

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
OCTOBER 17, 2005**

1. CALL TO ORDER

2. ROLL CALL/INVOCATION:

PLEDGE OF ALLEGIANCE:

3. APPROVE MINUTES: October 3, 2005

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes meeting held October 10th

a.) **MOTIONS:**

- 1.) Raise Flexible Spending Account Limit from \$500 to \$2,000
- 2.) Approve Preparation of ADECA Grant Application on Behalf of Utility Board

b.) **Prepaid Travel / Resolution 2005-73**

- a.) David L. Cohen

c.) **Resolutions:**

- 1.) Approve City of Daphne Participation: Taste of the Eastern Shore / **Resolution 2005-74**
- 2.) Declare Hurricane Katrina Repair Projects Emergency / **Resolution 2005-75**

d.) **Appropriations:**

- a.) \$10,000 Evaluation and Preliminary Design: US 90 Sewer Project / **Ordinance 2005-58**
- b.) \$50,000 City Hall Architectural, Site Prep, Survey & Engineering / **Ordinance 2005-59**
- c.) \$7,000 Finance Temporary Personnel / **Ordinance 2005-60**

e.) **Financial Reports:**

- a.) Treasurers Report, September 31, 2005
- b.) Sales Tax collection Graph, August 31, 2005
- c.) Lodging Tax Collections, August 31, 2005

B. BUILDINGS AND PROPERTY COMMITTEE- Lake

Review minutes meeting held October 7th

- a.) Recommend sponsorship of the Taste of the Eastern Shore in the amount of & \$8,000
be included in the FY06 Budget

C. PUBLIC SAFETY - Burnam

Review minutes meeting held October 4th

- a.) Recommend allowing Mr. Carl Davis to name his Private Drive "Twin Lane"
- b.) Recommend adopting the National Incident Management System Resolution / **Resolution 2005-72**
- c.) Recommend hiring five (5) Part-time Firefighters
- d.) Recommend naming the North Precinct after Melvin Johnson

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Review minutes meeting held October 4th

- a.) Recommend adopting the new Overtime for Salaried Employees / Ordinance 2005- 56
- b.) Recommend to Council to adopt the new MOT and Schedule of Fines Ordinance / Ordinance 2005-55

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Eady
- B. Downtown Redevelopment Authority -Barnette
- C. Industrial Development Board – Yelding
- D. Library Board - Lake
Presentation: Friends of the Library / Report on Book Sale
- E. Planning Commission – Barnette
- F. Recreation Board - Burnam
- G. Utility Board - Scott

6. REPORTS OF THE OFFICERS:

- A. *Mayors Report*
- B. *City Attorney's Report*
- C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

- 1.) S.E.E.D.S. Organization / Mamma Mia Italian Cook-off / Denise D'Oliveira / Ruth Seawell
- 2.) Rick Eastburn / Pollution from Utilities Sewage Plant

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Adopting the Concepts and Principles as Outlined in the National Incident Management System/Resolution 2005-72
- b.) Prepaid Travel / David L. Cohen...../Resolution 2005-73
- c.) Taste of the Eastern Shore..... /Resolution 2005-74
- d.) Declare Emergency: Hurricane Katrina Projects...../Resolution 2005-75

ORDINANCES:

- a.) Amend Personnel Policy Handbook / Modification of Salaries and Percent of Increase or Decrease in Pay 2nd READ...../Ordinance 2005-51
- b.) Amend Personnel Policies and Procedures Handbook Related to Employment Insurability 2nd READ...../Ordinance 2005-52
- c.) Amending the Land Use & Development Ordinance / Landscape & Tree Protection and Minimum Standards – Fire Hydrants 2nd READ...../Ordinance 2005-53
- d.) Annexation: Krystal Ridge Subdivision / Property Located at County Road 13 2nd READ...../Ordinance 2005-54
- e.) Establish Penalties and Enforcement Procedures for Violation of Municipal Ordinances and to Repeal Ordinances 198-33, 2001-01 and 2002-21 1st READ...../Ordinance 2005-55
- f.) Authorizing Overtime Compensation for Salaried Employees During Declared Emergencies 1ST READ...../Ordinance 2005-56
- g.) Granting the Mayor Power and Authority to Declare a Civil Emergency and to Invoke Curfew in Times of a Civil Emergency 1ST READ...../Ordinance 2005-57
- h.) Appropriating Funds: US Hwy 90 Sanitary Sewer Extension: Preliminary Design & Evaluation 1ST READ...../Ordinance 2005-58
- i.) Appropriating Funds: City Hall Architectural Services, Site Preparation, Survey & Engineering 1ST READ...../Ordinance 2995-59
- j.) Appropriating Funds: Finance Department Temporary Accountant Position 1ST READ...../Ordinance 2005-60

9. COUNCIL / MAYOR COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

OCTOBER 3, 2005
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Chief Mund Hanson gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Regina Landry; August Palumbo.

ABSENT: Greg Burnam; Ron Scott.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; Mund Hanson, Fire Chief; Captain Scott Taylor, Police Department; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Ronnie Phillips, Building Inspection Director; David McKelroy, Recreation Director; Dale Foster, Librarian; Suzanne Henson, Senior Accountant; Melvin McCarley, Public Works Supervisor; City employees; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; Willie Robison, BZA; John Coulter IDB & Planning Commission.

Absent: David Carpenter, Police Chief; Kim Briley, Finance Director.

3. APPROVE MINUTES:

**MOTION BY Mrs. Barnette to approve the minutes meeting held September 19, 2005.
Seconded by Mrs. Landry.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to approve the minutes of a Special Called meeting held September 27, 2005. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PUBLIC HEARING: 1.) Amendment to the Land Use & Development Ordinance / Landscape and Tree Protection and Minimum Standards Fire Hydrants / Ordinance 2005-53

Council Vice President Lake opened the Public Hearing at 6:33 p.m.

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Mr. Eady gave a presentation on the amendment.

No one spoke.

Council Vice President Lake closed the Public Hearing at 6:35 p.m.

PUBLIC HEARING: 2.) Annexation: ESCC South Subdv. / Will be known as
Krystal Ridge Subdv. / Property located at County Road 13
/ **Ordinance 2005-54**

Mr. Don Garner – one of the owners of the property – said the development is an upscale Christian subdivision. He said a small portion of the property is in the city, but the larger portion is not. He asked the Council to annex the larger portion in to the city.

Council Vice President Lake opened the Public Hearing at 6:37 p.m.

No one spoke.

Council Vice President Lake closed the Public Hearing at 6:38 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

No report

B. Buildings and Property Committee – Lake

No report.

C. PUBLIC SAFETY – Burnam

The Committee will meet tomorrow at 4:30 in the Council Chambers.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The Committee will meet tomorrow at 5:30 p.m. in the Council Chambers.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the September 23rd meeting are in the packet. Ken Eslava, Public Works Director, gave an update on cleanup of the debris from hurricane Katrina saying that 5:00 p.m. yesterday was the last time to place debris on the street for pickup. There is one more week scheduled for pickup. He said there has been significant dumping of debris that was not from the hurricane, and they will be giving fines for violations. Mr. Yelding stated that the next meeting will be October 28th at 8:00 a.m. in the Council Chambers. He invited the public to attend.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The Board will meet October 6th 6:00 p.m. in the Council Chambers. There were originally three (3) appeals, but one (1) was withdrawn, so there will be two (2) appeals both set back encroachments.

B. Downtown Redevelopment Authority – Barnette

The minutes for the August 23rd meeting were handed out before the meeting. The next meeting will be October 18th 5:15 p.m. in the Executive Council Chambers.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

September's meeting was pre-empted by the hurricane. The next meeting will be October 10th 4:30 p.m. at the Library.

E. Planning Commission – Barnette

The minutes for the September 22nd meeting are in the packet. The Site Review meeting will be October 19th 9:00 a.m. in the Council Chambers, and the Planning Commission will be meeting Thursday October 27th in the Council Chambers at 6:00 p.m.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

No report.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

Mayor Small asked Council Vice President if a citizen in the audience could speak regarding the Jubilee Girls. Council Vice President Lake gave permission.

Mrs. Karen Bowman spoke on behalf of four 4 other parents of girls who are on the court asking the Council to reorganize the Jubilee Girls and form a new group under the sponsorship of the city. She said as of now the scholarship program under the current name is defunct; there is not money for the scholarships for the girls on this court. Mrs. Bowman asked the Council to write a letter dissolving the old group.

The Council discussed the situation and asked that the Committee that was formed previously with Mrs. Landry, Mr. Burnam, and a citizen meet and get all the facts and report back to the Council before they will consider writing a letter. The Council asked Mr. Ross to look into misappropriation of money by the old group.

MOTION BY Mrs. Landry to form the Jubilee Board and she will be happy to serve as Council liaison with the Board, and the Board will meet before the next Council meeting and she will report back to the Council. *Seconded by Mr. Yelding.*

Mr. Ross advised to use the word Committee instead of Board.

Mrs. Landry amended the motion to say Committee instead of Board.

Mr. Yelding seconded the amendment.

Council discussed Mrs. Landry's role on the Committee saying the Committee needs to govern itself and Mrs. Landry role be strictly as liaison between the Committee and the Council.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small asked the Council to rescind the motion made at the Special Called meeting to increase employee participation by \$18.00 for their health insurance.

The Council agreed that this should be considered by the full Council, and that if there were more cuts, such as increased co-pay for prescription drugs, that can be made to present that to them to the Council.

Mayor Small said as Mr. Lake brought out at the Special meeting that there are a lot of people with a number of children and that their wage may not be but \$12.00 - \$13.00 per hour or less, and he just wants to make sure they will be able to afford health care if they are sick. He said that this is his recommendation on this.

Mayor Small asked the Council to call an Executive Session later on at the end of the meeting.

B. City Attorney's Report

Mr. Ross gave an update on the McMillan Bluff litigation.

C. Department Head Comments

Chief Hanson – Fire Chief – asked the Council if they were going to consider his request for five (5) temporary firefighters.

Council responded by saying that they had ask Chief Hanson to take the request to the Public Safety Committee for a recommendation.

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Suzanne Henson - Senior Accountant – reported that the time of the October 10th Finance meeting has been changed from 4:00 p.m. to 5:00 p.m.

Ken Eslava – Public Works Director - reported that Belrose will be completed at the end of the week. He also reported that May Day Park has been cleaned up except for the pier. He said that McMillan Bluff should be cleaned up at the end of next week. Mr. Eslava said that he will be awarding contracts for the Bayfront Park Pier, Boardwalk, and the Village Point Park Ferry Pier soon.

Captain Scott Taylor – Police Department - reported that work has begun on the North Precinct and invited the Council to go and take a look at the progress.

Mayor Small said that Red Cross informed him that they will cover 100% any damage caused by evacuees staying in the shelter.

7. PUBLIC PARTICIPATION

Mrs. Karen Nady – Captain O’Neal – spoke regarding the McMillan Bluff law suit.

Mr. Willie Robison – spoke regarding the Miss Jubilee Girls Program saying that he is disappointed about the troubles within the organization. He said that the Council needs to make sure from this day forward that there is no misappropriation of those funds.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

a.) Acceptance of Streets & Drainage

Timber Creek Subdv. Phase 10A/Resolution 2005-71

MOTION BY Mrs. Barnette to waive the reading of Resolutions 2005-71.

Seconded by Mrs. Landry.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolutions 2005-67.

Seconded by Mrs. Landry.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

ORDINANCES:

- a.) Annexation: Vilai Marino / Property Located off South Side of County Road 64 2nd READ/Ordinance 2005-41
- b.) Amending the Land Use & Development Ordinance 2nd READ/Ordinance 2005-42
- c.) Rezone: John & Susan Hurley / Property Located on the South Side of County Road 64 R-2 to B-2 2nd READ/Ordinance 2005-43
- d.) Extending Height Request Moratorium 2nd READ/Ordinance 2005-44
- e.) Appropriating Funds: Extending FY05 Budget Authority (Emergency) /Ordinance 2005-50
- f.) Amend Personnel Policy Handbook / Modification of Salaries and Percent of Increase or Decrease in Pay 1st READ. /Ordinance 2005-51
- g.) Amend Personnel Policies and Procedures Handbook Related to Employment Insurability 1st READ /Ordinance 2005-52
- h.) Amending the Land Use & Development Ordinance / Landscape & Tree Protection and Minimum Standards – Fire Hydrants 1st READ. . /Ordinance 2005-53
- i.) Annexation: Krystal Ridge Subdivision / Property Located at County Road 13 1st READ. /Ordinance 2005-54

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2005-41. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2005-41. *Seconded by Mrs. Landry.*

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AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2005-42, 2005-43, 2005-44. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2005-42, 2005-43, 2005-44. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to suspend the rules to consider Ordinance 2005-50. *Seconded by Mrs. Landry.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2005-50. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2005-50. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2005-51, 2005-52, 2005-53, AND 2005-54 WE MADE 1ST READ

8. COUNCIL COMMENTS

Mr. Yelding commented on letters the Council has received from employees saying that he knows they would like the Council to rescind the motion, but he feels comments made regarding past actions of the Council were inappropriate. To say what the Council has or has not done did not have a bearing on their decision.

Mrs. Barnette spoke regarding the correction of a typo in Ordinance 2005-44 where it should say 2005-14 instead of 2002-14. She also asked the Human Resource Director for a list stating the specific changes to the Personnel Handbook. Mrs. Barnette said she attended a class on the new Sunshine Law given by the Attorney General and received a handout that the City Clerk will copy and give to each Council member. Mrs. Barnette stated that she is working with Council to hold an envisioning meeting with citizens around October 20th.

Mrs. Landry commended the Public Works Department on the cleanup of the city. She also spoke regarding the courage of the Jubilee Girls parents that came forward this evening.

Council President Lake commended the Public Works Department also, saying that people that are in Daphne because of the hurricane complimented the city on how clean it is.

Mayor Small said that the Board of Education approached him about building a new elementary school. He wants the full Council to meet with the Board with mediation. He said he will be sending correspondence to set a date.

MOTION BY Mrs. Barnette to enter into Executive Session to talk about the general character and reputation of an employee and to discuss options and ramifications, litigation, mediation, or arbitration. The City Attorney certifies that the Executive Session is warranted for these specific reasons.

Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 7:25 p.m.

Council returned from Executive Session at 7:54 p.m.

9. ADJOURN

MOTION BY Mr. Palumbo to adjourn. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**OCTOBER 3, 2005
CITY COUNCIL MEETING
1705 MAIN STREET
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6:30 P.M.**

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**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT
7:54 P.M.**

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

John Lake
Council Vice President
Date & Time Signed: _____

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

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Public Participation: Mr. Frank Lamb's
comments were amended at the
September 19, 2005 meeting.

7. PUBLIC PARTICIPATION

Mr. Frank Lamb – 603 Maxwell Drive – spoke regarding the generosity of the citizens of Daphne saying it outweighed the bad press, and he commended all the teenagers that have volunteered. Mr. Lamb said he is deeply disturbed with the Sign Ordinance group that wants to look at the Sign Ordinance. He said they have come a long way. They might not be old enough to remember the pictures of hamburger hill, he took all the work that had been done in previous years, and because he thought that this had been put to bed, he through it all away. He said now here you come to look and the Sign Ordinance, which means bigger and better, it doesn't mean more restrictions. The Planning Commission worked hard to get monument signs at the corner of Wal-Mart, CVS and Riviera and City property. He said CVS did not want to cooperate, they wanted a huge sign, the Planning Commission could come back and say Wal-Mart has it, Riviera has it, the City has it, so you have to comply, so they backed down. He hears the Sign Committee coming along which means bigger and better. Merchants will tell you they have to have big signs, he said don't believe it. He said you do not need bigger, in Maine you will not find signs. He is concerned, he said let's don't go backward, let's build on what we have.

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
OCTOBER 12, 2005
5:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:00 pm. Present were Chairman Ron Scott; Councilman Bailey Yelding; Finance Director Kim Briley; Senior Accountant Suzanne Henson; and Accountant Belinda Job.

Regina Landry arrived at 5:06 pm.

Also in attendance was Public Works Director Ken Eslava.

II. PUBLIC PARTICIPATION

A. Bay Front Park Road Utilities / BayFront Village – Starke Irvine – *(Not an Agenda Item)*

Mr. Starke Irvine handed out brochures on the proposed BayFront Village (Bay View shopping, dining & living) and discussed a proposed development of Bay Front Park Road, noting that utilities would have to be run before any development could take place. Mr. Irvine discussed HMR is working with the Utility Board to develop a cost for utilities and that Riviera is working up a cost to run electricity underground. Discussion continued the property owners, Utility Board and the City would each contribute 1/3, however the property owners would have to be assessed. Mr. Irvine discussed he has already designed a building for the area, but has already lost one of the proposed tenants because of the length of time it is taking. Mr. Scott asked when cost estimates would be available. Mr. Irvine noted he hoped very soon. Ms. Landry asked how many feet of utilities are needed. Mr. Irvine noted approximately 700 feet and that preliminary cost estimates are about \$700,000, but that also includes an additional road. Discussion continued Mr. Irvine would return to the Finance Committee once the estimates are received.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Sewer – US90 - \$1.7 mil - \$2.4 mil – Volkert & Associates, Inc.

Mr. Scott discussed with the development plan the City has for the area from Hwy 90 to I-10, it will eventually become a commercial corridor and that the sewer availability is currently inadequate. Ms. Melinda Immel of Volkert & Associates, Inc. noted the Utility Board currently has water on both ends of the area and are working on a project to connect the two. Ms. Immel discussed a proposal to consider applying for a grant through ADECA to help fund the sewer project. Discussion continued on also doing an assessment program in order that the City can be reimbursed over a ten year period. Ms. Immel noted the present cost estimate ranges from \$1.7 - \$2.4 million and that the main purpose of their visit to the Finance Committee today was to make them aware that the Developer and the Developers Engineers are actively calling Volkert & Associates as well as the Utility Board inquiring as to the status of the sewer down US90.

Discussion continued the Utility Board has the capability with a small 6" force main to service some of the first proposed developments, however, would be unable to service future developments down US90. Ms. Immel discussed the project has been broken down into phases with dates based on what they were told by Aronov in August. Discussion continued the end date is based on the proposed deadline for opening Lowe's in November 2006. Ms. Immel noted phase one is the annexation of property along US90 and it is her understanding that this is already underway along with the annexation of the Malbis property. Discussion continued phase 2 is the evaluation / preliminary design and there is a cost of about \$10,000 to complete this phase. Ms. Immel noted this would provide various options to be considered in order to come up with the most cost effective way that would benefit everyone. Discussion continued while final designs are going on, the easement acquisition process would begin and it is known that at least two lift station sites will be needed. The following phases include the bidding phase, assessment proceedings, bid/contract award and construction schedule, all of which is based on trying to meet a November 2006 deadline. Mr. Scott asked how long it would take from the time the "go ahead" is given for something like this to be constructed. Mr. Tim Patton of Volkert & Associates noted from the beginning of the design, it would take approximately a year. Mr. Yelding asked if the City is going to apply

for a grant, would it ask for enough money to take care of gravity or force main. Ms. Immel noted while she is not familiar with the details of this particular grant, if the City could apply for the entire business district, then we would go after gravity if that is the option that everyone prefers. Ms. Landry asked who would be writing the grant. Ms. Immel noted the developer had been talking with the Mayor and they were looking at someone the developer worked with previously. Mr. Yelding expressed his concern over using someone the developer hired, when the City already has Janey Galbraith of Galbraith and Associates who writes all of the City's grants. Mr. Scott noted the grant process is a separate issue from the \$10,000 request noting the \$10,000 will get the project started.

Discussion continued that while it would be in the best interest of the developer to assist the City in acquiring the grant, should it not be awarded, then the City would have to proceed with an assessment program. Mr. Lon Johnston asked how big of an issue the easement acquisition process would be noting there is a window of approximately 100 days for completion of the easements. Ms. Immel noted the easement has already been obtained across the Malbis Property and with other large tracts of land, it should help move the easement process along.

Mr. Patton noted during the evaluation/preliminary design phase, they would be talking with all the property owners. The final design will be ready in about a month and at that point, funds would have to be borrowed to do the project. Mr. Rob McElroy of the Utility Board noted what the \$10,000 preliminary would provide is the base line data on which they will present their final design and proposal. Discussion continued that will take it from a 20% proposal down to a 10% proposal which will narrow down exactly what will be done in order to create the final design, it will tighten up the reins on actual dollar figure the City will apply for in the grant and give a hard target on exactly what services they will be providing as part of their final design services. Ms. Briley noted a reimbursement resolution contained in the packet could be adopted. This would allow the City to pay for the initial phases of the project and then reimburse itself from future bond proceeds. This will need to be adopted if the exact size and projects for a future bond issue are not known when the US 90 project is ready to begin.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating funds in the amount of \$10,000 for the Evaluation/Preliminary Design phase of the US90 sewer project. Seconded by Ms. Landry.

B. ADECA Grant Application

Mr. Patton discussed ADECA has some Hurricane Dennis and Hurricane Katrina monies available. Janey Galbraith has previously met with the Mayor and Utilities Board to discuss sewer improvements that can be made with the grant. However, the grant will have to be passed through the City of Daphne. The Utilities Board will reimburse the City for costs not covered by the grant. Janey Galbraith and Volkert Engineers are looking for consent from the City to prepare a grant application for funding to assist with repairs to the Daphne Utilities sewer system for damages resulting from the storms. This project will essentially be the construction of a holding tank for sewage. Discussion continued this would be an 80/20 grant, with the 20% paid by the Utility Board.

Ms. Briley noted when application is completed for the grant; a resolution would be needed at that time to authorize the submittal of the grant to ADECA.

Motion by Mr. Scott to recommend to Council to authorize Galbraith & Associates and Volkert & Associates work together to prepare a grant application for ADECA funds available for storm repairs to the City sewer system with the understanding that the Utility Board will be responsible for all matching funds. Seconded by Mr. Yelding.

C. Prepaid Travel:

1. **David Cohen, City Clerk** – Municipal Management Training Institute for City Clerks and Administrators - Orange Beach, AL - November 16-18, 2005 - \$70
2. **David Cohen, City Clerk** – Eastern Shore Chamber Leadership Conference - Naples, FL - October 25-28, 2005 - \$140

Mr. Scott asked if any other City people were going to the Eastern Shore Chamber Leadership Conference. Ms. Landry noted Mayor Small was attending.

Motion by Mr. Yelding to recommend to Council to adopt a resolution approving prepaid travel as follows:

- ***David Cohen, City Clerk in the amount of \$70 to attend the Municipal Management Training Institute for City Clerks and Administrators in Orange Beach, Alabama, November 16-18, 2005.***
- ***David Cohen, City Clerk in the amount of \$140 to attend the Eastern Shore Chamber Leadership Conference in Naples, Florida, October 25-28, 2005.***

Seconded by Ms. Landry.

D. Appropriation Requests

1. City Hall Architectural Services, Site Preparation, Survey & Engineering - \$50,000

Ms. Briley discussed when the ordinance was adopted, it was for \$10,000 with the understanding that when it went over \$10,000, it would come back to the Finance Committee for review. Discussion continued a bill is currently pending in the amount of \$23,625. Ms. Briley discussed additional funds need to be appropriated for this and recommends an additional \$50,000. Ms. Landry asked what the status is on the project. Mr. Yelding noted the Architect, Jeff Hudson presented a plan to the Buildings & Property Committee. Ms. Henson noted Mr. Hudson would be meeting with Department Heads who will be located in the building for any changes that need to be made. Mr. Scott asked how long it would take to do a bond issue. Ms. Briley noted once a decision is made on everything that will be financed, it would take approximately a month. Discussion continued the City can borrow up to approximately \$12 million.

Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating funds in the amount of \$50,000 for the City Hall Architectural Services, Site Preparation, Survey & Engineering. Seconded by Ms. Landry.

2. Finance Temporary Personnel - \$7,000

Ms. Briley discussed the City is continuing to grow and the work load continues to increase. Discussion continued there are three active FEMA projects open which are Hurricane Ivan, Hurricane Dennis and Hurricane Katrina. Ms. Briley noted this alone is enough work for one person, in addition to it being the end of the year. Ms. Briley noted she would like to have a temporary person now but that an additional Accountant position is being requested in the Fiscal 2006 budget. Ms. Landry asked when they would get a rough draft of the budget. Ms. Briley noted a draft was completed at the end of August and that the Mayor is reviewing it.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating funds in the amount of \$7,000 for temporary personnel in the Finance Department. Seconded by Ms. Landry.

E. Flexible Spending Account – Increase limit to \$2,000

Ms. Briley discussed a flexible spending plan was started in May 2005 with a limit set of \$500. Discussion continued on a request from Sharon Cureton, Human Resources Director, to increase the maximum deferral amount to \$2,000 for this fiscal year. Discussion continued this is pre-taxed money that can only be used for certain things and is a “use it or lose it” benefit. Mr. Yelding asked what happens to the money that is not used. Ms. Briley noted that technically it stays with the City.

Motion by Ms. Landry to recommend to Council to increase the Flexible Spending Account limit to \$2,000. Seconded by Mr. Yelding.

F. Declare Projects Emergency (Hurricane Katrina Damage)

Mr. Eslava discussed the BayFront Park Pier, BayFront Park Boardwalk, Daphne Ferry Pier and Mayday Park Pier were all destroyed as a result of Hurricane Katrina. Discussion continued under normal circumstances, because each of these projects will be in excess of \$50,000, these projects would fall under the Public Works Bid Law. Discussion continued this would require specs to be written, advertising of the bids, bid tabs, etc which could be a 6-8 week process. Mr. Eslava discussed in a month or so, the tides in the bay will change to the winter lows which will not allow him to get barges and cranes in the areas to start setting pier pilings.

Mr. Eslava noted he has already received four quotes from legitimate marine builders in the area and noted Al Evans Contracting was the low quote in every case. Mr. Eslava requested the City Council declare these projects "Emergency Projects", and to award all the projects to the Al Evans Contracting. Discussion continued all of these projects are FEMA reimbursable projects. Mr. Yelding inquired about the cost of the Mayday Park Pier project. Mr. Eslava noted the inspection of this project has just been completed so a cost estimate is not available yet, but is expected to be in the \$500,000 range.

Motion by Ms. Landry to recommend to Council to adopt a resolution declaring the BayFront Park Pier, BayFront Park Boardwalk, Daphne Ferry Pier and Mayday Park Pier as "Emergency Projects" and to award the projects.

IV. CURRENT BUSINESS

A. Bids: 2006-A-Safety Shoes

Mr. Eslava noted these bids were just opened this morning and that he has not had an opportunity to evaluate them, therefore, he requests that this be tabled until next months meeting.

B. Daphne Redevelopment Authority – Streetscape Plan for Main Street - \$7.500/month

Mr. Starke Irvine discussed the Daphne Redevelopment Authority is established to develop the Old Towne Daphne area and approximately 5 years ago, the City Council hired Louis Wynne to do a streetscape for Main Street which runs from just South of City Hall all the way down to Bay Front Park. The authority raised enough money to get the statue built as well as the pool, which those funds have been turned over to the City. Mr. Irvine continues that the Authority still owes Fran Newman and wants to get some other things done but we don't feel like we can continue going to the general public and raising funds. We are either going to do it right or not do it; if a source of funding is not found, the Daphne Redevelopment Authority will probably go away because there is nothing for them to do, they cannot get anything done without money.

Mr. Irvine noted that the Mayor suggested to him that maybe they could appeal to the Finance Committee for some of the lodging tax revenues. Mr. Irvine noted if they could get some monies from somewhere, then they could take that money and leverage it into some sort of a loan or grant or something and do the Main Street landscape. Mr. Irvine noted if they can get the money for the authority, then he is going to resign because he doesn't want any sort of conflict of interest with his Bay Front Park project going on. Mr. Scott asked what it would cost to put the utilities underground. Mr. Irvine noted approximately \$2 million dollars. Mr. Irvine discussed the phases the project would be done in starting from the Intermediate School down to the Bay Front Park. Mr. Scott asked if the project could be spread out over 5-6 years in order to implement a program. Mr. Irvine noted it could.

Ms. Landry asked what the status was on raising the lodging tax. Discussion continued and Mr. Scott stated that nothing has been done since the hurricane has led so many displaced people to our hotels, and noted that timing was not good. Mr. Scott asked Mr. Irvine to prepare a plan that would detail how long it will take to implement the Main Street plan and have Riviera state what they will do each year and bring this plan back to the Finance Committee next month.

Mr. Eslava noted FEMA has hazard mitigation programs that Riviera can pursue to obtain funds for this type of project; however they will have to provide a wealth of information and have a cost benefit analysis. Mr. Scott

asked Mr. Irvine to provide some rough numbers in the form of a proposal and that Mr. Eslava would get with Riviera to partner up and go after some of these available funds.

C. Baldwin County Fatherhood Initiative - \$4,000

Ms. Landry discussed she does not feel that many of the Daphne children would be participating and therefore would not greatly benefit the City of Daphne. Mr. Yelding noted more history on the background of the organization would also be needed before it could be considered. Discussion continued the Finance Committee's recommendation would be that this is not a priority and the City is unable to participate this year.

D. Speed Hump on McAdams Avenue - \$5,000

Ms. Landry discussed the Public Safety Committee approved one speed bump at a cost of \$5,000 based on the results of an old traffic study. Discussion continued a new traffic study has been done and those results were just provided at the last Public Safety meeting. Ms. Landry noted the new traffic study does not show a major problem.

Ms. Landry suggested this be sent back to the Public Safety Committee to be looked at again with the new traffic study. Mr. Eslava noted he feels the street is too narrow for speed humps and they could potentially become a traffic hazard.

E. FY05 & FY06 Budget – Taste of Eastern Shore - \$8,000 each year

Ms. Briley discussed a request from the Buildings and Property Committee for the City to absorb \$8,000 in expenses for the Taste of Eastern Shore recently held in August and to place \$8,000 in the FY06 budget for expenses for next years event. Ms. Briley explained the function contains ticket revenues, auction revenues and costs associated with the event and the net difference (revenues less costs) is what goes to the school. Ms. Landry asked how much money was made on the last event. Ms. Briley noted about \$9,000 went to the school this year. Mr. Yelding noted in the past, businesses sponsored the event, which they are no longer doing. Mr. Scott noted he had heard from individuals at the school that they felt like the events could be scaled down somewhat and not be quite so elaborate, therefore, allowing more funds to go directly to the school.

Mr. Lake noted it was the intent of the contract last year to make the \$8,000 contribution by the City an annual thing, not to have to come before the committee and request each year. Discussion continued the Civic Center could start putting this in their budget beginning with the FY06 budget. Ms. Briley noted the FY05 request would also have to come out of the FY06 budget so both could be included in the FY06 budget.

V. FINANCIAL REPORTS

A. Treasurers Report: September 30, 2005

Ms. Briley discussed total cash of \$10,475,983.62 which is up about \$10,000 over last month.

Motion by Ms. Landry to recommend to Council to accept the Treasurer's Report as of September 30, 2005 in the amount of \$10,475,983.62. Seconded by Mr. Yelding.

B. Sales Tax Collection Graphs – August 31, 2005

Ms. Briley discussed total collections for August 2005 were \$869,818.11. Discussion continued collections were \$124,497.78 above collections for August 2004; and \$79,778.56 above amended budget for the month. Discussion continued collections are 16.70% over the same month last year. Mr. Scott discussed that historically, the City's sales tax has been able to cover the personnel costs, but noted it needs to be carefully looked at. Mr. Yelding noted with annexation and other things the City wants to do we can expect there to be a need for new employees, so we need to be sure we have a buffer.

C. Monthly Lodging Tax Collections – August 31, 2005

Mr. Scott discussed that lodging tax collections for August 31, 2005 were \$37,501.21 compared to \$32,788.35 for August 31, 2004. Discussion continued this is the first time lodging taxes have been almost flat with the same time last year. Ms. Briley noted the September collections should reflect an increase due to Hurricane Katrina at the end of August. Mr. Lake noted there will be a Canadian Delegation here on Thursday night and they were unable to find a hotel room in Daphne or Mobile, they had to go to Pensacola.

D. New Business Licenses

The Business License report for September 2005 was contained in the Finance Packet and showed 5 new businesses opened in the City, 20 new businesses not in the City, and 20 contractors. The report also showed 2 businesses closed.

E. Bills Paid – September 30, 2005

The bills paid report as of September 30, 2005 was contained in Packet #2.

VI. OTHER BUSINESS

A. Employee Health Insurance

Mr. Scott discussed the Mayor had asked the Council at the previous Council Meeting to revisit the \$18.00 per month employee contribution to the employee health insurance. Mr. Scott discussed the City was presented with a \$211,000 increase in health insurance. Discussion continued a Health Committee was created consisting of John Lake and employees to come up with a way to reduce the \$211,000 increase in premium costs. Discussion continued by increasing co-pays and deductibles, the increase was reduced by \$150,000, therefore leaving only ¼ of the total increase (\$54,000) to be absorbed by the City. Mr. Scott noted a special called meeting was held to discuss this matter which resulted in the City opting to not help the employees at all with their insurance with the exception of \$8,000. Discussion continued there are other things in the budget that are going to have to be looked at and it is relatively certain that the Council will not be able to do all that the employees would like, however, this is one that the Department Heads have unanimously agreed is a big deal and the employees feel like they are not appreciated by the Council. Mr. Scott noted he spoke with Greg Burnam today and asked if he would be willing to revisit the matter and Mr. Burnam stated he would. Mr. Scott noted Mr. Burnam suggested looking at other ways to further reduce the increase.

Mr. Yelding expressed his dissatisfaction with the memo the Mayor wrote that was signed by some of the Department Heads. Discussion continued he does not feel the Council should be changing their vote just because the Department Heads say they need to. Mr. Yelding noted that while this insurance matter is not affecting the upper level employees who are making a decent salary; it is affecting the lower level employees who are not making any money, and he would consider changing his mind for these lower level employees. Mr. Scott discussed 57% of the City's total workforce makes under \$30,000 year. Discussion continued these are people with families and under \$30,000 per year creates a tight budget. Mr. Scott noted he does not believe the department heads are concerned about the \$18.00 month out of their pocket, but they are concerned about their employees who are out there working on a day to day basis and who make this City what it is.

Ms. Landry concurred with Mr. Yelding that it was not good for the Department Heads to do what they did by signing the memo asking that the \$18 month be rescinded. Ms. Landry discussed she feels the Department Heads should be encouraging their people and telling them how good their insurance is. Ms. Landry stated the City is by no means stripping the employees; that the City pays 80% of their premium and she feels they have a very good deal. Ms. Landry stated she feels the decision made by the Council was in everyone's best interest and that it is time for everyone to start realizing what a good thing we all have. Ms. Landry reiterated that she does not believe that the Council should rescind their decision.

Mr. Lake noted last year there were no increases passed on to the employees. Discussion continued that by increasing the co-pays and deductibles this year, it actually places the burden of the increased premium on the employees who are actually using the benefits, noting that it is those users who are the cause of the premium going up to begin with. Discussion continued by increasing co-pays and deductibles, \$150,000 of the increase was passed on to the employees, but only to the employees who utilize the benefits. Mr. Lake discussed what the Council has done is forced the employees who use the benefits to pay extra as well as forced the employees who do not use the benefits to pay extra. Discussion continued what the City should want to do is create an incentive for those who do not utilize the benefits to stay healthy, which will help keep the premiums

low, therefore, attracting the lower level employees who will stay with the City and move up through the ranks. Mr. Lake reiterated that \$150,000 of the increased premium was passed on to the employees but it was done in a way that the employees who utilize it are the ones paying, not the employees who do not. Mr. Lake requested the matter be reviewed again.

Mr. Yelding noted the only way for the matter to get back on the agenda for another vote would be through a motion from the Finance Committee. Ms. Landry noted she is not in favor of it.

Mr. Yelding discussed the "negative letters" they received from the employees did not help the situation. Mr. Yelding noted that is what the Council is here for and that it is not the employees call. Mr. Yelding stated the Department Heads should be letting their employees know that writing letters is not the thing to do as it may cause some ill feelings.

Mr. Scott noted he does not know where the City could spend \$54,000 anywhere else and make more of a positive impact on the employee's morale. Mr. Scott noted the perception is the Council does not care about the employees, which is not true, therefore, he recommends the matter be revisited.

Motion by Mr. Scott to recommend to Council to rescind the motion to add \$18 per month to the employee's contribution to health insurance.

Motion died for lack of a 2nd.

B. Jubilee Girls

Ms. Landry discussed the committee met on Sunday and the present thought on the Miss Jubilee Program is if the City is going to do it, it should be an "all or nothing" situation with the City having an active voting Member on the Board. Discussion continued the City should start fresh with its own dress, theme, etc. and the current dresses would be returned to the other Program Manager. Discussion continued the program should go back to a more professional suit type of attire rather than the big dresses, with a nice dress for events. Discussion continued the program would only be available to girls living in the Daphne City limits.

Ms. Landry continued there are four (4) girls who would need about \$1,000 each to purchase the new outfits and things that would be needed, so a request would be forthcoming to the Finance Committee. Ms. Landry noted she feels it would be in the City's best interest to sever all ties with the other Program Manager. Mr. Yelding expressed concern over the amount of expense that could be involved for the City and noted that more information would be needed on the new program. Ms. Landry noted new by-laws have already been drawn up.

Ms. Landry also discussed another option would be for the City to hire an employee to totally manage the program which would make it a complete City function with no outside Board. Discussion continued the City and the new program should not have to absorb any of the funds the girls did not receive from the former program. Ms. Landry noted once the first pageant is held, there should not be a great need for more money other than a set contribution each year. Mr. Scott noted it is his opinion that an independent group should run the program, and it would generate more interest from the Community. Mr. Yelding noted it would be appropriate to place this matter on the next City Council Work Session agenda.

C. School Feasibility Study

Mr. Scott asked if anyone knew the status of the school feasibility study. Ms. Briley noted the contract was signed last week so it should be underway.

D. FY2006 Budget

Mr. Scott asked what we are looking at on the budget. Ms. Briley noted approximately \$20 million (General and Enterprise Fund) and noted there are a lot of requests on the table. Discussion continued the estimated \$20 million does not include any new requests.

VII. ADJOURN The meeting was adjourned at 6:55 pm.



Approved For Agenda
F. Small / S. Spurr
Signature
10-6-05
Date



www.volkert.com

August 25, 2005

Contract No. 408100.10
General Engineering Services for the
Utilities Board of the City of Daphne, Alabama
US 90 Sanitary Sewer

3809 Moffett Road (36618)
P.O. Box 7434
Mobile, Alabama 36670-0434
251.342.1070
Fax 251.342.7962
volkert@volkert.com

Mr. Rob McElroy, PE
General Manager
Utilities Board of the City of Daphne, Alabama
P.O. Box 2550
Daphne, AL 36526

Dear Mr. McElroy:

As requested, attached is an updated preliminary schedule for providing sewer service along US 90 to assist the City and the Utilities Board with planning for the proposed development in this area. This schedule includes dates based on an anticipated project authorization in early September 2005. The project duration coincides with the project schedule that was previously provided.

The preliminary project estimate for a sanitary sewer force main along US 90 is between \$1.7 million and \$2.4 million. This estimate is based on previous reviewed and includes the construction and engineering services along with approximately \$100,000 for geotechnical services and land acquisition for the proposed sewage lift stations. Pavement resurfacing has not been included since it is currently proposed that the sanitary sewer main would be installed in easements or outside the paved surface.

We appreciate the opportunity to continue working with you, the Council, and Daphne Utilities on this proposal. Please call at your convenience should you have any questions regarding these items.

Sincerely,

Melinda D. Immel, P.E.
Project Manager

/kvd

Enclosures

c Mayor Fred Small
Mr. Stan Clayton

Office Locations:

Mobile, Birmingham, Foley, Alabama • New Orleans, Louisiana • Gainesville, Orlando, Pensacola, Tampa, Florida
Dalton, Georgia • Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C.



www.volkert.com

July 8, 2005

Contract No. 408100.10
General Engineering Services for the
Utilities Board of the City of Daphne, Alabama
US 90 Sanitary Sewer

3809 Moffett Road (36618)
P.O. Box 7434
Mobile, Alabama 36670-0434
251.342.1070
Fax 251.342.7962
volkert@volkert.com

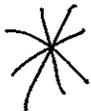
Honorable Fred Small
Mayor
City of Daphne
PO Box 400
Daphne, AL 36526

Dear Mayor Small:

The following is a summary of the various tasks proposed for the construction of sanitary sewer service along US 90 in Daphne. This includes a brief description of the items involved, an estimated duration to complete the task, and the estimated costs proposed for each task. The amounts shown below are estimates of the fees associated to complete the corresponding tasks.

Task 00001 - Evaluation:

The evaluation task includes completing reviews of various sanitary sewer alignments and sizing options. Various alignments and sizing options will be compared including initial construction costs, maintenance operation/costs, and the potential for improving any capacity concerns in the Lake Forest collection system by rerouting flow to the proposed sanitary sewer collection system. Various meetings with Daphne Utilities staff will also be included in this evaluation. Once the data has been compiled it will be provided to the City and Daphne Utilities with a design recommendation.



The estimated time for completion of Task 00001 is within one month from notice to proceed for an estimated fee of \$10,000.

Task 00002 - Final Design:

This final design task will include proceeding with the selected alignment and sizing and preparing construction plans and specifications for bidding. This task will include regularly scheduled meetings with the Daphne Utilities staff and any presentations requested by the City Council or Board to review the design, estimated costs and to discuss concerns and suggestions related to the project. Also included are constructability reviews during the design process, easement preparation for the proposed sanitary sewer force main, and permitting.

The estimated time for completion of Task 00002 is within five months from notice to proceed with selected design alternative including advertising for bids and contract award.

Office Locations:

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The estimated fee for this task is between \$140,000 to \$190,000 depending on the selected design alternative.

Task 00003 - Construction Engineering Services:

The construction task will include monitoring the construction upgrades during the estimated six month construction period. This task will also include completion of record drawings.

The estimated fee for this task is approximately \$80,000.

Task 00004 - Assessment Administration Services:

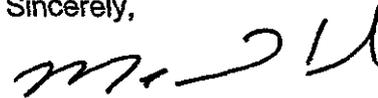
The assessment administrative task would include assistance with the assessment program if the Council elects to proceed with this process in accordance with the recommendations outlined by the Alabama League of Municipalities based on Alabama code. This process would begin following final design and would be completed in two phases. The first phase would follow final design and have an estimated duration of two months. The second phase would be completed following construction and also has an estimated duration of two months.

The estimated fee for this task is \$15,000.

The preliminary project estimate for a sanitary sewer force main along US 90 is between \$1.7 million and \$2.4 million. This is based on previous options reviewed and includes the costs mentioned above along with construction costs and approximately \$100,000 for geotechnical services and land acquisition for the proposed sewage lift stations. Pavement resurfacing has not been included since it is currently proposed that the sanitary sewer main would be installed in easements or outside the paved surface.

We appreciate the opportunity to continue working with you, the Council, and Daphne Utilities on this proposal. Please call at your convenience should you have any questions regarding these items.

Sincerely,



Melinda D. Immel, P.E.
Project Manager

/kvd

c Mr. Rob McElroy
Mr. Stan Clayton

Preliminary Schedule for Sanitary Sewer Extensions Along US 90
Contract No. 408100.10

August 25, 2005

Description	Month												Comments				
	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06		Sep-06	Oct-06	Nov-06	Dec-06
Annexation of Property Along US 90	█	█	█														The Aronov Development Property, corner of US 90 and Hwy 181, has been annexed into the City of Daphne. The Malbis property representative has indicated that they plan on filing a petition for annexation into the City. The Malbis property is located west of the proposed development. According to conversations with the City Clerk, the Council, if necessary to maintain schedules, may elect to suspend the rules in order to annex the property once the petition has been filed. this schedule reflects the typical annexation period without suspending the rules.
Evaluation / Preliminary Design		█															This phase will include reviews of various sanitary sewer alignment alternatives and sizing options to determine which is most economical for the anticipated growth and current concerns with existing sanitary sewer infrastructure. This is currently estimated at \$10,000.
Easement Acquisition			█	█	█												Easement acquisition can not begin until an alignment and lift station locations are determined. A typical easement acquisition period provided the property owners are agreeable to an easement is three months.
Final Design			█	█	█												This phase includes field survey and preparation of plans and specifications.
Bidding Phase						█											This duration includes advertising for bids.
Assessment Proceedings					█	█									█	█	Assessment proceedings can not begin until final plans are completed and available to the public for viewing. The final assessment procedures will be completed following construction.
Bid / Contract Award							█										
Construction Schedule								█	█	█	█	█	█	█			
Proposed Opening for Lowe's Development															█		Currently , Aronov representatives are stating that the site will be developed by May 2006 with Lowe's estimating six months for construction of their facility. Two car dealerships are currently anticipated to be completed before this date but can be served by the existing six inch force main located on the northern end of the property until the sewer line along US 90 is completed.

PROJECT NO.
408004D
DATE
10F 1

NO.	DATE	DESCRIPTION	REVISION

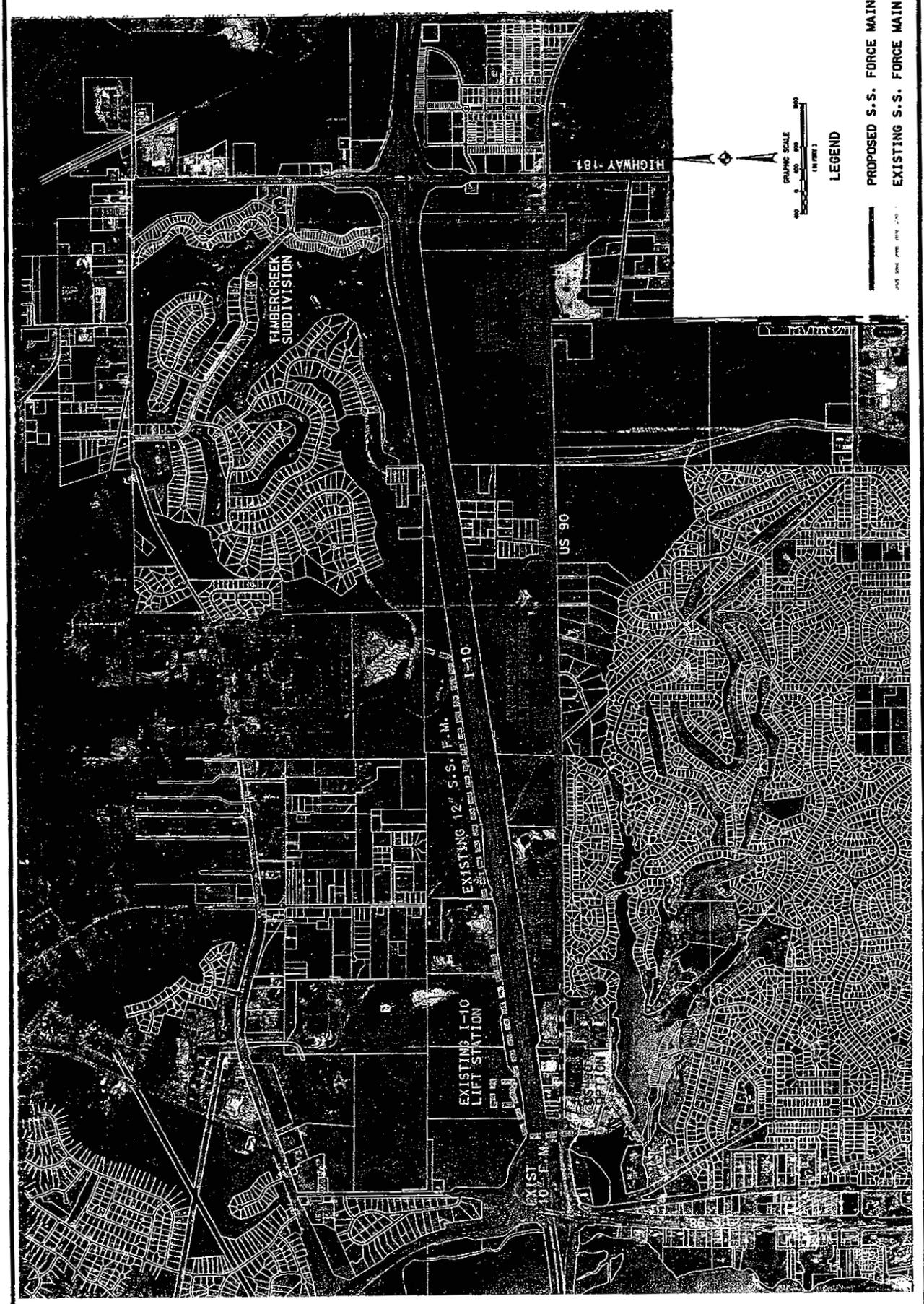
DePue Utilities

PROJECT NAME
PROPOSED SANITARY SEWER SERVICE
ALONG US 90

Volkert
ASSOCIATES, INC.
CERTIFICATION

DATE
APRIL 2006

PROJECT NO.
408004D
DATE
APRIL 2006
DRAWN BY
CHECKED BY
DATE
APRIL 2006
PROJECT NO.
408004D
DATE
APRIL 2006
DRAWN BY
CHECKED BY



LEGEND

PROPOSED S.S. FORCE MAIN
EXISTING S.S. FORCE MAIN

Signature

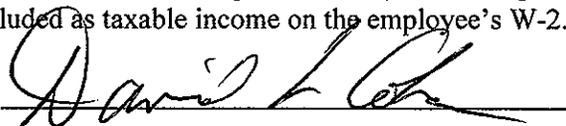
Date

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DAVID L. COHEN
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	NOVEMBER 16-18, 2005
SCHOOL/ORGANIZATION	MUNICIPAL MANAGEMENT TRAINING INSTITUTE FOR CITY CLERKS AND ADMINISTRATORS
LOCATION FOR TRAINING: CITY/STATE	ORANGE BEACH, AL
REGISTRATION FEE	\$70.00
LODGING	
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$70.00

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

Employee Signature




Department Head Approval

8069
Vendor #

120200 / 52211 /
Dept Org # Object # Proj #

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

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



THE UNIVERSITY OF
ALABAMA
CONTINUING STUDIES



40th Annual Municipal Management Training Institute for City Clerks and Administrators

Sponsored by
The University of Alabama
College of Continuing Studies
with the assistance of the
Alabama Association of Municipal Clerks and Administrators (AAMCA)
and The Alabama League of Municipalities (ALM)

ABOUT THE PROGRAM

The Municipal Management Training Institute provides city clerks and administrators with an overview of important issues and concerns facing them professionally and personally.

This year's Institute, planned by the Education Committee of the Alabama Association of Municipal Clerks and Administrators, emphasizes several issues critical to cities:

- Open Meetings Act
- Overview of 1st Amendment Issues
- Eminent Domain
- Annexation
- Everyday Tools for the Municipal Clerk
- Employment Law
- License Enforcement and Revocation

Municipal government and management authorities will present timely information on these as well as other professional development topics.

CORPORATE SPONSORS

We wish to thank our corporate sponsors for their interest and support of the Alabama Association of Municipal Clerks and Administrators and its educational activities.

PLANNING COMMITTEE

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Shirley Henson, Oxford (Past President)
Cathy Larrimore Constantino, Orange Beach
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Gail Busbey, Decatur
Cheryl Dodson, Woodstock
Karen Duncan, Pleasant Grove
Sue Raper, Vina
Paula Smith, Birmingham
Ken Smith, ALM



TENTATIVE AGENDA

November 16-18, 2005, Perdido Beach Resort, Orange Beach, Alabama

Wednesday, November 16

12:30 p.m. **Newcomers Welcome and Early Bird Registration**
(Conference Registration Desk)

3:00 p.m. **Open Meetings Act**
Ken Smith, Deputy Director/Chief Counsel, ALM

5:30 p.m. **President's Reception**
Hosted by Corporate Sponsors

1:15 p.m. **Concurrent Sessions**

A. Employment Law
Gregg Smith, Attorney,
Sirote & Permutt, P.C., Birmingham

B. Annexation
Speaker TBA

C. License Enforcement and Revocation
Paul Arnold, CMRO, Revenue Manager,
Mobile

Thursday, November 17

7:30 a.m. **Registration, Coffee & Danish**
(Conference Registration Desk and Pre-function Foyer)

8:30 a.m. **Welcome**
Presiding: Mary Lynn, CMC,
City Clerk, Spanish Fort, President,
AAMCA

8:40 a.m. **Report from AAMCA Elections Committee**

8:45 a.m. **Everyday Tools for the Municipal Clerk: A Panel**
(e.g., Codification, minutes, record keeping, mini-books, tickler files, other timesaving tools of the trade)

10:00 a.m. **Refreshment Break**

10:15 a.m. **Everyday Tools...(continued)**

12:00 p.m. **Luncheon Business Meeting & Presentation of Awards**

2:45 p.m. **Refreshment Break**

3:00 p.m. **Repeat Concurrent Sessions**

4:30 p.m. **Adjourn**

6:30 p.m. **Spical**

7:00 p.m. **Dinner and Entertainment**
Installation of New Officers

Friday, November 18

7:30 a.m. **Coffee and Danish**
(Pre-function Foyer)

8:30 a.m. **Open Meetings Act: Q & A**
Ken Smith, ALM

9:15 a.m. **Overview of 1st Amendment Issues**
Ken Smith, ALM

10:15 a.m. **Refreshment Break**

10:30 a.m. **Eminent Domain**
Speaker TBA

11:45 a.m. **Institute Evaluation and Adjournment**

Signature David L Cohen
 Date 10/1/05

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DAVID L COHEN
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	OCTOBER 25-28, 2005
SCHOOL/ORGANIZATION	EASTERN SHORE CHAMBER LEADERSHIP CONFERENCE
LOCATION FOR TRAINING: CITY/STATE	NAPLES, FLORIDA
REGISTRATION FEE	\$140.00
LODGING	
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$140.00

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

Employee Signature

David L Cohen

L F Well

Department Head Approval

8069
Vendor #

120200 / 52211 /
Dept Org # Object # Proj #

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

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



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

P.O. Drawer 310
Daphne, Alabama 36526-0310

Overlook
29750 Larry Dee Cawyer Drive
Daphne, Alabama
251.621.8222
FAX 251.621.8001

Downtown Fairhope
327 Fairhope Avenue
251.928.6387
FAX 251.928.6389

www.ESchamber.com
email: office@ESchamber.com



July 5, 2005

**RE: Eastern Shore Chamber of Commerce
2005 Leadership Trip – October 26, 27 & 28, 2005**

It's time to make plans to attend the Eastern Shore Chamber of Commerce's seventh annual Leadership Trip. This year we will be heading to Naples, Florida. We feel that the last six years have been great successes and we are anticipating another. The purpose of this trip is to provide an opportunity for community and business leaders, who can affect decisions made about the Eastern Shore, to collectively study successes and failures of similar communities as they have dealt or are dealing with similar problems and opportunities.

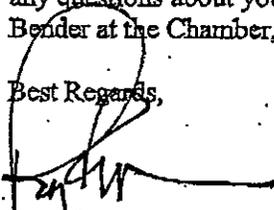
We will be exploring issues on Naples economic make up, public transportation, area and retail marketing, historic districts, as well as mixed-use development.

You will need to schedule and pay for flights to Ft. Myers, Florida on October 26th. There will be a bus leaving from the Ft. Myers Airport at 2:00 p.m. to take us to the Bellasera Hotel in Naples. There will also be a bus leaving the resort Friday at 11:00 a.m. back to the Ft. Myers Airport for people to catch early afternoon flights home. Please call Jo if you need information on flight numbers and times that we have identified. The total cost of this trip (excluding airline tickets) will be \$875.00. This cost covers all meals, transportation in Florida, meeting costs and accommodations.

I am writing you to ask that you give this invitation your highest priority and respond promptly. Space is limited. Other public and private sector community leaders are also receiving invitations. The Chamber wants to make sure you are on the trip. In order to reserve a space on this year's trip, we ask that you please fax in your reservation by August 15, 2005. Payment will be due in full by September 15, 2005. If a reservation is made, it must be paid. We do accept credit cards.

This year's trip promises to be an outstanding one, and we hope that you are among our group. Thank you for giving this invitation your serious consideration. Should you have any questions about your trip or travel arrangements, please call Jo Wylly or Dairilyn Bender at the Chamber, 621-8222.

Best Regards,


Ray Moore
Chairman of the Board

Gatlin Hudson Architects

P.O. Box 1185

Daphne, Alabama 36526

251-626-5514

251-626-7321 fax

September 1, 2005

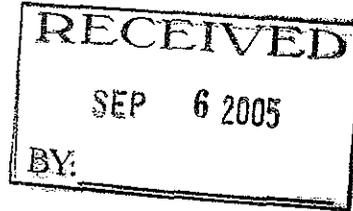
PERCENTAGE FEE

City of Daphne

P.O. Box 400

Daphne, Alabama 36526

Attention: Kim Briley



NEW DAPHNE CITY HALL

GHA #0506

Invoice #2

SEPTEMBER 2005 INVOICE

FOR PROFESSIONAL SERVICES RENDERED

ARCHITECTURAL/ENGINEERING SERVICES:

16,875.00

REIMBURSABLE EXPENSES:

-

TOTAL DUE:

16,875.00

CITY OF DAPHNE INTERNAL MEMO

DATE: SEPTEMBER 26, 2005

TO: MAYOR SMALL

FROM: KIM BRILEY, FINANCE DIRECTOR



RE: REQUEST FOR TEMPORARY PERSONNEL FOR FINANCE

The Finance Department has an immediate need for temporary personnel. With the reporting requirements of FEMA (currently three hurricanes remain open), end of year processing, and a new budget the current staff is struggling to manage the work load.

FEMA reporting alone requires hours of assembling of information/invoices, verification of work hours/use of equipment, and data input and printing of reports. End of year requires additional reconciliations and reports. A new budget requires hours of preparation for meetings, revisions, and final verification and distribution to Council and Departments.

The work issues listed above are duties performed by the Finance Department in addition to daily operation duties (processing Purchase Requisitions, Purchase Orders and Check Request for payment, monthly reconciliations and financial reporting, Bids, Appropriation Request....) and other non-financial assignments such as the City Hall Phone System.

The Finance Department requested additional personnel in the FY06 Budget but needs additional help now. It is anticipated that this temporary position will be transferred to a new position once the Budget is adopted.

The total requested for this temporary position is \$7,000. Please consider this request for approval and forwarding to the Finance Committee.

Approved for Agenda

Signature

Date



9/29/05

Buildings and Property Committee Meeting

October 7, 2005

10:00 a.m.

The City of Daphne Council Chambers

Minutes

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Mr. Ken Eslava, Director, Daphne Public Works

Also present: Mr. Joe Cleveland, Architect and Mr. Starke Irvine

that the facility be called an "Employee Safety Evacuation Shelter" as it will be used to house needed employees during a disaster.

A motion was made by Chairman Lake to forward to the Finance Committee a request to again sponsor The Taste of the Eastern Shore for the same amount of the sponsorship for 2004 which was \$8,000. This funding was initially done to assist in offsetting the cost of the event as the City of Daphne had not made a sponsor financial contribution to the event in the history of the event. The Committee members stated that they thought that this was a yearly contribution. However, this request must be requested yearly and be included in the proposed yearly budget. **Motion** by Chairman Lake to include this funding request in the FY 06 budget and be a yearly budget request. Request is also made for FY 05 funding. **Seconded** by Councilman Palumbo. **Motion Approved.**

STATE OF ALABAMA)
COUNTY OF BALDWIN)

* Motion by Bldgs & Property
Committee for Finance Commit
to review.

AGREEMENT

THIS AGREEMENT made and entered into on this the 2nd day of August, 2004
by and between the City of Daphne and Daphne High School.

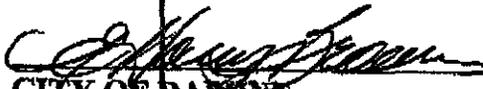
WITNESSETH

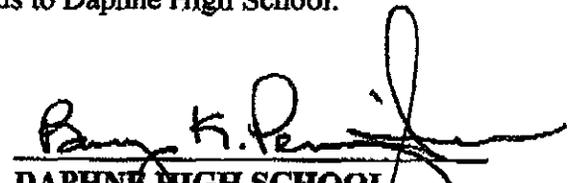
WHEREAS, the City of Daphne owns and operates the Daphne Civic Center and employees thereof, have agreed to organize an event entitled "Taste of the Eastern Shore" on August 6, 2004; and

WHEREAS, the purpose of the event will be to generate funds for the benefit of Daphne High School; and

WHEREAS, said event is to benefit Daphne High School and that Daphne High School and the City of Daphne hereunto do mutually covenant and agree as follows:

1. That the event shall include other fund raising events such as a silent auction and live auction and that all funds go to Daphne High School.
2. That the City of Daphne will administer and receipt all funds to Daphne High School within ten (10) days after said event.
3. That all associated and incidental costs of said event shall be sponsored by the City of Daphne up to \$8,000.00 and any costs paid by any City department. All other incidental costs of said event shall be deducted from the funds received from the event itself prior to disbursement of the funds to Daphne High School.


CITY OF DAPHNE
By: E. Harry Brown, Mayor


DAPHNE HIGH SCHOOL
By: Barry Pennington, Principal

ATTEST:

David L. Cohen, City Clerk, MMC



September 20, 2005

Approved for Finance Comm. Agenda

[Signature]

Signature
10/1/05

Date

MEMORANDUM

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

FROM: Sharon Cureton, Human Resources Director *Sharon Cureton*

RE: Increasing maximum deferral to Flexible Spending Account

Earlier this year we implemented a Flexible Spending Account (FSA) program that allows employees to defer pre-tax monies into an account for un-reimbursed medical and child care expenses.

Since this was a new program and we only had 4-6 months before the budget year expired, we placed a fairly low limit of \$500. This trial period gave us an opportunity to implement the program on a smaller scale so we could address any problems or issues that might come up.

We have been pleased with the FSA program and would like to increase the maximum to \$2,000 for the next fiscal year. This amount is a more typical limit used by employers and will allow our employees to more fully realize the savings of this program. Please take this before the Finance Committee for consideration.

Kim

From: Shannon Spivey [mayorassist@bellsouth.net]
Sent: Friday, October 07, 2005 3:00 PM
To: 'Kim Briley'
Subject: FW: ADECA Grant Application - Resolution to work on grant Application

The Mayor asked that I forward this and the minutes from Utilities Finance Committee meeting to you so that you can write the below mentioned resolution. Stephnie is supposed to be forwarding you the minutes. Thanks.

Shannon Spivey

From: Patton, Tim [mailto:tpatton@volkert.com]
Sent: Friday, September 30, 2005 9:08 AM
To: 'Shannon Spivey'
Cc: 'Fred Small'
Subject: ADECA Grant Application - Resolution to work on grant Application

Shannon,

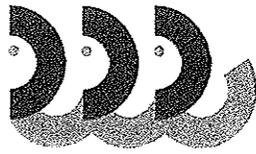
As a follow up to our meeting we had with the Mayor, Rob McElroy, and Janey Galbraith on this past Wednesday, Janey would like for the Council to approve her (Galbraith and Associates) and us (Volkert and Associates, Inc) to work on preparing a grant application for funding to assist with repairs to the Daphne Utilities sewer system resulting from Hurricanes Dennis and Katrina. The grant application cannot be submitted by the DUB but instead must be submitted by the City. She believes that it would be good for the Council to give their concurrence. There will be no cost to the City for this effort. A minimum 10% matching amount would be provided by DUB, although we anticipate that more than this amount will be required to improve our chances of getting awarded the grant. A formal resolution by the City Council will be required to submit the grant application to ADECA when it is completed. We anticipate that the application will be submitted in November. I wasn't sure whether authorization to prepare the application on the City's behalf would require a resolution or just a vote or acknowledgement at a Council meeting. Can you help with this? Please let me know if you need any additional information.

Thanks,
Tim

+++++

Tim E. Patton, P.E.
Utilities Department
Vice President
Volkert & Associates Inc.
3809 Moffett Road
Mobile AL 36618
251-342-1070
tpatton@volkert.com

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Daphne Utilities

FINANCE MEETING

Date: October 6, 2005

Start Time: 9:30 a.m.

End Time: 10:30 a.m.

AGENDA TOPICS:

Present: Bob Segalla, Lon Johnston, Mayor Small, Rob McElroy, Stan Clayton, Teresa Logiotatos, Stephnie Merchant

- **FY05 AUDIT**

- **PAYROLL FLOAT**

- **ADECA GRANT - SIDESTREAM STORAGE**

MOTION: Mayor Small made a motion that the Finance Committee recommend to the Utility Board at the next regular meeting that all funding and expenses associated with the ADECA grant be fully reimbursed to the City of Daphne. Lon Johnston seconded the motion and all were in favor.

- **EMPLOYEE BONUS (DECEMBER)**

- **NATURAL GAS MAIN**

- **MISCELLANEOUS CONTRACTS**

- **FY06 BUDGET**

- * **SCHEDULE WORK SESSION FOR FY06 BUDGET REVIEW**

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

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

From: Ken Eslava, Public Works Director

Date: October 10, 2005

Re: Declaring Emergency Projects

As you are aware, all of waterfront piers and boardwalks were destroyed as a result of Hurricane Katrina. Specifically, these facilities are:

1. Bayfront Park Pier 54,991 - Al Evans Contracting
2. Bayfront Park Boardwalk 150,639 - Al Evans Contracting
3. Daphne Ferry Pier (Village Point) 51,768 - Al Evans Contracting
4. Mayday Park Pier - Pending

Since each of these projects are over \$50,000.00, under normal conditions these projects would fall under Public Works Bid Law...meaning that specifications would need to be re-drafted, then they would have to be advertised for four weeks and bids taken publicly. This process would take about 6-8 weeks, putting us into the month of December beginning construction. This is a problem because the winter low tides begin in about another month, meaning that by early November, I cannot get a barge into the area to set piling for the piers.

My request is for the City Council to declare these projects: Emergency Projects , thus allowing me to utilize the four(4) bids which I have already received in order to move forward with awarding the work. By declaring these projects Emergency Projects, the advertising phase can be eliminated. This declaration will give me a "quick start" for the

work...getting the critical piling effort completed before the winter tides lock us out.

IT IS OF THE UTMOST IMPORTANCE FOR YOU TO UNDERSTAND THAT ALL OF THESE PROJECT HAVE ALREADY BEEN SUBMITTED TO FOUR(4) QUALIFIED MARINE CONTRACTORS IN OUR AREA FOR PRICE QUOTATIONS.

IN EVERY CASE, THE CONTRACTOR SUBMITTING THE LOWEST BID PRICE WILL BE AWARDED THE WORK.

I thank you for your assistance in this matter.

TREASURER'S REPORT

As of September 2005

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$6,076,427.20
OPERATING ACCT	COMPASS	(\$713,460.50)
PAYROLL ACCT	COMPASS	(\$3,373.39)
MUNICIPAL COURT	COMPASS	\$194,390.13
		<u>\$5,553,983.44</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$2,597.74
4 CENT GAS TAX	FIRST GULF	\$114,277.34
7 CENT GAS TAX	FIRST GULF	\$118,749.04
		<u>\$235,624.12</u>
CAPITAL PROJECTS FUND		
CDBG LOAN REPAY	COMPASS	\$461.53
CAPITAL GROWTH	SOUTHTRUST	\$3,393,610.12
97 WARRANT CONS	SOUTHTRUST	\$4,900.89
99 WARRANT CONS	REGIONS	\$528,316.92
2000 CONSTRUCTION	REGIONS	\$90,054.80
		<u>\$4,017,344.26</u>
DEBT SERVICE FUND		
DEBT SERVICE	SOUTHTRUST	\$669,031.80
		<u>\$10,475,983.62</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11
September	567,326.23	623,657.72	660,492.09	644,827.41	715,841.36	830,260.80	-
Totals	6,634,029.78	7,110,160.82	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	9,709,784.55

FY 2005 BUDGET/ACTUAL COMPARISONS

	Actual- 2005	Budget	Monthly Variance	YTD Variance	% of Budget
October	833,700.71	833,701	-	-	0.00%
November	814,666.03	814,666	-	-	0.00%
December	1,091,073.78	1,091,074	-	-	0.00%
January	771,837.83	771,838	-	-	0.00%
February	788,825.08	788,825	-	-	0.00%
March	917,832.17	899,046	18,785.90	18,785.90	2.09%
April	863,144.81	797,162	65,982.89	84,768.79	8.28%
May	867,446.44	803,067	64,379.32	149,148.11	8.02%
June	982,863.46	867,302	115,561.71	264,709.81	13.32%
July	908,576.13	851,234	57,341.92	322,051.74	6.74%
August	869,818.11	790,040	79,778.56	401,830.30	10.10%
September	-	880,076	-	-	-
Totals	9,709,784.55	10,188,031	401,830.30		

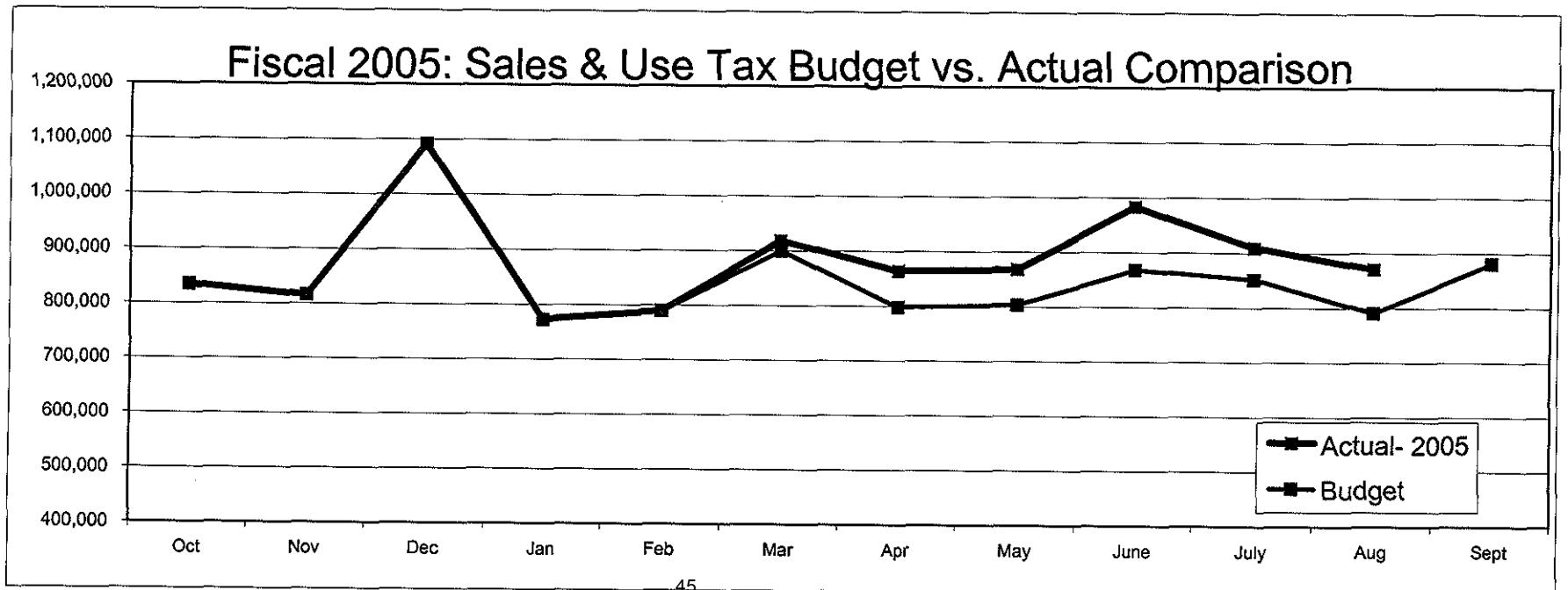
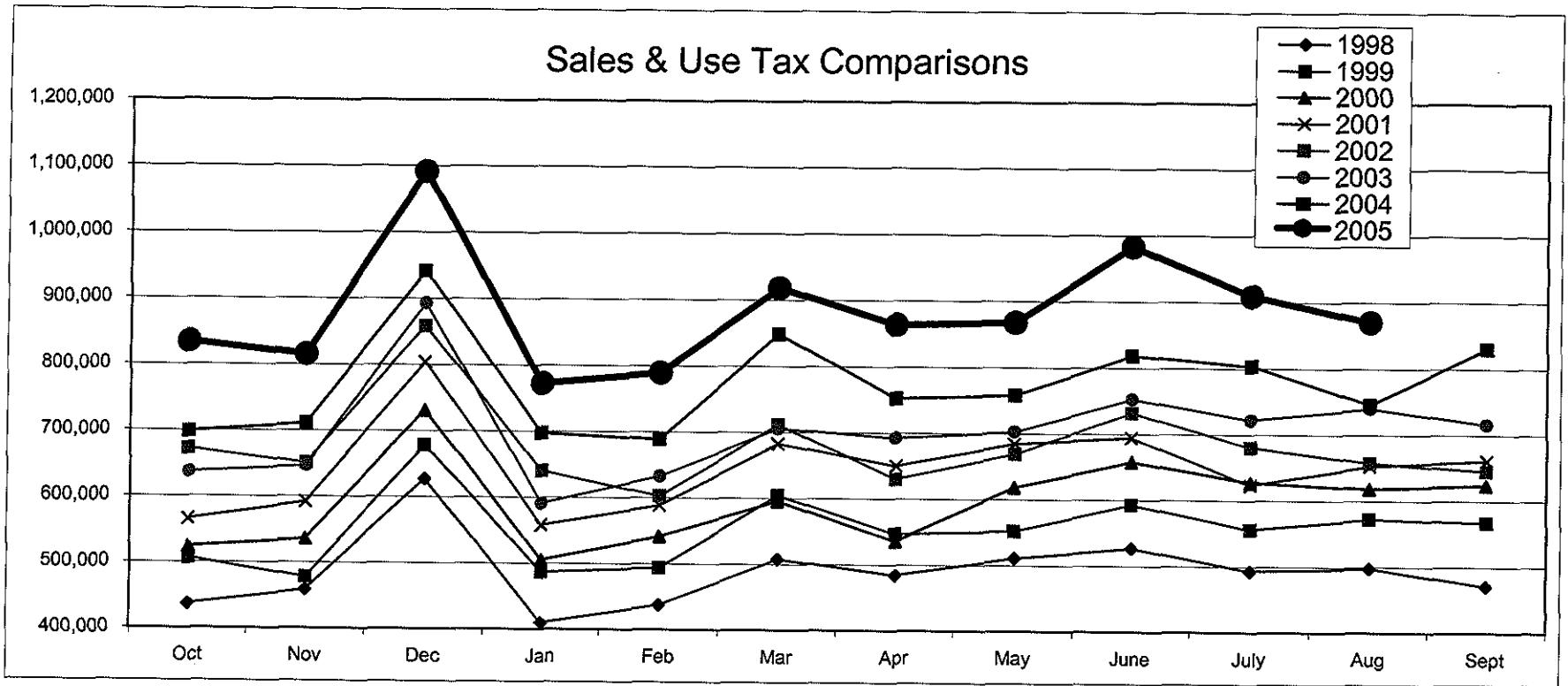
FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26	-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78	7.98%	5.55%	0.71%	12.63%	0.72%	16.70%
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	-	9.93%	5.91%	-2.37%	10.98%	16.02%	-
Annual \$ Change	476,131.04	641,019.38	393,592.24	284,159.66	860,992.68	1,250,120.57	Annual % Change	7.18%	9.02%	5.08%	3.49%	10.21%

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

TOTAL collections: 8-31-05	9,709,785
Budgeted: 10-1-04 to 8-31-05	9,307,954
Actual Coll > (<) Budget, 8-31-05	401,830
% Over/(Under) Budget, 8-31-05	4.32%

25

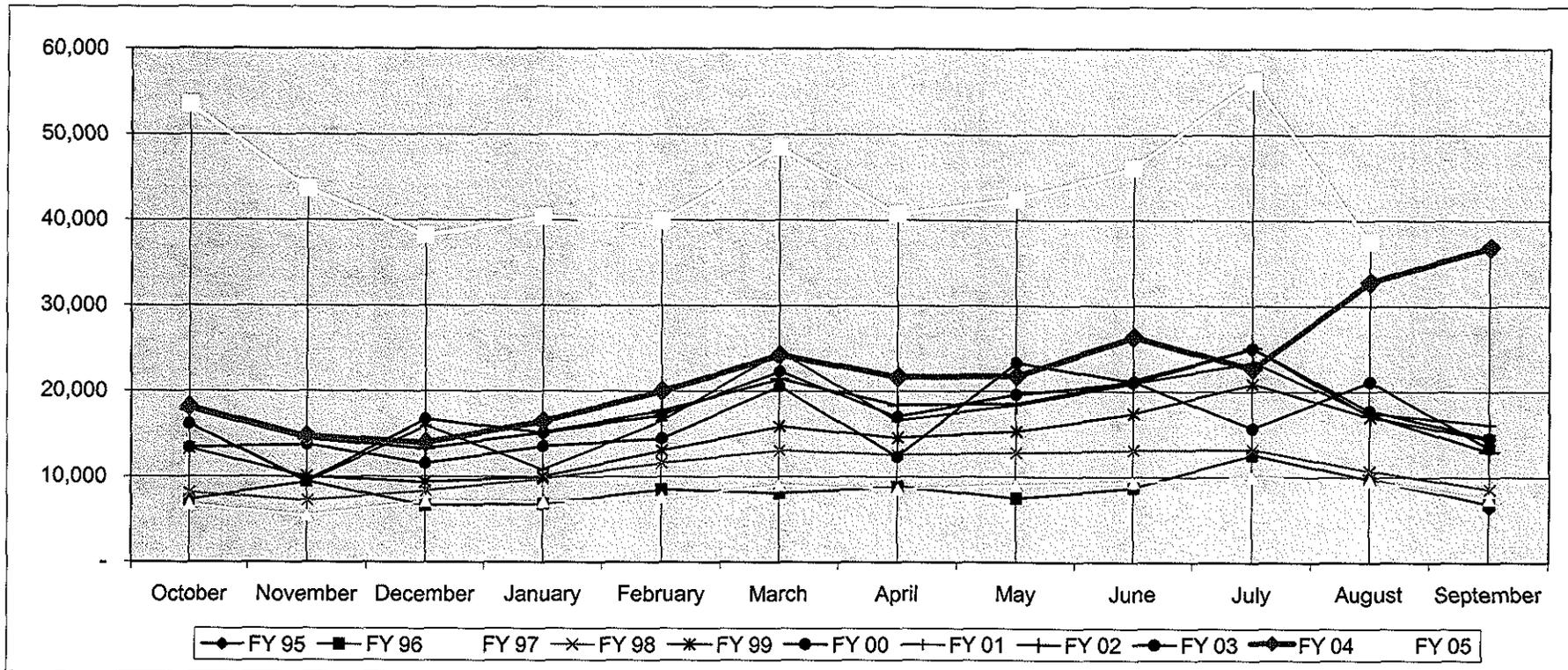


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Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	486,899.82

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



NEW BUSINESSES FOR SEPTEMBER 2005

BRICK & MORTAR BUSINESSES - CITY LIMITS	
HAPPIEST AT HOME PET CARE SERVICE	1
HUTSON, JOHN	1
TCS TOBIASZ CLAIM SERVICE	1
STEPHS CLEANING SERVICE	1
OMNI HEALTH & FITNESS OF DAPHNE LLC	1
TOTAL NEW BUSINESSES - CITY LIMITS	5

OUT OF CITY	
GLASS DOCTOR OF THE GULF COAST	1
QUICK BUILDINGS LLC	1
ECOMPANYSTORE	1
E I DU PONT DE NEMOURS & CO INC	1
KERR VEHICLE RESOURCES LLC	1
STYX CAPITAL LLC	1
METRO PTEROLEUM INC	1
REPUBLIC STORAGE SYSTEMS CO INC	1
WILSON LEATHER HOLDINGS INC	1
MARCOLIN USA INC	1
FARNAM STREET FINANCIAL INC	1
ELECTROSONIC SYSTEMS INC	1
CAROLINA CERAMICS LLC	1
ADVANCE FRAMING MATERIAL	1
VULCAN INTERIOR PRODUCTS INC	1
R&D MOBILE HOME OUTLET INC	1
CENTRAL STATION INC	1
EASY-HAUL INC	1
CHRISTIAN RESOURCE CENTER INC	1
JAM ENTERPRISE CO	1
TOTAL NEW BUSINESSES - NOT IN CITY	20

CONTRACTORS	
DUNN BUILDING CO LLC	1
GULF STATES ELECTRICAL CONTRACTORS	1
CLEAN B'S	1
BAY INSTALLATION (Daphne)	1
M D PRICE BUILDER LLC	1
COVERALL (Daphne)	1
DIXON PLUMBING INC	1
B&R HAULING	1
WHITNEY HOMES	1
MITCH LAWN, FRAMING & ROOF (Daphne)	1
BOYKIN, A MARK	1
ETHERIDGE, ELECTRICAL SERVICES	1
MTB CUSTOM BUILDERS INC	1
HORIZON SUNROOMS OF ALABAMA	1
PROFESSIONAL REMODELING AND REPAIRS L	1
MORRIS TREE SERVICES	1
A BETTER LOOK	1
A-1 ELECTRIC INC	1
ROBERT LESTER CONSTRUCTION	1
JERRY SMITH HOME BUILDERS INC	1
TOTAL NEW CONTRACTORS	20

INSURANCE COMPANIES	
None	
TOTAL INSURANCE COMPANIES	0

TOTAL NEW BUSINESSES-AUGUST 2005	45
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TOTAL BUSINESSES CLOSED AUGUST - CITY	
SAND DOLLAR SHOES	1
MAGGIE'S BRIDAL	1
TOTAL DAPHNE BUSINESSES CLOSED	2

Buildings and Property Committee Meeting

October 7, 2005

10:00 a.m.

The City of Daphne Council Chambers

Minutes

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Mr. Ken Eslava, Director, Daphne Public Works

Also present: Mr. Joe Cleveland, Architect and Mr. Starke Irvine

The meeting opened with the introduction of Mr. Joe Cleveland who is an architect. Mr. Cleveland stated that he will be opening an office in Daphne soon and is available if the City has need of his service.

Mr. Starke Irvine presented a proposal to the Committee concerning the Bayfront Park property. Mr. Irvine and the Committee discussed the request and sewage problems as they related to Mr. Irvine's request. **See attachment.**

Mr. Ken Eslava discussed the attached memo requesting funding for the expansion of the existing recycle building. Mayor Small stated that the Public Works Department was in need of a dumping station on Public Works property. This would reduce the number of trips to the land fill and reduce gas usage. **See attachment.**

Ms. Morse stated that the Pavilion on the Bayfront Park property was damaged by water during the hurricane with the wood floor and carpet being affected. Mr. Ken Eslava, Director, Public Works stated that FEMA will access the damage. Ms. Morse also presented carpet samples for the Civic Center which will be replaced by the Red Cross for damage that occurred during the shelter.

The Committee discussed electronic signage for the Civic Center. The Committee suggested that Ms. Sandra Morse and Mr. Jeff Hudson work together to decide a proposed site for the signage.

Mr. Jeff Hudson discussed the new city hall project in detail. Mr. Hudson stated that the square footage for the proposed facility is 37,225 sq. ft. The Committee suggested

that the facility be called a “Community Workers Shelter” as it will be used to house needed employees during a disaster.

A motion was made by Chairman Lake to forward to the Finance Committee a request to again sponsor The Taste of the Eastern Shore for the same amount of the sponsorship for 2004 which was \$8,000. This funding was initially done to assist in offsetting the cost of the event as the City of Daphne had not made a sponsor financial contribution to the event in the history of the event. The Committee members stated that they thought that this was a yearly contribution. However, this request must be requested yearly and be included in the proposed yearly budget. **Motion** by Chairman Lake to include this funding request in the FY 06 budget and be a yearly budget request. Request is also made for FY 05 funding. **Seconded** by Councilman Palumbo. **Motion Approved.**

Meeting adjourned at 11:15 a.m.

Memo

To: Mayor Fred Small
From: Starke Irvine
Date: October 4, 2005
Re: Bayfront Park Dr Proposal

The attached plat is a proposal I request you and the Council consider.

- 1.) I suggest an exchange of 50' of our high dry land for 150' of city land below the bluff. The 50 feet will be used by the city for a roadway to the city bluff property. The 150' will be used by us to develop a detention pond and use for construction of a portion of a building.
- 2.) I request they city sell to Irvine Properties, Inc. that land which lies south of the lots which face Bayfront Park Dr. based on a value established by a qualified appraiser and approved by a lending institution. We will develop as a commercial site on Main St and R-4 residential with a mixture of townhomes and cottages, all architecturally designed. This will be done in a PUD style, as the road will remain private in order for it to be less intrusive on the environment (asphalt without curb and gutter, and as natural as possible)
- 3.) The infrastructure for Bayfront Dr is to be installed as a public-private partnership, with the city, utility board and the owners of lots on Bayfront all participating in the cost. The utilities will be run to meet the current code requirements. The street is to be resurfaced and "on street" parking established, by each lot owner giving an easement of 7' of frontage depth per lot.
- 4.) The city will construct a north - south road from the north line of Bayfront Dr along the bluff to Jordan Dr for better traffic flow.

I would like to discuss this proposal at your earliest convenience, assuming it makes sense. Time is very much of the essence.

S. Starke Irvine

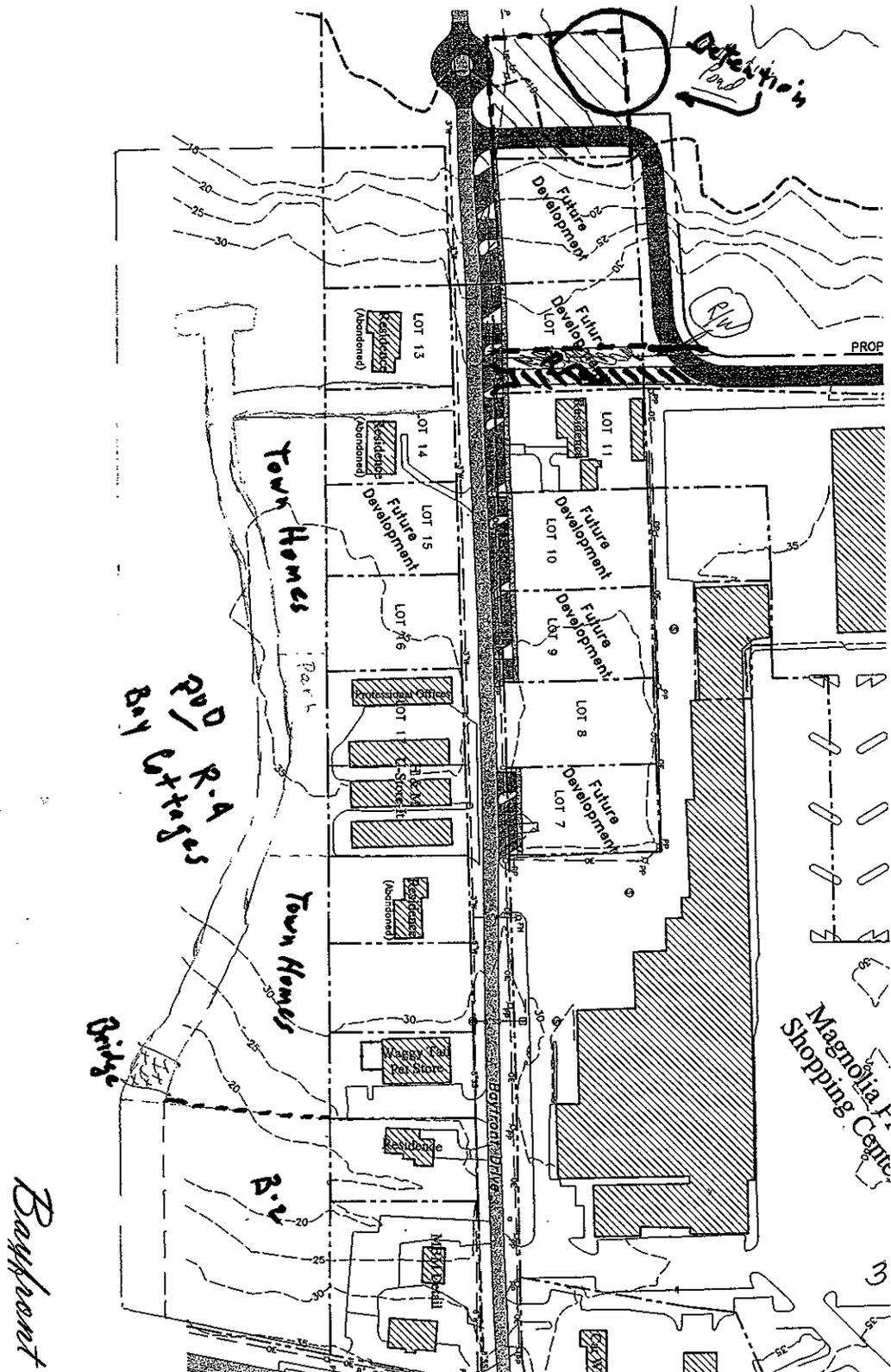
Irvine

co., Inc.

Real Estate



2



MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Mayor Fred Small
Buildings & Properties Committee**

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

Date: August 16, 2005

Re: Request for funding / Expansion of Existing Recycle Building

In order to provide expanded services to our citizens, specifically Household Hazardous Waste collections & Electronics Recycling, we are in need of more covered space for storing & managing these items.

My proposal is to add two(2) additional bays to the North side of the existing Recycle Facility. One new bay would handle interim storage of electronics collected for recycling, while the other new bay would accommodate the Household Hazardous Waste Program.

The Public Works Committee has recommended that we move into these programs for a number of reasons, the main one being that they strengthen our commitment to quality environmental management for our citizens and the City of Daphne.

I have received two quotations for the expansion of the building itself, as well as my estimate for costs of other essentials such as concrete foundations, block divider walls for separation of hazardous materials, etc. Copies of the quotations have been attached for your review.

Building expansion scope of work:

Design & construct two additional 20' bays to the existing facility complete with: structural endwall, roof w/ skylights, insulated walls, gutter and downspouts, and two chain operated rollup doors and foundation design(stamped by registered P.E.).

**Quotation A.....KEMKO, Inc...\$46,022.00
Quotation B.....QUIN-CO., Inc...\$38,124.00**

Approved For Agenda

Fred Small
Signature

8-19-08
Date

Additional estimated expenditures required for this expansion are:

Concrete slab, reinforcing steel & form boards.....\$5000.00

Concrete block for separation walls....\$3500.00

Electrical(new service to bldg. req'd)....\$4500.00

Misc. supplies, wire ties, re-bar chairs, etc....\$1000.00

Total estimated expenditure for additional items = \$14,000.00

The total cost for the addition to the Recycle Building (using the low bid figure of \$38,124 for the structure) is \$52,124.00, and we request this amount be recommended favorably to the Finance Committee.

Proposal
QUIN-CO., INC
 GENERAL CONTRACTORS
 P.O. BOX 13367
 EIGHT MILE, AL 36613
 PHONE: (251) 457-8636
 FAX: (251) 457-6574

PROPOSAL SUBMITTED TO		PHONE	DATE
CITY OF DAPHNE		621-3182	8/04/05
STREET		JOB NAME	
26435 PUBLIC WORKS ROAD		PUBLIC WORKS AND MAINTENANCE	
CITY, STATE AND ZIP CODE		JOB LOCATION	
DAPHNE, AL 36526			
PROJECT	DATE OF PRIN	FAX NUMBER	CELL PHONE
		621-3189	

We hereby submit specifications and estimates for:

TO FURNISH AND ERECT A 80 x 40 x 16 PRE-ENGINEERED METAL BUILDING REMOVING EXISTING END WALL FRAME AND REPLACING WITH A MAIN FRAME

ACCESSORIES:

- * 26 GAUGE COLORED WALLS (OWNERS CHOICE OF COLORS)
- * 80' ENDWALL TO BE RE-USED
- * 26 GAUGE GALVALUME ROOF
- * GUTTER AND DOWN SPOUTS
- * 1/4 PSK BACK INSULATION ROOF AND WALLS
- * 2 EA. 14 X 14 ROLLUP DOORS (CHAIN OPERATED)
- * 40' OF LINEAR PANELS
- * 8 EA. SKYLIGHTS

BUILDING AND FOUNDATION PLANS
ALABAMA GENERAL CONTRACTORS LICENSE #11085

THIS PRICE DOES NOT INCLUDE, SITE WORK, SITE PLANS, SLAB, PERMITS, ELECTRICAL, PLUMBING, OR INTERIOR FINISH. CUSTOMER MUST SUPPLY TEMPORARY POWER, DUMPSTER, AND PORTABLE TOILET THIS PRICE DOES INCLUDE ALL TAXES, FREIGHT, EQUIPMENT, WORKER'S COMPENSATION INSURANCE WITH GENERAL LIABILITY.

Contractor's scope of work shall not include the identification, detection, abatement, encapsulation or removal of asbestos or any other hazardous substances.

We ~~Propose~~ hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:
THIRTY EIGHT THOUSAND, ONE HUNDRED TWENTY FOUR DOLLARS***\$38,124.00**

Payment to be made as follows:

NO DEPOSIT DOWN, \$,000.00, \$29,724.00 WHEN BUILDING ARRIVES, \$8,400.00 BALANCE IS DUE

UPON COMPLETION

All material is guaranteed to be specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Should attorney fees become necessary they will be the responsibility of owner.

Authorized
Signature: _____



Note: This proposal may be withdrawn by us if not accepted within 10 days.
 DUE TO RAPIDLY INCREASING PRICES WE HAVE BEEN ADVISED TO ADD AN ESCALATION CLAUSE TO COVER THE RAPIDLY INCREASING PRICES OF STEEL.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____

Proposal No: w9-ab1000

Proposal

KEMKO INC.

27153 NORTH POLLARD ROAD
PHONE 251/626-0594 • FAX 251/626-8851 • P.O. BOX 1163 • DAPHNE, AL 36526

PROPOSAL SUBMITTED TO City of Daphne	PHONE 621-3182	DATE 07/27/2005
COMPANY Attention: Ken Eslava	JOB NAME Daphne Public Works	
ADDRESS P.O. Box 400	JOB LOCATION Daphne, AL	
CITY, STATE/PROVINCE AND ZIP/POSTAL CODE Daphne, AL 36526	FAX NUMBER 621-3189	JOB PHONE

We hereby submit specifications and estimates for:

ALABAMA GENERAL CONTRACTOR LICENSE #38478

To provide labor, materials, and equipment to fabricate, deliver and erect a 80' X 40' X 16' Kemko Metal Building on your foundation, to include the following:

- 26 gauge Galvalume Plus "PBR" roof - 1:12 pitch
- 26 gauge standard color "PBR" walls
- Gutters and downspouts
- 3" insulation with reinforced vinyl facing - roof and walls
- Liner panels to 14' high
- (1) 3070 walk door
- (2) 14' X 14' wind lock roll-up doors
- (8) skylight
- Labor to remove endwall
- Anchor bolts, anchor bolt drawing, foundation plan, engineer stamped metal building drawing.

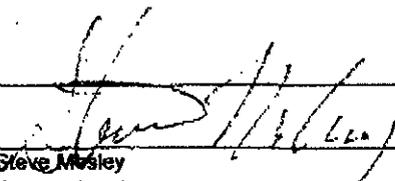
For the sum of: \$46,022.00

All electric, plumbing and heaters to be removed by others before starting construction.
No fees or permits. Power for tools used during erection provided by others.

Forty-six thousand twenty-two and—00/100 dollars (\$46,022.00).

Payment Schedule:
To be negotiated.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized Signature 
Steve Masley
Note: This proposal may be withdrawn by us if not accepted within 7 days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

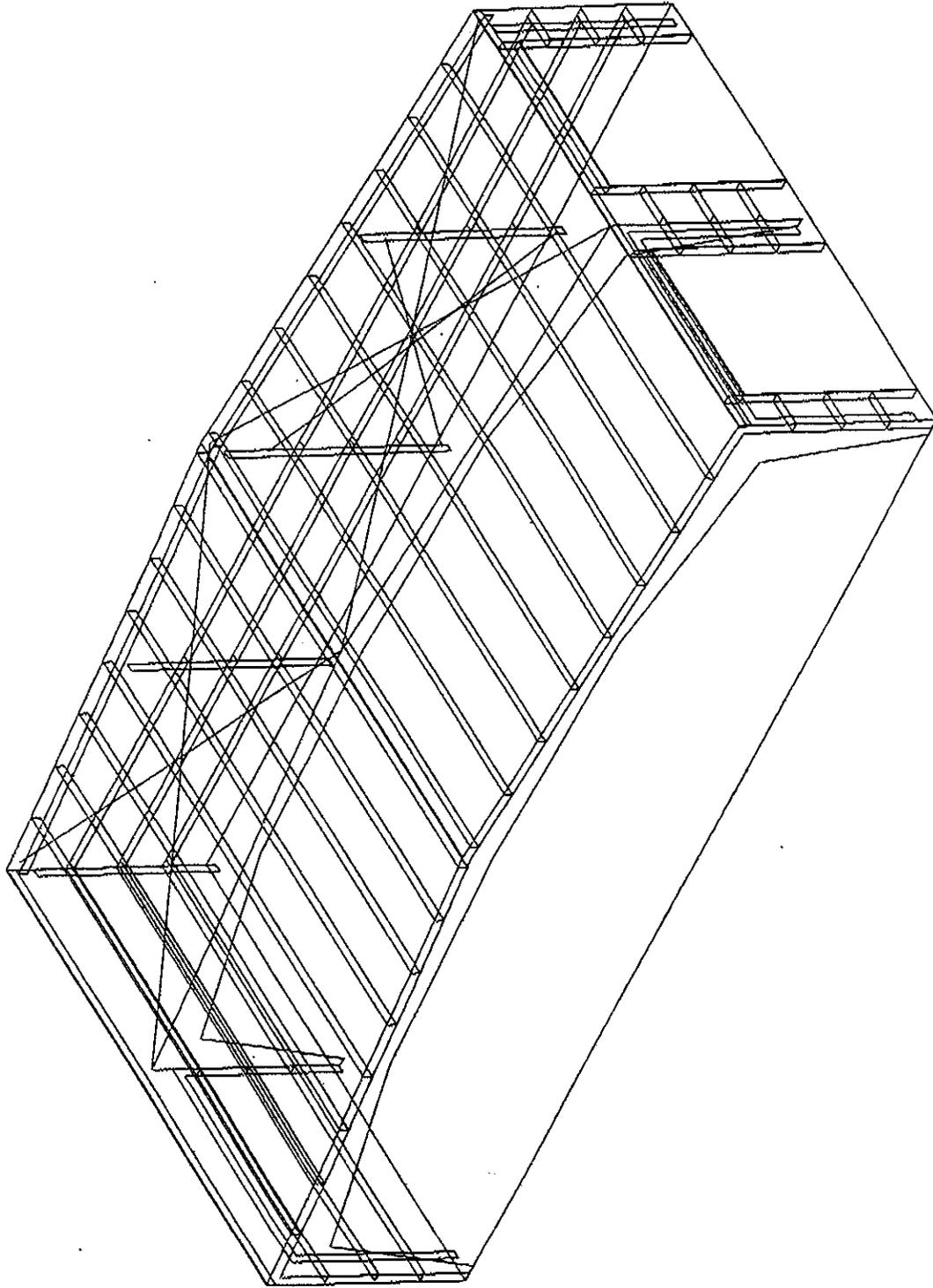
Signature _____

Date of Acceptance _____

Signature _____

Customer Copy

7



Permits shall be issued for a period of one (1) year. An additional one (1) year permit may be issued if the Code Enforcement Officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in Section 33-7. The temporary sign will be removed when a permitted permanent sign is erected.

(3) Time Limitations and Size Requirements:

A temporary sign will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced.

(h) Conventions and Grand Openings:

Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days.

(i) Public Interest Directional Signs:

A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the City Council.

(j) Electronic Signs:

(1) General Prohibition:

Electronic signs are prohibited within the corporate limits with the following exception(s):

Public entities, limited to the Daphne Civic Center, Recreation, and Library Complex and Schools of the Baldwin County School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) Information regarding onsite activities or (2) community information of general public interest (ie: City Council meetings, P.S.A.'s), provided, however that such signs comply with the following requirements:

(a) Size:

- (1) Signs shall be of the monument style.
- (2) Signs shall not exceed ten (10) feet in height.
- (3) Sign area shall not exceed fifty (50) square feet.
- (4) Electronic display area shall not exceed thirty (30) square feet.

(b) Electronic Display Method:

Information shall be displayed via simple fade in/fade out manner.

(c) Time:

- (1) Each message must be displayed for a minimum of twenty (20) seconds.

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area or any electronic sign.

Commercial advertising on electronic signs is prohibited, with the following exception:

One permanent fixed commercial logo or advertisement may be displayed upon the supporting structure of an electronic sign if advertised business is a financial sponsor of such sign; such display shall not exceed ten percent (10%) of the total sign area.

Memo

To: Mayor Fred Small
From: Starke Irvine
Date: October 4, 2005
Re: Bayfront Park Dr Proposal

The attached plat is a proposal I request you and the Council consider.

- 1.) I suggest an exchange of 50' of our high dry land for 150' of city land below the bluff. The 50 feet will be used by the city for a roadway to the city bluff property. The 150' will be used by us to develop a detention pond and use for construction of a portion of a building.
- 2.) I request they city sell to Irvine Properties, Inc. that land which lies south of the lots which face Bayfront Park Dr. based on a value established by a qualified appraiser and approved by a lending institution. We will develop as a commercial site on Main St and R-4 residential with a mixture of townhomes and cottages, all architecturally designed. This will be done in a PUD style, as the road will remain private in order for it to be less intrusive on the environment (asphalt without curb and gutter, and as natural as possible)
- 3.) The infrastructure for Bayfront Dr is to be installed as a public-private partnership, with the city, utility board and the owners of lots on Bayfront all participating in the cost. The utilities will be run to meet the current code requirements. The street is to be resurfaced and "on street" parking established, by each lot owner giving an easement of 7' of frontage depth per lot.
- 4.) The city will construct a north - south road from the north line of Bayfront Dr along the bluff to Jordan Dr for better traffic flow.

I would like to discuss this proposal at your earliest convenience, assuming it makes sense. Time is very much of the essence.

S. Starke Irvine

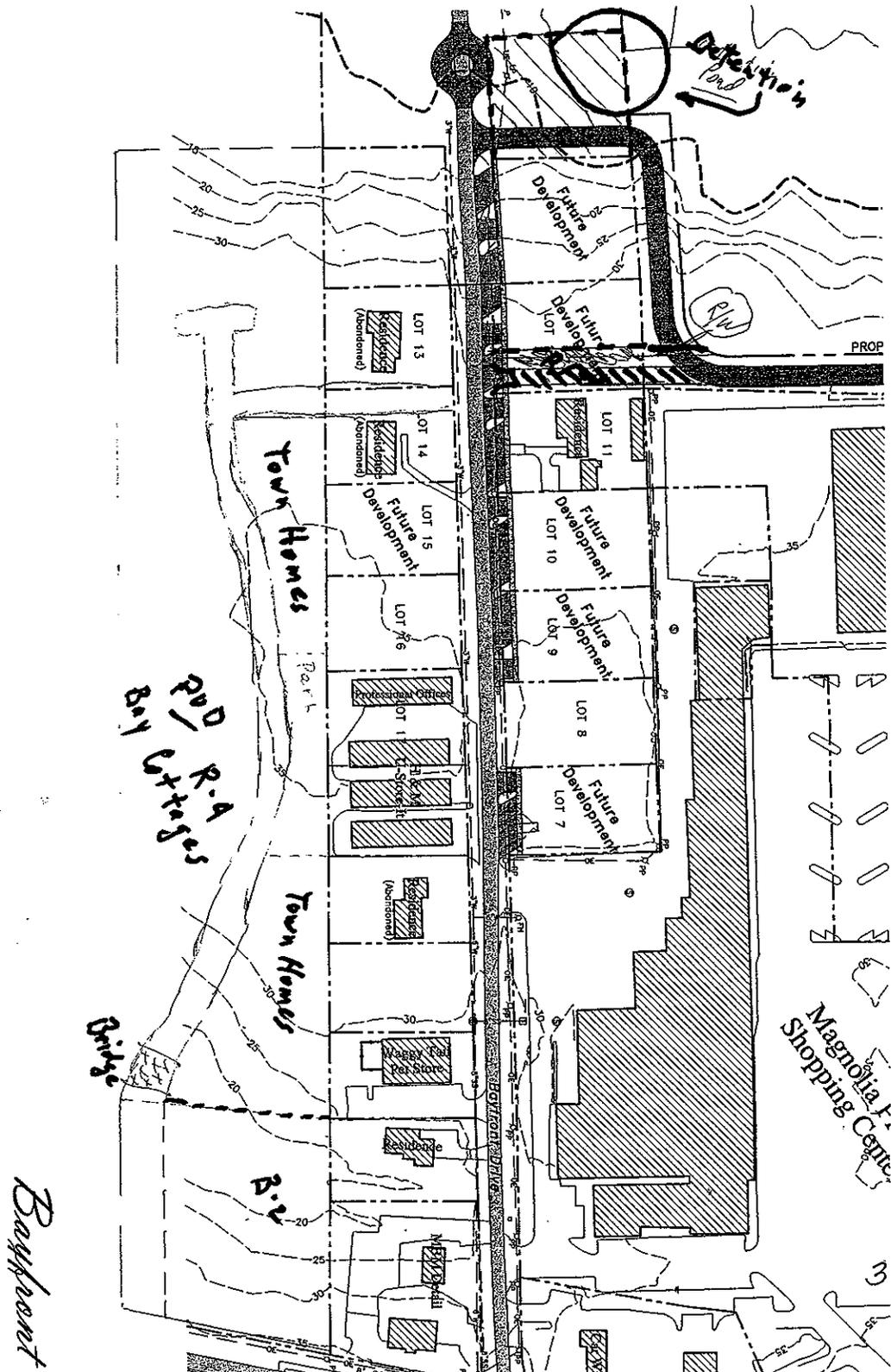
Irvine

co., Inc.

Real Estate



2



MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

**To: Mayor Fred Small
Buildings & Properties Committee**

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

Date: August 16, 2005

Re: Request for funding / Expansion of Existing Recycle Building

In order to provide expanded services to our citizens, specifically Household Hazardous Waste collections & Electronics Recycling, we are in need of more covered space for storing & managing these items.

My proposal is to add two(2) additional bays to the North side of the existing Recycle Facility. One new bay would handle interim storage of electronics collected for recycling, while the other new bay would accommodate the Household Hazardous Waste Program.

The Public Works Committee has recommended that we move into these programs for a number of reasons, the main one being that they strengthen our commitment to quality environmental management for our citizens and the City of Daphne.

I have received two quotations for the expansion of the building itself, as well as my estimate for costs of other essentials such as concrete foundations, block divider walls for separation of hazardous materials, etc. Copies of the quotations have been attached for your review.

Building expansion scope of work:

Design & construct two additional 20' bays to the existing facility complete with: structural endwall, roof w/ skylights, insulated walls, gutter and downspouts, and two chain operated rollup doors and foundation design(stamped by registered P.E.).

**Quotation A.....KEMKO, Inc...\$46,022.00
Quotation B.....QUIN-CO., Inc...\$38,124.00**

Approved For Agenda

7/2/08
Signature

8-19-08
Date

4

Additional estimated expenditures required for this expansion are:

Concrete slab, reinforcing steel & form boards.....\$5000.00

Concrete block for separation walls....\$3500.00

Electrical(new service to bldg. req'd)....\$4500.00

Misc. supplies, wire ties, re-bar chairs, etc....\$1000.00

Total estimated expenditure for additional items = \$14,000.00

The total cost for the addition to the Recycle Building (using the low bid figure of \$38,124 for the structure) is \$52,124.00, and we request this amount be recommended favorably to the Finance Committee.

Proposal
QUIN-CO., INC
GENERAL CONTRACTORS
P.O. BOX 13367
EIGHT MILE, AL 36613
PHONE: (251) 457-8636
FAX: (251) 457-6574

PROPOSAL SUBMITTED TO CITY OF DAPHNE		PHONE 621-3182	DATE 8/04/05
STREET 26435 PUBLIC WORKS ROAD		JOB NAME PUBLIC WORKS AND MAINTENANCE	
CITY, STATE AND ZIP CODE DAPHNE, AL 36526		JOB LOCATION	
ARCHITECT	DATE OF PRINTE	FAX NUMBER 621-3189	CELL PHONE

We hereby submit specifications and estimates for:

TO FURNISH AND ERECT A 80 x 40 x 16 PRE-ENGINEERED METAL BUILDING REMOVING EXISTING END WALL FRAME AND REPLACING WITH A MAIN FRAME

ACCESSORIES:

- * 26 GAUGE COLORED WALLS (OWNERS CHOICE OF COLORS)
- * 80' ENDWALL TO BE RE-USED
- * 26 GAUGE GALVALUME ROOF
- * GUTTER AND DOWN SPOUTS
- * 1/4 PSK BACK INSULATION ROOF AND WALLS
- * 2 EA. 14 X 14 ROLLUP DOORS (CHAIN OPERATED)
- * 40' OF LINEAR PANELS
- * 8 EA. SKYLIGHTS

BUILDING AND FOUNDATION PLANS
ALABAMA GENERAL CONTRACTORS LICENSE #11085

THIS PRICE DOES NOT INCLUDE, SITE WORK, SITE PLANS, SLAB, PERMITS, ELECTRICAL, PLUMBING, OR INTERIOR FINISH. CUSTOMER MUST SUPPLY TEMPORARY POWER, DUMPSTER, AND PORTABLE TOILET THIS PRICE DOES INCLUDE ALL TAXES, FREIGHT, EQUIPMENT, WORKER'S COMPENSATION INSURANCE WITH GENERAL LIABILITY.

Contractor's scope of work shall not include the identification, detection, abatement, encapsulation or removal of asbestos or any other hazardous substances.

We ~~Propose~~ hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:
THIRTY EIGHT THOUSAND, ONE HUNDRED TWENTY FOUR DOLLARS***\$38,124.00**

Payment to be made as follows:

NO DEPOSIT DOWN, \$,000.00, \$29,724.00 WHEN BUILDING ARRIVES, \$8,400.00 BALANCE IS DUE

UPON COMPLETION

All material is guaranteed to be specified. All work to be completed in a workmanlike Manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Should attorney fees Become necessary they will be the responsibility of owner.

Authorized
Signature: _____

Note: This proposal may be withdrawn by us if not accepted within 10 days.
DUE TO RAPIDLY INCREASING PRICES WE HAVE BEEN ADVISED TO ADD AN ESCALATION CLAUSE TO COVER THE RAPIDLY INCREASING PRICES OF STEEL.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____

Proposal No: w9-ab1000

Proposal

KEMKO INC.

27153 NORTH POLLARD ROAD
PHONE 251/626-0594 • FAX 251/626-8851 • P.O. BOX 1163 • DAPHNE, AL 36526

PROPOSAL SUBMITTED TO City of Daphne	PHONE 621-3182	DATE 07/27/2005
COMPANY Attention: Ken Eslava	JOB NAME Daphne Public Works	
ADDRESS P.O. Box 400	JOB LOCATION Daphne, AL	
CITY, STATE/PROVINCE AND ZIP/POSTAL CODE Daphne, AL 36526	FAX NUMBER 621-3189	JOB PHONE

We hereby submit specifications and estimates for:

ALABAMA GENERAL CONTRACTOR LICENSE #38478

To provide labor, materials, and equipment to fabricate, deliver and erect a 80' X 40' X 16' Kemko Metal Building on your foundation, to include the following:

- 26 gauge Galvalume Plus "PBR" roof - 1:12 pitch
- 26 gauge standard color "PBR" walls
- Gutters and downspouts
- 3" insulation with reinforced vinyl facing - roof and walls
- Liner panels to 14' high
- (1) 3070 walk door
- (2) 14' X 14' wind lock roll-up doors
- (8) skylight
- Labor to remove endwall
- Anchor bolts, anchor bolt drawing, foundation plan, engineer stamped metal building drawing.

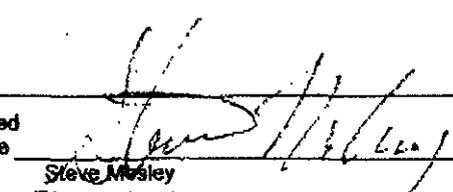
For the sum of: \$46,022.00

All electric, plumbing and heaters to be removed by others before starting construction.
No fees or permits. Power for tools used during erection provided by others.

Forty-six thousand twenty-two and—00/100 dollars (\$46,022.00).

Payment Schedule:
To be negotiated.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized Signature 
Steve Masley
Note: This proposal may be withdrawn by us if not accepted within 7 days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

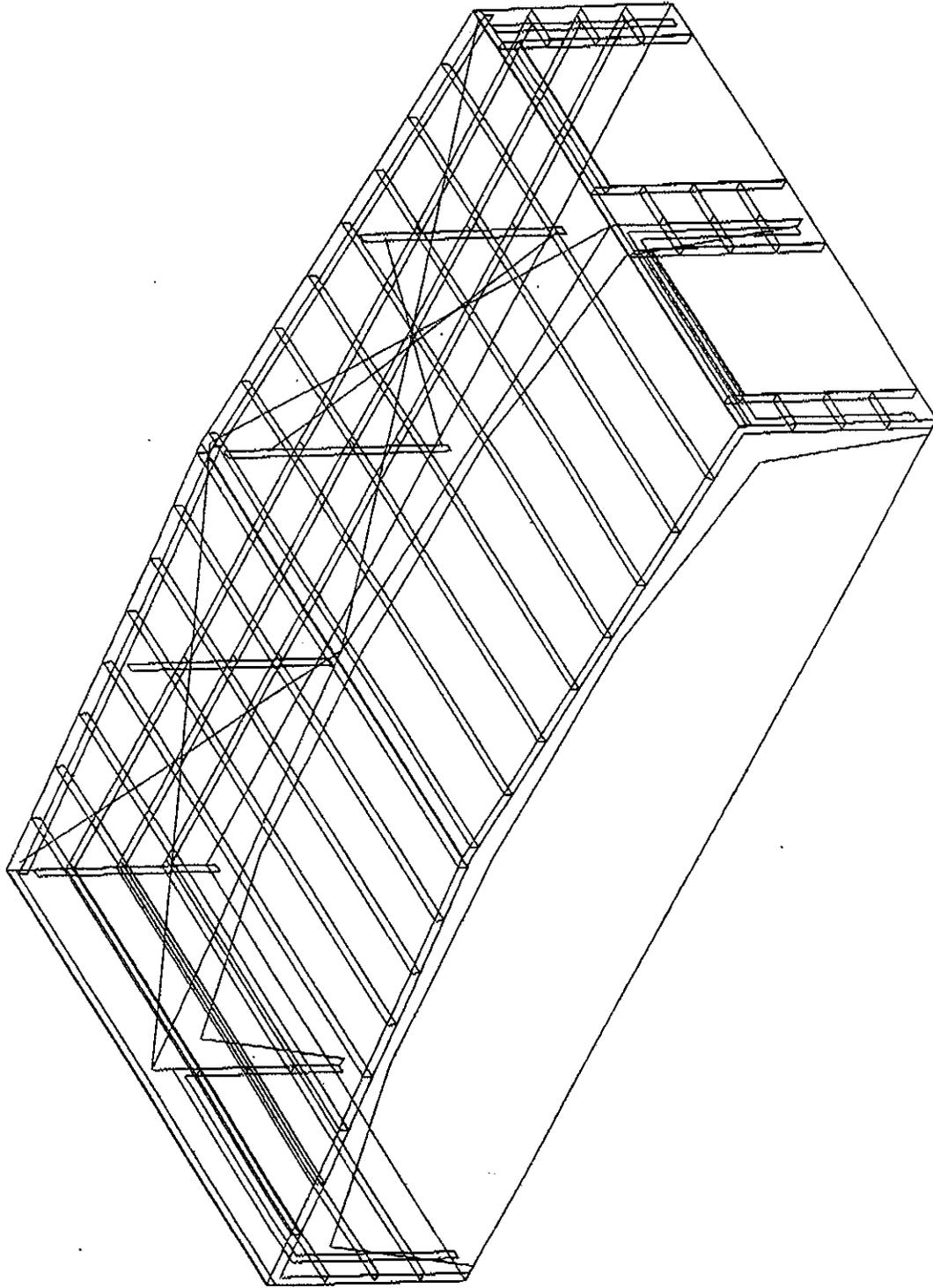
Signature _____

Date of Acceptance _____

Signature _____

Customer Copy

7



Permits shall be issued for a period of one (1) year. An additional one (1) year permit may be issued if the Code Enforcement Officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in Section 33-7. The temporary sign will be removed when a permitted permanent sign is erected.

(3) Time Limitations and Size Requirements:

A temporary sign will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced.

(h) Conventions and Grand Openings:

Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days.

(i) Public Interest Directional Signs:

A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the City Council.

(j) Electronic Signs:

(1) General Prohibition:

Electronic signs are prohibited within the corporate limits with the following exception(s):

Public entities, limited to the Daphne Civic Center, Recreation, and Library Complex and Schools of the Baldwin County School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) Information regarding onsite activities or (2) community information of general public interest (ie: City Council meetings, P.S.A.'s), provided, however that such signs comply with the following requirements:

(a) Size:

- (1) Signs shall be of the monument style.
- (2) Signs shall not exceed ten (10) feet in height.
- (3) Sign area shall not exceed fifty (50) square feet.
- (4) Electronic display area shall not exceed thirty (30) square feet.

(b) Electronic Display Method:

Information shall be displayed via simple fade in/fade out manner.

(c) Time:

- (1) Each message must be displayed for a minimum of twenty (20) seconds.

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area or any electronic sign.

Commercial advertising on electronic signs is prohibited, with the following exception:

One permanent fixed commercial logo or advertisement may be displayed upon the supporting structure of an electronic sign if advertised business is a financial sponsor of such sign; such display shall not exceed ten percent (10%) of the total sign area.

Public Safety Committee

Tuesday, October 4, 2005

*Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilwoman Regina Landry
City Attorney Jay Ross
City Attorney Tim Fleming
Michele Hanson - Secretary*

*Police Chief David Carpenter
Captain David Wilson
Captain Randy Bishop
Captain Scott Taylor
Fire Chief Mund Hanson
PW Sup. Melvin McCarley*

Committee Members Attending:

Councilwoman Regina Landry, Councilman Gus Palumbo, Police Chief David Carpenter, Capt. David Wilson, Capt. Randy Bishop, Fire Chief Mund Hanson, PW Superintendent Melvin McCarley.

Also Present: Mayor Small, Capt. Kenny Hanak, PW Director Ken Eslava

I. CALL TO ORDER

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

II. PUBLIC PARTICIPATION

A. New Business

1. Carl Davis - 7023 Park Drive

Mr. Davis sent in a request to name his private drive, Twin Lane. Mr. McCarley stated his driveway is located off of Park Drive. Mr. Palumbo asked if the City allows the renaming would we be obligated to maintain it. Mr. McCarley stated no, and if it was renamed it would assist 911, fire and police.

Motion by Mrs. Landry to allow Mr. Carl Davis to name his private drive "Twin Lane". ***Seconded by Mr. Palumbo.*** **Motion carried.**

B. Old Business

I. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from August 2, 2005 Meeting

Motion by Mrs. Landry to adopt the minutes as presented. ***Seconded by Mr. Palumbo.*** The minutes were adopted without revision. **Motion carried.**

I. FIRE DEPARTMENT

A. New Business

1. Statistics for August 2005

Chief Hanson reviewed the stats for August and September. Chief Hanson stated the calls for August were up because of Hurricane Katrina. He further stated there were 2 structure fires, both in Lake Forest.

2. NIMS Resolution

Chief Hanson reviewed the resolution for the NIMS (National Incident Management System). He stated that the Department of Homeland Security requires the adoption of the NIMS by local governments in order for them to receive federal funding, such as

grants, contracts, etc. Chief Hanson stated that any training for this program will be done in-house.

Motion by Mrs. Landry to favorably recommend the adoption of the NIMS resolution to the City Council.
Seconded by Mr. Palumbo. **Motion carried.**

3. Temporary Fire Personnel

Chief Hanson requested approval for the hiring of 5 part-time fire fighters. He stated that City policy allows for departments to hire part-time employees without council approval if their salary does not exceed \$600 in a year. Chief Hanson stated the salary for the part-time employees would be covered by his overtime budget. Mr. Palumbo asked about the status of the SAFER grant. Chief Hanson stated that Foley Fire Department received one, Prichard Fire Department received one, however they turned it down. He stated that this was just the first round of the process. Mr. Palumbo asked if we received the grant, the department is requesting 12 fire fighters; and if these part-time fire fighters were hired, would there still be a need for part-time fire fighters. Chief Hanson stated it would still be good to have in cases of department training and local emergencies. Capt. Wilson stated it's like setting up a reserve force for the fire department. He further stated that the police department does this with the crossing guards when they are utilized during hurricanes, mardi gras parades, etc. Mr. Palumbo asked what the pay would be. Chief Hanson stated for a basic EMT, it would be grade 13 step 2, for the paramedic, grade 13, step 4. Mr. Palumbo says if we going to double the department with the additional 12, he doesn't see the need for the 5 part-time. Mayor Small reiterated the benefits of having reserve personnel. Mr. Palumbo stated at what point would a part-time employee receive city benefits. Mr. McCarley stated they would have to work 32 hours for 6 weeks in a row. Capt. Hanak stated the reason for having a pool of 5 persons would to keep any one person from working enough hours in a pay period to reach the point of receiving benefits.

Motion by Mrs. Landry to favorably recommend to the City Council the hiring of 5 PRN's for the fire department. **Seconded by Mr. Palumbo.** **Motion carried.**

A. Old Business

II. POLICE DEPARTMENT

A. New Business

1. Statistics for July & August 2005

Chief Carpenter reviewed the stats for July and August. Chief Carpenter reported for the month of July there were 66 roadway accidents and 24 private property; in August there were 88 roadway accidents and 29 private property.

Mr. Palumbo requested more patrol on Pine Run.

B. Old Business

1. North Precinct

Chief Carpenter stated the precinct is coming along w/ Capt. Bishop's supervision. Capt. Bishop stated he hopes to be in the precinct by the first of December. Chief Carpenter stated the staff met and would like Council approval to name the precinct after Melvin Johnson. Chief further stated the Mr. Johnson was the City's first black police officer. He worked for the City for over 20 years. Chief Carpenter stated he has talked to AIG and is waiting on their approval.

<p><i>Motion by Mr. Palumbo</i> to favorably recommend to the City Council to name the North Precinct after Melvin Johnson. <i>Seconded by Mrs. Landry.</i> Motion carried.</p>

I. OTHER BUSINESS

The committee reviewed the traffic study for McAdams Avenue.

VII. ADJOURN

There being no further business to discuss, Mr. Palumbo **adjourned** the meeting.

The next meeting will be **Tuesday, November 1, 2005 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: August, 2005**

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	-	-
11-Structure Fire/Commercial	-	22
11-Structure Fire/Residential	2	7
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	1	25
14-Natural Vegetation Fire	-	23
15-Outside Rubbish Fire	1	7
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
2-Overpressure Rupture:	1	5
3-Rescue Call and Emergency Medical Service Incidents:	124	1154
4-Hazardous Conditions (No fire):	14	61
5-Service Call:	10	154
6-Good Intent Call:	15	131
7-False Alarm & False Call:	18	108
8-Severe Weather & Natural Disaster:	2	2
9-Other Situation:	-	6
Total Emergency Calls:	171	1474
Monthly Total Calls:	188	1705
Response Time:		
Highest:	14	18
Lowest:	1	1
Average (Minutes/Seconds) :	4/36	4/52
Miscellaneous Reports:		
Training Hours	246.78	3,289.10
Property Loss - \$	90,000	520,596
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	-/-	-/4
Child Passenger Safety Seat Inspections/Installations	30	180
Fire Prevention Awareness/Education:		
Classes	1	95
Persons Attending	5	6,860
Bureau of Fire Prevention:		
Plan Reviews	<i>Not Complete</i>	90- <i>Not Complete</i>
Final/Certificate of Occupancy	1	2
General/Annual Inspections	144	1823
Business Licenses	11	46
Consultations	-	4
All Other/Misc. Activities	7	17
Total Activities:	<i>163-Not Complete</i>	<i>1982-Not Complete</i>

Authorized by:

A. Mund Hanson

A. Mund Hanson

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: September, 2005

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	-	-
11-Structure Fire/Commercial	-	6
11-Structure Fire/Residential	1	23
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	2	27
14-Natural Vegetation Fire	1	24
15-Outside Rubbish Fire	1	8
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
2-Overpressure Rupture:	-	5
3-Rescue Call and Emergency Medical Service Incidents:	133	1289
4-Hazardous Conditions (No fire):	5	67
5-Service Call:	12	166
6-Good Intent Call:	10	142
7-False Alarm & False Call:	7	114
8-Severe Weather & Natural Disaster:	-	2
9-Other Situation:	-	6
Total Emergency Calls:	154	1629
Monthly Total Calls:	172	1879
Response Time:		
Highest:	14	18
Lowest:	1	1
Average (Minutes/Seconds) :	4/27	4/50
Miscellaneous Reports:		
Training Hours	30.5	3,232.02
Property Loss - \$	2,550	523,146
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	-/-	-/4
Child Passenger Safety Seat Inspections/Installations	7	187
Fire Prevention Awareness/Education:		
Classes	-	95
Persons Attending	-	6,860
Bureau of Fire Prevention:		
Plan Reviews	2	97
Final/Certificate of Occupancy	-	2
General/Annual Inspections	97	1931
Business Licenses	2	48
Consultations	-	4
All Other/Misc. Activities	4	21
Total Activities:	105	2103

Authorized by:

A. Mund Hanson

A. Mund Hanson

DAPHNE POLICE DEPARTMENT CONDENSED ACTIVITY REPORT

Month of: **JULY 2005**

Patrol Division: <i>(Capt. Taylor)</i>	# Complaints.....1546 # Misdemeanor Arrests.....38 # Felony Arrests.....9 # Citations.....249	# Close Patrols151 # Warnings240 # Motorist Assists205 # Alias Warrants 43	# Roadway Accidents66 # Private Property Accidents24 # DUI's8 # Vehicles Searched 8 # Houses Searched0																								
Detective Division: <i>(Lt. Bell)</i> <i>(Capt. Taylor)</i>	# New Cases Received.....58 # Previous Unsolved Cases Carried Over198 Highest Caseload256 #Cases Solved.....11 Resulting in Total Arrests6 Felonies.....5 Misdemeanors.....1	WARRANTS: Bettner Served.....31 Officer Served.....3 Recalls (Pd Fines).....22 Total Warrants Served56 Sex Offenders: New Registrations.....0 Contact Verifications.....0 Total Number of Registered Sex Offenders in Daphne:6	DARE: (SEE ATTACHED) # Hours Report Writing #Students Instructed SRO #Students Instructed DARE #Police Reports by SRO's #Arrests by SRO's CODE ENFORCEMENT: Warnings..... 1 Citations.....2 Warning Compliance.....2 Follow-up..... 14																								
Support Services Division: <i>(Capt. Bishop)</i>	DISPATCH: Total Calls Dispatched 415	JAIL: Total Arrestees Received & Processed190 Arrestees by Agency: Daphne PD114 BCSO10 Loxley PD29 Silverhill P.D.....10 Spanish Fort PD20 Trooper.....2 INS0 Other Agencies5	<table border="0"> <tr> <td></td> <td style="text-align: right;"><i>YTD</i></td> <td></td> <td style="text-align: right;"><i>YTD</i></td> </tr> <tr> <td>Highest #.....</td> <td style="text-align: right;">35</td> <td>N/A</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>Lowest #.....</td> <td style="text-align: right;">0</td> <td>N/A</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>Meals Served.....</td> <td style="text-align: right;">1,568</td> <td>.....</td> <td style="text-align: right;">20,632</td> </tr> <tr> <td>Medical Costs.....</td> <td style="text-align: right;">1,436.92</td> <td>...</td> <td style="text-align: right;">15,046.99</td> </tr> <tr> <td>Worker Inmate Hours.....</td> <td style="text-align: right;">722</td> <td>...</td> <td style="text-align: right;">5,409</td> </tr> </table>		<i>YTD</i>		<i>YTD</i>	Highest #.....	35	N/A	N/A	Lowest #.....	0	N/A	N/A	Meals Served.....	1,568	20,632	Medical Costs.....	1,436.92	...	15,046.99	Worker Inmate Hours.....	722	...	5,409
	<i>YTD</i>		<i>YTD</i>																								
Highest #.....	35	N/A	N/A																								
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Meals Served.....	1,568	20,632																								
Medical Costs.....	1,436.92	...	15,046.99																								
Worker Inmate Hours.....	722	...	5,409																								
Animal Control: <i>(Capt. Wilson)</i>	# Complaints..... 41 # Follow-Ups.....92 # Citations.....4 # Warnings 4	# Felines Captured4 # Canines Captured.....17 # Other Captured.....4	# Returned to Owner13 # Adopted Out39 # Euthanized36																								
Drug Report from Routine Patrol & Special Operations: <i>(Capt. Wilson)</i>	# Misdemeanor Marijuana Arrests.....2 # Felony Marijuana Dealer Arrests 1 # Controlled Substance Arrests.....2	# Drug Paraphernalia Arrests.....1 Drug Interdiction/Vehicles Searched	Drugs Seized.....marijuana, methamphetamine, ecstasy Money Seized0 Vehicles Seized.....0																								
Crimes Reported This Month:	Arson0 Burglary - Residence.....9 Burglary - Business1 Burglary - Vehicle.....4 Criminal Mischief.....12 Domestic Disturbances.....24 Disorderly Conduct2 Felony Theft26 Misdemeanor Theft24 Felony Assault.....1 Misdemeanor Assault.....0	False Info to Law Enforcement1 Harassment.....13 Indecent Exposure.....0 Kidnapping.....0 Murder.....0 Menacing.....0 Public Intoxication.....0 Public Lewdness0 Receiving Stolen Property1 Robbery.....1 Reckless Endangerment.....0	Rape0 Resisting Arrest0 Suicide0 Attempted Suicide2 Other Death Investigations.....1 Theft of Services.....0 Unauthorized Use of Services3 White Collar Crimes.....6 Weapon Offenses.....0																								

		Daphne Police Department				Monthly Report: August 2005					
Patrol Division		Detective Division:		JAIL:			Drug Report - Routine Patrol & Special Ops:			Crimes Reported This Month:	
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		YTD	(Capt. Wilson)				
# Complaints	1107	# New Cases Received:	40	Total Arrestees Received & Processed:	171	2070	# Misd. Marijuana Arrest	4		Arson	0
# Misd. Arrests	24	# Previous Unsolved Cases:	146	Arrestees by Agency:			# Felony Marijuana Arrest	0		Burglary – Residence	7
# Felony Arrests	5	# Cases Solved:	4	Daphne PD	100	1232	# Controlled Substance Arrest:	1		Burglary – Commercial	5
# Citations	420	Resulting in Total Arrests:	3	BCSO	13	168	# Drug Paraphernalia Arrest	2		Burglary – Vehicles	3
# Close Patrols	118	Felonies:	1	Loxley PD	26	260				Criminal Mischief	10
# Warnings	253	Misdemeanors:	2	Silverhill PD	14	97	Vehicles Searched	18		Domestic Disturbance	36
# Motorist Assist	201	Houses Searched	2	Spanish Fort PD	13	170				Disorderly Conduct	1
# Alias Warrants	30			Troopers	2	36	Drugs Seized:	marijuana		Felony Theft	18
# Roadway Accidents	88			INS	0	70	Money Seized	\$7,890		Misdemeanor Theft	17
# Private Prop. Accidents	29	Warrants:		Other Agencies	3	37	Vehicles Seized	0		Felony Assault	0
# DUI's	12	Bettner Served	27							Misdemeanor Assault	2
		Officer Served	16	Highest	34		Animal Control			False Info to Police	0
		Recalls (Pd Fines)	23	Lowest	16		#Complaints	74		Harassment	16
		Total Warrants Served	66				#Follow-ups	127		Indecent Exposure	1
				Meals Served	1,848		#Citations	3		Kidnapping	0
		Sex Offender:		Medical Cost	\$1,628.05		#Warnings	13		Murder	0
		New Registration:	0	Worker Inmate Hours			#Felines Captured	9		Menacing	0
		Contact Verification	0				#Canines Captured	25		Public Intoxication	1
		Total # registered in Daphne	6				#Other Captured	11		Public Lewdness	0
		DARE:					#Returned to Owner	24		Receiving Stolen Property	2
		# Hours Report Writing:	2				#Adopted Out	36		Robbery	1
		# Students Instructed SRO	125				#Euthanized	27		Reckless Endangerment	0
		# Students Instructed DARE	125							Suicide	0
		# Police Reports by SRO	1							Attempted Suicide	4
		# Arrest by SRO	2							Other Death Investigations	1
										Theft of Services	0
		CODE ENFORCEMENT:								Unauthorized Use of Services	0
		Warnings:	4							White Collar Crimes	6
		Citations	2							Weapon Offenses	0
		Warning Compliance	3								
		Follow – Up	9								
Approved by:		David Carpenter, Chief of Police									

Ordinance Committee

Tuesday, October 4, 2005

5:30 p.m.

*Councilwoman Regina Landry, Chairperson
Councilman Greg Burman
Councilman Gus Palumbo
Michele Hanson, Secretary*

*City Attorney Jay Ross
City Attorney Tim Fleming
Code Enforcement Officer Ed Kirby*

Committee Members Attending:

Chairperson Regina Landry, Councilman Gus Palumbo, Code Enforcement Officer Ed Kirby.

City Attorney Tim Fleming arrived late.

Also Present: Fire Chief Mund Hanson, Mayor Small.

I. CALL TO ORDER

Mrs. Landry **convened** the meeting at 5:25 p.m.

II. PUBLIC PARTICIPATION

No one present to address the committee.

III. APPROVAL OF MINUTES

August 9, 2005 meeting minutes

Motion by Mr. Palumbo to approve the minutes as submitted. ***Seconded by Mrs. Landry.*** **Motion carried.**

I. ORDINANCE REVIEW/DISCUSSION

1. Sick & Vacation Accrual Leave for Fire Department

Mr. Palumbo stated the ordinance appears to be in order.

Motion by Mr. Palumbo to favorably recommend the Sick/Vacation Accrual Leave for the Fire Department to the City Council. ***Seconded by Mrs. Landry.*** **Motion carried.**

2. Emergency Pay during State of Emergency

Chief Hanson stated there was some problems with the language of the ordinance and those changes are reflected in the new ordinance and to include repealer section for Ord. 2005-04.

Motion by Mrs. Landry to favorably recommend the adoption of the new Emergency Pay ordinance to the City Council. ***Seconded by Mr. Palumbo.*** **Motion carried.**

3. Curfew Violation during State of Emergency

Mr. Palumbo feels the penalty section of this ordinance is too severe. Mr. Fleming stated it is mandated by a State statute. Mr. Fleming stated this can be made part of the MOT ordinance and first, second and third offenses to be applied. (First \$50, second \$150, third

\$250) Mr. Fleming stated he would add language to add this to the MOT ordinance. Mr. Fleming will bring back to the next committee.

4. *MOT Ordinance*

Mr. Fleming stated the ordinance is ready for Council approval.

<p><i>Motion by Mr. Palumbo</i> to favorably recommend to the City Council the adoption of the MOT ordinance. <i>Seconded by Mrs. Landry.</i> Motion carried.</p>

5. *Contribution Ordinance*

No discussion

I. OTHER BUSINESS

1. *Sign Committee Update*

Mrs. Landry informed the committee that the sign committee had met and reviewed the

II. ADJOURN

There being no further business to discuss, the meeting was adjourned.

The next meeting will be **Tuesday, November 1, 2005 at 5:30 p.m. at City Hall**

Respectfully submitted,

Ordinance Committee

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**CITY OF DAPHNE
RESOLUTION NO. 2005-72**

**ADOPTING THE CONCEPTS AND PRINCIPLES AS OUTLINED IN
THE NATIONAL INCIDENT MANAGEMENT SYSTEM**

WHEREAS, on February 28, 2003, President Bush issued Homeland Security Presidential Directive Number 5 (HSPD-5), which directs the Homeland Security to develop and administer a National Incident Management System (NIMS), and;

WHEREAS, the National Incident Management System represents a core set of doctrine, concepts, principles, terminology, and organizational processes to enable effective, efficient and collaborative incident management at all levels, and;

WHEREAS, the National Incident Management System provides the structure and mechanisms for federal support to state and local incident managers, and;

WHEREAS, Homeland Security Presidential Directive-5 requires all federal departments and agencies to adopt the National Incident Management System, and to use it in domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation programs and activities, and;

WHEREAS, Homeland Security Presidential Directive-5 requires adoption of the National Incident Management System by local organizations as a condition for federal preparedness assistance (through grants, contracts, and other activities) beginning in FY2005.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA to comply with Homeland Security Presidential Directive-5, and that the City of Daphne hereby adopts the concepts and principles as outlined in the National Incident Management System.

ADOPTED AND APPROVED on this the ____ day of _____, 2005.

**GREG BURNAM
COUNCIL PRESIDENT**

Date/Time Signed: _____

**FRED SMALL
MAYOR**

Date/Time Signed: _____

DAVID L. COHEN, CITY CLERK, MMC

**RESOLUTION 2005- 73
PREPAID TRAVEL**

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

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

David Cohen, City Clerk, Municipal Management Training Institute for City Clerks and Administrators, November 16-18, 2005 , Orange Beach, AL - \$70

David Cohen, City Clerk, Eastern Shore Chamber Leadership Conference, October 25-28, 2005, Naples, FL - \$140

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on
this 17th - - day of October, 2005.**

Greg Burnam
Council President
Date/Time Signed: _____

Fred Small
Mayor
Date/Time Signed: _____

ATTEST:

David L. Cohen
City Clerk MMC

RESOLUTION 2005-74

Taste of the Eastern Shore

WHEREAS, the City of Daphne conducts an annual fund raising event known as the Taste of the Eastern Shore for the benefit of Daphne High School; and

WHEREAS, the City of Daphne has determined it to be in the best interest of the citizens and residents of Daphne for the City of Daphne to participate in the event by paying certain operating costs associated with the Taste of the Eastern Shore event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne as follows:

1. The City of Daphne will include in the Fiscal 2006 annual budget the amount of \$ 16,000 for the purpose of supporting operating costs associated with the Taste of the Eastern Shore during 2005 and 2006.
2. Thereafter, \$ 8,000 will be appropriated annually for the purpose of supporting operating costs associated with the Taste of the Eastern Shore.

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

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2005-75

Declare Emergency: Hurricane Katrina Projects

WHEREAS, Hurricane Katrina did strike the Gulf Coast August 29, 2005; and

WHEREAS, as a result Hurricane Katrina, the City of Daphne sustained damage to its bay front property; and

WHEREAS, the City Council has determined it to be in the best interest of the citizens and residents of Daphne for the repair and/or replacement of the damaged bay front property to be completed as soon as possible; and

WHEREAS, low tides occur during the winter months and such low tides prohibit the equipment for the repair and/or replacement of such damaged property from being positioned until spring 2006; and

WHEREAS, quotes have been obtained for the repair and/or replacement of such damaged bay front property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne as follows:

The following projects are hereby declared to be emergency projects so that they can be repaired and/or replaced prior to the low tides of the winter months for the recreational enjoyment of the citizens and residents of Daphne:

- Bay Front Park Pier (\$ 54,991: Al Evans Contracting)
- Bay Front Park Boardwalk (\$ 150,639: Al Evans Contracting)
- Daphne Ferry Pier- Village Point (\$ 51,768: Al Evans Contracting)
- May Day Pier (cost and vendor to be determined pending completion of inspections).

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO.: 2005- 51**

**AN ORDINANCE TO AMEND CERTAIN PERSONNEL POLICIES AND
PROCEDURES RELATED TO MODIFICATION OF SALARIES
AND PERCENTAGE INCREASE OR DECREASE IN PAY**

WHEREAS, the City Council of the City of Daphne, Alabama, has heretofore enacted a schedule of compensation based upon pay plan steps for employees, and;

WHEREAS, the City Council of the City of Daphne, Alabama, believes certain inconsistencies and discrepancies exist within the City's personnel policy and procedures, and,

WHEREAS, the City Council of the City of Daphne, Alabama, believes that the enactment of this ordinance will correct the conflicts therein;

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

SECTION ONE: That Section 4.7.6.3 entitled "**DEMOTION**" be and is hereby deleted and replaced in its entirety as follows:

If an employee is assigned to a position in a lower pay level in the City's compensation plan than his current position, the reassignment will be considered a demotion and his pay will be established at the same relative position and pay range established for his new position as it was in the pay range for his old position. Such pay will be at least two steps below the pay he received prior to the demotion. However, no employee who is demoted will have his pay established below the entry level or above the maximum level of pay for his new position.

SECTION TWO: That Section 4.8.3 entitled "**PAY**" be and is hereby deleted and replaced in its entirety as follows:

If an employee is temporarily assigned to a position that is equal or lower in pay level than his regular position, his pay will not change. If the employee is temporarily assigned to a position that is in a higher pay level than his regular position, his pay will not change during the first fifteen (15) working days of the temporary assignment. If the employee remains in the higher rated position for more than fifteen (15) continuous scheduled work days, his pay will be adjusted to the entry level of pay for the temporary job or paid at least two (2) steps higher than his regular pay for the remainder of the assignment. Upon completion of the temporary assignment, the employee's pay will revert to his regular pay.

SECTION THREE: That Section 4.9.3.4 entitled "**PAY**" be and is hereby deleted and replaced in its entirety as follows:

The pay of a demoted employee will be reduced to the same relative position in the pay range of the pay level of his new job as it was in the pay range of his old job. Normally, such reduction will be at least two (2) steps below the employee's pay before he was demoted. However, under no circumstances will the pay of a demoted employee be less than the entry level or more than the maximum level authorized for the pay level of the new job.

SECTION FOUR: That Section 10.8.1.3 entitled "**DEMOTION**" be and is hereby deleted and replaced in its entirety as follows:

When an employee is demoted to a new job, his pay will be established at the same relative position in the pay range of the pay grade for his new job that it was in the pay range of the job he held prior to his demotion. Such pay will be at least two (2) steps below the pay he received prior to his demotion. However, under no circumstances will a demoted employee's pay exceed the maximum level of pay or be less than the minimum level of pay authorized for the pay grade of his new job.

SECTION SIX: SEVERABILITY

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

SECTION SEVEN: REPEALER

All Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict, be and are hereby repealed.

SECTION EIGHT: EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2005.

GREG BURNHAM
Council President

Date and time signed:_____

FRED SMALL
Mayor

Date and time signed:_____

ATTEST:

DAVID COHEN, City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO.: 2005- 52**

**AN ORDINANCE TO AMEND CERTAIN
PERSONNEL POLICIES AND PROCEDURES
RELATED TO EMPLOYEE INSURABILITY**

WHEREAS, the City Council of the City of Daphne, Alabama, has established ordinances related to personnel policies and procedures for employees within the City of Daphne, and,

WHEREAS, the City Council of the City of Daphne, Alabama, has determined that it is in the best interest of the City to employ and retain individuals who have driving records that can be insured at a preferred rate by the City’s general liability carrier, and,

WHEREAS, the City Council of the City of Daphne, Alabama, believes that additional procedures should be enacted to more clearly establish and afford employees a reasonable opportunity to become employed and retain employment within the City as it relates to an employee’s driving record;

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

SECTION ONE: That Section 6.7.2.3.1 is hereby created and entitled “**DISMISSAL ACTION REVIEW, EMPLOYEE INSURABILITY**” which shall provide as follows:

- 6.7.2.3.1** (a). That when the City receives information from the City’s general liability carrier that an employee is excluded from having driving privileges and is otherwise uninsurable, the Human Resource Director shall contact the employee and the employee’s supervisor immediately upon notification. The employee shall immediately be placed on leave without pay until such time as the employee is able to provide additional information to the liability carrier, through Human Resources, in the form of a motor vehicle record, accident report or any other documentation so that

the liability carrier may cause a final determination to be made on the employee's insurability.

If such final determination by the City's liability carrier is made that the employee is not insurable, the employee may be dismissed pursuant to the procedures as set forth in Section 6.7.3, and other applicable provisions of the Personnel Policy and Procedure Handbook.

- (b). If an employee is initially excluded from driving privileges by the insurance liability carrier, but it is determined by subsequent investigation or review that the employee is insurable, the employee shall be reinstated and placed on probation with a new motor vehicle report to be generated every six (6) months until such time as the risk associated with the employee has lapsed based upon the liability insurance carrier's criteria. Such action will closely evaluate the employee's driving behavior and record which could result in the insurance carrier's premium or preferred rates of insurance being affected.

SECTION TWO: SEVERABILITY

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

SECTION THREE: REPEALER

All Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict, be and are hereby repealed.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2005.

GREG BURNHAM
Council President

Date and time signed: _____

FRED SMALL
Mayor

Date and time signed: _____

ATTEST:

DAVID COHEN
City Clerk, MMC

ORDINANCE NO. 2005- 53

AN ORDINANCE TO AMEND THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE NO. 2002-22, LANDSCAPE AND TREE PROTECTION AND MINIMUM STANDARDS -FIRE HYDRANTS

WHEREAS, the Planning Commission of the City of Daphne at their regular meeting held on July 28, 2005, considered certain amendments to the City of Daphne Land Use and Development Ordinance and set forth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

WHEREAS, due notice of the said amendment has been presented 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 in regard to said amendment to the City of Daphne Land Use and Development Ordinance was held on September 19, 2005; and,

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration, deemed that the amendments requested are proper and believe it to be in the best interest of the City that said amendments be affirmed.

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

SECTION I. AMENDMENT

Article XIX, Landscape and Tree Protection, Sections 19-5, 19-6, 19-7 (b), and 19-15, and Minimum Standards, Special Provisions, Location of Fire Hydrants, Section 11-13, (c) of Daphne Land Use and Development Ordinance, Ordinance No. 2002-22, are hereby repealed in their entirety and replaced with the following:

**ARTICLE XIX
LANDSCAPE AND TREE ORDINANCE**

19-5 PROTECTION OF SIGNIFICANT TREES

An overstory tree species is considered protected as a significant heritage tree if it has a twelve (12) inch or greater caliper. Likewise, an understory tree species is considered protected if it has an eight (8) inch or greater caliper.

Significant trees are hereby protected under this Article and cannot be cut or intentionally harmed without the expressed written permission of the City of Daphne Horticulturist.

**CITY OF DAPHNE
LANDSCAPE AND TREE PROTECTION
MINIMUM STANDARDS
PAGE 2**

19-6 TREE PROTECTION ZONE

All lands within one hundred (100) feet of the right-of-way of the four-lane U.S. Highway 98, fifty (50) feet of the right-of-way of Main Street, North Main Street, U.S. Highway 90, and all other (nonresidential) city streets are hereby declared to be tree protection zones.

No tree within these zones shall be removed without first presenting justification based on the criteria noted in Section 19-7 and written approval from the City of Daphne Horticulturist.

19-7 TREE REMOVAL AND PERMIT PROCEDURES

(b) Tree Removal Permit:

Any person wishing to remove or relocate a significant tree, a tree located within the tree protection zone, any understory tree with an eight (8) inch or greater caliper, or an overstory with a twelve (12) inch or greater caliper shall submit a written application on the prescribed documents to the City of Daphne Horticulturist accompanied by a site plan. The following criteria must be established in order for the permit to be issued:

- (1) The tree shall be located in an area where a structure or improvement is to be placed in accordance with the proposed plan.
- (2) The tree shall be diseased, injured, in danger of falling too close to an existing or proposed structure, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other Ordinances, Articles, or Regulations.
- (3) The tree shall be prior to or after construction in violation of federal, state, local laws, or regulations including but not limited to laws and regulations pertaining to government programs for the financing of the construction.
- (4) No understory trees greater than eight (8) inches in diameter or greater caliper or an overstory with a twelve (12) inch or greater caliper shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic, is diseased or weakened by age, storm, fire or other injury, or it is absolutely necessary to construct the proposed improvements without incurring significant additional construction costs, or it is necessary for the installation of solar energy equipment.
- (5) A permit may be denied if the tree is considered to have aged or grown to an impressive stature for its species or it is considered an integral part of the natural heritage of the City and the City of Daphne Horticulturist determines there is a reasonable alternative other than the removal of the tree.

**CITY OF DAPHNE
LANDSCAPE AND TREE PROTECTION
MINIMUM STANDARDS
PAGE 3**

19-15 MAINTENANCE

Maintenance of new plantings is the responsibility of the property owner. Any vegetation trees planted or retained to fulfill this which dies, becomes damaged, or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year. The property owner must notify the City of Daphne Horticulturist in writing when the replacement tree(s) and vegetation have been planted. D

**ARTICLE XI
MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS**

11-13 SPECIAL PROVISIONS

(c) Location of Roadway Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than 600 feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

SECTION 2: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION 3: SEVERABILITY.

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

**CITY OF DAPHNE
LANDSCAPE AND TREE PROTECTION
MINIMUM STANDARDS
PAGE 4**

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption and publication as required by law.

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

CITY OF DAPHNE

Greg Burnam, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David Cohen, City Clerk, MMC

ORDINANCE NO. 2005- 54

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
The Krystal Ridge Subdivision
(Property located at County Road 13)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on August 25, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Resident , zone**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on October 3, 2005 concerning the petition for annexation; and,

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

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

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

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

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

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

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

"EXHIBIT A"
LEGAL DESCRIPTION

Commencing at the Northeast corner of Lot 2 of ESCC South Subdivision as per its plat recorded on Slide 2214-C in the Judge of Probate's Office, Baldwin County, Alabama, run South 00° 22' 41" West, along the East line of said Lot 2, 153.5 feet, more or less, to the intersection of the South line of the North Half of the Southwest Quarter of Section 3, Township 4 South, Range 2 East, Baldwin County for the Point of Beginning; thence run West along said South line, 563.3 feet to a point on the East Right-of-way line of County Road 13; thence run South 13° 55' 30" West, along said East Right-of-way line, 223.35 feet to an iron pin; thence run South 89° 37' 58" East, 616.98 feet to an iron pin; thence run North 00° 22' 41" East, 226.55 feet to the Point of Beginning. Intending to describe all that property between the South line of Lot 2 and the Existing City of Daphne's City Limits. Said parcel contains 3.04 acres, more or less.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF
THE CITY OF DAPHNE, ALABAMA on this_____ day of_____, 2005.**

**Greg Burnam
Council President**

Date & Time Signed: _____

**Fred Small
Mayor**

Date & Time Signed: _____

ATTEST:

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

CITY OF DAPHNE ORDINANCE NO. 2005 – 55

AN ORDINANCE ESTABLISHING PENALTIES AND ENFORCEMENT PROCEDURES FOR VIOLATION OF MUNICIPAL ORDINANCES AND TO REPEAL ORDINANCE NOS. 1998 - 33, 2001 - 01 and 2002 - 21

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of Daphne, Alabama, and

WHEREAS, the City Council of Daphne, Alabama passed ordinance number 1998-33 and subsequent amendments setting forth a schedule of fines for certain offenses which may be paid without the necessity of appearing before the Municipal Court of Daphne, Alabama, and that such a need still exists for the City, and

WHEREAS, the prior ordinances so establishing said schedule of offenses have been amended from time to time and ordinance numbers subject to the schedule of fines have changed themselves through amendments, repeals and the like to such an extent that a re-organization of this ordinance is called for in order to remove confusion in the citation of ordinance numbers, and

WHEREAS, the Cit Council of the City of Daphne, Alabama, desires to establish a new Municipal Ordinance Ticket (MOT) Ordinance setting forth the ordinances subject to fines payable without mandatory court appearance, now therefore,

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

SECTION 1: PENALTY AND ENFORCEMENT PROCEDURES

(a) Except as otherwise provided by separate ordinance, any person, firm or corporation committing an offense within the corporate limits of the City or within the police jurisdiction thereof, which is in violation of an ordinance of the city now existing or hereafter enacted shall, upon conviction, be punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) In addition thereto, any person so convicted may be imprisoned or sentenced to hard labor for the city for a period not exceeding six (6) months, at the discretion of the court trying the case.

(c) Except where otherwise provided, every day any violation of such code or any other ordinance of the city or such rule, regulation or order shall continue shall constitute a separate offense.

SECTION II: VIOLATIONS SUBJECT TO MUNICIPAL OFFENSE TICKET

(a) Violations of the following municipal laws, as may be amended from time to time, shall be punishable by the issuance of a municipal offense ticket as set out further herein:

1965-10, 1980-03, 1982-01, 1987-10, 1989-04, 1990-12, 1990-15, 1990-16, 1990-18, 1990-22, 1990-25, 1990-28, 1990-29, 1990-31, 1990-35, 1990-36, 1993-10, 1995-08, 1997-03, 1997-27, 1998-29, 2000-06, 2002-02, 2002-22, 2002-26, 2002-30, 2003-31, 2002-34, 2003-03, 2003-11, 2003-17, 2003-25, 2003-32, 2004-05, 2004-10, 2004-14, 2004-23, 2004-48, 2005-01, 2005-07

SECTION III: SCHEDULE OF FINES

(a) The following Schedule of Fines is hereby established by the City pursuant to ordinances of the City of Daphne and laws of the State of Alabama. In addition to the fines so established, the defendant shall pay, in addition to such fine amount, any court costs which are in effect at the time such violation occurs. If the defendant elects to plead guilty before a magistrate to a violation of any of the listed municipal laws for which there is a fine set forth in this Section, the fine plus the applicable court costs shall apply in such case. In lieu of appearing before a magistrate, the defendant may sign a guilty plea and waiver of trial provision on the municipal offense ticket, and deliver the amount of the fine plus applicable court costs to the Clerk The Municipal Court or mail such amount to the Clerk Of The Municipal Court at 1502 Highway 98, Daphne, Alabama 36526. In the event the defendant elects to be tried by the Municipal Court, then the defendant shall be subject to such fine and punishment as expressed in section I of this ordinance.

[SEE ATTACHED SCHEDULE OF FINES]

SECTION IV: PROCEDURE FOR ISSUANCE OF MUNICIPAL OFFENSE TICKET AND DISPOSITION OF CHARGE.

(a) When any officer, inspector, investigator, auditor or other employee of the City, designated by the City code, ordinance or appointment by the mayor, as an enforcement officer finds any violation or violations of the provision of the municipal law which he is authorized and required to enforce, the City employee may issue, on forms provided by the City, a municipal offense ticket and deliver to the person, firm, or corporation in violation of such municipal law. The

municipal offense ticket shall direct the person or a representative of the firm or corporation, whichever the case may be, to appear in Municipal Court of the City at a time and on a date stated therein to answer the charge or charges for violating such municipal law, which violation shall be stated in the municipal offense ticket. However, in the alternative, if the violation is the first violation of such municipal law by the person, firm, or corporation cited, or if Section III provides a scheduled fine for a second or third offense, then such person, firm, or corporation, may, in lieu of appearing in the Municipal Court pursuant to the municipal offense ticket, pay the appropriate fine and court costs pursuant to the terms stated in section III and on the municipal offense ticket, in addition to either of the following:

(1) Appearing in person before a magistrate, signing the plea of guilty and waiver of trial provision on the ticket or on a form provided by the magistrate and paying the fine and court costs, provided that the magistrate retains a copy of the ticket or such other form; or

(2) Signing the guilty plea and waiver of trial provisions on the ticket and mailing the ticket in the amount of the fine and court costs to the clerk of the court. Remittance by mail of the fine and costs constitutes a guilty plea and waiver of trial, whether or not the guilty plea and waiver of trial provisions on the ticket are signed by the defendant. Should the amount tendered be insufficient, such money received by the magistrate or clerk shall be considered to be a partial payment of the lawful penalty, applied by the clerk to the fines and costs, and disbursed as required by law. The clerk may give notice of such insufficiency, and a supplemental summons or warrant of arrest shall be issued for the offender's arrest, and a judgment shall be entered by the magistrate of court for the balance of the penalty due.

(b) If any person, firm or corporation, so cited shall fail to appear in the Municipal Court of the City at the time and place stated in any municipal offense ticket duly issued or fails to pay the appropriate fine set forth on the municipal offense ticket, as set forth herein, the officer, inspector, investigator, auditor or other employee of the City issuing such citation is hereby authorized and directed to swear out a warrant or execute an affidavit or complaint charging such person, firm or corporation with a violation of the municipal law or laws, listed on such municipal offense ticket.

(c) The officers, inspectors, investigators, auditors, or other employees of the City, designated by law as enforcement officers and authorized to issue the municipal offense tickets as herein provided, are hereby further authorized to swear out warrants or execute affidavits or complaints charging such person(s),

firm, or corporation within a violation of municipal law without having first issued a municipal offense ticket for such violation.

SECTION V: PENALTIES FOR SUBSEQUENT OFFENSES, FAILURE TO APPEAR, ETC.

(a) Any person, firm or corporation, receiving a subsequent (second, third or more) municipal offense ticket for violation of a municipal law or laws for which there is no scheduled fine for subsequent (second, third or more) offense, and anyone failing to appear in Municipal Court, or otherwise failing to settle the matter by payment of the applicable fine and court cost prior to the date stated on the municipal offense ticket shall be punishable as provided in section I of this ordinance, or by community service for a period not exceeding six (6) months, or by both such fine and imprisonment, and/or community service at the discretion of the judge, unless otherwise prohibited by state law.

(b) For purposes of this section, the term subsequent (second, third) offense shall mean the committing of an offense involving the same offense for which the defendant has been previously issued a municipal offense ticket within three (3) years of the earlier offense.

SECTION VI: REPEALER

Ordinance No. 1998-33, Ordinance No. 2001-01, and Ordinance No. 2002-21 are hereby repealed in their respective entireties.

SECTION VII: SEVERABILITY.

The provisions of this ordinance shall supersede any conflict provisions of any other ordinances or resolutions previously adopted which pertain to the establishment of fines and penalties for violations a job classification and pay plan. Should any provision of this ordinance be declared invalid or unenforceable by court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

SECTION VIII: EFFECTIVE DATE.

This ordinance shall be in full force and effect upon its adoption the City Council of the City of Daphne, and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2005.**

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL
MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID COHEN, CITY CLERK, MMC

CITY OF DAPHNE SCHEDULE OF FINES

<u>ORDINANCE NO.</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>FINE</u>
1965-10	Sleeping in motor vehicle	\$25.00
1980-03, 1990-29	Fail to file or pay tobacco tax – 1 st offense	\$150.00
1980-03, 1990-29	Fail to file or pay tobacco tax- 2 nd offense	300.00
1980-03, 1990-29	Fail to file or pay tobacco tax- 3 rd offense	500.00
1982-01	Municipal Pier	\$100.00
1987-10	Misdemeanor offense of Careless Driving	\$150.00
1989-04	Political signs	\$25.00/sign/day
1990-12	Littering – 1 st offense	\$50.00
1990-12	Littering – 2 nd offense	100.00
1990-12	Littering – 3 rd offense	400.00
1990-12	Commercial or construction site litter- 1 st offense	\$100.00
1990-12	Commercial or construction site litter- 2 nd offense	200.00
1990-12	Commercial or construction site litter – 3 rd offense	300.00
1990-12	Commercial or construction dumping	500.00
1990-12	Dumping, junk disposal – 1 st offense	\$100.00
1990-12	Dumping, junk disposal – 2 nd offense	200.00
1990-12	Dumping, junk disposal – 3 rd offense	300.00
1990-12	Escape of load from vehicle – 1 st offense	\$75.00
1990-12	Escape of load from vehicle – 2 nd offense	125.00
1990-12	Escape of load from vehicle – 3 rd offense	275.00
1990-12	Sweep leaves, grass on sidewalk, street- 1 st offense	\$50.00
1990-12	Sweep leaves, grass on sidewalk, street-2 nd offense	100.00
1990-12	Sweep leaves, grass on sidewalk, street – 3 rd offense	200.00
1990-15, 1990-16 1990-22, 1990-35 1990-36	Failure to file tax return – 1 st offense	\$175:00
1990-15, 1990-16 1990-22, 1990-35 1990-36	Failure to keep records – 1 st offense	\$175.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to file tax return – 2 nd offense	225.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to file tax return - 3 rd offense	275.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to add tax to price – 1 st offense	\$125.00

1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to add tax to price – 2 nd offense	200.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to add tax to price - 3 rd offense	300.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to keep records – 2 nd offense	200.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Failure to keep records - 3 rd offense	350.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Willful failure to make returns – 1 st offense	\$175.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Willful failure to make returns – 2 nd offense	350.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Willful failure to make returns – 3 rd offense	450.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Willful failure to permit examination of records – 1 st offense	\$200.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Willful failure to permit examination of records – 2 nd offense	400.00
1990-15, 1990-16, 1990-22, 1990-35, 1990-36	Willful failure to permit examination of records – 3 rd offense	500.00
1990-28, 1990-31	Fail to file or pay liquor tax – 1 st offense	\$200.00
1993-10	Regulate smoking in certain public places	\$50.00
1995-08	Provide for identification and licensing of solicitors	\$200.00
1997-03	Wrecker services	\$100.00
1997-27	Bay Front Park Cleaning fine/city property>	1 st \$50.00
1997-27	Bay Front Park Damage/defacing city property>	2 nd \$100.00
1997-27	Bay Front Park Security, failure to provide>	3 rd \$200.00
1997-27	Bay Front Park violation of alcohol policy>	
1997-27	Bay Front Park violation of smoking policy>	
1998-29	Prohibiting discharge of firearms or pneumatic powered weapons within city limits	Mun. Court
2002-02 § I(B)	Interfering/Opposing Animal Control Officer 1 st offense & subsequent offense	Mun. Court
2002-02 § III(A)	Keeping Prohibited Livestock in City Limits 1 st offense	\$25.00
2002-02 § III(A)	Keeping Prohibited Livestock in City Limits 2 nd offense	50.00
2002-02 § III(A)	Keeping Prohibited Livestock in City Limits 3 rd offense	Mun. Court
2002-02 § III(A)	Keeping Prohibited Fowl in City Limits 1 st offense	\$25.00
2002-02 § III(A)	Keeping Prohibited Fowl in City Limits 1 st offense	50.00
2002-02 § III(A)	Keeping Prohibited Fowl in City Limits 1 st offense	Mun. Court

2002-02 § III(A)	Unsanitary Living Condition Livestock/Fowl 1 st offense	\$25.00
2002-02 § III(A)	Unsanitary Living Condition Livestock/Fowl 2 nd offense	50.00
2002-02 § III(A)	Unsanitary Living Condition Livestock/Fowl 3 rd offense	Mun. Court
2002-02 § III(A)	Unsanitary/Inhumane living conditions (any animal) 2 nd offense	100.00
2002-02 § III(A)	Unsanitary/Inhumane living conditions (any animal) 3 rd offense	Mun. Court
2002-02 § III(B)	Fowl at large 1 st offense	\$15.00
2002-02 § III(B)	Fowl at large 2 nd offense	25.00
2002-02 § III(B)	Fowl at large 3 rd offense	50.00
2002-02 § III(B)	Livestock at Large 1 st offense	\$15.00
2002-02 § III(B)	Livestock at Large 2 nd offense	25.00
2002-02 § III(B)	Livestock at Large 3 rd offense	50.00
2002-02 § III(C)	Operating Illegal Horse Stable 1 st offense & subsequent offense	Mun. Court
2002-02 § IV (A)	Failure to License (dog or cat) 1 st offense	\$15.00
2002-02 § IV (A)	Failure to License (dog or cat) 2 nd offense	25.00
2002-02 § IV (A)	Failure to License (dog or cat) 3 rd offense	50.00
2002-02 § IV (B)	Failure to attach tag (dog or cat) 1 st offense	\$15.00
2002-02 § IV (B)	Failure to attach tag (dog or cat) 2 nd offense	25.00
2002-02 § IV (B)	Failure to attach tag (dog or cat) 3 rd offense	50.00
2002-02 § V(D)	Vicious Animal at Large 1 st offense	\$100.00
2002-02 § V(D)	Vicious Animal at Large 2 nd offense	200.00
2002-02 § V(D)	Vicious Animal at Large 3 rd offense & subsequent offense	500.00
2002-02 § V(E)	Keeping a Dangerous Animal 1 st offense & subsequent offense	Mun. Court
2002-02 § VII(A)	Noisy Animals 1 st offense	\$15.00
2002-02 § VII(A)	Noisy Animals 2 nd offense	25.00
2002-02 § VII(A)	Noisy Animals 3 rd & subsequent offense	50.00
2002-02 § XI (A)	Failure to Obtain Rabies Vaccination 1 st offense	\$15.00
2002-02 § XI (A)	Failure to Obtain Rabies Vaccination 2 nd offense	25.00
2002-02 § XI (A)	Failure to Obtain Rabies Vaccination 3 rd offense	50.00
2002-02 § XI (D)	Failure to attach rabies tag (dog or cat) 1 st offense	\$15.00
2002-02 § XI (D)	Failure to attach rabies tag (dog or cat) 2 nd offense	25.00
2002-02 § XI (D)	Failure to attach rabies tag (dog or cat) 3 rd offense	50.00
2002-02 § XI (E)	Failure to Quarantine Animal that has bitten 1 st offense	Mun. Court
2002-02 § XI (E)	Failure to Quarantine Animal that has bitten 2 nd offense	Mun. Court
2002-02 § XI (E)	Failure to Notify Authorities of Bite 1 st offense	Mun. Court
2002-02 § XI (E)	Failure to Notify Authorities of Bite 2 nd offense	Mun. Court
2002-02 § XIV (D)	Failure to Provide Adequate Shelter/Food or Water 1 st offense	\$25.00
2002-02 § XIV (D)	Failure to Provide Adequate Shelter/Food or Water 2 nd offense	50.00
2002-02 § XIV (D)	Failure to Provide Adequate Shelter/Food or Water 3 rd offense	Mun. Court
2002-02 § XIV(D)	Unsanitary/Inhumane living conditions (any animal) 1 st offense	\$50.00
2002-02 §V (A)	Dog at large (with tag) 1 st offense	\$10.00
2002-02 §V (A)	Dog at large (with tag) 2 nd offense	25.00
2002-02 §V (A)	Dog at large (with tag) 3 rd offense	50.00
2002-02 §V (A)	Dog at large (without tag) 1 st offense	\$15.00

2002-02 §V (A)	Dog at large (without tag) 2 nd offense	25.00
2002-02 §V (A)	Dog at large (without tag) 3 rd offense	50.00
2002-02 §V (C)	Failure to Surrender Dangerous Animal 1 st offense	Mun. Court
2002-02 §V (C)	Failure to Surrender Dangerous Animal 2 nd offense	Mun. Court
2002-02 §V(F)	Promoting Animal Fighting 1 st offense	\$100.00
2002-02 §V(F)	Promoting Animal Fighting 2 nd & subsequent offense	Mun. Court
2002-02 §VII	Cruelty to Animals 1 st offense	\$200.00
2002-02 §VII	Cruelty to Animals 2 nd offense	500.00
2002-02 §VII	Cruelty to Animals 3 rd offense	Mun. Court
2002-02 §VIV (D)	Dog on runner less than 20 feet long 1 st offense	\$15.00
2002-02 §VIV (D)	Dog on runner less than 20 feet long 2 nd offense	25.00
2002-02 §VIV (D)	Dog on runner less than 20 feet long 3 rd offense	50.00
2002-02 §XIII (A)	Failure to Confine Dog/Cat in Heat 1 st offense	\$25.00
2002-02 §XIII (A)	Failure to Confine Dog/Cat in Heat 2 nd offense	50.00
2002-02 §XIII (A)	Failure to Confine Dog/Cat in Heat 3 rd offense	100.00
2002-02 §XIV (B)	Cat at large/destruction damage to property w/o tag 1 st offense	\$15.00
2002-02 §XIV (B)	Cat at large/destruction damage to property w/o tag 2 nd offense	25.00
2002-02 §XIV (B)	Cat at large/destruction damage to property w/o tag 3 rd offense	50.00
2002-02 §XIV (B)	Cat at large/destruction damage to property w/ tag 1 st offense	\$15.00
2002-02 §XIV (B)	Cat at large/destruction damage to property w/ tag 2 nd offense	25.00
2002-02 §XIV (B)	Cat at large/destruction damage to property w/ tag 3 rd offense	50.00
2002-02 §XIV (D)	Animal restrained by leash or restraining device less than 6 feet long – 1 st offense	\$15.00
2002-02 §XIV (D)	Animal restrained by leash or restraining device less than 6 feet long – 2 nd offense	25.00
2002-02 §XIV (D)	Animal restrained by leash or restraining device less than 6 feet long – 3 rd offense	50.00
2002-02 §XIV(C)	Allowing dog to defecate on another's property – 1 st offense	\$15.00
2002-02 §XIV(C)	Allowing dog to defecate on another's property - 2 nd offense	25.00
2002-02 §XIV(C)	Allowing dog to defecate on another's property – 3 rd offense	50.00
2002-02 §XIV(E)	Refusing to Allow Inspection 1 st offense & subsequent	Mun. Court
2002-02 §XVI(C)	Tampering with Animal Trap/removing animal from trap/interfering with ACO in setting servicing trap 1 st offense & subsequent offense	Mun. Court
2002-22	Balloons, flags, flying para- 1 st offense	\$50.00
2002-22	Balloons, flags, flying para – 2 nd offense	100.00
2002-22	Balloons, flags, flying para- 3 rd offense	200.00
2002-22	Erosion & sediment control – 1 st offense	\$100.00
2002-22	Erosion & sediment control – 2 nd offense	250.00
2002-22	Erosion & sediment control – 3 rd offense	500.00
2002-22	Illegal display of political signs	\$25.00
2002-22	Illegal placement of sign – 1 st offense	\$250.00
2002-22	Landscaping violation – 1 st offense	\$150.00
2002-22	Sign - no permit – 1 st offense	\$125.00
2002-22	Sign - no permit- 2 nd offense	200.00

2002-22	Sign - no permit- 3 rd offense	300.00
2002-22	Yard sale – 1 st offense	\$25.00
2002-22	Yard sale – 2 nd offense	50.00
2002-22	Yard sale – 3 rd offense	100.00
2002-22	Zoning Code violations – 1 st offense	\$100.00
2002-22	Zoning Code violations – 2 nd offense	200.00
2002-22	Zoning Code violations – 3 rd offense	300.00
2002-22	Occupy premises w/out cert. of occupancy – 1 st offense	\$100.00
2002-22	Occupy premises w/out cert. of occupancy – 2 nd offense	\$250.00
2002-22	Occupy premises w/out cert. of occupancy - 3 rd offense	500.00
2002-22	Failure to obtain tree removal permit – 1 st offense	\$100.00
2002-22	Failure to obtain tree removal permit – 2 nd offense	250.00
2002-22	Failure to obtain tree removal permit- 3 rd offense	500.00
2002-26	Failure to Obtain Business License (each offense)	\$500.00
2002-34, 2004-05	Garbage/trash disposal – 1 st offense	\$50.00
2002-34, 2004-05	Garbage/trash disposal – 2 nd offense	100.00
2002-34, 2004-05	Garbage/trash disposal – 3 rd offense	200.00
2003-03 §VII.A.5	Fire/Medical False Alarm – 1 st offense	No Fine
2003-03 §VII.A.5	Fire/Medical False Alarm – 2 nd offense	\$50.00
2003-03 §VII.A.5	Fire/Medical False Alarm – 3 rd offense	100.00
2003-03 §VII.A.5	Fire/Medical False Alarm – 4 th offense	200.00
2003-03 §VII.A.5	Fire/Medical False Alarm – 5 th & subsequent offense	500.00
2003-03 §VIII.A.2	Fire/Medical Alarm – Failure to return report of service or repair	\$500.00
2003-03 §VIII.A.3	Nuisance Fire/Medical Report – 1 st & 2 nd offense	No Fine
2003-03 §VIII.A.3	Nuisance Fire/Medical Report – 3 rd offense	\$50.00
2003-03 §VIII.A.3	Nuisance Fire/Medical Report – 4 th offense	100.00
2003-03 §VIII.A.3	Nuisance Fire/Medical Report - 5 th offense	200.00
2003-03 §VIII.A.3	Nuisance Fire/Medical Report - 6 th & subsequent offense	500.00
2003-03 §X.G	Nuisance Fire/Medical Report – False Report	\$500.00
2003-09	Public Indecency	Mun. Court
2003-11	Livestock, fowl at-large prohibit- 1 st offense	\$15.00
2003-11	Livestock, fowl at-large prohibit- 2 nd offense	25.00
2003-11	Livestock, fowl at-large prohibit – 3 rd offense	50.00
2003-11	Noisy animals - nuisance – 1 st offense	\$15.00
2003-11	Noisy animals - nuisance – 2 nd offense	25.00
2003-11	Noisy animals - nuisance – 3 rd offense	50.00
2003-11	Permit required for livestock, fowl	\$25.00
2003-11	Animal at-large {other dog, cat} – 1 st offense	\$15.00
2003-11	Animal at-large (other dog, cat) -2 nd offense	25.00
2003-11	Animal at-large {other dog, cat} – 3 rd offense	50.00
2003-11	Confinement of dog or cat in heat- 1 st offense	\$25.00
2003-11	Confinement of dog or cat in heat – 2 nd offense	50.00
2003-11	Confinement of dog or cat in heat- 3 rd offense	100.00
2003-11	Cruelty to animals – 1 st offense	\$200.00
2003-11	Cruelty to animals – 2 nd offense	500.00
2003-11	Dangerous animal allowed at-large – 1 st offense	\$100.00
2003-11	Dangerous animal allowed at-large – 2 nd offense	200.00
2003-11	Dangerous animal allowed at-large – 3 rd offense	500.00
2003-11	Dog or cat at-large with tag-1 st offense	\$10.00

2003-11	Dog or cat at-large without tag – 1 st offense	15.00
2003-11	Dog or cat at-large with/without tag – 2 nd offense	25.00
2003-11	Dog or cat at-large with/without tag – 3 rd offense	50.00
2003-17 §5(c)	Failure to Properly Clean float and/or area	\$500.00/incident
2003-17 §8	Mardi Gras – Failure to Clean up after animals	\$200.00
2003-17 §9	Mardi Gras - Throwing trash from float	\$25.00/incident
2003-25	Parking Violation - Parking at May Day Park	\$25.00
2003-25	Parking Violation - Parking in median	10.00
2003-25 (§II.I)	Parking Violation –Handicapped	100.00
2003-25 (§III.C)	Parking Violation –Tow away zones	25.00
2003-25 (§IV.C)	Parking Violation –No parking areas	10.00
2003-25 (§V.B)	Parking Violation –Park near intersection	10.00
2003-25 (§VI.B)	Parking Violation –Park near fireplug	25.00
2003-25 (§VII.E)	Parking Violation –No parked vehicle for sale	Mun. Court
2003-25 (§VIII.C)	Parking Violation –Fire lanes	25.00
2003-31	Outdoor Lighting, Public & Private	Mun. Court
2003-32	Noise Ordinance- 1 st offense	\$50.00
2003-32	Noise Ordinance – 2 nd offense	100.00
2003-32	Noise Ordinance – 3 rd offense	200.00
2004-05	Residential property <i>clean</i> – 1 st offense	\$50.00
2004-05	Residential property clean – 2 nd offense	125.00
2004-05	Residential property clean – 3 rd offense	300.00
2004-05	Sidewalks/right-of-way litter free -1 st offense	\$50.00
2004-05	Sidewalks/right-of-way litter free -2 nd offense	100.00
2004-05	Sidewalks/right-of-way litter free -3 rd offense	200.00
2004-10	Failure to obtain building permit- 1 st offense	\$500.00
2004-14	Library Books – Failure to return – 1 st & subsequent	\$10.00
2004-23	Right of Way violation	Mun. Court
2004-48	Mosquito and Stagnant Water Control 1 st	\$25.00
2004-48	Mosquito and Stagnant Water Control 2 nd	\$50.00
2004-48	Mosquito and Stagnant Water Control 3 rd	\$100.00
2005-01	Junk vehicles – 1 st offense	\$50.00
2005-01	Junk vehicles – 2 nd offense	\$100.00
2005-01	Junk vehicles – 3 rd offense	Mun. Court
2005-01	Weeds – 1 st offense	\$25.00
2005-01	Weeds – 2 nd offense	\$50.00
2005-01	Weeds – 3 rd offense	\$100.00
2005-07 SFPC 3101	Assembly occupancy violation – 1 st offense	\$100.00
2005-07 SFPC 603	Automatic sprinkler systems – 1 st offense	\$25.00
2005-07 SFPC 603	Automatic sprinkler systems – 2 nd offense	125.00
2005-07 SFPC 603	Automatic sprinkler systems – 3 rd offense	325.00
2005-07 SFPC 607	Automatic fire extinguishing systems – 1 st offense	25.00
2005-07 SFPC 607	Automatic fire extinguishing systems – 2 nd offense	125.00
2005-07 SFPC 607	Automatic fire extinguishing systems – 3 rd offense	325.00
2005-07 SFPC, 402	No Permit to Install Automatic Fire Sprinkler System 1 st offense	\$150.00
2005-07 SFPC, 402	No Permit to Install Automatic Fire Sprinkler System 2 nd offense	\$350.00
2005-07 SFPC, 402	No Permit to Install Automatic Fire Sprinkler System 3 rd offense	\$500.00
2005-07 SFPC, 402	No Permit to Install Fire Alarm System 1 st offense	\$150.00
2005-07 SFPC, 402	No Permit to Install Fire Alarm System 2 nd offense	\$350.00
2005-07 SFPC, 402	No Permit to Install Fire Alarm System 3 rd offense	\$500.00
2005-07 SFPC, 402	No Permit for Portable Fire Extinguisher Service 1 st	\$150.00

	offense	
2005-07 SFPC, 402	No Permit for Portable Fire Extinguisher Service 2 nd offense	\$350.00
2005-07 SFPC, 402	No Permit for Portable Fire Extinguisher Service 3 rd offense	\$500.00
2005-07 SFPC, 402	No Permit for Fixed Fire Extinguisher Service 1 st offense	\$150.00
2005-07 SFPC, 402	No Permit for Fixed Fire Extinguisher Service 2 nd offense	350.00
2005-07 SFPC, 501	No Permit for Fixed Fire Extinguisher Service 3 rd offense	500.00
2005-07 SFPC, 501	No Permit for Waste Burning Incinerator 1 st offense	\$150.00
2005-07 SFPC, 501	No Permit for Waste Burning Incinerator 2 nd offense	350.00
2005-07 SFPC, 501	No Permit for Waste Burning Incinerator 3 rd offense	500.00
2005-07, SFPC 102	Fire Official- Powers and Duties – 1 st offense	\$25.00
2005-07, SFPC 102	Fire Official - Powers and Duties – 2 nd offense	125.00
2005-07, SFPC 102	Fire Official - Powers and Duties – 3 rd offense	325.00
2005-07, SFPC 501	Open burning and incinerators – 1 st offense	\$50.00
2005-07, SFPC 501	Open burning and incinerators – 2 nd offense	150.00
2005-07, SFPC 501	Open burning and incinerators – 3 rd offense	350.00
2005-07, SFPC 502	Flammable and Combustible Materials – 1 st offense	\$50.00
2005-07, SFPC 502	Flammable and Combustible Materials – 2 nd offense	150.00
2005-07, SFPC 502	Flammable and Combustible Materials – 3 rd offense	350.00
2005-07, SFPC 503	Fire reporting & false alarms – 1 st & 2 nd offense	Written Warning
2005-07, SFPC 503	Fire reporting & false alarms – 3 rd offense	\$50.00
2005-07, SFPC 503	Fire reporting & false alarms -4 th offense	100.00
2005-07, SFPC 503	Fire reporting & false alarms – 5 th offense	200.00
2005-07, SFPC 601	Fire protection systems: general – 1 st offense	\$25.00
2005-07, SFPC 601	Fire protection systems: general – 2 nd offense	125.00
2005-07, SFPC 601	Fire protection systems: general – 3 rd offense	325.00
2005-07, SFPC 602	Fire protection systems: fire service features – 1 st offense	\$50.00
2005-07, SFPC 602	Fire protection systems: fire service features – 2 nd offense	150.00
2005-07, SFPC 602	Fire protection systems: fire service features – 3 rd offense	350.00
2005-07, SFPC 605	Fire alarm systems – 1 st offense	\$25.00
2005-07, SFPC 605	Fire alarm systems – 2 nd offense	125.00
2005-07, SFPC 605	Fire alarm systems - 3 rd offense	325.00
2005-07, SFPC 606	Smoke alarms – 1 st offense	\$25.00
2005-07, SFPC 606	Smoke alarms – 2 nd offense	125.00
2005-07, SFPC 606	Smoke alarms – 3 rd offense	325.00
2005-07, SFPC 608	Portable fire extinguishers – 1 st offense	\$25.00
2005-07, SFPC 608	Portable fire extinguishers – 2 nd offense	125.00
2005-07, SFPC 608	Portable fire extinguishers – 3 rd offense	325.00
2005-07, SFPC 701	Electrical: General Violation – 1 st offense	\$25.00
2005-07, SFPC 701	Electrical: General Violation -2 nd offense	125.00
2005-07, SFPC 701	Electrical: General Violation – 3 rd offense	325.00
2005-07, SFPC 703	Electrical: Extension Cords – 1 st offense	\$25.00
2005-07, SFPC 703	Electrical: Extension Cords – 2 nd offense	125.00
2005-07, SFPC 703	Electrical: Extension Cords – 3 rd offense	325.00
2005-07, SFPC 705	Electrical: Access Violation – 1 st offense	\$25.00
2005-07, SFPC 705	Electrical: Access Violation – 2 nd offense	125.00
2005-07, SFPC 705	Electrical: Access Violation – 3 rd offense	325.00

2005-07, SFPC 802	Exit obstruction- 1 st offense	\$100.00
2005-07, SFPC 807	Exit illumination & signs – 1 st offense	\$25.00
2005-07, SFPC 807	Exit illumination & signs – 2 nd offense	125.00
2005-07, SFPC 807	Exit illumination & signs – 3 rd offense	325.00
2005-07, SFPC 907	Flammable and Combustible Liquids:	
2005-07, SFPC 907	Service Stations – 1 st offense	\$25.00
2005-07, SFPC 907	Service Stations – 2 nd offense	125.00
2005-07, SFPC 907	Service Stations – 3 rd offense	325.00

**CITY OF DAPHNE
ORDINANCE NO: 2005-56**

**AN ORDINANCE AUTHORIZING OVERTIME COMPENSATION FOR
SALARIED EMPLOYEES DURING DECLARED EMERGENCIES OF
THE CITY OF DAPHNE, ALABAMA**

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City by fairly compensating the employees of the City of Daphne; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that in order to promote and maintain a peaceful community and the order of justice within the City of Daphne, it shall be necessary, to compensate salaried employees for hours of work performed in excess of their normal 40 hour work week in times of emergencies existing in the City of Daphne and/or within the limits of police jurisdiction thereof as so declared as a local “state of emergency”; and

WHEREAS, prior city ordinance no. 2005-04 should be repealed in its entirety and replaced with this ordinance to so properly effect the terms, conditions and intentions of this ordinance and to otherwise not conflict with FEMA rules and regulations; and

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City by so ordering the authorization of emergency overtime pay for salaried employees during such declared emergencies affecting the City of Daphne;

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

**SECTION I: COMPENSATION OF SALARIED EMPLOYEES FOR
OVERTIME WORK PERFORMED DURING STATES OF EMERGENCY
AFFECTING THE CITY OF DAPHNE, ALABAMA.**

(a) In the event of an emergency affecting the City of Daphne as declared by the Governor of the State of Alabama, the Mayor shall have the authority to declare a state of emergency and utilize salaried employees to aid the city during normal and extended work hours. In the event an emergency is so declared the Mayor declares a state of emergency, salaried employees shall receive additional compensation at the rate of one and one-half (1 ½) times their “calculated hourly wage” for each hour worked in excess of 40 hours per week. “Calculated hourly wage” shall be determined by dividing the salaried employee’s annual salary by 2,080.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

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

SECTION IV: REPEALER

City of Daphne Ordinance No. 2005-04 is hereby repealed in its entirety and replaced by this ordinance.

SECTION V: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne.

APPROVED AND ADOPTED this _____ day of _____, 2005.

GREG BURNAM
COUNCIL PRESIDENT
Date and Time:_____

FRED SMALL
MAYOR
Date and Time:_____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

CITY OF DAPHNE
ORDINANCE NO.: 2005-57

**AN ORDINANCE GRANTING THE MAYOR OF THE CITY
OF DAPHNE THE POWER AND AUTHORITY TO DECLARE
A CIVIL EMERGENCY AND TO INVOKE CURFEW IN
TIMES OF A DECLARED CIVIL EMERGENCY**

WHEREAS, the City Council of the City of Daphne recognizes the need and necessity of a curfew being invoked in the City of Daphne, Alabama in times of declared civil emergencies, and;

WHEREAS, the City Council of the City of Daphne desires to promote the health, welfare and safety of the citizens of Daphne, Alabama, and;

WHEREAS, the City Council of the City of Daphne, Alabama has determined that that the Mayor of the City of Daphne should be vested with the power and authority to both declare a state of civil emergency and to invoke a curfew in times thereof in order to promote the health, welfare and safety of the citizens of Daphne, Alabama,

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

SECTION ONE: DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil emergency means any natural disaster or manmade calamity including flood, conflagration, hurricane, cyclone, tornado, earthquake or explosion within the corporate limits of the city resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew means a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city during the hours in which a curfew has been imposed, except for persons officially designated to duty with reference to such civil emergency.

SECTION TWO: PROCLAMATION BY MAYOR

When, in the judgment of the mayor, a civil emergency is deemed to exist, he shall forthwith proclaim in writing the existence of such civil emergency.

SECTION THREE: IMPOSITION OF CURFEW

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable and applicable, during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

SECTION FOUR: ADDITIONAL REGULATIONS

After proclamation of a civil emergency, the mayor may also, in the interest of public safety and welfare, issue such other orders as are imminently necessary for the protection of life and property.

SECTION FIVE: EMERGENCY POWERS

During the period of a declared state of emergency, the mayor shall have the power to invoke any or all of the following:

- (1) *Temporary residences.* Notwithstanding any provision of the zoning ordinance or any other ordinance, residents of the city may place campers, mobile homes or recreational vehicles on their property for use as temporary residences, subject to the following:
 - a. Such campers, mobile homes and recreational vehicles shall only be used for private residential purposes. No rentals shall be allowed, and no business use shall be allowed.
 - b. Such temporary residences can only be brought into the city and set up for residential use after application to the building official and approval of the building official.
 - c. Such temporary residences must conform to all appropriate city, county and state health and safety requirements.
 - d. Such temporary residences must be promptly removed when the period of a declared state of emergency ends.
- (2) *Evacuation.* Where necessary to protect against dangerous physical conditions or to protect life or property, order the evacuation of any part or all of the city and to restrict access to such areas thereafter.
- (3) *Restricted areas.* No person shall enter any area designated by the mayor as a restricted area unless in the performance of official duties or with written permission of the mayor or his duly designated representative, or such person shall prove residence therein. This shall include specifically, but without limitation, entry into such areas by boat or other water access.
- (4) *Business licenses.* All persons doing business within the city must have a valid business license issued by the city. To lessen the possibility of unscrupulous business practices that take

advantage of the victims of civil emergencies, each applicant for a business license during the civil emergency shall, in addition to the business license requirements of other ordinances, be required to furnish satisfactory identification and to provide fingerprints.

(5) *Unfair pricing.* No person, business or corporation shall charge unfairly high prices for goods and services following a civil emergency. For purposes of this article, an unfairly high price is a price that exceeds by more than ten percent the price charged for the same goods and services in an area not affected by the civil emergency.

SECTION SIX: NOTIFICATIONS

The director of the emergency management committee shall provide up-to-date lists of names, telephone numbers and locations of persons and companies to be notified immediately on proclamation of a civil emergency. The director of the emergency management committee shall assign city employees and others to notify such persons and companies.

SECTION SEVEN: PENALTY

A violation of this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the Municipal Jail for a period not exceeding six (6) months, or both, or in the alternative, may be sentenced to community service or any other lawful remedial action which the Municipal Judge may deem appropriate.

In the event a person charged wishes to avoid appearance in court and desires to pay the applicable fine and court costs in accordance with the City's current M.O.T. (Municipal Offense Ticket) Ordinance, then he/she may do so by payment of said fine and costs to the Clerk of The Municipal Court or mail such amount (stated below) to the Clerk Of The Municipal Court at 1502 Highway 98, Daphne, Alabama 36526. The applicable fine shall be as follows:

Fines: First offense shall be FIFTY (\$50) Dollars; Second Offense (within 3 years of the first offense date of conviction) ONE HUNDRED FIFTY (\$150.00); Third Offense or more (within 3 years of the first offense date of conviction) – mandatory court appearance.

SECTION EIGHT: REPEALER

All City ordinances or part thereof in conflict with the provisions of this ordinance, and so far as they conflict are hereby repealed.

SECTION NINE: SEVERABILITY

If any article, section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION TEN: EFFECTIVE DATE

This Ordinance shall become effective upon approval by the City Council and publication as required by law.

APPROVED AND ADOPTED THIS THE _____ DAY OF _____, 2005.

GREG BURNAM
COUNCIL PRESIDENT
Date/Time Signed: _____

FRED SMALL
MAYOR
Date/Time Signed: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

ORDINANCE 2005-58

An Ordinance Appropriating Funds

**US Highway 90 Sanitary Sewer Extension:
Preliminary Design & Evaluation**

WHEREAS, the Fiscal Year 2006 budget is being reviewed and evaluated for adoption;
and

WHEREAS, the City Council has determined that certain appropriations are required and
should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the City Council has determined it to be beneficial to explore the extension of
US 90 Sanitary Sewer service.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne,
Alabama, that a Fiscal Year 2006 General Fund appropriation in the amount of \$ 10,000
for the preliminary engineering design and evaluation of the proposed extension of the US
90 Sanitary Sewer System is hereby approved.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this
_____ day of _____, 2005.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005-59

An Ordinance Appropriating Funds

City Hall Architectural Services, Site Preparation, Survey & Engineering

WHEREAS, the Fiscal Year 2006 budget is being reviewed and evaluated for adoption; and

WHEREAS, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the City Council has heretofore determined that certain costs will be incurred for the planning of building additions and/or improvements at the City Hall location.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 General Fund appropriation not to exceed \$ 50,000 for Architectural Services, Site Preparation, Engineering, and Surveying of City Hall property for the proposed new City Hall complex is hereby approved.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005-60

An Ordinance Appropriating Funds

Finance Department Temporary Accountant Position

WHEREAS, the Fiscal Year 2006 budget is being reviewed and evaluated for adoption; and

WHEREAS, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the Finance Department has had an increasing work load during the past year as a result of FEMA reporting requirements resulting from hurricane events as well as an overall work load increase due to increasing administrative requirements; and

WHEREAS, the City of Daphne recognizes the need to authorize a Temporary Accountant position in order to meet the increasing work load demands in the Finance Department.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 General Fund appropriation in the amount of \$7,000 is hereby approved for the funding of a Finance Department Temporary Accountant position.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC