

**CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
AUGUST 20, 2012
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council meeting minutes / August 6, 2012
Council Work Session minutes / August 13, 2012

PRESENTATION: Adam McDonald / Report on Eagle Scout Project

PROCLAMATION: Recognizing Samuel Jenkins, Sr.

PRESENTATION: Introduction of New Firefighters / Chief James White

PUBLIC HEARING: Rezone: D. R. Horton

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

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

Requested Zoning: R-1, Low Density Single Family Residential

Recommendation: Failed to set forth a favorable recommendation. 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.

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes/ August 13th

1.) Resolutions:

- a.) Wireless Network Agreement / JMF Solutions / **Resolution 2012-60**
- b.) Tower Lease Agreement / JMF Solutions / **Resolutions 2012-61**
- c.) Declaring City Property Surplus / 1999 Ford Taurus / **Resolution 2012-62**

2.) Motions:

Motion to approve going out to bid for Fiber Installation/Service

3.) Financial Reports:

- Treasurers Report / July 31, 2012
- Sales & Use Tax Collections / June 30, 2012
- Lodging Tax Collections / June 30, 2012

B. BUILDINGS & PROPERTY COMMITTEE - Lake

Review minutes / August 6th

C. PUBLIC SAFETY COMMITTEE – Boulware

Review minutes / August 8th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Conaway

Review minutes / July 30th

D. Library Board – Lake

E. Planning Commission – Barnette

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

- a.) Parade Permit / Apollo’s Mystic Ladies / Mardi Gras / February 1, 2013 /
Rain Date February 7, 2013

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Appointing Election Officials/Resolution 2012-58

b.) Acceptance of Streets & Drainage / Dunmore Subdivision
Phase Two, Part C, Phase One. /Resolution 2012-59

c.) Microwave Communication Network Lease /
JMF Solutions. /Resolution 2012-60

d.) Tower Lease Agreement / JMF Solutions. /Resolution 2012-61

e.) Declaring Certain City Property Surplus/Resolution 2012-62

ORDINANCES:

1ST READ

- a.) **Rezone: D.R. Horton Property...../Ordinance 2012-50**
- b.) **US Fish & Wildlife: Invasive Species Control Project
Village Point/Bay Front Park / Cash Match/Ordinance 2012-51**
- c.) **Appropriation of Funds: Design & Engineering for Lake Forest:
Ridgewood Drive & Bayview Drive – Phase 3 Resurfacing Project/Ordinance 2012-52**

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

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

1. CALL TO ORDER

Council President Barnette called the meeting to order at 6:35 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

The invocation was given by Councilman Scott.

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

ALSO PRESENT: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; 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; Richard Johnson, Public Works Director; Jim Scroggins, City Prosecutor; Larry Cooke, BZA; Douglas Dugat, Recreation Board; Selena Vaughn, Beautification and Village Point Foundation; Toni Fassbender, IDB; Bob Segalla, Utility Board; Lon Johnston, Utility Board.

ABSENT: Tonja Young, Library Director; Kim Briley, Finance Director.

3. APPROVE MINUTES:

MOTION BY Councilwoman Conaway to adopt the July 16, 2012 council meeting minutes. Seconded by Councilman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt the July 9, 2012 Work Session minutes. Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt the July 23, 2012 Special Called Council meeting minutes. Seconded by Councilman Reese.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**AUGUST 6, 2012
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CHANGE COUNCIL MEETING DATE: September 3, 2012 (Labor Day)

MOTION BY Councilman Scot to change the September 3, 2012 council meeting date to Tuesday, September 4, 2012 6:30 p.m. Seconded by Councilwoman Conaway.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Fenton Jenkins

Mr. Jenkins was not present for the presentation. Council President Barnette stated that he wanted to invite council to the ceremony on August 16th, the time has not been set, naming of a section of Highway 90 after his father.

PRESENTATION: Mrs. Toni Fassbender, Chairman of the Industrial Development Board

Mrs. Fassbender introduced the representative of a wholesale building supply company that is coming to Daphne. The company is Marjam, and has been in business for 33 years that is based in New York. They will be located on Stanton Road. They will start with six (6) to seven (7) employees, and the rate of pay is \$28.00 per hour. The company representative, Mr. Troy Tindal said they are happy to be coming to Daphne. Mrs. Fassbender also introduced the new President/CEO of the Baldwin Economic Development Alliance, Mr. Lee Lawson. Mrs. Fassbender said this is their first true tax abatement company.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE – Boulware

No report.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

There was not a meeting in July. The committee met this afternoon, and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE – Boulware

No report.

D. CODE ENFORCEMENT / ORDINANCE COMMITTEE – Boulware

No report.

E. PUBLIC WORKS COMMITTEE/ SOLID WASTE AUTHORITY – Conaway

No report. The next meeting will be August 20th.

**AUGUST 6, 2012
REGULAR CITY COUNCIL MEETING
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5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The July 10th minutes are in the packet. There will not be a meeting in September. Mr. Glen Swaney has resigned so Mr. Cooke will move up to the board, and council will need to appoint two (2) alternates.

B. Downtown Redevelopment Authority – Barnette

MOTION BY Councilman Lake to appoint Mrs. Patricia Vanderpool to the Downtown Redevelopment Authority. Seconded by Councilwoman Conaway.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. Industrial Development Board – Conaway

No report.

D. Library Board – Lake

Councilman Lake reminded everyone to visit the Library’s website and Facebook page, and check out the different programs.

E. Planning Commission – Barnette

The minutes of the June 28th meeting are in the packet.

MOTION BY Councilman Palumbo to set a Public Hearing date for September 17, 2012 to consider revisions to the zoning map. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Jones said that there will not be a Planning Commission meeting for August.

F. Recreation Board – Reese

No report.

G. Utility Board – Scott

The minutes for the June 27th meeting are in the packet. The next meeting will be the last Wednesday of the month which is August 29th at 5:00 p.m. in the council chambers.

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6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

- a.) Special Events Permit / Cry Out for America 9/11 Prayer Event / September 11, 2012
- b.) Parade Permit / Bayside Medical Missions / 5K and 1 Mile Fun Run / September 22, 2012

MOTION BY Councilman Scott to approve the Special Events Permit for / Cry out for America 9/11 Prayer Event / September 11, 2012 and Parade Permit for Bayside Medical Missions / 5K & 1 Mile Fun Run / September 22, 2012. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. *City Attorney Report*

Mr. Ross stated that he has changed law firms. He is no longer with Ross, Jordan and Gray. He is with Adams and Reese. He introduced Mr. Britton Bonner and Mr. Scott Hetrick who will be helping him from now on with city business. Mr. Hetrick's expertise is with Human Resource law. He said the resolution presented tonight is reaffirming his appointment at the same hourly rate. He explained the need for the expert witness for the May Day Park Boat Ramp issue.

MOTION BY Councilman Scott to approve retaining Cliff Truiett, PE as an expert witness in coastal engineering to review and provide an initial recommendation and opinion regarding Thompson Engineering's design and engineering of the boat ramp at May Day park at an initial cost not to exceed \$7,500.00. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. *Department Head Comments*

David McKelroy – Recreation Director – announced the Fall sports registration is coming to a conclusion. He reported that Jacy Todd, a coach at Daphne High School, was injured in a car accident, he may be paralyzed from the waist down.

Christine Ciancetta – Deputy Finance Director – reported that the FY2012 audit is continuing, and they are working on the FY2013 budget, and they are still working on getting credit card use up and running.

Richard Johnson – Public Works Director – reported that they have had an equipment recall on the recycle trucks, and said for citizens to leave the recycle bins out, and they will get it. They are just short on equipment.

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Margaret Thigpen – Civic Center Director – reported that the Taste of the Eastern Shore is August 17th. There are 26 vendors signed up, but there will be between 32-38 by the time of the event. They have sold 1,100 tickets already, and are almost sold out. There will be a candidate forum at the Civic Center on August 21st. The doors will open at 6:00 p.m. with the forum starting at 6:30 p.m.

Mayor Yelding asked Mr. Johnson to come forward, and the mayor read a letter stating that the city has received a recycling grant in the amount of \$123,000. Mr. Johnson credited Tracey Miller, the Solid Waste Coordinator, and Council President Barnette for the grant. They worked hard on the application.

7. PUBLIC PARTICIPATION:

Mrs. Tomasina Werner – Daphne – said she is proud of the mayor and council, and she feels that Daphne is business friendly.

Mrs. Selena Vaughn – 132 Donna Circle - announced that the city has another champion tree a longleaf pine.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS:

RESOLUTIONS:

- a.) Resurfacing US Highway 98 from Mobile Bay Causeway to Scenic Overlook, City of Daphne. /Resolution 2012-53
- b.) Officer Elected Without Opposition /Resolution 2012-54
- c.) Street Map Revisions. /Resolution 2012-55
- d.) Appointing Election Officials. /Resolution 2012-56
- e.) Appointing City Attorney. /Resolution 2012-57

MOTION BY Councilman Scott to waive the reading of Resolutions 2012-53, 2012-54, 2012-55, 2012-56 and 2012-57. Seconded by Councilwoman Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**AUGUST 6, 2012
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MOTION BY Councilman Scott to adopt of Resolutions 2012-53. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTIONBY Councilman Scott to adopt of Resolution 2012-54. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION by Councilman Scott to adopt Resolution 2012-55. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The City Clerk asked council to amend Resolution 2012-56 to include Ms. Cindy Brown as a poll worker.

MOTION BY Councilman Scott to adopt Resolution 2012-56 to include Ms. Cindy Brown. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-57. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2nd READ

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

**AUGUST 6, 2012
REGULAR CITY COUNCIL MEETING
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DAPHNE, AL
6:30 P.M.**

MOTION BY Councilman Palumbo to waive the reading of Ordinance 2012-47, 2012-48 and 2012-49. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2012-47. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTIONBY Councilman Palumbo to adopt Ordinance 2012-48. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2012-49. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

9. COUNCIL COMMENTS:

Mayor Yelding commended the legislative body, and encouraged them to continue to work together to carry on business of the city during the election time.

Councilwoman Conaway said that she enjoyed the Health and Wellness Fair.

Councilman Lake commented on the letter read by Mrs. Tomasina Werner during Public Participation.

Councilman Scott said that he attended the presentation of the Beautification Award to the U.S. Sports Academy. He said the Academy is an asset to the city, and they make the city a destination point attracting people from all over the world. The award was well deserved. He also said that the city could not pay the Beautification Committee for all they do for the city.

Councilman Boulware gave kudos to principal Dr. Meredith Foster and Daphne High School for being named a Blue Ribbon School.

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Councilman Palumbo said that Daphne High School is the only school in the county to be designated as a Blue Ribbon school. He also thanked Erick Bussey and Jason Crane for all the work they have done for the city in keeping chaos from happening in the city. He said that Jennifer Ishler with Huntingdon College is being promoted and will be moving to Birmingham. He asked the Mayor that if she has not moved to do a proclamation recognizing her efforts in establishing Daphne's first college.

Mayor Yelding said that they will be presenting Dr. Foster with a proclamation in September for the high school being designated a Blue Ribbon School.

Council President Barnette – said that she is proud of the recycling grant, and that she and Tracey had worked hard over the past two (2) years, and will continue to look for grants.

10. ADJOURN:

MOTION BY Councilwoman Lake to adjourn. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 7:20 p.m.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer,

Cathy S. Barnette, Council President

AUGUST 13, 2012
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

ABSENT: Kelly Reese.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; Vickie Hinman, Human Resources Director.

Absent: Mayor Yelding.

Council President Barnette called the meeting to order at 6:35 p.m.

1. CITY HALL ROOF / RICHARD JOHNSON / FRANK BARNETT

The contractor for the new part of the building re-sealed the roof over the old part of the building. It had a two (2) year warranty, and they have gotten five (5) years from it. It is to a point that it needs to be replaced before something major happens. There are already issues with water ponding, and it will only get worse. Mr. Johnson said that the 15 year roof system was recommended. Mr. Barnett said that other city buildings are also in need of re-roofing.

Consensus of council: Go with option #2, \$85,000 – 15 year life, to be submitted as a FY2013 Capital Budget Request.

2. UPDATE BY CITY ATTORNEY: ORDINANCES: REGULATING THE USE OF SOCIAL MEDIA BY EMPLOYEES & USE OF ALCOHOLIC BEVERAGE WITHIN THE CITY OF DAPHNE

Mr. Ross said they are basically ready, but he wants to get some finality regarding the ordinances. He will get with Councilman Reese, and try to have the ordinances ready by Wednesday. If he can get them squared away he will have them ready for the agenda on August 20th.

Mr. Ross briefed council regarding the non-jury trial with Mr. Shafer, and hopes that Judge Partin has a judgment soon.

3. OTHER ITEMS

Councilman Palumbo asked Mr. Johnson about the internship program.

Mr. Johnson said that he has one (1) intern from the University of South Alabama. He is a third year engineering student. He has put him to work, and Mrs. Hinman is looking for another one for Public Works. It is working out really well for him.

**AUGUST 13, 2012
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2

4. ADJOURN

There being no further business to discuss the meeting adjourned at 7:00 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**Cathy S. Barnette,
Council President**

**City of Daphne
Office of the Mayor**

PROCLAMATION

Presented to

Mr. Samuel Jenkins, Sr.

WHEREAS, Mr. Samuel Jenkins, Sr., was born and raised on the family farm near Loxley; and

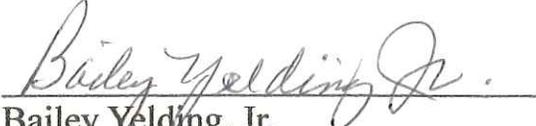
WHEREAS, he served as the first African-American in Baldwin County to hold the position of Chairman of the County Commission; and

WHEREAS, Mr. Jenkins served twelve years on the Baldwin County Commission from 1988 until 2000; and

WHEREAS, he served this county with grace and exceptional leadership; and

NOW, THEREFORE, I, Mayor Bailey Yelding, Jr., on behalf of the city council for the City of Daphne we express our appreciation and respect for your tireless efforts in Baldwin County. You have truly made a difference in the lives of many people, as well as in the City of Daphne. We acknowledge the portion of the newly named *Samuel Jenkins, Sr. Highway* that runs through our City along U. S. Highway 90 between County Road 13 and State Highway 181.

This proclamation is presented by the City of Daphne on this day of August 20, 2012.


Bailey Yelding, Jr.
Mayor

PUBLIC HEARING

August 20, 2012

1.) Rezone: D. R. Horton

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

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

Requested Zoning: R-1, Low Density Single Family Residential

Recommendation: Failed to set forth a favorable recommendation. 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.

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

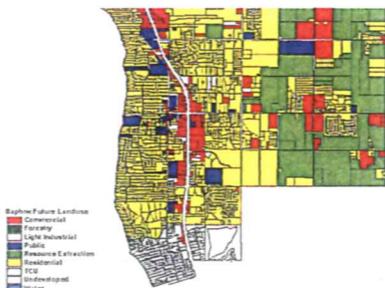
Electric - Riviera Utilities

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

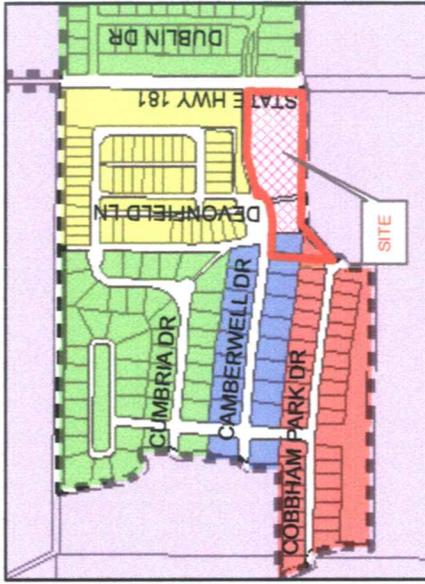
Present zoning - B-1, R-1, R-3
Requesting R-1

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).

Revised: March 18, 2004

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

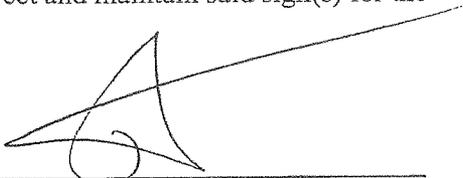
Signature of Property Owner

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

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**

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**

**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
August 13, 2012
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilwoman Tommie Conaway, Deputy Finance Director Christine Ciancetta, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody.

Finance Director Kim Briley was absent.

Also in attendance were Mayor Bailey Yelding, Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Revenue Officer Heather Gywnn and Building Maintenance Supervisor Frank Barnett.

II. PUBLIC PARTICIPATION

There was no public participation.

III. HUMAN RESOURCES BUSINESS

Update on Human Resources Department Activity

Ms. Hinman gave an update on the Human Resources department. New hires are IT Coordinator August 9TH , Administrative Tech for Mechanical July 19th , and Firefighter on July 26th. Interviewing is going on for GIS Technician and Solid Waste Worker. The position for Public Service Worker is currently being advertised.

At the Safety Committee meeting, it was reported that The Mechanical Barn was inspected by the Fire Marshall with negative findings. Lieutenant Yelding will be inspecting signs at intersections on Main Street. Ms. Hinman stated that HR purchased 52 cooling rags for Public Works employees.

Next safety committee meeting will be August 29, 2012 at 10:00 a.m.

Other Human Resources Projects include:

- August 1, 2012 – Employee Benefits Fair
- Conference calls with Kronos regarding new server and upgrades
- August 2nd and 3rd – RSA mini seminars
- Lifesouth will be at City Hall for a blood drive on Monday, August 27th: 10:00 a.m.–3:00 p.m

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer’s Report: July 31, 2012

The Treasurer’s Report totaling \$18,761,690.99 was presented.

Motion by Ms. Conaway to accept the Treasurer’s Report as of July 31, 2012, in the amount of \$18,761,690.99. Seconded by Mr. Scott. Motion carried.

2. Sales and Use Taxes: June 30, 2012

Sales and Use Tax Collected for June 2012 - \$996,637.
Sales and Use Tax Budgeted for June 2012 - \$966,165
Over Budget (for June) - \$ 30,472.

YTD Budget Collections Variance – Over Budget - \$69,833.

3. Lodging Tax Collections, June 30, 2012

The Lodging Tax Collections report shows \$69,822.91 collected for June 2012.

4. Report: New Business Licenses – July 2012

The list of new businesses, and businesses closed, in July was presented. It was stated that Fresh Market is scheduled to open just before Thanksgiving.

5. Bills Paid Reports – July 2012

The Bills Paid Report was included in Packet #2.

B. Discuss Repealing Road Infrastructure Project: Ordinance 2009-25.

Mr. Scott and Mr. Johnson discussed the ongoing patch repair of the paving of County Road 13 until a larger project can be budgeted.

Ms. Ciancetta discussed the \$500,000.00 annual transfer for Road Infrastructure Projects not being needed due to Warrant Funds being available and required for first use, Grant monies available for Road Projects, and monies received from the Gas Tax Funds. Ms. Ciancetta presented her research included in the packet showing expenditures for road projects over the last few years. Ms. Ciancetta discussed that the monies allocated for transfer to the Road Infrastructure Projects have not been spent.

Discussion continued on the transfer of the \$500,000. Ms. Henson noted that \$500,000 had been transferred from the General Fund to the Capital Reserve fund for FY2012. Mr. Scott reviewed the original need for road repairs being the reason for the adoption of the Ordinance. Mayor Yelding said the ATRIP and MPO Grant monies are now available and discussed that with these new monies available that the City Council may want to consider not transferring this amount annually at this time. Mr. Scott discussed MPO is not guaranteed because other municipalities may be awarded these monies. Mr. Johnson discussed that with the current availability of these new grant monies the City needs to maintain a road project listings for capital improvements and utilize these grant opportunities. Mr. Johnson noted that these grants will sustain a lot of the capital road improvements currently on the list. Mr. Johnson also noted a comprehensive list is also being prepared for maintenance requirements for roads and that this report should be ready in October.

Ms. Ciancetta discussed the need to use Bond monies first and noted again that the \$500,000 has not been used in the last three years. Mr. Johnson stated the City should use Warrant funds, Grant monies, and Gas Tax monies first and Mr. Scott agreed.

Mr. Boulware restated the purpose for the ordinance and that he did not support repealing it. The Mayor stated that Departments are cutting their daily operations budget while \$500,000 is being budgeted for transfer and not needed at this time because warrant and grant monies need to be used first. Mr. Boulware discussed building reserves if monies are not required for road projects. Mayor Yelding maintained he is not in favor of cutting daily operating budget just to build reserves.

The Finance committee recommends that the Road Infrastructure Projects ordinance be discussed at a Council Work Session.

C. City Wireless Network: Internet Access Agreement & Authorize going out to bid for Fiber Service.

Ms. Henson noted the proposed Wireless agreement was included in the packet. Ms. Henson noted that a meeting was held between the City and JMF with City representation from Police, Finance, and two City IT representatives and the City Attorney. The City attorney brought new information concerning bid requirements and noted that according to these requirements the fiber project would need to be bid but the wireless project could move forward with JMF’s tower lease being handled separately.

***Motion by Mr. Scott to recommend Council adopt a Resolution:
1) authorizing the Mayor to enter into an Wireless Agreement, and
2) authorizing the Mayor to enter into a Tower Lease agreement with JMF, and
Motion by Mr. Scott to authorize staff to go out for bid for Fiber Installation/Service.
Seconded by Ms. Conaway. Motion carried.***

D. Declare City Property Surplus:

1. The following equipment was presented for surplus:

<u>Dept</u>	<u>Tag/Veh#</u>	<u>Description</u>	<u>Vin# / Serial #</u>
Det	399	1999 Ford Taurus	1FAFP53U7XA318127

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

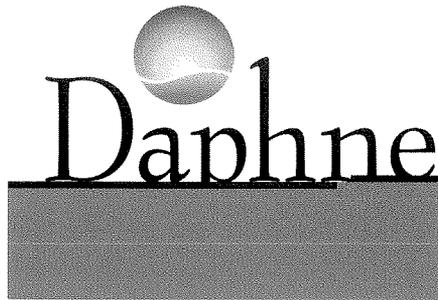
V. OLD BUSINESS

VI. ADJOURN

The meeting was adjourned at 4:48 p.m.

Bailey Yelding, Jr.
Mayor

Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

August 8, 2012

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Status

IT Coordinator	Date of Promotion: August 9, 2012
Administrative Technician (Mechanical)	Date of Hire: July 19, 2012
GIS Technician	Interviewing
Solid Waste Worker	Interviewing
PSW, Sr.	Internal posting: 8/10-8/17
Firefighter	Date of Hire: July 26, 2012

Safety Committee Meeting was held on July 25, 2012

The Mechanical Barn was inspected by the Fire Marshall with negative findings. In August the Nicholson Center will be inspected. Lieutenant Yelding will be inspecting signs at intersections on Main Street. Particularly, the Frame Corner sign on Magnolia and the City Museum sign near entrance to Bayfront Park .

Next safety committee meeting will be August 29, 2012 at 10:00 a.m.

Human Resources Projects:

- August 1, 2012 - Employee Benefits Fair – The theme was 50's Sock Hop and we had 52 vendors this year. The Grand Prize was a \$250 Visa gift card donated by City attorney, Jay Ross.
- Conference calls with Kronos regarding new server and upgrades.
- August 2 and 3 – RSA mini seminars in Council Chambers for City employees of Daphne and Eastern Shore.
- LifeSouth scheduled to be at City Hall for blood drive on Monday, August 27 from 10:00 a.m. – 3:00 p.m.

TREASURER'S REPORT

As of July 31, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$5,916,776.49
OPERATING ACCT	COMPASS	(\$185,919.73)
PAYROLL ACCT	COMPASS	\$0.00
		<hr/>
		\$5,730,856.76
INVESTMENT FUND		
	RAYMOND JAMES	\$5,187,695.64
	(investment \$4,828,875.15)	
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$393,005.57
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	\$11,196.35
4 CENT GAS TAX	PNC BANK	\$401,130.94
7 CENT GAS TAX	PNC BANK	\$327,495.23
		<hr/>
		\$739,822.52
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	\$1,203,961.31
2006 CONSTRUCTION	WELLS FARGO	\$718,358.88
2012 CONSTRUCTION	REGIONS	\$3,008,384.80
		<hr/>
		\$4,930,704.99
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	\$1,297,249.07
2006 DEBT SERVICE	PNC	\$482,356.44
		<hr/>
		\$1,779,605.51
		 <hr/>
		<u>\$18,761,690.99</u>

PRIOR YEAR BALANCE: July 31, 2011 \$19,421,404.41

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	864,727.27	864,727.27	817,268	47,459.13	47,459.13	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	845,342.45	845,342.45	836,995	8,347.81	55,806.94	1.00%
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	1,165,135.62	1,165,135.62	1,144,856	20,279.67	76,086.61	1.77%
January	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	809,785.59	834,336	(24,550.60)	51,536.01	-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	845,101.34	845,101.34	858,367	(13,265.41)	38,270.60	-1.55%
March	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	1,018,721.43	996,615	22,106.87	60,377.47	2.22%
April	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	916,538.59	911,438.60	911,438.60	935,721	(24,282.69)	36,094.78	-2.60%
May	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	911,839.30	911,839.30	908,573	3,265.87	39,360.65	0.36%
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	946,206.78	996,637.21	996,637.21	966,165	30,472.56	69,833.21	3.15%
July	803,051.14	908,576.13	941,407.68	993,216.66	888,690.34	808,113.93	839,192.33	902,457.24	911,839.30	911,839.30	897,527	14,312.23	14,312.23	1.57%
August	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	889,627.00	889,627.00	898,386	(8,758.76)	(8,758.76)	-0.98%
September	830,260.80	998,476.08	967,616.16	985,107.35	918,551.15	825,257.74	841,035.40	863,630.36	863,630.36	863,630.36	899,386	(35,755.64)	(35,755.64)	-4.08%
Totals	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,279,349.93	10,039,546.95	9,934,178.61	10,766,122.45	8,368,728.81	8,368,728.81	10,944,435	26,715,706.19	69,833.21	0.64%

30

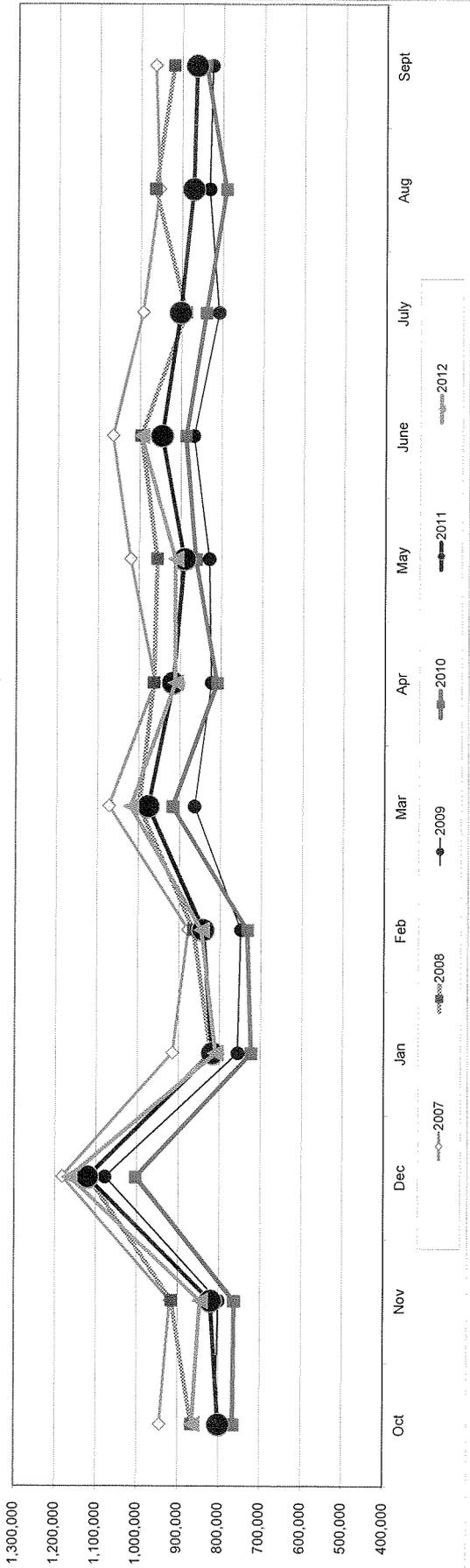
FISCAL YEAR COMPARISONS

	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	64,215.24	64,215.24	64,215.24	64,215.24	64,215.24	64,215.24	64,215.24	64,215.24	64,215.24	64,215.24
November	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,508.36	25,508.36	25,508.36	25,508.36	25,508.36	25,508.36	25,508.36	25,508.36	25,508.36	25,508.36
December	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	43,752.17	43,752.17	43,752.17	43,752.17	43,752.17	43,752.17	43,752.17	43,752.17	43,752.17	43,752.17
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)	(7,444.55)	(7,444.55)	(7,444.55)	(7,444.55)	(7,444.55)	(7,444.55)	(7,444.55)	(7,444.55)	(7,444.55)
February	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	4,333.33	4,333.33	4,333.33	4,333.33	4,333.33	4,333.33	4,333.33	4,333.33	4,333.33
March	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	53,121.77	59,523.84	42,540.04	42,540.04	42,540.04	42,540.04	42,540.04	42,540.04	42,540.04	42,540.04	42,540.04	42,540.04
April	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)	(5,097.99)
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	21,893.97	21,893.97	21,893.97	21,893.97	21,893.97	21,893.97	21,893.97	21,893.97	21,893.97
June	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	18,953.16	58,944.10	50,430.43	50,430.43	50,430.43	50,430.43	50,430.43	50,430.43	50,430.43	50,430.43	50,430.43	50,430.43
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	31,078.40	63,264.91	-	-	-	-	-	-	-	-	-	-
August	124,487.78	80,720.90	3,892.56	10,204.69	(132,641.91)	(41,270.55)	80,723.24	-	-	-	-	-	-	-	-	-	-
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.66	-	-	-	-	-	-	-	-	-	-	-
Annual \$ Change	1,418,335.85	994,535.81	168,436.75	(591,883.26)	(1,239,802.98)	(105,366.34)	809,348.88	240,131.00	240,131.00	240,131.00	240,131.00	240,131.00	240,131.00	240,131.00	240,131.00	240,131.00	240,131.00
Percent Change																	
2006-2007			1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%	1.28%
2007-2008			-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%	-8.19%
2008-2009			-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%	-7.00%
2009-2010			-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%	-12.54%
2010-2011			-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%	-3.72%
2011-2012			-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%	-8.09%
2012-2013			-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%	-13.52%
2013-2014			-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%	-6.81%
2014-2015			0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%
2015-2016			-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%	-6.30%
2016-2017			-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%	-6.49%
2017-2018			4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%	4.13%
2018-2019			5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%
2019-2020			1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%	1.07%
2020-2021			-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%	-0.26%
Annual % Chang			1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%	1.44%

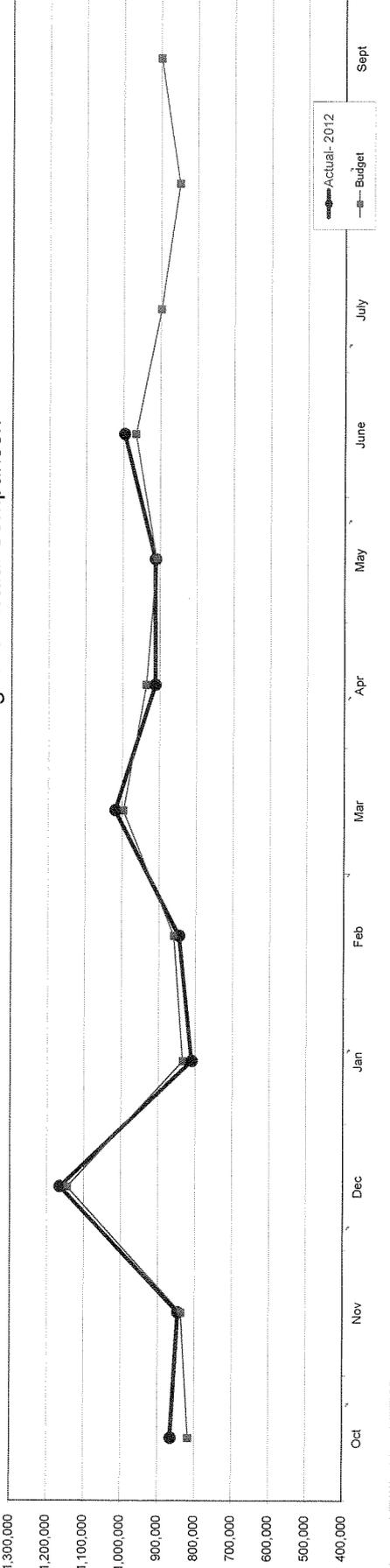
TOTAL collections: FY 11	10,766,122
TOTAL est. bdgt coll: FY 12	10,944,435
Budgeted Dollar Variance 11 & 12	178,313
Budgeted Percent Variance 11 & 12	1.66%

TOTAL collections thru: 6-30-12	8,368,729
Budgeted thru: 6-30-12	8,298,896
Actual Coll > Budget, 9-30-12	69,833
% Over/(Under) Budget, 9-30-12	0.84%

Sales & Use Tax Comparisons



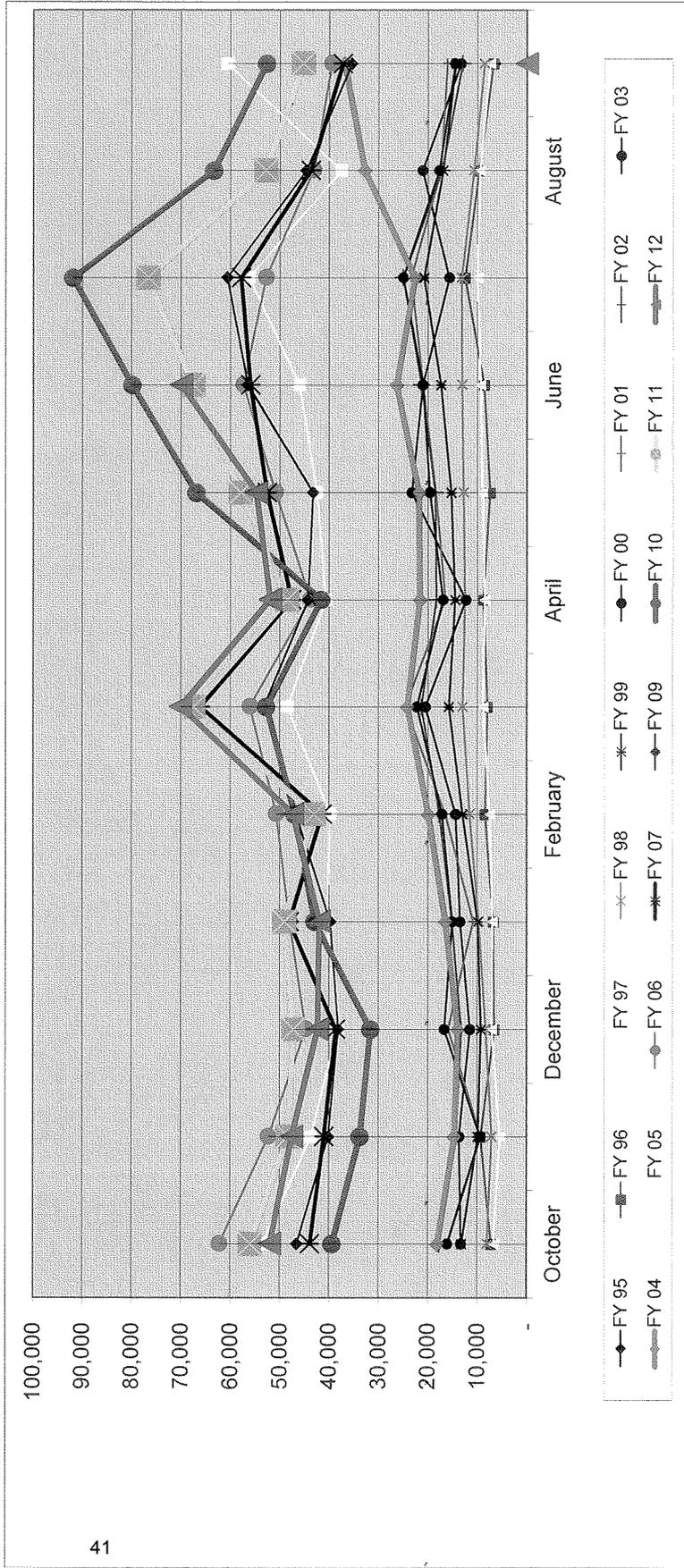
Fiscal 2012: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12
16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53
9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08
15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22
10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34
16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50
24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33
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
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
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	69,822.91
23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	-
17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	-
16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	-
205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	477,674.42

Ord 1997-28 adopted December 8, 1997 incr levy from 3% to 4%.



NEW BUSINESSES

July-12

CITY LIMITS		CONTRACTORS	
RETAILERS		TIMMOWS & CARROLL RFG	1
FLOWERS ETC (NEW OWNER)	1	FIRST TIME APPLIANCE REPAIR	1
THE FRESH MARKET # 151	1	FIRE DOG OUTDOORS	1
STITCHES	1	MARATHON PAINTING LLC	1
ALL OTHER		MADER PLUMBING	1
TAKE OUT TAN	1	ALL ABOUT PLUMBING SERV	1
FUTURE AUTO (WHOLESALE)	1	THE MOSQUITO AUTHORITY	1
FACETIME PHOTOBOOTH	1	JOHN G. DOWDLE	1
PREMIER HEALTH MANAGEMENT	1	A. BRENT CHERRY	1
GULF COAST WEDDING & PARTY	1	PREMIER HOME RENEWAL INC	1
ANNE COX	1	WOERNER TURF	1
TIMOTHY WHITE	1	DANIEL FIELDS PLUMBING REPAIR	1
CENTENNIAL BANK	1	H & S PAINTING	1
M 2 M INC	1	CMC CONTRACTING SERV	1
EASTPOINTE HOSPITAL	1	PARKER PAINTING	1
MARIAN RESPIRATORY CARE	1	BRITANNIA PLUMBING LLC	1
BUBBLEWOOD PHOTOGRAPHY	1	J & C ROOFING COMPANY LLC	1
AM MEDICAL LLC	1	BAILEY'S LAWN PRESSURE	1
AFFORDABLE DENTURES	1	OHMS ELECTRICAL CORP	1
TOTAL CITY LIMITS	17	GREENE AIRE	1
OUTSIDE CITY LIMITS		RUSTY'S AUTO GLASS	1
GOLF VENTURES INC	1	JAMES MCINVALE DRYWALL	1
JOHN DANIEL	1	INTEGRITY ROOFING SPECIAL	1
GULF COAST PRODUCE DISTRIBUTORS	1	HOME CREATIONS & RE-CREATIONS	1
RETIF OIL & FUEL LLC	1	HCL CONTRACTING LLC	1
ANDY SMITH BAND	1	RICHARDSON ENTERPRISES	1
URBAN DECAY COSMETICS LLC	1	AR FENCE	1
ANXE BUSINESS CORPORATION	1	TOTAL CONTRACTORS	27
AT&T DATACOMM	1	INSURANCE	
ACE SURGICAL SUPPLY	1	0	
DEHCO INC	1	TOTAL INSURANCE	
FORD LUMBER & MILLWORK	1	0	
SERVICE SOLUTIONS US LLC	1	TOTAL NEW BUSINESSES IN DAPHNE	
INTERNATIONAL CODE COUNCIL	1	71	
DATATRUST TECHNOLOGIES	1	CLOSED BUSINESSES IN DAPHNE	
QIVANA LLC	1	0	
TAMARA'S DOWNTOWN	1	TOTAL CLOSED BUSINESSES IN DAPHNE	
WHOLESALE LIQUIDATORS	1	0	
ALLIED TRADE GROUP	1		

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-25**

**AN ORDINANCE TO ESTABLISH THE TRANSPORTATION ENHANCEMENT
PROJECT FOR STREET AND ROAD INFRASTRUCTURE PROJECTS
WITHIN THE CITY OF DAPHNE**

WHEREAS, the maintenance and upkeep of the City's roadways is within the City's responsibility for the health, safety, and welfare of its citizens and visitors; and,

WHEREAS, the maintenance and upkeep of the City's roadways requires constant supervision and labor by City employees; the cost of which is subject to variation as circumstances dictate; and,

WHEREAS, the maintenance and upkeep of the City's roadways requires expenditures of City funds that must be determined pursuant to its Comprehensive Roadway Maintenance Program for inclusion in its Annual Budget and varied by proper procedure pursuant to City Ordinance; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon deliberation, has determined to be in the best interest of the City to establish a minimum monetary amount for roadway maintenance to be set aside each year and the same to be funded from its Annual Budget;

NOW, THEREFORE, BE IT ORDAINED THAT BY THE CITY COUNCIL OF THE CITY OF DAPHNE as follows:

**SECTION I: PERMENANT MINIMUM MONETARY REQUIREMENT
FOR ROADWAY MAINTENANCE**

The City Council determines that an amount of **\$500,000** dollars shall be henceforth dedicated and established as a minimum amount of City funds utilized for the exclusive purpose of City roadway maintenance.

**SECTION II: MINIMUM MONETARY REQUIREMENT FOR
ROADWAY MAINTENANCE TO BE INCLUDED IN
ANNUAL BUDGET**

The minimum amount of **\$500,000** dollars utilized for the exclusive purpose of City roadway maintenance shall be dedicated each year by the City Council when it establishes the City Annual Budget. Said amount shall be subject to enlargement should the Council, after consideration and debate, decide it just and proper for the minimum amount to be increased each year when establishing the City's Annual Budget.

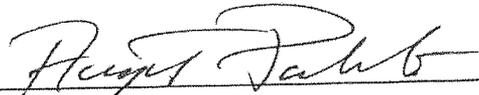
SECTION III: SEVERABILITY

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

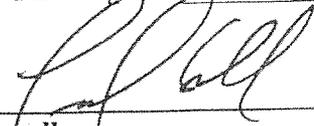
SECTION V: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE 4TH DAY OF MAY, 2009

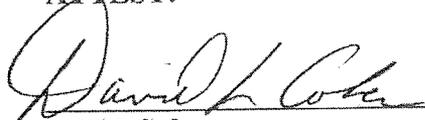


August Palumbo,
Council President Pro Tem
Date & Time Signed: 5-4-09 8:50 pm



Fred Small,
Mayor
Date & Time Signed: 5-5-09 16:00

ATTEST:



David Cohen,
City Clerk MMC

July 31, 2012 Treasurer's Report Balances:

CAPITAL RESERVE	\$1,203,961	WELLS FARGO
2006 CONSTRUCTION	\$718,359	WELLS FARGO
2012 CONSTRUCTION	\$3,008,385	REGIONS
Capital Projects Funds Total:	\$4,930,705	

7 CENT GAS TAX \$327,495.23 PNC BANK

Estimated Annual M.P.O. Dollars to Daphne for Infrastructure Projects: \$500,000

A.T.R.I.P. Grant Phase One Award:

Lake Forest (2.2 miles Bayview & Rigewood Drives) \$2,621,600

80% from Grant	\$2,097,280
20% from Daphne	\$524,320
	<u>\$2,621,600</u>

Current Infrastructure Projects:

HWY 98 & Whispering Pines	ALDOT Grant - 50/50 Split
HWY 98 & CR 64	ALDOT Grant - 50/50 Split
Douglas Road Resurfacing to CR13	Gas Tax Fund

2011

FOR 2011 13

ACCOUNTS FOR:
5000 CAPITAL RESERVE

	ORIGINAL APPROP	TRANSFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
60 PUBLIC WORKS							
564838 INFRASTRUCTURE							
78 RESURFACING PROJECTS							
564838 59565 RESURFACING	500,000	0	500,000	.00	.00	500,000.00	.0%
TOTAL RESURFACING PROJECTS	500,000	0	500,000	.00	.00	500,000.00	.0%
TOTAL INFRASTRUCTURE	500,000	0	500,000	.00	.00	500,000.00	.0%
TOTAL PUBLIC WORKS	500,000	0	500,000	.00	.00	500,000.00	.0%
TOTAL CAPITAL RESERVE	500,000	0	500,000	.00	.00	500,000.00	.0%
TOTAL EXPENSES	500,000	0	500,000	.00	.00	500,000.00	.0%

2012

FOR 2012 13

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
5000 CAPITAL RESERVE							
60 PUBLIC WORKS							
564838 INFRASTRUCTURE							
78 RESURFACING PROJECTS							
564838 59565 RESURFACING	500,000		500,000	.00	.00	500,000.00	.0%
TOTAL RESURFACING PROJECTS	500,000		500,000	.00	.00	500,000.00	.0%
TOTAL INFRASTRUCTURE	500,000		500,000	.00	.00	500,000.00	.0%
TOTAL PUBLIC WORKS	500,000		500,000	.00	.00	500,000.00	.0%
TOTAL CAPITAL RESERVE	500,000		500,000	.00	.00	500,000.00	.0%
TOTAL EXPENSES	500,000		500,000	.00	.00	500,000.00	.0%

Proposed City of Daphne ATRIP Projects - 2012-2013

Order/ App Date	Project	Mileage	Construction	Engineering			Total	Cost Sharing	
				Survey & Design	Testing	CE&I		Federal 80%	City 20% + Eng/Design
1 March 2012	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	\$520,414.38	\$155,917.80
2 March 2012	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	\$139,733.60	\$56,863.40
3 March 2012	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	\$219,677.40	\$75,073.24
4 March 2012	Proposed Project: Johnson Road Extension to County Road 13 - Bottom Crossing with Culverts	1.74	\$1,084,785.30	\$76,500.00	\$20,000.00	\$86,240.00	\$1,267,525.30	\$962,820.24	\$314,705.06
5 October 2012	Proposed Project: Intersection of CR13 and Cr 64 - Round-A-Bout	0.25	\$500,000.00	\$75,000.00	\$15,000.00	\$40,000.00	\$630,000.00	\$444,000.00	\$186,000.00
6 October 2012	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	\$985,360.00	\$325,440.00
7 October 2012	Proposed Project: Johnson Road Extension County Road 13 to State Road 181	1.1	\$685,783.81	\$68,578.38	\$20,573.51	\$54,862.70	\$829,798.41	\$608,976.02	\$220,822.39
8 March 2013	Proposed Project: Lake Forest - 2.2 Miles (Bayview & Ridgewood Drives - South Route connecting 2a & 2b) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping	2.2	\$2,260,000.00	\$158,200.00	\$45,200.00	\$158,200.00	\$2,621,600.00	\$1,970,720.00	\$650,880.00
9 March 2013	Proposed Project: Lake Forest - Bridge Replacement on Bayview at Lake Forest Lake - Severely Limited Bridge	0.25	\$1,000,000.00	\$75,000.00	\$30,000.00	\$65,000.00	\$1,170,000.00	\$876,000.00	\$294,000.00
Totals:		8.18	Miles				\$8,997,403.53	\$6,717,701.64	\$2,279,701.89

Cost per Mile: \$1,099,927.08

RESOLUTION 2012 -

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Det	399	1999 FORD TAURUS	1FAFP53U7XA318127

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

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

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

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk CMC

Qty	Location	Equipment	Equipment Fee Ea	Install Fee	Total Charge
3	Justice Center Complex	Ubiquiti AM5G120 RB411/SR71-15 Kit	\$499.00	\$750.00	\$2,247.00
2	Justice Center Complex	Ubiquiti AM2G120 M2 Rocket Kit	\$499.00	\$750.00	\$1,748.00
7	Justice Center Complex	Mounts and Parts Ubiquiti RD5G-30	\$350.00	\$750.00	\$3,200.00
3	Justice Center Complex	RB411/SR71-15 Kit	\$499.00	\$750.00	\$2,247.00
1	Justice Center Complex	Mikrotik RB1100AH Ubiquiti RD5G-30	\$499.00	\$380.00	\$879.00
1	City Hall Complex	RB411/SR71-15 Kit	\$499.00	\$150.00	\$649.00
1	City Hall Complex	Mikrotik RB1100AH Ubiquiti RD5G-30	\$499.00	\$380.00	\$879.00
1	Public Works	RB411/SR71-15 Kit	\$499.00	\$150.00	\$649.00
1	Public Works	Mikrotik RB1100AH	\$499.00	\$380.00	\$879.00
2	Police North Precinct	Mikrotik RBSXTHP	\$129.00	\$300.00	\$558.00
1	Police North Precinct	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Fire Station #1	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #1	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Fire Station #2	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #2	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Fire Station #3	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #3	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Fire Station #4	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #4	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Library	Kit	\$129.00	\$150.00	\$279.00
1	Library	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Animal Shelter	Kit	\$129.00	\$150.00	\$279.00
1	Animal Shelter	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Civic Center	Kit	\$129.00	\$150.00	\$279.00
1	Civic Center	Mikrotik RB2011 Ubiquiti NanoBridge Kit	\$129.00	\$190.00	\$319.00
1	Mechanic Shop	Kit	\$129.00	\$150.00	\$279.00
1	Mechanic Shop	Mikrotik RB2011	\$129.00	\$190.00	\$319.00

\$19,038.00

Buildings & Property Committee Meeting
Monday, August 6, 2012 5:30 PM
Daphne City Hall

Committee

Councilman John Lake
Councilman Derek Boulware
Mayor Bailey Yelding, Jr.
Richard Merchant, Building Official
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Frank Barnett, John Lake, Derek Boulware, Bailey Yelding, Jr., Jane Ellis, Richard Merchant, Richard Johnson, Margaret Thigpen, Ashley Campbell, Ken Balme

A.) Minutes from June Meeting: Motion made to approve minutes from June Meeting.

Approved. (No July Meeting held.)

B.) Wireless Internet at Museum – Ken Balme presented a list of many reasons the museum and the city would benefit from having wireless internet. From hotspot for visitors, educational opportunities, research, etc. John Lake said that he thought our Mediacom contract provided free coverage to public buildings. City Clerk will have copy of the city franchise. Richard Johnson asked Ken what the costs would be in case the contract did not cover it. Ken said approximately \$60/month and Richard suggested that we place this in the museum budget under the City of Daphne.

C.) Fountain Maintenance – The fountain in front of City Hall is basically a small pool and needs weekly cleaning. Based on the labor hours spent which could be used in another area of the city Richard and Dwayne are proposing we enter into a one year maintenance contract suggesting every 2 weeks at \$150/month. **Motion made to place in the 2012-2013 budget. So moved.**

D.) City Hall Maintenance Items – The roof over the old section of City Hall need resurfacing. The addition was built and the old city hall renovated a 2 year coating was done and we are now into the 5th year. We are ready to get bids with \$85,000 being the original estimate brought to the committee a few months ago. **Mayor Yelding made a motion that this expense be taken to the next work session – August 13 for discussion and/or approval.**

The other item that needs attention is the HVAC – a water analysis revealed the chemical treatment needs adjusting. With a close loop filter system – too much iron – we have had to replace two pumps. Approximate cost of \$7300. Frank would like to wait 3-4 months to check iron level but is concerned about the money being available. John Lake suggested it go into the 2012-2013 budget just in case. Richard Johnson said he will check on the balance of the maintenance budget.

E. Purchasing Williams Dirt Pit – Ashley Campbell reported that she has been working for 7 years to get this property into the Clean Water Act as it impacts our restoration. The owner wants to sell it for \$149,000. 16 acres off Whispering Pines Road. Yancey Branch goes through it. No available funding and asked if perhaps the lodging tax money for Bayfront could be used – which actually was a suggestion from Villiage Point Foundation. She would like to improve the property as well. Ashley suggested that we at the very least get the property appraised since the city can only pay appraised value anyway. There was discussion about whether or not we could use the lodging tax monies. Ashley said she would provide them with a copy of the wording but felt like it was within the guidelines. The money for the appraisal could be taken from professional services in Public Works at Richard’s suggestion.

F. FEMA buy-outs on Nicole – 5 houses have flooded and we may never get a grant from FEMA. However, Ashley reported that one house qualifies for repetitive loss and the owners are interested in moving forward. There was discussion on whether there would be any liability on our part. **John Lake made a motion that Ashley get legal’s opinion first.**

G. Civic Center and Bayfront Report – Margaret distributed her month and year to date reports (attached). She brought up the issue of cars being parked in the civic center parking lot for days. We need some sign up stating this is not allowed and it needs to be enforced.

She would like to look into paying Bayfront Parking Lot using the lodging tax dollars. Ladies with heels are continually getting caught in the rocks, etc. We can check on different typing of paving options.

See attached report showing civic center revenue is up.

H. Building Inspection Department – Richard Merchant distributed the reports for June and July and last month we had 16 new residential permits and 2 commercial. We are 18% ahead of this time last year.

I. Roadside Memorials was tabled until September meeting.

Adjourned at 6:30 p.m.

Civic Center (projected revenue)

Month	2009-2010 Revenue		2010-2011 w/out		Month	2010-2011 Revenue		2010-2011 w/out		2011-2012		2012-2013		2013-2014	
	COHP	COHP	COHP	COHP		Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	
Oct	\$10,305.00	\$6,763.00	\$3,542.00	Oct	\$10,618.00	\$0.00	\$10,618.00	\$15,711.50	\$7,629.00						
Nov	\$11,633.00	\$8,100.00	\$3,533.00	Nov	\$4,727.00	\$895.00	\$3,832.00	\$13,538.00	\$5,005.00						
Dec	\$8,985.25	\$7,729.50	\$1,255.75	Dec	\$9,253.20	\$7,159.20	\$2,094.00	\$13,243.00	\$8,387.00						
Jan	\$15,499.50	\$7,295.00	\$8,204.50	Jan	\$7,423.20		\$7,423.20	\$6,643.00	\$4,370.00						
Feb	\$20,334.00	\$1,751.00	\$18,583.00	Feb	\$12,692.00		\$12,692.00	\$21,456.00	\$17,203.00				\$4,334.00		
March	\$18,268.00	\$6,479.00	\$11,789.00	March	\$16,778.95		\$16,778.95	\$12,863.00	\$3,565.00				\$1,830.00		
April	\$34,493.25	\$30,840.25	\$3,653.00	April	\$6,683.95	\$211.00	\$6,472.95	\$13,433.00	\$5,762.00				\$2,551.00		
May	\$16,572.78	\$6,263.75	\$10,309.03	May	\$9,381.45		\$9,381.45	\$18,862.00	\$3,820.00						
June	\$14,677.75	\$8,918.75	\$5,759.00	June	\$13,831.95	\$125.00	\$13,706.95	\$10,833.75	\$1,015.00						
July	\$21,709.23	\$15,717.23	\$5,992.00	July	\$19,481.00		\$19,481.00	\$14,935.00	\$895.00						
Aug	\$17,885.30	\$16,395.60	\$1,489.70	Aug	\$11,129.50	\$125.00	\$11,104.45	\$14,042.00	\$895.00						
Sep	\$10,008.00	\$3,558.00	\$6,450.00	Sep	\$12,693.00	\$205.00	\$12,587.95	\$15,486.00							
TOTAL	\$200,371.06	\$119,811.08	\$80,559.98		\$134,693.20	\$8,720.20	\$126,172.90	\$171,046.25	\$58,546.00	\$8,715.00					

Bayfront (projected revenue)

Month	2009-2010 Revenue		2010-2011 Revenue		2011-2012 Revenue		2012-2013		2013-2014	
	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	
Oct	\$1,539.00	\$5,707.00		\$6,214.00	\$3,889.00					
Nov	\$2,395.00	\$2,347.00		\$3,204.00	\$2,625.00					
Dec	\$2,284.00	\$6,709.00		\$5,853.00	\$2,087.00					
Jan	\$495.00	\$2,635.00		\$3,422.00	\$1,035.00					
Feb	\$2,540.00	\$3,881.00		\$2,636.00						
March	\$3,164.00	\$3,088.00		\$4,227.00						
April	\$2,944.00	\$6,365.00		\$5,767.00	\$ 555.00			\$420.00		
May	\$5,931.00	\$4,786.00		\$7,687.00						
June	\$4,143.00	\$4,834.00		\$5,714.00	\$ 2,470.00					
July	\$6,004.00	\$6,733.00		\$5,638.00	\$ 1,830.00					
Aug	\$7,282.00	\$7,892.25		\$4,314.00						
Sep	\$6,263.99	\$6,258.00		\$2,485.00						
TOTAL	\$44,984.99	\$61,235.25		\$57,161.00	\$14,491.00			\$420.00		

Public Safety Committee

Wednesday, August 8, 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 Ron Scott, Chief David Carpenter, Captain Daniel Bell, Chief James White, Melvin McCarley.

CALL TO ORDER

Councilman Scott **convened** the meeting at 4:35 p.m.

PUBLIC PARTICIPATION – No Public Participation.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from July 11, 2012 – Minutes could not be approved due to there not being a quorum present.
Will vote on the July 2012 minutes at the September meeting.

POLICE DEPARTMENT

- A. **New Business** – Chief went over the stats. Captain Bell advised that at the last meeting he mentioned that we had blown a motor and since then we have lost two more vehicles. The police vehicles are not making their 10 year timeline. It is almost \$5,000 to replace each motor. The PD has asked for 4 replacements in our 2013 budget and in the Capital Budget have asked for 4 new officers and 4 vehicles for them.

Councilman Scott advised that we recommend to the City Council at the September meeting the purchase of 4 new Tahoe's.

- B. **Old Business** – None

FIRE DEPARTMENT

- A. **New Business** – Chief White went over his stats
- B. **Old Business**-

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Scott made a motion to adjourn the meeting at 5:00 p.m. The next meeting will be Wednesday, September 12, 2012 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee

Page 1



Patrol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt. Bell/Lt. Hempfleng)	(Capt. Bell/Lt. Beedy)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/Lt. Yelding)	
				YTD
# Complaints	1,053	# New Cases Received:	60	Total Arrestees Received & Processed:
# Misd. Arrests	63	# Previous Unsolved Cases:	59	Arrestees by Agency:
# Felony Arrests	4	# Cases Solved:	40	Daphne PD
DUI Arrests	11	Resulting in Total Arrests:	37	BCSO
Alias Warrant Arrests	27	Felonies:	37	Spanish Fort PD
Citations	197	Misdemeanors:	0	Silverhill PD
Close Patrols	381	Houses Searched	0	Troopers
Warnings	209			Other Agencies
Motorist Assists	199			
Roadway Accidents	59	Warrants:		
Private Property Accidents	18	Served	34	
Traffic Homicide	0	Agency Assists	9	Highest
		Recalls (Pd Fines)	6	Lowest
		Total Warrants Served	49	
DRUG REPORT				
ROUTINE PATROL/SPECIAL OPS				
# Misd. Marijuana Arrest	0	Sex Offender:	0	Meals Served
# Felony Marijuana Arrest	0	New Registration:	2	Medical Cost
# Controlled Substance Arrest:	1	Contact Verification	1	Worker Inmate Hours
# Drug Paraphernalia Arrest	0	Total # registered in Daphne	8	
Vehicles Searched	29	DARE:		
		# Hours Report Writing:	0	
		# Students Instructed SRO	370	
Drugs Seized:	0	# Students Instructed DARE	0	
Type:	0	# Police Reports by SRO	0	
Money Seized	0	# Arrest by SRO	0	
Vehicles Seized				
		CODE ENFORCEMENT:		
Commercial Vehicle Inspections	4	Warnings:	0	
		Citations	9	
		Warning Compliance	78	
		Follow - Up	81	

David Carpenter

3

DARE

MONTHLY REPORT

FY 2012

Submitted by: **Sgt. Robin Snider**

MONTH: June	
REPORTS:	
# HRS REPORT WRITING:	0
JUVENILE ARRESTS:	0
Misdemeanors:	0
Felonies:	0
ADULT ARRESTS:	0
Misdemeanors:	0
Felonies:	0
# Hours at DHS:	0
# Hours at DMS:	0
# Hours at W.J. Carroll:	0
# Hours at DES-North:	0
# Hours at DES-East:	0
# Hours at Bayside:	0
# Hours at Christ the King:	0
# Students Taught:	0
ACTIVITY:	
Criminal Mischief:	0
Disorderly Conduct:	0
Assault:	0
Harassment:	0
Juvenile Contacts:	8
Parent Contacts:	9
Administrative Assistance:	4
Motor Assist:	2
911 Hangups:	0
Medical Assist:	0
Officer Assist:	5
Direct Traffic:	0

COMMENTS:

Total students 75
 Total parents 9
 Working with Daphne East and Daphne Middle on trying to improve traffic flow at both schools. Daphne East assisting to get speed bumps on campus.
 Walking School Bus- select parent (s) will walk with the kids to school. The parent(s) would be from that neighborhood and would be approved by that neighborhood too. Parents that would agree to this would not be paid by the city (volunteers only).
 I trained 6 police/sheriff departments in the new DARE curriculum.

SPECIAL EVENTS:

SWAPA- DRAGER
 McGruff- Kids Kastle
 Walking -School -Bus
 TAASRO Conference
 Optimist Club -Respect for Law
 DARE training in Bessemer, Al
 Shining Star camp
 McGruff - Sams Club
 Daphne Middle- school traffic concerns
 Daphne East - school traffic concerns
 DARE training in Gulf Shores, Al

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: June 2012

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	1
11-Structure Fire/Commercial	0	6
11-Structure Fire/Residential	0	7
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	2	8
14-Natural Vegetation Fire	01	6
15-Outside Rubbish Fire	0	5
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	1
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	145	860
4-Hazardous Conditions (No fire):	8	20
5-Service Call:	11	76
6-Good Intent Call:	16	84
7-False Alarm & False Call:	28	121
8-Severe Weather & Natural Disaster:	1	2
9-Other Situation:	0	0
Total Emergency Calls:	209	1138
Monthly Total Calls:	213	1220
Highest:		
	16:00	16:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:14	5:14
Miscellaneous Reports:		
Training Hours	222	3012.75
Property Loss - \$	\$5400.00	\$592,900.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	2	2
Advance Life Support Rescues	141	558
Number of Patients Treated	98	795
Child Passenger Safety Seat Inspections/Installations	10	58
Pre-Plans	39	1209
Classes		
	0	0
Persons Attending		
	0	0
Plan Reviews		
	3	56
Final/Certificate of Occupancy		
	0	0
General/Annual Inspections		
	32	73
General/Re-Inspections (Violation Follow-up - Annual)		
	0	62
Business Licenses		
	1	29
All Other/Misc. Activities		
	0	0
Total Activities:	36	217

Authorized by:

James White

**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:

**July 30, 2012
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

Members present – Dan Romanchuk, Doug Bailey, Toni Fassbender, Pokey Miller, Dennis Kerney
Also present – David Cohen, Tommie Conaway, David Rose, Darlene Bender, and Joe Bullard

2. OLD BUSINESS

None

3. TREASURERS REPORT

___Mr. Romanchuk gave the treasures report the balance was \$236,462.61.

Motion by Mr. Bailey Seconded by Mr. Kerney To accept the Treasures Report.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. NEW BUSINESS

A potential project off of Stanton Road

Marjam is a wholesale building supply store request an abatement of sales tax for purchase of items need to conduct business in building and non school advalorem taxes.

Motion by Mr. Kerney Seconded by Mr. Bailey To abate the sales tax and five years of the Non School Advalorem Tax.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

5. OTHER BUSINESS

None

6. ADJOURN

Motion by Mr. Bailey Seconded by Mr. Kerney To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:00 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>AML - Apollo's Mystic Ladies</i>
CONTACT PERSON:	<i>Teresa Watkins</i>
ADDRESS:	<i>P. O. Box 3133 Daphne, AL 36526</i>
PHONE NUMBER (HOME):	<i>928-4678</i>
PHONE NUMBER (BUSINESS):	<i>928-8302</i>
CELL PHONE:	<i>401-8302</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
DATE OF PARADE:	<i>Date: February 1, 2012 Rain Date: February 7, 2013</i>
ROUTE TO BE TRAVELED:	<i>From Daphne Civic Center down Main St. - turn @College Ave. - down to 6th St. - turn right on Belrose Ave & back to Main and back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>45 Units - Approx. 4,500 People</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:30 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne Civic Center/Main Street</i>
ASSEMBLY TIME:	<i>5:30 P.M.</i>
APPROVAL	
POLICE: Chief David Carpenter:	<i>[Signature]</i>
FIRE: Chief James White:	<i>[Signature]</i>
PUBLIC WORKS: Richard Johnson:	<i>[Signature]</i>
RECREATION: David McKelroy	<i>[Signature]</i>
CITY COUNCIL: <i>8-20-12</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>August 8, 2012</i>
NOTIFICATION:	
Received Proof of Insurance:	August 8, 2012
Received Parade Permit Fee:	August 8, 2012

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2012 - 58

APPOINTING ELECTION OFFICIALS MUNICIPAL ELECTION AUGUST 28, 2012

WHEREAS, a regular municipal election has been called to be held on the 28th day of August, 2012, and a runoff election to be held if necessary, on the 9th 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:

ABSENTEE ELECTION OFFICIAL:	Clerk:	Mrs. Joyce Lawson Mrs. Mabel Hobbs
DISTRICT #1	Inspector: Clerk:	Ms. Denita Patterson Joann Wilson
DISTRICT #2	Inspector: Clerk:	Mr. Willie Robison Mrs. Carol Robison
DISTRICT #3	Inspector:	Ms. Tara Packer
DISTRICT #4	Clerk: Clerk:	Ms. Cindy Brown Ms. Sheila Nelson
DISTRICT #6	Clerk: Clerk: Clerk:	Mrs. Janet Loyed Mrs. Alice Freeman Mr. James Odom

**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**

RESOLUTION 2012-59

**Acceptance of Streets and Drainage
located in Dunmore Subdivision, Phase Two, Part C, Phase One**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Dunmore Subdivision, Phase Two, Part C, Phase One on July 26, 2012, and the City of Daphne hereby recommends acceptance of said street(s) located in Dunmore Subdivision, Phase Two, Part C, Phase One; and,

Whereas, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and has accepted said streets and storm water drainage of Dunmore Subdivision, Phase Two, Part C, Phase One; and,

Whereas, Baldwin County Sewer Authority and Belforest Water Authority have accepted the utilities of Dunmore Subdivision, Phase Two, Part C, Phase One; and,

Whereas, the developer has provided to the City a two-year maintenance bond as required and requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Dunmore Subdivision, Phase Two, Part C, Phase One according to the plat presented by Rester & Coleman Engineers as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Dunmore Drive, Limerick Lane, Ahern Drive and Tullamore Drive are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

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

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.
MAYOR**

ATTEST:

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

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Dunmore Subdivision, Phase Two, Part C,
Phase One, Acceptance of Roads and
Rights-of-Ways

MEMORANDUM

Date: August 13, 2012

LOCATION: East of Alabama Highway 181 at the south terminus of Limerick Lane, Tullamore Drive, and Ahern Drive

RECOMMENDATION: At the July 28, 2012, regular meeting of the City of Daphne Planning Commission, five members were present. The motion carried unanimously for a **favorable recommendation** for the acceptance of Dunmore Drive, Limerick Lane, Tullamore Drive, and Ahern Drive as a city street(s) for maintenance.

Attached please find said documentation for placement on the Monday, August 20, 2012 City Council agenda.

Thank you,
ADJ/jd

cc: file
Richard Johnson, Public Works Director

attachment(s)

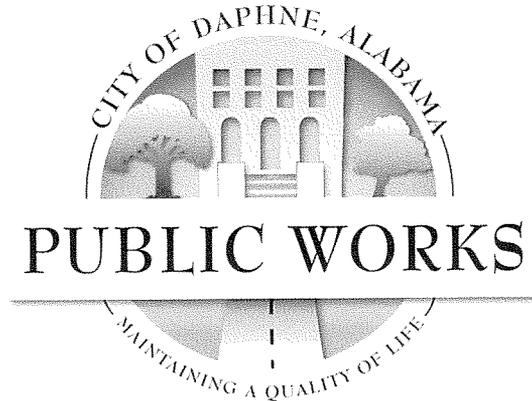
1. Memorandum from the Public Works Director
2. Correspondence from project engineer requesting acceptance
3. Petition of Acceptance of Roads and Rights-of-Ways
4. Copy of Maintenance Bond
5. Resolution

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: Adrienne Jones, Director; Community Development
From: Richard D. Johnson, P.E.; Public Works Director
CC: PW Superintendent; Streets Supervisor; Joel Coleman, PE, Rester & Coleman Engineers; File
Date: August 10, 2012
Re: Dunmore, Phase Two, Part C, Phase One – Final Inspection Roads & Drainage

Adrienne:

All Public Works Infrastructure (roadways and drainage) for the above referenced development was re-inspected on July 26, 2012. No deficiencies were noted.

The, "As Built" Drawings and Material Testing Reports have not been submitted to and/or reviewed, approved or accepted by Daphne Public Works.

Once the above is completed, I recommend the city accept the dedication of roads and rights of ways for this phase as part of this Final Plat Approval.

Yours,

RDJ

RESTER AND COLEMAN ENGINEERS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST - (251) 479-4518
MOBILE, AL 36606

June 26, 2012

City of Daphne
Director of Community of Development
P.O. Box 400
Daphne, AL 36526

Attn: Mrs. Adrienne Jones.

Re: Dunmore Subdivision, Phase Two, Part "C", Phase I

Dear Mrs. Jones:

Please accept this letter as our request for the City of Daphne to accept the streets and right-of-ways with the above mentioned subdivision. These include Limerick Lane (470 l.f. - 50' R.O.W.), Tullamore Drive (293 l.f. - 50' R.O.W.), Ahern Drive (281 l.f. - 50' R.O.W.) and Dunmore Drive (2150 l.f. - 50' R.O.W.).

Please notify us if you have any questions or require any further information.

Sincerely,

RESTER & COLEMAN ENGINEERS, INC.



D. Joel Coleman

jc

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: Dunmore, Phase Two, Part "C", Phase I

LOCATION: At the South terminus of Limerick Lane, Tullamore Drive and Ahern Drive

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 2nd day of JULY, 2012 by Hearthstone Multi-Asset Entity, D, LP, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 80,624.48.) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of July 24, 12. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said street being named Dunmore Drive, Limerick Lane, Tullamore Drive and Ahern Drive are hereby accepted for maintenance by the City of Daphne, Alabama as city streets.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,



Name of Individual or Corporation

HEARTHSTONE MULTI-ASSET ENTITY D, L.P.

By: Tracy T. Carver

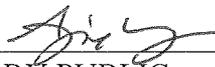
Its: Executive Vice President - General Counsel of MGR of GP

STATE OF CALIFORNIA)
COUNTY OF MARIN)

I, the undersigned Notary Public in and for said State and County, ^{of the Manager of the General Partner} hereby certify that Tracy T. Carver, whose name as Executive Vice President - General Counsel of Hearthstone Multi-Asset Entity, D, LP, a California ^{LIMITED PARTNERSHIP} ~~corporation~~ or as owner of Dunmore, Phase Two, Part "C", Phase I is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 2nd day of JULY, 2012.



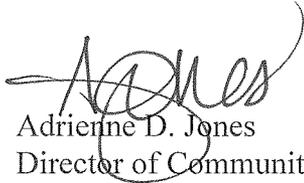
 (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 5/17/2013

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Recommendation:

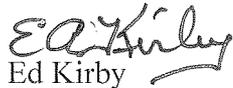
 PE

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



Adrienne D. Jones
Director of Community Development
City of Daphne

Approval:



Ed Kirby
Planning Commission Chairman
City of Daphne



Angie Wong
(415) 257-3610
awong@hearthstone.com

July 18, 2012

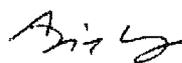
D. Joel Coleman
Vice President
Rester and Coleman Engineers, Inc.
66 Midtown Park West
Mobile, AL 36606

Re: Dunmore (Hearthstone Multi-Asset Entity D, L.P.)
Bond no. PB10163700060

Dear Mr. Coleman:

In connection with the Dunmore project, enclosed is the Maintenance Bond, which you indicated you plan to deliver to the City of Daphne.

Very truly yours,


Angie Wong
Senior Paralegal

Enclosure

Bond No.: PB10163700059
Premium: \$1,209.00

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we Hearthstone Multi-Asset Entity D, L.P., as Principal, and Philadelphia Indemnity Insurance Corporation organized, existing under the laws of the State of PA and duly licensed to do business in the State of Alabama, as Surety, are held and firmly bound unto the City of Daphne, Alabama, as Obligee in the penal sum of Eighty Thousand Six Hundred Twenty Four and 48/100ths to which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into an obligation with the City of Daphne, Alabama for

Dunmore, Phase Two, Part "C" Phase I
Streets and Drainage Improvements

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two years following the date of acceptance of the said improvements, by the owner, against all defects in workmanship and materials which may become apparent during said period, and

WHEREAS, the said project has been completed, and was approved on 17th day of July, 2012.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of Two years from and after *completion of the work and acceptance by the Obligee* then this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED: July 17, 2012



Hearthstone Multi-Asset Entity D, L.P.,
a California limited partnership
By: Gulf States GP, LLC,
a California limited liability company,
Its: General partner
By: Hearthstone, Inc., a California corporation,
Its: Manager

(Principal)

By: [Signature]
TRACY T. CARVER
EVP - General Counsel

*Company

Philadelphia Indemnity Insurance Company

By: [Signature]
Victoria M Campbell, Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

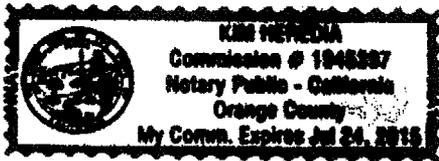
State of California

County of Orange

On JUL 17 2012 before me, Kim Heredia, Notary Public,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Victoria M Campbell, who proved to me on the basis of satisfactory evidence to be the person(s) whose names (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Kim Heredia

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

- PARTNER(S) LIMITED
- TRUSTEE(S) GENERAL

ATTORNEY-IN-FACT

TRUSTEE(S)

GUARDIAN/CONSERVATOR

OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

JUL 17 2012

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

Philadelphia Indemnity Insurance Company

SIGNER(S) OTHER THAN NAMED ABOVE

PHILADELPHIA INDEMNITY INSURANCE COMPANY
231 St. Asaph's Rd., Suite 100
Bala Cynwyd, PA 19004-0950
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **ERIK JOHANSSON, VICTORIA M. CAMPBELL, CHRISTINA JOHNSON and KIM HEREDIA OF WILLIS INSURANCE SERVICES OF CALIFORNIA, INC.**

Its true and lawful Attorney (s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$5,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 11th day of July, 2011.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

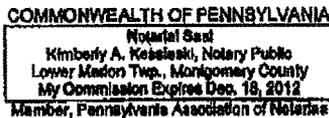
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 18TH DAY OF JULY, 2011.



President

Christopher J. Maguire
President Philadelphia Indemnity Insurance Company, a Pennsylvania Corporation.

On this 18TH day of July 2011, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 18TH day of July 2011 are true and correct and are still in full force and effect. I do further certify that Christopher J. Maguire, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 17th day of JULY 2012

Craig P. Keller
Executive Vice President, Chief Financial Officer & Secretary

RESOLUTION 2012-60

MICROWAVE COMMUNICATION NETWORK (WIRELESS NETWORK: JMF SOLUTIONS

WHEREAS, due to constant changes in technology the City now requires improved media for connectivity between departments and to the internet; and

WHEREAS, RFP's have been sent out and reviewed by staff and JMF offered the best Point to Point wireless connectivity solution between City buildings; and

WHEREAS, the City attorney has reviewed the proposed agreement; and

WHEREAS, the Mayor and City Council of the City of Daphne believes it to be in the best interest of the City that the same be approved; and

WHEREAS, encumbered monies are available for the installation of the Microwave Communication Network (Wireless Network) and monies will be budgeted in the Fiscal Year 2013 for the recurring cost; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the lease be approved and that the Mayor is hereby authorized to execute the same on behalf of the City of Daphne.

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

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

Qty	Location	Equipment	Equipment Fee Ea	Install Fee	Total Charge
3	Justice Center Complex	Ubiquiti AM5G120 RB411/SR71-15 Kit	\$499.00	\$750.00	\$2,247.00
2	Justice Center Complex	Ubiquiti AM2G120 M2 Rocket Kit	\$499.00	\$750.00	\$1,748.00
7	Justice Center Complex	Mounts and Parts Ubiquiti RD5G-30	\$350.00	\$750.00	\$3,200.00
3	Justice Center Complex	RB411/SR71-15 Kit	\$499.00	\$750.00	\$2,247.00
1	Justice Center Complex	Mikrotik RB1100AH Ubiquiti RD5G-30	\$499.00	\$380.00	\$879.00
1	City Hall Complex	RB411/SR71-15 Kit	\$499.00	\$150.00	\$649.00
1	City Hall Complex	Mikrotik RB1100AH Ubiquiti RD5G-30	\$499.00	\$380.00	\$879.00
1	Public Works	RB411/SR71-15 Kit	\$499.00	\$150.00	\$649.00
1	Public Works	Mikrotik RB1100AH	\$499.00	\$380.00	\$879.00
2	Police North Precinct	Mikrotik RBSXTHP	\$129.00	\$300.00	\$558.00
1	Police North Precinct	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Fire Station #1	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #1	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Fire Station #2	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #2	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Fire Station #3	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #3	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Fire Station #4	Kit	\$129.00	\$150.00	\$279.00
1	Fire Station #4	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Library	Kit	\$129.00	\$150.00	\$279.00
1	Library	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Animal Shelter	Kit	\$129.00	\$150.00	\$279.00
1	Animal Shelter	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Civic Center	Kit	\$129.00	\$150.00	\$279.00
1	Civic Center	Mikrotik RB2011 Ubiquiti NanoBridge	\$129.00	\$190.00	\$319.00
1	Mechanic Shop	Kit	\$129.00	\$150.00	\$279.00
1	Mechanic Shop	Mikrotik RB2011	\$129.00	\$190.00	\$319.00
					\$19,038.00

RESOLUTION 2012-61

TOWER LEASE: JMF SOLUTIONS

WHEREAS, ; JMF Solutions proposes to lease space upon the City Tower located at the Justice Center; and

WHEREAS, the City attorney has reviewed the proposed Lease; and

WHEREAS, the Mayor and City Council of the City of Daphne believes it to be in the best interest of the City that the same be approved; and

WHEREAS, equipment to be placed on the tower has been reviewed and approved by the City's Building Inspection and Community Development Departments ; and

WHEREAS, lease fee will be based upon the based upon current market rates for the type of equipment placed upon the tower; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the lease be approved and that the Mayor is hereby authorized to execute the same on behalf of the City of Daphne.

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

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE LEASE AGREEMENT FOR
JUSTICE CENTER TOWER SPACE**

THIS AGREEMENT, made this ____ day of _____, 20__ between the CITY OF DAPHNE (the "LESSOR") and _____ (the "TENANT").

PROPERTY

LESSOR is the owner of a 300 foot tower located .10 miles south of Highway 64 on U.S. Highway 98, East side in the city limits of Daphne in Baldwin County, Alabama (hereinafter called the "Property"),

Title. LESSOR warrants that LESSOR is seized of good and marketable title to the Property and has the full power and authority to enter into and execute this Agreement. LESSOR further warrants that there are no deeds to secure debt, mortgages, liens or judgments encumbering the Property, and that there are no other encumbrances on the title to the Property that would prevent TENANT from using the Property for the uses intended by TENANT as hereinafter set forth in this Agreement.

Inspections. LESSOR shall permit TENANT free ingress and egress to the Property by TENANT and its employees, agents and contractors to conduct structural strength analyses, subsurface boring tests, radio frequency tests and such other tests, investigations and similar activities as TENANT may deem necessary, at the sole cost of TENANT. TENANT and its employees, agents and contractors shall have the right to bring the necessary vehicles and equipment onto the Property and the surrounding Property to conduct such tests, investigations and similar activities. Before any tests, investigations, or activities, as described in this section, shall be conducted; the TENANT shall provide the LESSOR with a minimum of three (3) days notice before said tests, investigations, and activities. TENANT shall indemnify and hold LESSOR harmless against any loss or damage for personal injury or physical damage to the Property, LESSOR's surrounding Property or the property of third parties resulting from any such tests, investigations and similar activities.

Surveys. LESSOR hereby grants to TENANT the right to survey the Property and LESSOR's

surrounding Property, and the legal description of the Property on the survey obtained by TENANT shall become Exhibit "A", which shall be attached hereto and made a part hereof and shall control in the event of discrepancies between it and the Property as described above. If as a result of any tests or investigations conducted by TENANT, or if required in connection with obtaining any necessary zoning approvals or other certificates, permits, licenses or approvals, TENANT desires to alter or modify the above description of the Property (and Exhibit "A" if then applicable) so as to relocate all or any portion of the Property to other portions of LESSOR's surrounding Property (a "Relocation Site"); TENANT shall notify LESSOR of such desire and deliver to LESSOR a copy of the survey and legal description of the portions of the Property and LESSOR's surrounding Property that TENANT proposes as a Relocation Site. LESSOR shall have the right to approve any Relocation Site and agrees not to unreasonably withhold its approval, such approval to be based on commercially reasonable standards. LESSOR agrees to review and consider TENANT's relocation request and any proposed Relocation Site in good faith and to cooperate with TENANT to attempt, if reasonably possible, to approve the TENANT's proposed Relocation Site or such other Relocation Site as may be agreed upon by LESSOR and TENANT as will allow TENANT to use the same for the use intended by TENANT for the Property as hereinafter set forth in this Agreement. If LESSOR approves a Relocation Site, then TENANT shall have the right to substitute the Relocation Site for the Property and to substitute the description of the approved Relocation Site for the above description of the Property (and Exhibit "A" if then applicable), and the Property shall thereafter consist of the Relocation Site so approved and substituted. If requested by TENANT, LESSOR shall execute an amendment to this Agreement to evidence the substitution of the Relocation Site as the Property.

Governmental Approvals. TENANT's ability to use the Property is contingent upon its obtaining all certificates, permits, licenses and other approvals that may be required by applicable governmental authorities. LESSOR shall cooperate with TENANT in its effort to obtain such certificates, permits,

licenses and other approvals. During the term of this Agreement, LESSOR agrees to sign such papers as are required to file applications with the appropriate zoning authority and other governmental authorities for the proper zoning of the Property and for other certificates, permits, licenses, and approvals as are required for the use of the Property. If requested by TENANT, applications may be filed to include LESSOR's surrounding Property. TENANT will perform all other acts and bear all expenses associated with any zoning or other procedure necessary to obtain any certificate, permit, license or approval for the Property deemed necessary by TENANT. LESSOR agrees not to register any written or verbal opposition to any such procedures.

Utility Services. During the term of this Agreement, LESSOR shall cooperate with TENANT in TENANT's effort to obtain necessary utility services to the Property by signing such documents or easements as may be required by the utility companies. If LESSOR fails to fulfill LESSOR's obligations to cooperate with TENANT as required herein to obtain any applicable governmental approvals or necessary utility services contemplated by this Agreement, then in addition to any rights or remedies that TENANT may have at law or in equity, TENANT shall also be entitled to reimbursement from LESSOR upon demand of all costs and expenses incurred by TENANT in connection with its activities under this Agreement, including (but not limited to) costs of environmental assessments, title examinations, zoning application fees, and attorneys' fees and other legal expenses of TENANT.

LEASE AGREEMENT

1. **Lease of Property.** LESSOR hereby leases to TENANT adequate space on the radio tower to install _____, along with all necessary appurtenances. The lease includes the grant of a non-exclusive right and easement during the term of this Agreement for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility wires, cables, conduits and pipes over, under or along the

Property. Destruction of the Property, by any means, shall render this Agreement null and void.

2. **Initial Term and Rental.** This Agreement shall be for an initial term of three (3) years beginning on _____, 20__, at a beginning annual rental of _____ Dollars (\$_____) to be paid in equal monthly installments of _____ Dollars (\$_____) on the first day of each month during the term, in advance, to City of Daphne or to such other person, firm or place as the LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date and an annual increase of three percent (3%) for each calendar year thereafter.

3. **Extension of Term.** TENANT shall have the option to extend the term of this Agreement for three (3) additional consecutive three (3) year periods. Each option for an extended term shall be deemed automatically exercised without notice by TENANT to LESSOR unless TENANT gives LESSOR written notice of its intention not to exercise any such extension. TENANT may cancel Agreement upon ninety (90) days written notice. If TENANT gives LESSOR written notice of its intention not to exercise any such option, the term of this Agreement shall expire at the end of the then current term. All references herein to the term of this Agreement shall include the term as it is extended as provided in this Agreement. LESSOR reserves the right to increase the annual rental rate, as enumerated in Section Two (2) of this Agreement, to reflect that of the then standard market rate at the beginning of any term extension as provided in this Agreement.

4. **Continuance of Lease.** If, at least six (6) months prior to the end of the third (3rd) extended term, either LESSOR or TENANT has not given the other written notice of its desire that this Agreement shall end at expiration of said third (3rd) extended term, then upon the expiration of the third (3rd) extended term this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving

to the other written notice of its intention to so terminate at least three (3) months prior to the end of any such annual term. Monthly rental during such annual terms shall be equal to the rent paid for the last month of the third (3rd) extended term.

5. **Use.** TENANT shall use the Property for the purpose of installing, maintaining and operating a communication antenna(s) and incidental equipment and fixtures thereto (collectively the “Improvements”). All Improvements to the Property necessary for TENANT's use shall be made at TENANT's expense. LESSOR grants TENANT the right to use such portions of LESSOR's surrounding Property as are reasonably required during installation, maintenance, and operation of the Improvements. TENANT will maintain the Property and all of TENANT's Improvements on the Property in a reasonable condition.

6. **Governmental Approvals.** LESSOR shall cooperate with TENANT in its effort to obtain and maintain in effect all certificates, permits, licenses and other approvals required by applicable governmental authorities for TENANT's use of the Property. The obligations of LESSOR with respect to governmental approvals shall continue throughout the term of this Agreement. If at any time during the term of this Agreement TENANT is unable to utilize the Property as provided in Section Five (5) of this Agreement due to imposed zoning conditions or requirements, or if any necessary certificate, permit, license or approval is finally rejected or any previously issued certificate, permit, license or approval is canceled, expires, lapses or is otherwise withdrawn or terminated by the applicable governmental authority, or soil boring tests or radio frequency propagation tests are found to be unsatisfactory so that TENANT, in its sole discretion, will be unable to use the Property in the manner intended by TENANT; TENANT shall have the right to terminate this Agreement by written notice to LESSOR and all rentals paid to LESSOR prior to the termination date shall be retained by LESSOR. Upon such termination, this Agreement shall become null and void and LESSOR and TENANT shall have no other further obligations to each other, other than

TENANT's obligation to remove all Improvements located on the Property.

7. **Indemnification.** TENANT shall indemnify and hold LESSOR harmless against any liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the Property by TENANT or its employees or agents excepting, however, such liabilities and losses as may be due to or caused by the acts or omissions of LESSOR or its employees or agents. LESSOR agrees that TENANT may self-insure against any loss or damage under a comprehensive general public liability policy.

8. **Taxes.** TENANT shall be responsible for making any necessary returns for and paying any and all property taxes separately levied or assessed against the Improvements constructed by TENANT on the Property. TENANT shall reimburse LESSOR, as additional rent, for any increase in ad valorem taxes levied against the Property which are directly attributable to the Improvements constructed by TENANT on the Property and are not separately levied or assessed by the taxing authorities against TENANT or the Improvements of TENANT. LESSOR shall pay all other ad valorem real property taxes levied against the Property on or before the date such taxes become delinquent.

9. **Removal of Improvements.** Title to all Improvements constructed or installed by TENANT on the Property shall remain in TENANT, and all Improvements constructed or installed by TENANT shall at all times be and remain the property of TENANT, regardless of whether such Improvements are attached or affixed to the Property. TENANT, upon termination of this Agreement, shall, within a reasonable period, remove all Improvements, fixtures and personal property constructed or installed on the Property by TENANT and restore the Property to its original condition, reasonable wear and tear excepted. If such removal causes TENANT to remain on the Property after termination of this Agreement, TENANT shall pay rent at the then existing monthly rate, or on the existing monthly pro rata basis if based upon a longer payment term, until such time as the removal is completed.

10. Sale of Property. If LESSOR, at any time during the initial or any extended term of this Agreement, decides to sell the Property or any portion of LESSOR's surrounding Property to a purchaser other than TENANT, such sale shall be subject to this Agreement and TENANT's rights hereunder. LESSOR agrees not to sell, lease or use any other areas of LESSOR's surrounding Property for the installation, operation or maintenance of the Improvements if, in TENANT's sole judgment, such installation, operation or maintenance would interfere with TENANT's Improvements.

11. Quiet Enjoyment. LESSOR covenants that TENANT, on paying the rental and performing the covenants, terms and conditions required of TENANT contained herein, shall peaceably and quietly have, hold and enjoy the Property and the leasehold estate granted to TENANT by virtue of this Agreement.

12. Assignment. This Agreement may be sold, assigned or transferred at any time by TENANT to TENANT's parent company or any affiliate or subsidiary of TENANT or its parent company, to any entity with or into which TENANT is merged or consolidated, or to any entity resulting from a reorganization of TENANT or its parent company. Otherwise, this Agreement may not be sold, assigned or transferred without the written consent of LESSOR, such consent not to be unreasonably withheld. TENANT may sublease the Property, but will provide notice to LESSOR of the sublease.

13. Condemnation. Should the Property, or such portion thereof which will make the Property unusable for the purposes herein leased be condemned by any legally constituted public authority, this Agreement, and the term hereby granted, shall cease from the time when possession thereof is taken by the public authority, and rental shall be accounted for as between LESSOR and TENANT as of that date. Any lesser condemnation shall in no way affect the respective rights and obligations of LESSOR and TENANT hereunder. However, nothing in this section shall be construed to limit or adversely affect TENANT's right to an award of compensation from any condemnation proceeding for the taking of

TENANT's leasehold interest hereunder or for the taking of TENANT's Improvements.

14. Subordination. At LESSOR's option, this Agreement shall be subordinate to any deed to secure debt or mortgage by LESSOR which now or hereafter may encumber the Property, provided, that no such subordination shall be effective unless the holder of every such deed to secure debt or mortgage shall, either in the deed to secure debt or mortgage or in a separate agreement with TENANT, agree that in the event of a foreclosure, or conveyance in lieu of foreclosure, of LESSOR's interest in the Property, such holder shall recognize and confirm the validity and existence of this Agreement and the rights of TENANT hereunder, and this Agreement shall continue in full force and TENANT shall have the right to continue its use and occupancy of the Property in accordance with the provisions of this Agreement as long as TENANT is not in default of this Agreement beyond applicable notice and cure periods. TENANT shall execute in a timely manner whatever instruments may reasonably be required to evidence the provisions of this paragraph. In the event the Property is encumbered by a deed to secure debt or mortgage on the beginning date of the initial term of this Agreement, LESSOR, no later than ten (10) days after that date, shall obtain and furnish to TENANT a non-disturbance agreement in recordable form from the holder of each deed to secure debt or mortgage.

15. Hazardous Substances. LESSOR represents and warrants that there are no hazardous substances present or located on, under or around the Property. LESSOR shall hold TENANT harmless from and indemnify TENANT against any damage, loss, expense, response costs or liability, including consultant fees, resulting from the presence of hazardous substances on, under or around the Property or resulting from hazardous substances being generated, stored, disposed of or transported to, on, under or around the Property as long as the hazardous substances were not generated, stored, disposed of or transported to, on, under or around the Property by TENANT or its employees, agents or contractors. TENANT shall hold LESSOR harmless from and indemnify LESSOR against any damage, loss, expense,

response costs or liability, including consultant fees and attorneys' fees, resulting from hazardous substances generated, stored, disposed of or transported to, on or under the Property as a result of TENANT's use of the Property. For purposes of this Agreement, "hazardous substances" shall mean (i) any substance which contains gasoline, diesel fuel or other petroleum hydrocarbons, (ii) any substance which is flammable, radioactive, corrosive or carcinogenic, (iii) any substance the presence of which on the Property causes or threatens to cause a nuisance or health hazard affecting human health, the environment, the Property or property adjacent thereto, or (iv) any substance the presence of which on the Property requires investigation or remediation under any hazardous substance law, as the same may hereafter be amended. "Hazardous substance law" means the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq; the Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq; the Clean Water Act, 33 U.S.C. § 1251 et seq; the Clean Air Act, 42 U.S.C. § 7401 et seq; the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq; the Emergency Planning and Community Right to Know Act (SARA Title III), 42 U.S.C. § 11001 et seq; and any other applicable federal, state and local laws, statutes, rules, regulations, ordinances, and orders regulating or dealing with the generation, storage, use, disposal or transportation of the substances as described in subsections (i) - (iii) of the immediately preceding sentence or otherwise defined or described in any such law, statute, rule, regulation, ordinance or order as hazardous, toxic or radioactive. LESSOR and TENANT each agrees to notify the other immediately upon the discovery of the presence of any hazardous substances on the Property.

16. Opportunity In Cure. If TENANT should fail to pay any rental or other amounts payable under this Agreement when due, or if TENANT should fail to perform any other of the covenants, terms or conditions of this Agreement, LESSOR shall first provide TENANT with written notice of the failure and

provide TENANT with a thirty (30) day period to cure such failure (if the failure is a failure to pay rental or any other sum of money under this Agreement) or a sixty (60) day period to cure such failure (if the failure is a failure to perform any other covenant, term or condition of this Agreement) prior to exercising any rights or remedies against TENANT. If the failure is not a failure to pay rental or any other sum of money hereunder but is not capable of being cured within a sixty (60) day period, TENANT shall be afforded a reasonable period of time to cure the failure provided that TENANT promptly commences curing the failure after the notice and prosecutes the cure to completion with due diligence. .

17. **Governing Law.** This Agreement shall be governed and interpreted by, and construed in accordance with, the laws of the State of Alabama.

18. **Notices.** All notices hereunder must be in writing and shall be deemed validly given on the date when deposited in the United States mail, by certified mail, return receipt requested, addressed as follows (or to any other address that the party to be notified may have designated to the other party by like notice at least ten (10) days prior thereto):

TENANT: _____
NAME

Address

Attn: General Manager

LESSOR: City of Daphne
Post Office Box 400
Daphne, AL. 36526
Attn: Mayor Bailey Yelding

Rejection or refusal to accept delivery of any notice, or the inability to deliver any notice because of a changed address of which no notice was given, shall be deemed to be receipt of any such notice.

19. **Binding Effect.** This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of LESSOR and TENANT and shall constitute covenants running with the land.

20. **Miscellaneous.** This Agreement cannot be modified except by a written modification executed by LESSOR and TENANT in the same manner as this Agreement is executed. The headings, captions and numbers in this Agreement are solely for convenience and shall not be considered in construing or interpreting any provision in this Agreement. Wherever appropriate in this Agreement, personal pronouns shall be deemed to include other genders and the singular to include the plural, if applicable. This Agreement contains all agreements, promises and understandings between the LESSOR and TENANT, and no verbal or oral agreements, promises, statements, assertions or representations by LESSOR or TENANT or any employees, agents, contractors or other representations of either, shall be binding upon LESSOR or TENANT. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which shall constitute the same agreement. At the request of TENANT, LESSOR agrees to execute a memorandum or short form of this Agreement, in recordable form, setting forth a description of the Property, the term of this Agreement and other information desired by TENANT for the purpose of giving public notice thereof to third parties.

21. THIS AGREEMENT IS EXPRESSLY SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE ATTACHED ADDENDUM ENTITLED STANDARDS FOR TOWER LEASE.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals
the day and year first above written.

Signed, sealed and delivered in the presence of.

LESSOR:
CITY OF DAPHNE

MAYOR

ATTEST:

DAVID COHEN, CITY CLERK,

Signed, sealed and delivered in the presence of.

TENANT:

NAME

AUTHORIZED SIGNATOR

ATTEST:

ADDENDUM

STANDARDS FOR TOWER LEASE

STANDARDS WILL FOLLOW CURRENT REQUIRMENTS OF THE CITY OF DAPHNE

1. No antenna or system will be allowed above the height of 200'.
2. All tenants will install their cables into new cable ladders and bridges using techniques identical to those used on the City's lines.
3. All hardware used for antenna mounting used be hot-dipped galvanized after fabrication.
4. Tenants will supply the exact frequencies to be used in their system. Tenants will be responsible for an intermodulation study at no cost to the City.
5. Dual isolators will be installed on all transmitters at the site.
6. The City of Daphne's radio room will be restricted to the City's equipment only.
7. The City assumes no liability for the tenants' antennas, equipment, feedlines, system operation, maintenance, interruption of service, or loss of revenue, acts of God, or circumstances beyond the City's control.
8. The City will approve all grounding and transient suppression plans.
9. In the event that any device placed upon the tower causes any problem with the operation of the Public Safety Communications System thereon, it shall be the obligation of the tenant to remedy such problem. The City of Daphne shall notify the tenant to tenants of such problem, and provide a reasonable time to remedy, considering the prevailing facts and circumstances. If after providing such notice, the tenant is unable to timely remedy such problem, then the City of Daphne reserves the right to take whatever action is necessary, including shutting down the tenant's equipment until the problem is corrected.
10. The last tenant allowed on the tower will be responsible for determining that no interference will be

caused by their equipment to anything else at the site. In the event of unanticipated interference, the last tenant on the site is responsible for mitigating any interference they may cause.

11. TENANT shall present to LESSOR a certificate of insurance listing the LESSOR as an additional insured no later than seven (7) days prior to TENANT entering the Property for the purpose of placing TENANT's Improvements on the Property.

RESOLUTION 2012 - 62

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN # / SERIAL #
Det	399	1999 FORD TAURUS	1FAFP53U7XA318127

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

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

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

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE NO. 2012 - 50

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

D. R. HORTON, INC.

ZONING AMENDMENT REVIEW

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

EXHIBIT "A"

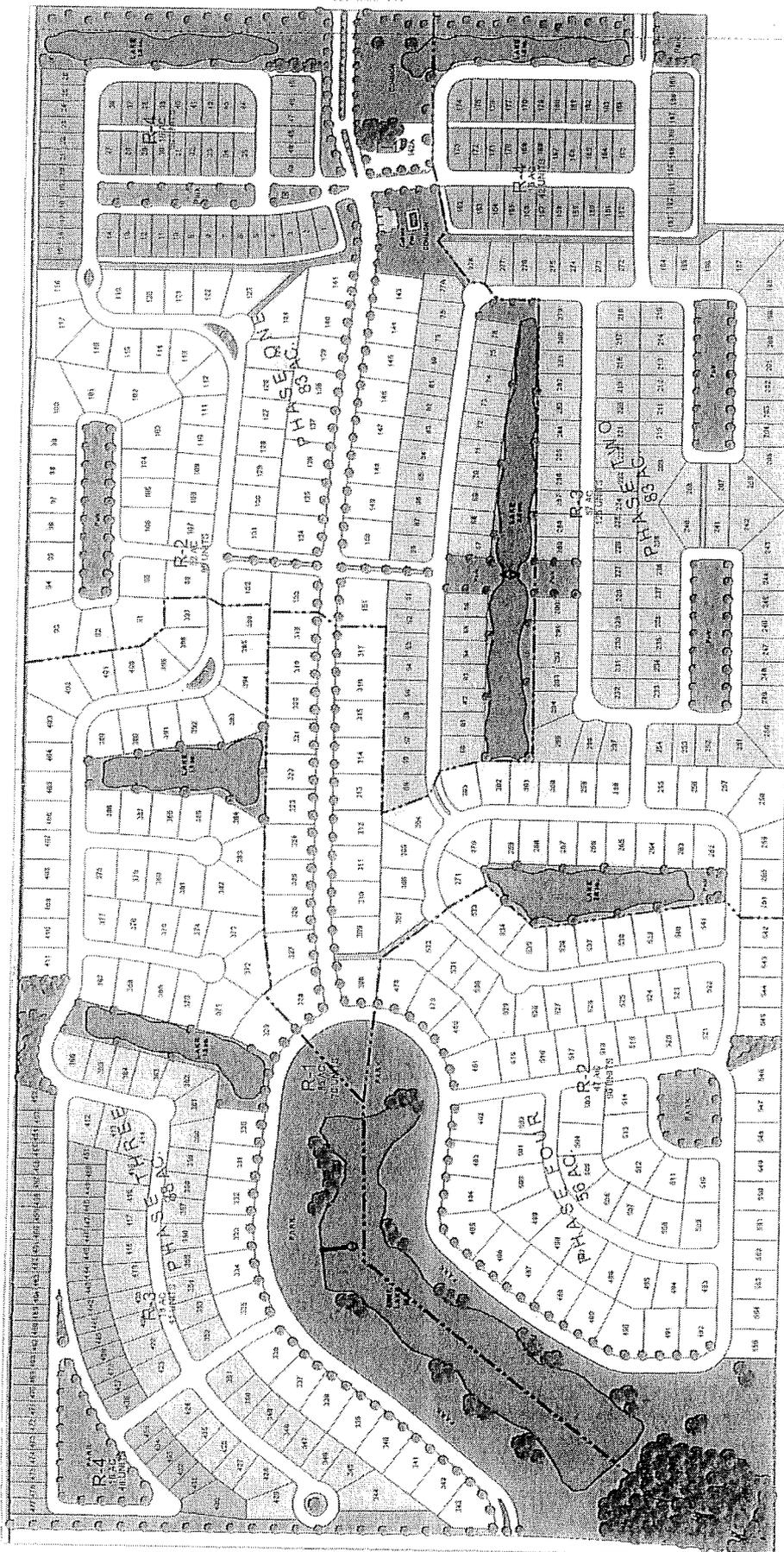
**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

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



Revised to show R-1 zoning on 142A.

OLDFIELD MASTER PLAN

FOR O.R. HORTON, INC. April, 2012

ZONING SUMMARY

R-1	70 Units	85 ac.
R-2	179 Units	30 ac.
R-3	106 Units	75 ac.
R-4	149 Units	50 ac.
TOTAL	355 Units	300 ac.

OPEN SPACE SUMMARY

- LAKES 21.8 ac.
- PARKS 20.7 ac.
- Buffers, etc. 22.4 ac.
- Green Spaces 73.3 ac.



PRELIERISH LLC.
 10000 ...
 ...

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)**

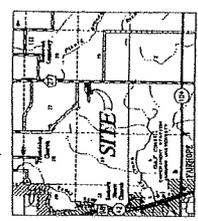
DESCRIPTION OF PROPERTY TO BE REZONED FROM B-1, R-1, AND R-3 TO R-1:

**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
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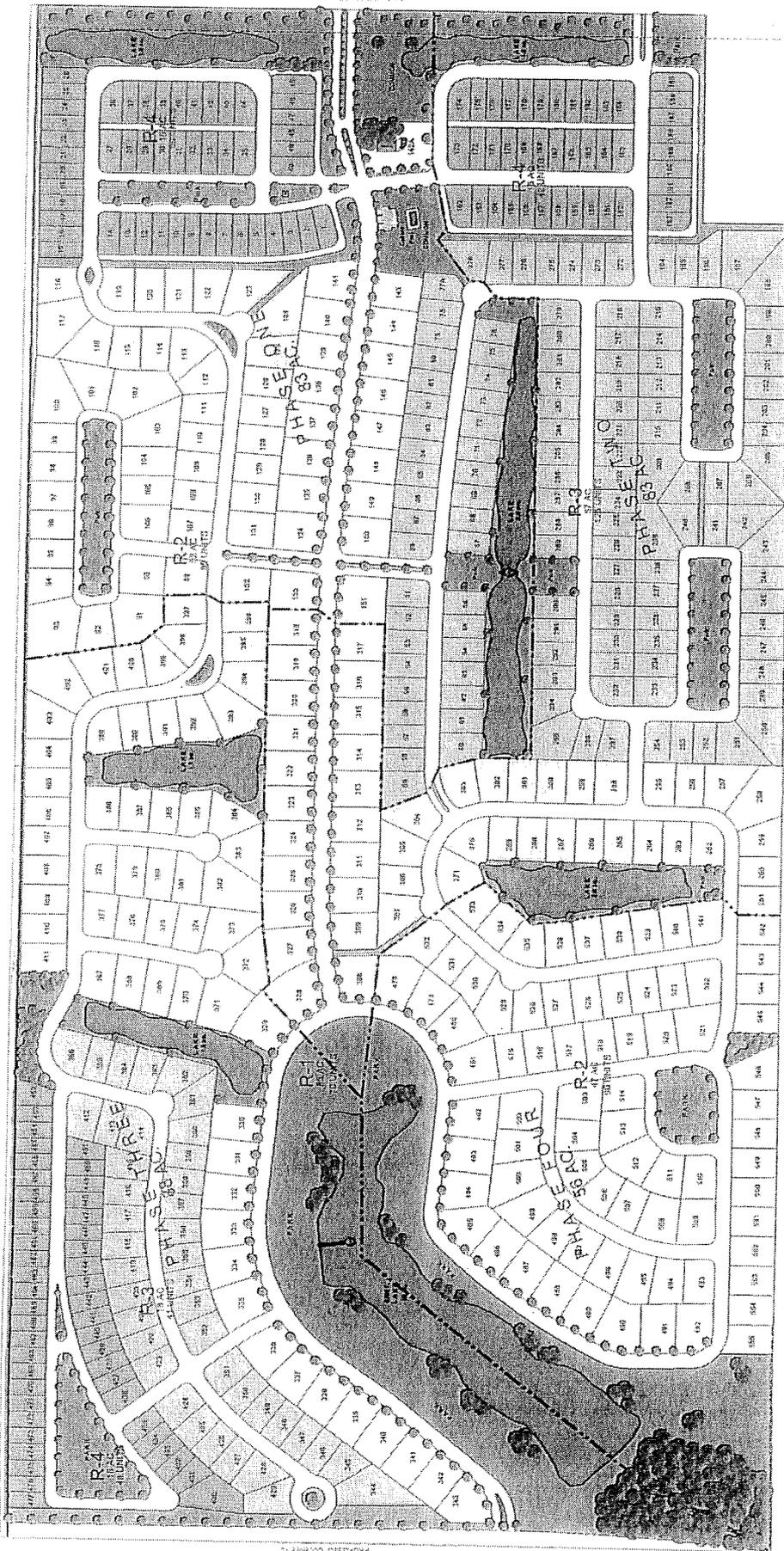
REVISED: JUNE 21, 2012

249-B



GENERAL NOTES
1. THIS MAP IS TO BE FILED IN THE OFFICE OF THE CITY ENGINEER AND THE CITY CLERK.
2. THE CITY ENGINEER AND THE CITY CLERK SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE MAP.
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- LEGEND
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 - 1" = 40' SCALE
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 - 1" = 160' SCALE
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Revised to show R-1 zoning on 142A.

OLDFIELD MASTER PLAN

FOR D.R. HORTON, INC. April, 2012

ZONING SUMMARY

R-1	70 Units	88 ac.
R-2	170 Units	20 ac.
R-3	160 Units	75 ac.
R-4	140 Units	48 ac.
TOTAL	540 Units	231 ac.

OPEN SPACE SUMMARY

LAKE	21.3 ac.
POND	20.7 ac.
Buffer, etc.	22.4 ac.
Gross Space	73.3 ac.

PREPARED BY:
PREPARED FOR:
DATE:
SCALE:
PROJECT NO.:

PREPARED BY:
PREPARED FOR:
DATE:
SCALE:
PROJECT NO.:

PREPARED BY:
PREPARED FOR:
DATE:
SCALE:
PROJECT NO.:

Ordinance 2012-51

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

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

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

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

WHEREAS, the City of Daphne did submit an application to U.S. Fish and Wildlife Coastal Assistance Program and was awarded a Grant in the amount of \$34,400.00 **(City Match of \$6,400 in-kind services and \$10,000 Cash from Lodging Tax Fund)** for funding for the Invasive Species Control Plan; and

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

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ___ day of _____, 2012.

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

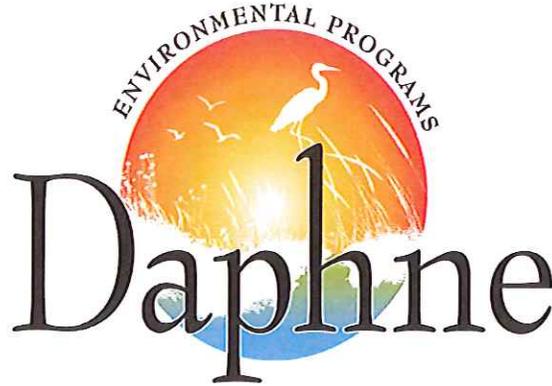
BAILEY YELDING, JR.
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF



COUNCIL MEMBERS
TOMMIE CONAWAY
DISTRICT 1

CATHY BARNETTE
DISTRICT 2

JOHN L. LAKE
DISTRICT 3

KELLY REESE
DISTRICT 4

RON SCOTT
DISTRICT 5

DEREK BOULWARE
DISTRICT 6

AUGUST A. PALUMBO
DISTRICT 7

August 15, 2012

Council Members,

In April, I came to the Council requesting permission to apply for additional grant funds from the US Fish & Wildlife Service to continue our invasive species maintenance at Village Point Park and Bay Front Park. Resolution 2012-31(attached) gave me permission to apply for the grant in the amount of \$50,305.00 with Fish & Wildlife's share being \$33,905.00 and the City's share being \$16,400 (In-kind services of \$6400 and Cash Match from the Lodging Tax of \$10,000.00). The City did receive the grant but due to limited budgets, the grant total awarded was less. Now, the grant total is \$34,400.00 with Fish & Wildlife's share being \$18,000.00 and the City's share being \$16,400 (In-kind services of \$6400 and Cash Match from the Lodging Tax of \$10,000.00). Even though the amount that we have been awarded is less, I feel that the City should appropriate the needed funds to accept the grant. The grant will allow us to continue our efforts in maintaining the invasive species within the park. The draft ordinance for the appropriation is attached for your review. If you have any questions, call me or I will be available at the Council meeting.

Summary of Changes:

Original Request:	Total grant: \$50,305.00	Feds Share:	\$33,905.00	City's Share:	\$16,400.00
Approved Amounts:	Total grant \$34,400.00	Feds Share	\$18,000.00	City's Share:	\$16,400.00

Ashley Campbell, CPESC
EPM
City of Daphne
251-621-3080

Attachments:
Resolution 2012-31 and Draft Appropriation Ordinance 2012-__

Resolution 2012 - 31

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

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

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

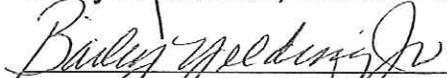
NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Daphne that:

- 1) The City of Daphne shall submit an application to U.S. Fish and Wildlife Coastal Assistance Program in the amount of \$50,305 (City Match of \$6,400 in-kind services and \$10,000 Cash from Lodging Tax Fund) for funding for the Invasive Species Control Plan; AND
- 2) The Mayor and is hereby authorized to execute such application and any and all additional documents necessary to carry out the purpose of requesting funding consideration from U.S. Fish and Wildlife on behalf of the City of Daphne.

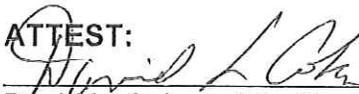
APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 16th day of April, 2012.



Cathy S. Barnette, Council President


Bailey Yelding, Jr., Mayor

ATTEST:


David L. Cohen, City Clerk, MMC

ORDINANCE 2012-52

APPROPRIATION OF FUNDS: DESIGN AND ENGINEERING FOR LAKE FOREST ROAD RESURFACING PROJECT: RIDGEWOOD & BAYVIEW DRIVES - PHASE 3

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

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

WHERE AS, the Lake Forest: Ridgewood and Bayview Drives Phase 3 (1.9 miles) project, has been selected for ATRIP Grant Funding and need to go out for bid per State and Federal guidelines; and

WHERE AS, Design and engineering services in the amount of \$220,705.00 are required to prepare this project for bid:

- Lake Forest: Ridgewood and Bayview Drives - Phase 3: TOTAL - \$220,705.00

WHERE AS, the City Council has determined it to be in the best interest of the City to prepare bid documents for this project if selected for ATRIP Grant Funding by unanimously passing Resolution 2012-19 during the March 5, 2012 City Council Meeting authorizing the City to meet the cost sharing required by the ATRIP grant for the proposed City of Daphne Street Improvement Projects.

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), that funds in the amount of \$220,705.00 from the Capital Reserve Fund are hereby appropriated and made a part of the Fiscal Year 2012 Budget for the design and engineering services for the Lake Forest: Ridgewood and Bayview Drives - Phase 3 project.

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

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR, CITY OF DAPHNE**

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

Rebecca Hayes

From: Richard Johnson <directorpw@daphneal.com>
Sent: Thursday, August 16, 2012 11:39 AM
To: Mayor Bailey Yelding; Cathy Barnette
Cc: David Cohen; Becky Hayes; Jane Ellis; Jaye Robertson; financedputydirector@daphneal.com; Kim Briley; Aaron, Brian; Scott with HMR
Subject: Needed Agenda Item on Council Agenda for August 20, 2012
Attachments: ATRIP App - Supplemental 06-28-2012 Lake Forest Boulevards CODFY13-D.pdf; ORDINANCE 2012-##.docx; RE: ATRIP Supplemental (3.67 KB); RE: ATRIP Supplemental (1.69 KB)

Mr. Mayor and Madam President:

I apologize for the tardiness of this request, however circumstances beyond my control prevented me from meeting the Wednesday deadline. I am requesting the attached Ordinance once reviewed, edited, and approved by the Finance Director be added to Monday's Agenda. Here are the details:

- Lake Forest, Phase 3 -CODFY2013-D Bayview and Ridgewood Drives (1.9 Miles) Has been selected for ATRIP Grant Funding
- The Cost Breakdown is as follows:

10

<u>Activity Pays</u>	<u>Total</u>	<u>City Pays</u>	<u>ATRIP Grant</u>
Survey, Design, Preliminary GeoTech	\$220,705.00	(100%) \$220,705.00	(0.00%) \$0.00
Construction 80%) \$1,803,701.20	\$2,254,626.50	(20%) \$450,925.30	(
CE&I 80%) \$ 219,659.20	\$274,574.00	(20%) \$ 54,914.80	(
Material Testing 80%) \$ 36,000.00	\$ 45,000.00	(20%) \$ 9,000.00	(

Totals: **\$2,794,908.50** **\$735,545.10** **\$2,059,360.40**

- The Project has been “fast tracked” for a March, 2013 Letting Date – ALDOT will let the project
- Plans must be submitted by November 16, 2012
- The Award Letter is in route (emails attached)
- Scoping Meeting has been held with ALDOT and Scope Document is being prepared
- Survey, Design, Preliminary GeoTech must begin as soon as possible – Second read will be on September 4, 2012 leaving 2-1/2 months to prepare plans and make submittals
- ATRIP Application, Draft Ordinance and emails are attached

All submitted for your approval.

Yours,

RDJ

11

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

Phone: (251) 621-3182

Fax: (251) 621-3189

Cell: (251) 379-1305

directorpw@daphneal.com