

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
AUGUST 15, 2011
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council meeting minutes / August 1, 2011
Special Called Council meeting minutes / August 8, 2011
Council Work Session minutes / August 8, 2011

Presentation of Daphne Utility Rate Increase

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / August 8th

Ordinances:

- Pay Adjustment: \$.50/hour Ordinance 2011-58
- Amending Pay Table for \$.50 Pay Adjustment Ordinance 2011-60 w/backup
- Road Striping & Marking of Roads Ordinance 2011-61
- Tree Removal – Van Avenue Ordinance 2011-62

Resolutions:

- Declare City Property Surplus Resolution 2011-60

Motions:

- Motion for the Finance Director to work with Gardnyr Michael Capital & Hand Arendall to structure the refunding and take the steps necessary to refund the 2006 Limited Obligation Revenue Warrants
- Motion to go out for bid for two (2) F150 Trucks: Street & Solid Waste for FY12 Budget

Financial Reports:

- Treasurers Report, July 31, 2011
- Sales & Use Tax Collections, June 30, 2011
- Lodging Tax Collections, June 30, 2011

B. BUILDINGS & PROPERTY COMMITTEE- Lake

Review August 1 Minutes

C. PUBLIC SAFETY COMMITTEE –

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE -

Review minutes / August 10th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes / July 26th

Environmental Committee Members Needed

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Review minutes / April 7th

B. Downtown Redevelopment Authority – Barnette

Need one (1) member

C. Industrial Development Board – Yelding

Gus Palumbo nominates Angela L. Mayer

Need One (1) member

D. Library Board – Lake

E. Planning Commission – Barnette

Review Special meeting minutes / June 15th

Review minutes / June 23rd

Review Special meeting minutes / July 14th

a.) Set a Public Hearing Date for **September 19, 2011** ,and approve advertising to consider:

- 1.) Amending: Land Use & Development Ordinance / Sign Provision
- Recommendation: Favorable

F. Recreation Board – Reese

Need two (2) members

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

Parade Permit / S.E.E.D.S. / Mama Mia Cook Off / November 12, 2011

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Accept Property / ROW / Patricia T. Gipson. /Resolution 2011-58
- b.) Change Name of Lawson Road to Champions Way. /Resolution 2011-59
- c.) Declare City Property Surplus..... /Resolution 2011-60
- d.) Apply for LWCF Grant for Tennis Courts at Lott Park. /Resolution 2011-61

ORDINANCES:

IST READ:

- a.) Pay Adjustment: \$.50/hour /Ordinance 2011-58
- b.) Amending Pay Table for \$.50 Pay Adjustment. /Ordinance 2011-60
- c.) Pavement Striping & Marking of Roads. /Ordinance 2011-61
- d.) Tree Removal..... /Ordinance 2011-62
- e.) Pay for Appraisals for NRDA Grant with Lodging Tax. /Ordinance 2011-63

2nd READ

a.) **MOU with City of Daphne and New Horizons Retail Development..... /Ordinance 2011-59**

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 REESE	PRESENT__	ABSENT__	__
COUNCILMAN SCOTT	PRESENT__	ABSENT__	__
COUNCILMAN BOULWARE	PRESENT__	ABSENT__	__
COUNCILMAN PALUMBO	PRESENT__	ABSENT__	__

MAYOR

MAYOR SMALL	PRESENT__	ABSENT__	__
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CITY CLERK:

DAVID L. COHEN	PRESENT___	ABSENT___	
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CITY ATTORNEY:

CITY ATTORNEY JAY ROSS	PRESENT__	ABSENT	
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MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**AUGUST 1, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
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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; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Vickie Hinman, Human Resources Director; Tonja Young, Library Director; Richard Johnson, Publics Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Captain Scott Taylor, Police Department; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager; Employees of the City; Bob Segalla, Utility Board; Lon Johnston, Utility Board; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission; Dorothy Morrison, Beautification Committee.

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

3. APPROVE MINUTES

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

AYE Yelding, Lake, Scott, Boulware, Palumbo, Barnette **ABSTAIN** Reese

NAY NONE OPPOSED MOTION CARRIED

MOTION BY councilman Scott to change the September 5, 2011 Council meeting to Tuesday, September 6, 2011. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Dixie Youth Baseball State Champion Trophy

The coaches and baseball team presented the State Championship trophy to the council. They will be representing Daphne at the Regional Championship games in Carthage, North Carolina.

MOTION BY Councilman Scott to donate \$500 from Council President Barnette's travel account to the Daphne Dixie Youth Baseball Team to help the team go to Carthage, North Carolina to represent the City of Daphne at the Regional Championship games. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

The next meeting will be August 8th at 4:00 p.m. in the Executive Conference Room

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 –

No report. The next meeting will be August 10th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE –

No report. The next meeting will be August 10th after the Public Safety meeting.

Council President Barnette asked for an update on the Sewer Ordinance.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report.

MOTION BY Councilman Yelding to appoint Mr. Stan Arbaczauskas and Mr. Art Hosey to the Environmental Advisory Committee. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

The board will meet the Thursday to consider set back variances.

B. Downtown Redevelopment Authority – Barnette

There was not a meeting in July. The Authority needs one (1) member.

C. Industrial Development Board – Yelding

There was not a quorum for the July meeting. The board needs two (2) members. The next meeting will be the 4th Monday in August.

D. Library Board – Lake

The Adult Summer Reading Program runs from August 1st – September 1st. There will be a special event for teens which is the Afternoon Tea on August 9th from 3:30 p.m. – 4:30 p.m. The library was one of 200 institutions selected to host The Lincoln: The Constitution and the Civil War Traveling Exhibition. This exhibition and tour has been developed by the National Constitution Center, Philadelphia, and the American Library Association Public Programs Office with the generous support of the National Endowment for the Humanities. The tour will begin in October 2011 and continue through Fall of 2015. The DUC Grant for fine arts and photography materials has been awarded again to the Daphne Public Library.

E. Planning Commission – Jones

MOTION BY Councilman Yelding to reset the Public Hearing for October 3, 2011 to consider:

- | | |
|--------------------------|---|
| 1.) Annexation: | Audubon Holding, LLC |
| Property Located: | Southeast of the intersection of County Road 64 and Pollard Road |
| Present Zoning: | RMF-6, Multiple Family District in Baldwin County District 15 |
| Requested Zoning: | R-4, High Density Multi-Family Residential District |
| Recommendation: | Unanimous Favorable |

And to reset a Public Hearing for September 6, 2011 to consider:

- | | |
|--------------------------|---|
| 2.) Annexation: | Right-of-Way of AL State Highway 181 |
| Property Located: | AL State Highway 181 from Lawson Road South to the Southernmost Corporate Limits of the City of Daphne |
| Recommendation: | Unanimous Favorable |

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board - Reese

No report. The board needs one (1) member.

G. Utility Board – Scott

The board met last Wednesday, and they set a Public Hearing for August 31, 2011 to consider a rate increase for the sewer and water rates. This is not fun for anyone on the Utility Board, and they have gone back and rehashed it thoroughly. If the board did not feel that there was a necessity they

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certainly would not be making a proposal to increase rates. They have a capital improvement plan just like the city does, and their plan for the next few years is to the tune of \$28 million. Volkert Engineering is the Utilities engineering company, and they are extremely well respected in the sewer and water treatment engineering world, and in order for the Utilities to meet mandated ADEM, Alabama Department of Environmental Management, and the EPA, Environmental Protection Agency, requirements they have to have certain improvements to the systems both water and sewer waste water treatment. He encouraged folks to attend the Public Hearing. Councilman Scott stated that the chairman of the Utility Board, Bob Segalla, and Mr. Lon Johnston were present tonight to answer any questions people may have. Councilman Scott referred to an e-mail from the Vice President of Volkert which indicated the types of situations the Utilities can get involved in if it is underfunded. He said for a long period of time they were able to fund the improvements by capacity fees, because there were a lot of houses being built in Daphne, and now those new houses are not as numerous as they once were, and so improvements have to come out of the profits they make.

Councilman Palumbo asked what is the percentage of the proposed rate increase?

Councilman Scott stated from a dollar standpoint it is six (6) dollars for sewer on an average customer, and one (1) dollar range for water. Percentage-wise it is 15%-16% for sewer, and 5% for water.

Councilman Palumbo asked how much the increase was a year ago.

Councilman Scott said he thinks it was in the 10%-11% range.

Mr. Segalla stated 2% for water and 10% for sewer.

Councilman Palumbo commented on the proposed increase, and Councilman Scott asked that his comments be in the minutes verbatim so that he can relay them to the Utility staff.

Comments by Councilman Palumbo (*Verbatim*):

That is in the neighborhood of a 25% increase on the sewer rate within twelve (12) months, if in fact, this increase goes in. I always support the Utilities and still do, and think they do a wonderful job. They bring a lot of good publicity to the city, and we, the city, get credit for the job that they do even though we do very little to actually earn that, because most folks don't understand that the Utilities is a separate entity. I do not know all the ramifications of the financing, but I would ask my friends on the Utility Board to consider on behalf of the consumers in a very down economy, or I should say, reconsider this increase at this time. I know all about crumbling infrastructure, we are facing that with the roadways in the city, but I don't understand what crumbled so badly in twelve (12) months that the utility didn't know about twelve (12) months ago when they raised the rates, and yet in twelve (12) months there is going to be twice the rate increase that happened just twelve (12) months ago. The article in the fish wrapper asked citizens for input because of the fact that few folks go to the Utility Board meetings so I am giving you a little bit, not only as a council member but a consumer. When we raise rates a lot of folks feel like when you pay more for water you are being taxed on a necessity of life, and that might be a little bit of an unfair analogy, but there is not a person in this room who can't do without it who can't just say I will cut it off. Considering everything that is going on, you

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know the largest employer in the county is the School Board, I am using that as an example because that is the largest employer, and the employees of the School Board effective October 1st along with the employees of the state agencies will all have an effective 2½% decrease, because our legislature is going to stop funding their retirement contributions by 2½%. That is a big hit for a person who is a cafeteria worker, grounds worker or even a teacher. It is a big hit to take. We have those folks who live in Daphne. I won't go on and on about all the misery that there is going on with the economy, but considering that and the fact that the rates were just raised twelve (12) months ago I would ask our friends at the Utility to take another look, and see if this is absolutely necessary now or if this could be held in abeyance perhaps until the next fiscal year.

Councilman Yelding asked how many times the Utility has raised the rates since this council was seated in 2008. It seems at one time it rose 33% at one time. The council has fought not to increase garbage rates even though they have had to replace trucks, and that certainly is a necessity. So he would like to know how many times they have raised water and sewer rates since 2008.

Mr. Segalla stated there was not increase from 1995 – 2004. In 2005 they raised the rate 3.2%, in 2007 they increased a minimum of 60¢, and 2011 2% water and 10% sewer. Mr. Segalla said that they deferred the 2% and 10% one (1) year. They were supposed to put in in a year before based on a utility consultant's expertise and advice, and they held it off a year and it cost the Utilities about \$1 million in revenue.

Councilman Lake said that he knows that everybody is struggling especially those on fixed incomes, and those on social security has not gotten a wage increase in the last few years. A lot of people have not gotten a wage increase in the last few years. There is a lot of expense savings that Utilities could look at. He knows Mr. Segalla is looking at him, but they have a representative from a Public Relations firm that comes to the council meetings, and they pay out he doesn't know how much because he is not allowed to look, because it is funneled through attorney's fees, and they will not tell anybody what they pay their PR firm, because it is supposed to be an attorney client privilege. He has looked at the credit card receipts, and was given notice that if he did not keep his mouth shut about the Utility Board that he would have someone run against him, and he was threatened. He thinks that there are expenses that could be cut at the Utility Board. He sat on the board for eight (8) years, and he knows that there are always opportunities to cut expenses, and there could be ways of cutting back. He hopes that the Utility Board would look at what their fiduciary responsibility to the citizens of Daphne is also, not just to a few employees. He does not know how much they pay to be on "The Work Place in America" list, but when you look at that list who does that benefit? It doesn't benefit the citizens of Daphne it benefits a few people, and that money, that expense that it goes to is costing the citizens of Daphne money, and what it has to be is a fiduciary responsibility to the citizens, and holding the rates down. That is the main reason why they have Daphne Utilities, and as far as infrastructure expenses Daphne is in debt millions of dollars and most of that went to building the waste water treatment collection facilities throughout the cities. Those expenses are being paid by everybody in Daphne on their pilot tax. That is what pays for those facilities so he thinks there is a responsibility. When a council member can't even go and look at the canceled checks and those expenses and those receipts there is something wrong. It needs to be open, and he thinks that is something that should be open too.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

No report.

B. City Attorney Report

Mr. Ross reported on the proposed MOU with New Horizon Retail Development. There are a few break points that he would like council to clarify this evening. One thing he wanted to ask is in all their conversations the proposed development by Mr. Hickman is for one (1) parcel of property owned by Friday Construction at the entrance of Lake Forest and adjacent to Mobile Infirmary. They have proposed to develop all three parcels so that parcels one (1) and two (2) with one (1) being close to Mobile Infirmary on the middle and the third parcel to the east is where Academy will be to be site ready, but will not be owned by Mr. Hickman or operated by Academy. He needs some clarification since he will be developing all three and only own one (1) he needs to know council's thoughts on allowing sales tax one cent (1¢) one penny if development occurs on the other two (2) parcels to be used to offset the \$1.93 million. The way he drafted the MOU it encompasses all three (3), but do not have that point clarified from the council, and he asked council for direction on that issue. If no sales tax is ever generated then, obviously, nothing would be used on those two (2) parcels to pay down the \$1.93 million, on the other hand if they are developed by a different developer or owner then one penny of the sales tax would be used to pay the \$1.93 million, arguably, quicker than just on sales by Academy. That was one issue that he asked for direction, so that Mr. Hickman knows what he has when he goes to his investors and know how he can formulate his financial plan. He mentioned that while they had no defined legal model of what type of TIF cooperative improvement district that they were going to use after consulting with Preston Bolt and including Mr. Hickman and his lawyers they decided, based on Preston's advice, which he agrees with, is to do a Limited Warrant Obligation. There will be no statutory improvement district created, and no TIF created, rather they will do a warrant which will evidence the city's indebtedness to pay the \$1.93 million out of sales tax only from Academy, and not due and payable until after the CO is issued and not until the first retail sale at Academy occurs. All the infrastructure as it is defined in the MOU would have to be built to the city's and ALDOT's specifications and approved by the city, and once all that occurred then the funds would occur. They will have to do a validation proceeding in circuit court. There is an expedited process under state law to approve that, and he thinks that is very important because (a) it protects the city that the city has the legal right blessed by circuit court to approve it and (b) it also gives the developer some protection, because if a collateral challenge or subsequent challenge occurred by somebody who had standing to bring a lawsuit that it would not affect the city's legal obligation to pay, but would assure it and give Mr. Hickman or his development group assurances as long as Academy was in operation or some retail sale was in operation at that site. Bond counsel will not approve and bless it unless that occurs. The expedited process he hope they can get it done in 45 days or so outside an appeal. That really could not occur, as he understands, until they do the development agreement. The MOU really just gives a letter of intent so that Mr. Hickman can go out and do the things he needs to do, and in the interim they will be working on the development agreement which would have all of the detail properly put forth in an agreement, which would come back to council for review and consideration. There are other points that could be discussed, but he does not know whether they need to be or not need to be that may or may not have been contained in his correspondence. One of the break points spoken about this week was whether

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bond counsel and the city attorney fees would be paid in addition to the \$1.93 million or not paid out of that at all or pay as part of the \$1.93 million, and it has been agreed that bond counsel fees and his fees would be paid either separate from the \$1.93 or in the context of \$1.93 million they will not be in addition to that. Another issue he wanted to point out is, and Mr. Hickman does not know this yet, the Finance Committee charged that the development would have an interest rate not to exceed 7.5%, and in talking with some financial advisors and others, on his own time, they have agreed, Mr. Hickman would like 5%, the city attorney and bond counsel's recommendation is 4.5%. He does not know if this is a drop dead issue or not, but that is where they are subject to whatever. There have been many points discussed, but he thinks they have a reasonable MOU to get things started. He said some have asked to negotiate and receive from New Horizons a firm letter from Academy and or KKR, and the best information that he can get right now is what he has provided to council which Mr. Hickman provided to him. Mr. Hickman tells him that as a condition of a final economic development agreement he will provide in sufficient detail and sufficient assurances perhaps more than a letter from Academy or KKR, and he does not know that they are locked in on this contract and will agree to it which is a proposed 20 year term. There is a letter of commitment from Mr. Hickman or New Horizon with Academy. He is told that it is proprietary, and at this time Mr. Hickman does not want to disclose that, because of other factors which he is not familiar with. The other information that was asked of him about the deal with KKR has been provided. Some will say that is what they have already received, but that is the best that Mr. Hickman can provide at this time. He was asked to get some information from Mr. Hickman about who he is and matters that he has dealt with, and that is provided in a memorandum from Mr. Hickman dated July 27, 2011. This is a start, and any input from the council now or later would be appreciated. It is his understanding that some of the council would like to call a special meeting to deal with this MOU next Monday night to consider it a first read, and then from there whatever the next meeting would be, which would be councils call, it would be up for a vote. He is open for suggestions and comments and informational items things he has not talked about.

MOTION BY Councilman Boulware to call a Special Called council meeting for Monday, August 8, 2011 6:30 p.m. prior to the Council Work Session to consider a MOU Ordinance with New H Secoded by Councilman Scott.

Councilman Reese stated for the record that he will be abstaining from any vote pertaining to Academy Sports as his legal firm, even though they are not currently representing them, has represented Academy Sports in the past, and because of this he will recuse himself from any vote regarding Academy Sports.

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

ABSTAIN Reese

NAY NONE OPPOSED

MOTION CARRIED

Councilman Lake said what concerns him is that this is only one lot and there are three (3) lots. He would like Mr. Ross to put some kind of protection for the city, because the city has other retail developments in Daphne that are close to this, and if by any chance any of those businesses are drawn

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away from the shopping center and draws revenue from other shopping centers that makes it hard for them to pay their indebtedness. He would like to make sure that they have some kind of protection, because you are leaching from one shopping center to bring to another, and that creates a burden to pay off the indebtedness of the shopping center that was left, and they are not getting a net gain for the city.

Mr. Ross said to make sure he understands in other words if a another business that is presently operating in the City of Daphne wants to relocate to that site development by Mr. Hickman or any of the other two (2) sites of the other owners assuming to allow the one penny sales tax of the other two parcels to be excluded is that right?

Councilman Lake said yes.

Mr. Ross said that if council is ok with this he will put it in the MOU.

Council would like an agreement from the other two (2) property owners that they are ok with whatever council decides to do regarding the one cent sales tax.

Council President Barnette asked council to pull the items that they feel need further addressing and or further refinement so that they can come to the table with those questions or the knowledge of those debates then they can have a more fruitful discussion for something to vote on. She asked council to provide that information by Wednesday so that Mr. Ross can work with Mr. Hickman to have those items worked out.

Councilman Palumbo stated that Mr. Ross mentioned that the information that he requested about the agreements between Academy and the developer was currently proprietary and not divulged he asked if Mr. Ross said that information would be made available prior to completion of any agreement.

Mr. Ross said that it would not be made available prior to passage of the MOU, but that they would work through something and it would be available prior to an economic development agreement.

Mr. Hickman said that the information is considered proprietary from Academy and KKR right now. He understands they would like more information about the financial structure and commitment level, and what he suggested and what they have done in other public/private relationships like they are proposing is that they are not in position nor would they agree to allow the proprietary information of the lease, the business terms, the economics, etc. to be made public. For the purposes of the city council as representatives of the government they can ask them to consider a confidentiality agreement, and release some of the proprietary terms of the agreement if that would be acceptable.

Council President Barnette said that is an excellent idea.

Councilman Palumbo stated that this is due process so that the council has something in writing that this is who his client is.

Mr. Ross said that this is acceptable. He has been a party to other governmental entities where there has been a confidentiality agreement where information has been disclosed of a proprietary nature.

Mr. Ross said that there is meeting Wednesday morning with him, the mayor, Mr. Johnson and representatives of Thompson Engineering to talk about the issue that was voted on several weeks ago, and he has had a preliminary meeting with Thompson, and they are very familiar with the situation now, and he will report appropriately to council after the meeting Wednesday.

C. Department Head Comments

Vickie Hinman – Human Resources Director – invited council to the 9th Annual Employee Wellness Fair being held August 3rd from 11-2 at the Civic Center. She reported that municipalities have the option to participate in the retirement increase, but this will be discussed at the Finance meeting. She is working on getting information regarding Fire and Police participation.

Margaret Thigpen – Civic Center Director – reminded everyone that the Taste of the Eastern Shore is coming up on August 19th, and tickets are on sale.

David Cohen – City Clerk – reported on the NRDA properties Leon Allen, Mrs. Vilai Marino both have given permission to get an appraisal, and Friday Construction which is at the north end of the Yacht Club, and as an added issue they own about 100 acres directly behind Hampton Inn. He said the state may be interested in applying for NRDA funds to purchase that property. He has not talked with State Lands, but he needs to know council’s feelings toward that. That land is separated from the city, but it is part of the city limits. It is Valentine Island. Mr. Cohen said he would like to have a motion to proceed tonight, and put it on the agenda for the 15th for actual approval to get the expenditures of the lodging tax funds.

MOTION BY Council by Councilman Lake to authorize moving forward with preparing an ordinance to expend money from the Lodging Tax fund for appraisals of property owned by Mr. Leon Allen, Mrs. Vilai Marino and Friday Construction property north of the Yacht Club and Valentine Island. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Palumbo asked that a survey of the property be included with the appraisal.

Mr. Ross stated that if council had any desire to pursue he was contacted and forwarded information regarding some property owned by Mark Reddit that is south of the Allen property, about 100 feet on the bay.

Mr. Cohen stated that is not connected to any city property, in essence you are buying houses and lots. He said you could apply for it, but they have property now that is valid which are wetlands, and make sense for city to go after.

Council President Barnette said it sounds like this one does not fit the criteria.

NOTE: Councilman Lake left the meeting at 8:00 p.m.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Business owner in Daphne - spoke regarding when the revised sign ordinance that was approved by the Planning Commission would be on the agenda. He also spoke regarding the Utility raising rates and how ADEM has not lessened despite the economic condition, and with this type of increase they should have some public forum or presentation where they present cost containment maneuvers to the public. He spoke in favor of the city employees receiving a lump sum payment instead of a permanent increase.

Mr. Joe Davis – 30757 Pine Court – asked when citizens will have the opportunity to speak before council votes on the MOU, and also spoke about the Utility raising rates.

Mr. Ben Cruitt – Ridgewood Drive – spoke regarding the Utility rate increase.

Mr. Chester McConnell – 8803 Pine Run – spoke regarding the site plans for Academy Sports, and ask if the city had assurances that they will take steps to prevent any more storm water run-off.

Mr. Don Ouellette – Elizabeth Drive – spoke regarding the round-about on Pollard Road and signs in the right-of- way.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

2ND READ.

- a.) Appropriation of Funds: Floor Scrubber...../Ordinance 2011-55
- b.) Daphne High School Stadium / Final Payment...../Ordinance 2011-56
- c.) One-Time Lump Sum Pay Adjustment...../Ordinance 2011-57

MOTION BY Councilman Scott to waive the reading of Ordinances 2011-55, 2011-56 and 2011-57. *Seconded by Councilman Palumbo.*

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

MOTION BY Councilman Scott to adopt Ordinance 2011-55. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2011-56. *Seconded by Councilman Boulware.*

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

MOTION BY Councilman Scott to adopt Ordinance 2011-57. *Seconded by Councilman Yelding.*

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

MOTION FAILED

8. COUNCIL COMMENTS

Mayor Small stated he appreciated the council's time tonight to recognize the baseball team, especially recognizing Tyler and having his mom here. It was very touching when they did win that night for him. He thinks there will be a fund raiser Friday night with a one pitch men's softball tournament, and they are selling 8-10 pound pork butts, concessions at Trione. They are not just asking people to give money they don't mind earning it. Trips like that are expensive. He is a little bit disappointed on the one lump sum payment, unfortunately Mr. Lake left, and he felt if he had stayed they would have had a positive vote on that. He said the employees deserve something for getting them this far with the \$2 million that they helped the city put back. It would have been good stewardship with the money, because it would not have been adding to the yearly budget. It would have been a one-time lump sum. Nevertheless they will work with the upcoming budget and see what they can do in the upcoming year.

Councilman Yelding said that he hopes they all get good compliments from the good citizens of Daphne, and just don't worry about the city's employees who actually keep this city beautiful and operate the city for them. He hopes they get plenty of blessings for that.

Councilman Boulware stated that no one said this was going to be an easy job, and there are going to be times that he will make decisions that his friends and the employees of the city are not going to agree with.

He said would they really want him up there if all he did was rubber stamp what is coming down the pike. He wouldn't. He would like to know that the people that are going to represent him are representing him period. No one doubts, and no one will deny the service that the employees give the city. The police force, the fireman, public works they all have quality people. They do not keep poor quality people in this town. That is just it. If you are not going to produce they do not want you in Daphne. That is why the city has the best employees he thinks of all the Eastern Shore, and he knows in Baldwin County. If there is a surplus in revenue it belongs to the taxpayer, it is their money. That is how it works in the public sector this is not a private corporation. This is money that is provided by citizen's taxes what they work for and they pay for quality service. That is what government does. They are here to provide a service and they provide a good one. If there is excess revenue it belongs to the taxpayers. He will have people that will disagree with this, but he does not know how people can disagree with the concept of living within your means. Councilman Scott pointed out that the city is doing \$650,000 better than projected for this year he is right, but they pulled out \$800,000 at the beginning of the year to balance the operating account so they are still yet to get out of the red. So they are not living within their means right now. Add another bonus on it and they start looking less like the City of Daphne and more like the Federal Government. There is not a whole lot they can do about what is going on in Washington right now, but there is a lot they can do about how they maintain the city's house. They are in a position that they can still maintain their house, and they can still do it without offending the tax payer. That is what you do whenever you don't live inside your means. That is his position on it, and he hopes that the citizens and especially the employees understand where he is coming from.

Councilman Palumbo thinks that the funds that were not expended tonight should be put toward a COLA. He will advocate for a COLA, but they cannot commit to that, because they have to go through a budget process. Every year he makes the same plea for them to get to the budget process timely, which has not happened yet, and he thinks they should do it, and he thinks one of the priorities they should have, and he thinks one of the reasons for a negative vote, he does not know if this came into play for the other council members, he thinks there was a perception that once the one-time payment was granted there was going to be a push for the COLA in addition, and he really thinks they do not have the money for both. He does think that they should use that and keep it in consideration toward what the cost of a COLA will be. As he e-mailed the council when they do discuss that he thinks they should not consider it in a vacuum, in other words, if they are going to consider a flat COLA does that affect the steps, will the steps remain frozen, will the job slots remain frozen. They have to look at the COLA in that context also. A home run will be unfreezing the steps so that not only would the employees get an immediate step, but they will get it next year too unless they took action to do otherwise, and the year after that, and the year after that. That is the correct way to do it, and that is the correct way to get the employees some help not a one-time patronage payment, if you will, just to be glib about it, it should be a real raise, and he for one will work and do everything possible to, hopefully, see that they can do it if it is a 1% or 2% or again to at least grant the next step up.

Council President Barnette stated that she actually liked Mr. Yelding's comments regarding going back to the department heads and asking COLA or one-time pay raise. She does not think they can afford to do it, and that was her reason for the negative vote, but if the mayor allows the department heads to do so she can bring a motion to reconsider, but they heard Mr. Johnsons response regarding the employees and how much it would mean to one of their public service workers. Certainly she thinks it is better to put it on the card, as

**AUGUST 1, 2011
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6:30 P.M.**

Mr. Lake says, but also if it is more valuable for the employees to have the \$500 one-time payment with the understanding that the two cannot necessarily work together she would be more than willing to consider that. She thinks it short changes, but that is her point. If the mayor would allow it she would recommend to the department heads, if the mayor says it is ok, to ask do you want a COLA or do you want a one-time payment, and that is up to them in the department head meeting to decide what is allowed for them to do. She would certainly be interested in the feedback. She would love for her councilmembers to take the instruction that the ten (10) year olds did with bringing home the trophy, because she had some good words.

9. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 8:30 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

**AUGUST 8, 2011
SPECIAL 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

Councilman Lake gave the invocation.

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

ABSENTE: Kelly Reese.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Vickie Hinman, Human Resource Director; James White, Fire Chief; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Suzanne Henson, Senior Accountant; Employees of the City; Ray Moore, Hutchinson, Moore and Rauch; Dr. Foster, Principal of Daphne High School; Coach Glen Vickery, Daphne High School; Coach Cedric Yelding, Daphne High School.

Absent: Richard Merchant, Building Official; David Carpenter, Police Chief; Adrienne Jones, Planning Director.

3. MOU / NEW HORIZON RETAIL DEVELOPMENT

Mr. Ross reviewed the terms of the MOU that he discussed at the August 1st council meeting. He mentioned that the property owner of the other two (2) parcels had no objection to the one cent sales tax. He said the New Horizon will be responsible for his and Preston Bolt's fees. His fee would not exceed \$10,000 and Preston's not to exceed \$20,000. All three (3) lots will be included in the Economic Development Agreement (EDA) regarding development.

Council asked Mr. Ross to include payment of the attorney fees and engineering fees in the MOU.

PUBLIC PARTICIPATION:

Ms. Diane Robinson Hill – 312 Whiting Court - spoke against the MOU with New Horizon Retail Development.

Mr. Dan Dealy – 112 Mark Circle – (Verbatim per Council President Barnette) on my professional side I provide counseling in government affairs on issues of development, programming and planning, specifically now to the Mayor of Mobile. However, I live over here. So I take a great interest in this, and Mark Circle happens to be dead center in Lake Forest, and if you don't know where it is you can't get there from here, it is one of those kinds of places we all enjoy in Daphne. When AIG Baker first began to develop the Jubilee Mall we had an opportunity at that point in time to take effect of the waterfront in Lake Forest, and instead we allowed that to be used as back of house. There were a lot of things that we could have done better in that agreement. The attorneys have done a good job in establishing a draft, but it does not go far enough. I believe the Council President provided you with a copy of my e-mail, and I think lacking any financial agreement the city has no ability to do anything about what a developer wants to do on private property should they acquire, and should Academy decide that they want to come in and

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put a store in there. However, the developer has asked that they participate, and with that we need to get the best deal possible. Certainly, there are many items that are in the MOU which probably could be pushed up into the EDA. There is a lot of detail in there the way these can be done. There are a lot of unknowns at this point that the developer may or may not be able to present because of the level of design information they have. We deserve to know what some of those things are and to weigh in on them later. There are items dealing with the financial capacity of the city as regards the terms of paying back that Mr. Bolt and Mr. Ross are working with, and I think we need to pay extremely good attention to this in this economic climate. I am very concerned and would be advising you, were you my client, to think about bringing in Academy Sports into an environment where you just put Dick's Sporting Goods, and then you have Bass Pro Shops all in the same geographic market area. Academy is good, I am not saying it is bad, they are a great store. I like to go shopping there when I am in Mobile, but they did not get here in time. It is their risk to come here, but we are going to be a part of that risk. \$1.93 million for 15 years at, hopefully, not to exceed 4.5% is a participant in that risk. Get what we can, but realize we are diluting the market place. Academy does the same thing as Dick's, and a lot of what they do also competes with Bass Pro. We have seen recently the numbers of how well the Eastern Shore Development is doing. So make sure we define our agreements well. As regards the development itself I have provided many discussions points that are better detailed in the EDA regarding what might be considered back of house which is the front side if you are coming down I-10. The details which is in the current MOU as regards certain items along Highway 90 probably best not to put those in just yet. For our money invested that allows us to be limited to that amount and should that amount have to be changed in the future that gives the developer the opportunity to come back and say "but we only said it was going to be 450 feet of whatever, pipeline, 375 feet of highway adjustment for \$1.93 million. At this point in time I recommend that we don't put that in there. The engineering design is not adequate at this point, it may or may not be adequate at this point, to define that specific level of linear qualification for the money you are being asked to participate in. The other items that I put in there that, I am not an expert, would be the capacity that I mentioned earlier for us to restructure debt should for some reason this development not get beyond permitting. It might get into site development and stall out. This is not a great climate to be doing commercial development by any stretch of the imagination. The developer has given a good list of developments that not only New Horizon has been involved in, but his previous involvement with AIG Baker has been involved in. An amount of due diligence on the web indicates that two (2) of those have not gotten off the ground yet because that is the way it is it just has not happened. Communities have had to work with them, as we will have to work with them once we get into this agreement. Others were done prior to 2008 and they are rocking and rolling. They are in Virginia where they have whole lot different population that we do down here. So, I think it would be advisable if we don't rush this particular agreement until these terms are well looked at. We don't need to rush into a MOU. The document you have before you has inadequacies. I am not saying we don't want the development or that we don't need the development, but your only chance to represent the City of Daphne and control it begins to occur when the developer asks us to participate.

Mr. Joe Davis – 30757 Pine Court – spoke concerning the lack of detail, and the level of participation in the watersheds. Ask how much are the improvements going to cost. He asked council to take it slowly so they can understand the bits and pieces. If it is a good idea now it will be a good idea down the road.

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Mr. Hickman stated that there is a misperception this is not a bond issue. It is a Limited Obligation Warrant. A tax warrant. This is tied solely by the three businesses that would be new to the community. If they do not generate sales tax, the developer, New Horizon, does not get paid. The developer, New Horizon, has to complete the project before the city is committed to pay him any dollars. The MOU is basically a letter of intent. It creates a go-by list of things that the developer must accomplish, and they also have another approval process that has to occur. That is the creation of the EDA that is the ultimate document between the developer and the city. While this is a general framework the details that are being worked out between Mr. Ross and himself will go to another level that the city council will again have an opportunity to review. There is an extremely detailed approval process that any development of this type must go through. It has to go through a review of the Corp of Engineers, ADEM, city staff, and it has already gone through a very preliminary review by ALDOT. All of the physical concerns about this project have a number of other reviews that it must achieve, must prove that we are going to satisfy before they are permitted to start construction, particularly with the watershed. The watershed problems that are being created right now that the people are concerned about are not being created by that project. The watershed, and the regional storm detention system that they are proposing that is in preliminary engineering that has now gone to the second step where they have investigated all the run-off that the city is getting from Spanish Fort, from the interstate and from communities from the north side of the interstate. A portion of that run-off is going to be handled through the storm detention that they are proposing as part of the public improvement. They have also had preliminary meetings with ALDOT. There is a great deal of concern about the traffic generation, the traffic flow and any potential increased traffic on Highway 90. Those all have to be reviewed and approved by ALDOT. The designs that have gone through to this preliminary point fit all the specifications that ALDOT has on its books right now. They are not asking for anything different. They are not asking for anything out of the ordinary. They have already responded to restricting one of the access points. In regards to the \$1.93 million, as one citizen already pointed out, is probably not what they are going to be spending. It is substantially less. This is approximately and \$8½ million project that is going to generate approximately \$300,000 per year in additional sales tax. Mr. Hickman will be fronting all the money for the project. He will only be paid when Academy generates income.

Council President Barnette asked that an outside engineering firm look at the plans, because they are not used to the coastal soil and its problems.

Councilman Scott asked that the fees for the outside engineering firm be added to the MOU to be paid by the developer. He stated that Hutchinson, Moore and Rauch should be the outside firm.

The ordinance will be on the August 15th agenda as a second read.

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4. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 7:49 p.m.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

**Cathy S. Barnette,
Council President**

AUGUST 8, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
AFTER SPECIALL CALLED COUNCIL MEETING
7:07 P.M.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney Richard Johnson; Public Works Director; Kim Briley, Finance Director; Tonja Young, Library Director; Vickie Hinman, Human Resources Director; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Suzanne Henson, Senior Accountant; Employees of the city.

Council President Barnette called the meeting to order at 7:50 p.m.

1. PAVING PARKING LOT AT DAPHNE HIGH SCHOOL

Dr. Foster requested assistance from the city to help pave the parking lot at the high school.

Mayor Small said it would cost approximately \$157,000

Council discussed using the remaining \$108,000 of the BP money for the paving project.

Councilman Lake wanted to use the money for city owned property like paving the parking lot of Park City Park.

Consensus of council was to participate, but asked the mayor to check with Senator Pitman, and the county to see if they can participate in the project. They asked Dr. Foster to ask the School Board to participate.

2. COLA INCREASE / ORDINANCE 2011-58:

Council discussed the survey by the department heads of the employee's preference for a COLA or one-time lump sum payment of \$500. The results were they would like a COLA if it was 3%-5%, and if it was less than 3% they would like the one-time lump sum payment of \$500.

Consensus of council was to go with the suggested \$.50 per hour across the board COLA going into effect the first pay period after adoption.

Council President Barnette asked that an ordinance be on the agenda for Monday's council meeting.

3. NRDA FUND / PROPERTY

Mr. Cohen reported that there was another property that came to his attention for the NRDA funds. Mrs. Sally Davenport's property that is next to Harbor Place. The shore line is 100 feet.

Council President Barnette requested this be on the agenda for Monday's council meeting.

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CITY COUNCIL WORK SESSION
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7:07 P.M.**

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4. LWCF GRANT APPLICATION

Council President Barnette stated that Mr. Cohen and Mr. McKelroy are working together for a grant for the tennis courts.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 9:05 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**Cathy S. Barnette,
Council President**

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
August 8, 2011
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:03 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Also in attendance were Mayor Fred Small, Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Revenue Officer Heather Gwynn, and Civic Center Director Margaret Thigpen

II. PUBLIC PARTICIPATION

Pfil Hunt, Gardnyr Michael Capital, Inc: Aronov Refunding

Mr. Pfil Hunt, President of Gardnyr Michael Capital, presented information on refunding the 2006 Special Tax Warrant for Eastern Shore Park. Refunding at this time could save over \$140,000 a year, \$3.5 million gross. Discussion continued that the City has no risk for this debt currently, but by refinancing it would become a general obligation and the City would then be 100% liable. Ms. Briley noted that we are approximately one-year ahead on our debt-service collections and could look at paying off the principal sooner.

Mayor Small made two points – (1) He doesn't think the City should take advantage of the savings unless it is used to pay off the debt early. (2) If we refinance, we need to realize that we will be 100% obligated to pay this debt.

Mr. Hunt also reviewed the option to refinance the 2002 Warrant with the first years savings being \$5,982.92, and total savings overall of \$177,922.42.

It was asked that Mr. Hunt and Ms. Briley look at how soon we could pay off the debt if we refinance and use the annual savings toward the principal.

Motion by Mr. Scott to recommend Council take advantage of the City's credit rating and refinance the 2006 Special Tax Warrant and consider the savings to determine whether it should be realized on the front end, back end, or to prepay the loan. Seconded by Mr. Yelding. Motion carried.

III. HUMAN RESOURCES BUSINESS

A. Jim Rowland, Occidental Benefits and Frank Webber, Chappelle – Self Funded versus Fully Insured Health Care Coverage

Mr. Jim Rowland presented comparisons of rates and savings of self-funded versus fully insured health care coverage. Mr. Rowland noted that savings to the City, if we had been self-funded for the last 5 years, would have been over \$400,000; however if BCBS doesn't have a rate increase, savings this next year will only be \$31,509. This is mostly because of the reserve the City has built up with BCBS; a reserve that is used to help determine rates, but will be lost if the City becomes self-funded. ***Mr. Rowland discussed that if there were no increases from BCBS it would most likely be in the City's best interest to stay with BCBS one more year. (Note: Moving from Fully-Insured to Self-funded does not affect the City's grandfather status)***

Ms. Briley noted that she expects a final determination from BCBS on next year's rates within the next two weeks. Mr. Scott asked that this be discussed again after next year's rate is known.

B. Update on Human Resources Department Activity

Ms. Vickie Hinman presented the Human Resources activity update. Open positions include Recreation Program Coordinator. Pre-employment testing / interviewing are ongoing for the following positions: Police Officer, Firefighter, and Corrections Officer. Interviewing is on-going for the Deputy Finance Director position.

The Safety Committee reported that three employees will attend the annual Alabama Governor's Safety and Health Conference August 29-31 in Gulf Shores. Fire Department employees have offered to have a vehicle training course for employees in Public Works who drive heavy duty vehicles or equipment. Centennial and Lott Parks have the engineered wood fiber in the fall zones of the playground equipment. The next Safety Committee meeting will be August 31 at 8:15 am.

Ms. Hinman reported on the following HR department projects:

- Firefighter Physical Ability Test - July 22, 2011
- Police Officer Oral Board - July 25, 2011
- Benefits Fair Committee Meeting – August 3, 2011
- Police Corporal Promotional Oral Board – August 4, 2011
- Correction Officer Oral Board – August 8, 2011
- Meeting with Blue Cross Blue Shield Representative – August 3, 2011

C. RSA Update

Ms. Hinman noted that after further research concerning the RSA and 2.25% Rate Increase for Employees that she had received an update today that the City is *not required* to participate in this rate increase. If the City chooses not to increase the employee;s retirement contributions, no action is necessary.

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: July 31, 2011

The Treasurer's Report totaling \$19,421,404.41 was presented. Ms. Briley noted that the balance is down due to debt payments that have been made.

Motion by Mr. Yelding to accept the Treasurer's Report as of July 31, 2011, in the amount of \$19,421,404.41. Seconded by Mr. Scott. Motion carried.

2. Sales and Use Taxes: June 30, 2011

Sales and Use Tax Collected for June 2011	-	\$946,356
Sales and Use Tax Budgeted for June 2011	-	<u>\$876,618</u>
Over Budget (for June)	-	\$ 69,738

YTD Budget Collections Variance – Over Budget - \$755,045

3. Lodging Tax Collections, June 2011

The Lodging Tax Collections report shows \$67,544.77 collected for June, 2011.

- 4. Report: New Business Licenses – July 2011
The list of new businesses, and businesses closed, in July was presented.
- 5. Bills Paid Reports – July 2011
The July Bills Paid Report was included in Packet #2.

B. Appropriation Request

1. 7 Cent Gas Tax Fund-

- Striping of Roads – 6.91 miles (CR64 / Dimitrios Ave / Frederick Blvd/ Justina Ave / N Main St / S Main St / ect.....) - \$14,914.81

Mr. Richard Johnson discussed that the unit price of \$479.73 per line mile he received from the County to do the road striping may be less and he expects to be able to cover more roads with the same money. Ms. Briley stated that the funds for this were available in the 7 Cent Gas Tax fund.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$14,914.81 from the 7 Cent Gas Tax fund for road striping. Seconded by Mr. Yelding. Motion carried.

2. General Fund -

- The Lighthouse - \$3,000
It was discussed that all of the Community Agency monies have been used this year. Ms. Briley noted their request is for fiscal year 2011-2012, and could possibly be considered in next year's budget.
- Tree Removal – Van Avenue - \$2,175
Mr. Johnson discussed the large oak tree on Van Avenue that has died and is beyond the City's capabilities to remove. A quote from Spotswood's Tree Service of \$2,175 has been received; this will include cutting it down and removing it.

Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$2,175 to cut down and remove the dead oak tree from Van Avenue. Seconded by Mr. Scott. Motion carried.

- Two (2) F150 Trucks: Street & Solid Waste Dept - \$39,748
Mr. Johnson discussed the request to bid two F150 trucks for Public Works, one for the Street department and one for Solid Waste. He noted he only wants to bid the trucks now and then compare to State Bid list cost in preparation for the FY 12 budget; he is not seeking appropriation of the funds at this time.

Motion by Mr. Scott to recommend Council allow staff to seek bids for two (2) F 150 trucks for Public Works. Seconded by Mr. Yelding. Motion carried.

D. Declare City Property Surplus:

The following equipment was presented for surplus:

Dept	Tag/Veh#	Description
Civic Center	798	1998 Ford Crown Vic

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

E. Discuss COLA: 3-5% / One-Time Lump Sum Pay Increase / \$.50 Pay Adjustment (80 hour Pay Period)

Mayor Small discussed Council President Cathy Barnette's request that he asked the department heads to poll their employees concerning a COLA increase and/or one-time lump-sum payment. He noted that the majority of employees would like a COLA of 3 – 5 %. If a COLA of less than 3% is approved, they would like to receive the one time lump sum amount instead. Mr. Scott discussed reinstating the step-increases vs. a COLA. Ms. Briley noted the cost to reinstate the step increases would be approximately \$206,000.

Mr. Johnson discussed the down morale of employees last Tuesday after the Council voted down the lump-sum. He noted that employees have seen their costs of living increase with no salary increase in three years. Mr. Johnson stated this is particularly hard on the lowest paid employees who have families to support. Mayor Small reiterated his recommendation of a \$500 one-time lump sum payment to help make up for the last three years of no increases and a 3 – 5 % COLA . Mr. Scott discussed that he would like to discuss raising the pay scales by \$.50 (*fifty cents*) an hour for an 80 hour pay period because this would do more to help the lower paid employees. Ms. Briley noted that there are different shifts in Public Safety that are not 80 hours. Mr. Scott noted that these rates could be pro-rated so that all employees would receive \$1,040 per year for the base salary.

V. ADJOURN

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

TO: City Council

FROM: Kim Briley, Finance Director 

DATE: August 10, 2011

RE: Refunding 2006 Limited Obligation Revenue Warrants (Eastern Shore Park)

The above warrants were issued August 1, 2006 in the principal amount of \$ 9,090,000 with an interest rate of 7.5%. The City now has the opportunity to refund this debt with substantial debt service "savings".

Presented on the following pages are 3 scenarios:

- 1) Level debt service reducing the annual debt service payments to \$ 580,000; maintaining the existing maturity date of 8-1-2036; interest rates ranging from 1.03% to 4.94%.
- 2) Shortened maturity keeping the annual debt service payments at approximately the same as currently due; maturity of 2026; interest rates ranging from 1.03% to 4.13%.
- 3) \$ 1,000,000 annual debt service is more aggressive and is within the range of actual collections to be applied to debt service; maturity of 2022; interest rates ranging from 1.03% to 3.65%.

A summary of tax collection allocations follows:

	<u>General Fund</u>	<u>Debt Service Fund</u>	<u>Total</u>
2009:	\$ 1,490,734	\$ 1,113,773	\$ 2,604,507
2010:	\$ 1,529,040	\$ 1,142,494	\$ 2,671,534
6-30-2011:	\$ 1,252,804	\$ 943,250	\$ 2,196,054

As required by the Authorizing Ordinance, a Debt Service Reserve Fund has been established and has a balance of approximately \$ 950,000. If refunded, this amount would be applied to the new debt service.

Recommendation:

Select an aggressive refunding plan to pay-off the debt early. The "savings" are substantial. For Option 2 the real dollar savings total \$ 7,316,669 and Option 3 savings total \$ 8,324,918. Of course, more options can be derived, and if they are, the option should be somewhere between Option 2 and Option 3.

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - Level Savings

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
08/01/2012	584,941.96	584,941.96	786,625.00	201,683.04
08/01/2013	585,286.00	585,286.00	786,875.00	201,589.00
08/01/2014	582,236.00	582,236.00	786,375.00	204,139.00
08/01/2015	583,511.00	583,511.00	785,125.00	201,614.00
08/01/2016	578,946.50	578,946.50	783,125.00	204,178.50
08/01/2017	583,744.50	583,744.50	785,375.00	201,630.50
08/01/2018	582,305.00	582,305.00	786,500.00	204,195.00
08/01/2019	584,799.00	584,799.00	786,500.00	201,701.00
08/01/2020	581,259.00	581,259.00	785,375.00	204,116.00
08/01/2021	581,911.00	581,911.00	783,125.00	201,214.00
08/01/2022	581,704.00	581,704.00	784,750.00	203,046.00
08/01/2023	585,571.50	585,571.50	784,875.00	199,303.50
08/01/2024	583,379.50	583,379.50	783,500.00	200,120.50
08/01/2025	585,311.50	585,311.50	785,625.00	200,313.50
08/01/2026	586,373.50	586,373.50	785,875.00	199,501.50
08/01/2027	581,505.50	581,505.50	784,250.00	202,744.50
08/01/2028	585,928.50	585,928.50	785,750.00	199,821.50
08/01/2029	584,197.50	584,197.50	785,000.00	200,802.50
08/01/2030	586,458.50	586,458.50	787,000.00	200,541.50
08/01/2031	582,461.00	582,461.00	786,375.00	203,914.00
08/01/2032	582,397.00	582,397.00	783,125.00	200,728.00
08/01/2033	585,915.00	585,915.00	787,250.00	201,335.00
08/01/2034	582,829.00	582,829.00	783,000.00	200,171.00
08/01/2035	583,387.00	583,387.00	785,750.00	202,363.00
08/01/2036	582,417.00	582,417.00	(165,250.00)	(747,667.00)
Total	\$14,588,775.96	\$14,588,775.96	\$18,681,875.00	\$4,093,099.04

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	3,057,911.29
Effects of changes in DSR investments	(320,908.76)
Net PV Cashflow Savings @ 4.404%(AIC)	2,737,002.53
Contingency or Rounding Amount	2,398.18
Net Present Value Benefit	\$2,739,400.71
Net PV Benefit / \$8,755,000 Refunded Principal	31.290%
Net PV Benefit / \$8,905,000 Refunding Principal	30.763%

Refunding Bond Information

Refunding Dated Date	9/01/2011
Refunding Delivery Date	9/01/2011

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - Level Savings

Sources & Uses

Dated 09/01/2011 | Delivered 09/01/2011

Sources Of Funds

Par Amount of Bonds	\$8,905,000.00
Transfers from Prior Issue DSR Funds	950,000.00

Total Sources **\$9,855,000.00**

Uses Of Funds

Total Underwriter's Discount (1.000%)	89,050.00
Costs of Issuance	48,000.00
Deposit to Net Cash Escrow Fund	9,715,551.82
Rounding Amount	2,398.18

Total Uses **\$9,855,000.00**

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - Level Savings

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
08/01/2012	275,000.00	1.030%	309,941.96	584,941.96
08/01/2013	250,000.00	1.220%	335,286.00	585,286.00
08/01/2014	250,000.00	1.490%	332,236.00	582,236.00
08/01/2015	255,000.00	1.790%	328,511.00	583,511.00
08/01/2016	255,000.00	2.040%	323,946.50	578,946.50
08/01/2017	265,000.00	2.430%	318,744.50	583,744.50
08/01/2018	270,000.00	2.780%	312,305.00	582,305.00
08/01/2019	280,000.00	3.050%	304,799.00	584,799.00
08/01/2020	285,000.00	3.280%	296,259.00	581,259.00
08/01/2021	295,000.00	3.460%	286,911.00	581,911.00
08/01/2022	305,000.00	3.650%	276,704.00	581,704.00
08/01/2023	320,000.00	3.810%	265,571.50	585,571.50
08/01/2024	330,000.00	3.960%	253,379.50	583,379.50
08/01/2025	345,000.00	4.040%	240,311.50	585,311.50
08/01/2026	360,000.00	4.130%	226,373.50	586,373.50
08/01/2027	370,000.00	4.210%	211,505.50	581,505.50
08/01/2028	390,000.00	4.290%	195,928.50	585,928.50
08/01/2029	405,000.00	4.380%	179,197.50	584,197.50
08/01/2030	425,000.00	4.470%	161,458.50	586,458.50
08/01/2031	440,000.00	4.560%	142,461.00	582,461.00
08/01/2032	460,000.00	4.670%	122,397.00	582,397.00
08/01/2033	485,000.00	4.760%	100,915.00	585,915.00
08/01/2034	505,000.00	4.840%	77,829.00	582,829.00
08/01/2035	530,000.00	4.900%	53,387.00	583,387.00
08/01/2036	555,000.00	4.940%	27,417.00	582,417.00
Total	\$8,905,000.00	-	\$5,683,775.96	\$14,588,775.96

Yield Statistics

Bond Year Dollars	\$131,282.92
Average Life	14.743 Years
Average Coupon	4.3294102%
Net Interest Cost (NIC)	4.3972408%
True Interest Cost (TIC)	4.3508381%
Bond Yield for Arbitrage Purposes	4.2542290%
All Inclusive Cost (AIC)	4.4035170%

IRS Form 8038

Net Interest Cost	4.3294102%
Weighted Average Maturity	14.743 Years

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - Shortened Maturity

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
08/01/2012	784,465.00	784,465.00	786,625.00	2,160.00
08/01/2013	785,115.00	785,115.00	786,875.00	1,760.00
08/01/2014	783,588.00	783,588.00	786,375.00	2,787.00
08/01/2015	780,542.00	780,542.00	785,125.00	4,583.00
08/01/2016	780,786.50	780,786.50	783,125.00	2,338.50
08/01/2017	784,464.50	784,464.50	785,375.00	910.50
08/01/2018	785,613.50	785,613.50	786,500.00	886.50
08/01/2019	784,350.50	784,350.50	786,500.00	2,149.50
08/01/2020	781,050.50	781,050.50	785,375.00	4,324.50
08/01/2021	780,878.50	780,878.50	783,125.00	2,246.50
08/01/2022	783,907.50	783,907.50	784,750.00	842.50
08/01/2023	784,817.50	784,817.50	784,875.00	57.50
08/01/2024	778,719.00	778,719.00	783,500.00	4,781.00
08/01/2025	780,801.00	780,801.00	785,625.00	4,824.00
08/01/2026	406,107.00	406,107.00	785,875.00	379,768.00
08/01/2027	-	-	784,250.00	784,250.00
08/01/2028	-	-	785,750.00	785,750.00
08/01/2029	-	-	785,000.00	785,000.00
08/01/2030	-	-	787,000.00	787,000.00
08/01/2031	-	-	786,375.00	786,375.00
08/01/2032	-	-	783,125.00	783,125.00
08/01/2033	-	-	787,250.00	787,250.00
08/01/2034	-	-	783,000.00	783,000.00
08/01/2035	-	-	785,750.00	785,750.00
08/01/2036	-	-	(165,250.00)	(165,250.00)
Total	\$11,365,206.00	\$11,365,206.00	\$18,681,875.00	\$7,316,669.00

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	4,127,327.86
Effects of changes in DSR investments	(392,421.08)
Net PV Cashflow Savings @ 3.580%(AIC)	3,734,906.78
Contingency or Rounding Amount	2,398.18
Net Present Value Benefit	\$3,737,304.96
Net PV Benefit / \$8,755,000 Refunded Principal	42.688%
Net PV Benefit / \$8,905,000 Refunding Principal	41.969%

Refunding Bond Information

Refunding Dated Date	9/01/2011
Refunding Delivery Date	9/01/2011

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - Shortened Maturity

Sources & Uses

Dated 09/01/2011 | Delivered 09/01/2011

Sources Of Funds

Par Amount of Bonds	\$8,905,000.00
Transfers from Prior Issue DSR Funds	950,000.00
Total Sources	\$9,855,000.00

Uses Of Funds

Total Underwriter's Discount (1.000%)	89,050.00
Costs of Issuance	48,000.00
Deposit to Net Cash Escrow Fund	9,715,551.82
Rounding Amount	2,398.18
Total Uses	\$9,855,000.00

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - Shortened Maturity

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
08/01/2012	550,000.00	1.030%	234,465.00	784,465.00
08/01/2013	535,000.00	1.220%	250,115.00	785,115.00
08/01/2014	540,000.00	1.490%	243,588.00	783,588.00
08/01/2015	545,000.00	1.790%	235,542.00	780,542.00
08/01/2016	555,000.00	2.040%	225,786.50	780,786.50
08/01/2017	570,000.00	2.430%	214,464.50	784,464.50
08/01/2018	585,000.00	2.780%	200,613.50	785,613.50
08/01/2019	600,000.00	3.050%	184,350.50	784,350.50
08/01/2020	615,000.00	3.280%	166,050.50	781,050.50
08/01/2021	635,000.00	3.460%	145,878.50	780,878.50
08/01/2022	660,000.00	3.650%	123,907.50	783,907.50
08/01/2023	685,000.00	3.810%	99,817.50	784,817.50
08/01/2024	705,000.00	3.960%	73,719.00	778,719.00
08/01/2025	735,000.00	4.040%	45,801.00	780,801.00
08/01/2026	390,000.00	4.130%	16,107.00	406,107.00
Total	\$8,905,000.00	-	\$2,460,206.00	\$11,365,206.00

Yield Statistics

Bond Year Dollars	\$72,437.92
Average Life	8.135 Years
Average Coupon	3.3962959%
Net Interest Cost (NIC)	3.5192288%
True Interest Cost (TIC)	3.5006865%
Bond Yield for Arbitrage Purposes	3.3551681%
All Inclusive Cost (AIC)	3.5799976%

IRS Form 8038

Net Interest Cost	3.3962959%
Weighted Average Maturity	8.135 Years

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - \$1MM Annual Debt Service

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
08/01/2012	997,770.88	997,770.88	786,625.00	(211,145.88)
08/01/2013	997,004.00	997,004.00	786,875.00	(210,129.00)
08/01/2014	997,305.00	997,305.00	786,375.00	(210,930.00)
08/01/2015	995,310.50	995,310.50	785,125.00	(210,185.50)
08/01/2016	995,722.00	995,722.00	783,125.00	(212,597.00)
08/01/2017	993,790.00	993,790.00	785,375.00	(208,415.00)
08/01/2018	998,256.50	998,256.50	786,500.00	(211,756.50)
08/01/2019	994,070.50	994,070.50	786,500.00	(207,570.50)
08/01/2020	996,925.50	996,925.50	785,375.00	(211,550.50)
08/01/2021	991,749.50	991,749.50	783,125.00	(208,624.50)
08/01/2022	399,052.50	399,052.50	784,750.00	385,697.50
08/01/2023	-	-	784,875.00	784,875.00
08/01/2024	-	-	783,500.00	783,500.00
08/01/2025	-	-	785,625.00	785,625.00
08/01/2026	-	-	785,875.00	785,875.00
08/01/2027	-	-	784,250.00	784,250.00
08/01/2028	-	-	785,750.00	785,750.00
08/01/2029	-	-	785,000.00	785,000.00
08/01/2030	-	-	787,000.00	787,000.00
08/01/2031	-	-	786,375.00	786,375.00
08/01/2032	-	-	783,125.00	783,125.00
08/01/2033	-	-	787,250.00	787,250.00
08/01/2034	-	-	783,000.00	783,000.00
08/01/2035	-	-	785,750.00	785,750.00
08/01/2036	-	-	(165,250.00)	(165,250.00)
Total	\$10,356,956.88	\$10,356,956.88	\$18,681,875.00	\$8,324,918.12

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	4,849,501.15
Effects of changes in DSR investments	(443,718.45)
Net PV Cashflow Savings @ 3.079%(AIC)	4,405,782.69
Contingency or Rounding Amount	2,398.18
Net Present Value Benefit	\$4,408,180.87
Net PV Benefit / \$8,755,000 Refunded Principal	50.350%
Net PV Benefit / \$8,905,000 Refunding Principal	49.502%

Refunding Bond Information

Refunding Dated Date	9/01/2011
Refunding Delivery Date	9/01/2011

Daphne, AL

(Cooperative Improvement District)

General Obligation Refunding Bonds

Series 2011 - \$1MM Annual Debt Service

Sources & Uses

Dated 09/01/2011 | Delivered 09/01/2011

Sources Of Funds

Par Amount of Bonds	\$8,905,000.00
Transfers from Prior Issue DSR Funds	950,000.00

Total Sources **\$9,855,000.00**

Uses Of Funds

Total Underwriter's Discount (1.000%)	89,050.00
Costs of Issuance	48,000.00
Deposit to Net Cash Escrow Fund	9,715,551.82
Rounding Amount	2,398.18

Total Uses **\$9,855,000.00**

Daphne, AL

(Cooperative Improvement District)
General Obligation Refunding Bonds
Series 2011 - \$1MM Annual Debt Service

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
08/01/2012	805,000.00	1.030%	192,770.88	997,770.88
08/01/2013	795,000.00	1.220%	202,004.00	997,004.00
08/01/2014	805,000.00	1.490%	192,305.00	997,305.00
08/01/2015	815,000.00	1.790%	180,310.50	995,310.50
08/01/2016	830,000.00	2.040%	165,722.00	995,722.00
08/01/2017	845,000.00	2.430%	148,790.00	993,790.00
08/01/2018	870,000.00	2.780%	128,256.50	998,256.50
08/01/2019	890,000.00	3.050%	104,070.50	994,070.50
08/01/2020	920,000.00	3.280%	76,925.50	996,925.50
08/01/2021	945,000.00	3.460%	46,749.50	991,749.50
08/01/2022	385,000.00	3.650%	14,052.50	399,052.50
Total	\$8,905,000.00	-	\$1,451,956.88	\$10,356,956.88

Yield Statistics

Bond Year Dollars	\$51,722.92
Average Life	5.808 Years
Average Coupon	2.8071829%
Net Interest Cost (NIC)	2.9793503%
True Interest Cost (TIC)	2.9744915%
Bond Yield for Arbitrage Purposes	2.7832224%
All Inclusive Cost (AIC)	3.0787272%

IRS Form 8038

Net Interest Cost	2.8071829%
Weighted Average Maturity	5.808 Years

Fred Small
Mayor

Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

August 4, 2011

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Job Openings	Apps Received	Status
Recreation Program Coord.		Open
Police Officer	89	Pre-employment/Interviewing
Firefighter	57	Pre-employment/Interviewing testing
Corrections Officer	90	Pre-employment testing/Interviewing
Deputy Finance Director		Interviewing

Safety Committee Meeting on July 27, 29: Three employees will attend the annual Alabama Governor's Safety and Health Conference August 29-31 in Gulf Shores. Fire Department employees have offered to have a vehicle training course for employees in Public Works who drive heavy duty vehicles or equipment. Centennial and Lott Park have the engineered wood fiber in the fall zones of the playground equipment.

Next meeting will be Wednesday, August 31, 2011 at 8:15 a.m.

Human Resources Department Projects:

- Firefighter physical ability test on July 22, 2011
- Police Officer oral board on July 25, 2011
- Benefits Fair Committee meeting – August 3, 2011
- Police Corporal promotional oral board –August 4, 2011
- Correction Officer oral board on August 8, 2011
- Research – RSA and 2.25% rate increase for employees
- Meeting with Blue Cross Blue Shield representative – August 3, 2011

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3075⁴⁰ Fax: (251) 621-4506

TREASURER'S REPORT

As of July 31, 2011

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$7,432,784.44
OPERATING ACCT	COMPASS	(\$281,048.29)
PAYROLL ACCT	COMPASS	(\$236.27)
		<u>\$7,151,499.88</u>
INVESTMENT FUND	RAYMOND JAMES (investment 4,828,875.15)	\$4,995,540.66
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$343,471.18
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$13,805.98
4 CENT GAS TAX	RBC BANK	\$347,048.56
7 CENT GAS TAX	RBC BANK	\$297,783.70
		<u>\$658,638.24</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$2,901,770.15
2006 CONSTRUCTION	WACHOVIA	\$883,231.37
		<u>\$3,785,001.52</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,533,641.24
2006 DEBT SERVICE	RBC BANK	\$953,611.69
		<u>\$2,487,252.93</u>
		<u>\$19,421,404.41</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2004	2005	2006	2007	2008	2009	2010	2011	Actual-2011	Budget	Monthly Variance	YTD Variance	% of Budget
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	800,512.03	755,488	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	761,955.91	819,834.09	819,834.09	752,814	67,020.09	112,064.12	8.90%
December	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,121,383.45	991,992	129,391.45	241,455.57	13.04%
January	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	817,230.14	714,825	102,405.14	343,860.71	14.33%
February	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	840,768.01	724,538	116,230.01	460,090.72	16.04%
March	848,156.86	917,832.17	1,081,174.83	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	7.79%
April	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	916,536.59	799,876	116,660.59	647,271.70	14.58%
May	757,610.49	867,446.44	1,004,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	889,945.33	851,910	38,035.33	685,307.03	4.46%
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	946,355.76	946,355.76	876,618	69,737.76	755,044.79	7.96%
July	803,051.14	908,576.13	941,407.68	893,216.65	888,680.34	808,113.93	839,192.33	-	-	829,125	-	755,044.79	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	-	755,044.79	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	-	755,044.79	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	8,128,746.79	8,128,746.79	9,815,001	755,044.79	755,044.79	6.70%

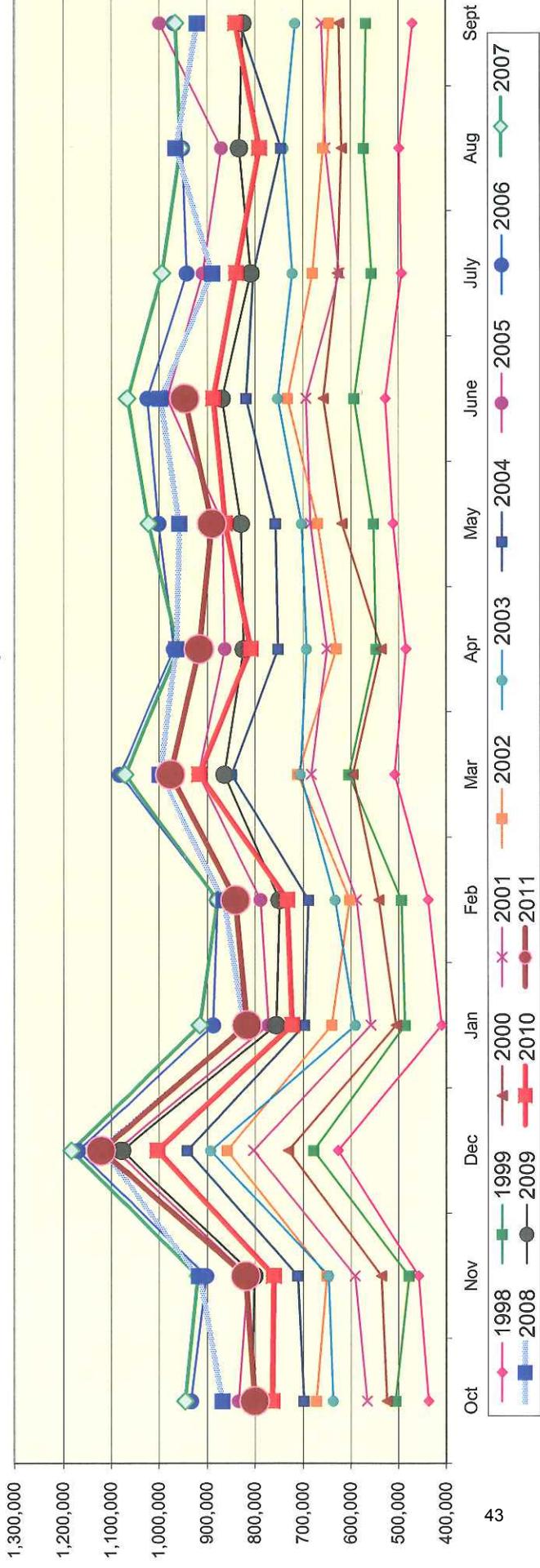
FISCAL YEAR COMPARISONS

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
October	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	19.47%	11.87%	1.28%	-8.19%	-7.00%	-5.19%	4.69%
November	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	14.61%	10.66%	1.92%	-0.32%	-12.54%	-4.88%	7.60%
December	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,269.25)	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)	(135,080.26)	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	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	106,947.86	14.77%	12.24%	-0.89%	0.37%	-14.58%	-1.65%	13.21%
May	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	33,154.73	27,690.79	14.50%	15.33%	2.11%	-6.30%	-13.38%	4.00%	3.21%
June	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	18,953.16	59,093.08	20.12%	4.19%	4.13%	-6.49%	-12.93%	2.18%	6.66%
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	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	984,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(105,368.34)	665,509.71	15.27%	9.29%	1.44%	-4.99%	-10.99%	-1.05%	6.70%

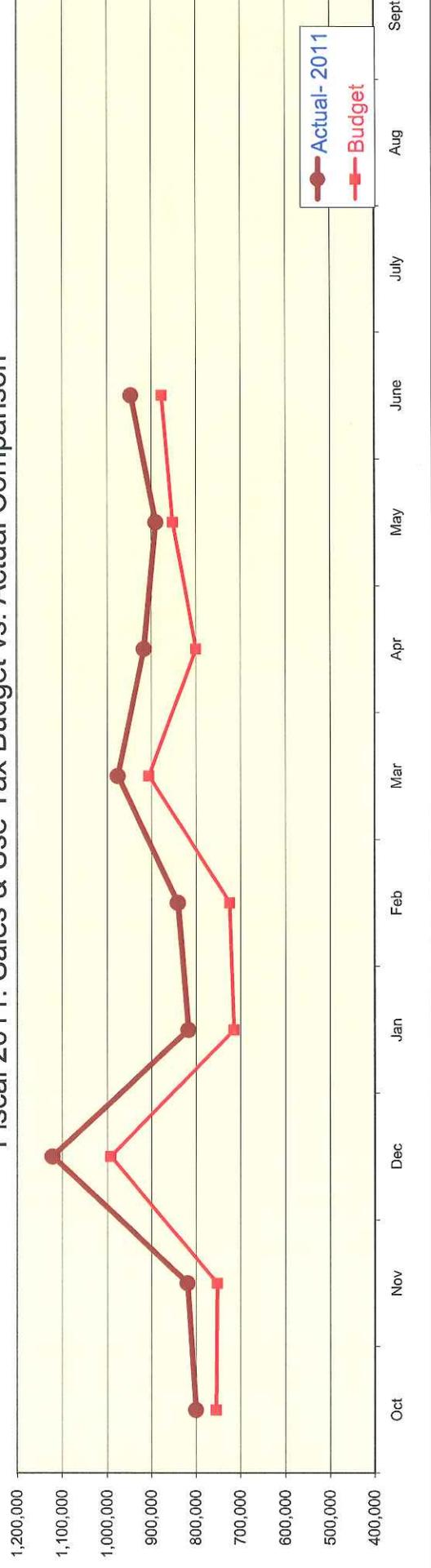
TOTAL collections: FY 10	9,934,179
TOTAL est. bdgt colli: FY 11	9,815,001
Budgeted Dollar Variance 10/11	(119,178)
Budgeted Percent Variance 10/11	-1.20%

TOTAL collections: 6-30-11	8,128,747
Budgeted: 10-1-10 to 6-30-11	7,373,702
Actual Colli-(<)Budget, 6-30-11	755,045
% Over/(Under) Budget, 6-30-11	10.24%

Sales & Use Tax Comparisons



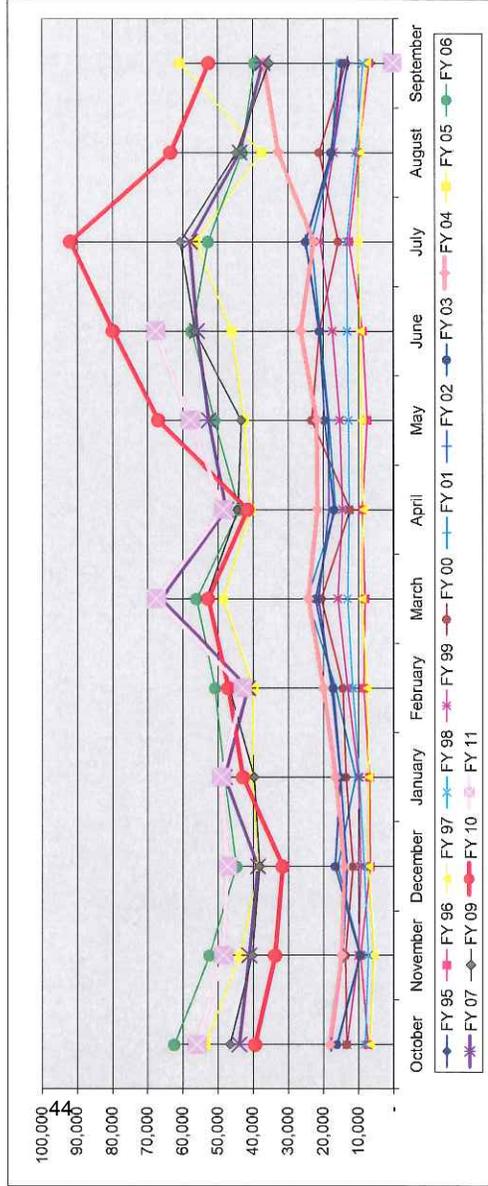
Fiscal 2011: Sales & Use Tax Budget vs. Actual Comparison



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	16,683.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	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	16,416.20	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	50,684.11	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	48,487.83	
May	7,427.26	8,959.97	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	52,584.61	46,145.12	43,293.74	66,820.96	57,880.48	
June	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.36	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	
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	63,323.58	
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	63,323.58	
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	60,635.33	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	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	484,935.99

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



FY 2011 Budget	545,000
% Budget Collected, 9/30/2011	89%

NEW BUSINESSES

July-11

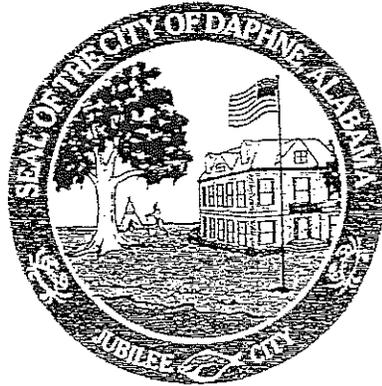
CITY LIMITS		CONTRACTORS	
RETAILERS		JEREMY C BARNES	1
BLOCKBUSTER LLC	1	MORRISONS LANDSCAPE	1
ALL OTHER		SOUTHERN ENERGY SOLUTIONS	1
SPANGLED PROMOTIONS	1	DAVID MERCHANT	1
APROMARK, INC	1	MAJORS HOME IMPROVEMENT	1
MATUSEVICIUTE IEVA	1	ROBS REFINISHING	1
PEACEFUL DOVE ELDER CARE	1	CREATIVE GROUND EFFECTS	1
CLICK THAT PIC PHOTOGRAPHY	1	THE LADY'S LAWN SERVICE	1
WESLEY A JONES CPA	1	DOMINION PROPERTY	1
JAZZERCISE	1		
THE PARLOR (NEW OWNER)	1	TOTAL CONTRACTORS	9

TOTAL NEW BUSINESSES IN DAPHNE 43

TOTAL CITY LIMITS		CLOSED BUSINESSES IN DAPHNE	
	9	ESKAMOES FROZEN CUSTARD	1
OUTSIDE CITY LIMITS		THE PASTRY BOX	1
METAL SALES MUNFACTURING	1	TOTAL CLOSED BUSINESSES IN DAPHNE	2

SELECT COMFORT RETAIL	1
THE COMMON LOON CARRY-OUT	1
ROBEEZ LOGISTICS	1
BUZZBIN'S SCREEN PRINTING	1
MCNELLAGE & ASSOCIATES	1
ACTIVANT SOLUTIONS INC	1
ECS ENTERPRISES	1
PLAYNETWORK, INC	1
GRAFE AUCTION CO	1
CENTRAL IRRIGATION SUPPLY CO	1
ANTHROPOLOGIE.COM LLC	1
JP MORGAN CHASE BANK, NA	1
THE COBALT GROUP	1
UNIFIRST CORP	1
FOUR SEASONS SALES & SERVICE	1
NATIONAL CORPORATE HOUSING	1
PEARLMAN INDUSTRIES	1
EAGLE FENCE DISTRIBUTING	1
THE SWATCH GROUP	1
GOODMAN CO	1
NATIONAL WALLCOVERING, INC	1
DADE MEOLLER & ASSOCIATES	1
E-LETRIC	1
PATS DELI & YOGURT SHOP	1
TOTAL OUTSIDE CITY LIMITS	25

COPY



- COUNCIL MEMBERS
 BAILEY YELDING, JR.
 DISTRICT 1
 CATHY BARNETTE
 DISTRICT 2
 JOHN L. LAKE
 DISTRICT 3
 KELLY D. REESE
 DISTRICT 4
 RON SCOTT
 DISTRICT 5
 DEREK BOULWARE
 DISTRICT 6
 AUGUST A. PALUMBO
 DISTRICT 7

- FRED SMALL
 MAYOR
 DAVID L. COHEN, MMC
 CITY CLERK
 KIMBERLY M. BRILEY
 FINANCE DIRECTOR/TREASURER
 DAVID CARPENTER II
 CHIEF OF POLICE
 JAMES "BO" WHITE
 FIRE CHIEF

April 1, 2011

Baldwin County Commission
 Honorable Frank Burt, Jr., Chairman
 312 Courthouse Square, Suite 12
 Bay Minette, Alabama 36507

04-06-11 A09:26 OUT

Re: City of Daphne - Pavement Striping and Marking

Dear Commissioner Burt:

I respectfully ask the Commission to consider granting this request for County Highway Department to prepare a cost estimate for pavement striping and marking for the attached roads within the City of Daphne.

* Upon receipt of the cost estimate City Staff will present the estimate to all applicable Committees and the full City Council for appropriation. Upon approval of funding, I will request the County to proceed with the work. If the County Staff have any questions or need additional information they can contact Richard Johnson, Public Works Director at (251) 621-3182.

Baldwin County Commission has been a stalwart supporter of the City in such past endeavors and I thank you in advance for your continuing support of the City of Daphne.

Yours,

Fred Small, Mayor

Attachments: Striping Specifications
 Road Maps

Cc: Cal Markert, PE; County Engineer
 Richard D. Johnson, PE; Public Works Director
 File

Baldwin County Highway Department Estimate Sheet

Area: - 200

DATE: 3/31/2011

Requested By: City Of Daphne

Sponsored By: City Of Daphne

LOCATION: Various roads within the city limits of Daphne totaling 6.91 linear road miles

Scope of Work:

Striping of roads

ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT COST	SUBTOTAL
Equipment, Labor and Materials	Road Striping	Line Miles	31.09	\$479.73	\$14,914.81
TOTAL	Equipment, Labor and Materials				\$14,914.81

City of Daphne – Public Works Committee

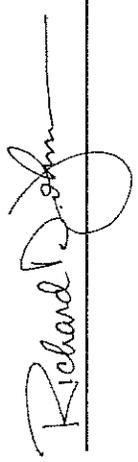
Meeting Date: July 26, 2011

Notice of Action Taken

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
III.E.	Santa Rosa/Old County Road Drainage	To meet with BCBOE Facility Manager to discuss BOE cooperation in the solution to the drainage problems – to report back at a future PWC meeting.	PW Director & City Engineers	PW Director & City Engineers	Brought up from the floor under Old Business from Councilwoman Barnette in the form of additional follow up and follow through.
IV.A.	Tree Removal – Van Avenue (Request for recommendation to send to Finance Committee)	Motion Passed	Finance Department	Finance Staff	Background and low bid attached. Ordinance to appropriate and award work to Spotswood's Tree Service, Inc. in the amount of \$2,175.00.
IV.B.	Woodrow Lane Request to Accept Maintenance from Baldwin County (May require annexation of all or part of ROW)	Motion Passed – Rec. to Planning Commission for consideration and recommendation to City Council.	Community Development	Director of Community Development & PW Director	PW Director will request legal description from the office of the County Engineer and forward to CD. DCD will place on next Planning Commission Agenda
IV.C.	Capital Budget Request for two (2) F150 Ford Trucks to replace Street Department and Solid Waste Department Supervisor's trucks	Motion Passed – Approved PW Staff to solicit bids for two (2) F150 Ford Trucks (with local dealer bid provisions) and recommend to Finance Committee the required Appropriation post bids.	Finance Department	Finance Staff PW Mechanical Supervisor PW Superintendent	PW Mechanical/Admin will provide "bid ready" specifications to Finance Dept. to be solicited for bids. Once bids are received they will be forwarded to Finance Committee for appropriation from capital funds
IV.D.	To name Unnamed Roadway/Drainage Easement (Off Pollard Road north of Deerwood) to: Eliza Drive	Motion Passed – recommendation to Planning Commission to name the roadway Eliza Drive .	City Clerk Community Development	City Clerk Community Development	Item added to Agenda by Chairman – wants the PW Committee recommendation presented to Planning Comm. at Thursday's Meeting (07/28/2011)

*

*



Richard D. Johnson, PE; Director

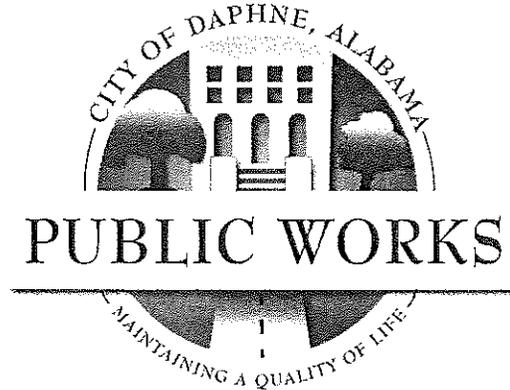
July 26, 2011

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Councilman Yelding, Chairman
Public Works Committee

Thru: Honorable Mayor Fred Small

Cc: Kim Briley – Finance Director

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

Date: July 12, 2011

RE: Capital Budget Request for two (2) F150 Ford Trucks – Public Works

I am requesting the Public Works Committee authorize the one of the two following options:

1. Approve Public Works Staff to solicit bids for two (2) F150 Ford Trucks (with local dealer bid provisions) and recommend to Finance Committee the required Capital Equipment Appropriation for procurement of said trucks.
2. Recommend to the Finance Committee Capital Equipment Appropriation of \$39,748.00 (\$19,874.00 each) for procurement of said trucks from the State Bid List.

Attached is the justification of the need for replacement of these supervisor trucks.

Yours,

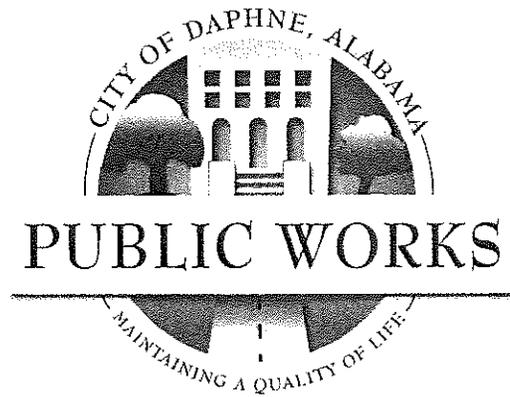
RDJ

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



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District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Public Works Committee

From: Melvin McCarley
Public Works Superintendent

Date: July 7, 2011

Re: Two (2) F150 Ford Trucks to replace Street Department Supervisor and Solid Waste Supervisor's trucks

The engines of both of these trucks are using oil. The transmission in the Street Department truck has gone completely out and the truck is having problems with the anti-lock braking system locking up. He is also having problems with the front end.

The Solid Waste truck is also experiencing transmission problems with the gear shift not going into the correct gear. The windshield wipers will not turn off once they have been turned on (you have to remove the fuse to turn them off). Additionally, there are problems with the instrument panel. The gauges are not working properly.

MM:swc



TO: Cathy Barnette, Council President

FROM: Mayor Fred Small

CC: Kim Briley, Finance Director
Vickie Hinman, Human Resource Director

DATE: August 3, 2011

RE: EMPLOYEE REQUEST FOR MONETARY COMPENSATION

Per your request the department heads have met with their employees and it is the majority of the employees that would like to request a COLA of 3-5%. If the COLA is approved and is less than 3% then the employees would like to receive the one time lump sum amount.

This memo is our official request asking that this item be placed on the agenda for the special called council meeting on Monday, August 8, 2011.

Thank you.

Requested Information: COLA increase
(includes Benefits)

COLA Increases:

Last COLA increase for Non-Public Safety 2.5% in April 2008
Public Safety pay increase April 2007

3%	348,007
2%	232,005
1%	116,002

* Note: Employee Retirement Contributions will potentially increase 2.25% in October and another .25% in 2012.

One Time Lump-Sum Pay Increase:

\$ 500 for Full-Time; \$ 150 for Part-Time

153,655

Buildings & Property Committee Meeting
Monday, August 1, 2011 5:30 PM
Daphne City Hall

Committee

Councilman John Lake
Councilman Derek Boulware
Mayor Fred Small
Richard Merchant, Building Official
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Mayor Fred Small, Councilman Derek Boulware, Councilman John Lake, Richard Johnson, Public Works Director; Frank Barnett, Maintenance Supervisor; Margaret Thigpen, Civic Center Director; Ashley Campbell – Building Department; Jane Ellis, Mayor’s Assistant

A.) Minutes from June Meeting: Motion made to approve minutes from June Meeting. Approved. Note: There was no meeting held in July.

B.) Building Maintenance – Frank Barnett gave a quote (per request of Committee members) for the resurfacing, leveling, etc. of Lott Park tennis courts. This would also include replacing the net and post. While this would not bring it quite to regulation size it will refurbish the surface for use. **Motion made to send to the Rec Board with favorable recommendation in hopes of the Rec Board taking it to the Finance Committee. Quote is for \$9700.** Would like to have a decision no later than 2 months from now.

Our insurance inspector made the recommendation that we place a 24 hour monitored fire alarm system at the Nicholson Center and the Boys & Girls Club buildings. They have an alarm system for a break in currently but not for a fire. Frank said that the fire alarm at the museum purchased and installed recently was about \$3500 plus a monthly fee and an inspection fee.

John Lake suggested we look into the City actually handling the monitoring instead of Hunter Security. The question was also asked if there was a penalty for placing the systems in the buildings based on their suggested recommendations.

John Lake asked Margaret Thigpen to take a look at the Nicholson Center for potential rental facility.

C. Civic Center Report – June and & July numbers are attached. Margaret prepared an additional revenue report showing the comparison of rental with the Church of His Presences and rental now without the Church of His Presence. They were a huge client for the civic center but the report shows that we have been able to almost make of the difference. One thing that has played into this is the availability of the Sundays and other days they used throughout the year.

Margaret also prepared a 5 year outlook of the Zydeco Festival. Based on this information regarding the expense and revenue generated she recommends that the city retire this event. She discussed the challenges and criteria for this recommendation. Have not received information from the hotels that could shed some light as to what maybe our lodging tax was from people that stayed in our hotels. She recommends we take the monies budgeted for this event and look at other avenues and ideas for a community event. Derek Boulware asked Margaret what type of event would she recommend. She said she had some thoughts and would like to look into this and bring back information to the committee. Maybe along with the Jubilee Festival or perhaps creating an Italian Festival that reflects the heritage in Daphne. There are no ties or interest from local community in Zydeco. The Mayor said the vendors were disappointed as well this year with the turn out or lack of participants and shoppers. John Lake agreed that we should retire this event. Derek asked Margaret to do some research on using the status of perhaps Village Point which is a 501(3) c status for an event (she had discussed this option earlier).

Margaret sits on the Tourism Council – working together to push PR initiatives to go after business - and has become a member of the Alabama Council of Association Executives.

D. Building Department Reports – Ashley Campbell reported on the previous months activity (see attached).

Meeting Adjourned.

B & P June 2011

- **Civic Center** = 9 events, 2 cxl'd = 7 events; 9 days used (not including set up days); = \$12,369.00 (\$1,805.00 was discounted netting \$10,564.00)
 - June Deposits = \$9,373.45
 - YTD Deposits = \$99,065.82
 - YTD Discounts = \$29,597.10
- **Bayfront** = 10 events, 1 cxl'd = 9 events; 9 days used (not including set up days); = \$4,742.00 (\$1,498.00 was discounted netting \$3,244.00)
 - June Deposits = \$2,652.00
 - YTD Deposits = \$44,965
 - YTD Discounts = \$4,523.00
- **Upcoming Events** =
 - Military Band – June 13 – Bayfront
 - Taste of the Eastern Shore – August 19, 2011
 - Theme = “Port of Call”

**CIVIC CENTER
MONTHLY REVENUE REPORT JUNE 2011**

CIVIC CENTER RENTALS

Receipt No.	Date Received	Renter Name	Rental Description	Base Rental \$	Additional Hrs \$	Function Date	Project Code	Amount
4744	6/3/2011	Hartzes, Irene	CC Upgrade, HRS, CL	810.00	280.00	6/4/2011		1,090.00
4748	6/13/2011	DHS Class Reunion	HRS		40.00	6/17/2011		40.00
4752	6/20/2011	Nicholas, Brandon	HRS		20.00	6/17/2011		20.00
4753	6/22/2011	DHS Quarterback Club	HRS, CL-Exhibit Hall	250.00	120.00	6/22/2011		370.00
4755	6/27/2011	DHS Quarterback Club	CL-Kitchen Service	65.00		6/24/2011		65.00
4749	6/16/2011	Edge Design Group	HRS		80.00	6/25/2011		80.00
4745	6/7/2011	SW District Convention	HRS, K Service	165.00	60.00	6/27/2011		225.00
4756	6/27/2011	Wright, Ashley	HRS		60.00	6/27/2011		60.00
4757	6/29/2011	Southwest District Convention	HRS		40.00	6/27/2011		40.00
4750	6/16/2011	Williams, Cheryl	RA-Willow, CL, HRS	315.00	100.00	7/2/2011		415.00
4758	6/29/2011	Mani, Neela	HRS, Lift Tech, Kitchen	390.00	305.00	7/3/2011		695.00
4754	6/27/2011	Parker, Sheena	HRS		200.00	7/9/2011		200.00
4760	6/30/2011	The Shoulder	RA-Ex Hall, CL, HRS	532.50	80.00	8/24/2011		612.50
4751	6/16/2011	Griffin, Chenson	CC Upgrade, HRS	35.00	160.00	12/17/2011		195.00
4761	6/30/2011	Burrowes, Courtney	RA-Ex Hall, CL, HRS	815.00	80.00	1/7/2012		895.00
4759	6/30/2011	Neckles, Erica	RA-Ex Hall, Wisteria, CL, HRS	920.00	80.00	5/19/2012		1,000.00
4743		VOID						0.00
SUBTOTAL				4,297.50	1,705.00			6,002.50

Equipment/Supply Rental

Receipt No.	Date Received	Renter Name	Rental Description		Function Date	Amount
4744	6/3/2011	Hartzes, Irene	AL-Linens	28.00	6/4/2011	28.00
4744	6/3/2011	Hartzes, Irene	CCSK-White	30.00	6/4/2011	30.00
4744	6/3/2011	Hartzes, Irene	Elec-Drop Lights	100.00	6/4/2011	100.00
4744	6/3/2011	Hartzes, Irene	Elec-Starburst Lights	100.00	6/4/2011	100.00
4744	6/3/2011	Hartzes, Irene	Elec-Band Drop Box	175.00	6/4/2011	175.00
4744	6/3/2011	Hartzes, Irene	WP-Portable Bar	100.00	6/4/2011	100.00
4744	6/3/2011	Hartzes, Irene	WP-Columns	20.00	6/4/2011	20.00
4744	6/3/2011	Hartzes, Irene	TSD-Pipe & Drape	105.00	6/4/2011	105.00
4744	6/3/2011	Hartzes, Irene	Equip-Risers	300.00	6/4/2011	300.00
4747	6/13/2011	Taylor, Karif	AV-CD/MP3 Setup	75.00	6/11/2011	75.00
4753	6/22/2011	DHS Quarterback Club	AL-Linens	144.00	6/24/2011	144.00
4753	6/22/2011	DHS Quarterback Club	Elec-DJ Fee	50.00	6/24/2011	50.00
4753	6/22/2011	DHS Quarterback Club	WP-Portable Bar	50.00	6/24/2011	50.00
4753	6/22/2011	DHS Quarterback Club	CCSK-White	15.00	6/24/2011	15.00
4755	6/27/2011	DHS Quarterback Club	KI-Ice Carts	20.00	6/24/2011	20.00
4756	6/27/2011	Wright, Ashley	WP-Belly Bar	10.00	6/25/2011	10.00
4757	6/29/2011	Southwest District Convention	AV-Mixer	35.00	6/27/2011	35.00
4757	6/29/2011	Southwest District Convention	AL-Linens	7.00	6/27/2011	7.00
4758	6/29/2011	Mani, Neela	AV-CD/MP3 Setup	75.00	7/3/2011	75.00
4758	6/29/2011	Mani, Neela	Elec-Starburst Lights	100.00	7/3/2011	100.00
4758	6/29/2011	Mani, Neela	Elec-Drop Lights	100.00	7/3/2011	100.00
4758	6/29/2011	Mani, Neela	Equip-Lift	100.00	7/3/2011	100.00
4758	6/29/2011	Mani, Neela	KI-Ice Carts	10.00	7/3/2011	10.00
4758	6/29/2011	Mani, Neela	KI-Bus Trays w/stands	10.00	7/3/2011	10.00
4758	6/29/2011	Mani, Neela	Misc-Caterer Early Del	100.00	7/3/2011	100.00
4758	6/29/2011	Mani, Neela	TSD-Pipe & Drape	75.00	7/3/2011	75.00
4754	6/27/2011	Parker, Sheena	Elec-DJ Fee	50.00	7/9/2011	50.00
4754	6/27/2011	Parker, Sheena	Elec-Drop Lights	100.00	7/9/2011	100.00
4754	6/27/2011	Parker, Sheena	Elec-Starburst Lights	100.00	7/9/2011	100.00
4754	6/27/2011	Parker, Sheena	Equip-Risers	100.00	7/9/2011	100.00
4754	6/27/2011	Parker, Sheena	WP-Portable Bar	50.00	7/9/2011	50.00
4754	6/27/2011	Parker, Sheena	WP-Street Lamps	50.00	7/9/2011	50.00
4754	6/27/2011	Parker, Sheena	WP-Gazebo	25.00	7/9/2011	25.00
4751	6/16/2011	Griffin, Chenson	AL-Linens	228.00	12/17/2011	228.00
4751	6/16/2011	Griffin, Chenson	WP-Portable Bar	50.00	12/17/2011	50.00
4751	6/16/2011	Griffin, Chenson	WP-Belly Bar	10.00	12/17/2011	10.00
4751	6/16/2011	Griffin, Chenson	Elec-Drop Lights	100.00	12/17/2011	100.00
4751	6/16/2011	Griffin, Chenson	Elec-Starburst Lights	100.00	12/17/2011	100.00
4751	6/16/2011	Griffin, Chenson	Elec-Band Drop Box	175.00	12/17/2011	175.00
4746	6/7/2011	Church of His Presence	Mediacom	298.95	March, April, May	298.95
SUBTOTAL				3,370.95		3,370.95

Tickets

Receipt No.	Date Received	Renter Name	Rental Description		Function Date	Amount
SUBTOTAL						
0.00						

Receipt No.	Date Received	Renter Name	Rental Description	Base Rental \$	Additional Hrs \$	Function Date	Project Code	Amount
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								0.00
Damages								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								
TOTAL								9,373.45
REFUNDS								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
TOTAL								
NET REVENUE								9,373.45

BAYFRONT PARK
JUNE 2011 - MONTHLY REVENUE REPORT

BAYFRONT RENTAL								
Receipt No.	Date Received	Renter Name	Rental Description	Base Rental \$	Additional Hrs \$	Function Date	Project Code	Amount
2389	6/2/2011	Nat'l Org of New Apostolic Church	HRS		80.00	6/5/2011		80.00
2396	6/20/2011	Sherman, Craig MD	HRS		15.00	6/17/2011		15.00
2395	6/20/2011	Lett, Anthony	HRS, CL	200.00	20.00	6/18/2011		220.00
2400	6/30/2011	Brothers by the Bay	HRS		40.00	6/28/2011		40.00
2394	6/14/2011	Bonham, Martha	RA-Kitchen, HRS	40.00	40.00	7/2/2011		80.00
2393	6/13/2011	Dixon, Debra	RA-Kitchen, HRS, CL	240.00	60.00	7/9/2011		300.00
2399	6/29/2011	Cotton, Debra	HRS		40.00	7/17/2011		40.00
2397	6/21/2011	Crowder, Teresa	RA-Sunset, Kitchen, HRS	340.00	100.00	7/22/2011		440.00
2391	6/9/2011	Worthern, David	RA-Sunset, HRS	300.00	80.00	8/13/2011		380.00
2398	6/21/2011	Rubio, Fabiola	RA-Sunset, HRS	300.00	100.00	8/21/2011		400.00
2390	6/8/2011	Burke, Nicholas	RA-Sunset, HRS	300.00	80.00	5/26/2012		380.00
2392		VOID						0.00
SUBTOTAL				1,720.00	655.00			2,375.00

Equipment/Supply Rental								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
2389	6/2/2011	Nat'l Org of New Apostolic Church	AV-CD/MP3 Setup	75.00		6/5/2011		75.00
2395	6/20/2011	Lett, Anthony	Elec-DJ Fee	30.00		6/18/2011		30.00
2393	6/13/2011	Dixon, Debra	AV-CD/MP3 Setup	75.00		7/9/2011		75.00
2399	6/29/2011	Cotton, Debra	CCSK-White	60.00		7/17/2011		60.00
2399	6/29/2011	Cotton, Debra	AL-Linen	37.00		7/17/2011		37.00
SUBTOTAL				277.00				277.00

Tickets								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								0.00

Concession								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								0.00

Damages								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								

TOTAL 2,652.00

REFUNDS								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
TOTAL								0.00

NET REVENUE 2,652.00

B & P July 2011

- **Civic Center** = 10 events; 11 days used (not including set up days) = \$20,038.00 (\$1362.00 was discounted netting \$18,676.00)
 - July Deposits = \$8,887.00 (Includes a refund of \$907.00 for a cancellation)
 - YTD Deposits = \$107,952.82
 - YTD Discounts = \$29,934.00

Revenue Comparison

▪ **2009-2010**

- Total = \$200,371.06
- COHP Revenue = \$119,811.08
- Total w/out COHP Revenue = \$ 80,559.98

▪ **2010-2011 as of June 2011**

- Total = \$114,995.70
- COHP Revenue = \$ 8,390.20
- Total w/out COHP Revenue = \$106,605.50

- **Bayfront** = 13 events, 2 cxl'd = 12 events; 12 days used (not including set up days); = \$6401.00 (\$340.00 was discounted netting \$6061.00)
 - July Deposits = \$3,829.00
 - YTD Deposits = \$48,794.00
 - YTD Discounts = \$3,385.00

Revenue Comparison

▪ **2009-2010**

- Total = \$44,984.99

▪ **2010-2011 as of June 2011**

- Total = \$53,401.00

- **Past Events =**

- Zydeco Summary and Numbers (see attached)
 - 2011 – 3 day festival (\$26,190.97)
 - 2010 – 2 day festival (\$ 5,664.68)
 - 2009 – 3 day festival (\$42,173.83)
 - 2008 – 3 day festival (\$49,359.48)
 - 2007 – 3 day festival (\$39,050.75)

- **Upcoming Events =**

- Employee Wellness Benefit – August 3, 2011
- Taste Planning Meeting – August 4, 2011
- Taste of the Eastern Shore – August 19, 2011
 - Theme = “Port of Call”
 - Advertising
 - Radio
 - WKRG
 - Website, Facebook
 - Ticket Sales

- **Misc =**

- AL Water Pollution (Daphne Utilities) Currently In house
- Alabama Council of Association Executives

**CIVIC CENTER
MONTHLY REVENUE REPORT JULY 2011**

CIVIC CENTER RENTALS								
Receipt No.	Date Received	Renter Name	Rental Description	Base Rental \$	Additional Hrs \$	Function Date	Project Code	Amount
4763	7/7/2011	Hill, Shay	RA-Upgrade, HRS, CL	935.00	120.00	7/16/2011		1,055.00
4771	7/22/2011	Wiese, Lisa	HRS		20.00	7/22/2011		25.00
4762	7/1/2011	Young, Celeste	RA-Upgrade, HRS, CL	750.00	320.00	7/23/2011		1,070.00
4765	7/14/2011	Desai, Mitesh	RA-Kitchen, HRS	165.00	120.00	7/30/2011		285.00
4777	7/30/2011	Desai, Mitesh	HRS		20.00	7/30/2011		20.00
4776	7/28/2011	Frieson, Anthony	RA-EF, HRS, CL	1,750.00	80.00	7/21/2012		1,830.00
4769	7/21/2011	Foley High School	RA-Ex Hall, Kitchen,	2055.00	320.00	04/05-06/2012		2,375.00
4767	7/18/2011	Magnolia Business Alliance	RA-Willow, CL, HRS	320.00	175.00	07/26-27/2011		495.00
4775	7/26/2011	United Way of Baldwin Co	CL, HRS	250.00	40.00	08/31-09/01/2011		290.00
4764		VOID						0.00
4768		VOID						0.00
SUBTOTAL				6,225.00	1,215.00			7,445.00

Equipment/Supply Rental

Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
4773	7/25/2011	Williams, Cheryl	Misc-Damage	20.00		7/2/2011		20.00
4766	7/15/2011	Mani, K. G.	KI-Ice Carts	10.00		7/3/2011		10.00
4766	7/15/2011	Mani, K. G.	KI-Chafing Dishes	70.00		7/3/2011		70.00
4770	7/21/2011	Daffin, Anita	AL-Linens	108.00		7/9/2011		108.00
4770	7/21/2011	Daffin, Anita	CCSK-Skirts	105.00		7/9/2011		105.00
4763	7/7/2011	Hill, Shay	Equip-Runway Ramp	250.00		7/16/2011		250.00
4763	7/7/2011	Hill, Shay	AV-Control Package	350.00		7/16/2011		350.00
4763	7/7/2011	Hill, Shay	AV-Technician	70.00		7/16/2011		70.00
4772	7/22/2011	Eastern Shore Café	KI-Ice Carts	20.00		7/22/2011		20.00
4762	7/1/2011	Young, Celeste	Elec-Drop	100.00		7/23/2011		100.00
4762	7/1/2011	Young, Celeste	Elec-Starburst	100.00		7/23/2011		100.00
4762	7/1/2011	Young, Celeste	Elec-DJ	50.00		7/23/2011		50.00
4762	7/1/2011	Young, Celeste	WP-Colonnade	100.00		7/23/2011		100.00
4762	7/1/2011	Young, Celeste	WP-Kneeling Bench	10.00		7/23/2011		10.00
4765	7/14/2011	Desai, Mitesh	Elec-Starburst	100.00		7/30/2011		100.00
4765	7/14/2011	Desai, Mitesh	Elec-Drop	100.00		7/30/2011		100.00
4765	7/14/2011	Desai, Mitesh	Elec-DJ	50.00		7/30/2011		50.00
4765	7/14/2011	Desai, Mitesh	AV-10 X 10 Screen	50.00		7/30/2011		50.00
4765	7/14/2011	Desai, Mitesh	WP-Colonnade	100.00		7/30/2011		100.00
4765	7/14/2011	Desai, Mitesh	WP-Bar	50.00		7/30/2011		50.00
4765	7/14/2011	Desai, Mitesh	CCSK-Skirts	60.00		7/30/2011		60.00
4765	7/14/2011	Desai, Mitesh	KI-Ice Carts	40.00		7/30/2011		40.00
4769	7/21/2011	Foley High School	AL-Linens	150.00		04/05-06/2012		150.00
4769	7/21/2011	Foley High School	CCSK-Skirts	90.00		04/05-06/2012		90.00
4769	7/21/2011	Foley High School	Elec-DJ	50.00		04/05-06/2012		50.00
4769	7/21/2011	Foley High School	TSD-Pipe & Drape	15.00		04/05-06/2012		15.00
4769	7/21/2011	Foley High School	WP-Street Lamps	50.00		04/05-06/2012		50.00
4774	7/26/2011	Daniels, Darren	AL-Linens	21.00		07/26-27/2011		21.00
4775	7/26/2011	United Way of Baldwin Co	AV-10 X 10 Screen	50.00		08/31-09/01/2011		50.00
4775	7/26/2011	United Way of Baldwin Co	KI-Ice Carts	10.00		08/31-09/01/2011		10.00
SUBTOTAL				2,349.00				2,349.00

Tickets								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								

Concession								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								0.00

Damages								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								

TOTAL				9,794.00
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REFUNDS								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
4653 & 4701	7/19/2011	Dominique McCrary	100% Reimbursement			5/14/2011		-907.00
TOTAL								-907.00

BAYFRONT PARK
JULY 2011 - MONTHLY REVENUE REPORT

BAYFRONT RENTAL								
Receipt No.	Date Received	Renter Name	Rental Description	Base Rental \$	Additional Hrs \$	Function Date	Project Code	Amount
2408	7/12/2011	Dixon, Debra	HRS		20.00	7/9/2011		20.00
2406	7/8/2011	AL Open Spearfishing Rodeo	HRS		40.00	7/10/2011		40.00
2407	7/11/2011	Hudson, Crystal	RA-Kitchen, HRS	40.00	20.00	7/15/2011		60.00
2409	7/13/2011	Murphy Class of '58	HRS		40.00	7/16/2011		40.00
2403	7/6/2011	Cotton, Whitney	HRS		20.00	7/17/2011		20.00
2404	7/6/2011	Cotton, Whitney	CL	200.00		7/17/2011		200.00
2415	7/18/2011	Cotton, Whitney	HRS		20.00	7/17/2011		20.00
2401	7/1/2011	Dean, Kathryn	RA-Sunset, HRS	300.00	80.00	7/24/2011		380.00
2417	7/21/2011	Dean, Kathryn	RA-Kitchen, HRS	40.00	20.00	7/24/2011		60.00
2420	7/27/2011	Brothers on the Bay	HRS		40.00	7/26/2011		40.00
2414	7/15/2011	Borjas, Luis	RA-Kitchen, HRS	40.00	40.00	7/29/2011		80.00
2412	7/15/2011	Gallaher, Ross	RA-Upgrade to EF, CL, HRS	335.00	60.00	7/30/2011		395.00
2421	7/30/2011	Gallaher, Ross	HRS		20.00	7/30/2011		20.00
2405	7/7/2011	Reeves, Dawn	RA-Sunset, HRS	300.00	200.00	11/11/2011		500.00
2411	7/13/2011	GMACNA	RA-Sunset, Kitchen, HRS	340.00	120.00	2/18/2012		460.00
2419	7/25/2011	Luke, Teresa	RA-Sunset, HRS	300.00	80.00	3/30/2012		380.00
2418	7/22/2011	Royal Order of Jesters	RA-Sunset, HRS	300.00	80.00	6/16/2012		380.00
2410	7/13/2011	Jones, Liltasha	RA-Sunset, HRS	300.00	80.00	6/23/2012		380.00
2416		VOID		0.00	0.00			0.00
SUBTOTAL				2,495.00	980.00			3,475.00

Equipment/Supply Rental								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
2409	7/13/2011	Murphy Class of '58	Elec-DJ Fee	30.00		7/16/2011		30.00
2402	7/6/2011	Cotton, Whitney	AV-CD/MP3 Setup	75.00		7/17/2011		75.00
2413	7/15/2011	Dean, Rowland	AL-Linens	144.00		7/24/2011		144.00
2417	7/21/2012	Dean, Kathryn	Elec-CD/MP3 Setup	75.00		7/24/2011		75.00
2414	7/15/2011	Borjas, Luis	Elec-DJ Fee	30.00		7/29/2011		30.00
SUBTOTAL				354.00				354.00

Tickets								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								0.00

Concession								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								0.00

Damages								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
SUBTOTAL								

TOTAL **3,829.00**

REFUNDS								
Receipt No.	Date Received	Renter Name	Rental Description			Function Date		Amount
TOTAL								0.00

NET REVENUE

Permit Activity Report *(only)* **New Construction Permits for June.** 2011-07-01

Permit Code From: BL To: BL
 Issued Date From: 2011-06-01 To: 2011-06-30
 Improvement Type: NEW

BUILDING PERMIT

Residential - NEW - R1 BL Permits

ConID/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	11-547		10492 AHERN DRIVE	Yes	A	06/24/2011	06/24/2011	\$187,980.00	\$955.00
	D R HORTON INC			Daphne, AL 36526			Dunmore		SQ. FT	Lot: 74

Total Residential - NEW - R1 BL Permit(s) 1 \$187,980.00

Residential - NEW - R3 BL Permits

ConID/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	11-512		24221 TULLAMORE DRIVE	Yes	A	06/08/2011	06/08/2011	\$160,530.00	\$820.00
	D R HORTON INC			Daphne, AL 36526			Dunmore		SQ. FT	Lot: 10
5373-1	COLONY HOMES	11-509		8824 BAINBRIDGE DRIVE	Yes	A	06/07/2011	06/07/2011	\$212,280.00	\$1,080.00
	COLONY HOMES			Daphne, AL 36526			Brookhaven		SQ. FT	Lot: 13
3046-1	MCVAY CONSTRUCTION CO. INC.	11-862		30175 LOBLOLLY CIRCLE	Yes	A	06/30/2011	06/29/2011	\$140,670.00	\$720.00
	MCVAY CONSTRUCTION CO. INC.			DAPHNE, AL 36526			Timber Creek		SQ. FT	Lot: 91
5278-1	D R HORTON INC	11-548		23931 TULLAMORE DRIVE	Yes	I	06/24/2011	06/24/2011	\$204,030.00	\$1,040.00
	D R HORTON INC			Daphne, AL 36526			Dunmore		SQ. FT	Lot: 68
4912-1	OWNER	11-538		7995 PINE RUN	Yes	A	06/20/2011	06/20/2011	\$199,620.00	\$1,015.00
	OWNER			Daphne, AL 36526			Timber Creek		SQ. FT	Lot: 17

5278-1	D R HORTON INC	11-536	24192 TULLAMORE DRIVE Daphne, AL 36526	Yes	A	06/20/2011	06/20/2011	\$153,420.00	\$785.00		
	D R HORTON INC			Sub Division:	Dunmore			SQ. FT	Lot: 21		
5278-1	D R HORTON INC	11-535	24160 TULLAMORE DR Daphne, AL 36526	Yes	A	06/20/2011	06/20/2011	\$121,680.00	\$625.00		
	D R HORTON INC			Sub Division:	Dunmore			SQ. FT	Lot: 24		
Total Residential - NEW - R3 BL Permit(s)									7	\$1,192,230.00	\$6,085.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL 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	
5373-1	COLONY HOMES	11-542		30880 PINE CT Daphne, AL 36526	Yes	A	06/22/2011	06/22/2011	\$182,700.00	\$930.00	
	COLONY HOMES				Sub Division:	Timber Creek			SQ. FT	Lot: 47	
Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)									1	\$182,700.00	\$930.00
Total Residential - NEW BL Permit(s)									9	\$1,562,910.00	\$7,970.00
Total Residential BL Permit(s)									9	\$1,562,910.00	\$7,970.00

Non Residential - NEW - B2 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	
2720-1	LANGENBACH CONSTRUCTION	11-554		8871 RAND AVE Daphne, AL 36526	Yes	A	06/27/2011	06/27/2011	\$225,000.00	\$1,350.00	
	LANGENBACH CONSTRUCTION				Sub Division:				SQ. FT	Lot: 24	
3589-1	QUIN-CO., INC.	11-520		24201 US HWY 98 Daphne, AL 36526	Yes	A	06/10/2011	06/10/2011	\$73,500.00	\$441.00	
	QUIN-CO., INC.				Sub Division:				SQ. FT	Lot:	
Total Non Residential - NEW - B2 BL Permit(s)									2	\$298,500.00	\$1,791.00
Total Non Residential - NEW BL Permit(s)									2	\$298,500.00	\$1,791.00
Total Non Residential BL Permit(s)									2	\$298,500.00	\$1,791.00
Total BL Permit(s)									11	\$1,861,410.00	\$9,761.00
Grand Totals									11	\$1,861,410.00	\$9,761.00

Permit Activity Report *New Construction Permits for July 2011.*

2011-08-01

Issue Date From: 2011-07-01 To: 2011-07-31

Permit Code: BL BUILDING PERMIT

Residential - NEW - R3 BL Permits

Conid - 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	11-620		24186 TULLAMORE DRIVE	Yes	A	07/22/2011	07/22/2011	\$204,030.00	\$1,040.00
	D R HORTON INC			Daphne, AL 36526						
Proposed Use: NEW RESIDENTIAL										
Notes:										
5278-1	D R HORTON INC	11-621		24178 TULLAMORE DRIVE	Yes	A	07/22/2011	07/22/2011	\$157,740.00	\$805.00
	D R HORTON INC			Daphne, AL 36526						
Proposed Use: NEW RESIDENTIAL										
Notes:										
Total Residential - NEW - R3 BL Permit(s)										\$1,845.00

Total Living: 2984 Total Non Living: 833

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

Conid - Loc#	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	11-622		10339 ESTIA STREET	Yes	A	07/25/2011	07/25/2011	\$110,250.00	\$570.00
	HONS BUILDERS			Daphne, AL 36526						
Proposed Use: NEW RESIDENTIAL										
Notes:										
84-1	ADAMS HOMES, LLC	11-637		8075 BROOKSIDE LANE	Yes	A	07/29/2011	07/29/2011	\$110,820.00	\$570.00
	ADAMS HOMES, LLC			Daphne, AL 36526						
Proposed Use: NEW RESIDENTIAL										
Notes:										
Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)										\$1,140.00

Total Living: 1465 Total Non Living: 745

Total Residential - NEW BL Permit(s) \$582,840.00

Total Residential BL Permit(s) \$582,840.00

Total BL Permit(s) \$582,840.00

Grand Totals 4 \$582,840.00 \$2,985.00

Ordinance Committee

Wednesday, August 10, 2011

City Hall Council Chambers

5:30 p.m.

Councilman Kelly Reese

Councilman Ron Scott

Councilman Derek Boulware

I. CALL TO ORDER/MEMBERS PRESENT

Members Present: Kelly Reese and Derek Boulware

Others Present: David Cohen and Eric Bussey

II. PUBLIC PARTICIPATION

None

III. ORDINANCE REVIEW/DISCUSSION

a. Workers Comp Insurance Procedures

This issue was discussed and a conference call between Eric, Kelly, and Vickie is needed to iron out the details. The issue will be on next meeting agenda.

b. Waiver of Sewer Tap Fee

The issue was discussed and asked to be placed on next meeting agenda.

c. Amendment of Land Use Ordinance for Interstate Signs

The issue was discussed and took no action.

d. Any other actions or discussions deemed necessary for the Ordinance Committee to consider.

IV. OTHER BUSINESS

None

V. ADJOURN

Motion by Mr. Boulware Seconded by Mr. Reese To adjourn at 5:50 P.M.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 1:00 PM on July 26, 2011
Location: City Hall Council Chambers

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

I. CALL TO ORDER

The July meeting of the Public Works Committee was called to order at 1:00 PM

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Richard D. Johnson-Director Public Works, Denise Penry-Public Works Accountant/EMA, Jaye Robertson-HMR, Dorothy Morrison-Daphne Beautification Committee

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – June 2011 reports reviewed
- B. **Vehicle/Equipment Maintenance Report** – June 2011 report reviewed.
- C. **Public Participation** – None
- D. **Correspondence** – Email from Ashley Campbell regarding Old County Road. Councilwoman Barnette wants this issue on the school board’s radar. She stated that we have a problem; the school has contributed and needs to be a part of the solution. Richard will set up a meeting with school board representatives, and engineers to discuss issue.
- E. **Correspondence** – Email from Tomasina Werner regarding Gazebo and Overlook.

III. OLD BUSINESS

- A. **Minutes – June 20, 2011 Councilwoman Barnette made a motion to accept the minutes from the June 20, 2011 Public Works Committee meeting. Motion was seconded by Councilman Yelding.**
- B. **Mosquito Reports** – June 2011 Reports not included in packet
- C. **Street Sweeper Reports** – June 2011 reports reviewed.
- D. **Update on Randall Avenue Sidewalks** – Making progress. Possibly make a request at the next meeting to move forward with project.

IV. NEW BUSINESS

- A. **Tree Removal – Van Avenue** (Request for Recommendation to send to Finance Committee). **Councilwoman Barnette made a motion to send to the Finance Committee to request funds to remove tree. Motion seconded by Councilman Yelding.**
- B. **Woodrow Lane Request to Accept Maintenance (Baldwin County).** Richard Johnson presented the county’s request for the City to take over maintenance on Woodrow Lane. Request needs to be sent to the Community Development Committee for discussion. **Motion made by Councilwoman Barnette to send request to accept maintenance of Woodrow Lane to Community Development. Motion seconded by Councilman Bailey.**
- C. **Capital budget request for two (2) F150 Ford Trucks to replace Street Department and Solid Waste Department Supervisor’s trucks.** Councilwoman Barnette questioned the need for the trucks. Richard Johnson produced justification for the purchase of the trucks. After further discussion, **Motion made by Councilwoman Barnette to authorize Richard Johnson, Public Works Director, to seek bids with local dealers. Motion seconded by Councilman Bailey.**

V. DIRECTOR'S REPORT

- A. **Report: Share the Road** – Richard Johnson explained the program and the “No Zone” program.
- B. Who’s Job Is It? Brochure – Rough Draft presented.
- C. Recycle exchange program – Discussion to request that Churches, POA’s, HOA’s make announcements.
- D. Recommendation to name “ELIZA DRIVE” **Motion made by Councilwoman Barnette to name Eliza Drive. Motion seconded by Councilman Yelding.**

VI. SOLID WASTE AUTHORITY

- A. **Monthly Equipment Use Report**
- B. **Monthly Recycle Tonnage Report** (Last Quarter Tonnage Comparison). June tonnage is up.

VII. MUSEUM COMMITTEE

- A. Minutes – June 13, 2011. Minutes reviewed.

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – July 1
- B. Top Ten List July 2011
- C. Update – Councilman Yelding requested that “we” keep up with KFC – Richard to speak with them. Councilwoman Barnette has questions regarding landscaping for KFC. What are their landscaping plans and what about the Veteran’s Day project?
- D. Councilman Yelding requested that the DBC address the landscaping/pruning of Joe Lewis Patrick Park.

IX. ENGINEER REPORT

- A. **HMR Update** – Lake Forest project is moving along well.

V. FUTURE BUSINESS

- A. Next Meeting – August 15, 2011

XI. ADJOURNMENT

The meeting adjourned at 2:11 PM.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

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

Call of Roll:

Members Present:

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

Members Absent:

Barry Taylor

Staff Present:

Adrienne D. Jones, Director of Community Development
Jerry Speegle, BZA Attorney
Pat Houston, Recording Secretary

The Chairman stated next item on the agenda is the approval of the July 1st, 2010 meeting minutes. The Chairman stated if you all have read the minutes, the Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the July 1st, 2010 meeting were considered for approval.

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

The Motion carried unanimously.

The Chairman stated next is the approval of the September 2nd, 2010 meeting minutes. The Chair will entertain a motion to approve the minutes as written.

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

The Motion carried unanimously.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

New Business:

Appeal #2011-02 TDG Lake Forest LLC

The Chairman stated next is new business on the agenda, Appeal #2011-02 TDG Lake Forest LLC, a variance to allow the reconstruction of an 8-unit apartment building. The property is located at 500 Jackson Street, and it is in an R-3, High Density Single Family Residential Zone and a B-1 Local Business Zone. Mr. Bullock will you be representing the applicant tonight?

Mr. Bullock stated yes, sir.

The Chairman stated fine, but first we will have Ms. Jones walk us through it. Also, I asked for the order of these appeals to be changed on the agenda to make it easier. Ms. Jones, if you would please take us through this.

Ms. Jones passed out a Power Point Presentation of 500 Jackson Street showing the site of the enclosed existing slab that remains from the burned apartment unit. Ms. Jones stated the subject property is located at 500 Jackson Street. If you look at the slide copies that I handed out you will see pictures of the empty slab on the location map. In 1979 the Lake Forest Apartments were constructed. In 1987 the City of Daphne zoning was established and in 1988 Daphne annexed Lake Forest and the apartments and they were grandfathered with a nonconforming use status. In 2007 the Lake Forest Apartments had a fire and one unit was completely destroyed. In 2010 the apartments were sold and came under new ownership and those new owners are seeking a zoning amendment and variance today.

Section 9-14 the Grandfather Clause states "any use of buildings or land existing prior to the enactment of the Lane Use and Development Ordinance, September 21, 1987, and does not conform to the provisions set forth by the Ordinance shall be allowed to continue as a nonconforming use". Article 9-2(b)(4) of the Land Use & Development Ordinance, "a NONCONFORMING BUILDING, structure or improvement which is hereafter damaged or destroyed to an extent exceeding 50% of the reasonable estimated replacement cost of the structure, building or improvement may not be reconstructed or restored to the same nonconforming use, except upon the approval of the Board of Zoning Adjustment". Currently the Lake Forest's fourteen apartment buildings are grandfathered with a B-1/R-3 zoning which is one hundred and twenty units or nineteen point zero one units per acre. As such under Article 9-2(b) Lake Forest Apartment needs BZA approval to rebuild one eight unit building resulting in one hundred and twenty eight units or twenty point twenty eight units per acre, which was its original layout when it was annexed into the City. The maximum density provision allowable for apartments in an R-4, Multi-Family Residential zone is fourteen units per acre.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones stated aesthetically, reconstructing the building is a much better solution than the empty slab.

The Chairman stated Mr. Bullock if you would please step up to the podium and stand your name for the record.

Mr. Bullock stated my name is Joe Bullock and I am with Engineering Development Services and we are representing TDG Lake Forest Apartments LLC. Ms. Jones has summed up the matter perfectly; therefore, I will not repeat it. Basically, I am here with my client to answer any questions you may have.

Mr. Moss stated frankly, I would like to see the apartment building built back. It would be much better than an ugly empty slab just sitting there.

Mr. Lamb stated I am trying to wrap my mind around this. We are only talking about reconstructing the apartment building that burned down.

Mr. Bullock stated correct.

Ms. Jones stated yes, sir. Once the building burned down it was over 50% damaged and lost its grandfather status. In order to rebuild they must have a variance from the BZA to do so. It must be built according to whatever the Building Code is now. At this point we are only talking about rebuilding the apartment unit that burned down.

Mr. Swaney stated are we talking about one building are all of them?

Mr. Dobbins stated just one.

The Chairman state would you stated your name for the record?

Mr. Dobbins stated my name is Bill Dobbins of the Dobbins Group.

Mr. Swaney stated do you own just this one unit or all of them?

Mr. Dobbins stated they are all under common ownership.

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

Mr. Spriggs stated may I say something?

The Chairman stated I am sorry. Let me do this correctly please. Are there any adjacent property owners wishing to speak against this appeal? Are there any wishing to speak in favor of it? Okay. Mr. Spriggs if you would state your name for the record please.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Spriggs stated my name is Kevin Spriggs and I own several businesses in the City of Daphne and I have for many years. I would just like to say that as a business owner I would like to see that unit rebuilt as a source of jobs to boost the economy here in Daphne. It does not help anyone for the slab to sit there empty when the City has the opportunity to let it be rebuilt to serve the community more efficiently as the living unit it was meant to be. Thank you.

The Chairman stated thank you, Mr. Spriggs. Are there any other questions or comments? If not, the Chair will entertain a motion and the motion must be made in the affirmative and it takes four affirmative votes for the appeal to pass.

Mr. Swaney stated approval will only affect the one unit?

Ms. Jones stated yes, sir. The Lake Forest complex is a well-established use in the City of Daphne. The property was annexed into the city and zoning was applied which precludes redevelopment or any expansion unless first receiving approval from the BZA. This is a unique situation for this particular property. Rebuilding the 8 unit building would not be detrimental to the surrounding area and would not usurp the intent of the Zoning Regulations. If considered for approval, such should be contingent upon the City Council's approval of an ordinance to establish R-4, High Density Multi-Family Residential Zoning for the entire site is my recommendation. There are extraordinary and exceptional conditions pertaining to the property in question because of its size, shape and topography.

The Chairman stated any other comments or questions. If not, the Chair will entertain a motion and the motion must be made in the affirmative and it takes four affirmative votes for the appeal to pass.

A Motion was made by Mr. Mayhand and Seconded by Mr. Moss to approve Appeal #2011-02, TDG Lake Forest, LLC, for a variance to allow the reconstruction of an 8-unit apartment building at 500 Jackson Street destroyed by fire and it is in an R-3, High Density Single Family Residential Zone and a B-1, Local Business Zone.

Upon roll call vote, the motion carried.

Mr. Swaney	Nay
Mr. Lamb	Aye
Ms. Hargiss	Aye
Mr. Robison	Aye
Mr. Mayhand	Aye

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

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

New Business:

Appeal #2011-01: TDG Lake Forest, LLC

The Chairman stated next on the agenda is Appeal #2011-01, a variance to allow an extension to the grandfather status regarding existing structures, setbacks, and density. The property is located at 500 Jackson Street, and it is in an R-3, High Density Single Family Residential Zone, and a B-1, Local Business Zone. Ms. Jones, if you would take us through this please.

Ms. Jones stated the Lake Forest Apartment complex is currently zoned R-3 and B-1, neither of which would allow a multi-family apartment development under the current regulations of the Land Use Ordinance. The use was constructed in 1979 under the jurisdiction of unincorporated Baldwin County. Zoning for the city was established eight years later in 1987. In 1988 the property was annexed into the City of Daphne and grandfathered as a legal nonconforming use. Although the apartment is zoned R-3 and B-1, the petitioner has presented a request to the City Council to rezone the property R-4. An R-4 Multi Family allows apartment development with a maximum density of 14 units per acre. If the site had been developed under the City's R-4 provisions then only 88 units would be allowed. If the Council approves R-4 Zoning, the development loses its grandfather status. The petitioners are here tonight to request the BZA to grant them a variance to be grandfathered henceforth forever. They request the BZA to grant the right and an entitlement to achieve a density of 20.2 units per acre in lieu of the 14 units per acre and to establish the side setback to eight feet to the main structure and of five feet to the porches as the minimum required setback. This would allow reconstruction and alterations without any additional BZA requests in the future to be in accordance with the plans submitted. The apartment complex now consists of fourteen two-story apartment buildings and one concrete slab. There are currently 120 units. The density equals 19.01 units per acre. With the approval of the reconstruction of the unit that was destroyed by fire it brings the total unit count back to its original state of 128 units or 20.28 units per acre with two-story apartment buildings. According to Article 9-2(b)(4) of the Land Use & Development Ordinance, "a nonconforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding fifty percent (50%) of the reasonable estimated replacement cost of the structure, building or improvement may not be reconstructed or restored to the same nonconforming use, except upon the approval of the Board of Zoning Adjustment. Such damaged or destroyed structures that are no longer in use shall be removed and the site cleared at the owner's expense." It is my recommendation that since the property was annexed into the city and zoning was applied at that time the R-3 and B-1 zoning restricts redevelopment or any expansion by making it subject to the BZA's approval.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
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Ms. Jones stated this is a situation unique to this property to allow them the ability to reconstruct on site without having to repeatedly make requests for BZA approval would be appropriate. However, I feel it would also be appropriate to make such approval contingent upon the City Council's approval of an ordinance to establish R-4 High Density Multi Family Residential Zoning for the entire site.

The Chairman stated thank you, Ms. Jones. Mr. Bullock.

Mr. Bullock stated once again Ms. Jones has done so nicely summing it up that I really do not have any more to add. I am here to answer any question the Board may have.

Mr. Lamb stated let me see if I understand you correctly. They want us to grant them a variance to always be legal nonconforming.

Mr. Bullock stated they want to keep their grandfather status and not have to come before this Board every time they need to do something to the apartments.

Mr. Speegle stated this is a quasi-judicial Board and I honestly do not think that you have the power to do that. I spoke with Mr. Pittman and Mr. Ross and we understand and agree that this is an area that has not been touched before.

Ms. Jones stated I think they can place a stipulation of the approval of the appeal so that it could be granted only if they are approved for the rezoning they have before the Council.

Mr. Mayhand stated I am not comfortable with granting them a nonconforming legal grandfather status. Twenty years from now I may not be on this Board or I may not even be around and I definitely do not want to take away the right of another Board member by granting them a grandfather status.

Mr. Lamb stated if we granted it would they have to go through the Planning Commission for any improvements?

Ms. Jones stated yes, and they would also have to comply with the latest building codes as well.

Mr. Lamb stated Mr. Dobbins why would you want us to grant this type of variance for you?

Mr. Dobbins stated it is easier to get financing if the lender knows that we can rebuild if something does happen to one of the units. They want some assurance that they will be able to rebuild. Plus it would make it easier rather than have to keep coming before you each time we wanted to make an improvement, and we certainly would have to adhere to the latest building codes.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 7, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Swaney stated I can understand that, but to grant a continuing grandfather status for all of the units is a bit much.

The Chairman stated you understand if we vote of this tonight and it does not pass you cannot bring it before us for one year, but you certainly have the right to appeal to the Circuit Court of Baldwin County.

Mr. Dobbins stated yes, sir. I understand and we just wanted to see could secure our grandfather status to go with the R-4 zoning we have requested. We have discussed this at lengths with our attorney and engineers. We may even contemplate withdrawing if the consensus is not in agreement with granting this appeal. At least withdraw it until after the Council has reviewed our zoning request.

The Chairman stated is that what you want to do, withdraw it?

Mr. Dobbins stated yes, sir.

The Chairman stated the appeal is withdrawn.

Adjournment:

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

The Motion carried unanimously.

There being no further business the meeting was adjourned at 7:10 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: August 4, 2011



Willie Robison, Chairman

/ph

110 MEADOWBROOK CIRCLE · DAPHNE, ALABAMA 36526

251-623-1344 · MAYER.ANGELA902@GMAIL.COM

ANGELA L. MAYER

Ingalls Shipbuilding in the 1970's and 1980's was at the peak of their employment. My father, James Francis Smith, was their Director of Design Engineering and during my childhood would stress the importance of math and science in our home. Talk of submarine sea trials and trips to foreign countries such as China, Brazil and France to negotiate Naval contracts was commonplace at our supper table and helped to form my worldwide view of communication.

Reaching out to neighboring communities and building skills necessary for our children to compete in the world in the fields of science, engineering and math has been important to me for many years and having been introduced to Science Olympiad and being involved several years with this organization cemented the fact that interaction with young people *does make a difference*.

The United States on the worldwide stage ranks dangerously low statically in the areas of math and science. Whether speaking with Dr. Yorck Sommerhauser, professor of Mathematics at University of South Alabama about the seriousness of the global rankings of Germany and the United States in this discipline, or with Dr. Masahiro Hashazumi, a visiting thoracic surgeon from Japan about the cultural differences in the importance of education and how it is achieved; ideas are gleaned to work toward a better future for the young men and women of this community.

One of my passions since age 18 has been to promote the God given right we all have in these United States which is to vote. Organizing and running county campaign headquarters, maintaining balance between differing personalities within the workplace, manning the polls, staying in touch with local and state congressmen and senators on a regular basis throughout the years has been an integral part of my life.

Working with many organizations such as American Heart Association, Epilepsy Foundation, and St. Jude Children's Hospital during fundraising efforts has given me the opportunity to work with children and adults to further a common goal. Starting at the level of our school age children and young men and women, we can build a better future for our country. As we help build the excitement and knowledge within these young people, who are the future of our country, we are reaching out to neighboring states and the country as a whole. These young people, as they go out into the working world, will settle in any number of places throughout the U.S. and the world.

As director of the Cardiovascular Diagnostic Laboratory, one of my many duties was to communicate between Cardiovascular surgeons, physicians, and catheterization personnel. On a

day to day basis, coordinate in-patient and out-patient test results with catheterization data and correlate results for open heart surgery. Communication with surgeons and physicians in low-stress situations as well as extremely high-stress situations was required on a daily basis. During my time spent at St. Dominic Hospital, tPA (tissue plasminogen activator – ‘the clot buster’), color Doppler echocardiography, and transesophageal echocardiography were introduced to the medical community in which I was intimately involved with many aspects of bringing color Doppler and transesophageal echocardiography to fruition at St. Dominic Hospital. These were medical milestones evolving right before my very eyes! It was an exciting, and at the same time, humbling experience.

I thank God for the experiences in my life which have, and continue, to mold me into the person He wants me to be.

OBJECTIVE

Teacher position in the subject areas:
Biology, Chemistry, Physics, Genetics, Immunology,
Cell Biology

EDUCATION

- Basic Medical Sciences Graduate Program, 1 year, June 2011
- University of South Alabama, Mobile, Alabama

- Bachelor of Science, Biology with distinction, May 2010
- Minor in Chemistry
- University of Mobile, Mobile, Alabama

RELEVANT COURSEWORK

Calculus I Linear Algebra Anatomy and Physiology

EMPLOYMENT EXPERIENCE

St. Dominic Hospital
Cardiovascular Diagnostic Laboratory
Director – 1 year
Registered Diagnostic Cardiovascular Systems Adult Echocardiographer
1987-1993

Research Experience

Ventilator Induced Lung Injury – 2010 in the Department of Physiology University of South Alabama

Honors

- PEO Scholarship Recipient – 2009
- Alabama Academy of Science Travel Award – 2010
- Alabama Academy of Science Presentation of Original Research – 2010

Community Involvement

- Science Olympiad Coach – Science of Fitness 2000-2001
- Science Olympiad Judge – Genetics 2006
- Science Olympiad Judge – Cell Biology 2007-2008
- Beta Chi Science Organization 2005-2010
- Basic Medical Sciences Organization First Year Representative 2010
- Parent Teacher Organization Vice President 2000-2003 Daphne High School
- Parent Teacher Organization Vice President 2004-05 Spanish Fort High School
- Sunday School Teacher for Ascension Lutheran Church 1997-2005
- Ascension Lutheran Church Board of Education 2004-05
- Baldwin County Political Organization Secretary 2000-02
- Baldwin County Political Organization Headquarters Coordinator 2000

LANGUAGES

- Latin – 1 year
- French – 2 years

REFERENCES

Dr. Ron Balczon, Professor Cell Biology and Neuroscience
University of South Alabama, Mobile, Alabama 251-460-6776
rbalczon.usouthal.edu

Dr. James Parker, Professor of Physiology 251-460-6826
University of South Alabama, Mobile, Alabama
jparker.usouthal.edu

Dr. Donna Cioffi , Professor Biochemistry
University of South Alabama, Mobile, Alabama
dlcioffi.usouthal.edu

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
SPECIAL MEETING OF JUNE 15, 2011
COUNCIL CHAMBERS, CITY HALL - 9:30 A.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 9:30 a.m.

CALL OF ROLL:

Members Present:

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

** Mayor Small asked to be excused at 10:40 a.m.*

Members Absent:

Victoria Phelps
Cathy Barnette, Councilwoman

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Richard Johnson, Public Works Director
Lonnie Jones, Code Enforcement Officer
Erick Bussey, Associate Attorney

Staff Absent:

Nancy Anderson, GIS Manager
Ashley Campbell, Environmental Programs Manager
Jay Ross, Attorney
Misty Gray, Attorney

Others Present:

Mr. Virgil Hadley, Transportation Technician, Alabama Department of Transportation, Ninth Division, District 2

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
SPECIAL MEETING OF JUNE 15, 2011
COUNCIL CHAMBERS, CITY HALL - 9:30 A.M.

Others Absent:

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

The first order of business is the call to order.

Chairman: Please let the record reflect Ms. Phelps and Ms. Barnette are not present.

The next order of business is an administrative presentation of a proposed amendment to the Daphne Land Use Ordinance.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Adrienne Jones, the Director of Community Development, of a proposed amendment to the Daphne Land Use Ordinance regarding the creation of Interstate Sign Provisions. Where do you want to start? Let's go ahead and start with Mr. Virgil Hadley, the representative from the ALDOT. You wanted to ask questions regarding the permitting process in the state right-of-way.

Chairman: Thank you for coming today. You might just want to go ahead and fill us in on the permitting process for, I assume we are referring to undergrowth, tree removal and any enhancement of the right-of-way.

Mr. Hadley: We have two different permit applications. One is based on visibility and is pretty self explanatory. On the other application they have to submit the application with a drawing and/or photo of the actual sign and the area to be maintained. The size varies if it is a conforming or nonconforming sign. The new one we have just come out with has to be applied for immediately, and it only allows for the removal up to four inches in diameter.

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

Mr. Chason: Are there ever any special permits issued?

Mr. Hadley: There have been in the past. For example at the location where the new car dealerships are, they wanted to clear the trees on the right-of-way. They had to get someone to survey the trees and provide a cost estimate for the value of the trees.

Mr. Chason: What I am hearing from you is there are two permits that are pretty cut and dry which define exactly what you can and cannot do which are routinely issued.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
SPECIAL MEETING OF JUNE 15, 2011
COUNCIL CHAMBERS, CITY HALL - 9:30 A.M.

Mr. Chason: If you want to go a different route and get more aggressive on the clearing, cutting, maintenance or whatever, then you have to go to a different individual.

Mr. Hadley: It starts off in the local office, district office and has to been approved by the main office in Montgomery.

Mr. Chason: So it has to go from Bay Minette, Mobile and then to Montgomery.

Mr. Hadley: Yes sir.

Chairman: So that is what happened by the automobile dealerships, they went that route and were allowed to thin. They did not clear cut, but rather they were allowed to thin the trees in that area.

Mr. Hadley: Our arborist from Montgomery came down and marked the trees they were allowed to remove.

Mr. Gibson: I have a question about excavation not thinning. If you have an adjacent site that has a hill that comes up and goes back down by the fence is that ever a situation where you can actually go in and grade out that hill? Wouldn't it make sense for the lots next door?

Mr. Hadley: I have had that done on one previous occasion. They went in and surveyed the site and figured up how much soil was going to be removed.

Mr. Gibson: It would make sense if you have a site like that next door so you do not have to put up a retaining wall at an astronomical cost.

Mr. Hadley: Any work that is done on the right-of-way would have to be permitted. They have to be compensated, and it takes approximately four months to permit it.

Mr. Chason: So there are exactly three kinds of permits.

Mr. Hadley: Yes sir. The other kind we use for unique situations, and they have to be approved by Montgomery.

Mr. Chason: Mr. Hadley, I personally appreciate you being here. I know you understand because we have an applicant here that is looking and doing something and a portion of the right-of-way goes up into this property. Our whole issue we have before us is signage. Because of the trees and brush, the height, the decision we have to make is with regard to assisting them in their goal to get the sign seen.

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Mr. Chason: Our goal is to protect what we think is a fairly unique, very defined description of the Sign Provisions. What your department will allow in that right-of-way, at least to me, is important. It sounds like a unique situation. I think it is a unique situation. Is it up to who makes the request? Does an applicant or the City? Mayor, I hope the City will go ahead and say we need to address signage on Interstate 10, and that will depend on what the ALDOT will allow to be done to the trees and the brush. That is the way I see it. Your role here is very important.

Mr. Hadley: If they want to remove the trees, then it depends on the slope.

Mr. Chason: I am sure it would be favorably looked upon if what you proposed was to remove Pine Trees and to plant more ornamental shrubbery which was not tall, but pretty. I would think that would help you in getting the permit.

Mr. Gibson: I would also think if the right-of-way were cleaned up, then it would solve the problem of fire protection to some degree.

Mr. Chason: One last question. I would assume that ninety-nine percent of the time when you get a request for a special permit for landscaping and grading it has a particular applicant standing behind it. What may change our situation is we are looking at a three or four-mile stretch with five property owners which have no contemplated use. What we have talked about is we would like to do is have a district on each end between the two interchanges, and this area have special sign provisions. We have an area in between that falls underneath the Sign Provisions for the rest of the City. The debate is whether or not the uniqueness of Interstate 10 would be the reason you would modify your Sign Ordinance. We would be talking about obtaining permits for land with no contemplated use at the present. I think what we are asking it can the ALDOT tell us whether or not an applicant would be allowed to cut trees, grade, replant or do various things on the right-of-way. That is exactly what we are looking for.

Chairman: Do any of the Commissioners have any further questions or comments for Mr. Hadley? We appreciate you coming to our meeting and thank you for clarifying some of this for us.

Mr. Richard Johnson, Public Works Director: I would like to mention that with the 181 Partnership, Eastern Shore Park Subdivision, there was some special consideration made. Mayor you can correct me if I am wrong.

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Mr. Johnson: One of the things about doing thinning, clearing and having an area that has to be maintained as opposed to natural, one of the requirements the ALDOT places on the applicant is, they want to know who will be doing the regular maintenance. Their requirement was it would be the City of Daphne. We actually do the maintenance and send a bill to the corresponding owners on the other side of the right-of-way line. I imagine it is determined by a case-to-case basis. If this were the case, I would think they would be consistent and want us to be the one to maintain the area. That is to insure the work gets done and done correctly. It is not simply about the specifications, and there may be a lot of conditions.

Chairman: Alright, Ms. Jones.

Ms. Jones: The next presentation will be by Mr. Thomas Hickman who will present information given at the City Council Work Session of Monday night.

Mr. Hickman: Good Morning. Thank you for taking the time to listen to us again. We have brought some other resources regarding this project. We did a presentation at the City Council Work Session of Monday, June 13, 2011 which provided a lot of background information of what we are proposing for the pylon signage within the Interstate Corridor Business District. Before we get started, one of the things we have found is there may have been some misconceptions or confusion regarding Academy Sports for the location they were pursuing and their efforts to achieve signage. Therefore, I have asked a representative which is specifically authorized for Academy Sports & Outdoors to speak here before the Planning Commission in order to understand the background of that. I have asked Joe Turner, representing All South Properties to make that distinction and clarification.

Mr. Turner, All South Properties: Some of you asked the question initially because you had approved the signage by working with Academy Sports and Outdoors. It caught off guard, and we did not realize that everybody did not know that Academy did not bail out of the last deal. There seems that there is still a little cloud over the issue from some of the rumors we have heard. Academy asked me to make an official statement from them to let you know that they are not the ones that backed out of that deal. They actually had a document laying on the developer's desk, and they were told it was going to be signed. The developer elected to not sign it at the last minute and to tell us that they were going in another direction. I would like for you to take that information as coming from the Executive of Academy Sports & Outdoors. I will be glad to respond to any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? I believe you had said that last time.

Mr. Turner: I had kind of said it to myself, but this time it is coming from Academy.

Mr. Hickman: You are going to see the presentation we provided to the City Council at their work session.

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Mr. Hickman: At the request of the City Council, we were requested to come back with sight line studies, renderings, and visuals for a presentation on what we are trying to achieve. There were two topics we were discussing. One of which is a financial matter, and I am not sure if it is appropriate to discuss here. There are a number of benefits which the City will realize with Academy Sports located here. They will generate approximately one hundred and forty "new" full time jobs. This does not include the ancillary jobs which will be created during construction, and the trickle down effect of the economic benefit of that. The sales of Academy Sports are projected to produce three hundred thousand dollars in "new" net sales tax. It will provide substantial improvements to U.S. Highway 90. Another important consideration is the improvement of a regional storm water detention system. As you are considering the Interstate Corridor Business District, we believe this development we are referring to as "Academy Village Commercial Development" will help kick that off. Also, we are pursuing the improvements to the Interstate 10 right-of-way. Going back to the proposed interstate signage, one of the things we have changed since our initial proposed pylon sign, but it will not be a single tenant panel. It will include three panels. One for each one of the lots represented in Academy Village. We believe the pylon sign should be constructed in relation to the elevation of the interstate which does change along the three or so miles of the interstate frontage. The goal of the pylon sign is to achieve visibility along the interstate above the trees. That should be determined by the interstate elevation. One point of clarification we need to make here, we are not nor are we proposing to have a billboard sign. It will be a project or developmental sign. I have already mentioned that the goal is to have visibility of the sign over the tree line. The elevation of the interstate is at a finished elevation of ninety-five feet. This location is mid-block between two interchanges, U. S. Highway 98 and Alabama Highway 181. We need to identify that Academy Sports is at this location so the other thing we are trying to achieve is to give someone sufficient time to make the decision to get off at the next exit. When someone is traveling from out-of-town and they venture into the Daphne area, we need to have the visibility to give them time to get off at the Malbis exit and bring them back to this location. We know Academy will be located here. Dick's is now located here, and we also know Bass Pro Shop has almost completely unobstructed visibility along the interstate. What we are attempting to do with the pylon sign is to provide Academy Sports a competitive level field within this area. One of the things to take into consideration in this particular location of the interstate is there is approximately two hundred foot of interstate right-of-way which fronts the entire site. That is what we are trying to overcome. Also, there is a mound of dirt located at an elevation of approximately eighty feet which block the back of the building which provides for the pylon sign to be placed above the tree line. We brought in a firm who does work nationally to do a sight line study traveling east and west bound. We brought in a one hundred and twenty foot boom so we would have some idea what the sight line and the visibility would be. For many reasons, we are not going to ask for the pylon sign to be any higher than it needs to be. As pointed out by the ALDOT representative, it is going to be a very rare occasion you would be able to grade the right-of-way beyond clearing, grubbing and removing trees up to a four-inch caliper.

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Mr. Hickman: We face an elevation issue that justifies us being able to ask to get above the tree line. Here is an example of the visibility from the bridge from U.S. Highway for the Jubilee Square Shopping Center and Bass Pro Shop pylon signs. Again, we are trying to create a level playing field with some identification for Academy Sports at this point. As you are traveling west, you can see it is going to be very difficult to have any identification of the building or the pylon sign. Again, we are trying to base this on the elevation of the interstate. We are trying to establish the relationship to the interstate we have to have. This is a rendering we have with a certain amount of windowing there. It will be located within the tree tops, and that is the visibility we are trying to achieve. We have to have the sight line from U.S. Highway 98 in order for them to be able to have time to get off of the interstate and come back to this site. Another example is this is the east bound view. As you can see, this is the entrance ramp of Jubilee Square Shopping Center. This is the point you have to achieve some point of visibility so by the time you get there within eight to ten seconds, you can make the decision to get off at the next exit. From the Infirmary building along the interstate the elevation increases and creates some additional blockage. Bass Pro Shop is completely visible because they were able to completely clear cut. This is an example or a rendering of what the pylon sign would look like amongst the tree tops along the east bound view of U.S. Highway 98. Another reason this is so important to Academy Sports is they have a regional presence. They are attempting to provide a location to people who are on vacation. The identity and visibility from the interstate are critical. We want to bring the Academy location to Daphne. This is engineering image of its relationship to the elevation of the interstate. Once again, the finished elevation is at ninety-five feet. The mound located at the back of the building is at an elevation of eighty feet. The finished floor area of the building is going to be fifty-five feet so it is going to be lower. The height of the sign then is based on different elevations. I do not want to get too technical with this, but the bottom line is what we are going to do is to for the sign height to exceed one hundred and twenty feet which is currently allowed in the other two districts. At this particular instance, we are looking at the height of a total of one hundred feet above the finished elevation of ninety-five feet. This is the engineering view of the building itself. You can see the different elevations of the interstate, the mound behind the building, and the finished elevation of the building at fifty-five feet. We are trying to overcome the forty plus feet of visibility from the interstate. Here is a rendering of the pylon sign we are proposing. We have changed it from a single tenant panel to a project or development sign for Academy Village. Academy is the anchor tenant with the largest panel, but we are also providing two additional panels for the lots that are being graded on the property. Obviously, the first question is financial in nature. We are asking for the City of Daphne to allow the pylon signage on the interstate. We have proposed a schedule for discussion with the City Council which includes our Planning Commission work session today. With the goal in mind that some level of a proposal for the City Council will come out of the Thursday, June 23, 2011 Planning Commission meeting for consideration, a public hearing would be set on July 5, 2011 which would allow for the first public hearing to be on Monday, August 1, 2011, and the second public hearing on August 15, 2011.

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Mr. Hickman: With that being said, we would ask that you allow the pylon sign to a maximum height of one hundred feet above the finished floor elevation of the interstate. Again I will point out, the Eastern Shore Park Subdivision has an existing one hundred and twenty-foot pylon sign, and the Jubilee Retail Overlay District has an existing ninety foot pylon sign. If we were not in a position where we needed the height to overcome the height of the right-of-way, then we would not be asking for the sign. That is the difference. Again, I am asking for that consideration. If I can answer any questions, please feel free to ask.

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

Mr. Gibson: You show clearing the trees so if you lower the sign, you would be able to see the sign fine.

Mr. Hickman: The reality is the clearing of the right-of-way will not be what we have shown here. This is an attempt to show the height of the trees to the height of the sign.

Mr. Chason: How do you know that? How do you know the ALDOT will not allow that?

Mr. Hickman: In our investigation of what they allow with permitting, there are two applications which the gentleman from ALDOT may be able to clarify. A permit application is required for clearing and grubbing on the right-of-way. That allows for the removal of the low brush. It allows for clearing the limbs up to a maximum height of twelve feet. It allows for the removal of a tree caliper of four inches or less if you can imagine the diameter of a four-inch tree. It is very small. The amount of trees which are going to remain on the right-of-way is going to be substantial. The other thing we are having to overcome is whether or not grading is allowed. It very rarely happens. It is my understanding if we were to make an application for the grading of the right-of-way that there is a substantial time frame which is involved, presenting the appraisal value of the dirt and the trees, and there is a series of events which has to occur from the local jurisdiction up to Montgomery. For a single permit application we have estimated it would probably take up to twelve months.

Mr. Chason: He said a lot. Well part of what I heard, correct me if I am wrong, are you talking about an application for Academy Sports or the City of Daphne asking for the permit?

Mr. Hickman: We will be moving forward with us as the applicant for the clearing of the right-of-way.

Mr. Chason: What I heard the gentleman from the ALDOT said your whole contention about the removal of four-inch caliper tree lending up to a certain amount is what I would call a lower level standard permit which is available. The third permit is what was done at the intersection of Interstate 10 and Alabama Highway 181 at the Malbis exit. That permit was more the City of Daphne going to ALDOT and asking for more aggressive cutting, trimming and thinning than what is allowed under the other two permits.

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Mr. Chason: The flaw in your argument is you are looking at it as to what can Academy get if they ask for a permit. ALDOT is saying the City of Daphne comes forward on behalf of Academy and others and says we would like to be more aggressive than trimming trees, and we will be the guarantors, if you will, of the maintenance of that area. All kinds of things may be available. Grading may be available. A time frame maybe, but with that you said the people across the street were able to clear cut. Does that indicate to you on your side of the road given the support of the City of Daphne with a lower sign we may be able to go in there and significantly remove what is causing the problem? The mound of dirt is a different issue. I will just ask this. Have you determined if those trees could be thinned to a greater extent than the first two permits allowed what would your sign height have to be seen if those trees were not a part of the problem?

Mr. Hickman: We have not done the same engineering or the detail study. We viewed it as being prohibited for two reasons. One is expense, and the other one is time frame. What I mean by that is if we were trying to achieve a windowing effect. By that I mean bringing the signage below the canopy of the trees, we would still have to overcome the eighty-foot mound of dirt. If we were to approach ALDOT with regards to that from a private sector application, it would be prohibitive from time and cost.

Mr. Chason: I tend to agree that makes it more interesting. I would want to know for our purposes because we are not just thinking about you, but the next developments also. Why can't a meeting begin in Bay Minette, Mobile and then go to Montgomery to see if the City of Daphne can get you some assurances with the proper channels of the arborist coming out and looking that you can get some level of comfort that you can remove enough trees to bring the sign down? I have heard a lot of opposition to the height that is proposed. My question is, can't we do something to the obstacle which is the trees? If we bring the height down, then we bring the two sides closer to an agreement.

Mr. Hickman: From my position as the developer to deliver a location for Academy Sports, I am obviously open to options. The ultimate business decision with what is going to be provided with regard to signage lies with the executive level of Academy. Now, one of the things we have heard in opposition with regard to the sign is the one at Eastern Shore Park is very large, and the one at Jubilee Square is not landscaped.

Mr. Chason: Can I just say there is opposition to those signs, but the size was determined by their proximity to the interchanges? Can I just say you have stated you would like to have an even playing field, but you are further away from the exit? If we give you a level playing field, then we have to give the next applicant a level playing field. You are telling me we have to give the height to you because we have given it to other people. What people are concerned about is signage that height all the way down the interstate corridor, and that is what they do not want to see. What I understand is that it is not going to happen.

Mr. Hickman: What I am saying to you is the City of Daphne has granted the height of one hundred and twenty feet and ninety feet in the other two locations. It is not as if we are trying to set a precedent.

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Mr. Chason: I understand.

Mr. Hickman: The other aspect of this which is an important consideration is we are asking for it because of location in relation to the interstate. In this location, we face issues that some to the east may not face. Their elevation of the right-of-way in relationship to the interstate dramatically drops even lower. Their relationship to the interstate may allow for a smaller sign. It is somewhat of a site specific issue. It is very difficult to create an overlay district with a rule of thumb for every topic. That is why we are proposing our height as it relates to the elevation of the interstate rather than making an across the board decision that it cannot be any higher than one hundred and twenty feet.

Mr. Terry: You are talking about one hundred feet about the interstate elevation so how tall will the sign be?

Mr. Hickman: Depending on where it is located on this site, we anticipate the finished elevation would be somewhere between seventy to seventy-seven feet tall. Now one of the other things I would like to point out is if your concern is visibility and how much of this sign is going to show up, you will not be able to see the sign from U.S. Highway 90. When you drive from U.S. Highway 90 into Academy Sports, the majority of the pylon sign, what I am talking about is the pole, is going to be in back of the building and hidden by the building itself. The majority of the pole shown on the interstate is not going to be seen because it is going to be hidden by the mound, trees and the elevation of the right-of-way. We do not want a monstrosity of a sign. That is why we have gone back to the single pole sign.

Mr. Terry: So the sign will be forty feet above the building's floor elevation or the sign will be built at building floor elevation.

Mr. Hickman: No sir. We anticipate the sign will be built in this portion of the building, and after grading the elevation in that area will be somewhere between seventy and seventy-seven feet.

Mr. Terry: So you have to make up that elevation which is twenty-five plus your one hundred feet?

Mr. Hickman: That is correct. If we were able to have visibility and have the sign lower, it would be sufficient. It is that relationship we are trying to overcome. That is also why we brought the pole concept to you rather than a large expansive sign because the interstate is that much higher.

Mr. Terry: What I am thinking is when the residents of Daphne pull into the parking lot, and look up, they will see the sign. Whereas, the Malbis sign is kind of off by itself, this one will be very close to the building.

Mr. Hickman: This is an estimate, but the distance would probably be forty feet from the back of the building.

Mr. Terry: Visible from the parking lot?

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Mr. Hickman: Yes.

Mr. Terry: You have answered my question. Thank you.

Mr. Gibson: I have several questions. Can you reduce the width and have the square footage of the sign smaller? You own all of that property so you could designate it somewhere else. You do not have to put it on the Academy site.

Mr. Hickman: Probably not. According to your current ordinance, you have to have the sign on the property you own. We will not own this parcel.

Mr. Gibson: Let me ask you this other thing too. The fifty-five feet is based on the grading plan is that correct or is it based on cutting and fill?

Mr. Hickman: That is correct.

Mr. Gibson: You are not trying to break even or lose any fill so could you make the building higher?

Mr. Hickman: We are trying not to have to import or export any fill. To answer your question, can we raise the height of building? Yes, but it would be expensive. This is an engineered grading plan.

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

Ms. Jones: What we have are the maps we presented to you last time. There are specific elevations which are provided on the map that you said you could not remember. It may be more clear if you reference the maps.

Mr. Gibson: When you are driving down that road and you go up toward the Alabama Highway 181 exit, you will eventually see Chris Myers, the Honda and the Toyota dealership with no problem. Most of the business that goes to that exit are from the people which travel the interstate and are located within a fifty-mile radius. I do not see applying for a permit to grade on the right-of-way when thinning would give you enough signage coverage. I think that is what most people will not come out and say.

Mr. Hickman: I understand. The relationship of the dealership to the interstate as you are approaching the exit and looking out your side window is right at the same elevation.

Mr. Chason: Well, I can tell you they want it taller and bigger. We negotiated it, but they would have loved to have been thirty feet taller. They wanted a much bigger sign than they have.

Mr. Hickman: They sight line elevation is about the same.

Mr. Chason: They also have the advantage of being right on the interchange.

Chairman: They also cleared the right-of-way.

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Mr. Hickman: The right-of-way to their property line is much thinner. The width of our right-of-way is two hundred feet. It is the combinations of all of those issues which creates the need for visibility at the tree line.

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

Mr. Chason: One other thing and this may not matter. If you had the Planning Commission and the City Council to agree to the sign height, wouldn't you still pursue the permit application with ALDOT to cut down some trees?

Mr. Hickman: That is part of it, but what we are trying to achieve is the window or a visual difference. Right now this area is full of trees. If you notice from the Infirmary on, it drops into a much wider right-of-way. I mean dramatically. It is almost double.

Mr. Chason: All the more reason for them to want to work with you.

Mr. Hickman: You are much more optimistic about that than I am.

Mr. Chason: They would make money off of this too.

Mr. Hickman: It does, but then it gets into an issue of the time line. Academy Sports would like to be open and in operation by the school season of 2012.

Mr. Chason: I guess you have to know for those of us who live in the community all of time, we hear about the uniqueness of the City. People credit that to the Landscape/Tree and Sign Ordinance that a lot of municipalities do not have. I think everyone up here has a different opinion. I am probably more pro-sign than some and less than others. I do not know. The fact of the matter is two big considerations you need to understand from my prospective is one you are doing it for you, but there is three miles to take into consideration so it is who to give what to. Also, the other thing is if we work with you on that, you are successfully in getting the City to agree to cut some more trees which you would be paying for it, and we would be doing the maintenance on, and your sign is even become more visible than you told us, then we would be criticized for cutting down the trees. I think from my prospective that I hope Academy will build there. I am sorry the other deal did not work out, but I think it is going to take negotiations with the people who own the right-of-way and who will be maintaining the right-of-way. I would like to see the least objectionable way to give you signage that would allow you to build the building.

Mr. Hickman: The only comment I would make is there seems to be the granting of a pylon sign along the interstate is going to undermine the Sign Ordinance through the rest of the City. I have to say we are not talking about changing your signage along U.S. Highway 98 or any other imposition signage any where else in the City. We are suggesting to you a major retailer is going to take advantage of the interstate regional traffic to the financial benefit of the City.

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Mr. Hicksman: I think you have the ability to review each and every request along with the orientation of signage along the interstate based on the elevation of the right-of-way. It is a governing factor the Planning Commission and City Council can use. I understand if you give the signage to Academy Sports and New Horizons as the developer a pylon sign, then you may be faced with the request again later on. That is what the purpose of the Planning Commission is about.

Mr. Chason: That is three miles to take into consideration.

Mr. Hickman: We have already restricted it to the fact, and we have already agreed that we are going to make this per a shopping center development and not for an individual tract. We understand that, and that is why we revised the sign package. Nothing has changed from when Jubilee Square Shopping Center or Eastern Shore Park made the request. You had the same review, the same consideration and ultimately you granted it.

Mr. Chason: Where do you draw the line between those interchanges Mr. Hickman? At some point, it becomes a different animal.

Mr. Hickman: Personally, I think the Planning Commission has the opportunity to institute a very standardized approach based on the elevation of the interstate. Each individual property owner and each individual project will have to come into the Planning Commission as we, Jubilee and Eastern Shore have. Each one would have to do a presentation of the pylon sign with the same sight line and requirements. It would be the same regulatory process you would go through with each application, and nothing would be done any differently. Each one of the property owners would come to you and ask to use the elevation and width of the right-of-way as a consideration in order to develop along the interstate. This is why it is part of our overall development. In this particular instance, the elevation is provided and we take great issue within the right-of-way.

Mr. Chason: I am just going to say because Eastern Shore Park Subdivision asked for clearing and got it. Bass Pro Shop asked for clearing and got it. I do not understand why you think if you ask it is some kind of long shot if you ask to clear the right-of-way that you would not get it.

Mr. Hickman: We fully intend to ask for it.

Mr. Chason: One hundred and twenty feet tall is just an easy fix. That is fine. Why not go the extra mile and try to see if you can get what two other major developments got? It would solve your problem.

Mr. Hickman: We are asking for the same thing.

Mr. Chason: It would bring down the sign height and make life better for everybody.

Mr. Hickman: You granted one hundred and twenty feet tall sign to Eastern Shore Park Subdivision with better elevation and a better relationship to the interstate.

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Mr. Hickman: We have compromised by giving you a much less obtrusive sign.

Chairman: I have a question. You are wanting to base your sign on the elevation of the right-of-way. Everyone else based their sign on the natural grade of where the sign was built. The natural grade for Jubilee was in a hole so their sign is basically maybe seventy-five feet tall. It is not a ninety-foot sign.

Mr. Hickman: There is not two hundred feet of right-of-way blocking it.

Chairman: I understand. They also cleared every tree out from around it.

Mr. Hickman: You can see the Jubilee Square sign from the interstate bridge coming in from Mobile.

Chairman: Even if you can see your sign, you will not be able to see it from the bridge. I cannot read that far no matter how big you make it. You made the comment, it is eight seconds from the entrance ramp at U. S. Highway 98 to the Malbis exit in order to make the decision to get off. When you see the sign from that point, you have roughly three minutes before you can get off again. It is like Mr. Chason said we are trying to balance this. We are doing our best, but we also listen to people we have worked with for years on the Sign Ordinance. The Sign Ordinance was not written last week. It was written in 1987. We have been working to get people into compliance since then. We want you to come, but every time someone comes along you just can't just make another set of rules. We are listening to the folks giving us a hard time for the sign that is already there. It was not our fault. It was presented to us one way, and it turned out to be a totally different way.

Mr. Chason: You are talking about a level playing field. Once you get one hundred and twenty-foot sign, everyone on U.S. Highway 98 is going to define a level playing field.

Mr. Hickman: That is the purpose of the interstate corridor.

Mr. Chason: I totally agree with you. Daphne is fortunate to have the interstate corridor and the revenue we are able to get off of that traffic. I agree with you one hundred percent. I agree that it deserves special attention.

Chairman: Let me just say this. We already have an Interstate Corridor Sign Ordinance which allows for more signage that allows more signage on the interstate than it does anywhere else in the City. That is already in effect. Every property which is facing the interstate from U.S. Highway 98 to Alabama Highway 181 can have a higher pylon sign. It allows for two hundred fifty square feet of signage and forty-five feet in height.

Mr. Chason: I have been coming to this Planning Commission for thirty-two years. I will say, in my opinion, this is the most sign friendly Planning Commission. These nine people are more open to working with people to advertise through signage than ever before. I can promise you that is a fact.

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Mayor Small: Just briefly. I think if the elevation were changed, and the property was fifty feet above the road bed we would not even be here discussing this issue. We spend two million dollars running utilities along U.S. Highway 90 to be able to do something with these properties. We all know the major retailers have to be seen. It is not only to those advantage, but to our advantage. You see that everywhere. You see it in Prattville and Shelby County. If you go there, you see signage on the interstate. Some of them may allow off-premise signs, but I do not know. We are going to have to take advantage of what we have that makes us unique. We have something that is unique that other people do not have. We do have an abundance of the interstate. We also have big area stores that want to come here. I think we will see some nice results from the Jubilee Square sign. I disagree. I do not have hardly anyone who complains about the sign. The ones that are saying it are the same ones who have been saying it the whole time. Others say it is a good-looking sign, and I would agree. Eastern Shore Park Subdivision is a different area. It does not have a whole lot of right-of-way from the interstate. I think it is different. I think this body here is a very unique body as you did say, and we work with people on signage. The interstate is a different area. In order for us to be prosperous and to be able to use it, we are going to have to address it. At some point in time, we are going to have to address it because we have gone this far.

Mr. Chason: Mr. Mayor, I would like to see you and Ms. Barnette go to the City Council and agree to be proactive or go to Bay Minette, Mobile or Montgomery to get an agreement out of the ALDOT to allow us to have options with the right-of-way. This would allow us to have some special treatment to clean and clear the right-of-way of the interstate out. That would make everybody happy. It would open up visibility, the ability to lower his sign and give him his line of sight. It would clean up the jungle if you will.

Mayor Small: If we did not have Eastern Shore Park Subdivision right now, we would be in trouble with finances. No doubt whatsoever. Jubilee Square Shopping Center will finally turn out to be what I think it was meant to be years ago. When we get the businesses in there, they will be sustainable. I think each applicant should be site specific. I do not think we should draw a line in the sand. You made a comment about me and Ms. Barnette going to the State. I will be more than glad to go. I hope Ms. Barnette will go with me because I welcome her presence. I think we have a responsibility here if we chose to set forward something as a Planning Commission. I think we need to give some type of feedback to Mr. Hickman and Academy Sports as to how we honestly feel about what should be done to this property. We have three miles. We might as well consider it now. I do agree the signage needs to be based off of the elevation of the interstate because of the topography.

Mayor Small left at 10:40 a.m.

Mr. Hickman: I appreciate this body and everything you have done, and I appreciate you coming back to make a presentation.

Mr. Hickman: Mr. Chairman, let me say thank you very much for your time. I know this is a sensitive topic. Our goal is to reach a compromise here. Across the interstate in Spanish Fort is exactly what we are trying to not develop by complete clear cutting.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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COUNCIL CHAMBERS, CITY HALL - 9:30 A.M.

Mr. Terry: I think we need to include in this proposal what the ALDOT would allow and then we could make our determination. We are not talking about the one parcel for Mr. Hickman. We are talking about taking into consideration the three miles so then and only then will I be able to make a decision.

Mr. Chason: If we knew what they would allow you to do, we would not be talking about this.

Mr. Hickman: That language is exactly what we are proposing.

Mr. Chason: Why don't we make a recommendation to appoint a committee to go to the ALDOT and sit down with them to ask what they will allow us to do? That is what needs to happen.

Ms. Jones: Our Comprehensive Plan designates the entire area as commercial so whatever we can do to promote that area I think we are obligated to do it within reason. We also have information Ms. Phelps sent to be distributed. They are recommendations and a photo of the worst case scenario of a sign photo from Texas.

The next order of business is public participation.

PUBLIC PARTICIPATION:

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

No public participation.

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.

COMMISSIONER'S COMMENTS:

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

Commissioners: No comment.

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

DIRECTOR'S COMMENTS:

Ms. Jones: In spite of the things that were said at the City Council meeting, I thank you have done a very good job. I appreciate all of the time and effort you put toward working on the Planning Commission.

THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 9:30 A.M.

Mr. Hickman: We feel this proposal has reached this compromise. You have a right-of-way along the interstate that maintains the integrity of the City of Daphne. That is our goal and hopefully you will take that into consideration.

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

Ms. Jones: I have one final question for Mr. Hickman. Our sign height definition says it is based on the vertical distance from the finished grade at the base of the supporting structure to the top of the sign so what would be the sign height you would be looking for?

Mr. Hickman: It would be one hundred feet above the interstate elevation.

Ms. Jones: Total height?

Mr. Hickman: It would be based on one hundred feet above the elevation of the interstate right-of-way.

Chairman: It would be one hundred and fifteen feet in height.

Mr. Hickman: Once again, the reason we are proposing this is it gives the Planning Commission the ability to dictate what is going on to go on the properties to the east. The properties to the east may not require that height. Their signage based on the elevation and the sign location may only warrant eighty feet.

Ms. Jones: All of the points you have made coincide with the information I am about to give you. What I did is do a Google search, and I typed in interstate signage. I found one from Sevierville, Tennessee in which they have an overlay district that talks strictly about signage. We already have an overlay district for signage along the interstate so what I have done is to give you option number two as opposed to the first option that I had given you based on the Ordinance for Eastern Shore Park Overlay District and Jubilee Retail Overlay District. This is option two. I called it an Interstate Overlay District. If you look on page 5, I have given you option three which is an amendment to Article XXXIII, k of the current Daphne Land Use Ordinance. If you do not want to create a district, then we can go with option number 3 or we can go with option two as our proposal.

Reviewed Proposal(s) for the Planning Commission - See Attachment.

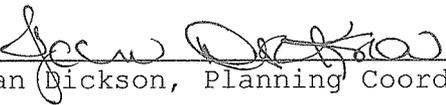
THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
SPECIAL MEETING OF JUNE 15, 2011
COUNCIL CHAMBERS, CITY HALL - 9:30 A.M.

ADJOURNMENT:

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

There being no further business, the meeting was adjourned at 10:55 a.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: July 28, 2011



Ed Kirby, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 23, 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 5:02 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Dan Gibson
Don Terry
Ed Kirby, Chairman
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Joe Lemoine, Secretary
Victoria Phelps

Staff Present:

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

Staff Absent:

Ashley Campbell, Environmental Programs Manager
Lonnie Jones, Code Enforcement Officer
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 Mr. Lemoine and Ms. Phelps are not present.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 23, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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

APPROVAL OF MINUTES:

The minutes of the May 26, 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 Barnette and Seconded by Mr. Chason to approve the minutes of the May 26, 2011 regular meeting as submitted. The Motion carried. Mr. Kirby and Mr. Terry abstained due to their absence at the meeting.

NEW BUSINESS:

PETITIONS:

The next order of business is an administrative presentation for the annexation for Audubon Holdings of Audubon Park Apartments, Phase One.

ANNEXATION REVIEW:

An introductory presentation was given by Ms. Meredith Turpin, David & Fields, P.C., representing Audubon Holdings, L.L.C., requesting annexation of a nineteen-point zero eight-acre parcel known as Audubon Park Apartments, Phase One located southeast of the intersection of Pollard Road and County Road 64 into the corporate limits of Daphne with R-4, High Density Multi-Family Residential, zoning. The subject property is currently zoned RMF-6, Multiple Family District, in Baldwin County District 15. I will be happy to answer any questions you may have.

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

A Motion was made by Ms. Barnette and Seconded by Mr. Terry for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation of a nineteen-point zero eight-acre parcel known as Audubon Park Apartments, Phase One located southeast of the intersection of Pollard Road and County Road 64 into the corporate limits of Daphne with R-4, High Density Multi-Family Residential, zoning. The Motion carried unanimously.

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

The next order of business is an administrative presentation for the annexation of a portion of the right-of-way of Alabama Highway 181.

ANNEXATION REVIEW:

An introductory presentation was given by Mr. Richard Johnson, Public Works Director, requesting annexation of the right-of-way of Alabama State Highway 181 from Lawson Road to the southeast property line of Oldfield Subdivision and southwest property line of Dunmore Subdivision into the corporate limits of the City of Daphne. I would like to discuss the process in which the annexation came about. As a part of the construction and expansion of Alabama Highway 181, the Alabama Department of Transportation proposed a cooperative maintenance agreement entailing the Division of Public Works maintaining the right-of-way and the landscaping along the southern corridor of Alabama Highway 181. When it was presented to the Public Works Committee for consideration, they preferred we ask for a letter of consent from the ALDOT to annex the right-of-way into the corporate limits of Daphne if it is going to be maintained by us. Mayor Small sent a letter to Mr. Vince Calmetti, the Division Engineer for the Alabama Department of Transportation, asking them to consent to the annexation. Upon receipt thereof, the letter of consent is given to this body for a recommendation for the annexation to the City Council. I am not an advocate either way of the annexation, but in this case I am the facilitator. Please understand that the right-of-way does not have to be annexed into the corporate limits of the City of Daphne in order for the Division of Public Works of the City of Daphne to enter into a cooperative maintenance agreement with the state. There are other issues which would be addressed by doing the annexation of the right-of-way. I will be happy to answer any questions you may have.

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

Mr. Chason: Has there been any discussion regarding the creation of a future land use map for the Comprehensive Plan for the southern corridor of Alabama Highway 181?

Ms. Jones: Upon your recommendation, we could begin to work on one for this area.

Ms. Barnette: Our city limit is growing toward Alabama Highway 181. When we annexed Dunmore and Oldfield Subdivisions, I am not sure we were not ready for services such as fire and police protection, garbage and maintenance services.

Chairman: This annexation would only be the right-of-way of Alabama Highway 181, not the properties along the right-of-way.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 23, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mayor Small: I would like Chief White to respond to the public safety aspect of the annexation of the right-of-way.

Chief White: We are already responding to dispatched calls from Dunmore and Oldfield Subdivisions because they are located in the City of Daphne. The annexation of the right-of-way would help clear up dispatch and response confusion on Alabama Highway 181.

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. Chason and Seconded by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation into the City of Daphne the right-of-way of Alabama State Highway 181 from Lawson Road to the southeast property line of Oldfield Subdivision and southwest property line of Dunmore Subdivision, conditioned with the creation of a future land use map for the Comprehensive Plan for the southern portion of the Alabama Highway 181 corridor upon acceptance of right-of-way by the City Council. The Motion carried unanimously.

Ms. Barnette: At the time of the discussion of the future land use map for the Comprehensive Plan for this corridor we need to invite Baldwin County to the work session.

The next order of business is an administrative presentation of a proposed amendment to the Daphne Land Use Ordinance.

ADMINISTRATIVE PRESENTATION:

Planning Commission discussion of options regarding the Interstate Sign Provisions of the Land Use and Development Ordinance.

Chairman: Ms. Jones, are you going to make the presentation?

Ms. Jones: I am going to introduce the discussion of the Interstate Sign Provisions and then turn it over to you.

Mayor Small: I would like Mr. Johnson to discuss the meeting we had with the Alabama Department of Transportation regarding clearing on the interstate corridor. We met with Mr. John Cooper, the "new" Director of the Alabama Department of Transportation, regarding the clearing of the Interstate 10 corridor from the entrance of the off ramp at Arby's to the Renaissance Center Subdivision.

Mr. Richard Johnson: We enlisted a meeting with Mr. Virgil Hadley, the Transportation Technician, Alabama Department of Transportation, Ninth Division, District 2, and Mr. John Cooper, the "new" Director of the Alabama Department of Transportation, in consistent sections of the Interstate 10 corridor to ask for his support along with Vince Calmetti, the Division Chief, in viewing the development of enterprises along the arterial of the interstate.

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

Mr. Richard Johnson: The Alabama Department of Transportation has asked for a master plan for the removal of trees and landscaping of the right-of-way of Interstate 10. This is the first phase of the plan. It received a positive reception. Mr. Cooper said once we develop the master plan of the corridor, he will personally come down with the gentleman in charge of the Bureau of Maintenance to meet with us and discuss it. He would like to see a vision of a landscape plan to enhance the interstate corridor and discuss the City of Daphne's role in maintaining it. He is concerned with aesthetics, commercial balance, tasteful, but also productive. We also discussed two other projects in the works which are Whispering Pines Road and the intersection of County Road 64 and U.S. Highway 98. We also discussed the need for logo signs which allows motorists to see a service at an exit is a certain number of miles away. This is something we have been working on for a long time to attract motorists to the businesses at the intersection of U. S. Highway 98 and Interstate 10.

Mayor Small: The master plan would be a cooperative agreement for removal and replacement landscaping between the City of Daphne and the Alabama Department of Transportation regarding the maintenance factor. The applicant which would request removal and landscaping would receive approval from the City of Daphne to ensure they followed the landscape plan approved with the site plan.

Chairman: Do any of the Commissioners have any questions or comments regarding the proposed Interstate Sign Provisions?

Mr. Gibson: As an example, what is the linear frontage of the property proposed for the development of Academy Sports.

Mr. Hickman: One thousand two hundred feet.

Mr. Gibson: We should establish an amount of linear frontage of property required along the interstate corridor which constitutes having a developmental sign.

Mr. Chason: I would like to say that I like option three. I do not think we need to propose another overlay district, but rather should revise the section of the Sign Provisions for Interstate Sign Provisions. I think the landscape plan for the corridor should be provided by the developer. The sign should be based on the height of the road bed. We should establish a linear frontage of property or number of acres required along the interstate corridor which would allow a developmental sign. The height of a pylon and/or monument sign which is placed on U.S. Highway 90 shall follow the present Sign Provisions for a pylon and/or monument sign. If there is a storm water detention area, stream or waterway, a protected buffer area should exist which shall not be disturbed. With what Adrienne has done with this section, I would think within a short period of time we could put the sign provisions together with a recommendation to the City Council.

Mayor Small: I think there should be centralized storm water detention so you do not have an individual storm water detention pond for each site.

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

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

Ms. Barnette: I do. I would like to say that all of those components mentioned by Mr. Chason are in the present Daphne Land Use and Development Ordinance.

Chairman: So it is back to the drawing board with this? Do we need to set a work session to discuss this?

Ms. Jones: In addition to working on this, you could also set up a committee to work on your previous recommendation for the Alabama Highway 181 corridor, as well.

Chairman: Ok. If you will set us up a work session, with the goal of getting the most members in attendance and advise us of the date.

Ms. Jones: Mr. Chason, do you have those recommendations in writing? I would like to get those from you to incorporate it into this.

The next order of business is public participation.

PUBLIC PARTICIPATION:

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

Mr. Tom Hickman, the Managing Partner of New Horizons Retail Development: We are prepared to cooperate fully with the Community Development Director and this panel for the creation of the Interstate Sign Provisions with regard to signage and trees.

Chairman: Anyone else? Public participation is closed.

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.

COMMISSIONER'S COMMENTS:

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

Chief White commended Mr. Richard Johnson, the Public Works Director, for an excellent job with regard to the discussion for the Interstate 10 corridor clearing, landscaping and maintenance master plan.

Ms. Barnette: Commended Mr. Johnson for his accomplishments at the meeting with the Alabama Department of Transportation. Commented on items remaining on preliminary plat checklist, which may not apply to the submittal of a plat.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 23, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Barnette: Would like items which may not be required until the development occurs to be removed as discussed previously by the Planning Commission. Would like to review the checklists with the new first months.

Mayor Small: Commented on the progress made by Mr. Johnson with Mr. Cooper, Director of the Alabama Department of Transportation, with regard to logo signs on the interstate which we have been working on for a long time.

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

DIRECTOR'S COMMENTS:

Ms. Jones: The public hearing for the City of Daphne Land Use Ordinance is Tuesday, July 5, 2011.

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 5:48 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: July 28, 2011



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION
JULY 14, 2011 SPECIAL WORKING MEETING
MINUTES

MEMBERS PRESENT: CHIEF WHITE, LARRY CHASON, VICTORIA PHELPS, ED KIRBY, DON TERRY, DAN GIBSON, JOE LEMOINE, MAYOR SMALL
STAFF PRESENT: LONNIE JONES, ADRIENNE JONES
ATTORNEY PRESENT: ERICK BUSSEY

SPECIAL GUESTS: VINCE JACKSON, CLAIR DUROUGH OF BALDWIN COUNTY PLANNING DEPARTMENT
MEETING BEGAN AT 8:05 AM MEETING ENDED AT 10:38 AM

State Highway 181 Future Land Use Map Discussion

After an introduction by Adrienne Jones, Vince Jackson presented information on the Baldwin County Comprehensive Plan which was adopted two years ago. Clair distributed information for the Planning Commission to review. The table of allowable uses designates by right uses and conditional uses. The comp plan and table is used as a recommendation to the County Commission who makes the final decision during zoning hearings. These are used for property that has a county zoning designation. During discussion it was established that the southern boundary of Daphne's extraterritorial jurisdiction is Dick Higbee Road. The territory is established by a map and an agreement between the City and County rather than the standard 5 mile planning jurisdiction. After questions and discussion, the chairman asked whether we have any authority in the area if the city is only annexing the road way. Adrienne stated that the only authority the city would have there would relate to a petition to annex or during subdivision review. Chair mentioned that a future land use map would need to be done in conjunction with amending the city's comprehensive plan as a whole. It can be used to let people know what to expect when making a request for annexation. Annexing the right-of-way doesn't change anything other than police and fire jurisdiction. There is a need to put a plan in place. The commission agreed and thanked the county representatives for coming. Mr. Jackson extended an invitation to contact them if additional help is needed.

ARTICLE 33-K, INTERSTATE SIGN PROVISIONS

After an introduction by Adrienne Jones and presentation of handouts, the Planning Commission vetted the options for amending the sign ordinance. During the discussion, the following were discussed at length:

- Interstate right of way clearing and landscaping discussed.
- Current 200 lf provision may be too small
- need to distinguish between the use of acres vs. linear footage along the r.o.w
- Don't want ordinance to drive development
- single use vs. commercial center sign
- **Agreed to measure sign height from the center line of the eastbound lane of the interstate to the sign location**
- Abide by city's typical landscape plan along the corridor
- Develop a width to depth ratio to discourage the perpetuation of 200 foot strips along the interstate

CITY OF DAPHNE
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JULY 14, 2011 SPECIAL WORKING MEETING
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- Stay close to what we already have established in the ordinance
- Encourage multiple retailers to use monument sign in the interest of width rather than height
- **Agreed that single entity individual sign with at least 200.00 to 499.99 linear feet along I-10 r.o.w should have 1 panel, 250 sq. ft. of sign face, 20-ft wide, 40-ft high.**
- **Agreed that single entity individual sign with at least 500.00 to 1000.00 linear feet along I-10 r.o.w should have 1 panel, 300 sq. ft. of sign face, 15-ft wide, 45-ft high.**
- Discuss the idea of encouraging grouping vs. windowing along the I-10 r.o.w.
- Review and comment on photo submitted of *Pinnacle Development* in Trussville, AL and other similarly situated commercial properties in the greater Birmingham area.
- Would be a good idea to use idea from Colonial Promenade *and Pinnacle* along the north side of I-10 which has higher elevation.
- Discussed the use of lollypop (pylon) signs vs. monument signs or whether it's necessary to distinguish one or the other
- Protection of city's scenic vista
- Protection of property rights
- Establish standard with specific definitive numbers rather than variables
- Wind loads must be considered for certain size signs
- Some locations maybe subject to an inherent topographic hardship in trying to meet the minimum sign height. Such should be considered on case by case basis.
- **Agreed that 40-ft and 45-ft tall single panel business sign should be monument, but may be other sign type depending on hardship of the land.**
- Discussed multiple panel shopping center type signs which have the name of the shopping center/development at the top of the sign followed by the major anchors and then smaller tenants. **Agreed that shopping/development center name should be prominently displayed at the top of the sign.**
- Discussed use of linear footage or acreage. **Agreed that property should be at least 10 acres to have multiple panel development center sign.**
- Discussed options for max. sign height and maximum sign area. **Agreed that maximum height should be 90-ft. Agreed that maximum area should be 900 square feet.**
- Discussed requirement of mandatory sight line study to be witnessed by Planning Commission and Staff. Photographs will be presented to full PC for final height approval.
- **Agreed that sight line study must occur after clearing and interstate landscaping implementation to eliminate obstructions from the right of way.**
- **Agreed that sight line study must show one located at 45-ft above the center line of eastbound I-10 r.o.w. and 90-ft above the center line of eastbound I-10 r.o.w.**

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- **Agreed the final maximum height will be determine by the PC based upon the (witnessed and photographs) sight line study.**
- Interstate right of way clearing and landscaping discussed. Site disturbance permit will not be issued for clearing/landscaping until ALDOT approval has been granted and submitted to city.
- Maintenance agreement required between city and developer.
- Initial cost of clearing/landscaping and ALDOT approval is developer's responsibility.
- **Agreed that sign location should be between 10 to 50 feet from the property line adjoining the I-10 right of way.**
- Discussed increased surface wall signage. **Agreed to use Jubilee Retail Overlay district language for increase area provisions.**

Director to revise draft to include items agreed upon. Draft is to be presented with Planning Commission packet on Monday for discussion at the Wednesday Site Preview Meeting on July 20th and Regular meeting of the PC on July 28th.

APPROVED: July 28, 2011



Ed Kirby, Chairman

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

1. CALL TO ORDER DATE: AUGUST 1, 2011

2. CALL OF ROLL ADJ/JAD

3. APPROVAL OF MINUTES:

Review of minutes for the special meeting of June 15, 2011, special working meeting of July 14, 2011 and regular meeting of June 23, 2011. (APPROVED AS SUBMITTED)

4. NEW BUSINESS:

A. SITE PLAN REVIEW:

1. File S11-04: (APPROVED)

Zoning(s): R-3, High Density Single Family Residential

Site: The Shoulder of the Central Gulf Coast

Location: East of Pinehill Road at the end of Roper Lane

Area: 6.36 Acres ±

Owner: The Shoulder - Mr. Phillip Drane, Executive Director

Engineer: Speaks & Associates - Richard Jay

B. PRELIMINARY/FINAL:

1. File SDPF11-01: (APPROVED)

Site: Resubdivision of Lot 2, Block A, Historic Malbis

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: 1.73 Acres ±

Owner: Spriggs Enterprises - Kevin Spriggs

Agent: H-Properties - Dane Haygood

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

2. **File SDPF11-03: (APPROVED)**

Subdivision: Resubdivision of Parcels 1 & 3, Highfield Farms

Zoning(s): *Unzoned, extraterritorial planning jurisdiction, Baldwin County*

Location: Southwest of U.S. Highway 90 and Yance Lane

Area: 29.89Acres ±, (4) lots

Owner: James Yance

Engineer: JADE Consulting - Trey Jinright

C. **BELLATON SUBDIVISION, PHASE THREE:**

1. **MASTER PLAN: (APPROVED)**

Presentation to be given by Mr. David Diehl, representing Preble-Rish, requesting a master plan revision for Bellaton Subdivision, Phase Three.

2. **PRELIMINARY REVIEW:**

File SDP11-02: (DENIED)

Subdivision: Bellaton, Phase Three A

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

Location: Southwest of Alabama Highway 181 and Corte Road

Area: 4.14 Acres ±, (12) lots

Owner: Country Club Development, L.L.C. - Clarence Burke

Engineer: Preble-Rish - David Diehl

D. **ST. AUGUSTINE SUBDIVISION, PHASE TWO AND THREE:**

PRELIMINARY REVIEW:

1. **File SDP11-05: (APPROVED)**

Subdivision: Saint Augustine, Phase 2

Zoning(s): *RSF-2, Single Family Residential, Baldwin County District 15*

Location: Northeast of County Road 64 on Rigsby Road

Area: 12.91 Acres ±, (29) lots

Engineer: Preble-Rish - David Diehl

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

2. **File SDP11-03: (APPROVED)**

Subdivision: Saint Augustine, Phase 3

Zoning(s): *RSF-2, Single Family Residential, Baldwin County District 15*

Location: Northeast of County Road 64 on Rigsby Road

Area: 14.37 Acres ±, (31) lots

Owner: Breland Homes - Mr. Louis W. Breland

Engineer: Preble-Rish - David Diehl

E. **DUNMORE SUBDIVISION, PHASE TWO, PART C:**

1. **MASTER PLAN: (TABLED UNTIL NEXT MEETING)**

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting a master plan revision for Dunmore Subdivision, Phase Two, Part C.

2. **PRELIMINARY/FINAL PLAT REVIEW:**

File SDPF11-02: (TABLED UNTIL NEXT MEETING)

Subdivision: Dunmore, Phase Two, Part C

(Associated with the zoning amendments for Hearthstone Multi-Asset Entity)

Present Zoning: R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential

Proposed Zoning: R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

Area: 50.02 Acres ±, (3) lots

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

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

3. PETITIONS:

(a) ZONING AMENDMENT:

File Z11-02: Hearthstone Multi-Asset Entity (TABLED UNTIL NEXT MEETING)

Present Zoning: R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential

Proposed Zoning: R-3, High Density Multi-Family Residential

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, Lot 1, Dunmore Subdivision, Phase Two, Part C

Area: 22.20 Acres ±

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

(b) ZONING AMENDMENT:

File Z11-03: Hearthstone Multi-Asset Entity (TABLED UNTIL NEXT MEETING)

Present Zoning: R-1, Low Density Single Family Residential

Proposed Zoning: R-2, Medium Density Single Family Residential

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, Lot 2, Dunmore Subdivision, Phase Two, Part C

Area: 13.20 Acres ±

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

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

(c) ZONING AMENDMENT:

File Z11-04: Hearthstone Multi-Asset Entity (TABLED UNTIL NEXT MEETING)

Present Zoning: R-1, Low Density Multi-Family Residential

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

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, Lot 3, Dunmore Subdivision, Phase Two, Part C

Area: 14.61 Acres ±

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

G. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Mr. Richard Johnson, the Public Works Director, of the proposed acceptance of an unnamed right-of-way/drainage easement subject to acquisition and/or conveyance by right-of-way deed from the owner for acceptance of maintenance. The north thirty-five feet of Lot 11, Block 1, Randall's Subdivision northwest of the intersection of Randall Avenue and Pollard Road, remnant located north of Deerwood Subdivision. Proposed name: Eliza Drive. (FAVORABLE RECOMMENDATION TO THE CITY COUNCIL - ELIZA MITCHELL DRIVE)
2. Presentation to be given by Mayor Small, requesting to rename that portion of the right-of-way of Lawson Road east to Alabama State Highway 181 to Champions Way. FAVORABLE RECOMMENDATION TO THE CITY COUNCIL
3. Planning Commission discussion of proposed Amendment to the Interstate Sign Provisions of the Land Use and Development Ordinance. FAVORABLE RECOMMENDATION TO THE CITY COUNCIL

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

SET A PUBLIC HEARING DATE

SEPTEMBER 19, 2011

TO CONSIDER:

1. Amendment to the Land Use & Development Ordinance /
Sign Provision

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Proposed Amendment to Article 33 (k)
Interstate Sign Provisions, of the
Daphne Land Use and Development
Ordinance

MEMORANDUM

Date: August 1, 2011

RECOMMENDATION: At the July 28, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried for a **favorable recommendation** of the proposed acceptance of the proposed amendment to Article 33 (k), Interstate Sign Provisions. Favorable recommendation. **Six members voted in the affirmative and one dissented.**

A copy of the ordinance shall be provided by the office of the City Attorney for placement on the Monday, August 15, 2011 City Council agenda to set the public hearing for Monday, September 19, 2011.

I would like the opportunity to give an overview of the proposal to the City Council at the Monday, September 12, 2011 Council work session.

★ Please consider this as a formal request for scheduling on the September 12, 2011 City Council work session.

Thank you,
ADJ/jd

cc: file

attachment(s)

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2011-____

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance's
Interstate Sign Provision**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on July 28, 2011, considered certain proposed amendments to Article 33(k) titled "Interstate Sign Provisions", of the City of Daphne Land Use and Development Ordinance No. 2011-054, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for the approval of said amendment to Article 33(k) titled "Interstate Sign Provisions" of the City of Daphne Land Use and Development Ordinance; and,

WHEREAS, due notice of said proposed amendment 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 _____; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendment to the City of Daphne Land Use Ordinance, Article 33(k) titled "Interstate Sign Provisions", 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. AMENDMENT

Article 33(k) "Interstate Sign Provisions" of the City of Daphne Land Use and Development Ordinance shall be amended to read in its entirety as follows:

(k) Interstate 10 Corridor Signs

1. General

The intent of this provision is to govern the placement of on-premise business signs, appropriate in size and scale to their setting for the purpose of identifying businesses located along the Interstate 10 right-of-way. **All prohibited signs, as specifically enumerated in Section 33-6, Prohibited Signs, are also prohibited herein.** No portion of an interstate sign shall include a changeable sign; and further, shall be prohibited from including any parts which create or include action or motion, or contain flashing lights, or contain intermittent lighting. Interstate signs shall be permitted only where contiguous to the I-10 corridor, and not within another overlay district.

2. Definitions

- (a) **Commercial Development Complex.** An area of at least ten (10) contiguous acres in size to be planned, developed, operated, and maintained as a single entity and containing three or more businesses, entities, or commercial uses with appurtenant common areas to accommodate office, retail, and commercial uses, and other uses incidental to the predominant commercial use.
- (b) **Interstate Shopping Center.** Three or more retail stores, commercial establishments, service establishments, and/or combination of the above that share customer parking and either common walls or common walkways.
- (c) **Interstate Sign.** A type of on-premise freestanding sign located along the right-of-way of I-10 and not located in Eastern Shore Park or Jubilee Retail Overlay District.
- (d) **Multi-panel Interstate Development Sign.** An on-premise freestanding sign located in an interstate shopping center or commercial development complex which identifies the name of the center/development and includes panels which identify the name or logo of businesses within the center/development.

3. Baseline for Sign Height Measurement

- (a) **Property located north of Interstate 10.** For property located *north* of Interstate 10, sign height measurement shall be established from the centerline of the *westbound* lane of the Interstate 10 right-of-way to the location of the sign.
- (b) **Property located south of Interstate 10.** For property located *south* of Interstate 10, sign height measurement shall be established from the centerline of the *eastbound* lane of the Interstate 10 right-of-way to the location of the sign.

4. Interstate Right-of-Way Clearing and Landscaping

Clearing within the I-10 right-of-way shall be done in accordance with the provisions established by the Alabama Department of Transportation (ALDOT). Clearing of seventy (70) percent of the area within the right-of-way of I-10 may occur, with the exception of natural drainage areas. Natural drainage areas shall retain an undisturbed buffer as specified in the stream and wetland buffer provisions of *Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control*.

ALDOT approval must be provided prior to the issuance of a site disturbance permit for an approved site plan. Cleared area shall be replanted and landscaped with azaleas and other low growing flowering shrubs and plantings. A maintenance agreement for any I-10 landscaping shall be established between the developer/property owner and the City of Daphne prior to clearing and landscaping. The developer shall be responsible for the cost of all maintenance performed in relation to the I-10 right-of-way landscape plan. In no event shall the City of Daphne incur the cost of maintenance within the I-10 right-of-way.

5. Sight Line Study

The height of any multi-panel interstate sign shall be determined based on a sight line study commissioned by the developer/property owner and shall be justification for the proposed height to insure that the top panel of the sign is visible while traveling in any direction on Interstate 10. **The maximum height will be selected by the Planning Commission based upon review of the results of a valid sight line study.**

(a) A valid sight line study is one which meets the following criteria:

- I. Is performed by a qualified professional;
- II. Provides photographic documentation of the event. Photographs shall be provided to show the following:
 - i. Any obstruction to the sign panels by trees, other signs, natural features and permanently located structures or items along Interstate 10.
 - ii. The topographical elevation of the location of the interstate sign forty five (45) feet above the centerline of Interstate 10 as specified in *Section 33(k)(3), Baseline for Sign Height Measurement*.
 - iii. The topographical elevation of the location of the interstate sign ninety (90) feet above the centerline of Interstate 10 as specified in *Section 33(k)(3), Baseline for Sign Height Measurement*.
 - iv. If the developer proposes a height other than these listed above, then the developer should also submit the topographical elevation of the location of the interstate sign at the proposed height as measured from the centerline of Interstate 10 as specified in *Section 33(k)(3), Baseline for Sign Height Measurement*, provided that the proposed height is between forty-five (45) to ninety (90) feet, as measured in Section 33(k)(3).
- III. Has been properly scheduled as follows:

The developer/property owner shall notify the Code Enforcement Officer and Director of Community Development at least seven (7) business days prior to commencement of the sight line study. The sight line study shall be scheduled at least seven (7) business days after completion of the interstate right-of-way landscaping.

6. Interstate Sign Location

Individual parcels, any portions of which are located contiguous to the I-10 corridor, may have one (1), and only one (1), on-premises business interstate sign; provided however, that the interstate sign must be located (at the highest natural elevation) on that portion of the parcel lying contiguous to the I-10 corridor. An interstate sign shall be located up to fifty (50) feet from the property line which adjoins the interstate right-of-way. No part of an interstate sign, including the sign face, shall be located any closer than ten (10) feet to the property line which adjoins the interstate right-of-way. The faces of a double-faced interstate sign shall be arranged so that such faces are separated no more than thirty (30) degrees.

7. Interstate Sign Provisions for Individual Businesses

	If the frontage on the I-10 right-of-way is:	
	=200.00' & <500.00'	= 500.00' & <900.00'
Maximum number of interstate signs	1	1
Maximum number of panels	1	1
Maximum sign area for individual sign	250 sq. ft.	300 sq. ft.
Maximum height	40'	45'
Maximum width	20'	15'
Minimum distance to property line abutting I-10 r.o.w	10'	10'
Maximum distance from property line abutting I-10 r.o.w	50'	50'
Sign type*	Monument	Monument

*The Planning Commission may consider an alternative type of sign that is permitted in *Article 33, Sign Provisions*, where inherent hardships on the land exist as documented by a certified land survey performed within the past twelve (12) months and a current U.S. Geological Survey topography map of the subject property.

8. Interstate Sign Provisions for an Interstate Shopping Center or Commercial Development Complex

- (a) Any multi-panel interstate sign shall prominently identify the name of the interstate shopping center or commercial development complex, as defined in *Section 33(k)(2), Definitions*, on the top of the sign.
- (b) Out-parcels that are located within the commercial development complex may be included on the multi-panel interstate sign.
- (c) A multi-panel interstate sign shall be allowed only where there is at least nine hundred (900) linear feet frontage on the I-10 right-of-way; and, where the total land area adjoining I-10 right-of-way is ten acres or more.

	Where (cumulative) land area adjoining I-10 right-of-way = & >10.00 acres AND with at least 900.00 linear ft frontage on the I-10 right-of-way
Maximum number of multi-panel interstate signs	1
Maximum number of panels	n/a
Maximum total sign face area	900.00 sq. ft.
Maximum allowable height[^]	90'
Maximum width	n/a
Minimum panel size	150.00 sq. ft.
Minimum distance to property line abutting I-10 r.o.w	10'
Maximum distance from property line abutting I-10 r.o.w	50'
Minimum distance between multi-panel interstate signs	900.00'

Note:

[^]Maximum allowable height is defined as the minimum height necessary to achieve a clear line of sight from Interstate 10 to the top panel of a multi-panel interstate sign.

The maximum height shall be determined by the Planning Commission and shall be based upon a valid sight line study prepared in accordance with the provisions described herein. Such height shall be established by a valid sight line study as described in *Section 33(k)(5), Sight Line Study*.

8. Other Freestanding Ground Signs

Any parcel (as opposed to a use), any portion on which an interstate sign is located which is not included in an overlay district may have one (1) and only one (1), other ground sign within the boundary of such parcel. If there is any type of nonconforming sign on a parcel which an interstate sign is proposed to be located, such sign shall be brought into conformance with applicable provisions of *Article 33, Sign Provisions* on or before the date on which a permit is issued for an interstate sign.

9. Wall Signs

Any parcel any portion on which an interstate sign is located which is not included in an overlay district, may have additional surface area signage for side or rear wall as specified below.

10. Surface Area Wall-Mounted Signage

A business establishment sixty five thousand (65,000) square feet of building area or more may have two (2) additional wall-mounted signs of a size not to exceed five percent (5%) of the surface area of the side of the building where the sign will be placed. These two (2) signs shall be located on the rear of the building and either on the left side OR the right side. These signs are in addition to the allowable signage on the front façade of the building

(a) Accessory Use Advertisement Wall-Mounted Sign

A business establishment between forty thousand (40,000) square feet of building area to one hundred thousand (100,000) square feet of building area may have one (1) additional wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use.

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of advertising accessory uses. No business establishment may have more than three (3) wall-mounted signs.

11. Review & Administration

The Code Enforcement Officer will not take action on an application for a multi-panel interstate sign for an interstate shopping center or commercial development complex sign permit prior to the Planning Commission approval of that sign. Upon approval of the Planning Commission and prior to the installation of the interstate sign, the Code Enforcement Officer shall be supplied the following:

- (a) A drawing indicating the measurements of all portions of the sign, height of the bottom of the sign face and the top of the sign measured as per Section 33(k)(3) herein.
- (b) A survey prepared by an Alabama licensed surveyor shall be submitted showing the proposed location of the sign on the site. The surveyed location may be included on a site plan as may be required in other sections of the *Land Use & Development Ordinance*, or a separate survey.

Within ten (10) *calendar* days following installation of a multi-panel interstate sign, the property developer/owner shall submit a certified survey to the *Department of Community Development and the Code Enforcement Officer* showing the precise height of the sign as measured per Section 33(k)(3) herein.

All other language, sections, uses, conditions and/or contents of Ordinance 2011-054, and any amendments thereto, shall remain the same and shall be unchanged by this Ordinance; this Ordinance shall only amend Article 33 Section (k).

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.

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

CATHY BARNETTE, COUNCIL PRESIDENT

Date and Time Signed:

FRED SMALL, MAYOR

Date and Time Signed:

ATTEST:

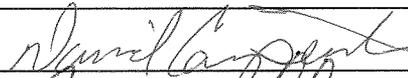
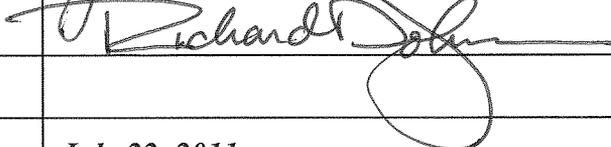
**DAVID L. COHEN,
CITY CLERK, MMC**

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

08-04-11 P02:23 IN

CITY OF DAPHNE SPECIAL EVENTS PERMIT

ORGANIZATION:	<i>S.E.E.D.S.</i>
CONTACT PERSON:	<i>Denise D'Oliveira</i>
ADDRESS:	<i>P.O. Box 460 Daphne, AL 36526</i>
PHONE NUMBER (HOME):	<i>626-9966</i>
PHONE NUMBER (BUSINESS):	<i>656-7333</i>
CELL NUMBER:	<i>605-8777</i>
DATE OF EVENT:	<i>November 12, 2011 / Saturday</i>
TYPE OF EVENT:	<i>Mamma Mia Cook Off / Fund Raiser</i>
START TIME:	<i>8:00 A.M.</i>
STOP TIME:	<i>11:00 P.M. (Event 6:00 P.M. – 10:00 P.M.)</i>
LOCATION OF EVENT:	<i>City Hall Grounds</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>800 - 900</i>
SPECIAL REQUEST	<i>Main Street Closed in Front of City Hall / Public Works and Police Support as in the past</i>
DATE APPLIED FOR PERMIT:	<i>July 22, 2011</i>
APPROVAL	
CITY COUNCIL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White	
PUBLIC WORKS: Richard Johnson	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>July 22, 2011</i>
NOTIFICATION OF APPROVAL:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO.: 2011-58

=====

WHEREAS, Patricia T. Gipson, desires to grant, bargain, donate and convey to the City of Daphne, Alabama a certain parcel of real property for use as a Right of Way for a Public Road, and;

WHEREAS, the City of Daphne desires to accept 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 more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 16, Township 5 South, Range 2 East; thence run N-0021'08"-E, 2589.01 feet to the Point of Beginning; thence continue N-0021'08"-E, 27.26 feet to a point; thence run S-8941'15"-E, 453.45 feet to a point; thence run S-8429'04"-W, 88.31 feet to a point; thence run Southwesterly along a curve having a radius of 3562.47 feet, a delta angle of 05°39'14", the chord of which bears S-8720'11"-W, 351.40 feet, an arc distance of 351.54 feet to a point; thence run N-8948'42"-W, 14.69 feet to the Point of Beginning, containing 0.19 acres, more or less.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted by the City of Daphne, Alabama.

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

**CATHY BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

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

CITY OF DAPHNE, ALABAMA

RESOLUTION NO.: 2011-59

WHEREAS, the City of Daphne, Alabama would like to recognize and honor the many achievements of the students of Daphne High School; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regularly scheduled meeting of July 28, 2011, voted unanimously to set forth a favorable recommendation to the City Council of the City of Daphne to rename a portion of Lawson Road to Champions Way; and

WHEREAS, upon consideration of the Planning Commission's favorable recommendation and in recognition of the outstanding achievements of the students, parents and faculty of Daphne High School the City Council would like to rename a portion of Lawson Road to Champions Way; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the portion of the road and/or right of way between the intersection of County Road 13 and the intersection of Alabama State Highway 181 shall hereafter be known as and named Champions Way.

Done this _____ day of August, 2011.

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

**CATHY BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

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

RESOLUTION 2011 - 60

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Civic Center	798	1998 FORD CROWN VIC	2FAFP71W1WX122688

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

Resolution 2011- 61

**Land Water Conservation Fund Grant Application 2011
Lott Park Tennis Courts**

WHEREAS, the City of Daphne proposes to continue in constructing two additional tennis courts at Lott Park to provide for the health and well being of the general public; and

WHEREAS, the city intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance to continue to develop tennis courts at Lott Park from the LWCF grant program; and

WHEREAS, said programs are limited to funding a maximum of fifty percent (\$50,000) of the proposed project cost estimates at (\$100,000) which will be used to improve and build two additional tennis courts for a total of four tennis courts.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne hold in reserve fifty percent (\$50,000) of the proposed project cost for the purpose of matching the LWCF grant fund assistance, and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Daphne understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

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

Cathy Barnette,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,

City Clerk, MMC

ORDINANCE 2011-58

Pay Adjustment: Full Time: \$1,040/yr / Part-Time: \$.50/hour- Pay Adjustment

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 an across-the-board pay adjustment for City of Daphne employees; and

WHEREAS, the Mayor and City Council have evaluated the need for a pay adjustment for City employees as no pay increases have been granted since 2008; and

WHEREAS, an annual across-the-board pay adjustment of \$ 1,040 has been evaluated and determined to be equitable for full-time employees; and

WHEREAS, permanent part-time employees shall receive a pay adjustment at a rate of .50/hour; and

WHEREAS, such pay adjustment shall become effective with the pay period beginning September 8, 2011.

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 an appropriation of \$ 24,283 for a Fiscal 2011 pay adjustment, as herein set forth, effective September 8, 2011. The annual cost of such pay adjustment is \$ 315,681.

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 2011-60

Pay Table Revision: Full Time: \$1,040/yr / Part-Time: \$.50/hour- Pay Adjustment

WHEREAS, Ordinance 2004-52, and amended in 2007 and 2008, approved and adopted the City of Daphne Pay Table on January 3, 2005; and

WHEREAS, such Ordinance does provide for the amendment of the pay tables from time to time; and

WHEREAS, Ordinance 2011-58 did hereby approve an across-the-board annual pay adjustment of \$ 1,040 for full-time employees and \$.50/hour for permanent part-time employees; and

WHEREAS, the Pay Tables require certain amendments to include such across-the-board pay adjustment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the amended City of Daphne Pay Tables as attached hereto and made a part hereof are hereby approved.

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

(Sept 2011)

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8								
1	16,280	7,83	16,719	8,04	17,158	8,25	17,598	8,46	18,037	8,67	18,476	8,88	18,915	9,09	19,354	9,30
2	17,268	8,30	17,751	8,53	18,212	8,76	18,674	8,98	19,157	9,21	19,618	9,43	20,101	9,66	20,562	9,89
3	18,278	8,79	18,783	9,03	19,266	9,26	19,772	9,51	20,277	9,75	20,782	9,99	21,265	10,22	21,770	10,47
4	19,266	9,26	19,815	9,53	20,342	9,78	20,870	10,03	21,397	10,29	21,924	10,54	22,451	10,79	22,978	11,05
5	20,277	9,75	20,826	10,01	21,397	10,29	21,946	10,55	22,516	10,83	23,065	11,09	23,614	11,35	24,185	11,63
6	21,287	10,23	21,858	10,51	22,451	10,79	23,044	11,08	23,636	11,36	24,207	11,64	24,800	11,92	25,393	12,21
7	22,275	10,71	22,890	11,00	23,527	11,31	24,141	11,61	24,756	11,90	25,371	12,20	25,986	12,49	26,601	12,79
8	23,285	11,19	23,922	11,50	24,581	11,82	25,218	12,12	25,854	12,43	26,513	12,75	27,150	13,05	27,787	13,36
9	24,295	11,68	24,954	12,00	25,635	12,32	26,315	12,65	26,974	12,97	27,655	13,30	28,314	13,61	28,995	13,94
10	25,283	12,16	25,986	12,49	26,689	12,83	27,392	13,17	28,094	13,51	28,797	13,84	29,500	14,18	30,202	14,52
11	26,294	12,64	27,018	12,99	27,765	13,35	28,490	13,70	29,214	14,05	29,939	14,39	30,685	14,75	31,410	15,10
12	27,304	13,13	28,050	13,49	28,819	13,86	29,566	14,21	30,334	14,58	31,103	14,95	31,849	15,31	32,618	15,68
13	28,292	13,60	29,082	13,98	29,873	14,36	30,664	14,74	31,454	15,12	32,245	15,50	33,035	15,88	33,826	16,26
14	29,302	14,09	30,115	14,48	30,927	14,87	31,761	15,27	32,574	15,66	33,386	16,05	34,199	16,44	35,033	16,84
15	30,312	14,57	31,147	14,97	32,003	15,39	32,838	15,79	33,694	16,20	34,528	16,60	35,385	17,01	36,241	17,42
16	31,300	15,05	32,179	15,47	33,057	15,89	33,935	16,32	34,814	16,74	35,692	17,16	36,571	17,58	37,449	18,00
17	32,310	15,53	33,211	15,97	34,111	16,40	35,033	16,84	35,934	17,28	36,834	17,71	37,734	18,14	38,635	18,57
18	33,321	16,02	34,243	16,46	35,187	16,92	36,109	17,36	37,054	17,81	37,976	18,26	38,920	18,71	39,843	19,16
19	34,309	16,49	35,275	16,96	36,241	17,42	37,207	17,89	38,174	18,35	39,118	18,81	40,084	19,27	41,050	19,74
20	35,319	16,98	36,307	17,46	37,295	17,93	38,283	18,41	39,294	18,89	40,282	19,37	41,270	19,84	42,258	20,32
21	36,307	17,46	37,339	17,95	38,349	18,44	39,381	18,93	40,392	19,42	41,424	19,92	42,434	20,40	43,466	20,90
22	37,317	17,94	38,371	18,45	39,425	18,95	40,479	19,46	41,512	19,96	42,566	20,46	43,620	20,97	44,674	21,48
18																
16	31,306	1,204.09	32,183	1,237.79	33,059	1,271.49	33,935	1,305.19	34,811	1,338.90	35,688	1,372.60	36,564	1,406.30	37,440	1,440.01
17	32,308	1,242.63	33,213	1,277.42	34,118	1,312.22	35,022	1,347.02	35,927	1,381.82	36,832	1,416.61	37,737	1,451.41	38,642	1,486.22
18	33,310	1,281.16	34,244	1,317.09	35,179	1,353.03	36,113	1,388.96	37,047	1,424.90	37,982	1,460.84	38,916	1,496.78	39,850	1,532.70
19																
20	35,315	1,358.26	36,307	1,396.44	37,300	1,434.60	38,292	1,472.78	39,285	1,510.94	40,277	1,549.11	41,269	1,587.29	42,262	1,625.45
21																
22	37,319	1,435.33	38,369	1,475.74	39,420	1,516.14	40,470	1,556.54	41,521	1,596.95	42,571	1,637.35	43,622	1,677.75	44,672	1,718.16
23	38,322	1,473.91	39,401	1,515.41	40,480	1,556.91	41,569	1,598.41	42,638	1,639.90	43,717	1,681.41	44,796	1,722.91	45,875	1,764.41
24	39,325	1,512.49	40,433	1,555.13	41,542	1,597.76	42,650	1,640.39	43,759	1,683.03	44,867	1,725.66	45,976	1,768.30	47,084	1,810.94
25	40,327	1,551.02	41,464	1,594.75	42,601	1,638.49	43,738	1,682.22	44,875	1,725.95	46,012	1,769.69	47,149	1,813.42	48,286	1,857.15
26	41,330	1,589.60	42,496	1,634.47	43,663	1,679.34	44,829	1,724.21	45,996	1,769.08	47,163	1,813.95	48,329	1,858.81	49,496	1,903.68
27	42,331	1,628.13	43,527	1,674.10	44,722	1,720.07	45,917	1,766.02	47,112	1,811.99	48,307	1,857.96	49,502	1,903.93	50,697	1,949.89
28	43,333	1,666.67	44,558	1,713.76	45,783	1,760.87	47,007	1,807.98	48,232	1,855.08	49,457	1,902.18	50,681	1,949.28	51,906	1,996.39
29	44,335	1,705.20	45,588	1,753.40	46,842	1,801.60	48,095	1,849.80	49,348	1,897.99	50,601	1,946.20	51,854	1,994.39	53,108	2,042.60
30	45,338	1,743.78	46,621	1,793.12	47,904	1,842.45	49,186	1,891.79	50,469	1,941.12	51,752	1,990.46	53,035	2,039.79	54,317	2,089.13
31	46,340	1,782.31	47,651	1,832.75	48,963	1,883.18	50,274	1,933.61	51,585	1,984.04	52,896	2,034.47	54,207	2,084.90	55,519	2,135.34
32	47,343	1,820.89	48,684	1,872.45	50,025	1,924.03	51,365	1,975.59	52,706	2,027.16	54,047	2,078.74	55,388	2,130.30	56,729	2,181.87
33	48,346	1,859.46	49,715	1,912.13	51,085	1,964.79	52,454	2,017.46	53,823	2,070.12	55,193	2,122.79	56,562	2,175.45	57,931	2,228.13
34	49,348	1,897.99	50,747	1,951.80	52,146	2,005.61	53,545	2,059.41	54,943	2,113.21	56,342	2,167.01	57,741	2,220.81	59,140	2,274.62
35	50,350	1,936.53	51,777	1,991.43	53,204	2,046.33	54,632	2,101.23	56,059	2,156.12	57,487	2,211.02	58,914	2,265.92	60,341	2,320.82
36	51,353	1,975.11	52,810	2,031.14	54,267	2,087.18	55,724	2,143.21	57,181	2,199.25	58,638	2,255.29	60,094	2,311.32	61,551	2,367.36
37	52,355	2,013.64	53,840	2,070.78	55,326	2,127.90	56,811	2,185.04	58,296	2,242.17	59,782	2,299.31	61,267	2,356.44	62,753	2,413.57
38	53,357	2,052.18	54,871	2,110.41	56,385	2,168.63	57,898	2,226.86	59,412	2,285.09	60,926	2,343.32	62,440	2,401.55	63,954	2,459.78
39	54,358	2,090.71	55,902	2,150.07	57,445	2,209.44	58,989	2,268.81	60,533	2,328.18	62,076	2,387.54	63,620	2,446.91	65,163	2,506.27
40	55,361	2,129.29	56,933	2,189.75	58,506	2,250.21	60,078	2,310.68	61,650	2,371.14	63,222	2,431.60	64,794	2,492.06	66,366	2,552.53

	Step 17	Step 18	Step 19	Step 20				
1	23,329	11.22	23,768	11.43	24,207	11.64	24,647	11.85
2	24,778	11.91	25,261	12.14	25,723	12.37	26,206	12.60
3	26,272	12.63	26,755	12.86	27,260	13.11	27,765	13.35
4	27,721	13.33	28,248	13.58	28,775	13.83	29,302	14.09
5	29,192	14.03	29,763	14.31	30,312	14.57	30,861	14.84
6	30,664	14.74	31,234	15.02	31,827	15.30	32,420	15.59
7	32,135	15.45	32,750	15.75	33,365	16.04	33,979	16.34
8	33,584	16.15	34,243	16.46	34,880	16.77	35,517	17.08
9	35,055	16.85	35,714	17.17	36,395	17.50	37,076	17.82
10	36,527	17.56	37,229	17.90	37,932	18.24	38,635	18.57
11	37,976	18.26	38,723	18.62	39,447	18.97	40,194	19.32
12	39,447	18.97	40,216	19.33	40,985	19.70	41,731	20.06
13	40,919	19.67	41,709	20.05	42,500	20.43	43,290	20.81
14	42,390	20.38	43,202	20.77	44,037	21.17	44,849	21.56
15	43,861	21.09	44,696	21.49	45,552	21.90	46,409	22.31
16	45,333	21.79	46,211	22.22	47,089	22.64	47,946	23.05
17	46,782	22.49	47,682	22.92	48,604	23.37	49,505	23.80
18	48,253	23.20	49,197	23.65	50,120	24.10	51,064	24.55
19	49,724	23.91	50,691	24.37	51,635	24.82	52,601	25.29
20	51,196	24.61	52,184	25.09	53,172	25.56	54,160	26.04
21	52,645	25.31	53,677	25.81	54,687	26.29	55,719	26.79
22	54,116	26.02	55,170	26.52	56,224	27.03	57,279	27.54
16	45,326	1,743.33	46,203	1,777.04	47,079	1,810.74	47,952	1,844.32
17	46,785	1,799.41	47,689	1,834.20	48,594	1,869.00	49,505	1,904.05
18	48,259	1,856.13	49,194	1,892.07	50,128	1,928.01	51,058	1,963.78
19								
20	51,194	1,968.98	52,186	2,007.15	53,178	2,045.31	54,166	2,083.32
21								
22	54,126	2,081.78	55,177	2,122.18	56,227	2,162.59	57,272	2,202.79
23	55,585	2,137.90	56,664	2,179.39	57,743	2,220.89	58,826	2,262.55
24	57,061	2,194.66	58,170	2,237.30	59,278	2,279.93	60,382	2,322.37
25	58,519	2,250.74	59,656	2,294.47	60,793	2,338.21	61,935	2,382.10
26	59,995	2,307.51	61,162	2,352.38	62,328	2,397.25	63,489	2,441.87
27	61,453	2,363.58	62,648	2,409.55	63,843	2,455.51	65,042	2,501.61
28	62,928	2,420.32	64,153	2,467.41	65,378	2,514.52	66,595	2,561.33
29	64,386	2,476.39	65,639	2,524.58	66,892	2,572.79	68,148	2,621.07
30	65,862	2,533.15	67,145	2,582.49	68,427	2,631.82	69,702	2,680.83
31	67,320	2,589.24	68,631	2,639.66	69,942	2,690.09	71,255	2,740.57
32	68,796	2,645.99	70,137	2,697.57	71,478	2,749.14	72,810	2,800.39
33	70,255	2,702.12	71,624	2,754.78	72,994	2,807.45	74,364	2,860.15
34	71,730	2,758.84	73,129	2,812.64	74,528	2,866.44	75,917	2,919.89
35	73,188	2,814.91	74,615	2,869.81	76,042	2,924.71	77,470	2,979.61
36	74,664	2,871.68	76,121	2,927.72	77,578	2,983.76	79,025	3,039.43
37	76,122	2,927.76	77,607	2,984.89	79,093	3,042.03	80,578	3,099.16
38	77,580	2,983.83	79,094	3,042.07	80,608	3,100.29	82,131	3,158.89
39	79,055	3,040.57	80,598	3,099.93	82,142	3,159.30	83,684	3,218.62
40	80,514	3,096.68	82,086	3,157.14	83,658	3,217.61	85,238	3,278.39

City of Daphne
Public Safety
Pay Table

September 2011

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11											
1	16,872	8,11	17,322	8,33	17,772	8,54	18,222	8,76	18,672	8,98	19,122	9,19	19,572	9,41	20,022	9,63	20,472	9,84	20,922	10,06	21,372	10,28
2	17,856	8,59	18,306	8,82	18,756	9,06	19,206	9,30	19,656	9,53	20,106	9,77	20,610	10,00	21,114	10,24	21,628	10,48	22,142	10,71	22,778	10,95
3	18,822	9,05	19,337	9,30	19,852	9,54	20,367	9,79	20,882	10,04	21,397	10,29	21,912	10,53	22,427	10,78	22,942	11,03	23,457	11,28	23,972	11,53
4	19,807	9,52	20,364	9,79	20,921	10,06	21,478	10,33	22,035	10,59	22,592	10,86	23,149	11,13	23,706	11,40	24,263	11,66	24,820	11,93	25,377	12,20
5	20,793	10,00	21,371	10,27	21,949	10,55	22,527	10,83	23,105	11,11	23,683	11,39	24,261	11,66	24,839	11,94	25,417	12,22	25,995	12,50	26,573	12,78
6	21,757	10,48	22,357	10,75	22,957	11,04	23,557	11,33	24,157	11,61	24,757	11,90	25,357	12,19	25,957	12,48	26,557	12,77	27,157	13,06	27,757	13,34
7	22,743	10,93	23,364	11,23	23,985	11,53	24,606	11,83	25,227	12,13	25,848	12,43	26,469	12,73	27,090	13,02	27,711	13,32	28,332	13,62	28,953	13,92
8	23,728	11,41	24,392	11,73	25,056	12,05	25,720	12,37	26,384	12,68	27,048	13,00	27,712	13,32	28,376	13,64	29,040	13,96	29,704	14,28	30,368	14,60
9	24,692	11,87	25,377	12,20	26,062	12,53	26,747	12,86	27,432	13,19	28,117	13,52	28,802	13,85	29,487	14,18	30,172	14,51	30,857	14,84	31,542	15,16
10	25,678	12,35	26,385	12,69	27,092	13,03	27,799	13,36	28,506	13,70	29,213	14,04	29,920	14,38	30,627	14,72	31,334	15,06	32,041	15,40	32,748	15,74
11	26,663	12,82	27,413	13,18	28,163	13,54	28,913	13,90	29,663	14,26	30,413	14,62	31,163	14,98	31,913	15,34	32,663	15,70	33,413	16,06	34,163	16,42
12	27,627	13,28	28,398	13,65	29,169	14,02	29,940	14,39	30,711	14,76	31,482	15,14	32,253	15,51	33,024	15,88	33,733	16,25	34,566	16,62	35,337	16,99
13	28,613	13,76	29,427	14,15	30,241	14,54	31,055	14,93	31,869	15,32	32,683	15,71	33,497	16,10	34,311	16,50	35,125	16,89	35,939	17,28	36,753	17,67
14	29,598	14,23	30,434	14,63	31,270	15,03	32,106	15,44	32,942	15,84	33,778	16,24	34,614	16,64	35,450	17,04	36,286	17,45	37,122	17,85	37,958	18,25
15	30,562	14,69	31,419	15,11	32,276	15,52	33,133	15,93	33,990	16,34	34,847	16,75	35,704	17,17	36,561	17,58	37,418	17,99	38,275	18,40	39,132	18,81
16	31,548	15,17	32,426	15,59	33,304	16,01	34,182	16,43	35,060	16,86	35,938	17,28	36,816	17,70	37,694	18,12	38,572	18,54	39,450	18,97	40,328	19,39
17	32,533	15,64	33,433	16,07	34,333	16,51	35,233	16,94	36,133	17,37	37,033	17,80	37,933	18,24	38,833	18,67	39,733	19,10	40,633	19,54	41,533	19,97
18	33,497	16,10	34,440	16,56	35,383	17,01	36,326	17,46	37,269	17,92	38,212	18,37	39,155	18,82	40,098	19,28	41,041	19,73	41,984	20,18	42,927	20,64
19	34,463	16,58	35,447	17,04	36,411	17,51	37,375	17,97	38,339	18,43	39,303	18,90	40,267	19,36	41,231	19,82	42,195	20,29	43,159	20,75	44,123	21,21
20	35,447	17,04	36,454	17,53	37,461	18,01	38,468	18,49	39,475	18,98	40,482	19,46	41,489	19,95	42,496	20,43	43,503	20,91	44,510	21,40	45,517	21,88
21	36,432	17,52	37,460	18,01	38,488	18,50	39,516	19,00	40,544	19,49	41,572	19,99	42,600	20,48	43,628	20,98	44,656	21,47	45,684	21,96	46,712	22,46
22	37,417	17,99	38,465	18,49	39,518	19,00	40,571	19,51	41,624	20,01	42,677	20,52	43,730	21,02	44,783	21,53	45,836	22,04	46,889	22,54	47,942	23,05
23	38,391	18,46	39,472	18,98	40,553	19,50	41,634	20,02	42,715	20,54	43,796	21,06	44,877	21,58	45,958	22,10	47,039	22,61	48,120	23,13	49,201	23,65
24	39,368	18,93	40,477	19,46	41,586	19,99	42,695	20,53	43,804	21,06	44,913	21,59	46,022	22,13	47,131	22,66	48,240	23,17	49,349	23,73	50,458	24,26
25	40,347	19,40	41,485	19,94	42,623	20,49	43,761	21,04	44,899	21,59	46,037	22,13	47,175	22,68	48,313	23,23	49,451	23,77	50,589	24,32	51,727	24,87
26	41,324	19,87	42,490	20,43	43,656	20,99	44,822	21,55	45,988	22,11	47,154	22,67	48,320	23,23	49,486	23,79	50,652	24,35	51,818	24,91	52,984	25,47
27	42,302	20,34	43,496	20,91	44,691	21,49	45,886	22,06	47,081	22,64	48,276	23,21	49,471	23,78	50,665	24,36	51,860	24,93	53,055	25,51	54,250	26,08
28	43,279	20,81	44,502	21,40	45,725	21,98	46,948	22,57	48,171	23,16	49,394	23,75	50,617	24,34	51,840	24,92	53,063	25,51	54,286	26,10	55,509	26,69
29	44,258	21,28	45,510	21,88	46,762	22,48	48,014	23,08	49,266	23,69	50,518	24,29	51,770	24,89	53,022	25,49	54,274	26,09	55,526	26,70	56,778	27,30
30	45,235	21,75	46,514	22,36	47,793	22,98	49,072	23,59	50,351	24,21	51,630	24,82	52,909	25,44	54,188	26,05	55,467	26,67	56,746	27,28	58,025	27,90
31	46,214	22,22	47,522	22,85	48,830	23,48	50,138	24,10	51,446	24,73	52,754	25,36	54,062	25,99	55,370	26,82	56,678	27,25	57,986	27,88	59,294	28,51
32	47,192	22,69	48,528	23,33	49,864	23,97	51,200	24,62	52,532	25,26	53,872	25,90	55,208	26,54	56,544	27,18	57,880	27,93	59,216	28,47	60,552	29,11
33	48,170	23,16	49,535	23,81	50,900	24,47	52,265	25,13	53,630	25,78	54,995	26,44	56,360	27,10	57,725	27,75	59,090	28,41	60,455	29,06	61,820	29,72
34	49,147	23,63	50,540	24,30	51,933	24,97	53,326	25,64	54,719	26,31	56,112	26,98	57,505	27,65	58,898	28,32	60,291	28,99	61,684	29,66	63,077	30,33
35	50,126	24,10	51,547	24,78	52,968	25,47	54,389	26,15	55,810	26,83	57,231	27,51	58,652	28,20	60,073	28,88	61,494	29,56	62,915	30,25	64,336	30,93
36	51,103	24,57	52,552	25,27	54,001	25,96	55,450	26,66	56,899	27,36	58,348	28,05	59,797	28,75	61,246	29,45	62,695	30,14	64,144	30,84	65,993	31,54
37	52,081	25,04	53,558	25,75	55,035	26,46	56,512	27,17	57,989	27,88	59,466	28,59	60,943	29,30	62,420	30,01	63,897	30,72	65,374	31,43	66,951	32,14
38	53,058	25,51	54,564	26,23	56,070	26,96	57,576	27,68	59,082	28,40	60,588	29,13	62,084	29,85	63,600	30,58	65,106	31,30	66,612	32,03	68,118	32,75
39	54,037	25,98	55,570	26,72	57,102	27,45	58,636	28,19	60,169	28,93	61,702	29,66	63,235	30,40	64,768	31,14	66,301	31,88	67,834	32,61	69,367	33,35

Based on hours worked/year

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11											
Fire Dept. 24 hr Shifts (2808 hr/yr):																						
PF20	35,447	12,62	36,454	12,98	37,461	13,34	38,468	13,70	39,475	14,06	40,482	14,42	41,489	14,78	42,496	15,13	43,503	15,49	44,510	15,85	45,517	16,21
PF21	36,432	12,97	37,460	13,34	38,488	13,71	39,516	14,07	40,544	14,44	41,572	14,80	42,600	15,17	43,628	15,54	44,656	15,90	45,684	16,27	46,712	16,64
PF22	37,412	13,32	38,465	13,70	39,518	14,07	40,571	14,45	41,624	14,82	42,677	15,20	43,730	15,57	44,783	15,95	45,836	16,32	46,889	16,70	47,942	17,07
PF29	44,258	15,76	45,510	16,21	46,762	16,65	48,014	17,10	49,266	17,54	50,518	17,99	51,770	18,44	53,022	18,88	54,274	19,33	55,526	19,77	56,778	20,22
Police Dept. 12 hr Shifts (2184 hr/yr):																						
P11	27,568	12,62	28,306	12,96	29,112	13,33	29,873	13,68	30,612	14,02	31,373	14,36	32,179	14,73	32,918	15,07	33,679	15,42	34,440	15,77	35,224	16,13
P20	35,447	17,02	36,454	16,69	37,461	17,15	38,468	17,61	39,475	18,07	40,482	18,54	41,489	19,00	42,496	19,46	43,503	19,92	44,510	20,38	45,517	20,84
P22	37,412	17,13	38,465	17,61	39,518	18,09	40,571	18,58	41,624	19,06	42,677	19,54	43,730	20,02	44,783	20,51	45,836	20,99	46,889	21,47	47,942	21,95
P25	40,347	18,47	41,485	18,99	42,623	19,52	43,761	20,04	44,899	20,56	46,037	21,08	47,175	21,60	48,313	22,12	49,451	22,64	50,589	23,16	51,727	23,68

GRADE	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20									
1	21,822	10,49	22,272	10,71	22,722	10,92	23,172	11,14	23,622	11,36	24,072	11,57	24,522	11,79	24,972	12,01	25,422	12,22
2	23,270	11,19	23,762	11,42	24,254	11,66	24,746	11,90	25,238	12,13	25,730	12,37	26,222	12,61	26,714	12,84	27,206	13,08
3	24,487	11,77	25,002	12,02	25,517	12,27	26,032	12,52	26,547	12,76	27,062	13,01	27,577	13,26	27,892	13,51	28,607	13,75
4	25,934	12,47	26,491	12,74	27,048	13,00	27,605	13,27	28,162	13,54	28,719	13,81	29,276	14,08	29,833	14,34	30,390	14,61
5	27,151	13,05	27,729	13,33	28,307	13,61	28,885	13,89	29,463	14,16	30,041	14,44	30,619	14,72	31,197	15,00	31,775	15,28
6	28,357	13,63	28,957	13,92	29,557	14,21	30,157	14,50	30,757	14,79	31,357	15,08	31,957	15,36	32,557	15,65	33,157	15,94
7	29,574	14,22	30,195	14,52	30,816	14,82	31,437	15,11	32,058	15,41	32,679	15,41	33,300	16,01	33,921	16,31	34,542	16,61
8	31,032	14,92	31,696	15,24	32,360	15,56	33,024	15,88	33,688	16,20	34,352	16,52	35,016	16,83	35,680	17,15	36,344	17,47
9	32,227	15,49	32,912	15,82	33,597	16,15	34,282	16,48	34,967	16,81	35,652	17,14	36,337	17,47	37,022	17,80	37,707	18,13
10	33,455	16,08	34,162	16,42	34,869	16,76	35,576	17,10	36,283	17,44	36,990	17,78	37,697	18,12	38,404	18,46	39,111	18,80
11	34,913	16,79	35,663	17,15	36,413	17,51	37,163	17,87	37,913	18,23	38,663	18,59	39,413	18,95	40,163	19,31	40,913	19,67
12	36,108	17,36	36,879	17,73	37,650	18,10	38,421	18,47	39,192	18,84	39,963	19,21	40,734	19,58	41,505	19,95	42,276	20,33
13	37,567	18,06	38,381	18,45	39,195	18,84	40,009	19,24	40,823	19,63	41,637	20,02	42,451	20,41	43,265	20,80	44,079	21,19
14	38,794	18,65	39,630	19,05	40,466	19,45	41,302	19,86	42,138	20,26	42,974	20,66	43,810	21,06	44,646	21,46	45,482	21,87
15	39,989	19,23	40,846	19,64	41,703	20,05	42,560	20,46	43,417	20,87	44,274	21,29	45,131	21,70	45,988	22,11	46,845	22,52
16	41,206	19,81	42,084	20,23	42,962	20,65	43,840	21,08	44,718	21,50	45,596	21,92	46,474	22,34	47,352	22,77	48,230	23,19
17	42,433	20,40	43,333	20,83	44,233	21,27	45,133	21,70	46,033	22,13	46,933	22,56	47,833	23,00	48,733	23,43	49,633	23,86
18	43,870	21,09	44,813	21,54	45,756	22,00	46,699	22,45	47,642	22,90	48,585	23,36	49,528	23,81	50,471	24,26	51,474	24,72
19	45,087	21,68	46,051	22,14	47,015	22,60	47,979	23,07	48,943	23,53	49,907	23,99	50,871	24,46	51,835	24,92	52,799	25,38
20	46,524	22,37	47,531	22,85	48,538	23,34	49,545	23,82	50,552	24,30	51,559	24,79	52,566	25,27	53,573	25,76	54,580	26,24
21	47,740	22,95	48,768	23,45	49,796	23,94	50,824	24,43	51,852	24,93	52,880	25,42	53,908	25,92	54,936	26,41	55,964	26,91
22	48,995	23,56	50,048	24,06	51,101	24,57	52,154	25,07	53,207	25,58	54,260	26,09	55,313	26,59	56,366	27,10	57,419	27,61
23	50,282	24,17	51,363	24,69	52,444	25,21	53,525	25,73	54,606	26,25	55,687	26,77	56,768	27,29	57,849	27,81	58,930	28,33
24	51,567	24,79	52,676	25,33	53,785	25,86	54,884	26,39	56,003	26,92	57,112	27,46	58,221	27,99	59,330	28,52	60,439	28,96
25	52,865	25,42	54,003	25,96	55,141	26,51	56,279	27,06	57,417	27,60	58,555	28,15	59,693	28,70	60,831	29,25	61,969	29,78
26	54,150	26,03	55,316	26,59	56,482	27,15	57,648	27,72	58,814	28,28	59,980	28,84	61,146	29,40	62,312	29,96	63,478	30,52
27	55,445	26,66	56,639	27,23	57,834	27,80	59,029	28,38	60,224	28,95	61,419	29,53	62,613	30,10	63,808	30,68	64,996	31,25
28	56,732	27,28	57,955	27,86	59,178	28,45	60,401	29,04	61,624	29,63	62,847	30,21	64,070	30,80	65,293	31,39	66,516	31,98
29	58,030	27,90	59,282	28,50	60,534	29,10	61,786	29,70	63,038	30,31	64,290	30,91	65,542	31,51	66,794	32,11	68,046	32,71
30	59,304	28,51	60,583	29,13	61,862	29,74	63,141	30,36	64,420	30,97	65,699	31,59	66,978	32,20	68,257	32,82	69,536	33,43
31	60,602	29,14	61,910	29,76	63,218	30,39	64,526	31,02	65,634	31,65	67,142	32,58	68,450	32,91	69,758	33,54	71,066	34,17
32	61,888	29,75	63,224	30,40	64,560	31,04	65,896	31,68	67,232	32,32	68,568	32,97	69,904	33,61	71,240	34,25	72,576	34,89
33	63,185	30,38	64,550	31,03	65,915	31,69	67,280	32,35	68,645	33,00	70,010	33,66	71,375	34,31	72,740	34,97	74,105	35,63
34	64,470	31,00	65,863	31,66	67,256	32,33	68,649	33,00	70,042	33,67	71,435	34,34	72,828	35,01	74,221	35,68	75,614	36,35
35	65,757	31,61	67,178	32,30	68,599	32,98	70,020	33,66	71,441	34,35	72,862	35,03	74,283	35,71	75,704	36,40	77,125	37,08
36	67,042	32,23	68,491	32,93	69,940	33,63	71,389	34,32	72,838	35,02	74,287	36,71	75,736	36,41	77,185	37,11	78,634	37,80
37	68,328	32,85	69,805	33,56	71,282	34,27	72,759	34,98	74,236	36,69	75,713	38,40	77,190	37,11	78,667	37,82	80,144	38,53
38	69,624	33,47	71,130	34,20	72,636	34,92	74,142	35,65	75,648	36,37	77,154	37,09	78,660	37,82	80,166	38,54	81,672	39,27
39	70,900	34,09	72,433	34,82	73,966	35,56	75,499	36,30	77,032	37,03	78,565	37,77	80,098	38,51	81,631	39,25	83,164	39,98

GRADE	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20									
PF20	46,524	16,57	47,531	16,93	48,538	17,29	49,545	17,64	50,552	18,00	51,559	18,36	52,566	18,72	53,573	19,08	54,580	19,44
PF21	47,740	17,00	48,768	17,37	49,796	17,73	50,824	18,10	51,852	18,47	52,880	18,83	53,908	19,20	54,936	19,56	55,964	19,93
PF22	48,995	17,45	50,048	17,82	51,101	18,20	52,154	18,57	53,207	18,95	54,260	19,32	55,313	19,70	56,366	20,07	57,419	20,45
PF29	56,030	20,67	59,282	21,11	60,534	21,56	61,786	22,00	63,038	22,45	64,290	22,90	65,542	23,34	66,794	23,79	68,046	24,23
P11	35,985	16,48	36,746	16,83	37,529	17,18	38,290	17,53	39,051	17,88	39,813	18,23	40,596	18,59	41,357	18,94	42,141	19,30
P20	46,524	21,30	47,531	21,76	48,538	22,22	49,545	22,69	50,552	23,15	51,559	23,61	52,566	24,07	53,573	24,53	54,580	24,99
P22	48,995	22,43	50,048	22,92	51,101	23,40	52,154	23,88	53,207	24,36	54,260	24,84	55,313	25,33	56,366	25,98	57,419	26,29
P25	52,865	24,21	54,003	24,73	55,141	25,25	56,279	25,77	57,417	26,29	58,555	26,81	59,693	27,33	60,831	27,85	61,969	28,37

ORDINANCE 2011- 61

Fiscal 2011 Road Striping & Marking Projects

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

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

WHEREAS, the City has received a cost estimate from the County for road striping & marking for several areas within the City; and

WHEREAS, road striping & marking services are required for the following roads and additional areas as required (6.91+ /miles):

- 1. County Road 64**
- 2. Dimitrios Avenue**
- 3. Justina Avenue**
- 4. North Main Street**
- 5. South Main Street**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an appropriation of \$ 14,915 from the Seven Cent Gas Tax Fund for the road striping & marking needed for the above listed road projects is hereby approved and if all funds are not expended on the above listed streets additional striping may be completed with remaining funds.

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- 62
Dead Tree Removal: Van Avenue

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 is a large Oak tree on the City's easement along Van Avenue that has died and needs to be removed for safety purposes; and

WHEREAS, the City does not have the needed equipment to cut the tree 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 tree is \$2,175.

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 \$2,175 to cut down the dead tree on the easement along Van Avenue.

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 2011-63

NRDA Appraisal Appropriation

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

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

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

WHEREAS, the City Council plans to make application for NRDA grant funds to purchase coastal wetlands; and

WHEREAS, the City Council wishes to obtain appraisals on Leon Allen's property, Friday Construction's property, Marino's property, and Davenport's property for informational purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a Lodging Tax appropriation in an amount not to exceed \$ 7,500 for the appraisals of Leon Allen's property, Friday Construction's property, Marino's property, and Davenport's property.

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

**CITY OF DAPHNE
ORDINANCE 2011-59**

**AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE CITY OF DAPHNE AND NEW HORIZONS RETAIL, L.L.C.**

WHEREAS, New Horizons Retail, LLC desires to develop and construct a commercial site for an Academy Sports retail outlet and potentially other retail establishments within in the planning and governance of the jurisdiction of the City of Daphne and has requested certain economic assistance to develop a proposed retail outlet; and

WHEREAS, New Horizons Retail, LLC has requested that the City provide certain economic assistance to New Horizons Retail, LLC to assist with infrastructure required for said project in the form of a limited obligation warrant not to exceed \$1.93 million to be paid by one (\$.01) cent of city sales tax generated solely for infrastructure for the development; and

WHEREAS, the City of Daphne and New Horizons have agreed to a Memorandum of Understanding (MOU) which specifically sets forth the rights and responsibilities of the City and the Developer which is intended to be utilized to create an Economic Development Agreement which would be subject to additional approval of the parties; and

WHEREAS, the City of Daphne believes that it is in the best interest of the citizens of the City of Daphne to enter into such a Memorandum of Understanding (MOU);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the City Council does hereby authorize The Honorable Mayor Fred Small to execute on behalf of the City of Daphne Memorandum of Understanding (MOU) setting forth the terms of which are specifically set forth in that certain Memorandum of Understanding (MOU) and made a part of this Ordinance.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, on this the ____ day of August, 2011.

THE CITY OF DAPHNE,
An Alabama Municipal Corporation

By: _____
Fred Small, Mayor

By: _____
Cathy Barnette, Council President

ATTEST:

David Cohen, City Clerk, MMC