

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 15, 2010
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

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

- 3. APPROVE MINUTES:** Council meeting minutes / November 1, 2010
Council Work Session minutes / November 8, 2010

PRESENTATION: Mr. Scott Hunter / James & Associates / Investments

PRESENTATION: Kellie Myers / Arthritis Foundation

DISCUSSION: I-10 Service Road on north side of I-10

MOTION: Set Work Session Date

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review Special meeting minutes / November 1st
Review minutes / November 8th

1.) Ordinances:

- a.) Hwy 98 Median Engineering/Agreement with ALDOT / **Ordinance 2010-68**

2.) Resolutions / Bid Awards:

- a.) Daphne Fire Department Training Facility / **Resolution 2010-99**
b.) Civic Center Electronic Signage / **Resolution 2010-100**
c.) Cellular Phones/800 MHZ Equipment / **Resolution 2010-101**
d.) Trione Sports Complex Concessions / **Resolution 2010-102**

3.) Other Resolutions:

- a.) US EPA STAG Grant: Stormwater Structure & Inventory / **Resolution 2010-107**
b.) Changing Investment Manager & Allocating Additional Funds for Investment /
Resolution 2010-108
c.) Declare City Property Surplus / **Resolution 2010-109**

4.) Financial Reports:

- a.) Treasurers Report / October 31, 2010
b.) Sales & Use Tax Collections / September 30, 2010
c.) Lodging Tax Collections / September 30, 2010

5.) MOTIONS:

- a.) To authorize the Mayor and Finance Director to work with Gardnyr Michael Capital, and Hand Arendall (legal counsel) to move forward with the restructuring and refunding of the 2002 Warrants

B. BUILDINGS & PROPERTY - Lake

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

- a.) Highway 98 / Whispering Pines Road

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Yelding

D. Library Board – Lake

E. Planning Commission – Barnette

Review minutes / September 23rd

- 1.) Set a Public Hearing date for **December 20, 2010** to consider:

- a.) **Rezone:** Big Sandy / 0.72 acres

Located: Southeast of the intersection of U.S. Highway 98 and Johnson Road

Present Zoning: B-2, General Business

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unanimous Favorable

- b.) **Rezone:** TDG Lake Forest, LLC / 2.92 acres & 3.39 acres

Located: Southeast of Van Buren Street and North Main Street

Present Zoning: B-1, Local Business and R-3, High Density Single Family Residential District

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unfavorable / Six members present / Five members voted in the affirmative and one dissented. A supermajority is required for a favorable recommendation

F. Recreation Board – Reese

G. Utility Board - Scott

Review minutes / August 25th

Review minutes / September 29th

6. REPORTS OF OFFICERS:

A. Mayor's Report

- 1.) Parade Permit / Apollo's Mystic Ladies / Mardi Gras / February 25, 2011 / Rain Date March3, 2011

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: Daphne Fire Department Training Facility /
Ladas Construction. /Resolution 2010-99
- b.) Bid Award: Civic Center Electronic Signage/Modern Signs. /Resolution 2010-100
- c.) Bid Award: Cellular Telephones/800 MHZ Equipment /
Sprint Solutions, Inc. /Resolution 2010-101
- d.) Street Acceptance: Dunmore Subdivision, Phase Two, Part A /
Fion Loop. /Resolution 2010-102
- e.) Bid Award: Trione Sports Complex Concessions & Bathroom
Facilities. /Resolution 2010-103
- f.) EPA STAG Grant: Storm Water Structure Inventory Database. /Resolution 2010-104
- g.) Investment Account Manager & Additional Investment. /Resolution 2010-105
- h.) Declaring Certain Property Surplus & Authorize the Mayor
to Dispose of Such Property. /Resolution 2010-106

ORDINANCES:

1ST READ

- a.) Amending Ordinance 2010-56 / Animal Control /Ordinance 2010-67
- b.) Hwy 98 Median Engineering/Agreement with ALDOT. /Ordinance 2010-68

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

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

**NOVEMBER 1, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Lake.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Tonja Young, Library Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Richard Merchant, Building Official; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; David Carpenter, Police Chief; Vickie Hinman, Human Resource Director; Suzanne Henson, Senior Accountant; Jane Robbins, Mayor's Assistant; Lt. Kenny Hempfleng, Police Department; Scott Hutchinson, City Engineer; Al Guarisco, Village Point Foundation; Willie Robison, BZA; Dorothy Morrison, Beautification Committee; Tomasina Werner, Beautification Committee; Pfil Hunt, Gardnyr Michael Capital.

Absent: Kim Briley, Finance Director;

3. APPROVE MINUTES

MOTION BY Councilman Yelding to approve the October 18, 2010 council meeting minutes. Secoded by Councilman Boulware.

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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PROCLAMATION: America Recycles Day / November 15, 2010

Council President Barnette read and presented the proclamation to the Public Works Director Mr. Richard Johnson.

PRESENTATION: Mr. Bill McWhorter / Mobile Bay Tarpons

Mr. McWhorter announced that Arena Football has come to Mobile with the Mobile Bay Tarpons, and he is the head coach of the team. It has been in formation for 14 months. The games will start in the spring, and will be affordable family entertainment.

PRESENTATION: Mr. Pfil Hunt / Gardnyr Michael Capital / Bond Information.

Mr. Hunt presented the information that council requested at the October 4, 2010 council meeting. He handed the information out to council for their review. (*Information is spread out upon these minutes*)He gave a summary of the contents.

NOVEMBER 1, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

2

Councilman Scott suggested that this be sent to the Finance Committee meeting, which is next Monday, for review.

Council President Barnette stated that the information will be sent to the committee for the next meeting.

PUBLIC HEARING: Revisions to Zoning Map

Mrs. Adrienne Jones gave the presentation. She reported that there were several edits made to the map to correct errors: Changes were made to the property on Lawson and Highway 13 on the map it shows the zone as B-2, and it is actually zoned B-1; in Bellaton subdivision there was a piece of property showing an R-4 zoning, and it is actually R-3; and the third change is changing the color of the golf courses, they had them shown as golf courses on the legend, and they have been adjusted to show the actual zoning. TimberCreek is B-2, and Lake Forest is R-3.

Council President Barnette opened the Public Hearing at 6:55 p.m.

No one spoke for or against the proposed revisions to the zoning map.

Council Barnette closed the Public Hearing at 6:56 p.m.

Councilman Palumbo was concerned about the changing of the color of the golf courses on the zoning map.

Council President Barnette stated that she will put this on the December work session agenda.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

Councilman Boulware stated that there was a special called Finance Committee meeting before the council meeting to discuss one item that is on the agenda, and that is awarding the bid for the Football/Soccer Sports Lighting project at Trione Sports Complex to Bill Smith Electric in the amount of \$402,755. The Finance Committee gave this a favorable recommendation. The next meeting will be November 8th at 4:00 p.m. in the Executive Conference room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met this evening, and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE –

The minutes for the August 11th, September 8th and October 13th meeting are in the packet. The next meeting will be next Wednesday at 4:30 p.m.

**NOVEMBER 1, 2010
CITY COUNCIL MEETING
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3

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The committee will meet next Wednesday, November 10th. There is one item on the agenda tonight for a second read which is the “No Texting While Driving” ordinance.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report. The next meeting will be November 15th at 5:00 p.m. before the council meeting. He reminded council to sign the recycling commitment cards.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

No meeting for November.

B. Downtown Redevelopment Authority – Barnette

The minutes for the October 25th meeting are in the packet. The next meeting will be November 22nd at 5:15 p.m.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

The next meeting will be November 4th.

MOTION BY Councilman Lake to re-appoint Jan Blankenhorn to the Library Board for a term of four (4) years / Term to end September 30, 2014. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

E. Planning Commission – Barnette

MOTION BY Councilman Yelding to set a Public Hearing date for December 6, 2010 to consider:

1. Amending the Land Use Ordinance / Table of Permitted Uses / For the designation of a convenience store by right in a B-1, Local Business District as a use allowed upon Planning Commission Approval.

Seconded by Councilman Scott.

MOTION BY Councilman Yelding to amend the motion to add:

2. Amending the Land Use Ordinance / Table of Permitted Uses / Add a bowling alley and Entertainment Center as a use allowed upon Planning Commission approval in a B-1, Local Business District.

Seconded by Councilman Scott.

VOTE ON AMENDMENT

ROLL CALL VOTE

Yelding	Aye	Boulware	Nay
Lake	Nay	Palumbo	Nay
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE Yelding, Reese, Scott, Barnette

NAY Lake, Boulware, Palumbo

MOTION CARRIED

VOTE ON ORIGINAL MOTION

Councilman Palumbo asked for a Roll Call Vote.

ROLL CALL VOTE

Yelding	Aye	Boulware	Nay
Lake	Nay	Palumbo	Nay
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE Yelding, Reese, Scott, Barnette

NAY Lake, Boulware, Palumbo

MOTION CARRIED

F. Recreation Board – Reese

The minutes are in the packet. The next meeting will be next Wednesday at 6:00 p.m.

G. Utility Board – Scott

The next meeting will be the Wednesday in the council chambers at 5:00 p.m. This meeting will be for October, and the meeting for November will be the last Wednesday of the month.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

Mayor Small announced that there will be a Pep Rally for the Daphne High School Trojans Thursday beginning at 7:00 p.m. outside of City Hall. He invited all to come out and support the Trojans. The playoff game is Friday at 7:00 p.m.

B. City Attorney Report

Mr. Ross asked council to call an Executive Session at the end of the meeting. It should not last more than 10 minutes.

C. Department Head Comments

Adrienne Jones – Planning Director – reported to council that they did not receive the Tiger II Planning grant.

David McKelroy – Recreation Director - reported that there will be a Caregivers Conference Thursday at the Senior Center, and Friday, November 5th is the first round playoff game at Daphne High School where they will be playing Blount. Saturday, November 6th Baldwin County Youth football at Trione Sports Complex, and Saturday, November 13th will be the Baldwin County Youth football playoffs at Trione, and Monday November 15th Daphne High School Basketball begins.

Margaret Thigpen – Civic Center Director – reported that the General Election is tomorrow, and Friday is Ballroom Dance, and tickets are available.

Richard Johnson, Public Works Director – reminded everyone to recycle.

7. PUBLIC PARTICIPATION

Ms. Jasmine Lee – Miss Alabama Jr. Teen Queen for National American Miss – spoke regarding the “No Texting While Driving” ordinance.

Mr. Kevin Spriggs – Owner Eastern Shore Motel - spoke against back loading warrants. He also spoke against spending money for an electronic sign for the Civic Center.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

a.) Bid Award: Soccer/Football Sports Lighting Project /
Trione Sports Complex / Bill Smith Electric /Resolution 2010-98

b.) Bid Award: Daphne Fire Department Training Facility /
Ladas Construction /Resolution 2010-99

MOTION BY Councilman Palumbo to waive the reading of Resolution 2010-98. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Resolution 2010-98. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to suspend the rules to consider Resolution 2010-99. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Nay
Lake	Nay	Palumbo	Nay
Reese	Nay	Barnette	Aye
Scott	Aye		

AYE Yelding, Scott, Barnette NAY Lake, Reese, Boulware, Palumbo

MOTION FAILED

ORDINANCES:

1ST READ

- a.) Annexation: Richard S. Higbee Property/Ordinance 2010-60
- b.) Rezone: A & B-10, LLC Property/Ordinance 2010-61
- c.) Appropriation of Funds: Capital Reserve Fund: Whispering Pines Road:
US Hwy 98 to Pollard Road / Alt #1/Ordinance 2010-62
- d.) Appropriation of Funds: Capital Reserve Fund: Fiscal 2011 Road
Improvements Engineering/Ordinance 2010-63
- e.) Appropriation of Funds / General Fund: Sehoj Subdivision /
Claiborne Circle Drainage Project...../Ordinance 2010-64
- f.) Restrict Use of Wireless Communication Devices While Driving. /Ordinance 2010-65

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-60. *Seconded by Councilman Yelding.*

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

MOTION BY Councilman Scott to adopt Ordinance 2010-60. *Seconded by Councilman Yelding.*

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

MOTION BY Councilman Lake to waive the reading of Ordinance 2010-61. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Scott to adopt Ordinance 2010-61. *Seconded by Councilman Yelding.*

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

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-62. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2010-62. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-63. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2010-63. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-64. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2010-64. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to waive the reading of Ordinance 2010-65. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2010-65. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2010-66 WAS MADE A FIRST READ.

8. COUNCIL COMMENTS

Councilman Yelding commended Council President Barnette on a job well done.

Councilman Lake encouraged everyone to vote.

Councilman Boulware also commended Council President Barnette on her first night as Council President saying she did a great job. He also encouraged everyone to vote.

Councilman Palumbo mentioned to Ms. Lee that she can get a copy of the “No Texting While Driving” ordinance from the City Clerk after the meeting, and he said that he appreciated her work on behalf of her peers. He encouraged everyone to vote. He commented on the general theory of bonds saying it sounds nice to pay as you go, but if everyone paid as you go in their personal life everyone would be living in tar paper shacks. No one would have homes or mortgages, no one would be driving nice cars, everybody would be driving “beaters”. There is a full faith and credit in this city, and this council and mayor have worked very hard for the bond rating that the city enjoys. This is rough figures, but when you could earn two percent (2%), and you only pay three percent (3%) it doesn’t make sense to take your cash out of the bank. The last thing is that he was remiss at the last meeting when he was Council President to thank his fellow council members for all the cooperation that he had as Council President, and to thank the mayor for working with him, and they had a good working relationship and communication. They don’t always agree on things as council members nor with the mayor, but the fact is they get the job done, and they still have a good working relationship. He wanted to thank everyone.

Councilwoman Barnette reminded the department heads that the City Clerk has sent out a revised deadline for the council packet next week, because of the way that Veterans Day falls. Council will adhere to the revised deadline. She asked everyone to get their items in on time. She said that Mr. Palumbo did a great job in keeping with the deadline and following council’s rules. She would like to uphold his hard work on that so she asked department heads to get their information to Mr. Cohen as soon as possible meeting the deadline. She asked Chief White to tell the Volunteer Fire Department, and help them understand that it is not a lack of desire for the Fire Department Training Facility, and that they fully appreciate the work that they do, but it turned out to be bad timing for the suspension of the rules for tonight. It will be on the next meeting, and hopefully, move forward. She said that the Fire Department that could conceivably serve Districts #1 and #2 is lacking within the City of Daphne. They have heard the claims and the problems responding to fires, so it is certainly well needed, and she has felt it was important for the last few years. The Volunteer Fire Department has put out their appeal for the upcoming support, and they can see that close to \$700,000 may go to a training facility. She encouraged all those who are not to become supporters of the Volunteer Fire Department. The last thing is that they will discuss the Planning and golf course map, and how they can all get on the same page as to how the Planning Commission works, and why there is a need to modify this to put in a golf course zone, but not adapt the table of uses, and how they can put all those items together, and roll up their sleeves so they are all working from the place.

10. ADJOURN

MOTION BY Councilman Scott to adjourn into Executive Session to discuss pending litigation, and a sensitive employee matter which should last 10 minutes. *Seconded by Councilman Reese.*

The City Attorney certified that the reasons stated were permissible under the Open Meeting Act.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 8:15 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy Barnette,
Council President

NOVEMBER 8, 2010
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

COUNCIL MEMBERS PRESENT: Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware.

ABSENT: Bailey Yelding; August Palumbo.

Also present: Mayor Small David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Richard Johnson, Public Works Director; James White, Fire Chief; Richard Merchant, Building Official; Margaret Thigpen; Tonja Young, Library Director; David McKelroy, Recreation Director; David Carpenter, Police Department; Vickie Hinman, Human Resource Director; Suzanne Henson, Senior Accountant; Captain Scott Taylor, Police Department; Ed Kirby, Planning Commission.

Council President Barnette called the meeting to order at 6:34 p.m.

1. FY 2011 BUDGET

Suggestion from council was to cut \$500,000, trimmed or reallocated, from the budget. Council suggested the following to find the money:

1. A total hiring freeze / Get a summary of the last three (3) years of the attrition, and how a total freeze affected the budget. HR will also need to work with Department Heads to develop employee attrition plan.
2. Clarification of pilot fees, and impact to proposed revenues
3. Mayor to review list of encumbrances, and make recommendations on what might be released.

Council will set another date for a work session in a couple of weeks to review suggestions, and have the budget ready for the first meeting in December.

2. ADJOURN

There being no further business to discuss the meeting adjourned at 7:45 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Cathy S. Barnette,
Council President

Becky

Presentation

From: Kellie Myers <kelliesmyers@yahoo.com>
Sent: Wednesday, November 10, 2010 11:27 AM
To: becky hayes
Subject: Arthritis Foundation

Good Morning Becky,

I would like to be on the agenda for the next council meeting to request support and permission for the 2010 Jingle Bell Run/Walk for Arthritis in the following ways:

1. Permission to use the lawn of City Hall for the event
2. Permission to run power from City Hall for the music (dj) and inflatables in the children's area
3. Permission to cook and serve food and beverage on site
4. Permission to have beer at the event pending the AF meeting the new requirements
5. Permission to have port-o-lets (sp?) at the event
6. Permission to have signage along the race route and around the event- yard signs
7. Permission to have music and announcements provided by a DJ
8. Permission to have a healthfair set up at the event

Please let me know if I have left out anything or overlooked anything that might be of concern. Thank you for all of your help.

Kellie Myers

Development and Services Director

Gulf Coast Branch

Arthritis Foundation, Southeast Region

1011 Hillcrest Road

Mobile, Alabama 36695

Tel: 251-639-9722 Fax: 251-639-9695

www.arthritis.org (keyword: Alabama)

Arthritis Hurts: Help us find a cure for

the 1.2 million Alabamians with arthritis

Join us for the 2010 Jingle Bell Run/Walk for Arthritis on December 4th!

www.2010jbrgulfcoast.kintera.org

City of Daphne

RESOLUTION 2010-37

Withdrawal of Support for Proposed North I-10 Service Road

WHEREAS, on January 7, 2007 the City Council of Daphne passed Resolution 2007-02 in support of a service road north of I-10 which adjoins TimberCreek Subdivision; and

WHEREAS, the resolution supported the road on the sole basis, and for the sole reason, to facilitate the construction of a hospital in that vicinity; and

WHEREAS, the option to purchase property by the hospital has expired with no further intention to construct said hospital; and

WHEREAS, the construction of a service road is not a benefit to the City of Daphne, and in fact, a detriment to the residents of Timber Creek subdivision; and

WHEREAS, the millions of dollars needed to construct a service road can be better spent on road projects in other areas of the city; and

WHEREAS, the service road would have a detrimental effect on the impaired watershed and add to the destruction of wetlands.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that support of the service road north of I-10 is hereby withdrawn.

APPROVED AND ADOPTED this _____ day of _____, 2010.

August A. Palumbo,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
SPECIAL FINANCE COMMITTEE MINUTES
November 1, 2010
5:30 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:30 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Senior Accountant Suz anne Henson, and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Mayor Fred Small, Public Works Director Richard Johnson, Fire Chief Bo White, Civic Center Director Margaret Thigpen, Fire Marshall Chip Martin, Recreation Director David McKelroy, Public Works Superintendent Melvin McCarley, and Building Maintenance Supervisor Frank Barnett.

II. PUBLIC PARTICIPATION

There was no public participation.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

Bids

1. 2011-A-DAPHNE FIRE DEPARTMENT TRAINING FACILITY

Ten bids were submitted, with one submitted late and therefore disqualified. The low bidder is Ladas Construction in the amount of \$629,000, and is recommended by WHLC Architecture and staff. Mr. McCarley discussed that this will be funded by the Volunteer Fire Department. Mr. McCarley discussed his concerns that this bid would not be discussed at the Council meeting following this Special Finance meeting.

Motion by Mr. Yelding to recommend Council adopt a resolution awarding bid 2011-A-DAPHNE FIRE DEPARTMENT TRAINING FACILITY to Ladas Construction in the amount of \$629,000. Seconded by Mr. Scott. Motion carried.

2. 2011-B-SOCCER / FOOTBALL SPORTS LIGHTING PROJECT – TRIONE SPORTS COMPLEX

Three bids were submitted, with the low bid being \$402,755 from Bill Smith Electric. HMR Engineering, the Daphne Recreation Board, and staff recommend the bid be awarded to them. Ms. Henson noted that this will initially be paid from the General Fund, to be repaid from monies designated for Parks from Lodging Tax revenues.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2011-B-SOCCER / FOOTBALL SPORTS LIGHTING PROJECT – TRIONE SPORTS COMPLEX to Bill Smith Electric in the amount of \$402,755. Seconded by Mr. Yelding. Motion carried.

3. 2011-C-CELLULAR PHONES / 800 MHZ EQUIPMENT

Four bid invitations were sent out, with four sealed bids received. The best overall coverage areas throughout the City, the lowest equipment installation cost, push-to-talk capabilities for all phones including smart phones, and competitive rate plans were considered in the bid tabulation. Mr. Scott discussed reception not being good in certain areas and asked if Sprint had discussed a future plan to increase coverage. Fire Marshall Chip Martin discussed that Sprint did discuss their plan to increase coverage in the area and noted that he had checked the coverage from each provider at different locations throughout the City, and Nextel/Sprint was the most consistent and they also met all of the other requirements in the specifications. Mr. Martin noted that push-to-talk capability and cell phone signal were both evaluated, and explained that push-to-talk is important for emergency response as well as the 800 Mhz equipment required in the specifications. Mr. Martin explained that the 800 Mhz equipment allows dispatch operators additional and faster access to officers when emergency calls are received.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2011-C-CELLULAR PHONES / 800 MHZ EQUIPMENT to Nextel / Sprint for cost as bid. Seconded by Mr. Yelding. Motion carried.

4. 2011-E-CIVIC CENTER ELECTRONIC SIGNAGE

Five bid invitations were sent out, with three sealed bids received. Staff recommends the low bid from Modern Signs in the amount of \$26,123 be accepted. Ms. Henson noted that \$44,755 has been encumbered for the Civic Center sign since 2005. The Mayor discussed that this sign will be installed in the existing brick wall in front of the Civic Center at the intersection of Hwy 98 and Whispering Pines Road. Mr. Scott discussed that he thinks the current sign ordinance needs to be addressed to allow businesses to advertise more also. Mr. McKelroy discussed that Recreation department has experienced lost revenues since banners are not used for advertisement of activities noting attendance and room rentals are down. Discussion continued on the need for Recreation and Library to be able to advertise activities as well.

Motion by Mr. Yelding to recommend Council adopt a resolution awarding bid 2011-E-CIVIC CENTER ELECTRONIC SIGNAGE to Modern Signs in the amount of \$26,123. Seconded by Mr. Scott. Motion carried.

IV. ADJOURN The meeting was adjourned at 5:56 p.m.

CITY OF DAPHNE, ALABAMA
2011-A-DAPHNE FIRE DEPARTMENT TRAINING FACILITY

October 11, 2010
 11:30AM

Attending: Brian Puckett, WHCL Architects
 Melvin McCarley, PW Superintendent & Volunteer Fire
 Suzanne Henson, Senior Accountant

LOCATION: Daphne City Hall

Bidders	Bid Bond / Check	Addendum No. 1	Base Bid Amount	Base Bid Adjustments	Net Bid Amount
Vance McCown Construction	Yes	X	686,636.00	(9,649.00)	676,987.00
Langenbach Construction	No	X	812,180.00		812,180.00
Youngblood/Barrett Construction	Yes		600,000.00	91,707.00	691,707.00
JC Duke & Assoc.	Yes	X	726,450.00	(13,410.00)	713,040.00
M. Lacy Contracting	Yes	X	810,000.00		810,000.00
Ladas Construction		X	650,000.00	(21,000.00)	629,000.00
Green & Simmons	Yes/check	X	899,000.00		899,000.00
E-J Builders		X	620,000.00	64,921.00	684,921.00
Beaufort Engineering			698,000.00		698,000.00
Suncoast Construction (Submitted @ 11:32AM)Late					-

DAPHNE FIRE DEPARTMENT

28280 NORTH MAIN STREET • PO BOX 400

DAPHNE, ALABAMA 36526-0400

BUSINESS OFFICE: (251) 621-2836

FAX: (251) 621-2833

JAMES "BO" WHITE, FIRE CHIEF



Established
1927

Established
1953

October 22, 2010
Kim Briley
Finance Director
City of Daphne

RE: Bid Recommendation

Dear Mrs. Briley,

The Daphne Fire Department has received a recommendation for bid award for the Daphne Fire Department Training Facility.

It is understood that it was the responsibility of the architectural project coordinator representing WHLC Architecture in Fairhope, AL to make a professional and educated recommendation based on reference checks as well as conformity to project specifications in addition to all defined bid laws.

It is my recommendation in concurrence with the architect project coordinator that the project bid as mentioned above be awarded to the lowest responsible and responsive bidder, Ladas Construction.

Sincerely,

A handwritten signature in cursive script that reads "James White".

James "Bo" White
Fire Chief

CC: Finance Committee



October 14th, 2010
Chief James White
Daphne Fire Department
Daphne, Alabama 36526

RE: Daphne Fire Department Training Facility

Dear Chief White,

We have reviewed the submitted bids with respect to the contract documents for this project.

Therefore, we recommend the contract be awarded to the lowest responsible and responsive bidder, **Ladas Construction**.

Should you have any questions please do not hesitate to contact our office.

Sincerely,

Brian Puckett
Project Coordinator
WHLC Architecture
Fairhope, Alabama

CC: Mayor Fred Small
Suzanne Henson



INVOICE FOR ARCHITECTURAL SERVICES

Date	October 15, 2010	Invoice No 1
Client	Suzanne Henson Sr. Accountant City of Daphne P. O. Box 400 Daphne, AL 36526	
Project Period	Daphne Fire Training Facility Through 09/29/10	Project No. 08-022

Fee Basis

Services	Percent	Fee	Complete	Earned
Construction Documents	100%	15,000.00	100%	15,000.00
Architectural Fee Earned to Date				15,000.00
Previously Invoiced Labor				0.00
Total Labor Due				<u>15,000.00</u>

Consultant Expense	
None	0.00

Reimbursable Expense	
Post net	14.75
Ridgways	1,032.77
In House Plots - B/W (see attached logs)	0.00
Total Reimbursable Costs	<u>1,047.52</u>

AMOUNT DUE THIS INVOICE	<u><u>\$16,047.52</u></u>
--------------------------------	---------------------------

Previous Balance	
Paid to Date	
TOTAL DUE	Due Date: 10/30/2010
	\$ 16,047.52

Remit to:
WHLC Architecture
409 Johnson Ave.
Fairhope, AL 36532

Suzanne

Subject: FW: Bid Document # please

From: Barbara Garner [mailto:barbara@hmreengineers.com]

Sent: Wednesday, September 22, 2010 1:38 PM

To: henson:

Subject: RE: Bid Document # please

Suzanne, the cost estimate is

Dayfour Design - \$11,740.00

MR fee for bids and recommendation - \$2,500

Barbara Garner

Hutchinson, Moore & Rauch, LLC

O. Box 1127

Opal, AL 36526

Phone: 251.626.2626

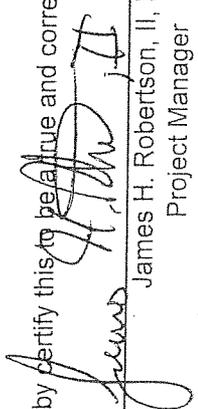
Fax: 251.626.6934

**BID DOCUMENT NO.: 2011-B-SOCCER/FOOTBALL SPORTS LIGHTING PROJECT
TRIONE SPORTS COMPLEX
OCTOBER 13, 2010**

ITEM#		DESCRIPTION	UNIT	QTY	BIDDER #1		BIDDER #2		BIDDER #3	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CONTRACT PRICE	LS	1		402,755.00		463,950.00			527,589.50
2	TOTAL 25-YEAR OPERATING COST	LS	1		146,390.00		146,390.00			146,390.00
TOTAL AMOUNT					\$ 549,145.00		\$ 610,340.00			\$ 673,97

Hutchinson, Moore & Rauch, LLC
Engineers ♦ Surveyors ♦ Land Planners

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


James H. Robertson, II, P.E.
Project Manager
Hutchinson, Moore & Rauch, LLC

Fred Small
Mayor
David McKelroy
Parks & Recreation
Director



The Jubilee City

Chris Bradford
Parks Maintenance Supervisor

Mary Jensen
Seniors Program Coordinator

Recreation Programs Coordinator

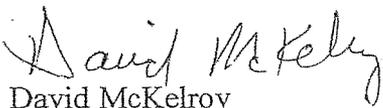
Charlie McDavid
Athletic Coordinator

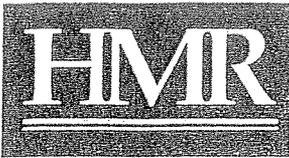
October 18, 2010

Finance Committee
City of Daphne

RE: Bid Document No.: 2011-B-Soccer/Football Sports Lighting Project
Trione Sports Complex

It is the unanimous recommendation of the Daphne Recreation Board and the Parks and Recreation Director that the bid be awarded to Bill Smith Electric for the low bid of \$402,755.00.


David McKelroy
Parks & Recreation Director



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

October 14, 2010

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

RE: Bid Document No.: 2011-B-Soccer/Football Sports Lighting Project
Trione Sports Complex

Dear Mayor Small:

Enclosed is the Tabulation of Bids received October 13, 2010 for the subject project.

We recommend that you award the Contract to Bill Smith Electric at their submitted lowest bid of \$402,755.00.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

James H. Robertson, II, P.E.
Project Manager

\blg

c: David McElroy
Richard Johnson

D250013293110.322

"DRAFT"

**City of Daphne Recreation Board
2605 Hwy 98
Daphne, AL. 36526
October 13, 2010**

Members Present: Chairman Eric Smith, Matt Cunningham, Kit Smith, Doug Dugat, Jan Mitemmeyer

Members Absent: Rick Cleveland and John Peterson

Advisory Staff Present: Councilman Kelly Reese and David McKelroy, Parks & Recreation Director

Call to Order

Eric Smith called the meeting to order at 6:30pm.

Review and Approval of Minutes

Motion was made by Kit Smith and seconded by Doug Dugat to approve the August 11, 2010 minutes. Motion passed.

Public Participation

None

Program Reports

Athletics – Charlie McDavid presented information regarding youth soccer and football.
Senior Adults – Mary Jensen presented information on senior participation and programs.
Community Activities – Information was provided on upcoming events: Brown Bag by the Bay is at Mayday, Sunset Concert at Mayday on October 24 and Christmas Parade and Tree Lighting on December 3.

Old Business

1. Trione Sports Complex Update
 - a. Lighting Project – Bids for the lighting were opened on October 13, 2010. Three bids were received, with Bill Smith Electric having the lowest bid at \$402,755. The Board recommended that the low bid from Bill Smith Electric be accepted providing the bid meets with the approval of HMR and BayFour Design. It was further recommended that a change order be developed for the addition of the Control Link retrofit for the existing Softball and Soccer fields. This will allow all fields at Trione Sports Complex to be controlled via computer or telephone.

CITY OF DAPHNE
INTERNAL MEMO

DATE: OCTOBER 20, 2010

TO: KIMBERLY BRILEY, FINANCE DIRECTOR

RE: 2011-C-CELLULAR PHONES/800 MHZ EQUIPMENT

FROM: DEPARTMENT HEADS: CHIEF WHITE/*Chip* MARTIN, FD / CHIEF
CARPENTER, PD / RICHARD MERCHANT, BI / RICHARD JOHNSON, PW
JD *R. Johnson*

Capt. Danny Bell

The cellular telephone bid submittals were reviewed and the bid was recommended to be awarded to Sprint/Nextel. The bid minute tabulation is attached showing Sprint/Nextel to have the best overall coverage area throughout the City, the lowest equipment installation cost, they provide push to talk on all phones and competitive rate plans .

CITY OF DAPHNE
BID OPENING MINUTES
BID DOCUMENT NO: 2011-C-CELLULAR TELEPHONES/RADIO EQUIPMENT
OCTOBER 9, 2011 @ 11:30A.M. @ CITY HALL

Those present were as follows:
 Suzanne Henson Sr. Accountant
 Melvin McCarley PW Superintendent
 Joey Holasz Fire Department

4 bid invitations were mailed/picked up. 4 sealed bids were received.
 Melvin McCarley opened the bids presented and the bids were read aloud as follows:

Name of Plan	Plan Description	CELLULAR SOUTH		SOUTHERN JUNG		NEXTEL/SPRINT		VERIZON	
		Exceptions/Comments	Cost	Exceptions/Comments	Cost	Exceptions/Comments	Cost	Exceptions/Comments	Cost
PLAN #1	Unlimited State Wide Two Way Radio only	Not Available	\$20.00			18.00			\$24.99
PLAN #2	400 Cell Mins, Unlimited State Wide Two Way Radio, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	AdHf fees included	\$38.66			\$29.99			\$34.99
PLAN #3	500 Cell Mins, Unlimited State Wide Two Way Radio, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	Includes 700 Minutes/ AdHf fees included	\$59.15			N/A			\$47.99
PLAN #4	800 (or greater-list # minutes in plan) Cell Mins, Unlimited State Wide Two Way Radio, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	Includes 1400 Minutes/ AdHf fees included	\$79.64			1,000 Minutes			\$59.99
PLAN #5	400 Anytime Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends, Voicemail, Caller ID.	Includes AdHf fees	\$32.14			\$29.99			\$28.34
PLAN #6	Free Incoming 300 Anytime Cell Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends, Voicemail, Caller ID.	Not Available	\$45.00			min plan + \$5/month-see options- \$29.99+ \$5			\$29.99
PLAN #7	Free Incoming 500 Anytime Cell Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends, Voicemail, Caller ID.	Not Available	\$45.00			min plan + \$5/month-see options- \$49.99+ \$5			\$42.99
PLAN #8	Unlimited Blackberry Service, Unlimited Incoming Cellular Minutes, 300 Outgoing Cellular Minutes, Unlimited Nationwide Two Way Radio Minutes, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	Not Available	\$45.00			min plan + \$5/month-see options- \$49.99+ \$5			\$54.99
PLAN #9	POLICE/Public Safety Plan/Special Governmental plan (list details)	Push to Talk not avail on Smart Phones	\$45.00			500 Min Plan - Not Available			\$49.99
PLAN #10	Text Messaging * Nationwide Direct Connect (List if included in plan or additional cost if added) * List additional options in plan if not listed above * Additional plans may be submitted on a separate page Broadband Air Cards for laptop computers	Unlimited Text Messaging Unlimited Push to Talk	\$9.99 \$4.99			\$3/unl per month			\$0.75/call
* NOTE:				150 messages-\$3.99 500 messages-\$6.99 Overage \$.10/msg					\$10.00
PLAN #11		500 MG 5GB	\$41.40 \$61.40			Included in Plan			
Options:		No "Free Incoming" Minute plans available		Not Available		Add on: Unlimited incoming calls			
New Equipment Annually		Not Available		Not Available					
Booster Equipment Installed in Buildings		Not Available		Not Available					
800 Mhz Equipment installed at PD		Not Available		Not Available					

Plan	Comments	Cost	Notes
PLAN #10	Text Messaging	\$9.99	Will install boosters up to \$28,000 value of equip/install cost
PLAN #10	Text Messaging	\$4.99	Will install boosters up to \$28,000 value of equip/install cost
PLAN #11	500 MG	\$41.40	Already installed
PLAN #11	5GB	\$61.40	Already installed
Options	No "Free Incoming" Minute plans available		

Name of Plan	Plan Description	Exceptions/Comments	Cost
		VERIZON	

Name of Plan	Plan Description	Exceptions/Comments	Cost
		NEXTEL/SPRINT	

Name of Plan	Plan Description	Exceptions/Comments	Cost
		SOUTHERN	

Name of Plan	Plan Description	Exceptions/Comments	Cost
		CELLULAR SOUTH	

Name of Plan	Plan Description	Exceptions/Comments	Cost
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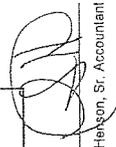
DEVICE OR EQUIP

EACH
HTC Desire (Android) 6275- \$149.99-requires 2 Yr Plan
Blackberry 8530 - \$49.99- requires 2 yr Plan
Motorola Quantico W845- \$99.99-Requires 2 Yr

EACH
1410 Protable incl batt & wall charger-no cost w/activation
1576 Protable incl batt & wall charger-no cost w/activation
1365 Protable incl batt & wall charger-no cost w/activation
1290 Protable incl batt & wall charger-no cost w/activation

EACH
Phones free at contract renewal - phone value below
\$
Blackberry 8350i - no cost at renewal (value-\$99.99)
Motorola 1557 - no cost at renewal- (value-\$69.99)
Motorola 1335 --no cost at renewal- (value-\$29.99)

EACH
Motorola Barrage V860 - \$0 (Disc \$79.99)
Blackberry bold 9650 - \$0 (disc \$99.99)
Casio G'zOne Rock - \$0 (Disc \$129.99)


Suzanne Henson, Sr. Accountant

CITY OF DAPHNE
2011-E-CIVIC CENTER ELECTRONIC SIGNAGE
OCTOBER 20, 2010
11:30AM

PRESENT WERE:

SUZANNE HENSON
MARGARET THIGPEN
FRANK BARNETTE

TITLE SENIOR ACCOUNTANT
TITLE CIVIC CENTER DIRECTOR
TITLE BUILDING MAINTENANCE SUPERVISOR

5 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 3 SEALED BIDS WERE RECEIVED.

FRANK OPENED THE BIDS PRESENTED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

<u>VENDER</u>	<u>AMOUNT</u>
MODERN SIGNS	26,123.00
CR SIGNS	28,200.00
MTCHELL SIGNS	31,602.00

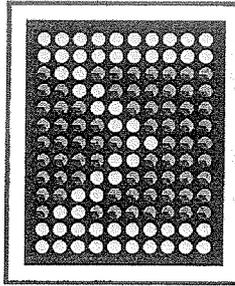


SUZANNE HENSON, SR. ACCOUNTANT

INTEROFFICE MEMORANDUM

TO: KIM BRILEY, FINANCE DEPARTMENT
FROM: MARGARET THIGPEN, CIVIC CENTER DIRECTOR
SUBJECT: ELECTRONIC SIGN
DATE: 10/27/2010

Out of the 3 bids received, I recommend that we award the bid to Modern Signs as bid. Modern Signs is the low bid however Frank has confirmed the sign manufacturer, Daktronics, the company that demonstrated a sign to the City in the beginning and Modern Signs is going to extend the warranty period to a full five years on parts and five years on labor. In light of this extension, it has been suggested that this warranty be written into the contract.



**MODERN
SIGNS**
VISUAL MEDIA

Phone: 251-209-5680 Fax: 251-880-2230
Email: rarmstrong@gulfnet.com
PO. Box 874 Orange Beach, AL 36561

Project Information

Client City of Daphne
Location Daphne Civic Center

File _____

Scale None

Date / Description

5/15/2010

Manufacture one single faced
routed aluminum sign.
Furnish one single faced RGB
Electronic Message Center

Client Approval

This an original unpublished drawing created by Modern Signs, LLC and is submitted for your personal use in connection with the project being presented. For the purpose of this project, the design is not to be reproduced, copied or exhibited in any form, in any medium, without the written consent of Modern Signs, LLC. All or part of this design (with the exception of registered trademarks) remain the property of Modern Signs, LLC, and is copyrighted material.

Approved Approved as Noted

Name _____

Date _____

Notes _____



**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
November 8, 2010
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:02 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson, and Accountant Donna Page.

Also in attendance were Mayor Fred Small, Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Recreation Director David McKelroy, Environmental Programs Manager Ashley Campbell, and Human Resources Payroll/Benefits Coordinator Sherree Hilburn.

II. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

Ms. Vickie Hinman, Human Resources Director, presented the Human Resources activity update. The Revenue Officer position has been re-advertised; references / background checks are being done for the Building Maintenance Technician and Public Service Worker (Grounds) positions; and there is a job opening for a Public Service Worker (Mowing).

The Safety Committee received 25 safety training textbooks for supervisors which will be kept in Human Resources for checkout by departments. This expenditure was the result of an approved reallocation of BP funds. A letter of support for the Certified Playground Inspector, Mr. David McKelroy, was sent to the Recreation Board.

Other Human Resources news includes attending an Affordable Care Act Conference on October 14. A new employee orientation was held on October 28, 2010. A meeting with Richard Buttenshaw with Alabama Municipal Insurance Corp (AMIC) on loss control was held on October 19. During 2009 / 2010, 56 injury claims were reported and 32 property damage / legal fee claims. AMIC has made advisory recommendations: (1) verify that roll over protection system and seatbelts be installed on all our zero turn mowers and (2) renters of the City's facilities will be required to purchase liability insurance for their events according to State law. Ms. Thigpen is researching insurance options for the event holders and one option found is an insurance policy purchased through Tenant User Liability Insurance Programs (TULIP) at an estimated cost of \$380 per event. Ms. Hinman noted that a meeting was held last week to discuss this and a report will be made to the Buildings and Properties Committee.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Appropriation Request

Highway 98 Median Improvements - \$48,500 (Contingent upon receiving agreement from ALDOT)

Mr. Steve Commander with Volkert, Inc. presented a map of the area of HWY 98 being discussed which included a concept plan and a historical accident report of the area. It was discussed that this is a safety issue. The Public Works Committee recommended that Task Agreement No. 12 for Final Construction Plans for Hwy 98 Median Improvements from Volkert & Associates, Inc. be approved. The engineering costs for the medians total \$48,500 and would be paid by the City. ALDOT will pay all construction costs, which are estimated at \$154,657.75.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$48,500 to Volkert & Associates for engineering costs for Task Agreement No. 12, for Hwy 98 Median Improvements, contingent upon receiving a commitment letter from ALDOT to fund 100% of construction cost. Seconded by Mr. Yelding. Motion carried.

B. Bids

2011-D-TRIONE SPORTS COMPLEX CONCESSIONS & BATHROOM FACILITIES

Thirty-three bid invitations were sent out, with eight sealed bids received. The low bidder is Thomas Construction for \$254,930. It was discussed that this will initially be paid from the general fund, and reimbursed from lodging tax proceeds according to Ordinance 2010-09.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2011-D-TRIONE SPORTS COMPLEX CONCESSIONS & BATHROOM FACILITES to Thomas Construction in the amount of \$254,930. Seconded by Mr. Yelding. Motion carried.

C. Discuss Refunding of Warrants

Mr. Larry Jackson with Gardnyr Michael Capital, Inc. was present to address any questions or concerns about the presentation at the last Council meeting on refunding the 2002 or 2003 warrants. Ms. Briley referenced the analysis that was presented at last month's Finance Committee meeting. Refunding the 2002 warrants will not "save" any money in the General Fund as this is the debt service that is paid by the Lodging Taxes. Discussion continued that the 2002 Warrants could be restructured with the refunding to allow for an earlier pay-off of the debt and therefore save more interest and retire the Lodging Tax debt sooner. The current maturity date is 2032. Ms. Briley also noted that at the present time, with the economy as it is, she would not advise the City to incur more debt to be paid by the General Fund. She expressed concerns that additional debt may affect the City's bond rating. Projections would need to be done to show how the debt service would be funded and with the present economy and budget constraints, the numbers would not look positive.

Motion by Mr. Scott to recommend Council restructure and refund the 2002 Warrants. Seconded by Mr. Yelding. Motion carried.

D. Discuss Investment Manager – Raymond James & Associates

Mr. Scott Hunter with Raymond James & Associates presented Eagle Asset Management for investment management for the City. He discussed the portfolio characteristics of U.S. Treasury and government agency bonds, including mortgage-backed securities. It was also noted that there is only a three-day liquidation requirement in case monies are needed. Ms. Briley noted that what the City can invest in is set by the Code of Alabama. She discussed that our current investment account balance is approximately \$900,000, but she would recommend the City add an additional \$2 million to it. Discussion was made that very little interest is paid on these monies currently.

Motion by Mr. Scott to recommend Council invest \$2.9 million with Raymond James & Associates Eagle Asset Management to be invested in government backed securities. Seconded by Mr. Yelding. Motion carried.

E. Declare City Property Surplus:

The following vehicle was presented for surplus:

<u>Dept</u>	<u>Tag/Veh#</u>	<u>Description</u>	<u>Vin # / Serial #</u>
Fire	500/866	2000 Ford Crown Vic	2FAFP71W44173413

Motion by Mr. Yelding to recommend Council adopt a resolution declaring the listed property surplus and authorizing the Mayor to dispose of such equipment. Seconded by Mr. Scott. Motion carried.

V. CURRENT BUSINESS

Stag Grant - \$248,319 (Cash & In-Kind Labor Match)

Ms. Ashley Campbell discussed the EPA Stag Grant for a Storm Water Structure Inventory Database. The Council has approved the original Stag Grant application be made, however no funds have been appropriated. The City of Fairhope has decided not to apply for their share, and the option has been given to Foley and Daphne to equally divide Fairhope's portion of \$367,880. This equates to an additional \$183,940 available to Daphne; \$101,167 Federal share and \$82,773 City share. Discussion continued that this would be valuable to the City and would also be used for other data sets such as street and bridge inventory, maintenance and inspections, paving history, signs, and other utilities, etc. The Committee members agreed that although this is a needed project, there is a limited amount of money available this year. There was no recommendation from the Finance Committee for this project. Discussion was made that this project would be brought before the full Council for review.

VI. FINANCIAL REPORTS

A. Treasurer's Report: October 31, 2010

The Treasurer's Report totaling \$19,424,148.43 was presented.

Motion by Mr. Scott to accept the Treasurer's Report as of October 31, 2010, in the amount of \$19,424,148.43. Seconded by Mr. Yelding. Motion carried.

B. Sales and Use Taxes: September 30, 2010

Sales and Use Tax Collected for September 2010	- \$ 841,035
Sales and Use Tax Budgeted for September 2010	- \$ <u>859,320</u>
Under Budget (for September)	- \$ (18,285)

YTD Budget Collections Variance – Over Budget - \$ 225,965

Ms. Briley noted that the total collected for FY 2010 is \$9,934,178.81 which is \$225,965.31 over budget, but down from FY 2009 collections by \$105,368.34.

C. Lodging Tax Collections, September 30, 2010

The Lodging Tax Collections report shows \$52,662.79 collected for September 2010 and \$643,461.54 collected for FY 2010.

D. Report: New Business Licenses – October 2010

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

E. Bills Paid Reports – October 2010

The October Bills Paid Report for FY 2010 was included in Packet #2 and the October Bills Paid Report for FY 2011 was included in Packet #2-A.

VII. ADJOURN The meeting was adjourned at 5:22 p.m.

Fred Small
Mayor
Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

The Jubilee City

November 4, 2010

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Jobs Announced	Apps Received	Status
Revenue Officer	Readvertised	10/29-11/12
Public Service Worker (Grounds)		References/Background
Building Maintenance Technician		Interviewing
PSW (Mowing)		Posting: 11/3 - 11/10

Safety Committee:

The committee received (25) safety training textbooks/workbooks for Supervisors (including an Instructor manual). The training books/DVD will be kept in Human Resources for checkout by departments. A letter of support for the Certified Playground Inspector, Mr. McKelroy, was reviewed by the committee and sent to the Recreation Board.

Next meeting will be November 17, 2010 at 8:15 a.m.

Human Resources Department News:

Affordable Care Act Conference – October 14
AMIC/Loss Control meeting Oct. 19 (see attached)
New Employee Orientation on October 28, 2010

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-30759 Fax: (251) 621-4506

Safety
Committee



The Jubilee City

**To: Recreation Board
Councilman Kelly Reese**

From: Safety Committee

Date: October 27, 2010

Re: Letter of Support

The City of Daphne's Safety Committee is providing this letter in support of the City's Certified Playground Inspector and Recreation Director, David McKelroy. Our playgrounds are a quality of life for our citizens and visitors within the City of Daphne. In the playground inspection report provided by Mr. McKelroy, several dangers were outlined and exposed. It is this Safety Committee's conclusion these findings are safety issues the City must address. The funds must be allocated to provide the necessary improvements required to meet playground regulations and prevent liability of the City. In addition, the Public Works Department will partner with the Recreation Department in assisting with manpower and equipment needed to provide the changes for the City playgrounds.



ALABAMA MUNICIPAL INSURANCE CORPORATION
MUNICIPAL WORKERS COMPENSATION FUND, INC.



Loss Control Division

October 25, 2010

Ms Sherree Hilburn, Payroll and Benefits Coordinator
City of Daphne
P.O. Box 400
Daphne, AL 36526

Dear Ms Hilburn:

It was a pleasure to meet with you and Vickie Hinman on my recent loss control visit. Thank you for taking the time to discuss loss information and various areas of loss control procedures regarding your operations. I hope that the information I left with you will be a helpful resource for your safety program.

I would like to take this opportunity to personally congratulate you and the City of Daphne on receiving a Silver Award in the 2009 Risk Management Awards. That shows a great ongoing commitment to safety. Well done.

We are now able to offer a limited selection of safety posters to our members and we reviewed our catalogue during our meeting. Please find enclosed the posters you selected.

Review of Losses for 2009/2010

Municipal Workers Compensation Fund

56 - Claims
\$104,030.58 - Total Incurred Claims Amount

Alabama Municipal Insurance Corporation

32 - Claims
\$40,422.03 - Total Incurred Claims Amount

Loss Control Survey

The purpose of this visit was to assist you in the development of your own loss control program. Based upon the observations made during this visit of facilities and discussions of policies and procedures, the following advisory recommendations are being submitted:

P.O. Box 1270 • 535 ADAMS AVENUE • MONTGOMERY, AL 36102
PHONE: (334) 262-2566 • FAX: (334) 262-2809

Ms Hilburn
October 25, 2010
Page 2

2010-1 Zero turn mowers can be dangerous when cutting on slopes or uneven terrain. Personnel using this type of mower would be better protected if the mower had a ROPS (roll over protection system) and they were wearing a seatbelt. ROPS combined with a properly worn seatbelt will significantly reduce the risk of being fatally injured in an overturn accident. I recommend that you check to see if your mowers need to be and can be retrofitted with a ROPS and seatbelt and do so if possible. Please keep in mind that a seatbelt should not be added unless the ROPS is installed.

2010-2 The City of Daphne has several facilities that you occasionally rent out to the public for functions such as family reunions, wedding receptions or birthday parties. I was delighted to hear that you already have some form of rental agreement that lays out the rules and responsibilities of renting these facilities but consideration should be given to requiring the tenant purchase liability insurance for such events. To help further explain the issues involved, please find enclosed a copy of an article from our recent newsletter about Tenant User Liability Insurance Programs (TULIP).

A Recommendation Response Form is enclosed. Please inform us as to your compliance with the recommendations on the form by entering a number (1-5) in the "Compliance Code No." column for each recommendation. Please do not leave any blanks. Comments are welcome, but not required. Please mail or fax the form back to this office within 30 days as to the actions taken or plans to comply with the recommendations. If you should have any questions regarding these recommendations, or if we may be of additional assistance, please contact me at (334) 262-2566.

Sincerely,

Richard Buttenshaw/dw

Richard Buttenshaw
Loss Control Representative

cc: Honorable Fred Small, Mayor
 John A. Robertson Insurance, Agent
 Mr. Steve Wells, President, AMIC
 Mr. Steve Martin, Operations Manager, MWCF
 Underwriting, AMIC
 Underwriting, Millennium Risk Managers, MWCF

US Environmental Protection Agency (EPA) Stag Grant: Storm Water Structure Inventory

Database

Original Council Action

Approved the Application for \$367,880.00 grant
 Federal Share \$202,334.00
 City 45% In-Kind match \$165,546.00
 \$367,880.00

Current Request

Fairhope's Portion of the Grant	\$367,880.00	} \$ 248,319
Fairhope has decided not to apply for their share		
Foley and Daphne given option to divide Foley's share equally		
½ of Fairhope's money	\$183,940.00	
Federal Share	\$101,167.00	
City Share	\$ 82,773.00	

Why do we need more?

1. With the additional funds the City could potentially complete the inventory of the entire City.
2. Also, instead of paying a network administrator consultant, the City could hire a City Network Administrator to install, manage and enter data into the new system and ensure that the server works properly between City Hall and Public Works. Fifty five (55%) of the administrator's time tracked to the project would be paid by the grant.
3. One requirement of the City's Municipal Separate Storm Sewer System (MS4) Permit compliance is that the city has an updated Storm Water Infrastructure Inventory and a database to track maintenance of the infrastructure.
4. The hardware and software needed to track the inventory can also be used to track other valuable data sets such as: all aspects of street and bridge inventory, maintenance and inspections, paving history, other utilities, etc.

Will this be a duplication of any other efforts that are currently going on in the City or County?

NO, there are no other efforts taking place that will assist the City in inventorying its storm water infrastructure.

What will happen to the money if the City of Daphne does not want to apply for it?

If we do not want half of Fairhope's, Foley wants it all.

Option 1

<hr/>	
If Approved by Council Total Grant Application	\$551,791.00
<hr/>	
Federal Share	\$303,485.00
City Share	\$248,306.00
<hr/>	
<u>City Share</u>	\$248,306.00
In-kind Labor (using existing staff)	\$84,581
In-kind Cash/Equipment	\$163,725
(Sub out consultant for network admin.)	
<hr/>	

Option 2

If Approved by Council Total Grant Application		\$551,776.00
	Federal Share	\$303,477.00
	City Share	\$248,299.00
<u>City Share</u>		\$248,299.00
In-kind Labor (Hire a Network Admin.) (50% time to grant, 50% to City Needs)		\$147,806.00
In-kind Cash/Equipment		\$100,493.00

Attachments: 1-Original Grant Application Resolution 2009-85- This Ordinance gives permission to apply only; no appropriations; 2-Network/Systems Administrator Job Description and Salary Range

1.

Resolution 2009-85

U.S. Environmental Protection Agency (EPA) Stag Grant: Storm Water Structure Inventory/Database

WHEREAS, the U.S. Environmental Protection Agency (EPA) has grant funding available for a storm water infrastructure inventory/database; and

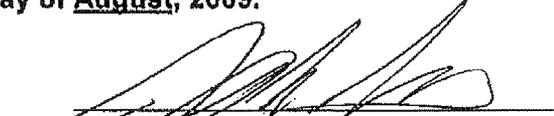
WHEREAS, the goal of such project is to create an inventory of existing storm water infrastructure; and

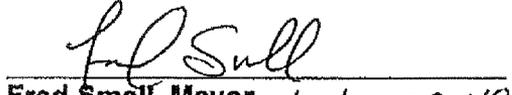
WHEREAS, the City of Daphne believes this information is necessary for proper inspection and maintenance of existing infrastructure.

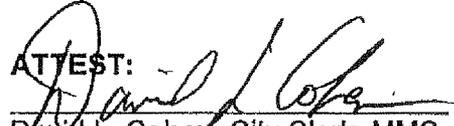
NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Daphne that:

- 1) The City of Daphne shall submit an application to the U.S. EPA in the amount of \$367,880 (City In-Kind Match 45% - \$165,546) for the purpose of obtaining a hardware & software database for a storm water infrastructure inventory ; AND
- 2) The Mayor and is hereby authorized to execute such application and any and all additional documents necessary to carry out the purpose of requesting funding consideration from U.S. EPA on behalf of the City of Daphne.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 17th day of August, 2009.


John Lake, Council President
 Date & Time Signed: 8/17/09 9:20PM


Fred Small, Mayor
 Date & Time Signed: 8/26/09 08:49

ATTEST:

 David L. Cohen, City Clerk, MMC



Mayer

Volkert, Inc.

316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

October 8, 2010

www.volkert.com

The City of Daphne
Richard Johnson
26435 Public Works Road
Daphne, AL 36526

**Re: Task Agreement No. 12 for Final Construction Plans for
Hwy 98 Median Improvements**

Dear Richard:

Attached please find two (2) copies of Task Agreement No. 12 for Final Construction Plans for Hwy 98 Median Improvements. The Task Agreement has been revised as discussed per the Public Works Community Meeting on September 20, 2010.

Please review, and if you concur, please sign both copies and return 1 back to our office for further processing.

If you have any questions please advise.

Sincerely,

VOLKERT & ASSOCIATES, INC.

Steve R. Commander, P.E.
Vice President

SRC/cw

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia
Collinsville, Illinois • Baton Rouge, Slidell, Louisiana • Biloxi, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina
Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C.



Summary of Fees:

Lump Sum Fees:

Survey	\$8,500.00
Engineering Final Construction Plans:	\$19,500.00
Engineering Bid Phase Services	<u>\$1,500.00</u>
Sub total Lump Sum Fees:	\$29,500.00

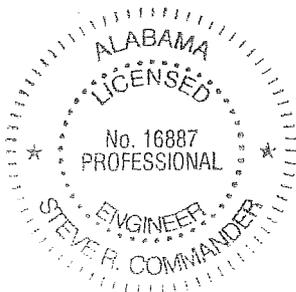
Hourly or cost plus fees

Construction Observation (Est. Hourly)	\$14,000.00
Geotechnical Fees	<u>\$5,000.00</u>
Sub-total Hourly fees	\$19,000.00
Project total	\$48,500.00

SCHEDULE - Work will be scheduled upon receipt of authorization and will continue until complete.

FEE - Fees will be billed monthly on an hourly basis, in accordance with rates shown on the attached Fee Schedule.

It is expressly agreed and stipulated between the parties that this contract shall be deemed to have been made in the State of Alabama where the principal office of Volkert & Associates, Inc. is located. This contract shall be governed by the laws of the State of Alabama. The Circuit or District Court of Mobile, Alabama shall have jurisdiction over any dispute which arises under this contract, and each of the parties shall submit and hereby consents to the jurisdiction of either such court.



Submitted by: Steve R. Commander
Volkert & Associates, Inc.

10/8/10
Date

Approved by: _____
The City of Daphne, Alabama

Date

**TASK AGREEMENT NO. 12
THE CITY OF DAPHNE, ALABAMA**

www.volkert.com

FINAL CONSTRUCTION PLANS FOR
HWY 98 SAFETY IMPROVEMENTS ALONG
THE MEDIAN AND FRONTAGE ROAD
JUST SOUTH OF D'OLIVE CREEK

This Task is to be performed in accordance with the provisions of the agreement between The City of Daphne, Alabama (OWNER) and Volkert and Associates, Inc. (ENGINEER) dated _____, 2009

SCOPE OF WORK

Generally, the work in this Task Agreement includes developing final construction plans for safety improvements along Hwy 98 at and around the median opening of the Exxon service station to the east and the Shell Service station to the west, just south of D'Olive Creek. (see attached map). The improvements include adding a directional raised island in the median opening, closing the opening along the west service road to the south, adding directional island along the west service road, adding guard rail near the I-10 exit ramp, adding sidewalk along the west frontage road, and other misc pavement markings as needed as shown on the concept plan attached. More specifically the work includes:

Surveying Services

Note: Survey limits are shown on the attached map.

- Provide sufficient topographic survey to design the project.
- Utilize survey from 2000 as needed to supplement the survey
- Locate median edge of pavement, drainage structures, light poles, utilities and other existing features as needed.
- Prepare a map of the survey

Lump Sum Fee Survey: \$8,600.00

Engineering:

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia
Collinsville, Illinois • Baton Rouge, Slidell, Louisiana • Biloxi, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina
Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C. 1



- Meet with the owner and coordinate with ALDOT for final design
- Develop construction plans including: Title Sheet, typical section sheets, general notes, drainage, intersection detail sheets, signing and pavement marking plan sheets, construction signing, and all details needed to construct the project
- Submit plans to ALDOT and the City for review and address comments for all permits
- Perform a utility coordination meeting as needed.
- Develop construction documents and specifications for the project
- Coordinate with the City and ALDOT in bidding the plans
- Tabulate the bids and submit recommendations to the City for approval of a construction contract.

Lump Sum Design Fee: \$19,500.00
Lump Sum Bid Phase Fee: \$1,500.00

Geotechnical Services:

Geotechnical services will be required for borings to determine existing pavement buildup in areas to be removed, compaction test, and concrete testing. This work will be performed by Southern Earth Sciences. A budget of \$5,000 is needed for this item

Construction Observation :

The Engineer hereby agrees to provide professional services during the construction of individual projects designed under Task I as follows:

1. Review shop and manufacturer's drawings and other submissions of the Consultant for compliance with the design concepts and specification requirements.
2. Review laboratory, mill and shop test to assist in monitoring the quality of construction.
3. Consult and advise during construction.
4. Provide services of resident project representative (RPR) for on site inspection and engineering during construction. The duties, responsibilities and limitations of authority of the RPR will be as outlined in Exhibit "A" attached hereto.
5. Review monthly and final estimates for payment to Contractors.
6. Make final inspection of the construction upon completion.
7. Revise construction drawings to show project as built and deliver same within a reasonable time.

Hourly Total Estimated Fee: \$14,000.00

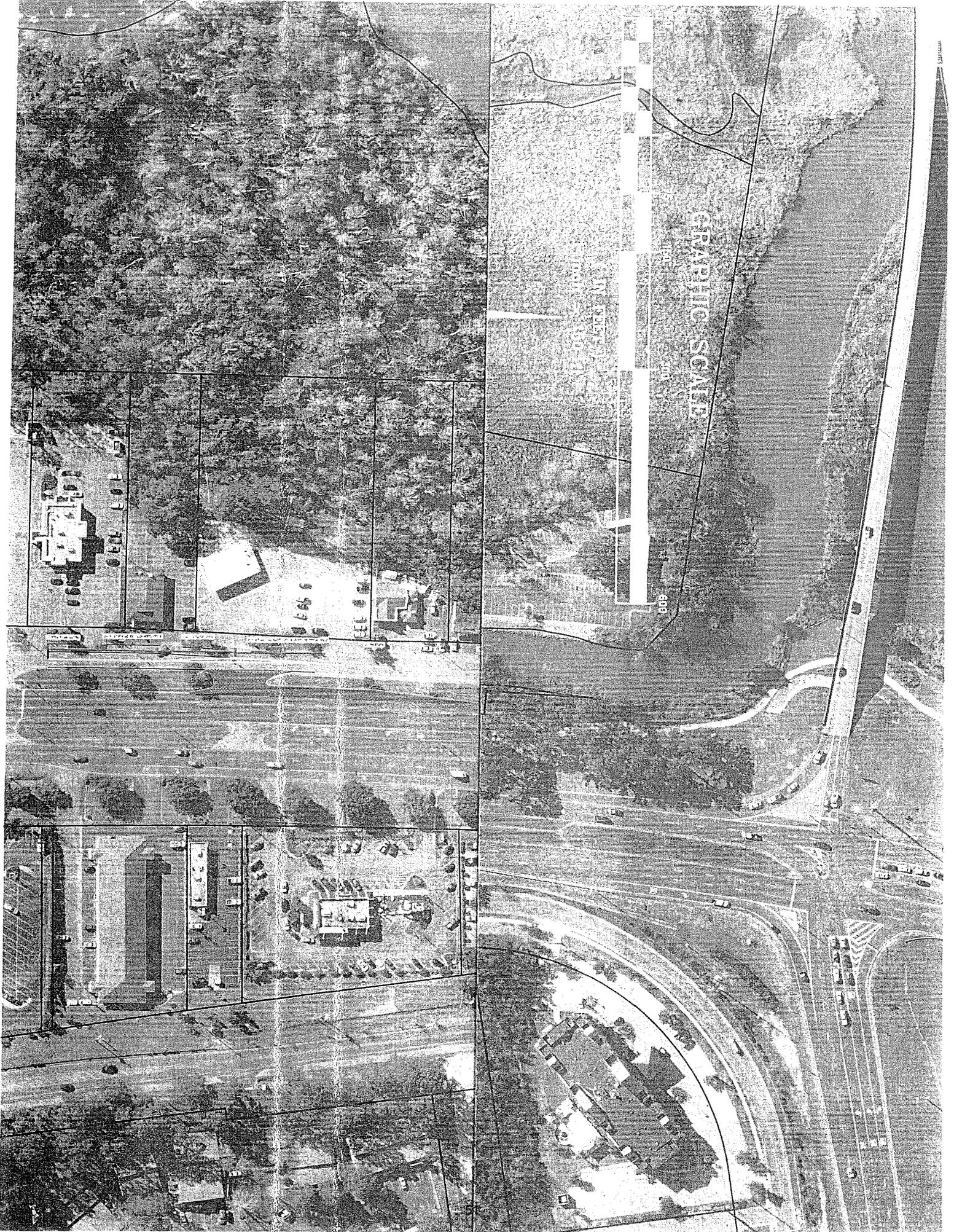
**FEE SCHEDULE
EFFECTIVE MARCH 1, 2010**

<u>CLASSIFICATION</u>	<u>HOURLY BILLING RATE</u>	<u>OVERTIME HOURLY BILLING RATE</u>
Principal	\$200.00	\$200.00
Manager	\$195.00	\$195.00
Project Manager	\$145.00	\$145.00
Staff 2 Professional	\$130.00	\$125.00
Staff 1 Professional	\$90.00	\$90.00
Senior Designer	\$125.00	\$160.00
Designer	\$90.00	\$115.00
Technician	\$85.00	\$110.00
Drafter	\$75.00	\$95.00
Construction Manager	\$150.00	\$150.00
Construction Project Manager	\$110.00	\$110.00
Construction Inspector Level 2	\$80.00	\$100.00
Construction Inspector Level 1	\$65.00	\$85.00
Bridge Inspector	\$110.00	\$145.00
Project Administrator	\$105.00	\$130.00
Clerical	\$60.00	\$75.00
Survey Manager	\$125.00	\$125.00
Senior Surveyor	\$90.00	\$115.00
Surveyor Party Chief	\$80.00	\$105.00
Survey Staff	\$55.00	\$70.00
Survey Crew (2 Man)	\$135.00	\$175.00
Survey Crew (3 Man)	\$180.00	\$230.00
Survey Crew (4 Man)	\$215.00	\$270.00
Survey Crew (5 Man)	\$250.00	\$325.00
Personal Computer	\$15.00	
GPS Survey System (24)	\$35.00	
GPS Map System (23)	\$5.00	

OTHER

Mileage	Included in Hourly Billing Rate
In House Printing	Included in Hourly Billing Rate
Out of Pocket Expenses (Not Identified Above & Specific to Assignment)	Cost

This rate schedule will be effective through March 1, 2011, at which time a revised Hourly Billing Rate Schedule will be mutually agreed to by Owner and Consultant.



ACDOT Medians

Daphne Safety Project

ITEM	Description	Units	Quantity	Unit Cost	Amount
ROADWAY & DRAINAGE					
1	Mobilization	LS	1	\$20,000.00	\$20,000.00
2	Removing Curb and Gutter	LF	100	\$8.00	\$800.00
3	Removing Asphalt Structure	SY	835	\$8.00	\$6,680.00
4	Borrow Excavation (Loose Truck Bed Measurement) A2 or Better	CY	280	\$12.00	\$3,360.00
5	Roadbed Processing	STA	1	\$300.00	\$300.00
6	Crushed Aggregate Base Course, Type B Plant Mixed, 6" Compacted Thickness	SY	108	\$15.00	\$1,620.00
7	Tack Coat	GALLONS	240	\$5.00	\$1,200.00
8	Superpave Bituminous Concrete Wearing Layer, 1/2" Maximum Aggregate Size Mix ESAL Range C/D (165lb/sy)	TONS	185	\$100.00	\$18,500.00
9	Superpave Bituminous Concrete Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range C/D (660 lb/sy)	TONS	36	\$100.00	\$3,600.00
10	Guardrail	LF	480	\$35.00	\$16,800.00
11	Top Soil	CY	125	\$11.00	\$1,375.00
12	Sodding	SY	2000	\$4.00	\$8,000.00
13	Pavement Markings	SF	250	\$5.00	\$1,250.00
14	Striping (including temporary striping)	LF	4000	\$1.25	\$5,000.00
15	Erosion Control	LS	1	\$2,000.00	\$2,000.00
16	Concrete Medians	LS	1	\$10,000.00	\$10,000.00
17	Traffic Control Plan	LS	1	\$10,000.00	\$10,000.00
18	Concrete Sidewalks	SY	600	\$40.00	\$24,000.00
TOTAL					\$134,485.00
15% Contingency					\$20,172.75
GRAND TOTAL					\$154,657.75

Total Project Cost

From: Assistant PW [assistantpw@bellsouth.net]
Sent: Tuesday, November 02, 2010 9:31 AM
To: 'Becjer@Bellsouth.Net (Becky)'; suzanne henson
Cc: Richard D. Johnson, P.E.
Subject: MOTIONS TO SEND TO COUNCIL and or FINANCE COMMITTEE 11-2-2010

MOTIONS TO SEND TO COUNCIL – PW COMMITTEE

Old Field Subdivision – Lighting

Motion was made by Councilwoman Barnette to approve Public Works Director's recommendation to move forward. Motion seconded by Councilman Lake.

(See Attachment)

Hwy 98 / Whispering Pines

Motion was made by Councilwoman Barnette to forward traffic data to Council. Motion seconded by Councilman Lake.

The Public Works Committee would like to move forward with project while we have ALDOT's support on light signals. That would be significant savings for the Daphne. (See Attachment)

MOTIONS TO SEND TO FINANCE COMMITTEE – PW COMMITTEE

Volkert Task Agreement No. 12 for Final Construction Plans for Hwy 98 Median Improvements

Motion was made by Councilwoman Barnette to forward recommendation to Finance Committee. Motion seconded by Councilman Lake.

Engineering fees reduced. It was confirmed that ALDOT will pay construction costs and Daphne will pay engineering fees. It was also confirmed that project will include sidewalks. Mayor Small asked whether funding could come from the 7 cent gas tax. He will need to consult with Kim Briley on that. (See Attachment)

MISC MOTIONS

Daphne Solid Waste Disposal Authority

Motion was made by Councilwoman Barnette to research viability of reestablishing Daphne Solid Waste Disposal Authority. Motion seconded by Councilman Lake.

Committee members would be Mayor Small, Richard Johnson and John Lake. The original board was made up of PW Committee members. It would allow the committee to make independent decisions such as purchasing necessary equipment. Right now these decisions take approximately six months to get passed. Under the Authority, they would not have to go through the bid process. Even if the PW Committee chooses to dissolve the Solid Waste Disposal Authority, members would need to be appointed in order to dissolve.



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

November 4, 2010

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

RE: Bid Document No. 2011-D-Trione Sports Complex
Concession & Bathroom Facilities

Dear Mayor Small:

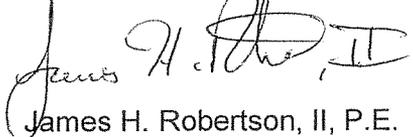
Enclosed is the Tabulation of Bids received November 4, 2010 for the subject project.

We recommend that you award the Contract to Thomas Industries at their submitted lowest bid of \$254,930.00.

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

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



James H. Robertson, II, P.E.
Project Manager

vblg

c: Mr. David McElroy
Ms. Suzanne Henson

D2500\3293\10.354

Fred Small
Mayor
David McKelroy
Parks & Recreation
Director



Chris Bradford
Parks Maintenance Supervisor

Mary Jensen
Seniors Program Coordinator

Recreation Programs Coordinator

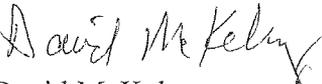
Charlie McDavid
Athletic Coordinator

November 8, 2010

Finance Committee
City of Daphne

RE: Bid Document No.:2011-D-Trione Sports Complex Concession and Bathroom
Facilities

It is the recommendation of the Daphne Recreation Board and the Parks and Recreation
Director that the bid be awarded to Thomas Construction for the low bid of \$254,930.00.


David McKelroy
Parks & Recreation Director

**CITY OF DAPHNE
2011-D- TRIONE SPORTS COMPLEX CONCESSION &
BATHROOM FACILITIES
CITY OF DAPHNE
NOVEMBER 4, 2010**

PRESENT WERE:

**SUZANNE HENSON
JAYE ROBERTSON**

**SENIOR ACCOUNTANT
HMR, LLC**

33 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 8 SEALED BIDS WERE RECEIVED.

JAY OPENED THE BIDS PRESENTED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

<u>VENDER</u>	<u>BID BOND</u>	<u>AMOUNT</u>
E.J. BUILDERS, INC.	X	256,359.00
EAST COAST CONTRACTING CORP.	X	297,773.00
ELLIOTTE BUILDERS, INC	X	313,384.00
GM STUART, INC.	X	254,962.00
M. LACY CONTRACTING, INC.	X	259,800.00
THOMAS CONSTRUCTION	X	254,930.00
YOUNGBLOOD- BARRETT	X	271,321.00
HYPERION CONST., LLC	X	286,100.00



SUZANNE HENSON, SR. ACCOUNTANT

**General Fund
General Obligation
Debt Service**

I. Existing Debt

	Series 2003		Series 2006		Series 2010		Combined		Total
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	
9/30/2011	420,000	134,251	1,020,000	916,940	105,000	22,923	1,545,000	1,074,114	2,619,114
9/30/2012	430,000	121,651	1,060,000	876,140	195,000	44,788	1,685,000	1,042,579	2,727,579
9/30/2013	445,000	108,321	1,095,000	837,450	335,000	40,888	1,875,000	986,659	2,861,659
9/30/2014	460,000	94,415	1,140,000	796,388	340,000	34,188	1,940,000	924,990	2,864,990
9/30/2015	475,000	76,015	1,185,000	750,788	345,000	25,688	2,005,000	852,490	2,857,490
9/30/2016	495,000	57,015	1,230,000	703,388	350,000	18,788	2,075,000	779,190	2,854,190
9/30/2017	515,000	39,195	1,280,000	654,188	365,000	10,038	2,160,000	703,420	2,863,420
9/30/2018	530,000	20,140	1,130,000	602,988	-	-	1,660,000	623,128	2,283,128
9/30/2019	-	-	1,180,000	554,963	-	-	1,180,000	554,963	1,734,963
9/30/2020	-	-	910,000	504,813	-	-	910,000	504,813	1,414,813
9/30/2021	-	-	950,000	466,138	-	-	950,000	466,138	1,416,138
9/30/2022	-	-	990,000	424,575	-	-	990,000	424,575	1,414,575
9/30/2023	-	-	1,035,000	380,025	-	-	1,035,000	380,025	1,415,025
9/30/2024	-	-	1,085,000	328,275	-	-	1,085,000	328,275	1,413,275
9/30/2025	-	-	1,135,000	279,450	-	-	1,135,000	279,450	1,414,450
9/30/2026	-	-	1,185,000	228,375	-	-	1,185,000	228,375	1,413,375
9/30/2027	-	-	1,240,000	175,050	-	-	1,240,000	175,050	1,415,050
9/30/2028	-	-	1,295,000	119,250	-	-	1,295,000	119,250	1,414,250
9/30/2029	-	-	1,355,000	60,975	-	-	1,355,000	60,975	1,415,975
	3,770,000	651,004	21,500,000	9,660,155	2,035,000	197,298	27,305,000	10,508,457	37,813,457

II. Proposed Refunded Debt & 3,500,000 New Money

	Series 2003	Series 2006	Series 2010	Total Refunded Debt Svc	New Money Debt Svc	Combined Debt Svc
9/30/2011	543,035	1,936,940	127,923	2,607,898	315,582	2,923,480
9/30/2012	541,634	1,936,140	239,788	2,717,562	303,753	3,021,315
9/30/2013	542,972	1,932,450	375,888	2,851,309	301,568	3,152,877
9/30/2014	543,677	1,936,388	374,188	2,854,252	294,015	3,148,267
9/30/2015	542,094	1,935,788	370,688	2,848,569	305,978	3,154,546
9/30/2016	538,894	1,933,388	368,788	2,841,069	301,970	3,143,038
9/30/2017	544,198	1,934,188	375,038	2,853,423	302,266	3,155,688
9/30/2018	537,758	1,732,988	-	2,270,745	306,753	2,577,498
9/30/2019	-	1,734,963	-	1,734,963	845,378	2,580,341
9/30/2020	-	1,414,813	-	1,414,813	843,698	2,258,511
9/30/2021	-	1,416,138	-	1,416,138	-	1,416,138
9/30/2022	-	1,414,575	-	1,414,575	-	1,414,575
9/30/2023	-	1,415,025	-	1,415,025	-	1,415,025
9/30/2024	-	1,413,275	-	1,413,275	-	1,413,275
9/30/2025	-	1,414,450	-	1,414,450	-	1,414,450
9/30/2026	-	1,413,375	-	1,413,375	-	1,413,375
9/30/2027	-	1,415,050	-	1,415,050	-	1,415,050
9/30/2028	-	1,414,250	-	1,414,250	-	1,414,250
9/30/2029	-	1,415,975	-	1,415,975	-	1,415,975
	4,334,260	31,160,155	2,232,298	37,726,713	4,120,960	41,847,672

III. Discussion of Refunding 2002 Warrants

The most significant savings (302,339) in the proposed refunding is in the 2002 Warrants.

However, the 2002 Warrants Debt Service is paid from Lodging Tax collections, as this debt was issued for the acquisition of beach front property.

Therefore, refunded "savings" realized on this issue could not be used to offset the debt service of "new" money for paving as debt service on paving projects would be paid out of the General Fund.

Annual Lodging Tax collections have increased since 2002 projections. The refunding of the 2002 warrants could be used to restructure the debt service to allow for an earlier pay-off of the debt and therefore "save" even more interest. (Current maturity is 2032)

IV. Refunded General Fund Savings

86,744

This amount would not be sufficient to support the issuance of any new debt. As presented, the annual new debt service would be an additional 300,000 annually for the first 8 years and then subsequent to that, for 2 years, the debt service would increase 840,000 annually.

With General Fund constraints currently being experienced due to the down-turn in the economy, the City presently would not be able to justify to the rating agencies its ability to issue any more new debt and meet the additional debt service requirements of such new debt.

TREASURER'S REPORT

As of October 31, 2010

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	\$12,537,379.01
OPERATING ACCT	COMPASS	(\$404,791.47)
PAYROLL ACCT	COMPASS	(\$9,835.15)
		<u>\$12,122,752.39</u>
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$361,164.89
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$6,139.96
4 CENT GAS TAX	RBC BANK	\$309,010.86
7 CENT GAS TAX	RBC BANK	\$255,866.72
		<u>\$571,017.54</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,026,962.75
2006 CONSTRUCTION	WACHOVIA	\$894,505.62
		<u>\$3,921,468.37</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,548,935.66
2006 DEBT SERVICE	RBC BANK	\$898,809.58
		<u>\$2,447,745.24</u>
		<u>\$19,424,148.43</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	2010	Actual-2010	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	764,641.13	764,641.13	752,167	12,473.91	12,473.91	1.66%
November	645,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	761,955.37	755,932	6,023.04	18,496.95	0.80%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,020.09	1,078,330.45	1,004,037.20	1,004,037.20	1,009,741	(5,703.96)	12,792.99	-0.56%
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,005.87	755,541.41	723,504.28	723,504.28	726,313	(2,808.27)	9,984.72	-0.39%
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,335.60	733,335.60	718,521	14,814.39	24,799.11	2.06%
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	916,657.55	855,846	60,811.23	85,610.34	7.11%
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	809,588.73	787,606	21,982.29	107,592.63	2.79%
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	862,254.54	793,355	68,899.39	176,492.02	8.68%
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	887,262.68	846,847	40,416.16	216,908.18	4.77%
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	839,192.33	839,192.33	831,158	8,034.40	224,942.58	0.97%
August	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	790,713.80	771,407	19,307.26	244,249.84	2.50%
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	841,035.40	859,320	(18,284.53)	225,965.31	-2.13%
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	10,039,546.95	9,934,178.61	9,934,178.61	9,708,213	225,965.31		

FY 2010 BUDGET/ACTUAL COMPARISONS

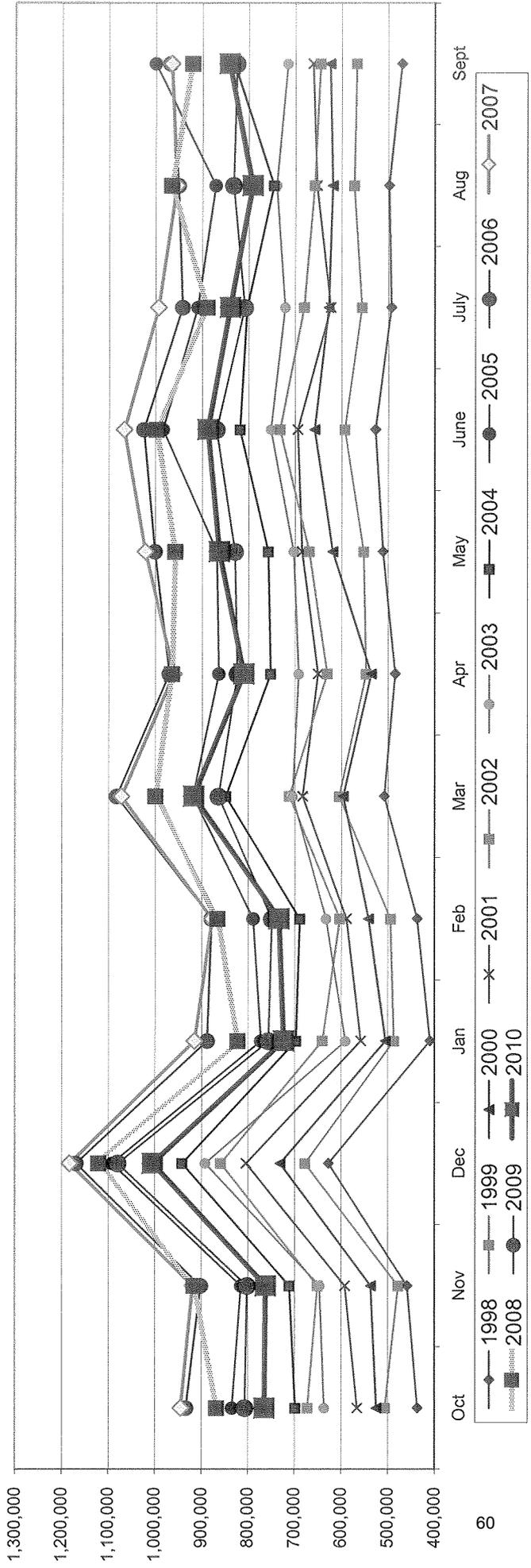
FISCAL YEAR COMPARISONS

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	9.64%	19.47%	11.87%	1.28%	-8.19%	-7.00%	-5.19%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.54%	-4.86%
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,293.25)	5.49%	15.93%	7.09%	1.21%	-5.29%	-3.72%	-6.89%
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	(32,037.13)	18.00%	10.72%	14.98%	3.09%	-10.15%	-8.09%	-4.24%
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	(15,285.27)	8.81%	14.58%	11.32%	-0.02%	-1.41%	-13.52%	-2.04%
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	53,121.77	20.24%	8.21%	17.86%	-0.94%	-6.81%	-13.53%	6.15%
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	8.65%	14.77%	12.24%	-0.89%	0.37%	-14.58%	-1.65%
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	33,154.73	7.82%	14.50%	15.33%	2.11%	-6.30%	-13.38%	4.00%
June	65,541.16	164,654.26	41,227.61	42,942.85	(69,159.77)	(128,964.63)	18,953.16	8.71%	20.12%	4.19%	4.13%	-6.49%	-12.93%	2.18%
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	31,078.40	11.26%	13.14%	3.61%	5.50%	-10.52%	-9.07%	3.85%
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.55)	0.72%	16.70%	9.28%	0.41%	1.07%	-13.75%	-4.96%
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	16.02%	20.26%	-3.09%	-0.26%	-4.82%	-10.16%	1.91%
Annual \$ Change	860,992.68	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(105,368.34)	10.21%	15.27%	9.29%	1.44%	-4.99%	-10.99%	-1.05%

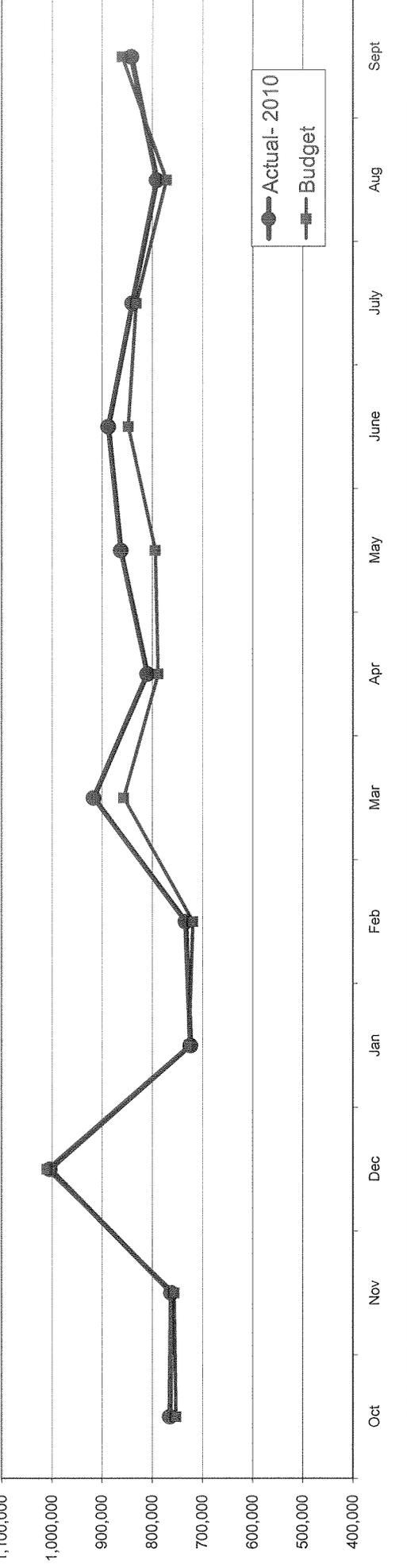
TOTAL collections: FY 09	10,039,547
TOTAL est. bdgt coli: FY 10	9,708,213
Budgeted Dollar Variance 09/09	(331,334)
Budgeted Percent Variance 09/09	-3.30%

TOTAL collections: 9-30-10	9,934,179
Budgeted: 10-1-09 to 9-30-10	9,708,213
Actual Coll: (> Budget, 9-30-10	225,965
% Over/(Under) Budget, 9-30-10	2.33%

Sales & Use Tax Comparisons



Fiscal 2010: Sales & Use Tax Budget vs. Actual Comparison



NEW BUSINESSES

October-10

CITY LIMITS		CONTRACTORS	
RETAILERS		ALL BALDWIN DRYWALL	1
PUBLIX	1	SMITH INDUSTRIAL SERVICE, INC	1
ALL OTHER		EXTREME EXTERIORS BY TIM	1
SMARTE CARTE INC	1	DLP CONSTRUCTION COMPANY	1
SOUTHWEST FUNDING	1	MACE HOME IMPROVEMENT	1
BALDWIN INSPECTIONS	1	REESE'S LANDSCAPING, INC	1
THE COMPLETE SKIN CARE CENTER	1	GAYLOR, INC	1
INDRA TECHNOLOGY SOLUTIONS	1	TOTAL CONTRACTORS	7
LAWYERS TITLE & ESCROW, INC	1		
INFINITE BY DESIGN	1	TOTAL NEW BUSINESSES	37
COASTAL WASTE SERVICES	1		
CROSSFIT COASTLINE	1	CLOSED BUSINESSES IN DAPHNE	
TOTAL CITY LIMITS	10	CATHERINE'S	1
		TOTAL CLOSED BUSINESSES IN DAPHNE	1
OUTSIDE CITY LIMITS			
CASTLES AND CROWNS, INC	1		
FIRST SERVICE NETWORKS, INC	1		
INSULAIRE, INC	1		
NE OPCO INC	1		
WHITE WATER WASH, LLC	1		
MANNINGTON MILLS	1		
THE COMPLETE SKIN CARE CENTER	1		
TIMCO OF NWF INC	1		
DEANO HOME REPAIR	1		
WEIGHT WATCHERS	1		
ALABAMA FIELD SERVICES	1		
CHASE DOORS	1		
COMMUNICATIONS ENGINEERING	1		
BUSINESS CORNERSTONE SERVICES	1		
PHILIPS LIFELINE	1		
CUMMINS POWER SOUTH, LLC	1		
THOMAS LOFTON	1		
SBCSI PURCHASING & LEASING	1		
GREG'S PROFESSIONAL BARBER & BEAUTY SHOF	1		
SAVVY JANITORIAL, LLC	1		
KULA YOGA COMMUNITY, LLC	1		
TOTAL OUTSIDE CITY LIMITS	21		

MOTIONS TO SEND TO COUNCIL – PW COMMITTEE

*Pulled
Per CP Barnette*
Old Field Subdivision – Lighting

Motion was made by Councilwoman Barnette to approve Public Works Director's recommendation to move forward. Motion seconded by Councilman Lake.

(See Attachment)

Hwy 98 / Whispering Pines

Motion was made by Councilwoman Barnette to forward traffic data to Council. Motion seconded by Councilman Lake.

The Public Works Committee would like to move forward with project while we have ALDOT's support on light signals. That would be significant savings for the Daphne. (See Attachment)

MOTIONS TO SEND TO FINANCE COMMITTEE – PW COMMITTEE

Volkert Task Agreement No. 12 for Final Construction Plans for Hwy 98 Median Improvements

Motion was made by Councilwoman Barnette to forward recommendation to Finance Committee. Motion seconded by Councilman Lake.

Engineering fees reduced. It was confirmed that ALDOT will pay construction costs and Daphne will pay engineering fees. It was also confirmed that project will include sidewalks. Mayor Small asked whether funding could come from the 7 cent gas tax. He will need to consult with Kim Briley on that. (See Attachment)

MISC MOTIONS

Daphne Solid Waste Disposal Authority

Motion was made by Councilwoman Barnette to research viability of reestablishing Daphne Solid Waste Disposal Authority. Motion seconded by Councilman Lake.

Committee members would be Mayor Small, Richard Johnson and John Lake. The original board was made up of PW Committee members. It would allow the committee to make independent decisions such as purchasing necessary equipment. Right now these decisions take approximately six months to get passed. Under the Authority, they would not have to go through the bid process. Even if the PW Committee chooses to dissolve the Solid Waste Disposal Authority, members would need to be appointed in order to dissolve.

HIGHWAY 98 / WHISPERING PINES

DirectorPW

From: Jaye Robertson [jaye@hmreengineers.com]
Sent: Monday, September 27, 2010 11:38 AM
To: 'DirectorPW'
Subject: FW: Highway 98 and Whispering Pines

Richard,
 Attached is the accident data for Whispering pines and Hwy 98. Please review, then we can get together and call ALDOT to discuss.

Thanks,

James H. Robertson, PE
Hutchinson, Moore & Rauch, LLC
 2039 MAIN STREET
 DAPHNE, AL 36526
JAYE@HMREENGINEERS.COM
 (251)626-2626 (TEL)
 (251)626-6934 (FAX)

From: Driskell, Daniel [mailto:driskelld@dot.state.al.us]
Sent: Friday, September 24, 2010 1:47 PM
To: Jaye Robertson
Cc: Reach, Lee
Subject: RE: Highway 98 and Whispering Pines

Jaye,

Attached is a list of the accidents at that intersection for the past three years along with a collision diagram. I will discuss with Lee Reach next week to see if there are any changes needed for your design. Please send me a pdf of your design so we can review it again.

Thanks,

Daniel E. Driskell, EI
ALDOT 9th Division Traffic
Office: (251) 470-8398
Cell: (251) 331-3089
Linc: 1*99*9014

From: Jaye Robertson [mailto:jaye@hmreengineers.com]
Sent: Friday, September 24, 2010 11:17 AM
To: Curry, Wayne
Cc: Driskell, Daniel
Subject: RE: Highway 98 and Whispering Pines

Wayne,
 Any update on the traffic data for Hwy 98 and Whispering Pines?

Thanks,

James H. Robertson, PE

Hutchinson, Moore & Rauch, LLC

2039 MAIN STREET
DAPHNE, AL 36526
JAYE@HMENGINEERS.COM
(251)626-2626 (TEL)
(251)626-6934 (FAX)

From: Curry, Wayne [mailto:curryw@dot.state.al.us]
Sent: Monday, September 20, 2010 3:29 PM
To: Jaye Robertson
Cc: Driskell, Daniel
Subject: RE: Highway 98 and Whispering Pines

The information just came in this morning. We should have it drawn up soon.

Wayne Curry
Ninth Division Traffic Manager
Alabama Department of Transportation
251-470-8231
fax: 251-479-7739
curryw@dot.state.al.us

From: Jaye Robertson [mailto:jaye@hmengineers.com]
Sent: Monday, September 20, 2010 2:59 PM
To: Curry, Wayne
Subject: Highway 98 and Whispering Pines

Wayne,
I was wondering if you had any of the traffic accident data available for the Hwy 98 and Whispering Pines Road intersection. I believe your assistant was going to look that up for us, if you want to give me his name I will be glad to give him a call.

Thanks,

James H. Robertson, PE
Hutchinson, Moore & Rauch, LLC
2039 MAIN STREET
DAPHNE, AL 36526
JAYE@HMENGINEERS.COM
(251)626-2626 (TEL)
(251)626-6934 (FAX)

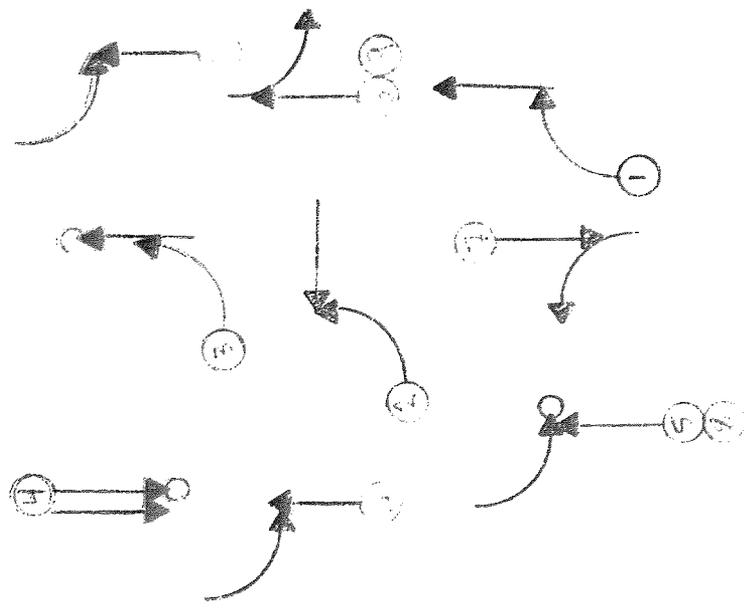
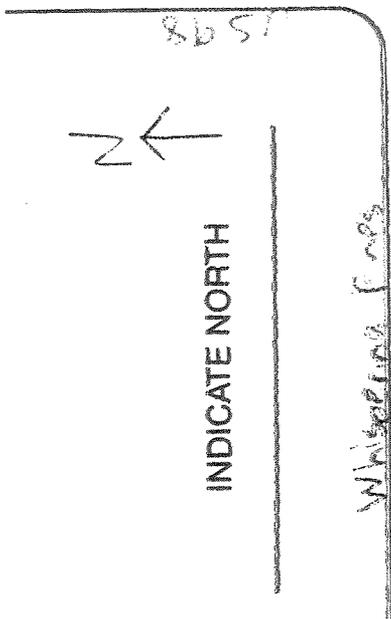
US 98 @ WHISPERING PINES 9/21/10

NUMBER	DATE	WEATHER	TIME	FATALITY OR INJURY
1	3/7/2007	CLEAR/DRY/DAY	0143	
2	3/15/2007	CLEAR/DRY/DAY	1735	
3	1/25/2008	RAIN/WET/NIGHT	1814	INJURY
4	5/27/2008	CLEAR/DRY/DAY	1335	INJURY
5	6/6/2008	CLEAR/DRY/DAY	1508	INJURY
6	9/17/2008	CLEAR/DRY/DAY	1541	
7	10/7/2008	CLOUDY/DRY/NIGHT	2030	
8	10/22/2008	CLEAR/DRY/DAY	1748	INJURY
9	10/29/2008	CLEAR/DRY/NIGHT	2010	
10	3/27/2009	RAIN/WET/DAY	1400	
11	7/18/2009	CLEAR/DRY/DAY	2310	

ALABAMA DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING

LOCATION: US 99 @ Whispering Pines
DATE COMPILED: 9/21/18
PERIOD COVERED: 11/03 - 01/01/18

COLLISION DIAGRAM



LEGEND

Path of moving vehicle

Pedestrian path

Fatal

Non-fatal

Rear-end collision

Parked vehicle

Fixed object

Overturned

Out of Control

Sideswipe

Time: A=AM P=PM

Pavement: D=dry I=icy W=wet

Weather: C=clear F=fog R=rain

SL=sleet S=snow

ACCIDENT TOTALS BY TYPES

TYPE	DAY	NIGHT	TOTAL
Fatal	0	0	0
Ped. Injury	0	0	0
Other Injury	3	1	4
Prop. Damage Only	5	2	7
Total	8	3	11

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:02 p.m.

CALL OF ROLL:

Members Present:

Joe Lemoine, Vice Chairman
Dan Gibson
Ed Kirby, Chairman
Victoria Phelps
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Fred Small, Mayor
Larry Chason
Frank Martin

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney

Staff Absent:

Missty Gray, Attorney
Erick Bussey, Associate Attorney
Ashley Campbell, Environmental Programs Manager

Others Absent:

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

The first order of business is the call to order.

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

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the August 26, 2010 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Ms. Phelps to approve the minutes of the August 26, 2010 regular meeting as submitted. The Motion carried. Chairman abstained due to his absence at that meeting.

The next order of business is preliminary/final plat review for Bowden Estates, the Resubdivision of Lot 6, Belforest Plantation Subdivision.

OLD BUSINESS:

PRELIMINARY/FINAL:

File SDPF10-06: (Pending Additional Data)

Subdivision: Bowden Estates (Resubdivision of Lot 6, Belforest Plantation)

Zoning(s): RA, Rural Agricultural, Baldwin County District 15

Location: Northwest of County Road 54 East

Area: 12 Acres ±, (4) lots

Owner: Katrina Bowden Meeker

Surveyor: P.H.L. Land Surveying - Phillip Lindsey

Chairman: Ms. Meeker is not present tonight. She has withdrawn the application for preliminary/final review of Bowden Estates, the Resubdivision of Lot 6, Belforest Plantation Subdivision.

The next order of business is an administrative presentation of a revision to the City of Daphne zoning map.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Nancy Anderson, the GIS Manager, of the revisions to the zoning map. An audit was conducted of all of the changes to the zoning map reflected by ordinances adopted from 2004 to 2010. Of those changes, there were only two errors which were the zoning of the property owned by Malbis Plantation located at the southwest corner of County Road 13 and Lawson Road, and an area contained within Bellaton Subdivision on Alabama Highway 181. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Do the revisions also include the correction or change to the golf courses to reflect the current zoning of the property?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Anderson: That is correct.

Ms. Barnette: What was the significance of 2004?

Ms. Anderson: I began conducting the audit in 2004 because that was the year I began my employment with the City of Daphne.

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

A Motion was made by Ms. Phelps and Seconded by Mr. Lemoine for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning Map. The Motion carried unanimously.

The next order of business is site plan review for Urgent Care by the Bay.

NEW BUSINESS:

SITE PLAN REVIEW:

File S10-12:

Site: Urgent Care by the Bay

Zoning: B-2, General Business

Location: Southeast of the intersection of U. S. Highway 98 and Stanton Road

Area: 1.17 Acres ±

Owner: RDB Management, L.L.C.

Agent: Urgent Care by the Bay, L.L.C. - Michael Bindon

Engineer: Engineering Development Services - Jason Estes

An introductory presentation was given by Mr. Jason Estes, representing Engineering Development Services, requesting site plan review of an urgent care facility located southeast of the intersection of U. S. Highway 98 and Stanton Road. We are going to demolish the small building on the site and remove some of the asphalt in order to construct the new building. We checked the existing storm drain system which contained sand. The sand will be removed at the completion of the project. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Mr. Gibson: I do not know the age of the existing drainage system, but can it handle a one hundred year storm event?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Estes: The asphalt will be overlaid to increase the depth of the asphalt to one or one and one-half inch. There are not sidewalks out there so we are going to ask that the requirement for the installation of sidewalks on the site be waived. In the trenches and in all unpaved areas we will put aggregate rock.

Mr. Lemoine: Please explain why you are asking us to waive the sidewalk requirement?

Mr. Estes: There are not sidewalks out there so we are asking for the Planning Commission to waive the requirement to construct them on this site. There are no sidewalks in this area. Also, we will be doing minimal landscaping.

Ms. Barnette: I am not for waiving the requirement for the installation of sidewalks because the City will be installing sidewalks on the east side of U. S. Highway 98. This cost will not be incurred by the public.

Chairman: Ms. Barnette, would the sidewalks installed on U.S. Highway 98 be on public or private property?

Ms. Barnette: It would depend on where they are located. If it is on the east side of U. S. Highway 98 and installed by the Alabama Department of Transportation, there are monies in the budget to do that.

Mr. Estes: I really do not want to make application to the Alabama Department of Transportation.

Ms. Barnette: What is the percentage of landscaping required for this site?

Ms. Jones: Fifteen percent.

Chairman: Do you have a proposed plan or time frame for the installation of the sidewalks on U. S. Highway 98? You may be the only one who has knowledge of the existence of the plan or project. I am not for installing sidewalks on the Alabama Department of Transportation right-of-way on U.S. Highway 98 or on the site which are not required and may not line with what they are proposing.

Mr. Lemoine: I am not for the installation of sidewalks if it is not a requirement.

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

A Motion was made by Ms. Barnette and Seconded by Ms. Phelps to approve the site plan for Urgent Care by the Bay with the understanding Mr. Bindon will construct a suitable sidewalk on the front of his property at the time of the installation of sidewalks on U. S. Highway 98 by the Alabama Department of Transportation.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Phelps: Are you willing to install sidewalks?

Mr. Estes: We would be willing to put up some money in lieu of installing sidewalks which would not go anywhere.

Ms. Barnette: Can the owner give monies to the City of Daphne for the installation in lieu of the installation of sidewalks?

Mr. Ross: If you require that of the owner it would be a gray area and may or may not be enforceable.

Mr. Estes: I will ask the owner to speak to that matter.

Mr. Bindon: I am the owner of Urgent Care by the Bay. I will be happy to sign anything prepared by your attorney to say I will make a donation to assist in the installation of sidewalks.

An Amended Motion was made by Ms. Barnette and Seconded by Ms. Phelps to approve the site plan for Urgent Care by the Bay with the understanding Mr. Bindon will assist in the costs of a suitable sidewalk on the front of his property at the time of the installation of sidewalks on U. S. Highway 98 by the Alabama Department of Transportation. The Motion carried unanimously.

The next order of business is preliminary/final plat review for the Resubdivision of Lot 1, Powers Subdivision.

PRELIMINARY/FINAL:

File SDPF10-09:

Subdivision: The Resubdivision of Lot 1, Powers

Zoning(s): RA, Rural Agricultural, Baldwin County District 15

Location: On the east side of Alabama Highway 181 approximately one mile south of Austin Road

Area: 30 Acres \pm , (3) lots

Owner: Woerner Investments, L.L.C.

Engineer: Hutchinson, Moore & Rauch - Ercil Godwin

An introductory presentation was given by Mr. Ercil Godwin, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat review of a thirty-acre subdivision consisting of three lots on the east side of Alabama Highway 181 approximately one mile south of Austin Road. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Do you know the intended use of the property?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Godwin: There isn't an intended use for the property. There are several parcels involved in the auction, and the owner is dividing the parcel into affordable lots.

Chairman: Just a comment. Do any of the Commissioners have any further questions or comments? I have one. A street will be required to be constructed at such time the property is further subdivided to allow the traffic to exit to the east and south through Dunmore Subdivision. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Ms. Phelps *to approve the preliminary/final plat for the Resubdivision of Lot 1, Powers Subdivision. The Motion carried unanimously.*

The next order of business is preliminary/final plat review for Lake Forest Plaza.

File SDPF10-10:

Subdivision: Lake Forest Plaza

Zoning(s): B-1, Local Business

Location: Southwest corner of Lawson Road and County Road 13
Area: 13.40 Acres \pm , (3) lots
Owner: MPWS, L.L.C. - Matt White
Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting preliminary/final plat review of a thirteen-point four-acre subdivision consisting of three lots located southwest of Lawson Road and County Road 13 for the purpose of rezoning lot two. I will be happy to answer any questions you may have.

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

A Motion was made by Ms. Barnette and **Seconded** by Ms. Phelps *to approve the preliminary/final plat for Lake Forest Plaza. The Motion carried unanimously.*

The next order of business is zoning amendment review for MPWS, L.L.C.

PETITIONS:

ZONING AMENDMENT:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

File Z10-02: MPWS, L.L.C. (Associated with Lake Forest Plaza
Subdivision)

Location: Southwest of the intersection of Lawson Road and County
Road 13, Lot 2, Lake Forest Plaza Subdivision
Area: 4.44 Acres ±
Owner: MPWS, L.L.C. - Matt White
Engineer: Rester & Coleman Engineers - Joel Coleman

Present Zoning: B-1, Local Business

Proposed Zoning: B-2, General Business

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting the rezoning of a four point four-four acre parcel located southwest of the intersection of Lawson Road and County Road 13 known as Lot 2 of Lake Forest Plaza Subdivision from a B-1, Local Business, to a B-2, General Business, zone. With the presentation of this project, we are still talking about the property at the intersection of Lawson Road and County Road 13. At the time of the planning for the projected development for this site, the owner thought the property was zoned B-2, General Business, but it is not. This property is zoned B-1. The owner has contracted for the development of a family entertainment center for the city. We felt it may be a better proposal for us and the residents to ask for an addition and/or amendment to the City of Daphne Land Use Ordinance, Article XXXV, the Table of Permitted Uses and Conditions rather than asking for a rezoning from B-1 to B-2. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Phelps: Just a comment. The property was rezoned as B-1 because of the uses near the subdivision. I would be more inclined to hear your argument for a revision to the Table of Uses because B-2 is not a suitable use for this site.

Mr. Coleman: The owner would like to withdraw the petition for the zoning amendment.

The next order of business is an administrative presentation requesting consideration of an amendment to the Daphne Land Use and Development, Article XXXV, the Table of Permitted Uses and Conditions.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting the consideration of an amendment to the Daphne Land Use and Development Ordinance, Article XXXV, the Table of Permitted Uses to allow the operation of a bowling alley as a use permitted in a B-1, Local Business, zoning district upon site plan review and approval by the Planning Commission.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Coleman: I would like defer to the owner and developer, Mr. Matt White representing White-Spunner & Associates, to discuss the change to the Table of Permitted Uses and the conceptual plan.

Mr. Matt White presented to the Commission the request to amend the Table of Permitted Uses based on the fact we did not know this site was zoned B-1 and have a client which proposes the development of a family entertainment center on Lot 2, Lake Forest Plaza Subdivision which will include bowling lanes, arcade, laser tag, snack bar, adult pool table, family restaurant, bar and party rooms.

Mr. Butch Cole, the owner of the Gulf Bowl in Foley, Alabama and the proposed owner of the Eastern Shore Family Entertainment Center, addressed the Commission to convey the development will not be a bowling alley. The facility will be a "family oriented" family entertainment center for activities for all members of the family. The first location selected was on U.S. Highway 90 in the Renaissance Center Subdivision which did not go forward due to funding. We began searching for alternative sites and this location was chosen mainly due to the fact it was zoned B-2. Now there is a process to achieve permission or rezoning to go on this site and still obtain approval of our plan with a loan approval deadline of December 31, 2010.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: I do not think the conceptual plan should be presented or considered for a request for a change in permitted uses based on the proposed use of the site. The plan would be more suitable for presentation and considerable of the zoning amendment.

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

A Motion was made by Ms. Barnette and Seconded by Ms. Phelps for the affirmative recommendation by the Planning Commission to the City Council of Daphne to amend Article XXXV, the Table of Permitted Uses and Conditions in the Daphne Land Use and Development Ordinance, to add a bowling alley as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. Ms. Barnette, Ms. Phelps, Chief White and Mr. Lemoine voted in the affirmative. Chairman dissented. Mr. Gibson abstained.

Clarification Note: Although a majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

Ms. Barnette: I would like to make a motion to add a bowling alley/family entertainment center to the Table of Permitted Uses and Conditions.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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

A Motion was made by Ms. Barnette and Seconded by Ms. Phelps *for the affirmative recommendation by the Planning Commission to the City Council of Daphne to amend Article XXXV, the Table of Permitted Uses and Conditions in the Daphne Land Use and Development Ordinance, to add a family entertainment center as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. The Motion carried unanimously.*

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

No public participation.

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

ATTORNEY'S REPORT:

Mr. Ross: No report Mr. Chairman. However, I would like to ask the Planning Commission to make a motion to enter into executive session to discuss pending litigation, act on that motion, and then make a motion to adjourn so staff does not have to wait until the meeting reconvenes.

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

DIRECTOR'S COMMENTS:

No comments. The director had asked earlier to be excused for a family emergency.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Phelps: Just a comment for the family entertainment center. Buffering of the commercial development abutting a residential subdivision and the screening of the trash receptacle will be a concern at the time of the submittal of the site plan.

Ms. Barnette: We, the Planning Commission, are looking at whether or not the City's developments are suitable, and those with issues should not be presented to us without a staff recommendation or the Commission allowing public participation.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Phelps: I agree. Projects, especially, site plans should have public participation.

ADJOURNMENT:

A Motion was made by Ms. Barnette and **Seconded** by Ms. Phelps to *enter into Executive Session to discuss pending litigation. On that basis, he will certify this is a proper reason to adjourn into executive session.*

Mr. Lemoine	Aye
Mr. Gibson	Aye
Mr. Kirby	Aye
Ms. Phelps	Aye
Ms. Barnette	Aye
Chief White	Aye

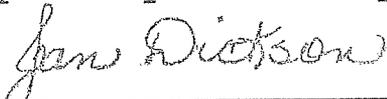
Upon roll call vote, the Motion carried.

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

A Motion was made Ms. Barnette and **Seconded** by Ms. Phelps to *adjourn. The Motion carried unanimously.*

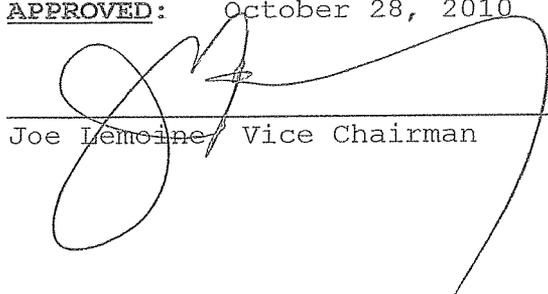
There being no further business, the meeting was adjourned at 7:19 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: October 28, 2010



Joe Lemoine, Vice Chairman

10/28/2010

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 28, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

1. CALL TO ORDER DATE: NOVEMBER 4, 2010

2. CALL OF ROLL ADJ/JD

3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of September 23, 2010. (APPROVED AS SUBMITTED)

4. NEW BUSINESS:

A. ELECTION OF OFFICERS - (TABLED UNTIL THE NEXT REGULAR MEETING)

B. DUNMORE SUBDIVISION, PHASE TWO:

1. FINAL PLAT REVIEW: (APPROVED)

File SDF10-02:

Subdivision: Dunmore, Phase Two, Part A

Zoning: *R-4, High Density Single Family Residential*

Location: On the East side of Alabama Highway 181, South of Austin Road,
North of Dick Higbee Road

Area: 6.62 Acres ±, (26) lots

Owner: Hearthstone Multi-Asset Entity

Engineer: Rester & Coleman Engineers - Joel Coleman

2. ADMINISTRATIVE PRESENTATION:

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting street acceptance of all streets contained within Dunmore Subdivision, Phase Two A. (FAVORABLE RECOMMENDATION TO CITY COUNCIL)

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting to waive the requirement for sidewalks and to defer the required installation, with the presentation of a performance bond to cover such expense, and to allow sidewalks to be installed as individual lots are developed. (APPROVAL, CONTINGENT UPON PLACEMENT OF SIDEWALKS IN COMMON AREAS)

C. SPRINGS AT EASTERN SHORE:

1. MASTER PLAN: (APPROVAL, CONTINGENT UPON SUBMISSION OF THE FORMAL EASEMENT DOCUMENT TO THE COMMUNITY DEVELOPMENT DIRECTOR)

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 28, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Presentation to be given by Mr. Scott Hutchinson or Mr. Jaye Robertson, representing Hutchinson, Moore & Rauch, requesting Master Plan approval for the Springs @ Eastern Shore.

2. PETITIONS:

ZONING AMENDMENT: (FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File Z10-05: Big Sandy, L.L.C.

Present Zoning: B-2, General Business

Proposed Zoning: R-4, High Density Multi-Family Residential

Location: Southeast of the intersection of U. S. Highway 98 and Johnson Road
Area: 0.72 Acres ±
Owner: Big Sandy, L.L.C. - Jacob Cunningham, Managing Member
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson or Jaye Robertson

3. ADMINISTRATIVE PRESENTATION:

Presentation to be given by Mr. Scott Hutchinson or Mr. Jaye Robertson, presenting Hutchinson, Moore, & Rauch, requesting a re-plat review to remove a common line of the out parcel on U.S. Highway 98 and Lot 1, Spring of Eastern Shore. (APPROVAL, CONTINGENT UPON APPROVAL OF THE ZONING AMENDMENT BY THE CITY COUNCIL)

4. SITE PLAN REVIEW:

File S10-13: (TABLED UNTIL THE NEXT REGULAR MEETING)

Site: Springs @ Eastern Shore

Zoning (s): B-2, General Business, and R-4, High Density Multi-Family Residential

Location: Southeast of the intersection of U. S. Highway 98 and Johnson Road
Area: 20.31 Acres ±
Owner: Big Sandy, L.L.C. - Jacob Cunningham, Managing Member
Developer: Heritage Construction Company
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson or Jaye Robertson

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 28, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

D. PETITIONS:

ZONING AMENDMENT: (FAVORABLE RECOMMENDATION MOTION FAILED, FIVE AYES AND ONE NAY)

File Z10-04: TDG LAKE FOREST, L.L.C. (AKA LAKE FOREST APARTMENTS)

Present Zoning: B-1, Local Business, and R-3, High Density Single Family Residential

Proposed Zoning: R-4, High Density Multi-Family Residential

Location: Northeast of Van Buren Street and North Main Street
Area: 2.92 Acres \pm and 3.39 Acres \pm , respectively
Owner: TDG Lake Forest, L.L.C. - William Dobbins, Managing Member
Engineer: Engineering Development Services - David Diehl

E. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Mr. David Diehl, representing Engineering Development Services, requesting a master plan revision for St. Augustine Subdivision. The subject property is located northeast of County Road 64 on Rigsby Road of the City of Daphne extraterritorial jurisdiction in Baldwin County District 15. (APPROVED)
2. Set meeting dates for November 18 and December 16, 2010. (APPROVED)
3. Review the By-Laws of the Planning Commission. (DISCUSSION, NO ACTION TAKEN)
4. Proposed amendments to the Daphne Land Use and Development Ordinance for the creation of a C-2, Outdoor Amusement, zoning district. (FAVORABLE RECOMMENDATION, CONTINGENT UPON A REVISION TO THE TABLE OF PERMITTED USES AND CONDITIONS FOR THE C-2, OUTDOOR AMUSEMENT, DISTRICT TO REMOVE USES PERMITTED IN A GC, GOLF COURSE, ZONING DISTRICT)
5. Proposed amendments to the Daphne Land Use and Development Ordinance for the creation of a Golf Course Zoning District. (FAVORABLE RECOMMENDATION, CONTINGENT UPON ACCEPTANCE OF THE C-2, OUTDOOR AMUSEMENT DISTRICT AND THE GC, GOLF COURSE DISTRICT, AS ONE)

5. PUBLIC PARTICIPATION

6. ATTORNEY'S REPORT

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 28, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

7. COMMISSIONER'S COMMENTS
8. DIRECTOR'S COMMENTS - 2011 GOALS OF COMMUNITY DEVELOPMENT AND THE PLANNING COMMISSION
9. ADJOURNMENT

SET PUBLIC HEARING DATE

FOR

DECEMBER 20, 2010

a.) Rezone: Big Sandy / 0.72 acres

Located: Southeast of the intersection of U.S. Highway 98 and Johnson Road

Present Zoning: B-2, General Business

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unanimous Favorable

b.) Rezone: TDG Lake Forest, LLC / 2.92 acres & 3.39 acres

Located: Southeast of Van Buren Street and North Main Street

Present Zoning: B-1, Local Business and R-3, High Density Single Family Residential District

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unfavorable / Six members present / Five members voted in the affirmative and one dissented. A supermajority is required for a favorable recommendation

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Big Sandy, L.L.C.
Zoning Amendment Review
Date: November 2, 2010

MEMORANDUM

PRESENT ZONING: B-2, General Business, City of Daphne

PROPOSED ZONING: R-4, High Density Multi-Family
District, City of Daphne

LOCATION: Southeast of the intersection of U. S.
Highway 98 and Johnson Road

RECOMMENDATION: At the Thursday, October 28, 2010,
regular meeting of the Daphne Planning
Commission, six members were present
and the motion to recommend approval
carried unanimously.

The appropriate documentation and action of the Planning Commission has been provided to the City Attorney for preparation of the ordinance. Upon receipt of said documentation, please place on the appropriate City Council agenda to set the public hearing for Monday, December 20, 2010.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Review
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners' list

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

Big Sandy, L.L.C

B-2 TO R-4

Big Sandy, LLC. proposes to rezone a 0.72 acre parcel from B-2 General Business to R-4 Multi-family residential zone. According to the overall master plan, the property will be used as the primary access point for a 256 unit apartment development community.

The proposed zoning district is consistent with existing R-4, Multi-family zoning on the adjoining property to the south/east.

The Future Land Use Map designates the subject property as residential, thus the proposal is consistent with the Comprehensive plan.

Recommendation: Approval.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 210-05 Date Plat Submitted: Sept. 28, 2010

Date Presented: Oct. 28, 2010

Name of Owner: Big Sandy, LLC

Address: 169 Dauphin Street, Suite 101, Mobile, AL 36602 Telephone #251-432-2520
(Street or P.O. Box) (City) (State) (Zip Code)

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

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

Subdivision: Springs at Eastern Shore, replat of Lot 1

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Sept. 28, 10).

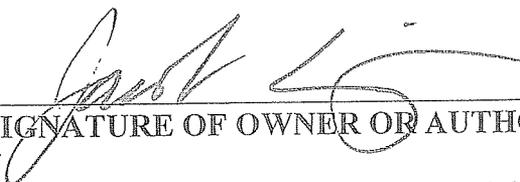
Meeting Dates:

Planning Commission: Oct. 28, 10

City Council: Dec 20, 10

Reason(s) for requesting the Zoning Amendment:

(outparcel)
To allow lot to be subdivided into Lot 1 of Springs at Eastern Shore



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

a) Address _____

b) Name of Subdivision Springs at Eastern Shore , Replat of 10+1

c) Lot numbers involved in change 1

d) Total acreage of change 0.72

e) Recorded in Map Book _____ Page _____

f) Owned in whole by the undersigned? Yes

g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

a) Present classification of property B2

b) Reclassification desired R4

c) Character of neighborhood business/residential

3) Certifications:

a) Owner's Name Jacob Cunningham - Big Sandy, LLC

b) Address 169 Dauphin Street, Suite 101, Mobile, AL 36526

c) Telephone Number 251-432-2520

d) Date September 23, 2010



Signature of Property Owner

AGREEMENT

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

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

9/23/10
Date


Signature of Property Owner

BIG SANDY, L.L.C.
ZONING AMENDMENT REVIEW

800' SOUTH OF JOHNSON ROAD EAST OF HIGHWAY 98
EXHIBIT "A"

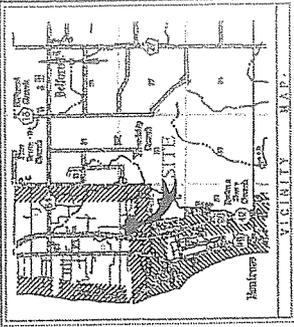
(RESUBDIVISION OF LOT 1, SPRINGS AT EASTERN SHORE)

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

PROJECT REFERENCE: SPRINGS AT EASTERN SHORE

SPRINGS AT EASTERN SHORE RE-ZONING REQUEST



GENERAL SURVEYOR'S NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1968 AND THE RULES AND REGULATIONS THEREUNDER.

2. THE BOUNDARIES OF THE TRACT ARE SHOWN BY THIS SURVEY.

3. THE AREA OF THE TRACT IS 19.50 ACRES.

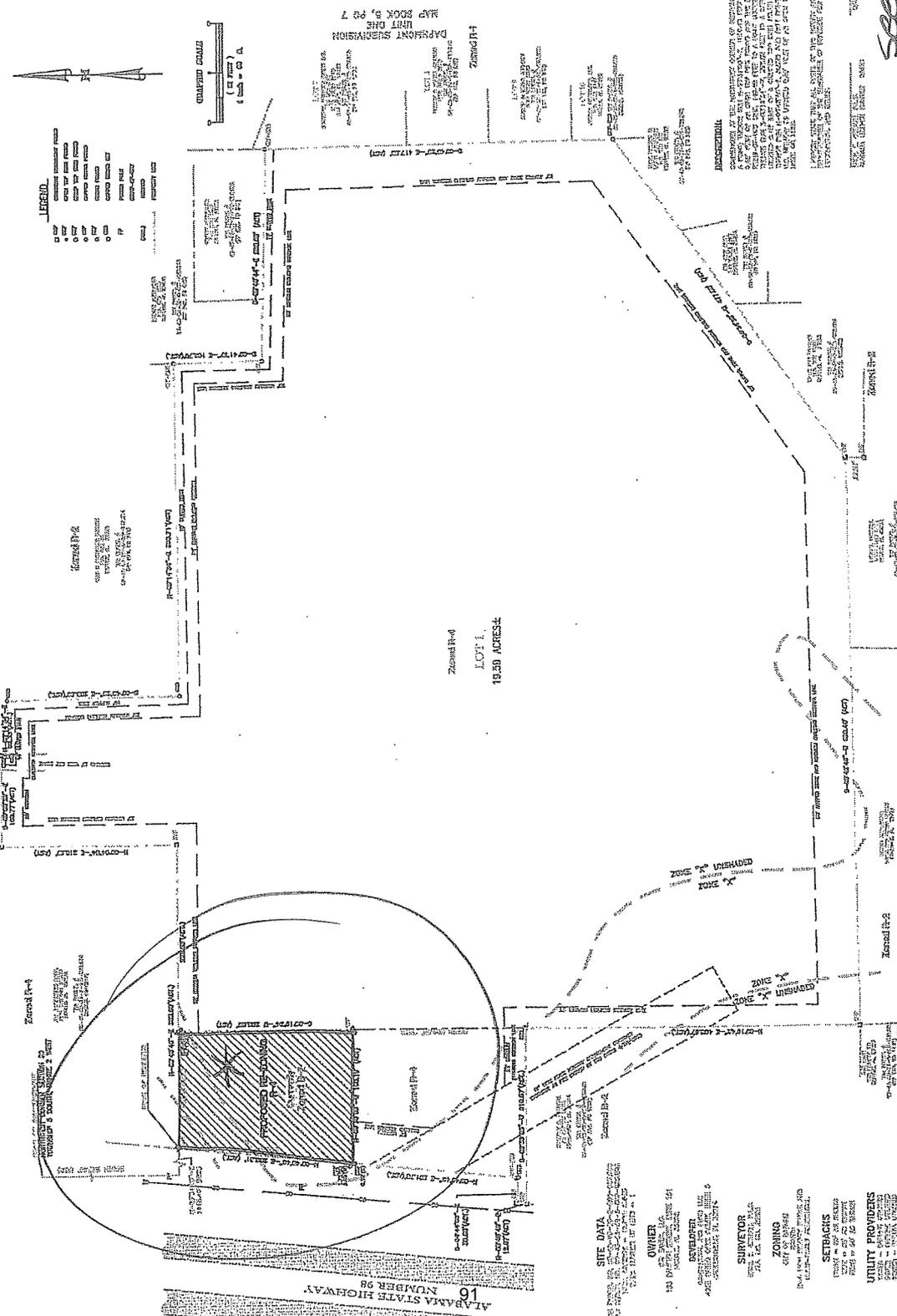
4. THE TRACT IS LOCATED IN SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, HERKULES TOWNSHIP, MISSOURI.

5. THE TRACT IS BOUND BY THE EASTERN SHORE SUBDIVISION TO THE NORTH AND WEST, AND BY THE HERKULES TOWNSHIP TO THE SOUTH AND EAST.

6. THE TRACT IS SHOWN BY THIS SURVEY TO BE A SINGLE TRACT OF 19.50 ACRES.

7. THE TRACT IS SHOWN BY THIS SURVEY TO BE A SINGLE TRACT OF 19.50 ACRES.

8. THE TRACT IS SHOWN BY THIS SURVEY TO BE A SINGLE TRACT OF 19.50 ACRES.



SITE DATA

19.50 ACRES

OWNER

HUTCHINSON, MOORE & RAUCH, LLC

DESIGNER

HUTCHINSON, MOORE & RAUCH, LLC

SURVEYOR

DAVID L. HARRIS, SURVEYOR

TOWNSHIP

HERKULES TOWNSHIP, MISSOURI

SECTIONS

SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST

UTILITY PROVIDERS

MISSOURI ELECTRIC POWER & LIGHT COMPANY

MISSOURI GAS COMPANY

MISSOURI WATER COMPANY

HUTCHINSON, MOORE & RAUCH, LLC

ENGINEERS & SURVEYORS

LAND PLANNERS

2030 MAIN STREET
DAVENPORT, MISSOURI 64008

TEL (816) 896-8808
FAX (816) 896-8034
dph@hmrplanners.com

RE-ZONING EXHIBIT

SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST

HERITAGE CONSTRUCTION COMPANY

DATE: OCTOBER 2010

SCALE: 1" = 100'

SHEET NO. 40

TOTAL SHEETS: 40

OF 1

ADJACENT PROPERTY OWNERS
SPRINGS AT EASTERN SHORE

Suzanne D Parsons
85 Fairway Drive
Birmingham, AL 35213
05-43-09-29-2-000-036.003

Cococay, LLC
602 Highway 98
Daphne, AL 36526
05-43-09-29-2-000-036.006

Norma L Altamirano
10082 Bay Haven Circle
Fairhope, AL 36532
05-43-09-29-2-000-035.000

Michael Mitchell
2458 Friar Lane
Mobile, AL 36605
05-43-09-29-2-000-034.000

Willie Mae Williams
Post Office Box 1065
Daphne, AL 36526
05-43-09-29-2-000-030.000

Ida Jean Reed
110 Valrie Lane
Daphne, AL 36526
05-43-09-29-2-000-029.001

Linda and Larry Howard
Post Office Box 817
Daphne, AL 36526
05-43-09-29-2-000-028.000

Jordan Investments, LLC
Post Office Box 2747
Mobile, AL 36652-2747
05-43-09-29-1-000-093.000

Robert and Monya Johnson
1960 Story Road
San Jose, CA 95122
05-43-09-29-1-000-090.000

Universal Brokers Realty Inc. of San Jose
1960 Story Road
San Jose, CA 95122
05-43-09-29-1-000-088.000

Mary Ellen Wood
713 Daphmont Drive
Daphne, AL 36526
05-43-09-29-1-000-087.000

Tina Alexander
Post Office Box 2632
Daphne, AL 36526
05-43-09-29-2-000-003.002
05-43-09-29-2-000-003.004

Otis & Frederick Pickett
Post Office Box 69
Daphne, AL 36526
05-43-09-29-2-000-007.000

WPNVA, LLC
Post Office Box 7475
Mobile, AL 36670
05-43-09-29-2-000-008.000

ORDINANCE NO. 2010-

**Ordinance to Rezone Property Located Southeast of the
Intersection of U.S. 98 and Johnson Road
Big Sandy, LLC
(0.72 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4 High Density Multi-Family Residential District, to said property is located, southeast of the intersection of U.S. Highway 98 and Johnson Road being more particularly described as follows:

Legal Description:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

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

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: TDG Lake Forest, L.L.C.
Zoning Amendment Review
Date: November 2, 2010

MEMORANDUM

PRESENT ZONING: B-1, Local Business, and R-3, High Density Single Family Residential, City of Daphne

PROPOSED ZONING: R-4, High Density Multi-Family District, City of Daphne

LOCATION: Southeast of Van Buren Street and North Main Street

RECOMMENDATION: At the Thursday, October 28, 2010, regular meeting of the Daphne Planning Commission, six members were present and the motion to recommend approval failed. Five members voted in the affirmative and one dissented. Although the majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

The appropriate documentation and action of the Daphne Planning Commission has been provided to the City Attorney for preparation of the ordinance. Upon receipt of said documentation, please place on the appropriate City Council agenda to set the public hearing for Monday, December 20, 2010.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Review
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners' list

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

TDG LAKE FOREST, L.L.C

B-1 TO R-4

&

R-3 TO R-4

TDG Lake Forest, LLC proposes to rezone Lake Forest Apartments, a 6.31 acre site, from B-1 and R-3 to R-4 Multi-family zoning. The apartments were originally developed in 1979 and were subsequently annexed into the City of Daphne.

According to Article 9-2 of the Land Use & Development Ordinance, *Nonconforming Use*, the entire development is classified as a grandfathered non-conforming use.

The density of the existing complex (20 units/acre) exceeds the maximum allowable density of R-4, Multi-family district (14 units/acre). If the property is rezoned, the apartment use would be in compliance with R-4 zoning; however the *density will be noncompliant*.

A subsequent submittal to the Daphne Board of Zoning Adjustment requesting a variance in the allowable density of the site from 14 units per acre to 20 units per acre would be necessary. In 2007, building #3 was destroyed in a fire. All that currently remains of the building is a concrete slab. At 14 units per acre, building #3 cannot be reconstructed nor could any future unit which may be destroyed be re-built.

The Future Land Use Map designates the subject property as residential, thus the proposal is consistent with the Comprehensive plan.

Zoning Recommendation: Approval.

Subsequent Recommendation: Replat the property to combine the fragmented sites into one lot of record.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z10-04

Date Plat Submitted: Sept. 28, 2010

Date Presented: Oct. 28, 2010

Name of Owner: TDG LAKE FOREST, LLC

Address: 2204 LAKESHORE DR SUITE 425 BIRMINGHAM AL 35209 Telephone# 205-503-4000
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: EDS LLC

Address: 9499 BELLATON AVE DAPHNE, AL 36526 Telephone# 636-2122
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: reference: lake forest apartments

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 09/28/10).

Meeting Dates:

Planning Commission: Sept. 28, 2010

City Council: Dec. 20, 2010

Reason(s) for requesting the Zoning Amendment:

TO CHANGE ZONING TO MATCH CURRENT AND FUTURE LAND USE - PROPERTY HAS CONTAINED APARIMENTS SINCE 1979

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address 500 JACKSON ST. DAPHNE AL 36532
- b) Name of Subdivision _____
- c) Lot numbers involved in change N/A
- d) Total acreage of change 631 AC 2.92, 3.39
- e) Recorded in Map Book N/A Page _____
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s) :

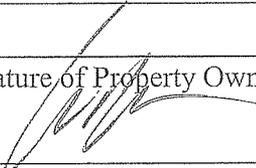
2) Zoning change requested:

- a) Present classification of property R-3 & B-1
- b) Reclassification desired R-4 MF
- c) Character of neighborhood BUSINESS MULTIFAMILY AND SINGLE FAMILY RESIDENTIAL

3) Certifications:

- a) Owner's Name TDG LAKE FOREST, LLC
- b) Address 2204 LAKESHORE DR SUITE 425 BIRMINGHAM, AL 35209
- c) Telephone Number 205-503-4000
- d) Date 9/28/2010

Signature of Property Owner



Signature of Property Owner

AGREEMENT

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

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

Date

9/24/10

Signature of Property Owner

**TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)**

ZONING AMENDMENT

**SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET**

EXHIBIT "A"

**B-1, LOCAL BUSINESS, TO R-4, HIGH DENSITY
MULTI-FAMILY RESIDENTIAL
(2.92 ACRES)**

LEGAL DESCRIPTION:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.

TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)
ZONING AMENDMENT

SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET

EXHIBIT "A"

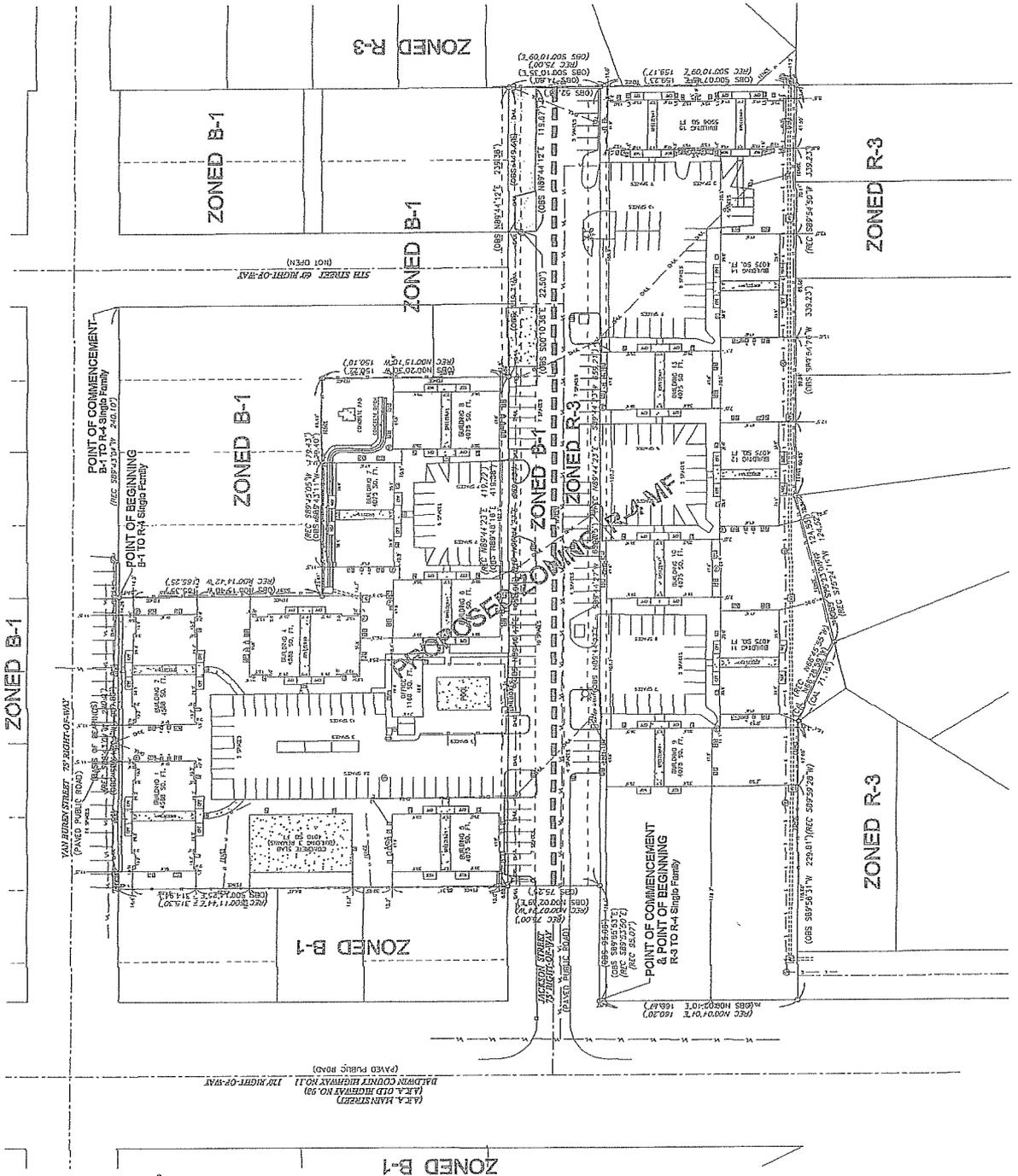
R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL, TO R-4 HIGH DENSITY
MULTI-FAMILY RESIDENTIAL (3.39 ACRES)

LEGAL DESCRIPTION:

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

TDC LAKE FOREST, LLC
 REZONING REQUEST
 EXHIBIT "B"

PROPERTY IS LOCATED IN THE DRIVING GRANT SECTION 7,
 TOWNSHIP 1 SOUTH, RANGE 7 EAST, MADISON COUNTY, ALABAMA



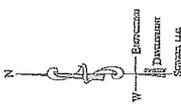
DEPT 14-400 (only)
 LOCAL DESCRIPTION

COMMENCING AT A POINT WHERE THE SOUTH RIGHT-OF-WAY
 OF VAL HINDEN STREET INTERSECTS THE EAST RIGHT-OF-WAY
 OF STA STREET, THE POINT OF BEGINNING OF THE
 AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.
 THE POINT OF COMMENCEMENT IS THE POINT OF BEGINNING
 OF THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.
 THE POINT OF BEGINNING IS THE POINT OF COMMENCEMENT
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 OF THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.

TOTAL AREA 6.31 ACRES
 PRESENT ZONING B-1 & R-3
 PROPOSED ZONING R-4 Multifamily
 DENSITY 202 / Acre
 PARKING-REQD 192 Spaces
 PARKING-EXIST. 221 Spaces
 IMPERVIOUS AREA 3.85 Ac (61%)

R-4 TO R-4 SINGLE-FAMILY
 LOCAL DESCRIPTION

COMMENCING AT A POINT WHERE THE DEPARTMENT OF HIGHWAY
 CONSTRUCTION HAS ESTABLISHED THE POINT OF BEGINNING OF
 THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.
 THE POINT OF COMMENCEMENT IS THE POINT OF BEGINNING
 OF THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.
 THE POINT OF BEGINNING IS THE POINT OF COMMENCEMENT
 OF THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.
 THE POINT OF COMMENCEMENT IS THE POINT OF BEGINNING
 OF THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.
 THE POINT OF BEGINNING IS THE POINT OF COMMENCEMENT
 OF THE AVERAGE OF 200 FEET TO THE POINT OF COMMENCEMENT.



REZONING SKETCH
 TDC LAKE FOREST, LLC
 engineering development architect, llc
 10000 Highway 200, Suite 200
 Madison, AL 36050
 (205) 836-2522 • Fax: (205) 836-2525

TDG LAKE FOREST, LLC
REZONING
ADJ PROPOERTY OWNERS

BAUER, THERESA D
117 WINDSOR DR
DAPHNE AL 36526

BENNETT, JEAN D
28091 LAKEVIEW DRIVE
DAPHNE AL 36526

BOOTH, BARRY L
P O BOX 7406 PORTER VAN BUREN
SPANISH FORT AL 36577

BOOTH, BARRY L
P O BOX 7406 LF CORNER
SPANISH FORT AL 36577

BOOTH, STACY ETAL SUTHERLAND, R
MARK
P O BOX 1
MONTROSE AL 36559

BROWNING, CHRISTOPHER ETAL
BROWNING, TAR
111 WINDSOR DR
DAPHNE AL 36526

BROWNING, ELLIS GAINES III
115 WINDSOR DRIVE
DAPHNE AL 36526

EDS
9949 BELLATON AVE
DAPHNE AL 36526

FIRST-CITIZENS BANK & TRUST
COMPANY
515 S FLOWER STREET SUITE 1200
LOS ANGELES CA 90071

GIBBONS, HOWELL EUGENE
4309 PACKINGHAM DR
MOBILE AL 36609

GODWIN, STEVEN MARK
28620 NORTH MAIN ST
DAPHNE AL 36526

H & M RENTALS INC
P O BOX 7896
SPANISH FORT AL 36527

JUBILEE POINTE L L C
P O BOX 2613
MOBILE AL 36652

LAM, KIN ETAL BING, OU YOU
9286 OTTAWA DR
DAPHNE AL 36526

LOGAN, JEFFERY L
107 EAGLE DR
DAPHNE AL 36526

LUNA, JAMES ANTHONY ETAL LUNA,
JESSICA L
109 EAGLE DRIVE
DAPHNE AL 36527

MILLER, JANICE W ETAL HARRIS,
ASHLEIGH J
28550 SPINNAKER RUN N
DAPHNE AL 36526

MILLS, W MARVIN & JEAN
105 WINDSOR DRIVE
DAPHNE AL 36526

MITCHELL, ROBERT A
111 EAGLE DRIVE
DAPHNE AL 36526

RANDALL, BUDDY E
P O BOX 2328
DAPHNE AL 36526

SLADE, ROBERT M ETAL SLADE,
REBECCA
109 WINDSOR DRIVE
DAPHNE AL 36526

SLJ CAPITAL L L C
P O BOX 397
SUMMERDALE AL 36580

TDG LAKE FOREST, LLC
2204 LAKESHORE DR SUITE 425
BIRMINGHAM AL 35209

WHITE, MICHAEL D & CONNIE A
105 EAGLE DR
DAPHNE AL 36526

WILLIAMS, LEROY A
113 WINDSOR DRIVE
DAPHNE AL 36526

ARBACZAUSKAS, STANISLAUS ETAL
ARBACZAUSK
1616 WINDSOR DRIVE
DAPHNE AL 36526

ASKELSON, ROBERT
33 GENERAL CANBY DR
SPANISH FORT AL 36527

TDG Lake Forest, L.L.C.

Citizen Concern



BARRY LEE BOOTH, D.M.D.
PROFESSIONAL CORPORATION
POST OFFICE BOX 7406
SPANISH FORT, AL 36577-7406

Adrienne D. Jones
Director of Community Development
Daphne, Alabama

October 28, 2010

Dear Ms. Jones,

In response to the request for rezoning for Lake Forest Apartments, I would like for the P & Z to consider the problem of Van Buren Street parking.

I believe this situation is not in compliance with the existing parking requirements.

I do not oppose the rezoning but I do ask that Van Buren Street be restored to the right of way boundaries.

Respectfully

Barry Lee Booth, D.M.D.

ORDINANCE NO. 2010-

**Ordinance to Rezone Property Located Southeast of
Van Buren Street and North Main Street
TDG Lake Forest, LLC
(2.92 Acres and 3.39 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to R-4, High Density Multi-Family Residential District, to said property is located, southeast of Van Buren Street and North Main Street being more particularly described as follows:

B-1 - Legal Description:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.
LEGAL DESCRIPTION:

R-3 - Legal Description: 3.39 Acres

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an unfavorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ August 25, 2010 ♦ 5:00 p.m.

I. CALL TO ORDER

The August 25, 2010 regular Board meeting for the Utilities Board of the City of Daphne was held and called to order by Chairman Robert Segalla, at 5:01 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Lon Johnston, Secretary/Treasurer

Others Absent: Fred Small, Mayor
Fenton E. Jenkins

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Teresa Logiotatos – Finance Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Administrative Services Manager
Lori Scharles – Executive Assistant
Melinda Immel – Volkert & Associates
Tim Patton – Volkert & Associates
Ray Moore - HMR
Doug Bailey – HMR

Others Absent: Danny Lyndall – Operations Manager

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. Utilities Board Minutes from July 28, 2010:

The Chairman inquired if there were any corrections noted for the Minutes from the July 28, 2010, Utilities Board meeting. No corrections, additions and/or deletions were noted.

MOTION BY Lon Johnston to approve the Minutes for July 28, 2010; Seconded by.

Mr. Johnston interjected that since Mr. Scott was absent last week and questioned if he was able to second the Motion to approve those Minutes. Chairman Segalla then turned over the Chairman duties to Mr. Scott. Mr. Scott then called for a second to the Motion by Lon Johnston to approve the Minutes for the July 28, 2010 Utilities Board Meeting for the City of Daphne. The Motion was Seconded by Mr. Segalla. Mr. Scott then restored the Chairman duties to Mr. Segalla.

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

V. Old Business

a. Central Services Building (Property Investigation) – Update

Mr. McElroy updated the Board that the annexation through the Daphne City Council was successful and discussions have been under way with Mr. Speegle regarding the possible extension of the closing procedure on the property. Mr. Speegle explained that we agreed to close after the crops had been harvested. Mr. McElroy added that the closing delay was not impacting any construction progress at this time.

b. Spanish Fort Sewer Franchise issues

Mr. McElroy had no new updates.

c. 19 Acres - Daphne Utilities property

Mr. McElroy had no new updates on this issue. Mr. Scott stated that the City Council would like to see some action on the lease progress of the property. Mr. Speegle commented that he would continue to work with Jay Ross.

d. Items in Abeyance:

1. **Gas Franchise Agreement** – No current information was reported.

2. **Sewer Only Cutoff Policy** – Drew Klumpp reported that one sewer was cut-off which prompted three or four customers to bring current their promissory note.

VI. New Business - no new business

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing further to add to his report but stated that an Executive Session is needed to discuss pending legal matters.

VIII. FINANCIAL REPORT

Teresa Logiotatos commented on the reserve account at Bryant Bank. No other comments were made.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Mr. McElroy informed the Board that ADEM requested that Daphne Utilities’ representatives attend the board meeting for the ADEM Board of Commissioners for recognition of the EPA Award of Excellence that Daphne Utilities received. Deloris Brown invited the Board to the upcoming Daphne Utilities’ Employee Appreciation Banquet.

b. Operations Report

Nothing further was added to the Operations Report.

Melinda Immel of Volkert & Associates updated the Board on the energy grant for the blower project.

Doug Bailey from HMR updated the Board on the Highway 64 South Sewer project.

Mr. McElroy added a final comment that Daphne Utilities is excited with the direction of Daphne Public Works and expressed positive reaction to the addition of Mr. Richard Johnson. Mr. Scott inquired as to the customer service report’s online payment figures. Mr. Klumpp confirmed that 4,000 customers that have electronic payment, either by online payments, e-billing or bank draft. Chairman Segalla commented about inserting a flier into our bills regarding recycling.

X. BOARD ACTION – None

XI. PUBLIC PARTICIPATION – Larry Jackson reiterated Mr. McElroy’s sentiments of the new Public Works Director, Richard Johnson.

XII. BOARD COMMENTS – None

XIII. EXECUTIVE SESSION –

MOTION BY to go into Executive Session at 5:23 pm for discussion of pending and ongoing litigation; Confirmed as proper purposes by Jerry Speegle; Seconded by Lon Johnston.

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

Executive Session ended 5:27 p.m.

XIV. ADJOURNMENT–

MOTION BY Lon Johnston to adjourn the meeting. Seconded by Ron Scott.

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

The meeting adjourned at 5:45 p.m.



Daphne Utilities

DRAFT MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ September 29, 2010 ♦ 5:00 p.m.

This meeting was cancelled due to a lack of a quorum.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>AML - Apollo's Mystic Ladies</i>
CONTACT PERSON:	<i>Renea Lott</i>
ADDRESS:	<i>P.O. Box 3133 Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>251-490-5788</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>Date: February 25, 2011 Rain Date: March 3, 2011</i>
ROUTE TO BE TRAVELED:	<i>From Daphne Civic Center down Main St. turn around @College Ave. to 6th St. and back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>50 units - Approx. 500 people</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:30 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne Civic Center/Main Street</i>
ASSEMBLY TIME:	<i>5:30 P.M.</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>Richard Johnson</i>
CITY COUNCIL: <i>11-15-2010</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION:	
Received Proof of Insurance: <i>11/08/10</i>	
Received Parade Permit Fee: <i>CK 1826</i>	

\$1750.00

CK# 1826

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2010-99
2011-A-DAPHNE FIRE DEPARTMENT TRAINING FACILITY

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

WHEREAS, The City of Daphne acknowledges that the cost for the DAPHNE FIRE DEPARTMENT TRAINING FACILITY will exceed this amount; and

WHEREAS, the City of Daphne Volunteer Fire Department will be reimbursing the City for all cost associated with the construction of the Training Facility; and

WHEREAS, WHLC Architecture and Staff has reviewed the bids for the FIRE DEPARTMENT TRAINING FACILITY and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the FIRE DEPARTMENT TRAINING FACILITY be awarded to Ladas Construction;

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby 1) accept the bid of Ladas Construction in the amount of \$629,000 as specified in BID SPECIFICATION NO: 2011-A- FIRE DEPARTMENT TRAINING FACILITY (Total project cost including Architecture Fees- \$16,047.52 + \$629,000 = \$645,047.52) and 2) the Mayor is hereby authorized to enter into a contract with the Daphne Volunteer Fire Department for the reimbursement of all expenditures related to this project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2010

Cathy Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2010-100
2011-E-CIVIC CENTER ELECTRONIC SIGNAGE

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 \$15,000; and

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

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

WHEREAS, such signage has been considered by the City Council since FY2005 and funds were encumbered for the placement of such signage, and

WHEREAS, Staff recommends the bid for the CIVIC CENTER ELECTRONIC SIGNAGE be awarded to Modern Signs.

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 Modern Signs. for the amount of \$26,123 as specified in BID SPECIFICATION NO. 2011-E-CIVIC CENTER ELECTRONIC SIGNAGE.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____day of _____, 2010.

Cathy Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2010-101
2011-C-CELLULAR TELEPHONES/800 MHZEQUIPMENT

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 \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the CELLULAR TELEPHONES/800 MHZEQUIPMENT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CELLULAR TELEPHONES/800 MHZ EQUIPMENT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CELLULAR TELEPHONES/800 MHZ EQUIPMENT be awarded to Sprint Solutions, Inc. (Sprint/Nextel).

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 Sprint Solutions, Inc. (Sprint/Nextel) in order that the City may select a plan by department/employee and retain the same benefits throughout the term of the contract (through November 1, 2011) as specified in BID SPECIFICATION NO: 2011-C-CELLULAR TELEPHONES/800 MHZ EQUIPMENT.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2010

Cathy Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

The City desires to maintain it's existing phone numbers. Explain process and cost (if any) that would be required to make this transition:

The selected vender must have coast to coast direct connect, as this will become the City's backup emergency operations radio in the event the City of Daphne's 800 trunking system should fail. The selected vender must furnish and install an interface device that be installed on the City's 800mhz radio system so the operators may use the radio console to communicate via the direct connect. You may call Captain Danny Bell at 251-621-2834 with any questions concerning this equipment.

Cost for Booster Equipment installation (including equipment): \$ up to \$28,000
N/A Already installed

Cost for complete 800Mhz Equipment installation (including equipment): \$ N/A Already installed

The selected vendor must provide and install any required booster equipment so that **All City Buildings** have signal/connectivity throughout the building. The Booster equipment must be installed at any point in the contract upon the request of the City. Equipment must be installed within 15 days of contract award.

[Signature]
COMPLY

DO NOT COMPLY (List Explanation) installed

Vendor will provide new phones as required, comparable to initial phones issued upon contract award, if annual contract extension option is accepted by both City and Vendor

[Signature]
COMPLY

DO NOT COMPLY (List Explanation)

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM.

THIS BID MUST BE NOTARIZED
Sworn to and subscribed
before me this 14 day
of October, 2008/2010

BY: [Signature]
Owner of Authorized Signature
Traci Robinson
(Please print name)



[Signature]
NOTARY PUBLIC

E-MAIL Traci.Robinson@sprint.com

COMPANY: Sprint Nextel

MAILING ADDRESS: 6506 N. Davis Hwy

CITY: Pensacola ST: FL

PHONE: 850 393 1369 ZIP: 32504

FAX: 404 948 0253

FEDERAL ID#: 47-0882463

BIDS MADE OUT IN PENCIL WILL NOT BE ACCEPTED.

BID COST SHEET

- The City of Daphne does not pay Federal, State, or Local Sales Tax or Federal Universal Service Fund.
- A map must be submitted to show coverage area for local/long distance...plans submitted below – it must be clearly labeled which map goes with which plan.
- All service charges must be included with each Plan Option: access fees, usage fees, and any other charges associated with cellular service.
- Approval to purchase phone/radio equipment in must be approved by the Mayor.
- No new contracts may be awarded without the Mayor's signature.
- All contract expiration dates will be within the bid stated contract dates.

COPY THIS PAGE FOR ADDITIONAL PLAN OPTIONS/OR CREATE A SIMILAR CHART – THE EXACT QUANTITY OF PHONE/RADIO EQUIPMENT IS NOT KNOWN. THE CITY OF DAPHNE DOES NOT GUARANTEE THAT A CERTAIN QUANTITY WILL BE PURCHASED OR NEEDED FOR ANY PERIOD OF TIME. ORDERS WILL BE PLACED AS NEEDED AND DELIVERY INSTRUCTIONS GIVEN.

PLAN #1	Unlimited State Wide Two Way Radio only	\$ 18.00
PLAN #2	400 Cell Mins, Unlimited State Wide Two Way Radio, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	\$ 29.99
PLAN #3	500 Cell Mins, Unlimited State Wide Two Way Radio, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	\$
PLAN #4	800 (or greater-list # minutes in plan) Cell Mins, Unlimited State Wide Two Way Radio, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	\$ 49.99 1000 Minutes
PLAN #5	400 Anytime Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends. Voicemail, Caller ID.	\$ 29.99
PLAN#6	Free Incoming 300 Anytime Cell Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends, Voicemail, Caller ID, .	\$ See Options
PLAN#7	Free Incoming 500 Anytime Cell Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends, Voicemail, Caller ID.	\$ See Options
PLAN#8	Free Incoming 800+ Anytime Cell Minutes, Free Nationwide Cellular Long Distance, Free Nights and Weekends Voicemail, Caller ID, .	\$ See Options
PLAN #9	Unlimited Blackberry/Smart Phone Service, Unlimited Incoming Cellular Minutes, 300 Outgoing Cellular Minutes, Unlimited Nationwide Two Way Radio Minutes, Unlimited Nights and Weekends, Voicemail, Caller ID, Free Nationwide Cellular Long Distance	\$49.99/400 mins \$74.99/1000 mins \$5.00 incoming buy-up available
PLAN #10	POLICE/Public Safety Plan/Special Governmental plan (list details)	\$3.00 per unit per month
	Text Messaging	\$ 0.00 for 300
* NOTE:	* Nationwide Direct Connect (List if included in plans or additional cost if added) * List additional options in plans if not listed above * Additional plans may be submitted on a separate page	Included in plans
PLAN #11	Broadband Air Cards for laptop computers	\$41.99 unlimited \$39.99 5GB

Options/Additional Plans: \$5.00 Add-On available for unlimited incoming
calls.



Meleanie Watkins
Commission #DD609947
Expires: OCT. 30, 2010
WWW.AARONNOTARY.COM

Meleanie Watkins

Please provide pricing for the following Communication Devices that will be provided free with the new plans and attach information for each Device. The latest models must be offered for new plans throughout the contract period.

Example: ITEM#1 MODEL ##### BLACKBERRY/SMART PHONE DEVICE OR EQUAL	\$	EACH
Dual Charger – Wall & Car charger	\$ Wall charger included	EACH
BlackBerry 8350i	\$ 99.99	EACH
Motorola i576	\$ 69.99	EACH
Motorola i335	\$ 29.99	EACH
<i>JK</i>	\$ <i>JK</i>	EACH
	\$	EACH
	\$	EACH

VENDOR MAY BE ASKED TO BRING PHONE EQUIPMENT TO SEVERAL LOCATIONS TO VERIFY COVERAGE INSIDE CITY BUILDINGS IF INITIAL MEETING BEFORE BID OPENING IS NOT SUFFICIENT. EQUIPMENT OFFERED AND TOWER COVERAGE WILL BE EVALUATED IN THE BID AWARD PROCESS.

If some employees have newer equipment that will work with the new contract the offer of new equipment at no charge will be extended until that individual contract requires a replacement phone. A new phone must be offered at no charge for each new account/phone# set up – regardless of what point in the contract the new account is added. Note: Free phones offered with plans must be durable enough to withstand usage for municipal employees, phones offered may be required to be more durable than free phone offered to general public.

Prices for all items of **CELLULAR AND TWO-WAY COMMUNICATION EQUIPMENT** that is included with a new plan must be included in the bid. These cost are for phones that may need to be replaced between annual contract renewal periods... but all new accounts added will be offered a free phone and new phones will be issued at the annual contract renewal date if both parties agree to the contract extention.

We have allowed _____ % discount from the price list, and will offer the same pricing basis for all items of our entire line of **CELLULAR AND TWO-WAY COMMUNICATION EQUIPMENT** during the contract period.

Bidder must submit a equipment/accessories pricing catalog with the submission of the bid. Attach additional information if Governmental discounts apply (Ex. Government pricing for equipment)

RESOLUTION 2010-102

**Acceptance of Streets and Drainage
located in Dunmore Subdivision, Phase Two, Part A**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Dunmore Subdivision, Phase Two, Part A on October 28, 2010, and the City of Daphne hereby recommends acceptance of said street(s) located in Dunmore Subdivision, Phase Two, Part A; and,

Whereas, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and has accepted said streets and storm water drainage of Dunmore Subdivision, Phase Two, Part A; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Dunmore Subdivision, Phase Two, Part A; and,

Whereas, the developer has provided to the City a two-year construction warranty bond as required and requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Dunmore Subdivision, Phase Two, Part A according to the plat presented by Rester & Coleman Engineers as recorded in the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Fionn Loop is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2010.

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**CATHY BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

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

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Acceptance of Streets and Drainage,
Dunmore Subdivision, Phase Two, Part A
Date: November 2, 2010

MEMORANDUM

At the Thursday, October 28, 2010 regular meeting of the City of Daphne Planning Commission, six members were present and the motion carried unanimously to set forth a favorable recommendation for the acceptance of the streets and drainage in Dunmore Subdivision, Phase Two, Part A.

Upon receipt of said documentation, please place the resolution on the Monday, November 15, 2010 agenda for acceptance by the City Council.

Thank you,
ADJ/jd

Attachment(s)

1. Copy of resolution
2. Correspondence requesting acceptance
3. Petition of Acceptance of Road(s) and/or Right(s) of Ways
4. Copy of two-year maintenance bond

cc: file
Mr. Richard Johnson, Public Works Director

RESTER AND COLEMAN ENGINEERS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST - (251) 479-4518
MOBILE, AL 36606

September 27, 2010

City of Daphne
Director of Community of Development
P.O. Box 400
Daphne, AL 36526

Attn: Mrs. Adrienne Jones.

Re: Dunmore Subdivision, Phase Two, Part "A"
Dear Mrs. Jones:

Please accept this letter as our request for the City of Daphne to accept the streets and right-of-ways with the above mentioned subdivision. Please notify us if you have any questions or require any further information.

Sincerely,

RESTER & COLEMAN ENGINEERS, INC.



D. Joel Coleman

jc

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: Dunmore, Phase Two, Part "A"
LOCATION: North and East of Dunmore, Phase One
At the East terminus of Fionn Loop

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 28th day of October, 2010 by Hearthstone Multiasset hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Dunmore, Ph + two, P + A Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, the Subdivider ~~does~~ hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$385,049.35) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

*actual bond
is
\$385,049.35
AJ
10.28.10*

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of October 28, 2010. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named _____
Fionn Loop

1426 linear ft, 50ft ROW width

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

Hearthstone Multi-Asset Entity D L P
Name of Individual or Corporation

By: Steve M. Matheson

Its: VP / SENIOR INVESTMENT MANAGER

STATE OF ALABAMA)
COUNTY OF BALDWIN)

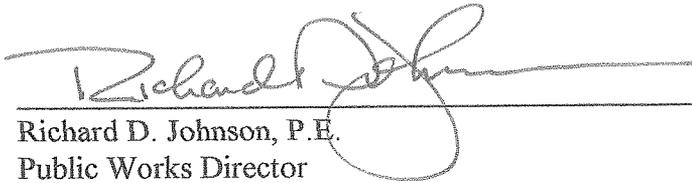
I, the undersigned Notary Public in and for said State and County, hereby certify that _____
STEVE MATHESON whose name as VICE PRESIDENT of HEARTHSTONE, an Alabama corporation or as owner of Hearthstone Multi-Asset Entity D L P is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 19th day of OCTOBER 2010.

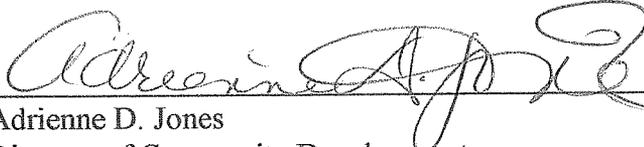
David P. Donoghue (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 04-01-2012

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:

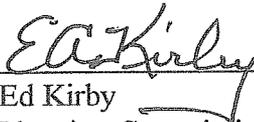


Richard D. Johnson, P.E.
Public Works Director
City of Daphne



Adrienne D. Jones
Director of Community Development
City of Daphne

Approval:



Ed Kirby
Planning Commission Chairman
City of Daphne

Bond No.: SB024000081
Premium: \$578.00/annual

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we **Hearthstone Multi-Asset Entity D, L.P.**, as Principal, and **Ullico Casualty Company**, a corporation organized, existing under the laws of the State of Delaware and duly licensed to do business in the State of **Alabama**, as Surety, are held and firmly bound unto the **City of Daphne, Alabama**, as Obligee in the penal sum of Thirty Eight Thousand Five Hundred Five and No/100----- **Dollars-----**(\$38,505.00) to which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into an obligation with the **City of Daphne, Alabama** for

Dunmore, Phase Two, Part "A"
Streets and Drainage Improvements

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of **Two** years following the date of acceptance of the said improvements, by the owner, against all defects in workmanship and materials which may become apparent during said period, and

WHEREAS, the said project has been completed, and was approved on 28th day of October, 2010

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, If the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of **Two** years from and after *completion of the work and acceptance by the Obligee* then this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED: October 12th, 2010



Hearthstone Multi-Asset Entity D, L.P.,
a California limited partnership
By: Gulf States GP, LLC,
a California limited liability company,
Its: General partner
By: Hearthstone, Inc., a California corporation,
Its: Manager

(Principal)
By: [Signature]

Ullico Casualty Company
(Surety)
By: [Signature]
Michael E. Cundiff, Attorney-In-Fact

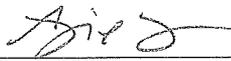
Document: Maintenance Bond (no. SB024000081)
Dunmore (Hearthstone Multi-Asset Entity D, L.P.)

State of California)
) ss.
County of Marin)

On October 13, 2010, before me, Angie Wong, Notary Public, personally appeared TRACY T. CARVER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature



(Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Los Angeles }

On 10-12-2010 before me, R. Rangel, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Michael E. Cundiff
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

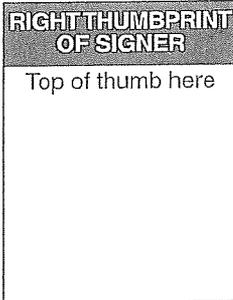
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

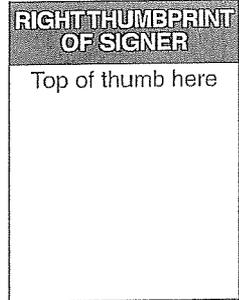
Signer Is Representing:



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing:





ULLICO Casualty Company
1625 Eye Street, N.W. Washington D.C. 20006
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That ULLICO CASUALTY COMPANY (the Company), a corporation organized and existing under the laws of the State of Delaware, does hereby constitute and appoint: Michael E. Cundiff and Michael G. Hall of Ullico Casualty Company.

Its true and lawful Attorney (s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$5,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of ULLICO Casualty Company at a meeting duly called the 15th day of July, 2009.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, ULLICO CASUALTY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized office this 16th day of July, 2009.



PRESIDENT
Daniel Aronowitz
President ULLICO Casualty Company, a Delaware Corporation.

On this 16th day of July 2009, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the ULLICO CASUALTY COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public
CATHERINE M. OBRIEN
NOTARY PUBLIC STATE OF MARYLAND
MONTGOMERY COUNTY
MY COMMISSION EXPIRES JANUARY 21, 2012
CERTIFICATE

I, Teresa E. Valentine, Senior Vice President, General Counsel and Secretary of ULLICO Casualty Company, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 16th day of July 2009 are true and correct and are still in full force and effect. I do further certify that that Daniel Aronowitz, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of ULLICO Casualty Company,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 12th day of OCTOBER, 2010.

Teresa E. Valentine
Senior Vice President, General Counsel & Secretary
ULLICO Casualty Company



RESOLUTION NO. 2010-103
2011-D- TRIONE SPORTS COMPLEX CONCESSION &
BATHROOM FACILITIES

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

WHEREAS, The City of Daphne acknowledges that the cost for the TRIONE SPORTS COMPLEX CONCESSION & BATHROOM FACILITIES will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the TRIONE SPORTS COMPLEX CONCESSION & BATHROOM FACILITIES and determined that the bid as presented is reasonable; and

WHEREAS, the TRIONE SPORTS COMPLEX CONCESSION & BATHROOM FACILITIES project will be paid out of the General Fund and reimbursed from Lodging Tax proceeds according to Ordinance 2010-09, and

WHEREAS, Staff recommends the bid for the TRIONE SPORTS COMPLEX CONCESSION & BATHROOM FACILITIES be awarded to Thomas Construction.

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 Thomas Construction in the amount of \$254,930 as specified in BID SPECIFICATION NO: 2011-D-TRIONE SPORTS COMPLEX CONCESSION & BATHROOM FACILITIES (Total project cost including Engineering-\$5,500 + \$254,930 = \$260,430) .

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

Resolution 2010-104

U.S. Environmental Protection Agency (EPA) Stag Grant: Storm Water Structure Inventory/Database

WHEREAS, the U.S. Environmental Protection Agency (EPA) has made grant funding available to the City of Daphne for a storm water infrastructure inventory/database; and

WHEREAS, the goal of such project is to create an inventory of existing storm water infrastructure; and

WHEREAS, the City of Daphne believes this information is necessary for proper inspection and maintenance of existing infrastructure; and

WHEREAS, Resolution 2009-85 authorized the application for the EPA grant funds for a total of \$ 367,880 (City \$ 165,546 and Federal \$ 202,334); and

WHEREAS, additional funding has been offered to the City of Daphne as the City of Fairhope has decided not to apply for any of the grant funds.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Daphne that Resolution 2009-85 be amended as follows:

- 1) The City of Daphne shall submit a revised proposal to the U.S. EPA with a total cost of \$ 551,791 (City \$ 248,306 and Federal \$ 303,485) for the purpose of obtaining additional hardware & software required for the storm water infrastructure inventory ; AND
- 2) The Mayor is hereby authorized to execute such revised proposal and any and all additional documents necessary to carry out the purpose of requesting such funds from U.S. EPA; AND
- 3) The City Council anticipates funding the City's match at such time as the proposal is approved by the EPA.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

Resolution 2010-105

Investment Account Manager & Additional Investment

WHEREAS, the City of Daphne has funds invested in the approximate amount of \$ 900,000 for the purpose of long-term capital growth; and

WHEREAS, the General Fund has accumulated funds that are not required for the day-to-day operations of the City and such funds can earn a higher interest rate by investing in governmental obligations; and

WHEREAS, section 11-81-21 of the Code of Alabama authorizes and legislates the types of obligations municipalities may invest in; and

WHEREAS, the City of Daphne has evaluated the current investment account and determined that Raymond James & Associates is qualified to serve the City in the capacity of Investment Manager and thereby invest City of Daphne funds in governmental securities in accord with the Code of Alabama.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Daphne, Alabama, that the Mayor and Finance Director are hereby authorized to take all the steps necessary to complete the transfer of Investment Manager services (for existing long-term investment funds) from Crabtree Advisory Group to Raymond James and Associates. Furthermore, an additional \$ 2,000,000 is hereby authorized to be invested for a total of \$ 2,900,000.

APPROVED AND ADOPTED by the City Council of the City of Daphne this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2010-106

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	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Fire	500/866	2000 FORD CROWN VIC	2FAFP71W44173413

- 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 _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE
ORDINANCE NO. 2010-67**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2010-56 CONCERNING
ANIMAL CONTROL WITHIN THE CITY OF DAPHNE**

WHEREAS the City Council of the City of Daphne has determined that certain amendments to the animal control ordinance currently in effect are necessary to effectuate and implement more efficient means of animal control within the City of Daphne; and

WHEREAS the City Council of the City of Daphne has determined that such amendments are in the interest of the public health, safety and welfare of the citizens of the City of Daphne.

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

SECTION I: That Section IV (B), entitled “Registration of Dogs”, of Ordinance 2010-56 is hereby repealed in its entirety and replaced with the following:

B. Registration of Dogs

The tag and a certificate of registration or license shall be of such form and design and shall contain such information as the City shall prescribe and shall be issued to the owner or keeper upon payment of the registration fee. The registration fee for all neutered and spayed dogs shall be \$3.00 and the registration fee for all un-neutered and un-spayed dogs shall be \$5.00.

The owner or person in charge shall at all times, keep the tag affixed to said dog or cat. It shall be unlawful for any owner or person in charge of an animal to fail to comply fully with all of the requirements of this section by failing to register a dog or a cat. It shall also be unlawful for any person, except the owner or person in charge and upon its own premises, to remove a tag from a dog or cat tagged under the provisions of this section or to place a tag upon a dog or cat for which said tag was not issued, to procure a tag from the City by fraud or misrepresentation, or to disfigure or alter the words or figures upon a tag.

If a tag becomes lost or mutilated it shall be replaced with a tag or decal marked “duplicate” upon payment of the fee of \$3.00. No duplicate tag or decal shall be issued unless the dog or cat has been inoculated for rabies within twelve (12) months of the date of issuance of the duplicate tag.

In addition to the information listed above, if an animal is vicious or presumed to be vicious, as defined herein or as is determined at a hearing for such purpose, then the

owner shall provide two identification color photographs of the animal clearly showing the color, any markings and approximate size of the animal.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption as provided by

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ day of _____, 2010.

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**CATHY BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

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

ORDINANCE 2010-68

U.S. 98 Median Safety Improvements

WHEREAS, the Fiscal Year 2011 Budget is being considered by the City Council; and

WHEREAS, prior to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, ALDOT has requested the City pay the engineering costs associated with the medians in order to enhance and further the safety improvements to be made at certain locations on US 98; and

WHEREAS, such Highway (Hwy) 98 improvements were chosen by ALDOT due to the high number of traffic accidents in this area.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that contingent upon receiving a commitment letter from ALDOT to fund 100% of the remainder of the project: the Fiscal Year 2011 Budget is hereby amended to include 1) an appropriation from the General Fund in the amount of \$48,500 for the Engineering, construction Observation, and Geotechnical testing for US 98 Medians, 2) the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in the cost of engineering of the US 98 Medians for such safety improvements, and 3) such engineering services will be provided by Volkert & Associates according to the scope of work attached hereto and made a part hereof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2010.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC



Mayer

Volkert, Inc.

316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

October 8, 2010

www.volkert.com

The City of Daphne
Richard Johnson
26435 Public Works Road
Daphne, AL 36526

**Re: Task Agreement No. 12 for Final Construction Plans for
Hwy 98 Median Improvements**

Dear Richard:

Attached please find two (2) copies of Task Agreement No. 12 for Final Construction Plans for Hwy 98 Median Improvements. The Task Agreement has been revised as discussed per the Public Works Community Meeting on September 20, 2010.

Please review, and if you concur, please sign both copies and return 1 back to our office for further processing.

If you have any questions please advise.

Sincerely,

VOLKERT & ASSOCIATES, INC.

Steve R. Commander, P.E.
Vice President

SRC/cw

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia
Collinsville, Illinois • Baton Rouge, Slidell, Louisiana • Biloxi, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina
Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C. 139



Summary of Fees:

Lump Sum Fees:

Survey	\$8,500.00
Engineering Final Construction Plans:	\$19,500.00
Engineering Bid Phase Services	<u>\$1,500.00</u>
Sub total Lump Sum Fees:	\$29,500.00

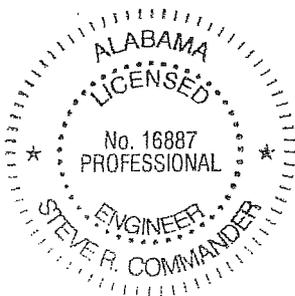
Hourly or cost plus fees

Construction Observation (Est. Hourly)	\$14,000.00
Geotechnical Fees	<u>\$5,000.00</u>
Sub-total Hourly fees	\$19,000.00
Project total	\$48,500.00

SCHEDULE - Work will be scheduled upon receipt of authorization and will continue until complete.

FEE - Fees will be billed monthly on an hourly basis, in accordance with rates shown on the attached Fee Schedule.

It is expressly agreed and stipulated between the parties that this contract shall be deemed to have been made in the State of Alabama where the principal office of Volkert & Associates, Inc. is located. This contract shall be governed by the laws of the State of Alabama. The Circuit or District Court of Mobile, Alabama shall have jurisdiction over any dispute which arises under this contract, and each of the parties shall submit and hereby consents to the jurisdiction of either such court.



Submitted by: Steve R. Commander
Volkert & Associates, Inc.
10/8/10
Date

Approved by: _____
The City of Daphne, Alabama

Date



Volkert, Inc.

316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

**TASK AGREEMENT NO. 12
THE CITY OF DAPHNE, ALABAMA**

www.volkert.com

**FINAL CONSTRUCTION PLANS FOR
HWY 98 SAFETY IMPROVEMENTS ALONG
THE MEDIAN AND FRONTAGE ROAD
JUST SOUTH OF D'OLIVE CREEK**

This Task is to be performed in accordance with the provisions of the agreement between The City of Daphne, Alabama (OWNER) and Volkert and Associates, Inc. (ENGINEER) dated _____, 2009

SCOPE OF WORK

Generally, the work in this Task Agreement includes developing final construction plans for safety improvements along Hwy 98 at and around the median opening of the Exxon service station to the east and the Shell Service station to the west, just south of D'Olive Creek. (see attached map). The improvements include adding a directional raised island in the median opening, closing the opening along the west service road to the south, adding directional island along the west service road, adding guard rail near the I-10 exit ramp, adding sidewalk along the west frontage road, and other misc pavement markings as needed as shown on the concept plan attached. More specifically the work includes:

Surveying Services

Note: Survey limits are shown on the attached map.

- Provide sufficient topographic survey to design the project.
- Utilize survey from 2000 as needed to supplement the survey
- Locate median edge of pavement, drainage structures, light poles, utilities and other existing features as needed.
- Prepare a map of the survey

Lump Sum Fee Survey: \$8,600.00

Engineering:

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia
Collinsville, Illinois • Baton Rouge, Slidell, Louisiana • Biloxi, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina
Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C.



- Meet with the owner and coordinate with ALDOT for final design
- Develop construction plans including: Title Sheet, typical section sheets, general notes, drainage, intersection detail sheets, signing and pavement marking plan sheets, construction signing, and all details needed to construct the project
- Submit plans to ALDOT and the City for review and address comments for all permits
- Perform a utility coordination meeting as needed.
- Develop construction documents and specifications for the project
- Coordinate with the City and ALDOT in bidding the plans
- Tabulate the bids and submit recommendations to the City for approval of a construction contract.

Lump Sum Design Fee: \$19,500.00
Lump Sum Bid Phase Fee: \$1,500.00

Geotechnical Services:

Geotechnical services will be required for borings to determine existing pavement buildup in areas to be removed, compaction test, and concrete testing. This work will be performed by Southern Earth Sciences. A budget of \$5,000 is needed for this item

Construction Observation:

The Engineer hereby agrees to provide professional services during the construction of individual projects designed under Task I as follows:

1. Review shop and manufacturer's drawings and other submissions of the Consultant for compliance with the design concepts and specification requirements.
2. Review laboratory, mill and shop test to assist in monitoring the quality of construction.
3. Consult and advise during construction.
4. Provide services of resident project representative (RPR) for on site inspection and engineering during construction. The duties, responsibilities and limitations of authority of the RPR will be as outlined in Exhibit "A" attached hereto.
5. Review monthly and final estimates for payment to Contractors.
6. Make final inspection of the construction upon completion.
7. Revise construction drawings to show project as built and deliver same within a reasonable time.

Hourly Total Estimated Fee: \$14,000.00

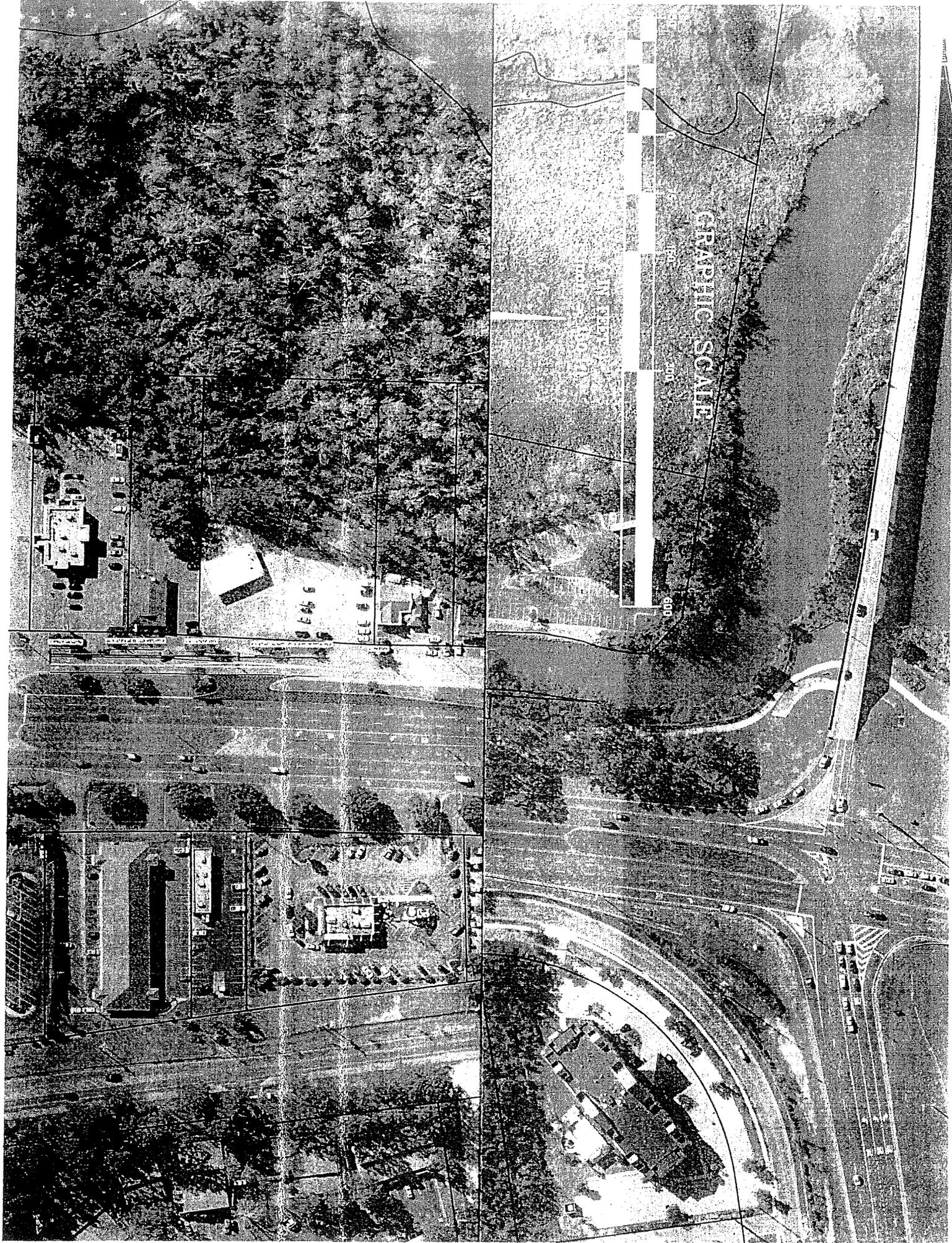
**FEE SCHEDULE
EFFECTIVE MARCH 1, 2010**

<u>CLASSIFICATION</u>	<u>HOURLY BILLING RATE</u>	<u>OVERTIME HOURLY BILLING RATE</u>
Principal	\$200.00	\$200.00
Manager	\$195.00	\$195.00
Project Manager	\$145.00	\$145.00
Staff 2 Professional	\$130.00	\$125.00
Staff 1 Professional	\$90.00	\$90.00
Senior Designer	\$125.00	\$160.00
Designer	\$90.00	\$115.00
Technician	\$85.00	\$110.00
Drafter	\$75.00	\$95.00
Construction Manager	\$150.00	\$150.00
Construction Project Manager	\$110.00	\$110.00
Construction Inspector Level 2	\$80.00	\$100.00
Construction Inspector Level 1	\$65.00	\$85.00
Bridge Inspector	\$110.00	\$145.00
Project Administrator	\$105.00	\$130.00
Clerical	\$60.00	\$75.00
Survey Manager	\$125.00	\$125.00
Senior Surveyor	\$90.00	\$115.00
Surveyor Party Chief	\$80.00	\$105.00
Survey Staff	\$55.00	\$70.00
Survey Crew (2 Man)	\$135.00	\$175.00
Survey Crew (3 Man)	\$180.00	\$230.00
Survey Crew (4 Man)	\$215.00	\$270.00
Survey Crew (5 Man)	\$250.00	\$325.00
Personal Computer	\$15.00	
GPS Survey System (24)	\$35.00	
GPS Map System (23)	\$5.00	

OTHER

Mileage Included in Hourly Billing Rate
 In House Printing Included in Hourly Billing Rate
 Out of Pocket Expenses (Not Identified Above & Specific to Assignment)..... Cost

This rate schedule will be effective through March 1, 2011, at which time a revised Hourly Billing Rate Schedule will be mutually agreed to by Owner and Consultant.



ACDOT Medians

Daphne Safety Project

ITEM	Description	Units	Quantity	Unit Cost	Amount
ROADWAY & DRAINAGE					
1	Mobilization	LS	1	\$20,000.00	\$20,000.00
2	Removing Curb and Gutter	LF	100	\$8.00	\$800.00
3	Removing Asphalt Structure	SY	835	\$8.00	\$6,680.00
4	Borrow Excavation (Loose Truck Bed Measurement) A2 or Better	CY	280	\$12.00	\$3,360.00
5	Roadbed Processing	STA	1	\$300.00	\$300.00
6	Crushed Aggregate Base Course, Type B Plant Mixed, 6" Compacted Thickness	SY	108	\$15.00	\$1,620.00
7	Tack Coat	GALLONS	240	\$5.00	\$1,200.00
8	Superpave Bituminous Concrete Wearing Layer, 1/2" Maximum Aggregate Size Mix ESAL Range C/D (165lb/sy)	TONS	185	\$100.00	\$18,500.00
9	Superpave Bituminous Concrete Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range C/D (660 lb/sy)	TONS	36	\$100.00	\$3,600.00
10	Guardrail	LF	480	\$35.00	\$16,800.00
11	Top Soil	CY	125	\$11.00	\$1,375.00
12	Sodding	SY	2000	\$4.00	\$8,000.00
13	Pavement Markings	SF	250	\$5.00	\$1,250.00
14	Striping (including temporary striping)	LF	4000	\$1.25	\$5,000.00
15	Erosion Control	LS	1	\$2,000.00	\$2,000.00
16	Concrete Medians	LS	1	\$10,000.00	\$10,000.00
17	Traffic Control Plan	LS	1	\$10,000.00	\$10,000.00
18	Concrete Sidewalks	SY	600	\$40.00	\$24,000.00
TOTAL					\$134,485.00
15% Contingency					\$20,172.75
GRAND TOTAL					\$154,657.75

Total Project Cost

From: Assistant PW [assistantpw@bellsouth.net]
Sent: Tuesday, November 02, 2010 9:31 AM
To: 'Becjer@Bellsouth.Net (Becky)'; suzanne henson
Cc: Richard D. Johnson, P.E.
Subject: MOTIONS TO SEND TO COUNCIL and or FINANCE COMMITTEE 11-2-2010

MOTIONS TO SEND TO COUNCIL – PW COMMITTEE

Old Field Subdivision – Lighting

Motion was made by Councilwoman Barnette to approve Public Works Director's recommendation to move forward. Motion seconded by Councilman Lake.

(See Attachment)

Hwy 98 / Whispering Pines

Motion was made by Councilwoman Barnette to forward traffic data to Council. Motion seconded by Councilman Lake.

The Public Works Committee would like to move forward with project while we have ALDOT's support on light signals. That would be significant savings for the Daphne. (See Attachment)

MOTIONS TO SEND TO FINANCE COMMITTEE – PW COMMITTEE

Volkert Task Agreement No. 12 for Final Construction Plans for Hwy 98 Median Improvements

Motion was made by Councilwoman Barnette to forward recommendation to Finance Committee. Motion seconded by Councilman Lake.

Engineering fees reduced. It was confirmed that ALDOT will pay construction costs and Daphne will pay engineering fees. It was also confirmed that project will include sidewalks. Mayor Small asked whether funding could come from the 7 cent gas tax. He will need to consult with Kim Briley on that. (See Attachment)

MISC MOTIONS

Daphne Solid Waste Disposal Authority

Motion was made by Councilwoman Barnette to research viability of reestablishing Daphne Solid Waste Disposal Authority. Motion seconded by Councilman Lake.

Committee members would be Mayor Small, Richard Johnson and John Lake. The original board was made up of PW Committee members. It would allow the committee to make independent decisions such as purchasing necessary equipment. Right now these decisions take approximately six months to get passed. Under the Authority, they would not have to go through the bid process. Even if the PW Committee chooses to dissolve the Solid Waste Disposal Authority, members would need to be appointed in order to dissolve.