<u>2003</u>	<u>2004</u>	<u>2005</u>	(Budget) <u>2006</u>	<u>2007</u>
<u>Financing Sources</u>					
Sales Tax- Jubilee Square	557,797.11	656,916.00	411,509.46	408,539.00	430,000.00
Interest	<u>27,598.06</u>	<u>11,691.32</u>	<u>26,872.92</u>	<u>20,000.00</u>	<u>30,000.00</u>
	585,395.17	668,607.32	438,382.38	428,539.00	460,000.00
<u>Transfers from Other Funds</u>					
Transfers from General Fund	2,319,414.12	1,950,980.00	1,962,964.98	2,483,006.00	2,668,795.00
Transfers from Lodging Tax	<u>201,544.67</u>	<u>213,182.75</u>	<u>250,759.02</u>	<u>163,768.00</u>	<u>167,134.00</u>
	2,520,958.79	2,164,162.75	2,213,724.00	2,646,774.00	2,835,929.00
Total Financing Sources	3,106,353.96	2,832,770.07	2,652,106.38	3,075,313.00	3,295,929.00
<u>Financing Uses</u>					
Warrants- Principal	590,764.59	551,908.83	773,248.49	784,638.00	1,396,110.00
Ltd Ob Revenue Warrants-Principal	112,363.88	123,319.36	135,343.00	148,539.00	163,020.00
Notes-Principal	131,997.86	40,569.37	100,609.39	-	-
Leases-Principal	380,820.83	377,069.12	351,206.79	182,554.00	-
Total Principal	1,215,947.16	1,092,866.68	1,360,407.67	1,115,731.00	1,559,130.00
Warrants- Interest	1,237,520.40	1,478,428.35	1,072,714.30	1,050,596.00	1,439,820.00
Ltd Ob Revenue Warrants-Interest	439,336.10	531,469.35	298,798.20	260,000.00	266,980.00
Notes-Interest	8,978.40	6,870.88	3,273.17	-	-
Leases-Interest	46,704.74	40,313.07	17,439.95	3,985.00	-
Total Interest	1,732,539.64	2,057,081.65	1,392,225.62	1,314,581.00	1,706,800.00
Total Debt Service	2,948,486.80	3,149,948.33	2,752,633.29	2,430,312.00	3,265,930.00
<u>Other Financing Sources (Uses)</u>					
Warrant Proceeds	6,455,000.00	-	-	-	-
Warrant Defeasance	(6,308,997.80)	-	-	-	-
Costs of Debt Issuance	<u>(144,478.37)</u>	-	-	-	-
	1,523.83	-	-	-	-
Financing Sources Over/(Under) Uses	159,390.99	(317,178.26)	(100,526.91)	645,001.00	29,999.00

CAPITAL PROJECTS FUND
Fiscal Year 2007 Budget

	Capital Reserve	2006 Constr Fund	2002 Ltd Ob Rev Constr Fund	2000 Constr Fund	1999 Constr Fund	1997 Constr Fund	1980's CDBG Repmnt	TOTAL
Estimated Revenues								
Interest	115,000	95,000	-	400	5,000	120	15	215,535
Alabama Trust Fund	100,000	-	-	-	-	-	-	100,000
Grants	89,000	-	-	-	-	-	-	89,000
Spec. Assmts	-	-	-	-	2,000	-	-	2,000
Annuity- Breland	-	-	44,087	-	-	-	-	44,087
CDBG Repayments	-	-	-	-	-	-	150	150
SubTotal	304,000	95,000	44,087	400	7,000	120	165	450,772
Appropriations								
Sidewalks	-	-	-	-	-	-	-	-
City Hall Construction	-	7,000,000	-	-	-	-	-	7,000,000
US 90 Sewer Improvements	-	2,400,000	-	-	-	-	-	2,400,000
Library Expansion	-	1,000,000	-	-	-	-	-	1,000,000
May Day Park Rec Trails Grant	80,000	-	-	-	-	-	-	80,000
May Day Park Restrooms	50,000	-	-	-	-	-	-	50,000
SubTotal	130,000	10,400,000	-	-	-	-	-	10,530,000
Transfers To/From Other Funds								
Transfers from 2002	44,087	-	-	-	-	-	-	44,087
Transfers from General Fund	500,000	-	-	-	-	-	-	500,000
Transfers to Cap Res	-	-	(44,087)	-	-	-	-	(44,087)
SubTotal	544,087	-	(44,087)	-	-	-	-	500,000
Est Rev Over (Under)								
Appropriations	718,087	(10,305,000)	-	400	7,000	120	165	(9,579,228)

SPECIAL REVENUES FUND
Fiscal Year 2007 Budget

	<u>Four Cent Gas Tax</u>	<u>Seven Cent Gas Tax</u>	<u>NRCS Grant</u>	<u>SAIL Site</u>	<u>Concession Stand</u>	<u>Library</u>	<u>Lodging Tax</u>	<u>Court/ Corrections</u>	<u>Court Training & Equipment</u>	<u>TOTAL</u>
Estimated Revenues										
Taxes	51,160	64,000	-	-	-	-	620,000	-	-	735,160
Intergovernmental	-	-	-	17,018	-	16,000	-	-	-	33,018
Fines	-	-	-	-	-	23,000	-	86,000	4,800	113,800
Fees & Charges	-	-	-	-	31,000	2,200	-	-	-	33,200
Interest	2,100	2,100	-	-	-	-	-	2,000	150	6,350
Donations	-	-	-	-	-	-	-	-	-	-
SubTotal	53,260	66,100	-	17,018	31,000	41,200	620,000	88,000	4,950	921,528
Appropriations										
Wages	-	-	-	(27,822)	(6,240)	(10,140)	-	-	-	(44,202)
Payroll Related	-	-	-	(4,529)	(862)	(776)	-	-	-	(6,167)
Services	-	-	-	(476)	-	-	-	-	-	(476)
Equipment Purchased	-	-	-	-	(1,000)	(4,000)	-	(12,000)	(1,000)	(18,000)
Eqpt Lease/Rent	-	-	-	-	-	-	-	-	(1,800)	(1,800)
Supplies	-	-	-	(700)	(22,300)	(16,784)	-	(1,000)	-	(40,784)
Uniforms	-	-	-	(100)	-	-	-	-	-	(100)
Maintenance	-	-	-	(1,552)	(500)	(9,500)	-	-	-	(11,552)
Utilities	-	-	-	(9,839)	-	-	-	(600)	-	(10,439)
Industrial Dev Bd	-	-	-	-	-	-	(31,000)	-	-	(31,000)
Property	-	-	-	-	-	-	-	-	-	-
SubTotal	-	-	-	(45,018)	(30,902)	(41,200)	(31,000)	(13,600)	(2,800)	(164,520)
Transfers To/From Other Funds										
Trnsf from Gen Fund	-	-	20,000	28,000	-	-	-	-	-	48,000
Trnsf to Debt Svc	-	-	-	-	-	-	(167,134)	-	-	(167,134)
SubTotal	-	-	20,000	28,000	-	-	(167,134)	-	-	(119,134)
Est Rev Over (Under)										
Appropriations	53,260	66,100	20,000	-	98	-	421,866	74,400	2,150	637,874

