

**CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
DECEMBER 21, 2009  
BUSINESS MEETING  
6:30 P.M.**

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

**APPROVE MINUTES:** Council meeting minutes / December 7, 2009  
Council Work Session minutes / December 14, 2009

**MOTION:** Change the January 18, 2010 Council meeting date due to Martin Luther King Day

**PRESENTATION:** Richard Lacey / Mercy Medical /  
**MOTION:** Set a Public Hearing date for January 19, 2010 to consider:  
TEFFRA Bond Issue

**PUBLIC HEARING:** Infirmary Health System / Approving the issuance of refunding debt for  
Infirmary Health Care / **Resolution 2009-117**

**PUBLIC HEARING:** Annexation: Rights-of-Way of AL Hwy 181 & U.S. Hwy 90 /  
**Ordinance 2010-01**

**MOTION:** To authorize Mr. Mike Keating, with DIALOG, to perform an organizational assessment of the  
city.

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

Review minutes of Special meeting / December 14<sup>th</sup>

**a.) Ordinances:**

- 1.) FEMA Captain O'Neal Drive Drainage / **Ordinance 2009-68**
- 2.) Captain O'Neal Road & Sidewalks / **Ordinance 2009-69**
- 3.) Lodging Tax Appropriation: Park Signs / **Ordinance 2010-03**
- 4.) Lodging Tax Appropriation: Sports Complex / **Ordinance 2010-04**

**b.) MOTION:** To forward a favorable recommendation from Council to the IDB for consideration of  
funding \$5,000 for the Commissioning of the USS Independence

**c.) Financial Reports:**

- 1.) Treasurers Report / November 30, 2009
- 2.) Sales & Use Tax Collections / October 31, 2009
- 3.) Lodging Tax Collections / October 31, 2009

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY - Burnam**

Review minutes / November 18<sup>th</sup>

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

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

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

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

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**  
Review minutes / August 27<sup>th</sup>
- F. Recreation Board - Burnam**  
Review minutes / December 9<sup>th</sup>
- G. Utility Board - Scott**

**6. REPORTS OF OFFICERS:**

- A. Mayor’s Report**
- B. City Attorney’s Report**
- C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Infirmary Health System Refunding. . . . . /Resolution 2009-117**
- b.) **Support the Goals and Ideals for the 2010 Census. . . . . /Resolution 2009-118**
- c.) **Mercy Medical TEFRA Hearing. . . . . /Resolution 2009-119**

**ORDINANCES:**

**2ND READ**

- a.) **Rezoning: Trione Heir Property / SW of the Intersection of Main Street & /Belrose Avenue / R-2, Medium Density Single Family Residential District to B-1, Local Business District. . . . . /Ordinance 2009-65**
- c.) **Revision to Olde Towne District Map. . . . . /Ordinance 2009-66**

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

- d.) **General Fund Appropriation: FEMA: Captain O’Neal Drive  
Drainage Improvements. . . . . /Ordinance 2009-68**
- e.) **Captain O’Neal Road and Sidewalks. . . . . /Ordinance 2009-69**
- f.) **Annexation: Rights-of-Way AL Hwy 181 & U.S. Hwy 90. . . . . /Ordinance 2010-01**
- g.) **Defining Procedures for Going Out  
of Business and Other Similar Sales. . . . . /Ordinance 2010-02**
- h.) **Lodging Tax Appropriation: Park Signs. . . . . /Ordinance 2010-03**
- i.) **Lodging Tax Appropriation: Sports Complex. . . . . /Ordinance 2010-04**

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

**1. CALL TO ORDER**

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

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

Invocation was give by Councilman Lake.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, Interim Human Resource Director; James White, Fire Chief; Captain Scott Taylor, Police Department; David McKelroy, Recreation Director; Deni Biggs, Interim Civic Center Director; Adrienne Jones, Planning Director; Richard Merchant, Building Official; Tonja Young, Library Director; Bill Eady, Public Works Director; Kim Briley, Finance Director; Jane Robbins, Mayors Assistant; Scott Hutchinson, City Engineer; Dorothy Morrison; Beautification Committee; Joe Lemoine, Planning Commission; Tomasina Werner, Beautification Committee.

Absent: David Carpenter, Police Chief.

**2. APPROVE MINUTES**

**MOTION BY Councilwoman Barnette to adopt the amended Council meeting minutes meeting held November 16, 2009 Council meeting. Amended the result of the vote to suspend the rules on Ordinance 2009-62 from Motion Failed to Motion Carried. *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 16, 2009. *Seconded by Councilman Scott.***

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

**PRESENTATION:** Kevin Beatty / Infirmary Health System

Mr. Joe Denton, Vice President and Chief Financial Officer for Infirmary Health System, stated that they are requesting that the City Council set a Public Hearing for December 21, 2009 to consider the restructuring of their existing debt through refinancing. There is no new money.

Council President Palumbo stated that it is required in order for them to pursue the refinancing that the governing authority in each jurisdiction where the Infirmary is located has to approve the application.

**MOTION BY Councilwoman Barnette to set a Public Hearing for December 21, 2009 6:30 p.m. to consider the refinancing of debt for Infirmary Health System. *Seconded by Councilman Yelding.***

Councilman Scott stated that there is no financial obligation on the city's part. The City has done this for Westminster and several other entities.

The City Attorney concurred that there is no obligation on the city's part.

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

**PUBLIC HEARINGS:      1.) Rezoning: Trione Heir Property / Southwest of the intersection of Main Street and Belrose Avenue / Rezone from: R-2, Medium Density Single Family Residential District to B-1, Local Business District**

Mr. Frank Trione, one of the heirs to the property, stated that they are requesting the rezoning so that they can sell the property.

Councilwoman Barnette stated that the rezoning received a favorable recommendation for B-1, Local Business District from the Planning Commission

Council President Palumbo opened the Public Hearing at 6:40 p.m.

No one spoke for or against the rezoning.

Council President Palumbo closed the Public Hearing at 6:41 p.m.

**2.) Revision to the Olde Towne District Map**

Councilwoman Barnette stated that the revision goes along with the rezoning request. If the zoning is changed then the Olde Towne District Map needs to be revised showing the change in zoning.

Council President Palumbo opened the Public Hearing at 6:42.

No one spoke for or against the revision to the Olde Towne District Map.

Council President Palumbo closed the Public Hearing at 6:42 p.m.

**A. FINANCE COMMITTEE – Boulware**

Mr. Scott gave the report for the Finance Committee meeting. The minutes for the November 9<sup>th</sup> meeting are in the packet.

**MOTION BY Councilman Scott to authorize the Mayor to enter into a month to month lease of Backhoe equipment for Public Works until such time as the cost to purchase the used equipment may be obtained for an evaluation of lease vs. purchase options. *Seconded by Councilman Yelding.***

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

Next meeting will be December 14<sup>th</sup> at 4:00 p.m. in the Executive Conference Room

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

The minutes for the October 2<sup>nd</sup> and November 6<sup>th</sup> minutes are in the packet. No report.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

No report.

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

The minutes for the November 11<sup>th</sup> meeting are in the packet. There will be a short meeting Wednesday after the Public Safety meeting.

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

The minutes for the October 23<sup>rd</sup> meeting are in the packet. No report.

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

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

There was a meeting last Thursday where one item was considered. There will not be a meeting in January.

**B. Downtown Redevelopment Authority – Barnette**

No report. Councilwoman Barnette stated that they need to start considering people for the Authority.

Councilman Lake stated that he would like for DRA to consider combining the Olde Towne District with the Entertainment District proposed by the hotel industry. He thinks that they need to expand the downtown business district to include the business by the interstate.

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

4

**C. Industrial Development Board – Yelding**

The minutes for the November 23<sup>rd</sup> meeting are in the packet. Councilman Yelding stated that Plus Diagnostics has hired 20+ people and will possibly hire an additional 20 people next year. He said that this is an accomplishment of the board and is worth noting.

**D. Library Board – Lake**

The minutes for the October 1<sup>st</sup> and November 1<sup>st</sup> are in the packet.

**MOTION BY Councilman Lake to appoint Mr. Jim Bodman to replace Mr. Allen on the Library Board. Term: Four (4) years / Term ends 2013. Seconded by Councilwoman Barnette.**

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

**E. Planning Commission – Barnette**

The minutes for the October 22<sup>nd</sup> and November 19<sup>th</sup> meetings are in the packet

**MOTION BY Councilwoman Barnette to set a Public Hearing for January 4, 2010 to consider Annexation: AJD Family Limited Partnership / Located Southeast of the intersection of County Road 64 and Friendship Road. Seconded by Councilman Scott.**

Councilwoman Barnette stated that council had already approved this annexation, but due to errors in the document, not made by the city, the process has to be redone and readopted.

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

**MOTION BY Councilwoman Barnette to set a Public Hearing for January 4, 2010 to consider: Amendment to the Land Use Ordinance: West Highway 90 Retail District Overlay. Seconded by Councilman Scott.**

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

**F. Recreation Board – Burnam**

The minutes for the November 18<sup>th</sup> meeting are in the packet.

Appointments to the Board:

**MOTION BY Councilman Burnam to appoint Ms. Valerie Johnson to the Recreation Board as an alternate. *Seconded by Councilwoman Barnette.***

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

**MOTION BY Councilman Burnam to appoint Mr. Chris Smith as a Youth Representative to the Recreation Board. *Seconded by Councilman Yelding***

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

**G. Utility Board – Scott**

The board will have a special called work session Wednesday at 5:00 p.m. in the Council Chambers.

**6. REPORTS OF THE OFFICERS:**

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

Mayor Small requested that when there is a need to advertise for a Department Head position that council do this in a motion giving him direction to move forward. He would like something more formal like putting this in the Rules of Procedure ordinance or doing a separate ordinance.

Council President stated that motions are in order at any time during the council meeting.

Mayor Small thanked the Recreation Department and everyone that helped with the Christmas Parade and the tree lighting. He said that Mrs. Wilden did a great job with the reception, and that the Beautification Committee did a great job with the tree in the atrium.

Councilman Boulware asked the Mayor for an update on the resurfacing of the roads.

Mayor Small deferred to Scott Hutchinson to answer the question.

Mr. Hutchinson handed out spread sheets and drawings of Phase I of the road resurfacing projects (*the spread sheets and drawings are spread out upon these minutes*), and answered questions from Council. He asked the council for guidance.

**MOTION BY Councilman Burnam to suspend the rules to consider a motion to authorize the Mayor to advertise for bids on Phase I of the road resurfacing projects, Whispering Pines Road to County Road 13. *Seconded by Councilman Scott.***

Councilwoman Barnette pointed out that at the October 5, 2009 meeting council authorized the Mayor to advertise for bids on all three phases of the road projects.

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

***B. City Attorney Report***

No report.

***C. Department Head Comments***

***James White – Fire Chief*** – thanked council and the City Clerk for greeting the firemen from New York last week.

***David McKelroy – Recreation Director*** - thanked everyone and all the departments that helped with the Christmas parade.

***Tonja Young – Library Director*** – reported that the Library addition is coming along well, and that Santa will be at the Library on the 17<sup>th</sup> from 5:30 – 7:30 p.m.

Councilwoman Barnette asked if they had a completion date.

Ms. Young stated sometime in January.

***Vickie Hinman – Human Resource Director*** – reported that the Civic Center Director Position has been advertised being open from November 23<sup>rd</sup> to December 14<sup>th</sup>. She said that so far she has received 60 applications.

***Bill Eady – Public Works Director*** - stated that they have received the three knuckle-boom trucks, and he thanked the Mayor, council and citizens for making it possible for them to have them.

Councilman Boulware asked Mr. Eady some questions about the knuckle-boom trucks and the bid process, because back when council started talking about the knuckle-boom trucks there was some opposition to the bidding process from a company out of Mobile. He said that it has been brought up again by the same company. There are still concerns over the bidding process. Councilman Boulware said that the thought is that the specs are written too narrowly to allow proper competition in the industry for the city's business. Councilman Boulware stated for the record he would like council to consider bringing this to a work session to discuss the bid process to see if we are doing the right thing with the bid process, and should we reexamine it and possibly look at making some changes to encourage competition for this business in the city.

Council President Palumbo stated that this should be discussed first by the Finance Committee and for the committee to bring forward a recommendation for council to consider at a work session.

Councilman Boulware stated that he would get it on the Finance agenda.

**7. PUBLIC PARTICIPATION**

No one spoke.

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

**RESOLUTIONS:**

- a.) Authorizing Acceptance of 2009 CDBG Project No. LR-CM-PF-09-004 Grant Agreement. .... /Resolution 2009-114
- a.) Award 2009 CDBG Project Program Administrator / Galbraith & Associates. .... /Resolution 2009-115
- b.) Award 2009 CDBG Project Engineer / Hutchinson Moore & Rauch, LLC. .... /Resolution 2009-116

**MOTION BY Councilman Scott to waive the reading of Resolutions 2009-114, 2009-115 and 2009-116. *Seconded by Councilman Yelding.***

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

**MOTION BY Councilman Scott to adopt Resolution 2009-114. *Seconded by Councilwoman Yelding.***

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

**MOTION BY Councilman Scott to adopt Resolution 2009-115. *Seconded by Councilman Yelding.***

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

**MOTION BY Councilman Scott to adopt Resolution 2009-116. *Seconded by Councilman Yelding.***

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

**ORDINANCES:**

**2ND READ**

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

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

b.) **Rezoning: Trione Heir Property / SW of the Intersection of Main Street & /Belrose Avenue / R-2, Medium Density Single Family Residential District to B-1, Local Business District. . . . . /Ordinance 2009-65**

c.) **Revision to Olde Towne District Map. . . . . /Ordinance 2009-66**

d.) **General Fund Appropriation: Printing of the Jubilee Breeze . . . . . /Ordinance 2009-67**

**MOTION BY Councilwoman Barnette to waive the reading of Ordinances 2009-64. *Seconded by Councilman Lake.***

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

**MOTION BY Councilwoman Barnette to adopt Ordinance 2009-64. *Seconded by Councilman Lake.***

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

**MOTION BY Councilman Scott o suspend the rules to consider Ordinance 2009-67. *Seconded by Councilman Lake.***

**ROLL CALL VOTE**

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

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

**MOTION BY Councilman Scott to waive the reading of Ordinance 2009-67. *Seconded by Councilman Lake.***

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

**MOTION BY Councilman Scott to adopt Ordinance 2009-67. *Seconded by Councilman Lake.***

**AYE ALL IN FAVOR                      NAY Boulware                      MOTION CARRIED**

**ORDINANCES 2009-65 and 2009-66 WERE MADE 1<sup>ST</sup> READ.**

**9. COUNCIL COMMENTS**

*Councilwoman Barnette* stated that there has been discussion about a Commercial Improvement District, and the council's desire whether to set one up or not. The City Clerk has distributed some information from the League of Municipalities, and she asked that if it is not on the December 14<sup>th</sup> work session agenda to certainly put it on one that is forthcoming, because it is something she would like to get in front of the council, and have a discussion about. Additionally, she believes that the discussion of the Captain O'Neal project, both drainage and sidewalks, is on the work session for December. Mr. James from Volkert is planning to make a presentation. It is a time sensitive issue. She said that she talked with Mr. Palumbo about the fact that there was an ordinance that will be part of the agenda, and she asked that as council listens to Mr. James' comments that they think about the time sensitivity of the item. She said that she believes that she will ask council for a suspension of the rules for that ordinance, because she thought it was going to be on the November 16<sup>th</sup> agenda, and

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

10

Then on the December 7<sup>th</sup> agenda, but because of how it came out of Finance Mr. Palumbo did not feel it proper to put it on the agenda. This is an important issue where houses are being undermined and property has the risk of being further threatened. The recent storms have caused an exacerbation of the problem. She asked council to be open minded about suspending the rules on the 21<sup>st</sup>.

Council President Palumbo stated that the Commercial District has not come to a work session because there has been some discussion within the IDB about this matter, and he would like to get a report about this from them. He said that there has been some talk about folding this with the IDB, and if the IDB could co-exist as this agency. He said he knows it was discussed at the last meeting, and will probably be discussed again. Council President Palumbo asked Mr. Cohen to have this on the IDB agenda.

Mr. Cohen stated that the Industrial Development Board is wanting more information about it. He gave them the same information that council received. There are questions of whether or not you could form it or not, and a question of whether or not they want to do it. The other issue is funding. Is council going to fund it and take away from Industrial Development, are you going to fund it separately. There are a lot of questions that need to be answered before they take it on from the council.

Council President Palumbo stated that he is not sure what funding is required.

Councilwoman Barnette stated that is why it needs to be on a work session. The purpose of trying to get it before council right now is that the council does not have the legal authority to recruit businesses within the city. There are residents that are wanting to recruit businesses, and they feel that they can sell Daphne appropriately, and they are ready to petition to do such. They are not really looking for money, just as Academy Sports sits in our community right now, had somebody thought about it they want them to have the authority of representing Daphne beyond citizen Jane or Joe calling or saying I think you would be neat for my community. So they want some credentials behind that. She does not necessarily see it right now as a funding mechanism, but more of creative things like the overlay district that they have done, or perhaps there will be incentive packages like what was done for Plus Diagnostics, those types of things that would be developed over time. Not necessarily tangible money like IDB was looking for a park or a building or that type of thing.

Council President Palumbo stated that this will not be on the December work session agenda, because it is already filled, but in all probability they will consider it in January. He asked the City Clerk to place this on the IDB agenda for discussion.

**Councilman Lake** stated that he would like the city give Mr. Ron Allen a certificate on behalf of the council.

Council President Palumbo stated that he has spoken with someone already about this, and they are gathering information for it.

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

11

The Christmas parade was very nice, and very well put together. He complimented the Recreation Department and everyone that had a share in putting the parade on. He felt people enjoyed the parade being on Friday instead of a school night. Although it did conflict with Fairhope's parade, and he suggested that next year maybe they could coordinate with Fairhope so the parades will not be on the same day. He stated that when the Pollard traffic circle was originally brought up council was told that it would cost less than a stop light. He said he is in favor of traffic circles, but please do not take his statements as negative against it, however, if they had not asked the questions they would not have known that there was still money on the table from the apartment complexes for the stop lights. The council needs to take this into account when they make the decision to do the circle that they could use the money to defray the cost of the circle. Council needs to know how much is out there. The price was \$354,000, and how much money is being given toward the stop light. So if you take that off the price of the light then that has a lot to do with it. There is maintenance with stop lights, and things like that, and every time a hurricane or storms hits sometimes they do damage. Council should have that information top make a decision. Councilman Lake spoke regarding the Utilities saying that the City Attorney has opined that the city does not own the Utilities, and this being the case he asks why they get the city's tax exempt status, and why they take advantage of many of the benefits that the city has, but yet refuses to give him information? He feels that since they broke away from the city they have separated themselves too much from the city. He thinks that the Utilities are an integral part of the community, and they should make sure that there is a symbiotic relationship with the city, and that they understand that the council is looking out for the citizens best interests. That is why when there is a rate increase citizens call their councilman instead of the Utilities. He said that at this time Alabama Power and Mobile Gas have lowered their rates, because the Public Service Commission said that they needed to. The Utility Board does not have to get approval from the Public Service Commission to raise rates. That is why he feels when the Utility Board is contemplating raising rates the City Council should have some input before they make the decision. Councilman Lake said that council needs to pay attention to these things, because when the Utility Board does raise the rates the council will know why.

**Councilman Scott** stated that the Christmas parade was great, and the pep rally's that the high school had here at city hall was great. He congratulated the Daphne High School football team for advancing as far as they did and upsetting an 11-0 Fairhope. He said that in the budget talks they discussed that in the Fiscal 09 budget they will use \$500,000 to \$700,000 out of the reserve. The City of Daphne's budget is less than \$2 million a month, and sound financial practices says you need to keep between three and four months worth of reserves so that would mean that the city needs to keep someplace between \$6 - \$8 million in reserves for the city. In 2008 the city ended up with a surplus of \$10,500,000, and it looks like now, Mrs. Briley told him, that they will probably use between \$200,000 - \$300,000. He said that a gentleman asked him at the last council meeting why they could not give them a financial report right away. They should be able to push a button September 30<sup>th</sup> and know what the city's financial situation is. The city is on an accrual basis, and because of that all expenses and income are accrued that refers to the previous fiscal year through November 30<sup>th</sup>. So now that November 30<sup>th</sup> has passed we should be able to get those numbers out pretty soon. The first month of the fiscal year they exceeded sales tax for the first time in a long time by some \$12,000 over budget.

*Councilman Boulware* stated that he appreciates Councilman Scott’s enthusiasm, and he does not want people to get the impression that he is a scrooge, and always negative on the world of finance. It is just the old adage hope for the best and prepare for the worst is something that he thinks has paid off year after year for many people. He does not think that the City of Daphne should be any different. He is encouraged that they are making their budget. It is important to remember that the budget is based on the 2004 and 2005 revenue numbers. He said that we are living in a 2009 world. He asked that they keep this in mind. He is happy that the numbers are coming in, and he hopes like anybody else that they are not going to burn reserves at the rate that they have budgeted, but until they know that for sure he thinks they need to concentrate on what they do know and not what they hope they will have. He said on a lighter note the Christmas parade was great, and Santa Claus was outstanding. He looked they way he thought he would look.

*Council President Palumbo* addressed one thing that Mr. Boulware said, and he appreciates his fiscal conservatism, but they did discuss in budget that they would tighten this, and he thought they would recognize that there would be things coming to council that they would consider on a one by one basis, and he thinks this is one of them. He said that when the budget came to them the Mayor had taken the printing of the Breeze out except for electronically, and it was later brought to council’s attention what an asset it is to have the printed word, and it seemed that council agreed on that. So he thinks this particular expenditure is one of those things that they did not know about, but they did anticipate, and did discuss that there would be things that would come to them for specific appropriation from time to time, and this is the first. He does not think it will be the last.

**10. ADJOURN**

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

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

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:15 P.M.**

Respectfully submitted by,

Certification by Presiding Officer:

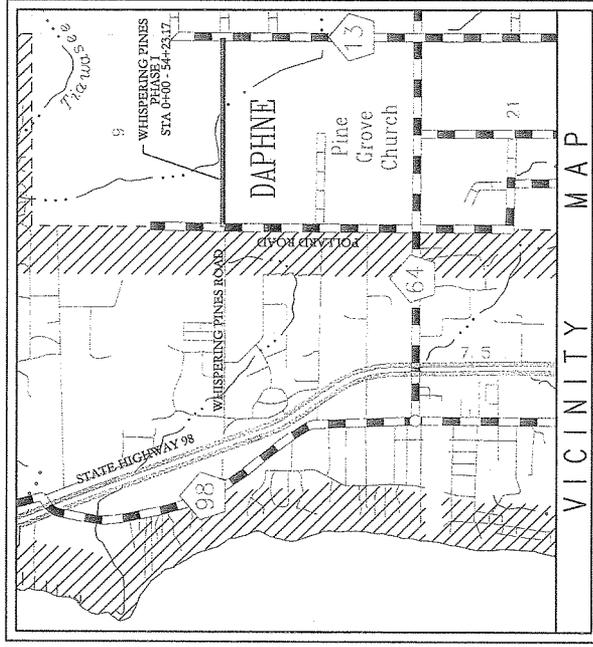
\_\_\_\_\_  
David L. Cohen,  
City Clerk

\_\_\_\_\_  
August A. Palumbo  
Council President

# CITY OF DAPHNE

## WHISPERING PINES ROAD IMPROVEMENTS POLLARD ROAD to COUNTY ROAD 13 PHASE I

DECEMBER 2009



### INDEX TO SHEETS

SHEET	DESCRIPTION
1	TITLE SHEET
2	CIVIL CONSTRUCTION NOTES
3A	POLLARD ROAD EXISTING CONDITIONS/DEMO PLAN
3B	POLLARD ROAD GEOMETRIC PLAN
3C	POLLARD ROAD GRADING & DRAINAGE PLAN
3D	POLLARD ROAD STRIPING & SIGNAGE PLAN
4A	COUNTY ROAD 13 EXISTING CONDITIONS/DEMO PLAN
4B	COUNTY ROAD 13 INTERSECTION PLAN
4C	COUNTY ROAD 13 STRIPING & SIGNAGE PLAN
5-7	PLAN LAYOUT SHEETS (WHISPERING PINES ROAD)
8-9	TYPICAL SECTION
10-12	CIVIL CONSTRUCTION DETAILS

18



**MAYOR**  
FRED SMALL

**COUNCIL MEMBERS**  
BAILEY YELDING, JR. District 1  
CATHY BARNETTE District 2  
JOHN L. LAKE District 3  
GREG W. BURNAM District 4  
RON SCOTT District 5  
DEREK BOULWARE District 6  
AUGUST A. PALUMBO District 7

**DIRECTOR OF PUBLIC WORKS**  
WILLIAM H. EADY, SR.  
CITY CLERK  
DAVID COHEN

SCOTT A. HUTCHINSON, P.E.  
A.L.C. REG. NO. 21630

DATE

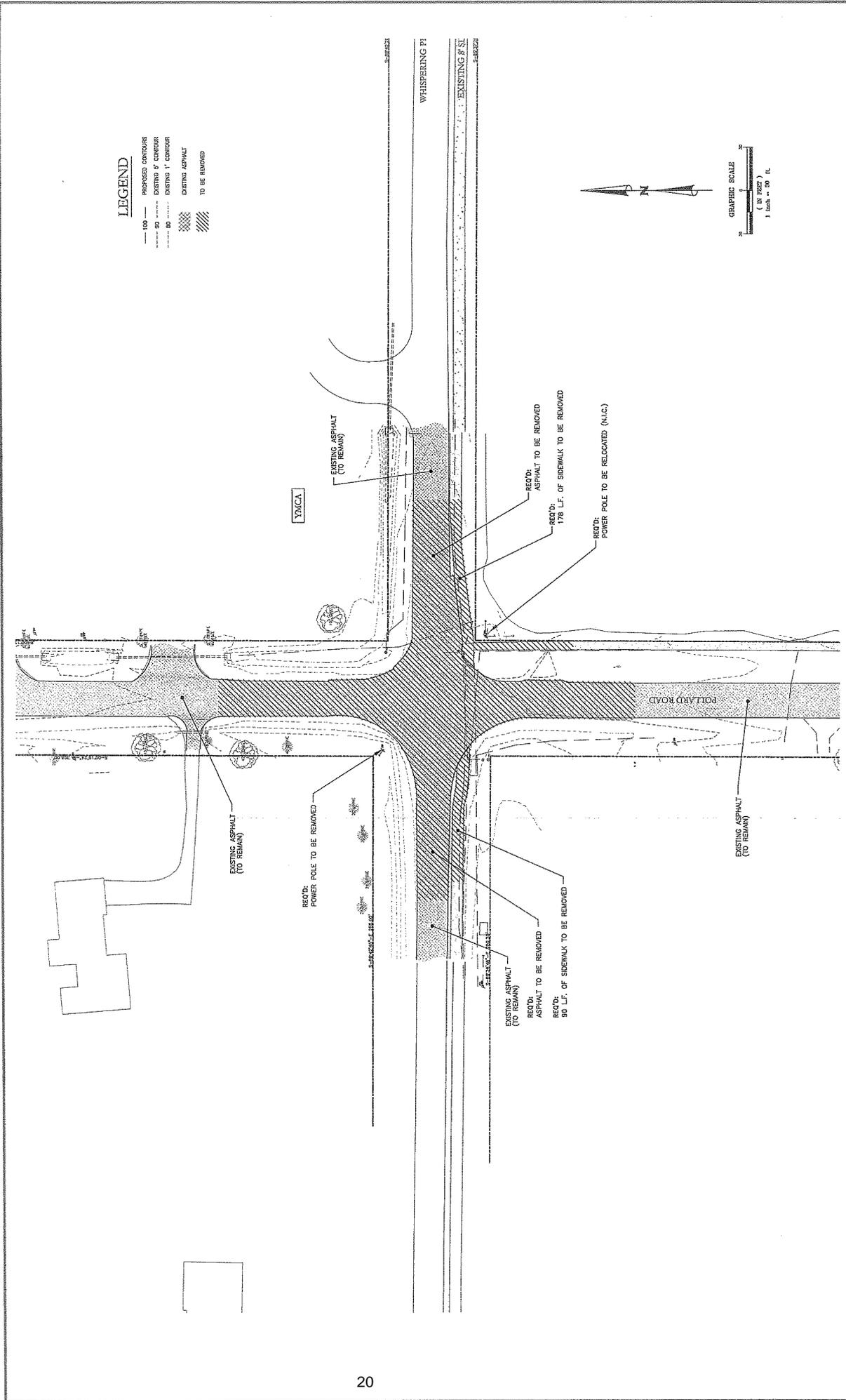


**HUTCHINSON, MOORE & RAUCH, LLC**  
ENGINEERS & SURVEYORS  
LAND PLANNERS

2039 MAIN STREET  
DAPHNE, ALABAMA  
36526

(251) 626-2626  
FAX (251) 626-6934  
daphne@hmrengineers.com





**LEGEND**

- 100 --- PROPOSED CONTOURS
- 50 --- EXISTING 5' CONTOUR
- 10 --- EXISTING 1' CONTOUR
- XXXXX EXISTING ASPHALT
- XXXXX TO BE REMOVED

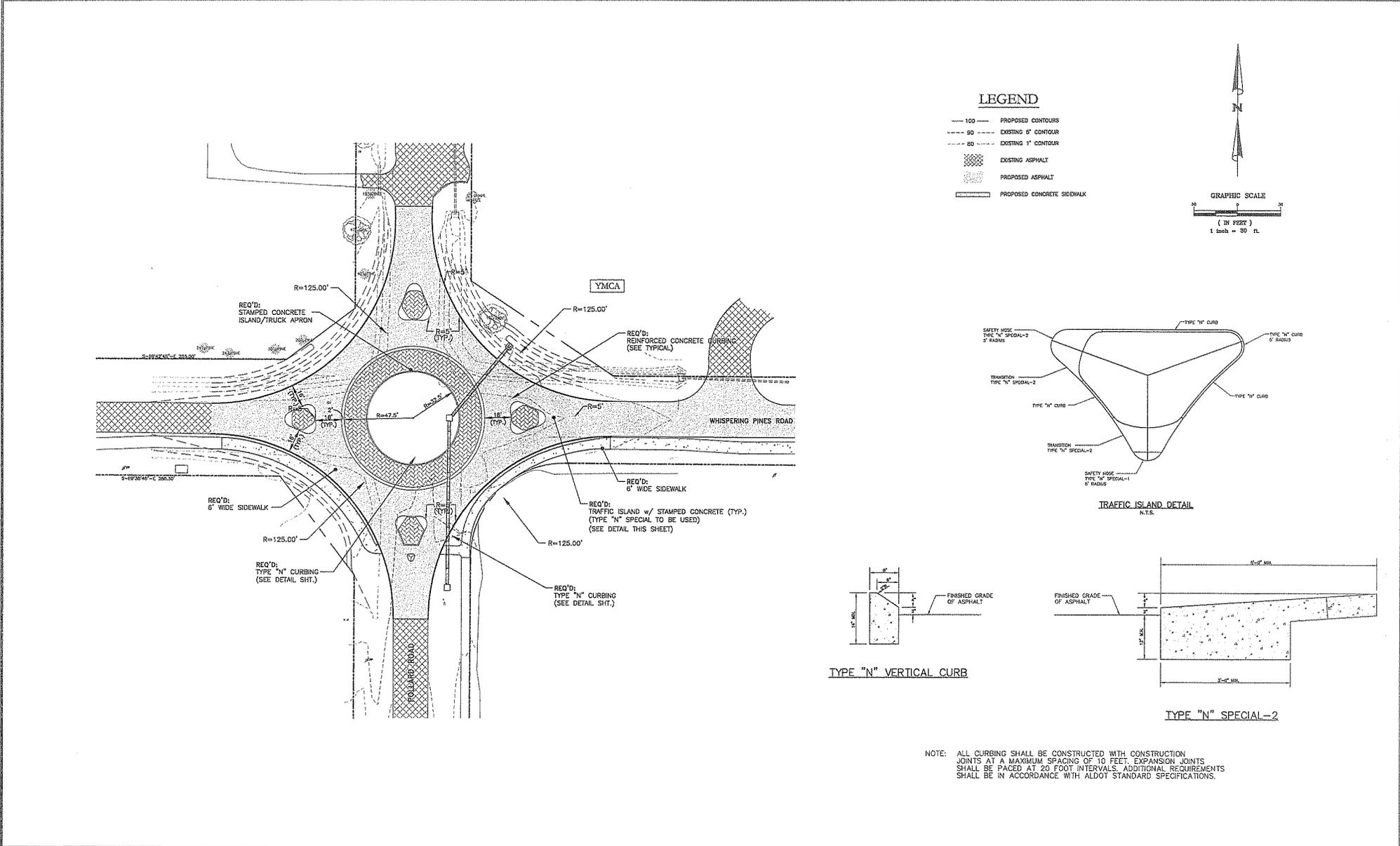
GRAPHIC SCALE  
 ( IN FEET )  
 1 inch = 20 ft.

POLLARD ROAD EXISTING CONDITIONS/DEMO PLAN  
 WHISPERING PINES ROAD IMPROVEMENTS - PHASE I  
 CITY OF DAPHNE  
 SCALE 1"=30'  
 DATE DECEMBER 2009  
 DRAWN BY ALG  
 CHECKED BY  
 SHEET 34 OF 12

2500-3429-10.25  
 2500-3429-10.25  
 POLLARD PLAN.DWG

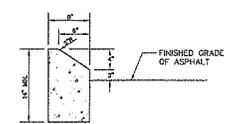
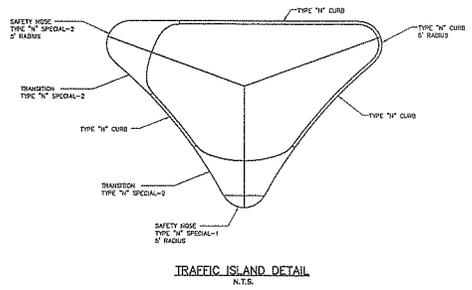
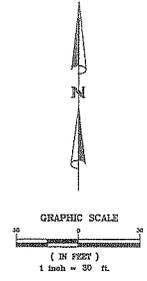
**HUTCHINSON, MOORE & RAUCH, LLC**  
 ENGINEERS & SURVEYORS  
 DAPHNE, ALABAMA  
 TEL (251) 626-2626  
 FAX (251) 626-6334  
 daphne@hmrengineers.com

2039 MAIN STREET  
 DAPHNE, ALABAMA  
 36526

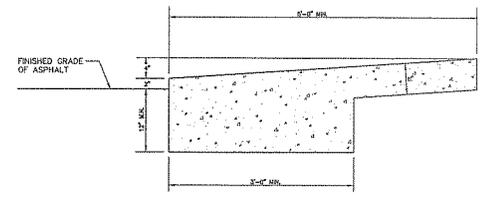


**LEGEND**

- 100 --- PROPOSED CONTOURS
- 90 --- EXISTING 6" CONTOUR
- 80 --- EXISTING 1" CONTOUR
- [Cross-hatched] EXISTING ASPHALT
- [Dotted] PROPOSED ASPHALT
- [Solid] PROPOSED CONCRETE SIDEWALK



**TYPE "N" VERTICAL CURB**



**TYPE "N" SPECIAL-2**

NOTE: ALL CURBING SHALL BE CONSTRUCTED WITH CONSTRUCTION JOINTS AT A MAXIMUM SPACING OF 10 FEET. EXPANSION JOINTS SHALL BE PACED AT 20 FOOT INTERVALS. ADDITIONAL REQUIREMENTS SHALL BE IN ACCORDANCE WITH ALDOT STANDARD SPECIFICATIONS.

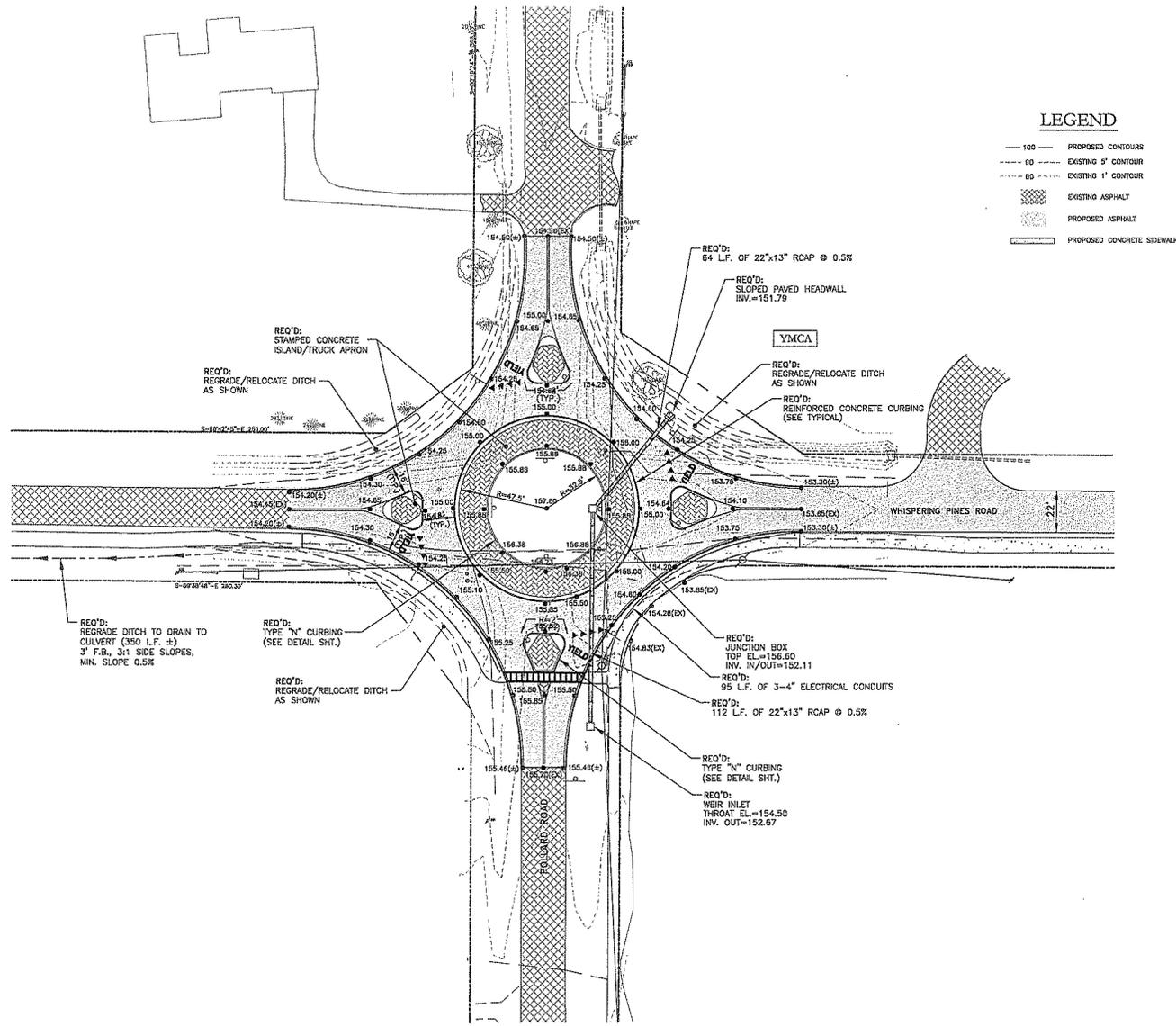
**HUTCHINSON, MOORE & RAUCH, LLC**

2039 MAIN STREET  
DAPHNE, ALABAMA  
36526

ENGINEERS • SURVEYORS  
DAPHNE, ALABAMA

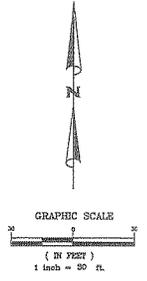
TEL (251) 626-2626  
FAX (251) 626-6934  
daphne@hmrengineers.com

38-POLLARD-LEADING 25000-3469-10.25	<b>POLLARD ROAD GEOMETRIC PLAN</b>			
	<b>WHISPERING PINES ROAD IMPROVEMENTS - PHASE I</b>			
	<b>CITY OF DAPHNE</b>			
SCALE	DATE	DRAWN BY	DESIGNED BY	SHEET
1"=30'	DECEMBER 2009	JLG		38 OF 12



**LEGEND**

- 100 --- PROPOSED CONTOURS
- 80 --- EXISTING 5' CONTOUR
- 60 --- EXISTING 1' CONTOUR
- [Cross-hatched] EXISTING ASPHALT
- [Dotted] PROPOSED ASPHALT
- [Hatched] PROPOSED CONCRETE SIDEWALK



NO.	REVISION	DATE	ENGR.

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

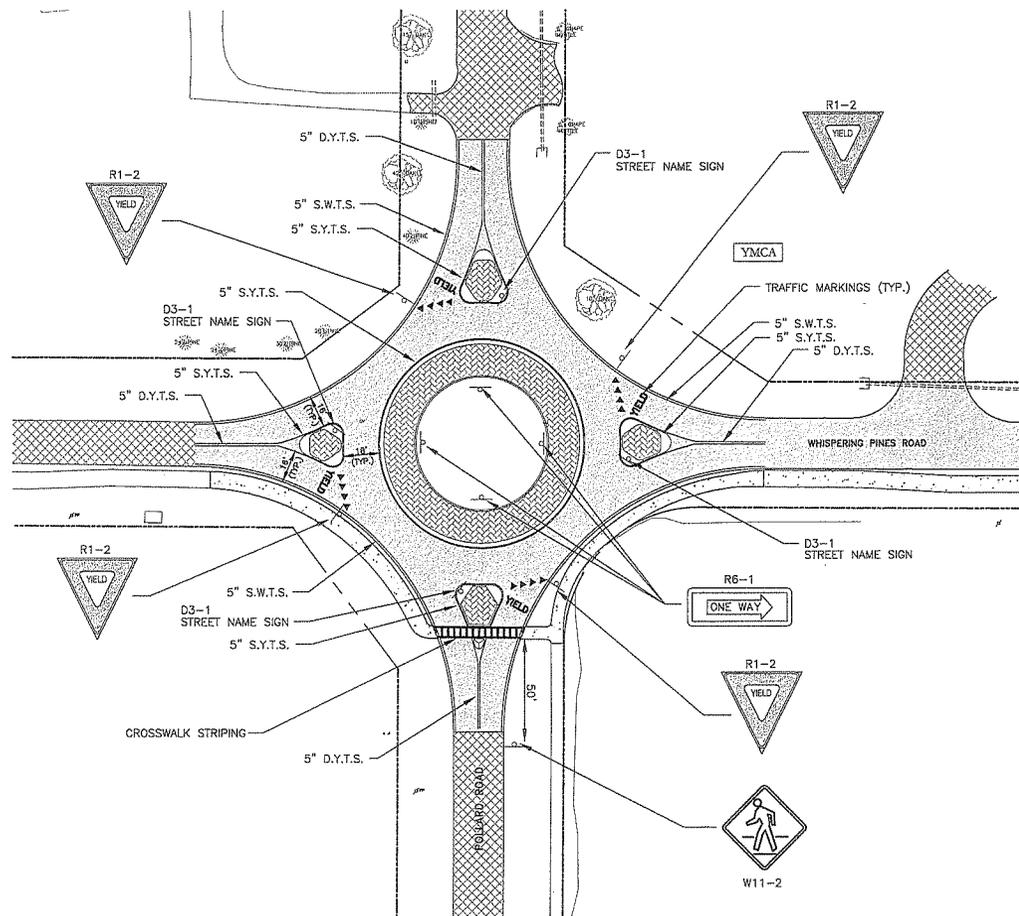
2039 MAIN STREET  
 DAPHNE, ALABAMA 36526

TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hmrengineers.com

**POLLARD ROAD GRADING & DRAINAGE PLAN**  
 WHISPERING PINES ROAD IMPROVEMENTS - PHASE I

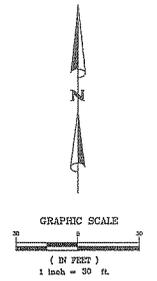
**CITY OF DAPHNE**

SCALE 1"=30'	DATE DECEMBER 2009	DRAWN BY JLG	DESIGNED BY	SHEET 3C OF 12
-----------------	-----------------------	-----------------	-------------	-------------------



**LEGEND**

-  EXISTING ASPHALT
-  PROPOSED ASPHALT
- D.Y.T.S. DOUBLE YELLOW TRAFFIC STRIPE
- S.Y.T.S. SINGLE YELLOW TRAFFIC STRIPE
- S.W.T.S. SINGLE WHITE TRAFFIC STRIPE



**HUTCHINSON, MOORE & RAUCH, LLC**

2039 MAIN STREET  
DAPHNE, ALABAMA  
36526

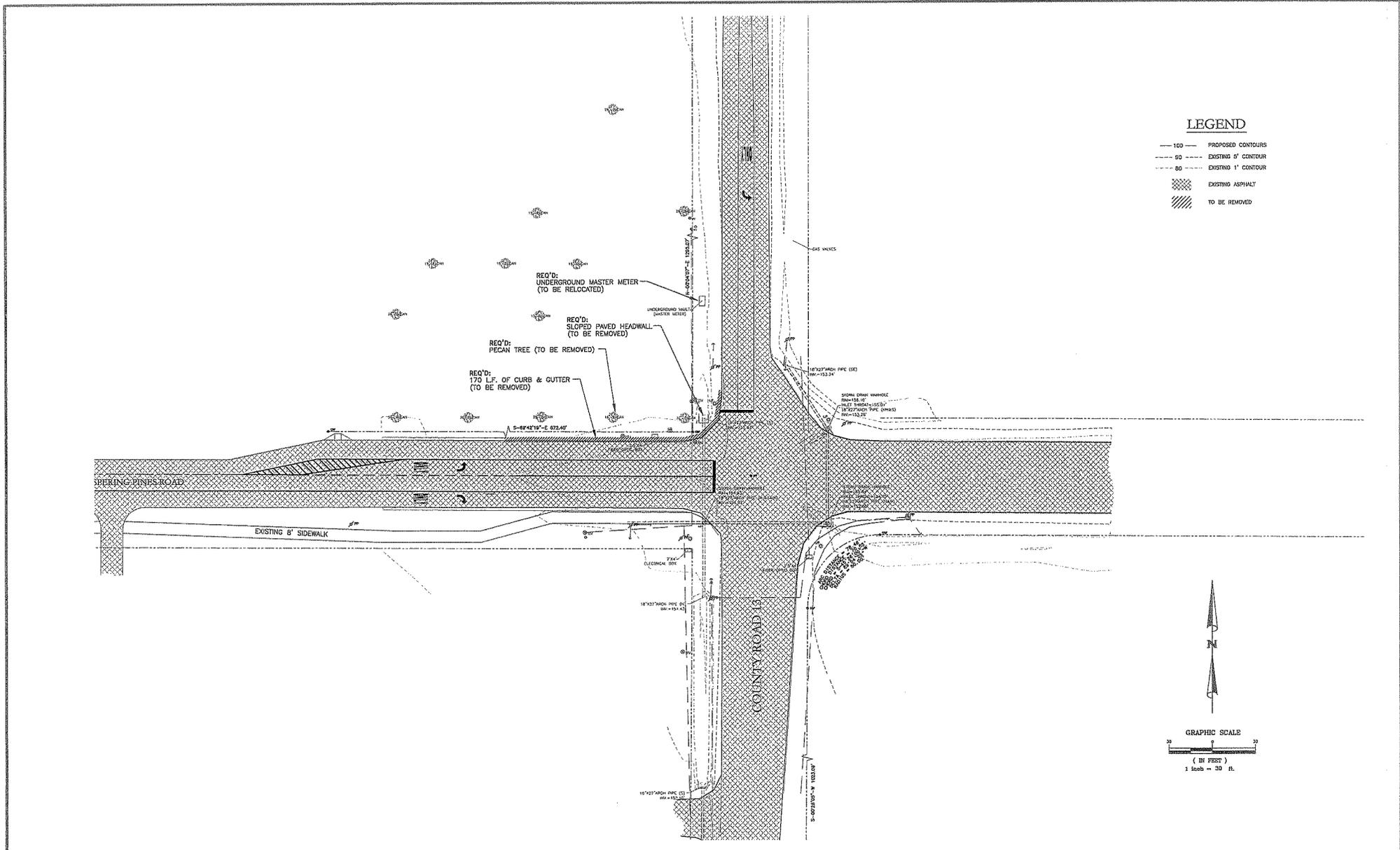
ENGINEERS • SURVEYORS  
DAPHNE, ALABAMA

TEL (251) 626-2626  
FAX (251) 626-6934  
daphne@hmrengineers.com

**POLLARD ROAD STRIPING/SIGNAGE PLAN  
WHISPERING PINES ROAD IMPROVEMENTS - PHASE I  
CITY OF DAPHNE**

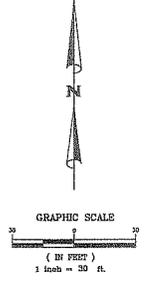
SCALE	DATE	DRAWN BY	DESIGNED BY	SHEET
1"=30'	DECEMBER 2009	JLG		30 OF 12

NO.	REVISION	DATE	ENGR.



**LEGEND**

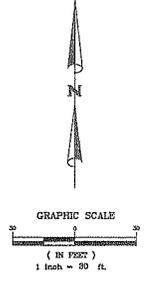
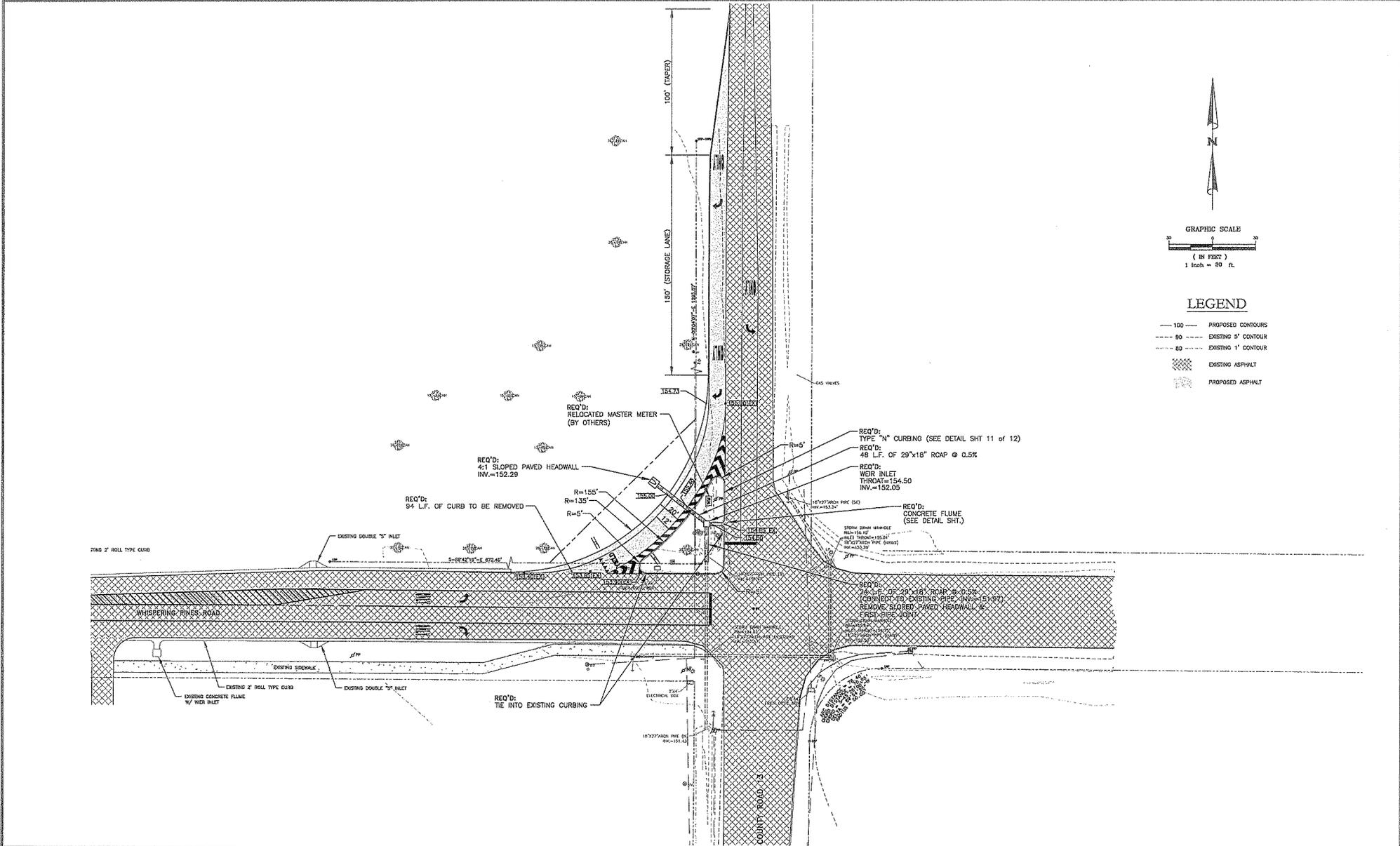
- 100 --- PROPOSED CONTOURS
- 50 --- EXISTING 5' CONTOUR
- 80 --- EXISTING 1' CONTOUR
- [Cross-hatch pattern] EXISTING ASPHALT
- [Diagonal hatch pattern] TO BE REMOVED



NO.	REVISION	DATE	ENGR.

**HUTCHINSON, MOORE & RAUCH, LLC**  
 2039 MAIN STREET  
 DAPHNE, ALABAMA 36526  
 ENGINEERS & SURVEYORS  
 DAPHNE, ALABAMA  
 TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hmrengineers.com

<b>COUNTY ROAD 13 EXISTING CONDITIONS/DEMO PLAN</b> WHISPERING PINES ROAD IMPROVEMENTS - PHASE I				
<b>CITY OF DAPHNE</b>				
SCALE 1"=30'	DATE DECEMBER 2009	DRAWN BY JLG	DESIGNED BY	SHEET 4A OF 12



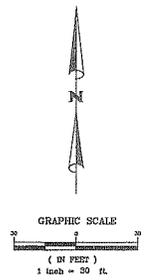
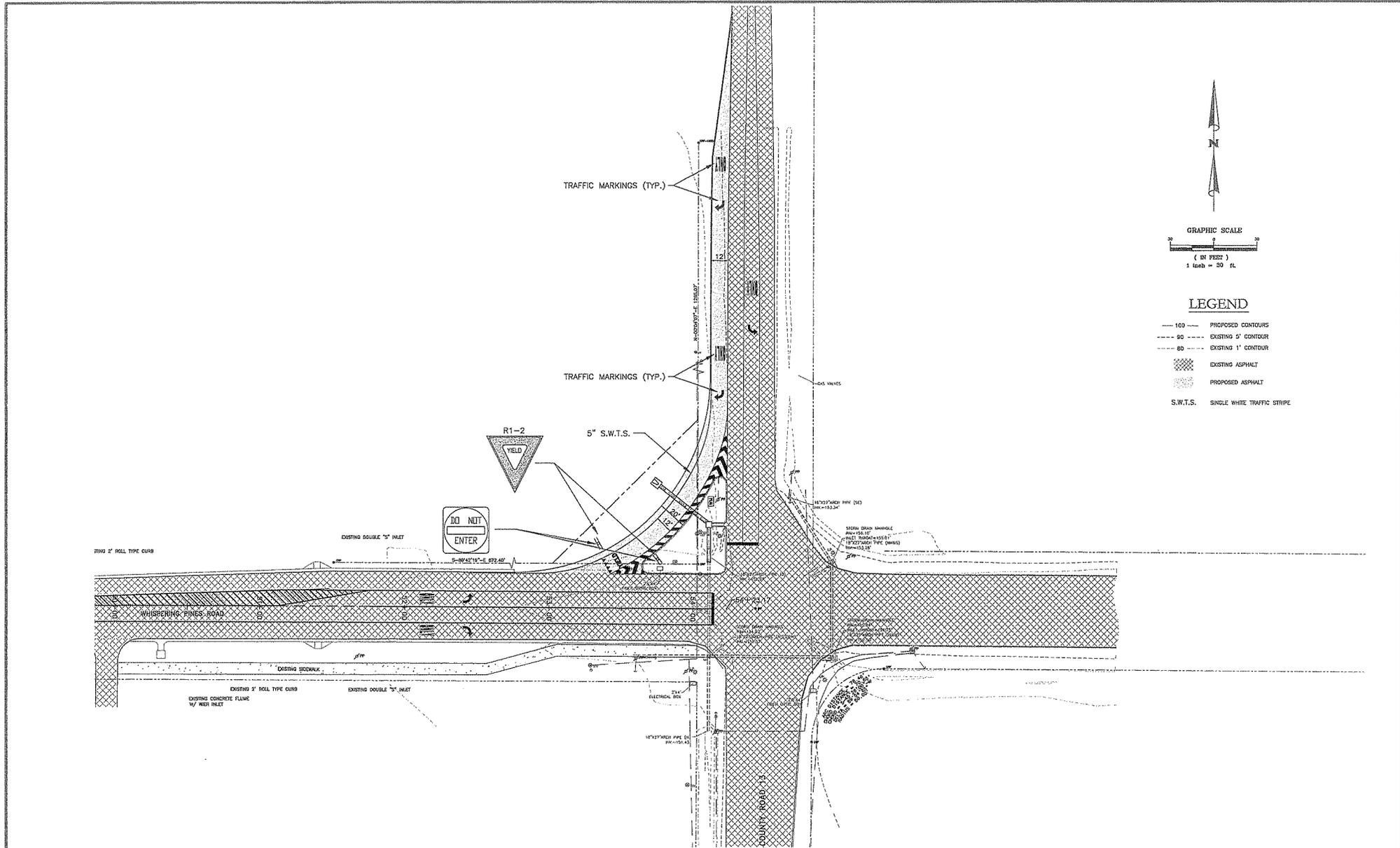
**LEGEND**

- PROPOSED CONTOURS
- - - EXISTING 5' CONTOUR
- - - EXISTING 1' CONTOUR
- ▨ EXISTING ASPHALT
- ▨ PROPOSED ASPHALT


**HUTCHINSON, MOORE & RAUCH, LLC**  
 25  
 ENGINEERS & SURVEYORS  
 2039 MAIN STREET  
 DAPHNE, ALABAMA 36526  
 TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hnrengineers.com

**COUNTY ROAD 13 INTERSECTION PLAN**  
**WHISPERING PINES ROAD IMPROVEMENTS - PHASE I**  
**CITY OF DAPHNE**

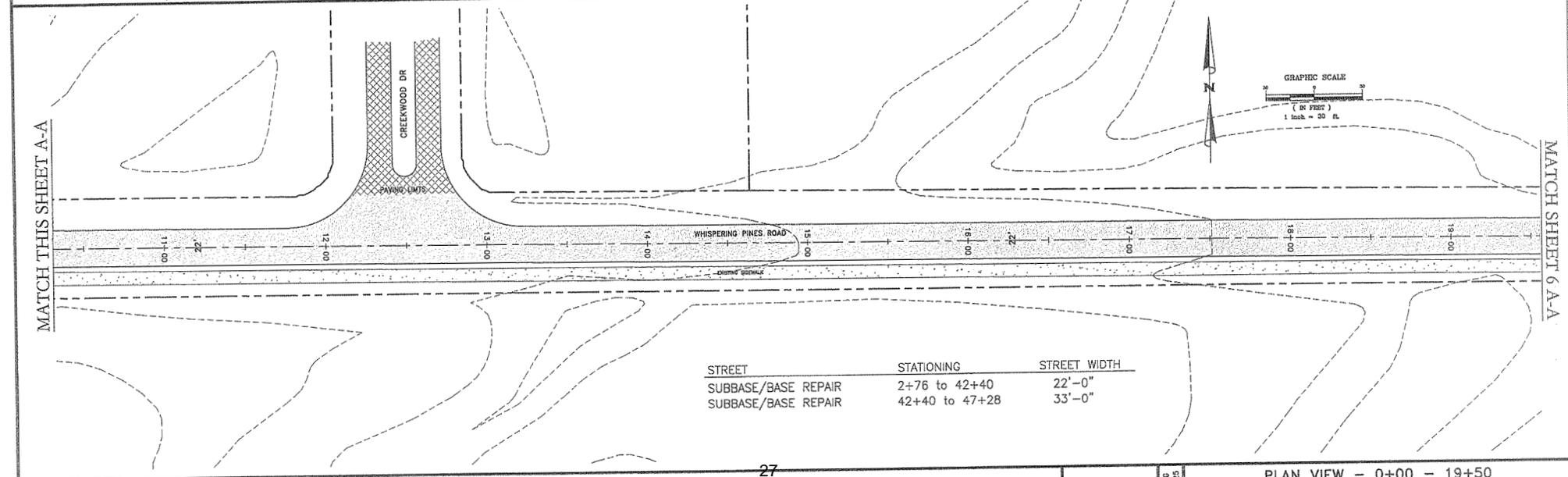
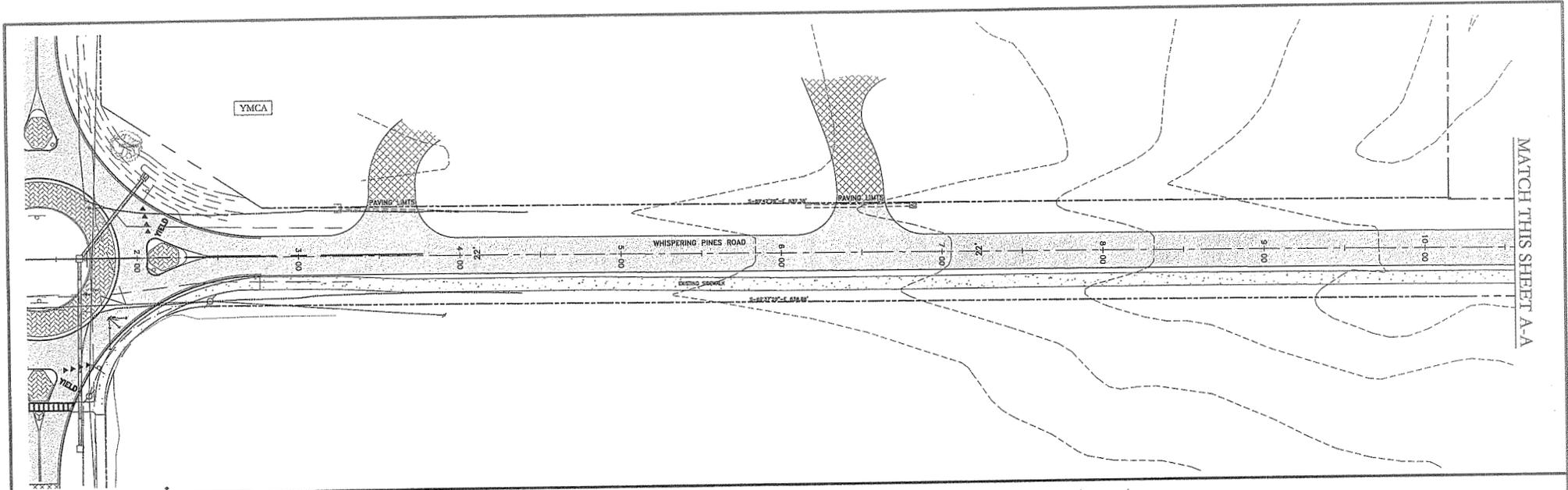
48-CR13_INTERSECTIONS 2500-3499-10.25	SCALE 1"=30'	DATE SEPTEMBER 2009	DRAWN BY J.C.	DESIGNED BY	SHEET 48 OF 12
--	-----------------	------------------------	------------------	-------------	-------------------



- LEGEND**
- 100 --- PROPOSED CONTOURS
  - 90 --- EXISTING 5' CONTOUR
  - 80 --- EXISTING 1' CONTOUR
  - [Cross-hatch pattern] EXISTING ASPHALT
  - [Dotted pattern] PROPOSED ASPHALT
  - S.W.T.S. SINGLE WHITE TRAFFIC STRIPE


**HUTCHINSON, MOORE<sup>26</sup> & RAUCH, LLC**  
 ENGINEERS ♦ SURVEYORS  
 2039 MAIN STREET  
 DAPHNE, ALABAMA 36526  
 TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@nmengineers.com

C:\GRL\STRENGTHING\25260-3429-10.25	<b>COUNTY ROAD 13 STRIPING/SIGNAGE PLAN</b> <b>WHISPERING PINES ROAD IMPROVEMENTS - PHASE I</b> <b>CITY OF DAPHNE</b>			
	SCALE	DATE	DRAWN BY	DESIGNED BY
	1"=30'	DECEMBER 2009	JLG	
				SHEET 4C OF 12



STREET	STATIONING	STREET WIDTH
SUBBASE/BASE REPAIR	2+76 to 42+40	22'-0"
SUBBASE/BASE REPAIR	42+40 to 47+28	33'-0"

27

**HUTCHINSON, MOORE & RAUCH, LLC**

2039 MAIN STREET  
 DAPHNE, ALABAMA  
 36526

ENGINEERS & SURVEYORS  
 DAPHNE, ALABAMA

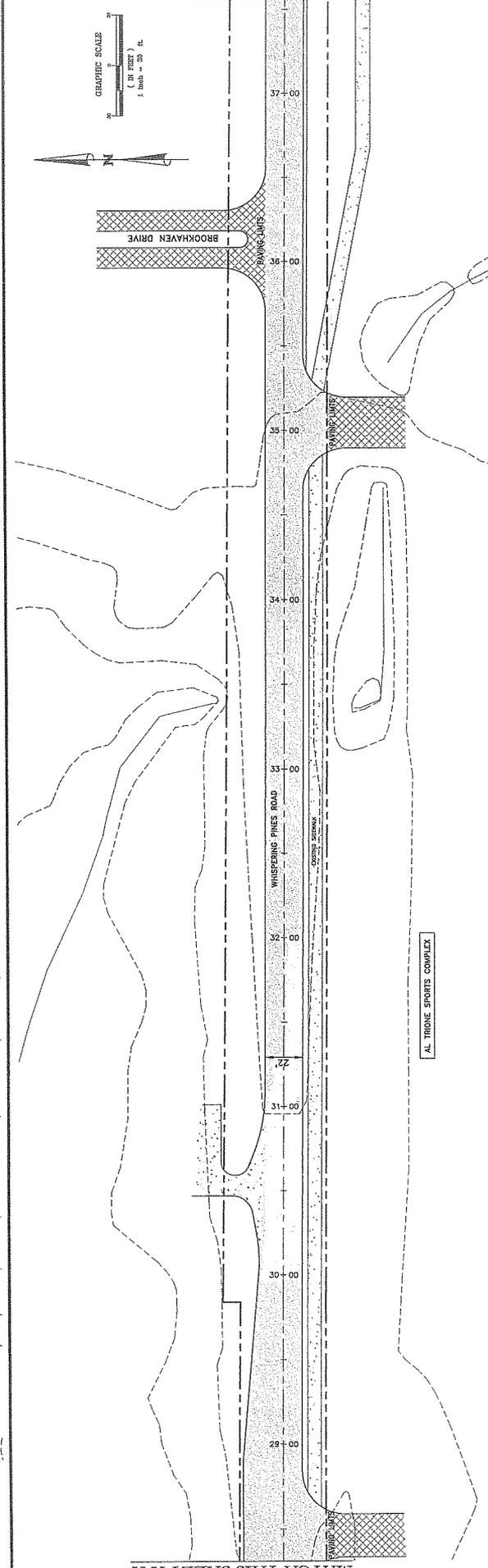
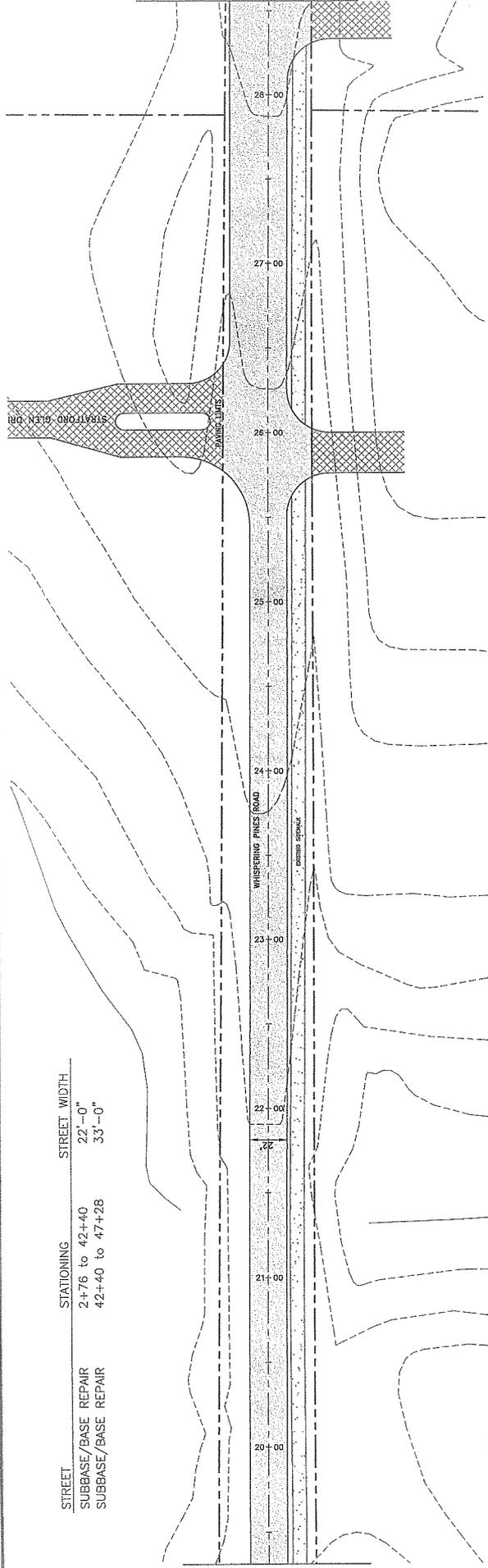
TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hmengineers.com

PLAN VIEW - 0+00 - 19+50  
 WHISPERING PINES ROAD IMPROVEMENTS - PHASE I  
 CITY OF DAPHNE

SCALE	DATE	DRAWN BY	DESIGNED BY	SHEET
1" = 30'	NOVEMBER 2008	J.R.		5 OF 12

MATCH THIS SHEET A-A

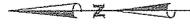
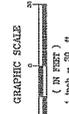
MATCH SHEET 7 A-A



STREET	STATIONING	STREET WIDTH
SUBBASE/BASE REPAIR	2+76 to 42+40	22'-0"
SUBBASE/BASE REPAIR	42+40 to 47+28	33'-0"

MATCH SHEET 5 A-A

MATCH THIS SHEET A-A



AL TRONE SPORTS COMPLEX

PLAN VIEW - 19+50 - 37+50  
 WHISPERING PINES ROAD IMPROVEMENTS - PHASE I  
 CITY OF DAPHNE

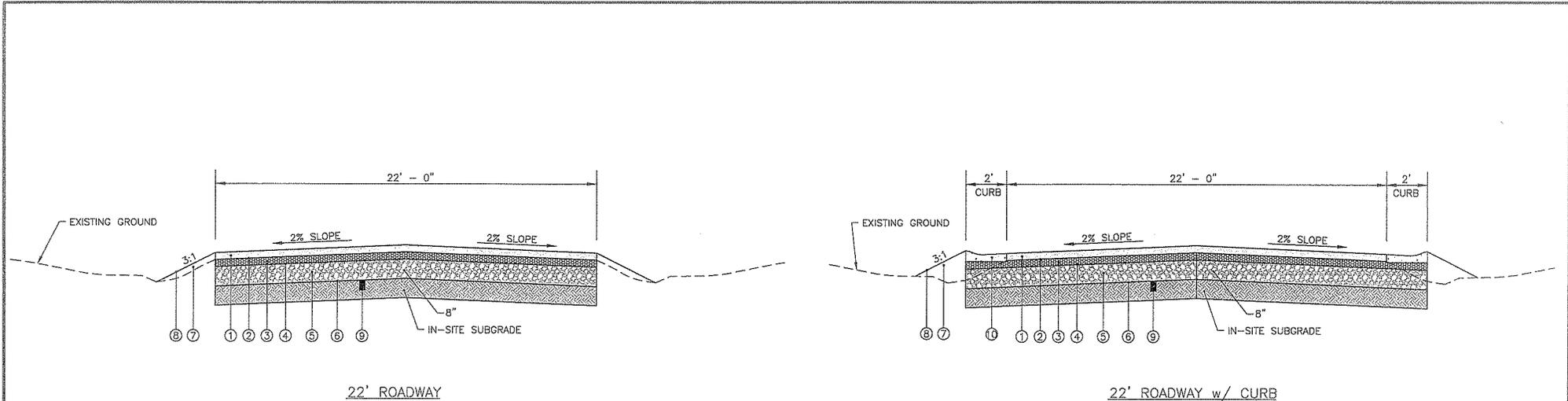
2500-3429-10.25  
 PLAN VIEW 2.DWG  
 SCALE: 1" = 40'

DESIGNED BY: [blank]  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 DATE: [blank]

**HUTCHINSON, MOORE & RAUCH, LLC**  
 ENGINEERS • SURVEYORS  
 DAPHNE, ALABAMA

2039 MAIN STREET  
 DAPHNE, ALABAMA  
 36526



**LEGEND**

- ① 424-A SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE LAYER, 3/4" MAXIMUM AGGREGATE SIZE, ESAL RANGE B (165 lb/sy)
- ② 405-A TACK COAT, (0.10 GAL/SY) (GALLONS)
- ③ 424-B SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAXIMUM AGGREGATE SIZE, ESAL RANGE B (165 lb/sy)
- ④ 401-A BITUMINOUS TREATMENT, TYPE "A", (PER SY)
- \* ⑤ 301-A GRANULAR BASE COURSE, TYPE "A", ROAD MIXED, (8" COMPACTED THICKNESS) (PER SY)
- \*\* ⑥ 230-A ROADBED PROCESSING, (PER ROADBED STATION)
- ⑦ 650-A TOPSOIL (APPROXIMATELY 2" THICK) (PER CY)
- ⑧ 652-A SEED & MULCH (PER ACRE)
- ⑨ 910-A UNCLASSIFIED EXCAVATION/BORROW EXCAVATION AS DIRECTED BY GEOTECHNICAL ENGINEER (A3 or BETTER)

**NOTES:**

- \* : UPON REMOVAL OF EXISTING ASPHALT LAYER, 8" OF THE EXISTING BASE MATERIAL SHALL BE REMOVED, STOCKPILED, MIXED TO PROPER SPECIFICATIONS, REUSE AND COMPACTED ONCE ROADBED PROCESSING HAS BEEN COMPLETED.
- \*\* : UPON REMOVAL OF EXISTING ASPHALT AND BASE MATERIAL, THE EXISTING SUBGRADE SHALL BE PROCESSED AND COMPACTED PER STATE SPECIFICATIONS.

**LEGEND**

- ① 424-A SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE LAYER, 3/4" MAXIMUM AGGREGATE SIZE, ESAL RANGE B (165 lb/sy)
- ② 405-A TACK COAT, (0.10 GAL/SY) (GALLONS)
- ③ 424-B SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAXIMUM AGGREGATE SIZE, ESAL RANGE B (165 lb/sy)
- ④ 401-A BITUMINOUS TREATMENT, TYPE "A", (PER SY)
- \* ⑤ 301-A GRANULAR BASE COURSE, TYPE "A", ROAD MIXED, (8" COMPACTED THICKNESS) (PER SY)
- \*\* ⑥ 230-A ROADBED PROCESSING, (PER ROADBED STATION)
- ⑦ 650-A TOPSOIL (APPROXIMATELY 2" THICK) (PER CY)
- ⑧ 652-A SEED & MULCH (PER ACRE)
- ⑨ 910-A UNCLASSIFIED EXCAVATION/BORROW EXCAVATION AS DIRECTED BY GEOTECHNICAL ENGINEER (A3 or BETTER)
- ⑩ 623-B COMBINATION CURB AND GUTTER, TYPE "M-14" (PER LIN. FT.)

**NOTES:**

- \* : UPON REMOVAL OF EXISTING ASPHALT LAYER, 8" OF THE EXISTING BASE MATERIAL SHALL BE REMOVED, STOCKPILED, MIXED TO PROPER SPECIFICATIONS, REUSE AND COMPACTED ONCE ROADBED PROCESSING HAS BEEN COMPLETED.
- \*\* : UPON REMOVAL OF EXISTING ASPHALT AND BASE MATERIAL, THE EXISTING SUBGRADE SHALL BE PROCESSED AND COMPACTED PER STATE SPECIFICATIONS.

**HUTCHINSON, MOORE & RAUCH, LLC**

2039 MAIN STREET  
 DAPHNE, ALABAMA  
 36526

ENGINEERS & SURVEYORS  
 DAPHNE, ALABAMA

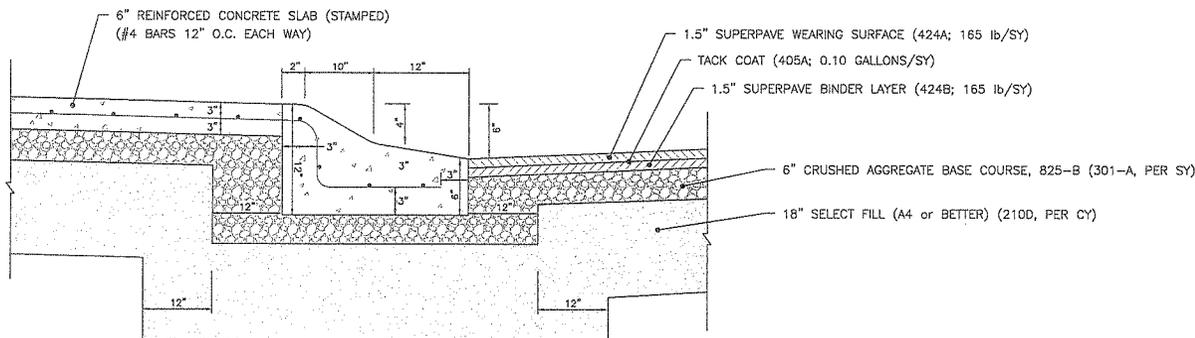
TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hmrengineers.com

TYPICAL SECTION  
 2500-3-29-10.25

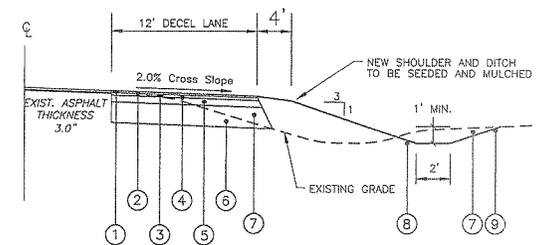
**TYPICAL SECTION (FULL DEPTH REPAIR)  
 WHISPERING PINES ROAD IMPROVEMENTS - PHASE I**

**CITY OF DAPHNE**

SCALE: AS SHOWN DATE: DECEMBER 2008 DRAWN BY: B.C. DESIGNED BY: SHEET: R OF 10



ROUNDABOUT TYPICAL SECTION  
NTS



- ① SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE LAYER, 1/2" MAXIMUM AGGREGATE SIZE MIX, ESAL RANGE B, APPROXIMATELY 165 POUNDS PER SQUARE YARD, ITEM: 429-A
- ② TACK COAT, SPREAD RATE OF (0.10 GAL/SY), ITEM: 405-A
- ③ SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 1" MAXIMUM AGGREGATE SIZE MIX, ESAL RANGE B, APPROXIMATELY 165 POUNDS PER SQUARE YARD, ITEM: 429-B
- ④ BITUMINOUS TREATMENT A, SPREAD RATE OF (0.25 GAL/SY), ITEM: 401-A
- ⑤ CRUSHED AGGREGATE BASE COURSE, TYPE B PLANT MIXED, MINIMUM 6" COMPACTED THICKNESS, ITEM: 301-B
- ⑥ BORROW EXCAVATION [(A-2-4(0) OR A-4(0)], ITEM: 210-D
- ⑦ UNCLASSIFIED EXCAVATION, ITEM: 210-A
- ⑧ TOPSOIL FROM STOCKPILES, 4" THICK PER CY.
- ⑨ SEEDING & MULCHING

- ALL RESTRIPIING SHALL BE THERMOPLASTIC.
- THE NUMBER OF BINDER LAYERS MAY NEED TO BE INCREASED OR DECREASED DEPENDING ON THE EXISTING ASPHALT THICKNESS.

TYPICAL SECTION  
COUNTY ROAD 13 & WHISPERING PINES  
NTS

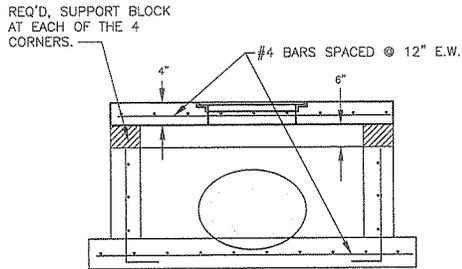
31  
**HUTCHINSON, MOORE & RAUCH, LLC**

2039 MAIN STREET  
DAPHNE, ALABAMA  
36526

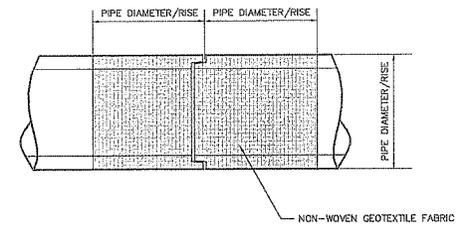
ENGINEERS ♦ SURVEYORS  
DAPHNE, ALABAMA

TEL (251) 626-2626  
FAX (251) 626-6934  
dophne@hmrengineers.com

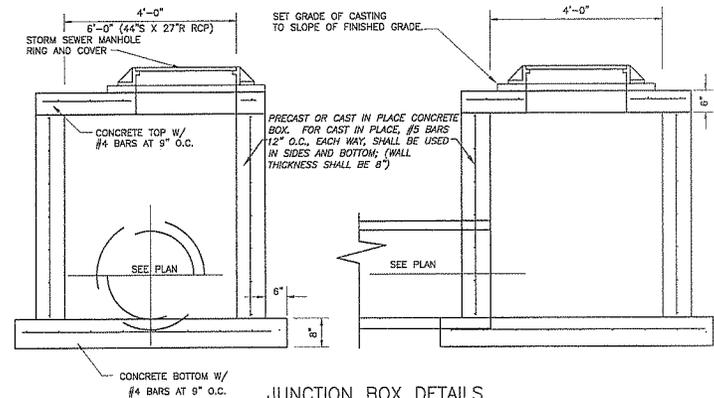
TYPICAL SECTION (INTERSECTIONS) WHISPERING PINES ROAD IMPROVEMENTS - PHASE I			
CITY OF DAPHNE			
SCALE	DATE	DRAWN BY	SHEET
AS SHOWN	DECEMBER 2009	J.R.	OF 17



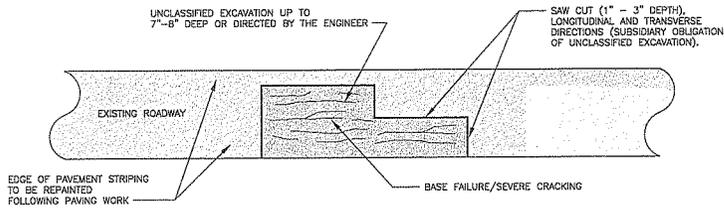
INLET TOP DETAIL  
NTS



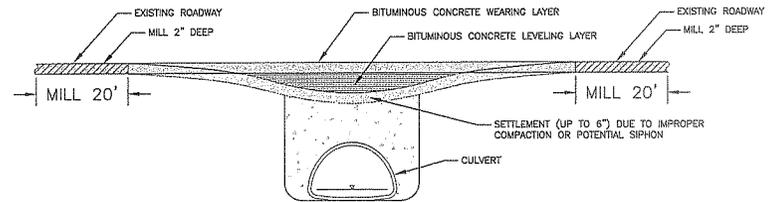
WRAPPED PIPE JOINT DETAIL



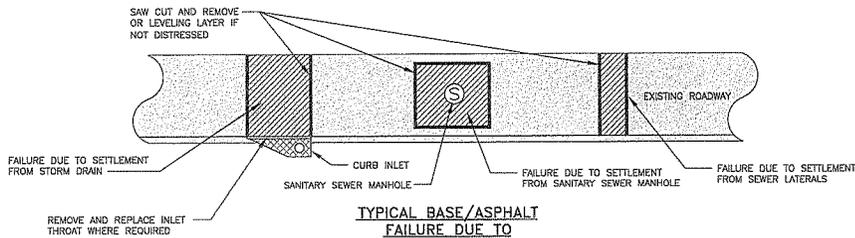
JUNCTION BOX DETAILS  
NTS



PLAN VIEW  
PAVEMENT FAILURES



TYPICAL SECTION  
SETTLEMENT DEFICIENCIES



TYPICAL BASE/ASPHALT  
FAILURE DUE TO  
EXISTING UTILITIES

NOTES:

1. THE LIMITS OF REPAIR SHALL BE MARKED BY THE ENGINEER FOR EACH SITE.
2. THE CONTRACTOR SHALL GROUP SITES BY PROXIMITY TO REDUCE IMPACT ON TRAFFIC AND PUBLIC.
3. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ROAD DAMAGE THAT THREATENS THE ROADWAY (I.E. CULVERT FAILURE) OR PUBLIC HEALTH (I.E. LEAKING SANITARY SEWER).
4. THE CONTRACTOR WILL BE ALLOWED TO BASE OUT SEVERAL SITES BEFORE APPLYING THE ASPHALT WEARING LAYER.
5. SOLID SOD SHALL BE PLACED AT THE EDGE OF PAVEMENT AT EACH REPAIR.
6. IF NO CRACKING OR FAILED ASPHALT IS PRESENT OVER SETTLED ROADWAY, THE CONTRACTOR SHALL MILL 20' AT EACH APPROACH AND APPLY LEVELING AND WEARING ASPHALT LAYERS.

32  
HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET  
DAPHNE, ALABAMA  
36526

ENGINEERS & SURVEYORS  
DAPHNE, ALABAMA

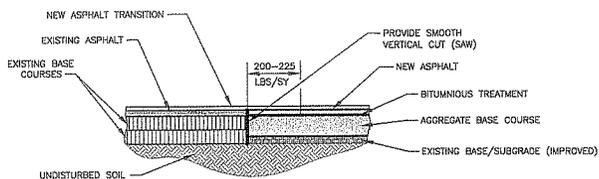
TEL (251) 626-2626  
FAX (251) 626-6934  
daphne@hmrengineers.com

CV DETAILS.DWG  
2500-4429-10.25

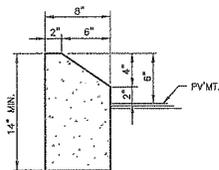
CIVIL CONSTRUCTION DETAILS  
WHISPERING PINES ROAD IMPROVEMENTS - PHASE I

CITY OF DAPHNE

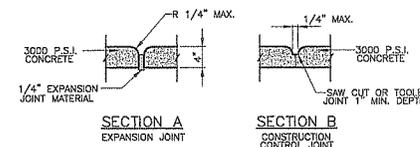
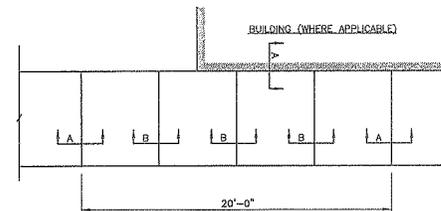
SCALE AS SHOWN	DATE DECEMBER 2008	DRAWN BY J.G.	DESIGNED BY	SHEET 10 OF 12
-------------------	-----------------------	------------------	-------------	-------------------



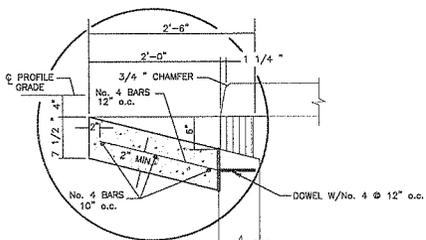
TRANSITION DETAIL FOR REPAIR



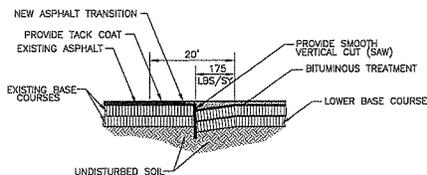
TYPE "N" CURB  
NOT TO SCALE



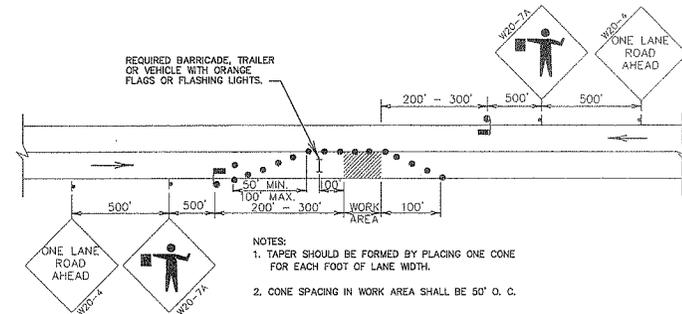
CONCRETE WALK DETAIL  
NTS



INLET THROAT REPAIR DETAIL



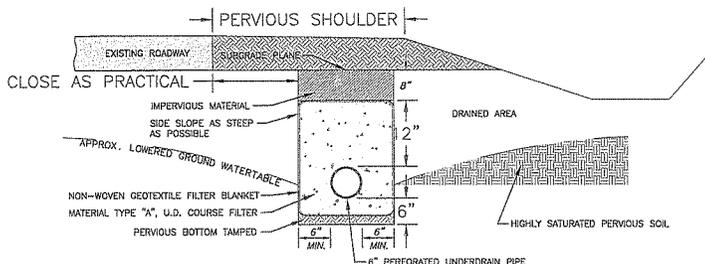
BUTT JOINT DETAIL  
NTS



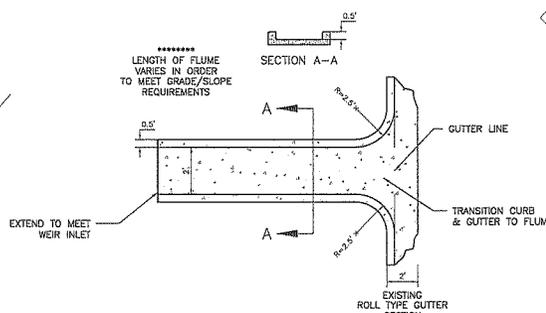
- NOTES:
1. TAPER SHOULD BE FORMED BY PLACING ONE CONE FOR EACH FOOT OF LANE WIDTH.
  2. CONE SPACING IN WORK AREA SHALL BE 50' O. C.

METHOD TO BE USED  
FOR TWO-LANE HIGHWAY - ONE LANE CLOSED  
(TYPICAL)

- NOTES:
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING TRAFFIC CONTROL CONDITIONS AND REQUIREMENTS FOR EACH SITE/GROUP.
  2. THE STONE BASE, SOLID SODDING AND TRAFFIC CONTROL APPURTENANCES/DEVICES SHALL BE A SUBSIDIARY OBLIGATION OF TRAFFIC CONTROL PAY ITEM(S) FOR EACH REPAIR GROUP.
  3. THE CONTRACTOR WILL NOT BE ALLOWED TO CONDUCT LANE CLOSURES DURING MORNING AND AFTERNOON COMMUTING HOURS (7:00 AM - 8:00 AM AND 4:30 PM - 6:00 PM), UNLESS GIVEN WRITTEN APPROVAL BY THE ENGINEER.
  4. THE CONTRACTOR SHALL REUSE STONE/AGGREGATE UNTIL IT BECOMES TOO CONTAMINATED WITH ORGANIC MATERIAL.



6" SUBDRAINING PIPE UNDERDRAIN DETAIL

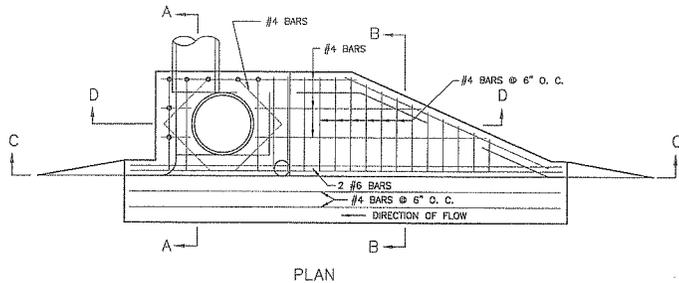


CONCRETE FLUME DETAIL

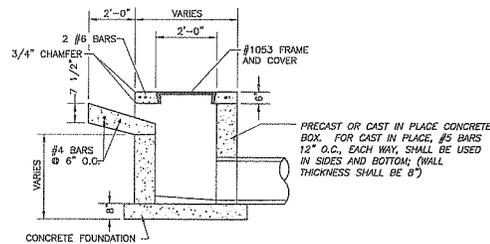
HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET DAPHNE, ALABAMA 36526  
 ENGINEERS • SURVEYORS DAPHNE, ALABAMA  
 TEL (251) 626-2626 FAX (251) 626-6934 daphne@hmengineers.com

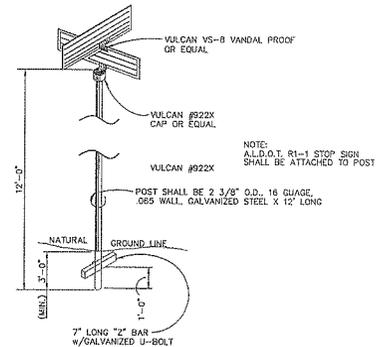
CIVIL ENGINEERING DESIGN-REVISIONS		CITY OF DAPHNE	
CIVIL CONSTRUCTION DETAILS WHISPERING PINES ROAD IMPROVEMENTS - PHASE I			
CITY OF DAPHNE			
SCALE AS SHOWN	DATE DECEMBER 2009	DRAWN BY J.L.G.	DESIGNED BY J.L.G.
		SHEET 11 OF 12	



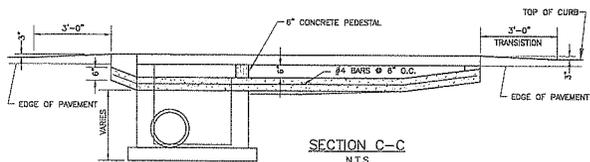
DETAIL OF SINGLE WING - TYPE "S" INLET  
N.T.S.



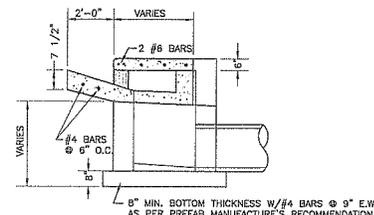
SECTION A-A  
N.T.S.



STREET SIGN DETAIL  
N.T.S.

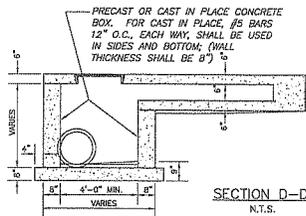


SECTION C-C  
N.T.S.

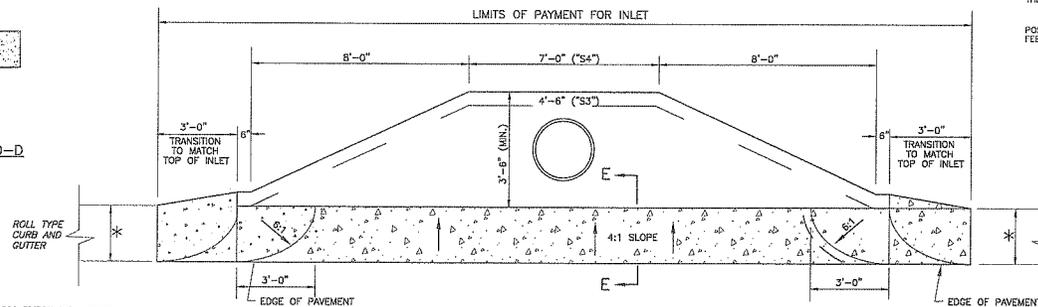


SECTION B-B  
N.T.S.

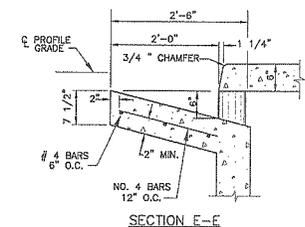
**NOTES:**  
 RI-1 STOP SIGN - HIGH INTENSITY PRISMATIC - min. 0.080" THICK  
 30" FOR ALL INTERNAL STREET INTERSECTIONS  
 36" FOR ALL INTERSECTIONS WITH EXISTING COUNTY, STATE AND FEDERAL ROADS  
 STREET NAME SIGN - 3" ALUMINUM EXTRUDED BLADE, HIGH INTENSITY PRISMATIC  
 6" TALL WHITE ALL-CAPITAL LETTERING ON GREEN BACKGROUND - FOR STREETS PROPOSED TO BE PUBLIC  
 6" TALL WHITE ALL-CAPITAL LETTERING ON BLUE BACKGROUND - FOR STREETS PROPOSED TO REMAIN PRIVATE  
 BRACKETS - VULCAN TYPE VS-B VANDAL PROOF OR APPROVED EQUAL  
 ALL OTHER SIGNS - ENGINEERING GRADE OR BETTER - MINIMUM 0.080" THICK  
 POST FOR STREET SIGNS - MIN. 10' LONG - 2 3/8" GALVANIZED ROUND POST; STREET SIGNS MUST BE MOUNTED ON SEPARATE POST FROM THE STOP SIGN, UNLESS APPROVED BY COUNTY ENGINEER OR HIS/HER DESIGNEE. IN NO CASE SHALL THE STREET SIGN BE ATTACHED DIRECTLY TO THE STOP SIGN, BUT INSTEAD MUST BE ATTACHED TO THE POST OF THE STOP SIGN IF APPROVED BY THE COUNTY ENGINEER OR HIS/HER DESIGNEE.  
 POST FOR ALL OTHER SIGNS - #3 GALVANIZED U-CHANNEL OF APPROPRIATE HEIGHT EMBEDDED NOT LESS THAN 3 FEET BELOW THE FINISHED GRADE ELEVATION



SECTION D-D  
N.T.S.



DETAIL OF DOUBLE WING - TYPE "S" INLET  
N.T.S.



TRANSITION FROM ROLL TYPE CURB AND GUTTER SECTION TO "S3" OR "S4" INLET  
N.T.S.

**NOTES - TYPE "S" INLETS**

SPECIFICATIONS : CURRENT ALABAMA DEPARTMENT OF TRANSPORTATION 2006 EDITION AND AASHTO  
 CONCRETE : CONCRETE SHALL BE CLASS - A  
 REINFORCEMENT : REINFORCEMENT SHALL BE DEFORMED BARS  
 INLET WINGS : WHERE DIRECTION OF FLOW IS FROM EACH END OF AN INLET, SIDE WING OPENINGS (AS SHOWN ON ONE SIDE ONLY ON THIS DRAWING) SHALL BE CONSTRUCTED AT EACH END OF INLET. FOR EACH INLET SO CONSTRUCTED, PAYMENT WILL BE MADE UNDER ITEM "INLETS, TYPE S (TWO WINGS)." WHERE ONE WING ONLY IS CONSTRUCTED, PAYMENT WILL BE MADE UNDER ITEM "INLETS, TYPE S (ONE WING)."  
 HEEP HOLES : 2" MINIMUM HEEP HOLES SHALL BE CONSTRUCTED IN INLETS AS DIRECTED BY ENGINEER TO FACILITATE SUBGRADE DRAINAGE  
 LARGE PIPES : TO ACCOMMODATE LARGE PIPES OR FIT OTHER CONDITIONS, IT MAY BE NECESSARY TO INCREASE ONE OR BOTH PLAN DIMENSIONS OF INLET BOX AND COVER SLAB. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR CORRESPONDING INCREASE IN MATERIALS AND OTHER COSTS WHERE CHANGES IN DIMENSIONS ARE REQUIRED

HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET  
 DAPHNE, ALABAMA  
 36526

ENGINEERS & SURVEYORS  
 DAPHNE, ALABAMA

TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hmrengineers.com

CIVIL CONSTRUCTION DETAILS  
 WHISPERING PINES ROAD IMPROVEMENTS - PHASE I

CITY OF DAPHNE

SCALE: AS SHOWN DATE: FEBRUARY 2006 DRAWN BY: DESIGNED BY: SHEET: 34 OF 43

NO.	REVISION	DATE	ENGR.



**ENGINEERING COST ESTIMATE**

Owner: City of Daphne

Project: Pollard & Whispering Pines Intersection

Date: December 7, 2009

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	ASPHALT REMOVAL (206-C)	SY	1,760	\$ 3.00	\$ 5,280.00
2	CONCRETE SIDEWALK REMOVAL (206-C)	SY	240	\$ 5.00	\$ 1,200.00
3	UNCLASSIFIED EXCAVATION (210-A)	CY	500	\$ 6.50	\$ 3,250.00
4	BORROW EXCAVATION, SELECT FILL (A4 OR BETTER) (18" THICK) (210-D)	CY	2,000	\$ 12.00	\$ 24,000.00
5	POWERLINE ADJUSTMENT*	LS	1		\$ 40,000.00
6	4" ELECTRICAL CONDUIT	LF	285	\$ 7.00	\$ 1,995.00
7	SIGNS	LS	1		\$ 8,000.00
8	CRUSHED AGGREGATE BASE, TYPE 825-B, 6" THICK (301-A)	SY	2,800	18.00	\$ 50,400.00
9	TACK COAT (405-A)	GAL	280	5.00	\$ 1,400.00
10	MILLING (APPROX. 1.5" DEEP) (408-A)	SY	280	6.00	\$ 1,680.00
11	SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (165 #/SY) (429-A)	TON	160	75.00	\$ 12,000.00
12	SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (165 #/SY) (429-A)	TON	160	75.00	\$ 12,000.00
13	MOBILIZATION (600-A)	LS	1		\$ 40,000.00
14	JUNCTION BOX (621-A)	EA	1	3,200.00	\$ 3,200.00
15	WEIR TOP INLET (621-C)	EA	1	3,500.00	\$ 3,500.00
16	TOPSOIL (650-A)	CY	225	12.00	\$ 2,700.00
17	SOLID SODDING (654-A)	SY	2,100	4.50	\$ 9,450.00
18	CONCRETE CURB, TYPE M-10 MODIFIED (623-B)	LF	305	14.50	\$ 4,422.50
19	CONCRETE CURB, TYPE "N" (623-B)	LF	580	13.50	\$ 7,830.00
20	SEEDING & MULCHING, CLASS A (652-A)	ACRE	0.5	3,000.00	\$ 1,500.00
21	SILT FENCE (665-J)	LF	300	5.50	\$ 1,650.00
22	WATTLES (665-Q)	LF	24	7.50	\$ 180.00
23	6" THICK REINFORCED CONCRETE SLAB (STAMPED)	SY	580	60.00	\$ 34,800.00

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
24	UTILITY VALVE BOX ADJUSTMENTS	EA	6	700.00	\$ 4,200.00
25	RELOCATE FIRE HYDRANT	EA	1	3,000.00	\$ 3,000.00
26	CONCRETE SIDEWALK, 6' WIDE, 4" THICK (618-A)	SY	35	40.00	\$ 1,400.00
27	22"X13" RCAP (531-A)	LF	176	50.00	\$ 8,800.00
28	SOLID WHITE, CLASS 1, TYPE A, TRAFFIC STRIPE (5" WIDE) (701-A)	MI	0.18	3,000.00	\$ 540.00
29	SOLID YELLOW, CLASS 1, TYPE A, TRAFFIC STRIPE (5" WIDE) (701-A)	MI	0.15	3,000.00	\$ 450.00
30	TRAFFIC CONTROL LEGEND, WHITE, CLASS 1, TYPE A (YIELD) (703-B)	SF	180	5.50	\$ 990.00
31	TRAFFIC CONTROL (740-A)	LS	1		\$ 25,000.00
32	ENGINEERING COST (SURVEY, DESIGN, CONSTRUCTION SURVEILLANCE, CONSTRUCTION CONTRACT MANAGEMENT)	LS	1		\$ 35,000.00
33	TESTING	LS	1		\$ 4,500.00
<b>TOTAL AMOUNT</b>					<b>\$ 354,317.50</b>

\*WAITING FOR RIVIERA UTILITIES ESTIMATE



**ENGINEERING COST ESTIMATE**

Owner: City of Daphne

Project: Whispering Pines Road - Road Only

Date: December 4, 2009

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	ASPHALT REMOVAL (206-C)	SY	11,530	\$ 3.00	\$ 34,590.00
2	UNCLASSIFIED EXCAVATION (ROADBED TO BE STOCKPILED) (210-A)	CY	2,600	\$ 6.50	\$ 16,900.00
3	BORROW EXCAVATION, (BASE GRADE MATERIAL) GRANULAR (210-D)	CY (TBM)	1,760	\$ 12.00	\$ 21,120.00
4	ROADBED PROCESSING (PER ROADBED STA.) (230-A)	STA	44.5	\$ 275.00	\$ 12,237.50
5	GRANULAR SOIL BASE, COARSE, TYPE A, ROAD MIXED, 8" COMPACTED THICKNESS (FROM STOCKPILES) (301-A)	SY	11,530	1.90	\$ 21,907.00
6	BITUMINOUS TREATMENT, TYPE "A" (401-A)	SY	11,530	1.50	\$ 17,295.00
7	TACK COAT (405-A)	GAL	1,160	5.50	\$ 6,380.00
8	MILLING (APPROXIMATELY 1.5" DEEP) (408-A)	SY	1,000	4.00	\$ 4,000.00
9	SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE, 3/4" MAXIMUM AGGREGATE SIZE, ESAL RANGE B (165#/SY) (429-A)	TON	1,050	75.00	\$ 78,750.00
10	SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAXIMUM AGGREGATE SIZE, ESAL RANGE B (165#/SY) (429-B)	TON	1,050	75.00	\$ 78,750.00
11	BITUMINOUS LEVELING LAYER (410-A)	TON	210	60.00	\$ 12,600.00
12	MOBILIZATION (600-A)	LS	1		\$ 56,000.00
13	SLOPE PAVING (614-A)	CY	2	450.00	\$ 900.00
14	WEIR TOP INLET (621-C)	EA	1	3,500.00	\$ 3,500.00
15	TOPSOIL (650-A)	CY	350	12.00	\$ 4,200.00
16	SEEDING & MULCHING, CLASS A (652-A)	ACRE	1.5	3,000.00	\$ 4,500.00
17	SILT FENCE, TYPE A (665-J)	LF	2,000.00	5.50	\$ 11,000.00
18	WATTLES (665-Q)	LF	300	7.50	\$ 2,250.00

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
19	SOLID WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-A)	MI	2.0	3,000.00	\$ 6,000.00
20	SOLID YELLOW (DOUBLE), CLASS 2, TYPE A, TRAFFIC STRIPE (5" WIDE) (701-A)	MI	0.9	3,000.00	\$ 2,700.00
21	DOTTED WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE (5" WIDE) (702-A)	MI	0.1	3,800.00	\$ 380.00
22	TRAFFIC CONTROL MARKINGS (CHANNEL LINE), WHITE, CLASS 2, TYPE A (8" WIDE) (703-A)	SF	320	5.00	\$ 1,600.00
23	TRAFFIC CONTROL MARKINGS (STOP BAR), WHITE, CLASS 2, TYPE A, (24" WIDE) (703-A)	SF	240	5.00	\$ 1,200.00
24	TRAFFIC CONTROL LEGEND, WHITE, CLASS 2, TYPE A (ARROW) (703-B)	SF	17	6.00	\$ 102.00
25	TRAFFIC CONTROL LEGEND, WHITE, CLASS 2, TYPE A (ONLY) (703-B)	SF	23	6.00	\$ 138.00
26	REFLECTIVE PAVEMENT MARKERS, CLASS A, TYPE 2, YELLOW (705-A)	EA	112	7.00	\$ 784.00
27	TRAFFIC CONTROL (740-A)	LS	1		\$ 30,000.00
28	ENGINEERING COST (SURVEY, DESIGN, CONSTRUCTION SURVEILLANCE AND CONSTRUCTION CONTRACT MANAGEMENT)	LS	1		\$ 65,604.00
29	TESTING	LS	1		\$ 6,000.00
<b>TOTAL AMOUNT</b>					<b>\$ 501,387.50</b>



**ENGINEERING COST ESTIMATE**

Owner: City of Daphne

Project: Whispering Pines Road - Highway 13 & Whispering Pines Road Intersection

Date: December 7, 2009

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	UNCLASSIFIED EXCAVATION (210-A)	CY	430	\$ 6.50	\$ 2,795.00
2	BORROW EXCAVATION, 18" THICK SAND LAYER, A-4 OR BETTER (210-D)	CY	500	\$ 12.00	\$ 6,000.00
3	CRUSHED AGGREGATE BASE COURSE, TYPE B PLANT MIXED, MIN 6" COMPACTED THICKNESS (301-A)	SY	675	\$ 18.00	\$ 12,150.00
4	BITUMINOUS TREATMENT, TYPE A (SPREAD RATE OF	SY	675	\$ 1.25	\$ 843.75
5	TACK COAT, SPREAD RATE OF (0.10 GAL/SY)	GAL	170	5.00	\$ 850.00
6	SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B (165/SY) (429-A)	TON	60	80.00	\$ 4,800.00
7	SUPERPAVE BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B (165/SY) (429-B)	TON	60	80.00	\$ 4,800.00
8	MOBILIZATION (600-A)	LS	1		\$ 10,000.00
9	SLOPE PAVED DITCH (614-A)	CY	0.5	400.00	\$ 200.00
10	WEIR TOP INLET (621-C)	EA	1	3,200.00	\$ 3,200.00
11	TOPSOIL (650-A)	CY	60	12.00	\$ 720.00
12	CURB REMOVAL	LF	90	5.00	\$ 450.00
13	SIGNS	LS	1	1,200.00	\$ 1,200.00
14	29"X18" RCAP (531-A)	LF	64	45.00	\$ 2,880.00
15	SLOPE PAVED HEADWALL 29"X18" (4:1 SLOPE)	EA	1	900.00	\$ 900.00
16	TYPE "N" CONCRETE CURB	LF	205	13.00	\$ 2,665.00
17	SEEDING & MULCHING, CLASS A (652-A)	ACRE	0.15	3,000.00	\$ 450.00
18	SILT FENCE, TYPE A (665-J)	LF	100	6.00	\$ 600.00
19	WATTLES (665-Q)	LF	25	7.50	\$ 187.50
20	SOLID WHITE, CLASS 1, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-A)	MI	0.20	3,000.00	\$ 600.00

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
21	DOTTED WHITE TRAFFIC STRIPE, 5" WIDE, CLASS 1, TYPE A (701-B)	MI	0.1	3,000.00	\$ 300.00
22	TRAFFIC CONTROL MARKINGS (HATCHING), WHITE, CLASS 1, TYPE A (703-A)	SF	250	5.50	\$ 1,375.00
23	TRAFFIC CONTROL LEGEND, WHITE, CLASS 1, TYPE A (ARROW) (703-B)	SF	33	5.50	\$ 181.50
24	TRAFFIC CONTROL LEGEND, WHITE, CLASS 1, TYPE A (ONLY) (703-B)	SF	45	5.50	\$ 247.50
25	TRAFFIC CONTROL LEGEND, WHITE, CLASS 1, TYPE A (YIELD) (703-B)	SF	45	3.50	\$ 157.50
26	TRAFFIC CONTROL (740-A)	LS	1		\$ 4,000.00
26	RELOCATE EXISTING WATER MAIN MASTER METER	LS	1		\$ 10,000.00
27	ENGINEERING COST (SURVEY, DESIGN, CONSTRUCTION SURVEILLANCE, CONSTRUCTION CONTRACT MANAGEMENT)	LS	1		\$ 10,000.00
28	TESTING	LS	1		\$ 2,000.00
<b>TOTAL AMOUNT</b>					<b>\$ 84,552.75</b>

**DECEMBER 14, 2009  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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

**ABSENT:** Bailey Yelding.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Missty Grey, Attorney; Erick Bussey, Attorney; Adrienne Jones, Planning Director; Planning Commission Members: Ed Kirby, Chairman; Joe Lemoine, Don Terry and Frank Martin; Darrelyn Bender, ES Chamber; Jay Hastings, ES Chamber; Leland Whaley, representing Academy Sports.

Absent: Jay Ross, City Attorney.

Council President Palumbo called the meeting to order at 6:00 p.m.

**1. CAPTAIN O'NEAL DRAINAGE & SIDEWALKS**

Mrs. Ashley Campbell, Environmental Programs Manager and Andy James, Volkert & Associates, explained that the drainage problems were exacerbated by all the rain recently. She said that property is at risk, and the drainage needs to be corrected. Slides were shown of the damage to the property. Mrs. Campbell stated that portions of the damage has been submitted to FEMA and accepted, and they have obtained the necessary permits to proceed with the work.

**PROJECT TOTAL: \$467,685**

FEMA	\$119,332.35
General Fund : Base / FEMA & Non-FEMA /	\$164,407.65
General Fund: Engineering / Survey / Inspection / Environmental	\$ 58,300.00
Gas Tax: Roadway & Curbing	\$ 74,595.00
Lodging Tax: Sidewalk Improvements	\$ 41,050.00

Mrs. Campbell stated that this has become time sensitive partly due to FEMA'S slow actions. She said that the Mayor finally called Congressman Bonner to speed them up, and partly due to how it came out of the Finance Committee meeting last month. She asked council to please consider suspending the rules to appropriate the funds at Monday's council meeting in order to get this project moving along. She said that Congressman Bonner called to let the Mayor know that the FEMA money has been sent to the state for the city.

**2. MIKE KEATING / ORGANIZATIONAL GOALS**

Councilwoman Barnette stated that Mr. Keating could not be here due to a scheduling conflict. She explained that he is new to this area, and is willing to do an assessment of the city to see where improvements can be made. This will be at not cost to the city, and after the assessment has been completed he will report his finding to council, and if council wants to end it there that is fine with Mr. Keating. There is no obligation on the city's part.

**DECEMBER 14, 2009**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**6:30 P.M.**

Consensus of the council was that it would be of benefit to the city whether or not they retained Mr. Keating's services after the assessment.

Council President Palumbo asked Councilwoman Barnette to bring forth a motion at the council meeting Monday authorizing Mr. Keating to do the assessment.

**3. WEST HIGHWAY 90 RETAIL DISTRICT OVERLAY**

Councilwoman Barnette gave an overview of how the overlay came about. She stated that Academy Sports approached the Mayor and Planning Commission about coming to Daphne, and what the needs were. In October they came to the Planning Commission meeting, and at that meeting the Planning Commission set forth to draft an overlay district that would have modifications and waivers to allow a development in that area to work within the Land Use Ordinance. The boundaries are from the traffic light entering Jubilee Square Shopping Center and the traffic light at the Bayview Drive entrance to Lake Forest across from Mobile Infirmary with Mobile Infirmary included in the overlay.

Ms. Grey, City Attorney, expressed concerns with sections 39-1 (b) Retrofitting, 39-8 (h) Release of Bond, and 39-16(b) (2) West Hwy 90 Retail shopping District Interstate Pylon Sign. She stated that they would recommend deleting section 39-1 (b). Ms Grey said that it allows for waivers or modification to the requirements of this overlay district if "hardship or injustice" is found. It allows the Commission to make modifications and impose "reasonable" conditions. However, it does not define "hardship", "injustice" or "reasonable". It provides no guidance for what is considered a hardship for injustice on a developer, and it makes no provisions for reasonable modifications. It allows a case-by-case determination which could open the Commission up to unequal treatment of developers. Regarding section 39-8 (h) they want to make sure 20 months is long enough before releasing the bond. Once the city has accepted the drainage and improvements the city is responsible. The concern with 39-16 (b) (2) is the clause "The developer/owner is permitted to install and maintain one (1) pylon sign at or near the Northwestern boundary of the District... She stated that this seems to imply an off-premise sign is allowed at the District boundary, and not within the property boundary. The language may be cleaned up to state that the developer/owner is permitted to install and maintain one (1) on-premises pylon sign, and go on to discuss the dimensions and other requirements. The title may be amended to read "West Highway 90 Retail Shopping District Pylon Sign" deleting the word interstate.

Consensus of council is that they are in agreement with the changes.

Council President Palumbo asked Ms. Grey to make the changes to the suggested ordinance. He asked her to make sure that the sign is to be within the property boundary that it cannot be off premise.

**DECEMBER 14, 2009  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

Ms. Grey stated that Mr. Ross has opined that any changes that council makes to the ordinance does not have to go back to the Planning Commission.

**4. ADJOURN**

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

Respectfully submitted by,

---

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

Certification of Presiding Officer:

---

**August A. Palumbo,  
Council President**

**PRELIMINARY ENGINEERING COST ESTIMATE 12-09-09**

**Captain O'Neal Drainage Improvements - Base Project FEMA Funding Available**

Item	Description	Units	Quantity	Unit Cost	Amount	
<b>ROADWAY AND DRAINAGE</b>						
<b>MA Funded</b>						
1	206D-000	Removing Pipe (Storm water)	LF	60	\$15.00	\$900.00
2	206D-002	Removing Curb	LF	80	\$12.00	\$960.00
3	206E-000	Removing Headwalls	EA	1	\$1,500.00	\$1,500.00
4	206E-001	Removing Inlets	EA	1	\$500.00	\$500.00
5	210A-000	Unclassified Excavation	CY	500	\$8.00	\$4,000.00
6	210D-020	Borrow Excavation (A-2 or Better)	CY	1,200	\$12.00	\$14,400.00
7	214B-001	Foundation Backfill, Commercial	CY	50	\$40.00	\$2,000.00
8	305A-051	Aggregate Surfacing (#467)	Ton	10	\$40.00	\$400.00
9	301A-012	Crushed Aggregate Base Course, 6" Thick	SY	40	\$25.00	\$1,000.00
10	429A-003	Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (125#/SY)	Ton	50	\$80.00	\$4,000.00
11	530A-003	24" Roadway Pipe (Class 3 R.C.)	LF	380	\$45.00	\$17,100.00
12	530A-006	36" Roadway Pipe (Class 3 R.C.)	LF	500	\$85.00	\$42,500.00
13	600A-000	Mobilization	LS	1	\$15,000.00	\$15,000.00
14	606A-000	6" Underdrain With Filter Fabric	LF	100	\$18.00	\$1,800.00
15	608A-000	Separation Geotextile	SY	120	\$7.50	\$900.00
16	610A-004	Loose Riprap, Class 2, 24" Thick	SY	100	\$125.00	\$12,500.00
17	621C-017	Inlet, Type S1 or S3 (Double Wing)	EA	2	\$4,500.00	\$9,000.00
18	623C-000	Combination Curb & Gutter, Type C	LF	200	\$25.00	\$5,000.00
19	650A-000	Topsoil	CY	75	\$15.00	\$1,125.00
20	652A-100	Seeding	AC	0.1	\$2,000.00	\$200.00
21	654A-002	Solid sodding (St. Augustine) (rolls staked in place)	SY	300	\$8.00	\$2,400.00
22	656A-001	Mulching, Class A, Type 2	AC	0.1	\$2,000.00	\$200.00
23	665F-000	Hay Bales	EA	50	\$15.00	\$750.00
24	665J-000	Silt Fence	LF	100	\$5.00	\$500.00
25	665O-001	Silt Fence Removal	LF	100	\$2.50	\$250.00
26	665P-001	Inlet Protection Device	EA	1	\$400.00	\$400.00
27		Turf Reinforcement mat	SY	300	\$15.00	\$4,500.00
28		Yard Inlet, 3'x3'	EA	2	\$2,500.00	\$5,000.00
28		Junction Box	EA	7	\$2,500.00	\$17,500.00
29		Headwall w/ wingwalls and energy dissipator.	LS	1	\$5,500.00	\$5,500.00
30		Dewatering (Storm Drainage Pipe)	LF	380	\$20.00	\$7,600.00
31		Select plantings (1 Gallon, wet bottom hardwoods)	EA	201	\$10.00	\$2,010.00
<b>Sub Total FEMA Funded Base Project</b>					<b>\$179,385.00</b>	
<b>FEMA Hazard Mitigation Funding*</b>						
Federal					(\$105,293.25)	
State					(\$14,039.10)	
<b>Sub Total FEMA HMF</b>					<b>(\$119,332.35)</b>	
<b>Captain O'Neal Drainage Improvements - Base Project Non-FEMA Funded</b>						
<b>Roadway &amp; Drainage Improvements</b>						
32	206C-002	Removing slope paving (Storm water)	LF	687	\$5.00	\$3,435.00
33	206D-000	Removing Pipe (Storm water)	LF	60	\$15.00	\$900.00
34	210A-000	Unclassified Excavation	CY	200	\$8.00	\$1,600.00
35	210D-020	Borrow Excavation (A-2 or Better)	CY	400	\$12.00	\$4,800.00
36	214B-001	Foundation Backfill, Commercial	CY	30	\$40.00	\$1,200.00
37	530A-003	24" Roadway Pipe (Class 3 R.C.)	LF	1,100	\$45.00	\$49,500.00
38	621C-015	Inlet, Type S1 or S3 (Single Wing)	EA	6	\$2,200.00	\$13,200.00
39	621C-017	Inlet, Type S1 or S3 (Double Wing)	EA	4	\$3,000.00	\$12,000.00
40		Junction Box	EA	2	\$2,000.00	\$4,000.00
41	650A-000	Topsoil	CY	138	\$15.00	\$2,070.00
42	652A-100	Seeding	AC	0.5	\$2,000.00	\$1,000.00
43	654A-002	Solid sodding (St. Augustine)	SY	500	\$8.00	\$4,000.00
44	656A-001	Mulching, Class A, Type 2	AC	0.5	\$2,000.00	\$1,000.00
45	665F-000	Hay Bales	EA	50	\$8.00	\$400.00
46	665J-000	Silt Fence	LF	100	\$5.00	\$500.00
47	665O-001	Silt Fence Removal	LF	100	\$2.50	\$250.00
48	665P-001	Inlet Protection Device	EA	10	\$400.00	\$4,000.00
49	665Q-002	Wattle	LF	100	\$5.00	\$500.00
<b>Sub Total Non-FEMA Funded Base Project</b>					<b>\$104,355.00</b>	
<b>Sub Total FEMA Funded Base Project</b>					<b>\$179,385.00</b>	
<b>Sub Total FEMA HMF</b>					<b>(\$119,332.35)</b>	
<i>General Fund</i> <b>Total Base Project</b>					<b>\$164,407.65</b>	

**PRELIMINARY ENGINEERING COST ESTIMATE 12-09-09**

Page 2

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

Item	Description	Units	Quantity	Unit Cost	Amount
<b>Roadway and Curbing <i>Gas Tax</i></b>					
50	206D-002 Removing Curb	LF	80	\$12.00	\$960.00
51	209A-000 Mailbox Reset (single)	EA	5	\$112.00	\$560.00
52	301A-012 Crushed Aggregate Base Course, 6" Thick	SY	187	\$25.00	\$4,675.00
53	429A-041 Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (150#/SY)	Ton	280	\$85.00	\$23,800.00
54	429B-042 Improved Bituminous Concrete Binder Layer, 3/4" Max Aggregate (222#/SY)	Ton	25	\$85.00	\$2,125.00
55	623C-000 Combination Curb & Gutter, Type C	LF	2,665	\$15.00	\$39,975.00
56	Striping & Signage	LS	1	\$2,500.00	\$2,500.00
<b>Sub Total Alternate 1</b>					<b>\$74,595.00</b>
<b>Alternate 2 Sidewalk Improvements <i>Bayfront</i></b>					
57	618A-000 4" thick Sidewalk	SY	778	\$45.00	\$35,000.00
58	618B-003 6" Thick Sidewalk, includes wire mesh (To be Used at Driveways)	SY	110	\$55.00	\$6,050.00
<b>Sub Total Alternate 2</b>					<b>\$41,050.00</b>
<b>Surveying, Engineering, Inspection, Environmental-Base &amp; Alternates <i>General fund</i></b>					
	Engineering	LS			\$29,200.00
	Surveying	LS			\$10,100.00
	Inspection	Hourly Not to Exceed			\$13,000.00
	Environmental	Hourly Not to Exceed			\$6,000.00
<b>Sub Total SE&amp;I</b>					<b>\$58,300.00</b>
<b>Project Summary</b>					
<b>Base Project Total</b>	<i>General fund</i>				<b>\$164,407.65</b>
<b>Alternate 1 Total</b>	<i>Gas Tax</i>				<b>\$74,595.00</b>
<b>Alternate 2 Total</b>	<i>Bayfront Tax</i>				<b>\$41,050.00</b>
<b>Total Construction Costs</b>					<b>\$280,052.65</b>
<b>SE&amp;I</b>					<b>\$58,300.00</b>
	<i>General fund</i>			<b>Total SE&amp;I</b>	<b>\$58,300.00</b>
<b>Total Municipal Cost</b>					<b>\$338,352.65</b>
* FEMA funding accounts for 85% of qualifying repairs and mitigation with a 15% local match. The value shown for FEMA Hazard Mitigation funding represents the 85% total FEMA estimated cost with the 15% match being included in the Base Project price.					

**PUBLIC HEARING LIST  
FOR COUNCIL MEETING**

**DECEMBER 21, 2009**

**TO CONSIDER:**

- 1. Annexation: Rights-of-Way /  
AL Hwy 181 & U.S. Hwy 90**

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

## MEMORANDUM

Date: November 9, 2009

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

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

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

Thank you,  
ADJ/jd

cc: file

attachment(s)

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



## **COMMUNITY DEVELOPMENT STAFF REPORT**

### **Annexation of the Rights-of-Way (Highway 90 & State Road 181 Intersection)**

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

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



**ALABAMA DEPARTMENT OF TRANSPORTATION**

1409 Coliseum Boulevard, Montgomery, Alabama 36110



Bob Riley  
Governor

Joe McInnes  
Transportation Director

October 26, 2009

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

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

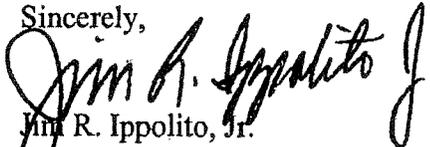
Dear Mr. Bussey:

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

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

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

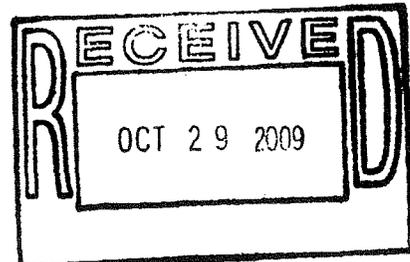
Sincerely,

  
Jim R. Ippolito, Jr.  
Chief Counsel

JRIJr/lbw

Attach.

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



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

---

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

---

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

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

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

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

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

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

**SECTION I: ANNEXATION**

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

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

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

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

**SECTION II: PUBLICATION**

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

**SECTION III: 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 IV: EFFECTIVE DATE**

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

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

\_\_\_\_\_  
**GUS PALUMBO**  
**DAPHNE COUNCIL PRESIDENT**  
Date & Time Signed: \_\_\_\_\_

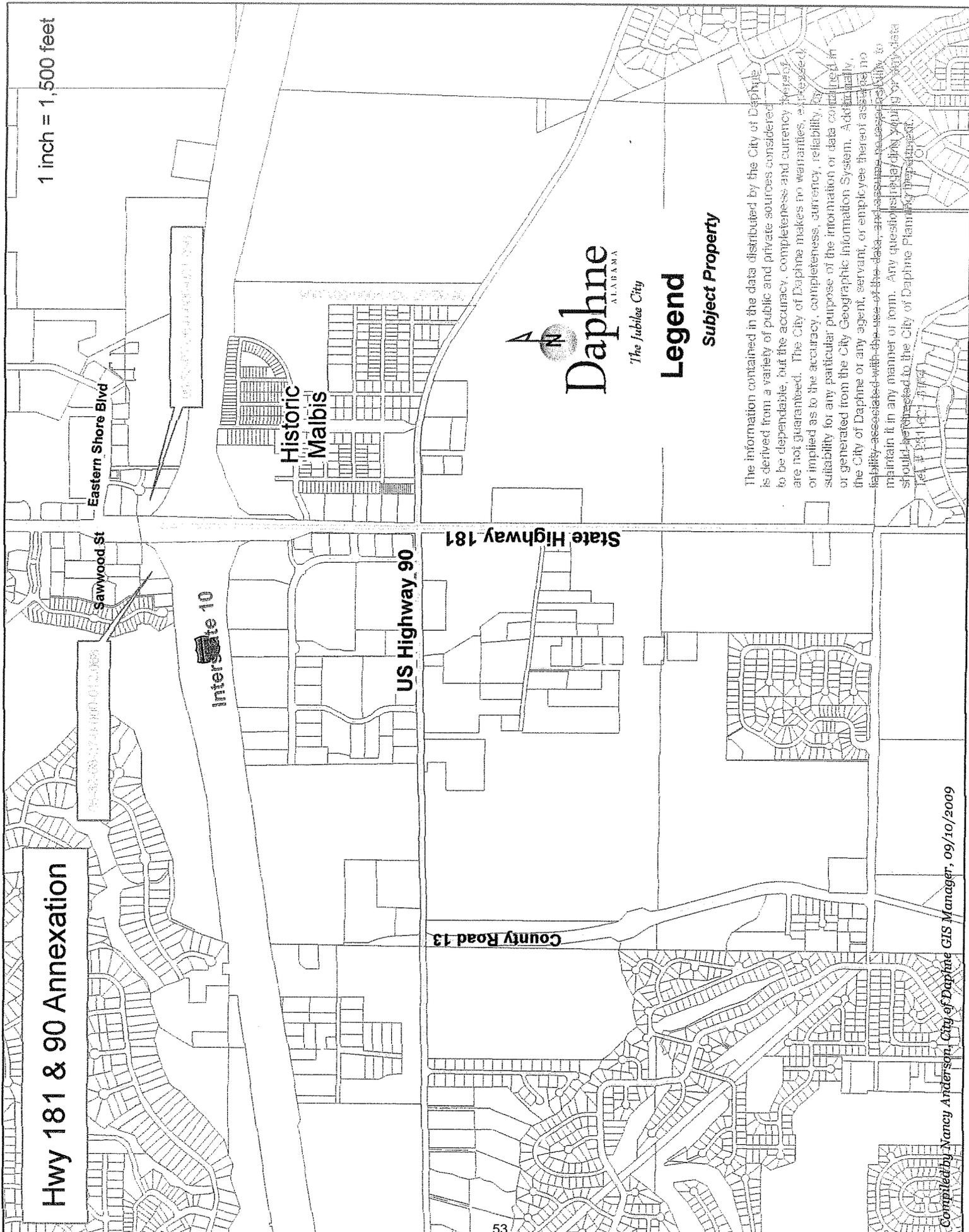
\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

# Hwy 181 & 90 Annexation

1 inch = 1,500 feet



Sawwood St

Historic Malbis

Interstate 10

US Highway 90

County Road 13

State Highway 181



## Legend

**Subject Property**

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

**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 14, 2009  
4:00 P.M.**

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

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

Councilman Ron Scott was absent.

Also in attendance were Mayor Fred Small, Human Resources Director Vickie Hinman, Revenue Officer Cornell Smith, Recreation Director David McKelroy, Site Containment Inspector Ashley Campbell, and Building Maintenance Supervisor Frank Barnett.

**II. PUBLIC PARTICIPATION**

**III. HUMAN RESOURCES BUSINESS**

Ms. Vickie Hinman discussed the current internal job openings to permanently fill the temporary positions created last fiscal year. Also, applications for the Civic Center Director position are being accepted until 5 p.m. today, and there are currently approximately 100 applications on file. Ms. Hinman explained the Police Department promotional testing and interviews for Police Corporal/Sergeant is open under the new USERRA law for an employee returning from military duty. The new law provides equal opportunities for employees on military duty. The leadership academy held its graduation on December 2<sup>nd</sup>, with 32 employees graduating.

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

**A. Appropriation Requests**

1. Captain O'Neal Drive Engineering / Survey / Inspection (Sidewalk Addition)

Ms. Susan Hamm discussed the need for the sidewalks and that it is a safety issue. Mr. Don Olds agreed, but noted that the sidewalks need to be on the east side. Mr. Andrew James with Volkert, Inc. presented pictures and drawings for the project. It was noted that FEMA is funding a portion of the base project, but the City's match and additional work totals \$338,352.65. Funding to be from (latest updated cost sheets):

Gas Tax -	\$74,595.00	
Lodging Tax -	\$41,050.00	
General Fund -	<u>\$222,707.65</u>	(Includes \$58,300 for engineering costs)
	\$338,352.65	

Ms. Ashley Campbell noted that Mr. Olds' driveway is currently being threatened with the increased rain and water drainage and asked that action be taken as soon as possible.

**Motion by Mr. Boulware to recommend Council adopt an ordinance appropriating \$338,352.65 for the Captain O'Neal Drive sidewalk addition from the following funds:**

**Gas Tax: \$ 74,595.00**

**Lodging Tax: \$ 41,050.00**

**General Fund: \$222,707.65**

**Seconded by Mr. Yelding. All in favor.**

2. Park Signs for Bay Front Properties – Lodging Tax Fund - \$4,908.75

Mr. David McKelroy presented quotes and pictures of proposed signs for Bay Front Park. It was discussed that the Beautification Committee selected and recommended these signs.

**Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$4,908.75 from the Lodging Tax Fund for the purchase of signs for Bay Front Park**

**Seconded by Mr. Boulware . All in favor.**

3. Sports Complex – Lodging Tax Fund: Soccer / Football Lighting - \$550,000  
Bathrooms (2) - \$275,000  
Bleachers (4) - \$ 50,000

The requests for improvements to the Sports Complex were discussed. A request from the Recreation Board to borrow the funds from Lodging Tax, with repayment to be made from Recreation's share of Lodging Tax was presented. Ms. Briley noted that Recreation's share of the revenues will be approximately \$160,000 per year. Discussion was made on bidding the lights as a purchase and including an option to lease with option to purchase at the end of the lease.

**Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$875,000 from the Lodging Tax Fund for the following Recreation purchases:**

**Soccer / Football Lighting - \$550,000**

**Bathrooms (2) - \$275,000**

**Bleachers (4) - \$ 50,000**

**Repayment to be made from Recreation's share of Lodging Tax over the next 5 years.**

**Seconded by Mr. Boulware . All in favor.**

**B. Commissioning of USS Independence - \$5,000 – Recommendation to Forward Request to IDB**

The request from the November 9, 2009, Committee meeting from Mr. Hal Pierce for \$5,000 from the City for commissioning costs for the USS Independence was discussed.

**Motion by Mr. Boulware to recommend Council forward request for \$5,000 for the Commissioning of USS Independence to the Industrial Development Board for funding.**

**Seconded by Mr. Yelding. All in favor.**

## **V. ISSUES REFERRED TO COUNCIL WORK SESSION**

### **A. Review of Bid Process on Truck Bids - Mr. Jimmy Hamrick, Truck Equipment**

Mr. Jimmy Hamrick addressed the Committee with concerns he has with the City's bid process. Mr. Hamrick discussed the previous bids for trucks and his company's bid submittal. Mr. Hamrick discussed that he would like to offer his assistance on preparation of bid specifications. Mr. Boulware recommended this be referred to the Council during a work session.

## **B. Flex Spending Limit Increase**

Ms. Hinman responded to a request for information from the November 9<sup>th</sup> Finance Committee meeting. She reported that criteria could be established setting a limit according to an employee's longevity with the City or perhaps a new employee cap on the flex spending plan. It was discussed at this meeting that raising the cap on flex spending deductions from the current \$2,000 would be a good benefit for employees, but there is a concern of employees leaving City employment owing more to the plan than has been deducted from their pay which a cap for new employees or a scale based on longevity would help to offset. Mr. Yelding asked that this be referred to a work session of the Council.

## **C. Community Contributions**

Requests from SARPC for \$12,943.50 and the Eastern Shore Chamber of Commerce for \$6,000 were presented. It was discussed that only \$40,000 was budgeted this year for Community Contributions, with \$500 for Daphne High School Security Camera already being allocated, leaving \$39,500 available. Ms. Briley presented a handout by fiscal year of previous contributions. The Committee referred this to a work session of the Council for further discussion.

# **VI. FINANCIAL REPORTS**

## **A. Treasurer's Report: November 30, 2009**

The Treasurer's Report totaling \$19,392,288.27 was presented.

***Motion by Mr. Yelding to accept the Treasurer's Report as of November 30, 2009, in the amount of \$19,392,288.27. Seconded by Mr. Boulware. All in favor.***

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

Sales and Use Tax Collected for October 2009	- \$ 764,641
Sales and Use Tax Budgeted for October 2009	- \$ <u>752,167</u>
Over Budget (for October)	- \$ 12,474

YTD Budget Collections Variance – Over Budget - \$ 12,474

## **C. Lodging Tax Collections, October 31, 2009**

The Lodging Tax Collections report shows \$39,405.56 collected for October 2009.

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

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

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

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

# **VII. ADJOURN**

The meeting was adjourned at 5:20 p.m.



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

HUMAN RESOURCES BUSINESS

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



**From:** Sherree HR [mailto:daphnehrpr@bellsouth.net]  
**Sent:** Wednesday, November 18, 2009 6:43 PM  
**To:** daphnehr@bellsouth.net  
**Subject:** RE: FSA - URM limit

Between the City and Chappelle/Benefit Elect.  
sh

**From:** Daphne HR Dept [mailto:daphnehr@bellsouth.net]  
**Sent:** Wednesday, November 18, 2009 11:58 AM  
**To:** 'Sherree HR'  
**Subject:** RE: FSA - URM limit

What document is she referring to?

**From:** Karon Dugger [mailto:kdugger@chappellebenefits.com]  
**Sent:** Wednesday, November 18, 2009 11:23 AM  
**To:** Sherree HR  
**Subject:** RE: FSA - URM limit

Yes, that is possible. You would have to do an amendment to the documents.

*Karon F. Dugger*  
Account Manager  
Chappelle Consulting Group  
1747 Reese St, Suite 215  
Birmingham, AL 35209  
office: 800-257-0986 ext: 137  
fax: 866-395-4543  
kdugger@chappellebenefits.com  
www.chappellebenefits.com

PRIVACY/CONFIDENTIALITY NOTICE: This e-mail communication may contain private, confidential, or legally privileged information intended for the sole use of the designated and/or duly authorized recipient(s). If you are not the intended recipient or have received this communication in error, please notify the sender immediately by email or by telephone at 205-877-5000 and delete all copies of this e-mail, including all attachments, without reading them or saving them to your computer or any attached storage device. If you are the intended recipient, you will need to secure the contents conforming to all applicable state and/or federal requirements related to the privacy and confidentiality of such information, including the HIPAA Privacy guidelines.

**From:** Sherree HR [mailto:daphnehrpr@bellsouth.net]  
**Sent:** Wednesday, November 18, 2009 11:15 AM  
**To:** Karon Dugger  
**Subject:** FSA - URM limit

Karon,  
Could you tell me if we could have different eligibility limits according to how long an employee has worked for the City? Say someone has been with the City for 10+ years being allowed to have \$3000 and someone with 1 to 5 years only \$2000. We would like to increase the limit and for employees with more years of service we do not feel there is as much a risk of them leaving and not paying.

Thanks,  
*Sherree Hilburn*  
Payroll/Benefits Coordinator  
City of Daphne  
P.O. Box 400  
Daphne, AL 36526  
Phone: (251) 621-3075 Fax: (251) 621-4506

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

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

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

Chairman Derek Boulware was absent.

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

**II. PUBLIC PARTICIPATION**

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

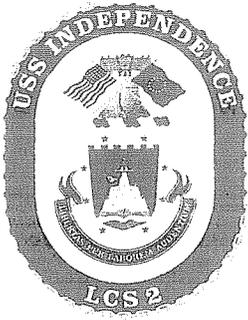
Mr. Hal Pierce, Navy Port Coordinator for Mobile, spoke regarding Navy construction of ships and handed out an information packet: "Municipal Support: Cities & Counties". Mr. Pierce stated that the cost to build the first ship (U.S.S. Independence) would be approximately \$550,000,000 and \$460,000,000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

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

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

**III. HUMAN RESOURCES BUSINESS**

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



# USS INDEPENDENCE LCS 2

Commissioning Committee  
P.O. Box 81204  
Mobile, AL 36689



November 6, 2009

Honorary Chairman  
Governor Bob Riley

Committee Chairman  
Mike Dow

Committee

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

The Honorable Fred Small  
Mayor, City of Daphne  
P. O. Box 400  
Daphne, AL 36526

Dear Mayor Small,

The Mobile Council of the U.S. Navy League and the Commissioning Committee for USS INDEPENDENCE LCS2 are proud to announce that the U.S. Navy will commission INDEPENDENCE in Mobile, Alabama, the site of the ship's construction, on 16 January, 2010.

The ceremony will bring many high ranking officials to Mobile who will have a significant role in determining how additional ships of this class will be procured. We intend to showcase the ship and its crew, the shipbuilders of AUSTAL: and the products and work of all those across the nation and world who have contributed so mightily to the success of our first of its class.

The LCS program is pumping millions of dollars into our local economy. The Navy will invest over \$500 million in the INDEPENDENCE (LCS-2) and \$460 million in the CORONADO (LCS-4). More than 1,200 local workers are employed by AUSTAL with an average salary of over \$52,000. Additional economic data is provided in enclosures (1).

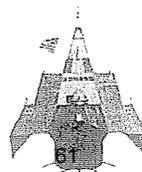
The commissioning committee is planning, managing and raising funds for the many activities associated with the commissioning. You know that the commissioning of a ship requires substantial funding beyond what will be provided by the Navy. We respectfully request \$5000.00 to help us make this commissioning of the Navy's newest and most exciting ship an event to remember. In so doing we will honor the Navy, the skilled men and women of General Dynamics and Austal USA, and the ingenuity and hard work of all those who are responsible for bringing INDEPENDENCE to life. We must continue to aggressively compete for this industry nationwide with other cities, states and shipyards as we progress.

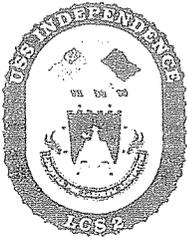
Please make your contribution to Mobile Council Navy League and mail to Mobile Council Navy League Commissioning Committee, P.O. Box 81204, Mobile, AL 36689. The Mobile Navy League is a designated IRS 501c organization.

Thank you for your support and we look forward to seeing you there.

Sincerely,

Mike Dow  
Chairman  
Commissioning Committee

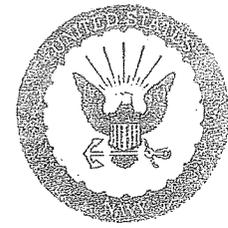




# USS INDEPENDENCE LCS 2

## Commissioning Committee

### Mobile, Alabama



#### NAVY SHIPBUILDING IN MOBILE

#### ECONOMIC IMPACT SUMMARY

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

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

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

BASED ON THE DIRECT PAYROLL FIGURES BETWEEN JULY 2008 AND JUNE 2009 THE FOLLOWING SALES TAX REVENUES GENERATED FOR GOVERNING BODIES ARE ESTIMATED, WITH THE STATE RECEIVING \$891,000, MOBILE COUNTY \$198,000, CITY OF MOBILE \$648,000. IN ADDITION TO THE PUBLIC REVENUES GENERATED FROM INDIRECT AUSTAL SPENDING, ARE THE TAXES COLLECTED BY THE STATE THAT DIRECTLY RESULT FROM AUSTAL USA'S PAYROLL ,WHICH TOTAL OVER \$2 MILLION.

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

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

July 08 - June 09

	Head Count	( \$ 000's )
Direct Labor & Contractors	1,065	\$50,050
Subcontractors	64	\$6,000
Salaries	127	\$9,783
Fringe		\$14,288
<b>Wages/Salaries/Fringes</b>	<b>1,256</b>	<b>\$80,121</b>
Rates & taxes		\$577
Property Taxes		\$274
Permits & license fees		\$76
<b>Taxes</b>		<b>\$927</b>
Utilities (Includes utility taxes)		\$831
Telephone		\$257
<b>Subtotal Utilities</b>		<b>\$1,088</b>
<b>In-State Purchases of Services and Materials</b>		<b>\$12,112</b>
<b>Direct Materials (Estimate - Alabama)</b>		<b>\$10,000</b>
<b>Capital Improvements (Estimate - Alabama)</b>		<b>\$17,000</b>
<b>COMPANY'S DIRECT ANNUAL IMPACT</b>		<b>\$121,248</b>
<b>Public Revenues Generated by Employment</b>		
<b>DIRECT EMPLOYMENT</b>		
Employment	1,256	
Average Annual Wage (\$52,415 plus benefits)	\$52,415	
<b>ESTIMATED ANNUAL PAYROLL</b>		<b>\$65,833,240</b>

Percent of Avg Household Income Spent on Retail Sales	37.6%	
Annual Retail Spending	\$24,738,216	
<b>SALES TAX REVENUES FROM DIRECT PAYROLL</b>		
	<i>% spent within limits</i>	
State	90%	\$891
Mobile County	80%	\$198
Mobile	75%	\$649
<b>PERSONAL INCOME/OCCUPATIONAL TAX - DIRECT PAYROLL</b>		
<i>(State Personal Income Tax range to 5%; effective rate 3.5%)</i>		\$2,304
<b>INDIRECT EMPLOYMENT</b>		
	Ship building and repairing	
RIMS II Multipliers - Employment	1.6477	
RIMS II Multipliers - Earnings	0.9871	
Estimated Indirect Employment	2,070	
ESTIMATED ANNUAL INDIRECT PAYROLL	\$64,983,991	
Percent of Avg Household Income Spent on Retail Sales	37.6%	
Annual Retail Spending	\$24,419,093	
<b>SALES TAX REVENUES FROM INDIRECT PAYROLL</b>		
	<i>% spent within limits</i>	
State	90%	\$879
Mobile County	80%	\$195
Mobile	75%	\$641
<b>PERSONAL INCOME/OCCUPATIONAL TAX - INDIRECT PAYROLL</b>		
<i>(State Personal Income Tax range to 5%; effective rate 3.5%)</i>		\$2,274
<b>TOTAL PUBLIC REVENUES FROM EMPLOYMENT</b>		\$8,032
<b>OVERALL ANNUAL IMPACT</b>		\$129,280



Volkert, Inc.

316 South McKenzie Street  
Foley, AL 36535

Office 251.968.7551  
Fax 251.968.2318  
foley@volkert.com

November 13, 2009

Contract No. 960711.50

www.volkert.com

Mr. August Palumbo, Council President  
**City of Daphne**  
1705 Main Street  
Daphne, AL 36526

**Subject: Captain O'Neal Drive and Dryer Avenue Drainage, Roadway, and Sidewalk Improvements**

Council President Palumbo:

As per the request of city staff, Volkert, Inc. has composed an estimate of cost for drainage and roadway improvements along Captain O'Neal Drive and Dryer Avenue, between May Day Pier and Bayside Academy. A copy of this cost estimate has been attached for your records.

Due to the unique funding sources for this project our estimates have been broken into three components with the base project being comprised of portions which the Federal Emergency Management Agency, FEMA, has included within the scope of their public assistance funding. The remaining alternates include work which we feel is also required, but for accounting purposes these portions of work should be separated out from FEMA approved work.

We have also reviewed the existing roadway drainage conditions and recommend the following:

- Due to right of way constraints, drainage improvements in the form of curbing, gutter, and subsurface piping should be installed to remove existing open ditches and provide for a safer pedestrian environment. These improvements will also address drainage concerns voiced by residents along the adjacent sections of Dryer Avenue and Captain O'Neal Drive.
- We recommend raised curbing be installed along Captain O'Neal Drive and Dryer Avenue. Curbing should consist of a 6" tall vertical curb similar to that of surrounding roadways. Federal Highway Administration design guidelines recommend this form of curbing as both a physical indicator between the sidewalk and roadway for the visually impaired as well as for improved drainage characteristics.

**Office Locations:**

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



- The intersection of Captain O'Neal Drive and College Avenue will require modifications. The intersection is currently misaligned, and by shifting the southern end of Captain O'Neal approximately 6' the two roadways will properly align and improve safety. Additionally this will provide additional area for the installation of sidewalk between the roadway and Ms. Bierster's home.

Should you have any questions, feel free to contact me.

Regards,  
VOLKERT, INC.



M. R. Davis – P.E.  
Project Manager

MRD/aej

Enclosures

Cc: Bailey Yelding, Cathy Barnette, John Lake, Greg Burnam, Ron Scott, Derek Boulware

P:\Projects\968504\ENG\CORR\Palumbo 11-13-09.doc

## Captain O'Neal Drive

Drainage	283,740	
Engineering	<u>58,300</u>	
Total Drainage	342,040	
Less: FEMA	<u>(119,332)</u>	
Net Drainage	222,708	General Fund
Roadway & Curbing	74,595	Seven Cent Gas Tax
Sidewalks	<u>41,050</u>	Lodging Tax
Total Project Cost	<u><u>338,353</u></u>	

PRELIMINARY ENGINEERING COST ESTIMATE 12-09-09

Updated

Captain O'Neal Drainage Improvements - Base Project FEMA Funding Available

Item	Description	Units	Quantity	Unit Cost	Amount	
<b>ROADWAY AND DRAINAGE</b>						
<b>MA Funded</b>						
1	206D-000	Removing Pipe (Storm water)	LF	60	\$15.00	\$900.00
2	206D-002	Removing Curb	LF	80	\$12.00	\$960.00
3	206E-000	Removing Headwalls	EA	1	\$1,500.00	\$1,500.00
4	206E-001	Removing Inlets	EA	1	\$500.00	\$500.00
5	210A-000	Unclassified Excavation	CY	500	\$8.00	\$4,000.00
6	210D-020	Borrow Excavation (A-2 or Better)	CY	1,200	\$12.00	\$14,400.00
7	214B-001	Foundation Backfill, Commercial	CY	50	\$40.00	\$2,000.00
8	305A-051	Aggregate Surfacing (#467)	Ton	10	\$40.00	\$400.00
9	301A-012	Crushed Aggregate Base Course, 6" Thick	SY	40	\$25.00	\$1,000.00
10	429A-003	Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (125#/SY)	Ton	50	\$80.00	\$4,000.00
11	530A-003	24" Roadway Pipe (Class 3 R.C.)	LF	380	\$45.00	\$17,100.00
12	530A-006	36" Roadway Pipe (Class 3 R.C.)	LF	500	\$85.00	\$42,500.00
13	600A-000	Mobilization	LS	1	\$15,000.00	\$15,000.00
14	606A-000	6" Underdrain With Filter Fabric	LF	100	\$18.00	\$1,800.00
15	608A-000	Separation Geotextile	SY	120	\$7.50	\$900.00
16	610A-004	Loose Riprap, Class 2, 24" Thick	SY	100	\$125.00	\$12,500.00
17	621C-017	Inlet, Type S1 or S3 (Double Wing)	EA	2	\$4,500.00	\$9,000.00
18	623C-000	Combination Curb & Gutter, Type C	LF	200	\$25.00	\$5,000.00
19	650A-000	Topsoil	CY	75	\$15.00	\$1,125.00
20	652A-100	Seeding	AC	0.1	\$2,000.00	\$200.00
21	654A-002	Solid sodding (St. Augustine) (rolls staked in place)	SY	300	\$8.00	\$2,400.00
22	656A-001	Mulching, Class A, Type 2	AC	0.1	\$2,000.00	\$200.00
23	665F-000	Hay Bales	EA	50	\$15.00	\$750.00
24	665J-000	Silt Fence	LF	100	\$5.00	\$500.00
25	665O-001	Silt Fence Removal	LF	100	\$2.50	\$250.00
26	665P-001	Inlet Protection Device	EA	1	\$400.00	\$400.00
27		Turf Reinforcement mat	SY	300	\$15.00	\$4,500.00
28		Yard Inlet, 3'x3'	EA	2	\$2,500.00	\$5,000.00
28		Junction Box	EA	7	\$2,500.00	\$17,500.00
29		Headwall w/ wingwalls and energy dissipator.	LS	1	\$5,500.00	\$5,500.00
30		Dewatering (Storm Drainage Pipe)	LF	380	\$20.00	\$7,600.00
31		Select plantings (1 Gallon, wet bottom hardwoods)	EA	201	\$10.00	\$2,010.00
<b>Sub Total FEMA Funded Base Project</b>						<b>\$179,385.00</b>
<b>FEMA Hazard Mitigation Funding*</b>						
Federal						(\$105,293.25)
State						(\$14,039.10)
<b>Sub Total FEMA HMF</b>						<b>(\$119,332.35)</b>
<b>Captain O'Neal Drainage Improvements - Base Project Non-FEMA Funded</b>						
<b>Roadway &amp; Drainage Improvements</b>						
32	206C-002	Removing slope paving (Storm water)	LF	687	\$5.00	\$3,435.00
33	206D-000	Removing Pipe (Storm water)	LF	60	\$15.00	\$900.00
34	210A-000	Unclassified Excavation	CY	200	\$8.00	\$1,600.00
35	210D-020	Borrow Excavation (A-2 or Better)	CY	400	\$12.00	\$4,800.00
36	214B-001	Foundation Backfill, Commercial	CY	30	\$40.00	\$1,200.00
37	530A-003	24" Roadway Pipe (Class 3 R.C.)	LF	1,100	\$45.00	\$49,500.00
38	621C-015	Inlet, Type S1 or S3 (Single Wing)	EA	6	\$2,200.00	\$13,200.00
39	621C-017	Inlet, Type S1 or S3 (Double Wing)	EA	4	\$3,000.00	\$12,000.00
40		Junction Box	EA	2	\$2,000.00	\$4,000.00
41	650A-000	Topsoil	CY	138	\$15.00	\$2,070.00
42	652A-100	Seeding	AC	0.5	\$2,000.00	\$1,000.00
43	654A-002	Solid sodding (St. Augustine)	SY	500	\$8.00	\$4,000.00
44	656A-001	Mulching, Class A, Type 2	AC	0.5	\$2,000.00	\$1,000.00
45	665F-000	Hay Bales	EA	50	\$8.00	\$400.00
46	665J-000	Silt Fence	LF	100	\$5.00	\$500.00
47	665O-001	Silt Fence Removal	LF	100	\$2.50	\$250.00
48	665P-001	Inlet Protection Device	EA	10	\$400.00	\$4,000.00
49	665Q-002	Wattle	LF	100	\$5.00	\$500.00
<b>Sub Total Non-FEMA Funded Base Project</b>						<b>\$104,355.00</b>
<b>Sub Total FEMA Funded Base Project</b>						<b>\$179,385.00</b>
<b>Sub Total FEMA HMF</b>						<b>(\$119,332.35)</b>
<b>Total Base Project</b>						<b>\$164,407.65</b>

**PRELIMINARY ENGINEERING COST ESTIMATE 12-09-09**

Page 2

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

Item	Description	Units	Quantity	Unit Cost	Amount
<b>Roadway and Curbing</b>					
50	206D-002 Removing Curb	LF	80	\$12.00	\$960.00
51	209A-000 Mailbox Reset (single)	EA	5	\$112.00	\$560.00
52	301A-012 Crushed Aggregate Base Course, 6" Thick	SY	187	\$25.00	\$4,675.00
53	429A-041 Improved Bituminous Concrete Wearing Layer, 1/2" Max Aggregate (150#/SY)	Ton	280	\$85.00	\$23,800.00
54	429B-042 Improved Bituminous Concrete Binder Layer, 3/4" Max Aggregate (222#/SY)	Ton	25	\$85.00	\$2,125.00
55	623C-000 Combination Curb & Gutter, Type C	LF	2,665	\$15.00	\$39,975.00
56	Striping & Signage	LS	1	\$2,500.00	\$2,500.00
<b>Sub Total Alternate 1</b>					<b>\$74,595.00</b>
<b>Alternate 2 Sidewalk Improvements</b>					
57	618A-000 4" thick Sidewalk	SY	778	\$45.00	\$35,000.00
58	618B-003 6" Thick Sidewalk, includes wire mesh (To be Used at Driveways)	SY	110	\$55.00	\$6,050.00
<b>Sub Total Alternate 2</b>					<b>\$41,050.00</b>
<b>Surveying, Engineering, Inspection, Environmental-Base &amp; Alternates</b>					
	Engineering	LS			\$29,200.00
	Surveying	LS			\$10,100.00
	Inspection	Hourly Not to Exceed			\$13,000.00
	Environmental	Hourly Not to Exceed			\$6,000.00
<b>Sub Total SE&amp;I</b>					<b>\$58,300.00</b>
<b>Project Summary</b>					
<b>Base Project Total</b>					<b>\$164,407.65</b>
<b>Alternate 1 Total</b>					<b>\$74,595.00</b>
<b>Alternate 2 Total</b>					<b>\$41,050.00</b>
<b>Total Construction Costs</b>					<b>\$280,052.65</b>
<b>SE&amp;I</b>					<b>\$58,300.00</b>
<b>Total SE&amp;I</b>					<b>\$58,300.00</b>
<b>Total Municipal Cost</b>					<b>\$338,352.65</b>
* FEMA funding accounts for 85% of qualifying repairs and mitigation with a 15% local match. The value shown for FEMA Hazard Mitigation funding represents the 85% total FEMA estimated cost with the 15% match being included in the Base Project price.					

Suzanne

**From:** Ashley [agcampbell@bellsouth.net]  
**Sent:** Friday, November 13, 2009 12:16 PM  
**To:** kmbriley@bellsouth.net; hensonsm@bellsouth.net  
**Subject:** Lodging Tax Use for Sidewalks

Mrs. Kim,

Below are my comments regarding the use of Lodging Taxes for the connection of the City's Captain O'Neal bay front property and its Dryer Avenue bay front property with sidewalks. I also made the changes to the attached draft sidewalk ordinance.

Comments:

After reviewing the *Lodging Tax* and its permitted uses, I have the following comments. **Article XI. Lodging Taxes; Section 13-240 (a)-1 Use of Proceeds** states that *Ninety-five percent (95% )of the proceeds from the Lodging Tax shall be used for the purpose of purchasing, development and maintaining beachfront property for the City of Daphne.* I feel that the improvements to the sidewalk along Captain O'Neal Drive will assist in the development and use of two of the City's most valuable beach accesses. Due to the fact that there is no parking allowed at the Dryer Avenue bay access, the use of the facility is limited because it is not safely accessible by the public. The implementation of sidewalks along Dryer Avenue and Captain O'Neal will connect the two bay front parcels and allow a safe passage between them.

Since, Article XI does not list a specific definition for *developing*; the term can have numerous meanings or synonyms which can include but not be limited to the act or process of developing, growth, progress, evolution, opening, and maturing. Therefore, the connection of City's two bay accesses with a safe sidewalk passage can be considered developing bay front property.

If you need this in letter format, let me know....

*If You Pray For Rain, Be Prepared To Deal With Some Mud.*

ME/WR

*Thanks,*

*Ashley Grace Campbell, CPESC  
Environmental Programs Manager  
City of Daphne  
Office 251-621-3080  
Cell 251-234-7122*

Lodging Tax Fund Summary  
October 31, 2009

Cash on Hand	1,395,303
<u>Less: Encumbrances</u>	
Bay Front Parking Lot	(2,086)
Bay Front Park Restrooms	(60,000)
Bay Front Benches/Swings	(1,003)
Richard Scard Pavillion	(14,000)
May Day Boat Ramp Match	(108,080)
May Day Sand Mgt Study	(14,000)
Nicholson Ctr Arch Plans	<u>(50,000)</u>
	(249,169)
Less: Due to IDB	(11,829)
Available for Purchase, Development, Maintenance Bay Front property	  <u>1,134,305</u>

CITY OF DAPHNE  
PURCHASE REQUISITION

7410

- |   |   |   |  |
|---|---|---|--|
| <input checked="" type="checkbox"/> 1000<br>GENERAL | <input type="checkbox"/> 4100<br>4 CENT GAS TAX | <input type="checkbox"/> 5000<br>CAPITAL GROWTH | <input type="checkbox"/> 7000<br>GARBAGE/RECYCLE |
| <input type="checkbox"/> 2000<br>DEBT               | <input type="checkbox"/> 4150<br>7 CENT GAS TAX | <input type="checkbox"/> 5100<br>97 WARRANT     | <input type="checkbox"/> 7200<br>CIVIC CENTER    |
|   | <input type="checkbox"/> 4300<br>SAIL SITE      | <input type="checkbox"/> 5300<br>99 WARRANT     | <input type="checkbox"/> 7250<br>BAY FRONT       |
|   | <input type="checkbox"/> 4600<br>LIBRARY        | <input type="checkbox"/> 5350<br>2000 WARRANT   |  |

*\* Sent to Dec Finance meeting*

DATE November 5, 2009

DEPARTMENT Recreation

REQUISITION # \_\_\_\_\_

DATE REQUIRED \_\_\_\_\_

PURCHASE ORDER # \_\_\_\_\_

QTY	UNIT	UNIT PRICE	DEPT ORG	OBJECT	PROJECT #	DESCRIPTION OF MATERIALS OR SERVICE	AMOUNT
1	quote					Park Signs for Bay Front Properties	\$ 4,908.75
				LOADING TAX FOR BAY FRONT PROPERTIES			
				THANKS DAVID			
				<i>Need to appropriate</i>			
							\$ 4,908.75

Purpose of Order: Bay Front Park signs

VENDOR NUMBER: 33

VENDOR Baldwin Signs Inc

ARE THEY INCORPORATED? YES  NO

MAILING ADDRESS \_\_\_\_\_

PHONE: (251)626-0572

FAX: (251)626-0597

FEDERAL ID # \_\_\_\_\_

REQUESTED BY: David McKelroy

APPROVED BY: *[Signature]*

DEPARTMENT HEAD APPROVAL *[Signature]*

ALL INFORMATION MUST BE COMPLETED FOR A NEW VENDOR OR REQUISITION FORM WILL BE RETURNED TO YOUR DEPARTMENT.

# BALDWIN SIGNS, Inc.



7870 SPANISH FORT BLVD. - SPANISH FORT, ALABAMA 36527  
 PHONE - 251-626-0572 FAX - 251-626-0597  
 BALDWINSIGNINC@AOL.COM

PROPOSAL SUBMITTED TO <b>City of Daphne</b>	BY <b>Selena Vaughn</b>	DATE <b>11-4-09</b>
STREET	PHONE <b>605-6243</b>	FAX #
CITY, STATE, & ZIP CODE	E-MAIL ADDRESS	
CUSTOMER PICKUP <input checked="" type="checkbox"/>	DELIVERY <input type="checkbox"/>	INSTALLATION ELECTRICAL <input type="checkbox"/> NON ELECTRICAL <input type="checkbox"/>
LINE LOCATION REF #		PO #

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

- 3- 3'x5'- 1 sided sandblasted Signs - Cost: \$1,275.00 EACH  
 (1) Gator Alley - (1) Bayfront Park - (1) May Day Park
  - 1- 2'x3'- 1 sided sandblasted sign (Belrose Park) - Cost: \$50.00
  - 2- 12'x18"- 1 sided sandblasted signs - Cost: \$127.50 EACH  
 (1) Dryer Avenue - (1) McMillian Bluff
  - 3- 3'x2'- 1 sided 080 Alum (May Day Park) - Cost: \$120.00 EACH
  - 3- 3'x2'- 1 sided 080 Alum (Village Point Park Preserve) - Cost: \$120.00 EACH
  - 1- 3'x2'- 1 sided 080 Alum (Belrose Park) - Cost: \$120.00
  - 1- 3'x2'- 1 sided 080 Alum (Bayfront Park) - Cost: \$120.00
  - 1- 3'x2'- 1 sided 080 Alum (Gator Alley) - Cost: \$120.00
  - 1- 12'x18"- 1 sided 080 Alum (No Parking Loading Zone) - Cost: \$35.00
  - 1- 12'x18"- 1 sided 080 Alum (Canoe & Kayak Launch →) - Cost: \$35.00
  - 1- 12'x18"- 1 sided 080 Alum (Canoe & Kayak Launch ↖) - Cost: \$35.00
- Total = \$5,775.  
 - 15% Discount = - 866.25  
 Final Cost \$4,908.75

Post are not included in prices.

**PERMITS, IF NEEDED, ARE NOT INCLUDED IN THIS ESTIMATE**

WE PROPOSE TO SUPPLY THE MATERIAL AND LABOR - COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS, FOR THE SUM OF  
**Four Thousand Nine Hundred Eight 75/100 - Dollars \$4,908.75**

PAYMENT TO BE MADE AS FOLLOWS  
**\$2,454.35 Down with \$2,454.40 due upon completion**  
**50% NON-REFUNDABLE DEPOSIT REQUIRED ON ALL JOBS.**

ALL MATERIALS ARE TO BE AS SPECIFIED. ALL WORK TO BE DONE IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL.

AUTHORIZED SIGNATURE *Debbie Jenkins*  
 NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN 30 DAYS

Acceptance of Proposal - The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment to be made as outlined above.

Date of acceptance \_\_\_\_\_  
 Signature **X** \_\_\_\_\_



**WRICO SIGNS, Inc.**  
**Proposal**

3345 Halls Mill Road  
Mobile, AL 36606  
State of Alabama Contractor License #42666

Telephone (251) 478-8020  
Facsimile (251) 478-8142  
[wade@wricosigns.com](mailto:wade@wricosigns.com)  
[www.wricosigns.com](http://www.wricosigns.com)

**Date:** September 10, 2009

**Proposal Submitted To:** Ms. Selena Vaughn  
Daphne Beautification Committee  
605-6243  
vaughn@mchsi.com

**Description of work to be performed:** **Park Sign Project**

Redwood signs, sandblasted and painted one side per approved art:  
(1 Ea) 3'x5' "Gator Alley", "Bayfront", "May Day"; (1) 2'x3' "Belrose; (1 Ea)  
12"x18" "Dryer", "McMillian".

.080 aluminum signs, radius corners and two holes each, painted brown and  
screenprinted white one side, per approved art:  
2'x3'-(3 Ea) "Village Point", "May Day", (1 Ea) "Bayfront", "Gator  
Alley", "Belrose"; (1 Ea) 12"x18"/18"x12" "No Parking...",  
"Canoe/Kayak" arrow v1, "Canoe/Kayak" arrow v2.

Signs picked up at 3345 Halls Mill Road \$ 4,985.00  
Plus Tax

**\*ART REQUIREMENTS-Any logos, specific fonts or custom fonts to be provided in a  
PC compatible, vector line art file, .eps, .ai (Adobe Illustrator Version 8 or less with  
text converted to curves), or .pdf format.**

50% Deposit - Balance due upon completion. Past due invoices will be charged 1 ½%  
monthly. Please note that if the services of an agency are required to collect monies due  
Wrico Signs Inc., the amount paid for these services will be added to the total amount due.  
Prices may change after 30 days. This product remains property of WRICO Signs Inc., until  
paid in full.

**Respectfully Submitted** Wade Wright  
E-Mailed 09-10-09

**Acceptance of Proposal**

The above prices, specifications and conditions are satisfactory and are hereby accepted.  
Wrico Signs, Inc. is authorized to do the work as specified. Payment will be made as outlined  
above.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
scw



**City of Daphne Recreation Board Minutes**  
**2605 Hwy 98**  
**Daphne, Al. 36526**  
**November 18, 2009**  
**6:30 pm**

**Members Present:** Chairman Ed Nelson, Matt Cunningham, John Peterson, Eric Smith and Kit Smith

**Alternates Present:** Valerie Johnson and Chris Smith

**Members Absent:** Rick Cleveland and Lynn Thompson-Yates

**Advisory Staff:** Glenn Vickery, Councilman Greg Burnam and David McKelroy, Parks and Recreation Director

**Call to Order**

The meeting was called to order by Chairman Ed Nelson at 6:30 pm.

**Review and Approval of Minutes**

Motion was made by Kit Smith and seconded by Eric Smith to approve the October 14, 2009 minutes. Motion passed.

**Introduction of Alternates**

Valerie Johnson and Chris Smith were introduced by alternate to the Recreation Board.

**Program Reports**

Charlie McDavid reported on Athletic Programs.

Mary Jensen reported on senior programs.

David McKelroy reported for Megan White on community programs. Upcoming Christmas Parade on December 4, 2009.

**Old Business**

- \* Soil sample for Trione Sports Complex soccer/football fields was distributed.
- \* Evaluation Questionnaire will be discussed at December meeting.
- \* Phase program for construction – Completion of Trione Soccer/Football (lighting, restrooms/concession and bleachers).
  1. Entry road at new site (behind Wal Mart)
  2. Softball Fields at new site
  3. Tennis Center at Lott
- \* Strategic Plans needs were discussed
- \* Athletic equipment inventory will be preformed to determine FY2010 needs.
- \* Policy for screening youth coaches will be discussed in December meeting.
- \* Financial reports for sport related programs will be presented in December meeting.

Fred Small  
Mayor

David McKelroy  
Parks & Recreation  
Director



The Jubilee City

Dwayne Coley  
Parks Maintenance Supervisor

Mary Jensen  
Seniors Program Coordinator

Megan Matrone  
Recreation Programs Coordinator

Charlie McDavid  
Athletic Coordinator

December 9, 2009

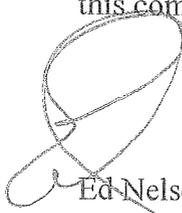
City of Daphne Finance Committee

It is the recommendation of the Daphne Recreation Board to proceed with the funding for the completion of the Soccer / Football facilities at Trione Sports Complex. The estimated completion cost is as follows:

Lighting – materials & labor – 4 fields	\$ 550,000
Two (2) Restroom / Concession buildings	275,000
Four (4) elevated bleachers	50,000
<b>Total estimated cost</b>	<b>\$ 875,000</b>

*est \$85,000/yr  
/ 7 yr lease = 78,571 + Inv*

Anticipated revenues from the Recreation's portion of Lodging Tax should be sufficient to fund this completion.

  
Ed Nelson  
Chairman, Daphne Recreation Board

*85,000  
275,000  
50,000  
-----  
410,000 / yr #1  
  
85,000 / yr #2-#7*



November 24, 2008

To: David McKelroy  
Daphne Parks and Rec Director

From: Jimmy Jumper  
Musco Sports lighting

Re: Budget Estimate

David:

I had e-mailed this to you but when I checked my messages over the weekend I saw that it was returned as un-deliverable. I must have left something off of your e-mail address. So, to make no mistake this time I wanted to fax you this info for your review.

As you will I have attached a budget estimate and design layout with this message. The budget estimate is as you will see on the breakout is for four fields. This is for two soccer fields and two additional soccer/football fields that were on the site plan that you sent me. So, the price for lighting is for all four of these fields as I stated earlier. If you are only doing two of these fields please let me know and I can break out the pricing for you. Also, please note two other items.

First of all the pricing is for all materials and the installation of this equipment. If you only need a materials only price I can provide that as well but someone will have to install this so we started with an installed cost. If you have a local utility company that can install this you can save a lot of money. To breakout the cost will be no problem at all.

Secondly, I know that you have some poles and lights from another facility that you removed. To account for this we need to some information. If you can provide us with the number of fixtures and the length of the poles that you have we can figure out exactly where we can use these and deduct that total from this estimate. However, with out that info it was an unknown factor so we based pricing on all new equipment.

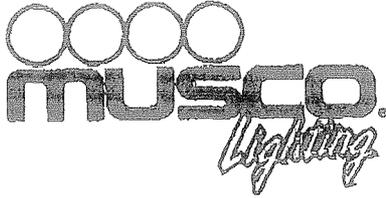
The site plan that you sent us was very vague which gave us little info to work with. Also, I have called the architect, Scott Hutchinson, twice, to try and find out more info and he never returned my calls. I did speak with the lady who sent you the plans and she said I needed to speak with Mr. Hutchinson as she was not authorized to answer my questions. So, I know we have been behind schedule but the lack of info has made this a more difficult project to design than I originally thought.

In closing I want to apologize for the delay in getting you this info. Also, I know you are going to have questions so please review this and I will give you a call later and we can discuss. Hopefully this will give you something to start with until we can resolve all the details to finalize your budget estimate.

Again, please accept my apologies for taking so long to get this back to you. I will call you later today.

Thanks.

Corporate: 100 1st Ave West · PO Box 808 · Oskaloosa, IA 52577 · 641/673-0411 · 800/825-6020 · Fax: 641/673-4852  
 Manufacturing: 2107 Stewart Road · PO Box 260 · Muscatine, IA 52761 · 563/263-2281 · 800/756-1205 · Fax: 800/374-6402  
 Web: www.musco.com · Email: lighting@musco.com



November 21, 2008

Mr. Dave McKelroy  
 City of Daphne  
 26435 Public Works Rd  
 Daphne, AL 36526

Re: Budget estimate for Trione Sports Complex  
 Soccer & Football Fields

Thank you for your interest in Musco's Green Generation Lighting® technology. We are pleased to present this information for your preliminary planning purposes. This estimate outlines the benefits, products, and services Musco would provide. Financing solutions provided by Musco Finance are available to minimize any funding challenges you have, subject to credit approval.

This estimate includes lighting equipment, installation and underground wiring delivered to site. Musco will provide our Light-Structure Green™ – engineered from foundation-to-poletop in 5 Easy Pieces™ – and Control-Link® systems. Musco will also provide offloading, assembly and installation of the Musco equipment, installation of branch circuits from main disconnect panel to each pole location and installation of the main disconnect panel by a licensed electrical contractor.

#### Light-Structure Green System Benefits

- **50% Less Operating Cost:** Projected 25-year life-cycle operating cost savings is \$142,512 for your project. Musco's Light-Structure Green reduces life-cycle operating costs by half or more compared to prior technology designed for the same light levels, through energy efficiency, plus controls and maintenance savings. See attached 25-year Life Cycle Cost for details on how this savings was calculated.
- **50% Less Spill Light:** Cuts spill light by 50% compared to Musco's prior industry-leading technology. To ensure your lighting system does not have a negative impact on your community, Musco's system will minimize off-site spill light.
- **100% Maintenance Free for 25 years:** Musco's Constant 25™ comprehensive product assurance and warranty program covers 100% of your maintenance costs, including parts and labor, for the next 25 years. Guarantees light levels, group re-lamp replacement, system monitoring, spot maintenance, and on/off control services. This program is backed by our Lighting Services Team, dedicated to maintaining our customer's sports lighting facilities.

Lighting . . . We Make It Happen.

- **Control & Monitoring System:** Control Link provides flexible control and solid management of your lighting system. On/off control of your lighting system is provided via an easy-to-use web site scheduling system, phone, fax, or email. Our trained Control-Link Central™ staff is available toll-free 24/7. Musco will monitor the performance of your lighting system, and if fixture outages that affect playability are detected, we will contact you and dispatch repair technicians.

We estimate your lighting project will cost between \$524,850 and \$549,850. Pricing is based on November 2008 pricing and is subject to change.

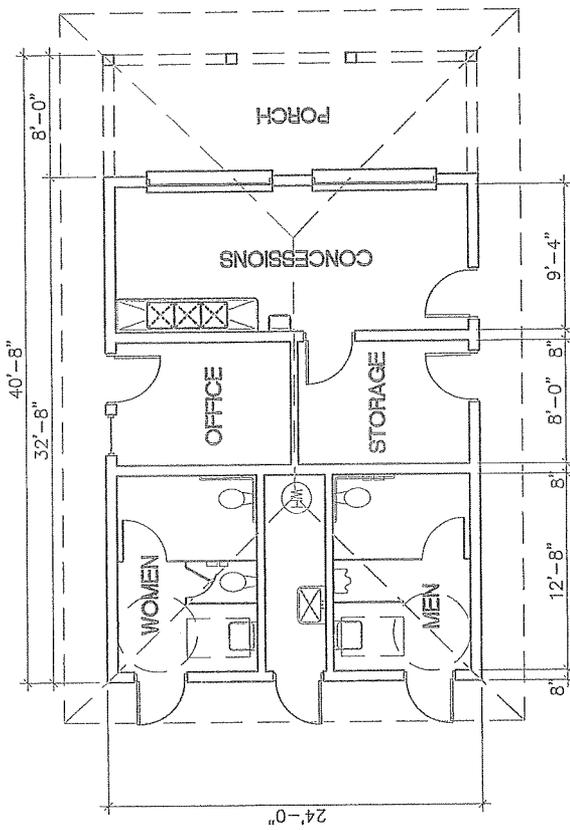
#### Budget Estimate Criteria

- (2) Soccer/Football overlay fields (330' x 195' for Soccer & 360' x 160' for Football)
- (2) Soccer Fields (330' x 195')
- Guaranteed light levels of 30 footcandles within +/- 10% per IESNA guidelines.
- System to be manufactured to confirmed voltage and phase at site
- Structural code and wind speed = 2003 IBC-C, 140
- Musco is a lighting manufacturer and not an electrical contractor. Installation estimates are based upon projects similar in scope.
- Getting electrical power to the site, coordination with the utility, and any power company fees are responsibility of the owner.
- Standard soil conditions. Rock, bottomless, wet or unsuitable soil may require additional engineering, special installation methods and additional cost.

Thank you for considering Musco for your sports-lighting needs. We look forward to helping you make your project a success. Please contact me with any questions. I will follow-up with you during the week of 11/24/08.

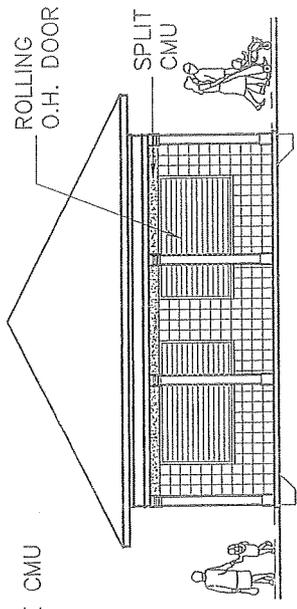
Jimmy Jumper  
Sales Representative  
Musco Sports Lighting, LLC  
Phone: 256-483-6433  
E-mail: jimmy.jumper@musco.com  
Fax: 800-374-6402

550,000  
÷ 7 yr lease  
78,571 + int

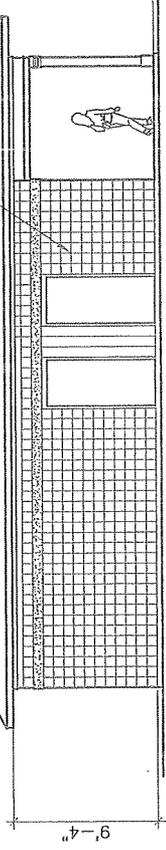


**FLOOR PLAN 1**  
 1/8" = 1'-0"  
 784 GROSS S.F.  
 ENCLOSED

METAL ROOF  
 ASPHALT SHINGLES  
 SCORED FACE CMU



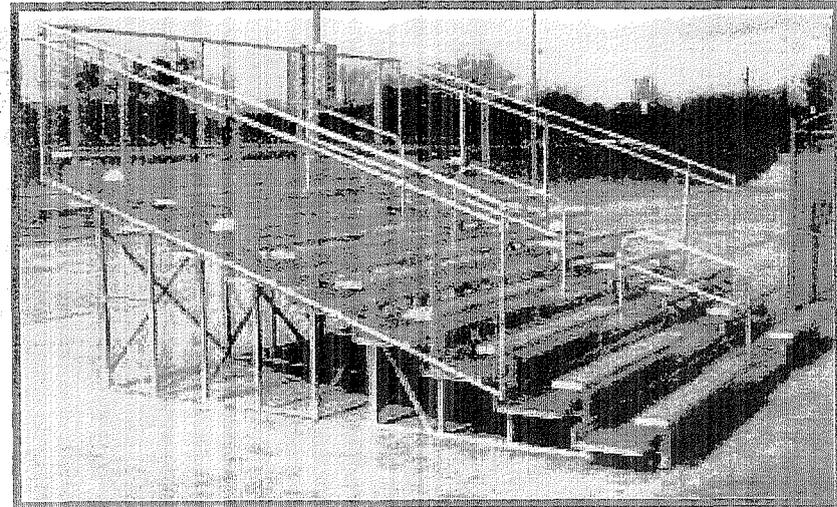
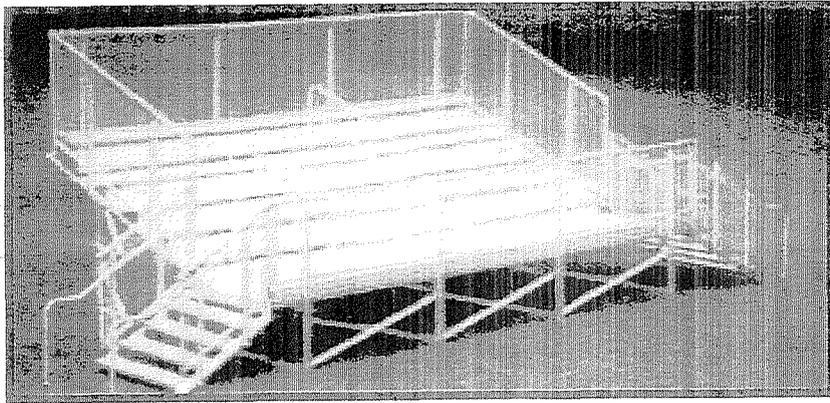
**FRONT ELEVATION**  
 1/8" = 1'-0"



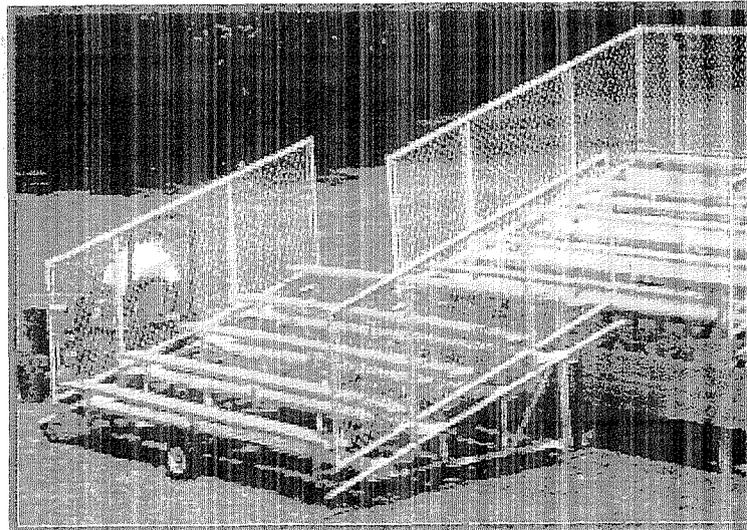
**SIDE ELEVATION**  
 1/8" = 1'-0"

**TRIONE PARK  
 UTILITY BUILDINGS  
 DAPHNE, ALABAMA**

**Hatch Mott  
 MacDonald**  
 Hatch Mott MacDonald Alabama, LLC  
 Architects Engineers Surveyors  
 116 Daphne Avenue  
 Daphne, Alabama 36526  
 Telephone: (251) 870-2318 • Fax: (251) 870-2321



All series of Outdoor Aluminum bleachers can be constructed as transportable models with tongue guides and wheel sleeves attached. This transportable option will allow you to move seating to different locations around your immediate facility for various activities. This option is not intended for over-the-road use. To order transportable bleachers, add (T) to any model number. Wheel and tongue assemblies used with transportable bleachers are listed on this page.



Non-Elevated						
MODEL	ROWS	LENGTH	SEATS	WEIGHT (DLW)	WEIGHT (TSA)	
(DLW) (TSA) (SG) 3-15	3	15'	30	200	204	
(DLW) (TSA) (SG) 3-21	3	21'	42	270	284	
(DLW) (TSA) (SG) 3-27	3	27'	54	350	364	
(DLW) (TSA) (SG) 4-15	4	15'	40	500	560	
(DLW) (TSA) (SG) 4-21	4	21'	56	650	733	
(DLW) (TSA) (SG) 4-27	4	27'	72	785	891	
(DLW) (TSA) (SG) 5-15	5	15'	50	590	671	
(DLW) (TSA) (SG) 5-21	5	21'	70	780	885	
(DLW) (TSA) (SG) 5-27	5	27'	90	960	1085	
(DLW) (TSA) (SG) 10-15	10	15'	100	1390	1587	
(DLW) (TSA) (SG) 10-21	10	21'	140	1840	2104	
(DLW) (TSA) (SG) 10-27	10	27'	180	2420	2576	

Elevated						
MODEL	ROWS	LENGTH	SEATS	WEIGHT (DLWE)	WEIGHT (TSAE)	
(DLWE) (TSAE) (SGE) 5-21	5	21'	70	1950	2187	
(DLWE) (TSAE) (SGE) 5-27	5	27'	90	2360	2650	
(DLWE) (TSAE) (SGE) 5-33	5	33'	110	2760	3100	
(DLWE) (TSAE) (SGE) 10-21	10	21'	140	3180	3593	
(DLWE) (TSAE) (SGE) 10-27	10	27'	180	3850	4345	
(DLWE) (TSAE) (SGE) 10-33	10	33'	220	4600	5173	

High Ramp Port Staircase						
MODEL	ROWS	LENGTH	SEATS	WEIGHT (DLWTR)	WEIGHT (TSA TR)	
(DLWTR) (TSA TR) (SGTR) 3-15	3	15'	30	210	224	
(DLWTR) (TSA TR) (SGTR) 3-21	3	21'	42	279	310	
(DLWTR) (TSA TR) (SGTR) 3-27	3	27'	54	367	396	

Wheel and Tongue Assemblies						
(Only one set of wheels and tongue required for any number of bleachers)						
(WS-1) 4.80/4.00 x 8 TIRES- 10 row or less bleachers, 21' 0" or less, Wt. 50 lbs.						
(WS-2) B7B-13 TIRES- bleachers longer than 21' 0", Wt. 80 lbs.						
TONGUE (T15-A) 15' 0" bleachers, Wt. 31 lbs.						
TONGUE (T21-A) 21' 0" bleachers, Wt. 50 lbs.						
TONGUE (T27-A) 27' 0" bleachers, Wt. 68 lbs.						

OUTDOOR ALUMINUM

GENEVA, AL

1-800-225-4249

<JERRIE>

ELEVATED	10-27	180	10,269	+ FREIGHT
	10-33	220	12,077	+ FREIGHT

4 / 180

4 / 220

#41,076 + FREIGHT

48,308 + FREIGHT

# TREASURER'S REPORT

As of November 30, 2009

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$11,657,181.60
OPERATING ACCT	COMPASS	(\$383,753.41)
PAYROLL ACCT	COMPASS	(\$17,221.65)
		<u>\$11,256,206.54</u>
<b>AGENCY FUNDS</b>		
MUNICIPAL COURT	COMPASS	\$297,515.49
<b>SPECIAL REVENUE FUNDS</b>		
SAIL SITE	RBC BANK	\$4,666.33
4 CENT GAS TAX	RBC BANK	\$261,085.47
7 CENT GAS TAX	RBC BANK	\$351,146.13
		<u>\$616,897.93</u>
<b>CAPITAL PROJECT FUNDS</b>		
CAPITAL RESERVE	WACHOVIA	\$3,391,659.75
99 WARRANT CONS	REGIONS	\$12,894.72
2006 CONSTRUCTION	WACHOVIA	\$1,362,065.64
		<u>\$4,766,620.11</u>
<b>DEBT SERVICE FUNDS</b>		
DEBT SERVICE	WACHOVIA	\$1,826,007.30
2006 DEBT SERVICE	RBC BANK	\$629,040.90
		<u>\$2,455,048.20</u>
		<u>\$19,392,288.27</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	2003	2004	2005	2006	2007	2008	2009	2010
October	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13
November	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	-
December	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	-
January	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	-
February	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	-
March	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	-
April	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	-
May	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	-
June	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	-
July	721,790.90	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	-
August	739,993.63	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	-
September	715,641.36	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	-
<b>Totals</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>11,871,233.19</b>	<b>11,279,349.93</b>	<b>10,039,546.95</b>	<b>764,641.13</b>

### FY 2010 BUDGET/ACTUAL COMPARISONS

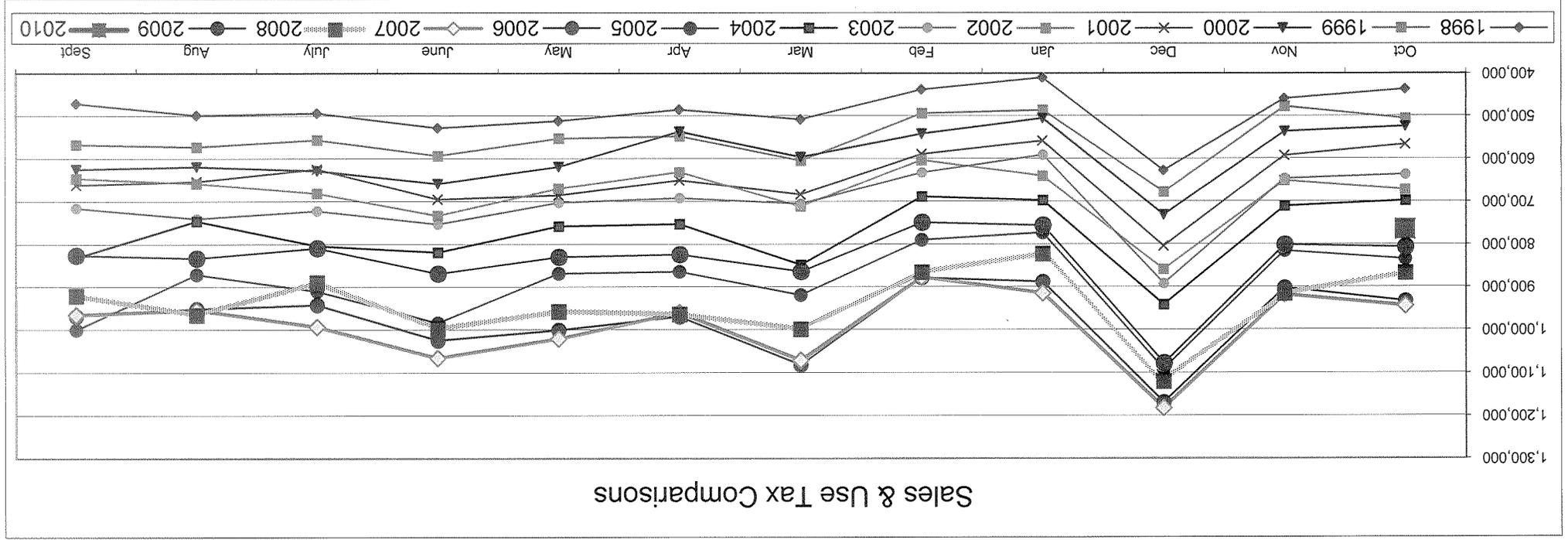
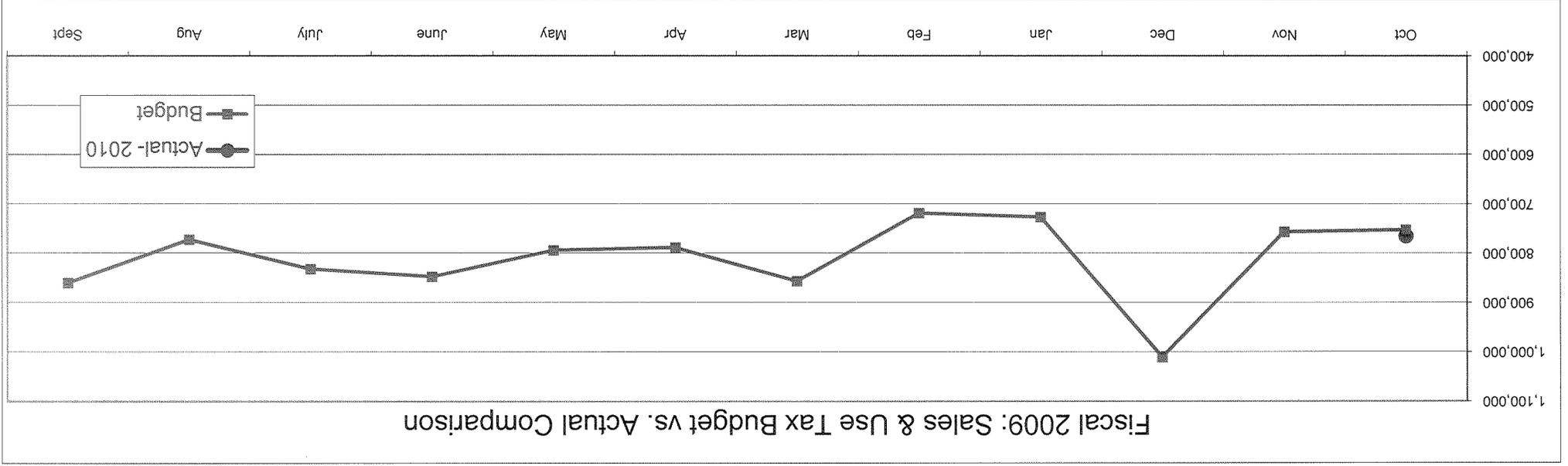
	Actual- 2010	Budget	Monthly Variance	YTD Variance	% of Budget
October	764,641.13	752,167	12,473.91	12,473.91	1.66%
November	-	755,932	-	-	-
December	-	1,009,741	-	-	-
January	-	726,313	-	-	-
February	-	718,521	-	-	-
March	-	855,846	-	-	-
April	-	787,606	-	-	-
May	-	793,355	-	-	-
June	-	846,847	-	-	-
July	-	831,158	-	-	-
August	-	771,407	-	-	-
September	-	859,320	-	-	-
<b>Totals</b>	<b>764,641.13</b>	<b>9,708,213</b>	<b>12,473.91</b>		

### FISCAL YEAR COMPARISONS

	<u>\$ Change</u>							<u>Percent Change</u>							
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	
October	61,347.94	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	9.64%	19.47%	11.87%	1.28%	-8.19%	-7.00%	-5.19%	
November	64,254.64	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	-	9.94%	14.61%	10.66%	1.92%	-0.32%	-12.54%	-	
December	48,943.19	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	-	5.49%	15.93%	7.09%	1.21%	-5.29%	-3.72%	-	
January	106,356.03	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	-	18.00%	10.72%	14.98%	3.09%	-10.15%	-8.09%	-	
February	55,767.23	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	-	8.81%	14.58%	11.32%	-0.02%	-1.41%	-13.52%	-	
March	142,766.66	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	-	20.24%	8.21%	17.86%	-0.94%	-6.81%	-13.53%	-	
April	59,891.11	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	-	8.65%	14.77%	12.24%	-0.89%	0.37%	-14.58%	-	
May	54,918.34	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	-	7.82%	14.50%	15.33%	2.11%	-6.30%	-13.38%	-	
June	65,541.16	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	-	8.71%	20.12%	4.19%	4.13%	-6.49%	-12.93%	-	
July	81,260.24	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	-	11.26%	13.14%	3.61%	5.50%	-10.52%	-9.07%	-	
August	5,326.70	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	-	0.72%	16.70%	9.28%	0.41%	1.07%	-13.75%	-	
September	114,619.44	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	-	16.02%	20.26%	-3.09%	-0.26%	-4.82%	-10.16%	-	
<b>Annual \$ Change</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>168,436.75</b>	<b>(591,883.26)</b>	<b>(1,239,802.98)</b>	<b>(41,862.72)</b>	<b>Annual % Change</b>	<b>10.21%</b>	<b>15.27%</b>	<b>9.29%</b>	<b>1.44%</b>	<b>-4.99%</b>	<b>-10.99%</b>	

TOTAL collections: FY 09	10,039,547
TOTAL est. bdgt coll: FY 10	9,708,213
Budgeted Dollar Variance 08/09	(331,334)
Budgeted Percent Variance 08/09	-3.30%

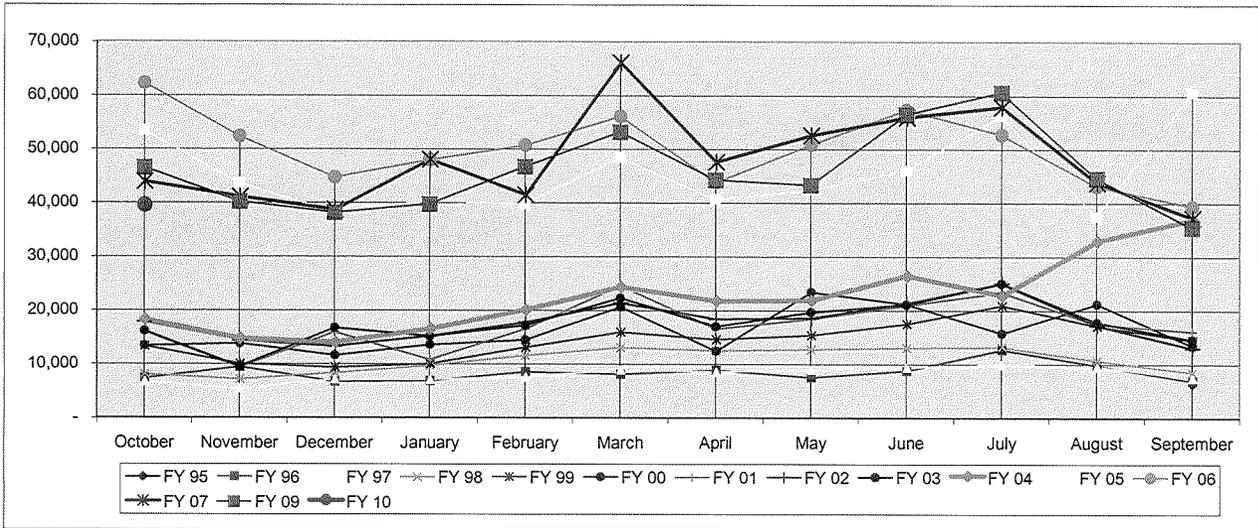
TOTAL collections: 10-31-09	764,641
Budgeted: 10-1-09 to 10-31-09	752,167
Actual Coll > (<) Budget, 10-31-09	12,474
% Over/(Under) Budget, 10-31-09	1.66%



### 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>	<u>FY 10</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	39,405.56
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	<u>37,180.99</u>	<u>49,698.91</u>	<u>35,430.62</u>	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	39,405.56

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



FY 2010 Budget  
545,000  
% Budget Collected,  
10/31/2009  
7%

# NEW BUSINESSES

## November-09

<b>CITY LIMITS</b>		<b>TOTAL NEW BUSINESSES</b>	
<b>RETAILERS</b>		<b>CLOSED BUSINESSES IN DAPHNE</b>	
CAMPUS CLOSET	1	TWO PEAS IN A POD	1
SISTER JULIE'S RESALE SHOP	1	SOL Y LUNA MEDICAL SPA	1
ILLUMINATION, LLC	1	NEWPORT AUDIOLOGY CENTER	1
<b>ALL OTHER</b>		STARBUCKS	1
WILL SULLIVAN	1	TONE & TAN FITNESS CENTER	1
RUDOLF W LOSCH, LLC	1	HOBBYTOWN	1
<b>TOTAL INSIDE CITY LIMITS</b>	<b>5</b>	<b>TOTAL CLOSED BUSINESSES IN DAPHNE</b>	<b>6</b>
<b>OUTSIDE CITY LIMITS</b>			
ECOROQ GULF COAST	1		
CNH CAPITAL AMERICA	1		
BEACON SALES ACQUISITION, INC	1		
RESTORED LAWN CARE	1		
LOCK OUT SUPPLY	1		
GLOBAL FIRE SPRINKLER, LLC	1		
LANDWORKS SOUTH LANDSCAPING	1		
DONLEN TRUST	1		
BAILEY LUMBER & SUPPLY CO.	1		
JOHN DEERE LANDSCAPES	1		
JUBILEE LIGHTING & DESIGN	1		
SCENTSY INC	1		
RUSSELL COMBS	1		
BAYCHESTER ASSOCIATES, INC	1		
GAS-N-GO OIL CO., INC	1		
<b>TOTAL OUTSIDE CITY LIMITS</b>	<b>15</b>		
<b>CONTRACTORS</b>			
FOUR SEASONS LAWN CARE	1		
HADLEY'S HEATING & COOLING	1		
CAROLINA ROOFING, INC	1		
SOUTHERN IMAGES, LLC	1		
SG&S INDUSTRIAL CONSTRUCTION	1		
GREAT LAKES DREDGE & DOCK CO, LLC	1		
HOMES BY PAULA, LLC	1		
OMEGA THERMO CONTRACTORS	1		
TURNER-WALES PAINTING, INC	1		
LONGCRIER BUILDERS, INC	1		
BILLY MINOR, INC	1		
IBARRA CONSTRUCTION	1		
RICHARDSON MASONRY, INC	1		
DYNAMIC SERVICES	1		
JERRY L. JOHNSON & ASSOCIATES	1		
S&G CONSTRUCTION	1		
<b>TOTAL CONTRACTORS</b>	<b>16</b>		

**Public Safety Committee**

*Wednesday, November 18, 2009*

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

**Committee Members Attending:**

Councilman Gus Palumbo, Councilman Derek Boulware, Councilman Greg Burnam, Chief James White, Captain Scott Taylor, Melvin McCarley.

**CALL TO ORDER**

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

**PUBLIC PARTICIPATION** – Sherry Forte and her husband from Potter’s Mill Subdivision were in attendance to get the results from Mr. Eady concerning traffic issues in the subdivision. Photos were included in the packet showing the traffic study done from October 16, 2009 through October 22, 2009. McAdams is shown to be posted for 30 mph, which is incorrect. McMillan is posted for 25 mph. Some vehicles on McMillan were traveling in excess of 55 mph. Mr. Eady does not recommend traffic calmers for this area, but recommends that the police department run radar and have a strong presence in this area to slow down drivers. Public Works painted a stop bar at McMillan and McAdams at the stop sign, installed a new stop sign at Old County Rd and McMillan, repainted stop bar on McAdams as you are traveling west to McMillan, and added a curve sign to the existing speed limit sign on McMillan.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

**Minutes from September 2009 and October 2009 Meeting**

Mr. Burnam made a motion to approve the minutes. Councilman Palumbo seconded and the motion passed.



**FIRE DEPARTMENT**

**A. New Business**

Statistics for September 2009 were reviewed. Chief White reviewed the stats. Read a letter from a thankful mother about her child learning fire drills from the fire department and putting

them to use at his house when the fire alarm went off. Chief White invited the Public Safety Committee to stop by Fire Station #2 and look at the renovation that the firefighters have done with their own labor saving the city a lot of money. They requested and received a 50" big screen TV from Best Buy, got the kitchen cabinets donated, etc.

**B. Old Business**

**POLICE DEPARTMENT**

**A. New Business**

Statistics for September 2009 were reviewed. Captain Taylor filled the committee in on some recent crime we have had in the city. He stated that Don Poling (crossing guard) had died and that we were not filling that position at this time. Councilman Palumbo made a motion to change the speed limit on Old County Rd and Captain O'Neal to 25 mph. Councilman Burnam seconded the motion and Councilman Boulware agreed. Police will CP Timbercreek for carts and 4-wheelers being driven on public streets, particularly Pine Court.

**Old Business**

**OTHER BUSINESS**

**ADJOURN**

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

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE  
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: September 2009

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>	-	-
10-Fire, Other	1	12
11-Structure Fire/Commercial	0	4
11-Structure Fire/Residential	2	17
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	3
14-Natural Vegetation Fire	0	8
15-Outside Rubbish Fire	0	2
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	0
<b>2-Overpressure Rupture:</b>	0	0
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	155	114
<b>4-Hazardous Conditions (No fire):</b>	6	35
<b>5-Service Call:</b>	13	160
<b>6-Good Intent Call:</b>	8	92
<b>7-False Alarm &amp; False Call:</b>	13	122
<b>8-Severe Weather &amp; Natural Disaster:</b>	0	1
<b>9-Other Situation:</b>	0	2
<b>Total Emergency Calls:</b>	<b>195</b>	<b>1531</b>
<b>Monthly Total Calls:</b>	<b>198</b>	<b>2568</b>
<b>Response Time:</b>		
<b>Highest:</b>	13	17
<b>Lowest:</b>	<1	<1
<b>Average (Minutes/Seconds) :</b>	4:38	4:33
<b>Miscellaneous Reports</b>		
<b>Training Hours</b>	99	1008
<b>Property Loss - \$</b>	56,000	996,000
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	0	2
<b>Advance Life Support Rescues</b>		626
<b>Number of Patients Treated</b>		809
<b>Child Passenger Safety Seat Inspections/Installations</b>	5	50
<b>Classes</b>		
<b>Classes</b>	1	15
<b>Persons Attending</b>	21	1441
<b>Plan Reviews</b>		
<b>Plan Reviews</b>	3	32
<b>Final/Certificate of Occupancy</b>	1	7
<b>General/Annual Inspections</b>	53	892
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	6	134
<b>Business Licenses</b>	1	61
<b>Consultations-</b>	0	5
<b>All Other/Misc. Activities</b>	1	5
<b>Total Activities:</b>	<b>65</b>	<b>1202</b>

Authorized by:

*James White*

Chief James White

Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor/ Lt. Yelding)			
						YTD				
# Complaints	1,225	# New Cases Received:	52	Total Arrestees Received & Processed:	176	2099			Arson	0
# Misd. Arrests	71	# Previous Unsolved Cases:	94	Arrestees by Agency:			#Complaints	92	Burglary – Commercial	2
# Felony Arrests	0	# Cases Solved:	17	Daphne PD	119	1,522	#Follow-ups	133	Burglary – Residence	5
DUI Arrests	13	Resulting in Total Arrests:	3	BCSO	18	77	#Citations	13	Burglary - Vehicle	0
Alias Warrant Arrests	26	Felonies:	2	Spanish Fort PD	24	367	#Warnings	8	Criminal Mischief	2
Citations	429	Misdemeanors:	1	Silverhill PD	9	110	#Felines Captured	29	Disorderly Conduct	1
Close Patrols	548	Houses Searched	0	Troopers	5	17	#Canines Captured	34	Domestic Disturbance	18
Warnings	182			Other Agencies	1	6	#Other Captured	30	False Info to Police	1
Motorist Assists	293						#Returned to Owner	10	Felony Assault	0
Roadway Accidents	60	<b>Warrants:</b>					#Adopted Out	13	Felony Theft	8
Private Property Accidents	9	Bettner Served	55				#Euthanized	49	Harassment	10
Traffic Homicide	0	Agency Assists	20	Highest	40				Identity Theft	4
		Recalls (Pd Fines)	30	Lowest	26				Indecent Exposure	0
<b>DRUG REPORT</b>		Total Warrants Served	105						Kidnapping	0
<b>ROUTINE PATROL/SPECIAL OPS</b>				Meals Served	2,744	34,937			Menacing	0
		<b>Sex Offender:</b>		Medical Cost	\$4,258.78	\$27,504.90			Misdemeanor Assault	0
# Misd. Marijuana Arrest	9	New Registration:	1	Worker Inmate Hours	984	8,210			Misdemeanor Theft	18
# Felony Marijuana Arrest	0	Contact Verification	7						Murder	0
# Controlled Substance Arrest:	0	Total # registered in Daphne	3						Other Death Investigations	2
# Drug Paraphernalia Arrest	9	<b>DARE:</b>							Public Intoxication	0
Vehicles Searched	60	# Hours Report Writing:	6						Public Lewdness	0
		# Students Instructed SRO	100						Receiving Stolen Property	0
Drugs Seized:	2	# Students Instructed DARE	200						Reckless Endangerment	1
Type: marijuana		# Police Reports by SRO	3						Resisting Arrest	1
Money Seized	0	# Arrest by SRO	2						Robbery	1
Vehicles Seized	0								Sex Crime Investigations	0
		<b>CODE ENFORCEMENT:</b>							Suicide	0
Commercial Vehicle Inspections	9	Warnings:	3						Suicide, attempted	3
		Citations	6						Theft of Services	0
		Warning Compliance	23						Unauthorized Use of Services	1
		Follow – Up	19						Weapon Offenses	0
									White Collar Crimes	2

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

**Ordinance Committee**

*Wednesday, December 9, 2009*

*City Hall Council Chambers*

*5:30 p.m.*

*Councilman Greg Burnam  
Councilman Gus Palumbo  
Councilman Derek Boulware*

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

Gus Palumbo, Greg Burnam, Derek Boulware  
Also Present: David Cohen

**II. PUBLIC PARTICIPATION**

None

**III. ORDINANCE REVIEW/DISCUSSION**

a. Going Out of Business Ordinance

The committee had a discussion with regard to the ordinance and decided to remove all verbiage referring to the city clerk instead refers to revenue official or finance designee.

**Motion by Mr. Boulware    Seconded by Mr. Burnam    To recommend to the full city council the “Going Out of Business Ordinance”.**

**ALL IN FAVOR                      NONE OPPOSED                      MOTION CARRIED**

**IV. OTHER BUSINESS**

None

**V. ADJOURN**

**Motion by Mr. Boulware    Seconded by Mr. Burnam    To adjourn at 6:06 P.M.**

**ALL IN FAVOR                      NONE OPPOSED                      MOTION CARRIED**



**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

---

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
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:**

Joe Lemoine  
Victoria Phelps  
Frank Martin, Secretary  
Don Terry, Vice Chairman  
Ed Kirby, Chairman  
Larry Chason  
Cathy Barnette, Councilwoman  
Chief James "Bo" White

**Members Absent:**

Fred Small, Mayor

**Staff Present:**

Adrienne D. Jones, Director of Community Development  
Jan Dickson, Planning Coordinator  
Nancy Anderson, GIS Manager  
Erick Bussey, Associate Attorney  
Ashley Campbell, Environmental Programs Manager

**Staff Absent:**

Jay Ross, Attorney  
Misty Gray, Attorney

**Others Absent:**

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

The first order of business is the call to order.

Chairman: Please let the record reflect Mayor Small is not present.

The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the July 23, 2009 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?

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

Mr. Terry: Mr. Chairman I have a correction on page 9 of the minutes. The first motion on for the zoning amendment, the Trione Heir Property, on the top of page 9, Mr. Lemoine and I voted aye. Chief White voted nay.

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

*A Motion was made by Mr. Terry and Seconded by Mr. Lemoine to approve the minutes of the July 23, 2009 regular meeting as amended. The Motion carried. Ms. Barnette and Ms. Phelps abstained due to their absence at the meeting.*

The first order of business under new business is an administrative presentation of an exemption for a parcel on Marie Lane.

**NEW BUSINESS:**

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Zyron Reed, the owner, regarding parcel eight located at 101 Marie Lane requesting an exemption to the regulations in accordance with Section 11-5 of the Land Use and Development Regulations. I came to the site preview meeting on the eighteenth. I bought a piece of property in Daphne on Marie Lane. The parcel was divided due to foreclosure. I purchased the part that was not foreclosed on. I came to see what type of permit that I would need. I was to write a letter of exemption by Ms. Jones. I bought the part of property, and I am just trying to use it. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Mr. Bussey, I guess that it is up to you because we needed an attorney opinion.

Mr. Bussey: Ms. Gray, the City Attorney, looked at this matter a substantial amount. I talked to her this afternoon. Apparently, they pulled the deed, and this property was sold after the annexation so this gentleman will have to apply for a subdivision.

Mr. Reed: A subdivider is the owner or the developer of the property. I did not go out there to divide the property. It was foreclosed on.

Mr. Bussey: It does not matter.

Mr. Reed: Ok.

Chairman: So we will have to see a subdivision? What you are talking about is it has already been subdivided, but we do not have a legal subdivision so you need to see what you need to do to make it a subdivision.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Mr. Reed: With me being only the purchaser, how am I legally responsible? I am not a developer. I do not want to make a profit off my land. I just want to live on it.

Chairman: We still have a problem we need to resolve. Erick can you help me out here?

Mr. Bussey: The issue is whether or not an exception can be made. It is the recommendation of the City Attorney's office that the exemption to the regulation in accordance with Section 11-5 of the Land Use and Development Ordinance not be granted.

Ms. Barnette: Let me just follow up with a question. Can the administrative action be done on the behalf of the Planning Department? Can they review the proposed subdivision and have it fit our regulations so he could move forward with a building permit? I do not think we have anything that says it does not comply, except that it is an illegal subdivision.

Ms. Jones: I cannot process an administrative subdivision review. What we can do is Mr. Reed needs to submit a preliminary/final subdivision plat just like we normally would and with you knowing the background you can decide whether or not it is appropriate.

Mr. Bussey: I agree.

Mr. Terry: For the one lot?

Ms. Jones: No. Actually it would have to be for all three lots. For a subdivision plat to be recorded, you would have to have all of the property owners' signatures on there.

Mr. Reed: This was a result of foreclosure. The records at the Probate Office show it as three lots. I bought the property, and I did not come here first to do any research. Clearly, an exemption could be made. I have no reason to develop a subdivision and try to sell it. If I was trying to subdivide the two and one half acres, then I could see how I could fall under regulations and would be responsible for having a plat drawn up. Only that I did was to purchase a piece of property that I wanted to live on.

Chairman: Do any of the Commissioners have any further questions or comments? With the recommendation of the City Attorney's office, it is recommended that we not grant the exemption. I would recommend that you work with the Planning Department and try to get this resolved with a subdivision.

The next order of business is an administrative presentation of a revision to the French Settlement Subdivision, Phase 1A.

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, of a proposal for French Settlement Subdivision, Phase 1A. We are here on behalf of Central Progressive Bank of Louisiana.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Mr. Diehl: As I went over in the site preview meeting, the master plan for French Settlement was approved by the Planning Commission in July 2006. Sometime after that Phase 1A was completed and recorded and shortly after that Phase 1B. Our client which is the investor who purchased the remaining lots in Phase 1A and 1B after the phases were developed. Currently, there are twelve owned by individual and one hundred and one hundred and forty-three were purchased by my client, Central Progressive Bank. In July 2006, the plats show that French Settlement Subdivision, Phase 1A was complete and both phase 1A and 1B were recorded. Phase 1A shows a connection to County Road 13 which did not happen. The property to the south which at that time was to be a future phase of French Settlement was sold to a church which does not want to participate in the construction of a connection to County Road 13. The plats have all been recorded, and it is kind of Monday after the football game. Different departments were involved and came up with a cost estimate for the remaining items for both phases. Our client has posted a letter of credit to the city in the amount of one hundred thousand dollars more than the amount estimated on the list provided. The owner is trying to bring the subdivision up to where it needs to be with the realization they were not the developers in the beginning. He wants to get some type of affirmation of the proposal that you have before you tonight, and that is a connector street. The owner wants to propose a connection from Felicity Drive to French Settlement Drive. The right-of-way was not shown, and the plat was recorded. As you know, the common area is owned in common by the property owners' of the subdivision which could become a legal issue. So what the owner has done is to come up with a way to meet the spirit of that connection which would be a physical connection, and they would put it in the common area for access for city vehicles, garbage trucks and emergency vehicles to have a way to enter in and loop through the development. The private road would be owned and maintained by the property owners' association. We came in with a twelve-foot alley way. We were trying to come up with a way to just make a loop. I believe at the request of the Fire Chief, we have revised the plan to make it the standard width of twenty-seven feet constructed to city standards. We would ask you agree with us that our client has met the spirit of these requirements with all he has agreed to do. I will be happy to answer any questions you may have.

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

Mr. Chason: For the record, I will not be commenting or voting on this issue.

Chairman: So noted. The original plat was recorded without the right-of-way being shown as a part of the recorded plat so how is it owned in common if it was not shown?

Mr. Diehl: I am not sure. All I know is when you go to the Baldwin County website and select these parcels it does show them as a lot of record. The record shows individual parcels with the owner of the property as the Progressive Bank of Louisiana.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Chairman: Then these lots are not owned in common, and they are not a common area. The reason that I am asking this is there was supposed to be a right-of-way there. It was shown as a right-of-way like all of the other right-of-ways. It was shown at the property line to the south on the master plan when it was first approved. When the plat gets recorded, it is not shown anymore. The only thing shown is the street stub-out. It ran from Felicity to County Road 13, and it was shown on the master plan. When the plat was recorded, then the right-of-way is not included anymore. The common area was not recorded other either. I would still like to see the right-of-way be there because we may need two exits and entrances to this property. One other thing at the time of the submission of the plat, we had a traffic study that showed a turn lane at the northern entrance. That never got put in either, but the traffic study we had required that it be there. The traffic study says that it is supposed to be there. You are proposing to construct a private street to city street standards which would have to be twenty-four feet of pavement. This profile shows two stand up curbs which would make a twenty-eight foot street. I know with roll out curbs it takes more than with stand up curbs. We still are going to have to have two twelve-foot lanes instead of two elevens. I think we still need to line it up in case we decide to carry the street all the way through to County Road 13. Did I make any sense at all?

Mr. Diehl: Yes sir. Absolutely. As far as the turn lanes out on County Road 13, we are learning about all of this as we go along. I would not know why that was not put in because this project was approved and signed off by pretty much everybody.

Chairman: We accepted a performance bond so they could start selling lots in there before it was constructed.

Mr. Diehl: We consider that my client is ending up with this project after the fact. Certainly, he cannot spend millions of dollars on the project. He is intending on spending quite a bit of money to achieve the completion of the project to the satisfaction of everyone, but as far as whether or not that is a common area, I am not prepared to have that discussion. My assumption has been, and I was told that it was a common area. I would have to look into that. The one issue we would have been, the strip of land from that street to County Road 13 is only thirty feet wide. It is going to be difficult to construct a road twenty-eight feet, and the lots still be able to meet the setbacks in order to construct a home. On the part that we are proposing, it is fifty feet. It is forty-seven or forty-eight feet. That would be the difference. If you are looking at the recorded plat, that area is shown as thirty-six feet which would be tough. Our thinking was there are only twenty lots that would be served by that connection to County Road 13 on the south. If you live in the back, you would go up to the entrance to the north to go to the back. We were not thinking about public traffic. We are left with the connection to Felicity to French Settlement Drive in the common area for access for city vehicles, garbage trucks and emergency vehicles to have a way to enter in and loop through the development.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Chairman: I am sure the Planning Commission would like to see something happen out there too. We kind of got caught by taking a performance bond so they could begin construction of a house. The performance bond has expired. Now they are stuck with what is there and so are we. The project was not done, in my opinion, in the spirit we approved the project. I do not know what happened to the fifty feet was supposed to be there for a right-of-way. It was recorded different from what I thought was approved. Do the people that own the other lots still own those two lots which are lots seven and six?

Mr. Diehl: Central Progressive Bank is the owner of those two lots.

Chairman: I do not know if I should ask if it should be re-recorded in order to give us the fifty feet in case it is needed, and it can be used as common area. I am not sure what to do with that.

Mr. Diehl: Let me throw another curve in here as part of the development goes under, the previous consultant who did all of the engineering, surveying, and recorded the plats was not paid for his services. They attempted to file a lien on the property, but it was thrown out when the property was foreclosed on. Since they are the signatures on the plat, we do not feel comfortable recording or I do not know if we are able to edit or modify the plat without opening another can of worms. Another thing is these lots are approximately one hundred feet wide and I think that is what they need meet zoning.

Ms. Phelps: I will throw another thought on this, I just want just like to say this is the first glimmer of hope we have had on this project. Of course, we want to work to reach a reasonable compromise between what was before and what we have today. My thought is maybe it is not such a bad idea there is not another exit to the south because of traffic stacking and other issues. If we delete the southern egress, then they will use the northern entrance so you can see the need for the turn lane from a traffic study standpoint.

Mr. Diehl: You probably are looking a quarter of a million dollars to construct the turn lane. The total of all of the improvements that we are proposing to do does not come close to that. Please remember you are not looking at the developer. You are looking at the guy that ended up with the lots and would like to develop them.

Ms. Barnette: This question is probably for Ms. Jones. Was Phase 1A the only phase which was approved for construction for which the performance bond was posted for?

Ms. Jones: The performance bond was posted for Phase 1A and 1B.

Ms. Barnette: Was the traffic study for the entire build out for the development?

Ms. Jones: I believe so. Mr. Kirby has the traffic study.

Ms. Barnette: I guess my question is it possible if they can make this subdivision viable can we make the requirement for the traffic light and turn lane a part of the next phase of the development?

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Ms. Jones: That would be the phase to the north, and not the one you see that is recorded. It would not be the parcel to the south.

Ms. Barnette: To the north and the west.

Ms. Jones: Just to the north.

Ms. Barnette: Is there a way to restrict 1B?

Ms. Jones: In Phase 1B, they already have permission to get building permits. They do not have permission or authority to get building permits in Phase 1A and part of the reason they do not is because of the issues we are talking about now. So if there are things you would like to hold them on this is the time to do it. We do not know if when or if they will come back with the next phase of the development.

Ms. Barnette: That is not what I was hoping to hear. I was hoping that this phase of the development was not approved yet, and we could tie it to the next phase. If we could go back to the road just for clarity sake, when the bank purchased the southern limits of the property was added to French Settlement after the sale of the property to your client. Is that correct?

Mr. Diehl: I am sorry. I do not know.

Ms. Barnette: See the blue line, apparently that part was not a part of the subdivision. Somehow your client acquired those areas which were not a part of the subdivision that is being called common areas. They were, but they weren't. They are owned by Central Progressive. The reason they are not recorded like the Chairman said is they were supposed to be is because they were not initially a part of that. I do not have a problem with it not connecting to County Road 13. If we could reserve it as a right-of-way instead of calling it a common area until such time we needed it, then the right-of-way could be improved at that point. It is an easy solution if we take it as a reserved right-of-way, but the traffic study would be a different challenge.

Chairman: When this project first came to us, that straight line across there was the boundary of the development. The blue dotted line is where it got recorded.

Ms. Jones: Let's back up a little bit. When this project first came, the property to the south was initially included in the entire design. The phasing line was not drawn in a straight line. It was shown as the zig zag line. This is the revised master plan they had gotten approved when they brought last set of revisions in. The initial drawings and the master plan when he annexed and got the zoning encompassed the parcel to the south, but now it is owned by the church. It was a part of the original design. The property line was not straight, but on the subdivision the line was not so what we have left is a remnant.

Chairman: The last master plan we have was approved by the Planning Commission shows as a straight property line and a right-of-way, but that is not the way the plat was recorded. That is the way that the master plan was approved with the master plan and right-of-way there, unless I am totally wrong.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Ms. Jones: But you never got that on a plat.

Ms. Barnette: Now it is owned by the bank so I do not see why it could not be reserved as a right-of-way instead of common area.

Chairman: I do not see why it could not be a right-of-way even if it is just thirty-six feet. It could still be a substandard right-of-way.

Ms. Barnette: Are you saying this cannot be reserved as a right-of-way? Are you saying only this little section between Felicity Lane and French Settlement Drive? Is there a reason why since it is under common or your client's ownership?

Mr. Diehl: I am looking at the recorded plat of which this was not provided in Phase 1A and a sketch that was done by our surveyor. Those areas are called those spaces, common areas six, seven and eight. I do not know how, when or if those areas have been dedicated as common area. I do have a drawing that calls them common areas.

Ms. Barnette: I guess what we are hearing is that is just made up names because the property is under common ownership with your client. They are not dedicated common areas because they are not on a recorded plat. Unless you have some reason why because they are not homeowners' to have a vote or do anything with a common area. I think that maybe somebody made that up.

Ms. Jones: That is correct we do not have them shown on a recorded plat.

Ms. Barnette: So this is under central ownership and there is not reason it cannot be dedicated as a right-of-way.

Mr. Diehl: So we are talking about having this shown as future right-of-way?

Chairman: It needs to be shown as a right-of-way and then this piece here. It needs to be shown as a right-of-way and not just as a street through a common area.

Mr. Diehl: If that is possible, I do not think that would be a problem.

Ms. Phelps: That still leaves us with the issue of the turn lane.

Chairman: It is like Ms. Barnette said to get this project off the dead spot it is in, then I would be willing to postpone the turn lane until the next phase to the north.

Ms. Phelps: Didn't Ms. Jones say that if we wanted to make an adjustment that we need to make it now?

Chairman: That would be an adjustment.

Ms. Jones: It is up to you.

Chairman: Now you are going to have one entrance to a subdivision that is going to have more than two hundred lots. This will let them get this thing started and get something happening.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

Ms. Barnette: There may be a chance, we may see Phase 1B being modified if that is feasible or maybe not.

Chairman: If they have recorded it and have already sold lots, then that phase is not going to be modified.

Ms. Barnette: Have they already sold lots?

Ms. Jones: In Phase 1A and Phase 1B.

Chairman: Do any of the Commissioners have any further questions or comments? What do we need for this? Do you need a motion to approve the administrative presentation for the street design with any stipulations that we may have? If there is no objection, the Chair will entertain a motion.

**A Motion** was made by Ms. Phelps and **Seconded** by Mr. Lemoine **to approve the administrative presentation for French Settlement Subdivision, Phase 1A with noted southern right-of-way (thirty-six feet) on the southern boundary of the property conditioned upon as build-out reaches twenty-five percent capacity of French Settlement Subdivision, the applicant shall be required to install the turn lane on the northern portion of the development at County Road 13 per the original traffic study.**

Ms. Barnette: For clarification, are we saying all phases or only Phase 1A?

Mr. Diehl: May I speak? Please remember Phase 1B is only twenty-four lots and we can get building permits for those. The money my client is trying to spend today is simply to be able to get building permits for the remainder of thirty-one lots. We have already posted a letter for credit for two hundred and thirty thousand dollars and to put up another couple thousand dollars for a turn lane does not make economic sense. We would like to ask that we forego the turn lane until the next phase is approved.

Chairman: Ms. Phelps, can you modify your motion to that?

Mr. Lemoine: Let's say this builder does not come in for the next phase and someone else comes in then we have a situation where it says I am not going to do it. What is going to happen is the City is going to be responsible.

Chairman: The owner will not get approval without it. We have made this a condition of the approval, and they will not get subdivision approval without it.

**An Amended Motion** was made by Ms. Phelps and **Seconded** by Mr. Lemoine **to approve the administrative presentation for French Settlement Subdivision, Phase 1A with noted southern right-of-way conditioned upon shall be required to install the turn lane on the northern portion of the development at County Road 13 per the original traffic study when Phase Two of French Settlement is proposed. The Motion carried. Mr. Chason abstained.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Ms. Barnette: I just would like to know staff is comfortable with moving forward with what we have on file. Is that satisfactory to you?

Ms. Jones: I am, but is there anything else your office would give us in addition to the documents you have given us before you move forward?

Mr. Diehl: Certainly, the street will be constructed and inspected by the City.

Ms. Jones: Will you have to give us plans for that?

Mr. Diehl: We will be glad to. It is flat so it will be a very simple design.

Ms. Jones: I just want to make sure that it is clear.

Mr. Kidd: Will I have an opportunity to speak on French Settlement?

Chairman: Not at this time.

The next order of business is an administrative presentation for Planning Commission review for Genesis Career College of Daphne.

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting Planning Commission approval for the proposed educational facility for Genesis Career College located southeast of the intersection of U. S. Highway 98 and Wilson Avenue on lots two and seven in Daphne Square Subdivision which was previously Advance Auto Parts is currently zoned B-2, General Business. The use for a business or trade college is only allowed in a B-2, General Business, zone with Planning Commission approval. This is the first item we will be asking for your consideration on and then approval of the site plan for the additional parking. After looking at it with Ms. Jones, the most they will need will be twenty-three parking spaces. We are providing our own detention for the impervious area that we are creating with the addition of the parking lot and releasing it into the existing detention pond. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? We will need two motions. One is for the Planning Commission approval for the use, and the other one is for the site plan review.

Ms. Barnette: Does Planning Commission approval require public participation?

Chairman: No. 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 administrative presentation for Planning Commission approval of the Genesis College of Daphne for the use to be allowed in this zone, B-2, General Business. The Motion carried unanimously.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

The next order of business is site plan review for Genesis Career College of Daphne.

**SITE PLAN REVIEW:**

File S09-12:

**Site:** Genesis Career College of Daphne Parking Lot

**Zoning:** B-2, General Business

**Location:** Southeast of the intersection of U. S. Highway 98 and Wilson Avenue

**Area:** 0.42 Acres ±

**Owner:** Daphne Advance, L.L.C. - Merrill Thomas, Managing Member

**Agent:** Genesis Career Group, Inc.

**Engineer:** Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting site plan review of associated parking lot on lot seven for an additional parking area for an educational facility located southeast of the intersection of U. S. Highway 98 and Wilson Avenue. I will be happy to answer any questions you may have.

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

Ms. Barnette: I have some comments that I would like to touch on. The Advanced Auto Parts had some detention pond issued noted by Ms. Campbell's comments and we discussed how you were going to address them.

Mr. Diehl: The trees and shrubs will be removed from the existing detention pond, but there are no erosion control problems.

Ms. Campbell: Normally, we required to have an engineer evaluate the pond do ensure that it is functioning and the depth of the detention pond compares with the original design. It is up to you whether or not you require them to do that.

Chairman: Since they are adding a detention pond, I do not see where that is an issue.

Mr. Terry: If you are adding a parking lot, then how are you not adding additional water?

Chairman: Do any of the Commissioners have any further questions or comments? They are going to clean the vegetation out of it. If there is no objection, the Chair will entertain a motion.

Chief White: Is this lot a vacant lot now?

Mr. Diehl: Yes sir.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

Chairman: It is the one on Dolphin Street that goes all the way to Wilson Avenue.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve the site plan for the Genesis College of Daphne Parking Lot. The Motion carried unanimously.*

The next order of business is site plan review Colony Boats.

**File S09-13:**

**Site:** Colony Boats

**Zoning:** B-2, General Business

**Location:** Southwest of the intersection of U. S. Highway 98 and Randall Avenue

**Area:** 0.66 Acres ±

**Owner:** Austin Hughes

**Engineer:** Moore Surveying - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting site plan review of a boat sales and repair facility located southwest of the intersection of U. S. Highway 98 and Randall Avenue. At site preview, there was a question regarding the storm water drainage and getting an ADEM coming from this location running onto the right-of-way from the location where the boats are being washed. The owner has spoken to the Utilities Department, and he will be connecting to the sanitary sewer system. We are going to put in a catch basin and direct it into the sewer system so that it does not require a permit from ADEM.

Chairman: Yes ma'am.

Ms. Jones: For the record will you give us an overview of what is going to be proposed on the site. You jumped right into the presentation.

Mr. Moore: The owner is proposing the use of the existing used an automobile dealership, the use of the existing thirty by sixty-foot building to house the service area for sales, the addition of parking, landscaping, and underground power for the construction of a boat sales facility.

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

Ms. Phelps: Looking at your elevation page. Will this building be a metal building with a metal roof? It is just a pretty plain facade. Would you consider upgrading the facade facing U. S. Highway 98?

Mr. Moore: The front of the building on U. S. Highway 98 will be landscaped. In a few years, the landscaping will grow up and hide the facade.

Ms. Phelps: Can you tell me what the color scheme will be?

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Mr. Moore: I have no idea.

Mr. Hughes: The color scheme will be similar to the existing building.

Ms. Barnette: Just for the record, if you will need a memo from the Utilities Board regarding the catch basin and the connection to sanitary sewer for the file. That will be good to have for our file with the approval of the site plan. At the site preview, we talked about the Hertz building, and we would like to know what happened to that. It is a part of the parcel on our drawing.

Mr. Moore: No, it is not.

Ms. Jones: The real question is what will this site be used for.

Chairman: While we are looking. This is for the boat sales office so Hertz is going to stay where it is. Hertz is going to use the back of the building for detailing, correct?

Mr. Moore: No. Hertz is not going to have anything do with this site.

Chairman: Somewhere in the letter is said that Hertz is going to use the back of this building for its detailing.

Mr. Moore: No. They are staying where they are, and they are not doing anything on this site. They are located on a parcel to the north.

Ms. Jones: I will ask that Mr. Hughes to come and address you on this because I spoke directly to him. He can give you clarification beyond what I have in the letter.

Ms. Barnette: Where the confusion is and it is not from lack of preparation. Our materials say the northern most parcel is a car lot, sales office and repair center; the middle parcel is used for auto display area and a Hertz rental car office; and the last parcel (the subject property) is used as a car, boat, and RV display area. Recently, a boat washing facility has been added to the back portion of the subject site, and therein lies the question of the use of all of the parcels and the car washing and the ALDOT. That is why we are asking these questions.

Mr. Hughes: There was some thought into putting Hertz at the end one day. I do not think that it is economical at this time. This will be finished out the unit at the end at an office building. As to you question about the facade. It will look exactly like Colony Motor Cars does. If Hertz would move down there, I would remodel their building to get in more in line with my plan for Colony Motors and Water Craft.

Chairman: I do not remember, but did you put board and batting on Colony Motor Cars?

Mr. Hughes: I did.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Chairman: Is this metal building panels on the front of the building on U. S. Highway 98?

Mr. Hughes: No. It will be board and batting like the other building.

Chairman: The reason this has come up is we are working on our Land Use Ordinance and when we get it finished it will require some type of material on a building facing a street. It is confusing. It looks like it does on the front that it does on the side. We are trying to not have metal building on any street. 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 Mr. Terry and Seconded by Ms. Phelps to approve the site plan for Colony Boats.**

**An Amended Motion was made by Mr. Terry and Seconded by Ms. Phelps to approve the site plan for Colony Boats, contingent upon the submission of a memorandum from the Utilities Board of the City of Daphne regarding a connection to the sanitary sewer system prior to the issuance of a site disturbance permit. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Bain Family Subdivision.

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF09-08:**

**Subdivision: Bain Family**

**Zoning(s): R-2, Medium Density Single Family Residential**

**Location: On the west side of Main Street across from Chateauguay Subdivision**

**Area: 3.8 Acres  $\pm$ , (4) lots**

**Owner: Damrell Bain, Robert Bain, III, Andrew Bain, and Whitney Bain**

**Engineer: Engineering Development Services - David Diehl**

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary/final plat review of a three-point eight-acre subdivision consisting of four lots located on the west side of Main Street across from Chateauguay Subdivision. The City of Daphne does not have a category for a family subdivision so the project is being presented as a preliminary/final subdivision. Mrs. Bain and her children already jointly own the lot. We are trying to come up with a way to divide the existing lot and house, and the remainder of the property as evenly as they could. The property will be accessed by a thirty-foot ingress and easement. There was some discussion about setbacks. The thirty-five foot setback on the lots will be the one facing Main Street. On the first two lots the easement is following the south line of the subdivision and then it goes north.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Mr. Diehl: She has some vegetation along the south property line that she does not want to give up. I will be happy are here to answer any questions you may have.

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

Ms. Barnette: Did we ever hear anything back from the Fire Marshal? My notes say that no comments were provided at the site preview meeting. He is going to provide comments. Maybe Chief knows? An assumption of approval? For the record, we have seen a lot of subdivision. The Planning Commission needs to look at the bay lots and determine when we are going to provide retention and how many are we going to do. It is going to become more and more of an issue. We need to add that to the list for the work session. We have seen it a lot, but we have not quite figured out how we want to handle it with the roads. We just need to get a handle on that.

Chief White: He was not asked to provide comments. Isn't that an extension of the Threadgill property?

Mr. Diehl: It was.

Chairman: Lot four has an existing home and may not be further subdivision, but you know what assumptions do.

Mr. Terry: Under note two, it states there will be no further subdivision of the property.

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 preliminary/final plat for the Bain Family Subdivision. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Huey Subdivision.

**File SDPF09-09:**

**Subdivision:** Huey

**Zoning(s):** R-2, Medium Density Single Family Residential

**Location:** Northeast of the intersection of Beall Lane and Old County Road

**Area:** 2.75 Acres  $\pm$ , (2) lots

**Owner:** Lorna & Michael Huey

**Engineer:** Hutchinson, Moore & Rauch - Casey Goolsby

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

An introductory presentation was given by Mr. Casey Goolsby, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat review of a two-point seven five-acre subdivision consisting of two lots located northeast of the intersection of Beall Lane and Old County Road. At the moment there is a home in the front, and the owners would like to sell the rear lot which is two acres and maintain what is considered their yard. I will be happy to answer any questions you may have.

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

Mr. Terry: The note on this plat says that lot two of the subdivision will not be further subdivided.

Ms. Barnette: I do not see an access to lot two.

Chairman: Lot two has access onto Old County Road.

Ms. Barnette: I am sorry. The dark is not dark enough this time.

Chairman: Do any of the Commissioners have any questions or comments? I would like to open the floor to public participation.

An adjacent property owner, Mr. Jerry Forte, addressed the Commission to express his concerns regarding the proposed development and how it would impact his property. I am one of the five lots that adjoins this property. I sent a letter to all of you so I do not need to read that. One of our concerns, well actually we have two concerns. We have had problems in the past with drainage. In your package, I have a copy of a contour map which shows the drainage flow into the existing storm drainage system which had been the subject of lawsuits and other things over the years. We talked to Ms. Jones, and she said that drainage was not addressed. I do not think the Potter's Mill system should have to accept the drainage from this two-acre parcel, and this parcel also serves as a buffer for this area. If this land is subdivided presumably for the purpose of building a house, then there will be some clearing of the land. The other point we would like to make is there was a mention of access to Old County Road. This portion of Old County Road was deeded to the City of Daphne with the understanding that it would be improved and storm drains and curbs. We think that these items should be addressed before this is approved.

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 further questions or comments? With no adjacent property owners present, he closed public participation.

Mr. Chason: What would the addition of a one house on lot two add to the drainage?

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

Mr. Goolsby: It would be very minimal. A portion of the storm water drains to Potter's Mill now. You have two and one quarter acres now, and the only difference would be the addition of the impervious surface, meaning one roof. The Hueys could go and get a building permit for an addition as long as it is attached. It would be limited to whatever impervious surface which would be added. As per density, the two roofs seem minimal.

Chairman: Looking at the topography map, not all of the property drains to Potter's Mill Subdivision.

Mr. Goolsby: A portion of it, and I will be generous is approximately fifty percent drains to the flume at Potter's Mill. A portion of it sheets flows to the Landings Subdivision and it is directed to the bay.

Chairman: Only a portion of Mr. Jenkins land drains to this property.

Mr. Goolsby: I believe that to be the case. As far as Old County Road, I have a resolution where the City did accept the road as is.

Ms. Barnette: The Landings is a different kind of subdivision than what we have seen lately. Did they promise curb and gutter on that? I know there was some litigation surrounding that subdivision.

Chairman: As a part of the development of the subdivision, the owner agreed to clean out the detention pond for Potter's Mill Subdivision.

Mr. Forte: Excuse me sir. That was not the Landings Subdivision. That was Via De La Rosa Subdivision. The Landings was owned by Colton Coile, and he never put the subdivision in properly either. There is a tiny holding pond to the west of the Landing, but there are not any pipes that take the water to the pond.

Chairman: Colton Coile created a bathtub size detention pond that causes erosion to end up on adjacent properties and in the bay.

Ms. Barnette: It has been around six months since I have seen it, but we do not have a detention pond there anymore. I do not know what we would do about that.

Mr. Goolsby: The only drainage would be caused by the addition of the impervious surface or a drive way which may be gravel or rock.

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

Ms. Barnette: Just a comment, we do need to get a handle on subdividing in the Olde Towne Daphne area because there are not a lot of detention ponds. We are continuing to add an impervious surface, but we are not dealing with all of it.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

A **Motion** was made by Mr. Terry and **Seconded** by Ms. Phelps *to approve the preliminary/final plat for Huey Subdivision. The Motion carried unanimously.*

Ms. Dickson: For the record, state that Chief White has been excused.

Chairman: For the record, note that Chief White was excused at 7:14 p.m.

The next order of business is annexation review for AJD Family Limited Partnership.

**ANNEXATION REVIEW:**

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting annexation of a ten-point eight four-acre parcel with B-1, Local Business, zoning located southeast of the intersection of County Road 64 and Friendship Road. The property is currently zoned B-1, Professional Business, and B-2, Local Business, in Baldwin County District 15. The owner of the subject property is AJD Family Limited Partnership. Remember the discussion regarding the approximately seventy acres which is owned by Ms. Defillipi. Initially, we wanted B-2, General Business, and the Planning Commission recommended the annexation of the ten acres along Friendship Road as B-1, Local Business which we have done. We have also provided a preliminary master plan for the property. We were here at site preview and based on your comments, we have added the grady pond which may be a future detention facility to the annexation. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? We still have a strip running along County Road 64.

Mr. Baker: It is a fifteen-foot strip that runs along County Road 64.

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

Ms. Barnette: For the record, they are asking for B-1. Mr. Chairman, they have done everything that we have asked so I will make a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *for the favorable recommendation by the Planning Commission to the City Council of Daphne for the annexation review for AJD Family Limited Partnership of a fourteen-point seven eight-acre parcel located southeast of the intersection of County Road 64 and Friendship Road with B-1, Local Business, zoning. The Motion carried unanimously.*

The next order of business is public participation.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

PUBLIC PARTICIPATION:

Mr. Mitch Kidd, the President of the Property Owners' Association for Sehoj Subdivision, asked to address the Planning Commission with his concerns about French Settlement Subdivision. With our development being an adjacent subdivision, we are concerned with the traffic in this area. We would like to ask to be involved in the design and the development of any turn lanes for French Settlement.

Ms. Campbell: Just a comment for the Planning Commission. Any discharge other than storm water drainage from a site will require a permit from ADEM, and the Alabama Department of Transportation it to discharge onto the right-of-way.

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

ATTORNEY'S REPORT:

Mr. Bussey, associate attorney: No comment.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Ms. Barnette: I think we need to address family subdivisions as a part of the revision to the Land Use and Development Ordinance. I also think public participation should be allowed during the presentation rather than at the end so the engineer can hear the property owner's comments.

Ms. Phelps: I would like to see us have an architectural committee and also address water shed. Mr. Calmetti with the Alabama Department of Transportation has offered to meet with us to review the revised plans for the changes to Alabama Highway 181.

Mr. Lemoine: I would like to see us address color architectural schemes.

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

DIRECTOR'S COMMENTS:

Ms. Jones: A reminder, the next work session meeting for the Land Use and Development Ordinance will be next Wednesday, September 2, 2009 at 8:30 a.m.

ADJOURNMENT:

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.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 27, 2009  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

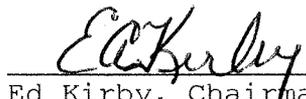
---

*There being no further business, the meeting was adjourned at 7:29 p.m.*

*Respectfully submitted by:*

  
\_\_\_\_\_  
Jan Dickson, Planning Coordinator

**APPROVED:** September 24, 2009

  
\_\_\_\_\_  
Ed Kirby, Chairman

**City of Daphne Recreation Board Minutes**  
**2605 Hwy 98**  
**Daphne, AL. 36526**  
**December 9, 2009**  
**6:30 pm**

**Members Present:** Chairman Ed Nelson and Eric Smith

**Alternates Present:** Valerie Johnson and Chris Smith

**Members Absent:** Rick Cleveland, Matt Cunningham, John Peterson, Kit Smith and Lynne Thompson-Yates

**Advisory Staff:** Glenn Vickery, Councilman Greg Burnam and David McKelroy, Parks and Recreation Director

**Call to Order**

The meeting was called to order by Chairman Ed Nelson at 6:35 pm.

**Review and Approval of Minutes**

Motion was made by Eric Smith and Seconded by Glenn Vickery to approve the November 18, 2009 minutes. Motion passed.

**Program Reports**

Charlie McDavid reported on Athletic Programs.

Mary Jensen reported on Senior Programs.

**Old Business**

- Evaluation Questionnaire for the Recreation programs was discussed and a sample will be presented in January.
- Participation reports were presented.
- Equipment inventory for athletic programs were discussed.
- Policy for volunteer coaches was discussed and will be addressed in January.
- Fitness Center operation and hours were discussed.
- Completion of Trione Sports Complex was discussed. A recommendation was made to present to the Finance Committee and Council to use Lodging Tax revenues to complete the project.

**Comments from Director**

The director presented information from ADEM with regards to concerns about the additional fields at Trione.

The identification sign proof and cost for Trione Sports Complex was presented.

**Adjourn**

The meeting was adjourned at 7:40 pm.



2009 Athletic Programs

	January	February	March	April	May	June	July	August	September	October	November	December
Girls Softball		90 players 8 teams	xxxxxxx	xxxxxxx	xxxxxxx							
Dixie Boys Baseball		78 players 6 teams	xxxxxxx	xxxxxxx	xxxxxxx	xxxxxxx	xxxxxxx					
Men's Church Softball		24 teams	xxxxxxx	xxxxxxx	xxxxxxx							
Adult Soccer		8 teams	xxxxxxx	xxxxxxx								
Spring Co-ed		9 teams	xxxxxxx	xxxxxxx	xxxxxxx							
Mens Open Softball						24 teams	xxxxxxx	xxxxxxx	xxxxxxx			
Summer Co-ed						16 teams	xxxxxxx	xxxxxxx	xxxxxxx			
Adult Soccer						13 teams	xxxxxxx	xxxxxxx				
Youth Soccer							516 player:	42 teams	xxxxxxx	xxxxxxx		
Youth Football							184 player:	8 teams	xxxxx	xxxxxxx	xxxxxxx	
Cheerleading							59 particip:	xxx	xxxxxxx	xxxxxxx	xxxxxxx	
Fall Mens Open										11 teams	xxxxxxx	xxxxxxx
Fall Co-ed										18 teams	xxxxxxx	xxxxxxx
Fall Adult Soccer											12 teams	xxxxxxx

2009 Senior Programs

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Lunch	889	743	884	882	840	923	816	757	616	886	831		9067
Homebound Lunch	214	285	352	252	240	268	264	232	291	330	306		3034
Exercise	219	203	245	257	239	278	284	164	228	256	166		2539
Cards	113	105	124	134	122	129	115	130	131	129	115		1347
Sr Meeting	48	53	57	54	56	56	50	56	58	46	54		588
Travel Meeting	26	16	14	19	12	14	14	24	24	16	22		201
Bridge	149	122	181	167	130	149	120	128	152	106	100		1504
Art	20	25	47	23	28	88	45	39	18	35	43		411
Birthday Party	47	51	42	38	33	38	36	44	36	45	23		433
Pot Luck & Bingo	48	56	56	54	56	51	51	56	56	58	53		595
Casino Trips	52	55			55		55		46				263
Filed Trips	38	42	54	121	105	85	60	10		9	59		583
Lunch & Movie	10	11	11	11	11	11	11	4	8	9			97
Yoga								78	116	123	49		366
Lunch Bingo									242	250	196		688
Movie Day								14	7	9			30
Ice Cream Socials						48			43	49			140
Special Events													
Health Speakers	19			16						141			176
Respite Care	112	27											139
Farmers Market					48	30							78
Flu Shots									247				247
Totals	2004	1794	2067	2028	1975	2168	1921	1736	2319	2497	2017		22526

## 2010 Trione Schedule

Jan.	9	USSSA Softball	Men Slow pitch
	16	USSSA Softball	Men Slow pitch
Feb	6	USSSA Softball	Men Slow pitch
	11	DMS Soccer	
	12-13	Southern Shootout – Soccer	HS
	12-14	Faulkner St CC Softball	Girl's Fast pitch
	18	DMS Soccer	
	20	USSSA Softball	Men Slow pitch
	25	DMS Soccer	
	27-28	AAU Baseball	Boy's baseball
Mar	6	USSSA Softball	Men Slow pitch
	11	DMS Soccer	
	13-14	AAU Baseball	Boy's baseball
	18	DMS Soccer	
	27	USSSA Softball	Men Slow pitch
Apr	3	USSSA Softball	Men Slow pitch
	10-11	BASA Softball	Men Slow pitch
	16-18	USSSA Baseball	Boy's baseball
	24-25	USFA Softball	Girl's Fast pitch
May	1-2	USSSA Baseball	Boy's baseball
	8-9	AAU Baseball	Boy's baseball
	14-16	Mobile Soccer Spring Classic	Select Soccer
	21-23	USFA Softball	Girl's Fast pitch
	29	USSSA Softball	Men Slow pitch
Jun	4-6	USFA Softball	Girl's Softball
	12	USSSA Softball	Men Slow pitch
	19	Methodist Children's Home	Men Slow pitch
	25-27	USFA Softball	Girl's Softball
Jul	10	USSSA Softball	Men Slow pitch
	31	USSSA Softball	Men Slow pitch
Aug	7	USSSA Softball	Men Slow pitch
	14	USSSA Softball	Men Slow pitch
Sep	11-12	USFA Softball	Girl's Fast pitch
	18	USSSA Softball	Men Slow pitch
Oct	2	USSSA Softball	Men Slow pitch
	9	USSSA Softball	Men Slow pitch
	16-17	USFA Softball	Girls' Fast pitch



**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:**

**CITY OF DAPHNE  
RESOLUTION 2009-117**

**Refunding of Certain Debt for Infirmiry Heath System**

**WHEREAS**, Infirmiry Health System Special Care Facilities Financing Authority of Mobile, a public corporation organized under the laws of the State of Alabama (the "Authority"), proposes to issue its revenue bonds in an amount not to exceed \$350,000,000 (the "Bonds"). The Bonds will be issued to provide financing for the benefit of Infirmiry Health System, Inc. ("IHS") and its affiliates, Mobile Infirmiry Association ("Mobile Infirmiry"), Gulf Health Hospitals, Inc. ("Gulf Health") and Infirmiry Health Hospitals, Inc. ("Infirmiry Hospitals"). IHS and its affiliates (collectively referred to as the "IHS System Affiliates") operate health care facilities in Mobile and Baldwin Counties; and

**WHEREAS**, the Bonds may be issued in a single series or in two or more series over a period ending December 1, 2012; and

**WHEREAS**, proceeds of the Bonds will be used to refund certain outstanding debt or bonds of the IHS System Affiliates incurred or issued to finance the costs of acquiring, constructing, improving, expanding, renovating, equipping or furnishing the various acute care hospital and outpatient facilities (collectively the "System Facilities") of the IHS System Affiliates. The System Facilities include: (i) Mobile Infirmiry Medical Center located at 5 Mobile Infirmiry Circle (near Springhill Avenue and Mobile Infirmiry Boulevard), in Mobile, Alabama; (ii) Thomas Hospital, located at 750 Morphy Avenue in Fairhope, Alabama; (iii) Thomas Medical Center located at 27961 U.S. Highway 98 in Daphne, Alabama; (iv) North Baldwin Infirmiry located at 1815 Hand Avenue in Bay Minette, Alabama; (v) Infirmiry Eastern Shore Outpatient Center located at 7101 Highway 90 in Daphne, Alabama; and (vi) Infirmiry West and Infirmiry LTAC Hospital located at 5600 Girby Road and 5644 Girby Road, respectively, in Mobile, Alabama.

**WHEREAS**, the proceeds of the Bonds will be loaned to one or more of the IHS System Affiliates pursuant to one or more loan agreements between the Authority and IHS System Affiliates. The loan agreements will provide for loan payments by one or more of the IHS System Affiliates in amounts sufficient to pay debt service on the Bonds when due. The Bonds will be limited obligations of the Authority and will be payable solely from the loan payments by the IHS System Affiliates to the Authority. The Bonds will not be general obligations of the Authority and will not in any way constitute a debt, liability or obligation of the State of Alabama or any political subdivision of the State of Alabama, including without limitation the political subdivisions holding the hearings described above or the political subdivisions where the System Facilities are located. The Bonds will not be payable from any tax revenues; and

**WHEREAS**, a public hearing concerning the proposed issuance of the Bonds was held in the Council Chambers at City Hall, 1705 Main Street in Daphne, Alabama at 6:30 p.m. on Monday, December 21, 2009; notice of such hearing was given by publication in *The Mobile Press Register* on November 29, 2009, and such hearing provided an opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the bond-financed facilities to express their views, both orally and in writing.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that they hereby approve (i) the issuance of the Bonds to refund certain outstanding debt incurred to finance improvements and additions to and equipment for Thomas Medical Center and Infirmiry Eastern Shore Outpatient Center, and (ii) the location and nature of the

System Facilities in the City of Daphne, Alabama, in accordance with the foregoing proposal of the Authority.

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

**CITY OF DAPHNE  
A MUNICIPAL CORPORATION**

---

**August A. Palumbo,  
Council President**

---

**Fred Small,  
Mayor**

**ATTEST:**

---

David L. Cohen,  
City Clerk, MMC

# PRESS-REGISTER

## LEGAL AFFIDAVIT

Account Number:1080216  
Ad Number:0001576155  
Period Ending:11/29/2009 12:00:01AM

Name:PRESLEY, BURTON & COLLIER, LLC  
Sales Rep: Natalie Black  
251-219-5053

Billing Inquiries Please Call: (251) 219-5424

PRESLEY, BURTON & COLLIER, LLC  
2801 HIGHWAY 280 SOUTH  
SUITE 700  
BIRMINGHAM, AL 35223

- Press - Register  
Lock Box 1712  
Mobile, AL 36633-1712

Date	Position	Description	P.O. Number	Ad Size	Total Cost
11/29/2009	Other legals	NOTICE Notice is hereby given that publ		693 WDS	242.69

Mecia Carlson being sworn, says that she is bookkeeper of Press-Register which publishes a daily newspaper in the City and County of Mobile, State of Alabama: and attached notice appeared in the issue of

Press-Register11/29/2009

  
Sworn to and subscribed before me this 30th day of November 2009

  
NOTARY PUBLIC

FOR QUESTIONS CONCERNING THIS AFFIDAVIT, PLEASE CALL MECIA CARLSON AT (251) 219-5418. YOU CAN PLACE A LEGAL NOTICE BY EMAIL OR FAX: LEGALS@PRESS-REGISTER.COM OR FAX# (251) 219-5037

### NOTICE

Notice is hereby given that public hearings will be held at the times and in the locations described below concerning the proposed issuance of up to \$350,000,000 aggregate face amount of revenue bonds (the "Bonds"), to be issued by Infirmiry Health System Special Care Facilities Financing Authority of Mobile, a public corporation organized under the laws of the State of Alabama (the "Authority"). The Bonds will be issued to provide financing for the benefit of Infirmiry Health System, Inc. ("IHS") and its affiliates, Mobile Infirmiry Association ("Mobile Infirmiry"), Gulf Health Hospitals, Inc. ("Gulf Health") and Infirmiry Health Hospitals, Inc. ("Infirmiry Hospitals"). IHS and its affiliates (collectively referred to as the "IHS System Affiliates") operate health care facilities in Mobile and Baldwin Counties.

The public hearings will be held at the following times in the following locations: (i) the City Council of the City of Mobile, Alabama will conduct a public hearing concerning the Bonds at the Museum of Mobile at 111 S. Royal Street in the City of Mobile, Alabama at 10:30 a.m. on Tuesday, December 15, 2009; (ii) the City Council of the City of Fairhope will conduct a public hearing concerning the Bonds in Council Chambers at City Hall, 161 N. Section Street, in the City of Fairhope, Alabama at 6:00 p.m. on Monday, December 14, 2009; (iii) the City Council of the City of Daphne, Alabama will conduct a public hearing in Council Chambers at City Hall, 1705 Main Street, in the City of Daphne, Alabama at 6:30 p.m. on Monday, December 21, 2009; and (iv) the City Council of the City of Bay Minette will conduct a public hearing concerning the Bonds in Council Chambers at City Hall, 301 D'Olive Street, in the City of Bay Minette, Alabama at 6:00 p.m. on Monday, December 21, 2009.

The Bonds may be issued in a single series or in two or more series over a period ending December 1, 2012. The Bonds will be issued pursuant to the authority of Chapter 62, Title 11 (Section 11 62 1 et seq.) of the Code of Alabama 1975.

Proceeds of the Bonds will be used to refund certain outstanding debt or bonds of the IHS System Affiliates incurred or issued to finance the costs of acquiring, constructing, improving, expanding, renovating, equipping or furnishing the various acute care hospital and outpatient facilities (collectively the "System Facilities") of the IHS System Affiliates. The System Facilities include: (i) Mobile Infirmiry Medical Center located at 5 Mobile Infirmiry Circle (near Springhill Avenue and Mobile Infirmiry Boulevard), in Mobile, Alabama; (ii) Thomas Hospital, located at 750 Morphy Avenue in Fairhope, Alabama; (iii) Thomas Medical Center located at 27961 U.S. Highway 98 in Daphne, Alabama; (iv) North Baldwin Infirmiry located at 1815 Hand Avenue in Bay Minette, Alabama; (v) Infirmiry Eastern Shore Outpatient Center located at 7101 Highway 90 in Daphne, Alabama; and (vi) Infirmiry West and Infirmiry LYAC Hospital located at 5600 Girby Road and 5644 Girby Road, respectively, in Mobile, Alabama.

The proceeds of the Bonds will be loaned to one or more of the IHS System Affiliates pursuant to one or more loan agreements between the Authority

and IHS System Affiliates. The loan agreements will provide for loan payments by one or more of the IHS System Affiliates in amounts sufficient to pay debt service on the Bonds when due. The Bonds will be limited obligations of the Authority and will be payable solely from the loan payments by the IHS System Affiliates to the Authority. The Bonds will not be general obligations of the Authority and will not in any way constitute a debt, liability or obligation of the State of Alabama or any political subdivision of the State of Alabama, including without limitation the political subdivisions holding the hearings described above or the political subdivisions where the System Facilities are located. The Bonds will not be payable from any tax revenues.

These public hearings will provide an opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the bond-financed facilities to express their views, both orally and in writing.

PRESS REGISTER  
NOV. 29, 2009

**CITY OF DAPHNE**  
**RESOLUTION 2009-118**  
**SUPPORT THE GOALS AND IDEALS FOR THE**  
**2010 CENSUS**

**WHEREAS**, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

**WHEREAS**, more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

**WHEREAS**, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

**WHEREAS**, the 2010 Census creates jobs that stimulate economic growth and increase employment;

**WHEREAS**, the information collected by the census is confidential and protected by law;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THAT** it is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

---

**August A. Palumbo,**  
**Council President**

---

**Fred Small,**  
**Mayor**

---

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

## 2010 Census Partner Proclamation

Insert Partner  
Logo Here

**WHEREAS** an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

**WHEREAS** more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

**WHEREAS** census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

**WHEREAS** the 2010 Census creates jobs that stimulate economic growth and increase employment;

**WHEREAS** the information collected by the census is confidential and protected by law;

Now, therefore, we PROCLAIM that \_\_\_\_\_  
is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization Name

**RESOLUTION NO. 2009-119**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, APPOINTING THE MEMBERS OF THE SPECIAL CARE FACILITIES FINANCING AUTHORITY OF THE CITY OF DAPHNE-VILLA MERCY AND AUTHORIZING THE CITY COUNCIL TO HOLD A TEFRA HEARING PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND RELATED MATTERS**

**WHEREAS**, The Special Care Facilities Financing Authority of the City of Daphne, Villa Mercy (the “Authority”) has been established pursuant to Section 11-62-1 *et seq.* of the Code of Alabama, 1975, as amended, to assist nonprofit entities in the financing and refinancing of healthcare and related facilities; and

**WHEREAS**, the Authority has heretofore issued its Revenue Bonds (Mercy Medical Project), Series 1997 (the “Bonds”) for the benefit of Mercy Medical, A Corporation, a nonprofit corporation organized under the laws of the State of Alabama (the “Corporation”) which owns and operates assisted living facilities, independent living facilities and skilled nursing facilities in Daphne, Fairhope and Mobile, Alabama; and

**WHEREAS**, a portion of the proceeds of the Bonds were used by the Corporation to finance and refinancing capital expenditures at certain skilled nursing and assisted living facilities of the Corporation known as Mercy Medical and McAuley Place (the “Facility”) located in Mobile, Alabama; and

**WHEREAS**, the Corporation has requested the assistance of the Authority and the City Council of the City of Daphne with respect to certain requirements of the Internal Revenue Code of 1986, as amended (the “Code”) relating to the sale of the Facility; and

**WHEREAS**, pursuant to the provisions of the Code, the Corporation intends to keep the Bonds outstanding pursuant to their terms and has elected to utilize the “alternate qualified use of proceeds” provisions of the Code whereby the proceeds of the sale of the Facility will be applied by the Corporation to other qualified capital expenditures; and

**WHEREAS**, Section 147(f) of the Code requires that a public hearing be held by or on behalf of the Authority (the “TEFRA Hearing”) relating to the application of the sale proceeds of the Facility to the alternate qualified uses as shall be described in the notice of the TEFRA Hearing (the “TEFRA Notice”); and

**WHEREAS**, Section 147(f) of the Code requires approval by the City Council of the City of Daphne following the TEFRA Hearing of the application of the sale proceeds of the Facility to the alternate qualified uses as shall be described in the TEFRA Notice; and

**WHEREAS**, the Corporation has requested that City Council of the City of Daphne hold a TEFRA Hearing relating to the application of the sale proceeds of the Facility as shall be described in the TEFRA Notice and, following the TEFRA Hearing, grant approval of the application of the sale proceeds of the Facility as shall be described in the TEFRA Notice, all as required by Section 147(f) of the Code; and

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that the TEFRA Hearing as required by Section 147(f) of the Code shall be held by the City Council of the City of Daphne at its regularly scheduled meeting to be held on January 18, 2010.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that the Corporation shall be authorized to publish the TEFRA Notice within the time and in such publications as may be required by Section 147(f) of the Code.

This Resolution shall take effect immediately.

**ADOPTED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
August A. Palumbo, Council President

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

ATTEST:

\_\_\_\_\_  
City Clerk

**ORDINANCE 2009-65**

**Ordinance to Rezone Property Located Southwest of the Intersection of Main Street  
and Belrose Avenue  
Trione Heir Property**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-1, Local Business District to said property is located southwest of the intersection of Main Street and Belrose Avenue, being more particularly described as follows:

LEGAL DESCRIPTION

LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, BALDWIN COUNTY PROBATE RECORDS; TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 89-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 63.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 88-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 64.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-49-03 WEST, 32.26 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING, CONTAINING 17,553.55 S.F. OR 0.403 ACRES MORE OR LESS.

**WHEREAS**, the Planning Commission of the City of Daphne on October 22, 2009 has considered said request and set forth a unanimous unfavorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, December 7, 2009 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-2, Medium Density Single Family Residential District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

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

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

**ATTEST:**

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

TRIONE HEIR PROPERTY, LLC

PROPERTY DESCRIPTION

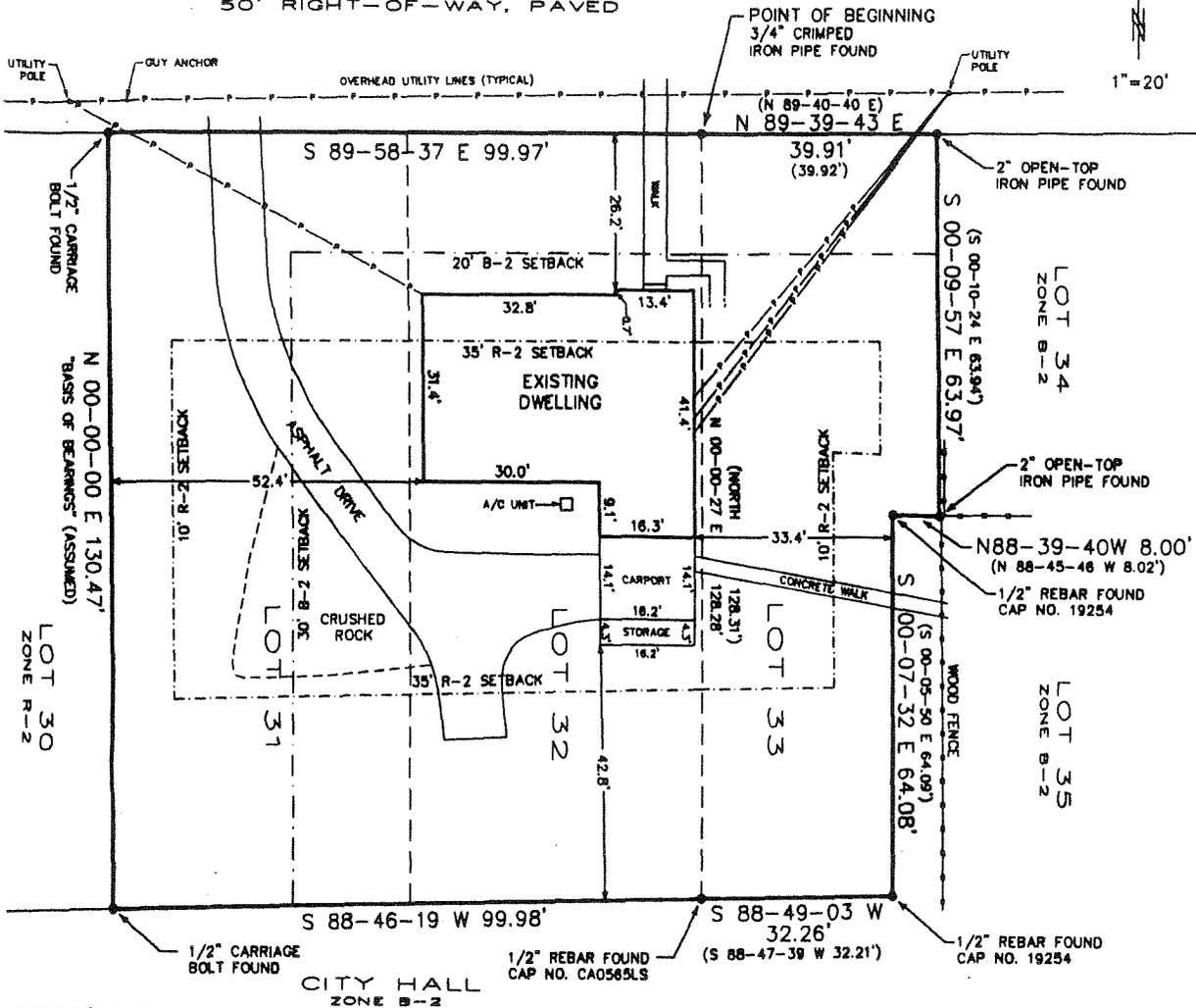
PARCEL ID NOS. 05-43-04-41-0-005-029.003 AND 05-43-41-0-005-029.001

LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, PARCEL ID NOS. 05-43-04-41-0-005-029.003 AND 05-43-41-0-005-029.001

LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, BALDWIN COUNTY PROBATE RECORDS; TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 89-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 63.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 88-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 64.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-49-03 WEST, 32.26 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING, CONTAINING 17,553.55 S.F. OR 0.403 ACRES MORE OR LESS.

# BELROSE AVENUE

50' RIGHT-OF-WAY, PAVED



**SURVEYOR'S NOTES:**

BOUNDARY DATA SHOWN HEREON IS CALCULATED FROM TRAVERSE DATA.

DATA SHOWN IN PARENTHESES IS RECORD DATA DIFFERING FROM THE ACTUAL FINDINGS OF THIS SURVEY.

BOUNDARY MARKERS SHOWN HEREON HAVE BEEN GUARDED WITH STAKES PAINTED WHITE. ALL OTHER MARKS STAKED OR FLAGGED ARE ACCESSORY OR CONTROL POINTS.

F.E.M.A. FLOOD ZONE INFORMATION IS AVAILABLE UPON REQUEST.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN THOSE CALLED BY RECORD DOCUMENTS CITED HEREON OR VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

**SURVEYOR'S CERTIFICATE:**

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, PETER G. GARSED, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT PLAT OF MY SURVEY OF LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, BALDWIN COUNTY PROBATE RECORDS; TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 88-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 63.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 88-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 64.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-49-03 WEST, 32.26 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING.

I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

*Peter G. Garsed* 6/1/09  
PETER G. GARSED, P.L.S.  
LICENSE NO. 19254



TRIONE HEIR PROPERTY ZONING AMENDMENT EXHIBIT "B"

**GARSED LAND SURVEY**

20741-B HIGHWAY NO. 181  
P.O. BOX 1263  
FAIRHOPE, AL 36533  
(251) 928-5887

**PLAT OF BOUNDARY & AS-BUILT SURVEY**

AT THE REQUEST OF  
**KARL GUSTAFSON**

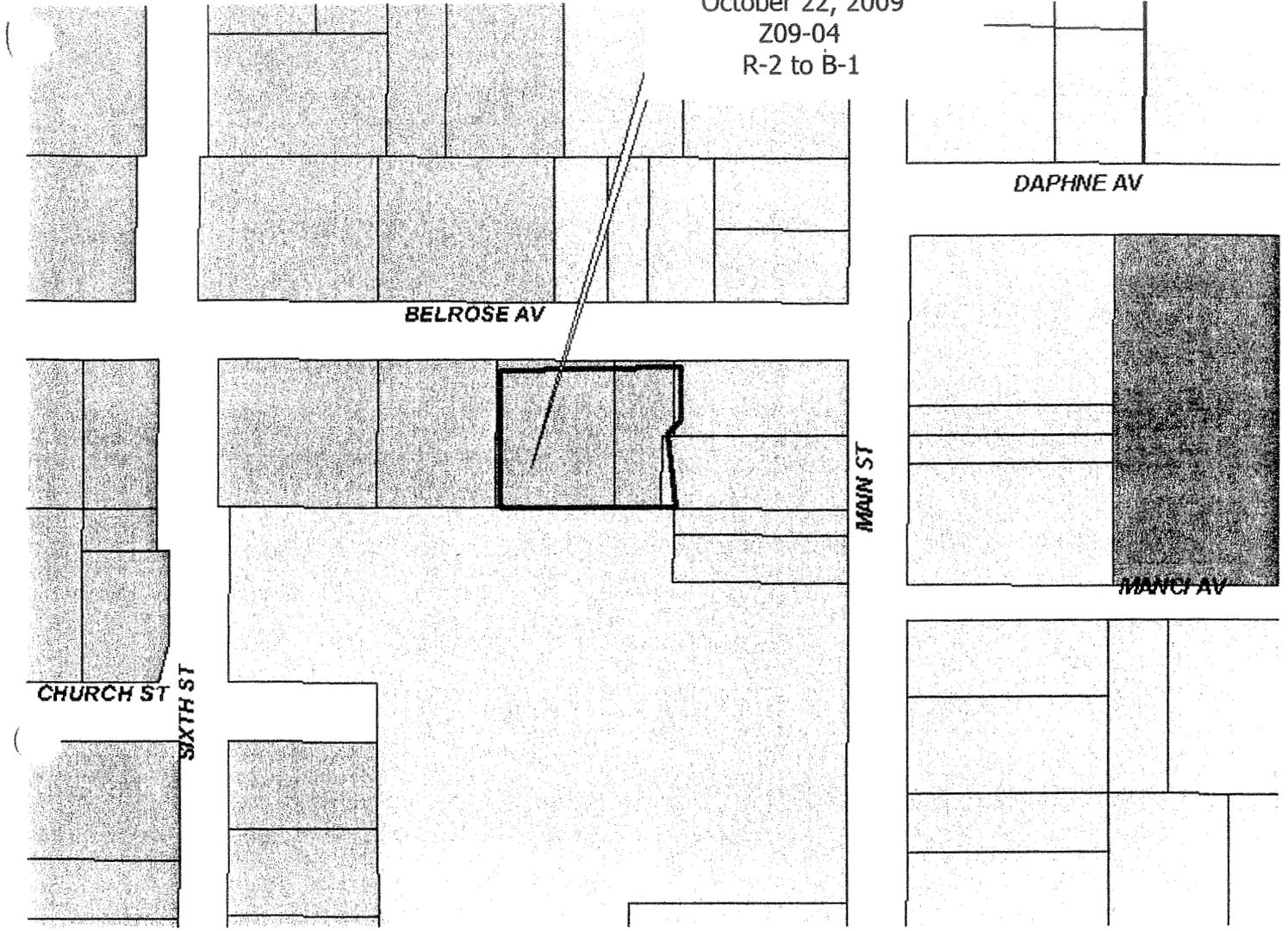
SURVEY DATE:  
JUNE 1, 2009

SCALE:  
1"=20'

PLAT DATE:  
JUNE 3, 2009

DRAWN BY:  
B.A.C.

PROPOSED ZONING  
 AMENDMENT  
 October 22, 2009  
 Z09-04  
 R-2 to B-1



*The Jubilee City*

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3184

*Revised 10/07/2009*

*Map compiled by Nancy Anderson, GIS Manager, City of Daphne Community Development, July 7, 2009*

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2009-66**

---

**Olde Towne District Map  
Revision to Appendix I of the City of Daphne  
Land Use and Development Ordinance**

---

**WHEREAS**, the Planning Commission of the City of Daphne, at its regular meeting held on July 23, 2009, reviewed a proposed amendment to the Olde Towne District Map approved and adopted by City of Daphne Ordinance No. 2002-22 referenced in Appendix I "Exhibit B" of the Daphne Land Use & Development; and,

**WHEREAS**, the Planning Commission considered said map amendment in conjunction with a zoning amendment request for B-2 General Business and voted to send the City Council of the City of Daphne an unfavorable recommendation on both items for consideration; and,

**WHEREAS**, the Planning Commission, at its regular meeting held on October 22, 2009, reviewed a zoning amendment request for B-1 Local Business and forwarded the City Council a favorable recommendation; and,

**WHEREAS**, the Director of the Department of Community Development, considering the favorable recommendation to Council by the Planning Commission of said zoning amendment, has made a favorable recommendation to City Council for consideration of the Olde Towne District Map; and,

**WHEREAS**, the City Council of the City of Daphne has reviewed the proposed amendments and the Planning Commission's and Director of Community Development's recommendations; and,

**WHEREAS**, the City Council finds that said amendments are necessary due to various requests, which have been approved since the adoption of Ordinance No. 2002-22; and,

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

**WHEREAS**, a public hearing regarding the proposed Olde Towne District Map amendments was held by the City Council on December 7, 2009; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration believes the amendments to said Olde Towne District Map are proper and in the best interest of the City.

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

**SECTION I. OLDE TOWNE DISTRICT MAP**

The Olde Towne District Map referenced hereto as "Exhibit B" shall be the official map for the Olde Towne District of the City of Daphne, Alabama.

**SECTION II. AMENDMENT**

Ordinance 2002-22, 2003-05, 2005-12, and 2008-04 and any other amendments, are hereby amended to the extent that the adopted Olde Towne District Map referenced in Appendix I of "Exhibit B" and any amendments thereto, conflicts with the Revised Olde Towne District Map referenced as Exhibit B.

**SECTION III. REPEALER**

Any Ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION IV. EFFECTIVE DATE**

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

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

**CITY OF DAPHNE**

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

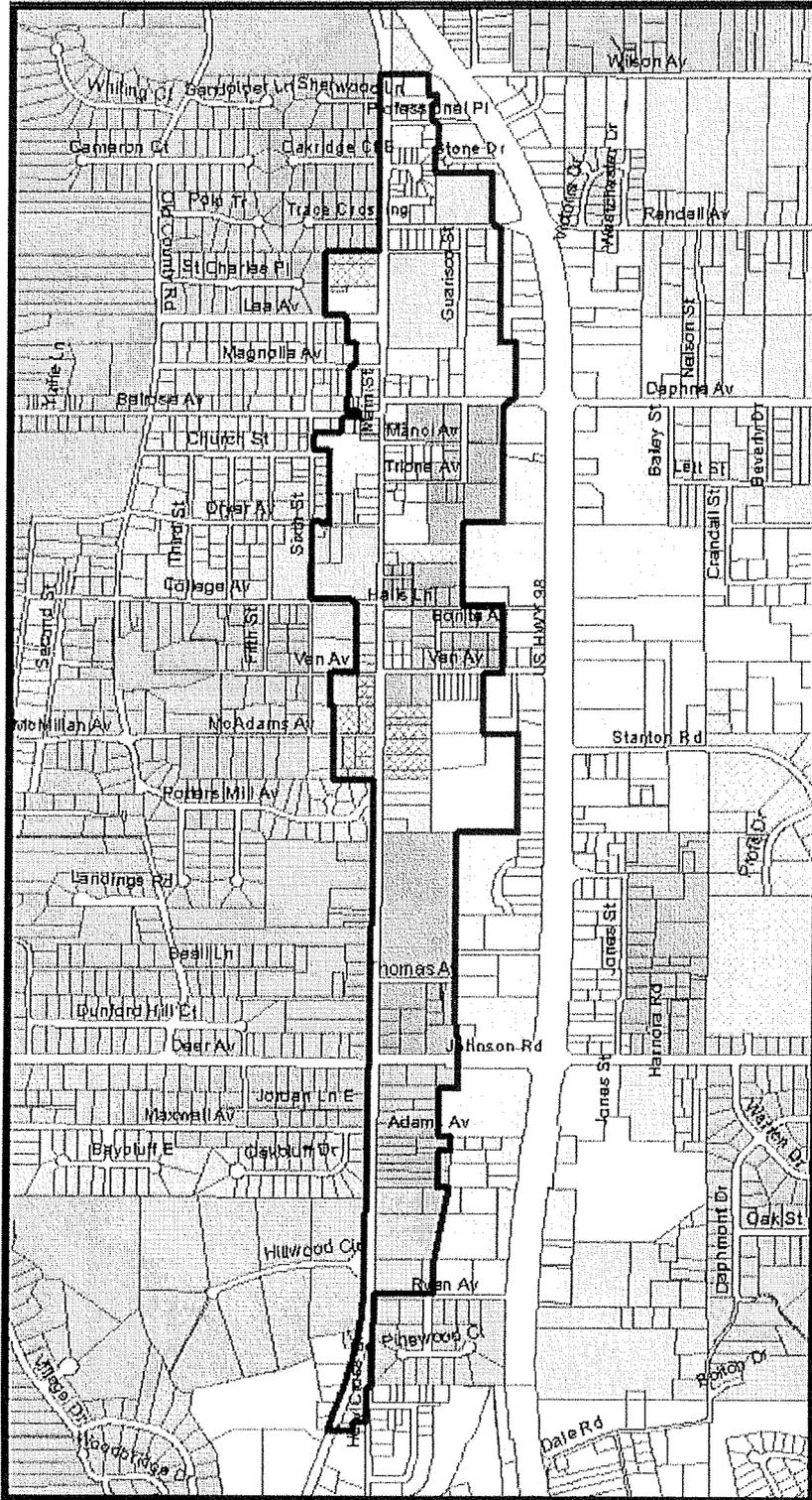
\_\_\_\_\_  
**Fred Small  
Mayor**

**ATTEST:**

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



# The Olde Towne Daphne District Draft



**Legend**

- Olde Towne Overlay REV
- R-1
- R-2
- R-3
- R-4
- R-5
- B-1
- B-2
- B-3
- C/I
- MU
- ET JURISDICTION

## Draft

ADOPTED BY THE CITY OF DAPHNE PLANNING COMMISSION  
DATE:

PLANNING COMMISSION CHAIRMAN  
ED KIRBY

ADOPTED BY THE DAPHNE CITY COUNCIL  
DATE:

MAYOR  
FRED S MALL

CITY CLERK  
DAVID COHEN



*The Jubilee City*

REV. 1 ORDINANCE NUMBER 2005-12  
REV. 2 ORDINANCE NUMBER 2003-04

The data makes available to the City of Daphne is provided for use in a variety of ways, and the user assumes responsibility for the use of the data. The City of Daphne is not responsible for any errors or omissions in the data, and the user assumes responsibility for the use of the data. For more information, contact the City of Daphne Planning Department, Tel. 251-621-1100.

Developed by City of Daphne Planning Department

**ORDINANCE 2009-68**

**General Fund Appropriation  
FEMA: Captain O'Neal Drive Drainage Improvements**

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

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

**WHEREAS**, Captain O'Neal Drive is experiencing significant damage to the storm water drainage system which is leading to safety concerns for citizens and their property; and

**WHEREAS**, the City has made application with FEMA to secure hazardous mitigation funding in the amount of \$ 115,000 for Captain O' Neal Drive.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 Budget is hereby amended to include a net General Fund appropriation in the amount of \$ 222,708 (total project cost \$ 342,040 less \$ 119,332 FEMA proceeds) for drainage repairs for Captain O'Neal Drive.

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

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

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

**ATTEST:**

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

**ORDINANCE 2009-69**

**Captain O'Neal Road and Sidewalks**

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

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

**WHEREAS**, certain street improvements are needed for damage sustained to the streets as a result of storm water flooding; and

**WHEREAS**, additionally, certain sidewalk installation along Captain O'Neal Drive and Dryer Avenue is needed for the safe passage between and to the City's May Day Park bay front property and Dryer Avenue bay front property; and

**WHEREAS**, it is more cost effective to install the sidewalks as the street repairs are being completed.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2010 Budget is hereby amended to include the following appropriations from Special Revenue Funds:

- 74,595 Seven Cent Gas Tax (road repairs)
- 41,050 Lodging Tax (sidewalk installation).

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

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

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

**ATTEST:**

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

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2010-01**

---

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

---

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

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

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

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

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

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

**SECTION I: ANNEXATION**

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

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

DESCRIPTION:

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

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

**SECTION II: PUBLICATION**

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

**SECTION III: 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 IV: EFFECTIVE DATE**

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

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

\_\_\_\_\_  
AUGUST A. PALUMBO,  
DAPHNE COUNCIL PRESIDENT  
Date & Time Signed:\_\_\_\_\_

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

ATTEST:

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

# Hwy 181 & 90 Annexation

1 inch = 1,500 feet

05-32-08-27-0-000-012.068

Sawwood St

Eastern Shore Blvd

05-32-07-26-0-000-021.036

Interstate 10

Historic Malbis

US Highway 90

05-32-07-35-0-000-001.008

County Road 13

State Highway 181



## Legend

 Subject Property

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed, or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3184

**CITY OF DAPHNE**  
**ORDINANCE NO. 2010-02**

---

**AN ORDINANCE TO DEFINE THE PROCEDURES AND PENALTIES FOR GOING OUT OF  
BUSINESS AND OTHER SIMILAR SALES**

---

**WHEREAS**, commercial activity is vital to the growth and development of the City of Daphne; and

**WHEREAS**, the collection of sales tax derived from commercial activities and the regulation of said commercial activities is within the City's responsibility for the health, safety, and welfare of its citizens, and visitors; and

**WHEREAS**, there is currently no ordinance delineating the procedure for which a commercial entity may begin the process of selling its inventory and terminating its existence within the corporate limits of the City of Daphne; and

**WHEREAS**, the City Council of the City of Daphne, after due consideration and upon deliberation, has determined it to be in the best interests of the City to require commercial entities to follow set regulations when a commercial entity terminates its existence.

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

**SECTION I: DEFINITIONS**

*Applicant* is any person applying for a license under this chapter, including its principal, if such person is the agent of another who is the true owner, notwithstanding whether that other is an individual, partnership, association, firm or corporation and notwithstanding whether the name of the true owner appears on the application or not.

*Distressed merchandise sale* is any offer to sell to the public or a sale to the public of goods, wares or merchandise on the implied or direct representation that such sale is being held other than in the ordinary course of business and not otherwise defined herein. Without limiting the generality of the above, "distress merchandise sales" shall include, but not be limited to, any sale advertised either specifically or in substance to be any one of the following:

- (1) Fire sale;
- (2) Smoke damage sale;

- (3) Water damage sale;
- (4) Adjustment sale;
- (5) Insurance salvage sale;
- (6) Mortgage sale;
- (7) Adjuster's sale;
- (8) Re-organization sale; or
- (9) Other sale of similar intent or terminology to any of the above.

***Fire and other altered goods sale*** means a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.

***Going out of business sale*** means any sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand, the business will cease and be discontinued including, but not be limited to, the following sales: alteration, assignee's, bankrupt, benefit of administrator's, benefit of creditor's, benefit of trustee's, building coming down, closing, creditor's committee, creditor's end, executor's final days, forced out of business, insolvents, last days, lease expires, liquidation, loss of lease, receiver's, trustee's, quitting business, forced out.

***Goods*** means goods, wares, merchandise or other property capable of being the object of a sale regulated under this article.

***Inventory*** is a list of the goods, wares or merchandise, on hand, which the applicant intends to offer for sale at such sale. The inventory shall show the quantity, kind and grade of each item, the wholesale cost thereof, the price at which each item is proposed to be sold and the total wholesale and retail value of the inventory based on the foregoing.

***Person*** is any individual, partnership, association, firm, corporation or organization of any kind.

***Removal of business sale*** means a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the inventory on hand and will then move to and resume business at a new or other existing location in the City.

## **SECTION II: LICENSE**

### **A. License Requirement.**

A license issued by the city clerk shall be obtained by any person before selling or offering for sale any goods at a sale to be advertised or held out by any means to be one (1) of the following kinds:

- (1) Going out of business sale.
- (2) Removal of business sale.
- (3) Fire and other altered stock sale.

**B. Application.**

*Written information required.* A person desiring to conduct a sale regulated by this article shall make a written application to the City Finance Director, or her designee, setting forth and containing the following information:

- (1) The true name and address of the owner of the goods to be the object of the sale.
- (2) A sworn statement by the legal owner of the business, stating that no additional inventory will be added to the existing inventory during the sale.
- (3) A description of the place where such sale is to be held.
- (4) The nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy.
- (5) The dates and period of time in which the sale is to be concluded.
- (6) The full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted.
- (7) The means to be employed in advertising such sale, together with the proposed content of any advertisement.

**C. Conditions; fee.**

A license shall be issued under this article on the following terms:

(1) *Licensing period and fee.* The license shall authorize the sale described in the application for a period of time and for a license fee as described in this subsection:

- (a) No more than 30 consecutive calendar days following

- (b) No more than 60 consecutive calendar days following issuance. . . \$300.00

The City Council may authorize that sales continue for an additional 30 consecutive calendar-day period beyond the 60-day period above, upon receipt of a written request stating the reasons for the request. Upon said authorization from the City Council, the applicant shall incur an additional \$150.00 mandatory fee.

(2) *Nature of sale.* The license shall authorize only the one type of sale described in the application at the location named therein.

(3) *Saleable goods.* The license shall authorize only the sale of goods in inventory at the beginning of the sale.

(4) *Surrender of general license.* Upon being issued a license under this article for a going out of business sale, the licensee shall surrender to the City Finance Director, or her designee, all other business licenses they may hold at that time applicable to the location and goods covered by the application for a license under this article.

(5) *Non-transferability.* Any license provided for in this article shall not be assignable or transferable.

D. Duties of licensee.

It shall be the duty of the licensee to:

(1) *Adhere to inventory.* During any going out of business sale or distress merchandise sale, a licensee may sell, offer for sale or advertise for sale goods, wares or merchandise which were not included in the inventory filed with his application. Should any inventory be added to the stock of merchandise set forth in the certified inventory attached to the application for the license, the licensee shall file an amendment with the City Finance Director, or her designee, listing the additional inventory and when it was received by the licensee. Failure to adhere to this provision shall result in immediate revocation of the license to conduct an out of business sale or distress merchandise sale in addition to any penalties pursuant to Section IV of this Ordinance.

(2) *Advertise properly.* Refrain from employing any untrue, deceptive or misleading advertising.

(3) *Adhere to advertising.* The licensee shall conduct the licensed sale in strict conformity with any applicable advertising regulations or holding out incident thereto.

(a) A licensee shall not advertise a going out of business sale or distress merchandise sale earlier than seven (7) days prior to the date on which the sale

is licensed to begin. Advertising of such sales shall state the date when the sale is to begin and, during the last fifteen (15) days of such sale, shall clearly and prominently state the date the sale shall end. However, licensees are not authorized to use the City of Daphne's name or the number of the license issued pursuant to this article in conjunction with advertising the sale.

### **SECTION III: RESTRICTIONS**

#### **A. Interval between sales.**

Any person who has held a sale, as regulated under this article, at the location stated in the application, within one (1) year last past from the date of such application shall not be granted a license.

#### **B. Restricted location.**

Where a person applying for a license under this article operates more than one place of business, the license issued shall apply only to the one store, or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the license sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it, or participating in any way in the licensed sale unless a separate license is obtained for each location.

#### **C. Sales to be held only at regular store hours.**

No going out of business sale or distress merchandise sale shall be held at times other than regular store hours of the applicant, except that the City Council may make reasonable provision for extra evening hours upon good cause shown by the applicant.

#### **D. False bidders prohibited.**

No person who is not a bona fide potential purchaser shall act at any going out of business sale or distress merchandise sale as bidder, or what is commonly known as a "capper," "booster" or "shiller," or offer to make any false bid to buy any article sold or offered for sale at any going out of business sale or distress merchandise sale.

#### **E. Exceptions and exemptions.**

(1) *Exception for survivors of businessmen.* Upon the death of a person doing business in the City, his heirs, devisees or legatees shall have the right to apply at any time for a license under this article.

(2) *Persons exempted.* The provisions of this article shall not apply to nor affect the following persons:

- (a) Lay persons acting pursuant to an order or process of a court of competent jurisdiction; or
- (b) Persons acting in accordance with their powers and duties as public officials.

#### **SECTION IV: PENALTIES**

(1) A person convicted of a willful violation of any of the provisions of this article shall be fined not more than Five Hundred Dollars (\$500.00) and may be imprisoned for not more than six (6) months, or both, at the discretion of the court trying the case.

(2) Each separate sale, offering for sale or advertising for sale at a going out of business sale or distress merchandise sale of any goods, wares or merchandise in violation of the provisions of this article constitutes a separate offense.

#### **SECTION V: CONSTRUCTION**

The provisions of this article are intended to augment and be in addition to the general licensing ordinances of the City. Where this article imposes a greater restriction upon persons, premises, business or practices than is imposed by the general licensing ordinances of the City, this article shall control.

#### **SECTION VI: 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 VII: 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,  
THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

---

**AUGUST PALUMBO  
COUNCIL PRESIDENT**

---

**FRED SMALL  
MAYOR**

**ATTEST:**

---

**DAVID L. COHEN  
CITY CLERK**

**ORDINANCE 2010-03**

**Lodging Tax Appropriation  
Park Signs**

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

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

**WHEREAS**, Lodging Tax funds may be used for the purchase, development, and maintenance of beachfront property; and

**WHEREAS**, the Beautification Committee has requested that the City Council consider an appropriation for the placement of directional and informational signs at the City's various bay front parks.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2010 Budget is hereby amended to include a Lodging Tax appropriation in the amount of \$ 4,909 for the purchase of directional and informational signs to be located at the City's various bay front parks.

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

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

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

**ATTEST:**

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

**ORDINANCE 2010-04**

**Lodging Tax Appropriation  
Sports Complex**

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

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

**WHEREAS**, Ordinance 2009-55 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital items; and

**WHEREAS**, estimated annual revenues total \$ 160,000 for such recreational purposes; and

**WHEREAS**, the City has certain newly constructed soccer and football fields at the Sports Complex which require immediate funding (to complete the project) for the installation of lighting, (2) bathrooms, and (4) bleachers; and

**WHEREAS**, the lodging tax funding source for such capital recreational items has not accumulated to the point of providing funding for such improvements.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

1) The Fiscal Year 2010 Budget is hereby amended to include a Lodging Tax appropriation for the Sports Complex in the amount of \$ 875,000 for the following capital improvements:

- \$ 550,000: Soccer/Football Lighting
- \$ 275,000: (2) Bathroom/Concession Buildings
- \$ 50,000: (4) Elevated Bleachers

2) Lodging tax proceeds allocated for such recreational grounds capital items have not accumulated to fund such improvements. However, the Lodging Tax Fund does have funds in the amount of \$ 1,134,305 available for the acquisition, development, and maintenance of bay front property. Such funds shall be "loaned" to the recreation reserve and repaid to the bay front reserve as future recreation lodging tax collections are realized.

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

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

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

**ATTEST:**

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