

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
DECEMBER 5, 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 21, 2011

SWEARING IN: Mrs. Tommie Conaway / Councilwoman for District #1 / Judge Lyn Stewart

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / November 21st

MOTIONS:

1.) To bid the following items for Public Works with the understanding that the bids will be submitted for review, approval and possible appropriation:

- 2012 8-10 Yard Capacity Medium-Duty Dump Truck
- 2012 Mauldin Vibratory Roller Compactor (Tow behind)
- 2012 4-ton Asphalt Hotbox Reheater/Reclaimer
- 2012 Ford F-450-550 HD Service Truck with Crane

2.) To bid the US 98 & Whispering Pines Road Intersection – Turn Lanes/Signalization which is a *50/50 cost split* with ALDOT

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY COMMITTEE – Boulware

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Lake

Review minutes / October 17th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board –
Review minutes / November 28th

D. Library Board – Lake

E. Planning Commission – Barnette
Review minutes / October 27th

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor's Report

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Acceptance of Property / Cora Autry...../Resolution 2011-80
- b.) Approving O&M Assessments within the Renaissance Improvement District...../Resolution 2011-81

ORDINANCES:

1ST READ

- a.) Approve the Appropriation of Funds for the Purposes Of Settlement (Sand Pit)/Ordinance 2011-83
- b.) Appropriation of Funds: US Fish & Wildlife Grant...../Ordinance 2011-84

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILWOMAN CONAWAY	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 YELDING	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 21, 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 Lake.

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

Also present: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; James White, Fire Chief; Adrienne Jones, Planning Director; Vickie Hinman, Human Resources Director; Richard Merchant, Building Official; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Captain Danny Bell, Police Department; Christine Ciancetta, Deputy Finance Director; Suzanne Henson, Senior Accountant; Jane Ellis, Mayors Assistant; Anne Morris, Reference Librarian; Officer Ben Mitchell, Police Department; Scott Hutchinson, City Engineer; Willie Robison, BZA; Al Guarisco, Village Point Foundation; Ray Moore, Hutchinson, Moore & Rauch.

Absent: Jay Ross, City Attorney; David Carpenter, Police Chief; Kim Briley, Finance Director; Tonja Young, Library Director.

3. APPROVE MINUTES

MOTION BY Councilman Boulware to adopt the November 7, 2011 Council meeting minutes. *Seconded by Councilman Scott.*

AYE Reese, Scott, Boulware, Palumbo, Barnette

ABSTAIN Lake

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Boulware to adopt the November 14, 2011 Special Called Council meeting minutes. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Boulware to adopt the November 14, 2011 Council Work Session minutes. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

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

2

MOTION BY Councilman Boulware to adopt the November 16, 2011 Special Called Council meeting minutes. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

Mr. Richard Lacey gave the presentation.

Mr. Bell, CEO of Mercy Medical, explained that Mercy Medical could not keep up all the property they own and expand their services so they are selling Mercy Medical and other properties, and are redirecting the proceeds to their other charitable services. Southeast Health Care, a for profit organization, is buying Mercy Medical.

Council President Barnette opened the Public Hearing at 6:46 p.m.

No one spoke for or against the proposed use of proceeds from the sale of Mercy Medical properties.

Council President Barnette closed the Public Hearing at 6:47 p.m.

**CHANGE MEETING DATES FOR THE JANUARY 2, 2012 AND JANUARY 16, 2012
COUNCIL MEETING DATE DUE TO HOLIDAYS**

MOTION BY Councilman Scott to change the January 2, 2012 Council meeting date to Tuesday, January 3, 2012, and to change the January 16, 2012 Council meeting date to Tuesday, January 17, 2012. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

The Finance Committee met before the Council meeting and the minutes will be in the next packet.

MOTION BY Councilman Boulware to accept the Treasurers Report as of October 31, 2011 in the amount of \$18,820,898.46. *Seconded by Councilman Scott.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Sales & Use Tax Collection / September 30, 2011

Sales and Use Taxes: September 30, 2011

Sales and Use Tax Collected for September 2011	-	\$863,511
Sales and Use Tax Budgeted for September 2011	-	<u>\$830,946</u>
Over Budget (for September)	-	\$ 32,565

YTD Budget Collections Variance – Over Budget - \$967,654

Lodging Tax Collections / September 2011

The Lodging Tax Collections report shows \$45,216.75 collected for September, 2011

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

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

C. PUBLIC SAFETY COMMITTEE – Boulware

The minutes for the 9th meeting are in the packet. No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Boulware

The minutes for the November 9th meeting are in the packet.

Council President Barnette asked if the committee had discussed changing the Rules of Procedure ordinance regarding voting for council president so that it will not require four (4) votes, but a simple majority if a seat were vacated.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Lake

Nomination: Environmental Advisory Board: John Peterson

MOTION BY Councilman Lake to appoint John Peterson to the Environmental Advisory Board. *Seconded by Councilman Scott.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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The meeting for the Environmental Advisory Board will be Monday, November 28th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The next meeting will be December 1st to consider two (2) special exceptions requests. One is for Christ the King and the other is for a cell tower on US Highway 98, and the third item is for a set back variance for Christ the King.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be Monday at 5:30 p.m. at city hall.

Councilman Palumbo requested an update on the DRA, IDB and Recreation funds that come from the lodging tax. He requested that the financials be reported on in their minutes.

C. Industrial Development Board –

The next meeting will be November 28th, and Mr. Cohen mentioned that the financials for the board are always in the minutes. He said that they have roughly \$228,000 in the account

D. Library Board – Lake

Children's Christmas activities will start on Friday, December 2nd through Friday, December 9th. The children will be given the opportunity to make ornaments and gifts, which is being paid for by the Friends of the Library. All ages can come from noon until 5:00 p.m. On December 15th from 5:00 – 7:00 p.m. Santa will be telling stories and visiting with the children, which is also being funded by the Friends of the Library. The Library has increased its computer course schedules beginning January 12th they will have beginners classes for Microsoft Word - intermediate, beginning e-mail and internet, and meet the Library website.

E. Planning Commission – Adrienne Jones

The Planning Commission meeting has moved up one week because of the holidays.

F. Recreation Board - Reese

No report.

G. Utility Board – Scott

The minutes for the June 29th meeting are in the packet. They are meeting the first Wednesday in December for the November meeting because of the Thanksgiving holiday. It will not be this Wednesday. The lease with the city has been signed for the restroom facility at Bayfront Park, and the restrooms should be operational. He pointed out that the restrooms are on a sewer line, and because of the location when the city is under threat of hurricanes or severe storms the utilities will physically come and disconnect the sewer outlet and take the restrooms to a safe location. These facilities has been provided at the expense of the utilities, and the council owes them a thank you.

6. REPORTS OF THE 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

2012 Alabama Tourism Grant

David Cohen, City Clerk, reported that the city received the 2012 Tourism grant in the amount of \$5,000. It will be dispersed at \$1,250 per quarter. The grant is for signage on eastbound I-10. The city already has the permits from the Corps of Engineers so they can go out for bids.

Mayor Yelding said that they can thank Mr. Lake for the grant, because he has been working on it for a long time.

Parade Permits:

MOTION BY Councilman Palumbo to approve the Parade Permits for:

- a.) Approve Parade Permit / Apollo's Mystic Ladies / February 10, 2012 / Rain Date - February 16, 2012**
- b.) Approve Parade Permit / Shadow Barons / February 18, 2012 / Rain Date - February 19, 2012**
- c.) Approve parade Permit / Mystic Order of Persephone / February 17, 2012 / Rain Date - February 19, 2012**
- d.) Approve Parade Permit / Loyal Order of the Fire Truck / February 19, 2012**

Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2012 Alabama Tourism Grant

MOTION BY Councilman Palumbo to accept the 2012 Alabama Tourism grant FOR \$5,000.

Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Authorize Mayor to send letter to Congressman Bonner / Regarding BP Oil Spill:

MOTION BY Councilman Scott to authorize the Mayor to sign and send a letter to Congressman Bonner regarding the Restore Act. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

No report. Mr. Bussey congratulated Mrs. Conaway.

C. Department Head Comments

Margaret Thigpen – Civic Center Director – reported that Tuesday November 29th is a “Christmas Carol with a Kick”, and December 18th is “The Forgotten Christmas Carols” tickets are on sale adults are \$15.00 and students are \$10.00.

David McKelroy – Recreation Director – reported on the schedule for Trione Sports Complex, and he congratulated Mrs. Conaway.

Richard Johnson – Public Works Director – reported the change in garbage and recycle pickup due to being closed Thursday and Friday for the Thanksgiving holiday.

Adrienne Jones – Planning Director – congratulated Mrs. Conaway, and wished everyone a happy Thanksgiving.

David Cohen – City Clerk – congratulated Mrs. Conaway, and announced that any agenda item for the December 5th council meeting should be turned in by Tuesday, November 29th by 5:00 p.m.

Anne Morris – Reference Librarian – congratulated Mrs. Conaway.

7. PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – congratulated Mrs. Conaway.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

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

MOTION BY Council Scott to waive the reading of Resolutions 2011-78 and 2011-79.
Seconded by Councilman Reese.

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

MOTION BY Councilman Scott to adopt Resolution 2011-78. *Seconded by Councilman Lake.*

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

MOTION BY Councilman Scott to adopt Resolution 2011-79. *Seconded by Councilman Boulware.*

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

MOTION CARRIED

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

MOTION BY Councilman Scott to waive the reading of Ordinances 2011-80 and 2011-81
Seconded by Councilman Lake.

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

MOTION BY Councilman Scott to adopt Ordinances 2011-80. *Seconded by Councilman Lake.*

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

MOTION BY Councilman Scott to adopt ordinance 2011-81. *Seconded by Councilman Lake.*

MOTION BY Councilman Boulware to amend Ordinance 2011-81. Currently this ordinance will allow them to pull \$354,130 from the Reserve in order to balance the 2012 budget. He moves that that amount be cut from the budget, initially, and to agree to a mid-year review of the budget if any adjustments need to be made. *Seconded by Councilman Palumbo.*

Council discussed the amendment.

VOTE ON AMENDMENT / ROLL CALL VOTE

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

AYE Boulware, Reese

NAY Palumbo, Scott, Lake, Barnette

MOTION FAILS

VOTE ON MAIN MOTION:

AYE Lake, Reese, Scott, Palumbo, Barnette

NAY Boulware

MOTION CARRIED

ORDINANCES 2011-82 WAS SENT TO THE DECEMBER WORK SESSION.

8. COUNCIL COMMENTS

Mayor Yelding said to his councilmen that they have done a good job, and he appreciates them. They worked like a well-oiled machine tonight. He thinks they showed professionalism in all the things that took place tonight. He said thank you. He wished everyone a very happy holiday.

Mrs. Conaway thanked the council, and she is looking forward to serving the people in Daphne, and the district.

Councilman Lake asked that someone notify the high school to let them know that they need a permit to do fund-raising in the city. He wished everyone a happy Thanksgiving. He reminded everyone that the Christmas parade and tree lighting is next Friday.

Councilman Reese wished everyone a happy Thanksgiving, and he congratulated Mrs. Conaway.

Councilman Scott welcomed Mrs. Conaway to the council, and he looks forward to working with her.

Councilman Boulware congratulated Mrs. Conaway, and wished everyone a happy Thanksgiving.

Councilman Palumbo wished everyone a happy and safe Thanksgiving. He thanked the candidates that were not selected for the District #1 council seat. He is looking forward to working with Mrs. Conaway. He said the Christmas parade is December 2nd, and invited everyone to come out for the parade.

Council President Barnette wished everyone a happy Thanksgiving, and welcomed Mrs. Conaway to the council.

9. ADJOURN

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 7:44 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
November 21, 2011
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:57 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Deputy Finance Director Christine Ciancetta, Senior Accountant Suz anne Henson, and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Mayor Bailey Yelding, Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, and Environmental Programs Manager Ashley Campbell.

II. PUBLIC PARTICIPATION

Mr. Ben Cruitt, Daphne citizen, stated that he did not believe anyone would lose their life if the capital equipment that Public Works needs is not replaced, but that if the streets of Daphne don't get restriped soon someone will lose their life. He noted that the Baldwin County Commission recently purchased a \$350,000 truck for road striping and he thinks they would be competitive for the City to contract with them to restripe our streets.

Mr. Richard Johnson stated that the Council has appropriated over \$15,000 for restriping over seven miles of City streets, including Main Street, and parts of CR 64. He noted that we are contracting with the County to do the work, and they should be starting very soon.

III. HUMAN RESOURCES BUSINESS

Update on Human Resources Department Activity

Ms. Vickie Hinman presented the Human Resources activity update. Open positions include the Revenue Accounting Tech, School Crossing Guard, Public Service Worker (3), and part-time Firefighter (2) positions.

The Safety Committee discussed personal injuries and property damages for the month. Annual maintenance of fire alarms was performed. Fire Marshall, 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. The next Safety Committee meeting will be Wednesday, November 30, 2011, at 10:00 a.m.

Ms. Hinman reported on the following HR department projects:

Posting Transitional Duty Policy – November 7 thru November 18

Directors/Supervisors Performance Review Training – January 12

Reviewing Short Term Disability Insurance Costs – possibly cutting benefits from 26 weeks to 13 weeks to move in line with FMLA (approximate savings of \$19,000 annually)

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: October 31, 2011

The Treasurer's Report totaling \$18,820,898.46 was presented. Mr. Scott asked that the prior year balance be added to the report.

Motion by Mr. Scott to accept the Treasurer's Report as of October 31, 2011, in the amount of \$18,820,898.46. Seconded by Mr. Boulware. Motion carried.

2. Sales and Use Taxes: September 30, 2011

Sales and Use Tax Collected for September 2011 - \$863,511
Sales and Use Tax Budgeted for September 2011 - \$830,946
Over Budget (for September) - \$ 32,565

YTD Budget Collections Variance – Over Budget - \$967,654

3. Lodging Tax Collections, September 2011

The Lodging Tax Collections report shows \$45,216.75 collected for September, 2011

4. Report: New Business Licenses – October 2011

The list of new businesses, and businesses closed, in October was presented.

5. Bills Paid Reports – October 2011

The October Bills Paid Report for FY 2011 was included in Packet #2 and the October Bills Paid Report for FY 2012 was included in Packet #2-A. Mayor Yelding questioned the three payments made to ChemSearch totaling \$1,339.19 for hand soap. Mr. Johnson stated he would check into it and report back to Mayor Yelding.

B. Appropriation Request

General Fund -

➤ MBNEP – Annual Contribution - \$10,000

Ms. Roberta Swann, Director of the Mobile Bay National Estuary Program, presented a request to increase the City's contribution from \$3,000 to \$10,000 annually. This would help MBNEP meet its non-federal match obligation under its U.S. Environmental Protection Agency (USEPA) grant. She presented information on the Joe's Branch Watershed restoration project and noted that funding approval has just been received from ADEM for \$570,000 and from ALDOT for \$200,000. Ms. Swann stated that with in-kind, this project will be over \$1,000,000.

Ms. Swann discussed that the City's contribution should not really be in the category of community contributions, but more of a partnership or investment. She noted that MBNEP and the City work together on stormwater education and watershed management. She stated that money received does not go into salaries, but is sent back out as grants, etc. such as the \$15,000 grant the City recently received from MBNEP.

It was noted that \$3,000 is currently in the FY 2012 budget request for MBNEP, so the appropriation request is actually for an additional \$7,000.

Mr. Scott requested that this be discussed by the full Council at the December work session.

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**

Mr. Johnson discussed the requested bid items. He noted that all are replacement items except the asphalt hotbox reheater/reclaimer. He noted this is the top items on his capital equipment request for FY 2012.

Mr. Boulware requested that all departments prioritize their top three or four capital needs so that bids can be requested and cost information is available when the capital projects budget is considered. He asked about the cost of bid advertising. Discussion was made on going ahead and bidding out priority items requested in the capital budget from all the departments. Mr. Johnson asked what is the general cost for a bid. Ms. Henson noted that advertising for bidding is approximately \$50 to \$75 dollars, but noted that consideration needs to be given to more than the advertising cost, that each bid is labor intensive, involves the time of several employees in preparation, sending out bid specs, time spent on phone calls and e-mail communication with all the interested bidders, and preparation of and maintaining the bid documents and bid file. Ms. Henson noted that some items on the capital request list may be able to be purchased from the State contracts, US Communities, GSA contracts, or SAPA Contract and not have to be bid. Mayor Yelding requested that Ms. Henson contact all departments immediately to have them prepare their top capital needs requests.

Motion by Mr. Scott to recommend Council allow Finance to bid the following items for Public Works with the understanding that the bids will be submitted for review, approval and possible appropriation:
2012 8-10 Yard Capacity Medium-Duty Dump Truck
2012 Mauldin Vibratory Roller Compactor (Tow behind)
2012 4-ton Asphalt Hotbox Reheater/Reclaimer
2012 Ford F-450-550 HD Service Truck with Crane
Seconded by Mr. Boulware. Motion carried.

- **US 98 & Whispering Pines Road Intersection – Turn Lanes/ Signalization (Engineering & Design Fees already approved)**

Mr. Scott noted that this is a 50/50 split with ALDOT and recommended proceeding with the bid process.

Motion by Mr. Scott to recommend Council allow Finance to bid the US 98 & Whispering Pines Road Intersection – Turn Lanes/Signalization. Seconded by Mr. Boulware. Motion carried.

D. Declare City Property Surplus:

The following equipment was presented for surplus:

<u>Dept</u>	<u>Tag/Veh#</u>	<u>Description</u>	<u>Vin# / Serial #</u>
Patrol	955	2002 Speed Monitor Radar Trailer	10327
SRT	1208	1997 Ford Super Duty Ambulance	1FDLF47F3VEC67023
Patrol	100	2000 Ford Crown Vic	2FAFP71W5YX173419

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

V. OLD BUSINESS

A. Mayday Park Landscaping Update – Plants are being ordered for project.

Ms. Henson noted that \$5,000 has been approved for Mayday Park landscaping and planting is about to begin.

B. Cell Phone Plan – Cost for Boosters in City Hall – Pending SAPA Contract

Ms. Henson discussed that the City will be using the SAPA contract for the cell phone plan, pending the confirmation of any cost barriers for the boosters. This information should be available soon.

C. Property Tax Received

Ms. Henson noted that \$304,000 in property tax revenue was received today, bringing the total for FY 2011 closer to the budgeted amount.

VI. ADJOURN

The meeting was adjourned at 5:36p.m.

**CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING**

Time: 5:00 PM on October 17, 2011

Location: City Hall Council Chambers

CHAIRMAN - Councilman Bailey Yelding, District 1

Councilwoman Cathy Barnette, District 2

Councilman John Lake, District 3

I. CALL TO ORDER

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

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Richard D. Johnson-Director Public Works, Sandra Cushway-PW Administrative Assistant, Scott Hutchinson-HMR, Jaye Robertson-HMR, Dorothy Morrison-Daphne Beautification

II. PUBLIC PARTICIPATION & CORRESPONDENCE

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

III. OLD BUSINESS

- A. **Minutes – September 19, 2011 Councilman Yelding made a motion to accept the minutes; motion seconded by Councilman Lake.**
- B. **Mosquito Reports** – September 2011 – Councilman Lake stated that he would like to make sure that the mosquito truck is spraying side streets throughout the City. He would also like to see the public educated on mosquito prevention. Richard stated that we have identified high mosquito areas and they are treated regularly. Councilman Lake asked if the chemicals we use to spray for mosquito harms/kills beneficial insects. Richard responded that what we spray is supposed to be mosquito specific.
- C. **Street Sweeper Reports** – September 2011 reports reviewed.

IV. NEW BUSINESS

- A. **Authorization to Solicit Bids for Capital Equipment** – Councilman Lake expressed that he really likes the idea of having a hot box. It will help the Street Department address pot holes a lot quicker. Richard commented that the asphalt reclaimer would save on asphalt repair costs allowing us to reuse asphalt. **Motion made by Councilman Lake to authorize Public Works to solicit bids for capital equipment. Motion seconded by Councilman Yelding.**

V. DIRECTOR'S REPORT

- A. **Street Improvements** – Priorities have been reorganized. Same amount of road work, just different order. Richard stated that Public Works is seeking \$500K in the budget for capital road improvements. Keeping all in mind, what are the priorities for FY2012? Councilman Lake stated that the map was for political purposes. He wants to know which roads are most in need and/or are failing (impending base failure). Richard stated that one of the areas with structural issues is Main Street, College Avenue to Bay Front. Conservatively will cost around \$354K to resurface this high profile corridor. It was recommended that we stay with the original list. Main Street, Whispering Pines (64/98 and Well Road are already underway). This will tie in well. Do some strategic remedial work. Councilman Yelding said that he didn't want to see anymore makeshift repairs. Repave the roads and do it right. Street paving needs to be on the agenda for the next work session for the council to discuss. Richard said that the state is paying for half of Whispering Pines which is a tremendous benefit. Councilman Yelding suggested that they request that funds be appropriated at a later days. **Councilman Lake made a motion to send Road Paving Plan to next Council Work Session. Motion seconded by Councilman Yelding.** Richard commented that we need a road from the Park Complex. Councilman Lake said we need \$100K in sponsorship. We

would need drawings, plans, etc. Is a Parks/Recreation issue.

- B. **Environmental Advisory Board** – excited to finally get started. Would like the blessings of the committee to start meeting. Richard stated that we have put together a very talented group. Going to start corresponding with group. First meeting to be held on Monday – November 28, 2011 at 4:00 PM. The meetings will be held on the last Monday of the month at 4:00 PM.
- C. **Acorn Knoll – ROW Violation** – Citizen in neighborhood with large house on corner lot has six large columns on ROW. Contractor states they are on property, but they were incorrectly placed on the ROW. The Building Inspector never released a CO. The columns were not placed where the plans indicated they would be. No ROW permit issued. Councilman Yelding agreed that this needs to be addressed.
- D. **Randall Avenue Sidewalks** – scheduled to begin work next week.
- E. **Park City Park** – Hank Aaron has said he would donate portion of lot that is on his property if we name it after him.

VI. SOLID WASTE AUTHORITY

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

VII. MUSEUM COMMITTEE

- A. **Minutes – September 12, 2011.** Minutes reviewed.

VIII. BEAUTIFICATION COMMITTEE

- A. **Minutes – September 2, 2011**
- B. **Update** – Moving along – Hwy 98 is looking great. Hoping to get the Parks department working on theirs.

IX. ENGINEER REPORT

- A. **NRCS Update** – None
- B. **HMR Report** – Richard’s presentation was very detailed and left few questions. Two thirds in favor. Richard said that the other third firmly against it.

V. FUTURE BUSINESS

- A. **Next Meeting** – November 21, 2011

XI. ADJOURNMENT

The meeting adjourned at 5:45 PM.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:30 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

**DAPHNE
INDUSTRIAL DEVELOPMENT BOARD
NOVEMBER 22, 2011**

Cash balance 11/22/2011

* \$ 30,954.97

\$ 188,895.10

Cash total \$ 219,850.07

Receivables

No report for August, September, October

\$ -

TOTAL

\$ 219,850.07

* NOTE: On September 30, we did received \$18,898.36 for March, April,
May, June and July.

Summary of Minutes from the October 27, 2011 Planning Commission Regular Meeting

Called to Order by Vice Chairman, Larry Chason at 5:01pm on October 27, 2011.

Roll Call by Mrs. Anderson: Quorum established by presence of Chief White, Councilwoman Barnette, Mayor Yelding, Larry Chason, Victoria Phelps, Don Terry, Dan Gibson and Joe Lemoine.

Motion by Barnette to approve minutes. Terry seconded the motion. No Discussion. Motion carried unanimously.

McDonald's Site Plan

Mike Crowley indicated that they will remove the existing building and basement and rebuild the McDonald's. New sign details were provided, however they have not been reviewed by Lonnie Jones. Chief questioned the separate approval. Jones clarified that the Building Official will review the building permit and Code Enforcement will review the sign permit. Phelps indicated the desire to see monument sign and encouraged Crowley to pursue ALDOT regarding blue interstate sign. Barnette indicated that Mr. Johnson is spearheading that project.

Mr. Gibson questioned the removal of the building, asphalt and paving without adding measures to protect water quality but rather dumping pollutants into the Bay. Indicated that on-site water detention or retention should be implemented as would be required if a newcomer were to re-develop the site.

Mr. Crowley indicated that the civil engineer affirms that their plans meet the city's regulations 100%.

Mr. Chason questioned whether the run-off would be reduced.

Mr. Johnson explained that post construction runoff rates should not exceed pre construction rates. Explained the ordinance does not have post development water quality standards. He confirmed that the plans meet the current regulations and he finds no extenuating circumstances that would require a change in the plans submitted, albeit 600-ft from a tidally influenced body of water.

Mr. Gibson questioned comments from the Environmental Programs Manager's memo regarding creeks.

Mr. Johnson explained that the purpose of bmps is to ensure stability during construction.

Mr. Gibson and Mr. Johnson debated about parking lot stormwater runoff carrying debris.

Mr. Chason posed a question for Mr. Johnson providing a scenario of property 10 acres in size with a redevelopment proposal the same as McDonald's—the site has been developed prior to the establishment of detention/retention regulations. He asked whether that development would have the right to redevelop without detention/retention. Noted is as a potential problem because of the associated uncertainty. Questioned whether the ordinance needs to be reworded.

Mr. Johnson explained that a proposed redevelopment would be allowed to follow the McDonald's example unless the review was noted to have downstream impacts. He discussed the best aspects of redevelopment of sites as a means to prevent sprawl development. Then noted that the cost of

Summary of Minutes from the October 27, 2011 Planning Commission Regular Meeting

redevelopment shouldn't be the same or higher than new development. Finally, he is willing to discuss treatment options in the future.

Mr. Gibson, Mr. Chason and Mr. Johnson debated the prospects of other future redevelopment sites and the need to protect the city and to encourage responsible redevelopment through review of the ordinance.

Mayor Yelding commented that there may be room to improve – in the future differentiating between large scale and small scale redevelopments, but the only option here is to follow the current rules in place.

Mr. Chason questioned whether Mr. Johnson was comfortable to enforce the ordinance and not relying upon the grandfather provision.

Mr. Johnson reiterated that 'pre' refers to 'today's condition of the land' and 'post' refers to 'after the land is developed'.

Mr. Gibson referenced the ordinance's LEED standards asking whether they would be willing to use pervious pavers.

Mr. Crowley explained that they will have less impervious areas with the current design, but they will look at the possibility while moving forward.

Mr. Gibson commented on the calculations on impervious areas.

Councilwoman Barnette commented that the ordinance needs to be more definitive where downstream is affected. Mentioned an impaired watersheds overlay district concerned with water quality, and then questioned the replacement of the stairs from North Main Street to McDonalds.

Ms. Phelps gave a recap regarding the stairs as not being the responsibility of McDonalds, but rather the city's. They were removed because they didn't meet ADA requirements. She also indicated that she was pleased with McDonald's reinvestment in the City and thinks the new style and redevelopment would set a good standard along the Highway 98 corridor.

Councilwoman Barnette reiterated Ms. Phelps' prior comments regarding a preference for a monument sign in lieu of a pole sign.

Councilwoman Barnette made a motion to approve the McDonald's site plan excluding sign details and sidewalks. Seconded by Ms. Phelps. Discussion: Increase pervious areas on site; allow for discussion between Mr. Johnson and Mr. Crowley regarding addition of pervious areas and measures. **Barnette amended motion to authorize staff to approve modifications to impervious without revisiting the Planning Commission.** Ms. Phelps consented to amendment. **Motion carried unanimously.**

Summary of Minutes from the October 27, 2011 Planning Commission Regular Meeting

Mr. Crowley requested clarification regarding the exclusion of sidewalks, as meaning there is no requirement for a sidewalk along Highway 98.

Commission confirmed that no sidewalks are required on Highway 98.

Ms. Phelps and Barnette added comments regarding the blue interstate sign and monument sign.

Strickler Imports Site Plan

Mr. Dees indicated that they propose to build a new car dealership in the Renaissance Center.

Councilwoman Barnette made a motion to approve the Strickler Imports Site Plan. Seconded by Ms. Phelps. No discussion. Motion carried unanimously.

Renaissance Center Master Plan

Trey Jinright explained changes made to the Master plan regarding curb cuts along Highway 90 and joint access agreements.

Councilwoman Barnette questioned the request to amend the plan and whether the lot assessments would be the same as the larger lots.

Mr. Jinright explained this size would be more marketable. Assessments would be treated as with a home owners association. Fees decrease as lot sizes decrease: a way to spread the cost.

Ms. Phelps commented that there are no known end-users at this time.

Ms. Phelps made a motion to approve the master plan for Renaissance Center. Seconded by Mr. Terry. No discussion. Motion carried unanimously.

Resubdivision of Lots 8, 11, 12, 13, 14, 15, 16, 17 Renaissance Center Subdivision, Phase 3

Trey Jinright explained that the propose resubdivision is consistent with the master plan just discussed.

Ms. Phelps made a motion to approve the Resubdivision of Lots 8, 11, 12, 13, 14, 15, 16, 17 Renaissance Center Subdivision, Phase 3. Seconded by Councilwoman Barnette. No discussion. Motion carried unanimously.

Administrative Presentation by Richard Johnson

Mr. Johnson provided clarification regarding the stairs to McDonalds. Plans for a 120' -140' board walk may be implemented since there is a demand for access to the McDonalds' site.

He went on to explain the Well Road project and added that there have been preliminary discussions with the Mayor regarding extension of Well Road to County Road 13.

Mr. Chason questioned what changes would occur to Pollard Road.

Summary of Minutes from the October 27, 2011 Planning Commission Regular Meeting

Mr. Johnson said that they would look at various options, considering the cost, maybe to start with a 4-way stop and progress to signalization if and when needed. Possibly a round-a-bout would be an option but all of the options would be evaluated in the future.

Mr. Johnson discussed the project timetable to start the Well Road project being as soon as next Monday. He also discussed the possible extension of Johnson Road as shown on long range plan and reported that the County Road 64 and County Road 13 intersection will likely be a test bed for a new round-a-bout and that the County would pay 100% of project costs.

Councilwoman Barnette made motion to make favorable recommendation for approval for the work from Pollard to Public Works Road. Seconded by Ms Phelps. Vote carried unanimously.

Mrs. Jones added that all city projects are to be reviewed by Planning Commission. This is just giving consent to the work.

Public Participation-Norm Peachy address 9849 Bella Drive.

Mr. Peachy discussed the Planning Commission's disapproval of Bellaton Subdivision, Phase 3 at July meeting and questioned the process of reconsideration and approval of the preliminary plat at the August meeting without providing notice to the residents.

Mr. Ross explained Robert's Rules of Order's reconsideration process, where one would be able to bring any matter back to the body. The plat was approved and all proceedings were in accordance with Robert's Rules of Order.

Mrs. Barnette explained that the Planning Commission had no legally defensible reason to deny the site plan per the attorney's advice in Executive Session of the Planning Commission [held the night of the reconsideration] which wouldn't be placed on the agenda, particularly where there was a discussion of pending litigation involving the subdivision.

Peachy questioned whether Ms. Phelps was threatened to be sued individually.

Ms. Phelps elected to not answer the question but rather say that she had a difficult time in making a decision one way or the other, a decision which was the most difficult one she had to make in her tenure on the commission. She further indicated that voting one's conscious is not a legal reason to deny a subdivision plat.

Mr. Ross explained that the Planning Commission was threatened with litigation and that there was no legal or factual basis on which to deny that application.

Mr. Chason stated that the application was properly advertised for the July meeting and explained that the commission considers the public comments however not being bound to vote one way or the other because of the number of people who object to the proposal.

**Summary of Minutes from the October 27, 2011
Planning Commission Regular Meeting**

Mr. Peachy discussed the proceedings and gave information about the potential size of homes to be constructed on the property and said the developers desire to develop more land without the ability to properly maintain it. He indicated that he thought that the city should pay to litigate the matter rather than the neighbors.

In the Attorney's Report, Mr. Ross stated that the TimberCreek Conservation Easement matter would be discussed at the November meeting.

During Commission Comments, Mrs. Barnette welcomed the new mayor to the Planning Commission. He expressed happiness to be in attendance. Mr. Lemoine stated that corrective actions should be taken to address issues brought up in the McDonald's review. The commission's job is not to harass the applicants. He added that he will not be attending in November. Mrs. Barnette mentioned meeting with Mary Ship with the State Historic Preservation Officer and the possibility of developing non-regulatory policies for an historic preservation program.

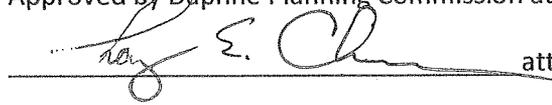
The Commission agreed to a new meeting time for site preview: 10:00 am on Wednesdays in lieu of 8:30 a.m.

In the Director's comments, she discussed the need to use site preview meetings for things which would require lengthy debates and the need for the commission to establish top priorities for 2012 and the need to work according to those priorities. Mrs. Jones said that she would add the priority list discussion to the November agenda and include low impact development scope of work and timeline to the packet.

Mr. Terry motioned to adjourn at 6:24. All seconded. Motion carried unanimously.

Submitted by Adrienne Jones, Community Development Director 

Approved by Daphne Planning Commission at the November 17, 2011 Regular Meeting

 attested by Vice Chairman, Larry Chason

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2011 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Mr. William Lange, owner of Bay Auto Glass, requesting to clear approximately ninety feet of the front of Lot 1 and a portion of Lot 2, Tillman Brothers Subdivision for the installation of an impervious surface such as gravel or rock, lighting and signage for a self service automobile sales lot located at 2506 U.S. Highway 98, northeast of the intersection of Santa Rosa Drive and U.S. Highway 98. Current zoning is B-2, General Business. (UNANIMOUS MOTION, THE OWNER OF BAY AUTO GLASS SHALL BE REQUIRED TO SUBMIT A SITE PLAN FOR THE NEW BUSINESS PROPOSED ON LOT 2 FOR AUTOMOBILE SALES.

2. Planning Commission to discuss goals for the upcoming year. (DISCUSSION OF GOALS FOR THE UPCOMING YEAR 2012 AND SET PRIORITY OF THE TOP THREE ITEMS TO BE DISCUSSED).

5. PUBLIC PARTICIPATION

6. ATTORNEY'S REPORT: Report on Conservation Easement, TimberCreek Golf Course. (NO REPORT. REPORT WILL BE GIVEN AT SUBSEQUENT MEETING).

7. COMMISSIONER'S COMMENTS

8. DIRECTOR'S COMMENTS

9. ADJOURNMENT

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION 2011-80

**Acceptance of Property
(Cora Autry)**

WHEREAS, Cora L. Autry hereby desires to grant, bargain, convey, and donate to the City of Daphne a certain parcel of real property and;

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

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

The North 35 feet of Lot 11, Block 1, Randall's Subdivision, as shown by map or plat thereof recorded at Miscellaneous Book 1, Page 227, Probate Records, Baldwin County, Alabama, Less and Except the North Rights-of-Way for Pollard Road and Randall Avenue.

WHEREAS, said right-of-way currently has no known name and upon acceptance the City Council sees fits for the name of said right-of-way to be Eliza Mitchell Drive; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted and named Eliza Mitchell Drive.

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

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

**CATHY BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

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

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: The Proposed Acceptance of an Unnamed Right-of-Way for Maintenance

MEMORANDUM

Date: August 1, 2011

LOCATION: The north thirty-five fee of Lot 11, Block 1, of Randall's Subdivision, northwest of the intersection of Randall Avenue and Pollard Road. The remnant north of Deerwood Subdivision. The unnamed right-of way set for acquisition and acceptance for maintenance, subject to conveyance by the owner by right-of-way deed to the City of Daphne.

Public Works Committee meeting of July 26, 2011. Recommendation to name unnamed right-of-way - Eliza Drive.

E-911 recommendation to name Eliza Mitchell Drive as not to conflict with other similar named streets, drives and/or roads in the City of Daphne.

RECOMMENDATION: At the July 28, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a *favorable recommendation* of the proposed acceptance of name and of the right-of-way.

Attached please find documentation provided by the Division of Public Works. A copy of the resolution shall be provided by the office of the City Attorney for placement on the Monday, August 15, 2011 City Council agenda.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. E-Mail from the Division of Public Works
2. Public Works Committee - Notice of Action
3. Legal Description
4. Map of Right-of-Way
5. Resolution

Jan Dickson

From: Jan Dickson <jandplcr@bellsouth.net>
Sent: Tuesday, July 26, 2011 3:46 PM
To: pat houston
Subject: FW: Public Works Committee - Notice of Action Taken - 07-26-2011
Attachments: July 26 2011 PW Committee Notice of Action Taken with Attachments.pdf

From: DirectorPW [mailto:directorpw@bellsouth.net]
Sent: Tuesday, July 26, 2011 3:41 PM
To: Bailey Yelding; Councilwoman Barnette; Councilman Lake; Mayor Fred Small
Cc: 'Jane Robbins'; 'Kim Briley'; Suzanne Henson; Adrienne Jones; Jan Dickson; 'Jaye Robertson'; David Cohen; Becky; Cal Markert; Buck Conaway; Candice Bishop; Denise Penry; Duke Crutchfield; Dwayne Coley; Dwayne Coley; Frank Barnett; Freddie Johnson; 'Melvin McCarley'; 'Sandi Cushway'; Tracey Miller
Subject: Public Works Committee - Notice of Action Taken - 07-26-2011

Please see attached Notice of Action Taken from today's PW Committee Meeting. Please note there are immediate actionable items for the following departments and personnel:

Public Works Administration/Mechanical
City Engineer
Finance Department
Community Development
City Clerk

Adrienne –

1. Please see the motion concerning the naming of the Unnamed road to: Eliza Drive. The PW Committee felt strongly that roads of this type should be named after residents of the community served. Miss Eliza was a longtime resident of the community and was well known to all who lived in the area.
2. Woodrow Lane – Can you verify if it is already in the corporate limits, if not we will need to included annexation in any request and consideration. I will ask the County Engineer for a legal description.

Thanks,

RDJ

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

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

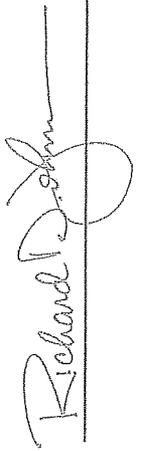
directorpw@bellsouth.net

City of Daphne – Public Works Committee

Meeting Date: June 20, 2011

Notice of Action Taken

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
II.C.	Citizen's request for sidewalks along Randall Ave.	PW Staff to meet with Harrell & Mead and walk ROW for layout and easement acquisition	PW Admin Staff	PW Admin. Asst. PW Director PW Street Supervisor	Citizens will work to secure the needed sidewalk easements from the frontage property owners. PW Staff will coordinate sidewalk alignment and layout – once easements are secured PW Staff will bring back to PWC for appropriation
III.D.	Santa Rosa/Old County Road Drainage	General Discussion – No Action Taken – Will continue to study problem	PW Director & City Engineers	PW Director	PWC has taken problem under advisement and PW Director & City Engineers will continue to monitor
IV.A.	Approval to seek bids for a fuel delivery replacement system	Motion Passed	Finance Department	Finance Staff PW Mechanical Supervisor PW Superintendent	PW mechanical will provide "bid ready" specifications to Finance Dept. to be sent for bids. Once bids are received they will be forwarded to Finance Comm. for appropriation from capital funds
IV.B.	Request to Purchase Clarke Advantage 17" Auto Scrubber	Motion Passed – recommendation to Finance Committee	Finance Department	Finance Staff PW Admin. Asst.	To be placed on July 11, 2011 Finance Committee for possible appropriation from capital funds
IV.C.	May Day Park Boat Ramp – Request for legal action against Thompson Eng. – Errors & Omissions	Motion Passed – recommendation to Full Council	City Clerk City Attorney	City Clerk	PWC selected option #2 (Director's Memo) in the form of a motion (Attached)
IV.D.	Unnamed Roadway/Drainage Easement Acquisition – Accept for maintenance	Motion Passed – recommendation to Full Council	City Clerk Community Development	City Clerk Community Development	Motion with exhibit attached. Roadway will require naming – Community Development. Maintenance subject to ROW deed.


Richard D. Johnson

Richard D. Johnson, PE; Director

June 22, 2011

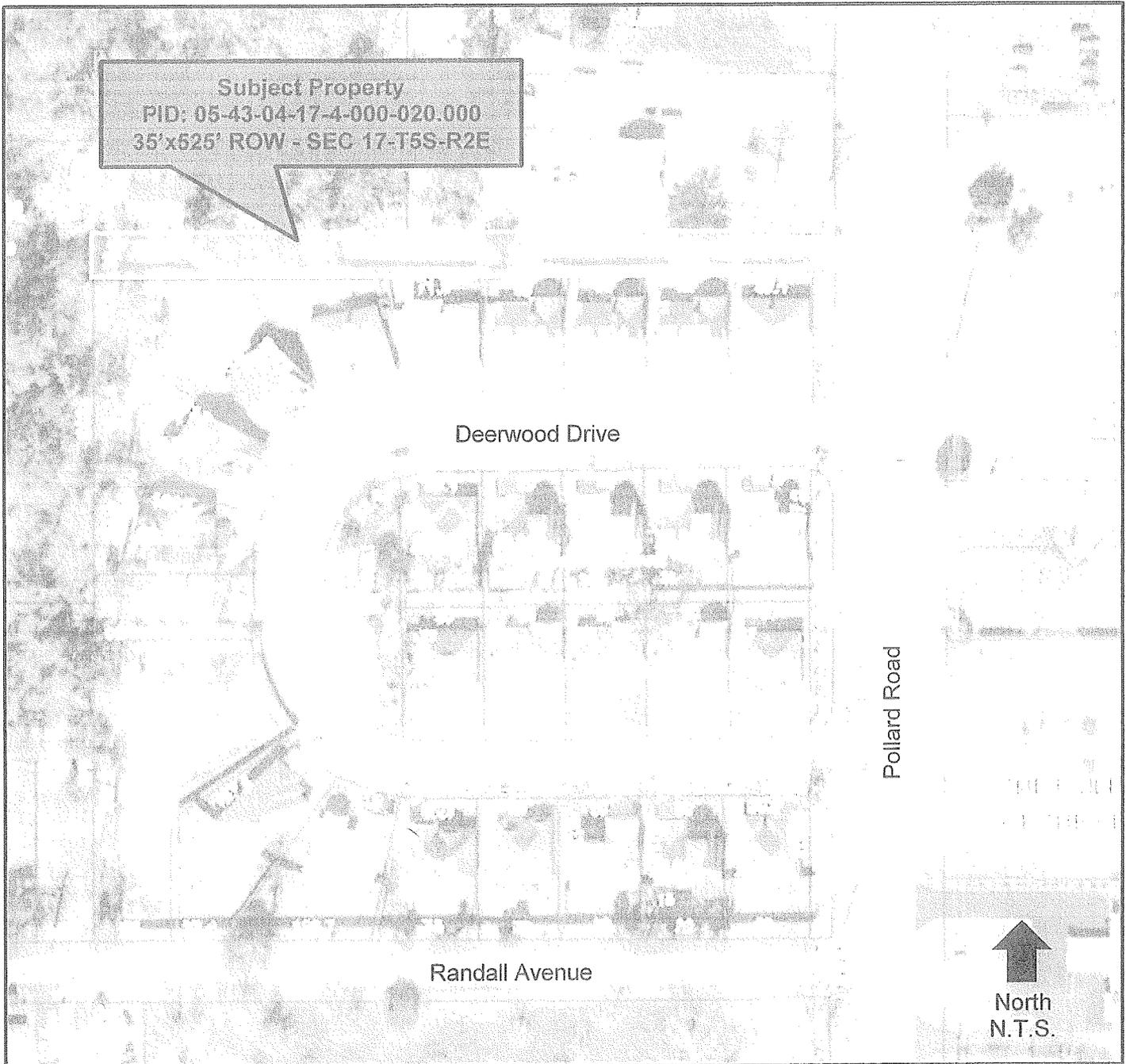
Unnamed Rights-Of-Way/Drainage Easement - Acquisition and Acceptance for Maintenance

Motion: Accept Unnamed Rights-Of-Way, as shown in the attached Exhibit A, for acquisition and maintenance of by the City of Daphne, subject to conveyance by Rights-of-Deed from owner.

"Exhibit A"

Legal Description:

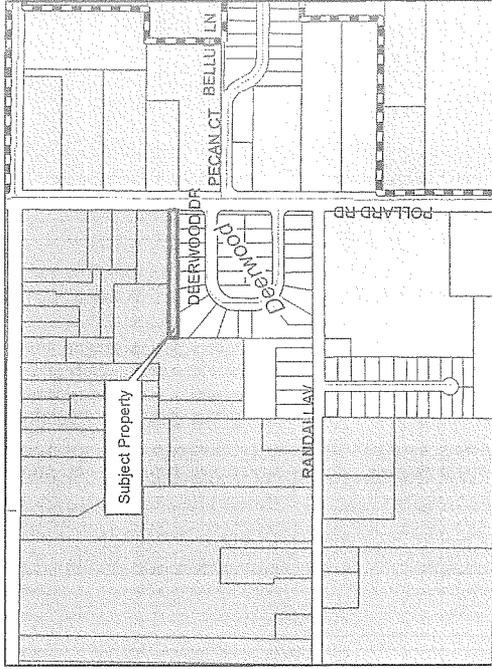
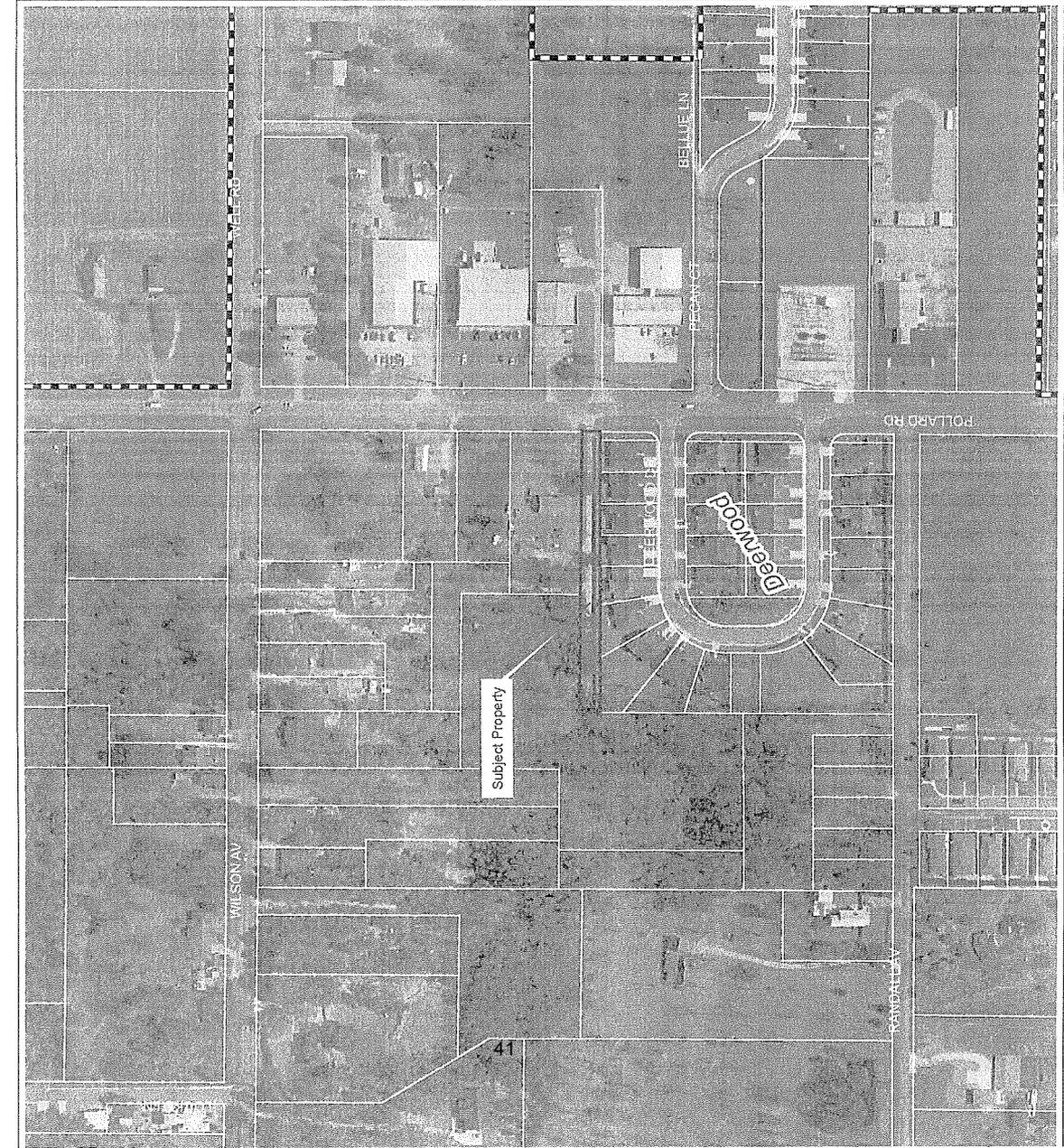
The North Thirty Five (35) feet of Lot 11, Block 1, Randall's Subdivision, as shown by map or plat thereof recorded at Miscellaneous Book 1, Page 227, Probate Records, lying in Section 17, Township 5 South, Range 2 East, Baldwin County, Alabama.



City of Daphne Community Development Administrative Presentation

July 28, 2011

PROPOSED ACCEPTANCE Un-named ROW/Drainage Easement Randall Sub - Lot11, Block 1 .42 Acres +/-



- Legend**
- CITY LIMITS
 - R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
 - R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
 - R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
 - R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
 - R-5 MOBILE HOME RESIDENTIAL
 - B-1 LOCAL BUSINESS
 - B-2 GENERAL BUSINESS
 - B-3 PROFESSIONAL BUSINESS
 - CI COMMERCIAL/INDUSTRIAL
 - MU MULT-USE
 - ET JURISDICTION

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assumes no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3104

STONE, GRANADE & CROSBY, P. C.

ATTORNEYS AT LAW

PLEASE REPLY TO:

7133 STONE DRIVE
DAPHNE, ALABAMA 36526
TELEPHONE: (251) 626-6696
FACSIMILE: (251) 626-2617

www.sgclaw.com

FRED K. GRANADE*
SAMUEL N. CROSBY
GEORGE R. IRVINE, III*
L. BRIAN CHUNN
T. DEVEN MOORE
SHAWN T. ALVES
R. SCOTT LEWIS
CAROLYN JOHN*
J. BRADFORD BOYD HICKS

OF COUNSEL
NORBORNE C. STONE, JR.
ELIZABETH CROSBY CHEELY*

ALSO ADMITTED IN FLORIDA*
ALSO ADMITTED IN LOUISIANA*
ALSO ADMITTED IN FLORIDA & MISSISSIPPI*
ONLY ADMITTED IN PENNSYLVANIA*

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BAY MINETTE, ALABAMA 36507
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FACSIMILE: (251) 937-0483

FOLEY OFFICE:
7823 HIGHWAY 59 SOUTH
FOLEY, ALABAMA 36535
TELEPHONE: (251) 355-5155
FACSIMILE: (251) 355-5055

November 18, 2011

Ms. Adrienne Jones
Planning Director
City of Daphne
P. O. Box 400
Daphne, AL 36526

Re: Madlyn V. Mitchell

Dear Ms. Jones:

Enclosed is the original recorded Right of Way Deed For Public Road Fee Simple Warranty Deed with respect to Ms. Mitchell's drainage problem.

Thank you for your assistance and please do not hesitate to contact me if you have any questions.

Sincerely,


SAMUEL N. CROSBY
For the Firm

SNC/br
encls.

cc w/encls.: Mr. Andre Mitchell - VIA E-MAIL - eagle4life1998@yahoo.com

00180571 WPD

STATE OF ALABAMA
COUNTY OF BALDWIN

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/Recd. 11/2/2011 10:59 AM
DEED TAX \$ 1.50
TOTAL \$ 19.50
1 Pages

11
20
11

RIGHT OF WAY DEED FOR PUBLIC ROAD
FEE SIMPLE WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the benefit to the public and other good and valuable consideration given to the undersigned by the CITY OF DAPHNE, ALABAMA, an Alabama Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged, and for the further consideration of the benefits accruing to the public from the construction of a public road through or across its lands, CORA L. AUTRY, a widow and the surviving spouse of EARLSEY L. AUTRY, who died on December 10, 1981, by and through her lawful Attorney-in-Fact, Lois Sykes, pursuant to the power of attorney of Cora L. Autry, a copy of which is attached hereto and incorporated by reference, the undersigned Grantor has this day bargained and donated, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the CITY OF DAPHNE, ALABAMA, the following described property lying and being in Baldwin County, Alabama, and being more particularly described as follows:

The North thirty-five (35) feet of Lot 11, Block 1, Randall's Subdivision, as shown by map or plat thereof recorded at Miscellaneous Book 1, Page 227, Probate Records, lying in Section 17, Township 5 South, Range 2 East, Baldwin County, Alabama, containing 0.42 acres, more or less.

THIS CONVEYANCE PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

TO HAVE AND TO HOLD unto the CITY OF DAPHNE, ALABAMA, its successors and/or assigns in fee simple forever.

And for the consideration, aforesaid, does for itself for its heirs, executors, administrators, successors, and/or assigns covenant to and with the City of Daphne, Alabama, that it is lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that it has a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the Grantor; and that it will forever warrant and defend the title thereto against the lawful claims of all person whomsoever.

The Grantor herein further covenants and agrees that the \$1,500.00 purchase price is in full compensation for this conveyance, and hereby releases the City of Daphne, Alabama and all of its employees and officers from any and all damages to its remaining property hereby conveyed arising out of the location, construction, improvement, landscaping, maintenance, or repair of any public road or highway that may be so located on the property herein conveyed.

IN WITNESS WHEREOF, Cora Autry as Owner has hereunto set her hand and seal this 17th day of Oct, 2011.



CORA L. AUTRY, by and through her lawful Attorney-in-Fact, Lois Sykes

STATE OF ALABAMA
COUNTY OF RANDOLPH

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that LOIS SYKES, whose name as lawful Attorney-in-Fact for Cora Autry, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she in her capacity as such Attorney-in-Fact, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 17th day of October, 2011.

Reba J. Conger
Notary Public
My Commission Expires: 4-8-13

GRANTOR'S ADDRESS:

Post Office Box 123
Roanoke, Alabama 36274

GRANTEE'S ADDRESS:

This instrument prepared by:

SAMUEL N. CROSBY of
STONE, GRANADE & CROSBY, P.C.
Attorneys at Law
7133 Stone Drive
Daphne, Alabama 36526
(251) 626-6696
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OTD-0312-4000

STATE OF ALABAMA
RANDOLPH COUNTY

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DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS,

That I, Cora L. Autry, have this day constituted and appointed Lois Sykes or ~~Earscell Tate~~ my true and lawful attorney for me, and in my name to:

(a) Store, sell, convey, assign, transfer, mortgage, lease, exchange, or otherwise dispose of any and all property, real and personal, and mixed of whatever nature, character and kind and wheresoever situated and in which I hold any right, title, claim or interest.

(b) To demand, sue for, receive and enforce payment of and receipt and give discharges for all monies, securities for money, deed, chattels, and other personal estate whatsoever now belonging or hereafter to belong to me.

(c) To accept and endorse all notes, checks, vouchers, drafts, or bills of exchange which may require my signature or endorsement. To make and execute on my behalf all deeds, checks, notes, contracts, transfers, assignments, receipts and instruments.

(d) To do every other thing necessary or proper for carrying into effect an execution of any of the purposes above mentioned as fully in all intents and purposes as I may or could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue hereof and without anywise limited the foregoing. Generally, to do, execute and perform any other act, deed, matter or thing whatsoever that ought to be done, executed and performed or that in the opinion of my said attorney ought to be done, executed or performed in and about the

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premises of every nature and kind whatsoever as fully and effectually as I could do if personally present.

The rights, powers, and authority of my said attorney in fact herein granted shall commence and be in full force and effect on this the date of execution; the authority conferred herein shall not be affected by disability, incompetency, or incapacity of me, Cora L. Autry, and such rights, powers and authority shall remain in full force and effect until my death.

And, I, Cora L. Autry, do hereby ratify and confirm all whatsoever that my said attorney or substitute shall do or cause to be done in or about the premises by virtue of this power of attorney, given and granting unto my said attorney full power and authority to do any and all acts necessary and proper to be done in and about the premises.

IN WITNESS WHEREOF, I have hereunto set my hand and seal

this 3rd day of December, 2002.

Cora L. Autry

Cora L. Autry

STATE OF ALABAMA
COUNTY OF RANDOLPH

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Cora L. Autry, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 3rd day of December, 2002.

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2004 March 15 0: 307
Inking Number 795590 Pages 2
Recording 6.00 Notary
Deed Min Tax 5.00
Index 00
Archive 5.00
Arian T. Johns, Judge of Probate

Christi D. Greenwell

Notary Public

RESOLUTION NO. 2011-81

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
APPROVING O&M ASSESSMENTS
WITHIN RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, a petition has been filed with the Daphne City Council (the "City Council"), the governing body of the City of Daphne, Alabama (the "City"), requesting approval of the levy of special non-ad valorem assessments in the amount of \$121,600.42 per unit (the "Operation and Maintenance Assessments" or "O&M Assessments") on property within the boundaries of Renaissance Improvement District (the "Improvement District") under the provisions of the statutes codified at Chapter 99A of Title 11 of the Code of Alabama of 1975, as heretofore or hereafter amended or supplemented (the "Act"), which petition is attached hereto as Exhibit A (the "Petition")(such property within the Improvement District that will be subject to the O&M Assessments being herein referred to as the "Property");

WHEREAS, the Act authorizes this City Council to acknowledge and approve the O&M Assessments and for the Improvement District and the Renaissance Cooperative District (the "Cooperative District") to provide for the payment of such O&M Assessments to pay expenses incurred in the administration and operation of the Improvement District and the Cooperative District and to pay expenses incurred in connection with the maintenance and repair of the public improvements which specially benefit the Improvement District;

WHEREAS, an election has been held within the Improvement District, and the owners of fifty-one percent (51%) or more of the Property have voted in favor of the O&M Assessments;

WHEREAS, the Petition is accompanied by evidence satisfactory to this City Council that the proposed O&M Assessments meet the requirements of Section 11-99A-11 of the Act;

WHEREAS, this City Council has duly reviewed the contents of the Petition and has conducted an inquiry to determine what approvals, variances, or exceptions may be required by the City;

WHEREAS, this City Council has determined, after such due inquiry, that the Improvement District has obtained or is reasonably expected to obtain in the ordinary course of business all public approvals which may be required by the City or any other governmental jurisdiction within which the Improvement District is located in connection with the levy of the O&M Assessments;

WHEREAS, this City Council has determined, based on information provided by the Improvement District, that the Improvements are reasonably necessary for the Property which is a mixed-use development known as "Renaissance Center" that will serve the citizens of the City;

WHEREAS, the City Council has been provided with a Revised Supplemental Special Assessment Methodology Report dated January 27, 2011, prepared by the firm of Wrathell, Hunt & Associates, LLC (the "Methodology Report") (attached as Exhibit A to the Petition), which sets forth the method by which the Improvement District proposes to apportion the levy of special non-ad valorem assessments in the amount of \$8,500,000 previously approved by the City Council (the "Debt Service Assessments", together with the O&M Assessments, the "Assessments") and the O&M Assessments based on the special benefits to each parcel of Property to be derived from the Improvements. The Methodology Report contains an assessment roll which the Improvement District will continually update to show the lots and lands assessed, the amount of special benefits to the parcels of Property derived from the Improvements and the amount of the Assessments levied against each parcel on a fair and reasonable basis; and

WHEREAS, this City Council has determined, based on information provided by the Improvement District, that the Property is reasonably expected to increase in value as a result of the special benefits derived by the Improvements by an amount not less than the amount of the Assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, as follows:

1. Pursuant to Section 11-99A-11 and Section 11-99A-13 of the Act, the City Council finds and determines that (i) it is wise and expedient to assess the Property within the Improvement District, beginning October 1, 2011, in the amount of \$121,600.42 per unit, and (ii) it is wise and expedient to declare such O&M Assessments final and to levy such O&M Assessments for the purpose of paying expenses incurred in the administration and operation of the Improvement District and the Cooperative District and to pay costs incurred in connection with the maintenance and repair of the Improvements.

2. This City Council does hereby find that it is wise and expedient to allocate and apportion such O&M Assessments in the manner described in the Methodology Report, which is attached as an exhibit to the Petition.

EXHIBIT A

Petition for Approval of O&M Assessments of Renaissance Improvement District

See attached.

**PETITION FOR APPROVAL OF O&M ASSESSMENTS
OF RENAISSANCE IMPROVEMENT DISTRICT**

Renaissance Improvement District (the "Improvement District") does hereby petition the City Council of the City of Daphne, Alabama (the "City") to approve the levy of special non-ad valorem assessments on the real property within the Improvement District pursuant to the provisions of Chapter 99A of Title 11 of the Code of Alabama (1975), as heretofore or hereafter amended or supplemented (the "Act"). Capitalized terms not otherwise defined herein shall have the meanings set forth in the Act. In support of such petition, the Improvement District hereby states as follows:

1. The Improvement District is duly organized and existing under the provisions of the Act, having been formed on June 5, 2007. The Improvement District has determined to plan, design, acquire, construct, install and operate certain public improvements (the "Improvements") which will specially benefit the mixed-use development known as "Renaissance Center" on the property (the "Property") within the Improvement District, such Improvements being more particularly described in the Engineering Report prepared by JADE Consulting, LLC dated March 1, 2008 (as supplemented and amended, the "Engineering Report"), which is on file with the Improvement District and was previously provided to the City.

2. The Improvement District previously has received approval from the City regarding the levy of special non-ad valorem assessments in the amount of \$8,500,000 (the "Debt Service Assessments") pursuant to the Act and for the Improvement District to provide for the payment of such Debt Service Assessments to Renaissance Cooperative District (the "Cooperative District") pursuant to a funding agreement in order, among other things, to pay principal of and interest on certain bonds issued to finance the Improvements.

3. The Act authorizes an improvement district to levy special non-ad valorem assessments for the payment of expenses incurred in the administration and operation of a district and for the payment of expenses incurred in connection with the maintenance and repair of a district's improvements.

4. The Improvement District has determined that it is desirable and that it is in the best interests of the Improvement District to petition the City to approve the levy of special non-ad valorem assessments in the amount of \$121,600.42 per unit (the "Operation and Maintenance Assessments" or "O&M Assessments", together with the Debt Service Assessments, the "Assessments") pursuant to the Act and for the Improvement District and the Cooperative District to provide for the payment of such O&M Assessments to the Improvement District and the Cooperative District to pay expenses incurred in the administration and operation of the Improvement District and the Cooperative District and to pay expenses incurred in connection with the maintenance and repair of the Improvements.

5. The Improvement District wishes that the O&M Assessments be levied within the Improvement District on all lots and lands adjoining and contiguous or abounding and abutting upon such improvements or specially benefited thereby. A map showing the Property subject to the O&M Assessments will be kept on file in the office of the Improvement District. A description of the annual expenses to be incurred in the administration and operation of the Improvement District and the Cooperative District and to be incurred in connection with the maintenance and repair of the Improvements will be kept on file in the office of the Improvement District.

6. Attached as Exhibit A is a Revised Supplemental Special Assessment Methodology Report dated January 27, 2011 (the "Methodology Report"), prepared by the firm of Wrathell, Hunt & Associates, LLC (the "Manager"), which sets forth the method by which the Improvement District proposes to apportion

the Debt Service Assessments and the O&M Assessments on the respective parcels of Property. The Methodology Report demonstrates that such apportionment is based on the special benefits to each parcel of Property derived from the Improvements and the amount of Debt Service Assessments and O&M Assessments levied against each parcel of Property is on a fair and reasonable basis. The Methodology Report contains an assessment roll which specifies the amount of Debt Service Assessments and O&M Assessments apportioned to the respective parcels of Property. The Manager shall be authorized and directed to continually update this assessment roll in order to show the lots and lands assessed, the amounts of special benefits derived by such parcels of Property from the Improvements and the apportionment of the Debt Service Assessments and O&M Assessments to the parcels of Property on a fair and reasonable basis.

7. The Improvement District has obtained or reasonably expects to obtain in the ordinary course of business all approvals which may be required by the City or any other governmental jurisdiction within which the Improvement District is located in connection the Assessments.

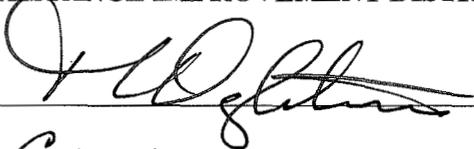
8. The Improvement District, therefore, requests that the City, pursuant to Section 11-99A-11 and Section 11-99A-13 of the Act, acknowledge and approve the O&M Assessments and for the Improvement District to provide for the payment of such O&M Assessments to the Improvement District and the Cooperative District to pay expenses incurred in the administration and operation of the Improvement District and the Cooperative District and to pay expenses incurred in connection with maintenance and repair of the Improvements.

9. Attached as Exhibit B is a certificate of the Chairman of the Improvement District confirming that an election has been held within the Improvement District, and that the owners of fifty-one percent (51%) or more of the land within the Improvement District that will be subject to the O&M Assessments have voted in favor of the O&M Assessments and that there are no residents of the Improvement District.

10. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the undersigned, has caused this instrument to be executed in its corporate name by its duly authorized officer this 17th day of MAY, 2011.

RENAISSANCE IMPROVEMENT DISTRICT

By: 

Its: CHAIRMAN

EXHIBIT A

**TO THE PETITION FOR APPROVAL OF O&M ASSESSMENTS OF
RENAISSANCE IMPROVEMENT DISTRICT**

See attached Revised Supplemental Special Assessment Methodology Report dated January 27, 2011, prepared by Wrathell, Hunt and Associates, LLC.

RENAISSANCE IMPROVEMENT DISTRICT
AND
RENAISSANCE COOPERATIVE DISTRICT

Revised Supplemental
Special Assessment
Methodology Report

January 27, 2011



Wrathell, Hunt and Associates, LLC

Building client relationships one step at a time ...

Provided by

Wrathell, Hart, Hunt and Associates, LLC

6131 Lyons Road, Suite 100

Coconut Creek, FL 33073

Phone: 954-426-2105

Fax: 954-426-2147

Website: www.whhassociates.com

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1.0 Introduction

1.1 Purpose

This Report was developed as a revision to the Final Supplemental Special Assessment Methodology Report for the Renaissance Improvement District (the "Improvement District") and the Renaissance Cooperative District (the "Cooperative District"), both located in the City of Daphne, Alabama (collectively the "Districts"), dated February 28, 2008. This Report addresses the apportionment of annual expenses of administration and operating/maintenance services of the Districts while also confirming as unchanged the apportionment of the debt service assessments associated with the Cooperative District's Series 2008A Bonds as described in the Final Supplemental Special Assessment Methodology Report dated February 28, 2008.

1.2 Scope of the Report

This Report describes the method for the apportionment of costs of annual administration and operation/maintenance of the Districts. This Report additionally confirms the method of apportionment of the assessments associated with the Series 2008A Bonds previously issued by the Cooperative District.

1.3 Organization of this Report

Section Two describes the development program as proposed by the Developer.

Section Three provides a summary of the Capital Improvement Program as determined by the Engineer.

Section Four discusses the financing program for the Cooperative District.

Section Five provides for the Supplemental Assessment Methodology as applied to the apportionment of costs of annual administration and operation/maintenance of the Districts. This Report confirms the method of apportionment of the assessments associated with the Series 2008A Bonds previously issued by the Cooperative District.

2.0 Development Program for Renaissance

2.1 Overview

The Districts serve the Renaissance Center development, a master planned, retail-commercial development consisting of approximately 69.39 +/- gross acres located near the NW corner of US Hwy 90 and AL 181 in the City of Daphne, Alabama. The proposed land use for the property within the Districts is consistent with the Baldwin County Land Use and Comprehensive Plans, as amended.

2.2 The Development Program

The development of the Renaissance Center development will be conducted by the Renaissance Center, LLC (the "Developer"). The current development plan envisions the development of multiple separate parcels with approximately 59.06 +/- acres of commercial uses including hotel, motorcycle and automobile sales, restaurant, office, small retail, and retail uses.

3.0 The Capital Improvement Program for Renaissance Center

3.1 Public Capital Improvement Plan

The infrastructure costs to be funded by Cooperative District are determined by the Engineer in his Engineer's Report. Only infrastructure that may qualify for bond financing by the District under Chapter 99A of Title 11, Code of Alabama, 1975, as amended (the "Act") was included in these estimates.

3.2 Capital Improvement Program

The public infrastructure system needed to serve the planned development consists of storm sewer system and associated earthwork, sanitary sewer system, water distribution system, roadway improvements, roadways, and other miscellaneous improvements including lighting, landscaping, and dry utility sleaving beneath various roads for conduits along the proposed roads. The Renaissance's public improvement costs were originally estimated at \$6,159,389; however, the costs have since decreased, and according to an Updated Engineer's Report dated December 16, 2009, were projected to total \$5,307,609. Nevertheless, as the construction of the Capital Improvement Program has not yet been completed, the true and final cost remains only an

estimate. Under the Trust Indenture for the bonds issued by the Cooperative District to fund the costs of the Capital Improvement Program, any excess construction/acquisition costs may be used to fund debt service and other administrative costs of the Districts.

4.0 Financing Program for Renaissance Center

4.1 Overview

In fulfillment of the Capital Improvement Program, the Cooperative District has embarked on a program of capital improvements, which will facilitate the development of lands within the Districts.

The provision of the public portion of the capital improvement program is funded by proceeds of Series 2008A Revenue Bonds in the principal amount of \$8,500,000 (the "Bonds").

4.2 Types of Special Assessment Bonds Proposed

On May 1, 2008, the Cooperative District issued A Bonds in the amount of \$8,500,000 to defray construction/acquisition expenses of \$6,159,389. The Bonds pay interest payments every May 1 and November 1, and had their interest capitalized until April 1, 2010. The Bonds pay principal payments every May 1 commencing May 1, 2011 and ending May 1, 2038.

In order to finance the \$6,159,389 in improvement costs, the Cooperative District needed to borrow more funds and incur indebtedness in the total amount of \$8,500,000. The difference was comprised of debt service reserve, capitalized interest, underwriter's discount and the costs of issuance. Sources and uses of funding are presented in Table 1 in the *Appendix*.

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provided the Cooperative District with funds necessary to acquire the infrastructure improvements which are part of the Capital Improvement Program outlined in *Section 3.2* and described in more detail by the Engineer in his original and revised reports. These improvements lead to special and general benefits, with special benefits accruing generally to the properties within the boundaries of the Improvement District and general benefits accruing to areas outside the

Improvement District and being only incidental in nature. The debt incurred in financing the infrastructure acquisition will be paid off by assessing properties that derive special and peculiar benefits from the proposed projects. All properties that receive special benefits from the Capital Improvement Program, as well on-going annual debt administration, will be assessed.

5.2 Assigning Debt

The current development plan for the Improvement District projects construction of infrastructure for approximately 59.06 +/- acres of commercial uses, although the planned land use as well as parcel numbers may change throughout the development period.

The apportionment of benefit apportionment and allocation of debt is identical to the Preliminary Master Special Assessment Methodology Report dated November 5, 2007 and the Final Supplemental Special Assessment Methodology Report dated February 28, 2008.

The benefit associated with the Capital Improvement Program of the Cooperative District is allocated to the benefited lands within the Improvement District in proportion to the economic benefit of the Capital Improvement Program. As the implementation of the infrastructure of the Capital Improvement Program changes the designation of developable land in the Improvement District from unimproved and undeveloped to improved and undeveloped, such change in land designation makes the developable land in the Improvement District more valuable. The increase in value occurs and has been preliminarily observed to occur on a per acre basis. Consequently, this Report will also allocate the benefit of the Capital Improvement Program on a per acre basis and assign the responsibility to pay the costs of the Capital Improvement Program to the developable land on a per acre basis as well.

Table 2 in the *Appendix* illustrates the application of the method of allocation described above through a measure of benefit called Equivalent Benefit Unit (the "EBU"). As seen from Table 2, each acre of developable land is assigned the same EBU factor of 1. Table 3 in the Appendix illustrates the apportionment of the debt assessment amount per acre.

As a portion of the land has already been sold, the sold parcels with a determinable number of acres have been assigned their respective assessment amounts, while the balance of the acreage owned by the developer has been assigned their respective assessment cumulatively, as shown in *Section 5.6* of this Report. As the balance of the property is platted into parcels and sold, the final assessment will be assigned to the parcels based on the number of gross acres such parcels contain.

5.3 Debt Administration and Operating Services

Provision of public infrastructure included in the Capital Improvement Program for the Districts is possible only to the extent that such infrastructure is funded by the Cooperative District through the Bonds, and that in repayment of the Bonds, the Improvement District levies, collects and remits special assessments to the trustee for the Bonds. Consequently, the special benefits of the implementation of the Capital Improvement Program to the properties within the Districts would not be possible without the initial establishment and continued existence of the Districts. The existence of the Districts and their continued administration services, therefore, have a logical connection to the special and peculiar benefits received by lands within the Districts.

Further, once the improvements are constructed, their continued operation and maintenance is in the interest of the landowners in the Districts, for whose special benefit such improvements were constructed and are operated, as the proper functioning of improvements within the Districts enhances the value of the improved and developed land within the Districts and provides other special benefits to the land. Additionally, the special assessments on the land in the District are included in the trust estate or a collateral for the Bonds from the perspective of the holders of the Bonds, and as long as the Bonds are outstanding, the proper operation and maintenance of District-funded infrastructure has a bearing on the value of the land and consequently the collateral of the holders of the Bonds. Moreover, the sale of the Bonds, which allowed for the funding and construction of infrastructure was predicated upon the Districts protecting the value of the land in the Districts by properly operating and maintaining the infrastructure that was funded by the Bonds. Consequently, the continued operation and maintenance of infrastructure funded by the Bonds have a logical connection to the special and peculiar benefits received by lands within the Districts because without the proper operation and maintenance of the infrastructure funded by the Districts, the development of the properties within the Districts would not be possible. It is therefore logical that the costs of the Districts' debt administration and operation and maintenance of Districts' infrastructure facilities are directly related to the costs of funding construction and acquisition of such facilities.

As properties within the Improvement District benefit from the continued existence of the Cooperative District, it is proposed that the annual operating budget of the Cooperative District be funded by the properties within the Improvement District through the levy of special assessments. Since the Cooperative District provides debt administration benefits that are identical on an EBU basis for all units/acres in the Improvement Districts, it is proposed that each EBU within the Improvement Districts be assessed the same rate for the services provided to them by the Cooperative District.

As the properties within the Improvement District benefit from the continued existence of the Improvement District, it is proposed that the annual operating budget of the Improvement District be funded on an EBU basis by the properties within the Improvement District through the levy of special assessments. Since the Improvement District provides debt administration benefits that are identical on an EBU basis for all units/acres in the Improvement District, it is proposed that each EBU within the Improvement District be assessed the same rate for such services. Additionally, since the Improvement District provides infrastructure operating benefits that are identical on an EBU basis for all units/acres in the Improvement District, it is proposed that each EBU within the Improvement District be assessed the same rate for such services.

If, for instance and the purpose of illustration, the adopted Fiscal Year 2011 Budget for the Improvement District is adopted at the level of \$115,469 (which amount includes allowances for early payment incentives and includes debt service administration costs of the Cooperative District, debt service administration costs of the Improvement District and the operating/maintenance costs of the Improvement District, cumulatively the "Debt Administration and Operation Services"), that year's Improvement District special assessment for Debt Administration and Operation Services, on per EBU basis is going to be \$1,955.10, given a total of 59.06 EBU in the Improvement District. The assessment for Debt Administration and Operation Services of the Improvement District would change from year to year based on the actual adopted annual budget of the Improvement District; however, given an assumed 3% annual cost acceleration, the amount per EBU at the end of the bond repayment period would total \$4,342.87, and, in no event shall the cumulative amount per EBU during the bond repayment period exceed \$121,600.42 (calculated as 28 annual payments of \$4,342.87 each).

Subject to the above-noted caps on amounts, please note that this discussion of the method of apportionment of the costs of the debt administration is designed to provide a method of apportionment calculation rather than derivation of actual assessment figures. Nevertheless, Table 4 in the Appendix illustrates hypothetical debt administration assessment levels along with the levels of debt service assessments.

5.4 Lienability Test: Special and Peculiar Benefit to the Property

Improvements undertaken by the Cooperative District create special and peculiar benefits to certain properties within the Improvement District. The Cooperative District's improvements benefit properties within the Improvement District and accrue to all assessable properties on an EBU basis.

Improvements undertaken by the Cooperative District can be shown to be creating special and peculiar benefits to the property within the Improvement District. The special and peculiar benefits resulting from each improvement are:

- a. added use of the property;
- b. added enjoyment of the property;
- c. decreased insurance premiums;
- d. increased marketability and value of the property.

The improvements which are part of the Capital Improvement Program make the lands in the Improvement District developable and saleable and when implemented jointly as parts of the Capital Improvement Program, provide special and peculiar benefits which are greater than the benefits of any single category of improvements. These special and peculiar benefits are real and ascertainable, but not yet capable of being calculated and assessed in terms of numerical value, however, each is more valuable than either the cost of, or the actual assessment levied for, the improvement or debt allocated to the parcel of land.

5.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay

A reasonable estimate of the proportion of special and peculiar benefits received from the improvements is delineated in Table 2 (expressed as EBU factor) in the *Appendix*.

The apportionment of the assessments is reasonable and fair because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the Improvement District according to reasonable estimates of the special and peculiar benefits derived from the Capital Improvement Program by the land in the Districts.

Accordingly, no acre or parcel of property within the boundaries of the District will be lienied for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property. In accordance with the benefit allocation in Table 2, assessment per acre has been calculated in Table 3 and Table 4 in the *Appendix*. The amount represents the preliminary anticipated per acre debt and annual assessment allocation assuming the land is developed as projected.

5.6 True-Up Mechanism

The Assessment Methodology is based on conceptual information obtained from the Developer prior to construction. As development occurs it is

possible that the number of acres may change. The mechanism for maintaining the methodology over the changes is referred to as true-up.

This mechanism is to be utilized to assure that the principal assessment on a per acre basis never exceeds the initially allocated assessment as contemplated in the adopted assessment methodology. At present time the acreage of some of the parcels has been determined, and based upon the number of acres in each parcel, assessment has been placed on the land such parcels. It is possible, however, that development changes may still occur through a re-plat or submission of a new plat. If such changes occur, the Methodology is applied to the land based on number of acres.

All changes within parcels will be permitted subject to the following true-up mechanism. As long as the per acre assessment equals the initial level as established in the methodology no action will be taken under the true-up. Any development changes which increase the per acre assessments above the initial level will require a principal reduction payment by the owner of the parcel whose changes caused such increase in the per acre assessment. Conversely, any development changes that decrease the per acre assessments below the initial level will result in an automatic decrease in the per acre assessment for all assessable parcels within the Improvement District. The numbers of acres within each parcel will be certified by the Developer and confirmed by Engineer.

5.7 Final Assessment Roll

The Final Assessment Roll for the Improvement District is provided below based on the information from the District Engineer, the Developer and the Baldwin County Revenue Commissioner. Cumulative Assessments refer to the total of annual assessment payments over the life of the Bonds, which is 28 years.

Parcel(s)	PIN	Owner	Gross Acres	Series 2008A Bond Principal Amount	Cumulative Annual Debt Service Assessments*	Cumulative Annual Debt Service Administration and Operation Services Assessments*	Total Cumulative Assessments*
Phase IA - Lot 1	294103	Value Place Daphne LLC	2.47	\$355,485.95	\$894,345.31	\$300,353.03	\$1,194,698.33
Phase IA - Lot 2	294104	Trent Hall Properties, LLC	2.99	\$430,325.09	\$1,082,628.53	\$363,585.24	\$1,446,213.77
Phase IA - Lot 3	294105	Kilpatrick Investments Inc.	4.23	\$608,787.67	\$1,531,611.60	\$514,369.76	\$2,045,981.36
Phase IA - Lot 5	294107	J & J Four LLC	1.00	\$143,921.44	\$362,083.12	\$121,600.42	\$483,683.54
Phase IA - Lot 7	294109	Fred Anthony Rettig	1.27	\$182,780.22	\$459,845.56	\$154,432.53	\$614,278.09
Phase IIA - Lot 1	294102	Myers Family Limited Partnership	10.05	\$1,446,410.43	\$3,638,935.36	\$1,222,084.18	\$4,861,019.54
Phase III - Lot 10	304667	J A Properties, LLC	1.00	\$143,921.44	\$362,083.12	\$121,600.42	\$483,683.54
Phase III - Lot 20	304677	Betty Jernigan	1.93	\$277,768.37	\$698,820.42	\$234,688.80	\$933,509.22
Phase III - Lot 21	285823	First United Security Bank	2.19	\$315,187.94	\$792,962.03	\$266,304.91	\$1,059,266.94
All Other Lots	Various	Renaissance Center LLC	31.93	\$4,595,411.45	\$11,561,314.02	\$3,882,701.28	\$15,444,015.30
Total			59.06	\$8,500,000.00	\$21,384,629.07	\$7,181,720.57	\$28,566,349.63

* Includes early payment discount

6.0 Appendix

Table 1

**Renaissance Center
Cooperative District**

Sources and Uses of Funds

	<u>Series 2008A</u>
<u>Sources Of Funds</u>	
Par Amount of Bonds	\$8,500,000
Total Sources	\$8,500,000
<u>Uses Of Funds</u>	
Total Underwriter's Discount	\$212,500
Costs of Issuance	\$177,000
Deposit to Debt Service Reserve Fund (DSRF)	\$737,500
Deposit to Capitalized Interest (CIF) Fund	\$1,210,890
Deposit to Project Construction Fund	\$6,159,389
Rounding Amount	\$2,721
Total Uses	\$8,500,000

Table 2

**Renaissance Center
Improvement District**

Benefit Allocation

<u>Land Use</u>	<u>Number of Acres</u>	<u>EBU Weight per Acre</u>	<u>Total EBU</u>	<u>Percent EBU</u>	<u>Percent EBU per Acre</u>
Commercial	59.06	1	59.0600	100.00%	1.6932%
Total			59.0600		



Table 3

**Renaissance Center
Improvement District**

Debt Assessment Apportionment

Land Use	Number of Acres	Percent EBU	Percent EBU per Acre	Total Assessments	Assessments per Acre
Commercial	59.06	100.00%	1.6932%	\$8,500,000.00	\$143,921.44

Table 4

**Renaissance Center
Improvement District**

Debt and Debt Administration and Operation Services Apportionment

Land Use	Number of Acres	Assessments per Acre	Annual Debt Service Assessment per Acre*	Maximum Annual Debt Service Administration and Operation Services Assessment per Acre*	Maximum Total Annual Assessment per Acre*
Commercial	59.06	\$143,921.44	\$12,931.54	\$4,342.87	\$17,274.41

* Includes early payment discount



Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
05/01/2008	-	-	26,562.50	26,562.50
05/01/2009	-	-	637,500.00	637,500.00
05/01/2010	-	-	637,500.00	637,500.00
05/01/2011	95,000.00	7.500%	637,500.00	732,500.00
05/01/2012	105,000.00	7.500%	630,375.00	735,375.00
05/01/2013	115,000.00	7.500%	622,500.00	737,500.00
05/01/2014	120,000.00	7.500%	613,875.00	733,875.00
05/01/2015	130,000.00	7.500%	604,875.00	734,875.00
05/01/2016	140,000.00	7.500%	595,125.00	735,125.00
05/01/2017	150,000.00	7.500%	584,625.00	734,625.00
05/01/2018	160,000.00	7.500%	573,375.00	733,375.00
05/01/2019	175,000.00	7.500%	561,375.00	736,375.00
05/01/2020	185,000.00	7.500%	548,250.00	733,250.00
05/01/2021	200,000.00	7.500%	534,375.00	734,375.00
05/01/2022	215,000.00	7.500%	519,375.00	734,375.00
05/01/2023	230,000.00	7.500%	503,250.00	733,250.00
05/01/2024	250,000.00	7.500%	486,000.00	736,000.00
05/01/2025	265,000.00	7.500%	467,250.00	732,250.00
05/01/2026	285,000.00	7.500%	447,375.00	732,375.00
05/01/2027	310,000.00	7.500%	426,000.00	736,000.00
05/01/2028	330,000.00	7.500%	402,750.00	732,750.00
05/01/2029	355,000.00	7.500%	378,000.00	733,000.00
05/01/2030	385,000.00	7.500%	351,375.00	736,375.00
05/01/2031	410,000.00	7.500%	322,500.00	732,500.00
05/01/2032	445,000.00	7.500%	291,750.00	736,750.00
05/01/2033	475,000.00	7.500%	258,375.00	733,375.00
05/01/2034	510,000.00	7.500%	222,750.00	732,750.00
05/01/2035	550,000.00	7.500%	184,500.00	734,500.00
05/01/2036	590,000.00	7.500%	143,250.00	733,250.00
05/01/2037	635,000.00	7.500%	99,000.00	734,000.00
05/01/2038	685,000.00	7.500%	51,375.00	736,375.00
Total	\$8,500,000.00	-	\$13,362,687.50	\$21,862,687.50

EXHIBIT B

**TO THE PETITION FOR APPROVAL OF O&M ASSESSMENTS OF
RENAISSANCE IMPROVEMENT DISTRICT**

See attached Certificate of Election Results.

CERTIFICATE OF ELECTION RESULTS

I, Terry Ogletree, do hereby certify that I am the duly elected, qualified and acting Chairman of Renaissance Improvement District, a public corporation organized under the laws of the State of Alabama (the "Improvement District"), and, pursuant to Sections 11-99A-1 et seq. of the Code of Alabama (1975), I hereby certify the following:

1. The Improvement District previously has approved the levy of special non-ad valorem assessments in the amount of \$121,600.42 per unit (the "Operation and Maintenance Assessments" or "O&M Assessments") on 59.06 acres of property within the Improvement District which is described in Exhibit A attached hereto and incorporated by reference herein.
2. An election was held for all owners of land within the Improvement District that will be subject to the O&M Assessments and residents of the Improvement District to vote on their approval of the O&M Assessments.
3. As a result of the election, the owners of fifty-one percent (51%) or more of the land within the Improvement District that will be subject to the O&M Assessments have voted in favor of the O&M Assessments and the apportionment thereof set forth in the Petition to be presented to the City Council of the City of Daphne for approval of the O&M Assessments.
4. There are no residents of the Improvement District.

IN WITNESS WHEREOF, this certificate has been executed on behalf of the Improvement District by the undersigned officer.

Dated: 5-13-11.



Chairman of Renaissance Improvement District

[S E A L]

Exhibit A

Property Description

Parcel A - Commencing at the northeast quarter of Section 34, T4S-R2E, Baldwin County, Alabama, run n 89° 49' 05" w along the north line of said Section 34, T4S-R2E, a distance of 533.77 feet to its intersection with the south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 67° 58' 55" w 100.70 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run n 85° 56' 57" w 455.77 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 83° 28' 08" w 1158.93 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 81° 47' 20" w 73.03 feet to the point of beginning of the property herein described; thence run s 00° 12' 58" w 2223.34 feet to a point on the north right of way line of U.S. Highway No. 90; thence along said north right of way line of U.S. Highway No. 90, run s 89° 05' 23" w 693.28 feet to a point; thence run n 00° 54' 37" w 2128.49 feet to a point on the aforementioned south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 81° 47' 20" e 743.01 feet to the point of beginning. Containing 35.6952 acres.

Parcel B - Commencing at the northeast quarter of Section 34, T4S-R2E, Baldwin County, Alabama, run n 89° 49' 05" w along the north line of said Section 34, T4S-R2E, a distance of 533.77 feet to its intersection with the south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 67° 58' 55" w 100.70 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run n 85° 56' 57" w 455.77 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 83° 28' 08" w 577.15 feet to the point of beginning of the property herein described; thence run s 00° 12' 58" w 2289.62 feet to a point on the north right of way line of U.S. Highway No. 90; thence along said north right of way line of U.S. Highway No. 90, run s 89° 05' 23" w 650.13 feet to a point; thence run n 00° 12' 58" w 2223.34 feet to a point on the aforementioned south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 81° 47' 20" e 73.03 feet to a point; thence along said south right of way line of Interstate Highway No. 10, run n 83° 28' 08" e 581.78 feet to the point of beginning. Containing 33.6849 acres.

**CITY OF DAPHNE
ORDINANCE NO.: 2011-83**

**AN ORDINANCE TO APPROVE THE APPROPRIATION OF FUNDS
FOR THE PURPOSES OF SETTLEMENT
(SAND PIT)**

WHEREAS, the City of Daphne is currently engaged in litigation in the Circuit Court of Baldwin County against Scott Curtis, Earth, Inc., and Chantilly Enterprises, Inc.; and

WHEREAS, mediation was previously conducted which resulted in a settlement in which the City Council would among other things agree to settle the pending litigation in exchange for the payment of FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.00) which would extend Tallent Lane to the southernmost end of the Curtis property and the purchase of approximately fourteen (14) acres of real property adjacent to Tallent Lane (also known as the Sand Pit) in exchange for final settlement of all claims between the City and Defendants Scott Curtis, Earth, Inc., and Chantilly Enterprises, Inc.; and

WHEREAS, the City Council believes that such resolution of the ongoing litigation is in the best interest of the City and will serve the health, safety and welfare of the citizens of the City of Daphne.

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

SECTION I: APPROPRIATION

The City Council hereby appropriates the sum of FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$500,000.00) from the City's general fund for the purposes of settlement of the pending lawsuit between the City of Daphne and Defendants Scott Curtis, Earth, Inc., and Chantilly Enterprises, Inc.

SECTION II: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION III: EFFECTIVE DATE

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

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

**CATHY BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**DAVID COHEN
CITY CLERK, MMC**

Ordinance 2011-84

U.S. Fish and Wildlife: Invasive Species Control Project: Village Point/Bay Front Park – Cash Match

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent 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 U.S. Fish and Wildlife Coastal Assistance Program has grant funding available for invasive species control for waterfront areas and a control plan has been prepared for the benefit of Village Point/Bayfront Park; and

WHEREAS, the City of Daphne did submit an application to U.S. Fish and Wildlife Coastal Assistance Program and was awarded a Grant in the amount of \$52,630.50 **(City Match of \$4,280 in-kind services and \$10,000 Cash from Lodging Tax Fund)** for funding for the Invasive Species Control Plan; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the Lodging Tax Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget in the amount of \$10,000 for a cash match for the U. S. Fish and Wildlife: Invasive Species Control Project: Village Point/BayFront Park Grant. Furthermore, the Mayor is authorized to execute all agreements, 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

Resolution 2011-15

U.S. Fish and Wildlife: Invasive Species Control Project: Village Point/Bay Front Park

WHEREAS, the U.S. Fish and Wildlife Coastal Assistance Program has grant funding available for invasive species control for waterfront areas; and

WHEREAS, a control plan has been prepared for the benefit of Village Point/Bayfront Park; and

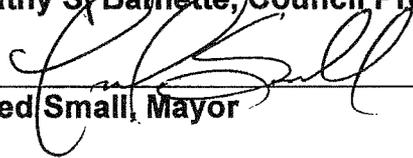
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that:

- 1) The City of Daphne shall submit an application to U.S. Fish and Wildlife Coastal Assistance Program in the amount of \$60,000 (City Match of \$3,600 in-kind services and \$10,000 Cash from Lodging Tax Fund) for funding for the Invasive Species Control Plan; AND
- 2) The Mayor and is hereby authorized to execute such application and any and all additional documents necessary to carry out the purpose of requesting funding consideration from U.S. Fish and Wildlife on behalf of the City of Daphne.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 21st day of February, 2011.

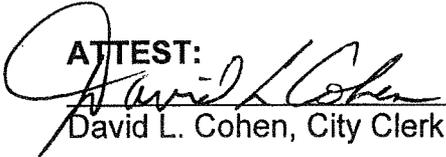


Cathy S. Barnette, Council President



Fred Small, Mayor

ATTEST:



David L. Cohen, City Clerk, MMC

2. Project Budget

Description	Cost
Project Management & Supervision (\$85/hr. x 8 hr/day x 20 days)	\$13,600.00
Labor (crew of 6 @ \$25/hr. x 8 hr/day x 20 days)	\$24,000.00
Materials & Equipment (herbicide, gloves, fuel, etc.)	\$2,400.00
Native Plants 2 acres at 10'x10' spacing 930 1 gallon plants @\$8.50	\$8,350.50
In-kind Labor (City Staff 1 @\$23/hr x 8hr/day x 20 days)	\$3,680.00
In-Kind Village Point Foundation Labor (40 hrs) replanting	\$600.00
Total Cost for Grant Project	\$52,630.50
Bay Front Lodging Tax, Cash Match	-\$10,000.00
Total In-kind Labor (Regular)	-\$4280.00
Total requested from USFW Coastal Grants Program	\$38,350.50

- Actual Actual

4. Implementation

If the USFW Coastal funds are awarded to the City, the project will begin summer 2011.

Applicant Information:

City of Daphne
PO Box 400
1705 Main Street
Daphne, AL 36526
Phone 251-621-3080
Fax 251-621-3719

Contact Information:

Ashley Campbell, cpesc
Environmental Programs Manager
PO Box 400
1705 Main Street
Daphne, AL 36526
Phone 251-621-3080
Fax 251-621-3719