

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
OCTOBER 5, 2009
BUSINESS MEETING
6:30 P.M.

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

APPROVE MINUTES: Council meeting minutes / September 21, 2009
Council Work Session Minutes / September 23, 2009
Council Work Session Minutes / September 28, 2009

PROCLAMATION: “Fire Prevention Week” October 4-10, 2009

PUBLIC HEARING: Annexation: AJD Family Limited Partnership / Southeast of the
Intersection of County Road 64 and Friendship Road / Requested zoning
B-1, Local Business District / Unanimous Favorable Recommendation
Ordinance 2009-56

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Boulware**
- B. BUILDINGS & PROPERTY - Lake**
Review minutes / September 11th
- C. PUBLIC SAFETY - Burnam**
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
Review minutes / September 24th
Reset Public Hearing for November 2, 2009 to consider: Revision to Zoning Map
- F. Recreation Board - Burnam**
- G. Utility Board - Scott**
Review minutes / July 29th

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) Parade Permit / Daphne High School Homecoming Parade / October 8, 2009
 - b.) ABC License / Los Tacos / 020 / Restaurant Retail Liquor
- B. City Attorney’s Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Support Buy America/Resolution 2009-104
- b.) Endorse The Baldwin County Route for the Construction of the County Road 83 Between I10 & I65 and Opposing the Route Proposed by the Alabama Department of Transportation. /Resolution 2009-105

ORDINANCES:

2ND READ

- a.) Highway 98/County Road 64 Intersection Improvements. /Ordinance 2009-46
- b.) Lodging Tax Appropriation: Bay Front Park Benches & Swings. /Ordinance 2009-47
- c.) Amending Job Classification Schedule / Benefits/payroll Coordinator. /Ordinance 2009-48
- d.) Establishing Budget Policy for October 2009 /Ordinance 2009-49

1ST READ

- e.) Adopting the Fiscal Year Budget 2010 / Worksheet #1. /Ordinance 2009-50
- f.) Adopting the Fiscal Year Budget 2010 / Worksheet #2. /Ordinance 2009-51
- g.) Adopting the Fiscal Year Budget 2010 / Worksheet #3. /Ordinance 2009-52
- h.) Adopting the Fiscal Year Budget 2010 / Worksheet #4a. /Ordinance 2009-53
- i.) Adopting the Fiscal Year Budget 2010 / Worksheet #4b. /Ordinance 2009-54
- j.) Amending Use of Lodging Tax Proceeds. /Ordinance 2009-55
- k.) Annexation: AJD Family Limited Partnership / Southeast of the Intersection of County Road 64 and Friendship Road / Requested Zoning B-1, Local Business. /Ordinance 2009-56

9. COUNCIL COMMENTS

10. ADJOURN

AGENDA FOR OCTOBER 12, 2009 WORK SESSION

- 1. INTERVIEW FOR HR DIRECTOR POSITION
- 2. DOWNTOWN REDEVELOPMENT AUTHORITY

TENTATIVE WORK SESSION ITEMS

- 1. VISIONING PLAN
- 2. PROTOCOL FOR CHANGING SIGN ORDINANCE
- 3. TRAINING & TRAVEL BUDGET
- 4. SIGN ORDINANCE
- 5. LODGING TAX

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**SEPTEMBER 21, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

Council President Pro tem Palumbo called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was give by Mr. William H. Eady.

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

ABSENT: John Lake.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Bill Eady, Public Works Director; Kim Briley, Finance Director; Richard Merchant, Building Official; James White, Fire Chief; David Carpenter, Police Chief; Vickie Hinman, Interim Human Resource Director; David McKelroy, Recreation Director; Anna Morris, Library; Deni Biggs, Interim Civic Center Director; Adrienne Jones, Planning Director; Jane Robbins, Mayors Assistant; Jay Robertson, Engineer HMR; Sherree Hilbrun, Payroll & Benefits; Ashley Campbell, Environmental Program Manager; Lamar Greene, Firefighter; Joey Holasz, Firefighter; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission; Ed Kirby, Planning Commission; Dorothy Morrison, Beautification Committee.

Absent: Jay Ross, City Attorney; Tonja Young, Library Director.

2. APPROVE MINUTES

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held September 8, 2009 with the amendment to correct the motion to adopt the August 17, 2009 minutes saying that she was present at the August 17, 2009 meeting, and that Councilman Burnam voted Nay for adoption of Ordinance 2009-43. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held September 14, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**SEPTEMBER 21, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

PUBLIC HEARING: Rezone: Trione Heir Property / Property located southwest of the intersection of Main Street and Belrose Avenue / R-2, Medium Density Single Family Residential District to B-2, General Business District / Unanimous Unfavorable Recommendation from Planning Commission

The request was withdrawn per letter from the owner of the property which is spread out upon these minutes.

PROCLAMATION: “Daphne Writes Day” / Denise D’Oliveira

Mrs. D’Oliveira and several local teachers read the proclamation supporting a year-long campaign to encourage students to value writing skills.

VETO OF ORDINANCE 2009-43 / Fire Hydrant Maintenance Appropriation

Mayor Small withdrew his veto of Ordinance 2009-43 regarding Fire Hydrant Maintenance.

SET DATE: Human Resource Director Interviews

MOTION BY Councilman Scott to set a date of October 7, 2009 6:30 p.m. to conduct the interviews for the Human Resource Director position. *Seconded by Councilwoman Barnette.*

Council will interview all eight (8) of the applicants.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

A. FINANCE COMMITTEE – Boulware

The minutes for the September 10th and September 14th meetings are in the packet.

Treasurers Report

MOTION BY Councilman Scott to accept the Treasurers Report as of August 31, 2009 in the amount of \$19,048,287.63. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTIONS

MOTION BY Councilman Scott to authorize the Mayor to enter into a contract with Spanish Fort for Dispatching Services. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPOSED MOTION CARRIED

MOTION BY Councilman Scott to authorize the Mayor to execute a change order for James Brothers NRCS projects in the amount of \$16,798.60. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to set the rate for the 2009 sewer assessments at 4.15%. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Summary of Revenues & Expenditures

The Summary General Fund Statement of Revenues, Expenditures & Changes in Fund Balance as of July 31, 2009 shows that expenditures are currently over revenues by (\$1,293,528).

Sales Tax Collections

Sales and Use Tax Collected for July 2009	- \$ 808,114
Sales and Use Tax Budgeted for July 2009	- \$ 908,576
Under Budget (for July)	- \$ (100,462)

YTD Budget Collections Variance - Under Budget - \$ (1,033,753)

Lodging Tax Collections

The Lodging Tax Collections report shows \$60,619.78 collected for July 2009.

The next meeting will be October 12th at 4:00 p.m. in the Executive Conference Room

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met on the first Friday of September, and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the September 9th meeting are in the packet, and no council action is required. The next meeting will be October 14th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

No report.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

There is a meeting at the Beach Club Thursday from 4:00 p.m. until 6:00 p.m. sponsored by the Baldwin County Economic Development Alliance where they will make a big announcement that a mega business is coming to Bay Minette.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

Four or five commissioners attended the Land Use Law Update, and the majority of attendees were from out of town. The next Planning Commission meeting will be Thursday at 6:00 p.m. They are working diligently to get the revised Land Use Ordinance to council, but it will probably be later in October before they send it to council.

F. Recreation Board – Burnam

The board met at the Nicholson Center on September 9th where they had a brain storming session to come up with a plan for the building, and the consensus was that it should be used as a community center. The next meeting will be October 14th at 6:00 p.m.

G. Utility Board – Scott

The next meeting will be Wednesday at 5:00 p.m. in the Council Chambers.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

Mayor Small introduced Pat Wilding, the Volunteer-Volunteer Coordinator to speak regarding the murals being painted on the sides of buildings in the Olde Towne District. Mrs. Wilding stated that they are working on painting murals on six (6) buildings in the Olde Towne area. They plan to be finished with them December 1st. The theme will be past and present scenes of Daphne. The store owners are providing all the materials.

Mayor Small thanked her for their efforts. He reminded everyone that Coffee with the Mayor is Thursday at 8:30 a.m. The state legislators will be the guest speakers giving an update on what is coming up in the state.

NRCS Projects Extension

MOTION BY Councilman Yelding to authorize the Mayor to sign an extension on all eight (8) NRCS projects. *Secoded by Councilman Scott.*

Councilwoman Barnette amended the motion to state all projects under NRCS. *Secoded by Councilman Scott.*

VOTE ON AMENDMENT

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

Mr. Bussey commented on the YMCA resolution on the agenda saying that it allows the Mayor to sign the certificates for refinancing.

C. Department Head Comments

David McKelroy – Recreation Director – introduced Eric Smith the vice chairman for the Recreation Board. He reminded everyone that Brown Bag By the Bay is still going on at May Day Park on Thursdays 11:00 a.m. – 1:00 p.m. He thanked James Brothers for their help in finding the corners for the new facility. He said it saved employees a whole day of looking for them.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of the Eastern Shore Motel – spoke in opposition to increasing the lodging tax.

Mr. Rocco Valluzo – Owner of the Microtel Motel - spoke in opposition to increasing the lodging tax.

Mr. Lee Gayle – Hilton Garden Inn – spoke opposing increasing the lodging tax.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the lodging tax asking where would the money go, and was opposed to doubling the lodging tax.

Mr. Lon Johnston - 316 Whiting Court – spoke regarding statements made in the Press-Register which are spread out upon these minutes.

Mr. Ben Misler – Owner of Holiday in Express – spoke opposing an increase in the lodging tax.

Mr. Charles Cuff – General Manager of Homewood Suites – spoke opposing an increase in the lodging tax.

Mr. Anthony Burdine – General Manager of Hampton Inn – spoke opposing an increase in the lodging tax.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Amend Certificate of Incorporation of the Renaissance Improvement District/Resolution 2009-91
- b.) Appointing a Director to the Board of Directors of the Renaissance Improvement District / Expand Directors...../Resolution 2009-92
- c.) Amending the Certificate of Incorporation of the Renaissance Cooperative District / Expand Directors...../Resolution 2009-93
- d.) Re-appointing Director to the Board of Directors of Renaissance Improvement District / Lee D.M. Pittman / Term Ending June 5, 2012/Resolution 2009-94
- e.) Bid Award: Garbage Carts / Ameri-Kart Corporation/Resolution 2009-95

- f.) **Bid Award: City Hall Parking Lot Improvements / James Brothers Excavating**/Resolution 2009-96
- g.) **Bid Award: Police Vehicle – Four Door Sedan / Bayview Ford Lincoln Mercury**/Resolution 2009-97
- h.) **Declaring Certain Personal Property Surplus / 2000 Crown Vic.**/Resolution 2009-98
- i.) **Fiscal 2009 Community Contributions.**/Resolution 2009-99
- j.) **Authorize the Financing of (2) Garbage Trucks / (3) Knuckleboom Trucks**/Resolution 2009-100
- k.) **Request for Attorney General’s Opinion / TimberCreek Setback Lines**/Resolution 2009-101
- l.) **Authorize Mayor to Sign Certificate with Respect to the Approval of Bonds Issued by the YMCA Public Park and Recreation Board of the City of Daphne / Refinancing of Bond Issue**/Resolution 2009-102
- m.) **Support for Southwest Airlines Coming to Pensacola, FL**/Resolution 2009-103

MOTION BY Councilman Scott to waive the reading of Resolutions 2009-91, 2009-92, 2009-93 and 2009-94 . *Secoded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2009-91, 2009-92, 2009-93 and 2009-94. *Secoded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Resolutions 2009-95, 2009-96, 2009-97, 2009-98, 2009-99, 2009-100, 2009-101 and 2009-102. *Secoded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Burnam to adopt Resolutions 2009-95, 2009-96, 2009-97, 2009-98, 2009-99, 2009-100, 2009-101 and 2009-102. *Seconded by Councilman Scott.*

Councilman Burnam amended his motion to withdraw Resolution 2009-99 to consider separately. *Councilman Scott seconded the amendment.*

VOTE ON AMENDMENT

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED: TO ADOPT RESOLUTIONS 2009-95, 2009-96, 2009-97, 2009-98, 2009-100, 2009-101 AND 2009-102.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

RESOLUTION 2009-99 / COMMUNITY CONTRIBUTIONS

MOTION BY Councilman Scott to request the Finance staff to prepare a letter requesting financial statements before releasing funds for Community Contributions. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council requested the City Clerk to read Resolution 2009-103.

MOTION BY Councilman Scott to adopt Resolution 2009-103. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

1ST READ

- a.) Highway 98/County Road 64 Intersection Improvements/Ordinance 2009-46
- b.) Lodging Tax Appropriation: Bay Front Park Benches & Swings/Ordinance 2009-47
- c.) Amending Job Classification Schedule / Benefits/payroll Coordinator /Ordinance 2009-48
- d.) Establishing Budget Policy for October 2009...../Ordinance 2009-49

ORDINANCES 2009-46, 2009-47, 2009-48 AND 2009-49 WERE MADE 1ST READ.

8. COUNCIL COMMENTS

Councilman Yelding stated to the hotel owners that he will not support any large tax increase at this time. He said that he hopes all can weather the storm, and that he supports the hotels.

Councilwoman Barnette stated that the increase in the lodging tax is not representative of the council body, and with the downturn of the economy it is not the time to raise taxes. She said that it would hurt the businesses. She wants to continue to support and show appreciation for the businesses in Daphne.

Councilman Scott thanked the hotel owners for coming out, and encouraged them to come back. He said he is sorry if they scared them. He said they were just brain storming, and that he does not support raising the lodging tax.

Councilman Boulware thanked the hotel owners for coming out. He said that these are drastic times. It is drastic to lay people off, drastic to dip into the reserve funds, it was drastic at the time the lodging tax was instituted, it was a drastic suggestion to increase the lodging tax. He said that any and everything needs to be considered. He said it was just a suggestion, and that he sympathizes with the hotels and the effect the economy has had on them.

Mayor Small addressed the statements made by Mr. Johnston in public participation. He said that they need to work together as one.

Councilman Palumbo stated that he does not believe in the philosophy of raising taxes in a recession. It is a knee jerk response. He said they need to keep the city going with funds available. He said that increasing the lodging tax is an easier tax to pass, because it does not come from the citizens. He reminded everyone that there is a work session Wednesday at 6:30, and one tentatively set for the 28th should they need another one.

10. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**SEPTEMBER 21, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:28 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

August A. Palumbo,
Council President Pro Tem
Date & Time Signed: _____

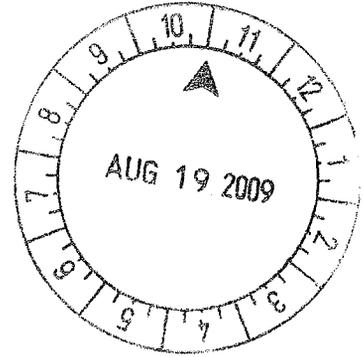
ANACONDA Petroleum Res Corp.
%KARL GUSTAFSON, President
251-895-1579

City Clerk

David L. Cohen

P.O. Box 400

Daphne, AL 36526



RE: Rezoning of Trione Property
Daphne, AL.

Dear Mr. Cohen;

On behalf of the TRIONE family I would like to request the withdrawal of rezoning and being taken into the old Daphne AREA.

Because of my inexperience and poor advise from Mrs. Jones it is now clear that zoning must be done first and getting into old Daphne zone. Also we feel that A B-1 zoning must be requested. Mrs. Jones had lead me to believe zoning request could be changed at any time. This should be in the minutes of the Planning Comm when everything was changed.

Any way I request that my funds be extended for the new request to change zoning to B-1 and then taken into old town Daphne. Call me if you have any questions

Comments made by Mr. Lon Johnston at the September 21, 2009 Council meeting

I would like to comment on statements, as reported in the Baldwin Register, attributed to the Mayor and Councilman Burnham relative to Daphne Utility.

First, the Mayor referenced the 1.5 Million in surplus of Daphne Utilities in the current fiscal year. It should be noted that this surplus is the result of several years of evolving cost controls and cost reductions. It also should be noted that our 10 year long range plan calls for capital requirements of approximately 3 Million a year. These funds are for improvements, additions, replacements, and governmental requirements. Daphne Utilities has become an extremely efficient and progressive operation as voted by Wall Street Journal as one of the top 35 small businesses in the USA

Secondly, Councilman Burnham apparently feels that the City should not be responsible for laying in the initially required sewer lines. Rather, that the lines should be responsibility of Daphne Utilities. I would comment that the City of Daphne is not being unfairly treated in that:

1. The City has been receiving a 3% Pilot fee on Utility billings for several years. This will amount to in excess of \$250,000 this fiscal year alone and over 2 million to date. A nice offset to line costs incurred by the City of Daphne.

2. Further, The City can assess a linear foot charge to offset the cost of putting in sewer lines.

3. Also ignored is the fact that once the lines are in place they become the total responsibility of Daphne Utilities for maintenance, improvements and replacement, at no cost to the City.

4. Additionally, once in place the City is in position to receive residential Ad Valorem taxes, licenses and permit fees. Also if businesses, the City receives monies from Business Licenses, Gross Receipts Tax, Building Permits and other permits and fees.

5. Finally, as businesses and or residential housing are added, monies are collected thru a rather substantial sales tax.

The Mayor and Councilman Burnham's statements, due to these omissions, do not reflect a correct state of affairs between Daphne Utilities and the City of Daphne. I believe their comments to have been misleading and very divisive to City of Daphne and Daphne Utilities relations. It seems to me that all City of Daphne elected officials should be praising Daphne Utility to the heavens for its attainments, awards and financial stability; not sniping at established procedures and responsibilities.

SEPTEMBER 23, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; Greg Burnam arrived at 6:42 p.m.; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: John Lake.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Suzanne Henson, Senior Accountant; Vickie Hinman, Interim Human Resource Director; Bill Eady, Public Works Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Deni Biggs, Interim Civic Center Director; Heather Leggett, Civic Center; James White, Fire Chief; David Carpenter, Police Chief; Adrienne Jones, Planning Director; Nancy Anderson, GIS Technician; Lt. Ric Yelding, Police Dept.; Duke Crutchfield, City Barn; Kerry Elliotte, City Barn; Kristie Greene, Police Dept.; Kim, Sparks, Revenue; Dione Watson, Finance; Michele Hanson, Police Dept; Helen Burdette, Civic Center; Captain Danny Bell, Police Dept.; Tom Walker, Fire Dept.; Frank Barnett, Maintenance Supervisor; Denise Penry, Public Works; Firefighters; Public Works employees; Police Officers; Al Guarisco, Village Point Foundation; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission; Rob McElroy, General Manager Daphne Utilities; Danny Lyndall, Daphne Utilities; Bob Segalla, Utility Board.

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

Fire Hydrant Maintenance

Mr. Bob Segalla, Utility Board Chairman discussed with the council ways that the Utilities could help the city. He said that they cannot maintain the hydrants for the city for free. He said that they could defer payment for two years. He said that the board wants to cooperate with the city.

2010 BUDGET

Cuts to the budget:

- \$ 96,425 Freeze step increases
- \$100,000 Overtime
- \$512,936 Do not fill vacant positions (Except Civic Center Director)
- \$ 46,000 Community Services
- \$ 15,000 Uniforms
- \$ 5,300 Service Awards
- Discussed cutting training budgets, but did not mention a figure

Council requested information on take home vehicles, how many are essential, wear and tear, mileage inside and outside city limits. Council also asked Mrs. Briley to check on getting a more accurate ad valorem tax figure.

SEPTEMBER 23, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

2

5. ADJOURN

There being no further business to discuss the meeting adjourned at 9:30 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

August A. Palumbo,
Council President Pro Tem
Date & Time Signed: _____

SEPTEMBER 28, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

ABSENT: Bailey Yelding; Cathy Barnette.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Kim Briley, Finance Director; Suzanne Henson, Senior Accountant; Vickie Hinman, Interim Human Resource Director; Bill Eady, Public Works Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Deni Biggs, Interim Civic Center Director; James White, Fire Chief; David Carpenter, Police Chief; Adrienne Jones, Planning Director; Nancy Anderson, GIS Technician; Kristie Greene, Police Department; Kim, Sparks, Revenue; Dione Watson, Finance; Michele Hanson, Police Dept.; Helen Burdette, Civic Center; Captain Danny Bell, Police Dept.; Captain Scott Taylor, Police Dept.; Tom Walker, Fire Dept.; Frank Barnett, Maintenance Supervisor; Denise Penry, Public Works; Firefighters; Public Works employees; Police Officers; Ron Allen, Library Board; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission; Ed Nelson, Recreation Board.

Absent: Jay Ross, City Attorney.

Council President Lake called the meeting to order at 6:35 p.m.

2010 BUDGET

Cuts to be added to the \$102,200 cut from Monday night's work session:

- \$ 25,000 Training
- \$ 10,000 Out of Civic Center Directors Salary
- \$135,000 Savings from Recycling when county takes over (could be more)

- **\$650,000** deficit

Consensus: Four council members were in favor of covering the deficit out of reserve funds (one councilmember that was absent sent word by Council President Lake that he was in favor of covering the deficit from the reserve funds), one was not diametrically opposed to taking money out of reserve funds just a question of how much, and one was against taking any money out of the reserve fund.

Council President Lake asked that three ordinance be prepared for the council meeting on Monday:

1. Cover deficit with reserve funds
2. Blend / 3.6% pay cuts and draw from reserve funds
3. No draw from reserve funds / Deficit covered by layoffs and furloughs

SEPTEMBER 28, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

2

Mayor Small stated that he would veto a pay cut for employees.

Councilman Palumbo stated for the record that he is not diametrically opposed to taking money out of the reserve funds it is just a question of how much. He said whatever is taken from the reserves for 2010 will be on top of what will be taken out for 2009.

Council President Lake asked that the City Clerk contact Mr. McElroy and request two years of the Utility Board audits, one year of credit card statements and the financial statement for one year.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 8:37 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake,
Council President

Date & Time Signed: _____

**CITY OF
DAPHNE, ALABAMA**

PROCLAMATION

**“National Fire Prevention Week”
October 4-10, 2009**

WHEREAS, the City of Daphne is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest risk from fire; and

WHEREAS, roughly 3,000 people die as a result of home fires and burns, more than 200,000 individuals are seen in the nations emergency rooms for burn injuries; and

WHEREAS, Thermal burns outnumber scalds nearly two-to-one, but for children ages five and under, scalds outnumber burns roughly two-to-one; and

WHEREAS, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

WHEREAS, Daphne’s first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Daphne’s residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2009 Fire Prevention Week theme, “Stay Fire Smart! Don’t Get Burned” effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round.

THEREFORE, the Mayor and City Council of the City of Daphne, Alabama do hereby proclaim October 4-10, 2009 as Fire Prevention Week throughout this city, and urge all the people of Daphne to protect their homes and families by heeding the important safety messages of Fire Prevention 2009, and to support the many public safety activities and efforts of Daphne’s fire and emergency services.

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**PUBLIC HEARING LIST
FOR COUNCIL MEETING**

OCTOBER 5, 2009

TO CONSIDER:

- 1.) Annexation / AJD Family Limited
Partnership / Southeast of the intersection
Of County Road 64 and Friendship Road /
Requested Zoning B-1, Local Business District**

To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: AJD Family Limited Partnership
Ms. Patsy Defillipi
Annexation Review
Date: August 28, 2009

MEMORANDUM

PRESENT ZONING: B-1, Professional Business, and B-2, Local Business, in Baldwin County District 15

PROPOSED ZONING: B-1, Local Business, City of Daphne

LOCATION: Southeast of the intersection of County Road 64 and Friendship Road

RECOMMENDATION: At the August 27, 2009, regular meeting of the City of Daphne Planning Commission, seven members were present and the vote was unanimous for a **favorable recommendation** for the above-mentioned petition for annexation.

REFERENCE: Proposed Italian Settlement Business Park

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

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Petition
3. Legal description
4. Map of property
5. Preliminary Master Plan



The Jubilee City

COMMUNITY DEVELOPMENT STAFF REPORT:

Annexation Review: Italian Settlement

2nd revision 14.78 acres +/- (1st revision 10.84 acres; originally proposed 10.49 acres)

Owner: ADJ Family Limited Partnership

Contiguous to Daphne Corporate Limits: Yes (County Road 64)

Existing Conditions: Undeveloped

Existing Zoning: B-1 Professional Business District—Baldwin County District 15 & B-2 Local Business District

Proposed Zoning: B-1 Local Business

Surrounding Zonings/Uses: District 15 Baldwin County

North- (B-1) Existing residence

South- (B-3) Existing church

East- (B-1) Remaining AJD property - undeveloped

West-Friendship Road (A mix of commercial and residential uses on the west side of Friendship Road)

Existing Service Providers:

Utilities—Belforest Water

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 1

Sewer and Gas—Daphne Utilities

Baldwin County Schools—N/A



Community Development

In May the Planning Commission considered annexing this property into the Daphne City limits with B-2 zoning. The Planning Commission forwarded an unfavorable recommendation to the Council. The petition was withdrawn prior to the Council holding a public hearing. One of the primary issues stated in the May hearing was the suitability of B-2 zoning at this particular location. The applicant has amended the petition and is now requesting B-1 Local Business. After the Site Preview meeting on 08/19/09, an additional 3.94 acres were incorporated into the boundary for the purpose of stormwater management. All other aspects of the project remain the same.

*August 2009
Planning Report*

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**

(A.J.D. FAMILY LIMITED PARTNERSHIP)

The undersigned, Ms. Patsy Defilippi, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as a portion of Italian Settlement 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, Ms. Patsy Defilippi as Manager, 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:

B1 Local Business

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 17 day of April, 2009.

Respectfully submitted,

A.J.D. Family Limited Partnership
Name of Corporation

By: *Patsy DeFilippi*
Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that *Patsy DeFilippi* whose name as Manager of AJD Family Ltd Partnership, an Alabama corporation, 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 17th day of April, 2009.

Antonia Howard
NOTARY PUBLIC
My commission expires: _____
NOTARY SEAL
NOTARY PUBLIC STATE OF ALABAMA
MY COMMISSION EXPIRES: Dec 28, 2018
BONDED THRU NOTARY PUBLIC UNDERWRITERS

AJD FAMILY LIMITED PARTNERSHIP
SOUTHEAST OF THE INTERSECTION OF
COUNTY ROAD 64 AND FRIENDSHIP ROAD

ANNEXATION

EXHIBIT "A"

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN N-89°39'12"-W, 1273.36 FEET TO A POINT; THENCE RUN S-00°22'22"-W, 39.50 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64 AND THE POINT OF BEGINNING; THENCE CONTINUE S-00°22'22"-W, 15.00 FEET TO A POINT; THENCE RUN N-89°39'57"-W, 1149.56 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 170.00 FEET TO A POINT; THENCE RUN N-89°39'12"-W, 15.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 183.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E, 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 409.55 FEET TO A POINT; THENCE RUN S-89°45'00"-E, 304.23 FEET TO A POINT; THENCE RUN N-89°45'00"-W, 304.69 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 404.36 FEET TO A POINT; THENCE RUN S-89°28'24"-E, 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 250.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W, 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 1775.61 FEET TO A POINT; THENCE RUN N-89°39'12"-W LEAVING SAID EAST RIGHT-OF-WAY LINE, 170.00 FEET TO A POINT; THENCE RUN N-00°15'00"-E, 170.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64; THENCE RUN S-89°39'57"-E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1164.59 FEET TO THE POINT OF BEGINNING, CONTAINING 14.78 ACRES, MORE OR LESS.

REFERENCE: ITALIAN SETTLEMENT BUSINESS PARK

REVISION DATE: AUGUST 21, 2009

ORDINANCE NO. 2009-56

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

**ADJ Family Limited Partnership
(Property located on the Southeast of intersection of County Road 64 and Friendship
Road)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on August 27, 2009 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on October 5, 2009 concerning the petition for annexation; and,

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

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

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN N-89°39'12"-W, 1273.36 FEET TO A POINT; THENCE RUN S-00°22'22"-W, 39.50 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64 AND THE POINT OF BEGINNING; THENCE CONTINUE S-00°22'22"-W, 15.00 FEET TO A POINT; THENCE RUN N-89°39'57"-W, 1149.56 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 170.00 FEET TO A POINT; THENCE RUN N-89°39'12"-W, 15.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 183.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E, 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 409.55 FEET TO A POINT; THENCE RUN S-89°45'00"-E, 304.23 FEET TO A POINT; THENCE RUN N-89°45'00"-W, 304.69 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 404.36 FEET TO A POINT; THENCE RUN S-89°28'24"-E, 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 250.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W, 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 1775.61 FEET TO A POINT; THENCE RUN N-89°39'12"-W LEAVING SAID EAST RIGHT-OF-WAY LINE, 170.00 FEET TO A POINT; THENCE RUN N-00°15'00"-E, 170.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64; THENCE RUN S-89°39'57"-E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1164.59 FEET TO THE POINT OF BEGINNING, CONTAINING 14.78 ACRES, MORE OR LESS.

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

John Lake
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

**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

DRAFT

Buildings and Property Committee Minutes

Friday, September 11, 2009

10:00 a.m.

City of Daphne

1705 Main Street

Mayor's Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Deni Biggs, Interim Civic Center Director

Minutes

Attendance: Councilman Lake, Councilman Palumbo, Deni Biggs, Frank Barnett, Jane Robbins. Rob McElroy, Selena Vaughn, Al Guarisco

- A. Motion made to approve the minutes from the August meeting, motion was seconded. Minutes approved.
- B. VILLAGE POINT/UTILITIES – 19 ACRES NEAR BAY BLUFF – Rob McElroy and Selena Vaughn were present to discuss the idea of the City purchasing this piece of property from the Utilities. Rob reported that the Utilities acquired it to use for sewer treatment plant which is not doable. They attempted to break off 16 acres for conservation and develop the other acres. This is not doable. So they are suggesting that the City purchase it for green space. It was last appraised in 1993 for \$75,000 and he is obtaining a new appraisal but thinks the new appraisal will be approximately \$100,000. And of course the city would only be asked to purchase for the appraised value of property. John Lake said there was an easement on this property at one time and Rob said there was one lost to the bay and the city received compensation for that.

Selena Vaughn spoke on behalf of the Village Point Foundation about their interest in making this property a green space. It is very unique in that it is connected to the bay, undisturbed, could get grants for boardwalks to keep it natural. It is probably the last undisturbed area we have. Al Guarisco added that it is full of beautiful trees and Maria Bush is interested in design the plan for the area. Rob McElroy agreed to provide water fountains/bathrooms if this works out. **Rob will have the appraisal ready at the next meeting in October.**

- C. SUNSET RIDERS REQUEST – approved request to change date of event without penalties.

DRAFT

- D. LIGHTS AT CIVIC CENTER – Frank Barnett along with Deni Biggs are requesting that they begin to change to LED lights at the civic center to save costs. There is a cost initially but the payback is within 2 years in savings. Frank has the cost estimate and it can be done in phases. It was agreed by everyone that **Frank should move forward with this transition.**
- E. BAYFRONT PROPERTY (Starke Irvine’s Proposal) – Adrienne provided some research regarding this property. It is suggested that Starke provide a new survey. **Tabled until the next month’s meeting.**

Al Guarisco stated that he supports Starke’s proposal and efforts in getting the streets updated, sewer, etc. Also, commented about the area near the bridge has great potential for amphitheater. A budget has been put together but it could start off with a grassy area/slope first and then develop from there. There is an underground drain that deposits water but shouldn’t interfere with development. Selena Vaughn mentioned that the budget was broken down into stages.

- F. DONATION OF LAKE FOREST PROPERTY – **See Becky for update.**

- G. ELECTRONIC SIGNAGE FOR CIVIC CENTER & GUIDELINES – Item to be removed until approval of sign by City Council.

- H. BAYFRONT UPDATE – Al Guarisco said there were still three issues at Bayfront to be addressed in his mind. Boat launch, outside restrooms and an area for children to play on playground equipment. Selena Vaughn said after discussing the playground idea with David McKelroy he is concerned about safety and children playing in this area that does have snakes, and the water being very accessible. Deni Biggs commented and expressed concern over having a children’s playground in the area especially underneath the building would interfere with rental events taking place at Bayfront, such as weddings and church services. The noise, congestion and safety is a real concern and could be a problem.

Richard Merchant reported the contractors are painting now, next week the carpet should go in and will be fixing the bathrooms as well. The labor costs for underneath the facility is going to cost approximately \$10,000 with city furnishing and place the dirt plus supplying the concrete. Still talking to some folks and reviews ideas for outside bathroom facilities. Permanent bathrooms are very expensive and we don’t have anything to place them on. Mayor suggested having them built onto a trailer. Renting port-a-lets are expensive as well.

Deni Biggs inquired about the possibility of getting new tile and Richard said he was going to see how his expenses were at end of project.

- I. OTHER BUSINESS –

Tonya Young reported that the Library has several outdated computers that they no longer need and would like to donate one to the Daphne Museum and one to the Black Heritage Museum.

DRAFT

Gus Palumbo said it was not necessary to go before Finance Committee and made a motion that a resolution drawn up to donate two computers as stated in above paragraph. It is believed that both of these organizations are 501(3) c groups.

It was suggested by due to the lack of aides in the schools right now because of cut-backs especially in the school libraries we try to help find some folks that could volunteer their time. John Lake said our Volunteer Coordinator, Pat Wilden, could work on this since that is one of her responsibilities.

John Lake raised the issue of looking at the ordinance that requires reflective tape be on trailers/gates when parked in parking spaces.

Meeting adjourned at 11:15 a.m.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

DRAFT

SUMMARIZATION OF MINUTES:

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

CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Joe Lemoine
Victoria Phelps
Don Terry, Vice Chairman
Ed Kirby, Chairman
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Frank Martin, Secretary
Larry Chason

Staff Present:

Adrienne D. Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Erick Bussey, Associate Attorney

Staff Absent:

Jay Ross, Attorney
Missty Gray, Attorney
Ashley Campbell, Environmental Programs Manager

Others Absent:

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

The first order of business is the call to order.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

Chairman: Please let the record reflect Mr. Martin and Mr. Chason are not present.

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the August 27, 2009 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Lemoine **to approve the minutes of the August 27, 2009 regular meeting as submitted. The Motion carried unanimously.**

The first order of business is site plan review for Jim Boothe Contracting and Supply.

NEW BUSINESS:

SITE PLAN REVIEW:

File S09-14:

Site: Jim Boothe Contracting and Supply

Zoning: B-2, General Business

Location: Northwest of the intersection of County Road 64 and Capital Drive, Lot 11, Resubdivision of Lot 1, Highway 64 Commercial Park

Area: 0.98 Acres +

Owner: Jim Boothe Contracting and Supply - Mike Boothe

Engineer: Rester & Coleman Engineers - Joel Coleman or Matt Parris

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

An introductory presentation was given by Mr. Matt Parris, representing Rester & Coleman Engineers, requesting site plan review of business office facility located northwest of the intersection of County Road 64 and Capital Drive. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? We looked at this at site preview, and everything seems to be in order. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Terry **to approve the site plan for Jim Boothe Contracting and Supply. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Resubdivision of Lot 3, Creekside Professional Park.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF09-10:

Subdivision: Resubdivision of Lot 3, Creekside Professional Park

Zoning(s): *B-3, Professional Business*

Location: Northeast of the intersection of Whispering Pines and Pollard Roads

Area: 0.86 Acres +, (2) lots

Owner: A & B, L.L.C. - Joe Bullock and John Avent

Engineer: Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary/final plat review of zero point eight six acre subdivision consisting of two lots located northeast of the intersection of Whispering Pines and Pollard Roads. The site consists of the existing buildings, landscaping and utilities. All we are doing is simply dividing the property into two lots. I will be happy are here to answer any questions you may have.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the preliminary/final plat for the Resubdivision of Lot 3, Creekside Professional Park. The Motion carried unanimously.**

The next order of business is public participation.

PUBLIC PARTICIPATION:

No public participation.

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

ATTORNEY'S REPORT:

Mr. Bussey, associate attorney: I received some correspondence from the head counsel for the Alabama Department of Transportation today on the right-of-way issue. He is going to forward Mr. Calmetti some papers for him to sign off on. After that, he will forward those documents to Jay's office and then we should be ready to go short of any unforeseen problems with the documents.

Ms. Jones: If anyone can remember how to phrase it, I need a motion of support from you to send this onto the City Council. The previous map did not go down to Lawson Road. Now we have our revised legal description and map done.

Chairman: The motion should say to recommend to the City Council acceptance of U. S. Highway 90 to Lawson Road.

Mayor Small: Well actually, it should be U. S. Highway 90, from County Road 13 to Alabama Highway 181. At that particular intersection, it should be Alabama Highway 181 north to the first traffic light on the far side of Interstate 10 and from U. S. Highway 90 south to Lawson Road.

Mr. Bussey: Said maps and legal description for the same has been given to the Alabama Department of Transportation. They have not said we are lacking in anything we have send to them, paperwork wise.

Chairman: Alabama Highway 181 from U. S. Highway 90 to Lawson Road and U. S. Highway 90 from County Road 13 to Alabama Highway 181.

Ms. Barnette: I think we need a map.

Ms. Jones: Ok.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

Mayor Small: You know where Lawson Road is?

Ms. Barnette and Ms. Phelps: Yes.

Ms. Barnette: But Lawson Road runs east and west.

Chairman: We are going north from the intersection of Lawson Road on U.S. Highway 181.

Mayor Small: From the traffic light at Lawson Road, we are going north on Alabama Highway 181 to the first traffic light near Interstate 10 because that takes care of all of the sign people that are in the middle of the street. It did not make any sense to go to where the four lane ends because it is gone now. Also, we have never had the right-of-way from U. S. Highway 90 to County Road 13 so if you had a wreck you had to wait for the state to get there. Mainly, that is what it is for is to help the citizens because it is confusing.

Chief White: Also for dispatch.

Ms. Phelps: Is there any chance we will get County Road 13 right-of-way to kind of connect the box?

Mayor Small: Are you talking about annexing it? We have the right-of-way of County Road 13 all the way down.

Chairman: We have the right-of-way, but we just do not have any property on either side of it in the City.

Ms. Phelps: So we do have the right-of-way all the way to Whispering Pines Road?

Mayor Small: We have the right-of-way of County Road 13 all the way to Milton Jones Road.

Ms. Barnette: You just do not have the property.

Mayor Small: We have to get our architectural district in place.

Chairman: You mean our agricultural district in place. Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Ms. Phelps **for the**

SUMMARIZATION OF MINUTES:

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

affirmative recommendation by the Planning Commission to the City Council of Daphne for annexation of the right-of-way of U.S. Highway 90 (from County Road 13 eastward to the Daphne Corporate limits) and the right-of-way of Alabama Highway 181 (from the first traffic light near the Interstate 10 interchange southward to the Lawson Road). The Motion carried unanimously.

Ms. Jones: We will have a map to go with that to.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Ms. Phelps: Mr. Calmetti with the Alabama Department of Transportation provided us to with a set of plans for review, but it did not include the updated aerial view of Alabama Highway 181. Adrienne is going to contact his office to get us a copy of it. When he came, I wanted us to understand, it is planned to have a speed limit set at fifty-five miles per hour and a traffic light every two thousand five hundred feet in its current form. We will be scheduling a drive through to discuss the proposed changes. Just a foot note, Starbucks is closing like a lot of businesses along U. S. Highway 98. I talked to the District Manager, and he said they were not profitable. Every time I went into that store it was packed. I do not know how busy a place how to be to be profitable. This will be another hole missing on U.S. Highway 98. I do not know what we are doing up front or behind the scenes to fill in those pockets.

Mayor Small: Give us a plan.

Ms. Barnette: Los Tacos is coming.

Mayor Small: The Biscuit King called me about Checkers.

Ms. Phelps: When I was in there no one was happy that it was closing.

Mayor Small: The lady from the Mazda place called me about lending them a million-dollar loan so they could stay open. That is private enterprise. You have to let private enterprise take care of itself. The only thing that you may be able to do it to go to them and offer them a sign and that may resuscitate them.

Ms. Phelps: It is odd that this store was always busy.

Mayor Small: I have only been there once. I take that back. I have been there twice. That was when they opened and once with Ms. Barnette.

Ms. Barnette: That is why they are closing.

SUMMARIZATION OF MINUTES:

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

Chairman: They were too expensive.

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

DIRECTOR'S COMMENTS:

Chairman: Are you going to work on another work session?

Ms. Jones: Are you available next Wednesday? Are you in town? I would like to set the work session for next Wednesday, September 30, 2009 at 8:30 a.m.

Ms. Phelps: What about the Articles?

Ms. Jones: That is your By-Laws. Mr. Martin brought up something about them in your last meeting.

Mayor Small: We can work on them at the work session.

Mr. Lemoine: I just have one question. At the last meeting, there were some letters that you were going to respond to. Has anything happened along those lines?

Ms. Jones: No. We will email you with the location of the work session in case it changes. I have an FYI regarding North Fork Apartments. I am going to read this report from Ashley, "After the initial stages of construction had begun at North Fork Apartments, the contractor determined that a small wetland area would need to be filled to ensure the stability of a slope along a sidewalk. The City staff met on the site with the consultant and the U.S. Corps of Engineers to determine if the fill was necessary and permitable. The Corps is in the process of approving the application. The City staff has no objection to the fill, but did feel that the Planning Commission should be notified of the wetland fill since the site is located on a tributary to Yancey Branch and is an environmentally sensitive area." There were no changes to the plans. This report was meant for informational purposes only just so you would know.

Ms. Barnette: For the record, I am involved in that project.

Ms. Jones: It is not a matter of voting on it. You just want to disclose it?

Mayor Small: We are not doing anything.

Ms. Barnette: I know, but I feel like I need to disclose it. I do not have any secrets.

ADJOURNMENT:

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

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

There being no further business, the meeting was adjourned at 6:18 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: October 22, 2009

Ed Kirby, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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

SET PUBLIC HEARING DATE

FOR

NOVEMBER 2, 2009

Revision to Zoning Map

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Revised City of Daphne Zoning Map
Date: July 27, 2009

MEMORANDUM

At the July 23, 2009 regular meeting of the City of Daphne Planning Commission six members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned map.

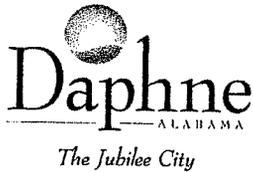
The ordinance was prepared and provided by the City Attorney's office (See Attached). Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

Enclosure

1. Community Development Staff Report
2. Ordinance



**COMMUNITY DEVELOPMENT STAFF REPORT:
Revision to the City of Daphne Zoning and Street Maps**

Nancy Anderson will present the updated Zoning and Street maps to codify changes that have been approved between January 2009 and June 2009. Any changes made to these maps have been approved either through the zoning amendment, subdivision, or annexation process each of which are substantiated by ordinance or resolution adopted by the City Council in accordance with applicable State statutes.



COMMUNITY DEVELOPMENT RECOMMENDATION
Approval of both maps.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 23, 2009, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48, Ordinance 2008-56 and Ordinance 2009-19; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on September 21; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

Ordinances No. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56 and 2009-19 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2009.

JOHN LAKE,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Executive Chambers ♦ July 29, 2009 ♦ 5:00 p.m.

I. CALL TO ORDER

The July 29, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:05 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Lon Johnston, Secretary Treasurer
Fred Small, Mayor

Others Absent: Fenton E. Jenkins

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Teresa Logiotatos – Finance Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Administrative Services Manager
Tammy Canupp – Administrative Services Supervisor
Lori Scharles – Executive Assistant
Larry Jackson – Field Services Manager
Jim Caudle – Waste Water Treatment Plant Manager
Tom Nettles - Line Locate Supervisor
Willie Timmons – Water Distribution Worker
Tommy Mitchell – Natural Gas Supervisor
Woodrow Maye – Waste Water Field Services Supervisor
Melinda Immel – Volkert & Associates
Ray Moore – HMR
Doug Bailey – HMR

Others Absent: Danny Lyndall – Operations Manager

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from June 24, 2009:**

The Chairman stated there were no additions, deletions, or corrections for the Corrected Minutes from the June 24, 2009, Utilities Board meeting.

MOTION BY Mr. Johnston to approve the Corrected Minutes for June 24, 2009; Seconded by Mr. Scott.

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

V. Old Business

a. Capacity Fee Study / Rate Study – Presentation by Blair Troutman with BlueWater Consulting

No new updates were reported. Mr. Scott asked when changes will be presented. Mr. McElroy explained that the goal is to pass one Resolution that contains all of the aspects of the rate changes as well as the philosophy behind the rate/capacity fee study that will be contained in the budget to be submitted in September.

b. Sewer Only Cutoff Policy

Rob McElroy informed the Board that two notification letters had been sent out and one additional letter that will be mailed before the physical cut-offs begin. Tammy Canupp advised that 30 accounts had been either paid-in-full or payment arrangements made.

c. Bay Rivers Art Guild

Jerry Speegle advised that since it was discovered that the Utilities Board owns the property currently being occupied by Bay River Art Guild that the Utilities should consider entering into a short-term lease for fair-rental value and have the lease terminable with 30-days notice for either party. Mayor Small requested a research of the properties that would be beneficial for the City of Daphne and Daphne Utilities to possibly exchange.

d. Items in Abeyance:

1. **Gas Franchise Agreement** – Mr. McElroy reported that he is still waiting on information from the City of Daphne’s attorney and that current business relative to additional gas line installations on State Hwy. 181 is being hindered. The matter was left with Mr. Speegle and Mr. Jay Ross, legal attorney the City of Daphne.
2. **19 Acres – Daphne Utilities property** – Mr. McElroy stated that he hoped to have this issue resolved soon but nothing new to report at this time. The Chairman asked to have it removed until new developments were presented.

VI. New Business – no new business topics on the agenda

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing further to add to the submitted report and no inquiries were presented.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the June 2009 financial report with the Board. She noted that operations are occurring normally. She highlighted line items on the balance sheet liabilities to note that this will be funded as part of the rate study. She then reviewed the long term liabilities. No additional inquiries were presented.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Mr. McElroy requested Larry Jackson, Field Services Manager, to detail the multiple water line breaks and well shut-downs from June 26. Mr. Jackson explained and recognized how all areas of Field Services worked together as “One Utility” to get the repairs completed as quickly as possible. Mr. McElroy announced the awards given to our Water Quality plant and Waste Water Treatment plant by the Alabama Water Pollution Control Association for best operated plants. He also recognized Andrew Bolar, Maintenance Manager, for his diligent work in both plants and also his personal contribution in organizing the Black History Museum at WJ Carroll Intermediate School.

Deloris Brown had nothing further to add to her report

Drew Klumpp, Administrative Services Manager, advised the Board of the irrigation meter program promoted on the Daphne Utilities’ website. Mr. Scott inquired as to the status of the electronic billing. Mr. Klumpp explained that enrollment is easy and available on the homepage of the website; he noted that enrollment has increased in the past few months.

b. Operations Report

No additional information was presented.

Melinda Immel of Volkert & Associates advised the Board that the reimbursement for the Emergency Generator Grant was received.

Ray Moore of HMR had nothing additional to include⁵³ in his report.

X. PUBLIC PARTICIPATION –

Mrs. Joyce Moore of 7575 Moore Lane addressed the Board and stated that she is not on the Park City Water System and has her own electric well. She requested to continue to pay the same amount money as previous. Mr. McElroy answered that the policy that is written states that any resident that does not have water service with Daphne Utilities will be assessed a flat rate to be fair.

XI. BOARD COMMENTS – none

XII. ADJOURNMENT–

MOTION BY Mr. Johnston to adjourn the meeting. Seconded by Mayor Small.

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

The meeting adjourned at 5:34 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne High School</i>
CONTACT PERSON:	<i>Lt. Col. Landfair (ROTC)</i>
ADDRESS:	<i>9300 Lawson Road Daphne, AL</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>850-497-4577 626-0096</i>
TYPE OF PARADE:	<i>Homecoming Parade</i>
DATE OF PARADE:	<i>October 8, 2009</i>
ROUTE TO BE TRAVELED:	<i>Civic Center - Main St. to College Ave. to Magnolia - N. Main St.</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>350 People - 20 Floats</i>
START TIME:	<i>4:00 P.M.</i>
STOP TIME:	<i>5:00 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center for Floats Elementary School for Marching Bands</i>
ASSEMBLY TIME:	<i>3:00 P.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>September 21, 2009</i>
APPROVAL	
POLICE: Chief David Carpenter:	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: William H. Eady	<i>William H Eady Sr</i>
CITY COUNCIL APPROVAL: <i>10/05/09</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 21, 2009</i>
NOTIFICATION:	

Los Jarcos

CASE NO. 2009-12

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8/19/09 (initial) KS

DATE FORWARDED TO POLICE DEPT. 8/19/09 KS

DATE RECEIVED BY POLICE DEPT. 8/19/09 Mttt

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 9/30/09 KS

DATE FORWARDED TO CITY CLERK 9/30/09 KS

DATE RECEIVED BY CITY CLERK 9/30/09 RHH

SCHEDULED DATE ON AGENDA 10/05/09 RHH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090817095734586



Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 County: \$400.00

Type License:

State: County:

Trade Name: LOS TACOS

Filing Fee: \$50.00

Applicant: JTS AMERICA INC

Transfer Fee:

Location Address: 28991 HWY 98 DAPHNE, AL 36526

Mailing Address: PO BOX 2148 FAIHOPE, AL 36532

County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0

Sale of Products Containing Ephedrine: NO Type Ownership: CORPORATION

Book, Page, or Document info: INSTRUMENT 1152673 Do you sell Draft Beer: Y

Date Incorporated: 12/09/2008 State incorporated: AL County Incorporated: BALDWIN

Date of Authority: 12/09/2008 Business Type:

Name: Title: Date and Place of Birth: Residence Address:

Name:	Title:	Date and Place of Birth:	Residence Address:
JORGE MANUEL TORRES 7933051 - AL	PRESIDENT	08/29/1960 GUANTANAMO CUBA	11506 HALCYON LOOP DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

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

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: JORGE TORRES

Home Phone: 251-626-4900

Business Phone: 251-581-5391

Cell Phone: 251-581-5391

Fax:

E-mail: LOSTACOS@BELLSOUTH.NET

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090817095734586



Initial each

Signature page

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

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

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

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

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

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

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

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

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

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

Applicant Name (print): Jorge Torres

Signature of Applicant:

Notary Name (print): Jamie L. Malay

Notary Signature:

Commission expires: 1/23/2010

Application Taken: 8-17-09 App. Inv. Completed:
 Submitted to Local Government: 8-17-09
 Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
 Received from Local Government:
 Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090817095734586



If applicant is leasing the property, is a copy of the lease agreement attached? YES

Name of Property owner/lessor and phone number: ~~LL&T PROPERTIES LTD 251-633-7474~~

What is lessors primary business? LEASING

Is lessor involved in any way with the alcoholic beverage business? NO

Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES

Is the business used to habitually and principally provide food to the public? YES

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 2100 Display Square Footage:

Building seating capacity: 60 Does Licensed premises include a patio area? NO

License Structure: SINGLE STRUCTURE License covers: ENTIRE STRUCTURE

Number of licenses in the vicinity: 5 Nearest: .5

Nearest school: 3 miles Nearest church: 2 miles Nearest residence: 2 miles

Location is within: CITY LIMITS Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:
JORGE MANUEL TORRES	TRESSPASSING 1982	GLENDALE CALIFORNIA	DIMISSED

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION 2009-104

RESOLUTION OF THE DAPHNE CITY COUNCIL REQUESTING THAT ELECTED OFFICIALS OF THE STATE OF ALABAMA CONTINUE TO SUPPORT THE FAMILIES OF ALABAMA, TO SUPPORT THE INDUSTRIAL WORKFORCE OF ALABAMA AND AMERICA, AND TO INVEST IN AMERICA BY SUPPORTING THE INCLUSION AND ENFORCEMENT OF BUY AMERICA PROVISIONS IN THE AMERICAN RECOVERY AND REINVESTMENT PLAN.

Whereas, manufacturing is vital to Alabama's and the United States' economy and way of life; and

Whereas, we believe that the future prosperity and security of Alabama and the United States is tied to our ability to provide citizens with high-paying jobs, to produce quality manufactured goods for domestic and global markets, and to ensure that our nation does everything in its power to remain self-sufficient by retaining its core industries; and

Whereas, the United States economy is facing a trade deficit for 2008 approaching \$700 billion, and a national unemployment rate of 7.2 percent and rising; and

Whereas, Baldwin County is currently facing a 2.6 percent unemployment rate that is steadily rising; and

Whereas, Alabama has lost approximately 85,000 manufacturing jobs since 1998, and the United States has lost more than 5 million manufacturing jobs since 1998; and

Whereas, manufacturing employs more than 7,262 people in Alabama's Baldwin County, accounting for 9.6 percent of the jobs in the county; and

Whereas, we support the American Recovery and Reinvestment Plan and believe it to be a prudent and timely means of investing in America with the potential to provide renewed economic stability and jobs, as well as future growth for our infrastructure and industrial base; and

Whereas, we believe the most appropriate way of using American tax dollars for infrastructure development is one that creates American jobs, stimulates American industrial productivity, and re-invests those dollars into the people and businesses who remitted them; and

Whereas, we believe that Buy America provisions ensure the maximum benefit from the federal infrastructure program for Alabama and the United States by creating American jobs using American-made products.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, AL that the City of Daphne, on behalf of Alabama’s citizens and businesses, by this resolution, encourage Alabama’s federal and state elected officials to take a strong position on behalf of the inclusion and enforcement of Buy America provisions in the American Recovery and Reinvestment Plan. Be it further resolved that the Daphne City Council offers its support to elected officials and candidates who support and invest in Alabaman and American jobs.

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

STATE OF ALABAMA)

COUNTY OF BALDWIN)

CITY OF DAPHNE

RESOLUTION 2009-105

ENDORING THE BALDWIN COUNTY COMMISSION'S ROUTE FOR THE CONSTRUCTION OF THE COUNTY ROAD 83 THOROUGHFARE BETWEEN I-10 AND I-65 AND OPPOSING THE ROUTE PROPOSED BY THE ALABAMA DEPARTMENT OF TRANSPORTATION.

WHEREAS, this year the Baldwin County Commission requested the Congress of the United States to include an appropriation consideration of \$120,000,000 which, if approved by Congress and upon becoming law as part of the Federal Transportation Reauthorization Bill, will be used to construct a 4-lane extension of Baldwin County Road 83 along the 21 mile span from Interstate 10 north to Interstate 65; and

WHEREAS, on April 21, 2009, the Baldwin County Commission committed to the Congress of the United States that if Baldwin County is awarded the \$120,000,000 in federal funding that the Baldwin County Commission will match said award in an additional amount of 20% or up to \$30,000,000 to bring the total funding for said construction project to \$150,000,000; and

WHEREAS, the construction of Baldwin County Road 83 from Interstate 10 north to Interstate 65 will allow for a strengthened and more efficient hurricane evacuation route for the southern, as well as central, portion of the county, relieve traffic congestion on Alabama State Highway 59 and provide for an economic development corridor which will also promote tourism in Baldwin County; and

WHEREAS, the Baldwin County Commission's proposed route for the construction of Baldwin County Road 83 along the 21 mile span from Interstate 10 north to Interstate 65 is attached as **Exhibit A** to this resolution; and

WHEREAS, the Baldwin County Commission has received the written support for this endeavor from the following Baldwin County municipalities: City of Fairhope, City of Gulf Shores, City of Robertsdale, Town of Loxley, Town of Silverhill, City of Daphne, City of Foley, City of Orange Beach, City of Spanish Fort, Town of Elberta, Town of Magnolia Springs, Town of Summerdale and City of Bay Minette; and

WHEREAS, further, the Baldwin County Commission has received the written support for this endeavor from the Baldwin County Mayors Association and GUMBO; and

WHEREAS, the Baldwin County Commission has already accomplished a feasibility study for the proposed route at an approximate cost of \$70,000; and

WHEREAS, the Baldwin County Commission has set aside approximately \$450,000 in county funds to accomplish an environmental assessment of the proposed route; and

WHEREAS, importantly, the Baldwin County Commission's proposed route for the construction of Baldwin County Road 83 as set forth at **Exhibit A** is situated directly adjacent to the 3,000 acre area comprising the "Mega Site" whereby Hybrid Kinetic Motors Corporation is planning to establish a green automotive manufacturing plant in Baldwin County as announced by the Honorable Bob Riley, Governor of the State of Alabama, on September 24, 2009, at the Alabama State Capitol in Montgomery; and

WHEREAS, it has come to the attention of the City of Daphne that the Alabama Department of Transportation (ALDOT) is proposing to construct a connector route between Interstate 10 and Interstate 65 in Baldwin County which is contrary to the Baldwin County Commission's proposed route; further said ALDOT route is situated farther away from the 3,000 acre area comprising the "Mega Site" whereby Hybrid Kinetic Motors Corporation is planning to establish a green automotive manufacturing plant in Baldwin County; now therefore

BE IT RESOLVED, BY THE CITY OF DAPHNE, ALABAMA, that we hereby **ENDORSE** the Baldwin County Commission's proposed route for the construction of Baldwin County Road 83 along the 21 mile span from Interstate 10 north to Interstate 65 attached as **Exhibit A** to this resolution and **OPPOSE** the Alabama Department of Transportation's proposal to construct a connector route between Interstate 10 and Interstate 65 in Baldwin County which is contrary to the Baldwin County Commission's proposed route.

ADOPTED AND APPROVED, under the Seal of the Town/City of _____ on this the _____ day of _____, 2009.

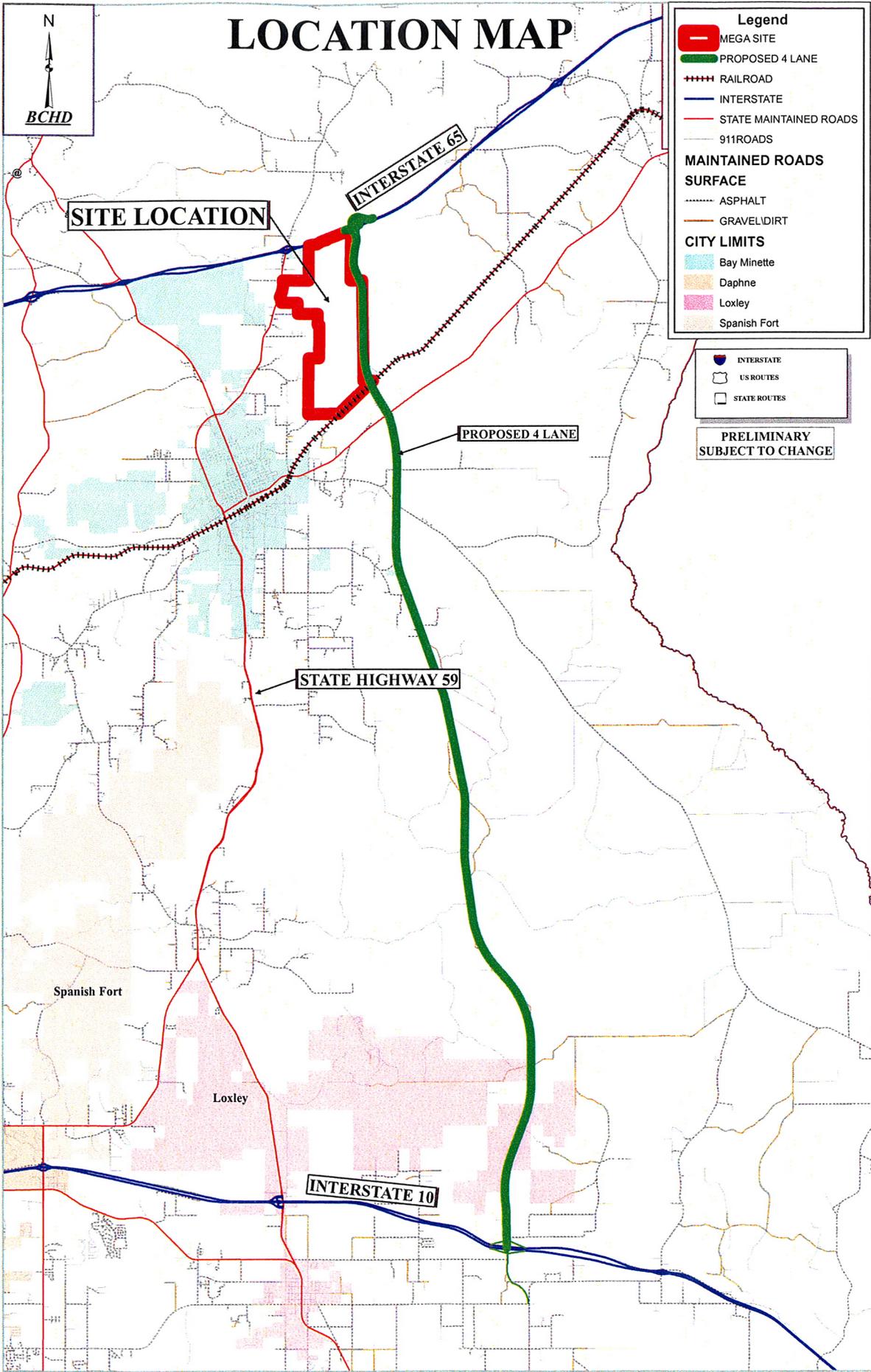
JOHN LAKE,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

LOCATION MAP



SITE LOCATION

INTERSTATE 65

PROPOSED 4 LANE

STATE HIGHWAY 59

INTERSTATE 10

Spanish Fort

Loxley

Legend

- MEGA SITE
- PROPOSED 4 LANE
- RAILROAD
- INTERSTATE
- STATE MAINTAINED ROADS
- 911ROADS

MAINTAINED ROADS SURFACE

- ASPHALT
- GRAVEL/DIRT

CITY LIMITS

- Bay Minette
- Daphne
- Loxley
- Spanish Fort

- INTERSTATE
- US ROUTES
- STATE ROUTES

**PRELIMINARY
SUBJECT TO CHANGE**



BALDWIN COUNTY
BALDWIN COUNTY HIGHWAY DEPARTMENT
PROPOSED CONNECTOR
FROM I-10 TO I-65



**PRELIMINARY
SUBJECT TO CHANGE**



ORDINANCE 2009 - 46

Highway 98/County Road 64 Intersection Improvements

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15, 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, Seven Cent Gas Tax Funds may be used for street improvement purposes; and

WHEREAS, the Intersection of Highway (Hwy) 98 and County Road (CR) 64 is in need of certain improvements for enhanced traffic flow; and

WHEREAS, prior to letting bids for such project, an engineering survey and conceptual design is in order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: 1) the Fiscal Year 2009 Budget is hereby amended to include a Seven Cent Gas Tax appropriation in the amount of \$ 33,500 for a survey and conceptual design for the intersection of Hwy 98 and CR 64 and 2) the Mayor is hereby authorized to enter into a contract with Volkert & Associates for such services.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009 - 47

**Lodging Tax Appropriation
Bay Front Park Benches & Swings**

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, Lodging Tax funds may be used for the purchase, development, and maintenance of beachfront property; and

WHEREAS, certain improvements have been made to Daphne Bay Front Park; and

WHEREAS, benches and swings are required in order to further improve the Park.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a Lodging Tax appropriation in the amount of \$ 4,900 for the purchase of benches and swings at Bay Front Park.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

Ordinance 2009-48

An Ordinance Amending Job Classification Schedule

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged with coordinating an annual review of a percentage of all jobs in order to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: 1) the reclassification and amendment as recommended by the Archer Company is hereby approved and funded at an annual cost of \$ 3,554 and 2) the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule:

	<u>From Grade</u>	<u>To Grade</u>
Benefits/Payroll Coordinator	16	18

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2009.

John Lake, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2009-49

An Ordinance Establishing Budget Policy for October 2009

WHEREAS, the Fiscal Year 2010 budget has not been approved and adopted by the Daphne City Council; and

WHEREAS, Fiscal Year 2010 begins October 1, 2009; and

WHEREAS, it is necessary to have certain action plans and policies in effect for City operations prior to the approval and adoption of the Fiscal Year 2010 budget.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the following shall be in effect until such time as the Fiscal 2010 budget is adopted:

- 1) a "freeze" on all merit and step increases is effective as of October 1, 2009 ; and
- 2) payroll and employee benefits in effect as of September 30, 2009, shall remain in force with no lapse in coverage; and
- 3) departmental operating expenditures are not authorized except for items such as utilities, previously approved contractual agreements, or emergency situations as so determined by the Mayor.

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2009-50

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2010 which begins October 1, 2009 and ends September 30, 2010; and

WHEREAS, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 budget and Worksheet 1, as attached hereto and made a part hereof, with a fund balance draw in the amount of _____ for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 is hereby approved and adopted on this the _____ of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (1)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Fund Balance Draw	-
Freeze Step Increases	96,425
Furlough: 96 hours	481,386
Layoffs (approx 3 employees)	92,183
Decrease Overtime	100,000
Decrease Training	25,000
Decrease Community Contributions	46,150
Delete Uniform Cleaning	13,250
Decrease Employee Recognition	5,300
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Assistant	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u><u>-</u></u>

ORDINANCE 2009-51

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2010 which begins October 1, 2009 and ends September 30, 2010; and

WHEREAS, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 budget and Worksheet 2, as attached hereto and made a part hereof, with a fund balance draw in the amount of _____ for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 is hereby approved and adopted on this the _____ of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

General Fund
Budget Solution WorkSheet (2)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Fund Balance Draw	237,528
Freeze Step Increases	96,425
Reduce Pay 3.6%	361,041
Decrease Overtime	75,000
Decrease Training	25,000
Decrease Community Contributions	46,150
Delete Uniform Cleaning	13,250
Decrease Employee Recognition	5,300
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Assistant	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u><u>-</u></u>

ORDINANCE 2009-52

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2010 which begins October 1, 2009 and ends September 30, 2010; and

WHEREAS, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 budget and Worksheet 3, as attached hereto and made a part hereof, with a fund balance draw in the amount of _____ for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 is hereby approved and adopted on this the _____ of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (3)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Fund Balance Draw	673,569
Freeze Step Increases	96,425
Decrease Overtime	-
Decrease Training	25,000
Decrease Community Contributions	46,150
Delete Uniform Cleaning	13,250
Decrease Employee Recognition	5,300
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Assistant	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u>-</u>

ORDINANCE 2009-53

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2010 which begins October 1, 2009 and ends September 30, 2010; and

WHEREAS, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 budget and Worksheet 4a, as attached hereto and made a part hereof, with a fund balance draw in the amount of _____ for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 is hereby approved and adopted on this the _____ of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (4a)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Daphne Utility Dividends 7%	734,370
Less: Utility PILOT Fees	<u>(250,000)</u>
	484,370
Fund Balance Draw	232,749
Freeze Step Increases	96,425
Decrease Overtime	-
Decrease Training	-
Decrease Community Contributions	46,150
Delete Uniform Cleaning	-
Decrease Employee Recognition	-
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Assistant	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u> -</u>

ORDINANCE 2009-54

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2010 which begins October 1, 2009 and ends September 30, 2010; and

WHEREAS, the Mayor believes that the budget before Council is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 budget and Worksheet 4b, as attached hereto and made a part hereof, with a fund balance draw in the amount of _____ for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 is hereby approved and adopted on this the _____ of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (4b)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Fund Balance Draw	717,119
Freeze Step Increases	96,425
Decrease Overtime	-
Decrease Training	-
Decrease Community Contributions	46,150
Delete Uniform Cleaning	-
Decrease Employee Recognition	-
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Assistant	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u> -</u>

ORDINANCE 2009-55

Amending Use of Lodging Tax Proceeds

WHEREAS, Ordinance No. 2009-28 as adopted May 18, 2009, respectively, provide for the levy and imposition of a Lodging Tax until September 30, 2009; and

WHEREAS, subsequently, Ordinance 2000-34 as adopted October 2, 2000 amended the use of Lodging Tax proceeds and set forth 95% to be restricted for the purchase, development, and maintenance of beach front property and the remaining 5% to be allocated to the Industrial Development Board (IDB) for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted by Resolution 2000-31 on June 19, 2000; and

WHEREAS, the city council deems that further reallocation of the lodging tax proceeds to include the bay front properties debt service, future acquisition, developing and maintenance of bay front property, industrial development, and ground related capital means for recreation.

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

SECTION I: Section I of Ordinance 2000-34 repealing and replacing Section 1 of 2000-25 is hereby amended as follows:

The lodging taxes which are collected for the period of October 1, 2009 through October 31, 2012 are hereby divided as follows:

1. Five percent (5%) shall be used for the purpose of providing funding to the IDB for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted in Resolution 2001-31 by Daphne City Council June 19, 2000.
2. All debt service incurred for bay front property, which is approximately \$160,000 a year, will be paid from lodging tax proceeds.
3. What remains of the lodging tax shall be divided evenly between continued bay front (acquisition, development and maintenance) and ground related capital needs for recreation which does not include such items as trucks or maintenance of fields.

All other provisions of Section I of Ordinance 2000-25 shall remain in full force and effect.

SECTION II: SEVERABILITY CLAUSE – The provision of this ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction such declaration shall not affect the part that remains.

SECTION III: EFFECTIVE DATE – This ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama, and upon publication as provided by law.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2009.

John Lake, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

David Cohen

From: <ronscott5@bellsouth.net>
To: "Cohen, David" <daphnecc@bellsouth.net>
Cc: "Fred Small" <mayorsmall@bellsouth.net>; "Greg Burnam" <burnam4@bellsouth.net>; "John Lake" <johnlake3@bellsouth.net>; "Cathy Barnette" <barnette2@bellsouth.net>; "Bailey Yelding" <yelding1@bellsouth.net>; "Gus Palumbo" <palumbo7@bellsouth.net>; "Derek Boulware" <boulware6@bellsouth.net>
Sent: Wednesday, September 30, 2009 9:04 AM
Subject: Lodging Tax split

To all:

Greg Burnam and I are asking the City Clerk to prepare an ordinance to address the split of the Lodging Tax. We have been discussing this for over a year with the status quo winning the day. Our suggestion is the following. 5 % of the total tax goes to the IDB. Then the debt service for the previously purchased bay front property (approx. \$160,000 per year) (\$13,333 per month)) will be subtracted from the remaining 95% with the balance being split between continued bay front acquisition / maintenance and ground related capital needs for recreation. (The object here is NOT to apply this funds for capital items such as trucks and maintenance items.) This will be a 1st read and I look forward Monday to your input. The yearly #s based on \$500,000 in annual revenues (\$600,000 was our all time yearly high) \$25,000 to IDB \$160,000 debt service on bay front property and \$157,500 each to bay front and recreation. The 160,000 # could be a little higher.

Ron

ORDINANCE NO. 2009-56

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

**ADJ Family Limited Partnership
(Property located on the Southeast of intersection of County Road 64 and Friendship
Road)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on August 27, 2009 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on October 5, 2009 concerning the petition for annexation; and,

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

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

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN N-89°39'12"-W, 1273.36 FEET TO A POINT; THENCE RUN S-00°22'22"-W, 39.50 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64 AND THE POINT OF BEGINNING; THENCE CONTINUE S-00°22'22"-W, 15.00 FEET TO A POINT; THENCE RUN N-89°39'57"-W, 1149.56 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 170.00 FEET TO A POINT; THENCE RUN N-89°39'12"-W, 15.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 183.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E, 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 409.55 FEET TO A POINT; THENCE RUN S-89°45'00"-E, 304.23 FEET TO A POINT; THENCE RUN N-89°45'00"-W, 304.69 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 404.36 FEET TO A POINT; THENCE RUN S-89°28'24"-E, 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 250.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W, 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 1775.61 FEET TO A POINT; THENCE RUN N-89°39'12"-W LEAVING SAID EAST RIGHT-OF-WAY LINE, 170.00 FEET TO A POINT; THENCE RUN N-00°15'00"-E, 170.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64; THENCE RUN S-89°39'57"-E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1164.59 FEET TO THE POINT OF BEGINNING, CONTAINING 14.78 ACRES, MORE OR LESS.

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

John Lake
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC