CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
APRIL 16, 2012
6:30 P.M.

1. CALL TO ORDER
2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / April 2, 2012
Council Work Session minutes / April 9, 2012

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware
Review minutes / April 9th

1.) Ordinances:
a.) Appropriation of Funds: Legislative / Purchase International Building & Fire Code Books (3 of each) / ***Ordinance 2012 -29***
b.) Appropriation of Funds: Assistance to Firefighters Grant Award / ***Ordinance 2012-30***
c.) Appropriation of Funds: Profit Drive Extension & Lake Forest Ridgewood Drive – Phase II / Appropriation for Design and Engineering / ***Ordinance 2012-31***

2.) Resolutions:
a.) Apply for US Fish & Wildlife: Village Point Invasive Species Grant / ***Resolution 2012-31***
b.) Declare City Property Surplus for Donation / (27) Blue Cloth & Chrome Guest Chairs / To Ruff Wilson Youth Organization / ***Resolution 2012-32***
c.) Declare City Property Surplus / 1999 Taurus / 1998 GMC Sierra PU / 2000 Ford 150 / ***Resolution 2012- 33***

3.) Financial Reports:
a.) Treasurers Report / March 2012
b.) Sales & Use Tax Collections / February 2012
c.) Lodging Tax Collections / February 2012

B. BUILDINGS & PROPERTY COMMITTEE - Lake
C. PUBLIC SAFETY COMMITTEE – Boulware
D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese
E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones
Need replacement for Tony Felts Position *(Supernumerary)*
B. Downtown Redevelopment Authority – Barnette
C. Industrial Development Board – Conaway
D. Library Board – Lake
E. Planning Commission – Barnette
F. Recreation Board – Reese
G. Utility Board - Scott
Review minutes / February 29th

6. REPORTS OF OFFICERS:

A. Mayor's Report
a.) ABC License / Namans Catering / 140 – Special Events Retail
b.) Parade Permit / March of Dimes / 5K Walk and 1 Mile Fun Walk

B. City Attorney's Report
C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Schedule Public Hearing to Consider the Adoption of the 2012 International Building codes as Amended by Reference. . . . . ./Resolution 2012-29

b.) Schedule Public Hearing to Consider the Adoption of Certain Technical Codes by Reference. . . . . /Resolution 2012-30

c.) Approve Application of U. S. Fish & Wildlife: Invasive Species Control Project: Village Point/Bay Front Park. . . . . ./Resolution 2012-31

d.) Declaring Certain Property Surplus / Donation. . . . . /Resolution 2012-32

e.) Declaring Certain Property Surplus. . . . . /Resolution 2012-33

ORDINANCES:

2ND READ

a.) Authorizing the Issuance of General Obligation Refunding and Improvement Warrants Series 2012. . . . . /Ordinance 2012-26

b.) Rezone: Blacksher White-Spunner, etal. . . . . ./Ordinance 2012-27

c.) Codification of Ordinances. . . . . ./Ordinance 2012-28

1ST READ

d.) Appropriation of Funds: Legislative / Purchase 2012 International Building & Fire Code Books (3 each). . . . . /Ordinance 2012-29

e.) Appropriation of Funds: Assistance to Firefighters Grant Award. . . . . /Ordinance 2012-30

f.) Appropriation of Funds: Profit Road Extension & Lake Forest: Ridgewood Drive / Phase II: For Design & Engineering. . . . . ./Ordinance 2012-31

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__ __
COUNCIMAN BOULWARE	PRESENT__ ABSENT__ __
COUNCILMAN PALUMBO	PRESENT__ ABSENT__ __
MAYOR	
MAYOR YELDING	PRESENT__ ABSENT__ __
CITY CLERK:	
DAVID L. COHEN	PRESENT___ ABSENT___
CITY ATTORNEY:	
CITY ATTORNEY JAY ROSS	PRESENT__ ABSENT

MINUTE NOTES:

CITY COUNCIL MEETING
MINUTES

NOTES:

COMMITTEE RECOMMENDATIONS

APRIL 2, 2012
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 by Councilman Scott.

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

ABSENT: Kelly Reese.

Also present: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney, Ross, Jordan & Gray; Adrienne Jones, Planning Director; Richard Johnson, Publics Works Director; Christine Ciancetta, Deputy Finance Director; David Carpenter, Police Chief; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director Richard Merchant, Building Official; Vickie Hinman, Human Resources Director; Anne Morris, Reference Librarian; Lt. Ric Yelding, Police Department; Bari Chrestman, PD Dispatcher; Debra Volovecky, PD Dispatcher; Lakisha Johnson, PD Dispatcher; Al Guarisco, Village Point Foundation; Dorothy Morrison, Beautification Committee; Joe Lemoine, Planning Commission.

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

3. APPROVE MINUTES

MOTION BY Councilwoman Conaway to adopt the March 19, 2012 council meeting minutes.
Seconded by Councilman Scott.

AYE Conaway, Lake, Scott, Palumbo, Barnette **ABSTAIN Boulware**

NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt the March 12, 2012 Council Work Session minutes.
Seconded by Councilman Lake.

AYE Conaway, Lake, Scott, Boulware, Barnette **ABSTAIN Palumbo**

NAY NONE OPPSOED MOTION CARRIED

MOTION BY Councilman Scott to adopt the March 26, 2012 Special Called Council meeting minutes. ***Seconded by Councilman Lake.***

AYE Conaway, Lake, Scott, Barnette **ABSTAIN Boulware, Palumbo**

MOTION CARRIED

PROCLAMATION: National Public Safety Telecommunicators Week / April 8-14, 2012

Mayor Yelding read a presented the proclamation to Police Department Dispatchers Lt. Ric Yelding, Barrie Chrestman; Debbie Volvecky and Lakesha Johnson while Chief Carpenter and Councilman Boulware looked on.

PUBLIC HEARINGS:

1. Codification of Ordinances / *Ordinance 2012-28*

Mr. Cohen gave the presentation.

Council President Barnette opened the Public Hearing at 6:40 p.m.

No one spoke for or against codification of the city ordinances.

Council President Barnette closed the Public Hearing at 6:40 p.m.

2. Rezone: Blacksher White-Spunner, etal

Location: Southwest of the intersection of U.S. Highway 90 and County Road 13

Present Zoning: R-3, High Density Single Family Residential District
Proposed Zoning: B-1, Local Business
Recommendation: Failed to set forth a favorable recommendation / A super majority vote is needed for a favorable recommendation, and the vote was five (5) affirmative - one (1) dissenting / ***Ordinance 2012-27***

Mrs. Adrienne Jones gave the presentation. She reported that the Planning Commission did not send a recommendation, because there were five (5) affirmative votes and one (1) nay, and six (6) votes in favor of an application are needed in order for it to come to council as favorable, and because it did not have six (6) affirmative votes they had to send it to council with no recommendation. Mrs. Jones said that a B-1 zoning would be consistent with the city's Comprehensive Plan. She stated that the adjoining property owners felt that a B-3 would be a better zoning.

Mr. Joel Coleman spoke regarding the proposed project.

Council President Barnette opened the Public Hearing at 6:58 p.m.

Mrs. Margaret Jordan – 29442 Acorn Knoll Drive – Oak Creek Subdivision – spoke in opposition to the B-1 zoning request, but in favor of a B-3 zoning.

Mr. John Payne – 29442 Acorn Knoll Drive – Oak Creek Subdivision – spoke in opposition to the B-1 zoning request, but in favor of a B-3 zoning.

Mr. Levon Henly – 29488 Acorn Knoll Drive – Oak Creek Subdivision – spoke in opposition to the B-1 zoning request, but in favor of a B-3 zoning.

Mrs. Lavada Palmer – Owner of the first lot in Oak Creek Subdivision – spoke in opposition to the B-1, zoning request.

Mr. Mike Capp – 29291 Deciduous Court – Oak Creek Subdivision - spoke in opposition to the B-1 zoning request, but in favor of a B-3 zoning.

Mr. Maurice Bishop – 29658 Douglas Road - spoke in opposition to the B-1 zoning request, but in favor of a B-3 zoning.

Mr. Les Robinson – parents own third lot in Oak Creek Subdivision - spoke in opposition to the B-1 zoning request, but in favor of a B-3 zoning.

Council President Barnette asked Mr. Matt White, Blacksher White-Spunner, to come to the podium.

Councilman Palumbo quoted from the Planning Commission minutes where Mr. White stated that they are looking for a recommendation for a B-1 zone, but he would go back to the owners with whatever zone the commission recommends, because of the time restraints of the client, and Councilman Palumbo asked if he and his client still feel that way?

Mr. White answered yes sir.

Councilman Palumbo if he had a problem with this being rezoned to B-3 as opposed to B-1.

Mr. White said no sir.

Councilman Palumbo said that he might recommend that the developer withdraw the application for B-1 and request a B-3 zoning.

Mr. White said that they have a project that has been held up while they went through several Planning Commission meetings and workshops so he asked if the process be expedited in some manner. He just talked with the owner of the property, and they are receptive to a B-3 zoning, but they respectfully asked that this be expedited as soon as and quickly as possible if not vote on it this evening.

Council President Barnette stated that they cannot vote on it tonight for certain reasons. Council has rules, and this is an ordinance change. The question that legal could potentially look at is, if they are hearing B-3, and certainly that is the public's desire, whether or not it would have to be re-advertised or if this could be modified as B-3 hearing and, therefore, this would be a first read for the rezoning.

Councilman Scott stated that it is his understanding in having this situation with the county that a less intensity would not have to.

Council President Barnette stated that this has been the case before, because it is considered less restrictive, but at the same time council wants to be legally defensible.

Mr. Bussey said he would get council an answer ASAP on that question.

Mr. White said that his clients are waiting patiently, because they have an interest rate environment that is favorable for them to build. They are a very respectable law firm in the community, and they have been waiting on his firm and the city at this juncture.

Mrs. Jones stated that this is the first zoning application since adopting the new regulations, and they also need to add the reversionary clause to the ordinance as well. That would establish a three (3) year time period for development to start, and if it doesn't then the property, after going through the hearing process, it will revert back to R-3.

Council President Barnette wanted to make sure that Mr. White was complete with his comments, and that he is accepting the B-3 zoning, and that he did not have anything else to say.

Mr. White said that he is hearing clarification on a vote on April 16th.

Council President Barnette stated yes, that is correct.

MOTION BY Councilman Scott to *waive the reading* of Ordinance 2012-27. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to amend Ordinance 2012-27 rezoning for Blacksher White-Spunner, etal from the requested zoning of B-1, Local Business District to reflect a B-3, Professional Business District with the inclusion of the reversionary clause. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Barnette state Ordinance 2012-27 is a 1st Read.

4. <u>REPORT OF STANDING COMMITTEES</u>:

A. FINANCE COMMITTEE – Boulware

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

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met before the council meeting. The committee referred the proposed adoption of the 2012 International Building Codes to the work session.

C. PUBLIC SAFETY COMMITTEE – Boulware

The minutes for the March 14th meeting are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Boulware

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Conaway

The committee will meet on April 16th at 5:00 in the Executive Conference room.

5. <u>REPORTS OF SPECIAL BOARDS & COMMISSIONS:</u>

A. Board of Zoning Adjustments – Adrienne Jones

Mrs. Jones stated that Mr. Tony Felts has resigned from the board, and they will need a replacement. His position is as a supernumerary who votes when needed. They do have an application for May.

B. Downtown Redevelopment Authority – Barnette

There was no meeting in March. The next meeting is April 23rd.

C. Industrial Development Board – Conaway

The minutes for the March 26th meeting are in the packet.

D. Library Board – Lake

The next meeting will be April 12th at the Library.

E. Planning Commission – Barnette

The minutes for the February 23rd meeting are in the packet.

F. Recreation Board - Reese

No report.

G. Utility Board – Scott

The March meeting will be held April 4th at 5:00 p.m., and the April meeting will be at the Well Road facility, and then the next month it will be back at City Hall.

6. <u>REPORTS OF THE OFFICERS:</u>

A. Mayor's Report

a.) Parade Permit / Christ the King Catholic School / 1 Mile Fun Run / April 27, 2012
b.) Parade Permit / Lupus Foundation / Fund Raiser / March 16, 2013
c.) Parade Permit / Christ the King Respect for Life Committee / Annual Life Pilgrimage / April 28, 2012

MOTION BY Councilman Lake to approve the Parade Permits for Christ the King Catholic School / 1 Mile Fun Run / April 27, 2012; Lupus Foundation / Fund Raiser / March 16, 2013; and Christ the King Respect for Life Committee / Annual Life Pilgrimage / April 28, 2012. ***Seconded by Councilman Scott.***

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report
No report.

C. Department Head Comments:
Margaret Thigpen – Civic Center Director - reported that April 10th is open house for Bay Front Park Pavilion, and that Ballroom Dance tickets are on sale. They have sold 130 tickets.

David McKelroy – Recreation Director – reported that Brown Bag-By-the-Bay will be April 5th at Centennial Park from 11:30-1:30. Possum Trot is on Saturday, and the Easter Egg Hunt has been rescheduled to Saturday at Lott Park. Monday is scheduled to begin the resurfacing of the tennis courts.

Adrienne Jones – Planning Director – commented on how well behaved the citizens were that attended the Public Hearing.

Anne Morris – Reference Librarian – reported that over 300 patrons attended the "Spring Break Bash". She thanked the Utilities and Recreation for providing the snacks.

Christine Ciancetta – Deputy Finance Director - reported that Mrs. Briley has been back to work for a couple of hours daily. Ms. Ciancetta has been hours discussing the warrant and credit card procedure, and is continuing to update Mrs. Briley on the last seven (7) months.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – owner of the Eastern Shore Motel - spoke regarding financial spending.

Mr. Willie Robison – 560 Stuart Street – invited everyone to the Flowering of the Cross at the Eastern Shore Baptist Church on Park Drive at 8:30 a.m. on Sunday.

Mr. Don Ouellette – Daphne – spoke regarding the city's advertising of city events.

Mrs. Jeanne Nelson – Daphne – spoke regarding the proposed round-about for County Road 64 and County Road 13.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

a.) Calling for the Redemption of the City's General Obligation Warrants, Series 2002 and the Redemption of the City's Limited Obligation Special Tax Warrants, Series 2006. . . . . ./Resolution 2012-28

MOTION BY Councilman Scott to *waive the reading* of Resolution 2012-28. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Resolution 2012-28. *Seconded by Councilman Lake.*

Council discussed the resolution.

Councilwoman Conaway called for the question.

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

MOTION CARRIED

ORDINANCES:

2ND READ

a.) Adopting the Rules of Procedure in All Instances for Meetings of the City Council . . . . . /Ordinance 2012-21

b.) Appropriation of Funds: City Hall Roof Repair . . . . . ./Ordinance 2012-22

c.) Appropriation of Funds: Civic Center Kitchen Hood Fire Suppression System . . . . . ./Ordinance 2012-23

d.) Appropriation of Funds: Legislative Phone/Internet Budget . . . . . ./Ordinance 2012-24

e.) Appropriation of Funds: Youth Spring Soccer Program . . . . . /Ordinance 2012-25

f.) Authorizing the Issuance of General Obligation Refunding and Improvement Warrants Series 2012. . . . . /Ordinance 2012-26

MOTION BY Councilman Scott to *waive the reading* of Ordinances 2012-21, 2012-22, 2012-23, 2012-24 and 2012-25. *Seconded by Councilman Lake*.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Ordinance 2012-21. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Ordinance 2012-22 *Seconded by Councilwoman Conaway*.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Ordinance 2012-23. *Seconded by Councilwoman Conaway*.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Ordinance 2012-24. *Seconded by Councilwoman Conaway*.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Ordinance 2012-25. Seconded by *Councilwoman Conaway*.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Ordinances 2012-26, 2012-27 and 2012-28 were made 1st Read.

Council President Barnette invited Ms. Ginger Gaddy from Hand, Arendall to come to the podium to answer any questions council may have on the 2012 warrants.

Ms. Gaddy stated that they have incorporated the final pricing into the warrant ordinance. That pricing is locked in until the closing date which is set forth in the warrant purchase agreement which is currently set for April 18th.

Councilman Boulware asked for the rate that Gardnyr Michael will receive for this transaction, and then the dollar figure associated with both Gardnyr Michael's services for the $13.4 million transaction, as well as the services of Hand, Arendall.

Ms. Gaddy said that Hand, Arendall's fee is $35,000, and Gardnyr Michael's fee is $121,455.

8. COUNCIL COMMENTS

Councilwoman Conaway thanked Mr. McKelroy for rescheduling the Easter Egg Hunt. She is looking forward to it.

Councilman Lake reminded council that Mr. John Gonas was the one that started the Easter Egg Hunt, and he feels that council should do something to honor Mr. Gonas.

Councilman Boulware spoke regarding the 2012 Warrants. He said that he attended an event saluting Vietnam Veterans with his father, who is a Vietnam Veteran on Saturday. He said that these veterans are deserving of recognition.

Councilman Palumbo spoke regarding the need for the Special Called Council meeting.

Council President Barnette that is always good to see the power of an organized community group that can come together and state their appeal. She appreciates that White-Spunner modified their zoning amendment. The Planning Commission does not have the legal authority to make a recommendation based on emotional appeal. The elected body does, and kudos to them for the job they did in bringing forward a logical well-reasoned, but still emotional appeal to the concerns that their neighborhood presented, and she thinks they will see a favorable outcome for the way that they worked it. She said that none of them ever see the outcomes 100% of the way they want to see them, but she reminded them all that they are colleagues, particularly as they enter an election year, and remember they are colleagues, and they need to work together for the city's business, and they cannot let personalities get in the way of doing the city's business.

9. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

Respectfully submitted by,

_____
David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

_____
Cathy S. Barnette,
Council President

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

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

ABSENT: Ron Scott.

Also present: David Cohen, City Clerk Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, Human Resources Director; Richard Merchant, Building Official; Chip Martin, Fire Marshall; James White, Fire Chief; Margaret Thigpen, Civic Center Director, Richard Johnson, Public Works Director; Richard Merchant, Building Official; Christine Ciancetta, Deputy Finance Director; Suzanne Henson, Senior Accountant; Captain Danny Bell, Police Department; Chip Martin, Fire Marshall; Battalion Chief Kenny Hanak, Fire Department; Erick Bussey, Attorney; Joe Lemoine, Planning Commission.

Absent: Mayor Yelding.

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

1. CITY OF DAPHNE MARKET DATA ANALYSIS OF PAY BY JOB CLASSIFICATION / ARCHER / CHIP KING

Mr. Hinman introduced Mr. Chip King with Archer for the presentation.

Mr. King presented the market competitiveness and update for the job plan. Mrs. Hinman handed out the data from Archer. *(The summary of benchmark salaries is spread out upon these minutes)* The market shows that Daphne is falling behind in salaries, and the biggest discrepancy is in management.

Council wanted to see Spanish Fort, Robertsdale and Fairhope included in the study.

Mr. King said that the purpose of the data is to get Daphne in the middle of the pack regarding salaries. He said that Public Safety salaries are holding with the market data, and no changes are needed. Mr. King said that if council adopts the pay range there will be costs involved. He recommends that the city keep evaluating a quarter of the employees every year.

Councilman Palumbo asked what is the normal percentage of employee turnover.

Mr. King said generally 4%, but council has to understand what is causing the turnovers.

Ms. Ciancetta reported that the cost for bringing salaries up to date, not including Public Safety, would be $127,000. The cost of including Public Safety would be $193,055.

Councilman Palumbo said he would like to see a list of job titles with the percentage rate of increase along with numbers for each job.

Council President Barnette requested Ms. Ciancetta to make that list and send it out to council later in the week so that they can see what percentage of increase each job will be getting.

2. DAPHNE SEARCH & RESCUE / DAVID WEBB

Mr. Webb reported that there are currently 18 members of the Daphne Search & Rescue Unit, and respond to approximately 80-100 calls per year throughout the Gulf Coast region. They were involved with the recent helicopter crash in Mobile Bay. They spent 900 man hours and 100 boat hours in the rescue efforts. Capabilities of the team are marine search and rescue, certified underwater search and rescue *(dive team,)* dive team are trained to Dive Rescue International standards, blackwater *(zero visibility)*, swiftwater *(moving water)* deep water *(150 feet)*, mixed gas, wreck penetration *(overhead environment)* and hazardous materials dive operations and land searches.

Mr. Webb said that their support comes from several sources one being the City of Daphne, 2012 budget is $18,349 which covers fuel, most vehicle maintenance and building utilities for their station. There is no monies budgeted for equipment purchases. They also receive approximately $20,000 from tobacco taxes, and funds from private donations which is a very small part of their income.

Mr. Webb said they are in dire need of a replacement vessel. The current vessel is 18 years old and has been used extensively in search, rescue, recovery and training missions. This is their primary response vessel, and the boat and trailer have become a burden on their finances due to age related repairs and upkeep. The hull has developed several 'soft spots' indicating internal damage that is cost prohibitive to repair. The trailer is in dire need of replacement also. Mr. Webb requested help from the city to replace the 16' Carolina Skiff and a second 21' Skiff at a cost of $25,000 *each*, and an 18' airboat at a cost of $55,000.

Councilman Lake said that in his 20 years on council the Search & Rescue Unit has never asked the city for help. He recommended sending this request to the Finance Committee for consideration.

Council discussed whether they could reallocate BP funds for these purchases.

Mr. Chip Martin, Fire Marshall, said that the time the city put in a request for reallocation it request was denied. They are not reallocating any of the money from the original request.

Councilman Lake suggested that the funds could come from the Lodging Tax.

Councilman Palumbo suggested that Mr. Webb get with Chief White to include this request in the next budget cycle.

Council President Barnette requested that this be put on the May Finance agenda.

3. PROTOCOL FOR ROAD CLOSINGS

Mr. Johnson presented council with a proposed protocol to alert businesses and the public to road closings for events that require the roads to be closed. *(Proposed protocol is spread out upon these minutes)*

4. ADOPTING 2012 EDITION OF THE INTERNATIONAL FIRE CODE / CHIP MARTIN

Mr. Martin stated that it is time to adopt the new 2012 International Fire Code with amendments. He said that the amendments have not changed since adopting the 2006 International Fire Code.

5. ADOPTING 2012 EDITION OF THE INTERNATIONAL BUILDING CODE / RICHARD MERCHANT

Mr. Merchant said it is also time to adopt the new 2012 International Building Codes. The only change is updated roof requirements. The new code will help with leakage and energy efficiency. He sees this as protection for the homeowner. Mr. Merchant said that the homebuilders and the county have adopted the new codes.

6. DISCUSS WHATEVER ELSE IS DEEMED NECESSARY

Council did not have any other items to discuss.

7. ADJOURN

There being no further business to discuss the meeting adjourned at 8:43 p.m.

Respectfully submitted by,

_____

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

_____

Cathy S. Barnette,
Council President

City of Daphne, Alabama
Summary of the Market Data, 2012

Compiled for the City by the Archer Company

			Current Ranges				Market Average			% Difference	
Code	**Classification**	**Gr**	**Min**	**Mid**	**Max**		**Min**	**Mid**	**Max**	**Min**	**Max**
1023	ACCOUNTANT	17	32,310	40,908	49,505		36,936	45,566	55,366	-13%	-11%
1043	ACCOUNTING TECHNICIAN	11	26,294	33,244	40,194		27,616	33,077	39,121	-5%	3%
0020	ADMINISTRATIVE ASSISTANT	13	28,292	35,791	43,290		31,121	37,531	45,440	-9%	-5%
7525	ATHLETIC COORDINATOR	20	35,319	44,740	54,160		35,139	43,284	52,385	1%	3%
6840	BUILDING INSPECTOR	17	32,310	40,908	49,505		34,382	42,963	53,150	-6%	-7%
2332	BUILDING MAINTENANCE SUPERVISOR	18	33,321	42,192	51,064		36,278	44,609	54,423	-8%	-6%
2330	BUILDING MAINTENANCE TECHNICIAN	11	26,294	33,244	40,194	v	27,817	33,525	40,265	-5%	0%
8068	CHILDREN'S LIBRARIAN	18	33,321	42,192	51,064		35,863	44,437	53,900	-7%	-5%
0022	CITY CLERK	23	38,322	48,574	58,826	v	54,115	71,473	81,858	-29%	-28%
2245	CODE ENFORCEMENT OFFICER	12	27,304	34,517	41,731		33,295	40,496	48,402	-18%	-14%
2551	COMMUNICATIONS OFFICER	11	26,294	33,244	40,194		27,004	33,192	40,287	-3%	0%
2550	COMMUNICATIONS SUPERVISOR	17	32,310	40,908	49,505		32,668	40,343	49,261	-1%	0%
0151	CUSTODIAN	4	19,266	24,284	29,302		21,768	26,982	33,080	-11%	-11%
1020	DIRECTOR, FINANCE	36	51,353	65,189	79,025		73,160	90,762	114,586	-30%	-31%
0520	DIRECTOR, HUMAN RESOURCES	36	51,353	65,189	79,025		60,802	78,495	95,363	-16%	-17%
5535	DIRECTOR, PLANNING	36	51,353	65,189	79,025		59,512	78,507	94,120	-14%	-16%
6019	DIRECTOR, PUBLIC WORKS	38	53,357	67,744	82,131		76,249	95,137	123,072	-30%	-33%
7520	DIRECTOR, RECREATION	29	44,335	56,241	68,148	v	58,960	79,444	104,476	-25%	-35%
7023	EQUIPMENT MAINTENANCE SUPERVISOR	18	33,321	42,192	51,064		35,156	43,153	53,146	-5%	-4%
4040	EQUIPMENT OPERATOR (HEAVY EQUIPMENT)	13	28,292	35,791	43,290		27,276	33,548	41,046	4%	5%
0026	EVENT SERVICES SUPERVISOR	10	25,283	31,959	38,635	v	31,701	38,637	46,714	-20%	-17%
3035	FIRE CAPTAIN (BATTALION CHIEF)	F29	44,258	56,152	68,046		54,485	68,990	84,584	-19%	-20%
3040	FIREFIGHTER	F20	35,447	45,014	54,580		32,777	39,995	48,093	8%	13%
0521	HUMAN RESOURCES ASSISTANT	13	28,292	35,791	43,290	v	28,846	35,255	42,736	-2%	1%
8070	LIBRARY AIDE	6	21,287	26,854	32,420		22,799	27,450	32,705	-7%	-1%
8050	LIBRARY SUPV, CIRCULATION	16	31,300	39,623	47,946		29,337	36,809	44,906	7%	7%
7050	MECHANIC	13	28,292	35,791	43,290		30,078	36,884	44,910	-6%	-4%
0005	OFFICE ASSISTANT	6	21,287	26,854	32,420		22,707	27,819	34,182	-6%	-5%
7515	PARKS MAINTENANCE SUPERVISOR	18	33,321	42,192	51,064		35,861	43,483	52,480	-7%	-3%
2526	POLICE CAPTAIN	P32	47,192	59,884	72,576		48,919	57,943	69,837	-4%	4%
2520	POLICE CHIEF	P39	54,037	68,601	83,164		67,658	88,801	111,459	-20%	-25%
2540	POLICE OFFICER	P20	35,447	45,014	54,580		33,536	41,422	50,448	6%	8%
2530	POLICE SERGEANT	P25	40,347	51,158	61,969		41,910	50,695	60,892	-4%	2%
0143	PUBLIC SERVICE WORKER	6	21,287	26,854	32,420		21,944	27,130	33,236	-3%	-2%
4023	PUBLIC WORKS SUPERVISOR	18	33,321	42,192	51,064		35,277	42,868	52,477	-6%	-3%
8045	REFERENCE LIBRARIAN	18	33,321	42,192	51,064		35,863	44,437	53,900	-7%	-5%
0144	SOLID WASTE WORKER	6	21,287	26,854	32,420		19,320	23,656	31,860	10%	2%
0145	SOLID WASTE WORKER, SENIOR	11	26,294	33,244	40,194		26,991	33,746	41,777	-3%	-4%
6022	SUPERINTENDENT, PUBLIC WORKS	27	42,331	53,687	65,042	v	49,277	65,772	76,094	-14%	-15%

Notification to Effected Business regarding Parades, Festivals, Runs and other City-Wide Events

Two Approaches:

1. Active:

- Collect Contact Information for business entities along the traditional routes impacted by these city-wide events.
- Email, Text Enable Phone Numbers, etc…
- Build a contact database
- Maintain a contact database
- Public Works Administrative Staff would solicit and maintain data

2. Passive:

- City Website
- Make Information readily available
- Encourage all parties to sign up for notification
- Make system "User Friendly"
- Use the system to maximize effect

Daphne ALABAMA

Residents | Visitors | Businesses | Government | Updates & Events | Emergency Info

Go

Sign Up for RSS Feeds

Sign up for the City of Daphne RSS feed to get the latest news posts from the City of Daphne's website. As with all website feeds (blog feeds), you can select the RSS feed (any new post category) that you are interested in, and any time the website is updated you will receive a notification of the updated information. More information about RSS Feeds.

City of Daphne RSS Feeds:

1. Sign Up for All City News Categories

ALL CITY NEWS – SIGN UP!
http://www.daphneal.com/news/feed

2. Or Choose Individual Categories

All Public Works Categories – SIGN UP!
http://www.daphneal.com/news/public-works/feed

Public Works Road Closures- SIGN UP!
http://www.daphneal.com/news/public-works/road-closures/feed

Public Works Solid Waste Holidays- SIGN UP!

Quick Links

- Emergency Alerts
- Notification Sign Up
- City Departments
- Daphne Events
- Forms & Applications
- Daphne Police Department
- CPR / First Aid Training
- Daphne Animal Shelter

Add RSS Feed and Email Notification title: For Businesses effected by Parades, Festivals, Runs and other City-Wide Events.

This would also include a hyperlink to routes (map) with estimated closure dates and time.

Daphne ALABAMA

Residents | Visitors | Businesses | Government | Updates & Events | Emergency Info

Go

Sign Up for Email Notifications

We use the Mailchimp service to provide our email notifications. To receive updates through email, simply enter your email address below and select the categories that interest you.

* indicates required

Email Address *

News Preferences

- ☐ All City News
- ☐ All Public Works
- ☐ Public Works – Road Closures
- ☐ Public Works – Solid Waste Holidays
- ☐ Public Works – Lake Forest Road Construction
- ☐ Human Resources

Quick Links

- Emergency Alerts
- Notification Sign Up
- City Departments
- Daphne Events
- Forms & Applications
- Daphne Police Department
- CPR / First Aid Training
- Daphne Animal Shelter

Protocols:

1. Permit Reviewed by all applicable Departments
2. Event Placed on Calendar
3. Pre-Event Coordination - Details
    a. Route – Mapped in Detail
    b. Street Closure/Opening Times
    c. Traffic
    d. Parking
    e. Other contingencies
4. Notification
    a. General – When Placed on Calendar (Monthly Notification)
    b. Specific – With Dates, Times and Locations
        i. 14 Days out
        ii. 7 Days out
        iii. 72 Hours out
5. Follow-Up
    a. As new effected parties are identified, they are added to the distribution database

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
April 9, 2012
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:14 pm. Present were Chairman Derek Boulware, Deputy Finance Director Christine Ciancetta, Senior Accountant Suzânne Henson, and Accountant Donna Page.

Councilwoman Tommie Conaway arrived at 4:44 pm. Councilman Ron Scott and Finance Director Kim Briley were absent.

Also in attendance were Mayor Bailey Yelding, Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Fire Chief Bo White, Police Captain Danny Bell, Environmental Management Coordinator Ashley Campbell, Revenue Officer Heather Gywnn, Assistant City Clerk Becky Hayes, and Human Resources Payroll/Benefits Coordinator Sherree Hilburn.

II. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

Update on Human Resources Department Activity

Ms. Vickie Hinman presented the Human Resources activity update. Interviews are on-going for a PT Library Aide and internal posting for a FT LT Firefighter will close today.

At the Safety Committee meeting, the Fire Marshal reported a fire had occurred at the break room in the City Garage. The fire was already out when it discovered by an employee reporting for work. The fire department responded to confirm that there was no hidden fire in the ceiling. The Fire Marshal investigated the cause and origin and noted that a cushioned chair was damaged. No other items were ignited from the fire, and the damage was light – mainly smoke damage. The next Safety Committee meeting will be April 25, 2012 at 10:00 a.m.

Ms. Hinman reported on the following HR department projects:

Employee Service Award Luncheon – March 21, 2012 – 41 employees recognized for years of service
Relay for Life Team Fundraiser – TV Raffle & Strawberry Sale
E-Verify Mandate April 1, 2012 – New Hires
Posting of NLRB Poster in Departments by April1, 2012
Statement of Economic Interest due April 30, 2012
Salary Survey from Archer Company

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: March 31, 2012

The Treasurer's Report totaling $18,020,228.32 was presented. Ms. Henson noted that the General Fund MMA account is down $2,891,689 from February. Ms. Henson noted some large expenditures this month include a $505,836 legal settlement from General Fund Reserves and transfers to the Capital Reserve Fund: $795,000 for the US 98 & Whispering Pines Road project and the $500,000 annual transfer for road projects. It was discussed that a Capital Reserve Fund reimbursement from ALDOT of approximately $470,000 to date for the

Hwy 98 and County Road 64 project is pending. Ms. Henson noted that the beginning balance of Capital Reserve Fund for FY11 was a little over $3 million and that the beginning balance for FY12 was a little over $2 million and noted that during this last month the balance low was around $100,000. Ms. Henson noted that transfers into the account for the road projects and the US98 & Whispering Pines project brought the balance back up to the $1.3 million at the end of March and noted there is a request on the agenda for $106,445. Ms. Henson noted that if any other Capital projects are approved requested funds will need to be transferred from the General Fund to cover the project cost if use of the $500,000 road project funds are not designated.

Motion by Ms. Conaway to accept the Treasurer's Report as of March 31, 2012, in the amount of $18,020,228.32. Seconded by Mr. Boulware. Motion carried.

2. Sales and Use Taxes: February 29, 2012

Ms. Henson noted that the sales tax reports for February will need to be updated. Revenue just received approximately $77,425 sales and use tax in certified mail from the post office that was postmarked March 20. Ms. Henson noted we are not sure why there was a delay in receiving this mail but that these monies will bring the year to date to approximately $63,297 over budget.

3. Lodging Tax Collections, February 29, 2012

The Lodging Tax Collections report shows $47,346.50 collected for February 29, 2012.

4. Report: New Business Licenses – March 2012

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

5. Bills Paid Reports – March 2012

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

B. Appropriation Request

Capital Reserve Fund

- Profit Drive Extension & Lake Forest Ridgewood Drive – Phase II: Appropriation of Design and Engineering Funds - $106,445

Mr. Johnson discussed that design and engineering services are required to prepare these projects for bid. Costs for this are $20,154 for Profit Drive Extension and $86,291 for Lake Forest: Ridgewood Drive – Phase II.

Motion by Ms. Conaway to recommend Council adopt an ordinance appropriating $106,445 from the Capital Reserve Fund for design and engineering services for Profit Drive Extension and Lake Forest Ridgewood Drive – Phase II. Seconded by Mr. Boulware. Motion carried.

General Fund -

- <u>Legislative – International Building and Fire Code Books (3 of each) - $1,617</u>

Ms. Becky Hayes stated that Alabama State law requires the City Clerk's Office to have three copies of the 2012 International Building and Fire Code manuals. The cost including shipping is $1,776.70 and has not been budgeted.

Motion by Ms. Conaway to recommend Council adopt an ordinance appropriating $1,776.70 for the purchase of three copies of the 2012 International Building and Fire Code manuals. Seconded by Mr. Boulware. Motion carried.

- Assistance to Firefighters Grant Awarded - $55,800

Chief White discussed the $55,800 Assistance to Firefighters Grant awarded to the City. Federal monies equal 90% ($50,220) with a 10% ($5,580) City match. The funds will be used to purchase a Thermal Imager Camera and Self-Contained Breathing Apparatuses. Chief White explained the camera can be used to find trapped bodies in a burning building. He noted two of the City's three fire trucks are currently equipped with a thermal imager camera; this purchase will allow the third truck to have one.

Motion by Ms. Conaway to recommend Council adopt an ordinance appropriating $5,580 for the City's 10% match for the $55,800 Assistance to Firefighters Grant. Seconded by Mr. Boulware. Motion carried.

- Main Street Resurfacing $901,745.10 (*transfer funds to Capital Fund) bid opened March 5, 2012*
    - Appropriation of Funds - $876,930.10
    - Bid Award - $815,642.10

- Well Road Ext to Hwy 13 $259,359.50 *(transfer funds to Capital Fund) bid opened March 5, 2012*
    - Appropriation of Funds - $237,429.50
    - Bid Award - $207,028.50

Mr. Johnson discussed the Main Street resurfacing and Well Road Extension road projects. He noted that they are both included in the City's ATRIP application under the GARVEE Grant, which would provide federal funding for 80% of the projects. The award date for the grant is May 15. Mr. Johnson noted that $24,815 for engineering services on the Main Street Resurfacing project and $21,930 for engineering services for the Well Road Ext project have previously been appropriated. He also agreed with HMR's low bid award recommendations - $815,642.10 to Hosea O Weaver & Sons for Main Street Resurfacing, and $207,028.50 to Asphalt Services, Inc. for Well Road Ext to Hwy 13. Discussion continued that the first read for appropriating the monies on the two projects and award of the bids should be at the May 7th meeting in order to allow time for a response on the ATRIP application. Mr. Johnson and Mr. Robertson, HMR noted that verbiage was added to each bid to allow additional time for the bid pricing to remain good in order to allow these projects to be considered as a project for the grant.

Motion by Ms. Conaway to recommend Council adopt an ordinance appropriating $876,930.10 for Main Street Resurfacing (for a total project cost of $901,745.10) and adopt a resolution awarding bid 2012-H-MAIN STREET RESURFACING to Hosea O weaver & Sons in the amount of $815,642.10; and adopt an ordinance appropriating $237,429.50 for Well Road Ext to Hwy 13 (for a total project cost of $259,359.50) and adopt a resolution awarding bid 2012-I-WELL ROAD EXTENSION TO HWY 13 to Asphalt Services, Inc. in the amount of $207,028.50. Seconded by Mr. Boulware. Motion carried.

C. Update on Village Point USFW Grant *($10,000 Cash / $6,400 In-kind Labor Match Approved Ordinance 2011-84)*

Ms. Ashley Campbell requested permission to reapply for a second US Fish & Wildlife grant to fight invasive species at Village Point and Bay Front Park. She noted this would require a $10,000 cash and $6,400 in-kind labor match from the City. Ms. Campbell noted this should be the last year we will need assistance in controlling the invasive species, staff should be able to handle the projects after this. She also discussed the

City of Daphne's and City of Foley's combined public education projects to include classes and brochures on the best and worst trees and shrubs to use in our area. It was noted that the $10,000 cash match would come from Lodging Tax.

Motion by Ms. Conaway to recommend Council adopt a resolution authorizing the Mayor to apply for a second US Fish and Wildlife Invasive Species Grant for Village Point and Bay Front Parks. Seconded by Mr. Boulware. Motion carried.

D. Declare City Property Surplus:

1. The following equipment was presented for surplus:

Dept	Tag/Veh#	Description	Vin# / Serial #
Detective	699	1999 Ford Taurus	1FAFP53UOXA318129
Grounds	47	1998 GMC Sierra PU	1GDKC34J8WF058590
SW	772	2000 Ford F150	1FTRX17W0YNB32502

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

2. The following property is declared to be surplus and no longer used by the City and is requested for donation to the Ruff Wilson:

- 27 Blue Cloth and Chrome Guest Chairs

Motion by Ms. Conaway to recommend Council adopt a resolution declaring the listed property surplus and authorizing the Mayor to donate such property. Seconded by Mr. Boulware. Motion carried.

V. Old Business

VI. ADJOURN

The meeting was adjourned at 4:55 p.m.

Fred Small
Mayor

Vickie Hinman
Human Resources Director

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

April 4, 2012

HUMAN RESOURCES DEPARTMENT ACTIVITY REPORT

Positions	Status
PT Library Aide	Interviewing
LT. FT Firefighter	Internal Posting: April 2-9

Safety Committee Meeting was held on March 28, 2012: The Fire Marshal reported a fire occurred at the break room in the City Garage. The fire was already out when it was discovered by an employee reporting for work that morning. The fire department responded to insure no hidden fire was in the ceiling. The Fire Marshal investigated the cause and origin and determined that the fire started in the florescent light fixture, due to a short in the tombstone (connector for the bulb). The fire then melted the lenses of light which dripped down onto a cushioned chair causing the chair to catch fire. No other items were ignited from the fire, and the damage was light – mainly smoke damage, a new light, chair and some paint, along with a heavy clean up.

Next safety committee meeting will be April 25 at 10:00 a.m..

Human Resources Project:

- Employee Service Award Luncheon – March 21, 2012. There were 41 employees who were recognized for years of service.
- Relay for Life team fundraiser – TV raffle $1 ea. or 6 for $5, Strawberry sale in April
- E-Verify Mandate April 1, 2012 –New hires
- Posting of NLRB poster in departments by April 1, 2012
- Statement of Economic Interest due April 30
- Salary survey from Archer Co.

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

TREASURER'S REPORT

As of March 31, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

ACCT TITLE	BANK	BALANCE
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	$7,119,840.76
OPERATING ACCT	COMPASS	($112,511.79)
PAYROLL ACCT	COMPASS	$0.00
		$7,007,328.97
INVESTMENT FUND	RAYMOND JAMES (investment $4,828,875.15)	$5,113,771.60
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	$391,960.11
SPECIAL REVENUE FUNDS		
SAIL SITE	RBC BANK	$7,490.65
4 CENT GAS TAX	RBC BANK	$382,629.47
7 CENT GAS TAX	RBC BANK	$335,074.16
		$725,194.28
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WACHOVIA	$1,342,652.97
2006 CONSTRUCTION	WACHOVIA	$715,261.53
		$2,057,914.50
DEBT SERVICE FUNDS		
DEBT SERVICE	WACHOVIA	$1,265,325.89
2006 DEBT SERVICE	RBC BANK	$1,458,732.97
		$2,724,058.86
		$18,020,228.32

PRIOR YEAR BALANCE: March 31, 2011 $21,590,791.28

SALES & USE TAXES

ACTUAL COLLECTIONS

	2004	2005	2006	2007	2008	2009	2010	2011	2012
October	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,730.85
November	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,163.53
December	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,168,626.69
January	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59
February	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	850,487.86
March	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	
April	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	
May	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	946,355.76	
July	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	839,192.33	901,772.80	
August	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	888,624.95	
September	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	863,510.67	
Totals	**9,289,924.78**	**10,708,260.63**	**11,702,796.44**	**11,871,233.19**	**11,279,349.93**	**10,039,546.95**	**9,934,178.61**	**10,782,655.21**	**4,538,794.52**

FY 2012 BUDGET/ACTUAL COMPARISONS

	Actual- 2012	Budget	Monthly Variance	YTD Variance	% of Budget
October	864,730.85	817,268	47,462.71	47,462.71	5.81%
November	845,163.53	836,995	8,168.89	55,631.60	0.98%
December	1,168,626.69	1,144,856	23,770.74	79,402.34	2.08%
January	809,785.59	834,336	(24,550.60)	54,851.74	-2.94%
February	850,487.86	858,367	(7,878.89)	46,972.85	-0.92%
March	-	996,615			
April	-	935,721			
May	-	908,573			
June	-	966,165			
July	-	897,527			
August	-	848,627			
September	-	899,386			
Totals	**4,538,794.52**	**10,944,435**	**46,972.85**		

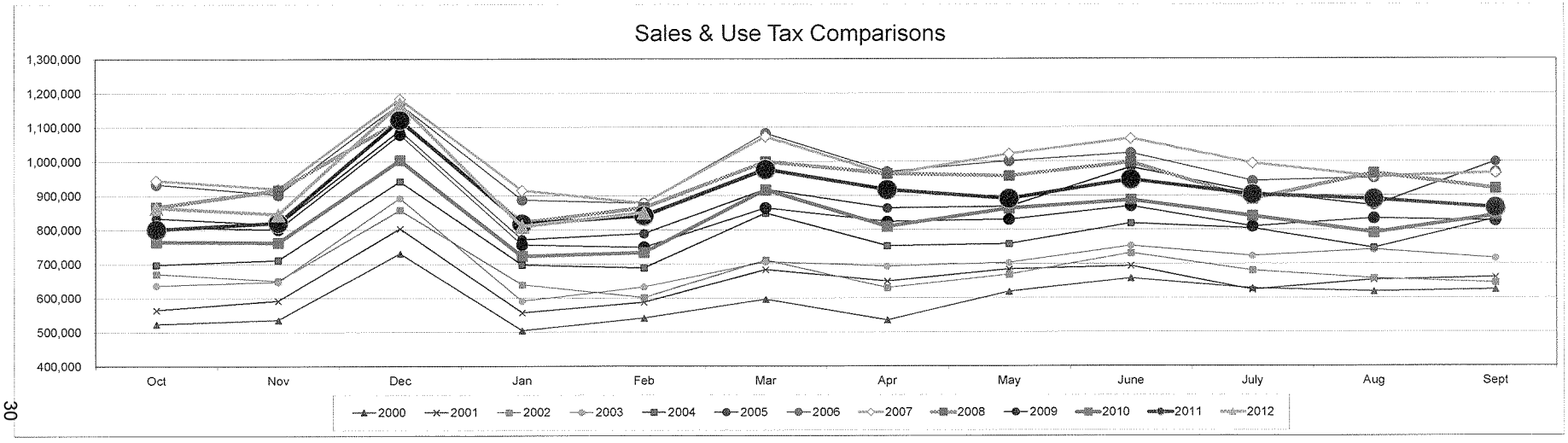
FISCAL YEAR COMPARISONS

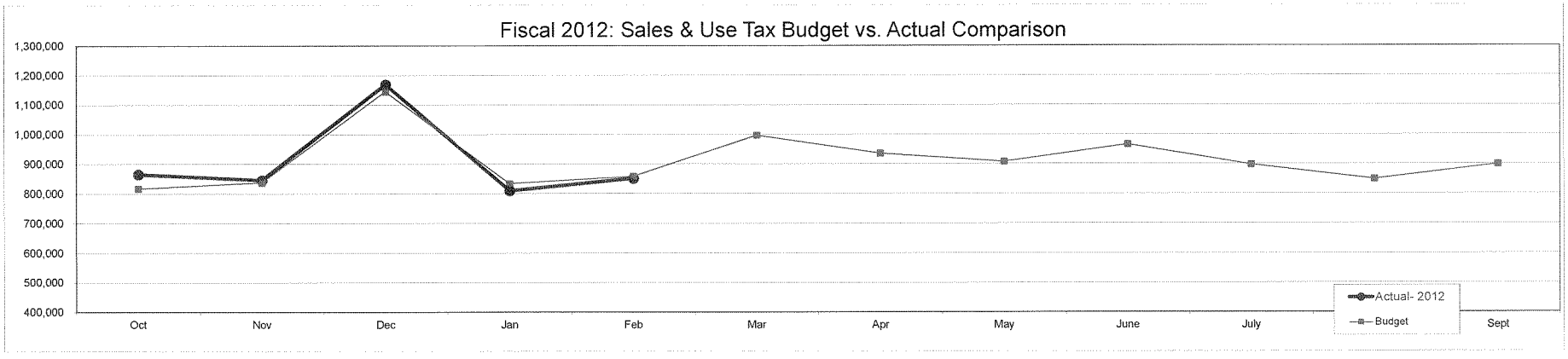
	2004-2005	$ Change 2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
October	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	64,218.82
November	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,329.44
December	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	47,243.24
January	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)
February	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	-
March	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	53,121.77	59,523.84	-
April	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	106,947.86	-
May	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	33,154.73	27,690.79	-
June	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	18,953.16	59,093.08	-
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	31,078.40	62,580.47	-
August	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.55)	97,911.15	-
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	-	-
Annual $ Change	**1,418,335.85**	**994,535.81**	**168,436.75**	**(591,883.26)**	**(1,239,802.98)**	**(105,368.34)**	**826,001.33**	**129,346.95**

	Percent Change 2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
October	11.87%	1.28%	-8.19%	-7.00%	-5.19%	4.69%
November	10.66%	1.92%	-0.32%	-12.54%	-4.88%	7.60%
December	7.09%	1.21%	-5.29%	-3.72%	-6.89%	11.69%
January	14.98%	3.09%	-10.15%	-8.09%	-4.24%	12.95%
February	11.32%	-0.02%	-1.41%	-13.52%	-2.04%	14.65%
March	17.86%	-0.94%	-6.81%	-13.53%	6.15%	6.49%
April	12.24%	-0.89%	0.37%	-14.58%	-1.65%	13.21%
May	15.33%	2.11%	-6.30%	-13.38%	4.00%	3.21%
June	4.19%	4.13%	-6.49%	-12.93%	2.18%	6.66%
July	3.61%	5.50%	-10.52%	-9.07%	3.85%	7.46%
August	9.28%	0.41%	1.07%	-13.75%	-4.96%	12.38%
September	-3.09%	-0.26%	-4.82%	-10.16%	1.91%	0.00%
Annual % Chang	**9.29%**	**1.44%**	**-4.99%**	**-10.99%**	**-1.05%**	**8.31%**

TOTAL collections: FY 11	10,782,655
TOTAL est. bdgt coll: FY 12	10,944,435
Budgeted Dollar Variance 11 & 12	161,780
Budgeted Percent Variance 11 & 12	1.50%

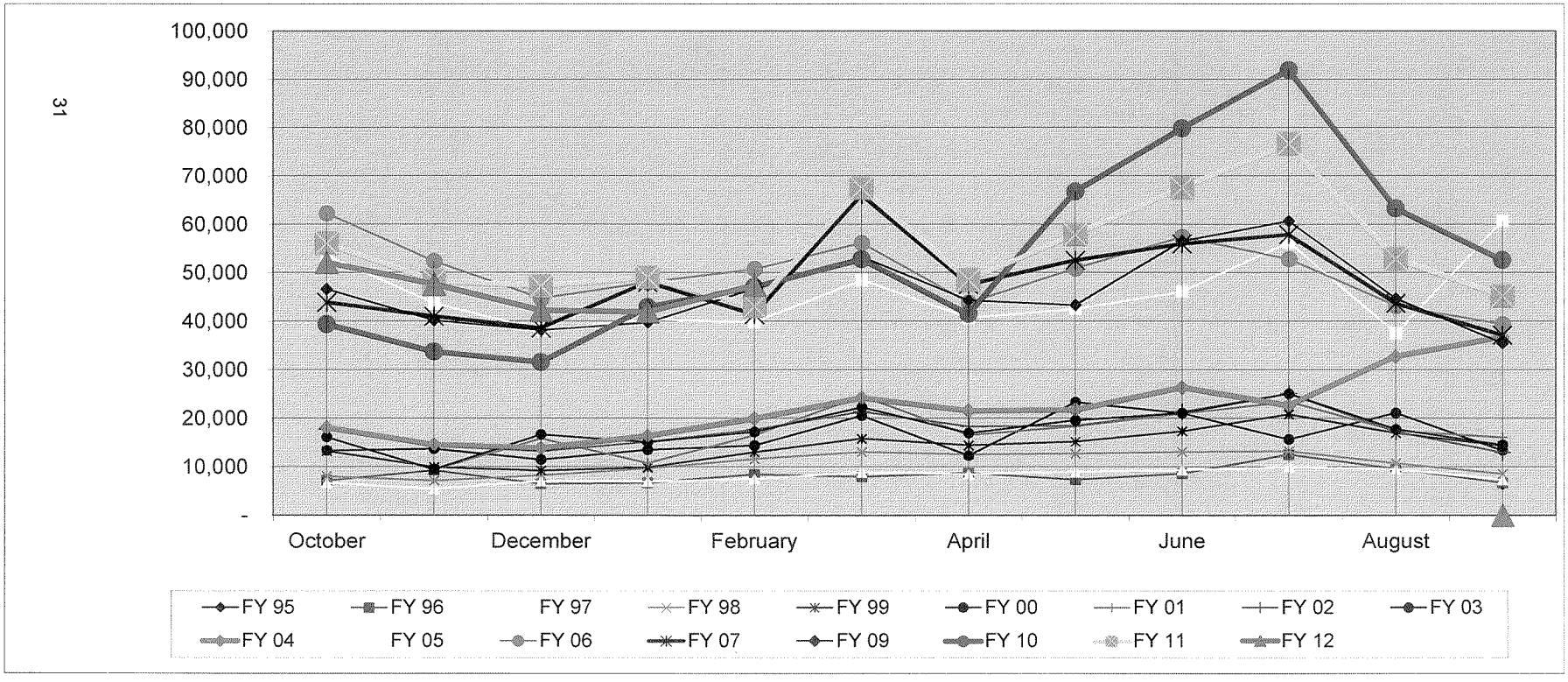
TOTAL collections thru: 2-29-12	4,538,795
Budgeted thru:2-29-12	4,491,822
Actual Coll>(<)Budget, 9-30-12	46,973
% Over/(Under) Budget, 9-30-12	1.05%


Sales & Use Tax Comparisons
1,300,000
1,200,000
1,100,000
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
June
July
Aug
Sept
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012


Fiscal 2012: Sales & Use Tax Budget vs. Actual Comparison
1,300,000
1,200,000
1,100,000
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
June
July
Sept
Actual- 2012
Budget

Monthly Lodging Tax Collections

FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12
16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53
9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08
15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22
10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34
16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50
24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	
16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	
18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	
20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	
23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	
17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	
16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	-
205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	231,113.67



FY 2012 Budget
680,000

% Budget Collected,
2/29/2012
34%

S:\Kim\Excel\FIN_STAT\FY 2012\SPECIAL REVENUE FUNDS FY 2012\Lodging Tax 2012

NEW BUSINESSES
March-12

CITY LIMITS	
RETAILERS	
LOVE MY STYLE BOUTIQUE	1
MATTRESS DEPOT	1
RAGANS HAIR BOWS & ACCESSORIES	1
DILLON G BOUTIQUE	1
BELTONE AUDIOLOGY	1
ALL OTHER	**5**
BAY AREA DISTRIBUTING	1
KARINA ALLEN	1
FIVE PLUS 1	1
API SOLUTIONS	1
TRIADRX	1
CHATHAM HOME PLANNING	1
ROBERT HEDGE	1
RECOVERY RESOURCES	1
KAND COMPANY	1
COMMUNITY SERVICES FOR VISION	1
HANCOCK BANK (3 LOCATIONS)	3
ORGANIZE ETC	1
TOTAL CITY LIMITS	**14**

OUTSIDE CITY LIMITS	
CORNERSTONE MEDIA	1
FRANCIS PAUL RIPP	1
GULF COAST PINTS, LLC	1
RENEE'S PRIVATE SITTING SERVICE	1
NORDAN SMITH WELDING SUPPLY	1
ALICE.COM	1
PNC BANK	1
SRS ROOFING SUPPLY	1
IMAGINE THIS...	1
ORGILL, INC	1
EGGPLANT SYSTEMS & DESIGN	1
CITY LUMBER CO	1
ENTERPRISE FM TRUST	1
THE PRINT AUTHORITY	1
J.A.M. CAKERY	1
JENKINS BRICK CO	1
WETLAND RESOURCES	1
SWEET WATER BIOFUELS	1
BALDWIN CONTAINER COMPANY	1
BLOCKBUSTER PURCHASING	1
MJ RENTALS	1
PERFORM BETTER MF ATHLETICS	1
SUPERIOR UNIFORM GROUP	1
ZORCH	1
PHCS HOME MEDICAL EQUIPMENT	1
NAVAGATION ELECTRONICS	1
HOCKENBERGS EQUIPMENT	1
TOTAL OUTSIDE CITY LIMITS	**27**

CONTRACTORS	
CAINS TREE & LANDSCAPE	1
SOUTHERN ENCLOSURES	1
BURTON MAC INC	1
MASCO CABINETRY	1
MURRAY LAWRENCE	1
SERVPRO OF BALDWIN COUNTY	1
GONZALEZ CONSTRUCTION	1
ACCESS ELECTRICAL CONTRACTOR	1
DAVES CONTRACTING	1
LITTLE INSULATION	1
GREEN CRAFT CONSTRUCTION	1
ROBERT BROXSON HEATING	1
L&K HANDYMAN	1
TIMOTHY JAMES	1
SH SITE SERVICES	1
MARK KITE CARPENTRY	1
MC ROOFING & CONSTRUCTION	1
DH GRIFFIN WRECKING CO	1
GORDON CONSTRUCTION	1
WEBBS HEATING & A/C	1
TIMES ARE TOUGH LANDSCAPING	1
CENTRAL SERVICES	1
KENNETH D WOODARD	1
WILTON J WOOD FIRE PROTECTION	1
TOTAL CONTRACTORS	**24**

INSURANCE	
OHIO SECURITY INS CO	1
WEST AMERICAN INS CO	1
TOWER INS CO	1
ANSUR AMERICA INS CO	1
MAXUM CASUALTY INS CO	1
PERMANENT GENERAL ASSURANCE	1
AUTOMOBILE CLUB INTER-INSURANCE CO	1
ARTISAN CONTRACTORS INS CO	1
TOTAL INSURANCE	**8**

TOTAL NEW BUSINESSES IN DAPHNE	78

CLOSED BUSINESSES IN DAPHNE	
VINO E BIRRA SHOP, LLC	1
TOTAL CLOSED BUSINESSES IN DAPHNE	**1**

PROFIT DRIVE EXTENTION & LAKE FOREST: RIDGEWOOD DRIVE-PHASE II: APPROPRIATION OF DESIGN AND ENGINEERING FUNDS

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

WHERE AS, subsequent to the adoption of the Fiscal Year 2012 Budget, the City Council has determined that certain appropriation are required and should be approved and made part of the Fiscal Year 2012 Budget; and

WHERE AS, the Profit Drive Extension – Profit Drive to Johnson Road (0.275 miles) and Lake Forest: Ridgewood Drive Phase II (1.2 miles) projects need to go out for bid; and

WHERE AS, Design and engineering services in the amount of $106,445 are required to prepare these projects for bid:

• **Profit Drive Extension**	**$ 20,154**
• **Lake Forest: Ridgewood Drive-Phase II**	**$ 86,291**
TOTAL	**$106,445**

WHERE AS, the City Council has determined it to be in the best interest of the City to obtain bids for these projects by unanimously passing a motion during the March 19, 2012 City Council Meeting authorizing the City to go out for bid on all Fiscal Year 2012 proposed City of Daphne Street Improvement Projects.

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), that funds in the amount of $106,445 from the Capital Reserve Fund are hereby appropriated and made a part of the Fiscal Year 2012 Budget for the design and engineering services for the Profit Drive Extension and the Lake Forest: Ridgewood Drive-Phase II projects.

APPROVED AND ADOPTED BY THE MAYOR & CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____DAY OF _____, 2012.

_____
CATHY S. BARNETTE, COUNCIL PRESIDENT

_____
BAILEY YELDING, MAYOR, CITY OF DAPHNE

ATTEST:

_____
DAVID L. COHEN,
CITY CLERK, MMC

Proposed City of Daphne Street Improvements - Fiscal Year 2012 Summary

Order	Project	Mileage	Construction	Engineering			Total
				Survey & Design	Testing	CE&I	
1	Project 2012-A - Intersection of Whispering Pines Rd and US Hwy 98 (Additional Turn Lanes and Signalization Upgrade)	0.37	$400,000.00	$0.00	$24,000.00	$40,000.00	$464,000.00
2	Project 2012-B - Main Street - Holy Cross to Bayfront (18,247 L.F. - 3.45 miles) - Mill and Overlay (1500 L.F. Base Repairs)	3.45	$598,889.56	$25,814.21	$20,651.36	$30,977.05	$676,332.18
3	Project 2012-C - Well Road Extension - Public Works Road to CR13 (1,400 L.F. - 0.265 miles) - New Road & Drainage	0.265	$144,267.00	$21,930.00	$3,600.00	$26,800.00	$196,597.00
4	Proposed Project: Profit Drive Extension - Profit Drive to Johnson Road	0.275	$251,923.63	$20,153.89	$7,557.71	$15,115.42	$294,750.64
5	Proposed Project 2013-B: Lake Forest - 1.1 Miles (Ridgewood Drive - North Route connecting 2a & 2b) & 0.1 Miles of Bay View Drive (1a to the bridge) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping	1.2	$1,232,727.28	$86,290.91	$24,654.55	$86,290.91	$1,429,963.64
6	Proposed Project: Resurfacing of Pinehill Road - 7th Street to south of Roper Ln	0.475	$84,302.00	$0.00	$2,530.00	$0.00	$86,832.00
7	Proposed Project: Resurfacing of Douglas Road - US Hwy 90 to End of Pavement	0.25	$20,882.00	$0.00	$627.00	$0.00	$21,509.00
	Totals:	**6.29**	**Miles**				**$3,169,984.46**

Cost per Mile:	$504,373.02

Suzanne Henson 2012 Int'L Bldg & Fire Code

From: Suzanne Henson <financeseniorаccountant@daphneal.com>
Sent: Tuesday, April 03, 2012 4:34 PM
To: 'Becky'
Subject: RE: Code books

Yes, ask him to send a memo to place the request for $xxxxx on the April finance agenda. Please ask him to send memo by Thursday a.m.
thanks

From: Becky [mailto:becjer@bellsouth.net]
Sent: Monday, April 02, 2012 5:01 PM
To: 'Suzanne Henson'
Subject: FW: Code books

Cost $1776.70

Does David need to do a memo to amend our budget like he did for the media com account?

Rebecca A. Hayes
Assistant City Clerk

City of Daphne
P.O. Box 400
1705 Main Street
Daphne, AL 36526
251-621-9000
251-621-3538 FAX
cityclerkassist@daphneal.com
becjer@bellsouth.net

From: Ken Smith [mailto:KenS@ALALM.ORG]
Sent: Monday, April 02, 2012 2:54 PM
To: Becky
Subject: RE: Clerk Question

The Code section is 11-45-8, which provides in pertinent part:

From: Becky [mailto:becjer@bellsouth.net]
Sent: Monday, April 02, 2012 2:37 PM
To: Ken Smith
Subject: Clerk Question

Ken,

Daphne is getting ready to adopt the 2012 International Building and Fire Code. Is it State Law that the clerk's office have 3 copies of each code in our office. I have attached the resolution that is setting a public hearing for *adopting the 2006 IBC* and it states in Section 4 *(highlighted in the resolution)* that 3 copies will be on display in the clerk's off 15 days prior to the public hearing. If that is a state requirement where is it found. Also if it is state required can we have 1 book copy and 2 cd's. It will cost is $457 each Building Code and $82 each for the Fire Code.

ORDER FORM: U.S. ADDRESSES ONLY

INTERNATIONAL CODE COUNCIL

TO ORDER BY **PHONE:** 1-800-786-4452 • Mon – Fri, 8 am – 7 pm CT
TO ORDER BY **FAX:** 1-866-891-1695
TO ORDER BY **MAIL:** 25442 Network Pl., Chicago, IL 60673-1254
TO ORDER **ONLINE:** www.iccsafe.org

ICC Members: Provide your ICC member number to receive discount pricing 1122704 **Date** 2 / 6 / 12

Bill To: *(Please Print)* Person ordering Richard Merchant
Company or Jurisdiction City of Daphne
Attn: Building Department
e-mail: permittech@daphneal.com
Street P.O. Box 400
City Daphne
State AL Zip 36526 Daytime phone (251) 621-3080

Ship To: *(If different from "Bill To" address or outside of U.S.) (Please Print)*
Company or Jurisdiction
Attn:
Street
City State
Zip/Postal Code

CHECK IF YOU WOULD LIKE ADDITIONAL INFORMATION
☐ Membership Application ☐ Certification Information ☐ Product Catalog ☐ Seminar Information

PRICES SUBJECT TO CHANGE.

Item Number	Qty	List Price, Each	Member Price, Each	Description (specify edition)	Total
302BNL12	1	646-	485-	2012 Inspectors Collection	485.00
					485.00
					16.00
					501.00

485.00
x 3
1,455.00
shipping 58.20
1,513.20

Bldg 1513.20
Fire 263.50
1,776.70
*

k or money orde

(ED)

☐ MasterCard ☐ VISA ☐ Discover ☐ American Express

Card No. ____/____/____/____ Expires ____/____

Name as it appears on card:

Signature (required)

ICC USE ONLY

11-04300 12/2011

Up to $25, 10–15 day Media Mail.....
Up to $25, 3–10 day UPS/FedEx Ground (no P.O. Boxes).....$8
$25.01 to $50.....$9
$50.01 to $100.....$10
$100.01 to $200.....$13
$200.01 to $500.....$16
$500.01 and more..... 4% of subtotal

AK, HI and U.S. Territories Shipping
Up to $25.....$6
$25.01 to $200.....$15
$200.01 to $500.....$30
$500.01 or more..... 8% of subtotal

International Shipping
Canada and Mexico.....20% of subtotal
All Other Countries ... $25+20% of subtotal
International shipping rates may vary.
Deliveries to remote areas may be delayed.
Call for Express Delivery.

All payments in U.S. Funds.

SALES TAX: AL, AZ, CA, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NJ, NM, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA and WI add applicable sales tax.

Returns and Refunds
Products may be returned in new, resalable condition within 30 days with proof of purchase. A restocking fee of 20 percent of the original selling price will be imposed on accepted returns. All returns must have written authorization from ICC.
No refunds are made for software, audio or video products. Defective items may be exchanged only for the same titles or editions. Please call 1-800-786-4452 for complete details.

APPROVED INVOICE
146200
DEPT ORG#
55211
OBJECT#
PROJECT#
2/6/12
DATE
DEPT HEAD APPROVAL

ORDER FORM: U.S. ADDRESSES ONLY

INTERNATIONAL CODE COUNCIL®

TO ORDER BY **PHONE:** 1-800-786-4452 • Mon – Fri, 8 am – 7 pm CT
TO ORDER BY **FAX:** 1-866-891-1695
TO ORDER BY **MAIL:** 25442 Network Pl., Chicago, IL 60673-1254
TO ORDER **ONLINE:** www.iccsafe.org

ICC Members: Provide your ICC member number to receive discount pricing _____ **Date** ____ /____ /____

Bill To: *(Please Print)* Person ordering _____
Company or Jurisdiction _____
Attn: _____
e-mail: _____
Street _____
City _____
State _____ Zip _____ Daytime phone (_____) _____

Ship To: *(If different from "Bill To" address or outside of U.S.) (Please Print)*
Company or Jurisdiction _____
Attn: _____
Street _____
City _____ State _____
Zip/Postal Code _____

CHECK IF YOU WOULD LIKE ADDITIONAL INFORMATION
☐ Membership Application ☐ Certification information ☐ Product Catalog ☐ Seminar information

PRICES SUBJECT TO CHANGE.

Item Number	Qty	List Price, Each	Member Price, Each	Description (specify edition)	Total
3400L12	3		82.50	Fire code 2012	

Fire
82.50
X 3
247.50
Shipping 16.00
263.50

Method of Payment

☐ Check or money order
☐ Purchase Order No.: (COPY OF AUTHORIZED P.O. REQUIRED)
☐ MasterCard
Card No. _____
Name as it app
Signature (requ

Bldg 1513.20
Fire 263.50
1,776.70
*

ICC USE ONLY

Shipping Rates

	Shipping Charge
Shipping, Continental 48	
Up to $25, 10–15 day Media Mail	$4
Up to $25, 3–10 day UPS/FedEx Ground (no P.O. Boxes)	$8
$25.01 to $50	$9
$50.01 to $100	$10
$100.01 to $200	$13
$200.01 to $500	$16
$500.01 and more	4% of subtotal
AK, HI and U.S. Territories Shipping	
Up to $25	$6
$25.01 to $200	$15
$200.01 to $500	$30
$500.01 or more	8% of subtotal
International Shipping	
Canada and Mexico	20% of subtotal
All Other Countries	$25+20% of subtotal

International shipping rates may vary. Deliveries to remote areas may be delayed.

Call for Express Delivery.

Subtotal	
Shipping	
Sales Tax	
TOTAL PAYMENT	

All payments in U.S. Funds.

SALES TAX: AL, AZ, CA, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NJ, NM, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA and WI add applicable sales tax.

Returns and Refunds

Products may be returned in new, resalable condition within 30 days with proof of purchase. A restocking fee of 20 percent of the original selling price will be imposed on accepted returns. All returns must have written authorization from ICC.

No refunds are made for software, audio or video products. Defective items may be exchanged only for the same titles or editions. Please call 1-800-786-4452 for complete details.

APROPRIATION OF FUNDS FOR THE ASSISTANCE TO FIREFIGHTERS GRANT AWARDED TO THE CITY OF DAPHNE'S FIRE DEPARTMENT

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

WHERE AS, subsequent to the adoption of the Fiscal Year 2012 Budget, the City Council has determined that certain appropriation are required and should be approved and made part of the Fiscal Year 2012 Budget; and

WHERE AS, The City of Daphne's Fire Department submitted a grant application in 2011 for consideration in the Federal Emergency Management Agency's (FEMA) and Department of Homeland Security's (DHS) Assistance to Firefighters Grant; and

WHERE AS, FEMA and DHS approved and awarded the Assistance to Firefighters Grant to the City of Daphne's Fire Department in the amount of $55,800 with the following cost sharing responsibilities:

90% Federal ($50,220) + 10% City of Daphne ($5,580) = $55,800

WHERE AS, the Daphne Fire Department will be using the awarded grant funds for the purchase of following essential equipment:

- Thermal Imager Camera
- Self-Contained Breathing Apparatuses

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), that funds in the amount of $5,580 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 Budget for the Assistance to Firefighters grant.

APPROVED AND ADOPTED BY THE MAYOR & CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____DAY OF _____, 2012.

_____
CATHY S. BARNETTE,
COUNCIL PRESIDENT

_____
BAILEY YELDING,
MAYOR, CITY OF DAPHNE

ATTEST:

_____

DAVID L. COHEN,
CITY CLERK, MMC

JO BONNER
1ST DISTRICT, ALABAMA

ASSISTANT REPUBLICAN WHIP

SERVING BALDWIN, CLARKE, ESCAMBIA, MOBILE, MONROE AND WASHINGTON COUNTIES

ALAN C. SPENCER
CHIEF OF STAFF

Congress of the United States
House of Representatives
Washington, DC 20515

ETHICS
CHAIRMAN

APPROPRIATIONS
SUBCOMMITTEES:
DEFENSE
COMMERCE, JUSTICE, SCIENCE
VICE CHAIRMAN
FINANCIAL SERVICES

March 9, 2012

Chief James White
Chief
Daphne Fire Department
PO Box 400
Daphne, AL 36526-0400

Dear Chief White:

Today I received notification from the U.S. Department of Homeland Security that the Daphne Fire Department has been awarded funding through the Assistance to Firefighters Grant Program (AFG). At this time, I would like to offer my congratulations on this achievement.

It is my understanding that the Daphne Fire Department will be receiving a total of $50,220.00 through this program. I know this money will be of tremendous benefit to you and your department as you continue to provide excellent service to the citizens of Daphne.

Should you need my assistance in the future, I hope you will not hesitate to let me know. With kind regards, I am

Sincerely,

Jo Bonner
Member of Congress

JB:bj

2236 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4931
FAX: (202) 225-0562
www.house.gov/bonner

11 NORTH WATER STREET, SUITE 15290
MOBILE, AL 36602
(251) 690-2811
FAX: (251) 690-2815
TOLL FREE: 1-800-288-USA1

1302 NORTH MCKENZIE STREET
FOLEY, AL 36535
(251) 943-2073
FAX: (251) 943-2093

U.S. Department of Homeland Security
Washington, D.C. 20472

FEMA

Mr. Kenneth B. Hanak
Daphne Fire Department
P. O. Box 400
Daphne, Alabama 36526-0400

Re: Grant No.EMW-2011-FO-07823

Dear Mr. Hanak:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2011 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to $55,800.00. The Federal share is 90 percent or $50,220.00 of the approved amount and your share of the costs is 10 percent or $5,580.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you formally receive the award through the AFG online system.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Elizabeth M. Harman

Elizabeth M. Harman
Assistant Administrator
Grant Programs Directorate

Agreement Articles

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety program

GRANTEE: Daphne Fire Department

PROGRAM: Operations and Safety

AGREEMENT NUMBER: EMW-2011-FO-07823

AMENDMENT NUMBER:

TABLE OF CONTENTS

Article I	Project Description
Article II	Grantee Concurrence
Article III	Period of Performance
Article IV	Amount Awarded
Article V	Financial Guidelines
Article VI	Prohibition on Using Federal Funds
Article VII	GPD Allocations
Article VIII	Financial Reporting
Article IX	FEMA Officials

Article I - Project Description

The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - is consistent with the program's purpose and worthy of award. Therefore, the grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval from FEMA.

Article II - Grantee Concurrence

By providing the Primary Contact's electronic signature and indicating acceptance of the award, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. Grantees agree that they will use the funds provided through the Fiscal Year 2011 Assistance to Firefighters Grant Program in accordance with these Articles of Agreement and the program guidelines provided in the Fiscal Year 2011 Assistance to Firefighters Grant program guidance. All documents submitted as part of the application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from **02-MAR-12 to 01-MAR-13**.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for the Award attached to these articles. Following are the budgeted estimates for each object class of this grant (including Federal share plus grantee match):

Personnel	$0.00
Fringe Benefits	$0.00
Travel	$0.00
Equipment	$55,800.00
Supplies	$0.00
Contractual	$0.00
Construction	$0.00
Other	$0.00
Indirect Charges	$0.00
Total	$55,800.00

NEGOTIATION COMMENTS IF APPLICABLE

The Program Office has made the following reductions to your grant:
The approved cost for the thermal imaging device is $9,000, not $12,000.
The approved quantity of SCBAs with face pieces is 9, not 12.
Therefore, they have recommended the award at this level:
Total budget $55,800
Federal share $50,220
Applicant share $5,580

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Marie Rogers at Marie.Rogers@dhs.gov.

Article V - Financial Guidelines

The grantee and any subgrantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to FEMA grants are listed below:

A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)

B. Cost Principles

1. 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)

4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

C. *Audit Requirements*

1. OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations

Article VI - Prohibition on Using Federal Funds

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

Article VII - GPD Allocations

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2011 Assistance to Firefighters Grant Program guidance and application kit.

Article VIII - Financial Reporting

Recipients of any Assistance to Firefighters Grants will be required to submit a semi-annual Federal Financial Report (FFR) via the automated system on the Standard Form 425. The FFR is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government. The FFR, to be submitted using the online e-grant system, will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients will be required to submit a FFR throughout the entire period of performance of the grant.

The reporting periods for the FFR are January 1 through June 30 (Report due by July 31), and July 1 through December 31 (Report due by January 30).

At the end of the grant's period of performance, all grantees are required to produce a final report on how the grant funding was used and the benefits realized from the award. Grantees must submit a final financial report and a final performance report within 90 days after the end of the period of performance.

Article IX - FEMA Officials

Program Officer: Catherine Patterson is the Program Officer for the Assistance to Firefighters Grant Program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application.

Grants Assistance Officer: Jane Early is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters.

Grants Management Division POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

Bailey Yelding, Jr.
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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

CITY OF DAPHNE, ALABAMA
PUBLIC WORKS
MAINTAINING A QUALITY OF LIFE

Tommie Conaway
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

Memorandum

To: Councilman Derek Boulware; Chairman, Finance Committee

Thru: The Honorable Mayor Bailey Yelding, Jr.

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

CC: Finance; HMR – Jaye Robertson, PE; File

Date: April 09, 2012

Re: FY2012 – Capital Road Improvement Projects – Project 2012-B - Main Street Paving - Holy Cross to Bayfront (18,247 L.F. - 3.45 miles) - Mill and Overlay

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Mr. Mayor:

Based upon the bid tabulations provided by our City Engineer, HMR Engineers, on April 9, 2012, it is my recommendation to award the Contract to ***Hosea 0. Weaver and Sons, Inc.*** for the proposed resurfacing of Main Street. They are the qualifying low bidder.

I further recommend the following appropriations be made:

	Base Bid (2.53 Mi.)	Add Alternative (0.92 Mi.)
• Construction cost of the street resurfacing:	$610,930.31 +	$204,711.79 =
• Survey, Engineering & Design Fees - 4.3% (HMR):	$ 9,580.00	$ 0.00
• Material Testing - 2.0%:	$ 12,219.00	$ 4,094.00
• Construction Engineering Inspection – 4.3% (HMR):	$ 25,815.00	$ 9,580.00
Totals:	***$658,544.31***	***$218,386.79***
Total Project:	***$876,930.10***	

61,288.00

Yours,

RDJ

HMR HUTCHINSON, MOORE & RAUCH, LLC
Post Office Box 1127
Daphne, Alabama 36526
Telephone: (251) 626-2626
Fax: (251) 626-6934

April 9, 2012

Mayor Bailey Yelding, Jr.
City of Daphne
Post Office 400
Daphne, Alabama 36526

RE: Bid Document No. 2012-H-Main Street Resurfacing

Dear Mayor Yelding:

Enclosed is the Tabulation of Bids received April 5, 2012 for the subject project. We recommend that you award the Contract to Hosea O. Weaver and Sons at their submitted lowest base bid of $610,930.31 with an additive alternate bid of $204,711.79.

Engineering costs associated with this project are as follows:

Design:	
Base (McAdams to Bayview)	$24,815.00
Additive Alternate #1 (Ryan to McAdams Avenue)	$9,580.00
Inspection:	
Base	$25,815.00
Additive Alternate #1	$9,580.00
Testing:	
Base	$12,219.00
Additive Alternate #1	$4,094.00

If you have any questions or need additional information, please contact me at 626-2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

James H. Robertson, II, P.E.
Project Manager

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CITY OF DAPHNE
BID DOCUMENT NO.: 2012-H-MAIN STREET RESURFACING
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 HOSEA WEAVER		BIDDER #2 JOHN G. WALTON		BIDDER #3 ROADS INC.		BIDDER #4 MOBILE ASPHALT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	BASE BID: McADAMS AVENUE TO BAYFRONT DRIVE										
1	CONCRETE SIDEWALK REMOVAL (206-C)	SY	35	$ 10.52	$ 368.20	$ 8.00	$ 280.00	$ 10.00	$ 350.00	$ 25.00	$ 875.00
2	ASPHALT REMOVAL (3"-7" THICK) (206-C)	SY	1,650	$ 3.42	$ 5,643.00	$ 5.09	$ 8,398.50	$ 4.50	$ 7,425.00	$ 12.15	$ 20,047.50
3	CONCRETE CURB AND GUTTER REMOVAL (206-D)	LF	160	$ 4.21	$ 673.60	$ 1.81	$ 289.60	$ 5.00	$ 800.00	$ 8.00	$ 1,280.00
4	UNCLASSIFIED EXCAVATION (210-A)	CY	1,150	$ 0.01	$ 11.50	$ 13.81	$ 15,881.50	$ 8.50	$ 9,775.00	$ 13.00	$ 14,950.00
5	BORROW EXCAVATION, SELECT FILL (A3 OR BETTER) (210-D)	CY (TBM)	2,000	$ 0.01	$ 20.00	$ 13.55	$ 27,100.00	$ 9.50	$ 19,000.00	$ 15.00	$ 30,000.00
6	ROADBED PROCESSING (230-A)	SY	1,650	$ 2.21	$ 3,646.50	$ 2.12	$ 3,498.00	$ 3.90	$ 6,435.00	$ 6.00	$ 9,900.00
7	SOIL STABILIZATION GEOGRID, TENSAR TRIAX TX 160 (243-A)	SY	1,650	$ 5.23	$ 8,629.50	$ 7.10	$ 11,715.00	$ 6.25	$ 10,312.50	$ 6.00	$ 9,900.00
8	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 8" COMPACTED THICKNESS (301-A)	SY	825	$ 18.42	$ 15,196.50	$ 22.09	$ 18,224.25	$ 22.00	$ 18,150.00	$ 35.00	$ 28,875.00
9	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 12" COMPACTED THICKNESS (301-A)	SY	825	$ 27.81	$ 22,943.25	$ 30.95	$ 25,533.75	$ 28.00	$ 23,100.00	$ 45.00	$ 37,125.00
10	AGGREGATE SURFACING (3" THICK) (305-B)	TON	150	$ 34.26	$ 5,139.00	$ 37.93	$ 5,689.50	$ 42.00	$ 6,300.00	$ 60.00	$ 9,000.00
11	TACK COAT (405-A)	GAL	2,000	$ 3.39	$ 6,780.00	$ 3.48	$ 6,960.00	$ 4.10	$ 8,200.00	$ 4.00	$ 8,000.00
12	MILLING/PLANING EXISTING PAVEMENT (1.5" - 2.5" DEEP) (408-A)	SY	37,500	$ 0.96	$ 36,000.00	$ 0.54	$ 20,250.00	$ 1.50	$ 56,250.00	$ 1.70	$ 63,750.00
13	BITUMINOUS LEVELING LAYER (424-C)	TON	200	$ 83.17	$ 16,634.00	$ 95.52	$ 19,104.00	$ 90.00	$ 18,000.00	$ 165.00	$ 33,000.00
14	BITUMINOUS CONCRETE WEARING SURFACE, 1.5" COMPACTED THICKNESS (165#/SY) (424-A)	TON	910	$ 71.80	$ 65,338.00	$ 68.67	$ 62,489.70	$ 78.00	$ 70,980.00	$ 85.00	$ 77,350.00
15	BITUMINOUS CONCRETE WEARING LAYER, 2.0" COMPACTED THICKNESS (220#/SY) (424-A)	TON	3,340	$ 71.79	$ 239,778.60	$ 69.91	$ 233,499.40	$ 70.00	$ 233,800.00	$ 85.00	$ 283,900.00
16	BITUMINOUS CONCRETE BINDER LAYER, 2.0" COMPACTED THICKNESS (220#/SY) (424-B)	TON	200	$ 102.19	$ 20,438.00	$ 99.00	$ 19,800.00	$ 80.00	$ 16,000.00	$ 110.00	$ 22,000.00
17	MOBILIZATION (600-A)	LS	1		$ 22,598.17		$ 9,500.00		$ 30,000.00		$ 75,500.00
18	CONCRETE SIDEWALK (4") THICK (618-A)	SY	35	$ 57.88	$ 2,025.80	$ 58.37	$ 2,042.95	$ 55.00	$ 1,925.00	$ 125.00	$ 4,375.00
19	CONCRETE CURB (623-B)	LF	160	$ 21.05	$ 3,368.00	$ 16.34	$ 2,614.40	$ 21.00	$ 3,360.00	$ 20.00	$ 3,200.00
20	ADJUST UTILITY VALVE BOXES (640-B)	EA	20	$ 121.56	$ 2,431.20	$ 213.57	$ 4,271.40	$ 450.00	$ 9,000.00	$ 250.00	$ 5,000.00
21	TOPSOIL, 3" COMPACTED THICKNESS (650-A)	CY	810	$ 19.13	$ 15,495.30	$ 23.38	$ 18,937.80	$ 12.50	$ 10,125.00	$ 27.00	$ 21,870.00
22	SEEDING (652-A)	ACRE	1	$ 1,510.73	$ 1,510.73	$ 1,549.32	$ 1,549.32	$ 800.00	$ 800.00	$ 800.00	$ 800.00
23	SOLID SODDING (654-A)	SY	12,000	$ 3.30	$ 39,600.00	$ 3.40	$ 40,800.00	$ 2.50	$ 30,000.00	$ 3.50	$ 42,000.00
24	MULCHING (656-A)	ACRE	1	$ 1,034.60	$ 1,034.60	$ 1,370.73	$ 1,370.73	$ 800.00	$ 800.00	$ 600.00	$ 600.00

D25000720

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-H-MAIN STREET RESURFACING
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 HOSEA WEAVER		BIDDER #2 JOHN G. WALTON		BIDDER #3 ROADS INC.		BIDDER #4 MOBILE ASPHALT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
25	POLYETHYLENE SHEETING (665-E)	SY	1,250	$ 0.55	$ 687.50	$ 1.34	$ 1,675.00	$ 1.00	$ 1,250.00	$ 2.50	$ 3,125.00
26	SAND BAGS (665-G)	EA	250	$ 5.39	$ 1,347.50	$ 6.44	$ 1,610.00	$ 5.00	$ 1,250.00	$ 5.00	$ 1,250.00
27	SILT FENCE, TYPE A (665-J)	LF	200	$ 3.04	$ 608.00	$ 4.28	$ 856.00	$ 4.00	$ 800.00	$ 4.00	$ 800.00
28	WATTLES (665-Q)	LF	400	$ 4.70	$ 1,880.00	$ 5.68	$ 2,272.00	$ 8.00	$ 3,200.00	$ 6.00	$ 2,400.00
29	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	5.10	$ 2,052.04	$ 10,465.40	$ 2,112.39	$ 10,773.19	$ 3,000.00	$ 15,300.00	$ 1,960.00	$ 9,996.00
30	SOLID YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	1.10	$ 2,052.05	$ 2,257.26	$ 2,112.40	$ 2,323.64	$ 3,000.00	$ 3,300.00	$ 1,960.00	$ 2,156.00
31	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-A)	MILE	2.00	$ 4,104.09	$ 8,208.18	$ 4,224.79	$ 8,449.58	$ 5,900.00	$ 11,800.00	$ 3,915.00	$ 7,830.00
32	BROKEN YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	1.10	$ 947.10	$ 1,041.81	$ 974.95	$ 1,072.45	$ 2,000.00	$ 2,200.00	$ 900.00	$ 990.00
33	DOTTED WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	LF	400	$ 1.05	$ 420.00	$ 1.08	$ 432.00	$ 1.00	$ 400.00	$ 1.00	$ 400.00
34	SOLID WHITE STRIPE, (TEMPORARY), 4" WIDE (701-C)	MILE	5.10	$ 631.40	$ 3,220.14	$ 649.97	$ 3,314.85	$ 800.00	$ 4,080.00	$ 600.00	$ 3,060.00
35	SOLID YELLOW STRIPE, (TEMPORARY), 4" WIDE (701-C)	MILE	1.10	$ 631.40	$ 694.54	$ 649.96	$ 714.96	$ 800.00	$ 880.00	$ 600.00	$ 660.00
36	SOLID YELLOW STRIPE, (TEMPORARY), DOUBLE 4" WIDE (701-C)	MILE	2	$ 1,052.33	$ 2,104.66	$ 1,083.28	$ 2,166.56	$ 1,650.00	$ 3,300.00	$ 1,000.00	$ 2,000.00
37	BROKEN YELLOW STRIPE, (TEMPORARY), 4" WIDE, (701-C)	MILE	1.10	$ 631.40	$ 694.54	$ 649.96	$ 714.96	$ 775.00	$ 852.50 ~~852.00~~	$ 600.00	$ 660.00
38	DOTTED WHITE TEMPORARY TRAFFIC STRIPE, PAINT, 4" WIDE (701-E)	LF	400	$ 1.05	$ 420.00	$ 0.27	$ 108.00	$ 0.50	$ 200.00	$ 0.25	$ 100.00
39	SOLID YELLOW, TEMPORARY (24" WIDE) (701-E)	LF	530	$ 6.31	$ 3,344.30	$ 1.08	$ 572.40	$ 2.50	$ 1,325.00	$ 1.00	$ 530.00
40	SOLID YELLOW, CLASS 2, TYPE A TRAFFIC STRIPE (24" WIDE) (701-G)	LF	530	$ 3.16	$ 1,674.80	$ 6.50	$ 3,445.00	$ 5.25	$ 2,782.50	$ 6.00	$ 3,180.00
41	SOLID WHITE, CLASS 2, TYPE A, STRIPE (PEDESTRIAN CROSSING 703-A)	SF	3,300	$ 3.16	$ 10,428.00	$ 3.25	$ 10,725.00	$ 2.65	$ 8,745.00 ~~874.00~~	$ 3.00	$ 9,900.00
42	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, STOP BAR (24") (703-A)	SF	1,470	$ 3.16	$ 4,645.20	$ 3.25	$ 4,777.50	$ 2.60	$ 3,822.00	$ 3.00	$ 4,410.00
43	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CHANNEL LINE (6" WIDE) (703-A)	SF	198	$ 3.16	$ 625.68	$ 3.25	$ 643.50	$ 1.50	$ 297.00	$ 3.00	$ 594.00
44	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A, ARROW (703-B)	SF	131.70	$ 3.16	$ 416.17	$ 3.25	$ 428.03	$ 4.00	$ 526.80	$ 3.00	$ 395.10

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CITY OF DAPHNE
BID DOCUMENT NO.: 2012-H-MAIN STREET RESURFACING
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 HOSEA WEAVER		BIDDER #2 JOHN G. WALTON		BIDDER #3 ROADS INC.		BIDDER #4 MOBILE ASPHALT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
45	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A, ONLY (703-B)	SF	180.30	$ 3.16	$ 569.75	$ 3.25	$ 585.98	$ 4.30	$ 775.29	$ 3.00	$ 540.90
46	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A (SCHOOL) (703-B)	SF	313.40	$ 3.16	$ 990.34	$ 3.25	$ 1,018.55	$ 4.30	$ 1,347.62	$ 3.00	$ 940.20
47	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A (X-ING) (703-B)	SF	216.84	$ 3.16	$ 685.21	$ 3.25	$ 704.73	$ 4.30	$ 932.41	$ 3.00	$ 650.52
48	TEMPORARY TRAFFIC CONTROL MARKINGS (WHITE) (703-D)	SF	4,968	$ 0.42	$ 2,086.56	$ 0.43	$ 2,136.24	$ 1.92	$ 9,538.56	$ 0.40	$ 1,987.20
49	TEMPORARY TRAFFIC CONTROL LEGENDS (WHITE) (703-E)	SF	312	$ 0.53	$ 165.36	$ 0.54	$ 168.48	$ 2.55	$ 795.60	$ 0.50	$ 156.00
50	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-C (705-A)	EA	25	$ 4.21	$ 105.25	$ 4.33	$ 108.25	$ 5.00	$ 125.00	$ 4.00	$ 100.00
51	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-D (705-A)	EA	405	$ 4.21	$ 1,705.05	$ 4.33	$ 1,753.65	$ 4.50	$ 1,822.50	$ 4.00	$ 1,620.00
52	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-E (705-A)	EA	200	$ 4.21	$ 842.00	$ 4.33	$ 866.00	$ 4.50	$ 900.00	$ 4.00	$ 800.00
53	TRAFFIC CONTROL (INCLUDES ALL BARRELS, CONES, CONSTRUCTION SIGNS, FLAGMEN, ETC.)	LS	1		$ 4,028.32		$ 5,950.00		$ 8,000.00		$ 10,000.00
54	MANHOLE ADJUSTMENTS (0"-6")	EA	15	$ 350.06	$ 5,250.90	$ 361.14	$ 5,417.10	$ 800.00	$ 12,000.00	$ 450.00	$ 6,750.00
55	RELOCATE EXISTING STREET SIGNS	LS	1		$ 681.08		$ 1,624.73		$ 2,000.00		$ 1,500.00
56	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(f) OF THE 2012 STD SPEC	PER DOLLAR									
57	BITUMINOUS MATERIAL PRICE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR									
58	ENGINEERING CONTROLS	LS	1		$ 3,333.35		$ 4,040.00		$ 3,000.00		$ 10,000.00
	AMOUNT BID - BASE BID				$ 610,930.31		$ 641,248.10 ~~* 641,248.13~~		$ 698,435.28 ~~* 690,563.28~~		$ 892,778.42
	ADDITIVE ALTERNATE: RYAN AVENUE TO McADAMS AVENUE										
59	ASPHALT REMOVAL (3"-7" THICK) (206-C)	SY	115	$ 3.15	$ 362.25	$ 6.46	$ 742.90	$ 4.50	$ 517.50	$ 12.15	$ 1,397.25
60	UNCLASSIFIED EXCAVATION (210-A)	CY	150	$ 0.01	$ 1.50	$ 16.37	$ 2,455.50	$ 8.50	$ 1,275.00	$ 13.00	$ 1,950.00
61	BORROW EXCAVATION, SELECT FILL (A3 OR BETTER) (210-D)	CY (TBM)	115	$ 0.01	$ 1.15	$ 18.63	$ 2,142.45	$ 9.50	$ 1,092.50	$ 15.00	$ 1,725.00
62	ROADBED PROCESSING (230-A)	SY	115	$ 2.21	$ 254.15	$ 3.37	$ 387.55	$ 3.90	$ 448.50	$ 6.00	$ 690.00

D25003720

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-H-MAIN STREET RESURFACING
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers • Surveyors • Land Planners				BIDDER #1 HOSEA WEAVER		BIDDER #2 JOHN G. WALTON		BIDDER #3 ROADS INC.		BIDDER #4 MOBILE ASPHALT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
63	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 8" COMPACTED THICKNESS (301-A)	SY	60	$ 18.42	$ 1,105.20	$ 24.81	$ 1,488.60	$ 22.00	$ 1,320.00	$ 35.00	$ 2,100.00
64	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 12" COMPACTED THICKNESS (301-A)	SY	60	$ 27.81	$ 1,668.60	$ 31.69	$ 1,901.40	$ 28.00	$ 1,680.00	$ 45.00	$ 2,700.00
65	AGGREGATE SURFACING (3" THICK) (305-B)	TON	50	$ 34.27	$ 1,713.50	$ 37.39	$ 1,869.50	$ 42.00	$ 2,100.00	$ 60.00	$ 3,000.00
66	TACK COAT (405-A)	GAL	700	$ 3.39	$ 2,373.00	$ 3.48	$ 2,436.00	$ 4.10	$ 2,870.00	$ 4.00	$ 2,800.00
67	MILLING/PLANING EXISTING PAVEMENT (1.5" - 2.5" DEEP) (408-A)	SY	15,600	$ 0.96	$ 14,976.00	$ 0.68	$ 10,608.00	$ 1.50	$ 23,400.00	$ 1.25	$ 19,500.00
68	BITUMINOUS CONCRETE WEARING LAYER, 2.0" COMPACTED THICKNESS (220#/SY) (424-A)	TON	1,890	$ 71.79	$ 135,683.10	$ 67.39	$ 127,367.10	$ 70.00	$ 132,300.00	$ 85.00	$ 160,650.00
69	BITUMINOUS CONCRETE BINDER LAYER, 2.0" COMPACTED THICKNESS (220#/SY) (424-B)	TON	20	$ 105.37	$ 2,107.40	$ 133.38	$ 2,667.60	$ 80.00	$ 1,600.00	$ 110.00	$ 2,200.00
70	ADJUST UTILITY VALVE BOXES (640-B)	EA	6	$ 121.56	$ 729.36	$ 213.57	$ 1,281.42	$ 450.00	$ 2,700.00	$ 250.00	$ 1,500.00
71	TOPSOIL, 3" COMPACTED THICKNESS (650-A)	CY	260	$ 19.13	$ 4,973.80	$ 23.38	$ 6,078.80	$ 12.50	$ 3,250.00	$ 27.00	$ 7,020.00
72	SEEDING (652-A)	ACRE	0.50	$ 1,510.78	$ 755.39	$ 1,549.32	$ 774.66	$ 800.00	$ 400.00	$ 400.00	$ 200.00
73	SOLID SODDING (654-A)	SY	3,500	$ 3.30	$ 11,550.00	$ 3.75	$ 13,125.00	$ 2.50	$ 8,750.00	$ 3.50	$ 12,250.00
74	MULCHING (656-A)	ACRE	0.50	$ 1,034.64	$ 517.32	$ 1,370.68	$ 685.34	$ 800.00	$ 400.00	$ 300.00	$ 150.00
75	POLYETHYLENE SHEETING (665-E)	SY	250	$ 0.55	$ 137.50	$ 1.34	$ 335.00	$ 1.00	$ 250.00	$ 2.50	$ 625.00
76	SAND BAGS (665-G)	EA	50	$ 5.39	$ 269.50	$ 6.44	$ 322.00	$ 5.00	$ 250.00	$ 5.00	$ 250.00
77	SILT FENCE, TYPE A (665-J)	LF	100	$ 3.04	$ 304.00	$ 4.28	$ 428.00	$ 4.00	$ 400.00	$ 4.00	$ 400.00
78	WATTLES (665-Q)	LF	100	$ 4.70	$ 470.00	$ 5.68	$ 568.00	$ 8.00	$ 800.00	$ 6.00	$ 600.00
79	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	1.90	$ 2,052.05	$ 3,898.90	$ 2,112.39	$ 4,013.54	$ 3,000.00	$ 5,700.00	$ 1,960.00	$ 3,724.00
80	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-A)	MILE	0.92	$ 2,052.04	$ 1,887.88	$ 2,112.39	$ 1,943.40	$ 5,900.00	$ 5,428.00	$ 1,960.00	$ 1,803.20
81	SOLID WHITE STRIPE, (TEMPORARY), 4" WIDE (701-C)	MILE	1.90	$ 631.39	$ 1,199.64	$ 649.97	$ 1,234.94	$ 800.00	$ 1,520.00	$ 600.00	$ 1,140.00
82	SOLID YELLOW STRIPE, (TEMPORARY), DOUBLE 4" WIDE (701-C)	MILE	0.92	$ 1,052.34	$ 968.15	$ 1,083.28	$ 996.62	$ 1,650.00	$ 1,518.00	$ 1,000.00	$ 920.00
83	SOLID WHITE, CLASS 2, TYPE A, STRIPE (PEDESTRIAN CROSSING) (703-A)	SF	1,500	$ 3.16	$ 4,740.00	$ 3.25	$ 4,875.00	$ 2.65	$ 3,975.00	$ 3.00	$ 4,500.00
84	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, STOP BAR (24") (703-A)	SF	480	$ 3.16	$ 1,516.80	$ 3.25	$ 1,560.00	$ 2.60	$ 1,248.00	$ 3.00	$ 1,440.00
85	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A (SCHOOL) (703-B)	SF	313.40	$ 3.16	$ 990.34	$ 3.25	$ 1,018.55	$ 4.30	$ 1,347.62	$ 3.00	$ 940.20

D25003720

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-H-MAIN STREET RESURFACING
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 HOSEA WEAVER		BIDDER #2 JOHN G. WALTON		BIDDER #3 ROADS INC.		BIDDER #4 MOBILE ASPHALT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
86	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A (X-ING) (703-B)	SF	216.84	$ 3.16	$ 685.21	$ 3.25	$ 704.73	$ 4.30	$ 932.41	$ 3.00	$ 650.52
87	TEMPORARY TRAFFIC CONTROL MARKINGS, (WHITE) (703-D)	SF	1,980	$ 0.42	$ 831.60	$ 0.43	$ 851.40	$ 1.92	$ 3,801.60	$ 0.40	$ 792.00
88	TEMPORARY TRAFFIC CONTROL LEGENDS (WHITE) (703-E)	SF	530.24	$ 0.53	$ 281.03	$ 0.54	$ 286.33	$ 2.55	$ 1,352.11	$ 0.50	$ 265.12
89	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-D (705-A)	EA	121	$ 4.21	$ 509.41	$ 4.33	$ 523.93	$ 4.50	$ 544.50	$ 4.00	$ 484.00
90	TRAFFIC CONTROL (INCLUDES ALL BARRELS, CONES, CONSTRUCTION SIGNS, FLAGMEN, ETC.)	LS	1		$ 1,342.77		$ 731.00		$ 3,500.00		$ -
91	MANHOLE ADJUSTMENTS (0"-6")	EA	2	$ 409.56	$ 819.12	$ 361.04	$ 722.08	$ 800.00	$ 1,600.00	$ 450.00	$ 900.00
92	RELOCATE EXISTING STREET SIGNS	LS	1		$ 500.00		$ 1,624.73		$ 1,000.00		$ 500.00
93	4'x4' WEIR INLET TOP	EA	1	$ 1,894.19	$ 1,894.19	$ 2,096.17	$ 2,096.17	$ 4,000.00	$ 4,000.00	$ 1,000.00	$ 1,000.00
94	4:1 SLOPE PAVED HEADWALL (30" RCP)	EA	1	$ 789.25	$ 789.25	$ 710.51	$ 710.51	$ 1,000.00	$ 1,000.00	$ 750.00	$ 750.00
95	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(f) OF THE 2012 STD SPEC	PER DOLLAR									
96	BITUMINOUS MATERIAL PRICE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR									
97	ENGINEERING CONTROLS	LS	1		$ 1,904.78		$ 920.00		$ 1,200.00		$ 3,400.00
TOTAL AMOUNT BID - ADDITIVE ALTERNATE					$ 204,711.79		$ 202,477.75		$ 225,470.74		$ 244,916.29
TOTAL AMOUNT BID - BASE BID + ADDITIVE ALTERNATE					$ 815,642.10		$ 843,725.85 ~~*843,725.88~~		$ 923,906.03 ~~*916,034.02~~		$ 1,137,694.71

We hereby certify this to be a true and correct tabulation on the above named project.

James H. Robertson, II, PE
Project Manager
Hutchinson, Moore & Rauch, LLC

Bold/italics indicates an error in the extension of numbers or sum; errors do no effect bidder's standing.

D2500\3720

Bailey Yelding, Jr.
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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

CITY OF DAPHNE, ALABAMA

PUBLIC WORKS

MAINTAINING A QUALITY OF LIFE

Tommie Conaway
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

Memorandum

To: Councilman Derek Boulware; Chairman, Finance Committee

Thru: The Honorable Mayor Bailey Yelding, Jr.

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

CC: Finance; HMR – Jaye Robertson, PE; File

Date: April 09, 2012

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

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Mr. Mayor:

Based upon the bid tabulations provided by our City Engineer, HMR Engineers, on April 9, 2012, it is my recommendation to award the Contract to ***Asphalt Services, Inc. (ASI)*** for the proposed construction of Well Road Extension. They are the qualifying low bidder.

I further recommend the following appropriations be made:

• Construction Cost – Roadway & Drainage:	$207,028.50
• Survey, Engineering & Design Fees - (HMR):	$ 0.00
• Material Testing - 1.70%:	$ 3,600.00
• Construction Engineering Inspection – 13.0% (HMR):	$ 26,800.00
Total Project:	***$237,429.50***

Yours,

RDJ

HMR HUTCHINSON, MOORE & RAUCH, LLC
Post Office Box 1127
Daphne, Alabama 36526
Telephone: (251) 626-2626
Fax: (251) 626-6934

April 9, 2012

Mayor Bailey Yelding, Jr.
City of Daphne
Post Office 400
Daphne, Alabama 36526

RE: Bid Document No. 2012-I- Well Road Extension to Highway 13

Dear Mayor Yelding:

Enclosed is the Tabulation of Bids received April 5, 2012 for the subject project. We recommend that you award the Contract to Asphalt Services, Inc. at their submitted lowest bid of $207,028.50.

Additional costs associated with this project are as follows:

Inspection	$26,800.00
Materials Testing	$5,000.00

If you have any questions or need additional information, please contact me at 626-2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

Timothy D. Lawley, P.E.
Project Manager

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CITY OF DAPHNE
BID DOCUMENT NO.: 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 ASPHALT SERVICES		BIDDER #2 ROADS INC		BIDDER #3 AMMONS & BLACKMON	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING AND GRUBBING (APPROX. 3.0 ACRES) (201-A)	LS	1		$ 2,500.00		$ 3,000.00		$ 7,500.00
2	UNCLASSIFIED EXCAVATION (210-A)	CYIP	5,350	$ 2.00	$ 10,700.00	$ 2.50	$ 13,375.00	$ 3.50	$ 18,725.00
3	BORROW EXCAVATION, 24" SAND CLAY (A-2-4 OR BETTER) (210-D)	CY (TBM)	5,050	$ 5.00	$ 25,250.00	$ 7.25	$ 36,612.50	$ 5.86	$ 29,593.00
4	BORROW EXCAVATION (SHOULDER MATERIAL) (A-2-4 OR BETTER) (210-D)	CY (TBM)	1,160	$ 5.00	$ 5,800.00	$ 6.50	$ 7,540.00	$ 5.86	$ 6,797.60
5	FOUNDATION BACKFILL, COMMERCIAL 6" THICK (#57 STONE) (214-B)	CY (TBM)	35	$ 45.00	$ 1,575.00	$ 45.00	$ 1,575.00	$ 66.64	$ 2,332.40
6	ROADBED PROCESSING (230-A)	RDBD STA	13.5	$ 250.00	$ 3,375.00	$ 150.00	$ 2,025.00	$ 200.00	$ 2,700.00
7	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,625	$ 1.25	$ 4,531.25	$ 1.75	$ 6,343.75	$ 2.12	$ 7,685.00
8	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,625	$ 1.30	$ 4,712.50	$ 1.75	$ 6,343.75	$ 2.12	$ 7,685.00
9	AGGREGATE SURFACING (3" THICK) (305-B)	TON	50	$ 28.00	$ 1,400.00	$ 48.00	$ 2,400.00	$ 37.00	$ 1,850.00
10	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	3,625	$ 1.25	$ 4,531.25	$ 1.10	$ 3,987.50	$ 1.00	$ 3,625.00
11	TACK COAT (0.03 GAL/SY) (405-A)	GAL	110	$ 1.00	$ 110.00	$ 4.50	$ 495.00	$ 5.00	$ 550.00
12	BITUMINOUS BINDER LAYER, 220 LBS/SY (424-B)	TON	400	$ 77.00	$ 30,800.00	$ 70.00	$ 28,000.00	$ 74.60	$ 29,840.00
13	BITUMINOUS WEARING SURFACE, 165 LBS/SY (424-A)	TON	300	$ 79.00	$ 23,700.00	$ 70.00	$ 21,000.00	$ 84.27	$ 25,281.00
14	22"x13" RCAP, CLASS 3 (530-B)	LF	24	$ 40.00	$ 960.00	$ 40.00	$ 960.00	$ 44.41	$ 1,065.84
15	65"X40" RCAP, CLASS 3 (TRIPLE RUN) (530-B)	LF	72	$ 397.00	$ 28,584.00	$ 170.00	$ 12,240.00	$ 352.11	$ 25,351.92
16	MOBILIZATION (600-A)	LS	1		$ 7,500.00		$ 9,000.00		$ 10,000.00
17	6" UNDERDRAIN, TYPE 10 (606-A)	LF	500	$ 12.00	$ 6,000.00	$ 14.00	$ 7,000.00	$ 10.00	$ 5,000.00
18	RIPRAP, CLASS 2 (610-C)	TON	225	$ 45.00	$ 10,125.00	$ 60.00	$ 13,500.00	$ 68.00	$ 15,300.00
19	FILTER CLOTH, NON-WOVEN (610-D)	SY	225	$ 3.00	$ 675.00	$ 2.75	$ 618.75	$ 3.00	$ 675.00
20	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	20	$ 32.00	$ 640.00	$ 45.00	$ 900.00	$ 56.00	$ 1,120.00
21	23"x13" PIPE END TREATMENT (619-B)	EA	2	$ 300.00	$ 600.00	$ 600.00	$ 1,200.00	$ 475.00	$ 950.00
22	SLOPE PAVED HEADWALL (TRIPLE 65"X40") (619-B)	EA	2	$ 2,400.00	$ 4,800.00	$ 6,500.00	$ 13,000.00	$ 2,200.00	$ 4,400.00
23	TOPSOIL FROM STOCKPILES (650-A)	CYIP	1,000	$ 3.00	$ 3,000.00	$ 6.50	$ 6,500.00	$ 5.50	$ 5,500.00

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #1 ASPHALT SERVICES		BIDDER #2 ROADS INC		BIDDER #3 AMMONS & BLACKMON	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
24	SEEDING (652-A)	ACRE	2.5	$ 1,500.00	$ 3,750.00	$ 600.00	$ 1,500.00	$ 850.00	$ 2,125.00
25	MULCHING, CLASS A, TYPE 1 (656-A)	ACRE	2.5	$ 800.00	$ 2,000.00	$ 600.00	$ 1,500.00	$ 850.00	$ 2,125.00
26	SOLID SODDING (654-A)	SY	2,500	$ 4.50	$ 11,250.00	$ 2.75	$ 6,875.00	$ 3.50	$ 8,750.00
27	POLYETHYLENE SHEETING (665-E)	SY	500	$ 1.00	$ 500.00	$ 1.00	$ 500.00	$ 1.00	$ 500.00
28	SAND BAGS (665-G)	EA	200	$ 4.00	$ 800.00	$ 5.50	$ 1,100.00	$ 1.00	$ 200.00
29	SILT FENCE, TYPE A (665-J)	LF	550	$ 4.50	$ 2,475.00	$ 3.00	$ 1,650.00	$ 5.00	$ 2,750.00
30	WATTLES (665-Q)	LF	144	$ 6.00	$ 864.00	$ 8.00	$ 1,152.00	$ 6.00	$ 864.00
31	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.53	$ 1,500.00	$ 795.00	$ 4,650.00	$ 2,464.50	$ 3,300.00	$ 1,749.00
32	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-A)	LF	1,350	$ 1.35	$ 1,822.50	$ 1.75	$ 2,362.50	$ 2.20	$ 2,970.00
33	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CROSSWALK (0.09" THICK) (703-A)	SF	110	$ 5.25	$ 577.50	$ 4.00	$ 440.00	$ 4.40	$ 484.00
34	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	22	$ 5.25	$ 115.50	$ 4.00	$ 88.00	$ 8.80	$ 193.60
35	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-D (705-A)	EA	35	$ 6.00	$ 210.00	$ 11.00	$ 385.00	$ 5.50	$ 192.50
36	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(F) OF THE 2012 STD SPEC	PER DOLLAR							
37	BITUMINOUS MATERIAL PROCE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR							
	TOTAL AMOUNT				$ 207,028.50		$ 217,633.25		$ 236,429.86

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #4 JAMES BROTHERS		BIDDER #5 JOHN G. WALTON		BIDDER #6 SUMMIT INDUSTRIES		BIDDER #7 DELTA CIVIL	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING AND GRUBBING (APPROX. 3.0 ACRES) (201-A)	LS	1		$ 2,000.00		$ 2,599.30		$ 13,564.00		$ 25,962.85
2	UNCLASSIFIED EXCAVATION (210-A)	CYIP	5,350	$ 2.75	$ 14,712.50	$ 4.01	$ 21,453.50	$ 4.40	$ 23,540.00	$ 4.00	$ 21,400.00
3	BORROW EXCAVATION, 24" SAND CLAY (A-2-4 OR BETTER) (210-D)	CY (TBM)	5,050	$ 6.45	$ 32,572.50	$ 7.67	$ 38,733.50	$ 6.65	$ 33,582.50	$ 7.00	$ 35,350.00
4	BORROW EXCAVATION (SHOULDER MATERIAL) (A-2-4 OR BETTER) (210-D)	CY (TBM)	1,160	$ 6.45	$ 7,482.00	$ 7.42	$ 8,607.20	$ 1.00	$ 1,160.00	$ 7.00	$ 8,120.00
5	FOUNDATION BACKFILL, COMMERCIAL 6" THICK (#57 STONE) (214-B)	CY (TBM)	35	$ 80.00	$ 2,800.00	$ 62.04	$ 2,171.40	$ 86.55	$ 3,029.25	$ 79.44	$ 2,780.40
6	ROADBED PROCESSING (230-A)	RDBD STA	13.5	$ 95.00	$ 1,282.50	$ 201.16	$ 2,715.66	$ 418.40	$ 5,648.40	$ 100.00	$ 1,350.00
7	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,625	$ 1.45	$ 5,256.25	$ 2.47	$ 8,953.75	$ 1.90	$ 6,887.50	$ 2.63	$ 9,533.75
8	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,625	$ 1.20	$ 4,350.00	$ 2.02	$ 7,322.50	$ 1.65	$ 5,981.25	$ 2.63	$ 9,533.75
9	AGGREGATE SURFACING (3" THICK) (305-B)	TON	50	$ 48.00	$ 2,400.00	$ 45.38	$ 2,269.00	$ 34.90	$ 1,745.00	$ 30.17	$ 1,508.50
10	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	3,625	$ 1.00	$ 3,625.00	$ 0.98	$ 3,552.50	$ 1.55	$ 5,618.75	$ 1.00	$ 3,625.00
11	TACK COAT (0.03 GAL/SY) (405-A)	GAL	110	$ 5.00	$ 550.00	$ 7.60	$ 836.00	$ 6.15	$ 676.50	$ 5.00	$ 550.00
12	BITUMINOUS BINDER LAYER, 220 LBS/SY (424-B)	TON	400	$ 79.00	$ 31,600.00	$ 63.70	$ 25,480.00	$ 94.20	$ 37,680.00	$ 82.00	$ 32,800.00
13	BITUMINOUS WEARING SURFACE, 165 LBS/SY (424-A)	TON	300	$ 79.00	$ 23,700.00	$ 77.92	$ 23,376.00	$ 98.20	$ 29,460.00	$ 82.00	$ 24,600.00
14	22"x13" RCAP, CLASS 3 (530-B)	LF	24	$ 34.20	$ 820.80	$ 47.12	$ 1,130.88	$ 77.95	$ 1,870.80	$ 33.14	$ 795.36
15	65"X40" RCAP, CLASS 3 (TRIPLE RUN) (530-B)	LF	72	$ 385.00	$ 27,720.00	$ 392.79	$ 28,280.88	$ 182.10	$ 13,111.20	$ 395.28	$ 28,460.16
16	MOBILIZATION (600-A)	LS	1		$ 15,000.00		$ 7,473.75		$ 4,684.00		$ 3,750.00
17	6" UNDERDRAIN, TYPE 10 (606-A)	LF	500	$ 9.00	$ 4,500.00	$ 11.24	$ 5,620.00	$ 6.50	$ 3,250.00	$ 0.10	$ 50.00
18	RIPRAP, CLASS 2 (610-C)	TON	225	$ 75.00	$ 16,875.00	$ 56.29	$ 12,665.25	$ 65.75	$ 14,793.75	$ 48.51	$ 10,914.75
19	FILTER CLOTH, NON-WOVEN (610-D)	SY	225	$ 2.00	$ 450.00	$ 2.49	$ 560.25	$ 2.20	$ 495.00	$ 1.00	$ 225.00
20	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	20	$ 25.00	$ 500.00	$ 90.76	$ 1,815.20	$ 50.70	$ 1,014.00	$ 75.00	$ 1,500.00
21	23"x13" PIPE END TREATMENT (619-B)	EA	2	$ 350.00	$ 700.00	$ 678.04	$ 1,356.08	$ 553.00	$ 1,106.00	$ 450.00	$ 900.00
22	SLOPE PAVED HEADWALL (TRIPLE 65"X40") (619-B)	EA	2	$ 1,500.00	$ 3,000.00	$ 3,244.46	$ 6,488.92	$ 2,428.00	$ 4,856.00	$ 2,800.00	$ 5,600.00
23	TOPSOIL FROM STOCKPILES (650-A)	CYIP	1,000	$ 5.00	$ 5,000.00	$ 7.08	$ 7,080.00	$ 7.80	$ 7,800.00	$ 4.00	$ 4,000.00

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #4 JAMES BROTHERS		BIDDER #5 JOHN G. WALTON		BIDDER #6 SUMMIT INDUSTRIES		BIDDER #7 DELTA CIVIL	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
24	SEEDING (652-A)	ACRE	2.5	$ 1,500.00	$ 3,750.00	$ 1,358.62	$ 3,396.55	$ 1,249.00	$ 3,122.50	$ 1,000.00	$ 2,500.00
25	MULCHING, CLASS A, TYPE 1 (656-A)	ACRE	2.5	$ 1,000.00	$ 2,500.00	$ 789.21	$ 1,973.03	$ 484.40	$ 1,211.00	$ 1,000.00	$ 2,500.00
26	SOLID SODDING (654-A)	SY	2,500	$ 5.00	$ 12,500.00	$ 4.33	$ 10,825.00	$ 4.20	$ 10,500.00	$ 3.50	$ 8,750.00
27	POLYETHYLENE SHEETING (665-E)	SY	500	$ 2.50	$ 1,250.00	$ 1.01	$ 505.00	$ 2.00	$ 1,000.00	$ 0.50	$ 250.00
28	SAND BAGS (665-G)	EA	200	$ 4.50	$ 900.00	$ 5.67	$ 1,134.00	$ 4.15	$ 830.00	$ 1.00	$ 200.00
29	SILT FENCE, TYPE A (665-J)	LF	550	$ 6.00	$ 3,300.00	$ 3.49	$ 1,919.50	$ 4.10	$ 2,255.00	$ 3.50	$ 1,925.00
30	WATTLES (665-Q)	LF	144	$ 5.50	$ 792.00	$ 7.39	$ 1,064.16	$ 7.20	$ 1,036.80	$ 5.00	$ 720.00
31	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.53	$ 3,150.00	$ 1,669.50	$ 3,339.00	$ 1,769.67	$ 5,502.00	$ 2,916.06	$ 3,300.00	$ 1,749.00
32	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-A)	LF	1,350	$ 2.50	$ 3,375.00	$ 2.23	$ 3,010.50	$ 2.10	$ 2,835.00	$ 1.25	$ 1,687.50
33	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CROSSWALK (0.09" THICK) (703-A)	SF	110	$ 4.50	$ 495.00	$ 4.45	$ 489.50	$ 4.60	$ 506.00	$ 5.00	$ 550.00
34	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	22	$ 8.50	$ 187.00	$ 8.90	$ 195.80	$ 4.60	$ 101.20	$ 5.00	$ 110.00
35	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-D (705-A)	EA	35	$ 5.50	$ 192.50	$ 5.57	$ 194.95	$ 12.25	$ 428.75	$ 5.50	$ 192.50
36	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(F) OF THE 2012 STD SPEC	PER DOLLAR									
37	BITUMINOUS MATERIAL PROCE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR									
	TOTAL AMOUNT				$ 237,807.55		$ 247,019.18		$ 248,296.21		$ 254,443.52
									*~~248,296.25~~		*~~254,477.77~~

57

D2500\3720

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers • Surveyors • Land Planners				BIDDER #8 R&S PAVING		BIDDER #9 HOSEA WEAVER		BIDDER #10 GULF EQUIPMENT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING AND GRUBBING (APPROX. 3.0 ACRES) (201-A)	LS	1		$ 5,000.00		$ 3,312.47		$ 3,231.09
2	UNCLASSIFIED EXCAVATION (210-A)	CYIP	5,350	$ 3.15	$ 16,852.50	$ 2.65	$ 14,177.50	$ 4.91	$ 26,268.50
3	BORROW EXCAVATION, 24" SAND CLAY (A-2-4 OR BETTER) (210-D)	CY (TBM)	5,050	$ 8.00	$ 40,400.00	$ 7.30	$ 36,865.00	$ 7.31	$ 36,915.50
4	BORROW EXCAVATION (SHOULDER MATERIAL) (A-2-4 OR BETTER) (210-D)	CY (TBM)	1,160	$ 8.00	$ 9,280.00	$ 6.31	$ 7,319.60	$ 1.98	$ 2,296.80
5	FOUNDATION BACKFILL, COMMERCIAL 6" THICK (#57 STONE) (214-B)	CY (TBM)	35	$ 45.00	$ 1,575.00	$ 55.59	$ 1,945.65	$ 63.50	$ 2,222.50
6	ROADBED PROCESSING (230-A)	RDBD STA	13.5	$ 355.00	$ 4,792.50	$ 288.95	$ 3,900.83	$ 226.69	$ 3,060.32
7	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,625	$ 2.00	$ 7,250.00	$ 1.83	$ 6,633.75	$ 2.36	$ 8,555.00
8	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,625	$ 2.00	$ 7,250.00	$ 1.83	$ 6,633.75	$ 2.05	$ 7,431.25
9	AGGREGATE SURFACING (3" THICK) (305-B)	TON	50	$ 42.00	$ 2,100.00	$ 34.13	$ 1,706.50	$ 41.38	$ 2,069.00
10	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	3,625	$ 1.25	$ 4,531.25	$ 0.96	$ 3,480.00	$ 1.08	$ 3,915.00
11	TACK COAT (0.03 GAL/SY) (405-A)	GAL	110	$ 4.50	$ 495.00	$ 3.52	$ 387.20	$ 4.00	$ 440.00
12	BITUMINOUS BINDER LAYER, 220 LBS/SY (424-B)	TON	400	$ 80.00	$ 32,000.00	$ 69.62	$ 27,848.00	$ 79.90	$ 31,960.00
13	BITUMINOUS WEARING SURFACE, 165 LBS/SY (424-A)	TON	300	$ 85.00	$ 25,500.00	$ 84.92	$ 25,476.00	$ 95.88	$ 28,764.00
14	22"x13" RCAP, CLASS 3 (530-B)	LF	24	$ 45.00	$ 1,080.00	$ 52.97	$ 1,271.28	$ 36.66	$ 879.84
15	65"X40" RCAP, CLASS 3 (TRIPLE RUN) (530-B)	LF	72	$ 155.00	$ 11,160.00	$ 570.26	$ 41,058.72	$ 396.73	$ 28,564.56
16	MOBILIZATION (600-A)	LS	1		$ 31,794.43		$ 22,492.50		$ 24,608.85
17	6" UNDERDRAIN, TYPE 10 (606-A)	LF	500	$ 12.00	$ 6,000.00	$ 12.34	$ 6,170.00	$ 3.22	$ 1,610.00
18	RIPRAP, CLASS 2 (610-C)	TON	225	$ 61.00	$ 13,725.00	$ 53.15	$ 11,958.75	$ 59.70	$ 13,432.50
19	FILTER CLOTH, NON-WOVEN (610-D)	SY	225	$ 1.25	$ 281.25	$ 3.32	$ 747.00	$ 1.00	$ 225.00
20	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	20	$ 40.00	$ 800.00	$ 52.44	$ 1,048.80	$ 52.14	$ 1,042.80
21	23"x13" PIPE END TREATMENT (619-B)	EA	2	$ 400.00	$ 800.00	$ 710.16	$ 1,420.32	$ 559.88	$ 1,119.76
22	SLOPE PAVED HEADWALL (TRIPLE 65"X40") (619-B)	EA	2	$ 2,000.00	$ 4,000.00	$ 2,403.63	$ 4,807.26	$ 4,565.72	$ 9,131.44
23	TOPSOIL FROM STOCKPILES (650-A)	CYIP	1,000	$ 6.50	$ 6,500.00	$ 5.51	$ 5,510.00	$ 7.72	$ 7,720.00

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CITY OF DAPHNE
BID DOCUMENT NO.: 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13
APRIL 5, 2012

HMR Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				BIDDER #8 R&S PAVING		BIDDER #9 HOSEA WEAVER		BIDDER #10 GULF EQUIPMENT	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
24	SEEDING (652-A)	ACRE	2.5	$ 1,350.00	$ 3,375.00	$ 1,438.44	$ 3,596.10	$ 1,546.29	$ 3,865.73
25	MULCHING, CLASS A, TYPE 1 (656-A)	ACRE	2.5	$ 1,350.00	$ 3,375.00	$ 758.47	$ 1,896.18	$ 885.78	$ 2,214.45
26	SOLID SODDING (654-A)	SY	2,500	$ 2.75	$ 6,875.00	$ 3.82	$ 9,550.00	$ 4.45	$ 11,125.00
27	POLYETHYLENE SHEETING (665-E)	SY	500	$ 1.00	$ 500.00	$ 0.78	$ 390.00	$ 1.60	$ 800.00
28	SAND BAGS (665-G)	EA	200	$ 6.00	$ 1,200.00	$ 2.27	$ 454.00	$ 1.75	$ 350.00
29	SILT FENCE, TYPE A (665-J)	LF	550	$ 3.50	$ 1,925.00	$ 3.17	$ 1,743.50	$ 2.82	$ 1,551.00
30	WATTLES (665-Q)	LF	144	$ 5.00	$ 720.00	$ 7.56	$ 1,088.64	$ 6.05	$ 871.20
31	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.53	$ 3,500.00	$ 1,855.00	$ 3,277.66	$ 1,737.16	$ 3,424.28	$ 1,814.87
32	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-A)	LF	1,350	$ 2.00	$ 2,700.00	$ 2.19	$ 2,956.50	$ 2.28	$ 3,078.00
33	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CROSSWALK (0.09" THICK) (703-A)	SF	110	$ 5.00	$ 550.00	$ 4.37	$ 480.70	$ 4.57	$ 502.70
34	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	22	$ 6.00	$ 132.00 ~~* 135.10~~	$ 8.74	$ 192.28	$ 9.13	$ 200.86
35	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-D (705-A)	EA	35	$ 7.00	$ 245.00	$ 5.46	$ 191.10	$ 5.71	$ 199.85
36	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(F) OF THE 2012 STD SPEC	PER DOLLAR							
37	BITUMINOUS MATERIAL PROCE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR							
	TOTAL AMOUNT				$ 256,618.93 ~~* 256,621.93~~		$ 260,447.03 ~~* 260,447.04~~		$ 272,037.36 ~~* 272,037.37~~

We hereby certify this to be a true and correct tabulation on the above named project.

Timothy D. Lawley, PE
Project Manager
Hutchinson, Moore & Rauch, LLC

** Indicates an error in either the extension of the bid or the sum - error does not effect bidder's standing.*

D250003720

Resolution 2012

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 Mayor and City Council of the City of Daphne that:

1) The City of Daphne shall submit an application to U.S. Fish and Wildlife Coastal Assistance Program in the amount of $50,305 (City Match of $6,400 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ____ day of _____, 2012.

_____

Cathy S. Barnette, Council President

_____

Bailey Yelding, Jr., Mayor

ATTEST:

_____

David L. Cohen, City Clerk

Suzanne

From: Ashley Campbell [epm@daphneal.com]
Sent: Tuesday, March 20, 2012 11:35 AM
To: financeseniorаccountant@daphneal.com
Subject: Emailing: 3-19-12 Daphne USFWS Grant App (1-5-12).doc

Attachments: 3-19-12 Daphne USFWS Grant App (1-5-12).doc; Ord-2011-84 USFW Invasive Sp Grant..pdf

3-19-12 Daphne USFWS Grant Ap... Ord-2011-84 SFW Invasive Sp G

$10,000 Match - Cash
$6,400 In-Kind - Labor

Suzanne,

Can you please place me on the April 9th Finance Committee's agenda to discuss the $10,000 lodging tax appropriation for in-kind cash match for the attached Village Point USFW Grant Application.

Thanks

Ashley Campbell, CPESC
Environmental Programs Manager
epm@daphneal.com
City of Daphne
Office 251-621-3080
Cell 251-234-7122
Fax 251-621-3719

Description Cost
5-Year Habitat Management Plan $6,000.00
Invasive Species Control Project Management & Supervision
($85/hr. x 8 hr/day x 10 days) $6,800.00
Labor (crew of 6 @ $25/hr. x 8 hr/day x 10 days) $12,000.00
Materials & Equipment (herbicide, gloves, fuel, etc.) $1,200.00
Native Plants 2 acres (1 acre Wetland Restoration & 1 acre Invasive Species
Replanting)at 10'x10' spacing 930 1 gallon plants @$8.50 $7905.00
→ In-kind Labor -Wetland Restoration and Invasive Species Control (City Staff
4 @$20/hr x 8hr/day x 10 days) $6400.00
→ Bay Front Lodging Tax, Cash Match $10,000.00
Total Cost for Grant Project $50,305.00
Total requested from USFW Coastal Grants Program $40,305.00
The message is ready to be sent with the following file or link attachments:

3-19-12 Daphne USFWS Grant App (1-5-12).doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

March 19, 2012

Patric Harper
U.S. Fish and Wildlife
Coastal Coordinator
1208-B Main Street
Daphne, AL 36526

Re: City of Daphne Village Point- Bay Front Park Invasive Species Grant Project
Location: Village Point Park & Bay Front Park
US Hwy 98 Daphne, Al.

Dear Mr. Harper:

Attached is a copy of the City of Daphne's 2012 Village Point-Bay Front Park Invasive Species Grant Project application for your review.

If you have any comments or questions, please contact Ashley Campbell with the City of Daphne at 251-621-3080.

Sincerely,

Ashley Campbell, cpesc
City of Daphne
PO Box 400
1705 Main Street
Daphne, AL 36526

2012
City of Daphne

Village Point Park & Bay Front Park Grant Project:

- **Creation of a Habitat Management Plan**
- **Continuation of Invasive Species Control Project**
- **Bay Front Wetland Restoration**

Prepared by
The City of Daphne

Table of Contents

1. Introduction- Project Location-Description

2. Proposed City of Daphne Village Point and Bay Front Parks Invasive Species Grant Project

3. Scope of Services

4. Project Budget

5. Implementation

Appendix

A-- *Historic Village Point Inventory and Checklist of the Trees, Shrubs and Woody Vines*
B—Estimate for Invasive Species Project Implementation

1. Introduction

A. Site Location

The Village Point Park –Bay Front Park, property is located in Baldwin County, Alabama (Township 4 South, Range 2 East, Section 7). It is located on the west side of Scenic 98, South Main Street, in the City of Daphne.

B. Site Description

The Village Point and Bay Front Parks consist of approximately 64 acres of forested uplands, forested wetlands, early successional wetlands, coastal beach, and Yancey Branch creek. The *"Historic Village Point Inventory and Checklist of the Trees, Shrubs and Woody Vines"* **(Appendix A)**, by Fred Nation and Harry Larsen, documents that over one hundred different species occur in the Park area. Along with the vast array of native species, the park has a problem with invasive exotic species. The inventory documented that there are eleven invasive species in the park at the time of the inventory. Other invasive species have been discovered in the park since the inventory was done. **Table 1** lists the species that our project will target for control.

Table 1

Species	Common Names
Trees	
Albizia julibrissin	Mimosa; Silk tree
Cinnamomum camphora	Camphor Tree
Sapium sebiferum	Chinese Tallow; Popcorn Tree
Shrubs	
Ligustrum japonicum	Japanese Privet
Ligustrum sinense	Chinese Privet
Nandina domestica	Heavenly Bamboo
Ardisia crenata	Coral Ardisia
Woody Vines	
Lonicera japonica	Japanese Honeysuckle
Lygodium japonicum	Japanese Climbing Fern
Pueraria montana	Kudzu
Wisteria sinensis	Japanese Wisteria
Clematis terniflora	Sweet Autumn Virginsbower

Others	
Imperata cylindrica	Cogon Grass
Colocasia esculenta	Wild Taro, Dasheen
Panicum repens	Torpedo Grass

2. Proposed City of Daphne Parks Grant Project

The City of Daphne is requesting grant assistance in the creation of a 5-year Habitat Management Plan, continuance of the control of the invasive species within the Village Point Park and Bay Front Park, and the restoration of a previously filled wetland area along Bay Front Park. The proposed grant project complies with the funding criteria of the USFWS Coastal Assistance Program and it also compliments the Mobile Bay NEP Action Plan LR-B1 "*Development Plans for Nuisance Species*" of the MBNEP's Comprehensive Plan which aids in restoring ecological relationships within the park. If we receive the requested funds, we will create a five (5) year habitat management plan, continue the control of all the invasive species listed above (and any others discovered) within the entire park, and restore approximately one (1) acre of heavily impacted wetlands.

A. Invasive Species Five (5) Year Habitat Management Plan

A five-year management plan will be developed that will guide city staff as well as present and future contractors in achieving management objectives, which include controlling invasive exotic plants, avoiding activities that promote proliferation of invasives species, and establishing and maintaining healthy natural habitats for plants and wildlife throughout park lands. Specifically, the management plan will include a clear statement of management objectives, a description of park history and current conditions, management prescriptions, a detailed schedule of plan implementation, herbicide formulations and application procedures, and a budget.

B. Continuation of Invasive Species Control

The City, with contracted labor and in-kind services, will monitor the park for re-occurrence of invasive species, and retreat where needed. Once the City treats the invasive species, we will replant areas as necessary with native species listed in **Table 2** below at an approximate ten foot by ten foot (10'x10') spacing.

C. Wetland Restoration

City staff, with the use of machinery, will remove all solid waste; fill dirt, and other debris from wetlands on the southern side of Bay Front Park Drive. The area to be restored encompasses approximately 1.0 acre of former wetlands. The City will dispose of the fill material in a proper disposal site. Once fill removal is completed, the City's consultant will make recommendations for revegetating the area with appropriate native species chosen from those listed in **Table 2**.

Table 2

Tree - Common Name (one gallon)	Species
Red Maple	*Acer rubrum*
Yellow Poplar, Tulip Poplar	*Liriodendron tulipifera*
Southern Magnolia	*Magnolia grandiflora*
Sweetbay	*Magnolia virginiana*
Tupelo Gum	*Nyssa biflora*
Swamp Red Bay	*Persea palustris*
Slash Pine	*Pinus elliottii*
Bald Cypress	*Taxodium distichum*
Shrubs - Common Name (one gallon)	**Species**
Wax Myrtle, Southern Bayberry	*Myrica cerifera*
Black Titi, Buckwheat Tree	*Cliftonia monophylla*
Swamp Cyrilla, Titi	*Cyrilla racemiflora*
Dahoon Holly	*Ilex cassine*
Yaupon	*Ilex vomitoria*
Virginia Sweetspire	*Itea virginica*
Buttonbush	*Cephalanthus occidentalis*
Devilwood, American Olive	*Osmanthus americanus*
Herbs - Common Name (plugs)	**Species**
Soft Rush	*Juncus effusus*

3. Scope of Services

Specifically, with the grant money the city will accomplish the following:

1. Create a five (5) year Habitat Management Plan for the Park (Contracted)
2. Continue Invasive Species Control - Project Supervision and Management (Contracted)
3. Continue Invasive Species Control - Labor (Contracted) and In-kind (City Staff)
4. Herbicide and Materials (Contracted)
5. Replanting of Native Species (Contracted)
6. Removal of solid waste and other debris from wetlands-In-kind (City Staff)
7. Replanting of restored wetland area (Contracted)

4. Project Budget

Description	Cost
5-Year Habitat Management Plan	$6,000.00
Invasive Species Control Project Management & Supervision ($85/hr. x 8 hr/day x 10 days)	$6,800.00
Labor (crew of 6 @ $25/hr. x 8 hr/day x 10 days)	$12,000.00
Materials & Equipment (herbicide, gloves, fuel, etc.)	$1,200.00
Native Plants 2 acres (1 acre Wetland Restoration & 1 acre Invasive Species Replanting)at 10'x10' spacing 930 1 gallon plants @$8.50	$7905.00
In-kind Labor –Wetland Restoration and Invasive Species Control (City Staff 4 @$20/hr x 8hr/day x 10 days)	$6400.00
Bay Front Lodging Tax, Cash Match	$10,000.00
Total Cost for Grant Project	$50,305.00
Total requested from USFW Coastal Grants Program	**$40,305.00**

5. Implementation If the USFW Coastal funds are awarded to the City, the project will begin in the fall of 2012.

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

RESOLUTION 2012 -

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Det	699	1999 FORD TAURUS	1FAFP53UOXA318129
Grounds	47	1998 GMC SIERRA PU	1GDKC34J8WF058590
SW	772	2000 FORD F150	1FTRX17W0YNB32502

2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2012.

_____
Cathy S. Barnette, Council President

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk CMC

RESOLUTION 2012 -

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION

WHEREAS, the City of Daphne has determined that there are some older Chairs that are no longer required for public or municipal purposes; and

WHEREAS, such Chairs listed below are no longer used by the City; and

WHEREAS, the City has been made aware that these Chairs can be utilized by another organization; and

WHEREAS, the Ruff Wilson Youth Organization provides certain quality of life services to the citizens and children of Daphne.

WHEREAS, the City of Daphne supports the efforts of Ruff Wilson Youth Organization in meeting the needs of families and children in Daphne; and

WHEREAS, the City of Daphne has determined that this organization could utilize these chairs; and

WHEREAS, the Chairs are recommended for disposal;

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

1- The following property is hereby declared to be surplus:
   - (27) Blue Cloth & Chrome Guest Chairs

   and

2- The Mayor is authorized to donate the above listed property to the Ruff Wilson Youth Organization.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2012.

_____
Cathy S. Barnette, Council President

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk CMC

CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ◆ February 29, 2012 ◆ 5:00 p.m.

I. Call to Order

The regular February 2012, Board meeting for the Utilities Board of the City of Daphne was held on February 29, 2012 and called to order by Chairman Robert Segalla, at 5:01 p.m.

II. Roll Call

Members Present: Robert Segalla, Chairman
Fenton E. Jenkins, Vice Chairman
Bailey Yelding, Mayor

Others Absent: Ron Scott, Secretary/Treasurer
Lon Johnston

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

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from January 25, 2012:

The Chairman inquired if there were any corrections noted for the submitted Minutes from the January 25, 2012, Utilities Board meeting. No corrections were made.

MOTION BY Mayor Bailey Yelding to approve the Minutes for January 25, 2012; Seconded by Fenton Jenkins.

AYE: ***JENKINS, SEGALLA, YELDING*** **ABSENT:** ***JOHNSTON, SCOTT*** **ABSTAIN:** **MOTION CARRIED**

V. Old Business

A. Items in Abeyance

1. **Gas Franchise Agreement** – No updated information was reported.
2. **Spanish Fort Sewer Franchise issues –** No updated information was reported.

Chairman Segalla then revised the meeting to allow time for Danny Lyndall's presentation

VI. Operations Report

Danny Lyndall gave a presentation to the Board informing them of a major catastrophe at the Waste Water Treatment Plant whereby a previous patch on a 6" line coming into the aeration tank of the D'Olive Package Plant began leaking. He explained that employees had been working diligently to take the tank off-line in order to make the repair and that ADEM had been contacted and notified that the plant was declared a "plant upset". He further stated that ADEM would be conducting an audit to ensure that Daphne Utilities had procedurally done everything required and if they determine that this was an unavoidable upset, then any violations will not go against Daphne Utilities. He addressed the challenges of the repairs due to the aged infrastructure of this plant.

VII. New Business

A. Discussion of Utilities' Board meeting schedule

Chairman Segalla informed the Board that this item could be discussed but all Board members would have to be present because it would have to be a resolution to change the By-Laws; Mr. Speegle confirmed that was correct. It was recommended to include this item of discussion in the Items of Abeyance for discussion at next month's Board meeting.

VIII. BOARD ATTORNEY'S REPORT

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

IX. FINANCIAL REPORT

Teresa Logiotatos commented that there was nothing financially out of the ordinary for the month of February. She pointed out the Standard & Poor's Rating information she handed out to the Board for the refinancing the 2003 Bond Issue which is the only Issue Daphne Utilities has left to refinance for a lower interest rate savings. She advised that the auditors are finished in-house and are now working outside with an estimated audit presentation in March or April. She then informed the Board that she is receiving quotes for the Utilities' commercial insurance. She lastly pointed out some changes on Cash Flow report.

X. GENERAL MANAGER'S REPORT

a. ***GM Report***

Rob McElroy pointed out the State of the Utility Report that he handed out and mentioned that we would be discussing at upcoming Board meetings. He commended Darrell Bryant and Rodney Strasser on their recent Master Gas Evaluator Certification. Chairman Segalla extended the Board's compliments as well. Darrell Bryant introduced his new employee, Kelly Boyington.

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

Ray Moore of HMR gave an updated review of his report for the Board.

XI. PUBLIC PARTICIPATION – Melinda Immel announced Daphne Utilities' Project of the Year Award from the Mobile Area Council of Engineers.

XII. BOARD ACTION – None.

XIII. BOARD COMMENTS – None.

XIV. ADJOURNMENT –

MOTION BY Mayor Bailey Yelding to adjourn the meeting; Seconded by Fenton Jenkins.

AYE: ***JENKINS, SEGALLA,YELDING*** **ABSENT:** ***JOHNSTON, SCOTT*** **ABSTAIN:**

MOTION CARRIED

The meeting adjourned at 5:32 pm.

CITY COUNCIL MEETING
MAYOR'S REPORT

NOTES:

CASE NO. 2012-6

ABC LICENSE ROUTING

		(initial)
DATE RECEIVED BY REVENUE DIV.	4/5/12	JGA
DATE FORWARDED TO POLICE DEPT.	4/6/12	JGA
DATE RECEIVED BY POLICE DEPT.	4-6-12	KA

DATE: APPROVED ✓ DISAPPROVED _____

POLICE DEPT SIGNATURE _____

DATE RETURNED TO REVENUE DIV.	4-6-12	KA
DATE FORWARDED TO CITY CLERK	4-9-12	HG/AA
DATE RECEIVED BY CITY CLERK	4-09-12	RH
SCHEDULED DATE ON AGENDA	4-16-12	RH

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

_____.

Rescheduled for Council Agenda Date: _____ _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

_____.

DATE RETURNED TO REVENUE DIV.: _____ _____

DATE RETURNED TO TAXPAYER _____ _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120405095113674

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

Type License: **State:** **County:**

Trade Name: NAMANS CATERING **Filing Fee:** $50.00

Applicant: ALEC NAMAN CATERING INC **Transfer Fee:**

Location Address: 6200 BAYFRONT DRIVE DAPHNE, AL 36526

Mailing Address: 1909 BROOKDALE DR WEST MOBILE, AL 36618

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**

Sale of Products Containing Ephedrine: NO **Type Ownership:** CORPORATION

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

Date Incorporated: 08/26/1996 **State incorporated:** AL **County Incorporated:** MOBILE

Date of Authority: 08/26/1996 **Alabama State Sales Tax ID:** SLS-4900 37269

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

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: CHARLES MCDONALD **Home Phone:** 251-626-5300
Business Phone: 251-473-3900 **Cell Phone:**
Fax: **E-mail:** CMCDONALD@NAMANSCATERING.COM

PREVIOUS LICENSE INFORMATION: 76 Previous License Number(s)
Trade Name: License 1:
Applicant: License 2:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120405095113674

If applicant is leasing the property, is a copy of the lease agreement attached? YES
Name of Property owner/lessor and phone number: DAPHNE BAYFRONT PARK 251-626-5300
What is lessors primary business? MUNICIPALITY
Is lessor involved in any way with the alcoholic beverage business? NO
Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO
Is the business used to habitually and principally provide food to the public? NO
Does the establishment have restroom facilities? YES
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
Building Dimensions Square Footage: 5000 Display Square Footage:
Building seating capacity: 210 Does Licensed premises include a patio area? YES
License Structure: SINGLE STRUCTURE License covers: ENTIRE STRUCTURE
Number of licenses in the vicinity: 4 Nearest: .5
Nearest school: 1 miles Nearest church: 1 miles Nearest residence: 1 blocks
Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120405095113674

Initial each **Signature page**

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Charles McDonald

Signature of Applicant: POA

Notary Name (print): Betty C. Dean

Notary Signature: Betty C. Dean Commission expires: 1/10/15

Application Taken: 4/5/12 **App. Inv. Completed:** **Forwarded to District Office:**
Submitted to Local Government: **Received from Local Government:**
Received in District Office: **Reviewed by Supervisor:** **Forwarded to Central Office:**

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120405095113674

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club
Does the club charge and collect dues from elected members?
Number of paid up members:
Are meetings regularly held?
How often?
Is business conducted through officers regularly elected?
Are members admitted by written application, investigation, and ballot?
Has Agent verified membership applications for each member listed?
Has at least 10% of members listed been confirmed and highlighted? Agent's Initials:
For what purpose is the club organized?
Does the property used, as well as the advantages, belong to all the members?
Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail
Is it for 30 days or less?
More than 30 days?

Franchisee or Concessionaire of above?
Other valid responsible organization:
Explanation:

Special Events / Special Retail (7 days or less)
Starting Date: 04/20/2012 Ending Date: 04/20/2012
Special terms and conditions for special event/special retail:
12 OZ CANS OF BEER, 9 0Z CUPS OF WINE AND LIQUOR.
NO TO GO SALES
NO ALCOHOL TO LEAVE TO EVENT AREA
Other Explanations

CITY OF DAPHNE
PARADE PERMIT

ORGANIZATION:	March of Dimes
CONTACT PERSON:	Jennifer Bitner
ADDRESS:	205 Lambert Street, Suite A Mobile, AL 36604
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER: E-MAIL ADDRESS:	850-339-2149
TYPE OF PARADE:	5K Walk & 1 Mile Fun Walk
DATE OF PARADE:	May 5, 2012
ROUTE TO BE TRAVELED:	See Attached map
APPROXIMATE # OF PEOPLE & CARS:	250
START TIME:	8:00 A.M.
STOP TIME:	10:00 A.M.
ASSEMBLY AREA/STREET:	City Hall
ASSEMBLY TIME:	7:00 A.M.
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	April, 12, 2012
APPROVAL	
POLICE: Chief David Carpenter	David Carpenter / Rebecca Hayes
FIRE: Chief James White	James White / Rebecca Hayes
PUBLIC WORKS: Richard Johnson	Richard D. Johnson, PE Digitally signed by Richard D. Johnson, PE DN: cn=Richard D. Johnson, PE, c=US, o=City of Daphne, ou=Public Works Director, email=directorpw@bellsouth.net Date: 2012.04.12 15:02:35 -05'00' per e-mail
RECREATION : David McKelroy	Per David McKelroy / Rebecca Hayes
CITY COUNCIL APPROVAL: 4/16/12	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	April 12, 2012
NOTIFICATION	

ROUTE OF ARTHRITIS FOUNDATION 5K AND 1 MILE RUN

Start on Main Street at City Hall

To Belrose Avenue turning left

Down Belrose to Old County Rd.

South on Old County Rd.

Turn Right on Dryer Avenue

South to Captain O'Neal Drive

Captain O'Neal Drive to Deer Avenue

East on Deer Avenue to Main Street

Left on Main Street to City Hall

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE
RESOLUTION NO. 2012-29

A RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF CERTAIN TECHNICAL CODES BY REFERENCE

WHEREAS, the city of Daphne shall heretofore by Ordinance adopt the 2012 Edition of the International Building Code, 2012 Edition of the International Residential Mechanical code, 2012 Edition of the International Plumbing Code, International Energy Efficiency Code 2012 and the 2011 Edition of the National Electrical Code: and the City of Daphne supplemental code to the 2012 International Residential Code.

WHEREAS, the International Code Council Incorporated has published the 2012 Edition of the International Building Code, 2006 Edition of the Residential Code, 2012 Edition of the International Fuel Gas Code, 2012 Edition of the International Mechanical Code, and the 2012 Edition of the International Plumbing Code, 2012 International Energy Efficiency Code, and the National Fire Prevention Association has published the 2011 Edition of the National Electric Code; and the City of Daphne has published the City of Daphne Supplemental Code to the 2012 International Residential Code.

WHEREAS, Section 11-45-8 of the Code of Alabama 1975 provides for the adoption of codes in book form upon compliance with the requirements of such Section; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

1. That a public hearing shall be held on May 7, 2012, concerning the adoption of an Ordinance for the 2012 edition of the International Building Code, 2012 Edition of the International Residential Code, 2012 Edition of the International Fuel Gas Code, 2012 Edition of the International Mechanical Code, International Energy Efficiency Code 2012, 2011 Edition of the National Electric Code, City of Daphne Supplemental Code to the 2012 International Residential Code and all amendments thereof.

2. Said Ordinance shall provide for the amendment, deletion, and changes To the International Residential Code, Edition 2012, as follows:

a. The following section of the International Residential Code, edition 2012 is hereby revised in its entirety to read as follows:

R. 106.1 Submitted documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in two sets with each application for a permit the construction documents shall be prepared by a registered design professional for all new residential homes and additions over

750 sq ft. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

3. That this resolution be published once a week for two consecutive weeks Prior to said hearing.

4. That three copies of said Codes shall be filed for not less than fifteen (15) days prior to the holding of public hearing for use and examination by the public in the Office of the City Clerk.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2012.

_____
CATHY S. BARNETTE,
COUNCIL PRESIDENT

_____
BAILEY YELDING, JR.,
MAYOR

ATTEST:

_____
DAVID L. COHEN
CITY CLERK, MMC

CITY OF DAPHNE
RESOLUTION NO. 2012-30

A RESOLUTION PROVIDING THE SCHEDULING OF A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE AS AMENDED BY REFERENCE

WHEREAS, the International Code Council, Incorporated, has published the 2012 Edition of the International Fire Code; and,

WHEREAS, Section 11-45-8(c) of the Code of Alabama 1975, provides for the adoption of codes in book form upon compliance with the requirements of said Section; and,

WHEREAS, the City Council for the City of Daphne, Alabama, finds it to be in the interests of the health, safety, and welfare of the citizens of Daphne, Alabama, to adopt the 2012 Edition of the International Fire Code, as amended; and,

WHEREAS, the City of Daphne shall heretofore by Ordinance adopt the 2012 Edition of the International Fire Code, as amended; and

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

SECTION I: PUBLIC HEARING

That a public hearing shall be held on May 7th, 2012, concerning the adoption of an ordinance for the 2012 Edition of the International Fire Code and all amendments thereto.

SECTION II: ENTIRE CODE, AS AMENDED, TO BE ADOPTED WITH SPECIFIC REVISIONS

Said Ordinance shall provide for the amendments, deletions, and changes to the 2012 Edition of the International Fire Code, as amended.

Pursuant to applicable law, the City of Daphne is permitted to repeal certain provisions of the 2012 Edition of the International Fire Code, as amended, and provide separate authority. Predicated on said authority, the following sections of the 2012 Edition of the International Fire Code, as amended, be and are hereby revised in their entirety to read as follows:

A.
Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as "this code."

B.
Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:

103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

C.
Section 103.2 Appointment. Of the International Fire Code shall be removed in its entirety.

D.
Section 105.6.30 of the International Fire Code shall be repealed in its entirety and a new section 105.6.30 shall be added to read as follows.
Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization.

No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be $75.00

E.
Section 105.7.1 of the International Fire Code shall be repealed in its entirety and a new section 105.7.1 shall be added to read as follows:

Fixed Fire Extinguishing Systems Installation

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for $ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Any modifications made to a fixed system including adding additional flow points will require an installation permit.

A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.

The technician who actually performs the installation of the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The Fire Code Official shall require certain operational tests upon final inspection.

The permit fee for each fire extinguisher system installation shall be $75.00

Section 105.7.1.1

Servicing Fixed Fire Extinguishing Systems

No person shall engage in the business of servicing or inspecting fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service or inspect a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to service or inspect fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for $ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Any modifications made to a fixed system including adding additional flow points will require an installation permit.

A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.

The technician who actually performs the work of servicing or inspecting the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.
The permit fee for servicing a fixed fire extinguisher system shall be $75.00

F.
Section 105.7.6 of the International Fire Code shall be repealed in its entirety and a new section 105.7.6 shall read as follows:

Section 105.7.6
Fire Alarm System Installation

No person shall install a fire alarm system without having the plans reviewed by the Fire Code Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.7.4.1 installations in any building with single station detectors only.

Installer must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Any person or entity who designs fire alarm systems must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.

Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.

All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".

Fire Alarm Control Units (FACU) will be located at the entrance of the building or provide an annunciator panel at the entrance and also indicate the location of the main panel.

The permit fee for installing a fire alarm system shall be $75.00

Section 105.7.6.1
Servicing Fire Alarm Systems

No person shall engage in the business of servicing fire alarm systems without obtaining a permit from the Fire Code Official. The permit is good only for that calendar year of which it is issued. There is excepted from the requirements of Section 105.7.4 installations of the following types:

(1) One and two family dwellings
(2) Any buildings with single station detectors only.
(3) Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.

No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a State of Alabama Fire Alarm Permit issued by the State Fire Marshals office**.**

A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.

The permit fee to service a fire alarm system shall be $75.00

G.
Section 105.7.7 of the International Fire Code shall be repealed in its entirety and a new section 105.7.7 shall be added to read as follows:

Fire Pumps Installation

Any person who installs fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.

No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

Installer must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for $1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must have fire pump plans reviewed by the Fire Code Official before commencing installation.

All testing of the fire pump shall comply with NFPA 25. The Fire Code Official may require certain operational test upon final inspection.

The permit fee to install a fire pump shall be $75.00

Section 105.7.7.1 shall be added to read as follows:

Servicing Fire Pumps

Any person who services, test or inspects fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.

No person shall service, test or inspect a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

The Person/Business who obtains the permit must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for $1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder

The permit fee to service, test or inspect a fire pump shall be $75.00

H.
Section 105.7.17 shall be added to read as follows:

Portable Fire Extinguisher Service

No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.

No person shall be issued a permit to service a portable fire extinguisher that does not posses a manufactures service manual for the type of extinguisher being serviced, and have the proper training. They shall have a Certificate of Insurance, General Liability for $1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400 Daphne, AL 36526 listed as a Certificate Holder.

The technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The annual permit fee for portable fire extinguisher service shall be $75.00

I.
Section 105.7.18 shall be added to read as follows:

Install Automatic Fire Sprinkler Systems

No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 “installer”) must be certified by the Alabama State Fire Marshal’s Office, and have a Certificate of Insurance, General Liability for $1,000,000 with the City of Daphne, Bureau of Fire

Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must possess a current City of Daphne business license.

Installer must have sprinkler plans reviewed by the Fire Code Official before commencing installation.

Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.

The Fire Code Official shall be present during the final inspection of the sprinkler system.

Relocating more than three (3) sprinkler heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention**.**
The permit fee for each automatic fire sprinkler system installation shall be $75.00

Section 105.7.18.1 shall be added to read as follows:
Servicing Fire Sprinkler Systems

No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who services or maintains fire sprinkler systems must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for $1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

No person shall perform maintenance or testing on fire sprinkler systems unless that person is certified by the Alabama State Fire Marshal's office and approved by the Fire Code Official.

Installer must possess a current City of Daphne business license.

The permit fee for servicing a fire sprinkler system shall be $75.00

The permit is good only for that calendar year of which it is issued.

J.
Section 105.7.19 shall be added to read as follows:
Additional Permits

Where work for which a permit is required by this code commences prior

to obtaining said permit, the permit fee herein specified shall be doubled.

It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

All checks and money orders shall be made out to the City of Daphne.

All certifications whether they are manufacture or NICET must be current and not have expired.

General requirements for a permit are as followed:

1. Current city of Daphne Business license.
2. Current one million dollar ($1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.
3. Approved by the Fire Code Official.
4. Current Training certificates.
5. Permit fee of $75.00

K.

Section 109.4 Violation penalties**.**

Persons who shall violate a provision of this code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a violation of the 2012 Edition of the International Fire Code, as amended, which is punishable by a fine of not more than Two Hundred ($200) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

L.

Section 307.2.1 of the International Fire Code shall be repealed in its entirety and a new section 307.2.1 shall read as follows:

Authorization.

Open burning shall only be allowed once a calendar month per address/ location during the months that outdoor burning is allowed by the State Air Quality Agencies. A permit must be obtained before any burning starts and all provisions of the burn permit shall be followed**.**

M.

Section 307.4.1 of the International Fire Code shall be repealed in its entirety and a new section 307.4.1 shall read as follows:

Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Bonfire permits shall only be issued to organizations (Churches, Schools, and other Civic Groups) not to private individuals.

N.
Section 503.2.5 of the International Fire Code shall be repealed in its entirety and a new section 503.2.5 shall read as follows:

Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus per the provisions in accordance with Appendix D, Table D103.4. and figure D103.1.

O.
Section 505.1 of the International Fire Code that reads "Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches" shall be repealed and shall read "numbers shall be a minimum of 5 inches high with a minimum stroke of 0.5 inches".

P.
Section 506.1 of the International Fire Code shall be repealed in its entirety and a new section 506.1 shall read as follows:

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system, fire alarm system or any alarm that generates a fire department response. The Fire Code Official shall also have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of and approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

Q.
Section 507.5.1.1 of the International Fire Code shall be repealed in its entirety and a new section 507.5.1.1 shall read as follows.

Hydrant for Fire Sprinkler Systems and Standpipe Systems. Building equipped with a standpipe or fire sprinkler system installed in accordance with Section 903 and 905 shall have a fire hydrant within 100 feet of the FDC (fire department connection).

R.
508.5.7 Hydrant Outlet Location shall be added to read as follows:

Hydrants shall be installed with the center of the outlet cap nut at least 18 inches above the adjoining final grade.

S.
Section 905.3.1 of the International Fire Code shall be repealed in its entirety and a new section 905.3.1 shall read as follows:

Building height.

Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. A class I, Manual Wet, standpipe system shall be installed in building where the floor level is of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ____ day of _____, 2012.

_____
CATHY S. BARNETTE
COUNCIL PRESIDENT

_____
BAILEY YELDING, MAYOR

ATTEST:

_____
DAVID L. COHEN,
CITY CLERK, MMC

Resolution 2012 - 31
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 Mayor and City Council of the City of Daphne that:

1) The City of Daphne shall submit an application to U.S. Fish and Wildlife Coastal Assistance Program in the amount of $50,305 (City Match of $6,400 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ____ day of _____, 2012.

_____
Cathy S. Barnette, Council President

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk, MMC

RESOLUTION 2012 - 32

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION

WHEREAS, the City of Daphne has determined that there are some older Chairs that are no longer required for public or municipal purposes; and

WHEREAS, such Chairs listed below are no longer used by the City; and

WHEREAS, the City has been made aware that these Chairs can be utilized by another organization; and

WHEREAS, the Ruff Wilson Youth Organization provides certain quality of life services to the citizens and children of Daphne.

WHEREAS, the City of Daphne supports the efforts of Ruff Wilson Youth Organization in meeting the needs of families and children in Daphne; and

WHEREAS, the City of Daphne has determined that this organization could utilize these chairs; and

WHEREAS, the Chairs are recommended for disposal;

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

1- The following property is hereby declared to be surplus:
- (27) Blue Cloth & Chrome Guest Chairs

and

2- The Mayor is authorized to donate the above listed property to the Ruff Wilson Youth Organization.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2012.

_____
Cathy S. Barnette, Council President

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk MMC

RESOLUTION 2012 - 33

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Det	699	1999 FORD TAURUS	1FAFP53UOXA318129
Grounds	47	1998 GMC SIERRA PU	1GDKC34J8WF058590
SW	772	2000 FORD F150	1FTRX17W0YNB32502

2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2012.

_____
Cathy S. Barnette, Council President

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk MMC

EXCERPTS FROM THE MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA HELD ON APRIL 2, 2012

The City Council of the City of Daphne, Alabama met at the City Hall in the City of Daphne on Monday, April 2, 2012 at 6:30 p.m., Central Time. The following members of the City Council of the City of Daphne, Alabama were:

PRESENT	ABSENT

Ms. Barnette acted as Chairman of the meeting and David L. Cohen, City Clerk, acted as Clerk of the meeting. The chairman stated that a quorum was present and declared the meeting open for the transaction of business.

* * * * * *

The Chairman then stated that it would be appropriate to consider a resolution providing for the early call and redemption of certain of the City's outstanding debt obligations. The following resolution and order was thereupon introduced in writing by Councilmember _____:

A RESOLUTION CALLING FOR THE REDEMPTION OF THE CITY'S GENERAL OBLIGATION WARRANTS, SERIES 2002 AND THE REDEMPTION OF THE CITY'S LIMITED OBLIGATION SPECIAL TAX WARRANTS, SERIES 2006

BE IT RESOLVED by the City Council of the City of Daphne, Alabama (the "Council"), as follows:

Section 1. Findings of Fact. The Council has determined and hereby finds and declares that the following facts are true and correct:

(a) The City of Daphne, Alabama (the "City") has heretofore issued pursuant to an Ordinance adopted by the Council on August 19, 2002, (the "2002 Ordinance"), its City of Daphne General Obligation Warrants, Series 2002, dated August 1, 2002, originally issued in the aggregate principal amount of $2,660,000 (the "Series 2002 Warrants").

(b) The City has heretofore issued pursuant to an Ordinance adopted by the Council on September 5, 2006, (the "2006 Ordinance"), its City of Daphne Limited Obligation Special Tax Warrants, Series 2006, dated August 1, 2006, originally issued in the aggregate principal amount of $9,090,000 (the "Series 2006 Warrants").

(c) The Series 2002 Warrants are currently outstanding in the aggregate principal amount of $2,110,000.

(d) The Series 2006 Warrants are currently outstanding in the aggregate principal amount of $8,755,000.

(e) The City desires to refund all of the outstanding Series 2002 Warrants and Series 2006 Warrants.

(f) The City is not in default in the payment of principal of or interest on the Series 2002 Warrants or the Series 2006 Warrants or under the 2002 Ordinance or the 2006 Ordinance.

Section 2. Call for Redemption of the Series 2002 Warrants. Acting pursuant to the provisions of the Series 2002 Warrants and the 2002 Ordinance, the City does hereby elect to redeem and pay, and does hereby call for redemption and payment on May 18, 2012 (the "2002 Call Date") $2,110,000 in aggregate principal amount of the Series 2002 Warrants (being all of the Series 2002 Warrants currently outstanding), the redemption of which shall be effected at a redemption price equal to 100% of the principal amount of each Series 2002 Warrant so called for redemption plus accrued interest thereon to the 2002 Call Date. Such redemption and payment shall be subject to the condition that the City shall have issued its General Obligation Refunding and Improvement Warrants, Series 2012.

Section 3. **Call for Redemption of the Series 2006 Warrants.** Acting pursuant to the provisions of the Series 2006 Warrants and the 2006 Ordinance the City does hereby elect to redeem and pay, and does hereby call for redemption and payment:

(a) as required by Section 6 of the 2006 Ordinance, on August 1, 2012, $130,000 in aggregate principal amount of the Series 2006 Warrants, the redemption of which shall be effected at a redemption price equal to 100% of the principal amount of each Series 2006 Warrant so called for redemption plus accrued interest thereon to the date of redemption.

(b) on February 1, 2013 (the "2006 Call Date") $8,625,000 in aggregate principal amount of the Series 2006 Warrants (being all of the Series 2006 Warrants maturing after the 2006 Call Date), the redemption of which shall be effected at a redemption price equal to 100% of the principal amount of each Series 2006 Warrant so called for redemption plus accrued interest thereon to the 2006 Call Date.

Section 4. **Provisions for Notice for the Series 2002 Warrants.** The Bank of New York Mellon Trust Company, N.A. in Birmingham, Alabama is hereby directed, in its capacity as paying agent for the Series 2002 Warrants, to cause written notice of such redemption and prepayment to be given in the manner and at the time prescribed in the 2002 Ordinance.

Section 5. **Provisions for Notice for the Series 2006 Warrants.** The Treasurer of the City is hereby directed, in her capacity as paying agent for the Series 2006 Warrants, to cause written notice of such redemption and prepayment to be given in the manner and at the time prescribed in the 2006 Ordinance.

Section 6. **Authorization.** The Mayor of the City, the City Clerk of the City and the City Treasurer of the City are each hereby authorized and directed to take or cause to be taken, in the name and behalf of the City, all of the actions required by the provisions of the 2002 Ordinance under which the Series 2002 Warrants were issued and all of the actions required by the provisions of the 2006 Ordinance under which the Series 2006 Warrants were issued to be taken in order to effect the redemption of the Series 2002 Warrants and the Series 2006 Warrants as herein called for redemption.

Councilmember _____ moved that the foregoing resolution be adopted and spread upon the minutes of this meeting, which motion was seconded by Councilmember _____, and, on roll call the following vote was registered:

YEAS NAYS

The Chairman thereupon announced that said resolution had been carried by unanimous vote of the Council present.

* * * * * *

The Chairman then stated that it would be appropriate to consider the issuance of $13,495,000 in aggregate principal amount of the City's General Obligation Refunding and Improvement Warrants, Series 2012, for the purpose of refunding certain of the City's outstanding general obligation indebtedness, paying a portion of the cost of certain road and bridge improvements and paying the expenses of issuing the City's General Obligation Refunding and Improvement Warrants, Series 2012. The following ordinance was thereupon introduced in writing by Councilmember _____:

ORDINANCE NO. 2012-26

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $13,495,000 OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT WARRANTS, SERIES 2012

BE IT ORDAINED by the City Council of the City of Daphne, Alabama, as follows:

ARTICLE I

DEFINITIONS, USE OF WORDS AND PHRASES, AND FINDINGS BY THE CITY

Section 1.1 Definitions. The following words and phrases and others evidently intended as the equivalent thereof shall, in the absence of clear implication herein otherwise, be given the following respective interpretations:

"**Bank"** means The Bank of New York Mellon Trust Company, N.A., in its role as Warrant Registrar and Paying Agent.

"**Business Day"** means any day other than a Saturday, Sunday or day on which banking institutions are required or authorized to close in the city in which the designated corporate trust agency office of the Bank is located, or on which the Federal Reserve Bank is closed.

"**Capital Improvements**" shall have the meaning given that term in Section 1.3(f) hereof, subject to being amended and supplemented as provided in Section 7.3 hereof.

"**City"** means the municipal corporation in the State of Alabama known as the City of Daphne, Alabama, as it now exists, and any political subdivision resulting from any merger or consolidation thereof with any other political subdivision.

"**City Clerk**" means the city clerk of the City.

"**Code**" means the Internal Revenue Code of 1986 as amended.

"**Council**" means the governing body of the City as from time to time constituted.

"**Direct Participant**" means securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations which participate in the Securities Depository with respect to the Warrants.

"Escrow Trustee" means The Bank of New York Mellon Trust Company, N.A., as escrow trustee for the Series 2002 Warrants under the terms of the 2002 Escrow Trust Agreement and as escrow trustee for the Series 2006 Warrants under the terms of the 2006 Escrow Trust Agreement.

"**Government Obligations**" means direct obligations of the United States of America and obligations unconditionally guaranteed by the United States of America.

"**Interest Payment Date**" means, with respect to the Warrants, any February 1 or August 1, prior to payment thereof.

"Overdue Interest" means interest due but not paid on the Interest Payment Date on which such interest is required to be paid.

"**Record Date**" means, as to any Interest Payment Date, the January 15 or July 15 immediately preceding such Interest Payment Date.

"**Securities Depository**" has the meaning given that term in Section 3.5 hereof.

"**Series 2002 Warrants**" means the City's General Obligation Warrants, Series 2002, dated August 1, 2002, originally issued in the aggregate principal amount of $2,660,000.

"**Series 2006 Warrants**" means the City's Limited Obligation Special Tax Warrants, dated August 1, 2006, originally issued in the aggregate principal amount of $9,090,000.

"**Treasurer**" shall mean the treasurer or any assistant treasurer of the City.

"**Warrant Authorizing Law**" means Section 4, Chapter 81 and Section 2, Chapter 47 of Title 11, Code of Alabama, 1975.

"**Warrant Fund"** means the special account created pursuant to Section 8.2 hereof.

"**Warrant Holder**" or "**Holder**" means the registered holder, from time to time, of any of the Warrants.

"**Warrants,**" unless otherwise indicated, means the $13,495,000 in aggregate principal amount of the City's General Obligation Refunding and Improvement Warrants, Series 2012, as more particularly described in Article II hereof and issued hereunder.

"2002 Escrow Trust Agreement" means the Escrow Trust Agreement – 2002 Warrants, dated as of April 1, 2012, between the City and The Bank of New York Mellon Trust Company, N.A., as Escrow Trustee.

"2006 Escrow Trust Agreement" means the Escrow Trust Agreement – 2006 Warrants, dated as of April 1, 2012, between the City and The Bank of New York Mellon Trust Company, N.A., as Escrow Trustee.

Section 1.2 Use of Words and Phrases. The following provisions shall be applied wherever appropriate herein:

Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

"Hereby", "herein", "hereinafter", "hereof", "hereunder" and other equivalent words refer to this Ordinance as a whole and not solely to any particular portion thereof in which any such word is used.

The definitions set forth in Section 1.1 hereof shall be deemed applicable whether the words defined are herein used in the singular or plural.

Section 1.3 Findings of Council. Having made due and proper investigation of the matters hereinafter referred to, the Council hereby finds and determines:

(a) The City has heretofore issued the Series 2002 Warrants pursuant to an Ordinance adopted by the Council on August 19, 2002, (the "2002 Ordinance").

(b) The City has heretofore issued the Series 2006 Warrants pursuant to an Ordinance adopted by the Council on September 5, 2006, (the "2006 Ordinance").

(c) The City is not in default on the payment of the principal of and the interest on the Series 2002 Warrants or the Series 2006 Warrants.

(d) By a resolution previously adopted, the City has called all of the outstanding Series 2002 Warrants coming due after February 1, 2012 for redemption.

(e) By a resolution previously adopted, the City has called all of the outstanding Series 2006 Warrants coming due after February 1, 2013 for redemption.

(f) It is necessary, advisable and in the public interest that the City pay a portion of the costs of the acquisition, construction and installation of certain road and bridge improvements within the City (the "Capital Improvements"), which acquisition, construction and installation are expected cost approximately $3,000,000 and which shall include the following:

Project 2012-B - Main Street - Holy Cross to Bayfront (18,247 L.F. - 3.45 miles) - Mill and Overlay (1500 L.F. Base Repairs)

Project 2012-C - Well Road Extension - Public Works Road to CR13

(1,400 L.F. - 0.265 miles) - New Road & Drainage

Proposed Project 2012-D: Profit Drive Extension - Profit Drive to Johnson Road

Proposed Project 2012-E: Johnson Road Extension to County Road 13 - Bottom Crossing with Bridge

Proposed Project 2013-A: Intersection of CR13 and Cr 64 - Round-A-Bout

Proposed Project 2013-B: Lake Forest - 1.1 Miles (Ridgewood Drive - North Route connecting 2a & 2b) & 0.1 Miles of Bay View Drive (1a to the bridge) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping

Proposed Project 2013-C: Johnson Road Extension - County Road 13 to State Road 181

Proposed Project 2013-D: Lake Forest - 2.1 Miles (Bayview & Ridgewood Drives - South Route connecting 2a & 2b) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping

Proposed Project 2013-E: Lake Forest - Bridge Replacement on Bayview at Lake Forest Lake - Severely Limited Bridge

Proposed Project: Resurfacing of Pinehill Road - 7th Street to south of Roper Ln

Proposed Project: Resurfacing of Douglas Road - US Hwy 90 to End of Pavement

(g) Pursuant to the Warrant Authorizing Law the City is authorized to issue its warrants, in order to refund outstanding indebtedness of the City and to finance the Capital Improvements.

(h) It is necessary, advisable and in the interest of the public that the City issue its General Obligation Refunding and Improvement Warrants, Series 2012 to refund the Series 2002 Warrants and the Series 2006 Warrants, to pay costs of the Capital Improvements and to pay costs of issuance and sale of such Warrants.

ARTICLE II

AUTHORIZATION, DESCRIPTION, EXECUTION, PAYMENT AND FORM OF THE WARRANTS

Section 2.1 Authorization of the Warrants. Pursuant to the applicable provisions of the constitution and laws of the State of Alabama, and for the purposes of refunding all of the Series 2002 Warrants and Series 2006 Warrants and paying the costs of issuance thereof, there is hereby authorized to be issued by the City $13,495,000 in aggregate principal amount of its General Obligation Refunding and Improvement Warrants, Series 2012.

Section 2.2 Description of the Warrants. The Warrants shall be issued only in fully registered form, without coupons, shall be dated as of April 1, 2012, shall be issued in principal amounts of $5,000 or any integral multiple thereof, and shall be numbered from R-1 upwards in the order of their issuance and delivery. The Warrants shall bear interest from date (or in the case of a Warrant registered in the name of a Holder on or after August 1, 2012 from the Interest Payment Date next preceding the date of such registration or, if the date of such registration is an Interest Payment Date, from the date of registration) at the rates shown below (calculated on the basis of a 360-day year of twelve 30-day months), payable on each February 1 and August 1 until payment of the principal amount thereof, beginning August 1, 2012 and, subject to the redemption provisions hereinafter set forth, shall mature on February 1 in the years and amounts as follows:

Year of Maturity	Maturing Amount	Interest Rate
2013	$ 385,000	2.000%
2014	450,000	2.000%
2015	460,000	2.000%
2016	465,000	2.000%
2017	470,000	2.250%
2018	485,000	2.000%
2019	495,000	2.000%
2020	505,000	2.250%
2021	515,000	2.500%
2022	525,000	2.750%
2023	545,000	3.000%
2024	555,000	3.000%
2025	570,000	3.250%
2026	590,000	3.250%
2027	605,000	3.250%
2028	625,000	3.500%
2029	655,000	3.500%
2030	670,000	3.600%
2031	700,000	4.000%
2032	720,000	4.000%

2033	590,000	4.000%
2034	615,000	4.000%
2035	635,000	4.000%
2036	665,000	4.000%

Section 2.3 Execution of the Warrants. The Warrants shall be executed in the name of the City by the manual or facsimile signatures of the Mayor of the City and its City Clerk inscribed or printed or otherwise reproduced thereon (it being herein provided that a condition to the validity of each Warrant is the manual execution on behalf of the Bank of the Registration Certificate endorsed on each Warrant). The Warrants shall be registered by the Treasurer of the City, in the records maintained by the Treasurer, as a claim against the City and the Warrant Fund, which registration shall be made simultaneously as to all the Warrants. The certificate of registration on each of the Warrants shall be executed by the manual or facsimile signature of the Treasurer of the City. The official seal of the City shall be impressed or printed or otherwise reproduced thereon and shall be attested by the aforementioned signature of the City Clerk. The said officers are hereby directed to cause the Warrants to be executed, sealed and registered in the manner provided by this section. Anything herein to the contrary notwithstanding, any assistant city clerk shall be empowered to execute any Warrant in the absence or unavailability of the City Clerk and any assistant treasurer of the City shall be empowered to execute any Warrant in the absence or unavailability of the Treasurer.

Section 2.4 Places and Medium of Payment of the Warrants. Principal of and interest on the Warrants shall be payable in lawful money of the United States of America. The principal of the Warrants shall be payable at the designated corporate trust agency office of the Bank, upon presentation and surrender of the Warrants as the same become due and payable. Interest on the Warrants shall be payable by check or draft mailed by the Bank to the lawful holders of the Warrants at the address shown on the registry books of the Bank pertaining to the Warrants as of the Record Date and shall be deemed timely made if so mailed on the Interest Payment Date (or if such Interest Payment Date is not a Business Day, on the Business Day next following such Interest Payment Date).

Section 2.5 Forms of the Warrants and Related Certificates. The Warrants, the certificate of registration thereof, the registration thereof as a claim against the Warrant Fund, and the form of assignment thereof shall be in substantially the following forms, with appropriate changes therein to conform to the applicable provisions hereof.

(Form of Series 2012 Warrant)

[FORM OF CAPTION FOR WARRANTS HELD IN BOOK ENTRY FORM]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-_____ $_____

UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF DAPHNE
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT WARRANT
SERIES 2012

MATURITY DATE	CUSIP NUMBER	INTEREST RATE

THE CITY OF DAPHNE, ALABAMA, a municipal corporation in the State of Alabama (the "City"), for value received, hereby acknowledges that it is indebted in the principal sum of

_____ DOLLARS

and hereby directs the Treasurer of the City to pay such principal sum to

_____

or registered assigns, on the maturity date specified above or such earlier date as this Warrant may be called for redemption, and to pay (but solely out of the Warrant Fund) interest on such principal sum from the date hereof (or in the case of a Warrant registered in the name of the registered Holder hereof on or after August 1, 2012, as evidenced by the Certificate of Registration attached hereto, from the Interest Payment Date next preceding the date of such registration or, if the date of such registration is an Interest Payment Date, from the date of registration), until such principal sum shall become due and payable, at the per annum rate of interest specified above. Interest shall be payable

on February 1 and August 1 in each year, beginning August 1, 2012 (each such date herein called an "Interest Payment Date"), and shall be computed on the basis of a 360-day year with 12 months of 30 days each. Interest shall be payable on overdue principal (and premium, if any) on this Warrant and (to the extent legally enforceable) on any overdue installment of interest on this Warrant at the rate borne hereby.

The interest so payable, and punctually paid or duly provided for, on any Interest Payment Date will, as provided in the Authorizing Ordinance hereinafter described, be paid to the person in whose name this Warrant is registered at the close of business on the 15th day of the month next preceding such Interest Payment Date.

The Warrants are being issued by means of a book-entry system with no physical distribution of warrant certificates to be made except as provided in the Authorizing Ordinance (as hereinafter defined). One warrant certificate, in the aggregate principal amount of each maturity of the Warrants, registered in the name of Cede & Co. as nominee of the DTC, is being issued and required to be deposited with DTC (or an authorized banking institution acceptable to DTC) and immobilized in its custody. The book-entry system will evidence ownership of the Warrants, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal, interest and any redemption premium payments to beneficial owners of the Warrants by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, and to participants or persons acting through such participants. While Cede & Co. is the registered owner of this Warrant, notwithstanding the provisions hereinabove contained, payments of principal, interest and any redemption premium on this Warrant will be made in accordance with the existing arrangements between the Paying Agent and DTC.

Subject to the foregoing paragraph, payment of interest on this Warrant due on each Interest Payment Date shall be made by check or draft mailed by the Paying Agent to the person entitled thereto at his address appearing in the Warrant Register maintained with respect to the Warrants. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date (or, if such Interest Payment Date is not a business day, on the business day next following such Interest Payment Date). Payment of the principal of (and premium, if any, on) this Warrant and payment of accrued interest on this Warrant due upon redemption shall be made only upon surrender of this Warrant at the designated corporate trust agency office of the hereinafter described Bank. Upon the terms and conditions provided in the Authorizing Ordinance, the Holder of any Warrant or Warrants in an aggregate principal amount of not less than $100,000 may request that payment of interest on such Warrant or Warrants be made by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for same-day funds that is acceptable to the Bank. All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts.

This Warrant is one of the duly authorized issue of warrants of the City, aggregating $13,495,000 in principal amount, entitled "General Obligation Refunding and Improvement Warrants, Series 2012" (the "Warrants") and issued under and pursuant to an ordinance duly adopted by the governing body of the City (the "Authorizing Ordinance") and the constitution and laws of the State of Alabama, including particularly Section 4, Chapter 81, and Section 2, Chapter 47, of Title 11 of the Code of Alabama, 1975. Capitalized terms not otherwise defined herein shall have the meanings assigned in the Authorizing Ordinance.

The Authorizing Ordinance provides that The Bank of New York Mellon Trust Company, N.A. (the "Bank"), will serve as Paying Agent and Registrar with respect to the Warrants unless and until a successor is appointed pursuant to the terms and conditions of the Authorizing Ordinance. For purposes of this Warrant and the Authorizing Ordinance, the principal office of the Bank shall mean the office where the Bank maintains its designated corporate trust agency office, as shall be designated by the Bank by written notice to the City and the Holders of the Warrants.

The indebtedness evidenced by the Warrants is a general obligation of the City for the payment of which the full faith and credit of the City have been irrevocably pledged, pro rata and without preference or priority of one Warrant over another.

Pursuant to the Authorizing Ordinance, the City has established a special fund for the payment of debt service on the Warrants (the "Warrant Fund") that will be held by the Bank. The City has obligated itself to pay or cause to be paid into the Warrant Fund from the taxes, revenues or other funds of the City sums sufficient to provide for the payment of debt service on the Warrants as the same becomes due and payable.

The Warrants maturing on February 1, 2036 will be subject to mandatory redemption prior to maturity (the particular Warrant or portions thereof to be selected by lot) at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the date of redemption, in the principal amount and on the dates set forth below (the 2036 amount to be paid rather than redeemed):

February 1 of the Year	Principal Amount
2031	$700,000
2032	$720,000
2033	$590,000
2034	$615,000
2035	$635,000
2036	$665,000

The Warrants, maturing on or after February 1, 2020 are subject to redemption prior to their maturity, at the option of the City, in whole or in part, on February 1, 2019, and on any date thereafter (in principal amounts of $5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be

redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Written notice of the call for redemption of this Warrant (or portion of the principal thereof) shall be forwarded by registered or certified mail to the registered owner hereof, not less than thirty (30) or more than sixty (60) days prior to the date fixed for redemption. In the event that less than all the outstanding principal of this Warrant is to be redeemed, the registered Holder hereof shall surrender this Warrant to the Bank in exchange for a new Warrant of like tenor herewith except in a principal amount equal to the unredeemed portion hereof. Upon the giving of notice of redemption in accordance with the provisions of the Authorizing Ordinance, the Warrants (or principal portions thereof) so called for redemption and prepayment shall become due and payable on the date specified in such notice, anything herein or in the Authorizing Ordinance to the contrary notwithstanding, and the Holders thereof shall then and there surrender them for payment, and all future interest on the Warrants (or principal portion thereof) so called for prepayment shall cease to accrue after the date specified in such notice, whether or not the Warrants are so presented.

This Warrant is transferable by the registered holder hereof, in person or by authorized attorney, only on the books of the Bank, as Registrar and Transfer Agent of the City, and only upon surrender of this Warrant to such Registrar for cancellation, and upon any such transfer a new Warrant of like tenor herewith will be issued to the transferee in exchange therefor, all as more particularly described in the Authorizing Ordinance. Each Holder hereof, by receiving or accepting this Warrant, shall consent and agree and shall be estopped to deny that this Warrant may be transferred only in accordance with the provisions of the Authorizing Ordinance. Provision is also made in the Authorizing Ordinance for the exchange of Warrants for a like aggregate principal amount and in authorized denominations, all upon the terms and subject to the conditions set forth in the Authorizing Ordinance.

The Registrar shall not be required to transfer or exchange this Warrant during the period of fifteen (15) days next preceding any interest payment date; and, in the event that this Warrant (or any principal portion hereof) is duly called for redemption and prepayment, the Registrar shall not be required to register or transfer this Warrant during the period of forty-five (45) days next preceding the date fixed for such redemption and prepayment.

Registration, transfer and exchange of Warrants, other than to replace mutilated, lost, stolen or destroyed Warrants, shall be without expense to the Holder or transferee, but the Holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange.

It has been ascertained and found, and it is hereby certified and recited, that all conditions, actions and things required by the constitution and laws of Alabama to exist, be performed or happen precedent to or in the issuance of this Warrant and the creation of the indebtedness evidenced and ordered paid hereby exist, have been performed and have happened, that such indebtedness has been registered as a claim against the Warrant Fund and is lawfully due without condition, and that the

indebtedness evidenced and ordered paid by this Warrant, together with all other indebtedness of the City, was when incurred and is now within every debt and other limit prescribed by the constitution and laws of Alabama.

Unless the Registration Certificate hereon has been executed by the Bank, as Registrar for the Warrants, by manual signature, this Warrant shall not be entitled to any benefit under the Authorizing Ordinance or be valid or obligatory for any purpose.

IN WITNESS WHEREOF, the City has caused this Warrant to be executed in its behalf by the Mayor and by the City Clerk of the City, each of whom have caused their facsimile signatures to be hereunto imprinted, has caused the official seal of the City to be imprinted hereon, and has caused this Warrant to be dated April _____, 2012.

CITY OF DAPHNE, ALABAMA

(SEAL)

By_____
Its Mayor

ATTEST:

By_____
City Clerk

* * * * * * *

(Form of Registration as Claim against Warrant Fund)

I hereby certify that this Warrant has been registered by me as a claim against the Warrant Fund referred to in this Warrant.

_____
Treasurer of the
City of Daphne, Alabama

[Form of Registration Certificate]

This Warrant was registered in the name of the above-registered owner on the date hereinafter set forth.

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

By_____
Its Authorized Officer

DATE OF REGISTRATION: _____

(Form of Assignment)

For value received _____ hereby sell(s), assign(s) and transfer(s) unto _____ the within Warrant and hereby irrevocably constitute(s) and appoint(s), attorney, with full power of substitution in the premises, to transfer the Bond on the books of the within mentioned Bank.

Dated this the ____ day of _____, ____.

_____

NOTE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Warrant in every particular, without alteration, enlargement or change whatsoever.

Signature guaranteed:
(Bank, Trust company or Firm)

By: _____
(Authorized Officer)

Its Medallion Number _____
Signature(s) must be guaranteed by an eligible guarantor institution which is a member of a recognized signature guarantee program, i.e., Securities Transfer Agents Medallion Program (STAMP), Stock Exchanges Medallion Program (SEMP), or New York Stock Exchange Medallion Signature Program (MSP)

ARTICLE III

FURTHER PROVISIONS WITH RESPECT TO WARRANTS

Section 3.1 Home Office Payment Agreement. Upon the written request of the Holder of any Warrant or Warrants in an aggregate principal amount of not less than $100,000, the Bank will make payment of interest due on such Warrant or Warrants upon any Interest Payment Date by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for payment in same-day funds that is acceptable to the Bank, provided that payment of the principal of and redemption premium (if any) on such Warrant or Warrants shall be made only upon surrender of such Warrant or Warrants to the Bank, as Paying Agent.

Section 3.2 Interest After Payment Due Date. The Warrants, any premiums thereon and, to the extent legally enforceable, overdue installments of interest thereon, shall bear interest after the maturity dates thereof or such earlier date as they may be called for redemption, until paid or until money sufficient for the payment thereof shall have been deposited for that purpose with the Bank, at the respective rates borne thereby.

Any provision hereof to the contrary notwithstanding, Overdue Interest shall not be payable to the Warrant Holder solely by reason of such Warrant Holder having been the Holder on the Record Date next preceding the Interest Payment Date on which such interest became due and payable, but shall be payable by the Bank as follows:

(a) Not less than ten (10) days following receipt by the Bank of immediately available funds in an amount sufficient to enable the Bank to pay all Overdue Interest, the Bank shall fix an Overdue Interest Payment Date for payment of such Overdue Interest, which date shall be not more than twenty (20) days following the expiration of the ten-day period after receipt of funds by the Bank;

(b) Overdue Interest shall be paid by check or draft mailed by the Bank to the persons in whose names the Warrants were registered in the registry books of the Bank pertaining to the Warrants on the Overdue Interest Payment Date.

Payment of Overdue Interest in the manner herein prescribed to the persons in whose names the Warrants were registered on the Overdue Interest Payment Date shall fully discharge and satisfy all liability for the same.

Section 3.3 Temporary Certificates. Pending the preparation of definitive Warrants the City may execute, and upon request of the City, the Bank shall register and deliver, temporary certificates which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any authorized denomination, substantially of the tenor of the definitive Warrants in lieu of which they are issued, but numbered from R-1 upwards, without other identification numbers, and with

such other appropriate insertions, omissions, substitutions and other variations as the officers executing such temporary certificates may determine, as evidenced by their execution of such temporary certificates.

Any such temporary certificates shall be executed by the manual signatures of the appropriate officers of the City as required in Article II of this Ordinance and be executed and attested by the City Clerk. All such temporary certificates shall have impressed thereon the seal of the City.

If temporary Warrants are issued, the City will cause definitive Warrants to be prepared without unreasonable delay. After the preparation of definitive Warrants, the temporary Warrants shall be exchangeable for definitive Warrants upon surrender of the temporary Warrants at the principal office of the Bank, without charge to the Holder. Upon surrender for cancellation of any one or more temporary Warrants the City shall execute and the Bank shall authenticate and deliver in exchange therefor a like principal amount of definitive Warrants of like tenor, and in authorized denominations. Until so exchanged, temporary Warrants shall in all respects be entitled to the security and benefits of this Ordinance.

Section 3.4 Payments Due on a Day Other Than a Business Day. If any payment on the Warrants is due on a day which is not a Business Day, such payment shall be made on the first succeeding date which is a Business Day with the same effect as if made on the day such payment was due.

Section 3.5 Book Entry System. The City may from time to time enter into, and discontinue, an agreement with a "clearing agency" (securities depository) registered under Section 17A of the Securities Exchange Act of 1934, as amended (a "Securities Depository"), which is the owner of the Warrants, to establish procedures with respect to the Warrants, not inconsistent with the provisions of this Ordinance; provided, however, that any such agreement may provide:

(a) that such Securities Depository is not required to present a Warrant to the Paying Agent in order to receive partial payment of principal;

(b) that a legend shall appear on each Warrant so long as the Warrants are subject to such agreement; and

(c) that different provisions for notice to such Securities Depository may be set forth therein.

So long as an agreement with a Securities Depository is in effect, the City, the Bank and any paying agent or bond registrar shall not have any responsibility or liability with respect to the payment of principal, purchase price, premium, if any, or interest on the Warrants to the Beneficial Owners or for maintaining, supervising or reviewing any records relating to such beneficial ownership interests or any payments made to such Beneficial Owners.

ARTICLE IV

GENERAL OBLIGATION; PROVISION FOR PAYMENT OF OBLIGATIONS

Section 4.1 General Obligation. The indebtedness evidenced by the Warrants is and shall be a general obligation of the City and the full faith and credit of the City are hereby irrevocably pledged to the payment of the principal thereof and interest thereon.

Section 4.2 Continued Levy of Taxes; Maintenance of Warrant Fund. The City agrees that, so long as the principal of or interest on any of the Warrants remains unpaid, the City will annually levy and collect taxes, insofar as such taxes may be permitted by the present or any future provisions of the Constitution of Alabama, in such amounts as may be necessary to provide for the payment of the principal of and interest on the Warrants. The City further agrees that so long as the principal of or interest on any of the Warrants remains unpaid it will deposit in the Warrant Fund with respect to such Warrants, not later than the 25th day of the month next preceding an Interest Payment Date, an amount which, when added to the amounts then on deposit in such Warrant Fund, will equal the principal, interest and redemption premium (if any) to come due with respect to the Warrants on such Interest Payment Date.

Section 4.3 Provision for Payment. (a) If the principal of and interest and redemption premium (if any) on the Warrants is paid in accordance with the terms thereof and this Ordinance, then all covenants, agreements and other obligations of the City to the Holders of such Warrants shall thereupon cease, terminate and become void and be discharged and satisfied. In the event the Warrants are so paid the Bank shall pay to the City any surplus remaining in the Warrant Fund.

(b) Warrants shall, prior to the maturity or redemption date thereof, be deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section 4.3 if

(1) the City and the Bank (or another bank acting as trustee) enter into an appropriate trust agreement under which there shall be deposited, for payment or redemption of such Warrants and for payment of the interest to accrue thereon until maturity or redemption, and any redemption premium thereon, Government Obligations and cash or any combination of cash and Government Obligations which, together with the income to be derived from such, will produce monies sufficient to provide for the payment, redemption and retirement of such Warrants as and when the same become due;

(2) the City shall have adopted all necessary proceedings providing for the redemption of any such Warrants that are required to be redeemed prior to their respective maturities and shall have instructed the Bank

or other trustee under the aforesaid trust agreement to provide such notices of redemption as are required under this Ordinance;

(3) the City and the Bank shall have been furnished with an opinion of nationally recognized bond counsel to the effect that the creation of any such trust will not result in subjecting to federal income taxation the interest on any of the Warrants that are to be paid in accordance with such trust; and

(4) the City and the Bank shall have been furnished a certificate of a firm of certified public accountants satisfactory to the Bank stating that such trust will produce monies sufficient to provide for the full payment and retirement of such Warrants as and when the principal of and interest and redemption premium (if any) on such Warrants shall come due.

ARTICLE V

REDEMPTION PROVISIONS

Section 5.1 Mandatory Redemption. The Warrants having a stated maturity on February 1, 2036, will be subject to mandatory redemption prior to maturity (the particular Warrant or portions thereof to be selected by lot) at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the date of redemption, in the principal amount and on the dates set forth below (the 2036 amount to be paid rather than redeemed):

February 1 of the Year	Principal Amount
2031	$700,000
2032	$720,000
2033	$590,000
2034	$615,000
2035	$635,000
2036	$665,000

Section 5.2 Optional Redemption. The Warrants, maturing on or after February 1, 2020 are subject to redemption prior to their maturity, at the option of the City, in whole or in part, on February 1, 2019, and on any date thereafter (in principal amounts of $5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Section 5.3 <u>Procedure for Redemption; Resolution Authorizing Redemption</u>. Not more than sixty (60) or less than thirty (30) days prior to the Redemption Date, the City (or the Bank on behalf of the City) shall give, or cause to be given, written notice of such redemption and prepayment by United States mail, registered or certified, to the Holders of each of the Warrants to be redeemed, in whole or in part, at the address of such registered Holder as such address appears on the registry books of the Registrar, stating that the Warrants (or principal portions thereof) have been called for redemption and will become due and payable at the Redemption Price, on a specified Redemption Date and that all interest thereon will cease to accrue after the Redemption Date. The holders of any of the Warrants to be redeemed may waive the requirements for notice with respect to the Warrants held by them without affecting the validity of the call for redemption of any other Warrants. The City shall cause to be paid and made available at the office of the Bank, on or prior to the Redemption Date, the total Redemption Price of the Warrants (or portions thereof) so called for redemption on such date. Out of the moneys so deposited with it, the Bank shall make provision for payment of the Warrants (or principal portions thereof) so called for redemption at the Redemption Price and on the Redemption Date.

In addition to the foregoing notice, further notice shall be given by the City to all registered securities depositories and to one or more national information services that disseminate notices of redemption of obligations such as the Warrants. No defect in the further notice required in this paragraph, and no failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as described in the first paragraph of this Section 5.3.

Any optional redemption or prepayment of the Warrants or any portion thereof shall be effected upon a call by the City, as evidenced by a resolution of the Council, for redemption and prepayment of the Warrants to be so redeemed. Any such resolution pertaining to the Warrants shall state (i) that the City is not in default in the payment of the principal of or interest on any of the Warrants to be redeemed or (ii) that all of the Warrants then outstanding are to be retired on the Redemption Date.

Section 5.4 <u>Result of Redemption of Warrants</u>. Upon compliance with the requirements set forth in this Article V, and if the City is not on the Redemption Date in default in the payment of the principal of or interest on the Warrants, the Warrants (or principal portions thereof) called for redemption shall become due and payable at the Redemption Price and on the Redemption Date specified in the notice provided for in Section 5.3, and the Holders thereof shall then and there surrender them for redemption; provided, however, that in the event that less than all of the outstanding principal of any Warrant is to be redeemed, the registered Holder thereof shall surrender the Warrant that is to be prepaid in part to the Bank in exchange, without expense to the Holder, for a new Warrant of like tenor except in a principal amount equal to the unredeemed portion thereof. All future interest on the Warrants (or principal portions thereof) so called for redemption shall cease to accrue after the Redemption Date.

ARTICLE VI

REGISTRATION AND TRANSFER OF THE WARRANTS

Section 6.1 Registration and Transfer of the Warrants. The Warrants shall be registered as to both principal and interest. Each Warrant shall have endorsed thereon a registration certificate substantially in the form provided in Section 2.5 hereof, and a condition to the validity of each Warrant shall be the manual execution of such certificate on behalf of the Bank. The Bank is hereby appointed as the Registrar and Transfer Agent for the Warrants, and shall be authorized to keep at its designated corporate trust agency office, proper registry books in which it shall register the Warrants, as to both principal and interest, noting the registry on the Warrants so presented. Such registration shall conclusively designate the Warrant Holder as the sole person to whom or on whose order the payment of the principal of and interest on the Warrants so registered may be made. After such registration no transfer of a Warrant so registered shall be valid unless it is presented at the said office with written power to transfer, properly stamped if required, in form and with guaranty of signature satisfactory to the Registrar, and such new registration noted thereon by the Registrar. The Registrar shall not be required to transfer or exchange such Warrant during the period of fifteen (15) days next preceding any interest payment date. If any Warrant shall be duly called for redemption pursuant to the provisions hereof, the Registrar shall not be required to transfer such Warrant during the period of sixty (60) days next preceding the date fixed for its redemption.

Section 6.2 Exchange of Warrants. Upon request of the Holder of any Warrant, the City shall execute, and the Bank shall register and deliver, upon surrender to the Bank of the Warrant or Warrants, in exchange therefor, a Warrant or Warrants of the same tenor in different authorized principal amounts (of $5,000 or integral multiples thereof), together aggregating the same principal amount as the then unpaid principal of the Warrant or Warrants so surrendered, all as may be requested by the persons surrendering such Warrant or Warrants.

Section 6.3 Costs of Registration, Transfer and Exchange. The registration, transfer and exchange of Warrants (other than pursuant to Section 6.5 hereof) shall be without expense to the Holder or transferee. In every case involving a transfer, registration or exchange, such Holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange.

Section 6.4 Effect of Registration. The City, the Registrar, and the Paying Agent may deem and treat the person in whose name a Warrant is registered on the books of the Registrar as the absolute owner thereof for all purposes; they shall not be affected by notice to the contrary; and all payments by any of them to the person in whose name a Warrant is registered shall, to the extent of such payment, fully discharge all liability thereof.

Section 6.5 Replacement of Mutilated, Lost, Stolen or Destroyed Warrants. In the event that any Warrant is mutilated, lost, stolen or destroyed, the City may execute and deliver a new Warrant of like tenor as that mutilated, lost, stolen or destroyed; provided, that (a) in the case of any such mutilated Warrant, such Warrant is first surrendered to the City and the Bank, and (b) in the

case of any such lost, stolen or destroyed Warrant, there is first furnished to the City and the Bank evidence of such loss, theft or destruction satisfactory to each of them, together with indemnity satisfactory to each of them. The City may charge the Holder with the expense of issuing any such new Warrant.

Section 6.6 **Provisions with Respect to Bank.** (a) Appointment of Bank and Acceptance of Duties. The Bank is herein designated and appointed and shall act as registrar, transfer agent and payment agent with respect to the Warrants. By its acceptance of such duties hereunder, the Bank shall accept and agree to perform the duties required by this Ordinance, subject, however, to the following conditions:

(i) The Bank shall undertake to perform such duties and only such duties as are specifically set forth in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Bank.

(ii) In the absence of bad faith or negligence on its part, the Bank may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed therein, upon certificates or opinions furnished to the Bank and conforming to the requirements of this Ordinance; provided, however, that in the case of any such certificates or opinions which by any provision hereof are specifically required to be furnished to the Bank, the Bank shall be under a duty to examine the same to determine whether or not they conform to the requirements of this Ordinance.

(iii) The Bank shall not be answerable for other than its gross negligence or willful default and the Bank may act through its agents and attorneys with respect to any of its duties hereunder.

(iv) No provision of this Ordinance shall be construed to relieve the Bank from liability for its own gross negligence or willful misconduct, except that no provision of this Ordinance shall require the Bank to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.

(v) The Bank may consult counsel on any matters connected herewith and shall not be answerable for any action taken or failure to take any action in good faith on the advice of counsel, provided that its action or inaction is not contrary to any express provision hereof.

(vi) The Bank need not recognize a Holder of a Warrant as such without the satisfactory establishment of his title to such Warrant.

(vii) Any action taken by the Bank at the request of and with the consent of the Holder of a Warrant will bind all subsequent Holders of the same Warrant and any Warrant

issued hereunder in lieu thereof.

(viii) The Bank may be a Holder or a pledgee of any of the Warrants as if not Bank hereunder.

(ix) The Bank shall not be liable for the proper application of any moneys other than those that may be paid to or deposited with it.

(x) The Bank shall not be liable to pay or allow interest on any moneys to be held by it under this Ordinance or otherwise to invest any such moneys, except as specifically required by this Ordinance or as may be required by law or other written agreement between the City and the Bank.

(xi) The Bank may make any investments permitted or required hereby through its own investment department, and any Eligible Investments issued or held by it hereunder shall be deemed investments and not deposits.

(xii) The Bank shall, upon reasonable written request, inform the City of the amount at the time on deposit in any of the special funds or accounts created hereunder.

(xiii) The recitals of fact herein and in the Warrants are statements by the City and not by the Bank, and the Bank is in no way responsible for the validity or security of the Warrants or the validity of the security afforded hereby.

(b) Resignation by Bank. The Bank and any successor Bank may resign and be discharged from the duties under this Ordinance by causing written notice specifying the effective date, postage prepaid, to the City and to every Holder of a Warrant. Unless the effective date of the Bank's resignation shall coincide with the appointment of a successor Bank by the Holders of the Warrants as herein provided, such date shall be at least sixty (60) days after the date on which notice to the City and the Holders of the Warrants shall have been mailed.

(c) Removal of Bank. The Bank may be removed at any time by an instrument or concurrent instruments in writing delivered to the Bank and to the City and signed by the Holders of a majority in aggregate principal amount of the Warrants then outstanding.

(d) Appointment of Successor Bank; Interim Bank. In case the Bank shall resign, be removed, be dissolved, be in course of dissolution of liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, a successor may be appointed by Holders of a majority in aggregate principal amount of Warrants then outstanding through an instrument or concurrent instruments in writing signed by such Holders. In case of any such resignation or event which causes the Bank to be incapable of acting, the City, by an instrument signed by the Mayor, shall appoint an interim Bank to serve until a successor Bank shall be appointed by the Holders of a majority in aggregate principal amount of the Warrants, as provided above. Whenever necessary to avoid or fill a vacancy in the office of Bank, the City will appoint an interim Bank in order that there shall at all times be a Bank

hereunder. Any interim Bank so appointed by the City shall immediately and without further act be superseded by the Bank appointed by the holders of the Warrants.

The City shall cause notice of the appointment of an interim Bank, in the event that such an appointment is made, to be forwarded by United States registered or certified mail, postage prepaid, to every Holder of a Warrant. When the appointment of a successor Bank, as selected by the Holders of a majority in principal amount of the Warrants then outstanding, becomes effective, the City shall also cause notice of that fact to be given in the manner provided above for the notice required to be given upon the appointment of an interim Bank. Every interim or successor Bank appointed pursuant to this Section shall be a trust company or bank which is qualified to perform all duties of the Bank under this Ordinance and which has, at the time of its acceptance of such appointment, capital, surplus and undivided profits of not less than $25,000,000, if there be such an institution willing, qualified and able to accept appointment as Bank upon reasonable or customary terms.

(e) Concerning any Successor Bank. Every successor Bank shall execute, acknowledge and deliver to its predecessor and also to the City an instrument in writing accepting its appointment as Bank hereunder, and thereupon such successor Bank, without any further act, deed or conveyance, shall become fully vested with all the rights, powers and duties of its predecessor. Such predecessor shall nevertheless, on the written request of the City or such successor Bank, execute and deliver an instrument transferring to such successor Bank all rights, powers and interests of such predecessor hereunder; and every predecessor Bank shall deliver all securities and moneys held by it as Bank hereunder to its successor.

(f) Merger or Consolidation of Bank. Any corporation into which the bank may be merged or with which it may be consolidated, or any corporation resulting from any merger or consolidation to which the Bank shall be a party, or any corporation succeeding to all or substantially all of the corporate trust business of the Bank, shall be the successor of the Bank hereunder, without the execution or filing of any paper or any further act on the part of any of the parties hereto. In case the registration certificates with respect to any Warrants shall have been executed by the Bank then in office, any successor by merger or consolidation to such Bank may adopt the registration of such Warrants and deliver such Warrants with the same effect as if such successor Bank had itself registered such Warrants.

(g) Compensation of Bank. Subject to the provisions of any separate agreement with the Bank, the City shall pay to the Bank from time to time reasonable compensation for all services rendered by it under this Ordinance, including its services as registrar and paying agent for the Warrants, and also all its reasonable expenses, charges, counsel fees, costs and expenses and other disbursements and those of its attorneys, agents and employees, incurred in and about the performance of its duties hereunder.

(h) Extraordinary Expenses. If the Bank is required by a governmental agency or court proceeding initiated by a third party to undertake efforts beyond that which is set forth herein but related thereto (other than due to the Bank's negligence or willful misconduct), the Bank shall notify the City of the same in writing and the City shall promptly pay the Bank for such extraordinary fees,

costs and expenses (including reasonable attorney's fees, costs and expenses) reasonably and necessarily incurred in connection therewith.

ARTICLE VII

EXECUTION AND DELIVERY OF THE WARRANTS; APPROVAL OF SALE; USE OF PROCEEDS THEREFROM

Section 7.1 Authority to Execute and Deliver the Warrants. The Mayor of the City, the City Clerk and the Treasurer are hereby authorized and directed to cause the Warrants to be executed, sealed, attested and registered as a claim against the City and the Warrant Fund as provided herein and delivered to the purchaser thereof upon payment to the City of the sale price therefor.

Section 7.2 Application of Proceeds of Sale; Additional Sums. The gross proceeds derived from the sale of the Warrants shall be used solely for the following purposes:

(i) The amount of $19,849.03, which represents accrued interest on the Warrants to the date of their delivery, shall be deposited in the Warrant Fund and applied for payment of the interest coming due on the next Interest Payment Date;

(ii) The amount of $65,000.00 shall be deposited with Regions Bank in the Issuance Expense Fund and applied for the purposes described in Section 8.1.

(iii) The amount of $2,140,087.87 shall be paid to the Escrow Agent and deposited into the 2002 Escrow Fund created under the Escrow Trust Agreement to provide for the refunding of the Series 2002 Warrants.

(iv) The amount of $9,395,322 shall be paid to the Escrow Agent and deposited into the 2006 Escrow Fund created under the Escrow Trust Agreement to provide for the refunding of the Series 2006 Warrants.

(v) The remaining amount of proceeds shall be deposited with Regions Bank, as depository, in the Capital Improvements Account and applied for the purposes described in Section 8.2.

ARTICLE VIII
CREATION OF ISSUANCE EXPENSE FUND, CAPITAL IMPROVEMENT ACCOUNTAND WARRANT FUND; COVENANTS WITH RESPECT TO WARRANT PROCEEDS

Section 8.1 **Issuance Expense Account**. There is hereby created a special fund of the City designated the "Series 2012 Warrant Issuance Expense Account" (herein called the "Issuance Expense Account") which shall be maintained until the costs and expenses incurred by the City in connection with the issuance and sale of the Warrants shall be paid in full. Regions Bank shall be the depository for the Issuance Expense Account.

Simultaneously with the issuance and delivery of the Warrants, the City shall deposit or cause to be deposited into the Issuance Expense Account, out of proceeds derived from the sale of the Warrants, an amount equal to the amount required for payment of the expenses of issuing the Warrants. The City will apply the moneys deposited into the Issuance Expense Account solely for payment of the expenses of issuing the Warrants, as and when such expenses become due and payable.

The Mayor, the Finance Director or any other person designated in writing by the Mayor or the Finance Director, are hereby authorized and directed to cause the said expenses to be paid, as promptly as may be feasible following the closing of the sale of the Warrants, and to make withdrawals from the Issuance Expense Account for the said purpose. In the event that the moneys deposited into or transferred into the Issuance Expense Fund are not sufficient to pay all expenses of issuing the Warrants, the Mayor is hereby authorized and directed to pay, out of any funds of the City available therefor, the balance of the expenses of issuing the Warrants. Any amount remaining in the Issuance Expense Account after the City certifies that all issuance expenses have been paid in full, but in no event later than sixty days after the date of delivery of the Warrants, shall be transferred and deposited into the Capital Improvements Account.

Section 8.2 **Capital Improvements Account**. There is hereby created a special account the full name of which shall be the "2012 Capital Improvements Account." The 2012 Capital Improvements Account shall be maintained as a separate account until the moneys in said account shall have been fully expended as hereinafter provided. Except as hereinafter provided, the City will apply the moneys in the 2012 Capital Improvements Account solely for payment of the costs of the Capital Improvements described in Section 1.3(f) hereof. Regions Bank shall be the depository for the 2011 Capital Improvements Account.

The Mayor, the Finance Director or any other person designated in writing by the Mayor or the Finance Director, are hereby authorized and directed to make withdrawals from the 2012 Capital Improvements Account for the purpose of paying the costs of the Capital Improvements described in Section 1.3(f) hereof, and to make any transfer that may be made pursuant to the succeeding sentence of this Section. The City shall have the right to supplement or revise the list of Capital Improvements described in Section 1.3(f) hereof to be paid from proceeds of the Warrants by resolution or ordinance; provided, that no revisions or addition to the Capital Improvements as herein

approved shall adversely affect the excludability of interest on the Warrant for federal income tax purposes.

Section 8.3 Warrant Fund. There is hereby created a special account, the full name of which shall be the "City of Daphne Warrant Fund, 2012." The Warrant Fund shall be maintained as a separate fund until payment in full of the principal of and interest on the Warrants. The Bank is hereby designated as the custodian of the Warrant Fund.

On or before the 25th day of the month next preceding any Interest Payment Date, the City shall deposit into the Warrant Fund an amount which, when added to the amounts already on deposit therein, will be sufficient to provide for the payment of all principal of and interest and redemption premium on the Warrants coming due on such Interest Payment Date. Monies deposited in the Warrant Fund shall be used by the Bank for the payment of principal, interest and redemption premium (if any) on, the Warrants, and for no other purpose until the payment in full of the Warrants.

Section 8.4 Investment of Moneys in Accounts. Pending the expenditure of moneys in the Warrant Fund for any other purpose, the City shall have the privilege at any time and from time to time of investing and reinvesting, or causing to be invested and reinvested, all or part of the moneys at any time on deposit in such account, in Government Obligations or in money market funds of the Bank consisting of Government Obligations. Pending the expenditure of moneys in the Issuance Expense Account and the Capital Improvements Account for any other purpose, the City shall have the privilege at any time and from time to time of investing and reinvesting, or causing to be invested and reinvested, all or part of the moneys at any time on deposit in such account in Government Obligations, money market funds of the Bank consisting of Government Obligations, or certificates of deposit issued by banks or trust companies having at the time of the deposit combined capital, surplus and undivided profits of not less than $5,000,000.

The Bank is hereby directed to invest and reinvest such amounts promptly upon receipt of, and in accordance with, the written instructions of the City. The Bank may conclusively rely upon the City's written instructions as to both the suitability and legality of the directed investments. In the absence of written investment instructions from the City, the Bank shall not be responsible or liable for keeping the moneys held by it hereunder fully invested. The Bank shall not be liable for any losses from such directed investments.

Section 8.5 Security for Funds. Any money on deposit in any fund or account or held by the Bank pursuant to this Ordinance shall, unless invested as provided herein or secured by the Federal Deposit Insurance Corporation (or any successor agency of the United States of America) or under the State of Alabama Security for Alabama Funds Enhancement Program, be secured for the benefit of the City and the Holders by holding on deposit as collateral security direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America, or other marketable securities eligible as security for the deposit of public funds under the regulations of the Comptroller of the Currency, having a market value (exclusive of accrued interest) not less than the amount of money being secured.

Section 8.6 <u>Covenants with Respect to Exemption of Interest from Federal Income Taxation; Non-Arbitrage Covenant</u>. The City acknowledges and agrees that the Warrants are to be issued in compliance with the conditions necessary for the interest income thereon to be exempt from federal income taxation pursuant to the relevant provisions of the Code. The City hereby covenants and agrees as follows:

(a) It will not use or apply the proceeds of the Warrants or direct the investment of moneys in any funds or accounts established or maintained with respect to the Warrants in such manner as to constitute any Warrant an "arbitrage bond" within the meaning of Section 148 of the Code;

(b) It will make timely rebate payments to the United States of America with respect to any "excess" arbitrage profits as required by Section 148(f) of the Code;

(c) It will maintain all records required by Section 148(f) of the Code and the applicable regulations thereunder and shall furnish such data or information regarding compliance with Section 148(f) of the Code as any Holder shall reasonably request in writing, which records shall be furnished to any Holder upon its request;

(d) It will, within 60 days after a written request of the Bank therefor, furnish to the Bank and to any Holder a certificate by an independent certified public accountant or opinion of nationally recognized bond counsel stating that as of such date it had made all rebate payments to the United States of America necessary to prevent the Warrants from becoming "arbitrage bonds" under Section 148(f) of the Code;

(e) It will comply with the terms of the City's Tax Certificate and Agreement with regard to use of proceeds of the Warrants in any private business use; payment of the Warrants shall not be secured by, or derived from, property used in a private business use; proceeds of the Warrants shall not be used to make or finance loans to persons other than governmental units; and proceeds of the Warrants shall not be used in any manner that would cause the Warrants to be or become private activity bonds, as defined in Section 141 of the Code;

(f) It will not cause or permit the Warrants to be federally guaranteed, within the meaning of Section 149(b) of the Code; and

(g) It will not in any other way cause or permit the proceeds of the Warrants to be used in a manner which would cause the interest on the Warrants to lose the exemption from federal income taxation as provided under the Code and the applicable regulations thereunder and will comply with all applicable provisions of the Code (including, without limitation, the provisions relating to post-issuance actions affecting tax exemption) to the extent necessary for interest on the Warrants to be excludable from gross income of the holders thereof.

(h) It has in place procedures providing for compliance with each of the matters described above and for keeping records with respect to such compliance.

ARTICLE IX

APPROVAL OF OFFICIAL STATEMENT; AUTHORIZATION OF CONTINUING DISCLOSURE AGREEMENT; AUTHORIZATION OF DISCLOSURE DISSEMINATION AGREEMENT; APPROVAL OF ESCROW TRUST AGREEMENT; APPROVAL OF SALE; MISCELLANEOUS PROVISIONS

Section 9.1 Approval of Official Statement. An official statement with respect to the Warrants, in substantially the form presented at the meeting at which this Ordinance is adopted, is hereby approved, and the Mayor of the City is hereby authorized and directed to sign an official statement on behalf of the City in substantially the form herein approved, with such changes therein and additions thereto as shall be necessary to conform to the provisions of this Ordinance authorizing the Warrants and such other changes and additions as the Mayor of the City shall deem necessary and appropriate. The preparation and distribution of such official statement on behalf of the City by Gardnyr Michael Capital, Inc. is hereby ratified and approved and such Official Statement is hereby deemed final within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission. The final official statement shall be in substantially the same form as the official statement herein approved, with such additions, insertions, omissions or other changes as may be approved by the Mayor of the City and the execution of the final official statement by the Mayor of the City as hereby authorized shall be conclusive evidence of any such approval.

Section 9.2 Authorization of Continuing Disclosure Agreement. Upon delivery of the Warrants to the purchaser thereof, the Mayor and Finance Director of the City are hereby authorized

and directed to execute and deliver for and on behalf of the City, the Continuing Disclosure Agreement in substantially the form presented at the meeting of the Council at which this Ordinance is adopted. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Agreement shall not be considered a default hereunder or with respect to the Warrants; provided, however, any Holder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section 9.4. For purposes of this Section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Warrants (including persons holding Warrants through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Warrants for federal income tax purposes.

Section 9.3 Authorization of Disclosure Dissemination Agreement. Upon the delivery of the Warrants to the purchaser thereof, the Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver for an on behalf of the City, the Disclosure Dissemination Agreement in substantially the form presented at the meeting of the Council at which this Ordinance is adopted.

Section 9.4 Authorization of Escrow Trust Agreements. Upon the delivery of the Warrants to the purchaser thereof, the Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver for an on behalf of the City, the 2002 Escrow Trust Agreement and the 2006 Escrow Trust Agreement, each in substantially the form presented at the meeting of the Council at which this Ordinance is adopted. The Bank of New York Mellon Trust Company, N.A., as the Escrow Trustee under the 2002 Escrow Trust Agreement and the 2006 Escrow Trust Agreement, is authorized and directed to cause the money's held by it thereunder to be invested in the manner specified therein.

Section 9.5 Sale of Warrants. The City does hereby approve (i) the sale of the Warrants to Gardnyr Michael Capital, Inc. at a purchase price of $13,169,582.13, which amount reflects an underwriter's discount of $121,455.00 and original issue discount of $223,811.90, plus accrued interest from April 1, 2012 to the date of delivery, and (ii) the execution of the Purchase Agreement dated March 29, 2012 between the City and Gardnyr Michael Capital, Inc. in the form presented at the meeting at which this Ordinance is adopted.

Section 9.6 Further Acts. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents as may be necessary in the issuance of the Warrants and in the delivery of the Official Statement or as contemplated by this Ordinance.

The Mayor and City Clerk are authorized and directed to prepare and furnish to the purchaser of the Warrants, when the Warrants are issued, certified copies of all the proceedings and records of the Council relating to the Warrants, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Warrants as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Section 9.7 Contractual Provisions. The provisions of this Ordinance shall constitute a contract between the City and the Holders at any time of the Warrants. Upon payment in full of the principal of and interest on the Warrants the obligations of the City hereunder shall cease with respect thereto.

Section 9.8 Warrants Payable at Par. Each bank at which the Warrants may at any time be payable, by acceptance of its duties as Paying Agent therefor, shall be construed to have agreed thereby with the Holders of the Warrants that all remittances made by it on the Warrants shall be made in bankable funds at par and without deduction for exchange, fees or expenses.

Section 9.9 Severability. The various provisions of this Ordinance are hereby declared to be severable. In the event any provisions hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Section 9.10 Repeal of Conflicting Provisions. All resolutions, orders or parts thereof in conflict with this Ordinance are to the extent of such conflict are hereby repealed.

After discussion, Councilmember _____ moved that the foregoing ordinance and order be adopted and spread upon the minutes of this meeting, which motion was seconded by Councilmember _____, and, on roll call the following vote was registered:

YEAS NAYS

The Chairman thereupon announced that the said ordinance had been carried by unanimous vote of the Council present.

* * * * * *

There being no further business to come before the meeting, the meeting was, upon motion duly made, seconded and unanimously carried, adjourned.

_____
Cathy S. Barnette, Council President

_____
Bailey, Yelding, Jr., Mayor

[SEAL]

ATTEST:

_____
David L. Cohen, City Clerk

CLERK'S CERTIFICATE

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, DO HEREBY CERTIFY that the foregoing pages of typewritten material constitute excerpts from the minutes of a regular meeting of the City Council of Daphne, Alabama, held on April 2, 2012, pertaining to the City's General Obligation Refunding and Improvement Warrants, Series 2012, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said minutes appears of record in the minute books of the City Council of Daphne, Alabama, which are in my custody and control.

Given under my hand and the seal of the City of Daphne, Alabama, this ___ day of April, 2012.

[SEAL]

_____
City Clerk of the
City of Daphne, Alabama

1307963_5.

DAC Bond™

OFFICIAL STATEMENT

NEW ISSUE **Ratings: Standard & Poor's: AA**
(See "RATING" herein)

In the opinion of Bond Counsel, assuming continuing compliance by the City with certain conditions imposed by the Internal Revenue Code of 1986, referred to herein under "Tax Matters," the interest income on the Series 2012 Warrants (i) will be excludable from gross income of the recipients thereof for federal income tax purposes, and (ii) will not be an item of tax preference for purposes of the alternative minimum tax on individuals and corporations. However, see "Tax Matters" herein for certain other federal tax consequences to the recipients of the interest income on the Series 2012 Warrants. Bond Counsel is of the further opinion that the interest income on the Series 2012 Warrants is, under existing statutes and regulations, exempt from Alabama income taxation.

$13,495,000
CITY OF DAPHNE, ALABAMA
General Obligation Refunding and Improvement Warrants
Series 2012

Dated: April 1, 2012 **Due: February 1, as shown below**

Interest on the Series 2012 Warrants is payable semiannually on February 1 and August 1 in each year, commencing August 1, 2012. The Series 2012 Warrants when issued will be issued in the name of and held by Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Series 2012 Warrants. Purchases of beneficial interest in the Series 2012 Warrants will be made in book-entry form, in denominations of $5,000 or any integral multiple thereof. Except as herein described, purchasers will not receive certificates representing their beneficial interests in the Series 2012 Warrants. So long as DTC or its nominee, Cede & Co. is the registered owner of the Series 2012 Warrants, payments of principal and interest will be made directly to DTC or to such nominee. Disbursement of such payments to Direct Participants is the responsibility of DTC, and disbursement of such payments to the beneficial owners is the responsibility of Direct Participants and Indirect Participants of DTC, all as more fully described herein.

The Series 2012 Warrants are not subject to optional and mandatory redemption prior to maturity as more fully described herein.

Year of Maturity	Amount Maturing	Interest Rate	Yield	Cusip	Year of Maturity	Amount Maturing	Interest Rate	Yield	Cusip
2013	$ 385,000	2.000%	0.780%	237019GC2	2022	$ 525,000	2.750%	2.980%	237019GM0
2014	450,000	2.000	1.060	237019GD0	2023	545,000	3.000	3.140	237019GN8
2015	460,000	2.000	1.340	237019GE8	2024	555,000	3.000	3.260	237019GP3
2016	465,000	2.000	1.640	237019GF5	2025	570,000	3.250	3.390	237019GQ1
2017	470,000	2.250	1.830	237019GG3	2026	590,000	3.250	3.500	237019GR9
2018	485,000	2.000	2.150	237019GH1	2027	605,000	3.250	3.590	237019GS7
2019	495,000	2.000	2.310	237019GJ7	2028	625,000	3.500	3.670	237019GT5
2020	505,000	2.250	2.530	237019GK4	2029	655,000	3.500	3.790	237019GU2
2021	515,000	2.500	2.740	237019GL2	2030	670,000	3.600	3.850	237019GV0

4.000% $3,925,000 Term Warrants due February 1, 2036 to Yield 4.150%; Cusip 237019HB3

(Plus accrued interest from April 1, 2012)

The Series 2012 Warrants are offered when, as and if issued by the City of Daphne, Alabama, at the offering price set forth above, subject to the approval of the validity thereof by Hand Arendall LLC, Mobile, Alabama, Bond Counsel. Certain legal matters will be passed upon for the City by its counsel, Ross, Jordan & Gray, P.C., Mobile, Alabama. It is expected that the Series 2012 Warrants in definitive form will be available for delivery through DTC in New York, New York on or about April 18, 2012.

Gardnyr Michael Capital, Inc.

Date: March 29, 2012

CITY OF DAPHNE, ALABAMA

Mayor

Bailey Yelding, Jr.

City Council Members

Tommie Conaway
Cathy Barnette
John L. Lake
Kelly D. Reese
Ron Scott
Derek Boulware
August Palumbo

City Clerk

David L. Cohen

City Treasurer

Kimberly M. Briley

Counsel to the City

Ross, Jordan & Gray, P.C.
Mobile, Alabama

Bond Counsel

Hand Arendall LLC
Mobile, Alabama

Underwriter

Gardnyr Michael Capital, Inc.
Mobile, Alabama

In connection with the sale of the Series 2012 Warrants herein described, no person has been authorized to give any information or to make any representation not contained in this Official Statement and, if given or made, such information or representation must not be relied upon as having been authorized by the City of Daphne, Alabama. The information in this Official Statement has been obtained from the City and other sources which are considered dependable and which are customarily relied upon in the preparation of similar official statements, but such information is not guaranteed as to accuracy or completeness. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy any of such Series 2012 Warrants, nor shall there be any sale of such Series 2012 Warrants by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information herein is subject to change without notice, and neither the delivery of this Official Statement nor any sale of the Series 2012 Warrants shall under any circumstances create any implication that there has been no change in the affairs of the City of Daphne, Alabama, since the date hereof.

IN CONNECTION WITH THE OFFERING OF THE SERIES 2012 WARRANTS, THE UNDERWRITER MAY OVER ALLOT OR EFFECT TRANSACTIONS THAT STABILIZE OR MAINTAIN THE MARKET PRICE OF THE SERIES 2012 WARRANTS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

TABLE OF CONTENTS

PAGE

INTRODUCTION....1
PURPOSE OF THE SERIES 2012 WARRANTS....1
THE SERIES 2012 WARRANTS....3
SECURITY....7
CONTINUING DISCLOSURE....8
CITY DEBT....10
CITY REVENUES....12
THE CITY....16
LITIGATION....21
TAX EXEMPTION....21
UNDERWRITING....23
RATING....23
LEGAL MATTERS....23
VERIFICATION OF ARITHMETICAL COMPUTATIONS....23
INFORMATION IN THE APPENDICES....24
MISCELLANEOUS....24

Appendix A - Proposed Form of Legal Opinion
Appendix B - Audited Financial Statements of the City

OFFICIAL STATEMENT

CITY OF DAPHNE, ALABAMA

$13,495,000
General Obligation Refunding and Improvement Warrants
Series 2012

INTRODUCTION

This Official Statement provides certain information in connection with the sale and issuance by the City of Daphne, Alabama (the "City") of $13,495,000 principal amount of its General Obligation Refunding and Improvement Warrants, Series 2012, dated April 1, 2012 (the "Series 2012 Warrants"). The Series 2012 Warrants will be issued pursuant to the Constitution and laws of the State of Alabama and an ordinance (the "Warrant Ordinance") adopted by the governing body of the City on April 2, 2012. The Warrant Ordinance will constitute a contract with the holders of the Series 2012 Warrants.

The information contained in this Official Statement does not purport to be comprehensive or definitive. All references herein to, or summaries of, the Warrant Ordinance or any contract, indenture, ordinance, resolution or other document or official act related to the Series 2012 Warrants are qualified in their entirety by the exact terms of such documents or official acts which are items of public record available from the City. All references herein to, or summaries of, the Series 2012 Warrants are qualified in their entirety by the definitive form thereof and the information with respect thereto included in the Warrant Ordinance.

PURPOSE OF THE SERIES 2012 WARRANTS

The City has determined to issue the Series 2012 Warrants for the purposes of (i) financing the costs of various road construction and improvement projects for the City, (ii) refunding the City's General Obligation Warrants, Series 2002 (the "Series 2002 Warrants") and the City's Limited Obligation Special Tax Warrants, Series 2006 (the "Series 2006 Warrants") and (iii) paying the expenses of issuing the Series 2012 Warrants.

Refunding Plan

Simultaneously with the delivery of the Series 2012 Warrants the City will enter into a trust agreement (the "2002 Escrow Trust Agreement") requiring the City to deposit with The Bank of New York Mellon Trust Company, N.A., as Trustee (the "2002 Escrow Trustee"), certain monies out of the principal proceeds to be derived by the City from the sale of the Series 2012 Warrants. All of such monies will be deposited in the trust fund established under the 2002 Escrow Trust Agreement (the "2002 Escrow Trust Fund") and appliced for the purposes and on the dates as hereinbelow described. Such obligations, together with any remaining cash, will be held by the 2002 Escrow Trustee for the benefit of the holders of the Series 2002 Warrants, issued in the aggregate principal amount of $2,660,000 and currently outstanding in the aggregate principal amount of $2,110,000. The Series 2002 Warrants are payable as to principal and interest on February 1 and August 1, and are subject to redemption prior to maturity on or after February 1, 2012 at a redemption price of 100% of the principal amount to be redeemed plus accrued interest to the date of redemption. The Series 2002 Warrants maturing after February 1, 2012 will be called for redemption and prepaid from the 2002 Escrow Trust Fund on May 18, 2012 (the "2002 Call Date").

The City will enter into a trust agreement (the "2006 Escrow Trust Agreement") requiring the City to deposit with The Bank of New York Mellon Trust Company, N.A., as Trustee (the "2006 Escrow Trustee"), certain monies out of the principal proceeds to be derived by the City from the sale of the Series 2012 Warrants. Substantially all of such monies are required to be invested by the 2006 Escrow Trustee in United States Treasury obligations, the principal of and interest on which will mature on dates and in amounts sufficient to allow the 2006 Escrow Trustee to apply monies in the trust fund established under the 2006 Escrow Trust Agreement (the "2006 Escrow Trust Fund") for the purposes and on the dates as hereinbelow described. Such obligations, together with any remaining cash, will be held by the 2006 Escrow Trustee for the benefit of the holders of the Series 2006 Warrants, issued in the aggregate principal amount of $9,090,000 and currently outstanding in the aggregate principal amount of $8,755,000. The Series 2006 Warrants are payable as to principal and interest on February 1 and August 1, and are subject to redemption prior to maturity on February 1, 2013 (the "2006 Call Date") at a redemption price of 100% of the principal amount to be redeemed plus accrued interest to the date of redemption. The Series 2006 Warrants maturing after the 2006 Call Date will be called for redemption and prepaid from the 2006 Escrow Trust Fund on the 2006 Call Date.

Improvements

A portion of the proceeds of the Series 2012 Warrants will be used to pay a portion of the costs of road and bridge improvements, including resurfacing, repair and new construction of roads, bridges and related drainage facilities and rights of way for the City, which projects are expected to have a cost of at least $3,000,000 (the "2012 Improvements").

Estimated Sources and Use of Proceeds

The estimated sources and uses of funds for this financing are as follows:

Sources of Funds:	
Par Amount	$13,495,000.00
Accrued Interest	19,849.03
Transfer from Series 2006 Debt Service Funds	508,675.79
Transfer from Series 2006 Debt Service Reserve	950,000.00
Less Original Issue Discount	(223,811.90)
Total	**$14,749,712.92**

Uses of Funds:	
Deposit into 2012 Improvements Fund	$ 3,007,998.50
Deposit into 2002 Escrow Trust Fund	2,140,087.81
Deposit into 2006 Escrow Trust Fund	9,395,322.58
Underwriting Discount	121,455.00
Deposit into Warrant Fund	19,849.03
Issuance Expense	65,000.00
Total	**$14,749,712.92**

THE SERIES 2012 WARRANTS

Description of the Series 2012 Warrants

The Series 2012 Warrants will be fully registered warrants issued initially in the denomination of $5,000 or any integral multiple thereof and subject to exchange as hereinafter provided. The Series 2012 Warrants will be dated April 1, 2012, will bear interest payable on August 1, 2012, and semiannually on each February 1 and August 1 thereafter at the rates set forth on the cover hereof and will mature on the dates and in the principal amounts set forth on the cover hereof. The principal of and the interest on Series 2012 Warrant will bear interest from its due date until paid at the rate of interest borne by the principal of such Series 2012 Warrant prior to maturity.

The principal of and the premium, if any, on the Series 2012 Warrants will be payable, with par clearance guaranteed, at the designated corporate trust agency office of The Bank of New York Mellon Trust Company, N.A. in Birmingham, Alabama, the registrar, transfer agent and paying agent for the Series 2012 Warrants (said bank acting in such capacity, together with any successor thereto, being herein called the "Registrar" or "Paying Agent"). The interest payable on the Series 2012 Warrants on each interest payment date will be paid by check or draft mailed by the Registrar to the registered holders thereof on such interest payment date. If any interest payment date shall fall on a Saturday, Sunday or legal holiday on which the Registrar is not open for business, such payment shall be made on the next following business day.

Book-Entry System

The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the Series 2012 Warrants. The Series 2012 Warrants will be issued as fully-registered Series 2012 Warrants in the name of Cede & Co., (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Warrant certificate will be issued for each maturity of each series of the Series 2012 Warrants and will be deposited with DTC.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations. DTC is a wholly owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks and trust companies and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (the "Indirect Participants"). DTC has Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Series 2012 Warrants under the DTC system must be made by and through Direct Participants, which will receive a credit for the Series 2012 Warrants on DTC's records. The ownership interest of each actual purchaser of each Series 2012 Warrant ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of their transactions, as well as periodic statements of their holdings, from the Direct or Indirect Participants through which the Beneficial Owners entered into the transaction. Transfers of ownership interests in the Series 2012 Warrants are to be accomplished by entries made on the books of DTC Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Series 2012 Warrants, except in the event that the use of the book-entry system for the Series 2012 Warrants is discontinued.

To facilitate subsequent transfers, all Series 2012 Warrants deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Series 2012 Warrants with DTC and their registration in the name of Cede & Co. or such other nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Series 2012 Warrants; DTC's records reflect only the identity of the Direct Participants to whose accounts such Series 2012 Warrants are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to DTC. If less than all of the Series 2012 Warrants are being redeemed, DTC's practice is to determine by lot the amount of the beneficial interest of each Direct Participant in such Series 2012 Warrants to be redeemed.

Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to Series 2012 Warrants unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Series 2012 Warrants are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and premium, if any, and interest payments on the Series 2012 Warrants will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts, upon DTC's receipt of funds and corresponding detailed information from the City or the Paying Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC (nor its nominee), the City or the Paying Agent, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City and the Paying Agent; disbursement of such payments to Direct Participants is the responsibility of DTC; and disbursement of such payments to the Beneficial Owners is the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Series 2012 Warrants at any time by giving reasonable notice to the City or the Paying Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Warrant certificates are required to be printed and delivered. In addition, the City may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, Warrant certificates will be printed and delivered as described below.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources (including DTC) that the City believes to be reliable, but the City and the Underwriter take no responsibility for the accuracy thereof.

None of the City, the Underwriter or the Paying Agent has any responsibility or liability for any aspect of the records relating to or payments made on account of beneficial interests in any global Warrant or for maintaining, supervising or reviewing any records relating to such beneficial interests.

Discontinuation of Book-Entry System

In the event the book-entry system is discontinued, Warrant certificates in fully registered form would be delivered to, and registered in the names of, the Direct Participants, or such other persons as such Direct Participants may specify (which may be the Indirect Participants or Beneficial Owners), in denominations of $5,000 or any integral multiple thereof. The ownership of the Series 2012 Warrants so delivered (and any Series 2012 Warrants thereafter delivered upon a transfer or exchange described below) would be registered in the registration books to be kept by the Paying Agent as the Warrant registrar for the City. Except as provided in the Warrant Ordinance, the City and the Paying Agent are entitled to treat the registered owners of such Series 2012 Warrants, as their names appear in such registration books as of the appropriate dates, as the owners thereof for all purposes described herein and in the Warrant Ordinance. See "Certain Provisions Respecting Registration and Transfer of the Series 2012 Warrants" below.

Certain Provisions Respecting Registration and Transfer of the Series 2012 Warrants

The Series 2012 Warrants shall be registered as to both principal and interest and may be transferred only on the registry books of the Paying Agent pertaining to the Series 2012 Warrants. No transfer of the Series 2012 Warrants shall be permitted except upon presentation and surrender of such Warrant at the office of the Paying Agent with written power to transfer signed by the registered owner thereof in person or by a duly authorized attorney in form and with guaranty of signature satisfactory to the Paying Agent. The Paying Agent will not be required to register or transfer any Warrant during the period of fifteen (15) calendar days next preceding any interest payment date and shall not be required to transfer or exchange any Warrant during the period of sixty (60) calendar days next preceding the date for redemption or prepayment of any Warrant. The holder of one or more of the Series 2012 Warrants may, upon request, and upon the surrender to the Paying Agent of such Warrant, exchange such Warrant for Series 2012 Warrants of other authorized denominations of the same series, maturity and interest rate and together aggregating the same principal amount as the Series 2012 Warrant so surrendered. Any registration, transfer and exchange of Series 2012 Warrants shall be without expense to the holder thereof, except that the holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange. The holder of any Warrant will be required to pay any expenses incurred in connection with the replacement of a mutilated, lost, stolen or destroyed Warrant.

The Warrant Ordinance provides that each holder of the Series 2012 Warrants, by receiving or accepting the Series 2012 Warrants, consents and agrees and is estopped to deny that, insofar as the City and the Paying Agent are concerned, the Series 2012 Warrants may be transferred only in accordance with the provisions of the

Warrant Ordinance. The Warrant Ordinance also provides that each transferee of the Series 2012 Warrants takes them subject to all principal and interest payments in fact made with respect to the Series 2012 Warrants.

No transfer of any Series 2012 Warrant will be valid except upon presentation and surrender of such Series 2012 Warrant at the principal corporate trust office of the Registrar with written power to transfer signed by the registered owner in person or by duly authorized attorney. Upon the proper transfer of any Series 2012 Warrant, the City will execute a new Series 2012 Warrant, and the Registrar will deliver to the transferee such new Series 2012 Warrant registered in the name of such transferee.

Any holder of one or more of the Series 2012 Warrants may, upon the surrender thereof to the Registrar, exchange such Series 2012 Warrant or Warrants for other Series 2012 Warrants, in the denomination of $5,000 or any integral multiple thereof, of the same maturity and interest rate and together aggregating the same principal amount as the Series 2012 Warrant or Warrants so surrendered.

Redemption Prior to Maturity

The Series 2012 Warrants will be subject to redemption and payment prior to their maturity as follows:

Optional Redemption. The Series 2012 Warrants, maturing on or after February 1, 2020 are subject to redemption prior to their maturity, at the option of the City, in whole or in part, on February 1, 2019, and on any date thereafter (in principal amounts of $5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Notice of any such redemption is required to be given, not less than thirty (30) days prior to the date fixed for redemption, by United States registered or certified mail to the registered holder of any Series 2012 Warrant called for redemption.

Scheduled Mandatory Redemption. The Series 2012 Warrants having a stated maturity on February 1, 2036, will be subject to mandatory redemption prior to maturity (the particular Warrant or portions thereof to be selected by lot) at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the date of redemption, in the principal amount and on the dates set forth below (the 2036 amount to be paid rather than redeemed):

February 1 of the Year	Principal Amount Required to be Redeemed
2031	$700,000
2032	$720,000
2033	$590,000
2034	$615,000
2035	$635,000

In the absence of prior optional redemption, Series 2012 Warrants in the aggregate principal amount of $665,000 will remain to be paid at their stated maturity on February 1, 2036.

SECURITY

General

The Series 2012 Warrants will be general obligations of the City for the payment of which the full faith and credit of the City will be irrevocably pledged. Revenues of the City legally available for payment of the principal of and the interest and premium (if any) on the Series 2012 Warrants will include ad valorem taxes, gross receipts taxes, privilege license taxes and other taxes, and other general revenues of the City.

Application of Tax Revenues and Creation of Funds

General. The Warrant Ordinance will provide for the maintenance of a special fund designated the "2011 City of Daphne Warrant Fund" (the "Warrant Fund"). The Bank of New York Mellon Trust Company, N.A. will be designated in the Warrant Ordinance as the depository, custodian and disbursing agent for the Warrant Fund.

The Warrant Fund. On or before the 25th day of each January and July commencing in July, 2012, the City will be required to transfer to the Warrant Fund an amount equal to the sum of (i) the semiannual installment of interest that will mature with respect to the Series 2012 Warrants on the then next succeeding interest payment date, plus (ii) the principal, if any, of the Series 2012 Warrants that will mature on the then next succeeding interest payment date. Moneys on deposit in the Warrant Fund are to be used for the payment of the principal of and interest on the Series 2012 Warrants.

Investment of Funds. The City may, at its option, from time to time cause any or all of the moneys on deposit in the Warrant Fund to be invested in Federal Obligations (as hereinafter defined) having a specified maturity, or being redeemable at the option of the holder, prior to the date when it is anticipated by the City that such moneys will be needed. In the event of any such investment of moneys in the Warrant Fund, the Federal Obligations in which such investment shall be made, together with all income therefrom, shall become a part of said fund and shall be held by the Paying Agent to the same extent as if they were moneys on deposit therein. As used in this Official Statement, the term "Federal Obligations" means securities that are direct obligations of the United States of America or that are unconditionally guaranteed by the United States of America as to the payment of both principal and interest (including money market funds investing solely in such obligations of the United States of America).

Certain Matters Affecting Creditor's Rights

Chapter 9 of the United States Bankruptcy Code permits political subdivisions and public agencies or instrumentalities such as the City that are insolvent or unable to meet their debts to file petitions for relief in the federal bankruptcy court if authorized by state law. While the matter is not entirely free from doubt, prospective purchasers of the Series 2012 Warrants should assume that existing Alabama statutes presently authorize the City to file petitions for relief under the Bankruptcy Code.

Bankruptcy proceedings by the City could have significant adverse effects on holders of the Series 2012 Warrants, including (a) delay in the enforcement of their remedies, (b) subordination of their claims to the claims of those supplying goods and services to the City after the initiation of bankruptcy proceedings and to the administrative expenses of bankruptcy proceedings and (c) imposition without their consent of a reorganization plan reducing or delaying payment on the Series 2012 Warrants. The Bankruptcy Code contains provisions intended to ensure that, in any reorganization plan not accepted by the holders of at least a majority in aggregate principal amount of the Series 2012 Warrants, the holders of the Series 2012 Warrants will have the benefit of

their original claim on the City's revenues or the "indubitable equivalent." The effect of these and other new provisions of the Bankruptcy Code cannot be predicted with any certainty and may be significantly affected by judicial interpretation or future action of the Congress of the United States or the Legislature of Alabama.

In addition, the remedies available to the holders of the Series 2012 Warrants, as well as any other creditors of the City, through suit, mandamus proceeding or other legal process are subject to the provisions of existing Alabama law exempting from levy and sale under any process, judgment or decree all property (real or personal) belonging to cities in Alabama and used for municipal purposes, and may be subject to, among other things,

(a) the law-imposed obligation of the City to pay, prior to the payment of debt service on its obligations, the expenses of providing necessary governmental services, and

(b) the provisions of other statutes that may hereafter be enacted by the Congress of the United States or the Legislature of Alabama extending the time for payment of municipal indebtedness or imposing other constraints upon the enforcement of rights of holders of municipal securities.

CONTINUING DISCLOSURE

General

Pursuant to Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City has covenanted for the benefit of the holders and beneficial owners of the Series 2012 Warrants to provide certain financial information and operating data relating to the City by not later than 180 days following the end of the City's fiscal year, which currently would be March 31 (the "Annual Report"), commencing with the report for the 2012 Fiscal Year, and to provide notices of the occurrence of certain enumerated events, if material, as described below. The Annual Report and notices of material events will be filed by the City with the Electronic Municipal Market Access System ("EMMA") maintained by the Municipal Securities Rulemaking Board and with a State of Alabama State Repository, if any is established.

Annual Reports

Each Annual Report will include an annual financial statement of the City and certain annual financial information and operating data of the kind set forth in the Official Statement under the captions "CITY DEBT," and "CITY REVENUE."

Material Events Notices

Notices of the following events will be provided in a timely manner not in excess of 10 days after the occurrence of the event:

- Principal and interest payment delinquencies
- Non-payment related defaults, if material
- Unscheduled draws on any reserve funds reflecting financial difficulties
- Unscheduled draws on credit enhancements reflecting financial difficulties
- Substitution of credit or liquidity providers, or their failure to perform
- Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability. Notice of Proposed Issue (IRS Form 5701 TEB) or other material

notices or determinations with respect to the tax status of the Series 2012 Warrants, or other material events affecting the tax status of the Series 2012 Warrants
- Modifications to rights of Warrantholders, if material
- Bond calls, if material, and tender offers
- Defeasances
- Release, substitution or sale of property securing repayment of the Series 2012 Warrants, if material
- Rating changes
- Bankruptcy, insolvency, receivership or similar event with respect to the City
- The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material
- Appointment of a successor or additional trustee or the change of the name of a trustee, if material
- Notice of a failure of the City to provide required Annual Report, on or before the date specified in the Continuing Disclosure Agreement

The City may from time to time choose to provide notice of the occurrence of certain other events, in addition to those listed above if, in the judgment of the City, such other events are material with respect to the Series 2012 Warrants, but the City does not undertake to commit to provide any such notice of the occurrence of any material event except those events listed above.

Other Provisions of Continuing Disclosure Agreement

The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City; provided, that the City agrees that any such modification will be done in a manner consistent with the Rule. The City reserves the right to terminate its obligations to provide annual financial information and notices of material events, as set forth above, if and when the City no longer remains an obligated person with respect to the Series 2012 Warrants within the meaning of the Rule. The City acknowledges that its undertaking, pursuant to the Rule described under this heading is intended to be for the benefit of beneficial owners of the Series 2012 Warrants and that the City's obligations may be enforced by any beneficial owner of the Series 2012 Warrants; provided, that the beneficial owner's right to enforce the provisions of this undertaking shall be limited to a right to obtain specific enforcement of the City's obligations under the Continuing Disclosure Agreement and any failure by the City to comply with the provisions of such undertaking shall not be in event of default with respect to the Series 2012 Warrants.

In order to provide certain continuing disclosure in compliance with the Rule, the City has entered into a Disclosure Dissemination Agent Agreement (the "Disclosure Dissemination Agreement") with Digital Assurance Certification, L.L.C. ("DAC"), under which the City has designated DAC as Disclosure Dissemination Agent.

DAC has only the duties specifically set forth in the Disclosure Dissemination Agreement. DAC's obligation to deliver the information at the times and with the contents described in the Disclosure Dissemination Agreement is limited to the extent the City has provided such information to DAC as required by this Disclosure Dissemination Agreement. DAC has no duty with respect to the content of any disclosures or notice made pursuant to the terms of the Disclosure Dissemination Agreement. DAC has no duty or obligation to review or verify any information in any Annual Report, audited financial statement, Material Event Notice or voluntary

report, or any other information, disclosures or notices provided to it by the City and shall not be deemed to be acting in any fiduciary capacity for the City, the Holders of the Warrants or any other party. DAC has no responsibility for the City's failure to report to DAC a Notice Event or a duty to determine the materiality thereof. DAC shall have no duty to determine or liability for failing to determine whether the City has complied with the Disclosure Dissemination Agreement. DAC may conclusively rely upon certifications of the City at all times.

Compliance with Disclosure Obligations

The City is in compliance with all of its disclosure obligations under the Rule and has timely filed, through DAC, each of its required Annual Reports.

CITY DEBT

Existing and Proposed Debt

Following the issuance of the Series 2012 Warrants, the City will have no other outstanding long-term indebtedness except for those listed below and obligations for the payment of which an irrevocable escrow fund has been established.

Issue	Principal Amount Outstanding
2002 Limited Obligation Revenue Warrants*	$4,736,116
2003 Refunding Warrants	3,350,000
2006 General Obligation Refunding and Improvement Warrants**	20,480,000
2010 General Obligation Refunding Warrants	1,930,000
TOTAL	$30,496,116

*Payments are made solely from business sales tax revenues.
**$3,686,400 (18%) is for sewer improvements and does not apply towards the City's general obligation debt limit
***Payments are made solely from revenues from an economic development project.

The City does not plan to authorize or issue any indebtedness other than the Series 2012 Warrants within the next 90 days. The City does not have any additional indebtedness authorized but unissued.

Subordinate Entity Debt

As of September 30, 2010, the Utilities Board of the City of Daphne, a public corporation which was incorporated by the City and whose five-member board of directors has outstanding principal indebtedness including State Revolving fund loans in the amount of $21,795,000.

Debt Service Requirements*

The following table presents the debt service requirements on general obligation warrants of the City after the issuance of the Series 2012 Warrants.

Fiscal Year	Principal of the Series 2012 Warrants	Interest on the Series 2012 Warrants	Debt Service of the Series 2010 Warrants	Debt Service of the Series 2006 Warrants	Debt Service of the Series 2003 Warrants	Total Debt Service
2012		140,110.83	239,787.50	1,936,140.00	551,651.26	2,867,689.59
2013	385,000.00	416,482.50	375,887.50	1,932,450.00	553,321.26	3,663,141.26
2014	450,000.00	408,132.50	374,187.50	1,936,387.50	554,415.00	3,723,122.50
2015	460,000.00	399,032.50	370,687.50	1,935,787.50	551,015.00	3,716,522.50
2016	465,000.00	389,782.50	368,787.50	1,933,387.50	552,015.00	3,708,972.50
2017	470,000.00	379,845.00	375,037.50	1,934,187.50	554,195.00	3,713,265.00
2018	485,000.00	369,707.50		1,732,987.50	550,140.00	3,137,835.00
2019	495,000.00	359,907.50		1,734,962.50		2,589,870.00
2020	505,000.00	349,276.25		1,414,812.50		2,269,088.75
2021	515,000.00	337,157.50		1,416,137.50		2,268,295.00
2022	525,000.00	323,501.25		1,414,575.00		2,263,076.25
2023	545,000.00	308,107.50		1,415,025.00		2,268,132.50
2024	555,000.00	291,607.50		1,413,275.00		2,259,882.50
2025	570,000.00	274,020.00		1,414,450.00		2,258,470.00
2026	590,000.00	255,170.00		1,413,375.00		2,258,545.00
2027	605,000.00	235,751.25		1,415,050.00		2,255,801.25
2028	625,000.00	214,982.50		1,414,250.00		2,254,232.50
2029	655,000.00	192,582.50		1,415,975.00		2,263,557.50
2030	670,000.00	169,060.00				839,060.00
2031	700,000.00	143,000.00				843,000.00
2032	720,000.00	114,600.00				834,600.00
2033	590,000.00	88,400.00				678,400.00
2034	615,000.00	64,300.00				679,300.00
2035	635,000.00	39,300.00				674,300.00
2036	665,000.00	13,300.00				678,300.00

Constitutional Limitation on Debt of City

The Constitution of Alabama provides that cities having a population of six thousand or more may not become indebted in an amount in excess of 20% of the assessed valuation of the property situated therein (the "General Debt Limit"). The Constitution exempts from this General Debt Limit several categories of indebtedness, including (i) temporary loans, to be paid in one year, made in anticipation of the collection of taxes and not exceeding one-forth of the general revenues; (ii) bonds or other obligations issued for the purpose of acquiring, providing or constructing schoolhouses, water works and sewers; and (iii) obligations incurred and bonds issued for street or sidewalk improvements where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements. The Constitution also provides for a separate debt limit for certain economic development projects issued pursuant to Section 94.01 of the constitution (the "Economic Development Debt Limit") and not against the General Debt Limit. The City has outstanding $3,686,400 of obligations issued for Sewer Projects and thus not chargeable to its debt limit, and $8,755,000 issued pursuant to Section 94.01 of the Constitution of Alabama and thus not chargeable against the General Debt Limit.

The General Debt Limit based on assessed value of real and personal property of $371,632,820 as of October 1, 2011 is computed as follows:

General & Limited Obligation Debt	$42,193,271
Debt Chargeable to Debt Limit	28,984,716
Debt Limit (20% of Assessed Value)	74,326,564
Debt Margin	45,341,848
Debt to Assessed Valuation	11.35%
2010 Population of City	21,570
Total Debt Per Capita	1,956

CITY REVENUES

General

The City operates on a fiscal year basis beginning October 1 and ending September 30. The City prepares a detailed budget for each fiscal year that is approved by the City Council and all departments are required by City policy to operate within their respective budgets. There is no constitutional requirement that the budget be balanced each year, but the City has, as a matter of policy, required a balanced budget.

The significant accounting practices for City finances are summarized in the audited financial statements of the City. A copy of the audited financial statements of the City for the fiscal year which ended September 30, 2010, is included as Appendix B to this Official Statement including statements of revenues, expenditures and changes in fund balances. The General Fund finances substantially all current operations. These financial statements should be reviewed by prospective purchasers of the Series 2012 Warrants.

Summary of Primary Sources of Revenues

The following table sets forth the primary sources of General Fund revenues, as well as primary categories of expenditures, for the fiscal years ended September 30, 2006 through 2010:

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GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN GENERAL FUND BALANCE
FOR THE FISCAL YEARS ENDING SEPTEMBER 30,

	2010	2009	2008	2007	2006
REVENUES					
Taxes	18,169,080	18,282,348	18,089,770	17,885,133	17,260,041
Licenses & Permits	1,733,817	1,913,500	2,348,757	2,434,848	2,015,129
Intergovernmental	220,397	270,176	195,574	296,586	369,426
Grants	419,052	327,265	314,111	24,396	89,689
Fees & Charges	428,922	341,979	350,858	359,831	416,813
Interest	57,386	78,083	305,893	413,042	238,840
Fines & Forfeitures	401,835	438,638	371,702	382,238	365,182
Miscellaneous	259,457	170,145	80,958	257,371	796,302
TOTAL REVENUES	**21,689,946**	**21,822,136**	**22,057,623**	**22,053,445**	**21,551,422**
EXPENDITURES					
General Government	2,948,180	3,323,876	3,124,837	2,827,689	2,607,770
Public Safety	8,416,326	8,526,615	8,192,973	7,083,067	6,054,541
Public Works	3,223,803	3,466,342	3,508,471	3,589,601	3,305,187
Parks & Recreation	2,190,813	2,072,921	1,943,232	1,699,809	1,706,491
Capital Outlay	1,322,029	509,184	1,012,752	1,671,788	2,362,934
Debt Service	2,892,612	2,610,186	2,640,775	2,668,795	2,483,006
TOTAL EXPENDITURES	**20,993,763**	**20,509,123**	**20,423,040**	**19,540,749**	**18,519,929**
OTHER FINANCING SOURCES (USES)					
Capital Lease Proceeds	506,969	146,678	-	-	-
Allowance for Compensated Absences	-	-	-	-	-
Transfers to Other Funds	(815,584)	(913,585)	(672,825)	(1,375,994)	(560,427)
Transfers from Other Funds	-	-	-	-	-
Loan Proceeds	-	-	-	-	-
Contribution to Utility Board	-	-	-	-	-
TOTAL OTHER FINANCING	**(308,615)**	**(766,908)**	**(672,825)**	**(1,375,994)**	**(560,427)**
EXCESS (DEFICIT) OF REVENUE AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	**387,568**	**546,105**	**961,758**	**1,136,702**	**2,471,066**
FUND BALANCE, BEGINNING OF YEAR	11,226,999	10,510,398	10,050,587	8,795,402	5,968,130
(INCREASE) DECREASE IN RESERVE FOR ENCUMBRANCES/TRANSFERS TO EQUITY OF OTHER FUNDS	472,903	170,496	(501,947)	118,483	356,206
UNRESD FND BALANCE, END OF YEAR	**12,087,471**	**11,226,999**	**10,510,398**	**10,050,587**	**8,795,402**

Sales Tax

The City levies a privilege license tax at the rate of 2.5% pursuant to Ordinance No. 1977-3, as amended by Ordinance No. 1989-13, on persons, corporations and other engaging in the business of selling at retail tangible personal property or conducting places of amusement (the said tax being measured by the gross proceeds or gross receipts of the said business) to the extent that the said tax is levied with respect to business conducted within the corporate limits of the City. Such privilege license tax is herein referred to as the "Sales Tax."

Collections of the Sales Tax have been as follows for the past five fiscal years:

Fiscal Year		Collection
2010-11	(unaudited)	10,782,655
2009-10		10,698,807
2008-09		10,039,547
2007-08		11,279,350
2006-07		11,871,233

Business License Fee

The City levies, under general authority granted by the Legislature of the State of Alabama, a business license fee on the privilege of engaging in certain businesses and professions within the corporate limits of the City. Businesses and professions are charged a fee based on gross receipts of the prior year at which certain businesses located within the corporate limits of the City, including banks and insurance companies are charged and references to the Code of Alabama highlight those licensing rates. The business license fee is collected by the City's Revenue Department.

Collections of the City's Business License Fee have been as follows for the last five fiscal years indicated:

Fiscal Year		Collection
2010-11	(unaudited)	1,460,700
2009-10		1,400,404
2008-09		1,484,967
2007-08		1,592,999
2006-07		1,464,404

Property Taxes

The levy and collection of ad valorem taxes in Alabama are subject to the provisions of the Alabama Constitution as amended, which, among other things, fix the percentage of market value at which property can be assessed for taxation, limit the rates of municipal taxation that can be levied against property and provide a maximum value for the aggregate ad valorem taxes that can be levied by all taxing authorities on any property in any tax year.

The amount of any specific ad valorem tax in Alabama is computed by multiplying the tax rate by the assessed value of the taxable property. The assessed value of taxable property is a specified percentage (ranging from 10% to 20%) of its fair and reasonable market value or, in certain circumstances, its current use value. Ad valorem tax rates are generally stated in terms of mills (one-thousandth of a dollar) per dollar of assessed value. Thus, for any given ad valorem tax, each mill in the rate of taxation represents a tax on property equal to one-tenth of one percent of the assessed value of such property.

The total assessed values of taxable real and personal property (including motor vehicles) located in the City as assessed for ad valorem taxation (net of exemptions) for the tax year which ended on September 30, 2011 was $371,632,820.

The following taxes (expressed in mills) are currently levied on property situated in the City.

	Mills
State of Alabama	6.5
City of Daphne	15.0
Baldwin County:	
General	5.0
Schools	9.0
Roads and Bridges	4.0
Health Tax	.5
Special School District	3.0
Total State, County and City	43

The following table sets forth the total real property assessed valuation within the corporate limits of the City, the ad valorem taxes levied and the percentage collected:

Tax Year	Assessed Valuation	Tax Due	Tax Collected	Collection %
2007	337,349,660	4,428,080	4,150,336	94%
2008	367,779,680	4,901,382	4,652,958	95%
2009	386,612,620	5,180,609	5,122,194	99%
2010	355,490,780	4,763,573	4,368,732	92%
2011	371,632,820	4,698,350	4,512,972	96%

Property taxes are generally collected and received by municipalities by February 1 of each fiscal year. For purposes of ad valorem taxation, taxes are due and payable in the fiscal year following the fiscal year in which the assessment and levy is made. Ad valorem taxes on taxable properties (except motor vehicles) in the City are required to be collected by the Tax Collector of Baldwin County. Ad valorem taxes on motor vehicles in the City are collected by the Judge of Probate of Baldwin County.

Payment in Lieu of Taxes

Certain entities that are otherwise exempt from tax have agreed to make payments in lieu of taxes. Such payments have been as follows for the last five fiscal years indicated:

Fiscal Year		Amount Received
2010-11	(unaudited)	2,269,687
2009-10		1,952,460
2008-09		1,959,785
2007-08		1,773,316
2006-07		1,613,859

Other Taxes

The City also levies a beer tax which revenues were $271,644 for 2009-10 and for 2010-11 (unaudited) were 270,167, a gasoline tax which revenues were $180,932 for 2009-10 and for 2010-11 (unaudited) were $174,525, a liquor tax which revenues were $60,431 for 2009-10 and for 2010-11 (unaudited) were $61,321, a tobacco tax which revenues were $1,333,473 for 2009-10 and for 2010-11 (unaudited) were $129,419 and other miscellaneous taxes.

THE CITY

Geographic Information

The City of Daphne (the "City") is located on the eastern shore of Mobile Bay in Baldwin County directly across from the City of Mobile, Alabama. The City is approximately 15 miles east of Mobile, Alabama, and 45 miles west of Pensacola, Florida. The City is primarily a residential area with its residents working on the eastern shore of Baldwin County or in the Mobile or Pensacola areas.

Population

The following table sets forth population statistics for the State of Alabama, Baldwin County, and the City for the years indicated.

	1990	2000	2006	2007	2008	2009	2010
State of Alabama	4,040,587	4,447,100	4,587,564	4,626,595	4,661,900	4,708,708	4,729,656
Baldwin County	98,280	141,358	168,516	172,815	174,439	179,831	182,664
City of Daphne	11,978	16,581	18,880	18,925	19,093	19,542	21,570

Sources: U.S. Department of Commerce, Bureau of Census, Population Estimates Division.

Governmental Organization and Administration

The City is a municipal corporation incorporated under the Constitution and the laws of the State of Alabama. The City is governed by an elected Mayor and a City Council. The Mayor, elected at large for a four-year term, is the chief administrative officer of the City and is responsible for the daily management of the City and supervision of its employees. The members of the City Council serve part-time and along with the Mayor are responsible for adopting all legislative ordinances and setting the policies of the City, including the appropriation of money. The City Clerk and City Treasurer are each appointed for a four-year term by the City Council and are responsible for, managing the official records of the City and managing the fiscal affairs of the City, respectively.

The City's governing body consists of the following officers:

Name	Office	Occupation
Bailey Yelding, Jr.	Mayor	Retired
Tommie Conaway	Council member	Retired
Cathy Barnette	Council member	Project Manager, Eco Solutions, Inc.
John L. Lake	Council member	Joiner Installer
Kelly D. Reese	Council member	Attorney
Ron Scott	Council member	Retired
Derek Boulware	Council member	Consultant

August Palumbo	Council member	Retired
David L. Cohen	City Clerk	
Kimberly M. Briley	City Treasurer	

The current terms of said officers expire October 1, 2012.

Personnel and Retirement System

The City employed approximately 254 full-time persons in its several departments as of December 31, 2010. The benefits and compensation for all employees of the City's several departments are established by the City Council and are paid from the City's general fund revenues. The City participates in a retirement system established by the Alabama Legislature known as the Employee's Retirement System of Alabama, to which contributions are made by both the employees and the City. See Appendix B —Audited Financial Statements of the City for a description of the City's obligations with respect to the Employee's Retirement System of Alabama. No employees of the City are represented by labor unions or similar employee organizations, and the City does not bargain collectively with any labor unions or employee organizations. The City considers its relations with its employees to be generally good.

Other Post Employment Benefits

The City of Daphne offers certain Post Employment Benefits to employees under the age of 65 who meet the criteria for retirement as set by the Retirement System of Alabama. Medical and Dental benefits are provided through a comprehensive plan and life insurance coverage is provided with a $5,000 cap. Employees do not contribute to their post employment benefits until they retire and begin receiving those benefits. The City of Daphne's Annual Required Contribution rate is actuarially determined in accordance with GASB 45 and totals $214,128 as of September 30, 2010.

Utilities

The water and sanitary sewer service is supplied by the Utilities Board of the City of Daphne (the "Utilities Board"), a public corporation. The directors of which are appointed by the City Council. The Utilities Board also provides gas service. Electrical service is supplied by the Utilities Board of the City of Foley.

Education

The County Board of Education of Baldwin County, Alabama provides public school facilities for the County's students in the City. The County Board of Education has located a high school, a middle school and three elementary schools in the City. It is estimated that approximately 91.9% of the population of the City are high school graduates and 37.5% are college graduates. State averages are 75.3% and 19.0%, respectively.

Four institutions of higher learning located in Mobile County, which are accessible to residents of the City, are University of Mobile, Spring Hill College, Bishop State Community College and the University of South Alabama. Faulkner State Community College, whose main campus is located in Bay Minette, Alabama, is also nearby. Pensacola, Florida, located approximately thirty-five miles from the City, also provides certain educational opportunities.

Income Levels

Per capita income is the total income of all families and individuals in a given area divided by the total population of the area. For the years 2008 and 2009, the Regional Economic Information System, Bureau of Economic Analysis, Table CA1-3; internet release date, April, 2011 indicates the following with respect to per capita income levels in the jurisdictions.

	2008	2009
Baldwin County	35,829	34,461
State of Alabama	33,928	33,411
United States	40,674	39,635

In 2009 Baldwin County had a per capital personal income ("PCPI") of $34,461. This PCPI ranked 6th in the state and was 103% of the state average, $33,411, and 86% of the national average of $39,635.

The percentage of all ages in Baldwin County, in the State of Alabama and in the United States with income below the poverty level as of 2010 is as follows:

Baldwin County	13.3%
State of Alabama	18.9%
United States	15.3%

Source: U.S. Department of Commerce, Bureau of the Census, Small Area Estimates Branch. Release date of November 2011.

Estimated per capita personal income in the City of Daphne for 2009 was $32,085.

*Source: U.S. Census Bureau

The City, the Eastern Shore Chamber of Commerce and the Baldwin County Economic Development Alliance report that as of 2009, median family income in the City was $60,541 and $48,487 in the County. The State median family income figure as of 2009 was $40,489.

Major Employers

The top ten (10) manufacturing and nonmanufacturing employers in Baldwin County, their principal activity and the number of employees of each are as follows:

Top 10 Manufacturers in Baldwin County

Company	Product	Location	Employment
Goodrich Aerospace and Aerostructures Group	Retrofitting of Thrust Reverses & Nacelle Components	Foley	805
Standard Furniture	Bedroom & Dining Room Tables	Bay Minette	530
Ace Hardware Support Center	Hardware Distribution	Loxley	250
Vulcan, Inc.	Aluminum and Steel Products	Foley	200
International Paper	Shipping Containers	Bay Minette	150
Bon Secour Fisheries	Seafood Processing	Bon Secour	152
Quincy Compressors	Rotary Screw Air Compressors	Bay Minette	149
Quality Filters, Inc.	Air Filters	Robertsdale	102
Dental EZ, Inc.	Dental Equipment & Supplies	Bay Minette	100
Segers Aero	Aerospace MRO	Fairhope	91

Top 10 Non-Manufacturers in Baldwin County

Company	Product/Service	Location	Employment
Baldwin County Board of Education	Education	Bay Minette	3,141
Wal-Mart Super Centers	General Retail	Baldwin County	1,600
Thomas Hospital	Medical Care	Fairhope	1,048
South Baldwin Regional Medical Center	Medical Care	Foley	653
Baldwin County Commission	Government	Bay Minette	650
Marriott Grand Hotel	Hotel & Country Club	Fairhope	600
Mercy Medical	Medical Care	Daphne	550
North Baldwin Infirmary	Medical Care	Bay Minette	189
Faulkner State Community College	Education	Baldwin County	175
Connexion Technologies	Call/Support Center	Gulf Shores	80

Source: Baldwin County Economic Development Alliance

Top Ten Taxpayers of the City - 2011

Taxpayers	Taxes Paid	Assessed Value (000's)
L-A Daphne LLC	$227,986	$5,420,820
Myers Family Limited Partnership	134,854	3,136,140
Sam's Real Estate Business Trust	120,367	2,799,180
Walmart Real Estate Business Trust	119,090	2,769,180
Whispering Pines Park LLC	110,204	2,562,860
Esfahani Real Estate Holdings of AL	109,969	2,557,420
Lowe's Home Center	105,426	2,451,761
North Fork Apartments LP	101,014	2,349,160
Tameron Properties LLC	87,650	2,038,380
Jubilee Hotels Inc.	84,820	1,972,560

Source: City of Daphne, Alabama

Unemployment Rate

The following table sets forth comparative unemployment rates for Baldwin County, the State of Alabama and the United States in each of the years indicated:

	2005	2006	2007	2008	2009	2010	2011*
Baldwin County	3.4	2.8	2.7	4.1	8.6	8.9	7.2
State of Alabama	4.0	3.5	3.5	5.0	10.1	9.0	9.3
United States	5.1	4.6	4.6	5.8	9.3	9.1	8.9

*Through December, 2011
Source: U.S. Department of Labor, Bureau of Labor Statistics; Not Seasonally Adjusted.

Housing

The Eastern Shore Chamber of Commerce reports that in 2009 the median value of owner-occupied houses in the City was $187,912.

Transportation

The City is served by U.S. Highway 98 which allows access to Daphne from the north and south and County Highway 64 which connects the City to the east. Interstate Highway I-10 extends from Mobile eastward to Jacksonville, Florida adjacent. Additionally, Interstate Highway-65 which runs northward from Mobile through Nashville is approximately 30 miles north of the City.

LITIGATION

There is no litigation pending or, to the knowledge of the City, threatened contesting the validity of the Series 2012 Warrants or relating to the organization or boundaries of the City, the incumbency of any of the City's officers, or the issuance or sale of the Series 2012 Warrants. Simultaneously with the delivery of the Series 2012 Warrants, the City will deliver a certificate to the effect that no such litigation is pending or, to the knowledge of the City, threatened.

The City is not a defendant in any lawsuits or other pending litigation which it believes would have a materially adverse effect upon its financial condition.

Recent court decisions have substantially eroded the immunity from tort liability formerly enjoyed by local governmental units in Alabama. Chapter 93 of Title II of the Code of Alabama 1975, as amended, now prescribes certain maximum limits on the liability of local governmental units (such as the City) for bodily injury, sickness, disease or death sustained by a person and for injury or destruction of tangible property. However, the applicability of Chapter 93 to causes of action under Section 1983 of Title 42 of the United States Code has not been definitely determined. Municipalities and other local governmental units throughout the country have been increasingly subject to lawsuits, many of which claim damages in large amounts for alleged denials of civil rights under the provisions of Section 1983.

TAX EXEMPTION

General

In the opinion of Bond Counsel, under the Internal Revenue Code of 1986 (the "Code"), as presently construed and administered, and assuming compliance by the City with the all requirements of the Internal Revenue Code that must be satisfied subsequent to the issuance of the Series 2012 Warrants in order that interest thereon be and remain excludable from gross income, the interest income on the Series 2012 Warrants will be excludable from gross income of the recipients thereof for federal income tax purposes pursuant to the provisions of Section 103 of the Code and will not constitute an item of tax preference for the purpose of computing the liability of individuals and corporations for the alternative minimum tax imposed by Section 55 of the Code; provided, that it should be noted that for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings. The City has covenanted to comply with all such requirements but failure to comply with certain of such requirements could cause the interest on the Series 2012 Warrants to be included in gross income, retroactive to the date of issuance of the Series 2012 Warrants. Bond Counsel will express no opinion with respect to the federal tax consequences to the recipients of the interest income on the Series 2012 Warrants under any provision of the Code not referred to above.

Prospective purchasers of the Series 2012 Warrants should be aware that ownership of the Series 2012 Warrants may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, individual recipients of Social Security or Railroad Retirement benefits, certain S corporations with "excess net passive income," foreign corporations subject to a branch profits tax and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry the Series 2012 Warrants. Bond Counsel will not express any opinion as to such collateral tax consequences. Prospective purchasers of the Series 2012 Warrants should consult their tax advisors as to collateral federal income tax consequences.

Bond Counsel is also of the opinion that, under existing law, interest on the Series 2012 Warrants will be exempt from State of Alabama income taxation.

Original Issue Discount

The initial public offering price to be paid for certain of the Series 2012 Warrants (the "Original Issue Discount Warrants") is less than the principal amount thereof. Under existing law, the difference between (i) the amount payable at the maturity of each Original Issue Discount Warrant, and (ii) the initial offering price to the public of such Original Issue Discount Warrant constitutes original issue discount with respect to such Original Issue Discount Warrant in the hands of any owner who has purchased such Original Issue Discount Warrant in the initial public offering of the Warrants. Such initial owner is entitled to exclude from gross income (as defined in Section 61 of the Code) an amount of income with respect to such Original Issue Discount Warrant equal to that portion of the amount of such original issue discount allocable to the period that such Original Issue Discount Warrant continues to be owned by such owner.

In the event of the redemption, sale or other taxable disposition of such Original Issue Discount Warrant prior to stated maturity, however, the amount realized by such owner in excess of the basis of such Original Issue Discount Warrant in the hands of such owner (adjusted upward by the portion of the original issue discount allocable to the period for which such Original Issue Discount Warrant was held by such initial owner) is includable in gross income.

Under existing law, the original issue discount on each Original Issue Discount Warrant is accrued daily to the stated maturity thereof (in amounts calculated as described below for each six-month period ending on the date before the semiannual anniversary dates of the Warrants and ratably within each such six-month period) and the accrued amount is added to an initial owner's basis for such Original Issue Discount Warrant for purposes of determining the amount of gain or loss recognized by such owner upon the redemption, sale or other taxable disposition thereof. The amount (if any) to be added to basis for each accrual period is equal to (a) the sum of the issue price and the amount of original issue discount accrued in prior periods (if any) multiplied by the yield to maturity (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period) less (b) the amounts payable as current interest during such accrual period on such Original Issue Discount Warrants.

The federal income tax consequences of the purchase, ownership, redemption, sale or other disposition of Original Issue Discount Warrants which are not purchased in the initial offering at the initial offering price may be determined according to rules which differ from those described above. All owners of Original Issue Discount Warrants should consult their own tax advisors with respect to the determination for federal, state and local income tax purposes of interest accrued upon redemption, sale or other disposition of such Original Issue Discount Warrants and with respect to the federal, state, local and foreign tax consequences of the purchase, ownership, redemption, sale, gift or other disposition of such Original Issue Discount Warrants.

Original Issue Premium

The initial public offering price to be paid for certain of the Series 2012 Warrants (the "Original Issue Premium Warrants") is greater than the principal amount thereof. Under existing law, any owner who has purchased an Original Issue Premium Warrant in the initial public offering of the Series 2012 Warrants is required to reduce his basis in such Original Issue Premium Warrant by the amount of premium allocable to periods during which he holds such Original Issue Premium Warrant, and the amount of premium allocable to each accrual period will be applied to reduce the amount of interest received by the owner during each such period. All owners of Original Issue Premium Warrants should consult their own tax advisors with respect to the determination for federal, state and local income tax purposes of interest accrued upon redemption, sale or other disposition of such Original Issue Premium Warrant and with respect to the federal, state, local and foreign tax consequences of the purchase, ownership, redemption, sale, gift or other disposition of such Original Issue Premium Warrant.

UNDERWRITING

The Series 2012 Warrants will be purchased by Gardnyr Michael Capital, Inc. (the "Underwriter") at a purchase price of $13,169,582.13, which reflects an underwriter's discount of $223,811.90 and net original issue discount $121,455.00, plus accrued interest thereon from April 1, 2011, to the date of their delivery. The initial public offering price set forth on the cover page may be changed by the Underwriter, and the Underwriter may offer and sell the Series 2012 Warrants to certain dealers (including dealers depositing the Series 2012 Warrants into investment trusts) and others at prices lower than the offering price set forth on the cover page. The Underwriter will purchase all the Series 2012 Warrants if any are purchased. The Underwriter is obligated to purchase and pay for all the Series 2012 Warrants in cash.

RATING

Standard & Poor's Rating Service ("Rating Agency") has assigned a rating to the Series 2012 Warrants of "AA." Any definitive explanation of the significance of any such rating may be obtained only from the Rating Agency. There is no assurance that any such rating will remain in effect for any given period of time or that any such rating will not be lowered or withdrawn entirely if, in the judgment of the Rating Agency, circumstances should warrant such action. Any such downward revision or withdrawal of any rating assigned to the Series 2012 Warrants could have an adverse effect on their market price.

LEGAL MATTERS

The legality and validity of the Series 2012 Warrants will be approved by Hand Arendall LLC, of Mobile, Alabama, Bond Counsel, whose approving opinion will be delivered at the time of the delivery of the Series 2012 Warrants. It is anticipated that the opinion of Bond Counsel will be in substantially the form attached hereto as Appendix A. Certain matters will be proved upon for the City by its counsel, Ross, Jordan & Gray, P.C., Mobile, Alabama.

VERIFICATION OF ARITHMETICAL COMPUTATIONS

The arithmetical accuracy of certain computations included in the schedules provided by the City relating to (a) computation of forecasted receipts of principal and interest on the escrowed Government Obligations and the forecasted payments of principal and interest to redeem the Series 2002 Warrants and the Series 2006 Warrants, and (b) computation of the yields on the Series 2012 Warrants and the escrowed Government Obligations was examined by GNP Services, CPA, PA. Such computations were based solely upon assumptions and information supplied by the City. GNP Services, CPA, PA has restricted its procedures to examining the arithmetical accuracy of certain computations and has not made any study or evaluation of the assumptions and information upon which the computations are based and, accordingly, has not expressed an opinion on the data used, the reasonableness of the assumptions, or the achievability of the forecasted outcome.

INFORMATION IN THE APPENDICES

The financial statements of the City attached hereto as Appendix B have been examined by Smith, Dukes & Buckalew, LLP, Certified Public Accountants, Mobile, Alabama, independent auditors, to the extent and for the periods indicated in their report which appears in such Appendix. Such financial statements have been included in reliance upon such report.

MISCELLANEOUS

Any statements made in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be realized.

References herein to the Alabama Constitution and all legislative acts referred to herein are intended to be only brief outlines of certain provisions of each thereof and do not purport to summarize or describe all provisions thereof.

The distribution of this Official Statement and its use in the offering and sale of the Series 2012 Warrants have been approved by the governing body of the City.

CITY OF DAPHNE, ALABAMA

By: /s/ Bailey Yelding, Jr.
Mayor

Dated March 29, 2012

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APPENDIX A

[FORM OF LEGAL OPINION]

City of Daphne
Daphne, Alabama

Re: $13,495,000 City of Daphne General Obligation Refunding and Improvement Warrants, Series 2012

Ladies and Gentlemen:

We have acted as Bond Counsel in connection with the issuance of the warrant issue in caption (the "Warrants") and as such have examined certified copies of proceedings of the governing body of the City of Daphne, Alabama (the "City") in connection therewith, including the ordinance of such governing body, adopted April 2, 2012 and other documents submitted to us pertaining to the authorization, sale and issuance of the Warrants. As to questions of fact material to our opinion, we have relied upon certified proceedings and other certifications of public officials furnished to us without undertaking to verify the same by independent investigation.

We have not been engaged or undertaken to review the accuracy, completeness or sufficiency of the Official Statement or other offering material relating to the Warrants (except to the extent stated in the Official Statement) and we express no opinion relating thereto other than the matters set forth as our opinion in the Official Statement.

Based upon the aforesaid examinations, we are of the opinion that:

1. The Warrants have been duly authorized and issued and constitute valid orders on the City Treasurer of the City for the payment thereof as therein provided, and that the indebtedness ordered paid by the Warrants is a valid general obligation of the City for the payment of the principal of and interest on which the full faith and credit of the City have been validly and irrevocably pledged.

2. The interest income on the Warrants will be excludable from gross income of the recipients thereof for federal income tax purposes pursuant to the provisions of Section 103(a) of the Internal Revenue Code of 1986. In addition, the interest income on the Warrants will not be an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; provided, that it should be noted that for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings. The opinions set forth in the preceding sentences are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, that must be satisfied subsequent to the issuance of the Warrants in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The City has covenanted to comply with each such requirement, but failure to comply with certain of such requirements may cause the inclusion of interest on the Warrants in gross income for federal income tax purposes to be retroactive to the date of the issuance of the Warrants. We express no opinion regarding other federal tax consequences arising with respect to the Warrants.

3. Under existing law the interest on the Warrants is exempt from State of Alabama income taxation.

Very truly yours,

HAND ARENDALL LLC

By: _____

APPENDIX B

AUDITED FINANCIAL STATEMENTS OF
THE CITY OF DAPHNE

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012-27

Ordinance to Rezone Property Located Southwest of the Intersection of U.S. Highway 90 and County Road 13 Blacksher White-Spunner, etal

WHEREAS, Blacksher White-Spunner, etal, as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential District to B-3, Professional Business District; and,

WHEREAS, said real property is southwest of the intersection of U.S. Highway 90 and County Road 13, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3 TO B-1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, T4S-R2E, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE EAST BOUNDARY OF LAKE FOREST, UNIT 25, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 86 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID EAST BOUNDARY OF LAKE FOREST, UNIT 25, RUN N 00° 16' 26" E 468.87 FEET TO THE NORTHEAST CORNER OF SAID LAKE FOREST, UNIT 25 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT BEING ON THE CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK; THENCE ALONG THE NORTH BOUNDARY OF SAID LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 44' 11" W 96.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 86° 00' 27" W 200.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 51° 06' 47" W 62.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 39' 00" W 85.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 59° 41' 00" W 214.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 80° 14' 08" W 67.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 89° 25' 57" W 95.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 74° 28' 15" W 205.84 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 41° 02' 51" W 148.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 59° 59' 33" W 73.71 FEET TO THE NORTHEAST CORNER OF LAKE FOREST, UNIT 24, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 85 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 40° 17' 16" W 202.35 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 51° 54' 58" W 79.42 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 32° 57' 38" W 69.21 FEET TO THE SOUTHEAST CORNER OF OAK CREEK SUBDIVISION, AS PER PLAT RECORDED ON SLIDE NO. 2205-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID OAK CREEK SUBDIVISION, RUN N 00° 50' 07" W 2201.98 FEET TO THE NORTHEAST CORNER OF SAID OAK CREEK SUBDIVISION; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN N 89° 03' 35" E 65.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 03' 35" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN A DISTANCE OF 540.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 275.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 540.00 FEET TO A POINT; THENCE RUN N 00° 56' 25" E 275.00 FEET TO THE POINT OF BEGINNING. CONTAINING 148,500 SQUARE FEET OR 3.4092 ACRES.

WHEREAS, at the City of Daphne Planning Commission meeting on February 23, 2012 the Commission considered said request and failed to set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on April 2, 2012; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential District to B-3, Professional Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

a.) This zoning classification is subject to a three (3) year reversionary clause. Three years from the date this ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void, and the property shall revert to the prior zoning district per Article 22, Zoning Amendment Section 22-2(c)(7) of the Land Use and Development Ordinance 2011-54.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2012.

_____
Cathy S. Barnette,
Council President

_____
Bailey Yelding, Jr.,
Mayor

ATTEST:

_____
David L. Cohen
City Clerk, MMC

BLACKSHER WHITE-SPUNNER, ET. AL.

(B. White-Spunner, R. Tindell, Jr., Jay E., L.L.C., J. White-Spunner, M.M. Cummings, Estate of David R. Coley, S. Coley, M.A. Ball, K.C. Coats, and AIRP, L.L.C.)

ZONING AMENDMENT REVIEW

SOUTHWEST OF COUNTY ROAD 13 AND U. S. HIGHWY 90

EXHIBIT "A"

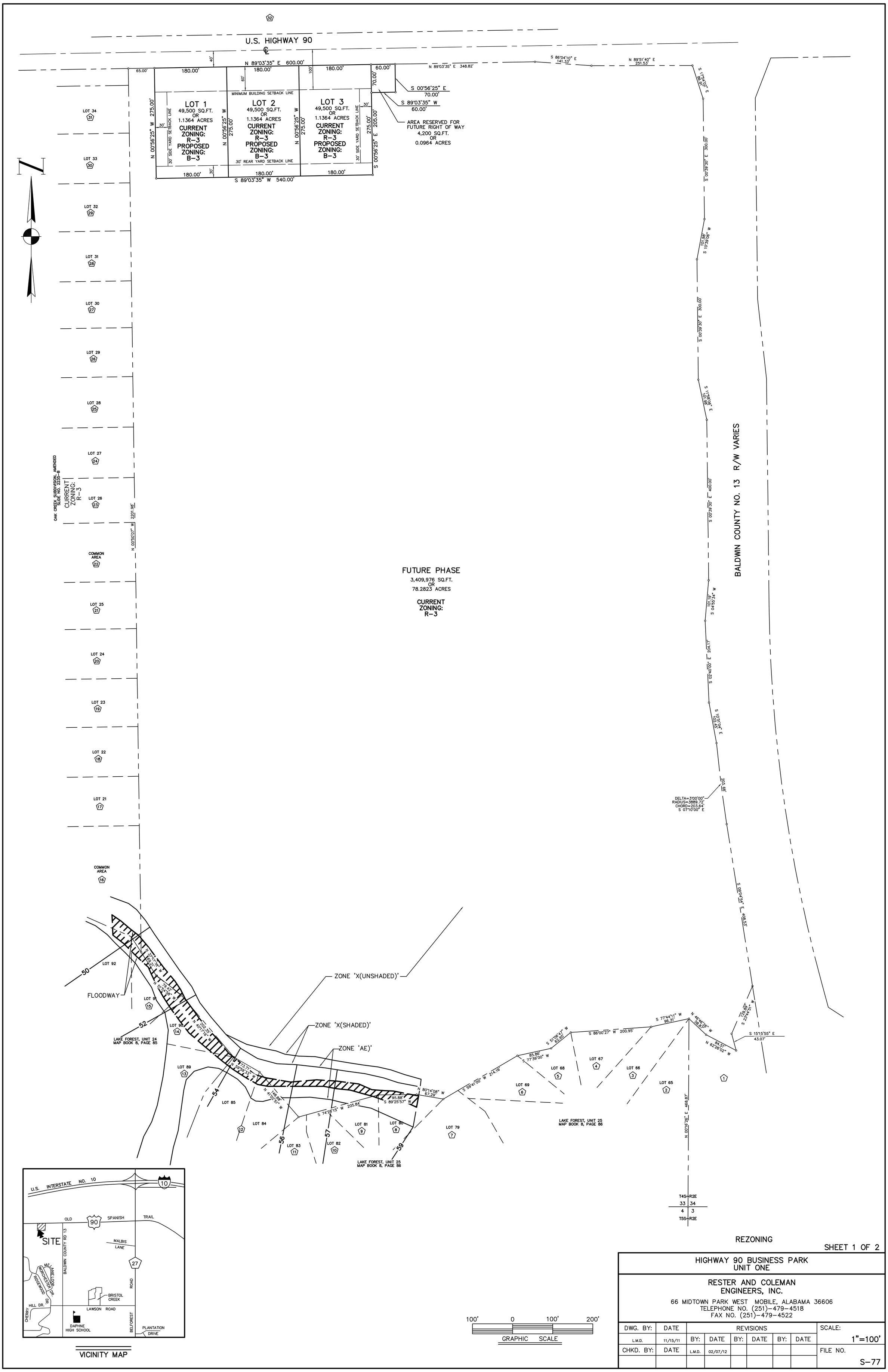
STATE OF ALABAMA)
COUNTY OF BALDWIN)

DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3 TO B-3:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, T4S-R2E, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE EAST BOUNDARY OF LAKE FOREST, UNIT 25, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 86 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID EAST BOUNDARY OF LAKE FOREST, UNIT 25, RUN N 00° 16' 26" E 468.87 FEET TO THE NORTHEAST CORNER OF SAID LAKE FOREST, UNIT 25 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT BEING ON THE CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK; THENCE ALONG THE NORTH BOUNDARY OF SAID LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 44' 11" W 96.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 86° 00' 27" W 200.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 51° 06' 47" W 62.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 39' 00" W 85.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 59° 41' 00" W 214.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 80° 14' 08" W 67.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 89° 25' 57" W 95.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 74° 28' 15" W 205.84 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 41° 02' 51" W 148.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 59° 59' 33" W 73.71 FEET TO THE NORTHEAST CORNER OF LAKE FOREST, UNIT 24, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 85 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 40° 17' 16" W 202.35 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 51° 54' 58" W 79.42 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 32° 57' 38" W 69.21 FEET TO THE SOUTHEAST CORNER OF OAK CREEK SUBDIVISION, AS PER PLAT RECORDED ON SLIDE NO. 2205-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID OAK CREEK SUBDIVISION, RUN N 00° 50' 07" W 2201.98 FEET TO THE NORTHEAST CORNER OF SAID OAK CREEK SUBDIVISION; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN N 89° 03' 35" E 65.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 03' 35" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN A DISTANCE OF 540.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 275.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 540.00 FEET TO A POINT; THENCE RUN N 00° 56' 25" E 275.00 FEET TO THE POINT OF BEGINNING. CONTAINING 148,500 SQUARE FEET OR 3.4092 ACRES.

REFERENCE: HIGHWAY 90 BUSINESS PARK

REVISED: FEBUARY 8, 2012



REZONING

SHEET 1 OF 2

HIGHWAY 90 BUSINESS PARK
UNIT ONE

RESTER AND COLEMAN
ENGINEERS, INC.

66 MIDTOWN PARK WEST MOBILE, ALABAMA 36606
TELEPHONE NO. (251)-479-4518
FAX NO. (251)-479-4522

DWG. BY:	DATE	REVISIONS						SCALE:
L.M.D.	11/15/11	BY:	DATE	BY:	DATE	BY:	DATE	1"=100'
CHKD. BY:	DATE	L.M.D.	02/07/12					FILE NO.
								S-77

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, T4S–R2E, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE EAST BOUNDARY OF LAKE FOREST, UNIT 25, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 86 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID EAST BOUNDARY OF LAKE FOREST, UNIT 25, RUN N 00° 16' 26" E 468.87 FEET TO THE NORTHEAST CORNER OF SAID LAKE FOREST, UNIT 25 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT BEING ON THE CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK; THENCE ALONG THE NORTH BOUNDARY OF SAID LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 44' 11" W 96.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 86° 00' 27" W 200.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 51° 06' 47" W 62.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 39' 00" W 85.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 59° 41' 00" W 214.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 80° 14' 08" W 67.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 89° 25' 57" W 95.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 74° 28' 15" W 205.84 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 41° 02' 51" W 148.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 59° 59' 33" W 73.71 FEET TO THE NORTHEAST CORNER OF LAKE FOREST, UNIT 24, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 85 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 40° 17' 16" W 202.35 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 51° 54' 58" W 79.42 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 32° 57' 38" W 69.21 FEET TO THE SOUTHEAST CORNER OF OAK CREEK SUBDIVISION, AS PER PLAT RECORDED ON SLIDE NO. 2205–D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID OAK CREEK SUBDIVISION, RUN N 00° 50' 07" W 2201.98 FEET TO THE NORTHEAST CORNER OF SAID OAK CREEK SUBDIVISION; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN N 89° 03' 35" E 65.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 03' 35" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN A DISTANCE OF 600.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 70.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 60.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 205.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 540.00 FEET TO A POINT; THENCE RUN N 00° 56' 25" E 275.00 FEET TO THE POINT OF BEGINNING. CONTAINING 152,700 SQUARE FEET OR 3.5055 ACRES.

CERTIFICATION BY SURVEYOR

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I, DONALD F. COLEMAN, A REGISTERED LAND SURVEYOR, HAVE SURVEYED AND SUBDIVIDED THE PROPERTY SHOWN OR WITH LEGAL DESCRIPTION HEREON WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES, BEARING ANGLES, RADII, CURVES, AND OTHER DIMENSIONS THEREOF ARE TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE DAPHNE PLANNING COMMISSION, AND THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THUS (∘) AS SHOWN HEREON. I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE DAPHNE PLANNING COMMISSION RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN COMPLIED WITH, IN THE PREPARATION OF THIS PLAT.

GIVEN UNDER MY HAND AND SEAL AT MOBILE, ALABAMA, THIS____DAY OF__________, 2012.

DONALD F. COLEMAN, AL. REG. NO. 5421

CERTIFICATE OF OWNERSHIP AND DEDICATION

THIS IS TO CERTIFY THAT WE, B. WHITE–SPUNNER, PO BOX 7475, MOBILE, AL 36670; ROLLINS TINDELL, JR., 400 AUSTILL PLACE, MOBILE, AL 36608; JAY–E, LLC, PO BOX 7475, MOBILE, AL 36670; JOHN WHITE–SPUNNER, PO BOX 7986, MOBILE, AL 36607; MARL M. CUMMINGS, III, CUMMINGS & ASSOCIATES, INC., ONE HOUSTON STREET, MOBILE, AL 36606; THE ESTATE OF DAVID R. COLEY, III; C/O ROBERT S. COLEY, PERSONAL REPRESENTATIVE, 759 DOWNTOWNER LOOP WEST, MOBILE, AL 36609; SEAN COLEY, GUARANTEE TITLE, PO BOX 9069, MOBILE, AL 36691; MARY ANNE BALL, 301 LONG COURT, MOBILE ,AL 36608; KARA COLEY COATS, 94 SOOST COURT, MOBILE, AL 36608; AND AIRP, LLC, C/O BLACKSHER WHITE–SPUNNER, PO BOX, MOBILE, AL 36670, ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED; AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS AND ALLEYS TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL ACCOUNT.

DATED THIS THE_____DAY OF______________, 2012.

B. WHITE–SPUNNER

B. WHITE–SPUNNER

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I, ________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT B. WHITE–SPUNNER, WHOSE NAME AS OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____DAY OF ______________, 2012.

______________________________ MY COMMISSION EXPIRES ______________
NOTARY PUBLIC

ROLLINS TINDELL, JR.

ROLLINS TINDELL, JR.

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I, ________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT ROLLINS TINDELL, JR., WHOSE NAME AS OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____DAY OF ______________, 2012.

______________________________ MY COMMISSION EXPIRES ______________
NOTARY PUBLIC

JAY–E, LLC

B. WHITE–SPUNNER, MANAGER/MEMBER

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I, ________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT B. WHITE–SPUNNER, WHOSE NAME AS MANAGER/MEMBER OF JAY–E, LLC, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____DAY OF ______________, 2012.

______________________________ MY COMMISSION EXPIRES ______________
NOTARY PUBLIC

JOHN WHITE–SPUNNER

JOHN WHITE–SPUNNER

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I, ________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT JOHN WHITE–SPUNNER, WHOSE NAME AS OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____DAY OF ______________, 2012.

______________________________ MY COMMISSION EXPIRES ______________
NOTARY PUBLIC

MARL M. CUMMINGS, III

MARL M. CUMMINGS, III

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I, ________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT MARL M. CUMMINGS, III, WHOSE NAME AS OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____DAY OF ______________, 2012.

______________________________ MY COMMISSION EXPIRES ______________
NOTARY PUBLIC

THE ESTATE OF DAVID R. COLEY, III

ROBERT S. COLEY, PERSONAL REPRESENTATIVE

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I,________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT ROBERT S. COLEY, WHOSE NAME AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID R. COLEY, II, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____ DAY OF______________, 2012.

______________________________MY COMMISSION EXPIRES ____________
NOTARY PUBLIC

SEAN COLEY

SEAN COLEY

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I,________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT SEAN COLEY, WHOSE NAME OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____ DAY OF______________, 2012.

______________________________MY COMMISSION EXPIRES ____________
NOTARY PUBLIC

MARY ANNE BALL

MARY ANNE BALL

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I,________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT MARY ANNE BALL, WHOSE NAME AS OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____ DAY OF______________, 2012.

______________________________MY COMMISSION EXPIRES ____________
NOTARY PUBLIC

KARA COLEY COATS

KARA COLEY COATS

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I,________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT KARA COLEY COATS, WHOSE NAME OWNER, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____ DAY OF______________, 2012.

______________________________MY COMMISSION EXPIRES ____________
NOTARY PUBLIC

AIRP, LLC

BLACKSHER WHITE–SPUNNER, MEMBER

CERTIFICATE BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF MOBILE

I,________________________, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DO CERTIFY THAT BLACKSHER WHTE–SPUNNER, WHOSE NAME AS MEMBER OF AIRP, LLC, IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT BY HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THE____ DAY OF______________, 2012.

______________________________MY COMMISSION EXPIRES ____________
NOTARY PUBLIC

"I CERTIFY THAT I HAVE CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 010005 05380 L, (MAP NUMBER 01003C0538 L), DATED JULY 17, 2007 AND FOUND THAT THE ABOVE DESCRIBED PROPERTY IS LOCATED IN A ZONE 'X(UNSHADED)' AREA."

DONALD F. COLEMAN – REG. NO. 5421

CERTIFICATION OF APPROVAL BY RIVIERA UTILITIES

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,

DATED THIS__________DAY OF______________, 2012.

AUTHORIZED REPRESENTATIVE

CERTIFICATION OF APPROVAL BY BELLSOUTH TELEPHONE

THE UNDERSIGNED, AS AUTHORIZED BY BELLSOUTH HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,

DATED THIS__________DAY OF______________, 2012.

AUTHORIZED REPRESENTATIVE

CERTIFICATION OF APPROVAL FOR RECORDING

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE DAPHNE LAND USE AND DEVELOPMENT ORDINANCE WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND WRITTEN UPON SAID PLAT AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE.

DATED THIS___________DAY OF __________________________, 2012.

PLANNING COMMISSION CHAIRMAN, OR ITS AUTHORIZED REPRESENTATIVE

CITY OF DAPHNE
DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, ADRIENNE D. JONES, DIRECTOR OF COMMUNITY DEVELOPMENT FOR THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE FINAL PLAT HAS BEEN EXAMINED BY ME AND THE SUBDIVIDER'S PLANS AND SPECIFICATIONS COMPLY WITH THE REQUIREMENTS SET FORTH IN THE DAPHNE LAND USE AND DEVELOPMENT ORDINANCE.

DATED THIS __________ DAY OF______________, 2012.

ADRIENNE D. JONES, DIRECTOR OF COMMUNITY DEVELOPMENT

PUBLIC WORKS DIRECTOR'S APPROVAL

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, RICHARD JOHNSON, PUBLIC WORKS DIRECTOR FOR THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE STREETS, DRAINAGE, AND OTHER IMPROVEMENTS HAVE BEEN INSTALLED IN ACCORDANCE WITH THE SUBDIVIDER'S PLANS AND SPECIFICATIONS AND COMPLY WITH THE REQUIREMENTS SET FORTH IN THE DAPHNE LAND USE AND DEVELOPMENT ORDINANCE.

DATED THIS__________ DAY OF______________, 2012.

RICHARD JOHNSON, PUBLIC WORKS DIRECTOR FOR THE CITY OF DAPHNE, ALABAMA

CERTIFICATION OF THE APPROVAL BY
UTILITIES BOARD OF THE CITY OF DAPHNE

THE UNDERSIGNED, AS AUTHORIZED BY UTILITIES BOARD OF THE CITY OF DAPHNE, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,

DATED THIS__________DAY OF______________, 2012.

AUTHORIZED REPRESENTATIVE

NOTES:

1. LOTS 1, 2 AND 3 ARE REQUESTING TO BE ZONED B–3.
MINIMUM BUILDING SET–BACKS (ALL BUILDING SET–BACKS ARE MEASURED FROM A PERPENDICULAR TO THE PROPERTY LINES):

<u>FRONT YARD SETBACK LINE</u>:
FROM U.S. HIGHWAY 90: 100' FROM CENTERLINE.
FROM BALDWIN COUNTY ROAD NO. 13: 30' MINIMUM BUILDING SETBACK LINE.
<u>REAR YARD SETBACK LINE:</u>
30' REAR YARD SETBACK LINE.
<u>SIDE YARD SETBACK LINE:</u>
NO SIDE YARD SETBACK LINE, EXCEPT IT WILL BE 30' WHEN ABUTTING A RESIDENTIAL DISTRICT.

FUTURE PHASE IS ZONED R–3.
MINIMUM BUILDING SET–BACKS (ALL BUILDING SET–BACKS ARE MEASURED FROM A PERPENDICULAR TO THE PROPERTY LINES):

<u>FRONT YARD SETBACK LINE</u>:
FROM U.S. HIGHWAY 90: 100' FROM CENTERLINE.
FROM BALDWIN COUNTY ROAD NO. 13: 30' MINIMUM BUILDING SETBACK LINE.
<u>CORNER SIDE YARD SETBACK LINE:</u>
30' CORNER SIDE YARD SETBACK FROM BALDWIN COUNTY ROAD NO. 13.
<u>REAR YARD SETBACK LINE:</u>
30' REAR YARD SETBACK LINE.
<u>SIDE YARD SETBACK LINE:</u>
10' SIDE YARD SETBACK LINE.

2. 10' UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS.

3. FOR LOCATION OF UNDERGROUND UTILITIES SEE CONSTRUCTION PLANS.

4. ACREAGE IN TOTAL TRACT: 3.7190 ACRES.
SMALLEST LOT SIZE: 1.2397 ACRES.
TOTAL LOTS: 3.

5. THE SIXTY–FIVE FEET WEST OF AND ADJACENT TO THE THREE–LOT SUBDIVISION IS NOT TO BE USED AS AN INGRESS AND EGRESS WITHOUT PLANNING COMMISSION APPROVAL.

PROPERTY OWNERS

1	MALBIS PLANTATION, INC 29470 ST. HWY 181 DAPHNE, AL 36526 05–32–08–34–0–000–002.000 2.1± ACRE	17	MAJ, LLC 160 N. SECTION ST. FAIRHOPE, AL 36532 05–32–08–33–0–001–018.080 0.4± ACRE
2	WILLIAM C., JR. & RUBY S. GRAVAT 20188 PECAN TRACE FAIRHOPE, AL 36532 05–32–08–33–0–002–002.000 0.4± ACRE	18	MAJ, LLC 160 N. SECTION ST. FAIRHOPE, AL 36532 05–32–08–33–0–001–018.081 0.4± ACRE
3	THOMAS ROSANDICH 110 EDGAR CIRCLE DAPHNE, AL 36526 05–32–08–33–0–002–003.000 0.4± ACRE	19	CECIL H. & LAVADA J. PARMER PO BOX 7066 SPANISH FORT, AL 36577 05–32–08–33–0–001–018.082 0.4± ACRE
4	MICHAEL E. & JOY C. JOHNSON 25250 GRIGGER ROAD ROBERTSDALE, AL 36567 05–32–08–33–0–002–004.000 0.3± ACRE	20	THOMAS F. & AMY STUTTS PO BOX 851736 MOBILE, AL 36685 05–32–08–33–0–001–018.083 0.4± ACRE
5	FRIDAY CONSTRUCTION, LLC 1444 W I–65 SERVICE RD. S. MOBILE, AL 36693 05–32–08–33–0–002–005.000 0.3± ACRE	21	MAJ, LLC 160 N. SECTION ST. FAIRHOPE, AL 36532 05–32–08–33–0–001–018.084 0.4± ACRE
6	LINDA GRANDINETTI 22230 NE 28TH STREET REDMOND, VA 98053 05–32–08–33–0–002–006.000 0.4± ACRE	22	MAJ, LLC 160 N. SECTION ST. FAIRHOPE, AL 36532 05–32–08–33–0–001–018.096 0.4± ACRE
7	GERALD & RUTHANN PARTAIN 121 WORCHESTER DRIVE DAPHNE, AL 36526 05–32–08–33–0–002–013.000 0.6± ACRE	23	EUGENE OVERSTREET 251 HWY 31 SOUTH BAY MINETTE, AL 36507 05–32–08–33–0–001–018.085 0.4± ACRE
8	GERALD & RUTHANN PARTAIN 121 WORCHESTER DRIVE DAPHNE, AL 36526 05–32–08–33–0–002–014.000 0.4± ACRE	24	EUGENE OVERSTREET 251 HWY 31 SOUTH BAY MINETTE, AL 36507 05–32–08–33–0–001–018.086 0.4± ACRE
9	JACSON T. & CAMILLE LONG 6884 CAPITOLA FARM ROAD FLOWERY BRANCH, GA 30542 05–32–08–33–0–002–015.000 0.3± ACRE	25	MAJ, LLC 160 N. SECTION ST. FAIRHOPE, AL 36532 05–32–08–33–0–001–018.087 0.4± ACRE
10	JACSON T. & CAMILLE LONG 6884 CAPITOLA FARM ROAD FLOWERY BRANCH, GA 30542 05–32–08–33–0–002–016.000 0.3± ACRE	26	BASS HOMES, INC. 5329 BAY DRIVE ORANGE BEACH, AL 36561 05–32–08–33–0–001–018.089 0.4± ACRE
11	VICTORIA PHELPS 111 WORCHESTER DRIVE DAPHNE, AL 36526 05–32–08–33–0–002–017.000 0.3± ACRE	27	PARACEL CUSTOM HOME BUILDERS INC 4400 BAYOU BLVD, STE. 46 PENSACOLA, FL 32503 05–32–08–33–0–001–018.090 0.4± ACRE
12	VICTORIA PHELPS 111 WORCHESTER DRIVE DAPHNE, AL 36526 05–32–08–33–0–002–018.000 0.7± ACRE	28	BRETT REAL ESTATE ROBINSON DEVELOPMENT 29442 ACORN KNOLL DRIVE DAPHNE, AL 36526 05–32–08–33–0–001–018.091 0.4± ACRE
13	LAKE FOREST PROPERTY OWNERS ASSOC PO BOX 1087 DAPHNE, AL 36526 05–32–08–33–0–003–023.000 0.3± ACRE	29	GORDON C. & FAYE R. SIRMON 11965 HWY 84 EVERGREEN, AL 36401 05–32–08–33–0–001–018.092 0.4± ACRE
14	FRIDAY CONSTRUCTION, LLC 1444 W I–65 SERVICE RD. S. MOBILE, AL 36693 05–32–08–33–0–003–024.000 0.3± ACRE	30	LAVON & VIRGINIA C. HENLEY 29488 ACORN KNOLL DAPHNE, AL 36526 05–32–08–33–0–001–018.093 0.4± ACRE
15	MCGUIRE CORPORATION OF NORTH AMERICA PO BOX 3041 GULF SHORES, AL 36547 05–32–08–33–0–003–025.000 0.3± ACRE	31	CECIL H. & LAVADA J. PARMER PO BOX 7066 SPANISH FORT, AL 36577 05–32–08–33–0–001–018.094 0.4± ACRE
16	MAJ LLC 160 N. SECTION ST. FAIRHOPE, AL 36532 05–32–08–33–0–0010–018.076 3.8± ACRE	32	MALBIS PLANTATION, INC 29470 ST. HWY 181 DAPHNE, AL 36526 05–32–08–33–0–001–018.000 130± ACRE

DESCRIPTION OF PROPERTY TO BE REZONED FROM R–3 TO B–3:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, T4S–R2E, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE EAST BOUNDARY OF LAKE FOREST, UNIT 25, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 86 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID EAST BOUNDARY OF LAKE FOREST, UNIT 25, RUN N 00° 16' 26" E 468.87 FEET TO THE NORTHEAST CORNER OF SAID LAKE FOREST, UNIT 25 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT BEING ON THE CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK; THENCE ALONG THE NORTH BOUNDARY OF SAID LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 44' 11" W 96.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 86° 00' 27" W 200.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 51° 06' 47" W 62.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 39' 00" W 85.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 59° 41' 00" W 214.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 80° 14' 08" W 67.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 89° 25' 57" W 95.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 74° 28' 15" W 205.84 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 41° 02' 51" W 148.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 59° 59' 33" W 73.71 FEET TO THE NORTHEAST CORNER OF LAKE FOREST, UNIT 24, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 85 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 40° 17' 16" W 202.35 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 51° 54' 58" W 79.42 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 32° 57' 38" W 69.21 FEET TO THE SOUTHEAST CORNER OF OAK CREEK SUBDIVISION, AS PER PLAT RECORDED ON SLIDE NO. 2205–D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID OAK CREEK SUBDIVISION, RUN N 00° 50' 07" W 2201.98 FEET TO THE NORTHEAST CORNER OF SAID OAK CREEK SUBDIVISION; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN N 89° 03' 35" E 65.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 03' 35" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN A DISTANCE OF 540.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 275.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 540.00 FEET TO A POINT; THENCE RUN N 00° 56' 25" E 275.00 FEET TO THE POINT OF BEGINNING. CONTAINING 148,500 SQUARE FEET OR 3.4092 ACRES.

100' 0 100' 200'
GRAPHIC SCALE

REZONING

SHEET 2 OF 2

HIGHWAY 90 BUSINESS PARK
UNIT ONE

RESTER AND COLEMAN
ENGINEERS, INC.

66 MIDTOWN PARK WEST MOBILE, ALABAMA 36606
TELEPHONE NO. (251)–479–4518
FAX NO. (251)–479–4522

DWG. BY:	DATE	REVISIONS						SCALE:
L.M.D.	11/15/11	BY:	DATE	BY:	DATE	BY:	DATE	1"=100'
CHKD. BY:	DATE	L.M.D.	02/07/12					FILE NO.
								S–77

CITY OF DAPHNE

ORDINANCE NO. 2012- 28

An Ordinance adopting and enacting the 2005 Supplement Code for the City of Daphne, Alabama providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this ordinance shall become effective.

BE IT ORDAINED BY THE CITY COUNCIL OF DAPHNE, ALABAMA:

SECTION 1: The Code entitled "Code of Ordinance, City of Daphne, Alabama" published by Municipal Code Corporation consisting of Chapters 1 through 20, each inclusive, is adopted; as public notice of adoption is provided in Resolution No. 2006-23 adopted the 6th day of March, 2006, as required by Code of Alabama Section 11-45-8© for the adoption of codes in book form.

SECTION 2: All ordinances of a general and permanent nature enacted on or before August 16, 1993, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION 3: The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than five hundred dollars ($500.00) and imprisonment for not more than six (6) months, or both. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

SECTION 5: Additions or amendments to the Code when passed in form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 6: Ordinances adopted after August 16, 1993 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

SECTION 7: Severability Clause - The provisions of this ordinance and the Daphne Code of Ordinances adopted hereby are severable. In the event that any of the provisions hereof, or of the Daphne Code of Ordinances are declared invalid by a Court of competent jurisdiction, then the remaining portions shall remain in full force and effect notwithstanding such invalidity.

SECTION 8: This ordinance shall become effective upon publication of such notice.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, THIS _____ day of _____, 2012.

_____
CATHY S. BARNETTE
COUNCIL PRESIDENT

_____
BAILEY YELDING, JR.,
MAYOR

ATTEST:

_____
DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE 2012 - 29

Legislative: 2012 International Building & Fire Code Books Budget Appropriation

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 adopted budget does not include an appropriation for 2012 International Building & Fire Code Books for the City Clerk's office; and

WHEREAS, 2012 International Building & Fire Code Books are required to be kept in the City Clerk's office and made available to the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of $1,777 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for 2012 International Building & Fire Code Books for the City Clerk's office.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____ , 2012.

_____
Cathy S. Barnette, Council President

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk, MMC

ORDINANCE 2012-30

APROPRIATION OF FUNDS FOR THE ASSISTANCE TO FIREFIGHTERS GRANT AWARDED TO THE CITY OF DAPHNE'S FIRE DEPARTMENT

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

WHERE AS, subsequent to the adoption of the Fiscal Year 2012 Budget, the City Council has determined that certain appropriation are required and should be approved and made part of the Fiscal Year 2012 Budget; and

WHERE AS, The City of Daphne's Fire Department submitted a grant application in 2011 for consideration in the Federal Emergency Management Agency's (FEMA) and Department of Homeland Security's (DHS) Assistance to Firefighters Grant; and

WHERE AS, FEMA and DHS approved and awarded the Assistance to Firefighters Grant to the City of Daphne's Fire Department in the amount of $55,800 with the following cost sharing responsibilities:

90% Federal ($50,220) + 10% City of Daphne ($5,580) = $55,800

WHERE AS, the Daphne Fire Department will be using the awarded grant funds for the purchase of following essential equipment:

- Thermal Imager Camera
- Self-Contained Breathing Apparatuses

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), that funds in the amount of $5,580 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 Budget for the Assistance to Firefighters grant.

APPROVED AND ADOPTED BY THE MAYOR & CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____DAY OF _____, 2012.

_____
CATHY S. BARNETTE,
COUNCIL PRESIDENT

_____
BAILEY YELDING, JR.,
MAYOR, CITY OF DAPHNE

ATTEST:

_____
DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE 2012-31

PROFIT DRIVE EXTENTION & LAKE FOREST: RIDGEWOOD DRIVE-PHASE II: APPROPRIATION OF DESIGN AND ENGINEERING FUNDS

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

WHERE AS, 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 part of the Fiscal Year 2012 Budget; and

WHERE AS, the Profit Drive Extension – Profit Drive to Johnson Road (0.275 miles) and Lake Forest: Ridgewood Drive Phase II (1.2 miles) projects need to go out for bid; and

WHERE AS, Design and engineering services in the amount of $106,445 are required to prepare these projects for bid:

- **Profit Drive Extension $ 20,154**
- **Lake Forest: Ridgewood Drive-Phase II $ 86,291**

TOTAL $106,445

WHERE AS, the City Council has determined it to be in the best interest of the City to obtain bids for these projects by unanimously passing a motion during the March 19, 2012 City Council Meeting authorizing the City to go out for bid on all Fiscal Year 2012 proposed City of Daphne Street Improvement Projects.

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), that funds in the amount of $106,445 from the Capital Reserve Fund are hereby appropriated and made a part of the Fiscal Year 2012 Budget for the design and engineering services for the Profit Drive Extension and the Lake Forest: Ridgewood Drive-Phase II projects.

APPROVED AND ADOPTED BY THE MAYOR & CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____DAY OF _____, 2012.

_____
CATHY S. BARNETTE,
COUNCIL PRESIDENT

_____
BAILEY YELDING, JR.,
MAYOR, CITY OF DAPHNE

ATTEST:

_____
DAVID L. COHEN,
CITY CLERK, MMC