

**CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
NOVEMBER 16, 2009  
BUSINESS MEETING  
6:30 P.M.**

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

**APPROVE MINUTES:** Council meeting minutes / Amended / October 19, 2009  
Council meeting minutes / November 2, 2009

**PRESENTATION:** Mitchell Gates / Eagle Scout Project

**PRESENTATION:** Mike Keating

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

Review minutes / November 9<sup>th</sup>

**a.) Resolutions:**

- 1.) Fiscal 2009 Community Contributions / **Resolution 2009-112**
- 2.) Daphne High School Security Cameras / **Resolution 2009-113**

**b.) Ordinances:**

- 1.) Appropriating Funds: 140 Lakeview Loop / **Ordinance 2009-63**
- 2.) Appropriating Funds: Wilson Avenue Drainage / **Ordinance 2009-64**

**c.) Motions:**

- 1.) Authorize Mayor to enter into a contract in the amount of \$7,500 with Rebowe, Fontenot, Benefits Actuarial for computations related to post employment benefits as required by BASB Statement No. 45

**d.) Financial Reports:**

- a.) Treasurers Report / October 31, 2009
- b.) Sales & Use Tax Collections / September 30, 2009
- c.) Lodging Tax Collections / September 30, 2009

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY - Burnam**

Review minutes / October 14<sup>th</sup>

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**

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

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

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**

Set Public Hearing date for **December 21, 2009** to consider:

Annexation: A Portion of Rights-Of-Way / U.S. Hwy 90 & County Hwy 181

**F. Recreation Board - Burnam**

Consider for Appointment to the board:

1.) Derrick D. Yelding

2.) Valarie Johnson

Youth Representatives:

1.) Chris Smith / Daphne High School

2.) Savannah Simmons / Bayside Academy

**G. Utility Board - Scott**

Review minutes / September 23<sup>rd</sup>

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

a.) Parade Permit / Apollos's Mystic Ladies // Mardi Gras / February 5, 2010 /  
Rain Date February 11, 2010

**B. City Attorney's Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

a.) **Fiscal 2009 Community Contributions ...../Resolution 2009-112**

b.) **Fiscal 2010 Daphne High School Security Cameras...../Resolution 2009-113**

**ORDINANCES:**

**2ND READ**

a.) **Revision to Zoning Map...../Ordinance 2009-60**

b.) **Mandating a Budget Review Policy for Fiscal Year 2010...../Ordinance 2009-61**

**1ST READ**

c.) **Impose a Temporary Moratorium on Any Rezoning Applications  
for Multi-Use and R-4, High Density Multi-Family Residential  
Zoning or Annexation Applications that Request Such Zoning...../Ordinance 2009-62**

d.) **FEMA Repetitive Loss Grant Application / 140 Lakeview Loop...../Ordinance 2009-63**

e.) **Wilson Avenue Drainage Repairs...../Ordinance 2009-64**

**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 2, 2009  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

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

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

Invocation was give by Mayor Small.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake Greg Burnam; Ron Scott; Derek Boulware.

**ABSENT:** August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Erick Bussey, Attorney; Bill Eady, Public Works Director; Vickie Hinman, Interim Human Resource Director; David Carpenter, Police; James White, Fire Chief; Tonja Young, Library Director; David McKelroy, Recreation Director; Kim Briley, Finance Director; Deni Biggs, Interim Civic Center Director; Adrienne Jones, Planning Director; Richard Merchant, Building Official; Scott Hutchinson, City Engineer; Jane Robbins, Mayors Assistant; Sherree Hilbrun, Payroll & Benefits; Victoria Phelps, Planning Commission; Lon Johnston, Utility Board; Bob Segalla, Utility Board; Ed Nelson, Recreation Board.

**2. APPROVE MINUTES**

**MOTION BY Councilman Yelding to adopt the Council meeting minutes meeting held October 19, 2009. Seconded by Councilman Scott.**

Councilman Scott stated that there was a typo to the title Council Members Present. It says Preset and should be changed to Present.

Councilman Burnam requested that it be recorded in the minutes how each council member voted for the Human Resource Director position.

Council agreed to wait to approve the October 19, 2009 minutes until the corrections were made.

**Councilman Yelding withdrew his motion. Councilman Scott withdrew his second.**

The October 19, 2009 minutes will be in the November 16, 2009 council packet for approval.

**PUBLIC HEARING:** Revision to Zoning Map

Council President Pro tem Barnette stated that this is the semi-annual public hearing to modify the zoning map of any action taken in the preceding six months. This is done twice a year to identify what has been modified or rezoned within the city limits.

**NOVEMBER 2, 2009**  
**CITY COUNCIL MEETING**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**6:30 P.M.**

Council President Pro tem Barnette opened the Public Hearing at 6:34.

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

Council President Pro tem Barnette closed the Public Hearing at 6:35.

**A. FINANCE COMMITTEE – Boulware**

No report. The next meeting will be November 9<sup>th</sup> at 4:00 p.m.

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

No report.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

No report.

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

No report.

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

No report.

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

**A. Board of Zoning Adjustments – Ms. Jones**

No report.

**B. Downtown Redevelopment Authority – Barnette**

No report.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

No report.

**E. Planning Commission – Barnette**

**MOTION BY Councilman Burnam to set a Public Hearing for December 7, 2009 to consider rezoning for Trione Heir Property / Located at the intersection of Main Street and Belrose Avenue / Rezone from R-2, Medium Density Single Family Residential District to B-1, Local Business District. *Seconded by Councilman Yelding.***

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

**MOTION BY Councilman Scott to set a Public Hearing for December 7, 2009 to consider a revision to the Olde Towne District Map. *Seconded by Councilman Burnam.***

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

**F. Recreation Board – Burnam**

The minutes for the October 14<sup>th</sup> meeting are in the packet.

**MOTION BY Councilman Burnam to authorize the Mayor to negotiate a contract with Mr. Marc Bell for plans for Concession / Restroom buildings at Trione Sports Complex. The cost of the plans is not to exceed \$2,000. The facilities would be located at the new football and soccer fields.**

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

**G. Utility Board – Scott**

There was a special called meeting last week to discuss the budget, and the next meeting will be Wednesday at 5:00 p.m.

**6. REPORTS OF THE OFFICERS:**

***A. Mayor's Report***

Mayor Small invited everyone to the Veteran's Day Ceremony at City Hall November 11<sup>th</sup> at 10:00 a.m. He said House Representative Joe Bonner will be the guest speaker. He reported that work is being done on Whispering Pines Road at County Road 13 and moving toward Pollard Road. They are looking at putting a right hand turning lane to alleviate backup traffic from the High School. Also, they are working with ALDOT on a couple of intersections. One is Whispering Pines and Highway 98 where they will put in turning lanes, and straighten out the intersection to center it up. They are also working on Daphne Avenue and Highway 98 to put in turning lanes, and to re-align the intersection. They are in the process of getting rights-of-way in order to do the work. This will improve the intersection, and will not have to be updated again.

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*B. City Attorney Report*

No report.

*C. Department Head Comments*

*David McKelroy – Recreation Director* reported that this past weekend they were playing football and soccer on all six fields, and will be doing it again on the 14<sup>th</sup>. They are working through traffic problems for the area.

*Deni Biggs – Interim Civic Center Director* – reported that the flu shots scheduled for November 12<sup>th</sup> has been cancelled due to a lack of vaccine. There are still tickets left for the Black and White Ball being held Friday.

*Tonja Young – Library Director* – stated that they had a good event Friday night with trick or treat for the children. The next Library Board meeting will be Thursday at 4:00 p.m.

*Adrienne Jones – Planning Director* – reported that there is one item BZA will consider at the December 3<sup>rd</sup> meeting.

**7. PUBLIC PARTICIPATION**

No one spoke.

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

**RESOLUTIONS:**

- a.) Recommend Appointment of Ms. Regina Benjamin as Surgeon General of the United States. .... /Resolution 2009-110
- b.) Support of the Smart Streets Sidewalks Project. .... /Resolution 2009-111

Councilman Lake stated that a revision to Resolution 2009-110 was handed out to council before the meeting.

**MOTION BY Councilman Lake to wave the reading of Resolution 2009-110, 2009-111. Secoded by Councilman Yelding.**

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

**MOTION BY Councilman Lake to amend Resolution 2009-110 to reflect the handed out version. Secoded by Councilman Yelding.**

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

MOTION BY Councilman Lake to adopt Resolution 2009-110 as amended. *Seconded by Councilwoman Scott.*

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

MOTION BY Councilman Lake to adopt Resolution 2009-111. *Seconded by Councilman Burnam.*

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

**ORDINANCES:**

**2ND READ**

- a.) Amending Job Classification Schedule ...../Ordinance 2009-48
- b.) General Fund Appropriation: County Road 13  
SRTS Sidewalk Grant ...../Ordinance 2009-57
- c.) Amend Bank Signatories...../Ordinance 2009-59

**1<sup>ST</sup> READ**

- d.) Revision to Zoning Map...../Ordinance 2009-60
- e.) Mandating a Budget Review Policy for Fiscal Year 2010 ...../Ordinance 2009-61

MOTION BY Councilman Burnam to waive the reading of Ordinance 2009-48. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Burnam to adopt Ordinance 2009-48. *Seconded by Councilman Scott.*

AYE Lake, Burnam, Scott, Boulware            NAY Yelding, Barnette

**MOTION CARRIED**

MOTION BY Councilwoman Burnam to waive the reading of Ordinance 2009-57. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Burnam to adopt Ordinance 2009-57. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Scott to waive the reading of Ordinance 2009-59. *Seconded by Councilman Burnam.*

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

MOTION BY Councilman Scott to adopt Ordinance 2009-59. *Seconded by Councilman Burnam.*

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

MOTION BY Councilman Boulware to suspend the rules to consider Ordinance 2009-61. *Seconded by Councilman Yelding.*

**ROLL CALL VOTE**

Yelding	Aye	Scott	Nay
Lake	Aye	Boulware	Aye
Burnam	Nay	Barnette	Aye

AYE Yelding, Lake, Boulware, Barnette            NAY Burnam, Scott

**MOTION FAILED**

**ORDINANCES 2009-60 and 2009-61 WERE MADE 1<sup>ST</sup> READ.**

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**9. COUNCIL COMMENTS**

*Mayor Small* reminded everyone to come out to the Veteran's Day Ceremony. He stated that Dr. Barry Booth will be honored for his work with Honor Flight at the Battleship November 11<sup>th</sup> at 11:00 a.m. The Governor will be the speaker at that event. He encouraged everyone to come out and show support for Dr. Booth.

*Councilwoman Scott* complimented madam Chairman on a job well done.

*Council President Pro tem Barnette* reminded everyone that the Mama Mia Cook Off is November 14<sup>th</sup>, and tickets are on sale for the event.

**10. ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:03 P.M.**

Respectfully submitted by,

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David L. Cohen,  
City Clerk, MMC

**Certification by Presiding Officer:**

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August A. Palumbo,  
Council President

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

**AMENDED MINUTES FROM THE  
NOVEMBER 2, 2009 CCOUNCIL MEETING**

**1. CALL TO ORDER**

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

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

Invocation was give by Council President Lake.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Jason Crane, Attorney; Erick Bussey, Attorney; Bill Eady, Public Works Director; Vickie Hinman, Interim Human Resource Director; David Carpenter, Police; James White, Fire Chief; Tonja Young, Library Director David McKelroy, Recreation Director; Deni Biggs, Interim Civic Center Director; Adrienne Jones, Planning Director; Suzanne Henson, Senior Accountant; Jane Robbins, Mayors Assistant; Sherree Hilbrun, Payroll & Benefits; Kim Sparks; Public Works employees; Firefighters; Police Officers; Library employees; Ron Allen, Library Board; Ed Nelson, Recreation Board; Victoria Phelps, Planning Commission; Al Guarisco, Village Point Foundation; Lon Johnston, Utility Board; Bob Segalla, Utility Board; Ray Moore, Hutchinson, Moore & Rauch; Mickey Boykin, Daphne Museum; State Representative Randy Davis.

Absent: Kim Briley, Finance Director; Richard Merchant, Building Official.

**2. APPROVE MINUTES**

**MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held October 5, 2009. *Seconded by Councilman Yelding.***

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

**MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meeting held October 7, 2009. *Seconded by Councilman Burnam.***

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

**MOTION BY Councilman Palumbo to adopt the Council Work Session minutes meeting held October 12, 2009. *Seconded by Councilman Scott.***

**AYE Barnette, Scott, Boulware, Palumbo Lake                      NAY NONE OPPOSED**

**ABSTAIN Yelding, Burnam                      MOTION CARRIED**





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

**Sales Tax Collections: August 31, 2009**

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

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

**Lodging Tax Collections: August 31, 2009**

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

The next meeting will be November 9<sup>th</sup> at 4:00 p.m. in the Executive Conference Room

Councilman Scott requested that Ordinance 2009-48 regarding a job reclassification that was pulled off the agenda at the last council meeting be put on the November 2<sup>nd</sup> agenda for consideration. He said that this reclassification of a position was overlooked when they did the last review of jobs. He said this was an oversight of the city. There were two jobs that were missed one of them came back with no change and one came back with a change.

Council President Lake stated that it will be on the next agenda. He said that he did not want this ordinance to cloud up the budget.

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

The minutes for the October 2<sup>nd</sup> meeting are in the packet.

Councilwoman Barnette stated that the issue of ownership of a strip of property at the bay front that seems to be a continuous issue at the committee meeting needs to be resolved.

Council President Lake stated that it is a deeded access for all the people, and is actually owned by all the people on the street, and it would take 51% of the people to purchase it. It is not encumbered. The city is not denying anyone access to the property. Basically the committee did not feel that it was an issue.

Councilwoman Barnette asked for that information in a legal memo, because there was a previous memo that said there was some issues that were still unresolved, and that they were looking into. Certainly not to spend a lot in legal fees, but to have the city attorney look into this matter.

Mr. Ross stated that he is not familiar with this, but he will look into it.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

No report.

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

The committee met considering one item regarding the Recreation Board.

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

The committee will meet Friday at 8:00 in the Executive Conference room. Councilman Yelding stated that the city received a Block Grant and he will let the Mayor talk about that in his report. He commended the Mayor of his efforts in securing the grant.

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

**A. Board of Zoning Adjustments – Ms. Jones**

No report.

**B. Downtown Redevelopment Authority – Barnette**

No report.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

No report.

**E. Planning Commission – Barnette**

There is a work session Wednesday at 8:30 a.m. to wrap up the Land Use Ordinance changes. The Planning Commission meeting is Thursday at 6:00 p.m. They hope that they will vote on the changes and be sent to council.

**F. Recreation Board – Burnam**

There is a letter in the packet from the Recreation Board supporting Ordinance 2009-55 regarding the lodging tax.

**G. Utility Board – Scott**

There is a Special Called Budget meeting scheduled for Monday, October 26<sup>th</sup> and the regularly scheduled meeting will be held November 4<sup>th</sup> at 5:00 p.m. at City Hall.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

a.) *Parade Permit / Daphne High Elementary School / Fun Run / November 7, 2009*

**MOTION BY Councilman Yelding to approve the permit for the Daphne Elementary School Fun Run on November 7, 2009. Seconded by Councilwoman Barnette.**

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

*b.) Parade Permit / Animal Rescue / 9<sup>th</sup> Annual 5K & 1 Mile Pet Trot / December 19, 2009*

**MOTION BY Councilwoman Barnette to approve the permit for Animal Rescue's 9<sup>th</sup> Annual 5K and 1 Mile Pet Trot for December 19, 2009. *Seconded by Councilman Scott.***

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

*c.) ABC License / Daruma Japanese Sushi & Steakhouse / 020 / Restaurant Retail Liquor*

**MOTION BY Councilwoman Barnette to approve the ABC License for Daruma Japanese Sushi & Steakhouse / 020 / Restaurant Retail Liquor. *Seconded by Councilman Burnam.***

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

*d.) Approve Jubilee Festival to be held on September 25 & 26, 2010*

**MOTION BY Councilman Scott to approve the Jubilee Festival to be held on September 25 & 26, 2010 with the following requests:**

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

**Specifics of the banners are as follows:**

- a.) Banners to read: Jubilee Festival, September 25<sup>th</sup> and 26<sup>th</sup>
- b.) Banners to be posted 2 weeks prior to event Size of Banners to be 120" x 34"
- c.) Locations to include:
  - i.) Santa Rosa & Main Street
  - ii.) Jubilee Square Mall
  - iii.) Lawson Road
  - iv.) Highway 98 at Montrose Welcome Sign
8. Permission to place banners within the site of the festival

*Seconded by Councilwoman Barnette.*

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

Mayor Small stated that the city had been turned down last year for a \$500,000 Block Grant to sewer the area behind Target. He said that he contacted Senator Tripp Pitman, Representative Randy Davis and Congressman Jo Bonner and went back to Montgomery to try again, and this time they were successful in getting the grant. The match has already been set aside for this project so they do not have to look for the money.

Councilman Scott thanked the Mayor and Councilman Yelding for not letting go of this but they kept bringing it up. He appreciates the Mayor going to Montgomery to pursue this grant. He commended Councilman Yelding for spearheading the group that collected the information that was needed to get the grant. They couldn't have done it without their help.

Councilman Yelding stated that there is one more small pocket by the YMCA that is left to be sewerred.

***B. City Attorney Report***

No report.

***C. Department Head Comments***

***James White – Fire Chief*** - reported that there was an apartment fire yesterday and cautioned everyone to inspect and clean their heating units before using them.

***David Carpenter – Police Chief*** - reported that detectives were able to solve a burglary in Lake Forest thanks to a piece of equipment (AFTS – Automated fingerprint index system) that council allowed them to purchase last year. They were able to lift a print at the scene, put it into the system and were able to get a match with a suspect. Detectives were called out Friday night to a possible homicide of a female that required paying overtime. It turned out not to be a homicide after an autopsy was performed, but they still had to investigate it as one until foul play was ruled out. So you cannot predict when these type of crimes are going to occur and that overtime is a necessity in their line of work.

***David McKelroy – Recreation Director*** – reminded everyone that Brown Bag By the Bay is still going on at May Day Park on Thursdays 11:30 a.m. – 1:30 p.m. He stated that there was a 35 team girls fast pitch softball tournament this past weekend at Trione and Daphne High School. The Recreation Department will sponsor a 5<sup>th</sup> Quarter after the football game Friday at Trione Sports Complex for high school students from 9:30 p.m. to 11:30 p.m. with intramural sports and free food. He reported that the Baldwin County Youth Football will be at Trione on October 31<sup>st</sup> on three fields starting at 8:30 a.m., and the Eastern Shore Blast Soccer Club will be using the other three fields for their Halloween tournament October 31<sup>st</sup> and November 1<sup>st</sup>.

***Tonja Young – Library Director*** – spoke to council regarding how under Mayor Small's leadership the Department Heads have come together, communicating with each other and are working together. She also spoke regarding the Library employees and how loyal they are, and how they go beyond the call of duty. She petitioned the council not to go to layoffs to balance the budget.

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6:30 P.M.**

**7. PUBLIC PARTICIPATION**

*Mr. Louie Nady – Captain O’Neal Drive* – spoke to council regarding notes he had given them on the budget.

*Mr. Kevin Spriggs – Owner of the Eastern Shore Motel* – spoke regarding the budget, and spoke against the lodging tax being used to put the city in debt.

*Ms. Carol Simmons – 6662 Jacksons Oak - Friends of the Library* – thanked Mr. Lake for coming to the Teens event. She acknowledged that the Daphne Library is the best library where she has done volunteer work. She stated that the Friends of the Library support the library staff. She invited council to join the Friends of the Library.

*Mr. James Morris – 41 Lake Shore Drive – Friends of the Library-* spoke in support of the library staff, and said that there is a lot to be done to have a first rate library. He said that they need to keep the people they have at the library, and do not need to cut the library.

*Mr. Ed Nelson – Laurel Court – Recreation Board Chairman* – Requested that council pass Ordinance 2009-55 regarding the lodging tax.

*Mr. Carl Donnelly – Daphne Police Officer* – spoke regarding layoffs and salary cuts in the city. He stated that if council cut the employees pay they should cut theirs and the mayors salary also, and that would amount to \$30,000 which would keep an employee working for a year.

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

**RESOLUTIONS:**

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

**MOTION BY Councilman Scott to waive the reading of Resolution 2009-106, 2009-107, 2009-108 and 2009-109. *Seconded by Councilman Palumbo***

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

MOTION BY Councilman Scott to adopt Resolution 2009-106. *Seconded by Councilman Palumbo.*

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

MOTION BY Councilman Scott to adopt Resolution 2009-107. *Seconded by Councilwoman Barnette.*

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

MOTION BY Councilman Scott to adopt Resolution 2009-108. *Seconded by Councilman Yelding.*

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

**MOTION CARRIED**

MOTION BY Councilman Scott to adopt Resolution 2009-109. *Seconded by Councilwoman Barnette.*

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

**ORDINANCES:**

**2<sup>ND</sup> READ**

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

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

1<sup>ST</sup> READ

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

**MOTION BY Councilman Scott to waive the reading of Ordinance 2009-55. *Seconded by Councilman Burnam.***

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

**MOTION BY Councilman Scott to adopt Ordinance 2009-55. *Seconded by Councilman Burnam.***

MOTION BY Councilwoman Barnette to amend Ordinance 2009-55 to include 5% to the Downtown Redevelopment Authority.

Councilman Scott suggested taking the 5% after IDB and the debt service has been taken.

Councilwoman Barnette accepted that amendment.

Seconded by Councilman Scott.

Council discussed the amendment.

**Councilwoman Barnette withdrew her motion. Councilman Scott withdrew his second.**

**MOTION BY Councilwoman Barnette to amend Ordinance 2009-55 to include 5% off the top for Downtown Redevelopment. *Seconded by Councilman Scott.***

**VOTE ON AMENDMENT**

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

**VOTE ON ORIGINAL MOTION AS AMENDED**

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

**MOTION CARRIED**

**MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-56. *Seconded by Councilman Yelding.***

Councilwoman Barnette stated that this received an unanimous favorable recommendation from the Planning Commission.

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

**MOTION BY Councilman Burnam to adopt Ordinance 2009-56. *Seconded by Councilman Yelding.***

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

**MOTION BY Councilman Scott to waive the reading of Ordinance 2009-52. *Seconded by Councilman Burnam.***

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

**MOTION BY Councilman Scott to adopt Ordinance 2009-52 with a fund draw of \$584,990, (worksheet 3). *Seconded by Councilman Burnam.***

Mayor Small asked council to change worksheet 3 listing several positions on the vacant list:

Delete:

(2) Civic Center Sales Asst.  
Building Maintenance Tech

He has moved someone into these positions

Add to the Vacant Position List:

Building Inspector  
Revenue Tech  
Planning Admin Secretary

**MOTION BY Councilman Palumbo to amend the vacant position list on worksheet 3 attached to Ordinance 2009-52:**

Delete:

(2) Civic Center Sales Asst.  
Building Maintenance Tech

He has moved someone into these positions

Add to the Vacant Position List:

Building Inspector  
Revenue Tech  
Planning Admin Secretary

**VOTE ON AMENDMENT**

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**VOTE ON ORIGINAL MOTION AS AMENDED**

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

**MOTION CARRIED**

MOTION BY Councilman Yelding to suspend the rules to consider Ordinance 2009-58. *Seconded by Councilwoman Barnette.*

**ROLL CALL VOTE**

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

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Yelding to waive the reading of Ordinance 2009-58. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Yelding to adopt Ordinance 2009-58. Seconded by Councilwoman Barnette.

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

**ORDINANCES 2009-50, 2009-57, and 2009-59 WERE MADE 1<sup>ST</sup> READ.**

**9. COUNCIL COMMENTS**

*Councilman Yelding* commended the city workers for coming to the meeting, and paying attention to what is going on. They certainly want to keep the workers busy keeping the city beautiful. He said that the workers do a great job. He certainly was not for cutting anybody's jobs. He is happy that they passed the ordinance that kept everybody jobs are in tact at least right now.

*Councilwoman Barnette* thanked council for the small victory for downtown redevelopment. It has been something that she has been passionate about for a long time, although it is only five percent it is nice that they will have something to slowly build upon. She thinks they still have a lot of work to do on the budget. She said that unfortunately for the employees they can't rest easy yet. They have a lot to do. She thinks the council is committed to finding a way to keep everyone employed, but it is going to require additional cuts somewhere or somehow to continue to provide the services that residents expect. She thinks they will have some realities hitting them in the next few months and coming forward in the beginning of January when the first quarter comes in. She hopes that they can all continue to work together to find solutions. She knows it is very stressful, but they do appreciate the employees service, and if they have ideas she will be happy to receive them, but they are not done yet, unfortunately.

*Councilman Burnam* stated that he appreciated the work that Mrs. Hinman has done for them in the last four or five months. There have been some tough issues personnel wise that has come along, and he appreciated all that she did.

*Councilman Boulware* stated that this was a situation where they all had strong opinions and felt very passionately about their positions on fundamentals and how the city should run. He thinks they all expressed them to the best of their ability, and in the end this is a democracy and they saw it at work. Just from previous meetings he saw that the council was leaning strong to this idea of spending reserves, and he had a conversation with a city employee, and they talked about what was coming up, and he told the employee his position and he said why can't you just track it a little while, and if things go from bad to worse re-evaluate the budget at that time. That got him to thinking and he talked with Mrs. Briley and came up with an ordinance that would basically be as a safety net or insurance policy for the tax payers. Essentially the ordinance reads that if they go to the end of February and the projections for 2010 are not hitting their numbers, and they are in fact deteriorating at a greater rate

than what they assumed then at that point they would go back and have the budget re-evaluated. He thinks it is a great idea. It gives what this council decided tonight a chance, but it also accepts the potential reality that things may be worse than what they think they are going to be, and it protects the city from that by not going too far down the road where they cannot back up. So if by February things are looking really bad they will have a revised budget prepared by March 31<sup>st</sup> at the six month mark. He thinks it is good business.

**Councilman Palumbo** is glad that the ordinance passed that will not have any job eliminations except for what they discussed about recycling nor furloughs. He hopes that by Mr. Boulware and Mrs. Barnette's comments about the rest of the fiscal year that they will not have a fear factor here. They would like to have some confidence in the Finance Directors projections this year, although they thought she was too conservative last year they still missed the mark by \$700,000. They had a lot of input from a lot of citizens, e-mails and phone calls by employees, and he thinks they were very helpful. He said unlike in the past when they have had a lot of negative comments he thinks there were some very good suggestions made by employees that they were able to implement in the budget, and the bottom line is they do not have layoffs and furloughs. It is going to be a little tougher working with some of the positions that will not be filled this year, and maybe for the year after, but it is better than someone not having a job or someone taking a pay cut. He said they appreciate the public having input and the input of the employees. He also appreciated the hard work of his colleagues. He said they all had a pretty good idea which one of the options was going to pass at tonight's meeting. He said this is not sustainable and he hopes through attrition they can readjust the city, and get to where they are living a little better within their means. This is an austere budget. Everyone is going to have to work a little harder. There were a lot of tough decisions made by council and the Mayor. The Mayor made a lot of cuts to the budget before they ever got it. He said let's hope for the best revenue wise, because the city is at the mercy of the economy because the sales tax is what drives our economic engine in the city not ad valorem tax.

**Council President Lake** said that the difference between a recession and a depression is that during a recession somebody else is unemployed and during a depression you are unemployed. This was a very tough budget. He knows things will get better they have to. Some of the things they took out of the budget might have/should have been done. He thinks in the long run they might come out better as a community. Once in a while shakeups cause people to get tighter and make people look at more creative ways of doing things. He knows that the city's employees will find creative ways of handling situations and working around them and making the numbers fit. He thanked everyone for coming especially the ones that stayed through the whole meeting. So often after the vote is taken everybody gets up and leaves, but you all stayed through the whole meeting and he appreciates that. He said as the last one to speak he tends to speak to no one. When the lodging tax was first brought up there was not tax on hotels in Daphne, and they brought it up for Bay Front Park. There was skepticism that it would raise enough money to buy bay front property, and now it is the complete opposite. He thanked Mrs. Hinman for all that she has done for the last few months, because she really stepped in some really tough times, and she handled them with grace. He complimented her on how well she has done the job, and taken care of the job. He said at the next meeting Mr. Palumbo will be the last one to speak, and he will get to be the third.

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

15

**10. ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:30 P.M.**

Respectfully submitted by,

---

David L. Cohen,  
City Clerk, MMC

**Certification by Presiding Officer:**

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Cathy Barnette,  
Council President Pro tem

**David Cohen**

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**From:** <munchmann32@aol.com>  
**To:** <daphnecc@bellsouth.net>  
**Sent:** Tuesday, November 10, 2009 11:57 AM  
**Subject:** City Council Meeting

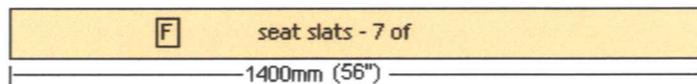
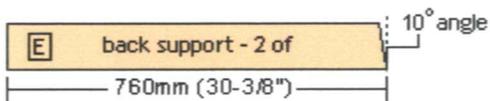
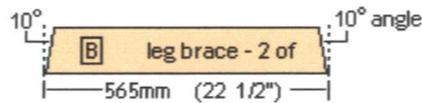
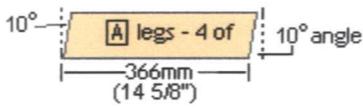
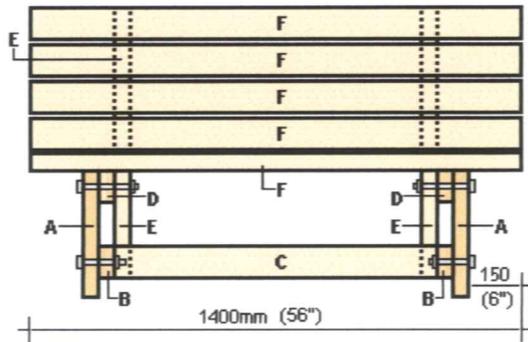
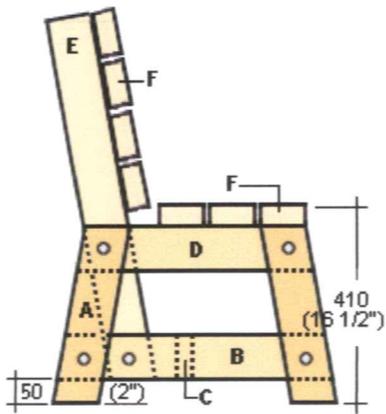
Hey Mr. Cohen. This is Mitchell Gates, and I need to be put on the schedule for the city hall meeting on the 16th. I have to get my Eagle Scout project approved by the city council.

I will be building 6 wooden benches for the dog park in Daphne. I don't need any city funding or help, just their approval.

If you have any questions just email me back.

Thanks, Mitchell Gates

**Mitchell Gates**  
**Eagle Scout Project**  
**Troop 177**



6 total benches

Supplies for 1 bench:

**60**ft of 2x4 lumber

**8** only 1/2" galvanized carriage bolts 4 1/2" long

**2** only 1/2" galvanized carriage bolts 6" long

**2.5** lb 3 1/2" galvanized flathead nails

Supplies for 6 benches:

**360**ft of 2x4 lumber

**48** only 1/2" galvanized carriage bolts 4 1/2" long

**12** only 1/2" galvanized carriage bolts 6" long

**15** lb 3 1/2" galvanized flathead nails

**Price of supplies:**

2x4x12 = \$5.00ea  
5lbs of nails = \$14.00/box  
 $\frac{1}{2}$  x 5 bolt = \$1.50ea  
 $\frac{1}{2}$  x 6 bolt = \$1.50ea  
 $\frac{1}{2}$ " washer = \$0.19ea  
 $\frac{1}{2}$ " nut = \$0.19ea

**Costs for one bench:**

60ft lumber = \$25.00  
2.5lbs nails = \$7.00  
(8)  $\frac{1}{2}$  x 5 bolts = \$12.00  
(2)  $\frac{1}{2}$  x 6 bolts = \$3.00  
(10)  $\frac{1}{2}$ " washer = \$1.90  
(10)  $\frac{1}{2}$ " nut = \$1.90

**Total cost for 6 benches:**

Lumber = \$150.00  
Nails = \$42.00  
 $\frac{1}{2}$  x 5 bolts = \$72.00  
 $\frac{1}{2}$  x 6 bolts = \$18.00  
 $\frac{1}{2}$ " washer = \$11.40  
 $\frac{1}{2}$ " nut = \$11.40

Total price for one bench: **\$50.80**

Total price for 6 benches: **\$304.80**

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
November 9, 2009  
4:00 P.M.**

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

The meeting was called to order at 4:00 pm. Present were Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, and Senior Accountant Suz anne Henson.

Chairman Derek Boulware was absent.

Also in attendance were Mayor Fred Small, Public Works Director Bill Eady, and Interim Human Resources Director Vickie Hinman, Revenue Officer Cornell Smith, Building Inspector Richard Merchant, Site Containment Inspector Ashley Campbell.

**II. PUBLIC PARTICIPATION**

**A. Commissioning of Navy Ship – Mr. Hal Pierce**

Mr. Hal Pierce, Navy Port Coordinator for Mobile, spoke regarding Navy construction of ships and handed out an information packet: "Municipal Support: Cities & Counties". Mr. Pierce stated that the cost to build the first ship (U.S.S. Independence) would be approximately \$550,000,000 and \$460,000,000 to build the next one. Mr. Pierce stated the plan is to build 55 ships. Mr. Pierce discussed the economic benefit that Daphne receives due to numerous employees of Austal living in Daphne and spending their earnings in Daphne. Mr. Pierce stated the financial request from Daphne is \$5,000 and that each request is based on population. Mr. Pierce said the monies are needed for commissioning costs. Mr. Pierce said the Commissioning will be held January 16, 2010 at the Mobile Landing. Discussion was made concerning the possibility of funding coming from Industrial Development Board.

**B. Captain O'Neal Sidewalk – Ms. Susan Hamm**

Ms. Hamm discussed the need for sidewalks in the Captain O'Neal area and emphasized the safety issue for the children who walk to school in this area.

**III. HUMAN RESOURCES BUSINESS**

Ms. Vickie Hinman presented a Human Resources department activity update including the latest training in the Leadership Academy which covered ADA, USERRA, GINA, FMLA, and Flex spending topics. Ms. Hinman reviewed recent promotions in the Police Department and the latest Safety committee meeting topics. The Mayor discussed increasing the cap on flex spending deduction allowance. Mr. Scott requested Ms. Hinman research if there could be some criteria established to set a limit according to the employee's longevity with the City or perhaps a new employee cap. Mr. Scott noted that one concern with the Flex spending program is that an employee can use the plan and if they leave the City before adequate pay deductions are made the City will have to absorb the cost.

## **IV. ISSUES REQUIRING ACTION BY CITY COUNCIL**

### **A. Appropriation Requests**

1. Elevation Certificate & Survey: 140 Lakeview Loop (FEMA: Repetitive Loss / Buyout) - \$2,000  
Mr. Richard Merchant discussed the need for an elevation certificate and current fair marked appraisal for the property at 140 Lakeview Loop. *Mr. Merchant discussed the urgency due to the FEMA deadline and noted the Ordinance appropriating the funds needs to be approved at the November 16, 2010 Council Meeting.*

***The Ordinance needs to be approved on the First Reading.***

***Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$2,000 for the Elevation Certificate and Appraisal for 140 Lakeview Loop. Seconded by Mr. Scott. All in favor.***

2. Wilson Avenue Drainage Repairs - \$68,356  
The Mayor discussed the need for drainage repairs at Wilson Avenue. Mr. Eady also noted this project has got to be done, there is a great need.

***Motion by Mr. Yelding to recommend Council to adopt an Ordinance appropriating \$68,356 for drainage repairs to Wilson Avenue. Seconded by Mr. Scott. All in favor.***

3. Daphne High School Security Cameras - \$500  
Mr. Yelding noted that the security system is estimated to cost \$6,000 and that Trip Pittman has pledged \$2,500 but that Ms. Weller is asking for a \$500 appropriation from the City. Ms. Briley noted that Community Contributions were cut in the budget and that the Council has not yet voted on how the funding would be distributed. Mr. Scott asked for input from Police concerning the need for these security cameras. The Mayor discussed that there is a lot of traffic in this area and the cameras are needed.

***Motion by Mr. Yelding to recommend Council to designate \$500 from Community Contributions for the purpose of providing Security Cameras at Daphne High School Trojan Hall. Seconded by Mr. Scott. All in favor.***

### **B. Resolutions**

1. Community Contributions – Fiscal 2009  
Discussion on the contributions to be made to the organizations listed below and that financial information was requested from each (A Financial information packet was made for each Council member to review). The Mayor noted that the Mobile Bay Estuary Program assist the City with grants. Ms. Briley noted the Resolution needs to be adopted so the Mayor can execute the agreements. These contributions are accrued from Fiscal Year 2009 Budget.

***Motion by Mr. Yelding to recommend Council adopt a resolution authorizing the Mayor to enter into an agreement necessary for the City to make contributions to Community Agencies as appropriated in FY2009 Budget:***

**> \$12,000 Bay Rivers Art Guild  
> \$1,500 Lighthouse  
>\$1,500 CareHouse  
>\$3,000 Mobile Bay NEP  
>\$2,000 Santa America  
>\$1,000 Battleship Memorial Park  
Seconded by Mr. Scott. All in favor.**

2. Authorize Mayor to enter into contract – (\$7,500) with Rebowe, Fontenot Benefits Actuarial for computations required by GASB Statement No. 45

Ms. Briley discussed that quotes were obtained and Rebowe, Fontenot Benefits was the lowest. Ms. Briley further explained that these actuarial services are now required by GASB Statement No. 45 due to an accounting change in the recognition of Other Post Employment Benefits (Medical/Dental/Life Insurance). Where the expenditure has been recognized when paid, it will now have to be recognized when the benefit is earned, thus the need for an actuary.

***Motion by Mr. Yelding to recommend to Council to authorize the Mayor to enter into a contract with Rebowe, Fontenot Benefits Actuarial in the amount of \$7,500 for actuarial services as required by GASB Statement No. 45. Seconded by Mr. Scott. All in favor.***

## **V. Current Business**

## **VI. FINANCIAL REPORTS**

### **A. Treasurer's Report: October 31, 2009**

The Treasurer's Report totaling \$19,028,672.06 was presented.

***Motion by Mr. Yelding to accept the Treasurer's Report as of October 31, 2009, in the amount of \$19,028,672.06. Seconded by Mr. Scott. All in favor.***

### **B. Sales and Use Taxes: August 31, 2009**

Sales and Use Tax Collected for September 2009	- \$ 823,501
Sales and Use Tax Budgeted for September 2009	- \$ <u>998,476</u>
Under Budget (for August)	- \$ (174,975)

YTD Budget Collections Variance - Under Budget - \$ (1,246,562)

### **C. Lodging Tax Collections, September 30, 2009**

The Lodging Tax Collections report shows \$35,430.62 collected for September, 2009.

### **D. Report: New Business Licenses – September 2009**

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

### **E. Bills Paid Reports – September 2009**

The October Bills Paid Report for FY09 and FY10 was included in Packet #2.

## **VII. Old Business**

### **A. Captain O'Neal Drive – Roadway/Drainage/Sidewalk**

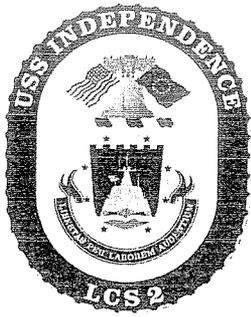
Mr. Andrew James, Volkert Engineering and Mr. Randy Davis, Baldwin County discussed the Captain O'Neal project. Mr. James explained the options:

1. Drainage Improvements: Old Ditch Project:  $\$179,385 + \text{Eng } \$29,200 - \text{FEMA } \$119,332.35 = \$89,252.65$
2. Roadway/Drainage & Sidewalk:  $\$220,000 + \text{Engineering } \$29,100 = \$249,100$
3. Alternate #1:  $\$220,000 + \text{Engineering } \$29,100 + \text{Drainage } 89,252.65 = \$338,352.65$

Discussion continued that the alternate project cost includes the additional drainage, curbing, and sidewalk improvements along Dryer Avenue and Captain O'Neal. The Mayor discussed the problems there would be with drainage if the complete project was not done. The sidewalks cannot be done without addressing the drainage problems. Mr. Scott requested that Volkert break down the project to evaluate what portion, if any, could be funded with Gas Tax Funds. Ms. Briley noted that Gas Tax monies cannot fund sidewalk construction. The Mayor discussed the sidewalks near the Bay being funded from Lodging Tax monies. Ms. Ashley Campbell noted there has been discussion concerning the drainage issues from adjacent property owners. Discussion continued regarding drainage work needing to be done before the sidewalk construction. Recommendation by Finance Committee to bring this project back to Finance after funding research is complete.

## **VIII. ADJOURN**

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



# USS INDEPENDENCE LCS 2

Commissioning Committee  
Mobile, Alabama



Honorary Chairman  
Governor Bob Riley

Committee Chairman  
Mike Dow

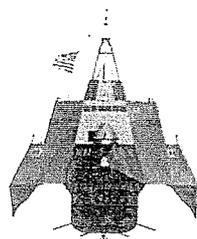
Committee Chairman

Tom Bender  
Howard Bronson  
Bob Browning  
David Cooper  
Bobby Guthans  
Bay Haas  
Win Hallett  
Slade Hooks  
Erik Johnson  
Sam Jones  
Jimmy Lyons  
Leon Maisel  
Ron McAlear  
Sheldon Morgan  
E. B. Peebles  
Dick Pennington  
Hal Pierce  
Al St. Clair  
Bill Seifert  
Cheryl Thompson  
Steve Poulin

# MUNICIPAL SUPPORT

# CITIES AND COUNTIES



## MUNICIPAL SUPPORT CITIES AND COUNTIES

THE COMMISSIONING OF A NAVY SHIP IN A COMMUNITY IS A TREMENDOUS EVENT, OFTEN THE EVENT OF THE YEAR AND SOMETIMES THE EVENT OF DECADES. MOST NAVY SHIPS ARE COMMISSIONED IN CITIES AND LOCATIONS OTHER THAN WHERE THEY ARE BUILT. IN THE CASE OF MOBILE, STRENUOUS AND ENTHUSIASTIC EFFORTS BY THE COMMUNITY PERSUADED THE NAVY TO DESIGNATE THE PORT OF MOBILE FOR THE COMMISSIONING OF THE USS INDEPENDENCE LCS2.

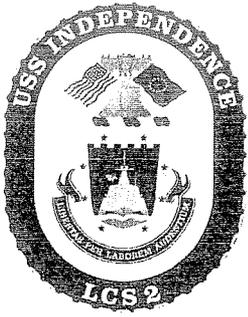
THE COMMISSIONING OF THE INDEPENDENCE, THE FIRST OF MANY OF THESE SHIPS TO BE BUILT IN MOBILE, WILL BE AN EMBLEM EVENT INVOLVING THOUSANDS OF PEOPLE.

THE NAVY SHIPBUILDING AT AUSTAL USA HAS BROUGHT A TREMENDOUS ECONOMIC IMPACT TO OUR COMMUNITY. THAT IMPACT IS NOW IN THE HUNDREDS OF MILLIONS AND HEADED TOWARD BILLIONS, AS OUTLINED IN THE ENCLOSED ONE YEAR ECONOMIC IMPACT STATEMENT AND THIS IMPACT COMES RIGHT IN THE MIDDLE OF AN ECONOMIC DOWNTURN AND WILL HELP SOUTH ALABAMA AVOID THE DEVASTATING EFFECT SUFFERED BY SOME AREAS.

THE COMMISSIONING COMMITTEE MUST RELY ON SOME SUPPORT FROM THE CITIES AND COUNTIES THAT BENEFIT. THE CONTIGUOUS CITIES AND COUNTIES ARE BEING ASKED FOR FUNDING SUPPORT FOR THE COMMISSIONING OF THE USS INDEPENDENCE. IN ORDER TO BE FAIR OUR REQUEST IS BASED ON POPULATION WE HAVE ENLISTED THE ALABAMA DATA CENTER AND THE UNITED STATES CENSUS BUREAU TO ASSIST US. WE ARE RESPECTFULLY REQUESTING THE FOLLOWING AMOUNTS FROM THE CITIES AT 25 CENTS PER RESIDENT AND THE COUNTIES AT 10 CENTS PER RESIDENT.

CITY OF MOBILE	POPULATION 191,022	\$ 48,000
CITY OF DAPHNE	POPULATION 19,093	5,000
CITY OF FAIRHOPE	POPULATION 17,147	4,500
CITY OF PRICHARD	POPULATION 27,662	6,500
CITY OF SATSUMA	POPULATION 6,008	2,000
CITY OF SARALAND	POPULATION 12,946	3,500
CITY OF SPANISH FORT	POPULATION 5,780	2,000
CITY OF CHICKASAW	POPULATION 5,948	2,000
CITY OF LOXLEY	POPULATION 1,798	1,000
MOBILE COUNTY	POPULATION 406,230	\$ 40,650
BALDWIN COUNTY	POPULATION 174,500	\$ 18,000

NATURALLY, SUPPORT FROM OTHER TOWNS IN THE COUNTIES AT THESE RATES WILL BE WELCOME. THE AMOUNTS ABOVE WILL TOTAL LESS THAN 25% OF THE FUNDING NEEDED FOR THIS EVENT. THE ECONOMIC IMPACT REPORT SHOWS OVER A MILLION DOLLARS DISBURSED INTO THESE COMMUNITIES EVERY WEEK AND THAT AMOUNT IS GROWING.



# USS INDEPENDENCE LCS 2

Commissioning Committee  
Mobile, Alabama



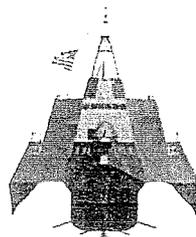
Honorary Chairman  
Governor Bob Riley

Committee Chairman  
Mike Dow

Committee Chairman

Tom Bender  
Howard Bronson  
Bob Browning  
David Cooper  
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Slade Hooks  
Erik Johnson  
Sam Jones  
Jimmy Lyons  
Leon Maisel  
Ron McAlear  
Sheldon Morgan  
E. B. Peebles  
Dick Pennington  
Hal Pierce  
Al St. Clair  
Bill Seifert  
Cheryl Thompson  
Steve Poulin

# NAVY SHIPBUILDING IN MOBILE ECONOMIC IMPACT SUMMARY



## NAVY SHIPBUILDING IN MOBILE ECONOMIC IMPACT SUMMARY

THE CAPITAL NOW BEING SPENT IN MOBILE, ALABAMA BY THE UNITED STATES NAVY HAS A TREMENDOUS IMPACT ON THE LOCAL ECONOMY, PARTICULARLY AT A TIME WHEN THE MAJORITY OF THIS COUNTRY IS STRUGGLING ECONOMICALLY. THE UNITED STATES NAVY HAS AN ENORMOUS AND GROWING ECONOMIC PRESENCE IN MOBILE. AUSTAL USA IS CURRENTLY BUILDING THE LITTORAL COMBAT SHIPS (LCS) AND THE JOINT HIGH SPEED VESSELS (JHSV) ALONG WITH C&G BOAT WORKS WHO ARE FABRICATING A SERIES OF PATROL BOATS. AUSTAL USA HAS BEEN AWARDED \$185 MILLION TO DESIGN AND BUILD THE JHSV AND \$99.5 MILLION TO BUY MATERIALS. THIS PROJECT ALONE COULD REACH 1.6 BILLION. IT IS THE LITTORAL COMBAT SHIPS, HOWEVER, LIKE THE USS INDEPENDENCE (LCS2) THAT WILL HAVE THE GREATEST ECONOMIC IMPACT FOR MOBILE AND THE SURROUNDING AREA.

THE INDEPENDENCE IS THE FIRST SHIP, NOW IN THE FINAL STAGES OF COMPLETION THIS VESSEL WILL HAVE A PRICE OF OVER \$500 MILLION AND THE LCS CORONADO, WHICH IS NOW UNDER CONSTRUCTION, WILL HAVE A PRICE OF OVER \$460 MILLION WHEN DELIVERED TO THE UNITED STATES NAVY.

THE AUSTAL USA ECONOMIC IMPACT SUMMARY, PROVIDED BY THE ALABAMA DEVELOPMENT OFFICE DEMONSTRATES THE FINANCIAL FOOTPRINT THAT AUSTAL LEAVES ON THE COMMUNITY. AUSTAL USA CURRENTLY EMPLOYS IN EXCESS OF 1200 PEOPLE IF ALL SALARIED DIRECT WORKERS, CONTRACTORS AND SUBCONTRACTORS ARE COMBINED. THEY HAVE AN AVERAGE SALARY OF \$52,415. IN THE LAST YEAR AUSTAL PAID OUT MORE THAN \$65 MILLION IN TOTAL PAYROLL. IT MUST BE NOTED THAT THE AVERAGE OF \$52,415 INCLUDED THE BENEFITS IN THE CALCULATION OF THE \$65 MILLION SPENT ON DIRECT PAYROLL. IT IS ESTIMATED THAT 38% OF THAT WILL BE SPENT IN LOCAL RETAIL STORES BY AUSTAL USA EMPLOYEES. IN PERSONAL INCOME AND OCCUPATIONAL TAX THEY PAY WELL OVER TWO MILLION.

BASED ON THE DIRECT PAYROLL FIGURES BETWEEN JULY 2008 AND JUNE 2009 THE FOLLOWING SALES TAX REVENUES GENERATED FOR GOVERNING BODIES ARE ESTIMATED, WITH THE STATE RECEIVING \$891,000, MOBILE COUNTY \$198,000, CITY OF MOBILE \$648,000.

IN ADDITION TO THE PUBLIC REVENUES GENERATED FROM INDIRECT AUSTAL SPENDING, ARE THE TAXES COLLECTED BY THE STATE THAT DIRECTLY RESULT FROM AUSTAL USA'S PAYROLL, WHICH TOTAL OVER \$2 MILLION.

AUSTAL'S ECONOMIC THUMB PRINT ON THE SOUTH ALABAMA ECONOMY IS DEMONSTRATED IN THE ENCLOSED TABLES. THEIR TOTAL IMPACT IS ESTIMATED AT OVER \$129 MILLION ANNUALLY.

**AUSTAL  
ESTIMATED ANNUAL IMPACTS SUMMARY  
Mobile/Mobile County, Alabama**

July 08 - June 09

	Head Count	( \$ 000's )
Direct Labor & Contractors	1,065	\$50,050
Subcontractors	64	\$6,000
Salaries	127	\$9,783
Fringe		\$14,288
<b>Wages/Salaries/Fringes</b>	<b>1,256</b>	<b>\$80,121</b>
Rates & taxes		\$577
Property Taxes		\$274
Permits & license fees		\$76
<b>Taxes</b>		<b>\$927</b>
Utilities (Includes utility taxes)		\$831
Telephone		\$257
<b>Subtotal Utilities</b>		<b>\$1,088</b>
<b>In-State Purchases of Services and Materials</b>		<b>\$12,112</b>
<b>Direct Materials (Estimate - Alabama)</b>		<b>\$10,000</b>
<b>Capital Improvements (Estimate - Alabama)</b>		<b>\$17,000</b>
<b>COMPANY'S DIRECT ANNUAL IMPACT</b>		<b>\$121,248</b>

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**Public Revenues Generated by Employment**

***DIRECT EMPLOYMENT***

Employment	1,256
Average Annual Wage (\$52,415 plus benefits)	\$52,415
<b>ESTIMATED ANNUAL PAYROLL</b>	<b>\$65,833,240</b>
Percent of Avg Household Income Spent on Retail Sales	37.6%
Annual Retail Spending	\$24,738,216

<b>SALES TAX REVENUES FROM DIRECT PAYROLL</b>	<i>% spent within limits</i>	
<b>State</b>	<b>90%</b>	<b>\$891</b>
<b>Mobile County</b>	<b>80%</b>	<b>\$198</b>
<b>Mobile</b>	<b>75%</b>	<b>\$649</b>

<b>PERSONAL INCOME/OCCUPATIONAL TAX - DIRECT PAYROLL</b>	
<i>(State Personal Income Tax range to 5%; effective rate 3.5%)</i>	<b>\$2,304</b>

<b><i>INDIRECT EMPLOYMENT</i></b>	Ship building and repairing
<i>RIMS II Multipliers - Employment</i>	1.6477
<i>RIMS II Multipliers - Earnings</i>	0.9871
Estimated Indirect Employment	2,070
<b>ESTIMATED ANNUAL INDIRECT PAYROLL</b>	<b>\$64,983,991</b>
Percent of Avg Household Income Spent on Retail Sales	37.6%
Annual Retail Spending	\$24,419,093

<b>SALES TAX REVENUES FROM INDIRECT PAYROLL</b>	<i>% spent within limits</i>	
<b>State</b>	<b>90%</b>	<b>\$879</b>
<b>Mobile County</b>	<b>80%</b>	<b>\$195</b>
<b>Mobile</b>	<b>75%</b>	<b>\$641</b>

<b>PERSONAL INCOME/OCCUPATIONAL TAX - INDIRECT PAYROLL</b>	
<i>(State Personal Income Tax range to 5%; effective rate 3.5%)</i>	<b>\$2,274</b>

<b>TOTAL PUBLIC REVENUES FROM EMPLOYMENT</b>	<b>\$8,032</b>
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<b>OVERALL ANNUAL IMPACT</b>	<b>\$129,280</b>
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**Vickie C. Hinman**  
Interim  
Human Resources Director



**Sherree Hilburn**  
Payroll and Benefits  
Coordinator

*The Jubilee City*

November 5, 2009

**HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE**

**Human Resources Employment/Promotions**

**Status**

Police Corporal/Sergeant

Written Test: October 16, 2009  
Oral Board Interview Dates: October  
29 and 30

Police Promotions effective November 11, 2009:

Reginald Ardis – Sergeant  
Shawn Barnette - Corporal

**Training:**

**Leadership Academy**

First Wednesday of every month 8-10 a.m. Jan.-Dec. 2009

**November 4, 2009 – Human Resources Training – Topics: New and current EEOC Laws and Benefits: ADA/AA; USERRA; GINA; FMLA; Flex Spending.**

**Instructors: Vickie Hinman and Sherree Hilburn**

**Safety Meetings:**

8:15 a.m.-9:30 a.m. Jan.-Dec. 2009

Last Wednesday of every month

**October 28, 2009 Safety Committee meeting** – The Fire Marshall, Chip Martin has taken digital pictures of City facilities and downloaded on cd for insurance purposes. City parks and playground equipment will be inspected and reported on at next Safety Committee meeting.

Human Resources Department  
P.O. Box 400 Daphne, Alabama 36526  
Phone: (251) 621-3073 Fax: (251) 621-4506

**Jane**

**From:** James, Andrew [andrew.james@volkert.com]  
**Sent:** Monday, October 26, 2009 3:51 PM  
**To:** 'Mayor Small '  
**Cc:** 'Davis, Randy'; billeady@bellsouth.net; 'Commander, Steve'  
**Subject:** Captain O'Neal & Dryer Avenue Improvements

Mayor Small,

I understand there has been some degree of confusion over the project costs for the Captain O'Neal & Dryer Avenue Improvements projects. In an effort to clarify some problem areas I have compiled a cost breakdown for both projects. This estimate includes the base project cost, available FEMA funds, and an alternate project cost. The alternate project cost includes the additional drainage, curbing, and sidewalk improvements along Dryer Avenue and Captain O'Neal. For reference I have included the engineering fees provided by our office to date.

I am available all day tomorrow to meet and go over any portion of this project. If the City feels the cost is too great we can look into breaking out portions of the alternate work to bring the costs within a specified budget. Please let me know if you are available tomorrow or another day this week and we work towards clearing up any confusion.

Regards,

*Andrew E. James, E.I.*

Project Engineer

Volkert & Associates Inc.  
316 South McKenzie Street  
Foley AL, 36535  
Office: 251.968.7551  
Fax: 251.968.2318  
E-mail: [andrew.james@volkert.com](mailto:andrew.james@volkert.com)

**PRELIMINARY ENGINEERING COST ESTIMATE 10-26-09**

Page 1

**Captain O'Neal Drainage Improvements (Old's Ditch Project, Plans at 90%)**

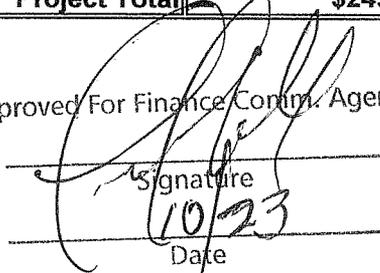
Item	Description	Units	Quantity	Unit Cost	Amount
<b>ROADWAY AND DRAINAGE</b>					
1	206D-000	Removing Pipe (Storm water)	LF	60	\$15.00 \$900.00
2	206D-002	Removing Curb	LF	80	\$12.00 \$960.00
3	206E-000	Removing Headwalls	EA	1	\$1,500.00 \$1,500.00
4	206E-001	Removing Inlets	EA	1	\$500.00 \$500.00
5	210A-000	Unclassified Excavation	CY	500	\$8.00 \$4,000.00
6	210D-020	Borrow Excavation (A-2 or Better)	CY	1,200	\$12.00 \$14,400.00
7	214B-001	Foundation Backfill, Commercial	CY	50	\$40.00 \$2,000.00
8	305A-051	Aggregate Surfacing (#467)	Ton	10	\$40.00 \$400.00
9	301A-012	Crushed Aggregate Base Course, 6" Thick	SY	40	\$25.00 \$1,000.00
10	429A-003	Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (125#/SY)	Ton	50	\$80.00 \$4,000.00
11	530A-003	24" Roadway Pipe (Class 3 R.C.)	LF	380	\$45.00 \$17,100.00
12	530A-006	36" Roadway Pipe (Class 3 R.C.)	LF	500	\$85.00 \$42,500.00
13	600A-000	Mobilization	LS	1	\$15,000.00 \$15,000.00
14	606A-000	6" Underdrain With Filter Fabric	LF	100	\$18.00 \$1,800.00
15	608A-000	Separation Geotextile	SY	120	\$7.50 \$900.00
16	610A-004	Loose Riprap, Class 2, 24" Thick	SY	100	\$125.00 \$12,500.00
17	621C-017	Inlet, Type S1 or S3 (Double Wing)	EA	2	\$4,500.00 \$9,000.00
18	623C-000	Combination Curb & Gutter, Type C	LF	200	\$25.00 \$5,000.00
19	650A-000	Topsoil	CY	75	\$15.00 \$1,125.00
20	652A-100	Seeding	AC	0.1	\$2,000.00 \$200.00
21	654A-002	Solid sodding (St. Augustine) (rolls staked in place)	SY	300	\$8.00 \$2,400.00
22	656A-001	Mulching, Class A, Type 2	AC	0.1	\$2,000.00 \$200.00
23	665F-000	Hay Bales	EA	50	\$15.00 \$750.00
24	665J-000	Silt Fence	LF	100	\$5.00 \$500.00
25	665O-001	Silt Fence Removal	LF	100	\$2.50 \$250.00
26	665P-001	Inlet Protection Device	EA	1	\$400.00 \$400.00
27		Turf Reinforcement mat	SY	300	\$15.00 \$4,500.00
28		Yard Inlet, 3'x3'	EA	2	\$2,500.00 \$5,000.00
28		Junction Box	EA	7	\$2,500.00 \$17,500.00
29		Headwall w/ wingwalls and energy dissipator.	LS	1	\$5,500.00 \$5,500.00
30		Dewatering (Storm Drainage Pipe)	LF	380	\$20.00 \$7,600.00
		Select plantings (1 Gallon, wet bottom hardwoods)	EA	201	\$10.00 \$2,010.00
<b>Sub Total Base Bid</b>					<b>\$179,385.00</b>
<b>Surveying, Engineering, &amp; Inspection - Base Bid</b>					
	Engineering		LS		\$12,200.00
	Surveying		LS		\$6,000.00
	Inspection		Hourly Not to Exceed		\$5,000.00
	Environmental		Hourly Not to Exceed		\$6,000.00
<b>Sub Total SE&amp;I</b>					<b>\$29,200.00</b>
<b>FEMA Hazard Mitigation Funding*</b>					
	Federal				(\$105,293.25)
	State				(\$14,039.10)
<b>Sub Total FEMA HMF</b>					<b>(\$119,332.35)</b>
<b>Required Municipal Funds - Base Bid</b>					<b>\$89,252.65</b>

**PRELIMINARY ENGINEERING COST ESTIMATE 10-20-09**

**Captain O'Neal Roadway, Drainage, & Sidewalk Improvements**

Item	Description	Units	Quantity	Unit Cost	Amount
<b>Alternate 1 Sidewalk &amp; Drainage Improvements</b>					
1	206C-002 Removing slope paving (Storm water)	LF	687	\$5.00	\$3,435.00
2	206D-000 Removing Pipe (Storm water)	LF	60	\$15.00	\$900.00
3	206D-002 Removing Curb	LF	80	\$12.00	\$960.00
4	209A-000 Mailbox Reset (single)	EA	5	\$112.00	\$560.00
5	210A-000 Unclassified Excavation	CY	200	\$8.00	\$1,600.00
6	210D-020 Borrow Excavation (A-2 or Better)	CY	400	\$12.00	\$4,800.00
7	214B-001 Foundation Backfill, Commercial	CY	30	\$40.00	\$1,200.00
8	301A-012 Crushed Aggregate Base Course, 6" Thick	SY	187	\$25.00	\$4,675.00
9	429A-041 Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (150#/SY)	Ton	280	\$85.00	\$23,800.00
10	429B-042 Improved Bituminous Concrete Binder Layer, 3/4" Max Aggregate (222#/SY)	Ton	25	\$85.00	\$2,125.00
11	530A-003 24" Roadway Pipe (Class 3 R.C.)	LF	1,100	\$45.00	\$49,500.00
12	618A-000 4" thick Sidewalk	SY	778	\$45.00	\$35,000.00
13	618B-003 6" Thick Sidewalk, includes wire mesh (To be Used at Driveways)	SY	110	\$55.00	\$6,050.00
14	621C-015 Inlet, Type S1 or S3 (Single Wing)	EA	6	\$2,200.00	\$13,200.00
15	621C-017 Inlet, Type S1 or S3 (Double Wing)	EA	4	\$3,000.00	\$12,000.00
16	Junction Box	EA	2	\$2,000.00	\$4,000.00
17	623C-000 Combination Curb & Gutter, Type C	LF	2,665	\$15.00	\$39,975.00
18	650A-000 Topsoil	CY	138	\$15.00	\$2,070.00
19	652A-100 Seeding	AC	0.5	\$2,000.00	\$1,000.00
20	654A-002 Solid sodding (St. Augustine) (rolls staked in place)	SY	500	\$8.00	\$4,000.00
21	656A-001 Mulching, Class A, Type 2	AC	0.5	\$2,000.00	\$1,000.00
22	665F-000 Hay Bales	EA	50	\$8.00	\$400.00
23	665J-000 Silt Fence	LF	100	\$5.00	\$500.00
24	665O-001 Silt Fence Removal	LF	100	\$2.50	\$250.00
25	665P-001 Inlet Protection Device	EA	10	\$400.00	\$4,000.00
26	665Q-002 Wattle	LF	100	\$5.00	\$500.00
27	Striping & Signage	LS	1	\$2,500.00	\$2,500.00
				<b>Total</b>	<b>\$220,000.00</b>
<b>Surveying, Engineering, &amp; Inspection</b>					
Engineering		LS			\$17,000.00
Surveying		LS			\$4,100.00
Inspection		Hourly Not to Exceed			\$8,000.00
				<b>Sub Total SE&amp;I</b>	<b>\$29,100.00</b>
				<b>Project Total</b>	<b>\$249,100.00</b>

Approved For Finance Comm. Agenda

  
 \_\_\_\_\_  
 Signature  
 10/23  
 \_\_\_\_\_  
 Date

**PRELIMINARY ENGINEERING COST ESTIMATE 10-26-09**

Page 2

**Captain O'Neal Roadway, Drainage, & Sidewalk Improvements - Alternate 1 (Plans at 25%)**

Item	Description	Units	Quantity	Unit Cost	Amount
<b>Alternate 1 Sidewalk &amp; Drainage Improvements</b>					
1	206C-002 Removing slope paving (Storm water)	LF	687	\$5.00	\$3,435.00
2	206D-000 Removing Pipe (Storm water)	LF	60	\$15.00	\$900.00
3	206D-002 Removing Curb	LF	80	\$12.00	\$960.00
4	209A-000 Mailbox Reset (single)	EA	5	\$112.00	\$560.00
5	210A-000 Unclassified Excavation	CY	200	\$8.00	\$1,600.00
6	210D-020 Borrow Excavation (A-2 or Better)	CY	400	\$12.00	\$4,800.00
7	214B-001 Foundation Backfill, Commercial	CY	30	\$40.00	\$1,200.00
8	301A-012 Crushed Aggregate Base Course, 6" Thick	SY	187	\$25.00	\$4,675.00
9	429A-041 Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (150#/SY)	Ton	280	\$85.00	\$23,800.00
10	429B-042 Improved Bituminous Concrete Binder Layer, 3/4" Max Aggregate (222#/SY)	Ton	25	\$85.00	\$2,125.00
11	530A-003 24" Roadway Pipe (Class 3 R.C.)	LF	1,100	\$45.00	\$49,500.00
12	618A-000 4" thick Sidewalk	SY	778	\$45.00	\$35,000.00
13	618B-003 6" Thick Sidewalk, includes wire mesh (To be Used at Driveways)	SY	110	\$55.00	\$6,050.00
14	621C-015 Inlet, Type S1 or S3 (Single Wing)	EA	6	\$2,200.00	\$13,200.00
15	621C-017 Inlet, Type S1 or S3 (Double Wing)	EA	4	\$3,000.00	\$12,000.00
16	Junction Box	EA	2	\$2,000.00	\$4,000.00
17	623C-000 Combination Curb & Gutter, Type C	LF	2,665	\$15.00	\$39,975.00
18	650A-000 Topsoil	CY	138	\$15.00	\$2,070.00
19	652A-100 Seeding	AC	0.5	\$2,000.00	\$1,000.00
20	654A-002 Solid sodding (St. Augustine) (rolls staked in place)	SY	500	\$8.00	\$4,000.00
21	656A-001 Mulching, Class A, Type 2	AC	0.5	\$2,000.00	\$1,000.00
22	665F-000 Hay Bales	EA	50	\$8.00	\$400.00
23	665J-000 Silt Fence	LF	100	\$5.00	\$500.00
24	665O-001 Silt Fence Removal	LF	100	\$2.50	\$250.00
25	665P-001 Inlet Protection Device	EA	10	\$400.00	\$4,000.00
26	665Q-002 Wattle	LF	100	\$5.00	\$500.00
27	Striping & Signage	LS	1	\$2,500.00	\$2,500.00
<b>Sub Total Alternate 1</b>					<b>\$220,000.00</b>
<b>Surveying, Engineering, &amp; Inspection - Alternate 1</b>					
	Engineering	LS			\$17,000.00
	Surveying	LS			\$4,100.00
	Inspection	Hourly Not to Exceed			\$8,000.00
<b>Sub Total SE&amp;I</b>					<b>\$29,100.00</b>
<b>Alternate 1 Total</b>					<b>\$249,100.00</b>
<b>Total Municipal Cost</b>					<b>\$338,352.65</b>
* FEMA funding accounts for 85% of qualifying repairs and mitigation with a 15% local match. The value shown for FEMA Hazard Mitigation funding represents the 85% total funding with the 15% match being included in the Required Municipal Funds -Base Bid price					

Roadway and Drainage  
Improvements

October 2009



The Jubilee City

CAPTAIN O'NEAL & DRYER AVENUE STREET RECONSTRUCTION

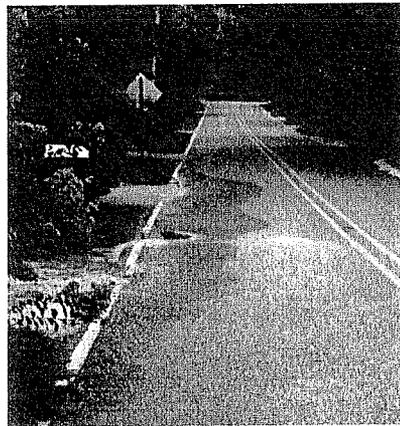
The City of Daphne

*the Jubilee City*

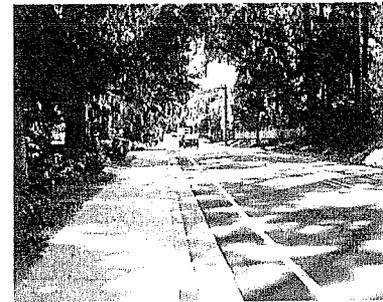
# Captain O'neal Drive and Dryer Avenue Street Reconstruction Project

Project Type: Roadway & Drainage Improvements

Captain O'Neal is a quiet city street servicing several single family homes as well as Bayside Academy. Currently the roadway is exhibiting alligator cracking and rutting along the pavement edge as well as a loss of the roadway crown in some sections. Existing drainage infrastructure is discontinuous with some deteriorated sections. Dryer Avenue is in similar condition with edge cracking evident. The existing ditch cross sections show signs of erosion with several areas bare of vegetation. During high intensity storm events water bypasses the existing drainage system east of Old County and in turn flows west down Dryer Avenue and overburdens the drainage infrastructure in this area. It was also noted that several Bayside Academy students who walk to school were walking in the roadway due to the lack of an all weather pedestrian walkway or sidewalk.



Existing view of Captain O'Neal Drive at Dryer Avenue facing South.



Conceptual view of Captain O'Neal Drive post construction.

## Synopsis

This project would seek to improve drainage and safety in association with the aforementioned issues. This project will include the design and construction of a subsurface drainage system, complete with curbing and gutter that is complimentary of the surrounding area, strategically located inlets, and piping to adequately convey stormwater. Additionally, this project will include the leveling and paving of Captain O'Neal Drive and Dryer Avenue within the project limits. Due to the proximity to Bayside Academy the design and construction of a sidewalk along the eastern edge of Captain O'Neal Drive and the Northern edge of Dryer Avenue is also proposed.

FEMA funded portions of this project are not included the estimates below.

**Estimated Construction Cost:**  
\$45,000 - Roadwork & Grading  
\$40,000 - 4" Sidewalk, 6" at driveways  
\$40,000 - Curbing & Gutter  
\$80,000 - Drainage  
\$15,000 - Erosion Control  
**Total Construction Cost : \$220,000**



**Richard Merchant**

---

**From:** Casey W. Goolsby [cwg@hmengineers.com]  
**Sent:** Monday, November 02, 2009 10:14 AM  
**To:** bldgofficial@bellsouth.net  
**Subject:** 140 Lakeview Loop

Cost for an elev. cert. and survey would be not to exceed 2,000.  
When you get a P.O. send it to me and we will get started ASAP.

Thanks,

**Casey W. Goolsby, LSI**  
Hutchinson, Moore & Rauch, L.L.C.  
251-626-2626

*\$2000 appropriation  
elevation certificate +  
survey  
140 Lakeview Loop*

**APPROVED INVOICE**

DEPT ORG#	
PROJECT#	PROJECT#
DATE	DEPT HEAD APPROVAL

*CWG/rg*      *11/2/09*

**Resolution 2009-83**

**FEMA: Repetitive Loss – 140 Lakeview Loop Buy Out**

**WHEREAS**, FEMA has funding available for property buy outs for flood prone areas to prevent future losses from flooding; and

**WHEREAS**, the City of Daphne has such property; and

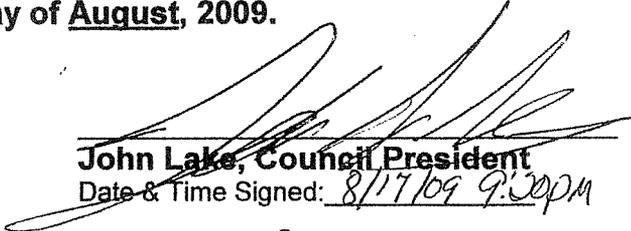
**WHEREAS**, such property is located at 140 Lakeview Loop; and

**WHEREAS**, the City of Daphne believes this buyout is necessary for the safety of its citizens and their property.

**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 FEMA in the amount of \$255,000 (City In-Kind Match 25% - \$63,750) for the purpose of a buyout for the property at 140 Lakeview Loop ; 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 FEMA on behalf of the City of Daphne.

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

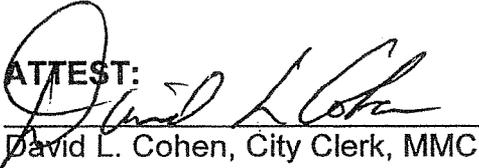
  
\_\_\_\_\_  
**John Lake, Council President**

Date & Time Signed: 8/17/09 9:30PM

  
\_\_\_\_\_  
**Fred Small, Mayor**

Date & Time Signed: 8/26/09 08:50

**ATTEST:**

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



**HUTCHINSON, MOORE & RAUCH, LLC**  
ENGINEERS ♦ SURVEYORS ♦ LAND PLANNERS

Approved For Finance Comm. Agenda

\_\_\_\_\_  
Signature  
10/23  
\_\_\_\_\_  
Date

**ENGINEERING COST ESTIMATE**

Owner: City of Daphne  
Project: Wilson Avenue Drainage Repairs  
Date: October 21, 2009

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	MOBILIZATION	LS	1		\$ 5,000.00
2	REMOVE PIPE	LF	142	\$ 8.00	\$ 1,136.00
3	REMOVE HEADWALLS	EA	4	\$ 300.00	\$ 1,200.00
4	REMOVE CONCRETE DITCH FLUME	LF	65	\$ 6.00	\$ 390.00
5	UNCLASSIFIED EXCAVATION	CY	50	\$ 7.50	\$ 375.00
6	42" RCP	LF	366	\$ 85.00	\$ 31,110.00
7	MINOR UTILITY ADJUSTMENT - WATER VALVE BOX	EA	1	\$ 400.00	\$ 400.00
8	CONNECT TO EXISTING JUNCTION BOX	EA	1	\$ 500.00	\$ 500.00
9	TOPSOIL (BERM)	CY	175	\$ 10.50	\$ 1,837.50
10	SOLID SOD	SY	850	\$ 4.85	\$ 4,122.50
11	ASPHALT PATCHING INCLUDING BASE AND BACKFILL	SY	46	\$ 45.00	\$ 2,070.00
12	JUNCTION BOX	EA	1	\$ 3,500.00	\$ 3,500.00
13	WEIR TOP INLET	EA	2	\$ 3,500.00	\$ 7,000.00
14	MODIFY EXISTING JUNCTION BOX TO WEIR INLET	EA	1	\$ 800.00	\$ 800.00
<b>TOTAL AMOUNT (MATERIALS &amp; LABOR)</b>					<b>\$ 59,441.00</b>
15	<b>ENGINEERING FEES (DESIGN &amp; INSPECTION)*</b>				<b>\$ 8,915.00</b>
<b>TOTAL AMOUNT (MATERIALS, LABOR &amp; ENGINEERING)</b>					<b>\$ 68,356.00</b>

\_\_\_\_\_  
Stephen J. Delahunty, P.E.

\*\$1,181.25 for survey and design has been billed to date.

Approved For Finance Comm. Agenda  
*[Signature]*  
 Signature  
 11-4-09  
 Date

Suzanne

**From:** Kim Briley [kmbriley@bellsouth.net]  
**Sent:** Monday, November 02, 2009 10:54 AM  
**To:** hensonsm@bellsouth.net  
**Subject:** FW: Daphne High School - Security Cameras For Trojan Hall

For Finance Comm agenda

**From:** sherrieweller@aol.com [mailto:sherrieweller@aol.com]  
**Sent:** Monday, November 02, 2009 10:48 AM  
**To:** kmbriley@bellsouth.net  
**Cc:** mayorsmall@bellsouth.net; yelding1@bellsouth.net; ronscott5@bellsouth.net; holland251@bellsouth.net; dblanchard@bcbe.org  
**Subject:** Daphne High School

Dear Ms. Briley,

Based on a conversation with Bailey Yelding and Mayor Small, I am submitting this request to you and asking that you consider placing it on the finance committee agenda.

Each year our small parent group tries to help our principal, Mr. Blanchard with a school project. Last year it was replacing the signs on Trojan Hall. This year he has asked PTSO for help with finding funding for security cameras for Trojan Hall. When the County purchased the building, several things were put on the back burner - signs and security cameras. With the financial crisis we are in now, not sure if we will ever see funding for the cameras.

The building is currently used for classrooms, testing, band, counselor offices and all sorts of community activities - voting, town hall meetings, after hour school functions, etc. Currently, there is no way to monitor any of the activities taking place for any function. With the remote location of the building, I have great concerns that the isolation of the students and faculty places them at great risk. Plus, we have already experienced a few problems - there have been things stolen from the band area and attempted break in one of the offices. The entire school campus is monitored daily except this building.

We have had one quote provided and are in the process of getting a second quote. The current quote provides installation of 8 cameras - with the ability to expand to 16 and all the other equipment needed. To install this system we need \$6,000. Trip Pittman has pledged \$2500 for this project.

We would really appreciate any help the city can offer! If any additional information is needed, please call or e-mail me.

Sincerely,  
Sherrie Weller  
251-604-8435

**Go Trojans!**

Cost 6,000  
 Pledged <2,500>  
 -----  
 3,500

**RESOLUTION 2009-**

**Fiscal 2009 Community Contributions**

**WHEREAS**, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

**WHEREAS**, the City of Daphne has made appropriations in its Fiscal 2009 Budget for the benefit of certain community agencies.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions to Community Agencies as appropriated in the Fiscal Year 2009 Budget and presented below:

12,000	Bay Rivers Art Guild
1,500	LightHouse
1,500	CareHouse
3,000	Mobile Bay NEP
2,000	Santa America
1,000	Battleship Memorial Park

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**August Palumbo, Council President**

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

\_\_\_\_\_  
**Fred Small, Mayor**

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

**ATTEST:**

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

**Suzanne**

---

**From:** Kim Briley [kibriley@bellsouth.net]  
**Sent:** Thursday, November 05, 2009 8:18 AM  
**To:** hensonsm@bellsouth.net  
**Subject:** Finance Comm

The Fin Comm needs to make a motion authorizing the Mayor to enter into a contract in the amount of \$ 7,500 with Rebowe, Fontenot Benefits Actuarial for computations required by GASB Statement No. 45.

*Kim Briley  
Finance Director*

*City of Daphne  
P. O. Box 400  
Daphne, AL 36526  
Ph: 251-621-9000 Fax: 251-625-2001*



3501 N Causeway Blvd • Suite 810 • Metairie, LA 70002 • (504) 906-1399 c • (504) 837-9116 o  
310 Summit Place • Birmingham, AL 35243 • (205) 908-0433 c • (205) 970-1811 o • SFONTENOT@REBOWE.COM

November 4, 2009

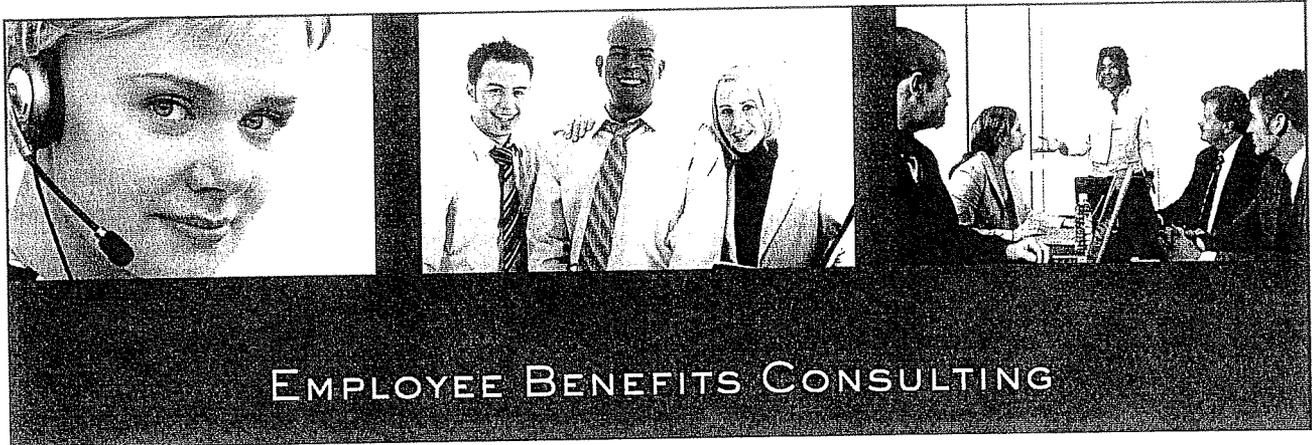
Kim Briley  
Finance Director  
City of Daphne

Enclosed is our proposal for the Government Accounting Standards Board (GASB) statement 45 actuarial services. Please note that the fee schedule includes all consulting and travel expenses. In addition we have a 115 trust to comply with GASB 45 OPEB and we can show how this can significantly reduce the GASB 45 obligations.

If you have any questions, please call Scott Fontenot at 504-837-9116.

Sincerely,

Scott Fontenot  
Consultant



# **GASB 45 Actuarial Services**

**For**

**City of Daphne**

**Presented By**

**Scott Fontenot & Mike Conefry**

**November 2009**

PREPARED BY



## 1. Proposal Summary

Rebowe & Fontenot Benefits Actuarial (RFBA) is pleased to present our proposal for actuarial services to comply with Governmental Standards Board Statement No. 43/45 "Other Post Employment Benefits" (GASB 43/45). We meet all the requirements to prepare the actuarial valuations to fully comply with GASB 45. If you have any questions or need additional information, please contact Scott Fontenot at 504-837-9116 or email [sfontenot@rebowe.com](mailto:sfontenot@rebowe.com).

## 2. Firm Profile & Qualifications

RFBA is a Metairie, Louisiana and Birmingham, Alabama based Employee Benefits & Actuarial Consulting firm established in 2001. It is our mission to provide creative solutions in the areas of employee benefits, compensation and retirement plans to local, public and private employers. We offer practical and cost effective solutions from an unbiased perspective. The consultants of RFBA have backgrounds in Actuarial Studies, Insurance Underwriting, Audit and Accounting Financial Services. We specialize in actuarial and benefits consulting for local governments, hospital systems, school systems and non-profit organizations. City of Mountain Brook, City of Vestavia Hills, City of Auburn, City of Pelham, and Jefferson County Department of Health are all GASB 45 clients. We completed the first GASB 45 OPEB evaluation and implementation in the United States for Orleans Parish Judicial Courts.

We are uniquely qualified as GASB 45 consultants due to our understanding of all the aspects of the new requirements. We can assist you with all aspects of GASB 43/45 implementation. We can calculate the obligation, offer options to reduce or eliminate the obligation, set up the OPEB trust and communicate these new obligations to executive staff and elected officials.

In addition, we have a working relationship with Regions Trust and Smith Barney to fully implement and meet GASB 45 funding requirements.

### Employee Benefits & Actuarial Consulting

- ◆ Employee Benefits Consulting
- ◆ GASB 45 Actuarial Valuations
- ◆ Medicare 65 Plan Consulting
- ◆ Medicare Part D Consulting
- ◆ Self Funded Underwriting, IBNR and Rate Development Consulting
- ◆ OPEB Trust Consulting
- ◆ OPEB liability calculations and evaluations
- ◆ GASB 45 Consulting

## References

Client	Contact, Address and Phone	Consulting Project
City of Mountain Brook	Steven Boone, MBA, CPA City of Mountain Brook 56 Church Street Mountain Brook, AL 35213 205-802-3825	<ul style="list-style-type: none"> <li>GASB 45 Completed and Delivered 2007</li> </ul>
City of Pelham	Tom Seale City of Pelham 3162 Pelham Parkway Pelham, AL 35124 205-620-6400	<ul style="list-style-type: none"> <li>GASB 45 Completed and Delivered 2007</li> </ul>

The following are some additional current clients who have requested our GASB 43/45 OPEB services.

City of Auburn  
 Tuscaloosa County  
 City of Homewood  
 Shelby County  
 City of Hoover  
 City of Phenix City  
 City of Opelika  
 City of Tuscaloosa  
 City of Calera  
 Jefferson County Department of Health  
 City of Pelham  
 City of Alexandria  
 Livingston Parish School Board  
 Jefferson Parish Sheriff's Office  
 St. Tammany Parish School Board  
 St. Charles Parish  
 St. Tammany Parish Government  
 Jefferson Parish Clerk of Court  
 St. John the Baptist Public School Systems  
 Jefferson Parish Public School System

Team	Respective Roles
Scott Fontenot – Lead Consultant	<ul style="list-style-type: none"> <li>• Overall responsibility for all aspects of data collection and communication of GASB 45 valuations</li> </ul>
Mike Conefry – Actuary	<ul style="list-style-type: none"> <li>• Prepares actuarial valuations</li> </ul>
Hilary Olivera– Associate Actuary	<ul style="list-style-type: none"> <li>• Prepares and gathers information for valuation</li> </ul>

**Resumes**

**G. Scott Fontenot – Lead Consultant**

Scott Fontenot is a Principal in the Metairie firm Fontenot & Associates, LLC that he started in 2001. Scott Fontenot has over 20 years experience in healthcare underwriting and the employee benefits field with primary expertise in the areas of healthcare consulting and employee benefits evaluations for local governmental employers. Scott Fontenot is a specialist in governmental healthcare consulting and consults on over \$500 million in healthcare consideration. Scott Fontenot has served as the Vice President of Willis and Manager of the Employee Benefits Consulting practice. Additionally, Scott Fontenot has also served as Regional Director of Sales and Marketing for United Healthcare of Louisiana.

Scott Fontenot has extensive experience in all aspects GASB 45 and its requirements. Scott Fontenot has performed and is currently working on numerous GASB 45 implementations.

Scott graduated from Louisiana State University with a Bachelor of Science in Finance.

**Michael Conefry – Actuary**

Mr. Conefry is a manager in the firm Fontenot & Associates, LLC and has over thirty years of experience as an actuary and benefits consultant. His particular areas of expertise include comprehensive pension and welfare benefit consulting for large corporate and governmental clients, as well as litigation support in a variety of areas.

Mr. Conefry has extensive experience in incurred claims, reserve, and premium structure analysis involving self-insured medical plans. He has expertise on Governmental Accounting Standards Board (GASB) Statement Nos. 43 and 45 concerning “Other Post-Employment Benefits” (OPEB) and has conducted and is conducting actuarial valuations for numerous governmental entities pursuant to these GASB Statements. He is also certified for Medicare Part D attestations concerning actuarial equivalence of employer-sponsored prescription drug plans.

Mr. Conefry often lectures before professional, governmental and business organizations and has conducted many seminars on the technical aspects of qualified plans, tax planning,

actuarial pension funding concepts, and the recent issues of GASB Statements 43/45 and Medicare Part D attestations mentioned above.

Mr. Conefry has been qualified as an expert witness in formal court proceedings in Louisiana Civil District Court in Orleans and St. Charles Parishes, in Webster County Circuit Court in Dixon, Kentucky, in U.S. District Court for the Middle District of Louisiana, and in proceedings of the U.S. Arbitration Association in Nashville, Tennessee. He has also served as a consultant and potential expert witness in numerous cases settled before trial in civil, state and federal courts in Louisiana, Mississippi, Virginia, Kentucky, New York, and Washington, D.C. The areas of expert testimony and consultation include calculation of and actuarial valuation of plan and individual participant pension and group welfare benefits, medical claims analysis and premium and reserve determination, insurance and annuity contract interpretation and application, plan document interpretation and application, interpretation and compliance with qualified plan aspects of the Internal Revenue Code and regulations thereunder and regulations of the Department of Labor and Pension Benefit Guaranty Corporation applicable to qualified retirement plans and other employee benefits.

#### EDUCATION AND PROFESSIONAL MEMBERSHIPS

Manhattan College, Riverdale, New York, B.S. in mathematics.  
Associate of Society of Actuaries.  
Member of American Academy of Actuaries.  
Enrolled Actuary.  
Member of American Society of Pension Actuaries and Professionals.

#### **Hilary B. Olivera – Associate Actuary**

Hilary graduated from the University of New Orleans in 2006 with a Bachelor of Science in Finance. Hilary is continuing the process of becoming an actuarial associate through the Society of Actuaries.

**4. Work Plan**

The GASB 43/45 implementation will follow the following process;

- a. Data Collection and Analysis – We will gather all data and information needed to prepare the actuarial valuations.
- b. Rate and Experience Analysis – GASB 45 requires us to actuarially separate actual cost for active, retiree without Medicare and retiree with Medicare benefits.
- c. Actuarial Valuation – We will calculate the actuarial valuation of each of the current retiree benefits which are required under GASB 43/43 OPEB based on two separate interest return assumptions. The evaluation will take 30 days after the above a. & b. are completed.
- d. Present Results – We will meet and present the assumptions used and the results of the actuarial valuations.
- e. Consult on Alternative Strategies and Options – We will present options of reducing the GASB 45 obligations.
- f. Ongoing Required Valuations – We will prepare ongoing required actuarial valuations at a reduced fee.
- g. Assist with the OPEB trust development and implementation. We have already developed a standard trust document and investment policy.

We will use the approach and methodology required and illustrated in GASB Statement No. 43/45.

**5. Financial Consideration**

The Rebowe & Fontenot, LLC estimated fees for the GASB 45 project as follows:

Project	Fee
Actuarial Valuation and Data Preparation – Healthcare valuation with two alternate investment returns.	\$7,500

Note: The above fee includes all consulting, travel and expenses for presentation. We will not charge for any additional valuation or options. The above is the full fee for 24 months.

# TREASURER'S REPORT

As of October 31, 2009

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$11,777,336.89
OPERATING ACCT	COMPASS	(\$558,153.66)
PAYROLL ACCT	COMPASS	(\$7,358.26)
		<u>\$11,211,824.97</u>
<b>AGENCY FUNDS</b>		
MUNICIPAL COURT	COMPASS	\$305,743.93
<b>SPECIAL REVENUE FUNDS</b>		
SAIL SITE	RBC BANK	\$2,702.03
4 CENT GAS TAX	RBC BANK	\$257,260.50
7 CENT GAS TAX	RBC BANK	\$346,170.01
		<u>\$606,132.54</u>
<b>CAPITAL PROJECT FUNDS</b>		
CAPITAL RESERVE	WACHOVIA	\$3,391,136.43
99 WARRANT CONS	REGIONS	\$12,894.00
2006 CONSTRUCTION	WACHOVIA	\$1,444,175.96
		<u>\$4,848,206.39</u>
<b>DEBT SERVICE FUNDS</b>		
DEBT SERVICE	WACHOVIA	\$1,517,178.34
2006 DEBT SERVICE	RBC BANK	\$539,585.89
		<u>\$2,056,764.23</u>
		<u>\$19,028,672.06</u>

# SALES & USE TAXES

## ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	Actual - 2009	Budget	Monthly Variance	YTD Variance	% of Budget
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	806,503.85	867,190	(60,686.33)	(60,686.33)	-7.00%
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	801,075.91	915,891	(114,815.06)	(114,815.06)	-12.54%
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,182,584.39	1,078,330.45	1,078,330.45	1,120,005	(41,674.64)	(41,674.64)	-3.72%
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	755,541.41	822,021	(66,479.46)	(66,479.46)	-8.09%
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	748,620.87	865,626	(117,004.96)	(117,004.96)	-13.52%
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	863,535.78	998,616	(135,080.26)	(135,080.26)	-13.53%
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	823,173.33	963,692	(140,518.52)	(140,518.52)	-14.58%
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	829,099.81	957,167	(128,067.39)	(128,067.39)	-13.38%
June	721,790.90	818,209.20	982,863.46	1,024,091.07	993,216.66	888,690.34	808,113.93	808,113.93	997,274	(128,964.63)	(128,964.63)	-12.93%
July	739,993.63	745,320.33	869,818.11	960,539.01	954,421.57	964,626.26	831,984.35	831,984.35	998,818	(166,833.76)	(166,833.76)	-17.52%
August	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	823,501.36	823,501.36	998,476	(174,974.73)	(174,974.73)	-17.52%
September												
<b>Totals</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>11,871,233.19</b>	<b>11,279,349.93</b>	<b>10,037,790.57</b>	<b>10,037,790.57</b>	<b>11,284,353</b>	<b>(1,246,561.94)</b>	<b>(1,246,561.94)</b>	

## FY 2009 BUDGET/ACTUAL COMPARISONS

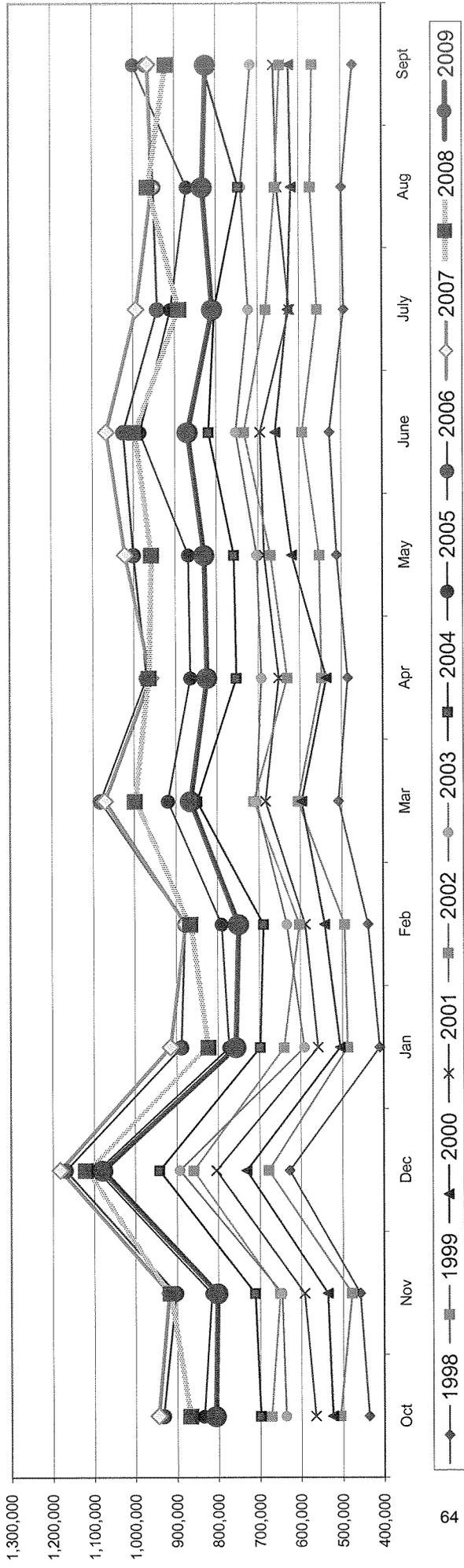
## FISCAL YEAR COMPARISONS

	\$ Change		Percent Change	
	2004-2005	2005-2006	2004-2005	2005-2006
October	61,347.94	135,870.13	19.47%	11.87%
November	64,254.64	103,877.29	14.61%	10.66%
December	48,943.19	149,921.91	15.93%	7.09%
January	106,356.03	74,754.15	10.72%	14.98%
February	55,767.23	100,403.54	14.58%	11.32%
March	142,766.66	69,675.31	8.21%	17.86%
April	59,891.11	111,105.26	14.77%	12.24%
May	54,918.34	109,835.95	14.50%	15.33%
June	65,541.16	164,654.26	20.12%	4.19%
July	81,260.24	105,524.99	13.14%	5.50%
August	5,326.70	124,497.78	16.70%	9.28%
September	114,619.44	168,215.28	20.26%	-3.09%
<b>Annual \$ Change</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	<b>15.27%</b>	<b>9.29%</b>
<b>Annual % Change</b>			<b>10.21%</b>	<b>1.44%</b>

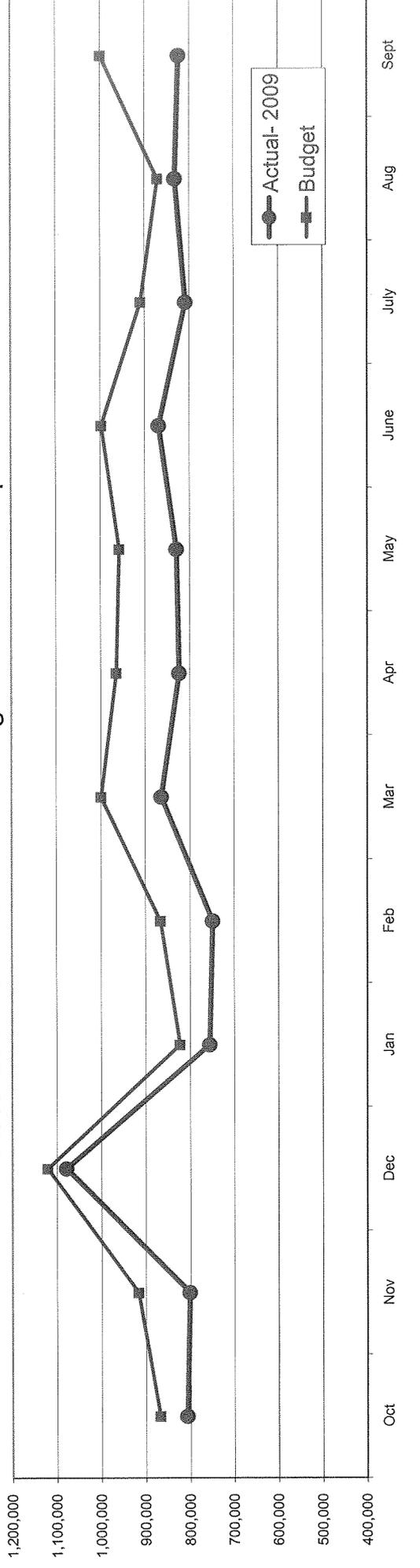
TOTAL collections: FY 08	11,279,350
TOTAL est. bdgt coll: FY 09	11,284,353
Budgeted Dollar Variance 08/09	5,003
Budgeted Percent Variance 08/09	0.04%

TOTAL collections: 9-30-09	10,037,791
Budgeted: 10-1-08 to 9-30-09	11,284,353
Actual Coll > (<) Budget, 9-30-09	(1,246,562)
% Over/(Under) Budget, 9-30-09	-11.05%

### Sales & Use Tax Comparisons



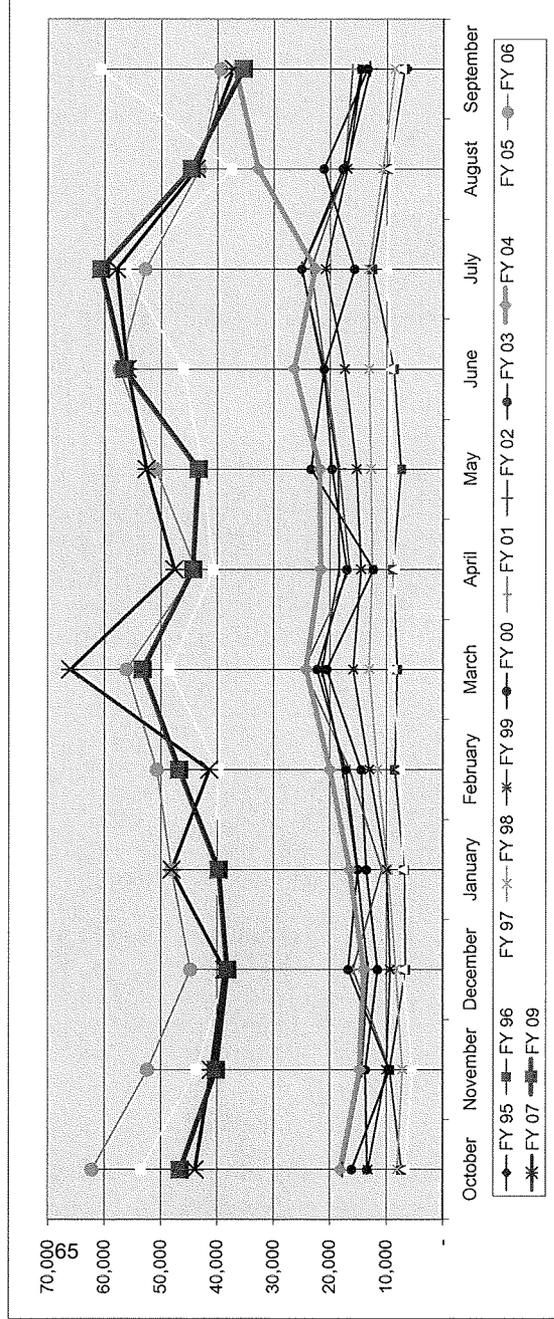
### Fiscal 2009: Sales & Use Tax Budget vs. Actual Comparison



### Monthly Lodging Tax Collections

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	
November	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	
December	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	
January	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	
February	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	
March	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	
April	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	
May	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	
June	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	
July	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	
August	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30

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



FY 2009 Budget	924,600
% Budget Collected, 9/30/2009	59%

# NEW BUSINESSES

## October-09

CITY LIMITS		CONTRACTORS	
<b>RETAILERS</b>		ALL PHASE REMODELING, INC	1
FONE ZONE	1	ASSURED RESIDENTIAL CONSTRUCTION	1
RED ROOSTER-HOME, GARDEN & GIFTS	1	CS TECHNOLOGY, INC	1
<b>ALL OTHER</b>		DOUG ROBISON AND ASSOCIATES	1
BALDWIN HOUSE	1	K.M. GILLEN PLUMBING	1
JOHN R COX PLLC	1	GRAHAM MASONRY	1
ECOSOLUTIONS, INC	1	CHRIS KELLY SERVICES	1
CENTER FOR FAMILY HEALTH	1	PATCO A/C SERVICE	1
LOVINGWORD, LLC	1	INGRAM ELECTRIC, LLC	1
LINDA OBERMANN	1	QUALITY ELECTRICAL SYSTEMS	1
SWEET SURRENDER	1	ADVANCED FOAM INSULATION	1
RX WEIGHTLOSS	1	SIMPLY SIGNS GRAPHICS & MORE, LLC	1
PRISTINE	1	SOUTHEAST ROOFING & CONSTRUCTION	1
DR. ROBERT LLOYD WADE	1	SPICER PLUMBING & ELECTRIC CO	1
BACK ON TRACK	1	STEWART PLUMBING	1
WOODFOREST BANK	1	TRI-BAR LLC	1
<b>TOTAL INSIDE CITY LIMITS</b>	<b>14</b>	SOUTHERN PAINTING	1
		<b>TOTAL CONTRACTORS</b>	<b>17</b>
<b>OUTSIDE CITY LIMITS</b>			
AUP MULTI-AMP CORP	1		
BAILIWICK DATA SYSTEMS, INC	1	<b>TOTAL NEW BUSINESSES</b>	<b>47</b>
BANK AND BUSINESS SOLUTIONS	1	<b>CLOSED BUSINESSES IN DAPHNE</b>	
BENEFIELD ENTERPRISES	1		
CARPENTER'S SERVICES, INC	1	<b>TOTAL BUSINESSES CLOSED IN DAPHNE</b>	
COLITE INTERNATIONAL	1		
CUMMINGS SIGNS	1		
GULFCOAST SOFTWARE SOLUTIONS	1		
JACO	1		
D.C. & COMPANY	1		
KYSOR INDUSTRIAL CORP	1		
LGK SALES AND MARKETING	1		
STEVE'S PIT STOP	1		
TAYLOR MACHINE WORKS	1		
VOLKERT, INC	1		
DAVID WOODALL	1		
<b>TOTAL OUTSIDE CITY LIMITS</b>	<b>16</b>		

**Public Safety Committee**

*Wednesday, October 14, 2009*

Councilman Greg Burnam, Chairman Councilman Gus Palumbo Councilman Derek Boulware Fire Chief James White PW Sup. Bill Eady	Police Chief David Carpenter Captain Scott Taylor Captain Daniel Bell Tracy Bishop - Secretary
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**Committee Members Attending:**

Councilman Gus Palumbo, Councilman Derek Boulware, Chief James White, Captain Scott Taylor, Chief Carpenter.

**CALL TO ORDER**

Councilman Palumbo **convened** the meeting at 4:35 p.m.

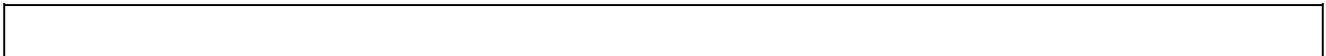
**PUBLIC PARTICIPATION** – Sherry Forte from Potter’s Mill Subdivision was in attendance concerning the speeding and large amounts of traffic cutting through their subdivision. She would like speed humps placed on Potter’s Mill Avenue, sidewalks on one block of Captain O’Neal Avenue that is lacking a sidewalk. Mr. Bill Eady will look into placing a three way stop sign at Patrick St and Potter’s Mill Avenue, installing the sidewalk after checking ownership of the property, making a three or four way stop at Captain O’Neal, Old County Road and McAdams, and redo the striping patterns on the roadway. Chief Carpenter stated that we’ll enforce whatever Public Works installs and increase patrols in that subdivision.

Larry was in attendance with complaints about burning and smoke getting into his house in Lake Forest. He lives on Kingswood Dr in Lake Forest. Burning is not permitted in Lake Forest, but the property that is behind him is not in the Lake Forest Subdivision and that is where the burning is coming from. He was told it was drug activity and wanted to let the committee know. He also stated that the fire hydrant on his culdesac is hidden from fallen limbs. Mr. Eady will have public works employees go and trim back the limbs.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

**Minutes from September 2009 Meeting**

Mr. Palumbo made no motion to approve the minutes. Councilman Burnam was not in attendance on this date and he would have to second the minutes since Councilman Boulware was not in attendance the month before. We will approve next month.



## **FIRE DEPARTMENT**

### **A. New Business**

Statistics for August 2009 were reviewed. Chief White reviewed the stats. The Fire Prevention Poster winner was Jackson Carlisle. He was picked up for school in the fire truck and taken to school.

### **B. Old Business**

## **POLICE DEPARTMENT**

### **A. New Business**

Statistics for August 2009 were reviewed. Chief Carpenter reviewed the stats. We have gotten with the county and we're working together establishing a larger database of fingerprints with the AFIS system, our fingerprint identification system. Captain Taylor showed where Silverhill and Spanish Fort stats were swapped around on the stat sheet.

### **Old Business**

## **OTHER BUSINESS**

## **ADJOURN**

There being no further business to discuss, Mr. Palumbo adjourned the meeting at 5:20 p.m. The next meeting will be Wednesday, December 9, 2009 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE  
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: August 2009

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>	-	-
10-Fire, Other	0	11
11-Structure Fire/Commercial	2	4
11-Structure Fire/Residential	1	15
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	1	3
14-Natural Vegetation Fire	1	8
15-Outside Rubbish Fire	0	2
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	0
<b>2-Overpressure Rupture:</b>	0	0
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	137	959
<b>4-Hazardous Conditions (No fire):</b>	3	29
<b>5-Service Call:</b>	12	147
<b>6-Good Intent Call:</b>	8	84
<b>7-False Alarm &amp; False Call:</b>	1	109
<b>8-Severe Weather &amp; Natural Disaster:</b>	1	1
<b>9-Other Situation:</b>	0	2
<b>Total Emergency Calls:</b>	<b>179</b>	<b>1336</b>
<b>Monthly Total Calls:</b>	<b>184</b>	<b>2370</b>
<b>Response Time:</b>		
<b>Highest:</b>	12	17
<b>Lowest:</b>	<1	<1
<b>Average (Minutes/Seconds) :</b>	4:33	4:33
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	134	909.50
<b>Property Loss - \$</b>	0	940,000
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	0	2
<b>Advance Life Support Rescues</b>	82	472
<b>Number of Patients Treated</b>	131	717
<b>Child Passenger Safety Seat Inspections/Installations</b>	3	45
<b>Classes</b>		
<b>Classes</b>	0	14
<b>Persons Attending</b>	6	1420
<b>Plan Reviews</b>		
<b>Plan Reviews</b>	1	
<b>Final/Certificate of Occupancy</b>	1	
<b>General/Annual Inspections</b>	56	
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	15	
<b>Business Licenses</b>	7	
<b>Consultations-</b>	5	
<b>All Other/Misc. Activities</b>	3	
<b>Total Activities:</b>	<b>219</b>	<b>1202</b>

Authorized by:

*James White*

Chief James White

Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy )		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor/ Lt. Yelding)			
						YTD				
# Complaints	969	# New Cases Received:	42	Total Arrestees Received & Processed:	194	1,923			Arson	0
# Misd. Arrests	74	# Previous Unsolved Cases:	93	Arrestees by Agency:			#Complaints	56	Burglary – Commercial	2
# Felony Arrests	5	# Cases Solved:	29	Daphne PD	124	1,403	#Follow-ups	87	Burglary – Residence	4
DUI Arrests	18	Resulting in Total Arrests:	10	BCSO	10	59	#Citations	5	Burglary - Vehicle	0
Alias Warrant Arrests	29	Felonies:	8	Spanish Fort PD	10	101	#Warnings	5	Criminal Mischief	7
Citations	475	Misdemeanors:	2	Silverhill PD	45	343	#Felines Captured	20	Disorderly Conduct	0
Close Patrols	368	Houses Searched	0	Troopers	4	12	#Canines Captured	33	Domestic Disturbance	35
Warnings	129			Other Agencies	1	5	#Other Captured	18	False Info to Police	0
Motorist Assists	210						#Returned to Owner	13	Felony Assault	0
Roadway Accidents	67	<b>Warrants:</b>					#Adopted Out	25	Felony Theft	11
Private Property Accidents	9	Bettner Served	38				#Euthanized	9	Harassment	5
Traffic Homicide	2	Agency Assists	15	Highest	40				Identity Theft	5
		Recalls (Pd Fines)	29	Lowest	26				Indecent Exposure	0
<b>DRUG REPORT</b>		Total Warrants Served	82						Kidnapping	0
<b>ROUTINE PATROL/SPECIAL OPS</b>				Meals Served	2,915	93,321			Menacing	0
		<b>Sex Offender:</b>		Medical Cost	\$3,551.97	\$23,246.00			Misdemeanor Assault	1
# Misd. Marijuana Arrest	3	New Registration:	1	Worker Inmate Hours	722	7,226			Misdemeanor Theft	21
# Felony Marijuana Arrest	0	Contact Verification	1						Murder	0
# Controlled Substance Arrest:	1	Total # registered in Daphne	3						Other Death Investigations	1
# Drug Paraphernalia Arrest	3	<b>DARE:</b>							Public Intoxication	1
Vehicles Searched	74	# Hours Report Writing:	6						Public Lewdness	0
		# Students Instructed SRO	0						Receiving Stolen Property	0
Drugs Seized:	1	# Students Instructed DARE	0						Reckless Endangerment	0
Type: marijuana		# Police Reports by SRO	2						Resisting Arrest	1
Money Seized	0	# Arrest by SRO	2						Robbery	1
Vehicles Seized	0								Sex Crime Investigations	1
		<b>CODE ENFORCEMENT:</b>							Suicide	0
Commercial Vehicle Inspections	17	Warnings:	5						Suicide, attempted	2
		Citations	7						Theft of Services	0
		Warning Compliance	23						Unauthorized Use of Services	0
		Follow – Up	13						Weapon Offenses	0
									White Collar Crimes	2

<i>Approved by:</i>				<i>David Carpenter, Chief of Police</i>						

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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**SET A PUBLIC HEARING DATE FOR**

**DECEMBER 21, 2009**

**TO CONSIDER:**

- 1.) ANNEXATION:           A Portion of Rights-of-Way U.S.  
                                  Hwy 90 & AL State Hwy 181**

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Annexation Review:  
A portion of the Rights-of Ways of  
U. S. Highway 90 and Alabama State  
Highway 181

## MEMORANDUM

Date: November 9, 2009

**LOCATION:** U.S. Highway 90 (from County Road 13 eastward to the Daphne Corporate limits) and the right-of-way of Alabama Highway 181 (from the first traffic light near the Interstate 10 interchange southward to the Lawson Road)

**RECOMMENDATION:** At the September 24, 2009, regular meeting of the City of Daphne Planning Commission, seven members were present and the vote was unanimous for a favorable recommendation for the above-mentioned annexation.

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

Thank you,  
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Letter from the Department of Transportation
3. Ordinance
4. Map of property



**COMMUNITY DEVELOPMENT STAFF REPORT**  
**Annexation of the Rights-of-Way (Highway 90 & State Road 181 Intersection)**

The City of Daphne proposes to expand its police and fire protection coverage by annexing the right-of-way(s) of U.S. Highway 90 (from County Road 13 eastward to the Daphne Corporate limits) and Alabama Highway 181 (from the interchange of I-10 southward to Lawson Road). It is found to be in the interest of public safety to provide for police and fire protection in this area as a means of closing the gap of protection in this area of the City.

The Planning Commission took action on this issue on July 23<sup>rd</sup>. After expanding the original boundary of the annexation area, at the recommendation of Chief White, the Planning Commission once again took action on September 24<sup>th</sup> by making a favorable recommendation to the City Council.



**ALABAMA DEPARTMENT OF TRANSPORTATION**

1409 Coliseum Boulevard, Montgomery, Alabama 36110



Bob Riley  
Governor

Joe McInnes  
Transportation Director

October 26, 2009

Mr. Frederick T. Bussey, Esq.  
Ross, Jordan, & Gray, P.C.  
Post Office Box 210  
Mobile, AL 36601

**RE: Annexation of US90 and Alabama 181**

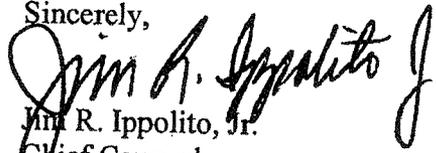
Dear Mr. Bussey:

The Alabama Department of Transportation has been asked to consent to the City of Daphne annexing the portion of US 90 and Alabama 181 right of ways which lie within the Daphne City limits.

We have reviewed the matter and consent to the annexation. Attached are documents pertinent to the annexation.

If you have any questions, please contact me at 334-242-6350.

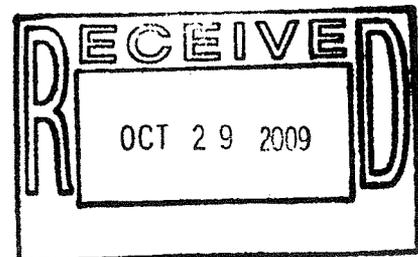
Sincerely,

  
Jim R. Ippolito, Jr.  
Chief Counsel

JRIJr/lbw

Attach.

cc: Steve Walker w/attach.  
Vince Calametti w/attach.



**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2009-\_\_\_\_\_**

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**AN ORDINANCE TO ANNEX THE RIGHT OF WAYS OF ALABAMA STATE  
HIGHWAY 181 AND U.S. HIGHWAY 90 INTO THE CORPORATE  
LIMITS OF THE CITY OF DAPHNE**

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**WHEREAS**, on the 26<sup>th</sup> day of October, 2009, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Jim R. Ippolito, Jr., Esq., an authorized agent of the State of Alabama Department of Transportation, and a map of said property showing its proximity to the corporate limits of the City of Daphne, Alabama, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and

**WHEREAS**, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of providing fire and police protection; and

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meetings of July 23, 2009, and September 24, 2009, forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "B"; and

**WHEREAS**, after proper publication, a public hearing was held on December 21, 2009 by the City Council of the City of Daphne concerning said letter for annexation; and

**WHEREAS**, the City Council of the City of Daphne determine it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975);

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

**SECTION I: ANNEXATION**

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged as to include all of the territory heretofore encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described territory, to-wit:

NAME: Rights-of-Way of Alabama State Highway 181 and U.S. Highway 90

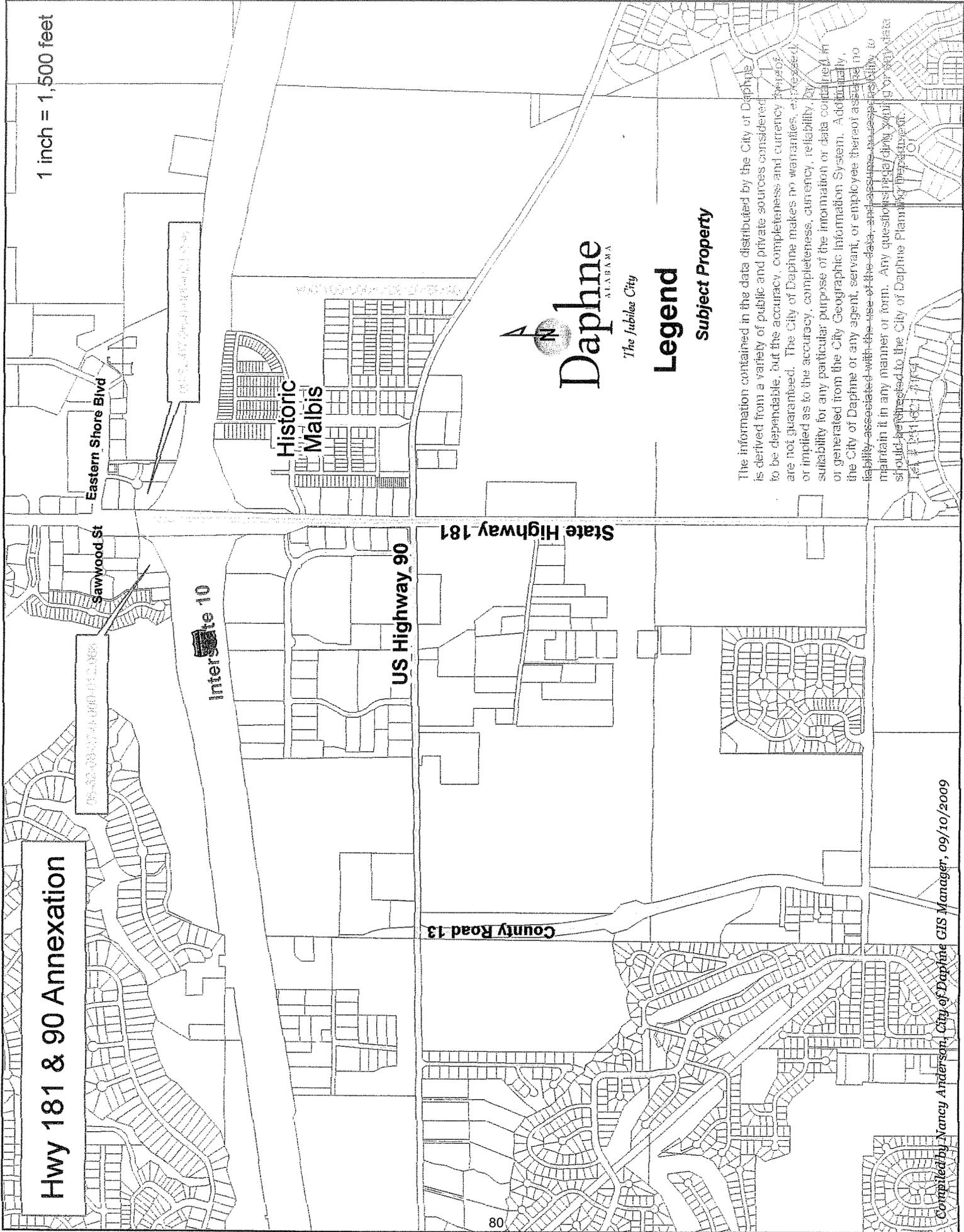
DESCRIPTION: BEGINNING AT THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF BALDWIN COUNTY ROAD 13 AND THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN NORTH TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF ALABAMA STATE HIGHWAY 181; THENCE RUN NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF BALDWIN COUNTY TAX PARCEL 05-32-08-27-0-000-012.068; THENCE RUN EASTERLY LEAVING SAID WEST RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF BALDWIN COUNTY TAX PARCEL 05-32-07-26-0-000-021.036, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF BALDWIN COUNTY TAX PARCEL 05-32-07-35-0-000-001.008; THENCE RUN SOUTH TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 90; THENCE RUN WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE OF ALABAMA HIGHWAY 181; THENCE RUN SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND A PROJECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE RUN WESTERLY ALONG SAID PROJECTED LINE TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF ALABAMA STATE HIGHWAY 181; THENCE RUN NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE THE POINT OF BEGINNING. LYING IN SECTIONS 26, 27, 34 AND 35, OF TOWNSHIP 4 SOUTH, RANGE 2 EAST AND SECTIONS 2 AND 3 OF TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama.



# Hwy 181 & 90 Annexation

1 inch = 1,500 feet



Historic Malbis

Eastern Shore Blvd

Sawwood St

Interstate 10

US Highway 90

State Highway 181

County Road 13



## Legend

### Subject Property

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assumes no liability associated with the use of the data, and accepts no responsibility to maintain it in any manner or form. Any questions regarding existing or any data should be referred to the City of Daphne Planning Department.

**Fred Small**  
Mayor  
**David McKelroy**  
Parks & Recreation  
Director



**Dwayne Coley**  
Parks Maintenance Supervisor  
**Mary Jensen**  
Seniors Program Coordinator  
**Megan Matrone**  
Recreation Programs Coordinator  
**Charlie McDavid**  
Athletic Coordinator

October 15, 2009

The Daphne Recreation Board would like the Daphne City Council to consider the following individuals for appointment to the Recreation Board as alternate board members:

Derrick D. Yelding

Valerie Johnson

Youth Representatives - Chris Smith, Daphne High School  
Savannah Simmons, Bayside Academy

These individuals have agreed to serve on the board as alternates.

*Derrick D. Yelding  
712 Daphmont Drive  
Daphne, AL 36526  
(251) 367-0581 (C) (251) 626-1627 (H)  
Kappacat1@yahoo.com*

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### **Summary of Qualifications**

- *Excellent written and verbal communication skills*
- *Skilled at handling multiple tasks and projects simultaneously*
- *Effective problem solver*
- *Organized and diligent team player*

### **Education**

*Associate of Science in Finance, Faulkner State Jr. College (1984-1987)  
Alabama State University (1988-1990)  
Bachelor of Science in Business Management, Southeast College (1995-1997)*

### **Work History**

*SouthTrust Bank NA of Baldwin County, October 1997 – August 2003*

- *Cashier/loan processing*
- *Daily operational function within the bank*
- *Customer relation*

*Midtown Mortgage, August 2003 – July 2008*

- *Daily financing of new home purchase and refinance of existing properties*

*1<sup>st</sup> Southern Mortgage Company, August 2008 – present*

- *Daily financing of new home purchase and refinance of existing properties*

### **Affiliation**

- *Minister of Music, Macedonia Baptist Church Daphne, AL*
- *Martin Luther King Jr., Celebration Committee, Baldwin County*
- *Eastern Shore Jubilette's and Lee's organization*
- *Kappa Alpha Psi, Fraternity Inc, Daphne Alumni*

Savannah Elisabeth Ann Simmons  
9628 Malbis Lane  
Daphne, AL 36526  
Bayside Academy

#### ACTIVITIES:

##### School:

- Fellowship of Christian Athletes- 10-12
- Girls Service Club- 9
- Peer Counseling- Trainee-11; counselor-12
- Equestrian Club- 11
- SADD-11-12

##### Sports:

- Volleyball-Varsity letter-9; All State Second Team- 10; All State Team, All Star Team, State Tournament MVP-11-12; 4 year state champion
- Swimming-Varsity letter- 9
- Track and Field, Javelin- sixth in State Meet-10; second in State Meet-11
- Dressage- ranked fourth in nation, IFSHA(International Friesian Show Horse Association)-11

##### Community:

- Teen PowerSurge 100- Co-Founder-12 (Teen PowerSurge 100 is a Christian charitable organization that is committed to having a powerful impact on children/teen non-profit, Christian based organizations in local communities by annually awarding high powered grants in the areas of family, Christian education, social ministries, women's ministries, sports, and media. Teen PowerSurge 100 groups are comprised of 300+ teens, ages 13-19, who annually donate \$100 each to their Teen PowerSurge 100 group for a grant total of \$30,000+. The grant is given to a teen Christian non-profit in their immediate community.)
- Church Youth Group- 9-12
- Church Nursery Volunteer- 11-12
- Daphne Library Teen Board- 10-12
- Part-time Job- 10-12 (20 hours a week)

##### Awards:

- Headmasters Behind the Scenes Award-11
- Honor Roll- 11-12



# Daphne Utilities

## APPROVED MINUTES

### Utilities Board Meeting

City of Daphne Council Chambers ♦ September 23, 2009 ♦ 5:00 p.m.

#### I. CALL TO ORDER

The September 23, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:04 p.m.

#### II. ROLL CALL

**Members Present:** Robert Segalla, Chairman  
Ron Scott, Vice Chairman  
Fenton E. Jenkins  
Lon Johnston, Secretary Treasurer  
Fred Small, Mayor

**Others Absent:**

**Others Present:** Jerry Speegle – Board Attorney  
Rob McElroy – General Manager  
Teresa Logiotatos – Finance Manager  
Danny Lyndall – Operations Manager  
Deloris Brown – Human Resources Manager  
Drew Klumpp – Administrative Services Manager  
Lori Scharles – Executive Assistant  
Melinda Immel – Volkert & Associates  
Ray Moore – HMR  
Woodrow Maye – Daphne Utilities WasteWater Field Svcs Supervisor  
Marior Crear – Daphne Utilities  
Fredrick Williams – Daphne Utilities

**Others Absent:**

#### III. PLEDGE OF ALLEGIANCE

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

#### IV. APPROVAL OF MINUTES

a. **Utilities Board Minutes from August 26, 2009:**

The Chairman stated there were no additions, deletions, or corrections for the Corrected Minutes from the August 26, 2009, Utilities Board meeting.

**MOTION BY Mayor Small to approve the Corrected Minutes for August 26, 2009; Seconded by Mr. Johnston.**

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

**V. Old Business**

**a. Capacity Fee Study / Rate Study**

Mr. McElroy informed the Board Blair Troutman was completing his presentation for the Board to be given at the upcoming work session preparing for the budget.

**Sewer Only Cutoff Policy**

No new information was reported.

**b. Bay Rivers Art Guild**

Danny Lyndall advised the Board that our maintenance crew had been working at the site to repair a roof leak. Mr. McElroy added that Daphne Utilities agreed to extend the occupation arrangements with the Guild in order to facilitate any future ownership transfers of the property.

**c. Items in Abeyance:**

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

**VI. New Business**

**a. Submittal of Proposed 2010 Operating Budget**

Mr. McElroy stated that due to last minute changes the Proposed 2010 Operating Budget would be delivered the following week with a work session to be scheduled soon thereafter.

**b. Purchase of Property (Board Action - Resolution)**

Mr. McElroy informed the Board that a parcel of land has been located after an extensive search for property for a central services facility. Mr. Lyndall explained the hand-out as an overview of the wastewater treatment plant and the plans necessary to keep it operational as a basis for the need of the property to be used as a central services facility. Chairman Segalla recommended the Board to give authority to management for negotiation on this property. Mr. Speegle advised that negotiations have taken place and a contract has been signed subject to due diligence, title work and survey with 60 days to work through this process and if at the end of the 60 days or before it is determined that the property is unacceptable, the contract is terminated. Mr. Scott recommended waiting until the November Board Meeting to vote on the Resolution since there is a 60-day waiting period.

**c. Election of Utility Board officers (Board Action - Motion)**

Chairman Segalla called for nominations for officers for the Utilities Board of the City of Daphne.

**MOTION BY Lon Johnston to nominate Robert Segalla for the position of Chairman of the Board for the Utilities Board of the City of Daphne. Seconded by Ron Scott.**

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

**MOTION BY Chairman Segalla to nominate Ron Scott for the position of Vice Chairman of the Board for the Utilities Board of the City of Daphne. Seconded by Mayor Fred Small.**

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

**MOTION BY Chairman Segalla to nominate Lon Johnston for the position of Secretary/Treasurer of the Board for the Utilities Board of the City of Daphne. Seconded by Ron Scott.**

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

Chairman Segalla recommended a change in the Agenda to accommodate arrival of participants. Rob McElroy introduced to the Board and public the Daphne Utilities' "Skye's The Limit" Environmental Achievement Award to Miss Skye Athey, a student who after touring the Daphne Utilities' biodiesel plant experimented making her own biodiesel and conducting her own experiments with her father's tractor.

**VII. BOARD ATTORNEY'S REPORT**

Mr. Speegle had nothing further to add to his report.

**VIII. FINANCIAL REPORT**

Teresa Logiotatos notified the Board that Daphne Utilities is operating in the 11<sup>th</sup> month of the 2009 financials and all projections are for revenue and expenses are on track.

**IX. GENERAL MANAGER'S REPORT**

**a. GM Report**

Mr. McElroy advised the Board regarding the submission of application for an upcoming national EPA award and notified the Board of a new video included in the application that will become part of Daphne Utilities' new employee orientation video. Danny Lyndall then recognized for the Board Daphne Utilities' employees Marion Crear, Marion Jones, Nick Johnson and Woodrow Maye for their courageous first-aid efforts for a Daphne resident while working in the community. Also recognized was Frederick Williams for his continual accolades called in by customers. Mr. Johnston commented on employee recognition and gave praise to Deloris Brown for her implementation of the annual Daphne Utilities' Health Fair and expressed hopefulness in further reductions in the medical costs as in past years.

Deloris Brown noted that flu shots will be available October 5<sup>th</sup> for those interested.

Drew Klumpp had nothing further to add to his report.

**b. Operations Report**

Danny Lyndall had nothing additional to include in his report.

Melinda Immel of Volkert & Associates reviewed for the Board the recommendation of award for the bid for the US 98 Waterline project. She explained the bidding process of Schedule 1 and Schedule II; she then recommended to the Board that due to easement issues to award Schedule 11 to Nordan Contracting.

**MOTION BY Ron Scott to approve Volkert & Associates' recommendation to accept Nordan Contracting as the low bidder on Schedule II for the Water Main Connection Along US 98 – Eastbay Apartments Service Area. Seconded by Mayor Small.**

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

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

**X. PUBLIC PARTICIPATION – none**

**XI. BOARD COMMENTS – none**

**XII. ADJOURNMENT–**

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

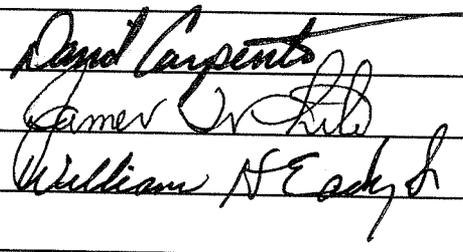
**AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA, SMALL ABSENT: MOTION CARRIED**

The meeting adjourned at 5:38 p.m.

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>AML - Apollo's Mystic Ladies</i>
<b>CONTACT PERSON:</b>	<i>Michele Hanson</i>
<b>ADDRESS:</b>	<i>P.O. Box 3133 Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b>	<i>747-1348 621-2839</i>
<b>TYPE OF PARADE:</b>	<i>Mardi Gras</i>
<b>DATE OF PARADE:</b>	<i>Date: February 5, 2010 Rain Date: February 11, 2010</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>From Daphne Civic Center down Main St. turn around @College Ave. to 6<sup>th</sup> St. and back to Civic Center</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>50 units - Approx. 500 people</i>
<b>START TIME:</b>	<i>6:45 P.M.</i>
<b>STOP TIME:</b>	<i>8:30 P.M.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Daphne Civic Center/Main Street</i>
<b>ASSEMBLY TIME:</b>	<i>5:30 P.M.</i>
<b>APPROVAL</b>	
<b>POLICE:</b> <i>Chief David Carpenter</i>	
<b>FIRE:</b> <i>Chief James White</i>	
<b>PUBLIC WORKS:</b> <i>Bill Eady</i>	
<b>CITY COUNCIL:</b> <i>11/16/09</i>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>10/22/09</i>
<b>NOTIFICATION:</b>	

**Received Proof of Insurance:** *10/22/09*  
**Received Parade Permit Fee:** *10/22/09*

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION 2009-112**

**Fiscal 2009 Community Contributions**

**WHEREAS**, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

**WHEREAS**, the City of Daphne has made appropriations in its Fiscal 2009 Budget for the benefit of certain community agencies.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions to Community Agencies as appropriated in the Fiscal Year 2009 Budget and presented below:

12,000	Bay Rivers Art Guild
1,500	LightHouse
1,500	CareHouse
3,000	Mobile Bay NEP
2,000	Santa America
1,000	Battleship Memorial Park

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**August Palumbo, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

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

**RESOLUTION 2009-113**

**Fiscal 2010 Daphne High School Security Cameras**

**WHEREAS**, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

**WHEREAS**, the City of Daphne has made appropriations in its Fiscal 2010 Budget for the benefit of certain community agencies and events; and

**WHEREAS**, it has come to the attention of the City that there is a public safety need for security cameras at Daphne High School Trojan Hall.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreement necessary for the City to make a contribution to Daphne High School in the amount of \$ 500 in order that the City may participate in the cost of purchasing and installing security cameras at Trojan Hall.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**August Palumbo, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

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

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2009-60**

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

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

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

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

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on November 2, 2009; and

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

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

**SECTION I: ZONING DISTRICT MAP**

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

**SECTION II: REPEALER**

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

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009.**

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**JOHN LAKE,  
COUNCIL PRESIDENT**  
Date and Time Signed:

---

**FRED SMALL,  
MAYOR**  
Date and Time Signed:

**ATTEST:**

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

=====

**CITY OF DAPHNE**  
**ORDINANCE NO. 2009-61**

=====

**AN ORDINANCE MANDATING A BUDGET REVIEW POLICY FOR FISCAL YEAR**  
**2010**

=====

**WHEREAS**, the City Council of City of Daphne does hereby declare by adopting Ordinance 2009-52 which adopts the Fiscal Year 2010 Budget that a budget review shall be conducted; and

**WHEREAS**, such ordinance provides for a fund balance draw in the amount of \$584,990;and

**WHEREAS**, due to the uncertain economic environment the City of Daphne is facing, it is the intent of the City Council to closely monitor the budget as adopted.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF DAPHNE, ALABAMA**, that the financial position of the City of Daphne as of February 28, 2010 be reviewed and compared to recent fiscal years in order to determine if the City of Daphne is “in line” with where it should be at February 28, 2010. This review shall included a comparison of actual year to date revenues including sales & use taxes, ad valorem taxes, and business licenses. Should the review reflect a deepening economic down-turn, the City Council will at that time request the Mayor to provide an amended budget for City Council consideration by March 31, 2010.

This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Daphne upon publication required by law.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this the \_\_\_\_ day of \_\_\_\_\_, 2009.

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

\_\_\_\_\_  
**AUGUST A. PALUMBO**  
**COUNCIL PRESIDENT**

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**

**ATTEST:**

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

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2009-62**

=====

**AN ORDINANCE TO IMPOSE A TEMPORARY  
MORATORIUM ON ANY REZONING APPLICATIONS FOR  
MULTI-USE AND R-4, HIGH DENSITY MULTI-FAMILY  
RESIDENTIAL ZONING OR ANNEXATION APPLICATIONS  
THAT REQUEST SUCH ZONING**

=====

**WHEREAS**, the City of Daphne Planning Commission and Daphne City Council are currently in the process of amending the City Land Use Ordinance, and;

**WHEREAS**, the Planning Commission on its regularly scheduled meeting of April 23, 2009 voted to send a favorable recommendation to the City Council of the City of Daphne to place a temporary moratorium on applications for rezoning to a Multi-Use or R-4, High Density Multi-Family Residential Zone or for applications of annexation requesting such zoning, and;

**WHEREAS**, the City Council for the City of Daphne believes that the health, welfare, and safety of the citizens of the City of Daphne will be promoted if there are uniform and consistent land use regulations related to such zoning within the City, and;

**WHEREAS**, the City Council of the City of Daphne believes that a four month moratorium on all requests for rezoning to a Multi-Use or R-4, High Density Multi-Family Residential Zone or annexation applications requesting such zone is necessary in order to have sufficient time in which the City will notice for public hearing and subsequently implement the new Land Use Ordinance for future development within the City;

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

**SECTION I:**

That the City of Daphne hereby imposes a four (4) month moratorium on any request to rezone any property to a Multi-Use Zone as defined by City of Daphne Land Use and Development Ordinance Section 12-3(d) or R-4 High Density Multi-Family Residential zones as defined in said Ordinance Section 12-2(d) or any application for annexation requesting the zone of Multi-Use or R-4 High Density Multi-Family Residential.

**SECTION II:**

That the provisions of this ordinance shall expire by lapse of time unless the City Council takes further action to extend the same.

**SECTION III:**

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF CITY OF DAPHNE, ALABAMA, this the \_\_\_\_ day of \_\_\_\_\_, 2009.**

**CITY OF DAPHNE**

\_\_\_\_\_  
**JOHN LAKE**  
**COUNCIL PRESIDENT**  
Date & Time Signed: \_\_\_\_\_

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

**ATTEST:**

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

**ORDINANCE 2009-63**

**FEMA Repetitive Loss Grant Application  
140 Lakeview Loop**

**WHEREAS**, Ordinance 2009-52 approved and adopted the Fiscal Year 2010 Budget October 19, 2009; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2010 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2010 budget; and

**WHEREAS**, the City Council did heretofore by Resolution 2009-83 approve the submission of a FEMA grant application for the purpose of securing a Repetitive Loss Grant at 140 Lakeview Loop; and

**WHEREAS**, such application requires the City to acquire an elevation certificate and fair market value appraisal of the property.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that a General Fund appropriation not to exceed \$ 2,000 is hereby approved for the elevation certificate and appraisal of the property at 140 Lakeview Loop for the purpose of completing the FEMA Repetitive Loss Grant application.

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

\_\_\_\_\_  
**August Palumbo, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

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

**ORDINANCE 2009-64**

**WILSON AVENUE DRAINAGE REPAIRS**

**WHEREAS**, Ordinance 2009-52 approved and adopted the Fiscal Year 2010 Budget on October 19, 2009; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2010 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2010 budget; and

**WHEREAS**, certain drainage repairs are necessary on Wilson Avenue for the safety of citizens and their property.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2010 Budget is hereby amended to include a General Fund appropriation for an amount not to exceed \$68,356 for drainage repairs for Wilson Avenue.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**August Palumbo, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

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