

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
APRIL 18, 2011
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

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

- 3. APPROVE MINUTES:** Council meeting minutes / April 4, 2011
Council Work Session minutes / April 11, 2011

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / April 4th

1.) Ordinances:

- a.) HVAC Units: Library & Recreation Center / **Ordinance 2011-33**
- b.) Used Wheel Loader / **Ordinance 2011-34**

2.) Resolutions / Bid Awards:

- a.) Used Wheel Loader / Caterpillar Financial Services Corp. (Thompson Tractor Co.) / **Resolution 2011-34**
- b.) Concrete Pipe / Hanson Pipe & Precast / **Resolution 2011-35**
- c.) Skid Steer Loader / Thompson Tractor Company / **Resolution 2011-36**

3.) Other Resolutions:

- a.) Garbage Truck Lease Financing-Hancock Bank / **Resolution 2011-37**
- b.) Surplus Equipment / Chair / **Resolution 2011-38**
- c.) Volunteer Firefighters Loan & Reimbursement / **Resolution 2011-39**
- d.) Lake Forest Yacht Club 2011 Sailboat Race / **Resolution 2011-40**

4.) Motions:

- a.) Authorizing the participation with the Utility Board contracting with a collection agency for the collection of bad garbage debt with a fee of 30% of the amount collected
- b.) Authorizing the transfer of \$600 for training from District #1 to District #3
- c.) Reject Bids: 2011-O-Police Vehicles and purchase from State Bid List
- d.) Reject Bids: 2011-P-Recr/Parks Extended Cab Truck and purchase from State Bid List

5.) Financial Reports:

- a.) Treasurers Report / March 31, 2011
- b.) Sales & Use Tax Collections / February 28, 2011
- c.) Lodging Tax Collection / February 28, 2011

6.) Work Session / April 11, 2011

- a.) Hiring Freeze Exception / Grounds Public Service Worker / **Ordinance 2011-30**
- b.) Mobile Bay National Estuary Program / **Ordinance 2011-31**
- c.) Campbell Swamp Appraisal Appropriation / **Ordinance 2011-32**

B. BUILDINGS & PROPERTY - Lake

Review minutes / March 7th

Review minutes / April 4th

C. PUBLIC SAFETY – Palumbo

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes / January 18th

Review minutes / February 21st

Review minutes / March 21st

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Review minutes / September 2, 2010

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Yelding

Review minutes / March 28th

D. Library Board – Lake

Review minutes / January 6th

Review minutes / February 3rd

Review minutes / March 3rd

E. Planning Commission – Barnette

F. Recreation Board – Reese

G. Utility Board - Scott

Review minutes / February 23rd

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) ABC License / Dollar General / 050 – Retail Beer (Off Premises Only / 070 – Retail Table Wine / (Off Premises Only)

b.) ABC License / Champy Famous Fried Chicken / 040 – Retail Beer (On or Off Premises / 060 – Retail Table Wine (On or Off Premises)

c.) Parade Permit / Bayside Medical Missions / 5K - 10K – 1 Mile Run / September 24, 2011

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Bid Award: PW/Used Wheel Loader / Caterpillar Financial Services Corp (Thompson Tractor)...../Resolution 2011-34

b.) Bid Award: Concrete Pipe / Hanson Pipe & Precast...../Resolution 2011-35

c.) Bid Award: Skid Steel Loader / Thompson Tractor Co...../Resolution 2011-36

d.) Garbage Truck Lease Financing / Hancock Bank...../Resolution 2011-37

e.) Declaring Certain Property Surplus.....2...../Resolution 2011-38

- f.) **Agreement: Daphne Volunteer Firefighters Assoc. Inc. / FD Burn Building Training Center / Fire Truck & Equipment. /Resolution 2011-39**
- g.) **Community Contributions: Lake Forest Yacht Club 2011 Sailboat Race. /Resolution 2011-40**
- h.) **Ennis Property Acquisition / /Resolution 2011-41**

ORDINANCES:

1ST READ

- a.) **Approving Hiring Freeze Exception / Grounds Public Service Worker. /Ordinance 2011-30**
- b.) **Appropriation: Mobile Bay National Estuary Program /Ordinance 2011-31**
- c.) **Appropriation: Campbell Swamp Appraisal /Ordinance 2011-32**
- d.) **Appropriation: Library & Recreation HAVC Unit Replacement. /Ordinance 2011-33**
- e.) **Appropriation: PW/Used Wheel Loader. /Ordinance 2011-34**

- 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

**APRIL 4, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Lake.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Richard Johnson, Public Works Director; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Kim Briley, Finance Director; Vickie Hinman, Human Resource Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Margaret Thigpen, Civic Center Director; Jane Ellis, Mayors Assistant; Anne Morris, Reference Librarian; Officer Toby Pearce, Police Department; Willie Robison, BZA.

Absent: Tonja Young, Library Director;

3. APPROVE MINUTES

MOTION BY Councilman Boulware to adopt the March 21, 2011 Council meeting minutes. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

The minutes for the Special Called Finance meeting are in the packet.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

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

C. PUBLIC SAFETY COMMITTEE – Palumbo

The minutes for the March 9th meeting are in the packet. The next meeting will be April 13th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report. The next meeting will be April 13th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding
The Beautification minutes for the March 4th meeting are in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones
The board will meet Thursday at 6:00 p.m. to consider a variance for the Lake Forest Apartments.

a.) Re-appoint Mr. Billy Mayhand to the BZA for a three (3) year term.

MOTION BY Councilman Scott to re-appoint Mr. Billy Mayhand to the Board of Zoning Adjustments term to end March 2014. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. Downtown Redevelopment Authority – Barnette
The minutes for the March 28th meeting are in the packet. They are working with Kim Briley and Jane Ellis to re-establish the May Day Festival.

C. Industrial Development Board – Yelding
No report.

D. Library Board – Lake
The “Spring Into Reading” Festival was held Saturday, April 2nd, and it was a great success. There were approximately 2,000 attendees. The Library would like to especially thank the Recreation and Public Works Departments for their help with the festival. National Library Week is the second week of April through the 16th, and the Library will participate to forgive fines if you have overdue books.

F. Planning Commission – Barnette
The minutes for the January 27th and February 24th meetings are in the packet.

a.) Set Public Hearing Date for **May 2, 2011** to consider:

Rezoning: *GCD Acquisitions I, L.L.C.*
Property Located: Northwest of the intersection of Anchor Cross Boulevard and U. S. Highway 90, Lot 2A of the re-subdivision of Lot 2, Medical Office Building and Cancer Center of Malbis
Present Zoning: B-2, General Business District
Requested Zoning: R-4, High Density Multi-Family Residential District
Recommendation: No recommendation

MOTION BY Councilman Scott to set a Public Hearing Date for May 2, 2011 to consider:

Rezoning: *GCD Acquisitions I, L.L.C.*
Property Located: Northwest of the intersection of Anchor Cross Boulevard and U. S. Highway 90, Lot 2A of the re-subdivision of Lot 2, Medical Office Building and Cancer Center of Malbis
Present Zoning: B-2, General Business District
Requested Zoning: R-4, High Density Multi-Family Residential District

Seconded by Councilman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Jones stated that she has only received one set of comments on the Land Use Ordinance from the council, and if council will send her their comments by Monday she can include them in the ordinance and present the final draft at the work session on Monday.

F. Recreation Board – Reese

No report.

G. Utility Board – Scott

The board met last Wednesday, and the minutes will be in the next packet. The next meeting will be April 27th at 5:00 p.m. in the council chambers.

6. REPORTS OF THE OFFICERS:

Mayor's Report

- a.) Parade Permit / Daphne United Methodist Church / Annual 5K and Fun Run / April 23, 2011

MOTION BY Councilman Boulware to approve the Parade Permit for Daphne United Methodist Church / Annual 5K and Fun Run / April 23, 2011. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Request for Extension of Promotional Weekends for Advertising

MOTION BY Councilman Lake to extend Promotional Advertising on Weekends from April, 2011 through October, 2011. *Seconded by Councilman Scott.*

Discussion was held on the length of the extension. Council President Barnette stated that she would like this to go to the work session for further discussion.

Councilman Lake withdrew his motion. Councilman Scott withdrew his second.

The extension of the promotional weekends will be considered at the April 11th work session.

Mayor Small stated that he had no further report, and asked if he could be excused from the meeting.

Council President Barnette excused Mayor Small from the meeting.

B. City Attorney Report

Council President Barnette stated that they have pulled the proposed settlement for the Schaffer / Murphy litigation from the agenda. There will be no settlement decision tonight.

Mr. Ross reminded council that their statement of Economic Interest forms are due by April 30th, as well as Ethics training, and this can be done on line.

C. Department Head Comments

Richard Merchant – Building Official - reported that there were 21 new building permits issued for the month of March, and this is the best it has been in three (3) years. They had 135 total permits which was about \$41,000 in revenue for the city.

Margaret Thigpen – Civic Center Director – reported that Ballroom dance is April 15th, and tickets are on sale for \$15.00, and \$150.00 per table.

David McKelroy – Recreation Director - reported that Brown Bag by the Bay is Thursday from 11:30 – 1:00 at May Day Park. Saturday at Trione there is a 20 team softball tournament. lacrosse and soccer going on. On Sunday, April 10th the Baldwin Pops will be playing at Bayfront Park, and April 16th is the Easter Egg Hunt at Lott Park.

Mrs. Jane Ellis – Mayors Assistant – reported that they were working on the May Day Festival.

7. PUBLIC PARTICIPATION

Mr. Eddie Murphy – 103 Windsor Court – (*For the record*) Ya'll are going to pay a fellow \$4,000 for breaking the law. You are still enforcing the law, but you are going to pay him to break the law. So, since he is going to be paid that kind of money, for my expenses from 2003 forward I am seeking a \$25,000 settlement on what I have spent, and the time that I have put into it, and it was proven that the city was at fault where the water was coming over the streets, and coming over to my property so that

I had to build retainers and hire the engineers to do it. So I am seeking \$25,000 plus interest backed up to 2003.

Council President Barnette stated for public information there is no settlement on the table, and there is no settlement to be made by this body. There is a proposed settlement on the table, and the council has taken no action, and will take no action tonight.

Mr. Kevin Spriggs – Owner of businesses in Daphne –spoke regarding the sign ordinance reminding council that they are embarking on paving projects, and businesses collect taxes that pay for that type of activity. This city is going to need much more of this activity, and the sign ordinance is the number one problem in the city that businesses have in dealing with city government. He feels it violates the constitutional amendment that the forefathers founded this county on. People have the right to earn a living, and the sign ordinance greatly interferes with that right, especially for local businesses, and smaller businesses that cannot use national media advertising to promote their products. He just wanted council to know that the business community is aware of this, and would like to have as much help as they can to continue in business.

Mr. Ben Cruitt – Ridgewood Drive - stated that the sign ordinance is detrimental to Daphne, and that council is trying to regulate commerce, and they have no constitutional right to do so.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Acceptance of Property / Mary F. Smith / Round-About /Resolution 2011-31
- b.) Acceptance of Property / Orrie J. & Earlie Smith / Round-About /Resolution 2011-32
- c.) Acceptance of Property / YMCA / Round-About /Resolution 2011-33

MOTION BY Councilman Scott to <u>waive the reading</u> of Resolutions 2011-31, 2011-32, and 2011-33. <i>Seconded by Councilman Boulware.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

MOTION BY Councilman Scott to <u>adopt</u> Resolutions 2011-31, 2011-32 and 2011-33. <i>Seconded by Councilman Yelding.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Appropriation of Funds: Temporary Services: Custodian /Ordinance 2011-21
- b.) Appropriation of Funds: Deputy Finance Director /Ordinance 2011-22
- c.) Amending Job Classification Schedule / Deputy Finance Director /Ordinance 2011-23
- d.) Approving Hiring Freeze Exception: Grounds Public Service Worker. . . . /Ordinance 2011-24
- e.) Approving Hiring Freeze Exception: Mechanic Technician. /Ordinance 2011-25
- f.) Appropriation of Funds: (5) Police Vehicles /Ordinance 2011-26
- g.) Appropriation of Funds: Used Wheel Loader with Interchangeable Attachments /Ordinance 2011-29

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-21. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2011-21. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-22. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2011-22. *Seconded by Councilman Yelding.*

ROLL CALL VOTE

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

AYE Yelding, Lake, Scott, Barnette

NAY Reese, Boulware, Palumbo

MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-23. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2011-23. *Seconded by Councilman Yelding.*

ROLL CALL VOTE

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

AYE Yelding, Lake, Scott, Barnette

NAY Reese, Boulware, Palumbo

MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinances 2011-24 and 2011-25. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2011-26. *Seconded by Councilman Scott.*

Council discussed the ordinance.

Councilman Boulware called for the question.

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

NAY Lake

MOTION CARRIED

MOTION BY Councilman Palumbo to wave the reading of Ordinance 2011-29. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2011-29. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

8. COUNCIL COMMENTS

Councilman Lake said with the first dealership they heard excuses and reasons why there was miscommunication, and the second dealership they heard the same thing excuses and reasons why. The first time the Police Department blamed it on the dealership, and the second time the same dealership when he went to talk with them and found out they received misinformation, and the third time he called Mr. Thompson and asked him about this, and that is the only reason Mr. Thompson wrote a letter to council because he was not aware of it until after the fact. He is tired of it.

Councilman Palumbo stated that there were comments tonight about how terrible the Daphne sign ordinance is, and he pointed out that one reason why all those businesses come to Daphne is because the city has a certain average median income in the city, and people move here because of the beauty of the city. Look Airport Boulevard where there are so many signs that you just pass them right up, and you don't know what business is where, and all it does is blind you. It is just a compilation of junk, eye pollution. He suggested that they go down Airport Boulevard where anything goes, and see how many of those businesses are boarded up. Then go back in 90 days and see how many those businesses have folded, and there is another one trying, and then another and another. How many signs, and the size of them has very little to do with the success of the businesses, and that has been proven. They have a beautiful city, and there are some on the council that has been around long

enough to help put this in place many years ago. He said to ride down Highway 98 with the oak trees, and what do you see a beautiful thoroughfare, but you also see thriving businesses that don't have flashing garish signs. That is part of the beauty of Daphne, and what sets the city apart.

Council President Barnette announced that for the work session they have request for the extension of the sign ordinance, a presentation from Roberta Swann from the Mobile Bay National Estuary Program, a wrap up of the Land Use Ordinance, and whatever else comes up in the next couple of days. As for the Deputy Finance Director she was relatively quiet on that debate, but for the record the reason she voted to approve that position is that she does believe that the department has grown considerably, the finances has grown considerably, funds have grown considerably, and more importantly they are seeing that they are not able to get the information in a timely manner that council ask for, and no disrespect to the department, because of the increase they do not get the budget presented to them in time enough to adopt it in a timely manner, like last year they did not adopt the budget until the first of December, and they do not have a regular span of projections. They do not have a lot of the information that will help them do their job better. For those reasons she voted for the Deputy Finance Director position, and she said to Mrs. Briley that she hopes that the person gets on board and helps prepare the budget packet to get it to council much earlier this year.

9. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

There being no further business to discuss the meeting adjourned at 8:10 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

**APRIL 11, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

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

ABSENT: Bailey Yelding; Ron Scott.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Vickie Hinman, Public Works Director; Ashley Campbell, Environmental Programs Manager; Joe Lemoine, Planning Commission; Al Guarisco, Village Point Foundation; Selena Vaughn, Village Point Foundation; Roberta Swann, Mobile Bay National Estuary Program.

Absent: Fred Small, Mayor.

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

1. ACQUISITION OF CAMPBELL SWAMP & ADJOINING PROPERTY:

Mr. David Cohen, City Clerk, stated that the Utility Board is in the process of transferring property which is Campbell Wetlands (*Swamp*) which is around 20 acres. The property the city is interested in is Dr. and Mrs. Innis's property which is 4.5 acres adjoining the Utility Board's property. An interesting thing is that there are BP NRDA funds that will be coming from BP for the fines that they will be paying for the oil that they have put into the gulf. It will result in many millions of dollars, and they will need to mitigate their pollution of the gulf. Potentially, this site will qualify for a mitigation point, because it is primarily a wetlands area, and it will also enhance the 20 acres the city is about to receive from the Utility Board. Another interesting fact about the grant from this fund is it is a zero match. The property, right now, is on the market for around \$1.2 million, and at this point in time if the city decides to purchase the property, there should be an appraisal, and then proceed with Congressman Bonner's office and other agencies that grant funds for these projects.

Council President Barnette stated that Mr. Cohen went to a workshop a couple of weeks ago and met a couple of people that are working with the NRDA process through BP, as well as, Congressman Bonner's staff member Mr. Parker, and they talked about the land swap with the Utilities Board. So with the acquiring of the 19 acres at no cost to the city, and Mr. McElroy has brought a letter of commitment tonight to further seal that in, and the additional 4 ½ plus acres that are owned by the Innis's that would make nearly 25 contiguous acres which is something that has been on the Village Point Foundation's radar of support, as well as, tying up that piece of property. It may well be worth pursuing, at no cost to the city, the idea of adding the Innis's property into the Campbell Swamp acreage, because it also adjoins the bay. Congressman Bonner's office has said now for both the NRDA process, as well as, potentially, some other state land programs is that if this is something the city would like to do they would like to see a commitment letter from council that they have this 19 acres that is here, and they would like to pursue the 4 ½ acres. It is presented right now with a zero match. If council is comfortable it will be on the agenda for Monday night. The property will have to be tied just like they did with Village Point, it is not developable property.

Consensus of council was to bring this forward Monday night with an ordinance approving an appraisal, and to appropriate funds for the appraisal from the Lodging Tax Fund. Mr. Cohen will prepare a letter to send to Congressman Bonner's office stating that the city is interested in purchasing the property with NERDA Funds.

2. ROBERTA SWANN / MOBILE BAY NATIONAL ESTUARY PROGRAM

Mrs. Swann gave a presentation on the National Estuary Program and the Mobile Bay National Estuary Program (MBNEP). They have developed the D'Olive Watershed Plan to help alleviate the problems in the D'Olive system. The MBNEP has funded a lot of projects in Daphne, and after the presentation she requested that council continue to fund the program. The city has contributed \$3,000 per year to the program, but in order to implement the plan in Daphne they are requesting a \$10,000 contribution for this fiscal year.

Consensus of council was to put this on the agenda for Monday's council meeting.

3. FILL PUBLIC WORKS VACANCY:

Mr. Johnson presented justification for filling the vacancy. He stated that because of the type of work involved there would always be a high turnover in this department.

Council asked questions of Mr. Johnson and Mrs. Hinman.

Consensus of council was to put this on the agenda for Monday's council meeting.

4. ALDOT COOPERATIVE MAINTENANCE AGREEMENT

Mr. Johnson stated that the city has a record of the maintenance agreement for part of Highway 181, but they could not find a record for the other part, so the state has combined it all in this agreement. The state wants the city to maintain the landscaping, ground work, from the north city limits to the southern city limits which includes Bellaton, Dunmore and Old Field subdivisions. The problem is part of Highway 181 is not in the city limits, and the city cannot maintain grounds that are not in the city limits. They discussed in the Public Works meeting annexing Highway 181 into the city, and one of the first things they have to do to annex it is to see if the state has a problem with the city annexing it, and then go from there. The Mayor has sent a letter in this regard. The advantage to annexing is this will make property along Highway 181 contiguous to those who may want to annex into the city.

Council discussed the maintenance agreement and annexation with Mr. Johnson.

Consensus of council was to put this on an agenda in May.

5. REQUEST FOR EXTENSION OF SIGN ORDINANCE

Mr. Ross, City Attorney, mentioned to council that they cannot amend an ordinance by a motion it has to be amended by another ordinance.

Council discussed that if they consent to amending the ordinance they want it spelled out that this does not mean they can do whatever they want that the rest of the sign ordinance applies. They also want the enforcement procedure spelled out in the ordinance.

Council did not come to a consensus.

**APRIL 11, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

3

6. ADJOURN

There being no further business to discuss the meeting adjourned at 8:35 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**Cathy S. Barnette,
Council President**

**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
April 11, 2011
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, Public Works Director Richard Johnson, Library Director Tonja Young, Recreation Director David McKelroy, Revenue Officer Heather Gwynn, Police Captain Danny Bell, Public Works Superintendent Melvin McCarley, Building Maintenance Supervisor Frank Barnett, and Fire Battalion Chief Joey Holasz.

II. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resource Department Activity

Ms. Vickie Hinman, Human Resources Director, presented the Human Resources activity update. Open positions include Recreation Program Coordinator, 2 - PSW (Grounds), and Mechanic.

The Safety Committee sent a reminder to directors on required annual training for employees on preventing back injuries. The Public Works department will order sleeves and gloves for bio-hazard cleaning for Custodians, and, next month, will begin training employees on preventing heat stress and exhaustion. The next Safety Committee meeting will be Wednesday, April 27 at 8:15 am.

Ms. Hinman reported on the following department projects:

Lunch and Learn – Dept Heads on April 6, 2011

Lunch and Learn – Admin Asst – April 28, 2011

Service Awards luncheon – March 23, 2011 – 40 recipients received an award for years of service

New Employee Orientation – March 29, 2011 – Seven new employees attended

Safety Awards distributed to employees

Ethics Training and Statement of Economic Interest due by April 30, 2011

First Committee meeting for Benefits Fair – May 5, 2011

Memo to Employees that all pay will be by direct deposit; eliminating paper checks will reduce costs and be more efficient.

B. Personnel Vacancy TYD Summary

The Personnel Vacancy YTD Summary shows a total budget savings as of March 31, 2011 of \$136,915.73.

C. Request to fill Vacancy: Grounds Public Service Worker

Mr. Richard Johnson submitted a request to fill a Grounds Public Service Worker vacancy. Discussion continued that spring and summer are the busiest times of the year for the grounds department, and without full staff they are falling behind. Mr. Johnson noted that he has had a 50% turnover in this department in the eight months he has been here. He noted that there are ten budgeted positions in grounds, but he currently only has six

employees working. Mayor Small noted there are several areas on the Right of Ways that need maintenance done. Mr. Johnson stated that because Grounds is short staffed, they have to prioritize Work Orders and they are going through the list. Mr. Boulware asked what are minimum staffing requirements? Mr. Johnson stated he could do the job with nine employees. Mr. Boulware discussed the current budget and rehire procedures. Additionally, he commented on the need to reorganize the existing work force to stabilize the budget and work toward COLA raises. Mr. Yelding discussed the need for filling the vacancy. Discussion continued and Mr. Yelding recommended this request go before the full Council for consideration.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. General Fund Resolutions

1. Dauphin Island Sailboat Race

Mr. Jim Chambers requested the City contribute \$500 for an ad in the program for the Dauphin Island Sailboat Race, hosted this year by the Lake Forest Yacht Club. Mayor Small stated Daphne hosts the event every 4 years and in the past the City has always made this contribution when the Yacht Club is the host. He did not budget for it this year because he did not realize this was a host year. The race will be April 29 – 30, 2011. Discussion that the \$ 500 could come from a budget line item.

Motion by Mr. Yelding to recommend Council adopt a resolution to contribute \$500 to the Dauphin Island Sailboat Race for a program ad. Seconded by Mr. Boulware. Motion carried.

2. Fire Burn Training Facility / Fire Truck / Equipment (to be reimbursed by VFD) - \$600,000

Mr. Melvin McCarley discussed the Volunteer Fire Department's request for \$370,000 for a Fire Tower to be built at the fire department's training facility; \$150,000 towards the purchase price of a new fire truck; and \$80,000 for additional needed equipment. He stated that the Volunteers estimate they should be able to pay back \$125,000 next year and repay the entire loan in four to five years.

Mr. Joey Holasz noted that this building is needed to be qualified as a training facility for the Alabama Fire College. He discussed that they want this training to be a part of the two-year college system and that after completed new hires can be trained onsite and reduce the City's training cost.

Motion by Mr. Yelding to recommend Council adopt a resolution to loan up to \$600,000 to the Daphne Volunteer Fire Department to be used as needed for the fire burn training facility, new fire truck, and equipment. Such loan shall be repaid over a period of 4-5 years. Seconded by Mr. Boulware. Motion carried.

B. Appropriations

1. HVAC @ Library & Recreation Buildings - \$35,358

Mr. Frank Barnett discussed that the four rooftop HVAC units (three on the library and one on the recreation building) are in need of major repair; three of them have no functioning heat. These units are twelve years old and replacement instead of continued repair is recommended. Unit replacement costs total \$34,598, with a recommended five year parts warranty for \$760. Mayor Small noted that replacement of these units is on the 10 year capital plan.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$35,358 (purchase price of \$34,598 and five year warranty for \$760) to replace four rooftop HVAC units (three on the library and one on the recreation building). Seconded by Mr. Boulware. Motion carried.

2. 2011-Q-PW/USED WHEEL LOADER - \$38,565

Mr. Johnson discussed the purchase of a used wheel loader. This is an item that has been leased in the past, and it has been determined to be in the City's best interest to purchase it. Discussion was made that the wheel loader is Heavy Equipment which has a longer life than most equipment. Mr. Johnson noted that next fiscal year there would be a savings in the lease budget. There is \$21,600 budgeted for the lease payment, with an additional appropriation of \$38,565 needed to purchase this equipment for \$60,165.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$38,565 toward the purchase a used wheel loader. Seconded by Mr. Boulware. Motion carried.

C. Bids

1. 2011-O-POLICE VEHICLES

Sixteen bid invitations were sent out and four sealed bids were received, one being a no-bid. Captain Bell discussed that the low bid (\$27,630) was from an out-of-state company and that Chief Carpenter wanted to forward the bid to Council for an award recommendation. Ms. Henson noted that Council had wanted to give Daphne dealerships an opportunity to bid. Terry Thompson, bid \$28,895 but were not the low bidder and the bid also exceeded State Bid + 3% Preference = \$28,028. Bayview Ford submitted a "NO BID" since Ford does not have a Police Certified vehicle available at this time. It was noted that the low bidder is out of state and that the Committee at least wants to keep the business in state. Discussion continued that the bid could be awarded to the low bidder, or rejected and purchased from the State bid. The State bid price is \$27,800 each, including delivery.

Motion by Mr. Yelding to recommend Council reject the bids for 2011-O-POLICE VEHICLES and purchase the vehicles from the State bid list for \$27,800 each, including delivery. Seconded by Mr. Boulware. Motion carried.

2. 2011-P-RECR/PARKS EXTENDED CAB TRUCK

Sixteen bid invitations were sent out and four sealed bids were received, one being a no-bid. Mr. McKelroy noted that originally Council had requested quotes be received from local dealerships to see if they were competitive with the state bid contract and the low quote was received from Bayview Ford at \$18,688. Mr. McKelroy noted that he had requested \$18,688 be appropriated for the purchase of this vehicle and Council approved that appropriation but when the official bid came in Bayview bid \$18,991. Mr. McKelroy recommended rejecting the bids and purchasing the truck from the State bid list for \$18,351 to stay within his budgeted monies; this includes delivery.

Motion by Mr. Yelding to recommend Council reject the bids for 2011P-REC/PARKS EXTENDED CAB TRUCK and purchase the truck from the State bid list for \$18,351, including delivery. Seconded by Mr. Boulware. Motion carried.

3. 2011-Q-PW/USED WHEEL LOADER

Seven bid invitations were sent out, with one sealed bid received.

Motion by Mr. Yelding to recommend Council adopt a resolution awarding bid 2011-Q-PW/USED WHEEL LOADER in the amount of \$60,165 to Caterpillar Financial Services Corp. Seconded by Mr. Boulware. Motion carried.

4. 2011-R-CONCRETE PIPE

Four bid invitations were sent out, with one sealed bid received. It was discussed that the bid received from Hanson Pipe and Precast is competitive with current market conditions, and they are our current vendor. Ms. Henson noted this is an annual bid to purchase needed supplies and inventory.

Motion by Mr. Yelding to recommend Council adopt a resolution awarding bid 2011-R-CONCRETE PIPE at unit costs bid to Hanson Pipe & Precast. Seconded by Mr. Boulware. Motion carried.

5. 2011-S-PW/SKID STEER LOADER (Approved for purchase w/BP grant monies)

Six bid invitations were sent out, with two sealed bids received, one being a no-bid. Ms. Henson noted that another bid was received but it was received late and could not be opened for consideration. Discussions continued that \$40,000 has been appropriated through BP grant monies for this purchase.

Motion by Mr. Yelding to recommend Council adopt a resolution awarding bid 2011-S-PW/SKID STEER LOADER to Thompson Rental in the amount of \$39,900. Seconded by Mr. Boulware. Motion carried.

D. Lease Financing: 2011-K-28 Cubic Yard High Compaction Automated Refuse Collection Truck

Ms. Briley discussed that this bid was awarded last month pending securing favorable leasing terms. She noted Hancock Bank is offering 2.63% interest with a quarterly payment of \$11,489.28 for a five year lease. Two other quotes were received with interest rates of 3.57% and 3%.

Motion by Mr. Yelding to recommend Council adopt a resolution accepting the lease agreement with Hancock Bank for the lease purchase of one 28CY Garbage truck. Seconded by Mr. Boulware. Motion carried.

E. Declare City Property Surplus

The following equipment was presented for surplus from Library: 31 Chairs, Sled Type / Red Fabric.

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

F. Discuss Transfer of Funds – Council Training

A Year-to-date budget report of Council training expenditures was presented. Mr. Yelding stated he would transfer funds from his training budget to balance the account for District #3 training. It was noted that additional funds will have to be transferred at a later date for the costs of attending the State League conference in Huntsville.

Motion by Mr. Yelding to recommend Council transfer \$600.00 from District 1 training to District 3 training. Seconded by Mr. Boulware. Motion carried.

G. Bad Debt Garbage Collections

Ms. Briley discussed that the Utility Board has contracted with a collection agency, Direct Management, Inc., to collect their bad debt. She explained that they could also attempt collection of the bad garbage debt, if Council so chooses. The collection agency's fee is 30% of the amount collected. It was discussed that receiving 70% would be better than not receiving anything.

Motion by Mr. Yelding to recommend Council authorize the Utility Board to allow their collection agency to attempt collection of bad garbage debt, for a fee equal to 30% of the amount collected. Seconded by Mr. Boulware. Motion carried.

V. CURRENT BUSINESS

A. Prodissee Pantry (Emergency Food Program)

A request from Dean Servos, Executive Director of Prodissee Pantry was discussed. Mr. Boulware noted it was his understanding that no specific money amount was requested from the City, but only the need for a show of support for the project. Mr. Boulware suggested sending a letter of support to Prodissee Pantry for the services they provide to the citizens of Daphne. The Mayor noted he would send a letter.

B. 2011-N-Concession Soft Drink Contract Term Clarification – Confirmation Letter from Vendor

As a follow-up to Resolution 2011-27 as adopted pending legal review, the following was confirmed.

A letter clarifying the contract term of the concession soft drink contract with Coca-Cola Bottling Co. was sent and has been received back signed and notarized to read: "two (2) years and upon mutual agreement between the City of Daphne and Coca-Cola the option to extend for a third year".

VI. FINANCIAL REPORTS

A. Treasurer's Report: March 31, 2011

The Treasurer's Report totaling \$21,590,791.28 was presented. Ms. Briley noted that \$2,100,000 has been transferred from the General Fund to Capital Reserve for Road projects and approximately \$1,500,000 for debt service payments has been made from the Debt Service account. Mr. Boulware asked if a

Motion by Mr. Yelding to accept the Treasurer's Report as of March 31, 2011, in the amount of \$21,590,791.28. Seconded by Mr. Boulware. Motion carried.

B. Sales and Use Taxes: February 28, 2011

Sales and Use Tax Collected for February 2011	-	\$ 840,768
Sales and Use Tax Budgeted for February 2011	-	\$ <u>724,538</u>
Over Budget (for February)	-	\$ 116,230

YTD Budget Collections Variance – Over Budget - \$ 460,091

C. Lodging Tax Collections, February 2011

The Lodging Tax Collections report shows \$43,052.68 collected for February 2011.

D. Preliminary Financial Statements – September 30, 2010

Ms. Briley distributed preliminary financial reports for FY 2010. The Combined Balance Sheet of all funds reports assets of \$122,429,024.78. The Combined Statement of Revenues, Expenditures, and Changes in Fund Balance reports revenues of \$27,459,929.46. The General Fund Summary Statement of Revenues and Expenditures reports revenue of \$21,689,946, expenditures of \$18,101,151, for a total of revenues over expenditures of \$387,568. The unreserved fund balance increased to \$12,089,545. Ms. Briley also presented a list of FY 2010 budget amendments. It was noted that General Fund revenues were most closely aligned with 2006/2007 levels.

E. Report: New Business Licenses – March 2011

A report showing new businesses licensed in the City for the month of March was presented.

F. Bills Paid Reports – March 2011

The March Bills Paid Report was included in Packet #2.

VII. ADJOURN

The meeting was adjourned at 5:35 p.m.

Fred Small
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

April 6, 2011

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Job Openings	Apps Received	Status
Recreation Program Coord.		Open
PSW (Grounds)		Posted (April 6-April 20)
Mechanic		Posted (April 6-April 20)
PSW (Grounds)		Open

Safety Committee Meeting on March 30: Public Works department will order sleeves and gloves for bio-hazard cleaning for Custodians. A reminder was sent to directors on required annual training for employees on preventing back injuries. Also, next month the Public Works department will begin training employees on preventing heat stress and exhaustion.

Next meeting will be Wednesday, April 27, 2011 at 8:15 a.m.

Human Resources Department Projects:

- Lunch and Learn – Dept. Heads on April 6, 2011 Topic: Worker’s Comp, FMLA, Short Term Disability
- Lunch and Learn – Admin. Asst. – April 28, 2011 Topic: Procedures for Purchase Orders, Check Requests, etc. in Finance
- March 23 – Service Awards luncheon was held. Forty (40) recipients received an award for years of service. Thirteen (13) of the forty (40) were recognized for 20 years of service with the City.
- March 29 – New Employee Orientation – Seven new employees attended
- Safety Awards were distributed to employees.
- Ethics Training and Statement of Economic Interest is due by April 30
- First committee meeting for Benefits Fair on May 5

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3026 Fax: (251) 621-4506

2011 BUDGET YR. POSITIONS OPEN	DATE Open	ENDING SALARY	DATE FILLED	STARTING SALARY	Wages	Annualized Benefits	Total
Admin. Tech. (PD)	2/11/2010	16.35	10/7/2010	12.16	8,715.20	1,241.04	9,956.24
Recreation Prog. Coord.	7/9/2010	36,158.72					
Revenue Officer	7/14/2010	39,237.00	1/3/2011	37,252.60	1,984.40	2,532.58	4,516.98
PSW (Grounds)	8/31/2010	13.40	11/18/2010	10.58	5,865.60	2,335.26	8,200.86
PSW (Grounds)	8/31/2010	13.40	12/2/2010	10.58	5,865.60	2,335.26	8,200.86
Mechanic	9/15/2010	14.24	10/21/2010	14.24	-	-	-
Site Containment Inspect.	9/23/2010	18.08	10/7/2010	19.38	(2,704.00)	(385.05)	(3,089.05)
Building Maint. Tech.	10/7/2010	17.75	12/6/2010	13.20	9,464.00	3,597.67	13,061.67
Admin. Sec. (Civic Center)	10/29/2010	14.02	10/29/2010	17.73	(7,716.80)	(1,098.87)	(8,815.67)
PSW (Mowing)	10/29/2010	15.09	11/18/2010	13.67	2,953.60	1,170.59	4,124.19
(2) Civic Center Sales Asst.	11/1&11/14	31.17	N/A	-	58,599.60	9,094.58	67,694.18
Civic Center Sales Mgr.	11/15/2010	-	2/24/2011	33,982.00	(13,070.00)	388.83	(12,681.17)
PSW SR. (Grounds)	11/19/2010	14.26	11/25/2010	12.15	4,388.80	624.97	5,013.77
PT Sch. Crossing Guard	12/17/2010	9.16	12/16/2010	8.48	516.80	39.54	556.34
PT Sch. Crossing Guard	12/17/2010	8.48	3/10/2011	8.48	992.16	75.90	1,068.06
Sch. Resource Pol. Off.	12/31/2010	25.26	1/1/2011	17.99	15,121.60	2,153.32	17,274.92
Police Officer	1/1/2011	17.99	3/24/2011	16.54	9,481.60	1,350.18	10,831.78
Police Officer	1/19/2011	17.03	3/24/2011	16.54	8,022.40	1,142.39	9,164.79
Events Assistant	1/20/2011	10.05	2/24/2011	10.05	1,608.00	228.98	1,836.98
PSW (Grounds)	2/5/2011	10.58			-	-	-
PSW (Grounds)	3/29/2011	10.58			-	-	-
Mechanic	3/12/2011	14.63			-	-	-
Athletic Program Coordinator	2/24/2011	45,191.23			-	-	-
					110,088.56	26,827.17	136,915.73

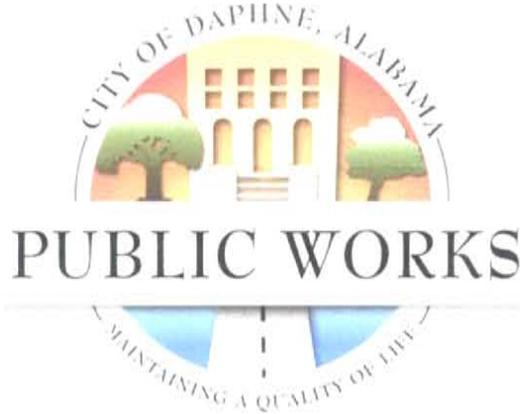
Budgeted Allowance for Vacancies	(300,000.00)
Annualized Vacancy "Savings"	136,915.73
Remaining Allowance for Vacancies	(163,084.27)

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Honorable Mayor Fred Small
Vickie Hinman – Human Resource Director

From: Richard D. Johnson, P.E.
Public Works Director

Date: April 4, 2011

RE: PUBLIC WORKS PERSONNEL REQUEST

Richard D. Johnson

4/7/11
I agree with request.

L. Full

Per Resolution 2011-06 I am formally requesting to fill the vacant position left in the Public Works Grounds Department created by the resignation of Blake Bauer (PSW – effective March 28, 2011)

Per the requirements of the Resolution this request must be accompanied by a "job justification" per the following criterion:

1. Will the job opening affect services provided to citizens of Daphne, create a safety issue by not maintaining City buildings or property, or effect the accurate reporting of financial information to Council and the Public?

Answer: Yes, the Grounds Department is responsible for our City Aesthetic and is the frontline staff that supports all City-wide special events: Parades, Events, Festivals, Runs, and provide support other departments for "All Hands" events – Parks and Recreation, Streets, Mowing, Civic Center, Administration and Legislative.

2. Will the job opening cause an effect in revenue for the City of Daphne?

Answer: Possibly, as for the potential Economic Impact: What Value is Community Aesthetics? What Value are Boulevard Vistas and Streetscapes? What Value is Landscape and Orderly Grounds at Public Buildings?

3. Has the department had prior turnover with positions not being replaced?

Answer: Yes, the Grounds Department in my tenure has suffered repetitive loss in the department: 40 – 30 – 20% since my arrival. Current Staffing requires the Grounds Department to operate with a full crew of ten (10) employees, including the Grounds Supervisor. Currently, the Grounds Department is operating with only 6 employees in the field due to the following reasons:

- a. Resignation of PSW (Doug Camp – pending a Council exception 04/04/2011)*
 - b. Resignation of PSW (Blake Bauer)*
 - c. Recommendation of separation of PSW based on noncompliance with the Employee Handbook (pending)*
 - d. PSW under Worker's Compensation light duty for indefinite period (not expected to be able to return to current position due to duty restrictions and limitations)*
4. Is this position effected by seasonal time of the year? (Mowing, grounds, recreation or community events)

Answer: Yes, Grounds Department personnel are used in multifaceted duties during the offseason. However, at this time of the year (spring) their primary duties of Grounds Maintenance hit a peak.

These circumstances leave the Grounds Department at a great disadvantage and taxes the remaining employees to compensate for these positions. This is a 40% reduction of their overall departmental staff while work load demands continue to increase.

Considering the above circumstances, I would like to request permission to fill this position. The Grounds Department's work is comprised mostly of frontline workers, who earn approximately \$9-12 per hour, some of which require technical expertise. The value in filling these positions will directly impact Daphne's community aesthetics, city-wide streetscapes and ensure the orderliness and upkeep of Daphne's grounds and public buildings.

If agreeable, please remit a request to the Finance Committee and Council Work Session scheduled on April 11, 2011.

RDJ



P.O. Box 7403
Spanish Fort, AL 36577
251-626-1720
www.prodiseepantry.org

To: Finance
Committee

J

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

February 17, 2011

Dear Mayor Small,

Congressman Jo Bonner has asked me to contact our local elected officials to assist me in making a connection with Governor Bentley's point person in dealing with BP through a show of support by the communities we serve.

Immediately following the Gulf Oil Spill in April 2010, Prodissee Pantry's Emergency Food program experienced a 20 % increase. Over 200 families came seeking assistance with the most basic of needs: food and a warm smile. Currently, Prodissee Pantry is providing nutritious fresh, frozen and staple groceries to 250 families a week. Each family's situation is reviewed, appropriate referrals to other agencies are made, and food is given based upon family size. In 2010, our volunteer staff served 9,073 Baldwin County families. That is 22,242 individuals who consumed food from Prodissee Pantry last year. Prodissee Pantry distributed 256 tons of food in 2010.

As the largest emergency food provider in Baldwin County and in the 24 county coastal areas of Alabama, Mississippi and the Western Panhandle of Florida, we are seeing many individuals who are still waiting for BP Claims and dealing with the additional stress of not knowing how they will provide for their families. Since the Oil Spill, we are assisting families who worked cleaning condos, waiting tables or cooking at restaurants, and many other service industries that rely on the tourism dollars generated by the Gulf. For some, this is the third time in five short years they have been set back. Hurricane Katrina, the economic recession and the Oil Spill are compounding feelings of depression and despair.

Prodissee Pantry is "Building to Meet the Need. We need your help in securing funding from BP and/or the Coastal Recovery Fund. To meet the need and prepare for growth, **we are building an 11,000 square foot facility.** W. Allen Cox, our project consultant, donated the land. White-Spinner Construction, Inc. has estimated the budget and will help facilitate the project. **This new building comes with a \$1.5 Million price tag.** We've **requested funding from many local foundations and corporations,** but discovered they were not able to help due in large part to the economic strains of the Oil Spill. We did receive funds from the J.L. Bedsole Foundation, The Sybil Smith Charitable Trust, Dr. Monte L. Moorer Foundation, The Crampton Trust



and Wells Fargo Foundation for a total of \$202,500. Our goal was to secure the funds in 2010 and break ground early 2011.

Our new location on Highway 31 will consist of two sections. The first is a 5,000 square foot receiving/storage/repackaging area for dry/frozen/cooled foods and disaster relief supplies with the necessary loading docks. The remaining 6,000 square feet will consist of a large multi-purpose public room for interviewing clients/meetings/events, an emergency kitchen, restrooms and several offices.

The main pressing factor is that the location we are currently operating out of is being re-purposed. Following Hurricane Katrina, The Pantry sent out more than 16,000 emergency food boxes and other relief supplies valued in the millions all along the Gulf Coast. We used additional vacant space in the shopping center. That is no longer available, significantly hampering large-scale disaster relief efforts. In essence, the area's largest emergency food program with a seven year track record of success in providing love, hope and comfort through emergency food, referrals and disaster relief, is in danger of becoming homeless.

Prodissee Pantry has more than 400 compassionate volunteers preparing to provide some 10,000 families throughout Baldwin County with fresh, frozen and staple groceries, information and a warm smile in 2011. The reality of the environmental and economic crisis escalating locally, due to the off-shore oil spill disaster, and the lack of a permanent location makes this building project urgent.

We appreciate your thoughtful consideration of Prodissee Pantry's need for this Baldwin County facility which will have a lasting impact for generations to come. Enclosed in the packet is a copy of a Profile of Prodissee Pantry, Project Information, a site drawing and other information that may be useful. Thank you for your help in securing support for this project.

Sincerely,



Deann Servos
Executive Director

PROFILE OF ORGANIZATION

Prodisee Pantry is a non-profit community ministry providing emergency food and disaster relief. In the seven years since The Pantry opened 30,800 families in Baldwin County facing tough times have received food. That's over 84,000 individuals. Prodisee Pantry is the largest emergency food provider in Baldwin County serving approximately 900 families each month. In fact, Prodisee Pantry is the largest emergency food program in the 24 county coastal areas of Alabama, Mississippi, and the Western Florida Panhandle. It is estimated The Pantry has a \$1.5 million impact annually in the surrounding communities.

The Pantry opened as an outreach ministry on November 18, 2003, and incorporated as a 501 © 3 non-profit in 2005. Prodisee Pantry's vision is to provide love, hope and comfort by serving families in crisis through emergency food, disaster relief, referrals and partnerships. We are a member agency of the Bay Area Food Bank, which allows us to spend \$20 to give families the equivalent of \$120 in staple grocery items by making use of the USDA's Emergency Food Assistance Program and Feeding America's low cost foods.

The Pantry is an integral part of the social service safety net in Baldwin County. We get referrals from a wide variety of agencies including but not limited to Ecumenical Ministries, Catholic Social Services, Community Action Agency, Council on Aging, The Salvation Army, Food Stamps, Baldwin County Mental Health, and local churches. Prodisee Pantry has discovered that governmental requirements and other agency constraints leave many families falling through the cracks or having to wait weeks for services.

Providing food to single moms, unemployed and under-employed households, families in transition, homeless, and grandparents raising grandchildren is always deemed an emergency. Prodisee Pantry is seeing a new face of hunger. Many of our clients are working middle class who are facing foreclosure or other financial crisis. Many say they never thought they would ever have to ask for help. We offer our services each Tuesday from 9 to 11:30 a.m. at The Gathering Place at the corner of Highways 31 and 98 in Spanish Fort. We often receive calls for help that cannot be delayed until our regular operating hours, so a volunteer will box and arrange food delivery/pick-up to help the family.

The struggling economic recovery and Gulf oil spill disaster has an average of 250 families a week seeking help for the most basic human needs: food and a warm smile. Each week our caring volunteers from dozens of churches talk with Baldwin County families and put together fresh, frozen and staple groceries, as well as referrals to other agencies, to help make their households more stable. Prodisee Pantry served 7,844 families in 2009. In 2010, we assisted 9,073 families.

In addition to our weekly emergency food program, Prodisee Pantry is committed to disaster relief. We have a relationship with the Baldwin County Emergency Management Agency, developed the I-10 Disaster Co-op of churches and other volunteer groups, will assist Volunteer Organizations Assisting in Disasters, and currently sit ready to respond with food should a disaster strike. Following Hurricane Katrina, The Pantry sent out more than 16,000 emergency food boxes and other relief supplies valued in the millions all along the Gulf Coast.

Prodisee Pantry's dual function as a weekly emergency food program and large-scale disaster relief operation are counted upon by communities along the Southwestern Alabama Gulf Coast.

PROJECT INFORMATION

Prodisee Pantry is "Building to Meet the Need." The struggling economic recovery brought a 60% increase of families in need seeking emergency food assistance. Since the Gulf Oil Spill in April, an additional 200 families monthly for an increase of 14% from 2009. That equates to purchasing and distributing four to five tons of food weekly. In order to meet the need and prepare for future growth, Prodisee Pantry is going to build an 11,000 square foot facility. The land for this project has recently been gifted to The Pantry by W. Allen Cox who is also our project consultant. White-Spinner Construction, Inc. has estimated the budget for the building and will help facilitate this project. We will raise the funds this summer and will be breaking ground early 2011. We will move to our new location on Highway 31 by late 2011. The new steel frame building will consist of two sections. The first is a large 5,000 square foot receiving/storage/repackaging area for dry/frozen/cooled foods and disaster relief supplies with the necessary loading/unloading docks. The second section is the public and office space. This will consist of a large multi-purpose public room for interviewing clients/meetings/events, an emergency kitchen, restrooms, and several offices. Attached is a drawing of the building and a rendering of the site.

In 2003, The Pantry assisted 25 families each week. Now, 200 families each week, on average seek our help; an 800% increase. Our volunteer staff manually unloads, shelves, and packages over 250 tons of food annually since our forklift does not fit in the building. This necessitates the handling of this huge volume four times. We often turn away free or low-cost fresh and frozen food due to a lack of adequate cooler/freezer space. At this time, we are allowing, Project Rebound, The Council on Aging, The Salvation Army, the Nutrition Program for the Health Department and Baldwin County Humane Society's Pet Pantry to have a presence at the pantry to provide services to families in need. Our dual function as a large-scale disaster relief operation is in jeopardy due to a re-purposing of vacant space used after Hurricane Katrina at our current location. The Baldwin County Emergency Management Agency recognizes the value of housing emergency food in the county for immediate distribution. We currently hold 150 emergency food buckets and 17 pallets/tons of food to be given local shelters following a disaster. The reality of the environmental and economic crisis escalating along Alabama's Gulf Coast due to the off-shore oil spill disaster makes this project urgent to this ministry as we strive to help meet the needs of local families as the largest emergency food provider in Baldwin County and in the 24 county coastal areas of Alabama, Mississippi and the Western Panhandle of Florida.

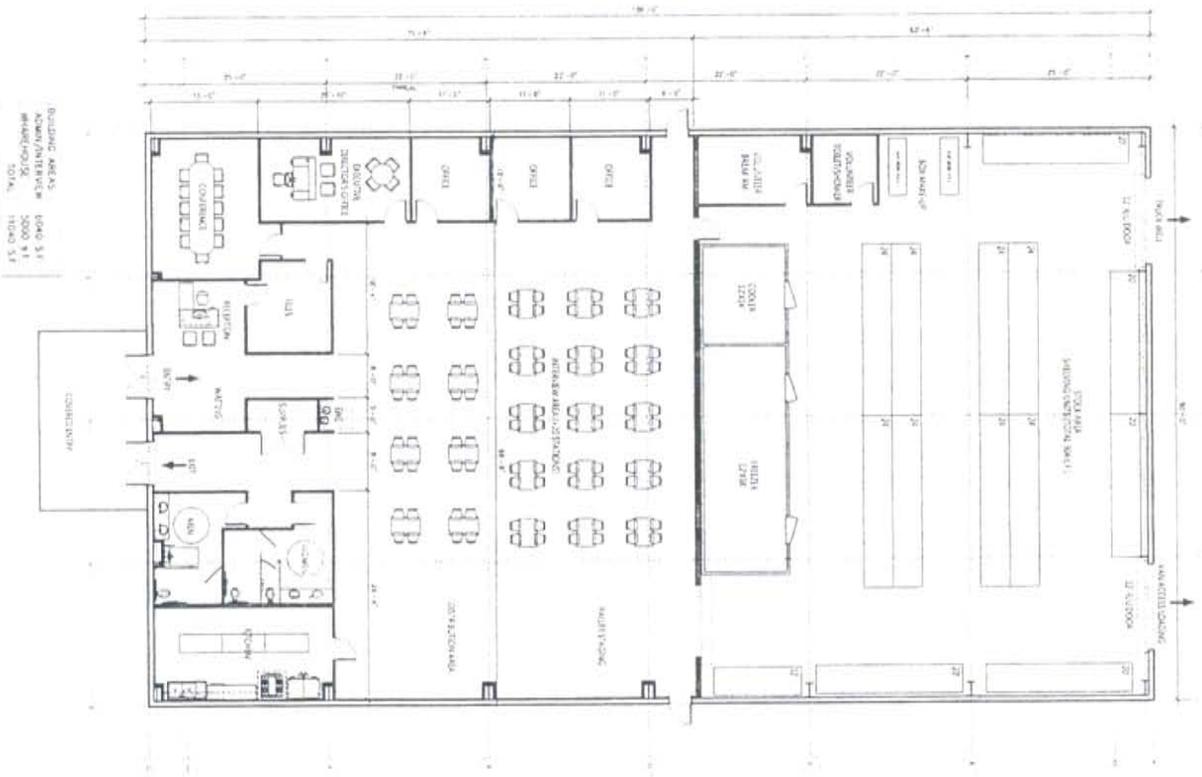
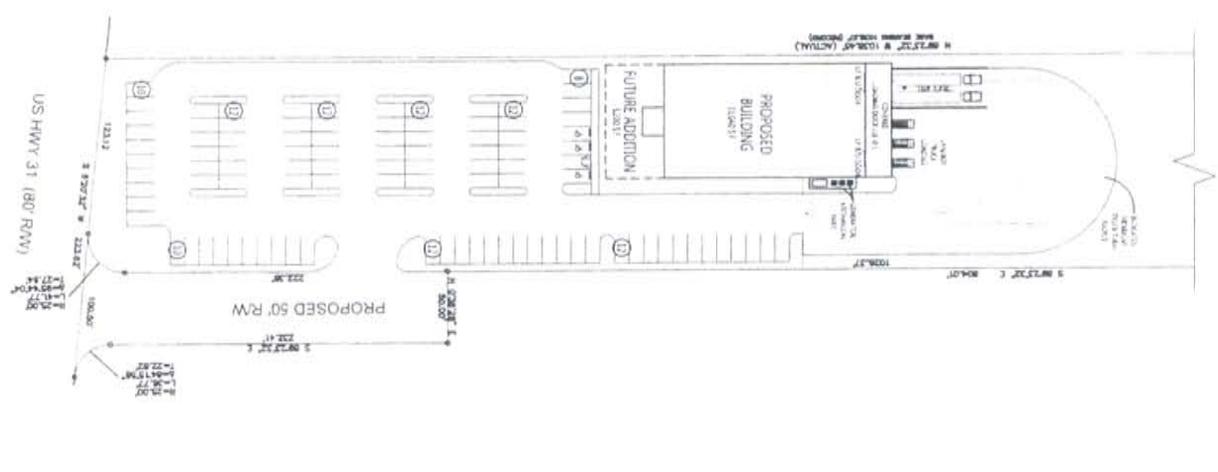
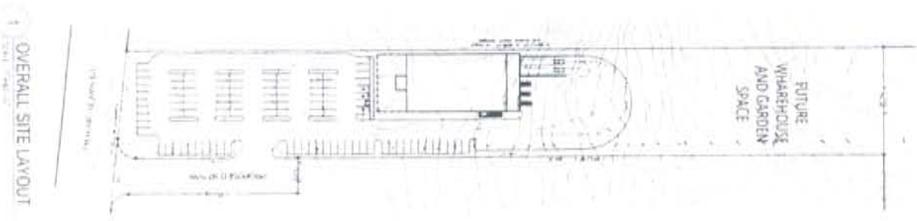
It is critically necessary to create more frozen and cold food storage. A large percentage of the food available at the Bay Area Food Bank is frozen or needs refrigeration. This building includes a 38' X 12' X 7' freezer as well as a 12' X 14' X 7' walk-in cooler. This allows the purchase and storage of meats, vegetables, dinners, etc for weekly food distribution. And, allows for ice storage and more following a disaster.

Prodisee Pantry needs increased space for food storage and preparation of food boxes for client services to solve space and safety issues, the building includes a 5,000 square feet warehousing section. This area will contain commercial pallet shelving to accommodate the some 512,000 pounds of food purchase from the Bay Area Food Bank and collected by food drives in 2010. In an effort to be efficient while taking safety into consideration, Prodisee Pantry needs to purchase and Electric Lift Truck/Stacker to place pallets directly on the shelving. This removes a labor intensive and sometimes dangerous task of manually lifting and stacking tons of food case by case onto upper levels of shelving. The 97 tons moved by volunteers in the first six months of 2010 alone is more than all of the food purchased or donated in 2008.

This facility will have 6,040 square feet designed with a large multi-purpose room for interviewing, several offices, restrooms and a commercial kitchen. Serving 900 families per month in 2011 will require more seating and additional interview table space. To improve client services, networked computers, a copier, phone system and other office equipment would allow an interviewer to share pertinent information with other agencies that can provide additional help to these needy families. We are in relationship or partnership with most of the ministries and agencies in Baldwin County to fight hunger while feeding families spirits. They are not limited to but include: Ecumenical Ministries, Community Action Agency, Catholic Social Services, The Shoulder, The Salvation Army, Mary's Shelter, Saving Grace, Hope Center, Women's Care, and a host of Churches from many denominations and more. In fact, Prodissee Pantry has built a church referral program to be the best stewards of the funds available. This allows the community to encourage and serve but not enable families who face tough times.

To effectively operate following a disaster, Prodissee Pantry will equip the new building with a full commercial kitchen. This area will also provide coffee and snacks to clients to fulfill the welcoming section of our mission statement. It's inclusion in our expansion plan allows for the possibility of summer feeding programs, nutritional education classes and more.

Our program is being duplicated in other Counties and States, a sign that we provide caring, compassionate care while meeting basic needs. We are humbled to have served over 84,000 individuals in seven years. And, we are ready to help through food to any and all who knock, because, hunger is physical, emotional and spiritual. Prodissee Pantry's has the track record to prove its importance to the County's needy. For this community ministry of faith and love has been fulfilling our mission of providing food to the hungry, drink to the thirsty and welcoming strangers into our Pantry family.



PR-1c

Preliminary
PRODISSE PANTRY
 Baldwin County, Alabama

NO.	DATE	DESCRIPTION
1	05/11/18	PRELIMINARY
2	05/11/18	PRELIMINARY

35

ADAMS STEWART ARCHITECTS, LLC
 Architecture, Planning
 Interiors, Construction Administration

P.O. Box 520
 22723 Highway 59 South
 Robertsdale, Alabama 36567
 Office: 251-947-3861
 Fax: 251-947-3138

**Buildings & Property Committee Meeting
Monday, April 4, 2011 5:30 PM
Daphne City Hall**

Committee

Councilman John Lake

Councilman August A. Palumbo

Mayor Fred Small

Richard Merchant, Building Inspector

Frank Barnett, Maintenance Supervisor

Margaret Thigpen, Civic Center Director

- A.) HVAC at Library** – Frank Barnett reported that the HVAC units have reached their life expectancy at the library – they are the original units. He is recommending that 3 units at the Library be replaced and one at the Rec Department building as well. This would total \$33,000 for all four units. Instead of repairing it would be more cost effective to purchase new ones. (attached is estimate breakdown) **The question raised was there any monies left over from the Library expansion project that could be used for the library units?** Gus made amotion that the request for funds go to the next Finance Committee Meeting, Monday, April 11, 2011. Jane will send request to Suzanne.

Library (3) & Recreation (1) HVAC

HVAC REPAIRS

Four rooftop HVAC units need major repair.
Three units on the Library
One unit on the Recreation Building

- #1 Three units have bad heat exchangers, cost to replace: \$5600.00
One unit has bad compressor, bad fan motor and heat exchanger that will need to be replaced in the next year or two: estimated cost to repair : \$3000.00.

Cost for these repairs approximately \$9000.00, does not include fan blades, shafts, bearings and motors.

These units are twelve years old. Cost of maintaining goes up each year.

- #2 Replacement of four rooftop HVAC units, one on the Recreation Building and three on the Library, cost to replace: \$33,000.00.

Cost for replacement includes crane rental required to move units Up and down from the roof.

Three of the six units on the Library have already been replaced.

**CITY OF DAPHNE
2011- O-POLICE VEHICLES
CITY OF DAPHNE
APRIL 8, 2011
11:30AM**

PRESENT WERE:

SUZANNE HENSON
DAVID MCKELROY
RICHARD JOHNSON
DANNY BELL
DUKE CRUTCHFIELD
MELVIN MCCARLEY
DENISE PENRY

SENIOR ACCOUNTANT
RECREATION DIRECTOR
PW DIRECTOR
POLICE CAPTAIN
MECHANICAL SUPERVISOR
PW SUPERINTENDENT
PW ACCOUNTANT

16 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 4 SEALED BIDS WERE RECEIVED.

CAPTAIN DANNY BELL OPENED THE BIDS PRESENTED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

<u>VENDER</u>		<u>AMOUNT</u>
JIM ELLIS CHEVROLET	TAHOE PPV	\$27,630.00
TERRY THOMPSON CHEVROLET	TAHOE PPV	\$28,895.00
BAYVIEW FORD LINCOLN MERCURY, LLC FORD EXPEDITION (NOT POLICE CERTIFIED YET- REQUEST CONSIDERATION IN THE FUTURE)		NO BID
U J CHEVROLET CO., INC.	TAHOE PPV	\$27,637.45

* PPV – Police Pursuit Vehicle
* State Bid cost (incl options & delivery) - \$27,800



SUZANNE HENSON, SR. ACCOUNTANT

* \$ 190,000 Appropriated

CITY OF DAPHNE
 2011- P-RECR/PARKS EXTENDED CAB TRUCK
 CITY OF DAPHNE
 APRIL 8, 2011
 11:30AM

PRESENT WERE:

SUZANNE HENSON	SENIOR ACCOUNTANT
DAVID MCKELROY	RECREATION DIRECTOR
RICHARD JOHNSON	PW DIRECTOR
DANNY BELL	POLICE CAPTAIN
DUKE CRUTCHFIELD	MECHANICAL SUPERVISOR
MELVIN MCCARLEY	PW SUPERINTENDENT
DENISE PENRY	PW ACCOUNTANT

16 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, FAXED & 4 SEALED BIDS RECEIVED.

MELVIN MCCARLEY OPENED THE BIDS PRESENTED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

<u>VENDER</u>	<u>AMOUNT</u>
GULF COAST TRUCK & EQUIPMENT	NO BID
TERRY THOMPSON CHEVROLET	\$21,150.00
BAYVIEW FORD LINCOLN MERCURY, LLC FORD F150	\$18,991.00
UJ CHEVROLET CO., INC. CC10753	\$21,385.66

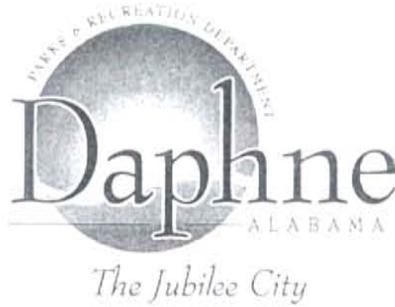
***State Bid Cost: \$18,351 (incl Options)+3% allowance for Bidders located in Daphne =\$18,901.53**
(Delivery not included)



 SUZANNE HENSON, SR. ACCOUNTANT

* \$18,688 Appropriated

Fred Small
Mayor
David McKelroy
Parks & Recreation
Director



Chris Bradford
Parks Maintenance Supervisor
Mary Jensen
Seniors Program Coordinator
Recreation Programs Coordinator
Charlie McDavid
Athletic Coordinator

MEMO

TO: Finance Committee
FROM: David McKelroy, Parks and Recreation Director *WAM*
RE: New Truck – Ordinance 2011-16
DATE: April 11, 2011

On March 7, 2011, council approved Ordinance 2011-16 appropriating \$18,688.00 for the purchase of a 2011 Extended Cab Pickup. This amount was based on a quote (attached) from Bayview Ford in Daphne. It was my recommendation to bid the vehicle as opposed to using the State bid list in an effort to support local dealers.

Bids were opened March 8, 2011 with Bayview Ford of Daphne having the low bid. However, their bid was \$18,991.00. State bid for this vehicle with the equipment quoted is \$18,326.00, a difference of \$665.00.

The low bid from Bayview Ford exceeds the funds appropriated for the purchase of this vehicle as well as the 3% preference allowed for resident bidders.

It is my recommendation the city purchases this vehicle using the State Bid List for the purchase price of \$18,326.00 with a delivery fee of \$260.00, for a total cost of \$18,586.00.

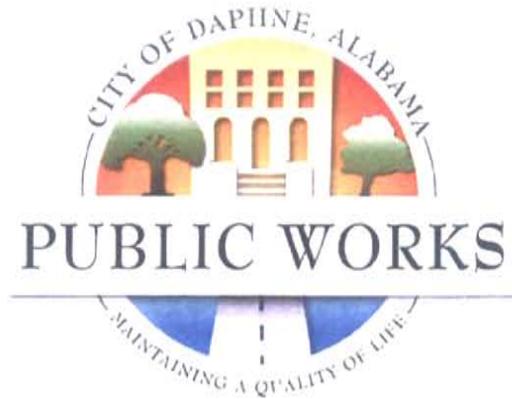
Funds Appropriated: \$18,688

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard Johnson, P. E.
Director of Public Works



Barley Yeilding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Suzanne Henson, Senior Accountant

From: Richard Johnson, P. E., Public Works Director

Date: April 8, 2011

Re: Bid Document 2011-Q-PW/ Used Wheel Loader

Bids were sent out for the purchase of a used wheel loader. This is an item that we have leased in the past and it has been determined to be in the City's best interest to purchase this loader. We have \$21,600 budgeted for the lease payment. We will need an appropriation of \$38,565 to purchase this equipment.

One response was received and we would like to recommend Caterpillar Financial Services Corp for this bid. The equipment that they bid is the same one that we have been leasing. Since we have all the service records, we feel confident in the quality of this equipment.

Please call me if you have any questions.

CITY OF DAPHNE
2011- Q-PW/USED WHEEL LOADER
CITY OF DAPHNE
APRIL 8, 2011
11:30AM

PRESENT WERE:

SUZANNE HENSON
DAVID MCKELROY
RICHARD JOHNSON
DANNY BELL
DUKE CRUTCHFIELD
MELVIN MCCARLEY
DENISE PENRY

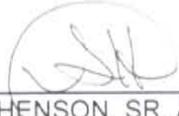
SENIOR ACCOUNTANT
RECREATION DIRECTOR
PW DIRECTOR
POLICE CAPTAIN
MECHANICAL MAINTENANCE FACILITY
PW SUPERINTENDENT
PW ACCOUNTANT

7 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 1 SEALED BIDS WERE RECEIVED.

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

<u>VENDER</u>	<u>AMOUNT</u>
CATERPILLAR FINANCIAL SERVICES, CORP.	\$60,165.00

* \$21,600 Budgeted monies are available for the purchase--An Appropriation of \$38,565 is needed



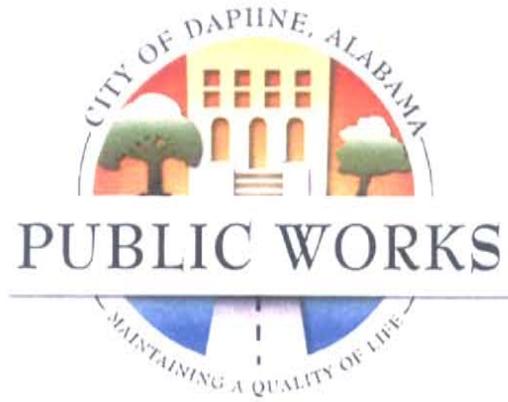
SUZANNE HENSON, SR. ACCOUNTANT

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director Treasurer

Richard Johnson, P. E.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Suzanne Henson, Senior Accountant

From: Richard Johnson, P. E., Public Works Director

Date: April 8, 2011

Re: Bid Document 2011-R-PW/ Concrete Pipe

Bids were sent out for the purchase of concrete pipe. This is material used in the day to day operations of Public Works and funded in our operating budget.

One response was received and we would like to recommend Hanson Pipe & Precast for this bid. They are our current vendor and they are competitive with current market conditions.

Please call me if you have any questions.

CITY OF DAPHNE
2011- R-CONCRETE PIPE
CITY OF DAPHNE
APRIL 8, 2011
11:30AM

PRESENT WERE:

SUZANNE HENSON
DAVID MCKELROY
RICHARD JOHNSON
DANNY BELL
DUKE CRUTCHFIELD
MELVIN MCCARLEY
DENISE PENRY

SENIOR ACCOUNTANT
RECREATION DIRECTOR
PW DIRECTOR
POLICE CAPTAIN
MECHANICAL MAINTENANCE FACILITY
PW SUPERINTENDENT
PW ACCOUNTANT

4 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 1 SEALED BIDS WERE RECEIVED.

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

VENDER

AMOUNT

HANSON PIPE & PRECAST

UNIT COST AS ATTACHED



SUZANNE HENSON, SR. ACCOUNTANT

BID COST SHEET

<u>Description</u>	<u>Price per linear foot</u>	
	<u>Grout</u>	<u>Rubber Gasket</u>
12" T & G C-3		\$15.40
15" T & G C-3		\$15.90
18" T & G C-3		\$17.65
21" T & G C-3		\$26.25
24" T & G C-3		\$29.10
27" T & G C-3		\$38.64
30" T & G C-3		\$40.30
36" T & G C-3		\$57.10
42" T & G C-3		\$71.40
48" T & G C-3		\$93.00
54" T & G C-3		\$113.90
60" T & G C-3		\$138.05
66" T & G C-3		\$167.25
72" T & G C-3		\$193.10
84" T & G C-3		\$260.90
96" T & G C-3		DNE
18" X 11" T & G C-3 ARCH		\$28.75
22" X 13" T & G C-3 ARCH		\$30.60
29" X 18" T & G C-3 ARCH		\$40.55
36" X 23" T & G C-3 ARCH		\$48.60
44" X 27" T & G C-3 ARCH		\$67.35
51" X 31" T & G C-3 ARCH		\$87.15
58" X 36" T & G C-3 ARCH		\$110.35
65" X 40" T & G C-3 ARCH		\$134.60
73" X 45" T & G C-3 ARCH		\$167.25
88" X 54" T & G C-3 ARCH		\$230.80

DESCRIPTION

- 4' X 4'
- 6' X 4'
- 8' X 4'
- 6' X 5'
- 8' X 5'

PRICE PER LINEAR FOOT

DNE	} ASTM C-1433 Design
\$307.50	
\$360.00	
\$332.50	
\$387.50	

NOTE: ALL ARCH PIPE TO BE FURNISHED WITH RAM NECK GASKET MATERIAL IN LIEU OF RUBBER GASKET.

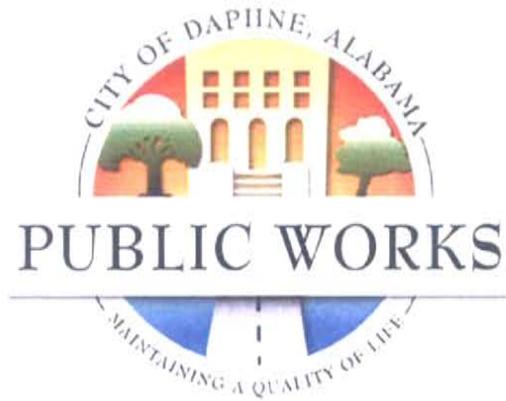
Company: Hanson Pipe & Precast

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard Johnson, P. E.
Director of Public Works



Barley Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Kim Briley, Finance Director
Suzanne Henson, Senior Accountant

From: Richard Johnson, P. E., Public Works Director

Date: April 8, 2011

Re: Bid Document 2011-S-PW/ Skid Steer Loader

Bids were sent out for the purchase of a skid steer loader. Funding for this purchase was authorized in Resolution 2011-19.

Two responses were received and one was a no bid. We would like to recommend Thompson Tractor Company for this bid. Their cost is in line with market prices.

Please call me if you have any questions.

CITY OF DAPHNE
2011- S-PW/SKID STEER LOADER
CITY OF DAPHNE
APRIL 8, 2011
11:30AM

PRESENT WERE:

SUZANNE HENSON
DAVID MCKELROY
RICHARD JOHNSON
DANNY BELL
DUKE CRUTCHFIELD
MELVIN MCCARLEY
DENISE PENRY

SENIOR ACCOUNTANT
RECREATION DIRECTOR
PW DIRECTOR
POLICE CAPTAIN
MECHANICAL MAINTENANCE FACILITY
PW SUPERINTENDENT
PW ACCOUNTANT

6 INVITATIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 1 SEALED BIDS WERE RECEIVED.

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

<u>VENDER</u>	<u>AMOUNT</u>
COASTAL MACHINERY	NO BID
THOMPSON RENTAL	39,900.00
BEARD EQUIPMENT	Received Late

* \$40,000 Appropriated through BP Grant Monies



SUZANNE HENSON, SR. ACCOUNTANT



Hancock Bank
PUBLIC FINANCE DEPARTMENT

Via EMAIL

March 28, 2011

Ms. Kim Briley
Finance Director
City of Daphne
1705 Main St.
Daphne, Alabama 36526

Re: Lease Purchase Financing – One (1) New 28 CY Garbage Truck

Dear Kim:

Hancock Bank appreciates the opportunity to offer a lease purchase financing proposal to the City of Daphne (the "City") for the financing of the above referenced equipment (hereinafter the "Equipment"). The Equipment's total cost is **\$216,070.00**. It is anticipated that 100% of the cost will be financed through a lease purchase agreement. The term of financing desired by the City is for Five (5) years, with 20 Quarterly payments in advance with the first payment coming due on the date the lease purchase is funded. Our quoted rate is based on the equipment being delivered with 60 days from the date of this letter.

Based on the foregoing information we are offering the following terms:

* Bank Qualified Tax Exempt Rate – based on \$216,070.00 borrowed amount:		
Term:	5 Years, Twenty (20) quarterly payments in advance	
Annual Interest Rate:		2.63%
Quarterly Payment:	\$	11,489.28
Total Interest Cost (over life of lease):	\$	13,715.60
Total Cost of Financing (principal and interest) Over the life of the lease	\$	229,785.60

* The rate quoted above assumes that the obligation will be designated as "bank-qualified" tax exempt within the meaning of Section 265(b) (3) of the Internal Revenue Code of 1986, as amended.



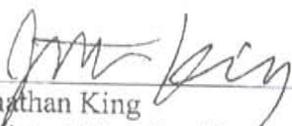
City of Daphne, Alabama
Lease Purchase – One (1) New 28 CY Garbage Truck
Page 2

Normal Bank credit approval requirements for lending would apply. Our credit approval process includes approval of both the manufacturer and the vendor of the Equipment to be purchased. Prior to credit approval, we would also require that the City furnish to us copies of the City's last two completed audited financial statements.

Our offer is conditioned upon compliance by the City with applicable state and federal law governing borrowings by political subdivisions. All documentation would need to be acceptable to the Bank and the Bank's legal counsel. Necessary documentation would include, but not be limited to, a legal opinion from the City's legal counsel. Liability and physical damage insurance coverage would be required with Hancock Bank being shown as an additional insured and loss payee as its interests may appear. The Bank would use its standard documentation for this type of transaction, which includes but is not limited to a standard authorizing resolution that the Bank would furnish to the City Council for adoption.

The rate quoted herein is based on current market conditions and is subject to change. We will hold the above rate firm if our proposal is accepted by the City Council within 30 days and the lease purchase agreement is fully funded within 60 days from the date of this letter.

Sincerely,


Jonathan King
Assistant Vice President
Public Finance Department
Hancock Bank

FOR 2011 07

ACCOUNTS FOR:	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
120200 LEGISLATIVE							
120200 52211 11 DISTRICT 1 TRAINING	2,500	2,500	.00	.00	.00	2,500.00	.0%
120200 52211 12 DISTRICT 2 TRAINING	2,500	2,500	45.43	.00	.00	2,454.57	1.8%
120200 52211 13 DISTRICT 3 TRAINING	2,500	2,500	3,097.77	.00	.00	-597.77	123.9%
120200 52211 14 DISTRICT 4 TRAINING	2,500	2,500	.00	.00	.00	2,500.00	.0%
120200 52211 15 DISTRICT 5 TRAINING	2,500	2,500	.00	.00	.00	2,500.00	.0%
120200 52211 16 DISTRICT 6 TRAINING	2,500	2,500	1,431.88	.00	.00	1,068.12	57.3%
120200 52211 17 DISTRICT 7 TRAINING	2,500	2,500	.00	.00	.00	2,500.00	.0%
TOTAL LEGISLATIVE	17,500	17,500	4,575.08	.00	.00	12,924.92	26.1%
TOTAL EXPENSES	17,500	17,500	4,575.08	.00	.00	12,924.92	

TREASURER'S REPORT

As of March 31, 2011

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$10,937,078.60
OPERATING ACCT	COMPASS	(\$2,466,220.12)
PAYROLL ACCT	COMPASS	(\$12,624.81)
		<u>\$8,458,233.67</u>
INVESTMENT FUND	RAYMOND JAMES (investment 4,828,875.15)	\$4,849,881.93
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$357,039.27
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$10,467.07
4 CENT GAS TAX	RBC BANK	\$329,882.43
7 CENT GAS TAX	RBC BANK	\$275,807.64
		<u>\$616,157.14</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,932,084.39
2006 CONSTRUCTION	WACHOVIA	\$942,873.61
		<u>\$4,874,958.00</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,372,111.58
2006 DEBT SERVICE	RBC BANK	\$1,062,409.69
		<u>\$2,434,521.27</u>
		<u>\$21,590,791.28</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

FY 2011 BUDGET/ACTUAL COMPARISONS

	2004	2005	2006	2007	2008	2009	2010	2011	Actual - 2011	Budget	Monthly Variance	YTD Variance	% of Budget
October	637,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	800,512.03	755,468	45,044.03	45,044.03	5.96%
November	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	819,834.09	752,814	67,020.09	112,064.12	8.90%
December	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,121,383.45	991,992	129,391.45	241,455.57	13.04%
January	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	817,230.14	714,825	102,405.14	343,860.71	14.33%
February	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	840,768.01	724,538	116,230.01	460,090.72	16.04%
March	848,156.86	917,832.17	1,081,774.83	1,071,588.38	998,616.04	863,535.78	916,657.55	-	905,661	905,661	-	460,090.72	0.00%
April	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	-	799,876	799,876	-	460,090.72	0.00%
May	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	-	851,910	851,910	-	460,090.72	0.00%
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	-	876,618	876,618	-	460,090.72	0.00%
July	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	839,192.33	-	829,125	829,125	-	460,090.72	0.00%
August	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	-	781,228	781,228	-	460,090.72	0.00%
September	830,260.80	948,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	-	830,946	830,946	-	460,090.72	0.00%
Totals	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,279,349.93	10,039,546.95	9,934,178.61	4,399,727.72	4,399,727.72	9,815,001	460,090.72		

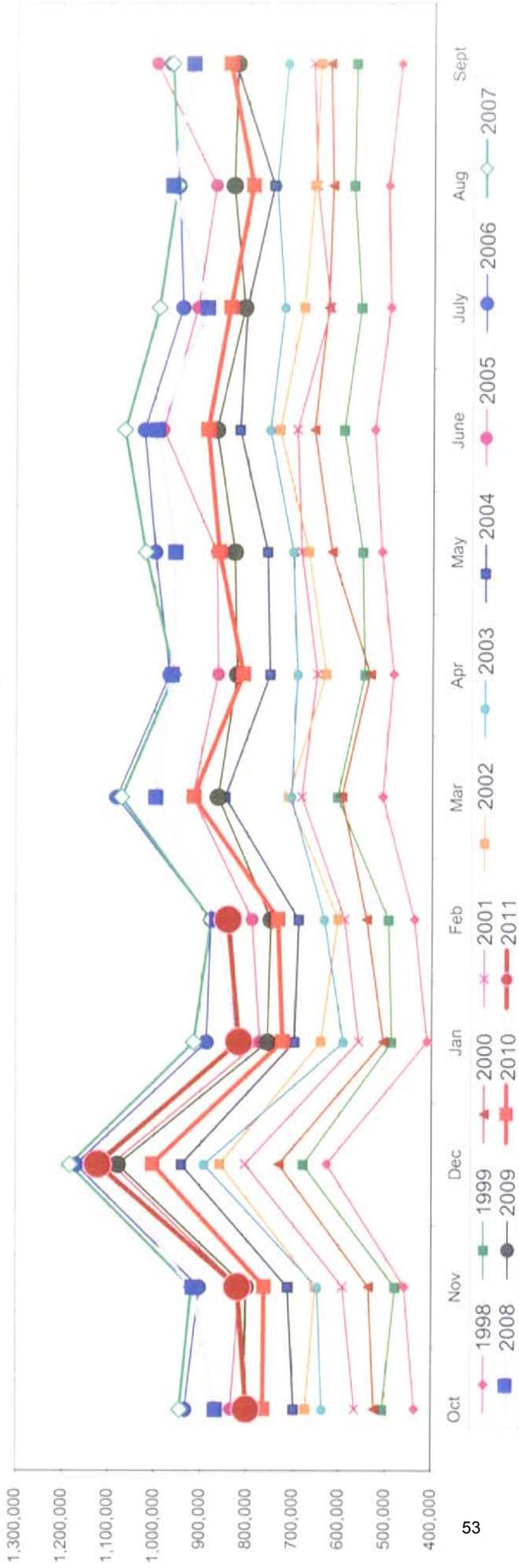
FISCAL YEAR COMPARISONS

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
October	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	19.47%	11.87%	1.28%	-8.19%	-7.00%	-5.19%	4.69%
November	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	14.61%	10.66%	1.92%	-0.32%	-12.54%	-4.88%	7.60%
December	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	15.93%	7.09%	1.21%	-5.29%	-3.72%	-6.89%	11.65%
January	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	10.72%	14.98%	3.09%	-10.15%	-8.09%	-4.24%	12.95%
February	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	14.58%	11.32%	-0.02%	-1.41%	-13.52%	-2.04%	14.65%
March	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	53,121.77	-	8.21%	17.86%	-0.94%	-6.81%	-13.53%	6.15%	0.00%
April	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	-	14.77%	12.24%	-0.89%	0.37%	-14.58%	-1.65%	0.00%
May	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	33,154.73	-	14.50%	15.33%	2.11%	-6.30%	-13.38%	4.00%	0.00%
June	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	18,953.16	-	20.12%	4.19%	4.13%	-6.49%	-12.93%	2.18%	0.00%
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(90,576.41)	31,078.40	-	13.14%	3.61%	5.50%	-10.52%	-9.07%	3.85%	0.00%
August	124,457.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.50)	-	16.70%	9.28%	0.41%	1.07%	-13.75%	-4.96%	0.00%
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	-	20.26%	-3.09%	-0.26%	-4.82%	-10.16%	1.91%	0.00%
Annual \$ Change	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(105,368.34)	412,254.14	15.27%	9.29%	1.44%	-4.99%	-10.99%	-1.05%	4.15%

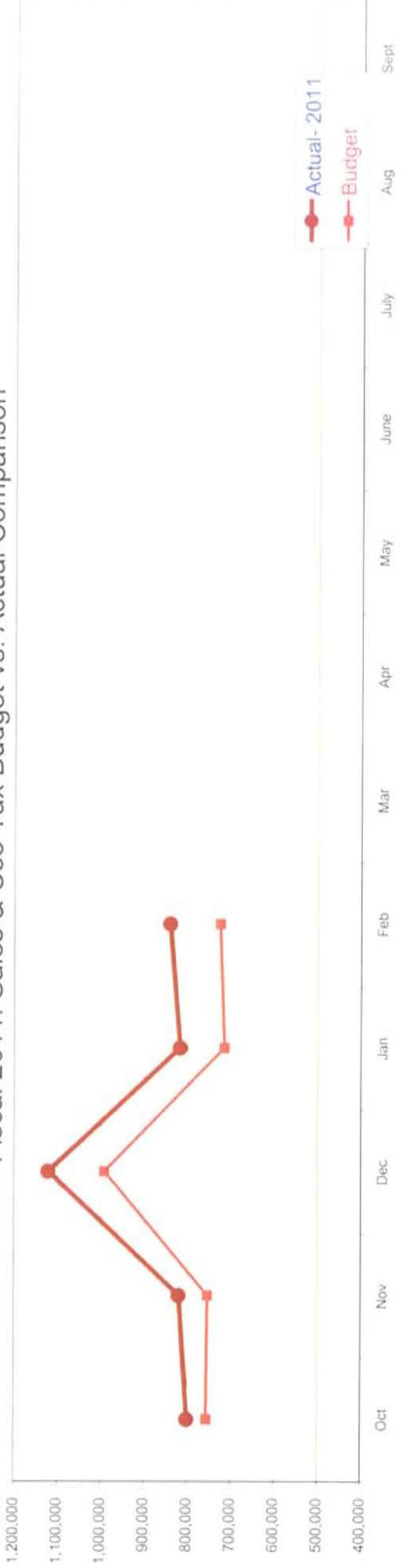
TOTAL collections: FY 10	9,934,179
TOTAL est. bdgt coll: FY 11	9,815,001
Budgeted Dollar Variance 10/11	(119,178)
Budgeted Percent Variance 10/11	-1.20%

TOTAL collections: 2-28-11	4,399,728
Budgeted: 10-1-10 to 2-28-11	3,939,637
Actual Coll < Budget, 2-28-11	460,091
% Over/(Under) Budget, 2-28-11	11.68%

Sales & Use Tax Comparisons



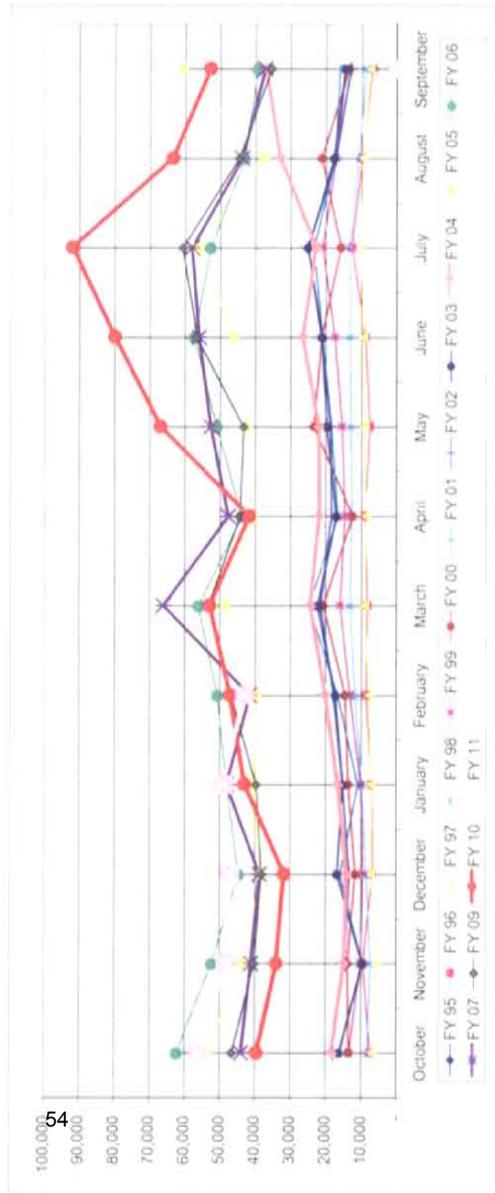
Fiscal 2011: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
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	39,405.56	56,001.39		
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	33,763.37	48,329.73		
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	36,605.47	31,081.14	38,144.69	31,571.38		
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	42,883.70		
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	46,998.32		
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	52,771.52		
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	41,531.05		
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	43,283.74	66,820.96		
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	79,822.84		
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	91,906.47		
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	63,323.58		
September	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,368.90	37,180.99	49,698.91	35,430.62	52,662.79		
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,599.73	211,754.69	269,317.22	547,535.15	601,302.68	591,147.09	549,255.30	643,461.54	243,600.48	

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



FY 2011 Budget
545,000
% Budget Collected,
2/28/2011
45%

CITY OF DAPHNE, ALABAMA
 COMBINED BALANCE SHEET
 SEPTEMBER 30, 2010

	Governmental Fund Types										Proprietary Fund Types		Account Groups			TOTALS (MEMORANDUM ONLY)	
	GENERAL FUND		SPECIAL REVENUES FUND		CAPITAL PROJECTS FUND		DEBT SERVICE FUND		AGENCY FUND		ENTERPRISE FUND		GENERAL LONG TERM DEBT ACCT GROUP		GENERAL FIXED ASSETS ACCOUNT GROUP		
ASSETS																	
Cash	13,061,117.84	594,719.88	3,936,675.59	2,056,071.60	314,986.17	100.00	-	-	-	-	-	-	-	-	-	19,963,671.08	
Investments	932,895.89	-	-	-	-	-	-	-	-	-	-	-	-	-	-	932,895.89	
Due From Utility Board	28,667.13	-	-	-	-	197,362.06	-	-	-	-	-	-	-	-	-	226,029.19	
Due From Other Funds	-	2,454,778.47	-	108,065.26	-	-	-	-	-	-	-	-	-	-	-	2,562,843.73	
Taxes Receivable	5,761,369.71	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,761,369.71	
Special Assessments Receivable	104,855.11	378,705.15	1,130,990.99	-	-	-	-	-	-	-	-	-	-	-	-	1,130,990.99	
Due From Other Governments	258,609.40	53,424.54	-	-	-	-	-	-	-	-	-	-	-	-	-	483,560.26	
Other Assets	-	-	-	-	9,036.07	3,387.75	-	-	-	-	-	-	-	-	-	324,457.76	
Fixed Assets, Net of Accumulated Depn	-	-	-	-	-	594,497.63	-	-	-	-	-	-	-	-	-	47,321,867.25	
Amount Available- Retirement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Gen Long-Term Debt/Cap Lease	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,164,136.86	
Amount to be Provided- Retirement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Gen Long-Term Debt/Cap Lease	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
TOTAL ASSETS	20,147,515.08	3,481,628.04	5,067,666.58	2,164,136.86	324,022.24	795,347.44	2,164,136.86	324,022.24	358,112.31	458,848.17	43,229,798.82	46,727,369.62	43,229,798.82	46,727,369.62	41,557,202.06	122,429,024.78	
LIABILITIES																	
Accounts Payable	417,688.83	513,280.17	78,982.11	-	54,112.74	25,887.26	-	-	-	-	-	-	-	-	-	1,089,951.11	
Due to Other Agencies	-	-	-	-	24,849.30	-	-	-	-	-	-	-	-	-	-	24,849.30	
Accrued Wages Payable	489,666.04	-	-	-	-	31,879.24	-	-	-	-	-	-	-	-	-	521,545.28	
Payroll Withholdings	564,547.05	-	-	-	-	-	-	-	-	-	-	-	-	-	-	564,547.05	
Due to Other Funds	2,145,486.89	-	101,025.20	-	279,150.27	37,181.37	-	-	-	-	-	-	-	-	-	2,562,843.73	
Deferred Revenue	4,023,080.08	597,318.31	1,130,990.99	-	-	82,268.60	-	-	-	-	-	-	-	-	-	5,833,657.98	
Interest Payable	-	-	-	-	-	6,193.18	-	-	-	-	-	-	-	-	-	6,193.18	
Notes Payable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Warrants Payable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Capital Lease Payable	-	-	-	-	-	-	-	-	-	275,438.52	43,229,798.82	-	-	-	-	43,229,798.82	
Total Liabilities	7,640,468.89	1,110,598.48	1,310,998.30	-	358,112.31	458,848.17	2,164,136.86	324,022.24	358,112.31	458,848.17	43,721,338.92	46,727,369.62	43,721,338.92	46,727,369.62	54,600,365.07	54,600,365.07	
FUND BALANCE																	
Investment in Fixed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fund Balance-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Equity Transfers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Investment in Cap Assets, net of debt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Unreserved	12,089,544.78	1,862,468.03	1,518,263.59	2,164,136.86	-	17,440.16	-	-	-	-	-	-	-	-	-	319,059.11	
Reserved for Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15,487,716.56	
Reserved For Encumbrances	417,501.41	271,314.03	2,238,404.69	-	-	-	-	-	-	-	-	-	-	-	-	2,164,136.86	
Reserved For Insurance Payments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,927,220.13	
Reserved For Other Purposes Designated	-	237,247.50	-	-	(34,090.07)	-	-	-	-	-	-	-	-	-	-	(34,090.07)	
Total Fund Balance	12,507,046.19	2,371,029.56	3,756,668.28	2,164,136.86	(34,090.07)	336,499.27	2,164,136.86	324,022.24	(34,090.07)	336,499.27	43,721,338.92	46,727,369.62	43,721,338.92	46,727,369.62	67,828,659.71	67,828,659.71	
TOTAL LIABILITIES & FUND BALANCE	20,147,515.08	3,481,628.04	5,067,666.58	2,164,136.86	324,022.24	795,347.44	2,164,136.86	324,022.24	358,112.31	458,848.17	43,721,338.92	46,727,369.62	43,721,338.92	46,727,369.62	122,429,024.78	122,429,024.78	

CITY OF DAPHNE
COMBINED STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE
FOR THE MONTH ENDED SEPTEMBER 30, 2010

	Governmental Fund Types					Proprietary Fund Types	TOTALS (MEMORANDUM ONLY)
	GENERAL FUND	SPECIAL REVENUES FUND	CAPITAL PROJECTS FUND	DEBT SERVICE FUND	AGENCY FUND	ENTERPRISE FUND	
REVENUES							
Taxes	16,216,620.23	858,660.58	-	1,406,348.73	-	-	18,481,829.54
Payment in Lieu of Taxes	1,952,460.18	-	-	-	-	-	1,952,460.18
Licenses & Permits	1,733,817.45	-	-	-	-	-	1,733,817.45
Intergovernmental	220,397.11	34,052.76	111,002.77	-	-	-	365,452.64
Fees and Charges	428,921.94	33,819.12	90,819.14	-	-	1,724,485.96	2,278,045.56
Fines & Forfeitures	401,834.72	124,464.00	-	-	-	-	526,298.72
Interest	57,385.75	1,529.23	-	10,370.60	-	-	83,697.23
Grants	419,052.17	802,658.75	-	-	-	-	1,221,710.92
Insurance Premiums/Proceeds	-	-	-	-	145,180.23	-	145,180.23
Miscellaneous	259,456.70	411,980.29	-	-	-	-	671,436.99
TOTAL REVENUES	21,689,946.25	2,267,364.73	216,233.56	1,416,719.33	145,180.23	1,724,485.96	27,459,929.46
EXPENDITURES							
General Government	2,948,180.29	152,200.10	86,227.60	76,816.45	-	-	3,263,424.44
Public Safety	8,585,265.78	57,335.87	-	-	-	-	8,642,601.65
Public Works	4,301,892.01	157,315.25	558,787.91	-	-	1,442,546.70	6,460,541.87
Recreation & Library	2,265,812.95	993,793.82	542,344.89	-	-	744,912.55	4,546,364.21
Grants	-	459,646.72	-	-	-	-	459,646.72
Hurricanes/Other Storms/Events	-	613,744.05	-	-	-	-	613,744.05
Other Improvements	-	-	-	-	-	-	-
Insurance Payments	-	-	-	-	162,943.73	-	162,943.73
Principal Payments	-	-	-	1,957,735.29	-	-	1,957,735.29
Interest Payments	-	-	-	2,103,713.42	-	6,193.18	2,109,906.60
TOTAL EXPENDITURES	18,101,151.03	2,434,035.81	1,187,260.40	4,138,265.16	162,943.73	2,193,252.83	28,216,908.56
Revenues Over (Under) Expenditures	3,588,795.22	(166,671.08)	(971,026.84)	(2,721,545.83)	(17,763.50)	(468,767.07)	(756,979.10)
Before Other Financing Sources (Uses)							
OTHER FINANCING SOURCES (USES)							
Transfers to Utility Board	-	-	-	-	-	-	-
Transfers from Other Funds	-	286,364.47	-	3,059,274.56	-	468,767.07	3,814,406.10
Allowance for Compensated Absences	-	-	-	-	-	-	-
General Long Term Debt Proceeds	506,968.74	-	-	2,035,000.00	-	-	2,541,968.74
Early Defeasance Gen Long Term Debt	-	-	-	(1,957,167.03)	-	-	(1,957,167.03)
Transfers to Other Funds	(3,708,195.84)	(106,210.26)	-	-	-	-	(3,814,406.10)
Total Other Financing Sources (Uses)	(3,201,227.10)	286,364.47	(106,210.26)	3,137,107.53	-	468,767.07	584,801.71
Revenues and Other Financing Sources Over (Under) Expenditures and Other Uses	387,568.12	119,693.39	(1,077,237.10)	415,561.70	(17,763.50)	(0.00)	(172,177.39)
Fund Balance, Reserved for Encumbrance	417,501.41	271,314.03	2,236,404.69	-	-	-	2,927,220.13
Fund Balance, Reserved for Debt Payable	-	-	-	2,164,136.86	-	-	2,164,136.86
Fund Balance, Reserved for Insurance Premiums	-	-	-	-	(34,090.07)	-	(34,090.07)
Fund Balance, Reserved for Other Purposes	-	237,247.50	-	-	-	-	237,247.50
Fund Balance, Designated	-	-	-	-	-	-	-
Unreserved Fund Balance, 10-01-09	11,226,993.21	1,447,327.34	1,299,103.58	-	-	(19,033.69)	13,953,730.44
Prior Period Adjustment to beginning balance (Inc)/Dec in Designations & Encumbrance	474,983.45	295,447.30	1,296,397.11	-	-	-	2,066,827.86
Unreserved Fund Balance, 9-30-10	12,089,544.78	1,862,468.03	1,518,263.59	-	-	17,440.16	15,487,716.56

GENERAL FUND
BALANCE SHEET
SEPTEMBER 30, 2010

with comparatives as of 9-30-03; 9-30-04; 9-30-05; 9-30-06; 9-30-07; 9-30-08; and 9-30-09

<u>Assets</u>	2003	2004	2005	2006	2007	2008	2009	2010
Cash	3,584,940.39	4,567,624.42	5,361,942.81	7,505,067.81	9,599,480.26	12,202,594.09	11,871,054.93	13,061,117.84
Investments	698,463.06	713,573.22	730,057.96	755,091.03	794,219.58	831,312.96	873,004.23	901,833.17
Investment in AMIC	31,062.72	31,062.72	31,062.72	31,062.72	31,062.72	31,062.72	31,062.72	31,062.72
Special Assessments Receivable	246.73	214.01	-	-	-	-	-	-
Taxes Receivable	891,872.05	998,073.00	1,149,333.37	4,393,557.44	5,473,788.54	6,170,993.97	6,066,495.46	5,761,369.71
Due From Other Governments	21,532.00	100,591.16	115,057.90	10,998.00	2,500.00	229,568.58	218,677.79	104,855.11
Due From Utility	36,148.89	39,459.61	41,933.40	39,177.55	36,276.24	30,637.75	29,115.95	28,667.13
Due From Other Funds	190,282.16	84,654.72	687,216.41	678,653.01	135,696.41	-	-	-
Other Assets	-	93,874.46	60,554.07	253,958.84	220,672.61	237,320.68	276,691.64	258,609.40
Total Assets	5,454,548.00	6,629,127.32	8,177,158.64	13,667,566.40	16,293,696.36	19,733,490.75	19,366,102.72	20,147,515.08
Liabilities and Fund Balance								
Accounts Payable	494,657.45	948,753.94	486,657.54	400,323.13	826,085.64	570,106.77	602,786.06	417,688.83
Wages Payable	352,586.38	356,055.51	386,216.66	443,763.41	516,895.72	477,133.21	464,223.45	489,666.04
Accrued Payroll Withholdings	58,219.83	512,281.84	565,936.89	591,279.15	352,037.39	664,977.05	316,079.54	564,547.05
Due to Other Funds	170,872.64	-	-	-	-	1,439,898.16	1,186,412.26	2,145,486.89
Deferred Revenue	173,408.38	98,762.78	30,943.89	2,743,141.19	3,972,919.30	4,993,861.11	4,677,123.34	4,023,080.08
Total Liabilities	1,249,744.68	1,915,854.07	1,469,754.98	4,178,506.88	5,667,938.05	8,145,976.30	7,246,624.65	7,640,468.89
Designated Fund Balance	23,866.75	23,866.75	-	-	-	-	-	-
Fd Bal Resd for Encumbrances	355,764.87	582,605.82	739,273.83	693,658.22	575,175.19	1,077,122.40	892,484.86	417,501.41
Fund Balance, Unreserved	3,825,171.70	4,106,800.68	5,968,129.83	8,795,401.30	10,050,583.12	10,510,392.05	11,226,993.21	12,089,544.78
Total Fund Balance	4,204,803.32	4,713,273.25	6,707,403.66	9,489,059.52	10,625,758.31	11,587,514.45	12,119,478.07	12,507,046.19
Total Liabilities and Fund Bal	5,454,548.00	6,629,127.32	8,177,158.64	13,667,566.40	16,293,696.36	19,733,490.75	19,366,102.72	20,147,515.08

GENERAL FUND

Summary Statement of Revenues and Expenditures
For the Month Ended September 30, 2010

with comparatives: 9-30-2005; 9-30-2006; 9-30-2007; 9-30-2008; and 9-30-2009

	9/30/2005	9/30/2006	9/30/2007	9/30/2008	9/30/2009	9/30/2010	Adopted Budget	Amended Budget	Budgetary Variance Over/(Under)	% Budget
Revenues										
Sales, Use, & Luxury Taxes	11,277,480	12,288,352	12,465,597	11,905,876	10,696,734	10,613,491	10,303,713	10,303,713	309,778	3%
Payment in Lieu of Taxes	1,239,320	1,475,563	1,716,258	1,861,149	2,046,309	1,952,460	2,035,000	2,035,000	(82,540)	-4%
Ad Valorem Taxes	3,015,895	3,496,126	3,703,278	4,322,745	5,539,305	5,603,130	4,698,424	4,698,424	904,706	19%
Licenses & Permits	1,811,698	2,015,129	2,434,848	3,248,757	1,913,500	1,733,817	1,481,775	1,481,775	252,042	17%
Other Revenues	1,225,379	1,881,621	1,733,464	1,619,095	1,608,088	1,787,048	1,302,537	1,378,250	408,798	31%
Total Revenues	18,569,772	21,156,792	22,053,444	22,057,622	21,803,936	21,689,946	19,821,449	19,897,162	1,792,784	9%
Expenditures										
General Government										
Personnel Operating	1,478,445	1,591,656	1,743,498	1,882,365	1,918,785	1,843,561	1,913,814	1,917,368	(73,807)	-4%
Capital	901,943	1,016,114	1,084,191	1,242,472	1,380,362	1,104,620	1,082,056	1,104,222	398	0%
	47,287	385,151	289,663	38,979	70,862	-	-	-	-	#DIV/0!
	2,427,676	2,992,922	3,117,352	3,163,815	3,370,010	2,948,180	2,995,870	3,021,590	(73,410)	-2%
Personnel Operating	4,319,641	4,797,314	5,739,443	6,812,672	7,221,736	7,396,224	7,562,071	7,562,071	(165,847)	-2%
Capital	946,007	1,257,227	1,343,623	1,380,301	1,299,083	1,020,103	968,075	969,389	50,714	5%
	316,302	382,399	497,153	402,122	133,120	168,939	117,696	165,195	3,744	3%
	5,581,949	6,436,940	7,580,219	8,595,095	8,653,939	8,585,266	8,647,842	8,696,655	(111,389)	-1%
Personnel Operating	2,016,411	2,085,262	2,263,382	2,113,505	2,270,754	2,208,728	1,958,880	2,332,500	(123,772)	-6%
Capital	1,219,722	1,219,925	1,326,219	1,394,966	1,218,529	1,008,791	1,542,509	1,073,841	(65,050)	-4%
	514,648	1,474,150	628,614	337,263	238,530	1,084,373	-	717,299	367,074	#DIV/0!
	3,750,781	4,779,337	4,218,216	3,845,735	3,727,812	4,301,892	3,501,389	4,123,640	178,252	5%
Personnel Operating	974,289	1,004,205	1,083,545	1,252,573	1,266,536	1,198,270	1,231,886	1,248,266	(49,996)	-4%
Capital	742,554	702,286	616,264	690,660	601,899	589,364	541,633	574,873	14,491	3%
	90,809	121,234	256,357	234,388	260,541	478,179	184,000	297,024	181,155	98%
	1,807,653	1,827,725	1,956,166	2,177,620	2,128,976	2,265,813	1,957,519	2,120,163	145,650	7%
Total Departmental	8,788,786	9,478,437	10,829,868	12,061,115	12,677,811	12,646,782	12,666,651	13,060,205	(413,423)	-3%
Personnel Operating	3,810,226	4,195,552	4,370,297	4,708,399	4,499,873	3,722,878	4,134,273	3,722,325	553	0%
Capital	969,046	2,362,934	1,671,788	1,012,752	703,052	1,731,491	301,696	1,179,518	551,973	183%
	13,568,059	16,036,924	16,871,953	17,782,265	17,880,737	18,101,151	17,102,620	17,962,048	139,103	1%
Other Financing Sources & Uses										
Debt Proceeds	-	-	-	-	146,678	506,969	-	506,969	(0)	0%
Transfers to Debt Service	(1,962,965)	(2,483,006)	(2,668,795)	(2,640,775)	(2,610,186)	(2,892,812)	(2,831,612)	(2,892,612)	-	0%
Other Transfers & Uses	(1,044,618)	(165,796)	(1,375,997)	(672,825)	(913,585)	(815,584)	(472,207)	(1,009,087)	(193,503)	41%
Total Other Financing Sources/Uses	(3,007,583)	(2,648,802)	(4,044,792)	(3,313,600)	(3,377,094)	(3,201,227)	(3,303,819)	(3,394,730)	(193,503)	6%
Total Revenues Over Expenditures	1,994,130	2,471,065	1,136,699	961,756	546,105	387,568	(584,990)	(1,459,616)	1,847,185	
Unreserved Fund Balance, 10-01	4,106,801	5,968,130	8,795,401	10,050,583	10,510,392	11,226,993				
Unreserved Fund Balance, 9-30	5,968,130	8,795,401	10,050,583	10,510,392	11,226,993	12,089,545				

**General Fund
Schedule of Budget Amendments
September 30, 2010**

Adopted Appropriations> Rev	(584,990)	
Ordinance 09-48	(3,554)	Amending Job Classification: Benefits/Payroll Coordinator
Ordinance 09-57	(22,000)	Engineering: CR13 SRTS Sidewalk Grant
Ordinance 09-58	(59,400)	Civic Center Roof Repairs
Ordinance 09-63	(2,000)	FEMA Repetitive Loss Grant Application: 140 Lakeview Loop
Ordinance 09-64	(68,356)	Wilson Avenue Drainage
Ordinance 09-67	(7,459)	Jubilee Breeze Printing
Ordinance 09-68	(222,708)	Captain O'Neal Drainage Improvements
Ordinance 10-10	(13,960)	Old County Road Gulley Repairs
Ordinance 10-11	(45,000)	Windsor Court/Drive Drainage
Ordinance 10-12	(4,700)	Finance Servers and Back-Up
Ordinance 10-16	(3,743)	Baldwin County Economic Development Alliance
Ordinance 10-17	(47,751)	2 Used Backhoes
Ordinance 10-20	(10,000)	Trine Sports Complex Erosion & Sediment Control
Ordinance 10-21	(11,740)	Trione Sports Complex Electrical Design
Ordinance 10-22	(30,000)	Solid Waste/Garbage/Recycling Vehicle & Eqpt Mntc
Ordinance 10-26	(6,659)	Jubilee Breeze Printing (June-Dec 2010)
Ordinance 10-28	(83,749)	Recycling Personnel & Operating
Ordinance 10-29	(7,500)	Whiting Court/Greenwood Drive Drainage
Ordinance 10-30	(4,500)	Museum Duct Work/Replacement
Ordinance 10-31	(2,000)	Heat Strips in Human Resources Office
Ordinance 10-43	(11,000)	Windsor Court/Drive Drainage
Ordinance 10-44	(10,125)	Civic Center/BayFront Table Leg Replacements
Ordinance 10-45	(80,000)	NRCS Projects
Ordinance 10-53	(80,798)	Garbage through Sept 2010
Ordinance 10-55	(35,924)	Civic Center HVAC Upgrade
Amended Appropriations>Rev	(1,459,616)	

**Special Revenue Funds
Schedule of Budget Amendments
September 30, 2010**

7 Cent Gas Tax

Ordinance 09-69 74,595 Captain O'Neal Road

Lodging Tax

Ordinance 09-69	41,050	Captain O'Neal Sidewalk
Ordinance 10-03	4,909	Directional & Informational Signage
Ordinance 10-05	60,650	May Day Boat Ramp & Parking Lot
Ordinance 10-08	32,576	Richard Scardamalia Pavilion Foundation
Ordinance 10-14	37,000	May Day Parking Lot Pipe
Ordinance 10-23	9,650	Bay Front Parks Maintenance
Ordinance 10-32	7,800	Village Point Park Security Gate
Ordinance 10-52	5,000	May Day Park Repairs
Ordinance 10-54	30,000	Richard Scardamalia Subfloor Repairs & Insulation
	<u>228,635</u>	

**Capital Projects Funds
Schedule of Budget Amendments
September 30, 2010**

Capital Reserve

Ordinance 10-34	669,700	US 98/CR 64 Intersection
Ordinance 10-37	17,600	Whispering Pines Traffic Circle Utility Relocation
Ordinance 10-42	6,200	Whispering Pines ROW Acquisition (Orrie Smith)
	<u>693,500</u>	

NEW BUSINESSES

March-11

CITY LIMITS		CONTRACTORS	
RETAILERS		WHITE'S LAND SOURCE, LLC	1
SPORT CENTER IMPORTS	1	PRO FOAM	1
ALL OTHER		CARSWELL LP	1
6TH STREET ADVISORS, LLC	1	COOPER FENCE COMPANY, LLC	1
KIDS KOUNT THERAPY SERVICES	1	MCNEILUS TRUCK & MANUFACTURING	1
VIDA B ROBERSON, MD	1	TRACY HORNE ENTERPRISES	1
LA HOLDINGS	1	FIRE EQUIPMENT SPECIALISTS CO	1
TOTAL CITY LIMITS	5	LANG SIGNS, INC	1
OUTSIDE CITY LIMITS		VES SPECIALISTS	1
DILLARD'S	1	HOME RENEWERS, INC	1
THOMPSON SUPPLY CO, INC	1	RUSSELL PURCELL	1
HEATCRAFT REFRIGERATION PRODUCTS	1	MECO, INC	1
SYLVIA'S LOCK OUT SUPPLY, LLC	1	MCCARTER BROTHERS FLOOR CO	1
CARDIAC SCIENCE CORPORATION	1	HOME MAINTENANCE AND REPAIRS	1
DURO-LAST ROOFING	1	J. CRAIG HOMES, LLC	1
DUALITE SALES & SERVICE, INC	1	GLASS CONTRACTORS, INC	1
SRCG/ECOM INC	1	DAY'S HOME IMPROVEMENT	1
SAUCONY / ECOM INC	1	WAYMON FULGHAM INC	1
FITTS	1	DAVID COONER ROOFING	1
FIRST AMERICAN PAYMENT SYSTEMS	1	TOTAL CONTRACTORS	19
JOSHUA PALMER LANDSCAPING	1	INSURANCE	
FRED W REED JR	1	XL INSURANCE AMERICA, INC	1
KRYSTAL JORDAN	1	STARR INDEMNITY & LIABILITY CO	1
SOUTHERN WHOLESALE FLOORING	1	WFG NATIONAL TITLE INSURANCE	1
CHARLES M RIERSON III	1	TOTAL INSURANCE	3
LEAF CAPITAL FUNDING, LLC	1	TOTAL NEW BUSINESSES	
BLUE LINE FOOD SERVICE DISTRIBUTION	1	47	
H&H LAWN SERVICES	1		
REALD	1		
TOTAL OUTSIDE CITY LIMITS	20		

Buildings & Property Committee Meeting
Monday, March 7, 2011 5:30 PM
Daphne City Hall

Committee

Councilman John Lake
Councilman August A. Palumbo
Mayor Fred Small
Richard Merchant, Building Inspector
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Councilman John Lake, Richard Johnson, Public Works Director; Frank Barnett, Maintenance Supervisor; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Inspector; Selena Vaughn, Al Guarisco

- A.) Minutes from March Meeting:** Motion made to approve minutes from February Meeting. Approved.
- B.) Recognition Plaque for Daphne Statue:** Wording submitted for approval – committee asked that it go before next council meeting for final approval.
- C.) Amphitheater** – Selena Vaughan suggested that the city consider using the lodging tax dollars for the architectural design and move forward. But first we should determine and discuss our needs and wants for this venue. There are many things to consider . . . so we need a committee to come up with these things and then meet with an architect? She asked about the possibility of acquiring the Mareno Property and who from the city handles acquisitions? John Lake said the city of attorney. John Lake suggested a small group of folks write down their vision and bring it back to committee.

Selena Vaughan asked again about the status of finishing the landscaping at May Day. Was told by David Cohen that money was available but she can't get an answer from anyone about what monies are specifically left and when it will be done.

- D.) Civic Center Report** - Margaret reported that the Civic Center had 5 events in February for \$15,331 (of this \$510 was waived) net. Deposits are \$15,450 with YTD discounts totaling \$11,765. Bayfront had 8 events with \$5293 net and \$510 in discounts.

Deposits total \$6661 with YTD discounts at \$1805. Note: One event is considered one group – the actual events may last 4 days but is reported as one event.

There were requests for refunds for the committee to consider. Committee agreed to try and be fair and if the cancellation didn't affect future bookings go ahead and give refund – stick with the policy unless better explanation – ½ back and then if we are able to rent the date then full refund.

Upcoming events: Sunset Series, Ballroom Dance and Zydeco Festival. John Lake asked about possible getting funding for festival from BP. Margaret reported that she had inquired at all levels and was told the monies are no longer available or have been turned back into the state. John asked that she prepare a packet about the festival listing sponsorship levels and he would take it with him to Washington to give to the congressman and senators.

E.) Grants – Ashley Campbell brought before the committee three grant opportunities she would like to pursue.

U. S. Fish and Wildlife Coastal Assistance Program - asking for \$60,000 grant for Invasive species Control Project for Village Point Park and Bay Front Park. The city to contribute \$3600 in in-kind labor and use \$10,000 from the lodging tax as a match. **Committee made a motion to move this request to the Finance Committee for consideration with a favorable recommendation.**

Auburn Marine Extension has asked for a list of projects that could possible qualify for grant monies available. No match from City is necessary. The other is a list of the **2010 Baldwin County Multi-Hazard Mitigation Plan** – opportunities there as well.

F.) Building Inspection Monthly Report – Distributed for review.

G.) Frank Barnett – Discussed the opportunity to obtain an Energy Management Program for City Hall building. It could save us more and he would like to pursue it further. After much discussion John Lake asked Frank to obtain more information and get references from other companies that have used the program.

Meeting Adjourned.

**Buildings & Property Committee Meeting
Monday, April 4, 2011 5:30 PM
Daphne City Hall**

Committee

Councilman John Lake
Councilman August A. Palumbo
Mayor Fred Small
Richard Merchant, Building Inspector
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Mayor Fred Small, Councilman John Lake, Richard Johnson, Public Works Director; Frank Barnett, Maintenance Supervisor; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Inspector; Jane Ellis, Mayor's Assistant; Al Guarisco

A.) Minutes from March Meeting: Motion made to approve minutes from March Meeting. Approved.

B.) Freedom Shrine Documents – Nita and Mike Stewart made a presentation on behalf of the Eastern Shore Exchange Club to donate to the city the 30-piece Freedom Shrine Documents display. Once they are placed in city hall they would like to have a dedication. The committee thought this was a great idea and accepted the display and Jane Ellis will work with them on the dedication. Public Works Department will hang the documents.

C.) Bocce Courts – Al Guarisco presented a recommendation to improve these courts at Lott Park. Estimated expenses were attached for the items. The Mayor told Al that we would look at it and get come concrete prices on this.

Gus Palumbo said that the city should built shelter canopies and place seating under the shelters for shade at the dog park. He also suggested doing identical shelters in each section of the dog park. The committee agreed to have Richard Johnson draw up plans and a cost of these 3 shelters for next month's meeting, along with the costs to pave and recover the bocce courts with AstroTurf.

D.) HVAC at Library – Frank Barnett reported that the HVAC units have reached their life expectancy at the library – they are the original units. He is recommending that 3 units at the Library be replaced and one at the Rec Department building as well. This would

total \$33,000 for all four units. Instead of repairing it would be more cost effective to purchase new ones. (attached is estimate breakdown) The question raised was there any monies left over from the Library expansion project that could be used for the library units? **Gus made a motion that the request for funds go to the next Finance Committee Meeting, Monday, April 11, 2011. Jane will send request to Suzanne.**

E.) Renaming of Hwy 98 – Dr. Barry Booth is asking the city to prepare a resolution renaming the portion of Hwy 98 in Daphne to Via Bellator/Warrior Way. This does not change mailing addresses. He has asked that Spanish Fort and Fairhope do the same. **Gus made a motion that the Committee recommend the city prepare a resolution to rename Hwy 98 in honor of our service members and have on the agenda for the council meeting, April 18, 2011. Jane will forward to Becky this request via these minutes and have her invite Dr. Barry Booth to the meeting.**

F.) Civic Center Report - Margaret's report is attached showing 9 events at Civic Center in March for a net of \$22,336. Note \$6,173 was discounted. 8 events at Bayfront for a net of \$3,418. Note \$470 was discounted. Details are on report. Gus asked about the difference in base rentals – Margaret explained that different areas/rooms in the civic center rent for different amounts based on size.

Upcoming events: Sunset Series, Ballroom Dance and Zydeco Festival. Billboards are going up for Zydeco. Tickets are selling for Ballroom and Zydeco however we are missing out by not accepting credit cards not only for these events but bookings in general (i.e. wedding/event deposits).

Hosting an Open House at Bayfront on April 19 in the evening for prospective clients to visit facility.

Margaret asked again that the council reconsider the electronic sign – it would be of great support for not only city events but emergency information, road closings, etc. Gus Palumbo stated that he feels it fits into the sign ordinance guidelines.

G.) Building Inspection Monthly Report – Distributed for review. We issued permits for 21 new residential homes and 2 new commercial buildings in March out of a total of 127 permits for the month. Valuation for the work permitted was \$4,716,751.00 and the permit fees were \$41,289.07. Proposed estimated impact fees would have been \$32,391.82 for Parks and recreation, \$9,164.21 Fire Department, \$13370.23 for Police Department, and \$15,491.74 For Transportation (Roads). Total impact fees would have been \$70,417.

H.) Lake Forest POA Request – Letter from Eric Bussey in Jay Ross’ office was reviewed and discussed. Motion was made that the decision be deferred to City Council. Jane will send Beck Hayes, Assistant City Clerk, file to handle from this point forward.

Meeting Adjourned.

Buildings and Property Committee Meeting

Monday, April 4, 2011

5:00 PM

City of Daphne

Executive Conference Room – City Hall

Committee

Councilman John Lake, Chairman

Councilman August A. Palumbo

Mayor Fred Small

Richard Merchant, Buildings Inspector
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Agenda

- A. ✓ Approval of Minutes from March Meeting
- B. ✓ Freedom Shrine Documents – Nita Stewart
- C. ✓ Bocce Court Request – Al Guarisco
- D. ✓ Air Conditioning at Library – Frank Barnett
- E. ✓ Renaming of Highway 98
- F. Civic Center Report
- G. ✓ Building Inspection Monthly Reports – March 2011
- H. ✓ Any other Buildings & Property business

↳ LFPOA request -
update



B & P April 2011

- Civic Center = 9 events; 11 days used (not including set up days); = \$28,509 (\$6,173 was discounted netting \$22,336.00)
 - March Deposits = \$19,113.80
 - YTD Discounts = \$17,938.00
- Bayfront = 8 events; 8 days used (weekends primarily; not including set up days); = \$3,888 (\$470.00 was discounted netting \$3,418)
 - March Deposits = \$6,898.00
 - YTD Discounts = \$2,275.00
- Upcoming Events =
 - Sunset Series – Bayfront – April 10
 - Ballroom Dance – April 15
 - Zydeco – May 20-22

All Permits issued for March 2011

Permit Activity Summary Report

2011-04-04

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	50	\$4,652,246.00	\$25,981.00
EL	ELECTRICAL PERMIT	19	\$45,480.00	\$8,250.20
LD	LAND DISTURBANCE	6	\$0.00	\$300.00
ME	MECHANICAL PERMIT	16	\$14,526.00	\$1,463.37
PL	PLUMBING PERMIT	36	\$4,500.00	\$5,294.50
Grand Totals		127	\$4,716,751.00	\$41,289.07

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 5:00 PM on January 18, 2011
Location: City Hall Council Chambers

CHAIRMAN - Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3

I. CALL TO ORDER

The January meeting of the Public Works Committee was called to order at 5:00 PM

Present: Councilman Bailey Yelding, Councilman John Lake, Councilwoman Cathy Barnette, Richard Johnson-Public Works Director, Sandra Cushway-Public Works Assistant, Dorothy Morrison-DBC, Jaye Robertson-HMR,

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – December 2010 reports reviewed
- B. **Vehicle/Equipment Maintenance Report** – December 2010 reports reviewed.
- C. **Correspondence** – Arthritis Foundation (Note of appreciation for helping with the Jingle Bell Run)
- D. **Public Participation** – None

III. OLD BUSINESS

- A. **Minutes** – December 20, 2010
- B. **Mosquito Reports** – No Activity
- C. **Street Sweeper Reports** – December reports reviewed.
- D.

IV. NEW BUSINESS

- A.
- B.
- C.
- D.

V. DIRECTOR'S REPORT

- A. **Public Works Update**

VI. SOLID WASTE AUTHORITY

- A.

VII. MUSEUM COMMITTEE

- A. **Minutes** – November 8, 2010 and December 27, 2010. Minutes reviewed.

VIII. BEAUTIFICATION COMMITTEE

- A. **Minutes** – January 7, 2011 minutes reviewed
- B. **Top 10 list** – January 2011 list reviewed
- C. **DBC Update** –

IX. ENGINEER REPORT

- A. **HMR Update** –
- B. **Volkert Update** – Not Present

V. FUTURE BUSINESS

A. Next Meeting – March 21, 2011

XI. ADJOURNMENT

The meeting adjourned at 6:00 PM.

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 5:00 PM on February 21, 2011
Location: City Hall Council Chambers

CHAIRMAN - Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3

I. CALL TO ORDER

The ~~August~~ meeting of the Public Works Committee was called to order at 5:00 PM

Present: Mayor Fred Small, Councilman Bailey Yelding, Councilman John Lake, Richard Johnson-Public Works Director, Sandra Cushway-Public Works Assistant, Dorothy Morrison-DBC

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – January 2011 reports reviewed
- B. **Vehicle/Equipment Maintenance Report** – January 2011 reports reviewed.
- C. **Correspondence** – Letter from Doug Burdick (Regarding Garbage and Recycling service)
- D. **Public Participation** – None

III. OLD BUSINESS

- A. **Minutes** – January 18, 2011 minutes not included in packet. To be submitted and reviewed at next meeting.
- B. **Mosquito Reports** – No Activity
- C. **Street Sweeper Reports** – January reports reviewed.
- D.

IV. NEW BUSINESS

- A. **Recommendation to purchase Skid Steer using BP funds** – Richard Johnson recommended that the City purchase a Skid Steer using BP funding. It can be used for disaster recovery as well as day-to-day usage in the Public Works department. Richard expressed that he hoped for the council's consideration and support.
- B. **Loss of Public Works Personnel (Grounds Department)** – Richard Johnson reported that the Ground department is operating at 70% capacity. This department is the first ones to come in when work needs to be done. They are our front line workers...the "Marines" of Public Works. John Lake also added they are among the lowest paid workers. Richard stated that work will continue to get done, but quality will be sacrificed. They simply won't be able to be as responsive as in the past. One employee on STD, and two on Worker's Compensation light duty and one crew member resigned.
- C. **Building Maintenance/Janitorial** – Previously we have been able to use city inmates in the Janitorial department. This option is no longer available. The department currently has on employee on medical leave (STD). They are operating with one temporary employee and an employee on loan from the mowing department until March 1st at which time the mowing department will need their employee back. This needs to be brought to the Finance Committee, then to the Council Work Session for review. John Lake agreed that there is definitely a need in this department. Mayor Small commented that we will not have inmates to help out in various departments and inmates from the Loxley Work Release Center are approximately \$15/day plus we have to feed them lunch. Richard added that we have only budgeted for City employees.
- D. **Cooperative Maintenance Agreement (Maintenance of Highway 181; US 90 to Milton Jones Road). Cost of Services** - When Hwy 181 was extended, ALDOT determined that the City would maintain the area north of 90. Richard presented a

spreadsheet which breaks down the costs that would be incurred should the City of Daphne enter into an agreement to maintain Hwy 181 from Hwy 90 south to Milton Jones Road. John Lake added that we are hoping that the state will allow us to annex this area into the City. The Crepe Myrtles on Hwy 98 were paid for by "Corridor 98" (money raised by the Chamber of Commerce). We need to push for this. A corridor at this location would be a valuable asset to the City.

- E. **Multi-Hazard Mitigation Plan** – Email from Leigh Abbe Ryals, Baldwin County EMA and Resolution No. 2004-52 reviewed. It would appear that the County dropped the ball.

V. DIRECTOR'S REPORT

- A. **Public Works Update**

VI. SOLID WASTE AUTHORITY

- A. **Monthly Tonnage Use Report** – Potential recycling buyer reneged on his rates. Negotiations fell apart. Recycling is moving in the right direction. January's tonnage report reflects 178.8405 tons, bringing in \$13,823.87. February is expected to be lower since it is a shorter month.
- B. **Monthly Recycle Tonnage Report (Last Quarter Tonnage Comparison)** Numbers are up from the previous quarter and expected to continue on this trend.

VII. MUSEUM COMMITTEE

- A. Minutes – No minutes submitted.

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – February 4, 2011 minutes reviewed
- B. Top 10 list – February 2011 list reviewed
- C. DBC Update – Dorothy commented that their list is coming along nicely and that the Public Works Department is working very well with the Daphne Beautification Committee to accomplish their goals.

IX. ENGINEER REPORT

- A. **HMR Update** – Not Present
- B. **Volkert Update** – Not Present

V. FUTURE BUSINESS

- A. Next Meeting – March 21, 2011

XI. ADJOURNMENT

The meeting adjourned at 6:00 PM.

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 5:00 PM on March 21, 2011
Location: City Hall Council Chambers

CHAIRMAN - Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3

I. CALL TO ORDER

The March meeting of the Public Works Committee was called to order at 5:00 PM

Present: Mayor Small, Councilman Bailey Yelding, Councilman John Lake, Councilwoman Cathy Barnette, Richard Johnson-Public Works Director, Sandra Cushway-Public Works Assistant, Dorothy Morrison-DBC, Tim Lawley-HMR, Elaine Mead-Daphne Citizen, Frances Harrell-Daphne Citizen

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – February 2011 reports reviewed
- B. **Vehicle/Equipment Maintenance Report** – February 2011 report reviewed. Councilwoman Barnette commented that she thought that non-routine maintenance would go down with the addition of the new Solid Waste trucks. Richard Johnson responded that these costs were associated with the old garbage trucks being used in recycling and that the costs would go down once the new recycling trucks are in place.
- C. **Correspondence** – Memo of appreciation from Janitorial employee Mary Byrne thanking the Mowing Supervisor (Carl Jackson) and Mowing employee (Cyndey Ramsay) for their assistance during Connie Champion’s absence.
- D. **Public Participation** – Guy Grimes, LC (AMA Lighting – Re: LED Lighting). Unable to attend meeting due to personal emergency. Requested to be placed on April 18, 2011 Public Works Committee Meeting Agenda.
- E. **Public Participation** – Frances Harrell & Elaine Mead (Sidewalks on Randall Avenue). Mrs. Mead stated that sidewalks are desperately needed on Randall Avenue so that residents in that area could get out and walk, ride bikes, etc. As it is, vehicles drive excessively fast down that road. She questioned what made putting sidewalks on Whispering Pines Road more of a priority than any other street. Councilwoman Barnette replied that those sidewalks were built under a “Safe Rights to School” grant. Mrs. Mead stated that she contacted the city’s City Clerk, David Cohen, who was very rude to her. She feels that something needs to be done to make Randall Avenue a safer place for residents. She asked what funds were used to finance the new round-a-bout at Whispering Pines Road and Pollard Road. Councilwoman Barnette responded that the City financed that project. Councilman Yelding asked what it would cost to build a sidewalk on Randall Avenue. He requested that the Public Works Director, Richard Johnson get measurements. Richard stated that we have insufficient ROW on Randall Avenue as well as elevation changes which makes it difficult to simply build a sidewalk. Councilman Yelding stated that no one is against putting a sidewalk on Randall Avenue. We just need to look into the feasibility of it. Mrs. Mead also stated that she would also like to see speed bumps on Randall Avenue to slow traffic down. Councilwoman Barnette stated she thought that HMR had previously done a feasibility study on putting sidewalks on Randall Avenue. Richard Johnson to get with HMR and determine whether this is feasible or not and report back at the next meeting. Mrs. Mead and Mrs. Harrell were invited to attend the next meeting on April 18th to see what was determined.
- F. **Public Participation** – Victoria Phelps spoke in support of Richard Johnson, Public Works Director. She feels that the committee should recommend that employees in Public Works should be replaced. The work that these employees do make a direct impact on

how the city looks.

III. OLD BUSINESS

- A. **Minutes – January 18, 2011 Councilwoman Barnette made a motion to accept the minutes from the January 18, 2011 Public Works Committee meeting. Motion was seconded by Councilman Lake.**
- B. **Minutes – February 21, 2011 Councilwoman Barnette made a motion to accept the minutes from the February 21, 2011 Public Works Committee meeting. Motion was seconded by Councilman Lake.**
- C. **Mosquito Reports – No Activity**
- D. **Street Sweeper Reports – February 2011 reports reviewed.**

IV. NEW BUSINESS

- A. **Public Works Personnel Request** – Mechanical Maintenance Department. Richard Johnson stated that the Building Maintenance/Janitorial staffing needs will go before the council at tonight’s meeting. The department is working towards having one person dedicated to cleaning the restrooms at all of the parks and the Recreation Center. Mayor Small added that he feels that the Recreation Department needs to be in charge of that. He added that Custodian, Mary Byrne, comes up to the parks on her own time on weekends to ensure that the restrooms at the parks are clean and stocked. Richard stated that we were previously able to utilize city inmates in that department to help with the work load, but that city inmates are no longer available. Councilwoman Barnette asked whether we ever use employees that are on light duty to help out in Janitorial. Richard responded that although we have several employees on light duty, none are able to fill the requirements necessary to help out in that department. The Grounds department is working with fewer employees than ever before. One of the Crew Leaders was involved in a vehicle accident just this morning and is expected to be out for a couple of weeks. He added that there is an expectance of excellence and that crews are doing more work with fewer resources. Councilman Yelding stated that the concept was to not increase personnel by replacing them when someone leaves. Richard reminded the committee that most of the employees in the Grounds Department started in that department and grew with the City. Councilman Lake added that the extra workload on jobs that work out in the elements are impacted more than office workers when they have to work extra hard due to lack of staffing.
- B. **Johnson Road** – Councilman Yelding stated that some Spruce trees on Johnson road were recently removed which greatly improved visibility. He would like to see the surrounding area “scrub” cleaned up a little bit more.

V. DIRECTOR’S REPORT

- A. **Highway 181 Maintenance Agreement Pending Annexation** – Richard Johnson stated that he has concluded that there is no formal agreement for the City to maintain Highway 98. A letter was sent expressing interest in annexation. Richard doesn’t feel that it is in the best interest of the City to enter into an agreement unless it is contingent on annexation. He referred to the enclosed spreadsheet which breaks down the city’s annual maintenance costs. The equipment cost would be an upfront cost. Employee costs would be every years. Councilwoman Barnette asked what the benefit of this agreement is. Richard stated that there was no benefit to the City. Police would be needed to patrol the extra area. Councilman Yelding stated that Highway 181 is a major north/south corridor and should be our first step in annexing to the east. Councilman Lake added that Daphne can only grow to the east. In light of mistakes made on Highway 98, he feels that

Highway 181 is going to be a major business corridor. If we don't annex it, some other municipality will. Richard Johnson requested a motion to continue discussion at the next meeting or authorize the Mayor to proceed. Councilwoman Barnette made a motion to take to the next council work session for discussion (April).

- B. Will ask Tracey Miller, Solid Waste Coordinator to contact the utility department regarding putting a "stuffer" in with the utility bills letting citizens know all of the recyclables that we are now accepting. Councilwoman Barnette wanted to acknowledge Tracey's hard work on the grant. She put a lot of personal time and effort into this grant and we are hopeful that the city will receive this grant.

VI. SOLID WASTE AUTHORITY

- A. **Monthly Equipment Use Report** (January 31 – February 25, 2011)
- B. **Monthly Recycle Tonnage Report** (Last Quarter Tonnage Comparison)

VII. MUSEUM COMMITTEE

- A. Minutes – January 10, 2011. Minutes reviewed.

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – March 4, 2011 minutes reviewed
- B. Top 10 list – March 2011 list reviewed
- C. DBC Update – Dorothy asked what was going to be planted in place of the junipers being removed from the nosepoints on Highway 98. Richard stated that at this time nothing is being planted. Area is being sodded.

IX. ENGINEER REPORT

- A. **HMR Update** – No report
- B. **Volkert Update** – Not Present

V. FUTURE BUSINESS

- A. Next Meeting – April 18, 2011

XI. ADJOURNMENT

The meeting adjourned at 6:10 PM.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 2, 2010 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated the number of members present constituted a quorum and the special called meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. Let us have roll call.

Call of Roll:

Members Present:

Willie Robison, Chairman
Jeri Hargiss, Secretary
Glen Swaney
Jim Moss
Frank Lamb

Members Absent:

Billy Mayhand, Vice Chairman
Barry Taylor

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Houston, Recording Secretary
Tony Hoffman, BZA Attorney

The Chairman stated there are five members present tonight so all five will be voting? The vote must be made in the affirmative and it will take four affirmative votes for the appeal to pass. Is that correct?

Ms. Houston stated that is correct.

The Chairman stated next item on the agenda is the approval of the May 6th, 2010 meeting minutes and I believe if I read my Robert's Rules of Order correctly the members present at that meeting are not needed to approve those minutes. Any four members voting in the affirmative will suffice for approving the minutes. Am I correct in stating that?

Mr. Hoffman stated I believe you are correct.

The Chairman stated with that statement made if you all have read the minutes, the Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the May 6, 2010 meeting were considered for approval.

A Motion was made by Mr. Lamb and Seconded by Mr. Swaney to approve the minutes as written.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 2, 2010 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Motion carried unanimously.

The Chairman stated next is the approval of the May 17th, 2010 Special Call meeting minutes. The Chair will entertain a motion to approve the minutes as written.

A Motion was made by Mr. Swaney and Seconded by Ms. Hargiss to approve the minutes as written.

The Motion carried unanimously.

New Business:

Appeal #2010-08 Myrtis Neshanta Linson

The Chairman stated next is new business on the agenda, Appeal #2010-08 Myrtis Neshanta Linson a special exception to allow the operation of a home daycare, specifically allowing for six kids, ages six weeks to five years old. The property is located at 100 Vista Circle in The Lake Forest Subdivision and it is in an R-3, High Density Single Family Residential Zone. Ms. Jones, if you would please take us through this?

Ms. Jones displayed a Power Point Presentation of 100 Vista Circle showing the front, side and rear of the existing house. Ms. Jones stated the subject property is located at the corner of Vista Circle and Nicole Place. In Article 13-1 it states that a day care center whether private or public, kindergarten or play school upon approval by the State are uses permitted by special exception. Article 35 states a home daycare is allowed in an R-3 zone with approval by the BZA. The applicant proposes to care for a limited number of children between the ages of six weeks to five years old. The property is the primary residence of the applicant who is in a lease agreement with the owner. We have passed out a letter to you tonight from the owner granting consent for the applicant to have the home daycare in the residence. There is one primary structure on the property and a small accessory structure located at the southeastern corner of the site. The applicant has indicated that the den will serve as the focal point for the daycare. There are no animals in the home or on the premises. There is a wooden privacy fence enclosing the rear yard which will serve as a play area for the children. The area does not exceed twenty percent of the gross floor area of the principal building and the applicant will be the only employee.

The Chairman stated thank you, Ms. Jones. Are you Ms. Linson?

Ms. Linson stated yes, sir.

The Chairman stated would you step to the podium and state your name and address for the record?

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 2, 2010 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Linson stated my name is Myrtis Linson and I live at 100 Vista Circle.

The Chairman stated do you have anything that you would like to say?

Ms. Linson stated no, sir, but I will answer any questions you may have.

The Chairman stated does any of the Board have any questions for Ms. Linson?

Mr. Swaney stated have you checked with anyone from the Lake Forest Property Owners Association about their regulations for this type of home occupation?

Ms. Linson stated no, sir. Just the City of Daphne.

Mr. Moss stated being a member of the Lake Forest POA I cannot recall any regulations against this type of home occupation. There are several of these type occupations within Lake Forest.

Mr. Moss stated you will not have any outside employees correct?

Ms. Linson stated no, sir. I will be the only employee. My husband works outside of the home. I will only be getting maybe three or four outside kids because I have two of my own that will be there. I can only keep six and since I have two I can only bring in the four. As of right now I am only planning to keep three more and that is all.

The Chairman stated thank you, Ms. Linson. Does the Board have any other questions or comments? If not, the Chair will entertain a motion and the motion must be made in the affirmative.

A Motion was made by Mr. Moss and Seconded by Ms. Swaney to approve Appeal #2010-08, Myrtis Neshanta Linson, for a special exception to allow the operation of a home daycare at 100 Vista Circle, specifically allowing for kids ages six weeks to five years old.

The motion carried unanimously.

The Chairman stated the appeal is granted. You can go by the Community Development Department here in city hall in the morning around 9:00 a.m. and pick up your paperwork.

Adjournment:

A Motion was made by Mr. Lamb and Seconded by Mr. Moss to adjourn.

The Motion carried unanimously.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 2, 2010 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

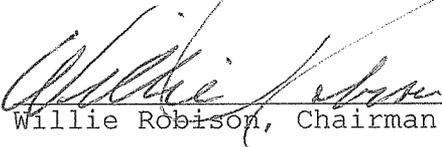
There being no further business the meeting was adjourned at 6:10 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: April 7, 2011



Willie Robison, Chairman

/ph

March 28, 2011

CITY OF DAPHNE, AL

INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Daphne City Hall,
1705 Main Street, Daphne, AL in conference room.

1. CALL TO ORDER/ROLL CALL

Members present – Tom Byrnes, Dan Romanchuk, Toni Fassbender, Doug Bailey, Pokey Miller,
and Dennis Kerney

Also present – David Cohen, Robert Ingram, and Josh Thornton

2. OLD BUSINESS

Doug Bailey stated that a grant writer would be available to come to the May IDB meeting.

3. TREASURERS REPORT

Nominations for treasurer

**Motion by Mr. Byrnes
Romanchuk as treasurer**

Seconded by Mr. Kerney

To appoint Dan

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

4. NEW BUSINESS

Doug Bailey discussed the availability of property that the IDB could acquire in around the City
of Daphne. The board request that he compile a list of suitable properties to be discussed at the
next meeting.

5. OTHER BUSINESS

Baldwin County Alliance Update

**HK Automobile Plant is currently working on its finance and should know in the next
90 days whether this project is viable.**

**EADS announced the purchase of a Canadian helicopter repair facility in Andalusia
which continues the expansion in the area.**

**Austal's Expansion of 2000 additional employees will have immediate impact for the
city.**

5. ADJOURN

Motion by Mr. Byrnes

Seconded by Mr. Romanchuk

To adjourn

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 6:40 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

**Daphne Public Library Board
January 6, 2011
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Chair Jan Blankenhorn; Library Board Members Windrila Longmire, Andre LaPalme, and Chantal Booth.

1) Call to Order:

After a quorum was established, Library Board Chairman Jan Blankenhorn called the meeting to order at 4:07 pm.

2) Reading and Approval of the Minutes:

The minutes of the November meeting were approved (no December meeting held); motion made by Wendy and seconded by Andre. Motion passed.

3) Chairman's Report/Comments:

Jan stated that everything seemed to be going well with the library and that the Christmas gift tree had been a success.

4) Library Director's Report:

Tonja went over the highlights of the December statistical report.

For December 2010, total patronage was down 8.76% to 14,305 compared with 15,679 for December, 2009. December 2010 circulation was down 4.70% at 21,290 compared to 22,341 in December 2009. Overall circulation year-to-date was 70,905 for December 2010, compared to 71,923 for this time in 2009. A total of 83 patrons were given library cards or renewed cards and volunteers gave 281 hours to the library in December. Meeting room attendance was 534 and computer users numbered 2370, almost double from last year's December number of 1,338.

Tonja discussed the computer software, online databases and computer classes, as well as the new shelving sponsored by the Friends. She announced the upcoming workshop for the ADAH grant and the annual workshop at APLS to be in compliance with State Aid procedures.

5) Public Participation

Jan announced that the Friends had their annual meeting coming up at 2:00 pm on January 14, and that everyone was welcome. She stated that the Friends had supported the library's public programming and book purchases in 2010, and that they had voted to continue their support in 2011. Jan said the Book Shop was doing well and discussed FODL memberships.

6) Other Business

None.

7) Adjourned

The meeting was adjourned by Jan at 4:33 pm.

Respectfully submitted by T. Young, January 28, 2011

**Daphne Public Library Board
February 3, 2011
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Chair Jan Blankenhorn; Library Board Members Windrila Longmire, Andre LaPalme, and Jim Bodman; FODL VP Carol Simmons; City Council Liaison Gus Palumbo.

1) Call to Order:

After a quorum was established, Library Board Chairman Jan Blankenhorn called the meeting to order at 4:05 pm.

2) Reading and Approval of the Minutes:

The minutes of the January meeting were approved; motion made by Windrila and seconded by Jim. Motion passed.

3) Chairman's Report/Comments:

Jan discussed the Foundation meeting set for May 23 at 4:00 pm. She announced that the Foundation as yet had no new officers and was presently doing no fundraising. She announced that the Foundation Board needs new member suggestions.

4) Library Director's Report:

Tonja went over the highlights of the January statistical report.

For January 2011, total patronage was up 5.25% to 16,809 compared with 15,971 for January, 2010. January 2011 circulation was up 4.33% at 24,916 compared to 23,881 in January 2010. Overall circulation year-to-date was 95,804 for January 2011, compared to 95,821 for this time in 2010. A total of 210 patrons were given library cards or renewed cards, and volunteers gave 346 hours to the library in January. Meeting room attendance was 683 and computer users numbered 2,681, almost double from last year's January number of 1,361.

5) Public Participation

Carol announced that it was time for the Friends FODL membership sign-up and that a poster announcing lifetime memberships was hanging in the Book Shop. She announced the new FODL President Jim Morris, and that two new members had been elected to the FODL Board.

Gus announced that Operation paperback has been picked up as a project by the Daphne High School Key Club and that they have collected over 100 items for the project.

6) Other Business

Jim stated that the Wayne Flynt talk in December had been a success.

Tonja stated that the library had added several new databases and new software with IMLS & LSTA grant funds, including Adobe Elements, Rosetta Stone Spanish Levels 1, 2, & 3; Ancestry, Heritage Quest and Career Cruising.

7) Adjourned

The meeting was adjourned by Jan at 4:24 pm.

Respectfully submitted by T. Young, February 17, 2011

**Daphne Public Library Board
March 3, 2011
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Chair Jan Blankenhorn; Library Board Members Windrila Longmire, Andre LaPalme, Chantal Booth and Jim Bodman; FODL President Jim Morris; City Council Liaison Gus Palumbo.

1) Call to Order:

After a quorum was established, Library Board Chairman Jan called the meeting to order at 4:10 pm. The new President of the Friends of the Daphne Library Board, Jim Morris, was welcomed.

2) Reading and Approval of the Minutes:

The minutes of the February meeting were approved; motion made by Andre and seconded by Chantal. Motion passed.

3) Chairman's Report/Comments:

Jan stated that she didn't have much to report except that everything was going well at the library.

4) Library Director's Report:

Tonja went over the highlights of the February statistical report.

For February 2011, total patronage was down 2.78% to 16,507 compared with 17,020 for February, 2010. February 2011 circulation was down 4.72% at 23,152 compared to 24,298 in February 2010. Overall circulation year-to-date was 118,973 for February 2011, compared to 120,102 for this time in 2010. A total of 129 patrons were given library cards or renewed cards, and volunteers gave 355.5 hours to the library in February. Meeting room attendance was 594 and computer users numbered 2589, almost double from last year's February number of 1,227.

Tonja stated that the library statistics had been steadily growing for several years since she has been in the Director position, and that it was probably inevitable that the statistical numbers would flatten out or fluctuate as they recently have. Library usage generally increases dramatically during the late spring and summer due to reading programs, so we should have an increase soon.

Tonja also announced that the library is ordering Rosetta Stone German and French since the Rosetta Stone Spanish has been received positively by the community. She also stated that the library should go 'live' in May on Alabama's Camellia Net, a consortium which allows downloads of e-books, audio books and music from member libraries across Alabama. Ms. Young briefly discussed the Library of Congress exhibit and hoped that everyone might be able to attend.

5) Public Participation

Jim Morris announced that because the role of the Friends was to support the library with volunteers and to raise funds for the library through the Book Shop and Book Sales, the Friends planned to continue to support library events and special needs. He stated that there would be a Book Sale outside the library on March 19. Jim also mentioned that the Friends were handling the reception for the Library of Congress exhibit on March 11 and had everything covered.

Gus suggested that the library look into purchasing Rosetta Stone Italian due to the Italian background of many families in the Daphne area.

Gus mentioned an ordinance passed by the council allowing online payments and donations. The group discussed the use of Pay Pal to receive online donations for operating and/or capital expenses.

6) Other Business

Jim Bodman made a donation for the library to purchase another coffee dispenser for use during special events.

7) Adjourned

The motion to adjourn was made by Windrila and the meeting adjourned at 5:06 pm.

Respectfully submitted by T. Young, March 28, 2011



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ February 23, 2011 ♦ 5:00 p.m.

I. CALL TO ORDER

The regular February, 2011, Board meeting for the Utilities Board of the City of Daphne was held on February 23, 2011 and called to order by Secretary/Treasurer Lon Johnston, at 5:06 p.m.

II. ROLL CALL

MEMBERS PRESENT: Lon Johnston, Secretary/Treasurer
Ron Scott - arrived at 5:08 p.m.
Fred Small, Mayor

OTHERS ABSENT: Robert Segalla, Chairman
Fenton E. Jenkins, Vice Chairman

OTHERS PRESENT: Tony Hoffman – for Jerry Speegle
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Pam Kellum – Finance Department
Drew Klumpp – Administrative Services Manager
Melinda Immel – Volkert & Associates
Tim Patton – Volkert & Associates
Doug Bailey – HMR
Arlene Ethier – Operations Clerk
Lori Scharles – Executive Assistant
Teresa Logiotatos - Finance Manager

OTHERS ABSENT: Jerry Speegle – Board Attorney
Deloris Brown – Human Resources Manager
Ray Moore - HMR

III. PLEDGE OF ALLEGIANCE

The Secretary/Treasurer led the Board and meeting attendees in the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from January 26, 2011:*

The Secretary/Treasurer inquired if there were any corrections noted for the submitted Minutes from the January 26, 2011, Utilities Board meeting.

MOTION BY Mayor Fred Small to approve the submitted Minutes for January 26, 2011; Seconded by Ron Scott.
AYE: JOHNSTON, SCOTT, SMALL ABSENT: JENKINS , SEGALLA ABSTAIN:
MOTION CARRIED

V. OLD BUSINESS

a. **Central Services Building – Update**

Rob McElroy announced that the groundbreaking took place on the property and was published in the newspaper.

b. **Spanish Fort Sewer Franchise issues**

No updated information was reported.

c. **19 Acres - Daphne Utilities property**

Danny Lyndall updated the Board that this issue was going before the Planning Commission on the 24th for an administrative update to the Planning Commissioners about the property swap. Mr. Lyndall also clarified that the Johnson Road property will be subdivided and that it will not be necessary to go through the full voting process because it is a public-use subdivision. Mr. Lyndall then explained that this is the first step in the process with the properties committee.

d. **Items in Abeyance:**

- 1. **Gas Franchise Agreement** – No current information was reported.
- 2. **Sewer Only Cutoff Policy** – No updated information was reported.

VI. **NEW BUSINESS** – No New Business was reported.

VII. **BOARD ATTORNEY’S REPORT**

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

VIII. **FINANCIAL REPORT**

Pam Kellum reviewed the financials for the Board members. No additional questions were asked.

IX. **GENERAL MANAGER’S REPORT**

a. **GM Report**

Rob McElroy had nothing further to add to his report. Drew Klumpp commented on the Human Resources report in Deloris Brown’s absence the promotion of Mr. Martin Dale to the Water Distribution Supervisor. Mr. Klumpp also reviewed for the Board the proposal to increase the reconnect fees for delinquent accounts from \$40 to \$50 during business hours, and \$50 to \$60 after business hours. He also announced that the answering service will be changed to another company in order to provide enhanced after-hours services for our customers. Mr. Scott requested that the increase cost be justifiable. Mr. Johnston inquired as to the most recent review of the bad-check charge policy. Mr. Klumpp stated that it had been reviewed recently and the fee is \$35.

MOTION BY Ron Scott for the increase in service reconnect fee for delinquent customers as proposed. Seconded by Mayor Fred Small.
AYE: JOHNSTON, SCOTT, SMALL ABSENT: SEGALLA, JENKINS ABSTAIN:
MOTION CARRIED

b. **Operations Report**

Danny Lyndall had nothing further to add the Operations Report.

Mr. Scott inquired as to the review and/or bid proposals for the Utilities’ liability insurance. Mrs. Logiotatos stated that a review will be forthcoming in the upcoming year.

Mr. Klumpp answered an inquiry from Mr. Johnston regarding the water meter rebuilds.

Melinda Immel of Volkert & Associates announced the acceptance of bids for the proposed well that will be situated on the site of the new Central Services Facility and recommended the Griner Drilling Service, Inc. of Spanish Fort for the project in the amount of \$429,440.00.

MOTION BY Ron Scott to accept Volkert's recommendation to award the bid for the new well to be located on Well Road at the Central Services Facility to Griner Drilling Services in the amount of \$429,440.00. Seconded by Mayor Fred Small.

AYE: JOHNSTON, SCOTT, SMALL

ABSENT: SEGALLA, JENKINS ABSTAIN:

MOTION CARRIED

Doug Bailey from HMR had nothing further to add to his report.

- X. **BOARD ACTION – None**
- XI. **PUBLIC PARTICIPATION – None**
- XII. **BOARD COMMENTS – None**
- XIII. **ADJOURNMENT**

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

AYE: JOHNSTON, SCOTT, SMALL

ABSENT: SEGALLA, JENKINS ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:31 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

Dollar General

CASE NO. 2011-3

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 3-17-11 (initial) KS
DATE FORWARDED TO POLICE DEPT. 3-18-11 KS
DATE RECEIVED BY POLICE DEPT. 3-21-11 RH
DATE: APPROVED DISAPPROVED
POLICE DEPT SIGNATURE [Signature]
DATE RETURNED TO REVENUE DIV. 4-12-11 RH
DATE FORWARDED TO CITY CLERK 4-12-11 KS
DATE RECEIVED BY CITY CLERK 4-12-11 RH
SCHEDULED DATE ON AGENDA 4-18-11 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110314113621272



Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) **State:** \$150.00 **County:** \$50.00

Type License: 070 - RETAIL TABLE WINE (OFF PRMISES ONLY) **State:** \$150.00 **County:** \$75.00

Trade Name: DOLLAR GENERAL 8327 **Filing Fee:** \$100.00

Applicant: DOLGENCORP LLC **Transfer Fee:**

Location Address: 27955 HWY 98; SUITE HH DAPHNE, AL 36526

Mailing Address: 100 MISSION RIDGE GOODLETTSVILLE, TN 37072

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**

Sale of Products Containing Ephedrine: NO **Type Ownership:** LLC

Book, Page, or Document info: BOOK A73 PAGE 873 **Do you sell Draft Beer:** N

Date Incorporated: 10/09/2008 **State incorporated:** KY **County Incorporated:** FRANKLIN

Date of Authority: 10/21/2008 **Alabama State Sales Tax ID:** R006106389

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

JAMES WILLIAM THORPE 111066256 - TN	SENIOR VP AND MANAGER	01/30/1959 BRISTOL, MA	1220 CHLOE DRIVE GALLATIN, TN 37066
SUSAN LEIGH LANIGAN 102690761 - TN	EXECUTIVE VP AND GENERAL COUNCIL	05/29/1962 FULTON, GA	123 WALNUT DRIVE HENDERSONVILLE, TN 37075
DAVID MARK TEHLE 105314744 - TN	EVP AND CFO	07/13/1956 COOK, IL	6008 JOCELYN HOLLOW ROAD NASHVILLE, TN 37205

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

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

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: VALERIE JAMES

Business Phone: 615-855-5484

Fax:

Home Phone: 615-855-5484

Cell Phone:

E-mail:

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110314113621272



If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: WALLACE ENTERPRISES INC 404-879-1380
 What is lessors primary business? PROPERTY MANAGEMENT
 Is lessor involved in any way with the alcoholic beverage business? NO
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO
 Is the business used to habitually and principally provide food to the public? NO
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? NO

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 7176 Display Square Footage:
 Building seating capacity: 0 Does Licensed premises include a patio area? NO
 License Structure: SHOPPING CENTER License covers: PORTION OF
 Number of licenses in the vicinity: 5 Nearest: .5
 Nearest school: 3 miles Nearest church: 5 blocks Nearest residence: 2 blocks
 Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name: Violation & Date: Arresting Agency: Disposition:

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110304092430447



Initial each

Signature page

- In reference to law violations, I attest to the truthfulness of the responses given within the application.
- In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application
- In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.
- In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.
- In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.
- In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
- In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
- The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.
- I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): **James W. Thorpe, Sr VP**

Signature of Applicant: *James W. Thorpe*

Notary Name (print): **Susan Bennett**

Notary Signature: *Susan Bennett*



My Commission Expires **March 10, 2012**

Application Taken: **3/4/11** App. Inv. Completed:
 Submitted to Local Government:
 Received in District Office: Reviewed by Supervisor: Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20110314113621272**
Application Payment Confirmation Number: **59728**

Payment Summary	
Payment Item	Fee
Application Fee for License 050 and License 070	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
050 - RETAIL BEER (OFF PREMISES ONLY)	\$50.00	\$150.00	\$200.00
070 - RETAIL TABLE WINE (OFF PRMISES ONLY)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$125.00	\$300.00	\$425.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 050 - RETAIL BEER (OFF PREMISES ONLY)
License Type 2: 070 - RETAIL TABLE WINE (OFF PRMISES ONLY)
License County: BALDWIN
Business Type: LLC
Trade Name: **DOLLAR GENERAL 8327**
Applicant Name: **DOLGENCORP LLC**
Location Address: 27955 HWY 98; SUITE HH
DAPHNE, AL 36526
Mailing Address: 100 MISSION RIDGE
GOODLETTSVILLE, TN 37072
Contact Person: VALERIE JAMES
Contact Home Phone: 615-855-5484
Contact Business Phone: 615-855-5484
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

Champy Famous Fried Chicken

CASE NO. 2011-4

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 3-31-11 (initial) KS
DATE FORWARDED TO POLICE DEPT. 3-31-11 KS
DATE RECEIVED BY POLICE DEPT. 3-31-11 RH
DATE: APPROVED DISAPPROVED
POLICE DEPT SIGNATURE [Signature]
DATE RETURNED TO REVENUE DIV. 4-11-11 [Signature]
DATE FORWARDED TO CITY CLERK 4-12-11 KS
DATE RECEIVED BY CITY CLERK 4-12-11 RH
SCHEDULED DATE ON AGENDA 4-18-11 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110331084428136



If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: THE MITCHELL COMPANY INC 251-401-3909
 What is lessors primary business? REAL ESTATE
 Is lessor involved in any way with the alcoholic beverage business? NO
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES
 Is the business used to habitually and principally provide food to the public? YES
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 2000 Display Square Footage:
 Building seating capacity: 100 Does Licensed premises include a patio area? YES
 License Structure: ONE STORY License covers: PORTION OF
 Number of licenses in the vicinity: 10 Nearest: .5
 Nearest school: .6 miles Nearest church: .6 miles Nearest residence: .3 miles
 Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
RYAN TODD PUTNAM	DUI - 02/20/2011	FAIRHOPE POLICE	PENDING COURT DATE - ENTERING PROGRAM



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD



ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110331084428136

Initial each

Signature page

In reference to law violations, I attest to the truthfulness of the responses given within the application.
In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

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

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

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

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Ryan Todd Putnam*

Signature of Applicant: *Ryan Todd Put*

Notary Name (print): *Betty G. Dean*

Notary Signature: *Betty G. Dean*

Commission expires: *1/10/15*

Application Taken: App. Inv. Completed: Forwarded to District Office:
Submitted to Local Government: Received from Local Government:
Received in District Office: Reviewed by Supervisor: Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20110331084428136**
 Application Payment Confirmation Number: **83904**

Payment Summary	
Payment Item	Fee
Application Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
040 - RETAIL BEER (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
060 - RETAIL TABLE WINE (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$150.00	\$300.00	\$450.00

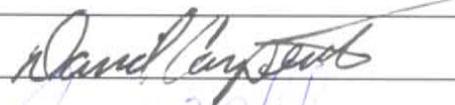
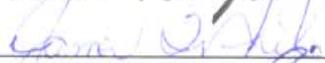
Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
 License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
 License County: BALDWIN
 Business Type: LLC
 Trade Name: CHAMPY FAMOUS FRIED CHICKEN
 Applicant Name: PUTNAM ENTERPRISES LLC
 Location Address: 27080 HWY 98 STE 1
 DAPHNE, AL 36526
 Mailing Address: P O BOX 428.
 FAIRHOPE, AL 36533
 Contact Person: TODD PUTNAM
 Contact Home Phone: 901-581-1486
 Contact Business Phone: 901-581-1486
 Contact Fax:
 Contact Cell Phone: 901-240-7567
 Contact Email Address:
 Contact Web Address:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Bayside Medical Missions</i>
CONTACT PERSON:	<i>Flor Fellers</i>
ADDRESS:	<i>19195 Scenic Hwy 98 Fairhope, AL 36532</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>251-928-1929 251-928-4248</i>
TYPE OF PARADE:	<i>5K, 10K One-Mile Fun Run Race</i>
DATE OF PARADE:	<i>Saturday, Sept 24, 2011</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>400 people 200 cars</i>
START TIME:	<i>8:00 a.m.</i>
STOP TIME:	<i>12:00 noon (approx.)</i>
ASSEMBLY AREA/STREET:	<i>College and 6th at the field of the Daphne Baptist Church</i>
ASSEMBLY TIME:	<i>Workers arrive at 5:45 a.m. runners arrive between 6:30 and 8:00 a.m.</i>
SPECIAL REQUEST:	<i>Each year Melvin helps to hang the banner. There are 2 police cars, front and back as well as the needed people. Same as the past 3 years.</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White:	
PUBLIC WORKS: Richard Johnson:	
CITY COUNCIL: <i>4-18-11</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION OF APPROVAL:	

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CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2011-34
2011-Q-PW/USED WHEEL LOADER

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

WHEREAS, The City of Daphne acknowledges that the cost for the PW / USED WHEEL LOADER will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the PW / USED WHEEL LOADER and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PW / USED WHEEL LOADER be awarded to Caterpillar Financial Services Corp (Thompson Tractor Co., Inc.).

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Caterpillar Financial Services Corp (Thompson Tractor Co., Inc.) for the amount of \$60,165 as specified in BID SPECIFICATION NO: 2011-Q- PW / USED WHEEL LOADER.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**RESOLUTION NO. 2011-35
2011-R-CONCRETE PIPE**

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

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

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

WHEREAS, Staff recommends the bid for the CONCRETE PIPE be awarded to Hanson Pipe & Precast.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Hanson Pipe & Precast for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2011-R-CONCRETE PIPE.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

BID COST SHEET

<u>Description</u>	<u>Price per linear foot</u>	
	<u>Grout</u>	<u>Rubber Gasket</u>
12" T & G C-3		\$15.40
15" T & G C-3		\$15.90
18" T & G C-3		\$17.65
21" T & G C-3		\$26.25
24" T & G C-3		\$29.10
27" T & G C-3		\$38.64
30" T & G C-3		\$40.30
36" T & G C-3		\$57.10
42" T & G C-3		\$71.40
48" T & G C-3		\$93.00
54" T & G C-3		\$113.90
60" T & G C-3		\$138.05
66" T & G C-3		\$167.25
72" T & G C-3		\$193.10
84" T & G C-3		\$260.90
96" T & G C-3		DNE
18" X 11" T & G C-3 ARCH		\$28.75
22" X 13" T & G C-3 ARCH		\$30.60
29" X 18" T & G C-3 ARCH		\$40.55
36" X 23" T & G C-3 ARCH		\$48.60
44" X 27" T & G C-3 ARCH		\$67.35
51" X 31" T & G C-3 ARCH		\$87.15
58" X 36" T & G C-3 ARCH		\$110.35
65" X 40" T & G C-3 ARCH		\$134.60
73" X 45" T & G C-3 ARCH		\$167.25
88" X 54" T & G C-3 ARCH		\$230.80

DESCRIPTION

- 4' X 4'
- 6' X 4'
- 8' X 4'
- 6' X 5'
- 8' X 5'

PRICE PER LINEAR FOOT

DNE	} ASTM C-1433 Design
\$307.50	
\$360.00	
\$332.50	
\$387.50	

NOTE: ALL ARCH PIPE TO BE FURNISHED WITH RAM NECK GASKET MATERIAL IN LIEU OF RUBBER GASKET.

Company: Hanson Pipe & Precast

RESOLUTION NO. 2011-36
2011-S-PW / SKID STEER LOADER

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

WHEREAS, The City of Daphne acknowledges that the cost for the PW / SKID STEER LOADER will exceed this amount; and

WHEREAS, Monies have been approved and appropriated (*Resolution 2011-19*) from BP Grant monies for the purchase of such Skid Steer Loader; and

WHEREAS, Staff has reviewed the bids for the PW / SKID STEER LOADER and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PW / SKID STEER LOADER be awarded to Thompson Tractor Co., Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Thompson Tractor Co., Inc. for the amount of \$39,900 as specified in BID SPECIFICATION NO: 2011-S- PW / SKID STEER LOADER

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

AUTHORIZING RESOLUTION 2011-37

COUNCIL MEMBER _____ moved the adoption of the following Resolution and Order:

A RESOLUTION OF THE CITY COUNCIL, THE GOVERNING BODY ("THE COUNCIL") OF CITY OF DAPHNE , ALABAMA (THE "LESSEE"), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF A LEASE PURCHASE AGREEMENT: FINDING THAT HANCOCK BANK (THE "LESSOR") HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE A LEASE PURCHASE AGREEMENT AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASE.

WHEREAS, the Council has determined that it is necessary to acquire certain items of Equipment (the "Equipment") for use by the Lessee for purposes authorized by law and

WHEREAS, the Council has by these presents determined that it would be in the public interest to acquire such Equipment through a Lease Purchase Agreement as provided under Section 41-16A-1 *et seq.* of the Code of Alabama, 1975, and

WHEREAS, the Council anticipates that it will not issue more than \$10,000,000.00 of qualified tax-exempt obligations during calendar year 2011 and desires to designate the Lease Purchase Agreement as a qualified tax-exempt obligation of the Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, ("the Code").

WHEREAS, to the best knowledge and belief of the Board, this lease qualifies as a qualified project bond within the meaning of the Tax Reform Act of 1986; and

WHEREAS, Hancock Bank has proposed to acquire the Equipment at the offered price and to lease the Equipment to the Lessee at a rate of 2.63% per annum.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1: The Mayor and City Clerk (hereinafter the "Authorized Officers") are hereby authorized and directed to execute a Lease Purchase Agreement (also referred to as a "Governmental Lease Purchase Agreement"), either reference being the "Agreement", and all attachments thereto. Such Agreement shall be in substantially the form attached hereto with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and as are consented to by the Lessee's representatives (the "Authorized Officers") executing the Agreement, such consent being evidenced by their signatures.

SECTION 2: The Equipment to be leased pursuant to the Agreement shall be more fully described in a schedule to the Agreement titled "Exhibit D – Description of the Equipment". Upon delivery and acceptance by the Lessee of the Equipment, the Authorized Officers are authorized and directed to execute a Certificate of Acceptance of such Equipment and, as provided in Section 4.01 of such Lease, the lease term shall commence on the date of acceptance.

SECTION 3: The Authorized Officers are further authorized and directed to execute on behalf of the Lessee a Financing Statement and all other documents as provided for under Section 7.02 of such Lease to establish and maintain the security interest of Hancock Bank in such Equipment.

SECTION 4: The Council hereby designates the Lease Purchase Agreement as a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Code.

SECTION 5: The Lessee and the Council understand Section 8.03 of the Agreement ("Provisions Regarding Insurance") and agree to provide property damage and liability insurance in accordance with the terms of the Agreement.

COUNCIL MEMBER _____ seconded the motion and after a full discussion, the same was put to vote with the following results:

Bailey Yelding, Jr.	Voted: _____
Cathy Barnette	Voted: _____
John L. Lake	Voted: _____
Kelly D. Reese	Voted: _____
Ron Scott	Voted: _____
Derek Boulware	Voted: _____
August Palumbo	Voted: _____

The motion, having received an affirmative vote, was carried and the resolution adopted this the _____ day of _____, 2011.

By: _____

Fred Small

Mayor

{Seal}

Attest: _____

David L. Cohen

City Clerk

CERTIFICATE OF RECORDING OFFICER

1. I am the duly appointed, qualified and acting City Clerk of City of Daphne, Alabama and keeper of the records thereof, including the minutes of its proceedings;

2. A meeting was duly convened on _____, 2011 in conformity with all applicable requirements; a proper quorum was present throughout said meeting and the instrument hereinafter mentioned was duly proposed, considered and adopted in conformity with applicable requirements; and all other requirements and proceedings incident to the proper adoption of said instrument have been duly fulfilled, carried out and otherwise observed

3. I am duly authorized to execute this Certificate; and

4. The copy of the instrument annexed hereto, entitled:

A RESOLUTION OF THE CITY COUNCIL, THE GOVERNING BODY ("THE COUNCIL") OF CITY OF DAPHNE, ALABAMA (THE "LESSEE"), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF A LEASE PURCHASE AGREEMENT: FINDING THAT HANCOCK BANK (THE "LESSOR") HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF LESSEE.....(continued)....

Is a true, correct and compared copy of the original instrument referred to in said minutes and as finally enacted at said meeting, is in full force and effect and, to the extent required by law, has been duly signed or approved by the proper officer or officers and is on file and of record.

DATED as of this the _____ day of _____, 2011.

CITY OF DAPHNE, ALABAMA

(SEAL)

David L. Cohen
City Clerk of City of Daphne

RESOLUTION 2011 - 38

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

WHEREAS, the Department Heads of the City of Daphne have determined that the items listed below are no longer required for public or municipal purposes; and

WHEREAS, the items listed below are recommended for disposal.

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

- 1- The property listed below is hereby declared to be surplus property, and

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Library		CHAIR, SLED TYPE / RED FABRIC (31)	

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION NO. 2011-39

**AGREEMENT-DAPHNE VOLUNTEER FIREFIGHTERS ASSOC, INC.
FD Burn Building Training Center / Fire Truck / & Equipment**

WHEREAS, the Mayor and the City Council of the City of Daphne recognize the importance of the Daphne Volunteer Firefighters Association, Inc. (“Volunteers”) in rendering fire fighting services in the City of Daphne; and

WHEREAS, from time to time, the Volunteers and City have cooperated in the purchase and acquisition of fire fighting equipment and facilities; and

WHEREAS, the City of Daphne recognizes the mutual public safety benefit of such cooperation; and

WHEREAS, the City of Daphne wishes to continue to cooperate with the Volunteers in the acquisition of equipment and improvements to the Burn Building Training Center.

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

1) agree to loan, over a period of time not to exceed five years, the Daphne Volunteer Firefighters Association up to \$600,000 for the construction of a Burn Building Training Center and the purchase of a Truck and Equipment, AND

2) the Agreement between the City of Daphne and the Daphne Volunteer Firefighters Association, Inc as attached hereto and made a part hereof, is hereby approved and the Mayor is hereby authorized to enter into such Agreement.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2011

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**AGREEMENT-DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC.
AND
CITY OF DAPHNE**

THIS AGREEMENT made this _____ day of _____, 2011, by and between the DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC., hereinafter referred to as the "Volunteers", and THE CITY OF DAPHNE, hereinafter referred to as the "City".

WHEREAS, the Daphne Volunteer Firefighters Assn., Inc. has determined that the construction of a Fire Burn Training Center and purchase of Fire Truck & Equipment is necessary in order to provide firefighter training and continue to meet the increasing fire protection needs of the City; and

WHEREAS, the City agrees to solicit bids, as required, for the Fire Burn Training Center, the fire truck and equipment on behalf of the Volunteers.

NOW, THEREFORE, the Agreement between the Volunteers and the City is set forth as follows:

1. The City shall enter into this agreement for a loan to the Volunteers in an amount up to \$600,000 for the construction of a Fire Burn Training Center and purchase of a Fire Truck & Equipment.
2. The City shall not provide any funds greater than the \$ 600,000 loan for such purposes unless such sums are appropriated by the City Council.
3. The City shall bid and contract for such purposes with reimbursements to be made by the Volunteers to the City at least annually.
4. It is understood and agreed upon by the City and the Volunteers that the Fire Burn Training Center, Truck & Equipment will be the property of the City upon completion/purchase.
5. The City will provide, and include in its annual insurance policy, insurance coverage for the Fire Burn Training Center, Truck & Equipment.
6. It is further understood and agreed upon by the City and the Volunteers that this is a binding legal agreement.

Agreement dated _____ day of _____, 2011.

DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC.

BY:

Melvin McCarley, Chief

Charlie Owens, Assistant Chief

Tom Walker, Treasurer

ATTEST:

Tommy Bertagnolli, Secretary

CITY OF DAPHNE, ALABAMA

BY: _____
Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk

RESOLUTION 2011-40

**Community Contributions: Lake Forest Yacht Club
2011 Sailboat Race**

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

WHEREAS, the City of Daphne has historically contributed funds to the Lake Forest Yacht Club as they host the Sailboat Race every 4 years and act as good will ambassadors for the City of Daphne; and

WHEREAS, such Sailboat Race will take place April 29 - 30, 2011.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreement necessary for the City to make a contribution in the amount of \$ 500 to the Lake Forest Yacht Club for hosting the Sailboat Race and representing the City of Daphne.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION NO. 2011-41

ENNIS PROPERTY ACQUISITION

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it would be in the best interest of the citizens of Daphne to acquire additional bay front property for public use to benefit the community in many ways for years to come; and

WHEREAS, the City Council of the City of Daphne recognizes the need to hire an appraiser to appraise the Ennis property for the acquisition of certain bay front property located on the west side of the City's Campbell's Swamp property; and

WHEREAS, the City Council of the City of Daphne request that a letter stating the city's intention to purchase the Ennis's property by means of NRDA Funds be sent to Congressman Joe Bonner.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Daphne, Alabama does hereby authorize the mayor to hire an appraiser, and send a formal letter requesting the assistance from Congressman Joe Bonner for the acquisition of property along Mobile Bay.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2011.

Cathy S. Barnette
Council Vice President

Fred Small
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

ORDINANCE 2011-30

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
Grounds Public Service Worker**

WHEREAS, Ordinance 2010-71 as adopted on December 20, 2010 imposed a hiring freeze on all Fiscal 2011 vacant positions unless the City Council gives express approval for the position to be filled; and

WHEREAS, the Public Works Director submitted a request to the Mayor to fill the recently vacated position of Grounds Public Service Worker; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of a Grounds Public Service Worker.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an amendment to the section of Ordinance 2010-71 regarding the hiring freeze is hereby approved for the filling of the Grounds Public Service Worker position that was recently vacated (estimated annual cost, including benefits, for entry level \$ 31,130-\$ 33,137); and

FURTHERMORE, that the position shall be filled in accordance with all provisions of the Employee Handbook and the related Employee Pay Scale.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-31

Mobile Bay National Estuary Program

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

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

WHEREAS, the adopted budget does not include an appropriation to the Mobile Bay National Estuary Program (MBNEP); and

WHEREAS, the MBNEP is instrumental in addressing environmental challenges in Daphne through its various programs; and

WHEREAS, the City Council has determined it to be in the best interest of the City to make a \$ 10,000 contribution to the MBNEP.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 10,000 for a contribution to the MBNEP. Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

STATE OF ALABAMA)
BALDWIN COUNTY)
CITY OF DAPHNE)

MUNICIPAL AGENCY FUNDING CONTRACT

THIS AGREEMENT, made and entered into on this the ____ day of _____, 2011, by and between the **CITY OF DAPHNE**, a Municipal Corporation, of the State of Alabama (hereinafter sometimes referred to as "City" or "the City"), and the Mobile Bay National Estuary Program, (hereinafter sometimes referred to as the "Agency"):

W-I-T-N-E-S-S-E-T-H

WHEREAS, the Agency has requested that the City of Daphne appropriate funds for its use for the benefit, either directly or indirectly, of the residents of the City; and,

WHEREAS, the City of Daphne desires to have the Agency perform certain services during the 2010-2011 fiscal year.

THEREFORE, in consideration of the benefits moving each to the other, it is mutually agreed by and between the City and the Agency as follows:

I. AUTHORITY

Agency represents and warrants to City that it is authorized by law to receive funding from City and that such funding will not be in violation of Article IV, Section 94, or amendments thereto, of the Constitution of Alabama, 1901, or any other constitutional or statutory provision.

Agency further warrants that funding from the City will only be used to perform public services and/or acts which the City is otherwise authorized to perform or to fund itself.

II. SERVICES

The Agency shall provide the following public services within the Corporate Limits of the City of Daphne:

- 1) Address regional environmental challenges such as comprehensive land use planning, storm water management, and smart growth practices by helping bay communities develop the tools necessary to strike a balance between growth and development and the wise use and protection of water, land, and living resources; AND
- 2) Promote the use of sound, science-based information; AND
- 3) Initiate programs and projects that benefit both the citizens and the environment; AND
- 4) Implement the community-developed Comprehensive Conservation and Management Plan.

If Agency provides public services both inside and outside the Corporate Limits of the City, then, if requested by the City or its representative, it shall submit an audit report demonstrating that services by the Agency, at least to the extent of the funding herein, shall be and were provided within the Corporate Limits of the City, including an identification of the number of City residents served by said agency.

III. APPROPRIATION

The City shall appropriate funds to the Agency in the following amount for the 2010-2011 fiscal year: \$ 10,000 (Ten Thousand Dollars), said amount to be paid pursuant to a method determined by the Finance Director of the City. The Finance Director of the City or his/her designee shall be the representative of the City for the administration and implementation of the provisions hereof on behalf of the City.

IV. SEPARATE AGREEMENTS

The City shall be under no obligation to the Agency except to the extent set out expressly in this Agreement. Provided, however, in the event there is a separate valid written agreement between the City and Agency, then this Funding Agreement is supplemental thereto and in the event of a conflict the terms of the latest written agreement shall prevail.

V. TERM; TERMINATION

The terms of this Agreement shall commence as of the 1st day of October, 2010, and shall continue in force until the 30th day of September, 2011, unless sooner terminated. Provided, however, in the event a new contract is not executed by the commencement of the new fiscal year, the City may elect to continue funding if appropriated by budget or budget continuation provisions and if so, the Agency agrees to remain bound by the terms of this Agreement and to continue to provide all services hereunder until a new funding contract is executed. The contract is otherwise terminated as set forth herein or if the official City budget does not contain an appropriation for the Agency. Either party to this Agreement may, with or without cause, terminate this Agreement as to the first day of any month by giving the other party no less than thirty (30) days written notice thereof. In event of termination by either party, the Agency shall refund to the City an amount equal to the excess of the total amount appropriated over an amount which bears the same ratio to the total amount appropriated as the month(s) actually performed bear to the total months covered by this Agreement.

VI. NON-DISCRIMINATION AND COMPLIANCE

This Agency hereby covenants and agrees that in performing its responsibilities and obligations hereunder, the Agency, its officers, agents and employees will not, on the grounds of race, color, sex, religion, national origin, or disability, discriminate or permit discrimination against any person or group of persons, in any manner. The

Agency further agrees to comply with all applicable state and federal ordinances and regulations, including but not limited to the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Civil Rights Act of 1964, and any regulations promulgated thereunder. The Agency further agrees to appoint an ADA coordinator. Said coordinator will be responsible for ensuring that the Agency is in compliance with the Americans with Disabilities Act and will advise the City of Daphne ADA Coordinator for services and programs as to the Agency's state of compliance with the Americans with Disabilities Act.

VII. INDEPENDENT CONTRACTOR

It is agreed between the City and the Agency that the Agency is an independent contractor. Neither the City nor its officers, agents or employees shall be liable for damages, claims, actions, or causes of action, brought against the Agency, for the activities of the Agency.

Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of Agency, and shall not be liable for any debts or obligations incurred by Agency, nor shall the City be deemed or construed to be partner, joint adventurer or otherwise interested party in the assets of Agency, or profits earned or derived by Agency, nor shall Agency at any time or times use the name or credit of the City in purchasing or attempting to purchase any equipment, supplies, or other thing or things whatsoever.

Agency in the performance of its operations and obligations hereunder shall not be deemed to be the agent of the City but shall be deemed to be an independent contractor in every respect and shall take all steps at its own expense as City may from time to time request to indicate that it is an independent contractor. City does not and will not assume any responsibility for the means by which or manner in which services by Agency, provided for herein, are performed, but on the contrary, Agency shall be wholly responsible therefore.

VIII. INDEMNITY

The Agency hereby covenants with the City that it will indemnify and hold the City and its officers, agents and employees harmless for or on account of any claim, suit, cause of action or judgment arising out of or in any manner associated with this Agreement or services provided or performed by Agency or any of its officers, agents or employees.

IX. NO THIRD PARTY BENEFICIARIES

It is the intent of the parties to this Agreement that they be the only parties to the Agreement and to expressly exclude third party beneficiaries; no person not a party to the Agreement may claim benefits under the Agreement.

X. SERVICE AREA

Agency shall submit, if requested by the City, to the Office of the Finance Director of the City, a written monthly report of the Agency's activities and expenditures, including, but not limited to, information demonstrating that services by the Agency within the Corporate Limits of the City at least equal, if not exceed, the funding from the City for that month. Should the City determine at any time during the term of this Contract that Agency is not providing services within the City Corporate Limits at least equal to the funding herein, then the City may terminate this Agreement immediately. Upon such termination, Agency may be, at the sole discretion of the City, required to refund any funds deemed by the City not to have been appropriately expended within the Corporate Limits.

XI. BOOKS AND RECORDS/REPORTS

Agency shall, at the request of the City, throw open and provide, at a time and place designated by the City, all books, records, accounts, statements and other documents as needed by the City to enable it to conduct a financial and/or operational review or audit of agency operations and/or finances. If Agency refuses to honor the City's request within ten (10) days, it shall refund to the City all funds appropriated to it during the term of the contract. All reports, evaluations and audits required shall be provided by Agency to any person appointed by the City or the Mayor to the Agency's governing body.

XII. AUDIT

The City may require Agency to have its financial records audited by an independent CPA firm. A copy of the audited financial statements will be mailed to the City's Finance Director as soon as possible after the statements are issued.

XIII. OPEN MEETING, PUBLIC RECORDS, COMPETITIVE BIDS AND OTHER APPLICABLE LAWS

A. As Agency is receiving public funds and/or other things of public value, including in-kind services, use of City employees and/or equipment from the City pursuant to this agreement, Agency agrees as follows:

1. To the same and like extent as is applicable to the City of Daphne, all meetings of the governing or controlling body of the Agency or any committee or subcommittee thereof shall be open to the public when any issue or matter involving or relating directly or indirectly to this Agreement is discussed or considered and when there is any discussion or consideration of the use of public funds or things of value provided to the Agency by or through the City.

2. Public Records. To the same and like extent as is applicable to the City of Daphne pursuant to State law, all records, documents, letters, minutes, memoranda, etc. of the Agency shall be open to public inspection and copying when the same pertain to any issue or matter involving or relating directly or indirectly to the performance by Agency of this Agreement or the use of public funds or other things of

value provided to the Agency by or through the City.

3. Expenditure of Public Funds. To the same and like extent as is applicable to the City pursuant to State law, all expenditures or disbursements of funds received by the Agency, whether directly or indirectly, from the City shall be subject to competitive bidding.

XIV. SEVERABILITY

It is expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, or otherwise appears to both parties to be invalid, the invalidity of any such covenant, condition, or provision herein contained, shall not affect other remaining and valid covenants or conditions herein unless such invalidity renders performance of the essential elements of the contract impossible.

XV. MISCELLANEOUS CLAUSES

Capacity: Each Party to this Agreement represents and warrants to the other as follows:

A. That it is an individual of the age of majority or otherwise a legal entity duly organized and in good standing pursuant to all applicable laws, rules and regulations.

B. That each has full power and capacity to enter into this Agreement, to perform and to conclude the same including the capacity, to the extent applicable, to grant, convey and/or transfer, areas, assets, facilities, properties, (both real and personal), permits, consents and authorizations and/or the full power and right to acquire and accept the same.

C. That to the extent required, each Party has obtained the necessary approval of its governing body or board and a resolution or other binding act has been duly and properly enacted by such governing body or board authorizing this Agreement and said approval has been reduced to writing and certified or attested by the appropriate official of the Party.

D. That each Party has duly authorized and empowered a representative to execute this Agreement on their respective behalf and the execution of the Agreement by such representative fully and completely binds the Party to the terms and conditions hereof.

E. That absent fraud, the execution of this Agreement by a representative of the party shall constitute a certification that all such authorization for execution exists and has been performed and the other Party shall be entitled to rely upon the same. To the extent a Party is a partnership, limited liability company or joint venture, the execution of this Agreement by any member thereof shall bind the Party and to the extent that the execution of Agreement is limited to a manager, managing partner or specific member then the person so executing this Agreement is duly authorized to act

in such capacity for the Party.

F. That each party represents and warrants to the other that there is no litigation, claim, or administrative action threatened or pending or other proceedings to its knowledge against it which would have an adverse impact upon this transaction or upon either's ability to conclude the transaction or perform pursuant to the terms and conditions of this Agreement.

G. That each party has obtained any and all required permits, approvals and/or authorizations from third parties to enable it to fully perform pursuant to the terms and conditions of this Agreement.

Final Integration: This Agreement together with any amendments, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. In the event of a direct conflict between the provisions hereof and any prior agreement or amendment, the latter shall supersede the former. All written or oral understandings and agreements heretofore had between and among the parties are merged into this Agreement, which alone fully and completely expresses their understandings. No representation, warranty or covenant made by any party which is not contained in this Agreement or expressly referred to herein has been relied on by any party in entering into this Agreement.

Force Majeure: Neither party to this Agreement shall hold the other party responsible for damages or delay in performance caused by acts of God, strikes, lockouts or other circumstances beyond the reasonable control of the other or the other party's employees agents or contractors.

Amendment in Writing: This Agreement may not be amended, modified, altered, changed, terminated or waived in any respect whatsoever, except by a further agreement in writing, properly executed by all of the parties.

Binding Effect: This Agreement shall bind the parties and their respective personal representatives, heirs, next of kin, legatees, distributees, successors, and assigns. If any provision in this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Captions: The captions of this Agreement are for convenience and reference only, are not a part of this Agreement, and in no way define, describe, extend or limit the scope or intent of this Agreement.

Constructions: This Agreement shall be construed in its entirety according to its plain meaning and shall not be construed against the party who provided or drafted it.

Mandatory and Permissive: "Shall", "will", and "agrees" are mandatory, "may" is permissive.

Governing Laws: The laws of the State of Alabama shall govern the validity of

this Agreement, the construction of its terms, the interpretation of the rights, the duties of the parties, the enforcement of its terms, and all other matters relating to this Agreement.

Prohibition on Assignment and Delegation: No party to this Agreement may assign or delegate its interests or obligations hereunder without the written consent of all other parties hereto obtained in advance of any such assignment or delegation. No such assignment or delegation shall in any manner whatsoever relieve any party from its obligations and duties hereunder and such assigning or delegating party shall in all respects remain liable irrespective of such assignment or delegation.

Waiver: Non enforcement of any provision of this Agreement by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remaining terms and conditions of the Agreement.

Ownership of Contract Documents: The Contract Documents, and copies of parts thereof, are furnished and owned by the City. All portions of the Contract Document, and copies of parts thereof, are the instruments of serve for this project. They are not to be used on other work and are to be returned to the City on request at the completion of the work. Any reuse of these materials without specific written verification or adaptation by the City will be at the risk of the user and without liability or legal expense to the City. Such user shall hold the City harmless from any and all damages, including reasonable attorneys fees, from any and all claims arising from any such reuse. Any such verification and adoption shall entitle the City to further compensation at rates to be agreed upon by the user and the City.

Fines and Penalties The Contractor shall be solely liable for any and all fines or penalties which may be levied by any governmental authority against the Owner and/or Contractor which are related to the Contractor's operations. The Owner shall deduct the amount of the levied fine or penalty from the Contract amount.

Agreement Date/Counterparts: The date of this Agreement is intended as and for a date for the convenient identification of this Agreement and is not intended to indicate that this Agreement was necessarily executed and delivered on said date. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

Use of Words and Phrases: The following words and phrases, where used in this document, shall be given the following and respective interpretations. "Herein," "hereby," "hereunder," and other equivalent words refer to this document as an entirety and not solely to the particular portion hereof in which any such word is used.

The definitions set forth in any portion of this Agreement unless the text or context indicates differently shall be deemed applicable whether the words defined are herein used in the singular or the plural. Wherever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set fort above.

CITY OF DAPHNE, a Municipal Corporation

Fred Small, Mayor

ATTEST:

David Cohen, City Clerk, MMC

MOBILE BAY NATIONAL ESTUARY PROGRAM

BY: _____

TITLE: _____

Federal Tax ID#: _____

WITNESS:

By: _____

Mobile Bay National Estuary Program
Attn: Rebecca McElhenney, Program Administrator
4172 Commanders Drive
Mobile, AL 36615

Dear Ms. McElhenney:

Enclosed is payment in the amount of \$ 3,000 and a fully executed contract between the NEP and the City of Daphne.

Thank you for your assistance.

For the City of Daphne,

Kimberly Briley, Finance Director

ORDINANCE 2011-32

Campbell's Swamp Appraisal Appropriation

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

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

WHEREAS, the City Council is aware of the environmental impact the various swamps and wetlands in Daphne have to the vitality of Mobile Bay; and

WHEREAS, Campbell's Swamp is a part of the Mobile Bay Watershed; and

WHEREAS, the City Council wishes to obtain an appraisal of Campbell's Swamp for informational purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a Lodging Tax appropriation in an amount not to exceed \$ 1,500 for the appraisal of Campbell's Swamp.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-33

(3) Library & (1) Recreation HVAC Unit Replacements

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

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

WHEREAS, the adopted budget does not include an appropriation for HVAC Unit replacements for the Library and Recreation Center; and

WHEREAS, the current units needing replacement are twelve years old and the cost of maintenance cost increases each year.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$35,358 for the (3) Library and (1) Recreation HVAC Units.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-34

PW/Used Wheel Loader

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

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

WHEREAS, in prior fiscal years, the City has leased a Wheel Loader for use in the Public Works Department; and

WHEREAS, such operating lease will expire April, 2011; and

WHEREAS, it was determined that it would be less costly over the life of the equipment to purchase a used wheel loader rather than continue to lease a new one; and

WHEREAS, the FY 11 budget does include \$21,600 to continue leasing the wheel loader and an additional appropriation of \$38,565 will allow for the purchase of a used wheel loader.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$38,565 for the purchase of a used wheel loader. (*Cost of used wheel loader - \$60,165 – [\$21,600 FY11 Budget]*)

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City, Clerk MMC