

**CITY OF DAPHNE  
CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
NOVEMBER 20, 2006  
6:30 P.M.**

**1. CALL TO ORDER**

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

- 3. APPROVE MINUTES:** Council minutes meeting held November 6, 2006  
Amended minutes from November 6, 2006 meeting / *No Action*

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

Review minutes meeting held November 13<sup>th</sup>

**a.) Prepaid Travel / Resolution 2006-95**

- 1.) Regina Landry / National League of Cities / Reno, NV / December 6-10, 2006 / \$175.00
- 2.) John Lake / National League of Cities / Reno, NV / December 6-10, 2006 / \$210.00

**b.) Bids:**

- 1.) City Hall Alterations & Additions / Rod Cooke Construction / Resolution 2006-96

**c.) Resolutions:**

- 1.) Purchasing Agent Appointment: City Hall Alterations & Additions / Rod Cooke / Resolution 2006-97
- 2.) FY 2007 Community Contributions / Resolution 2006-98
- 3.) Declare Certain Property Surplus (Equipment) / Resolution 2006-99
- 4.) Depository: Eastern Shore Park Pledged Tax Debt Service Account / First Gulf Bank / Resolution 2006-100

**d.) Financial Reports:**

- 1.) Treasurers Report / October 31, 2006
- 2.) Sales tax Collection Graphs / September 30, 2006
- 3.) Lodging tax Collections / September 30, 2006

**B. BUILDINGS & PROPERTY - Lake**

Review minutes meeting held November 3<sup>rd</sup>

**C. PUBLIC SAFETY - Burnam**

Review minutes meeting held November 7<sup>th</sup>

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

Review minutes meeting held November 7<sup>th</sup>

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

Review minutes meeting held October 6<sup>th</sup>

Review minutes meeting held November 3<sup>rd</sup>

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

**A. Board of Zoning Adjustments - Eady**

- a.) Review minutes meeting held November 2<sup>nd</sup> 1

**B. Downtown Redevelopment Authority - Barnette**

Review minutes meeting held November 13<sup>th</sup>

**C. Industrial Development Board - Yelding**

**D. Library Board - Lake**

- a.) Review minutes meeting held September 11<sup>th</sup>
- b.) Review minutes meeting held October 9<sup>th</sup>
- c.) Review minutes meeting held November 13<sup>th</sup>
- d.) Appoint: William E. Scully, Jr / Fill remainder of Anita Rigas’s term - Term ending 9/30/2008
- e.) Re-appoint Mrs. Gale Robinson – Term – October 1, 2006 – September 30, 2010

**E. Planning Commission - Barnette**

Review minutes meeting held October 26<sup>th</sup>

**F. Recreation Board - Palumbo**

**G. Utility Board - Scott**

- a.) Review minutes meeting held August 30<sup>th</sup>
- b.) Review minutes meeting held September 27<sup>th</sup>

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

- a.) ABC License / The Zone / 020 – Restaurant Retail Liquor / No Background Check Needed / Prior License
- b.) ABC License / Capone’s / 010 – Lounge Retail Liquor – Class I

**B. City Attorney’s Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Prepaid Travel / Regina Landry / John Lake. .... /Resolution 2006-95
- b.) City Hall Alterations & Additions. .... /Resolution 2006-96
- c.) Purchasing Agent Appointment: City Hall Alterations & Additions  
Rod Cooke. .... /Resolution 2006-97
- d.) Fiscal 2007 community Contributions. .... /Resolution 2006-98
- e.) Declaring Certain Property Surplus and Authorizing the Mayor  
to Dispose of Such Property. .... /Resolution 2006-99
- f.) Establishing: “The Eastern Shore Park Pledged Tax Debt  
Service” Bank Account / First Gulf Bank. .... /Resolution 2006-100

**ORDINANCES:**

**2<sup>nd</sup> READ**

- a.) **Annexation: Mildred Lett Sloan / Property Located East of  
Public Work Road...../Ordinance 2006-79**

**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\_\_ \_\_

COUNCILWOMAN LANDRY

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN PALUMBO

PRESENT\_\_ ABSENT\_\_ \_\_

**MAYOR**

MAYOR SMALL

PRESENT\_\_ ABSENT\_\_ \_\_

**CITY CLERK:**

DAVID L. COHEN

PRESENT\_\_\_ ABSENT\_\_\_

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**NOVEMBER 6, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

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

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

Councilman Lake gave the invocation.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette, John Lake; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

Also Present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Meredith Turpin, Attorney; Bill Eady, Planning Director; Ken Eslava, Public Works Director; Kim Briley, Finance Director; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Tonja Young, Library Director; David Carpenter, Police Chief; Al Guarisco, Village Point; Glen Swaney, Library Board; Willie Robison, BZA.

Absent: Mund Hanson, Fire Chief.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve the Work Session minutes meeting held October 12, 2006. Seconded by Mr. Scott.**

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

**MOTION BY Mrs. Barnette to approve to Council minutes meeting held October 16, 2006 with amendment to the vote on Resolutions 2006-88 and 2006-89 with Mr. Lake voting nay on waiving the reading and adoption of 2006-88 and 2006-89 and Mr. Palumbo voting nay on waiving the reading of Resolution 2006-88. *Seconded by Mr. Yelding.***

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

NOVEMBER 6, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

**PUBLIC HEARING:** Annexation / Mildred Lett Sloan Property / Located  
East of Public Works Road / Requested Zoning  
B-2, General Business

*Mr. Eady* gave a presentation along with a power-point presentation. He stated that there will be a warehouse and office on the property, and they have requested a B-2 zoning which is General Business.

*Council President Burnam* opened the Public Hearing at 6:35 p.m.

No one spoke.

*Council President Burnam* closed the Public Hearing at 6:36 p.m.

**A. FINANCE COMMITTEE – Scott**

No report. The next meeting will be Monday at 4:00 p.m. in the Executive Council Chambers.

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

*Mr. Lake* stated that the Committee met last Friday and the minutes will be in the next packet.

*Mr. Palumbo* stated that they received the bids for the City Hall renovation and it came in 3.2% under budget.

**C. PUBLIC SAFETY COMMITTEE - Burnam**

*Council President Burnam* stated that the minutes of the last meeting are in the packet, and there is a motion to consider.

**MOTION BY Mrs. Landry to approve installing a traffic calmer on Belrose Avenue just west of the crosswalk between Sixth and Old County. *Seconded by Mrs. Barnette.***

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

*Council President Burnam* stated that the next meeting will be tomorrow at 4:30 p.m. in the Council Chambers.

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

No report. The next meeting will be tomorrow at 5:30 p.m. after the Public Safety meeting.

**E. PUBLIC WORKS COMMITTEE - Yelding**

*Mr. Yelding* stated that work is being done on County Road 64 turning it into three (3) lanes instead of two lanes and that it will be inconvenient for a while, but the improvement will make the road safer.

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

**A. BOARD OF ZONING ADJUSTMENTS - Eady**

*Mr. Eady* stated that met November 2<sup>nd</sup> with one appeal which was a set back encroachment at 1133 Captain O'Neal Drive which was approved.

**B. DOWNTOWN REDEVELOPMENT AUTHORITY - Barnette**

No report. The next meeting will be November 13<sup>th</sup> at 5:30 p.m.

**C. INDUSTRIAL DEVELOPMENT BOARD – Yelding**

*Mr. Yelding* stated that Council needed to address an appointment for the Board from District #2.

**MOTION BY Mr. Yelding to appoint Mr. James Rouprich to serve the unexpired term of Mr. Joe Lovelady on the Industrial Development Board. *Seconded by Mrs. Barnette.***

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

**D. LIBRARY BOARD - Lake**

*Mr. Lake* reported that the Mr. Glenn Swaney has resigned from the Board, but will still be volunteering his time at the Library. He stated that Council needed to make an appointment of Mr. Ronald Allen to the Board.

**MOTION BY Mr. Lake to appoint Mr. Ronald Allen to the Library Board to take the place of Mr. Glenn Swaney. *Seconded by Mr. Scott.***

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

*Mr. Palumbo* stated that the next meeting will be a week from today at 4:30 p.m.

**E. PLANNING COMMISSION - Barnette**

*Mrs. Barnette* stated that a Public Hearing needed to be set for December 4, 2006 to consider an annexation of property located on the southeast corner of Whispering Pines Road and Pollard Road / Arthur Keller property.

**MOTION BY Mrs. Barnette to set a Public Hearing for December 4, 2006 to consider annexing property located on the southeast corner of Whispering Pines Road and Pollard Road / Arthur Keller property. *Seconded by Mr. Yelding.***

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

*Mrs. Barnette* stated that the next Site Review meeting will be November 15<sup>th</sup> at 8:00 a.m., and the Planning Commission meeting will be November 21<sup>st</sup> at 6:00 p.m. She stated that it was changed due to the Thanksgiving holiday.

**F. RECREATION BOARD - Palumbo**

No report. The next meeting will be Wednesday at 6:00 p.m. in the Council Chambers.

**G. UTILITY BOARD - Scott**

*Mr. Scott* stated that the Board met on November 1<sup>st</sup>, which was the October meeting, and that they are three months behind on submitting minutes for the Council packet, and that he and Becky are working on getting them for submittal.

**6. REPORTS OF OFFICERS:**

**A. Mayor's Report**

a.) *Parade Permit / City of Daphne Flounder Parade (Zydeco Festival) / May 19, 2007*

**MOTION BY Mrs. Barnette to approve the parade permit for the City of Daphne Flounder Parade (Zydeco Festival) for May 19, 2007. Seconded Mrs. Landry.  
Seconded by Mrs. Barnette.**

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

b.) *NLC Voting Delegate and Alternate/ Reno, NV / December 5-9, 2006*

**MOTION BY Mr. Scott to appoint Mrs. Landry as voting delegate to the NLC Conference in Reno, NV. Seconded by Mr. Lake.**

**Mr. Scott amended the motion to include Mr. Lake as the alternate voting delegate.**

**Mr. Lake seconded the amendment.**

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

**B. City Attorney's Report**

*Mr. Ross* stated that he reported at the last meeting regarding a pending hearing with Lamar Advertising requesting information. He stated that this has been resolved at no cost to the city. He stated that the information they were requesting has been given to them and they will be listening to the tapes themselves to get the information they need.

**C. Department Head Comments**

*David McKelroy - Recreation Department Director* - stated that on November 10<sup>th</sup> is the first round of the playoffs, and at half-time the University of Alabama Million Dollar Band will play. He also reported that on November 12<sup>th</sup> is the Celtic Celebration from 2:00 p.m. - 5:00 p.m.

*Sandra Morse – Civic Center Director* – reported that tomorrow is election day and that the Civic Center will be up and running. She also reported that last Friday they had Ballroom Dancing and it was a sell out event. She stated that Mr. and Mrs. Earl Kellam, residents of Daphne, volunteered their time to help make this event successful. She wanted to let them know how much she appreciated their help.

*Ken Eslava – Public Works Director* - reported on the NRCS projects happening around the city, and progress of the sidewalks. He said that the sidewalks will be finished on Captain O’Neal this week and they will be moving to Pinehill. He stated that the May Day park project is going well.

*Tonja Young – Library Director* – welcomed Mr. Allen to the Library Board, and thanked Mr. Swaney for his years of devotion and work for the Library. She stated that they had a great turnout for Halloween, that the 1<sup>st</sup> graders came and they had about 100 come through for Trick or Treat. She said that on November 9<sup>th</sup> they are having staff recognition and invited the Council to come. Ms. Young stated that on November 15<sup>th</sup> they will start a Book Club.

**7. PUBLIC PARTICIPATION:**

*Mr. Willie Robison* – Stuart Street – spoke regarding an event at the Eastern Shore Baptist Church called Rachael’s Challenge, which will start a week from tomorrow. This is a High School Crisis Prevention class which is needed after the Columbine tragedy.

*Mr. Earl Kellam* – spoke regarding the Ballroom Dancing event at the Civic Center. He stated that it was a packed out event, and he travels all over and Daphne’s name is in the forefront in different states because of this Civic Center event. People come here from out of state for this event and want to book the Civic Center for events such as this. He stated that the Civic Center staff does an outstanding job and earns praise for the city.

*Mr. Paul Soutullo* – 6584 Haley’s Lane – said that he appreciated the work being done on the drainage for Haley’s Lane.

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

**RESOLUTIONS**

- a.) Street Acceptance / Ottawa Springs Subdv., Phase Two ...../Resolution 2006-93
- b.) Set Public Hearing for adopting the International Building Code. .... /Resolution 2006-94

MOTION BY Mr. Scott to waive the reading of Resolutions 2006-93 and 2006-94. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-93. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolution 2006-94. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

1<sup>ST</sup> READ

- a.) Annexation: Mildred Lett Sloan / Property Located East of  
Public Work Road ...../Ordinance 2006-79

MOTION BY Mrs. Barnette to suspend the rules to consider Ordinance 2006-79.  
*Seconded by Mr. Lake.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-79. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-79. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**9. COUNCIL COMMENTS:**

*Mr. Yelding* stated that it is getting to where you have to have a Phd. to get on a board, and it may get to the point where you have to have one to be a Council member. He feels it is not necessary to be so highly qualified. He stated that he concurs with Mr. Lake that you need to have a mixture on these boards, not, so called, highly skilled people in all these professional fields. Mr. Yelding said that sometimes a little common sense is worth it too.

*Mrs. Barnette* stated that they delayed their retreat in August and the Council has had some pretty heavy work sessions and she thinks that it will serve them well to get back to their priorities and figure out where they are charting their course. She stated that she highly recommends that at the next work session that they set a time for a retreat. Mrs. Barnette wanted to state publicly she wanted to thank the Mayor's assistant, Mrs. Shannon Spivey, for all the hard work she has done for the city, and she thinks that she presents herself extremely well for the city and she wished her the best of luck and hates to see her go.

*Mr. Lake* stated that the work sessions have been getting voluminous and they have gotten out of what they are supposed to be. He said that they have turned into quasi-council meetings, although they do not make decisions. He thinks that they need to start looking at those sessions to handle extraordinary issues and not every issue that comes before the Council. He thinks they need to trust the committees and boards and work under that arrangement. He stated that when work sessions go on until nine or ten o'clock that gets to be too long. He said that it is something the Council needs to look at, and they do not need to keep playing "let's put it on the work session", and people who feel they cannot make it to the work session feel that they are neglecting something when they ask questions during the regular meetings. He said, on a different note, that he read in the paper the other day an article regarding second hand cigarette smoke, that filtering second hand cigarette smoke does not work, that the individuals are still affected.

*Mr. Scott* stated that this Saturday is the S.E.E.D.S. Mama Mia Cook-off at Hutchinson, Moore and Rauch parking lot from 6:00 p.m. – 9:00 p.m. He said tickets are \$25.00.

**NOVEMBER 6, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

8

*Mrs. Landry* commended Mrs. Spivey for the work she has done, especially, for her work on the city's website. She said that this is something that was important to her and Shannon worked so hard on it, and she will be sorely missed. She stated that the tree lighting and Christmas parade is November 30<sup>th</sup>.

*Mr. Palumbo* commented regarding David McKelroy's report on the Alabama band performing at half-time at the Daphne High game, he said that this has become a tradition of Daphne High School. Troy University band performed last year, and he believed that Alabama played the previous year. He said that there is not another high school in Alabama that has pulled this off three years in a row having one of our state university bands come and play at the high school at half-time. He said that it is a tribute to the music program at the high school. Mr. Palumbo stated that tomorrow is election day and urged everyone to go out and exercise their right and privilege to vote.

**10. ADJOURN**

**MOTION BY Mr. Lake to adjourn. Seconded by Mr. Yelding.**

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

**THERE BEING NO FURTHER BUSINESS TO DISUCSS, THE MEETING ADJOURNED AT 7:26 P.M.**

Respectfully submitted by,

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

**Certification of Presiding Officer:**

\_\_\_\_\_  
**Greg Burnam,  
Council President**

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

OCTOBER 16, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

AMENDED MINUTES FROM THE  
NOVEMBER 6, 2006 COUNCIL  
MEETING

- b.) Declaring Certain Property Surplus and Authorize Mayor to Dispose of Such Property ...../Resolution 2006-89
- i.) Agreement – Daphne High School Stadium ...../Resolution 2006-90
- j.) Authorize Mayor to Enter Into an Agreement with Moody Electric. .... /Resolution 2006-91
- k.) Support for Daphne High School Stadium Project. .... /Resolution 2006-92

MOTION BY Mr. Lake to waive the reading of Resolutions 2006-82, 2006-83, 2006-84, 2006-85, 2006-86, 2006-87. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolution 2006-82. *Seconded by Mr. Yelding.*

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

MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolutions 2006-83, 2006-84, 2006-85, 2006-86, 2006-87. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Resolution 2006-88. *Seconded by Mrs. Barnette.*

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

MOTION CARRIED

OCTOBER 16, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

AMENDED MINUTES FROM THE  
NOVEMBER 6, 2006 COUNCIL  
MEETING

MOTION BY Mrs. Barnette to adopt Resolution 2006-88. Seconded by Mr. Scott.

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

**MOTION CARRIED**

MOTION BY Mrs. Barnette to wave the reading of Resolution 2006-89. Seconded by Mr. Yelding.

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

**MOTION CARRIED**

MOTION BY Mrs. Barnette to adopt Resolution 2006-89. Seconded by Mr. Yelding.

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

**MOTION CARRIED**

**RESOLUTION 2006-90 WAS ADOPTED EARLIER IN THE MEETING**

MOTION BY Mrs. Barnette to wave the reading of Resolution 2006-91. Seconded by Mr. Scott.

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

MOTION BY Mrs. Barnette to adopt Resolution 2006-91. Seconded by Mr. Yelding.

AYE    ALL IN FAVOR                      NAY    NONE OPPOSED                      MOTION CARRIED

**RESOLUTION 2006-92 WAS ADOPTED EARLIER IN THE MEETING**

**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 13, 2006**  
**4:00 P.M.**

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

The meeting was called to order at 4:00 pm. Present were Chairman Ron Scott, Councilwoman Regina Landry, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suzâne Henson, and Accountant Donna Page.

Also in attendance were Mayor Fred Small and Mr. Jeff Hudson with Gatlin Hudson Architects.

**II. PUBLIC PARTICIPATION**

There was no public present.

**III. ISSUES REQUIRING ACTION BY CITY COUNCIL**

**A. Prepaid Travel**

**1. Regina Landry, Council** - National League of Cities, Congress of Cities, December 6-10, 2006 - \$175.00.

**2. John Lake, Council** - National League of Cities, Congress of Cities, December 5 - 10, 2006 - \$210.00.

Mr. Bailey Yelding requested that his name be struck from the prepaid travel request. He will not be attending the conference.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution approving prepaid travel for Regina Landry in the amount of \$175.00 (December 6-10, 2006) and for John Lake in the amount of \$210.00 (December 5-10, 2006) to attend the National League of Cities, Congress of Cities, in Reno, Nevada. Seconded by Ms. Landry.***

**B. Bids**

**2007-A-City Hall Alterations & Additions**

Mr. Jeff Hudson discussed the City Hall Alterations and Additions bid. He noted that the bid came in at \$6,990,000 with an additional \$37,000 envelope cut at the bid opening, or approximately 3% under budget. He also noted that estimated tax "savings" are shown at \$175,000, but that historically there has been an approximate tax "savings" of 4%, which would double the "savings" to a total of \$350,000.

Mr. Hudson discussed that this bid price would allow for the acceptance of some of the add alternates to enhance the project. Of the 14 add alternates bid on, he recommended eight. Mr. Hudson will present these add alternates in detail at the Thursday Council work session.

Discussion continued that a Resolution would be in the Council packet for review by the full Council. Ms. Henson discussed that the resolution will show the total bid minus the envelope cut, plus any add alternates approved. The tax "savings" will be evident at the end of the project, but the amount will not be part of the initial bid award resolution.

It was discussed that any furniture purchased, such as new chairs for the Council Chambers would not be part of the Construction Fund. Ms. Briley explained you would not want to finance furnishings for this length of time. Mayor Small noted, however, that the cost for the demolition of the old planning building (\$25,000 - \$30,000)

should be a part of the Construction Fund. He stated that the steel would be torn down and sent to Public Works.

Ms. Briley discussed that in order to get the tax "savings" for the City Hall Project, Rod Cooke Construction, Inc. would need to be appointed as a purchasing agent for the City of Daphne for the acquisition of materials and supplies to be utilized for the project.

***Motion by Ms. Landry to recommend to Council to adopt a resolution authorizing the Mayor to enter into an agreement with Rod Cooke Construction, Inc., designating Rod Cooke, President, as Purchasing Agent of the City of Daphne for the acquisition of materials and supplies to be utilized in the City Hall Alterations and Additions Project. Seconded by Mr. Yelding.***

### **C. Review Community Contributions – FY07**

Ms. Briley discussed that the list of Community Contributions on Attachment A have been approved in the base budget. It was discussed that Blue Print for Tomorrow is scheduled to be at the Thursday work session to present an update of their work. Also, a breakdown of SARPC projects was requested. Mr. Yelding recommended approving all of the Community Contributions on Attachment A except for Blue Print for Tomorrow and SARPC, pending further updates from them.

***Motion by Ms. Landry to recommend to Council to adopt a resolution authorizing the Mayor and City Clerk to execute the agreements necessary for the City to make contributions to the various Community Agencies and Community Events as appropriated in the Fiscal Year 2007 Budget and scheduled in Attachment A with the exception of Blue Print for Tomorrow and SARPC. Seconded by Mr. Yelding.***

### **D. Declare Property Surplus: Schedule A – Balers & Christmas Decorations**

Ms. Briley discussed that research by Ms. Rebecca Hayes, Assistant City Clerk, showed that Surplus Property has been considered under the Finance Committee since 1997, with the last instance of Buildings and Property discussing surplus being in 1993. Ms. Henson noted that the last discussions under Buildings and Property Committee in 1993 were that the Committee had been waiting six months for a surplus list to be submitted from City Departments. Ms. Henson submitted a summary listing of 9 Surplus Sales that have taken place and 28 Resolutions that have been adopted since Surplus Sales have been reviewed through the Finance Committee beginning in 1997.

Schedule A was presented listing three balers and Christmas decorations. A memo from Mr. Marshall Parsons was presented requesting that proceeds from the Christmas decorations be earmarked for the Beautification Fund.

***Motion by Ms. Landry to recommend to Council to adopt a resolution declaring Schedule A as surplus property and authorizing the Mayor to dispose of such property with the proceeds from the sale of the Christmas decorations earmarked for the Daphne Beautification Fund. Seconded by Mr. Yelding.***

### **E. Approve Depository: Debt Service Fund: 2006 Series Limited Obligation Special Tax Warrants**

Ms. Briley discussed the Requests for Proposals received for the depository of the Debt Service Fund for the 2006 Series Limited Obligation Special Tax Warrants. She recommended First Gulf Bank because interest will

be earned on 100% of the account balance, all fees will be waived, and they will pay interest based on the Federal Funds Sold Rate minus 40 basis points (currently 4.70%).

***Motion by Mr. Yelding to recommend to Council to adopt a resolution recommending First Gulf Bank be named the depository for the Eastern Shore Park Pledged Tax Debt Service Account. Seconded by Ms. Landry.***

#### **IV. CURRENT BUSINESS**

Mayor Small presented a schedule of capital budget recommendations totaling \$1,727,517.92. He noted that he is \$33,054.92 over budget, so the list needs further cutting. Ms. Briley discussed that \$694,000 of the FY 2007 budget has not yet been appropriated and that FY 2006 projections are approximately \$1.7 million revenue over expenditures in the general fund. Ms. Briley noted that the City can make a draw on the fund balance as long as it's scheduled and used for capital.

Ms. Landry questioned whether three additional firefighters were needed. Mayor Small noted that these additional positions would be needed to operate the new EMS vehicle requested and without them, there would be no need to purchase the vehicle due to lack of employees to man it. He also noted that 73% of all calls received by the Fire Department are for medical assistance, not fires. Also, in the Fire Department, promotions to Lieutenants are requested so that there will always be a Lieutenant in charge at Stations #3 and #4.

Discussion continued on the \$45,000 for Computerized Time Keeping and the \$180,000 for an Automated Garbage Truck.

The \$500,000 requested for Lake Forest paving was discussed, with the Mayor noting that this would include paving of Lake Forest roads. Also discussed was the \$50,000 for a sidewalk and bridge to connect Jubilee Square and Gator Alley.

Mayor Small asked the Finance Committee members to continue reviewing his list and to provide input into finalizing the requests.

#### **V. FINANCIAL REPORTS**

##### **A. Treasurer's Report: October 31, 2006**

The Treasurer's Report of \$24,068,621.42 was presented as a handout. Ms. Briley noted that it was down \$135,588.98 from last month. She discussed that the general fund was down approximately \$500,000 with end of fiscal year spending, debt service is up \$300,000, where money has been transferred in to make some debt payments and capital projects is up \$56,000 in interest earnings. The net effect is a \$ 136,000 decrease.

Ms. Landry asked if payments from FEMA were being received. Ms. Briley noted that the City is still owed approximately \$400,000 from Hurricane Katrina, but most all payments from Hurricane Ivan have been received.

***Motion by Ms. Landry to recommend to Council to accept the Treasurer's Report as of October 31, 2006, in the amount of \$24,068,621.42. Seconded by Mr. Yelding.***

##### **B. Sales and Use Taxes: September 30, 2006**

The sales and use taxes collection spreadsheet and graphs as of September 30, 2006 were presented. Collections for September 2006 were \$967,616.06. Mr. Scott noted that this report reflects collections for the fiscal year and shows \$1,084,210.42 collected over budget for the year for a total collected in Fiscal Year 2006 of \$11,702,796.44.

### **C. Lodging Tax Collections, September 30, 2006**

The Lodging Tax Collections report shows \$39,398.90 collected for September 2006 and a total collected for Fiscal Year 2006 of \$601,302.68. Ms. Briley noted that 97% of the budget was collected.

### **D. Report of New Business Licenses – October 2006**

A list showing new businesses for the month of October was presented.

### **E. Bills Paid Reports – October 31, 2006**

The Bills Paid Report for October 2006 for Fiscal Year 2006 was contained in Packet #2. The October Bills Paid Report for Fiscal Year 2007 was contained in packet #3.

## **VI. ADJOURN**

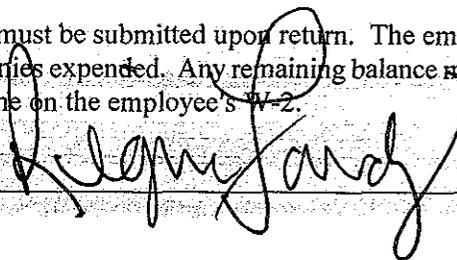
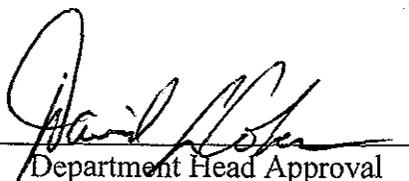
The meeting was adjourned at 5:08 pm.

## PREPAID TRAVEL REQUEST FORM

<b>EMPLOYEE NAME/TITLE</b>	REGINA LANDRY
<b>DEPARTMENT</b>	LEGISLATIVE
<b>DATES OF TRAVEL</b>	DECEMBER 6-10, 2006
<b>SCHOOL/ORGANIZATION</b>	NLC CONGRESS OF CITIES
<b>LOCATION FOR TRAINING: CITY/STATE</b>	RENO, NEVADA
<b>REGISTRATION FEE</b>	\$345.00
<b>LODGING</b>	\$384.00
<b>TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)</b>	\$175.00

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

Employee Signature

Department Head Approval

3988  
Vendor #

120200 / 52211 / 16  
Dept Org # Object # Proj #

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

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

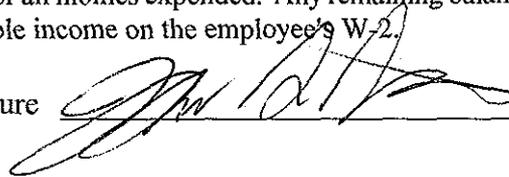
Revised 3/06

## PREPAID TRAVEL REQUEST FORM

<b>EMPLOYEE NAME/TITLE</b>	JOHN LAKE
<b>DEPARTMENT</b>	LEGISLATIVE
<b>DATES OF TRAVEL</b>	DECEMBER 5-10, 2006
<b>SCHOOL/ORGANIZATION</b>	NLC CONGRESS OF CITIES
<b>LOCATION FOR TRAINING: CITY/STATE</b>	RENO, NEVADA
<b>REGISTRATION FEE</b>	\$345.00
<b>LODGING</b>	\$480.00
<b>TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)</b>	\$210.00

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

Employee Signature \_\_\_\_\_



  
 Daniel Cohen  
 Department Head Approval

2005  
 Vendor #

120200 / 52211 / 13  
 Dept Org # Object # Proj #

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

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

Revised 3/06

Head to Reno and Discover

# The People, Tools, and Resources to Help Your City

You may come with a question, a need for information or advice, a baffling situation, or a desire to become more proficient and skilled in a particular area of municipal governance. At the 2006 NLC Congress of Cities and Exposition, you'll find the largest pool of experienced city officials from cities and towns large and small. Combine this with targeted workshops and more than 300 suppliers on the exhibit floor, and you're sure to return home with the solutions you need to make your community a better place to live, work, and grow.

Register today—early and online—and save at [www.nlc.org](http://www.nlc.org).

**“Look for a great return on your taxpayers’ investment. The education will help stretch your limited resources and lead your city into the future.”** —Ron Schmitt, *Councilmember, Sparks, Nevada; Chair 2006, Congress of Cities Program Committee*

## Preliminary Schedule of Events

### Monday, December 4

3:00 pm – 5:00 pm  
Registration

### Tuesday, December 5

7:30 am – 5:00 pm  
Registration

9:00 am – 5:00 pm  
Leadership Training Institute  
Seminars

### Wednesday, December 6

7:30 am – 8:00 pm  
Registration

9:00 am – 5:00 pm  
Leadership Training Institute  
Seminars

Mobile Workshops

9:00 am – 5:00 pm  
Governance and Policy Meetings  
Constituency and Special Group  
Meetings and Events

5:45 pm – 6:45 pm  
First-Time Attendee Orientation

6:30 pm – 8:00 pm  
Welcome Reception and  
Exhibit Hall Opening

### Thursday, December 7

9:00 am – 11:00 am  
Opening General Session

11:00 am – 5:00 pm  
Exposition  
Workshops

1:30 pm – 5:00 pm

Mobile Workshops  
Governance and Policy Meetings

Resolutions Committee  
Meeting

NLC Nominating  
Committee Hearing

Constituency and Special Group  
Meetings and Events

### Friday, December 8

9:00 am – 10:30 am  
General Session

10:30 am – 3:00 pm  
Exposition

10:45 am – 5:15 pm  
Workshops

1:30 pm – 5:00 pm  
Mobile Workshops

City Futures Panel Meetings  
Constituency and Special Group  
Meetings and Events

### Saturday, December 9

9:15 am – 10:45 am  
General Session

11:00 am – 12:30 pm  
Workshops

12:45 pm – 2:15 pm  
Delegates Luncheon

2:30 pm  
Annual Business Meeting

7:00 pm  
Host City Closing Event



National League of Cities  
Reno, Nevada • December 5-9, 2006

1301 Pennsylvania Avenue, NW  
Suite 550  
Washington, DC 20004

**Kim**

---

**From:** Jeff Hudson III [jeffh@gatlinhudson.com]  
**Sent:** Wednesday, November 08, 2006 12:54 PM  
**To:** Kim Briley; Suzanne Henson  
**Subject:** FW: City Hall Addition Bids

FYI

---

**From:** Jeff Hudson III [mailto:jeffh@gatlinhudson.com]  
**Sent:** Tuesday, November 07, 2006 9:39 AM  
**To:** Greg Burnam (burnam4@bellsouth.net); John Lake (johnlake3@bellsouth.net); Kathy Barnett (barnette2@bellsouth.net); Gus Palumbo (palumbo7@bellsouth.net); Ron Scott (ronscott5@bellsouth.net); Bailey Yelding (yelding1@bellsouth.net); Regina Landry (reginalandry6@bellsouth.net)  
**Cc:** Fred Small (mayorsmall@bellsouth.net)  
**Subject:** City Hall Addition Bids

Daphne City Council:

As I'm sure you've seen the bid results, I hope you are as please as I am. The base bid came in approximately \$222,000.00 (3.2%) below the budget. This will allow you to select several add alternates which will compliment the new facility.

The attachment contains our recommended add alternates which I briefed the Buildings and Property Committee on last Friday and will meet with the Finance Committee Monday then present to you at your work session.

After the work session we will prepare the final recommendation for your formal approval at the meeting on the 20th. We will then issue the Notice to Proceed on December 4<sup>th</sup> which is after the Christmas parade and the GC will have 340 days to complete Phase I and 150 days for Phase II.

If you have any questions give me a call.

**Jeff B. Hudson III, AIA**  
Gatlin Hudson Architects  
P.O. Box 1185  
Daphne, Alabama 36526  
251-626-5514 wk  
251-626-7321 fx

From: Jeff Hudson III [jeffh@gatlinhudson.com]  
 Sent: Friday, November 03, 2006 8:04 AM  
 To: Suzanne Henson  
 Subject: Emailing: Bid Results City Hall Addition



Bid Results City Hall  
 Addition...

Suzanne,

Here are our recommendations that I will present.  
 JEFF

**CITY OF DAPHNE BID OPENING MINUTES  
 BID DOCUMENT NO: 2007-A-CITY HALL ALTERATIONS & ADDITIONS  
 November 2, 2006 @ 2:30 P.M.  
 City Hall**

Those present were as follows:

Jeff Hudson	Gatlin Hudson Architects
Suzanne Henson	Sr. Accountant
Ken Eslava	PW Director
Richard Merchant	Building Official
Kim Briley	Finance Director

Jeff Hudson opened the bids as follows:

<u>5</u> bid invitations were mailed/picked up , <u>2</u> sealed bids were received.	
<i>Ter Mac Construction</i>	<i>No Bid</i>
<i>Witherington Construction</i>	<i>No Bid</i>
<i>Stuart Construction</i>	<i>No Bid</i>

Bid Requirements/Alternates	Rod Cooke Construction	Trademark Construction	
Envelope Requirements (State License)	X	X	
Bid Bond	X	X	
Existing Roof Repair - cost per Square Foot	\$15/SqFt	\$12/SpFt	
<b>Base Bid</b>	\$ 6,990,000	\$ 7,223,000	
Envelope Cuts	\$ (37,000)	\$ -	
Estimated Tax Savings	\$ (175,000)	\$ (175,000)	
<b>TOTAL BASE BID</b>	<b>\$ 6,778,000</b>	<b>\$ 7,048,000</b>	<b>Budget \$ 7,000,000</b>
	RECOMMENDED ADD ALTERNATES		( 3.2% Below Budget ) ( -222,000 )

**ALTERNATES:**

(these items are not to be included in the base bid)

**ADDITIVE ALTERNATE #1**

All work required for construction of specialty ceiling at Council Chambers as shown on drawings.

\$ 57,000     \$ 35,100

**ADDITIVE ALTERNATE #2**

All work required for construction of decorative canopy at Council Chambers as shown on drawings.

\$ 5,000     \$ ~~6,100~~

**ADDITIVE ALTERNATE #3**

All work required for construction of Sculpture Fountain area shown on drawings.

\$ 44,500     \$ 50,500

**ADDITIVE ALTERNATE #4**

All work required for construction of clock tower as shown on drawings.

\$ 145,000     \$ 131,000

**ADDITIVE ALTERNATE #5**

All work required for construction of Courtyard as shown on drawings.  
 Note: Relocation of fountain is in base bid.

\$ 99,000     \$ ~~75,000~~

<b>Bid Requirements/Alternates</b>	<b>Rod Cooke Construction</b>	<b>Trademark Construction</b>	
<b><u>ADDITIVE ALTERNATE #6</u></b> All work shown on drawings to provide manufactured masonry cultured stone exterior wall base. Note: Base bid shall be the extension of stucco finish system.	\$ 50,000	\$ 42,000	
<b><u>ADDITIVE ALTERNATE #7</u></b> All work shown on drawings for providing (9) light poles and fixtures at parking lot (type GG lighting fixture). Note: Installation of trenching, conductors, circuits and conduits shall be in base bid.	\$ 25,000	\$ 31,000	
<b><u>ADDITIVE ALTERNATE #8</u></b> All work shown on drawings for providing (5) light poles and fixtures at building (type HH fixtures). Note: Installation of trenching, conductors, circuits and conduits shall be in base bid.	\$ 13,000	\$ 20,800	
<b><u>ADDITIVE ALTERNATE #9</u></b> All work required for a completely operational backwash filtering system complete with skimmers at Sculpture Fountain, Pump, Piping and Filtering System.		\$ 10,300	<del>\$ 6,100</del>
<b><u>ADDITIVE ALTERNATE #10</u></b> All work shown on drawing for providing masonry enclosure at Generator at NW corner of building.	\$ 61,000	\$ 60,400	
<b><u>ADDITIVE ALTERNATE #11</u></b> All work shown on drawings for removal and installation of modified bitumen roofing on existing roof.		\$ 101,000	<del>\$ 74,000</del>
<b><u>ADDITIVE ALTERNATE #12</u></b> All work shown on drawings for construction of exterior stairs at Northeast corner of building shall be an additive alternate. Exterior door C200 shall be an additive alternate.	\$ 67,000	\$ 62,000	
<b><u>ADDITIVE ALTERNATE #13:</u></b> All work required for a completely operational skimmer, filter system for existing fountain that is to be relocated.		\$ 10,300	<del>\$ 9,100</del>
<b><u>ADDITIVE ALTERNATE #14:</u></b> Add 160'-0" linear feet of mansard roof at 2 <sup>nd</sup> floor height on west and south above existing roof.		\$ 68,600	<del>\$ 68,000</del>
<b>TOTAL COST WITH ALTERNATES</b>	<b>\$ 7,240,500</b>	<b>\$ 7,775,000</b>	

**CITY OF DAPHNE BID OPENING MINUTES**  
**BID DOCUMENT NO: 2007-A-CITY HALL ALTERATIONS & ADDITIONS**  
**November 2, 2006 @ 2:30 P.M.**  
**City Hall**

Those present were as follows:

Jeff Hudson	Gatlin Hudson Architects
Suzanne Henson	Sr. Accountant
Ken Eslava	PW Director
Richard Merchant	Building Official
Kim Briley	Finance Director

**Jeff Hudson opened the bids as follows:**

<u>5</u> bid invitations were mailed/picked up , <u>2</u> sealed bids were received.	
<i>Ter Mac Construction</i>	<i>No Bid</i>
<i>Witherington Construction</i>	<i>No Bid</i>
<i>Stuart Construction</i>	<i>No Bid</i>

Bid Requirements/Alternates	Rod Cooke Construction	Trademark Construction
Envelope Requirements (State License)	X	X
Bid Bond	X	X
Existing Roof Repair - cost per Square Foot	\$15/SqFt	\$12/SpFt
<b>Base Bid</b>	<b>\$ 6,990,000</b>	<b>\$ 7,223,000</b>
Envelope Cuts	\$ (37,000)	\$ -
Estimated Tax Savings	\$ (175,000)	\$ (175,000)
<b>TOTAL BASE BID</b>	<b>\$ 6,778,000</b>	<b>\$ 7,048,000</b>

**ALTERNATES:**

(these items are not to be included in the base bid)

<b><u>ADDITIVE ALTERNATE #1</u></b>	\$	57,000	\$	35,100
All work required for construction of specialty ceiling at <u>Council Chambers</u> as shown on drawings.				
<b><u>ADDITIVE ALTERNATE #2</u></b>	\$	6,100	\$	5,000
All work required for construction of decorative canopy at <u>Council Chambers</u> as shown on drawings.				
<b><u>ADDITIVE ALTERNATE #3</u></b>	\$	44,500	\$	50,500
All work required for construction of Sculpture Fountain area shown on drawings.				
<b><u>ADDITIVE ALTERNATE #4</u></b>	\$	145,000	\$	131,000
All work required for construction of clock tower as shown on drawings.				
<b><u>ADDITIVE ALTERNATE #5</u></b>	\$	75,000	\$	99,000
All work required for construction of <u>Courtyard</u> as shown on drawings. Note: Relocation of fountain is in base bid.				

<b>Bid Requirements/Alternates</b>	<b>Rod Cooke Construction</b>	<b>Trademark Construction</b>
<p><b><u>ADDITIVE ALTERNATE #6</u></b> All work shown on drawings to provide manufactured masonry cultured stone exterior wall base. Note: Base bid shall be the extension of stucco finish system.</p>	\$ 50,000	\$ 42,000
<p><b><u>ADDITIVE ALTERNATE # 7</u></b> All work shown on drawings for providing (9) light poles and fixtures at parking lot (type GG lighting fixture). Note: Installation of trenching, conductors, circuits and conduits shall be in base bid.</p>	\$ 25,000	\$ 31,000
<p><b><u>ADDITIVE ALTERNATE # 8</u></b> All work shown on drawings for providing (5) light poles and fixtures at building (type HH fixtures). Note: Installation of trenching, conductors, circuits and conduits shall be in base bid.</p>	\$ 13,000	\$ 20,800
<p><b><u>ADDITIVE ALTERNATE #9</u></b> All work required for a completely operational backwash filtering system complete with skimmers at Sculpture Fountain, Pump, Piping and Filtering System.</p>	\$ 6,100	\$ 10,300
<p><b><u>ADDITIVE ALTERNATE #10</u></b> All work shown on drawing for providing masonry enclosure at Generator at NW corner of building.</p>	\$ 61,000	\$ 60,400
<p><b><u>ADDITIVE ALTERNATE #11</u></b> All work shown on drawings for removal and installation of modified bitumen roofing on existing roof.</p>	\$ 74,000	\$ 101,000
<p><b><u>ADDITIVE ALTERNATE #12</u></b> All work shown on drawings for construction of exterior stairs at Northeast corner of building shall be an additive alternate. Exterior door C200 shall be an additive alternate.</p>	\$ 67,000	\$ 62,000
<p><b><u>ADDITIVE ALTERNATE #13:</u></b> All work required for a completely operational skimmer, filter system for existing fountain that is to be relocated.</p>	\$ 9,100	\$ 10,300
<p><b><u>ADDITIVE ALTERNATE #14:</u></b> Add 160'-0" linear feet of mansard roof at 2<sup>nd</sup> floor height on west and south (above existing roof). Extend roofing system to edge of building at deleted mansard.</p>	\$ 68,000	\$ 68,600
<b>TOTAL COST WITH ALTERNATES</b>	<b>\$ 7,478,800</b>	<b>\$ 7,775,000</b>



**Suzanne Henson, Sr. Accountant**

---

INTEROFFICE MEMO

---

DATE: 10/23/2006  
TO: KEN ESLAVA, PUBLIC WORKS DIRECTOR  
FROM: MARSHALL PARSONS, HORTICULTURIST *MP*  
RE: SURPLUS DECORATIONS

---

Attached are the minutes from the October Beautification Committee and pictures of old Christmas decorations. They voted to surplus sale two Wired Santa's (ground mounted) and 126 Christmas Trees (pole mounted). They also requested that the monies received be put into the Beautification Fund.

MMP

CC: Beautification Committee

- FOR SURPLUS:*
- 1) 126 Christmas Tree Pole decorations.*
  - 2) 2 Wired Santa Claus'*

*These are stored currently in two places:  
126 Pole decorations are in of Con. Exp.  
box @ the Mechanical Maintenance Facility  
2 wired Santas in the Beautification  
Bldg. @ Public Works.*

# **Daphne Beautification Committee**

**City Hall 1705 Main St. Daphne, AL**

## **Meeting Minutes**

**October 6, 2006**

**Meeting: General Membership Meeting 10:00 a.m.**

**Invitees:** Stark Irvine

**City Liaison:** Marshall Parsons, Marjorie Bellue

### **Members:**

Chair: Carollee Grindel (4)	Jerry Guillott (4)	Audrey Rouire (6)
Vice Chair: Vincent Russo (2)	Tomasina Werner (4)	Jessia Prater (1)
Secretary: Anne Talton (7)	Dorothy Rankins (5)	Bea Wilson (2)
Frieda Romanchuk (7)	Patty Kearney (5)	Nancy Henderson (3)
Marilyn O'Connor Moore (2)	Dorothy Morrison (2)	Toni James (1)
Francis Harold (1)		

**I. Call to order -10:03 a.m.**

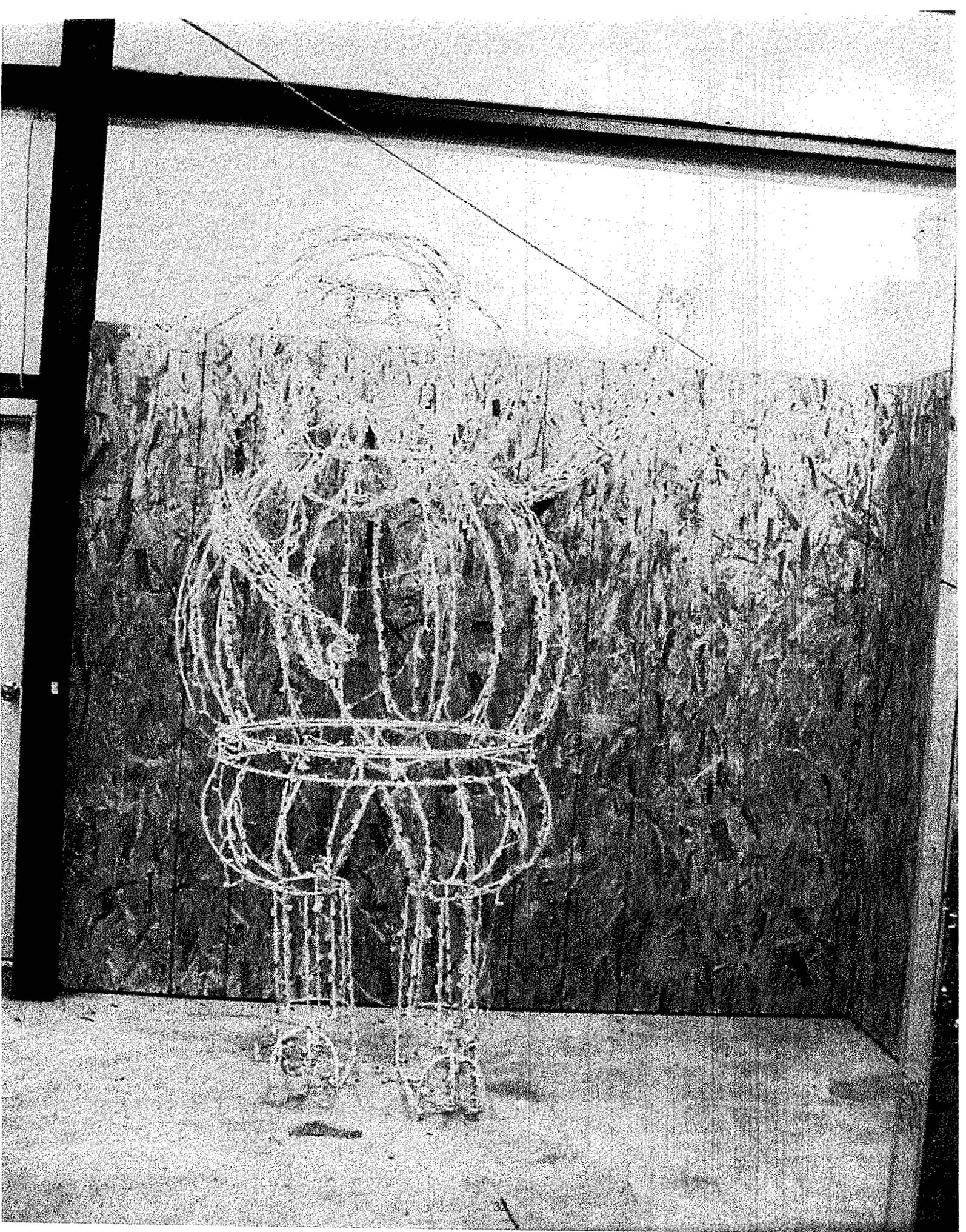
**II. Roll call – Carollee Grindel, Vincent Russo, Anne Talton, Marilyn O'Connor Moore, Tomasina Werner, Dorothy Rankins, Patty Kearney, Dorothy Morrison, Audrey Rouire, Jessia Prater, Bea Wilson, Nancy Henderson, Toni James, Francis Harold, Guests were Shannon Spivey from the Mayors Office and Robin Andrew from the Recreation Department's (Christmas Parade Planner).**

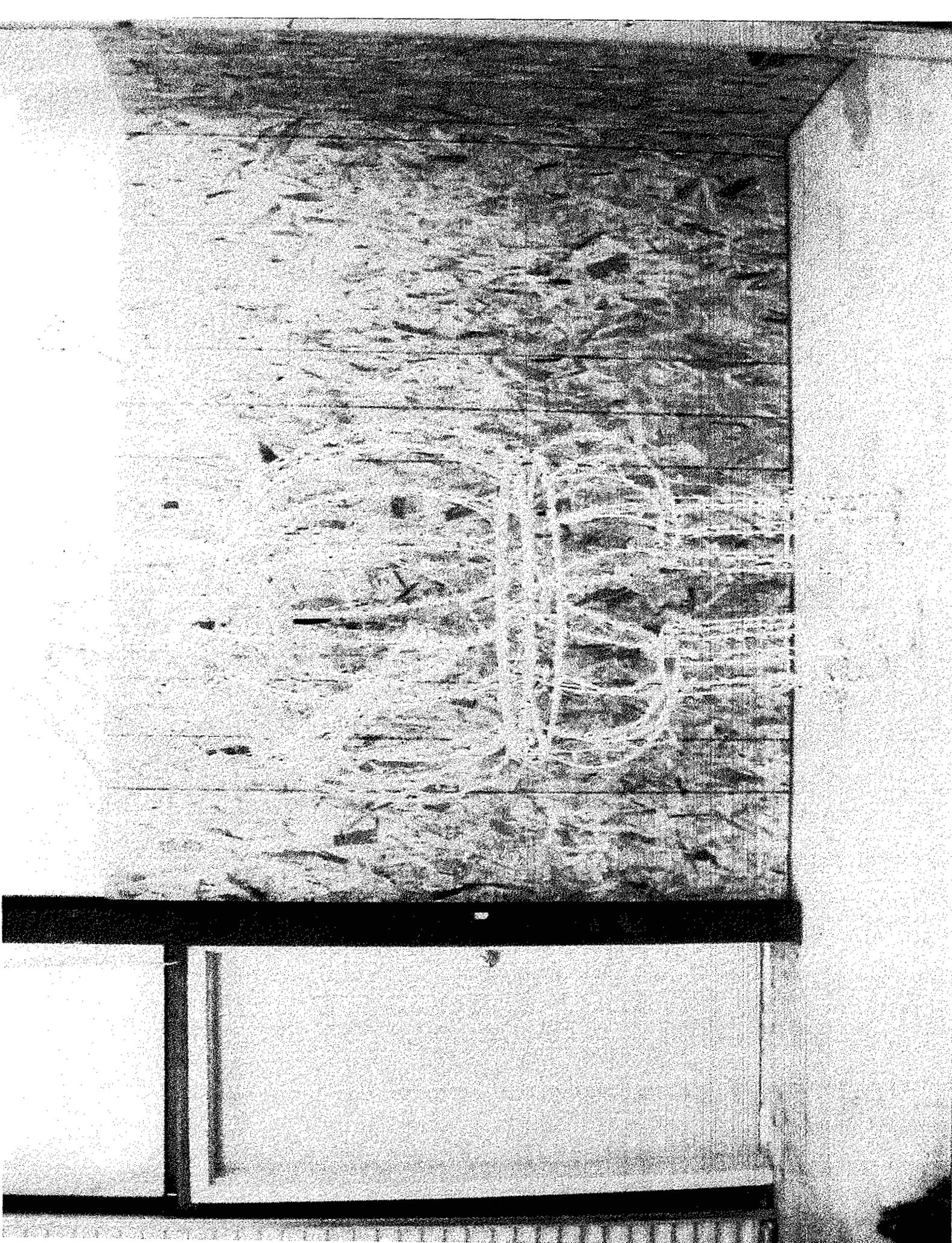
**III. Approval of minutes – The minutes of September were read, accepted and approved as read.**

### **IV. Subcommittee Reports**

- a) Christmas Decorations Subcommittee -- Nancy Henderson reported that she and Frieda had plugged in and tested the santas and strings of lights. They ended up in the surplus pile. Marshall said that 126 Christmas tree pole decorations and 2 wired santas had been unused for over six years needed to go to surplus. A motion was made by Dorothy Morrison and seconded by Bea Wilson to put these items in surplus. The motion passed by unanimous vote. Marshall also informed the committee of this years Christmas schedule. Starting November 13 they would start pulling and testing pole decorations and putting them up the following week. Then they would start putting up stationary decorations. The area to be decorated goes from Main Street (KFC) to Johnson or Woodbridge (Holy Cross). Marshall reviewed plans for The Christmas Parade and decorations. A motion was made by Vincent Russo and seconded by Dorothy Morrison to install permanent base lighting on the Bradford trees at Lott Park. This was voted on the passed by unanimous vote. A Christmas Planning Committee was formed with Nancy Henderson and Frieda Romanchuck as co-chairs. The following ladies volunteered to be on that committee, Dorothy Morrison, Carollee Grindel, Bea Wilson, Jessia Prater, and Anne Talton. They will meet Monday morning at the barn on Johnson Road at 10:00.







**Suzanne**

---

**From:** Becky [becjer@bellsouth.net]  
**Sent:** Thursday, November 09, 2006 11:28 AM  
**To:** hensonsm@bellsouth.net  
**Subject:** RE: Approval of Surplus Property

November 9, 2006

Suzanne.

In my research of surplus items it seems that back in the early 1990's surplus items were considered under the Buildings and Property Committee. 1993 is the last instance showing Buildings and Property handling these items. The first instance in the Finance minutes of surplus items was in 1997.

I will put the hard copies of these minutes in your box.

Rebecca Hayes  
Assistant City Clerk  
Daphne, AL

---

**From:** Suzanne Henson [mailto:hensonsm@bellsouth.net]  
**Sent:** Wednesday, November 08, 2006 3:54 PM  
**To:** 'Becky'  
**Subject:** Approval of Surplus Property

Becky,  
Could you please respond as to what you found in your research of what Committee has previously approved City Vehicles and Equipment to be declared surplus property.

Thank you for your research!

*Suzanne Henson*  
*Sr. Accountant*

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

**Surplus Discussed at Buildings & Property Committee**

2/18/1991 Resolution 1991-06 (List of items)  
 11/16/1992 "There were some questions on how to sell surplus property" ...  
 6/21/1993 Discussed departments takin an inventory of all surplus items for review...  
 7/14/1993 received one list of surplus items from the fire department  
 11/15/1993 ...going to Civic Center to look at some surplus items  
 ...none of the department supplied the Committee with a surplus item list six  
 11/3/1993 months ago when it was requested.

**City of Daphne Surplus Schedule**

**Surplus Sales directed through the Finance Committee**

<u>Surplus Sale Date</u>	<u>Total Sold \$</u>	
6/25/1997	\$ 13,030.34	
8/19/1998	\$ 4,968.47	
11/17/1999	\$ 8,222.50	
3/21/2001	\$ 7,209.47	
11/5/2003	\$ 37,697.76	
8/17/2006	\$ 3,898.00	Online Auction
8/30/2006	\$ 11,584.27	Online Auction
9/26/2006	\$ 3,402.10	Online Auction
11/2/2006	\$ 2,435.00	Online Auction
	<u>\$ 92,447.91</u>	

**Surplus Discussed at Finance Committee followed by Resolutions being Adopted**

<u>Date Resolution Adopted</u>	<u>Resolution #</u>
3/17/1997	1997-29
5/22/1997	1997-42
7/20/1998	1998-54
7/20/1998	1998-55
8/17/1998	1998-65
6/7/1999	1999-39
11/1/1999	1999-88
11/15/1999	1999-93
4/3/2000	2000-17
1/19/2001	2001-15
2/19/2001	2001-16
12/16/2002	2002-73
12/16/2002	2002-74
4/21/2003	2003-32
10/20/2003	2003-73
10/20/2003	2003-74
11/3/2003	2003-77
2/2/2004	2004-07
6/20/2005	2005-49
5/17/2005	2005-43
5/17/2005	2005-40
11/21/2005	2005-81
12/19/2005	2005-88
4/17/2006	2006-39
6/19/2006	2006-55
8/21/2006	2006-70
10/16/2006	2006-88
10/16/2006	2006-89

Some Res are for  
 Donations/Recycling...  
 not all for sale

**TO:** Finance Committee

**FROM:** Kim Briley, Finance Director 

**DATE:** November 2, 2006

**RE:** Depository: Eastern Shore Pledged Tax Debt Service Account

Requests for Proposals (RFPs) were received for the depository for the Debt Service Fund relative to the 2006 Series Limited Obligation Special Tax Warrants (Eastern Shore Park Pledged Tax Account).

The three responding banks were First Gulf Bank, Regions Bank, and Compass Bank.

**Recommendation that First Gulf Bank be named the depository for the Eastern Shore Park Pledged Tax Debt Service Account.**

This recommendation is based on the following factors:

- Interest earned on 100% of the account balance
- All fees waived
- Interest Rate based on the Federal Funds Sold Rate minus 40 basis points (currently 4.70%)

  
Approved For Agenda  
\_\_\_\_\_  
Signature 11-2-06  
\_\_\_\_\_  
Date

# TREASURER'S REPORT

As of October 2006

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	\$7,321,917.94
OPERATING ACCT	COMPASS	(\$250,534.27)
PAYROLL ACCT	COMPASS	(\$80,969.30)
MUNICIPAL COURT	COMPASS	\$294,249.68
		<u>\$7,284,664.05</u>
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$2,759.02
4 CENT GAS TAX	FIRST GULF	\$102,029.24
7 CENT GAS TAX	FIRST GULF	\$189,502.39
		<u>\$294,290.65</u>
<b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$712.39
CAPITAL RESERVE	WACHOVIA	\$3,918,445.17
97 WARRANT CONS	WACHOVIA	\$5,047.88
99 WARRANT CONS	REGIONS	\$557,264.34
2000 CONSTRUCTION	REGIONS	\$90,767.43
2006 CONSTRUCTION	WACHOVIA	\$10,618,146.42
		<u>\$15,190,383.63</u>
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	WACHOVIA	\$1,299,283.09
		<u>\$24,068,621.42</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66
March	604,374.14	595,340.89	662,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16
<b>Totals</b>	<b>6,634,029.78</b>	<b>7,110,160.82</b>	<b>7,751,180.20</b>	<b>8,144,772.44</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>

### FY 2006 BUDGET/ACTUAL COMPARISONS

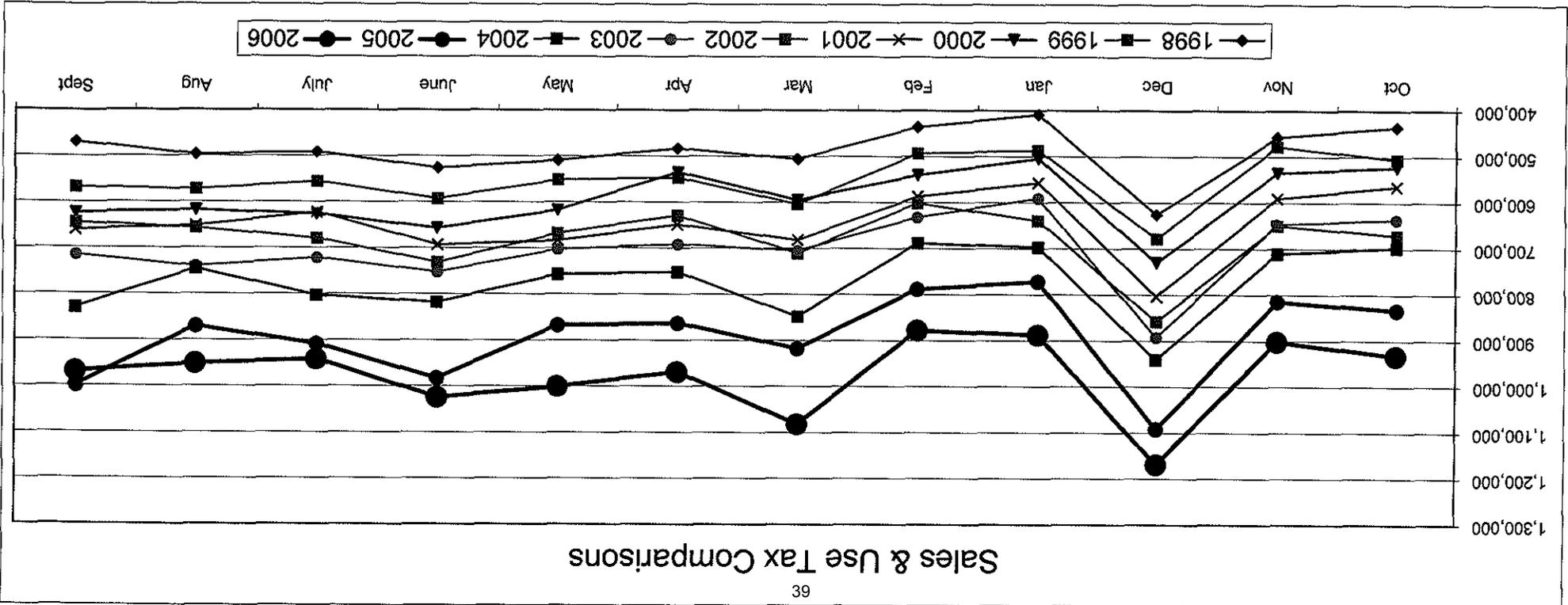
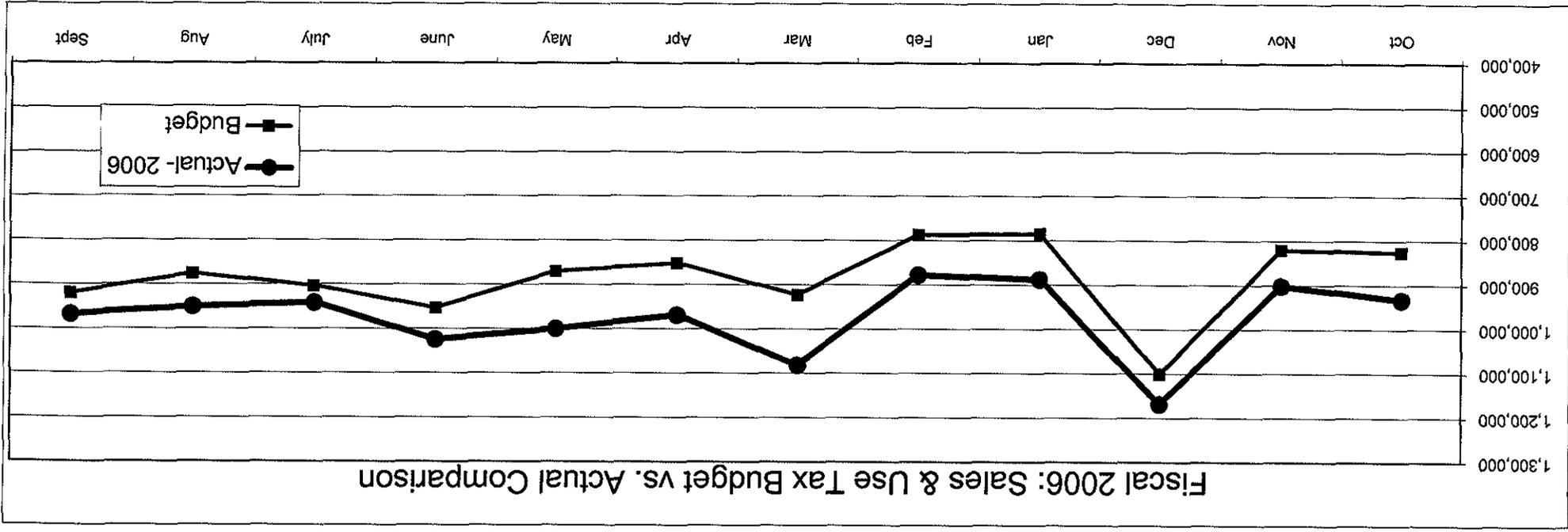
	Actual-2006	Budget	Monthiv Variance	YTD Variance	% of Budget
October	932,634.66	925,474	107,160.68	107,160.68	12.98%
November	901,512.38	820,652	80,860.42	188,021.10	9.85%
December	1,168,443.68	1,100,098	68,345.56	256,366.66	6.21%
January	887,468.11	785,065	102,403.51	358,770.17	13.04%
February	878,123.66	787,808	90,316.12	449,086.29	11.46%
March	1,081,774.83	923,786	157,988.83	607,075.12	17.10%
April	968,760.72	852,157	116,604.14	723,679.26	13.68%
May	1,000,424.48	870,852	129,572.92	853,252.18	14.88%
June	1,024,091.07	952,994	71,096.59	924,348.77	7.46%
July	941,407.68	903,547	37,860.86	962,209.63	4.19%
August	950,539.01	875,817	74,722.41	1,036,932.04	8.53%
September	967,616.16	920,338	47,278.38	1,084,210.42	5.14%
<b>Totals</b>	<b>11,702,796.44</b>	<b>10,618,586</b>	<b>1,084,210.42</b>		

### FISCAL YEAR COMPARISONS

	<u>\$ Change</u>							<u>Percent Change</u>						
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,677.29	86,846.35	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	10.66%
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	7.09%
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	14.96%
February	47,155.06	47,027.83	14,224.16	30,439.25	55,787.23	100,403.54	89,298.58	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	11.32%
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31	163,942.66	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	17.86%
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26	105,615.91	-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	12.24%
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95	132,978.04	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	15.33%
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26	41,227.61	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	4.19%
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,280.24	105,524.99	32,831.55	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	3.61%
August	45,662.10	34,316.03	4,622.92	82,865.72	5,326.70	124,497.78	80,720.90	7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	9.28%
September	56,331.49	36,834.37	(15,864.68)	70,813.95	114,619.44	168,215.28	(30,859.92)	9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	-3.09%
<b>Annual \$ Change</b>	<b>476,131.04</b>	<b>641,019.38</b>	<b>393,592.24</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>7.18%</b>	<b>9.02%</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>	<b>9.29%</b>

TOTAL collections: FY 05	10,708,261
TOTAL est. bdgt coll: FY 06	10,618,586
Budgeted Dollar Variance 05/06	(89,675)
Budgeted Percent Variance 05/06	-0.84%

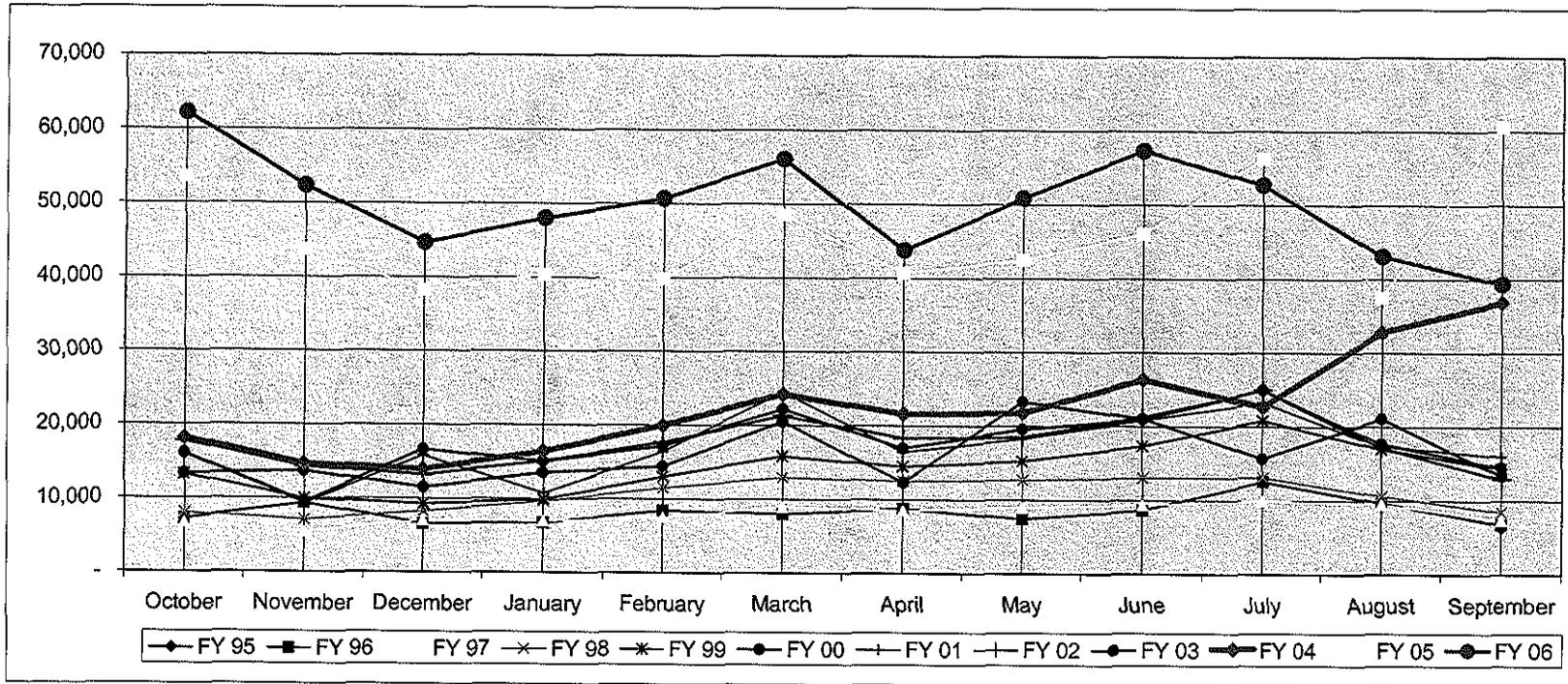
TOTAL collections: 9-30-06	11,702,796
Budgeted:10-1-05 to 9-30-06	10,618,586
Actual Coll>(<)Budget, 9-30-06	1,084,210
% Over/(Under) Budget, 9-30-06	10.21%



## Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
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
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
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
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
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
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
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
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
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
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
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68

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



<u>FY 2006 Budget</u>	617,000
<u>% Budget Collected</u>	
<u>9/30/2006</u>	97%

NEW BUSINESSES  
OCTOBER 2006

<b>BAY BANK</b>	
BAY BANK	1
SUNTRUST MORTGAGE	1
O'REILLY AUTO PARTS	1
BLADWIN DENTURE CENTER	1
NADARAJAN, ANNAMALAI	1
CAMILLIA CAFÉ	1
SIGNATURE PROPERTIES	1
COMFORT KEEPERS	1
J DAVID MAY & ASSOC	1
POSH HAIR GALLERY & SPA	1
BATH HOUSE	1
FARLOW & ASSOCIATES	1
HARBISON & HOYT LLC	1
SUMMERSET	1
COASTAL INTERIORS	1

<b>OUTSIDE CITY LIMITS</b>	
SPRINGHILL REAL ESTATE	1
SUNBELT CRUSHING	1
CLASSIC RENTALS INC	1
CLOSE TO MY HEART	1
WINCOR NIXDORT INC	1
THE FIRE PRO	1
WAUSAU TILE INC	1
PJ FOOD SERVICE	1
FIXTUR-WORLD INC	1
CONSOLIDATED METALS INC	1
FRANKLIN DESIGNS	1
GIANT RESOURCE RECOVERY	1
RCS SYSTEMS	1
VERMEER ALABAMA	1
IN HOME ARTS INC	1
CPW LLC	1
BURTS BEES INC	1
GLOBAL KNOWLEDGE	1
CHRISTIE DIGITAL SYSTEMS USA	1
SEALLY MATTRESS CO	1
HCC	1
PIONEER MANUFACTURING	1
CAROLINA CABINET CO	1
INTERIORS BY DECORATING DEN	1
LANGFORD TREE SER.	1
PEN & INK OFFICE SUPPLIES	1
ROUNTREE LANDSCAPE	1
PARADISE MARINE CENTER	1
<b>OUTSIDE CITY LIMITS</b>	<b>28</b>

<b>CONTRACTORS</b>	
MALLY, RUBENSTIEN, ROSENTHAL	1
FOLEY CONSTRUCTION	1
GULF COAST SHEET & PLATE	1
DAVE'S ROOFING & REPAIR INC	1
L&L DRYWALL	1
BEDGOOD HEATING & AIR	1
MARIO VALRIE	1
CONTRACTOR SERVICES	1
DON GARNER CONS.	1
GLAZIK CONSTRUCTION	1
GRAY'S TREE SERVICE	1
BILL DOBBINS HOMES	1
RPM ORNAMENTAL SPC	1
RICHARD SORRELL BUILDERS	1
BURFORDS TREE INC	1
DIXIE PLUMBING	1
A PLUS CONTRACTING	1
COASTLINE CONSTRUCTION SERVI	1
NAKAM ENTERPRISES	1
J & A CONCRETE SER.	1
MOODY'S ELECTRIC INC	1
GARY A FORSHEE	1
PHILLIPS & JORDAN	1
WISE HAULING	1
<b>CONTRACTORS</b>	<b>24</b>

<b>INSURANCE</b>	
ADVANTAGE WORKERS COMPENSA/	1
AMERICAN CENTURY CASUALTY CC	1
AMERICAN SENTINEL INS CO	1
ASSURANCE AMERICA INS CO	1
ASSURITY LIFE INS CO	1
AUTO CLUB FAMILY INS	1
AUTOMOBILE CLUB INS	1
BENCHMARK INS CO	1
BOSTON MUTUAL LIFE	1
BRIDGEFIELD CASUALTY INS CO	1
CONTINENTAL LIFE INS	1
FEDERAL LIFE INS CO	1
FIRST ACCEPTANCE	1
FIRST AMERICAN HOME	1
FLORIDA COMBINED LIFE	1
GUARANTEE CO OF NA	1
HEALTHSPRING OF AL	1
HOMESITE INS CO	1
IDEALIFE INS CO	1
MAGNA INS CO	1
MOUNTAIN INS CO	1
OLD REPUBLIC INS	1
SECURITY MUTUAL LIFE	1
STONINGTON INS CO	1
TIAA-CREFF LIFE INS	1
UNITY MUTUAL LIFE INS	1
<b>INSURANCE</b>	<b>24</b>

<b>TOTAL NEW BUSINESSES</b>	<b>91</b>
-----------------------------	-----------

## **Buildings and Property Committee Meeting**

**November 3, 2006**

**10:00 a.m.**

**City of Daphne**

**Council Chambers**

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Ken Eslava, Public Works, Director

Richard Merchant, Buildings Inspector

Jeff Hudson, Gatlin & Hudson

Mr. Lonnie Trautman, YESCO Sign Company

Frank Barnett, Maintenance Supervisor

Minutes

The meeting opened at 10:05 a.m. with a discussion of the new City Hall project. Mr. Jeff Hudson of Gatlin & Hudson presented the Committee with the project bid results. Rod Cooke Construction was the low bid with \$6,778,000 for a total base bid. Mr. Hudson recommended add alternates that would take the project total cost with alternates to \$7,240,500. Mr. Hudson stated that he would present these proposed changes at the next Council work session. The Committee and Mr. Hudson stated that they were excited that the bid came in under budget. Construction for the project should start in December. The first phase of the project should take about thirteen months if the project is approved at the second Council meeting in November.

The Committee discussed improvements to the Richard Scardamalia Pavilion at Bayfront Park. Mr. Hudson was asked to present a proposal for upgrading the facility at the next Committee meeting.

Mr. Lonnie Trautman of YESCO Sign Company discussed various aspects of electronic signage. The Committee discussed the need for the signage and possible construction concerns. Mr. Frank Barnett, Maintenance Supervisor was asked to place a mock sign in the area so that the Committee can view what the sign might look like when erected. Mr. Barnett also discussed his ongoing search for a company who can install the stage floor at the Civic Center.

Councilman Palumbo stated that he and the Committee are waiting to hear from the representatives at Huntington and Faulkner Community College concerning using the

Eastern Star Building for classes. It was further discussed that this type project would allow the building to be used in a manner which would be agreeable to the purpose that was in mind by those who gave the facility to the City.

Ken Eslava, Public Works Director reported to the Committee that the cost to erect a 50'x60' Kemko type building in the Park City Community on City land would cost @\$41,196.90. The original request from the Park City POA was for the old Planning Building structure behind City Hall. However, Mr. Eslava stated that this structure would not be feasible for the Park City project and would be better used as a shed for mowers at the Public Works Department.

The Park City POA would provide the engineering, foundation work, electrical, etc. for the proposed KEMKO type building. The facility would be a City facility for City usage however, Park City residents would be able to use the facility just as any citizen or the City would. Councilman Palumbo requested that Mr. Eslava report to the Committee the full scope of the project and details concerning who would manage the facility. Mr. Eslava stated that he will make a report at the next Buildings and Property meeting.

Mr. Eslava made request for \$27,000 to rework the old Planning building for a building to house lawn mowers. Mr. Eslava stated that this would save money as a new building would cost about \$41,000 vs. the \$27,000 to rework the old Planning building. The Committee discussed the need to have this building removed soon to make way for the proposed new City Hall project. **Motion** by Councilman Palumbo to make request to the Council to approve the request for \$27,000 to relocate the old Planning building to Public Works. **Seconded** by Councilman Lake. **Motion Approved.**

Mr. Richard Merchant, Building Inspector discussed various aspects of building permits.

Meeting adjourned at 11:15 a.m.

## Public Safety Committee

*Tuesday, November 7, 2006*

Councilman Greg Burnam, Chairman  
Councilman Gus Palumbo  
Councilwoman Regina Landry  
Fire Chief Mund Hanson  
PW Sup. Melvin McCarley

Police Chief David Carpenter  
Captain David Wilson  
Captain Randy Bishop  
Captain Scott Taylor  
Michele Hanson - Secretary

### **Committee Members Attending:**

Councilwoman Regina Landry, Councilman Gus Palumbo, Chief David Carpenter, Capt. David Wilson, Capt. Randy Bishop, Capt. Scott Taylor, Chief Hanson and PW Sup. Melvin McCarley.

Also Present: Lt. Daniel Bell, Barbara Hoffman, Richard Johnson, Rick & Tammy Smith, Alison Haas and Susan Rife.

### **CALL TO ORDER**

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

### **PUBLIC PARTICIPATION**

#### **1) Light at Pinehill & North Main - James Packer**

Committee reviewed the traffic study for this location. Mr. Palumbo agreed there is a lot of traffic at this intersection, however very little violations. Chief Carpenter stated it is very difficult for those on Pinehill to get onto North Main. There was no action taken on this issue. Melvin will check with Ken to see if North Main can be 3-laned.

#### **2) Speed Hump on Bit & Spur Drive - Barbara Hoffman**

Mrs. Hoffman submitted to the committee a request for a speed hump on Bit & Spur Drive. She is concerned for the safety of the children in the neighborhood. Mr. Richard Johnson submitted a report also. He stated the speed limit for this street is 25 mph. His concern is with the curves on the street, he feels that 25 mph on a straight stretch of street is acceptable however in the curve the sight distance is limited and speed is too high. He would like the speed lowered in the curve to 15 mph. Mr. Palumbo stated there was a letter sent in opposition to the speed humps being placed on Bit & Spur. Chief Carpenter stated we could reduce the speed limit on that street, especially in the curve. Mr. McCarley stated he can install "Children at Play" signs and put 15 mph signs in the curves only. Mr. Palumbo asked that the signs be installed and the residents report the results at the December meeting.

#### **3) Opposition to speed hump on Bit & Spur Drive - Anonymous**

Mr. Palumbo read the opposition letter.

#### **4) 4-way Stop @ Stratford Glen Drive & Hamlet Ln. - Susan Rife**

Ms. Rife requested a 4-way stop at the intersection of Stratford Glen Dr. and Hamlet Lane. She stated this intersection is located on a hill and there is a blind spot. Mr. McCarley will look at the intersection and will make a recommendation at the December meeting.

#### **5) Stop Sign @ TimberCreek Blvd & Pine Run - Jim Clarke**

Mr. Clarke was unable to attend the meeting and asked to be placed on the December agenda.

#### **6) Speed Limit reduced request on Fairway Dr. - Ruth Slay**

Mrs. Slay was not present.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING  
Minutes from October 3, 2006 Meeting**

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

**FIRE DEPARTMENT**

**A. New Business**

**1. Statistics for September 2006**

Chief Hanson reviewed the stats for September. Chief Hanson explained that the figures from last month were corrected. The figures reported last month included mutual aid calls, which made the dollar amount higher on property loss. Mr. Palumbo asked how Station #4 was doing. Chief Hanson stated the call volume has increased since manning the station.

**B. Old Business**

Chief Hanson thanked the council for approving the ALS program for the department.

**POLICE DEPARTMENT**

**A. New Business**

**1. Statistics for September 2006**

Chief Carpenter reviewed the stats for September. He briefed the committee on the robberies that have occurred in Daphne.

**2. Officer Pay**

Chief Carpenter stated that another officer has left to go back to Mobile due to pay. He stated that this officer started at Grade 13 Step 3 because he was a trained officer from Mobile. Chief Carpenter stated the department is working on a presentation to give to the Public Safety Committee to increase police officer pay.

**B. Old Business**

**OTHER BUSINESS**

**ADJOURN**

There being no further business to discuss, Mr. Palumbo **adjourned** the meeting at 5:30 p.m. The next meeting will be **Tuesday, December 5, 2006 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: September, 2006**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	-	2
11-Structure Fire/Commercial	-	4
11-Structure Fire/Residential	2	21
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	3	26
14-Natural Vegetation Fire	2	18
15-Outside Rubbish Fire	-	8
16-Special Outside Fire	-	1
17-Cultivated Vegetable Crop Fire	-	-
<b>2-Overpressure Rupture:</b>	-	1
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	101	1,318
<b>4-Hazardous Conditions (No fire):</b>	4	42
<b>5-Service Call:</b>	14	111
<b>6-Good Intent Call:</b>	12	137
<b>7-False Alarm &amp; False Call:</b>	9	107
<b>8-Severe Weather &amp; Natural Disaster:</b>	-	2
<b>9-Other Situation:</b>	-	5
<b>Total Emergency Calls:</b>	<b>124</b>	<b>1584</b>
<b>Monthly Total Calls:</b>	<b>147</b>	<b>1803</b>
<b>Response Time:</b>		
<b>Highest:</b>	12	15
<b>Lowest:</b>	1	1
<b>Average (Minutes/Seconds) :</b>	4/14	4/25
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	210	3082.25
<b>Property Loss - \$</b>	24,650	232,330
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	-/-	-/2
<b>Child Passenger Safety Seat Inspections/Installations</b>	6	121
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	4	89
<b>Persons Attending</b>	113	4,869
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	10	86
<b>Final/Certificate of Occupancy</b>	-	41
<b>General/Annual Inspections</b>	141	1,872
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	14	210
<b>Business Licenses</b>	8	111
<b>Consultations</b>	-	7
<b>All Other/Misc. Activities</b>	1	23
<b>Total Activities:</b>	<b>174</b>	<b>2350</b>

Authorized by:

*A. Mund Hanson*

A. Mund Hanson

Daphne Police Department			Monthly Report			September 2006				
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		(Capt. Wilson)				
						YTD				
# Complaints	1,314	# New Cases Received:	56	Total Arrestees Received & Processed:	213	<u>2,180</u>	# Misd. Marijuana Arrest	4	Arson	0
# Misd. Arrests	45	# Previous Unsolved Cases:	113	Arrestees by Agency:			# Felony Marijuana Arrest	1	Burglary – Commercial	3
# Felony Arrests	21	# Cases Solved:	17	Daphne PD	140	1,297	# Controlled Substance Arrest:	4	Burglary – Residence	5
# Citations	257	Resulting in Total Arrests:		BCSO	8	<u>163</u>	# Drug Paraphernalia Arrest	3	Burglary - Vehicle	2
# Close Patrols	100	Felonies:	5	Loxley PD	32	<u>324</u>			Criminal Mischief	19
# Warnings	170	Misdemeanors:	1	Silverhill PD	14	<u>136</u>	Vehicles Searched	17	Disorderly Conduct	3
# Motorist Assist	221	Houses Searched	0	Spanish Fort PD	16	<u>192</u>			Domestic Disturbance	16
# Alias Warrants	64			Troopers	2	<u>41</u>	Drugs Seized:Cocaine, Methadone	Marijuana	False Info to Police	1
# Roadway Accidents	65			INS	0	<u>0</u>	Money Seized	0	Felony Assault	0
# Private Prop. Accidents	22	<b>Warrants:</b>		Other Agencies	1	<u>28</u>	Vehicles Seized	0	Felony Theft	16
# DUI's	10	Bettner Served	61						Harassment	10
Traffic Homicide	0	Officer Served	36	Highest	56		<b>Animal Control</b>		Identity Theft	7
		Recalls (Pd Fines)	38	Lowest	43		#Complaints	53	Indecent Exposure	1
		Total Warrants Served	135				#Follow-ups	96	Kidnapping	0
				Meals Served	3,682	25,108	#Citations	4	Menacing	2
		<b>Sex Offender:</b>		Medical Cost	\$3,106.94	25,581.02	#Warnings	3	Misdemeanor Assault	1
		New Registration:	0	Worker Inmate Hours	567	9,429	#Felines Captured	27	Misdemeanor Theft	44
		Contact Verification	1				#Canines Captured	34	Murder	0
		Total # registered in Daphne	6				#Other Captured	7	Other Death Investigations	2
		<b>DARE:</b>					#Returned to Owner	13	Public Intoxication	0
		# Hours Report Writing:	16				#Adopted Out	24	Public Lewdness	0
		# Students Instructed SRO	100				#Euthanized	35	Receiving Stolen Property	3
		# Students Instructed DARE	310						Reckless Endangerment	1
		# Police Reports by SRO	12						Resisting Arrest	0
		# Arrest by SRO	1						Robbery	0
									Sex Crime Investigations	0
		<b>CODE ENFORCEMENT:</b>							Suicide	0
		Warnings:	3						Suicide, attempted	1
		Citations	8						Theft of Services	0
		Warning Compliance	3						Unauthorized Use of Services	0
		Follow – Up	27						Weapon Offenses	0
									White Collar Crimes	10
<b>Approved by:</b>				David Carpenter, Chief of Police						



**Ordinance Committee**

*Tuesday November 7, 2006  
City Hall Council Chambers  
5:30 p.m.*

*Councilwoman Regina Landry, Chairperson  
Councilman Greg Burnam  
Councilman Gus Palumbo*

*City Attorney Jay Ross  
Attorney Meredith Turpin  
Code Enforcement Officer Ed Kirby*

**I. CALL TO ORDER/MEMBERS PRESENT**

Mrs. Landry called the meeting to order at 5:37 p.m.

MEMBERS PRESENT: Regina Landry, Gus Palumbo.

Absent: Greg Burnam.

Also Present: Rebecca Hayes, Jay Ross, Meredith Turpin, Ashley Campbell, Melinda Immel

Absent: David Cohen

**II. PUBLIC PARTICIPATION**

No one spoke.

**III. APPROVAL OF MINUTES**

No minutes to approve.

**IV. ORDINANCE REVIEW/DISCUSSION**

**a.) Clay and Sand Ordinance**

Mrs. Campbell stated that the ordinance is for bluff repair. She said the ordinance prohibits using all clay in repairing bluffs. The mix should be 10% clay and 90% sand. She hopes the ordinance will stop the clay run off into the bay.

The committee requested that this ordinance be on the December 5<sup>th</sup> meeting.

**b.) Erosion and Sediment Control Ordinance**

Mrs. Campbell stated that this will cover individual homes and land disturbance that does not come under Mr. Eady or the Right-of-Way Ordinance. She said that the cost of the permit has already been approved at \$50.00.

The committee requested that this ordinance be on the December 5<sup>th</sup> meeting.

**b.) Gas Ordinance**

Mrs. Immel stated that the Utilities wanted the pressure test of new and old fuel lines to be inspected by the city’s Building Inspection Department. She stated that the Building Official wanted this to be under his department. She pointed out the changes from the first draft of the ordinance.

Mr. Ross stated that a public hearing should be held.

The committee made a change to Section III – C – Penalties - from 6 months in jail to 180 days, and asked Mrs. Immel to correct the ordinance, highlight all the changes including the one just made and e-mail it to the committee members and council. Since they have seen the ordinance before they recommended that it be sent on to council to set a public hearing date to consider the ordinance.

**MOTION BY Mrs. Landry to send this ordinance to council with the changes. Seconded by Mr. Palumbo.**

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

**VI. ADJOURN**

There being no further business to discuss Mrs. Landry adjourned the meeting at 6:35 p.m. The next meeting will be Tuesday, December 5, 2006 at 5:30 p.m. in the Council Chambers at City Hall.

Respectfully submitted,

City of Daphne Ordinance Committee

# ***Daphne Beautification Committee***

City Hall 1705 Main St. Daphne, AL

## **Meeting Minutes**

October 6, 2006

**Meeting:** General Membership Meeting 10:00 a.m.

**Invitees:** Stark Irvine

**City Liaison:** Marshall Parsons, Marjorie Bellue

### **Members:**

Chair: Carollee Grindel (4)	Jerry Guillott (4)	Audrey Rouire (6)
Vice Chair: Vincent Russo (2)	Tomasina Werner (4)	Jessia Prater (1)
Secretary: Anne Talton (7)	Dorothy Rankins (5)	Bea Wilson (2)
Frieda Romanchuk (7)	Patty Kearney (5)	Nancy Henderson (3)
Marilyn O'Connor Moore (2)	Dorothy Morrison (2)	Toni James (1)
Francis Harold (1)		

- I. Call to order** -10:03 a.m.
- II. Roll call** – Carollee Grindel, Vincent Russo, Anne Talton, Marilyn O’Connor Moore, Tomasina Werner, Dorothy Rankins, Patty Kearney, Dorothy Morrison, Audrey Rouire, Jessia Prater, Bea Wilson, Nancy Henderson, Toni James, Francis Harold, Guests were Shannon Spivey from the Mayors Office and Robin Andrew from the Recreation Department’s (Christmas Parade Planner).
- III. Approval of minutes** – The minutes of September were read, accepted and approved as read.
- IV. Subcommittee Reports**
  - a) Christmas Decorations Subcommittee – Nancy Henderson reported that she and Frieda had plugged in and tested the santas and strings of lights. They ended up in the surplus pile. Marshall said that 126 Christmas tree pole decorations and 2 wired santas had been unused for over six years needed to go to surplus. A motion was made by Dorothy Morrison and seconded by Bea Wilson to put these items in surplus. The motion passed by unanimous vote. Marshall also informed the committee of this years Christmas schedule. Starting November 13 they would start pulling and testing pole decorations and putting them up the following week. Then they would start putting up stationary decorations. The area to be decorated goes from Main Street (KFC) to Johnson or Woodbridge (Holy Cross). Marshall reviewed plans for The Christmas Parade and decorations. A motion was made by Vincent Russo and seconded by Dorothy Morrison to install permanent base lighting on the Bradford pear trees at Lott Park. This was voted on the passed by unanimous vote. A Christmas Planning Committee was formed with Nancy Henderson and Frieda Romanchuck as co-chairs. The following ladies volunteered to be on that committee, Dorothy Morrison, Carollee Grindel, Bea Wilson, Jessia Prater, and Anne Talton. They will meet Monday morning at the barn on Johnson Road at 10:00.

- b) Butterfly Garden Subcommittee – Carollee reported that they are working on funding and getting more Master Gardeners to help. The Trailblazers put in a grant to put trees on the north side with the help of Alabama Power.
- c) Arbor Day Subcommittee – Anne Talton said that they met recently with Marjorie and her committee. They would be typing and redoing a list of the available trees as well as a brochure. She read an email from Patty Kearney who had arranged a tree planting ceremony at Daphne High School to celebrate Arbor Day and Tomasina Werner would be doing the publicity for our committee.
- d) Community Garden Subcommittee – Carollee said that this was on hold for the time being.

## **V. Open business**

- a) Budget Request – Our Committee members went to the city hall meeting and were warmly received with a request for our priorities list. Carollee will send that list to each Council member. Then we discussed our gateway sign on Ryan Street and Scenic 98, the photo that we took and the reason for the delay in putting up the sign. Marshall said that the power poles were in the way and Riviera would have them up in two weeks and then he could get the sign in the ground and we can get a new photo.
- b) Charter – Latest Revision – Carollee is working on the history that will be added.

## **VI. New business**

- a) Plans for downtown Daphne from the Downtown Redevelopment Authority (DRA) were reviewed for us by Starke Irvine. He explained that an overlay district was done to save Old Towne Daphne. There will be an adult park like setting in front of City Hall with an Italian Fountain and the statue of Daphne, which was sculptured by Fran Neumann. A study showed a need for two story buildings and more of them have been added to downtown. Anne asked if a large wood carved sign could be put on Highway 98 to designate Old Towne Daphne’s area or the direction to that area. A discussion was held on Centennial Park and the need to make it more accessible.
- b) Vincent Russo asked about the new Riviera building on Johnson Road and the need for landscaping as it is an eyesore as is. Marshal will check on that.
- c) The fallen tree at the elementary school was checked on by Dorothy Morrison. The Bay Minette office said that they would remove the tree by November first. A suggestion was made that she call Tracy Roberts or Frank Trione for any help she needed.

## **VII. Public Works Report**

Marshall reported that Public Works had now taken over the non-athletic parks and he had a new crew to start on projects at each park and to get the trails open again. His office has been treating the pine trees for pine beetle infestation and he is okaying permits by phone. He may be able to get free lumber for the Scenic overlook gazebo. A discussion was held about paying for an architectural design plan. Nothing was agreed upon.

**VIII. Announcements**

Carollee reported that Frieda had checked on the pine trees along the interstate at the new Lowe's shopping mall that are dying. Marshall said that the developer has the responsibility to remove or replace and Ken Eslava will follow up on it.

**IX. Adjournment –11:30**

Respectfully submitted

Anne Talton, Secretary

# ***Daphne Beautification Committee***

***City Hall 1705 Main Street, Daphne, Alabama***

## ***Meeting Minutes***

**November 3, 2006 10:00 AM**

**Meeting:** General Membership Meeting

**Invitees:** Teko Wiseman, Baldwin County Trailblazers

**City Liaison:** Marshall Parsons, Marjorie Bellue

**Members:**

Chair: Carollee Grindel (4)	Jerry Guillott (4)	Audrey Rouire (6)
Vice Chair: Vincent Russo (2)	Tomasina Werner (4)	Jessia Prater (1)
Secretary: Anne Talton (7)	Dorothy Rankins (5)	Bea Wilson (2)
Frieda Romanchuk (7)	Patty Kearney (5)	Nancy Henderson (3)
Marilyn O'Connor Moore (2)	Dorothy Morrison (2)	Toni James
Francis Harold		

- I. Call to Order** 10:07
- II. Roll Call** The following people were present: Carollee Grindel, Jerry Guillott, Audrey Rouire, Vincent Russo, Tomasina Werner, Jessia Prater, Anne Talton, Dorothy Rankins, Bea Wilson, Frieda Romanchuk, Patty Kearney, Nancy Henderson, Marilyn O'Connor Moore, and Marjorie Bellue. Teko Wiseman visited for the first ten minutes.
- III. Approval of Minutes** The minutes of the October meeting were read, corrected and a motion was made to accept the minutes. The motion passed.
- IV. Public Discussion or Correspondence** Teko Wiseman spoke to us about the Trailblazers. She is working with us on the Butterfly Garden at Alligator Alley and the Trail Blazers applied for a grant from the Alabama Power. Carollee informed us that they will receive \$500 and that will be enough to purchase 25 native area shade trees for that area. They will go along the path to give shade to walkers. They will get free seeds from the Department of Transportation for the Monarch Butterfly project.
- V. Open Business**
  - a) Budget Request – There was a question on the date of approval. Carollee will check on that later.
  - b) Charter – Latest Revision – waiting on the history. Marjorie has given Carollee two big folders of the past events for her to go through. There was discussion on the need for a historian. This was tabled for later.
  - c) Dead Pine Trees – Frieda showed photos of dead pines at the new Lowe's shopping area. Gus Palumbo is talking to Frank Johnson, the developer about removing or replacing the trees. No action has been taken at this time.

## **VI. New Business**

- a) Downtown Redevelopment Authority (DRA) Liaison – Starke Irvine has asked for someone from our group to be on their committee and they will send someone to sit in on our meetings. The two groups will work towards the consistent betterment of Daphne. Carollee volunteered with Frieda volunteering to be her sub when needed. The meetings are usually held the second Monday at 5:30 p.m.

## **VII. Sub-Committee Reports**

a. Christmas –The Group met on October 9 at 10 a.m. at the barn to discuss the 2006 Christmas needs. They decided to keep it simple this year as the construction was to begin on the City Hall in a few weeks. Also, this is a new group and we have not had time to plan a big Christmas. Toni James and Francis agreed to meet at the barn again on November 13 to help test lights. There was discussion on planning ahead for next year. Anne suggested that we divide Christmas into four subcommittees so that it would not be overwhelming to a few. We could have City Hall, Civic Center, Centennial Park and the Entrance (hill) into the city near I-10. This idea was received well and we will start working on subcommittees again after Christmas.

b. Arbor Day – This group met and are working on a brochure, handouts and other information needed for that event

c. Rose Garden – It was noted that we will not need that subcommittee until after the new City Hall is built and then a new rose garden may be put there.

## **VIII. Public Works Report –**

Anne reported that a large fallen tree from Hurricane Ivan is still in Lake Forest on Ridgewood Drive and she had called Public Works several months ago. Marjorie said that Marshall could check on that for her later.

The “Welcome to Daphne” sign on Ryan is still not up and Marjorie said that we are still waiting for the power company to put up the power poles.

Lott Park Bradford pear trees will have lights in the trees instead of the up lights that we had voted on at the last meeting. Marjorie said that the electrical system would have to be upgraded.

Marshall is working on getting a symposium together for pine beetle infestation.

It was noted with thanks that I 10 and Highway 181 intersection has been cleaned up and looks great.

## **IX. Adjournment - 11:03 a.m.**

Respectfully Submitted

Anne Talton, Secretary

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

---

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF NOVEMBER 2, 2006 - 6:00 P.M. DRAFT  
COUNCIL CHAMBERS, CITY HALL

---

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

Call of Roll:

Members Present:

Willie Robison  
Walt Crimmins  
Glen Swaney, Chairman  
Barry Taylor  
Jeri Hargiss

Members Absent

Billy Mayhand  
Frank Lamb

Staff Present:

William H. Eady, Sr., Director of Community Development  
Pat Houston, Recording Secretary  
Tony Huffman, Attorney

Staff Absent:

Jerry Speegle, Attorney

The Chairman stated with five members present all five will be voting. It will take the approval of four out of the five to pass the appeal, tonight. Well, let us see if everyone would take a few minutes to read over the minutes for approval. The Chair will entertain a motion to accept the minutes as written.

**Approval of Minutes:**

The minutes of the October 5, 2006 meeting were considered for approval.

A **Motion** was made by **Mr. Robinson** and **Seconded** by **Mr. Taylor** to **approve the minutes as written.**

Upon roll call vote, **the Motion carried, unanimously.**

**Mr. Robison           Aye**  
**Mr. Crimmins         Aye**  
**Mr. Swaney           Aye**  
**Mr. Crimmins         Aye**  
**Ms. Hargiss           Aye**

**New Business:**

**Appeal #2006-07 - Resubmitted, Alain & Clara D. Melendez**

The Chairman stated we are here tonight to hear Appeal #2006-07 resubmitted by Mr. Melendez for Captain O'Neal Drive. Mr. Eady, would you start us off.

Mr. Eady stated at our last meeting Mr. Melendez requested a variance on the setback for a piece of property on Captain O'Neal Drive. At that time he was requesting for an eleven foot encroachment on the setback line. The Board asked him to go back and rearrange, I believe, the garage, to move it over in line with the back of the house. Now he has come back asking for a four foot encroachment, which is basically what the Board had asked him to do last meeting. I am not showing any slides tonight because you have already seen them, and you also should have seen a revised page in your packet books with the yellow outline of the home. In it you will see on the one side it says eleven feet to the property line, and on the other it says fifteen feet to the property line so that means that he is asking for a four foot encroachment on the side property line setback.

The Chairman stated okay. I would like to interject a comment, Mr. Eady, we did not really recommend any particular setback to Mr. Melendez, in that we could not. We just gave him the opportunity, I guess, to resubmit with different qualifications, if you will. Mr. Melendez, would you like to add something to this?

Mr. Melendez stated no, sir. Everything Mr. Eady has said is correct. We made the modification to the plans with a different setback from the first request.

The Chairman stated I do have one question. Are all of the big trees still safe?

Mr. Melendez stated yes, sir. They will be. We are changing the footings closer to the parking area. We are pretty scared of the roots of those trees. I think they will be in a safe place.

The Chairman stated okay. Does any of the Board have any questions?

Mr. Eady stated Mr. Chairman we did receive a letter from Mr. McAleer, in fact, he hand delivered it. His home is on one side of this, and he said he does not have a problem with the variance.

The Chairman stated Mr. McAleer lives on Lovett Lane, does he not?

Mr. Eady stated yes, sir.

The Chairman stated any additional questions or comments? If not, the Chair will entertain a motion.

**A Motion was made by Mr. Crimmins and Seconded by Ms. Hargiss to approve Appeal #2006-07, Alain & Clara D. Melendez, for a variance to**

encroach the north side setback line by four-feet at 1113 Captain O'Neal Drive.

Upon roll call vote, the Motion carried.

Mr. Robison	Aye
Mr. Crimmins	Nay
Mr. Swaney	Aye
Mr. Taylor	Aye
Ms. Hargiss	Aye

The Chairman stated the appeal is approved, and he can pick it up on tomorrow, Pat.

Ms. Houston stated yes, sir.

The Chairman stated okay.

Mr. Melendez stated I really appreciate all of your help on this. I do thank you.

The Chairman stated any other old or new business. If not, the Chair will entertain a motion to adjourn.

**Adjournment:**

A Motion was made by Mr. Robison and Seconded by Mr. Crimmins to adjourn. The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:07 p.m.

Respectfully submitted by:

\_\_\_\_\_  
Pat Houston, Recording Secretary

**APPROVED:** December 7, 2006

\_\_\_\_\_  
Glen Swaney, Chairman

/ph

**DOWNTOWN REDEVELOPMENT AUTHORITY  
DAPHNE, AL  
1705 MAIN STREET  
NOVEMBER 13, 2006  
5:30 P.M.**

**1. CALL TO ORDER/ROLLCALL**

Starke Irvine called the meeting to order with a quorum present at 5:37 p.m.

Present: Starke Irvine; Ceann Wachter; Kit Smith; Jackie Ward, Glenn Glass

Members Absent: Chris Donald

Board Members Present: Cathy Barnette; Mayor Small

Board Members Absent: Jeff Hudson; Andy Citrin

Also present: Rebecca Hayes, Recording Secretary; Ryan Glass; Bob Lloyd; Mary Lloyd; Lad Drago; Meredith Turpin, Attorney; Jack West.

**MINUTES**

**MOTION BY Ceann to approve the minutes meetings held October 9, 2006.  
Seconded by Glenn.**

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

**ARCHITECTURAL REVIEW COMMITTEE FOR THE OLDE TOWNE DISTRICT**

Starke appointed a committee to review the sample ordinances and draft one that fits the city's needs. The committee consists of the following:

Jeff Hudson                      Cathy Barnette  
Jackie Ward                      Chris Donald

Starke stated that the committee will meet the week after Thanksgiving.

**FUNDING**

The members discussed getting back on track regarding funding from the city they can go ahead with getting Riviera to put utilities underground. Starke said that he will check on bond costs. Cathy said that she will bring this up Thursday during the Councils discussion of the capital budget.

**DOWNTOWN REDEVELOPMENT AUTHORITY  
DAPHNE, AL  
1705 MAIN STREET  
NOVEMBER 13, 2006  
5:30 P.M.**

**PAGE 2**

**EXTENDING THE OLDE TOWNE DAPHE OVERLAY DISTRICT**

Mr. Jack West stated his reasons for wanting to extend the overlay district down to his property that was once Judge Roy Beans is that the criteria for the overlay district will allow him to carry out his plans for his property, which encompasses ten (10) pieces of property, that will consist of multi-use, village concept and innovative projects.

The members stated that they do not object to the overlay district being extended, but the request will have to go to the Planning Commission with their recommendation.

**RE-APPOINTMENT OF MEMBERS AND TERMS**

Starke stated that he and Becky will work on the terms so that they will not all be expiring at one time and will be staggered. He stated that this will be on the December agenda.

**OTHER BUSINESS**

Ryan Glass gave an update on his restaurant being built behind Centennial Park, and mentioned that he will be opening up Camellia Café until his restaurant is finished. He said it should open next week.

Mr. Bob Lloyd commented on the Architectural Review Committee Ordinance stating that he feels the ordinance should not specify color. He thinks that it should state that a building has to be visually comparable with surrounding buildings. He thinks that is too restrictive.

Meredith stated that if you don't have a standard to go by then it can be arbitrary.

Starke said that the committee can discuss that when working on the ordinance. He asked Bob and Mary if they would like to sit in on the committee meetings and give their input regarding what should be in the ordinance. They said that they would like to.

**NEXT MEETING**

The next meeting will be December 11, 2006.

**ADJOURN**

The meeting adjourned at 6:15 p.m.

**Daphne Library Board  
September 11, 2006  
Meeting Minutes**

**In Attendance:**

Library Director Tonja Young, Board Members Glenn Swaney, Chairman, Cassandra Day, Ernie Seckinger, Anita Rigas, and Friends of the Daphne Library Representative Don Parman. Absent were Gayle Robinson and Council Representatives John Lake and Gus Palumbo.

**Call to Order:**

After a quorum was established, Glenn Swaney called the meeting to order at 4:30 pm.

**Reading and Approval of Minutes:**

The minutes from the August 14, 2006 meeting were reviewed and approved.

**Monthly Report:**

The report for August was presented by the Director and approved by the Board. The numbers were up almost 7%, with over 20,000 total circulation again. Computer users were up also. Tuesday nights are busy now that the Library is open on that night. Adult programming is going well. The staff is working on improving the sound system in the community room for patrons with difficulty hearing.

**Public Participation:**

Don Parman reported on news from the Friends. Six new computers should be shipped within a week. Shelves are being constructed for the children's' area. The sidewalk book sale held during the Jubilee Festival netted over \$1,000. An evening affair to introduce and recognize Tonja as Director is being planned for early November. A fundraiser is being planned for next Spring, possibly a book sale and art auction held in conjunction with BRAG.

**Old Business:**

Discussion followed on fundraising for the new Library addition. A committee is needed to plan the efforts and set up a fund for managing donations. Mr. Swaney informed the Board that he, the Mayor, and Human Resources have worked out a new salary and classification for the Library Director, which will be presented to the Council for approval.

## **Library Issues and Updates:**

### **Staff business:**

Melissa has registered for a good workshop for children in January.

APLS is sponsoring a one-day Conversational Spanish workshop for Library workers. Training money is available so it was decided that staff interested should attend.

Ms Young informed the Board that Mayor Small is providing a 12 week Dale Carnegie course for department heads that she plans to attend.

### **Library Business:**

The Director circulated draft copies of brochures being developed by staff members that can be used in fund raising for the Library. These efforts were admired by the Board and Tonja was asked to continue with this.

It was reported that a meeting was held with Community Foundation representative Tom Davis.

During general discussion, it was decided to see if an event can be planned for the end of the year to kick off the Library addition.

A City Budget work session will be held September 14. Ms Young will attend and ask for two positions for the Library.

Roof repairs are being evaluated.

Grants in Progress include several to supplement the Earth Matters Collection.

After discussion, it was decided that the Board will review the Policy Changes as submitted over the next month and they will be presented at the October meeting for approval or change.

The meeting adjourned at 5:45 pm.

Respectfully submitted by Anita Rigas

**Daphne Library Board  
October 9, 2006  
Meeting Minutes**

**In Attendance:**

Library Director Tonja Young, Board Members Cassandra Day, Ernie Seckinger, and Anita Rigas, Council Representative Gus Palumbo, Reference Librarian Deborah Norris, Capital Campaign Committee members Jan Blankenhorn and Ron Allen, Sue Murrell from Emmett O'Neal Public Library in Birmingham, Alabama. Absent were Glenn Swaney and Gayle Robinson.

**Call to Order:**

After a quorum was established, the meeting was called to order at 4:30 pm.

**Reading and Approval of Minutes:**

The minutes of the September 11, 2006 meeting were reviewed and approved.

**Monthly Reports:**

The Monthly Report for September was presented to the Board and accepted. Ms Young reported that numbers were down 3% but still good.

**Public Participation:**

None

**Old Business:**

Jan and Ron reported that the Capital Campaign Committee met earlier in the day and held preliminary discussions on the new addition including the possibility of asking if the plaza adjacent to the Library could be utilized after the Recreation Center moves to the new recreational facility planned by the City. They decided to hire a professional fundraiser to assist in securing funds. Ernie moved that the Board and the Committee have a joint meeting to formulate a plan of approach together. Cassandra seconded the motion, which carried. The meeting will be Monday, October 16, 2006, at 4:00pm. Mr. Palumbo reminded the Board that the City has allocated \$1 million dollars for this project and suggested it be earmarked specifically for the addition. A copy of the completed Policy Changes was presented for Board signatures.

**New Business:**

It was announced that Glenn Swaney's term has expired and that he wishes to be replaced on the Board. It was unanimously agreed that Ron Allen be presented to the City Council as a Board member at the next Council meeting.

**Library Issues and Updates:**

Tonja passed out a sheet detailing staff activities for the Board. Deborah reported that the "My United States" course for home schoolers is going well. Tonja also informed the Board that the Curtis and Edith Munson Foundation is not making Gulf coast grants this year but they sent the Library two boxes of books and a check for \$500 which will be used in the Earth Matters Collection. It was announced that children are invited to "Trick or Treat" at the Library on October 31 from 4:00-6:00pm.

**Speaker: Sue Murrell from Emmett O'Neal Public Library, Birmingham:**

Ms Murrell, Library Director at the Public Library in Mountain Brook, talked at length about her Library's planning, both financial and architectural, of a significant addition to their Library. Among other things, she advised us to survey patrons and schedule focus group meetings of different ages of patrons to identify needs and wants of our community to include in the new addition. It was also suggested that a 501C3 account be established to handle funds raised and accept donations, and that it would be beneficial to hire a professional fundraiser. Board member makeup was discussed, having people representing various sectors of the community is important to the success of the project. She suggested various ways to recognize contributors. One of the most important things to do first is prepare a Case Statement, written information making clear why this addition is needed and how the money will be spent. Ms Murrell left copies of brochures and financial charts developed by the Emmett O'Neal Library as they planned their addition which can be used as models by our Board and Committee as plans are made for our new addition.

The meeting adjourned at 6:30pm.

Respectfully submitted by Anita Rigas

**Daphne Library Board  
November 13, 2006  
Meeting Minutes**

In Attendance:

Library Director Tonja Young, Board Members Cassandra Day, Gayle Robinson, Ernie Seckinger, Ron Allen, and Anita Rigas, Friends' Representative Don Parman, Capital Campaign Committee member Jan Blankenhorn, City Council Representative Gus Palumbo. Ernie Seckinger was unanimously elected Chairman.

Call to Order:

After a quorum was established, Board Chairman Ernie Seckinger called the meeting to order at 4:30pm, and welcomed new Board member Ron Allen.

Reading and Approval of Minutes:

The minutes of the October 9, 2006 meeting were reviewed and approved.

Monthly Reports:

The Monthly Report for October was presented to the Board and accepted. Ms Young reported a 12% increase in circulation over this time last year, with 19,780 in total circulation. She was asked to come up with a three year statistical graph for the Board to use in informing the Council and citizens about the need for an addition to the Library.

Public Participation:

None

Old Business:

In an update from the Capital Campaign Committee the need to open an account to handle money and donations was expressed. Tonja informed the Board that William Sculley , an active patron, is a lawyer and offered to help with the legal aspect of setting up the fund. She also indicated that the Mayor emailed her that an \$180,000 appropriation for engineering fees has been approved through Congressman Bonner's office and that a request for \$2,000,000 from Jeff Sessions' office has been made. Questions were asked again about how to access the \$1,000,000 earmarked by the City of Daphne for the addition. Mr. Palumbo advised that the money from the City has to be capital funds and can

only be used for actual construction. He suggested that Tonja talk to the City Clerk about grants, funds, etc. to apply for, with timetables and rules. He also suggested that the Committee ask architectural firms we might use to provide some preliminary information pro bono. Tonja informed the Board that Mrs. Maumenee, a Capital Campaign Committee member, has offered to put her in contact with the Fairhope Library architect Mac Walcott, to give general advice and commentary on the addition process. She indicated that Mr. Walcott would like Jeff Hudson, our original architect, to be present to answer questions about the building. The Board approved this as a preliminary meeting to be held before discussions with other architects we may use. Other Board members and committee members were invited to attend. Discussion followed on setting regular meeting dates for the Capital Campaign committee. It was decided that meetings would be two weeks after the regular Board meetings. The next meeting of the committee will be November 28 at 4:00pm.

#### New Business:

Ernie announced that he had received a letter from Anita Rigas resigning from the Board due to family concerns. The resignation was accepted, with thanks to Anita for her service. Motion was made by Gayle Robinson and seconded by Ron Allen to nominate William Scully to finish Anita's term on the Board. Motion carried. It was noted that Gayle Robinson's term is up and Anita moved that she be reappointed to the Board. Cassandra seconded the motion, which passed. Pending Mr. Scully's acceptance, both names will be sent to the next Council meeting for approval.

Mr. Palumbo informed the Board that the City is in negotiation with Faulkner and another university in Alabama to put a college presence in Daphne. This could be a good tool to use in our fundraising. More information will follow as things unfold. He indicated a letter of support from the Board and Friends would be helpful.

#### Library Issues and Updates:

Tonja reported that everyone is doing a good job, staff morale is high. She has several grants in progress and hopes to hear from some of them in the near future.

Her Dale Carnegie course is going well, she even received an award!

She reported that the City Council will soon vote on the Capital Budget and that we hope to get two new employees for the Library, one for the Front Desk and one to be a Children's Assistant. Ernie encouraged everyone to rotate going to the Council and City Committee meetings to be a presence when Library business comes up.

The new Policy Manual is in the process of being completed. Tonja and Deborah are also working on a Staff Procedure Manual, which will be brought to the Board for approval when finished.

A Movie License Fee would allow the Library to show almost any film, including new ones, at the Library. The company Movie Licensing USA covers 95% of all movies, old and new. If we participate, the Library could plan movie nights for children and adults, book clubs could show movies for discussion, and movies related to school subjects could also be shown. Motion was made by Ron and seconded by Gayle, that the Library pay the \$480 fee for one year of service. Motion carried.

Tonja presented the 2007 Holiday Schedule requests for the Library. Motion was made by Ron and seconded by Cassandra that the Board approve the Holiday schedule as presented by the Director. Motion carried. If the City approves the hiring of a new person for the Library we are getting closer to being able to be open for a few hours on Sunday afternoon.

It was noted that the Board needs a second in charge after the Chairman, so Ron Allen was unanimously elected Vice-Chairman. Tonja will take minutes of the meeting in the future.

Closing Comments:

Ernie encourages communication from everyone, questions or comments by email, phone, etc. He also expressed a desire to show appreciation to Glenn Swaney, past Chairman, for his years of service and work for the Library, and indicated that Glenn would be an excellent Project Manager for the new addition.

The meeting adjourned at 6:15pm.

Respectfully submitted by Anita Rigas

**WILLIAM E. SCULLY, JR.**

**P.O. Box 962**

**DAPHNE, ALABAMA 36526**

Email: wescully@bellsouth.net

Phone: 251-626-5052

Facsimile: 251-626-5051

Cell: 251-422-5562

**SUMMARY OF EXPERIENCE:** I am an attorney in private, solo practice with an emphasis on criminal and domestic litigation. I have broad trial and appellate experience in the Federal, State and Military systems. Sole practitioner for 10 years. Also experienced in supervising other attorneys and paralegal personnel.

**EMPLOYMENT HISTORY**

**William E. Scully, Jr., P.C.**

Attorney at Law

Sole Practitioner

Daphne, Alabama 36526

- January 1996 to Present

General Practice with emphasis on litigation, particularly criminal defense. Serve on the Federal CJA panel for the Southern District of Alabama representing indigent federal defendants at the trial level and on appeal. Represented defendants in state criminal court, trying over 100 jury trials, including three capital murder cases (no death sentences adjudicated). Served as contract counsel to represent indigent defendants for the Honorable Charles C. Partin, Circuit Judge, Baldwin County, Alabama for five years. Represent clients in civil and domestic litigation including divorce, child custody, child support and similar matters. Experienced in estate planning and probate matters.

**Deputy Staff Judge Advocate**

United States Army Reserves (Mobilized Reservist)

377th Theater Support Command

Frank Uddo Center

400 Russell Avenue

Belle Chasse, Louisiana 70143

504-552-5863

- March 2003 to November 2004
- Currently a "Traditional Reservist"

Mobilized in March of 2003. Deployed to Kuwait from June 2003 until July 2004. Served as the principal legal advisor for the 377th Theater Support Command (Forward), a jurisdiction of approximately 30,000 soldiers, the largest logistics command in the

**WILLIAM E. SCULLY, JR.**

Resume

theater, supporting units throughout Kuwait, Iraq and Afghanistan. This position is analogous to a local district attorney or county attorney. Supervised all Judge Advocate personnel in the command, including approximately 15 attorneys.

**Assistant District Attorney**

Mobile County District Attorney  
Mobile, Alabama 36601

- April 1991 to December 1995

Served as felony prosecutor representing the State of Alabama in trials at the state circuit court level. Tried all levels of offenses including one capital murder case. For two years of this time served as the drug prosecutor, handling drug cases exclusively.

**United States Army (Active Duty)**

Judge Advocate General's Corps

- 1985 to 1991

Served as a military prosecutor, legal assistance officer and an administrative law attorney while stationed at Fort Stewart, Georgia. For my last three years on active duty, I was a trial defense lawyer stationed at Fort Benjamin Harrison, Indiana, acting as public defender for the military installation, representing accused soldiers at courts-martial. Prosecuted and defended criminal cases ranging from rape to drug offenses.

**EDUCATION**

**Washington and Lee University**

Law School  
Lexington, Virginia  
JD 1982

**Indiana University**

Bloomington, Indiana  
BA Political Science and French 1979

**ADMITTED TO PRACTICE**

- Alabama 1986
- Indiana 1983

**PRINCIPAL PROFESSIONAL AND COMMUNITY ASSOCIATIONS**

Alabama State Bar  
Baldwin County Bar Association  
Baldwin County Bar Association Grievance Committee

## **WILLIAM E. SCULLY, JR.**

### Resume

Baldwin County Criminal Defense Lawyers Association (President; 2001 and 2002.)  
Alabama Bar Military Law Committee.  
Eastern Shore Sertoma Club (President 2000 and 2001)  
Baldwin County Foster Parent

### **REFERENCES**

Hon. J. Langford Floyd  
Circuit Judge  
Baldwin County Courthouse  
Bay Minette, Alabama 36507  
Office: 251-937-0237

Hon. Charles C. Partin  
Circuit Judge  
Baldwin County Courthouse  
Bay Minette, Alabama 36507  
Office: 251-937-0273

### **REPORTED CASES:**

**Federal:** *United States v. Nickels*, 324 F.3d 1250 (11th Cir. 2003) unsuccessfully challenging the propriety of the trial court's acceptance of a guilty plea.

**State Criminal:** *Ex parte Taylor*, 825 So.2d 769 (Ala.2000), unsuccessfully challenging the admissibility of DNA identification evidence from "kits" in a capital murder case (Life without parole sentence); *Ex parte A.T.M.*, 804 So.2d 171 (Ala. 2000) successfully challenging the sufficiency of evidence in sexual abuse convictions; *Ex parte James*, 797 So.2d 413 (Ala. 2000) successfully challenging the admission of evidence illegally seized from the defendant during "pat down" search; *Ex parte Nettles*, 742 So.2d 1215 (Ala. 1999) unsuccessfully arguing that certain evidence had been improperly admitted for lack of proper authentication; *Henton v. State*, 733 So. 2d 914 (Ala.Crim.App. 1998) and *Thornton v. State*, 728 So. 2d 1162 (Ala.Crim.App. 1998) these latter cases successfully arguing that probation revocation orders should be set aside.

**State Civil:** *Gates v. Gates*, 830 So.2d 746 (Ala.Civ.App. 2002) contesting the propriety of the divorce court's division of retirement monies.

### **PUBLICATIONS:**

POST CONVICTION REMEDIES IN ALABAMA: A PROCEDURAL GUIDE TO RULE 32 (1996)  
(Self- published).

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF OCTOBER 26, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

**SUMMARIZATION OF MINUTES:**

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

**CALL TO ORDER:**

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:07 p.m.

**CALL OF ROLL:**

**Members Present:**

Fred Small, Mayor  
Victoria Phelps  
Don Terry  
Warren West, Vice Chairman  
Jeff Carrico, Chairman  
Cathy Barnette, Councilwoman

**Members Absent:**

DeLeon Thomas  
Larry Chason, Secretary  
Ed Kirby

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Meredith Turpin, Associate Attorney  
Nancy Anderson, GIS Technician

**Staff Present:**

Jay Ross, Attorney

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Chason, Mr. Thomas, and Mr. Kirby are not present. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the September 28, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. West **to approve**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF OCTOBER 26, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

**SUMMARIZATION OF MINUTES:**

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.  
***the minutes of the regular meeting. The Motion carried unanimously.***

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF OCTOBER 26, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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



# Daphne Utilities

## MINUTES

### Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

I. **CALL TO ORDER**

The August 30, 2006, Utility Board Meeting was called to order by the Chairman, Robert Segalla, at 5:01 p.m.

II. **ROLL CALL**

**Members Present** Robert Segalla, Chairman  
Ron Scott, Vice-Chairman  
Lon Johnston, Secretary/Treasurer  
Fred Small, Mayor  
Bob Patterson (Arrived at 5:22 p.m.)

**Others Present** Lloyd Taylor, Board Attorney  
Rob McElroy – General Manager  
Danny Lyndall – Operations Manager  
Teresa Logiotatos – Finance Manager  
Deloris Brown – HR Manager  
Drew Klumpp – Office Manager  
Stephnie Merchant – Executive Assistant/Recording Secretary  
Tammy Canupp – Billing/Meter Supervisor  
Rebecca Williamson – Finance Assistant  
Ray Moore, HMR – Engineer  
Melinda Immel, Volkert – Engineer  
Tim Patton, Volkert – Engineer

**Members Absent** None

III. **PLEDGE OF ALLEGIANCE**

IV. **APPROVAL OF MINUTES**

A. Minutes – July  
After inquiring if editorial changes were needed for the July minutes, the Chairman entertained a motion for approval of July 26, 2006, Utility Board Meeting Minutes.

***Ron Scott motioned for approval of July 26 Utility Board minutes; Mayor Small seconded the motion and the motion carried. Lon Johnston abstained due to his absence at the meeting in question.***



# Daphne Utilities

## MINUTES

### Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

#### V. OLD BUSINESS

##### A. **PARK CITY WATER AUTHORITY – SERVICE PAYMENT AGREEMENT**

The General Manager gave a briefing regarding an agreement with Park City Water System addressing the non-payment of the sewer services provided by Daphne Utilities and City garbage services. The Board was briefed on the meeting with Park City representatives, and advised that the agreement would be discussed in additional detail in executive session.

##### B. **ZERO TOLERANCE SUBSTANCE ABUSE AND ALCOHOL ABUSE POLICY**

The General Manager addressed the Board regarding a proposed zero tolerance drug/alcohol policy on the agenda for review and approval consideration. He gave an overview of the new Zero Tolerance Substance Abuse and Alcohol Abuse Policy that would replace the policy currently in effect. The General Manager explained that under the new policy employees testing positive for drug/alcohol use could be terminated, but explained that if an employee comes forward requesting assistance prior to any required testing, the Utility would remain open to assist that employee. There was continued discussion and inquiries regarding the new policy. There were also inquiries regarding application of the policy to contractors performing work for Daphne Utilities. The Board was advised that contractors were required to maintain and implement their own internal controls and policies. In addition, the Utility was protected from these situations by contractual requirements.

***Ron Scott made a motion to approve the resolution for the Zero Tolerance Substance Abuse and Alcohol Abuse Policy; Lon Johnston seconded the motion and it was affirmatively approved unanimously.***

##### C. **SALE OF 19 ACRES UTILITY BOARD PROPERTY**

The Chairman advised the Board issues regarding the sale of the Utility Board property would be discussed in the executive session.

The Chairman inquired why the purchasing procedures resolution was removed from old business on the agenda. The General Manager explained the resolution was retracted and removed from the agenda temporarily due to revisions needs, and stated it would be on the September agenda for consideration of approval.

#### VI. NEW BUSINESS

##### A. **UTILITIES BOARD OFFICER ELECTIONS**



# Daphne Utilities

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

The Chairman informed the Board that Utilities Board By-laws were included in the agenda for review, and election of Board Officers was required at the September Utilities Board Meeting as outlined in Section 7.05 of the By-laws. Appointment of Utilities Board members and terms of current members were discussed. Mr. Scott requested that when possible at least 90 days notice be given to the City Council when appointments to the Board are necessary. The Board will be provided a list of terms of service on the Utilities Board at the next meeting.

### **VII. BOARD ATTORNEY'S REPORT**

The Board Attorney gave a brief summary updating the status of current legal assignments with the exception of topics that required executive session discussion. There was brief discussion by the Chairman, Mayor Small, General Manager and Melinda Immel regarding bidding procedures and legal issues for contracted services.



# Daphne Utilities

## MINUTES

### Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

#### **VIII. FINANCE REPORT – JULY 2006 FINANCIAL REVIEW**

Rebecca Williamson reviewed the financial summary for July 2006 financials. Additionally discussed were plans for capacity fee increases and the status of FY-07 budget preparations. The proposed budget would be reviewed at the September meeting and considered for adoption at the October meeting.

There were inquiries pertaining to revenue projection percentages and methodology used for calculating the projections for FY-07 budget. There were inquiries regarding a few entries in the check register, budget needs for safety programs, previous agreements and contract refunds, and structure and requested development of timeline for rate increases as opposed to spontaneous increases in the past.

The Board was informed impact fees were being implemented by legislation for Baldwin County, and they discussed the benefits that the new legislation would provide in relation funding for various City uses. Additionally discussed were long range planning projections, material costs and purchasing methods to secure low pricing before spikes occur in the market and emergency backup generators for sewer lift stations.

The Chairman commended the management team for controlling expenses using good fiscal management of Utility funds. Finance Committee meeting plans and scheduling were discussed regarding the review of the proposed FY-07 budget.

#### **IX. GENERAL MANAGER'S REPORT**

##### **A. GENERAL MANAGER'S REPORT**

The General Manager informed the Board of plans to address the City Council at the next work session to discuss issues regarding areas within the City as well as surrounding areas that do not have availability to the sewer system.

Mr. McElroy advised the Board of plans for a tour, scheduled for July 31, of the biodiesel operations at the Water Reclamation Facility. He reported that Jo Bonner, Joe Faust and other Government Officials were scheduled to attend. He encouraged the Board to attend the tour as well.

David Resto was introduced to the Board as the new lead operator at the Water Reclamation Facility. Mr. Resto was congratulated on his promotion and commended on his performance and qualifications for which the promotion was based. Additionally addressed was Drew Klumpp's



# Daphne Utilities

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

added responsibility with project management and Tammy Canupp's added responsibilities in assisting with Meter Department operations.

There was discussion regarding changing the October meeting time or date due to a very important and required Public Awareness Program in which the Utility, State, County and Municipal Officials were involved. The General Manager requested the Board to make the determination regarding the meeting change at the September meeting. The Board was given details regarding the necessary event scheduled for October 25 at 6:00 p.m. in Bay Minette and strongly encouraged everyone to attend.

### **B. OPERATIONS REPORT**

The Operations Manager inquired if the Board had comments or questions regarding the status report submitted for departmental operations for the month of July, but there were none specifically addressed.



# Daphne Utilities

## MINUTES

### Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

The Chairman commended Art Anderson and David Resto on their outstanding performance and leadership in taking ownership of the Waste Water Treatment Facility operations and the reorganization and reestablishment of departmental operations to a higher standard. Additional commendation was given to the department for promoting and encouraging employee development and training for Water Reclamation employees, who in the past had not been given the opportunity, to obtain certification.

#### **C. ENGINEERS REPORT**

##### 1. HMR Report

Ray Moore reviewed his summary of projects with the Board. He updated the status of North Winding Brook sewer requests and meeting results. Plans, tap fees, aid to construction fees were discussed in a meeting with the property owners and was left in their court to respond by October 1. The Chairman suggested that the Utility not collect any fees on projects until they have been fully approved by the Board.

##### 2. Volkert Report

Melinda Immel provided an outline for status on current assignments.

In order to confirm the e-vote procedures for award of the bid related to the site work for the ground storage facility. The Board voted on the bid in open session. In addition, the Board was presented a bid tabulation document for tank construction related to the ground water storage project. The Board reviewed and briefly discussed the bid documents submitted for the tank construction and the Chairman entertained a motion for award of the bid.

***Mayor Small motioned to award the tank construction bid for the ground storage facility to Crom Corporation for \$839,215 and Lon Johnston seconded the motion; the motion carried, all members approving with the exception of Ron Scott.***

Long range planning projects and system improvements were reviewed and discussed. The Ron Scott commented on the 24 million dollar long range planning schedule and requested the list prioritized prior to consideration and decision on implementing the plan.

#### **X. BOARD ACTION**

##### **A. ZERO TOLERANCE SUBSTANCE ABUSE AND ALCOHOL ABUSE POLICY – RESOLUTION 2006-08**

The resolution was approved and adopted after extensive review and discussion referenced in

***Ron Scott made a motion to approve the resolution for the Substance Abuse and Alcohol Misuse Prevention Program; Lon Johnston seconded the motion and unanimously approved by all members of the Board.***



# Daphne Utilities

## MINUTES

### Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ August 30, 2006 ♦ 5:00 p.m.

topic "B" under Old Business of the July Board Agenda. The motion approved reads as follows:

XI. **PUBLIC PARTICIPATION**

*None*

XII. **BOARD COMMENTS**

*None*

XIII. **EXECUTIVE SESSION**

***A motion was made by Ron Scott to enter into executive session to discuss various pending legal and litigation issues; Bob Patterson seconded the motion and the Board entered the executive session at 6:00 p.m.***

XIV. **ADJOURNMENT**

***The Board returned from executive session at 6:52 p.m. and a motion to adjourn was made by Bob Patterson at 6:53 p.m. with affirmative Board approval.***

***Submitted by:***

\_\_\_\_\_  
Stephnie P. Merchant  
Executive Assistant/Recording Secretary

***Approved by:***

\_\_\_\_\_  
Robert Segalla  
Chairman of the Board

# DRAFT MINUTES

## Utilities Board Meeting

City of Daphne Council Chambers ♦ September 27, 2006 ♦ 5:00 p.m.

### I. Call to Order

The September 27, 2006, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman, Mr. Segalla, at 5:12 p.m.

### II. Roll Call

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

**Members Absent:** Bob Patterson

**Others Present:** Rob McElroy – General Manager  
Danny Lyndall – Operations Manager  
Jerry Speegle – Board Attorney  
Teresa Logiotatos – Finance Manager  
Deloris Brown – HR Manager  
Drew Klumpp – Office Manager  
Stephnie Merchant – Executive Assistant/Recording Secretary  
Rebecca Williamson – Finance Assistant  
Tim Jones – Buyer (Arrived at 5:35 p.m.)  
Ray Moore, HMR – Engineer  
Melinda Immel, Volkert – Vice President/Engineer  
Tim Patton, Volkert – Engineer  
Paul Soutullo – Public Participant

### 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 30, 2006

The Chairman inquired if corrections or editorial editing was recommended for the Minutes from the August 30, 2006, Utilities Board meeting. No editing was requested, and the Chairman entertained a motion for approval.

***Mr. Johnston motioned for approval of the, Utilities Board of the City of Daphne, minutes from the regular Board meeting conducted August 30, 2006; Mr. Scott seconded the motion, all concurred and the motion carried.***

#### b. Introduction

Jerry Speegle was introduced. General Manager, Mr. McElroy informed the Board of interviews conducted with three prospective candidates for the Board Attorney position and advised that Mr. Speegle was the top candidate and was offered the position pending ratification from the Board. The Chairman entertained a motion to ratify Mr. Speegle as Board Attorney.

***Lon Johnston presented the motion that Jerry Speegle be appointed as the Board Attorney; Mayor Small seconded the motion and the motion was unanimously approved.***

# DRAFT MINUTES

## Utilities Board Meeting

City of Daphne Council Chambers ♦ September 27, 2006 ♦ 5:00 p.m.

### V. Old Business

#### a. *Park City Agreement*

Mr. McElroy informed the Board there was no progression since the last update regarding issues and approval of an agreement with Park City Water Authority. This item will carry over to the next board meeting.

#### b. *Sewer Connection Compliance*

Mr. McElroy gave the Board a brief update on the status of sanitary sewer compliance issues.

#### c. *Utilities Board Property – 19 Acres*

There was brief discussion by the Board and General Manager regarding potential sale and options for 19 acres of Utilities Board property.

#### d. *Water Survey (McClary)*

There is no update at this time.

#### e. *Fiscal Year 2007 Budget Review*

The proposed budget was distributed to the Board for review prior to adoption in October. This will involve Mr. Speegle

#### f. *Monetary Authority and Purchasing Procedures*

The Board was advised of revisions made to the previously submitted resolution regarding authority and purchasing procedures and the resolution was listed in Board Action of the agenda for consideration of approval.

#### g. *Utilities Board Officer Position Elections & Terms of Service*

The current terms of Board members were reviewed and officer position elections were conducted as required by the Bylaws of the Utilities Board of the City of Daphne.

#### h. *Terms of members of the Utilities Board of the City of Daphne:*

Robert Segalla, Chairman – Expires June 12, 2007  
Ron Scott, Vice-Chairman – Expires September 30, 2008  
Lon Johnston, Secretary/Treasurer – Expires June 12, 2009  
Bob Patterson – Expires June 12, 2009  
Mayor Fred Small – Expires June 12, 2009

Mr. Scott asked that the board be notified 60 days prior to the expiration of terms of office.

### VI. New Business

#### a. *Lake Forest Sewer Line*

i. Mr. McElroy informed the Board about the relocation of the sanitary sewer line off Buena Vista in Lake Forest. This happened prior to Daphne Utilities taking over the system. This is between Friday Construction and the title company.

ii. Another issue addressed to the Board was in regards to the launch of a new phase of construction in the Lake Forest area by Friday Construction. Also, Mr. McElroy mentioned the Tap Fee Refund Agreement for Lake Forest to Friday Construction. Mr. Segalla stated we need to see a written agreement from Friday Construction prior to refunding any tap fees.

#### b. *RSA Pay Increase*

Deloris Brown talked about the proposed 7% increase in retirement benefits through RSA, to be voted on later in the meeting.

# DRAFT MINUTES

## Utilities Board Meeting

City of Daphne Council Chambers ♦ September 27, 2006 ♦ 5:00 p.m.

### VII. Board Attorney's Report

The General Manager gave a brief update on the status of pending legal issues and informed the Board that unresolved issues would be assigned to the new Board Attorney, Jerry Speegle.

### VIII. Financial Reports – August 2006

Finance Manager, Mrs. Logiotatos, reviewed and briefly discussed the financial summary for August 2006 financial statements and reports. The Board had a few inquiries regarding some report entries in the financial statements in which Mrs. Logiotatos addressed. The Board was informed that a resolution would be submitted for approval at the October meeting to validate the adoption of the FY 2007 Budget for the Utilities Board of the City of Daphne.

### IX. General Manager's Report

#### a. GM Report – August 2006

Mr. McElroy gave a brief summary and status update on current programs and activities to operations of the Utility. Rescheduling of the October Board Meeting was addressed due to the Public Awareness Meeting in Bay Minette. Another date will be scheduled. Mr. McElroy brought to the Board's attention a presentation which occurred at the Bio Diesel Plant which resulted in a write up in the paper and praise by Congressman Bonner.

#### b. Operations Report – August 2006

Mr. Lyndall spoke briefly about the temporary lift station at the Lowe's site. Mr. Segalla commended Art Anderson and David Restro on their great performance and ability to step forward in a difficult situation. The board was briefed on the two positions that were filled at the Waste Water Treatment Plant. Mr. Lyndall inquired if there were any questions pertaining to the monthly operational report. Mr. Segalla questioned the status of Kenny Johnson's recent project and asked if there has been any response. The Board commended Art Anderson, Sara Bradley, and Eric Kidd for continuing their certification classes on their own time.

#### c. Engineering & Consulting Reports – August 2006

##### i. HMR

Mr. Moore spoke briefly about Drew Klumpp's involvement with the residents on North Winding Brook and the proposed sewer project in that area.

##### ii. VOLKERT

Melinda Immel reviewed the status of current design and construction projects and briefly reviewed the proposed capital project needs for FY07. The Board was informed of the need to adopt resolutions for CWSRF and DWSRF funding.

**A motion to adopt 2006 CWSRF and 2006 DWSRF Resolutions was made by Ron Scott and seconded by Lon Johnston, and the motion carried.**

### X. Board Action

#### a. Monetary Purchasing Authorization and Procedures – Resolution 2006-09

The Board reviewed and discussed the proposed purchasing and authorization procedures resolution. The resolution was tabled for additional discussion and revisions. Mr. McElroy approached the Board requesting consideration of a motion to allow, in the General Manager's documented absence, the Operations Manager be authorized to make necessary operational decisions to insure proper operation of the Utility and that he be delegated, combined with the Finance Manager, the full authority as the General Manager.

**A motion to table Resolution 2006-09 for additional discussion and revisions was made by Mayor Small; Lon Johnston seconded the motion and the Resolution was tabled.**

# DRAFT MINUTES

## Utilities Board Meeting

City of Daphne Council Chambers ♦ September 27, 2006 ♦ 5:00 p.m.

***A motion was made by Mayor Small to authorize the Operations Manager, in the absence of the General Manager, authority equal to the General Manager when combined with the Finance Manager's signature; Lon Johnston seconded the motion and the motion carried.***

**b. Utility Board Officer Position Elections**

The Chairman entertained a motion for election of the Officers for the Utilities Board of the City of Daphne as required by the Bylaws of the Board.

***Ron Scott nominated Bob Segalla for the Chairman position and the motion carried. Chair requested other nominations, none were given, nomination voted on and approved.***

***Bob Segalla nominated Ron Scott for the Vice-Chairman position and the motion carried. Chair requested other nominations, none were given, nomination voted on and approved.***

***Ron Scott nominated Lon Johnston for the Secretary/Treasurer position and the motion carried. Chair requested other nominations, none were given, nomination voted on and approved.***

**c. Resolution 2006-10 Retirement Systems of Alabama Pay Increase for Retired Employees**

The Board reviewed and briefly discussed the proposed resolution addressing a seven (7) percent pay increase to retired RSA employees. The Board noted an editorial change needed to be made to paragraph two of the resolution reflecting due to the fact the word "seven" was mistakenly printed as "four."

***Mayor Small motioned to adopt Resolution 2006-10 contingent upon the recommended edit; Lon Johnston seconded the motion and the motion carried.***

**d. October Board Meeting Rescheduled**

The Board discussed a scheduling conflict and agreed the October meeting of the Utilities Board of the City of Daphne should be rescheduled.

**XI. Public Participation**

***Paul Soutullo – Haley's Lane Sewer Project***

Mr. Paul Soutullo addressed the Board regarding sanitary sewer services for Haley's Lane. There was discussion by the General Manager, Operations Manager and Board Members relating to the services being requested by Mr. Soutullo and the process and requirements necessary in order to provide sewer service on the privately owned lane. Mr. Speegle addressed the issues previously discussed and explained the legalities and process requirements that would have to be taken to accommodate the request.

**XII. Board Comments**

**XIII. Executive Session**

No Executive Session was moved.

**XIV. Adjournment**

Ron Scott moved to adjourn, seconded and carried.

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

Date Refused \_\_\_\_\_ TYPE APPLICATION Date Approved \_\_\_\_\_  
 By: \_\_\_\_\_ 010 - Lounge Retail Liquor - Class I By: \_\_\_\_\_

Name of Applicant (s) Jason William Cooper Green  
 Circle One:  Ind.  Part  Assoc  Corp.  LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Jason William Cooper Green	AL 6624227 Owner	02/28/1981 Baldwin, Alabama	111 Cherry Circle Daphne, AL 36526	3.5 Year

Corporate Information: \_\_\_\_\_ Date \_\_\_\_\_ County \_\_\_\_\_  
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Capone's

Location 28850 Hwy 98 Suite 100, Daphne, AL 36526 County Baldwin

Mailing Address 28850 Hwy 98 Suite 100, Daphne, AL 36526  
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5- 14 regarding financial responsibility? Y N  
 Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N  
 Has ANYONE including manager or applicant had a Federal/State permit or license suspended, revoked or declined? Y N  
 Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N  
 Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N  
 These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)  
 Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N  
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N  
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N  
 What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)  
 Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N  
 (If Yes, explain in Investigation Section) Signature of applicant Jason Green

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA Signed Jason Green  
 COUNTY OF Baldwin Title Owner Date 09/12/2006

The undersigned Jason William Cooper Green  
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct and that the applicant is the only person interested in the business for which license is requested

Sworn to and subscribed before me this 12<sup>th</sup> day of September, 2006

D. Casey Nash Signature of Notary Public  
 Notary Public State at Large My commission expires 12/7/2007  
Jason Green Signature of Affiant  
 Business Phone (251) 626 - 7662 Home Phone (251) 625 - 3990 Other (251) 366 - 7272

(For Central Office Use Only) License No: \_\_\_\_\_ Date of Issue \_\_\_\_\_ Amount of fees \_\_\_\_\_ Total \_\_\_\_\_

**GENERAL APPLICATION INFORMATION**

Contact Person: Jason William Cooper Green

Phone Numbers: Home: (251) 625-3990 Business: (251) 626-7662

Fax: \_\_\_\_\_ Pager: \_\_\_\_\_ Other: (251) 366-7272

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen? Y  N  NA

Does the establishment have restroom facilities? Y  N

Is place of business habitually and principally used for providing food to the public? Y  N  Snacks Only NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y  N

Will this business be operated PRIMARILY as a package store? Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by investigating ABC Agent)**

Will applicant engage in the sale of tobacco products? Y  N  If yes, type of business: 45 - Liquor Package Store

Number of tobacco vending machines present: 0

Neighborhood investigation waived in accordance with Application Guidelines

Building seating capacity N/A License premises includes patio area Y  N

Building Dimensions: Length 75 Width 45 Square Footage 3375 Sales and Display Square Footage \_\_\_\_\_

License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other \_\_\_\_\_

License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits? Y  N  Police Protection: County  City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: Next Doors \_\_\_\_\_

Nearest: School  Church  Private Residence

within 2 blocks  within 2 blocks  within 2 blocks

within 1/2 mile  Exceeds Above  within 1/2 mile  Exceeds Above

Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application including manager whether as a sole applicant, partner, officer, or member (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
No Criminal Record Found.				

**FILING FEE ACKNOWLEDGEMENT**

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

Signature of Applicant: Jason Williams

**TRANSFER AGREEMENT** License Type: \_\_\_\_\_ License # \_\_\_\_\_

I, \_\_\_\_\_ This is not a License Transfer as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_ (Name) (Title)

this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office or local Agent.

Licensee	Date
Applicant	Date

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y  N

If applicant has CONTRACT TO PURCHASE is a copy of the recorded sales contract attached? Y  N

If applicant is LEASING the property, is a copy of the lease agreement attached? Y  N

A: Name of Property Owner/Lessor: Bob Williams Contact #: (251) 343-9500

B: What is the LESSOR'S primary business? Realty

C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y  N  (If yes, explain on an attached sheet)

D: Is there any further interest in or connection with, the licensee's business by the LESSOR? Y  N  (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) \_\_\_\_\_

Agent/ID Cheryl Abate ABC 77 Supervisor \_\_\_\_\_ (Review includes complete application packet)

AGENT: Application taken: 09/12/2006	Application/Investigation completed: // /	Forwarded to D.O.: // /
LOCAL GOVERNMENT: Submitted: // /	Received from: // /	
SUPERVISOR: Received in District Office: // /	Reviewed: // /	Forwarded to C.O.: // /

2006-1  
case no.

ABC LICENSE ROUTING

initials

DATE RECEIVED BY REVENUE DIV. 10/13/06 JS

DATE FORWARDED TO POLICE DEPT. 11/3/06 JS

DATE RECEIVED BY POLICE DEPT. 11/6/06 RTT

11-16-06

DATE: APPROVED Fac Chief Miller DISAPPROVED

POLICE DEPT. SIGNATURE Miller

DATE RETURNED TO REVENUE DIV. 11/16/06 Whe

DATE FORWARDED TO CITY CLERK 11/16/06

DATE RECEIVED BY CITY CLERK 11/16/06 RH

SCHEDULED DATE ON AGENDA 11/20/06 RH

Council Action : APPROVED DISAPPROVED TABLE

COMMENTS- \_\_\_\_\_

Rescheduled for Council Agenda Date \_\_\_\_\_

Council Action : APPROVED DISAPPROVED TABLE

COMMENTS- \_\_\_\_\_

DATE RETURNED TO REVENUE DIV. \_\_\_\_\_

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

Date Refused \_\_\_\_\_  
 By: \_\_\_\_\_  
**TYPE APPLICATION**  
**020 - Restaurant Retail Liquor**  
 Date Approved \_\_\_\_\_  
 By: \_\_\_\_\_

Name of Applicant (s) **JAD of Daphne Inc.**  
 Circle One: Ind. Part. Assoc. Corp. LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Lisa Gaye Pyritz	AL 7454893 President	11-18-1964 Escambia FL	178 Lakeview Loop Daphne AL 36526	4.5 years
Clyde Mamuscia	AL 9365454 Secretary- Treasurer	11-05-1963 Okinowia Japan	106 Valley Circle Daphne AL 36526	3 months

Corporate Information: Instrument # \_\_\_\_\_ Date \_\_\_\_\_ County Baldwin  
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name The Zone

Location 28791 US HWY 98 Daphne AL 35626 County Baldwin

Mailing Address 28791 US HWY 98 Daphne AL 35626  
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) \_\_\_\_\_ Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? \_\_\_\_\_ Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? \_\_\_\_\_ Y N

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

These premises are located in the : Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? \_\_\_\_\_ Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? \_\_\_\_\_ Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? \_\_\_\_\_ Y N

What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? \_\_\_\_\_ Y N  
 (If Yes, explain in Investigation Section) Signature of applicant Clyde Mamuscia

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by firm in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA Signed Clyde Mamuscia  
 COUNTY OF Baldwin Title President Date 10/12/2006

The undersigned Clyde Mamuscia Secretary- Treasurer of JAD of Daphne Inc.  
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)  
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 12<sup>th</sup> day of October 2006

Signature of Notary Public \_\_\_\_\_  
 Notary Public, State at Large My commission expires \_\_\_\_\_

Signature of Affiant Clyde Mamuscia  
 Business Phone (251) \_\_\_\_\_ Home Phone (251) 621-5483  
 Other (251) 753-2000

(For Central Office Use Only) License No. \_\_\_\_\_ Date of Issue \_\_\_\_\_ Amount of Fees \_\_\_\_\_ Total \_\_\_\_\_

**GENERAL APPLICATION INFORMATION**

Contact Person: Lisa Gaye Pyritz

Phone Numbers: Home: (251) 621-5483 Business: (251) \_\_\_\_\_

Fax: \_\_\_\_\_ Pager: \_\_\_\_\_ Other: (251) 753-2000

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen?  Y  N  NA

Does the establishment have restroom facilities?  Y  N

Is place of business habitually and principally used for providing food to the public?  Y  N  Snacks Only  NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages?  Y  N

Will this business be operated PRIMARILY as a package store?  Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons?  Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by Investigating ABC Agent)**

Will applicant engage in the sale of tobacco products?  Y  N If yes, type of business: 44 - Restaurant

Number of tobacco vending machines present: 1

Neighborhood investigation waived in accordance with Application Guidelines

Building seating capacity 250 License premises includes patio area  Y  N

Building Dimensions: Length 69 Width 100 Square Footage 6900 Sales and Display Square Footage \_\_\_\_\_

License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other \_\_\_\_\_

License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits?  Y  N Police Protection: County  City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: 200 yards

Nearest:  School  Church  Private Residence

within 2 blocks  within 2 blocks  within 2 blocks

within 1/2 mile  within 1/2 mile  within 1/2 mile

Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
Clyde Mamusia	1982	Possession of Control Substance	Hollywood FL	Probations

**FILING FEE ACKNOWLEDGEMENT**

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

Signature of Applicant: Clyde Mamusia

**TRANSFER AGREEMENT** License Type: \_\_\_\_\_ License # \_\_\_\_\_

I \_\_\_\_\_ This is not a License Transfer \_\_\_\_\_ as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_

(Name) (Title)

this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee \_\_\_\_\_ Date \_\_\_\_\_

Applicant \_\_\_\_\_ Date \_\_\_\_\_

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached?  Y  N

If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached?  Y  N

If applicant is LEASING the property, is a copy of the lease agreement attached?  Y  N

A: Name of Property Owner/Lessor: Lisa Gaye Pyritz Contact #: (251) 753-2000

B: What is the LESSOR'S primary business? Restaurant Owner

C: Is LESSOR involved in any way with the Alcoholic Beverage business?  Y  N (If yes, explain on an attached sheet)

D: Is there any further interest in, or connection with, the licensee's business by the LESSOR?  Y  N (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) CM

Agent/ID Jamie L. Maloy 114 Supervisor \_\_\_\_\_ (Review includes complete application packet)

AGENT: Application taken: 10/12/2006 Application/Investigation completed: 10/12/06 Forwarded to D.O.: 1/1

LOCAL GOVERNMENT: Submitted: 10/13/06 Received from: 1/1

SUPERVISOR: Received in District Office: 1/1 Reviewed: 1/1 Forwarded to C.O.: 1/1

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION 2006-95  
PREPAID TRAVEL**

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

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

*Regina Landry, Council, National League of Cities, Congress of Cities, Reno, Nevada, December 6-10, 2006 - \$175*

*John Lake, Council, National League of Cities, Congress of Cities, Reno, Nevada, December 5-10, 2006 - \$210*

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on  
this \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam,**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small,**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**RESOLUTION 2006-96  
2007-A-CITY HALL ALTERATIONS & ADDITIONS**

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

**WHEREAS**, the CITY HALL ALTERATIONS & ADDITIONS will exceed \$50,000; and

**WHEREAS**, the City of Daphne did receive and review bids for the CITY HALL ALTERATIONS & ADDITIONS and has determined that the bid as presented is reasonable; and

**WHEREAS**, staff recommends the bid for CITY HALL ALTERATIONS & ADDITIONS be awarded to Rod Cooke Construction, Inc..

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE,**

- 1) Hereby accept the bid from Rod Cooke Construction, Inc. in the amount of \$6,953,000 as specified in BID SPECIFICATION NO. 2007-A-CITY HALL ALTERATIONS & ADDITIONS.
- 2) The following Alternates #'s \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ are approved in addition to the base bid.

**APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam,**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small,**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

**RESOLUTION 2006-97**

**Purchasing Agent Appointment: City Hall Alterations & Additions**

**WHEREAS**, the City of Daphne has obtained sealed bids and awarded the City Hall Alterations & Additions contract to Rod Cooke Construction, Inc.; and

**WHEREAS**, in order to take advantage of its tax exempt status, the City of Daphne elects to purchase any and all materials and supplies necessary for the City Hall Alterations & Additions project by appointing, Rod Cooke, President of Rod Cooke Construction, Inc. as purchasing agent; and

**WHEREAS**, the amount of said purchases and the taxes that would have applied to said purchases will be deducted from the total city hall alterations & additions project billing of Rod Cooke Construction, Inc.; and

**WHEREAS**, Rod Cooke Construction, Inc. will follow purchasing procedures prescribed by the City of Daphne for the purchase of materials and supplies to be utilized in the construction of the Daphne City Hall Alterations & Additions project.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, that the Mayor is authorized to enter into an agreement on behalf of the City of Daphne with Rod Cooke Construction, Inc. whereby Rod Cooke, President, of Rod Cooke Construction Inc is designated as purchasing agent of the City of Daphne for the acquisition of materials and supplies to be utilized in the City Hall Alterations & Additions project.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam,**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small,**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**CITY OF DAPHNE  
AND  
ROD COOKE CONSTRUCTION, INC.**

**AGREEMENT TO APPOINT SPECIAL PURCHASING AGENT**

This agreement is made on the \_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Daphne, Alabama, hereinafter referred to as "City" and Rod Cooke Construction, Inc., hereinafter referred to as "Contractor".

**WHEREAS**, the City has heretofore accepted bids and awarded the bid for construction of the City Hall Alterations & Additions to Contractor; and

**WHEREAS**, the City wishes to take advantage of its tax-exempt status by electing to purchase any and all materials and supplies necessary for the City Hall Alterations & Additions project; and

**WHEREAS**, said purchases and the taxes which would have applied to said purchases will be deducted from Contractor's project billing.

**NOW, THEREFORE**, Rod Cooke, as Contractor President, will act as purchasing agent for the City of Daphne for the purchase of materials and supplies to be used in the construction of the City Hall Alterations and Additions project. The agreement between the City and the Contractor in the capacity of special purchasing agent for the City is set forth as follows:

1. The City will provide the Contractor with specially numbered purchase orders. Purchase order forms as provided will be used.
2. The Contractor is responsible for said purchase orders issued on behalf of the City.
3. The City's Finance Department will maintain a purchase order log in which each purchase order number provided to the contractor is accounted for.
4. Purchases made by the Contractor with a City purchase order are tax exempt.
5. Upon purchase, the Contractor will forward a copy of the purchase order to the City of Daphne Finance Department.
6. The contractor shall require that the vendor submit invoices for such purchases payable in the following manner: "City of Daphne" or "Rod Cooke Construction, Inc. as purchasing agent for the City of Daphne".

**Special Purchasing Agent  
Rod Cooke Construction, Inc**

7. Upon receipt of the approved invoice, the City will remit payment directly to the vendor.

8. The Contractor understands that items not purchased according to these procedures will be paid for by the Contractor and the Contractor will be liable for the payment of taxes on said purchases.

It is understood and agreed upon by the City and the Contractor that this is a binding legal agreement appointing Rod Cooke, President of Rod Cooke Construction, Inc., as purchasing agent for the City of Daphne for the acquisition of materials and supplies to be used for the construction of the City Hall Alterations & Additions project.

Rod Cooke Construction, Inc

BY: \_\_\_\_\_  
ITS: President

**ATTEST**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

City of Daphne, Alabama

BY: \_\_\_\_\_  
ITS: Mayor

**ATTEST:**

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

**RESOLUTION 2006- 98**

**Fiscal 2007 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 2007 Budget for the benefit of certain community agencies and events as scheduled in Attachment A.

**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 the various Community Agencies and Community Events as appropriated in the Fiscal Year 2007 Budget and scheduled in Attachment A.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam,**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small,**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**RESOLUTION 2006 - 99**

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

**WHEREAS**, the Department Heads of the City of Daphne have determined that the items scheduled on Schedule A are no longer required for public or municipal purposes; and

**WHEREAS**, the items on said Schedule A are recommended for disposal.

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

- 1- The property included on Schedule A and attached hereto is hereby declared to be surplus property and
- 2- The Mayor is authorized to advertise and accept bids through Govedeals.com as contracted for the sale of such personal property and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property on Schedule A which is not claimed by any bidder.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam,**  
**Council President**  
 Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small,**  
**Mayor**  
 Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**SCHEDULE A**

<b>DEPARTMENT</b>	<b>DESCRIPTION</b>	<b>SERIAL #</b>
Recycling	Selco Vertical Baler	SA07871677
Recycling	Selco Vertical Baler	5852184
Recycling	Piqua Series 40 Baler	
Grounds	Santa Clause Holiday Lawn Decoration	
Grounds	Christmas Tree Pole Mounted Decorations (120+)	

**RESOLUTION NO. 2006-100**

**A Resolution Establishing:  
“The Eastern Shore Park Pledged Tax Debt Service” Bank Account**

**WHEREAS**, the City of Daphne did heretofore issue the 2006 Limited Obligation Special Tax Warrants (Eastern Shore Park); and

**WHEREAS**, such warrants require a debt service account be established for the deposit of those tax revenues so pledged for the retirement of the warrants; and

**WHEREAS**, First Gulf Bank is recommended to be the depository for “The Eastern Shore Park Pledged Tax Debt Service” account.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Daphne that a bank account is hereby established for “The Eastern Shore Park Pledged Tax Debt Service” account and First Gulf Bank is the designated depository.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam,**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small,**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**ORDINANCE NO. 2006-79**

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS  
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA  
Mildred Lett Sloan Property  
(Property located East of Public Works Road)**

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

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

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

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

**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on September 28, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on November 6, 2006 concerning the petition for annexation; and,

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

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

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

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

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

**SECTION 4: PUBLICATION.** This Ordinance shall be published as required by Section 11-42-

21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

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

**“Exhibit A”**

**LEGAL DESCRIPTION:**

FROM THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN NORTH ALONG THE SECTION LINE 1495 FEET; THENCE, BY A DEFLECTION ANGLE OF 89°45' TO THE LEFT, RUN WESTWARDLY 784.5 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH AND PARALLEL TO THE SECTION LINE 166 FEET; THENCE RUN WEST 548.5 FEET; THENCE RUN SOUTH ALONG AN OLD FENCE 166 FEET TO AN OLD IRON PIPE CORNER IN SAID FENCE, SITUATED 20.2 FEET WEST OF A 24-INCH PIPE; FROM SAID IRON PIPE CORNER, RUN EAST 547.2 FEET TO THE POINT OF BEGINNING. LOT CONTAINS 2.0 ACRES, MORE OR LESS, IN THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, T 5 S, R 2 E, BALDWIN COUNTY, ALABAMA.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

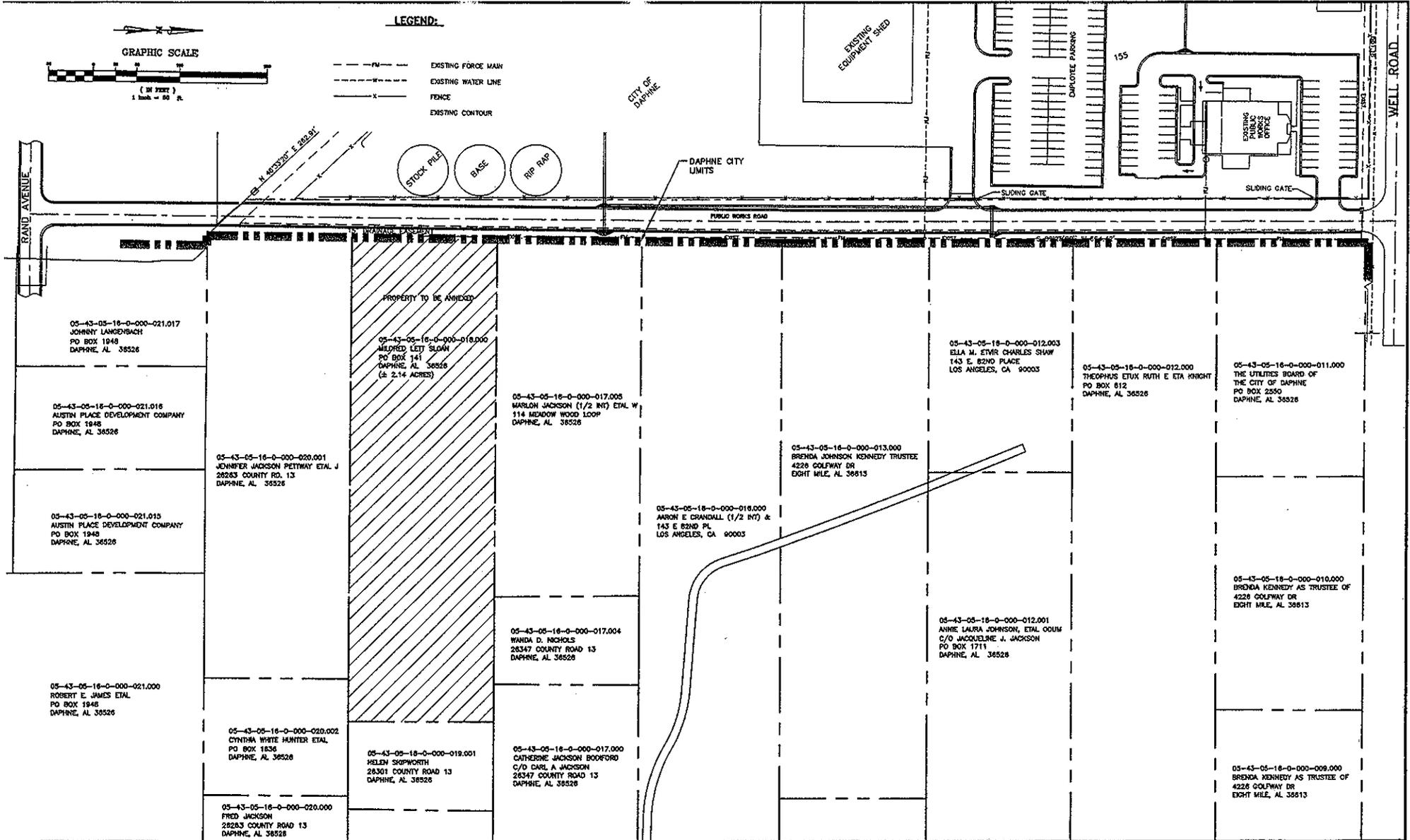
\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

EXHIBIT "A"

LEGAL DESCRIPTION (PROPERTY ACROSS FROM PUBLIC WORKS ROAD):

FROM THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN NORTH ALONG THE SECTION LINE 1495 FEET; THENCE, BY A DEFLECTION ANGLE OF 89°45' TO THE LEFT, RUN WESTWARDLY 784.5 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH AND PARALLEL TO THE SECTION LINE 166 FEET; THENCE RUN WEST 548.5 FEET; THENCE RUN SOUTH ALONG AN OLD FENCE 166 FEET TO AN OLD IRON PIPE CORNER IN SAID FENCE, SITUATED 20.2 FEET WEST OF A 24-INCH PIPE; FROM SAID IRON PIPE CORNER, RUN EAST 547.2 FEET TO THE POINT OF BEGINNING. LOT CONTAINS 2.0 ACRES, MORE OR LESS, IN THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, T 5 S, R 2 E, BALDWIN COUNTY, ALABAMA.





REVISION	DATE	ENGR.



**HUTCHINSON, MOORE & RAUCH, LLC**  
 2039 MAIN STREET  
 DAPHNE, ALABAMA 36526  
 ENGINEERS & SURVEYORS  
 LAND PLANNERS  
 TEL (251) 628-2626  
 FAX (251) 628-6934  
 daphne@hmrengineers.com

<b>ANNEXATION OF PARCEL</b>				
PARCEL #05-43-05-16-0-000-018.000				
<b>SPENCE MONROE</b>				
SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
1"=50'	SEPTEMBER, 2006	KSK		1 OF 1