

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MAY 16, 2011
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

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

- 3. APPROVE MINUTES:** Council meeting minutes / May 2, 2011
Council Work Session minutes / May 9, 2011

PROCLAMATION: National Safe Boating Week / May 21-27, 2011

PROCLAMATION: National Public Works Week / May 16-20, 2011

RESCHEDULE EMPLOYEE HEARING DATE / MAY 25, 2011 / 6:30 P.M.

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / May 9th

1. Ordinances:

- a.) Hiring Freeze Exception: Corrections Officer / **Ordinance 2011-36**
- b.) Hiring Freeze Exception: Revenue Accounting Technician / **Ordinance 2011-37**
- c.) Hiring Freeze Exception: Patrol Officer / **Ordinance 2011-38**
- d.) Dead Tree Removal / Captain O'Neal / **Ordinance 2011-39**
- e.) MS4 Annual Sampling Fee / Storm Water Monitoring Requirement / **Ordinance 2011-40**
- f.) Justice Center Preparation of Specifications for Roof Repairs / **Ordinance 2011-41**
- g.) City Hall HVAC Maintenance Agreement / **Ordinance 2011-42**
- h.) Nicholson Center Roof Coating System / **Ordinance 2011-43**
- i.) Baldwin County Economic Development Alliance / **Ordinance 2011-44**

2. Resolutions:

Bid Award:

- a.) 2011-T-Athletic Field Marking Paint / Pioneer Manufacturing Company / **Resolution 2011-44**

Other:

- a.) Amend Hiring Freeze Exception Policy / **Resolution 2011-45**
- b.) Declare Certain Property Surplus / **Resolution 2011-46**

3. Motions:

- a.) Authorize advertising of Patrol Officer position in order for the city to maintain an open list of applicants (*current list has expired*)
- b.) Authorize Mayor to enter into a contract with the Mobile Bay National Estuary Program (*Funding already approved*)
- c.) Approve request by Eastern Shore Toyota to waive penalties and interest in the amount of \$17,043.29 (*Penalty \$15,038.20 / Interest \$2,005.09*)

4. Financial Reports:

- a. Treasurers Report / April 30, 2011
- b.) Sales & Use Tax Collections / March 31, 2011
- c.) Lodging Tax Collections / March 31, 2011¹

B. BUILDINGS & PROPERTY COMMITTEE- Lake

Review minutes / May 2nd

C. PUBLIC SAFETY COMMITTEE – Palumbo

Review minutes / May 11th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

Review minutes / May 11th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review Beautification minutes / May 6th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Yelding

D. Library Board – Lake

E. Planning Commission – Barnette

Review minutes / March 24th

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) ABC License / Alex Naman Catering, Inc. / 140 – Special Events Retail

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Authorizing the Utilities Board to Transfer Certain Real Property...../Resolution 2011-42

b.) Accepting Certain Property from Utility Board...../Resolution 2011-43

c.) Bid Award: Athletic Field Marking Paint...../Resolution 2011-44

d.) Amending Hiring Freeze Policy...../Resolution 2011-45

e.) Declaring Certain Property Surplus Classified by the Police Department
as Abandoned, Stolen or Confiscated...../Resolution 2011-46

f.) Request for Information from the Mayor...../Resolution 2011-47

g.) National Safe Boaters Week...../Resolution 2011-48

ORDINANCES:

2ND READ

- a.) **Rezoning: GCD Property / Pulled from agenda by owner /Ordinance 2011-35**

1ST READ

- b.) **Hiring Freeze Exception / Corrections Officer..... /Ordinance 2011-36**
- c.) **Hiring Freeze Exception / Revenue Technician..... /Ordinance 2011-37**
- d.) **Hiring Freeze Exception / Patrol Officer /Ordinance 2011-38**
- e.) **Dead Tree Removal: Captain O’Neal /Ordinance 2011-39**
- f.) **MS4 Sampling Fee: Storm Water Monitoring Requirement..... /Ordinance 2011-40**
- g.) **Justice Center Roof Repair / Preparation of Specifications..... /Ordinance 2011-41**
- h.) **City Hall HVAC Maintenance Agreement..... /Ordinance 2011-42**
- i.) **Nicholson Center Roof Coating System..... /Ordinance 2011-43**
- j.) **Baldwin County Economic Development Alliance..... /Ordinance 2011-44**
- k.) **Amending Ordinance 2002-26 / Business License Ordinance..... /Ordinance 2011-45**

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

**MAY 2, 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 Reese.

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

Also present: Mayor Small; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Tonja Young, Library Director; Vickie Hinman, Human Resource Director; Richard Johnson, Publics Works Director; Margaret Thigpen, Civic Center Director; Jane Ellis, Mayors Assistant; Ashley Campbell, Environmental Programs Manager; Captain Scott Taylor, Police Department; Suzanne Henson, Senior Accountant; Willie Robison, BZA; Joe Lemoine, Planning Commission; Victoria Phelps, Planning Commission; Al Guarisco, Village Point Foundation; Dorothy Morrison, Beautification Committee.

Absent: David Cohen, City Clerk; David Carpenter, Police Chief; Kim Briley, Finance Director; Richard Merchant, Building Official.

3. APPROVE MINUTES

**MOTION BY Councilman Boulware to adopt the April 18, 2011 Council meeting minutes.
Seconded by Councilman Scott.**

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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RECOGNITION: Daphne High School International Baccalaureate Students

Mayor Small and Councilman Palumbo presented each student with a recognition proclamation.

PRESENTATION: Huntingdon College

Mayor Small and Councilman Lake recognized the students who were graduating from Huntingdon College.

PROCLAMATION: National Correctional Officer Week / May 1-7, 2011

Mayor Small read and presented the proclamation to Captain Taylor and Officer Donald Bell, Chief Corrections Officer.

**MAY 2, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

PROCLAMATION: National Police Week / May 15-21, 2011

Mayor Small read and presented the proclamation to Captain Taylor, Corporal Mike Merritt and Officer Toby Phillips.

PROCLAMATION: American Cancer Society Relay for Life / Paint the Town Purple

Mayor Small read and presented the proclamation to Ms. Christy Kelley, Event Chair for Relay for Life, and Ashley Campbell.

NATIONAL SAFE BOATERS WEEK / May 21-27, 2011

Mr. Larry Jensen announced that National Safe Boaters week will be May 21-27. He urged everyone to check out their boats for safety, and to wear their life jackets.

There will be a proclamation on the next council agenda proclaiming May 21-27, 2011 as National Safe Boaters Week for the city.

PUBLIC HEARING: *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

Mrs. Adrienne Jones gave the presentation. She stated that the vote was 5/4 with no recommendation. Mr. Hunter Gibson answered questions from the council.

Council President Barnette opened the Public Hearing at 7:19 p.m.

Mr. Dane Haygood – 9221 TimberCreek Boulevard – spoke in favor of the rezoning.

Council President Barnette closed the Public Hearing at 7:20 p.m.

RESCHEDULE EMPLOYEE HEARING:

MOTION BY Councilman Scott to reschedule the Employee Hearing for May 11, 2011 at 6:30 p.m. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**MAY 2, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

No report. The next meeting will be May 9th at 4:00 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met before the council meeting, and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE – Palumbo

The committee will meet May 11th at 4:30 p.m.

MOTION: Authorize the Mayor to enter into a contract with Electronic Tracking Systems Services

MOTION BY Councilman Palumbo to authorize the mayor to enter into a contract with Electronic Tracking Systems Services. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The committee will meet May 11th after the Public Safety meeting. There is one item on the agenda.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the April 18th meeting are in the packet.

a.) MOTION: Authorize the Mayor to enter into a contract with the State of Alabama for the state to maintain the area beside BBVA Compass Bank

MOTION BY Councilman Yelding to authorize the Mayor to enter into a contract with the State of Alabama for the state to maintain the area beside BBVA Compass Bank. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) MOTION: Authorize the Mayor to enter into a Cooperative Maintenance Agreement with ALDOT for: Highway 90 - the roadside between US Hwy 98 (Mile Marker 44.40) to eastern city limit boundary (Mile Marker 48.47) – a total of 4.07 miles & Highway 98 - from the northern city limit boundary (Mile Marker 34.09) to the southern city limit boundary (Mile Marker 41.52) – a total of 7.43 miles

MOTION BY Councilman Yelding to authorize the Mayor to enter into a Cooperative Maintenance Agreement with ALDOT for: Highway 90 - the roadside between US Hwy 98 (Mile Marker 44.40) to eastern city limit boundary (Mile Marker 48.47) – a total of 4.07 miles & Highway 98 - from the northern city limit boundary (Mile Marker 34.09) to the southern city limit boundary (Mile Marker 41.52) – a total of 7.43 miles. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The next meeting will be May 16th at 5:00 p.m. at City Hall.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

There will not be a meeting for May.

B. Downtown Redevelopment Authority – Barnette

The minutes for the April 25th meeting are in the packet.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

The next meeting will be Thursday at 4:00 p.m.

E. Planning Commission – Barnette

No report.

F. Recreation Board – Reese

The board will meet on the 11th at 6:30 at the Trione Sports Complex.

G. Utility Board – Scott

The board met last Wednesday, and he will leave the reports in the council work area for council to review. The next meeting will be May 25th at 5:00 p.m. in the council chambers.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) ABC License / Top of the Bay / 010 – Lounge Retail Liquor – Class I

MOTION BY Councilman Yelding to approve the ABC License for Top of the Bay / 010 – Lounge Retail Liquor – Class I. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**MAY 2, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

5

Mayor Small spoke regarding taking relief supplies to Eclectic, he needed to know how many were going Thursday so he would know what size vehicle to take. He said the support has been very good, and donations have been pouring in for the people affected by the tornadoes in north Alabama.

Council President Barnette explained that the city was adopting the city of Eclectic to help with relief from the tornadoes. She mentioned items that were needed by those affected, and that donations could be taken to Fire Station #2 or City Hall. She stated that there is a Facebook page under “Jubilee City” with information and updates.

B. City Attorney Report

No report.

C. Department Head Comments

Captain Scott Taylor – Police Department – reported that Officer Joe Taylor has been called up for military duty.

James White – Fire Chief - reported that two (2) Daphne firefighters were called to assist with rescue efforts after the tornadoes.

Richard Johnson – Public Works Director – that the United Methodist Church will be having a prayer service at City Hall.

David McKelroy – Recreation Director - reported that May 14th and 15th Mobile Soccer Club will have their tournament with 84 teams using all the fields. Last year 800 hotel rooms were rented. May 21st 28 USA Softball teams will be using the fields. There is only a couple of Thursday’s left for Brown Bag by the Bay, May 15th is the last Sunset Series.

Jane Ellis – Assistant to Mayor Small – reported that the May Day Celebration is May 15th. It has caused quite a buzz among former queens. The dedication of the boat ramp will also be held at that time.

Margaret Thigpen – Civic Center Director – reported that the Zydeco Festival will be May 20-22, and June 13th is the concert with the Military Show Band.

Tonja Young - Library Director – reported that

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of businesses in Daphne –spoke regarding giving money to an outside organization, and that they should mandate that the money go to projects in their presentation. He feels the high-rise sign is not high enough. He said that some of the council feels that signs do not help the businesses, but that goes against the greatest business minds today.

Mr. John Peterson – Resident of Daphne – spoke in favor of the Mobile Bay National Estuary Program, and urged council to support them.

Mrs. Dorothy Morrison – 727 Oak Bluff – spoke regarding the need for trees, and spoke against 90 foot signs.

Ms. Victoria Phelps – spoke in support of Ordinance 2011-31 with reference to the Mobile Bay National Estuary. She thanked council for support of special projects. She would like council to put something in the Land Use Ordinance to make business act better. She supports moving the city boundary out to Highway 181.

Mr. Willie Robison – 560 Stuart Street – announced that on May 4th there will be another Honor Flight, and invited everyone to come out at 7:30 p.m. to welcome them back from Washington D.C.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

2ND 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**

1ST READ

- f.) **Rezone: GCD Property. /Ordinance 2011-35**

MOTION BY Councilman Scott to waive the reading of Ordinances 2011-30, 2011-31, 2011-32, 2011-33 and 2011-34. *Seconded by Councilman Yelding.*

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

MOTION BY Councilman Scott to adopt Ordinance 2011-30. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilman Boulware to amend Ordinance 2011-31 changing the amount from \$10,000 to \$3,000. *Seconded by Councilman Lake.*

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

MOTION BY Councilman Lake to adopt Ordinance 2011-31 as amended. *Seconded by Councilman Palumbo.*

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

MOTION BY Councilman Scott to adopt Ordinance 2011-32. *Seconded by Councilman Lake.*

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

MOTION BY Councilman Lake to adopt Ordinance 2011-33. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Scott to adopt Ordinance 2011-34. *Seconded by Councilman Lake.*

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

ORDINANCE 2011-35 WAS MADE A 1ST READ

8. COUNCIL COMMENTS

Councilman Lake commented that ALDOT did not put the median all the way down as they said they would. Fairhope came back and put them in. He also commented on the installation of the sign at Jubilee Square shopping center, and the blockage of traffic. He said they should put into the Land Use Ordinance that you cannot block an entrance, and if they do they will receive a hefty fine.

Councilman Scott applauded Council President Barnette, Councilman Boulware, the Mayor and Chief White for heading the effort to adopt Eclectic. It makes him proud to live in Daphne. He thanked the contractor for putting out e-mails saying it is extremely helpful.

Councilman Boulware said that a true test of a community's character is what cities do when their neighbors are in trouble. Daphne has been on the receiving end of natural disasters. This is what Daphne is all about.

Councilman Palumbo said he appreciated the work by the Planning Commission, but they have let the council down on the sign in the Jubilee Retail District. He will not vote for any other district to be created.

Council President Barnette reported that there was a dedication of the sidewalk that the Trail Blazers helped to get, and reminded everyone that the restart the May Day Celebration is May 15th, and also is the date for the dedication of the boat ramp.

9. ADJOURN

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

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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There being no further business to discuss the meeting adjourned at 8:27 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

MAY 9, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

ABSENT: Bailey Yelding.

Also present: Fred Small, Mayor; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, Human Resources Director; David Carpenter, Police Chief; Heather Gwynn, Revenue Officer; Suzanne Henson, Senior Accountant; Sherree Hilburn, Payroll and Benefits; Lonnie Jones, Code Enforcement Officer; Scott Hutchinson, City Engineer; Victoria Phelps, Planning Commission; Dorothy Morrison, Beautification Committee; Willie Robison, BZA, Adrienne Jones, Community Development Director.

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

1. SCENIC ALABAMA / COUNCILMAN PALUMBO:

Councilman Palumbo gave a presentation with slides on billboards along roads. He said you do not have any control over the content on those billboards. There are ways to use signs productively using informational signs along the interstate. Scenic Alabama was responsible for a bill that says you cannot cut down all trees along the interstate. Councilman Palumbo said that the bigger the sign does not mean better revenue. A survey by INC 500 magazine in 2008 said that word of mouth was the best advertisement. Council adopted sign regulations that provides for 50 foot signs.

2. RESCHEDULE EMPLOYEE HEARING

Mr. Ross stated that the attorney for the employee has requested another change in the hearing date due to being tied up with a murder case. The Employee Handbook says that the employee may have an attorney present, but not that he has to have one.

Council agreed that they need to move forward with the hearing.

Consensus of council is to set another date for May 25th, with the understanding that this is the last time they will do so.

3. MR. TOM HICKMAN / NEW HORION RETAIL DEVELOPMENT:

Mr. Hickman represents Academy Sports, and came before council to put before them their request to amend the Jubilee Retail Overlay District to include their 12 acres, and to request an additional pylon sign. They need a 120 foot pylon sign by the interstate in order to be visible above the trees. They had requested a 90 foot pylon sign, but after the sight line and other studies came in, and after taking a truck out to the site and testing the sign it was decided that a 120 foot pylon sign would be needed in order to clear the trees. He pointed out that they lost the site in Jubilee Square Shopping

Center due to AIG Baker, and no fault of theirs. The purpose of their coming to a council work session was to address any concerns that council may have.

Council discussed the request and asked questions of Mr. Hickman.

Consensus of council was to bring this back to the June work session along with the tax structure.

Council President Barnette requested that Mr. Hickman provide the City Clerk's office with, being as detailed as possible, the site line surveys, and also as well the financing packages and proposals as they come together. They will dedicate more time for discussion at the June work session.

4. HIRING FREEZE EXCEPTIONS / REVENUE TECHNICIAN / CORRECTIONS OFFICER / PATROL OFFICER

Mrs. Hinman and Chief Carpenter presented justification for the proposed hiring of a corrections officer, and authorization at this time to go ahead and advertise for the patrol officer position, until after the employee hearing on May 25th. Chief Carpenter said for safety reasons they have to have two (2) correction officers, and right now he has had to pull a lieutenant to temporarily fill the position.

Mrs. Hinman and Mrs. Suzanne Henson presented justification for the proposed hiring of a revenue technician. There are only two (2) people in the office, and the Revenue Officer has to go out to visit businesses, and also because they handle money according to audit guidelines they have to have two (2) people in the office. Mrs. Henson also requested to hire a temp for the two and a half months that it will take to fill the position.

Council President Barnette requested that these requests be on the May 16th council agenda.

5. LAND USE ORDINANCE / ADRIENNE JONES

Mrs. Jones reviewed changes requested by council members:

- **19-9 Buffer Zone Requirements:** Where an industrial district abuts any part of a residential district, a vegetative buffer of 30 feet in width shall be required and an eight (8) foot high privacy fence shall be required. Said buffer shall be either a natural undisturbed buffer or planted buffer. Where B-2 is against residential, a 15 foot vegetative buffer and eight (8) foot privacy fence shall be required. Said buffer shall be either a natural undisturbed buffer or planted buffer.
- **Article XXXV Table of Permitted Uses:** The following are uses listed which are allowed in all zoning districts:

BY RIGHT: Accessory buildings

PLANNING COMMISSIN APPROVAL:

Cemetery	Police sub-station	Water storage not within storage
City Hall	Post Office	Pumping station
Power sub-station	Radio and TV antenna	
Gas regulator station	Racquetball and tennis court (indoor)	
Oil gas exploration	Telephone exchange	

• **The city attorney will look at and add the following:**

Definition for dirt pit;

Put in language that approved maps are visual tools only, and not to be solely relied upon;

Look at grandfathered status of R-4 zoning.

- **Article V:** The duties and powers of the Planning Commission shall include, but are not limited to the following: (h) Shall hear and provide interpretations regarding the Land Use & Development Ordinance, except where such authority is specifically granted to the Board of Zoning Adjustments herein or by the Code of Alabama; or where such authority is specifically granted to the City Council by this Ordinance or by the Code of Alabama. (If the developer does not agree with the comments from the Planning Director about an approved site plan they can go back to the Planning Commission for clarification/interpretation.)

Mrs. Jones stated that she will have the ordinance ready for the June 6th council meeting to set the public hearing.

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 of Daphne
Office of the Mayor

Proclamation



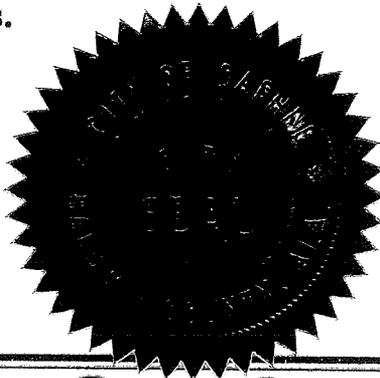
National Safe Boating Week

WHEREAS, National Safe Boating Week is May 21 – 27, 2011 and boating safety partners across the U.S. and Canada are teaming up to promote safe and responsible boating, including voluntary wear of life jackets; and

WHEREAS, life jacket wear is the number one precaution a boater can take to stay safe on the water and drowning remains the primary cause of death in recreational boating accidents; and

WHEREAS, the U.S. Coast Guard auxiliary is dedicated to improving the knowledge, skills, and abilities of recreational boaters in order to reduce deaths and injuries.

NOW THEREFORE, in an effort to raise public awareness of these important issue, I, Fred Small, as Mayor of Daphne do hereby proclaim May 21-27, 2011 as National Safe Boating Week and encourage all our citizens to join with our local U.S. Coast Guard Auxiliary and take advantage of boater education information offered to further enhance safe and enjoyable boating on our Nation's waters.




Fred Small, Mayor

City of Daphne

PROCLAMATION

Public Works Week

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

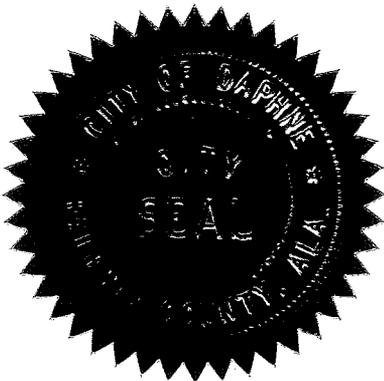
Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

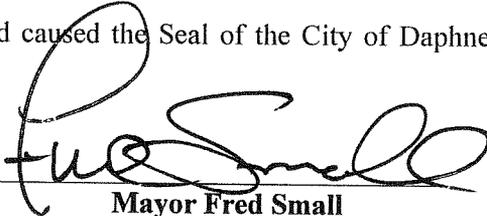
Now, therefore, I, Mayor Fred Small, Mayor of the City of Daphne, do here by proclaim the week of May 16 – 20, 2011 as,

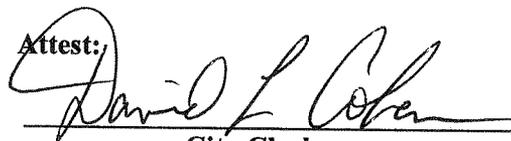
"National Public Works Week"

in the City of Daphne, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Daphne, Alabama to be affixed on this 16th day of May, 2011.




Mayor Fred Small

Attest:

City Clerk

**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
May 9, 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 Ron Scott, Councilman Bailey Yelding, Senior Accountant Suzâne Henson and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Mayor Fred Small, Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Fire Chief James White, Recreation Director David McKelroy, Community Development Director Adrienne Jones, Revenue Officer Heather Gwynn, Police Captain Scott Taylor, Building Maintenance Supervisor Frank Barnett, Fire Battalion Chief Kenny Hanak, Human Resources Payroll/Benefits Coordinator Sherree Hilburn, and Environmental Programs Manager Ashley Campbell.

II. PUBLIC PARTICIPATION

Mr. Willie Robertson, Daphne citizen, spoke in support of the 1165th Military Police Company of the Alabama National Guard out of Fairhope, who have been deployed to Afghanistan. He discussed the group, Citizens for Local Troop Support, who have been raising money for the families the troops left behind. He asked the City to donate \$5,000 to help with this cause. Mr. Robertson noted he would be asking other Baldwin County cities and businesses for monetary support also, but Daphne is the first City he has asked.

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, PSW (Grounds), Police Officer, Firefighter, and Corrections Officer. One PSW (Grounds) position and the Mechanic position have been filled, and interviewing for one PSW (Grounds) position is on-going.

The Safety Committee reported that employees in Public Works received training on heat stress and exhaustion and employees in the Streets division will be attending a flagging course in Mobile which will certify them for four years. In April, City Hall's insurance required inspection was completed and the Eastern Star building will be inspected in May. The next Safety committee meeting will be May 25, 2011, at 8:15 am.

Ms. Hinman reported on the following department projects:

- Lunch and Learn for Administrative Assistants with Suzanne Henson, Senior Accountant – April 28, 2011
- First Committee Meeting for Benefits Fair – May 5, 2011
- Meeting with Riviera Utilities Human Resources Dept on Self-Insured Medical Plan
- Oral Board Interview for Detective Promotion (USERRA)
- Completed Salary Increase Survey of Municipalities in Baldwin County

B. Personnel Vacancy TYD Summary

The Personnel Vacancy YTD Summary shows a total budget savings as of April 30, 2011 of \$140,887.00.

IV. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Request to Fill Vacancies

1. Firefighter – FYI: Grant Position

A memo from Fire Chief James White concerning the resignation of a paramedic effective May 6, 2011 was discussed. It was noted that we have a federal Safer grant, which requires a minimum staffing level be maintained. Chief White requests approval to fill this position so that the services we provide to our citizens will not be affected and so that we can continue to meet the federal guidelines of the Safer Grant.

Motion by Mr. Scott to recommend Council adopt an Resolution approving a hiring freeze exception to fill the Fire Paramedic position. Seconded by Mr. Yelding. Motion carried.

2. Police Officer

It was discussed that the Officer in this position is contesting his dismissal. A hearing has been scheduled and postponed. Discussion continued that because it is a lengthy process to advertise and hire, and since there is no active list available to hire from, it would be best to start the advertising process to create an active list which could be used to hire from for one year.

Motion by Mr. Scott to recommend Council approve advertising for a Police Officer position to create an active list to hire from, but does not recommend filling the position until after the appeal hearing is held. Seconded by Mr. Yelding. Motion carried.

3. Corrections Officer

Captain Scott Taylor discussed the resignation of a Correction Officer, and noted that another officer is retiring at the end of August, as well as the uncertainty of another because of medical issues. He stated that staffing the jail is the biggest liability a City has. Captain Taylor explained the need for at least two officers being on duty per shift, one to process inmates and one to monitor security in the POD (*Jail Monitor/Control Area*). Daphne not only houses our own prisoners, but is under contract with Spanish Fort and Silverhill to house theirs, as well as, at times, some for Baldwin County and the State.

Motion by Mr. Scott to recommend Council adopt an ordinance approving a hiring freeze exception to fill the Corrections Officer position. Seconded by Mr. Yelding. Mr. Boulware voted nay. Motion carried.

4. Revenue Accounting Technician

It was discussed that the Revenue Accounting Technician has accepted a promotion to Building Inspections to fill their technician position being vacated at the end of this month. It was noted that this position was an internal City posting. It was discussed that both Revenue and Building Inspections lost administrative positions last year due to budget cuts and now only have one technician each. Ms. Henson noted she had had included the justification in the Finance packet explaining that one person in this department cannot process the volume of payments received in the mail, electronically (online), or from walk-ins. Ms. Henson also noted that in addition one person the payments and be available to respond to the questions and requests that come from the phone calls and walk-ins. Ms. Henson also noted that the Revenue Officer would not be able to leave the office to monitor businesses compliance with having a business license if she was the only one in the office. Ms. Henson discussed that approving the request to rehire, advertising, interviewing, and estimating an employee giving a two week notice will leave Revenue with a vacancy for approximately two months and asked for temporary personnel to assist during this vacancy period.

Motion by Mr. Scott to recommend Council adopt an ordinance approving a hiring freeze exception to fill the Revenue Technician position. Seconded by Mr. Yelding. Mr. Boulware voted nay. Motion carried.

Motion by Mr. Scott to recommend Council adopt an ordinance approving hiring a temporary in Revenue for approximately two months until a Revenue Technician is hired. Seconded by Mr. Yelding. Mr. Boulware voted nay. Motion carried.

B. Appropriation Request

1. Dead Tree Removal – Captain O’Neal - \$2,500

Ms. Ashley Campbell discussed the 13 trees need to be removed on the City’s easement as a result of the FEMA drainage improvement project along Captain O’Neal Drive and are very close to adjacent homes. Mr. Johnson explained that Public Works does not have the equipment or manpower needed to top the trees and cut them down, but will assist in removing the trees once they are cut down. Discussion continued that also due to safety concerns the project is recommended to be contracted out. The Public Works Committee recommends we contract to do the work at a cost of \$2,500. It was discussed that most of the trees are Magnolias, and that we have planted 300 to 400 trees during the improvement project.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$2,500 and contracting with Chris Francis Landscape to cut down the 13 dead trees on the City’s easement at Captain O’Neal Drive. Seconded by Mr. Yelding. Motion carried.

2. MS4 Annual Sampling Fee - \$3,399

Ms. Campbell discussed the annual MS4 Storm Water Monitoring required by ADEM. The total charge is \$13,595, which is shared by Daphne, Spanish Fort, Fairhope, and Baldwin County. The City of Daphne’s share is \$3,398.75. It was discussed that since this is an annual requirement to be complainant with ADEM, it should be a budgeted item in the future.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$3,399 for the City’s share of the annual MS4 Storm Water testing as required by ADEM. Seconded by Mr. Scott. Motion carried.

3. Justice Center Preparation of Specifications for Roof Repairs - \$6,000

Mr. Frank Barnett discussed the condition of the Justice Center roof and presented the request from the Buildings & Property Committee for \$6,000 for the specifications to be drawn up for a new roof for the Justice Center building.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$6,000 for the specifications to be drawn up for a new roof for the Justice Center building. Seconded by Mr. Scott. Motion carried.

4. City Hall HVAC Maintenance Agreement - \$8,880

Mr. Barnett discussed the request from the Buildings & Property Committee to enter into a maintenance agreement for the Daphne City Hall HVAC system (including the chiller). He noted this would be full service 24/7 coverage with equipment maintenance, replacement of failed covered parts and labor included at approximately \$8,800 per year for three years.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$8,800 for the current fiscal year's fee HVAC Maintenance Agreement for City Hall. Seconded by Mr. Yelding. Motion carried.

5. Nicholson Center Roof Coating System - \$2,100

Mr. Barnett discussed the request from the Building & Property Committee to apply a roof coating system to the Nicholson Center roof. Materials would cost \$2,100 and would be applied with in-house labor.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$2,100 for materials for a roof coating system for the Nicholson Center. Seconded by Mr. Yelding. Motion carried.

C. Bid - 2011-T-ATHLETIC FIELD MARKING PAINT

Ten bid invitations were sent out, with three sealed bids received. Ms. Henson noted this is an annual bid, and Mr. McKelroy recommended the bid from Pioneer Manufacturing be accepted.

Motion by Mr. Yelding to recommend Council award bid 2011-T-ATHLETIC FIELD MARKING PAINT to Pioneer Manufacturing as bid. Seconded by Mr. Scott. Motion carried.

D. Baldwin County Economic Development - \$10,000

Mayor Small discussed the benefits we get from the Baldwin County Economic Development Alliance. He noted their only support is from the Municipalities and the County.

Motion by Mr. Scott to recommend Council adopt a resolution contributing \$10,000 to the Baldwin County Economic Development Alliance. Seconded by Mr. Yelding. Motion carried.

E. Mobile Bay National Estuary Program – Authorize Mayor to Enter into Contract (funding already approved)

Ms. Adrienne Jones discussed that funds are encumbered to match this \$15,000 grant from the Mobile Bay National Estuary Program to support the Low Impact Development project, but authorization for the Mayor to enter into contract with them is needed.

Motion by Mr. Scott to recommend Council authorize the Mayor to enter into contract with the Mobile Bay National Estuary Program to support the Low Impact Development project. Seconded by Mr. Yelding. Motion carried.

F. Declare City Property Surplus

A list of equipment was presented for surplus from the Police department. Ms. Henson noted that these were either lost or confiscated items:

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. Scott. Motion carried.

G. Eastern Shore Toyota – Request to Waive Penalties

Ms. Toni Fassbenber and Ms. Maggie Cunningham from Eastern Shore Toyota asked that the penalties for the late business licenses for Eastern Shore Toyota and Hyundai of Daphne totaling \$17,043.29 (Penalty-\$15,038.20 + Int \$2,005.09) be waived. Ms. Fassbenber discussed that the turnover of personnel and turmoil they have been in, along with not receiving the original notices of renewal from the City, caused them to not pay these on time. Ms. Fassbenber stated that they paid incorrect amounts, but have now paid the correct amounts without the penalties and interest. Mr. Boulware suggested that the penalty be figured at the 15% rate used for the first 30 days and not require the 30% rate now due. The Mayor asked that the penalty be waived since this is their first time to be late and because of all they do for the community.

Motion by Mr. Scott to recommend Council waive the penalty for Eastern Shore Toyota and Hyundai of Daphne business license renewals. Seconded by Mr. Yelding. Motion carried.

V. ISSUES REFERRED TO COUNCIL WORK SESSION

A. Salary Survey – Lump Sum Pay - \$153,655

Ms. Hinman presented a salary increase survey of other local municipalities and for Baldwin County for 2010 and 2011 and a request from Mayor Small to give each full time employee a one time check for \$500 (net of taxes) and part-time employees a one time check for \$150 (net of taxes). Mayor Small noted that employees have not received any type of raise for almost four years. Mr. Boulware agreed it was an appropriate gesture. Mr. Yelding suggested this go to a work session of the full Council.

Motion by Mr. Scott to recommend the Mayor's request for one-time lump sum employee pay increases be discussed at a work session of the full Council. Seconded by Mr. Yelding. Motion carried.

B. Academy Shopping Center Sales Tax Participation Proposal

Mr. Tom Hickman with New Horizon Retail Development LLC, presented the qualifying public improvements for the proposed Academy Sports Shopping Center on Hwy 90. He noted they would be making approximately \$1,930,000 in improvements to the area. They are asking for a sales tax participation structure where \$.01 of the \$.02-1/2 cent sales tax generated by Academy sports and other users within the shopping center be used to fund these public improvements. Discussion continued on the signage requested by Academy. It was noted this is on the Council's work session agenda.

VI. CURRENT BUSINESS

A. New FD Radio System Setup / Tower Fees - \$3,400

Chief White noted that this is for information only, no new appropriation is needed. The Fire department has enough money left over in equipment lease since their copier is paid for and will do a line item transfer to pay for the new radio system setup.

B. Legislative: T1 Line - \$3,156 / Yr

Mayor Small noted that the quote for one T1 line was requested to be in the Finance packet by Mr. Cohen, City Clerk. He agreed that changes need to be made, and discussed the option of getting on fiber. Mayor Small also discussed the pending project of getting on the County system's fiber. Mr. Richard Johnson discussed that if the City gets approved for the Stag Grant, it will pay for the County's fiber-optic to come into the City to

connect to the County's system, GIS..ect... The Committee members agreed to table this until further comparison information is known.

C. FYI: RSA Member Concerns: Loss of Voting Rights & Increase in Employees Contribution to Retirement

Ms. Hinman presented a memo from Steve Williams, RSA representative, stating several RSA member concerns. These are bills presented to the House and Senate and are still under review. Discussion continued that the concerns were this bill would take away employee rights to vote for RSA representatives, and raise the employee's contribution to retirement.

VII. FINANCIAL REPORTS

A. Treasurer's Report: April 30, 2011

The Treasurer's Report totaling \$21,272,169.63 was presented.

Motion by Mr. Yelding to accept the Treasurer's Report as of April 30, 2011, in the amount of \$21,272,169.63. Seconded by Mr. Scott. Motion carried.

B. Sales and Use Taxes: March 31, 2011

Sales and Use Tax Collected for March 2011	-	\$ 976,181
Sales and Use Tax Budgeted for March 2011	-	\$ <u>905,661</u>
Over Budget (for March)	-	\$ 70,520

YTD Budget Collections Variance – Over Budget - \$ 530,611

C. Lodging Tax Collections, March 2011

The Lodging Tax Collections report shows \$67,422.43 collected for March 2011.

D. Report: New Business Licenses – April 2011

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

E. Bills Paid Reports – April 2011

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

VIII. ADJOURN

The meeting was adjourned at 5:58 p.m.

UPCOMING 4/15/11

Groups support deployed soldiers' families

□ Chamber of Commerce, Citizens for Local Troop Support accepting donations to assist soldiers' families

BY SHEA ZIRLOTT
STAFF WRITER
szirlott@gulfcoastnewspapers.com

DAHPNE — The 1165th Military Police Company of the Alabama National Guard was deployed to Afghanistan for its second tour of duty in less than five years in January. The 170-member unit left behind 170 families who had to adapt to an altered

income and learn to get along without the soldiers' financial and emotional support.

Citizens for Local Troop Support members have been raising money for families the troops left behind since the unit's first deployment. Compensation provided by the National Guard helped supplement the families' incomes, but now many families affected by the economic recession have the National Guard's supplemental pay as their sole income. In some instances, soldiers may earn less while deployed than

they made at their full-time jobs. Rose Hall, member of the support group, said they would continue raising funds to keep these families stable until all the soldiers can come home. The unit is currently on the ground in Afghanistan and expects to remain there for a year. The committee has raised nearly \$5,000 since 2008.

Pandora Hawthorne, a member of the committee, said she felt drawn to support the troops in this way. "A lot of the people that are participating in this are either veterans or have family that serve. My family was

in the military. People seem to forget when these men and women leave, they leave family behind and life has to go on for them," Hawthorne said.

Money the support group raises will help with families' needs including food, energy-bill assistance, home repairs and unexpected bills. The group is focusing on families because they are "who are often forgotten as most people focus on the soldiers themselves," the organization stated in a news release.

SEE SUPPORT, PAGE 11A

SUPPORT

CONTINUED FROM PAGE 1A

The Eastern Shore Chamber of Commerce is contributing to the cause by collecting donations at both its locations. The chamber offers a free yellow ribbon lapel pin to anyone who donates at least \$5 to the cause. Donations can be made at either chamber office at 327 Fairhope Avenue in Fairhope or 29750 Larry Dee Cawyer

4/15/11
Drive in Daphne.

"(The funds) will be used to help the family with their immediate needs. They may need infant supplies, they may need bills paid, they may need food," Kathie Barton with the Eastern Shore Chamber of Commerce said. There are other opportunities to give as well. The Citizens for Local Troop Support Committee is offering yellow pet

bandanas to raise funds. The bandanas are available for a donation of \$7 for a large bandana and \$5 for a small bandana. The bandanas are available at the Fairhope Animal Clinic on Greeno Road and at Fairhope City Hall. "I am sure words can't describe how much this support means to the families," Hawthorne said. "I am sure a lot of these fam-

ilies don't have family to help them, whether it be emotional or financial support. I am sure it is very comforting to know somebody cares about them," Hawthorne said. Hall — who said the funds would also be used to send packages to the troops in Afghanistan — feels supporting the troops

in this way is important and a way to show appreciation for all that they are doing. "They are wonderful; they are going, leaving their homes, leaving their families, leaving a nice life to go over there and do what they think is right and what the government thinks is right. They are fighting for the

freedom of other people. We need to do this. We need to help them." Hall said. "Personally I don't think there is enough done. Disheartening to me because of the reason the 1165th is where they are — to give us the freedom to say, 'No, I don't want to donate,'" Hawthorne said.

Fred Small
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

May 4, 2011

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Job Openings	Apps Received	Status
Recreation Program Coord.		Open
PSW (Grounds)	73	DOH: May 5, 2011
PSW (Grounds)		Interviewing
Mechanic	6	Posted (April 6-May 4)
PSW (Grounds)		Open – May 4, 2011
Police Officer		Open – April 1, 2011
Firefighter		Open – May 6, 2011
Corrections Officer		Open – May 9, 2011

Safety Committee Meeting on April 27: Employees in Public Works received training on heat stress and exhaustion. The employees in the Streets division will attend a flagging course in Mobile. Certification will last 4 years. In April, City Hall's inspection was completed. The Eastern Star building will be inspected in May.

Next meeting will be Wednesday, May 25, 2011 at 8:15 a.m.

Human Resources Department Projects:

- Lunch and Learn – Admin. Asst. – April 28, 2011 Topic: Procedures for Purchase Orders, Check Requests, etc. in Finance
- First committee meeting for Benefits Fair on May 5
- Meeting with Riviera Utilities Human Resources Department – discussed self-insured medical plan
- May 2, 2011- Oral board interview for Detective Promotion (USERRA)
- Completed Salary Increase Survey of Municipalities in Baldwin County

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

2011 BUDGET YR. POSITIONS OPEN	DATE Open	ENDING SALARY	DATE FILLED	STARTING SALARY
Admin. Tech. (PD)	2/11/2010	16.35	10/7/2010	12.16
Recreation Prog. Coord.	7/9/2010	36,158.72		
Revenue Officer	7/14/2010	39,237.00	1/3/2011	37,252.60
PSW (Grounds)	8/31/2010	13.40	11/18/2010	10.58
PSW (Grounds)	8/31/2010	13.40	12/2/2010	10.58
Mechanic	9/15/2010	14.24	10/21/2010	14.24
Site Containment Inspect.	9/23/2010	18.08	10/7/2010	19.38
Building Maint. Tech.	10/7/2010	17.75	12/6/2010	13.20
Admin. Sec. (Civic Center)	10/29/2010	14.02	10/29/2010	17.73
PSW (Mowing)	10/29/2010	15.09	11/18/2010	13.67
(2) Civic Center Sales Asst.	11/1&11/14	31.17	N/A	-
Civic Center Sales Mgr.	11/15/2010	-	2/24/2011	33,982.00
PSW SR. (Grounds)	11/19/2010	14.26	11/25/2010	12.15
PT Sch. Crossing Guard	12/17/2010	9.16	12/16/2010	8.48
PT Sch. Crossing Guard	12/17/2010	8.48	3/10/2011	8.48
Sch. Resource Pol. Off.	12/31/2010	25.26	1/1/2011	17.99
Police Officer	1/1/2011	17.99	3/24/2011	16.54
Police Officer	1/19/2011	17.03	3/24/2011	16.54
Events Assistant	1/20/2011	10.05	2/24/2011	10.05
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	4/1/2011	45,191.23
PSW (Grounds)	2/5/2011	\$10.58		
PSW (Grounds)	3/29/2011	\$10.58		
Mechanic	3/12/2011	\$14.63		
Police Officer	4/1/2011	\$17.03		

113,564.81 27,322.19 140,887.00

Budgeted Allowance for Vacancies	(300,000.00)
Annualized Vacancy "Savings"	140,887.00
Remaining Allowance for Vacancies	(159,113.00)

Fire medic - Grant Position



The Jubilee City

INTERNAL MEMORANDUM

TO: Vickie Hinman, HR Director
CC: Chief James White
FROM: Mayor Fred Small
DATE: April 28, 2011
SUBJECT: Hiring Request

I concur with Chief White recommendation to replace the position of the paramedic that has resigned effective May 6, 2011. We are required to maintain staffing levels per the Safe Grant we were awarded.

City of Daphne Fire Department

MEMORANDUM

Date: April 27, 2011
To: Mayor Fred Small
From: Chief White 
Subject: Hiring Request

I recently received a Letter of Resignation from Paramedic Brian Payne to become effective May 06, 2011. As you are aware ninety percent of our responses are medical in nature, therefore the loss of a paramedic can have an adverse effect on our deliverance of service.

We were awarded a Safer Grant that stipulates that we maintain staffing levels in order to continue to be eligible to meet the grant guidelines. I am requesting approval to fill this slot in our employment roster within the fire department so that the services we provide to our citizens will not be affected and we can continue to meet the federal guidelines of the Safer Grant.

Please find attached a copy of the resignation letter forwarded to me from Paramedic Brian Payne.

ORDINANCE 2011-

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
CORRECTIONS OFFICER**

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 Police Chief submitted a request to the Mayor to fill the recently vacated position: Correction Officer; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of this position.

- **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 Corrections Officer position - estimated annual cost, including benefits, for entry level \$ 38,404 - \$40,921; 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

Corrections Officer
Police Officer

MEMORANDUM

Approved For Finance Comm. Agenda

Signature

Date

TO: MAYOR SMALL
FROM: CHIEF CARPENTER *D.C.*
DATE: APRIL 27, 2011
RE: VACANCIES

I am requesting that I be allowed to move forward in replacing the correction officer position that is being vacated by the resignation of Adrain Anderson. We will have to advertise the position and give a written test. This will allow us to have a list to hire from for future vacancies.

I am also requesting to be allowed to move forward in replacing the vacant patrol officer position. We will also have to advertise this position as our previous list has expired.

With your approval I will be able to take these requests to Finance and then to the Council work session. As you know it takes several months to complete the hiring process for both of these positions.

If you have any questions, please do not hesitate to call.

ORDINANCE 2011-

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
REVENUE TECHNICIAN**

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 Finance Director submitted a request to the Mayor to fill the recently vacated position Revenue Technician; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of the Revenue Technician.

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 Revenue Technician position that will be vacated (estimated annual cost, including benefits, for entry level \$ 38,404 -\$40,921 and
- approve an appropriation of \$4,000 to obtain temporary services until the position can be filled; 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

PERSONNEL REQUEST: REVENUE ACCOUNTING TECHNICIAN

JUSTIFICATION:

1. Will the job opening effect 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?

Yes, there are only two employees in the Revenue Department, Revenue Accounting Technician and Revenue Officer and the Revenue Officer needs to work outside the office to monitor businesses. Also, two employees are needed so that when business owners calls or walk in customers are handled in a timely manner.

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

One person cannot process all the payments that are received electronically, in the mail, and from walk-ins. Nor can one person handle all the calls or research required.

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

No, employees have been replaced if position has been vacated. NOTE: The Revenue Department previously had three employees and was downsized to two so there has already been a reduction in force in this department.

4. Is this position effected by seasonal time of the year?

Businesses pay taxes every month with the busiest month being January when all business license renewal are due.

Revenue department figures:

- **There are approximately 6200 active businesses in Daphne**
- **Revenue has processed approximately \$1.2 million in business licenses just this year**
- **Revenue processes at least 50 new businesses a month, with many of these requiring state certifications**
- **Revenue processes around 80 to 100 batches a month**
- **Batches total 30 transactions each – 2,400 – 3,000 transactions processed monthly**
- **At a minimum, revenue processes 2400 transactions a month**
- **Revenue processes \$800,000 to \$1,000,000 in tax revenue for the city each month**
- **The figures listed above do not include the walk-ins, phone calls, and research that is done on a daily basis**

Suzanne

From: Mayor Small [mayorsmall@bellsouth.net]
Sent: Friday, May 06, 2011 3:17 PM
To: henson
Cc: Becky; City of Daphne, HR Director
Subject: RE: Revenue Technician open position

Here is the Mayor's approval via email.
Jane

From: Mayor Small [mailto:mayorsmall@nextel.blackberry.net]
Sent: Friday, May 06, 2011 2:51 PM
To: '
Subject: Re: Revenue Technician open position

Yes

Mayor Small

From: "Mayor Small" <mayorsmall@bellsouth.net>
Date: Fri, 6 May 2011 14:50:45 -0500
To: <henson
Cc: Fred Small<MAYORSMALL@NEXTEL.BLACKBERRY.NET>
Subject: RE: Revenue Technician open position

Mayor, if you approve this we need to get to Becky ASAP to get on agenda for Monday night.
Your approval?
Jane

From: Suzanne Henson
Sent: Friday, May 06, 2011 1:23 PM
To: 'Mayor Small'
Subject: Revenue Technician open position

Mayor,
I just talked with Kim and she said she would like to request Council approve filling the Revenue Tech Position and advertise outside if approved. There is a need to obtain personnel with Revenue experience to assist with the technical needs of this position, also there is a growing need for someone with ACH experience to handle the online processing of payments.

Do you approve requesting this position be advertised externally? and if yes will you issue a memo to this effect so we can get on the next Work Session.

Thanks

*Suzanne Henson
Sr. Accountant*

CITY OF DAPHNE, ALABAMA CLASSIFICATION DESCRIPTION

CLASSIFICATION TITLE: **ACCOUNTING TECHNICIAN - Revenue**

PURPOSE OF CLASSIFICATION

* The purpose of this classification is to perform accounting/bookkeeping work, process financial documentation, and maintain financial records.

ESSENTIAL FUNCTIONS

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

* Processes a variety of documentation associated with department operations, within designated timeframes and per established procedures; receives, reviews, records, types, and/or distributes documentation; enters data into computer systems; logs, tracks, or maintains records regarding department activities; compiles data for further processing or for use in preparation of department reports; maintains computerized and/or hardcopy records.

Performs a variety of general accounting/bookkeeping functions, such as preparing journal entries, entering/posting financial data, generating financial reports, verifying financial transactions, researching financial discrepancies, correcting data errors, recording financial transactions, balancing cash, reconciling accounts, calculating data, maintaining financial records, preparing tax forms, or submitting mandatory reports.

* Provides information/assistance to vendors, customers, taxpayers, City departments/employees, and others regarding accounts payable and accounts receivable issues, customer accounts, invoices, fee schedules, deadlines, documentation, policies/procedures, or other issues; researches status of customer accounts; assists in resolving billing/account discrepancies; responds to routine questions or complaints; researches problems and initiates problem resolution.

Processes departmental purchasing documentation; prepares and processes purchase requisitions and purchase orders; reviews invoices for accuracy and submits for payment; prepares check requests; assists in obtaining price quotes for purchases; assists in coordinating purchase of equipment and parts; confers with vendors and others regarding purchasing activities; enters codes on invoices and posts invoices for payment.

Processes purchase orders from departments; verifies general ledger coding; monitors status of open purchase orders;

Processes accounts payable documentation; processes/enters invoices; liquidates purchase orders; verifies accuracy of invoices; routes incoming invoices to appropriate department for additional information; researches discrepancies or reports questionable invoices for further research; prints computerized checks; prints cash disbursement journal and posts to general ledger; mails checks.

Prepares and maintains vendor files; sets up new vendor accounts and issues W-9 forms; reconciles vendor statements; contacts departments regarding invoices not submitted for payment; prints and mails 1099 forms to vendors.

* Processes accounts receivable documentation; processes and posts payments received for taxes, licenses, permits, or other City services; groups tax payments in batches for processing; batches tax payments and returns; prepares batch report slips; prints daily batch reports; records and files batch reports, batch slips, business license documents, general ledger distribution reports, and other financial reports; maintains and prints general ledger distribution summary; prints check register and maintains related checklists/files; receives various incoming license applications/renewals and routes for approval.

Identifies discrepancies in general ledger; recognizes different types of City revenues and verifies correct coding of deposits in general ledger.

Establishes and maintains taxpayer files, business license accounts, and other databases; prints and mails annual tax forms, delinquent notices, and/or renewal notices on taxes and business licenses.

Enters and posts daily receipts to all funds; verifies department receipts.

Prepares bank deposits; performs monthly reconciliation of bank statements; posts required journal entries.

Maintains and balances the City's petty cash funds; disburses petty cash funds as required.

Coordinates financial activities of an assigned department; maintains purchasing, accounting, budgeting and personnel reports and files; coordinates access and usage of fueling system, facilities, and equipment available to city departments; prepares cost sheets to document monthly charges for copier and office supplies; reviews expenditures reports to identify errors and discrepancies, and submits adjusting/correcting entries; maintains and updates department activity reports on current capital contracted projects and status of work orders; prepares bid items for department.

Provides assistance for general financial operations as needed; assists auditors by providing tax exempt information and retrieving required records; assists in assembling/binding budget documents; assists with asset listing and surplus sale activities.

* Prepares or completes various forms, reports, correspondence, lists, checks, purchase orders, expense reports, bank deposits, or other documents.

* Receives various forms, reports, correspondence, invoices, statements, applications, journal entries, bank deposit forms, expense reports, chart of accounts, policies, procedures, manuals, reference materials, or other documentation; reviews, completes, processes, forwards or retains as appropriate.

* Operates a personal computer, scanner, postage machine, shredder, general office equipment, or other equipment as necessary to complete essential functions, to include the use of word processing, spreadsheet, database, e-mail, Internet, or other computer applications.

* Performs basic maintenance of computer system and office equipment, such as backing up data, replacing toner, or refilling paper; notifies appropriate personnel in event of backup failure; coordinates service/repair activities as needed.

Performs imaging/scanning of financial records for archival purposes; indexes imaged records for historical retrieval; maintains index of records scanned; assists in disposing of records that have met retention schedule requirements.

Maintains file system of departmental records; prepares departmental files; sorts/organizes documents to be filed; files documents in designated order; retrieves/replaces files; conducts records maintenance activities in compliance with guidelines governing record retention.

* Monitors inventory of department equipment and supplies; ensures availability of adequate materials to conduct work activities; initiates orders for new/replacement materials.

* Performs general/clerical tasks, which may include making copies, sending/receiving faxes, or processing incoming/outgoing mail.

* Communicates with supervisor, employees, other departments, banking personnel, vendors, taxpayers, auditors, the public, outside agencies, and other individuals as needed to coordinate work activities, review status of work, exchange information, or resolve problems.

- * Maintains a comprehensive, current knowledge of applicable laws/regulations; maintains an awareness of new trends and advances in the profession; attends workshops and training sessions as appropriate.

* ADDITIONAL FUNCTIONS

Operates a motor vehicle to transport banking transactions, pick up and deliver mail, or conduct other errands.

Provides assistance to other employees or departments as needed.

Performs other related duties as required.

MINIMUM QUALIFICATIONS

High school diploma or GED; supplemented by vocational/technical training in accounting or bookkeeping; supplemented by one (1) to two (2) years previous experience and/or training involving bookkeeping, accounts payable, accounts receivable, office administration, and personal computer operations; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. May require possession and maintenance of a valid Alabama driver's license.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to review, classify, categorize, prioritize, and/or analyze data. Includes exercising discretion in determining data classification, and in referencing such analysis to established standards for the purpose of recognizing actual or probable interactive effects and relationships.

Human Interaction: Requires the ability to provide guidance, assistance, and/or interpretation to others regarding the application of procedures and standards to specific situations.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to start, stop, operate and monitor the functioning of equipment, machinery, tools, and/or materials used in performing essential functions.

Verbal Aptitude: Requires the ability to utilize a wide variety of reference and descriptive data and information.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; may include ability to perform mathematical operations with fractions; may include ability to compute discount, interest, profit and loss, ratio and proportion.

Functional Reasoning: Requires the ability to carry out instructions furnished in written, oral, or diagrammatic form. Involves semi-routine standardized work with some latitude for independent judgment concerning choices of action.

Situational Reasoning: Requires the ability to exercise judgment, decisiveness and creativity in situations involving evaluation of information against measurable or verifiable criteria.

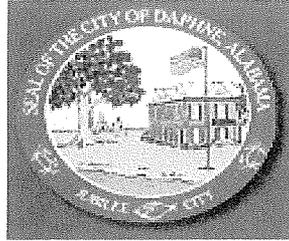
ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert very moderate physical effort in light work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds). Tasks may involve extended periods of time at a keyboard or work station.

Sensory Requirements: Some tasks require the ability to perceive and discriminate visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Essential functions are regularly performed without exposure to adverse environmental conditions.

The City of Daphne, Alabama, is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.



Finance Comm

Approved For Finance Comm. Agenda

Signature

Date

Memorandum

To: Public Works Committee
From: Ashley Campbell
Date: April 18, 2011

Re: Captain O'Neal Drainage Improvements-Dead Tree Removal

Committee Members,

Several trees have died as a result of the drainage improvement project along Captain O'Neal Drive. The trees are a threat to the adjacent homes. The Public Works Department does not have the proper equipment or staff with enough experience to handle the removal. I would like to request funding for the removal of the trees from the Captain O'Neal drainage easement by a professional tree service.

Professional Tree Service Quote

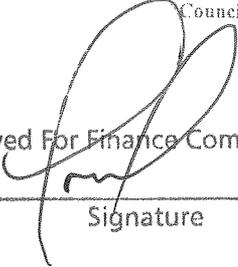
\$2500.00

Ashley Campbell, CPESC
Environmental Programs Manager
City of Daphne
251-621-3180 Office
251-234-7122 Cell

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

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

Approved For Finance Comm. Agenda



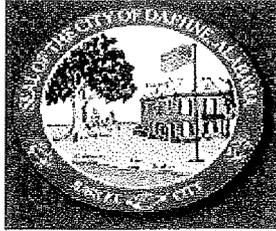
Signature

Date

IV. NEW BUSINESS

- A. **City Costs to Complete Sidewalk on CR13** – Currently the sidewalk ends before Rand Avenue. The City wanted to extend the sidewalk to Rand, but ran out of funds. The sidewalk extends beyond all houses except one and there are no children at that house. Richard provided a draft of what it would cost to extend the road to Rand. Councilwoman Barnette feels that the cost is too high to take the sidewalk all the way to CR64. Councilman Yelding asked if a study had been completed. Jaye Robertson (HMR) stated that a study had been completed. He will scan and email a copy of the study to Councilman Yelding. The committee opted to table further discussion and will revisit with Richard Johnson at next month's meeting.
- B. **Agreement for Grading and/or Landscaping on Hwy 98 Right-of-Way (BBVA Compass)** – The state wants to be able to contract to have the area at malfunction junction (at BBVA Compass Bank) contracted to be cleaned. There would be no cost to the City. They just want the City's approval to maintain this area using contractors. Councilwoman Barnette made a motion to enter into an agreement for the state to contract to maintain the area beside BBVA Compass. Motion seconded by Councilman Lake.
- C. **Ditch at Santa Rosa Avenue and Old County Road** – Jaye passed out copies of plat and cost estimate. On the south side of Santa Rosa is the elementary school. Currently the water drains from the south side to the west. They are proposing to remove pine trees (5' trees in ditch). Councilman Yelding asked if that was the school's ROW or the City's. Melvin stated that it was the school's ROW. Jaye stated that it shouldn't be a problem with the school. The plan is to connect at Bryant Gulley and build two boxes 24-30' deep. Ashley asked if it would be possible to put in a detention. Councilwoman Barnette stated that we need to be careful due to problems we had with the Methodist Church building. Councilman Yelding stated that we need to meet with school administrators. Councilman Lake questioned what would be the logistics of putting in retention ponds. Jaye replied that we have the space, they would just need liners. Councilwoman Barnette said that would drive costs up. Councilwoman Barnette made a motion that the committee needs to obtain a copy of the study and research that has already been done and bring to the next council work session. Motion seconded by Councilman Lake. Councilman Lake asked whether this would qualify as a NRCS project. Ashley replied that it did not since it was not an "event". Councilman Yelding stated that this gully needs to be addressed. It has been going on for 15 years.
- D. **Captain O'Neal FEMA Drainage Project – Dead Tree Removal (Ashley Campbell)** Ashley stated that there are 13 dead trees that need to be removed. Richard Johnson has stated that Public Works does not have the manpower or equipment to handle. The cost to have a contractor (Chris Francis) come cut them down would be \$2,500. That would include dropping the trees and cutting them into moveable sizes and transported back to Public Works for mulching. Councilwoman Barnette stated that we would be violating our own Trash Ordinance. It states that if a contractor cuts down a tree that they are responsible for removing it from the premises. Councilman Yelding stated that we could work out the specifics regarding the Trash Ordinance. He stated that we need to move forward with this issue. Councilwoman Barnette made a motion to send to the Finance committee to approve appropriation of \$2,500 to remove 13 dead trees from Captain O'Neal drainage. Motion seconded by Councilman Lake.





Memorandum

To: Kim Briley (Finance Director)

From: Ashley Campbell

\$ 3,399.00

Date: May 5, 2011

Re: **Eastern Shore Municipal Separate Storm Sewer Systems (ES MS4) Monitoring Quote**

Mrs. Briley,

* Attached is the quote for our annual 2011 MS4 storm water monitoring form Test America. Our ADEM MS4 permit requires that we perform the sampling each year and we submit our data to ADEM for review. This year's quote is the same as last year's; three thousand, three hundred and ninety nine dollars (\$3,399.00). Please, forward this request to the Finance Committee for approval and from there to the Council for appropriation of funds. Also, since this will be an annual expense, I would like to request that this appropriation be listed on the City's annual budget as a new line item entry.

Thanks,
Ashley Campbell, CPESC *ac*
Environmental Programs Manager

QUOTE REFERENCE: MS4 Stormwater

QUOTATION TO:

Baldwin County Planning & Zoning Department
312 Courthouse Square, Suite 18
Bay Minette, AL 36507

COMPANY PHONE: 580-1655 x 7252

COMPANY FAX: 937-0293

QUOTATION DATE: 2011

SAMPLE MATRIX: Aqueous-Stormwater

TURNAROUND TIME: Standard

Test Parameter	Method Reference	Fee/Sample
Biochemical Oxygen Demand (BOD-5)	SM5210B	\$ 25.00
Chemical Oxygen Demand (COD)	SM5220B	20.00
Nitrate (NO ₃ -N)	353.2	25.00
Nitrite (NO ₂ -N)	353.2	25.00
Phosphorous, Dissolved (Diss-P)	365.2	40.00
Phosphorous, Total (T-P)	365.2	25.00
Total Kjeldahl Nitrogen (TKN)	351.2	35.00
Total Dissolved Solids (TDS)	160.1	10.00
Total Suspended Solids (TSS)	160.2	10.00
Oil & Grease (O & G)	1664	35.00
PH	150.1	5.00
Total Analytical Charge/ Sample		\$ 265.00
Sample Collection & Field Service includes:		\$ 550.00
Grab Sample for O & G; pH and Grabs for duration of storm event for composite sample parameters: BOD, COD, NO ₃ , NO ₂ , Diss-P, T-P, TKN, TDS, and TSS		
Calculate total discharge volume (in gallons) of the storm event sampled and flow proportional compositing of collected "grabs".		\$ 50.00
Calculate annual cumulative pollutant loadings from stormwater event contaminant concentration and annual rainfall data (per site)		\$ 50.00
Total Sampling and Analysis per site		\$ 915.00
Total Charge for 13 sites		\$ 11,895.00
Low Level Mercury by Method 1631 (per site)		\$ 100.00
Sampling for LL Mercury "Clean Hands/Dirty Hands" Technique		\$ 750.00
Total Charge for LL Mercury Analysis and "CH/DH" Sampling for 2 sites		\$ 1,700.00
Total Charge for MS4 Stormwater Project		\$ 13,595.00
MS4 Stormwater Project charge for each of the 4 entities		\$ 3,398.75



Michael Nance
Project Manager

Accepted By: (Authorized Signature)

Buildings & Property Committee Meeting
Monday, May 2, 2011 5:30 PM
Daphne City Hall

D.) **New Roof at Police Department** – Don Bettner presented a PowerPoint presentation about the need for a new roof at the Police Department. The roof leaks in various locations and mold is beginning to accumulate in certain areas. It is worse under the jail area. Baldwin County Health Department noted in the recent inspection the leaks are serious. Court was almost cancelled one night because of rain leaks and two benches had to be roped off. This roof was put on in 1996 with a 10 year life expectancy with that life span ending in 2006.

With total amount being \$594,908 (attached) the committee discussed the way it could be paid for. The question was raised if the court income could pay for the jail and court portion of the roof. The administration side would be capital funds. Check with Kim Briley regarding any encumbered funds that might be available that was set aside for roof repairs. What was earmarked in past years?

Frank stated that before we bid this out we need to get a professional to write the specs which will cost approximately \$6000 based on the quote he has received. This amount needs to be appropriated prior to the bid process. We would want a 20 year warranty plus 2 years contractor warranty on the roof. **Motion was made to send to Finance Committee with recommendation to appropriate \$6000 for the specs to be drawn up on a new roof for the Police Department building.**

E.) **HVAC Maintenance Agreement for City Hall** - Frank recommends we enter into a contract with a professional company to handle the maintenance for City Hall. (attached) . In the long run it will be cost effective but the only drawback initially is that after the initial inspection of parts there will be some startup costs based on their recommendation to get everything up to par. Frank proposes we move forward with the 3 year 24/7 contract \$8880 annually. They are very knowledgeable and in fact have helped in the past with some things. **Motion made to send to Finance for appropriations with a favorable recommendation.**

F.) **Civic Center/Bayfront Report** - Margaret distributed detailed report (attached) reporting April Civic Center events brought in \$12,588 in revenue minus discounts for a \$10,213 net. Bayfront events brought in \$6,475 in revenue minus discounts for a \$5,520 net. Because of the economy there seems to be an increased amount of interest and bookings for Bayfront – more affordable. Only a few days left in the year that is available for bookings for both facilities. Open House was held at Bayfront for the public and it resulted in approximately \$2000 in future bookings. Will be advertising in the Business Alabama Magazine that features Daphne in May. Trying to appeal to the

Ballroom Dance brought in \$676 and tickets are being sold for Zydeco Festival. Margaret pointed out that sales on all events are hurt somewhat by the fact that we do not offer payment by credit cards. She is looking into PayPal as well.

G.) **Nicholson Center Roof** – Frank reported that the roof at the Nicholson Center was in need of repair and he has identified a roof coating system that can be applied with in-house labor for \$2100. This is his recommendation based on the fact we are not sure what the city has planned for this facility. **Motion made to take the appropriation request to the Finance Committee with a full recommendation for \$2100 to purchase the system.**



H.) **Other Business** – Richard Johnson reported that the work on the Park City bathrooms is moving along.

Meeting Adjourned.



Justice Center Roof Repair

Honesty • Safety • Team Work • Quality

CarolinaRoofing.com

24HOUR: 888-ROOFER1
(766-9971)

April 29, 2011

City of Daphne
Justice Department
Attn: Frank Barnett

Re: Team Roofing is pleased to provide you with a quote for the following scope of work. This scope of work is based on approximately 26,165 sq. ft. of roof area. Please note carefully the inclusions and exclusions of this proposal.

INCLUSIONS:

- Remove existing roof system down to existing metal decking, and properly dispose.
- Inspect existing metal decking for deterioration/rust, proper attachment and repair as required (per unit cost).
- Install/overlay new metal decking @ rusted locations no larger than 16" (per unit cost).
- Remove and install new metal decking @ rusted locations larger than 16" (per unit cost).
- Attach/secure existing metal decking per NRDC standards (per unit cost).
- Install a new tapered Polyisocyanurate insulation system, ¼" pf slope with ½" pf sloped crickets between drains to provide positive drainage. Base layer of insulation will be mechanically attached per manufactures requirements to existing metal deck, the remainder of insulation layers will be adhered with Tremco Fas-N-Free adhesive.
- Install new ½" Dens Deck Prime cover board over new insulation, adhered with Tremco Fas-n-Free adhesive.
- Install one (1) Base sheet of Composite Ply HT adhered with Burmastic Adhesive.
- Install one (1) Interply sheet of 28lb Burmastic Glass Ply adhered with Burmastic Adhesive.
- Install one (1) Cap sheet of Powerply Standard FR (fire rated) adhered with Burmastic Adhesive.
- Remove existing lighting protection and re-install after new roof system is completed.

Charlotte,
North Carolina
1726 Riverview Road
Lincolnton, NC 28092
TEL: (704) 732-1959
FAX: (704) 732-2391

Winston Salem,
North Carolina
152-B Kapp Street
Winston Salem, NC 27105
TEL: (336) 750-0750
FAX: (336) 750-0844

Clayton,
North Carolina
704 West Main Street
Clayton, NC 27520
TEL: (919) 779-1049
FAX: (919) 882-8299

Salisbury,
North Carolina
1316 North Long St.
Salisbury, NC 28144
TEL: (704) 314-1020
FAX: (704) 639-8065

Greenville,
South Carolina
1220 Donaldson Rd. Unit A
Greenville, SC 29605
TEL: (864) 277-9948
FAX: (864) 277-9083

Charleston,
South Carolina
4875 Franchise Street, Suite B
North Charleston, SC 29419
TEL: (843) 576-0040
FAX: (843) 576-0041

JC Roof Repair

- Fabricate and install new .040 Aluminum Kynar finished sheet metal counter flashings, edge metal and scuppers.
- Flash all penetrations and terminate per manufacturer's specifications/requirements.
- Furnish 2 year Contractor's workmanship warranty.
- Furnish 20 year manufacturers Warranty.

EXCLUSIONS:

- Sheet metal coping, re-use existing.
- Certification of lighting protection.

UNIT COSTS:

- Wire brush and prime paint existing surface rust on metal decking \$3.00 sf.
- Installation of new metal decking \$8.00 sf.
- Tek # 5 screws if needed to secure metal deck to structural steel \$0.75 ea.
- Tek # 3 side lap stitching screws if needed for metal decking \$0.25 ea.

Total Cost \$594,908.00

Please add \$14,375.00 to furnish and install new .040 Aluminum Kynar Finish sheet metal coping.

Please call me if you have any questions or comments @ (850) 791-2798

Sincerely,

Robert Murdoch
Team Roofing

Team Roofing appreciates the opportunity to provide you with this proposal.

Please Note: This proposal is valid for 30 days.

HVAC Maintenance at Daphne City Hall

Currently there is no maintenance agreement for the Daphne City Hall HVAC system. The system is going on three years operating without much oversight. While city forces have done minor maintenance there is much that should be done by qualified personnel who work on this type of system everyday. Already one circulating pump for the chilled water system has been replaced and there are other small but important elements that have failed. While we have the desire to maintain the system we do not have the expertise required.

Three types of maintenance coverage.

1. Quarterly preventative maintenance;
Inspection and service of chiller, air handlers, variable speed drives and pumps. Any equipment failures and repairs billed separately.
2. Quarterly preventive maintenance with 24/7 service, preset time and material cost for equipment failures.
3. Full service 24/7 coverage with equipment maintenance, replacement of failed covered parts and labor included.

Priced at approximately \$3500.00 per year.

Priced at approximately \$4800.00 per year.

Priced at approximately \$8800.00 per year

With all of these plans there will be start up cost. Any equipment that is not up to standards will need to be replaced. There is no way to determine what that will be with out a comprehensive inspection of the entire system. I have one estimate for an inspection that is over \$5000.00. I think that money would be better spent on repair cost if necessary.

OMZR130A

LOWE'S HOME CENTERS, INC.
DPA 2251

PAGE: 1

PROJECT ESTIMATE

ROOF COATING

CONTACT: BARNETT, FRANK
CUST #: 66631975

SALESPERSON: FRISBY, JAMES
SALES #: 1322160

PROJECT NUMBER: 321237177

DATE ESTIMATED: 04/18/11

QTY	ITEM #	ITEM DESCRIPTION	VEND PART #	PRICE
55	238751	ROOF COATING	1000	1942.05
TOTAL FOR ITEMS				1942.05
FREIGHT CHARGES				0.00
DELIVERY CHARGES				0.00
TAX AMOUNT				184.49
TOTAL ESTIMATE				2126.54

This Quote is valid until 05/18/11.

#1942.05

MANAGER SIGNATURE

DATE

THIS ESTIMATE IS NOT VALID WITHOUT MANAGER'S SIGNATURE.
THIS IS AN ESTIMATE ONLY. DELIVERY OF ALL MATERIALS CONTAINED IN THIS ESTIMATE ARE SUBJECT TO AVAILABILITY FROM THE MANUFACTURER OR SUPPLIER. QUANTITY, EXTENSION, OR ADDITION ERRORS SUBJECT TO CORRECTION. CREDIT TERMS SUBJECT TO APPROVAL BY LOWES CREDIT DEPARTMENT.

LOWES IS A SUPPLIER OF MATERIALS ONLY. LOWES DOES NOT ENGAGE IN THE PRACTICE OF ENGINEERING, ARCHITECTURE, OR GENERAL CONTRACTING. LOWES DOES NOT ASSUME ANY RESPONSIBILITY FOR DESIGN, ENGINEERING, OR CONSTRUCTION; FOR THE SELECTION OR CHOICE OF MATERIALS FOR A GENERAL OR SPECIFIC USE; FOR QUANTITIES OR SIZING OF MATERIALS; FOR THE USE OR INSTALLATION OF MATERIALS; OR FOR COMPLIANCE WITH ANY BUILDING CODE OR STANDARD OF WORKMANSHIP.

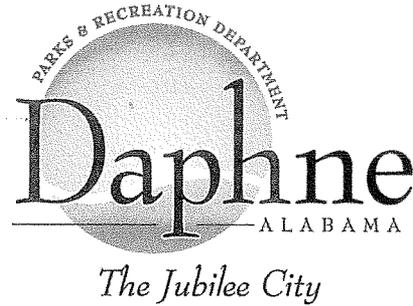
ATTN:

FRANK

BARNETT.

Roof coating for Nicholson Building.

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 & Recreation Director *w DM*
DATE: May 2, 2011
RE: Bid 2011-T – Athletic Field Marking Paint

Upon reviewing the bid from the three vendors, it is my recommendation that we accept the bid from Pioneer Mfg. Their bid was the lowest on the aerosol paint, which is what we use the most of. They were also the only vendor to match the bid without exception, providing the quality paint desired, without requiring the purchase of new equipment.

CITY OF DAPHNE
BID: 2011-ATHLETIC FIELD MARKING PAINT
4/27/2011

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
 Mr. David McKelroy Recreation Director

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

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

<u>VENDOR</u>	<u>UNIT COST</u>	<u>CAN</u>	<u>Converted to 22 Oz for comparison</u>
John Deere Landscapes	5 Gallon	17 Oz/Cans	comparison
White Field Marking Paint	\$ 70.80	\$ 3.21	\$ 4.15
Purple Field Marking Paint	\$ 125.52	\$ 3.21	\$ 4.15
Gold Field Marking Paint	\$ 125.52	\$ 3.21	\$ 4.15
	\$ 321.84		\$ 12.46
Sherwin Williams, Co.	17 Oz Cans	Converted to 22 Oz for comparison	
White Field Marking Paint	\$ 44.00	\$ 2.90	\$ 3.75
Purple Field Marking Paint	\$ 81.00	\$ 3.50	\$ 4.53
Gold Field Marking Paint	\$ 81.00	\$ 2.90	\$ 3.75
	\$ 206.00		\$ 12.04
Pioneer Manufacturing	22 Oz Cans	Converted to 22 Oz for comparison	
White Field Marking Paint	\$ 72.00	\$ 3.67	\$ 3.67
Purple Field Marking Paint	\$ 88.50	\$ 4.33	\$ 4.33
Gold Field Marking Paint	\$ 67.50	\$ 3.67	\$ 3.67
	\$ 228.00		\$ 11.67



 Suzanne Henson, Sr. Accountant

Baldwin County Economic Development
Alliance

22070 Highway 59, Suite 101
P. O. Box 1340
Robertsdale, AL 36567

Phone #	251-947-2445
---------	--------------

Invoice

Date	Invoice #
9/21/2010	1445

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

Terms
October

Description	Amount
Pledge Made to Alliance 2010 Campaign Pledge due October 2010	10,000.00

Thank you for your continued support!	Total	\$10,000.00
	Payments/Credits	\$0.00
	Balance Due	\$10,000.00

RESOLUTION 2011-

Fiscal 2011 Baldwin County Economic Development Alliance

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

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2011 Budget for the benefit of certain community agencies and events; and

WHEREAS, the Baldwin County Economic Development Alliance is one such agency.

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 agreements in the amount of \$10,000 for the City's 2011 contribution to the Baldwin County Economic Development Alliance.

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

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 **Baldwin County Economic Development Alliance**, (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 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.

If Agency has specific statutory authority to receive funding from City or statutory authority from the City to perform the services or otherwise contract for the _____ same, _____ please _____ specify:

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 public services including, but not limited to, the following within the Corporate Limits of the City of Daphne:
Participate with workforce development committees locally and state wide;
maintain the virtual business incubator to work with start-up businesses; provide

technical assistance for industrial and business park development; maintain and provide demographic and business data; and market properties and sites.

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 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, 2009, 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

Baldwin County Economic Development Alliance

BY: _____

TITLE: _____

Federal ID# _____

WITNESS:

By: _____

Suzanne

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Thursday, April 28, 2011 9:40 AM
To: henson
Subject: RE: Mobile Bay National Estuary Program

We need council to give authorization for the Mayor to enter into contract with them for the services. This will be a motion only as funding is already in place.

Kim

Page 2 of 2

To: ajonesdpln@bellsouth.net
Cc: 'Roberta Swann'
Subject: Mobile Bay National Estuary Program

Dear Ms. Jones,

I am pleased to inform you that your project has been chosen for funding through the "Implementation of Projects Related to Management of Stormwater, Wetlands and Sediment Transport" funding opportunity. Please see the attached letter for details regarding the funding.

Feel free to call with any questions. I look forward to working with you on this project.

Sincerely,

Brenda Lowther
Program Administrator
Mobile Bay National Estuary Program
4172 Commanders Drive
Mobile, AL 36615
251-431-6409 office
251-753-5540 cell
251-431-6450 fax

`.><(((°>

Please consider the environment before printing this email. Thanks!

(Note: no trees were harmed during the transmission of this email, however, several electrons may have been displaced!)



MOBILE BAY NATIONAL ESTUARY PROGRAM

April 25, 2011

Adrienne Jones
Daphne Community Development Department
Post Office Box 400
Daphne, AL 36526

Dear Ms. Jones,

I am pleased to inform you that the Mobile Bay National Estuary Program (MBNEP) Executive Committee approved conditional funding in the amount not to exceed \$15,000 at its March 25, 2011 meeting to support the **Low Impact Development** project. Specific funding conditions will be described in the contract documents.

This project will implement actions prescribed in the MBNEP Comprehensive Conservation and Management Plan including HU-A1 (develop and implement comprehensive land use planning) as it will initiate and encourage the use of low impact development practices, green infrastructure and incentives for the City of Daphne. Specifically, this project will spearhead the process of developing LID/GI practices to be used to supplement the City Subdivision Regulations and to provide alternatives to traditional stormwater management practices.

The overall goal of the MBNEP is to promote wise stewardship of the Mobile Bay estuarine system. This proposal supports an area of need identified through a consensus building process involving all stakeholders of the estuary. We look forward to the results of this important project.

This funding will be available for expenditure beginning June 1, 2011. Any expenditure before June 1 will not be reimbursed. During the next month, we will contact you to execute the necessary contract documents. If you have any questions regarding the expenditure of these funds, please contact Ms. Brenda Lowther at 251-431-6409.

Congratulations! We look forward to being a part of this important project.

Sincerely,


Roberta Swann
Director

RESOLUTION 2011 -

A RESOLUTION DECLARING CERTAIN PROPERTY CLASSIFIED BY THE POLICE DEPARTMENT AS ABANDONED, STOLEN OR CONFISCATED SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

WHEREAS, the Court has ruled that items scheduled on the attached list are Forfeited and/or Condemned and awarded to the property of the City of Daphne Police Department; and

WHEREAS, the Police Department of the City of Daphne has determined that the items scheduled on the attached list are not 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 #
Police		Miscellaneous Bicycles Four Wheeler: Yamaha Moto 4 Craftsman Saw Airstream 7 Gallon Campbell Hausfeld Golf Bag w/Ping Clubs Golf bag w/Taylormade Clubs Saws: Husqvarna & Poulan Mongoose Scooter Weedeater	

- 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 CMC



Approved For Finance Comm. Agenda

Signature
Date

29732 Frederick Blvd.
Daphne, AL 36526
Phone: (251) 625-1919
Fax: (251) 626-3370

04/21/11

City of Daphne, Revenue Division and
City Council of Daphne, AL

Dear Sirs and Madams and The Honored Members of the City Council of Daphne:

I would like to ask for the abatement of our potential penalties in the matter of our city taxes involving Eastern Shore Toyota (Tax ID #9247) and Hyundai of Daphne (Tax ID #8065). It seems we did not receive the Business License Renewal Notices and due to simultaneous turnover in the controller's position, the controller's administrative assistant and another integral position in our administrative office, it did not come to our attention that this had been overlooked until we received a phone call from the City office. At that time we requested the form be sent and on March 17th returned it with checks for the amounts we believed to have been correct at the time (\$6860.11 and \$2373.00 for Eastern Shore Toyota and Hyundai of Daphne respectively). On or around the second week of April we received a call from your office informing us of our miscalculations. We have now rectified this and are enclosing checks in the amounts of \$43,272.21 (Eastern Shore Toyota) and \$10,274.86 (Hyundai of Daphne) for the deficit.

If you would kindly take our challenging circumstances into consideration to abate any penalties I would be very grateful. We will be happy to pay the interest involved.

Very truly yours,

Maggie Cunningham
Controller
Eastern Shore Toyota
Hyundai of Daphne

SALARY INCREASE SURVEY

	Spanish Fort	Robertsdale	Loxley	Fairhope	Bay Minette	Orange Beach	Gulf Shores	Foley	Baldwin Cty.
2010									
Merit or COLA: Amount: (step, percent)	yes, annual step 2.50%	yes, annual & COLA 5% annual - 2% COLA	No	No	No	No	No	No	No
Lump Sum Increase:	yes	yes	Yes	Yes	Yes	No	No	Yes	No
Amount:	\$500/\$100 \$100 for less than 6 mo.	\$300-\$1100 based on longevity	\$50-\$400 based on longevity	FT - \$250 PT - \$100 Prorated for > 1 yr service	FT - \$100 PT - \$25 Gift Card (EE Recog.)			\$500 - FT/\$250-PT	
2011									
Merit or COLA Amount: (step, percent)	yes 2.50%	yes 5% annual - 2% COLA	No	No - not budgeted	FY 11 - Yes .50/hour	No - not budgeted	No	No - not budgeted	No
Lump Sum Increase:	Not sure	Yes	Yes	Yes	Yes	Yes		Yes	No
Amount:	probably the same as last year	same amount	same amount	same amt - must be approved by council	same amount	\$1400 ea. /\$1,000 NET employee	Salary Survey w/increases in Jan. & July	\$500-FT/\$250-PT	
Other:									



The Jubilee City

INTERNAL MEMORANDUM

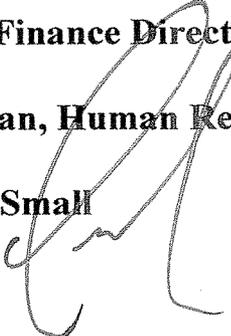
TO: Kim Briley, Finance Director

CC: Vickie Hinman, Human Resource Director

FROM: Mayor Fred Small

DATE: May 4, 2011

SUBJECT: Employee Compensation



I would like to propose to the Finance Committee the request of giving each full time employee a one time check of \$500 (net –after taxes) and \$150 (net after taxes for part time employees. Please prepare these figures and place on the agenda for the May 9th Finance Committee Meeting.

Thank you.

PROPOSED ONE TIME LUMP SUM EMPLOYEE PAY

One Time Lump Sum Pay	\$ 134,377.33
Total Benefits	\$ 19,276.98
Grand Total	<u>\$ 153,654.31</u>

<u># Emp</u>		
234	Full-Time Employees receiving	\$500/each
18	Part-Time Employees receiving	\$150/each
<u>252</u>		

*** *Does not include: Elected Officials, Contract, Part-time Fire Personnel
or Seasonal Temporary Personnel*



Memo

To: Mayor Fred Small
City of Daphne, AL

From: Thomas M. Hickman
Managing Member – New Horizon Retail Development

Date: 4/24/2011 - Hand Delivered

Re: Academy Shopping Center – Public Improvements – Sales Tax Participation

Dear Mayor Small,

Attached please find a summary of the public improvements proposed as part of the development of the Academy shopping center on Highway 90 and the Infirmary Hospital access road.

New Horizon Retail Development is proposing that this list of improvements be included in a sales tax participation agreement similar to what the city of Daphne has agreed to with other development projects in the city.

We propose using the sales tax participation structure where \$.01 cent of the \$.02-1/2 cent sales tax generated by Academy Sports + Outdoors and other users within the shopping center will be used to fund these public improvements.

We also anticipate using the process and documentation similar to the sales tax participation agreements approved by the city in funding improvements in the Renaissance and Eastern Shore (Aranov) projects.

Please review and I am prepared to discuss these improvements in greater detail at your convenience.

Regards,

New Horizon Retail Development

Thomas M Hickman

Managing Member

**Qualifying Public Improvements
Proposed Academy Sports Shopping Center
Highway 90, Daphne, Alabama**

The information below is provided as a list and estimated value of public improvements that will be funded through a sales tax re imbursement agreement with the city of Daphne, AL for sales tax generated by the construction and operation of a new Academy Sports + Outdoors store on Highway 90.

Highway 90 Improvements

1.) Traffic Signal modification at the intersection of Highway 90 and Infirmary Hospital Access Road.

Traffic engineering, permitting and re programming of the existing traffic signal at the intersection of Highway 90 and Infirmary access road.

Re paving and landscaping enhancement to the Infirmary Hospital access road for dedication to the city of Daphne.

Estimated Cost \$80,000.00

2.) Eastbound left turn lane and Westbound deceleration and right turn lane on Highway 90

Design, permitting, and restriping of approximately 375' of roadway for full access to Academy site, Future Development parcels and Required engineering design, permitting and construction of approximately 375' of ALDOT approved deceleration and right turn lane for access to the main Academy entrance.

Estimated Cost \$215,000.00

3.) Westbound deceleration lane with right in/right out access drive

Required engineering design, permitting and construction of approximately 450' of deceleration lane and installation of a right in/right out access drive.

Estimated Cost \$135,000.00

Utility Service Installation and Relocation

4.) Sanitary Sewer Lift Station and Force Main

Design, permitting and construction of approximately 270' of sanitary sewer, lift station and approximately 300' of force main pipe for dedication to the city of Daphne as part of the overall Regional Storm Water Management Area (see Item # 7).

Estimated Cost **\$180,000.00**

5.) Utility Relocation along the Highway 90 Frontage

Relocation as needed of approximately (+/-) 350' of force main, (+/-) 350' of gas line, (+/-) 800' of fiber optic cable.

Estimated Cost **\$320,000.00**

6.) Interstate 10 Right of Way Improvements

Permitting, design, clearing, grubbing, stabilization, landscaping and maintenance of the Interstate 10 right of way frontage. Grading of excess material as needed. Relocation of AT&T telephone line (as needed).

Estimated Cost **\$210,000.00**

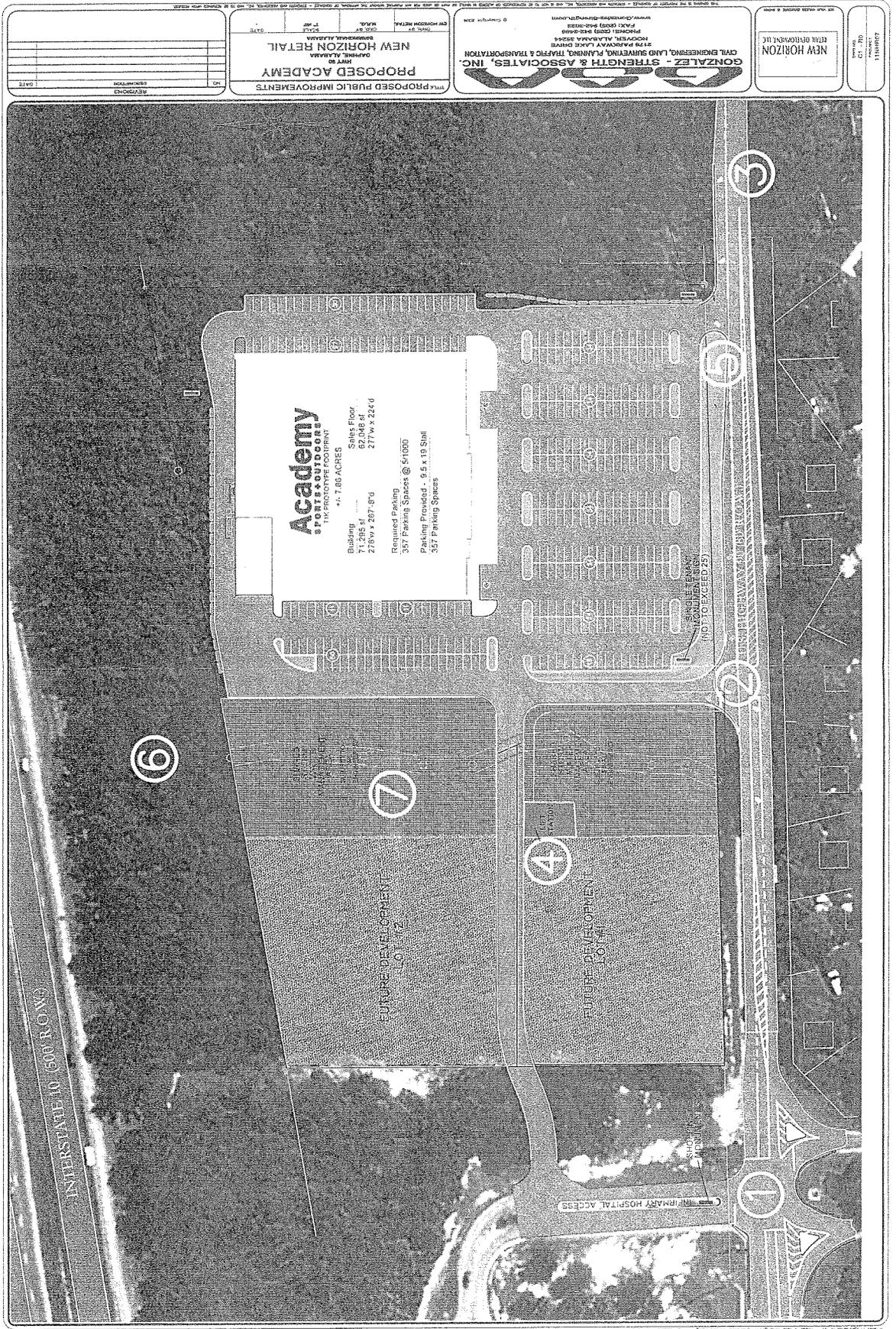
7.) Regional Storm Water Management Area

Land acquisition, design, permitting and construction of storm water detention ponds and retaining walls (as needed) including landscaping, fencing for dedication to the city of Daphne.

Estimated Cost **\$790,000.00**

ESTIMATED TOTAL \$1,930,000.00

The information provided herein is for discussion purposes only and no representations are made or implied. Costs provided are estimates only.



Academy
SPORTS & OUTDOOR
11K PROTOTYPE FOOTPRINT

± 4.788 ACRES

Building 71,285 sq ft
279'w x 257' S'6

Sales Floor 82,046 sq ft
277'w x 247'6

Required Parking 357 Parking Spaces @ 51/1000'

Parking Provided - 5.5 x 15 Stall
357 Parking Spaces

NO.	REVISION	DATE

PROPOSED PUBLIC IMPROVEMENTS
NEW HORIZON RETAIL
DAPHNE, ALABAMA

DATE: 11/11/2011
SCALE: AS SHOWN
BY: GONZALEZ, STRENGTH & ASSOCIATES, INC.

GONZALEZ - STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
2179 PARKWAY LARKEN DRIVE
MOBILE, ALABAMA 36688
PHONE: (904) 850-4444
WWW.GONZALEZ-STRONG.COM

NEW HORIZON
RETAIL DEVELOPMENT, LLC

PROJECT NO. 1111111111

New Radio Setup

Suzanne

From: jholasz [jholasz@daphnefire.org]
Sent: Monday, April 11, 2011 2:28 PM
To: mayorassist@bellsouth.net; Suzanne Henson
Subject: Tower

I have spoken to APT and I am waiting on an email with all of the details. I just wanted to pass on that they have agreed to provide antenna spaces for us but, at a cost. About five years ago they began charging a monthly lease fee. The fee has been decreased from \$6 per foot to \$2 per foot at the Government rate. We are looking at going on the tower between 300ft and 380ft. This will provide excellent coverage to all of our crews and Utilities if they come on board. They will be meeting with Hurricane Electronics this week. Worst case, we are looking at \$760 per month (\$9,120 annually). If Spanish Fort, Utilities, Sheriff's Dept, and Medstar were to share our site, I would think we should be able to split the cost. We do not know, at this time, if they will be going with the same system as ours but, indications are that they will. I know we can not take the chance so I would request the \$9,120 to be added in to the budget. We are looking at beginning installation around July. There would be no requirement for upfront money. If we picked up billing in August, we are looking at \$1,520 (worst case) for the remainder of the fiscal year. I know it is too late to get this out for tomorrow's meeting but can we possibly get this on the agenda for the next meeting? We can not complete application for FCC licenses without having a commitment on tower sites. It is very well possible that the antennas would not hit the tower until after August depending on how soon we can get this to council and get an approval. I don't know what our next step is but, I will send the information to you when I get it from APT. Thank you.

-Joey

Suzanne

From: Joseph Holasz Battalion Chief Daphne Fire Department [jholasz@daphnefire.org]
Sent: Wednesday, April 13, 2011 2:19 PM
To: henson
Subject: Tower modification

Suzanne,

There has been an adjustment in the lease cost for the APT tower. We will also have pay for power usage and rack space in the equipment shed. Power is \$.25 per watt @ 500 watts per month and rack space at \$60 per month. This is billed on a monthly basis. The annual cost for tower lease will be \$11,340. We will submit the first year in our budget, but each dept will need to have a line item in their budget for this (much like cell phones). If we are able to work it out with additional agencies to share the site, we can cut that cost significantly.

From: "Steve Williams, City of Robertsdale.org" <stevewilliams@robertsdale.org>

To: daphnehrdir@bellsouth.net

Hello RSA Members!

There are some serious matters regarding several bills in the House and the Senate under review.

1. (HB 524 and HB 525) Senate Bills (SB 413 and SB 412). These bills would remove our voice in the RSA. Right now we can vote for our choice with whoever qualifies to run for the Board of Control for the Employees Retirement System. HB 524 and SB 413 would remove our right to vote for the 2 Elected Active positions for Local (Cities & County Reps) it would also would remove our right to vote for the 2 Elected Active State positions. Our retirees would no longer be able to vote for the 2 Elected Retired positions on the Board of Control!! These Bills (HB 524 & SB 413) would remove the All Elected positions and allow the Governor to Appoint someone to fill these positions! The Governor would then appoint 5 positions, the President of the Senate would appoint 2 positions, and the Leader of the House would appoint 2 positions!

BOOM!!! Our vote is gone. The democratic process of electing someone to serve you is no more! The majority of the people that would be appointed cannot hold a position in any State, County or City agency. They would be some who does not hold any interest in the Retirement Agency of Alabama. As far as our retirement, who knows how they might vote for future endeavors involving our Retirement funds! After all they won't be able to retire from RSA! So why should they care about us, whereas someone that we elect from our own peer group who has our own thoughts about retirement in mind who is a board member who works in that position without pay (Volunteer) who one day too will look forward to a fair retirement. HB 524 and SB 413 effects Employees on Employees Retirement System and HB 525 and SB 412 effect the teachers on the Teachers Retirement System the same way as it effects the Employees, no more elected representation! Spread the word!! I urge you to contact your Senators and Representatives and tell them to vote nay on the passage of these bills, and ask them to tell their fellow congressmen and congresswomen to vote nay also! I'm not worried about my position on the Board of Control, but I want my vote, your vote and everyone else's vote on the Retirement System's to be something. Where we can have some say in the matters of the Retirement System of Alabama!

2. HB 414 is a bill introduced into the house that will increase the amount that the employees who are members of the Retirement System of Alabama will be required to contribute towards their retirement. Right now we contribute 5% of our pay (Law Enforcement Officers we will list your possible changes below) this bill is in the house for a final vote with revisions and the amount will increase if this bill passes the final house vote and the Governor signs it into law. The increase will be a 1% increase as of May 1st, 2011 then another increase of 1% on October 1st, 2011 (an increase of 2% in 5 months!!) then another increase of .5% on the following October 1st, 2012. This will be a grand total increase towards retirement of 2.5% in 18 months! WOW!! For a total of 7.5% deductions towards Retirement coming out of your paycheck!



2a. Law Enforcement officers, Correctional officers and Paid Firefighters contribute currently 6% of their pay towards their retirement. If this bill passes then the increase for them will be as follows: A 1.2% increase on May 1st, 2011 another 1.2% increase October 1st, 2011 then in October 1st, 2012 another increase of .6% making a grand total of a 9% deduction towards retirement from your paycheck. This does not mean that you will get an increase in retirement benefits from this, no, it means that you will get about \$1000 - \$1500 less each year on your paycheck.



3. HB 504 is a bill introduced by a democrat member of the house that would restart the drop program. There would be changes, such as a member could make no more than \$75,000 a year, have to been a member of the Retirement System of Alabama for at least 30 Years and is at least 57 years old. This bill will have a hard time passing seeing unless your voice is heard also! According to various comments I have heard from the house and others, they don't think the bill has a chance, but..... Every vote counts as well as every voice! Don't let our voice be silenced! Call your Representatives and Senators! Voice your concerns!

Steve Williams
Local Position 1
Retirement Systems of Alabama

I will always be there to serve our members in any way possible.

Contact #'s Representatives and Senator of State of Alabama

Name	State Ph Number	State Email
Joe Faust -	334-242-7699	jfaust@co.baldwin.al.us

<http://us.mc1808.mail.yahoo.com/mc/showMessage?sMid=5&filterBy=&.rand=75528407...> 4/29/2011

Stephen McMillan -	334-242-7723	beld07@gmail.com
Alan Baker -	334-242-7720	staterep@co.escaambia.al.us
Senator Trip Pittman -	334-242-7897	trip.pittman@alsenate.gov

TREASURER'S REPORT

As of April 30, 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	\$8,089,695.80
OPERATING ACCT	COMPASS	(\$228,397.92)
PAYROLL ACCT	COMPASS	(\$10,221.38)
		<u>\$7,851,076.50</u>
INVESTMENT FUND	RAYMOND JAMES (investment 4,828,875.15)	\$4,880,686.24
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$345,654.59
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$11,228.75
4 CENT GAS TAX	RBC BANK	\$333,938.34
7 CENT GAS TAX	RBC BANK	\$281,025.23
		<u>\$626,192.32</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$3,862,041.49
2006 CONSTRUCTION	WACHOVIA	\$943,019.48
		<u>\$4,805,060.97</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,572,398.02
2006 DEBT SERVICE	RBC BANK	\$1,191,100.99
		<u>\$2,763,499.01</u>
		<u>\$21,272,169.63</u>

SALES & USE TAXES

FY 2011 BUDGET/ACTUAL COMPARISONS

ACTUAL COLLECTIONS

	2011												Actual-2011	Budget	Monthly Variance	YTD Variance	% of Budget	
	2004	2005	2006	2007	2008	2009	2010	October	November	December	January	February						March
October	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	819,834.09	819,834.09	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	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	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	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	460,090.72	16.04%				
March	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	976,181.39	905,661	70,520.39	530,611.11	530,611.11	7.79%				
April	752,039.55	863,144.81	988,760.72	960,140.54	963,691.85	823,173.33	809,588.73	-	-	799,876	-	530,611.11	530,611.11	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	-	530,611.11	530,611.11	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	-	530,611.11	530,611.11	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	-	530,611.11	530,611.11	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	-	530,611.11	530,611.11	0.00%				
September	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	-	-	830,946	-	530,611.11	530,611.11	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	5,375,909.11	5,375,909.11	9,815,001	530,611.11	530,611.11	530,611.11	0.00%				

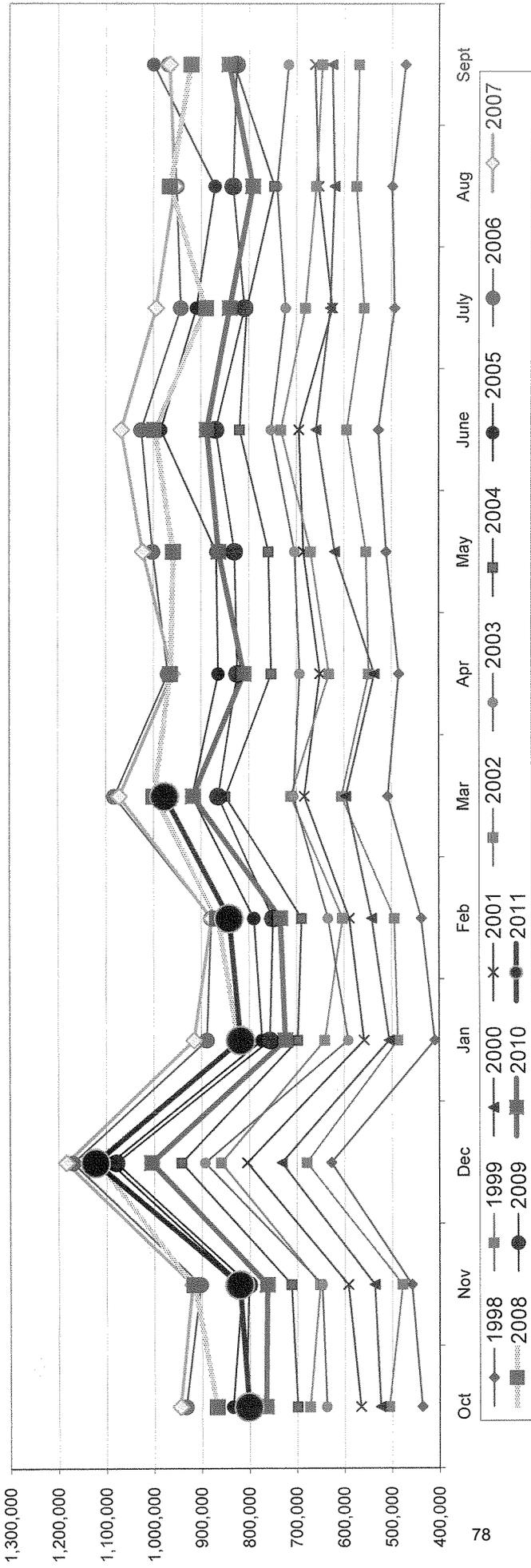
FISCAL YEAR COMPARISONS

	2010-2011												Percent Change	
	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
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)	(98,120.54)	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%	11.69%
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)	(135,060.26)	53,121.77	59,523.84	8.21%	17.86%	-0.94%	-6.81%	-13.53%	6.15%	6.49%
April	111,105.26	105,615.91	(6,620.18)	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)	(60,576.41)	31,078.40	-	13.14%	3.61%	5.50%	-10.52%	-9.07%	3.85%	0.00%
August	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.55)	-	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)	(105,366.34)	471,777.98	15.27%	9.29%	1.44%	-4.99%	-10.99%	-1.05%	4.76%

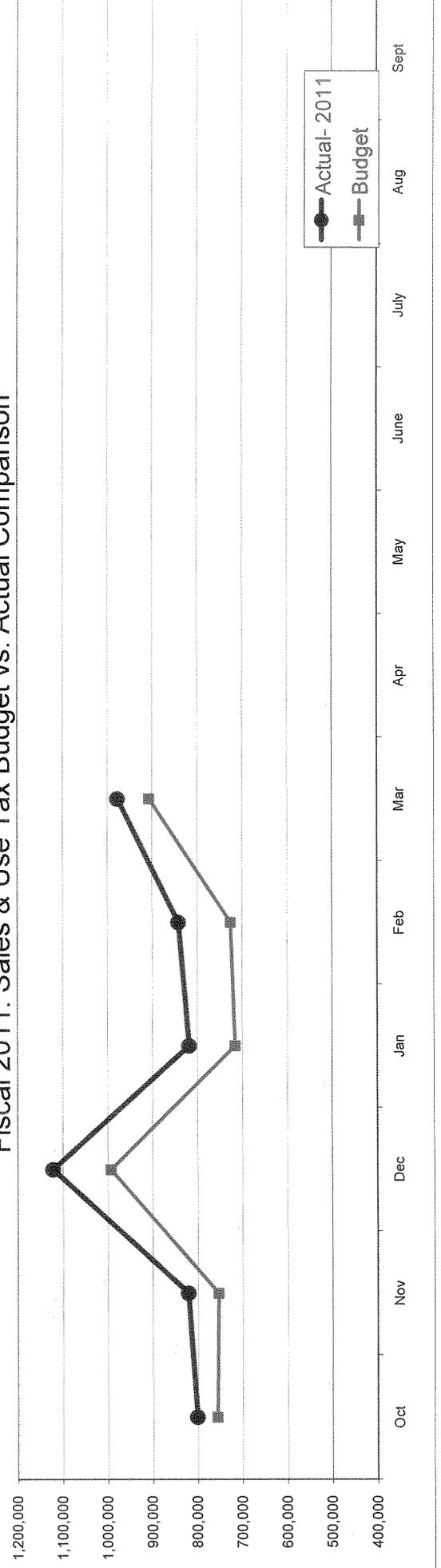
TOTAL collections: FY 10	9,934,179
TOTAL est. bdgt coll: FY 11	9,815,001
Budgeted Dollar Variance 10/11	(119,178)
Budgeted Percent Variance 10/11	-1.20%

TOTAL collections: 3-31-11	5,375,909
Budgeted: 10-1-10 to 3-31-11	4,845,298
Actual Coll: (<)Budget, 3-31-11	530,611
% Over/(Under) Budget, 3-31-11	10.95%

Sales & Use Tax Comparisons



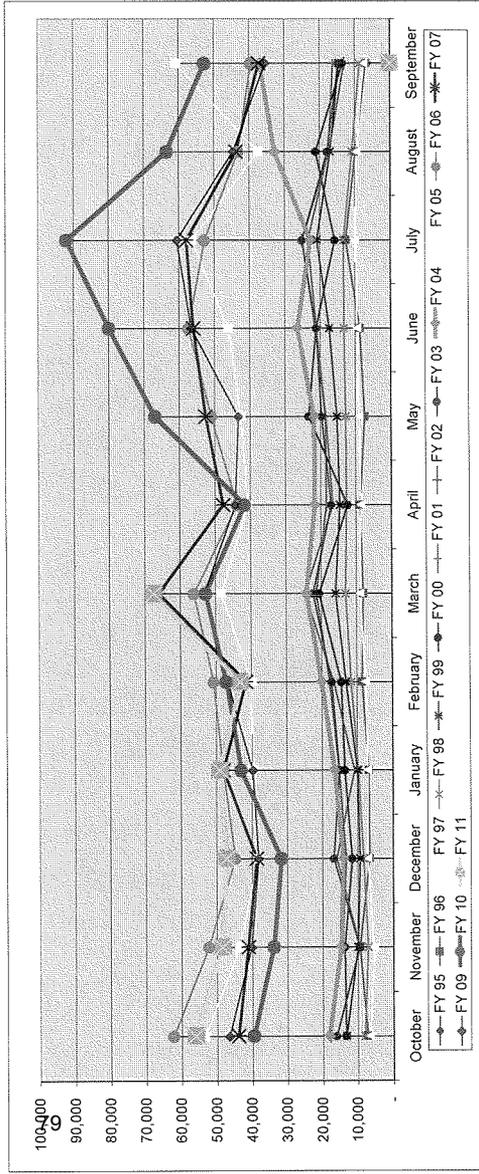
Fiscal 2011: Sales & Use Tax Budget vs. Actual Comparison



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	46,543.20	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	40,178.69	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	38,605.47	31,081.14	36,144.69	31,571.38	47,210.56	
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	16,418.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	
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	43,052.68	
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	67,422.43	
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	43,293.74	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	8,808.02	7,480.02	8,585.91	14,397.11	13,393.86	16,116.04	12,997.60	14,263.86	36,847.13	60,535.33	39,398.90	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	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	311,022.91	

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



FY 2011 Budget	545,000
% Budget Collected,	3/31/2011
	57%

NEW BUSINESSES

April-11

CITY LIMITS		CONTRACTORS	
RETAILERS		MUNDON'S MAINTENANCE	1
DICK'S SPORTING GOODS	1	COASTAL TREE SERVICE, LLC	1
COLD SNAP	1	ROADS, INC OF NWF	1
SLEEPLOFT	1	AGGRESSIVE LAWN CARE	1
ALL OTHER		MONEY'S WORTH LAWN MAINTENANCE	1
WENDE'S - GLASS, METAL, BEADS & JEWELRY	1	ALERT PROTECTION SYSTEMS	1
GUY'S SHRIMPING COMPANY	1	AIR CONTROL OF MOBILE	1
GULF COAST LAWN & MAINTENANCE	1	MELISSA STEELE	1
DELUXE NAILS AND SPA	1	GRANITE REACTION	1
THE HAIR AFFAIR	1	SUPERIOR PLUS LANDSCAPE	1
THE RIGHT DESIGNS	1	OLSON PAINTING	1
SOUTHERN PAIN AND REHAB LLC	1	CHRIS BREWER CONTRACTING	1
MICHAEL KOHRMAN MD	1	S & K HEATING & AIR	1
TIMOTHY REID	1	BURT PLUMBING CO	1
ABSOLUTELY AWESOME CLEANING SERVICE	1	TOTAL CONTRACTORS	14
MICHAEL A PYLANT, PC	1		
TOTAL CITY LIMITS	14	TOTAL NEW BUSINESSES IN DAPHNE	47

OUTSIDE CITY LIMITS		CLOSED BUSINESSES IN DAPHNE	
TSA, INC	1	THRILLZ GIFTS	1
LEWIS LAWN & LANDSCAPE	1	TOTAL CLOSED BUSINESSES IN DAPHNE	1
VISION GOLF MANAGEMENT	1		
AMERICAN BANKERS ASSOCIATION	1		
WORKFLOWONE LLC	1		
SOUTHWEST ENGINEERS	1		
CMI EDUCATION INSTITUTE INC	1		
VIRGINIA CHURCH FURNITURE, INC	1		
SIMS BARK CO, INC	1		
JCE, INC	1		
SAMS WEST INC	1		
CCH INC	1		
TRACHTE BUILDING SYSTEMS	1		
SUPERIOR POOL PRODUCTS	1		
UO.COM LLC	1		
MARKETING WORKS	1		
ZTREME PRODUCTS	1		
NEXEO SOLUTIONS, LLC	1		
BALDWIN JANITORIAL & PAPER	1		
TOTAL OUTSIDE CITY LIMITS	19		

Buildings & Property Committee Meeting
Monday, May 2, 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 Gus Palumbo, Councilman John Lake, Richard Johnson, Public Works Director; Frank Barnett, Maintenance Supervisor; Margaret Thigpen, Civic Center Director; David McKelroy, Parks & Recreation Director; Ashley Campbell – Building Department; Jane Ellis, Mayor’s Assistant

- A.) Minutes from April Meeting:** Motion made to approve minutes from April Meeting. Approved.
- B.) Bocce Courts** – The layout and expenses are going before the Recreation Board at their meeting on May 11th. Discussion about roof – green metal – in keeping with the other roof buildings. Committee made decision to get firm prices on improving the bocce courts and also the batting cage improvements. Discussion continued with regard to all park upgrades, etc. what can BP monies be spent on? **Motion made that this committee pending review and approval by Rec Board authorize appropriation of \$ (blank) based on Public Works Director’s numbers/plans to improve the bocce court and batting cage at Lott Park.** Richard McKelroy said he could get a quote on the tennis courts as well.
- C.) Dog Park Improvements** –Richard Johnson had sketched a design/drawing that could be done in-house excluding the roof and it matches the concession stand roof. Motion made pending the design/costs for this improvement that committee authorize appropriation of funds to complete the improvements.

D.) New Roof at Police Department – Don Bettner presented a PowerPoint presentation about the need for a new roof at the Police Department. The roof leaks in various locations and mold is beginning to accumulate in certain areas. It is worse under the jail area. Baldwin County Health Department noted in the recent inspection the leaks are serious. Court was almost cancelled one night because of rain leaks and two benches had to be roped off. This roof was put on in 1996 with a 10 year life expectancy with that life span ending in 2006.

With total amount being \$594,908 (attached) the committee discussed the way it could be paid for. The question was raised if the court income could pay for the jail and court portion of the roof. The administration side would be capital funds. Check with Kim Briley regarding any encumbered funds that might be available that was set aside for roof repairs. What was earmarked in past years?

Frank stated that before we bid this out we need to get a professional to write the specs which will cost approximately \$6000 based on the quote he has received. This amount needs to be appropriated prior to the bid process. We would want a 20 year warranty plus 2 years contactor warranty on the roof. **Motion was made to send to Finance Committee with recommendation to appropriate \$6000 for the specs to be drawn up on a new roof for the Police Department building.**

E.) HVAC Maintenance Agreement for City Hall - Frank recommends we enter into a contract with a professional company to handle the maintenance for City Hall. (attached) . In the long run it will be cost effective but the only drawback initially is that after the initial inspection of parts there will be some startup costs based on their recommendation to get everything up to par. Frank proposes we move forward with the 3 year 24/7 contract \$8880 annually. They are very knowledgeable and in fact have helped in the past with some things. **Motion made to send to Finance for appropriations with a favorable recommendation.**

F.) Civic Center/Bayfront Report - Margaret distributed detailed report (attached) reporting April Civic Center events brought in \$12,588 in revenue minus discounts for a \$10,213 net. Bayfront events brought in \$6,475 in revenue minus discounts for a \$5,520 net. Because of the economy there seems to be an increased amount of interest and bookings for Bayfront – more affordable. Only a few days left in the year that is available for bookings for both facilities. Open House was held at Bayfront for the public and it resulted in approximately \$2000 in future bookings. Will be advertising in the Business Alabama Magazine that features Daphne in May. Trying to appeal to the business community that we have meeting rooms available during the week and day time.

The Military Show Band will be playing at Bayfront on June 13 at 6:30.

Ballroom Dance brought in \$676 and tickets are being sold for Zydeco Festival. Margaret pointed out that sales on all events are hurt somewhat by the fact that we do not offer payment by credit cards. She is looking into PayPal as well.

G.) Nicholson Center Roof – Frank reported that the roof at the Nicholson Center was in need of repair and he has identified a roof coating system that can be applied with in-house labor for \$2100. This is his recommendation based on the fact we are not sure what the city has planned for this facility. **Motion made to take the appropriation request to the Finance Committee with a full recommendation for \$2100 to purchase the system.**

H.) Other Business – Richard Johnson reported that the work on the Park City bathrooms is moving along.

Meeting Adjourned.



Honesty • Safety • Team Work • Quality

CarolinaRoofing.com

24HOUR: 888-ROOFER1
(766-3971)

April 29, 2011

City of Daphne
Justice Department
Attn: Frank Barnett

Re: Team Roofing is pleased to provide you with a quote for the following scope of work. This scope of work is based on approximately 26,165 sq. ft. of roof area. Please note carefully the inclusions and exclusions of this proposal.

INCLUSIONS:

- Remove existing roof system down to existing metal decking, and properly dispose.
- Inspect existing metal decking for deterioration/rust, proper attachment and repair as required (per unit cost).
- Install/overlay new metal decking @ rusted locations no larger than 16" (per unit cost).
- Remove and install new metal decking @ rusted locations larger than 16" (per unit cost).
- Attach/secure existing metal decking per NRDC standards (per unit cost).
- Install a new tapered Polyisocyanurate insulation system, ¼" pf slope with ½" pf sloped crickets between drains to provide positive drainage. Base layer of insulation will be mechanically attached per manufactures requirements to existing metal deck, the remainder of insulation layers will be adhered with Tremco Fas-N-Free adhesive.
- Install new ½" Dens Deck Prime cover board over new insulation, adhered with Tremco Fas-n-Free adhesive.
- Install one (1) Base sheet of Composite Ply HT adhered with Burmastic Adhesive.
- Install one (1) Interply sheet of 28lb Burmastic Glass Ply adhered with Burmastic Adhesive.
- Install one (1) Cap sheet of Powerply Standard FR (fire rated) adhered with Burmastic Adhesive.
- Remove existing lighting protection and re-install after new roof system is completed.

Charlotte,
North Carolina
1725 Riverview Road
Lincolnton, NC 28092
TEL: (704) 732-1859
FAX: (704) 732-2991

Winston Salem,
North Carolina
182-B Kapp Street
Winston Salem, NC 27105
TEL: (336) 750-8750
FAX: (336) 750-8844

Clayton,
North Carolina
704 West Main Street
Clayton, NC 27520
TEL: (919) 778-1049
FAX: (919) 882-8299

Salisbury,
North Carolina
1316 North Long St.
Salisbury, NC 28144
TEL: (704) 314-1020
FAX: (704) 639-8065

Greenville,
South Carolina
1220 Donaldson Rd. Unit A
Greenville, SC 29605
TEL: (864) 277-3948
FAX: (864) 277-8083

Charleston,
South Carolina
4875 Franchise Street, Suite B
North Charleston, SC 29418
TEL: (843) 576-0040
FAX: (843) 576-0041

- Fabricate and install new .040 Aluminum Kynar finished sheet metal counter flashings, edge metal and scuppers.
- Flash all penetrations and terminate per manufacturer's specifications/requirements.
- Furnish 2 year Contractor's workmanship warranty.
- Furnish 20 year manufacturers Warranty.

EXCLUSIONS:

- Sheet metal coping, re-use existing.
- Certification of lighting protection.

UNIT COSTS:

- Wire brush and prime paint existing surface rust on metal decking \$3.00 sf.
- Installation of new metal decking \$8.00 sf.
- Tek # 5 screws if needed to secure metal deck to structural steel \$0.75 ea.
- Tek # 3 side lap stitching screws if needed for metal decking \$0.25 ea.

Total Cost \$594,908.00

Please add \$14,375.00 to furnish and install new .040 Aluminum Kynar Finish sheet metal coping.

Please call me if you have any questions or comments @ (850) 791-2798

Sincerely,

Robert Murdoch
Team Roofing

Team Roofing appreciates the opportunity to provide you with this proposal.

Please Note: This proposal is valid for 30 days.

HVAC Maintenance at Daphne City Hall

Currently there is no maintenance agreement for the Daphne City Hall HVAC system. The system is going on three years operating without much oversight. While city forces have done minor maintenance there is much that should be done by qualified personnel who work on this type of system everyday. Already one circulating pump for the chilled water system has been replaced and there are other small but important elements that have failed. While we have the desire to maintain the system we do not have the expertise required.

Three types of maintenance coverage.

1. Quarterly preventative maintenance;
Inspection and service of chiller, air handlers, variable speed drives and pumps. Any equipment failures and repairs billed separately.

Priced at approximately \$3500.00 per year.
2. Quarterly preventive maintenance with 24/7 service, preset time and material cost for equipment failures.

Priced at approximately \$4800.00 per year.
3. Full service 24/7 coverage with equipment maintenance, replacement of failed covered parts and labor included.

Priced at approximately \$8800.00 per year

With all of these plans there will be start up cost. Any equipment that is not up to standards will need to be replaced. There is no way to determine what that will be with out a comprehensive inspection of the entire system. I have one estimate for an inspection that is over \$5000.00. I think that money would be better spent on repair cost if necessary.

B & P May 2011

- **Civic Center** = 7 events; 8 days used (not including set up days); = \$12,588.00 (\$2,375.00 was discounted netting \$10,213.00)
 - April Deposits = \$9,880.00
 - YTD Discounts = \$20,313.00
- **Bayfront** = 11 events; 11 days used (weekends primarily; not including set up days); = \$6,475.00 (\$955.00 was discounted netting \$5,520.00)
 - April Deposits = \$6,745.00
 - YTD Discounts = \$2,615.00
- **Special Events Revenue** = \$2,048.00
 - Ballroom Dance - \$676.00
 - Ticket Sales - \$645.00
 - Concessions - \$31.00
 - Zydeco – \$1,372.00
 - Tickets Sales - \$302.00
 - Vendor Fees - \$1,070.00
- **Civic Center & Bayfront Booking Dates Left for 2011**
 - Civic Center = Various Monday-Friday's; Only Sat.'s Left = July 2 (event waiting to confirm), Aug. 13, Oct. 15 & 22, Nov. 19, Dec. 3, 24 & 31 (Conde' Cavaliers are looking at Dec. 31)
 - Bayfront = Various Monday-Friday's; Only Sat.'s left = Nov. 26 & Dec. 31
- **Advertising** =
 - Alabama Business
- **Upcoming Events** =
 - Zydeco – May 20-22
 - Advertising (Attached)
 - 17 Vendors (8 food vendors; 9 commercial/arts & crafts vendors)
 - Military Band – June 13 - Bayfront
- **Past Events** =
 - Ballroom Dance – April 15 – 219 tickets
 - Bayfront Open House – April 19 – roughly \$2000.00 in revenue generated

Permit Activity Report

April 2011

2011-05-02

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R3 BL Permits

ContID/loc#	Contractor Name/Location Name	Permit #/Project #	Master Permit #	Job Location Address	Paid Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC	11-405		10453 Fionne Loop Daphne, AL 36526	Yes A	04/29/2011	04/29/2011	\$102,420.00	\$630.00
5278-1	D R HORTON INC	11-405		10441 Fionne Loop Daphne, AL 36526	Yes A	04/29/2011	04/29/2011	\$117,210.00	\$605.00
5278-1	D R HORTON INC	11-404		10385 Fionne Loop Daphne, AL 36526	Yes A	04/29/2011	04/29/2011	\$102,420.00	\$630.00
5278-1	D R HORTON INC	11-403		24152 Tullamore Drive Daphne, AL 36526	Yes A	04/29/2011	04/29/2011	\$139,170.00	\$715.00
5278-1	D R HORTON INC	11-402		24138 Tullamore Drive Daphne, AL 36526	Yes A	04/29/2011	04/29/2011	\$126,900.00	\$650.00
2106-1	HONS BUILDERS HONS BUILDERS	11-398		10455 PAPAS STREET Daphne, AL 36526	Yes A	04/28/2011	04/28/2011	\$306,090.00	\$1,550.00
4972-1	OWNER OWNER	11-375		27240 Parker Lane Daphne, AL 36526	Yes A	04/26/2011	04/26/2011	\$153,690.00	\$785.00
5278-1	D R HORTON INC D R HORTON INC	11-326		9466 OTTAWA DRIVE Daphne, AL 36526	Yes A	04/11/2011	04/11/2011	\$169,920.00	\$865.00
5373-1	COLONY HOMES COLONY HOMES	11-320		8975 TIWASEE BLVD. Daphne, AL 36526	Yes A	04/06/2011	04/06/2011	\$276,930.00	\$1,400.00

Total Residential - NEW - R3 BL Permits) 9 \$1,494,750.00 \$7,630.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

Con/D/Lo#	Contractor Name/Location Name	Permit #/Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
2106-1	HONS BUILDERS	11-397		30221 GREEN CT. Daphne, AL 36526	Yes	A	04/28/2011	04/28/2011	\$146,370.00	\$750.00
	HONS BUILDERS						Timber Creek		SQ. FT.	Lot 23
1780-1	GEOFF LANE CONSTRUCTION	11-330		7724 Karl Lane Daphne, AL 36526	Yes	A	04/12/2011	04/12/2011	\$109,620.00	\$665.00
	GEOFF LANE CONSTRUCTION						caroline woods		SQ. FT.	Lot

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s) 2 \$255,990.00 \$1,315.00
 Total Residential - NEW BL Permit(s) 11 \$1,750,740.00 \$8,945.00
 Total Residential BL Permit(s) 11 \$1,750,740.00 \$8,945.00

Non Residential - NEW - B2 BL Permits

Con/D/Lo#	Contractor Name/Location Name	Permit #/Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4893-1	CENTRAL ASSOCIATES, INC.	11-312		8909 RAND AVE. Daphne, AL 36526	Yes	A	04/05/2011	04/05/2011	\$390,600.00	\$2,346.00
	CENTRAL ASSOCIATES, INC.						AUSTIN PLACE		SQ. FT.	Lot 25 & 26
Total Non Residential - NEW - B2 BL Permit(s) 1 \$390,600.00 \$2,346.00										
Total Non Residential - NEW BL Permit(s) 1 \$390,600.00 \$2,346.00										
Total Non Residential BL Permit(s) 1 \$390,600.00 \$2,346.00										
Total BL Permit(s) 12 \$2,141,340.00 \$11,291.00										

Grand Totals 12 \$2,141,340.00 \$11,291.00

April 2011

2011-05-02

Permit Activity Summary Report

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	33	\$2,482,278.00	\$13,351.00 14,296. ⁰⁰
EL	ELECTRICAL PERMIT	22	\$0.00	\$2,343.60
LD	LAND DISTURBANCE	3	\$0.00	\$150.00
ME	MECHANICAL PERMIT	26	\$26,620.00	\$2,680.68
PL	PLUMBING PERMIT	32	\$9,770.00	\$1,930.00
Grand Totals		116	\$2,518,668.00	\$20,455.28 \$ 21,400.28

April 2011 - Building Permits
ONLY!!

Periodic Report of Permits Issued by Improvement

05/02/2011

	Code		Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
NEW	R3	BL	9		\$1,494,750.00	\$7,630.00
NEW	R4 - HIGH DENSITY R	BL	2		\$255,990.00	\$1,315.00
REPAIR	R3	BL	1		\$13,000.00	\$80.00
REPAIR	R4 - MULTI-FAMILY	BL	1		\$8,800.00	\$60.00
REMODEL	R1	BL	1		\$95,000.00	\$490.00
RE-ROOF	R1	BL	2		\$20,185.00	\$135.00
RE-ROOF	R3	BL	6		\$47,876.00	\$340.00
POOL	R3	BL	2		\$60,787.00	\$340.00
VINYL SIDING	R3	BL	1		\$1,000.00	\$20.00
CARPORT	R1	BL	1		\$22,000.00	\$125.00
MISCELLANEOUS	R3	BL	1		\$5,290.00	\$45.00
Non-Residential						
NEW	B2	BL	1		\$390,600.00	\$2,346.00
REMODEL	B2	BL	1		\$40,000.00	\$240.00
Total - BUILDING PERMIT			29		\$2,455,278.00	\$13,166.00
Grand Total			29	0.00	\$2,455,278.00	\$13,166.00

Public Safety Committee

Wednesday, May 11, 2011

Councilman Gus Palumbo, Chairman
Councilman Derek Boulware
Councilman Kelly Reese
Fire Chief James White

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilman Gus Palumbo, Councilman Derek Boulware, Chief David Carpenter, Lt. Jud Beedy, Chief James White, and Melvin McCarley.

CALL TO ORDER

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

PUBLIC PARTICIPATION – No Public Participation

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from April 2011 – Councilman Boulware made a motion to adopt the minutes; the motion was seconded by Councilman Palumbo. Motion passed.

POLICE DEPARTMENT

- A. **New Business** – Chief went over the stats for March 2011. He advised the committee of the B&E's that have happened over the last week or so. He also informed them that Captain Bell was working on a press release called "Lock it or Lose it". It will be a campaign to make citizens aware of the benefits of locking their vehicles so as not to have their personal property stolen out of an unlocked car.

Chief Carpenter mentioned the attached survey from Alabama Municipal Insurance Corporation. He stated that our average workman's comp loss for the past four years was only 40%. Councilman Palumbo questioned what that meant, and Chief Carpenter explained that the 40% is the average loss in workman's comp claims which is good according to Roger Owen with AMIC. Most agencies are around 70%.

- B. **Old Business** – None

FIRE DEPARTMENT

- A. **New Business** – Chief White went over the stats for March 2011. He advised that they had 5 structure fires with minimal damage and 140 EMT calls. Chief stated that the Fire Department

is still collecting goods for tornado victims.

B. **Old Business –**

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Palumbo adjourned the meeting at 5:00 p.m. The next meeting will be Wednesday, June 8, 2011 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: March 2011

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	0
11-Structure Fire/Commercial	1	1
11-Structure Fire/Residential	5	11
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	1	2
14-Natural Vegetation Fire	2	5
15-Outside Rubbish Fire	2	3
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	146	430
4-Hazardous Conditions (No fire):	6	15
5-Service Call:	13	33
6-Good Intent Call:	14	46
7-False Alarm & False Call:	19	54
8-Severe Weather & Natural Disaster:	2	2
9-Other Situation:	0	2
Total Emergency Calls:	200	582
Monthly Total Calls:	212	604
Miscellaneous Reports:		
Highest:	12:00	12:00
Lowest:	<1	<1
Average (Minutes/Seconds) :	4:45	4:45
Training Hours	30	150
Property Loss - \$	\$10,050	\$155,552
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	96	294
Number of Patients Treated	149	434
Child Passenger Safety Seat Inspections/Installations	13	37
Classes	4	10
Persons Attending	125	148
Plan Reviews	1	5
Final/Certificate of Occupancy	1	1
General/Annual Inspections	76	159
General/Re-Inspections (Violation Follow-up - Annual)	0	4
Business Licenses	7	27
Consultations-	0	0
All Other/Misc. Activities	0	0
Total Activities:	85	196

Authorized by:

James White

Chief James White

Ordinance Committee

*Wednesday, May 11, 2011
City Hall Council Chambers
5:30 p.m.*

*Councilman Kelly Reese
Councilman Gus Palumbo
Councilman Derek Boulware*

I. CALL TO ORDER/MEMBERS PRESENT

Members Present: Gus Palumbo and Derek Boulware

Others Present: David Cohen, Eric Bussey, and Judd Beady

II. PUBLIC PARTICIPATION

None

III. ORDINANCE REVIEW/DISCUSSION

- a. A discussion for need for revising the definition of a business in the business license was held.

Motion by Mr. Boulware Seconded by Mr. Palumbo To recommend to the city council a revision of the business license ordinance.

ALL IN FAVOR NONE OPPOSE MOTION CARRIED

IV. OTHER BUSINESS

A discussion on the sewer hook up waiver of fees was discussed but no action took place.

V. ADJOURN

Motion by Mr. Boulware Seconded by Mr. Palumbo To adjourn at 5:45 P.M.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED



CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

May 6, 2011 Meeting Minutes

District 1

In attendance:

District 2
Carolyn Coleman
Dorothy Morrison,
Chair
Marilyn O'Connor-
Moore
Bea Wilson

Margie Bellue, Carolyn Coleman, Richard Johnson, Elaine Maxime, Marilyn O'Connor Moore, Dorothy Morrison, Denise Penry, Rebecca Trosclair, Tomasina Werner, Bea Wilson, Selena Vaughn

March meeting minutes were approved. April minutes were not available.

District 3

Treasury reported we have \$1700 to spend by the end of September. Members voted to spend \$320 on more hawthorns to continue the planting on Main Street, and to spend \$300 on warm white lights for the City Hall Christmas tree.

District 4
Tomasina Werner,
Publicity
Selena Vaughn,
Secretary

Parks and Recreation Report:

Richard announced the John Lewis Patrick Park on Johnson Road has a restroom facility under construction and it will need landscaping ideas. Village Point Foundation worked with AmeriCorps volunteers in April and cleaned several dump sites in the Preserve, planted trees, cleared the overgrown rails around Jackson's Oak, sprayed poison ivy patches near paths and removed some of the privet along the main trail.

District 5
David Dueitt
Patty Kearney

Tomasina wishes to do some publicity on both items.

District 6
Elaine Maxime

Public Works Report:

District 7
Rebecca Trosclair

PW truck beautification signs are on order.

The gazebo for Centennial is delayed but on track for installation in June. Crape Myrtles on Main near Montrose are being moved from the west side of the road to a sunnier spot after a citizen called about them being shaded and never blooming. Tomasina and Dwayne have discussed and are working on it.

City Liaisons
Margorie Bellue
Richard Johnson
Dwayne Coley
David McKelroy
Denise Penry
Pat Albert

Lake Forest road improvement update was given and research is needed for trees with little root growth and appropriate for streetscapes.

Whispering Pines at Main tree planting project still on hold until landowner decides on their improvements.

American flags scheduled to be hung before end of month.

Mayor's Pothole Patrol program announced and the web site is coming.

May Day Park landscape installation planned for fall.

DBC Report:

Beautification award for April/May/June was given to Daphne United Methodist Church. District 2 is scheduled for the July/August/September competition. A landscape plan request for the SE corner of the Main Street & 98 intersection was brought up again. It was agreed to make this a priority for planting this winter.

Committee requested Crape myrtles on 98 be mulched.

Meeting adjourned.



**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 5:03 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Dan Gibson
Joe Lemoine, Secretary
Don Terry
Ed Kirby, Chairman
Victoria Phelps
Larry Chason, Vice Chairman
*Cathy Barnette, Councilwoman
Chief James "Bo" White

Ms. Barnette arrived at 5:06 p.m.

Staff Present:

Adrienne Jones, Director of Community Development
Richard Johnson, Public Works Director
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Erick Bussey, Associate Attorney

Staff Absent:

Ashley Campbell, Environmental Programs Manager
Jay Ross, Attorney
Misty Gray, Attorney

Others Absent:

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

The first order of business is the call to order.

Chairman: Please let the record all of the members are present.

The next order of business is the approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the January 27, 2011 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Phelps and **Seconded** by Mr. Lemoine **to approve the minutes of the January 27, 2011 regular meeting. The Motion carried unanimously.**

Ms. Phelps: I would like to thank staff for making the adjustment to the minutes.

The minutes of the February 24, 2011 regular meeting were considered for approval.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Phelps and **Seconded** by Mr. Lemoine **to approve the minutes of the February 24, 2011 regular meeting. The Motion carried unanimously.**

The next order of business under old business is an administrative presentation for the City of Daphne and the Utilities Board of the City of Daphne.

OLD BUSINESS:

ADMINISTRATIVE PRESENTATION:

Presentation to be given by Ms. Adrienne Jones, Community Development Director, or Mr. Jay Ross, City Attorney, regarding the division of property for public use by the City of Daphne and the Utilities Board of the City of Daphne. The subject property is located southeast of the intersection of U. S. Highway 98 and Johnson Road.

Chairman: Ms. Jones.

Ms. Jones: I am going to make it quick and easy and pass it off to Mr. Johnson.

Mr. Johnson: This is a step in the process that started with a request and presentation to the Building and Properties Committee. This is a request for the City of Daphne and the Utilities Board of the City of Daphne to swap out various properties in the City of Daphne, and you are aware you have approved a potential subdivision we sit on today involving the water tower. The property in question is located on the east side of the Daphmont Subdivision community in Daphne at the very end of Johnson Road. It has a lift station located there.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Johnson: For whatever reason, record keeping, insurance or course of business, the Utilities Board of the City of Daphne feels strongly they need to hold possession of those infrastructures that they maintain. They do not hold title to the property the lift station sits on. In this case, they would like to take possession of a seventy-five by seventy-five foot parcel. With that being said, the City Council and the Mayor will consider whether or not the land swap is warranted and appropriate once there is to be a clearance of the subdivision. We have approval of the subdivision for the water tower, and tonight we are trying to get this one here. With that, based upon the Ordinance we have an exemption for a piece of land for public use. In this case you have Daphne Utilities which is a public utility regulated by the Public Service Commission. They have the right of eminent domain, and of course the City of Daphne is a public entity. Ms. Jones and I have discussed that it does meet the criteria for the public use exemption. Also, it does require the oversight of this body to determine whether or not the administration's determination to do an exemption is there. Basically, if this body deems the exemption is there, then it can be processed and signed off by Ms. Jones.

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

Mr. Chason: Any new news on the description since you and I had talked last.

Mr. Johnson: I believe my response to you in that meeting was the question at hand in owning a piece of property that is in this case we are only transferring the seventy-five feet by seventy-five feet parcel. It has been surveyed. The title has been done. The corners have been set, and it has been legally described by Hutchinson, Moore & Rauch. The City is not a developer. We are not advertising for it to a remnant parcel to be sold to a developer or anything like that. It was developed back when Daphmont Subdivision was created because it served as a buffer for those who lived there. Mr. Chason and I agree the deed does not meet the standards of what you would expect today. But for the fact there is twenty plus common corners in Daphmont that is associated with the cost to direct them to do a boundary survey which may be prohibitive and expensive for the City. In my opinion, there is no benefit or merit in doing that since that piece of property is not in place to be transferred, swapped or the City does not have any eminent plans for it.

Mr. Chason: I do not know how to sum all of this up, but I will say this. I agree with what Mr. Johnson is saying. There is no need to hold up a subdivision for a land swap. A one lot subdivision with a metes and bound description is fine. I do think in the process of reviewing the deed that was given to the City an error was in the legal description. It is not my or the Planning Commission's place to make any type of legal determination how important is that fact, and what can be done, if anything, to correct it. I do not think there is any question in my mind, my purpose in this is if you asked a title company to insure the title to the property they would not do it. I know Mr. Johnson's concern, and I agree with him. He does not want this to fall on Public Works. I just think when you discover problems you should go ahead and do what you need to do.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Chason: In my experience, when you have a problem like this the more time that goes by the more costly and complicated it becomes to correct it. Opinions are that this property will never be used as for anything and never be sold so why worry about a bad description. Personally, I think the legal department should point this out to the City Council. If they do not want to do anything about it, then that is fine. I would hate to not saying anything about it and let it go on down the line and become a problem at some point, then you would wonder why didn't you do something about it. It may not need a survey. I discussed this with a few friends which are professionals at this, and they think possibly that an affidavit might do. Also, the grantor of the property is Dr. Raymond Bell. He is from Mobile and is probably still alive and could give you a correction deed. All that happened is in the transcribing of the legal description a call was left out. What the City has does not close on the rest of it. It is the type of problem of which I do not think you would have to be a lawyer to understand that. If it has nothing to do with this application, then I do not think that it should fall on Mr. Johnson and Public Works to deal with it. I have asked the question to the Planning Commission and Ms. Barnette to forward to the City Council that we have a piece of property in the City that has a title problem, but it does not bother me one way or the other.

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

Mr. Gibson: I want to ask is the error like a twenty-second error? I do not even know what it is.

Mr. Chason: I am not sure Dan, but I think that Hutchinson, Moore & Rauch said they missed a line which would be just a bearing and distance. That line is missing. It is an opinion of some that all you have to do is to file an affidavit to correct it. It might cost one hundred dollars or Mr. Bell may have to issue a corrected warranty deed which might cost two hundred dollars. I do not think you need to do a survey. I think the legal description is a very good description, but it is incorrectly written.

Ms. Phelps: With what we are doing for the land swap, do we have precedence for that? Has it happened before where we have done a land swap with Daphne Utilities?

Mr. Johnson: I don't have enough history with the City to say whether or not it has, but it is very common.

Mayor Small: Actually we swapped with them and gave them the water tower and the Bay Rivers Art Guild two or three years ago, and now they do not want the art guild and we are going to get it back.

Ms. Phelps: For the sake of this application Mr. Chason's comments are germane, but not germane to what we are trying to accomplish tonight? They are germane to the parcel.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Johnson: Again this is a legal determination, but my understanding is the only oversight is that this division of land meets the requirements for a public use exemption. Whether a boundary survey legal description closes or not is not germane to be discussed. Again, I know that Mr. Chason is concerned. You would be asking the legal, Community Development, or Public Works staff, who are shorthanded, to solve a problem which has existed forty plus years or since the Daphmont development was created in the early fifties or sixties. It was at that time that this parcel and legal description were created.

Mr. Chason: It was in 1988.

Mr. Johnson: That is when the property was conveyed to the City of Daphne.

Mr. Chason: That is when the legal description was created.

Mr. Johnson: If it is twenty-two or forty-two years, there is not a pressing issue. It has been noted in the property that the City owns, and there is no dispute by a neighboring property owner. Again in a perfect world every "T" would be crossed and every "I" would be dotted, but I would guarantee you if we looked at every deed the City owned that somewhere around ten percent of them would have a description error in them. Tomorrow it does not make any more difference than it does today.

Ms. Barnette: Mr. Chairman, I think we should ask legal to clean it up. It has no bearing on tonight's decision, but I agree with going ahead with the land swap approval. However, I do think that it would be foolish for us to say there is an error, but we do not want to fix it. I would say for us to make that request to the City Council or for this body to instruct Mr. Bussey to correct the error. I think it would be foolish to let it lie.

Chairman: I would just say since it will require an expenditure of funds that I would think that the City Council will need to do that.

Ms. Phelps: I would just say maybe Mr. Chason's comments should go into the record so that it is noted in our minutes. It should be noted that a problem exists, and it was pointed out by this body.

Mr. Chason: I do think where a lot of the rub comes in is having to go out there to do a metes and bounds survey. My point is I do not think that is necessary. I am real confident that it could be handled fairly simple. It will not cost a lot of money or take a lot of time.

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

A Motion was made by Ms. Barnette and Seconded Ms. Phelps to grant an exemption for the division of property on Johnson Road for the City of Daphne and the Utilities Board of the City of Daphne. The Motion carried unanimously.

Mr. Terry: I thought we were voting on whether or not it was an exemption to the subdivision regulations?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Barnette: I did fail to say that. I will amend my motion to grant an exemption of the subdivision and to approve the land swap.

An **Amended Motion** was made by Ms. Barnette and **Seconded** Ms. Phelps to **grant an exemption for the division of property on Johnson Road and to favorably recommend to the City Council the approval of the land swap for the City of Daphne and the Utilities Board of the City of Daphne. The Motion carried unanimously.**

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

Ms. Barnette: Mr. Chairman, just for the record are we going to include our comments of this discussion in the minutes that are forwarded to the City Council, correct?

Chairman: If it is Mr. Chason's desire to have his comments included?

Ms. Dickson: All of the comments or just Mr. Chason's?

Ms. Barnette: I am requesting that his comments be included.

Chairman: It is Mr. Chason's comments so I am asking for him to make that call.

Mr. Chason: That will be fine.

Ms. Dickson: Thank you.

The next order of business under new business is an administrative presentation for 181 Ventures, L.L.C.

NEW BUSINESS:

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Joe Steen, Real Estate Development representing 181 Venture, L.L.C., requesting a replat review of Parcels 05-43-06-23-0-000-018.002 owned by Mr. Brent Cumbest, Mr. Mark Cumbest, and Mr. Joe Steen, and 05-43-06-23-0-000-015.005 owned by Belforest Baptist Church to move an interior common lot line in accordance with Article 11-5 of the Land Use and Development Ordinance. The subject property is currently zoned B-1, Professional Business District, and B-3, General Business District, in Baldwin County District 15, and is located southwest of the intersection of County Road 64 and Alabama Highway 181.

Mr. Steen: We have asked Baldwin County to grant us an exemption on the subdivision of lots and requested to move our common interior lot line of Lot A back three feet. It will reduce the lot size of the church property, and increase the size of our property.

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

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Ms. Barnette: Mr. Chairman, I just have one since I did not make the work session. Do these parcels have two different zoning designations?

Mr. Steen: It does, and we have applied for a zoning change with Baldwin County. The large tract is zoned B-3, and fifty-three feet is B-1. The Planning Commission has approved it, and now it has to go to the County Commission.

Ms. Barnette: It is our policy we do not like to have two zoning designations on one parcel.

Mr. Chason: I apologize for not being at the work session. Is the strip that runs behind those four lots one lot that is landlocked and does not have access?

Chairman: In the next presentation, he is going to put that parcel together with another lot. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

Ms. Barnette: The only comment that I would make is if Baldwin County denies the zoning amendment, we would request that you come back to this body for review.

A Motion was made by Ms. Barnette and Seconded Ms. Phelps to grant an exemption in accordance with Article 11-5 of the Land Use and Development Ordinance to move an interior common lot line of Lot A for 181 Venture L.L.C. and Belforest Baptist Church. The Motion carried unanimously.

The next order of business under new business is an administrative presentation for 181 Ventures, L.L.C.

An introductory presentation was given by Mr. Joe Steen, Real Estate Development representing 181 Venture, L.L.C., requesting a replat review of Parcels 05-43-06-23-0-000-018.000 owned by Mr. Brent Cumbest, Mr. Carter Franklin and Mr. Mark Cumbest, and 05-43-06-23-0-000-015.005 owned by Belforest Baptist Church, shown as Lot 1, to remove an interior common lot line of each parcel in accordance with Article 11-5 of the Land Use and Development Ordinance. The subject property is currently zoned B-1, Professional Business District, and B-3, General Business District, in Baldwin County District 15, and is located southwest of the intersection of County Road 64 and Alabama Highway 181.

Mr. Steen: You are looking at the exact same situation for Lot 1.

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

A Motion was made by Ms. Barnette and Seconded Ms. Phelps to grant an exemption in accordance with Article 11-5 of the Land Use and Development Ordinance to move an interior common lot line of Lot 1 for 181 Venture L.L.C. and Belforest Baptist Church. The Motion carried unanimously.

The next order of business under new business is an administrative presentation for the Olde Towne Cottages.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

An introductory presentation was given by Mr. Chason Wachter, the owner. I am requesting an extension of a site plan which was approved by the Planning Commission on April 23, 2009 for a project located northwest of the intersection of Trione and Guarisco Streets known as the Olde Towne Cottages. I am just requesting an extension. There were no changes whatsoever to the site plan.

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

A Motion was made by Mr. Terry and **Seconded** by Mr. Gibson **to grant a two-year extension of the site plan approval for the Olde Towne Cottages retroactive to April 23, 2010. The Motion carried. Mr. Chason abstained.**

The next order of business is an administrative presentation for a master plan revision of St. Augustine Subdivision.

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting a master plan revision of St. Augustine Subdivision located northeast of County Road 64 on Rigsby Road. On the plan before you Phase I of the subdivision have already been recorded. It is zoned RSF-2, Single Family District, in Baldwin County District 15 which requires twenty thousand square foot lots. We have more than adequate common open space. I will be happy to answer any questions you have.

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

Ms. Barnette: Mr. Chairman, I cannot let this one go by without saying I think the County has made a mistake in objecting to the previous master plans. I think the previous plans are what this body has been trying to get. I am sorry that the County did not consider approval of the previous plans because I thought they were much better.

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

A Motion was made by Ms. Barnette and **Seconded** by Mr. Lemoine **to approve the revised master plan of the St. Augustine Subdivision. The Motion carried unanimously.**

The next order of business under petitions is a zoning amendment review for GCD Acquisitions I, L.L.C.

PETITIONS:

ZONING AMENDMENT:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 24, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Present Zoning: B-2, General Business

Present Zoning: R-4, High Density Multi-Family Residential

File Z11-01: GCD Acquisitions I, L.L.C.

Location: Northwest of the intersection of Anchor Cross Boulevard and U.S. Highway 90, Lot 2A of the Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis

Area: 11 Acres ±

Owner: GCD Acquisitions I, L.L.C.

Agent: Easlan Capital - Hunter or Gordon Gibson

Owner: GCD Acquisitions I, L.L.C. - Kent Levenson

An introductory presentation was given by Mr. Gordon Gibson, requesting the rezoning of an eleven-acre parcel located northwest of the intersection of Anchor Cross Boulevard and U.S. Highway 90 on Lot 2A of the Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis from a B-2, General Business, to an R-4, High Density Multi-Family Residential, zone.

Mr. Gordon Gibson: We have an eleven-acre tract located off of U.S. Highway 90 we would like to have rezoned to multi-family for the development of apartments. We have an existing development in Spanish Fort on Highway 31. We have a sizable investment in this property and are trying to bring quality, affordable housing to this area. I will be happy to answer any questions you may have.

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

Mr. Dan Gibson: It appears that County Road 13 extension runs through part of the property. Is that true?

Mr. Gordon Gibson: There is an extension stub-out which is part of the Malbis commercial development across the street adjoining the cancer center. It is planned to be constructed through what will become a commercial park, but we do not have anything to do with that. We would only extend the road in order to serve the apartments.

Mr. Chason: I just have two questions. The master plan we did for that entire commercial park which shows the road pattern or layout is this connected to that?

Chairman: I do not know, but now we do not have a layout for Frederick or Anchor Boulevard to tie into it.

Mr. Chason: Maybe my second question will help. What is the time table for this development?

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Mr. Gordon Gibson: By the summer or the fall.

Mr. Chason: The point that I would like to make is we have had similar proposals in other parts of town where we have gone from B-2 to R-4 and then back to B-2. If the apartments deal falls through, then you are going to want to go back to B-2. If the project is going to start in a reasonably short time, then you are committed. The financing is not in place, but it is to some degree to be determined whether this is going to be developed or not. My question to you is what degree of certainty would you say this property will be developed as apartments?

Mr. Gordon Gibson: I think it is very likely it will be developed as apartments because short lease commercial space is virtually unfinanciable in this environment. Apartments, are by far the most financiable type projects out there today and also because the property does not have any access to U.S. Highway 90. From what I have seen over there at Bass Pro Shop, there is a tremendous amount of retail vacancies.

Mr. Chason: I agree. I would be for the rezoning to R-4, but I would not be for a rezoning back to B-2 because of the point you just made. There are acres and acres of B-2 north of U.S. Highway 90, but not that much R-4.

Mr. Gordon Gibson: As I understand it you recently extended sewer service down U.S. Highway 90, at your expense or someone else's expense. One thing about apartments on the line you will start getting sanitary sewer treatment capacity through the system because an apartment complex generates quite a bit of water.

Ms. Barnette: I hate to be negative, but I do not see this as a compatible use for this area at this time. I know you are saying this from a development standpoint. From our Land Use Development and Comprehensive Plan, it is not compatible with our vision of what we were looking for on U.S. Highway 90. I am not ready to abandon that vision yet and for that reason, I am not in support of the rezoning.

Chairman: Do any of the Commissioners have any questions or comments? I will point out that we have a copy of the Comprehensive Plan, and it does not follow what we have set out for that area. My only concern, if it is rezoned, is the amount of traffic which will be generated out of one drive way so to speak: from one hundred fifty-four or one hundred sixty-eight apartment units. If there is no objection, the Chair will entertain a motion.

Mr. Gordon Gibson: Apartments generally generate lower traffic comparable per acre than commercial.

THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Dan Gibson: Mr. Chairman, I went out to the cancer center about four thirty or five in the afternoon, and I tried to exit the drive way. It took forever. Do you plan to install a traffic light?

Mr. Gordon Gibson: It would be a draw back if you have too many stop lights on U.S. Highway 90 too close together. Certainly, an acceleration and deceleration would be required with the plan approval.

Mr. Dan Gibson: Acceleration and deceleration lanes work fine if you are going to stay on that side of the road, but they do not work fine if you are trying to get to the other side of the road. That is what I was trying to do.

Mr. Gordon Gibson: At some point there are plans to put an exit ramp from Interstate 10 to tie to County Road 13 and run along the service road along Interstate 10.

Chairman: The last word right now is that project is off the table.

Ms. Phelps: I appreciate you looking at our community for investment potential. You have invested in our area of Spanish Fort and Daphne by developing the complex up there. While I would like you to keep looking at our area for potential investment to have a complex in Daphne, as well, tonight I am not quite ready to move away from business at this time in that area. If it had been a little more to the right of this given the economic pain that we are in, then I may have been willing to do so. At this time tonight, I probably will not be for the rezoning, but I would like to encourage you to continue to look in Daphne. If you find another area and request R-4, we may welcome you with open arms.

Chairman: One question. Do you actually own this piece of property?

Mr. Gordon Gibson: It is owned by an affiliated partnership, but not by me personally. I do not have any direct ownership. It is owned by some of our partners and outside investors.

Chairman: I just was asking if you were coming in to buy the parcel.

Mr. Gordon Gibson: We already own it. We think that it will be many, many years before you will see a demand for commercial property. The complex is at one hundred percent occupancy. If you do not get more units in this market, you are going to see rent going to very high levels so you need more affordable housing.

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

THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Phelps: If indeed this application is denied tonight, you still have the opportunity to go to the City Council.

Ms. Jones: For your clarification, this body is an advisory body to the City Council and the City Council will make the final decision.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Gibson *for the unfavorable recommendation by the Planning Commission to the City Council of Daphne regarding the rezoning of an eleven-acre parcel located northwest of the intersection of Anchor Cross Boulevard and U.S. Highway 90 on Lot 2A of the Resubdivision of Lot 2, Medical Office Building and Cancer Center of Malbis from a B-2, General Business, to an R-4, High Density Multi-Family Residential, zone for GCD Acquisitions I, L.L.C. The Motion failed to receive a super majority vote. Mr. Gibson, Mr. Terry, Mr. Kirby, Ms. Phelps, and Ms. Barnette voted in the affirmative. Mayor Small, Mr. Lemoine, Mr. Chason, and Chief White dissented.*

Mayor Small: The motion fails.

Ms. Barnette: The motion stands as it is, but there is no recommendation to the City Council.

Chairman: Is that correct Mr. Bussey?

Mr. Bussey: What Ms. Barnette said is correct.

Clarification Note: Although a majority of those present voted in favor of the motion, a super majority would have been necessary for an unfavorable recommendation.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

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

ATTORNEY'S REPORT:

Mr. Bussey: No report.

The next order of business is commissioner's comments.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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COMMISSIONER'S COMMENTS:

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

Ms. Barnette: Mr. Chairman, I just have one. The City Council held discussion at the work session on March 14, 2011 to finalize the Daphne Land Use book. In preparation of a setting a date for the public hearing for the Daphne Land Use Ordinance, the City Council has asked that you provide any additional comments or considerations to Ms. Jones by the end of March. These will not be changes. You may submit your concerns, questions or errors in writing to the City Council to insure that they have been addressed.

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

DIRECTOR'S COMMENTS:

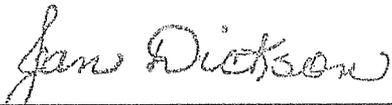
Ms. Jones: No comments.

ADJOURNMENT:

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

There being no further business, the meeting was adjourned at 5:44 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: April 28, 2011


Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 28, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.



1. CALL TO ORDER DATE: MAY 4, 2011

2. CALL OF ROLL ADJ/JD

3. APPROVAL OF MINUTES: (APPROVED, WITH REVISIONS)

Review of minutes for the regular meeting of March 24, 2011.

4. NEW BUSINESS:

A. SITE PLAN REVIEW: (APPROVED)

1. File S11-02:

Site: Advance Auto Parts

Zoning (s): B-2, General Business

Location: Southwest of the intersection of Alabama Highway 181 and Highway 31 on Mill Lane, Lot 3, TimberCreek Village

Area: 1.01 Acres ±

Owner: Spanish Fort Tenn. L.L.C.

Agent: Christmas Properties-Charlie Christmas

Engineer: Frank Dagley & Associates - Frank Dagley

2. File S11-03: APPROVED, IN AN EFFORT TO ASSIST THE APPLICANT THE FOLLOWING MOTION WAS MADE DUE TO HIS EXPRESSED TIME CONSTRAINTS AND WITH THE UNDERSTANDING THAT THE PLANNING COMMISSION HAS EXPLAINED PROCEEDING WITHOUT FINAL SUBDIVISION OF THE PARCEL IN QUESTION PRESENTS THE POTENTIAL FOR PROBLEMS WITH SUBDIVIDING THE PROPERTY ONCE WORK HAS BEGUN AND CONDITIONED UPON APPROVAL BY THE HISTORIC MALBIS SUBDIVISION PROPERTY OWNERS' ASSOCIATION, PROVIDE A COPY OF AN AGREEMENT FROM OWNER FOR RECIPROCAL INGRESS/EGRESS EASEMENT FOR THE REAR PARCEL TO THE EAST, PROVIDE A PRELIMINARY/FINAL SUBDIVISION WITH RIGHT-OF-WAY EASEMENT(S), AND APPROVAL OF SIGNAGE FOR THE DEVELOPMENT SHALL BE PRESENTED AND DISCUSSED AT THE TIME OF THE PRESENTATION FOR THE SUBDIVISION). ALSO, WITH NO CONSIDERATION FOR APPROVAL SHOULD BE ASSUMED REGARDING THE FUTURE USE OFFICE/RETAIL SPACE SHOWN ON THE REAR OF THE PARCEL.

Site: Malbis Venture Retail Shops

Zoning (s): B-2, General Business

Location: Northeast of the intersection of Alabama Highway 181 and U. S. Highway 90, Lot 2, Block A, Historic Malbis Subdivision

Area: 1.01 Acres ±

Owner: Spriggs Enterprises - Kevin Spriggs

Agent: H Properties-Dane Haygood

Engineer: Rester & Coleman Engineers - Joel Coleman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 28, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

B. CAROLINE WOODS SUBDIVISION, PHASE TWO A:

ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Mr. David Diehl, representing Preble-Rish, requesting the release of the thirty-six thousand one hundred fifty dollar performance guarantee (certified cashier's check) for Caroline Woods Subdivision, Phase 2A. **(APPROVED)**

2. **FINAL:**

File SDF11-02: **(APPROVED)**

Subdivision: Resubdivision of Lot 27, Caroline Woods, Phase Two "A"

Zoning(s): *R-4, High Density Single Family Residential*

Location: Northwest of the intersection of Pollard and Whispering Pines Roads, north of Madison Place Subdivision, west of Caroline Woods Subdivision, Phase One

Area: 1.38 Acres \pm , (7) lots

Owner: Plan B Investments, L.L.C. - Jacob Cunningham

Engineer: Engineering Development Services - David Diehl

C. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Mr. Allen Colburn, representing YBWII, requesting the release of the ten thousand dollar maintenance bond (certified cashier's check) for Yancey Branch Woods Subdivision, Unit Two. **(NO REPRESENTATIVE - NO ACTION TAKEN)**
2. Presentation to be given by Mr. Thomas Hickman, representing New Horizon Retail Development, of regarding the proposed development plan for a shopping center located on U. S. Highway 90 east of Infirmary Health Systems. **(DISCUSSION - NO ACTION TAKEN)**

6. **PUBLIC PARTICIPATION**
7. **ATTORNEY'S REPORT**
8. **COMMISSIONER'S COMMENTS**
9. **DIRECTOR'S COMMENTS**
10. **ADJOURNMENT**

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

Naman Catering

CASE NO 2011-5

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 4/20/11 (initial) JKS

DATE FORWARDED TO POLICE DEPT. 4/20/11 JKS

DATE RECEIVED BY POLICE DEPT. 4-20-11 JKS

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 5-2-11 RH

DATE FORWARDED TO CITY CLERK 5-3-11 JKS

DATE RECEIVED BY CITY CLERK 5-03-11 RH

SCHEDULED DATE ON AGENDA 5-16-11 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: 20110420091340429



Type License: 140 - SPECIAL EVENTS RETAIL State: \$150.00 County: \$212.00

Type License: State: County:

Trade Name: GULF COAST ZYDECO MUSIC AND CRAWFISH FESTIVAL Filing Fee: \$50.00

Applicant: ALEX NAMAN CATERING INC Transfer Fee:

Location Address: 2603 US HWY 98 DAPHNE, AL 36526

Mailing Address: 19019 BROOKDALE DR WEST MOBILE, AL 36618

County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:

Sale of Products Containing Ephedrine: NO Type Ownership: CORPORATION

Book, Page, or Document info: INST 4389 PAGE 1297 Do you sell Draft Beer: N

Date Incorporated: 08/29/1996 State incorporated: AL County Incorporated: MOBILE

Date of Authority: 08/29/1996 Alabama State Sales Tax ID: SLS 4900-32769

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

Name:	Title:	Date and Place of Birth:	Residence Address:
ELIAS MICHAEL NAMAN 3548190 - AL	PRESIDENT	05/02/1957 MOBILE, AL	9990 WATERFORD WAY MOBILE, AL 36695

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: C. MCDONALD

Business Phone: 251-473-3900

Fax: 251-473-3909

Home Phone: 251-626-5300

Cell Phone:

E-mail: CMCDONALD@NAMANSCATERING.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

116 License 1:

License 2:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20110420091340429

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **CITY OF DAPHNE 251-626-5300**
 What is lessors primary business? **CONVENTION CENTER**
 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: **11000** Display Square Footage:
 Building seating capacity: **1500** Does Licensed premises include a patio area? **YES**
 License Structure: **ONE STORY** License covers: **OTHER**
 Number of licenses in the vicinity: **3** Nearest: **.5**
 Nearest school: **2 miles** Nearest church: **2 miles** Nearest residence: **.5 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:

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110420091340429



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): *Charles McDowell*

Signature of Applicant:

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

Notary Signature: *Betty G. Dean*

Commission expires: *1/10/15*

Application Taken: *4/20/11* App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:
 Received from Local Government:

Received in District Office: Reviewed by Supervisor:

Forwarded to Central Office:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110420091340429**



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 05/20/2011 Ending Date: 05/22/2011

Special terms and conditions for special event/special retail:

12OZ BEER CAN. 9 OZ WINE - PLASTIC CUP.

NO TO GO SALES. NO ALCOHOL TO LEAVE EVENT AREA.

Other Explanations

License Covers: CIVIC CENTER AND PARKING LOT

Receipt Confirmation Page

Receipt Confirmation Number: **20110420091340429**
Application Payment Confirmation Number: 142876

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
140 - SPECIAL EVENTS RETAIL	\$212.00	\$150.00	\$362.00
			\$0.00
Total Amount to be Charged	\$212.00	\$150.00	\$362.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL
License Type 2:
License County: BALDWIN
Business Type: CORPORATION
Trade Name: **GULF COAST ZYDECO MUSIC AND CRAWFISH FESTIVAL**
Applicant Name: **ALEX NAMAN CATERING INC**
Location Address: 2603 US HWY 98
DAPHNE, AL 36526

Mailing Address: 19019 BROOKDALE DR WEST
MOBILE, AL 36618

Contact Person: C. MCDONALD
Contact Home Phone: 251-626-5300
Contact Business Phone: 251-473-3900
Contact Fax: 251-473-3909
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE, ALABAMA

RESOLUTION NO.: 2011-42

A RESOLUTION AUTHORIZING THE UTILITIES BOARD OF THE CITY OF DAPHNE TO TRANSFER CERTAIN REAL PROPERTY

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne before it sells, transfers or exchanges real property under the provisions of Ala. Code § 11-50-314(a)(10); and

WHEREAS, Daphne Utilities and the City Council of the City of Daphne, Alabama has determined that it is in the best interest of Daphne Utilities and the City for Daphne Utilities to transfer and convey certain real property, more particularly described on Exhibit “A”, to the City of Daphne in exchange for real property presently owned by the City of Daphne, as more particularly described on Exhibit “B”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the exchange of the property described on Exhibit “A” for the property described on Exhibit “B”; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Daphne does hereby authorize and consent to the exchange of real property by Daphne Utilities of the property described on Exhibit “A”, which it presently owns, for the property described on Exhibit “B”, which is presently owned by the City of Daphne, Alabama.

RESOLUTION 2011-42

Adopted and Approved by the City Council of the City of Daphne, Alabama
this _____ day of _____, 2011.

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

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

RESOLUTION 2011-42

EXHIBIT A

PARCEL 1:

From the northeast corner of the Durnford Grant, Section 42, Township 5 South, Range 2 East, run West 40 feet to the West right-of-way of Baldwin County Highway 11; thence run S00°15'W along said right-of-way 1122.8 feet to a concrete monument on the centerline of said Durnford Grant; thence run N89°41'06"W along said centerline 1814.14 feet to an iron pipe at the northeast corner of the property herein described; thence run S00°02'30"W, 900 feet to an iron pipe; thence run S51°08'10"W 239 feet, more or less, to the centerline of a stream, said point marking the northeast corner of Lot 27, Montrose Village, a plat of which is recorded in Map Book 8, Page 108, of the Baldwin County, Alabama Probate Records; thence run northwestwardly along the centerline of said stream and along the easterly line of said Montrose Village a distance of 1553 feet to the intersection of said stream and the east line of Lot 15 of said Montrose Village; thence run North 108 feet, more or less, to the centerline of said Durnford Grant; thence run S89°41'08"E, 1261.18 feet to the Point of Beginning, containing 19 – ½ acres, more or less.

PARCEL 2:

Lot 2 of the Resubdivision of Lots 29 and 30 of Dryer's Subdivision of the Town of Daphne, as recorded in Map Book _____, Page _____ of the Probate Records of Baldwin County, Alabama.

RESOLUTION 2011-42

EXHIBIT B

PARCEL 1:

A portion of Baldwin County Tax Parcel Number 05-43-09-29-1-000-131.027, more particularly described as:

Commencing at the Northeast Corner of Section 29, Township 5 South, Range 2 East; thence run S-00°59'28"-E, 40.00 feet to a point of the South right-of-way line of Johnson Road and the Point of Beginning; thence continue S-00°59'28"-E, 75.00 feet to a point; thence run S-89°40'13"-W, 75.00 feet to a point; thence run N-00°59'28"-W, 75.00 feet to a point on the South right-of-way line of Johnson Road; thence run N-89°40'13"-E, along said South right-of-way line 75.00 feet to the Point of Beginning.

PARCEL 2:

Lot 7, Block 3 of Dryer's Addition to the Town of Daphne, Alabama.

PARCEL 3:

From the Northwest corner of Section 20, Township 5 South, Range 2 East, run South along the section line 680 feet; thence run East 125 feet, for the POINT OF BEGINNING; thence run East 60 feet; thence run South 45 feet; thence run West 60 feet; thence run North 45 feet to the point of beginning.

PARCEL 4:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, run South along the North-South One-Half Section Line 1601.9 feet for a Point of Beginning; thence run South 89 feet; thence run North 88° 15' West 263.3 feet; thence run North 56.05 feet to a point on the South boundary of a lot heretofore conveyed to Calvin Mitchell; thence run East 69 feet to Mitchell's Southeast corner; thence run North 25 feet; thence run East 194 feet to the Point of Beginning. Lot contains 0.474 acres and lies in the Southeast Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama

EXCEPTING THEREFROM a strip of land 12 feet in width across the Eastern end thereof, the use of which is hereby reserved for a community roadway. (The above description being according to survey made by C. W. Arnold, Alabama Surveyor No. 1276, as shown by plat dated October 25, 1959, and revised May 25, 1960.)

RESOLUTION 2011-42

PARCEL 5:

Lot 4, Unit 1, Daphmont Subdivision, according to map or plat thereof recorded in Map Book 5, page 7 of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

SUBJECT, HOWEVER, to the following:

Restrictive covenants relating to the use and occupancy of the property as contained in Miscellaneous Book 15, page 318.

Reservation of two-thirds (2/3) oil, gas and other minerals, and all rights in connection therewith, as contained in Deed Book 256, page 519.

Easement granted Riviera Utilities Company, et al, as contained in Deed Book 269, page 354.

Utility easements as shown on recorded plat.

STATE OF ALABAMA)

COUNTY OF BALDWIN)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that **The City of Daphne, Alabama**, An Alabama Municipal Corporation, (herein called "Grantor"), in consideration of the sum of TEN AND NO/100ths (\$10.00) DOLLARS and other good and valuable consideration hereby acknowledged to have been paid to Grantor by **The Utilities Board of the City of Daphne**, An Alabama Corporation, (herein called "Grantee"), does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, in fee simple, together with every contingent remainder and right of reversion, the real property more particularly described in Exhibit "A," attached hereto and made a part hereof.

The property hereby conveyed is subject to the matters, exceptions and reservations set forth in Exhibit "A", if any, hereto.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, privileges, improvements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, unto Grantee in fee simple and to the heirs, personal representatives, successors and assigns of Grantee, forever, together with every contingent remainder and right of reversion.

The property conveyed hereby is conveyed subject to all previously reserved mineral interests, all recorded or visible easements or encroachments, as well as to the lien for current ad valorem taxes, if any, which taxes the Grantee assumes and agrees to pay when due.

All recording references herein are to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____, 2011 by the undersigned.

The City of Daphne, Alabama

By: _____
Its: _____

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of The City of Daphne, Alabama, an Alabama Municipal Corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2011.

Notary Public
My Commission Expires: _____

[Notary Seal]

This instrument prepared by:
Misty C. Gray
ROSS, JORDAN & GRAY, P.C.
Post Office Box 210
Mobile, Alabama 36604
(251) 432-5400 telephone
(251) 432-5445 facsimile

Grantee's Address:
Utilities Board of
the City of Daphne
Post Office Box 2550
Daphne, Alabama 36526

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

A portion of Baldwin County Tax Parcel Number 05-43-09-29-1-000-131.027, more particularly described as:

Commencing at the Northeast Corner of Section 29, Township 5 South, Range 2 East; thence run S-00°59'28"-E, 40.00 feet to a point of the South right-of-way line of Johnson Road and the Point of Beginning; thence continue S-00°59'28"-E, 75.00 feet to a point; thence run S-89°40'13"-W, 75.00 feet to a point; thence run N-00°59'28"-W, 75.00 feet to a point on the South right-of-way line of Johnson Road; thence run N-89°40'13"-E, along said South right-of-way line 75.00 feet to the Point of Beginning.

PARCEL 2:

Lot 7, Block 3 of Dryer's Addition to the Town of Daphne, Alabama.

PARCEL 3:

From the Northwest corner of Section 20, Township 5 South, Range 2 East, run South along the section line 680 feet; thence run East 125 feet, for the POINT OF BEGINNING; thence run East 60 feet; thence run South 45 feet; thence run West 60 feet; thence run North 45 feet to the point of beginning.

PARCEL 4:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, run South along the North-South One-Half Section Line 1601.9 feet for a Point of Beginning; thence run South 89 feet; thence run North 88° 15' West 263.3 feet; thence run North 56.05 feet to a point on the South boundary of a lot heretofore conveyed to Calvin Mitchell; thence run East 69 feet to Mitchell's Southeast corner; thence run North 25 feet; thence run East 194 feet to the Point of Beginning. Lot contains 0.474 acres and lies in the Southeast Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama

EXCEPTING THEREFROM a strip of land 12 feet in width across the Eastern end thereof, the use of which is hereby reserved for a community roadway. (The above description being according to survey made by C. W. Arnold, Alabama Surveyor No. 1276, as shown by plat dated October 25, 1959, and revised May 25, 1960.)

PARCEL 5:

Lot 4, Unit 1, Daphmont Subdivision, according to map or plat thereof recorded in Map Book 5, page 7 of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

SUBJECT, HOWEVER, to the following:

Restrictive covenants relating to the use and occupancy of the property as contained in Miscellaneous Book 15, page 318.

Reservation of two-thirds (2/3) oil, gas and other minerals, and all rights in connection therewith, as contained in Deed Book 256, page 519.

Easement granted Riviera Utilities Company, et al, as contained in Deed Book 269, page 354.

Utility easements as shown on recorded plat.

THIS CONVEYANCE WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

CITY OF DAPHNE

RESOLUTION NO.: 2010-43



WHEREAS, the Utilities Board of the City of Daphne as owner of the herein described real property, hereby desires to grant, bargain and convey to the City of Daphne certain parcels of real property and;

WHEREAS, the City of Daphne hereby accepts the herein described real property and;

WHEREAS, said property is located within the corporate limits of the City of Daphne, Baldwin County, Alabama and is described as follows:

PARCEL 1:

From the northeast corner of the Durnford Grant, Section 42, Township 5 South, Range 2 East, run West 40 feet to the West right-of-way of Baldwin County Highway 11; thence run S00°15'W along said right-of-way 1122.8 feet to a concrete monument on the centerline of said Durnford Grant; thence run N89°41'06"W along said centerline 1814.14 feet to an iron pipe at the northeast corner of the property herein described; thence run S00°02'30"W, 900 feet to an iron pipe; thence run S51°08'10"W 239 feet, more or less, to the centerline of a stream, said point marking the northeast corner of Lot 27, Montrose Village, a plat of which is recorded in Map Book 8, Page 108, of the Baldwin County, Alabama Probate Records; thence run northwestwardly along the centerline of said stream and along the easterly line of said Montrose Village a distance of 1553 feet to the intersection of said stream and the east line of Lot 15 of said Montrose Village; thence run North 108 feet, more or less, to the centerline of said Durnford Grant; thence run S89°41'08"E, 1261.18 feet to the Point of Beginning, containing 19 – ½ acres, more or less.

PARCEL 2:

Lot 2 of the Resubdivision of Lots 29 and 30 of Dryer's Subdivision of the Town of Daphne, as recorded in Map Book _____, Page _____ of the Probate Records of Baldwin County, Alabama.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted.

ADOPTED AND APPROVED this _____ day of _____, 2011.

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

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

STATE OF ALABAMA)

COUNTY OF BALDWIN)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that **The Utilities Board of the City of Daphne**, an Alabama corporation, (herein called "Grantor"), in consideration of the sum of TEN AND NO/100ths (\$10.00) DOLLARS and other good and valuable consideration hereby acknowledged to have been paid to Grantor by **The City of Daphne, Alabama**, An Alabama Municipal Corporation, (herein called "Grantee"), does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, in fee simple, together with every contingent remainder and right of reversion, the real property more particularly described in Exhibit "A," attached hereto and made a part hereof.

The property hereby conveyed is subject to the matters, exceptions and reservations set forth in Exhibit "A", if any, hereto.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, privileges, improvements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, unto Grantee in fee simple and to the heirs, personal representatives, successors and assigns of Grantee, forever, together with every contingent remainder and right of reversion.

The property conveyed hereby is conveyed subject to all previously reserved mineral interests, all recorded or visible easements or encroachments, as well as to the lien for current ad valorem taxes, if any, which taxes the Grantee assumes and agrees to pay when due.

All recording references herein are to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____, 2011 by the undersigned.

The Utilities Board of the City of Daphne

By: _____
Its: _____

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of **The Utilities Board of the City of Daphne**, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2011.

Notary Public
My Commission Expires: _____

[Notary Seal]

This instrument prepared by:
Misty C. Gray
ROSS, JORDAN & GRAY, P.C.
Post Office Box 210
Mobile, Alabama 36604
(251) 432-5400 telephone
(251) 432-5445 facsimile

Grantee's Address:
City of Daphne, Alabama
Post Office Box 400
Daphne, Alabama 36526

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

From the northeast corner of the Durnford Grant, Section 42, Township 5 South, Range 2 East, run West 40 feet to the West right-of-way of Baldwin County Highway 11; thence run S00°15'W along said right-of-way 1122.8 feet to a concrete monument on the centerline of said Durnford Grant; thence run N89°41'06"W along said centerline 1814.14 feet to an iron pipe at the northeast corner of the property herein described; thence run S00°02'30"W, 900 feet to an iron pipe; thence run S51°08'10"W 239 feet, more or less, to the centerline of a stream, said point marking the northeast corner of Lot 27, Montrose Village, a plat of which is recorded in Map Book 8, Page 108, of the Baldwin County, Alabama Probate Records; thence run northwestwardly along the centerline of said stream and along the easterly line of said Montrose Village a distance of 1553 feet to the intersection of said stream and the east line of Lot 15 of said Montrose Village; thence run North 108 feet, more or less, to the centerline of said Durnford Grant; thence run S89°41'08"E, 1261.18 feet to the Point of Beginning, containing 19 – ½ acres, more or less.

PARCEL 2:

Lot 2 of the Resubdivision of Lots 29 and 30 of Dryer's Subdivision of the Town of Daphne, as recorded in Map Book ____, Page ____ of the Probate Records of Baldwin County, Alabama.

THIS CONVEYANCE WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

RESOLUTION NO. 2011-44
2011-T-ATHLETIC FIELD MARKING PAINT

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 ATHLETIC FIELD MARKING PAINT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the ATHLETIC FIELD MARKING PAINT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the ATHLETIC FIELD MARKING PAINT be awarded to Pioneer Manufacturing Company.

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 Pioneer Manufacturing Company for unit cost listed as follows:

	<u>5 Gal Cans</u>	<u>22OzCans</u>
White Field Marking Paint	\$ 72.00	\$ 3.67
Purple Field Marking Paint	\$ 88.50	\$ 4.33
Gold Field Marking Paint	\$ 67.50	\$ 3.67

As bid in BID SPECIFICATION NO. 2011-T-ATHLETIC FIELD MARKING PAINT.

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 2011-45
A RESOLUTION ADOPTING HIRING FREEZE EXCEPTION POLICY

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

WHEREAS, a hiring freeze was enacted with the adoption of such budget ordinance thereby requiring that “authorized positions vacated, for any reason, may only be advertised and filled upon express approval by the City Council”; and

WHEREAS, certain administrative procedures are required in order to consistently evaluate and determine whether vacated positions will receive such express approval; and

WHEREAS, Resolution 2011-06 was adopted to implement the said policy and certain changes are needed to the policy concerning grant requirements.

NOW, THEREFORE, BE IT Resolved that Resolution 2011-06 is hereby amended and the following policies shall be enacted to set forth the eligibility criteria in order to determine whether advertising and filling the vacancy is approved by the City Council:

1. All hiring requests for vacant positions will be presented in writing from the Department Head to the Human Resources (HR) Director and Mayor for approval.
2. The Human Resources Director will maintain an ongoing schedule of vacancies, which will include the rate of pay, to the Finance Director who will prepare a total cost for the position and then such information will be presented at the next scheduled Finance Committee meeting.
3. Upon approval by the Mayor and review by the Finance Committee, the hiring request, position justification, job description, and a department salary total will be presented at the next available City Council Work Session.
4. A motion stating the request to fill the vacancy will be on the next Council meeting agenda following the Council Work Session.
5. Temporary staffing of a vacant position may be obtained upon approval by the City Council.
6. Temporary staffing is hereby authorized during an employee’s extended leave of absence to include workers comp absences.
7. All positions partially or fully funded through Grant monies or staff limits required to be maintained due to Grant requirements will be exempt from the hiring freeze policy and will be advertised and filled according to grant requirements.

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

RESOLUTION 2011 - 46

A RESOLUTION DECLARING CERTAIN PROPERTY CLASSIFIED BY THE POLICE DEPARTMENT AS ABANDONED, STOLEN OR CONFISCATED SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

WHEREAS, the Court has ruled that items scheduled on the attached list are Forfeited and/or Condemned and awarded to the property of the City of Daphne Police Department; and

WHEREAS, the Police Department of the City of Daphne has determined that the items scheduled on the attached list are not 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 #
Police		Miscellaneous Bicycles	
		Four Wheeler: Yamaha Moto 4	
		Craftsman Saw	
		Airstream 7 Gallon	
		Campbell Hausfeld	
		Golf Bag w/Ping Clubs	
		Golf bag w/Taylormade Clubs	
		Saws: Husqvarna & Poulan	
		Mongoose Scooter	
		Weedeater	

- 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. 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

- ✓ Any property obtained by the City of Daphne Police Department that was stolen or abandoned and has been held for the required time (state law states: three months or more) is available for
 - municipal use by any city department
 - or public sale

- ✓ The owner of the property has the right to claim the property (proof of ownership is required) any time before the item is sold.

Mr. Smith referred me to the following sections in the Alabama Code:

- ❖ 11-47-116. Abandoned or stolen personal property.
- ❖ 20-2-93. Forfeiture (Note: State Code states that personal property that is forfeited may
 - be retained for use by the Police Department or
 - proceeds from the sale must be used for Law Enforcement purposes.

CITY OF DAPHNE

RESOLUTION 2011-47

REQUEST FOR INFORMATION FROM THE MAYOR

WHEREAS, the City Council of the City of Daphne is committed to the health and welfare of its citizens, and;

WHEREAS, the City Council is working to be good stewards of the city, and;

WHEREAS, to make informed decisions the council from time to time needs additional information from department heads, and;

WHEREAS, the Mayor has requested that all requests for information from department heads come through his office in resolution form.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City Council of the City of Daphne hereby formally request from the Mayor the following information:

1. List of Departments that have employees on worker's compensation, the number of employees on workers compensation, and number of those on light or modified duty
2. Date on which employee returned to work on light duty or modified duty
3. Whether the light or modified duty was an existing empty position or was it created for them
4. Whether any employee has been given a statement that they have reached maximum medical improvement
5. Information that explains how much the city's worker's compensation premiums are positively affected, if at all, by the practice of creating long-term or indefinite-term light or modified duty positions
6. Proposals within each department to restructure personnel so as personnel costs return to approximately 60% of the operating budget city-wide to enable council to reactivate merit and step raises for employees
7. Items 1-5 to be sent to council by May 20, 2011. Item 6 to be sent before the June 13, 2011 work session

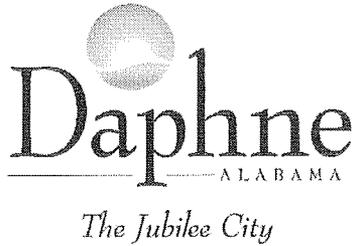
APPROVED AND ADOPTED this ____ day of _____, 2011.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

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



INTERNAL MEMORANDUM

TO: Cathy Barnette, Council President

CC: Vickie Hinman, HR Director

FROM: Mayor Fred Small

DATE: May 12, 2011

SUBJECT: Request for Meeting with HR Director Regarding Personnel Costs

This is in response to your request to meet with Vickie Hinman, HR Director, to discuss personnel costs. Because of our existing email problems I did not receive your prior email requesting permission for this meeting. I apologize that I was unaware of the scheduled meeting with Mrs. Hinman, HR Director, until late yesterday afternoon.

The best way to facilitate the answering of any and all questions the council may have is to please put all questions in writing and forward to my office. From that point I will gather all the information that is required to answer any questions the council may have to make quality decisions about the personnel of the City of Daphne.

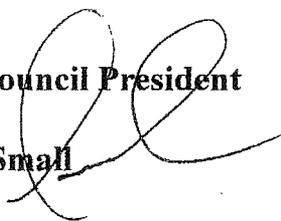
Therefore, Mrs. Hinman, will not be available for your requested 4:00 meeting.



The Jubilee City

INTERNAL MEMORANDUM

TO: John Lake, Council President

FROM: Mayor Fred Small 

CC: Department Heads

DATE: July 28, 2009

SUBJECT: Action from Mayor and City Staff

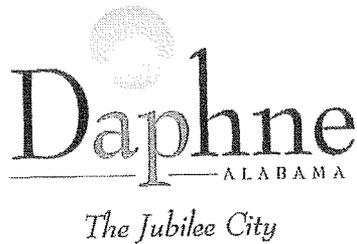
John you know as we move forward in request for information and/or in giving direction to my office or any city staff I think that we both agree and feel that it's necessary for the council and my office to have a clear understanding on what's requested. I have listed a few guide lines below that I think will help us accomplish this.

- Any action such as request for information or direction that pertains to my office and/or any city staff shall be put in written form with a resolution passed by the City Council giving me details of what's expected and in detailed format. Ample time will be needed to respond to the request.
- Committee meetings need to be restored back to the original format they were originally started in the first place such as, a place for a citizen to bring concerns and ways the council can help the department and department heads. I don't think that these meetings

Page 2
Memo
John Lake

were originally intended for an arena as to get into such conversations as to start directing the department head to complete certain task or provide information as some task will have the need to be funded and the money may not be in their budget to complete the task. This as well should be put into a resolution form to be passed at the next council meeting as all council members will have a chance for discussion on the action to have the ability to add comments to the motion.

John, I am open for any suggestions on how to make this work to benefit all of us and mostly the citizens of Daphne.



INTERNAL MEMORANDUM

TO: John Lake, Council President

FROM: Mayor Fred Small 

DATE: July 13, 2009

CC: Department Heads

SUBJECT: Request of Department Head

Becky Hayes, Assistant City Clerk, notified a department head that the Council requests them to be at the Work Session this evening.

John as you know, any request for Department Head's presence or information needed must go thru my office. I am to direct them to attend any additional meetings other than what they are already required to attend.

In the future, any requests for department heads or city employee's to attend meetings or request for information will not be granted unless requested thru my office. I ask that you send your request as early as possible so the party requested may have ample time to plan.

CITY OF DAPHNE

RESOLUTION 2011-48

Proclaim May 21-27, 2011 “National Safe Boaters Week”

WHEREAS, May 21-27, 2011 has been designated “National Safe Boaters Week” and;

WHEREAS, the City of Daphne is blessed with beautiful coastal waters and;

WHEREAS, the City of Daphne is committed to the health and welfare of its citizens and;

WHEREAS, it is the beginning of the boating season, and of all the reported drowning’s 75% of those were not wearing life jackets and;

WHEREAS, it is suggested that all boaters and boat owners use this week to insure that all boats are in good running order, and that all safety equipment is in good shape, and up to date and;

WHEREAS, this one week period should not be considered a one week campaign, but rather to make people aware that this should be a daily commitment and;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA proclaim May 21-27, 2011 “National Safe Boaters Week” in the City of Daphne, and we urge all citizens to operate within the Federal and State regulations practicing safe boating habits, and to wear life jackets in an effort to save lives.

APPROVED AND ADOPTED this ____ day of _____, 2011.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-35**

**Ordinance to Rezone Property Located
Northwest of intersection of Anchor Cross Blvd. and U.S. Hwy. 90**

WHEREAS, GCD Acquisitions I, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business to R-4, High Density Multi-Family Residential; and,

WHEREAS, said real property is Northwest of the intersection of U.S. Highway 90 and Anchor Crossing Boulevard, and more particularly described as follows:

Lot 2A, Re-subdivision of Lot 2, Medical Office Building and Cancer Center of Malbis, as per plat recorded in the Baldwin County Probate Court records Slide No. 2411-B. Being more particularly described as follows:

Commencing at the Southwest Corner of Section 34, Township 4 South, Range 2 East Baldwin County, Run N 0045'37"E 2,938.43 feet more or less, to the intersection of the North right of way line of U. S. Highway 90, thence run N 8902'24"E 1,075.10 feet to the intersection of the West right of way line of Anchor Cross Boulevard, as recorded in the Baldwin County Probate Court records Slide No. 2368-A. Thence run N 0008'46"E 54.79 feet to a point, thence run N0008'46"E 537.46 feet to the Point of Beginning; thence run S8937'02"W 574.08 feet to a point; thence run S0122'24"W 230.62 feet to a point; thence run S8930'23"W 343.74 feet to a point on the East right of way line of County Road 13, said point being on the arc of a curve that is concave Southwestwardly having a central angle of 2059'41" and a radius of 1,265,92 feet; thence along the arc of said curve run Northwestwardly 463.87 feet to a point, said point bears N1758'43"W 461.27 feet from the last described point; thence run N0045'37"E 174.20 feet to a point; thence run N8958'04"E 1,154.34 feet to a point on the aforementioned West right of way line of Anchor Cross Drive; the NC run S0008'46"W 376.19 feet along to the Point of Beginning and containing 11.0061 acres.

WHEREAS, at the City of Daphne Planning Commission meeting on March 24, 2011, the Commission considered said request and set forth no recommendation to the City Council of the City of Daphne regarding said property rezoning request; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 2, 2011; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from B-2, General Business to R-4, High Density Multi-Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED 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

GCD ACQUISITIONS I, L.L.C.
ZONING AMENDMENT REVIEW

NORTHWEST OF THE INTERSECTION
OF U.S. HIGHWAY 90 AND ANCHOR CROSSING BOULEVARD

EXHIBIT "A"

(LOT 2A, THE RESUBDIVISION OF LOT 2, MEDICAL OFFICE AND CANCER
CENTER SUBDIVISION)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

LEGAL DESCRIPTION:

LOT 2A, RESUBDIVISION OF LOT 2, MEDICAL OFFICE BUILDING AND CANCER CENTER OF MALBIS, AS PER PLAT RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS SLIDE No. 2411-B. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH WEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST BALDWIN COUNTY, RUN N 00° 45' 37" E 2,938.43 FEET MORE OR LESS, TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, THENCE RUN N 89° 02' 24" E 1,075.10 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF ANCHOR CROSS BOULEVARD, AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS SLIDE No. 2368-A. THENCE RUN N 00° 08' 46" E 54.79 FEET TO A POINT, THENCE RUN N 00° 08' 46" E 537.46 FEET TO THE POINT OF BEGINNING; THENCE RUN S 89° 37' 02" W 574.08 FEET TO A POINT; THENCE RUN S 01° 22' 24" W 230.62 FEET TO A POINT; THENCE RUN S 89° 30' 23" W 343.74 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 13, SAID POINT BEING ON THE ARC OF A CURVE THAT IS CONCAVE SOUTHWESTWARDLY HAVING A CENTRAL ANGLE OF 20°59'41" AND A RADIUS OF 1,265.92 FEET; THENCEALON THE ARC OF SAID CURVE RUN NORTHWESTWARDLY 463.87 FEET TO A POINT, SAID POINT BEARS N 17°58'43" W 461.27 FEET FROM THE LAST DESCRIBED POINT; THENCE RUN N 00° 45' 37" E 174.20 FEET TO A POINT; THENCE RUN N 89° 58' 04" E 1,154.34 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF ANCHOR CROSS DRIVE; THE NC RUN S 00° 08' 46" W 376.19 FEET ALONG TO THE POINT OF BEGINNING AND CONTAINING: 11.0061 ACRES.

EaslanCapital

May 11, 2011

Rebecca A. Hayes
Assistant City Clerk
City of Daphne
P.O. Box 400
Daphne, AL 36526

RE: Rezoning Request, GCD Acquisitions, LLC

Dear Ms. Hayes:

Please accept this letter as formal notification to cancel GCD Acquisitions, LLC's pending rezoning request for the 11 acre tract on the northwest corner of US Hwy 90 and Anchor Crossing Blvd. Thank you for your assistance.

Sincerely:



B. Hunter Gibson

CC: Lenny Meltz, Gordon Gibson

ORDINANCE 2011-36

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
CORRECTIONS OFFICER**

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 Police Chief submitted a request to the Mayor to fill the recently vacated position: Correction Officer; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of this position.

- **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 Corrections Officer position - estimated annual cost, including benefits, for entry level \$ 38,404 - \$40,921; 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 2011-37

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
REVENUE TECHNICIAN**

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 Finance Director submitted a request to the Mayor to fill the recently vacated position Revenue Technician; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of the Revenue Technician.

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 Revenue Technician position that will be vacated (estimated annual cost, including benefits, for entry level \$ 38,404 -\$40,921 and
- approve an appropriation of \$4,000 to obtain temporary services until the position can be filled; 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 2011-38

**AN ORDINANCE APPROVING HIRING FREEZE EXCEPTION:
POLICE OFFICER**

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 Police Chief submitted a request to the Mayor to fill the recently vacated positions: Police Officer; and

WHEREAS, the Mayor did approve such request and has requested that the City Council favorably approve the advertisement and hiring of this position.

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 Police Officer position - estimated annual cost, including benefits, for entry level \$48,898 - \$52,361; 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 2011-39
Dead Tree Removal: Captain O'Neal Drive

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, there are several dead trees on the City's easement along Captain O'Neal Drive that are close to homes and need to be removed for safety purposes; and

WHEREAS, the City does not have the needed equipment to cut the trees down safely and recommendation has been made to contract with a qualified company to do the work; and

WHEREAS, a cost to cut down the trees is \$2,500.

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 \$2,500 to cut down the dead trees on the easements along Captain O'Neal Drive.

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 2011-40

MS4 Annual Sampling Fee: Storm Water Monitoring Requirement

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 ADEM requires annual water sampling for Storm Water Monitoring purposes; and

WHEREAS, the cost of the annual sampling fee is \$3,399.

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 \$3,399 for the MS4 Annual Sampling fee.

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 2011-41

Justice Center Roof Repair: Preparation of Specifications

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 the fee for the preparation of the specifications of Justice Center Roof Repair; and

WHEREAS, certain improvements and repairs are needed at the Justice Center to maintain and protect the existing roof structure and professional assistance is needed to prepare the project specifications.

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 \$6,000 for the preparation of the bid specifications for the Justice Center roof repair.

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 2011-42

City Hall HVAC Maintenance Agreement

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 City Hall HVAC Maintenance Agreement; and

WHEREAS, the agreement will be a 24/7 full service coverage agreement for a period of 3 years at \$8,880/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 \$8,880 for the first years payment for the City Hall HVAC Maintenance 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

ORDINANCE 2011-43

Nicholson Center Roof Coating System

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 Nicholson Center Roof Coating System; and

WHEREAS, certain improvements and repairs are needed at the Nicholson Center to maintain and protect the existing roof structure.

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 \$2,100 for the roof coating on the Nicholson Center building.

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 2011-44

Fiscal 2011 Baldwin County Economic Development Alliance

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 Baldwin County Economic Development Alliance; and

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

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 agreements in the amount of \$10,000 for the City's 2011 contribution to the Baldwin County Economic Development Alliance.

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

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 **Baldwin County Economic Development Alliance**, (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 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.

If Agency has specific statutory authority to receive funding from City or statutory authority from the City to perform the services or otherwise contract for the _____ same, _____ please _____ specify:

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 public services including, but not limited to, the following within the Corporate Limits of the City of Daphne:

Participate with workforce development committees locally and state wide;
maintain the virtual business incubator to work with start-up businesses; provide

technical assistance for industrial and business park development; maintain and provide demographic and business data; and market properties and sites.

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 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, 2009, 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

Baldwin County Economic Development Alliance

BY: _____

TITLE: _____

Federal ID# _____

WITNESS:

By: _____

**CITY OF DAPHNE
ORDINANCE NO.: 2011-45**

AN ORDINANCE TO AMEND ORDINANCE NO. 2002-26

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Business License Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, said revisions to the Business License Ordinance will enable the City to more easily enforce the Ordinance in order to benefit the health, safety, and welfare of its citizens;

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

SECTION I: GENERAL PROVISIONS

That Section 2[1] of Ordinance 2002-26, for the purpose of defining “business”, be and is hereby deleted in its entirety and is replaced as follows:

BUSINESS: Any commercial or industrial activity or any exhibition, enterprise, trade, profession, vocation, occupation, profession, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within the city or the police jurisdiction. The term shall include, without limitation, all individuals engaged in the activity and conduct for which state law authorizes or empowers the city to levy and collect a business license.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___ DAY OF _____, 2011.

**CATHY S. BARNETTE,
CITY COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**