

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
OCTOBER 19, 2009
BUSINESS MEETING
6:30 P.M.**

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

APPROVE MINUTES: Council meeting minutes / October 5, 2009
Special Called Council Meeting Minutes / October 7, 2009
Council Work Session Minutes / October 12, 2009

PRESENTATION: Smart Coast / Wendy Allen

PRESENTATION: “Inmosphere” Resiliency / Alva Tate

VOTE: Human Resource Director

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / October 12th

a.) Resolutions:

1. Bid Award: Civic Center Roof Repairs / Carolina Roofing / **Resolution 2009-106**
2. Declare City Equipment Surplus / **Resolution 2009-107**
3. Authorize Mayor to execute contract for auditing services with Baldwin County / **Resolution 2009-108**

b.) Ordinances:

1. Appropriating Funds: County Road 13 Sidewalk Grant Match / **Ordinance 2009-57**
2. Appropriating Funds: Civic Center Roof Repairs / **Ordinance 2009-58**
3. Amend Bank Signatories / **Ordinance 2009-59**

c.) Motions:

1. Authorize Mayor and Finance Director to pursue refunding of 1997 Warrants

d.) Financial Reports:

1. Treasurers Report, September 30, 2009
2. Summary of Revenues and Expenditures /August 31, 2009
3. Sales & Use Tax Collections /August 31, 2009
4. Lodging Tax Collections /August 31, 2009

B. BUILDINGS & PROPERTY - Lake

Review minutes / October 2nd

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board – Yelding

D. Library Board - Lake

E. Planning Commission – Barnette

F. Recreation Board - Burnam

Letter of Support for Ordinance 2009-55 / Use of Lodging Tax Proceeds

G. Utility Board - Scott

Review minutes / August 26th

6. REPORTS OF OFFICERS:

A. Mayors Report

- a.) Parade Permit / Daphne Elementary School / Fun Run / November 7, 2009
- b.) Parade Permit / Animal Rescue / 9th Annual 5K & 1 Mile Pet Trot / December 19, 2009
- c.) ABC License / Daruma Japanese Sushi & Steakhouse / 020 / Restaurant Retail Liquor
- d.) Approve Jubilee Festival to be held on September 25 & 26, 2010 and the following requests:
 - 1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area of this area would still allow access by area residents and church visitors.
 - 2. Permission to use Centennial Park for KidsART.
 - 3. Permission to allow children to paint on the back fence in Centennial Park.
 - 4. Assistance from Police and Street Department with street closings and barricades from Friday, September 24, 2010 until Sunday, September 26, 2010 after 6:00 p.m.
 - 5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
 - 6. Permission to use City Hall as headquarters for the festival staff and volunteers.
 - 7. Permission to place temporary banners to help promote the 22nd Annual Jubilee Festival. Specifics of the banners are as follows:
 - Banners to read: Jubilee Festival, September 25th and 26th
 - Banners to be posted 2 weeks prior to event
 - Size of Banners to be 120" x 34"
 - Locations to include:
 - ❖ Santa Rosa & Main Street
 - ❖ Jubilee Square Mall
 - ❖ Lawson Road
 - ❖ Highway 98 at Montrose Welcome Sign
 - 8. Permission to place banners within the site of the festival

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: Civic Center Roof Repairs / Carolina Roofing/Resolution 2009-106
- b.) Declaring Certain Property Surplus...../Resolution 2009-107
- c.) Agreement with Baldwin County: Sales & Use Tax Review and Audit Services...../Resolution 2009-108
- d.) Support Eastern Shore Trail being Recognized as a National Recreation Trail and Part of the National Trails System...../Resolution 2009-109

ORDINANCES:

2ND READ

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

1ST READ

- i.) General Fund Appropriation: County Road 13
SRTS Sidewalk Grant...../Ordinance 2009-57
- j.) Appropriation: Civic Center Roof Repairs...../Ordinance 2009-58
- k.) Amend Bank Signatories...../Ordinance 2009-59

9. COUNCIL COMMENTS

10. ADJOURN

TENTATIVE WORK SESSION ITEMS

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

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

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

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was give by Mr. Willie Robison.

COUNCIL MEMBERS PRESET: Bailey Yelding; Cathy Barnette; John Lake Greg Burnam arrived at 6:45 p.m.; Ron Scott; Derek Boulware; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Richard Merchant, Building Official; James White, Fire Chief; Tonja Young, Library Director David McKelroy, Recreation Director; Deni Biggs, Interim Civic Center Director; Adrienne Jones, Planning Director; Captain Scott Taylor, Police Department; Suzanne Henson, Senior Accountant; Jane Robbins, Mayors Assistant; Sherree Hilbrun, Payroll & Benefits; Helen Burdette, Civic Center; Public Works employees; Firefighters; Al Guarisco, Village Point Foundation; Willie Robison, BZA; Lon Johnston, Utility Board; Bob Segalla, Utility Board; Melinda Immel, Volkert & Associates.

Absent: Vickie Hinman, Interim Human Resource Director; David Carpenter, Police; Chief Kim Briley, Finance Director.

2. APPROVE MINUTES

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held September 21, 2009. *Secoded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held September 23, 2009. *Secoded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt the Council Work Session minutes meeting held September 28, 2009. *Secoded by Councilman Scott.*

AYE Burnam, Scott, Boulware, Palumbo Lake NAY NONE OPPOSED

ABSTAIN Yelding, Barnette MOTION CARRIED

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

2

PROCLAMATION: “Fire Prevention Week”

Mayor Small read and presented the proclamation to Chief White.

PUBLIC HEARING: Annexation: AJD Family Limited Partnership / Southeast of the intersection of the intersection of County Road 64 and Friendship Road / Requested zoning: B-1, Local Business District / Unanimous Favorable recommendation from Planning Commission

Mr. Chris Baker, Hutchinson, Moore and Rauch gave the presentation.

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

No one spoke for or against the proposed annexation.

Council President Lake closed the Public Hearing at 6:40 p.m.

A. FINANCE COMMITTEE – Boulware

No report. The next meeting will be October 12th at 4:00 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The minutes for the September 11th meeting are in the packet. The October minutes will be in the next council packet. Councilman Palumbo invited everyone to go to Bay Front Park to see the improvements being made down there.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The committee met last Friday. The first phase of paving is ready to begin. Mr. Eady stated that the engineering is almost finished for Whispering Pines Road. Mr. Eady reported to council on ways they are looking at to save money on Solid Waste. He said that Solid Waste spends about \$80,000 per year on landfill costs. He has gotten quotes on chipping limbs, etc. that is collected, and to do this every six months will cost \$7,940. They will still have to make trips to the landfill, but there will be fewer trips. This will save about \$6,000 per month in travel and landfill fees. They are working on an agreement to bring before council for approval. It will take about three to four months to see the savings. He said they did this a few years ago and saved a considerable amount of money.

MOTION BY Councilman Scott to authorize the Mayor to advertise for bids on all three phases of road projects for Whispering Pines Road. Seconded by Councilman Yelding.

After council discussion Councilman Scott withdrew his motion, and Councilman Yelding withdrew his second.

MOTION BY Councilman Boulware to suspend the rules to consider a motion to authorize the Mayor to advertise for bids on all three phases of road projects for Whispering Pines Road. Seconded by Councilman Yelding.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to authorize the Mayor to advertise for bids on all three phases of road projects FOR Whispering Pines Road. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

No report.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

MOTION BY Councilwoman Barnette to set a Public Hearing for November 2, 2009 to consider revisions to the Zoning Map. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilwoman Barnette stated that there is a work session on Wednesday at 8:30 a.m. to work on changes to the Land Use Ordinance. She said that it is the intention of the commission to be ready to present the ordinance to council after this month.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

The minutes for the July 29th meeting are in the packet. Councilman Scott commented on a letter that council received before the council meeting from the Utility Board outlining things that the Utility Board could do to help the city. He mentioned that one of the things listed was that utilities would keep doing the fire flow testing of the fire hydrants.

Council President Lake commented that the financials of the utilities should be available to the city without having to go through their attorney. He said that the financial used to be included in the council packets.

Councilman Scott stated that he will have the financial statement available for council to review in the council work area.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Daphne High School Homecoming Parade / October 8, 2009*

MOTION BY Councilwoman Barnette to approve the permit for the Daphne High School Homecoming Parade on October 8, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) *ABC License / Los Tacos / 020 / Restaurant Retail Liquor*

MOTION BY Councilwoman Barnette to approve the ABC License for Los Tacos / 020 / Restaurant Retail Liquor. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

Mr. Ross stated that there is pending legal matters that he needs to discuss with council in Executive Session at the councils pleasure.

Council President Lake stated that they would do that at the end of the meeting.

Mr. Ross stated that they could adjourn the meeting in the motion, because there is no action required on the part of council.

C. Department Head Comments

David McKelroy – Recreation Director – reminded everyone that Brown Bag By the Bay is still going on at May Day Park on Thursdays 11:00 a.m. – 1:00 p.m. He stated that the Trione Sports Complex has been rented for a 28 team softball tournament all day Saturday and Sunday. He reminded everyone that homecoming is this Friday.

Deni Biggs – Interim Civic Center Director – announced that the Health Department will be giving regular flu shots at the Civic Center October 14th and November 12th from 10:00 a.m. – 7:00 p.m. She is not sure which type of shot will be given on November 12th. She also reported that the Black & White Ball will be November 6th at 7:00 p.m., and the tickets are \$15.00.

Tonja Young – Library Director – thanked Council President Lake for attend their Teen event. It was a real success. All the teens worked very hard. They will be announcing the bookmark winners shortly.

7. PUBLIC PARTICIPATION

Mr. Jay Hastings – Eastern Shore Chamber of Commerce – presented a framed Jubilee Festival poster which the Mayor accepted on behalf of the city.

Mr. Kevin Spriggs – Owner of the Eastern Shore Motel – spoke regarding the budget work sessions and using reserve funds.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

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

MOTION BY Councilman Palumbo to table Resolution 2009-104. Seconded by Councilman Scott.

Council wanted to know where this resolution originated, and more details about the resolution.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to wave the reading of Resolution 2009-105. Seconded by Councilman Scott.

MOTION BY Councilwoman Barnette to amend Resolution 2009-105 deleting from the title of the resolution the phrase “and opposing the route proposed by the Alabama Department of Transportation”, and to leave out of the last paragraph “and oppose the Alabama Department of Transportation’s proposal to construct a connector route between Interstate 10 and Interstate 65 in Baldwin County which is contrary to the Baldwin County Commission’s proposed route.” Seconded by Councilman Scott.

VOTE ON AMENDMENT

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

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

OCTOBER 5, 2009
CITY COUNCIL MEETING
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1ST READ

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

Council President Lake pulled Ordinance 2009-48 from the agenda.

MOTION BY Councilwoman Barnette to <u>waive the reading</u> of Ordinance 2009-46. <i>Seconded by Councilman Yelding.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

MOTION BY Councilwoman Barnette to <u>adopt</u> Ordinance 2009-46. <i>Seconded by Councilman Yelding.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

MOTION BY Councilwoman Barnette to <u>waive the reading</u> of Ordinance 2009-47. <i>Seconded by Councilman Scott.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

MOTION BY Councilwoman Barnette to <u>adopt</u> Ordinance 2009-47. <i>Seconded by Councilman Yelding.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-49. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-49. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Scott asked the City Clerk to read Ordinance 2009-55.

The City Clerk read Ordinance 2009-55.

Council discussed Ordinances 2009-50, 2009-51, 2009-52, 2009-53 and 2009-54 regarding the budget.

Council President Lake removed Ordinance 2009-53 with worksheet 4a from the agenda.

MOTION BY Councilman Burnam to suspend the rules to consider Ordinances 2009-50, 2009-51, 2009-52 and 2009-54. *Seconded by Councilman Yelding.*

Councilman Palumbo suggested taking these ordinance to the work session on Monday.

Councilwoman Barnette stated that she wanted to see the figures for capital.

Councilman Burnam withdrew his motion. Councilman Yelding withdrew his second.

ORDINANCES 2009-50, 2009-51, 2009-52, 2009-54 WERE MADE 1ST READ.

8. COUNCIL COMMENTS

Councilwoman Barnette stated that she has a problem with the Mayor commenting last and rebutting what the council says, and she doesn't think that they need to do that anymore. She said that this is council comments, and that the Mayor is certainly an important part of this body, but he has a Mayor report. She does not know when they started the Mayor cleaning up after everybody else on council comments, and she has a problem with it. This is not supposed to be rebutted, this is comments that do not necessarily need responded to. Sometimes council responds to something a citizen has said, but she does not feel that is what this section was intended to do. They did not do it for the first four and a half years while Mr. Burnam was chairing. The Mayor did not clean up after the council. She said that they still have a considerable amount of work to do on the budget. She thinks that to say that there is nothing else that can come out is not realistic. The budget will be amended, but they need to take out everything they can to try to save the people that are here and their jobs. They need to get a full

fledged employee plan for what the needs are, and how they are going to move forward. There is more to tap. There is \$800,000 of encumbered funds, and some of that money has yet to make it back into the budget. They have \$150,000 that the Mayor agreed that they could get rid of, yet it still has not been put back. So they are talking about employees, livelihoods, furloughs, layoffs and going into the capital reserves. These are hard decisions. They are talking uniform cleaning or layoff and furlough. If they have to revise the budget because they have done something wrong she is much more comfortable saying OK we were wrong on our uniform gap, but they managed to save someone's job at least a third of the year. She thinks they need to get a little bit more realistic about what it is they have been tapped to do. They were given a two million shortfall budget, and they have to figure out how not to put people out of work, and how to continue to function and provide the services that the City of Daphne prides itself on. She does not look for them to beat a dead horse from the budget, but she thinks there are items that can always be amended, but if they save someone's job for three months she thinks they need to be realistic in the fact that that is something worth doing. She feels very passionate that they have to dig deep, and to say that there is nothing there, she understands that the blood has been squeezed out of the turnip, but there is always a little bit more blood, and if they can go back and put it back in if they need too. She thinks they need to work real hard to keep people in their positions. She also does not think that the Utility Board is the answer to their shortfall. She thinks that they should work with them to see what they can do for the city.

Councilman Burnam stated that he started the Mayor commenting under council comments. He said that he did it out of respect for the office. The way he saw it then and still sees it is that the Mayors report during the council meeting is the Mayors time to report on the business of the city, and keep personal and general comments out of the meeting until the end, because that is what council does. He remembers talking with the Mayor to see if he wanted to comment under council comments. He said that he has never had a problem with it. He said that he just as soon hear his comments as everybody else's.

Councilman Scott stated that he received the letter that the Council President sent to council regarding electing council officers, and he thinks it would be wise for the council to go ahead and elect council officers for Council President and Council Pro tem so they can be functioning at the first of November.

MOTION BY Councilman Scott to nominate Councilman Palumbo for Council President to start November 1, 2009. Seconded Councilman Boulware.

MOTION BY Councilman Scott to nominate Councilwoman Barnette for Council President Pro tem to start November 1m 2009. Seconded by Councilman Boulware.

MOTION BY Councilman Scott to close the nominations for Council President and Council President Pro tem. Seconded by Councilman Boulware.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to affirm Councilman Palumbo as Council President and Councilwoman Barnette as Council President Pro tem starting November 1, 2009. *Seconded by Councilman Scott.*

Council agreed to vote separately for each position.

VOTE ON COUNCIL PRESIDENT

MOTION BY Councilman Boulware to affirm Councilman Palumbo as Council President starting November 1, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON COUNCIL PRESIDENT PRO TEM

MOTION BY Councilman Boulware to affirm Councilwoman Barnette as Council President Pro tem starting November 1, 2009. *Seconded by Councilman Scott.*

AYE Yelding, Burnam, Scott, Boulware, Palumbo, Lake ABSTAIN Barnette

MOTION CARRIED

Councilman Boulware thanked Mr. Lake for his service as chairman of the council. He said he feels it is important to keep in mind that so far this year it is expected that there will be close to \$700,000 in expenditure over revenue for the city. That is what they have already dipped into the reserve to operate the city's budget, and that is just for 2009. He feels it is important to keep things in perspective.

Councilman Palumbo thanked the council for their confidence for making him the incoming president. He thanked Mr. Lake for his hard work and leadership for the past year. He announced that tomorrow night the Baldwin County Band Jamboree will take place at Robertsdale High School. This is done every year where all the bands in Baldwin County put on their half time show. It is quite an event and a lot of fun. He encouraged everyone to attend. It starts at 6:00 p.m. at Robertsdale stadium. There is an extra added attraction this year the University of South Alabama Marching Jaguar Band will perform at the Jamboree. He saw the band perform and said that it is a first rate college marching band. Daphne High School will play first at 6:00 p.m.

Mayor Small stated that the Daphne High School band was in competition in Andalusia this past weekend where they received all superior ratings. The students put on a very good half time show. He encouraged everyone to come out and support the band at the Jamboree. Mayor Small apologized for getting under some of the council's skin at certain times. He feels that the way that the council and the

Mayor is set up that he should have an opportunity to speak, and as far as speaking at the end he probably will not get that before long because of the change, but he can work with that.

Council President Lake stated that he feels that the Council President should be rotated every year. He thinks that everybody on the council is elected as leaders. He stated that according to state law the Mayor has to sit separately from council, and he disagrees with that because a lot of decisions they make have to go through the Mayor or with Mayor. He has asked the legislative delegation to look into changing that law. He commented on the budget and the reserve funds asking what are they saving the money for, but you use that money to get through hard times in order to make it to better times. He said that when the Utilities were having hard times the council stepped up to the plate to help them. Now, hopefully, those times are over for them, and he thinks the Utility Board needs to consider that relationship, because it is not the Utility Board in Daphne, but the Utility Board of Daphne. He thinks the Utility Board should step up to the plate. He said that the city has paid a lot of money for infrastructure. He said when you look at not having ball parks, land, a pool or recreation facilities like a lot of other communities around Daphne you can look and say that we have sewers at least in every part of Daphne. He said that they need to communicate better and look at ways they can help each other save money.

MOTION BY Councilman Scott to enter into Executive Session to consider pending legal matters lasting ten minutes with no action required by council and to adjourn the meeting. Secoded by Councilman Yelding.

The City Attorney certified that the reason stated is in accord with the Open Meetings Act.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

10. ADJOURN

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:10 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake,
Council President
Date & Time Signed: _____

**OCTOBER 7, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

Council President Lake called the meeting to order at 6:40 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Ron Scott Derek Boulware; August Palumbo.

ABSENT: Greg Burnam.

Also present: Mayor Small arrived at 7:05 p.m.; David Cohen, City Clerk; Jay Ross, City Attorney.

3. INTERVIEWS FOR HUMAN RESOURCE DIRECTOR

Council interviewed the following applicants for the position of Human Resource Director:

1. Mr. John Manning
2. Mr. Wayne Bunch
3. Ms. Christy Royals
4. Mr. Jeff LeBlanc
5. Ms. Vanessa McCants
6. Ms. Joy Bridge

There being no further business to discuss the meeting adjourned at 9:16 p.m.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

John Lake,
Council President
Date & Time Signed: _____

OCTOBER 12, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

COUNCIL MEMBERS PRESENT: Cathy Barnette; John Lake; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: Bailey Yelding; Greg Burnam.

Also present: Mayor Small; David Cohen, City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Suzanne Henson, Senior Accountant; Jerry Speegle, Utility Board Attorney; Joey Holasz, Firefighter.

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

1. INTERVIEW FOR HUMAN RESOURCE DIRECTOR

Council interview Mrs. Vickie Hinman for the Human Resource Director position.

2. MR. JERRY SPEEGLE / ATTORNEY FOR UTILITY BOARD

Mr. Speegle presented Council President Lake with the information that he has requested from the Utility Board.

3. DOWNTOWN REDEVELOPMENT AUTHORITY

Council discussed appointing new members to the Downtown Redevelopment Authority. They also discussed funding for the Authority.

4. 2010 BUDGET

Council discussed the budget.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 8:25 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake
Council President
Date & Time Signed: _____

Presentation

Becky

From: Smart Coast [info@smartcoast.org]
Sent: Wednesday, October 14, 2009 4:25 PM
To: Becky
Cc: Victoria Phelps; Wendy Allen
Subject: Smart Coast appearance at Daphne City Council meeting on 10-19-09
Attachments: Calendar of events for oct 09.doc

Becky,

This e-mail is to confirm that Smart Coast and staff from the National Center of Bicycling & Walking will be at the council meeting at 6:30 on the 19th. We will speak about the Healthy Coastal Connections Project that is accessing the current state of connectivity in our costal region and helping develop an action plan to increase connectivity.

Smart Cost will be extending a personal invitation to the mayor, city council members, and city planning staff to meetings to learn more about ways we can make our communities more livable.

The calendar of events is attached.

Please let me know if you need more information.

Thanks,

Charlene Lee
Smart Coast
P.O. Box 246
Fairhope, Alabama 36533
251-928-2309
251-929-3614 Fax
info@smartcoast.org
www.smartcoast.org

Smart Coast: Healthy Coastal Connections Project

**Calendar of events for National Center of Bicycling & Walking
site visit 10/19- 10/23**

Monday 10/19

NCBW arrival from Mobile airport: 10:30 am

Tuesday 10/20

**HCC Steering Committee and Complete Streets meeting:
9:30am at Thomas Medical Center in Daphne**

Wednesday 10/21

**Baldwin County Commissioners, Legislators, and Mayors meeting for lunch
11am at Annex Building in Robertsdale**

Walking Audit at Broad and Government St in Mobile 4pm – 5pm

**Meeting with Mobile BID Committee on Parking and Transportation
5- 6:30pm ????**

Thursday 10/22

**Mobile & Baldwin County planners and council members lunch-
11:30am at 5 Rivers on the Causeway**

Walking Audit at Government and Joachim and Water Streets 4-6pm

Friday 10/23

**Lunch meeting with Mobile Legislators, Mayors, and Commissioners
11am-1pm at Mobile Chamber**

NCBW departure at 4:20pm from Mobile Airport

Still to be scheduled:

- 1. Meeting at local school to observe accessibility/safety related to walking/biking to school**
- 2. Meeting with USA Sustainability and Spring Hill College GreenKeepers student groups**

KNII
The Knowledge Network II

P.O. Box 7471
Spanish Fort, AL 36577

Phone: 251-367-2020
Fax: 251-625-4399
E-mail: knnowledgentwk@aol.com

October 14, 2009

Dear Daphne City Council:

Congratulations on the outstanding service provided to your community. Integrity and compassion is modeled as you encourage citizens to live honorably.

Crime denotes a negative connotation to a county. The statistics from the Alabama Criminal Justice Information Center has reported 10,603 aggravated assault arrests in 2008. The data, collected by the FBI, has publicized the assault arrests among juveniles as 2,903 for Mobile, and 1,247 for Baldwin County within the first half of 2009.

The Knowledge Network II, a non-profit corporation, is helping with this offense within the tri-county area. The implementation of "INMOSPHERE" is being presented as a workshop to emphasize maintaining a positive attitude during negative situations. It is an interactive decision making workshop that features resiliency and empowers youth and adults to achieve emotional intelligence through a crisis.

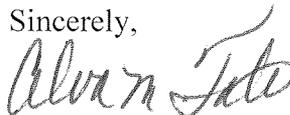
There is an URGENCY to act **now** to provide our community with the skill and knowledge to decrease crime by controlling anger. Workshops have been scheduled for at risk communities throughout Mobile, Baldwin, and Escambia Counties.

Funds are being requested to implement INMOSPHERE to at risk communities.. The budget is **\$2,000** with 30 participants. The budget includes; presenter fee-\$800.00, registration-\$10.00, participant kit-\$30.00. Each workshop is a five hour presentation with a follow up session. A workshop brochure is enclosed. A prevention program of 12 weeks is also available.

It is our hope that the Daphne City Council will take advantage of the opportunity to increase the quality of life in families; in addition to, the quality of each community's socio-economic status.

Thank you in advance for your generous donation. Please contact Alva M. Tate for further information.

Sincerely,



Alva M. Tate
The Knowledge Network II

KNII
Programs to Empower the Mind

**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, 2009
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:03 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Finance Director Kim Briley, Senior Accountant Suz  ne Henson and Accountant Donna Page.

Councilman Bailey Yelding was absent.

Also in attendance were Mayor Fred Small, Public Works Director Bill Eady, and Interim Human Resources Director Vickie Hinman.

Councilman John Lake arrived at 4:09 pm.

II. PUBLIC PARTICIPATION

Mr. Louie Nady stated that he would like to see the City look forward to Fiscal Year 2011 and 2012 during the budget process and determine if the deficits will continue to grow.

III. HUMAN RESOURCES BUSINESS

Ms. Vickie Hinman presented a Human Resources department activity update. She stated that a new Communications Officer has been hired with a start date of October 22, 2009. Ms. Hinman reviewed completed and current training and projects. She noted that the Safety Committee has been discussing a City Employee Policy for cell phone usage while operating city equipment and vehicles. Mr. Eady stated that he would like to work with them on establishing that policy.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Requests

1. County Road 13 Sidewalk Grant Match - \$22,000

The City has received a Safe Route to School (SRTS) sidewalk grant from ALDOT. The amount of the grant is \$148,250 to be used for construction of the sidewalk from Whispering Pines / CR 13 south along the west side of 13 towards CR 64. The City's engineering cost is \$22,000, for a total project cost of \$170,250.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$22,000 for engineering services as grant match for the County Road 13 to County Road 64 Sidewalk project. Seconded by Mr. Boulware. All in favor.

2. Civic Center Roof Repairs - \$59,400

It was discussed that 4 bids were received for the Civic Center roof repairs with the low bid being \$165,500. The remaining balance budgeted for building repairs is \$106,100 leaving an additional \$59,400 needed.

***Motion by Mr. Scott to recommend Council to adopt:
1) an ordinance appropriating \$59,400 for Civic Center roof repair and
2) a resolution awarding bid 2009-CC-CIVIC CENTER ROOF REPAIRS in the amount of \$165,500 to Carolina Roofing Inc. Seconded by Mr. Boulware. All in favor.***

B. Resolutions

1. Authorizing Mayor to Enter into Agreement for the County to Perform Audits

A Contract for Services proposal from the Baldwin County Commission to perform sales and use tax audits was discussed. Ms. Briley noted the cost to the City would be \$300 or 5% of the total tax owed, whichever is greater. It was noted that these fees are not budgeted and depending on the number of audits, a budget amendment may be required.

Motion by Mr. Scott to recommend Council adopt a resolution authorizing the Mayor to enter into an agreement with the Baldwin County Commission to perform sales and use tax audits. Seconded by Mr. Boulware. All in favor.

2. Amend Bank Signatories

Motion by Mr. Scott to recommend Council adopt an ordinance designating the new City Council officers as signatories on the City's bank accounts. Seconded by Mr. Boulware. All in favor.

3. Declare City Property Surplus

A schedule of surplus equipment was presented. Ms. Henson noted that items previously approved for surplus were sold today online through govdeals.com and that over \$20,000 will be received for the sale of these items. Ms. Henson noted there will be additional items sold over the next two weeks.

Motion by Mr. Scott to recommend to Council to adopt a resolution declaring the equipment presented surplus and authorizing the Mayor to dispose of such equipment. Seconded by Mr. Boulware. All in favor.

V. Current Business

A. Captain O'Neal Drive Addendum #2 (sidewalk addition) = \$29,100

The proposal from Volkert & Associates Inc. to provide engineering services for the sidewalk addition to Captain O'Neal Drive was discussed. Mr. Eady noted that the sidewalk would be approximately 730 feet. Mayor Small stated that he thought the cost was excessive and did not recommend it. Mr. Scott recommended that additional engineering estimates be obtained.

B. Refund Outstanding 1997 Warrants

Ms. Briley discussed that, due to favorable interest rates, the 1997 warrants could be refunded, saving about \$155,000 total debt service through the 2017 maturity. This would be a savings of approximately \$17,000 to \$20,000 per year. Mr. Scott recommended the Mayor and Finance Director pursue refunding the 1997 warrants with the same maturity date.

VI. FINANCIAL REPORTS

A. Treasurer's Report: September 30, 2009

The Treasurer's Report totaling \$19,353,329.68 was presented. Ms. Briley noted that total cash is up approximately \$300,000.

Motion by Mr. Scott to accept the Treasurer's Report as of September 30, 2009, in the amount of \$19,353,329.68. Seconded by Mr. Boulware. All in favor.

B. Sales and Use Taxes: August 31, 2009

Sales and Use Tax Collected for August 2009	- \$ 832,035
Sales and Use Tax Budgeted for August 2009	- \$ <u>869,818</u>
Under Budget (for August)	- \$ (37,783)

YTD Budget Collections Variance - Under Budget - \$ (1,071,536)

C. Lodging Tax Collections, August 31, 2009

The Lodging Tax Collections report shows \$44,636.82 collected for August 2009.

D. Summary Report: Revenues, Expenditures & Changes in Fund Balance – August 31, 2009

A Summary General Fund Statement of Revenues, Expenditures & Changes in Fund Balance as of August 31, 2009, was presented. The statement shows that expenditures are currently over revenues by (\$1,702,416). Mr. Scott noted that this statement does not reflect the \$1,695,979 received from Riviera Utilities in September.

E. Report: New Business Licenses – September 2009

A report showing new businesses licensed in the City and closed businesses for the month of September was presented.

F. Bills Paid Reports – September 2009

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

VII. Old Business

Reclassification of Job Grade – Benefits/Payroll Coordinator - \$3,554

Before Ms. Cureton left, she discovered that two job positions were inadvertently left out of the review of jobs by The Archer Company in November. These positions were submitted and reviewed by Archer with the following results: (other position changes that were reviewed in November 2008 were approved by Council in January 2009)

0130 Payroll & Benefits Coordinator: Increase the pay grade to grade 18.

7023 Equipment Maintenance Supervisor: No change is warranted at this time.

Motion by Mr. Scott to recommend Council adopt an ordinance accepting the Archer Report reclassifying job code 0130 Payroll & Benefits Coordinator from grade 16 to grade 18 and appropriating \$3,554 for the annual salary increase. Seconded by Mr. Yelding. All in favor.

VIII. ADJOURN

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

ALDOT Sidewalks-

Suzanne

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Wednesday, September 30, 2009 9:00 AM
To: hensonsm@bellsouth.net
Subject: FW: CR 13 Sidewalks

For the next Finance Comm meeting.

From: Mayor Small [mailto:mayorsmall@bellsouth.net]
Sent: Tuesday, September 29, 2009 3:04 PM
To: 'Kim Briley'
Subject: RE: CR 13 Sidewalks

This should go to public works committee first and then finance or straight to finance.

Fred Small
Mayor City of Daphne
P.O. Drawer 400
Daphne, Al. 36526
Office-251-621-9000
Fax-251-621-8624
mayorsmall@bellsouth.net
daphneal.com

From: Kim Briley [mailto:kmbriley@bellsouth.net]
Sent: Tuesday, September 29, 2009 2:52 PM
To: 'Mayor Small '
Subject: RE: CR 13 Sidewalks

I don't have anything on the award of this grant. In March a Resolution was passed saying that we would "make funds available" in the amount of 421,953 for several ALDOT sidewalks. If we now have the grant, we need to appropriate the \$.

Kim

From: Mayor Small [mailto:mayorsmall@bellsouth.net]
Sent: Tuesday, September 29, 2009 2:41 PM
To: 'Kim Briley'
Subject: FW: CR 13 Sidewalks

How much funding was set aside for this project.

Fred Small
Mayor City of Daphne
P.O. Drawer 400
Daphne, Al. 36526
Office-251-621-9000
Fax-251-621-8624
mayorsmall@bellsouth.net

daphneal.com

From: Scott Hutchinson [mailto:sah@hmreengineers.com]
Sent: Tuesday, September 29, 2009 2:21 PM
To: 'Mayor Small '
Cc: 'Tim Lawley'; 'Barbara Garner'
Subject: CR 13 Sidewalks

Mayor Small,

The City received the go ahead from ALDOT to begin design for the Safe Route to School (SRTS) sidewalk grant project last week. The proposed route will be from Whispering Pines/CR 13 south along the west side of 13 towards CR 64. The amount of the grant is \$148,250 to be used for construction. The cost of survey, design, construction surveillance, construction contract management and materials testing will be approximately \$22,000. This would put the total project cost at \$170,250.

HMR is prepared to begin work at your direction.



As always, thank you for the opportunity to provide our services to the City of Daphne.

Sincerely,

Scott A. Hutchinson, P.E.

Suzanne

From: Suzanne Henson [hensonsm@bellsouth.net]
Sent: Wednesday, September 30, 2009 12:21 PM
To: 'Kim Briley'
Subject: CC Roof Bid

Tracking: Recipient Read

'Kim Briley' Read: 9/30/2009 12:26 PM

the low bid for the CC Roof repairs was \$165,500. How much monies is still available from the Maintenance Account ... budgeted monies set aside for building repairs???

*Suzanne Henson
Sr. Accountant*

*City of Daphne
P. O. Box 400
Daphne, AL 36526
Phone: (251) 621-9000
Fax: (251) 626-3008*

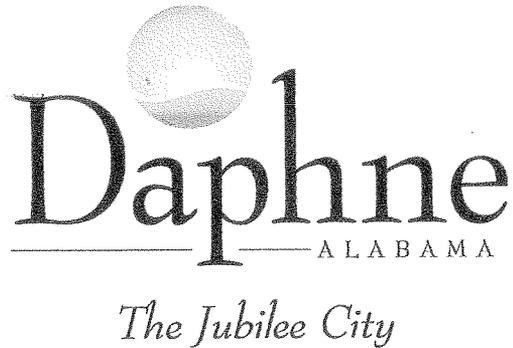
Available	\$	106,100
	\$	165,500
<hr/>		
Needed	\$	59,400

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derrick Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Finance Committee Members

From: Frank Barnett.
Building Maintenance Supervisor

Date: October 1, 2009

Re: Recommendation Bid Award 2009- CC -Civic Center Roof Repairs

Four (4) bids were received. After careful review we are in favor of accepting the bid from Carolina Roofing, Inc. They are the low cost bidder and are able to provide all the services required.

I therefore recommend to this Committee that we award the City of Daphne BID 2009-CC-Civic Center Roof Repairs to Carolina Roofing, Inc.

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

FB:swc

A handwritten signature in cursive script, appearing to read "Frank Barnett".

CITY OF DAPHNE

BID OPENING MINUTES

BID DOCUMENT NO: 2009-CC-CIVIC CENTER ROOF REPAIRS

SEPTEMBER 30, 2009

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson

Sr. Accountant

Frank Barnette

Building Maintenance Supervisor

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

Frank Barnette opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>BID BOND</u>	<u>BIDDER QUAL FORMS</u>	<u>AMOUNT</u>
Bel-Mac Roofing	X	<u>X</u>	\$219,750
Edwards Roofing	X	<u>X</u>	\$170,465
Carolina Roofing	X	<u>X</u>	\$165,500
Standard Roofing of Montgomery, Inc.	X	<u>X</u>	\$191,901



Suzanne Henson, Sr. Accountant

RESOLUTION 2009 -

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

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

WHEREAS, the items listed below are recommended for disposal.

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

- 1- The property listed below is hereby declared to be surplus property, and

DEPT	VEH #	VEHICLE DESCRIPTION	VIN # / SERIAL #
STREET	6	1992 FORD F150 PU	1FTEX15N8NKA76315
Corrections	398	1998 FORD CROWN VIC	2FAFP71WXWX122687
Civic Center		NSS Stallion 8SC Carpet Extractor	0701AB24
Civic Center		NSS Wrangler Floor Scrubber	2602656
Civic Center		NSS Floor Scrubber/Cleaner	60640485199HC3N

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

John Lake, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk CMC

Sharon Cureton

Page 1 of 1

From: Sharon Cureton [daphnehrdir@bellsouth.net]
Sent: Wednesday, June 03, 2009 12:03 PM
To: 'chipking@archercompany.com'
Cc: 'mayorsmall@bellsouth.net'
Subject: Annual REview of Jobs

Chip,
As we discussed on the phone today, it appears that I overlooked 2 CPQs from the Annual Review of Jobs completed in 11-08. Therree asked me about the outcome of the review for her job today and after some investigation, it looks like it was never sent to you. I very tidily had it filed but it never made it to the stack sent to you. I then decided to reconcile the other jobs in pay grades 4-38 against what was sent to you and discovered that the Equipment Maintenance Supervisor was not sent to you as well. It is something like finding 2 errors on your last day on the job!! I truly feel terrible...

Anyway, I need to request that you review these two positions:

- 30 Payroll and Benefits Coordinator
- 23 Equipment Maintenance Supervisor

I have inserted the scanned CPQs to you in this email. I will also send the originals to you via mail. Please let the Mayor know the outcome of your review as today is my last day.

Thank you so much,
Sharon Cureton



Corporate Headquarters:
 Charlotte, NC • Rock Hill, SC
 454 South Anderson Road, BTC 356
 Rock Hill, South Carolina 29730
 (803) 366-2400 • Fax (803) 366-1082

Atlanta, Georgia:
 115 Lanella Parkway
 Conyers, Georgia 30913
 (770) 860-8614 • Fax (770) 860-0192

Columbus, Ohio:
 4552 Ravine Drive
 Westerville, Ohio 43081
 (614) 891-7034 • Fax (614) 891-6854

Chicago, Illinois:
 1033 Skokie Blvd, Suite 350
 Northbrook, IL 60062-4133
 (847) 513-5516 • Fax (847) 564-9136

Affiliates in:
 Oakland, California

August 24, 2008

Vickie C. Hinman, Interim Director
 Daphne Human Resources
 PO Box 400
 Daphne, Alabama 36526

Re: Maintenance Review of 0130 & 7023

Dear Vickie:

Per your request, the Archer Company has reviewed the information submitted for two classifications, 0130 Payroll & Benefits Coordinator and 7023 Equipment Maintenance Supervisor. We utilized the Archer Job Evaluation System in order to objectively evaluate the classifications and place them in a recommended pay grade; this is in keeping with the methodology used to make recommendations for all of the positions in the City's pay plan. Our recommendations are as follows:

- **0130 Payroll & Benefits Coordinator:** Increase the pay grade for this classification to grade 18: While the duties and responsibilities are largely the same, this position has assumed a higher level of independence and accountability in the work performed. The scope of work has expanded to help cover more of the responsibilities in the department. The classification does not currently require a Bachelor's degree, but it is evaluated at a level that could include this requirement or a preference for a degree at a future date. In the meantime, the incumbent's experience and training is sufficient for the work requirements. *We have revised the class specification for 0130.*
- **7023 Equipment Maintenance Supervisor:** No change is warranted at this time. The duties and responsibilities have not changed since this classification was last reviewed and the work remains within the scope of essential functions for this class. The pay grade was reviewed for consistency with comparable positions in the pay plan and found to be in line with the other supervisors in the department.

Thank you for your continued interest in working with the Archer Company to maintain the county's pay plan. If you have any questions or require further assistance, please do not hesitate to call me.

Sincerely,

Chip King
 Regional Director

Enclosures
 /ck

TREASURER'S REPORT

As of September 30, 2009

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	\$12,472,210.05
OPERATING ACCT	COMPASS	(\$567,239.28)
PAYROLL ACCT	COMPASS	(\$36,130.08)
		<u>\$11,868,840.69</u>
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$287,153.56
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$2,384.26
4 CENT GAS TAX	RBC BANK	\$252,738.37
7 CENT GAS TAX	RBC BANK	\$340,381.91
		<u>\$595,504.54</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,390,015.54
99 WARRANT CONS	REGIONS	\$12,893.64
2006 CONSTRUCTION	WACHOVIA	\$1,536,950.26
		<u>\$4,939,859.44</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,208,248.31
2006 DEBT SERVICE	RBC BANK	\$453,723.14
		<u>\$1,661,971.45</u>
		<u>\$19,353,329.68</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	Actual - 2009	Budget	Monthly Variance	YTD Variance	% of Budget
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	806,503.85	867,190	(60,686.33)	(60,686.33)	-7.00%
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	801,075.91	915,891	(114,815.06)	(175,501.39)	-12.54%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,078,330.45	1,120,005	(41,674.64)	(217,176.03)	-3.72%
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	755,541.41	822,021	(66,479.46)	(283,655.49)	-8.09%
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	748,620.87	865,626	(117,004.96)	(400,660.45)	-13.52%
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	863,535.78	998,616	(135,080.26)	(535,740.71)	-13.53%
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	823,173.33	963,692	(140,518.52)	(676,259.23)	-14.58%
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	829,099.81	957,167	(128,067.39)	(804,326.62)	-13.38%
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	868,309.52	997,274	(128,964.63)	(933,291.25)	-12.93%
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	808,113.93	997,274	(100,462.20)	(1,033,753.45)	-11.06%
August	739,993.63	745,320.33	869,818.11	960,539.01	954,421.57	964,626.26	832,035.05	832,035.05	964,626	(37,783.06)	(1,071,536.51)	-4.34%
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	-	998,476	998,476	-	-	-
Totals	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,279,349.93	9,214,339.91	9,214,339.91	11,284,353	(1,071,536.51)	(1,071,536.51)	

FY 2009 BUDGET/ACTUAL COMPARISONS

\$ Change

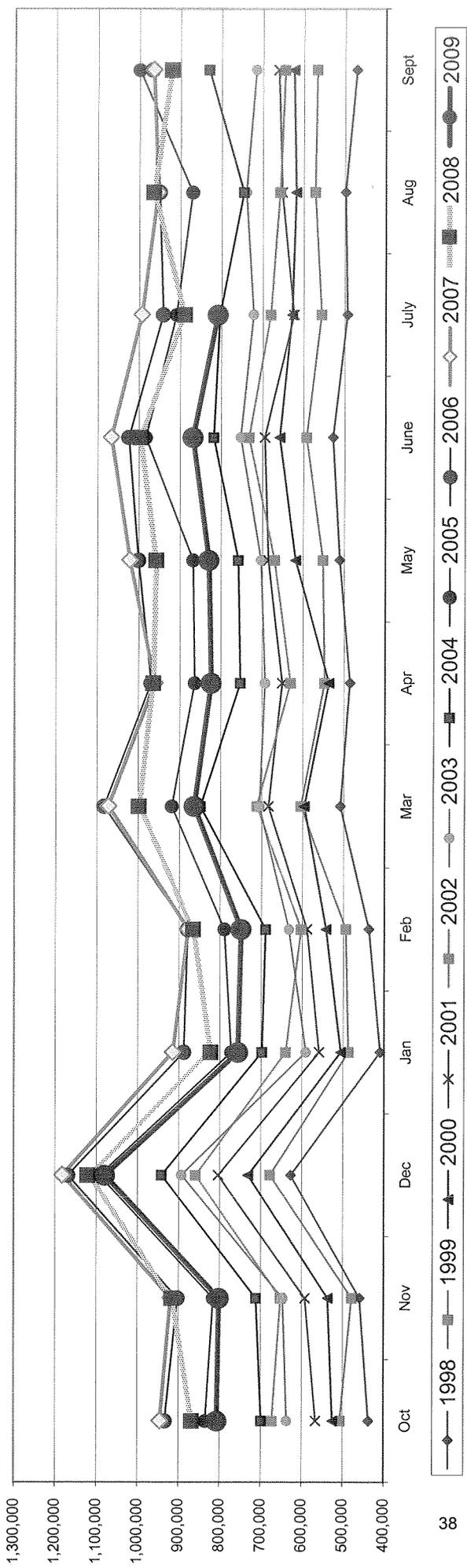
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	9.64%	19.47%	11.87%	1.28%	-8.19%	-7.00%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.54%
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	5.49%	15.93%	7.09%	1.21%	-5.29%	-3.72%
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	18.00%	10.72%	14.98%	3.09%	-10.15%	-8.09%
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	8.81%	14.58%	11.32%	-0.02%	-1.41%	-13.52%
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	20.24%	8.21%	17.86%	-0.94%	-6.81%	-13.53%
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	8.65%	14.77%	12.24%	-0.89%	0.37%	-14.58%
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,309.77)	(128,067.39)	7.82%	14.50%	15.33%	2.11%	-6.30%	-13.38%
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	8.71%	20.12%	4.19%	4.13%	-6.49%	-12.93%
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	11.26%	13.14%	3.61%	5.50%	-10.52%	-9.07%
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	(132,591.21)	0.72%	16.70%	9.28%	0.41%	1.07%	-13.75%
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	-	16.02%	20.26%	-3.09%	-0.26%	-4.82%	-13.75%
Annual \$ Change	860,992.68	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,146,458.87)	10.21%	15.27%	9.29%	1.44%	-4.99%	

FISCAL YEAR COMPARISONS

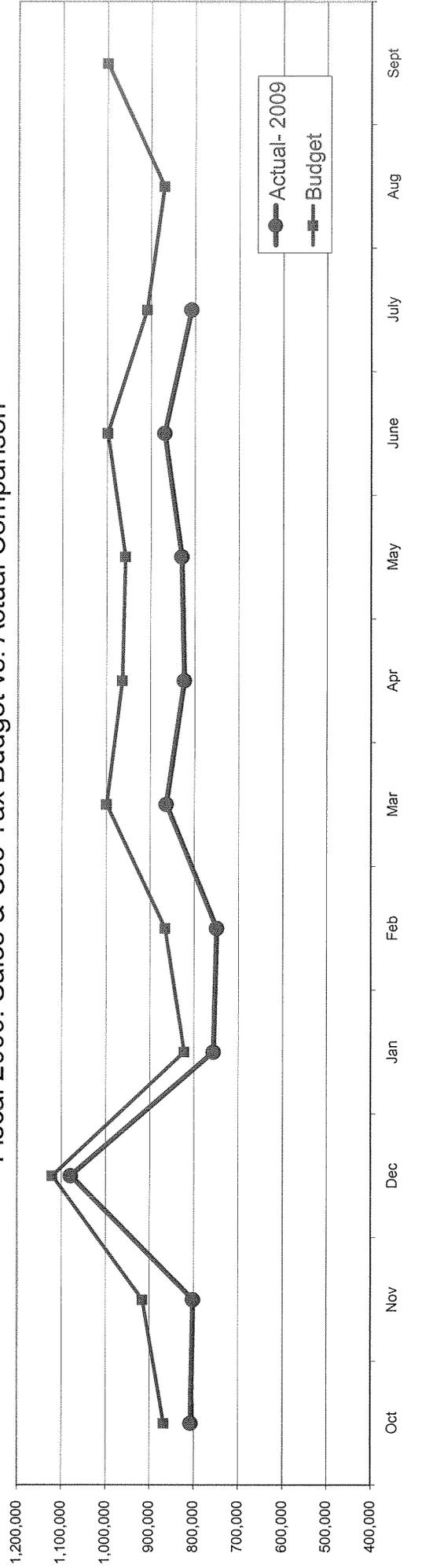
TOTAL collections: 8-31-09	9,214,340
Budgeted: 10-1-08 to 8-31-09	10,285,876
Actual Coll > (<) Budget, 8-31-09	(1,071,537)
% Over/(Under) Budget, 8-31-09	-10.42%

TOTAL collections: FY 08	11,279,350
TOTAL est. bdgt coll: FY 09	11,284,353
Budgeted Dollar Variance 08/09	5,003
Budgeted Percent Variance 08/09	0.04%

Sales & Use Tax Comparisons



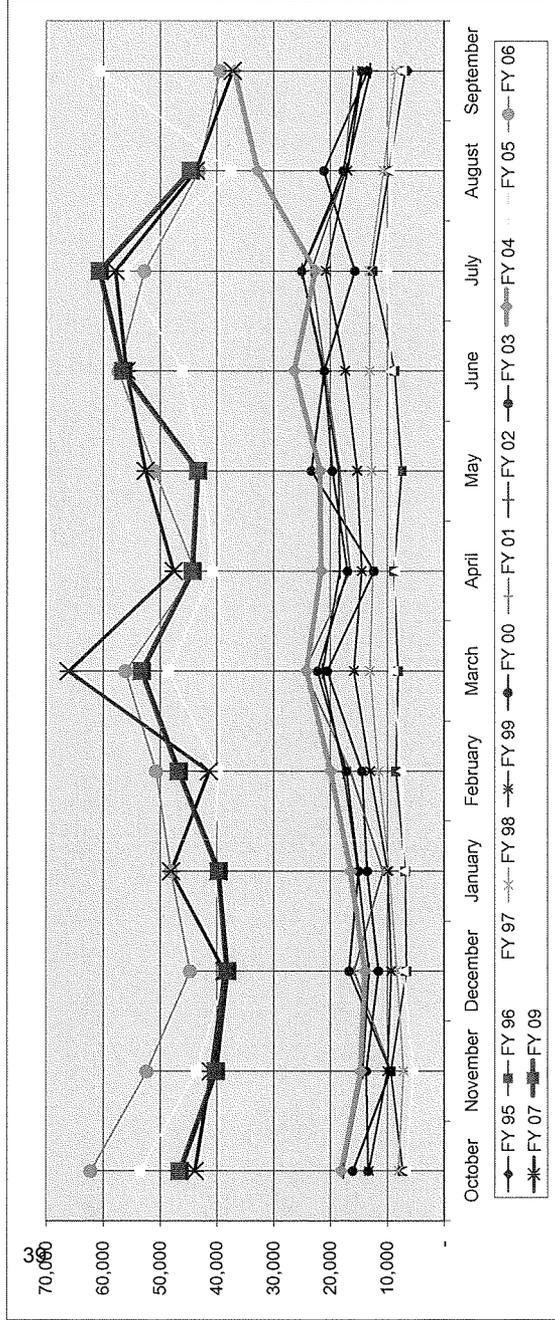
Fiscal 2009: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	
November	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	
December	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	
January	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	
February	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	
March	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	
April	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	
May	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	
June	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	
July	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	
August	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	
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	289,317.22	547,535.15	601,302.68	573,770.96	591,147.09	513,824.68

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



GENERAL FUND

Summary Statement of Revenues, Expenditures, and
Changes in Fund Balance- Budgetary Basis
For the Month Ended August 31, 2009
with comparatives: 8-31-03; 8-31-04; 8-31-05; 8-31-06; 8-31-07; 8-31-08

	8/31/2003	8/31/2004	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	Amended Budget	Budgetary Variance Over/(Under)	% Budget
Revenues										
Sales, Use, & Luxury Taxes	7,377,680	8,139,586	9,303,628	10,272,016	10,450,875	9,919,948	8,927,185	11,896,353	(2,969,168)	-25%
Payment in Lieu of Taxes	152,416	260,086	235,936	258,540	338,460	322,080	326,968	2,035,000	(1,708,042)	-84%
Ad Valorem Taxes	2,583,672	2,834,430	2,882,359	3,187,850	3,697,069	4,119,963	4,782,027	3,981,000	801,027	20%
Licenses & Permits	1,597,435	1,880,416	1,771,603	1,970,417	2,334,624	2,306,885	1,856,804	2,078,575	(221,771)	-11%
Other Revenues	1,204,987	1,163,455	1,095,394	1,797,159	1,603,273	1,235,612	1,294,247	1,545,297	(251,050)	-16%
Total Revenues	12,916,190	13,977,973	15,288,920	17,485,982	18,424,301	17,904,488	17,187,221	21,536,225	(4,349,004)	-20%
Expenditures										
General Government										
Personnel	1,131,955	1,230,677	1,295,173	1,395,317	1,588,896	1,702,748	1,744,472	2,052,627	(308,155)	-15%
Operating	682,468	720,491	769,181	884,831	935,271	1,077,391	1,209,714	1,503,642	(293,928)	-20%
Capital	53,914	41,746	35,144	236,113	38,434	10,445	26,121	13,712	12,409	90%
Public Safety										
Personnel	3,275,562	3,481,286	3,750,114	4,157,439	5,156,490	6,135,159	6,483,022	7,383,808	(900,786)	-12%
Operating	690,994	720,420	773,534	1,041,148	1,132,975	1,184,686	1,061,324	1,371,137	(309,813)	-23%
Capital	557,190	191,919	129,435	288,947	299,673	219,760	95,296	109,107	(13,811)	-13%
Public Works										
Personnel	1,547,405	1,617,831	1,751,968	1,804,589	2,076,308	1,901,989	2,050,967	2,459,890	(408,923)	-17%
Operating	868,565	934,686	1,061,891	1,182,977	1,121,952	1,186,815	1,085,680	1,531,194	(445,514)	-29%
Capital	230,722	179,212	300,420	729,437	416,097	169,957	87,835	87,835	-	0%
Parks & Recreation										
Personnel	2,646,692	2,731,729	3,114,279	3,717,003	3,614,357	3,258,761	3,224,482	4,078,919	(854,437)	-21%
Operating	713,739	783,307	857,819	874,318	984,455	1,133,623	1,145,025	1,340,009	(194,984)	-15%
Capital	431,053	471,546	611,946	575,615	529,557	568,874	517,298	585,422	(68,124)	-12%
Total Departmental										
Personnel	6,668,661	7,113,101	7,655,074	8,231,663	9,806,149	10,873,519	11,423,486	13,236,334	(1,812,848)	-14%
Operating	2,673,080	2,847,143	3,216,552	3,684,571	3,719,755	4,017,766	3,874,016	4,991,395	(1,117,379)	-22%
Capital	866,983	486,139	527,057	1,271,997	1,010,561	600,162	401,473	402,654	(1,181)	0%
Other Financing Sources & Uses										
Debt Proceeds	514,581	6,000	-	-	-	-	-	-	-	-
Transfers to Debt Service	(2,164,491)	(1,772,544)	(1,956,094)	(2,297,693)	(2,525,919)	(2,533,936)	(2,464,209)	(2,610,186)	(145,977)	6%
Other Transfers & Uses	(450,881)	(1,634,302)	(866,445)	(752,443)	(894,616)	(442,737)	(726,452)	(798,433)	(71,981)	9%
Total Other Financing Sources/Uses	(2,100,791)	(3,400,846)	(2,822,539)	(3,050,136)	(3,420,535)	(2,976,673)	(3,190,662)	(3,408,619)	(217,957)	6%
Total Revenues Over Expenditures	606,675	130,744	1,067,698	1,247,615	467,301	(563,632)	(1,702,416)	(502,777)	(1,199,639)	
Unreserved Fund Balance, 10-01	2,386,488	3,825,172	4,106,801	5,968,130	8,298,621	10,050,583	10,510,392			
(Inc) Dec Designations & Encumb	-	-	-	-	-	-	136,324			
Unreserved Fund Balance, 8-31	2,993,163	3,955,916	5,174,499	7,215,745	8,765,922	9,486,951	8,944,301			

NEW BUSINESSES

September-09

CITY LIMITS		CONTRACTORS	
RETAILERS		DENNELO CONSTRUCTION, INC	1
DE CUBA	1	AMERICA'S HOME PLACE	1
ALL OTHER		OUTDOOR EXPRESSIONS	1
GENESIS CAREER GROUP, INC	1	HOMES BY HONS, LLC	1
ALABAMA HOLSTER COMPANY	1	BROOKS ELECTRICAL INSTALLATION	1
JOHNSON, SLAUGHTER, ELDER & NORTHCUTT, PC	1	BENTON SOD FARM	1
L & S SERVICES	1	POTTER CONSTRUCTION SERVICES	1
KRISTIE GREEN	1	CROSS CONNECT COMMUNICATIONS	1
M.A. CASTANEDA FINANCIAL, LLC	1	JEFF STRUCK	1
EASTERN SHORE PAIN MANAGEMENT	1	LIVINGSTON CONSTRUCTION	1
LA'S FINE THINGS	1	PLATE NOE	1
INSIDE OUT CARPET CLEANING	1	B&D RENOVATIONS	1
COUTURE CAKES, LLC	1	EVERY SEASON SERVICES, LLC	1
TOTAL INSIDE CITY LIMITS	11	TOTAL CONTRACTORS	13

OUTSIDE CITY LIMITS		INSURANCE	
C H BRIGGS COMPANY	1	AFFIRMATIVE INSURANCE CO	1
NU SKIN ENTERPRISES UNITED STATES, INC	1	BEAZLEY INSURANCE CO	1
INSPIRANZA DESIGNS	1	CYPRESS INSURANCE CO	1
RITTER FOREST PRODUCTS	1	DEALERS ASSURANCE CO	1
COASTAL READY MIX, LLC	1	GUARANTEE INSURANCE CO	1
EROSION TECH, LLC	1	KODIAK INSURANCE CO	1
CODE 3 LANDSCAPE	1	MADISON NATIONAL LIFE INSURANCE CO	1
CLEAR CHOICE USA MOBILE	1	NATIONAL FARMERS UNION PROPERTY & CASUALTY	1
ELVIS MASTER	1	NORTH POINTE INSURANCE CO	1
PET AND PRAISE OBEDIENCE, INC	1	SEABRIGHT INSURANCE CO	1
AIRGAS RETAIL SERVICES, LLC	1	TOTAL INSURANCE	10
MCM CUSTOM VEHICLES, LLC	1		
COMMERCIAL FURNITURE GROUP, INC	1	TOTAL NEW BUSINESSES	55
J.J.'S LAWN MAINTENANCE	1		
DEEP SOUTH LAWN SERVICE	1	CLOSED BUSINESSES IN DAPHNE	
STRYKER SALES CORPORATION	1	APPLIANCE DIRECT	1
AT&T BRDBND SVC PURC LEAS, LLC	1	TOTAL CLOSED BUSINESSES IN DAPHNE	1
W.H. REYNOLDS DISTRIBUTOR, INC	1		
ASCENSUS, INC	1		
SOUTHERN STATES COOPERATIVE	1		
NEXTEL BOOST SOUTH, LLC	1		
TOTAL OUTSIDE CITY LIMITS	21		

Buildings and Property Committee Minutes

Friday, October 2, 2009

10:00 a.m.

City of Daphne

1705 Main Street

Mayor's Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Deni Biggs, Interim Civic Center Director

DRAFT

Minutes

Attendance: Councilman Lake, Councilman Palumbo, Deni Biggs, Frank Barnett, Richard Merchant, Jane Robbins and Mark Davis

- A. Motion made to approve the minutes from the September meeting, motion was seconded. Minutes approved.
- B. ENGINEERED COOLING SERVICES (Presentation) – Mark Davis gave a presentation on the services his company offers in the way of energy savings and management. Frank Barnett will contact him next week to look at our buildings and try to determine if we could use any of the services they offer for a savings.
- C. VILLAGE POINT/UTILITIES – Rob McElroy could not attend meeting.
- D. REFUND REQUEST/DATE CHANGE-RENKEN WEDDING – Deni Biggs went over the details of the request. She suggested that we stick with the policy. After much discussion it was decided that if we are able to rent the facility for the date that was cancelled we will give a full refund – if not then only one half refund of deposit. However, it was suggested to remove the sentence in the cancellation policy section of the rental agreement that says “*any exceptions from this rule must be approved by the Buildings and Property Committee.*”
- E. BAYFRONT PROPERTY (Starke Irvine's Proposal) – This is null and void at this point. The Mayor said he received an email from Starke saying he is moving forward with selling some of the lots available. The committee agreed that Starke should be responsible for a new survey. The property is being used for recreation and amusement which is what it was intended for by the property owners.
- F. DONATION OF LAKE FOREST PROPERTY – The Lake Forest Property Owners Association is meeting in November and will vote to waive the transfer fee of \$400 on this property. The Mayor pointed out

- that Ashley Campbell is working on building up a land bank acquiring lots like this for the City so if we mitigate we have the wetlands available.
- G. BAYFRONT UPDATE – Renovations are going well and should be completed in about a week. Carpet will be installed next week. Has received two quotes for concrete below the building. Richard Merchant asked if Public Works could do the dirt it would save about \$10,000. More discussion about the need for permanent outside bathrooms. Additional discussion about the public being able to use underneath the facility if it had concrete. Deni Biggs did point out that keep in mind this could be an issue if the facility is being rented and we have people downstairs as well. The Mayor said the kayak launch will make it real nice when complete.

Richard distributed monthly activity report.

- H. OTHER BUSINESS – None

Meeting adjourned at 11:15 a.m.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

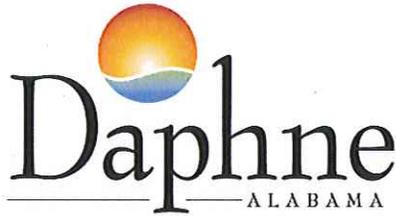
UTILITY BOARD REPORT:

Fred Small

Mayor

David McKelroy

Parks & Recreation
Director



The Jubilee City

Dwayne Coley

Parks Maintenance Supervisor

Mary Jensen

Seniors Program Coordinator

Megan Matrone

Recreation Programs Coordinator

Charlie McDavid

Athletic Coordinator

October 15, 2009

The City of Daphne Recreation Board resolved, at its October 14, 2009 meeting, to unanimously support proposed Ordinance 2009-55, Amending Use of Lodging Tax Proceeds. This ordinance would provide much needed funding for capital improvements for new and existing parks and recreational facilities.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Executive Chambers ♦ August 26, 2009 ♦ 5:00 p.m.

I. CALL TO ORDER

The August 26, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:03 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Fenton E. Jenkins
Lon Johnston, Secretary Treasurer
Fred Small, Mayor – arrived at 5:07 pm

Others Absent:

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Teresa Logiotatos – Finance Manager
Danny Lyndall – Operations Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Administrative Services Manager
Lori Scharles – Executive Assistant
Andrew Bolar – Daphne Utilities Maintenance Manager
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent:

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from July 29, 2009:**

The Chairman stated there were no additions, deletions, or corrections for the Corrected Minutes from the July 29, 2009, Utilities Board meeting.

MOTION BY Mr. Johnston to approve the Corrected Minutes for July 29, 2009; Seconded by Mr. Scott.

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

V. Old Business

a. Capacity Fee Study / Rate Study

Mr. McElroy informed the Board that Mrs. Logiotatos was actively working with the dashboard prepared by Blair Troutman for the upcoming budget submittal.

Sewer Only Cutoff Policy

Drew Klumpp updated the Board of the progress. He stated that as a result of the door-hangers that were recently distributed, several of those affected customers have personally made payment arrangements.

b. Bay Rivers Art Guild

No current information was reported.

c. Items in Abeyance:

- 1. **Gas Franchise Agreement** – No current information was reported.
- 2. **19 Acres – Daphne Utilities property** – No current information was reported.

VI. New Business

a. Guiding Financial Principles

Mr. McElroy explained that the Guiding Financial Principles as prepared by Blair Troutman are the underlying basis of the philosophy of the dashboard to move forward as a financially stable utility business. Chairman Segalla suggested including in the last sentence the word “eliminate” in “. . . , with the primary goal of limiting **and eliminating** any cross subsidization of utility expense.” under the bulleted **Equitable expense allocation**. He also asked what percentage is expected under the **Net revenue margin** bullet. Mrs. Logiotatos stated that those may be developed over the next year or as she become more familiar with the model. Chairman Segalla emphasized that any rate increase must come before the Board. Mr. McElroy indicated that this philosophy should, at this time, be passed as a Motion as an informal policy until the basic concept has been implemented and assessed. Mr. Scott commented that the document should include a language of fairness in order for the Board to be able to defend itself in a public forum. He suggested modifying the opening statement to read as “The Daphne Utilities Board (Board) is committed to a fair and equitable approach in meeting the needs of its customers and stakeholders on long-term and sustainable basis.”

Mayor Small arrived at 5:07 pm. He asked for clarification of the statement “Management may establish more stringent coverage ratio goals for the purpose of monitoring and reporting financial performance.” Mrs. Logiotatos explained that the percentage ratios will be assessed factoring in the bond-holders requirements, keeping the utility rates at a level so that they do not drop below the requirements of the bond-holders and avoiding bond covenants violations.

The Chairman entertained a Motion to approve the presented Policy Statement with the recommended changes.

MOTION BY Mayor Fred Small to approve the Policy Statement of the Guiding Financial Principles with the recommended changes to include “fair and equitable approach” in the first paragraph, as well as to include “eliminating cross subsidization of utility expense” under bullet-point Equitable expense allocation; Seconded by Mr. Johnston.

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

Mr. Scott asked to see at next month’s meeting the consequences of the dashboard relative to rate increases and suggested a quarterly review thereafter.

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle briefed the Board that after filed motions, the fire flow testing in the Park City Water Authority area will proceed. Mayor Small updated on the status of the franchise agreements with Baldwin County Sewer to be a couple of weeks, and communications with the City Attorney and Mr. Speegle have been progressing. Mr. Scott inquired as to a Farmer’s Home Loan for the Park City Water Authority. Mr. Speegle advised that this has been requested in discovery but at present it is unknown.

VIII. FINANCIAL REPORT

Teresa Logiotatos highlighted the irrigation revenue for the Board. She reiterated to the Board of the budgeted monies for impact fees and noted that a deficit will be presented on the September financials due to water and sewer being down from last year. She advised that the business transition was without complications of the Colonial Bank account to BB&T, who bought out Colonial. Mr. Scott asked about the Riviera Utility payments; Mrs. Logiotatos explained that their bills are received at different times. Mr. Johnston acknowledged the cost reduction efforts in order to offset decreased revenues and applauded those involved.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Mr. McElroy briefed the Board regarding the submission of application for an upcoming national EPA award. He then presented Daphne Utility Maintenance Manager, Andrew Bolar, with a proclamation of recognition for his personal efforts involving the Daphne Black History Museum. No additional information was reported.

Deloris Brown had nothing further to add to her report.

Drew Klumpp had nothing further to add to his report.

b. Operations Report

Danny Lyndall had nothing additional to include in his report.

Chairman Segalla commented on a call he received from a customer in praise of Frederick Williams while he was working to repair a water leak.

Melinda Immel of Volkert & Associates had nothing further to add to her report.

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

X. PUBLIC PARTICIPATION –

XI. BOARD COMMENTS – none

XII. ADJOURNMENT–

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

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

The meeting adjourned at 5:48 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

Daruma

CASE NO. 2009-13

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8-25-09 (initial) ws

DATE FORWARDED TO POLICE DEPT. 8-25-09 ws

DATE RECEIVED BY POLICE DEPT. 9/25/09 MW

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 10-15-09 ws

DATE FORWARDED TO CITY CLERK 10-15-09 ws

DATE RECEIVED BY CITY CLERK 10-15-09 RAH

SCHEDULED DATE ON AGENDA 10-19-09 RAH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090825090755426



Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 County: \$400.00

Type License:

State: County:

Trade Name: **DARUMA JAPANESE SUSHI AND STEAKHOUSE**

Filing Fee: \$50.00

Applicant: **GUI YING YUAN**

Transfer Fee:

Location Address: 27955 HIGHWAY 98 SUITES S AND T DAPHNE, AL 36526

Mailing Address: 27955 HIGHWAY 98 SUITES S AND T DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO

Tobacco Vending Machines:

Sale of Products Containing Ephedrine: NO

Type Ownership: INDIVIDUAL

Book, Page, or Document info:

Do you sell Draft Beer: Y

Date Incorporated:

State incorporated:

County Incorporated:

Date of Authority:

Business Type:

Name:

Title:

Date and Place of Birth:

Residence Address:

Name:	Title:	Date and Place of Birth:	Residence Address:
GUI YING YAUN 059-426-137 - XX	OWNER	12/08/1948 FUJIAN CHINA	23676 SPARROWS POINT DAPHNE, AL 36526

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

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

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

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

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

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

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

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

Contact Person: GUI YING YUAN

Home Phone: 251-626-8886

Business Phone: 251-626-8886

Cell Phone:

Fax:

E-mail: CHENHAILI0819-2005@HOTMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name: DARUMA JAPANESE SUSHI AND STEAK HOUSE

Previous License Number(s)

Applicant: MAGNOLIA PLACE JAPANESE RESTAURANTS INC

License 1: 020-001547202-000

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090825090755426



If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: ~~MAGNOLIA PLACE DAPHNE LLC 404-879-1370~~

What is lessors primary business? REAL ESTATE AND LEASING
 Is lessor involved in any way with the alcoholic beverage business? NO
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES
 Is the business used to habitually and principally provide food to the public? YES
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 2160 Display Square Footage:
 Building seating capacity: 60 Does Licensed premises include a patio area? NO
 License Structure: SHOPPING CENTER License covers: PORTION OF
 Number of licenses in the vicinity: 2 Nearest: 2
 Nearest school: 2 miles Nearest church: 6 blocks Nearest residence: 2 blocks
 Location is within: CITY LIMITS Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090825090755426**



Initial each

Signature page

GYY
GYY

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

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

GYY

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

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

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

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

GYY

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

GYY

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

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

GYY

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

Applicant Name (print): Gui Ying, Yuan

Signature of Applicant: YUAN GUYI

Notary Name (print): Jamic L. Maloy

Notary Signature: Jamic L. Maloy

Commission expires: 1-23-2010

Application Taken: 8-25-09 App. Inv. Completed:

Submitted to Local Government: 8-25-09

Received in District Office:

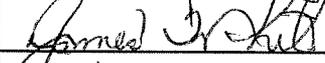
Reviewed by Supervisor:

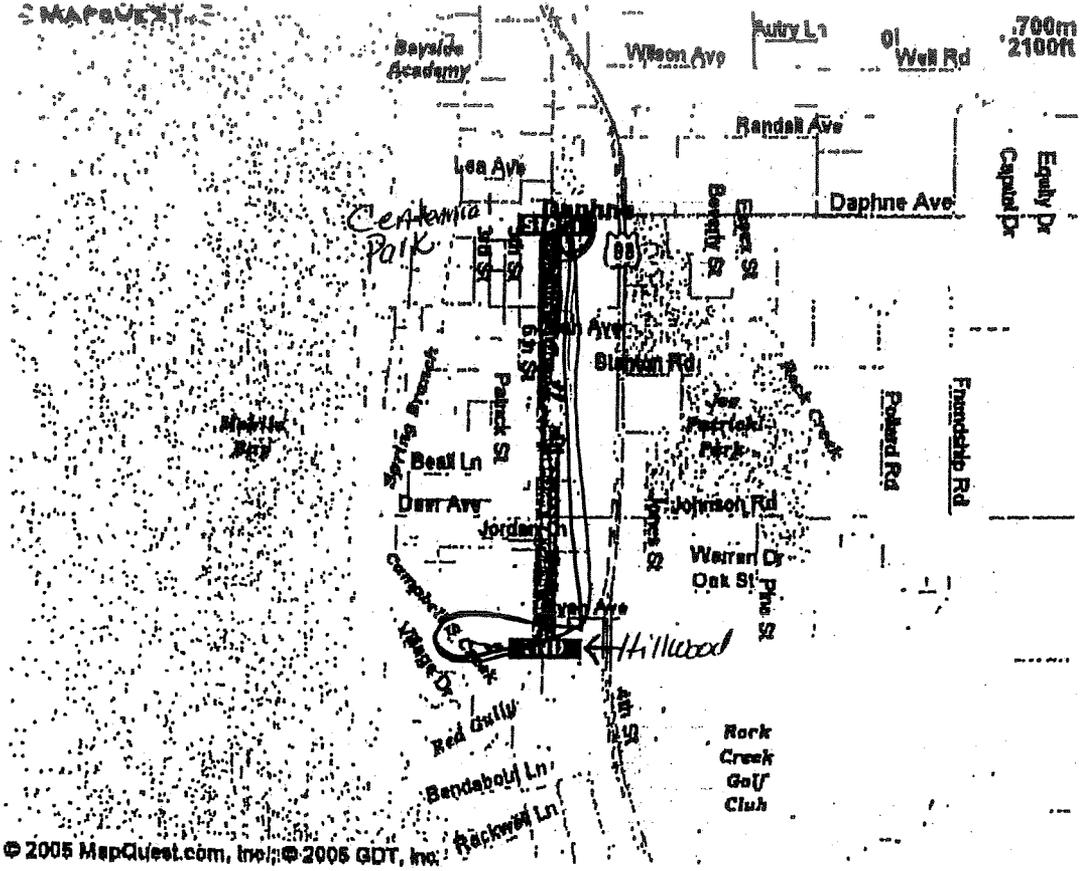
Forwarded to District Office:

Received from Local Government:

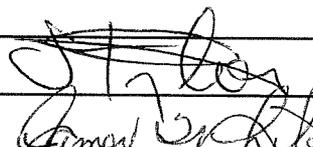
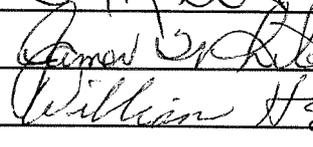
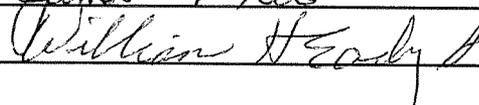
Forwarded to Central Office:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Animal Rescue</i>
CONTACT PERSON:	<i>James Pennington</i>
ADDRESS:	<i>35035 Ogden Road Stapleton, AL</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>367-4599</i>
TYPE OF PARADE:	<i>9th Annual 5K & 1 Mile Pet Trot</i>
DATE OF PARADE:	<i>December 19, 2009</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>200-300</i>
START TIME:	<i>5K - 8:00 A.M. / Pet Trot - 9:00 A.M.</i>
STOP TIME:	<i>10:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Centennial Park</i>
ASSEMBLY TIME:	<i>7:00 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>October 5, 2009</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White	
PUBLIC WORKS: William H. Eady	
CITY COUNCIL APPROVAL: <i>10/19/09</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>October 5, 2009</i>
NOTIFICATION:	



CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne Elementary School</i>
CONTACT PERSON:	<i>Kristi Weir</i>
ADDRESS:	<i>2305 Main Street Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>625-2656 455-2372</i>
TYPE OF PARADE:	<i>Fun Run</i>
DATE OF PARADE:	<i>November 7, 2009</i>
ROUTE TO BE TRAVELED:	<i>"See Attached Map"</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>150</i>
START TIME:	<i>9:00 A.M.</i>
STOP TIME:	<i>10:00 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Santa Rosa between Daphne Elementary School and Daphne United Methodist Church</i>
ASSEMBLY TIME:	<i>8:30 A.M.</i>
SPECIAL INSTRUCTIONS:	<i>Block Streets</i>
DATE APPLIED:	<i>October 2, 2009</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White	
PUBLIC WORKS: William H. Eady	
CITY COUNCIL APPROVAL: <i>10/19/09</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>October 5, 2009</i>
NOTIFICATION:	

includes a t-shirt for each participant. Please pre-register as shirts are limited.



For further information contact Neil Beasley regarding the Run/Walk or Marg Perelli regarding the Easter Celebration & Egg Hunt at 626-2287 .

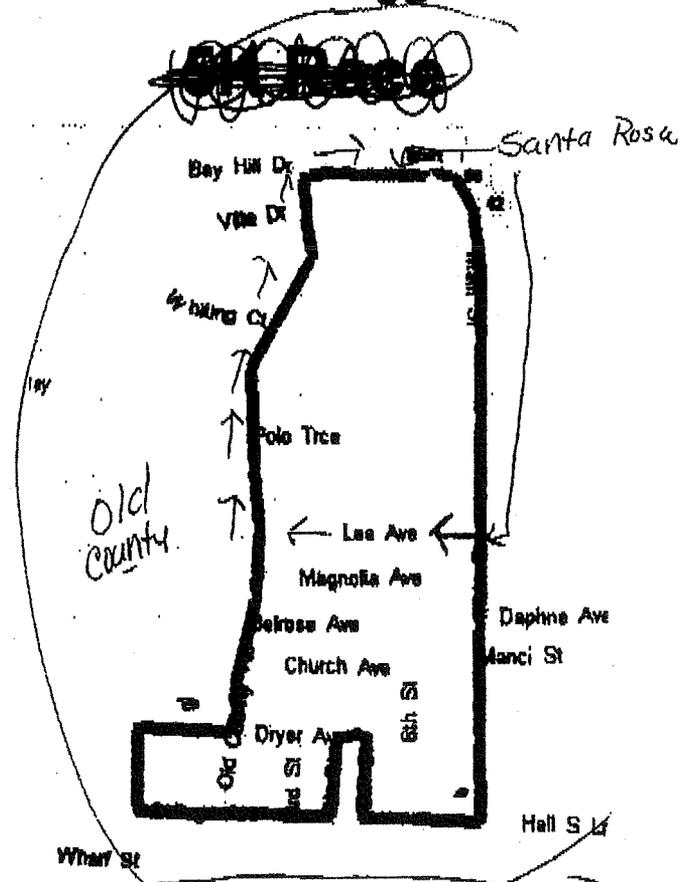
FORM

shirt size (circle one):

youth 10-12 14-16

adult S M L XL

of 18)



* The Fun Run/Walk route will turn on Lea Ave. and then head back on Old County Rd.

625-2656

Kristi W. Weir @ us1nea.com



**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



October 5, 2009

City of Daphne
Mayor & City Council
Post Office Box 400
Daphne, Alabama 36526

Re: 22nd Annual Jubilee Festival – September 25 & 26, 2010

Dear Mayor Small and City Council Members:

The 22nd Annual Jubilee Festival is scheduled to be held September 25 & 26, 2010. As always, the continued support of the Mayor and City Council is essential. At this time the festival committee would like to request the following from the City of Daphne:

1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.
2. Permission to use Centennial Park for KidsART.
3. Permission to allow children to paint on the back fence in Centennial Park.
4. Assistance from Police and Street Department with street closings and barricades from Friday, September 24, 2010 after 5:00 p.m. until Sunday, September 26, 2010 after 6:00 p.m.
5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
6. Permission to use City Hall as headquarters for the festival staff and volunteers.
7. Permission to place temporary banners to help promote the 22nd Annual Jubilee Festival.

Specifics of the banners are as follows:

- Banners to read: *Jubilee Festival, September 25th & 26th*
- Banners to be posted 2 weeks prior to event
- Size of Banners to be 120" x 34"
- Locations to include:

Santa Rosa & Main Street

Jubilee Mall

Lawson Road

Highway 98 at Montrose Welcome Sign

8. Permission to place banners within the site of the festival.

Please place this request on the agenda for the next available City Council Meeting. Please contact Jay Hasting at the Eastern Shore Chamber of Commerce (621-8222) with the date of the meeting.

The Eastern Shore Chamber of Commerce and the Jubilee Festival Committee greatly appreciate the City's continued support of this annual event. We are looking forward to another successful event for both the Chamber and the City. The Festival continues to grow each year, but success of the event is only possible with the combined effort of the City, the Chamber and the volunteers.

Sincerely,

Darrellyn J. Bender
President/CEO

cc: City Council, Eastern Shore Chamber of Commerce Board of Directors, Jubilee Chairs Sally Wagner and Barbara Ladnier.

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2009-106
2009-CC-CIVIC CENTER ROOF REPAIRS

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of 50,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the CIVIC CENTER ROOF REPAIRS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CIVIC CENTER ROOF REPAIRS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CIVIC CENTER ROOF REPAIRS be awarded to Carolina Roofing.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Carolina Roofing. for the amount of \$165,500 as specified in BID SPECIFICATION NO. 2009-CC-CIVIC CENTER ROOF REPAIRS IMPROVEMENTS.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____day of _____,2009.

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

RESOLUTION 2009 - 107

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

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

WHEREAS, the items listed below are recommended for disposal.

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

- 1- The property listed below is hereby declared to be surplus property, and

DEPT	VEH #	VEHICLE DESCRIPTION	VIN # / SERIAL #
STREET	6	1992 FORD F150 PU	1FTEX15N8NKA76315
Corrections	398	1998 FORD CROWN VIC	2FAFP71WXWX122687
Civic Center		NSS Stallion 8SC Carpet Extractor	0701AB24
Civic Center		NSS Wrangler Floor Scrubber	2602656
Civic Center		NSS Floor Scrubber/Cleaner	60640485199HC3N

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2009-108

**Agreement with Baldwin County:
Sales and Use Tax
Review and Audit Services**

WHEREAS, the Baldwin County Sales & Use Tax Department (“Baldwin County”) routinely performs sales and use tax reviews and audits of businesses conducting business in Baldwin County; and

WHEREAS, such reviews and audits from time to time include businesses operating in the City of Daphne; and

WHEREAS, the City of Daphne wishes to contract with Baldwin County in order that the City of Daphne’s interest may be represented, concurrently, with Baldwin County’s interest as such reviews and audits of Daphne businesses take place.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Daphne, Alabama, that the Mayor is hereby authorized to enter into the attached Contract for Services with Baldwin County for the purpose of securing sales and use tax review and audit services.

ADOPTED AND APPROVED this _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC



Contract for Services

This “**Contract for Services**” is made and entered into by and between the City of Daphne of Daphne, Alabama and Baldwin County (hereinafter called “**COUNTY**”) acting by and through its governing body, the Baldwin County Commission.

WITNESSETH:

Whereas, the City of Daphne is in need of a professional agent capable of performing certain professional auditing and/or review services; and,

Whereas, Baldwin County guarantees that it has met, as of the date of execution, any and all requirements under Alabama law specifically as set forth in, but not limited to, The Taxpayers’ Bill of Rights in Title §40-2A-1 et seq., Code of Alabama, 1975,

Whereas, the City of Daphne and Baldwin County desire to enter into a Professional Service Agreement under which Baldwin County’s “Sales & Use Tax Department” shall provide such services for the City of Daphne as are allowed and set forth herein and in accordance with the Code of Alabama and more specifically as set forth within The Taxpayers’ Bill of Rights in §40-2A-1, et. Seq.

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein contained the sufficiency of which being hereby acknowledged, the City of Daphne and Baldwin County do hereby agree as follows:

- I. Obligations Generally: The City of Daphne hereby contracts with, and Baldwin County agrees to perform for the City of Daphne, those professional services as hereinafter set forth. This document shall serve as the binding contract for the services of Baldwin County. Baldwin County shall immediately commence performance of the professional services outlined herein upon full execution of this Contract. All work will be done within a timely fashion and shall be completed within the times herein set out. Notwithstanding this provision, the County shall provide in advance written notification of audits.
- II. Recitals Included: The above recitals and statements are incorporated as part of this Agreement, as if fully set forth herein.
- III. Professional Qualifications: For the purpose of this contract, Baldwin County represents to the City of Daphne that it possesses the professional, technical, and administrative personnel with the specific experience and training necessary to provide the services as may be required by the COUNTY and by the law of the

Contract for Services
Between the City of Daphne
and Baldwin County

- State of Alabama as set forth, but not limited to §40-2A-1 et. Seq., Code of Alabama, 1975.
- IV. Legal Compliance: Baldwin County shall at all times comply with all applicable Federal, State, local laws, and regulations applicable to sales and use tax requirements. This Contract for Professional Services in no way provides for an exclusive grant of special privileges in violation of Article I §22, Alabama Constitution of 1901.
- V. Independent Agency: Baldwin County acknowledges that it is an independent agency, and Baldwin County will at all time remain as such in performing services under this Contract. Baldwin County and the agents thereof are not employees or partners, of the City of Daphne and have no authority to contract for or bind the City of Daphne in any manner outside of this agreement without specific written permission. The parties agrees that:
- VI. No Agency Created: It is neither the express nor the implied intent of the City of Daphne or Baldwin County to create an agency relationship pursuant to this Agreement, except for that relationship as authorized pursuant to The Taxpayers' Bill of Rights; therefore, Baldwin County does not in any manner act on behalf of the City of Daphne outside of the **auditing/review function. All enforcement and collection activities shall be the sole responsibility of the City of Daphne following the closure of the audit findings** as allowed for under this contract and §40-2A-1 et. Seq., Code of Alabama, 1975, and any expansion of that authority and relationship is prohibited and void.
- VII. Unenforceable Provisions: Unless otherwise required by law, if any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof. This Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- VIII. Entire Agreement: This agreement represents the entire and integrated agreement between City of Daphne and Baldwin County and supersedes all prior negotiations, representations, or agreements, either written or oral. This agreement may be amended only by written instrument signed by all parties.
- IX. Failure to Strictly Enforce: The failure of the City of Daphne to insist upon the strict performance of any of the terms, covenants, agreements and conditions of this Contract shall not constitute a default or be construed as a waiver or relinquishment of the right of the City of Daphne to thereafter enforce any such term, covenant, agreement, or condition, but the same shall continue in full force and effect.

Contract for Services
Between the City of Daphne
and Baldwin County

X. Assignment: this Contract or any interest herein shall not be assigned, transferred or otherwise encumbered by Baldwin County without the prior written consent of the City of Daphne.

XI. Ownership of Documents/Work: Baldwin County shall be the owner of copyright or other intellectual property rights in reports, documents and deliverables produced and paid under this Contract, and to the extent permitted by Alabama law. Baldwin County shall not transfer, disclose, or otherwise use such information for any purpose other than in performance of its duties hereunder, without the City of Daphne's prior written consent, which may be withheld or granted in the sole discretion of the City of Daphne. The City of Daphne shall be able to obtain copies of their respective portions of the audit work papers, as authorized under our Exchange of Information Agreement.

XII. Notice: Notice required herein shall be in writing, unless otherwise allowed, and said notice shall be deemed effective when received at the following addresses:

Baldwin County	Baldwin County Commission 312 Courthouse Square Suite 12 Bay Minette, AL 36507
----------------	---

With Carbon Copy mailed to:	Baldwin County Sales & Use Tax Department P.O. Box 1329 Bay Minette, AL 36507
-----------------------------	--

City of Daphne	Kim Briley, Finance Director Daphne City Hall P.O. Box 400 Daphne, AL 36526
----------------	--

XIII. Services to be Rendered: Baldwin County is retained by the City of Daphne as a professionally-qualified Auditing Agency as defined under §40-2A-1 et. Seq., Code of Alabama, 1975, and the general scope of work for services rendered on behalf of the City of Daphne will encompass: Investigation and verification of records, contracts, subcontracts, purchase invoices, lease agreement, and other pertinent data pertaining to operations which might subject an individual, partnership, corporation or other entity to sales, use, and rental/lease taxes. If any taxes which were audited are owed to the City of Daphne, Baldwin County shall issue assessments as provided by, but not limited to, Code of Alabama, §40-2A-7. All subsequent follow-up collection efforts shall be the responsibility of the City of Daphne.

Contract for Services
Between the City of Daphne
and Baldwin County

Baldwin County will perform any and all work and services associated with providing to the City of Daphne efficient, timely and accurate auditing and/or review functions as a qualified professional auditing service.

Baldwin County will provide ongoing communications with City of Daphne regarding this service, including updates, emails, etc. as requested. Additionally, Baldwin County will meet with the City of Daphne as needed or requested.

Baldwin County is responsible for the professional quality, technical accuracy, timely completion and coordination of all services furnished by Baldwin County under this Contract. Baldwin County is responsible for providing the services as outlined herein.

- XIV. **Conditions of Work:** It is understood that Baldwin County may employ a broad range of means, methods, and conditions of work at Baldwin County's sole description, so long as such remain consistent with established and acceptable business practices for professional revenue auditors. Baldwin County may devote such time and effort as it deems appropriate to perform the services enumerated in paragraph One (1) above, but shall demonstrate a high degree of consistency and regularity with respect to contacts made with persons and firms described in said paragraph for the express purpose of carrying out the terms and conditions therein described.

Baldwin County represents that its services shall be performed within the limits provided by the City of Daphne, in a manner consistent with the level of care and skill ordinarily exercised by Baldwin County under similar circumstances at the time the services are performed.

Baldwin County shall coordinate directly with the Revenue Department of the City of Daphne, for the purposes of ensuring that all technical and otherwise relevant issues are satisfied and, therefore, ensuring Baldwin County proper delivery of services.

- XV. **General Responsibilities of the City of Daphne:** The City of Daphne shall provide written notice to Baldwin County whenever the City of Daphne is in need of specific auditing services to be performed hereunder on an emergency basis. Baldwin County reserves the right to schedule any emergency audits as their schedule permits. Baldwin County shall render services on an ongoing basis, as audits are scheduled by Baldwin County's Sales & Use Tax Department, within the City of Daphne's taxing jurisdiction.

Contract for Services
Between the City of Daphne
and Baldwin County

XVI. Termination of Services: The City of Daphne or Baldwin County may terminate this Contract, with or without cause or reason, by giving thirty (30) days written notice of such to the other party. Upon receipt of such notices, Baldwin County shall discontinue its work to the extent specified in the notice.

In the event of termination, the City of Daphne shall pay Baldwin County for all services rendered, and for any expenses deemed by the City of Daphne and Baldwin County to be a reimbursable expense incurred pursuant to this Contract and prior to the date of termination.

XVII. Compensation Limited: The compensation to be paid to Baldwin County shall be the full compensation for all work performed by Baldwin County under this Contract. Any and all additional expenditures or expenses of Baldwin County, not listed in full with this Contract, shall not be considered as a part of this Agreement and shall not be paid.

XVIII. Direct Expenses:

- (a) As a fee for services to be rendered hereunder, the City of Daphne shall pay to Baldwin County at a rate of five (5%) percent of total tax owed (inclusive of penalty and interest) or \$300 to cover costs, whichever is greater.
- (b) It is understood that Baldwin County shall pay all other expenses incurred in the performance of all audits performed by Baldwin County or anyone in its employment.
- (c) All revenue generated at the closure of any audits for the City of Daphne shall be received by Baldwin County in the form of a check made payable to the City of Daphne and shall be forwarded, along with appropriate and applicable audit paperwork, to the City of Daphne as soon as possible. Any unpaid taxes, penalties and interest shall be the responsibility of the City of Daphne to collect. All audits that confirm a taxpayer(s) owe(s) tax(es) to the City of Daphne which were erroneously paid to another City, as described in §40-23-2.1, Code of Alabama,, 1975, shall be considered complete once the erroneous amount has been established and the taxpayer has been notified. Any erroneous payment(s) shall be the sole responsibility of the City of Daphne and the erroneous taxing authority to resolve.
- (d) Baldwin County shall submit invoices to the City of Daphne within a timely fashion following the closure of an audit and/or review.

Contract for Services
Between the City of Daphne
and Baldwin County

XIX. Method of Payment: Baldwin County shall submit invoices to the City of Daphne for payment for work performed. Payment shall be due within thirty (30) days of receipt of such invoice. Such invoice shall be accompanied by a detailed account of compensation to be paid to Baldwin County.

The City of Daphne agrees to review and approve invoices submitted for payment in a timely manner.

XX. Effective Date: This Contract shall be effective and commence immediately upon the same date as its full execution, and the same shall terminate upon both the expiration of thirty-six (36) months and/or upon a written notification thereof received by either party within the required thirty (30) day period. This Contract shall automatically renew itself on a month-to-month basis, including all of the provisions herein, if notification is not timely received by either, as required herein, at the end of the current thirty-six (36) month period. Nothing herein stated shall prohibit the parties from otherwise terminating this Contract according to the provisions herein.

XXI. Force Majeure: The Parties hereto shall incur no liability to the other in the event or effect that can be neither anticipated nor controlled. This allowance shall include both an act of nature and acts of others. Any costs that would otherwise be incurred and/or required pursuant to the provisions herein shall be alleviated for either party by such unlikely event.

XXII. Governing Law: This agreement shall be governed by, construed and enforced in accordance with the laws of the State of Alabama.

XXIII. Number of Originals: This Agreement shall be executed with two originals, both of which are equally valid as an original.

Contract for Services
Between the City of Daphne
and Baldwin County

IN WITNESS WHEREOF, the parties hereto have executed this contract on the last day of execution by the City of Daphne as written below.

CITY OF DAPHNE

ATTEST:

BALDWIN COUNTY COMMISSION

Commissioner David Bishop, Chairman

Add Notary

Filed: C:\Audit Contracts for Service\City of Daphne Contract for Service.doc

CITY OF DAPHNE

RESOLUTION 2009-109

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the City of Daphne supports and consents to the Eastern Shore Trail being recognized as a National Recreation Trail and part of the National Trails Systems.

ADOPTED AND APPROVED this _____ day of _____, 2009.

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION NO. _____

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope supports and consents to the Eastern Shore Trail being recognized as a National Recreation Trail and part of the National Trails Systems.

Adopted this 12th day of October, 2009

Timothy M. Kant, Mayor

ATTEST:

Lisa A. Hanks, City Clerk

ORDINANCE 2009-50

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

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

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

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

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

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (1)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Refund 1997 Warrants	21,155
Escape Taxes	67,424
Fund Balance Draw	-
Freeze Step Increases	96,425
Furlough: 96 hours	481,386
Layoffs (approx 3 employees)	3,604
Decrease Overtime	100,000
Decrease Training	25,000
Decrease Community Contributions	46,150
Delete Uniform Cleaning	13,250
Decrease Employee Recognition	5,300
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Services Supervisor	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u>-</u>

ORDINANCE 2009-51

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

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

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

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

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

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

General Fund
Budget Solution WorkSheet (2)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Refund 1997 Warrants	21,155
Escape Taxes	67,424
Fund Balance Draw	148,949
Freeze Step Increases	96,425
Reduce Pay 3.6%	361,041
Decrease Overtime	75,000
Decrease Training	25,000
Decrease Community Contributions	46,150
Delete Uniform Cleaning	13,250
Decrease Employee Recognition	5,300
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Services Supervisor	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u><u>-</u></u>

ORDINANCE 2009-52

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

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

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

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

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

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (3)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Refund 1997 Warrants	21,155
Escape Taxes	67,424
Fund Balance Draw	584,990
Freeze Step Increases	96,425
Decrease Overtime	-
Decrease Training	25,000
Decrease Community Contributions	46,150
Delete Uniform Cleaning	13,250
Decrease Employee Recognition	5,300
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Services Supervisor	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u> -</u>

ORDINANCE 2009-54

AN ORDINANCE ADOPTING THE FISCAL YEAR 2010 BUDGET

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

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

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

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

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

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk

General Fund
Budget Solution WorkSheet (4b)

Estimated Revenues < Appropriations	(2,012,631)
Ad Valorem Property Taxes	500,000
Refund 1997 Warrants	21,155
Escape Taxes	67,424
Fund Balance Draw	628,540
Freeze Step Increases	96,425
Decrease Overtime	-
Decrease Training	-
Decrease Community Contributions	46,150
Delete Uniform Cleaning	-
Decrease Employee Recognition	-
Civic Center/Recreation Director	(52,500)
<u>Vacant Positions Not to be Filled</u>	
Planner	
Bldg Inspect Admin Tech	
Bldg Mntc Tech	
Solid Waste SR Worker	
Grounds PSW	
Mowing PSW	
Recreation PT Office Asst	
Athletic Programming Asst	
Parks PSW	
Library Svcs Tech	
Garbage Solid Waste Worker	
(2) Civic Center Sales Asst	
Civic Center Event Services Supervisor	505,437
Garbage/Recycling Operating Decrease: Tier 2	200,000
Revised Estimated Rev < Appropriations	<u> -</u>

ORDINANCE 2009-55

Amending Use of Lodging Tax Proceeds

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

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

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

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

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

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

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

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

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

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

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

John Lake, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE NO. 2009-56

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

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

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

John Lake
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

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

ANNEXATION

EXHIBIT "A"

LEGAL DESCRIPTION:

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

REFERENCE: ITALIAN SETTLEMENT BUSINESS PARK

REVISION DATE: AUGUST 21, 2009

ORDINANCE 2009-57

**General Fund Appropriation
County Road 13 SRTS Sidewalk Grant**

WHEREAS, the Fiscal Year 2010 budget is being considered; and

WHEREAS, the City Council finds it necessary to consider an appropriation prior to the adoption of the Fiscal Year 2010 budget; and

WHEREAS, the City has received a Safe Route to School (SRTS) sidewalk grant from ALDOT and total project cost will be \$170,250; and

WHEREAS, fees for engineering services need to be approved; and

WHEREAS, such engineering fees total \$ 22,000.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include an appropriation in the amount of \$ 22,000 for engineering services for the SRTS Grant County Road 13 Sidewalk Project.

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

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

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2009-58

Civic Center Roof Repairs Appropriation

WHEREAS, the Fiscal Year 2010 budget is being considered; and

WHEREAS, the City Council finds it necessary to consider an appropriation prior to the adoption of the Fiscal Year 2010 budget; and

WHEREAS, certain improvements and repairs are needed at the Civic Center to maintain and protect the existing roof structure.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$ 59,400 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2010 budget for the repair and maintenance of the Civic Center Roof.

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

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

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE NO. 2009-59

An Ordinance setting forth the authorization of certain City Officials as designated signatories on various accounts of the City of Daphne, Alabama.

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

SECTION 1: The following Officers of the City of Daphne, Alabama, be and hereby are officially designated as the appropriate and authorized signatories on the various City accounts of the City of Daphne, Alabama:

Mayor	Fred Small
Treasurer/Finance Director	Kimberly Briley
Council President	August A. Palumbo
Council President-Pro Tem	Cathy Barnette

SECTION 2: All checks, drafts, and all other financial transfers shall be signed by two (2) of the above-designated signatories.

SECTION 3: Any ordinance or resolution previously adopted which in any way conflicts with this Ordinance is hereby deemed repealed in its entirety with the exclusion of Resolution 2007-67 which prescribes signatories for the Confiscated Funds account.

SECTION 4: The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remaining parts.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, THIS _____ day of _____, 2009.

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

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC