

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 21, 2005**

1. CALL TO ORDER

2. ROLL CALL/INVOCATION:

PLEDGE OF ALLEGIANCE:

3. APPROVE MINUTES: November 7, 2005, 2005

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

Review minutes meeting held November 14th

Review Work Session minutes meeting held November 14th

a.) Bid Award: Safety Shoes / Resolution 2005-76

b.) Prepaid Travel / Resolution 2005-78

- 1.) Ha Le Riggio / Court Magistrate Certification Training /
December 6-9, 2005 / Tuscaloosa, AL / \$140
- 2.) Regina Landry / NLC Congress of Cities Conference / December 6-10, 2005 /
Charlotte, NC / \$175
- 3.) Bailey Yelding, Jr. / NLC Congress of Cities Conference / December 6-10, 2005 /
Charlotte, NC / \$175
- 4.) John Lake / NLC Congress of Cities Conference / December 6-10, 2005 /
Charlotte, NC / \$175

c.) Appropriations:

- 1.) Daphne //High School Swim Team / Ordinance 2005-63
- 2.) Daphne Jubilee Court Scholarship Program / Ordinance 2005-64
- 3.) Urban Forestry Association Grant / Ordinance 2005-65
- 4.) Detective Pay Adjustment / Ordinance 2005-66
- 5.) Johnson Road Property Appraisal / Ordinance 2005-67

d.) Resolutions:

- 1.) Mobile Area Chamber of Commerce Contract / Resolution 2005-77
- 2.) Declare Appliance Equipment Surplus / Resolution 2005-81

e.) Financial Reports:

- 1.) Treasurers Report - October 31, 2005
- 2.) Sales Tax Collection Graphs - September 30, 2005
- 3.) Lodging Tax Collections - September 30, 2005

f.) Other Business:

- 1.) Cable Television Audit & Franchise Agreement / Ordinance 2005-68
- 2.) Fiscal Year 2006 Budget Action / Ordinance 205-69
- 3.) Retiree Cost of Living Adjustment / Ordinance 2005-80
- 4.) Fiscal Year 2006 Community Contributions / Resolution 2005-79

B. BUILDINGS AND PROPERTY COMMITTEE- Lake

C. PUBLIC SAFETY - Burnam

Review minutes meeting held November 8, 2005

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Review Ordinance minutes meeting held October 4th
Review Sign Committee minutes meeting held September 26th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

B. Downtown Redevelopment Authority -Barnette

C. Industrial Development Board – Yelding

D. Library Board - Lake

Review minutes meetings held May 12th, August 8th and October 10th

E. Planning Commission – Barnette

Review Special Planning Commission meeting held November 9th

F. Recreation Board - Burnam

G. Utility Board – Scott

Review minutes meeting held September 28th

6. REPORTS OF THE OFFICERS:

A. *Mayors Report*

- a.) ABC License / Daruma Japanese Sushi & Steakhouse, Inc. / 020 Restaurant Retail Liquor
- b.) Change January 2, 2005 Council meeting date due to it being New Years Day

B. *City Attorney's Report*

C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

Mr. Ron Allen / Report on Library / Senior Center Computer Classes

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: 2006-A-Safety Shoes...../Resolution 2005-76
- b.) Contract: Mobile Area Chamber of Commerce...../Resolution 2005-77
- c.) Prepaid Travel / Ha Le Riggio / Regina Landry / Bailey Yelding, Jr. /
John Lake...../Resolution 2005-78
- d.) Fiscal 2006 Community Contributions...../Resolution 2005-79
- e.) Retiree Cost of Living / Act 2005-316...../Resolution 2005-80
- f.) Declaring Certain Personal Property Surplus and Authorizing
the Mayor to Dispose of Such Property...../Resolution 2005-81

ORDINANCES:

- a.) **Authorizing Overtime Compensation for Salaried Employees and Setting Forth Administrative Policy During Declared Emergencies 2nd READ...../Ordinance 2005-56**
- b.) **Amend Certain Personnel Policies and Procedures Related to a Productive Workplace Equal Employment Opportunities Sexual Harassment, Workplace Violence, Retaliation, Complaint Procedures and Security Measures 2nd READ...../Ordinance 2005-61**
- c.) **Repealing Ordinance 2005-52 Amending Certain Personnel Policies and Procedures Related to Employee Insurability 2ND READ...../Ordinance 2005-62**
- d.) **Daphne High School Swim Team Appropriation 1ST READ...../Ordinance 2005-63**
- e.) **Daphne Jubilee Court Scholarship Program 1ST READ...../Ordinance 2005-64**
- f.) **Urban Forestry Association & Natural Resources Grant 1ST READ...../Ordinance 2005-65**
- g.) **Appropriating Funds: Detective Pay Adjustments 1ST READ...../Ordinance 2005-66**
- h.) **Appropriation: Appraisal for City Property on Johnson Road (Mechanical Department and Animal Shelter) 1ST READ...../Ordinance 2005-67**
- i.) **Appropriating Funds: Cable Television Audit 1ST READ...../Ordinance 2005-68**
- j.) **Adopting the Fiscal Year 2006 Budget (Consider: Sidewalks & Transfers to Capital Reserve)...../Ordinance 2005-69**

- 9. COUNCIL COMMENTS
- 10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

MOTION BY Mr. Scott to authorize Galbraith & Associates and Volkert & Associates to work together to prepare a grant application for ADECA funds available for storm repairs to the City sewer system with the understanding that the Utility Board will be responsible for all matching funds. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to accept the Treasurers Report as of September 30, 2005 in the amount of \$10,475,983.62. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Scott reported that the Sales Tax collected was \$869,818.11 and there was budgeted \$790,000, so over \$79,000 was collected over budget. Year to date after the adjusted budget, and it has been six (6) months, \$401,000 was collected above what was projected. He stated that lodging tax collected for 2004 was \$32,788 and as of August 2005 \$37,501 has been collected.

B. Buildings and Property Committee – Lake

The Committee met October 7th and the minutes are in the packet. The main item discussed was the Taste of the Eastern Shore. The Committee recommends sponsoring the Taste in the amount of \$8,000. They also discussed the addition to City Hall with the architect Jeff Hudson.

C. PUBLIC SAFETY – Burnam

The minutes for the October 4th meeting are in the packet. Mr. Palumbo reported that the Committee had a request to name Mr. Carl Davis's private drive "Twin Lane." The Police Department and Fire Department did not have any objection to this request.

MOTION BY Mr. Palumbo to name Mr. Carl Davis's private drive "Twin Lane." Seconded by Mrs. Barnette.

Council discussed that the proper procedure is to go through the Planning Department.

Mr. Palumbo withdrew his motion.

Mrs. Barnette withdrew her second to the motion.

MOTION BY Mr. Palumbo to recommend sending the request to name Mr. Carl Davis's private drive "Twin Lane" to the Planning Commission for review. Seconded by Mr. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**NOVEMBER 7, 2005
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Eady gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Ron Scott; Regina Landry arrived at 6:33 p.m.; August Palumbo.

ABSENT: Greg Burnam.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; David McKelroy, Recreation Director; Sandra Morse, Civic Center; Sharon Cureton, Human Resource Director; Ronnie Phillips, Building Inspections Director; Kim Briley, Finance Director; Melvin McCarley, Public Works Supervisor; Matt Creel, Firefighter; Joey Holasz, Firefighter; Josh Harlan, Firefighter; Steve Barr, Firefighter; Ronnie Champion, Volunteer Firefighter Search & Rescue Squad; Howard Ward, Volunteer Firefighter Search & Rescue Squad; Mike Kosek, Volunteer Firefighter Search & Rescue Squad; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; John Coulter, IDB & Planning commission; Willie Robison, BZA.

Absent: Dale Foster, Librarian.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the minutes of the October 17, 2005 City Council meeting, October 13, 2005 Work Session minutes, October 18, 2005 Daphne School meeting minutes, October 24, 2005 Special Called Meeting and October 25, 2005 Vision meeting minutes

Seconded by Mr. Palumbo.

Mrs. Barnette asked that the minutes be amended to reflect that a motion made under Public Safety naming Mr. Carl Davis's drive "Twin Lane" was withdrawn and the motion was to send it to the Planning Commission for review.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Baldwin County Commission Resolution Allocating \$45,000 For Daphne Search and Rescue Squad for Hurricane Relief and to Commend Them for Their Relief Effort After Hurricane Katrina

Mayor Small read and presented the Resolution to Ken Eslava, Ronnie Champion, Howard Ward and Mike Kosek.

Ken Eslava introduced Paul Segal, an Eagle Scout, who reported on a project he did at Gator Alley.

PROCLAMATION: National Health Care Month

Mayor Small read and presented the proclamation to Ms. Brown with Amedisys.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

Mr. Scott reported the next meeting will be Monday 4:00 p.m. in the Executive Council Chambers, and after that meeting there will be a work session on the budget. He encouraged all the Council to be there. He asked the Council to examine the part of the budget that affects the department that they are affiliated with.

B. Buildings and Property Committee – Lake

No report.

C. PUBLIC SAFETY – Burnam

The next meeting will be tomorrow at 4:30 p.m. in the Council Chambers.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The next Ordinance meeting will be Monday at 5:30 p.m. after the Public Safety meeting.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the October 28th meeting are in the packet. Mr. Yelding asked Mr. Eslava to report on the progress of the widening of County Road 13.

Mr. Eslava said they have put the aggregate base down and have done the compact test and are waiting for the results so they can go ahead with the asphalt.

Mr. Yelding reported that the next meeting will be November 18th 8:00 a.m. in the Council Chambers.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

No meeting in November. The minutes for the October 6th meeting are in the packet.

B. Downtown Redevelopment Authority – Barnette

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The next meeting will be November 14th 5:15 p.m. that is a Monday, the meeting day has changed from Tuesday's to Monday's. Mr. Irvine stated that the DRA is concerned about the School Board's plans to put 1,000 students in the south school and the impact this will have on Main Street traffic. He said the city should be concerned about this as well.

C. Industrial Development Board – Yelding

The next meeting will be November 28th at 6:00 p.m.

D. Library Board – Lake

The next meeting will be a week from today at 4:30 p.m. This will be a joint meeting with the Library Board and the Steering Committee at Mr. Swaney's house, 329 Bay Hill.

E. Planning Commission – Barnette

The September 22nd Planning Commission minutes, October 22nd Planning Commission minutes, and the October 23rd Site Review minutes are in the packet.

MOTION BY Mrs. Barnette to set a Public Hearing for December 5, 2005 to consider the following:

- 1. Rezone: Property located Southeast of the intersection of Pecan Court and Pollard Road – A & B 10, LLC / Rezone from R-4 – High Density Single and Multi-Family Residential District to B-2 General Business District**
- 2. Annexation: Malbis Plantation, Inc. / Water Tank Site**
- 3. Rezone: Property located on AL Hwy 181 across from Austin Road / Country Club Development, LLC / Rezone from R-3 – High Density Single Family Residential District to B-1 Local Business District**

Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Barnette continued by saying that the Site Review and Planning Commission meeting dates have changed for November. The Site Review meeting will be November 16th at 9:00 a.m. in the Council Chambers and the Planning Commission meeting will be November 22nd at 6:00 p.m. in the Council Chambers.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

The minutes for the September 28th meeting are in the packet, and the minutes for the meeting held November 2nd will be in the next Council packet. Mr. Scott reported that out of 116 non-connect letters

that went out all but 23 have responded or took some action. Some of the 23 have either hooked up, had citations given or were wrong addresses.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

Mayor Small stated that his appointment to the Utility Board has expired and asked that the Council re-appoint him for the duration of his term.

MOTION BY Mr. Scott to re-appoint Mayor Small to the Utility Board for the remainder of his tenure in office. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

No report.

C. Department Head Comments

David McKelroy – Recreation Director – reminded everyone of the Celtic Celebration Sunday, November 13th, at the Civic Center Complex Plaza 2:30 p.m. – 5:00 p.m.

Ken Eslava – Public Works Director – reported that he had a visit from the Office of the Inspector General – Homeland Security. He stated that the City received a lot of gold stars, and that they will not file a report, which is customary when the report is good. He said there will be a meeting sometime next week regarding the traffic at the south school.

Scott Hutchinson – City Engineer – reported that they are 30% complete with the design of the sidewalks. He said this is a big project and grant. He state that they were waiting to hear from the council regarding which side of the streets to put the sidewalks.

The Council responded by saying that they would leave that decision to him since he would know which side would be more structurally sound.

Mr. Hutchinson continued saying that there are no major problems. He said he will have the preliminary design at the next Council meeting. He also reported on NRCS projects.

David Cohen – City Clerk – stated that by Ordinance they have to suspend the rules for the re-appointment of the Mayor to the Utility Board.

MOTION BY Mr. Yelding to suspend the rules to consider a motion to re-appoint Mayor Small to the Utility Board for the remainder of his term in office. *Seconded by Mr. Scott.*

<i>ROLL CALL VOTE</i>				
Yelding	Aye	Landry	Aye	
Barnette	Aye	Palumbo	Aye	
Lake	Aye			
Scott	Aye			
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

7. PUBLIC PARTICIPATION

No one spoke.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Amending the Personnel Handbook to Establish an Accrual Of Vacation Leave for Firefighters. /Resolution 2005-74**

MOTION BY Mrs. Barnette to adopt Resolution 2005-74. Seconded by Mrs. Landry.				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

Mr. Cohen stated that the Council should waive the reading first.

MOTION BY Mr. Scott to <u>waive the reading</u> of Resolution 2005-74. Seconded by Mrs. Landry.				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

MOTION BY Mrs. Landry to <u>adopt</u> Resolution 2005-74. Seconded by Mr. Scott.				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

ORDINANCES:

- a.) **Establish Penalties and Enforcement Procedures for Violation of Municipal Ordinances and to Repeal Ordinances 198-33, 2001-01**

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- and 2002-21 2nd READ...../Ordinance 2005-55
- b.) Authorizing Overtime Compensation for Salaried Employees During Declared Emergencies 2nd READ/Ordinance 2005-56
- c.) Appropriating Funds: City Hall Architectural Services, Site Preparation, Survey & Engineering 2nd READ/Ordinance 2005-59
- d.) Appropriating Funds: Finance Department Temporary Accountant Position 2nd READ/Ordinance 2005-60
- e.) Amend Personnel Policies and Procedures Relate to a Productive Work Place Equal Employment Opportunities, Sexual Harassment, Work Place Violence, Retaliation, Compliant Procedures and Security Measures 1ST READ./Ordinance 2005-61
- f.) Repeal Ordinance 2005-52 1ST READ/Ordinance 2005-62

Council President Pro tem Lake said that since Ordinance 2005-56 had been pulled at the last meeting for changes it will be a 1ST READ.

MOTION BY Mrs. Landry to waive the reading of Ordinance 2005-55, 2005-59 and 2005-60. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Ordinance 2005-55. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2005-59. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2005-60. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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Council President Pro tem Lake made Ordinance 2005-56 a 1ST READ earlier in the meeting.

ORDINANCES 2005-61 and 2005-62 WERE MADE 1ST READ

8. COUNCIL COMMENTS

Mr. Yelding stated that he thinks it is ridiculous that the Council comes to the meeting and does not know what they are doing. He said that is why they have work sessions.

Mrs. Barnette thanked everyone for the Blue Grass Festival. She reminded everyone that the S.E.E.D.S. Mamma Mia Cook Off is Saturday November 12th, and that they could buy tickets at the Recreation Department and Schools.

Mr. Scott stated that there were about 25 at the Vision meeting, and they had good input from the audience. He said there were a lot of people from Timber Creek present. He said they will have more of meetings and they want input from the public. He reminded everyone that there will be a meeting regarding the schools on November 15th.

Mrs. Landry reported that Bayside Academy won the World Chess Championship and asked if a sign could be put by Kentucky Fried Chicken to welcome them back.

Mr. Palumbo stated that the Sign Ordinance meeting is tomorrow at 6:30 p.m. and the public is welcome to come and give their input. He said the meeting follows the Ordinance Committee meeting.

9. ADJOURN

MOTION BY Mr. Yelding to adjourn. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**NOVEMBER 7, 2005
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DAPHNE, AL
6:30 P.M.**

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THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:26 P.M.

Respectfully submitted by,

David L. Cohen
City Clerk, MMC

Certification of Presiding Officer:

John Lake
Council President Pro tem
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
November 14, 2005
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 P.M. Present were Chairman Ron Scott; Councilman Bailey Yelding; Councilwoman Regina Landry; Finance Director Kim Briley; Senior Accountant Suz anne Henson; and Accountant I Belinda Job.

Also in attendance were Public Works Director Ken Eslava; Captain David Wilson; and Lieutenant Danny Bell.

II. PUBLIC PARTICIPATION

Mr. Donald Polling, a retired employee of the City addressed the committee to request the City's consideration for the retired employees cost of living raise. Discussion continued there are fourteen (14) retired employees and they have not seen a cost of living raise in 3 years. Mr. Scott discussed the State Retirement System has recommended a 4% cost of living increase for the retirees and that it is in the FY06 budget for consideration and should be voted on within the next 2-4 weeks.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Bids: 2006-A-Safety Shoes

Mr. Eslava discussed 6 bid invitations were sent out with only one bid received from Gulf Supply Company, Inc. Discussion continued the bid prices came in lower than they did on the previous bid. Mr. Eslava recommended this bid be awarded to Gulf Supply Company, Inc.

Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding Bid 2006-A-Safety Shoes to the sole bidder, Gulf Supply Company, Inc., for unit prices as specified in bid. Seconded by Ms. Landry.

B. Prepaid Travel:

1. **Ha Le (FiFi) Riggio, Court Magistrate** – Certification Training and Maintenance Training Institute for Municipal Court Clerks and Magistrates – Tuscaloosa, AL – December 6-9, 2005 - \$140
2. **Regina Landry, Bailey Yelding, Jr , and John Lake (Council Members)**– National League of Cities Congress of Cities and Exposition – Charlotte, NC – December 6-10, 2005 - \$175 each

Motion by Ms. Landry to recommend to Council to adopt a resolution approving prepaid travel as follows:

- ***Ha Le (FiFi) Riggio, Court Magistrate in the amount of \$140 to attend the Certification Training and Maintenance Training Institute for Municipal Court Clerks and Magistrates in Tuscaloosa, Alabama, December 6-9, 2005.***
- ***Regina Landry, Bailey Yelding Jr, and John Lake- Council- in the amount of \$175 each to attend the National League of Cities Congress of Cities and Exposition in Charlotte, North Carolina, December 6-10, 2005..***

Seconded by Mr. Yelding.

C. Appropriation Requests:

1. Daphne High School Swim Team

Ms. Landry discussed a request from the Daphne High School Swim Team for an appropriation in the amount of \$2,500 to help offset the swim team's expenses. Ms. Landry noted the City of Daphne is the only City in Baldwin County that does not have a City pool for the swim team to use. Discussion continued when the new Recreation Facility is built, that consideration needs to be given to building a City pool as well. Ms. Landry discussed the swim team was utilizing the YMCA pool, however, due to the growing size of the swim team and YMCA memberships, the YMCA was no longer able to adequately meet the needs of the swim teams. Discussion continued the team now utilizes the BMAC Facility at a cost of \$40 per month per student. The swim team currently has 23 members and their season runs from the middle of August until the middle of December. Mr. Yelding noted that the swim team should participate in the Taste of Eastern Shore event to earn funds. Ms. Landry noted the team has been conducting fund raisers and to date has raised approximately \$2,000, therefore, a contribution from the City in the amount of \$1,000-\$1,500 would be a more reasonable amount. Mr. Yelding noted a letter should be provided from the Daphne High School Principal stating that the swim team is sanctioned through the High School Athletic Association. Discussion continued the check would be made payable to the High School for the benefit of the Swim Team. Mr. Scott discussed the City still does not have a policy in place for these types of requests and that possibly consideration should be given to appropriating a set amount in the budget for the schools. Mr. Scott concurred that \$1,500 would be a more reasonable contribution; noting consideration could be given to \$2,500 in the FY07 budget.

Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating funds in the amount of \$1,500 to Daphne High School for the Benefit of the Daphne High School Swim Team. Seconded by Ms. Landry.

2. Daphne Jubilee Court Scholarship Program

Ms. Landry discussed a request by the Daphne Jubilee Court Scholarship Program for a contribution in the amount of \$4,000 to be divided among four girls for college scholarships plus \$1,000 in start up fees for the program. Mr. Scott noted the City previously contributed \$2,500 and asked why it is now \$5,000. Ms. Landry discussed \$1,000 is being requested for each of the girls and noted monies are spent on outfits and travel expenses. Ms. Landry noted the previous program has been opened to the entire Eastern Shore, while the new Daphne Jubilee Court Scholarship Program will be exclusive to the City of Daphne. Discussion continued that it has not been determined what will happen with the \$12,000 debt from the former program. Mr. Yelding discussed he does not feel the City should get involved until all of the issues with the former program are settled. Mr. Scott asked if the City approves the \$5,000 request, where would the money go. Ms. Landry discussed the money goes into an account for the girls to use for scholarships, new outfits, travel expenses, other start up costs, etc. Discussion continued the girls serve a one year term and once completed, their scholarship money is held until they graduate. Ms. Landry noted that 5 new girls are chosen each year. Mr. Yelding noted he does not wish to commit \$5,000 to the organization at this time, expressing his concern over the fact that the City was providing funds to the previous organization and at this time no one is being held accountable for the money. Mr. Scott discussed giving the group \$1,000 to assist with their start up and that further discussion with the full Council would need to take place with regard to the scholarship funds and the assurances that the money would be spent as intended. Ms. Briley noted the City Attorney, Jay Ross would need to be involved with regard to legal aspects of the matter.

Motion by Ms. Landry to recommend to Council to adopt an ordinance appropriating funds in the amount of \$1,000 as start-up fees for the Daphne Jubilee Court Scholarship Program. Seconded by Mr. Yelding.

3. Urban Forestry Association Grant

Mr. Eslava discussed Hurricane Ivan left many trees in the City with hanging limbs, poor balance, and lots of trees in the public right of ways that FEMA would not pay for clearing. Discussion continued the requirements of the grant are that the City participate 25% with in-kind services, cash or a combination of the two. Discussion continued it is estimated the total cost of the project would be \$53,334 with the City's share being \$13,334 and that the project would last about a month. Mr. Eslava discussed his estimated breakdown of the City's share

would be in-kind services of about \$5,100 with the balance of \$8,240 in cash. Mr. Scott asked if this work would be contracted out. Mr. Eslava noted it would be contracted to the lowest bidder and that City crews would work along side the contracted crews to point out the trees that will be pre-marked. Mr. Eslava noted grant requirements call for the grant to be filed this week and that if the City is awarded the grant, we will not be obligated to use it. Mr. Scott noted the City of Daphne is recognized as the Tree City so the City needs to move forward with this. Ms. Briley noted if we are applying for the grant, we do not have to appropriate the funds at this time. Mr. Scott noted he would prefer to have the necessary funds earmarked.

Motion by Mr. Yelding to recommend to Council to adopt an ordinance authorizing the Public Works Director to make application for the Urban Forestry Grant in the amount of \$40,000.00; and to appropriate \$13,334.00 as the City's 25% matching funds. Seconded by Ms. Landry.

4. Detective Pay Increase

Mr. Scott discussed when the new pay plan was put into affect; it left some areas with discrepancies that were overlooked. Discussion continued the Mayor has requested that the Council move forward with approving the implementation of phase 3 of the reclassification plan which would fix some of the problems that exist. Discussion continued this would allow the Council to look at all of the remaining problems at one time rather than looking at each department individually as it is brought forward. Ms. Briley noted that implementation of Phase 3 of the pay plan and the Detective Pay Increase are included for consideration in the FY06 budget. Ms. Landry noted she believes the problem with the Detective pay should be corrected and hopes it does not create a trickle down affect all over the City. Captain Wilson noted the Police Department is the 2nd largest department in the City and if the Detective pay increase is passed, that will correct all the pay problems that exist within the Police Department. Mr. Scott asked Mr. Eslava if these problems exist in the Public Works Department as well. Mr. Eslava noted implementation of Phase 3 will repair the majority of the inconsistencies that exist, noting there could still be a few remaining. Mr. Yelding expressed concern that the City paid a large sum of money to correct the pay plan problems, however, they seem to continue to be brought forward.

Motion by Ms. Landry to recommend to Council to adopt an ordinance authorizing a 10% increase in pay for two (2) Veteran Detectives for a total cost of \$8,505. Seconded by Mr. Yelding.

D. Mobile Area Chamber of Commerce Contract - \$435.60

Ms. Briley discussed the Civic Center and Bay Front Park wish to advertise through the Mobile Area Chamber of Commerce and because by law the City cannot be a member a resolution will be needed to contract for those services.

Motion by Mr. Yelding to recommend to Council to adopt a resolution authorizing the Civic Center and Bay Front Bark to enter into a contract with the Mobile Area Chamber of Commerce in the amount of \$435.60 for the purpose of advertising for a period of one year. Seconded by Ms. Landry.

E. Request Appraisal for City Property on Johnson Road: Mechanical & Animal Shelter

Mr. Yelding noted this is a request from the Mayor and that a proposal has been provided from Courtney & Morris Appraisals, Inc. in the amount of \$1,250 to perform a limited scope appraisal for the purpose of estimating a value "For Sale" purposes. Mr. Scott discussed this is for the purpose of consolidating the Public Works facilities to one location and relocating the Animal Shelter to the Justice Center property. Mr. Scott asked if there are any environmental issues other than moving the gas tanks. Mr. Eslava noted there were not.

Motion by Mr. Yelding to recommend to that the Mayor be authorized to request an appraisal for the City Property located on Johnson Road at a cost of \$1,250. Seconded by Ms. Landry.

F. Declare Appliance Equipment Surplus

Ms. Henson discussed many departments in the City have appliances such as washers & dryers, microwaves, stoves, refrigerators, etc. that are no longer functional and not worth saving for a surplus sale. Ms. Henson noted these appliances are becoming a storage issue, especially for Police (Jail appliances). Discussion continued that the Public Works Department participates in a recycling program where the City receives monies for the recycling of these appliances.

Motion by Ms. Landry to recommend to Council to adopt a resolution declaring certain personal property (appliances) surplus and authorizing the Mayor to dispose of such property. Seconded by Mr. Yelding.

IV. CURRENT BUSINESS

A. Special Care Facilities Financing Authority

Kim Briley discussed the Special Care Facilities Financing Authority members are appointed by the City of Daphne and that periodically, the Authority issues debt. Discussion continued the IRS allows a \$10,000,000 limit annually that the City and its subordinate entities (the Utilities Board and the Special Care Facilities Financing Authority) can issue and be bank qualified without going against the City's legal debt limit, while attaining a lower interest rate. Ms. Briley discussed the Utilities Board is going to use approximately \$3,000,000 before December 31, 2005 and since the City has not issued any debt, the Financing Authority is requesting the Council allow them to issue the remaining debt bank qualified. Ms. Briley noted if the Council is agreeable to this, the City would have to hold a public hearing and adopt a resolution. Discussion continued the Authority would like to move forward with this prior to year end and would like to see it on the December 5 Council agenda. Mr. Yelding requested this matter be placed on the upcoming Council work session agenda for discussion with the other Council members. Ms. Briley noted she would have Mr. John Burton or a representative of the Financing Authority present at the work session to answer any questions.

B. EPA Special Appropriations Grant – Watershed Management Program

Ms. Briley discussed she attended a meeting today with the City of Foley and City of Fairhope regarding the Watershed Management Program, noting there are questions regarding the in-kind match as far as what can be counted as match and what cannot. Ms. Briley discussed the City's share of the match is \$165,572 and that an ordinance has already been adopted appropriating \$15,000 cash with the balance committed to in-kind services. Ms. Briley expressed concern over the in-kind amount being so high, noting that, with this being an 18-month grant; it would require three (3) employees to work approximately 86 hours a month on the project, in addition to their regular duties. Ms. Briley discussed in order to eliminate risk of losing the grant, it has been suggested that the City of Daphne appropriate the City's portion in the amount of \$165,572; therefore, if the City did not have all of the in-kind, it could be made up with a cash contribution. Ms. Landry asked what the \$165,000 would actually give the City. Ms. Briley noted that has also been a question and that a representative would be at the work session on Thursday night to answer those types of questions. Mr. Eslava noted it is targeting the entire watershed of Baldwin County, particularly the three Cities and what kind of problems each is having. Discussion continued the program will only identify the problems, it will not remediate them. Discussion continued once they are identified, then the City can apply for other grants to fix them.

C. Telecommunications Consulting Associates: Cable Television Audit and Franchise Agreement Review

Ms. Briley discussed the City Attorney, Jay Ross has been reviewing the City's Cable Television Franchise Agreement and spoke with The Howell Group and it is their opinion that Mediacom should be paying the City more than they are paying in franchise fees. Discussion continued this would be a contract with The Howell Group authorizing them to conduct an audit of Mediacom. Discussion continued the contract fee would be \$3,000 plus 10% of the collections. Ms. Briley noted the FY05 revenue from Mediacom was \$52,083 and it has continued to drop every year. Ms. Landry noted everyone continues to switch to satellite. The Mayor's Assistant, Shannon Spivey discussed she contacted several of the companies The Howell Group has worked

for and everyone seemed very satisfied with the work The Howell Group performed. Discussion continued that while The Howell Group has not always brought in more money for every customer, the company helped the organizations to rewrite their franchise agreements. Mr. Scott noted this should be discussed at the next Council work session before making any decisions.

V. FINANCIAL REPORTS

A. Treasurers Report: October 31, 2005

Ms. Briley discussed total cash of \$10,456,446.83 is approximately \$20,000.00 down from last month and that this report is the first month of the fiscal year.

Motion by Mr. Yelding to recommend to Council to accept the Treasurer's Report as of October 31, 2005 in the amount of \$10,456,446.83. Seconded by Ms. Landry.

B. Sales Tax Collection Graphs – September 30, 2005

Ms. Briley discussed total collections for September 2005 were \$997,483.38. Discussion continued collections were \$167,222.58 above collections for September 2004; and \$117,406.92 above amended budget for the month. Discussion continued collections are 20.14% over the same month last year.

For the Fiscal Year, total collections were \$10,707,267.93. Discussion continued collections were \$1,417,343.15 above collections for FY2004; and \$519,237.22 above amended budget for the year. Discussion continued collections were 15.26% over FY2004.

C. Monthly Lodging Tax Collections – September 30, 2005

Ms. Briley discussed lodging tax collections for September 30, 2005 were \$60,635.33 compared to \$36,847.13 for September 30, 2004; and total collections for FY05 were \$547,535.15 compared to \$269,317.22 for FY04. Discussion continued regarding an increase in September due to Hurricane Katrina. Mr. Yelding noted some of these funds should be put back in case next year's collections are lower.

D. New Business Licenses

The Business License report for October 2005 was contained in the Finance Packet and showed 20 new businesses opened in the City, 17 new businesses not in the City, and 26 contractors. The report also showed 1 business closed.

E. Bills Paid – October 31, 2005

The bills paid report as of October 31, 2005 was contained in Packet #2. Mr. Scott asked why we pay the Belforest Water System. Ms. Briley noted it is for the water at the Planning Department.

VII. ADJOURN

The meeting was adjourned at 4:58 pm.

CITY OF DAPHNE
FY2006 BUDGET WORK SESSION MINUTES
November 14, 2005
5:15 P.M.

In attendance were Chairman Ron Scott; Councilwoman Regina Landry; Councilman Bailey Yelding; Council President Greg Burnam; Mayor Fred Small; Finance Director Kim Briley; Senior Accountant Suz anne Henson; Accountant Belinda Job; Public Works Director Ken Eslava; and Police Department Captain David Wilson.

Councilwoman Cathy Barnett arrived at 5:59 P.M. Councilman John Lake arrived at 6:14 P.M.

The purpose of the FY2006 Budget Work Session was to review the budget as presented by Ms. Briley and Mayor Small, and ask any questions regarding any of the items listed, in order to be prepared to vote for passing the FY2006 budget.

Ms. Briley noted the line items presented in the budget reflect the same level of service with no significant increases over last year. A synopsis of the FY2006 Budget was discussed as follows:

- **General Fund:** Projected estimated revenues will allow for \$2.2 million available for appropriation for new personnel and capital.
- **General Fund Revenues:** Estimated revenues reflect an increase of \$400,000 over FY2005 budget estimates, largely in the area of Sales & Use Taxes.
- **Personnel:** Personnel costs reflect an increase of \$835,770 over the 2005 budget with existing personnel. Ms. Briley noted this increase reflects the new pay plan, step increases, retirement, FICA, and insurance benefits. Ms. Briley noted the personnel budget for 2005 was \$9,614,000 while the 2006 budget is \$10,450,000. Ms. Briley noted the increase reflects several new employees recently hired (through FY05 Budget Amendments), a full year of implementing the new Pay Plan (Phase I & II), annual step increases and the Fringe Benefits associated.
- **Debt:** The budget as presented is not assuming any new debt. Ms. Briley noted that \$1.2 million will be paid off in FY2006. Items previously discussed as possibly financing in FY2006 include:
 - \$4,000,000 City Hall Renovations
 - \$2,400,000 US 90 Sewer
 - \$1,708,500 Tallent Property Recreation Improvements
 - \$2,000,000 IDB Land Purchase
 - \$1,000,000 Resurfacing.
- **Lodging Tax Fund:** Ms. Briley noted if the current rate is unchanged, we will have \$99,682 in un-appropriated lodging tax funds.
- **New Requests:** Ms. Briley noted the following are not in the base budget presented but are items the departments have requested:
 - Community Contributions
 - Fire Station #5 - \$1,702,918 - Mr. Scott asked where #5 is located. Mayor Small noted it would be located out on County Road 13 pending annexation of property.
 - Request to hire part-time employees instead of using Temporary Services – Ms. Briley noted this would be a minor cost differential.
 - Personnel requests - \$1,091,759 – Ms. Briley noted this includes new fire fighters.
 - Operating and Capital additions associated with the new Personnel \$396,572
 - Departmental Operating & Capital Requests - \$1,588,981.
- **Personnel Issues:** Ms. Briley noted most of the following personnel issues were discussed at the Finance Committee meeting held earlier:
 - Cost to implement Phase III of the Classification & Pay Plan: \$80,600
 - Retiree Cost of Living Increase \$6,433

- Cost of Living Adjustment: 5%: \$480,000
- Detective Pay Issues \$8,505 – This request is was recommended for approval by Finance Committee (November 14, 2005 Meeting).

Ms. Briley discussed the General Fund Budget Summary which reflects the \$2,252,923 available for appropriation. Ms. Briley explained this total is arrived at by taking the estimated revenues, less what will be needed for personnel, operating costs, and debt service. Discussion continued this does not include any new requests, and once the base budget is approved, the new requests could be addressed as amendments.

Mayor Small noted he and Ms. Briley have reviewed all of the departments and made changes they felt should be made with the exception of the Civic Center. Mayor Small noted he felt the Council may want to evaluate the benefit verses the cost of each event the Civic Center holds. Mr. Yelding noted he read in the Buildings and Property Committee minutes that approval was given for the Citizens Appreciation Gala. Ms. Landry noted the Zydeco Festival was a great event, but could have used more advertising as many people did not know about it. Discussion continued the Taste of the Eastern Shore is well received in the Community and should continue. Mr. Burnam noted he has heard comments it needs to be scaled back and not be so elaborate. Discussion continued the City has committed to funding \$8,000 towards the event expenses each year which would allow for more money to go directly to the school. Mr. Yelding noted one reason the proceeds are down is because when the event first began, the Civic Center was able to secure business sponsorships for the event. Discussion continued when the City passed the new business licenses fee, the business community stopped supporting the event. Discussion continued the school should start seeking business sponsorships. Mr. Scott noted if the Mayor has made his recommendation on all the other departments, then he would like the Mayor to make his recommendation on the Civic Center as well.

David Cohen discussed the Industrial Development Board land purchase, noting the IDB has signed an agreement with Sonny Nichols to buy 5.3 acres of land that amounts to approximately \$180,000. Discussion continued the money can be borrowed from Alliance and payments would probably have to be made over the time period, unless the land with spec building is sold. Discussion continued if Council raises the lodging tax rate, the IDB would like to see either a lump sum contribution or an increase in the allowance the City pays the IDB every month. This will allow the IDB to make the payments on the spec building and land. Mr. Cohen noted the Electric Cooperative would borrow the money to construct the building, which can be an interest free loan for 4 years. At the end of 4 years, payments will have to be made unless the property is sold.

Mayor Small discussed putting some funds into capital reserve for “pay as you go” road projects. Mr. Eslava noted a 5-year plan for road resurfacing is currently being developed. Mayor Small also discussed sidewalk funds of \$100,000-\$120,000 should be put back into the budget. Mayor Small noted once these items are taken from the available funds, then the remainder of the capital requests can be prioritized. Mayor Small discussed all requests will be reviewed with Department Heads and prioritized as far as what is most needed for the City.

Ms. Landry discussed Fire Station #5. Discussion continued the annexation is taking a little longer than expected so this item may not be in this year. Mr. Scott inquired about manning Fire Station #4. Mayor Small noted the City did not get the grant for this purpose so the City will have to fund it. Mayor Small discussed a small vehicle for EMT calls would also be needed, noting 70% of the calls are EMT calls.

Ms. Landry asked what the general consensus is on the cost of living adjustment. Mr. Scott noted that Phase 3 of the pay plan should be implemented first, and then the cost of living raise for the retirees should be approved. Mr. Scott noted he feels the 5% cost of living adjustment for the employees is too high, that the City cannot afford that much. Mayor Small reiterated that the base budget should be passed first, and then other requests can be discussed.

Mr. Scott asked if the Mayor would be in a position to present the total new budget at the next Council meeting for a vote. Mayor Small noted the base budget is ready to pass, that the capital is what needs more review. Discussion continued the Recycling Building will have to be added to the Capital improvements list.

Mr. Burnam noted the agenda for Thursday night’s work session is fairly short and asked if discussion needed to continue on some of the budget items at that time. The committee concurred. Discussion continued to have the base budget placed on the next Council agenda.

Work Session Adjourned at 6:17

CITY OF DAPHNE

**BID OPENING MINUTES
BID DOCUMENT NO: 2006-A-SAFETY SHOES/BOOTS
OCTOBER 10, 2005
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Ms. JoAnn Manning	Accounting Technician

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

Ms. Manning opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>		<u>TOTAL UNIT COST</u>
Gulf Supply Company, Inc.	8" Boot	\$ 96.50
	6" Boot	\$ 88.25
	Shoe	\$ 79.25



Suzanne Henson, Sr. Accountant

PREVIOUS PARTICIPANTS PLEASE REMEMBER TO BRING YOUR NOTEBOOKS!

Certification Training and Maintenance Training Institutes

FOR MUNICIPAL COURT CLERKS AND MAGISTRATES
Fall 2005 - The University of Alabama
October 12-14 or December 7-9

PLEASE REGISTER ME FOR THE INSTITUTE INDICATED BELOW:

Certification ... October 12-14 Tuscaloosa..... (Program #04-098-06:Cert) Fee: \$165.00
 Maintenance .. October 12-14 Tuscaloosa..... (Program #04-098-06:Main) Fee: \$105.00

Certification ... December 7-9 Tuscaloosa..... (Program # 04-099-06:Cert) Fee: \$165.00
 Maintenance .. December 7-9 Tuscaloosa..... (Program # 04-099-06:Main) ... Fee: \$105.00

NAME: Miss Mrs. Mr. HA LE RIGGIO (FiFi)
PREFERENCE ON NAME TAG FIFI
POSITION: MAGISTRATE AGENCY DAPHNE MUNICIPAL COURT
ADDRESS: 1502 HWY 98 CITY DAPHNE STATE AL ZIP 36526
DAYTIME PHONE (251) 621-2824
EMAIL ADDRESS: _____

MAKE ALL CHECKS PAYABLE TO THE UNIVERSITY OF ALABAMA

Mail form and fee to:
Registration Services
College of Continuing Studies
The University of Alabama
Box 870388
Tuscaloosa, AL 35487-0388

Phone in Registration to:
(205) 348-3000

Fax Registration form to:
(205) 348-6614

NOTE: Phone or FAX registrations must have purchase order number or MasterCard, VISA, or Discover Card Number

JOHN G. BURTON ENDOWMENT FUND SCHOLARSHIPS John G. Burton Endowment Fund Scholarships are being offered to Certification Institute applicants. Applicants must be municipal court clerks or magistrates.

Criteria include, but are not limited to, financial need and if the applicant will be a first-time participant. Participants already enrolled in the program are eligible if they demonstrate strong financial need. Scholarships in the amount of \$300.00 each are available. Scholarship monies must be used for the Institute registration fee and associated travel costs.

To receive a scholarship application form or additional information regarding the Institute, call Tommy Pow at (205) 348-9066 or Stephanie Sharp (205) 348-9937 (ssharp@ccs.ua.edu). You may write him at The University of Alabama, College of Continuing Studies, Box 870388, Tuscaloosa, AL 35487-0388.

Signature L. Landry
Date _____

PREPAID TRAVEL REQUEST FORM	
EMPLOYEE NAME/TITLE	REGINA LANDRY
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	DECEMBER 6-10, 2005
SCHOOL/ORGANIZATION	NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES AND EXPOSITION
LOCATION FOR TRAINING: CITY/STATE	CHARLOTTE, NORTH CAROLINA
REGISTRATION FEE	\$175.00
LODGING	
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$175.00

A complete Expenses Report with itemized receipts must be submitted upon return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature _____

Regina Landry

David Lee

Department Head Approval

3988
Vendor #

120200 / 52211 / 16
Dept Org # Object # Proj #

***PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL -PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

Approved For Agenda
L. F. Hall
 Signature

 Date

PREPAID TRAVEL REQUEST FORM	
EMPLOYEE NAME/TITLE	BAILEY YELDING, JR.
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	DECEMBER 6-10, 2005
SCHOOL/ORGANIZATION	NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES AND EXPOSITION
LOCATION FOR TRAINING: CITY/STATE	CHARLOTTE, NORTH CAROLINA
REGISTRATION FEE	\$175.00
LODGING	
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$175.00

A complete Expenses Report with itemized receipts must be submitted upon return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature *Bailey Yelding Jr.*

David L. Coen 8059 120200 / 52211 / 11
 Department Head Approval Vendor # Dept Org # Object # Proj #

***PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL -PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	JOHN LAKE
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	DECEMBER 6-10, 2005
SCHOOL/ORGANIZATION	NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES AND EXPOSITION
LOCATION FOR TRAINING: CITY/STATE	CHARLOTTE, NORTH CAROLINA
REGISTRATION FEE	\$175.00
LODGING	
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$175.00

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Employee Signature

Per / John Lake / Rebecca G. Hayes

David L. Chen
Department Head Approval

2005

Vendor #

120200

/ 52211

/ 13

Dept Org # Object # Proj #

***PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL -PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

11/16/05

Thank you for your consideration in helping fund the Daphne High School Swim Team. The team is a part of the Daphne High School athletic program and the Alabama High School Athletic Association.

Thank you,

A handwritten signature in black ink, appearing to read "Barry K. Pennington". The signature is written in a cursive style with a large initial "B".A handwritten signature in black ink, appearing to read "Barry K. Pennington". The signature is written in a cursive style with a large initial "B".



BARRY K. PENNINGTON
PRINCIPAL

DAPHNE HIGH SCHOOL

2300 LAWSON ROAD
DAPHNE, ALABAMA 36526

TELEPHONE
(251) 626-8787
(251) 621-0109
FAX (251) 626-3024

10/14/05

Dear Daphne City Council Members,

This year and possibly in the future the Daphne High School swim team is in need of your help. Our team does not have a swim facility that we can consider our home site. In the past DHS has used the Bounds YMCA, but because of a growing swim team and YMCA memberships they are currently unable to adequately serve our needs and their members. The past two years our kids have been attending the Baldwin Mobile Aquatic Club (BMAC) on Hwy 64. This is a great facility but unfortunately it costs each swimmer forty dollars a month. Our season lasts from the middle of August until the middle of December, which along with other expenses associated with any athletic team, can add up to a considerable cost to each swimmer. This year the swimmers and parents have raised approximately two thousand dollars by bagging groceries, selling t-shirt sponsors and selling Avon products. We currently have twenty three swimmers on our team and as you can see this has grown to be a considerable expense. This extra burden is exclusively a Daphne High School problem. Other swim teams such as BCHS, Foley, GSHS and Fairhope do not share this issue. We the DHS swimmers, parents and coaches are asking your help in the form of a donation of 2,500 dollars to help off the cost of not having a city facility to practice and compete. Thank you in advance for all you do for Daphne Athletics and your consideration of our request.

Thank you,

Coach Tony Rogers

Approved For Finance Comm. Agenda

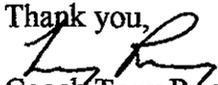
Signature

Date

10/14/05

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Thank you,

Coach Tony Rogers

The Daphne Jubilee Court Scholarship Program

***407 Circle Drive
Fairhope, AL 36532
928-4742***

Board of Directors

***Terri McKeever
Martha Lathan
Katie Puckett
Mary McIlwain***

Approved For Finance Comm. Agenda

Signature
10/31/05

Date

October 31, 2005

City of Daphne, Finance Committee

Dear Finance Committee,

The Daphne Jubilee Court Scholarship Program Board of Directors, respectfully request that the City of Daphne Finance Committee consider providing scholarship funds in the amount of \$4,000.00 to be divided among the four girls of the current 2005-2006 Daphne Jubilee Court. These funds will provide each girl \$1,000.00 to the college of their choice upon graduation from high school. Two of the current court members will graduate in 2007 and the other two girls will be graduating in 2008. We would also like to request that a \$1,000.00 be set aside this year as a start up fee for the program that is tentatively scheduled to be held in April 2006.

Traditionally this program has selected five girls to represent the Jubilee City which would mean that instead of \$4,000.00 being in the budget for next year (2006-2007) an additional \$1,000.00 would be needed to provide for five girls instead of this year's four. We do not foresee asking for any start up funds as it is the hope of the current Board that proceeds from the 2006-2007 program will be conservatively budgeted and spent.

The current court members continue to represent the City of Daphne at local events. These young ladies have held their heads high during the last few months amidst much adversity from the local media as well as some of their peers. These young ladies as well as this Board of Directors appreciate your consideration regarding the funding of this worthwhile program.

Respectfully,



Terri McKeever
Chairperson, The Daphne Jubilee Court Scholarship Program

MEMORANDUM

CITY of DAPHNE....DIVISION of PUBLIC WORKS

**To: Mayor Fred Small
Kim Briley, Finance Director**

From: Ken Eslava, Public Works Director



Date: November 9, 2005

Re: Urban Forestry Grant Application

Please consider this my formal request for our Department to file an application for a grant with the Urban Forestry Association in the amount of \$40,000.00.

The purpose of the grant funds is to remediate trees in our municipal limits which were damaged by the past several hurricanes. The scope of our work will be to engage the services of a contract arbor crew to actually perform the work, with several people from our Grounds Department determining which trees need the work as well as monitoring the work of the contractor.

The financial scope of work will result as follows:

Grant Funds from U.F.A.....	\$40,000.00 (75%)
Req'd. Matching funds / City of Daphne....	\$13,334.00 (25%)
<hr/>	
Total cost of project.....	\$53,334.00 (100%)

It should be noted at this point that our 25% of the project cost will achieved by a combination of in-kind services and cash from the City. I estimate that the breakdown of our \$13,334.00 will be achieved as follows:

In-kind services.....	\$5,091.20
Cash from City.....	\$8,242.80

The application is complete, and we anxiously await your approval.

INTEROFFICE MEMO

DATE: 11/9/2005
TO: KEN ESLAVA, PUBLIC WORKS DIRECTOR
CC: KIM BRILEY, FINANCE DIRECTOR
FROM: MARSHALL PARSONS, HORTICULTURIST
RE: U&CF GRANT

I have prepared a grant proposal for the Urban & Community Forestry "Hurricane Ivan" Financial Assistance Program. This grant will secure funding for tree remediation damage caused by Hurricane Ivan. The grant is a 75-25 with the city being 25%, \$40,000.00 dollars will be federal funded and \$13,334.00 will be City funded. I see the City funding being both in-kind and cash not to exceed a total of \$13,334.00. Please note that the state calculates total grant funds divided by three to get the in-kind match amount.

MMP

11/9/2005

**CITY OF DAPHNE, ALABAMA
URBAN & COMMUNITY FORESTRY
“HURRICAN IVAN”
FINANCIAL ASSISTANCE PROGRAM
(HIA-4) URBAN TREE REMEDIATION**

**26435 Public Works Road
Daphne, Alabama 36526**

**Ken Eslava, Director
Marshall Parsons, Horticulturist
Office Phone: (251) 621-3182
Office Fax: (251) 621- 3189**

Summary Statement

The City of Daphne is seeking federal funding to assist with remediation of hazard trees which are in the right-of-way caused by Hurricane Ivan. There are approximately 160 miles of public rights-of-way within the city limits of Daphne. FEMA guidelines require the removal of leaning hazard trees and hanging limbs above 2" diameter. The problem is the hazard created by the damaged trees, including hanging limbs, which do not fall under the FEMA guidelines. These hangers are targeting vehicles and pedestrian traffic throughout the city (See Map Exhibit A), and are serious threats to public safety.

The City of Daphne will perform the administration of the grant to include bidding out the proposed work to qualified contractors. Qualified contractors shall have at a minimum an International Society of Arboriculture (ISA) Arborist on staff. Preference will be given to the contractor with the most (ISA) qualified work force.

The City of Daphne estimates approximately four weeks of tree remediation work to be completed with this grant. The Contractor will not exceed the funding of this grant. Budget estimates that are based at \$10,000.00 per work week.

Problem Statement

On September 16, 2004 the Eye of Hurricane Ivan passed over a portion of the City of Daphne. Ivan did a significant amount of damage to the City's Urban Forest. During the months that followed, nearly 150,000 cubic yards of debris were removed from the public rights-of-way. The one arboriculture crew, which is a full time City employees, have not been able the restore the Urban Forest to a safe and functioning condition. These problems are widespread throughout the City of Daphne.

Project Proposal Objectives

This project would mitigate identified tree hazards caused by Hurricane Ivan which threat the safety within the City. Specifically the following Hurricane Ivan related issues would be addressed in the identified priority areas:

- Hanging limbs would be removed;
- Tree defects that could lead to failure will be identified through Tree Evaluation (See Exhibit B);
- Other safety issues such as poor tree balance and broken limbs would be mitigated.

Project Scope

The hazardous tree remediation program would involve the engagement of experienced and qualified tree care professionals taking corrective actions to mitigate hazard trees and improve the aesthetics of damaged trees. This will restore the City of Daphne rights-of-ways to a safe and nuisance-free zones. The impacted areas will be assessed on a street by street evaluation of the trees. The work performed will be augmented by the 1995 Street Tree Inventory and documented with an evaluation of significantly damaged trees. The City of Daphne personnel will guide the contracted tree crews through the streets and provide traffic control for the crews. This process will serve to mitigate hazard trees and update the Street Tree Inventory.

Budget:

Contracted Arbor Culture Crew:	\$40,000.00
City of Daphne Matching Funds	<u>\$13,334.00</u>
Total Project Cost	\$53,334.00

The City of Daphne will match 25% of total project cost. Matching funds will be a combination of cash and in-kind contribution not to exceed a total match of \$13,334.00 dollars.

Estimated In-kind Match:

Contractor Escort: 1 Employee 18.47 Per Hour
1 Truck 13.35 Per hour

1	Employee	\$18.47 Per Hour	\$ 738.80 Per Week	\$ 2,955.20 Month
1	Vehicle	\$13.35 Per Hour	\$ 534.00 Per Week	\$ 2,136.00 Month
	Totals	\$31.82 Per Hour	\$ 1,272.80 Per Week	\$ 5,091.20 Month

Estimated Cash: \$ 8,334.00

APPROVED INVOICE

7-29-05

APPROVED INVOICE	
OBJECT#	PROJECT#
DATE	DEPT HEAD APPROVAL

To: Captain Scott Taylor
From: Lieutenant Bell *[Signature]*
RE: Detective Pay Issues

A resent issue involving detective pay has been brought to my attention. A previous adjustment was implemented for detectives due to a reclassification of the detective position. The detective position is now recognized as a promotion. A promotion will entitle those who apply and are selected to a pay increase of ten percent. This increase in pay was justified through the increase of responsibilities and the higher performance standards set for detectives.

During the reclassification of the detective position, the current detectives were given a significantly less pay incentive. As it currently stands, a patrolman who is now promoted to a detective will receive a higher salary than the current detectives. As the detective supervisor, it is difficult for me to justify to the current detectives why a new detective will receive higher pay, though they have more experience, training and responsibilities than a new detective would. These detectives are polished, senior officers who are our best. A lot is expected of them and during a serious criminal event, such as a homicide the entire community looks to them for closure. Understandably so, this pay issue has lessened morale in the detective division. This department has reclassified other positions within the department on several occasions. A ten percent increase in pay accompanied the previous reclassifications.

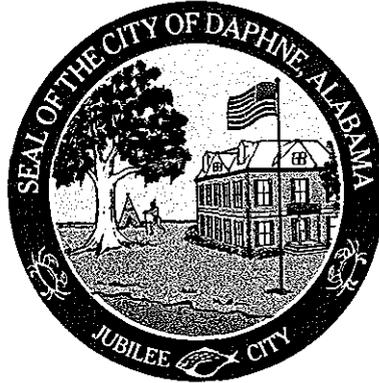
I propose that the veteran detectives be included in the pay increase of ten percent. This proposal will correct the pay issue and all detectives will be compensated equally. The following page will compare salaries of new detectives and veteran detectives. As well, it will compare longevity of new detectives and detectives with years of experience. I believe the comparison will justify the need for immediate corrective action and outline the total cost of the proposal. I ask that this issue be given the utmost consideration.

Employee Name	Job Title	Yrs Service	Pay Rate	Pay Adjust ment	Type of Increase	Percent- tage	Current Pay	
Brian Gulsby	Det Corporal (grade 15)	8	\$16.95	\$0.23	Classif/Pay Study to step	1.30%	\$17.57	Includes Annual for year
Scott Bidwell	Detective (grade 14)	10	\$15.52	\$0.33	Classif/Pay Study to step	2.10%	\$15.85	Includes Annual for year
Jim Rivers	Detective (grade 14)	7	\$15.29	\$1.68	Promotion 4 steps	10%+	\$16.97	
Jason Vannoy	Detective (grade 14)	4	\$14.21	\$1.64	Promotion 4 steps	10%+	\$15.85	
Note: Classification/Pay study moved Detective positions up one pay grade from officer levels								
Detective Corporal went from pay grade 14 to pay grade 15								
Detectives went from pay grade 13 to pay grade 14								
In the past, officer and detective positions were at the same pay grade, no promotion involved, simply a transfer								
Promotions: The Personnel Handbook states employees promoted are paid at entry of new pay grade or at least 4 steps above old pay rate of pay								

PROPOSED CORRECTIONS

Employee Name	Job Title	Yrs Service	Pay Rate	Pay Adjust-ment	Percent age	Pay Rate	
Brian Gulsby	Det Corporal (grade 15)	8	\$16.95	\$1.77	10%	\$18.72	Grade 15, Step 15
Scott Bidwell	Detective (grade 14)	10	\$15.52	\$1.82	10%	\$17.34	Grade 14, Step 13
Jim Rivers	Detective (grade 14)	7	\$15.29	\$1.68	10%	\$16.97	Grade 14, Step 12
Jason Vannoy	Detective (grade 14)	4	\$14.21	\$1.64	10%	\$15.85	Grade 14, Step 9

FRED SMALL
MAYOR
DAVID L. COHEN, MMC
CITY CLERK
KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER
DAVID B. CARPENTER II
CHIEF OF POLICE
A. MUND HANSON
FIRE CHIEF



COUNCIL MEMBERS

BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
GREG W. BURNAM
DISTRICT 4
RON SCOTT
DISTRICT 5
REGINA LANDRY
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

Memo

TO: Finance Committee
FROM: Mayor Small
SUBJECT: Appraisal
DATE: October 25, 2005

I request that we acquire an appraisal for the City's property on Johnson Road.

I also sent
to Bldgs & Prop
Committee per
mayors request

COURTNEY & MORRIS APPRAISALS, INC.
1290 Main Street • Suite B
Daphne, Alabama 36526
Phone (251) 626-8882
Fax (251) 626-8896

MEMBER OF:
ALABAMA REAL ESTATE APPRAISERS BOARD
APPRAISAL INSTITUTE (FORMERLY AMERICAN INSTITUTE OF
REAL ESTATE APPRAISERS AND SOCIETY OF REAL ESTATE APPRAISERS)

EDWARD N. MORRIS, JR.*
JEX R. LUCE, JR., M.A.I., S.R.P.A.†
FRANK E. COURTNEY
JOHN C. JOHNSON
JOE M. COURTNEY, JR., Baldwin County
S.K. SMITH, III, Baldwin County
*ALSO CERTIFIED IN MISSISSIPPI
†ALSO CERTIFIED IN FLORIDA
JOSEPH M. COURTNEY, SR., M.A.I., S.R.P.A.
(1924-1897)

November 7, 2005

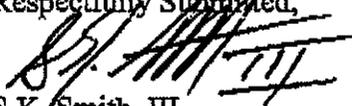
Mayor Fred Small
City Of Daphne
P.O. Box 2550
Daphne, AL 36526

RE: Parcel Nos. 44.001 and 52 on the attached tax plat.

Dear Mayor Small:

Please be advised that Courtney & Morris Appraisals will complete a limited scope appraisal on the above referenced two parcels for the sum of \$1250. It is my understanding that the purpose of the appraisal will be to estimate a value For Sale purposes.

Respectfully Submitted,


S.K. Smith, III

MAYNARD COOPER
& GALE PC
 ATTORNEYS AT LAW

John H. Burton, Jr.
 DIRECT 205.254.1024
 EMAIL jburton@maynardcooper.com

November 10, 2005

BY FACSIMILE

Kim Briley
 Finance Director
 City of Daphne
 P.O. Box 400
 Daphne, Alabama 36526

Re: Presbyterian Retirement Corporation, Inc. (d/b/a Westminster Village)

Dear Kim:

Thank you for discussing the request by Presbyterian Retirement Corporation, Inc. ("PRC") with me last week. As you recall, PRC operates Westminster Village retirement center in Spanish Fort. From time to time, tax-exempt bonds have been issued to finance facilities at Westminster Village. The issuer of the bonds is The Special Care Facilities Financing Authority of the City of Daphne (the "Authority").

I am acting as bond counsel to AmSouth Bank in connection with a new financing for renovating facilities at Westminster Village. In connection with the financing, the Authority will need the following approvals from the City:

1. A TEFRA hearing and approval by the City. We would like to schedule this hearing and approval for the December 5 City Council meeting. We will have to send in our Notice of Publication to the newspaper next week for this hearing. The hearing offers anyone for and against the project the opportunity to speak. Bonds issued by the Authority for Westminster Village are not obligations of the City or debt of the City; the tax code merely gives the City the right to approve of the project before tax-exempt financing may be utilized.
2. As I mentioned to you, it would benefit PRC through lower interest rates if PRC is able to issue bonds on a "bank-qualified" basis. In a nutshell, the City and its subordinate entities has the ability to issue up to \$10,000,000 of bank-qualified bonds in a calendar year. The Authority does not get its own \$10,000,000 for bank-qualified bonds; instead, any amount of bonds it issues is aggregated together with the City's tax-exempt bonds and any tax-exempt bonds of entities subordinate to the City such as the Utility Board. I understand that the Utility Board is contemplating an issue of \$3-4,000,000 this calendar year that will use some of the bank-qualified amount. I also understand that the City has not issued any tax-exempt debt in calendar 2005, and that it does not intend to do so prior to the end of the year. Accordingly, the Authority would like to request that the City allocate \$6,000,000 of its bank-qualified amount to the Authority for the Authority's use. We understand that the City does not want to commit to an allocation of 2006 bank-qualified capacity, so the Authority expects to issue the remainder of

Kim Briley
November 10, 2005
Page 2

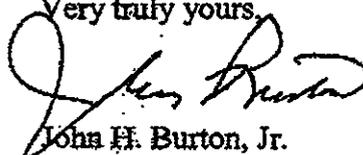
its bonds for the Westminster Village project (approximately \$5,500,000) as tax-exempt, non-bank-qualified bonds in 2006.

Enclosed is a proposed resolution for the City Council to consider at the December 5 meeting granting TEFRA approval and authorizing the Authority to use \$6,000,000 of the "bank-qualified" amount available to the City for 2005.

The Authority members may also need reappointment by the City Council. I am conferring with Robert Edington, counsel for PRC, on this matter.

Again, thank you for considering this request. Please feel free to contact me if you have any questions.

Very truly yours,



John H. Burton, Jr.

JHBjr/klw
Enclosure

cc: Robert Edington, Esq. (w/encl.)

MAYNARD COOPER
& GALE PC
ATTORNEYS AT LAW

**Resolution for
Approval of Bonds pursuant to
Section 147(f) of the Internal Revenue
Code of 1986, as amended
and
Allocation of Bank Qualified Amount**

WHEREAS, The Special Care Facilities Financing Authority of the City of Daphne, a public corporation organized under the laws of the State of Alabama (the "Authority"), proposes to issue its revenue bonds in an amount not to exceed \$12,000,000 (the "Bonds") to provide financing for the benefit of the Presbyterian Retirement Corporation, Inc., an Alabama nonprofit corporation (the "Corporation");

WHEREAS, the Authority proposes to use the proceeds of the Bonds to finance the acquisition, renovation, construction and equipping of certain improvements at retirement center facilities known as "Westminster Village" located on a 54-acre site at 500 Spanish Fort Boulevard, Spanish Fort, Alabama; the facilities to be financed with the proceeds of the Bonds are herein referred to as the "Improvements"; the Improvements will be located wholly within the City of Spanish Fort, Alabama;

WHEREAS, the Authority proposes to lend the proceeds of the Bonds to the Corporation, which will be the initial manager or operator of the Improvements;

WHEREAS, the Bonds will be limited obligations of the Authority and will be payable solely from payments made by the Corporation and any other revenues or receipts derived by the Authority from the Improvements; the agreement between the Authority and the Corporation will provide for loan payments by the Corporation currently sufficient to pay debt service on the Bonds when due; the Bonds will be secured under an agreement whereby the Authority will pledge the loan payments for the benefit of the holders of the Bonds and by a mortgage on the facilities; the Bonds will not be general obligations of the Authority and will not in any way constitute a debt, liability or obligation of the State of Alabama, the City of Spanish Fort, the City of Daphne, or any other political subdivision of the State; the Bonds will not be payable from any tax revenues; and

WHEREAS, a public hearing concerning the proposed issuance of the Bonds was held in City Council's chambers in the City of Daphne, Alabama at 6:30 p.m. on December 5, 2005; notice of such hearing was given by publication in *The Mobile Register* on November 21, 2005, and such hearing provided an opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the Improvements to express their views, both orally and in writing;

WHEREAS, the City of Daphne has not issued any tax-exempt bonds, warrants, or other obligations in calendar year 2005, and neither the City nor its subordinate entities reasonably anticipates issuing any tax-exempt bonds, warrants, or other obligations during calendar year

2005, except that the Daphne Utility Board anticipates issuing approximately \$3,000,000 but not more than \$4,000,000 in tax-exempt obligations in calendar year 2005.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby consents to and approves the issuance of the Bonds for the purposes set forth herein; and

BE IT FURTHER RESOLVED, that the City Council hereby allocates to the Authority up to \$6,000,000 of the City of Daphne's amount for calendar 2005 of "qualified tax-exempt obligations" pursuant to the requirements of Section 265(b)(3) of the Code for bank qualification; and

BE IT FURTHER RESOLVED, that this consent and approval is being given pursuant to (i) the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and (ii) the provisions of Section 265(b)(3) of the Code, and this consent to and approval of the issuance of the Bonds should not be construed as expressing any view whatsoever as to the financial feasibility of the Improvements or the adequacy of any security provided for the Bonds. This certificate shall never be taken to impose any liability of any kind whatsoever upon the City Council or the City of Daphne, Alabama.

The Howell Group, LLC dba



TELECOMMUNICATIONS CONSULTING ASSOCIATES

101 Flat Rock Gap Road

Waynesville, NC 28785

munihelp@bellsouth.net www.munihelp.com

828-627-8415(O) 828-627-8505(F)

October 26, 2005

Jay Ross, City Attorney
City of Daphne
PO Box 400
Daphne, AL 36526

Approved For Agenda

Signature

Date
FY05 Revenue 52,083

Dear Jay;

I enjoyed speaking with you today about conducting a cable television audit of Mediacom. While I can never promise that I will find underpayments during an audit, I am confident that we will discover some level of discrepancies in Daphne based on my past experience with Mediacom. I am including in this correspondence a detailed description of my Scope of Work, an agreement, background about me and a list of my references. Included in my Scope of Work are the following activities:

- Review the City's existing enabling ordinance if one exists and make recommendations to enhance it to be in compliance with recent FCC and legislative directives as well as typical municipal protections.
- Review all transfer and assignment documents.
- Review the existing franchise agreement with Mediacom Communications and make recommendations for changes either at a transfer interval or a renewal interval.
- Conduct a non-compliance audit relating the Mediacom's record and report requirements in the current franchise. This review will include a review of the PEG payments made by Mediacom to the City.
- Review the correspondence file between Mediacom and the City to understand any initiatives or agendas Mediacom may have undertaken.
- I will conduct a franchise fee audit for Mediacom back as far as we can based on any limiting language in either the franchise agreement or the City's code of ordinances. At the very least we will go back to January 1, 2002. I will make this determination after I have reviewed these documents. This process will commence with my drafting a letter for you to place on your letterhead to Mediacom requesting certain documents heretofore unavailable to the City. Once the fee audit is completed, the data will be presented in spreadsheet form and will detail any payment discrepancies and penalties.
- I will provide the City with a new draft franchise agreement to be used with Mediacom when it is time to renew their franchise agreement. This is a 32

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page document that can be archived electronically for the future and is included in the flat fee.

- Finally, I will draft all correspondence to Mediacom you to cut and paste to your letterhead. This correspondence will detail the findings and make demand for any restitution or submission of additional data, such as secondary address research.

After this work is complete, I will draft a Summary Report detailing all of my findings. This report generally is 7-10 pages and includes all spreadsheet documentation. The fee for providing all of the above items is a "not-to-exceed" fee of \$3000.00 or \$125 per actual hours worked, whichever is less, plus 10% of what ever funds are paid back to the City as a result of our audit. Following this initial phase of work, I will be available to the City staff in an advisory capacity or as a lead in any ongoing or subsequent work.



I look forward to hearing from you and please call if you have any questions. I have attached a list of my references and some recent Mediacom cable audits our firm conducted. Call me when you get this letter to discuss the next steps. (828-627-8415)

Sincerely,

John C. Howell

John Howell is the president of The Howell Group, LLC, d/b/a Telecommunications Consulting Associates. His firm specializes in cable television, telephony and broadband issues. He is currently working with over 200 cities and counties in the southeast, several state agencies as well as many Regional Economic Development Commissions on a host of broadband issues.

John Howell has 25 years of experience in the telecommunications industry in executive management positions. He currently consults with over 200 clients in the following capacities:

- Working with cities and counties across the southeast in an effort to create and enforce their cable television franchises.
- Serves as lead negotiator for local franchising authorities in cable television franchise renewals, right-of-way proceedings and tower leases.
- Developing and implementing strategic plans for municipal high-speed Internet networks.
- Auditing franchise fee payments and testing of cable operator's billing system to determine if customer addresses are coded to the proper franchising authority. Recent audits have revealed payment discrepancies of \$30,000-\$750,000.

Mr. Howell began his consulting firm in 2001 after a 20-year career running cable television and telephone companies in the southeast. This background is especially helpful in his current role of assisting counties with their telecommunications issues.

Mr. Howell resides in Waynesville, NC and received his BSBA from Western Carolina University in 1973.

The Howell Group, LLC dba

The Howell Group, LLC. dba
Telecommunications Consulting Associates
Service Agreement

Daphne, AL (Local Franchising Authority, LFA) hereby agrees to hire Telecommunications Consulting Associates (TCA) for the purposes set forth below in the Scope of Work and more fully described in correspondence from John Howell.

Scope of Work

TCA is authorized review the following documents for franchise compliance and accuracy. These documents will be delivered to TCA via mail or as otherwise agreed upon.

- Copies of the cable television enabling ordinance. (Previous and current)
- Copies of all existing franchise agreements. (Previous and current)
- Copies of all franchise transfer agreements or ordinances.
- Copies of proposed franchise agreements.
- Franchise fee payment history for at least the last four (4) years, including payments, back-up documentation and any other pertinent information relating to franchise fee payments.
- Any correspondence between the City and any cable operator.

Terms of Payment

TCA charges \$125 per hour in 7.5-minute increments plus pre-approved expenses. It is understood that TCA estimates that the entire review process should not take over twenty-four (24) hours initially and that TCA representatives will be required to secure approval from the LFA for additional charges. TCA will provide LFA with a detailed daily time sheet describing all activities pertinent to this project. Included in the review will be a "Findings and Summary" report, detailing recommendations for the LFA.

Not-to-Exceed Fee: The initial Scope of Work will be billed at \$3000.00 or actual hours worked, whichever is less monthly at the hourly rate above. The initial scope of work is delineated in a letter dated July 7 , 2005 which is attached hereto and incorporated by reference.

Percentage Compensation:

- a. Ten Percent (10%) of the any payments recovered by City from the franchised cable operator.
- b. In the event TCA specifies newly identified revenues in its summary report and City elects to begin collecting said newly identified revenues then City shall pay to TCA ten percent (10%) of the newly identified revenues actually received by LFA for the first twelve (12) month period upon implementation of collection of the newly identified revenue.
- c. City's obligation to pay TCA the aforementioned percentages shall continue for three (3) years after the date TCA provides its final report, but shall only be paid for one 12-month period.
- d. The total contingency fee of 10% of newly identified revenue shall be based upon the amounts of revenues recovered either as settlement, refund, credit,

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trade out, service in kind or as an award from the franchised cable operator versus the amounts that otherwise would have been paid by Cable Operator or previously paid to the City had no newly identified revenue been identified.

- e. Payment to TCA of the Percentage Compensation shall be due 20 days following City's receipt of any monies recovered either as settlement, refund, credit, trade out, service in kind or as an award from the franchised cable operator.
- f. Payment to TCA of the Percentage Compensation shall be due 20 days upon receipt of the newly identified revenue by City.

DATE

On behalf of Daphne, AL

DATE

John C. Howell, TCA Confidentiality Notice

This message is being sent by or on behalf of Telecommunications Consulting Associates and is a Consultant Work Product. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

TCA, 101 Flat Rock Gap Road, Waynesville, NC 28785 (PHONE) 828-627-8415 (FAX) 828-627-8505

References

North Carolina

Rocky Nelson, Watauga County	828-265-8000
Bobby White, Caldwell County	828-757-1300
Lee Galloway, Waynesville	828-452-2491
Wanda Greene, Buncombe County	- 919-250-4101
Charles Abernathy, McDowell County	828-652-7121
- Kathy Young, Mitchell County	828-688-2139
Rick French, Alexander County	828-632-9332
David Nicholson, Henderson County	828-697-4809
- Jack Horton, Haywood County	828-452-6625
Nancy Jackson, Scotland Neck	252-826-3152
Jane Smith Patterson, RIAA	919-250-4314
Jim Fatland, Tryon	828-859-8654
Calvin Peck, Carolina Beach	910-458-2997
Richard Canipe, Spruce Pine	828-765-3000
- Seth Lawless, Beach Mountain - Joe Perry	828-387-4236
Greg Young, Boone	828-262-4518
David Lane, Sugar Mountain	828-898-9292
Brad Lambert, Seven Devils	828-963-5343

Georgia

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Mark Mahler, Cherokee County	678-493-6009
Mike Stewart, ACCG	404-522-5022
Bradley Arnold, Whitfield	706-275-7500
Jim Bramblett, Polk	770-749-2100
Mark Bryant, Upson	706-647-7012
Alan Theriault, Oconee	706-769-5120
Chris Cofty, Fayette	770-560-3160
Sandi Turner, Athens-Clark	706-613-3795
Butch Sanders, Dalton	706-278-9500
➤ Lynn Taylor, Sumter County	229-928-4500
Kevin Poe, Floyd County	706-291.5110
Paul Byran, Jefferson County	478-625-3332
Al Crace, Jackson County	706-367-6314
Beth Horacek, Barrow County	770-307-3005
Ralph McMullen, Baldwin County	478-445-4791
Tom Couch, Bulloch County	912-764-6245

Tennessee

Carl Holder, City Manager, Paris	731-641-1455
Bob Wilson, Deputy City Manager, Bristol	423-989-5527
Janet Wright, Director, Knoxville	865-215-2524
Steve Jones, City Manager, Clinton	865-457-0424
Charles Stahl, City Manager, Elizabethton	423-542-1507
Charles Harmon, Assistant City Manager, Johnson City	423-434-6003
Joe Cate, City Manager, Cleveland	423-559-3352
Ed Craig, City Manager, Shelbyville	931-684-2691
Doug Bishop, City Manager, Sevierville	865-453-5504
Jim Thomas, Goodlettsville	615-851-2231
Carl Thrasher, Savannah	731-925-3300
➤Terry Harrison, Pulaski	931-363-2516
Charles Vlink, Milan	731-686-3301
Gary Lawson, Mount Carmel	423-357-7311

South Carolina

John Weaver, Horry County	843-915-5270
Carey Smith, Rock Hill	803-329-7071
Ernie Segars, Laurens County	864-984-5214
Ed Driggers, Greer	864-848-2150
Dennis Locke, Spartanburg	864-596-2119
Jim Campbell, Greenville	864-467-4427
Rick Cotton, Clemson	864-653-2030
Herb Thompson, Central	864-639-6381
Russell Treadway, Mauldin	864-288-4910
Chris Eldridge, Pickens	864-878-6421
Cliff Gaddy, Travelers Rest	864-834-7958
Greg Dietterick, Seneca	864-888-0880

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Charlie Barrineau, Greenwood

864-942-8411

Sam Bennett, Clinton

864-833-7505

Ben Clary, Cherokee County

864-487-2562

Jason Ward, Dorchester County

843-563-0103

D'Anne Haydel, Orangeburg County

803-534-4487

Frank Broom, Camden

803-432-2421

NEWS

March 17, 2004 10:37PM

Mediacom to owe county \$101,000

Consultant: Settlement may be largest in Southeast

Joel Burgess

Times-News Staff Writer

joel.burgess@hendersonvillenews.com

Cable provider Mediacom will pay Henderson County \$101,000 for franchise fees the company failed to pay the county over the six past years.

A consultant hired by the county to audit Mediacom told commissioners Wednesday that the settlement was the largest that he knew of in the Southeast.

Mediacom and a Southeastern Association of Cable Providers said they could not confirm if the payment was the largest in the region.

John Howell of Telecommunications Consulting Associates in Waynesville told commissioners that Mediacom failed to calculate \$2.1 million as part of its revenues from 1998 to 2003.

The county receives 3 percent of Mediacom's revenues in exchange for the company's right to operate in the county.

The company agreed to pay the county \$64,000 in back payments plus \$38,000 in interest for those revenues.

"I can find no other settlement that approaches this," Howell said. "It appears to be the largest in North Carolina and the Southeast."

When Mediacom includes the other revenue sources in future calculations it will owe the county an additional \$5,000 annually, Howell said.

The revenues included advertising sales, money from home shopping sales, franchise fees, Federal Communications Commission user fees and copyright fees.

Mediacom had a different interpretation of what constituted revenue and did not

The Howell Group, LLC dba

intentionally hold out on the county, Howell said.

But one resident said he doubted Howell's assertion. Local radio commentator Dick Baird said during the public comment session of Wednesday's meeting that Mediacom should pay a penalty along with the back payments.

"The Mediacom audit looks to me like it was intentional," Baird said. "It bothers me that they are getting off too easy."

Mediacom spokeswoman Maggie Blythe said the omission of reported revenue was a mistake due to changes in federal law and "vague and antiquated language" in the franchise agreement with the county.

"There was certainly no intent at all to deceive or to miscalculate revenues," she said.

The company cooperated fully with the audit and will get the money to the county as fast as possible, Blythe said.

The franchise agreement allows the county to audit Mediacom yearly, though this is the first time the county has chosen to do so, Blythe said.

County Commission Chairman Grady Hawkins said that the settlement bars Mediacom from passing on the cost of penalties to consumers.

Commissioner Shannon Baldwin asked why such an audit had not been done earlier.

"Why did it take six years for us to find this out?" Baldwin said.

County Manager David Nicholson said his staff had not known what to ask for in the past. From now on, staff will monitor the agreement yearly, Nicholson said.

Recent TCA audits of Charter Communications

Community	Results	Contact	Phone
Mount Carmel, TN	\$12,400	Gary Lawson	423-357-7310
Milan, TN	\$73,000	Charles Vlink	731-686-3300
Savannah, TN	\$18,000	Carl Thrasher	731-925-3299
Pulaski, TN	\$8,000	Terry Harrison	931-363-2515
Sparta, TN	\$13,161	Marty Carmichael	931-836-3248
Shelbyville, TN	\$31,000	Ed Craig	931-684-2689
Clarkesville, TN	\$20,479	David Haines	931-645-7444
Tullahoma, TN	\$21,056	Jody Baltz	931-455-2648
Johnson City, TN	\$8,900	Charles Harmon	423-434-6000
White County, TN	\$12,634	Herd Sullivan	931-836-3203
Baldwin County, GA	\$44,000	Ralph McMullen	478-445-4790
Dalton, GA	\$48,000	Butch Sanders	706-278-9498
Upson County, GA	\$51,000	Mark Bryant	706-647-7010
Whitfield County, GA	\$43,000	Bradley Arnold	706-275-7499
Athens, GA	\$52,000	Sandi Turner	706-613-3792
Oconee County, GA	\$12,000	Alan Theriault	706-769-5118
Greenville, SC	\$113,000	Jim Campbell	864-467-4424
Spartanburg, SC	\$20,001	Dennis Locke	864-596-2117
Greer, SC	\$415,000	Ed Driggers	864-848-2147
Simpsonville, SC	\$30,000	David Holmes	864-967-9524
Cherokee County, SC	\$435,000	Ben Clary	864-487-2560
Greenville County, SC	\$198,947	John Hansley	864-467-710
Spartanburg County, SC	\$150,087	Chris Story	864-596-2526
Union County, SC	\$11,483	Donnie Betenbaugh	864-429-1600
Watauga County, NC	\$13,898	Rocky Nelson	828-265-8000
Caldwell County, NC	\$27,000	Bobby White	828-757-1298
Asheville, NC	\$15,213	Jim Westbrook	828-259-5604
Alexander County, NC	\$127,766	Rick French	828-632-9331

On Monday, October 31, 2005, Shannon Spivey called several of those listed at references for Telecommunications Consulting Associates. The following are their comments:

Kathy Young of Mitchell County North Carolina said it was a very positive experience all the way around.

Brad Lambert of Seven Devils, North Carolina stated that they were not through with the work that they were doing for the City but they were pleased with what was done so far. Four small towns in the area went together on this contract. He was able to find some money for them and he is currently helping them negotiate a new contract. Mr. Howell seems trustworthy and he would use them again. He has a lot of knowledge about the industry.

Lynn Taylor of Sumter County Georgia said that the work they did was good as far as she knew and she felt that the county had benefited in several areas.

Terry Harrison of Pulaski, Tennessee said that they are still doing some work for them and that they help the city with a new franchise agreement. He felt that Mr. Howell was very knowledgeable.

TREASURER'S REPORT

As of October 2005

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

ACCT TITLE	BANK	BALANCE
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$5,712,978.63
OPERATING ACCT	COMPASS	(\$603,029.34)
PAYROLL ACCT	COMPASS	(\$1,675.81)
MUNICIPAL COURT	COMPASS	\$240,864.46
		<u>\$5,349,137.94</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$4,077.12
4 CENT GAS TAX	FIRST GULF	\$119,182.95
7 CENT GAS TAX	FIRST GULF	\$124,961.30
		<u>\$248,221.37</u>
CAPITAL PROJECTS FUND		
CDBG LOAN REPAY	COMPASS	\$475.16
CAPITAL GROWTH	SOUTHTRUST	\$3,403,765.40
97 WARRANT CONS	SOUTHTRUST	\$4,915.56
99 WARRANT CONS	REGIONS	\$547,265.77
2000 CONSTRUCTION	REGIONS	\$90,110.26
		<u>\$4,046,532.15</u>
DEBT SERVICE FUND		
DEBT SERVICE	SOUTHTRUST	\$812,555.37
		<u>\$10,456,446.83</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005
October	505,823.52	523,515.85	565,075.77	671,899.04	636,482.64	697,830.58	833,700.71
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78
January	486,672.84	504,442.67	567,344.42	639,638.85	590,727.65	697,083.68	771,837.83
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44
June	592,710.00	657,414.17	693,747.71	731,884.73	752,668.04	818,209.20	982,663.46
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	997,483.38
Totals	6,634,029.78	7,110,160.82	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	10,707,267.93

FY 2005 BUDGET/ACTUAL COMPARISONS

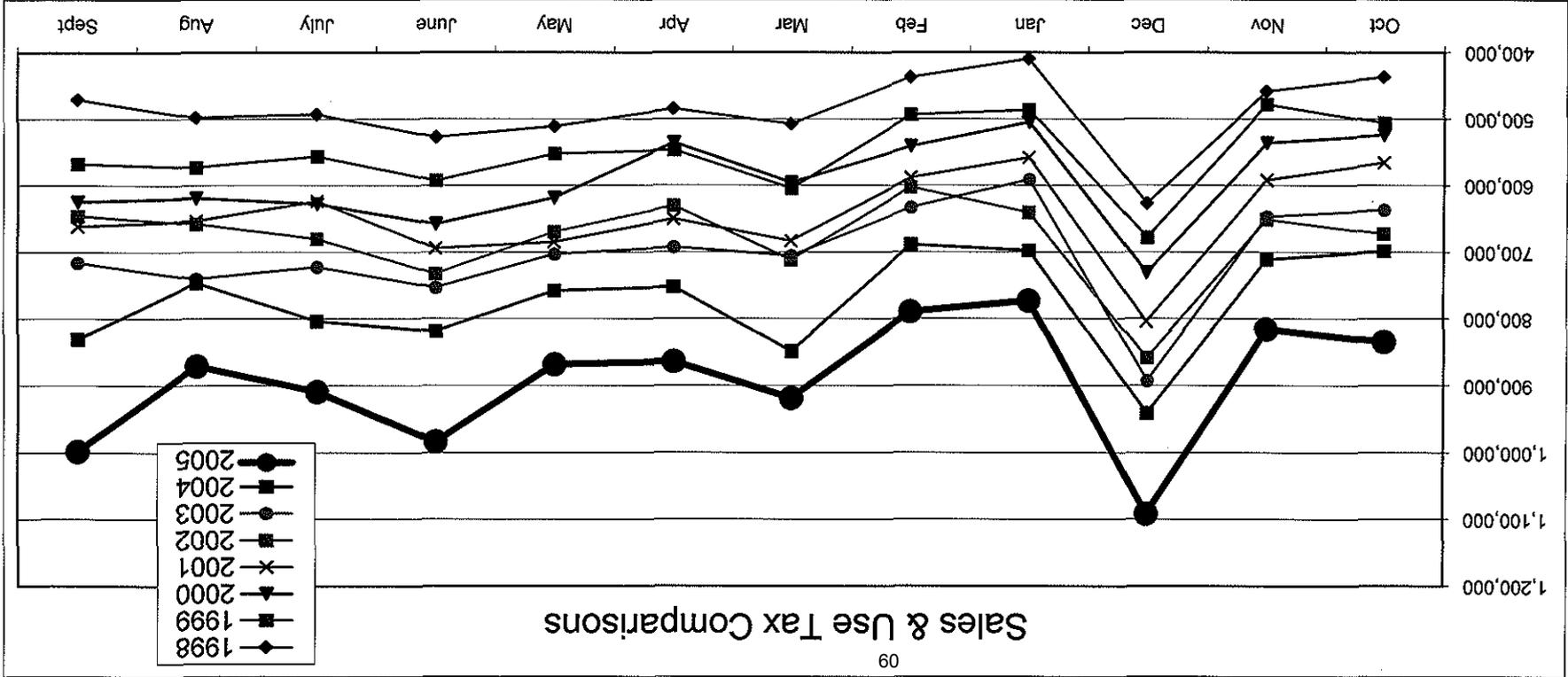
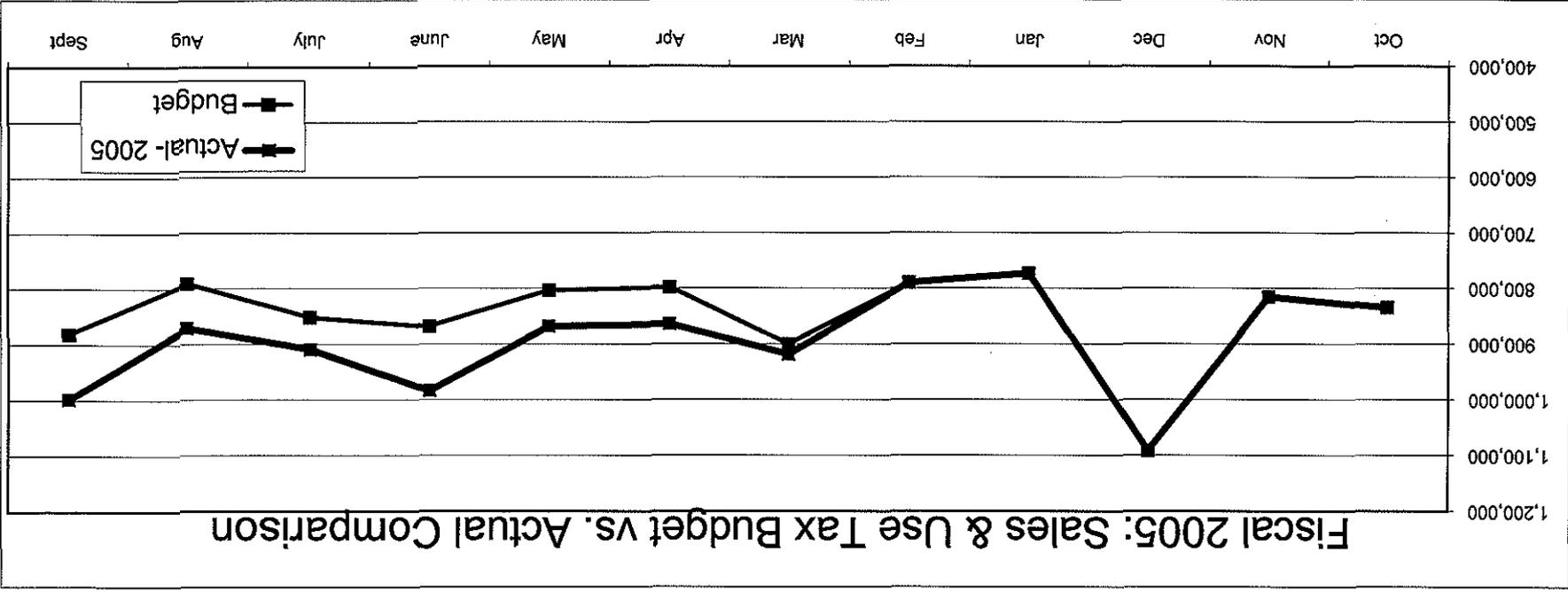
	Actual- 2005	Budget	Monthly Variance	YTD Variance	% of Budget
October	833,700.71	833,701	-	-	0.00%
November	814,666.03	814,666	-	-	0.00%
December	1,091,073.78	1,091,074	-	-	0.00%
January	771,837.83	771,838	-	-	0.00%
February	788,825.08	788,825	-	-	0.00%
March	917,832.17	899,046	18,785.90	18,785.90	2.09%
April	863,144.81	797,162	65,982.89	84,768.79	8.28%
May	867,446.44	803,067	64,379.32	149,148.11	8.02%
June	982,863.46	867,302	115,561.71	264,709.81	13.32%
July	908,576.13	851,234	57,341.92	322,051.74	6.74%
August	869,818.11	790,040	79,778.56	401,830.30	10.10%
September	997,483.38	880,076	117,406.92	519,237.22	13.34%
Totals	10,707,267.93	10,188,031	519,237.22		

FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>						
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	89,675.31	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26	-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	
May	65,789.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78	7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	167,222.58	9.93%	5.91%	-2.37%	10.98%	16.02%	20.14%	
Annual \$ Change	476,131.04	641,019.38	393,592.24	284,159.66	860,992.68	1,417,343.15	Annual % Change	7.18%	9.02%	5.08%	3.49%	10.21%	15.26%

TOTAL collections: FY 04	9,289,925
TOTAL est. bdgt coll: FY 05	10,188,031
Budgeted Dollar Decrease 04/05	898,106
Budgeted Percent Decrease 04/05	9.67%

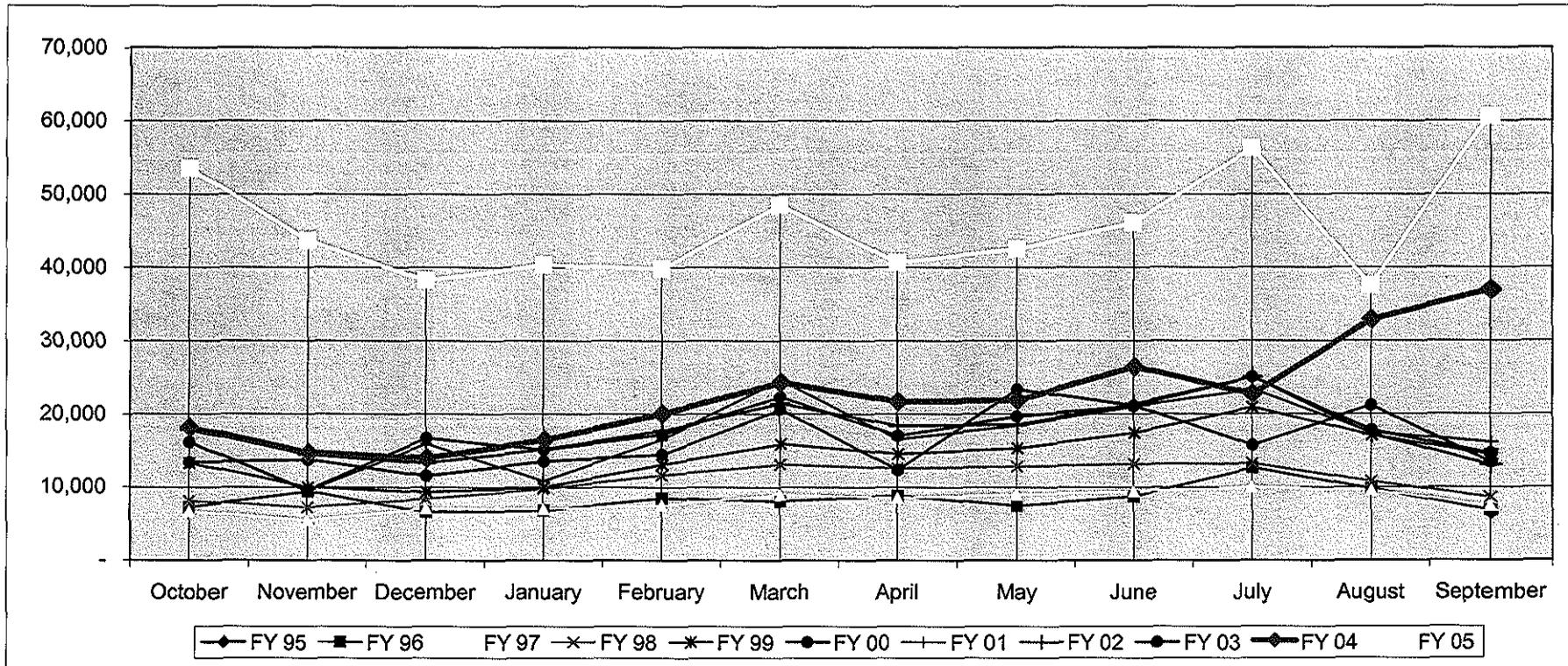
TOTAL collections: 9-30-05	10,707,268
Budgeted: 10-1-04 to 9-30-05	10,188,031
Actual Coll > (<) Budget, 9-30-05	519,237
% Over/(Under) Budget, 9-30-05	5.10%



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15

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



NEW BUSINESSES FOR OCTOBER 2005

BRICK & MORTAR BUSINESSES - CITY LIMITS	
CARPET ONE FLOORING WAREHOUSE	1
CONSUMER FIRST MORTGAGE INC	1
CREDIT DOC	1
DAPHNE MAZDA	1
EASTERN SHORE MASSAGE THERAPY	1
FAMILY SECURITY CREDIT UNION	1
FIRST IMPRESSION	1
HUGHES CREMATION CENTER & FUNERAL SE	1
INTELLICOM WIRELESS	1
LESLIE'S ALTERATION SHOP	1
MANUEL EXECUTIVE BOXING	1
NURSE ONE STAFFING LLC	1
PEDIATRICS BY THE BAY	1
SACRED HEART MEDICAL ONCOLOGY GROUP	1
SCARED HEART MEDICAL ONC @ MALBIS	4
SPORT CENTER IMPORTS	1
ZELYAS	1
TOTAL NEW BUSINESSES - CITY LIMITS	20

OUT OF CITY	
BENEFIT NATION INC	1
DAVID'S HANDYMAN & LAWN SERVICE	1
COMPLETE NETWORK SERVICES - CNS	1
ASSIST 2 SELL	1
COOPER ROOFING AND CONSTRUCTION	1
ALTRUS BUILDERS LLC	1
HUGHES ELECTRIC SUPPLY LTD	1
ZIGLAR TRAINING SYSTEMS	1
STARLITE SIGN LP	1
DRYCO LLC	1
ANODYNE THERAPY LLC	1
GOLD CANYON CANDLE LLC	1
PIONEER FOAM PLASTICS INC	1
GE COMMERCIAL EQUIP HOLDING LLC	1
WILSONS LEATHER	1
LUDWIGH BUILDING LLC	1
ACCUTREND DATA CORP	1
TOTAL NEW BUSINESSES - NOT IN CITY	17

CONTRACTORS	
ALTRUS BUILDERS LLC	1
BARBER, NATHAN	1
BEAU CHATEAU BUILDERS LLC	1
CHEROKEE TREE SERVICE	1
COBB'S TREE SERVICE	1
COOPER ROOFING AND CONSTRUCTION	1
CUSTOM CLEARING & DIRT WORK	1
FENCE COMPANY LLC, THE	1
GARNER & SON HAULING LLC	1
GULF COAST CARPENTRIES	1
GULFTECH PEST CONTROL	1
INTEGRITY FENCE	1
JEFFCOAT & ASSOCIATES LLC	1
JOSE ATZIN	1
JUSTIN PALMER	1
LA CONSTRUCTION	1
MCCREARY, ELISE	1
MICHAEL'S OUTDOOR SERVICE	1
PARKER ROOFING	1
PREVIEW CONSTRUCTION SERVICES INC	1
R S PRICE & SON REFRIGERATION INC	1
RESOURCE FLOORING GROUP	1
SIMPSON EXTERIOR FINISH LLC	1
TIMMES, MARTINEZ S SR	1
UNIVERSAL HOUSEMOVERS	1
XTREME HOME SERVICES	1
TOTAL NEW CONTRACTORS	26

INSURANCE COMPANIES	
None	
TOTAL INSURANCE COMPANIES	0

TOTAL NEW BUSINESSES OCTOBER 2005	63
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TOTAL BUSINESSES CLOSED AUGUST - CITY	
TUESDAY MORNING	1
TOTAL DAPHNE BUSINESSES CLOSED	1

Public Safety Committee

Tuesday, November 8, 2005

*Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilwoman Regina Landry
Fire Chief Mund Hanson
PW Sup. Melvin McCarley*

*Police Chief David Carpenter
Captain David Wilson
Captain Randy Bishop
Captain Scott Taylor
Michele Hanson - Secretary*

Committee Members Attending:

Councilman Greg Burnam, Councilwoman Regina Landry, Councilman Gus Palumbo, Police Capt. David Wilson, Capt. Scott Taylor, Lt. Daniel Bell, Fire Chief Mund Hanson, PW Superintendent Melvin McCarley and Michele Hanson.

I. CALL TO ORDER

Mr. Burnam **convened** the meeting at 4:35 p.m.

II. PUBLIC PARTICIPATION

A. New Business

B. Old Business

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from October 4, 2005 Meeting

<p><i>Motion by Mrs. Landry</i> to adopt the minutes as presented. <i>Seconded by Mr. Burnam.</i> The minutes were adopted without revision. Motion carried.</p>

I. FIRE DEPARTMENT

A. New Business

1. Statistics for October 2005

Chief Hanson reviewed the stats for October. He stated that the runs were low and that the Bureau of Fire Prevention report was not complete, due to Chip Martin being out of town, but will make sure the committee receives an updated stats report.

B. Old Business

II. POLICE DEPARTMENT

A. New Business

1. Statistics for September 2005

Capt. Wilson reviewed the stats for September.

2. Jail Report

Capt. Wilson reviewed the Jail Report.

Mr. Palumbo asked if the committee had ever talked about getting a red light installed at County Rd 181 and Lawson Road. Mr. McCarley stated the County has plans to do that when they start the widening construction on 181.

B. Old Business

1. North Precinct

Capt. Taylor stated that the Precinct is almost complete and hopefully patrol will be in by December with the admin. staff to follow shortly thereafter.

III. OTHER BUSINESS

Mr. Burnam asked if the Police Department will be working with the school board on the traffic flow at the new school. Capt. Wilson stated he is setting up a meeting with Capt. Taylor, Ken Eslava and the architects to discuss the traffic plan.

Ms. Landry thanked Lt. Bell for his professionalism during a recent city investigation.

VII. ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:15 p.m. The next meeting will be **Tuesday, December 6, 2005 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: October, 2005

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	-	-
11-Structure Fire/Commercial	-	-
11-Structure Fire/Residential	1	1
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	1	1
14-Natural Vegetation Fire	1	1
15-Outside Rubbish Fire	1	1
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
2-Overpressure Rupture:	-	-
3-Rescue Call and Emergency Medical Service Incidents:	100	100
4-Hazardous Conditions (No fire):	3	3
5-Service Call:	7	7
6-Good Intent Call:	12	12
7-False Alarm & False Call:	10	10
8-Severe Weather & Natural Disaster:	-	-
9-Other Situation:	-	-
Total Emergency Calls:	126	126
Monthly Total Calls:	136	136
Response Time:		
Highest:	11	11
Lowest:	1	1
Average (Minutes/Seconds) :	4/39	4/39
Miscellaneous Reports:		
Training Hours	108.5	108.5
Property Loss - \$	3,500	3,500
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	-/1	-/1
Child Passenger Safety Seat Inspections/Installations	15	15
Fire Prevention Awareness/Education:		
Classes	59	59
Persons Attending	1963	1963
Bureau of Fire Prevention:		
Plan Reviews	<i>Not yet reported</i>	<i>Not yet reported</i>
Final/Certificate of Occupancy	-	-
General/Annual Inspections	148	148
Business Licenses	6	6
Consultations	-	-
All Other/Misc. Activities	2	2
Total Activities:	<i>Not Complete</i>	<i>Not Complete</i>

Authorized by:

A. Mung Hanson

Daphne Police Department			Monthly Report			Sep-05					
Patrol Division		Detective Division:	JAIL:			Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:			
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)	(Capt. Bishop)			(Capt. Wilson)					
					YTD						
# Complaints	954	# New Cases Received:	98	Total Arrestees Received & Processed:	170	<u>2,240</u>	# Misd. Marijuana Arrest	4	Arson	0	
# Misd. Arrests	48	# Previous Unsolved Cases:	134	Arrestees by Agency:			# Felony Marijuana Arrest	0	Burglary – Residence	3	
# Felony Arrests	2	# Cases Solved:	10	Daphne PD	104	1,336	# Controlled Substance Arrest:	0	Burglary – Commercial	0	
# Citations	191	Resulting in Total Arrests:	5	BCSO	10	<u>178</u>	# Drug Paraphernalia Arrest	2	Burglary – Vehicles	11	
# Close Patrols	53	Felonies:	5	Loxley PD	30	<u>290</u>			Criminal Mischief	2	
# Warnings	163	Misdemeanors:	0	Silverhill PD	11	<u>108</u>	Vehicles Searched	3	Domestic Disturbance	26	
# Motorist Assists	206	Houses Searched	0	Spanish Fort PD	10	<u>180</u>			Disorderly Conduct	2	
# Alias Warrants	23			Troopers	3	<u>39</u>	Drugs Seized:	marijuana	Felony Theft	8	
# Roadway Accidents	95			INS	0	<u>70</u>	Money Seized	\$0	Misdemeanor Theft	16	
# Private Prop. Accidents	37	Warrants:		Other Agencies	2	<u>39</u>	Vehicles Seized	\$0	Felony Assault	0	
# DUI's	10	Bettner Served	25						Misdemeanor Assault	2	
		Officer Served	5	Highest	39		Animal Control		False Info to Police	1	
		Recalls (Pd Fines)	22	Lowest	21		#Complaints	47	Harassment	11	
		Total Warrants Served	52				#Follow-ups	111	Indecent Exposure	0	
				Meals Served	2,211	24,691	#Citations	4	Kidnapping	0	
		Sex Offender:		Medical Cost	\$1,611.52	18,286.56	#Warnings	7	Murder	0	
		New Registration:	1	Worker Inmate Hours	823	6,881	#Felines Captured	7	Menacing	0	
		Contact Verification	0				#Canines Captured	24	Public Intoxication	3	
		Total # registered in Daphne	7				#Other Captured	3	Public Lewdness	0	
		DARE:					#Returned to Owner	22	Receiving Stolen Property	0	
		# Hours Report Writing:	2				#Adopted Out	54	Robbery	3	
		# Students Instructed SRO	140				#Euthanized	25	Reckless Endangerment	1	
		# Students Instructed DARE	420						Suicide	0	
		# Police Reports by SRO	4						Attempted Suicide	2	
		# Arrest by SRO	0						Other Death Investigations	1	
									Theft of Services	0	
		CODE ENFORCEMENT:							Unauthorized Use of Services	1	
		Warnings:	1						White Collar Crimes	4	
		Citations	3						Weapon Offenses	1	
		Warning Compliance	0								
		Follow – Up	3								
Approved by:			<i>David Carpenter, Chief of Police</i>								

Ordinance Committee

Tuesday, October 4, 2005

5:30 p.m.

*Councilwoman Regina Landry, Chairperson
Councilman Greg Burman
Councilman Gus Palumbo
Michele Hanson, Secretary*

*City Attorney Jay Ross
City Attorney Tim Fleming
Code Enforcement Officer Ed Kirby*

Committee Members Attending:

Chairperson Regina Landry, Councilman Gus Palumbo, Code Enforcement Officer Ed Kirby.

City Attorney Tim Fleming arrived late.

Also Present: Fire Chief Mund Hanson, Mayor Small.

I. CALL TO ORDER

Mrs. Landry **convened** the meeting at 5:25 p.m.

II. PUBLIC PARTICIPATION

No one present to address the committee.

III. APPROVAL OF MINUTES

August 9, 2005 meeting minutes

Motion by Mr. Palumbo to approve the minutes as submitted. ***Seconded by Mrs. Landry.*** **Motion carried.**

I. ORDINANCE REVIEW/DISCUSSION

1. Sick & Vacation Accrual Leave for Fire Department

Mr. Palumbo stated the ordinance appears to be in order.

Motion by Mr. Palumbo to favorably recommend the Sick/Vacation Accrual Leave for the Fire Department to the City Council. ***Seconded by Mrs. Landry.*** **Motion carried.**

2. Emergency Pay during State of Emergency

Chief Hanson stated there was some problems with the language of the ordinance and those changes are reflected in the new ordinance and to include repealer section for Ord. 2005-04.

Motion by Mrs. Landry to favorably recommend the adoption of the new Emergency Pay ordinance to the City Council. ***Seconded by Mr. Palumbo.*** **Motion carried.**

3. Curfew Violation during State of Emergency

Mr. Palumbo feels the penalty section of this ordinance is too severe. Mr. Fleming stated it is mandated by a State statute. Mr. Fleming stated this can be made part of the MOT ordinance and first, second and third offenses to be applied. (First \$50, second \$150, third

\$250) Mr. Fleming stated he would add language to add this to the MOT ordinance. Mr. Fleming will bring back to the next committee.

4. *MOT Ordinance*

Mr. Fleming stated the ordinance is ready for Council approval.

<p><i>Motion by Mr. Palumbo</i> to favorably recommend to the City Council the adoption of the MOT ordinance. <i>Seconded by Mrs. Landry.</i> Motion carried.</p>
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5. *Contribution Ordinance*

No discussion

I. OTHER BUSINESS

1. *Sign Committee Update*

Mrs. Landry informed the committee that the sign committee had met and reviewed the

II. ADJOURN

There being no further business to discuss, the meeting was adjourned.

The next meeting will be **Tuesday, November 1, 2005 at 5:30 p.m. at City Hall**

Respectfully submitted,

Ordinance Committee

Sign Committee Meeting
September 26, 2005

I. Call To Order

Mrs. Landry called the meeting to order.

II. Members Present

Councilwoman Landry, Councilman Burnam, Councilman Palumbo, Code Enforcement Officer Ed Kirby, City Attorney Tim Fleming, John Jessup, Mickey Boykin, Janine Raby, Kenny Bishop and Freida Romanchuck

III. Discussion

Mrs. Landry reviewed last month's discussion regarding directional signs for business and interstate signage.

Mr. Kirby and Mrs. Landry commented that the interstate sign map was drawn to show what 1,000 feet on either side of the interstate would look like if a special district is created for that area. Mr. Palumbo is opposed to it, because it borders Timber Creek and Historic Malbis. Mr. Kirby stated that there is nothing that prohibits interstate signs for businesses, you just have to petition the State to have them installed. Also the businesses have to pay a fee to the State to have their logo on the interstate sign. Mr. Burnam stated he thinks that businesses along Hwy 98 & Hwy 90 would like to have interstate signs.

Mr. Palumbo stated there will be taller signs in the overlay district however not as tall as those at the Eastern Shore Centre, however the committee is hoping for pylon signs and not telescopic signs. Mrs. Landry stated the pylon signs offers more information in a condensed format. Mrs. Landry commented on the need for more directional signs. Mr. Kirby stated that currently the city ordinance does not allow for advertising directional signs, it can only say "enter or exit". Mr. Kirby stated without the name of the business on the "enter" sign some confusion has occurred. The committee agreed to allow names/logo to be added to the entrance sign for business, not to increase the size of the sign and to allow only one per entrance. Mr. Kirby inquired about directional signs within a subdivision. The current sign ordinance doesn't allow signs that gives directions to a facility within the subdivision. The committee agreed to allow the change to allow directional signs within a subdivision, not to exceed the 2 sq. ft. requirement already in place.

Mr. Palumbo stated that the City's sign ordinance is very conservative and suggested only changing the parts of the ordinance that have been brought up.

** At this point, the tape did not flip to the over side.

IV. Public Participation

V. Adjourn

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**Daphne Library Board
May 12, 2005
Meeting Minutes
Special Library Board Meeting**

In Attendance:

Library Director Dale Foster, Board Members Glenn Swaney, Chairman, Cassandra Day, Gayle Robinson, and Anita Rigas. Council Representatives John Lake and Gus Palumbo. Mayor Fred Small. Richard Hatchett, Dee Gamble, Allen Cox, Carolyn Walthall, Dr. Hollis Wiseman, Karen Nady, and Rachael Kaiser (Congressman Jo Bonner's representative).

Presentation on Library Building Expansion:

The purpose of the special called Library Board meeting was to invite prospective members of the Library Expansion Committee. Mr. Foster made a presentation on library usage growth rates citing the following growth patterns:

In the last few years:

Book Circulation has increased 83 percent
Patron Count has increased 42 percent - presently 15000 per month
Library card holders and computer usage counts have nearly tripled
County wide book transfers have increased 3000 percent
----while staff levels remain at ½ that recommended by the State of Alabama

Mr. Swaney made a presentation on future building plans for the Library citing the following:

Expansion Needs and Timetable:

More space and facilities needed for juniors
Additional computer facilities needed
Need to expand the hours the Library is open
An addition of 16,000 square feet (three floors) would cost 3MM (today's dollars)
Monies could be obtained by grants, bond issues by the City of Daphne,
governmental appropriations, and private individuals
A five year schedule for the expansion was presented
The 1st step would be the formation of a steering committee with the Library Board, Friends of the Library and the Daphne City Council represented

Round table discussion followed the presentation

The meeting adjourned at 5:30 pm.

Respectively submitted by Glenn Swaney

Daphne Library Board

August 8, 2005

Meeting Minutes

In Attendance:

Library Director Dale Foster, Board Members Glenn Swaney-Chairman, Gayle Robinson, Ernie Seckinger and Cassandra Day. Anita Rigas did not attend. Councilmen John Lake and Gus Palumbo were in attendance.

Call to order:

After a quorum was established, Glenn Swaney called the meeting to order at 4:35 PM.

Reading and Approval of Minutes:

The minutes from the June meeting were not available so approval was deferred until our next meeting when they will be available and can be reviewed.

Monthly Report:

The monthly report for August was presented and approved. Circulation numbers appear to have leveled off, but have done so at a very high level (approximately 15000 patrons visit the library every month). Computer usage continues to increase.

New Personnel and Summer Reading Program:

Library Director Dale Foster introduced Ms. Martha Monckton, a new non-print cataloger replacing Ms. Muriel Nero. Tonya Young was also present and reported on the Summer Reading Program. Some 650 Children participated and an award ceremony will be held for the program winners on August 18th at 5:30 PM at the Library. All the children had a great time and were entertained by a juggler, a clown, and a unicyclist. Participants enjoyed juice, popcorn and hot dogs. A writing workshop was set up for the teen group and was well attended.

Re-appointment of Cassandra Day:

The unanimous recommendation for reappointment of Library Board Member Cassandra Day was the next order of business. Ms. Day appointment will run from October 1, 2005 thru September 30, 2009.

Update on Student Night at the Library:

The "Student Night at the Library" trial was a moderate success with about 100 students making use of the additional open hours. However, these additional hours open severely overloaded an already overworked Library Staff and will not be tried again until an additional full time staff person is brought on board. The hiring of an additional person has already been requested in the latest budget and requires the approval of the Daphne City Council.

Library Building Expansion:

Glenn Swaney reported that the organizational meeting originally scheduled for August 8, 2005 will be rescheduled to the fall in order that more persons can attend. Quite a few prospective members were out of town and unable to attend during August.

Library Maintenance:

A section of carpeting in the northern most area of the Library will be replaced, requiring the Library to be closed for a short time while books and book shelves are relocated. Also 2 or 3 air conditioning units on the roof will be replaced in that they are worn out and require ever increasing repair efforts. All of the photocopiers will be replaced. They are also experiencing larger amounts of downtime and more repair problems. Councilman Palumbo suggested Tonya Young contact one of the school art teachers to follow up on the student mural wall painting that had been proposed.

Interactive Internet Tutoring:

Dale Foster stated that the Legislature was now funding an Internet interactive tutoring program with the on line address www.homeworkalabama.org. Mr. Foster indicated the program was easy to use, quite extensive and impressive.

Hurricane Shelter Activities:

Daphne Elementary East has been designated a hurricane shelter and the Library staff will be organizing to assist the people utilizing the shelter in the event of a hurricane. Library staff will provide books, videos, games, and activities for children.

Upcoming Library Events:

Award Ceremony for Summer Reading Program. August 18, 2005 at 5:30 PM in the Library.

Jubilee Mornings, September 7, 2005 @ 10:00AM – Suzanne Hudson- author of *In the Dark of the Moon*.

Friends of the Library Book sale, September 9-11

The Library will be closed on Sept. 3-5 for the Labor Day Holiday. Meeting adjourned at 5:45PM.

Respectively submitted by Glenn Swaney - August 10, 2005.

**Daphne Library Board
October 10, 2005
Meeting Minutes**

In Attendance:

Library Director Dale Foster, Board Members Glenn Swaney, Chairman, Gayle Robinson, Cassandra Day, Ernie Seckinger, and Anita Rigas. Councilman Gus Palumbo also was in attendance. John Lake was absent.

Call to Order:

After a quorum was established, Glenn Swaney called the meeting to order at 4:30 pm.

Reading and approval of minutes:

The minutes of the May 12, 2005 Special Meeting and the August 8, 2005 Regular Meeting were reviewed and approved.

Monthly Reports:

The Monthly Reports for August and September were presented to the Board and accepted. The August statistics reflected a fairly level increase of 3.5% over last year. The September report reflected an increase of almost 28%, the highest circulation ever in a September. Computer users increased to over 2000 in August.

Public Participation:

None present.

BCLC Annual Contract:

Mr. Foster presented the annual contract with BCLC. Motion made by Anita Rigas and seconded by Ernie Seckinger to sign the contract. Motion was unanimously approved by the Board.

Report on 2005 Friends of the Library Booksale:

Between \$3000 and \$4000 were raised during the last booksale. It was suggested that a liaison between the Board and the Friends be appointed.

Report on Legal Matters:

It was reported by Mr. Foster that the Library has received a temporary restraining order against Glynis Bethel and Orlando Bethel for disorderly conduct and harassment in the Library. A hearing has been scheduled in court in Bay Minette on Thursday seeking a permanent injunction against the Bethels.

Status of Library Director's Position:

Mr. Foster made a request to the Board that he be given a three month leave of absence as Library Director beginning January 4, 2006. Nancy Seale has agreed to temporarily take on the administrative duties. Motion was made by Ernie Seckinger and seconded by Gayle Robinson to grant the leave of absence. Motion carried. Mr. Foster advised that he will be available if needed. Ernie Seckinger noted that many improvements have been made by Mr. Foster at the Library. Circulation numbers are up over 90% during the five years that he has been the Director.

Meeting Dates for 2006 Library Board Meetings:

It was agreed that the Board would continue to meet on the second Monday of the month at 4:30 pm. Mr. Swaney announced that he is trying to set up a follow-up steering committee meeting in early November for planning the new addition.

Hurricane Shelter Activities:

Library Staff participated in entertaining children at shelters at Daphne East Elementary School and the Daphne Civic Center following Hurricane Katrina. Games, books, crayons and art supplies were given to the shelters and the Friends donated books to the relief effort.

EBSCO Magazine Gift Program:

The Library has been approached to participate in a program to receive free magazines in return for using a plastic binder for current issues which has an advertising placard on it. We have sponsors for six magazines at this point. Other libraries in Baldwin County do this to defray costs of magazines. It was agreed that we would participate as long as the phrase "sponsored by" is added to the name of the business.

Report on Replacing Photocopiers in Library:

The Board was advised that a decision will be made soon on photocopier bids for public and staff use.

Update on AC Unit Replacement:

This need is being evaluated. A large crane will be needed to lift unit. More information will follow.

Upcoming Library Events:

Jubilee Mornings- November 2, 2005 at 10 am - Sonny Brewer - *The Poet of Tolstoy Park.*
December 7, 2005 at 10:00 am – Frye Gaillard – *Cradle of Freedom: Alabama and the Movement That Changed America, a popular history of the civil rights movement.*

The Library will be closed on November 11 for the Veterans Day Holiday.

The meeting adjourned at 5:20 pm.

Submitted by Anita Rigas

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
SPECIAL MEETING OF NOVEMBER 9, 2005
COUNCIL CHAMBERS, CITY HALL - 3:00 P.M.**

SUMMARIZATION OF MINUTES:

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

CALL TO ORDER:

The Chairman stated the number of members present constitutes a quorum and the special meeting of the City of Daphne Planning Commission was called to order at 3:04 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Larry Chason, Secretary
Jeff Carrico
Carter Eide
Warren West, Vice Chairman
Robert Segalla, Chairman
Cathy Barnette, Councilwoman
Ed Kirby

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Tim Fleming, Associate Attorney

Staff Absent:

Jay Ross, Attorney
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that all members are present and the Commission has one position vacant. The next order of business is a special meeting to discuss and adopt revisions to the Comprehensive Plan -Image Map, and Land Use and Development Ordinance. Subsequent to the special meeting we will have a work session to discuss Comprehensive Plan amendments.

Pledge of Allegiance.

NEW BUSINESS:

TOPICS FOR DISCUSSION:

The Chairman stated the new guidelines to be taken of all special

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meetings and Ms. Dickson will take care of that.

Mr. Eady stated Mr. Chairman the minutes for the special meeting will be passed out at the next regular meeting.

The Chairman stated the next order of business is a revision to the Image Map in the Comprehensive Plan. I would like to ask Ms. Burnett to comment on it.

Introduction:

Ms. Barnett, South Alabama Regional Planning Commission, the image map is a part of your Comprehensive Plan so it requires a different process before you send it to the City Council. It requires a public hearing before adoption. This basically is the creation of a zoning district designation relative to the image map in the Comprehensive Plan as it relates to residential high rise development. The location added is relative to Apalachee Residential community. The ultimate goal is to set the height limitation and the image map can be amended as needed.

The Chairman stated do any of the Commissioners have any questions or comments. We need to act on this. The public hearing will be held prior to the next regular meeting on November 22, 2005. If there is no objection, the Chair will entertain a motion.

Ms. Dickson requested Ms. Barnett to address the advertisement requirements for the Comprehensive Plan.

Mayor Small questioned whether or not this was the only area represented on the Image Map since there were a lot of areas that we discussed.

The Chairman stated only the area for Apalachee Residential Community.

Ms. Barnette stated I have a question. I thought we were here to set the public hearing. I do not see how we are voting and then set a public hearing for it. Aren't we supposed to have the public hearing first, then vote on to adopt the Image Map?

The Chairman asked the attorney, Mr. Fleming, do we need a public hearing before we approve this?

Mr. Fleming stated before adoption of the plan you do have to hold a public hearing; however, it does not state a time line.

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Ms. Burnett stated you can vote to agree this is what it is, but you have to hold a public hearing prior to the adoption.

Mr. Chason questioned the procedure for the revision to the Land Use and Development Ordinance and the Image Map as it relates to development.

Ms. Burnett stated each time a plan is submitted for development it would take a revision to the image plan and a public hearing prior to adopting the change. With the process, the approval of the development may take another month.

The Chairman stated each time it will take a change, but what we found is that there was no way to figure what areas will be developed.

Mr. Chason stated I am comfortable with that as long as there is an amendment process.

Mr. Kirby commented on the proposed Land Use and Development Ordinance, Table of Permitted Uses. He stated this section is for residential high rise developments, but references changes in the business districts.

The Chairman stated that is because the building's use is primarily residential, but the area is really multi use.

Ms. Burnett stated the reason I did that is the East boundary of this area is U. S. Highway 98. The uses identified in the Table of Permitted Uses are compatible with high density residential.

Mr. Kirby stated this area is already zoned. Will this change the Table of Uses to allow this type of business in this area?

Ms. Burnett stated no. This is done in conjunction with future zoning amendments and is not relative to your zoning map. As development occurs, the Image Map is amended as part of the process.

The Chairman recognized Mr. Eady.

Mr. Eady stated the ultimate goal is to set the height. Once the maximum height is confirmed, whatever it may be, then the Image Map can be amended as needed; however, the controlling factor will be the height. The setbacks established will also regulate the building height on the site. The height will be fixed and cannot be changed even by the Board of Zoning Adjustment.

The Chairman stated do any of the Commissioners have any questions or comments.

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Ms. Barnette stated I still think we are jumping the gun a little bit by approving this today without a public hearing. There may be some valuable information or something that we are not addressing which may come out of the public hearing.

Mayor Small stated could you break it down and have the public hearing and then go on from that.

The Chairman stated the plan was to have a public hearing prior to the next regular meeting.

Mr. Carrico stated I believe Cathy's concern is adopting this prior to the public hearing. We could have the public hearing and then vote on the amendments.

The Chairman stated you could sit on this thing forever. What we are voting on today is that we have an agreement on the Image Map of the Comprehensive Plan. We need to have a base document to work from. This is simply a process to manage this City.

Ms. Burnett stated that is the purpose of the public hearing. You can make the changes and adopt the map or you can wait until you have an application and adopt them. It is just an area on the map and a vision statement. An application would have to be given to you with the words to request an amendment to the map. You would have to hold another public hearing to adopt the map.

The Chairman stated we are going to vote on this to have public hearing on November 22, 2005.

A Motion was made by Mr. Kirby and Seconded by Mr. Chason to set a public hearing for the revisions to the Image Map and Vision Statement for the Comprehensive Plan at 4:30 p.m. in the Council Chambers of City Hall on Tuesday, November 22, 2005. The Motion carried unanimously.

The Chairman stated the next order of business is the proposed revisions to the Land Use and Development Ordinance. This is to establish the provisions for a residential high rise district which is parking, green space, net buildable space, signs, and more important, height. Do any of the Commissioners have any questions or comments?

Ms. Barnette stated I do not understand what we are looking for. Isn't this part of the work session?

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The Chairman stated this is a part of the special meeting. We are to discuss and adopt the proposal for the residential high rise development. The work session was called to discuss proposed amendments to the Land Use and Development Ordinance which were not a part of the residential high rise development. Do any of the Commissioners have any questions or comments?

The Commission discussed at length the proposed amendment to the Land Use and Development Ordinance with regard to the creation of the residential high rise district, final draft, dated November 2005. This section would establish the definitions, height, parking, setbacks, water and sewer connections, sign provisions, sidewalks, and traffic impact for the district. Per discussion and comments made the following amendments were made: page 4, subsection a, requirements for lot area, width, coverage, density, and other factors, deletion of line 2; page 6, section 38-1, purpose, amended to add high rise residential; page 7, section 37-3-1, add residential high rise, section 38-4, subsection 2, add 25% green space, and subsection 3, additional buffers may be required for protection of streams, rivers, watersheds, wetlands, or the like; and page 8, 39-9, traffic impact analysis, may be required for residential high rise developments.

DISCUSS SUBSEQUENT MEETING DATE:

Present draft with amendments to be presented at the special meeting of Tuesday, November 22, 2005 in the Council Chambers at City Hall subsequent to the public hearing for the Image Map and Vision Statement of the Comprehensive Plan.

ADJOURNMENT:

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion to adjourn.

A Motion was made and Seconded to adjourn. The Motion carried unanimously.

There being no further business, the meeting was adjourned at 5:07 p.m.

Respectfully submitted by:

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Jan Dickson, Planning Coordinator

APPROVED: November 22, 2005

Robert Segalla, Chairman

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Utilities Board Meeting of the City of Daphne

CITY COUNCIL CHAMBERS
SEPTEMBER 28, 2005
6:00 P.M.

I. Call to Order

The Utility Board Meeting was called to order by the Chairman, Robert Segalla at 6:00 p.m. on September 28, 2005. Mr. Segalla stated that Daphne Utility's sympathy is with Ron Scott and his family due to the loss of his mother.

II. Roll Call

Present: Robert Segalla, Lon Johnston, Mayor Fred Small

Absent: Bob Patterson, Ron Scott

Others Present: Lloyd Taylor, Rob McElroy, Stan Clayton, Stephnie Merchant, Rebecca Williamson, Deloris Brown, Ed Bellue, Ray Moore, Melinda Immel, Tim Patton, Don Boone

III. Pledge of Allegiance

IV. Approval of Minutes - July 27, 2005

The Board reviewed the minutes from the July 27 meeting.

Mr. Johnston motioned to approve the minutes from the July 27 Board Meeting; Mayor Small seconded the motion and all concurred.

V. Old Business

A. Agenda - August 31, 2005

Mr. Segalla requested that the Board elect the officers.

Mr. Johnston nominated Mr. Segalla as Chairman and all were in favor. Mr. Segalla nominated Mr. Johnston as Vice Chairman and all were in favor. Mr. Segalla nominated Mr. Ron Scott as Secretary/Treasurer and all were in favor. RETRACTION VIA E-VOTE: Mr. Scott was nominated for the position of Vice Chairman and all were in favor. Mr. Johnston was nominated for the position of Secretary/Treasurer and all were in favor.

Mr. Don Boone of Riviera Utilities discussed the land swap proposal between Daphne Utilities and Riviera Utilities. Mr. Boone requested adoption of a resolution to approve the land swap agreement. Mr. Boone requested permission to begin work on the property. The Board attorney was in approval of the request and the Board granted permission for Riviera

Mr. Johnston motioned to approve the land swap with Riviera Utilities as outlined in the agreement prepared by the Board attorney and that a resolution will be adopted by the Board; Mayor Small seconded the motion and all were in favor.

to being working on the property.

Mr. Segalla commended Mr. McElroy and Mr. Clayton for their excellent work on the Bass Pro Shop project.

Mr. Segalla commended all the employees who participated in the *Kids Fun Time* event for the evacuee children at the Daphne Civic Center shelter.

The Board reviewed the status of the Fire Hydrant maintenance program.

Mr. McElroy updated the Board on the status of July 2005 financials. Mr. Segalla informed the Board that the rate increase produced an additional \$400,000+ for the months of June, July and August 2005.

VI. New Business

A. Natural Gas Proposals

The Board discussed the natural gas proposals for Riverview Road and Malbis.

Mr. Johnston motioned to approve the natural gas project for Riverview Road; Mayor Small seconded the motion and all were in favor.

VII. Finance Reports

Mrs. Williamson reviewed the financial reports for August 2005 with the Board.

VIII. General Managers Report

A. Administration

Mr. McElroy informed the Board that FEMA reimbursement was requested from Hurricane Dennis for \$21,000, and estimated Katrina expenses to be approximately \$75,000. He updated the Board on the status of the web site improvements. He updated the Board on the status of vacant positions and hiring process, and reviewed the status of the vehicle purchase and maintenance program.

B. Operations

Mr. Clayton advised the Board that they were actively pursuing new users for the bio-solids produced at the WWTF. He informed the Board that 118 gallons of grease was recycled during the month of August. The Board discussed the accountability/payment process for septic disposals at the WWTF. Mr. McElroy credited the program to Manager, Kevin Bryant and informed the Board that it would generate approximately \$100,000 this year which would be used for plant improvements and maintenance. Mr. Clayton recognized Mr. Bryant for the bio-diesel program utilizing the recycled cooking oil. He updated the Board on the status of federal funding for emergency generators. He informed the Board that gas prices had been locked in at \$11.92 for a three month period. Mr. McElroy advised the Board that a mail out would be going to gas customers regarding stabilization of the gas pricing. Mr. Clayton updated the Board on booster station issues during the recent dry period. Mr. Segalla stated that addition generators should be acquired for the lift stations. Mr. McElroy advised the Board that they were working on a grant for obtaining a side stream storage tank at the treatment plant.

IX. Resolutions/Board Action Required

A. Sanitary Sewer Pretreatment Program - Resolution No. 2005-11

The Board reviewed and discussed the Sanitary Sewer Pretreatment Program and implementation of the program for existing businesses (Grease Resolution).

Mayor Small motioned to adopt the Sanitary Sewer Pretreatment Resolution; Mr. Johnston seconded the motion and all were in favor.

B. Sanitary Sewer Infiltration Prevention Program - Resolution No. 2005-10

The Board reviewed and discussed the Sanitary Sewer Infiltration Prevention Program.

Mayor Small motioned to adopt the Sanitary Sewer Pretreatment Resolution; Mr. Johnston seconded the motion and all were in favor.

C. Employee Handbook - Resolution No. 2005-12

Mr. Johnston motioned to adopt the personnel handbook; Mayor Small seconded the motion and all were in favor.

X. Public Participation

A. Richard Fine - Fine Enterprises

Mr. Segalla stated that Mr. Fine had requested to be placed on the agenda, but that he did not come to the meeting.

XI. Board Comments

Mr. Johnston requested a printout of Board member terms. Mr. Segalla reviewed the terms of the Board.

XII. Executive Session

The Board went into executive session at 6:06 p.m. to discuss legal issues and reconvened at 6:29 p.m.

XIII. Adjournment

Mr. Johnston motioned to adjourn at 7:17 p.m.

Submitted by

Stephnie P. Merchant
Executive Assistant

Approved by:

Robert Segalla
Chairman of the Board

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

2005-3

case no.

ABC LICENSE ROUTING

(initial)

DATE RECEIVED BY REVENUE DIV. 9-13-05 SY

DATE FORWARDED TO POLICE DEPT. 9-13-05 SY

DATE RECEIVED BY POLICE DEPT. 9-13-05 NTA

DATE: APPROVED DISAPPROVED

POLICE DEPT. SIGNATURE *Dem...*

DATE RETURNED TO REVENUE DIV. 11-10-05 NTA

DATE FORWARDED TO CITY CLERK 11-10-05 SWC

DATE RECEIVED BY CITY CLERK 11-10-05 RH

SCHEDULED DATE ON AGENDA 11-21-05 RH

Council Action : APPROVED DISAPPROVED TABLED

COMMENTS- _____

Rescheduled for Council Agenda Date _____

Council Action : APPROVED DISAPPROVED TABLED

COMMENTS- _____

DATE RETURNED TO REVENUE DIV. _____

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

STATE OF ALABAMA, ALCOHOLIC BEVERAGE CONTROL BOARD, MONTGOMERY, ALABAMA

Date Refused _____ By _____	TYPE APPLICATION 020 - Restaurant Retail Liquor	Date Approved _____ By _____
--------------------------------	--	---------------------------------

Name of Applicant (s) DARUMA JAPANESE SUSHI & STEAK HOUSE, INC.

Circle One: Ind. Part. Assoc. **Corp.** LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
SHI ZHONG OU	AL 6710960 President	11/07/65 FUZHON, CHINA	886 RANDALL AVE DAPHNE, AL 36526	2 YEARS

Corporate Information: BOOK # 897779 PAGE # 1 Date 06/09/05 County BALDWIN
(Enter book and page or document info.) (Incorporation or Authority)

Trade Name DARUMA JAPANESE SUSHI & STEAK HOUSE

Location 27955 HWY 98 SUITE S& T DAPHNE, AL 36526 County BALDWIN

Mailing Address 27955 HWY 98 SUITE S& T DAPHNE, AL 36526
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of DAPHNE, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)

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

(If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA
 COUNTY OF BALDWIN Signed [Signature]
 Title President Date 09/13/2005

The undersigned SHI ZHONG OU, President of DARUMA JAPANESE SUSHI & STEAK HOUSE, INC.
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 13th day of September 2005

[Signature] Notary Public, State at Large My commission expires _____
[Signature] Signature of Affiant
 Business Phone (251) 626-8886 Home Phone (251) 625-1281
 Other (646) 229-4552

(For Central Office Use Only) License No. _____ Date of Issue _____ Amount of Fees _____ Total _____

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION NO. 2006-76
2006-A-SAFETY SHOES/BOOTS**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the SAFETY SHOES/BOOTS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the SAFETY SHOES/BOOTS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the SAFETY SHOES/BOOTS be awarded to Gulf Supply Co., Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Gulf Supply Co., Inc. for following unit cost:

- 8" Boot - \$96.50
- 6" Boot - \$88.25
- Shoe - \$79.25

as specified in BID SPECIFICATION NO. 2006-A-SAFETY SHOES/BOOTS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 21ST day of November, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2005-77

**A Resolution approving contract:
Mobile Area Chamber of Commerce**

WHEREAS, the Mobile Area Chamber of Commerce provides its members with important services which will assist in the marketing of the Daphne Civic Center and Bayfront Park; and

WHEREAS, the Mayor and the City Council of the City of Daphne believe that a public purpose is served through membership in the Mobile Area Chamber of Commerce; and

WHEREAS, the Mobile Area Chamber of Commerce has agreed to enter into a Contract with the City of Daphne to provide the services as set forth therein.

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

1. That there is Four Hundred Thirty Five and 60/100 dollars (\$435.60) appropriated in the Civic Center's Fiscal 2006 budget that may be used for the purpose of entering into a contract with the Mobile Area Chamber of Commerce.

AND

2. That the Mayor and City Clerk are hereby authorized to execute the Contract as hereby attached on behalf of the City of Daphne.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS _____ DAY OF _____, 2005.**

Greg Burnam, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

CONTRACT FOR SERVICES
CITY OF DAPHNE
AND MOBILE AREA CHAMBER OF COMMERCE

STATE OF ALABAMA)
COUNTY OF BALDWIN)

This Agreement is by and between the City of Daphne, Alabama (hereinafter referred to as Daphne), and the Mobile Area Chamber of Commerce, (hereinafter referred to as the Chamber).

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Four Hundred Thirty Five and 60/100 Dollars (\$435.60) to be paid by Daphne to the Chamber, the parties hereby agree as follows:

1. That Daphne shall pay \$435.60 to the Chamber for one year's service.
2. That in consideration of the payment of the above stated funds, the Chamber agrees to provide Daphne with the following services:
 - (a) General membership services including, but not limited to, the providing of information concerning the Daphne Civic Center and/or Daphne Bayfront Park to its members and other individuals, groups, and organizations that make inquiries concerning the availability of facilities in the Mobile Bay Area.
 - (b) Opportunities to increase revenues through networking at monthly events, business referrals, hot-link to the Chamber's web page, and providing marketing advice and public relations ideas.
3. The Chamber further agrees that upon the breach of any of the covenants and agreements herein contained on account of any act of omission or co-omission, Daphne may, at its option, terminate and cancel this Agreement.
4. The Chamber shall not transfer or assign this contract or any of the rights previously granted herein without prior written consent of Daphne.
5. This Agreement shall be in effect for a period of one (1) year beginning _____ and ending _____, and may be renewed by mutual agreement between the parties.

This Agreement is entered into on the _____ day of _____, 2005.

Greg Burnam, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

**RESOLUTION 2005-78
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

Ha Le (Fi Fi) Riggio, Court Magistrate, Certification Training and Maintenance Training Institute for City Court Clerks and Magistrates, December 6-9, 2005 Tuscaloosa, AL - \$140

Regina Landry, Council, National League of Cities Congress of Cities and Exposition, December 6-10, 2005, Charlotte, NC -\$175

Bailey Yelding, JR., Council, National League of Cities Congress of Cities and Exposition, December 6-10, 2005, Charlotte, NC - \$175

John Lake, Council, National League of Cities Congress of Cities and Exposition, December 6-10, 2005, Charlotte, NC - \$175

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on this 21st - - day of November, 2005.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION 2005- 79

Fiscal 2006 Community Contributions

WHEREAS, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2006 Budget for the benefit of certain community agencies and events as scheduled in Attachment A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions to the various Community Agencies and Community Events as appropriated in the Fiscal Year 2006 Budget and scheduled in Attachment A.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk. MMC

RESOLUTION 2005- 80

**Retiree Cost of Living
Act 2005-316**

WHEREAS, Act 2005-316 as adopted by the Alabama Legislature grants a cost-of-living increase to certain eligible retirees and beneficiaries of the Employees' Retirement System whose effective date of retirement for the purpose of receiving benefits is on or before September 1, 2004; and

WHEREAS, such cost-of-living increase is equal to four percent (4%) of the current gross benefit, including all previous increases, paid to retiree or to beneficiary of deceased member or deceased retiree, with a minimum monthly increase of \$ 15.00.

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

- 1) Elects to come under the provisions of Section 6 of Act 316 of the First Special Session of the 2005 Legislature and
- 2) Agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the increase as provided for by said Act for those eligible employees retired from the City of Daphne with the aforementioned increase being effective with the October 2005 benefit payments.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2005 - 81

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

WHEREAS, from time to time the Department Managers of the City of Daphne determine that appliances (Refrigerators, Freezers, Washers, Dryers, Stoves, Ovens, Microwaves and other appliance equipment) are no longer required for public or municipal purposes; and

WHEREAS, such equipment is no longer functional and is beyond its useful life span; and

WHEREAS, such equipment has created storage issues requiring the purchase of storage containers; and

WHEREAS, the City receives revenues for the recycling of such equipment .

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Daphne that the following procedures will be used for the disposal of this type of equipment:

1- Such Surplus Appliances recommended for disposal by Department Managers and approved by the Mayor are hereby declared to be surplus property. AND

2- The Mayor is authorized to dispose of such Surplus Appliances from time to time as he deems most appropriate. AND

3- The Surplus Appliances will be disposed of through the City's Recycling Program.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 21st day of November, 2005.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE
ORDINANCE NO: 2005- 56**

**AN ORDINANCE AUTHORIZING OVERTIME COMPENSATION FOR SALARIED
EMPLOYEES and
SETTING FORTH ADMINISTRATIVE PAY POLICY
DURING DECLARED EMERGENCIES**

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare, and safety of the citizens of the City of Daphne while fairly compensating the employees of the City of Daphne; and

WHEREAS, the City Council of the City of Daphne, Alabama has determined that in order to promote and maintain a peaceful community and the order of justice within the City of Daphne, it shall be necessary to compensate salaried employees for hours of work performed in excess of their normal 40 hour work week in times of emergencies existing in the City of Daphne and/or within the limits of police jurisdiction thereof as so declared as a local state of emergency; and

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare, and safety of the citizens of the City by so ordering the authorization of emergency overtime pay for salaried employees during such declared emergencies affecting the City of Daphne.

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

SECTION I: DEFINITIONS: FOR THE PURPOSES OF THIS ORDINANCE THE FOLLOWING DEFINITIONS WILL APPLY.

(a) Salaried-exempt Employee: An employee whose job duties are of such a nature that they are covered by exemptions of the overtime provisions of the Fair Labor Standards Act.

(b) Administrative Pay: Administrative Leave With Pay as approved by the Mayor and provided to employees during declared states of emergencies as described in this ordinance.

SECTION II: COMPENSATION OF SALARIED-EXEMPT EMPLOYEES FOR OVERTIME WORK PERFORMED DURING STATES OF EMERGENCY AFFECTING THE CITY OF DAPHNE, ALABAMA.

(a) In the event of an emergency affecting the City of Daphne, and a local State of Emergency is declared, the Mayor may utilize salaried employees to aid the City during normal and extended work hours. In this event, salaried employees will be considered non-exempt (hourly) employees beginning when such state of emergency is declared and ending when such state of emergency is lifted. Exempt employees shall receive compensation at the rate of one and one-half (1 ½) times their “calculated hourly wage” for **each hour worked** in excess of 40 hours per week. “Calculated hourly wage” shall be determined by dividing the salaried employee’s annual salary by 2080. Exempt employees will not receive overtime pay for work during any portion of the pay period that is not during

a declared state of emergency (ie: a maximum of 8 hours will be recognized for work days not falling within the time of the declared emergency).

SECTION III: ADMINISTRATIVE PAY DURING STATES OF EMERGENCY AFFECTING THE CITY OF DAPHNE, ALABAMA

Administrative time granted by the Mayor to City employees during declared emergencies will not be counted as *hours worked* in the calculation of hours eligible for overtime compensation. Employees who work on days declared as administrative time will receive administrative time pay as authorized by the Mayor as an addition to pay for the hours actually worked. Such administrative pay will be paid at the regular rate of pay.

SECTION IV: CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of the City of Daphne, Alabama which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION V: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION VI: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne.

APPROVED AND ADOPTED this _____ day of _____, 2005.

THE CITY OF DAPHNE

GREG BURNAM, COUNCIL PRESIDENT

Date & Time Signed: _____

FRED SMALL, MAYOR

Date & Time Signed _____

ATTEST:

DAVID COHEN, CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO.: 2005-61**

**AN ORDINANCE TO AMEND CERTAIN PERSONNEL POLICIES AND
PROCEDURES RELATED TO A PRODUCTIVE WORK PLACE
EQUAL EMPLOYMENT OPPORTUNITIES,
SEXUAL HARASSMENT, WORKPLACE VIOLENCE, RETALIATION,
COMPLAINT PROCEDURES AND SECURITY MEASURES**

WHEREAS, the City Council of the City of Daphne, Alabama, has certain personnel policies and procedures which are required to be administered by the Human Resources Director, and;

WHEREAS, the City Council of the City of Daphne, Alabama, believes that additional clarification should be provided for equal employment opportunities related to issues of sexual harassment, workplace violence, retaliation, complaint procedures and security measures , and,

WHEREAS, the City Council of the City of Daphne, Alabama, desires to enhance City policy in enforcement aspects of the personnel policies and procedures related to these subject matters;

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

SECTION ONE: That Section 1.1.6. entitled “**EQUAL EMPLOYMENT OPPORTUNITIES**” be and is hereby amended to add Section 1.1.6.1. to be entitled “**COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITIES**” which shall provide as follows:

1.1.6.1. Commitment to Equal Employment Opportunities: The City of Daphne is committed to equal employment opportunities for qualified persons. The City recognizes and appreciates each employee’s work and contribution to the City’s success, and the City believes that all employees are to be treated fairly and with respect. The City provides equal employment opportunities and equal treatment in all aspects of employment to all employees and all applicants for employment without regard to race, color, religion, sex, (including pregnancy, child birth and other related medical conditions), national origin, age, physical and/or

mental, disability, and/or military obligation. The City is committed to making reasonable accommodations to ensure equal employment opportunities for qualified disabled individuals. Violation of this policy shall not be permitted and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

SECTION TWO: That Section 7.3.4.17. entitled "**HARASSMENT**" be and is hereby deleted in its entirety and restated as follows:

7.3.4.17 Harassment: That the City of Daphne expects all employees, including department managers and supervisors to respect the feelings of fellow employees and to treat co-employees in a courteous and professional manner. The City shall not tolerate any form of harassment in the workplace. Specifically forbidden is harassment due to a person's sex, race, national origin, religion, age and/or physical or mental disabilities. *Certain examples of prohibited harassment include, but are not limited to: offensive, insulting or demeaning remarks, gestures, jokes, pranks, slurs, graffiti, e-mails, pictures, cartoons and the like, about a person's sex, race, national origin, religion, age and/or physical or mental disabilities or statements or comments that reflect upon stereotypes related to a persons sex, race, national origin, religion, age and/or physical or mental disabilities.* Harassment of City employees is strictly forbidden and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

SECTION THREE: That Section 1.4. entitled "**SEXUAL HARASSMENT PROVISIONS**" be and is hereby amended to delete Section 1.4.1. "**PROHIBITED**" and replaced with "**PROHIBITED CONDUCT**" which shall provide as follows:

1.4.1. (a). Prohibited Conduct: That the City of Daphne requires all employees to maintain a professional workplace that is free of sexual harassment. Department managers, supervisors and co-employees shall not threaten or insinuate that an employee's refusal to submit to sexual advances or any other form of sexual harassment will adversely effect the employee's continued employment, pay, benefits, working conditions or job opportunities. Similarly, department managers and supervisors shall not state or imply, expressly or otherwise, that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee's employment opportunities, hours, pay, benefits and/or other terms or conditions of employment or advancement of employment.

(b). The City of Daphne expressly prohibits any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a department manager, supervisor, employee, or any other persons so employed with the City.

Some examples of prohibited conduct shall include, but are not to be limited to the following:

- a. The use of profane or vulgar language;
- b. Unwelcome sexual flirtations, sexual advances or sexual propositions;
- c. Sexually oriented or suggestive jokes or comments;
- d. Comments implied about a person's body or sex life;
- e. Sexually degrading words, including sexual slang used to describe any person;
- f. Any physical contact of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing and/or hugging;
- g. The display, reproduction or transmission of sexually explicit and/or sexually suggestive images, objects, or cartoons in or about the workplace;
- h. Sexually suggestive or vulgar graffiti, including words and/or drawings;
- i. A department manager or supervisor's comments suggesting that an employee will suffer employment consequences such as demotion, discharge or denial of a pay raise if such employee does not agree to certain demands or if the employee complains about offenses of sexual behavior or other forms of harassment;
- j. Comments suggesting that the employee will receive favorable treatment in exchange for sexual favors.

(c). No department manager or supervisor has any authority to take any adverse action against an employee, including discharge, demotion or reducing the employee's work hours, benefits or pay because the employee refuses or has refused to submit to any sexual advances or any other form of sexual harassment. Similarly, no department manager or supervisor shall have any authority to provide an employee preferential treatment because the employee consents to the submission of sexual advances or any other form of sexual harassment. Sexual harassment of City employees is strictly forbidden and shall result in disciplinary action up to and including termination and shall otherwise be treated as a Group Two (2) offense.

SECTION FOUR:

That Section 1.4. entitled "**SEXUAL HARASSMENT PROVISIONS**" be and is hereby amended to delete 1.4.3. and replaced with "**RETALIATION FORBIDDEN**" and add a new section to be designated as 1.4.4. entitled "**EEO/HARASSMENT/RETALIATION COMPLAINT PROCEDURE**" which shall provide as follows :

1.4.3. Retaliation Forbidden: That the City of Daphne encourages all employees of the City to immediately come forward if such employee has a discrimination or harassment complaint and the City does expressly affirm that no adverse action shall or

may be taken or allowed against any employee who, in good faith, reports discrimination or harassment in the workplace. Retaliation against the employee shall be grounds for discipline and shall be considered a Group Two (2) offense.

1.4.4. EEO/Harassment/Retaliation Complaint Procedure: An employee shall promptly report any observed or any known incidences of discrimination, harassment and/or retaliation directly to the Human Resources Director to ensure that the City can promptly investigate, and if appropriate, take prompt and effective action. It is considered inappropriate and insufficient for an employee to report or complain only to a manager or supervisor. If a complaint involves the Human Resources Director, then the employee shall promptly report said complaint to the Mayor. All managers and supervisors shall have a responsibility to address any observed or reported harassment, discrimination or retaliation and shall immediately stop such misconduct if such occurs in their presence. All managers and supervisors shall have the responsibility to report observed or reported harassment, discrimination or retaliation to the Human Resources Director, even if no employee initiates a complaint. Failure to do so may result in disciplinary action, which shall be considered a Group Two (2) offense. The City of Daphne, through the Human Resources Director or Mayor's office, shall thoroughly investigate all complaints and the complaining employee may be required to prepare a written report detailing the alleged allegation and to sign the report. To the extent practical, investigations will be confidential with extreme and due regard for the sensitive nature of such complaint. After completing an investigation, the Human Resources Director or the Mayor will determine if the complaint is valid. The Human Resources Director or the Mayor shall take prompt and appropriate disciplinary action up to and including discharge against the person or persons engaged in misconduct, depending upon the severity of the violation. If appropriate, the City has the discretion to provide counseling services, referrals and medical assistance for employees. Employees who have reported violations of this policy will be notified by the Human Resources Director, subject to confidentiality, of how their reports were investigated and what actions were taken, within thirty (30) calendar days of the filing of said complaint.

SECTION FIVE: That new Section 1.8 is hereby created and entitled "***WORKPLACE VIOLENCE***" which shall provide as follows:

1.8 (a) Workplace Violence: That the City shall not tolerate acts of violence committed by or against City employees and shall strictly prohibit employees from making threats of, or engaging in, violent behavior. Such prohibited conduct includes, but is not limited to, the following:

- (a). Intentionally injuring another employee or person;

- (b). Expressly or implicitly threatening physical injury to another person or employee;
 - (c). Otherwise engaging in behavior that creates reasonable fear of physical injury to another person or employee or that subjects another individual to severe or extreme emotional distress or mental anguish;
 - (d). Possessing, brandishing, or using a firearm, knife or other weapon while on City premises or engaging in City business, or threatening to use or utilizing any other object as a weapon;
 - (e). Threatening to damage, or intentionally damaging, real or personal property;
 - (g). Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.
- (b). If an employee feels threatened or in danger of violent behavior, they shall immediately advise their supervisor and/or department manager and then promptly report the threat to the Human Resources Director. It may also be necessary to contact the Daphne Police Department. All threats of, or actual violence, both direct and indirect, shall be reported as soon as possible, and no later than twenty four (24) hours after occurrence. Such threats include threats by employees, by customers, vendors, solicitors or other members of the public and fears of being stalked and/or attacked in the workplace. Threats of violence may also include a co-worker discussing violence toward themselves in the form of suicidal plan. All employees are encouraged to reach out and help their co-employees by reporting such comments to their immediate supervisor.
- (c). The City is committed to the safety and well-being of their employees, and for this reason, the City may provide, through the health insurance provider, counseling services, referrals and/or medical assistance for employees who have been victims of violence, as well as employees who are in need of help in dealing with personal or work related problems that generate anger, hostilities, or self harm ideas.

When reporting a threat of violence, the employee should be as specific in detail as possible (please refer the Attachment 1: Entitled *Security Measures in Case of Workplace Violence for additional information on how to respond to a crisis situation*).

The City shall thoroughly investigate all complaints and violations of workplace violence. The complaining employee may be required to prepare a written report describing the alleged violation and will be required to sign the report. If, after completing the investigation, the Human Resources Director and/or Mayor determines that a complaint is valid, the Human Resources Director and/or Mayor shall take prompt disciplinary action, up to and including discharge against the employee or employees engaged in the misconduct, depending upon the severity of the violation. Non-employees engaged in violent acts on the employer's premises will be reported to law enforcement for consideration of prosecution.

Employees who have reported violations of this policy shall be notified by the Human Resources Department, subject to confidentiality, of the status of their report, and that it was investigated and what actions were taken by the City, within thirty (30) calendar days of the complaint. The City will actively intervene at any indication of possible hostility or a violent situation.

SECTION SIX: SEVERABILITY

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

SECTION SEVEN: REPEALER

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

SECTION EIGHT: EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, 2005, upon its adoption and publication as required by law.

ORDINANCE NO.: 2005- 61

Page 7

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS ____ DAY OF _____, 2005.**

**GREG BURNHAM
Council President**

Date/time Signed: _____

**FRED SMALL
MAYOR**

Date/Time Signed: _____

ATTEST:

DAVID COHEN, City Clerk, MMC

ORDINANCE 2005-61

ATTACHMENT ONE

SECURITY MEASURES IN CASES OF WORKPLACE VIOLENCE

1. EMERGENCY CONTACTS: In instances of workplace violence or threats of such violence the following emergency contacts are available:
 - A. Police Call 911 or 621-9100
 - B. Rescue Fire Department 911
 - C. Medical Industrial Medical Clinic-Daphne
7101 Highway 90 Suite 101
Daphne, AL 36526
251-625-8222
 - D. Employee Counseling Alabama Psychiatric Services
1203 US Hwy 98
Daphne, AL
621-9167

2. EVACUATION and COMMUNICATION: Upon learning that a suspicious intruder, violent person, or active shooter is in the building, the person discovering the incident shall:
 - A. Call 911, report the incident, and call for **CODE RED** within the city building. The **CODE RED** shall be announced over the building's PA system if available, portable radios, office to office phone calls, or by runner (as a last resort). If a runner has to be used, it is imperative that the runner announce **CODE RED** quickly to each office in a direction away from the threat and that the runner secures himself/herself in the last office announced to. Office personnel who choose to run outside may be running into the intruders if they are still outside the building.
 - B. A **CODE RED** places the city building into lockdown status. All office personnel, upon receiving communication of a **CODE RED**, shall quickly and immediately lock their office door. The employees shall then move away from the door and stay secure as far from the door as possible until the police resolve the situation. Employees are not to open the door if demanded by the intruder.
 - C. Employees caught in the hallway during a **CODE RED** should immediately go to the nearest office and get secure. All doors are to remain closed until the Police Department responds, resolves the situation, and individually goes to each office, gives an "all clear", and escorts each office to a safe place.
 - D. If office personnel hear movement and see physical descriptions of the intruders, they should call the police department and relay the information without leaving the secured office.

ORDINANCE 2005-61

- E. The same procedures apply if the situation turns into a hostage situation. Employees will stay in their office until police safely escort each office out of the danger area. Office personnel should expect to stay in lockdown for some time depending on the situation. The police department will safely evacuate each office out only when it is safe to do so.
- F. Once the threat has been neutralized or if the intruder is secured in a police perimeter, the police department will start evacuating the personnel room by room to a safe assembly point. The police department will determine where the assembly will take place, it will not be pre-determined.
- G. Once at the assembly area, every supervisor of each office will be asked to account for persons present and those missing. The names of missing personnel will be given to the police officer conducting the evacuation.
- H. The evacuated personnel will most likely be kept in one location until all personnel are present and/or accounted for. Additional police interviews will likely be conducted of employees and citizens that were in the building at the time of lockdown.

**CITY OF DAPHNE
ORDINANCE NO.: 2005-62**

AN ORDINANCE REPEALING ORDINANCE NO. 2005-52

WHEREAS, the City Council of the City of Daphne, Alabama, has established ordinances related to personnel policies and procedures for employees within the City of Daphne, and,

WHEREAS, the City Council of the City of Daphne, Alabama, recently passed Ordinance No. 2005-52 wherein the City determined that it is in the best interest of the City to employ and retain individuals who have driving records that can be insured at a preferred rate by the City's general liability carrier, and,

WHEREAS, the City Council of the City of Daphne, Alabama, believes that it is in the best interest of the City to reconsider the provisions therein and the City Council now desires to reconsider the provisions of said ordinance in greater detail and to address said issues at a later date, and as such desires to now repeal said ordinance.

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

SECTION ONE:

That Ordinance No. 2005-52 be and hereby repealed in its entirety.

SECTION TWO: SEVERABILITY

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

SECTION THREE: EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication as required

by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2005.**

GREG BURNAM
Council President

Date and time signed:

FRED SMALL
Mayor

Date and time signed:

ATTEST:

DAVID COHEN
City Clerk, MMC

ORDINANCE 2005- 63

DAPHNE HIGH SCHOOL SWIM TEAM APPROPRIATION

WHEREAS, the Fiscal Year 2006 Budget is being reviewed and evaluated for adoption; and

WHEREAS, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, Daphne High School provides valuable education services to the youth, many of whom are citizens of the City of Daphne; and

WHEREAS, the City Council of the City of Daphne recognizes the discipline and skills school-sponsored programs foster and the importance of these programs to a quality education; and

WHEREAS, the Daphne High School Swim Team is a school-sponsored program with the public purpose of enhancing the quality of education for future leaders of our community by promoting pride and a sense of community involvement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$1,500 (One Thousand Five Hundred Dollars) is hereby appropriated to Daphne High School for the benefit of the Daphne High School Swim Team.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 21st day of November , 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2005 - 64
DAPHNE JUBILEE COURT SCHOLARSHIP PROGRAM

WHEREAS, the Fiscal Year 2006 Budget is being reviewed and evaluated for adoption; and

WHEREAS, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the Daphne Jubilee Court Scholarship Program is organizing to provide education opportunities by offering scholarship opportunities to Daphne students; and

WHEREAS, such program participants will serve as Good Will Ambassadors to the City of Daphne by representing Daphne at various social events and community festivals throughout the year; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$1,000 (One Thousand Dollars) is hereby appropriated to the Daphne Jubilee Court Scholarship Program to meet certain start up costs associated with such program.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 21st day of November , 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2005 - 65

Urban Forestry Association & Natural Resources Grant:

WHEREAS, the City of Daphne has an opportunity to make application to the Urban Forestry Association for a grant in order to fund remediation of trees in municipal limits; and

WHEREAS, several trees have been damaged by recent hurricanes; and

WHEREAS, this project will mitigate identified tree hazards which threaten safety and restore the rights-of-ways to safe and nuisance-free zones.

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

- 1) The Mayor or his designee is hereby authorized to make application to the Urban Forestry Association for a grant in the amount of \$40,000 with a guaranteed local match by the City of Daphne of \$ 13,334 for a total project cost of \$ 53,334; and
- 2) The Mayor is hereby authorized to execute said application and any other documents relative to the grant for and on behalf of the City of Daphne; and
- 3) Pending funding of the Urban Forestry Association Grant, \$13,334 is hereby appropriated as the City's match.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 21st day of November , 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2005- 66

**An Ordinance Appropriating Funds:
Detective Pay Adjustments**

WHEREAS, Ordinance 2004-52 setting forth the City of Daphne's Pay and Classification Plan was approved and adopted January 3, 2005; and

WHEREAS, certain pay issues for Police Department Detectives have arisen since the adoption of such plan and, accordingly, the City of Daphne has determined it necessary to adjust the pay of Police Department Detectives in order to eliminate such pay issues.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 appropriation in the amount of \$ 8,505 is hereby approved for a pay adjustment for Police Department Detectives.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005 - 67

**APPROPRIATION : APPRAISAL FOR CITY PROPERTY ON JOHNSON ROAD
(MECHANICAL DEPARTMENT AND ANIMAL SHELTER)**

WHEREAS, the Fiscal Year 2006 Budget is being reviewed and evaluated for adoption;
and

WHEREAS, the City Council has determined that certain appropriations are required
and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the Mayor and the City Council of the City of Daphne have determined it
prudent to explore the relocation of the Mechanical Department and the Animal Shelter
in order to better serve City operations; and

WHEREAS, if such relocation occurs, the Johnson Road property would no longer be
needed for public use; and

WHEREAS, Courtney & Morris Appraisals, Inc. has agreed to perform an appraisal of
the Johnson Road property for the sum of \$1,250.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne,
Alabama, that \$1,250 (One Thousand Two Hundred Fifty Dollars) is hereby
appropriated in order to obtain an appraisal of the City's Johnson Road property.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne,
Alabama, this 21st day of November , 2005.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2005- 68

An Ordinance Appropriating Funds

Cable Television Audit

WHEREAS, the Fiscal Year 2006 budget is being reviewed and evaluated for adoption; and

WHEREAS, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the City of Daphne had determined it necessary to authorize the review and audit of certain cable television franchise agreements in order to enhance compliance with recent FCC and legislative directives as well as to determine compliance of franchise fee collections and remittances to the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 General Fund appropriation in an amount not to exceed \$3,000 plus 10% of funds collected as a result of such audit is hereby approved for the funding of a Cable Television Audit and Franchise Agreement Review.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2005.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2005- 69

AN ORDINANCE ADOPTING THE FISCAL YEAR 2006 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2006 which begins October 1, 2005 and ends September 30, 2006; and

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

WHEREAS, the City is required to adopt a budget for the next fiscal year by Ordinance; and

WHEREAS, if the amounts budgeted for specific items or purposes are not required to be utilized for such items or purposes, then these amounts may be expended for other municipal items or purposes as approved by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 budget attached hereto and made a part hereof for the Fiscal Year beginning October 1, 2005 and ending September 30, 2006 is hereby approved and adopted on this the _____ of _____, 2005.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk, MMC

FISCAL 2006
GENERAL FUND

Estimated Revenues Over Appropriations	2,252,923
Transfer to Capital Reserve	(500,000)
Sidewalks*	<u>(87,625)</u>
	(587,625)

Estimated Revenues Over Appropriations	<u><u>1,665,298</u></u>
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* Sidewalks	
Pine Street to Oak Street	4,100
Oak Street to Daphmont Drive	3,600
Daphmont Drive to Pine Street	3,300
Randall Ave: US98 to Pollard	12,200
Caroline Ave: Whisp Pines to Wilson Ave	14,400
Captain O'neal "S" Curve	2,000
Deer Ave: Main St to Capt O'Neal	9,500
Belrose: Main St to Old County Road	5,600
6th Street: Dryer to College Avenue	1,900
Pinehill Road to Park Avenue	<u>13,500</u>
	70,100
25% Cost Increase Adjustment	<u>17,525</u>
	87,625