

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**SEPTEMBER 19, 2005**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**3. APPROVE MINUTES:** September 6, 2005

- PUBLIC HEARINGS:**
- 1.) Annexation: Vilai Marino / Property located off South side of County Road 64 / **Ordinance 2005-41**
  - 2.) Amendment to the Land Use & Development Ordinance / Revision of Zoning Map / **Ordinance 2005-42**
  - 3.) Rezoning: John & Susan Hurley / Property located on South side of County Road 64 / **Ordinance 2005-43**

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE - Scott**

Review minutes meeting held September 12<sup>th</sup>

a.) Bid Awards:

- 1.) Cellular Phones / Nextel Partners / **Resolution 2005-67**
- 2.) Fuel Management System / Trak Engineering, Inc. / **Resolution 2005-68**
- 3.) Natural Gas Generator / Energy Systems Southeast, LLC / **Resolution 2005-69**

b.) Prepaid Travel / **Resolution 2005-70**

- a.) Ha Le Riggio / AL Court Clerks & Magistrates Orientation and Certification / September 22-23, 2005 / Montgomery, AL / \$70
- b.) Randy Pennycuff / Mechanic / Heil Electronic Control Training / October 3-8, 2005 / Montgomery, AL / \$210

c.) Appropriations:

- 1.) \$50,000 City Hall Phone System / Ordinance 2005-48 (**Emergency**)

d.) Financial Reports:

- a.) Treasurers Report / Ending August 31, 2005
- b.) Sales and Use Tax Collection Graphs / Ending July 31, 2005
- c.) Lodging Tax Collections / Ending July 31, 2005
- d.) Ad Valorem Collections / Ending August 31, 2005

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

Discuss Time Limit on the Availability of Civic Center For Use as a Shelter

**C. PUBLIC SAFETY - Burnam**

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

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

Review minutes meeting held August 26<sup>th</sup>

**FEMA MOTION**

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

- A. Board of Zoning Adjustments – Eady
- B. Downtown Redevelopment Authority -Barnette
- C. Industrial Development Board – Yelding
- D. Library Board - Lake
  - a.) Re-appoint Cassandra Day to the Library Board / Four (4) Year Term / Begins 10/1/05 – Ends 09/30/09
- E. Planning Commission – Barnette
- F. Recreation Board - Burnam
- G. Utility Board - Scott

**6. REPORTS OF THE OFFICERS:**

- A. *Mayors Report*
  - a.) *Parade Permit / Alabama Citizens for Life – Life Chain / October 2, 2005*
  - b.) *Parade Permit / Bounds Family YMCA / Annual Harvest Fun Run*
  - c.) *Parade Permit / Daphne High School / Homecoming / October 6, 2005*
  - d.) *Update on Shelter at Civic Center*
- B. *City Attorney’s Report*
- C. *Department Head Comments*

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Bid Award: Cellular Telephone/Radio Equipment. .... /Resolution 2005-67**
- b.) **Bid Award: 2005-Z-Fuel Management System ..... /Resolution 2005-68**
- c.) **Bid Award: 2005-W-Natural Gas Generator. .... /Resolution 2005-69**
- d.) **Prepaid Travel / Ha Le Riggio / randy Pennycuff. .... /Resolution 2005-70**

**ORDINANCES:**

- a.) **Annexation: Property Located off South Side of County Road 64 1<sup>st</sup> READ ..... /Ordinance 2005-41**
- b.) **Amending the Land Use & Development Ordinance 1<sup>st</sup> READ. .... /Ordinance 2005-42**
- c.) **Rezone: Property Located on the South Side of County Road 64 1<sup>st</sup> READ. .... /Ordinance 2005-43**

d.) Extending Height Request Moratorium 1<sup>st</sup> READ.<sup>3</sup>...../Ordinance 2005-44

CITY COUNCIL MEETING

SEPTEMBER 19, 2005

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e.) Acceptance of City Street Map / 2<sup>nd</sup> READ...../Ordinance 2005-47

f.) Appropriating Funds: City Hall Phone System 1<sup>st</sup> READ (Emergency) ...../Ordinance 2005-48

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

SEPTEMBER 6, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

**1. CALL TO ORDER**

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

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

Mr. Lake gave the invocation.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam.; Ron Scott; Regina Landry; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Kim Briley; Ronnie Phillips, Building Inspection Director; Dale Foster, Librarian; Melvin McCarley, Public Works Supervisor; Al Guarisco, Village Point; Locke Williams, Administrator of Baldwin County EMA; Leigh Anne Ryals, Baldwin County EMA; Jan Byrd, Baldwin County EMA.

Absent: Sharon Cureton, Human Resource Director.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve the minutes meeting held August 15, 2005.**  
*Seconded by Mr. Lake.*

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

**MOTION BY Mrs. Barnette to approve the minutes of the Special Called Council meeting held August 18, 2005.** *Seconded by Mr. Yelding.*

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

**PRESENTATION:** Mrs. Leigh Anne Ryals / Baldwin County EMA

Mrs. Ryals gave an update on the shelter situation in Baldwin County explaining why the evacuees were removed from the Nicholson Center. She explained that the EMA and Red Cross made the decision based on logistics. The Red Cross wanted to get all the evacuees in one place in Robertsdale to better attend to their needs, and because they had arranged for the Robertsdale Baptist Church to feed them, and also because the Mayor had opened the Nicholson Center with the understanding that they would not over crowd the Center, due to the Center being in a residential area. The Mayor phoned Mrs. Ryals last week to let her know that people were standing around the

walls at the Center, so the EMA and Red Cross moved the evacuees to Robertsdale. When the Robertsdale Coliseum became overcrowded the Mayor offered the Civic Center to accommodate the overflow. The Mayor also arranged with CVS to use the unoccupied building on Hwy. 98 for a donation center. Mrs. Ryals stated that the confusion over the Nicholson Center was through non-communication on the part of the EMA and Red Cross. The Mayor did not have a part in the decision to remove the evacuees from the Nicholson Center, and the decision was not based on the discontent of a few citizens in the neighborhood. She mentioned that they are gearing up to receive 1,000 evacuees in the next couple of days. Mrs. Ryals said the city should be proud because the City of Daphne and their staff contributed suggestions that has helped them set up a great shelter program. She commended the City for all their help in this respect, and thanked the City for their support.

**MOTION BY Mrs. Landry to suspend the rules to consider a motion to suspend all Civic Center functions indefinitely so that the Civic Center can be utilized as a hurricane shelter. *Seconded by Mr. Scott.***

**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 Mrs. Landry to suspend all Civic Center functions indefinitely so that the Civic Center can be utilized as a hurricane shelter. *Seconded by Mr. Palumbo.***

Council discussed Mrs. Morse canceling functions 30 to 60 days out, and those further out to say that there is a possibility that their function could be canceled.

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

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

No report.

**B. Buildings and Property Committee – Lake**

No report.

**C. PUBLIC SAFETY – Burnam**

No report.

**E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

The Committee had a special meeting to appoint a sign committee. The minutes of that meeting will be in the next packet.

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

The Committee met on August 26<sup>th</sup>, and the minutes will be in the next packet.

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

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

There will not be a meeting in September.

**B. Downtown Redevelopment Authority – Barnette**

The Authority met on August 23<sup>rd</sup> and the minutes will be in the next packet.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

Mr. Lake said that the Jubilee Festival is this weekend and the Friends of the Library has its semi-annual book sale on Saturday and Sunday. The preview for the members of the Friends of the Library will be Friday night.

**E. Planning Commission – Barnette**

The minutes for the meetings held July 28<sup>th</sup>, August 25<sup>th</sup>, and the minutes for the High Density Overlay meeting held July 21<sup>st</sup> are in the packet.

**MOTION BY Mrs. Barnette to extend the moratorium on height variance requests until January 3, 2006, to continue to provide the City of Daphne Planning Commission time to complete the development of a plan that will address building heights in the City of Daphne. *Seconded by Mr. Scott.***

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

**MOTION BY Mrs. Barnette to set Public Hearings on October 3, 2005 to consider the following:**

- 1.) Amending the Land Use and Development Ordinance / Landscape / Tree Protection / Minimum Standards Fire Hydrants
- 2.) Annexation: Lot 2 of ESCC South Subdivision will be known as Krystal Ridge Subdivision

*Seconded by Mr. Scott.*

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

**F. Recreation Board – Burnam**

*Council President Burnam* said that they are working on reforming the Board and asked each Council member to submit names of people who would like to serve on this Board. He said there are eight (8) openings, and one position that is filled by Coach Vickery, which makes nine (9) members altogether.

**G. Utility Board – Scott**

The Board did not meet in August due to the storm. Mr. Scott will have a report for the next meeting.

*Mrs. Barnette* mentioned that the Utilities received an award at a recent Elected Officials Conference that the Mayor received on behalf of the Utilities. She said the Utilities did a fine job giving a tour of the facilities to the local municipalities.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

**1.) Voting Delegate for the NLC Conference in Charlotte, N.C. December 6-10, 2005**

**MOTION BY Mr. Yelding to appoint Mrs. Landry as Voting Delegate to the NLC Conference in Charlotte, N.C. December 6-10, 2005. *Seconded by Mr. Lake.***

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

**2.) Parade Permit / Mystic Order of Persophne / February 24, 2006 / Rain Date February 27, 2006**

**MOTION BY Mrs. Landry to approve the parade permit for the Mystic Order of Persophne for February 24, 2006 – Rain Date February 27, 2006. *Seconded by Mrs. Barnette.***

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

**B. City Attorney's Report**

No report.

**C. Department Head Comments**

*Mund Hanson – Fire Chief* - Thanked the city employees who volunteered for storm and pre-storm work. He commended their work at the shelter.

*David Carpenter – Police Chief* – announced that David Wilson had twin girls and are at home, also Toby Pierce had a baby boy, and that brings the total of new baby's in the department to eight (8) and one more to go.

*Dale Foster – Librarian* - reported that the Library Board will not meet in September. He stated that hurricane evacuees can come into the Library and use the internet free to file FEMA claims, and they also can receive a Library card.

*David McKelroy – Recreation Director* – reported the Football Jamboree will be this weekend with 52 teams from Baldwin County playing at the Daphne High School fields.

*Ken Eslava – Public Works Director* - reported that debris pickup first push is about 85% complete, there will be three (3) pushes. He stated there is a 60 day window in order to get 100% reimbursement from FEMA, so they are pushing the contractor to finish in the 60 day window. He commended Chief Hanson and his team for their work on the shelters.

**7. PUBLIC PARTICIPATION**

*Mr. Frank Lamb – 603 Maxwell Drive* – spoke regarding the generosity of the citizens of Daphne saying it out weighed the bad press, and he commended all the teenagers that have volunteered. He also spoke regarding the forming of a committee to review the sign ordinance.

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

**RESOLUTIONS**

- a.) FEMA – Request for Public Assistance for Hurricane Katrina...../Resolution 2005-60

MOTION BY Mr. Lake to waive the reading of Resolutions 2005-66.  
*Seconded by Mrs. Landry.*

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

MOTION BY Mrs. Landry to adopt Resolutions 2005-66.                      *Seconded by Mr. Lake.*

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

**ORDINANCES:**

- a.) Appropriating Funds: School Feasibility Study / 2<sup>nd</sup> Read. . . . . /Ordinance 2005-33
- a.) Authorize Funds to be used as earnest Money for the Purchase of Public Property "Tallent Property" 2<sup>nd</sup> Read . . . . . /Ordinance 2005-39
- c.) Appointing Employees By Mayor as Appointing Authority 2<sup>nd</sup> Read . . . . . /Ordinance 2005-45
- d.) Acceptance of City Street Map. . . . . /Ordinance 2005-47

MOTION BY Mrs. Landry to waive the reading of Ordinance 2005-33. Seconded by Mrs. Barnette.

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

MOTION BY Mrs. Landry to adopt Ordinance 2005-33. Seconded by Mrs. Barnette.

**ROLL CALL VOTE**

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

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

**MOTION CARRIED**

MOTION BY Mrs. Landry to waive the reading of Ordinance 2005-39. Seconded by Mr. Lake.

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

MOTION BY Mrs. Landry to adopt Ordinance 2005-39. Seconded by Mr. Yelding.

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

MOTION BY Mr. Lake to waive the reading of Ordinance 2005-45. Seconded by Mrs. Landry.

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

MOTION BY Mr. Lake to adopt Ordinance 2005-45. Seconded by Mrs. Landry.

ROLL CALL VOTE

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

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

MOTION CARRIED

MOTION BY Mr. Lake to suspend the rules to consider Ordinance 2005-47. Seconded by Mr. Palumbo.

ROLL CALL VOTE

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

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

MOTION FAILED

**ORDINANCE 2005-47 WAS MADE A FIRST READ**

**8. COUNCIL COMMENTS**

**Mr. Yelding** commended Chief Carpenter and his department, saying he knows Katrina has been taxing on him and his staff. He thinks it is very important that they kept order in Daphne, there could have been some real problems because of the gas lines. He also commended the Mayor for what he did in regard to electricity, he worked extensively with Riviera Utilities to get power back on in the city. He did a tremendous job getting power back as soon as possible. He thanked all the department heads, he told Mr. Eslava that every time that he gets done something catastrophic happens. He urged him to keep hanging in there.

**Mrs. Barnette** said she is excited and proud that the City of Daphne has opened the Civic Center, there have been 1,400 people that have registered to help with the shelter, the food has been provided through the churches through Saturday. She said the out pouring of support to make this happen is amazing. It shows the quality of people living in Daphne, and that they are willing to do so much. There was well over 300 people that arrived at 11:30 on night on Sunday, they fed them and sent them on their way to Georgia. Right now the Civic Center has 14 guests, that are happy to be in that facility. They think it is so nice, and everyone is making them feel welcome. This shows how well Daphne can respond to something tragic that happens. The Utility Board is having a blood drive on Thursday, and in addition to the Civic Center and the donation center, the Chamber said they are going to donate some of their proceeds from the festival to the Community Action Center. She said it is wonderful that all this money can stay local.

**Mr. Lake** also thanked the Mayor for his efforts in getting power back on quickly. He especially thanked Ken Eslava and Melvin for lending him coolers to store ice to take to Pascagoula for relief work. He recognized Targets generosity in donating two pallets of diapers for hurricane relief. Two city employees volunteered in the relief lines. He asked people to keep Mrs. Morse in their prayers, because her house was damaged by the hurricane and is living in a hotel. He is very proud of the city and it's employees for all their work during and after the storm.

**Mr. Scott** said that Chief Hanson told him that they went to Mississippi, and that the Federal Government could not find a particular area, and the Daphne Fire Department found it for them. He commended the Firefighters that went over to Mississippi. He thanked the Cullman Police Department for sending policemen for coming to help out. Mr. Scott said that he agrees with Mrs. Barnette, the proper procedure, the way that government is supposed to operate, is that you read an ordinance and let the people digest it, and unless it is a dire emergency, we ought to give another two weeks to let the people have input. While we may see this as a mundane and an easy way to get something off the table, that might not always be the case. Mrs. Barnette has opened his eyes on this. He commended the Planning Commission for the work that they do. He said to be patient with them for two (2) more weeks and they will get it done.

**Mrs. Landry** said this is a great community, that Saturday they met with pastors of all the churches at 1:00 p.m. and by Sunday morning the word was out in all the churches, and all the different denominations came together to volunteer. We are blessed with a great community. She commended all the department

heads, she is proud of everything they have done. There were 11 showers built yesterday at the Civic Center for the evacuees. The Community has come together like no other community has in the past.

*Mr. Palumbo* also commended the Police, Fire, and Public Works Departments for their work during and after the storm. He also commended the Civic Center staff, and volunteers. He commended the volunteers at the donation center. He mentioned that this weekend is the Jubilee Festival sponsored by the Eastern Shore Chamber of Commerce and encouraged everyone to come out and go to the Festival.

*Mayor Small* appreciates everything the Council did, especially about the Civic Center and the shelter. The last couple of days has been trying, and he appreciates the support that the Council has given him, and he appreciates Mrs. Ryals coming this evening to set matters straight regarding the Nicholson Center. He appreciates the department heads and the way they worked on the shelter even though it was a holiday weekend. He appreciated all the volunteers, it makes him feel very privileged to live in this community

*Mr. Burnam* expressed his appreciation for what the Mayor does for the city. He thinks that the vast majority of the citizens also appreciate what the Mayor does, and thinks the vast majority of citizens are behind the Mayor, and that they think he is doing a good job and are with him.

**9. ADJOURN**

<b>MOTION BY Mr. Lake to adjourn. <i>Seconded by Mr. Yelding.</i></b>		
<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>MOTION CARRIED</b>

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:14 P.M.**

Respectfully submitted by,

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

**Certification of Presiding Officer:**

\_\_\_\_\_  
Greg Burnam

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

**SEPTEMBER 6, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

# **PUBLIC HEARINGS**

**SEPTEMBER 19, 2005**

- 1. Annexation: Vilai Marino / Property located off of South Side of County Road 64.**
- 2.) Amendment to the Land Use & Development Ordinance /  
Revision of Zoning Map**
- 3.) Rezoning: John & Susan Hurley / Property located on the South Side of County Road 64**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Annexation for Vilai Marino  
Date: August 4, 2005

# MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, July 28, 2005, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned petition.

Upon receipt of said documentation, please set the public hearing, advertise, and place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: Mayor Small  
file

STATE OF ALABAMA  
COUNTY OF BALDWIN

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY  
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY  
OF THE CITY OF DAPHNE, ALABAMA**

( VILAI MARINO )

The undersigned, Vilai Marino, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Attachment A to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description Of Property:** The description of the property which Petitioner requests to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this Petition as if fully set out herein (the "Property").

2. **Map Of Property:** Attached hereto as Exhibit "B" and made a part of this Petition, is a map of the Property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The Petitioner, Vilai Marino, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

- Zoning to R-4
- Subdivision Approval

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 1st day of July 2005.

Respectfully submitted,

By: Vitali Marino

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Vitali Marino whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 1st day of July, 2005.

SEAL)

[Signature] (NOTARY

NOTARY PUBLIC

My commission expires: My Commission Expires 08/25/07

VILAI MARINO  
ANNEXATION

EXHIBIT "A"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE EAST ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 947.80 FEET; THENCE SOUTH 01-29' WEST 442.12 FEET; THENCE NORTH 89-55'-38" EAST 389.85 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE SOUTH 00-33'-30" WEST 883.60 FEET; THENCE NORTH 89-48'-53" EAST 662.50 FEET; THENCE NORTH 00-20'-23" EAST 984.12 FEET; THENCE SOUTH 89-59'-36" WEST 600.23 FEET; THENCE NORTH 00-16'-56" WEST 300.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 64 (AN 80 FOOT RIGHT OF WAY); THENCE SOUTH 89-59'-36" WEST ALONG SAID RIGHT OF WAY LINE 60.00 FEET; THENCE SOUTH 00-16'-56" EAST 402.60 FEET TO THE POINT OF BEGINNING; CONTAINING 15.35 ACRES MORE OR LESS.



To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Proposed Amendment to the City  
of Daphne Land Use and  
Development Ordinance - Zoning  
Map - Revision  
Date: August 4, 2005

# MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, July 28, 2005, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned amendment.

Upon receipt of said documentation, please set the public hearing, advertise, and place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: Mayor Small  
file

**CITY OF DAPHNE ZONE MAP CHANGES  
JANUARY 1, 2005 – JULY 1, 2005**

**SUBDIVISIONS**

**JOHNSON SUBDIVISION** -Locke St.

**TIMBERCREEK BUSINESS PARK**, (formerly T<sup>C</sup>rk. Office Park, Unit 2) - West side of St. Hwy 181, N. of Millwood Circle, on Mill Lane

**SUNSET BAY VILLAS, PHASE 7, 8 & 9** – South of Lake Forest Yacht Club

**WOOTEN ESTES** – North side of U.S. Hwy. 90

**OAK CREEK SUBDIVISION** – South side of U.S. Hwy 90, West of Co. Rd. 13

**DAPHNE COMMERCIAL PARK PHASE 2** – N.W. of the intersection of Whispering Pines and Pollard Rd.

**HISTORIC MALBIS, PHASE 3-A** N.E. intersection of U.S. Hwy 90 & Al. Hwy 181

**ESCC SOUTH** – S.E. intersection of Lawson Rd. & Co. Rd. 13

**TIMBERCREEK VILLAGE, RESUB. LOT 1** – N.E. corner of TimberCrk. Development & S.W. corner of Al. Hwy 181 & Hwy 31

**SEHOY, PHASE 5** – East side of Co. Rd. 13, between Lawson & Pleasant Rd.

**INNISFREE** – Co. Rd. 13, South of Tiawasse Trace

**ANNEXATIONS:**

Ordinance # 2005-22 Whispering Pines @ Stratford Glen

Ordinance # 2005-113 Corte Rd. @ Hwy 181(formerly Hwy 27)

Ordinance # 2005-158 DE-ANNEXATION of 39.65 Ac. +/- to Spanish Fort

**NOTES:**

1. Colors more vivid due to new plotter – same basic colors and level of transparency
2. Larger scale to show entire E.T. Jurisdiction – resulting in smaller individual images
3. Public Safety Road map with road index to be used for more detailed road information – map nearing completion, to be presented in very near future for adoption by Planning and City Council

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Zoning Amendment for John &  
Susan Hurley

# MEMORANDUM

Date: August 4, 2005

At the regular meeting of the City of Daphne Planning Commission, July 28, 2005, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned petition.

Upon receipt of said documentation, please set the public hearing, advertise, and place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: Mayor Small  
file

**THE CITY OF DAPHNE**  
**PLANNING DEPARTMENT**  
**APPLICATION FOR ZONING AMENDMENT**

Application Number: 105-02 Date Plat Submitted: July 28, 2005

Date Presented: June 23, 2005

Name of Owner: John D and Susan W Hurley

Address: P. O. Box 837, Daphne, AL 36526 Telephone# 251-626-3220  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Hutchinson, Moore & Rauch, LLC

Address: P. O. Box 1127, Daphne, AL 36526 Telephone# 251-626-2626  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Randall Subdivision

Lot(s): East half of Lot 4 Block 2 ~~05-43-04-17-3-000-055.000~~  
Parcel No.

Two (2) copies of legal description of the subject property.

Two (2) copies of subdivision plat or site plan drawn to scale,  
(28" x 36").

List of the names and mailing addresses for the adjacent property  
owners (Date Submitted: June 28, 2005).

Meeting Dates:

Planning Commission: July 28, 2005

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

Add additional acreage to an existing adjacent B-2 parcel to construct a  
mini-storage facility.

John D Hurley Jr. Susan W Hurley  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address 1016 Daphne Avenue East Half of Lot 4 in Block 2
b) Name of Subdivision Randall Subdivision
c) Lot numbers involved in change 05-43-04-17-3-000-055.000
d) Total acreage of change 2.52+
e) Recorded in Map Book 129 Page 1293, 1294, 1295
f) Owned in whole by the undersigned? yes
g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property R-2
b) Reclassification desired B-2
c) Character of neighborhood Commercial

3) Certifications:

- a) Owner's Name John D and Susan W Hurley
b) Address P. O. Box 837, Daphne, AL 36526
c) Telephone Number 251-626-3220
d) Date June 23, 2005

Handwritten signatures of John D Hurley and Susan W Hurley with labels 'Signature of Property Owner'.

AGREEMENT

**...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.**

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

6-27-05  
Date

John D. Healey Jr.  
Signature of Property Owner

10-27-05  
Date

Andrew W. Healey  
Signature of Property Owner

JOHN & SUSAN HURLEY  
ZONING AMENDMENT

**PROPERTY OWNERS WITHIN 300 FEET  
OF HANDY LOCK SELF STORAGE – HIGHWAY 64**

43-04-17-3-000-024.000 Leicia Fairchild Etvir CA Allen 1106 Randall Avenue Daphne, AL 36526	43-04-17-3-000-025.000 Timothy E and D Ashley, Etal 1104 Randall Avenue Daphne, AL 36526	43-04-17-3-000-026.000 Roland G and Annie Lou Nelson P. O. Box 402 Daphne, AL 36526
43-04-17-3-000-028.001 Troy H A McDonald Etux, Loretta MacDonald 1020 Randall Avenue Daphne, AL 36526	43-04-17-3-000-051.000 Joel B Bullard, Jr. P. O. Box 16665 Mobile, AL 36616	43-04-17-3-000-052.000 J Patten Limited Partnership 3180 State Road 13 Jacksonville, FL 32259
43-04-17-3-000-053.000 Ward Properties Inc. P. O. Box 81366 Mobile, AL 36608	43-04-17-3-000-053.001 David S Marks, III A/K/A Marks P. O. Box 960 Geneva, AL 36340	43-04-17-3-000-054.000 Jay P Altmayer, III (73 1/3% Int) C/O Gayle Dearman 801 Captain O'Neal Drive Daphne, AL 36526
43-04-17-3-000-056.000 Diane Nelson and Pam Vinson, Etal 1103 Daphne Avenue Daphne, AL 36526	43-04-17-3-000-057.000 43-04-17-3-000-058.000 Robert Lee Nelson 1103 Daphne Avenue Daphne, AL 36526	43-04-17-3-000-057.001 Roderick Lee Wolfe Route 1, Box 566L Grove Hill, AL 36451
43-04-17-3-000-057.002 Gertrude Ashley, Etal HC 63 Box 83 Saint Stephens, AL 36569	43-04-20-2-000-001.005 Ida Llorente 415 Pheasant Run Rome, GA 30161	43-04-17-3-000-059.000 Kathrine N Wolfe, Estate RR 1 Box 566 Grove Hill, AL 36451
43-04-17-3-000-060.000 Dixie and Bobbie Hempfleng 13526 Pendix Road Summerdale, AL 36580	43-04-17-3-000-061.000 Sammy R Nelson Etux, Barbara K Nelson Barbara K Atty-in-Fact for Sam 14188 County Road 3 Fairhope, AL 36532	43-04-17-3-000-062.000 Elvin Nelson P. O. Box 822 14152 County Road 3 Fairhope, AL 36532
43-04-17-3-000-063.000 Lena Properties, LLC 23100 County Road 27 Fairhope, AL 36532	43-04-20-2-000-001.001 Helen L Butler P. O. Box 2184 Daphne, AL 36526	43-04-20-2-000-001.002 43-04-20-2-000-001.004 Archie and Charlotte Andrews 2125 Needham Road Ann Arbor, MI 48104
43-04-20-2-000-006.000 Dayton Hudson Corporation c/o R E McElroy, LLC 3609 Smith Barry Road Arlington, TX 76013		

**JOHN & SUSAN HURLEY  
ZONING AMENDMENT**

**Exhibit "A"**

**LEGAL DESCRIPTION:**

**SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, EAST HALF OF LOT 4, BLOCK 2, RANDALL SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 1, PAGE 227, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, LESS AND EXCEPT THAT SOUTH 40 FEET OF SAID LOT 4, LYING IN THE RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 64. SAID PARCEL CONTAINING 2.52 ACRES, MORE OR LESS.**

**REFERENCE: REZONING FOR HANDY LOCK STORAGE FACILITY  
PARCEL NO. 05-43-04-17-3-000-055.000**



**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**

32  
**CITY OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**September 12, 2005**  
**4:00 P.M.**

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

The meeting was called to order at 4:05 pm. Present were Councilman Bailey Yelding; Councilwoman Regina Landry; Finance Director Kim Briley; and Senior Accountant Suz anne Henson.

Chairman Ron Scott arrived at 4:10 pm.

Also in attendance was Public Works Director Ken Eslava.

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

A. Bids

**1. 2005-W-Natural Gas Generator**

Mr. Eslava noted 13 bid invitations were sent out with 2 bids received; one of them received late. Mr. Eslava discussed the City's need to purchase two (2) stand-by power generators, one for Public Works and the other for the Mechanical Maintenance Facility where the City's gas distribution takes place. Discussion continued, in advance of a storm, generators have to be rented and noted that the cost to rent generators for Hurricane Katrina totaled \$14,000. Discussion continued the rental cost escalates between each storm, noting that the cost has doubled since Hurricane Ivan. Mr. Eslava discussed there were encumbered funds available for the purchase of these generators. Ms. Landry asked if FEMA would reimburse the cost of this purchase. Mr. Eslava noted they will not reimburse for a full stand-by generator. Discussion continued the City had applied for generators through the HMBP Program, but that all available generators were going to Utilities for this Fiscal Year and probably would not be available again, after this storm, for another year or two. Ms. Briley noted that once the City purchases the generators, we can receive reimbursement from FEMA for usage hours of the equipment. Discussion continued that while the City does receive reimbursement for rental of generators, there is no guarantee that generators would be available to the City for the next storm. Mr. Eslava noted there are currently no generators available because they have all been shipped to Mississippi and Louisiana. Mr. Yelding asked what type of warranty and life-span these generators would have. Mr. Eslava noted these generators should last 10-15 years and, being natural gas, would not have a lot of the maintenance issues that other generators have. Mr. Eslava also noted these generators have automatic switches that will cause the generators to automatically start up once a week, run for a short time, then shut down. Mr. Yelding discussed, in anticipation of the move of the Mechanical Maintenance Facility to the Public Works Facility, would two (2) generators still be needed or would one run both areas. Mr. Eslava noted they would still be independent facilities and would require both generators. Discussion continued these generators are sized to run the entire facilities to include the air conditioning systems, computer systems, etc.

***Motion by Ms. Landry to recommend to Council to adopt a resolution authorizing the Public Works Department to purchase two (2) natural gas generators from Energy Systems Southeast, LLC in the amount of \$18,750 each for a total cost of \$37,500, using encumbered funds from FY2004. Seconded by Mr. Yelding.***

Note: Chairman Scott arrived at 4:10 P.M. and was brought up to date on what had already been discussed with regard to the generators.

## **2. 2005-Z-Fuel Management System**

Mr. Eslava discussed 9 bid invitations were mailed out with only 2 bids received. Discussion continued one of the bidders has already been interviewed and demonstrated their product and the other bidder is coming on Wednesday to make their presentation. Mr. Eslava noted the City's current fuel management system is outdated and experiencing many problems such as loss of memory, unexplained system shutdowns, and software flaws that have made the system unsecured. Mr. Eslava explained the fuel management system includes the central processing unit where you key in all the appropriate employee information, vehicle information, etc. Mr. Scott asked if the Mechanical Maintenance Facility moves to the Public Works Facility, would the equipment be moved also. Mr. Eslava noted it would. Mr. Eslava noted he would forward a recommendation after the demo from the second vendor on Wednesday, September 14, 2005.

## **3. 2005-Y-Cellular Telephones/Radio Equipment**

Ms. Henson noted the Cellular telephone bid has been under review for the past month and the Departments are all in agreement to award to Nextel. Discussion continued they have met specifications and they supply the two-way radio (and Coast to Coast Direct Connect Equipment requirements in the event of the City's 800 Trunking System fails) that the other companies do not provide. Ms. Henson noted Nextel has agreed to set a specified contract date, therefore allowing all City cell phones to be under the same contract period. Discussion continued this will allow for the development of groups in order to pool minutes. Mr. Eslava note that in the event an individual goes over their allotted minutes, then minutes will be drawn from the next employee in that group. Mr. Yelding asked how many cell phones were currently in the City. Ms. Henson noted approximately 50 Nextel (actual number of City Cell phones is 70, including Nextel and Cingular). (NOTE: Cingular accounts will be closed, contracts have expired, and new contracts will be signed with Nextel if bid is awarded). Ms. Henson noted the monthly rates range from \$45 to \$60 per phone according to the service options. Mr. Yelding asked if Department Heads will be able to request additional phones as they see the need. Ms. Henson noted a form will have to be completed and approved by the Mayor before any new contacts will be issued. Discussion continued this information will also be stated in the award letter to Nextel. Discussion continued that the Cingular representative stated that two-way radio services will be available in the future, therefore making next years bid more competitive. Ms. Henson noted if Nextel is not awarded it would cost the City approximately \$8,800 to exit it's current contracts. Discussion continued the latest contract expiration date would be the Police Department's which expires November 8, 2006, therefore all City Nextel contracts would be extended until that date.

***Motion by Mr. Scott to recommend to Council to adopt a resolution awarding the cellular telephone service to Nextel based upon City requirements and the recommendation of the Department Heads. Seconded by Ms. Landry.***

### B. Prepaid Travel:

1. **Ha Le Riggio, Magistrate** – 2005 Alabama Court Clerks and Magistrates Orientation and Certification – Judicial Building, Montgomery, AL, September 22-23, 2005 - \$70
2. **Randy Pennycuff, Mechanic** – Heil Factory Training – Fort Payne, AL, October 4-7, 2005 - \$210

***Motion by Ms. Landry to recommend to Council to adopt a resolution approving prepaid travel as follows:***

- ***Ha Le Riggio, Magistrate in the amount of \$70 to attend the 2005 Alabama Court Clerks and Magistrates Orientation and Certification at the Judicial Building in Montgomery, Alabama, September 22-23, 2005.***
- ***Randy Pennycuff, Mechanic in the amount of \$210 to attend the Heil Factory Training in Fort Payne, Alabama, October 4-7, 2005.***

***Seconded by Mr. Yelding.***

### C. Appropriation Requests – New Phone System for City Hall

Ms. Henson noted the City Hall phone system is an antiquated system that is 15 years old or more. Discussion continued we have experienced many problems recently with the system and all repair parts are refurbished because new parts are no longer manufactured for this system. Ms. Henson noted that often, using refurbished parts will continue to cause problems with the system. Mr. Scott noted his only concern is the possibility of new construction for City Hall. Ms. Henson discussed she has sent out very detailed (57-pages) specifications to approximately 15 vendors and requested RFP's (Request For Proposals). Discussion continued this would come under Public Works Law and would not be required to be bid. Mr. Scott asked why this would not have to be bid. Ms. Briley noted if it is for Public Buildings or Public Improvements and cost is under \$50,000, as long as labor and equipment are involved, it does not have to be bid; however, if it is just equipment, it would have to be bid. Discussion continued if the total comes in over \$50,000, then it will be bid out. Ms. Henson noted the specifications have been reviewed by the City's computer technician to verify the specifications require a system that will meet City Hall's needs and allow for future growth. Discussion continued it is unlikely the current system will remain up and running for another year, specifically if the lightning activity continues. Discussion continued the new system would also be able to be moved to another location if necessary. Ms. Henson noted she has received an estimate of approximately \$33,000 for a new phone system. Additional monies may be needed (\$15,000 - \$17,000) if new wiring (CAT 5) is required for the new system (consideration will also be given for future growth for a Voice over IP system and Fiber connectivity).

***Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating funds not to exceed \$50,000 for the purchase of a new telephone system for City Hall. Seconded by Mr. Yelding.***

### **III. FINANCIAL REPORTS**

#### **A. Treasurers Report: August 31, 2005**

Mr. Scott discussed the treasurer's report in the amount of \$10,465,456.30 which is down approximately \$200,000 from last month.

***Motion by Mr. Yelding to recommend to Council to accept the Treasurer's Report as of August 31, 2005 in the amount of \$10,465,456.30. Seconded by Ms. Landry.***

#### **B. Sales Tax Collection Graphs – July 31, 2005**

Ms. Briley discussed total collections for July 2005 were \$908,576.13. Discussion continued collections were \$105,524.99 above collections for July 2004; and \$57,341.92 above budget for the month. Discussion continued collections are 13.14% over the same month last year.

#### **C. Monthly Lodging Tax Collections – July 31, 2005**

Mr. Scott discussed that lodging tax collections for July 31, 2005 were \$56,266.23 compared to \$22,654.15 for July 31, 2004, an increase of \$33,612.08. Ms. Briley noted this is due to Hurricane Dennis in July.

#### **D. Ad Valorem, August 31, 2005**

Discussion was made that Ad Valorem tax collections as of August 31, 2005 were \$2,882,359 and are currently \$253,641 under budget (due to property re-valuations not taking place this year).

#### **E. New Business Licenses**

The Business License report for August 2005 was contained in the Finance Packet and showed 19 new businesses opened in the City, 48 new businesses not in the City, 19 contractors, and 1 insurance company. The report also showed 3 businesses closed.

#### **F. Bills Paid – August 31, 2005**

The bills paid report as of August 31, 2005 was contained in Packet #2. Mr. Yelding expressed his concern over the City paying for training of employees, only to have the employee leave shortly after. Discussion continued consideration should be given to preparing an ordinance that would protect the City by stating if an employee leaves the City within a certain length of time following their training, then reimbursement would be made to the City.

#### **IV. OTHER BUSINESS**

##### **A. Gulf Coast Zydeco Festival**

Mr. Scott noted he attended the Gulf Coast Zydeco Festival and enjoyed it as much as everyone else did, however, he felt it was not presented to the Finance Committee in such a way that we were aware the City could be in a position to lose \$30,000. Discussion continued the Civic Center asked the City for a loan of \$25,000 to start up the festival plans, so it was a surprise to find the event lost \$30,000. Mr. Scott asked if the loss was in the budget. Ms. Briley discussed the line item transfers came from other accounts the Civic Center has. Discussion continued this would need to be looked out closer for next year.

##### **B. First Gulf Bank**

Ms. Briley discussed that last week, First Gulf Bank was receiving donations payable to the City of Daphne for Hurricane Relief and that they had set up an account in the City of Daphne's name. Discussion continued that bank accounts cannot be set up without Council approval. Ms. Briley noted that today she received a cashier's check in the amount of \$1,500 for the donations and noted that it would be placed in a donations account.

##### **C. Jubilee Girls**

Ms. Landry discussed the Chair Person for the Jubilee Girls has written all the parents a letter advising them that the program is bankrupt and approximately \$11,000 in debt. Discussion continued the parents of the current girls are forming a new committee, putting together a Board of Directors, and filing for non-profit status in order to allow tax free donations. Ms. Landry noted that the group will also have to hold some fundraisers in order to make up the money that is owed. Discussion continued that the Jubilee Girls are a City sponsored event (City contributes monies and the girls represent the City). Mr. Yelding noted the City Attorney should be involved. Mr. Scott noted he would address this issue with the City attorney.

#### **VI. ADJOURN**

The meeting was adjourned at 5:00 pm.

**CITY OF DAPHNE**

**BID OPENING MINUTES  
 BID DOCUMENT NO: 2005-W-NATURAL GAS GENERATOR  
 AUGUST 31, 2005  
 11:30 A.M.  
 CITY HALL**

Those present were as follows:

Ms. Suzanne Henson                      Sr. Accountant  
 Mr. Ken Eslava                              PW Director

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

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

<u>VENDOR</u>	<u>UNIT COST</u>
Port City Tractor, Inc.	NO BID
Energy Systems Southeast, LLC	\$19,631.00
<b>Only one bidder: Negotiated Cost</b>	<b>\$18,750.00</b>

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

**MEMORANDUM****CITY of DAPHNE...DIVISION of PUBLIC WORKS**

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

**From: Ken Eslava, Director  
Public Works & Maintenance  
Emergency Management Coordinator**

**Date: September 7, 2005**

**Re: Generator Purchase**

**I recently drafted specifications & sent out a request for public bids on natural gas powered standby generators. These generators are required for standby power during outages caused by the loss of a Riviera Utilities substation and/or severe weather conditions such as hurricanes. My intent is to purchase two(2) 100 Kva generators, one for the Public Works Facility and one for the Mechanical Maintenance Facility. Both of these facilities are crucial to City operations both day to day, and in emergency situations.**

**There were bids sent to fourteen(14) vendors, and we received one(1) bid back within our required time frame. One other bid was submitted back to us, but it was late and more importantly....it was higher than the one we received on time. I have since checked with several other vendors who received an RFQ, and in all cases their price would have been higher than the one price we received.**

**My recommendation is to award the bid for our standby generators to Energy Systems Southeast, LLC in the amount of \$18,750.00 per generator. His original bid quotation price was &19,631.00 each, but because he was the only bidder, I am allowed to negotiate with him on the price.....and I did.**

**My complete request is to purchase two(2) generators totaling \$37,500.00 using Public Works encumbered funds from FY 2004. This purchase will not impact the FY 2005 budget in any way.**

**CITY OF DAPHNE**  
**BID OPENING MINUTES**  
**BID DOCUMENT NO: 2005-Z-FUEL MANAGEMENT SYSTEM**  
**SEPTEMBER 6, 2005**  
**11:30 A.M.**  
**CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Mr. Ken Eslava	PW Director

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

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

<u>VENDOR</u>	<u>UNIT COST</u>	<u>ANNUAL MAINT</u>
Trak Engineering, Inc.	\$ 8,215.00	\$1,200.00
Syn-Tech Systems, Inc	\$11,026.60	\$ 795.00
Excel Conversion Option		\$ 595.00

  
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 Suzânnne Henson, Sr. Accountant

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**INTER**

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**OFFICE**

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# MEMO

**To:** Finance Committee  
Kim Briley, Finance Director

**From:** Ken Eslava, Director of Public Works and Maintenance

**Subject:** BID DOCUMENT-2005-Z- Fuel Management System

**Date:** September 14, 2005

The above subject annual bid opened in the Council Chambers of City Hall, Tuesday, September 6, 2005.

Fourteen bid packets were sent out and we had two responses. Trak Engineering Inc was the lowest bidder and has met all the specifications. The life expectancy of the system is fifteen years. Therefore, I recommend that Trak Engineering Inc be awarded the bid.

Signature

Date

**MEMORANDUM****CITY of DAPHNE....DIVISION of PUBLIC WORKS**

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

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance**

**Date: August 23, 2005**

**Re: Purchase of new fuel system**

**For the last several years, we have experienced severe problems with our existing Gasboy fuel dispensing system. Loss of memory (use records), unexplained system shutdowns & inherent software flaws which render the system vulnerable to fuel theft, poor support service from local dealers, antiquated double key user procedure and overall age of the system mandate that we move on to more modern & secure fuel dispensing technology.**

**To worsen matters, Gasboy recently switched their software from DOS based to Windows based. The new Windows program will not allow us to break out fuel usage by Department, personnel or vehicle. As a result, our Finance Department is not able to bill monthly usage by Department. Although the existing double key user security system functions, all City employees are having to manually log each fueling stop so proper billing can be accomplished by the Finance Department.**

**The newer technology we are seeking to purchase will allow us to monitor fuel use in every conceivable way (by department, by crew, by employee or vehicle, by time frame or specific volume, etc.) and programmable keys will assure us of regular vehicle maintenance service by the system locking out fuel dispensing unless these requirements are met, and the newer technology provides a more secure environment...preventing unauthorized use of the fuel system. Also, the system will be able to interface with all existing software currently used**

**by the City. One of the most advantageous features of this system is that our new specs require that the manufacturer be able to simply dial into the system, via telephone, to perform system analysis & repair for most problems.**

**Based on several quotations already acquired, I am estimating the cost of this system to cost \$12,500.00. This price will cover purchase of hardware & software installation, start up costs, on site training for our employees and a significant warranty. I have taken this purchase one step further, in that my specifications require that the successful bidder shall be required to maintain spare parts for the entire expected life span of this management system...which is estimated at ten years.**

**It is my formal request that this Committee favorably recommend the purchase of this system to the full Council. Furthermore, I recommend that the motion to recommend should include a "not to exceed" figure, based on the fact that the \$12,500.00 is a very close estimate, not a fixed price.**

**I thank you for your immediate consideration of this matter.**

**CITY OF DAPHNE**  
BID OPENING MINUTES  
**BID DOCUMENT NO: 2005-Y-CELLULAR TELEPHONES/RADIO EQUIPMENT**  
SEPTEMBER 12, 2005  
11:30 A.M.  
CITY HALL

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Chief Mund Hanson	Fire Department
Captain David Wilson	Police Department
Captain Randy Bishop	Police Department
Mr. Ken Eslava	Public Works Director
Mr. David McKelroy	Recreation Director

5 bid invitations were mailed/picked up , 4 sealed bids were received.  
Mr. Ken Eslava opened the bids presented and the bids were read aloud as follows:

**VENDOR**

**VENDOR RECOMMENDED PLAN**

**Falcon Direct**

**NO BID**

**Cingular Wireless** (31 lines @ \$1,158.50/month) **\$37.37** - No 2-Way Radio / Took Exception to Addendum  
(Estimated 500+ Minutes (20,000 Minutes pooled for 31 phones) / 1,000 Nights& Weekends – No Roaming & LD Nationwide)

**Cellular South** **\$49.99** – No 2-Way Radio/ Did not complete Addendum  
(700 Minutes Shared / Only includes Mobile/Baldwin Co. / Nationwide - \$10 more)

**Nextel** **\*\$45.51** Average Plan–Complies with 2-Way Radio & Addendum  
(Plans range from 400 Anytime Minutes-pooled / National or Local Connect 500 Minutes-pooled / Free Incoming 300/400/500/800 Anytime Minutes-pooled for Departments with high incoming call volume – ex. Building Inspection – Contractors calling in / All plans have Free Cellular Long Distance)

**\* Nextel's bid offered any plan the City is currently under contract for. Certain departments that do not have pooled minutes or need certain features another department has may be moved to that plan. The average plan cost is \$45.51 with Free Long Distance and Free Nights and Weekends. Some features/options that are needed to conduct City Business will be an additional charge: ex – Text Messaging: Fire Department receives Fire Calls through Nextel's Text Messaging (Due to HIPPA law patient information must be communicated through a secure communication network which Nextel provides).....This fee would be approximately \$7.50-\$15.00/month, thus making some plans more than others.**

**\*NOTE: Many plans were offered and options varied – the plans listed above were noted by the Vendor as the Recommended Plan for the City.**

\*Addendum was for following equipment: Coast to Coast Direct Connect in the event the City of Daphne's 800 Trunking System should fail.

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

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**CITY OF DAPHNE**  
**INTERNAL MEMO**

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**DATE: SEPTEMBER 12, 2005**  
**TO: KIMBERLY BRILEY, FINANCE DIRECTOR**  
**RE: CELLULAR TELEPHONE BID**  
**FROM: DEPARTMENT HEADS**

The cellular telephone bid submittals were reviewed and we recommend that the bid be awarded to Nextel.

*Franky H Bishop - Police Dept.*  
*Ken Egan - Public Works*  
*Patricia J. Jones - Fire Dept.*  
*WS Mc Kelly REC*



Approved For Finance Comm. Agenda

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*[Handwritten Signature]*  
 Signature  
 9-8-05  
 Date

Revised 4/04

<b>PREPAID TRAVEL REQUEST FORM</b>	
EMPLOYEE NAME / TITLE	RANDY PENNYCUFF
DEPARTMENT	MECHANICAL
DATES OF TRAVEL	OCT 3 - OCT 8, 2005
SCHOOL/ORGANIZATION	HEIL ELECTRONIC CONTROL
LOCATION FOR TRAINING: CITY / STATE	Ft. Payne, ALABAMA
REGISTRATION FEE	\$ 250 <sup>00</sup>
LODGING	\$ 432.65
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$ 210. <sup>00</sup>

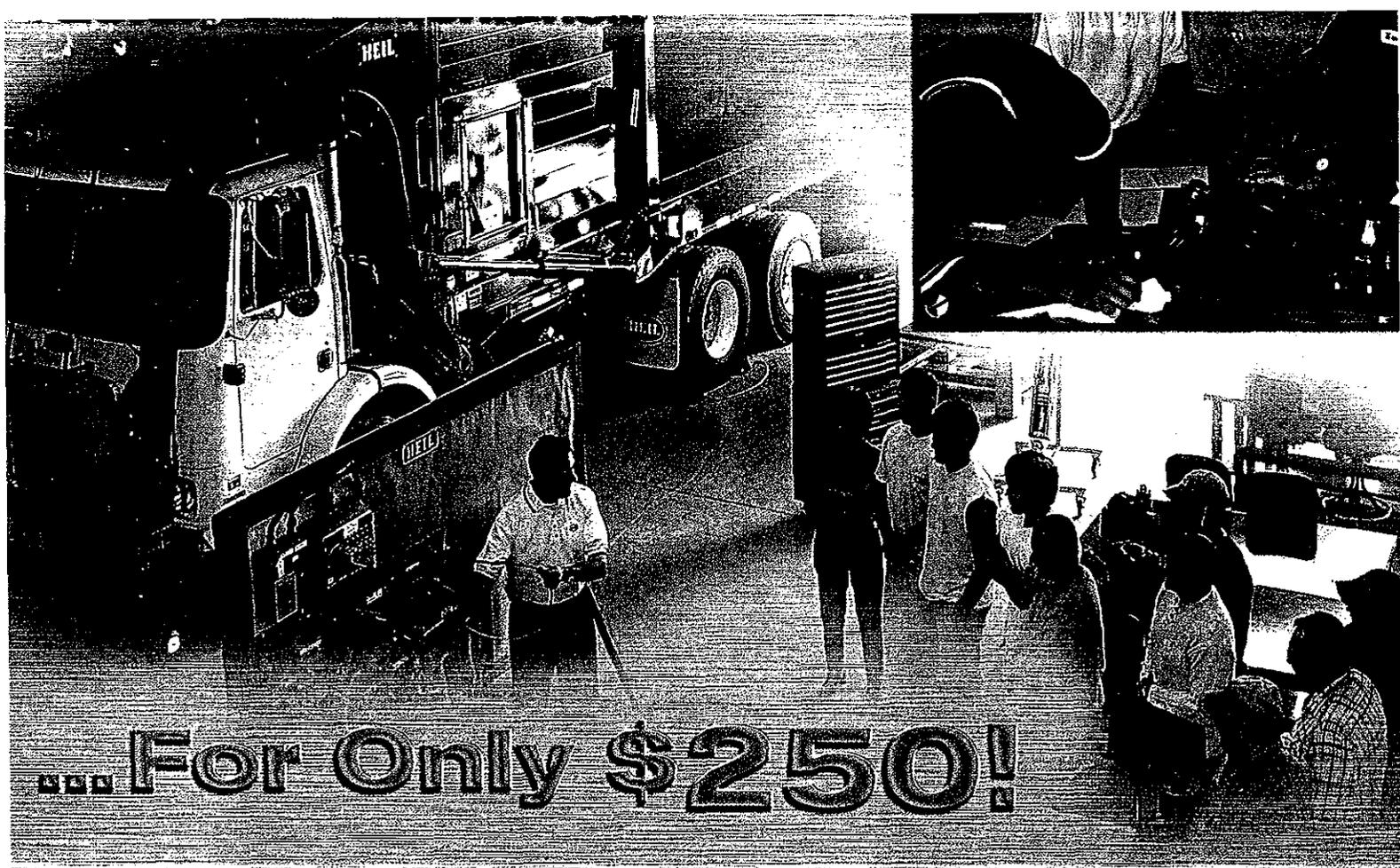
A complete Expense Report with itemized receipts must be submitted upon return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature *[Handwritten Signature]*

*[Handwritten Signature]*      167000      50011  
 Department Head Approval      Vendor #      Dept Org #      Object #      Proj#

\*PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL - PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.

\*ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.



... For Only \$250!

Located adjacent to Heil's manufacturing facility in Fort Payne, Alabama, the Joseph F. Heil Institute of Technology will help you get the most from your investment in Heil equipment. You'll learn what makes your Heil equipment work and how to keep it working for you, reducing downtime and building profits. You'll earn continuing education credits, too!

**Specific Product Courses Teach You:**

- Basic hydraulics and basic DC electronics
- Cycle times and unit operation
- In-depth hydraulic system operation (product specific)
- PLC principles and relay logic controls (older units)
- Preventive maintenance procedures
- Hands-on adjustments and pressure settings...and much, much more!

You'll also tour the Heil manufacturing facility and talk with the Heil professionals who design and build the most productive refuse equipment in the world.

The full fee for any course is just \$250 (non-refundable) and includes comprehensive training aids and a certificate of course completion.

Students are responsible for travel, lodging and meals (except lunch each day, which Heil will provide). To plan your travel, be advised that classes start on Tuesday morning and adjourn Friday at noon, except Rear Loader classes which adjourn Thursday at 5:00 p.m.

Whatever your need, Heil has designed a training session just for you. Since class sizes are limited, register early to secure your place. Please note that some courses are held in Phoenix, Arizona, for the convenience of our western customers.

2005 TECHNICAL TRAINING SCHEDULE	
<b>Rapid Rail / STARR</b> February 8 - 11, 2005 Phoenix	<b>Formula 4000 / PT 1000</b> June 21 - 23, 2005 Fort Payne
<b>Formula 7000</b> February 22 - 25, 2005 Fort Payne	<b>Distribution Parts Training</b> July 12 - 14, 2005 Fort Payne
<b>Python</b> March 8 - 11, 2005 Phoenix	<b>Rapid Rail / STARR</b> August 23 - 26, 2005 Fort Payne
<b>Python</b> March 22 - 25, 2005 Fort Payne	<b>Rapid Rail / STARR</b> September 20 - 23, 2005 Phoenix
<b>Front Loaders</b> April 5 - 8, 2005 Fort Payne	<b>Python</b> October 4 - 7, 2005 Fort Payne
<b>Rapid Rail / STARR</b> April 19 - 22, 2005 Phoenix	<b>Python</b> October 18 - 21, 2005 Phoenix
<b>PLC - Electronic Controls</b> May 10 - 11, 2005 Fort Payne	<b>Rapid Rail / STARR</b> November 1 - 4, 2005 Phoenix
<b>DuraPack 5000 / PowerTrak Commercial</b> Jun 7 - 9, 2005 Fort Payne	

256-845-8305 MARK HOOB...

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER  
DAVID B. CARPENTER II  
CHIEF OF POLICE  
A. MUND HANSON  
FIRE CHIEF



**COUNCIL MEMBERS**

BAILEY YELDING, JR.  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
GREG W. BURNAM  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
REGINA LANDRY  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

# Memo

To: Finance Committee  
From: Mayor Small  
Date: September 9, 2005  
Re: **New Phone System for City Hall**

I would like for the finance committee to consider an appropriation of \$50,000 to purchase a new phone system for City Hall.

The Phone System for City Hall falls under the Public Works Bid Law (improvements made to public property where labor and materials cost are under \$50,000 are not required to be bid). The estimated cost for the system is as follows:

- Phone Equipment and Installation - \$35,000
- Re-wiring City Hall to Cat 5 as necessary - \$15,000

Request for Proposal have been sent to 13 vendors and are due Friday, September 16, 2005.

## TREASURER'S REPORT

As of August 2005

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

ACCT TITLE	BANK	BALANCE
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$5,596,058.35
OPERATING ACCT	COMPASS	(\$392,239.76)
PAYROLL ACCT	COMPASS	(\$7,478.30)
MUNICIPAL COURT	COMPASS	\$215,868.69
		\$5,412,208.98
 <b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$1,828.74
4 CENT GAS TAX	FIRST GULF	\$109,433.86
7 CENT GAS TAX	FIRST GULF	\$112,599.91
		\$223,862.51
 <b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$5,961.53
CAPITAL GROWTH	SOUTHTRUST	\$3,384,014.36
97 WARRANT CONS	SOUTHTRUST	\$4,887.03
99 WARRANT CONS	REGIONS	\$677,394.96
2000 CONSTRUCTION	REGIONS	\$90,001.17
		\$4,162,259.05
 <b>DEBT SERVICE FUND</b>		
DEBT SERVICE	SOUTHTRUST	\$667,125.76
		\$10,465,456.30

### Ad Valorem Taxes

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005*</u>	<u>2005- Budget</u>	<u>2005: Budget/ Actual Variance</u>
Property Taxes	1,996,746	2,130,635	2,254,739	2,508,168	2,552,674	2,775,000	(222,326)
Shares Taxes	29,688	29,881	30,090	30,316	30,543	31,000	(457)
Auto Taxes	369,493	385,623	384,801	396,865	299,141	330,000	(30,859)
	<u>2,395,927</u>	<u>2,546,138</u>	<u>2,669,631</u>	<u>2,935,349</u>	<u>2,882,359</u>	<u>3,136,000</u>	<u>(253,641)</u>

\* As of 8-31-2005

	<u>8/31/2004</u>	<u>8/31/2005</u>	<u>Variance</u>	<u>% Inc/(Dec)</u>
Property Taxes	2,493,250	2,552,674	59,425	2.38%
Shares Taxes	30,316	30,543	227	0.75%
Auto Taxes	310,864	299,141	(11,723)	-3.77%
	<u>2,834,430</u>	<u>2,882,359</u>	<u>47,929</u>	<u>1.69%</u>

**NEW BUSINESSES FOR AUGUST 2005**

51

**BRICK & MORTAR BUSINESSES - CITY LIMITS**

RE-BATH	1
BANDER LANDSCAPING	1
ARTIST FOR HIRE	1
EDWARD K DWYER, CPA	1
DAPHNE MAZDA	1
EUCLID ENTERPRISES LLC	1
AMERICAN LAW ENFORCEMENT NETWORK	1
VISION BANK	1
MALBIS CHEVRON (annexed)	1
THE ELF GROUP LLC	1
GULF COAST GASKET GUY	1
IMAGE ART PHOTOGRAPHY	1
INOVATIVE CONCEPTS	1
FLOORING ESSENTIALS LLC	1
FORREST DANIELL & ASSOCIATES PC	1
EASTERN SHORE LOCALS	1
APRIL B BACQUE	1
SCOTT RUSSELL ALLSTATE AGENCY	1
PAMPERED 2 PERFECTION	1
<b>TOTAL NEW BUSINESSES - CITY LIMITS</b>	<b>19</b>

**NEW BUSINESSES FOR AUGUST 2005**

**OUT OF CITY**

ROOMSTOGO.COM	1
DELUXE SMALL BUSINESS SALES INC	1
PETSMART INC	1
BAYSIDE TAXI	1
A&W BAIL BONDS INC	1
ROMA FOOD ENTERPRISES OF FL INC	1
ABATIX CORP	1
RE-BATH	1
BANDER LANDSCAPING	1
ARTIST FOR HIRE	1
EDWARD K DWYER, CPA	1
DAPHNE MAZDA	1
EUCLID ENTERPRISES LLC	1
AMERICAN LAW ENFORCEMENT NETWORK	1
VISION BANK	1
MALBIS CHEVRON	1
THE ELF GROUP LLC	1
GULF COAST GASKET GUY	1
IMAGE ART PHOTOGRAPHY	1
INOVATIVE CONCEPTS	1
FLOORING ESSENTIALS LLC	1
FORREST DANIELL & ASSOCIATES PC	1
EASTERN SHORE LOCALS	1
APRIL B BACQUE	1
SCOTT RUSSELL ALLSTATE AGENCY	1
PAMPERED 2 PERFECTION	1
EASTERN SHORE LAWN CARE	1
HANBERG ENTERPRISES	1
TOYOTA MATERIAL HANDLING USA INC	1
UNITED FIXTURES COMPANY	1
MANSFIELD OIL CO OF GAINESVILLE INC	1
BASSETT FURNITURE DIRECT	1
AJS THREAD CONNECTION	1
SOLAR SOLUTIONS	1
RADIANT SYSTEMS, INC	1
GIRTMAN & ASSOCIATES INC	1
ZONE NET LLC	1
CORROSION CONTROL SPECIALIST	1
GULF COAST RESTAURANT SERVICE LLC	1
MINT TO BE LLC	1
STRATEGIC FLOORING SERVICES INC	1
WILLIAMS SERVICE	1
J & G AUTOMOTIVE SERVICE EQUIPMENT	1
TELDATA CORPORATION	1
OAK PARK MWOA	1
GIRTMAN & ASSOCIATES INC	1
FALLON TREE	1
DAIMLER CHRYSLER FIN SRV AMERICAS LLC	1
<b>TOTAL NEW BUSINESSES - NOT IN CITY</b>	<b>48</b>

# NEW BUSINESSES FOR AUGUST 2005

53

## CONTRACTORS

J LOWE ROOFING & CONSTRUCTION	1
JAYS LANDSCAPING & CUSTOM LAWN SERVICE	1
JACKIE J LEE	1
BW CONSTRUCTION CO INC	1
SOUTHERN LIGHTS LLC	1
AMERICAN AIR SOLUTIONS INC	1
NATIONAL SERVICES TEAM	1
JOHN PRINCE CONTRACTING CO INC	1
SOLID ROCK SHOTCRETE INC	1
SIGN SERVICE & INSTALLATION INC	1
MIDTOWN INVESTMENTS INC	1
JEFFERSON SPRINKLER INC	1
JHB PLUMBING & PIPING INC	1
HOUSEWORKS, THE LLC	1
SUNSET PAINTING	1
S & B PLUMBING	1
ABSOLUTE SEAMLESS GUTTERS	1
CHARLES ERIC MCNEIL	1
INTELEX INC	1
<b>TOTAL CONTRACTORS</b>	<b>19</b>

## INSURANCE COMPANIES

BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA	1
<b>TOTAL INSURANCE COMPANIES</b>	<b>1</b>

**TOTAL NEW BUSINESS LICENSE ISSUED AUGUST 2005** 87

## TOTAL BUSINESSES CLOSED AUGUST - CITY LIMITS

A Joyful Noise	1
Utopia Cassidy - Attorney	1
Tuesday Morning	1
<b>TOTAL DAPHNE BUSINESSES CLOSED</b>	<b>3</b>

**SALES & USE TAXES**

**ACTUAL COLLECTIONS**

	1999	2000	2001	2002	2003	2004	2005
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	-
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	-
<b>Totals</b>	<b>6,634,029.78</b>	<b>7,110,160.82</b>	<b>7,751,180.20</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>8,839,966.44</b>

**FY 2005 BUDGET/ACTUAL COMPARISONS**

	Actual- 2005	Budget	Monthly Variance	YTD Variance	% of Budget
October	833,700.71	833,701	-	-	0.00%
November	814,666.03	814,666	-	-	0.00%
December	1,091,073.78	1,091,074	-	-	0.00%
January	771,837.83	771,838	-	-	0.00%
February	788,825.08	788,825	-	-	0.00%
March	917,832.17	899,046	18,785.90	18,785.90	2.09%
April	863,144.81	797,162	65,982.89	84,768.79	8.28%
May	867,446.44	803,067	64,379.32	149,148.11	8.02%
June	982,863.46	867,302	115,561.71	264,709.81	13.32%
July	908,576.13	851,234	57,341.92	322,051.74	6.74%
August	-	790,040	-	-	-
September	-	880,076	-	-	-
<b>Totals</b>	<b>8,839,966.44</b>	<b>10,188,031</b>	<b>322,051.74</b>		

**FISCAL YEAR COMPARISONS**

	<u>\$ Change</u>						<u>Percent Change</u>					
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26	-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	-	7.98%	5.55%	0.71%	12.63%	0.72%	-
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	-	9.93%	5.91%	-2.37%	10.98%	16.02%	-
<b>Annual \$ Change</b>	<b>476,131.04</b>	<b>641,019.38</b>	<b>393,592.24</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,125,622.79</b>	<b>7.18%</b>	<b>9.02%</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	

TOTAL collections: FY 04	9,289,925
TOTAL est. bldgt coll: FY 05	10,188,031
Budgeted Dollar Decrease 04/05	898,106
Budgeted Percent Decrease 04/05	9.67%

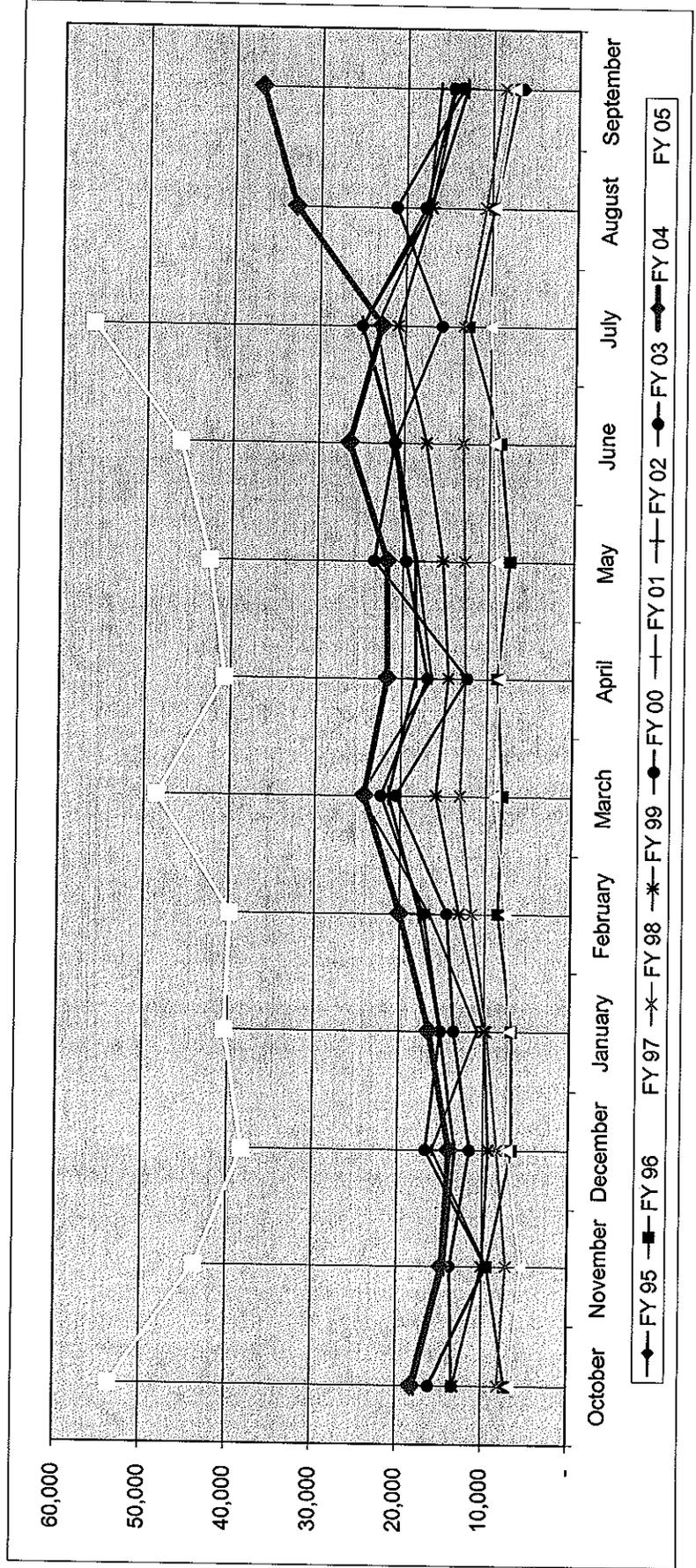
TOTAL collections: 7-31-05	8,839,966
Budgeted: 10-1-04 to 7-31-05	8,517,915
Actual Coll->(<)Budget, 7-31-05	322,052
% Over/(Under) Budget, 7-31-05	3.78%



## 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>
October	6,371.27	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95
November	6,371.27	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17
December	6,371.27	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96
January	6,371.27	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81
February	6,371.27	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68
March	6,371.27	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92
April	6,371.27	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33
May	6,371.27	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97
June	6,371.27	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59
July	6,371.27	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23
August	6,371.27	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	
<b>Total</b>	<b>6,371.27</b>	<b>100,428.26</b>	<b>96,406.17</b>	<b>128,825.48</b>	<b>170,726.13</b>	<b>193,945.54</b>	<b>205,978.62</b>	<b>212,999.73</b>	<b>211,754.69</b>	<b>269,317.22</b>	<b>449,398.61</b>

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



## PUBLIC WORKS COMMITTEE MEETING August 26, 2005

Councilman Bailey Yelding, District 1  
Councilwoman Cathy Barnette, District 2  
Councilman John Lake, District 3

### I. CALL TO ORDER

The August meeting of the Public Works Committee was called to order at 8:17 a.m.

Present: Mayor Fred Small, Councilman Bailey Yelding,  
Councilwoman Cathy Barnette, Ken Eslava, Scott  
Hutchinson, Aileen Trotter

### II. PUBLIC PARTICIPATION & CORRESPONDENCE

The committee reviewed and discussed the correspondence and the work request report for July 2005. Ken Eslava stated that several traffic signals have been out recently because of lightning storms. There have been improvements made to the traffic signals at "Malfunction Junction" that should improve the flow in the area. Mayor Small inquired to the possibility of changing the crosswalk cycle to allow for crossing only after the crosswalk button has been pushed.

Councilwoman Barnette inquired as to the GIS mapping of the City's drainage system and the schedule for maintenance on the drainage system. Ken Eslava stated that the GIS mapping would be part of the storm water management plan and that there is a regular maintenance system in place. Additional drainage issues are handled via work orders established by complaints. Ken suggested that the Tri-City Watershed Grant could be used to map the system. There is still some confusion between the EPA and the entities involved with the grant.

### III. OLD BUSINESS

The committee reviewed the minutes from the Public Works Committee meeting held July 22, 2005. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

County Road 13 widening will begin September 12, 2005. Ken is getting the list of the roads and sidewalks to send to finance. Neither have been a regular budget item before and they are now considering a pay-as-you-go program instead of a bond. Ken and the Mayor will be prioritizing the roads projects. It was noted that Lake Forest and Lawson Road were some of the areas in need of repair.

**IV. NEW BUSINESS**

None

**V. DIRECTOR'S REPORT****A. Lake Forest Improvement Committee**

The Lake Forest Improvement Committee is a group of concerned citizens who have come forward to help the city with the maintenance of the medians in Lake Forest. They are already helping with the weed eating, trimming bushes, picking up trash, etc. They are discussing a long-term plan for the restoration of the medians, including the planting of crepe myrtles, and they are inquiring about the walking path through the median. Ken has agreed to design a typical plan for the median, including crepe myrtles and a walking path. The Committee would be given a cost, and they would need to sit down with the Mayor to determine the feasibility of the improvements. The walking path would require the removal of the pine trees that are in the median. The next meeting will be on September 6, and then they will go to the Mayor and City Council for a formal introduction.

**B. Solid Waste Ordinance Enforcement**

Ken Eslava expressed a concern with the enforcement of the Solid Waste Ordinances due to a lack of manpower. He inquired about the designation of an enforcement officer in each department that would handle each department's needs. Ken suggested that Public Works could use Tony Cross as a solid waste enforcement officer. The enforcement officer would need to be sworn in as an officer of the court. Enforcement is needed to monitor placement of trash in the right-of-way more than 24-hours before pickup, prevent the placement of excessive amounts of trash (exceeding the current limits) and the disposal of construction debris. The development of a monthly or quarterly newsletter or stickers for the garbage cans was discussed to get information out to the public.

**Councilwoman Barnette made a motion to investigate the enforcement of solid waste ordinances from within Public Works. The motion was seconded by Councilman Yelding.**

**C. Traffic Study – Old Daphne/Bayside Academy**

Ken Eslava indicated that Public Works was looking into conducting a traffic study around Bayside Academy once school was back in session. Geographically, the area included in the study is College Avenue to Santa Rosa and 6<sup>th</sup> Street to Old County Road, but it will not include Main Street. The study will include the daily flows at each intersection for a week. Major problems seem to be related to

speeding in the area, especially around Belrose. Mr. Eslava suggested that the study would be a traffic speed study that may indicate a need for speed bumps. Mayor Small indicated that if speed bumps were needed, a traffic study would need to be done after the speed bumps are installed. He also inquired about looking into installing speed bumps in-house instead of contracting the work out. Mr. Eslava indicated that the study would begin Monday (August 29, 2005), weather permitting.

D. Garbage Rate Increase

Ken Eslava indicated that a garbage rate increase is needed due to the cost of fuel, maintenance, and increased personnel costs. There were discussions on the issuance of garbage cans to those residents who would be served by the new automated truck, which would result in the cessation of garbage cart rentals. Councilwoman Barnette inquired into the cost to distribute garbage cans to each household in the City. Mr. Eslava indicated that it would cost the City \$210,000 to provide garbage cans for each household. The future addition of automated trucks was further discussed. Mayor Small suggested that a dry run be conducted with the garbage cans that are currently being used by the residents. Councilman Yelding expressed his concern with providing cans for only the areas that the new truck will be utilized and the resulting public perception.

Mr. Eslava indicated that the necessary 19 % increase of \$2.60 would result in a monthly fee of \$16.50 instead of the current monthly fee of \$13.90. The increase would result in an additional \$196,000 per year to offset the expenses that are being incurred. Ken will provide additional information at the next meeting.

E. Fuel System Replacement

Mr. Eslava stated that the current Gasboy system is out of date and worn out. The billing information can no longer be retrieved from it and there is the possibility of someone stealing gasoline from it. Mr. Eslava indicated that the new system has already gone out for bid. The specifications for the new system include programmable keys that are capable of handling 500 functions including the vehicle number, the employee number, etc. The keys build a database of information on fuel consumption and use, and can also be used as a reminder of needed maintenance as the key can lock out the system until service is completed. Mr. Eslava indicated that the new system is estimated to cost \$12,500 and its life expectancy is ten (10) years. Mayor Small agreed that the fuel system replacement is necessary.

**Councilwoman Barnette made a motion to send to the finance committee a favorable recommendation to purchase a new fuel system. The motion was seconded by Councilman Yelding.**

- F. Expansion of Recycle Building – HHW/E-Recycling  
Mr. Eslava has gotten quotes on the expansion of the recycle building to facilitate the household hazardous waste and e-recycling. The quotes that were received are \$46,000 and \$38,000. He is recommending that the City accept the low bid for two 20-foot bays on the recycle building that would be dedicated to household hazardous waste and e-recycling.

Aileen Trotter has contacted ADEM for information on the household hazardous waste program, and they have indicated that permitting may not be required if the City contracts to have a transporter pick up the waste. Discussions on working with the County to make this program a joint venture and the possibility of obtaining funding should be evaluated. In addition, by-laws need to be established on the management of the waste, and rules need to be established on the acceptance of the waste.

**Councilman Yelding made a motion to send to the finance committee a recommendation for the expansion of the recycle building for household hazardous waste and e-recycling. The motion was seconded by Councilwoman Barnette.**

**VI. SOLID WASTE AUTHORITY**

None

**VII. MUSEUM COMMITTEE**

Ken Eslava is requesting that the City look into grant funding for the restoration of the museum.

**VIII. BEAUTIFICATION COMMITTEE**

None

**IX. ENGINEER REPORT**

- A. NRCS – There are three NRCS projects that are about to start. One project is behind the Methodist church, one is off Captain O’Neal, and the third is in Lake Forest. Two projects will start next Friday and the other will start shortly thereafter.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held September 22 at 8:00 am at City Hall.

- B. The Mayor is working with Randy Davis and Mayor Joe Bonner, and he sent a letter to Congressman Bonner concerning the fill that is needed in Spanish Fort. Mayor Small indicated that it looks favorable to use dirt from the lake as fill dirt. The tests have come back favorable. Mayor Small is requesting that the Army Corps of Engineers be contacted to determine if there is assistance available for dredging the lake and putting the dirt onto a truck that could then be transported to Spanish Fort for use. Other options were also discussed for the lake dredging.
- C. Councilman Yelding stated that the Baldwin County School Board has asked for assistance from the City to move the playground equipment behind the school. Mayor Small indicated that he was told that the Board of Education was taking care of it.

**XI.****ADJOURNMENT**

The meeting adjourned at 9:40 a.m. **Councilwoman Barnette motioned to adjourn; Councilman Yelding seconded the motion.**

FEMA MOTION

Motion to allow FEMA to place temporary housing on the grounds of the Eastern Shore Association at Camp Julia Nelson on Main Street which is currently serving as a displacement center.

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

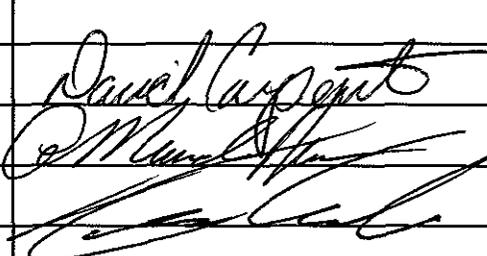
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**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# CITY OF <sup>65</sup>DAPHNE

## PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Alabama Citizens for Life - Life Chain</i>
<b>CONTACT PERSON:</b>	<i>John D. Smith</i>
<b>ADDRESS:</b>	<i>1308 Captain O'Neal Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b>	<i>626-8394      Cell# 454-2985</i>
<b>TYPE OF PARADE:</b>	<i>Prayer Vigil/Life Chain - Not a parade.</i>
<b>DATE OF PARADE:</b>	<i>Sunday October 2, 2005</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>4 lane area of US Hwy 98 along the ROW Will be lining sides of Highway (not median)</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>200</i>
<b>START TIME:</b>	<i>2:30 p.m.</i>
<b>STOP TIME:</b>	<i>3:30 p.m.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Daphne Library</i>
<b>ASSEMBLY TIME:</b>	<i>1:00 p.m.</i>
<b>SPECIAL REQUEST:</b>	
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>August 22, 2005</i>
<b>NOTIFICATION:</b>	

	<p><b>A facsimile from</b></p> <p><b>Mayor Small</b> City of Daphne</p>
<p><b>To:</b> Chief Carpenter Fax number: 621-3597</p>	
<p><b>Date:</b> 8/18/2005</p>	
<p><b>Regarding:</b> Life Chain</p>	
<p><b>Comments:</b> Captain John Smith spoke to the Mayor yesterday in regards to the Life Chain. He said that in the past, they did not have to get a parade permit; they just got permission from the Mayor for this event. Mayor Small wants to know what you know about this event. Thanks.</p>	

Mayor - these folks simply live us 98 with signs against abortion - there has never been a problem - always peaceful - however if another group ever showed up to protest them we could have problems - I talked with Chief Carpenter on this and we think it best that they follow the procedures and obtain a permit - everyone is covered with it being legal then.

- Thanks  
Dave Witter

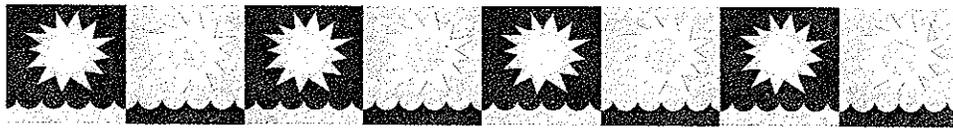
Sunday Oct 2-05 2:30/3:30

1 - Sunday Oct EVERY YEAR.

You are cordially invited to join Baldwin  
County's community of prayer for our unborn  
children and for our Nation

As a part of

LIFE CHAIN 2004



On Respect Life Sunday

October 03rd, 2004

- Rally & Pick up Pro-life signs at 1 PM at the Daphne  
Public Library Parking Lot
- Prayer Chain Formation 2-3 PM along Hwy 98 4-lane  
Daphne, Alabama
- For More Info, or to order signs for your church, please  
Contact Captain JD or Val Smith at Tele 626-8394  
(Sponsored by Alabama Citizens for Life, the state  
affiliate of National Right to Life)

please  
let  
me  
live



# NATIONAL LIFE CHAIN

Will you tarry one hour?

## For more information

Contact:  
**PLEASE LET ME LIVE**  
"The Life Chain People"  
3209 Colusa Highway  
Yuba City, California 95993  
Phone: (530) 671-5500  
Email: [National Life Chain](mailto:NationalLifeChain@earthlink.net)

## Press Release

[Press Release for October 5,  
2003](#)

[Letter to Pastors of America  
\(Promise Keepers Pastors  
Convention, 2003\)](#)

## Newsletters

[Newsletter, August 2003 \(Regarding  
October 5 Life Chain\)](#)

[Newsletter \(Contraception and  
Abortion: Their Relationship\)](#)

## LIFE CHAIN Materials

[Life Chain Flyer 2003 \(Sample\)](#)

[LIFE CHAIN Manual](#)

[15 Steps for Building a Strong LIFE  
CHAIN](#)

[To order LIFE CHAIN signs](#)

## Pro-Life Pamphlets

[America Must Decide](#)

[What the Facts Reveal about Planned  
Parenthood](#)

## What Is LIFE CHAIN?

Annually, on the first Sunday in October, LIFE CHAIN invites the churches in each city and town across North America to stand on a designated local sidewalk and pray for one hour, while holding one of the following approved pro-life sign messages:

- **ABORTION KILLS CHILDREN**
- **JESUS FORGIVES AND HEALS**
- **ADOPTION: THE LOVING OPTION**
- **LORD, FORGIVE US AND OUR NATION**
- **ABORTION HURTS WOMEN**
- **PRAY TO END ABORTION**
- **LIFE—THE FIRST INALIENABLE RIGHT**

In 2002, over 900 LIFE CHAINS were held in the U.S. and Canada, and over 950 are expected this year. **National Life Chain Sunday 2003** will be held on **October 5**, Lord willing, from **2:30 to 3:30 PM** in each **time zone**. Will your city be included?

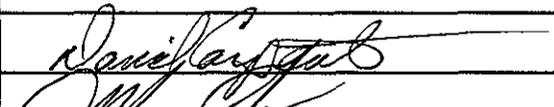
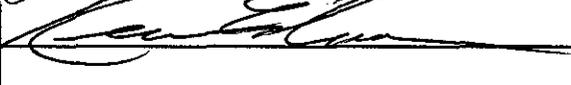
The easy-to-hold 18" x 22" signs provided for Life Chainers are back printed with Prayer Topics, Songs of Meditation, the LIFE CHAIN Code of Conduct, and a compelling statement on The Purpose of LIFE CHAIN. In addition to the prayer topics listed, local pastors are encouraged to add other prayer topics and to instruct their people in how to pray and meditate for a full hour. Last year, September 11 inspired the most prayerful national Chain we have ever held, and given developments in the Middle East (Israel, Iraq, among other nations, and what the future may portend for America) we expect even more fervent prayer in 2003.

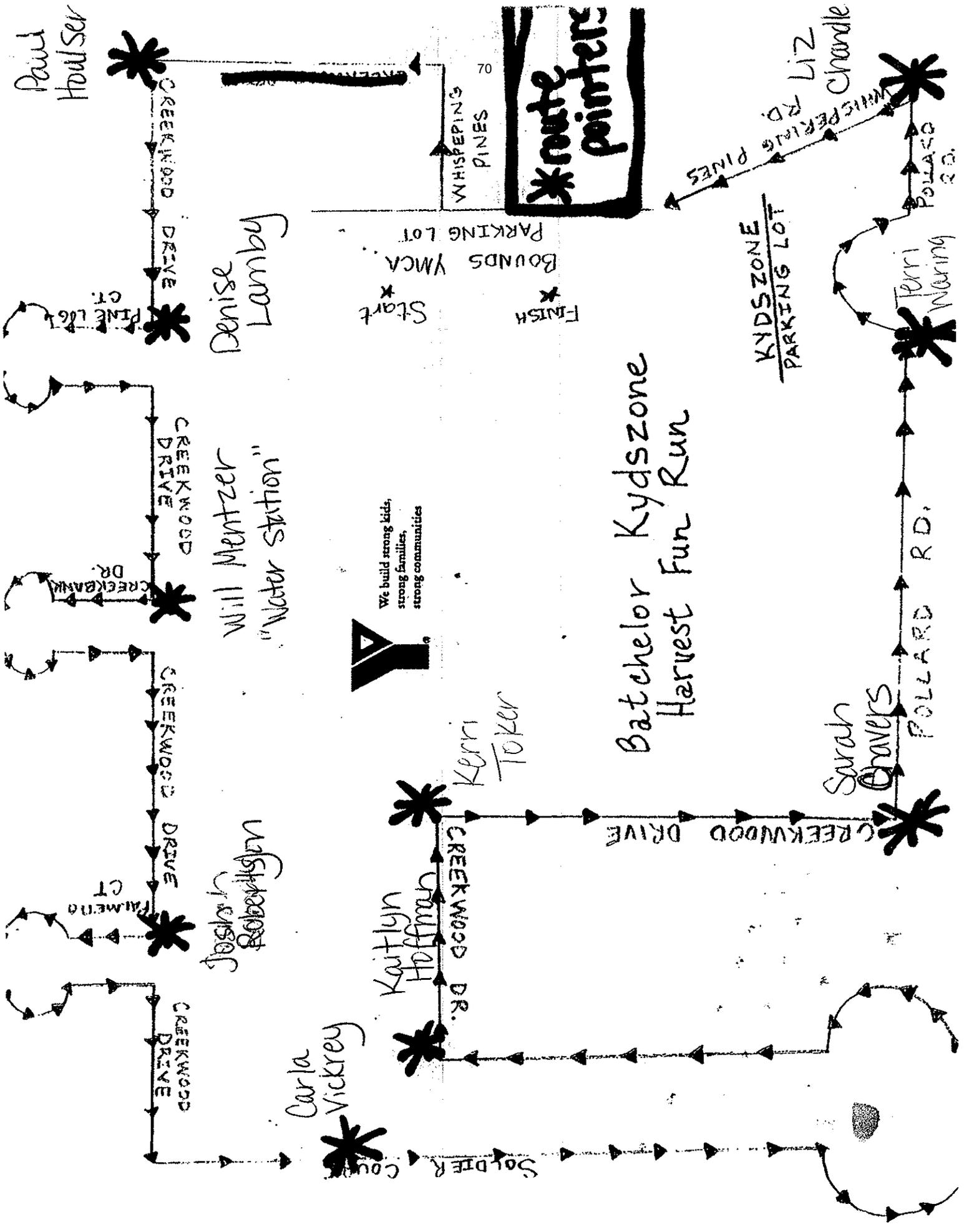
During the LIFE CHAIN hour, idle chatter, frivolity, and both verbal and physical responses to notorists are strongly discouraged. LIFE CHAIN is a time for serious self-analysis, repentance, and intercession.

Accordingly, LIFE CHAIN is not a demonstration intended chiefly for the general public. Instead, its first goal is to minister to its own participants—to those who hold the pro-life messages and declare abortion a grave evil that defames the name and righteousness of God (Leviticus 18:21). Indeed we who call Christ our Savior have failed to intervene as we should have during the past three decades, while over 40 million boys and girls in America alone have been killed through surgical abortion and

# CITY OF <sup>69</sup>DAPHNE

## PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Bounds Family YMCA</i>
<b>CONTACT PERSON:</b>	<i>Garilynn Gillespie / Lisa Ledet</i>
<b>ADDRESS:</b>	<i>8051 Whispering Pines Road Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):</b>	<i>626-5104 / 626-0888 Cell# 402-2716</i>
<b>TYPE OF PARADE:</b>	<i>Harvest Fun Run</i>
<b>DATE OF PARADE:</b>	<i>October 23, 2005</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>2 miles through Creekside Neighborhood</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>150 runner/walkers</i>
<b>START TIME:</b>	<i>5:30 p.m.</i>
<b>STOP TIME:</b>	<i>6:30 p.m.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Creekside Drive</i>
<b>ASSEMBLY TIME:</b>	<i>4:30 p.m.</i>
<b>SPECIAL REQUEST:</b>	
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	<i>1.) Block off the 2 entrances to Creekside Subdivision with barricades at Pollard - Creekbank Dr. and Whispering Pines - Creekwood Dr. . 2.) Block entrance as in past years at corner of 4 way stop on Whispering Pines &amp; Pollard Road near YMCA &amp; Pollard Corner</i>
<b>DATE ROUTED:</b>	<i>September 9, 2005</i>
<b>NOTIFICATION:</b>	



Paul Howser

CREEKWOOD DRIVE

Denise Lamby

Pink lot

CREEKWOOD DRIVE

Will Mentzer  
"Water station"

CREEKWOOD DR.

CREEKWOOD DRIVE

Josh & Robert Higgin

Falmer Ct

CREEKWOOD DRIVE

Carla Vickrey

Kaitlyn Hoffman

CREEKWOOD DR.

Kerri Toker

CREEKWOOD DRIVE

Sarah Graves

POLLARD RD.

Terri Naring

KYDSZONE PARKING LOT

Liz Chandle

WHISPERING PINES RD.

POLLARD RD.

WHISPERING PINES

Route painters

Start  
FINISH  
BOUNDS YMCA  
PARKING LOT

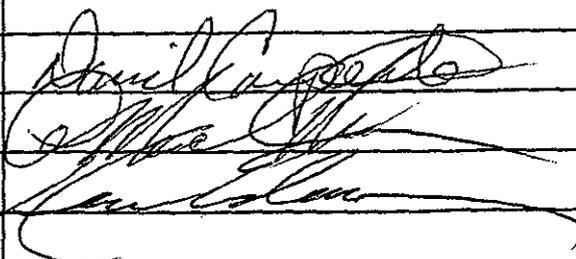
We build strong kids,  
strong families,  
strong communities

Batchelor Kydszone  
Harvest Fun Run



70

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Daphne High School</i>
<b>CONTACT PERSON:</b>	<i>Colonel Smith</i>
<b>ADDRESS:</b>	<i>Daphne High School</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b>	<i>626-0096                      626-3024 (Fax#)</i>
<b>TYPE OF PARADE:</b>	<i>Homecoming Parade</i>
<b>DATE OF PARADE:</b>	<i>October 6, 2005</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>Main Street from the Intermediate School down Main Street to the Elementary School</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>20 floats and cars</i>
<b>START TIME:</b>	<i>4:00 p.m.</i>
<b>STOP TIME:</b>	<i>5:00 p.m.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Whispering Pines Road and Main Street</i>
<b>ASSEMBLY TIME:</b>	<i>3:15 p.m.</i>
<b>SPECIAL REQUEST:</b>	<i>Close Whispering Pines as discussed with Capt. Taylor</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>September 9, 2005</i>
<b>NOTIFICATION:</b>	

09-14-05A09:40 RCVD

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION NO. 2005 - 67  
2005-Y-CELLULAR TELEPHONES/RADIO EQUIPMENT**

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

**WHEREAS**, The City of Daphne acknowledges that the cost for the CELLULAR TELEPHONES/RADIO EQUIPMENT will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the CELLULAR TELEPHONES/RADIO EQUIPMENT and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the CELLULAR TELEPHONES/RADIO EQUIPMENT be awarded to Nextel Partners, Inc.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Nextel Partners, Inc. in order that the City may select any plan by department/employee currently in place and retain the same benefits throughout the term of the contract (through November 8, 2005) as specified in BID SPECIFICATION NO: 2005-Y-CELLULAR TELEPHONES/RADIO EQUIPMENT.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 19<sup>th</sup> day of September, 2005**

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

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

**ATTEST:**

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

**RESOLUTION NO. 2005 - 68  
2005-Z-FUEL MANAGEMENT SYSTEM**

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

**WHEREAS**, The City of Daphne acknowledges that the cost for the FUEL MANAGEMENT SYSTEM will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FUEL MANAGEMENT SYSTEM and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FUEL MANAGEMENT SYSTEM be awarded to Trak Engineering, Inc.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Trak Engineering, Inc. for a cost of \$8,215 per site as specified in BID SPECIFICATION NO: 2005-Z-FUEL MANAGEMENT SYSTEM.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 19<sup>th</sup> day of September, 2005**

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

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

**ATTEST:**

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

**RESOLUTION NO. 2005 - 69  
2005-W-NATURAL GAS GENERATOR**

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

**WHEREAS**, The City of Daphne acknowledges that the cost for the NATURAL GAS GENERATOR will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the NATURAL GAS GENERATOR and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the NATURAL GAS GENERATOR be awarded to Energy Systems Southeast, 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 of Energy Systems Southeast, LLC for a negotiated cost of \$18,750 per generator as specified in BID SPECIFICATION NO: 2005-W-NATURAL GAS GENERATOR.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** 19<sup>th</sup> **day of** September, 2005

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

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

**ATTEST:**

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

**RESOLUTION 2005- 70  
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA  
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

***Ha Le Riggio, Court Magistrate, Alabama Court Clerks and Magistrates  
Orientation and Certification Program, September 22-23, 2005, Montgomery, AL -  
\$70***

***Randy Pennycuff, Mechanic, Heil Electronic Control Training, October 3-8, 2005,  
Montgomery, AL - \$210***

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on  
this 19<sup>th</sup> - - - day of September, 2005.**

\_\_\_\_\_  
Greg Burnam  
**Council President**  
Time Signed: \_\_\_\_\_

\_\_\_\_\_  
Fred Small  
**Mayor**  
Time Signed: \_\_\_\_\_

**ATTEST:**

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

**ORDINANCE NO. 2005- 41**

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS  
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA**

**VILAI MARINO**

**(Property located off of south side of County Road 64)**

**BE IT ORDAINED BY THE MAYOR AND 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 28, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, high-density single and multi-family residential, district**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on September 19, 2005 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 MAYOR AND 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"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE EAST ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 947.80 FEET; THENCE SOUTH 01-29' WEST 442.12 FEET; THENCE NORTH 89-55'-38" EAST 389.85 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE SOUTH 00-33'-30" WEST 883.60 FEET; THENCE NORTH 89-48'-53" EAST 662.50 FEET; THENCE NORTH 00-20'-23" EAST 984.12 FEET; THENCE SOUTH 89-59'-36" WEST 600.23 FEET; THENCE NORTH 00-16'-56" WEST 300.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 64 (AN 80 FOOT RIGHT OF WAY); THENCE SOUTH 89-59'-36" WEST ALONG SAID RIGHT OF WAY LINE 60.00 FEET; THENCE SOUTH 00-16'-56" EAST 402.60 FEET TO THE POINT OF BEGINNING; CONTAINING 15.35 ACRES MORE OR LESS.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

**CITY OF DAPHNE  
ORDINANCE NO. 2005- 42**

**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 28, 2005, favorably recommended certain amendments to the Zoning District Map approved and adopted by Ordinance 2001-33 referenced in Appendix H “Exhibit A” of the Daphne Land Use & Development Ordinance No. 2002-22 and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; 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 and Ordinance No. 2005-11; 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 19, 2005; 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 zoning map of the City of Daphne, Alabama.

**SECTION II. AMENDMENT**

Ordinance 2002-22, 2003-06, and 2005-11 are hereby amended to the extent that the adopted Zoning District Map referenced in Appendix H of “Exhibit A” and the revision to said map adopted on December 3, 2001 by Ordinance Number 2001-33, conflicts with the Revised Zoning District Map referenced as Exhibit A.

**SECTION III. REPEALER**

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

**SECTION IV. EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,  
ALABAMA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

**CITY OF DAPHNE**

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

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

**ATTEST:**

\_\_\_\_\_  
**David Cohen**  
**City Clerk, MMC**

82  
**ORDINANCE NO. 2005 - 43**

**Ordinance to Rezone Property Located on the South Side of County Road 64  
(2.52 +/- Acres)  
John & Susan Hurley**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Single Family Residential District, to B-2, General Business District, said property is located on the (south side of County Road 64) in Daphne, Alabama, being more particularly described as follows:

**LEGAL PROPERTY DESCRIPTION**

SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA,  
EAST HALF OF LOT 4, BLOCK 2, RANDALL SUBDIVISION, ACCORDING TO PLAT  
THEREOF RECORDED IN MAP BOOK 1, PAGE 227, IN THE OFFICE OF THE JUDGE  
OF PROBATE, BALDWIN COUNTY, ALABAMA, LESS AND EXCEPT THAT SOUTH 40  
FEET OF SAID LOT 4, LYING IN THE RIGHT-OF-WAY OF BALDWIN COUNTY  
HIGHWAY NO. 64. SAID PARCEL CONTAINING 2.52 ACRES, MORE OR LESS

**WHEREAS**, the Planning Commission of the City of Daphne on July 28, 2005 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 Monday, September 19, 2005 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, Single Family District, to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day \_\_\_\_ day of \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

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

**CITY OF DAPHNE**  
**ORDINANCE NO: 2005- 44**

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**AN ORDINANCE AUTHORIZING AN EXTENSION OF THE MORATORIUM  
ON APPROVAL AND CONSTRUCTION OF BUILDINGS  
IN EXCESS OF FIFTY (50) FEET AND/OR FOUR (4) STORIES IN HEIGHT**

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City of Daphne by exercising proper and appropriate land use management; and

**WHEREAS**, the City Council of the City of Daphne, Alabama has determined that in order to promote and maintain the health, welfare and safety of the citizens of the City of Daphne, a plan of development is needed to properly oversee and authorize the approval and subsequent construction of any structure in excess of fifty (50) feet and/or 4 stories in height, it shall be necessary to prepare, approve and pass a comprehensive land use plan involving the height of such buildings; and

**WHEREAS**, Section 13-7 of the City of Daphne Land Use Ordinance No. 2002-22, currently addresses the authorization of buildings in excess of 50 feet or 4 stories in height, but that said ordinance is in need of amendment and expansion; and

**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City by establishing an additional moratorium on the approval and construction of buildings in excess of 50 feet and/or 4 stories in height; and

**WHEREAS**, the City Council of the City of Daphne pursuant to Ordinance No.: 2002-14, previously enacted a six (6) month moratorium on approval and construction of buildings in excess of fifty (50) feet and/or 4 stories in height, and

**WHEREAS**, the City of Daphne requires additional time to study, prepare and establish a comprehensive and binding Land Use Ordinance to effectively address the authorization and construction of buildings in excess of 50 feet and/or 4 stories;

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

**SECTION I:**

- (a). That a moratorium is hereby declared to be in effect from the effective date of passage of this ordinance through January 3, 2006, thereby prohibiting the approval of and construction of any and all buildings or structures within the City of Daphne in excess of 50 feet and/or 4 stories in height in order to afford the City of Daphne sufficient time to prepare and establish a building and land use ordinance (or amendment of the existing Land Use Ordinance) that adequately regulates the construction of buildings in excess of 50 feet and/or 4 stories in height.
- (b). That this moratorium may be extended in length of time upon the majority vote of the City Council by passage of appropriate ordinance.
- (c). That Section 13-7 of the Daphne Land Use Ordinance No. 2002-22 is hereby suspended in that part as it relates to the approval or consideration of structures of more than four (4) stories or fifty (50) feet, as said provision is deemed suspended and without authority until such time as this moratorium expires and/or when said ordinance is amended by the City Council.

**SECTION II: CONFLICT WITH OTHER ORDINANCES**

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

**SECTION III: SEVERABILITY**

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.

**SECTION IV: EFFECTIVE DATE**

That this Ordinance shall be in full force and effect upon its adoption as provided by law by the City Council of the City of Daphne.

**APPROVED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Dated & Time Signed:\_\_\_\_\_

**ATTEST**

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

**CITY OF DAPHNE  
ORDINANCE NO. 2005-47**

**City of Daphne Street Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on August 25, 2005, favorably recommended to update the City Daphne Street map

**WHEREAS**, said additional map is necessary due to need to up date the City of Daphne street map due to the addition of new city streets; and

**WHEREAS**, due notice of said City of Daphne Street Map 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**, the Mayor and City Council of the City of Daphne after due consideration believe the update to said City Daphne Street Map as requested by the Planning Commission is 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. REPEALER**

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

**SECTION II. 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 \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

\_\_\_\_\_  
**David Cohen, City Clerk, MMC**



To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: City of Daphne Street Map  
Date: August 26, 2005

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, August 25, 2005, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned map.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council on September 6, 2005.

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

Thank you,

WHE/jd

cc: Mayor Small  
Greg Burnam, Council President  
Jay Ross, City Attorney  
file

**ORDINANCE 2005- 48**

**An Ordinance Appropriating Funds**

**City Hall Site Preparation, Survey & Engineering**

**WHEREAS**, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

**WHEREAS**, the City Hall phone system needs to be replaced and updated because the current system has become obsolete and has incurred numerous lightning strikes in recent months.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2005 Budget is hereby amended to include a General Fund appropriation not to exceed \$ 50,000 for a new phone system at City Hall.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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