

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

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES:** Council meeting minutes / July 2, 2012

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

Review minutes / July 9<sup>th</sup>

**1.) Ordinances:**

- a.) Appropriation of Funds: Pinehill Road Resurfacing / *Ordinance 2012-47*
- b.) Amending the Lodging Tax Ordinance Time Extension / *Ordinance 2012-48*
- c.) Amending the Personnel Policy No. 1.3.3 Regulating the Political Participation Rights of Employees / *Ordinance 2012-49*

**2.) Resolutions:**

- a.) Bid Award: Self-Contained Breathing Apparatus / Sunbelt Fire Apparatus / *Resolution 2012-48*
- b.) Bid Award: Thermal imaging Camera / Sunbelt Fire Apparatus / *Resolution 2012-49*
- c.) Bid Award: Jail Food Service / Negotiated / Winn-Dixie / *Resolution 2012-50*
- d.) Fiber Installation to Designated City Buildings Contract / *Resolution 2012-51*

**3.) Motions:**

- a.) Motion to REJECT the 2012-O-Safety Shoe/Boots Bid
- b.) Motion to recommend Council to close the 2006 Construction Fund and to transfer funds in the amount of \$715,269 to the Capital Reserve Fund for use on future capital projects.

**4.) Financial Reports:**

Treasurers Report / June 30, 2012

Sales & Use Tax Collections / May 31, 2012

Lodging Tax Collections / May 31, 2012

**B. BUILDINGS & PROPERTY COMMITTEE - Lake**

**C. PUBLIC SAFETY COMMITTEE – Boulware**

Review minutes / July 11<sup>th</sup>

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese**

**E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Conaway**

Review minutes / June 19<sup>th</sup>

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Jones**

Review minutes / May 3, 2011

**B. Downtown Redevelopment Authority – Barnette**

Review minutes / June 25<sup>th</sup>

Presentation: Casey Zito, Chairman

**C. Industrial Development Board – Conaway**

**D. Library Board – Lake**

**E. Planning Commission – Barnette**

Review minutes / May 24<sup>th</sup>

a.) Set a Public Hearing date for August 20, 2012 to consider:

Rezone: D. R. Horton, Inc.

Location: West of AL Hwy 181, near the intersection of Camberwell Drive and Devonfield Lane

Present Zoning: B-1, Local Business, R-1, Low Density Single Family Residential and R-3, High Density Single Family

Proposed Zoning: R-1, Low Density Single Family

Recommendation: Failed to set forth a favorable recommendation.

Although the majority of those present voted in favor of The motion, a super majority would have been Necessary for a favorable recommendation

**F. Recreation Board – Reese**

**G. Utility Board - Scott**

Review minutes / May 30<sup>th</sup>

**6. REPORTS OF OFFICERS:**

**A. Mayor’s Report**

a.) Special Events Permit / Christ the King Church / Prayer for America / October 13, 2012

**B. City Attorney’s Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

**a.) Bid Award: Self-Contained Breathing Apparatus / Sunbelt Fire**

**Apparatus ...../Resolution 2012-48**

**b.) Bid Award: Thermal Imaging Camera / Sunbelt Fire**

**Apparatus...../Resolution 2012-49**

**c.) Bid Award: Jail Food Service / Winn-Dixie ...../Resolution 2012-50**

**d.) Fiber Installation to Designated City Buildings Contract...../Resolution 2012-51**

**e.) Appointing Election Officials...../Resolution 2012-52**

**ORDINANCES:**

**2<sup>nd</sup> READ**

- a.) Appropriation of Funds: Resurfacing: Ryan Avenue to Bayfront Drive ...../Ordinance 2012-46

**1<sup>ST</sup> READ**

- b.) Appropriation of Funds: Pinehill Road Resurfacing...../Ordinance 2012-47
- c.) Amending use of Lodging Tax Proceeds Time Extension...../Ordinance 2012-48
- d.) Amending Personnel Policy 1.3.3 Regulating the Political Participation Rights of Employees...../Ordinance 2012-49

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILWOMAN CONAWAY	PRESENT__	ABSENT__	__
COUNCILWOMAN BARNETTE	PRESENT__	ABSENT__	
COUNCILMAN LAKE	PRESENT__	ABSENT__	__
COUNCILMAN REESE	PRESENT__	ABSENT__	__
COUNCILMAN SCOTT	PRESENT__	ABSENT__	__
COUNCILMAN BOULWARE	PRESENT__	ABSENT__	__
COUNCILMAN PALUMBO	PRESENT__	ABSENT__	__

**MAYOR**

MAYOR YELDING	PRESENT__	ABSENT__	__
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**CITY CLERK:**

DAVID L. COHEN	PRESENT__	ABSENT__	__
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**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS	PRESENT__	ABSENT	
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**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**JULY 2, 2012  
REGULAR CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

Council President Pro tem Boulware called the meeting to order at 6:35 p.m.

**2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:**

The invocation was given by Mr. Willie Robison.

**COUNCIL MEMBERS PRESENT:** Tommie Conaway;; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

**ABSENT:** Cathy Barnette.

**ALSO PRESENT:** Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; James White, Fire Chief; David Carpenter, Police Chief; Margaret Thigpen, Civic Center Director; Christine Ciancetta, Deputy Finance Director; David McKelroy, Recreation Director; Vickie Hinman, Human Resources Director; Richard Merchant, Building Official; Adrienne Jones, Planning Director; Anne Morris, Reference Librarian; Officer Rick Oliver, Police Department; Willie Robison, BZA; Larry Cooke, BZA; Bob Segalla, Utility Board; Al Guarisco, Village Point Foundation; Toni Fasbender, IDB; State Representative Randy Davis.

**ABSENT:** Jay Ross, City Attorney; Richard Johnson, Public Works Director; Tonja Young, Library Director; Kim Briley, Finance Director.

**3. APPROVE MINUTES:**

**MOTION BY Councilwoman Conaway to adopt the June 18, 2012 council meeting minutes. Seconded by Councilman Scott.**

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

**MOTION BY Councilwoman Conaway to adopt the June 11, 2012 council work session minutes. Seconded by Councilman Palumbo.**

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

**PROCLAMATION:** Daphne Firefighter Month / Muscular Dystrophy Association / Nickole Martel

Mayor Yelding read and presented the proclamation to Ms. Martel as Chief White and firefighter Adam Queen looked on.

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**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE – Boulware**

No report.

**B. BUILDINGS AND PROPERTY COMMITTEE – Lake**

The meeting for this afternoon was cancelled. No report.

**C. PUBLIC SAFETY COMMITTEE – Boulware**

No report. The next meeting will be July 13<sup>th</sup> at 4:30 p.m.

**D. CODE ENFORCEMENT / ORDINANCE COMMITTEE – Boulware**

No report. The next meeting will be July 13<sup>th</sup> after the Public Safety meeting.

**E. PUBLIC WORKS COMMITTEE/ SOLID WASTE AUTHORITY – Conaway**

No report.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Adrienne Jones**

The minutes for the December 1, 2011 meeting are in the packet. The next meeting will be Thursday at 6:00 p.m.

**B. Downtown Redevelopment Authority – Barnette**

No report.

**C. Industrial Development Board – Conaway**

No report.

**D. Library Board – Lake**

The Summer read program concluded about three days ago, and other programs are going on. Councilman Lake thanked the Civic Center and Recreation Center for providing space for some of the programs.

**E. Planning Commission – Barnette**

No report.

**F. Recreation Board – Reese**

No report.

**G. Utility Board – Scott**

No report. The next meeting will be the last Wednesday of the month at 5:00 p.m. in the Council Chambers.

**JULY 2, 2012**  
**REGULAR CITY COUNCIL MEETING**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**6:30 P.M.**

Council President Pro tem Boulware moved Public Participation up so that the business community could speak before the motion under the Mayor's report is considered.

**PUBLIC PARTICIPATION:**

**Mr. Bob Segalla – 8100 Palmetto Court -** does not see any harm in allowing banners on building. They just want to avoid a carnival atmosphere.

**Mr. Kevin Spriggs – Owner of several businesses in Daphne –** feels the sign ordinance is the most harmful ordinance passed in Daphne, and that it is not business friendly.

**Mr. Douglas Dugat – 9391 Montpelier Place –** commended council on considering the motion for the businesses. He feels commerce and taxes pay for the quality of life the citizens enjoy. He feels the council should consider more lenient measures on a long term permanent basis. He challenged anyone to find a sign in Daphne that looks as bad as the oak trees on US 98 that have been slaughtered completely on one side. The half trees are not appropriate.

**Mrs. Pauline LeJeune – Owner Market by the Bay -** feels that allowing banners on buildings is not unreasonable. Council needs to do something to help the small businesses, and change the Land Use Ordinance.

**Mr. Dane Hagood – 9221 TimberCreek Boulevard –** feels the proposed motion does not address real estate needs regarding banners on vacant commercial buildings that are for sale.

**Mrs. Toni Fassbender – 103 Pippin Circle –** thanked council for considering the motion on the agenda. She feels that council should take care of the businesses that support the city.

**Mr. Robin LeJeune – Owner Market by the Bay – 102 Havenwood Circle –** said he has given the Mayor a petition of 92 business owners in favor of banners on buildings. Banners are a way of giving the public knowledge. They would like to work with council to make permanent changes to the Land Use Ordinance after the summer is over.

**Mr. Victor LeJeune – Owner Market by the Bay - 126 Hope Drive -** thanked the Mayor and council for their leadership. He wants to work with council on this issue to come to a reasonable solution.

**Mr. Shelly Asmus – LifeSouth Blood Bank -** asked for seven days a week for sandwich signs instead of three, because donations of blood suffers for a lack of signage.

**Mr. Todd Keith – 518 Ridgewood Drive –** Owner of a graphic and sign business – feels the Land Use Ordinance needs to be change to help businesses.

**Ms. Jennifer Miller – 10358 Tampary Street –** spoke regarding a cross walk on Highway 181 in front of the Urgent Care. She said she spoke with someone at ALDOT today and they said if the city would support the project they would relook at the issue. There are some timing and

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signaling studies going on now on Highway 181 from Highway 90 up to Highway 31, and this could possibly be looked at within that study.

**6. REPORTS OF THE OFFICERS:**

**A. *Mayor's Report***

**MOTION BY Councilman Scott to exercise the authority of the City Council granted by Section 33-5 (e) (1) of the Land Use Ordinance: the City Council recognizes the economic recession and has determined that this is an on-going economic down-turn that is affecting businesses in the City of Daphne. The City Council has determined that the recession is an occasion in which it can exercise its authority to allow temporary signage and banners in order to stimulate and support local businesses. Therefore, temporary signs and banners as described in promotional weekends are authorized in the City of Daphne each Friday at 12:00am through Sunday at 11:59pm beginning July 6, 2012 and ending October 1, 2012. Such temporary signs and banners must meet all other requirements and provisions of the Land Use Ordinance. Motion does not suspend or replace any provisions of the sign ordinance, and reiterates that all other requirements of the sign ordinance remain under stringent and uniform enforcement. *Seconded by Councilwoman Conaway.***

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

Mayor Yelding said that he is excited to do this for the businesses. H thanked the council for supporting him in this act. He said council makes the laws and he has to enforce them. He asked the business owners to take what they have given them, and to use it to their advantage, but don't misuse it. The Code Enforcement Officer is still out there.

**B. *City Attorney Report***

No report.

**C. *Department Head Comments***

**David McKelroy – Recreation Director** – announced the will be fireworks on July 4<sup>th</sup>, and they will have hot dogs, inflatable water slides and snow cones. The Recreation Board will meet Wednesday, July 11<sup>th</sup> at 6:30 p.m. Fall sports registration starts July 14<sup>th</sup>. Daphne “M” (Peanut) Dixie Youth District Champions will play in the State Championship game July 6<sup>th</sup> at Enterprise.

**Margaret Thigpen – Civic Center Director** - reported the Civic Center will have an Open House July 10<sup>th</sup> 4:00 – 6:30 p.m.

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7. **PUBLIC PARTICIPATION:**  
Public Hearing was held earlier in the meeting.

8. **RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS:**

**RESOLUTIONS:**

- a.) Appointing Members to the Metropolitan Planning Organization (MPO) ..... /Resolution 2012-45
- b.) Bid Award: Main Street Resurfacing: McAdams Avenue to Bayfront / Hosea O. Weaver & Sons, Inc. .... /Resolution 2012-46
- c.) Appointing the City Clerk to Perform All the Duties Otherwise Required to Be Performed by the Mayor In the 2012 Municipal Election and Run-Off Election ..... /Resolution 2012-47

MOTION BY Councilman Palumbo to waive the reading of Resolution 2012-45. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to waive the reading of Resolution 2012-46. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTIONBY Councilman Palumbo to waive the reading of Resolution 2012-47. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Resolution 2012-47. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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MOTION BY Councilman Lake to adopt Resolutions 2012-45 and 2012-46. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**ORDINANCES:**

**2<sup>nd</sup> READ**

- a.) Amend Ordinance 2003-32 / Noise Ordinance. .... /Ordinance 2012-35
- b.) Appropriation of Funds: Sports Complex Entrance Road. .... /Ordinance 2012-44
- c.) Appropriation of Funds: City Hall Chiller Maintenance Agreement. .... /Ordinance 2012-45

**1<sup>ST</sup> READ**

- d.) Appropriation of Funds: Resurfacing: Ryan Avenue to Bayfront Drive ..... /Ordinance 2012-46

MOTION BY Councilman Scott to waive the reading of Ordinance 2012-35. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2012-35. *Seconded by Councilman Reese.*

**ROLL CALL VOTE**

Conaway	Aye	Scott	Nay
Lake	Aye	Palumbo	Aye
Reese	Aye	Boulware	Aye

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

**MOTION CARRIED**

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MOTION BY Councilman Scott to waive the reading of Ordinances 2012-44 and 2012-45. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2012-44. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2012-45. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

*Ordinance 2012-46 was a 1<sup>st</sup> Read.*

**9. COUNCIL COMMENTS:**

*Mayor Yelding* said that they will start upgrading the sound system next week. He also announced that qualifying to run for mayor or council will start tomorrow at 8:00 a.m.

*Councilwoman Conaway* extended an invitation to Ms. Miller, about the sidewalks, to attend the Public Works Committee meeting on the third Monday at 5:00 p.m., and they can address it there, and the Public Works Director will be at the meeting.

*Councilman Lake* said that State Representative Randy Davis and former councilman Greg Burnam is in the audience tonight. He wished everyone a safe and enjoyable 4<sup>th</sup> of July.

*Council President Pro tem Boulware* thanked the business community for coming out tonight. He also appreciates those that attend the council meetings on a regular basis. He wished everyone a safe 4<sup>th</sup> of July.

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REGULAR CITY COUNCIL MEETING  
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**10. ADJOURN:**

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

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

**There being no further business to discuss the meeting adjourned at 7:32 p.m.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

Certification of Presiding Officer,

\_\_\_\_\_  
Derek Boulware, Council President Pro tem

**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**  
**July 9, 2012**  
**4:00 P.M.**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 4:03 pm. Present were Councilman Ron Scott, Councilwoman Tommie Conaway, Deputy Finance Director Christine Ciancetta, and Senior Accountant Suz anne Henson.

Chairman Derek Boulware arrived at 4:20

Finance Director Kim Briley was absent.

Also in attendance were Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Revenue Officer Heather Gywnn, and FD Battalion Chief Andy Ray.

**II. PUBLIC PARTICIPATION**

There was no public participation.

**III. HUMAN RESOURCES BUSINESS**

**Update on Human Resources Department Activity**

Ms. Vickie Hinman gave an update on the Human Resources department. She noted that the new Building Maintenance Technician started on June 28<sup>th</sup> and that a supplemental questionnaire was sent out to selected IT Coordinator applicants with interviews to follow. Interviewing is in process for the Mechanical Administrative Technician position and applications for the GIS Technician position are being reviewed.

Building Inspections were completed at Civic Center and Recreation Center with no findings. Ms. Hinman noted that the last Safety Committee meeting discussed accident reports need to be completed immediately following an injury. The next Safety Committee meeting will be July 15 at 10 a.m.

Other Human Resources Projects include:

- Revision of policy 1.3.3 – Political Participation
- Benefits Fair scheduled for August 1 – Theme: 50's Sock Hop
- Employee training on FMLA, Worker's Comp and Short Term Disability is complete
- Fire Lieutenant written test – June 15
- Promotional testing and Interviews are complete for Fire Lieutenant
- Continuation of I-9 Audit (Federal documentation requirements to proof citizenship / legal immigrant status)

Ms. Hinman noted that the Political Participation ordinance is included in the packet and explained that in the current employee handbook there is verbiage that states that employees are restricting from participating in political activities. Ms. Hinman noted that this ordinance is to update the employee book by stating that employees may participate in political activities as long as the employee is not at work or in a City uniform. Discussion was made that the verbiage is directly from the Code of Alabama. Mr. Scott added that the City cannot deny due process for any employee.

Mayor Yelding thanked Ms. Hinman for the HR Report and noted that previously Human Resources did not have a Committee to report through and he had requested Council change that so that they would have a committee to report through.

## **IV. CURRENT BUSINESS**

### **A. Financial Reports**

#### 1. Treasurer's Report: June 30, 2012

The Treasurer's Report totaling \$18,991,181.79 was presented. Discussion was made that the City's funds are insured by the FDIC up to \$100,000 and additional funds are insured by State of Alabama SAFE program for Municipalities.

***Motion by Ms. Conaway to accept the Treasurer's Report as of June 30, 2012, in the amount of \$18,991,181.79. Seconded by Mr. Scott. Motion carried.***

#### 2. Sales and Use Taxes: May 31, 2012

Ms. Scott discussed the Sales Tax Collection information.

Sales and Use Tax Collected for May 2012	-	\$911,839
Sales and Use Tax Budgeted for May 2012	-	<u>\$908,573</u>
Under Budget (for April)	-	\$ 3,266

YTD Budget Collections Variance – Over Budget - \$42,426

#### 3. Lodging Tax Collections, May 31, 2012

The Lodging Tax Collections report shows \$54,740.45 collected for May 2012. Mr. Scott noted Lodging Tax was done by \$3,140 from May 2011 collections.

#### 4. Report: New Business Licenses – June 2012

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

#### 5. Bills Paid Reports – June 2012

The Bills Paid Report was included in Packet #2.

### **B. Appropriation Request**

#### **FOUR CENT GAS TAX FUND**

##### ➤ Pinehill Road Resurfacing - \$82,500

Mr. Richard Johnson discussed the Pinehill Road repair and resurfacing project and the quotes he had received for the project. Mr. Johnson recommended to award the contract to Asphalt Services, Inc. Mr. Johnson noted this project would address base repairs needed as well as resurfacing. Mr. Johnson noted that this project came in under \$4,300 than projected. Ms. Henson noted that the asphalt for the project (\$35,536) would be purchased from the City's current bid and noted the construction contract with Asphalt Services, Inc. would be for \$41,264 with total project cost of \$82,500.

Discussion continued on other projects including the sidewalk project in front of Stratford. Mr. Johnson discussed crosswalks connectivity for this area.

***Motion by Ms. Conaway to recommend Council to appropriate \$82,500 from the Four Cent Gas Tax Fund for Pinehill Road base repairs and resurfacing. Seconded by Mr. Scott. Motion carried.***

### **C. Closing of the 2006 Construction Fund – Transfer monies to Capital Reserve Fund**

Ms. Henson discussed that a motion was needed to close the 2006 Construction Fund and to transfer the remaining funds in the amount of \$715,269 to the Capital Reserve Fund to be used for future capital projects. Ms. Henson noted that Ms. Briley had advised that the remaining funds are from assessment revenues.

***Motion by Ms. Conaway to recommend Council to close the 2006 Construction Fund and to transfer monies in the amount of \$715,269 to the Capital Reserve Fund for use on future capital projects. Seconded by Mr. Scott. Motion carried.***

### **D. Bids:**

#### **1. 2012-L-FD / SELF-CONTAINED BREATHING APPARATUS**

Ms. Henson reviewed the bid minutes. Battalion Chief discussed the bid and noted that Chief White's recommendation was to award to the low bidder, Sunbelt Fire, in the amount of \$4,669/unit.

***Motion by Ms. Conaway to recommend Council adopt a resolution awarding the following bid: 2012-L-FD / SELF-CONTAINED BREATHING APPARATUS to Sunbelt Fire in the amount of \$4,669/unit. Seconded by Mr. Scott. Motion carried.***

#### **2. 2012-M-FD / THERMAL IMAGING CAMERA**

Ms. Henson reviewed the bid minutes. Battalion Chief discussed the bid and noted that Chief White's recommendation was to award to the low bidder, Sunbelt Fire, in the amount of \$8,425/unit.

***Motion by Ms. Conaway to recommend Council adopt a resolution awarding the following bid: 2012-M-FD / THERMAL IMAGING CAMERA to Sunbelt Fire in the amount of \$8,425/unit. Seconded by Mr. Scott. Motion carried.***

#### **3. 2012-N-JAIL FOOD**

Ms. Henson discussed that no bids were received for this bid and that historically there has always been difficult getting a response for this bid and it is not uncommon to have to negotiate a contract for this contract. Ms. Henson noted that according to State Bid Law this bid could be negotiated and Lt. Yelding would be following up on negotiating the contract. Ms. Henson noted that she would include the negotiated information in the Council packet if information is obtained in time for submittal.

***Motion needed once negotiated bid received.***

#### **4. 2012-O-SAFETY SHOES/BOOTS**

Ms. Henson noted that there was only one bidder for this bid although 11 bid requests were sent out. Ms. Henson noted that the 25 mile distance for the vendor's business location most likely is why the response is so low but that this requirement is important because employees have to travel to the vendor's store location to be fitted for shoes/boots. Mr. Johnson discussed the bid and requested the bid be rejected and rebid so he could try to encourage more submittals to keep the bid competitive by finding more local vendors to send the bid packet to. Mr. Johnson noted that the cost of the bids alone is not the only factor in consideration of awarding this bid that the time required by employees to travel to and from the store location needs to be considered.

***Motion by Ms. Conaway to reject the Safety Shoes/Boots bid and rebid. Seconded by Mr. Scott.***

### **E. Discuss waiving Temporary Vendor License Fee for Jubilee Festival**

Ms. Gwynn discussed that Ms. Ellis, Mayor's Administrative Assistant had asked her about waiving that fee in order to attract more vendors. Ms. Ciancetta stated that historically the City has not required the vendors to pay this license fee. Mr. Scott discussed the difference in a temporary vendor who is required to get a license

versus the festival type vendor who is only here once a year for the festival. Mr. Scott further discussed that he felt the festival is the type of event where the festival operator should be licensed but not each booth. Mr. Boulware asked how much the City brings in from the license fee. Ms. Gwyn answered the fee is \$55/vendor but this has not always been collected and noted that when she started trying to enforce the license there were complaints. Mayor Yelding noted that Ms. Ellis would be working with the Chamber to increase vendor booth participation.

**Finance Committee recommended to send request to full Council to consider waiving the license fee for Jubilee Festival vendors for the FY2013 Budget.**

## F. Fiber Agreement & Update on Wireless

Ms. Henson reviewed that she had been obtaining quotes and monitoring fiber connectivity since 2002 and the cost has been too high in previous years but the cost has come down over the last few years. Ms. Henson explained the City has a need for a better internet connectivity network. Ms. Henson noted that included in the packet for comparison is the latest quote received in 2011 (\$26,829) for just installing fiber to City buildings (*this cost does not include the monthly cost for internet connection*). (NOTE: The quote previous to the 2011 quote was \$26,000 just to install fiber at the Justice Center so they could connect to the County's 911 service). Ms. Henson explained that the fiber agreement included in the packet has been reviewed and approved by the City attorney. Ms. Henson noted that RFP's had been sent out to include fiber and wireless connectivity for all City buildings, proposals were received and forwarded to the City Attorney for advice. The City attorney advised, after talking with the League of Municipalities, that the City could move forward with the fiber optic project (*the fiber project falls under Public Works bid law requirements –projects under \$50,000 do not have to be bid*), but that the Wireless service did not fall under Public Works law and would have to be bid out (*the cost for service exceeded \$15,000/year*).

Ms. Henson referred to the e-mails from Captain Bell that were included in the packet and summarized saying that there has been serious issues with down time with the current T1 and DSL connections at the North Precinct. Captain Bell wrote that there is a need to move forward quickly for a resolution. Ms. Henson noted that North Precinct was just found to have the capability to connect to Fiber and that connectivity options change constantly as more fiber is installed throughout the City's right of ways

Mr. Scott asked Mr. Johnson to discuss how Public Works would benefit from the Fiber. Mr. Johnson discussed the benefit of connecting to the County and having access to already prepared maps of the area. Mr. Johnson stated PW could take this information and use it to compile reports for projects such as MS4 report or other drainage, storm outfall issues. Mr. Johnson also noted that the county's GIS database will assist with monitoring and placement of street signs. Mr. Johnson noted that the County is allowing the City to access up to date property information such as current ownership and other changes as they occur.

Ms. Hinman stated that the Fire Department is having a lot of issues with the transfer of information through Kronos. Battalion Chief Andy Ray noted that there was a fiber pipe just installed in front of Fire Station #2 last week and inquired if fiber could be connected to the building. Mr. Ray discussed that all the fire station's internet connection is extremely slow and all fire stations connect to Fire Station #2 improvement is needed. Ms. Henson noted that the Fire Stations were originally recommended to have wireless connectivity by JMF but with this new install of Fiber she would check to see what the cost would be to connect fiber to Fire Station #2.

Ms. Henson asked Mr. Lance Alexander, CBI about the fiber improving speed for the fire stations. Mr. Alexander advised the wireless combination recommended by JMF working with a fiber connection will be far superior to the current DSL connection. Ms. Henson noted that at this time not all City departments would be converted to the fiber due to cost and location of available fiber, but wireless connectivity is being evaluated for the City as a whole. Ms. Henson again explained that the initial RFP included all City departments for improving internet connectivity speed but after legal review the fiber and wireless projects had to be contracted separately in order to meet the state bid law.

Discussion continued with the Finance Committee advising Ms. Henson that once the cost to connect fiber for Fire Station #5 was obtained to forward the cost of connecting fiber to the following City buildings: City Hall, Justice Center, Public Works, PD North Precinct, and Fire Station #2.

### **G. Discuss Business License ISSUE Fee comparison**

Ms. Gwynn gave an update that currently most Cities are charging \$10 Issue Fee and the State is planning to increase their Business License Issue fee to \$15. Discussion was made that at this time the Finance Committee did not think the City of Daphne should increase the issue fee.

### **H. Lodging Tax Proceeds Ordinance: Time Extension through October 2015**

Ms. Henson noted that the current Ordinance that designates how Lodging Tax collections are allocated would expire in October of this year and a new ordinance needs to be adopted. Discussion continued on the Lodging Tax Fund and that the ordinance could be amended at any time Council chooses. Ms. Henson noted a draft of the ordinance is included in the packet with the only change being to extend the currently approved allocation of lodging tax monies through October of 2015.

***Motion by Mr. Scott to recommend to Council to adopt the Lodging Tax Proceeds Ordinance – time extension through October 2015. Seconded by Ms. Conaway.***

### **V. Old Business**

### **VI. ADJOURN**

The meeting was adjourned at 4:30 p.m.

**Bailey Yelding, Jr.**  
Mayor

**Vickie Hinman**  
Human Resources Director



*The Jubilee City*

**Sherree Hilburn**  
Payroll and Benefits Coordinator

**Michele Hanson**  
Human Resources Assistant

July 6, 2012

**HUMAN RESOURCES DEPARTMENT**  
**ACTIVITY REPORT**

**Positions**

**Status**

Building Maintenance Technician  
IT Coordinator

DOH – June 28, 2012  
Supplemental Questionnaire due  
by July 13

Administrative Technician (Mechanical)  
GIS Technician  
Fire Lieutenant

Interviewing  
Reviewing applications  
Promotion – Lamar Green

**Safety Committee Meeting** was held on June 27, 2012:

Building Inspections were completed at Civic Center and Recreation Center with no findings. The Safety Committee discussed the procedure and completion of reports following an accident or injury.

*Next safety committee meeting will be July 25, 2012 at 10:00 a.m.*

Human Resources Projects:

- Revision of policy 1.3.3 – Political Participation
- Benefits Fair scheduled for August 1 - Committee meetings are being held weekly  
The theme this year is “50’s Sock Hop”
- Completed employee training on FMLA, Worker’s Comp., and Short Term Disability
- Fire Lieutenant promotional testing and interviews completed
- Continuation of I-9 Audit

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

# TREASURER'S REPORT

As of June 30, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<b>ACCT TITLE</b>	<b>BANK</b>	<b>BALANCE</b>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$6,595,870.93
OPERATING ACCT	COMPASS	(\$330,484.26)
PAYROLL ACCT	COMPASS	\$0.00
		<hr/>
		\$6,265,386.67
<b>INVESTMENT FUND</b>	RAYMOND JAMES (investment \$4,828,875.15)	\$5,155,361.04 *
<b>AGENCY FUNDS</b>		
MUNICIPAL COURT	COMPASS	\$383,501.26
<b>SPECIAL REVENUE FUNDS</b>		
SAIL SITE	PNC BANK	\$10,288.64
4 CENT GAS TAX	PNC BANK	\$396,195.27
7 CENT GAS TAX	PNC BANK	\$343,176.83
		<hr/>
		\$749,660.74
<b>CAPITAL PROJECT FUNDS</b>		
CAPITAL RESERVE	WELLS FARGO	\$1,042,474.92
2006 CONSTRUCTION	WELLS FARGO	\$715,269.44
2012 CONSTRUCTION	REGIONS	\$3,008,125.06
		<hr/>
		\$4,765,869.42
<b>DEBT SERVICE FUNDS</b>		
DEBT SERVICE	WELLS FARGO	\$1,189,066.95
2006 DEBT SERVICE	PNC	\$482,335.71
		<hr/>
		\$1,671,402.66
		 <hr/>
		<u>\$18,991,181.79</u>

\*May 31, 2012 Balance - June statement not received by report date.

PRIOR YEAR BALANCE: June 30, 2011 \$20,274,742.84

# SALES & USE TAXES

## ACTUAL COLLECTIONS

## FY 2012 BUDGET/ACTUAL COMPARISONS

	2004	2005	2006	2007	2008	2009	2010	2011	2012	Actual: 2012	Budget	Monthly Variance	YTD Variance	% of Budget
October	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,730.85	864,730.85	817,268	47,462.71	47,462.71	5.81%
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	845,163.53	836,995	8,168.89	55,631.60	0.96%
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	1,168,626.69	1,144,856	23,770.74	79,402.34	2.08%
January	697,063.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	809,785.59	834,336	(24,550.60)	54,851.74	-2.94%
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	850,487.86	858,367	(7,878.89)	46,972.85	-0.92%
March	848,156.86	917,832.17	1,081,774.83	1,071,588.38	998,616.04	863,535.78	916,657.55	976,181.39	1,013,134.91	1,013,134.91	996,615	16,520.35	63,493.20	1.66%
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	911,388.60	911,388.60	935,721	(24,332.69)	39,160.51	-2.60%
May	818,209.20	882,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	862,254.54	889,945.33	911,839.30	911,839.30	908,573	3,265.87	42,426.38	0.36%
June	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	839,192.33	901,772.80	-	-	897,527	-	-	-
July	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	888,624.95	-	-	848,627	-	-	-
August	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	863,510.67	-	-	899,386	-	-	-
September														
<b>Totals</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>11,871,233.19</b>	<b>11,279,349.93</b>	<b>10,039,546.95</b>	<b>9,934,178.61</b>	<b>10,782,655.21</b>	<b>7,375,157.33</b>	<b>7,375,157.33</b>	<b>10,944,435</b>	<b>42,426.38</b>		

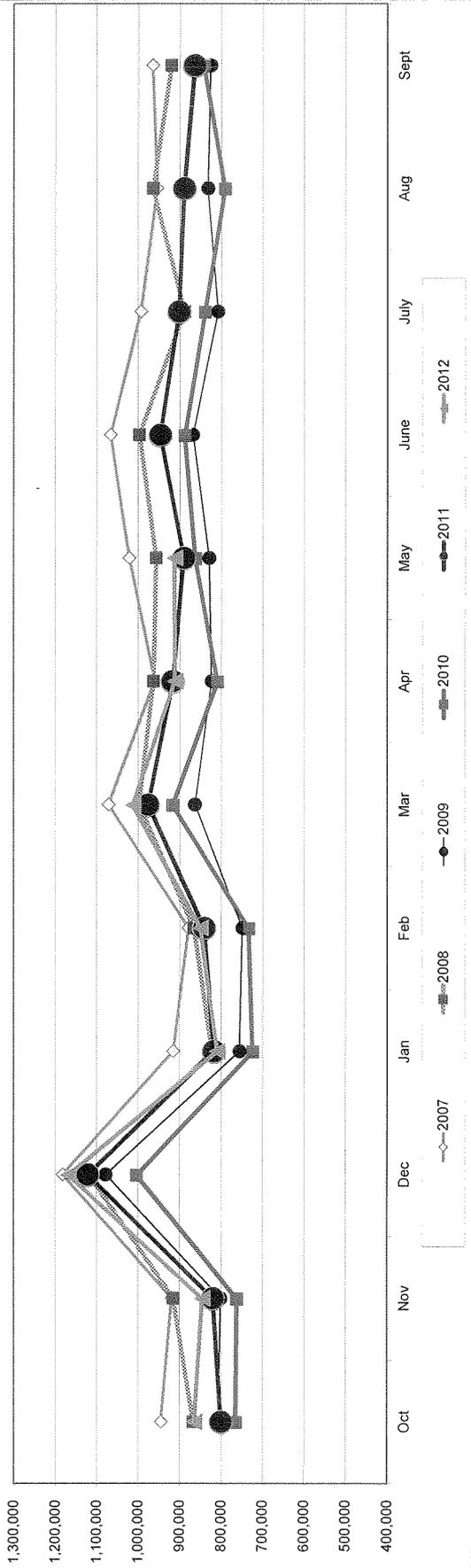
## FISCAL YEAR COMPARISONS

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	
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	October	11.87%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%
November	103,877.29	86,846.35	17,325.57	(2,946.96)	(114,815.06)	(39,120.54)	57,878.72	25,329.44	November	10.66%	1.92%	1.92%	1.92%	1.92%	1.92%	1.92%	1.92%	1.92%
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	December	7.09%	1.21%	1.21%	1.21%	1.21%	1.21%	1.21%	1.21%	1.21%
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)	January	14.98%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%	3.09%
February	100,403.54	89,298.58	(10,176.45)	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	9,719.85	February	11.32%	-0.02%	-0.02%	-0.02%	-0.02%	-0.02%	-0.02%	-0.02%	-0.02%
March	69,675.31	163,942.66	(148.06)	(148.06)	(135,080.26)	53,121.77	59,523.84	36,953.52	March	17.86%	-0.94%	-0.94%	-0.94%	-0.94%	-0.94%	-0.94%	-0.94%	-0.94%
April	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,147.99)	April	12.24%	-0.89%	-0.89%	-0.89%	-0.89%	-0.89%	-0.89%	-0.89%	-0.89%
May	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	33,154.73	27,690.79	21,893.97	May	15.33%	2.11%	2.11%	2.11%	2.11%	2.11%	2.11%	2.11%	2.11%
June	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	18,953.16	59,093.08	-	June	4.19%	4.19%	4.19%	4.19%	4.19%	4.19%	4.19%	4.19%	4.19%
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	31,078.40	62,580.47	-	July	3.61%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%
August	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.55)	97,911.15	-	August	9.28%	0.41%	0.41%	0.41%	0.41%	0.41%	0.41%	0.41%	0.41%
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	-	September	-3.09%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	
<b>Annual \$ Change</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>168,436.75</b>	<b>(591,883.26)</b>	<b>(1,239,802.98)</b>	<b>(105,368.34)</b>	<b>826,001.33</b>	<b>192,766.30</b>	<b>Annual % Chang</b>	<b>9.29%</b>	<b>1.44%</b>	<b>-10.99%</b>	<b>-1.05%</b>	<b>8.31%</b>				

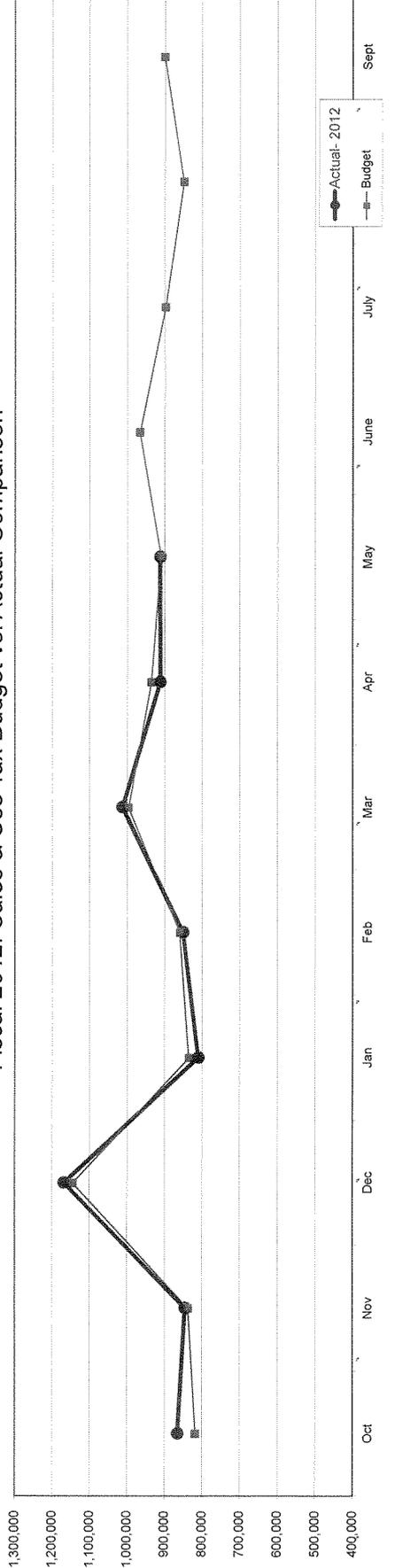
TOTAL collections: FY 11	10,782,655
TOTAL est. bdgt coll: FY 12	10,944,435
Budgeted Dollar Variance 11 & 12	161,780
Budgeted Percent Variance 11 & 12	1.50%

TOTAL collections thru: 5-31-12	7,375,157
Budgeted thru: 5-31-12	7,332,731
Actual Coll: (<)Budget, 9-30-12	42,426
% Over/(Under) Budget, 9-30-12	0.58%

### Sales & Use Tax Comparisons



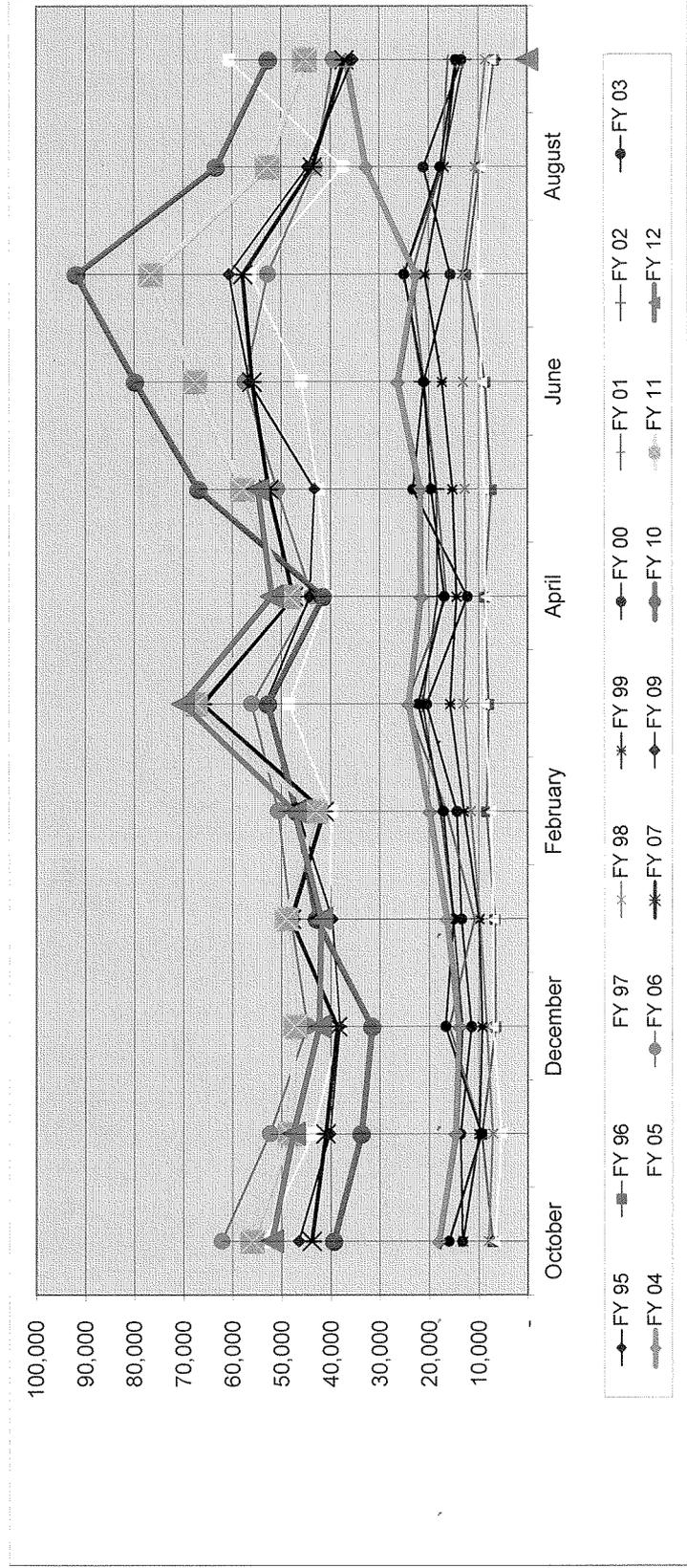
### Fiscal 2012: Sales & Use Tax Budget vs. Actual Comparison



### Monthly Lodging Tax Collections

FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12
13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53
13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08
11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22
13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34
14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50
20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33
12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	51,939.06
23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	54,740.45
21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	
15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	
21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	
13,393.86	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	-
193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	407,851.51

3% to 4%.

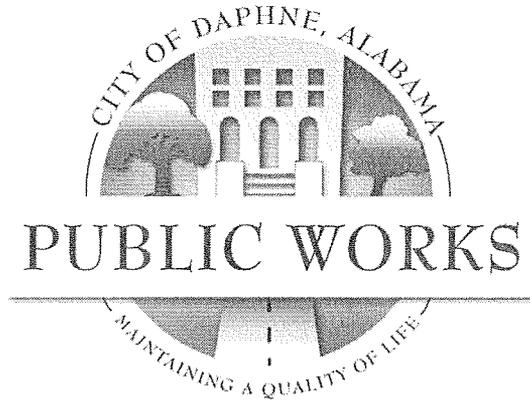


# NEW BUSINESSES

## June-12

CITY LIMITS		CONTRACTORS	
<b>RETAILERS</b>		EMERALD COAST LAWN	1
PET SUPERMARKET INC # 227	1	TOP KUT LAWNCARE SERVICE	1
VIP OPTICAL	1	NEW BEGINNING CONST.	1
<b>ALL OTHER</b>		POLAINAS CONSTRUCTION	1
BRAZILIAN SEXY WAX BOUTIQUE	1	KJ & L TRIMWORKS LLC	1
EASTERN SHORE CRAIGCAT	1	BRONOLD & ASSOCIATES	1
WILSON QUALITY CLEANERS	1	DYNAMIC TOWER SERVICES	1
MUSE PHOTOGRAPHY	1	AWNINGS ABOVE	1
PATRIOTIC CLEANING	1	JUBILEE PLUMBING	1
JEDSON ENGINEERING	1	LONGS PAINTING	1
BALDWINS FROST BITES	1	GROUNDS GROUP	1
FIG LEAF	1	J RAYMOND CONSTRUCTION	1
VISION PARTNERS	1	AL'S LAWN SERVICE	1
MELANIE G HINSON LLC	1	SPEC-SEAL INC	1
JUBILEE SOLUTIONS	1	VALERE HOMES	1
<b>TOTAL CITY LIMITS</b>	<b>13</b>	RALPH & SON EXTERMINATORS	1
		<b>TOTAL CONTRACTORS</b>	<b>16</b>
<b>OUTSIDE CITY LIMITS</b>		<b>INSURANCE</b>	
COLUMBUS PAPER CO.	1		
VERMEER SOUTHEAST SALES	1	<b>TOTAL INSURANCE</b>	<b>0</b>
BELLS & WHISTLES	1		
THE OLD FOLKIE	1	<b>TOTAL NEW BUSINESSES IN DAPHNE</b>	<b>46</b>
TELEDYNE INSTRUMENTS INC	1		
CARISLE ETCETERA LLC	1	<b>CLOSED BUSINESSES IN DAPHNE</b>	
RR CATERING	1	PERSNICKETYZ BOUTIQUE	1
LA BAIL BONDS	1	<b>TOTAL CLOSED BUSINESSES IN DAPHNE</b>	<b>1</b>
DJ'S BY THE BAY	1		
SERVPRO OF SOUTH MOBILE	1		
LADD PHOTOGRAPHY	1		
LIFEMAX, INC	1		
ADT LLC	1		
VERSA-LOK OF GEORGIA	1		
MAC SOUTH FORSET PRODUCTS	1		
GREATCALL INC	1		
CRAFT EQUIPMENT CO.	1		

Bailey Yelding, Jr.  
Mayor  
  
David Cohen  
City Clerk  
  
Kimberly Briley  
Finance Director/Treasurer  
  
Richard D. Johnson, P.E.  
Director of Public Works



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; File  
**Date:** July 5, 2012  
**Re:** FY2012 – Capital Road Improvement Projects – PWP 2012-6 - Resurfacing of Pinehill Road - 7th Street to south of Roper Ln (Including Base Repairs)

Mr. Mayor:

Based upon the quote tabulations from July 5, 2012, it is my recommendation to award the contract to Asphalt Services, Inc. (ASI) for the repair and resurfacing of Pinehill Road. They submitted the qualifying low price quote.

I am further recommending the following appropriations be made:

• 100% of the construction cost of repair & resurfacing (ASI):	\$ 41,263.68
• Cost of asphalt by City under bid price (M.A.C.):	\$ 35,536.00
• Material Testing (CTL):	\$ 700.00
• Engineering Plans & Specifications (HMR):	\$ 5,000.00
<b>Total:</b>	<b>\$ 82,499.68</b>

Note: Projected Budget Cost (January 2012): \$86,832.00.

Yours,

RDJ



The Jubilee City

PUBLIC WORKS DEPARTMENT

REQUEST FOR PRICE

QUOTATION FOR CAPITAL

IMPROVEMENT PROJECTS

Project: PWP 2012-6 Resurfacing of Pinehill Road - 7th Street to south of Roper Ln

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	QUOTE
1	Asphalt Removal (206-C)	SY	1,160	3 <sup>00</sup>	3,480 <sup>00</sup>
2	Unclassified Excavation (210-A)	CY	165	5 <sup>00</sup>	825 <sup>00</sup>
3	Crushed Aggregate Base, Type B, Plant Mix, 5" Compacted Thickness (301-A)	SY	1,160	9 <sup>25</sup>	10,730 <sup>00</sup>
4	Tack Coat - (405-A) 0.05-0.06 Gall/SY	GAL	360	4 <sup>00</sup>	1,440 <sup>00</sup>
5	Milling/Planing Existing Asphalt (1" Deep) (408-A)	SY	650	5 <sup>00</sup>	3,250 <sup>00</sup>
6	Bituminous Concrete Leveling Layer (424-C) Laydown only - material to be provided by the city	TON	75	20 <sup>00</sup>	1,500 <sup>00</sup>
7	Asphalt Laydown - Bituminous Concrete Wearing Surface, 1.25" (135#/SY) Compacted Thickness (424-A)	SY	6,074	1 <sup>22</sup>	7,410 <sup>28</sup>
	Bituminous Concrete Wearing Surface (424-A)	Ton	410	Provided by the City (Do Not Quote)	
8	Asphalt Laydown - Bituminous Concrete Binder Layer, 1.5" (165#/SY) Compacted Thickness (424-B)	SY	1,212	1 <sup>95</sup>	2,363 <sup>40</sup>
	Bituminous Concrete Binder Layer (424-B)	Ton	100	Provided by the City (Do Not Quote)	
9	Solid White, Class 1, Type A, Traffic Stripe, 5" Wide (701-A)	MI	0.95	1,800 <sup>00</sup>	1,710 <sup>00</sup>
10	Solid Yellow (Double), Class 1, Type A, Traffic Stripe, 5" Wide (701-A)	MI	0.95	2,400 <sup>00</sup>	2,280 <sup>00</sup>
11	Erosion & Sediment Controls (BMP's)	LS	1	1,475 <sup>00</sup>	1,475 <sup>00</sup>
12	Traffic Control	LS	1	1,800 <sup>00</sup>	1,800 <sup>00</sup>
13	Mobilization/Demobilization (600-A)	LS	1	3,000 <sup>00</sup>	3,000 <sup>00</sup>
Quote Total:					641,263 <sup>08</sup>

Notes:

- Contractor will be required to be Licensed, Bonded, and Insured. Documents will be required at time of quote acceptance and purchase order.
- Work must be completed 21 calendar days from the "Notice to Proceed" date.
- Enclosed plans and quantities are "good faith" estimates only. Prior to submitting quotations contractor should field measure and verify all quantities.
- Quotes will be treated and considered as "lump sum" bids for all described work.
- Only one pay request will be accepted and processed upon final acceptance of work.
- Job quoted are subject to the GENERAL CONDITIONS, SPECIAL PROVISIONS and SUPPLEMENTAL SPECIFICATIONS as attached.
- Questions, inquiries and requests for clarification should be directed to Richard D. Johnson, PE; Director of Public Works; Phone - (251) 621-3182; Fax (251) 621-3189; Email [directorpw@daphneal.com](mailto:directorpw@daphneal.com)
- Quotes must be received by 4:00 PM - Tuesday, July 03, 2012, at the Department of Public Works; 26435 Public Works Road; Daphne, AL 36526

Company: Asphalt Services, Inc.  
11045 Old Highway 31  
Spanish Fort, AL 36527

Phone: (251) 621-9325

Signed: [Signature]

Title: Greg Smith, Project Manager

# Christian Testing Laboratories, Inc.



Montgomery Home Office  
1211 Newell Parkway  
Montgomery, AL 36110  
Phone (334) 260-9174 • (334) 264-4422  
Fax (334) 260-9177

South Alabama Branch Office  
715 Cardinal Circle Drive  
Suite D  
Summerdale, AL 36580  
(251) 964-7566  
Fax (251) 964-7826

May 15, 2012

City of Daphne  
Hutchinson, Moore & Raugh, LLC  
Post Office Box 1127  
Daphne, Alabama 36526

Attn: Mr. Jaye Robertson, P.E.

Re: **Proposal for Geotechnical Testing**  
Pinehill Road Pavement Improvements  
Daphne, Alabama  
CTL Proposal No. SAP469.05.14.12

Dear Mr. Robertson:

CTL, Inc. is pleased to have the opportunity to provide a proposal for geotechnical testing and engineering services for the Pinehill Road pavement improvements in Daphne, Alabama.

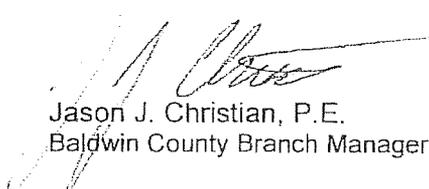
We understand that the project includes the repair of several sections of the roadway that exhibit excessive failures and the asphalt overlay of the entire road from just south of Roper Lane to 7<sup>th</sup> Street.

We understand that our requested services include performing several asphalt cores and hand auger test borings in the major failure areas to evaluate the underlying base and subgrade conditions. The boring data will be used to provide recommendations for repair in these areas. We recommend that you budget **\$700** for the proposed geotechnical testing and engineering services.

We thank you for again allowing CTL, Inc. the opportunity of providing this proposal. Please feel free to contact our office if you have any questions or if you need any additional information. We look forward to discussing our services with you in greater detail as this project advances

Sincerely,

CTL, Inc.

  
Jason J. Christian, P.E.  
Baldwin County Branch Manager



• Testing • Soils • Concrete • Bituminous •  
• Geotechnical Explorations • Sub-Contract Geotechnical/Environmental Drilling Services •  
• Foundation Evaluations & Recommendations • Environmental Services •



## Richard Johnson

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**From:** Jaye Robertson <jaye@hmengineers.com>  
**Sent:** Wednesday, May 09, 2012 9:40 AM  
**To:** Richard Johnson  
**Cc:** tim@hmengineers.com; sah@hmengineers.com  
**Subject:** Pine Hill Resurfacing and Drainage Issue on Van Ave. & Sixth Street

Richard,  
Please see the prices below for the referenced projects:

PINE HILL RESURFACING:

Engineering (Plans and Specifications): \$5,000.00

-This price is based on our previous conversation noting that the City will handle all bidding for this project, any preliminary and construction geotechnical testing will be billed directly to the City, and no CE&I will be required from HMR for this job.

VAN AVE. & SIXTH ST.

Engineering (Plan Only): \$2850.00

-This price is based on our previous conversation noting that Public works forces will be constructing this project, therefore no project specifications, bidding documents, or CE&I will be required.

If you need prices for additional task, please give me a call. Please let me know if you want to proceed with these projects.

Thanks,

**James H. Robertson, PE**

**Hutchinson, Moore & Rauch, LLC**

2039 MAIN STREET

P.O. Box 1127

DAPHNE, AL 36526

[jaye@hmengineers.com](mailto:jaye@hmengineers.com)

(251)626-2626 (TEL)

(251)626-6934 (FAX)

**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: Lake Forest - 1.1 Miles (Ridgewood Drive - North Route connecting 2a & 2b) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping	1.1	\$1,130,000.00	\$79,100.00	\$22,600.00	\$79,100.00	\$1,310,800.00
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
<b>Totals:</b>		<b>6.19</b>	<b>Miles</b>				<b>\$3,050,820.82</b>

Cost per Mile: \$493,261.25

**City of Daphne Fire Department**  
**MEMORANDUM**

**Date:** July 9, 2012  
**To:** Suzanne Henson  
**From:** Chief White   
**Subject:** Self Contained Breathing Apparatus

---

After careful review we have decided to accept Sunbelt Fire's bid of \$4,669.00 for the MSA M7 which also includes a spare bottle .

**CITY OF DAPHNE**  
**2012-L-SELF-CONTAINED BREATHING APPARTUS**  
**JULY 9, 2012**  
**11:30AM**

Those present were as follows:

James White	Fire Chief
Andy Ray	FD Battalion Chief
Suzanne Henson	Senior Accountant

6 bid invitations were mailed/picked up, 2 sealed bids were received.  
Andy Ray opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>		<u>AMOUNT</u>	
Sunbelt Fire	(MSA M7)	\$ 4,669.00	(Includes Tank/Cylinder)
Heritage Fire	(Interspiro)	\$ 4,289.00	\$4,289.00
	Tank Cylinder:30 min-	\$ 650.00	\$ 845.00 - Tank Cylinder: 60 min
		\$4,939.00	\$5,134.00



\_\_\_\_\_  
Suzanne Henson, Senior Accountant

**City of Daphne Fire Department  
MEMORANDUM**

**Date:** July 9, 2012  
**To:** Suzanne Henson  
**From:** Chief White   
**Subject:** Thermal Imaging Camera

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After careful review we have decided to accept Sunbelt Fire's bid of \$8,425.00 for the MSA 5200HD Thermal Imaging Camera.

**CITY OF DAPHNE**  
**2012-M-FD/THERMAL IMAGING CAMERA**  
**JULY 9, 2012**  
**11:30AM**  
**CITY HALL**

Those present were as follows:

James White	Fire Chief
Andy Ray	FD Battalion Chief
Suzanne Henson	Senior Accountant

6 bid invitations were mailed/picked up, 2 sealed bids were received.  
Andy Ray opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
Sunbelt Fire    ( <i>MSA 5200HD Thermal Imaging Camera</i> )	\$ 8,425.00
Heritage Fire    ( <i>Argus 4-320 Thermal Imaging Camera</i> )	\$ 8,950.00



\_\_\_\_\_  
Suzanne Henson, Senior Accountant

**CITY OF DAPHNE**  
**2012-N-PD/JAIL FOOD SERVICE**  
**JULY 9, 2012**  
**11:30AM**  
**CITY HALL**

Those present were as follows:

Sandi Cushway  
Suzanne Henson

PW Administrative Assistant  
Senior Accountant

1 bid invitations were mailed/picked up, 0 sealed bids were received.

VENDOR

AMOUNT

NO BIDS



\_\_\_\_\_  
*Suzanne Henson, Senior Accountant*

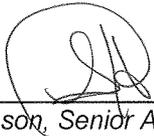
**CITY OF DAPHNE**  
**2012-O-SAFETY SHOES/BOOTS**  
**JULY 9, 2012**  
**11:30AM**

Those present were as follows:

Sandi Cushway                      PW Administrative Assistant  
Suzanne Henson                    Senior Accountant

11 bid invitations were mailed/picked up, 1 sealed bids were received.  
Ms. Sandi Cushway opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>		<u>AMOUNT</u>
Safety shoe Plus	8" Boot	\$ 94.00
	8" Waterproof Boot	\$ 99.00
	6" Boot	\$ 85.00
	6" Waterproof Boot	\$ 94.00
	Shoe	\$ 79.00
	Waterproof Shoe	\$ 85.00



Suzanne Henson, Senior Accountant



*The Jubilee City*

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**From:** Jane Ellis [mailto:mayorassist@daphneal.com]

**Sent:** Monday, July 02, 2012 10:29 AM

**To:** revenueofficer@daphneal.com

**Cc:** 'Mayor Bailey Yelding'; financedirector@daphneal.com; financedeputydirector@daphneal.com; Suzanne Henson

**Subject:** Jubilee Festival - Temp Vendor License

In the past and always as far as I know of, the City has not collected the temporary vendor license (\$55) for the artist that participate in the Jubilee Festival. The general thinking has been that since it was a Chamber sponsored event it fell under them.

Heather and I have talked about this for this coming festival in September and I have talked to the Mayor. Heather has suggested that we do it again this year (since artist have already signed up) but place something in writing that we are waiving it for the 2012 festival and we will look at this waiver each year. This way we have not committed to anything in the future. After speaking with Council President Barnette she has suggested that Heather bring this before the Finance Committee as a recommendation. It will not need to go before council – just getting the blessing of the Finance Committee.

By way of this memo Heather will prepare a recommendation stating such for the July 9<sup>th</sup> Finance Committee agenda if Kim, you agree with this procedure. If you don't agree please advise.

Thanks.

*Jane Ellis*

*Assistant to Mayor Bailey Yelding*

*City of Daphne*

*P. O. Box 400*

*Daphne, AL 36526*

*251.621.9000*

*[www.daphneal.com](http://www.daphneal.com)*

**From:** Daniel Bell [mailto:dbell@daphnepolice.org]  
**To:** Suzanne Henson  
**Cc:** Chief David Carpenter; 'Scott Taylor'; Ric Yelding  
**Subject:** JMF Wireless access service Final Update

Suzanne

I met today with Mike Francis and Jason (PD computer Tech). We had some concerns that needed to be addressed. We had a lengthy conversation about this proposal but the specific points of concern are listed below. All of our concerns were addressed and we believe this wireless proposal is acceptable. The Police Department would make a positive recommendation for this network given the changes that were discussed today. Most of those changes are minor adjustments to the network and should not involve services to the other departments within the city.

**Speed and Band Width:**

We discussed the need to increase this and all parties agreed with the justification and the need to increase this. We were concerned about the connection from the North Precinct to the PD. This can easily be increased without decreasing anything from other departments.

**Wireless Point to Point Access Security:**

We had questions about the system security as we have secured data and this proposal would include the wireless transfer of that data. We are held to a specific standard by law to maintain certain security requirements. Those requirements are available and will be utilized. The security was sufficient for the transfer of police data. This option, as I understood it, would be specifically assigned to the data transferred by police.

**Wireless Access Point:**

The ability to wirelessly connect to a specified point within the network was a security concern. This omni directional access point can be restricted with security measures. Additionally it was decided that the wireless access point would not be connected to the Police Department network or server.

**Interruption of Services Within the Network Involving North Precinct:**

With a wireless network there is always the possibility of disruption, especially when you consider hurricanes and thunderstorms. We discussed the vital nature of work being performed at the North Precinct. This is an essential location for the police department. Should this location go down the police department would suffer significant problems. This was news to JMF and they were under the impression that the North Precinct was not a vital location for police operations. We discussed and clarified this point to include current operations within this department.

 It was decided that a dedicated hardwire (fiber) was needed to maintain operations at the North Precinct. We know a storm is coming (hurricane and Thunderstorms) and will eventually make landfall in this area. It's not a matter of if, but when a storm comes. We consider a wireless network susceptible to those storms. With this proposal most of our other or current services will be dropped (T-1, DSL, etc) that are used for daily operations at the north precinct. The dedicated fiber connection will involve an additional cost. The costs of the hardwire (fiber) are estimated to be the equivalent of those dropped services and the city should come out about the same.

The idea of maintaining the T1 line to the north precinct was discussed as to installing the fiber. This was ruled out as the T1 line could not handle all the services previously dropped by this proposal. The T1 is just too small to handle everything should we have an interruption and we can not afford to have the north precinct without those services.

*Daniel Bell  
Captain  
Field Operations  
Daphne Police Department  
1502 U.S. Highway 98 Daphne Al. 36526  
Phone: 251-621-2834  
Fax: 251-621-3597*

**From:** Daniel Bell [mailto:dbell@daphnepolice.org]  
**Sent:** Thursday, April 19, 2012 11:41 AM  
**To:** Suzanne Henson  
**Cc:** Kenny Hempfleng  
**Subject:** Connectivity for the North Precinct is becoming impossible

Suzanne

I know the connectivity issue is being worked on but I have a need to get back on my soapbox as this connectivity issue involving the North Precinct is getting out of hand. I wanted to update you on this issue and see if we can't move this process along a little faster. The connectivity issue has existed for a while but the more information we are required to push back and forth the worse the problem becomes. All efforts to fix the problem are on hold pending this JMF proposal. I have listed a few of the recent examples of connectivity problems below in the hopes that information might help you in persuading others to move this along. We would really appreciate anything you can do.

Today Lt. Hempfleng had to come to the PD so he could do time cards as the internet connection at the north precinct continually cut him off and/or froze. He also experienced a long delay even when he got it to work. He had to leave his office and come to the PD to get them finished. It took him three hours to get the time cards finished because he was fighting the limited connection and ultimately gave up and came to the PD.

The North Precinct phones are dropping calls due to limited bandwidth. The north precinct is a major hub of activity and business. How embarrassing is it to be talking to a citizen only to have them drop off while talking to a police officer. Not the image I want the police department associated with.

Police Reports are all done through a central server here at the PD. This has gotten so bad that the officers are coming to the PD to use the computers here to finish their work. The problem is that the connection is so slow that the officers and techs are typing faster than the connection can keep up so they out type themselves on the report. That says a lot as most of us only use two or three fingers. If you just keep typing regardless of the delay the system will eventually just stop and you have to restart the program. When it stops the officers have a real problem as they most likely just lost what they were working on.

Officers typing on lengthy reports that involve very detailed information find themselves near the end of their reports only to find the system frozen and all that information lost. The officers have to start over again. Have that happen a few times and you can imagine the phone calls I get.

Patrol Officers have laptops in the cars but they are not able to sync their reports because the system can not handle the load and the laptops do not download the reports. In some cases when a report can not wait the officers will have to drive from the North Precinct to the PD just to sync their computers. Then they have to drive back to go over the report with their supervisors. In other cases the system gets stuck while syncing their reports and once frozen the reports are often lost and the officer has to do it again.

The Intelli-M security system for the north precinct doors is offline more often than it is online. This is a serious security concern but there is little I can do to resolve this issue as it all revolves around the bandwidth and the limited connectivity.

*Daniel Bell  
Captain  
Field Operations  
Daphne Police Department  
1502 U.S. Highway 98 Daphne Al. 36526  
Phone: 251-621-2834  
Fax: 251-621-3597*



southern  
light



futureproof  
fiber

June 6, 2011

To Whom it may concern,

On behalf of Southern Light, please let this letter recognize JMF Solutions, Inc. as a valued customer and service provider who utilizes Southern Light for its fiber network and transport services. Southern Light is committed to the long-term success of its partners and would like to extend its professional recommendation for JMF.

JMF continues to expand and grow its customer base as well as the services delivered on the Southern Light fiber network. They are a customer in good standing with Southern Light and, in our opinion, JMF delivers a value-added service to its clients that is above par.

We are happy to give the highest recommendation for JMF Solutions, Inc. If we may offer any additional information, please feel free to call us any time.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Andy Newton'.

Andy Newton  
Southern Light Fiber



## Terms and Conditions JMF Solutions, Inc

Updated July 5, 2012

This Service Agreement ("Agreement"), together with these Terms and Conditions and applicable tariff and/or price list, contains the entire understanding between you (the "Customer") and JMF Solutions, Inc ("JMF" or "the Company") (collectively referred to as "the parties") with respect to its subject matter and supersedes any prior oral or written offers or proposals made by JMF or its representatives to Customer concerning its subject matter. This Agreement is not assignable by Customer except with JMF's express written consent, without which, any such assignment or attempted assignment shall be void. Customer's Agreement with JMF is for the provision of JMF provided services including, but not limited to, Internet access, local services, data services, long distance and international toll calls, toll free calls, calling card calls, and any additional features or services ordered by Customer (the "Service"). **IN THE EVENT THAT YOU ARE NOT AUTHORIZED TO ACCEPT THESE TERMS AND CONDITIONS ON BEHALF OF YOUR BUSINESS/RESIDENCE, YOU AGREE TO BE PERSONALLY RESPONSIBLE FOR THE TERMS OF THIS AGREEMENT.** Use of the Services by Customer or any individual authorized by Customer confirms acceptance of the terms and conditions described in this Agreement.

Customer hereby agrees to assume responsibility for all charges for and adhere to all terms and conditions of the Service as provided under the Agreement as set forth in the current state/federal tariffs, price lists, pricing guides and/or as described on JMF's web site (jmf-solutions.net), if no state and/or federal tariff applies, in each case as the same exist or as may be modified from time to time. Customer shall be responsible for all long distance charges, local services and usage charges, provision of data services and private lines, as well as any federal, state or local assessments, surcharges and/or taxes, administrative and/or recovery charges for federal and/or state funding mechanisms, payphone surcharges, presubscription charges, and other charges related to the Service. Rates and call timing information, as well as additional terms and conditions that further govern the use of JMF services, price lists and/or pricing guides may be obtained by contacting JMF. Usage charges will be billed in arrears; recurring charges and non-recurring charges will be billed in advance.

Service shall commence on the first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order, in which case the service commencement date is the date of the Customer's acceptance. This Agreement shall continue for the term stated in the Agreement ("Initial Term"), if any, between Customer and JMF. Upon expiration of the Initial Term, the Agreement shall automatically renew on the same terms and conditions (including, without limitation, the rates) for successive one (1) year terms (each one (1) year term, a "Renewal Term") unless either party notifies the other of its intention to terminate the Agreement at the end of the Initial Term or Renewal Term or unless a subsequent Agreement is entered into. Notice regarding termination of service shall be in writing and provided to the other party at least thirty (30) days prior to expiration of the Initial Term or the Renewal Term, as appropriate. In the event of such notice, the Agreement shall terminate upon the expiration of the Initial Term or Renewal Term, as the case may be.

Termination notices should be sent in writing at least thirty (30) days prior to desired discontinuance date by registered or certified mail, return receipt requested, to JMF Solutions, Inc at 1203 U.S. Hwy 98 Suite 2-H Daphne, AL 36532; by email to support@jmf-solutions.net, with confirmed receipt by a JMF representative; or by facsimile to 1-251-272-3874, with confirmed receipt by a JMF representative. Customers subscribed to services not subject to a term agreement may also terminate service by calling 1-251-517-5070. JMF reserves the right to reject a termination request received from any person other than the designated Customer contact(s) listed on the account.

When Customer cancels an application for service prior to the initiation of service, Customer will be required to reimburse Company for accrued charges and expenses incurred in installing or preparing to install service, including waived installation charges, or in connection with any special construction which may have been required. It is Customer's responsibility to be knowledgeable regarding any and all contractual obligations with previous service provider(s) prior to initiating service with JMF. JMF shall not under any circumstances be liable or responsible for payment of early termination, disconnection or cancellation charges assessed by Customer's previous service provider(s) as a result of Customer's breach of contract.

Customer may be eligible for reduced rates and/or discounts by agreeing to remain subscribed to JMF for a specific period of time ("Term Commitment") and/or by agreeing to a minimum monthly billing level ("Volume Commitment") as reflected on the Service Agreement. Fulfillment of the monthly Volume Commitment level for long distance service is based on net billing for domestic outbound direct dialed and/or domestic toll free calls, as applicable, beginning with Customer's second invoice, exclusive of operator service calls, directory assistance calls, calling card and international usage, taxes, surcharges, and other administrative or auxiliary fees ("applicable usage"). Should the minimum Volume Commitment not be met for two consecutive months, Customer agrees to either move to the appropriate product and rates conducive with their volume or pay the difference in the amount billed and the minimum for each month they fail to reach the minimum volume level for the duration of the Term Commitment reflected on the Service Agreement.

Customers with Term Commitments who cancel prior to expiration of the Initial Term of the Agreement will be responsible, within twenty (20) days of last billing date, for payment of termination liability charges equal to either: (a) 50% of the monthly commitment multiplied by the number of remaining full months plus any incentives and discounts received and/or installation charges and third party charges waived (for customers with a specified Volume Commitment) or (b) 50% of the average applicable usage for the six (6) months immediately preceding cancellation multiplied by the number of remaining full months plus any incentives and discounts received and/or installation and third party charges waived (for customers with no specified Volume Commitment). All other services terminated prior to completion of the Initial Term of the Agreement for any reason other than a service interruption, or where the terms and conditions of the Service Agreement or Company tariffs or price lists are breached or violated, Customer will be required to pay termination liability charges equal to 50% of all recurring charges for each remaining month on the agreement plus any incentives and discounts received and/or installation and third party charges waived.

All invoices shall be payable upon receipt. Payment will be considered past due if not received sixteen (16) days following the date on which the bill was issued. Late payment charges, compounded at 1.5% per month but not to exceed the maximum permitted by applicable state law, will be applied by JMF to any amount due thirty (30) days after date of invoice. Payment for services is due on or before the due date. JMF does not give refunds for unused services, or for any other reason. Failure to pay charges incurred will normally result in Customer's account being placed in the hands of a third party for collection. Questions, concerns, or disputed charges should be directed to JMF within thirty (30) days of the date of the invoice or they will be considered accepted by the customer.

The Service may only be used for lawful and authorized purposes. By accepting this Agreement, Customer agrees not to abuse or improperly or fraudulently use the Service or permit others to do the same. Customer agrees to pay for any and all use of Services, regardless of whether such use was authorized by Customer, and agrees to indemnify JMF from any claims that are the result of legal actions brought by any person Customer may have allowed to use the Service. Customer will obtain no property right or interest in the use of any specific type of facility, service connection, equipment, number, or code. Customer agrees to give JMF prompt notice of abandonment, relocation or loss of or damage to Company-provided customer premise equipment. Customer will be charged the current retail sales price for lost or damaged equipment or equipment JMF is unable to recover from Customer's site upon cancellation or termination of service.

JMF reserves the right to promptly refuse, limit the use of, interrupt or terminate the Service without incurring liability (i) for nonpayment of any amounts due, (ii) for provision of insufficient or fraudulent billing information, (iii) for breach of these terms and conditions or violation of applicable laws, rules or regulations, including, without limitation, illegal or fraudulent use or other abuse of the Service, (iv) by reason of an order of a court or governmental authority, (v) if JMF deems such refusal necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents or services, or (vi) for violation of or noncompliance with additional JMF terms and conditions not specifically detailed herein, but which may be set forth in its tariffs, price lists, pricing guides and/or on its web site. Termination of the Service by JMF will not relieve Customer of its obligations under these terms and conditions.

The obligation to furnish, and to continue to furnish the Service is dependent upon JMF's ability, without unreasonable expense, to obtain, retain and maintain access to suitable facilities, agreements with service providers, and governmental authorizations. The Service may be temporarily refused or limited due to capacity limitations or to other circumstances beyond JMF's control. The Services may be temporarily interrupted or curtailed due to equipment modifications, upgrades, re-locations or repairs.

Under federal law, Customer has a right to restrict the use of, disclosure of, and access to, and JMF has a duty to protect the confidentiality of, Customer's Proprietary Network Information ("CPNI"). CPNI is information that relates to the telecommunications services purchased from JMF, including the types of services, how much Services are used, how Services are provided and related calling and billing records. CPNI does not include a Customer's name, address or telephone number(s). JMF is currently permitted to use CPNI, without further action by Customer or by JMF, to fulfill orders, provide service, communicate with Customer and/or offer additional services of the type already purchased by Customer. Prior to using CPNI to market or offer Customer new and/or different communications-related products and services, however, JMF is required to provide written notice of Customer's rights and provide Customer an opportunity to deny JMF's use of its CPNI for this purpose. Customer should indicate its approval or denial of approval regarding this matter on the front page of the Service Agreement. Customer's approval or denial of approval will not affect the provision of any services to which Customer subscribes, but Customer's approval may enhance JMF's ability to offer products and services tailored to Customer's specific needs. Any approval or denial of approval for the use of CPNI outside the service to which Customer already subscribes is valid until Customer affirmatively revokes or limits such approval or denial.

The Service is intended only for the use of Customer, its authorized agents and employees, and may not be resold without the prior written consent of JMF. If Customer intends to resell or re-bill JMF services, Customer hereby certifies that it has all necessary state, federal, legal and regulatory authority to resell or re-bill any telecommunications services to its tenants or customers. If Customer is found to be in violation of any federal, state or local law or regulation for reselling or re-billing telecommunications services, Customer shall indemnify JMF for any related claims by any third party against JMF, including attorney's fees and costs. All such indemnity obligations of Customer shall survive termination or expiration of the Agreement.

JMF DISCLAIMS ANY EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO SERVICE OR EQUIPMENT, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE ENTIRE LIABILITY OF JMF FOR ALL CLAIMS OF WHATEVER NATURE ARISING FROM OR RELATED TO THE PROVISION OF SERVICE SHALL NOT EXCEED AN AMOUNT EQUAL TO THE GREATER OF THE SERVICE CHARGES TO CUSTOMER FOR THE PERIOD OF SERVICE DURING WHICH ANY MISTAKE, ACCIDENT, OMISSION, INTERRUPTION, DELAY, ERROR OR DEFECT IN THE PROVISION OF THE SERVICE OCCURS.

Any waiver of any breach of or failure to comply with any provision of this Agreement or applicable tariffs, price lists and/or pricing guides shall not be construed as, or constitute, a continuing waiver of such provision, or a waiver of any other provision hereof. JMF shall not be liable or deemed to be in default for any delay or failure to perform under this Agreement or for interruption of service resulting directly or indirectly, from Acts of God or any other cause beyond JMF's reasonable control (Force Majeure). If any provision or provisions of this Agreement are determined to be invalid, unenforceable or contrary to any existing or future law, statute or ordinance of any jurisdiction, such invalidity shall not impair the operation of or affect those provisions in any other jurisdiction nor shall it affect or impair the validity or enforceability of any other valid provisions hereof. This Agreement shall be in all respects governed by and enforced in accordance with the laws of the State of Alabama. Venue for an action concerning this Agreement shall be in the County of Baldwin, State of Alabama.

Company Name: \_\_\_\_\_ By: \_\_\_\_\_ It's: \_\_\_\_\_ Date: \_\_\_\_\_

**ADDENDUM TO AGREEMENT**

**A. *Revaluation of Services:*** Whenever this Agreement shall be renewed annually pursuant to the terms contained herein, the Customer and the Company agree to utilize the then standard market rate for the revaluation of services to be charged the Customer, on a monthly rate, for all services to be provided should the then standard market rate be less than the monthly prices for the preceding Term Commitment.

**B. *Non-Appropriation:*** This Agreement may be terminated in the event no funds or insufficient funds are appropriated and budgeted or are otherwise not available. The Customer will immediately notify the Company of such occurrence and this Agreement shall terminate within 30 days after notification. The Customer agrees that it will not cancel this Agreement if any funds are appropriated to it, or by it, for the acquisition, retention or operation of equipment/services performing functions similar to those contracted for under this Agreement. The Customer and the Company agree that should the Agreement be terminated under this provision, said termination shall not be considered a breach of this Agreement nor shall said termination under this provision entitle the Company to any remedies contained in this Agreement.

**C. *Certificate of Insurance:*** The Company shall obtain a Certificate of Insurance listing the Customer as an additional insured for all City of Daphne related work.

**D. *E-Verify Enrollment Requirements:*** In compliance with Act 2012-491: By signing/entering into a contract, or receiving awards from any incentives and grants associated with the City of Daphne, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

The Agreement and this Addendum may be changed or modified only in writing signed by both parties.

BY: \_\_\_\_\_

CITY: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



# SERVICE AGREEMENT

Customer Service: 1-251-517-5070

Customer hereby agrees to all terms and conditions of the state and federal tariffs of JMF Solutions, Inc, as the same exists and may be amended in the future, including limitations on JMF Solutions. liabilities, applicable to the service(s) and options hereby requested. Customer desiring to terminate service(s) shall provide the Company 30 days prior written notice. Where the Customer desires to terminate service(s) before the completion of the term of this Agreement, Customer shall be required to pay the Company termination liability charges as set forth in JMF terms of service. Customer authorizes JMF to conduct an investigation of Customer's credit history for the purpose of determining Customer's creditworthiness for payment of the service(s) and options. Customer agrees to pay all costs of collection, including a reasonable attorney's fee, whether incurred by suit or otherwise. Only an authorized officer of JMF may agree to modifications to the terms and conditions of the Agreement between the Customer and JMF Solutions, Inc.

**BILLING INFORMATION**

			SINGLE BILL OR BILL PER SITE:	SITE ADDRESSES	
COMPANY NAME			BTN	A	SITE ADDRESS, INCLUDING UNIT NUMBER, FLOOR, CITY, STATE, ZIP
The City of Daphne					City Hall Complex
BILLING ADDRESS			CITY	B	SITE ADDRESS, INCLUDING UNIT NUMBER, FLOOR, CITY, STATE, ZIP
P.O. Box 400			Daphne		Justice Center Complex
STATE	ZIP	CONTACT NAME	CONTACT PHONE NUMBER	C	SITE ADDRESS, INCLUDING UNIT NUMBER, FLOOR, CITY, STATE, ZIP
AL	36526	Suzanne Henson	251-621-9000		Public Works Complex
COMPANY FAX NUMBER		COMPANY E-MAIL CONTACT FOR BILLING		D	SITE ADDRESS, INCLUDING UNIT NUMBER, FLOOR, CITY, STATE, ZIP
					North Precinct
TECHNICAL CONTACT		TECHNICAL CONTACT PHONE #	TAX ID #	E	SITE ADDRESS, INCLUDING UNIT NUMBER, FLOOR, CITY, STATE, ZIP
					Fire Station 2
PERSONS AUTHORIZED TO MAKE CHANGES TO THIS ACCOUNT					
NAME		PHONE NUMBER		TERM IN MONTHS	
				36	
NAME		PHONE NUMBER		TERM ACKNOWLEDGEMENT	

**LOCAL SERVICE**

SITE	QUANTITY	SERVICE	PRICE EACH	MONTHLY TOTAL*	INSTALL FEE*
A	1	5mb Layer 2 Ethernet Fiber Service	\$658.00	\$658.00	\$500.00
B	1	5mb Layer 2 Ethernet Fiber Service	\$658.00	\$658.00	\$500.00
C	1	5mb Layer 2 Ethernet Fiber Service	\$658.00	\$658.00	\$500.00
D	1	10mb Layer 2 Ethernet Fiber Service	\$768.00	\$768.00	\$500.00
E	1	5mb Layer 2 Ethernet Fiber Service	\$658.00	\$658.00	\$500.00
z	1	15mb DIA (Internet Access)	\$500.00	\$500.00	
	5	Mikrotik RB2011 Managed Router	\$10.00	\$50.00	
<b>TOTAL*</b>				<b>\$3,950.00</b>	<b>\$2,500.00</b>

**LONG DISTANCE**

SITE	LONG DISTANCE PRODUCT	In State Rate / min	State to State Rate / min	MRC	NRC

\*Excluding Applicable Taxes, Inside Wiring Charges, Regulated Charges and other Assessments.

**ADDITIONAL INFORMATION:**

- JMF agrees to sign the non-appropriation clause
- Public works agrees to trench to the nearest southern light fiber hand hole

**CLIENT**

**JMF Solutions, Inc**

AUTHORIZED SIGNATURE	DATE	AUTHORIZED SIGNATURE	DATE
CLIENT NAME	TITLE	SALES REPRESENTATIVE	EMPLOYEE OR AGENT #
The City of Daphne			

## **Public Safety Committee**

*Wednesday, July 11, 2012*

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

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

### **Committee Members Attending:**

Councilman Derek Boulware, Councilman Ron Scott, Councilman Kelly Reese, Captain Daniel Bell, Chief James White, Melvin McCarley.

### **CALL TO ORDER**

Councilman Boulware convened the meeting at 4:35 p.m.

**PUBLIC PARTICIPATION** – No Public Participation.

### **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Minutes from June 13, 2012 – Councilman Scott made a motion to accept the minutes as presented; motion was seconded by Councilman Boulware.

### **POLICE DEPARTMENT**

- A. **New Business** – Captain Bell presented the stats. He reported that he had a Crown Vic break down in Montgomery with the new recruits (motor blew). He had Tony's Towing go to Montgomery to retrieve the car and bring it back to our garage. Duke will replace the motor to get it back in the fleet. He can replace the motor for about \$2500. Bell stated that we would try and handle the expense through our existing budget. Councilman Scott asked how many Tahoe's were ready and on the road. Bell stated that we had 5 equipped in Patrol (2 more to be equipped), 1 equipped and in Detectives(1 more to be equipped). He stated that there were 9 Tahoe's in all.

- B. **Old Business** – None

### **FIRE DEPARTMENT**

- A. **New Business** – Chief White went over his stats. He pointed out that the \$265,000 property loss was at Ashley Gates. Chief White stated his back was against the wall again with his Vehicle Maintenance account. He has transferred all he can to that account to cover deficits. Public Works transferred some money to his Fire Vehicle Maintenance Account to get one of his trucks running. He stated that he would be back before the Council if need be asking for more money in the Vehicle Maintenance account. Councilman Scott asked when the fire station on Stanton Road would be manned? White advised that background checks and drug screens were still underway but soon. He reported that there would be a road from Johnson Road to the Stanton Road facility with gates on both sides protecting citizens from anything that may harm them since

this is a training facility.

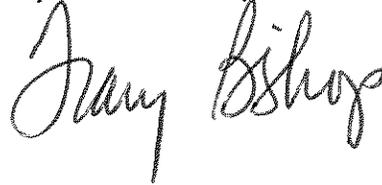
**B. Old Business-**

**OTHER BUSINESS**

**ADJOURN**

There being no further business to discuss, Mr. Boulware made a motion to adjourn the meeting at 4:50 p.m. Mr. Scott seconded the motion. The next meeting will be Wednesday, August 8, 2012 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,  
Daphne Public Safety Committee

A handwritten signature in cursive script that reads "Gary Bishop". The signature is written in black ink and is positioned below the typed name of the committee.

Patrol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt. Bell/Lt. Hempleng)	(Capt. Bell/Lt. Beedy)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/Lt. Yelding)	
# Complaints	1,209	Total Arrestees Received & Processed: 179	YTD	Arson 0
# Misd. Arrests	64	Arrestees by Agency:	1,526	Burglary - Commercial 1
# Felony Arrests	6	Daphne PD	960	Burglary - Residence 8
DUI Arrests	7	BCSO	102	Burglary - Vehicle 9
Alias Warrant Arrests	26	Spanish Fort PD	326	Criminal Mischief 9
Citations	304	Silverhill PD	102	Disorderly Conduct 1
Close Patrols	358	Troopers	31	Domestic Disturbance 23
Warnings	243	Other Agencies	5	False Info to Police 3
Motorist Assists	197			Felony Assault 2
Roadway Accidents	65	Warrants:		Felony Theft 9
Private Property Accidents	20	Served		Harassment 5
Traffic Homicide	0	Agency Assists		Identity Theft 5
		Recalls (Pd Fines)		Indecent Exposure 0
		Total Warrants Served		Kidnapping 0
<b>DRUG REPORT</b>				Menacing 0
<b>ROUTINE PATROL/SPECIAL OPS</b>				Misdemeanor Assault 3
# Misd. Marijuana Arrest	3	Sex Offender:	13,488	Misdemeanor Theft 27
# Felony Marijuana Arrest	1	New Registration:	1,603	Murder 0
# Controlled Substance Arrest	0	Contact Verification	\$1,681.65	Other Death Investigations 2
# Drug Paraphernalia Arrest	3	Total # registered in Daphne	\$11,055.90	Public Intoxication 0
Vehicles Searched	41	DARE:	142.5	Public Lewdness 0
		# Hours Report Writing:		Receiving Stolen Property 0
		# Students Instructed SRO		Reckless Endangerment 1
Drugs Seized:	0	# Students Instructed DARE		Resisting Arrest 1
Type:	0	# Police Reports by SRO		Robbery 0
Money Seized	0	# Arrest by SRO		Sex Crime Investigations 1
Vehicles Seized	0			Suicide 0
		<b>CODE ENFORCEMENT:</b>		Suicide, attempted 4
Commercial Vehicle Inspections	4	Warnings:		Theft of Services 0
		Citations		Unauthorized Use of Services 0
		Warning Compliance		Weapon Offenses 0
		Follow - Up		White Collar Crimes 3

*David Carpenter*

**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period: May 2012**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>	-	-
10-Fire, Other	0	1
11-Structure Fire/Commercial	0	6
11-Structure Fire/Residential	1	6
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	1	6
14-Natural Vegetation Fire	2	5
15-Outside Rubbish Fire	1	5
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	1	1
<b>2-Overpressure Rupture:</b>	0	1
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	153	715
<b>4-Hazardous Conditions (No fire):</b>	5	12
<b>5-Service Call:</b>	14	65
<b>6-Good Intent Call:</b>	17	68
<b>7-False Alarm &amp; False Call:</b>	14	93
<b>8-Severe Weather &amp; Natural Disaster:</b>	1	1
<b>9-Other Situation:</b>	0	0
<b>Total Emergency Calls:</b>	<b>210</b>	<b>974</b>
<b>Monthly Total Calls:</b>	<b>216</b>	<b>1007</b>
<b>Highest:</b>		
	16:00	16:00
<b>Lowest:</b>		
	<1	<1
<b>Average (Minutes/Seconds) :</b>		
	5:18	5:18
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	268.75	2790.75
<b>Property Loss - \$</b>	\$265,000.00	587,500.00
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	2	2
<b>Advance Life Support Rescues</b>	93	447
<b>Number of Patients Treated</b>	145	697
<b>Child Passenger Safety Seat Inspections/Installations</b>	16	48
<b>Classes</b>		
	0	0
<b>Persons Attending</b>		
	0	0
<b>Plan Reviews</b>		
	3	53
<b>Final/Certificate of Occupancy</b>		
	0	0
<b>General/Annual Inspections</b>		
	1	41
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>		
	0	62
<b>Business Licenses</b>		
	6	28
<b>Consultations-</b>		
	0	0
<b>All Other/Misc. Activities</b>		
	206	206
<b>Total Activities:</b>	<b>216</b>	<b>390</b>

Authorized by:

*James White*

Chief James White

7

**CITY OF DAPHNE  
PUBLIC WORKS COMMITTEE MEETING**

**Time: 5:00 PM on June 19, 2012**

**Location: City Hall Council Chambers**

CHAIRMAN - Councilman Tommie Conaway, District 1

Councilwoman Cathy Barnette, District 2

Councilman John Lake, District 3

**I. CALL TO ORDER**

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

Present: Mayor Bailey Yelding, Councilwoman Tommie Conaway, Councilwoman Cathy Barnette, Richard D. Johnson-Director Public Works, Sandra Cushway-PW Administrative Assistant, Doug Bailey-HMR

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

- A. **Work Request Report** – May reports reviewed.
- B. **Vehicle/Equipment Maintenance Report** – May & YTD reports reviewed.
- C. **Correspondence** – Eastern Shore Urgent Care. Complimenting Public Works employee Candice Bishop for going above and beyond. Very pleasant and helpful.
- D. **Correspondence** – Patriots Point Memorial Dedication (Daphne Bulletin). Had a great turnout. Issues with flame staying lit have been resolved.

**III. OLD BUSINESS**

- A. **Minutes – May 21, 2012. Motion made by Councilwoman Barnette to accept the minutes as presented. Motion seconded by Councilman Lake. Motion carried.**
- B. **Mosquito Reports** – New section on website dedicated to mosquito control. Under Public Works. Specifically new guidelines, reporting procedure and citizen education. Councilwoman Barnette asked if the mosquito flyers have gone out in the Riviera Utilities. Sandi checked into this. The flyers have not gone out yet. The grounds department was waiting on the purchase of the new folding machine to fold the flyers. Sandi to get an ETA on when they will be distributed prior to next meeting.
- C. **Street Sweeper Reports** – Data card corrupt – no sweeping reports for May. The card has been reformatted and reports will be available for June.

**IV. NEW BUSINESS**

- A. Governor's Letter RE: ATRIP - Main Street Paving
- B. MPO – Consists of Daphne, most of Fairhope, some of Spanish Fort and Loxley. Powers to allocate monies for highway and transportation improvements. They have allocated \$108M for transportation and 125K for staff services. 100% of the City of Daphne is included. Federal highway officials from Montgomery met with officials from each of the Cities. The clock started back on March 2012. The Policy Board must be comprised of elected officials, Technical (Engineers) and a citizen's advisory board. 38% of the funds will be allocated to transportation projects. As the population of each city grows, the allocated funds for that city grows as well. Recommended roads being County Road 13, Old County Road to Santa Rosa, Ridgewood and Bayview and Park City. There will be another meeting on June 27<sup>th</sup> where the cities will elect the body of the Policy Board. Daphne will have four seats on the board due to population size and one division engineer. Richard commented that the bridge on Bayview would be a great use of these funds. It is weight restricted and goes over the lake.
- C. Councilwoman Barnette asked if two handicapped parking spaces could be placed closer to the entrance of City Hall. She expressed that she understands that they were moved so that they were located at the start of the ramp, but asked if we could add two more closer to the entrance to accommodate handicapped people that do not need to utilize the ramp so they won't have to walk so far.
- D. Richard to access franchise agreements with utilities and review. Councilwoman Barnette does not believe there are any that have been executed. To be reported on at next meeting.

**V. DIRECTOR'S REPORT**

- A. Update on May 2, 2012 Rain Event – Richard reported that current rains caused zero rain events. Every reported instance from the May 2<sup>nd</sup> event has been addressed. Timber Creek has a problem today with minor flooding. All claims against the City have been turned over to insurance.
- B. May Day Park Coastal Engineering Monitoring. There should not be beach on each side of the ramp. The Street Department is currently removing sand on each side of the ramp.
- C. Transfer Station – Several options were presented. The engineering company recommended option #2. Richard would like to review in more detail before making any type of recommendation.

**VI. SOLID WASTE AUTHORITY**

- A. **Monthly Equipment Use Report** – Not Reported
- B. **Monthly Recycle Tonnage Report** (Last Quarter Tonnage Comparison). Not Reported

**VII. MUSEUM COMMITTEE**

- A. **Minutes** – Minutes for April 9, 2012 meeting reviewed.

**VIII. BEAUTIFICATION COMMITTEE**

- A. **Minutes** – June 1, 2012. Minutes reviewed
- B. **Update** – Councilman Lake asked what the long-term plans are for the Beautification Committee. He also commented that they need a representative from District 1 on the Committee. The Civic Center sign was not very visible, so it was painted white. The signs for Recreation and Library will be painted white as well. Painting them white makes them more visible.

**IX. ENVIRONMENT ADVISORY COMMITTEE**

- A. June 25, 2012 Meeting Cancelled. Next meeting scheduled on July 23, 2012 at 4:00

**X. ENGINEER REPORT**

- A. **HMR Update** – Doug reported that the intersection of Hwy 98/Whispering Pines is 50% complete. Weather permitting; the project should be completed on time. The storm drains are 90% complete. Binder is down on both center turn lanes. Next week they will start to sod the median.
- B. **HMR Update** – Lake Forest re-sodding to be completed next week. Will do final walk-through with contractor late next week.

**XI. FUTURE BUSINESS**

- B. **Next Meeting** – July 16, 2012

**XII. ADJOURNMENT**

The meeting adjourned at 5:37 PM.

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF MAY 3, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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**Chairman:** the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 5:58 p.m. Let us have roll call.

**Call of Roll:**

Members Present:

Glen Swaney, Vice Chairman  
Frank Lamb arrived at 6:01 p.m.  
Billy Mayhand  
Willie Robison, Chairman  
Jim Moss

Staff Present:

Adrienne D. Jones, Director of Community Development  
Tony Hoffman, BZA Attorney  
Pat Houston, Recording Secretary

**Chairman:** before we start with our agenda we have one of our Board members who after serving many, many years has decided not to seek reappointment, Ms. Jeri Hargiss, we want to publically acknowledge her service. I was hoping she would be here tonight, but even with her not being here we wish to still recognize her. She served the City of Daphne faithfully for many years, she was very conscientious and studious in doing so. She went out and looked at all of the sites to analyze the situation and hardly ever said a word, but you could see the interest in the details in her face as she sat in the end seat there. So tonight I would just like to thank Ms. Hargiss for her many years of faithful service to the City.

There will be five members of the BZA voting tonight and it takes a super majority to approve any of the appeals. The first order of business tonight will be the approval of the December 1st, 2011 meeting minutes. If there are not any corrections, additions or deletions the minutes will stand approved as written. Next item on the agenda is new business which is Appeal 2012-01.

**Mr. Hoffman:** Mr. Chairman.

**Chairman:** yes, sir.

**Mr. Hoffman:** we need to have an actual affirmative vote approving the minutes.

**Chairman:** you do not have to vote on minutes, but if you all would like to do that then we will do an affirmative vote on the minutes, even though we do not have to vote on minutes. We will do it according to the way the attorney has said. The Chair will entertain a motion.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF MAY 3, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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Approval of Minutes:

The minutes of the December 1st, 2011 meeting were considered for approval.

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

The Motion carried unanimously.

New Business:

Appeal #2012-01 Delorice Hall-Black

**Chairman:** now next item for business on the agenda is Appeal #2012-01 Delorice Hall-Black, a variance request to allow the replacement of an existing nonconforming manufactured home, thereby allowing two primary residences on a one point eighty-five acre parcel. The property is located at 1604 Conaway Street, which is zoned R-2, Medium Density, Single Family Residential and R-4, High Density, Single & Multi Family Residential. Ms. Jones if you would walk us through this please.

**Ms. Jones:** [displayed a Power Point Presentation of 1604 Conaway Street.] Yes, sir. The subject property is zoned both R-2 & R-4, located south of County Road 64, and west of Pollard Road. We have received a letter from Delorice C. Hall, which I would like to read into the minutes and have them spread upon the minutes. You have a copy of them as well, but I wanted to read it into the minutes. It says, "To Daphne City Council Members", but we know it should be addressed to the Board of Zoning Adjustment. "My name is Delorice Hall-Black and my husband's name is James Black. We are both employed by the US Air Force and are currently stationed in Turkey. Due to where we currently reside, we would like to allow my brother Marvin Hall Jr. and my sister-in-law Evelyn Hall to act in our behalf for the property connected to 1604 Conaway Street, Daphne, Alabama.

The history of the home and property go back to about 1972 when my grandfather Johnny Hall built the house on 1604 Conaway Street. The mobile home that is currently on the property has been in place since I was a small child until present day which spans 36 years. My Great Aunt Lena Quinney lived there with her son but eventually moved to Daphmont subdivision in the early 80's. The mobile home has since fallen apart and is no longer habitable. My husband and I purchased 1604 Conaway Street from my grandparents in the summer of 2010 to assist them financially and we inherited this mobile home with the property.

Our plans if approved by your council would be to remove the current dilapidated mobile home and upgrade the lot with my brother and sister-in-law.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF MAY 3, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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The modular home they will place on the property will sit even with my grandparents' home and it will be enclosed around the bottom to give the appearance of a normal home. From a financial perspective this will be a feasible option for my brother and sister-in-law due to the current electrical and water/sewer taps that are currently in place. It most of all, will allow my grandparents to have family on the premises in case of an emergency." It is signed Delorice C. Hall-Black attested by Stacy B. Kerns, Civilian Notary, Title 10 U.S.C. 1044a(b)(5), Office of the Staff Judge Advocate. Slide number three in the power point shows an aerial view of the subject property. It shows the house in the lower slide, as well as, the mobile home, if you can see the arrow here. I have prepared a sketch for this meeting to show you where the separation is between the R-4 zoning and the R-2 zoning, as well as, the general location of the house and the mobile home on the site. This is the existing mobile home on the site. This picture was provided by Ms. Hall. This is the proposed replacement. This slide shows the home on Conaway Street that is north of the mobile home. As you enter Conaway Street this house would sit on the right. The next picture under this is the subject property. As you can see there are a lot of trees and you can barely see the mobile home from this picture. All of the other pictures on this page represent the subject property. The top picture again shows the subject property, and the next picture shows the house across the street from the mobile home. The third picture shows the house that is south of the existing house and the last picture shows west on the street farther south of the subject property. The key points here to consider are that the mobile home predates the adoption of the Land Use & Development Ordinance and is considered grandfathered. The existing structure has created blight in the area and this could be seen as an opportunity to make an improvement. The subject property has two addresses and two utility connections although they are already on the same parcel. The parcel again is zoned with two zoning districts, both R-2 and R-4. Nine hundred and fifty six-feet, and this is an approximation using GIS, of Conaway Street is zoned R-2, and four hundred and eighty one-feet of Conaway Street is zoned R-4. A mobile home is allowed in R-4 with Planning Commission approval, but it is not allowed in an R-2. Again, this existing structure is grandfathered. So the question to consider here is are these conditions peculiar to this piece of property and would relief, if granted, cause substantial detriment to the public good or cause impair the purpose and intent of this Ordinance. For those questions I would hear from the applicant, as well as, the neighboring property owners and I will wait to give my recommendation until after we have heard presentations from them.

**Mr. Swaney:** before you leave this presentation Ms. Jones, what is the width of that lot?

**Ms. Jones:** three hundred-feet along Conaway Street.

**Mr. Swaney:** thank you very much.

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**Chairman:** is there someone here to speak for Ms. Black? If you would please give us your name, address and please speak into the microphone because this is being recorded.

**Mr. Hall:** my name is Marvin H. Hall, II, and we are currently residents of Fairhope, Alabama, 6365 Henshaw Road. We are seeking your approval for this upgrade to the lot. Our point of view is the whole reason for going there and not one lot over which is already zoned R-4 is the sewer tap is already there, the water tap is already there, and the main feed coming off of the electrical lines are also already there. So that is going to save us a lot in terms of money and in terms of preparation for getting into the house.

**Ms. Hall:** my name is Evelyn Hall, of course we are married, and we have the same address 6365 Henshaw Road in Fairhope, seeking your approval to move unto Conaway Street. I also wanted to add that this parcel already has two separate addresses as well. The house has an address and the existing manufactured home or mobile home has an address as well, so it is really just seeking to improve what is there by putting something habitable there, our home. We have a young daughter that is four and it will just be the three of us.

**Chairman:** thank you. Does anyone else wish to speak in favor of this appeal? Does any of the Board have any other questions or comments?

**Mr. Swaney:** yes, sir. I could not really read this slide. How close is the R-4 to this lot or the R-2 area?

**Ms. Jones:** if you will look on the slide the mobile home is about three hundred-feet away from the R-4, maybe two sixty, two hundred and sixty-feet away from the line. Let me go back.

**Mr. Swaney:** thank you very much.

**Mr. Moss:** between two fifty and three.

**Ms. Jones:** right. If you can see this slide you will see the green where the star is that is the R-2 and the yellow at the southern portion of is the R-4.

**Mr. Lamb:** and a mobile home is allowable in an R-4.

**Ms. Jones:** with approval of the Planning Commission.

**Mr. Lamb:** missed it by three hundred-feet.

**Ms. Jones:** yes.

**Chairman:** you said that you are trying to avoid the tap fee, correct?

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**Mr. Hall:** yes, sir, but there is also a lot of lot preparation that would have to be done on that other lot. The other lot falls off drastically in the back of it, so it would have to be built up in order to habit that lot.

**Ms. Hall:** and from my understanding, per Ms. Adrienne, the lot would have to be resurveyed, reclassified as a subdivision, a few thousand dollars more preparation.

**Chairman:** also Ms. Jones, you said this was grandfathered in, so all intent and purposes when the mobile home that is presently there is moved it no longer exists and you cannot put another mobile home in there. Is that correct?

**Ms. Jones:** that would have been the case if they had already moved the mobile home and then come in and asked for the request. They are asking for the request while it is still sitting there.

**Chairman:** so it is to replace the one that is there.

**Ms. Jones:** to replace it.

**Chairman:** to replace it. So I am confused on the grandfather status. My understanding on grandfathered is that if something is there and it was grandfathered in and then something else comes in there the grandfather status no longer applies, and that is my understanding of it.

**Mr. Lamb:** that is my understanding as well. It is grandfathered as long as it is there. If it is no longer there you lose the grandfather status.

**Mr. Swaney:** grandfathered structures cannot be changed or altered in any manner. Is that correct?

**Ms. Jones:** yes, unless it is approved by your Board.

**Chairman:** so I will understand this. If it is moved the grandfather clause no longer applies and you would have to start all over again. Is that correct Mr. Attorney?

**Mr. Hoffman:** the Zoning Ordinance reads should a nonconforming building be moved all nonconforming yard areas shall be eliminated. So my understanding is, if it is moved, it is no longer nonconforming because it does not exist, it is no longer grandfathered.

**Mr. Swaney:** I could not quite hear that. Can you repeat it?

**Mr. Hoffman:** if you move the grandfathered structure off then it would no longer be grandfathered.

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**Chairman:** right. Also, I believe, they are wanting two residences on one lot because even though there are two addresses it is one lot. I am well familiar with there being two businesses on one lot. So to me residences would sound similar to that.

**Mr. Lamb:** I think the Ordinance says that you cannot have two residences on any lot in the City of Daphne except for where apartments are. Two single family residences cannot be on the same lot. That is what the code says. Is that correct?

**Ms. Jones:** that is what the code says, but what they are asking you to do is to grant them approval to do exactly what is already being done.

**Mr. Lamb:** they want a variance from that.

**Ms. Jones:** they are looking to do the exact same thing that is already being done.

**Mr. Swaney:** what would be the possibility of splitting said lot and rezoning to R-4?

**Ms. Jones:** I do not know.

**Mr. Lamb:** are we going to have the opportunity to hear what the other residents in the area have to say.

**Ms. Jones:** that is what I was hoping to hear, yes.

**Chairman:** anything else Mr. Hall.

**Mr. Hall:** no, sir. Thank you.

**Chairman:** thank you. Appreciate it. Is there anyone here that wishes to speak in favor this appeal? If so, please come to the podium, speak into the microphone and give us your name and address. Okay. Those wishing to speak in opposition if you would come to the podium, speak into the microphone clearly and give us your name and address. Do you have the timer?

**Ms. Houston:** yes, sir.

**Chairman:** limit them to three minutes please.

**Mr. Conaway:** good evening. My name is Frances Conaway and I live at 1606, which is right beside this property, I think you all saw a picture of my house besides the subject property you are speaking of tonight. There is a place for mobile homes and I think it is not in residential areas. The economy is bad. The housing industry is rock bottom.

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**Mr. Conaway:** You can safely say that by those two things the values of homes are dropping. The first thing is that you cannot sell your home and get the proper value for your house. You cannot refinance your home and get the proper value for refinancing. So you have two things against you already, but then to add a mobile home or manufactured home to the equation, well, the value goes down even farther. So to make this short we are looking at not wanting one in our area because of those things. Property values are bad enough as it is. Daphne has gone as far north as it can go, and it has gone as far south as it can go, and it cannot go west, so right now all the growth of Daphne is coming east, which is coming out our way. So we need to have a good property value so we can our property values where it is so far, but to have a mobile home right beside you it makes it worse to even try and have a good value for your home. Thank you.

**Mr. Swaney:** before you leave Mr. Conway, do you live to the south of this proposal?

**Mr. Conaway:** I live to the north.

**Mr. Swaney:** thank you.

**Chairman:** does anyone else have any questions for Mr. Conaway? Thank you, sir. Madam.

**Ms. Williams:** good evening, my name is Kay F. Williams and I live at 1501 Conaway Street. I also would like to oppose having a manufactured home on our street for some of the same reasons that Mr. Conaway has given. I happen to have been living on this street when we were first asked if a trailer could be moved in. My neighbor, who is now deceased, Allen Jones, asked us if would just bear with them and let Miss Lena Quinney place a trailer there, and once it was moved they would no longer ask that we place another there. So I do not know about being grandfathered in because that was what we were told in the beginning. I am here to say that I do oppose having a manufactured home placed on Conaway Street. Thank you.

**Chairman:** does anyone have any questions?

**Mr. Lamb:** where do you live?

**Ms. Williams:** I live at 1501 Conaway Street.

**Mr. Lamb:** alright, now where is that in relations to the subject property?

**Ms. Williams:** well, the value of my property would also go down because I have had people to tell me when they come onto the street if I had applied for a loan that whatever type homes are on the street has something to do with devaluing my home also.

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**Mr. Lamb:** do you live across the street?

**Ms. Williams:** no, I do not live across the street. I live down the street.

**Mr. Lamb:** there is a little circle there. Do you live on that circle?

**Ms. Williams:** I live just below that circle.

**Mr. Lamb:** below that circle, okay, that is alright.

**Chairman:** thank you, madam. Anyone else?

**Mr. Swaney:** I have a question for our legal representative. Mr. Hoffman, would we not be in violation if we were to allow a structure to be altered, torn down or replaced?

**Mr. Hoffman:** the purpose of the portion of the statute regarding nonconformance indicates that the idea of a grandfather structure is that once it is depleted it is not to be restored, generally speaking, but I believe if you wanted to grant a variance you could applying the typical variance standards, which you would normally do.

**Mr. Swaney:** could you repeat that last sentence?

**Mr. Hoffman:** if you wanted to grant the variance to the Zoning Ordinance you could, but you would apply the typical variance standards, is it unique to this piece of property. You cannot impose your own financial hardships and things of that nature, the normal hardships that you would look normally at when granting variances.

**Mr. Swaney:** thank you.

**Chairman:** I have a question, Ms. Jones. I know in the past the City has asked people to remove, in this case, a mobile home, when it reaches a certain point of deterioration, fifty-percent or whatever it is. Has this issue ever been addressed on this particular mobile home?

**Ms. Jones:** not that I know of, but I did speak with our Building Official, Richard Merchant, when Ms. Hall brought the application in and in his opinion, although he is not here and I do not have anything in writing, he would rather see the newer mobile home there than what is currently there,

**Mr. Lamb:** I agree with that. First of all I would like to commend the staff, you did a great presentation for our consideration before we had this meeting. All of the photographs are really good. I went out there today and I was looking at all the property and it was exactly what I had seen in this booklet, therefore, thank you very much for that.

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**Mr. Lamb:** unfortunately we have got a situation where what the City is trying to do versus what some people would like to do. What I think what the City of Daphne is trying to do is once they zoned property and had nonconforming structures within that new zone they are trying to say okay, we will grandfather you. We are not going to make you move, but when the structure is in a deplorable condition, and this looks, from the street, looks pretty deplorable, and you would like to remove that structure then that is what the City of Daphne wants, to get rid of deplorable structures. Now, when I looked around I saw some very nice homes all around and this one mobile home that they want to tear down, but they want to replace that with another. So I looked around and said now if I lived in that house right there would I like to have a mobile home across from me, and I had to look through the woods and over on some other property there is a mobile home to the east. I could see it through the woods, but everything else on that street is a normal constructed house. The second thing is I know that the City of Daphne does not like two residences on one piece of property. Now I know that happened years ago, but they do not want that. I do not want that. I see large pieces of property, but I do not want two families there, even though there may be a need to take care of grandma, granddaddy and so forth. It is not right for the majority of the people in the City of Daphne, regardless of where you live. So that is a big issue with me, two families on one piece of property. Secondly, the impact of replacing a home that is not compatible with what is there. I had never been down Conaway Street and I was impressed with it. I said well, I did not know that this was back here. In fact, I almost passed it, and that is beside the point. So that is my issue. What the City of Daphne wants to do versus granting a variance to allow them to do something that is not in the best interest of the residents that live around there. Thank you.

**Chairman:** thank you, Mr. Lamb. Does anyone else have anything to say?

**Mr. Mayhand:** yes. I would like to say something. Mr. Chairman, I know both the Conaway's and the Hall's, I grew up with them. As a matter of fact, Mr. Hall there, I played basketball with his father, and his uncles, and I also know the Conaway's because they were in the neighborhood. I have been on Conaway Street and I remember when that trailer was placed there. I am going to take you back on a little journey, so bear with me here. When that happened it was a community. The community was a family. The neighborhood was a family and our parents all did for each other. We put ourselves out to help others. Now that generation has moved on, times have changed and we have to look towards the future. Now all of the workshops that I have been in over the years on the Board, the outlook for mobile or fabricated homes have not been pleasant. The City has been trying to rid itself of them. So, in my opinion, to put that in right now would go against what we are trying to do for the City. I still think that these families are still close enough to take this because it is the right thing to do.

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**Chairman:** thank you Mr. Mayhand. One thing that we must take into consideration also is would it be conducive to the neighborhood, what would be the effect that it would have on the neighborhood. Those are things that we must consider when we make decisions. I said this to Ms. Jones and to others in the past, each tub sits on its own bottom. Each case is heard on its own merit, but when you hear each case on its own you have to ask the question what would be the effect that it would have in another neighborhood. Even though each appeal has as when I was a kid and I have still got that old bathtub over at the old home place with the clawed feet that it sits on its own bottom and so each case is heard the same way. You cannot say that something was heard over here and something over there, each case is handled separately. So if there is nothing else to be said the Chair will entertain a motion in the affirmative to approve Appeal 2012-01.

A Motion was made by Mr. Swaney and Seconded by Mr. Lamb to approve Appeal #2012-01, Delorice C. Hall-Black, for a variance to allow the replacement of an existing nonconforming manufactured home, thereby allowing two primary residences on a one point eighty-five acre parcel. The property is located at 1604 Conaway Street, and it is in an R-2, Medium Density, Single Family Residential and R-4, High Density, Single & Multi Family Residential Zone.

Upon roll call vote, the motion failed.

Mr. Swaney	Nay
Mr. Mayhand	Nay
Mr. Lamb	Nay
Mr. Moss	Nay
Mr. Robison	Nay

**Chairman:** the appeal is denied. Thank you Mr. & Mrs. Hall, we appreciate your time. Next item on the agenda is Appeal #2012-02 Daphne Utilities Central Water Treatment Plant, a variance allowing the expansion of an existing public water treatment facility to encroach the front yard setback line twenty-feet in lieu of the required forty-feet, thereby establishing a twenty-foot front yard setback. The property located at 8201 Well Road, which is in an R-1, Low Density, Single Family Residential. Ms. Jones, if you would please take us through this.

**Ms. Jones:** [displayed a Power Point Presentation of 8201 Well Road.] The first slide presents the subject property marked by a star. It is located on Well Road, which is east of Pollard Road, north of County Road 64. Subject property is zoned R-1, Single Family and it was annexed into the City 1999 as R-1. The second slide shows the site and the surrounding area. The map was presented by Volkert Engineers. You can see in the red, in the center of the page, the outline of the site. The property to the north is zoned residential.

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**Ms. Jones:** it is in unincorporated Baldwin County. The property to the south, some is in the City of Daphne, also zoned R-1. The property to the southwest is zoned B-2, General Business. Slide number three shows the site after the right-of-way was deeded to Baldwin County. The area in the red shows the entire property as it is now. The dashed blue line shows the fence that is around the subject property, and this area, on the east side, is a wooded area. We think that there are some wetlands there or at least a stream, which we would like to keep protected if possible, and that is part of the reason that the application has come forward, to place an expansion on the building, as shown here in the red. The expansion would be twenty-feet from the right-of-way of Well Road. The existing building is shown in green, right here, and it currently sits forty-feet from the edge of their property. This is an aerial view using Bing Maps, this is the existing building, and this is the parking area. I think one of these structures has been removed already.

**Mr. McElroy:** both have been removed.

**Ms. Jones:** both are removed, but again you see the area on the east side that is wooded. This aerial presents what the new building will look like from an aerial prospective, and it shows the parking area that would remain between the right-of-way and the fence. This slide show the building as it will be, architecturally presented to you. The key points that we need to consider with this application is, the fact that the parcel is a remnant of the original site. A portion of the road was dedicated, through a right-of-way deed, for public use. The utility compound is currently fenced and the fencing will remain, and it is not subject to conflict with any pedestrian or vehicular traffic. The proposed building will sit twenty-feet from the traveling public. These conditions are peculiar to this particular piece of property, and it is in my opinion that, if relief was granted, it would not cause any substantial detriment to the public good or impair the purpose and intent of the Land Use and Development Ordinance. One thing that I would like you to consider, as an added measure, if you consider approving it, you may add a condition or a restriction to the property on the east, the wooded area, that we want to keep protected with the wetlands or stream area, limit development on that piece of the site as a part of your approval. So with all applications you have three options, to approve it, approve it with conditions or to deny it and my recommendation is favorable.

**Chairman:** thank you, Ms. Jones. I have a question. On the 26<sup>th</sup> the Planning Commission saw this and it does not say whether it was approved. It says the motion was made to approve and seconded. It does not say how the Planning Commission voted.

**Ms. Jones:** it was unanimous.

**Chairman:** it was unanimous. Thank you.

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**Chairman:** also, if you could go back to the previous slide. Added measure the Board may consider placing on approval. Have you talked with Daphne Utilities about that?

**Ms. Jones:** actually I have not. I came up with that as I was doing the slide show.

**Chairman:** okay. Thank you. Ms. Immel are you going to represent Daphne Utilities?

**Ms. Immel:** yes, sir. Good evening. Thank you Adrienne for that presentation, and I will just highlight a few more things.

**Chairman:** if you would, please, give us your name for the record.

**Ms. Immel:** I am sorry, Melinda Immel with Volkert. I live at 6399 Village Point Drive in Daphne, but just to highlight a few more things. This facility is one of the main facilities for Daphne in treating the water that serves the community. It serves almost fifty percent of the water that is distributed through the City of Daphne. The main reason for the upgrades is a new well. This facility treats three wells currently. One is located on the site, one is across from Public Works, and the other one is across County Road 13. We have recently installed a new well at Daphne Utilities new facility that they have built on Well Road, and so that well is going to be brought to this facility for treatment as well. So that is the main reason for the upgrades. The existing facility sets up about four-feet off the ground and that is to help with delivery of chemicals for the treatment. Underneath that building there is what is called a clear well so that is where all of the water is gathered, and that is how it is treated, really kind of underneath the building. So bringing the expansion forward gives us an opportunity to make all of the tie ins with all of the necessary piping, electrical, and skated controls for that facility. Also the electrical is very outdated, and it causes them a lot of problems, especially during the summer, which is, of course, the most crucial time for water delivery and service. So all the electrical is proposed to be upgraded as well in this facility. A couple of things that this is going to do as part of Daphne's goal in trying not only to upgrade the facility is also to provide a less industrial look of the facility. We would like it to blend in especially with the expansion of Well Road going all the way to County Road 13, and businesses potentially developing there along with some that are already there to make it look a little more non-industrial so that is what is being proposed in the architectural rendering. Board and batten is what is being proposed along with some split face brick because we would rather people not know that this is a water treatment facility for a lot of reasons including security. So that is the reason for changing the appearance of the building. As Adrienne mentioned, the wooded area does have a stream that runs through it and that is why that covert is built underneath Well Road.

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**Ms. Immel:** if you have been out there recently it was an existing covert that they have expanded with a road expansion. Ashley says that she does believe that there are considerable wetlands in that area with that stream running through it. So we are not proposing to impact that area, another reason for coming straight out. Also, especially with the widening of Well Road when they developed that even just recently not only when it was deeded over, but with the recent paving of that road. A lot of the trunks that deliver things are large trucks so with this proposed arrangement we will be able to get people off Well Road and actually to the back to deliver to the back instead of in the front now, which I think would help especially now that Well Road after it is expanded to County Road 13 is going to get a lot more traffic than just Public Works and Daphne Utilities vehicles like it did prior to that because it used to be gated right at the end of this facility. So that is another advantage for us being able to get those vehicles actually onto the property. Like I said it is just a very critical facility to Daphne Utilities in being able to service the public. I would be glad to answer any questions you may have, and Rob McElroy, General Manager with Daphne Utilities is also here. Rob, are there any additional comments that you would like to make?

**Mr. McElroy:** Rob McElroy, the General Manager of Daphne Utilities, I live at 10190 Broughton Road in Semmes. One of the big issues, from our prospective, as the Utilities, is this is really the main facility and the only facility that is going to serve water to the bulk of the main part of the City of Daphne, and that requires us to make this site as compact as possible. This project that we are trying to conduct now is for the water we need today, but this site is going to have to serve our water needs in the City of Daphne forever, which means there is going to be more wells that will have to be coming into this facility maybe ten, maybe twenty years from now, but they have got to go somewhere. So we need to make this site as compact as possible because we have got to save as much space as we can for some future expansion that we may need. We just cannot spread out everything and have nice huge setbacks. We have got to make this as compact as possible so that it can all fit, otherwise it drives the cost of everything we do up by millions.

**Mr. Swaney:** what is the reason for the location of the new building there, clear well, attachment?

**Mr. McElroy:** the main purpose for the new facility is what we are doing with all of our facilities, is to get away from that battleship gray industrial look. The purpose is to improve the ecstastic along Well Road because we do want more development along there and by building a building in front of what we already have and basically tying it in we have created a new facade. We are going to tie the fence in with the building, there is not going to be any windows on the front street side, so it will be secure. We are trying to get away from the prison yard look, a fence and triple strand barbed on top.

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**Ms. Immel:** and it does connect us directly to the clear well, and to the existing pumps, equipment, piping and everything that is already there.

**Mr. Swaney:** in other words this facility will be a pump house clear well.

**Ms. Immel:** yes, sir.

**Mr. McElroy:** yes, sir.

**Mr. Mayhand:** I have a couple of issues. Maybe not issues, statements. I live on Wilson Avenue. Do you know where that is?

**Ms. Immel:** yes, sir.

**Mr. Mayhand:** okay. On the traffic situation that you were talking about, well they pass my house. We have a lot of people walking around from the YMCA on Pollard Road and Wilson Avenue and with those utility trucks and all of that additional traffic these individuals and even the school kids in the evening time, and in the mornings, have to get off into the ditch because they do not have a sidewalk. Now I am saying this in a forum that it probably does not need to be said, but you will hear this from me again because I will come to your Board meetings and express my opinion on that. Do keep in mind the effect that you are having on us with all of the traffic and I understand the importance of clean water, but I also understand the importance of our neighborhood.

**Mr. McElroy:** if I can respond to that. Councilwoman Barnette has addressed that specially.

**Chairman:** anyone else have any comments or questions? Is there anyone here to speak in opposition of this appeal? Let the record show that there are no adjacent property owners here to speak in opposition to this variance. Public participation is closed. At this time the Chair will entertain a motion, and remember the motion must be made in the affirmative and with the conditions for the wetlands added.

A Motion was made by Mr. Lamb and Seconded by Mr. Swaney to approve Appeal #2012-02, Daphne Utilities Center Water Treatment Plant, for a variance allowing the expansion of an existing public water treatment facility to encroach the forty-foot front yard setback line by twenty-feet with the condition that the delineated wetlands located on the eastern side of the site shall perpetually remain undisturbed. The property is located at 8201 Well Road, which is zoned R-1, Low Density, Single Family Residential.

Upon roll call vote, the motion carried unanimously.

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Mr. Swaney           Aye  
Mr. Mayhand         Aye  
Mr. Lamb             Aye  
Mr. Moss             Aye  
Mr. Robison         Aye

**Chairman:** the appeal is granted. You may go by the Community Development office here in city hall in the morning to pick up your paperwork. Thank you. If there is no other business, the Chair will entertain a motion to adjourn.

**Adjournment:**

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

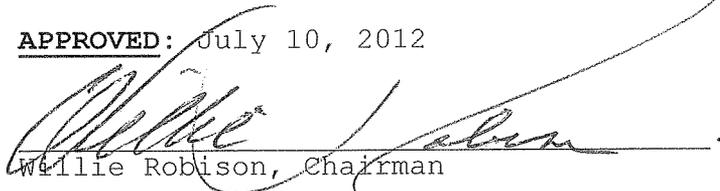
The motion carried unanimously.

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

Respectfully submitted by:

  
Pat Houston, Recording Secretary

**APPROVED:** July 10, 2012

  
Willie Robison, Chairman

/ph

**DOWNTOWN REDEVELOPMENT AUTHORITY  
DAPHNE, AL  
1705 MAIN STREET  
JUNE 25, 2012  
5:30 P.M.**

**1. CALL TO ORDER/ROLLCALL**

Casey Zito called the meeting to order at 5:50 p.m.

**Members Present:** Casey Zito; Ken Balme.; Doug Bailey; Ronald Nero; Dayna Oldham; Mary Beth Mantiply.

Also present: Rebecca Hayes, recording secretary; Dorothy Morrison, Beautification Committee.

Absent: Cathy Barnette, Council Liaison.

**2. APPROVE MINUTES / APRIL 23, 2012 & May 30, 2012**

**MOTION BY Doug Bailey to approve the April 23, 2012 and May 30, 2012 minutes. Seconded by Dayna Oldham.**

**ALL IN FAVOR**

**NONE APPROVED**

**MOTION CARRIED**

**3. OLD BUSINESS:**

**a.) Plaque Update:**

Doug met with Cathy to look at the area of the plaque by the steps going into city hall, and sent revisions of measurements to M&A and another company for a quote. He should have the quotes for the July meeting.

**c.) Website**

Mr. Francis was unable to be present for this meeting. Casey said they already have the domain name.

**d.) Mini-Grant Application:**

**MOTION BY Dayna Oldham to approve the mine-grant application. Seconded by Ronald Nero.**

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

Members discussed logos for the Authority, and will vote on one at the July meeting.

**e.) Bank Account**

**MOTION BY Mary Beth Mantiplly to authorize the Chairman and Treasurer as signatories for the bank account. Seconded by Dayna Oldham.**

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

**f.) Update on Grants through Thompson Engineering for Underground Utilities**

After conferring with Riviera Utilities there is not enough damage to have a favorable BCA at this point. Chris will keep the project on the back burner.

The members would like the reports that Thompson received from Riviera Utilities.

**g.) AL Coastal Magazine**

**MOTION BY Mary Beth Mantiplly to expend funds in the amount of \$840 for the ad in the AL Coastal Magazine. Seconded by Dayna Oldham.**

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

Mr. Calametti will be at the July meeting.

**4. NEW BUSINESS:**

**a.) Bike Path**

Cathy sent word to say that when they stripe Main Street after resurfacing it they will include a bike lane.

Ken said he meant a bike bath that will connect the city from parks all around.

**b.) New Member**

Mrs. Patricia Vanderpool attended the meeting and would like to become a member.

**MOTION BY Dayna Oldham to recommend to council the appointment of Patricia Vanderpool to the Downtown Redevelopment Authority. Seconded by Mary Beth Mantiplly.**

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

**DOWNTOWN REDEVELOPMENT AUTHORITY**  
**DAPHNE, AL**  
**1705 MAIN STREET**  
**JUNE 25, 2012**  
**5:30 P.M.**

3

**5. TREASURERS REPORT:**

The balance of funds as of April 2012 is \$82,808.91.

**6. REPORT ON BEAUTIFICATION PROJECTS / DOROTHY MORRISON**

The dedication of Hero's Point was wonderful. They are flying flags from all branches of the military, and there is an eternal flame.

**7. NEXT MEETING**

The next meeting will be July 23, 2012 at 5:30 p.m.

**8. ADJOURN**

The meeting adjourned at 7:14 p.m.

Respectfully submitted,

Downtown Redevelopment Authority

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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**CALL TO ORDER:**

The number of members present constitutes a quorum. The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m.

**CALL OF ROLL:**

**Members Present:**

Dan Gibson  
Don Terry, Secretary  
Ed Kirby, Chairman  
Larry Chason, Vice Chairman  
Cathy Barnette, Councilwoman  
Victoria Phelps

**Members Absent:**

Joe Lemoine  
Bailey Yelding, Jr., Mayor  
Chief James "Bo" White

**Staff Present:**

Adrienne Jones, Director of Community Development  
Jan Dickson, Planning Coordinator  
Nancy Anderson, GIS Manager  
Jay Ross, Attorney

**Staff Absent:**

Richard Johnson, Public Works Director  
Missty Gray, Attorney  
Erick Bussey, Associate Attorney  
Ashley Campbell, Environmental Programs Manager  
Lonnie Jones, Code Enforcement Officer

**Others Absent:**

Rob McElroy, General Manager/Utilities Board of the City of Daphne  
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne  
Rex Rentz, Code Enforcement Officer/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect that Mr. Lemoine, Chief White and Mayor Yelding are not present.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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

**APPROVAL OF MINUTES:**

The minutes of the April 26, 2012 regular meeting were considered for approval.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

***A Motion was made by Ms. Barnette and Seconded by Mr. Terry to approve the minutes of the April 26, 2012 regular meeting, as submitted. The Motion carried. Mr. Kirby and Ms. Phelps abstained due to their absence at this meeting.***

The first order of business under old business is a subdivision preliminary plat extension review for Paradiso Subdivision.

**OLD BUSINESS:**

**SUBDIVISION PRELIMINARY EXTENSION:**

**File SDPE12-02:**

Presentation to be given by Mr. Jay Dickson, representing Volkert & Associates, requesting an extension of time for the approval of the preliminary plat for Paradiso Subdivision. The preliminary plat was approved by the Planning Commission on January 22, 2009. One year extension was granted on December 17, 2010 and January 27, 2011. Tabled by Planning Commission on April 26, 2012.

An introductory presentation was given by Mr. Randy Davis, representing Volkert & Associates. I am here representing Jay Dickson which is home with a sick child. We are requesting to table the application to allow us time to address the outstanding issues and to schedule a meeting with Richard Johnson, the Public Works Director. The attorney has agreed to the language for the disclaimer which will added to the plat, but he is out of the country and was unable to be here.

Chairman: Does the thirty-day rule apply to this case?

Ms. Jones: This is an extension and not an application for a subdivision so the thirty-day rule would not apply.

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

---

A Motion was made by Ms. Barnette and **Seconded** by Ms. Phelps *to table the one year extension of time of the approval of the preliminary plat for Paradiso Subdivision. The Motion carried unanimously.*

The first order of business under new business is a site plan extension review for Malbis Ventures Retail Shops.

Ms. Jones: Mr. Haygood is not present. We will have to come back to this presentation.

The next order of business is subdivision replat review for Lot 1, Simmons Subdivision, a replat of a portion of Lots 1 & 2, Magnolia Hill Subdivision.

**SUBDIVISION REPLAT REVIEW:**

**File SRP12-08:**

**Subdivision:** Lot 1, Simmons Subdivision, a replat of a portion of Lots 1 & 2, Magnolia Hill Subdivision

**Zoning(s):** *R-2, Medium Density Single Family Residential*

**Location:** Southeast of the intersection of 6<sup>th</sup> Street and Magnolia Avenue

**Area:** 0.23 Acre ±

**Owner:** John M. Powell

**Agent:** Wachter & Company - Chason Wachter

An introductory presentation was given by Mr. Chason Wachter, representing Wachter & Company, requesting subdivision replat review of a portion of Lots 1 & 2, Magnolia Hill Subdivision. We are just combining the lots by eliminating the interior lot line. I will be happy to answer any questions that you have.

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

Ms. Barnette: You do realize when you resubdivide the lots you are no longer grandfathered, and the lot will have to meet the current setbacks?

Ms. Jones: Once the subdivision is approved by the Planning Commission, the application will go to the Board of Zoning Adjustment to request a variance for the setbacks.

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve the subdivision replat review for a portion of Lots 1 & 2, Magnolia Hill Subdivision. Motion carried unanimously.*

The next order of business is master plan review for Oldfield Subdivision.

**OLDFIELD SUBDIVISION:**

**MASTER PLAN REVISION:**

**MPR12-02:**

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting a master plan revision for Oldfield Subdivision. The master plan is simply being revised to show the resubdivision of the lots of the common area shown on the agenda. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Chief White is not here. He asked if I would ask again about the reservation of a parcel of land for the placement of a fire station near the subdivision because this area is scheduled to be reviewed by ISO in June 2012.

Mr. Ferrari: We do not have any available raw land contained in this subdivision. We would have to procure a parcel of land for that. There has been some discussion amongst us regarding this issue and how it would affect us.

Mr. Chason: That is not a part of this discussion, but if you are considering it you may want to approach the City Council to see if they have plans to provide funding for a fire station in this location prior to you obtaining a piece of land.

Ms. Barnette: On the master plan, the club house is shown as R-1 instead of B-1 zoning. Should this be changed?

Ms. Jones: They have added a note to use it as a sales office, but it will be zoned as a residential use. Because they asked for this parcel to be rezoned, I had asked him to show the proposed zoning on the master plan.

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

A **Motion** was made by Mr. Chason **Seconded** Mr. Terry *by to approve the master plan for Oldfield Subdivision. The Motion carried unanimously.*

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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The next order of business is preliminary/final plat review for Oldfield Resubdivision, the Resubdivision of Common Area 1, Common Area 2, Lot 77, and Lot 142 of Oldfield Subdivision, Phase One.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF12-04:

**Subdivision:** Oldfield Resubdivision, the Resubdivision of Common Area 1, Common Area 2, Lot 77, and Lot 142 of Oldfield Subdivision, Phase One

**Zoning(s):** B-1, Local Business, R-1, Low Density Single Family Residential, and R-3, High Density Multi-Family Residential

**Location:** South on Alabama Highway 181, at the intersection of Camberwell Drive and Devonfield Lane

**Area:** 5.36 Acres  $\pm$ , (2) lots

**Owner:** D. R. Horton - Pete Ferrari

**Engineer:** Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting preliminary/final plat review of a five-point three-six acre subdivision consisting of two lots located south on Alabama Highway 181 at the intersection of Camberwell Drive and Devonfield Lane. The change consists of the resubdivision of the common area by deleting 142, a portion of Lot 77, and the removal of the Corte residence from the common area and making it a part of the subdivision. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation.

Ms. Jones: Please read the note that will be placed on the plat into the minutes.

Mr. Diehl: The lots platted herewith shall be restricted to single family residential use and/or uses associated with the common use of the residents of Oldfield Subdivision, such as community pools, playgrounds, etc. However, Lot 142A shall be permitted to be utilized as a sales office for D. R. Horton, Inc. until June 1, 2015.

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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A Motion was made by Ms. Barnette and Seconded by Mr. Terry to approve the preliminary/final plat review for Oldfield Resubdivision, the Resubdivision of Common Area 1, Common Area 2, Lot 77, and Lot 142 of Oldfield Subdivision, Phase One, contingent upon the revision to the plat with the addition of the language as read into the minutes. The Motion carried unanimously.

The next order of business is site plan review for Oldfield Community Pool.

SITE PLAN REVIEW:

File S12-05:

Site: Oldfield Community Pool

Zoning(s): B-1, Local Business

Location: South on Alabama Highway 181, at the intersection of Camberwell Drive and Devonfield Lane

Area: 1.59 Acres ±

Owner: D.R. Horton - Pete Ferrari

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting site plan review of a community pool located south on Alabama Highway 181 at the intersection of Camberwell Drive and Devonfield Lane. I will be happy to answer any questions you may have.

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

Mr. Diehl: The owner is proposing to construct a cabana and a community pool. The remainder of the land will be used for future expansion and development of the common area.

Ms. Jones: Mr. Diehl we need a twenty-four by thirty-six copy of the site plan. We also need Mr. Ferrari's signature on the proposed landscape plan.

Mr. Gibson: Do we have any regulations which govern the size of a community pool such as the ratio of the number of residential lots to the size of the pool? This pool seems small compared to the number of residents which will live in this subdivision.

Ms. Jones: No.

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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A Motion was made by Mr. Chason and **Seconded** by Mr. Terry *to approve the site plan for Oldfield Community Pool. The Motion carried unanimously.*

Chairman: Now that Mr. Haygood is present. Let's go back to Malbis Ventures Retail Shops.

The next order is a site plan extension review for Malbis Ventures Retail Shops.

**NEW BUSINESS:**

**SITE PLAN EXTENSION:**

**File SPE12-02:**

Presentation to be given by Mr. Dane Haygood, representing H-Properties, requesting an extension of time for the approval of the site plan for Malbis Ventures Retail Shops. The site plan was approved by the Planning Commission on April 28, 2011.

An introductory presentation was given by Mr. Dan Haygood, representing H Properties. I apologize for arriving late. The plan that you reviewed at the site preview meeting was the incorrect site plan. The correct copy has been provided to you which reflects the change to thirty-four parking spaces. I will be happy to answer any questions you may have.

Mr. Chason: I think we need to make it a part of the minutes that the future development shown on the rear of the plan is not included in the approval of this site plan.

Ms. Barnette: I agree. I think it is important to note this is not a master plan, and we are not giving any approvals to any future development shown on this plan. Also, I think there should be a policy that any extension request should require a review of their compliance with past and current regulations prior to consideration.

Ms. Jones: The only one you asked for a comparison was Paradiso. Since that was the only one, I assumed that it would be evaluated on a case-by-case basis.

Ms. Barnette: Maybe not on this one, but for anyone asking for an extension in the future.

Ms. Jones: Mr. Haygood has one coming up next month for a subdivision.

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

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

---

A Motion was made by Mr. Chason and **Seconded** by Mr. Terry *to approve the one year extension of time of the approval of the site plan for Malbis Ventures Retail Shops, without inferred approval of the future office development shown on the rear of the plan. The Motion carried unanimously.*

The next order of business is public participation.

**PUBLIC PARTICIPATION:**

Chairman: Is there anyone who would like to address the Planning Commission? Please state your name and address for the record.

Ms. Kathy Hughes: I live at 606 Belrose Avenue, and I would like to address the Planning Commission to request a change to the Land Use and Development Ordinance to allow a resident to have chickens in the city limits of Daphne. I requested a copy of the Ordinance from the City Clerk's office. I would like to keep a small number of chickens at my residence at Belrose Avenue so I would like to request that the Ordinance be amended to allow me to do so.

Ms. Barnette: When she contacted me I was not sure if it was a Land Use Ordinance or a City Ordinance so I asked her to come here to ask the Planning Commission to change the Ordinance. After seeing a copy of the Ordinance, I now see that it is a City Ordinance. If she asks the City Council to make the change to the Ordinance, it may come to this body for review.

The next order of business is the attorney's report.

**ATTORNEY'S REPORT:**

Mr. Ross: No report.

Mr. Chason: I would still like to know if an approval of an extension of a preliminary plat review requires a majority or a super majority vote of the Planning Commission.

Mr. Ross: I think it may require a super majority vote of the Planning Commission, but I will be happy to do some research of Attorney General opinions prior to the next work session in order to provide you with an answer.

Ms. Jones: I do not think you are going to be able to find an Attorney General opinion regarding granting an extension to the approval of a subdivision plat. If you are uncomfortable with granting the extension, you should just say no and deny the extension.

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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Ms. Barnette: I know we have moved past public participation, but there are some citizens that have just come in that would like to address the Planning Commission.

The next order of business is public participation.

**PUBLIC PARTICIPATION:**

Chairman: Is there anyone else who would like to address the Planning Commission? Since you are here, I am going to reopen public participation. Please state your name and address for the record.

Ms. Thompson: My name is Missy Thompson. I live in Jackson Oaks Subdivision near Paradiso. We have taken photographs of the flooding damage done to the land during the last rain event where this subdivision is going to be located.

Chairman: There were a lot of areas that flooded during the last rain event that normally would not have because of the amount of rain that we received. I am not sure that we can address your concerns with flooding on this site since the owner has not begun construction of the subdivision.

Ms. Thompson: That is why we would like to present you with the photographs now to say if it looks like this now, then what will it look like when they begin construction.

Mr. Chason: Do you have curb and gutter in your subdivision?

Ms. Thompson: No. The flooding and erosion that affects our subdivision occurs because of the poor restoration project done by the City of Daphne to Yancey Branch. That is why we would like to give these pictures to the Planning Commission to review and place in the file.

Chairman: Please give the photographs to Ms. Jones for the file.

The next order of business is commissioner comments.

**COMMISSIONER'S COMMENTS:**

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

Ms. Barnette: This is a hand out from a seminar I attended regarding Historic Preservation & the Certified Local Process. It has some ideas I would like us to consider for the next revision to the Land Use and Development Ordinance for the purpose of revitalizing the Olde Towne Daphne and other areas by receiving certifications and assistance with historic preservation by the creation of a Historical Preservation Committee.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 24, 2012  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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Ms. Phelps: I would like someone who attended the class in Fairhope regarding "Signage and Walkable Communities" to give me an overview of what the presentation was about.

Ms. Jones: A presentation was given by Ms. Katherine Ennis, the Director of Planning from North Port, Alabama, and a representative from Scenic Alabama, regarding Sign Ordinances in different cities and regulations for billboards.

Ms. Anderson: There was a presentation given of examples of how to change a street scape, design and signage in such a manner for beautification and to slow down traffic in order to encourage shopping in downtown areas.

Ms. Barnette: We have been the implementing the Complete Street Program by proposing to add a bike lane to Main Street.

The next order of business is director's comments.

**DIRECTOR'S COMMENTS:**

Ms. Jones: I have received the Low Impact Development/Green Infrastructure surveys and provided them to the consultant for review.

**ADJOURNMENT:**

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

*There being no further business, the meeting was adjourned at 6:00 p.m.*

*Respectfully submitted by:*

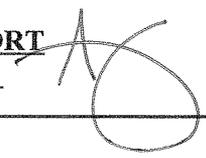
  
\_\_\_\_\_  
Jan Dickson, Planning Coordinator

**APPROVED:** June 28, 2012

  
\_\_\_\_\_  
Ed Kirby, Chairman

**CITY OF DAPHNE  
PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JUNE 28, 2012 REPORT  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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1. **CALL TO ORDER**                      **DATE OF REPORT: JUNE 29, 2012**
2. **CALL OF ROLL**                      **DAN GIBSON, LARRY CHASON, CATHY BARNETTE,  
DON TERRY, CHIEF WHITE, AND ED KIRBY**

3. **APPROVAL OF MINUTES:**

*Review of minutes for the regular meeting of May 24, 2012. **(APPROVED AS SUBMITTED)***

4. **OLD BUSINESS:**

A. **SUBDIVISION PRELIMINARY EXTENSION:**

**File SDPE12-02:                      (APPROVED FOR ONE YEAR ONLY UNTIL JUNE 28, 2013.  
NO ADDITIONAL EXTENSIONS WILL BE GRANTED)**

Presentation to be given by Mr. Jay Dickson, representing Volkert & Associates, requesting an extension of time for the approval of the preliminary plat for Paradiso Subdivision. The preliminary plat was approved by the Planning Commission on January 22, 2009. One year extension was granted on December 17, 2009 and January 27, 2011. Tabled by Planning Commission on April 26, 2012 and May 24, 2012.

5. **NEW BUSINESS:**

A. **SUBDIVISION PRELIMINARY/FINAL EXTENSION:**

**File SDPFE12-01:                      (APPROVED FOR ONE YEAR UNTIL JUNE 28, 2013)**

Presentation to be given by Mr. Dane Haygood, representing H-Properties, requesting an extension of time for the approval of the preliminary/final plat for the Resubdivision of Lot 2, Block A, Historic Malbis Subdivision. The preliminary/final plat was approved by the Planning Commission on July 28, 2011.

B. **SITE PLAN REVIEW:**

1. **File SP12-06: (APPROVED)**

**Site:                      Trione Street Office Complex**

**Zoning(s):              B-2, General Business**

**Location:              805 Trione Avenue, northeast of the intersection of Main Street and  
Trione Avenue**

**Area:                      0.31 Acres ±**

**Owner:                      Mid-Bay Ventures, L.L.C. - Ray Hix**

**Engineer:                Jade Consulting - Trey Jinright**

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JUNE 28, 2012 REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**C. FINAL PLAT REVIEW:**

**1. File SDF12-02: (APPROVED)**

**Subdivision:** Saint Augustine, Phase 2

**Zoning(s):** *R-A, Rural Agricultural, Baldwin County District 15*

**Location:** Northeast of County Road 64 on Rigsby Road

**Area:** 12.91 Acres  $\pm$ , (29) lots

**Owner:** Breland Homes - Mr. Louis W. Breland

**Engineer:** Preble-Rish - David Diehl

**2. File SDF12-03: (APPROVED)**

**Subdivision:** Saint Augustine, Phase 3

**Zoning(s):** *R-A, Rural Agricultural, Baldwin County District 15*

**Location:** Northeast of County Road 64 on Rigsby Road

**Area:** 14.37 Acres  $\pm$ , (31) lots

**Owner:** Breland Homes - Mr. Louis W. Breland

**Engineer:** Preble-Rish - David Diehl

**D. PETITIONS:**

**ZONING AMENDMENT: (SIX MEMBERS WERE PRESENT AND THE MOTION TO SET FORTH A FAVORABLE RECOMMENDATION FAILED. FIVE MEMBERS VOTED IN THE AFFIRMATIVE AND ONE ABSTENSION)**

**1. File Z12-01: D. R. Horton, Inc.**

**(Oldfield Subdivision, Common Area 1A, Common Area 2A, and Lot 142A of Oldfield Subdivision, Phase One)**

***Present Zoning: B-1, Local Business, R-1, Low Density Single Family Residential, and R-3, High Density Multi-Family Residential***

***Proposed Zoning: R-1, Low Density Single Family Residential***

**Location:** West of Alabama Highway 181, near the intersection of Camberwell Drive and Devonfield Lane

**Area:** 5.08 Acres  $\pm$

**Owner(s):** D. R. Horton - Pete Ferrari

**Engineer:** Preble-Rish - David Diehl

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JUNE 28, 2012 REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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6. **PUBLIC PARTICIPATION**
7. **ATTORNEY'S REPORT**
8. **COMMISSIONER'S COMMENTS**
9. **DIRECTOR'S COMMENTS**
10. **ADJOURNMENT- 5:38 P.M.**

**SET A PUBLIC HEARING DATE**

**AUGUST 20, 2012**

**TO CONSIDER:**

Rezone: D. R. Horton, Inc.

Location: West of AL Hwy 181, near the intersection of Camberwell Drive and Devonfield Lane

Present Zoning: B-1, Local Business, R-1, Low Density Single Family Residential and R-3, High Density Single Family

Proposed Zoning: R-1, Low Density Single Family

Recommendation: Failed to set forth a favorable recommendation. Although the majority of those present voted in favor of The motion, a super majority would have been Necessary for a favorable recommendation.

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: D. R. Horton, Inc.  
Zoning Amendment Review  
Date: June 29, 2012

## MEMORANDUM

**PRESENT ZONING:** B-1, Local Business, R-1, Low Density Single Family Residential, and R-3, High Density Single Family Residential

**PROPOSED ZONING:** R-1, Low Density Single Family Residential

**LOCATION:** West of Alabama Highway 181, near the intersection of Camberwell Drive and Devonfield Lane

**RECOMMENDATION:** At the Thursday, June 28, 2012, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth an favorable recommendation failed. Five members voted in the affirmative and one abstention. Although the majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, July 16, 2012 to set the public hearing for Monday, August 20, 2012. **Please scan these documents in color for a higher quality presentation in the Council's packet.**

Thank you,  
ADJ/jd

cc: file

attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Adjacent property owners' list
5. Letter to Adjacent Property Owners
6. Map of property - Recorded Plat
7. Conceptual Master Plan

# Planning Commission



## D. R. HORTON--REZONING OF OLDFIELD RESUBDIVISION AKA OLDFIELD COMMON AREAS

*June 2012 Planning Report*

## COMMUNITY DEVELOPMENT

### PROPOSED LOTS 1A, 2A, 142A, OLDFIELD RESUBDIVISION ZONING AMENDMENT REVIEW

**Owner:** D. R. Horton

**Existing Conditions:** 5.08 acres

**Existing Zoning:** B-1, Local Business; R-1, Low Density Single Family Residential and R-3, High Density Single Family Residential

**Proposed Zoning:** R-1, Low Density Single Family Residential

**Surrounding Zonings/Uses:**

North - (R-1) Low density single family residential zoned lots and houses

South - (R-R) Rural residential, undeveloped land (unincorporated Baldwin County)

East - (R-2) Medium density single family residential zoned lots and houses--Dunmore

West - (R-R) Rural residential, undeveloped land (unincorporated Baldwin County)

**Existing Utility Service Providers: These services will not be affected by the proposed change in zoning.**

Sewer-Baldwin County Sewer

Gas- Fairhope Gas

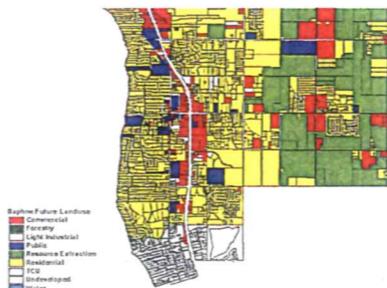
Electric - Riviera Utilities

Water-Belforest Water

**Affected City Service Providers: These services will not be affected by the proposed change in zoning.**

Daphne Fire, Police and Public Works departments

**Baldwin County Schools**—School district zones are not set by municipal boundaries, therefore school districting will not be affected by the proposed rezoning.



**The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.**



### **Community Development**

This rezoning petition is a result of the reconfiguration and resubdivision of the common areas in Oldfield subdivision. Its intent is to resolve the issue of split zoning on common area 1A and to uphold the original intention of keeping the property as common for use and enjoyment by the residents of Oldfield. The new owner, D.R. Horton, proposes to use lot 142A as a sales office. Such use is allowed in an R-1 zone district. According to the plat (pending recordation) lot 142A will be converted to residential use in 3 years.

The map exhibit included herewith will be revised once a copy of the recorded plat is submitted to Community Development. Additionally, the master plan has been submitted to reflect the change in zoning proposed (see attached). The Planning Commission should take affirmative action to approve the revised master plan.

Rezoning the property to R-1 would be appropriate. **Recommend approval.**

*Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in accordance with applicable sections of the Code of Alabama.*



# OLDFIELD SUBDIVISION

Present zoning - B-1, R-1, R-3  
Requesting R-1

Z12-01

June 29, 2012



The boundaries for this project have been temporarily placed on the city zone map as a service to the Planning Commission members & are for illustration & location purposes only. For an engineered rendering of this subdivision, please refer to the subdivision plat.



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

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3184

**THE CITY OF DAPHNE**  
**PLANNING DEPARTMENT**  
**APPLICATION FOR ZONING AMENDMENT**

Application Number: Z12-02 Date Plat Submitted: May 25, 2012

Date Presented: June 28, 2012

Name of Owner: DR HORTON INC - BIRMINGHAM

Address: 25366 PROFIT DR DAPHNE, AL 36526 Telephone# 800-839-1529  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: PREBLE-RISH

Address: 9499 BELLATON AVE DAPHNE, AL 36526 Telephone# 990-9950  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: OLDFIELD RESUBDIVISION

Lot(s): COMMON AREAS 1A & 2A, LOT 142A Unit \_\_\_\_\_

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: may 25, 2012).

Meeting Dates:

Planning Commission: June 28, 2012

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

TO ALLOW ZONING CONSISTENT WITH THE NEIGHBORHOOD

  
\_\_\_\_\_  
**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)  
COUNTY OF BALDWIN)  
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address \_\_\_\_\_
- \_\_\_\_\_ b) Name of Subdivision OLDFIELD RESUBDIVISION
- \_\_\_\_\_ c) Lot numbers involved in change COMMON AREA 1A, COMMON AREA 2A, LOT 142A
- \_\_\_\_\_ d) Total acreage of change 5.08 AC.
- \_\_\_\_\_ e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- \_\_\_\_\_ f) Owned in whole by the undersigned? YES
- \_\_\_\_\_ g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_

2) Zoning change requested:

- a) Present classification of property B-1, R-3, AND R-1
- b) Reclassification desired R-1
- \_\_\_\_\_ c) Character of neighborhood R-1, R-2, R-3, R-4

3) Certifications:

- a) Owner's Name DR HORTON INC - BIRMINGHAM
- b) Address 25366 PROFIT DR DAPHNE, AL 36526
- c) Telephone Number 800-839-1529
- \_\_\_\_\_ d) Date may 25, 2012

[Handwritten Signature]  
Signature of Property Owner

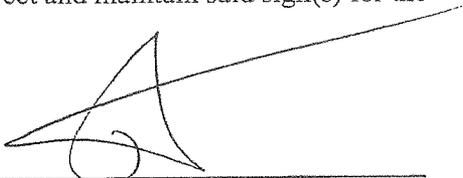
\_\_\_\_\_  
Signature of Property Owner

AGREEMENT

**...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.**

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

5/17/12  
Date

  
Signature of Property Owner

**D. R. HORTON, INC.**

**ZONING AMENDMENT REVIEW**

**SOUTH ON ALABAMA HIGHWAY 181, AT THE  
INTERSECTION OF CAMBERWELL DRIVE  
AND DEVONFIELD LANE**

**EXHIBIT "A"**

**STATE OF ALABAMA)  
COUNTY OF BALDWIN)**

**DESCRIPTION OF PROPERTY TO BE REZONED FROM B-1, R-1, AND R-3 TO R-1:**

**COMMON AREA 1A, COMMON AREA 2A, AND LOT 142A OF OLDFIELD  
RESUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED ON SLIDE  
NO. 2469-B IN THE PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.**

**REFERENCE: Oldfield Resubdivision, the Resubdivision of Common Area 1, Common Area 2, Lot 77, and  
Lot 142 of Oldfield Subdivision, Phase One**

**REVISED: JUNE 21, 2012**

OLDFIELD REZONING  
ADJACENT PROPERTY OWNERS

CORTE, JULIO JR  
24001-A ST HWY 181  
DAPHNE AL 36526

D R HORTON INC-BIRMINGHAM  
6451 MERRITT BLVD SUITE B  
DAPHNE AL 36526

HEARTHSTONE MULTI-ASSET ENTITY D L P  
24151 VENTURA BLVD  
CALABASAS CA 91302

MANCI, JOSEPH A ETUX BARBARA SAWYER  
307 BELROSE AVE  
DAPHNE AL 36526



BAILEY YELDING, JR.  
MAYOR

DAVID L. COHEN, MMC  
CITY CLERK

KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES  
DIRECTOR/COMMUNITY DEVELOPMENT

COUNCIL MEMBERS  
TOMMY B. CONAWAY  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
KELLY REESE  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
DEREK BOULEWARE  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

June 11, 2012

### NOTICE TO PROPERTY OWNERS

A petition for REZONING will be considered by the Daphne Planning Commission for property in Oldfield Subdivision, a.k.a. Common Area 1A, Common Area 2A, and Lot 142A consisting of 5.08 acres +/- located west of Alabama Highway 181, near the intersection of Camberwell Drive and Devonfield Lane. Properties are proposed to be rezoned from R-1, Low Density Single Family Residential, R-3, High Density Single Family Residential, and B-1, Local Business, to an R-1, Low Density Single Family Residential, zone.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, June 20, 2012 at 10:00 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, June 28, 2012 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,  
Adrienne D. Jones  
Director of Community Development

D. R. Horton

2469-B

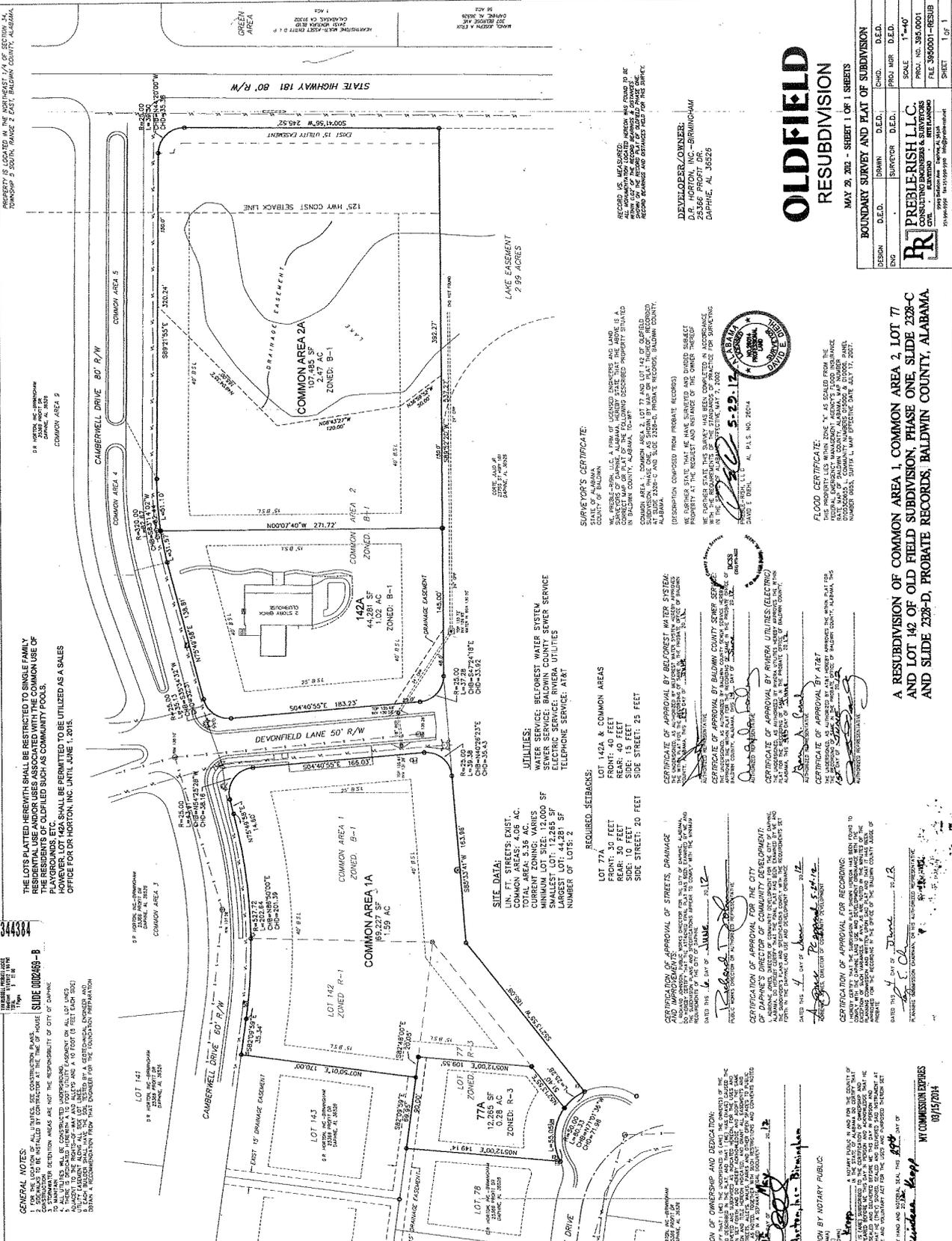
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GENERAL NOTES

- FOR THE LOCATION OF UTILITIES, SEE CONSTRUCTION PLANS.
- RESIDENTIAL USE AND/OR USES ASSOCIATED WITH THE COMMON USE OF PLAYGROUNDS, ETC. SHALL BE RESTRICTED TO SINGLE FAMILY RESIDENTIAL USE.
- THE RESIDENTS OF CLIPPED SUCH AS COMMUNITY POOLS, PLAYGROUNDS, ETC. SHALL BE PERMITTED TO BE UTILIZED AS SALES OFFICE FOR D.R. HORTON, INC. UNTIL JUNE 1, 2015.
- THE LOTS PLATTERED HERETO SHALL BE RESTRICTED TO SINGLE FAMILY RESIDENTIAL USE AND/OR USES ASSOCIATED WITH THE COMMON USE OF PLAYGROUNDS, ETC.
- THE RESIDENTS OF CLIPPED SUCH AS COMMUNITY POOLS, PLAYGROUNDS, ETC. SHALL BE PERMITTED TO BE UTILIZED AS SALES OFFICE FOR D.R. HORTON, INC. UNTIL JUNE 1, 2015.

- LEGEND:
- SEWER MANHOLE
  - DRAIN MANHOLE
  - WATER METER
  - WATER WELL
  - UTILITY POLE
  - TELEPHONE FERRISWALL
  - PERMANENT REFERENCE MARKERS
  - 2 1/2" REBAR FOUND (NO CAP)
  - 2 1/2" CAPED REBAR SET (CA 0903)
  - BUILDING SETBACK LINE



**GENERAL NOTES:**

THE LOTS PLATTERED HERETO SHALL BE RESTRICTED TO SINGLE FAMILY RESIDENTIAL USE AND/OR USES ASSOCIATED WITH THE COMMON USE OF PLAYGROUNDS, ETC. SHALL BE PERMITTED TO BE UTILIZED AS SALES OFFICE FOR D.R. HORTON, INC. UNTIL JUNE 1, 2015.

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NO. 535: 4/10/59

NO. 536: 5/10/59

NO. 537: 6/10/59

NO. 538: 7/10/59

NO. 539:



**ORDINANCE NO. 2012 - \_\_\_\_**

**Ordinance to Rezone Property Located West Side of Alabama Highway 181, near the Intersection of Camberwell Drive and Devonfield Lane**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business, R-1 Low Density Single Family and R-3 High Density Single Family Residential to R-1, Low Density Single Family Residential District, said property is located West Side of Alabama Highway 181, near the intersection of Camberwell Drive and Devonfield Lane being more particularly described as follows:

**Legal Description:**

**COMMON AREA 1A, COMMON AREA 2A, AND LOT 142A OF OLDFIELD RESUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED ON SLIDE NO. 2469-B IN THE PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.**

**REFERENCE: Oldfield Resubdivision, the Resubdivision of Common Area 1, Common Area 2, Lot 77, and Lot 142 of Oldfield Subdivision, Phase One**

**WHEREAS**, the Planning Commission of the City of Daphne on June 28, 2012 has considered said request and failed to set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned, although the majority voted in favor of the motion, a super majority would have been necessary for a favorable recommendation; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, August 20, 2012 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from B-1, Local Business, R-1 Low Density Single Family and R-3 High Density Single Family Residential to R-1, Low Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED 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**



# Daphne Utilities

## **APPROVED MINUTES**

### **Utilities Board Meeting**

**City of Daphne Council Chambers ♦ May 30, 2012 ♦ 5:00 p.m.**

#### **I. Call to Order**

The regular May 2012, Board meeting for the Utilities Board of the City of Daphne was held on May 30, 2012 and called to order by Chairman Robert Segalla, at 5:02 p.m.

#### **II. Roll Call**

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

**Others Absent:** Bailey Yelding, Mayor

**Others Present:** Tony Hoffman – substitute 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:** Jerry Speegle – Board Attorney

#### **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 April 25, 2012:**

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

***MOTION BY Ron Scott to approve the Minutes for April 25, 2012; Seconded by Lon Johnston.***

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

**ABSTAIN: MOTION**

**CARRIED**

#### **V. Old Business**

Nothing to report.

**VI. New Business**

Nothing to report.

**VII. BOARD ATTORNEY'S REPORT**

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

**VIII. FINANCIAL REPORT**

Teresa Logiotatos pointed out the group insurance figure for the Board, as well as the reduced cost for the liability insurance and thanked the Board for the input at the recent mid-year budget review meeting. Mr. Scott inquired as to the coverage of the liability insurance. Mrs. Logiotatos explained that coverages differ accordingly. Mr. Scott asked for the Board to have an overview of all the insurance. Mrs. Logiotatos suggested that Blackmon Insurance give the overview to the Board in an upcoming meeting. Chairman Segalla requested a compilation of all the insurance liabilities including the Board's insurance for each Board member. Mr. Johnston asked to include deductibles and the effect by raising some of the deductibles.

**IX. GENERAL MANAGER'S REPORT**

**A. GM Report**

Rob McElroy commended Jim Caudle and Melinda Immel on the recent presentation they gave at the Alabama Water Environment Association annual conference and referred to them to deliver the presentation, Cooking Up Solutions to Biosolids Management Issues, to the Board. Ron Scott suggested making this presentation at an upcoming Daphne City Council meeting.

Mr. Johnston commented on the condition of the Brianna Memorial concerning old flowers and old vases being left at the memorial. Mr. McElroy stated that he would correct the situation.

Deloris Brown informed the Board of Tom Nettles' retirement effective August 1<sup>st</sup>.

Drew Klumpp had nothing further to add to his report.

Danny Lyndall had nothing further to add to his report.

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

Ray Moore of HMR had nothing further to add to the report.

**X. BOARD ACTION – None.**

**XI. PUBLIC PARTICIPATION – None.**

**XII. BOARD COMMENTS – None.**

**XIII. ADJOURNMENT –**

*MOTION BY Lon Johnston to adjourn the meeting; Seconded by Ron Scott.*

**AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA**

**ABSENT: YELDING**

**ABSTAIN:**

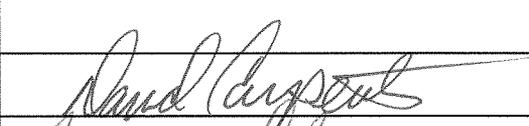
**MOTION CARRIED**

The meeting adjourned at 5:47 pm.

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# CITY OF DAPHNE SPECIAL EVENTS PERMIT

<b>ORGANIZATION:</b>	<i>Christ the King Church</i>
<b>CONTACT PERSON:</b>	<i>Patricia Ernst</i>
<b>ADDRESS:</b>	<i>302 Whiting court Daphne ,AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b> <b>CELL NUMBER:</b>	<i>625-1262  377-5642</i>
<b>DATE OF EVENT:</b>	<i>October 13, 2012    Saturday</i>
<b>TYPE OF EVENT:</b>	<i>Prayer for America</i>
<b>START TIME:</b>	<i>12:00 Noon</i>
<b>STOP TIME:</b>	<i>1:00 P.M.</i>
<b>LOCATION OF EVENT:</b>	<i>City Hall Front Lawn</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>150</i>
<b>SPECIAL REQUEST</b>	
<b>DATE APPLIED FOR PERMIT:</b>	<i>July 2, 2012</i>
<b>APPROVAL</b>	
<b>COUNCIL:</b>	<i>7-16-12</i>
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief James White</b>	
<b>PUBLIC WORKS: Richard Johnson</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>July, 2012</i>
<b>NOTIFICATION OF APPROVAL:</b>	

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION NO. 2012-49**  
**2012-M-FD/THERMAL IMAGING CAMERA**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the THERMAL IMAGING CAMERA will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FD/THERMAL IMAGING CAMERA and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FD/THERMAL IMAGING CAMERA be awarded to Sunbelt Fire Apparatus.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Sunbelt Fire, Inc. for a cost of \$8,425/each as specified in BID SPECIFICATION NO:2012-M-FD / THERMAL IMAGING CAMERA.

**APPROVED AND ADOPTED 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

**RESOLUTION NO. 2012-50  
2012-N-JAIL FOOD SERVICE**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the JAIL FOOD SERVICE will exceed this amount; and

**WHEREAS**, No bids were received and therefore can be negotiated; and

**WHEREAS**, Staff has reviewed the negotiated bid obtained for the JAIL FOOD SERVICE and determined that the negotiated bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the JAIL FOOD SERVICE be awarded to Winn Dixie.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Winn Dixie for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2012-N-JAIL FOOD SERVICE.

**APPROVED AND ADOPTED 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

**Resolution 2012-51**  
**Fiber Installation to Designated City Buildings**

**WHEREAS**, technological advances have necessitated changes to the City of Daphne's communication processes; and

**WHEREAS**, the City of Daphne's current use of DSL internet connectivity is no longer sufficient to meet current technological requirements; and

**WHEREAS**, fiber connectivity is the first step to providing a more efficient network platform to meet the City's communication needs; and

**WHEREAS**, future installation of wireless services will complete the upgrade of City-wide internet connectivity; and

**WHEREAS**, such fiber upgrades will allow the City of Daphne to connect to Baldwin County's network for 911, GIS and other county services.

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

- 1) The City of Daphne enter into a contract with JMF Solutions to provide fiber connectivity for the City for the monthly cost of \$3,950 to be included in the FY2013 Budget for the following locations:
  - City Hall
  - Justice Center
  - North Precinct
  - Public Works
  - Fire Station #2

AND

- 2) The Mayor and is hereby authorized to enter into an agreement with JMF Solutions on behalf of the City of Daphne for the fiber installation in City buildings.

**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 NO. 2012 - 52

## APPOINTING ELECTION OFFICIALS MUNICIPAL ELECTION AUGUST 28, 2012

**WHEREAS**, a regular municipal election has been called to be held on the 28<sup>th</sup> day of August, 2012, and a runoff election to be held if necessary, on the 9<sup>th</sup> of October, 2012; and

**WHEREAS**, Section 11-46-27 of the Alabama Code of 1975, as amended, provides in part, that the municipal governing body, not less than 15 days before the holding of any municipal election appoint from the qualified electors of the respective wards or voting districts officers to hold the election; and

**WHEREAS**, Section 11-46-24 of the Code of Alabama, 1975, as amended, provides that where voting places are designated within each district where voting machines are used that the municipal governing body shall appoint election officials to consist of one chief inspector, who shall supervise the conduct of all the other officials and the operation of the voting place, one chief clerk, one returning officer, and for each voting machine to be used at each voting place there shall be appointed two assistant clerks; and

**WHEREAS**, Section 11-46-27 requires the governing body of the municipality to appoint from the qualified electors of the City one inspector; one returning officer and two clerks who shall meet on the day of election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting, and returning the absentee ballots at such election.

**WHEREAS**, the City Council of the City of Daphne recognizes the time spent by those who are to perform the duties of election officials and shall be compensated as follows:

1.)	Inspector	\$200.00
2.)	Chief Clerk	\$150.00
3.)	Clerk	\$125.00

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Daphne, Alabama that the election officials for said election shall be as follows:

<b><u>DISTRICT 1:</u></b>	Inspector	Ms. Joann Wilson
	Chief Clerk	Mrs. Jeanne Nelson
	Clerk	Mrs. Arva Brown
	Clerk	Ms. Denita Patterson
	Clerk	Mrs. Ella Fuller
	Clerk	Mrs. Elnora Jackson

<b><u>DISTRICT 2:</u></b>	Inspector	Ms. Ruth Martin
	Chief Clerk	Mr. Jim Bodman
	Clerk	Mrs. Jane Bodman
	Clerk	Mr. William Russell
	Clerk	Mrs. Nettie Malloy
	Clerk	Mrs. Maxine Russell
	Clerk	Mrs. Mickey Boykin

<b><u>DISTRICT 3:</u></b>	Inspector	Mr. Glenn Swaney
	Chief Clerk	Ms. Tara Packer
	Clerk	Mrs. Lillian White
	Clerk	Mrs. Betty Baker
	Clerk	Mrs. Joyce Moore
	Clerk	Mrs. Arcola King

**DISTRICT 4:**

Chief Clerk	Mr. David White
Clerk	Ms. Phyllis Johnson
Clerk	Mr. Bill Chappelle
Clerk	
Clerk	
Clerk	

**DISTRICT 5:**

Inspector	Mrs. Inez Ishmael
Clerk	Mr. Dorothy Rankin
Clerk	Mr. Frank Barr
Clerk	Mrs. Ruthie Barr
Clerk	Mrs. Judy Wells
Clerk	Mrs. Julie Holden

**DISTRICT 6:**

Clerk	Mr. Bob Swindle
Clerk	Mrs. Margaret Sue Swindle
Clerk	Mrs. Marjorie S. Waldrop
Clerk	
Clerk	

**DISTRICT 7:**

Inspector	Mr. John Russos
Chief Clerk	Mrs. Jacquelyn Odom
Clerk	Mrs. Elaine Russos
Clerk	Ms. Monica Romagnano
Clerk	Mrs. Frieda Romanchuk
Clerk	Ms. Geri Andrews

**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**

# 2012-N-Jail Food - Negotiated Bid

## BID COST SHEET:

SUBMITT TWO (2) COPIES OF BID SUBMITTAL (One Original & One Copy is Acceptable)

ITEM	#/case	Case \$ req.	Case \$/large
Case quantity Banquet or equal value <u>Meat Loaf</u> <small>(List the dinner to be provided)</small>	<u>12</u>	<u>18.00</u>	<u>N/A</u>
Case quantity Banquet or equal value, <u>Spaghetti and Meatballs</u>	<u>12</u>	<u>18.00</u>	<u>N/A</u>
Case quantity Banquet or equal value <u>Turkey Meal</u> <small>List the dinner to be provided)</small>	<u>12</u>	<u>18.00</u>	<u>N/A</u>
Case quantity Banquet or equal value <u>Boneless Pork Rib</u>	<u>12</u>	<u>18.00</u>	<u>N/A</u>
Case quantity Banquet or equal value <u>Swedish Meatballs</u>	<u>12</u>	<u>18.00</u>	<u>N/A</u>
Case quantity Banquet or equal value <u>Salisbury Steak</u>	<u>12</u>	<u>18.00</u>	<u>N/A</u>
Case quantity Swanson or equal value <u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Case quantity <u>Hungry Man</u> Swanson or equal value <u>Boneless Chicken</u>	<u>8</u>	<u>31.92</u>	<u>N/A</u>
Case quantity Hungry Man or equal value <u>Salisbury Steak</u>	<u>8</u>	<u>31.92</u>	<u>N/A</u>

ITEM	NUMBER PER CASE	CASE PRICE
Case quantity <u>Aunt Jemima</u> Swanson or equal value <u>Scrambled Eggs &amp; Bacon</u> Breakfast	<u>12</u>	<u>27.00</u>
Case quantity <u>Aunt Jemima</u> Swanson or equal value <u>Scrambled Eggs &amp; Sausage</u> Breakfast	<u>12</u>	<u>27.00</u>
Case quantity Swanson or equal value <u>N/A</u> Breakfast	<u>N/A</u>	<u>N/A</u>
Case quantity Swanson or equal value <u>N/A</u> Breakfast	<u>N/A</u>	<u>N/A</u>
Case quantity Hungry Man or equal value <u>N/A</u> Breakfast	<u>N/A</u>	<u>N/A</u>

**CONDIMENTS FOR MEALS**  
**CASE PRICE**

**INDIVIDUAL PRICE EACH**

ITEM	CASE PRICE	INDIVIDUAL PRICE EACH
Bottle of pancake syrup	<u>38.28</u>	<u>3.19</u>
Cheese slice (Individually Wrapped)	<u>143.52</u>	<u>2.99</u>
Case quantity frozen orange juice 12 oz. Cans	<u>57.36</u>	<u>2.39</u>
Gallon milk <i>Crate of 4</i>	<u>14.36</u>	<u>3.59</u>
Fresh Fruit, oranges <i>33lb</i>	<u>65.67</u>	<u>1.99lb</u>
Fresh fruit, bananas <i>40lb</i>	<u>27.60</u>	<u>.69lb</u>
Fresh Fruit, Apples <i>40lb</i>	<u>75.60</u>	<u>1.89lb</u>
White bread, any store brand Or name brand <i>Tray of 7</i>	<u>11.83</u>	<u>1.69</u>
Case quantity of Assorted Kool-Aid Or equal	<u>35.88</u>	<u>2.99</u>

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM.

TOTAL BID AMOUNT FOR LISTED ITEMS \$ \_\_\_\_\_

THIS BID MUST BE NOTARIZE

COMPANY Winn-Dixie # 596

BY: James Denton

Owner or Authorized Signature

James Denton

Print Name

*James Bishop*  
Sworn to and subscribed  
before me this 11th day  
of July 2012  
*MDE; 2/23/14*

Mailing Address 3075 US Hwy 98

City Daphne State AL

Phone (251) 621-6660 Zip 36526

E-Mail: \_\_\_\_\_

Fax: (251) 621-4115 Fed Ident # 63-036-3229

BIDS MADE OUT IN PENCIL WILL NOT BE ACCEPTED

This bid must be returned in a sealed envelope (by stated date/time) to:

City of Daphne  
Att: Suzarine Henson  
1705 Main Street  
P. O. Box 400  
Daphne, AL 36526

**ORDINANCE 2012 - 46**

**Main Street Resurfacing: Ryan Avenue to Bayfront Drive  
- Mill & Overlay Road Project**

**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 City Council has determined it to be in the best interest of the City to obtain bids for this project and design engineering services in the amount of \$25,815 were previously approved.

**WHEREAS**, the Main Street – Ryan Avenue to Bayfront Drive: Mill & Overlay Road project ( 2.54 miles) went out for bid; and

**WHEREAS**, an appropriation is needed for the cost of construction - \$815,642.10 and additional engineering fees - \$61,288 (*survey/testing/inspection...*). (*Total Project Cost - \$902,745.10*).

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

1. A change of use for funds in the amount of \$876,930.10 from the 2012 Construction Fund is approved by Council; and
2. Funds made a part of the Fiscal Year 2012 budget for the Main Street – Ryan Avenue to Bayfront Drive: Mill & Overlay Road project.

**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 2012-47**

**Pinehill Road Resurfacing**

**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**, Pinehill Road needs repairs and resurfacing; and

**WHEREAS**, the asphalt for the project (\$35,536) will be purchased by the City from the City's current bid contract; and

**WHEREAS**, construction cost for this project is below \$50,000; and

**WHEREAS**, quotes were obtained for the construction of the project with the low quote being \$41,264 from Asphalt Services, Inc.;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that funds in the amount of \$82,500 (*Materials/Testing/Construction*) and hereby appropriate from the Four Cent Gas Tax Fund and made a part of the Fiscal Year 2012 budget for the Pinehill Road Resurfacing project.

**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 2012-48**  
**Amending Use of Lodging Tax Proceeds-**  
**Time Extension**

**WHEREAS**, Ordinance No. 2009-28 as adopted May 18, 2009, respectively, provide for the levy and imposition of a Lodging Tax until September 30, 2009; and

**WHEREAS**, subsequently, Ordinance 2009-55 as adopted October 19, 2009 amended the use of Lodging Tax proceeds and set an expiration date of October 31, 2012; and

**WHEREAS**, the city council deems that allocations be extended to October 31, 2015 for the purpose of bay front property debt service, future acquisition, development and maintenance of bay front property, industrial development, downtown redevelopment, and ground related capital for recreation.

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

**SECTION 1:** Section I of Ordinance 2000-34 repealing and replacing Section 1 of 2000-25 is hereby amended as follows:

The lodging taxes which are collected for the period of October 1, 2012 through October 31, 2015 are hereby divided as follows:

1. Five percent (5%) shall be paid quarterly and used for the purpose of providing funding to the IDB for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted in Resolution 2000-31 by Daphne City Council June 19, 2000.
2. Five percent (5%) shall be paid quarterly and used for the purpose of providing funding for Downtown Redevelopment Authority.
3. All debt service incurred for bay front property, which is approximately \$160,000 a year, will be paid from lodging tax proceeds.
4. The remainder of the lodging tax proceeds shall be divided evenly between continued bay front uses (acquisition, development and maintenance) and ground related capital for recreation- which does not include such items as trucks or maintenance of fields.

All other provisions of Section I of Ordinance 2000-25 shall remain in full force and effect.

SECTION II: SEVERABILITY CLAUSE – The provision of this ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction such declaration shall not affect the part that remains.

SECTION III: EFFECTIVE DATE- This ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama, and upon publication as provided by law.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Cathy Barnette, Council President**

\_\_\_\_\_  
**Bailey Yelding, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**RESOLUTION NO. 2012-48**  
**2012-L-FD/SELF-CONTAINED BREATHING APPARATUS**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the SELF-CONTAINED BREATHING APPARATUS will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FD/SELF-CONTAINED BREATHING APPARATUS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FD/SELF-CONTAINED BREATHING APPARATUS be awarded to Sunbelt Fire Apparatus.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Sunbelt Fire, Inc. for a cost of \$4,669/each as specified in BID SPECIFICATION NO:2012-L-FD/SELF-CONTAINED BREATHING APPARATUS.

**APPROVED AND ADOPTED 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

**CITY OF DAPHNE  
ORDINANCE NO. 2012-49**

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**AN ORDINANCE REPEALING CITY OF DAPHNE PERSONNEL POLICY NO.  
1.3.3 REGULATING THE PARTICIPATION RIGHTS OF CITY OF DAPHNE  
EMPLOYEES IN POLITICAL ACTIVITIES AND ADOPTING A NEW  
ORDINANCE REGULATING THE PARTICIPATION RIGHTS  
OF CITY OF DAPHNE EMPLOYEES IN  
POLITICAL ACTIVITIES**

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**WHEREAS**, the City Council of the City of Daphne has previously adopted City of Daphne Personnel Policy 1.3.3; and

**WHEREAS**, Personnel Policy 1.3.3 as currently set out in the City of Daphne Employee Handbook provides that employees are strictly prohibited from engaging or participating in political activity involving the jurisdiction in which they are employed; and

**WHEREAS**, the City Council of the City of Daphne, after due consideration believes that Personnel Policy 1.3.3 should be repealed in its entirety and replaced with a new policy regulating employee participation in political activity in a manner consistent with current Alabama law;

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

**SECTION I: GENERAL PROVISIONS.**

- (A) No law enforcement officer, firefighter, peace officer, or any other person in the employment of the City of Daphne, when off duty, out of uniform, and acting as a private citizen, shall be denied the right to participate in political activities to the same extent as any other citizen of the State of Alabama.
- (B) The provisions of this Ordinance shall in no way interfere with or inhibit any law enforcement officer, firefighter, peace officer, or other person in the employment of the City of Daphne's right to vote in any municipal, county, state or national election.

**SECTION II: CONFLICT WITH OTHER ORDINANCES.**

That any Ordinance or Personnel Policy heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

**SECTION III: SEVERABILITY.**

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

**SECTION IV: EFFECTIVE DATE.**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

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**CATHY BARNETTE,  
COUNCIL PRESIDENT**

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**BAILEY YELDING,  
MAYOR**

**ATTEST:**

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**DAVID COHEN,  
CITY CLERK, MMC**