

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 19, 2011
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council meeting minutes / September 6, 2011
Council Work Session Minutes / September 12, 2011

CERTIFICATE OF CONGRATULATIONS: Mr. Rich Wright

RESIGNATION OF MAYOR : Accept Resignation of the Mayor
Nominations to fill position of Mayor

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / September 12th

1.) Ordinances:

- a.) Daphne Utilities Real Property Transfer / **Ordinance 2011-65**
- b.) Lodging Tax Appropriation: Bay Front Richard Scardamalia Pavilion Building: Stair Replacement /
- c.) **Ordinance 2011-66**
- d.) Extending Fiscal Year 2011 Budget Authority / **Ordinance 2011-67**

2.) Resolutions:

- a.) Bid Award: 2011-Z-Intersection Improvements at U.S. 98 & C.R. 64 /
Resolution 2011-65
- b.) Declare City Property Surplus / **Resolution 2011-66**

3.) Financial Reports:

- a.) Treasurers Report / August 31, 2011
- b.) Statement of Revenues and Expenditures / July 31, 2011
- c.) Sales & Use Tax Collections / July 31, 2011
- d.) Lodging Tax Collections / July 31, 2011
- e.) FY 2012 General Fund Budget Summary

B. BUILDINGS & PROPERTY COMMITTEE - Lake

Review minutes / September 7th

C. PUBLIC SAFETY COMMITTEE – Boulware

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Boulware

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes / August 15th

Need Environmental Advisor Board members

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

Need one (1) member

C. Industrial Development Board – Yelding

Need One (1) member

D. Library Board – Lake

Review minutes / July 7th

Review minutes / August 4th

MOTION: To reappoint Windrilla Longmire and Andrew LaPalme / Terms October 1, 2011 – September 30,

- E. Planning Commission – Barnette
- F. Recreation Board – Reese
Need two (2) members
- G. Utility Board - Scott
Review minutes / July 27th

6. REPORTS OF OFFICERS:

- A. Mayor’s Report
- B. City Attorney’s Report
- C. Department Head Comments
David Cohen – Alabama Tourism Grant Application

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award / Intersection Improvements /
U.S. 98 & C.R. 64. /Resolution 2011-65
- b.) Declare City Property Surplus. /Resolution 2011-66
- c.) MS-4 Permit Reclassification Request. /Resolution 2011-67
- d.) State of Alabama Tourism Grant Application. /Resolution 2011-68

ORDINANCES:

2nd READ

- a.) Annexation of AL State Hwy 181 Right-of-Way /Ordinance 2011-64

1ST READ

- b.) Daphne Real Property Transfer. /Ordinance 2011-65
- c.) Lodging Tax Appropriation: Bay Front Richard Scardamalia
Pavilion Building / Stair Replacement /Ordinance 2011-66
- d.) Extending Fiscal Year 2011 Budget Authority. /Ordinance 2011-67

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

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

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given Councilman John Lake.

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

Also present: Mayor Small David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Adrienne Jones, Planning Director; Vickie Hinman, Human Resources Director; Kim Briley, Finance Director; Tonja Young, Library Director; Richard Johnson, Publics Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Captain Scott Taylor, Police Department; Employees of the City; Jane Ellis, Mayors Assistant; Ashley Campbell, Environmental Programs Manager; Christine Ciancetta, Deputy Finance Director.

Absent: Richard Merchant, Building Official.

3. APPROVE MINUTES

**MOTION BY Councilman Boulware to adopt the August 15, 2011 Council meeting minutes.
*Seconded by Councilman Scott.***

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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PUBLIC HEARING: Annexation of Right-of-Way of AL State Highway 181

Location: The right-of-way of AL State Highway 181 from Lawson Road South to the Southernmost corporate limit of the City of Daphne

Recommendation: Unanimous favorable

Mrs. Adrienne Jones gave the presentation. Mr. Richard Johnson, Public Works Director, said that this started with ALDOT requesting that the city do the maintenance along this stretch of Highway 181, and at the Public Works meeting it was discussed whether it was appropriate to maintain something that was not a part of the city. He said if council approves the annexation then ALDOT will send a Cooperative Maintenance Agreement to be approved by council.

Council President Barnette opened the Public Hearing at 6:39 p.m.

No one spoke for or against the annexation.

Council President Barnette closed the Public Hearing at 6:39 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

No report. The next meeting will be September 12, 2011.

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 – Boulware

The minutes for the August 10th meeting are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Boulware

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report. The next meeting will be September 19th at 5:00 p.m. They still need members for the Environmental Advisory Committee.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

The minutes for the August 4th meeting are in the packet. The next meeting will be the 1st Thursday in October with one set back variation.

B. Downtown Redevelopment Authority – Barnette

The minutes for the August 22nd meeting are in the packet. The Authority needs one (1) member. The members will be hosting a Focus Group meeting either at city hall or at Vino e Bira.

C. Industrial Development Board – Yelding

The minutes for the August 2nd meeting are in the packet. Councilman Yelding stated that the board still needs one (1) member, and asked that they contact him or David Cohen with the nomination.

D. Library Board – Lake

No report. The next meeting will be first Thursday of October at 4:00 p.m.

E. Planning Commission – Jones

The July 28th minutes are in the packet. The Site Review meeting is September 14th and the regular Planning Commission meeting will be on September 22nd.

MOTION BY Councilman Scott to set a Public Hearing for October 17, 2011 ad to approve advertising for the following:

- 1.) **Amendment to the Land Use & Development Ordinance / Revision to the Zoning Map**
Recommendation: Unanimous favorable

- 2.) **Rezone: Heatherstone Multi-Asset Entity**
Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Road / Lot 1, Dunmore Subdivision, Phase Two, Part C
Present Zoning: R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential
Requested Zoning: R-3, High Density Single Family Residential
Recommendation: Unanimous favorable

- 3.) **Rezone: Heatherstone Multi-Asset Entity**
Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Road / Lot 2, Dunmore Subdivision, Phase Two, Part C
Present Zoning: R-1, low Density Single Family Residential
Requested Zoning: R-2, Medium Density Single Family Residential
Recommendation: Unanimous favorable

- 4.) **Rezone: Heatherstone Multi-Asset Entity**
Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Road / Lot 3, Dunmore Subdivision, Phase Two, Part C
Present Zoning: R-1, Low Density Multi-Family Residential
Requested Zoning: R-4, High Density Single Family Residential
Recommendation: Unanimous favorable

Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Jones said that there is also a resolution revising the street map.

Councilman Lake requested that the proposed amendment to the sign ordinance for the Academy Village Overlay be on Monday's work session agenda.

F. Recreation Board - Reese

The board needs two (2) members. Mr. McKelroy has someone interested in being on the board, and is getting the resume, and he may have another person interested.

G. Utility Board – Scott

The board met, and they had the Public Hearing for the rate increase before the regular business meeting, and it was widely attended. The rate increase was unanimously approved. The next meeting will be the last Wednesday of the month.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

- a.) Special Events Permit / Christ the King Church / Prayer Event / October 15, 2011
- b.) ABC License / Harry's Sound Bar / 010 – Lounge Retail Liquor – Class I
- c.) Parade Permit / Bounds Family YMCA / 5K & 1 Mile Fun Run / October 1, 2011

MOTION BY Councilman Lake to approve the Special Events Permit for Christ the King / Prayer Event / October 15, 2011, ABC License / Harry's Sound Bar / 010 – Lounge Retail Liquor – Class I and Parade Permit / Bounds Family YMCA / 5K & 1 Mile Fun Run / October 1, 2011. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. *City Attorney Report*

Mr. Ross said that at the next council meeting there are a couple of pending litigations that he needs to discuss with council in Executive Session.

C. *Department Head Comments*

David Carpenter – Police Chief – reported that there was a school lock-down situation at Christ the King, Bayside Academy and W.J. Carroll schools, because of a robbery in the area. A neighbor saw the robbery in progress and called it in to the police department, and the suspect was apprehended.

Richard Johnson – Public Works Director – said that Daphne weathered the storms over the weekend quite well. There was no flooding, but there were a couple of trees down, and with Riviera's help they were able to clear the trees away.

James White – Fire Chief – reported that they received an invitation from Mobile to join them for the 10th Anniversary of 9/11 at the Battleship Sunday. He also reported that last week there were three (3) house fires at the same time where they had to call for assistance from other fire departments.

David McKelroy – Recreation Director – reported that Brown Bag by the Bay is Thursday 11:30 a.m. – 1:30 p.m. This Thursday they have Andrew Duhon from New Orleans who is a singer songwriter that will be performing. Next week Rebecca Barry a jazz singer from Fairhope will be performing. Friday Daphne will be playing football at Foley, and will be televised on Channel 44. Saturday the Baldwin County Youth Football Jamboree with 53 teams will be playing at Trione and starts at 3:30 p.m. On Saturday and Sunday 22 teams of the USFAGirls fast-pitch softball will be playing at Trione. The Coastal Alabama Soccer Association will be playing Sunday on five (5) fields with 28 teams from 2 – 6 p.m. Also the city's 52 teams of the Youth Soccer will start Monday.

Margaret Thigpen – Civic Center Director – reported that Emeril Lagasse will coming October 20th, which is sponsored by Page & Palette of Fairhope, and citizens can find the events on the Civic Center website on the city web page.

Jane Ellis – Mayors Assistant – reminded everyone that the Jubilee Festival is in a couple of weeks, October 23rd will be the Out of Darkness – Suicide Prevention Awareness Walk, and the first Saturday in December is the Jingle Bell Run.

Kim Briley – Finance Director – introduced the new Deputy Finance Director Christine Ciancetta.

David Cohen – City Clerk – reminded council that the NRDA ordinance needs to be amended from \$7,500 to \$10,500 if council choses to adopt the ordinance.

7. PUBLIC PARTICIPATION

NO ONE SPOKE

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Revisions to the City of Daphne Street Map. /Resolution 2011-62
- b.) Re-appoint Two Directors to the Board of Directors of Renaissance Improvement District. /Resolution 2011-63
- c.) Re-electing One Director to the Board of Directors of Renaissance Cooperative District. /Resolution 2011-64

MOTION BY Councilman Scott to waive the reading of Resolutions 2011-62, 2011-63 and 2011-64. *Secoded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2011-62. *Secoded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2011-64. *Seconded by Councilman Reese.*

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

NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND 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.) Pay for Appraisals for NRDA Grant with Lodging Tax. /Ordinance 2011-63

1ST READ

- e.) Annexation of AL State Highway 181 Right-of-Way. /Ordinance 2011-64

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-58 and 2011-60. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to table Ordinance 2011-58. *Seconded by Councilman Palumbo.*

Council discussed the motion.

Councilman Boulware called for the question.

ROLL CALL VOTE

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

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

MOTION FAILED

MOTION BY Councilman Lake to adopt Ordinance 2011-58. *Seconded by Councilman Scott.*

AYE Yelding, Lake, Scott, Palumbo, Barnette

NAY Reese, Boulware

MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2011-60. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Lake to waive the reading of Ordinances 2011-61 and 211-63.
Seconded by Councilman Yelding.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Yelding to adopt Ordinance 2011-61. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Lake to amend Ordinance 2011-63 from \$7,500 to \$10,500. *Seconded by Councilman Yelding.*

AYE Yelding, Lake

NAY Reese, Scott, Boulware, Palumbo, Barnette

MOTION FAILED

NO MOTION TO ADOPT ORDINANCE 2011-63.

ORDINANCE 2011-64 WAS MADE 1ST READ.

8. COUNCIL COMMENTS

Mayor Small - (Verbatim) Council President and council, citizens of Daphne, especially his constituents I am here tonight to give you my notice that as of the middle of October I will be resigning as Mayor of the city. It comes to a point in time where my time is really needed elsewhere, and I need to move my time that way. So I feel like that gives us six (6) weeks to perform whatever needs to be performed to however you are going to do it. If you are going to move a council person up into my seat, and then re-elect one to go

over there then that should do it. If that can be done quicker then I would be more than anxious to leave at the end of this month, but I do not want to leave anybody in a bind. I do have some things in the irons that is going to need some of my time, and I am just short on time right now. My family is mainly suffering, and I want to get that straightened out. This is to give notice that if any way possible I would like to leave at the end of this month, but I will be glad to stay through the middle of next month which will be around the 15th or so of October and that would be my last day as Mayor of the City of Daphne.

Councilman Lake said that he almost had a wreck at the Main Street and Windsor Drive entrance to Lake Forest this evening, because cars come into the turn lane to turn down the side road behind the little shopping center there, and it is not for them to turn onto, it is for the cars turning on Windsor, but these cars are coming over into that lane, and I have seen several near misses, because people just pull over. He asked if there was something that could be done to either reconfigure that intersection or block that area off and tell people to go on down the road to the stop light. He thinks it is a wreck waiting to happen. He is still surprised by the Mayor's statement.

Councilman Reese said that not too many meetings ago they had a vote about a one-time payment to the city employees that he voted in favor of, and he thinks he needs to explain why he voted in favor of that and against the pay adjustment that was passed tonight. The reason why he voted for the one-time payment was that a one-time payment did not commit the city to expend revenues outside the normal budget process in perpetuity in an economy that is very uncertain right now. One time payments out of what appears to be, right now, a surplus are a sound way to reward employees for loyalty and service, and he thinks it was justified. That is something that you can do and can consider doing when times are as uncertain as these, and you have some cash on hand. He does not think the decision to make the make the permanent adjustment outside of the normal budget process was a wise one. He wanted to offer an explanation for what might have seemed to some to be an inconsistent position.

Councilman Scott said that he is shocked about the Mayor's decision, but they all have families and they all have personal lives. He thanked the Mayor for the seven (7) plus years that he served, and thanked him for adding to the financial coffers. They had some good years and bad years, but every year that he was Mayor they added to the reserves. He wanted to thank him for his service. He thinks what he heard from the council is that they want to go for the NRDA grants they just don't want to submit them with paid for appraisals at this point that are paid or by the city. They want the City Clerk to go forward with the grants just that they are not willing to gamble \$10,000 on the process.

Councilman Boulware stated that he appreciates the Mayor's service to the city. At times they have disagreed, but he agrees with his service and his respect for the city, and he knows that the citizens appreciate what he has done for them, and they certainly do. He asked the Mayor to accept his heartfelt appreciation for him and what he has committed to the City of Daphne.

Councilman Palumbo added his thanks to the Mayor for the time that he has put in. He has quoted Harry Truman a couple of times who said "If you are in politics and want a friend get a dog." You have to be an elected official to know what he is talking about. It is no easy thing. To stay in any position for a number of years takes a thick skin, and you have to put up with a whole lot, and as Mr. Boulware said they have not always agreed on things, but never was there any loss of respect or lack of appreciation for the job that was done not only by the Mayor, but his colleagues as well. He would suggest to the Council President that this

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be on the work session for next week, because not only the appointment of a Mayor, but the ramifications, for example replacement on the Utility Board and on the Planning Commission and so forth. That should be foremost on their agenda. He voted to table the pay thing for at least a meeting so they could at least see the budget. He has no idea what is in it. They took a leap of faith. They are all familiar with the Federal legislation, and the comment that was made by the Speaker of the House at the time said “that they need to vote for this so we can tell what is in it”, and that is exactly what they did tonight. They voted for it so they could tell what is in it. It is not the right way to go, and he pleads guilty, because he voted for it, but he certainly hopes that there are no surprises in the projection, because that is another \$315,000 next year, and year after year that they will have to cut out of someplace else.

Council President Barnette thanked the Police Department for their communication. She guesses that they really do need to get those radios, because citizens can get that police scanner and text live while they are on manhunts. She actually heard about it from a friend that downloads the Police Department app, and she heard that the police were on x, y, z street, and they see a criminal on this street, and she would agree that they need communications that the public can't hear. Hopefully, they can get that accomplished soon. He also thanked the Fire Department for the job they did with the three fires that they had that Sunday. It was a lot of work, and she thinks it does highlight, again, the coverage that the south part of the city, Districts 1 & 2, continue to need. She has beat this drum for the last six (6) years, and she will continue to beat it, but they need service with a fully manned station that serves District 1 and District 2. They have populations that deserve this coverage just as much as the rest of the city. It is not a disparaging remark against the Fire Department, and the work they do. She has talked with Chief about it, and they just need to provide the same coverage for their residents. Obviously, there are a lot of pressures within the forthcoming budget, but we keep seeing fires, houses keep burning, and they are requiring mutual aide. The house on Hillwood, for example, Daphne did not get to it first, and we are thankful that they had folks that could serve the community, but they also need to provide that coverage for someone that lives in that part of town. She asked that they keep it in mind, and imagine the coverage that is required. They do need to continue to enforce the sign ordinance. They have a lot of folks that are getting their cars painted in their graphics and parking them up on the right-of-way or in the median to advertise their businesses. It is a creative way to advertise in their parking lot, but it does not need to be on the right-of-way or on the median. She said that the Mayor threw everyone a curve ball. They most certainly have not agreed on everything, but he gave a lot of his time, and your family does suffer. She thinks that all of them know, not just his family specific, but families do suffer, and they pay a price for the constant call that the Mayor receives, the time, the phone calls, the e-mails, the dedication that he has to give to the city, and she personally appreciates that, and she thanked him for his service. Se knows that the citizens will miss that.

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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 7:39 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

**SEPTEMBER 12, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

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

ABSENT: Bailey Yelding.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Richard Johnson; Public Works Director; Adrienne Jones, Planning Director; Ashley Campbell, Environmental Programs Manager.

Absent: Mayor Fred Small.

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

1. MS-4 APPLICATION

Ashley Campbell made the presentation discussing applying for a Phase II permit since Daphne does not have a population of 100,000 or the infrastructure that Mobile has. She feels that Daphne fits Phase II better than Phase I. She discussed the requirements for Phase I & Phase II, and the benefits of being under Phase II. The Phase I permit has been expired for six (6) years. She mentioned that you have to file a letter of intent, and she has been working on it for two (2) years. This will save the city a lot of money in the long run. She will need a resolution authorizing the application.

Consensus of council is to move forward with the application.

2. MAYOR'S RESIGNATION:

Mr. Ross stated that the Mayor tendered his resignation to the City Clerk this afternoon. The resignation is effective at midnight October 17, 2011. So between now and the next council meeting or when the council decides by state law the council may accept his resignation by motion or by resolution. Once the resignation is accepted by action of the council, then that resignation cannot be changed or modified by the Mayor. There are two statutes that arguable govern what to do in the face of a vacancy of the Mayor in a Class 7 or Class 8 municipality. Daphne is a Class 8 municipality based on a 1970 census, which is based on population. Even though the population has changed significantly in 40 years they have not changed the classification in the state's legislature so the city remains a Class 8 municipality. Based on the law, and after considerable discussion with the League of Municipalities, he and the League are of the opinion that §11-44-G-2 of the Alabama Code controls. As the council is aware from his memo the law has not changed and the bottom line is the council may appoint somebody from their own or they may appoint somebody from outside of the council to serve the remaining term of the Mayor, obviously, the term of Mayor will officially end in November 2012 with elections commencing in August 2012. The council may accept the resignation first, and after that select the new position of Mayor to be effective at 12:01 a.m. on October 18, 2011. There is no requirement that they vote after October 17th he thinks they can vote before that time whether it be at the next council meeting or any council meeting generally called or specially called for that purpose. An interesting issue arose in his review of this, and that was whether a council member, whoever it may be, wants to nominate themselves for the position of Mayor, and there is really no law on the subject, per say, so he spoke with Hugh Evans, the General Counsel for the Alabama Ethics Commission, and they had a long conversation about it, and it was

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clearly Mr. Evans position, and he is allowed to quote him, he said “that it would be legally impermissible in his judgment for a councilmember to nominate themselves for the position of Mayor or to second it, it would be considered a conflict”. So at least officially if a councilmember wanted to be Mayor he could not nominate himself nor could he second it, and so hence, if there is debate amongst the councilmembers it can’t be “I did not nominate myself”, “I did not second it”, “I can’t advocate myself for that position”. If there’re more than one person nominated then, obviously, they count for the quorum to establish the meeting but cannot vote for that position. There is no question about it from Hugh Evans prospective without any doubt or hesitation. So that is the short version of where they are, and it is up to the council to decide when to accept the Mayor’s resignation, obviously, it cannot be done tonight, but it could be done at the next council meeting Monday night with seven (7) days notice for a typical meeting, and/or thereafter they can vote that night or whenever the council pleases to vote for who the new Mayor will be. It can wait until after the 17th, but he would not recommend it. He said that there is another statute that David sent to council that deals with this provision that provision is §11-43-42 which also talks about it, and there are no Attorney General Opinion’s on point, thought the League is getting ready to come out with a memo dealing with a quorum as drafted by Tracy Roberts, and it is the clear position of the League that a Class 7 or Class 8 municipality that council gets to fill the position by vote of the council within 60 days of the effective date of the Mayor’s resignation, and if council cannot do it, it goes to the Governor, and if the Governor fails to make an appointment from the names submitted, one from each councilmember, then it goes to the Probate Judge to call a special election to fill the vacancy. The general consensus from the League is §11-44-G-2 controls. He is definitely correct on this.

Councilman Scott wanted to make sure he heard right a councilmember cannot nominate nor second himself.

Mr. Ross stated that is correct. He said you won’t find that in the statute, but that is the opinion of the Ethics Commission.

Councilman Scott asked what about council voting for themselves.

Mr. Ross said NO.

Councilman Scott said even though it says in towns under 12,000 it says that a councilmember may vote for himself or herself in an election to fill a vacancy.

Mr. Ross said that he discussed that statute with Mr. Evans, and he thought that was not correct, that it would not support that, because they are not going with §11-43-42, they are going with §11-44-G-2.

Councilman Scott said that he understands that it is different, but to him if this position is one on ethics and not on the election law then what would you do if you had a town under 12,000. There would be a conflict between his opinion and the State Code.

Mr. Ross said that would require a formal request to the Ethics Commission in order to make that determination.

**SEPTEMBER 12, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

3

Councilman Scott said that will make it hard to get four (4) votes.

Mr. Ross stated that it certainly narrows it down and makes it more difficult.

Council President Barnette asked is the quorum three (3) or four (4)?

Mr. Ross said that the quorum would be four (4) with seven (7) members. If there are more than two (2) then those people go to create the quorum, but not for the majority. The abstention goes to the quorum, but you still have to have four (4) votes. Mr. Ross said he saw that and discussed it with Mr. Evans. He does not have anything in writing, but Mr. Evans was very emphatic about it.

Councilman Palumbo said he thinks in addition to what was stated, obviously, the fact that the salary of the Mayor is considerably more than the council, and that would bring into question someone voting for a personal benefit.

Mr. Ross said that they all know that is exactly what it boils down to.

Councilman Palumbo said even though that is not in the statute he could see that questions would be raised. He wanted to throw that in because of the timing of the situation, because November 1st they also, not by term, per say, but agreement by the council have to select a new Council President and Pro tem, and in particular if a councilmember goes the Mayor's office, they would have to replace that council seat also. He asked if Mr. Ross's opinion holds also for the election of the Council President.

Councilman Scott said in the past the councilmember always abstained.

Mr. Ross said that he discussed that with Mr. Evans as well, and Mr. Evans opinion to him was clearly that Council Pro tem be best not to vote. He said that he is not saying that it always happens, although he heard Councilman Scott's comments, but caution would dictate, now that he has asked the question he would not like to object to it if he had a different opinion. For example, if Mrs. Barnette gets the job then the Council President's position comes up for grabs, and the council can pick from within the balance and select a new person to take her spot, respectfully, or it can wait until you have a full council, and then vote for somebody.

Councilman Palumbo said that his point was that the Council President position is up on November 1st anyway so they have three (3) meetings prior to that.

Mr. Ross said that if it becomes vacant they have a right to fill it upon its vacancy, and he thinks they can do it for the balance of the term of their office.

Mr. Cohen said that the position of Council President can change at any time, and it is not limited by the one year clause.

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Mr. Ross said that you could change anybody anytime, but assuming that they did not change it, for example, if Mrs. Barnette were to get the job that position of Council President would be vacant, and they could appoint someone from the six (6) to take the position, and then you would go through the same process as the council did to select Mr. Reese as a new council person or whatever the process is that council would care to do. The way that they did with Mr. Reese seems to have satisfied the council, but it is not required to do it that way. As long as council picks somebody in the same manner as they picked the position of Mayor once that position becomes vacant.

Council President Barnette asked because they are accepting the resignation by date, and the council will be taking some kind of action, assuming they can make a decision, the statute that has the Council President taking over, is it right that they don't have to worry about that statute?

Mr. Ross said correct.

Council President Barnette said so because it is date specific, they can accept the Mayor's resignation at any point, and not necessarily appoint the new Mayor. She said say they accept the resignation Monday night they do not need to define a successor other than have the 60 day time frame that starts to clock.

Mr. Ross said that is correct. He said they would want a successor by October 17th.

Councilman Palumbo asked did he not say that once the resignation has been formally accepted the resignation cannot be rescinded.

Mr. Ross said that is correct, and there are plenty of AG opinions to support that.

Mr. Cohen said there is one issue that he wanted to bring up, and that is if they did not pick a successor within the 60 days, you would need to have an acting Mayor.

Mr. Ross said that there was an argument that the Council President would fall to that position in that circumstance.

Council President Barnette stated that she is sure this council would not let that happen.

Mr. Ross said that he hopes that they would not do that.

Councilman Palumbo stated that including October 17th and prior to the effective time of the resignation they have three scheduled council meetings plus another work session.

Mr. Ross said plus they can call another council meeting with seven (7) days notice if they so desire.

Councilman Scott stated that on page 26 from the Mayors and Council Handbook section 19 (c) it has a section on the salary for the temporary Mayor.

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Mr. Ross said that there is a more recent Attorney General's Opinion on that as late as April of 2011 which seems to also suggest that the position of Mayor in this case doesn't take on the salary of the Mayor, however, the opinion from the League is that it applies to a temporary vacancy of the Mayor, and once the council makes the appointment by vote that becomes a permanent temporary position.

Councilman Scott said that in the case that they had not selected someone, and the Council President became the temporary Mayor by default then he or she would not receive the Mayors salary.

Mr. Ross said that he agrees completely. He said that some of these issues are not perfectly clear as they reflect back on 20 to 30 years of state statute. The League is coming out with a publication that deals with this issue. He has an advance copy of publication that deals with under Class 7 or Class 8 cities §11-44-G-2 controls, because it is considered more specific that §11-43-42. Their official opinion is that council gets to select.

Councilman Scott mentioned that this may be the time to consider a city administrator.

Council discussed the pros and cons of a city administrator, and if they consider this option they want to have public hearings on the subject.

Councilman Boulware wanted to get something cleared up before they get in there to vote next week. If the meeting starts and they have a motion to accept the nomination of so and so, and that motion is seconded, and there is second motion to consider another candidate, do they vote on the first motion prior to accepting the second nomination or do they bring both nominations on the table and vote the second one first.....he asked for the Roberts Rules on this before they get into it next week he would appreciate it.

Council President Barnette said since it is date specific would it not be the cleanest to accept the Mayors resignation first.

Mr. Ross said yes accept the resignation first and then move into nominations.

Councilman Boulware said his question is how to you address the candidates for the position, and if they have multiple candidates for the position, at which point he thinks it is understood that they do have multiple people on the council interested in the position, so do you accept nominations one at a time and vote them up or down or do you take all the candidates at one time with firsts and seconds, and take them in order, that is his question.

Councilman Scott said he thinks it would be like when they elected the Council President they made a nomination and there was a second, and the chair said is there anymore nominations, and there was one that lacked a second or something, and then they voted. When all have been nominated and seconded you go in order, and whoever gets four votes is elected.

Councilman Boulware said if they don't get four votes for that one candidate it goes around until all have been voted on, and if they cannot come to an agreement his understanding is that Governor Bentley gets a phone call.

Council President Barnette said that they still have until October 17th.

Councilman Palumbo said in fact it would not go the governor until 60 days after the resignation is effective.

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CITY COUNCIL WORK SESSION
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DAPHNE, AL
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Mr. Ross said that would be December 17th.

Consensus of council was to have the Mayor's resignation on the agenda for Monday night.

Mr. Ross asked council members to call a Special Called council meeting for next Wednesday, September 21, 2011 for an employee hearing. The employee was terminated on Friday, September 9, 2011, and according to the Employee Handbook council has to set a hearing date within 15 days after the request for a hearing.

Councilman Palumbo stated that they need to change the ordinance from 15 days to 30 days.

Mr. Ross said he was going to ask council if he could rewrite the Rules and Procedure Ordinance to bring it more up to date.

Councilman Scott and Councilman Palumbo requested a Special Called Council meeting for Wednesday, September 21, 2011 at 6:30p.m. for the purpose of an employee hearing.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 7:22 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**Cathy S. Barnette,
Council President**

City of Daphne, Alabama

**CERTIFICATE OF
CONGRATULATIONS TO
MR. RICH WRIGHT**

WHEREAS, Mr. Rich Wright is a resident of the City of Daphne; and

WHEREAS, Mr. Wright was inducted into the Senior Citizens Hall of Fame on August 21, 2011; and

WHEREAS, he exemplifies the very best attributes of volunteerism and charity work;

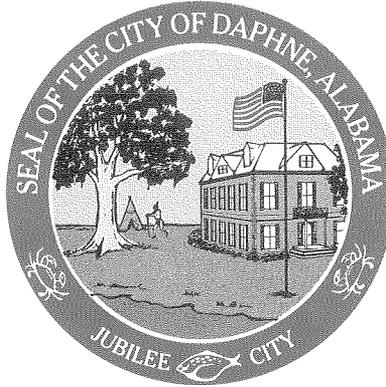
WHEREAS, Mr. Wright has volunteered his time to the construction and repairs of the Home of Grace, Mobile Theatre Guild and Joe Jefferson Theatre and to helping other senior citizens who can no longer attend to their own home repairs.

NOW THEREFORE, the Mayor and the City Council of the City of Daphne congratulate Mr. Rich Wright for the honor bestowed upon him by the Alabama Department of Senior Services, and we hope that his fine example will shine for all to follow in his footsteps and continue to make Daphne a great place to live.

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC



FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

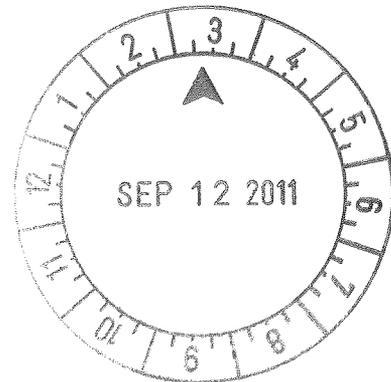
DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF

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

TO: David Cohen, City Clerk
FROM: Fred Small, Mayor
DATE: September 12, 2011
RE: Resignation

By way of this memo I am notifying the City Clerk's Office of my resignation as Mayor of the City of Daphne effective midnight on October 17, 2011.



ROSS, JORDAN & GRAY, P.C.

Attorneys at Law
1111 Dauphin Street
Mobile, AL 36604
Telephone: (251) 432-5400
Facsimile: (251) 432-5445
e-mail address of writer: jay@rossandjordan.com

MEMORANDUM

DATE: SEPTEMBER 7, 2011

TO: MAYOR FRED SMALL
COUNCIL MEMBERS
CITY CLERK

FROM: JAY M. ROSS

CC: ERICK BUSSEY

RE: PROCEDURE TO REPLACE MAYOR AFTER RESIGNATION

After last night's events and in response to questions from most of you last night and today, the following is the current state of Alabama law regarding the procedures to replace a mayor of a Class 8 municipality. I have also conferred with the Alabama League of Municipalities and while this memo does not cover every contingency, it does provide the general procedures and applicable law for the circumstances we presently have.

The following are portions taken from an article produced by the Alabama League of Municipalities and of which speaks directly to the issues currently faced by the City of Daphne.

. . .

“The resignation of an official becomes effective immediately unless otherwise stated in the resignation. When a public official transmits a resignation without an effective date and without a condition, the resignation, the resignation is effective at the point he or she transmits the resignation, and the resignation does not need to be accepted. See AGO 2003-065. **If however the resignation is conditioned on becoming effective on a date in the future, the prospective resignation of the public official may be withdrawn at any time prior to its acceptance or the effective date.** See *Ex Parte Rhea*, 426 So. 2d 838 (Ala. 1982). Where there Procedure to Replace Mayor After Resignation

was no acceptance of a resignation prior to its effective date, or prior to the withdrawal thereof, the resignation may be validly withdrawn. See *McPherson v. Mims*, 385 So. 2d 44 (Ala. 1980). A resignation would not be allowed to be withdrawn after it has been accepted. See AGO to Hon. Roger Sharp, March 14, 1983. The vacancy occurs on the date the resignation becomes effective.

. . .

When a vacancy of the mayor or a council seat occurs, the position should be filled as soon as possible to prevent the crippling effect of not having a quorum to do business. In most municipalities, vacancies in the office of mayor are filled pursuant to Section 11-43-42, Code of Alabama 1975, **except in Class 7 and Class 8 municipalities where a vacancy in the office of mayor is filled using the provisions of Section 11-44G-2, Code of Alabama 1975.** Generally, a vacancy in a council position is filled according to Section 11-43-4, Code of Alabama 1975. However, vacancies on the council in Class 7 and Class 8 municipalities are filled pursuant to Section 11-44G-1, Code of Alabama 1975. Time restrictions are imposed on the council's ability to fill vacancies in the office of mayor or councilmember in Class 7 or Class 8 municipalities; therefore it is important to be aware of exactly when a vacancy has occurred. If the council does not fill the vacancy within 60 days after it occurs in a Class 7 or Class 8 municipality, the council, by default, loses its right to thereafter fill the vacancy. See AGO 1999-168. In the event a vacancy in the office of councilmember is not filled within 60 days after it occurs in a Class 7 or Class 8 municipality, each existing council member, including the mayor, may submit a name to the governor for appointment. If the Governor fails to make an appointment from any submitted names within 90 days after the vacancy occurs, the judge of probate must call a special election to fill the vacancy."

. . .

It should be noted that the City Council has not accepted the Mayor's resignation until it has performed an official act for the same, such as adopting a motion or resolution to accept the resignation. Best practice mandates that the mayor's resignation should be in writing and then submitted to the council. Further, the procedures as mentioned in Sections 11-44G-1 and 11-44G-2 for the replacement of a councilmember or mayor are as follows:

Councilmember

"(a)(1) A vacancy in the office of city council member in any Class 7 or Class 8 municipality shall be filled by the city council at the next regular meeting or any subsequent meeting of the council. The person elected shall hold office for the unexpired term. In the event a vacancy is not filled within 60 days after it occurs in a Class 7 or Class 8 municipality, each existing city council member, including the mayor, may submit a name to the Governor for appointment. If the

Procedure to Replace Mayor After Resignation
September 7, 2011

Governor fails to make an appointment from any submitted names within 90 days after the vacancy occurs, the judge of probate shall call a special election to fill the vacancy.

(2) In the event the Governor is unable or unwilling to make the appointment within the time period provided, he or she shall immediately notify the judge of probate of the county.

(3) Any election called pursuant to this section shall be conducted pursuant to Chapter 46 of this title.

(4) In the event more than one vacancy exists in the office of city council member or in the office of mayor, or both, all vacancies shall be filled in the same manner.

(b) In any election held pursuant to this section, only qualified electors who are residents of the municipality shall be eligible to vote and shall present proof of identification to the poll workers before casting a vote. The identification may be in the form of a valid Alabama driver's license or some other form of identification that confirms a permanent address in the city where the vote is to be cast. Other forms of identification may include, but are not limited to, a credit card, birth certificate, food stamp card, Social Security card, check cashing card, library card, passport, school record, work identification record, school identification, certified copy of a marriage license, any form of governmentally-issued identification, or Medicaid, Medicare, or welfare identification.”

Ala. Code § 11-44G-1 (1975).

Mayor

“(a)(1) In the event of the absence or disability of the mayor in any Class 7 or Class 8 municipality, the functions of the office shall be exercised by the chair pro tempore of the city council and, during his or her absence or disability, by such person as the city council may appoint from its membership, which appointment shall be entered upon the minutes of the city council.

(2) In the event of a vacancy from any cause in the office of mayor, the city council shall fill the vacancy either from its own membership or from without the membership of the city council. The person elected by the city council to fill the vacancy in the office of mayor shall be a qualified elector in the municipality and shall meet all other legal qualifications required by law for the performance of the duties of the Office to which elected.

(3)a. In the event a vacancy in the office of mayor is not filled within 60 days after it occurs in a Class 7 or Class 8 municipality, each existing city council member may submit a name to the Governor for appointment. If the Governor fails to make an appointment from any submitted names within 90 days after the vacancy occurs, the judge of probate shall call a special election to fill the vacancy.

b. In the event the Governor is unable or unwilling to make the appointment within the time period provided, he or she shall immediately notify the judge of probate of the county.

Procedure to Replace Mayor After Resignation

September 7, 2011

Page Four

c. Any election called pursuant to this section shall be conducted pursuant to Chapter 46 of this title.

d. In the event more than one vacancy exists in the office of city council member or in the office of mayor, or both, all vacancies shall be filled in the same manner.

(4) In any election held pursuant to this subsection, only qualified electors who are residents of the municipality shall be eligible to vote and shall present proof of identification to the poll workers before casting a vote. The identification may be in the form of a valid Alabama driver's license or some other form of identification that confirms a permanent address in the city where the vote is to be cast. Other forms of identification may include, but are not limited to, a credit card, birth certificate, food stamp card, Social Security card, check cashing card, library card, passport, school record, work identification record, school identification, certified copy of a marriage license, any form of governmentally-issued identification, or Medicaid, Medicare, or welfare identification.

(b) This section shall not apply to cities operating under commission form of government.”

Ala. Code § 11-44G-2 (1975).

The bottom line is that the Council has the right to select from within the council or any qualified electorate of the City to be Mayor without a general election if done within sixty (60) days of the effective date of the Mayor's resignation. I plan to ask the Mayor to place his resignation in writing and to select a date certain with the effective date to hopefully be on the date of a regularly scheduled council meeting. I will also encourage the council to formally act to accept the resignation by motion or resolution.

If anyone has any questions please feel free to contact me.

**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
September 12, 2011
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 3:55 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Finance Director Kim Briley, Deputy Finance Director Christine Ciancetta, 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, Civic Center Director Margaret Thigpen, Recreation Director David McKelroy, Police Captain Scott Taylor, and Building Maintenance Supervisor Frank Barnett.

II. PUBLIC PARTICIPATION

There was no public participation.

III. HUMAN RESOURCES BUSINESS

Update on Human Resources Department Activity

Ms. Vickie Hinman presented the Human Resources activity update. The Deputy Finance Director position was filled on 9/1/11, and the Police Officer position was filled on 9/22/11. References are being checked for the Firefighter and Corrections Officer positions.

The Safety Committee discussed sending a quarterly Safety Awareness Newsletter to all departments. Sandy Cushway, Randy Jones, and Dan Castrillo attended the Alabama Governor's Safety Conference. Two shelter/pavilions at the dog park have been completed.

Ms. Hinman reported on the following HR department projects:

Benefits Fair – August 3, 2011

Firefighter Oral Board Interviews – August 10, 2011

Admin Lunch and Learn – Stress and Weight Management – August 11, 2011

Benefits Open Enrollment – September 1 – 30

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: August 31, 2011

The Treasurer's Report totaling \$17,906,528.30 was presented.

Motion by Mr. Yelding to accept the Treasurer's Report as of August 31, 2011, in the amount of \$17,906,528.30. Seconded by Mr. Scott. Motion carried.

2. Statement of Revenues and Expenditures: July 31, 2011

Ms. Briley presented a statement of Revenues and Expenditures at July 31, 2011, showing total expenditures over revenues of (\$2,761,679).

3. Sales and Use Taxes: July 31, 2011

Sales and Use Tax Collected for July 2011	-	\$901,773
Sales and Use Tax Budgeted for July 2011	-	<u>\$829,125</u>
Over Budget (for July)	-	\$ 72,648

YTD Budget Collections Variance – Over Budget - \$827,693

4. Lodging Tax Collections, July 2011

The Lodging Tax Collections report shows \$76,621.86 collected for July, 2011. Mr. Scott asked for a breakdown of the Lodging Tax fund balances.

5. Report: New Business Licenses – August 2011

The list of new businesses, and businesses closed, in August was presented. Ms. Briley noted that there are several new contractors due to the summer businesses of lawn work, etc.

6. FY 2012 General Fund Budget Summary

Ms. Briley presented the General Fund Budget Summary for FY 2012 showing estimated revenues of \$21,663,877, appropriations of \$18,068,980 and transfers of \$3,876,863, showing estimated revenues under appropriations and other financing uses of (\$281,966).

Mayor Small stated he is meeting with Ms. Briley tomorrow (Tuesday, September 13) to discuss the budget. He noted the department heads did a good job preparing their budgets, and it should be ready for the Finance Committee's review soon. Mr. Scott discussed calling a special work session of the Council to discuss the budget.

7. Bills Paid Reports – August 2011

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

B. Appropriation Request

1. Lodging Tax-

➤ Bay Front Stairs Repair - \$2,500

A request from the Buildings & Property Committee to replace the stairs at Bay Front was presented. It was noted that there is no longer any support for them and they need to be torn down and new stairs put in. A quote of \$2,500 to replace the stairs has been received and it was discussed that this could be paid from Lodging Tax.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$2,500 from Lodging Tax to replace the stairs at Bay Font Park. Seconded by Mr. Yelding. Motion carried.

2. General Fund -

➤ Tennis Courts Resurfacing - \$9,700

➤ Randall Avenue Sidewalk - \$60,386

The resurfacing of the Lott Park tennis courts and sidewalks for Randall Avenue were discussed. Mr. Yelding noted these two items are needed and recommended the projects be submitted for approval in the FY2011 Budget. Discussion continued that if approved the Ordinance appropriating the funds would most likely require two reads and would therefore be approved in October. Discussion continued on

whether these projects should be part of the FY2012 capital request. Mr. Richard Johnson noted that Public Works would like to be able to do the work during the good weather days of October and November, and before the holidays.

Motion by Mr. Scott to recommend Council consider the resurfacing of the Lott Park tennis courts for \$9,700, and sidewalks for Randall Avenue for \$60,386 as FY2012 capital expenditures appropriation. Seconded by Mr. Boulware. Motion carried.

- Daphne Utilities Real Property Transfer: Johnson Road Lift Station/Art Center – Survey & Plat Work - \$4,538.81

The land swap between the City and Daphne Utilities of the Lift Station on Johnson Road and the Water Tower/ Art Center was discussed. The City and Daphne Utilities agreed to split the cost for the survey and plat work. HMR has billed the City \$9,077.61, and Daphne Utilities has been invoiced for their portion of \$4,538.81.

Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$4,538.81 for one-half of the services rendered by HMR for the survey and plat work for the land swap with Daphne Utilities of the Johnson Road Lift Station and the Art Center. Seconded by Mr. Yelding. Motion carried.

C. Bids

- 2011-Z-INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R. 64

Six bid invitations were received. Volkert Inc and staff recommend the bid be awarded to the low bidder, Asphalt Services, Inc for \$799,998.73. Mr. Davis with Volkert Inc. noted that Asphalt Services bid is 6% lower than the next lowest bid and is under the engineer's estimate. It was discussed that this is a cooperative project between the City and ALDOT, with the construction costs split evenly and the State paying 100% of the cost of signal improvements. \$669,700 has previously been appropriated, with a balance remaining of \$554,952. The City has paid \$60,000 for signals.

Motion by Mr. Scott to recommend Council adopt a resolution awarding bid 2011- Z- INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R. 64 to Asphalt Services, Inc. for \$799,998.73. Seconded by Mr. Yelding. Motion carried.

D. Discuss RSA Overtime Restriction

Ms. Briley presented Retirement Systems of Alabama's notice that retirement contributions should no longer be submitted on overtime pay. Retirement contributions will be made on regular pay only from here forward. This is based on Attorney General's opinion 2011-090. It was noted that no changes or adjustments will be made to prior contributions.

E. Request to Waive Sales Tax Penalties

- Health Horizons, Inc - \$312 Penalties for 6 Months Past Due Sales Tax
- Guido's - \$914.53 Penalties for 3 Months Past Due Sales Tax

Requests from Health Horizons, Inc. and Guido's to waive sales tax penalties for late payments were presented.

Motion by Mr. Yelding to recommend Council deny the request from Health Horizons, Inc. to waive penalties of \$312 and the request from Guido's to waive penalties of \$914.53. Seconded by Mr. Scott. Motion carried.

F. Amend Pay Table – Public Safety (Correction)

Ms. Briley discussed the ordinance granting annual raises of \$1,040 and that it had been brought to her attention that shift workers at the police department would be getting less than \$.50 per hour because they work 84 hours straight time. It was recommended that the ordinance be amended to read \$.50 per hour increase.

Motion by Mr. Scott to recommend Council amend Ordinance #2011-60 to read “award pay increase of \$.50 per hour”. Seconded by Mr. Yelding. Motion carried.

G. Declare City Property Surplus:

The following equipment was presented for surplus:

<u>Dept</u>	<u>Tag/Veh#</u>	<u>Description</u>	<u>Vin# / Serial #</u>
Recycling	790	2000 Mack RD688S Garbage Truck	1M2P296C8YM053009

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.

H. Update on City Internet/Connectivity

Ms. Henson noted that the Police Department is still waiting for some final information before they can complete their evaluations. Ms. Henson noted meeting the Police Departments connectivity needs is a large component in this evaluation. Ms. Henson noted the City technology advisor will be available to answer any questions that Council may have since this information is highly technical and expertise in this field will be required. Mr. Scott asked that a recommendation be presented next month.

V. ADJOURN

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

Fred Small
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City
the jubilee city

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

September 9, 2011

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Job Openings	Apps Received	Status
Police Officer		DOH: 9/22/11
Firefighter		References
Corrections Officer		References
Deputy Finance Director		DOH: 9/1/11

Safety Committee Meeting on August 31, 2011: Discussed a quarterly Safety Awareness Newsletter to be sent to the departments. Sandi Cushway, Randy Jones and Dan Castrillo attended the Alabama Governor's Safety Conference. The gazebo has been completed at the dog park.

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

Human Resources Department Projects:

- August 3, 2011 – Benefits Fair
- August 10, 2011 - Firefighter Oral Board Interviews
- August 11, 2011 – Admin. Lunch and Learn – Stress and Weight Management
- August 19, 2011 - Firefighter Oral Board Interviews
- September 1-30 - Open Enrollment until October 1, 2011

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3075 ³²Fax: (251) 621-4506

TREASURER'S REPORT

As of August 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	\$6,517,825.68
OPERATING ACCT	COMPASS	(\$516,159.57)
PAYROLL ACCT	COMPASS	(\$96.17)
		<u>\$6,001,569.94</u>
INVESTMENT FUND	RAYMOND JAMES	\$5,068,023.31
	(investment \$4,828,875.15)	
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$334,252.47
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$14,628.89
4 CENT GAS TAX	RBC BANK	\$351,269.02
7 CENT GAS TAX	RBC BANK	\$303,183.71
		<u>\$669,081.62</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$2,538,614.33
2006 CONSTRUCTION	WACHOVIA	\$633,244.76
		<u>\$3,171,859.09</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,604,559.26
2006 DEBT SERVICE	RBC BANK	\$1,057,182.61
		<u>\$2,661,741.87</u>
		<u>\$17,906,528.30</u>

GENERAL FUND

Summary Statement of Revenues and Expenditures

For the Month Ended July 31, 2011

with comparatives: 7-31-2006; 7-31-2007; 7-31-2008; 7-31-2009; and 7-31-2010

	7/31/2006	7/31/2007	7/31/2008	7/31/2009	7/31/2010	7/31/2011	Amended Budget	Budgetary Variance Over/(Under)	% Budget
Revenues									
Sales, Use, & Luxury Taxes	9,283,705	9,391,053	8,976,520	8,061,271	7,970,002	8,629,693	10,463,000	(1,833,307)	-18%
Payment in Lieu of Taxes	234,984	303,572	299,760	305,391	300,810	378,825	2,000,000	(1,621,175)	-81%
Ad Valorem Taxes	3,145,722	3,654,383	3,983,638	4,733,370	4,708,953	4,242,452	4,864,000	(621,548)	-13%
Licenses & Permits	1,921,186	2,287,093	2,262,695	1,807,849	1,676,635	1,747,186	1,581,725	165,461	10%
Other Revenues	1,594,130	1,331,405	1,136,082	1,153,409	1,331,809	1,312,094	1,573,014	(260,920)	-17%
Total Revenues	16,179,726	16,967,506	16,658,694	16,061,290	15,988,209	16,310,250	20,481,739	(4,171,489)	-20%
Expenditures									
General Government									
Personnel	1,259,025	1,391,952	1,480,821	1,599,283	1,531,748	1,484,294	1,890,760	(406,466)	-21%
Operating	775,118	866,190	806,680	1,103,918	895,941	981,665	1,242,443	(260,778)	-21%
Capital	151,855	32,266	10,445	12,977	-	-	12,516	(12,516)	-100%
	2,185,998	2,290,408	2,297,946	2,716,178	2,427,689	2,465,959	3,145,719	(679,760)	-22%
Public Safety									
Personnel	3,759,229	4,469,940	5,385,909	5,913,886	6,088,982	6,057,095	7,531,992	(1,474,897)	-20%
Operating	938,445	1,025,952	1,045,845	971,241	768,353	830,506	1,012,404	(181,898)	-18%
Capital	275,481	236,113	177,130	95,290	172,187	154,174	190,000	(35,826)	-19%
	4,973,155	5,732,005	6,608,884	6,980,417	7,029,522	7,041,775	8,734,396	(1,692,621)	-19%
Public Works									
Personnel	1,629,489	1,834,998	1,670,089	1,874,061	1,797,489	1,821,434	2,356,635	(535,201)	-23%
Operating	1,070,764	1,031,144	1,064,770	966,771	754,473	852,456	1,333,402	(480,946)	-36%
Capital	699,380	372,558	11,939	80,350	673,993	237,248	202,570	34,678	17%
	3,399,633	3,238,699	2,746,798	2,921,182	3,225,955	2,911,139	3,892,607	(981,468)	-25%
Parks & Recreation									
Personnel	790,465	850,508	989,742	1,048,021	1,005,537	963,606	1,251,207	(287,601)	-23%
Operating	502,831	487,515	517,770	462,882	450,888	512,081	711,351	(199,270)	-28%
Capital	13,500	256,357	200,000	192,000	262,455	252,630	207,487	45,143	22%
	1,306,796	1,594,379	1,707,511	1,702,903	1,718,879	1,728,317	2,170,045	(441,728)	-20%
Total Departmental									
Personnel	7,438,207	8,547,398	9,526,561	10,435,251	10,423,755	10,326,430	13,030,594	(2,704,164)	-21%
Operating	3,287,159	3,410,800	3,435,065	3,504,811	2,869,655	3,176,707	4,299,600	(1,122,893)	-26%
Capital	1,140,216	897,294	399,514	380,617	1,108,635	644,053	612,573	31,480	5%
	11,865,582	12,855,492	13,361,140	14,320,680	14,402,046	14,147,190	17,942,767	(3,795,577)	-21%
Other Financing Sources & Uses									
Debt Proceeds	-	-	-	-	506,969	-	-	-	-
Transfers to Debt Service	(2,207,383)	(2,418,270)	(2,429,874)	(2,363,958)	(2,719,423)	(2,620,088)	(2,808,244)	(188,156)	7%
Other Transfers & Uses	(721,465)	(804,920)	(389,133)	(670,180)	(475,578)	(2,304,652)	(2,503,303)	(198,651)	8%
Total Other Financing Sources/Uses	(2,928,848)	(3,223,190)	(2,819,006)	(3,034,138)	(2,688,031)	(4,924,739)	(5,311,547)	(386,808)	7%
Total Revenues Over Expenditures									
	1,385,297	888,824	478,548	(1,293,528)	(1,101,868)	(2,761,679)	(2,772,575)	10,896	
Unreserved Fund Balance, 10-01	5,968,130	8,298,621	10,050,583	10,510,392	11,226,993	12,087,465	FY 11 Scheduled Fund Balance Draw: Paving 2,113,890		
Release of Encumbrances	-	36,015	-	136,324	-	173,100			
Unreserved Fund Balance, 7-31	7,353,427	9,223,460	10,529,131	9,353,188	10,125,125	9,498,886			

SALES & USE TAXES

ACTUAL COLLECTIONS

FY 2011 BUDGET/ACTUAL COMPARISONS

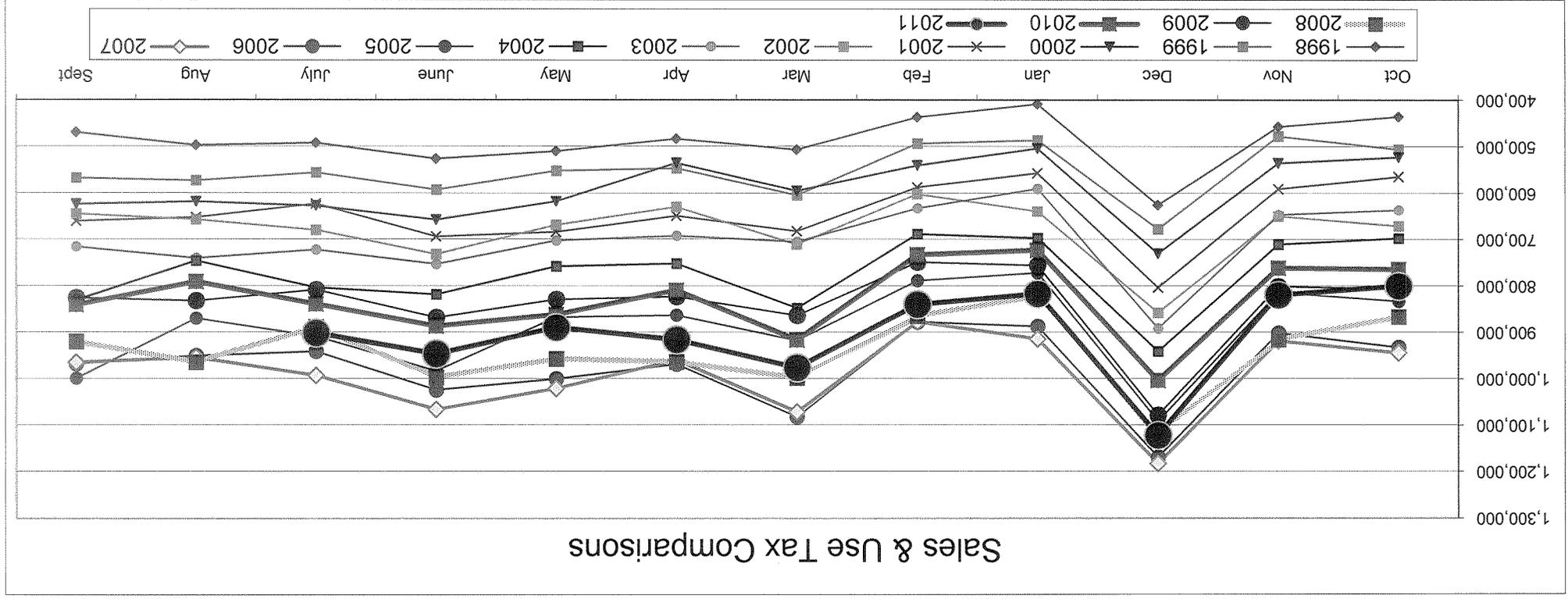
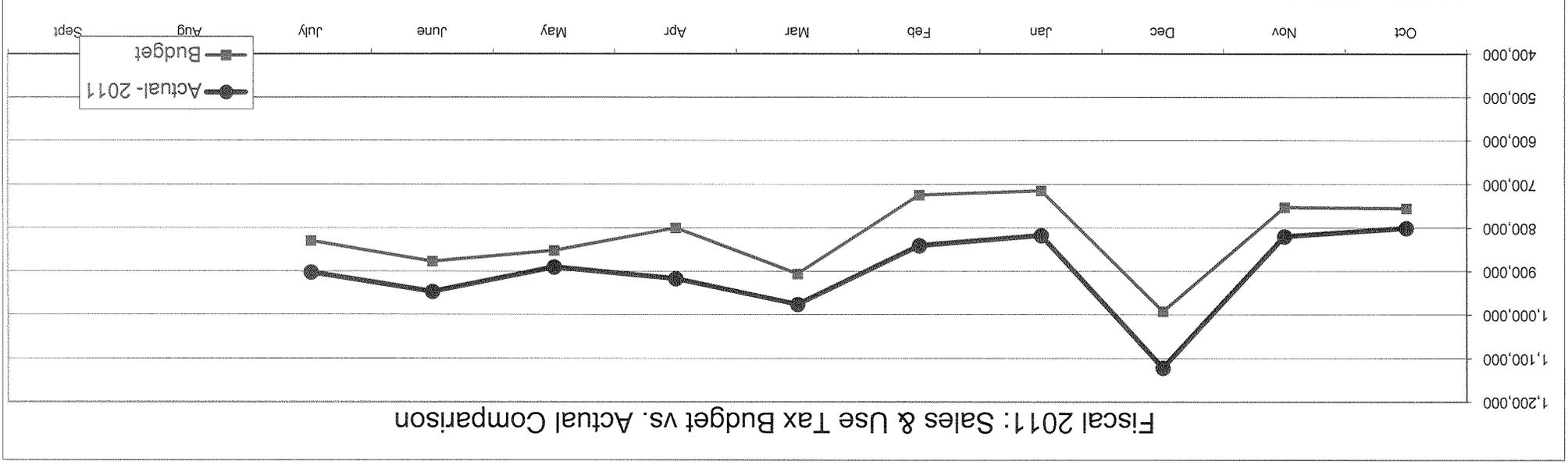
	2004	2005	2006	2007	2008	2009	2010	2011		Actual- 2011	Budget	Monthly Variance	YTD Variance	% of Budget
October	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	October	800,512.03	755,468	45,044.03	45,044.03	5.96%
November	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	November	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	December	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	January	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	February	840,768.01	724,538	116,230.01	460,090.72	16.04%
March	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	March	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	April	916,536.59	799,876	116,660.59	647,271.70	14.58%
May	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	May	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	June	946,355.76	876,618	69,737.76	755,044.79	7.96%
July	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	839,192.33	901,772.80	July	901,772.80	829,125	72,647.80	827,692.59	8.76%
August	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	-	August	-	781,228	-	827,692.59	0.00%
September	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	-	September	-	830,946	-	827,692.59	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	9,030,519.59	Totals	9,030,519.59	9,815,001	827,692.59		

FISCAL YEAR COMPARISONS

	<u>\$ Change</u>							<u>Percent Change</u>							
	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	
October	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	19.47%	11.87%	1.28%	-8.19%	-7.00%	-5.19%	4.69%	
November	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	14.61%	10.66%	1.92%	-0.32%	-12.54%	-4.88%	7.60%	
December	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	15.93%	7.09%	1.21%	-5.29%	-3.72%	-6.89%	11.69%	
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	62,580.47	13.14%	3.61%	5.50%	-10.52%	-9.07%	3.85%	7.46%	
August	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.55)	-	16.70%	9.28%	0.41%	1.07%	-13.75%	-4.96%	0.00%	
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	-	20.26%	-3.09%	-0.26%	-4.82%	-10.16%	1.91%	0.00%	
Annual \$ Change	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(105,368.34)	728,090.18	Annual % Change	15.27%	9.29%	1.44%	-4.99%	-10.99%	-1.05%	7.33%

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

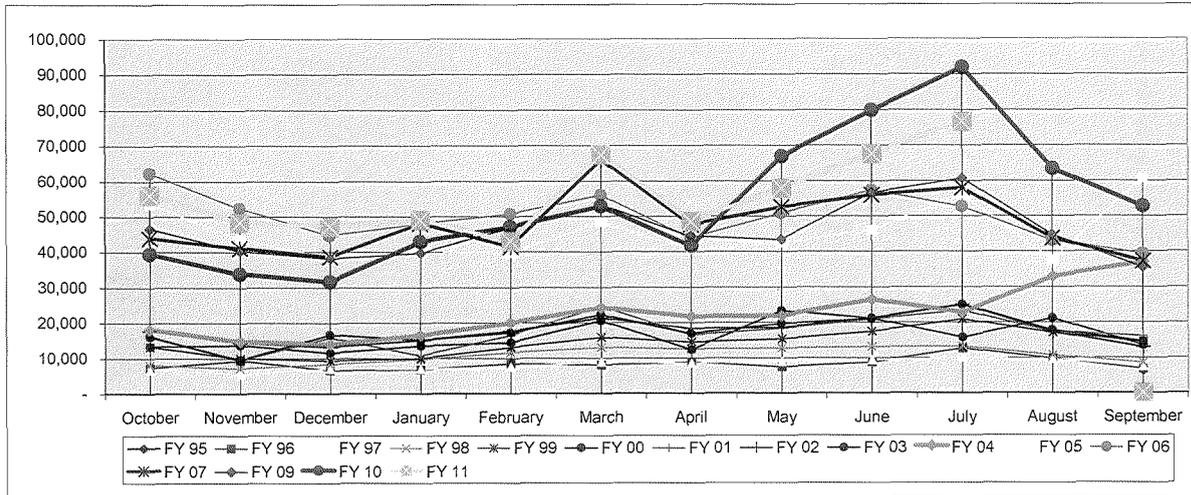
TOTAL collections: 7-31-11	9,030,520
Budgeted: 10-1-10 to 7-31-11	8,202,827
Actual Coll(<)Budget, 7-31-11	827,693
% Over/(Under) Budget, 7-31-11	10.09%



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	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	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	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	21,031.35	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	76,631.86
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	<u>37,180.99</u>	<u>49,698.91</u>	<u>35,430.62</u>	<u>52,662.79</u>	<u>-</u>
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	561,567.85

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



<u>FY 2011 Budget</u>
545,000
% Budget Collected,
<u>7/31/2011</u>
103%

**GENERAL FUND
FISCAL 2012 BUDGET SUMMARY**

	BUDGET FY 12	BUDGET FY11- Amended As Of 3-31-11	ACTUAL YTD 3/11	ACTUAL FY 10	ACTUAL FY 09	ACTUAL FY 08	ACTUAL FY 07	ACTUAL FY 06	ACTUAL FY 05	ACTUAL FY 04
ESTIMATED REVENUES										
Sales & Use Taxes	10,944,435	9,815,000	4,399,728	9,934,167	10,040,568	11,279,350	11,871,233	11,702,796	10,708,261	9,289,925
Ad Valorem Taxes	4,581,000	4,864,000	3,906,416	5,603,130	5,539,305	4,322,745	3,703,278	3,496,126	3,015,895	2,935,349
Business Licenses	1,490,000	1,301,000	1,339,742	1,400,404	1,484,968	1,592,999	1,464,404	1,398,473	1,228,901	1,226,599
PILOT Taxes	2,250,000	2,000,000	199,298	1,952,460	2,046,309	1,861,149	1,716,258	1,475,563	1,239,320	1,218,170
Luxury Taxes	659,000	648,000	270,058	679,324	656,166	626,526	594,364	585,556	569,219	516,530
Permits	341,975	306,975	210,851	338,664	428,533	755,758	970,444	616,656	578,423	362,088
Court Collections	450,000	400,000	247,434	401,835	438,638	371,702	382,238	365,182	383,414	393,452
Intergovernmental	192,617	222,917	83,787	220,397	270,176	195,574	296,586	369,426	206,400	182,918
Fees & Charges	197,750	205,100	116,109	286,604	204,940	219,903	236,099	301,212	216,154	207,312
Recreation	127,600	124,350	47,730	137,068	137,039	130,955	123,731	115,602	123,639	120,649
Grants	160,000	260,000	156,502	419,052	327,265	314,111	24,396	89,689	84,529	110,305
Interest	240,000	285,000	(30,733)	57,386	78,083	305,893	413,042	238,840	67,359	60,776
Miscellaneous	29,500	49,397	37,094	259,457	151,945	80,958	257,371	401,672	148,257	274,838
Total Estimated Revenues	21,663,877	20,481,739	10,984,016	21,689,946	21,803,936	22,057,622	22,053,444	21,156,792	18,569,771	16,898,911
APPROPRIATIONS										
General Government	3,474,049	3,143,857	1,333,933	2,948,180	3,370,010	3,163,815	3,117,352	2,992,922	2,427,676	2,295,591
Public Safety	8,654,789	8,734,396	4,067,438	8,585,266	8,653,939	8,595,095	7,580,219	6,436,940	5,581,949	5,237,348
Public Works	4,027,150	3,894,469	1,585,910	4,301,892	3,727,812	3,845,735	4,218,216	4,779,337	3,750,781	3,285,489
Recreation & Library	1,912,992	2,170,045	985,210	2,265,813	2,128,976	2,177,620	1,956,166	1,827,725	1,807,653	1,557,684
Total Appropriations	18,068,980	17,942,767	7,972,491	18,101,151	17,880,737	17,782,265	16,871,953	16,036,924	13,568,059	12,376,112
Estimated Revenues Over Appropriations Before Other Financing Sources & Uses	3,594,897	2,538,972	3,011,524	3,588,795	3,923,199	4,275,356	5,181,491	5,119,868	5,001,712	4,522,799
OTHER FINANCING SOURCES & USES										
Gen Long Term Debt Proceeds	-	-	-	506,969	146,678	-	-	-	-	6,738
Trans from Other Funds	-	-	-	-	6,799	83,204	10,019	820,908	200	551
Other Financing Sources	-	-	-	506,969	153,477	83,204	10,019	820,908	200	7,290
Allow for Comp Absences/Pay Plan	-	-	-	-	-	-	-	-	-	-
Transfers to Debt Service Fund	(2,875,483)	(2,808,244)	(1,929,926)	(2,892,612)	(2,610,186)	(2,640,775)	(2,668,795)	(2,483,006)	(1,962,965)	(1,950,980)
Transfers to Capital Reserve	(500,000)	(2,113,890)	(2,113,890)	(22,000)	(119,268)	-	(500,000)	(500,000)	(403,740)	(159,916)
Transfers to 99 Construction Fund	-	-	-	-	-	-	-	-	-	(1,050,000)
Transfers to Enterprise Funds	(469,031)	(351,810)	(157,906)	(468,767)	(599,934)	(677,065)	(404,072)	(409,619)	(525,623)	(475,450)
Transfers to Special Revenue Funds	(32,349)	(37,603)	(13,872)	(324,817)	(201,182)	(78,964)	(481,943)	(77,085)	(115,455)	(385,275)
Other Financing Uses	(3,876,863)	(5,311,547)	(4,215,593)	(3,708,196)	(3,530,570)	(3,396,804)	(4,054,811)	(3,469,710)	(3,007,783)	(4,021,620)
Total Other FinSources (Uses)	(3,876,863)	(5,311,547)	(4,215,593)	(3,201,227)	(3,377,094)	(3,313,600)	(4,044,792)	(2,648,802)	(3,007,583)	(4,014,331)
Excess (Deficit) Est Rev Over (Under) Approp & Other Financing Uses	(281,966)	(2,772,575)	(1,204,069)	387,568	546,105	961,756	1,136,699	2,471,066	1,994,129	508,468

NEW BUSINESSES

August-11

CITY LIMITS		CONTRACTORS	
RETAILERS		CLIMATE CONTROL OF PENSACOLA	1
		JAMES PATRICK BREWER	1
		RAND CONSTRUCTION	1
ALL OTHER		MECHANICAL SYSTEMS, INC	1
MARCO'S PIZZA	1	JAHNKE & SONS CONSTRUCTION	1
JUBILEE MEDICAL EQUIPMENT	1	COMTEL NETWORK	1
A LA 'CARTE CLEANING	1	ROOF DOCTORS	1
VASCULAR DIAGNOSTIC SERVICE	1	POLANDS DRYWALL INC	1
REAL ESTATE MATRIX	1	STAR DRYWALL	1
EASTERN SHORE MUSIC REPAIR	1	C N A CONSTRUCTION	1
MMT INC	1	MORRISON CONTRACTING CO, LLC	1
CROWN CASTLE GT	1	BAY VISTA LANDSCAPE INC	1
		JOHN PLATT	1
		SELECT FLOORING LLC	1
		MIKE BERNS	1
TOTAL CITY LIMITS	8	GENES FLOOR COVERING II, INC	1
		MCMICHAELS CONSTRUCTION CO	1
OUTSIDE CITY LIMITS		KCUFA CONSULTING, INC	1
WALGREENS.COM	1	SALVA PAINTING	1
CONSOLIDATED GRAPHICS	1	MOODY ROOFING	1
RUBEN GRIGORIAN	1	CHASON REFRIGERATION	1
ECO-SYSTEMS	1	PHILIP DELLENGER SHEET METAL	1
ENVIRO-MANAGEMENT PARTNERS	1	AXIS SECURITY	1
RICHELIEU AMERICA LTD	1	GRANITE COMMUNICATIONS	1
SUNSHINE SERVICES	1	LARRY KNOTT	1
R K STEEL	1	DON HENDERSON	1
SIGN LITE	1	FOUNTAINS BACKHOE	1
EDUCATIONAL PRODUCTS, INC	1	ROBERT KELLEY	1
PELLA WINDOWS AND DOORS	1	S&G CLEANING & POWERWASHING	1
CORE-MARK	1		
CARGOTECH USA INC	1	TOTAL CONTRACTORS	29
ALL 4 U LLC	1		
WILDLIFE SOLUTIONS	1	TOTAL NEW BUSINESSES IN DAPHNE	53
BLOCKBUSTER ONLINE	1		
		CLOSED BUSINESSES IN DAPHNE	
TOTAL OUTSIDE CITY LIMITS	16	TOTAL CLOSED BUSINESSES IN DAPHNE	

Buildings & Property Committee Meeting
Monday, September 7, 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 August Meeting: Motion made to approve minutes from August Meeting. Approved.

B.) Building Maintenance – Frank Barnett reported back to the committee that it would be cost prohibitive to have the police monitor the Nicholson Center building for fire as opposed to Hunter Security. He is waiting on a quote from Hunter security to submit a quote for the Boys & Girls Club.

C.) Civic Center Report – Margaret reported that the stairs at Bayfront have to be replaced. Frank said he had looked at them and there is no longer any support left and they need to be torn down and new stairs put in. He has a quote for \$2500 and recommends to move forward as it is a safety issue as well. **Motion made to take this request of \$2500 be allocated to replace the stairs at the Bayfront facility to the next Finance Committee.**



August numbers are attached. Margaret reported on the Taste of the Easter Shore event and its results. Expenses have not been deducted from this amount and it was noted by the Mayor that the City also contributes about \$8000 to this event to cover civic center costs.

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.

City of Daphne Recreation Board
2605 Hwy 98
Daphne, AL. 36526
July 17, 2011

Members Present: Rick Cleveland, Matt Cunningham, Doug Dugat and Kit Smith

Members Absent: Jan Mitemmeyer and John Peterson

Advisory Staff: David McKelroy, Parks & Recreation Director and Charlie McDavid, Athletic Programs Coordinator

Call to Order

Meeting was called to order at 6:37pm.

Review and Approval of Minutes

Motion was made Rick Cleveland and seconded by Doug Dugat to approve the May 11, 2011 minutes. Motion passed,

Public Participation

None

Program Reports

Information was provided regarding Senior Programs, Special Programs and Fall Athletic Programs. It was noted that participation numbers in fall athletic programs were equal to 2010 numbers.

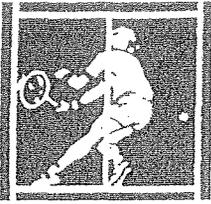
Old / New Business

1. Matt Cunningham will assume the duties of Chairman due to the resignation of Eric Smith. Election of officers will take place in September.
2. Proposed By-Laws were discussed. After changes, the By-laws were approved and will be forwarded to the Council for their approval.
3. New members and Board membership was discussed. Current members recommended that further members be involved with Recreation programs and that current recreation staff recommend potential candidates.
4. Current and Proposed Athletic Field Rental rates were presented to the board. After discussion, the Board recommended the proposed rates be accepted.
5. The Building and Property Committee forwarded a recommendation to repair the tennis courts at Lott Park. Motion was made and passed to forward the recommendation to the Finance Committee for their consideration. The Recreation Board also wanted to thank the Buildings and Property Committee for also recognizing this need. The Recreation Board further recommends the fencing be repaired. Cost estimates will be forwarded for the Finance Committee's consideration.
6. The Board was given information about a Land and Water Conservation Fund Grant that we will apply for in an effort to construct new tennis court.
7. Information was presented to the Board about the Coastal Alabama Leadership Council's efforts to obtain information to create a database to determine the best usage for the Gulf Restoration Fund in the specific areas of Sports and Leisure.



Comments from Director

The director informed the Board that the Athletic Coordinator is working an average of 54 hours a week and the director is averaging 58 hours a week. The Board passed a recommendation that the Recreation Department be provided the personnel to perform the duties of the department within reasonable working hours.



AMERICAN TENNIS COURTS, INC.

1272 BOLTONS BRANCH DR. • MOBILE, AL 36606 • President: Jeffrey M. Nichols
(251) 476-4714 • (800) 854-1921 • FAX (251) 476-4723
www.americantenniscourts.net

June 29, 2011

Frank Barnett
2000 Main Street
Daphne, Alabama

Dear Frank,

As requested, we are pleased to offer the following quotation for the work to be performed on the two (2) tennis courts located at The City of Daphne.

Standard Resurfacing

For the price of 8,508.00, we will:

1. Thoroughly clean and pressure wash the courts
2. Fill and level all cracks
3. Fill and level all low areas holding greater than 1/8" of water
4. Install the American Surface System, (color: Dark Green/Red)
5. Install white textured playing lines

Listed below are some accessories you may wish to add to your court:

Remove and replace one net post foundation, net post, and reel	\$985.00 (needed)	
(1) Net and (2) Center Straps	\$197.00 (needed)	
Court Valet	\$ 65.00 ea.	
Rol-Dri	\$ 75.00 ea.	
Courtsider Bench	\$250.00 ea.	
Score Post Scorekeeper	\$110.00 ea.	#9700.00

Adequate access and water must be made available to the site. All labor and materials will have a one (1) year warranty. This quotation does not include the construction of or the repair of any landscaping, sidewalks, irrigation work, electrical work, etc. **Although all work will be performed to manufacturer's specifications, no warranty can be offered on the return of any cracks or the affects of the expansion joint on our workmanship or materials. It is understood that the cracks can return at any time after the work has been completed.** Two applications of Round-up must be made to kill the vegetation on the courts and all debris must be removed from the court prior to work commencing.

Thank you for the opportunity to offer this quotation. This quotation is valid for 90 days. If you need any additional information, please call me at the number above. If you wish to schedule and have this work

ALABAMA
FLORIDA
MISSISSIPPI



GEORGIA
LOUISIANA
TENNESSEE

performed, sign below and either fax or e-mail a copy of this letter to our office. I look forward to hearing from you and working with you.

Sincerely,

Jeff Nichols

Jeffrey M. Nichols
President

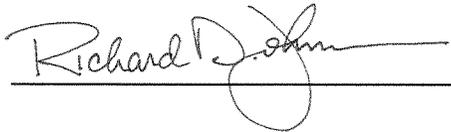
Signature of Acceptance

City of Daphne – Public Works Committee

Meeting Date: August 15, 2011

Notice of Action Taken

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
II.B.	Public Participation – Steve Commander, Randy Davis & Jay Dickson (Volkert) RE: Street Evaluation Presentation	No action requested or taken – presentation for information purposes only	N/A	N/A	
III. B.	Mosquito Reports – July 2011	Requested that Park Drive and associated side streets in the Park City Community be included in August's routes	Public Works Grounds Department	Public Works Grounds Supervisor	Covered in PW Departmental Staff Meeting on August 16, 2011
III.E	Randall Avenue Sidewalk – Request for Capital Budget appropriation	Motion Passed (<i>Note: No action taken on any consideration of the resurfacing of Randall Avenue</i>)	Finance Department	Finance Staff	Finance Committee Agenda: an Appropriation of \$60,385.42 for the installation of a sidewalk on the north side of Randall Avenue from U.S. Highway 98 to Deerwood at Pollard Road (± 4,000 linear feet).
IV.A.	Hazard Mitigation Grant program (HMGP) – Santa Rosa Drainage as possible candidate	PW/City Engineer will submit the drainage project for HMGP consideration	Public Works/ City Engineer	Public Works Director/Project Engineer – Jaye Robertson, PE	Applications due by August 31, 2011
V.A	FY2012 Proposed Public Works Budget – Handout Under Separate Cover	No action requested or taken – presentation for information purposes only	N/A	N/A	Requested that Committee Members review and note comments. Will hold in-depth review and discussions at the September PWC Meeting



Richard D. Johnson, PE; Director

August 17, 2011

Suzanne

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Monday, August 22, 2011 9:33 AM
To: 'DirectorPW'
Cc: hensonsm@bellsouth.net; 'Mayor Small'
Subject: RE: City of Daphne - Public Works Committee - 08-15-2011 - Notice of Action Taken
Mayor,

What would you like to do?

Kim

From: DirectorPW [mailto:directorpw@bellsouth.net]
Sent: Monday, August 22, 2011 9:26 AM
To: 'Kim Briley'
Cc: hensonsm@bellsouth.net; 'Mayor Small'
Subject: RE: City of Daphne - Public Works Committee - 08-15-2011 - Notice of Action Taken

No urgency on our end. However, are we talking strictly based on after September 30th or based on after the date that the Council adopts the 2011-12 budget? Which could very well mean sometime in calendar 2012.

I know Streets would like to conduct most of the construction in the dry period of the fall (Oct-Nov) this time is less hectic and prior to holidays and parades. It is your call.

Yours,

RDJ

Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road
Daphne, AL 36526

Phone: (251) 621-3182
Fax: (251) 621-3189
Cell: (251) 379-1305

directorpw@bellsouth.net

From: Kim Briley [mailto:kmbriley@bellsouth.net]
Sent: Monday, August 22, 2011 8:08 AM
To: 'DirectorPW'
Cc: hensonsm@bellsouth.net; 'Mayor Small'
Subject: RE: City of Daphne - Public Works Committee - 08-15-2011 - Notice of Action Taken

My recommendation would be to place the Randall Ave Sidewalk in the 2012 budget. Is there an urgency that it cannot wait for that?

Kim

From: DirectorPW [mailto:directorpw@bellsouth.net]
Sent: Wednesday, August 17, 2011 11:27 AM
To: Bailey Yelding; Becky in the Clerk's Office; Councilman Lake; Councilwoman Barnette; David Cohen; Dorothy

Morrison; Jane Ellis; Jaye Robertson; Kim Briley; Mayor Fred Small; Scott with HMR; Suzanne Henson; Tim Lawley

Cc: Buck Conaway; Candice Bishop; Denise Penry; Duke Crutchfield; Dwayne Coley; Dwayne Coley; Frank Barnett; Freddie Johnson; 'Melvin McCarley'; 'Sandi Cushway'; Tracey Miller

Subject: City of Daphne - Public Works Committee - 08-15-2011 - Notice of Action Taken

Yours,

RDJ

Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road
Daphne, AL 36526

Phone: (251) 621-3182

Fax: (251) 621-3189

Cell: (251) 379-1305

directorpw@bellsouth.net

No virus found in this message.

Checked by AVG - www.avg.com

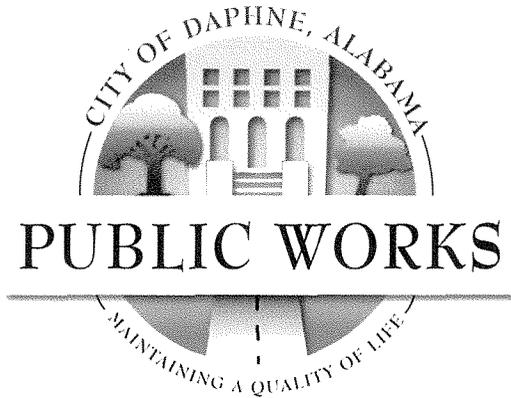
Version: 10.0.1392 / Virus Database: 1520/3850 - Release Date: 08/22/11

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

A handwritten signature in black ink that reads "Richard D. Johnson". The signature is written in a cursive style and is positioned to the right of the typed name in the "From:" field.

Date: August 8, 2011

RE: Capital Budget Request for sidewalks on Randall Avenue

I am requesting the Public Works Committee recommend to the Finance Committee a Capital Roadway Improvement Appropriation of \$60,385.42 for the installation of a sidewalk on the north side of Randall Avenue from U.S. Highway 98 to Deerwood at Pollard Road (\pm 4,000 linear feet).

All needed property owners have signed required Right of Entry and Sidewalk Easements and are on file with Public Works. Furthermore, the Committee may want to consider an additional appropriation of \$74,256.18 for the resurfacing of Randall Avenue from U.S. Highway 98 to Pollard Road in conjunction with the sidewalk project.

Attached are the construction cost estimates for the sidewalk and resurfacing.

Yours,

RDJ

Public Works Director Estimated Costs

City of Daphne Street Improvements - Fiscal Year 2012

Project : 2012 Randall Avenue Sidewalks

Calculations Based on Total Project - Sta 0+00 - 38+50 (Plus Pollard and Deerwood)					
Construction Estimate					
4'-0" Wide Sidewalk Along North Side of R.O.W.					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	3000 psi Concrete with Fiber	Yd ³	227	\$90.00	\$20,444.44
2	Form Material	L.F.	4000	\$3.00	\$12,000.00
3	Thermo Plastic Pedestrian X-ing - Pavement Marking	Each	2	\$750.00	\$1,500.00
4	Sod Centipede (50 sy per pallet)	Pallet	35	\$52.50	\$1,837.50
5	13.5x22 Reinforced Concrete Pipe - Arch	L.F.	88	\$30.60	\$2,692.80
6	Sloped Paved Headwalls	Each	3	\$250.00	\$750.00
7	Select Fill Under Sidewalk (Sand Clay Base)	Yd ³	815	\$3.00	\$2,445.00
8	4" HDPE Under drain	L.F.	120	\$6.00	\$720.00
9	Concrete Utility Valve Box & Adjustments	Each	6	\$75.00	\$450.00
10	24" Non-Mountable Curb/Gutter	L.F.	200	\$15.00	\$3,000.00
11	30" Reinforced Concrete Pipe	L.F.	16	\$40.30	\$644.80
12	Junction Box (cast in Place)	Each	1	\$1,250.00	\$1,250.00
13	Tree Removal/Stump Grinding	Each	6	\$500.00	\$3,000.00
14	Recording Fees	Each	22	\$22.00	\$484.00
15	#57 Stone	Yd ³	20	\$36.00	\$720.00
16	"A" Base (Driveway Apron Repair)	Yd ³	30	\$36.00	\$1,080.00
17	424-A Asphalt (Driveway Apron Repair)	Ton	20	\$55.00	\$1,100.00
18	18" RCP - Driveway Side Drains	L.F.	184	\$17.65	\$3,247.60
19					
20	Contingencies (5.0%)	Each	1	\$3,019.27	\$3,019.27
Estimated Construction Cost					\$60,385.42

Cost Per Linear Foot	\$15.10
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City of Daphne Street Improvements - Fiscal Year 2012

Project : 2012 Randall Avenue Sidewalks

Calculations Based on Total Project - Sta 0+00 - 38+50 (Randall Avenue Only)					
Construction Estimate					
One (1) Inch Asphalt Wearing Surface - Two Lane Road					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	Bituminous Concrete Wearing Surface, 1" (110#/SY) Compacted Thickness (424-A)	Ton	569	\$58.75	\$33,450.62
2	Asphalt Laydown - Bituminous Concrete Wearing Surface, 1" (110#/SY) Compacted Thickness (424-A)	Yd ²	9411	\$1.50	\$14,116.67
3	Asphalt Milling (1" Max)	Yd ²	2567	\$5.00	\$12,833.33
4	Tack Coat - (405-A)	Gal	565	\$4.00	\$2,258.67
5	Solid White, Class 2, Type A, Traffic Stripe, 5" Wide (701-A)	Mile	1.46	\$3,000.00	\$4,375.00
6	Solid Yellow (Double), Class 2, Type A, Traffic Stripe, 5" Wide (701-A)	Mile	1.46	\$3,000.00	\$4,375.00
7	Mobilization/Demobilization	LS	1	\$2,846.90	\$2,846.90
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
Estimated Construction Cost					\$74,256.18

Estimated Total Cost Per Mile	\$98,018.16
--------------------------------------	--------------------

Cost Per Linear Foot	\$18.56
-----------------------------	----------------



Invoice

Date: August 23, 2011
 Invoice #: 2011-13

City of Daphne
Division of Public Works
26435 Public Works Rd
Daphne, AL 36526
251-621-3182

To: Daphne Utilities
 P O Box 2550
 Daphne, AL 36526

Location of Work	Description of Work	Due Date
Johnson Rd Liff Station	Survey and plat work performed for land swap agreement	Due upon receipt
Art Center Water Tower	Cost to be split between Daphne Utilities and City of Daphne	

Qty	Description	Unit Price	Line Total
0.50	HMR Invoice 115850- Water Tower and Art Center 2-Lot Exempt Subdivision	\$ 5,864.51	\$ 2,932.26
0.50	HMR Invoice 115852- Liff Station on Johnson Rd 2-Lot Exempt Subdivision	3,213.10	1,606.55

TOTAL DUE \$ **4,538.81**


 Richard Johnson, P. E., PW Director

Make all checks payable to **City of Daphne**
 Remit to:
 P. O. Box 400, Daphne, AL 36526

Suzanne

From: Denise Penry [accountantpw@bellsouth.net]
Sent: Wednesday, August 24, 2011 1:05 PM
To: 'Kim Briley'; 'DirectorPW'
Cc: hensonsm@bellsouth.net
Subject: RE: Invoices (Daphne Utilities Land Swap)
Attachments: 2011-13 Daphne Utilities.pdf; _Certification_.htm

Kim,

Attached is the invoice to Daphne Utilities that will go out this week.

Denise Penry
 PW Accountant
 City of Daphne
 251-621-3182

From: Kim Briley [mailto:knbriley@bellsouth.net]
Sent: Tuesday, August 23, 2011 1:22 PM
To: 'DirectorPW'
Cc: hensonsm@bellsouth.net; 'Denise Penry'
Subject: RE: Invoices

Richard,

I have been out of the loop on this as well. We have not discussed this in the Finance Comm, so I will need to take it there & then to the Council for appropriation.... When we get some direction from the Council, I would prefer that Denise invoice the Utility.

Thanks,
 Kim

From: DirectorPW [mailto:directorpw@bellsouth.net]
Sent: Tuesday, August 23, 2011 12:45 PM
To: 'Kim Briley'; Suzanne Henson
Cc: Scott with HMR; Denise Penry
Subject: FW: Invoices

Mrs. Briley:

See attached invoices. These are associated with the land swap with Daphne Utilities as approved by the Council. This "swap" begin prior to my arrival. It was my understanding that the City and the Utility would split and then share the cost equally for the survey and plat work performed. Can you follow-up on the status as well as the cost center for this to be charged to. Would you prefer Denise invoice the Utility or can you handle this.

Thanks,

RDJ

Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road



HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS ♦ SURVEYORS ♦ LAND PLANNERS
P.O. Box 1127 Daphne, AL 36526
Tel: 251.626.2626 Fax: 251.626.6934

From: Barbara Garner [mailto:barbara@hmrengineers.com]
Sent: Monday, August 22, 2011 2:06 PM
To: 'Scott Hutchinson'
Subject: Invoices

Barbara Garner

Hutchinson, Moore & Rauch, LLC
2039 Main Street
Daphne, AL 36526
251.626.2626

Invoice

Hutchinson, Moore & Rauch, LLC
Post Office Box 1127
Daphne, AL 36526

March 31, 2011
 Project No: 3599-10.01
 Invoice No: 115852

Richard Johnson
 City of Daphne
 Post Office Box 400
 Daphne, AL 36526

Project Manager Ercil Godwin
 Project 3599-10.01 Lift Station on Johnson Road 2 Lot Exempt Subdivision
Professional Services for the Period: February 28, 2011 to March 27, 2011

Professional Personnel

	Hours	Rate	Amount
Bunch, Donald	7.00	37.375	261.63
Gandy, Jason	2.00	80.34	160.68
Godwin, Ercil	8.50	94.953	807.10
Goolsby, Casey	14.50	84.5754	1,226.34
Larson, Tyler	10.00	55.25	552.50
Williams, Larry	3.00	68.2825	204.85
Totals	45.00		3,213.10
Total Labor			3,213.10
		Total Project Invoice Amount	\$3,213.10

Please Remit to: Hutchinson, Moore & Rauch, LLC
 P. O. Box 1127, Daphne, Alabama 36526
 For Assistance: (251) 626-2626

Invoice

Hutchinson, Moore & Rauch, LLC
Post Office Box 1127
Daphne, AL 36526

March 31, 2011
Project No: 3598-10.01
Invoice No: 115850

Richard Johnson
City of Daphne
Post Office Box 400
Daphne, AL 36526

Project Manager Ercil Godwin
Project 3598-10.01 Water Tower and Art Center 2-Lot Exempt Subdivision
Professional Services for the Period: February 28, 2011 to March 27, 2011

Professional Personnel

	Hours	Rate	Amount	
Byrd, Cameron	14.00	39.00	546.00	
Gandy, Jason	2.50	80.34	200.85	
Godwin, Ercil	9.00	94.953	854.58	
Goolsby, Casey	26.50	84.5754	2,241.25	
Larson, Heath	8.00	55.25	442.00	
Middleton, Quinton	16.00	56.0625	897.00	
Williams, Larry	10.00	68.2825	682.83	
Totals	86.00		5,864.51	
Total Labor				5,864.51
		Total Project Invoice Amount		\$5,864.51

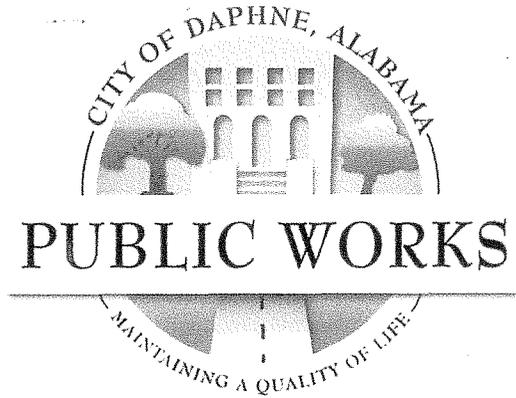
Please Remit to: Hutchinson, Moore & Rauch, LLC
P. O. Box 1127, Daphne, Alabama 36526
For Assistance: (251) 626-2626

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

Memorandum

To: The Honorable Mayor Fred Small
From: Richard D. Johnson, P.E.; Public Works Director 
CC: Councilman Derek Boulware; Chairman, Finance Committee; Kim Briley, Finance Director; Volkert, Inc.; File
Date: August 31, 2011
Re: FY2012 – Capital Road Improvement Projects – U.S Hwy 98 and County Road 64 Intersection Improvement Project

Mr. Mayor:

Based upon the bid tabulations provided and certified by Andrew E. James, P.E., Volkert, Inc., on August 30, 2011, it is my recommendation to award the Contract to Asphalt Services, Inc. for the proposed Highway 98 and County Road 64 Intersection Improvements. They are the qualifying low bidder at \$799,998.73.

This is a cooperative project between the City and ALDOT. The cost of construction is split evenly between the City and State. The State will pay 100% of the cost signal improvements (design, procurement and installation) associated with this project.

I request we expedite any and all necessary appropriations.

Yours,

RDJ



Volkert, Inc.

316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

August 30, 2011

www.volkert.com

2011-Z-Intersection Improvements at U.S. 98 and County Road 64
Contract No. 968512.50
State Project No. ST-002-42-019

Mr. Richard Johnson, P.E.
Public Works Director
City OF Daphne
26435 Public Works Road
Daphne, Alabama 36526

Subject: Bid Tabulation

Dear Mr. Johnson:

Enclosed please find the original envelopes, bid documents and bid tabulation for the above referenced project. After checking the submitted proposals, we recommend that the project be awarded to Asphalt Services, Inc a Contractor who is licensed to do business in the State of Alabama, with a bid of \$799,998.73.

If you have any questions or comments, please call at your convenience.

Sincerely,

VOLKERT, INC.

Andrew E. James, P.E.
Project Manager

Enclosures: Bid Tabulation

Cc: Suzanne Henson - City of Daphne, Daniel Driskell – ALDOT, Randy Davis - Volkert

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2011-Z-INTERSECTION IMPROVEMENTS TO U.S. HIGHWAY 98 & COUNTY ROAD 64 - DAPHNE
ST-002-42-019

UNIT BID TABULATION

ITEM	DESCRIPTION	UNIT	QUANTITY	ASPHALT SERVICES, INC.	ROADS INC. OF NW FL	JOHN G. WALTON	HOSEA WEAVER & SONS INC.	SUMMIT INDUSTRIES LLC	ENGINEER'S ESTIMATE	GULF EQUIPMENT CORP.								
Roadway and Drainage																		
1	201A-002	Clearing and Grubbing (Approximately 1 Acres)	LS	1	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$8,330.00	\$8,330.00	\$12,598.19	\$12,598.19	\$10,000.00	\$10,000.00	\$2,500.00	\$2,500.00	\$5,855.72	\$5,855.72
2	206C-000	Removing Concrete Sidewalk	SY	180	\$5.00	\$900.00	\$5.00	\$900.00	\$8.50	\$1,530.00	\$7.42	\$1,335.60	\$12.95	\$2,331.00	\$4.00	\$720.00	\$5.23	\$941.40
3	206C-002	Removing Concrete Slope Paving	SY	26	\$5.00	\$130.00	\$10.00	\$260.00	\$16.57	\$430.82	\$7.45	\$193.70	\$19.90	\$517.40	\$10.00	\$260.00	\$7.91	\$205.66
4	206C-003	Removing Concrete Flumes	SY	80	\$10.00	\$800.00	\$7.00	\$560.00	\$7.05	\$564.00	\$7.44	\$595.20	\$6.45	\$516.00	\$10.00	\$800.00	\$7.91	\$632.80
5	206D-000	Removing Pipe	LF	456	\$9.00	\$4,104.00	\$8.00	\$3,648.00	\$9.81	\$4,473.36	\$13.23	\$6,032.88	\$6.45	\$2,941.20	\$8.00	\$3,648.00	\$9.95	\$4,537.20
6	206D-003	Removing Curb and Gutter	LF	820	\$3.00	\$2,460.00	\$5.00	\$4,100.00	\$4.00	\$3,280.00	\$6.02	\$4,936.40	\$5.15	\$4,223.00	\$7.50	\$6,150.00	\$7.39	\$6,059.80
7	206D-005	Removing Gutter	LF	740	\$3.00	\$2,220.00	\$3.00	\$2,220.00	\$4.17	\$3,085.80	\$4.88	\$3,611.20	\$5.15	\$3,811.00	\$7.00	\$5,180.00	\$7.41	\$5,483.40
8	206E-000	Removing Headwalls	EA	5	\$100.00	\$500.00	\$250.00	\$1,250.00	\$172.36	\$861.80	\$101.99	\$509.95	\$518.00	\$300.00	\$1,500.00	\$404.85	\$2,024.25	
9	206E-001	Removing Inlets	EA	5	\$300.00	\$1,500.00	\$250.00	\$1,250.00	\$172.36	\$861.80	\$203.98	\$1,019.90	\$466.00	\$2,330.00	\$300.00	\$1,500.00	\$714.57	\$3,572.85
10	206E-004	Removing Manhole (Special)	LS	1	\$4,000.00	\$4,000.00	\$500.00	\$500.00	\$15,080.14	\$15,080.14	\$1,019.90	\$1,019.90	\$7,550.00	\$7,550.00	\$1,500.00	\$1,500.00	\$11,460.87	\$11,460.87
11	210A-000	Unclassified Excavation	CY	3500	\$3.50	\$12,250.00	\$5.00	\$17,500.00	\$0.01	\$35.00	\$8.61	\$30,135.00	\$0.01	\$35.00	\$8.00	\$28,000.00	\$8.91	\$31,185.00
12	210D-020	Borrow Excavation (Loose Truck Bed Measurement) (A2 or Better)	CY	3500	\$6.75	\$23,625.00	\$7.00	\$24,500.00	\$0.01	\$35.00	\$9.13	\$31,955.00	\$6.20	\$21,700.00	\$12.00	\$42,000.00	\$13.84	\$48,440.00
13	214B-000	Foundation Backfill Local	CY	100	\$9.00	\$900.00	\$5.00	\$500.00	\$19.48	\$1,948.00	\$5.16	\$516.00	\$8.20	\$820.00	\$25.00	\$2,500.00	\$8.75	\$875.00
14	214B-002	Foundation Backfill Commercial (ALDOT #467)	CY	100	\$42.00	\$4,200.00	\$9.00	\$900.00	\$68.96	\$6,896.00	\$45.66	\$4,566.00	\$65.70	\$6,570.00	\$50.00	\$5,000.00	\$16.71	\$1,671.00
15	230A-000	Roadbed Processing	STA	23	\$300.00	\$6,900.00	\$200.00	\$4,600.00	\$352.28	\$8,102.44	\$292.73	\$6,732.79	\$285.00	\$6,555.00	\$300.00	\$6,900.00	\$290.01	\$6,670.23
16	301A-012	Crushed Aggregate Base Course, Type B Plant Mixed, 6" Compacted Thickness	SY	3000	\$10.95	\$32,850.00	\$15.00	\$45,000.00	\$15.80	\$47,400.00	\$13.52	\$40,560.00	\$19.55	\$58,650.00	\$12.50	\$37,500.00	\$13.52	\$40,560.00
17	405A-000	Tack Coat	GALLONS	1800	\$4.00	\$7,200.00	\$3.50	\$6,300.00	\$3.79	\$6,822.00	\$3.25	\$5,850.00	\$3.85	\$6,930.00	\$5.00	\$9,000.00	\$3.78	\$6,804.00
18	407B-000	Joint Sealant For Hot Mix Asphalt Pavement	Mile	2	\$500.00	\$1,000.00	\$200.00	\$400.00	\$403.40	\$806.80	\$150.00	\$300.00	\$158.00	\$316.00	\$350.00	\$700.00	\$174.01	\$348.02
19	408A-051	Planing Existing Pavement (Approximately 0.00' thru 1.00' Thick)	SY	700	\$8.00	\$5,600.00	\$3.00	\$2,100.00	\$9.49	\$6,643.00	\$5.00	\$3,500.00	\$5.50	\$3,850.00	\$6.00	\$4,200.00	\$5.81	\$4,067.00
20	424A-360	Superpave Bituminous Concrete Wearing Layer, 1/2" Maximum Aggregate Size Mix ESAL Range C/D	TONS	815	\$89.40	\$72,861.00	\$75.00	\$61,125.00	\$69.92	\$56,984.80	\$90.00	\$73,350.00	\$82.90	\$67,563.50	\$90.00	\$73,350.00	\$104.41	\$85,094.15
21	424B-651	Maximum Aggregate Size Mix, ESAL Range C/D	TONS	400	\$83.90	\$33,560.00	\$80.00	\$32,000.00	\$65.27	\$26,108.00	\$80.00	\$32,000.00	\$78.25	\$31,300.00	\$90.00	\$36,000.00	\$92.81	\$37,124.00
22	424B-681	Superpave Bituminous Concrete Lower Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range C/D	TONS	1000	\$83.90	\$83,900.00	\$74.00	\$74,000.00	\$62.90	\$52,900.00	\$80.00	\$80,000.00	\$78.25	\$78,250.00	\$90.00	\$90,000.00	\$92.81	\$92,810.00
23	459C-000	Full Depth Saw Cut	LF	4700	\$8.00	\$37,600.00	\$2.00	\$9,400.00	\$1.78	\$8,366.00	\$0.86	\$4,042.00	\$3.40	\$15,980.00	\$6.00	\$28,200.00	\$5.23	\$24,581.00
24	530A-001	18" Roadway Pipe (Class 3 RC)	LF	1176	\$35.83	\$42,136.08	\$40.00	\$47,040.00	\$28.49	\$33,504.24	\$27.58	\$32,434.08	\$34.70	\$40,807.20	\$35.00	\$41,160.00	\$36.37	\$42,771.12
25	530A-002	24" Roadway Pipe (Class 3 RC)	LF	344	\$46.68	\$16,057.92	\$47.00	\$16,168.00	\$38.08	\$13,099.52	\$37.95	\$13,054.80	\$41.35	\$14,224.40	\$40.00	\$13,760.00	\$56.29	\$19,363.76
26	530A-003	30" Roadway Pipe (Class 3 RC)	LF	132	\$60.22	\$7,949.04	\$60.00	\$7,920.00	\$47.51	\$6,271.32	\$57.58	\$7,600.56	\$58.00	\$7,656.00	\$50.00	\$6,000.00	\$68.64	\$9,060.48
27	530A-004	36" Roadway Pipe (Class 3 RC)	LF	160	\$78.75	\$12,600.00	\$75.00	\$12,000.00	\$61.45	\$9,833.00	\$56.29	\$9,006.40	\$65.10	\$10,416.00	\$60.00	\$9,600.00	\$79.54	\$11,726.40
28	600A-000	Mobilization	LS	1	\$25,000.00	\$25,000.00	\$50,000.00	\$50,000.00	\$48,915.00	\$48,915.00	\$61,503.00	\$61,503.00	\$75,000.00	\$75,000.00	\$85,000.00	\$85,000.00	\$85,000.00	\$26,970.16
29	614A-000	Slope Paving	CY	15	\$400.00	\$6,000.00	\$525.00	\$7,875.00	\$318.60	\$4,779.00	\$545.45	\$8,181.75	\$310.00	\$4,650.00	\$100.00	\$1,500.00	\$652.79	\$9,790.95
30	618A-000	Concrete Sidewalk 4" Thick	SY	580	\$34.00	\$19,720.00	\$38.00	\$22,040.00	\$50.22	\$29,127.60	\$32.73	\$18,983.40	\$49.35	\$28,623.00	\$60.00	\$34,800.00	\$38.06	\$22,074.80
31	619A-102	24" Side Drain Pipe End Treatment, CL 1	EA	1	\$400.00	\$400.00	\$800.00	\$800.00	\$810.00	\$810.00	\$927.28	\$927.28	\$664.00	\$664.00	\$600.00	\$600.00	\$436.13	\$436.13
32	619A-203	30" Roadway Pipe End Treatment, Class 1 (Double Line)	EA	2	\$800.00	\$1,600.00	\$2,400.00	\$4,800.00	\$1,620.00	\$3,240.00	\$1,854.55	\$3,709.10	\$996.00	\$1,992.00	\$1,600.00	\$3,200.00	\$786.73	\$1,573.46
33	619A-204	36" Roadway Pipe End Treatment, Class 1 (Double Line)	EA	2	\$850.00	\$1,700.00	\$3,100.00	\$6,200.00	\$1,890.00	\$3,780.00	\$2,181.82	\$4,363.64	\$1,175.00	\$2,350.00	\$2,100.00	\$4,200.00	\$968.51	\$1,937.02
34	620A-000	Minor Structure Concrete	CY	30	\$300.00	\$9,000.00	\$350.00	\$10,500.00	\$810.00	\$24,300.00	\$872.73	\$26,181.90	\$150.00	\$4,500.00	\$500.00	\$15,000.00	\$786.36	\$23,590.80
35	621C-002	Inlets Type "C"	EA	13	\$1,889.53	\$24,563.89	\$1,900.00	\$24,700.00	\$1,730.81	\$22,500.53	\$1,914.85	\$24,893.05	\$1,515.00	\$19,695.00	\$2,500.00	\$32,500.00	\$2,534.62	\$32,950.06
36	621C-015	Inlets Type S1 or S3 (1 wing)	EA	13	\$2,090.00	\$27,170.00	\$3,000.00	\$39,000.00	\$3,072.39	\$39,941.07	\$3,306.48	\$42,984.24	\$2,634.00	\$34,242.00	\$2,700.00	\$35,100.00	\$1,817.36	\$23,625.68
37	621C-016	Inlets Type S1 or S3 (2 wing)	EA	3	\$2,490.00	\$7,470.00	\$3,500.00	\$10,500.00	\$3,195.06	\$9,585.18	\$4,052.84	\$12,158.52	\$2,808.00	\$8,424.00	\$3,200.00	\$9,600.00	\$9,777.45	\$9,777.45
38	623B-000	Type N Curb	LF	2900	\$12.50	\$36,250.00	\$16.00	\$46,400.00	\$16.20	\$46,980.00	\$17.45	\$50,605.00	\$15.35	\$44,515.00	\$15.00	\$43,500.00	\$13.17	\$38,193.00
39	623B-001	Type N Special	LF	200	\$14.00	\$2,800.00	\$16.00	\$3,200.00	\$73.44	\$14,688.00	\$27.27	\$5,454.00	\$69.50	\$13,900.00	\$45.00	\$9,000.00	\$46.15	\$9,230.00
40	623B-121	Type A Curb (Modified)	LF	310	\$16.00	\$4,960.00	\$16.00	\$4,960.00	\$30.24	\$9,374.40	\$24.00	\$7,440.00	\$28.60	\$8,866.00	\$15.00	\$4,650.00	\$37.19	\$11,528.90
41	623C-004	Type C Curb and Gutter (Special)	LF	1800	\$12.50	\$22,500.00	\$16.00	\$28,800.00	\$14.58	\$26,244.00	\$16.36	\$29,448.00	\$13.80	\$24,840.00	\$14.00	\$25,200.00	\$14.76	\$26,568.00
42	626A-000	Concrete Median Strip	LF	750	\$18.00	\$13,500.00	\$23.00	\$17,250.00	\$31.86	\$23,895.00	\$21.82	\$16,365.00	\$30.15	\$22,612.50	\$22.00	\$16,500.00	\$25.29	\$18,967.50
43	631F-000	Steel Beam Guardrail, Class A, Type 1 Relocated	LF	440	\$17.00	\$7,480.00	\$16.00	\$7,040.00	\$17.28	\$7,603.20	\$16.85	\$7,404.00	\$16.85	\$7,414.00	\$20.00	\$8,800.00	\$18.57	\$8,170.80
44	631G-008	Guardrail End Anchor, Type S Relocated	EA	4	\$450.00	\$1,800.00	\$1,000.00	\$4,000.00	\$54.00	\$216.00	\$54.00	\$216.00	\$52.60	\$210.40	\$1,250.00	\$5,000.00	\$58.01	\$232.04
45	650A-000	Top Soil	CY	440	\$10.00	\$4,400.00	\$10.00	\$4,400.00	\$38.84	\$17,089.60	\$21.28	\$9,363.20	\$13.05	\$5,742.00	\$14.00	\$6,160.00	\$26.12	\$11,492.80
46	652A-100	Seeding	ACRE	1	\$1,800.00	\$1,800.00	\$700.00	\$700.00	\$110.11	\$110.11	\$1,080.00	\$1,080.00	\$1.00	\$1.00	\$1,250.00	\$1,250.00	\$2,900.02	\$2,900.02
47	654A-001	Solid Soil Bermuda	SY	3960	\$4.50	\$17,820.00	\$2.50	\$9,900.00	\$5.08	\$20,116.80	\$3.78	\$14,958.80	\$2.90	\$11,484.00	\$4.50	\$17,820.00	\$5.23	\$20,710.80
48	665A-000	Temporary Seeding	ACRE	1	\$1,200.00	\$1,200.00	\$700.00	\$700.00	\$110.11	\$110.11	\$540.00	\$540.00	\$1.00	\$1.00	\$500.00	\$500.00	\$1,740.02	\$1,740.02
49	665B-001	Temporary Mulching	TONS	3	\$600.00	\$1,800.00	\$800.00	\$2,400.00	\$110.11	\$330.33	\$540.00	\$1,620.00	\$1.00	\$3.00	\$400.00	\$1,200.00	\$696.01	\$2,088.03
50	665P-005	Inlet Protection, Stage 3 Or 4	LF	24	\$20.00	\$480.00	\$20.00	\$480.00	\$185.33	\$4,447.92	\$71.70	\$1,720.80	\$150.00	\$3,600.00	\$350.00	\$8,400.00	\$290.01	\$6,960.24
51	665Q-002	Wattle	EA	300	\$8.00	\$2,400.00	\$7.50	\$2,250.00	\$13.27	\$3,981.00	\$3.81	\$1,143.00	\$5.65	\$1,695.00	\$6.00	\$1,800.00	\$15.84	\$4,752.00

**2011-Z-INTERSECTION IMPROVEMENTS TO U.S. HIGHWAY 98 & COUNTY ROAD 64 - DAPHNE
ST-002-42-019**

UNIT BID TABULATION

ITEM	ITEM NO.	Description	Units	Quantity	Asphalt Services, Inc.	Roads Inc. of NW FL	John G. Walton	Hosea Weaver & Sons Inc.	Summit Industries LLC	Engineer's Estimate	Gulf Equipment Corp.	Total						
Roadway and Drainage																		
55	656A-010	Mulching	ACRE	1	\$1,600.00	\$700.00	\$700.00	\$110.11	\$110.11	\$1,080.00	\$1,080.00	\$1.00	\$1.00	\$2,500.00	\$2,500.00	\$928.01	\$928.01	
56	680A-000	Engineering Controls	LS	1	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$17,945.00	\$17,945.00	\$6,960.32	\$50,000.00	\$50,000.00	\$8,000.00	\$8,000.00	\$28,675.37	\$28,675.37	
57	701B-009	Dotted Class 2, Type A Traffic Stripe (5" Wide)	LF	1500	\$3.00	\$4,500.00	\$1.20	\$1,800.00	\$2.16	\$3,240.00	\$2.16	\$3,240.00	\$1.30	\$1,950.00	\$0.60	\$900.00	\$2.33	\$3,495.00
58	701C-001	Solid Temporary Traffic Stripe (Paint White)	MILE	1	\$1,200.00	\$1,200.00	\$2,900.00	\$2,900.00	\$864.00	\$864.00	\$864.00	\$864.00	\$3,103.00	\$3,103.00	\$650.00	\$650.00	\$928.01	\$928.01
59	701C-001	Solid Temporary Traffic Stripe (Yellow Paint)	MILE	1	\$1,200.00	\$1,200.00	\$2,900.00	\$2,900.00	\$864.00	\$864.00	\$864.00	\$864.00	\$3,103.00	\$3,103.00	\$650.00	\$650.00	\$928.01	\$928.01
60	701E-011	Broken Temporary Traffic Stripe (White Paint)	LF	2000	\$0.30	\$600.00	\$0.40	\$800.00	\$0.27	\$540.00	\$0.27	\$540.00	\$0.45	\$900.00	\$0.60	\$1,200.00	\$0.30	\$600.00
61	701G-242	Broken White Class 2, Type A Traffic Stripe (5" Wide)	LF	2000	\$1.15	\$2,300.00	\$0.70	\$1,400.00	\$1.08	\$2,160.00	\$1.08	\$2,160.00	\$0.80	\$1,600.00	\$0.60	\$1,200.00	\$1.17	\$2,340.00
62	701G-253	Solid White, Class 2, Type A Traffic Stripe (5" Wide)	LF	4100	\$1.30	\$5,330.00	\$0.80	\$3,280.00	\$1.35	\$5,535.00	\$1.35	\$5,535.00	\$0.90	\$3,690.00	\$0.50	\$2,050.00	\$1.46	\$5,986.00
63	701G-256	Broken Yellow, Class 2, Type A Traffic Stripe (5" Wide)	LF	1000	\$1.15	\$1,150.00	\$0.75	\$750.00	\$1.08	\$1,080.00	\$1.08	\$1,080.00	\$0.80	\$800.00	\$0.60	\$600.00	\$1.17	\$1,170.00
64	701G-265	Solid Yellow, Class 2, Type A Traffic Stripe (5" Wide)	LF	2000	\$1.30	\$2,600.00	\$0.82	\$1,640.00	\$1.35	\$2,700.00	\$1.35	\$2,700.00	\$0.90	\$1,800.00	\$0.60	\$1,200.00	\$1.46	\$2,920.00
65	703A-002	Traffic Control Markings, Class 2, Type A	SF	1724	\$5.00	\$8,620.00	\$3.45	\$5,947.80	\$4.32	\$7,447.68	\$4.32	\$7,447.68	\$3.70	\$6,378.80	\$5.00	\$8,620.00	\$4.65	\$8,016.60
66	703B-002	Traffic Control Legends, Class 2, Type A	SF	356	\$5.00	\$1,780.00	\$5.00	\$1,780.00	\$4.86	\$1,730.16	\$4.86	\$1,730.16	\$4.75	\$1,691.00	\$5.00	\$1,780.00	\$5.10	\$4,815.60
67	705A-031	Pavement Markers Class A-H, Type 1-A	EA	30	\$6.00	\$180.00	\$6.00	\$180.00	\$5.40	\$162.00	\$5.40	\$162.00	\$5.50	\$165.00	\$6.00	\$180.00	\$5.81	\$174.30
68	705A-032	Pavement Markers Class A-H, Type 1-B	EA	75	\$6.00	\$450.00	\$6.00	\$450.00	\$5.40	\$405.00	\$5.40	\$405.00	\$5.50	\$412.50	\$6.00	\$450.00	\$5.81	\$435.75
69	705A-036	Pavement Markers Class A-H, Type 2-C	EA	125	\$6.00	\$750.00	\$6.00	\$750.00	\$5.40	\$675.00	\$5.40	\$675.00	\$5.50	\$687.50	\$6.00	\$720.00	\$5.81	\$726.25
70	705A-037	Pavement Markers Class A-H, Type 2-D	EA	30	\$6.00	\$180.00	\$6.00	\$180.00	\$5.40	\$162.00	\$5.40	\$162.00	\$5.50	\$165.00	\$6.00	\$180.00	\$5.81	\$174.30
71	705A-038	Pavement Markers Class A-H, Type 2-E	EA	60	\$6.00	\$360.00	\$6.00	\$360.00	\$5.40	\$324.00	\$5.40	\$324.00	\$5.50	\$330.00	\$6.00	\$360.00	\$5.81	\$348.60
72	401B	Micro-Milling Asphalt (0-2" depth)	SY	200	\$10.00	\$2,000.00	\$5.00	\$1,000.00	\$44.49	\$8,898.00	\$20.00	\$4,000.00	\$10.50	\$2,100.00	\$10.00	\$2,000.00	\$11.61	\$2,322.00
73		Traffic Control Plan	LS	1	\$20,000.00	\$20,000.00	\$23,082.00	\$23,082.00	\$45,425.00	\$45,425.00	\$35,841.71	\$39,000.00	\$39,000.00	\$20,000.00	\$20,000.00	\$14,685.69	\$14,685.69	
74		Inlet Conversion	EA	3	\$3,715.00	\$11,145.00	\$1,500.00	\$4,500.00	\$3,625.37	\$10,876.11	\$3,054.55	\$9,163.65	\$2,861.00	\$1,800.00	\$5,400.00	\$5,800.01	\$17,400.03	
75		Structure S-30 (W/ Connection to Box Culvert)	LS	1	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00	\$5,184.00	\$5,184.00	\$5,236.36	\$5,236.36	\$4,905.00	\$4,905.00	\$5,200.00	\$5,200.00	\$5,800.04	\$5,800.04
76		Remove Asphalt and Base (Various Thicknesses)	SY	1000	\$6.00	\$6,000.00	\$8.00	\$8,000.00	\$11.62	\$11,620.00	\$5.66	\$5,660.00	\$5.25	\$5,250.00	\$10.00	\$10,000.00	\$5.47	\$5,470.00
77		Retaining Wall	FACE FOOT	900	\$24.75	\$22,275.00	\$40.00	\$36,000.00	\$21.60	\$19,440.00	\$22.44	\$20,196.00	\$28.30	\$25,470.00	\$35.00	\$31,500.00	\$25.78	\$23,202.00
78		Yard Inlet	EA	1	\$1,891.40	\$1,891.40	\$2,000.00	\$2,000.00	\$1,572.71	\$1,572.71	\$1,777.20	\$1,777.20	\$1,640.00	\$1,640.00	\$2,500.00	\$2,500.00	\$1,832.82	\$1,832.82
Sub-total					\$ 768,448.33	\$ 796,757.80	\$ 848,056.86	\$ 878,798.83	\$ 899,578.50	\$ 999,665.50	\$ 954,099.01							

ITEM	ITEM NO.	Description	Units	Quantity	Asphalt Services, Inc.	Roads Inc. of NW FL	John G. Walton	Hosea Weaver & Sons Inc.	Summit Industries LLC	Engineer's Estimate	Gulf Equipment Corp.	Total				
Electrical																
79		Light Pole & Electrical Box Relocation	EA	3	\$4,088.00	\$12,264.00	\$8,500.00	\$25,500.00	\$3,942.00	\$11,826.00	\$3,839.00	\$11,517.00	3000	\$9,000.00	\$3,950.00	\$11,850.00
80		Electrical Conduit	LS	1	\$19,286.40	\$19,286.40	\$25,000.00	\$25,000.00	\$18,600.00	\$18,600.00	\$18,597.60	\$18,091.00	20000	\$20,000.00	\$19,000.00	\$19,000.00
Sub-total					\$31,550.40	\$50,550.40	\$50,500.00	\$30,426.00	\$30,423.60	\$29,000.00	\$30,850.00					
Grand Total					\$799,998.73	\$847,257.80	\$878,482.86	\$909,222.43	\$929,186.50	\$968,665.50	\$984,949.01					

- * Asphalt Services, Inc had arithmetic errors on bid item #35 in the amount \$0.26. The resulting total bid is 799,998.73 in lieu of 799,998.99.
- * Hosea Weaver And Sons had arithmetic errors on bid item #2 in the amount of \$18.00. The error did not change their total bid.
- * Gulf Equipment Corp. had arithmetic errors on bid item #66 in the amount of \$45.90. The resulting total bid is \$984,949.01 in lieu of \$984,995.00.

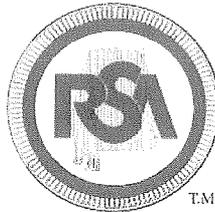
I, Andrew E. James, do hereby state that this is a true and correct tabulation of bids to the best of my knowledge and belief.

This, the 30th Day of August, 2011


Andrew E. James, P.E.



Teachers'
Paul R. Hubbert, Chair
Sarah Swindle, Vice Chair



Employees'
State State Police Public Judicial
Robert J. Bentley, Chair
John H. Wilkerson, Jr., Vice Chair

The Retirement Systems of Alabama

David G. Bronner, CEO
Marcus H. Reynolds, Jr., Deputy

August 30, 2011

TO: Local Units

FROM: William F. Kelley, Jr. 
Director of Benefits
Employees' Retirement System

RE: Attorney General's Opinion 2011-090

Pursuant to Opinion 2011-090, issued by the Attorney General on August 22, 2011, retirement contributions should no longer be submitted on overtime pay and subsistence allowances. This change takes effect immediately and applies prospectively. No changes or adjustments will be made to prior contributions.

WFK/jmb

cc: File



2011-090

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE
ATTORNEY GENERAL

501 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
(334) 242-7300
WWW.AGO.STATE.AL.US

August 22, 2011

Honorable Thomas L. White, Jr.
State Comptroller
Department of Finance
100 North Union Street, Suite 220
Montgomery, Alabama 36130-2620

Honorable Jackie Graham
Director, State Personnel Department
300 Folsom Administrative Building
Montgomery, Alabama 36130-4100

State Comptroller – Personnel Department
– Overtime Pay – Subsistence Allowance –
Retirement Benefits – Compensation

Only the salary an individual is normally entitled to receive on a semi-monthly basis is “earnable compensation” as that term is used in section 36-27-1(14) of the Code of Alabama. Overtime payments are not salary as that term is used in section 36-27-24(b) of the Code, and may not be used for retirement calculation purposes.

“Earnable compensation” as used in section 36-27-1(14) of the Code does not include subsistence pay, but is limited to the normal salary an employee receives for a semi-monthly pay period.

Dear Mr. White and Ms. Graham:

This opinion of the Attorney General is issued in response to your request.

QUESTION 1

Is overtime pay considered "earnable compensation" as that term is used in section 36-27-1(14) of the Code of Alabama concerning retirement benefits?

FACTS AND ANALYSIS

The Employees' Retirement System of Alabama, as set forth in section 36-27-1, *et seq.*, of the Code of Alabama, provides a defined benefit plan for certain employees of the State of Alabama whose salary is paid by a state warrant. ALA. CODE §§ 36-27-1 thru 36-27-31 (2001, Supp. 2010). Specifically, section 36-27-24(b) provides that "each employer shall cause to be deducted from the *salary* of each member on each and every payroll of such employer for each and every payroll period five percent of his *earnable compensation*." ALA. CODE § 36-27-24(b) (Supp. 2010) (emphasis added).

"Earnable compensation" is defined as "[t]he full rate of compensation that would be payable to an employee if he or she worked the full *normal* work-time. In cases where compensation includes maintenance, the Board of Control shall fix the value of that part of the compensation not paid in money." ALA. CODE § 36-27-1(14) (2001).

The statutory provisions governing the Retirement Systems of Alabama do not allow for contributions on extraordinary payments. *See Mitchell v. Employees' Retirement Sys. of Ala.*, 642 So. 2d 480, 481 (Ala. 1994) (disallowing retirement calculations on sick and annual leave payments). State law clearly provides that deductions for retirement shall be made from an employee's *salary*. By definition, "overtime" is not "salary."

The State Personnel Board, with the approval of the Governor, establishes a pay plan setting forth the salary of each class of positions within the Merit System. Each individual within the Merit System must be paid a rate or salary within the pay plan that is based upon a semi-monthly pay schedule. *See ALA. CODE § 36-6-1(c)* (Supp. 2010) (all classified and unclassified employees shall be paid semi-monthly one pay day in arrears).

Pursuant to state law, the salary of each employee is based upon a semi-monthly rate, regardless of the number of hours in the semi-monthly pay period. For example, during a calendar year, the semi-monthly pay period contains 72, 80, 88, and 96 work hours depending, on the work days contained within each semi-monthly time period. Regardless, however, of the number of hours within the semi-monthly time period, an employee's salary remains constant.

Honorable Thomas L. White, Jr.
Honorable Jackie Graham
Page 3

Additionally, Rule 670-X-11-.01 and .04 of the Rules of the State Personnel Board establish uniform regulations for all employees under the State Merit System and requires the number of hours to be uniform for all employees whose positions are allocated to the same class, unless specifically provided otherwise by action of the Board. A "Regular Work Week" is described as a 40-hour work week. (A 40-hour week shall be used for the purpose of calculating the pay of employees paid on a semi-monthly basis.). ALA. ADMIN. CODE r. 670-X-11-.01 and 670-X-11-.04 (eff. June 26, 2006). The State Personnel Board Rules, not in conflict with the laws of Alabama, have the force and effect of law. *See*, ALA. CODE § 36-26-9 (2001). With respect to state law enforcement officers, section 36-21-4 of the Code specifically provides that a normal work week is a 40-hour week. ALA. CODE § 36-21-4 (2001).

Therefore, based upon the foregoing, only the salary an individual is normally entitled to receive on a semi-monthly basis is "earnable compensation" as that term is used in section 36-27-1(14) of the Code. Overtime payments are not salary as that term is used in section 36-27-24(b) of the Code, and may not be used for retirement calculation purposes.

CONCLUSION

Only the salary an individual is normally entitled to receive on a semi-monthly basis is "earnable compensation" as that term is used in section 36-27-1(14) of the Code. Overtime payments are not salary as that term is used in section 36-27-24(b) of the Code, and may not be used for retirement calculation purposes.

QUESTION TWO

Is subsistence pay, which is not compensation for state income tax purposes, considered earnable compensation for retirement purposes under section 36-27-1(14) of the Code?

FACTS AND ANALYSIS

Subsistence pay for law enforcement officers was established by state legislation in 1973. ALA. CODE § 36-21-2 (Supp. 2010). The recognized purpose of this subsistence allowance was to provide specific law enforcement employees a means to pay "for their meals as they *regularly* journey the highway and isolated areas away from their assigned duty station while discharging their duties." Opinion to Honorable R.G. Britton, Commissioner,

P.O. Box 2152
Daphne, AL 36526

Phone: (251) 625-3376 • Fax: (678) 922-1516

Health Horizons, Inc.

6140

May 20, 2011

\$312

Dear Sir or Madam:

I apologize for the tardiness of these returns and any tardy returns in 2009 and 2010. I pray you will forgive any penalties and late fees.

My wife and I run our small business and were needed to help my parents during this time. My father and mother have suffered from illnesses and heart attacks requiring hospitalizations and surgeries and we had to help care for them. They are both currently recovering and in seemingly better health.

Please forgive me.

In Him,

Robert Soto



Bal owed - \$312 For Penalties
& Interest on 6 months of
Past Due Sales Tax From
Jan 2010.

Pd older 2009 Past Due after
Citation.

Code Enf Officer
& Revenue Officer
gave Citation in
August 2011.

1709 Main St.
Daphne, AL
"Old Town"
(251) 626-6082



351 George St.
Mobile, AL
36604
"Oakleigh"
(251) 694-0606

Kris Conlon
Chef/Owner

"Everything you eat . . . we make from scratch"

8/29/2011

TO : THE "ESTABLISHED" CITY COUNCIL!
FROM : HUMBLE "PLAIN OL' KRIS (GUIDO/OWNY)
RE: A BTE POSSIBLE FAVOR

... AM GOING IN A FEW MONTHS IN GALES TAX

AS YOU MAY BE AWARE THINGS HAVE BEEN A LITTLE TIGHT SINCE THE B.P. PLACED. I WOULD LIKE TO INQUIRE ABOUT AN ABATEMENT OF THE PENALTY PORTION ONLY ON THE PAYMENTS BEING SENT IN.

WE WANT MAKE IT A HABIT!
ANY CONSIDERATION WOULD BE GREATLY APPRECIATED.
RELEASING, KRIS

City of Daphne
Public Safety
Pay Table

September 2011: .50/hour

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8								
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
2	17,858	8.59	18,350	8.82	18,842	9.06	19,334	9.30	19,826	9.53	20,318	9.77	20,810	10.00	21,302	10.24
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
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
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
6	21,757	10.46	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
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
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
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
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
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
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
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
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
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
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
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
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
19	34,483	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
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
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
22	37,412	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
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
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
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
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
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
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
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
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
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	26.62
32	47,192	22.69	48,528	23.33	49,864	23.97	51,200	24.62	52,536	25.26	53,872	25.90	55,208	26.54	56,544	27.18
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
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
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
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
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
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	62,094	29.85	63,600	30.58
39	54,037	25.98	55,570	26.72	57,103	27.45	58,636	28.19	60,169	28.93	61,702	29.66	63,235	30.40	64,768	31.14

GRADE	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16								
1	20,472	9.84	20,922	10.06	21,372	10.28	21,822	10.49	22,272	10.71	22,722	10.92	23,172	11.14	23,622	11.36
2	21,794	10.48	22,286	10.71	22,778	10.95	23,270	11.19	23,762	11.42	24,254	11.66	24,746	11.90	25,238	12.13
3	22,942	11.03	23,457	11.28	23,972	11.53	24,487	11.77	25,002	12.02	25,517	12.27	26,032	12.52	26,547	12.76
4	24,263	11.66	24,820	11.93	25,377	12.20	25,934	12.47	26,491	12.74	27,048	13.00	27,605	13.27	28,162	13.54
5	25,417	12.22	25,995	12.50	26,573	12.78	27,151	13.05	27,729	13.33	28,307	13.61	28,885	13.89	29,463	14.16
6	26,557	12.77	27,157	13.06	27,757	13.34	28,357	13.63	28,957	13.92	29,557	14.21	30,157	14.50	30,757	14.79
7	27,711	13.32	28,332	13.62	28,953	13.92	29,574	14.22	30,195	14.52	30,816	14.82	31,437	15.11	32,058	15.41
8	29,040	13.96	29,704	14.28	30,368	14.60	31,032	14.92	31,696	15.24	32,360	15.56	33,024	15.88	33,688	16.20
9	30,172	14.51	30,857	14.84	31,542	15.16	32,227	15.49	32,912	15.82	33,597	16.15	34,282	16.48	34,967	16.81
10	31,334	15.06	32,041	15.40	32,748	15.74	33,455	16.08	34,162	16.42	34,869	16.76	35,576	17.10	36,283	17.44
11	32,663	15.70	33,413	16.06	34,163	16.42	34,913	16.79	35,663	17.15	36,413	17.51	37,163	17.87	37,913	18.23
12	33,795	16.25	34,566	16.62	35,337	16.99	36,108	17.36	36,879	17.73	37,650	18.10	38,421	18.47	39,192	18.84
13	35,125	16.89	35,939	17.28	36,753	17.67	37,567	18.06	38,381	18.45	39,195	18.84	40,009	19.24	40,823	19.63
14	36,286	17.45	37,122	17.85	37,958	18.25	38,794	18.65	39,630	19.05	40,466	19.45	41,302	19.86	42,138	20.26
15	37,418	17.99	38,275	18.40	39,132	18.81	39,989	19.23	40,846	19.64	41,703	20.05	42,560	20.46	43,417	20.87
16	38,572	18.54	39,450	18.97	40,328	19.39	41,206	19.81	42,084	20.23	42,962	20.65	43,840	21.08	44,718	21.50
17	39,733	19.10	40,633	19.54	41,533	19.97	42,433	20.40	43,333	20.83	44,233	21.27	45,133	21.70	46,033	22.13
18	41,041	19.73	41,984	20.18	42,927	20.64	43,870	21.09	44,813	21.54	45,756	22.00	46,699	22.45	47,642	22.90
19	42,195	20.29	43,159	20.75	44,123	21.21	45,087	21.68	46,051	22.14	47,015	22.60	47,979	23.07	48,943	23.53
20	43,503	20.91	44,510	21.40	45,517	21.88	46,524	22.37	47,531	22.85	48,538	23.34	49,545	23.82	50,552	24.30
21	44,656	21.47	45,684	21.96	46,712	22.46	47,740	22.95	48,768	23.45	49,796	23.94	50,824	24.43	51,852	24.93
22	45,836	22.04	46,889	22.54	47,942	23.05	48,995	23.56	50,048	24.06	51,101	24.57	52,154	25.07	53,207	25.58
23	47,039	22.61	48,120	23.13	49,201	23.65	50,282	24.17	51,363	24.69	52,444	25.21	53,525	25.73	54,606	26.25
24	48,240	23.19	49,349	23.73	50,458	24.26	51,567	24.79	52,676	25.33	53,785	25.86	54,894	26.39	56,003	26.92
25	49,451	23.77	50,589	24.32	51,727	24.87	52,865	25.42	54,003	25.96	55,141	26.51	56,279	27.06	57,417	27.60
26	50,652	24.35	51,818	24.91	52,984	25.47	54,150	26.03	55,316	26.59	56,482	27.15	57,648	27.72	58,814	28.28
27	51,860	24.93	53,055	25.51	54,250	26.08	55,445	26.66	56,639	27.23	57,834	27.80	59,029	28.38	60,224	28.95
28	53,063	25.51	54,286	26.10	55,509	26.69	56,732	27.28	57,955	27.86	59,178	28.45	60,401	29.04	61,624	29.63
29	54,274	26.09	55,526	26.70	56,778	27.30	58,030	27.90	59,282	28.50	60,534	29.10	61,786	29.70	63,038	30.31
30	55,467	26.67	56,746	27.28	58,025	27.90	59,304	28.51	60,583	29.13	61,862	29.74	63,141	30.36	64,420	30.97
31	56,678	27.25	57,986	27.88	59,294	28.51	60,602	29.14	61,910	29.76	63,218	30.39	64,526	31.02	65,834	31.65
32	57,880	27.83	59,216	28.47	60,552	29.11	61,888	29.75	63,224	30.40	64,560	31.04	65,896	31.68	67,232	32.32
33	59,090	28.41	60,455	29.06	61,820	29.72	63,185	30.38	64,550	31.03	65,915	31.69	67,280	32.35	68,645	33.00
34	60,291	28.99	61,684	29.66	63,077	30.33	64,470	31.00	65,863	31.66	67,256	32.33	68,649	33.00	70,042	33.67
35	61,494	29.56	62,915	30.25	64,336	30.93	65,757	31.61	67,178	32.30	68,599	32.98	70,020	33.66	71,441	34.35
36	62,695	30.14	64,144	30.84	65,593	31.54	67,042	32.23	68,491	32.93	69,940	33.63	71,389	34.32	72,838	35.02
37	63,897	30.72	65,374	31.43	66,851	32.14	68,328	32.85	69,805	33.56	71,282	34.27	72,759	34.98	74,236	35.69
38	65,106	31.30	66,612	32.03	68,118	32.75	69,624	33.47	71,130	34.20	72,636	34.92	74,142	35.65	75,648	36.37
39	66,301	31.88	67,834	32.61	69,367	33.35	70,900	34.09	72,433	34.82	73,966	35.56	75,499	36.30	77,032	37.03

GRADE	Step 17	Step 18	Step 19	Step 20				
1	24,072	11.57	24,522	11.79	24,972	12.01	25,422	12.22
2	25,730	12.37	26,222	12.61	26,714	12.84	27,206	13.08
3	27,062	13.01	27,577	13.26	28,092	13.51	28,607	13.75
4	28,719	13.81	29,276	14.08	29,833	14.34	30,390	14.61
5	30,041	14.44	30,619	14.72	31,197	15.00	31,775	15.28
6	31,357	15.08	31,957	15.36	32,557	15.65	33,157	15.94
7	32,679	15.71	33,300	16.01	33,921	16.31	34,542	16.61
8	34,352	16.52	35,016	16.83	35,680	17.15	36,344	17.47
9	35,652	17.14	36,337	17.47	37,022	17.80	37,707	18.13
10	36,990	17.78	37,697	18.12	38,404	18.46	39,111	18.80
11	38,663	18.59	39,413	18.95	40,163	19.31	40,913	19.67
12	39,963	19.21	40,734	19.58	41,505	19.95	42,276	20.33
13	41,637	20.02	42,451	20.41	43,265	20.80	44,079	21.19
14	42,974	20.66	43,810	21.06	44,646	21.46	45,482	21.87
15	44,274	21.29	45,131	21.70	45,988	22.11	46,845	22.52
16	45,596	21.92	46,474	22.34	47,352	22.77	48,230	23.19
17	46,933	22.56	47,833	23.00	48,733	23.43	49,633	23.86
18	48,585	23.36	49,528	23.81	50,471	24.26	51,414	24.72
19	49,907	23.99	50,871	24.46	51,835	24.92	52,799	25.38
20	51,559	24.79	52,566	25.27	53,573	25.76	54,580	26.24
21	52,880	25.42	53,908	25.92	54,936	26.41	55,964	26.91
22	54,260	26.09	55,313	26.59	56,366	27.10	57,419	27.61
23	55,687	26.77	56,768	27.29	57,849	27.81	58,930	28.33
24	57,112	27.46	58,221	27.99	59,330	28.52	60,439	29.06
25	58,555	28.15	59,693	28.70	60,831	29.25	61,969	29.79
26	59,980	28.84	61,146	29.40	62,312	29.96	63,478	30.52
27	61,419	29.53	62,613	30.10	63,808	30.68	64,996	31.25
28	62,847	30.21	64,070	30.80	65,293	31.39	66,516	31.98
29	64,290	30.91	65,542	31.51	66,794	32.11	68,046	32.71
30	65,699	31.59	66,978	32.20	68,257	32.82	69,536	33.43
31	67,142	32.28	68,450	32.91	69,758	33.54	71,066	34.17
32	68,568	32.97	69,904	33.61	71,240	34.25	72,576	34.89
33	70,010	33.66	71,375	34.31	72,740	34.97	74,105	35.63
34	71,435	34.34	72,828	35.01	74,221	35.68	75,614	36.35
35	72,862	35.03	74,283	35.71	75,704	36.40	77,125	37.08
36	74,287	35.71	75,736	36.41	77,185	37.11	78,634	37.80
37	75,713	36.40	77,190	37.11	78,667	37.82	80,144	38.53
38	77,154	37.09	78,660	37.82	80,166	38.54	81,672	39.27
39	78,565	37.77	80,098	38.51	81,631	39.25	83,164	39.98

RESOLUTION 2011 -

**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 #
<i>Recycling-Trans fr Garb 8/10</i>	790	2000 MACK RD688S GARBAGE TRUCK	1M2P296C8YM053009

- 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

Buildings & Property Committee Meeting
Monday, September 7, 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 August Meeting:** Motion made to approve minutes from August Meeting. Approved.

- B.) Building Maintenance –** Frank Barnett reported back to the committee that it would be cost prohibitive to have the police monitor the Nicholson Center building for fire as opposed to Hunter Security. He is waiting on a quote from Hunter security to submit a quote for the Boys & Girls Club.

- C.) Civic Center Report –** Margaret reported that the stairs at Bayfront have to be replaced. Frank said he had looked at them and there is no longer any support left and they need to be torn down and new stairs put in. He has a quote for \$2500 and recommends to move forward as it is a safety issue as well. **Motion made to take this request of \$2500 be allocated to replace the stairs at the Bayfront facility to the next Finance Committee.**

August numbers are attached. Margaret reported on the Taste of the Easter Shore event and its results. Expenses have not been deducted from this amount and it was noted by the Mayor that the City also contributes about \$8000 to this event to cover civic center costs.

The committee had as Margaret to look at other venues besides the Zydeco Festival and she mentioned of course the Jubilee Festival, a Bridal Show and a Christmas Show. She is waiting on 501c-3 information and guidelines.

The committee also asked her to look at the Nicholson Center for future use. It needs a tremendous amount of work to make improvements and to bring it under ADA and building code requirements.

John Lake discussed the idea that perhaps Huntingdon College may be interested in the Nicholson Center. The Mayor stated we need to get rid of the Nicholson Center as the city continues to pay the utility bills on the property. Richard Johnson suggested that perhaps Bayside may want the property for additional parking. You could take down the building as only the site has historical heritage not the building itself.

John Lake said he would contact Huntingdon College contact, Jennifer Ishler, to see if they would be interested in looking at the Nicholson Center.

Margaret reported on upcoming events such as Emeril Lagasse, Black & White Ballroom Dance, Baldwin Pops and the Forgotten Carols Musical.

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

E. Other Business – Richard Johnson commended the work done at the dog park saying the pavilion placed there looked really good and was already getting good use. Also, he reported that Daphne Utilities had completed the modular bathrooms installed at Bayfront.

Meeting Adjourned.

**CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING**

Time: 5:00 PM on August 15, 2011

Location: City Hall Council Chambers

CHAIRMAN - Councilman Bailey Yelding, District 1

Councilwoman Cathy Barnette, District 2

Councilman John Lake, District 3

I. CALL TO ORDER

The August meeting of the Public Works Committee was called to order at 5:08 PM

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Richard D. Johnson-Director Public Works, Sandra Cushway-PW Administrative Assistant, Jaye Robertson-HMR, Jay Dickson-Volkert, Steve Commander-Volkert, Randy Davis-Volkert, Dorothy Morrison-Daphne Beautification Committee

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – July 2011 reports reviewed
- B. **Vehicle/Equipment Maintenance Report** – July 2011 report reviewed. Councilwoman Barnette questioned why Police repairs were up so high. Richard Johnson to check with Mechanical Maintenance to determine why and report back to Councilwoman Barnette.
- C. **Public Participation** – Steve Commander, Randy Davis and Jay Dickson (Volkert) RE: Street Evaluation Presentation. Steve Commander reported that the streets were evaluated to prioritize and were mapped using GPS mapping system. A little background into report. Gulfport, MS was mapped. They had 500 miles of streets, resulting in 1700 inspection reports in three months. They then coordinated with the Staff and City Council. Each street requires a separate report. Streets are then classified. Anything below 70 (out of 100) is considered “poor” condition. Traffic levels are taken into consideration as well. Reports are broken down by districts. Randy Davis stated that their evaluation reports are used by ALDOT to rank county roads, only slightly modified but with a possible score of 100. Is considered a Federal report. All of the reports are subjective, but are done by experienced evaluators. Reports can be modified to suit the City’s needs. When a street is rated as “poor”, the report includes repair options and anticipated cost. Jay Dickson added that Randy’s field reports are entered into an access database with scores for each element. This generates road reports. It was set up this way to manage all the data. It includes GIS information based on pavement conditions. You can zoom in on streets. The report includes actual width measurements and all elements of the street and surface. It is a dependable and accurate method to determine which streets need repairs. Richard Johnson reported that he is familiar with this technology. City employees can be trained and can maintain database once it is established. Is a powerful tool. We need to keep this system in mind as we go forth. This type of system would also be useful to track drainage. Councilman Yelding thanked Steve, Randy and Jay for their presentation and advised them to keep in touch with Richard. Steve Commander said that he estimates that it would cost approximately \$20-40,000 to set up Daphne, depending on how much data the City wants.
- D. **Correspondence** – NONE

III. OLD BUSINESS

- A. **Minutes – July 26, 2011 Councilwoman Barnette made a motion to accept the minutes; motion seconded by Councilman Yelding.**
- B. **Mosquito Reports** – July 2011 – It was noted that they are still not spraying the south side of Park City. Richard Johnson will discuss with Supervisor to ensure that all areas are being treated.
- C. **Street Sweeper Reports** – July 2011 reports reviewed.
- D. **Environmental Advisory Committee** – Three (3) Members appointed. It was recommended that Richard Johnson and Ashley Campbell be considered members only in an advisory capacity. Councilwoman Barnette stated that the Environmental Committee is on the Council’s agenda for tonight’s meeting? Richard Johnson said that it is time to start discussing

objectives, goals, etc. for the committee.

- E. **Randall Avenue Sidewalks Request for Appropriations** – Received signed easement by residents. Total cost of sidewalk is estimated at \$60K. Also calculated the estimated cost of resurfacing road. Councilwoman Barnette stated that she would like to see where Randall Avenue stands on the list of roads to be repaired before making a commitment to resurface. Councilman Lake stated that we need to determine which roads are failing. Richard Johnson said that Randall Avenue is falling apart structurally. Richard made a request for appropriation. **Councilwoman Barnette made a motion to request appropriation of funds from the Finance Committee for \$60K for sidewalks on Randall Avenue. Motion was seconded by Councilman Lake. All in favor. Motion passed.**

IV. **NEW BUSINESS**

- A. **Hazard Mitigation Grant Program (HMGP) – Santa Rosa Drainage as possible candidate** – Richard stated that there is a push for a municipal emergency mitigation plan. The grant has a 75/25 match. Trying to get a meeting with school officials, but it is the first week of school so they are unavailable until things calm down.

V. **DIRECTOR’S REPORT**

- A. **FY2012 Proposed Public Works Budget – Handout Under Separate Cover.** A first draft of the budget was presented to the Mayor a month ago. Justifications and capital needs are included. We have the skills and ability to many jobs and would like to get appropriations for paving and concrete so we aren’t constantly asking for appropriations. Councilwoman Barnette stated that asking for appropriations is not necessarily a bad thing.

VI. **SOLID WASTE AUTHORITY**

- A. **Monthly Equipment Use Report**
B. **Monthly Recycle Tonnage Report** (Last Quarter Tonnage Comparison).
C. The two new Recycling trucks are operational. Richard Johnson expressed his appreciation for the council approving them.

VII. **MUSEUM COMMITTEE**

- A. Minutes – July 11, 2011. Minutes reviewed.

VIII. **BEAUTIFICATION COMMITTEE**

- A. Minutes – August 4, 2011
B. Top Ten List
C. Update – Dorothy Morrison reported that North Main Street is looking great. Love the new Recycling trucks. Working with David McKelroy and Dwayne on Joe Lewis Patrick Park. The gazebo at Centennial Park is being utilized by residents. Have noticed several parties being held there. Can’t plant anything at Park City Park right now. Need to gravel parking lot. Councilman John Lake expressed that he would like to see it paved. Councilwoman Barnette stated that gravel would work just fine. Richard Johnson stated that both parks are on our list for planting of Crepe Myrtles and other plants. Councilman Yelding stated that the step down at the gate is dangerous. David McKelroy and Richard will look at options.

IX. **ENGINEER REPORT**

- A. **NRCS Update** – None

V. **FUTURE BUSINESS**

- A. Next Meeting – September 19, 2011

XI. **ADJOURNMENT**

The meeting adjourned at 6:08 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:

**Daphne Public Library Board
July 7, 2011
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Chair Jan Blankenhorn, Board Member Jim Bodman.

- 1) **Call to Order:** Board did not reach a quorum so there was no official meeting.

**Daphne Public Library Board
August 4, 2011
Meeting Minutes**

The August Meeting was cancelled due to vacations.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ July 27, 2011 ♦ 5:00 p.m.

I. Call to Order

The regular July, 2011, Board meeting for the Utilities Board of the City of Daphne was held on July 27, 2011 and called to order by Chairman Robert Segalla, at 5:02 p.m.

II. Roll Call

Members Present: Robert Segalla, Chairman
Fenton E. Jenkins, Vice Chairman
Lon Johnston, Secretary/Treasurer

Others Absent: Ron Scott
Fred Small, Mayor

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Administrative Services Manager
Lori Scharles – Executive Assistant
Arlene Ethier – Operations Assistant
Melinda Immel – Volkert & Associates
Tim Patton – Volkert & Associates
Doug Bailey – HMR
Ray Moore - HMR

Others Absent:

III. Pledge of Allegiance

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

a. **Utilities Board Minutes from June 29, 2011:**

The Chairman inquired if there were any corrections noted for the submitted Minutes from the June 29, 2011, Utilities Board meeting.

MOTION BY Lon Johnston to approve the submitted Minutes for June 29, 2011; Seconded by Fenton Jenkins.

V. Old Business

a. Central Services Building – Update

Danny Lyndall updated the board that the building is under construction, the slab has been poured, the metal framing is up and the contractors are working on the generator/electrical pad layouts on the outside of the building. Doug Bailey stated that HMR is starting advertising for bids for road construction and expects to have the permit in three weeks. Mr. Segalla reminded Mr. Bailey that they need to remain within budget.

b. Spanish Fort Sewer Franchise issues

No updated information was reported.

c. Bay Front Park Bathrooms

Rob McElroy stated that the bathrooms have been ordered and will be delivered in four weeks.

d. 19 Acres - Daphne Utilities property

Mr. Segalla asked Mr. Speegle if the papers have been filed. Mr. Speegle replied that all papers have been filed and recorded.

e. Items in Abeyance

1. Gas Franchise Agreement – No current information was reported.

VI. New Business

a. Rob McElroy gave a public presentation on the Proposed Rate Increase, outlining the reasons for the rate increase, which include maintaining our bond covenants and infrastructure needs in order to meet State and Federal regulatory requirements. Mr. McElroy stated that we are limiting expenses but the rate increase is still necessary in order to maintain the water and sewer system. Mr. Segalla noted that the water and sewer operational issues that existed for 10 years in the past were pre-2004. He asked that we prepare a Rate Resolution to be voted on at the next meeting. Mr. Johnston stated that the rate increase is necessary and well within the range of other utilities' rates.

MOTION BY Lon Johnston to prepare a Rate Resolution. Seconded by Fenton Jenkins.

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

VII. BOARD ATTORNEY'S REPORT

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

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financials for the Board members. She stated that monies at Compass Bank have been segregated into a construction fund to drawdown the construction of the Central Services Building.

IX. GENERAL MANAGER'S REPORT

a. GM Report

Rob McElroy had nothing further to add. Mr. Segalla complimented the employees on 102,000 safe working hours. Rob McElroy noted that the Customer Service report shows that the installation of the AMR radio read system is 40% complete.

b. Operations Report

Danny Lyndall had nothing further to add the Operations Report.

Melinda Immel of Volkert & Associates had nothing further to add to her report.

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

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

MOTION BY Robert Segalla to adjourn the meeting. Seconded by Lon Johnston.
AYE: JOHNSTON, SEGALLA, JENKINS ABSENT: SCOTT, SMALL ABSTAIN: MOTION CARRIED

The meeting adjourned at 5:29 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2011- 65
2011-Z-INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R.64

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

WHEREAS, the City of Daphne acknowledges that INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R.64 will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R.64 and has determined that the bid as presented is reasonable; and

WHEREAS, the City did heretofore by Resolution 2010-51 approve an agreement with Alabama Department of Transportation (ALDOT) to reimburse the City 50% of project cost; and

WHEREAS, staff recommends the bid for INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R.64 be awarded to Asphalt Services, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid from Asphalt Services, Inc. in the amount of \$799,998.73 as specified in BID SPECIFICATION NO. 2011-Z-INTERSECTION IMPROVEMENTS AT U.S. 98 & C.R.64 with 50% of the contract cost to be reimbursed to the City from ALDOT.

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

RESOLUTION 2011 - 66

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 #
<i>Recycling-Trans fr Garb 8/10</i>	790	2000 MACK RD688S GARBAGE TRUCK	1M2P296C8YM053009

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

Resolution 2011- 67

The City of Daphne request to the Alabama Department of Environmental Management (ADEM) for re-classification from a Phase I MS4 to a Phase II MS4

WHEREAS, In regards to municipal storm water, the National Pollutant Discharge Elimination Systems (NPDES) program separates Municipal Separate Storm Sewer Systems (MS4s) into two categories for permitting:

1. Phase I MS4s includes “medium” MS4s (population of 100,000 or more but less than 250,000) and “large” MS4s (population of 250,000 or more).
2. Phase II MS4s include “small” MS4s located within an “urbanized area”. An urbanized area is defined as “A land area comprising one or more places, central places, and the adjacent densely settled surrounding area, urban fringe, that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

WHEREAS, In September of 2001 ,the City of Daphne along with the City of Mobile and ten other permittees were designated as a Phase I MS4 and issued an Individual permit number #ALS000002 by the ADEM.

WHEREAS, The City of Daphne after discussions with ADEM, and the re-evaluation of the criteria listed below within the City’s boundaries, requests that ADEM review the City’s designation and reconsider its status from a Phase I MS4 to a Phase II.

1. Stormwater Regulations;
2. Existing Permit;
3. Population;
4. Land Use;
5. Impaired Streams; and,
6. Connectivity of Storm Sewer System.

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

- 1) Authority is granted to the City’s Environmental Programs Manager to submit the official re-designation request to ADEM.
- 2) The City Council understands that no additional funds will be required outside the 2011 Building Departments budget.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2010.

Cathy Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

Resolution 2011- 68

Alabama Tourism Department Grant Application 2012

WHEREAS, the City of Daphne proposes in constructing directional signage off of Interstate 10 to attract tourist off of the interstate to benefit businesses in the City of Daphne; and

WHEREAS, the city intends to make application to the Alabama Department of Tourism for grant assistance to create directional signage; and

WHEREAS, said programs are limited to funding a maximum of one hundred percent (\$25,000) of the proposed project cost estimates at (\$25,000) which will be used to improve directional signage to foster and increase tourism in Daphne, Alabama.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne hold make application for the Alabama Department of Tourism Grant Application for 2012, 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

2012

ALABAMA TOURISM DEPARTMENT

Tourism Legislative Grant Guidelines

The 2012 Tourism Legislative Grants Program is designed to attract out-of-state tourists and generate revenues by promoting attendance at attractions and communitywide special events.

Since out-of-state visitors spent more money than local attendees, the highest priorities will be given to attractions and events that bring tourists from other states. Grants will be capped at \$25,000.

It is probable that more money will be requested than the amount appropriated by the Alabama Legislature. Every attempt will be made to disburse funds broadly and fairly across the state to non-profits and historical attractions. Sen. Arthur Orr and Rep. Jim Barton, who chair the General Fund, favor funding as many different applications as possible.

Should multiple applications from the same area be received, the highest priorities will be given to the project(s) with the potential of generating the highest returns to the state's economy. This guideline may be waived depending on the total number of applications received.

It should be noted that the amounts that applicants have received from the General Fund in the past will not be a factor in the amounts awarded in this process.

The Alabama Historical Commission and the Alabama Tourism Department operate similar General Fund grant programs funded by the Alabama Legislature. No applicant will receive grants from both agencies.

Please attach a letter of support from a Legislator from your district.

A budget for your project should also be submitted. The deadline for applications is September 1, 2011.

If your project is approved by Alabama Tourism, **you will be notified by the Legislator who wrote your support letter.** Funds will be dispersed on a quarterly basis, as funds are available from the State Finance Department.

PLEASE NOTE: A support letter from your Legislator must be submitted with this application. Any application without a support letter will not be considered.

Send questions to Leigh.Cross@tourism.alabama.gov

I. APPLYING FOR FUNDS

Requests for 2012 Tourism Legislative Grant funds must be made on an official form available from the Alabama Tourism Department. No organization, nor any of its subdivisions or affiliated groups, will be approved for more than one Legislative grant (as described in this package) from the Alabama Tourism Department. Each nonprofit organization will be required to submit its tax-exempt identification number or its tax exemption letter from the Internal Revenue Service.

II. DEADLINES

Please Note: Applications must be postmarked by **September 1, 2011**.

III. DISTRIBUTION OF FUNDS

The Tourism Department will release no grant funds until the applicant and the Tourism Department have received a fully executed agreement signed by the grantee, the Director of the Tourism Department, and the Governor of the State of Alabama. **Funds will be disbursed on a quarterly basis as funds are available from the State Finance Department.**

V. USE OF FUNDS

A. Attractions and Tourism Agencies --

- 1) Attractions and tourism agencies are eligible for funds for operations, marketing and program enhancements.

B. Festivals and/or Events --

- 1) Grant funds to be used for marketing community wide festivals and/or events. No monies shall be used for talent or salaries or any other overhead costs.

C. Local Governmental Organizations –

- 1) Funds may be used for attractions or events as outlined above, or facility enhancements that will attract tourists or events.

VI. SELECTION OF PROJECTS TO BE FUNDED

A. All applications will be reviewed by the Alabama Tourism Department and recommendations for funding will be based upon the project's impact on tourism in Alabama.

B. The Alabama Tourism Department will make recommendations for funding of applications to the Governor for final approval.

2012 TOURISM LEGISLATIVE GRANT APPLICATION

1. Name of Applicant Organization: _____

Federal Employer's Identification Number (FEIN): _____
(MANDATORY)

Address: _____

City: _____ State: _____ Zip: _____

2. Project Director _____

3. Work Telephone: _____ Home Telephone: _____

Fax: _____ e-mail Address: _____

4. Project Name: _____

5. Starting Date of Project: _____

6. Estimated Completion Date of Project: _____

7. Date of Festival or Event: _____

8. Attraction Name: _____

9. Source of Funds:

Total Project Budget \$ _____
(Please Attach Budget)

State Funds Requested \$ _____ **maximum of \$25,000**

Local Funds Provided \$ _____

Federal Funds \$ _____ Purpose _____

Other State Funds \$ _____ Purpose _____

Other Tourism Grants \$ _____ Purpose _____

10. Use of Funds (please check only one category):

_____ Operations – grant for a maximum of 20% of overhead for Alabama attractions and tourism organizations.

_____ Festivals – marketing only, for community wide festivals.

_____ Local Governmental Organizations – facility upgrade or marketing.

11. Please check one or all of the following as it pertains to your organization:

_____ Not-For-Profit as Registered with the Secretary of State of Alabama

Date of Incorporation _____ Charter # _____

_____ IRS Code 501(c), 3, 4, 5, 6, 7, 10 (Not-For-Profit)

Number _____

Date of IRS Tax-Exempt Determination Letter _____

12. Narrative description and justification of project:

13. Local Economic Impact. Complete the following as it pertains to your project, if available. **This information will help determine priority in funding.**

A. Advertising Reach and Exposure

Approximately how many people presently visit your area, festival or attraction? _____

Approximately how many visitors come to your area, festival, or attraction from outside Alabama? _____

From outside your immediate vicinity? _____

Approximately how many overnight visitors? _____

Approximately how many nights do they stay? _____

Approximately how many hotel/motel, RV, B&B nights will be generated by this event? _____

Will your promotion include group travel information? _____

Will your promotion include lodging and/or restaurant information?

B. Taxes, Jobs and Expenditures

Will this project create or sustain tourism-related jobs in your area?

Explain:

How will this project affect the local and/or state tax base?

C. Benefit to Community

1) What benefits will this project bring to your community?

2) Provide any additional comments that support the economic impact of this project.

Project Director's Signature _____

Title _____ Date _____

A support letter from your Legislator must be submitted with this application. Any application without a support letter will not be considered.

BY SEPTEMBER 1, 2011 MAIL TO:

Tourism Legislative Grant Program
Alabama Tourism Department
Post Office Box 4927
Montgomery, AL 36103-4927
Leigh.Cross@tourism.alabama.gov

INCOMPLETE APPLICATIONS WILL BE RETURNED

2012 Tourism Legislative Grant Program

Frequently Asked Questions

1. Can I mail my support letter from my Legislator separately?
Yes. As long as the support letter is received by September 1, 2011.
2. How will I know if my grant is approved?
The Alabama Tourism Department will notify your Legislator and provide the contents of a letter that your Legislator will mail to you. The Tourism Department will also send a news release, quoting your Legislator, of the grant approval.
3. Should I contact my Legislator?
The only reason you should contact your Legislator is to arrange for the support letter that accompanies your application.
4. How will I know if I am not approved?
If your application does not meet the qualification set in the guidelines, you will be notified by letter from the Tourism Department and a copy will be sent to your Legislator.
5. If I receive one of these Legislative Grants am I eligible for other Tourism Department grants?
Yes. Your organization will be able to apply for a Matching Grant for marketing purposes such as brochure printing, web site development or out of state advertising.
6. Can I receive all of my grant money in one payment?
No. Funds are available to the Tourism Department on a quarterly basis only and will be distributed as such.
7. What will determine how much grant money I may be awarded?
The total amount of requests for this grant program will be a factor. If the grant requests are more than the amount of funds available, then some projects will be prorated in order to fund as many requests as possible.
8. Will the grant program be repeated in 2013?
Not likely.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2011-64**

**AN ORDINANCE TO ANNEX THE RIGHT OF WAY OF ALABAMA STATE
HIGHWAY 181 FROM LAWSON ROAD SOUTH TO THE SOUTHERNMOST
CORPORATE LIMITS OF THE CITY OF DAPHNE**

WHEREAS, on the 25th day of May, 2011, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Vincent E. Calametti, P.E., an authorized agent of the State of Alabama Department of Transportation, and a map of said property showing its proximity to the corporate limits of the City of Daphne, Alabama, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and,

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of June 23, 2011, forwarded a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held on August 1, 2011, by the City Council of the City of Daphne concerning said letter for annexation; and,

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

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

SECTION I: ANNEXATION

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

Name: Right-of-Way of Alabama State Highway 181 from Lawson Road southward unto the southernmost City limits

Legal Description: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

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

SECTION II: PUBLICATION

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

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

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

"EXHIBIT A"

SR 181 ROW –LAWSON ROAD SOUTH TO SOUTHERN CITY LIMIT

LEGAL DESCRIPTION:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

ORDINANCE 2011- 65

Daphne Utilities Real Property Transfer: Johnson Road Lift Station / Art Guild – Survey & Plat Work

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 has previously approved a land swap between the City and the Daphne Utility Board in Resolution No. 2011-42 for the following properties: Johnson Road Lift Station for the Art Guild property behind City Hall; and

WHEREAS, the land transfer required official Survey and Plat work to be done at a cost of \$9,077.61; and

WHEREAS, the City and the Utility Board have agreed to split the cost for the Survey and Plat work.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an appropriation of \$4,538.81 from the General Fund for the Survey and Plat work for the land transfer is 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

ORDINANCE 2011-66

**Lodging Tax Appropriation
Bayfront Richard Scardamalia Pavilion Building Stair Replacement**

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, Lodging Tax funds may be used for the purchase, development, and maintenance of waterfront property; and

WHEREAS, it has been determined stair replacements are needed for safety purposes at the Bayfront Richard Scardamalia Pavilion Building; and

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 additional Lodging Tax appropriation in the amount of **\$2,500** for stair replacements at the Bayfront Richard Scardamalia Pavilion Building.

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- 67

An Ordinance Extending Fiscal Year 2011 Budget Authority

WHEREAS, Fiscal Year 2012 will begin October 1, 2011; and

WHEREAS, the Fiscal Year 2012 budget will not be approved and adopted by October 1, 2011 by the Daphne City Council; and

WHEREAS, it is necessary to extend the authority of the Fiscal Year 2011 budget in order to continue essential departmental operations pending the approval and adoption of the Fiscal Year 2012 budget.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that departmental operations shall continue under the authority of the Fiscal Year 2011 budget until such time as the Fiscal Year 2012 budget is adopted but not to extend past January 1, 2012.

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

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen
City Clerk, MMC