

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
DECEMBER 15, 2008
BUSINESS MEETING
6:30 P.M.**

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

APPROVE MINUTES: Council meeting minutes meeting held December 1, 2008

PRESENTATION: Safety Poster Award

CHANGE: January 19, 2008 Council meeting date due to Martin Luther King Day

PRESENTATION: Townsend Recovery Center / Christopher Hill

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes meeting held December 8th

a.) Appropriating Funds:

- 1.) Appraisal of Richard Scardamalia Pavilion / [Ordinance 2008-68](#)
- 2.) Trione Soccer and Football Complex Phase I / [Ordinance 2008-69](#)

b.) Resolutions / Bid Awards:

- 1.) Trione Soccer & Football Complex Phase I / *James Bros. Excavating* / [Resolution 2008-66](#)
- 2.) Towable Hydraulic Lift / *Foley Implement Co., Inc.* / [Resolution 2008-67](#)
- 3.) Janitorial Supplies / *Dade Paper Co.* / [Resolution 2008-68](#)
- 4.) Lap Top Computers / *American Computer Enterprises* / [Resolution 2008-69](#)
- 5.) Linen Rental Services / *American Linen Service Co.* / [Resolution 2008-70](#)

c.) Financial Reports:

- a.) Treasurers Report / November 30, 2008
- b.) Sales & Use Tax Collections / October 31, 2008
- c.) Lodging Tax Collections / October 31, 2008

B. BUILDINGS & PROPERTY - Lake

Review minutes meeting held December 5th

MOTION: To authorize the Mayor to procure a re-appraisal of the Richard Scardamalia Pavilion, and to appropriate funds from the lodging tax accrual set aside for Bayfront Park improvement and development in an amount not to exceed \$1,000

MOTION: Allow Mayor to enter into a lease agreement with BRAG for the Nicholson Center

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

MOTION: To lower the speed limit from 45 mph to 30 mph on Highway 13 from Whispering Pines Road to Lawson Road

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board – Yelding

D. Library Board - Lake

Review minutes meeting held November 6th

COUNCIL MEETING AGENDA

DECEMBER 15, 2008

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E. Planning Commission – Barnette

Review minutes meeting held November 20th

F. Recreation Board - Palumbo

Review minutes meeting held November 12th

G. Utility Board - Scott

Review minutes meeting held September 24th

6. REPORTS OF OFFICERS:

A. Mayors Report

1. Motion to allow the mayor to put out for bid out the HVAC system of the old part of City Hall.

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: Trione Soccer & Football Complex Phase I /
James Bros. Excavating. /Resolution 2008-66
- b.) Bid Award: Towable Hydraulic Lift / Foley Implement Co /Resolution 2008-67
- c.) Bid Award: Janitorial Supplies / Dade Paper Co. /Resolution 2008-68
- d.) Bid Award: Laptop Computers / American Computer
Enterprises. /Resolution 2008-69
- e.) Bid Award: Linen Rental Services / American Linen
Service Co. /Resolution 2008-70

ORDINANCES:

2ND READ

- a.) Adopting the Fiscal Year 2009 Budget. /Ordinance 2008-57
- b.) To Require Hotel Registration and Retention of
Registration Records. /Ordinance 2008-67

1ST READ

- c.) Flood Prevention. /Ordinance 2008-68
- d.) Lodging Tax Appropriation: Appraisal: Richard Scardamalia
Pavilion. /Ordinance 2008-69
- e.) Trione Soccer and Football Complex Phase I. /Ordinance 2008-70

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**DECEMBER 1, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Eady.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Sandra Morse, Civic Center Director.; Sharon Cureton, Human Resource Director; David Carpenter, Police Chief; Richard Merchant, Building Official; James White, Fire Chief; David McKelroy, Recreation Director; Adrienne Jones, City Planner; Suzanne Henson, Senior Accountant; Scott Hutchinson, City Engineer; Willie Robison, BZA; Lon Johnston, Utility Board.

Absent: Kim Briley, Finance Director; Tonja Young, Library Director.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meeting held November 10, 2008. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held November 13, 2008 with amending item 5 to include a request for a list of the Beautification Committee list. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held November 17, 2008 with amending the vote on Resolution 2008-62 to state that Council President Lake voted nay, and to amend the Finance comments to read that the sales tax collection was under budget \$64,196.99 *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meeting held November 17, 2008 with the amendment that it was Council President Lake that called the meeting to order at 8:00 p.m. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / *Boulware*

No report.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

No report. The next meeting will be Friday t 10:00 a.m. at City Hall.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report. The next meeting will be Wednesday at 4:30 p.m. at City Hall.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. No meeting this month.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the October 24th meeting are in the packet. The next meeting will be Friday, December 5th at 8:00 a.m. at City Hall.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

No meeting in December.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report. The December meeting has been cancelled and the next meeting will be in January.

D. Library Board – Lake

No report. The next meeting will be next Thursday at 4:00 p.m. at the Library.

E. Planning Commission – Barnette

Councilwoman Barnette announced that Mrs. Adrienne Jones is now the Planning Director.

MOTION BY Councilwoman Barnette to set a Public Hearing date for January 5, 2009 to consider the following ordinances:

- 1. Rezone: Springs @Eastern Shore / SE of the intersection of Highway 98 & Johnson Road / Rezone from B-2, General Business District to R-4, High Density Multi-Family Residential District**
- 2. Rezone: Big Daddy's Eastern Shore Car Lot / West side of Highway 98 / Rezone from B-1, Local Business District to B-2, General Business District**

Seconded by Councilman Burnam.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The Site Review meeting will be December 10th at 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be December 18th at 6:00 p.m. in the Council Chambers.

F. Recreation Board – Palumbo

No report. Then minutes for the October meeting are in the packet. The next meeting will be next Wednesday at 6:30 p.m.

G. Utility Board – Scott

There was not a meeting in November. The next meeting will be December 10th in the Council Chambers at 5:00 p.m. Councilman Scott asked that the proposed sale of Utility property to the city be on the Work Session agenda.

Councilman Boulware stated that the next Finance meeting will be Monday December 8th at 4:00 p.m. at City Hall.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Parade Permit / Shadow Barons / Mardi Gras / February 21, 2009 and Rain date February 22, 2009

MOTION BY Councilwoman Barnette to approve the Parade Permit for the Shadow Barons Mardi Gras group to be held February 21, 2009 and Rain date of February 22, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Parade Permit / Bounds Family YMCA / Fun Run / December 13, 2008

MOTION BY Councilwoman Yelding to approve the Parade Permit for Bounds Family YMCA for December 13, 2008. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small discussed the renovation of the old part of the building. He presented Council with three (3) options.

Consensus of the Council was for the Mayor to present this at the Buildings and Property Committee meeting Friday, and for them to send a recommendation to the Finance Committee to consider on December 8th, and Council set a date of December 11, 2008 for a Special meeting to consider the issue.

Mayor Small announced that Mr. Eady is now the Public Works Director, and Mrs. Adrienne Jones is now the Planning Director.

B. City Attorney's Report

Mr. Ross reported that the BRAG lease will be considered at the Work Session on December 11th. He also discussed with Council the AT&T agreement. He stated that Mobile County and Tuscaloosa are negotiating with AT&T to go back six (6) years for audits instead of three (3) years.

MOTION BY Councilman Scott to authorize the Mayor to enter into an agreement with AT&T with the change in the agreement that the city has the right to go back six (6) years for audits instead of three (3) years. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Ross stated that he will communicate this to AT&T and if the answer is in the affirmative he will get with the Mayor to sign the agreement.

C. Department Head Comments

Sharon Cureton – Human Resource Director - stated that she had the information that Council requested several weeks ago, and will give it to them after the meeting. She also invited Council to the Leadership Academy graduation.

David McKelroy – Recreation Director - invited everyone to the Christmas parade and the lighting of the Christmas tree to be held Thursday at 6:30.

7. PUBLIC PARTICIPATION

No one spoke.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES

2ND READ

- a.) Rezone Ashley Gates Apartments / B-2, General Business to R-4, High Density Multi-Family Residential District /Ordinance 2008-66

1ST READ

- b.) To Require Hotel Registration and Retention of Registration Records. /Ordinance 2008-67

MOTION BY Councilwoman Barnette to waive the reading of Ordinances 2008-66. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-66. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2008-67 WAS MADE 1ST READ.

8. COUNCIL COMMENTS

Councilman Yelding stated that no one every mentions basketball, and he wanted everyone to know that basketball season has started, and he invited everyone out to the games at the schools.

Councilwoman Barnette congratulated Councilman (Coach) Yelding for his outstanding accomplishment that he was recently given by the Baldwin County Educators from the Athletic Association. She hoped everyone had a happy Thanksgiving. She hoped to see everyone at the Christmas parade.

Councilman Boulware encouraged everyone to come out to the Christmas parade.

Councilman Palumbo added his congratulations to Councilman Yelding for being elected to the Alabama Athletic High School Sports Hall of Fame. He said that Councilman Yelding still assists coaching the Daphne High School Basketball team which is off to a great start this year.

Council President Lake stated that the items for the upcoming Work Session are:

- 1.) The proposed sale of the 19 acres owned by the Utilities to the city
- 2.) BRAG Lease
- 3.) HV/AC for City Hall
- 4.) Budget
- 5.) Council Rules of Procedure

Mayor Small stated that the girls 7th grade basketball team won tonight over Robertsdale.

**DECEMBER 1, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

7

10. ADJOURN

MOTION BY Councilwoman Barnette to adjourn. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:17 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake
Council President

Date & Time Signed: _____

December 11, 2008

Mr. David L. Cohen
City Clerk
City of Daphne Legislative Dept
P.O. Box 400
Daphne, Alabama 36526

Dear Mr. Cohen:

I am writing this letter with regards to concerns recently expressed by many residents of the Daphne community. Our complaint is that a business license was granted to the Townsend Recovery Center and they have been allowed to operate since January, 2007 in the administration building of Mercy Medical on Villa Drive. We do not believe that this is a suitable use of the property for several reasons:

- 1) Townsend Recovery Center is located within close proximity to several schools, daycare facilities and parks.
- 2) Safety and security is a considerable concern. We have a large population of vulnerable citizens both young and old living within the surrounding area of Townsend.
- 3) Erratic and increased traffic has been reported when the Townsend patients are attending the facility.
- 4) Mercy Medical promised that there would be no increase in patient population when they were granted the variance to expand the administration building and parking area.
- 5) The variance was granted in good faith to a non-profit organization serving the needs of the elderly and infirmed. Townsend is a for-profit rehab program.
- 6) There will be nothing stopping Townsend, once the business license is renewed, from expanding to a residential facility.

At the present time myself and Holly Colclough has agreed to address the council. There may be a last minute change due to scheduling conflicts.

Thank you in advance for your consideration of this matter and the opportunity to address the Council.

Sincerely,
Christopher Hill
Concerned Citizen

**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
December 8, 2008
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:05 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Also in attendance were Revenue Officer Cornell Smith, Human Resources Director Sharon Cureton, Recreation Director David McKelroy, and Police Captain Danny Bell.

II. PUBLIC PARTICIPATION

Mr. Joe Bullock, Chairman of the Eastern Shore Chamber of Commerce, discussed that they are working on their five year plan for the Blueprint for Tomorrow project. He noted that the Chamber's main objective is to support Daphne and other cities and entities in this area by doing more as a group than one entity can do alone. Ms. Briley noted that \$35,000 is included in the 2009 draft budget request under Community Contributions.

Mr. Kevin Spriggs, Daphne citizen and business owner stated that private organizations should be funded by private sources and that the City's resources should be used to take care of infrastructure and business of the City.

Mr. Yelding noted that the Council would be discussing the budget at the work session on Thursday, December 11.

III. HUMAN RESOURCES BUSINESS

Ms. Sharon Cureton reported that she had sent a copy of the latest job evaluations done by the Archer Company to each Council member, and asked if there were any questions. Mr. Scott asked why the City Clerk position was not included in the study. Ms. Cureton stated that she had sent the packet to the City Clerk and he responded to her that he would not participate.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Bids

1. 2009-C-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1

Eleven sealed bids were received. The low bid from James Brothers Excavating, Inc. for \$837,218.50 was recommended by HMR Engineers and staff. Ms. Briley noted that the total remaining funds reserved for this project is \$689,488, leaving a shortfall of \$147,731. Ms. Briley also stated that Capital Projects Fund has unreserved funds of \$ 2,300,000, which could be used for this project if council so chooses. It was noted that this is not the full cost for the project. There will be additional costs for items such as lighting, irrigation, and landscaping to be brought forth for appropriation at a later date.

Motion by Mr. Scott to recommend to Council to adopt a resolution awarding bid 2009-C-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1 in the amount of \$837,218.50 to James Brothers Excavating, and to appropriate the additional funds needed in the amount of \$147,731 from Capital Projects Fund. Seconded by Mr. Yelding. All in favor.

2. 2009-D-TOWABLE HYDRAULIC LIFT

Seventeen bid invitations were sent out, with three sealed bids received. Mr. Eady, Public Works Director, recommended the bid from Foley Implement Company, Inc., in the amount of \$22,900 with a one year full warranty plus a 5 year major structural parts warranty, be accepted. It was discussed that funds for the lift have been encumbered from FY 08, and the Safety Committee has previously recommended the purchase.

Motion by Mr. Scott to recommend to Council to adopt a resolution awarding bid 2009-D-TOWABLE HYDRAULIC LIFT in the amount of \$22,900 to Foley Implement Company, Inc. Seconded by Mr. Yelding. All in favor.

3. 2009-E-JANITORIAL SUPPLIES

Ten bid invitations were sent out, with two sealed bids received. Mr. Eady, Public Works Director, recommended the overall low bid from Dade Paper Company be accepted. Ms. Henson noted that Dade had the previous years bid contract.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding bid 2009-E-JANITORIAL SUPPLIES to Dade Paper as bid. Seconded by Mr. Scott. All in favor.

4. 2009-F-LAPTOP COMPUTERS

Twenty-five bid invitations were sent out, with five sealed bids received. Captain Danny Bell reported that he has compared each bid and the supplied specifications. He recommended the bid from American Computer Enterprises, Inc. (ACE). Captain Bell stated that ACE was not the lowest bidder but they offered the best product for the money, and that some of the other products had issues with processing speed and warranties. It was noted that this purchase will be made with a Technology Grant the Police Department has received. It was also noted that the majority of the computers purchased will be used in patrol cars.

Motion by Mr. Scott to recommend to Council to adopt a resolution awarding bid 2009-F-LAPTOP COMPUTERS to American Computer Enterprises, Inc. (ACE) in the amount of \$1,230.00 each to be paid for by the Technology Grant received by the Police Department . Seconded by Mr. Yelding. All in favor.

5. 2009-G-LINEN RENTAL SERVICES

Three bid invitations were sent out, with one sealed bid received. Ms. Sandra Morse, Civic Center Director, recommended the bid from American Linen Division (ALSCO) be accepted. Ms. Henson reported that this company had the bid this past year, and that this year's pricing is in line with last year's.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding bid 2009-G-LINEN RENTAL SERVICES to American Line Division (ALSCO) as bid. Seconded by Mr. Scott. All in favor.

B. Appropriation Request – Appraisal for Richard Scardamalia Pavilion Property - \$1,000

A recommendation from the Buildings and Property Committee to appropriate \$1,000 to have the Richard Scardamalia Pavilion reappraised was discussed. Ms. Briley noted that, since this is bay front property, it could be paid from Lodging Tax.

Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating \$1,000 from Lodging Tax to have the Richard Scardamalia Pavilion property appraised. Seconded by Mr. Yelding. All in favor.

V. FINANCIAL REPORTS

A. Treasurer’s Report: November 30, 2008

The Treasurer’s Report totaling \$20,676,506.69 was presented.

Motion by Mr. Yelding to accept the Treasurer’s Report as of November 30, 2008, in the amount of \$20,676,506.69. Seconded by Mr. Scott. All in favor.

B. Sales and Use Taxes: October 31, 2008

Sales and Use Tax Collected for October 2008	- \$ 807,110
Sales and Use Tax Budgeted for October 2008	- \$ <u>867,190</u>
Under Budget (for October)	- \$ (60,080)

C. Lodging Tax Collections, October 31, 2008

The Lodging Tax Collections report shows \$46,543.20 collected for October 2008.

D. Report: New Business Licenses – November 2008

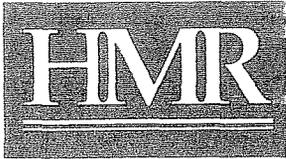
A report showing new businesses licensed in the City in November was presented.

E. Bills Paid Reports – November 2008

The November Bills Paid Report for FY 2008 was included in Packet #2.
The November Bills Paid Report for FY 2009 was included in Packet #2-A.

VI. ADJOURN

The meeting was adjourned at 4:45 p.m.



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

November 11, 2008

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

RE: Bid Document No. 2009
Trione Soccer & Football Complex Phase 1

Dear Mayor Small:

Enclosed is the Tabulation of Bids received November 7, 2008 for the subject project.

We recommend that you award the Contract to James Brothers Excavating, Inc. at their submitted lowest bid of \$837,218.50.

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

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in cursive script that reads 'Stephen J. Delahunty'.

Stephen J. Delahunty, P.E.
Project Manager

/mlp
D2500/3293/08.412

CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

ITEM#		DESCRIPTION		Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners		BIDDER #1 JAMES BROTHERS EXCAVATING		BIDDER #2 ASPHALT SERVICES		BIDDER #3 GULF EQUIPMENT CORPORATION		BIDDER #4 M.C. WILLIAMS CONTRACTING	
				UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1		LS	1		5,000.00								
2	CLEARING AND GRUBBING, APPROX. 21.5 ACRES (201-A) INCLUDES STRIPING (WASTE ON-SITE) (210-A)	CY	20,980	\$ 2.75	57,695.00	\$	1.50	31,470.00	\$	2.90	60,842.00	\$	2.85
3	BORROW EXCAVATION, SELECT FILL, 12" SAND CLAY, PARKING LOT (210-D)	CYIP	7,000	\$ 7.50	52,500.00	\$	8.75	61,250.00	\$	10.60	74,200.00	\$	10.17
4	BORROW EXCAVATION (FOOTBALL & SOCCER, 20% CLAY MIX) (210-D)	CYIP	13,600	\$ 5.00	68,000.00	\$	8.75	119,000.00	\$	10.60	144,160.00	\$	10.19
5	ROADBED PROCESSING (230-A)	R0BD STA	19	\$ 100.00	1,900.00	\$	800.00	15,200.00	\$	350.00	6,650.00	\$	247.53
6	CRUSHED AGGREGATE BASE COURSE, 6" COMPACTED THICKNESS, 825-B (301-A)	SY/CIP	20,850	\$ 9.45	197,032.50	\$	11.30	235,605.00	\$	11.80	246,030.00	\$	9.78
7	MILLING (UP TO 1.5") (408-A)	SY	650	\$ 3.00	1,950.00	\$	5.00	3,250.00	\$	5.40	3,510.00	\$	2.12
8	BITUMINOUS CONCRETE WEARING SURFACE, MIX 1, 1.5" THICK, PATCHING (429-A)	SY	650	\$ 9.00	5,850.00	\$	12.00	7,800.00	\$	11.50	7,475.00	\$	15.15
9	18" RCP (530-A)	LF	696	\$ 29.50	20,532.00	\$	25.00	17,400.00	\$	26.70	18,583.20	\$	30.16
10	24" RCP (530-A)	LF	880	\$ 40.50	35,640.00	\$	36.50	32,120.00	\$	38.60	33,968.00	\$	43.48
11	36" RCP (530-A)	LF	248	\$ 68.00	16,864.00	\$	65.95	16,355.60	\$	66.20	16,417.60	\$	77.91
12	58.5"x36" RCAP (530-B)	LF	480	\$ 121.50	58,320.00	\$	128.50	61,680.00	\$	120.00	57,600.00	\$	130.08
13	MOBILIZATION (600-A)	LS	1		30,500.00			10,000.00			21,354.20		
14	58.5x36" PIPE END TREATMENT (619-A)	EA	2	\$ 750.00	1,500.00	\$	500.00	1,000.00	\$	1,700.00	3,400.00	\$	1,015.28
15	GRATE INLET (621-C)	EA	6	\$ 2,600.00	15,600.00	\$	2,100.00	12,600.00	\$	2,100.00	12,600.00	\$	2,359.95
16	WEIR INLET (621-C)	EA	1	\$ 2,500.00	2,500.00	\$	2,200.00	2,200.00	\$	2,400.00	2,400.00	\$	2,907.82

CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
17	JACK & BORE W/12" STEEL ENCASEMENT (649-A)	LF	60	\$ 10.00	600.00	\$ 140.00	8,400.00	\$ 119.00	7,140.00	\$ 225.43	13,525.80
18	TOPSOIL FROM STOCKPILES, 4" THICK (650-B)	CY	5,500	\$ 3.50	19,250.00	\$ 4.00	22,000.00	\$ 4.60	25,300.00	\$ 3.10	17,050.00
19	SOLID SODDING, BERMUDA TYPE (654-A)	SY	58,800	\$ 2.15	126,420.00	\$ 2.50	147,000.00	\$ 2.20	129,360.00	\$ 2.91	171,108.00
20	SILT FENCE, TYPE A (665-J)	LF	3,000	\$ 5.00	15,000.00	\$ 4.00	12,000.00	\$ 4.50	13,500.00	\$ 3.36	10,080.00
21	3" PVC WATERLINE (WL-1) (SCHEDULE 80)	LF	800	\$ 7.50	6,000.00	\$ 6.50	5,200.00	\$ 9.60	7,680.00	\$ 10.54	8,432.00
22	6" C-900 PVC WATERLINE (WL-1)	LF	4,125	\$ 11.00	45,375.00	\$ 10.90	44,962.50	\$ 12.00	49,500.00	\$ 14.87	61,338.75
23	DUCTILE IRON OR CAST IRON WATER FITTINGS (WL-2)	LBS	750	\$ 4.00	3,000.00	\$ 5.00	3,750.00	\$ 4.60	3,450.00	\$ 4.77	3,577.50
24	3" GATE VALVES (WL-3)	EA	2	\$ 650.00	1,300.00	\$ 650.00	1,300.00	\$ 634.50	1,269.00	\$ 783.81	1,567.62
25	6" GATE VALVES (WL-3)	EA	1	\$ 825.00	825.00	\$ 850.00	850.00	\$ 911.20	911.20	\$ 934.35	934.35
26	TAPPING VALVE & SLEEVE (6"x10") (WL-5)	EA	1	\$ 100.00	100.00	\$ 1,750.00	1,750.00	\$ 4,130.00	4,130.00	\$ 4,015.21	4,015.21
27	FIRE HYDRANT ASSEMBLY (WL-8)	EA	4	\$ 2,900.00	11,600.00	\$ 2,500.00	10,000.00	\$ 3,057.50	12,230.00	\$ 3,076.87	12,307.48
28	CONCRETE FOR SEWER LINES (SS-10)	CY	2	\$ 100.00	200.00	\$ 200.00	400.00	\$ 300.00	600.00	\$ 178.94	357.88
29	CONCRETE FOR WATER LINES (WL-11)	CY	5	\$ 100.00	500.00	\$ 300.00	1,500.00	\$ 300.00	1,500.00	\$ 178.94	894.70
30	3" FORCEMAIN (PVC) (SS-6)	LF	450	\$ 7.50	3,375.00	\$ 5.00	2,250.00	\$ 7.00	3,150.00	\$ 8.98	4,041.00
31	TYPICAL SEWER SERVICES (INCLUDE 3"x2" REDUCER) (SS-19)	EA	2	\$ 10.00	20.00	\$ 750.00	1,500.00	\$ 895.00	1,790.00	\$ 729.02	1,458.04
32	CONNECT TO THE EXISTING FORCEMAIN (3")	EA	2	\$ 10.00	20.00	\$ 500.00	1,000.00	\$ 500.00	1,000.00	\$ 2,479.74	4,959.48
33	BONDS (681-A)	LS	1		25,000.00		10,000.00		16,900.00		10,080.00
34	SANITARY SEWER CLEANOUTS	EA	2	\$ 75.00	150.00	\$ 150.00	300.00	\$ 365.90	731.80	\$ 718.15	1,436.30
35	OUTFALL STRUCTURE	EA	1	\$ 2,500.00	2,500.00	\$ 4,500.00	4,500.00	\$ 5,200.00	5,200.00	\$ 3,410.18	3,410.18
36	SIGNS	LS	1		3,800.00		1,000.00		1,500.00		1,008.00
37	WATTLES (INLET PROTECTION)	LF	160	\$ 5.00	800.00	\$ 12.00	1,920.00	\$ 12.30	1,968.00	\$ 10.04	1,606.40
TOTAL BID AMOUNT					\$ 837,218.50	20	\$ 918,513.10		\$ 1,003,000.00		\$ 1,006,117.18

CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

		Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners			BIDDER #5 TAYLOR-WOERNER, INC.		BIDDER #6 McCONNELL CONTRACTING		BIDDER #7 J.S. WALTON		BIDDER #8 JOHN G. WALTON CONSTRUCTION CO.	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	CLEARING AND GRUBBING, APPROX. 21.5 ACRES (201-A)	LS	1		0.00		7,787.00		3,348.52		4,524.00	
2	UNCLASSIFIED EXCAVATION INCLUDES STRIPING (WASTE ON-SITE) (210-A)	CY	20,980	\$ 1.50	31,470.00	\$ 3.67	76,996.60	\$ 2.43	50,981.40	\$ 4.32	90,633.60	
3	BORROW EXCAVATION, SELECT FILL, 12" SAND CLAY, PARKING LOT (210-D)	CYIP	7,000	\$ 9.50	66,500.00	\$ 11.32	79,240.00	\$ 10.19	71,330.00	\$ 10.31	72,170.00	
4	BORROW EXCAVATION (FOOTBALL & SOCCER, 20% CLAY MIX) (210-D)	CYIP	13,600	\$ 10.00	136,000.00	\$ 11.35	154,360.00	\$ 10.25	139,400.00	\$ 10.53	143,208.00	
5	ROADBED PROCESSING (230-A)	RDBD STA	19	\$ 500.00	9,500.00	\$ 387.12	7,355.28	\$ 220.41	4,187.79	\$ 313.69	5,960.11	
6	CRUSHED AGGREGATE BASE COURSE, 6" COMPACTED THICKNESS, 825-B (301-A)	SYCIP	20,850	\$ 12.50	260,625.00	\$ 11.01	229,558.50	\$ 10.16	211,836.00	\$ 12.63	267,706.00 \$263,335.50	
7	MILLING (UP TO 1.5") (408-A)	SY	650	\$ 15.00	9,750.00	\$ 5.55	3,607.50	\$ 2.53	1,644.50	\$ 7.44	4,836.00	
8	BITUMINOUS CONCRETE WEARING SURFACE, MIX 1, 1.5" THICK, PATCHING (429-A)	SY	650	\$ 20.00	13,000.00	\$ 9.99	6,493.50	\$ 13.75	8,937.50	\$ 15.99	10,393.50	
9	18" RCP (530-A)	LF	696	\$ 37.00	25,752.00	\$ 24.79	17,253.84	\$ 24.88	17,316.48	\$ 26.44	18,402.24	
10	24" RCP (530-A)	LF	880	\$ 54.00	47,520.00	\$ 36.07	31,741.60	\$ 36.71	32,304.80	\$ 36.83	32,410.40	
11	36" RCP (530-A)	LF	248	\$ 78.00	19,344.00	\$ 63.41	15,725.68	\$ 65.74	16,303.52	\$ 66.18	16,412.64	
12	58.5"x36" RCAP (530-B)	LF	480	\$ 140.00	67,200.00	\$ 117.96	56,620.80	\$ 117.76	56,524.80	\$ 119.26	57,244.80	
13	MOBILIZATION (600-A)	LS	1		30,000.00		39,564.00		62,357.03		46,989.00	
14	58.5x36" PIPE END TREATMENT (619-A)	EA	2	\$ 12.00	24.00	\$ 1,441.51	2,883.02	\$ 968.00	1,936.00	\$ 959.20	1,918.40	
15	GRATE INLET (621-C)	EA	6	\$ 3,000.00	18,000.00	\$ 2,271.69	13,630.14	\$ 1,924.66	11,547.96	\$ 2,226.49	13,358.94	
16	WEIR INLET (621-C)	EA	1	\$ 5,000.00	5,000.00	\$ 2,610.45	2,610.45	\$ 2,354.30	2,354.30	\$ 3,763.89	3,763.89	

CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
17	JACK & BORE W/12" STEEL ENCASUREMENT (649-A)	LF	60	\$ 125.00	7,500.00	\$ 98.72	5,923.20	\$ 221.41	13,284.60	\$ 158.36	9,501.60
18	TOPSOIL FROM STOCKPILES, 4" THICK (650-B)	CY	5,500	\$ 2.50	13,750.00	\$ 4.47	24,585.00	\$ 3.48	19,140.00	\$ 5.23	28,765.00
19	SOLID SODDING, BERMUDA TYPE (654-A)	SY	58,800	\$ 2.00	117,600.00	\$ 2.39	140,532.00	\$ 2.86	168,168.00	\$ 2.15	126,420.00
20	SILT FENCE, TYPE A (665-J)	LF	3,000	\$ 2.75	8,250.00	\$ 2.65	7,950.00	\$ 3.04	9,120.00	\$ 3.40	10,200.00
21	3" PVC WATERLINE (WL-1) (SCHEDULE 80)	LF	800	\$ 5.50	4,400.00	\$ 4.73	3,784.00	\$ 10.35	8,280.00	\$ 9.04	7,232.00
22	6" C-900 PVC WATERLINE (WL-1)	LF	4,125	\$ 10.00	41,250.00	\$ 9.23	38,073.75	\$ 14.61	60,266.25	\$ 12.03	49,623.75
23	DUCTILE IRON OR CAST IRON WATER FITTINGS (WL-2)	LBS	750	\$ 7.25	5,437.50	\$ 6.44	4,830.00	\$ 4.62	3,465.00	\$ 4.64	3,480.00
24	3" GATE VALVES (WL-3)	EA	2	\$ 700.00	1,400.00	\$ 743.23	1,486.46	\$ 769.82	1,539.64	\$ 762.82	1,525.64
25	6" GATE VALVES (WL-3)	EA	1	\$ 800.00	800.00	\$ 853.93	853.93	\$ 917.66	917.66	\$ 909.32	909.32
26	TAPPING VALVE & SLEEVE (6"x10") (WL-5)	EA	1	\$ 3,000.00	3,000.00	\$ 2,168.88	2,168.88	\$ 3,943.51	3,943.51	\$ 3,297.26	3,297.26
27	FIRE HYDRANT ASSEMBLY (WL-8)	EA	4	\$ 3,000.00	12,000.00	\$ 2,831.46	11,325.84	\$ 3,021.92	12,087.68	\$ 2,811.33	11,245.32
28	CONCRETE FOR SEWER LINES (SS-10)	CY	2	\$ 200.00	400.00	\$ 185.28	370.56	\$ 175.75	351.50	\$ 174.15	348.30
29	CONCRETE FOR WATER LINES (WL-11)	CY	5	\$ 200.00	40,000.00 \$1,000.00	\$ 216.58	1,082.90	\$ 175.75	878.75	\$ 174.15	870.75
30	3" FORCEMAIN (PVC) (SS-6)	LF	450	\$ 5.50	2,475.00	\$ 7.47	3,361.50	\$ 8.82	3,969.00	\$ 8.74	3,933.00
31	TYPICAL SEWER SERVICES (INCLUDE 3"x2" REDUCER) (SS-19)	EA	2	\$ 2,000.00	4,000.00	\$ 1,522.22	3,044.44	\$ 716.00	1,432.00	\$ 648.45	1,296.90
32	CONNECT TO THE EXISTING FORCEMAIN (3")	EA	2	\$ 1,500.00	3,000.00	\$ 772.15	1,544.30	\$ 2,435.46	4,870.92	\$ 2,169.16	4,338.32
33	BONDS (681-A)	LS	1		30,000.00		15,000.00		12,947.00		9,844.00
34	SANITARY SEWER CLEANOUTS	EA	2	\$ 2,000.00	4,000.00	\$ 651.16	1,302.32	\$ 705.32	1,410.64	\$ 698.91	1,397.82
35	OUTFALL STRUCTURE	EA	1	\$ 15,000.00	15,000.00	\$ 3,249.40	3,249.40	\$ 6,127.00	6,127.00	\$ 6,071.30	6,071.30
36	SIGNS	LS	1		3,000.00		1,609.46		910.94		1,935.04
37	WATTLES (INLET PROTECTION)	LF	160	\$ 3.00	480.00	\$ 6.32	1,011.20	\$ 7.68	1,228.80	\$ 14.52	2,323.20
TOTAL BID AMOUNT					\$1,018,427.50 \$1,027,427.50	22	\$ 1,018,517.05		\$ 1,026,649.49		\$1,070,119.54 \$1,064,490.04

CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

 Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners		BIDDER #9 AMMONS & BLACKMON		BIDDER #10 MBC SOUTHEAST		BIDDER #11 PHILLIPS & JORDAN			
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING AND GRUBBING, APPROX. 21.5 ACRES (201-A)	LS	1		1,000.00		25,000.00		9,787.00
2	UNCLASSIFIED EXCAVATION INCLUDES STRIPING (WASTE ON-SITE) (210-A)	CY	20,980	\$ 4.65	97,557.00	\$ 2.60	54,548.00	\$ 3.15	66,087.00
3	BORROW EXCAVATION, SELECT FILL, 12" SAND CLAY, PARKING LOT (210-D)	CYIP	7,000	\$ 11.60	81,200.00	\$ 13.50	94,500.00	\$ 18.70	130,900.00
4	BORROW EXCAVATION (FOOTBALL & SOCCER, 20% CLAY MIX) (210-D)	CYIP	13,600	\$ 12.43	169,048.00	\$ 13.50	183,600.00	\$ 18.60	252,960.00
5	ROADBED PROCESSING (230-A)	RDBD STA	19	\$ 450.00	8,550.00	\$ 500.00	9,500.00	\$ 976.25	18,548.75
6	CRUSHED AGGREGATE BASE COURSE, 6" COMPACTED THICKNESS, 825-B (301-A)	SY	20,850	\$ 13.07	272,509.50	\$ 11.00	229,350.00	\$ 11.70	243,945.00
7	MILLING (UP TO 1.5") (408-A)	SY	650	\$ 6.92	4,498.00	\$ 11.50	7,475.00	\$ 17.60	11,440.00
8	BITUMINOUS CONCRETE WEARING SURFACE, MIX 1, 1.5" THICK, PATCHING (429-A)	SYCIP	650	\$ 12.38	8,047.00	\$ 17.25	11,212.50	\$ 31.20	20,280.00
9	18" RCP (530-A)	LF	696	\$ 30.78	21,422.88	\$ 26.00	18,096.00	\$ 42.70	29,719.20
10	24" RCP (530-A)	LF	880	\$ 42.38	37,294.40	\$ 40.00	35,200.00	\$ 56.10	49,368.00
11	36" RCP (530-A)	LF	248	\$ 78.34	19,428.32	\$ 70.00	17,360.00	\$ 106.25	26,350.00
12	58.5"x36" RCAP (530-B)	LF	480	\$ 117.86	56,572.80	\$ 125.00	60,000.00	\$ 161.00	77,280.00
13	MOBILIZATION (600-A)	LS	1		5,000.00		55,000.00		56,270.00
14	58.5x36" PIPE END TREATMENT (619-A)	EA	2	\$ 1,500.00	3,000.00	\$ 1,800.00	3,600.00	\$ 6,557.00	13,114.00
15	GRATE INLET (621-C)	EA	6	\$ 2,500.00	15,000.00	\$ 2,000.00	12,000.00	\$ 3,678.00	22,068.00
16	WEIR INLET (621-C)	EA	1	\$ 2,500.00	2,500.00	\$ 2,200.00	2,200.00	\$ 9,964.00	9,964.00

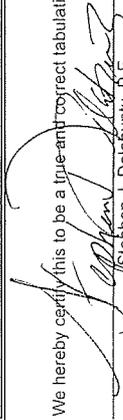
CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
17	JACK & BORE W/12" STEEL ENCASEMENT (649-A)	LF	60	\$ 105.00	6,300.00	\$ 130.00	7,800.00	\$ 132.00	7,920.00
18	TOPSOIL FROM STOCKPILES, 4" THICK (650-B)	CY	5,500	\$ 6.20	34,100.00	\$ 4.00	22,000.00	\$ 4.65	25,575.00
19	SOLID SODDING, BERMUDA TYPE (654-A)	SY	58,800	\$ 2.58	151,704.00	\$ 2.35	138,180.00	\$ 2.90	170,520.00
20	SILT FENCE, TYPE A (665-J)	LF	3,000	\$ 4.00	12,000.00	\$ 2.65	7,950.00	\$ 1.70	5,100.00
21	3" PVC WATERLINE (WL-1) (SCHEDULE 80)	LF	800	\$ 6.00	4,800.00	\$ 9.30	7,440.00	\$ 16.70	13,360.00
22	6" C-900 PVC WATERLINE (WL-1)	LF	4,125	\$ 8.84	36,465.00	\$ 10.00	41,250.00	\$ 12.10	49,912.50
23	DUCTILE IRON OR CAST IRON WATER FITTINGS (WL-2)	LBS	750	\$ 4.25	3,187.50	\$ 6.25	4,687.50	\$ 17.20	12,900.00
24	3" GATE VALVES (WL-3)	EA	2	\$ 690.00	1,380.00	\$ 550.00	1,100.00	\$ 1,200.00	2,400.00
25	6" GATE VALVES (WL-3)	EA	1	\$ 815.00	815.00	\$ 850.00	850.00	\$ 1,368.00	1,368.00
26	TAPPING VALVE & SLEEVE (6"x10") (WL-5)	EA	1	\$ 2,200.00	2,200.00	\$ 2,700.00	2,700.00	\$ 2,323.00	2,323.00
27	FIRE HYDRANT ASSEMBLY (WL-8)	EA	4	\$ 2,600.00	10,400.00	\$ 2,700.00	10,800.00	\$ 3,178.00	12,712.00
28	CONCRETE FOR SEWER LINES (SS-10)	CY	2	\$ 250.00	500.00	\$ 250.00	500.00	\$ 280.25	560.50
29	CONCRETE FOR WATER LINES (WL-11)	CY	5	\$ 250.00	1,250.00	\$ 250.00	1,250.00	\$ 270.25	1,351.25
30	3" FORCEMAIN (PVC) (SS-6)	LF	450	\$ 6.00	2,700.00	\$ 6.50	2,925.00	\$ 4.90	2,205.00
31	TYPICAL SEWER SERVICES (INCLUDE 3"x2" REDUCER) (SS-19)	EA	2	\$ 600.00	1,200.00	\$ 750.00	1,500.00	\$ 1,170.00	2,340.00
32	CONNECT TO THE EXISTING FORCEMAIN (3")	EA	2	\$ 1,600.00	3,200.00	\$ 950.00	1,900.00	\$ 342.25	684.50
33	BONDS (681-A)	LS	1		13,500.00		17,500.00		6,156.00
34	SANITARY SEWER CLEANOUTS	EA	2	\$ 935.00	1,870.00	\$ 250.00	500.00	\$ 222.00	444.00

CITY OF DAPHNE
 BID DOCUMENT NO. 2009-TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1
 NOVEMBER 7, 2008

ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
35	OUTFALL STRUCTURE	EA	1	\$ 3,000.00	3,000.00	\$ 4,800.00	4,800.00	\$ 23,380.00	23,380.00
36	SIGNS	LS	1		1,800.00		2,500.00		705.50
37	WATTLES (INLET PROTECTION)	LF	160	\$ 9.50	1,520.00	\$ 8.00	1,280.00	\$ 6.00	960.00
TOTAL BID AMOUNT					\$ 1,096,519.40		\$ 1,098,054.00		\$ 1,380,958.20

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


 Stephen J. DeLaunty, P.E.
 Hutchinson, Moore & Rauch, LLC

*** BOLD & ITALIC INDICATES A CORRECTION TO THE AMOUNT AND TOTAL AMOUNT IN CONTRACTOR'S SUBMITTED BID .**

MEMORANDUM

CITY of DAPHNE - DIVISION OF PUBLIC WORKS

To: Suzanne Henson, Sr. Accountant
Finance Committee Members

From: William H. Eady, Sr.
Public Works - Director

Date: December 8, 2008

Re: Recommendation for Bid Award: 2009-D-Towable Hydraulic Lift

The Finance Department and Public Works sent out requests for bids for a Towable Hydraulic Lift. Two bids were received for bid 2009-D-Towable Hydraulic Lift, but only Foley Implement Company, Inc. met all of the required specifications without any exceptions. Their bid was for \$22,900 and includes a 1 full year warranty plus 5 full years warranty on major structural parts.

I therefore recommend to this Committee that we award the City of Daphne BID 2009-D-Towable Hydraulic Lift to Foley Implement Co, Inc.

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

WHE:swc

cc: Frank Barnett

CITY OF DAPHNE

BID OPENING MINUTES

BID DOCUMENT NO: 2009-D-TOWABLE HYDRAULIC LIFT

December 4, 2008

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson

Sr. Accountant

Mr. Melvin McCarley

PW Superintendent

Frank Barnett

Building Maintenance Supervisor

17 bid invitations were mailed/picked up , 3 sealed bids were received.

MELVIN MCCARLEY opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>BID BOND/CERT CK</u>	<u>UNIT COST</u>
Samson Equipment Co., Inc.		NO BID
NES Rentals (Model: JLG T350)	X	\$ 22,913.27
Foley Implement Co., Inc.	Cert Ck	\$ 22,900.00



Suzanne Henson, Sr. Accountant

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derrick Boulware
District 6

August Palumbo
District 7

To: Suzanne Henson

From: William H. Eady, Sr.
Director of Public Works

Date: December 8, 2008

Re: Recommendation for Bid Document 2009-E-Janitorial Supplies

I have received the spreadsheet for bids received December 4, 2008 for Janitorial Supplies.

It appears that Dade Paper is the overall low bidder. I recommend that Dade Paper be awarded the bid for 2009-E-Janitorial Supplies.

If you have any questions, please contact me.

WHE:swc

CITY OF DAPHNE
BID OPENING MINUTES BID DOCUMENT NO: 2009-E-JANITORIAL SUPPLIES

December 4, 2008

11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Mr. Melvin McCarley PW Superintendent

___ bid invitations were mailed/picked up/e-mailed, 10 sealed bids were received.

Mr. McCarley opened the bids presented and the bids were read aloud as follows:

BID COMPARISON FOR ITEMS ALL BIDDERS BID ON-COST FOR ITEMS NOT BID ON BY ANY BIDDER WERE REMOVED

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY					
Bid will be evaluated using estimated purchase quantities			WEIGHTED FOR	DADE PAPER	EXTENDED TOTAL	MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL
PAPER PRODUCTS			COMPARISON	UNIT PRICE		UNIT PRICE	
Toilet Tissue Procter & Gamble Charmin Double Roll - White 2-ply/340 sheets	48/case	15		33.75	506.25	46.32	694.80
Toilet Tissue Kimberly Clark Cottonelle - White 2-ply/400 sheets	96/case	42		33.75	1,417.50	114.08	4,791.36
Toilet Tissue Kimberly Clark Jr. Jumbo - White 2-ply/1000'	12/case	104		21.94	2,281.76	21.90	2,277.60
Universal White M-Fold 9.5 X 9.125	4000/case	1		17.05	17.05	22.40	22.40
Tork Universal Natural Roll Towel	12/350' case	1		17.05	17.05	18.15	18.15
Roll Towel - Ft James	12/350 case	1		-	-		-
Jr. Jumbo Dispenser (2 Roll)	Each	1		2.00	2.00	20.00	20.00
2 Ply White Tissues Marcall	30/100 case	1		13.73	13.73	17.90	17.90
Facial Tissue Kimberly Clark Kleenex Boutique - White 2-ply/95 sheets	30/case	1			-	-	-
Facial Tissue Marcal Fluff Out - White 2-ply/100 sheets	30/case	1		13.73	13.73	17.90	17.90
Roll Towel Kimberly Clark Premiere - White 1-ply/75 sheets	20/case	59			-	-	-
Roll Towel Procter & Gamble Bounty - White 2-ply/64 sheets	30/case	1		19.13	19.13	49.12	49.12
Roll Towel - White 2-ply/90 sheets	30/case	1		19.13	19.13	21.20	21.20
Roll Towel Kimberly Clark Wypall L30	30/case	1			-	-	-
Hardwound Roll Towel - Natual 8" x 350'	12/case	1		17.05	17.05	18.15	18.15
Hardwound Roll Towel Dispenser	Each	1		2.00	2.00	30.00	30.00

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY					
Bid will be evaluated using estimated purchase quantities			WEIGHTED FOR	DADE PAPER	EXTENDED TOTAL	MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL
PAPER PRODUCTS			COMPARISON	UNIT PRICE		UNIT PRICE	
Multi-fold Paper Towel - White/250 sheets 9.125" x 9.5"	16/case	21		17.05	358.05	22.40	470.40
VICTORIA BAY H/H Towel 2-ply White	30/85/Case	1		19.13	19.13	21.20	21.20
VICTORIA BAY Facial Tissue 2-ply White	30/100/Case	1		13.73	13.73	17.90	17.90
VICTORIA BAY T/ISSUE 2 PLY	96/500/Case	1		33.24	33.24	31.00	31.00
VICTORIA BAY Jrt Jr 2 Ply Bath Tissue	12/1000/Case	1		21.19	21.19	21.90	21.90
VICTORIA BAY Centerpull 2 Ply Towel 3960 ft	6/660/Case	1		24.52	24.52	22.40	22.40
KLEENEX Cottonelle Toilet Tissue Ind Wrapped 505 RI	60RL/Case	1		33.75	33.75	71.30	71.30
Multi-fold Paper Towel Dispenser	Each	1		17.22	17.22	19.00	19.00
Centerpull Towels - White 2-ply/600'	6/case	136		24.52	3,334.72	22.40	3,046.40
Centerpull Towel Dispenser	Each	1		15.20	15.20	10.00	10.00
Cup 2.5M / Cs L10N25 Lid	25/100	1		41.67	41.67	68.17	68.17
White Polypropylene Forks 1M/CS	1000	1		8.86	8.86	9.09	9.09
Towel - Universal Natural Roll	12/350'	1		-	-		-
Napkin - Beverage	4,000/case	1		11.28	11.28	14.77	14.77
Napkin - Lunch/Dinner	1,000/case	1		25.92	25.92	5.19	5.19
Cup Plastic Sweetheart Clarity - Clear 10 oz.	1,000/case	9		58.24	524.16	27.27	245.41
Cup Plastic Sweetheart Clarity - Clear 12 oz.	1,000/case	1		22.63	22.63	32.70	32.70
Cup Plastic Sweetheart Clarity - Clear 16 oz.	1,000/case	1		37.78	37.78	44.30	44.30
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 8 oz.	1,000/case	1			-	-	-
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 12 oz.	1,000/case	1			-	-	-
Cup Paper (Hot Beverage) Sweetheart - 12 oz.	1,000/case	1			-	-	-
Cup Paper Portion 1 oz.	5,000/case	1		35.07	35.07	38.39	38.39
Cup Paper Portion 2 oz.	5,000/case	1		44.36	44.36	48.58	48.58
Fork Plastic Extra Heavy - Clear	1,000/case	21		46.57	977.97	39.00	819.00
Spoon Plastic Extra Heavy - Clear	1,000/case	1		44.45	44.45	39.00	39.00
Knife Plastic Extra Heavy - Clear	1,000/case	1		44.45	44.45	39.00	39.00
Fork Plastic Extra Heavy - White Wrapped	1,000/case	1		16.95	16.95	39.20	39.20
Spoon Plastic Extra Heavy - White Wrapped	1,000/case	1		16.95	16.95	44.70	44.70

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY					
Bid will be evaluated using estimated purchase quantities			WEIGHTED FOR	DADE PAPER	EXTENDED TOTAL	MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL
PAPER PRODUCTS			COMPARISON	UNIT PRICE		UNIT PRICE	
Dart 8oz Foam Cup	40/25 case	1		15.55	15.55	17.62	17.62
CONEX 10oz Trans Plastic Cup Lid 2.5M/CS	25/100 case	1		58.24	58.24	68.17	68.17
Fork White Med Weight Polyprop.	1000/case	1		8.86	8.86	9.09	9.09
Fork Wrapped White Med Weight Polyprop.	1000/case	1		16.95	16.95	11.88	11.88
Plate Foam 3 Compartment 10 1/4"	500/case	1		22.20	22.20	28.82	28.82
Plate Foam 6"	1,000/case	1		14.75	14.75	17.65	17.65
Plate Foam 9"	500/case	1		15.17	15.17	17.65	17.65
Plate Plastic 6"	1,000/case	1		24.85	24.85	31.56	31.56
Plate Plastic 9"	500/case	1		25.01	25.01	36.16	36.16
Table Skirting Pleated Plastic Self-Adhesive - White	25/case	1		-	-	-	-
Aluminum Foil Heavy Duty Reynolds 18" x 500'	Each	1		25.02	25.02	28.98	28.98
Plastic Wrap Reynolds 18" x 2000'	Each	1		12.85	12.85	15.34	15.34
Ziploc Storage Bags - Quart	500/box	1		26.52	26.52	34.40	34.40
Ziploc Storage Bags - Gallon	250/box	1		21.66	21.66	28.09	28.09
TOTAL PAPER PRODUCTS				1,172.67	10,337.26	1,491.39	13,542.99
SUPPLIES							
Broom Standard Janitor, 24 lb. Corn	Each	10		5.88	58.80	6.90	69.00
Gloves Latex w/Powder - Med., Lg., X-Lg.	100/box	14		4.19	58.66	4.20	58.80
Gloves Latex Powder Free - Med., Lg., X-Lg.	100/box	9		4.07	36.63	4.94	44.46
Gloves Poly Food Service - Med., Lg., X-Lg.	100/box	1		4.55	4.55	0.48	0.48
Gloves Nitrile - Med., Lg., X-Lg.	100/box	1		65.91	65.91	9.00	9.00
VIC BAY LG Powder Free Latex Glove	10/100/Case	1		40.63	40.63	49.40	49.40
VIC BAY XLG Powder Free Latex Glove	10/100/Case	1		40.63	40.63	49.40	49.40
VIC BAY LG Powder Latex Glove	10/100/Case	1		38.07	38.07	42.00	42.00
VIC BAY XLG Powder Latex Glove	10/100/Case	1		38.07	38.07	42.00	42.00
VIC BAY Med Powder Free Latex	10/100/Case	1		40.63	40.63	49.40	49.40
Large Poly Gloves Disposable	10/100/CTN	31		45.45	45.45	48.00	48.00

Two low bidders x qty

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY			MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL	
Bid will be evaluated using estimated purchase quantities			WEIGHTED FOR COMPARISON	DADE PAPER UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	
PAPER PRODUCTS							
Mop Handle Fiberglass Quick Change Saddle Head	Each	1		6.99	6.99	9.00	9.00
Mop Head Cotton - Quick Change Saddle - 24 oz.	12/case	1		2.66	2.66	28.80	28.80
Wet Floor Sign	Each	1		9.39	9.39	13.00	13.00
Black 12" Floor Stripper Pads	6/case	1		7.06	7.06	10.20	10.20
Red 12" Floor Stripper Pads	6/case	1		12.07	12.07	10.20	10.20
Blue 12" Floor Stripper Pads	6/case	1		12.07	12.07	10.20	10.20
White 12" Floor Stripper Pads	6/case	1		13.66	13.66	10.20	10.20
20" Black Stripper Pads	6/case	1		26.77	26.77	19.90	19.90
White Carpet Bonnet (20")	2/cs	1		20.95	20.95	29.82	29.82
Bulldozer All Purpose Cleaner Dispenser	12/cs	1		24.32	24.32	-	-
Dust Mop Cloths Treatment	12/case	1		31.10	31.10	42.00	42.00
Dust Mop Cloths All Sizes	12/case	1		-	-	-	-
Revive Floor Cleaner Dispenser 32 oz.	6/case	1		-	-	-	-
Vectra Floor Stripper Dispenser 1 gal	4/case	1		-	-	-	-
Heavy Duty Carpet Pre-Spray Dispenser 1 gal	4/case	1		-	-	-	-
GP Forward General Purpose Cleaner Dispenser 1.5L	2/case	1		-	-	-	-
TOTAL SUPPLIES				495.12	635.07	489.04	645.26
TOILETRIES							
Sanitary Napkin Gards Feminine Pads - Regular	250/case	1		23.34	23.34	42.00	42.00
Tampon Tampax w/Cardboard Applicator - Regular	500/case	1		56.10	56.10	62.59	62.59
Toothpaste w/ Fluoride Crest .85 oz.	240/case	1		-	-	-	-
Toothbrush Standard Individual Wrapped	144/case	1		-	-	-	-
Hair and Body Shampoo - 1000 ml.	10/case	25		39.28	982.00	45.10	1,127.50
Dispenser for Hair and Body Shampoo	Each	1		10.98	10.98	4.50	4.50
Blood & Body Fluid Cleanup Kit	6/case	1		-	-	-	-
TOTAL TOILETRIES				129.70	1,072.42	154.19	1,236.59
CLEANERS/DEODORIZERS							
Absorbing Agent/Deodorizer - 16 oz. Lemon	6/case	1		-	-	-	-

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY			MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL	
Bid will be evaluated using estimated purchase quantities			WEIGHTED FOR	DADE PAPER	EXTENDED TOTAL		
PAPER PRODUCTS			COMPARISON	UNIT PRICE		UNIT PRICE	
All Purpose Cleaner Pine-Sol Lemon Scent - 144 oz.	3/case	1		23.10	23.10	28.90	28.90
Bathroom Cleaner Lysol 94201 - Heavy Duty Disinfectant	Gallon	1			-	-	-
Bleach Industrial Ultra Clorox - Gallon	6/case	8		12.00	96.00	8.60	68.80
Brass Polish/Cleaner Wipes 36/box	6/case	1		-	-	-	-
Cleaner Fantastik Liquid Spray Bottle - 32 oz.	12/ case	16		24.32	389.12	44.17	706.72
Clorox Cleanup Spray Bottle - 32 oz.	12/case	24		27.66	663.84	29.21	701.04
Clorox Disinfecting Wipes	12/case	1		30.88	30.88	31.20	31.20
Deodorizer Metered Aerosol Cans (All Scents) - 7 oz.	12/case	1		32.20	32.20	29.60	29.60
Dishwashing Liquid	Gallon	1		35.99	35.99	7.60	7.60
Dishwashing Liquid Dawn - 50 oz.	6/case	5		32.83	164.15	32.12	160.60
Dishwashing Liquid Joy - 12.6 oz.	24/case	1		-	-		-
Dishwasher Powder Cascade 34034 - 85 oz.	6/case	1		40.96	40.96	46.42	46.42
Hand Soap Liquid Antibacterial 7.5 oz. Pump	12/case	1		13.46	13.46	27.28	27.28
Hand Soap Liquid - Gallon	Gallon	1		24.35	24.35	8.20	8.20
Hand Sanitizer Purell 8 oz.	12/case	1		40.45	40.45	39.98	39.98
Hand Soap Foaming 1,000 ml.	4/case	1		49.15	49.15	42.45	42.45
Boxed Almond Hand Soap	12/case	1		27.66	27.66	35.40	35.40
Foaming Soap Dispenser	Each	1		9.76	9.76	5.00	5.00
Hand Cleaner Heavy Duty Lime w/cornmeal 2,00 ml.	4/case	1		-	-		-
Hand Cleaner Dispenser	Each	1		-	-		-
Laundry Detergent - 50 lb. Container	Each	1		24.39	24.39	20.70	20.70
Stainless Steel Polish/Cleaner Aerosol Cans - Twinkle 17 oz.	12/case	1		28.49	28.49	34.00	34.00
Toilet Bowl Deodorizer w/Hanger	12/case	1		5.90	5.90	7.00	7.00
Urinal Screen Deodorizer	12/case	1		7.32	7.32	9.00	9.00
Window Cleaner w/sprayer 32 oz.	12/case	1		18.68	18.68	22.00	22.00
Window Cleaner Windex Outdoor w/Hose Attachment 32 oz.	8/case	1		-	-	-	-
Metered Spray Dispenser	Each	1		19.63	19.63	19.50	19.50
Bravo Floor Stripper	5 Gal	1		47.98	47.98	51.10	51.10
Capri Lemon Cleaner	4 gal/case	1			-	-	-

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY							
Bid will be evaluated using estimated purchase quantities					WEIGHTED FOR	DADE PAPER	EXTENDED TOTAL	MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL
PAPER PRODUCTS					COMPARISON	UNIT PRICE		UNIT PRICE	
Alpha HP (J-fill)	1/2.5L per case	1			-			-	-
Degreaser	4 gal/case	1			20.48	20.48	32.16	32.16	
Wright's Brass Cleaner	12/case	1				-	-	-	
Banner Drain Cleaner	12/case	1			39.06	39.06	31.00	31.00	
Heavy Duty Carpet Pre-Spray	4/1 gal/case	1			80.29	80.29	56.00	56.00	
Damp Mop Neutral Disinfectant		1			-	-		-	
GoJo Dermapro Foam Soap 800 ml for Dispenser	6/case	1			-	-	-	-	
Clorox Clean Up with Bleach	9/32oz/Case	1			27.66	27.66	32.90	32.90	
Clorox Disinfect Wipes Surface Cleaner	12/35/Case	1			30.88	30.88	31.20	31.20	
Bleach	6/1 GAL	1			12.00	12.00	9.40	9.40	
Purrell Hand Sanitizer W Moisturizer Pump	12/8oz/Case	1			40.45	40.45	39.98	39.98	
Lather & Kleen Hair & Body Shampoo	12/800ml/Case	1			39.28	39.28	48.90	48.90	
TOTAL CLEANERS/DEODORIZERS						867.26	2,083.56	860.97	2,384.03
TRASH BAGS/SUPPLIES									
Trash Liner 12 x 17 - 6 mic. 4 Gal. Natural	1000/case	1			14.56	14.56	7.00	7.00	
Trash Liner 20 x 22 - 6 mic. 7 Gal. Natural	1000/case	1			20.92	20.92	10.50	10.50	
Trash Liner 15 x 9 x 23 - .9 mil. 10 Gal. Black	1000/case	10			18.58	185.80	52.60	526.00	
Trash Liner 33 x 39 - 1.3 mil. 30 Gal. Black	100/case	4			13.90	55.60	13.00	52.00	
Trash Liner 33 x 39 - .9 mil. 30 Gal. Black	100/case	1			8.50	8.50	13.00	13.00	
Trash Liner 40 x 46 - 1.3 mil. 45 Gal. Black	100/case	1			15.18	15.18	19.50	19.50	
Trash Liner 40 x 46 - .9 mil. 45 Gal. Black	100/case	15			12.32	184.80	14.50	217.50	
Trash Liner 38 x 60 - 1.3 mil. 65 Gal. Black	100/case	5			19.73	98.65	20.80	104.00	
Trash Liner 23 x 10 x 40 - 1.5 mil. Grey	200/case	1			17.51	17.51	26.00	26.00	
Trash Liner 38 x 60 - 2 mil. 65 Gal. Grey	100/case	64			21.07	1,348.48	26.40	1,689.60	
Trash Liner 15 x 9 x 32 - 1.3 mil. 30 Gal. White	500/case	1				-	-	-	
Trash Liner 23 x 17 x 47 - 1.3 mil. 45 Gal. White	100/case	63			12.32	776.16	19.50	1,228.50	
Trash Liner 22 x 14 x 58 - 3 mil. 65 Gal. Clear	100/case	1			41.11	41.11	64.40	64.40	
Poly Bag 1.75 mil. 10 x 8 x 24	500/case	1			52.57	52.57	48.00	48.00	
24x23 Black .35MIL Can Liner	1000 case	1			17.98	17.98	18.60	18.60	
40x46 1.5mil Black Can Liner	100 case	1			15.18	15.18	21.20	21.20	
38x58 Black XX Tough Liner	100 case	1			21.07	21.07	24.48	24.48	
38x58 1.2mil Black Can Liner 55 gal	100 case	1			14.55	14.55	20.80	20.80	
33x39 Black 1.2mil Can Liner	100 case	1			8.50	8.50	13.00	13.00	
40x46 White X-Heavy Liner	4/25 case	1			12.32	12.32	19.50	19.50	
TOTAL TRASH BAGS/SUPLIES						357.87	2,909.44	452.78	4,123.58

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY					
Bid will be evaluated using estimated purchase quantities			WEIGHTED FOR	DADE PAPER	EXTENDED TOTAL	MOBILE JANITORIAL & PAPER	QTY X COST / EXTENDED TOTAL
	PAPER PRODUCTS		COMPARISON	UNIT PRICE		UNIT PRICE	
GRAND TOTAL				3,022.62	17,037.75	3,448.36	21,932.45
				Loxley		Mobile	

MEMORANDUM

TO: SUZANNE HENSON
FROM: CHIEF CARPENTER DC
DATE: December 8, 2008
RE: Technology Computer Grant bids

We would like to accept the bid from American Computer Enterprises. Inc. for the thirteen laptop computers bought with the money from the Technology Grant we obtained. Considering all bid information submitted by the different companies, American Computer Enterprises meets and exceeds all bid requirements.

If you have any questions, please contact me.

***Daphne Police
Department***



Internal Letter

To: Chief Carpenter

From: Captain Daniel Bell

A handwritten signature in black ink, appearing to read "D. Bell", written over the printed name "Captain Daniel Bell".

Date: December 8, 2008

Subject: 2008 Computer Bids for
Technology Grant

I have reviewed the attached computer bids for the technology grant. I compared each bidder and the supplied specifications. The computer system offered from American Computer Enterprises meets and exceeds our bid requirements. Warranty, operating system, and processing speed singled out the computer offered by American Computer Enterprises as the best option.

**CITY OF DAPHNE BID OPENING MINUTES
2009-F-LAPTOP COMPUTERS
DECEMBER 4, 2008 11:30A.M. @ CITY HALL**

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
Captain Danny Bell Police

25 bid invitations were mailed/picked up , 5 sealed bids were received.

Captain Bell opened the bid presented and the bid was read aloud as follows:

<u>VENDOR</u>	<u>BID BOND/ CERT CK</u>	<u>AMOUNT</u>
Copy Products		NO BID
Logista (<i>Mobile</i>)	X	Each - \$ 1,456.00/ea Qty-12 - \$17,472.00 Bag - \$ 39.00 Warr: Lmtd Lifetime/Carry-in Manf: Dell Latitude D830
Computers Unlimited (<i>Daphne</i>)	X	Each - \$ 935.15/ea Qty-12 - \$11,100.00 Bag - \$ 37.00 Warr:3Yrs/ 30 Day Money Back Manf:Sony VAIO NS115N/S
American Computer Enterprises, Inc. (<i>Daphne</i>) (ACE)	X	Each - \$ 1,230.00/ea Qty-12 - \$14,160.00 Bag - \$ 60.00 Warr: 3 Yr Next Bus Day-Dell / 30 Day Guarantee Manf: Dell Latitude E5500
Howard Industries, Inc (<i>Laurel, MS</i>) X		Each - \$ 1,090.00/ea Qty-12 - \$13,080.00 Bag - \$ 45.00 Warr: 1 Year Limited Warr Manf: Howard Notebook 1638



Suzanne Henson, Sr. Accountant

INTEROFFICE MEMORANDUM

TO: SUZANNE HENSON, FINANCE DEPARTMENT
FROM: SANDRA MORSE, DIRECTOR, DAPHNE CIVIC CENTER
SUBJECT: LINEN BID
DATE: 12/5/2008
CC:

After review of the linen bid from AlSCO Linen Company I report that all pertinent information was included in the bid document. This company has supplied our linen in the past and provided great service. I recommend the acceptance of this bid.

CITY OF DAPHNE
BID OPENING MINUTES
2009-G-LINEN RENTAL SERVICES
11:30A.M.
CITY HALL

Those present were as follows:

Ms. Suzanne Henson	Senior Accountant
Ms. Sandra Morse	Civic Center Director

3 bid invitations were mailed/picked up , 1 sealed bids were received.

Ms. Sandra Morse opened the bid presented and the bid was read aloud as follows:

VENDOR

American Linen Division (ALSCO)

Weekly Service For:

100 White (85") Square: Total Bid \$ 190.00 Per Piece Price \$ 1.90

100 White Banquets (52"x114"): Total Bid \$165.00 Per Piece Price \$1.65

100 White Napkins: Total Bid \$ 8.18 Per Piece Price \$.0818

State Available Colors: Black, Forest Green, Royal Blue, Red , Gold

State Other Charges: Service Charge per Invoice – 9%



Suzanne Henson, Sr. Accountant

Buildings and Property Committee Minutes

November 7, 2008

10:00 a.m.

City of Daphne
Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Frank Barnette, Maintenance Supervisor

Deni Biggs, Latina Harrison, Daphne Civic Center

Richard Merchant, Buildings Inspector

Ms. Selena Vaughn

Mr. Bill Caswell

Mr. Al Guarisco

Meeting Began 10:05 A.M.



Motion by Councilman Palumbo to request City Council to appropriate an amount not to exceed \$1000.00 for the purpose of authorizing Mayor Small to procure a reappraisal of the Richard Scardamalia Pavilion, with funds to be appropriated from the lodging tax accrual set aside for Bayfront Park improvement and development. The Committee further approved sending the request to City Clerk David Cohen to be put on the agenda of the next Council meeting. Councilman Palumbo recommended a suspension of the rules in order to expedite the request. **Second** by Mayor Small. **Motion unanimously approved.**

Ms. Selena Vaughn of the Village Point Foundation was present to discuss a pending grant from Impact 100 for Village Point. Ms. Vaughn explained that the grant requested is for \$82,000 and is not available to government municipalities but is available to 501-C3 organizations and would be active for the years 2009 and 2010. However, the grant may be used by Village Point for the improvement of Bayfront Park, which Ms. Vaughn noted could possibly include a 2000 seat amphitheater and wetlands boardwalk and would impact not only the City of Daphne but Baldwin County as a whole.

TREASURER'S REPORT

As of November 30, 2008

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$12,047,577.08
OPERATING ACCT	COMPASS	(\$248,870.81)
PAYROLL ACCT	COMPASS	(\$26,761.02)
		<u>\$11,771,945.25</u>
AGENCY FUND		
MUNICIPAL COURT	COMPASS	\$329,784.45
SPECIAL REVENUES FUND		
SAIL SITE	RBC BANK	\$5,497.07
4 CENT GAS TAX	RBC BANK	\$209,257.31
7 CENT GAS TAX	RBC BANK	\$299,842.82
		<u>\$514,597.20</u>
CAPITAL PROJECTS FUND		
CAPITAL RESERVE	WACHOVIA	\$4,123,003.99
99 WARRANT CONS	REGIONS	\$11,544.64
2006 CONSTRUCTION	WACHOVIA	\$1,901,457.87
		<u>\$6,036,006.50</u>
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA	\$1,812,360.84
2006 DEBT SERVICE	RBC BANK	\$211,812.45
		<u>\$2,024,173.29</u>
		<u>\$20,676,506.69</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	807,109.60
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	-
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	-
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	-
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	-
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	-
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	-
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	-
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	-
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	-
August	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	-
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	960,450.01	-
Totals	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,321,248.79	807,109.60

FY 2009 BUDGET/ACTUAL COMPARISONS

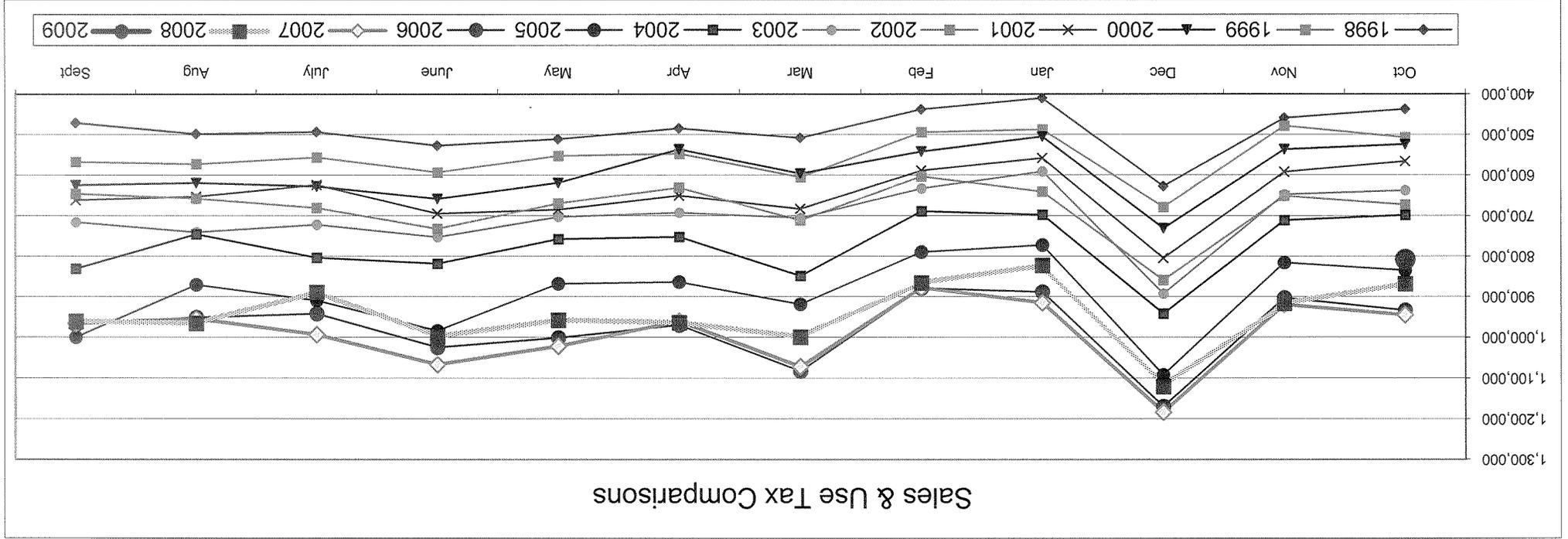
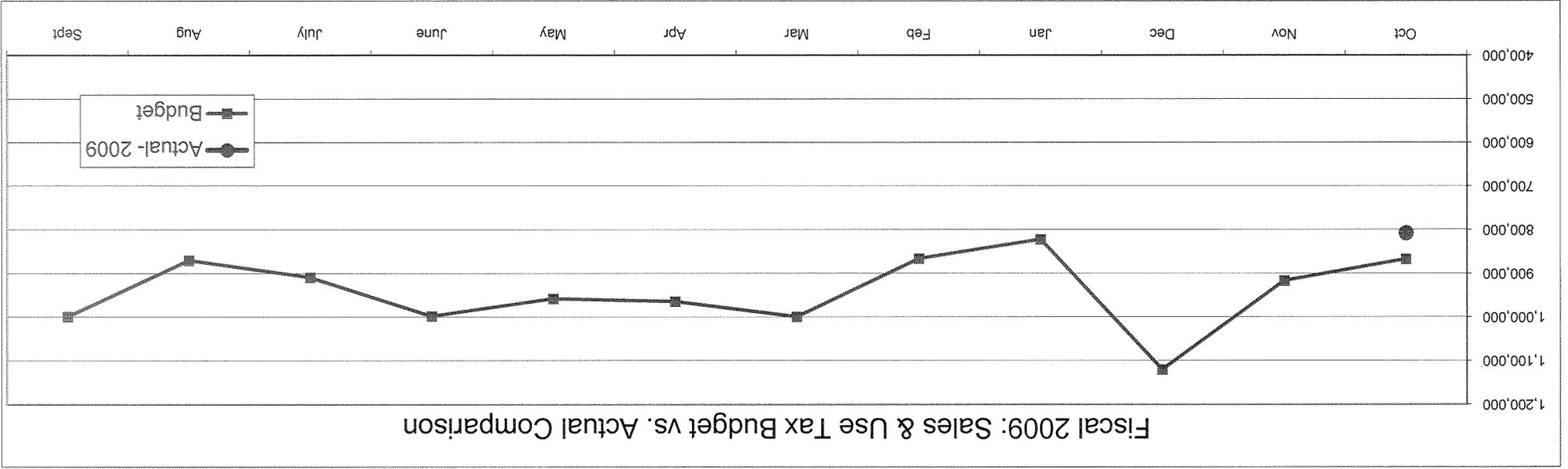
	Actual- 2009	Budget	Monthly Variance	YTD Variance	% of Budget
October	807,109.60	867,190	(60,080.58)	(60,080.58)	-6.93%
November	-	915,891	-	-	0.00%
December	-	1,120,005	-	-	0.00%
January	-	822,021	-	-	0.00%
February	-	865,626	-	-	0.00%
March	-	998,616	-	-	0.00%
April	-	963,692	-	-	0.00%
May	-	957,167	-	-	0.00%
June	-	997,274	-	-	0.00%
July	-	908,576	-	-	0.00%
August	-	869,818	-	-	0.00%
September	-	998,476	-	-	0.00%
Totals	807,109.60	11,284,353	(60,080.58)		

FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,080.58)	9.64%	19.47%	11.87%	1.28%	-8.19%	-6.93%
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	-	9.94%	14.61%	10.66%	1.92%	-0.32%	-
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	-	5.49%	15.93%	7.09%	1.21%	-5.29%	-
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	-	18.00%	10.72%	14.98%	3.09%	-10.15%	-
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	-	8.81%	14.58%	11.32%	-0.02%	-1.41%	-
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	-	20.24%	8.21%	17.86%	-0.94%	-6.81%	-
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	-	8.65%	14.77%	12.24%	-0.89%	0.37%	-
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	-	7.82%	14.50%	15.33%	2.11%	-6.30%	-
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	-	8.71%	20.12%	4.19%	4.13%	-6.49%	-
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	-	11.26%	13.14%	3.61%	5.50%	-10.52%	-
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	-	0.72%	16.70%	9.28%	0.41%	1.07%	-
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(4,657.34)	-	16.02%	20.26%	-3.09%	-0.26%	-0.48%	-
Annual \$ Change	860,992.68	1,418,335.85	994,535.81	168,436.75	(549,984.40)	(60,080.58)	10.21%	15.27%	9.29%	1.44%	-4.63%	

TOTAL collections: FY 08	11,321,249
TOTAL est. bdgt coll: FY 09	11,284,353
Budgeted Dollar Variance 08/09	(36,896)
Budgeted Percent Variance 08/09	-0.33%

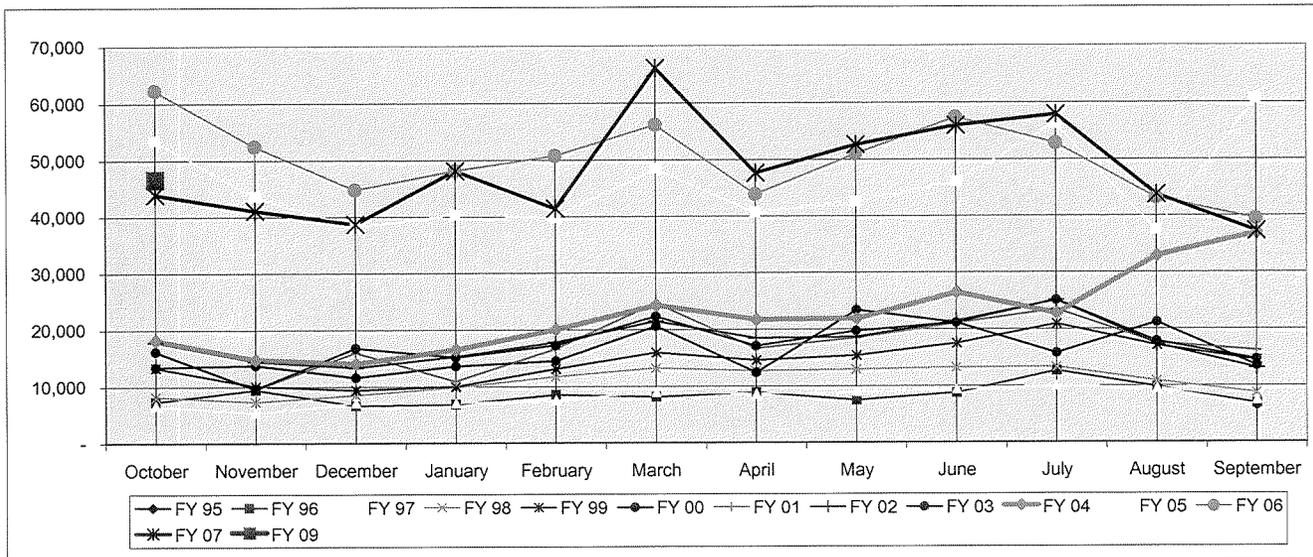
TOTAL collections: 10-31-08	807,110
Budgeted: 10-1-08 to 10-31-08	867,190
Actual Coll > (<) Budget, 10-31-08	(60,081)
% Over/(Under) Budget, 10-31-08	-6.93%



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>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</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	43,874.01	46,360.47	46,543.20
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	46,543.20

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



<u>FY 2009 Budget</u>	924,600
<u>% Budget Collected</u>	
<u>10/31/2008</u>	5%

NEW BUSINESSES

November-08

CITY LIMITS		CONTRACTORS	
BAYSHORE TITLE	1	HAMILTON SERVICES	1
THE UPS STORE #6076	1	HEADRICK SIGNS & GRAPHICS	1
JERRI AYERS SALON	1	PROFINISH PAINTING INC	1
REDBOX AUTOMATED RETAIL	1	PRESLEY / VICTORY ROOFING	1
ORNAMENTAL METALS	1	YARMEX CONSTRUCTION LLC	1
M & M PROPERTIES	1	WEISS SERVICE & SALES INC	1
A STORAGE SOLUTION OF DAPHNE	1	TERRY'S LAWN CARE	1
CMS INC	1	BESAM ENTRANCE SOLUTION	1
EASTERN SHORE ATV'S & SCOOTERS	1	C L ELECTRIC	1
TOTAL INSIDE CITY LIMITS	9	FLORIDA CERTIFIED SIGN ERECTORS	1
		RETAIL MARKETING SERVICES	1
		GRANITE CONNECTION LLC	1
		WAYNE JOHNSON ELECTRIC	1
		HIGHLAND WAKE CONSTRUCTION	1
		TOTAL CONTRACTORS	14
		TOTAL NEW BUSINESSES	43
OUTSIDE CITY LIMITS			
MITEL LEASING INC	1		
WINZER CORP	1		
BALLEWS ALUMINUM PRODUCTS	1		
ATRIUM COMPANIES INC	1		
HUSQVARNA CONSTRUCTION PRODUCTS	1		
FISERV EFT	1		
FENWAL INC	1		
PRECISION GLASS TINTING	1		
RTI MEDICAL SYSTEMS INC	1		
SOUTHERN CREATIONS	1		
MEDRAD	1		
PRI MEDICAL TECHNOLOGIES INC	1		
AMERICAN VISUAL DISPLAY LLC	1		
MONERIS SOLUTIONS	1		
HGM LIFTPARTS INC	1		
DIXIE DOUGH FUNDRAISING	1		
ACTIVANT WHOLESALE DISTRIBUTIONS	1		
GWINS STATIONERY & ENGRAVING	1		
NEW BUR USA, LLC	1		
BAILIWICK DATA SYSTEMS	1		
TOTAL OUTSIDE CITY LIMITS	20		

Buildings and Property Committee Minutes

Friday, December 5, 2008

10:00 a.m.

City of Daphne

City Hall

Committee

Councilman John Lake, Chairman

Mayor Fred Small-Absent

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector-absent

Frank Barnett, Maintenance Supervisor-absent

Also in attendance: Mickey Boykin, Al Gurisco, Doris Allegri, Helen Callaway, Judy Kopitkie, Eric Bussey, David Cohen, Suzanne Hensen, Steve Day, and Daniel Bell.

The meeting opened at 10:05 a.m. with a discussion of the Old Daphne Church Museum. The Committee discussed possible ways to clear up a title issue with respects to museum property. The Committee requested that the City attorney prepare the necessary documents and present them at the next Buildings and Property Committee meeting of January 9, 2009.

Councilman Lake stated that he wanted to ensure that the Church name United Methodist Church be clearly stated in the lease.

The Committee agreed to move the date of the next meeting to January 9, 2009 due to the holiday.

Mr. Al Gurisco stated that he would like the City to make additional progress in the repair of the Bayfront Park property. Councilman Palumbo stated that the Mayor was authorized at the last Buildings and Property Committee to research the cost of an appraisal for the property and is awaiting the Mayors findings.

The Committee discussed security at the new City Hall facility. **Motion** by Councilman Palumbo for the Mayor to research the costs of a security system for the facility. **Seconded** by Councilman Lake. **Motion Approved.**

Motion by Councilman Lake to have the Human Resources Director develop a job description for the volunteer position of Volunteer Coordinator and advertise the position. The position will coordinate area volunteers for various departments and work with the Old Daphne Church Museum. **Seconded** by Councilman Palumbo. **Motion Approved.**

The Committee discussed that all renters of the Daphne Civic Center and Bayfront Park must sign a lease agreement whether fees are charged or they are waived.

Meeting adjourned at 12:01 p.m.

Buildings and Property Committee Minutes

November 7, 2008

10:00 a.m.

City of Daphne

Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Frank Barnette, Maintenance Supervisor

Deni Biggs, Latina Harrison, Daphne Civic Center

Richard Merchant, Buildings Inspector

Ms. Selena Vaughn

Mr. Bill Caswell

Mr. Al Guarisco

Meeting Began 10:05 A.M.

The meeting began with Councilman Palumbo stating that he had been in touch with Ms. Mickey Boykin with the Daphne Museum and that she would be unable to attend. Ms. Boykin had requested to be present at the meeting to discuss the purchase of a new display case for the Daphne Museum. Ms. Boykin requested that the Committee determine if funding could be provided for the new display case and contact her before their meeting on Monday as Public Works was scheduled to move the old case out on Monday.

Mr. Bill Caswell was present to discuss progress on the renovation project of Bayfront Park Richard Scardamalia Pavilion. Mr. Caswell noted that previously six priority items had been identified which either needed to be done or must be done to bring the pavilion up to code. This includes improving handicap access by reworking the ramp, providing a lift and moving AC units and basically trying to clean things up.

Councilman Palumbo asked about the possibility of raising the ceiling without major structural work or perhaps exposing the ceiling trusses to give the room additional height. Mr. Caswell responded by saying raising the ceiling was not on the high priority list for renovations at this time and that the trusses can be exposed but the result would not be aesthetically pleasing.

Councilman Palumbo requested information from the Civic Center regarding bookings at the Bayfront Park pavilion. Ms. Harrison noted that the facility is booked every week, particularly the weekends, into the year 2010. The time element for the renovations was discussed and Mr. Caswell stated that the renovation would probably

take at least two months. In view of the bookings at the facility, Mr. Caswell stated that the construction crew could possibly work around the booked events. Ms. Biggs stated that this was possible since most of booked events are on the weekend, but any construction taking place on a weekly basis would need to be cleaned up completely as many weddings, receptions and other meetings are booked there every weekend.

Renovation of the Bayfront Park pavilion floor was also discussed and Mr. Caswell stated the floor is so uneven and irregular that carpet would probably provide the best coverage in that it would hide most of the irregularities in the floor. Chairman Lake stated he thought the floor should be given the highest priority in view of its bad condition. It was also noted that the roof has a few good years before replacement would be needed. It was agreed upon by the Committee that the first priority should be for the City to get its own reappraisal of the building.

Motion by Councilman Palumbo to request City Council to appropriate an amount not to exceed \$1000.00 for the purpose of authorizing Mayor Small to procure a reappraisal of the Richard Scardamalia Pavilion, with funds to be appropriated from the lodging tax accrual set aside for Bayfront Park improvement and development. The Committee further approved sending the request to City Clerk David Cohen to be put on the agenda of the next Council meeting. Councilman Palumbo recommended a suspension of the rules in order to expedite the request. **Second** by Mayor Small. **Motion unanimously approved.**

STATE OF ALABAMA)
COUNTY OF BALDWIN)

LEASE AGREEMENT

THIS LEASE AGREEMENT, (hereinafter referred to as "AGREEMENT"), is made and entered into as of the _____ day of November of 2008, by and between the CITY OF DAPHNE, an Alabama Municipal Corporation (hereinafter referred to as the "CITY " or "LESSOR"), and BAY RIVERS ART GUILD, INC. (hereinafter referred to as the "LESSEE").

WITNESSETH:

WHEREAS, the CITY or LESSOR is the owner of those certain premises in Baldwin County, Alabama, located at 1410 Captain O'Neal Drive, Daphne, Alabama 36526, Daphne, Alabama more commonly known as the Nicholson Center and more particularly marked as Exhibit "A" attached hereto, signed for identification by the CITY and the LESSEE and made a part hereof by reference; and

WHEREAS, CITY represents in good faith that it has the legal right and statutory authority to lease unto the Lessee the herein referenced subject real property; and

WHEREAS, the parties desire to enter into a LEASE AGREEMENT for the leasing of the referenced improved real property upon the terms and conditions more particularly hereinafter set forth;

NOW, THEREFORE, in consideration of the premises and mutual covenants, agreements and understandings hereinafter set forth, the CITY and LESSEE do hereby agree as follows:

1. DESCRIPTION, USE TERM, AND RENTAL:

A. **Leased Property:** The CITY does hereby devise, let, lease and rent unto the LESSEE that parcel of real property commonly known as the Nicholson Center as more specifically outlined on Exhibit "A" attached hereto, which consists of a portion of real property and a structure and building (the "Leased Property").

- B. **Use:** The **LESSEE** shall have the right and obligation privilege to use the Leased Property for continuous use and occupancy for the purposes of cultural development as more specifically set forth in Bay Rivers Art Guild's Mission Statement which is attached hereto and marked as Exhibit "B" and incorporated herein by reference. **LESSEE** agrees not to utilize the Leased Property for any other purpose without the prior written consent of the **LESSOR** for which the **LESSOR** shall have the unilateral right and privilege to deny any of the use thereof. The **LESSEE** shall have the right and privilege to do all things reasonably requisite and necessary for the enjoyment of the foregoing, including the right to make improvements thereon.
- C. The **LESSOR** agrees that the **LESSEE** shall have the exclusive use of the real property as reflected on Exhibit "A" and agrees that it will not take any action which would give or grant any other entity the right to entry of the property except for agreements to lease a portion of the real property and building from time to time.
- D. **Interference with other LESSEES:** The **LESSEE** agrees to conduct its Operations so as not to interfere with the operations of the **CITY** or to otherwise interfere with the quiet use and enjoyment of the adjoining residential properties within proximity to the Leased Property.
- E. **Term:** The term of this **LEASE AGREEMENT** shall be for a period of forty nine (49) years commencing on ___ day of November, 2008 and ending on ___ day of November, 2057. The **CITY** does hereby expressly and solely reserve unto its self, the unilateral right to terminate this Lease Agreement for any reason by providing **LESSEE** with not less than three (3) years written notice of the **CITY's** intent to terminate said **LEASE**. Should the **CITY** elect to terminate said **LEASE AGREEMENT**, then **LESSEE** Shall be entitled to receive 40% of its capital expenditures less depreciation if **LESSEE** terminates within the first ten (10) years, 30% of its capital expenditures less depreciation, if **LESSEE** terminates in the first fifteen (15) years, 20% of its capital expenditures less depreciation, if **LESSEE** terminates in the first twenty (20) years and if **LESSEE** terminates in the first in the first Twenty-five (25) years, 10%. Thereafter, if the **CITY** elects to terminate by the provisions

contained herein, the CITY would not be obligated to reimburse any capital expenditures, less depreciation to LESSEE.

F. **Rent:** During the term of this **LEASE AGREEMENT**, the **LESSEE** shall pay to the **LESSOR** rent of TEN (\$10.00) DOLLARS per year, to be due and payable in advance on or before the first (1st) day of each calendar month commencing on _____ day of November, 2008 for the term described heretofore.

2. **UTILITIES:**

The **LESSOR** shall pay and be responsible for all utilities for the leased premises and including water, sewer, natural gas and power for a period of thirty six (36) calendar months following the date of the execution of this agreement. Thereafter **LESSEE** shall pay during the lease term for public utility services consumed by it upon the Leased Premises and it shall then be the **LESSEEs** responsibility to arrange and secure such utility services. **LESSEE** shall further provide its own janitorial services the **CITY** agrees for trash and refuse pickup consistent with the **CITY** ordinances as they may be amended from time to time.

3. **MAINTENANCE:** **LESSEE** is familiar with the Leased Premises and does except the otherwise Leased Premises in the condition and state of repair which the same is in the effective date hereof. **LESSEE** shall have the right and privilege of its own expense to make non structural repairs to the interior and exterior of the premises. Premises of any major or structural repairs or any partitions not be made or installed by **LESSEE** without express prior written consent of **LESSOR**. Notwithstanding the above, **LESSOR** shall be responsible at its own expense to maintain the slab, exterior walls, roof, foundation, HVAC, and wiring of any of the Leased Premises and any major plumbing repairs not necessitated by the negligence of **LESSEE** or **LESSEE's** guest. **LESSEE** agrees to keep the Leased Premises clean and in good condition, and not to use the premises in any way that might be construed a nuance and to otherwise comply with all laws and ordinances and valid rules and regulations of any Federal, State, County and Municipal and any other public authority having jurisdiction about the Leased Premises. **LESSEE** shall be responsible for any other repairs, maintenance, modifications and/or improvements to the Leased Premises.

4. **EARLY TERMINATION:** That should the CITY elect pursuant to provisions of paragraph [REDACTED] to provide early termination of said **LEASE**, The CITY agrees to pay and be responsible for the fair market value of the improvements made by **LESSEE** less depreciation with valuation to be determined at the date immediately prior to vacation of the Leased Premises.
5. **FURTHER CONDITIONS UPON THE USE OF THE LEASED PREMISES:** **LESSEE** agrees that it shall not utilize the Leased Premises or any portion thereof for any strictly political reasons nor shall authorize any religious activity or **solely** commercial activity to be utilized upon the leased premises except that **LESSEE** may, without limitation, **authorize and approve art shows, festivals, product sales, and the like, as the** **LESSEE** shall use the premises for those matters and events and events consistent with the Mission Statement of BRAG which is heretofore attached. Any other request for use of the premises other than for the incidental subleasing of portions of the premises which subleases shall be connected with the *Arts* or for purposes consistent with the Mission Statement heretofore referenced. Other request for utilization of the Leased Premises outside the purposed contained herein shall be considered by the **LESSOR**.
6. **ASSIGNMENT OF LEASE:** **LESSEE** shall not assign this **LEASE** or any of its rights hereunder and shall not sublet the Leased Premises except for the provisions as set forth in paragraph [REDACTED] hereinabove without the prior written consent of the **LESSOR** which **LESSOR** reserves the right to unilaterally withhold consent which consent may be unreasonably withheld.
7. **OPERATION COST RISK AND EXPENSE:** THE **LESSEE** shall pay and be responsible for all cost and assume all risk in performing the work or carrying upon its operation of Leased Premises in accordance with this agreement.
8. **INSURANCE:**
 - A. The **LESSEE** shall, at all times during the term of this **LEASE** maintain its own expense, public liability insurance for the joint benefit of the **LESSOR** and **LESSEE** to insure against claims for personal injury, death, personal or real property damage occurring upon in or about the Leased Premises

for an amount not less than ONE MILLION (\$1,000,000.00) DOLLARS combined single limit coverage. Said policy of insurance may be in the form of a general coverage or blanket policy covering the Leased Premises provided that in all events the **LESSOR** is therein named as an additional insured.

- B. The **LESSEE** shall also, at all times during the term of this Lease Agreement maintain at its own expense Worker's Compensation and Employer's Liability Insurance with limits as prescribed by law.
- C. The **LESSEE** may provide the insurance coverage's required under this section through one or several policies provide such policy or policies do in fact satisfy the requirements of this lease.
- D. All insurance required under this **AGREEMENT** shall be place with an insurance company qualified to do business the State of Alabama and shall be satisfactory to **LESSOR**. Each such policy of insurance, or a certificate thereof, shall be deposited with the **LESSOR** in the time of execution of this **AGREEMENT** or within reasonable time of the date hereof and shall provide for sixty (60) days advanced written notice to **LESSOR** in the event of cancellation, modification, or change. The **LESSEE** shall promptly deposit with **LESSOR** any new policy or certificates upon such change. If the **LESSEE** fails to furnish the **LESSOR** with such certificate prior to the date hereof or at any time thereafter, the **LESSOR** may cause such insurance to be issued and assess the cost thereof against the **LESSEE** as additional rent hereunder; provided, however, that nothing herein shall be interpreted as requiring the **LESSOR** to secure insurance. **The LESSOR** shall not be responsible for the payment of any of the insurances to be provided by the **LESSEE** pursuant to this **AGREEMENT** and if **LESSEE** fails to furnish the insurance, same shall constitute material breach of the terms of this **AGREEMENT**.

9. **DEFAULT:** Upon the happening of any one or more of the events as expressed below in which said events shall separately and severally constitute a default hereunder at the

LESSOR's option, the **LESSOR** shall have the right to annul and terminate this **AGREEMENT**, and thereupon re-enter and take possession of the Leased Premises and the improvements thereon will revert to the **LESSOR**.

a. In the event the **LESSEE** violates any of the terms condition, or covenants on the part of the **LESSEE** herein contained and fails to correct or desist from such violation within ten (10) days after receipt of written notice thereof by the **LESSOR** that such violation exists.

10. ENTRY BY OWNER: With **LESSEE's** permission, which shall not be withheld unreasonably, **LESSOR** or **LESSOR's** agent shall be permitted to enter the premises to make repairs or to inspect the Leased Premises to determine compliance herewith.

11 NOTICE: Until the **LESSEE** is otherwise advised in writing by **LESSOR** all payments of rental herein and other charges accruing as a result of this **AGREEMENT**, shall be made by the **LESSEE** to the **LESSOR**, payable to the order of the City of Daphne, P.O. Box 400, Daphne, Alabama, 36526. Any Notice to be given under the terms of the **AGREEMENT** to the **LESSOR** shall be in writing and addressed as stated hereinabove, unless otherwise directed in writing, and notices to the **LESSEE** shall be address to the **LESSEE** at 1410 Captain O'Neal Drive, Daphne, Alabama, 36526 until the **LESSOR** is otherwise advised by the **LESSEE** in writing.

12. WAIVER: Any waiver at any time of a breach or default of any of the conditions of the **AGREEMENT** shall extend only to the particular breach or default so waived, and shall, in no way, impair or affect the continued existence of such conditions or deprive either party of its remedies arising out of any subsequent breach or default hereunder.

13. CONDITION AT END OF TERM: Upon the expiration, cancellation or termination of this **AGREEMENT**, the **LESSEE**, without further notice, shall deliver up to the **LESSOR** possession of the Leased Premises and, all improvements thereon shall revert to the **LESSOR**.

14. LEGAL CONSTUCTION: This is an Alabama contract and shall be governed, interpreted, and enforced in accordance with the laws of the State of Alabama.

15. **ATTORNEY FEES:** In the event of employment of any attorney by the **LESSOR** for the collection of any amount due hereunder, or for the institution of any suit for possession of the Leased Premises or any of the **LESSEE's** property located thereon, or on account of bankruptcy proceedings by or against the **LESSEE**, or legal process being issued against the property of the **LESSEE** located at the Leased Premises, or the leasehold interest of the **LESSEE** herein, or for any other reason, the **LESSEE** agrees to pay and shall be taxed with an attorney fee which shall be a part of the debt evidenced and secured by this **AGREEMENT**.
16. **TAXES:** Notwithstanding the fact that the Leased Premises is owned by the **LESSOR**, no exemption from taxation on property of the **LESSEE** is contemplated or agreed to in the **LEASE AGREEMENT**. The **LESSEE** agrees to pay, **if any**, and all ad valorem taxes and special assessments assessed against the Leased Premises or any of the **LESSEE's** property located thereon, or against any building or improvement the **LESSEE** constructs, or causes to be constructed, on the Leased Premises. The **LESSOR** may pay such taxes or assessments if it so chooses, and, upon receipt of notice of such payment from the **LESSOR**, the **LESSEE** shall include the amount paid in its next monthly rental payment to the **LESSOR**, and such amounts shall be deemed additional rent.
17. **INDEMNITY:** **LESSEE** agrees to indemnify and hold **LESSOR** harmless from any and all claims, demands, actions, causes of action, suits at law or in equity and the expense of defending the same, brought, asserted or filed by any person or persons as a result of any injuries or loss to person or property upon the Leased Premises during the term hereof or while **LESSEE** is in possession of the leased premises unless the same are caused by the fault or negligence of **LESSOR**, and from any and all losses, damages, claims, costs, fees, penalties, assessments, fines, and the like asserted against **LESSOR** as a result of any breach by **LESSEE** of any covenants or representations contained in this lease.
18. **EXECUTION:** This **AGREEMENT** may be executed in original counterparts, each of which counterparts shall be deemed to be an original, and all collectively but one instrument, and shall for all purposes be sufficiently proved by any such counterpart.
19. **BINDING EFFECT:** This **AGREEMENT** shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the date first above written.

CITY OF DAPHNE, ALABAMA A
Municipal Corporation, Lessor

By: _____
Fred Small as its Mayor

BAY RIVERS ART GUILD, INC.
A Non-Profit Organization, Lessee

By: _____
_____ As its President

ATTEST:

David Cohen, MMC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that Fred Small, whose name as Mayor of the City of Daphne, Alabama, a Municipal Corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the content of this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation, on the date the same bears date.

Given under my hand and seal this the ____ day of November, 2008.

NOTARY PUBLIC
Commission Expires:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that, whose name as President of Bay Rivers Art Guild, Inc., is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the content of this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation, on the date the same bears date.

Given under my hand and seal this the _____ day of November, 2008.

NOTARY PUBLIC
Commission Expires: _____

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



The Jubilee City

Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

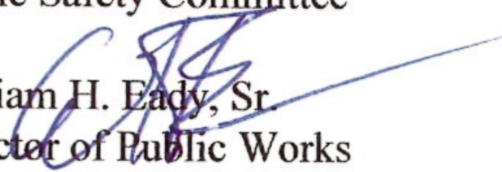
Ronald Scott
District 5

Eric Nager
District 6

August Palumbo
District 7

*Deerick
Bowlwax*

To: Public Safety Committee

From:  William H. Eady, Sr.
Director of Public Works

Date: December 3, 2008

Re: Tiawasee Trace

The citizens of Tiawasee Trace Subdivision have brought to our attention an unsafe condition at the entrance to Tiawasee Trace and County Road 13. They have requested a right turn lane for traffic coming south on County Road 13. However, time and budget restraints prohibit that construction.

I am recommending that a 25 MPH Speed Zone Ahead sign followed by a 25 MPH sign be placed at the west side of County Road 13 and North of the Tiawasee Trace entrance at the appropriate distance. See attached photo and recommended signs.

I have consulted with Mr. Wayne Curry, Traffic Engineer with ALDOT, and he recommends this as a quick solution until a turn lane can be constructed at a later date. Also, this is less expensive than a flashing warning beacon which will take some time to be installed.

I request this be approved for construction immediately.

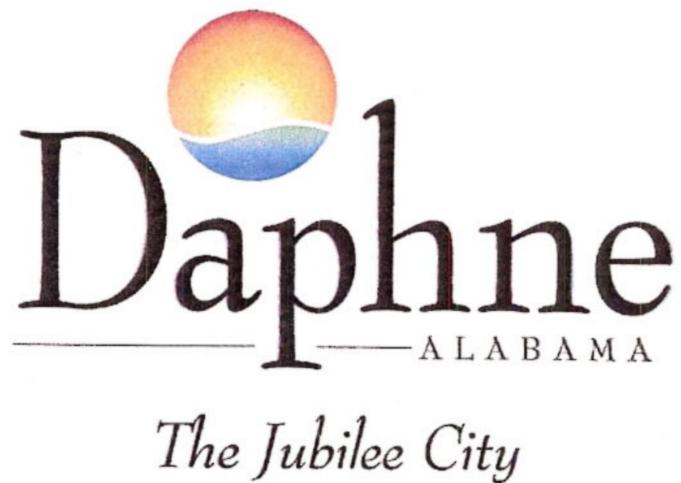
WHE:swc

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derrick Boulware
District 6

August Palumbo
District 7

To: Public Works Committee

From: William H. Eady, Sr.
Director of Public Works

Date: December 4, 2008

Re: Tiawasee Trace

The citizens of Tiawasee Trace Subdivision have brought to our attention an unsafe condition at the entrance to Tiawasee Trace and County Road 13. They have requested a right turn lane for traffic coming south on County Road 13. However, time and budget restraints prohibit that construction.

I am recommending that a 25 MPH Speed Zone Ahead sign followed by a 25 MPH sign be placed at the west side of County Road 13 and North of the Tiawasee Trace entrance at the appropriate distance. See attached photo and recommended signs.

I have consulted with Mr. Wayne Curry, Traffic Engineer with ALDOT, and he recommends this as a quick solution until a turn lane can be constructed at a later date. Also, this is less expensive than a flashing warning beacon which will take some time to be installed.

I request this be approved for construction immediately.

WHE:swc

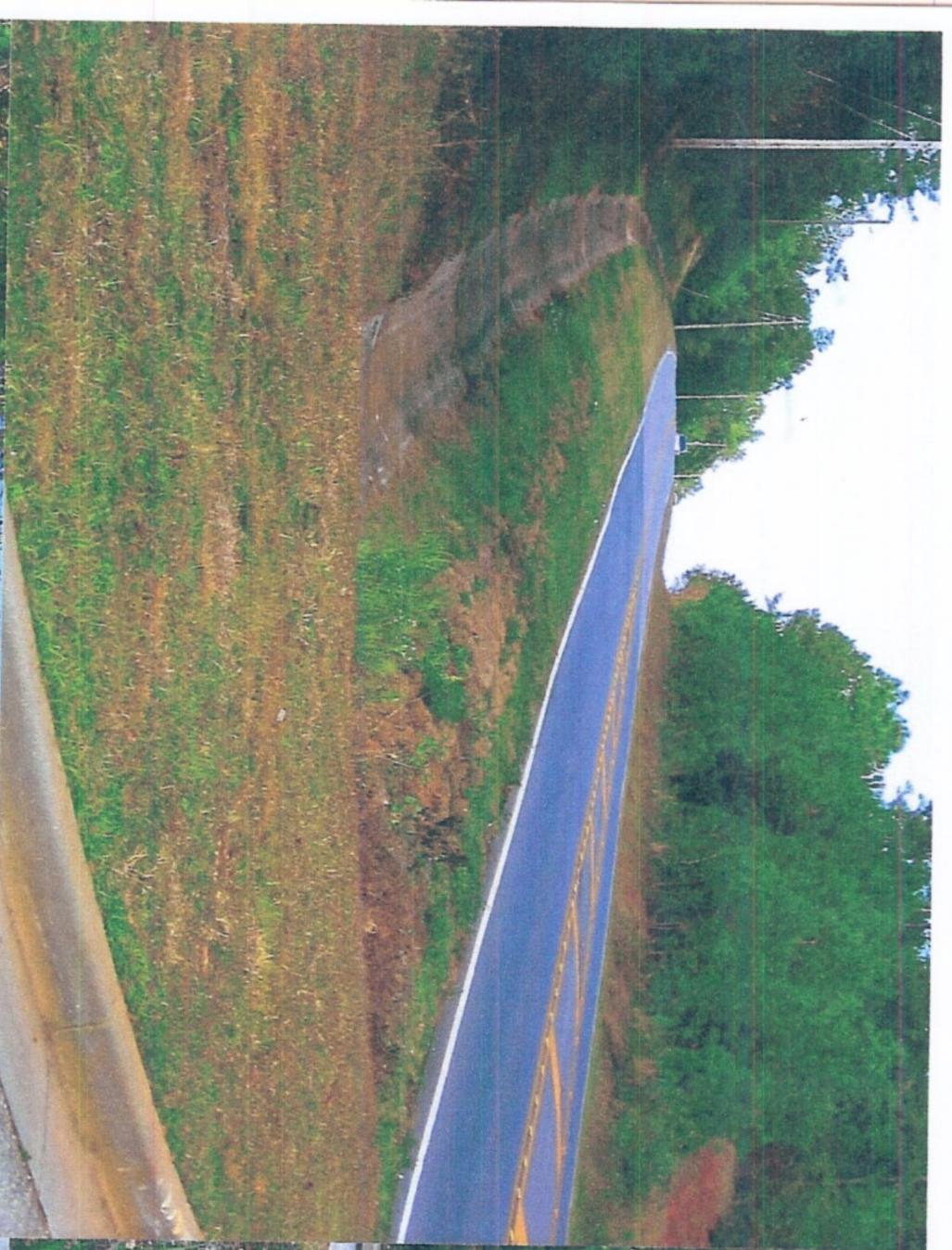
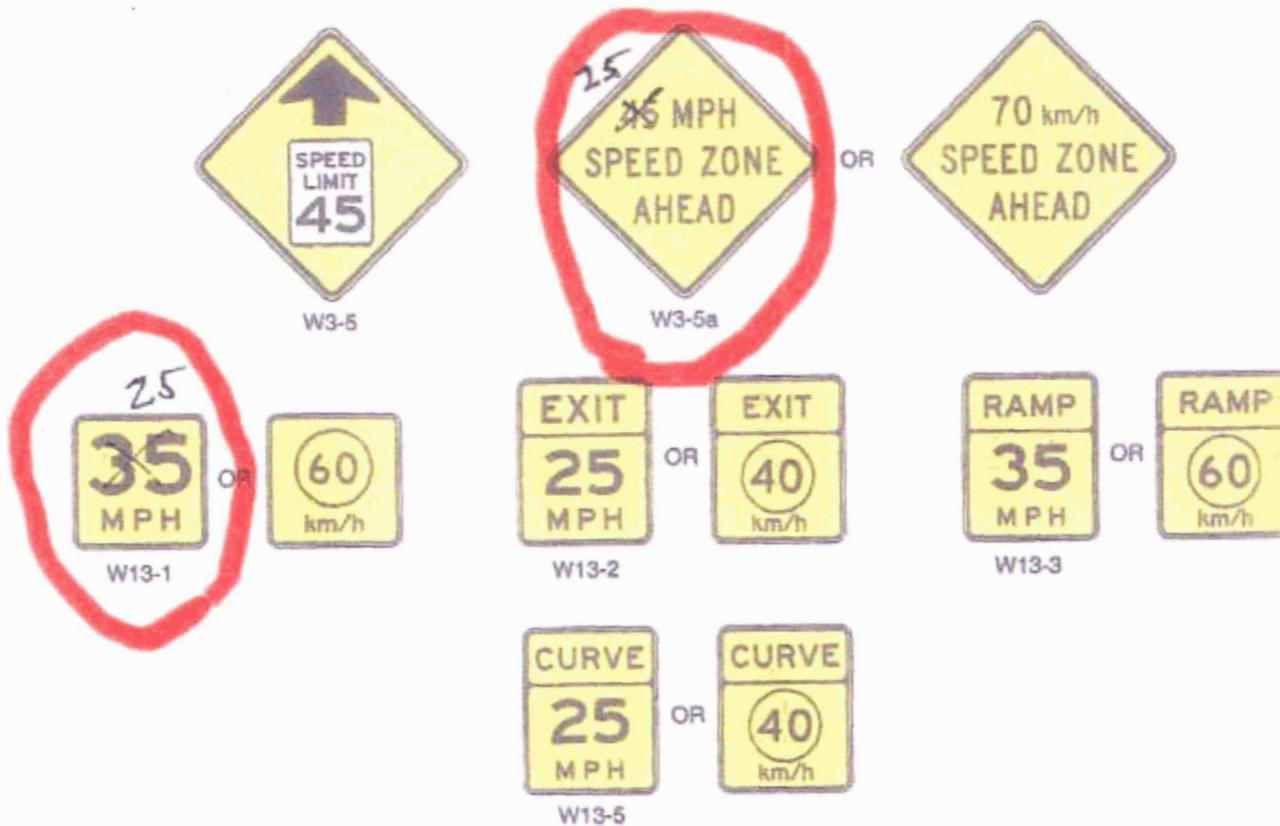


Figure 2C-5. Advisory Speed and Speed Reduction Signs

**Standard:**

If used, Speed Reduction signs shall be followed by a Speed Limit (R2-1) sign installed at the beginning of the zone where the speed limit applies.

The speed limit displayed on the Speed Reduction sign shall be identical to the speed limit displayed on the subsequent Speed Limit sign.

Section 2C.31 Merge Signs (W4-1, W4-5)**Option:**

A Merge (W4-1) sign (see Figure 2C-6) may be used to warn road users on the major roadway that merging movements might be encountered in advance of a point where lanes from two separate roadways converge into a single traffic lane and no turning conflict occurs.

A Merge sign may also be installed on the side of the entering roadway to warn road users on the entering roadway of the merge condition.

Guidance:

The Merge sign should be installed on the side of the major roadway where merging traffic will be encountered and in such a position as to not obstruct the road user's view of entering traffic.

Where two roadways of approximately equal importance converge, a Merge sign should be placed on the major roadway.

When a Merge sign is to be installed on an entering roadway that curves before merging with the major roadway, such as a ramp with a curving horizontal alignment as it approaches the major roadway, the Roadway Merge (W4-5) sign (see Figure 2C-6) should be used to better portray the actual geometric condition to road users on the entering roadway.

The Merge sign should not be used where two roadways converge and merging movements are required.

The Merge sign should not be used in place of a Lane Ends sign where lanes of traffic moving on a roadway must merge because of a reduction in the actual or usable pavement width (see Section 2C.31).

**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:

**Daphne Public Library Board
November 6, 2008
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Library Board Members Windrila Longmire, Gayle Robinson, and Jan Blankenhorn; Board Chairman Ron Allen; Friends President Karen Kyzar; Councilmen John Lake and Gus Palumbo.

1) Call to Order:

After a quorum was established, Library Board Chairman Ron Allen called the meeting to order at 4:00 pm.

2) Reading and Approval of the Minutes:

The minutes of the October 2, 2008 meeting were reviewed and approved. Motion to approve with the exception of correcting the spelling of Windrila's name made by Jan, second by Windrila. Motion passed.

3) Update on Library Addition:

The Council has approved the Mayor to sign the contract. Forrest should be emailing a copy to the Library Director and she will forward to the Board Members.

4) Library Director's Report

Tonja reported that she has been updating the Library Policies with the help of Reference Librarian Deborah Norris. Most of the changes involved housekeeping issues or simple changes in procedures due to new equipment, etc. Ron stated that he would set a date to go over the details of the new Policies before the next meeting.

The monthly report for October, 2008 was reviewed. October showed an overall increase of 8.38 % in circulation, and a slight decrease of 0.75 % in patronage. Other statistics include:

Interlibrary Holds Loaned to Daphne = 1699
Interlibrary Holds Loaned from Daphne = 1546
New Patrons = 178

Volunteer Hours = 86.95
Book Shop Volunteer Hours = 226
Total Volunteer Hours = 312.95
Exams Proctored = 8
Reference Questions: 730
Children's Programs Attendance = 601
Teen Programs Attendance = not reported
Adult Programs Attendance = 51
Meeting Room Use = 683
New Items Cataloged = 532
Computer Users = 1597

Tonja reminded the Board of the Staff Training Day on Nov. 21 and invited Board Members to arrive for a reception around 4:30 pm so they could become acquainted with the staff members.

The Library Director requested a vote (see request below) to approve cataloging "R" rated movies in the vein of history, war, world issues, etc. A motion was made by Jan to approve the cataloging of "R" rated movies of an educational or literary nature, with computer labeling to indicate that patrons should be 18 to check out the materials at the time of check out, based on the informed choices of the professional library staff. Motion seconded by Gayle. Motion passed.

Request:

Our library policy has never said that we do not carry "R"-rated movies and through discussion we have come to the conclusion that many very good movies are rated "R" for violence or language, often simply a word or two. Many other libraries (such as Orange Beach and Fairhope) carry them and we have had many requests for various movies not presently on the shelves. Many of these movies cover history, war, or world issues without a lot of unnecessary nudity, etc. While we do not wish to have materials of questionable or illicit nature, we think that during the current economic times it would be a public service to begin carrying some of these American and foreign films that adults can enjoy. We plan to tag the items in the computer so that a notice comes up during the check-out process requiring an adult to check the item out. Some of the movies, for example, include Syriana, Blood Diamond, Inside Man, The Constant Gardener, and The Manchurian Candidate. I believe that many folks who must cut entertainment expenses to pay for necessities will appreciate having the freedom to choose from a list of movies intended for adults. Our policy does state in multiple places that it is the parent's responsibility to be aware of and to screen the materials their child uses in the library. Between Nancy, Becky, me, and the new Reference Librarian, Anne, we normally have seen all of the movies in question and can therefore make informed choices.

The Library Director requested a vote to approve the 2009 Library Closings List based on the 2009 Daphne City Holiday List. The list was amended to reflect the dates listed below and a motion to approve was made by Jan; second by Windrila. Motion passed.

Wed., December 31	New Year's Eve	Close @ 5:00 pm
Thurs., January 1	New Year's	City Holiday
Mon., January 19	Martin Luther King	City Holiday
Tues., February 24	Mardi Gras	City Holiday
Mon., May 25	Memorial Day	City Holiday
Fri., July 3	Fourth of July	City Holiday
Sat., July 4	Fourth of July	
Sat., September 5	Labor Day	
Mon., September 7	Labor Day	City Holiday
Wed., November 11	Veteran's Day	City Holiday
Wed., November 25	Thanksgiving	Close @ 5:00 pm
Thurs., November 26	Thanksgiving	City Holiday
Fri., November 27	Thanksgiving	City Holiday
Sat., November 28	Thanksgiving	
Wed., December 23	Christmas	Close @ 5:00 pm
Thurs., December 24	Christmas	City Holiday
Fri., December 25	Christmas	City Holiday
Sat., Dec. 26	Christmas	

5) Election of Board Officers

Nominations were opened for electing new Board Officers for FY2009. Windrila nominated to re-elect all Officers as they stood for FY2008. The motion was altered to include Ron as Chairman, Dee as Treasurer, and the Director as Secretary. Motion was seconded by Jan. Motion passed. Gayle nominated Jan as Vice Chair and motion was seconded by Windrila. Motion passed. Officers will serve during FY2009 as follows:

Chairman:	Ron Allen
Vice Chairman:	Jan Blankenhorn
Treasurer:	Dee Gambill
Secretary:	Tonja Young

7) Public Participation

None.

8) Other Business

None.

9) Adjourned

The meeting was adjourned by Ron at 5:29 pm.

Respectfully submitted by T. Young, November 13, 2008

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 20, 2008 (SUMMARIZATION OF MINUTES)
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Frank Martin
Victoria Phelps
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason
Cathy Barnette, Councilwoman
Chief "Bo" White

Members Absent:

Jeff Carrico, Vice Chairman

Staff Present:

William H. Eady, Sr., Public Works Director
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Director of Community Development
Ashley Campbell, Site Containment Officer
Misty Gray, Attorney

Staff Absent:

Lonnie Jones, Code Enforcement Officer
Jay Ross, Attorney
Erick Bussey, Associate Attorney

Others Present:

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

The first order of business is the call to order. Please let the record reflect that Mr. Carrico is not present.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 20, 2008 (SUMMARIZATION OF MINUTES)
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Eady: He requested to address the Commission and thanked them for the time he served as the Director of Community Development. I am going to step down to become the Public Works Director. I would like to take this opportunity to present to you Ms. Jones, the new Director of Community Development.

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of October 23, 2008 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

Chairman: If there are no further additions, deletions, or corrections at this time, the Chair will entertain a motion.

Ms. Barnette: At the October meeting, I believe the motion for the approval of the site plan for Bay Community Church contained a contingency for approval of the site plan to be revised to reflect sidewalks on Alabama Highway 181. I would like to request we table the minutes until the November meeting in order for staff to review the tape and make the necessary changes to the minutes.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to table the minutes of the October 23, 2008 regular meeting. The Motion carried unanimously.**

NEW BUSINESS:

The next order of business is master plan review for St. Augustine Subdivision.

An introductory presentation was given by Ms. Carah Mason, representing McCrory & Williams, requesting revised master plan approval for St. Augustine Subdivision (formerly Eastfield Subdivision). The only revision to the plat and original master plan are we changed the master plan to reflect phasing and changed the street names. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the revised master plan for St. Augustine Subdivision. The Motion carried unanimously.**

The next order of business is final plat review for St. Augustine, Phase 1A Subdivision.

FINAL PLAT REVIEW:

File SDF08-08: (Preliminary plat approved as Eastfield Subdivision)

Subdivision: St. Augustine, Phase 1-A

Location: Rigsby Road
Area: 21.36 Acres +, (26) lots
Owner: Augustine Developers, L.L.C. - Gary Tippens
Engineer: McCrory & Williams - Daryl Russell or Carah Mason

An introductory presentation was given by Ms. Carah Mason, representing McCrory & Williams, requesting final plat review of a twenty-one point three six acre subdivision consisting of twenty-six lots located on Rigsby Road in your extraterritorial planning jurisdiction. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the final plat for St. Augustine, Phase 1-A Subdivision. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Resubdivision of Lot 2, Medical Office and Cancer Center of Malbis.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF08-17:

Subdivision: Resubdivision of Lot 2, Medical Office and Cancer Center of Malbis

Location: Northwest of the intersection of U. S. Highway 90 and 181
Area: 18.4 Acres +, (2) lots
Owner: Malbis Cancer Center, L.L.C.
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting preliminary/final plat review of an eighteen point four acre subdivision consisting of two lots located Northwest of the intersection of U. S. Highway 90 and 181. This is the resubdivision of lot 2 of the Medical Office and Cancer Center of Malbis. I will be happy to answer any questions you may have.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 20, 2008 (SUMMARIZATION OF MINUTES)
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Have you added the note discussed at site preview?

Mr. Bobe: Yes sir. We have received comments for the Alabama Department of Transportation for the subdivision. They have reviewed the plat and had the following comments: lot 2 should not have any direct access to the proposed section of County Road 13; access should be to the proposed Frederick Boulevard which will have access to the proposed County Road 13; cross easements should be provided and shown on the plat for the existing lot 1 from both lot 2A and 2B as no access to U. S. Highway 90 or the proposed County Road 13 will be permitted by the Alabama Department of Transportation. The proposed Frederick Boulevard should line up with the crossover depicted on the proposed County Road 13 extension, and the reconfiguration of the lots would allow the Alabama Department of Transportation to give consideration to a right in/right out at the halfway point between U. S. Highway 90 and the proposed Frederick Boulevard.

Ms. Barnette: Are sidewalks going to be placed along U.S. Highway 90?

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

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small to **approve the preliminary/final plat for the Resubdivision of Lot 2, Medical Office and Cancer Center of Malbis. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Springs @ Eastern Shore.

File SDPF08-18: (Previously approved as Big Sandy, preliminary plat - withdrawn)

Subdivision: Springs @ Eastern Shore

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

Area: 19.85 Acres +, (1) lot

Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat review of a nineteen-point eight five-acre subdivision consisting of two lots located Southeast of the intersection of U. S. Highway 98 and Johnson Road.

Mr. Hutchinson: The original application requested to combine three lots into one. Staff brought it to our attention that a parcel of land cannot make an application for a zoning amendment more than once every twelve months, and the parcel to the North was rezoned in 2008.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 20, 2008 (SUMMARIZATION OF MINUTES)
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Therefore, we revised our application to combine the larger parcel in the rear with the smaller one located on U.S. Highway 98. This parcel can remain B-2 and still be used for an apartment site because we do not propose to put any buildings on this parcel. I will be happy to answer any questions you may have.

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

Ms. Barnette: We have done other subdivisions which had mixed zoning.

Mr. Hutchinson: We chose not to combine the lots for the purpose of a zoning amendment, and it is much cleaner to do it this way.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the preliminary/final plat for the Springs @ Eastern Shore. The Motion carried unanimously.**

The next order of business is site plan preview for Mobile Educators Credit Union.

SITE PLAN REVIEW:

File S08-30:

Site: Mobile Educators Credit Union

Location: On U. S. Highway 90 near Home Depot, Lot 1 of Jubilee Square Subdivision
Area: 0.85 Acres +
Owner: Mobile Educators Credit Union - Carl Askew
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting site plan review of a credit union facility to be constructed on U. S. Highway 90 near Home Depot on Lot 1 of Jubilee Square Subdivision. I will be happy to answer any questions you may have.

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

Mr. Chason: Do we know the status of the discharge to the dam?

Mr. Bobe: No one has inspected its function. We can do that if it is necessary.

Ms. Phelps: Commented on landscaping and asked if additional landscaping could be added to the boundary of the lot surrounding the

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 20, 2008 (SUMMARIZATION OF MINUTES)
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

facility.

Mr. Bobe: This site is the lot located on the West side of Coastal Bank. Nothing has changed on this site. It has a small landscape strip on the North and West side of the parcel. We are proposing to change the interior only because the site is paved and has existing landscaping.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the site plan for Mobile Educators Credit Union. The Motion carried unanimously.**

The next order of business is site plan preview for Gleem Carpet One.

File S08-31:

Site: Gleem Carpet One

Location: Northwest of the intersection U. S. Highway 90 and Alabama Highway 181, Lot 10 of Renaissance Center Subdivision, Phase Three
Area: 1 Acre +
Owner: Ed Agostinelli
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting site plan review of a retail paint and carpet facility to be constructed Northwest of the intersection U. S. Highway 90 and Alabama Highway 181 on Lot 10 of Renaissance Center Subdivision, Phase Three. I will be happy to answer any questions you may have.

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

Mr. Chason: Commented on the maintenance and condition of the existing central detention facility. I think we look at above ground detention and do not concentrate on the maintenance of underground detention because above ground is a visible problem. We should always ensure that the detention in the subdivision is in good condition whether it is above ground or underground detention.

Ms. Barnette: Please work with the property owners' association to address Ms. Campbell's comments regarding the detention facility.

Mr. Bobe: We do have the ability to add our own area for detention if you deem it is necessary. We have also removed and relocated the sidewalk for connectivity to other areas.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 20, 2008 (SUMMARIZATION OF MINUTES)
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve the site plan for Gleem Carpet One. The Motion carried unanimously.**

The next order of business is site plan preview for Magnolia Place Shopping Center Renovation.

File S08-32:

Site: Magnolia Place Shopping Center Renovation

Location: Northwest of the intersection U. S. Highway 98 and Main Street
Area: 9.58 Acres +
Owner: Trey Wallace
Engineer: Hutchinson, Moore & Rauch - Christopher Baker

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting site plan review of the demolition and renovation of an existing retail strip mall for the purpose of the construction of a Publix retail grocery facility and other retail outlets within the facility located Northwest of the intersection U. S. Highway 98 and Main Street. This property contains three parcels with three different owners. The first parcel is owned by the Thomas Medical facility, the second parcel which I call the L because of its shape is an out parcel owned by others, and the third parcel which is owned by my client. The area owned by my client has no landscaping or storm water detention in place at this time. A portion of the storm water is directed West to Mobile Bay beyond the Thomas Medical facility. The remainder is directed through pipes to Yancey Branch. What we are proposing to do is to utilize a plan which will improve water quality. We will demolish the interior of the existing facility and construct a forty-five thousand square foot Publix retail grocery facility. The revision to the parking area for landscaping includes the addition of nineteen landscape islands on the North portion of the parking lot. The reconstruction of the storm water drainage revisions based on the comments made at site preview will include the installation of baffles underground, an oversized pipe, and a snout for underground detention. Based on the results of the traffic study and comments made at the work session, we are also going to improve the turn lane one hundred and fifty feet to the South. We wrote a letter to that effect stating that we are committed to doing that. The detention maintenance form has been signed and provided to staff.

Mr. Baker: Mr. Kizer, the traffic engineer is here to address that and to answer any questions you may have.

Mr. Kizer: I believe Mr. Baker misspoke. The North lane will be constructed to continue into the turn lane at Bayfront Drive to impede traffic turning left, and increase the turn lane to a through street to the South onto Main Street not to U.S. Highway 98.

**THE CITY OF DAPHNE
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Mr. Baker: A stop sign will be installed at the intersection of the existing parking lot near Movie Gallery, we will install ADA sidewalks, and construct an enclosure for the existing garbage receptacle to the South near Bayfront Drive.

Ms. Phelps: Would you consider upgrading the landscaping and placing sidewalks in the rear?

Mr. Baker: Yes ma'am. Landscaping is already proposed for the South side of the property behind the shopping center. I do not think the addition of a sidewalk in this area would be a problem.

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

A Motion was made by Mayor Small and Seconded by Ms. Barnette to approve the site plan for Magnolia Place Shopping Center Renovation. The Motion carried unanimously.

The next order of business is master plan review for the Springs @ Eastern Shore.

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, and Mr. Scott Davis, the developer with Continental Properties, requesting master plan review for the Springs @ Eastern Shore.

An introductory presentation was given by Mr. Davis outlining the type of development constructed by his firm. This presentation is very similar to what is proposed on this site.

Chairman: Mr. Eady had requested the traffic study be completed for the development prior to approval of the master plan. The study must include U. S. Highway 98 and the path to the North, if a connection to Johnson Road were to be established.

Mr. Hutchinson: We did not realize that it would be a requirement for review of the master plan. We were proposing to present the traffic study with comments during site plan review.

Ms. Jones: Mr. Eady's recommendation was to table master plan review and submit the traffic study prior to the resubmission of the master plan.

Ms. Phelps: You are proposing to construct a deceleration lane. I was wondering if you would consider an acceleration lane.

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

A Motion was made by Mayor Small and Seconded by Ms. Barnette to table master plan review for the Springs @ Eastern Shore. The Motion carried

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unanimously.

Mayor Small: He asked if Mr. Hutchinson agreed to waive the thirty-day rule.

Ms. Dickson: With a site plan, you would not have a thirty-day rule.

The next order of business is a zoning amendment review for Big Sandy, L.L.C.

PETITIONS:

ZONING AMENDMENT:

File Z08-08: Big Sandy, L.L.C.

Location: Southeast of the intersection of U. S. Highway 98 and Johnson Road
Area: 19.85 Acres +
Owner: Big Sandy, L.L.C.
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

Reference: Springs @ Eastern Shore

Present Zoning: B-2, General Business Proposed Zoning: R-4, High Density Multi-Family

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting rezoning of a nineteen-acre point eight five acre parcel located Southeast of the intersection of U. S. Highway 98 and Johnson Road from a B-2, General Business, to an R-4, High Density Multi-Family, zone.

Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation.

The adjacent property owner addressed the Commission to express their concerns regarding the proposed development and how it would impact their property. The main concern was storm water detention on the Southern border of the site.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property.

Chairman: Do any of the Commissioners have any questions or comments? He closed public participation.

Mr. Hutchinson: The plans show two detention areas near the gully, but after the design of the site plan there will only be one.

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Mr. Chason: The storm water drainage from this site will discharge to the East which will not affect your property.

Mr. Hutchinson: Requested assistance by the Planning Commission, City Council, and others with negotiations with the Alabama Department of Transportation for access onto U.S. Highway 98 from this site.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion. A **Motion** was made by Mayor Small and **Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a nineteen-acre point eight five acre parcel located Southeast of the intersection of U. S. Highway 98 and Johnson Road from a B-2, General Business, to an R-4, High Density Multi-Family, zone for Big Sandy, L.L.C.**

An **Amended Motion** was made by Mayor Small and **Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a nineteen-acre point eight five acre parcel located Southeast of the intersection of U. S. Highway 98 and Johnson Road from a B-2, General Business, to an R-4, High Density Multi-Family, zone for Big Sandy, L.L.C. with consideration to participate in discussions with the Alabama Department of Transportation for egress/ingress onto U.S. Highway 98. The Motion carried. Ms. Barnette opposed.**

The next order of business is a zoning amendment review for Johnny Littleton.

File Z08-09: Johnny Littleton

Location: On the West side of U. S. Highway 98
Area: 1.68 Acres +
Owner: Johnny Littleton
Engineer: Frank Dagley & Associates - Patrick Tolbert

Reference: Big Daddy Eastern Shore Car Lot

Present Zoning: B-1, Local Business Proposed Zoning: B-2, General Business

An introductory presentation was given by Mr. Littleton, the owner, requesting rezoning of a one point eight acre parcel located on U.S. Highway 98 from a B-1, Local Business, to a B-2, General Business, zone. I will be happy to answer any questions you may have.

Chairman: This is the gentleman that presented his site plan for Big Daddy Eastern Shore Car Lot in which his zoning was not in conformance with his use. The property needs to be rezoned so that he can present his site plan for review. Do any of the Commissioners have any questions or comments? He opened the floor to public participation.

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With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a one point eight acre parcel located on U.S. Highway 98 from a B-1, Local Business, to a B-2, General Business, zone for Johnny Littleton. The Motion carried unanimously.*

The next order of business is administrative review for Canaan Place Subdivision.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Ron Cuny, representing Ark Builders, requesting the release of the forty-nine thousand nine hundred and fifty-eight dollar performance bond for landscaping for Canaan Place Subdivision, Phase I.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason *to approve the release of the forty-nine thousand nine hundred and fifty-eight dollar performance bond provided for landscaping for Canaan Place Subdivision. The Motion carried unanimously.*

The next order of business is administrative review for the Estates of Tiawasee Subdivision.

An introductory presentation was given by Mr. Kent Broom, Landscape Architect representing the Woodland Bay Group, presenting the landscape plan for the Estates of Tiawasee Subdivision. It has been finalized and meets of all the requirements of the City of Daphne Landscape and Tree Ordinance.

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

Mr. Eady: I believe they are currently working on the project.

Mr. Broom: The implementation of the plan has not begun yet.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve the finalized landscape plan for the Estates of Tiawasee Subdivision. The Motion carried unanimously.*

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

ATTORNEY'S REPORT:

Ms. Gray, attorney: no report.

ADJOURNMENT:

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

A Motion was made and **Seconded to adjourn. The Motion carried unanimously.**

There being no further business, the meeting was adjourned at 7:08 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: December 18, 2008

Ed Kirby, Chairman

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City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, Al. 36526
November 12, 2008
6:30 pm

Members Present: Chairman Ed Nelson, Kit Smith, Eric Smith, Rick Cleveland and Lynne Thompson –Yates (arrived at 7:00pm)

Members Absent: John Peterson and Matt Cunningham

Advisory Staff Present: David McKelroy, Parks and Recreation Director, Councilman Gus Palumbo and Coach Glenn Vickery

Call to Order

The Meeting was called to order by Chairman Ed Nelson at 6:31pm.

Review and approval of Minutes

Motion was made by Eric Smith and seconded by Kit Smith to approve the October 8, 2008 meeting minutes. Motion passed.

Program Reports

Athletics Charlie McDavid reported that Youth Soccer league play has concluded and soccer was preparing for the first Baldwin County Youth Soccer All-Star Tournament. Youth football regular season has concluded and the playoffs start the 15th. Winter adult softball, co-ed softball and 7v7 soccer were starting league play.

Community Activities Megan Matrone White reported that the Celtic Celebration was successful. Up coming events include the Veteran Day program and the Christmas Parade and Tree Lighting.

Senior Adults Mary Jensen provided participation information and a monthly calendar for senior adult activities. Senior Center will once again sponsor an Alzheimer's respite care program.

Old / New Business

1. Trione Park Project Update Scott Hutchinson from HMR reported that the bids for the project had been opened. Eleven bids were received, with James Brothers Excavating turning in the low bid at \$837,218.50. Bids did not include lighting, irrigation, restroom-concession and bleachers. Director will get estimates for these services and report to the board.

2. Council Response to Board Membership Request This matter has been forwarded to the City Attorney to determine if the suggested changes conflict with Alabama Codes or law.

3. Bids for Restrooms at park sites All bids exceed the amount budgeted for the project and were rejected by the Finance Committee. Scope of work will be reviewed and the project will be re-bid.

4. Status of Student Survey Survey has not been completed at this time.

5. Dauphine Acres Park situation Budget for the park equipment has not yet been approved. There is concern that one or more neighbors are opposed to a playground at this location. Director and Mayor will discuss this project.

6. Director's Budget Request The director and finance director discussed procedures for budgeting new programs and contributions to programs. No problems should be encountered in either circumstance.

7. Report regarding Lacrosse request The lacrosse group meet November 8, with about 30 participants. Additional meeting are scheduled for December 6 and January 10 at Daphne Middle school with an exhibition game at Daphne High School Stadium, January 31.

8. Comments / Recommendation from Chairperson Chairman Ed Nelson presented comments and recommendation to the board for their consideration.

Comments from Board Members

Kit Smith made comments about May Day Park boat launch.

Comments from Advisors

Councilman Gus Palumbo advised the board that this was his last meeting, as he will be assuming the duties of Council President Pro-Tem.

Adjourn

The meeting was adjourned at 7:35pm.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ September 24, 2008 ♦ 5:00 p.m.

I. CALL TO ORDER

The September 24, 2008, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:00 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Fred Small, Mayor

Others Absent: Lon Johnston, Secretary Treasurer
Fenton E. Jenkins

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Adm. Services Manager
Lori Scharles – Executive Assistant
Tammy Canupp
Tim Patton – Volkert
Melinda Immel – Volkert

Others Absent: Ray Moore – HMR

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 27, 2008:*

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the August 27, 2008, Utilities Board meeting. No comments were given.

MOTION BY Mayor Fred Small to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted August 27, 2008; Seconded by Mr. Scott.

AYE: SEGALLA, SCOTT, SMALL

ABSENT: JENKINS, JOHNSTON

MOTION CARRIED

The agenda was rearranged in order to accommodate for public participation without delay for Executive Session.

V. OLD BUSINESS

a. Revisions of Bylaws

MOTION BY Mayor Fred Small to approve the final revised changes of the Bylaws of Utilities Board of the City of Daphne, Alabama, Article V – Directors, 5.01, as presented to Board on September 24, 2008,

AYE: SEGALLA, SCOTT, SMALL

ABSENT: JENKINS, JOHNSTON

MOTION CARRIED

b. Items in Abeyance

1. **Gas Franchise Agreement** – no updated information.
2. **19 Acres – Daphne Utilities property** – tabled until November.
3. **Daphne High School Stadium** – Mr. McElroy stated that he spoke with the Baldwin County Board of Education representative regarding the issue of the payment adjustment and this issue should be resolved in the coming weeks.
4. **Capacity Fee Study** – Mr. McElroy explained that plans are under way to call a session of the finance committee or a Board work session in approximately 6 months that will include a comprehensive rate study to review the complete financial health of the utility.
5. **Park City Service Agreement** – Mr. McElroy advised that efforts to refine the wording for the Sewer Only Policy is still in progress.

Mayor Small commented on the 19 Acres issue. He stated that this topic has been on our agenda for quite some time without much feedback from the residents and that he had some ideas about the property that he had not yet discussed with the other Board members concerning another group that may want to buy the property as a whole then make it a conservation easement for the whole 19 acres. He further commented that the Corps permit discussion at previous Board meetings that spurred the influx of participation against the idea surprised him. Mr. Scott also added that being a public corporation and are unable to give away anything and are obligated to do what is best in the financial interest of the 10,000 customer of Daphne Utilities.

VI. PUBLIC PARTICIPATION –

Chairman Segalla called for public participation to allow the public to voice concerns without delay due to the impending Executive Session which Mr. Scott clarified had nothing to do with the 19 Acres issue.

Ms. Denise Browning of 301 North Woodridge Drive addressed the Board as the President of the Homeowners Association for the Woodmont Association, 70 families, 70 homes. She stated that Campbell's Swamp impacts 12 of the Woodmont residents directly and that the Woodmont Homeowners Association is in constant communication with the Bay View Drive residents and that their position is against development of the 19 acres in question. She further commented concern about the filling in of the associated wetlands and the impact on the area from past and future hurricanes and also expressed concern of the sporadic notification by the Corps of Engineers. Chairman Segalla as well as Mayor Fred Small clarified that they had only been recently contacted by community residents within the past three weeks. Mr. Terry Moore of 444 Village Drive whose property directly borders the 19 acres expressed his disappointment at the lack of notification from the Corps of Engineers, as well as his concerns of filling in the wetlands. He respectfully requested to keep everyone involved as this issue further proceeds. Chairman Segalla explained to the public that he suggested the Utility do something with this property when a property inventory review was performed and that under the Utility's bond covenants, the Utility is prohibited from giving anything away for free. He further explained that the goal was to prepare 3 or 4 acres as home sites and a common area with a stipulation that the purchase of the property would have to keep 15 acres in a conservation trust forever and the property would revert back to the Utility if the purchaser intended to do anything else with the property. Chairman Segalla stated that his fiduciary responsibility, and as stated by Mr. Ron Scott as well, is to the 10,000+ water customers. He clarified that the Utility is continuing to work on the permitting process and a final decision has not been made. Rob McElroy affirmed that the Utility is a transparent organization and as the permit moves forward and any questions from the community arises, he stressed to be contacted.

Chairman Segalla closed Public Participation.

VII. New Business

a. **Retiree Cost of Living Increase, Act 2008-555**

Deloris Brown explained to the Board the Act 08-555 of the Alabama Legislature referencing a cost-of-living increase for retirees for which Daphne Utilities has five retired employees for an approximate cost of \$300 per year per

employee. Ron Scott calculated the cost to represent \$1.00 per month for each month of service. Chairman Segalla clarified the wording in the Memo as a "one time bonus".

MOTION BY Mr. Scott to adopt Resolution 2008-03 to participate in the RSA Retiree Cost of Living Increase of a One Time Lump Sum in the amount of \$1.00 per month per the retiree's service to the Daphne Utilities; Seconded by Mayor Small.

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

b. *FY 08-09 Budget*

Rob McElroy informed the Board that 08-09 Budget proposal will be distributed on Monday (9/29/08) and will be scheduling a Finance Committee meeting in the following two weeks to review the proposal for an approved Final Budget for the October 2008 meeting.

c. *Election of Officers*

Chairman Segalla noted that the submitted Board Member & Administrative Staff Contact List has some discrepancies. Mr. Speegle clarified that if a City official is re-elected for his term for the City, the Board member continues to serve out the term for the Utility. Chairman Segalla called for nominations for the Chairman of the Board for the Utilities Board of the City of Daphne

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

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

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

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

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

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

VIII. BOARD ATTORNEY'S REPORT

Mr. Speegle had no further information to add to his report except to include no movement on Item 3. He stated that whenever the Chair is ready, to move to Executive session to discuss impending litigation. Chairman Segalla recommended holding Executive session at the end in order to keep from detaining the public.

IX. FINANCIAL REPORT

Teresa Logiotatos reviewed the financial report with the Board. She informed the Board that the annual audit will be conducted in the coming months and that the warehouse inventory will be included for the first time; she invited the Board to stop by and meet the auditors.

X. GENERAL MANAGER'S REPORT

a. *GM Report*

Rob McElroy had nothing further to add to his report.

b. *Operations Report*

Danny Lyndall introduced Jim Caudle as the new Wastewater Treatment Plant Manager to the Board. Ron Scott inquired about the use of natural gas conversions of the Utility's vehicles. Mr. McElroy advised that arrangements are being discussed to implement the usage of natural gas to run the Utility's vehicles.

Melinda Immel had only to direct the Board to consider the award of the Outfall Booster Pumps for the Wastewater Treatment Facility to the low bidder BallCon, Inc. in the amount of \$529,301.00. She confirmed for Chairman Segalla of previous contract dealings and the quality work they performed.

MOTION BY Mayor Fred Small to approve the award of the Outfall Pumping Project to BallCon, Inc. in the amount of \$529,301.00. Seconded by Mr. Scott.

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

Nothing further was commented to the HMR report.

XI. BOARD ACTION – presented above

XII. PUBLIC PARTICIPATION –

Chairman Segalla re-opened up the Public Participation for residents that arrived after the previous Public Participation was closed. Mr. Howard Rose, who resides at 602 Bay Bluff East, expressed to the Board his displeasure of the flawed notification from the Corps of Engineers. He also expressed his disapproval of cutting down 300+ trees for the purpose of preparing 3 residential lots. Chairman Segalla clarified that Mr. McElroy was misquoted in the newspaper article of which he was referencing, as well as restating the intent of the property that was previously addressed to Ms. Denise Browning and Mr. Terry Moore. Ron Scott also reviewed the previous address to the two residents present for Public Participation. Mayor Fred Small commented as well. Dr. Joe Fontenot of Village Drive and a member of the property owners association for Village Drive addressed the Board to state that the 19 acres property in questions is actually moving water, not really a swamp and that any clay or dirt fill placed there it will wash into the Bay or accelerate the flow of water around the fill.

Chairman Segalla then closed Public Participation.

XIII. BOARD COMMENTS – none.

XIV. EXECUTIVE SESSION –

MOTION BY Mayor Small to go into Executive Session at 6:04 pm; Seconded by Mr. Scott.

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

Executive Session concluded at 6:28 pm.

XV. ADJOURNMENT–

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

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

The meeting adjourned at 6:28 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2008-66
RESOLUTION: 2009-C- TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1

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

WHEREAS, the City of Daphne acknowledges that TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1 will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1 and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for TRIONE SOCCER & FOOTBALL COMPLEX PHASE 1 be awarded to James Brothers Excavating, Inc.;

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid James Brothers Excavating, Inc. in the amount of \$837,218.50 as specified in BID SPECIFICATION NO. 2009-C-TRIONE SOCCER & FOOTBALL COMPLEX PHASE I.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2008.

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

RESOLUTION NO. 2008-67
2009-D-TOWABLE HYDRAULIC LIFT

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the TOWABLE HYDRAULIC LIFT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the TOWABLE HYDRAULIC LIFT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the TOWABLE HYDRAULIC LIFT be awarded to Foley Implement Co., Inc.; and

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Foley Implement Co., Inc. for the amount of \$22,900 as specified in BID SPECIFICATION NO: 2009-D-TOWABLE HYDRAULIC LIFT.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2008.

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk CMC

**RESOLUTION NO. 2008-68
2009-E-JANITORIAL SUPPLIES**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the JANITORIAL SUPPLIES will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the JANITORIAL SUPPLIES and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the JANITORIAL SUPPLIES be awarded to Dade Paper Company, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Dade Paper Company, Inc. for unit cost as bid herein and made a part hereof for BID SPECIFICATION NO. 2009-E-JANITORIAL SUPPLIES.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2008.

John Lake
Council President
Time Signed: _____

Fred Small
Mayor
Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

BID DOCUMENT 2009-E-JANITORIAL SUPPLIES

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM. BID SHEETS MUST BE SIGNED BY COMPANY OWNER OR AUTHORIZED PERSONNEL AND NOTARIZED.

COMPANY NAME Dade Paper
ADDRESS P.O. BOX 1180 Loxley 36551
FEDERAL ID# 59-0784248
PHONE NUMBER 251-964-1500
FAX NUMBER 251-964-6010
E-MAIL ADDRESS kishmael@dadepaper.com
Kara C. Ishmael
AUTHORIZED SIGNATURE
Kara C. Ishmael
PRINT NAME

Sworn to and subscribed before me this 4th day of December, 2008.

Carlotta A. Thompson
Notary Public

NOTARY PUBLIC STATE OF ALABAMA
MY COMMISSION EXPIRES: Oct 14, 2012
BONDED THRU NOTARY PUBLIC UNDERWRITING

ALL BIDS MUST BE RECEIVED IN PERSON OR BY MAIL

IN PERSON :
CITY OF DAPHNE
FINANCE DEPARTMENT
ATTENTION: SUZANNE HENSON
1705 MAIN STREET
DAPHNE, ALABAMA 36526

BY MAIL :
CITY OF DAPHNE
FINANCE DEPARTMENT
ATTENTION: SUZANNE HENSON
P.O. BOX 400
DAPHNE, ALABAMA 36526

Bid Cost Good through 12-16-2009

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
PAPER PRODUCTS						
COMPARISON						
Toilet Tissue Procter & Gamble Charmin Double Roll - White 2-ply/340 sheets	48/case	15	33.75	KC	374071	Kimberly Clark
Toilet Tissue Kimberly Clark Cottonelle - White 2-ply/400 sheets	96/case	42	33.75	KC	374071	
Toilet Tissue Kimberly Clark Jr. Jumbo - White 2-ply/1000'	12/case	104	21.94	VB	376016	Victoria Bay
Universal White M-Fold 9.5 X 9.125	4000/case	1	17.05	SCA	346019	
Tork Universal Natural Roll Towel	12/850' case	1	17.05	SCA	346109	
Roll Towel - Ft James	12/850 case	1				
Jr. Jumbo Dispenser (2 Roll)	Each	1	2.00	SCA	370068	
2 Ply White Tissues Marcal	30/100 case	1	13.73	VB	356020	
Facial Tissue Kimberly Clark Kleenex Boutique - White 2-ply/95 sheets	30/case	1	35.00	KC	356049	
Facial Tissue Marcal Fluff Out - White 2-ply/100 sheets	30/case	1	13.73	VB	356020	
Roll Towel Kimberly Clark Premiere - White 1-ply/75 sheets	20/case	59	19.13	VB	349012	Victoria Bay
Roll Towel Procter & Gamble Bounty - White 2-ply/64 sheets	30/case	1	19.13	VB	349012	Victoria Bay
Roll Towel - White 2-ply/90 sheets	30/case	1	19.13	VB	349012	
Roll Towel Kimberly Clark Wypall L30	30/case	1	31.25	Kimberly Clark	349035	
Hardwound Roll Towel - Natural 8" x 350'	12/case	1	17.05	SCA	346109	
Hardwound Roll Towel Dispenser	Each	1	2.00	SCA	370051	
Multi-fold Paper Towel - White/250 sheets 9.125" x 9.5"	16/case	21	17.05	SCA	346019	
VICTORIA BAY H/H Towel 2-ply White	30/85/Case	1	19.13	VB	349012	
VICTORIA BAY Facial Tissue 2-ply White	30/100/Case	1	13.73	VB	356020	
VICTORIA BAY TTISSUE 2 PLY	96/500/Case	1	33.24	VB	374015	
VICTORIA BAY Jr 2 Ply Bath Tissue	12/1000/Case	1	21.19	Victoria Bay	376016	
VICTORIA BAY Centerpull 2 Ply Towel 3960 ft	6/660/Case	1	24.52	Victoria Bay	338202	
KLEENEX Cottonelle Toilet Tissue Ind Wrapped 505 RI	60RL/Case	1	33.75	Kimberly Clark	374071	
Multi-fold Paper Towel Dispenser	Each	1	17.22	SCA	369025	
Centerpull Towels - White 2-ply/600'	6/case	136	24.52	VICTORIA BAY	338202	
Centerpull Towel Dispenser	Each	1	15.20	Celajne	338211	
Cup 2.5M / Cs L 10N25 Lid	25/100	1	41.67	Dave	294108	
White Polypropylene Forks 1M/Cs	1000	1	8.86	Victoria Bay	309901	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
		WEIGHTED FOR		PRODUCT NAME		
Towel - Universal Natural Roll	12/350'	1				
Napkin - Beverage	4,000/case	1	11.28	VB	184000	
Napkin - Lunch/Dinner	1,000/case	1	25.92	VB	180027	
Cup Plastic Sweetheart Clarity - Clear 10 oz.	1,000/case	9	58.24	DAVA	294107	DAVA
Cup Plastic Sweetheart Clarity - Clear 12 oz.	1,000/case	1	22.63	DAVA	295055	DAVA
Cup Plastic Sweetheart Clarity - Clear 16 oz.	1,000/case	1	37.78	DAVA	296026	DAVA
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 8 oz.	1,000/case	1	15.55	DAVA	080097	DAVA
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 12 oz.	1,000/case	1	22.03	DAVA	108196	DAVA
Cup Paper (Hot Beverage) Sweetheart - 12 oz.	1,000/case	1	60.01	SWEETHEART	083080	
Cup Paper Portion 1 oz.	5,000/case	1	35.07	Genpak	320104	
Cup Paper Portion 2 oz.	5,000/case	1	44.36	Genpak	320107	
Fork Plastic Extra Heavy - Clear	1,000/case	21	46.57	SOLO	311106	
Spoon Plastic Extra Heavy - Clear	1,000/case	1	44.45	SOLO	311108	
Knife Plastic Extra Heavy - Clear	1,000/case	1	44.45	SOLO	311107	
Fork Plastic Extra Heavy - White Wrapped	1,000/case	1	16.95	VB	309920	
Spoon Plastic Extra Heavy - White Wrapped	1,000/case	1	16.95	VB	309923	
Dart 8oz Foam Cup	40/25 case	1	15.55	DAVA	080097	
CONEX 10oz Trans Plastic Cup Lid 2.5M/CS	25/100 case	1	58.24	DAVA	294107	
Fork White Med Weight Polyprop.	1000/case	1	8.86	VB	309901	
Fork Wrapped White Med Weight Polyprop.	1000/case	1	16.95	VB	309920	
Plate Foam 3 Compartment 10 1/4"	500/case	1	22.20	DAVA	287415	
Plate Foam 6"	1,000/case	1	14.75	DAVA	287410	
Plate Foam 9"	500/case	1	15.17	DAVA	287412	
Plate Plastic 6"	1,000/case	1	24.85	DAVA	288007	
Plate Plastic 9"	500/case	1	25.01	DAVA	288022	
Table Skirting Pleated Plastic Self-Adhesive - White	25/case	1				
Aluminum Foil Heavy Duty Reynolds 18" x 500'	Each	1	25.02	PACTIV	003035	
Plastic Wrap Reynolds 18" x 2000'	Each	1	12.85	VB	307006	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
Ziploc Storage Bags - Quart	500/box	1	26.52	Ziplok	053041	
Ziploc Storage Bags - Gallon	250/box	1	21.66	Ziplok	053047	
TOTAL PAPER PRODUCTS \$1555.64						
SUPPLIES						
Broom Standard Janitor, 24 lb. Corn	Each	10	5.88	Crystal Lake	D05042	
Gloves Latex w/Powder - Med., Lg., X-Lg.	100/box	14	4.19	TradeX	VARIOUS	
Gloves Latex Powder Free - Med., Lg., X-Lg.	100/box	9	4.07	TradeX	VARIOUS	
Gloves Poly Food Service - Med., Lg., X-Lg.	100/box	1	4.55	TradeX	VARIOUS	
Gloves Nitrile - Med., Lg., X-Lg.	100/box	1	65.91	Kimberly Clark	K05067	
VIC BAY LG Powder Free Latex Glove	10/100/Case	1	40.63	TradeX	149162	
VIC BAY XLG Powder Free Latex Glove	10/100/Case	1	40.63	TradeX	149164	
VIC BAY LG Powder Latex Glove	10/100/Case	1	38.07	TradeX	149154	
VIC BAY XLG Powder Latex Glove	10/100/Case	1	38.07	TradeX	149156	
VIC BAY Med Powder Free Latex	10/100/Case	1	40.63	TradeX	149160	
Large Poly Gloves Disposable	10/100/CTN	1	45.45	TradeX	148965	
Mop Handle Fiberglass Quick Change Saddle Head	Each	1	6.99	Rubbermaid	D06209	
Mop Head Cotton - Quick Change Saddle - 24 oz.	12/case	1	2.66	Crystal Lake	D07260	
Wet Floor Sign	Each	1	9.39	Rubbermaid	D1147	
Black 12" Floor Stripper Pads	6/case	1	7.06	3M	D08046	
Red 12" Floor Stripper Pads	6/case	1	2.07	3M	D08017	
Blue 12" Floor Stripper Pads	6/case	1	2.07	3M	D08008	
White 12" Floor Stripper Pads	6/case	1	13.66	3M	D08043	
20" Black Stripper Pads	6/case	1	26.77	3M	D09143	
White Carpet Bonnet (20")	2/cs	1	20.95	3M	D00034	
Bulldozer All Purpose Cleaner Dispenser	12/cs	1	24.32	VB	D01016	
Dust Mop Cloths Treatment	12/case	1	31.10	VB	D10200	
Dust Mop Cloths All Sizes	12/case	1				
Revive Floor Cleaner Dispenser 32 oz.	6/case	1	84.51	Johnson Wax	N00122	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
		WEIGHTED FOR				
Vectra Floor Stripper Dispenser 1 gal	4/case	1	71.91	JOHNSON'S	N00699	
Heavy Duty Carpet Pre-Spray Dispenser 1 gal	4/case	1				
GP Forward General Purpose Cleaner Dispenser 1.5L	2/case	1	71.43	JOHNSON'S	N00876	
TOTAL SUPPLIES			\$122.97			
TOILETRIES						
Sanitary Napkin Gards Feminine Pads - Regular	250/case	1	23.34	P&G	164D20	
Tampax w/Cardboard Applicator - Regular	500/case	1	56.10	P&G	164015	
Toothpaste w/ Fluoride Crest .85 oz.	240/case	1	26.98	Colgate	H00505	
Toothbrush Standard Individual Wrapped	144/case	1	17.20	Colgate	H00504	
Hair and Body Shampoo - 1000 ml.	10/case	25	39.28	Kimberly Clark	D05112	
Dispenser for Hair and Body Shampoo	Each	1	10.98	Kimberly Clark	D3016	
Blood & Body Fluid Cleanup Kit	6/case	1	\$173.88			
TOTAL TOILETRIES						
CLEANERS/DEODORIZERS						
Absorbing Agent/Deodorizer - 16 oz. Lemon	6/case	1				
All Purpose Cleaner Pine-Sol Lemon Scent - 144 oz.	4/case	1	23.10	VB	D01011	
Bathroom Cleaner Lysol 94201 - Heavy Duty Disinfectant	Gallon	1	28.57	VB	000185	
Bleach Industrial Ultra Clorox - Gallon	6/case	8	12.00	Clorox	600006	
Brass Polish/Cleaner Wipes 36/box	6/case	1				
Cleaner Fantastik Liquid Spray Bottle - 32 oz.	12/ case	16	24.32	VB	D01016	
Clorox Cleanup Spray Bottle - 32 oz.	12/case	24	27.66	Clorox	600001	
Clorox Disinfecting Wipes	12/case	1	30.88	Clorox	600019	
Deodorizer Metered Aerosol Cans (All Scents) - 7 oz.	12/case	1	32.20	Technical	000121	
Dishwashing Liquid	Gallon	1	35.99	P&G	J00121	
Dishwashing Liquid Dawn - 50 oz.	6/case	5	32.83	P&G	J00145	
Dishwashing Liquid Joy - 12.6 oz.	24/case	1				
Dishwasher Powder Cascade 34034 - 85 oz.	6/case	1	40.96	P&G	J00131	
Hand Soap Liquid Antibacterial 7.5 oz. Pump	12/case	1	13.46	Soft Soap	L00001	
Hand Soap Liquid - Gallon	Gallon	1	24.35	VB	L00034	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
		WEIGHTED FOR				
Hand Sanitizer Purell 8 oz.	12/case	1	40.45	Gojo	L05161	
Hand Soap Foaming 1,000 ml.	4/case	1	49.15	Kimberly Clark	L05002	
Boxed Almond Hand Soap	12/case	1	27.66	POVAXO	LD0047	
Foaming Soap Dispenser	Each	1	9.76	Kimberly Clark	L05001	
Hand Cleaner Heavy Duty Lime w/cornmeal 2.00 ml.	4/case	1				
Hand Cleaner Dispenser	Each	1				
Laundry Detergent - 50 lb. Container	Each	1	24.39	VB	600046	
Stainless Steel Polish/Cleaner Aerosol Cans - Twinkle 17 oz.	12/case	1	28.49	VB	K01010	
Toilet Bowl Deodorizer w/Hanger	12/case	1	5.90	Hospeco	L02088	
Urinal Screen Deodorizer	12/case	1	7.32	Hospeco	L01311	
Window Cleaner w/sprayer 32 oz.	12/case	1	18.68	VB	F00015	
Window Cleaner Windex Outdoor w/Hose Attachment 32 oz.	8/case	1				
Metered Spray Dispenser	Each	1	19.63	TECHNICAL	000129	
Bravo Floor Stripper	5 Gal	1	47.98	SC Johnson	N00705	
Capri Lemon Cleaner	4 gal/case	1	34.01	VB	000061	
Alpha HP (J-fill)	1/2 5L per case	1	39.78	Johnson	N00850	
Degreaser	4 gal/case	1	20.48	VB	D01021	
Wright's Brass Cleaner	12/case	1	20.49	Wright's	K01024	
Banner Drain Cleaner	12/case	1	39.06	VB	D00017	
Heavy Duty Carpet Pre-Spray	4/1 gal/case	1	80.29	SC Johnson's	N00073	
Damp Mop Neutral Disinfectant		1				
GoJo Dermaprop Foam Soap 800 ml for Dispenser	6/case	1				
Clorox Clean Up with Bleach	9/32oz/Case	1	27.66	Clorox	600001	
Clorox Disinfect Wipes Surface Cleaner	12/35/Case	1	30.98	Clorox	600019	
Bleach	6/1 GAL	1	12.00	Clorox	600006	
Purrell Hand Sanitizer W Moisturizer Pump	12/8oz/Case	1	40.45	Gojo	L05161	
Lather & Kleen Hair & Body Shampoo	12/800ml/Case	1	39.28	Kimberly Clark	L05112	
TOTAL CLEANERS/DEODORIZERS						
TRASH BAGS/SUPPLIES						
Trash Liner 12 x 17 - 6 mic. 4 Gal. Natural	1000/case	1	14.56	JR Plastic	C019159	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
WEIGHTED FOR						
Trash Liner 20 x 22 - 6 mil. 7 Gal. Natural	1000/case	1	20.92	JR PLASTIC	001700	
Trash Liner 15 x 9 x 23 - .9 mil. 10 Gal. Black	1000/case	10	18.58	GP PLASTIC	001704	
Trash Liner 33 x 39 - 1.3 mil. 30 Gal. Black	100/case	4	13.90	GP PLASTIC	059179	
Trash Liner 33 x 39 - .9 mil. 30 Gal. Black	100/case	1	8.50	GP PLASTIC	061004	
Trash Liner 40 x 46 - 1.3 mil. 45 Gal. Black	100/case	1	15.18	JR PLASTIC	061008	
Trash Liner 40 x 46 - .9 mil. 45 Gal. Black	100/case	15	12.32	JR PLASTIC	060098	
Trash Liner 38 x 60 - 1.3 mil. 65 Gal. Black	100/case	5	19.73	Heritage	059276	
Trash Liner 23 x 10 x 40 - 1.5 mil. Grey	200/case	1	17.51	JR PLASTIC	059178	
Trash Liner 38 x 60 - 2 mil. 65 Gal. Grey	100/case	64	21.07	JR PLASTIC	001030	
Trash Liner 15 x 9 x 32 - 1.3 mil. 30 Gal. White	500/case	1	18.75	Heritage	062303	
Trash Liner 23 x 17 x 47 - 1.3 mil. 45 Gal. White	100/case	63	12.32	JR PLASTIC	060098	
Trash Liner 22 x 14 x 58 - 3 mil. 65 Gal. Clear	100/case	1	41.11	Heritage	062347	
Poly Bag 1.75 mil. 10 x 8 x 24	500/case	1	52.57	Elkay	055095	
24x23 Black 35MIL Can Liner	1000 case	1	17.98	GP PLASTIC	059103	
40x46 1.5mil Black Can Liner	100 case	1	15.18	JR PLASTIC	061008	
36x58 Black XX Tough Liner	100 case	1	21.07	JR PLASTIC	001030	
36x58 1.2mil Black Can Liner 55 gal	100 case	1	14.55	GP PLASTIC	061057	
33x39 Black 1.2mil Can Liner	100 case	1	8.50	GP PLASTIC	061004	
40x46 White X-Heavy Liner	4/25 case	1	12.32	JR PLASTIC	060098	
TOTAL TRASH BAGS/SUPLIES			\$76.60			
GRAND TOTAL			\$3639.25			
COMPANY NAME: Dade Paper				SIGNATURE: Paula C. Small		



December 2, 2008

City of Daphne, AL
Attn: Suzanne Henson

Dear Sir or Madam:

In reference to our submitted bid RE: Janitorial Supplies, these prices are firm until December 16, 2009. Thereafter, prices are subject to industry wide increases with a 30 day written notice.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Lety', written over a dotted line.

Jim Lety
Sales Manager

Think Clean!

BID DOCUMENT 2009-E-JANITORIAL SUPPLIES

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM. BID SHEETS MUST BE SIGNED BY COMPANY OWNER OR AUTHORIZED PERSONNEL AND NOTARIZED.

COMPANY NAME Dade Paper
ADDRESS P.O. BOX 1180 Hoxley 36551
FEDERAL ID# 59-0784248
PHONE NUMBER 251-964-1500
FAX NUMBER 251-964-6010
E-MAIL ADDRESS kishmael@dadepaper.com

Kara C. Ishmael
AUTHORIZED SIGNATURE
Kara C. Ishmael

PRINT NAME

Sworn to and subscribed before me this 4th day of December, 2008.

Carlotta A. Thompson
Notary Public

NOTARY PUBLIC STATE OF ALABAMA
MY COMMISSION EXPIRES: Oct 14, 2012
BONDED THRU NOTARY PUBLIC UNDERWRITING

ALL BIDS MUST BE RECEIVED IN PERSON OR BY MAIL

IN PERSON :
CITY OF DAPHNE
FINANCE DEPARTMENT
ATTENTION: SUZANNE HENSON
1705 MAIN STREET
DAPHNE, ALABAMA 36526

BY MAIL :
CITY OF DAPHNE
FINANCE DEPARTMENT
ATTENTION: SUZANNE HENSON
P.O. BOX 400
DAPHNE, ALABAMA 36526

Bid Cost Good Through 12-16-2009

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities		WEIGHTED FOR		PRODUCT NAME	NUMBER	
PAPER PRODUCTS		COMPARISON				
Toilet Tissue Procter & Gamble Charmin Double Roll - White 2-ply/340 sheets	48/case	15	33.75	KC	374071	Kimberly Clark
Toilet Tissue Kimberly Clark Cottonelle - White 2-ply/400 sheets	96/case	42	33.75	KC	374071	
Toilet Tissue Kimberly Clark Jr. Jumbo - White 2-ply/1000'	12/case	104	21.94	VB	376016	Victoria Bay
Universal White M-Fold 9.5 X 9.125	4000/case	1	17.05	SCA	346019	
Tork Universal Natural Roll Towel	12/350' case	1	17.05	SCA	346109	
Roll Towel - Ft James	12/350 case	1				
Jr. Jumbo Dispenser (2 Roll)	Each	1	2.00	SCA	310068	
2 Ply White Tissues Marcal	30/100 case	1	13.73	VB	356020	
Facial Tissue Kimberly Clark Kleenex Boutique - White 2-ply/95 sheets	30/case	1	35.00	KC	356049	
Facial Tissue Marcal Fluff Out - White 2-ply/100 sheets	30/case	1	13.73	VB	356020	
Roll Towel Kimberly Clark Premiere - White 1-ply/75 sheets	20/case	59	19.13	VB	349012	Victoria Bay
Roll Towel Procter & Gamble Bounty - White 2-ply/64 sheets	30/case	1	19.13	VB	349012	Victoria Bay
Roll Towel - White 2-ply/90 sheets	30/case	1	19.13	VB	349012	
Roll Towel Kimberly Clark Wypall L30	30/case	1	31.25	Kimberly Clark	349035	
Hardwound Roll Towel - Natural 8" x 350'	12/case	1	17.05	SCA	346109	
Hardwound Roll Towel Dispenser	Each	1	2.00	SCA	310051	
Multi-fold Paper Towel - White/250 sheets 9.125" x 9.5"	16/case	21	17.05	SCA	346019	
VICTORIA BAY H/H Towel 2-ply White	30/85/Case	1	19.13	VB	349012	
VICTORIA BAY Facial Tissue 2-ply White	30/100/Case	1	13.73	VB	356020	
VICTORIA BAY T/ISSUE 2 PLY	96/500/Case	1	33.24	VB	374015	
VICTORIA BAY Jrt Jr 2 Ply Bath Tissue	12/1000/Case	1	21.19	Victoria Bay	376016	
VICTORIA BAY Centerpull 2 Ply Towel 3980 ft	6/660/Case	1	24.52	Victoria Bay	338202	
KLEENEX Cottonelle Toilet Tissue Ind Wrapped 505 RI	60RL/Case	1	33.75	Kimberly Clark	374071	
Multi-fold Paper Towel Dispenser	Each	1	17.22	SCA	309025	
Centerpull Towels - White 2-ply/600'	6/case	136	24.52	Victoria Bay	338202	
Centerpull Towel Dispenser	Each	1	15.20	Cellayne	338211	
Cup 2.5M / Cs L10N25 Lid	25/100	1	41.67	Dart	294108	
White Polypropylene Forks 1M/CS	1000	1	8.86	Victoria Bay	309901	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities						
Towel - Universal Natural Roll	12/350'	1				
Napkin - Beverage	4,000/case	1	11.28	VB	184000	
Napkin - Lunch/Dinner	1,000/case	1	25.92	VB	180027	
Cup Plastic Sweetheart Clarity - Clear 10 oz.	1,000/case	9	58.24	DAVA	294107	DAVA
Cup Plastic Sweetheart Clarity - Clear 12 oz.	1,000/case	1	22.63	DAVA	295055	DAVA
Cup Plastic Sweetheart Clarity - Clear 16 oz.	1,000/case	1	37.78	DAVA	296026	DAVA
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 8 oz.	1,000/case	1	15.55	DAVA	080097	DAVA
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 12 oz.	1,000/case	1	22.03	DAVA	108109	DAVA
Cup Paper (Hot Beverage) Sweetheart - 12 oz.	1,000/case	1	60.01	SWEETHEART	083080	
Cup Paper Portion 1 oz.	5,000/case	1	35.07	Genpak	320104	
Cup Paper Portion 2 oz.	5,000/case	1	44.36	Genpak	320107	
Fork Plastic Extra Heavy - Clear	1,000/case	21	46.57	SOLO	311106	
Spoon Plastic Extra Heavy - Clear	1,000/case	1	44.45	SOLO	311108	
Knife Plastic Extra Heavy - Clear	1,000/case	1	44.45	SOLO	311107	
Fork Plastic Extra Heavy - White Wrapped	1,000/case	1	16.95	VB	309920	
Spoon Plastic Extra Heavy - White Wrapped	1,000/case	1	16.95	VB	309923	
Dart 8oz Foam Cup	40/25 case	1	15.55	DAVA	080097	
CONEX 10oz Trans Plastic Cup Lid 2.5M/CS	25/100 case	1	58.24	DAVA	294107	
Fork White Med Weight Polyprop.	1000/case	1	8.86	VB	309901	
Fork Wrapped White Med Weight Polyprop.	1000/case	1	16.95	VB	309920	
Plate Foam 3 Compartment 10 1/4"	500/case	1	22.20	DAVA	287415	
Plate Foam 6"	1,000/case	1	14.75	DAVA	287410	
Plate Foam 9"	500/case	1	15.17	DAVA	287412	
Plate Plastic 6"	1,000/case	1	24.85	DAVA	288007	
Plate Plastic 9"	500/case	1	25.01	DAVA	288022	
Table Skirting Pleated Plastic Self-Adhesive - White	25/case	1				
Aluminum Foil Heavy Duty Reynolds 18" x 500'	Each	1	25.02	PACTIV	003035	
Plastic Wrap Reynolds 18" x 2000'	Each	1	12.85	VB	307006	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities		WEIGHTED FOR		PRODUCT NAME	NUMBER	
Ziploc Storage Bags - Quart	500/box	1	26.52	Ziplok	053041	
Ziploc Storage Bags - Gallon	250/box	1	21.66	Ziplok	053047	
TOTAL PAPER PRODUCTS			\$1355.64			
SUPPLIES						
Broom Standard Janitor, 24 lb. Corn	Each	10	5.88	Crystal Lake	D05042	
Gloves Latex w/Powder - Med., Lg., X-Lg.	100/box	14	4.19	Tradex	VARIOUS	
Gloves Latex Powder Free - Med., Lg., X-Lg.	100/box	9	4.07	Tradex	VARIOUS	
Gloves Poly Food Service - Med., Lg., X-Lg.	100/box	1	4.55	Tradex	VARIOUS	
Gloves Nitrile - Med., Lg., X-Lg.	100/box	1	65.91	Kimberly Clark	K05067	
VIC BAY LG Powder Free Latex Glove	10/100/Case	1	40.63	Tradex	149162	
VIC BAY XLG Powder Free Latex Glove	10/100/Case	1	40.63	Tradex	149164	
VIC BAY LG Powder Latex Glove	10/100/Case	1	38.07	Tradex	149154	
VIC BAY XLG Powder Latex Glove	10/100/Case	1	38.07	Tradex	149156	
VIC BAY Med Powder Free Latex	10/100/Case	1	40.63	Tradex	149160	
Large Poly Gloves Disposable	10/100/CTN	1	45.45	Tradex	148965	
Mop Handle Fiberglass Quick Change Saddle Head	Each	1	6.99	Rubbermaid	DN6209	
Mop Head Cotton - Quick Change Saddle - 24 oz.	12/case	1	2.66	Crystal Lake	D07260	
Wet Floor Sign	Each	1	9.39	Rubbermaid	D11147	
Black 12" Floor Stripper Pads	6/case	1	7.06	3M	D08046	
Red 12" Floor Stripper Pads	6/case	1	2.07	3M	D08017	
Blue 12" Floor Stripper Pads	6/case	1	12.07	3M	D08008	
White 12" Floor Stripper Pads	6/case	1	13.66	3M	D08043	
20" Black Stripper Pads	6/case	1	26.77	3M	D09143	
White Carpet Bonnet (20")	2/cs	1	20.95	3M	D00034	
Bulldozer All Purpose Cleaner Dispenser	12/cs	1	24.32	VB	D01016	
Dust Mop Cloths Treatment	12/case	1	31.10	VB	D10200	
Dust Mop Cloths All Sizes	12/case	1				
Revive Floor Cleaner Dispenser 32 oz.	6/case	1	84.51	Johnson Wax	N00122	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	PRODUCT NAME	NUMBER	EXCEPTIONS
Bid will be evaluated using estimated purchase quantities							
WEIGHTED FOR							
Veetra Floor Stripper Dispenser 1 gal	4/case	1	71.91	JOHNSON'S		N00699	
Heavy Duty Carpet Pre-Spray Dispenser 1 gal	4/case	1					
GP Forward General Purpose Cleaner Dispenser 1.5L	2/case	1	71.43	JOHNSON'S		N00876	
TOTAL SUPPLIES							
\$173.88							
TOILETRIES							
Sanitary Napkin Gards Feminine Pads - Regular	250/case	1	23.34	P&G		164020	
Tampon Tampax w/Cardboard Applicator - Regular	500/case	1	56.10	P&G		164015	
Toothpaste w/ Fluoride Crest .85 oz	240/case	1	26.98	Colgate		HD0505	
Toothbrush Standard Individual Wrapped	144/case	1	17.20	Colgate		HD0504	
Hair and Body Shampoo - 1000 ml.	10/case	25	39.28	Kimberly Clark		05112	
Dispenser for Hair and Body Shampoo	Each	1	10.98	Kimberly Clark		03016	
\$173.88							
CLEANERS/DEODORIZERS							
Absorbing Agent/Deodorizer - 16 oz Lemon	6/case	1					
All Purpose Cleaner Pine-Sol Lemon Scent - 144 oz.	6/case	1	23.10	VB		D0111	
Bathroom Cleaner Lysol 94201 - Heavy Duty Disinfectant	Gallon	1	28.57	VB		00185	
Bleach Industrial Ultra Chlorox - Gallon	6/case	8	12.00	Clorox		60006	
Brass Polish/Cleaner Wipes 36/box	6/case	1					
Cleaner Fantastik Liquid Spray Bottle - 32 oz.	12/case	16	24.32	VB		D0116	
Clorox Cleanup Spray Bottle - 32 oz.	12/case	24	27.66	Clorox		60001	
Clorox Disinfecting Wipes	12/case	1	30.88	Clorox		60019	
Deodorizer Metered Aerosol Cans (All Scents) - 7 oz.	12/case	1	32.20	Technical		00121	
Dishwashing Liquid	Gallon	1	35.99	P&G		00121	
Dishwashing Liquid Dawn - 50 oz.	6/case	5	32.83	P&G		00145	
Dishwashing Liquid Joy - 12.6 oz	24/case	1					
Dishwasher Powder Cascade 34034 - 85 oz.	6/case	1	40.96	P&G		000131	
Hand Soap Liquid Antibacterial 7.5 oz. Pump	12/case	1	13.46	Softsoap		L00001	
Hand Soap Liquid - Gallon	Gallon	1	24.35	VB		L00034	

CITY OF DAPHNE - BID: 2008-E-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	EST PURCH QTY	UNIT PRICE	MANUFACTURER	ITEM
Bid will be evaluated using estimated purchase quantities					
WEIGHTED FOR					
				PRODUCT NAME	NUMBER
EXCEPTIONS					
Hand Sanitizer Purell 8 oz.	12/case	1	40.45	Gojo	LO5161
Hand Soap Foaming 1,000 ml.	4/case	1	49.15	Kimberly Clark	LO5002
Boxed Almond Hand Soap	12/case	1	27.66	Edward	LO3047
Foaming Soap Dispenser	Each	1	9.76	Kimberly Clark	LO5001
Hand Cleaner Heavy Duty Lime w/cornmeal 2.00 ml.	4/case	1			
Hand Cleaner Dispenser	Each	1			
Laundry Detergent - 50 lb. Container	Each	1	24.39	VB	600046
Stainless Steel Polish/Cleaner Aerosol Cans - Twinkle 17 oz.	12/case	1	28.49	VB	K61010
Toilet Bowl Deodorizer w/Hanger	12/case	1	5.90	Hospeco	LO2088
Urinal Screen Deodorizer	12/case	1	7.32	Hospeco	LO1311
Window Cleaner w/sprayer 32 oz.	12/case	1	18.68	VB	FO0015
Window Cleaner Windex Outdoor w/Hose Attachment 32 oz.	8/case	1			
Metered Spray Dispenser	Each	1	19.63	Technical	000129
Bravo Floor Stripper	5 Gal	1	47.98	SC Johnson	N00705
Capri Lemon Cleaner	4 gal/case	1	34.01	VB SC	000061
Alpha HP (J-Fill)	1/2.5L per case	1	39.78	Johnson	N00850
Degreaser	4 gal/case	1	20.48	VB	DK1021
Wright's Brass Cleaner	12/case	1	20.49	Wrights	KD1024
Banner Drain Cleaner	12/case	1	39.06	VB	DK0017
Heavy Duty Carpet Pre-Spray	4/1 gal/case	1	80.29	SC Johnson	N00073
Damp Mop Neutral Disinfectant		1			
Gold Dermapro Foam Soap 800 ml for Dispenser	6/case	1			
Clorex Clean Up with Bleach	9/32oz/Case	1	27.66	Clorex	600001
Clorex Disinfect Wipes Surface Cleaner	12/35/Case	1	30.88	Clorex	600019
Bleach	6/1 GAL	1	12.00	Clorex	600006
Purell Hand Sanitizer W Moisturizer Pump	12/8oz/Case	1	40.45	Gojo	LO5161
Lather & Kieen Hair & Body Shampoo	12/800ml/Case	1	39.28	Kimberly Clark	LO5112
TOTAL CLEANERS/DEODORIZERS					
TRASH BAGS/SUPPLIES					
Trash Liner 12 x 17 - 6 mic. 4 Gal. Natural	1000/case	1			
				14.56 DR	PLASHC 061959



December 2, 2008

City of Daphne, AL
Attn: Suzanne Henson

Dear Sir or Madam:

In reference to our submitted bid RE: Janitorial Supplies, these prices are firm until December 16, 2009. Thereafter, prices are subject to industry wide increases with a 30 day written notice.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Lety', written in a cursive style.

Jim Lety
Sales Manager

Think Clean!

**RESOLUTION NO. 2008-69
2009-F-LAPTOP COMPUTERS**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the LAPTOP COMPUTERS throughout the year may exceed this amount; and

WHEREAS, Staff has reviewed the bids for the LAPTOP COMPUTERS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the LAPTOP COMPUTERS be awarded to American Computer Enterprises, Inc., Inc.;

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of American Computer Enterprises, Inc., Inc. in the amount of:

12 Laptops	- \$14,160.00
Individual Purchases-Laptop	- \$ 1,230.00/each
Computer Bag	- \$ 60.00/each

as specified in BID SPECIFICATION NO. 2009-F-LAPTOP COMPUTERS.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2008.

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

**RESOLUTION NO. 2008-70
2009-G-LINEN RENTAL SERVICES**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the LINEN RENTAL SERVICES will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the LINEN RENTAL SERVICES and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the LINEN RENTAL SERVICES be awarded to American Linen Service Company (ALSCO) .

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of American Linen Service Company (ALSCO) for unit cost as bid

85" or 90" Square - White	1.9000
52x114 Banquet-White	1.6500
Napkins	0.0818
9 % Service Charge	

As bid in BID SPECIFICATION NO. 2009-G-LINEN RENTAL SERVICES.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2008.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2008-57

AN ORDINANCE ADOPTING THE FISCAL YEAR 2009 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2009 which begins October 1, 2008 and ends September 30, 2009; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 budget attached hereto and made a part hereof for the Fiscal Year beginning October 1, 2008 and ending September 30, 2009 is hereby approved and adopted on this the 17th of November, 2008.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2008-67**

**AN ORDINANCE TO REQUIRE HOTEL REGISTRATION AND
RETENTION OF REGISTRATION RECORDS**

WHEREAS, the investigation and prevention of criminal and immoral acts is within the City's responsibility for the health, safety, and welfare of its citizens and visitors; and,

WHEREAS, the requiring of all lodging establishments within the City to have its guests present proper and valid identification upon registering will aide and support police activity for the health, safety, and welfare of the City's citizens and visitors; and,

WHEREAS, an individual maintains no reasonable expectation of privacy under the 4th Amendment of the United States Constitution in regards to guest registration records; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon deliberation, has determined to be in the best interest of the City to require hotel registration and retention of registration records for lodging establishments in the City;

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

SECTION I: REGISTRATION REQUIREMENTS

A. Any person who controls or operates a hotel, motel, boardinghouse, roominghouse, guesthouse, apartment hotel, lodging house, motor hotel, extended stay lodging facility, or similar establishment offering rental accommodations shall keep and maintain a register of guests which shall include the true name and address of each guest, the room number occupied by such guest and the beginning and ending dates of occupancy for each guest. The registering guest shall verify his or her true name at the time of registration by presenting valid identification which shall be in the form of a driver's license, non-driver's state issued identification card, federal government identification, military identification, or passport.

B. Any person who controls or operates an establishment describes in Section I(A) of this Ordinance shall record the issuer of the identification and identifying numbers on the identification presented. No guest shall be allowed to register without presenting valid identification. If the guest is traveling in a motor vehicle, the license number and owner of such motor vehicle shall also be recorded in the register.

SECTION II: RETENTION REQUIREMENTS

Any person who controls or operates an establishment listed in Section I (A) of this Ordinance shall also retain the register of guests, including all information required under Section I(A) of this Ordinance, for three years and open it for inspection at any time the establishment is open for business upon the request and presentation of valid identification by any City of Daphne police officer or any other member of law enforcement having proper authority to enforce the laws of the State of Alabama and the United States of America.

Said information required under Section I(A) of this Ordinance shall be stored in a manner in which to be readily available to members of law enforcement when requested, regardless of company policy.

SECTION III: PENALTY

A. It shall be a violation of this Ordinance for any person subject to the provisions herein to refuse to keep or maintain a register as required by this Ordinance, to fail or refuse to make such register available for inspection as required by this Ordinance, to otherwise violate or fail to comply with any other provision of this Ordinance, or for any registering guest to register using a false name.

B. Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than Fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six months, or both, in the discretion of the Municipal Judge.

SECTION IV: SEVERABILITY

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

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2008**

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David Cohen, City Clerk MMC

CITY OF DAPHNE
ORDINANCE 2008-68
FLOOD PREVENTION

ARTICLE 1. Statutory authorization, finding of fact, purpose and objectives

Section A. Statutory Authorization

The legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Counsel of Daphne, Alabama, does ordain as follows:

Section B. Finding of Fact

- (1) The flood hazard areas of Daphne, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood condition in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and ;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section D. Objectives

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. General Provisions

Section A. Lands to which this ordinance applies

This ordinance shall apply to all Areas of Special Flood hazard within the jurisdiction of Daphne, Alabama.

Section B. Basis for area of special flood hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its DFIRM and Flood Insurance Study (FIS), dated July 17, 2007, with accompanying maps and other supporting data and revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for (*Baldwin County*) are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Section C. Establishment of development permit

A development permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any development activities.

Section D. Compliance

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and greater restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements
- (2) Liberally construed in favor of the governing body, and:
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and disclaimer of liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Daphne or by any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section H. Penalties for violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than one (1) day, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section I. Savings Clause

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 3. AdministrationSection A. Designation of ordinance administrator

Building Official is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Permit Procedures

Applications for a Development Permit shall be made to the **Building Official** on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

- (1) Application stage –
 - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be flooded proofed;
 - (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B2 and D2;
 - (d) Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section E5
 - (e) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development and ;

(2) Construction Stage –

For all new construction and substantial improvements, the permit holder shall provide to the **Administrator** an as-built certification of the regulatory floor elevation or flood proofing level using appropriate FEMA elevation or flood proofing certificate immediately after the lowest floor or flood-proofing is completed. Where a structure is subject to the provisions applicable to Coastal High Hazard Areas and after placement of the lowest horizontal structural members. Any regulatory floor certification mad relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertake prior to submission of these certifications shall be at the permit holder's risk. The **Building Official** shall review the above referenced certification data submitted. Deficiencies detected by such a review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a **stop-work** order for the project.

Section C. Duties and responsibilities of the administrator

Duties of the **Building Official** shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied and that the site is reasonable safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the **Building Official** shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the federal, state or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grad) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3 B (2)

- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2) and D (2).
- (6) When flood-proofing is utilized for a structure, the **Building Official** shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3 B (1), © and Article 4 B (2) or D (2).
- (7) Obtain design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section E (5);
- (8) Notify adjacent communities and The Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (**FEMA**), and the Alabama Department of Economic and Community of Affairs (**ADECA**) and the Office of Water Resources (**OWR**).
- (9) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA and ADECA/OWR to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (10) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the **Building Official** shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- (11) All records pertaining to the provision of this ordinance shall be maintained in the office of the **Building Official** and shall be open for public inspection.

ARTICLE 4. Provision for flood hazard reduction

Section A. General Standards

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated Buildings – All new construction or substantial improvements of existing structures that include **any** fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. (NOT APPLICABLE IN COASTAL HIGH HAZARD AREAS)
- (A) Designs complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be not higher than **one** foot above grade; and
 - iii. Openings may be equipped with screens, lovers, valves or other coverings or devices provided that they permit the automatic flow of floodwater in both directions.
- (B) So as not to violate the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicle, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
- (C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;

- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood water;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

Section B. Specific Standards

In **ALL** Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required;

- (1) New construction and substantial improvements – Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including the basement, elevated not lower than one foot above the base flood elevation. Should the solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4), “elevated Building”.
- (2) Non-Residential Construction – New construction or the substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standard of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).
- (3) Standards for manufactured homes and recreational vehicles - Where base flood elevation data are available:
 - a. All manufactured homes placed or substantially improved on:
 - (i) Individual lots or parcels
 - (ii) In new or substantially improved manufactured home parks or subdivisions

- (iii) In expansions to existing manufactured home parks or subdivisions,
 - (iv) On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damages as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
 - b. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than 36 inches in height above grade.
 - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (refer to Article 4, Section A, above)
 - d. All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days, fully licensed, on it's wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 - (ii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 4 , Section B (3), (a), (c), above.
- (4) Floodway – Located within Areas of Special Flood Hazard established in Article 2, Section B are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- b. 44 CFR60.3 “Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than on foot at any point within the City.”
- c. ONLY if Article 4 (b), 4 (a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

Section C. Building standard for streams without established base flood elevation and/or floodway (a-zones)

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (a-zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 2 (b), then the **Building Official** shall obtain, review and reasonable utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provision of Article 4. ONLY if data are not available from these sources, then the following provisions (2 and 3) shall apply:
- (2) No encroachments, including structures or fill material shall be located within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of

the lowest enclosed areas (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section a (4) "Elevated Buildings".

Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Section D. Standards for areas of shallow flooding (A-O Zones)

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1' to 3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including the basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4,

Section A (4), "Elevated Buildings".

Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two (2) feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 3 (B), 1 (C) and 3 (B) (2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section E. **Coastal high hazard areas (V-Zones)**

Located within the areas of special flood hazard established in Article 2, Section B, are areas designated as Coastal High Hazard Areas (V-Zones). These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of the mean high tide;
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Article 4, Section E (6) below;
- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls; and\
- (4) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the INTERNATIONAL BUILDING CODES.
- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in full compliance with the provisions contained in Article 4, Section E (2),(3), and (4) herein.
- (6) All space below the lowest horizontal supporting member must remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. The following design specifications are allowed:
 - (a) No solid walls shall be allowed, and;
 - (b) Material shall consist of lattice or mesh screening only.
 - (c) If aesthetic lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for
 - (d)

parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

- (7) Prior to construction, plans for any structure using lattice or Decorative screening must be submitted to the **Building Official** for approval;
- (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided in this Section.
- (9) There shall be no fill material used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The **Building Official** shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (c) Slope of fill will not cause wave run-up or ramping.
- (10) There shall be no alteration of sand dunes or mangrove stands which would increase which would increase potential flood damage:
- (11) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article 4, Section E are met.

Section F. **Standards for Subdivisions**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;

- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivisions proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

ARTICLE 5 Variance Procedures

- (a) The **Board of Adjustments** as established by the **City Council** shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (b) The Board of Adjustments shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the City Council in the enforcement or administration of this ordinance.
- (c) Any person aggrieved by the decision of the **Building Official** may appeal such decision to the Circuit Court, as provided by the **Code of Alabama 1975**.
- (d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (e) Variance may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of the Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (f) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (g) In reviewing such request, the BOARD OF ADJUSTMENTS shall consider all technical evaluation, relevant factors, and all standards specified in this and other sections of this ordinance.
- (h) Condition for Variances:
 - (1) A Variance shall be issued **ONLY** when there is:
 - (2)

- a. A finding of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship, and;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) The provisions of this Ordinance are minimum standards for flood loss reductions, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (5) The **Building Official** shall maintain the records of all appeal actions and report any variances to the Federal and State Emergency Management Agencies upon request.
- (i) Upon consideration of the factors listed above and the purposes of this ordinance, the **Board of Adjustments** may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE 6 **Definitions** (note: *data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a

fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered **“NEW CONSTRUCTION.”**

***“Appeal”** means a request for a review of the **Building Official’s** interpretation of any provision of this ordinance

“Area of shallow flooding” means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of special flood hazard” is the land the floodplain within a community subject to **one** percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

“Base flood” means the flood having one (1) percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor sub-grade (below ground level) on all sides.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.

“Building” means any structure built for support, shelter or enclosure for any occupancy or storage. (See Structure)

“Coastal High Hazard Area” means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or material.

“Elevated Building” means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

“Existing Construction” – Any structure for which the start of construction commenced before February 21, 1975 [(i.e., the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the National Flood Insurance Program (NFIP)].

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured home are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 21, 1975 [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Flood” or “Flooding” means a general and temporary condition partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal waters; or

The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Hazard Boundary Map (FHBM)” means an official map of the community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated a Zone A.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

“Flood Insurance Study” means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

“Floodplain” means any land area susceptible to flooding.

“Floodway” (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Functionally dependent facility” means a facility which can not be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

“Historic Structure” mean any structure that is;

Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance for a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior, or

Directly by the Secretary of the Interior in states without approved programs.

“Levee” means a man-made structure; usually an earthen embankment designed and constructed, in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

“Levee System” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including Basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in areas other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provision of this code.

“Manufactured Home” means a building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes park trailer, travel trailers and similar transportable structures placed on a site for **180** consecutive days or longer and intended to be improved property.

“Mean Sea Level” means the average height of the sea for all stages of the tides. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

“National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

“New Construction” means ANY structure (see definition) for which the “start of construction” commenced after February 21, 1975 and includes any subsequent improvements to the structure. [i.e., the effective date of the **FIRST** floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 21, 1975 [i.e., the effective date of the first floodplain management regulations adopted by a community].

“**Repetitive Loss**” means flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

“**Recreational vehicle**” means a vehicle which is:

Built on a single chassis;

400 square feet or less when measured at the largest horizontal projection;

Designed to be self-propelled or permanently towable by a light duty truck;

Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“**Sand Dunes**” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“**Start of construction**” means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within **180** days of the permit date. The actual start means the first placement of permanent date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundation or the erection of temporary forms; note does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“**Structure**” means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

“**Substantial Damage**” means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s **before damaged** condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds 25 percent of the market value of the structure before the damages occurred.

“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds **50** percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive Loss” or “substantial damage”, regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local **code enforcement official** and which are the minimum necessary to assure safe living conditions, or; (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Substantially improved existing manufactured home parks or subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds **50** percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Variance” is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulation. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the Code of Federal Regulations (CFR,44,Sec 60.3(b)(5), (c)(4), (c)(10), (d)(3),(e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 7. Severability

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

ARTICLE 8. Repealer

City of Daphne Ordinances 1998-02 and 2007-29 are hereby repealed in their entirety. All other City ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict.

ADOPTED AND APPROVED this _____ day of _____, 2008.

John Lake
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

- **SUMMARY OF REQUIRED FLOODPLAINS REVISIONS**

SUMMARY OF FINDINGS, VIOLATIONS, AND CONCERNS

Floodplain Management Regulations

- The current flood damage prevention ordinance is No 1998-02 dated January 21, 1998 and amended in 2007. There are several updates needed and it is recommended that these be incorporated as soon as practicable.
- A copy of the state’s 2008 model ordinance has been provided to the floodplain administrator for consideration.
- Please initiate the following changes to the City of Daphne Flood Ordinance No. 1998-02.

Article 2. Section B

Replace “Flood Insurance Study” (FIS), dated June 17, 2002 with DFIRM and Flood Insurance Study (FIS) dated July 17, 2007.

Replace (unincorporated county) with “Baldwin County”

Remove (specifically identify)

Article 2. Section I

Add Section I to read:

Section I: Savings Clause

If any section, subsection, sentence, subsection, phrase or work of this ordinance is for any reason held to be noncompliant with 44 Code of federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

Article 3. Section A

Replace “Planning Director/Zoning Administrator” with “Building Official”.

Article 3. Section B

Delete the word “earthen” from “earthen fill placement”.

Replace “Planning Director/Zoning Administrator” with “Building Official”.

Article 3. Section B

Subparagraph (2): Replace “Planning Director/Zoning Administrator” with “Building Official”.

Article 3. Section C

Replace Local Administrator with “Building Official”.

Subparagraph (1): Replace with: **Review all development permits to assure that the permit requirements of this ordinance have satisfied and that the site is reasonable safe from flooding.**

Subparagraph (3): Replace Local Administrator with “Building Official”.

Subparagraph (6): Replace Local Administrator with “Building Official”.

Subparagraph (8): Replace Alabama Emergency Management Agency (AEMA) with Alabama Department of Economic and Community Affairs (ADECA) and the Office of Water Resources (OWR),

Subparagraph (9): Delete “the” from the “FEMA”; delete “and State” and add “ADECA/OWR”

Subparagraph (10): Replace Local Administrator with “Building Official”.

Subparagraph (11): Replace “Planning Director/Zoning Administrator” with “Building Official”.

Article 4. Section A

In part (1), change the word “or lateral” to “and lateral”.

In part (3), change the work “or substantial” to “and substantial”.

Article 4. Section B

In part (4) Floodway, subparagraph (a), remove the work “earthen” from “earthen fill.”

In part (4) Floodway, add 44 CFR 60.3 (c) (10) to read:

(b) “Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.”

Change subparagraph (b) to (c).

Article 4. Section C

Paragraph (1): Replace Local Administrator with “Building Official”.

Paragraph (3): Replace Local Administrator with “Building Official”.

Article 4. Section D

Paragraph (1): Replace Local Administrator with “Building Official”.

Article 4. Section E

Paragraph (7): Replace Local Administrator with “Building Official”.

Paragraph (9): Replace Local Administrator with “Building Official”.

Article 5. Variance Procedures

Paragraph (c): Replace Local Administrator with “Building Official”.

Paragraph (c): Replace “the Alabama State Statute “with “Code of Alabama 1975”.

Paragraph (h) (4): Replace Local Administrator with “Building Official”.

Article 6. Definitions

Building- add “See Structure”

Appeal - Replace Local Administrator with “Building Official”.

Development -remove “permanent”

Elevated Building – remove “of fill”

Existing Construction – replace December 5, 1984 with February 21, 1975

Existing manufacturing home park or subdivision – replace December 5, 1984 with February 21, 1975 Existing manufacturing home park or subdivision

Mangrove Stand – delete

New Construction - – replace December 5, 1984 with February 21, 1975

New manufacturing home park or subdivision – replace December 5, 1984 with February 21, 1975 Existing manufacturing home park or subdivision

Add term: “**Violation**” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulation. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the Code of Federal Regulations (CFR), 44, Sec 60.3 (b)(5), (c)(4), (c)(10),(d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

- **OLD FLOOD ORDINANCE SHOWING REVISIONS**

City of Daphne, Alabama

Flood Damage Prevention Ordinance No. 1998-02

Adopted the 21st day of January, 1998

Article 1. Statutory authorization, finding of fact, purpose and objectives

Section A. Statutory Authorization

The legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Counsel of Daphne, Alabama, does ordain as follows:

Section B. Finding of Fact

- (1) The flood hazard areas of Daphne, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood condition in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion

- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and ;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section D. Objectives

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. General Provisions

Section A. Lands to which this ordinance applies

This ordinance shall apply to all Areas of Special Flood hazard within the jurisdiction of Daphne, Alabama.

Section B. Basis for area of special flood hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated December 5, 1984, with accompanying maps and other supporting data and revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for (*unincorporated county*) are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or

defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS. (*specifically identify*)

Revision: Replace “Flood Insurance Study” (FIS), dated June 17, 2002 with DFIRM and Flood Insurance Study (FIS) dated July 17, 2007.

Replace (unincorporated county) with “Baldwin County”

Remove (specifically identify)

Section C. Establishment of development permit

A development permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any development activities.

Section D. Compliance

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and greater restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements
- (2) Liberally construed in favor of the governing body, and:
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and disclaimer of liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Daphne or by any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section H. Penalties for violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than one (1) day, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as is necessary to prevent or remedy any violation.

Revision: Add Section I to read:

Section I: Savings Clause

If any section, subsection, sentence, subsection, phrase or work of this ordinance is for any reason held to be noncompliant with 44 Code of federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 3. Administration

Section A. Designation of ordinance administrator

The Planning Director/Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

Revision: Replace “Planning Director/Zoning Administrator” with “Building Official”.

Section B. Permit Procedures

Applications for a Development Permit shall be made to the Planning Director/Zoning Administrator on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the

elevations of the area in question and the nature, location, dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application stage –

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flooded proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B2 and D2;
- (d) Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section E5
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development and ;

(2) Construction Stage –

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood proofing level **using appropriate FEMA elevation or flood proofing certificate** immediately after the lowest floor or flood-proofing is completed. Where a structure is subject to the provisions applicable to Coastal High Hazard Areas and after placement of the lowest horizontal structural members. Any regulatory floor certification mad relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertake prior to submission of these certifications shall be at the permit holder's risk. The Planning Director/Zoning Administrator shall review the above referenced certification data submitted. Deficiencies detected by such a review shall be corrected by the permit holder immediately and prior to further progressive work being

allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a **stop-work** order for the project.

Revision: Delete the word “earthen from “earthen fill placement”.

Replace “Planning Director/Zoning Administrator” with “Building Official”.

Revision: Subparagraph (2): Replace “Planning Director/Zoning Administrator” with “Building Official”.

Section C. Duties and responsibilities of the administrator

Duties of the Local Administrator shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the federal, state or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grad) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3 B (2)
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2) and D (2).
- (6) When flood-proofing is utilized for a structure, the Local Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3 B (1), © and Article 4 B (2) or D (2).

- (7) Obtain design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section E (5)
- (8) Notify adjacent communities and The Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Emergency Management Agency (AEMA).
- (9) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(10)

Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Local Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

- (11) All records pertaining to the provision of this ordinance shall be maintained in the office of the **Planning Director/Zoning Administrator** and shall be open for public inspection.

Revision: Replace Local Administrator with “Building Official”.

Subparagraph (1): Replace with: **Review all development permits to assure that the permit requirements of this ordinance have satisfied and that the site is reasonable safe from flooding.**

Subparagraph (3): Replace Local Administrator with “Building Official”.

Subparagraph (6): Replace Local Administrator with “Building Official”.

Subparagraph (8): Replace Alabama Emergency Management Agency (AEMA) with Alabama Department of Economic and Community of Affairs (ADECA) and the Office of Water Resources (OWR),

Subparagraph (9): Delete “the” from the “FEMA”; delete “and State” and add “ADECA/OWR”

Subparagraph (10): Replace Local Administrator with “Building Official”.

Subparagraph (11): Replace “Planning Director/Zoning Administrator” with “Building Official”.

Article 4. **Provision for flood hazard reduction**

Section A. **General Standards**

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) **Elevated Buildings** – All new construction or substantial improvements of existing structures that include **any** fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. (NOT APPLICABLE IN COASTAL HIGH HAZARD AREAS)
 - (A) Designs complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be not higher than **one** foot above grade; and

iii. Openings may be equipped with screens, covers, valves or other coverings or devices provided that they permit the automatic flow of floodwater in both directions.

(B) So as not to violate the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicle, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

(C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood water;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

Revision: In part (1), change the word “or lateral” to “and lateral”.

In part (3), change the work “or substantial” to “and substantial”.

Section B. Specific Standards

In **ALL** Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required;

- (1) New construction and substantial improvements – Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including the basement, elevated not lower than one foot above the base flood elevation. Should the solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4), “elevated Building”.
- (2) Non-Residential Construction – New construction or the substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standard of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).
- (3) Standards for manufactured homes and recreational vehicles - Where base flood elevation data are available:
 - a. All manufactured homes placed or substantially improved on:
 - (i) Individual lots or parcels
 - (ii) In new or substantially improved manufactured home parks or subdivisions
 - (iii) In expansions to existing manufactured home parks or subdivisions,
 - (iv) On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damages as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.

- b. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than 36 inches in height above grade.
- c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (refer to Article 4, Section A, above)
- d. All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days, fully licensed, on it's wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 - (ii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 4 , Section B (3), (a), (c), above.

(4) Floodway – Located within Areas of Special Flood Hazard established in Article 2, Section B are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

- b. ONLY if Article 4 (b), 4 (a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

Revision: In part (4) Floodway, subparagraph (a), remove the work “earthen” from “earthen fill.”

In part (4) Floodway, add 44 CFR 60.3 (c) (10) to read:

(b) “Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than on foot at any point within the City.”

Change subparagraph (b) to (c).

Section C. Building standard for streams without established base flood elevation and/or floodway (a-zones)

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (a-zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 2 (b), then the Local Administrator shall obtain, review and reasonable utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provision of Article 4. ONLY if data are not available from these sources, then the following provisions (2 and 3) shall apply:
- (2) No encroachments, including structures or fill material shall be located within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge

- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed areas (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section a (4) “Elevated Buildings”.

Local Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Revision: Paragraph (1): Replace Local Administrator with “Building Official”.

Revision: Paragraph (3): Replace Local Administrator with “Building Official”.

Section D. Standards for areas of shallow flooding (A-O Zones)

Areas of Special Flood Hazard established in Article 2, Section B, may include designated “AO” shallow flooding areas. These areas have base flood depths of one to three feet (1’ to 3’) above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including the basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4,

Section A (4), “Elevated Buildings”.

Local Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two (2) feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the

design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 3 (B), 1 (C) and 3 (B) (2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Revision: Paragraph (1): Replace Local Administrator with “Building Official”.

Section E. **Coastal high hazard areas (V-Zones)**

Located within the areas of special flood hazard established in Article 2, Section B, are areas designated as Coastal High Hazard Areas (V-Zones). These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of the mean high tide;
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Article 4, Section E (6) below;
- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls; and\
- (4) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the STANDARD BUILDING CODES.

- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in full compliance with the provisions contained in Article 4, Section E (2),(3), and (4) herein.
- (6) All space below the lowest horizontal supporting member must remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. The following design specifications are allowed:
 - (a) No solid walls shall be allowed, and;
 - (b) Material shall consist of lattice or mesh screening only.
 - (c) If aesthetic lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- (7) Prior to construction, plans for any structure using lattice or Decorative screening must be submitted to the LOCAL ADMINISTRATOR for approval;
- (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided in this Section.
- (9) There shall be no fill material used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The LOCAL ADMINISTRATOR shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and

(c) Slope of fill will not cause wave run-up or ramping.

(10) There shall be no alteration of sand dunes or mangrove stands which would increase which would increase potential flood damage:

(11) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article 4, Section E are met.

Revision: Paragraph (7): Replace Local Administrator with “Building Official”.

Revision: Paragraph (9): Replace Local Administrator with “Building Official”.

Section F. **Standards for Subdivisions**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivisions proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

ARTICLE 5 **Variance Procedures**

- (a) The **Board of Adjustments** as established by the **City Council** shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (b) The Board of Adjustments shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the City Council in the enforcement or administration of this ordinance.

- (c) Any person aggrieved by the decision of the LOCAL ADMINISTRATOR may appeal such decision to the Circuit Court, as provided by the Alabama State Statute.
- (d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (e) Variance may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of the Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (f) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (g) In reviewing such request, the BOARD OF ADJUSTMENTS shall consider all technical evaluation, relevant factors, and all standards specified in this and other sections of this ordinance.

(h) Condition for Variances:

- (1) A Variance shall be issued **ONLY** when there is:
 - a. A finding of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship, and;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) The provisions of this Ordinance are minimum standards for flood loss reductions, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to

afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The LOCAL ADMINISTRATOR shall maintain the records of all appeal actions and report any variances to the Federal and State Emergency Management Agencies upon request.

a. Upon consideration of the factors listed above and the purposes of this ordinance, the **Board of Adjustments** may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Revision: Paragraph (c): Replace Local Administrator with “Building Official”.

Revision: Paragraph (c): Replace “the Alabama State Statute “with “Code of Alabama 1975”.

Revision: Paragraph (h) (4): Replace Local Administrator with “Building Official”.

Article 6 Definitions (note: *data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it’s most reasonable application.

“Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered **“NEW CONSTRUCTION.”**

- **“Appeal”** means a request for a review of the LOCAL ADMINISTRATOR’S interpretation of any provision of this ordinance

- **“Area of shallow flooding”** means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- **“Area of special flood hazard”** is the land the floodplain within a community subject to **one** percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.
- **“Base flood”** means the flood having one (1) percent chance of being equaled or exceeded in any given year.
- **“Basement”** means that portion of a building having its floor sub-grade (below ground level) on all sides.
- **“Breakaway wall”** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.
- **“Building”** means any structure built for support, shelter or enclosure for any occupancy or storage.
- **“Coastal High Hazard Area”** means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.
- **“Development”** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and permanent storage of equipment or material.
- **“Elevated Building”** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- **“Existing Construction”** – Any structure for which the start of construction commenced before December 5, 1984 [(i.e., the effective date of the first floodplain management

code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

- **“Existing manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before December 5, 1984 [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

- **“Expansion to an existing manufactured home park or subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

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“Flood” or “Flooding” means a general and temporary condition partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

- **“Flood Hazard Boundary Map (FHBM)”** means an official map of the community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated a Zone A.
- **“Flood Insurance Rate Map (FIRM)”** means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.
- **“Flood Insurance Study”** means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.
- **“Floodplain”** means any land area susceptible to flooding.
- **“Floodway” (Regulatory Floodway)** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

without cumulatively increasing the water surface elevation more than a designated height.

- **“Functionally dependent facility”** means a facility which can not be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
- **“Highest adjacent grade”** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
- **“Historic Structure”** mean any structure that is;
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance for a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.
- **“Levee”** means a man-made structure; usually an earthen embankment designed and constructed, in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.
- **“Levee System”** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

- **“Lowest Floor”** means the lowest floor of the lowest enclosed area (including Basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in areas other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provision of this code.
- **“Mangrove Stand”** means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Pacemosa*); and buttonwood (*Conocarpus Erecta*).
- **“Manufactured Home”** means a building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes park trailer, travel trailers and similar transportable structures placed on a site for **180** consecutive days or longer and intended to be improved property.
- **“Mean Sea Level”** means the average height of the sea for all stages of the tides. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.
- **“National Geodetic Vertical Datum (NGVD)”** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- **“New Construction”** means ANY structure (see definition) for which the “start of construction” commenced after December 5, 1984 and includes any subsequent improvements to the structure. [i.e., the effective date of the **FIRST** floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.
- **“New manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 5, 1984, [i.e., the effective date of the first floodplain management regulations adopted by a community].
- **“Repetitive Loss”** means flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such

flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

- **“Recreational vehicle”** means a vehicle which is:
 - (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck;
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- **“Sand Dunes”** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- **“Start of construction”** means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within **180** days of the permit date. The actual start means the first placement of permanent date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor doe it include excavation for a basement, footing, piers or foundation or the erection of temporary forms; note doe it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- **“Structure”** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

- **“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its **before damaged** condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds 25 percent of the market value of the structure before the damages occurred.
- **“Substantial Improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds **50** percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive Loss” or “substantial damage”, regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local **code enforcement official** and which are the minimum necessary to assure safe living conditions, or; (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

- **“Substantially improved existing manufactured home parks or subdivisions”** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds **50** percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- **“Variance”** is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

Article 7. **Severability**

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Revision: On the following definitions make this change:

Building- add "See Structure"

Appeal - Replace Local Administrator with "Building Official".

Development -remove "permanent"

Elevated Building – remove "of fill"

Existing Construction – replace December 5, 1984 with February 21, 1975

Existing manufacturing home park or subdivision – replace December 5, 1984 with February 21, 1975 Existing manufacturing home park or subdivision

Mangrove Stand – delete

New Construction - – replace December 5, 1984 with February 21, 1975

New manufacturing home park or subdivision – replace December 5, 1984 with February 21, 1975 Existing manufacturing home park or subdivision

Add term: "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulation. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the Code of Federal Regulations (CFR), 44, Sec 60.3 (b)(5), (c)(4), (c)(10),(d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

ORDINANCE ADOPTED ON _____

BY: _____

MAYOR

ATTEST:

DAVID COHEN, CITY CLERK

STATE OF ALABAMA

COUNTY OF BALDWIN

I, DAVID COHEN, CITY CLERK OF THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND EXACT COPY OF AN ORDINANCE APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 2008.

DAVID COHEN, CITY CLERK OF DAPHNE

ORDINANCE 2008-69

**Lodging Tax Appropriation:
Appraisal: Richard Scardamalia Pavilion**

WHEREAS, the Fiscal Year 2009 budget is being considered; and

WHEREAS, the City Council wishes to consider a Lodging Tax appropriation prior to the adoption of the Fiscal Year 2009 budget;

WHEREAS, pursuant to Ordinance 2000-34, Lodging Tax funds may be used for the purchase, development, and maintenance of beachfront property; and

WHEREAS, certain improvements are needed at the Richard Scardamalia Pavilion and an appraisal of the facility is in order prior to funding such improvements to the existing structure.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that Lodging Tax funds in the amount of \$ 1,000 for the Appraisal of the Richard Scardamalia Pavilion are hereby appropriated and shall be made a part of the Fiscal Year 2009 Budget upon the adoption thereof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2008.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2008-70

Trione Soccer and Football Complex Phase I

WHEREAS, the Fiscal Year 2009 budget is being considered; and

WHEREAS, the City of Daphne recognizes the importance of recreational activities to the youth and adult citizens of the City of Daphne; and

WHEREAS, on August 21, 2008 the City of Daphne and the Baldwin County Board of Education did enter into a twenty-four (24) year Ground Lease commencing January 17, 2008 with two thirty (30) year renewal options; and

WHEREAS, according to the terms of the lease, the City may make certain improvements to such property through the construction and installation of certain park and recreational facilities; and

WHEREAS, the City of Daphne did secure and award the bid for construction of Phase I Trione Soccer and Football Complex; and

WHEREAS, such bid exceeds the amount Reserved for Recreation in the Capital Projects Fund by \$ 147,731; and

WHEREAS, the Capital Reserve Fund does have unreserved funds available for the additional amount required for the project; and

WHEREAS, the City Council considers this project a priority and wishes to move forward with the project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an appropriation from the Capital Reserve Fund in the amount of \$ 147,731 is hereby approved for the construction of the Phase I Trione Soccer and Football Complex and such appropriation shall be made a part of the Fiscal Year 2009 budget upon the adoption thereof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2008.

John Lake, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC