

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 21, 2011
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council meeting minutes / November 7, 2011
Special Called Council meeting minutes / November 14, 2011
Council Work Session minutes / November 14, 2011
Special Called Council meeting minutes / November 16, 2011

PUBLIC HEARING: Mercy Medical TEFRA (Tax Equity and Fiscal Responsibility Act) Hearing /
Resolution 2011-78

CHANGE JANUARY 2 & 16, 2012 COUNCIL MEETING DATE DUE TO HOLLIDAYS

VOTE ON DISTRICT #1 COUNCIL SEAT VACANCY

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

1.) Ordinances:

Community Contributions / MBNEP –FY12 / *Ordinance 2011-82*

2.) Resolutions:

Declare City Property Surplus / *Resolution 2011-79*

3.) Financial Reports:

- Treasurers Report / October 31, 2011
- Sales & Use Tax Collections / September 30, 2011
- Lodging Tax Collections / September 30, 2011
- Lodging Tax Fund Summary / September 2011

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY COMMITTEE – Boulware

Review minutes / November 9th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese

Review minutes / November 9th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Lake

Nomination: Environmental Advisory Board / John Peterson

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board –

D. Library Board – Lake

E. Planning Commission – Barnette

F. Recreation Board – Reese

G. Utility Board - Scott

Review minutes / June 29th

6. REPORTS OF OFFICERS:

A. Mayor’s Report

- a.) Alabama Tourism Grant
- b.) Authorize Mayor to send letter to Congressman Bonner / Regarding BP Oil Spill
- c.) Approve Parade Permit / Apollo’s Mystic Ladies / February 10, 2012 / Rain Date - February 16, 2012
- d.) Approve Parade Permit / Shadow Barons / February 18, 2012 / Rain Date - February 19, 2012
- e.) Approve parade Permit / Mystic Order of Persephone / February 17, 2012 / Rain Date - February 19, 2012
- f.) Approve Parade Permit / Loyal Order of the Fire Truck / February 19, 2012

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Mercy Medical TEFRA Bond Approval. /Resolution 2011-78
- b.) Declare Certain Property Surplus. /Resolution 2011-79

ORDINANCES:

2ND READ

- a.) Rescinding Hiring Freeze Enacted December 20, 2010. /Ordinance 2011-80
- b.) Adopting the Fiscal Year 2012 Budget. /Ordinance 2011-81

1ST READ

- c.) Community Contributions / MBNEP. /Ordinance 2011-82

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

**NOVEMBER 7, 2011
REGULAR 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 Scott.

COUNCIL MEMBERS PRESENT: Cathy Barnette; Kelly Reese; Ron Scott; Derek Boulware.

ABSENT: John Lake; August Palumbo.

Also present: Mayor Yelding; 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; Tonja Young, Library Director; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Christine Ciancetta, Deputy Finance Director; Suzanne Henson, Senior Accountant; Jane Ellis, Mayors Assistant; Ashley Campbell, Environmental Programs Manager; Officer Shawn Barnette, Police Department; John Williams, Civic Center; Scott Hutchinson, City Engineer; Al Guarisco, Village Point Foundation; Willie Robison, BZA.

Absent: Kim Briley, Finance Director; Richard Merchant, Building Official.

Council President Barnette stated that Mr. Lake was representing the city at the National League of Cities Conference, and Mr. Palumbo was out of town.

3. APPROVE MINUTES

MOTION BY Councilman Boulware to adopt the October 17, 2011 Special Called Council meeting minutes. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION/PROCLAMATION: America Recycles / November 15, 2011 / Daphne Recycles Program

Mr. Richard Johnson, Public Works Director, gave the presentation on the recycling program. Council President Barnette read and presented the proclamation to Mr. Johnson.

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PRESENTATION: Bookmark Contest Winners / Daphne Public Library

Ms. Tonja Young, Library Director, and Mayor Yelding presented the award to the third place winner in the teen division Sydney Omtvedt. Ms. Young said several of the winners could not be present due to school activities.

PRESENTATION: Baldwin County Training School Heritage Fest 91 Foundation / Gartrell Agee

The Foundation presented an Outstanding Student plaque to Mayor Yelding who was in the Class of 1957 in honor of being the first black mayor of Daphne.

PUBLIC HEARING:

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

Mrs. Adrienne Jones gave the presentation.

Council President Barnette opened the Public Hearing at 6:49 p.m.

No one spoke for or against the proposed annexation.

Council President Barnette closed the Public Hearing at 6:50 p.m.

VOTE ON ORDINANCE 2011-79 / ANNEXATION: AUDUBON HOLDING, LLC

**MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2011-79.
Seconded by Councilman Reese.**

ROLL CALL VOTE

Reese Aye
Scott Aye
Boulware Aye
Barnette Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-79. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2011-79. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

HEARING: Right-of-Way Ordinance Violation Ordinance 2004-23 / Richard Johnson, Public Works Director

Mr. Johnson gave the presentation of the violation which was putting lamp post in the city's right-of-way. Mr. Johnson presented a slide show with drawings and plans of the site.

Mr. Patel presented his case saying he was not aware of the violation.

MOTION BY Councilman Scott to uphold the Public Works Director's interpretation of the ordinance, and go forward with whatever legal process that the city will have to do. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

SET DATE: Closing date for accepting resumes for the District #1 Council Seat vacancy

MOTION BY Councilman Scott to set the closing date of Friday, November 11, 2011 for accepting resumes for the District #1 Council Seat vacancy . *Seconded by Councilman Boulware.*

Council discussed that that date was a holiday for the city.

Councilman Scott amended the date to November 14, 2011 at 12:00 noon for the closing date to accept resumes for the District #1 Council Seat vacancy. Councilman Boulware accepted the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

NOVEMBER 7, 2011
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1705 MAIN STREET
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6:30 P.M.

4

SET DATE: Interviews for the District #1 Council Seat Vacancy

MOTION BY Councilman Scott to set a Special Called Council meeting for Wednesday, November 16, 2011 6:30 p.m. for interviewing applicants for the District #1 Council Seat Vacancy. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

No report.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The minutes for the October 3rd meeting are in the packet. No report.

C. PUBLIC SAFETY COMMITTEE – Boulware

The minutes for the October 12th meeting are in the packet. No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Boulware

No report. Councilman Scott stated that they have certain procedures that they have not codified, such as they require an audited financial statement for the community contributions, and he does not think that they have put that in resolution or motion form, but they also require a resume for the committee members, and he would like to see that cleaned up in case they ever get challenged over it at least they will have something to hang their hat on. He said that the City Clerk could take care of getting this done.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Lake

Nomination: Environmental Advisory Board: Fred Nation

Nomination: Environmental Advisory Board: Carl A. Pinyerd, III

MOTION BY Councilman Boulware to appoint Fred Nation and Carl A. Pinyerd to the Environmental Advisory Board. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Yelding asked Councilman Boulware to submit a resume for Mr. Fred Nation for the Environmental Advisory Board.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The minutes for the October 6th meeting are in the packet. The next meeting is December 1st at 6:00 p.m.

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B. Downtown Redevelopment Authority – Barnette

The Authority met 2 weeks ago for a visioning meeting of Olde Towne Daphne at Vino e Bira. The minute for the last meeting will be in the next packet.

C. Industrial Development Board –

The council will wait until the December 5th council meeting to select a liaison to the board.

D. Library Board – Lake

No report.

E. Planning Commission – Adrienne Jones

The minutes for the September 22nd meeting are in the packet.

MOTION BY Councilman Scott to set a Public Hearing date for December 19, 2011 to consider:

Annexation: Well Road Right-of-Way

Location: Approximately 1,324 linear feet of an unimproved portion of the right-of-way of Well Road and the northeast portion of the Gipson Tract

Recommendation: Unanimous Favorable

Seconded by Councilman Reese.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Site Preview meeting is Wednesday at 10:00 a.m. This will be the time for the Site Preview meeting from now on.

F. Recreation Board - Reese

No report.

G. Utility Board – Scott

The minutes for the August 31st, September 21st and September 28th meetings are in the packet.

MOTION: Appoint Mayor Yelding to the Utility Board for the remainder of the previous Mayor's term

MOTION BY Councilman Scott to appoint Mayor Yelding to the Utility Board for the remainder of the previous Mayor's term. Seconded by Councilman Boulware.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

- 1.) **MOTION:** Authorize the Mayor to enter into a cooperative maintenance agreement with the Alabama Department of Transportation for maintenance of the Right-of-Way of State Route 181

MOTION BY Councilman Scott to authorize the Mayor to enter into a cooperative maintenance agreement with the Alabama Department of Transportation for maintenance of the Right-of-way of State Route 181. *Seconded by Councilman Boulware*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Yelding invited everyone to the Veteran's Day Program at City Hall on Friday at 10:00 a.m.

B. City Attorney Report

Mr. Ross stated that the lawsuit that they discussed a week or two ago Mrs. Barnette has asked that it be carried over to an Executive Session next Monday night so, hopefully, all councilmembers can be there, This is the Scott Curtis litigation. It has been reset for trial, and as a practical matter next week after Executive Session to approve or not approve as the case may be. The trial is set for the first week in December. There are two (2) other matters that will require Executive Session as well, and if it pleases the council at the next meeting to call a special meeting primarily in case they vote on the litigation matters that has to be in public forum.

MOTION BY Councilman Scott to call a Special Called Council meeting on November 14, 2011 6:30 p.m. before the regularly scheduled Work Session to discuss pending litigation. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. Department Head Comments

David Carpenter – Police Chief – reported that they are actively working Highway 181 for accidents and traffic.

Margaret Thigpen – Civic Center Director – reported that the Black & White Ball event was sold out. She said that there are several events coming up, and citizens can check the Civic Center website to see upcoming events.

David McKelroy – Recreation Director – reported that there will be a Rec Board meeting Wednesday. The Christmas Parade will be December 2nd. The Trojans will be playing in Prattville this week, and basketball season starts tonight.

James White – Fire Chief – reported that they are ready to expand the office space and living quarters at Fire Station #4.

Richard Johnson – Public Works Director – reported the change in garbage and recycle pickup due to the Veteran’s Day holiday Friday. He said they have lot of names on the list for the Environmental Advisory Board, and they will meet Monday, November 28th at city hall.

Adrienne Jones – Planning Director – reported that the Planning Commission will meet next Thursday, November 17th at 5:00 p.m.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Business owner in the City of Daphne – spoke regarding recycling.

Mr. Willie Robison – 560 Stuart Street – spoke regarding Veterans Day.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

2ND READ

- a.) **Rezone: Hearthstone Multi-Asset Entity / Lot 1, Dunmore Subdv.
Phase Two, Part C. /Ordinance 2011-70**
- b.) **Rezone: Hearthstone Multi-Asset Entity / Lot 2, Dunmore Subdv.
Phase Two, Part C. /Ordinance 2011-71**
- c.) **Rezone: Hearthstone Multi-Asset Entity / Lot 3, Dunmore Subdv.
Phase Two, Part C. /Ordinance 2011-72**
- d.) **Revision to Zoning Map. Ordinance 2011-73**
- e.) **Appropriation of Funds: Feasibility Study: Transfer Station –
Garbage. /Ordinance 2011-75**
- f.) **Appropriation of Funds: Justice Center Roof Repairs. /Ordinance 2011-76**
- g.) **Appropriation of Funds: PW Crew Cab Trucks. /Ordinance 2011-77**
- h.) **Appropriation of Funds: Fuel Management System. /Ordinance 2011-78**

1ST READ

- i.) Annexation: Audubon Park Apartments, Phase One. /Ordinance 2011-79
- j.) Rescinding Hiring Freeze Enacted December 20, 2010. /Ordinance 2011-80
- k.) Adopting the Fiscal Year 2012 Budget. /Ordinance 2011-81

MOTION BY Councilman Scott to waive the reading of Ordinances 2011-70, 2011-71 and 2011-72. *Seconded by Councilman Boulware*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinances 2011-70, 2011-71 and 2011-72. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-73. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt ordinance 2011-73. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinances 2011-75, 2011-76, 2011-77 and 2011-78. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt of Ordinances 2011-75, 2011-76, 2011-77 and 2011-78. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2011-79 WAS VOTED ON EARLIER IN THE MEETING.

ORDINANCES 2011-80, 2011-81 WERE MADE 1ST READ.

**NOVEMBER 7, 2011
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

8. COUNCIL COMMENTS

Mayor Yelding thanked the staff saying they are great, and he has had two (2) staff meetings, and they were joyful. He said that they are all special, and he will continue to work hard.

Council President Barnette reminded council that the Jubilee Breeze is wrapping up for the January through June issue, and encouraged them to get items to Mrs. Ellis by next week.

Councilman Scott reminded everyone that the Mama Mia Cook Off is Saturday.

9. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 7:35 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

**NOVEMBER 14, 2011
SPECIAL CALLED CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 A.M.**

1. CALL TO ORDER

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

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

ABSENT: John Lake.

Also present: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Adrienne Jones, Planning Director; David McKelroy, Recreation Director; Margaret Thigpen, Civic Center Director; James White, Fire Chief; Christine Ciancetta, Deputy Finance Director; Chip Martin, Fire Marshall; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager; Lt. Judd Beedy, Police Department; Officer Todd Gresham, Police Department; Erick Bussey, Attorney; Andy Rutens, Attorney representing the city.

MOTION BY Councilman Boulware to enter into Executive Session to discuss pending litigation. Seconded by Councilman Reese.

The City Attorney certified that the reason stated was in compliance with the Open Meetings Act. The Executive Session should last for 30 minutes.

ROLL CALL VOTE

Reese	Aye	Palumbo	Aye
Scott	Aye	Barnette	Aye
Boulware	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 6:36 p.m.

Council returned from Executive Session at 7:33 p.m.

MOTION BY Councilman Scott to authorize the mayor and council to approve a settlement with Scott Curtis, Earth, Inc. for not more than \$500,000 that also includes a tax credit for receiving of a parcel, as well as, a dedication of Talent Lane. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**NOVEMBER 14, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

2. ADJOURN

There being no further business to discuss the meeting adjourned at 7:35 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

NOVEMBER 14, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
8:12 P.M. (AFTER THE SPECIAL CALLED COUNCIL MEETING)

1

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

ABSENT: John Lake.

Also present: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Adrienne Jones, Planning Director; David McKelroy, Recreation Director; Margaret Thigpen, Civic Center Director; James White, Fire Chief; Christine Ciancetta, Deputy Finance Director; Chip Martin, Fire Marshall; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager; Lt. Judd Beedy, Police Department; Officer Todd Gresham, Police Department; Erick Bussey, Attorney.

Council President Barnette called the meeting to order at 8:12 p.m.

1.) HUNTINGDON COLLEGE / CANDI LAKE:

Mrs. Lake gave an update on the progress of the college. She reinforced Huntingdon College's support for the City of Daphne. She reported that several from the Daphne area have graduated from the college. She feels the college fills a need in the community in that some people would not be able to attend college during the day, and Huntingdon offers night classes which makes it possible.

2. PFIL HUNT / GARDNYER MICHAEL CAPITAL:

Mr. Hunt spoke representing the Renaissance Center's Cooperative and Improvement Districts in presenting information regarding assessments on the property within the center. They are requesting new assessments which will cover the next 30 years, and therefore, they will not have to continually come before council for approval. They have petitioned the land owners, and received approval for the assessments.

Council requested the City Attorney to research to see if they need a resolution or ordinance to approve the assessments.

3. EMPLOYEE RESTRUCTURING:

Council President Barnette stated that they needed to develop a plan to get employee cost down.

Mrs. Hinman stated that she talked with department heads, and they do not see where they could cut any positions. She prepared organizational charts for the mayor.

Several department heads have restructured their department. The Civic Center eliminated a couple of positions and combined them into one position, Court and the Library have also done some restructuring.

Council would like the department heads to do an organizational chart that is their wish list of how they would like their department structured as if they were starting with a clean slate. Maybe they

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would like to eliminate one position that is not really needed and request two positions that are needed etc., and when the position becomes vacant then they could eliminate the one position and implement the new positions.

Council President Barnette stated that the control of employee cost can come through attrition, and they are not looking to lay employees off.

4. EMERGENCY OPERATIONS PLAN / CHIP MARTIN:

Mr. Martin gave a presentation of the plan. This is the plan that council authorized to be paid for with BP funds. They held a table top exercise using the plan, and went back and did some tweaking, and council has the finished product before them. The plan is for all hazards. They can go back and make changes when needed, but this is a good foundation. Mr. Martin stated that Mr. Johnson has a supplement to the plan where he outlines a step by step, hour by hour implementation of the plan.

Council President Barnette wanted to wait for a while before it goes on the agenda for adoption to give council more time to read the plan.

5. CAPITAL ROAD PROJECTS FY 2012-2015 PRIORITY LIST / RICHARD JOHNSON:

Mr. Johnson handed council a packet of information regarding paving the roads in Daphne. He reprioritized the former list, and explained his reasoning behind the decision. The top three (3) on the list are Whispering Pines & US Hwy 98 intersection: turn lanes and signalization; Main Street resurfacing from College Avenue to Bay Front Drive; and Well Road Extension from Public Works Road to County Road 13. He asked council for guidance on how to proceed.

Council does not want to stop the momentum in Lake Forest. They need to keep something going there at all times.

Mayor Yelding suggested that a re-evaluation of Mr. Eady's list of worst to least be done.

Councilman Scott recommended that Mr. Johnson present the three (3) projects to the Finance Committee, and they will make a recommendation and send to council.

NOTE: Council took a five (5) minute break.

6. FY2012 BUDGET:

Councilman Boulware stated this goes back earlier to the discussion about the capital budget, the elusive, and rarely identified capital budget, they have never nailed down a place, date and a time that they passed one. They seem to trickle in through the year. He was not at the Finance meeting this afternoon, but on the agenda was the letting of bids on several items that are in the capital budget. This is his thought, and apparently council got away from discussing the capital budget along with the operating budget. He would like to see council go ahead and identify time and place to discuss and pass the capital budget for the next year like they do the operating budget. They have the day of October 1 that they have extended now, but he thinks from a financial planning standpoint it would be smarter than what they are doing right now. He thinks what they are doing is

8:12 P.M. (AFTER THE SPECIAL CALLED COUNCIL MEETING)

kind of getting to it when they feel like it attitude. Their feet are under the fire, so to speak, when dealing with operating it is what keeps the lights on and employees paid. He thinks they need to take capital budgeting as seriously as they take the operating budget side. They are looking at millions upon millions of dollars just in road work identified and not identified on top of five vehicles for the Police Department every year, they have untold amount of vehicle and equipment purchases coming out of Public Works so he thinks it is a good time to talk about this since they are discussing big ticket items like road improvements. Once they get past the 2012 operating budget he thinks it is important going forward that they identify a time that they are going to pass the capital budget, and they know what they are going to do with it.

The deficit in the budget is \$354,130 for 2012. Council discussed how to make that up.

The plan right now is to take the money from the reserves, and have a mid-year review.

Mrs. Adrienne Jones wanted council to be aware that her department had already been restructured, and one position had been eliminated and the duties of that position have been given to another position, and she will be requesting an increase of pay for that position through the process with Human Resources. She wanted council to know this before adopting the budget so it would not be sprung on them afterwards.

7. COUNCIL OFFICERS

Councilman Scott suggested that they needed to amend the way that they elect the officers based upon what they have done in the past, and what the Ethics Commission said, and according to Roberts Rules of Order that if you have seven people you are going to have to get four (4) votes, and so if you have two (2) people nominated that means that it cannot get four. He said what they need to do is pass an ordinance that changes that to say that it would take a simple majority of the people voting.

Council asked the City Attorney to research a procedure for electing officers.

Council President Barnette stated that she sent the questions submitted by council to the candidates for District #1 council seat so they will be seeing some answers come back, but she does not know how quickly they will be returned. She also commented on articles for the Jubilee Breeze. She said that each council member has the opportunity to submit an article for their district, but the rule is that they all have to submit an article it cannot be just one, if only one article is submitted then that article is generalized for the whole city, and put in the magazine.

Council said they can put the City Clerk to work on submitting an article for each issue on the accomplishments for the council since the last magazine.

NOVEMBER 14, 2011
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
8:12 P.M. (AFTER THE SPECIAL CALLED COUNCIL MEETING)

4

3. ADJOURN

There being no further business to discuss the meeting adjourned at 9:56 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Cathy S. Barnette,
Council President

**NOVEMBER 16, 2011
SPECIAL CALLED CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 A.M.**

1. CALL TO ORDER

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

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

Also present: Mayor Yelding; David Cohen, City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Captain Scott Taylor, Police Department; Richard Johnson, Public Works Director; Greg White, Public Works; Willie Robison, BZA.

3 VOTES PER COUNCIL MEMBER

NAME	VOTES	TOTAL
Andre McConico	Reese, Palumbo, Barnette	3
James Weekley		0
Mrs. Tommie Conaway	Reese, Scott, Palumbo, Barnette	4
Willie Williams	Lake	1
Leon Allen	Lake, Scott, Boulware	3
Billy Mayhand	Scott, Boulware	2
Ms. Lynn Mitchell	Lake, Reese, Boulware, Palumbo, Barnette	5

**TOP VOTES: Conaway, Mitchell
TIE Breaker for 3rd Place: McConico, Allen**

TIE BREAKER FOR 3RD PLACE

NAME	VOTES	TOTAL
Andre McConico	Reese, Palumbo, Barnette	3
Leon Allen	Lake, Scott, Boulware	3

TIE: McConico, Allen

**NOVEMBER 16, 2011
 SPECIAL CALLED CITY COUNCIL MEETING
 1705 MAIN STREET
 DAPHNE, AL
 6:30 P.M.**

2 VOTES PER COUNCIL MEMBER

**VOTE FOR:
 McConico, Conaway, Allen, Mitchell**

NAME	VOTES	TOTAL
Andre McConico	Reese, Scott	2
Mrs. Tommie Conway	Boulware, Palumbo, Barnette	3
Leon Allen	Lake, Scott, Boulware	3
Ms. Lynn Mitchell	Lake, Reese, Palumbo, Barnette	4

**TOP VOTE: Mitchell
 TIE: Conaway, Allen**

TIE BREAKER FOR 2ND PLACE

NAME	VOTES	TOTAL
Mrs. Tommie Conaway	Reese, Palumbo, Barnette	3
Leon Allen	Lake, Scott, Boulware	3

TIE: Conaway, Allen

**NOVEMBER 16, 2011
 SPECIAL CALLED CITY COUNCIL MEETING
 1705 MAIN STREET
 DAPHNE, AL
 6:30 P.M.**

1 VOTE PER COUNCIL MEMBER

**VOTE FOR:
 Conaway, Allen, Mitchell**

NAME	VOTES	TOTAL
Mrs. Tommie Conaway		0
Leon Allen	Lake, Scott, Boulware	3
Ms. Lynn Mitchell	Reese, Palumbo, Barnette	3

TIE: Allen, Mitchell

**TIE BREAKER
 Allen, Mitchell**

NAME	VOTES	TOTAL
Leon Allen	Lake, Scott, Boulware	3
Ms. Lynn Mitchell	Reese, Palumbo, Barnette	3

TIE: Allen, Mitchell

Council agreed to adjourn and vote again at the November 21, 2011 council meeting.

**NOVEMBER 16, 2011
SPECIAL CALLED CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

4

MOTION BY Councilman Lake to adjourn. Seconded by Councilman Reese.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 9:33 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

PUBLIC HEARING

NOVEMBER 21, 2011

- 1.) Mercy Medical TEFRA (Tax Equity and Fiscal Responsibility Act) Hearing



PHONE (212) 820-9300
FAX (212) 514-8425

ONE CHASE MANHATTAN PLAZA
NEW YORK, NY 10005
WWW.HAWKINS.COM

NEW YORK
WASHINGTON
NEWARK
HARTFORD
LOS ANGELES
SACRAMENTO
SAN FRANCISCO

Writer's direct contact:
Phone: 973-642-8682
Fax: 973-642-6773
E-mail: kflynn@hawkins.com

November 16, 2011

Richard C. Lacey, Esq.
309 Creek Drive
Fairhope, Alabama 36532

Re: The Special Care Facilities Financing Authority of the City of Daphne-Villa Mercy Revenue Bonds, Series 1997 and Series 2000 (Mercy Medical Project)

Dear Richard:

As you know, our firm serves as Bond Counsel to Catholic Health East ("CHE") and its affiliates, including Mercy Medical, A Corporation ("Mercy Medical"), which is based in Daphne, Alabama. The Special Care Facilities Financing Authority of the City of Daphne-Villa Mercy (the "Authority") has issued its Revenue Bonds, Series 1997 (Mercy Medical Project) and its Revenue Bonds, Series 2000 (the "Bonds"), the proceeds of which were utilized, in part, by Mercy Medical to finance and refinance capital improvements at its skilled nursing and assisted living facilities known as Mercy Rehabilitation Hospital and Skilled Nursing Facility located at 101 Villa Drive, Daphne, Alabama, Baldwin County Home Care and Hospice, located at 101 Villa Drive, Daphne, Alabama, Carroll Place, an Assisted Living Community, located at 50 Spring Run Road, Fairhope, Alabama, Catherine Place, an Assisted Living Community, located at 27440 County Road 13, Daphne, Alabama, The Hamlet, an Independent Living Community, located at 214 Windsor Drive North, Fairhope, Alabama, The John McClure Snook Rehabilitation Center, a Memory Care Community, located at 27296 County Road 13, Daphne, Alabama (hereinafter, collectively, the "Facilities"). CHE and Mercy Medical intend to sell the Facilities to one or more a third parties pursuant to one or more purchase and sale agreements.

The Bonds are a direct obligation of Mercy Medical, an affiliate of CHE and a member of the CHE obligated credit group pursuant to a Master Trust Indenture (the "CHE Master Indenture") by and among CHE, Mercy Medical and certain other CHE system affiliates identified therein. The Bonds are variable rate demand bonds, currently outstanding in a weekly interest rate mode and secured by separate direct pay letters of credit issued by Bank of America, N.A. and Wells Fargo Bank, National Association, respectively. The obligation of CHE and Mercy Medical to Bank of America, N.A. and Wells Fargo Bank, N.A. with respect to the letters of credit securing the Bonds is secured by notes of the CHE obligated credit group, currently consisting of approximately 67 CHE affiliates, issued under the CHE Master Indenture, and as such is a joint and several obligation of each member of the CHE obligated credit group to pay to Bank of America, N.A. and Wells Fargo Bank, N.A. all obligations due and owing to it with respect to the Bonds. The Bonds are not secured by a mortgage on the Facilities or any other real property of CHE or Mercy Medical.

Following the sale of the Facilities, the letters of credit securing the Bonds will remain in effect for their terms, Mercy Medical will remain directly obligated with respect to the repayment of the Bonds, and CHE and the CHE obligated credit group will remain indirectly obligated with respect to the payment of the Bonds by virtue of the Master Indenture Note of the CHE obligated credit group that secures the payment obligations to Bank of America, N.A. and Wells Fargo Bank, National Association, as providers of the letters of credit securing the Bonds.

CHE and Mercy Medical would like to keep the Bonds outstanding following the sale of the Facilities and to apply the proceeds of the sales to alternate qualified capital projects as permitted by federal tax law. This will enable CHE and its affiliates, including Mercy Medical, to continue to benefit from the low-cost financing provided by the Bonds. Pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), the sale of the Facilities by Mercy Medical will constitute a "change-in-use" of a portion of the assets financed with the proceeds of the Bonds. Under the Code's change-in-use rules, in order to maintain the tax-exempt status of the Bonds, the portion of the Bonds allocable to the Facilities must be "remediated" in connection with the sale of the Facilities so that the Bonds will be allocated to capital expenditures that are qualified for tax-exempt financing.

CHE and Mercy Medical have requested that the Authority and the City of Daphne assist in implementing a remedial action under the Code known as an "alternate qualified use of proceeds". Under the Code's alternate qualified use of proceeds remedial action, the Bonds can remain outstanding, and maintain their tax-exempt status, if the proceeds of the sale of the Facilities are applied, within two years of the Facility sale date, to other capital expenditures that are qualified for tax-exempt financing. Under the Code, such Facility sale proceeds are treated as if they were proceeds of a new bond issue. As such, the Code requires, before the sale of the Facilities occurs, that a TEFRA hearing be held on behalf of the Authority, and a TEFRA approval be obtained from the City of Daphne, as would be required for a new bond issue.

The Code permits the new qualified capital expenditures to be made by CHE and/or Mercy Medical at any of their facilities, without regard to state boundaries, subject to receipt of the requisite TEFRA approvals. CHE and Mercy Medical intend that the proceeds of the sale of the Facilities will be utilized to finance needed capital improvements by one or more CHE affiliates and members of the CHE obligated credit group as described in the TEFRA Notice published by the Authority at the request of Mercy Medical. The City of Daphne in 2010 granted a TEFRA approval to allow the proceeds of the sale of certain other facilities of Mercy Medical to be applied to alternate qualified uses by CHE and Mercy Medical, including the application of a portion of those proceeds to certain capital expenditures at CHE's affiliate, St. Mary Medical Center, in Langhorne, Pennsylvania. Mercy Medical and CHE are requesting that the City of Daphne grant the same type of TEFRA approval now as was granted in 2010 in connection with the application of the proceeds of the sale of the additional Facilities.

In accordance with its strategic business plan and in keeping with its mission, Mercy Medical intends to sell the Facilities in one or more transactions. The first sale is anticipated to occur in December 2011 and the additional sales are anticipated to occur in the first quarter of 2012. Following the sale of the Facilities Mercy Medical will continue to operate in Baldwin, Mobile and Jefferson Counties, Alabama as a provider of home health and hospice services and will own and operate PACE centers to provide services to the poor and underserved residents in its services areas. In addition, Mercy Medical will continue to own and operate its independent living community, Portier Place, in Mobile, Alabama.

CHE and Mercy Medical are again seeking the assistance of the Authority and the City of Daphne, in order to achieve flexibility to spend the proceeds of the sale of the Facilities at Mercy Medical's facilities in Alabama and/or at the facilities of one or more CHE affiliates and to preserve and maintain the efficient and low-cost financing provided by the Bonds. For that reason, CHE and Mercy Medical are requesting that the City of Daphne grant TEFRA approval as required by the Code as to the re-allocation of the sale proceeds of the Facilities to qualified capital expenditures at the facilities of one or more CHE affiliates. In accordance with the provisions



of the federal tax code, further TEFRA hearings may be held and TEFRA approvals obtained from other jurisdictions within and outside of Alabama, as needed, to provide the full flexibility to Mercy Medical and CHE in expending the proceeds of the sale of the Facilities.

Our firm, as Bond Counsel to CHE and Mercy Medical, will render an opinion of Bond Counsel to be addressed to the Authority to the effect that the application of the proceeds of the sale of the Facilities will not, in and of itself, adversely affect the tax-exempt status of the Bonds.

Please do not hesitate to contact me if you have any questions about the Bonds or the projects to be financed with the re-application and re-allocation of the proceeds of the sale of the Facilities. Please also feel free to share this letter with anyone at the City of Daphne as may be necessary. Thank you in advance for your assistance.

Very truly yours,

/s/ Kristine Flynn

Kristine Flynn

cc: Steven Donovan
Jake Bell
Randy Schultz

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on behalf of The Special Care Facilities Financing Authority of the City of Daphne–Villa Mercy (the “Authority”), by the City Council of the City of Daphne, Alabama, at its regularly scheduled City Council meeting on November 21, 2011 at 6:30 p.m. at the City Council Chambers, 1705 Main Street, Daphne, Alabama, for the purposes of receiving comments and hearing discussion concerning the application of up to \$32,000,000 of proceeds (the “Sale Proceeds”) of the sale of certain facilities originally financed with the proceeds of tax-exempt bonds previously issued by the Authority, being the Authority’s Revenue Bonds (Mercy Medical Project), Series 1997 and Series 2000 (collectively, the “Bonds”), whereby the Bonds shall be re-applied and re-allocated as permitted by the change-in-use rules under the Internal Revenue Code of 1986, as amended, to provide for a plan of financing, refinancing and reimbursing certain affiliates of Mercy Medical, A Corporation, being Catholic Health East (“CHE”) of Newtown Square, Pennsylvania, St. Mary Medical Center (“St. Mary”) of Langhorne, Pennsylvania, Holy Cross Hospital (“Holy Cross”) of Fort Lauderdale, Florida, Mercy Health System of Southeastern Pennsylvania (“Mercy SEPA”) of Conshohocken, Pennsylvania, Mercy Fitzgerald Hospital (“Fitzgerald”) of Darby, Pennsylvania, Mercy Philadelphia Hospital (“Mercy Philadelphia”) of Philadelphia, Pennsylvania, Mercy Suburban Hospital (“Suburban”) of East Norriton, Pennsylvania, and Nazareth Hospital (“Nazareth”) of Philadelphia, Pennsylvania as follows:

(1) Sale Proceeds in an amount up to \$17,000,000 may be re-allocated and applied to pay all or a portion of the costs of the following projects at St. Mary: (a) construction, renovations, expansion, equipping and furnishing of the emergency department including the addition of 29 new bays; (b) renovations, expansion, equipping, and furnishing of the inpatient facilities by creating a new 20-bed inpatient unit and the renovation of the existing ICU to a 13-bed telemetry unit; (c) construction, renovations, expansion, equipping and furnishing of the surgical facilities by creating four additional surgery operating rooms and a specialized services area within the main operating room; (d) renovations and expansion of the labor and delivery department; and (e) miscellaneous construction, renovations, improvements and equipment acquisitions.

(2) Sale Proceeds in an amount up to \$21,000,000 may be re-allocated and applied to pay all or a portion of the costs of the following projects at Holy Cross: (a) various infrastructure renovations and improvements, including, but not limited to, floor renovations; (b) construction of a hybrid OR Lab; and (c) , miscellaneous construction, renovations, improvements and equipment acquisitions, including, but not limited to, nuclear medicine and ultrasound equipment acquisitions and installations and acquisition and installation of generators at the Holy Cross HealthPlex facility.

(3) Sale Proceeds in an amount up to \$16,000,000 may be re-allocated and applied to pay all or a portion of the costs of the following projects at Mercy SEPA, Fitzgerald, Mercy Philadelphia, Suburban and Nazareth: (a) acquisition, implementation, and installation of electronic medical records systems, including software, hardware, and related facility renovations; and (b) miscellaneous construction, renovations, improvements and equipment acquisitions, including, but not limited to, infrastructure renovations, upgrades and improvements.

(4) Sale Proceeds in an amount up to \$28,000,000 may be re-allocated and applied to pay all or a portion of the costs of acquisition, implementation, and installation of electronic medical records systems, including software, hardware, and related facility renovations at CHE.

The Projects to be financed and refinanced through the re-allocation of the Bonds are or will be owned and/or operated by CHE or its affiliates identified above and are or will be located at the following addresses: (a) the St. Mary main campus at 1201 Langhorne-Newtown Road, Langhorne, Pennsylvania 19047; (b) the Holy Cross main campus at 4725 North Federal Highway, Fort Lauderdale, Florida 33308 and the Holy Cross HealthPlex facility at 1000 NE 56th Street, Fort Lauderdale, Florida 33334; (c) the CHE offices at 3805 West Chester Pike, Suite 100, Newtown Square, Pennsylvania 19073; (d) the Mercy SEPA offices at One West Elm Street, Conshohocken, Pennsylvania 19428; (e) the Fitzgerald main campus at 1500 Lansdowne Avenue, Darby, Pennsylvania 19023; (f) the Mercy Philadelphia main campus at 501 South 54th Street, Philadelphia, Pennsylvania 19143; (g) the Suburban main campus at 2701 DeKalb Pike, East Norriton, Pennsylvania 19401; and (h) the Nazareth main campus at 2601 Holme Avenue, Philadelphia, Pennsylvania 19152.

A public hearing will be held pursuant to the requirements of the Code, at the above-referenced time and place in connection with the proposed re-allocation and re-application of the Bonds, at which time there will be an opportunity for persons to express their views on the foregoing. All interested taxpayers, property owners and citizens of Daphne, Alabama are invited to attend this public hearing and, either personally or through their representative, will be given an opportunity to express their views concerning the proposed projects and the re-allocation of the Bonds. Anyone desiring to make written comments may file them with the City Council of the City of Daphne. Comments made at the hearing are for the consideration of the City Council of the City of Daphne and will not bind the City Council of the City of Daphne as to any action it may take.

SHOULD ANY PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL OF THE CITY OF DAPHNE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

This notice is published pursuant to the requirements of Section 147(f) of the Code.

The Special Care Facilities
Financing Authority of the
City of Daphne–Villa Mercy

RESOLUTION NO. 2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, GRANTING TEFRA BOND APPROVAL PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

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

WHEREAS, the Authority has heretofore issued its Revenue Bonds (Mercy Medical Project), Series 1997 and Series 2000 (collectively, the “Bonds”) for the benefit of Mercy Medical, A Corporation, a nonprofit corporation organized under the laws of the State of Alabama (the “Corporation”) which owns and operates assisted living facilities, independent living facilities and skilled nursing facilities in Daphne and Fairhope, Alabama; and

WHEREAS, a portion of the proceeds of the Bonds were used by the Corporation to finance and refinancing capital expenditures at certain skilled nursing and assisted living facilities of the Corporation known as Mercy Rehabilitation Hospital and Skilled Nursing Facility in Daphne, Alabama, Baldwin County Home Care & Hospice in Daphne, Alabama, Carroll Place, as Assisted Living Community in Fairhope, Alabama, Catherine Place, as Assisted Living Community in Daphne, Alabama, The Hamlet, an Independent Living Community in Fairhope, Alabama and The John McClure Snook Regional Center, a Memory Care Community in Daphne, Alabama (collectively, the “Facilities”); and

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

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

WHEREAS, pursuant to Section 147(f) of the Code a public hearing has been held on the date hereof on behalf of the Authority (the “TEFRA Hearing”) relating to the application of the sale proceeds of the Facility in an amount not exceeding \$32,000,000 to the alternate qualified uses as more particularly described in the notice of the TEFRA Hearing (the “TEFRA Notice”) attached hereto as Exhibit A; and

WHEREAS, prior to the TEFRA Hearing, the TEFRA Notice was published in *The Daphne Bulletin* on November 8, 2011 and in the *Press-Register* (Mobile County) on November 7, 2011, as required by Section 147(f) of the Code; and

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

WHEREAS, the Corporation has requested that the City Council of the City of Daphne grant approval of the application of the sale proceeds of the Facilities as described in the TEFRA Notice, all as required by Section 147(f) of the Code.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne, Alabama that, in accordance with the requirements of Section 147(f) of the Code, the application and re-allocation of up to \$32,000,000 of proceeds of the sale of the Facilities to the projects described in the TEFRA Notice attached hereto and incorporated herein by reference, in accordance with, and as permitted by, the alternate qualified use provisions of the Code, is hereby approved.

This Resolution shall take effect immediately.

ADOPTED AND APPROVED this _____ day of _____, 2011.

Cathy S. Barnette,
Council President

Bailey Yelding, Jr.,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

**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

FINANCE COMMITTEE MEETING – SPECIAL MEETING
DAPHNE CITY HALL EXECUTIVE ROOM
NOVEMBER 21, 2011 @ 4:00 P.M.
(November 14th meeting did not have a quorum)

I. ROLL CALL

II. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resource Department Activity

IV. CURRENT BUSINESS

A. FINANCIAL REPORTS

1. Treasurers Report: October 31, 2011 *(Motion) (handout)*
2. Review Sales Tax Collection Graphs, September, 2011
3. Lodging Tax Collections, September, 2011
4. Report: New Business Licenses – October, 2011
5. Review Bills Paid Report – October 2011– *Separate Packet*

B. Appropriation Request: *(Ordinance)*

1. General Fund
 - MBNEP-Annual Contribution-FY12 - \$10,000.....

C. Public Works – Request to go out for bid.....

- 2012 8-10 Yard Dump Truck – Street Department
- 2012 Mauldin Vibratory Roller compactor – Street Department
- 2012 4 Ton Asphalt Hotbox Reheater/Reclaimer – Street Department
- 2012 HD Service Truck with Crane – Mechanical Department
- US 98 & Whispering Pines Road Intersection - Turn Lanes/Signalization –
(Engineering & Design Fees already approved).....

D. Declare City Property Surplus: *(Resolution)*

VI. OLD BUSINESS

- A. Mayday Park Landscaping Update – Plants are being ordered for project.
- B. Cell Phone Plan – Cost for Boosters in City Hall-pending / SAPA Contract

VII. ADJOURN

Fred Small
Mayor

Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

The Jubilee City
THE JUBILEE CITY

November 10, 2011

HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE

Revenue Accounting Tech	Open
School Crossing Guard	Open
Public Service Worker (3)	Open

Safety Committee Meeting on October 27, 2011: Discussed personal injuries and property damages for the month. Annual maintenance of fire alarms was performed. Fire Marshal, Chip Martin, reminded us space heaters must be plugged in directly to the wall and without an extension cord. It was reported employees in Public Works will have standardized uniforms to wear at work by year end.

Next meeting will be Wednesday, November 30, 2011 at 10:00 a.m.

Human Resources Department Projects:

- Posting Transitional Duty Policy – November 7 thru November 18
- Directors/Supervisors Performance Review Training – January
- Reviewing Short Term Disability Insurance costs

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3075 ³⁴Fax: (251) 621-4506

TREASURER'S REPORT

As of October 31, 2011

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$7,365,013.32
OPERATING ACCT	COMPASS	(\$290,478.42)
PAYROLL ACCT	COMPASS	\$0.00
		<hr/>
		\$7,074,534.90
INVESTMENT FUND	RAYMOND JAMES	\$5,057,500.36
	(investment \$4,828,875.15)	
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$349,897.36
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	\$2,669.44
4 CENT GAS TAX	RBC BANK	\$360,745.80
7 CENT GAS TAX	RBC BANK	\$315,290.51
		<hr/>
		\$678,705.75
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	\$2,159,502.00
2006 CONSTRUCTION	WACHOVIA	\$584,471.98
		<hr/>
		\$2,743,973.98
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	\$1,557,434.49
2006 DEBT SERVICE	RBC BANK	\$1,358,851.62
		<hr/>
		\$2,916,286.11
		<hr/>
		<u>\$18,820,898.46</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

FY 2011 BUDGET/ACTUAL COMPARISONS

	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	November	800,512.03	755,468	45,044.03	45,044.03	5.96%		
October	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	819,834.09	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	761,955.91	819,834.09	819,834.09	819,834.09	752,814	67,020.09	112,064.12	8.90%		
December	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,121,383.45	1,121,383.45	991,992	129,391.45	241,455.57	13.04%		
January	697,063.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	817,230.14	817,230.14	714,825	102,405.14	343,860.71	14.33%		
February	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	840,768.01	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	976,181.39	976,181.39	905,661	70,520.39	530,611.11	7.79%		
April	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	916,536.59	916,536.59	799,876	116,660.59	647,271.70	14.66%		
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	889,945.33	889,945.33	851,910	38,035.33	685,307.03	4.46%		
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	946,355.76	946,355.76	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	901,772.80	901,772.80	829,125	72,647.80	827,682.59	8.76%		
August	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	888,624.95	888,624.95	888,624.95	781,228	107,396.95	935,089.54	13.75%		
September	830,260.80	996,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	863,510.67	863,510.67	863,510.67	830,946	32,564.67	967,654.21	3.92%		
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	10,782,655.21	10,782,655.21	10,782,655.21	9,815,001	967,654.21	967,654.21	8.31%		

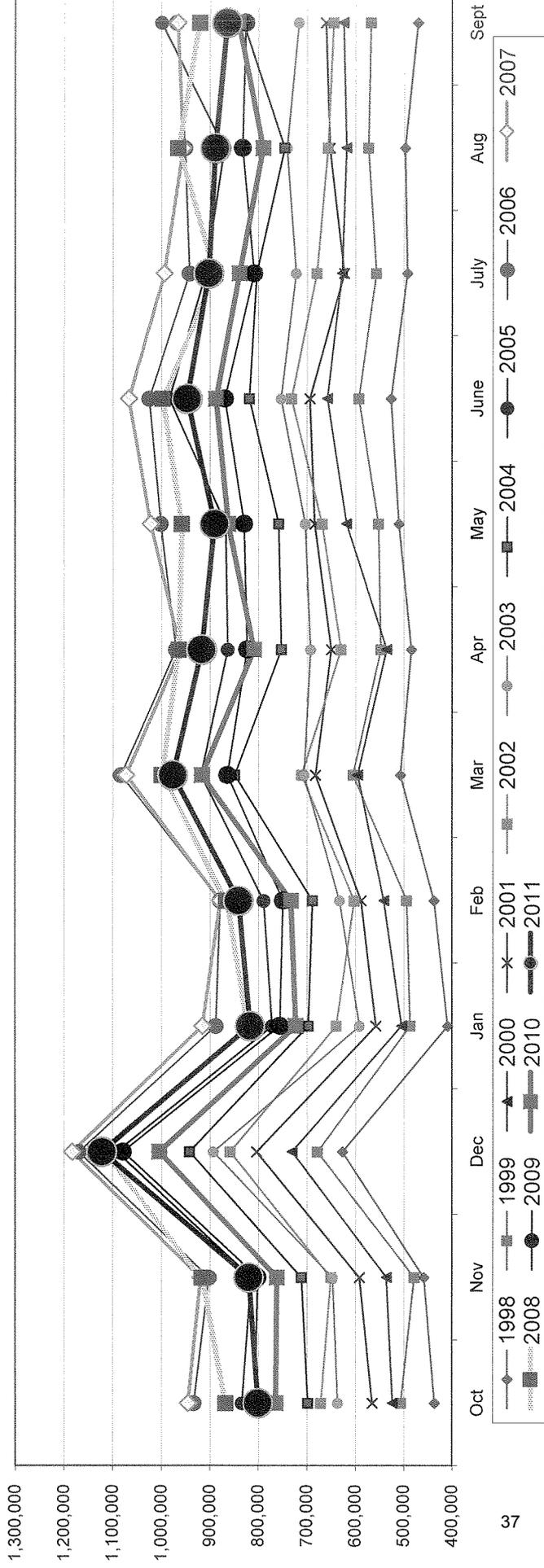
FISCAL YEAR COMPARISONS

	FISCAL YEAR COMPARISONS													
	\$ Change	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2004-2005		2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
October	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	October	19.47%	11.87%	1.29%	-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	November	14.61%	10.66%	1.92%	-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	December	15.93%	7.09%	1.21%	-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	January	10.72%	14.98%	3.09%	-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	February	14.58%	11.32%	-0.02%	-13.52%	-2.04%	14.65%
March	59,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	53,121.77	59,523.84	March	8.21%	17.86%	-0.81%	-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	April	14.77%	12.24%	-0.89%	-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	May	14.50%	15.33%	2.11%	-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	June	20.12%	4.19%	4.13%	-12.93%	2.18%	6.66%
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(60,576.41)	31,078.40	62,580.47	July	13.14%	3.61%	5.50%	-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)	97,911.15	August	16.70%	9.28%	0.41%	-13.75%	-4.96%	12.38%
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	-	September	20.26%	-3.09%	-0.26%	-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)	826,001.33	Annual % Change	15.27%	9.29%	1.44%	-10.99%	-1.05%	8.31%

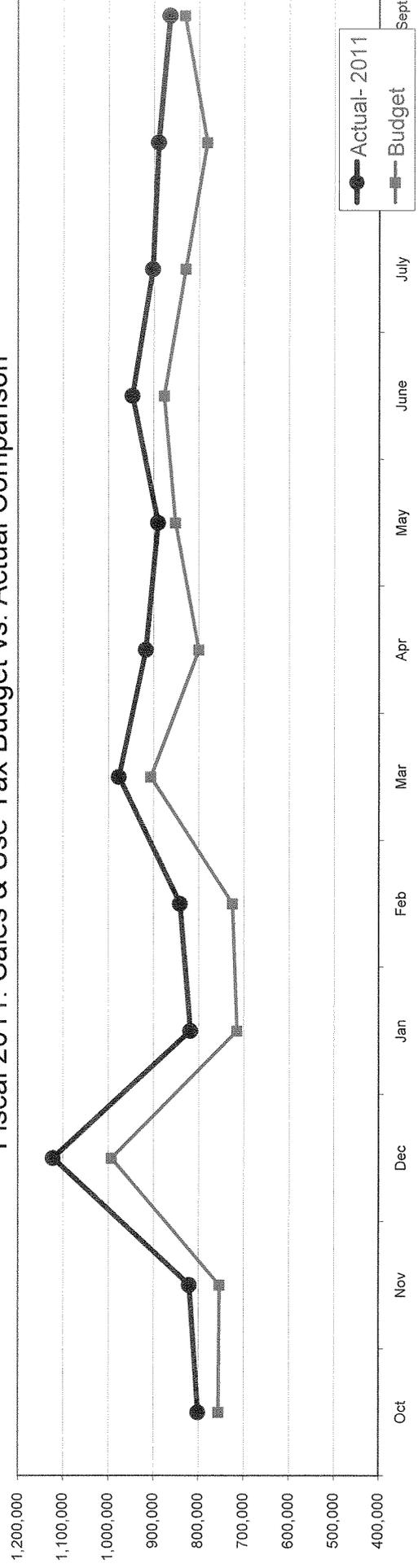
TOTAL collections: FY 10	9,934,179
TOTAL est. bdgt coli: FY 11	9,815,001
Budgeted Dollar Variance 10/11	(119,178)
Budgeted Percent Variance 10/11	-1.20%

TOTAL collections: 9-30-11	10,782,655
Budgeted: 10-1-10 to 9-30-11	9,815,001
Actual Colli(<)Budget, 9-30-11	967,654
% Over/(Under) Budget, 9-30-11	9.86%

Sales & Use Tax Comparisons



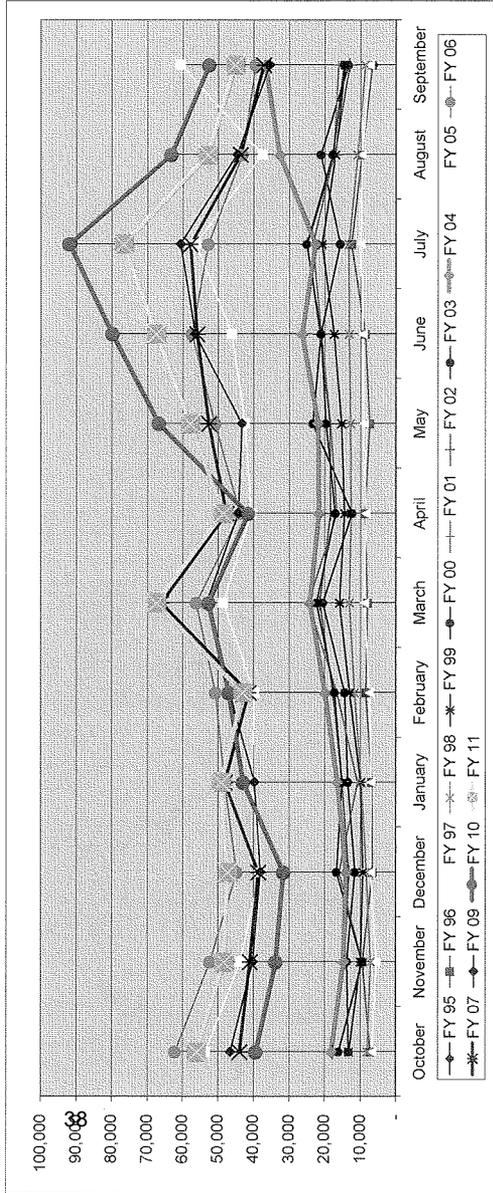
Fiscal 2011: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
October	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	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	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	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	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	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	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	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	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	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	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	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33
September	6,371.27	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	36,847.13	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75
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	659,604.93

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



FY 2011 Budget	545,000
% Budget Collected, 9/30/2011	121%

NEW BUSINESSES

September-11

CITY LIMITS		CONTRACTORS	
RETAILERS		MANU FORTI CONSTRUCTION INC.	1
		CARLTON SULLIVAN	1
		BARNHILL METALS	1
		DELTA MASONRY	1
		WOODWORKS FURNITURE SERVICE & REPAIR	1
		FOSTERS ELECTRICAL SERVICE	1
ALL OTHER	0	SOUTHERN LANDSCAPE RENOVATIONS	1
CECE & AMY HAIR SALON	1	PURIFIED AIR SERVICES	1
MOTHERHOOD CONCIERGE	1		
CHRIST THE KING CHURCH	1		
FAMILY FIRST	1		
THE MURRAY FIRM, LLC	1		
TOTAL CITY LIMITS	5	TOTAL CONTRACTORS	8
OUTSIDE CITY LIMITS		TOTAL NEW BUSINESSES IN DAPHNE	22
MCCOY FIRE & SAFETY	1		
JACK & JILLS CONSIGNMENT	1		
PELICAN PETE PARTY RENTALS	1		
SECURITY 101	1		
ATLANTA FIXTURE	1		
THE WATTSTOPPER	1		
MW CONCEPTS	1		
BAMBOO PINK	1	CLOSED BUSINESSES IN DAPHNE	0
CORPORATE SAFE SPECIALISTS	1	CHEER FORCE ONE	1
TOTAL OUTSIDE CITY LIMITS	9	TOTAL CLOSED BUSINESSES IN DAPHNE	1

ORDINANCE 2011-

Mobile Bay National Estuary Program

WHEREAS, the Fiscal Year 2012 Budget is being considered by the City Council;
and

WHEREAS, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, the Fiscal Year 2012 budget does not include an appropriation to the Mobile Bay National Estuary Program (MBNEP); and

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

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget in the amount of \$10,000 for a contribution to the MBNEP. Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

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

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk MMC



MOBILE BAY NATIONAL ESTUARY PROGRAM

November 16, 2011

Barry Yelding, Jr., Mayor
City of Daphne
1705 Main Street
PO Box 400
Daphne, AL 36526

Dear Mayor Yelding:

The Mobile Bay National Estuary Program (MBNEP), established under the United States Clean Water Act to preserve the environmental, cultural, and economic integrity of Alabama's estuarine and coastal resources, respectfully requests consideration of an increase in the level funding provided to \$10,000 for fiscal year 2011-2012, to meet its non-federal match obligation under its U.S. Environmental Protection Agency (USEPA) grant.

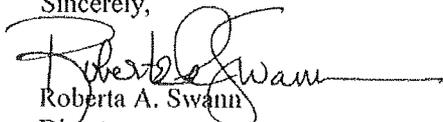
The request to increase funding to \$10,000 is to support expanded activities that the program is undertaking related to stormwater education and watershed management with a particular focus on the D'Olive watershed. The City has supported the Mobile Bay National Estuary Program since 1998 with contributions averaging \$3,000 annually. MBNEP has leveraged this support many times over for the City, most recently in regards to the completion of the D'Olive Watershed Management Plan, removal of invasive species at Village Point Park, and our current contract with the City to support the development of low impact development/green infrastructure regulations and incentives program.

As you are aware, the D'Olive Watershed Management Plan was finished at the cost of \$125,000.00. In addition, Thompson Engineering donated an additional \$115,745.78 of in-kind services for a total project cost of \$240,745.78. The City of Daphne donated \$5,000, thus leveraging \$235,745.78 for the plan that directly impacts the City of Daphne by identifying action steps to address erosion, sedimentation and flooding problems within the watershed. Implementation of this plan is proceeding with the restoration of Joe's Branch. Although this project is located within Spanish Fort city limits, the sediment that it contributes to Daphne waterways is significant and through this project will be abated.

With a full understanding of the budgetary demands and other constraints facing local governments, I request your positive consideration of this increase. With your help and support, tremendous progress is being made to support the community of Daphne while addressing the Comprehensive Conservation and Management Plan (CCMP).

MBNEP applauds your investment to ensure the estuary's sustainability and thank you wholeheartedly for your continued support of our program.

Sincerely,


Roberta A. Swann
Director

cc: Council President Cathy Barnette

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES

July 11, 2011
4:00 P.M.

11-09-11
Ms. Brenda Hawthorn @ MBNEP
called to request \$10,000
contribution was considered
in FY12 Budget

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:04 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Senior Accountant Suzanne Henson and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Public Works Director Richard Johnson, Recreation Director David McKelroy, Revenue Officer Heather Gwynn, Police Captain Danny Bell, Public Works Superintendent Melvin McCarley, Building Maintenance Supervisor Frank Barnett, Civic Center Director Margaret Thigpen, Environmental Programs Manager Ashley Campbell, Fire Battalion Chief Joey Holasz and Mayor's Assistant Jane Ellis. City Clerk David Cohen came in at 4:57 pm.

II. PUBLIC PARTICIPATION

A. Ben Meisler, Head of Tourism & Phil Casa, Chairman of the Board, Eastern Shore Chamber of Commerce

1. ES Chamber - \$6,000

Mr. Ben Meisler discussed the activities of the Eastern Shore Chamber of Commerce. He noted that they averaged 31,435 visitors per week on their website, and recorded 19,152 visitors in the Daphne and Fairhope offices last year. Mr. Meisler also stated that they are working on a separate travel-related website for our area, that over 627,000 people visited this area last year, spending over \$300 million. He asked that the City contribute \$6,000 to help with the cost of overhead to run the Chamber of Commerce.

2. Blueprint for Tomorrow - \$35,000

Mr. Phil Casa discussed the goals and business plan for the new program, Blueprint for a Better Tomorrow, that they will be promoting for 2010 – 2015. He noted this is a continuation of the Blueprint for Tomorrow program they had from 2004 – 2009. They would like an annual commitment from the City of \$35,000 and noted they were just asking for the appropriation one year at a time.

B. Roberta Swan, Mobile Bay National Estuary Program - City's Continued Support

Ms. Roberta Swan presented information on the Mobile Bay National Estuary Program and discussed the Daphne specific activities they have supported such as the Village Point Park Invasive Species Removal and the D'Olive Watershed Management Plan and Implementation. She noted that annually through last year they have received \$800,000 federal funding, but this year funding has been reduced to \$598,000. She stated that they are charged with matching their federal funding with local dollars. She is asking the City to contribute \$10,000 a year for the next three years. Mr. Scott asked about the possibility of the MBNEP receiving BP money. Ms. Swan noted she is not aware of monies available to MBNEP at this time but would certainly check into it. Ms. Swan continued to discuss that there would be strict guidelines that would have to be met to receive these funds.

C. Kevin Spriggs, Daphne Businessman

Mr. Kevin Spriggs noted that he owns four businesses in Daphne, and he thinks funding for the Eastern Shore Chamber by the City is irresponsible. He stated that the member businesses should be taking care of the ESC; a City's job is to take care of the roads, police and fire protection, garbage collection, etc. He noted that with the



MOBILE BAY NATIONAL ESTUARY PROGRAM

July 7, 2011

Ms. Suzanne Henson
City of Daphne
1705 Main Street
PO Box 400
Daphne, AL 36526

Dear Ms. Henson:

I am writing to request permission to address the City of Daphne Finance Committee at its July meeting to discuss continued investment in the activities of the Mobile Bay National Estuary Program (MBNEP). Specifically, I would like to give a 10 minute presentation about the program, past Daphne investments and benefits, future plans and how MBNEP can leverage Daphne investment in protecting and preserving the Mobile Bay estuary.

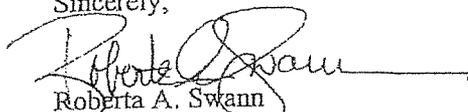
The MBNEP, established under the United States Clean Water Act to restore and maintain the chemical and biological integrity of the Mobile Bay estuary so that it can support the protection and propagation of fish, shellfish, wildlife and recreation in and on the water, has appreciated the steadfast support of the City of Daphne. During the last three years (2009-2011), the City provided a total of \$14,000 to the program- \$9,000 to support the MBNEP's annual non-federal share obligation and \$5,000 in support of the D'Olive Watershed Management Plan. These investments have enabled the MBNEP undertake activities including but not limited to remediation of invasive species in Yancey Branch at Village Point, the creation of the D'Olive Watershed Management Plan, and regional stormwater education, all benefitting the citizens of Daphne.

Currently, MBNEP is working with Baldwin County, Spanish Fort, Daphne, ALDOT, and Westminster Village to undertake a comprehensive Joe's Branch Watershed Restoration, a project that will greatly improve environmental conditions, including water quality, in the City of Daphne. Due to the multi-jurisdictional nature of this project, MBNEP has agreed to apply for grant funding on behalf of the partners to move this project forward. This is one example of how the MBNEP can provide an increased return on investment and participate as an active facilitator of environmental restoration.

With a full understanding of the time constraints and budgetary demands facing local governments, I ask your positive consideration of this request to show the Finance Committee the value of investing in the MBNEP for improved water quality and environmental management.

I can be reached at 251-431-6409 or at rswann@mobilebaynep.com if you require additional information.

Sincerely,


Roberta A. Swann
Director

✓

ORDINANCE 2011-31

Mobile Bay National Estuary Program

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

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

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

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

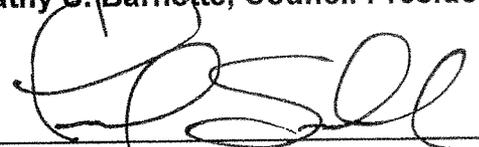
WHEREAS, the City Council has determined it to be in the best interest of the City to make a \$ 3,000 contribution to the MBNEP.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 3,000 for a contribution to the MBNEP. Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

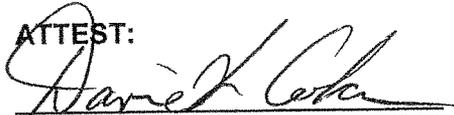
APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 2nd day of May, 2011.



Cathy S. Barnette, Council President



Fred Small, Mayor

ATTEST:


David L. Cohen, City Clerk, MMC

FY11
- \$3,000

I. CALL TO ORDER

II. PUBLIC PARTICIPATION & CORRESPONDENCE

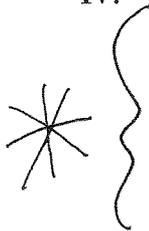
- A. Work Request Report – September
- B. Vehicle/Equipment Maintenance Reports – September 2011
- C. Public Participation – None
- D. Correspondence – None

III. OLD BUSINESS

- A. Minutes – September 19, 2011
- B. Mosquito Reports – September 2011
- C. Street Sweeper Reports – September 2011
- D.

IV. NEW BUSINESS

- A. Authorization to solicit bids for Capital Equipment
 - i. 2012 8-10 yard capacity Medium-Duty Dump Truck – Streets Department
 - ii. 2012 Mauldin Vibratory Roller Compactor (Tow Behind) – Streets Department
 - iii. New 4-ton Asphalt Hotbox Reheater/Reclaimer – Streets Department
 - iv. 2012 Ford F-450/550 HD Service Truck with Crane – Mechanical Maintenance
- B.



V. DIRECTOR'S REPORT

- A. City-Wide Capital Road Projects FY2012-2015 – Priority List
- B.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Equipment Use Report
- B. Monthly Recycle Tonnage Report (Last Quarter Tonnage Comparison)

VII. MUSEUM COMMITTEE

- A. Minutes – September 12, 2011

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – October 7, 2011
- B. Top Ten List – September 2011
- C. Update

IX. ENGINEER REPORT

- A. NRCS – Update

V. FUTURE BUSINESS

- A. Next Meeting – November 21, 2011

XI. ADJOURNMENT

City of Daphne – Public Works Committee

Meeting Date: October 17, 2011

Notice of Action Taken

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
IV.A.	<p>Authorization to solicit bids for Capital Equipment</p> <ul style="list-style-type: none"> i. 2012 8-10 yard capacity Medium-duty Dump Truck – Streets Department ii. 2012 Mauldin Vibratory Roller Compactor (Tow Behind) – Streets Department iii. New 4-ton Asphalt Hotbox Reheater/Reclaimer – Streets Department iv. 2012 Ford F-450/550 HD Service Truck with Crane – Mechanical Dept. 	<p>Motion Passed – Approved Public Works and Finance Staff to solicit bids for the listed capital equipment and recommend to Finance <u>Committee the required Appropriation post receipt of bids</u></p>	Finance Department	Finance Staff PW Mechanical Supervisor PW Administrative	PW Mechanical/Admin will provide "bid ready" specifications to Finance Department to be solicited for bids. Once bids are received they will be forwarded to Finance Committee for acceptance and appropriation from capital funds
V.A.	<p>City-Wide Capital Road Projects FY2012-2015 – Priority List</p>	<p>Motion passed to place on November City Council Work Session</p>	City Clerk	City Clerk and Council President	Clerk with approval of Council President will place on November 14 th Work Session – PW Director will prepare presentation and handouts Current members will be contacted and an organizational meeting to be scheduled – Tent 4 Monday of the Month.
V.B. (Not on printed agenda)	<p>Environmental Advisory Committee – Request for approval to begin committee meetings</p>	<p>Committee Approved commencement of meetings</p>	Public Works	PW Director/ Administrative Assistant	

Richard D.

Johnson, PE

Digitally signed by Richard D. Johnson, PE
DN: cn=Richard D. Johnson, PE, c=US,
o=City of Daphne, ou=Public Works
Director, email=directorpw@bellsouth.net
Date: 2011.10.20 08:30:08 -0500

Richard D. Johnson, PE; Director

October 20, 2011

I. CALL TO ORDER

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report – September
- B. Vehicle/Equipment Maintenance Reports – September 2011
- C. Public Participation – None
- D. Correspondence – None

III. OLD BUSINESS

- A. Minutes – September 19, 2011
- B. Mosquito Reports – September 2011
- C. Street Sweeper Reports – September 2011
- D.

IV. NEW BUSINESS

- A. Authorization to solicit bids for Capital Equipment
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- B.

V. DIRECTOR'S REPORT

- A. City-Wide Capital Road Projects FY2012-2015 – Priority List
- B.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Equipment Use Report
- B. Monthly Recycle Tonnage Report (Last Quarter Tonnage Comparison)

VII. MUSEUM COMMITTEE

- A. Minutes – September 12, 2011

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- A. Minutes – October 7, 2011
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- A. NRCS – Update

V. FUTURE BUSINESS

- A. Next Meeting – November 21, 2011

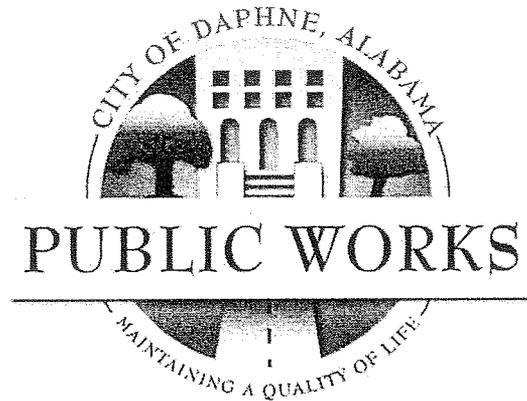
XI. ADJOURNMENT

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Councilman Yelding, Chairman
Public Works Committee

Thru: Honorable Mayor Fred Small

Cc: Kim Briley – Finance Director

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

Date: September 10, 2011

RE: Authorization to solicit bids - Capital Equipment – FY2012 Public Works

I am requesting the Public Works Committee authorize Public Works Staff to solicit bids for the following Capital Equipment:

1. 2012 8-10 yard capacity Medium-Duty Dump Truck – Streets Department
2. 2012 Mauldin Vibratory Roller Compactor (Tow Behind) – Streets Department
3. New 4-ton Asphalt Hotbox Reheater/Reclaimer – Streets Department
4. 2012 Ford F-450/550 HD Service Truck with Crane – Mechanical Maintenance

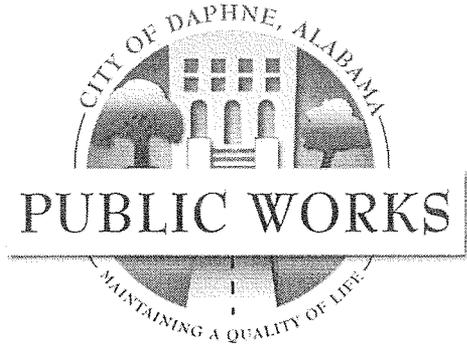
Once bids are received and qualified, they will be submitted to the Finance Committee for review, approval and possible appropriation.

If you have any questions, do not hesitate to contact me.

Yours,

RDJ

Fiscal Year 2012
Division of Public Works
Capital Equipment Request

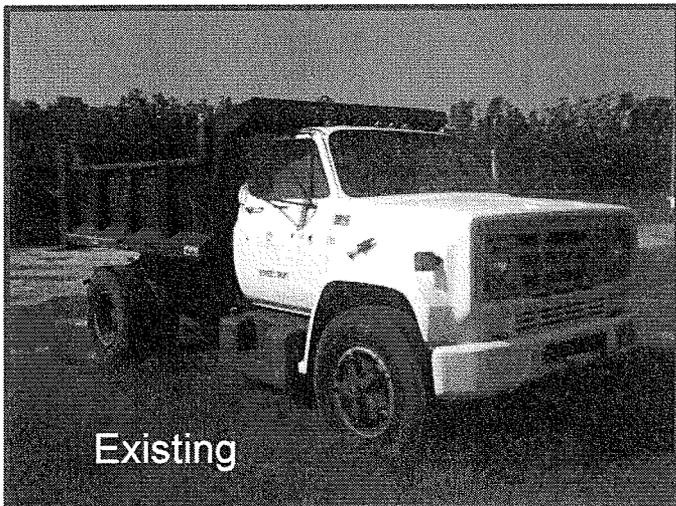


This is a summary of needed replacement and new Capital equipment for the Public Works Department to be procured in Fiscal Year 2012. These items are listed in prioritized order based on need.

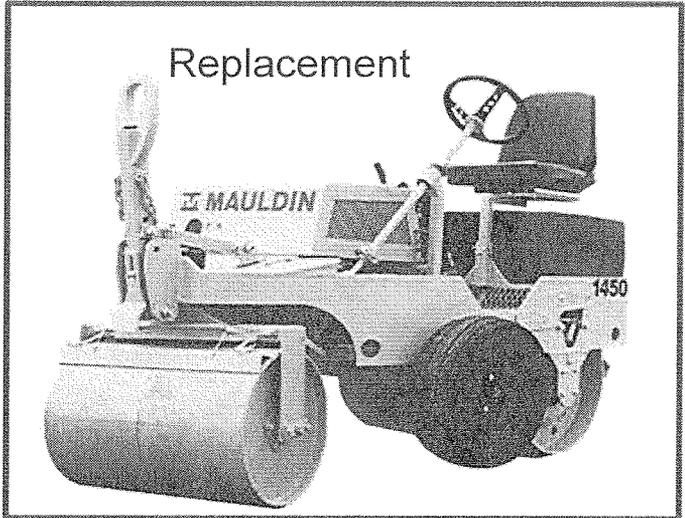
1. 2012 Ford F-150 ½ Ton Light-Duty Pickup Truck – Streets Department Supervisor
Replacement for #49 – 1999 F-150 **Cost: \$20,000.00**
2. 2012 Ford F-150 ½ Ton Light-Duty Pickup Truck – Solid Waste Department Supervisor
Replacement for #772 – 2000 F-150 **Cost: \$20,000.00**



3. 2012 8-10 yard capacity Medium-Duty Dump Truck – Streets Department
Replacement for #21 – 1989 GMC 8 yd Dump **Cost: \$80,000.00**



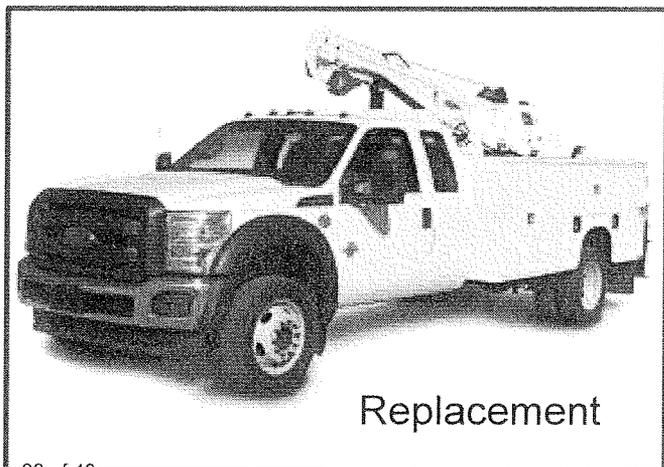
4. 2012 Mauldin Vibratory Roller Compactor (Tow Behind) – Streets Department
 Supplement/Replacement for circa 1980's Mauldin **Cost: \$20,000.00**



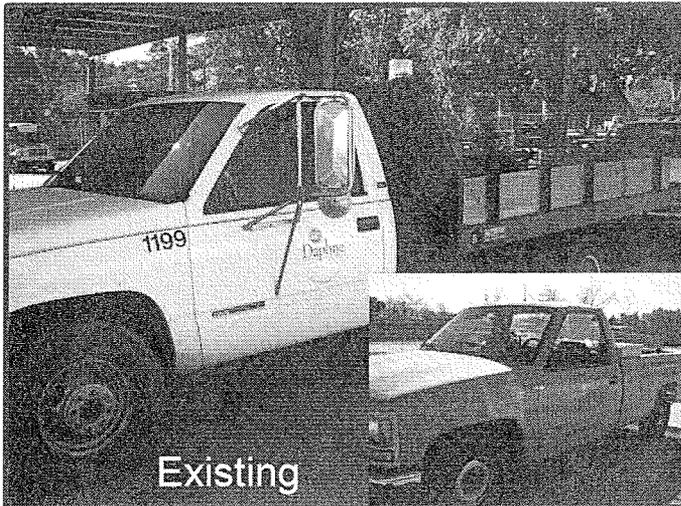
5. New 4-ton Asphalt Hotbox Reheater/Reclaimer – Streets Department
 New Equipment used in hot patch street repair **Cost: \$20,000.00**



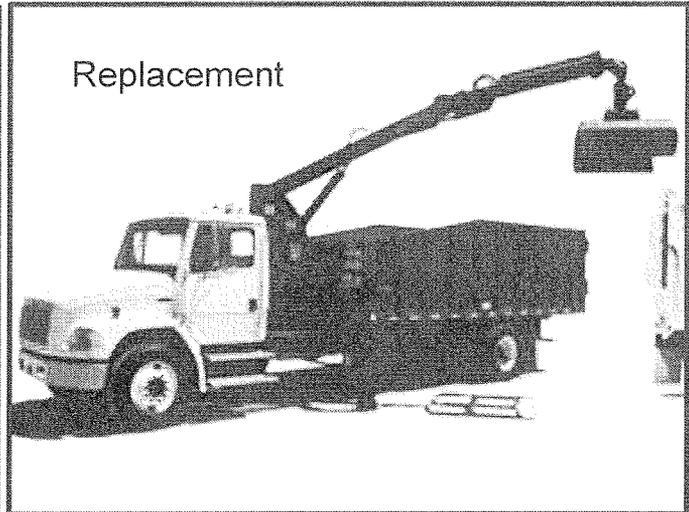
6. 2012 Ford F-450/550 HD Service Truck with Crane – Mechanical Maintenance
 Replacement for #27 – 1992 F-350 Service Truck **Cost: \$64,000.00**



- 7. 2012 Ford F-250 3/4 Ton Crew Cab Pickup Truck – Mowing Department
Replacement for #991 – 1991 GMC -1500 **Cost: \$28,000.00**
- 8. 2012 Ford F-250 3/4 Ton Crew Cab Pickup Truck – Mowing Department
Replacement for #1199 – 1994 GMC -3500 **Cost: \$28,000.00**



- 9. 2012 PacMac Knuckle Boom Grapple Loader – Trash Department
Replacement for #1331* – circa 1980's Knuckle Boom **Cost: \$140,000.00**
*(#1331-Grounds to surplus, #1005-Trash to Grounds)



- 10. New Traffic Counter System – Public Works Administration
Replacement for outdated system **Cost: \$18,000.00**
- 11. Chemical Storage Room Unit – Grounds Department
New unit to bring PW into Local Fire Code & State Compliance **Cost: \$30,000.00**
- 12. New HVAC System for Parts Room – Mechanical Maintenance
New system to provide climate control for inventory area **Cost: \$15,000.00**

13. Video Security Camera System – Mechanical Maintenance

Request based on recommendation on Insurance Carrier

Cost: 6,000.00

Total Capital Equipment Appropriation Requested in FY2012:

\$489,000.00

Suzanne

From: DirectorPW [directorpw@bellsouth.net]
Sent: Tuesday, November 15, 2011 4:16 PM
To: Suzanne Henson; Kim Briley
Cc: Scott with HMR; Jaye Robertson
Subject: Project 2012-A - Intersection of Whispering Pines Rd and US Hwy 98 (Additional Turn Lanes and Signalization Upgrade)
Attachments: Overall Layout WP@US98 11x17.pdf; Cost Est - Capital Priority List FY2012A.pdf; _Certification_.htm

Suzanne:

I am requesting a motion to authorize the solicitation for bids for the above referenced project be placed on the agenda of the special called Finance Committee Meeting on November 21, 2011. The funds for design & engineering have already been appropriated. No additional appropriation is being requested. The plans have been reviewed and the permit issued by ALDOT. Upon receipt of bids, they will be brought back to the Finance Committee for recommendation for acceptance and project appropriation.

Yours,

RDJ

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

Fees for Engineering & Design already appropriated

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

directorpw@bellsouth.net

Public Works Director Estimated Costs

City of Daphne Street Improvements - Fiscal Year 2012

Project 2012-A - Intersection of Whispering Pines Rd and US Hwy 98 (Additional Turn Lanes and Signalization Upgrade)

Item #	Description	Unit	Quantity	Unit Price	Amount
1	50% Cost Sharing with ALDOT (\$800K total)	Each	1	\$400,000.00	\$400,000.00
2	Engineering - Survey & Design (8% of Construction)*	Each	1	\$0.00	\$0.00
3	Material Testing (3% of Construction)	Each	1	\$24,000.00	\$24,000.00
4	Engineering - CE&I (3% of Construction)	Each	1	\$24,000.00	\$24,000.00
* Funds already appropriated and expended					Project 2012-A Total Cost: \$448,000.00

Project 2012-B - Main Street - College to Bayfront (12,200 L.F. - 2.31 miles) - Mill and Overlay (1000 L.F. Base Repairs)

Item #	Description	Unit	Quantity	Unit Price	Amount
1	Milling - 1.0" deep	Yd ²	11600	\$3.00	\$34,800.00
2	Asphalt wearing surface - 429A 135 #/sy - 1.25" thick	Ton	2650	\$75.00	\$198,750.00
3	Asphalt binder - 429B @ 165 #/sy - 1.5" thick	Ton	220	\$75.00	\$16,500.00
4	8" Crushed Aggregate "B-Base" base repairs w/geogrid	Yd ²	2667	\$16.14	\$43,045.38
5	Solid White Traffic Stripe (Class 2, Type A - 5")	Mile	6	\$3,000.00	\$18,000.00
6	Solid Yellow Traffic Stripe (Class 2, Type A - 5")	Mile	6	\$3,000.00	\$18,000.00
7	Misc. Traffic Control Markings (Class 2, Type A)	Ft ²	3500	\$4.20	\$14,700.00
8	Temporary Traffic Control (2.5%)	Each	1	\$8,594.88	\$8,594.88
9	Mobilization (3.5% of total)	Each	1	\$12,333.66	\$12,333.66
10	Contingencies (5%)	Each	1	\$17,189.77	\$17,189.77
10	Engineering - Survey & Design (6% of Construction)	Each	1	\$22,914.82	\$22,914.82
11	Material Testing (4% of Construction)	Each	1	\$15,276.55	\$15,276.55
12	Engineering - CE&I (6% of Construction)	Each	1	\$22,914.82	\$22,914.82
Project 2012-B Total Cost:					\$443,019.88

Project 2012-C - Well Road Extension - Public Works Road to CR13 (1,400 L.F. - 0.265 miles) - New Road & Drainage

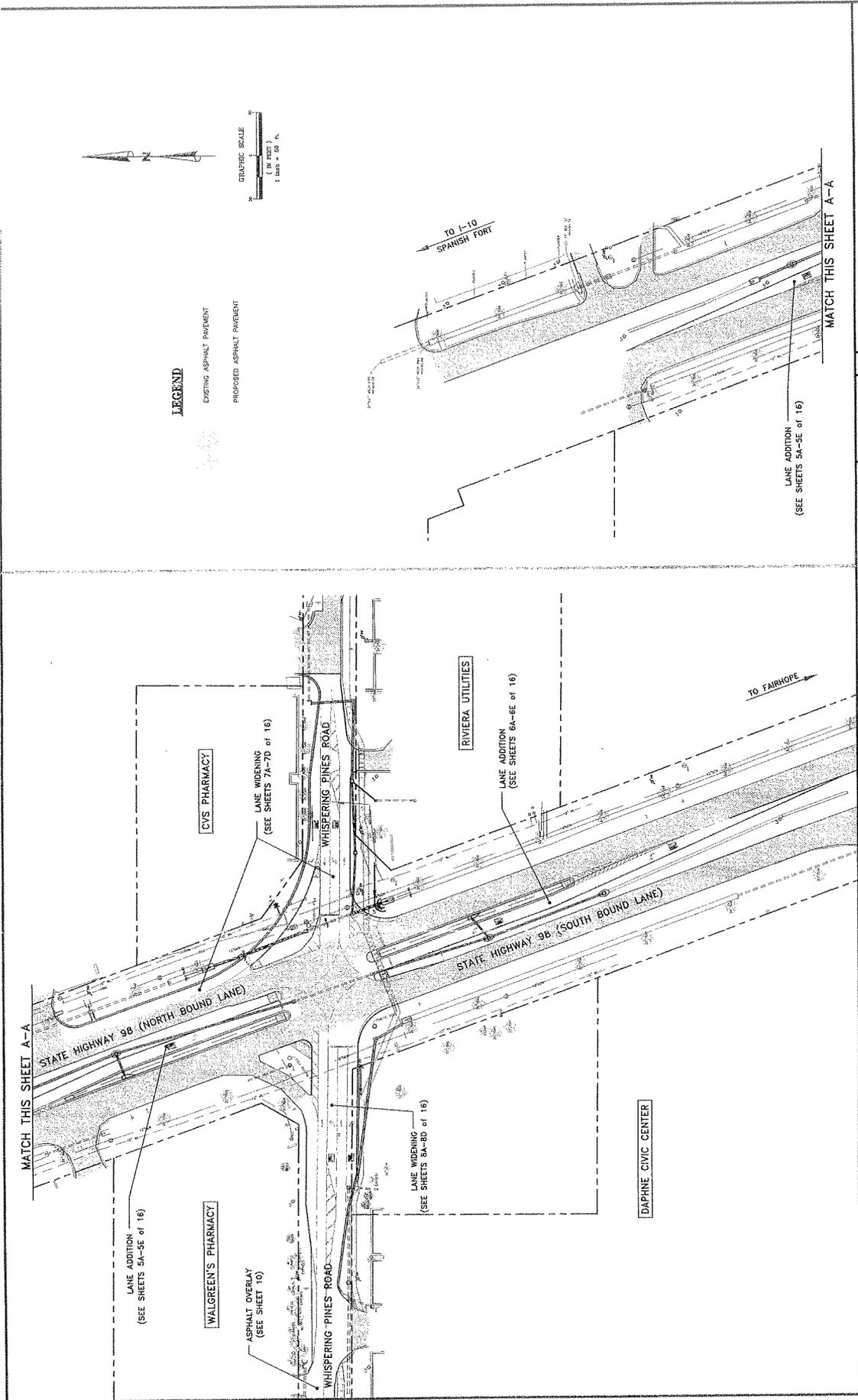
Item #	Description	Unit	Quantity	Unit Price	Amount
1	City Portion (See HMR Cost Estimate)	Each	1	\$62,427.50	\$62,427.50
2	Contracted Portion (See HMR Cost Estimate)	Each	1	\$81,839.50	\$81,839.50
3	Engineering - Survey & Design*	Each	1	\$11,541.36	\$21,930.00
4	Material Testing*	Each	1	\$5,770.68	\$3,600.00
5	Engineering - CE&I*	Each	1	\$11,541.36	\$26,800.00
* Based on full contractor's price of \$244,000.00					Project 2012-C Total Cost: \$196,597.00

City of Daphne Street Improvements - Fiscal Year 2012 Summary

FY2012 Projects A, B & C: US98 @ W.P., Main Street & Well Road Ext. (15,000 L.F. - 2.84 Miles)

Item #	Activity	Project			Total
		A	B	C	
1	Construction Cost	\$400,000.00	\$381,913.69	\$144,267.00	\$926,180.69
2	Engineering - Survey & Design	\$0.00	\$22,914.82	\$21,930.00	\$44,844.82
3	Material Testing	\$24,000.00	\$15,276.55	\$3,600.00	\$42,876.55
4	Engineering - CE&I	\$24,000.00	\$22,914.82	\$26,800.00	\$73,714.82

Total Cost for FY2012: **\$1,087,616.88**



HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS DAPHNE, ALABAMA		TEL (251) 626-2826 FAX (251) 626-6904 dmr@hmr-engineers.com
2039 MAIN STREET DAPHNE, ALABAMA 36526		OVERALL LAYOUT U.S. HIGHWAY 98 & WHISPERING PINES ROAD INTERSECTION IMPROVEMENTS CITY OF DAPHNE
PROJECT NO. 10-25-11JHR	DATE: APRIL 2011	DRAWN BY: J.G. CHECKED BY: J.G. SCALE: 1"=50'
EXTEND CONC. NOSE SOUTHBOUND 98 TURN LN.		SHEET 4 OF 16

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 #
Patrol	955	2002 SPEED MONITOR RADAR TRAILER	10327
SRT	1208	1997 FORD SUPER DUTY AMBULANCE	1FDLF47F3VEC67023
Patrol	100	2000 FORD CROWN VIC	2FAFP71W5YX173419

- 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

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk CMC

Public Safety Committee

Wednesday, November 9, 2011

Councilman Derek Boulware
Councilman Kelly Reese
Councilman Ron Scott
Fire Chief James White
Public Works, Melvin McCarley

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

Committee Members Attending:

Councilman Derek Boulware, Councilman Kelly Reese, Councilman Ron Scott, Chief David Carpenter, Chief James White, and Lt. Alaric Yelding.

CALL TO ORDER

Councilman Boulware **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – None.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from September 2011, and October 2011 – Councilman Reese made a motion to accept the minutes as presented, motion was seconded by Councilman Scott.

POLICE DEPARTMENT

- A. New Business** - Chief Carpenter went over the stats and D-Runs from September 2011. Carpenter explained that we had two robberies in September, one was at BB&T Bank where we captured the robber, and the other was at America's Gold where nothing was taken and the robber is still at large. He explained that the D-Runs were focused on the problem areas in the city. Councilman Reese asked about the possibility of getting a crossing guard for the children who live in the subdivisions on the north side of Whispering Pines Road near Daphne Middle School so the children could walk to school on the south sidewalk. Chief said he would provide an officer to walk them across if they could agree on a certain time to meet at that crosswalk each day for him to walk with them. Chief stated that we have had a school crossing guard job opening for almost a year that we cannot fill due to low hours and wages. Councilman Reese said he'd research it more and see how many would be interested.

Chief White stated that it would be beneficial to the fire department if Johnson Road were opened up to County Road 13 and Hwy 181 for more East/West traffic and a faster response time.

Chief Carpenter asked if the Capital budget had been looked at. All three council people stated that they had not. Chief doesn't want to get behind on ordering our replacement vehicles like last year. Mayor Yelding stated that Police and Fire emergency vehicles should take priority.

B. **Old Business** – We have three Tahoe’s complete. We are actively patrolling Hwy 181. We had a shooting today, a woman accidentally shot herself in the thigh.

FIRE DEPARTMENT

- A. **New Business** – Chief White went over his stats. He said that they are in the process of remodeling Station 4 with the firefighters doing the work. Tommy Bertagnolli is retiring at the end of December. Jason Brooks was hired by the University of South Alabama as an instructor and will be leaving also.
- B. **Old Business-** The BP Grant reallocation was denied.

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Boulware adjourned the meeting at 5:00 p.m. The next meeting will be Wednesday, December 14, 2011 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee

Patrol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt. Bell/Lt. Hempfleng)	(Capt. Bell/Lt. Beedy)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/Lt. Yelding)	
		YTD		
# Complaints	1,065	Total Arrestees Received & Processed:	176	Arson 0
# Misd. Arrests	57	# New Cases Received:	51	Burglary - Commercial 1
# Felony Arrests	6	# Previous Unsolved Cases:	91	Burglary - Residence 10
DUI Arrests	6	# Cases Solved:	28	Burglary - Vehicle 3
Alias Warrant Arrests	33	Resulting in Total Arrests:	3	Criminal Mischief 5
Citations	113	Felonies:	3	Disorderly Conduct 0
Close Patrols	247	Misdemeanors:	0	Domestic Disturbance 29
Warnings	130	Houses Searched	0	False Info to Police 1
Motorist Assists	524	Total Warrants Served	130	Felony Assault 0
Roadway Accidents	61	Warrants:		Felony Theft 3
Private Property Accidents	22	Betner Served	66	Harassment 7
Traffic Homicide	0	Agency Assists	33	Identity Theft 3
		Recalls (Pd Fines)	31	Indecent Exposure 0
DRUG REPORT				Kidnapping 0
ROUTINE PATROL/SPECIAL OPS				Menacing 1
# Misd. Marijuana Arrest	0	Sex Offender:		Misdemeanor Assault 3
# Felony Marijuana Arrest	0	New Registration:	0	Misdemeanor Theft 8
# Controlled Substance Arrest:	1	Contact Verification	0	Murder 0
# Drug Paraphernalia Arrest	0	Total # registered in Daphne	2	Other Death Investigations 1
Vehicles Searched	25	DARE:		Public Intoxication 0
		# Hours Report Writing:	2	Public Lewdness 0
		# Students Instructed SRO	300	Receiving Stolen Property 0
Drugs Seized:	0	# Students Instructed DARE	200	Reckless Endangerment 0
Type:	0	# Police Reports by SRO	2	Resisting Arrest 0
Money Seized	0	# Arrest by SRO	0	Robbery 2
Vehicles Seized	0			Sex Crime Investigations 2
		CODE ENFORCEMENT:		Suicide 0
Commercial Vehicle Inspections	21	Warnings:	2	Suicide, attempted 1
		Citations	0	Theft of Services 0
		Warning Compliance		Unauthorized Use of Services 1
		Follow - Up	20	Weapon Offenses 0
				White Collar Crimes 1

David Carpenter

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

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	5
11-Structure Fire/Commercial	0	2
11-Structure Fire/Residential	2	31
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	3	7
14-Natural Vegetation Fire	0	14
15-Outside Rubbish Fire	1	14
16-Special Outside Fire	0	5
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	1	2
3-Rescue Call and Emergency Medical Service Incidents:	138	1295
4-Hazardous Conditions (No fire):	7	40
5-Service Call:	8	102
6-Good Intent Call:	17	145
7-False Alarm & False Call:	32	210
8-Severe Weather & Natural Disaster:	0	3
9-Other Situation:	0	2
Total Emergency Calls:	202	1826
Monthly Total Calls:	209	1904
Miscellaneous Reports:		
Highest:	19:00	19:00
Lowest:	<1	<1
Average (Minutes/Seconds) :	4:48	4:48
Training Hours	97.50	357
Property Loss - \$	\$25,000	\$1,119,662
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	1
Advance Life Support Rescues	92	865
Number of Patients Treated	136	1292
Child Passenger Safety Seat Inspections/Installations	8	118
Classes	4	26
Persons Attending	290	4403
Plan Reviews	1	22
Final/Certificate of Occupancy	4	7
General/Annual Inspections	115	603
General/Re-Inspections (Violation Follow-up - Annual)	77	184
Business Licenses	9	56
Consultations-	0	0
All Other/Misc. Activities	1	11
Total Activities:	207	877

Authorized by:

James White

Chief James White

Ordinance Committee

Wednesday, November 9, 2011

City Hall Council Chambers

5:30 p.m.

Councilman Kelly Reese

Councilman Ron Scott

Councilman Derek Boulware

I. CALL TO ORDER/MEMBERS PRESENT

Members Present: Kelly Reese, Ron Scott, and Derek Boulware

Others Present: David Cohen

II. PUBLIC PARTICIPATION

None

III. ORDINANCE REVIEW/DISCUSSION

a. Waiver of Sewer Tap Fee

Committee asked that this issue be placed on next month's agenda.

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

None

IV. OTHER BUSINESS

The committee asked that an ordinance be written that would require audited financials of any entity that receives money or in kind services.

The committee asked that an ordinance be written that would require resumes on all applicants for boards or vacated council positions.

V. ADJOURN

Motion by Mr. Boulware

Seconded by Mr. Reese

To adjourn at 5:45 P.M.

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

ENVIRONMENTAL ADVISORY BOARD NOMINATION



John W. Peterson, PE

Education

BS, Civil Engineering,
Auburn University, 1987

Registration

Professional Engineer
FL, # 47483, 1994
AL, # 19047, 1992

Years in Practice - 23

Memberships

American Society of Civil
Engineers

Experience Summary

Mr. Peterson joined Hatch Mott MacDonald in July 2005 as a Senior Project Manager in our civil engineering division. Mr. Peterson has over 22 years design experience in; roadways and drainage; water distribution systems; stormwater management systems; landfill and mining permits; site planning and design and beachfront site development. Mr. Peterson has a diversified background in land development and planning and zoning issues.

Mr. Peterson is also experienced in community presentations and public meetings. He has made presentations to communities, small groups and planning commissions. He is former Daphne City Councilman and current member of Daphne's Recreation Committee. He has also been a member and President of the Lake Forest Property Owner's Association Board of Directors. This community and volunteer service record keeps Mr. Peterson in touch with both political and civic leaders throughout the community. He is also active in the Ascension Lutheran Church in Daphne.

Selected Project Experience

Grand Pointe PUD, B and M Management, Daphne, AL

As project Engineer. Mr. Peterson worked closely with the City of Daphne, its Planning Commission, and the owner to develop a 33-unit planned development. Mr. Peterson planned and designed roadways, drainage, and water and sewer extensions to service the development. The drainage and erosion control issues along the Tiawasee Creek banks were a challenging component in the successful design of this project.

Wayne Dalton Plant Addition / Copter Road Drainage Project, Wayne Dalton, Pensacola, FL

Managed the Civil Site Design, drainage and utility design, permitting (County and FDEP) and construction administration for constructing 223,000 SF building additions to Wayne Dalton Corporation manufacturing facility.

Lost Key Plantation, Perdido Key, FL

Project manager overseeing civil engineering, landscape architecture, and surveying for the roadway infrastructure in a 400-acre destination resort development by WCI Communities, Inc. Responsibilities include the design of all required utilities for the development, plus site planning for 3 of the developments within the planned community. Services also included obtaining all required permits, including a FDEP Stormwater General Permit, FDOT Drainage Connection Permit, FDOT Driveway Connection Permit, FDOT Utility Permit, ECUA water supply and wastewater permits and Escambia County Development Review Approval.

The Ridge, CABB Development, Inc., Gulf Shores, AL

Mr. Peterson was the Project Engineer in charge of site planning and design for the multi-family project in Gulf Shores, Alabama. Project components designed under Mr. Peterson's supervision included the Parking areas and drives, utility extensions, and stormwater storage and treatment facilities. Mr. Peterson planned, designed, and presented the project to the City of Gulf Shores to win construction approval. Mr. Peterson provided contraction administration services and as-built plans for the project.

Heron Bayou, Pensacola, FL

Design Engineer responsible for FDOT permitting and certifications for adding turn lane into project. Mr. Peterson also prepared utility as- built plans for submission to the Emerald Coast Utilities Authority.

Waterford Sound, Waterford FCLD, Gulf Breeze FL

Senior Project Engineer responsible for design supervision and plan submittal to Santa Rosa County and the Florida Department of transportation. Plans included subdivision layout, roadway, utility, stormwater, and erosion control plans for a large residential subdivision. Project required widening of US Highway 98 in Gulf Breeze for additional left-turn lane and deceleration lane.

Racetrac Pine Forest Road, RaceTrac, Pensacola, FL

Senior Design Engineer for this project with responsibility for the site planning and development plans. This project involved a convenience store building and gas islands located on a FDOT roadway. Project design met all Escambia County Development Review Committee requirements as well as FDOT

Villages of Creekstone, Riverbrooke Capital, Foley, AL

Mr Peterson was the Senior Project Engineer for this development, and he worked to develop a Master PUD Plan with a land planning consultant. Mr. Peterson represented the developer in all manners of public meeting to secure the PUD Zoning approvals necessary for the development to move forward. Mr. Peterson also developed the construction plans for Phase 1 construction. This project was developed in a very environmentally sensitive are of Baldwin County. Mr. Peterson gained support of activists in the area through the design process. He worked closely with Wolf Bay Watershed Watch in this project's development and gained their endorsement of the drainage design prior to its passage.

Soundside Moorings, Olson Associates Navarre, FL

Mr. Peterson performed all aspects of project engineering for this residential development. Taking a schematic plan and developing construction plans to meet all Santa Rosa County design criteria as well as State of Florida requirements.

Whispering Pines PRD, RG&T, LLC, Gulf Shores, AL

Mr. Peterson served as the senior project engineer for this 133 unit Planned Residential Development. As an extra-territorial project, Mr. Peterson provided approval documents to multiple jurisdictions for this project. Mr. Peterson completed construction plans for a 23-unit residential subdivision and a 110-unit rental complex. Plans included all building locations and finished floor elevations, roadways and drainage, and stormwater storage and treatment facilities. Mr. Peterson provided inspections and construction administration as needed.

Lakeview at Steelwood, CABB Development, Loxley, AL

Mr. Peterson served as the senior project engineer on this 34 lot subdivision and PUD modification project. The project was developed in an exclusive private development in Loxley, Alabama with strict architectural and engineering controls. Detailed plans for this project included civil site designs for roadways, drainage and utilities.

Ashford Park and Evans Park PUD, ABT LLC, Foley, AL

Mr. Peterson was the lead planner and designer of this residential community. In total, this 200 acre project accounted for over 400 residential lots, an apartment complex, commercial development and a condominium site. Mr. Peterson was responsible for the design and permitting of all infrastructure, including roadways and drainage, water supply, and sewage collection and transmission systems.

Buffalo Wild Wings, Headrick Group, Escambia County, FL

Mr. Peterson was the lead project engineer in the development of this chain restaurant site plan located in Pensacola. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing, and permitting through the Escambia County, Florida Development Review Committee.

Majestic Oaks Apartments, RHG Development, Escambia County, FL

Mr. Peterson served as the Senior Project Engineer for permitting this 288 unit apartment complex. Design included planning of building locations, grading and paving, utility extensions, and landscaping plans to meet all Escambia County and ECUA provisions. Mr. Peterson presented the project to the Development Review Committee and achieved approval.

Jubilee Ridge, Jubilee Ridge, LLC, Daphne, AL

Mr. Peterson served as the senior project engineer on this 114 unit townhouse condominium development project. Design plans for this project included civil site designs for roadways, drainage and utilities. This project required presentation to the Daphne Planning Commission for zoning and site review.

Silverhill Estates, Silverhill Estates, LLC, Baldwin County, AL

Mr. Peterson served as the senior project engineer and lead planner for this 49-unit subdivision in Silverhill, Alabama. The project included planning and platting lots, preparation of construction plans, and all facets of permitting for the owners.

Alabama Hotmix Site, Alabama Hotmix, Summerdale, AL

Mr. Peterson was the lead project engineer in the development of this asphalt plant site plan located in Summerdale, Alabama. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing, and permitting for stormwater runoff.

Governmental/Education**Santa Rosa Correctional Institute, Florida Dept. of Corrections, Milton, FL**

Mr. Peterson was responsible for closing out the construction of this project by providing construction administration and as-built drawings on a phased construction effort. Mr. Peterson also worked toward a solution to erosion and sediment issues created by the facility.

Baldwin DHS Building, Baldwin County Commission, Robertsdale, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Robertsdale, Alabama. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing, and permitting for stormwater runoff.

Baldwin High School Stadium, Baldwin Public Schools, Bay Minette, AL

Mr. Peterson served as the senior project engineer on this football stadium addition. Design plans for this project included civil site designs for roadways, drainage and utilities. Field construction details were also included.

Baldwin Animal Shelter, Baldwin County Commission, Magnolia Springs, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Magnolia Springs, Alabama. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing, and building grades.

Daphne Public Library Addition, City of Daphne, Daphne, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Daphne, Alabama. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing and construction administration.

Foley Event Center, City of Foley, Foley, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Foley, Alabama. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing, and access road design.

USA Bookstore Renovation, University of South Alabama, Mobile, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Mobile, Alabama. Mr. Peterson's responsibilities included utility access, stormwater routing, and pedestrian access.

Foley Satellite Courthouse Expansion, Baldwin County Commission, Foley, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Foley, Alabama. Mr. Peterson's responsibilities included schematic planning, parking and drive design, utility access, stormwater routing, and permitting for stormwater runoff. Multiple phases of construction were vital in keeping the facility operating while construction was under way. This required extensive coordination with county personnel and the contractor.

Fairhope Satellite Courthouse Expansion, Baldwin County Commission, Fairhope, AL

Mr. Peterson was the lead project engineer in the development of this public building site plan located in Robertsdale, Alabama. Mr. Peterson's responsibilities included parking and drive design, utility access, stormwater routing, and permitting for stormwater runoff.

Transportation Enhancement**Twin Beech Sidewalk Phase II, Baldwin County Commission, Fairhope, AL**

Mr. Peterson served as project manager for this ALDOT funded enhancement project. Responsibilities included design guidance, client liaison, and deliverables scheduling. Project consisted of 1.43 miles of sidewalk design adjacent to an existing county road.

Eastern Shore Trail Sidewalk, Baldwin County Commission, Fairhope, AL

Mr. Peterson served as project manager for this ALDOT funded enhancement project. Responsibilities included design guidance, client liaison, and deliverables scheduling. Project consisted of 0.86 miles of sidewalk design adjacent to an existing federal highway. All designs were consistent with Alabama Dept. of Transportation requirements and the ARRA funding guidelines.

Environmental**C&D Landfill Permit Modification, Cole Sanitation, Gulf Shores, AL**

This was the regulatory permitting of a 42 acre expansion of an existing Commercial and Demolition landfill in Gulf Shores, Alabama. As project engineer, Mr. Peterson coordinated and produced the hydrogeological report, permit drawings, and regulatory compliance forms necessary to permit the expansion to receive waste.

RCI Pond Closure, Resource Consultants, Inc., Mobile, AL

Mr. Peterson was the project engineer for this pond closure project. RCI impoundments contained drilling mud contaminated with diesel fuel. This project used micro-organisms combined with polymers to digest the petroleum hydrocarbon contamination. Ponds were then capped and sealed per an approved closure plan. As project engineer, Mr. Peterson worked with the Alabama Department of Environmental Management to insure compliance with closure plan and oversee testing and reporting requirements.

Air Permit, Wolf Creek Industries, Foley, AL

Senior Project Engineer responsible for permitting an asphalt manufacturing facility. Mr. Peterson was responsible for Air Permit Application contents and plant design parameters. Mr. Peterson oversaw the completion of the plant facility and coordinated air testing and reporting for operations permit. Engineering requirements also included Industrial NPDES permitting.

Prior Project Experience**Caribe Phase 3, Orange Beach, AL**

Project Engineer in charge of site planning. As project engineer, Mr. Peterson provided design components for utility construction and stormwater management. This site utilized underground storage systems for storage and treatment of stormwater prior to discharge into state waters.

Carya Pointe Subdivision, Vince Booth, Fairhope, AL

Residential Subdivision, provided planning, design, and permitting.

Pennbrooke, Pennbrooke, LLC, Foley, AL

Residential Subdivision, provided planning, design, and permitting.

Foley South Commercial Park, Hugh Cole, Foley, AL

Commercial Subdivision, provided planning, design, and permitting.

Circle D Commercial Plaza, Darrell Porter, Summerdale, AL

Commercial Subdivision, provided planning, design, and permitting.

Andhurst Walk, Gulf Island Development Gulf Shores, AL

Residential Subdivision, provided planning, design, and permitting.

Summer Wood, Doug Harless, Gulf Shores, AL

Residential Subdivision, provided planning, design, and permitting.

**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 Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ June 29, 2011 ♦ 5:00 p.m.

I. CALL TO ORDER

The regular Board meeting for the Utilities Board of the City of Daphne was held on June 29, 2011 and called to order by Vice Chairman Fenton Jenkins, at 5:02 p.m.

II. ROLL CALL

MEMBERS PRESENT: Fenton E. Jenkins, Vice Chairman
Lon Johnston, Secretary/Treasurer
Ron Scott
Fred Small, Mayor

OTHERS ABSENT: Robert Segalla, Chairman

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
Melinda Immel – Volkert & Associates
Doug Bailey – HMR

OTHERS ABSENT:

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from May25, 2011:*

The Vice Chairman inquired if there were any corrections, deletions or additions noted for the submitted Minutes from the May 25, 2011, Utilities Board meeting.

MOTION BY Mayor Fred Small to approve the submitted Minutes for May 25, 2011; Seconded by Ron Scott.

AYE: JENKINS, JOHNSTON, SCOTT, SMALL

ABSENT: SEGALLA

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS

a. *Central Services Building – Update*

Rob McElroy announced that the project has broken ground and the detention pond is excavated. Doug Bailey updated the Board on the road construction.

b. *Spanish Fort Sewer Franchise issues*

No updated information was reported.

c. Bay Front Park Bathrooms

Rob McElroy updated the Board that prices have been received however a contract has not been executed as of yet.

d. Items in Abeyance:

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

VI. NEW BUSINESS –

No New Business was reported

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing further to add to his report but distributed a corrected report. No comments from the Board.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financials for the Board members. She advised the Board to be aware of upcoming impact fees that will be moved over to the reserve account, as well as reminded them of the upcoming budget process and financial module preparation. Mr. Johnston commented that a separate view within the budget source and use of funds.

IX. GENERAL MANAGER’S REPORT

a. GM Report

Rob McElroy had nothing further to add to his report. He answered comments concerning water restrictions, which were not necessary at this point. Drew Klumpp answered questions from the Board regarding the process of online service applications.

b. Operations Report

Danny Lyndall reported that a follow-up inspection from the Alabama Public Service Commission addressing 4 issues from their initial inspection in which two of the four items have been corrected and a schedule for corrections in place for the other two items.

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

Doug Bailey of HMR also had nothing further to add to his report.

X. BOARD ACTION – None

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS – None

XIII. ADJOURNMENT

MOTION BY Mayor Fred Small to adjourn the meeting. Seconded by Lon Johnston

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

MOTION CARRIED

The meeting adjourned at 5:16 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

OFFICE OF THE GOVERNOR



STATE CAPITOL
MONTGOMERY, ALABAMA 36130

ROBERT BENTLEY
GOVERNOR

(334) 242-7100
FAX: (334) 242-0937

STATE OF ALABAMA

October 31, 2011

Mr. David L. Cohen
City of Daphne
PO Box 400
Daphne, Alabama 36526

Dear Mr. Cohen:

I am pleased to inform you that your organization has been awarded a grant of \$5,000 from the Alabama Tourism Department's competitive grant program for 2012. These funds will be subject to proration if declared. Your expenditures will help grow Alabama's economy and create jobs in our tourism industry.

Pending completion of your project, funds will be allocated according to the enclosed agreement. Please sign and return both copies of the agreement. I am also, enclosing a disclosure statement, which is a component of Act 2001-955. Please complete the enclosed disclosure statement and return with signed original agreements to:

Mr. Kerry Teague, Grants Coordinator
Alabama Tourism Department
Post Office Box 4927
Montgomery, AL 36103-4927

Funds will be distributed on a quarterly basis. Prior to the final allocation payment in July, 2012, the Alabama Tourism Department requires your agency to submit receipts showing the expenditure of funds spent by June 30, 2011, consistent with the grant application.

Please accept my thanks for the work that you and your associates do that make Alabama a more successful and productive state.

Sincerely,

A handwritten signature in black ink that reads "Robert Bentley".

Robert Bentley
Governor

RB/lc



ROBERT BENTLEY
GOVERNOR

Alabama Tourism Department

LEE SENTELL
DIRECTOR

October 31, 2011

First Quarter

It is hereby understood that the Alabama Tourism Department will appropriate \$5,000 from Fiscal Year 2011-12 funds to the City of Daphne, David L. Cohen, PO Box 400, Daphne, AL 36526. These funds are provided to assist with expenses involved with facility upgrade - signage.

Quarterly payments will be made in the amount of \$1,250 each and be paid after October 1, 2011, January 1, 2012, April 1, 2012, and July 1, 2012; upon the execution of this agreement. Payment rendered in this agreement provides assistance in continuing efforts to positively impact Alabama tourism.

Please indicate your agreement with the above by signing all enclosed agreements and by returning all originals to our office **within 30 days**.

In witness thereof, the parties hereto have executed this agreement on this _____ day of _____, 2011.

Approved By:



Robert Bentley, Governor
State of Alabama

Date



Lee Sentell, Director
Alabama Tourism Department

Date

David L. Cohen
City of Daphne

Date

FEIN# _____



ROBERT BENTLEY
GOVERNOR

Alabama Tourism Department

LEE SENTELL
DIRECTOR

January 1, 2012

Second Quarter

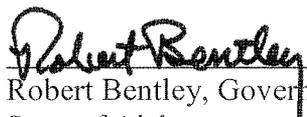
It is hereby understood that the Alabama Tourism Department will appropriate \$5,000 from Fiscal Year 2011-12 funds to the City of Daphne, David L. Cohen, PO Box 400, Daphne, AL 36526. These funds are provided to assist with expenses involved with facility upgrade - signage.

Quarterly payments will be made in the amount of \$1,250 each and be paid after October 1, 2011, January 1, 2012, April 1, 2012, and July 1, 2012; upon the execution of this agreement. Payment rendered in this agreement provides assistance in continuing efforts to positively impact Alabama tourism.

Please indicate your agreement with the above by signing all enclosed agreements and by returning all originals to our office **within 30 days**.

In witness thereof, the parties hereto have executed this agreement on this _____ day of _____, 2011.

Approved By:



Robert Bentley, Governor
State of Alabama

Date



Lee Sentell, Director
Alabama Tourism Department

Date

David L. Cohen
City of Daphne

Date

FEIN# _____



ROBERT BENTLEY
GOVERNOR

Alabama Tourism Department

LEE SENTELL
DIRECTOR

April 1, 2012

Third Quarter

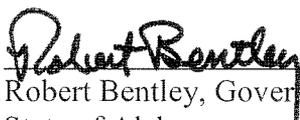
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Quarterly payments will be made in the amount of \$1,250 each and be paid after October 1, 2011, January 1, 2012, April 1, 2012, and July 1, 2012; upon the execution of this agreement. Payment rendered in this agreement provides assistance in continuing efforts to positively impact Alabama tourism.

Please indicate your agreement with the above by signing all enclosed agreements and by returning all originals to our office **within 30 days**.

In witness thereof, the parties hereto have executed this agreement on this _____ day of _____, 2011.

Approved By:


Robert Bentley, Governor
State of Alabama

Date


Lee Sentell, Director
Alabama Tourism Department

Date

David L. Cohen
City of Daphne

Date

FEIN# _____



ROBERT BENTLEY
GOVERNOR

Alabama Tourism Department

LEE SENTELL
DIRECTOR

July 1, 2012

Fourth Quarter

It is hereby understood that the Alabama Tourism Department will appropriate \$5,000 from Fiscal Year 2011-12 funds to the City of Daphne, David L. Cohen, PO Box 400, Daphne, AL 36526. These funds are provided to assist with expenses involved with facility upgrade - signage.

Quarterly payments will be made in the amount of \$1,250 each and be paid after October 1, 2011, January 1, 2012, April 1, 2012, and July 1, 2012; upon the execution of this agreement. Payment rendered in this agreement provides assistance in continuing efforts to positively impact Alabama tourism.

Please indicate your agreement with the above by signing all enclosed agreements and by returning all originals to our office **within 30 days**.

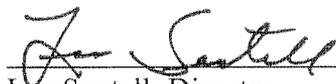
In witness thereof, the parties hereto have executed this agreement on this _____ day of _____, 2011.

Approved By:



Robert Bentley, Governor
State of Alabama

_____ Date



Lee Sentell, Director
Alabama Tourism Department

_____ Date

_____ David L. Cohen
City of Daphne

_____ Date

FEIN# _____

BAILEY YELDING, JR.
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

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

November 15, 2011

The Honorable Congressman Jo Bonner
2236 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bonner,

As Mayor of the City of Daphne, on behalf of the City Council and the citizens of this community, I welcome the opportunity to provide this letter of support to you and other members of Congress for House Bill 3096 – RESTORE ACT as it is presented and debated. Your continued diligence in helping us win a favorable decision remains critical for the true recovery and restoration of a damaged Gulf Coast.

As we continue to rebuild our environment and study the impact on our gulf waters and marine life it is imperative that HR 3096 – RESTORE ACT, is passed to ensure that funds for environmental and economic recovery are available directly to the five Gulf of Mexico states and in the State of Alabama, specifically, to aid the City of Daphne and other coastal cities.

I offer my thanks to you and your staff for the diligent work throughout the BP Deepwater Horizon Oil Spill, and appreciate your daily communications, leadership and attention to the matters at hand. We have a strong, resilient community, and we offer our full support and confidence in your office to carry this out on behalf of the citizens of Alabama.

Thank you for your continuing hard work on our behalf.

Sincerely,

Bailey Yelding, Jr.
Mayor

Cc: Honorable Richard Shelby
Honorable Jeff Sessions

CITY OF DAPHNE

PARADE PERMIT

ORGANIZATION:	<i>AML - Apollo's Mystic Ladies</i>
CONTACT PERSON: ADDRESS:	<i>Renea Lott P.O. Box 3133 Daphne, AL 36526</i>
PHONE NUMBER: (HOME) PHONE NUMBER: (BUSINESS) CELL NUMBER:	<i>(Call Michele Hanson)</i>
DATE OF PARADE:	<i>February 10, 2012 / Friday Rain Date: February 16, 2012 / Thursday</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
ROUTE TO BE TRAVELED:	<i>From Civic Center down Main St. - turn @ Collage Ave. - down to 6th St. - turn right on Belrose Ave. - to Main Street - turn left & back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>50 Units - Approx. 500 people</i>
ASSEMBLY TIME:	<i>5:30 P.M.</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:30 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
SPECIAL REQUESTS:	
DATE APPLIED FOR PERMIT:	<i>November 3, 2011</i>
APPROVAL	
POLICE: David Carpenter:	<i>David Carpenter</i>
FIRE: James White:	<i>James White</i>
PUBLIC WORKS: Richard Johnson:	<i>Richard Johnson</i>
CITY COUNCIL:	<i>11-21-11</i>
DATE ROUTED:	<i>November 3, 2011</i>
NOTIFICATION OF APPROVAL:	
RECEIVED PROOF OF INSURANCE: RECEIVED PARADE PERMIT FEE:	<i>November 3, 2011 November 3, 2011</i>

CITY OF DAPHNE

PARADE PERMIT

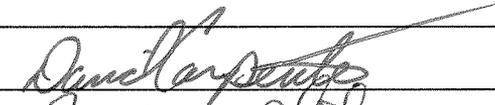
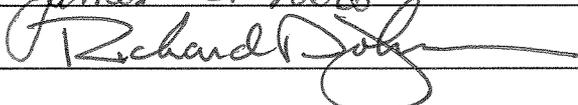
ORGANIZATION:	<i>Shadow Barons</i>
CONTACT PERSON: ADDRESS:	<i>Damon Henderson P.O. Box 2770 Daphne, AL 36526</i>
PHONE NUMBER: (HOME) PHONE NUMBER: (BUSINESS) CELL NUMBER:	<i>533-4263 928-5319</i>
DATE OF PARADE:	<i>February 18, 2012 / Saturday / Rain Date February 19, 2012 / Sunday</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
ROUTE TO BE TRAVELED:	<i>From Civic Center down Main St. - turn @College Ave. - down to 6th St. - turn right on Belrose Ave. - to Main Street - turn left & back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>25 Units (cars, trucks or by itself) 600 people (includes marching bands, riders, security & other)</i>
ASSEMBLY TIME:	<i>4:30 P.M.</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:00 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
SPECIAL REQUESTS:	
DATE APPLIED FOR PERMIT:	<i>November 3, 2011</i>
APPROVAL	
POLICE: David Carpenter:	<i>[Signature]</i>
FIRE: James White:	<i>[Signature]</i>
PUBLIC WORKS: Richard Johnson:	<i>[Signature]</i>
CITY COUNCIL:	
DATE ROUTED:	<i>11-21-11 November 3, 2011</i>
NOTIFICATION OF APPROVAL:	
RECEIVED PROOF OF INSURANCE: RECEIVED PARADE PERMIT FEE:	<i>November 3, 2011 November 3, 2011</i>

CITY OF DAPHNE

PARADE PERMIT

ORGANIZATION:	<i>Mystic Order of Persephone</i>
CONTACT PERSON: ADDRESS:	<i>Torrey Berry 11441 County Road 54 Daphne, AL 36526</i>
PHONE NUMBER: (HOME) PHONE NUMBER: (BUSINESS) CELL NUMBER:	<i>625-6496 423-0088</i>
DATE OF PARADE:	<i>February 17, 2012 / Rain Date February 19, 2012</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
ROUTE TO BE TRAVELED:	<i>From Civic Center down Main St. - turn @College Ave.- turn right on 6th St. - turn right on Belrose Ave. - turn left on Main St. & back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	
ASSEMBLY TIME:	<i>5:45 P.M.</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:15 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
SPECIAL REQUESTS:	
DATE APPLIED FOR PERMIT:	<i>November 15, 2011</i>
APPROVAL	
POLICE: David Carpenter:	<i>[Signature] for Chief Carpenter</i>
FIRE: James White:	<i>[Signature]</i>
PUBLIC WORKS: Richard Johnson:	<i>[Signature]</i>
CITY COUNCIL:	
<i>11-21-11</i>	
DATE ROUTED:	<i>November 16, 2011</i>
NOTIFICATION:	
RECEIVED PROOF OF INSURANCE: RECEIVED PARADE PERMIT FEE:	<i>November 17, 2011</i>

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Loyal Order of the Fire Truck</i>
CONTACT PERSON:	<i>Melvin McCarley</i>
ADDRESS:	<i>City of Daphne</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>621-3182</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>February 19, 2012 / Sunday</i>
ROUTE TO BE TRAVELED:	<i>Begin at Mayday Park then proceed south on Captain O'Neal Dr. to Maxwell Ave. then north on Main St. to Santa Rosa Ave. then proceed south on Old County Road towards College Avenue for disbanding</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>50 vehicles / 200 people</i>
START TIME:	<i>1:59 p.m.</i>
STOP TIME:	<i>4:00 p.m.</i>
ASSEMBLY AREA/STREET:	<i>May Day Park</i>
ASSEMBLY TIME:	<i>12:00 Noon</i>
SPECIAL REQUEST:	
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White:	
PUBLIC WORKS: Richard Johnson:	
CITY COUNCIL: <i>11-21-11</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>November 4, 2011</i>
NOTIFICATION OF APPROVAL:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, GRANTING TEFRA BOND APPROVAL PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

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

WHEREAS, the Authority has heretofore issued its Revenue Bonds (Mercy Medical Project), Series 1997 and Series 2000 (collectively, the “Bonds”) for the benefit of Mercy Medical, A Corporation, a nonprofit corporation organized under the laws of the State of Alabama (the “Corporation”) which owns and operates assisted living facilities, independent living facilities and skilled nursing facilities in Daphne and Fairhope, Alabama; and

WHEREAS, a portion of the proceeds of the Bonds were used by the Corporation to finance and refinancing capital expenditures at certain skilled nursing and assisted living facilities of the Corporation known as Mercy Rehabilitation Hospital and Skilled Nursing Facility in Daphne, Alabama, Baldwin County Home Care & Hospice in Daphne, Alabama, Carroll Place, as Assisted Living Community in Fairhope, Alabama, Catherine Place, as Assisted Living Community in Daphne, Alabama, The Hamlet, an Independent Living Community in Fairhope, Alabama and The John McClure Snook Regional Center, a Memory Care Community in Daphne, Alabama (collectively, the “Facilities”); and

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

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

WHEREAS, pursuant to Section 147(f) of the Code a public hearing has been held on the date hereof on behalf of the Authority (the “TEFRA Hearing”) relating to the application of the sale proceeds of the Facility in an amount not exceeding \$32,000,000 to the alternate qualified uses as more particularly described in the notice of the TEFRA Hearing (the “TEFRA Notice”) attached hereto as Exhibit A; and

WHEREAS, prior to the TEFRA Hearing, the TEFRA Notice was published in *The Daphne Bulletin* on November 8, 2011 and in the *Press-Register* (Mobile County) on November 7, 2011, as required by Section 147(f) of the Code; and

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

WHEREAS, the Corporation has requested that the City Council of the City of Daphne grant approval of the application of the sale proceeds of the Facilities as described in the TEFRA Notice, all as required by Section 147(f) of the Code.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne, Alabama that, in accordance with the requirements of Section 147(f) of the Code, the application and re-allocation of up to \$32,000,000 of proceeds of the sale of the Facilities to the projects described in the TEFRA Notice attached hereto and incorporated herein by reference, in accordance with, and as permitted by, the alternate qualified use provisions of the Code, is hereby approved.

This Resolution shall take effect immediately.

ADOPTED AND APPROVED this _____ day of _____, 2011.

Cathy S. Barnette,
Council President

Bailey Yelding, Jr.,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION 2011 - 79

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 #
Patrol	955	2002 SPEED MONITOR RADAR TRAILER	10327
SRT	1208	1997 FORD SUPER DUTY AMBULANCE	1FDLF47F3VEC67023
Patrol	100	2000 FORD CROWN VIC	2FAFP71W5YX173419

- 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

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-80

AN ORDINANCE RESCINDING HIRING FREEZE ENACTED DECEMBER 20, 2010

WHEREAS, Ordinance 2010-71 imposed a hiring freeze whereby approval by the City Council is required in order to advertise and fill positions vacated; and

WHEREAS, the City Council has reviewed and considered such approval process; and

WHEREAS, the City Council has determined that the Mayor should be given the authority to evaluate the personnel requirements within the several city departments to include, but not be limited to, the advertising and filling of budgeted vacated positions in order to maintain basic operating requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

- 1) The hiring freeze imposed by Ordinance 2010-71 is hereby rescinded; AND
- 2) The Mayor is hereby authorized to advertise and fill budgeted vacated positions in order to maintain basic operating requirements of the City; AND
- 3) Such authority is not intended to include new positions, but only to maintain staffing levels as authorized by the budget. AND
- 4) Any and all new positions not included in the budget shall be filled only upon the express approval of the City Council.

Approved and adopted on this the _____ day of _____, 2011.

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-81

AN ORDINANCE ADOPTING THE FISCAL YEAR 2012 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2012 which begins October 1, 2011 and ends September 30, 2012; and

WHEREAS, the City Council has reviewed and considered such proposed budget; and

WHEREAS, the City Council believes that the proposed budget is a viable spending plan for the City during the next fiscal year; and

WHEREAS, the City's procedures require the adoption of the budget by Ordinance; and

WHEREAS, if the amounts budgeted for departmental operating items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other departmental items or purposes, provided that the total amount of the adopted budget is not exceeded.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2012 budget as attached hereto and made a part hereof for Fiscal Year 2012 beginning October 1, 2011 and ending September 30, 2012 is hereby approved.

Approved and adopted on this the _____ day of _____, 2011.

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-82

Mobile Bay National Estuary Program

WHEREAS, the Fiscal Year 2012 Budget is being considered by the City Council; and

WHEREAS, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, the Fiscal Year 2012 budget does not include an appropriation to the Mobile Bay National Estuary Program (MBNEP); and

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

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget in the amount of \$10,000 for a contribution to the MBNEP. Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

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

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk MMC