

**CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
OCTOBER 15, 2012
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / October 1, 2012

PRESENTATION: Freedom Shrine Documents / Hanging in Lobby / The Exchange Club

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

Review minutes / October 8th

1.) Ordinances:

- a.) Appropriation of Funds: Wireless Services & Fiber: Phase II – Recreation/Civic Center / **Ordinance 2012-59**
- b.) Appropriation of Funds: Police Vehicles / **Ordinance 2012-60**

2.) Resolutions:

- a.) Bid Award: 2012-R-Fiber Installation and Service / JMF Solutions / **Resolution 2012-79**
- b.) Bid Award: 2012-S-Lake Forest Road Improvements, Phase II / Asphalt Services, Inc. / **Resolution 2012-80**
- c.) Investment Account Manager & Investment 2012 Construction Fund / **Resolution 2012-81**
- d.) Declare City Property Surplus / **Resolution 2012-82**

3.) Financial Reports:

- Treasurers Report / September 30, 2012
- Sales and Use Tax Collections / August 31, 2012
- Lodging Tax Collections / August 31, 2012
- Summary: Volunteer Firefighter Reimbursements / September 30, 2012

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY COMMITTEE – Boulware

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese

Review minutes / October 10th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Conaway

Review minutes / September 17th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Review minutes / August 2nd

Review Report for October 4th Meeting

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Conaway

D. Library Board – Lake

E. Planning Commission – Barnette

Review minutes / July 26th

a.) Set a Public Hearing Date for November 19, 2012 to consider Amendments to the Land Use and Development Ordinance:

1.) Article 8 / Definition of Terms / Prefabricated / Accessory Structures, Prefabricated

2.) Article 9, Section 12 (g) / Accessory Structures

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) Parade Permit / American Foundation of Suicide Prevention “Out of Darkness” / 5K & 1 Mile Fun Run / October 21, 2012

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Vacation of Easement(s) / J.R. & Mellissa Allstun
Lots 10 & 102, Lake Forest Subdivision, Unit 14. /Resolution 2012-76

b.) Acceptance of Property / W. Andrew Johnson &
Michael Kipping. /Resolution 2012-77

c.) Prepaid Travel / David Cohen. /Resolution 2012-78

d.) Bid Award: Fiber Installation & Service / JMF Solutions. /Resolution 2012-79

e.) Bid Award: Lake Forest Road Improvements, Phase II /
Asphalt Services, Inc. /Resolution 2012-80

f.) Investment Account Manager & Investment 2012 Construction
Fund. /Resolution 2012-81

g.) Declaring Certain Property Surplus. /Resolution 2012-82

ORDINANCES:

1ST READ

- a.) **Appropriation of Funds: Wireless Service / Internal City Network & Fiber Service / Civic Center / Recreation Center /Ordinance 2012-59**
- b.) **Appropriation of Funds: Police Vehicle Replacement. /Ordinance 2012-60**
- c.) **Regulating the Use of Alcoholic Beverages in Public Places the City of Daphne. /Ordinance 2012-61**
- d.) **Regulating Personal Use of Social Media by Employees. /Ordinance 2012-62**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

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

MAYOR

MAYOR YELDING	PRESENT__	ABSENT__	__
---------------	-----------	----------	----

CITY CLERK:

DAVID L. COHEN	PRESENT__	ABSENT__	__
----------------	-----------	----------	----

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS	PRESENT__	ABSENT	
------------------------	-----------	--------	--

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

The invocation was given by Councilwoman Conaway.

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

ALSO PRESENT: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Tonja Young, Library Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Kim Briley, Finance Director; Richard Merchant, Building Official; Vickie Hinman, Human Resources Director; Adrienne Jones, Planning Director; Christine Ciancetta, Deputy Finance Director; Ashley Campbell, Environmental Programs Manager; Captain Scott Taylor, Police Department; Frank Barnett, Maintenance Supervisor; Larry Cook, BZA; Al Guarisco, Village Point Foundation; Chester McConnell, Environmental Advisory Board; Randy Fry, Councilmember elect, District 4; Robin LeJeune, Councilmember elect, District 6; Pat Rudicell, Councilmember elect, District 2; Dane Haygood, Councilmember elect, District 7.

ABSENT: David Carpenter, Police Chief.

3. APPROVE MINUTES:

MOTION BY Councilwoman Conaway to adopt the September 17, 2012 council meeting minutes. Seconded by Councilman Scott.

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

PRROCLAMATION: Literacy Awareness Week / October 1-7, 2012

Councilman John Lake read and presented the proclamation.

PROCLAMATION: Blue Ribbon School Recognition / Daphne High School

Mayor Yelding read and presented the proclamation to Dr. Foster, Principal of Daphne High School.

MOTION: Set Special Council Work Session Date

MOTION BY Councilman Scott to set a Special Council Work Session for October 22, 2012 at 6:30 p.m. in the Executive Conference room to include the new council members to talk about committees and answer questions on procedures. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION: Set Special Called Council Meeting Date to Canvass the Vote for the October 9, 2012 Municipal Run-Off Election

MOTION BY Councilman Scott to suspend the rules to consider a motion to set a Special Called Council meeting for October 16, 2012 at 10:00 a.m. to canvass the vote for the October 9, 2012 Municipal Run-Off Election. *Seconded by Councilman Palumbo.*

ROLL CALL VOTE

Conaway	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to set a Special Called Council meeting for October 16, 2012 at 10:00 a.m. to canvass the vote for the October 9, 2012 Municipal Run-Off Election. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE – Boulware

The next meeting will be October 8th at 4:00 p.m. in the Executive Conference room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

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

C. PUBLIC SAFETY COMMITTEE – Boulware

The minutes for the September 12th meeting are in the packet.

D. CODE ENFORCEMENT / ORDINANCE COMMITTEE – Boulware

No report. The committee did not meet because the Alcohol and Social Media ordinances were not ready.

Mr. Ross stated that he will have the ordinances for the next committee meeting.

E. PUBLIC WORKS COMMITTEE/ SOLID WASTE AUTHORITY – Conaway

No report.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The next meeting will be October 4th. The board still needs two (2) supernumerary members.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be October 29th at 5:30 p.m.

C. Industrial Development Board – Conaway

The minutes for the September 24th meeting are in the packet.

D. Library Board – Lake

The minutes for the May, June, July and August meetings are in the packet. He mentioned that electronic books are available through the Library.

E. Planning Commission – Barnette

Mrs. Jones stated that the Planning Commission sent forth a favorable recommendation for the AT&T proposal.

F. Recreation Board – Reese

No report.

G. Utility Board – Scott

The minutes for the August meeting are in the packet, and the next meeting will be October 31st at 5:00 p.m. in the council chambers.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

- a.) Parade Permit / Prodissee Pantry "Turkey Trot" / 5K & 1 Mile Fun Run / October 26, 2013

MOTION BY Councilman Lake to approve the Parade Permits for Daphne High School Homecoming Parade / September 20, 2012 and Bounds Family YMCA / 5K & 1 Mile Fun Run / November 3, 2012. Seconded by Councilwoman.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION: To authorize the Mayor to enter into a contract with AT&T for “Cellular on Wheels” for a period of one (1) year at a rate of \$1,000 per month.

MOTION BY Councilman Palumbo to authorize the Mayor to enter into a contract with AT&T for “Cellular on Wheels” for a period of one (1) year at a rate of \$1,000 per month. Seconded by Councilman Boulware.

Mr. Ross stated that if AT&T wants an extension past the one year it will have to come back to council for approval.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

No report.

C. Department Head Comments

Margaret Thigpen – Civic Center Director – reported that the Jack & Jill Consignment is currently at the Civic Center, and election is Tuesday.

Richard Johnson – Public Works Director – reported that Well Road is complete and open, Pinehill Road is under construction, Main Street repairs will begin and then paving, Lake Forest Phase II paving bid opening is Thursday and the Sports Complex is under way.

David Cohen – City Clerk - reminded everyone that October 4th is the last day to apply for a regular absentee ballot and the last day for emergency medical and business absentee is October 8th.

7. PUBLIC PARTICIPATION:

Mr. Dane Haygood – City Councilman Elect – District 7 – spoke regarding the repealing of Ordinance 2009-25 and the budget saying that it was the consensus of the new council members to ask council to lay the budget ordinance and the repealing of Ordinance 2009-25 over for the new council to take up in November.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS:

RESOLUTIONS:

- a.) Coastal Impact Assistance Programs Tier 1 – Watershed Hydrologic Model Development & Un-Named Tributary To D’Olive Creek Stream Restoration Grant. /Resolution 2012-75

MOTION BY Councilman Scott to waive the reading of Resolutions 2012-75. *Seconded by Councilwoman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-75. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

1ST READ

- a.) Revise Zoning Map. /Ordinance 2012-54
- b.) Repeal Ordinance 2009-25 / \$500,000 Annual Funding from the General Fund for Street & Road Infrastructure Projects /Ordinance 2012-55
- c.) Amending Job Classification Schedule: City Clerk Position /Ordinance 2012-56
- d.) Approve Personnel Restructure: Police Administrative Technician & Planning Administrative Technician Positions Pay Grade Change. /Ordinance 2012-57
- e.) FY 2013 Budget. /Ordinance 2012-58

MOTION BY Councilman Scott to waive the reading of Ordinance 2012-54. *Seconded by Councilman Lake.*

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

MOTION BY Councilman Scott to adopt Ordinance 2012-54. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to waive the reading of Ordinance 2012-55, 2012-56, 2012-57 and 2012-58. *Seconded by Councilman Scott.*

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

MOTION BY Councilman Palumbo to adopt Ordinance 2012-55. *Seconded by Councilman Scott.*

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

MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2012-56. *Seconded by Councilwoman Conaway.*

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

MOTION BY Councilman Palumbo to adopt Ordinance 2012-57. *Seconded by Councilman Lake.*

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

MOTION BY Councilman Palumbo to adopt Ordinance 2012-58. *Seconded by Councilwoman Conaway.*

ROLL CALL VOTE

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

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

MOTION CARRIED

9. COUNCIL COMMENTS:

Councilman Lake commented that the new council members do not know the department heads, and it would take three (3) to four (4) months to know the departments. It is better to have a budget in place to guide them.

Councilman Boulware said it was a pleasure to serve on the council, and it is an experience that few realize that will never be forgotten. He said he has served with good people for the last four (4) years who have worked to make the city better.

Councilwoman Palumbo – congratulated Daphne High School on the Blue Ribbon designation. He said that only 250 schools a year get that award, and Daphne is the only high school in Baldwin County to achieve that designation. He feels folks don’t realize what a gem they have in Daphne High School. He encouraged everyone to go out to the band jamboree at Baldwin County High School. He thanked everyone that has helped him in his eight (8) years on the council, especially, the employees. He said that the employees are the backbone of the city. He said that council and mayors come and go, but the employees are here for the long haul. He has learned a lot being Council President. He said you really get to know the department heads. He wished the employees a lot of luck, and thanked the City Clerk, the Assistant City Clerk and the City Attorney for all their help.

Council President Barnette – thanked Mr. Palumbo for all that he has done, especially for the Dog Park. She addressed the comment made by Mr. Haygood in Public Participation regarding a “consensus of the new council”. She mentioned that this was a violation of the Open Meetings Act (formerly the Sunshine Law). She said it is important to get training on this law, and transparency in government.

10. **ADJOURN:**

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 7:42 p.m.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer,

Cathy S. Barnette, Council President

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
OCTOBER 8, 2012
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

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

Also in attendance were Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Police Captain Daniel Bell, Recreation Director David Mckelroy.

In addition attending were HMR representative Tim Lawley, newly elected Councilman-District 7 Dane Haygood, and newly elected Councilman-District 2 Pat Rudicell.

Chairman Derek Boulware left the meeting at 4:10p.m. The meeting was thereafter chaired by Councilman Ron Scott.

II. PUBLIC PARTICIPATION

A. Mr. Tim Swanson – previously ran for Council Seat

Mr. Tim Swanson discussed his concerns on needed tax relief. Mr. Swanson discussed questions he had about the adopted budget concerning capital. Mr. Scott explained that in recent years that the operating budget is adopted then capital request are prioritized for consideration. Discussion continued on the budget and the City's financial reports.

B. FY2011 Audit – Smiths, Dukes, and Buckalew, Mr. Mark Chapman & Mrs. Kelli Rice

Mr. Chapman reviewed the audit. Mr. Chapman noted that in most small municipalities his staff prepares the financials for the annual audit but noted that Ms. Briley prepares all the financials for the City of Daphne. Mr. Chapman answered questions regarding the increase in revenues for FY11 and noted that outstanding debt decreased. Mr. Chapman noted an Unqualified Opinion was given and no audit findings were reported.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Vickie Hinman reviewed the Human Resource Report.

Positions	Status
Library Services Technician	DOH: October 3, 2012
Communications Officer	Reviewing Applications (115)
Public Service Worker	Reviewing Applications (55)
Admin Tech (Mechanical)	Interviewing

Next safety committee meeting will be held November 28, 2012 at 10:00 a.m.

Human Resource projects include:

Conference Calls with Kronos regarding new server and upgrades.
Reviewing Personnel Handbook (revisions needed)

2012-2012 Flexible Spending Enrollment
Issuing Safety awards to employees
Flu Shots administered at Eastern Shore Urgent Care and Bayside Urgent Care for employees
New Employee Orientation was held for 12 new hires

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: September 30, 2012

The Treasurer's Report totaling \$18,845,224.67 was presented by Ms. Briley.

Motion by Mrs. Conaway to accept the Treasurer's Report as of September 30, 2012, in the amount of \$18,845,224.67. Seconded by Mr. Scott. Motion carried.

2. Sales and Use Taxes: August 30th, 2012

The Sales and Use Tax reports were presented by Ms. Briley and discussion was made that sales & use taxes were up.

Sales and Use Tax Collected for August 2012	-	\$909,579
Sales and Use Tax Budgeted for August 2012	-	<u>\$848,627</u>
Over Budget (for August)	-	\$60,951.90

YTD Budget Collections Variance – Over Budget - \$131,082.64

3. Lodging Tax Collections, August 30th, 2012

The Lodging Tax Collections report shows \$50,417.73 collected for August 2012.

4. Report: New Business Licenses – August 2012

The list of new businesses, and businesses closed, in September was included in the packet.

5. Bills Paid Reports – September 2012

The Bills Paid Report was included in Packet #2.

B. Bids

1. 2012-R-Fiber Installation & Service

Ms. Henson reviewed the bid minutes noting that the bid was advertised and several packets of specifications were sent out to vendors. Ms. Henson discussed the project was approved by Council to go out to bid and that Phase I was included in the FY2013 Budget. Ms. Henson noted that several City locations were listed in phase II but that fiber is either not available or cost effective for all locations at this time so the low bidder only included the Civic Center/Recreation facility in their bid submittal. Ms. Henson noted the appropriation request to include the Civic Center/Recreation facility was listed under Appropriation request so that Council could include all locations presented in the bid submittal.

(Fiber will also allow the City to connect to the County's GIS System and Police to connect to the County's 911 Service)

Motion by Mr. Scott to recommend Council adopt a resolution awarding the following bid: 2012-R-Fiber Installation & Service to JMF Solutions, Inc. in the amount of \$63,036. Seconded by Mrs. Conaway. Motion carried.

2. 2012-S-Lake Forest Road Improvements, Phase II.

Mr. Johnson reviewed the bid and recommended the bid be awarded to the low bidder, Asphalt Services, Inc. in the amount of \$1,264,113.25. Mr. Johnson presented total project cost including engineering in the amount of \$1,396,845.25. Mr. Johnson noted this project is for the Northern part of Ridgewood. This project was included in the 2012 Warrant. Discussion continued that \$3 million was included in the 2012 Warrant for road projects. Ms. Briley noted that the Main Street project in the amount of \$ 876,930 is also budgeted to come out of the \$ 3 million.

Motion by Mrs. Conaway to recommend Council adopt a resolution awarding the following bid: 2012-S-Lake Forest Road Improvements, Phase II to Asphalt Services, Inc. in the amount of \$1,264,113.25. Seconded by Mr. Scott. Motion carried.

C. Appropriation Request

1. Wireless Services & Fiber: Phase II – Civic Center/Recreation Facility

Ms. Henson reviewed the timeline of changes for the Fiber/Wireless project that started as one project but was required, due to legal advisement, to be split into two projects with Fiber required to be bid. The final cost of the two projects will require an appropriation of (1) \$14,400 for wireless monthly recurring cost and (2) \$8,400 for Civic Center/Recreation monthly recurring cost for fiber. Ms. Henson noted that the installation of the fiber and wireless infrastructure/equipment has been encumbered and awaiting the approval of the projects and that Phase I Fiber was budgeted in the FY2013 Budget.

(FY13 monies were budgeted from the cost proposal of the projects before they were required to be separated into two projects). (Wireless will be available for all City buildings and provide primary internet connectivity for those locations where fiber is not available or not cost effective for installation.)

Motion by Mrs. Conaway to recommend Council to appropriate \$22,800 from the General Fund for Wireless Service: Internal City Network and Civic Center/Recreation monthly recurring cost for fiber. Seconded by Mr. Scott. Motion carried.

2. New Police Vehicles (4 Tahoes)

Captain Danny Bell discussed the need for four new vehicles for the Police Department. Captain Bell explained the timeline on ordering and the need to order the vehicles now. Discussion was made on the vehicles being purchased from the State Bid vs. the City bidding. Mr. Boulware made a request that the final approval for the new Tahoes be presented to the new council members. ***(2nd Read on the Ordinance will be presented to the new Council in November)*** It was noted that these are replacement vehicles.

Motion by Mr. Scott to recommend Council to appropriate \$170,700 from the General Fund to allow the Police Department to meet the needed timeline to order four Tahoe vehicles from the State Bid. Seconded by Mrs. Conaway. Motion carried.

D. 2012 Construction Fund: Investment

Ms. Briley discussed that the monies in the 2012 Construction Fund are receiving very little interest and recommended that the \$3,000,000 for road projects be moved to an investment account through Raymond James until needed for expenditures. Ms. Briley noted the monies in the investment account would be liquid and available for withdrawal upon request. Discussion continued this would bring a better rate of return. The City has other funds invested with Raymond James and the return has been good.

Motion by Mrs. Conaway to recommend Council to invest the \$3,000,000 through Raymond James until expenditures are required for the road projects. Seconded by Mr. Scott. Motion carried.

E. Summary: Volunteer Firefighter Reimbursement

Ms. Briley presented the summary for the Volunteer Firefighter reimbursements pursuant to the request by the committee made in September. Mr. Scott noted that the Volunteers Firefighters receive Ad Valorem taxes each year along with other contributions which allows them to enter into cooperative agreements with the City for capital purposes. Mr. Scott asked about the Profit Drive road project as related to Fire Station #5. Mr. Johnson noted that bid is in progress and should be presented at the November Finance meeting.

F. Declare City Property Surplus

Ms. Henson presented the following equipment for surplus:

Street	41	1999 FORD TRUCK PU F SERIES	1FTRX17W2XNA97640
--------	----	-----------------------------	-------------------

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

V. OLD BUSINESS

VI. ADJOURN

The meeting was adjourned at 4:59 p.m.

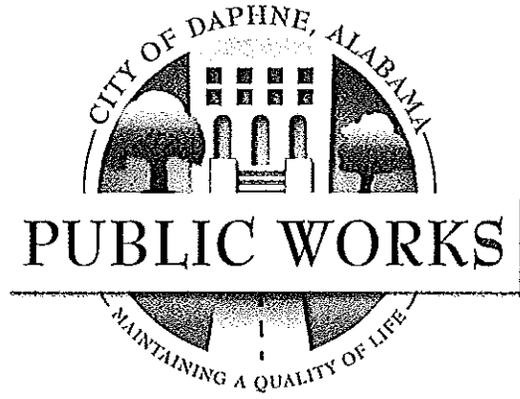
Corrected

Bailey Yelding, Jr.
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



Tommie Conaway
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

Memorandum

To: Councilman Derek Boulware; Chairman, Finance Committee
Thru: The Honorable Mayor Bailey Yelding, Jr.
From: Richard D. Johnson, P.E.; Public Works Director *Richard D. Johnson*
CC: Finance; HMR; File
Date: October 8, 2012
Re: Project 2012-F: Lake Forest - 1.35 Miles (Ridgewood Drive - North Route connecting 1A & 1B and 0. 2 miles on Bayview Drive)

Mr. Mayor:

Based upon the bid tabulations conducted by Hutchinson, Moore & Rauch, LLC (HMR) from the October 4, 2012, bid opening, it is my recommendation to award the contract to Asphalt Services, Inc. (ASI) for the repair, rehabilitation, and resurfacing of the above describe Lake Forest Boulevards. ASI submitted the qualifying low bid.

I am further recommending the following appropriations be made:

• 100% of the construction cost of RRR Project (ASI):	\$1,264,113.25
• Construction Engineering & Inspection @ 8% (HMR):	\$ 101,129.00
• Material Testing @ 2.5% (HMR to subcontract):	\$ 31,603.00
Total:	\$1,396,845.25

Yours,

RDJ



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

October 5, 2012

Bailey Yelding, Mayor
City of Daphne
Post Office Box 400
Daphne, AL 36526

RE: Bid Document No.: 2012-S-Lake Forest Road Improvements, Phase II

Dear Mayor Yelding:

Enclosed is the Tabulation of Bids received October 4, 2012 for the subject project.

We recommend that you award the Contract to Asphalt Services at their submitted lowest bid of \$1,264,113.25.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in cursive script that reads 'Tim Lawley'.

Timothy D. Lawley, P.E.
Project Manager

\big
D25033763\12.202

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
OCTOBER 4, 2012



Hutchinson, Moore & Rauch, LLC
 Engineers + Surveyors + Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #1 ASPHALT SERVICES		BIDDER #2 JOHN G. WALTON		BIDDER #3 HOSEA WEAVER	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING (TREE/STUMP REMOVAL) (201-C)	LS	1	\$	5,000.00	\$	16,151.00	\$	53,467.93
2	CONCRETE DRIVEWAY REMOVAL (206-C)	SY	1,000	4.00	4,000.00	4.69	4,690.00	3.36	3,360.00
3	ASPHALT DRIVEWAY REMOVAL (206-C)	SY	300	7.50	2,250.00	4.69	1,407.00	5.61	1,683.00
4	ASPHALT REMOVAL (3"-7" THICK) (206-C)	SY	2,860	8.00	22,880.00	2.13	6,091.80	3.98	11,382.80
5	CONCRETE CURB AND GUTTER REMOVAL (206-D)	LF	65	10.00	650.00	4.15	269.75	5.46	354.90
6	RAISE JUNCTION BOX/WEIR INLET TO FINISH GRADE	EA	3	475.00	1,425.00	992.26	2,976.78	1,235.25	3,705.75
7	UNCLASSIFIED EXCAVATION (210-A)	CY	800	5.00	4,000.00	15.14	12,112.00	9.55	7,640.00
8	BORROW EXCAVATION, SELECT FILL (A3 OR BETTER) (210-D)	CY (TBM)	500	6.00	3,000.00	14.11	7,055.00	9.18	4,590.00
9	ROADBED PROCESSING (12' LANE WIDTH) (230-A)	STA	15	130.00	1,950.00	249.05	3,735.75	374.60	5,619.00
10	SOIL STABILIZATION GEOGRID, TENSAR TRIAX TX 160 (243-A)	SY	2,050	7.25	14,862.50	6.58	13,489.00	7.35	15,067.50
11	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 8" COMPACTED THICKNESS (301-B)	SY	1,025	14.25	14,606.25	17.58	18,019.50	19.58	20,069.50
12	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 12" COMPACTED THICKNESS (301-B)	SY	1,025	21.20	21,730.00	24.79	25,409.75	25.84	26,486.00
13	AGGREGATE SURFACING (3" THICK) (305-B)	TON	300	42.00	12,600.00	38.53	11,559.00	32.61	9,783.00
14	TACK COAT (405-A)	GAL	885	4.00	3,540.00	4.34	3,840.90	3.58	3,168.30
15	MILLING/PLANING EXISTING PAVEMENT (1.5"-3" DEEP) (408-A)	SY	25,425	1.25	31,781.25	1.06	26,950.50	0.82	20,848.50
16	BITUMINOUS LEVELING LAYER (410-A)	TON	50	80.00	4,000.00	89.06	4,453.00	88.61	4,430.50
17	BITUMINOUS CONCRETE WEARING SURFACE, 1.5" COMPACTED THICKNESS (165#/SY) (424-A)	TON	2,500	78.30	195,750.00	70.26	175,650.00	76.33	190,825.00
18	BITUMINOUS CONCRETE BINDER LAYER, 1.5" COMPACTED THICKNESS (165#/SY) (424-B)	TON	350	78.00	27,300.00	84.50	29,575.00	84.44	29,554.00
19	TYPE N-2 SPECIAL CURB	CY	18	275.00	4,950.00	323.10	5,815.80	267.34	4,812.12
20	18" RCP (530-A)	LF	36	39.25	1,413.00	30.48	1,097.28	65.66	2,363.76
21	MOBILIZATION (600-A)	LS	1	\$	35,000.00	\$	29,197.00	\$	111,148.55
22	6" UNDERDRAIN, TYPE 10 (606-A)	LF	4,410	16.00	70,560.00	12.18	53,713.80	13.44	59,270.40
23	CONCRETE DRIVEWAY, 4" THICK (618-A)	SY	500	40.00	20,000.00	49.54	24,770.00	45.59	22,795.00
24	CONCRETE DRIVEWAY, 6" THICK (618-A)	SY	500	48.00	24,000.00	49.54	24,770.00	52.10	26,050.00
25	S-INLET, DOUBLE WING (621-C)	EA	1	3,500.00	3,500.00	2,816.97	2,816.97	3,364.37	3,364.37

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
OCTOBER 4, 2012



Hutchinson, Moore & Rauch, LLC
 Engineers ♦ Surveyors ♦ Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #1 ASPHALT SERVICES			BIDDER #2 JOHN G. WALTON			BIDDER #3 HOSEA WEAVER		
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
26	REMOVE AND REPLACE S-INLET TOP (INCLUDING NEW RING AND COVER) (621-W)	EA	16	\$ 900.00	\$ 14,400.00	\$ 1,071.62	\$ 17,145.92	\$ 1,085.39	\$ 17,366.24			
27	REMOVE AND REPLACE S-INLET THROAT (621-X)	EA	14	\$ 1,200.00	\$ 16,800.00	\$ 1,378.56	\$ 19,299.84	\$ 868.31	\$ 12,156.34			
28	RE-GROUT INTERIOR BOX WALLS AND DAMAGED AREAS (621-Y)	EA	3	\$ 300.00	\$ 900.00	\$ 538.50	\$ 1,615.50	\$ 759.77	\$ 2,279.31			
29	REMOVE AND REPLACE CONCRETE FLUME (621-Z)	EA	5	\$ 500.00	\$ 2,500.00	\$ 972.10	\$ 4,860.50	\$ 1,628.08	\$ 8,140.40			
30	CONCRETE CURB TYPE M-10 (623-B)	LF	13,300	\$ 17.40	\$ 231,420.00	\$ 19.55	\$ 260,015.00	\$ 17.28	\$ 229,824.00			
31	CONCRETE CURB "ROLL" TYPE M-14 (623-B)	LF	15,900	\$ 17.40	\$ 276,660.00	\$ 21.23	\$ 337,557.00	\$ 20.11	\$ 319,749.00			
32	COMBINATION CURB & GUTTER, TYPE M-2 (623-C)	LF	65	\$ 20.00	\$ 1,300.00	\$ 18.31	\$ 1,190.15	\$ 16.28	\$ 1,058.20			
33	ADJUST UTILITY VALVE BOXES (640-B)	EA	10	\$ 150.00	\$ 1,500.00	\$ 144.71	\$ 1,447.10	\$ 160.06	\$ 1,600.60			
34	TOPSOIL, 3" COMPACTED THICKNESS (650-A)	CY	2,000	\$ 10.00	\$ 20,000.00	\$ 15.14	\$ 30,280.00	\$ 14.61	\$ 29,220.00			
35	SEEDING (652-A)	ACRE	3	\$ 1,800.00	\$ 5,400.00	\$ 1,557.17	\$ 4,671.51	\$ 1,548.08	\$ 4,644.24			
36	SOLID SODDING (654-A)	SY	16,750	\$ 4.25	\$ 71,187.50	\$ 4.03	\$ 67,502.50	\$ 4.81	\$ 80,567.50			
37	MULCHING (656-A)	ACRE	3	\$ 1,800.00	\$ 5,400.00	\$ 1,214.75	\$ 3,644.25	\$ 835.05	\$ 2,505.15			
38	POLYETHYLENE SHEETING (665-E)	SY	1,000	\$ 1.00	\$ 1,000.00	\$ 2.04	\$ 2,040.00	\$ 1.58	\$ 1,580.00			
39	SAND BAGS (665-G)	EA	200	\$ 5.00	\$ 1,000.00	\$ 6.41	\$ 1,282.00	\$ 2.73	\$ 546.00			
40	SILT FENCE, TYPE A (665-J)	LF	1,000	\$ 6.00	\$ 6,000.00	\$ 3.22	\$ 3,220.00	\$ 3.06	\$ 3,060.00			
41	WATTLES (665-O)	LF	560	\$ 6.50	\$ 3,640.00	\$ 6.32	\$ 3,539.20	\$ 4.81	\$ 2,693.60			
42	CONSTRUCTION FENCE (674-A)	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 4,838.00	\$ 4,838.00	\$ 1,703.17	\$ 1,703.17			
43	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	3.05	\$ 3,000.00	\$ 9,150.00	\$ 1,615.50	\$ 4,927.28	\$ 2,940.71	\$ 8,969.17			
44	SOLID YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	2.35	\$ 3,000.00	\$ 7,050.00	\$ 1,615.50	\$ 3,796.43	\$ 2,940.71	\$ 6,910.67			
45	DOTTED YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-B)	LF	2,885	\$ 1.25	\$ 3,606.25	\$ 0.81	\$ 2,336.85	\$ 1.07	\$ 3,086.95			
46	SOLID YELLOW (DOUBLE) TEMPORARY TRAFFIC STRIPE, PAINT, 4" WIDE (701-C)	LF	1,041	\$ 0.60	\$ 624.60	\$ 0.81	\$ 843.21	\$ 0.53	\$ 551.73			
47	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-G)	LF	1,041	\$ 2.00	\$ 2,082.00	\$ 1.13	\$ 1,176.33	\$ 1.60	\$ 1,665.60			
48	SOLID YELLOW, CLASS 2, TYPE A TRAFFIC STRIPE (24" WIDE) (701-G)	LF	551	\$ 7.50	\$ 4,132.50	\$ 7.54	\$ 4,154.54	\$ 7.49	\$ 4,126.99			
49	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, STOP BAR (24") (703-A)	SF	756	\$ 4.40	\$ 3,326.40	\$ 3.77	\$ 2,850.12	\$ 3.74	\$ 2,827.44			
50	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CART CROSSWALK (703-A)	SF	240	\$ 4.50	\$ 1,080.00	\$ 3.77	\$ 904.80	\$ 4.28	\$ 1,027.20			

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
OCTOBER 4, 2012



Hutchinson, Moore & Rauch, LLC
 Engineers ♦ Surveyors ♦ Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #1 ASPHALT SERVICES		BIDDER #2 JOHN G. WALTON		BIDDER #3 HOSEA WEAVER	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
51	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-A (705-A)	EA	190	\$ 6.00	\$ 1,140.00	\$ 3.23	\$ 613.70	\$ 4.28	\$ 813.20
52	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-D (705-A)	EA	235	\$ 6.00	\$ 1,410.00	\$ 3.23	\$ 759.05	\$ 4.28	\$ 1,005.90
53	6" THICK CONCRETE SLAB (COLORED, STAMPED & SEALED)	SY	130	\$ 62.50	\$ 8,125.00	\$ 102.32	\$ 13,301.60	\$ 75.98	\$ 9,877.40
54	MANHOLE ADJUSTMENTS (0"-6")	EA	3	\$ 475.00	\$ 1,425.00	\$ 517.56	\$ 1,552.68	\$ 365.55	\$ 1,096.65
55	MANHOLE ADJUSTMENTS (6"-12")	EA	3	\$ 625.00	\$ 1,875.00	\$ 517.56	\$ 1,552.68	\$ 617.56	\$ 1,852.68
56	MANHOLE ADJUSTMENTS (12"-18")	EA	3	\$ 725.00	\$ 2,175.00	\$ 517.56	\$ 1,552.68	\$ 674.34	\$ 2,023.02
57	CONSTRUCTION SIGNS (740-B)	SF	288	\$ 12.00	\$ 3,456.00	\$ 8.08	\$ 2,327.04	\$ 10.22	\$ 2,943.36
58	CHANNELIZING DRUMS (740-D)	EA	60	\$ 60.00	\$ 3,600.00	\$ 12.25	\$ 735.00	\$ 62.45	\$ 3,747.00
59	CONES (36" HIGH) (740-E)	EA	60	\$ 25.00	\$ 1,500.00	\$ 12.25	\$ 735.00	\$ 10.22	\$ 613.20
60	BARRICADES, TYPE III (740-F)	EA	4	\$ 300.00	\$ 1,200.00	\$ 73.48	\$ 293.92	\$ 567.73	\$ 2,270.92
61	WARNING LIGHTS, TYPE B (DETACHABLE HEAD) (740-I)	EA	8	\$ 250.00	\$ 2,000.00	\$ 220.64	\$ 1,765.12	\$ 210.06	\$ 1,680.48
62	BALLAST FOR CONES (740-M)	EA	60	\$ 5.00	\$ 300.00	\$ 0.59	\$ 35.40	\$ 6.81	\$ 408.60
63	ENGINEERING CONTROLS	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 14,025.00	\$ 14,025.00	\$ 7,170.55	\$ 7,170.55
TOTAL AMOUNT					\$ 1,264,113.25		\$ 1,330,003.47		\$ 1,425,202.23
							\$4,332,784.78		\$4,425,204.74

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
OCTOBER 4, 2012



Hutchinson, Moore & Rauch, LLC
 Engineers ♦ Surveyors ♦ Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #4 SUMMIT INDUSTRIES		BIDDER #5 GULF ATLANTIC CONSTRUCTORS		BIDDER #6 FRANK TURNER CONSTRUCTION	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING (TREE/STUMP REMOVAL) (201-C)	LS	1		\$ 27,000.00		\$ 35,000.00		\$ 45,000.00
2	CONCRETE DRIVEWAY REMOVAL (206-C)	SY	1,000	\$ 6.75	\$ 6,750.00	\$ 7.50	\$ 7,500.00	\$ 13.54	\$ 13,540.00
3	ASPHALT DRIVEWAY REMOVAL (206-C)	SY	300	\$ 5.00	\$ 1,500.00	\$ 6.50	\$ 1,950.00	\$ 9.83	\$ 2,949.00
4	ASPHALT REMOVAL (3"-7" THICK) (206-C)	SY	2,860	\$ 4.25	\$ 12,155.00	\$ 8.50	\$ 24,310.00	\$ 3.82	\$ 10,925.20
5	CONCRETE CURB AND GUTTER REMOVAL (206-D)	LF	65	\$ 33.00	\$ 2,145.00	\$ 4.00	\$ 260.00	\$ 3.12	\$ 202.80
6	RAISE JUNCTION BOX/WEIR INLET TO FINISH GRADE	EA	3	\$ 700.00	\$ 2,100.00	\$ 1,250.00	\$ 3,750.00	\$ 800.00	\$ 2,400.00
7	UNCLASSIFIED EXCAVATION (210-A)	CY	800	\$ 14.40	\$ 11,520.00	\$ 10.00	\$ 8,000.00	\$ 12.30	\$ 9,840.00
8	BORROW EXCAVATION, SELECT FILL (A3 OR BETTER) (210-D)	CY (TBM)	500	\$ 12.20	\$ 6,100.00	\$ 15.75	\$ 7,875.00	\$ 15.34	\$ 7,670.00
9	ROADBED PROCESSING (12' LANE WIDTH) (230-A)	STA	15	\$ 322.00	\$ 4,830.00	\$ 300.00	\$ 4,500.00	\$ 365.78	\$ 5,486.70
10	SOIL STABILIZATION GEOGRID, TENSAR TRIAX TX 160 (243-A)	SY	2,050	\$ 8.15	\$ 16,707.50	\$ 5.50	\$ 11,275.00	\$ 7.63	\$ 15,641.50
11	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 8" COMPACTED THICKNESS (301-B)	SY	1,025	\$ 22.00	\$ 22,550.00	\$ 17.00	\$ 17,425.00	\$ 14.25	\$ 14,606.25
12	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 12" COMPACTED THICKNESS (301-B)	SY	1,025	\$ 28.10	\$ 28,802.50	\$ 25.00	\$ 25,625.00	\$ 18.13	\$ 18,583.25
13	AGGREGATE SURFACING (3" THICK) (305-B)	TON	300	\$ 42.50	\$ 12,750.00	\$ 45.00	\$ 13,500.00	\$ 51.44	\$ 15,432.00
14	TACK COAT (405-A)	GAL	885	\$ 4.35	\$ 3,849.75	\$ 12.00	\$ 10,620.00	\$ 4.00	\$ 3,540.00
15	MILLING/PLANING EXISTING PAVEMENT (1.5"-3" DEEP) (408-A)	SY	25,425	\$ 3.05	\$ 77,546.25	\$ 2.35	\$ 59,748.75	\$ 3.25	\$ 82,631.25
16	BITUMINOUS LEVELING LAYER (410-A)	TON	50	\$ 95.60	\$ 4,780.00	\$ 120.00	\$ 6,000.00	\$ 168.48	\$ 8,424.00
17	BITUMINOUS CONCRETE WEARING SURFACE, 1.5" COMPACTED THICKNESS (165#/SY) (424-A)	TON	2,500	\$ 80.60	\$ 201,500.00	\$ 85.50	\$ 213,750.00	\$ 114.01	\$ 285,025.00
18	BITUMINOUS CONCRETE BINDER LAYER, 1.5" COMPACTED THICKNESS (165#/SY) (424-B)	TON	350	\$ 89.70	\$ 31,395.00	\$ 91.50	\$ 32,025.00	\$ 112.61	\$ 39,413.50
19	TYPE N-2 SPECIAL CURB	CY	18	\$ 345.00	\$ 6,210.00	\$ 475.00	\$ 8,550.00	\$ 312.50	\$ 5,625.00
20	18" RCP (530-A)	LF	36	\$ 65.00	\$ 2,340.00	\$ 100.00	\$ 3,600.00	\$ 51.41	\$ 1,850.76
21	MOBILIZATION (600-A)	LS	1	\$ 13,700.00	\$ 13,700.00	\$ 72,150.00	\$ 72,150.00	\$ 68,000.00	\$ 68,000.00
22	6" UNDERDRAIN, TYPE 10 (606-A)	LF	4,410	\$ 14.90	\$ 65,709.00	\$ 40.00	\$ 176,400.00	\$ 14.11	\$ 62,225.10
23	CONCRETE DRIVEWAY, 4" THICK (618-A)	SY	500	\$ 41.30	\$ 20,650.00	\$ 49.25	\$ 24,625.00	\$ 41.25	\$ 20,625.00
24	CONCRETE DRIVEWAY, 6" THICK (618-A)	SY	500	\$ 48.90	\$ 24,450.00	\$ 58.00	\$ 29,000.00	\$ 47.50	\$ 23,750.00
25	S-INLET, DOUBLE WING (621-C)	EA	1	\$ 3,431.00	\$ 3,431.00	\$ 4,850.00	\$ 4,850.00	\$ 3,875.00	\$ 3,875.00
26	REMOVE AND REPLACE S-INLET TOP (INCLUDING NEW RING AND COVER) (621-W)	EA	16	\$ 1,750.00	\$ 28,000.00	\$ 3,500.00	\$ 56,000.00	\$ 1,062.50	\$ 17,000.00

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
OCTOBER 4, 2012



Hutchinson, Moore & Rauch, LLC
 Engineers ♦ Surveyors ♦ Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #4 SUMMIT INDUSTRIES		BIDDER #5 GULF ATLANTIC CONSTRUCTORS		BIDDER #6 FRANK TURNER CONSTRUCTION	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
27	REMOVE AND REPLACE S-INLET THROAT (621-X)	EA	14	685.00	\$ 9,590.00	3,000.00	\$ 42,000.00	1,062.50	\$ 14,875.00
28	RE-GROUT INTERIOR BOX WALLS AND DAMAGED AREAS (621-Y)	EA	3	773.00	\$ 2,319.00	900.00	\$ 2,700.00	500.00	\$ 1,500.00
29	REMOVE AND REPLACE CONCRETE FLUME (621-Z)	EA	5	1,625.00	\$ 8,125.00	950.00	\$ 4,750.00	1,000.00	\$ 5,000.00
30	CONCRETE CURB TYPE M-10 (623-B)	LF	13,300	20.10	\$ 267,330.00	15.75	\$ 209,475.00	21.40	\$ 284,620.00
31	CONCRETE CURB "ROLL" TYPE M-14 (623-B)	LF	15,900	22.15	\$ 352,185.00	16.50	\$ 262,350.00	25.12	\$ 399,408.00
32	COMBINATION CURB & GUTTER, TYPE M-2 (623-C)	LF	65	26.05	\$ 1,693.25	23.00	\$ 1,495.00	18.75	\$ 1,218.75
33	ADJUST UTILITY VALVE BOXES (640-B)	EA	10	179.00	\$ 1,790.00	250.00	\$ 2,500.00	500.00	\$ 5,000.00
34	TOP SOIL, 3" COMPACTED THICKNESS (650-A)	CY	2,000	18.00	\$ 36,000.00	22.50	\$ 45,000.00	17.50	\$ 35,000.00
35	SEEDING (652-A)	ACRE	3	1,252.00	\$ 3,756.00	3,115.00	\$ 9,345.00	1,483.24	\$ 4,449.72
36	SOLID SODDING (654-A)	SY	16,750	3.70	\$ 61,975.00	3.75	\$ 62,812.50	6.05	\$ 101,337.50
37	MULCHING (656-A)	ACRE	3	897.00	\$ 2,691.00	1,025.00	\$ 3,075.00	1,155.08	\$ 3,465.24
38	POLYETHYLENE SHEETING (665-E)	SY	1,000	2.00	\$ 2,000.00	1.15	\$ 1,150.00	2.96	\$ 2,960.00
39	SAND BAGS (665-G)	EA	200	7.45	\$ 1,490.00	15.00	\$ 3,000.00	5.78	\$ 1,156.00
40	SILT FENCE, TYPE A (665-J)	LF	1,000	3.80	\$ 3,800.00	2.25	\$ 2,250.00	5.25	\$ 5,250.00
41	WATTLES (665-Q)	LF	560	7.15	\$ 4,004.00	7.00	\$ 3,920.00	5.73	\$ 3,208.80
42	CONSTRUCTION FENCE (674-A)	LS	1		\$ 5,000.00		\$ 6,000.00		\$ 4,000.00
43	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	3.05	3,204.00	\$ 9,772.20	3,975.00	\$ 12,123.75	3,300.00	\$ 10,065.00
44	SOLID YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MILE	2.35	3,204.00	\$ 7,529.40	3,975.00	\$ 9,341.25	3,300.00	\$ 7,755.00
45	DOTTED YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-B)	LF	2,885	1.15	\$ 3,317.75	1.25	\$ 3,606.25	1.20	\$ 3,462.00
46	SOLID YELLOW (DOUBLE) TEMPORARY TRAFFIC STRIPE, PAINT, 4" WIDE (701-C)	LF	1,041	0.60	\$ 624.60	1.25	\$ 1,301.25	0.60	\$ 624.60
47	SOLID YELLOW STRIPE, CLASS 2, TYPE A, DOUBLE, 4" WIDE, 0.09" THICK (701-G)	LF	1,041	1.75	\$ 1,821.75	1.75	\$ 1,821.75	1.80	\$ 1,873.80
48	SOLID YELLOW, CLASS 2, TYPE A TRAFFIC STRIPE (24" WIDE) (701-G)	LF	551	8.15	\$ 4,490.65	3.00	\$ 1,653.00	8.40	\$ 4,628.40
49	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, STOP BAR (24") (703-A)	SF	756	4.10	\$ 3,099.60	3.00	\$ 2,268.00	4.20	\$ 3,175.20
50	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CART CROSSWALK (703-A)	SF	240	4.65	\$ 1,116.00	3.00	\$ 720.00	4.80	\$ 1,152.00
51	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-A (705-A)	EA	190	4.65	\$ 883.50	6.25	\$ 1,187.50	4.80	\$ 912.00

CITY OF DAPHNE
BID DOCUMENT NO.: 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
OCTOBER 4, 2012



Hutchinson, Moore & Rauch, LLC
 Engineers ♦ Surveyors ♦ Land Planners

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #4 SUMMIT INDUSTRIES		BIDDER #5 GULF ATLANTIC CONSTRUCTORS		BIDDER #6 FRANK TURNER CONSTRUCTION	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
52	REFLECTIVE PAVEMENT MARKERS CLASS A-H, TYPE 2-D (705-A)	EA	235	4.65 \$	1,092.75 \$	6.25 \$	1,468.75 \$	4.80 \$	1,128.00 \$
53	6" THICK CONCRETE SLAB (COLORED, STAMPED & SEALED)	SY	130	80.50 \$	10,465.00 \$	87.50 \$	11,375.00 \$	87.50 \$	11,375.00 \$
54	MANHOLE ADJUSTMENTS (0"-6")	EA	3	236.00 \$	708.00 \$	500.00 \$	1,500.00 \$	600.00 \$	1,800.00 \$
55	MANHOLE ADJUSTMENTS (6"-12")	EA	3	395.00 \$	1,185.00 \$	700.00 \$	2,100.00 \$	800.00 \$	2,400.00 \$
56	MANHOLE ADJUSTMENTS (12"-18")	EA	3	600.00 \$	1,800.00 \$	900.00 \$	2,700.00 \$	1,000.00 \$	3,000.00 \$
57	CONSTRUCTION SIGNS (740-B)	SF	288	14.40 \$	4,147.20 \$	6.00 \$	1,728.00 \$	21.21 \$	6,108.48 \$
58	CHANNELIZING DRUMS (740-D)	EA	60	89.30 \$	5,358.00 \$	37.50 \$	2,250.00 \$	95.00 \$	5,700.00 \$
59	CONES (36" HIGH) (740-E)	EA	60	44.70 \$	2,682.00 \$	10.00 \$	600.00 \$	25.00 \$	1,500.00 \$
60	BARRICADES, TYPE III (740-F)	EA	4	371.00 \$	1,484.00 \$	170.00 \$	680.00 \$	400.00 \$	1,600.00 \$
61	WARNING LIGHTS, TYPE B (DETACHABLE HEAD) (740-I)	EA	8	248.00 \$	1,984.00 \$	125.00 \$	1,000.00 \$	325.00 \$	2,600.00 \$
62	BALLAST FOR CONES (740-M)	EA	60	1.25 \$	75.00 \$	5.00 \$	300.00 \$	1.00 \$	60.00 \$
63	ENGINEERING CONTROLS	LS	1		9,000.00 \$		19,750.00 \$		15,000.00 \$
TOTAL AMOUNT					\$ 1,474,855.65		\$ 1,599,985.75		\$ 1,742,629.80

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

Tim Lawley, P.E.
 Project Manager

Hutchinson, Moore & Rauch, LLC

Bold/italicized indicates an error in bid extension or total - does not effect the bidder's standing.

Bailey Yelding, Jr.
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

October 3, 2012

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Status

Library Services Technician
Communications Officer
Public Service Worker
Admin. Tech (Mechanical)

DOH: October 3, 2012
Reviewing applications (115)
Reviewing applications (55)
Interviewing

Safety Committee Meeting:

A fire drill will be held at Public Works in October. The Nicholson Center will be inspected in October. There were 233 employees eligible for a safety award. Each employee was issued a \$10 Wal-Mart gift card.

Next safety committee meeting will be November 28, 2012 at 10:00 a.m.

Human Resources Projects:

- Conference calls with Kronos regarding new server and upgrades.
- Reviewing Personnel Handbook (revisions needed)
- 2012-2013 Flexible Spending enrollment
- Issuing Safety awards to employees
- Flu Shots administered at Eastern Shore Urgent Care and Bayside Urgent Care for employees

TREASURER'S REPORT

As of September 30, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$7,190,019.94
OPERATING ACCT	COMPASS	(\$518,607.55)
PAYROLL ACCT	COMPASS	\$0.00
		<u>\$6,671,412.39</u>
INVESTMENT FUND	RAYMOND JAMES (Investment \$4,828,875.15)	\$5,213,974.86
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$379,922.59
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	\$12,078.73
4 CENT GAS TAX	PNC BANK	\$405,365.30
7 CENT GAS TAX	PNC BANK	\$336,823.98
		<u>\$754,268.01</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	\$1,156,832.79
2006 CONSTRUCTION	WELLS FARGO	\$0.00
2012 CONSTRUCTION	REGIONS	\$3,008,635.50
		<u>\$4,165,468.29</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	\$1,177,780.08
2006 DEBT SERVICE	PNC	\$482,398.45
		<u>\$1,660,178.53</u>
		<u>\$18,845,224.67</u>

PRIOR YEAR BALANCE September 30, 2011

\$18,502,352.25

SALES & USE TAXES

ACTUAL COLLECTIONS

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2012	Actual: 2012	Budget	Monthly Variance	YTD Variance	% of Budget
October	697,830.58	863,700.71	932,634.66	944,542.36	967,190.18	808,503.85	764,641.13	800,512.03	864,727.27	864,727.27	817,268	817,268	47,459.13	47,459.13	5.81%
November	710,788.74	814,686.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	845,342.45	836,995	836,995	8,347.81	55,806.94	1.00%
December	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,165,135.62	1,165,135.62	1,144,856	1,144,856	20,279.67	76,088.61	1.77%
January	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,941.41	723,504.28	817,230.14	809,785.59	809,785.59	834,336	834,336	(24,550.60)	51,538.01	-2.94%
February	688,421.54	768,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,355.60	840,768.01	845,101.34	845,101.34	858,367	858,367	(13,265.41)	38,270.60	-1.55%
March	848,156.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	1,018,721.43	968,615	968,615	22,106.87	60,377.47	2.22%
April	752,039.55	863,144.81	968,760.72	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	911,438.60	911,438.60	935,721	935,721	(24,282.69)	36,094.78	-2.60%
May	757,010.49	887,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	899,945.33	911,839.30	911,839.30	908,573	908,573	3,265.87	39,360.65	0.36%
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,099.52	887,262.68	946,206.78	895,894.44	895,894.44	966,165	966,165	29,729.79	69,030.44	3.08%
July	803,051.14	908,576.13	941,407.68	993,216.66	868,690.34	808,113.93	839,192.33	902,457.24	898,566.91	898,566.91	897,527	897,527	1,040.30	70,130.74	0.12%
August	745,320.33	869,818.11	950,599.01	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	909,578.95	909,578.95	848,627	848,627	60,951.90	131,082.64	7.18%
September	830,260.80	998,476.08	987,616.16	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36			899,386	899,386			
Totals	9,289,924.78	10,708,260.63	11,702,796.44	11,871,233.19	11,279,349.93	10,039,548.95	9,934,178.61	10,766,122.45	10,176,131.90	10,176,131.90	10,944,435	10,944,435	131,082.64		

20

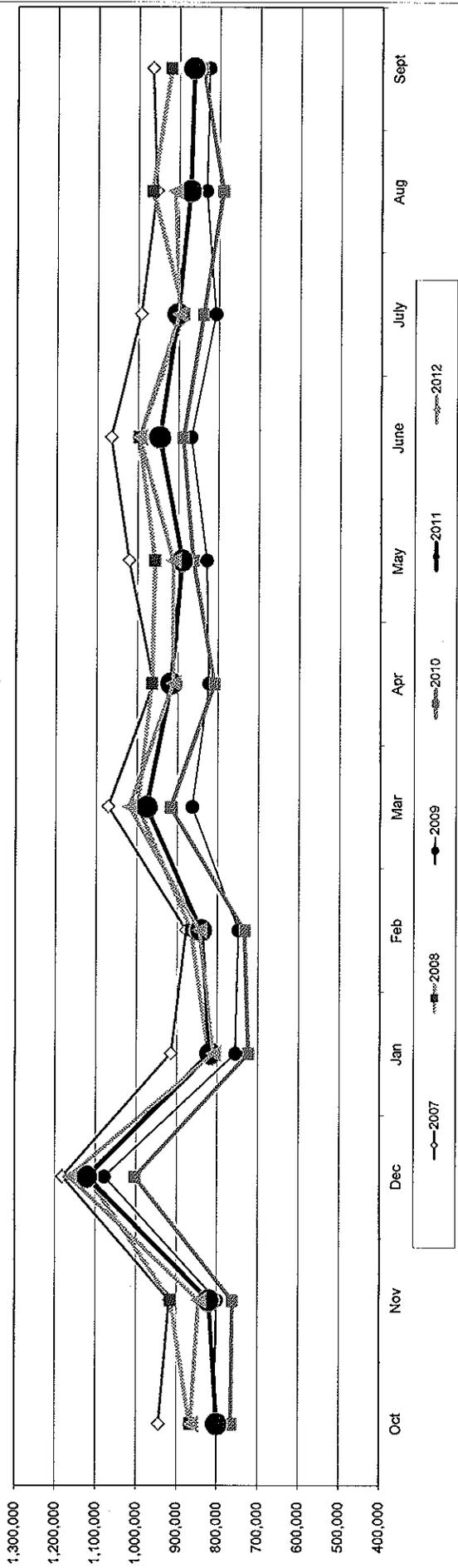
FISCAL YEAR COMPARISONS

	\$ Change		Percent Change	
	2005-2006	2006-2007	2005-2006	2006-2007
October	135,870.13	11,907.70	11.87%	1.28%
November	103,877.29	17,325.57	10.66%	1.92%
December	149,921.91	14,140.71	7.09%	1.21%
January	74,754.15	27,408.22	14.96%	3.09%
February	100,403.54	89,298.58	11.32%	-0.02%
March	69,675.31	163,942.66	17.86%	-0.94%
April	111,105.26	105,615.91	12.24%	-0.89%
May	109,835.95	132,978.04	15.33%	2.11%
June	164,654.26	41,227.61	4.19%	4.13%
July	105,524.99	32,831.55	3.61%	5.50%
August	124,497.78	80,720.90	9.28%	0.41%
September	168,215.28	(30,859.92)	-3.09%	-0.26%
Annual \$ Change	1,418,335.85	994,535.81	9.29%	1.44%
Annual % Change		(105,368.34)	-1.05%	-0.99%

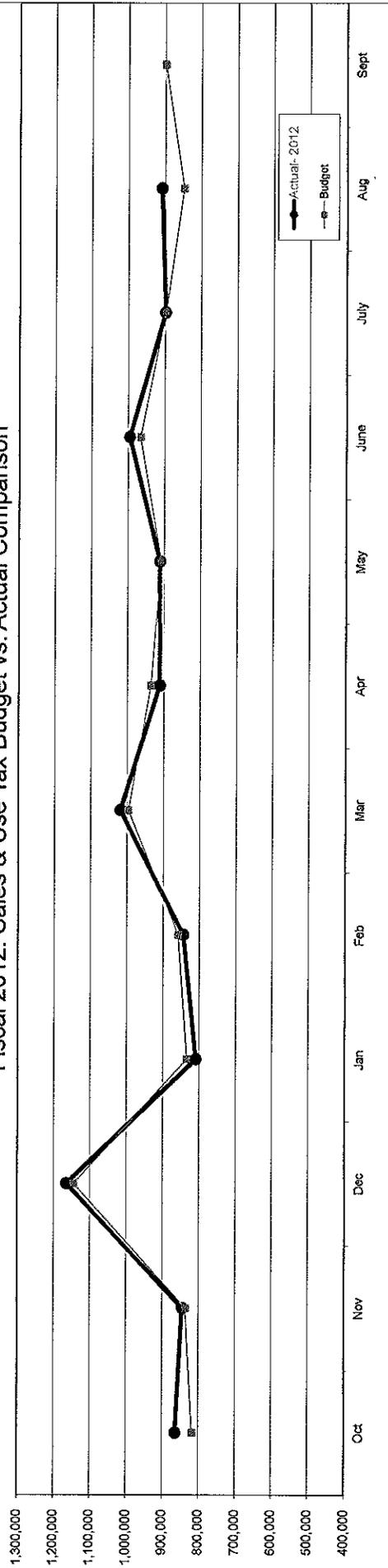
TOTAL collections: FY 11	10,766,122
TOTAL est. b'dgt coll: FY 12	10,944,435
Budgeted Dollar Variance 11 & 12	178,313
Budgeted Percent Variance 11 & 12	1.66%

TOTAL collections thru: 8-31-12	10,176,132
Budgeted thru: 8-31-12	10,045,049
Actual Coll: < Budget: 9-30-12	131,083
% Over/(Under) Budget: 9-30-12	1.30%

Sales & Use Tax Comparisons



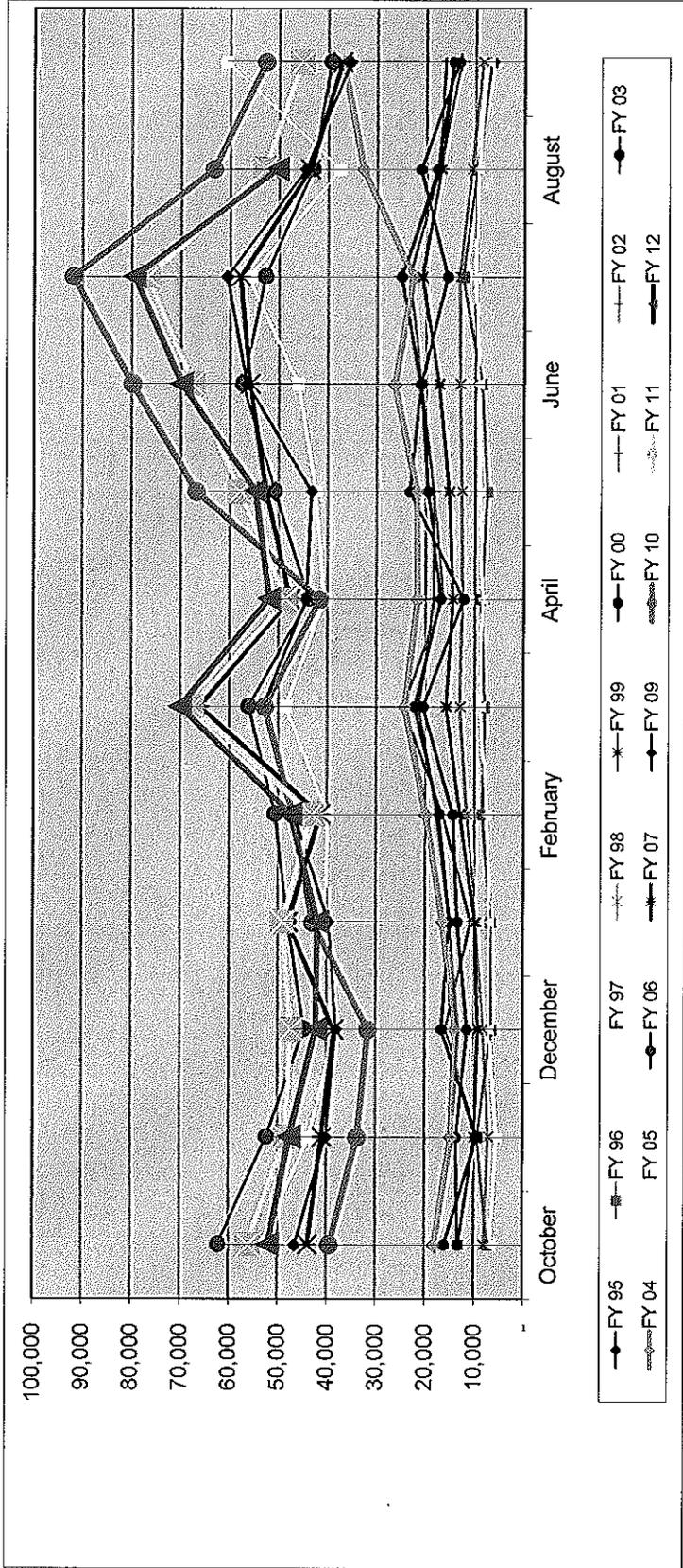
Fiscal 2012: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	<u>FY 12</u>
October	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53
November	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08
December	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22
January	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34
February	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50
March	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33
April	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	51,939.06
May	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	54,740.45
June	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	69,822.91
July	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	79,417.80
August	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	50,417.73
September	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	-
Total	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	607,509.95

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



NEW BUSINESSES

September-12

CITY LIMITS		CONTRACTORS	
RETAILERS		BJ ELECTRIC	1
NEW DRAGON CITY	1	MEGA CONSTRUCTION	1
SANDY SANSING FORD LINCOLN	1	COASTAL AREA PLUMBING	1
JAPANESE EXPRESS	1	ABSOLUTE COMFORT	1
CHEVRON	1	BETTYS CLEANING SERVICE & LAWN CARE	1
TAAPCO	1	FIRST CHOICE ROOFING	1
PARADISE MARINE CENTER	1	HASTINGS AIR DESIGN	1
ALL OTHER		D & D QUALITY SERVICES	1
ZUMBA WITH CHEETAZ ANN	1	CAINS EXTERMINATING	1
PHOTOGRPAHY BY ANTONIO	1	MICHAEL CORLEY	1
WILIAM MURRAH	1	KNOW THYSELF CONTRACTING	1
PORTMAN CREATIVE	1	GULF COASTAL CONCEPTS	1
HENRY SEMPLE	1	DEVELOPMENT CONSULTING	1
MARK DOUGLAS	1	GREEN CO	1
VALERIE VICK	1	L & B ELECTRIC	1
DESIGNS BY KARON	1	WATTIER SURVEYING INC	1
JOHN D PAIZZA	1	HOLMES LAWN CARE	1
PURE BARRE	1	HABITAT FOR HUMANITY	1
WELLS FARGO ADVISORS	1	ALL-SOUTH SUBCONTRACTORS	1
ADVISORS MD LLC	1	CRITTER CAPTURE	1
TINDELL ROLLINS	1	THOMAS BUILDERS	1
JAY BROWN	1	JPS CONSTRUCTION	1
MIKE WARREN LLC	1	ZACHARY COOLEY	1
TOTAL CITY LIMITS	21	ROBERSON GENERAL CONTRACTORS	1
OUTSIDE CITY LIMITS		PROKLEEN	1
KENNITH MOORER	1	BEST CHOICE ROOFING MOBILE	1
CALYPSO MEDICAL TECHNOLOGIES	1	SHAMBAUGH & SON LP	1
ECHOSTAR ADVANCED TECNOLOGIES	1	T & T REMODELING	1
RONS CATERING	1	THE HILLER COMPANIES	1
ANYTIME TOWING	1	TOTAL CONTRACTORS	29
INITIAL OUTFITTERS	1	INSURANCE	
MIDWEST VETERINARY SUPPLIES	1	TOTAL INSURANCE	0
EVOLUTION TECHONOLOGY	1		
BAY TOWN BONDING	1		

**CITY OF DAPHNE - CITY HALL - BID OPENING MINUTES
2012-R-FIBER INSTALLATION & SERVICE
9/17/2012 @ 2:00 P.M.**

Those present were as follows:
Suzanne Henson
Rick Whitehead
Lance Alexander

Senior Accountant
IT Coordinator
CBI - City Computer Consultant

11 bid invitations were e-mailed/picked up, 4 bidders attended the mandatory Pre-Bid meeting, and 2 sealed bids were received.
Note: Callis came late to the bid opening and Harbor did not respond

PHASE I	Synchronous Bandwidth MB	One-Time Install Cost - City Owns Fiber from Buildings	JMF Solutions, Inc. Monthly Recurring Cost Includes Internet Services	JMF Solutions, Inc. One-Time Install Cost - Vendor Owns Fiber	Southern Light (1 Year Contract) Monthly Recurring Cost Includes Internet Services - \$987/10MB+\$395 sleeping nodes/redundancy	Southern Light One-Time Install Cost for 1 Year Contract - Vendor Owns Fiber	Southern Light (3 Year Contract) Monthly Recurring Cost Includes Internet Services - \$783/10MB+\$315 sleeping nodes/redundancy	Southern Light One-Time Install Cost for 3 Year Contract - Vendor Owns Fiber
City Hall (conduit only already exist from handhold to bidg-not inside-need to run inside bidg)	10		\$ 802.00	\$ 1,500.00	\$ 2,106.00	\$ 6,275.00	\$ 1,735.00	\$ 500.00
PD-Justice Center	10	Bidders did not respond to this request as an option	\$ 802.00	\$ 1,500.00	\$ 1,711.00	\$ 6,275.00	\$ 1,420.00	\$ 500.00
PD-North Precinct	5		\$ 802.00	\$ 1,500.00	\$ 1,006.50	\$ 6,275.00	\$ 853.50	\$ 500.00
Public Works (City will trench)	5		\$ 699.00	\$ 1,500.00	\$ 1,006.50	\$ 6,275.00	\$ 853.50	\$ 500.00
Fire Station #2	5		\$ 699.00	\$ 1,500.00	\$ 1,006.50	\$ 6,275.00	\$ 857.50	\$ 500.00
TOTAL			\$ 3,804.00	\$ 7,500.00	\$ 6,836.50	\$ 31,375.00	\$ 5,719.50	\$ 2,500.00
			X 12 Mos = \$45,648.00		X 12 Mos = \$80,994.00		X 12 Mos = \$68,634.00	

PHASE II	Synchronous Bandwidth MB	One-Time Install Cost - City Owns Fiber from Buildings	Monthly Recurring Cost	One-Time Install Cost - Vendor Owns Fiber	Monthly Recurring Cost	One-Time Install Cost - Vendor Owns Fiber	Monthly Recurring Cost	One-Time Install Cost - Vendor Owns Fiber
Recreation & Civic Center	5		\$ 699.00	\$ 1,500.00	\$ 1,006.50	\$ 6,275.00	\$ 853.50	\$ 500.00
Mechanical Shop	5		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fire Station#1 / Rescue	5	Bidders did not respond to this request as an option	\$ -	\$ -	\$ 1,006.50	\$ 6,275.00	\$ 853.50	\$ 500.00
Fire Station#3	5		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fire Station #4	5		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FD Training Facility / FS#5	5		\$ 699.00	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL			\$ 8,388.00	\$ 1,500.00	\$ 2,013.00	\$ 12,550.00	\$ 1,707.00	\$ 1,000.00
TOTAL ANNUAL (X 12 MONTHS)			\$ 54,036.00	\$ 9,000.00	\$ 24,156.00	\$ 43,925.00	\$ 70,341.00	\$ 3,500.00
			JMF Solutions, Inc. PROJECT COMPLETION TIME FOR PHASE I: 120 DAYS	\$ 63,036.00	Southern Light PROJECT COMPLETION TIME FOR PHASE I: 120 DAYS	\$ 149,075.00		\$ 73,841.00
			PROJECT COMPLETION TIME FOR PHASE II: 120 DAYS	TOTAL PROJECT COST FOR 1ST YEAR	PROJECT COMPLETION TIME FOR PHASE I: 120 DAYS	TOTAL PROJECT COST FOR 1ST YEAR		TOTAL PROJECT COST FOR 1ST YEAR
								3 YEAR CONTRACT

Suzanne Henson, Senior Accountant

CITY OF DAPHNE
 BID MINUTES SHEET

BID DOCUMENT NO: 2012--S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II
 10/4/2012
 11:30AM

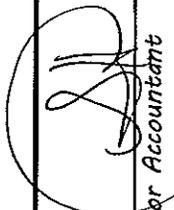
PRESENT WERE:
 Jaye Robertson
 Richard Johnson
 Suzanne Henson

HMR
 Public Works Director
 Senior Accountant

INVITATIONS TO BID WERE MAILED, PICKED-UP, E-MAILED OR FAXED, 6 SEALED BIDS WERE RECEIVED.

THE PRESENTED BIDS WERE OPENED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

BIDDERS	ADDENDUM	BID BOND	BID AMOUNT
HOSEA O. WEAVER & SONS, INC.	X	X	1,425,201.74
SUMMIT INDUSTRIES, LLC.	X	X	1,474,855.65
FRANK TURNER CONSTRUCTION CO., INC.	X	X	1,742,629.80
ASPHALT SERVICES, INC.	X	X	1,264,113.25
GULF ATLANTIC CONSTRUCTORS, INC.	X	X	1,599,585.75
JOHN G. WALTON CONSTRUCTION, INC	X	X	1,332,781.78


 Suzanne Henson, Senior Accountant

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

\$19,038.00

Wireless Locations

Public Safety Committee

Wednesday, August 8, 2012

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

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

Committee Members Attending:

Councilman Ron Scott, Chief David Carpenter, Captain Daniel Bell, Chief James White, Melvin McCarley.

CALL TO ORDER

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

PUBLIC PARTICIPATION – No Public Participation.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

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



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

- B. **Old Business** – None

FIRE DEPARTMENT

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

OTHER BUSINESS

ADJOURN

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

Respectfully submitted,
Daphne Public Safety Committee

Capital Budget Requests for FY2013

Budget

Police

PATROL DIVISION: \$170,700

- 4 REPLACEMENT VEHICLES AND EQUIPMENT

DETECTIVE DIVISION: \$3,500

- CONEX STORAGE BOX

*NOT
Capital
correct to
operating*

Total overall Police Department requested Capital Budget:

\$174,200

****If personnel request approved for four police officer positions then additional Capital expenses would be:

PATROL DIVISION: \$190,700

- 4 VEHICLES AND EQUIPMENT: \$170,700
- POLICE ISSUED EQUIPMENT: \$20,000

SECTION II CAPITAL REQUESTS

LINE ITEM DESCRIPTION: Replacement Patrol Vehicles and Vehicle
Equipment

COST ESTIMATE: \$170,700.00

JUSTIFICATION:

Four replacement vehicles are requested this year for the patrol division. The vehicles being replaced have exceeded their life expectancy and have been in Patrol use for ten years. Replacing patrol cars every six to seven years has been the goal of the police department in order to maintain a high performing and low maintenance fleet with minimal liability. The proposed replacement of vehicles every six to seven years is designed to maximize the life expectancy of the vehicle while maintaining a minimal operating cost associated with older vehicles. Vehicles exceeding six years of police service require excessive maintenance and repair that often offset the cost of a new vehicle. Due to financial limitations of the city the replacement cycle for police vehicles was increased to every ten years.

There is a direct interrelationship between capital costs for new vehicles and operating consequences for maintaining older vehicles. The excessive maintenance and repair associated with older vehicles negates the brief savings of vehicle purchasing by seeing an ever increasing operating cost. In some cases the added operating costs within a few years can equal to or exceed the initial cost of a new vehicle. This was apparent in 2008 when maintenance records were compared. The 2008 average yearly maintenance costs for the 2007 model police cars were \$400.00 per car. The 2008 average yearly maintenance cost for the 2000 model police cars were \$2,504.00 per car. Putting off the replacement expense of new vehicles causes an ever increasing overall fleet operating expense. The lack of reliability, lack of availability, uncertain safety, unacceptable condition and appearance, combined with the increased operating costs, are the reasons for setting a projected replacement date for older police vehicles.

The U.S. General Service Administration Federal Fleet Management lists the cost effective life of such vehicles at 3 years and 60,000 miles. Justification for this expected federal vehicle life projection includes the unmeasured and unquantified idle time of the vehicle, extreme driving required of the vehicle, and the need to maintain safety for the officers and general public. The police department chooses to replace vehicles every six to seven years doubling this federal vehicle life projection. This is safely accomplished by having a take home vehicle policy combined with a strict maintenance policy to ensure city vehicles are cared for and maintained at all times by the assigned officers.

The equipment purchased for these vehicles includes digital video and audio recording. This ability to record on-scene events significantly reduces the liability and the cost associated with defending the city from frivolous lawsuits. The United States Supreme Court cited the need and usefulness of the In-Car video system while reviewing a civil action involving an officer's judgment and the application of force used by the officer. Long life and low power drain LED lights and signals are also purchased to ensure adequate emergency signaling as required by state laws. These lights and signals

SECTION II CAPITAL REQUESTS

ensure the safety of the public by alerting motorists to potential hazards and law enforcement actions being conducted.

Summary: Volunteer Firefighter Reimbursements
As of September 30, 2012

	<u>Fiscal 2011</u>	<u>Fiscal 2012</u>	<u>Reimbursements</u>	<u>Receivables</u>
Fire Training Facility	576,106.34	68,173.74	(644,280.04)	0.04
Burn Facility	39,247.36	327,897.00	(100,000.00)	267,144.36
Equipment	-	30,978.35	(31,668.35)	(690.00)
	<u>615,353.70</u>	<u>427,049.09</u>	<u>(775,948.39)</u>	<u>266,454.40</u>

Ordinance Committee

Wednesday, October 10, 2012

City Hall Council Chambers

5:30 p.m.

Councilman Kelly Reese

Councilman Ron Scott

Councilman Derek Boulware

I. CALL TO ORDER/MEMBERS PRESENT

Kelly Reese and Ron Scott were present.

Also present were David Cohen, Scot Hetrick, Vickie Hinman, Pat Rudicel, and Rick Whitehead.

II. PUBLIC PARTICIPATION

Bill Boor spoke in regard to the dog ordinance referring to specifically barking. He has a neighbor that has excessive barking dogs and wanted the ordinance to be strengthened to deal with the problem.

III. ORDINANCE REVIEW/DISCUSSION

a. Use of Social Media by Employees

Motion by Mr. Scott Seconded by Mr. Reese To recommend to city council.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

b. Use of Alcoholic Beverages within the City of Daphne

Motion by Mr. Scott Seconded by Mr. Reese To recommend to city council.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

c. Any other actions or discussions deemed necessary for the Ordinance Committee to consider.

IV. OTHER BUSINESS

None

V. ADJOURN

Motion by Mr. Scott Seconded by Mr. Reese To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING**

Time: 5:00 PM on September 17, 2012

Location: City Hall Council Chambers

CHAIRMAN - Councilman Tommie Conaway, District 1

Councilwoman Cathy Barnette, District 2

Councilman John Lake, District 3

I. CALL TO ORDER

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

Present: Mayor Bailey Yelding, Councilwoman Tommie Conaway, Councilman John Lake, Richard D. Johnson-Director Public Works, Sandra Cushway-PW Administrative Assistant, Ashley Campbell-Daphne EPM, Randy Davis-Volkert Engineering, Dorothy Morrison-DBC, Lee Reach-ALDOT, David McClurg-Resident, Councilman Pat Rudicell

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – August reports reviewed.
- B. **Vehicle/Equipment Maintenance Report** – August & YTD reports reviewed. Councilman Lake questioned why Code Enforcement had such a high non-maintenance total. Richard to check with Duke and respond to Councilman Lake.
- C. **Public Participation** – David McClurg (Sidewalks and Pedestrian Traffic from Brookhaven Subdivision). Mr. McClurg reported that he feels that there is an issue with public safety for residents who wish to walk their children to school from the Brookhaven Subdivision. And new houses are going up every day. Getting across Whispering Pines is almost impossible and dangerous. He stated that he has discussed several options with Richard Johnson. Richard stated that a northbound sidewalk that would connect to Brookhaven would be a hard sell. Not covered under Dare walk to school program. Additionally, we were not selected for any Safe Routes to School grants this year. The plan is to ultimately extend the sidewalk to CR13 to Sehoj and eventually tie in Brookhaven. To add to street goals, pick up at existing sidewalks and provide a safe crossing. Richard stated that they are using Thermo-plast on all new and replacement crosswalks. It lasts 5 times longer than regular striping.
- D. **Public Participation** –
- E. **Correspondence** – None
- F.

III. OLD BUSINESS

- A. **Minutes – August 20, 2012. Motion made by Councilwoman Lake to accept the minutes as presented. Motion seconded by Councilwoman Conaway. Motion carried.**
- B. **Mosquito Reports** – August reports reviewed. Councilman Lake asked what the current policy is concerning mosquito spraying. He is receiving a lot of complaints from Summer Oaks. Richard responded that mosquitos and spraying has been consistent for this time of the year.
- C. **Street Sweeper Reports** – August reports reviewed. It was noted that Park City was not swept. Sandi to speak to Freddie Johnson, Street Supervisor to ensure that Park City is swept each month.
- D. **ALDOT** – Lee Reach reported on the new signals and poles that will be placed at CR 64/Hwy 98 and Whispering Pines/Hwy 98. The signals and poles for CR 64/Hwy 98 shipped last week. The foundation needs to be poured by the end of the month. This year, we adopted the new 2009 MUTCD Guidelines for all traffic controls. Changes in this law will require public education. He is hoping to put together something in the upcoming weeks. Richard added that part of the safety improvements shifted so that if you are making a left turn, you have a clear view. There are now protected left turn lanes. The new sequence will be a yellow turn arrow, a red turn arrow, then a flashing yellow “caution” turn arrow. This is all new to both the public and public safety. It is video controlled and LED. The Whispering Pines/Hwy 98 intersection will be the same way. Councilman Lake stated that the Police Department will

need close police patrol at first until the public gets used to the new system. The Whispering Pines intersection will be installed approximately two (2) months after the CR 64/Hwy 98 intersection.

- E. **Appraisal** – Ashley reported that the appraisal came back for the 17 acres. Common Market Value was placed at \$150,000. The property is cut in half by Yancy Branch. There is some potential for development when the market recovers. The owner of the property approached the City with a purchase price of \$149,000. Please review appraisal. Restoration would cost approximately \$50K. Ashley suggested that we request \$200K to purchase and restore for future City recreational use. Richard stated that the majority of material that is clogging up Yancy Branch is coming from this property. The value in purchasing the property would be in restoring and remediating for City usage. Ashley has been working on this for the past 10 years and has been unsuccessful in procuring grant money to restore the property because it was private property. Once we become the owner that opens up potential opportunities. **Councilman Lake made a motion to bring appraisal to the Finance Committee and the next Council Work Session for discussion. Motion seconded by Councilwoman Conaway.**

IV. **NEW BUSINESS**

- A. **Gator Alley** – Richard reported that he is working on a simplified plan for parking at Gator Alley. Trying to look at impervious parking lot. The current parking lot is eroding and is difficult to maintain. Should cost approximately \$20-30K to accomplish. Councilman Lake asked if there is room for additional parking at that location. It is a very popular location and parking overflows on weekends. Richard stated that they are looking at maximizing the parking spaces. There is also a 20' x 20' lot that Buddy Breland is asking \$200K for.

V. **DIRECTOR'S REPORT**

- A. **Capital Roads Improvement Projects Update** – The binder is down on Well Road. Have been unable to accomplish much this past week due to rain. Hosea Weaver not starting the Main Street resurfacing project until October 1st. Pine Hill work was supposed to start last Wednesday. Lake Forest Phase II project is current in advertisement. There is a pre-bid meeting this Thursday. Profit Drive – need to meet with Jaye at HMR to get an update.

VI. **SOLID WASTE AUTHORITY**

- A. **Monthly Equipment Use Report** – SW Coordinator on Medical Leave – No reports Available.
- B. **Monthly Recycle Tonnage Report** (Last Quarter Tonnage Comparison). SW Coordinator on Medical Leave – No reports Available.
- C. We operate our Solid Waste as an Enterprise. Included in Solid Waste is Garbage, Recycling and Trash (yard debris). Some trash gets recycled, some goes to the landfill. Currently, Recycling is producing 147 tons on average per month, predicting to have an income of \$124K. If we didn't recycle, we would pay the county \$30/ton for all of the recyclables plus the cost of moving it. Recycling is running at a positive quarter of a million dollars. Recycle trucks run five (5) days a week. They have to stop and unload daily. Our recycling program is ultimately revenue neutral.

VII. **MUSEUM COMMITTEE**

- A. **Minutes** – Minutes for August 13, 2012 meeting reviewed. No comments

VIII. **BEAUTIFICATION COMMITTEE**

- A. **Minutes** – September 7, 2012 minutes omitted in error.
- B. **Update** – Dorothy has communicated with businesses along Main Street about the mini-grants being offered by Community Development in hopes that they will apply to have their parking lots paved. She stated that she needs a contact person for the Bethel Church. Mayor Yelding to provide that information. The DBC needs new members. The number of members has dwindled. There should be at least two members representing each district.

IX. ENVIRONMENT ADVISORY COMMITTEE

A. September meeting changed to Monday – October 1, 2012 at 4:00 PM.

X. ENGINEER REPORT

A. **HMR Update** – Not present

B. **Volkert Update** – Nothing to report

XI. FUTURE BUSINESS

B. **Next Meeting** – October 15, 2012

XII. ADJOURNMENT

The meeting adjourned at 6:03 PM.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

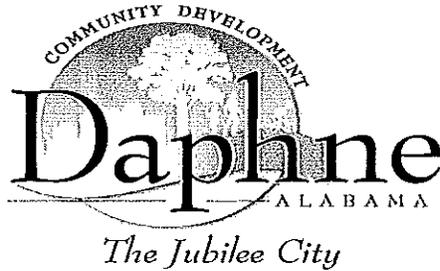
INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:



CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
AUGUST 2, 2012 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

1. CALL TO ORDER – 6:00 p.m.
2. CALL OF ROLL – Present Robison, Swaney, Lamb, Mayhand, Cooke and Moss arrived at 6:02 p.m.
3. APPROVAL OF MINUTES
July 10, 2012 - *Approved as written.*

4. OLD BUSINESS

Appeal #2012-03 John Powell – *Approved for a twenty-foot rear yard setback, in lieu of the required thirty five-feet, and to allow the carport to encroach five-feet into the required twenty five-foot corner side yard setback in order to build a residence to preserve three large Oak trees.*

A request for a Variance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the rear yard setback to be ten-feet (10) in lieu of the required thirty five-feet (35) and the side yard setback to be ten-feet (10), in lieu of the required twenty-feet (25) in order to build a residence and preserve three (3) large Oak trees. The property is located at 702 Magnolia Avenue, which is zoned R-2, Medium Density, Single Family Residential.

5. NEW BUSINESS

Appeal #2012-04 Macedonia Baptist Church – *Approved to construct a sixty-six space parking lot.*

A request for a Special Exception has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow an existing church to construct sixty-six parking spaces on PID #43-04-20-2-000-048.000. The property is located south of 902 Daphne Avenue, which is zoned R-3, High Density, Single Family Residential.

Appeal #2012-05 Garry Andrews – *Approved for the side yard setback to be ten point sixty one-feet, in lieu of the required fifteen-feet, and established the lot area to be twelve thousand, three hundred square feet, in lieu of the required twenty thousand square feet, and to allow a smaller yard dimension of eighty two-feet wide, in lieu of the required one hundred-feet, due to its substandard size, in order to build a residence.*

A request for a Variance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the rear yard setback to be nineteen point thirty one-feet (19.31) in lieu of the required forty-feet (40), and the side yard setback to be ten point sixty one-feet (10.61) in lieu of the required fifteen-feet (15), and establish the lot area as twelve thousand, three hundred square feet (12,300), in lieu of the required twenty thousand square feet (20,000), in order to build a residence with a detached carport. The property is located at 610 College Avenue, which is zoned R-1, Low Density, Single Family Residential.

6. ADJOURNMENT – 7:01 p.m.

Submitted by P. H.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 6:00 p.m. Let us have roll call.

Call of Roll:

Members Present:

Glen Swaney, Vice Chairman
Frank Lamb
Billy Mayhand
Willie Robison, Chairman
Larry Cooke
Jim Moss arrived at 6:02 p.m.

Staff Present:

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

Chairman: we have a quorum. The first order of business is approval of the July 10th, 2012 meeting minutes. There was one adjustment already made to the minutes concerning who made a motion. If there are no other corrections, additions or deletions to the minutes. The Chair will entertain a motion.

Approval of Minutes:

The minutes of the July 10th, 2012 meeting were considered for approval.

A Motion was made by Mr. Swaney and Seconded by Mr. Mayhand to approve the minutes.

The Motion carried unanimously.

Old Business:

Appeal #2012-03 John Powell

Chairman: first we have some old business from last month, Appeal #2012-03 John Powell, a variance request a variance request to allow the rear yard setback to be ten-feet in lieu of the required thirty five-feet and the side yard setback to be ten-feet in lieu of the required twenty-feet in order to build a residence to preserve three large Oak trees. The property is located at 702 Magnolia Avenue, which is zoned R-2, Medium Density, Single Family Residential. Ms. Jones if you have anything extra to add we will hear it at this time.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones: no, sir. I would ask Mr. Wachter to present the changes that he has submitted.

Chairman: if you would please state your name for the record.

Mr. Wachter: my name is Chason Wachter, Cottage Properties, representing Mr. Powell for the lot located on the corner of Magnolia and Sixth Street. We were here last month and proposed to do a variance. What we are looking to do is request two setback line readjustments on that property. What we did was went back, hopefully, you have the drawing showing the elevations, the style of home, and the change of the first floor reducing the square footage. I think it was around twenty-four, twenty-three hundred and now we are down to nineteen eighty-eight. We used a smaller footprint and we adjusted the rear setback from ten-feet to twenty-feet and then we adjusted the side setback from the last meeting to going from ten-feet to fifteen-feet. So we made it a little bit better on both of those setback lines that we were requesting, so we are back and hopefully these drawing will help give you an indication of the project that we are trying to do. I would like to bring up that I think there was some discussion last time about a project on the corner Dryer and Old County Road that was approved.

Chairman: that was the Robinson's.

Mr. Wachter: the Robinson's and this, in my opinion, it is very similar because it all has to do with some Oak trees, but that started out with a forty-foot rear setback and a twenty was approved. So I feel like it is very similar to that. I think the changes we made are very similar to what occurred there. I think that is it. Do you have any questions?

Chairman: before anyone asks you any questions I would like to say thank you for working to reduce the footprint. My little finite mind, as I said before, doing the math, previously it was about a seventy percent encroachment that you really wanted. Now it has been reduced down to about forty-two and a half percent. Also on the other it has been reduced down from fifty percent to twenty-five percent. So I appreciate you working in that area there to help reduce it and thank you for the drawing that I was able to look at. Does anyone else have any questions for Mr. Wachter?

Mr. Swaney: I would like to second the Chairman's applausus, if you will, that is great work. You furnished us with lots of information. My question would be will both of the large trees still remain?

Mr. Wachter: yes, sir, that was the goal of these buyers to keep the large Oak trees, and I think by doing this it allows them to keep the trees. Actually, I think it is three trees. Yes, it is tree large Live Oak trees.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Swaney: yes. Again, thank you for your hard work. Great effort.

Chairman: Ms. Jones do you have anything to say?

Ms. Jones: no, sir.

Chairman: does anyone else have anything for Mr. Wachter? If not, the Chair will entertain a motion.

Mr. Swaney: I will make the motion.

Chairman: hold on one moment.

Ms. Jones: Mr. Chairman, did you call for public participation?

Chairman: that is what I was wanted to do. Okay. Yes. Thank you, Mr. Wachter. Is there anyone that would like to speak in opposition of this variance request? If you would, please come to the podium and state your name and speak loudly because it is being recorded.

Ms. Ewing: my name is Fran Ewing and are we talking about the property this is on College Avenue?

Chairman: no, we are talking about the corner of Magnolia and Sixth Street.

Ms. Ewing: I am sorry.

Chairman: that will be coming up shortly. If not we will close public participation and go back to Mr. Swaney for the motion. Mr. Attorney.

Mr. Hoffman: we need to clarify the motion for the record.

A Motion was made by Mr. Swaney and Seconded by Mr. Mayhand to approve Appeal #2012-03, John Powell, for a revised variance to allow the rear yard setback to be twenty-feet, in lieu of the required thirty five-feet, in order to build a residence and preserve three large Oak trees. The property is located at 702 Magnolia Avenue, and it is in an R-2, Medium Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: the revised rear setback variance request has been approved. The Chair will now entertain a motion to approve the revised variance request for the attached carport.

A Motion was made by Mr. Lamb and Seconded by Mr. Swaney to approve Appeal #2012-03, John Powell, for a revised variance to allow an attached carport to encroach five-feet into the required twenty five-foot corner side yard setback in order to build a residence and preserve three large Oak trees. The property is located at 702 Magnolia Avenue, and it is in an R-2, Medium Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

Chairman: your revised variance requests are approved. You can pick them up in the Community Development office in the morning after nine o'clock. Thank you again and we appreciate your hard work in reducing the footprint down.

Mr. Wachter: thank you all.

New Business:

Appeal #2012-04 Macedonia Baptist Church

Chairman: next item on the agenda is Appeal #2012-04 Macedonia Baptist Church, a special exception request to allow an existing church to construct sixty-six parking spaces on PID #43-04-20-2-000-048.000. The property is located south of 902 Daphne Avenue, which is zoned R-3, High Density, Single Family Residential. Ms. Jones would tell us about this.

Ms. Jones: as you a special exception is allowed in various zoning districts depending on whether or not it would have an adverse impact on the public health, safety, morals and general welfare on the surrounding areas and in this case it is highly unlikely that a parking lot would create any adverse impacts. The property is located south of the intersection of Daphne Avenue and Guarisco. It will be used in association with the existing church. We have recommendations from the Public Works Director, the Building Official and myself recommending that this request be approved.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: is that it?

Ms. Jones: yes, sir.

Chairman: who will be the spokesperson for Macedonia or spokeswoman? Once again will you please come to the podium and state your name and please speak loudly.

Ms. Williams: Mr. Chairman, Ms. Jones and to the entire Board I am Kay Frances Williams. I am here as a representative for Macedonia Baptist Church along with other Trustee's and my Pastor. I am the Secretary of the Trustee Ministry for the church. We are asking your permission to build or construct a parking lot at the rear of our church. The reason that we are asking this is that we already use it for parking, but on rainy days, we are bothered with maybe two inches of water, when we step out of our cars. So we feel like, if we are given your permission to construct this parking lot, that it would be an asset to our church and also to the whole city of Daphne. Because when Daphne has parades or any special event the whole community uses our parking. So we are asking your permission to construct this parking lot in hopes that you will approve it.

Chairman: thank you Madam. Does anyone have any questions for Ms. Williams? I have a question and maybe you can answer it Ms. Jones. What about the runoff from the parking lot? I know there is a gravel drive so will that gravel slow down the flow of the water.

Ms. Jones: the church actually has plans to submit a site plan to the Planning Commission where all of those issues will be addressed.

Chairman: okay, thank you. Does anyone else have any questions? Thank you Ms. Williams. Is there anyone else that would like to speak concerning the parking lot at Macedonia? Is there anyone that would like to speak in opposition to the parking lot at Macedonia? If not, public participation is closed. The Chair will entertain a motion and it must be done in the affirmative.

Mr. Mayhand: I make a motion to approve the variance.

Mr. Hoffman: as a formality we need to restate the request as a special exception and not a variance.

A Motion was made by Mr. Mayhand and Seconded by Mr. Moss to approve Appeal #2012-04, Macedonia Baptist Church, for a special exception to allow the existing church to construct a sixty-six space parking lot on the adjacent lot to the south (PID #43-04-20-2-000-048.000). The property is located at 902 Daphne Avenue, and it is in an R-3, High Density, Single Family Residential Zone.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Upon roll call vote, the motion carried unanimously.

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

Chairman: your request for a special exception is approved. You can pick it up in the Community Development office in the morning after nine o'clock. Thank you.

Appeal #2012-05 Garry Andrews

Chairman: next item on the agenda is Appeal #2012-05 Garry Andrews, a variance request to allow the rear yard setback to be nineteen point thirty one-feet, in lieu of the required forty-feet and the side yard setback to be ten point sixty one-feet, in lieu of the required fifteen-feet, and establish the lot area as twelve thousand three hundred-feet, in lieu of the required twenty thousand square feet in order to build a residence with a detached carport. The property is located at 610 College Avenue, which is zoned R-1, Low Density, Single Family Residential. Ms. Jones before you start I do have a question on this. The variance request at the front of this, no page number, but in reading farther over here, I marked it, and it says that there is to be also a rear setback adjustment. It caught my eye. I see only two variance letters here, one for the four point two-nine and one for the lot area of twelve thousand three hundred square feet and the minimum width, but nothing for the rear setback.

Ms. Jones: let me start at the top and we will work our way back down. The subject property is located at the intersection of College Avenue and Fifth Street. They are asking for a variance on the interior setback as well as the minimum area for the lot, which is zoned R-1 and requires a twenty thousand square feet lot. However, this is two lots within the Bertagnolli Subdivision which was laid out in the 1920's. It is one of the first subdivisions laid out in the Town of Daphne. Another part of the request is that the lot width be eighty three-feet, in lieu of one hundred-feet. The justifications presented for the request is that it a part of the Bertagnolli and they are two substandard lots of record and there is no other land available where they can comply with the R-1 minimum area requirements or lot width requirements. This subdivision obviously predates zoning and the site condition creates an unnecessary hardship due to the location of Heritage Oaks, and these are the justification presented on the application. We do not have benefit of the power point so we are all flipping pages. I will go over to the staff comments, the fifth paragraph from the bottom of the page where I talk about the intent of the Land Use Ordinance.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones: it is the intent of the zoning ordinance to allow minor variances to accommodate extraordinary and exceptional conditions, and the City of Daphne does recognize tree preservation as something that is important. In my review, the documents presented do not show any trees that actually in the buildable footprint of the lot, but in my observation, in going to the site, I do see that Fifth Street is not actually forty-feet wide. There is a forty-foot right-of-way, but it is more like a driveway where only one car can pass at a time. My thoughts were if the City ever came along and wanted to upgrade the street to actually be forty-feet, then the change would create an impact on the house that would be constructed on that lot, and because of that I would recommend approval. In the final table, where we know which variances are requested, I did leave out the detached carport because our Ordinance addresses detached accessory structures allowing them to be five-feet from the rear setback and five-feet from the side setback, so that variance, although it was on the application, is not necessary.

Chairman: okay. In the public notice at the back of the packet on the very last page, this may be where I thought I read it. It says that the request if granted, would allow the rear setback to be nineteen point thirty one-feet, in lieu of the required forty-feet, and the side yard setback to be ten point six-one, so they are asking for the rear setback as well as the side setback.

Ms. Jones: the rear setback would have only applied to the carport, if it was necessary, but it is not necessary.

Chairman: so that is not a factor in this appeal.

Ms. Jones: right. We base the ad and the public notice by what is on the application, but when I was reviewing the documents to write my report I realized that it was a detached carport, so that does not apply.

Chairman: okay. Thank you, if you would state name, your company and who you are representing for this variance.

Mr. Bailey: Doug Bailey, HMR Engineers, I am here representing Garry Andrews and his family, Mr. Andrews is here with me. I would like to point out that Mr. Andrews has lived here now for approximately ten years, and he is looking to build another house to live in for a long, long time, hopefully, in this part of town. The way the house is laid out is based on a lot width of eighty two point six-feet. We did a re-subdivision plat combining the two substandard lots and still ended up with only eight two point six-feet, so we are eighteen-feet short of the minimum width requirement. What we have done basically, looking at the tree survey and measuring on the grounds, and the reason I overlaid this on the aerial from the website, is you can see that the canopy of these trees extends somewhat to the east.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Bailey: the root structure of those trees extends out, I have always been told, past the drip line of the tree. So we tried to move the house to the east by setting the front corner of the porch at the front setback and at the east setback, and the overage that we are asking for, the four point thirty nine-feet is on that east between that and the east property line. The next house is some forty seven odd feet away to the east. The opening allows us to be as far away as we can from the Oak tree and still be mostly within the setback. For the front setback we have got pier structures for the front porch so we are not too worried about that Oak tree out front, and it still allows us to have our carport on the back without encroaching the setback, also, by doing that, the west side lines up approximately with the front of the house on our south side. The long and short of it is, we tried to fit it on the property where a reasonable size house of twenty three hundred square feet, including the upstairs, would meet both of the setbacks, and fit in with the character of the neighborhood around it and preserve the trees on the property as well. I will answer any questions you may have.

Chairman: thank you. Does anyone have any questions for Mr. Bailey? Is there anyone else that would like to address the Board in favor of this appeal? If not, is there anyone that would like to address the Board in opposition to this appeal? Please step up to the podium, speak loudly and state your name and address for the record.

Mr. Ewing: my name is Doug Ewing. I am the owner of the house just east of this lot. I have a question. Thank you first of all for giving me an opportunity to speak. Sorry, I am nervous.

Chairman: that is okay, we are nervous also. You never get to the point where you are not nervous no matter how many times you have done it.

Mr. Ewing: well said. I am a little confused. You are talking about the trees as the central part of this argument if I understand correctly. What was the word that you used for the nature of these trees? What kind of trees?

Chairman: Heritage Oaks.

Mr. Ewing: Ms. Jones is puzzled like I am, what constitute heritage oaks, and whether or not there is one on this lot.

Ms. Jones: actually for my comment. There are Heritage Oaks on the lot, but there are not any that are in the buildable area where the house would sit.

Mr. Ewing: exactly.

Mr. Lamb: it is an observation that we have.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Lamb: we look to see if there is a Heritage Oak.

Mr. Ewing: what are heritage oaks? Can you define that? Are you all satisfied with the definition of it on this lot?

Mr. Lamb: there is a definition.

Mr. Ewing: are you all satisfied with their Heritage Oak. I live in the old Bertagnolli house and my Heritage Oaks are this big. I mean I am very sensitive to trees it is part of the reason I bought the property in the first place, but I do not see any trees of that nature of this property.

Mr. Lamb: no, I do not think there is one.

Mr. Cooke: Mr. Chairman, paragraph 19-4 of the Land Use Ordinance has a definition.

Chairman: paragraph 19-4. Would you mind reading that?

Mr. Cooke: okay.

Mr. Chairman: this is coming from the Land Use Ordinance Book which describes what a Heritage Oak is under 19-4.

Mr. Cooke: paragraph (i) under (c) any live oak tree ten inches or greater shall be classified as a significant heritage tree and shall be protected. A live Oak ten inches or greater in caliper located within the building footprint of a proposed building shall be replaced by other Live Oaks at least three inches in caliper.

Mr. Ewing: right, well I miss spoke. The next point of confusion is that the tree is not within the footprint of the house, and the consideration given to allow the special variance is, in the event that the road, which is now outside of the driveway, would be widen then it would result in the removal of the tree, and I do not understand how that works. In other words, the tree itself does not require this setback variance. What would require the setback variance is if the road was widened then the tree would be removed, which again makes the tree not really the issue. The issue is that the lot is too small. So I am not compelled by the logic of their request as the owner of the property nearby. Secondly, mine is the old Bertagnolli house and it is a very historic house here in Daphne, and I would hope that you would give some consideration to the effect it would have on my home.

Chairman: thank you, sir. Does anyone else wish to speak to the Board concerning this appeal?

Ms. Ewing: my name is Fran Ewing.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Ewing: I noticed when you were talking about combining the two properties there I noticed that somebody came into my yard and put survey stakes in my driveway. I hope that everybody realizes that besides owning our home we own a small piece of property to the west of our home. I hope we are very clear about what they have bought and what we own. Because I was very surprised to see that they had been in my yard surveying my second lot and I am not quite sure why that is, but I did have survey stakes in my yard and it indicated where my first lot is and where my second lot is, which I am the registered owner of, and pay the property taxes, and it was also surveyed, and beyond that is another lot. I just want to be real clear that the little lot is ours.

Chairman: yes, madam. Let me ask you a question, the gravel driveway coming off of College Avenue and then circling back around. How far west of that does your property go? Because the stakes that I saw were over in the green area and they were not in the gravel drive. So how far west of that does your property go?

Ms. Ewing: I am not talking about the gravel driveway that leads off of Fifth Street. I am talking about the gravel driveway that comes off of College Avenue.

Chairman: that is the one I am talking about.

Ms. Ewing: there were survey stakes in the middle of my driveway. I own to the west of those survey stakes. I am two lots. I am the main lot that the house sits on and I own a small lot adjacent to it and I would say about three-feet past the driveway. So I was a little confused about why they had surveyed my land. That is my property.

Chairman: Mr. Bailey do you know anything about that?

Mr. Bailey: probably what she saw was either a point where we established what is called a travelers point on adjacent property. We do that from time to time. We typically try to knock on doors to let people know that we are there. I cannot say that my guys always do that, but sometimes we do have to go to the east or west, north or south of a property in order to reestablish a property line for a plat, especially if something is older like this and probably has not been surveyed in a number of years. So it is just a requirement that we have to do as minimum standards for establishing lines. We certainly apologize for any inconvenience.

Chairman: what does CRF mean on this aerial?

Mr. Bailey: cap rebar found.

Chairman: so that is the property line? Is that what you are saying? The cap rebar is found.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Bailey: that is in accordance with the deed and with the plat.

Mr. Ewing: may I ask a few more questions or at least one more question?

Chairman: yes, sir.

Mr. Ewing: I understood you all to say that there two small lots that were part of the original Bertagnolli Subdivision from the 1920's.

Mr. Lamb: 1924.

Mr. Ewing: 1924, and our house I do not believe was one of them, but this lot would be one of them. One of the sub-sized or substandard lots, I forget the word that she used. Is there another one just to the east?

Mr. Lamb: of your property, yes.

Mr. Ewing: right, well I went out there and walked around thinking that this might be the case they managed to put in a perfectly adequate size house and not encroach more than the fifteen-feet into my property line. So if those folks figured out how to do it then I am not sure why the new owners cannot do it. I went out there and stepped it off and it was about seventeen or eighteen feet to my property.

Ms. Jones: Mr. Ewing's property is made up of three lots of record plus a piece of one of the other lots of record as well.

Chairman: so his lot is three lots and piece of another lot.

Ms. Jones: that is correct.

Mr. Lamb: how did the piece come into being?

Ms. Jones: I can speculate that back then in a certain time in history somebody wanted a little bit more area for their property and so they sold half of this or that.

Chairman: that piece and those three lots were prior to the Land Use Ordinance. Is that correct?

Ms. Jones: they are all a part of the Bertagnolli Subdivision.

Chairman: they are all a part of the Bertagnolli so they were done prior to 1987 whenever the Land Use Ordinance was put into effect.

Ms. Jones: correct.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: the main reason for the encroachment on the side setback is? On Fifth Street is? Would you repeat that again?

Ms. Jones: on Fifth Street the narrow driveway that exists there, that is a forty-foot right-of-way, but their driveway cannot be more than ten-feet wide, if it is ten-feet. There is only enough room for one car to pass at a time.

Chairman: but what is the reason to encroach on that side?

Ms. Jones: my thoughts were if the City ever came in and actually built up the right-of-way then that would be traffic closer to where a house would sit if it were a little bit farther over to the west. Now the City does not have any plans at this time to widen the right-of-way, but that was my thinking that if it ever was done in future it would have some impact on the house or structure built there.

Mr. Lamb: what is the Andrews reason or is this the engineering company's reason for this side variance? Because you would certainly be within the west side variance four-feet and you would have twenty four and there is only fifteen required, other than lining this house up with the house to the south. There must be a reason other than what Ms. Jones said, what she thought might be a reason, somebody must have a reason why they wanted to go east.

Mr. Bailey: when Mr. Andrews contacted me and asked us to survey the lot, he specifically asked us to locate all of the trees because he wanted to avoid the trees as best as he could, so we went out there and did that. When I came back and looked at this recently I realized that saying that it is a thirty-inch Oak tree and not showing on there the entire canopy and the impact of what may be around it so that is why I want back and asked for it to be moved over. As far as the street goes to the west I do not know, that may or may not happen.

Mr. Swaney: in other words you are indicating that the canopy shown on this lot has a large root structure that you would like to stay away from.

Mr. Bailey: yes, sir.

Chairman: anyone else?

Ms. Zehrt: my name is Joan Zehrt and I live in the house south of this lot. I am confused. I have a letter that says they are asking for a nineteen point thirty one-foot encroachment on the rear and now you are saying that they do not need that. If that is the case why do not they need it? Because that is very close to my property and the noise of an air conditioner unit that close to me is not a pleasant thought. Nineteen point thirty one-foot is a rather large encroachment, I think, and I have not seen any significant trees there either.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones: our Ordinance says that a detached carport does not require a variance if it is within five-feet of the side and rear yard setbacks, and this is almost twenty-feet from the rear yard setback. So that is why they do not need a variance for the detached carport.

Recording tape malfunctions, therefore Minutes are written from recording secretary's note from this point. Mr. Bailey shows Ms. Zehrt a drawing he prepared showing the layout of the house and the detached carport on the lot including where the Heritage Oaks are located.

Mr. Bailey: I actually lined up the detached carport with the house to the south so that everything would be in proportion.

Mr. Zehrt: I am glad you have lined it up and I have no problem with it now that I see what his plans are.

Chairman: thank you.

Mr. Andrews: the eastern side will encroach less than four-feet. I have lived in this area for a long time and I love it and I want to continue to do so. I intend to build a home that is along the same lines of the other houses in the neighborhood.

Chairman: does anyone else have any questions? Thank you, sir. If not, the Chair will entertain a motion, for the side yard setback variance.

A Motion was made by Mr. Swaney and Seconded by Mr. Lamb to approve Appeal #2012-05, Garry Andrews, for a variance to allow the side yard setback to be ten point sixty one-feet, in lieu of the required fifteen-feet, in order to build a residence. The property is located at 610 College Avenue, and it is in an R-1, Low Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

Chairman: the Chair will entertain a motion to establish the lot area.

A Motion was made by Mr. Mayhand and Seconded by Mr. Lamb to approve Appeal #2012-05, Garry Andrews, for a variance to establish the lot area as twelve thousand, three hundred-foot square feet, in lieu of the required twenty thousand square feet. The property is located at 610 College Avenue, and it is in an R-1, Low Density, Single Family Residential Zone.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Upon roll call vote, the motion carried unanimously.

Mr. Swaney	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Robison	Aye
Mr. Cooke	Aye

Chairman: the Chair will entertain a motion to establish the lot width.

A Motion was made by Mr. Swaney and Seconded by Mr. Mayhand to approve Appeal #2012-03, John Powell, for a variance to allow a smaller yard dimension of eighty two-feet, in lieu of the required one hundred-feet, due to its substandard size, in order to build a residence. The property is located at 610 College Avenue, and it is in an R-1, Low Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

Chairman: the request for side yard variance, the lot area and the smaller width dimension are approved. You can pick that up in the Community Development office in the morning after nine o'clock. If there is no other business, the Chair will entertain a motion to adjourn.

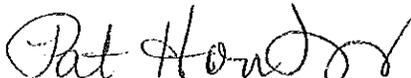
Adjournment:

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

The motion carried unanimously.

There being no further business the meeting was adjourned at 6:55 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

APPROVED: October 4, 2012


Willie Robison, Chairman

/ph



The Board of Zoning Adjustment
Regular Meeting Report
October 4, 2012 6:00 p.m.
Daphne City Hall Council Chambers

1. CALL TO ORDER 6:00 pm
2. ROLL CALL Attendees Robison, Lamb, Moss, Cooke
3. APPROVAL OF MINUTES – AUGUST 2, 2012—Approved as submitted
4. NEW BUSINESS
 - a) Appeal #2012-06 Eastern Shore Loving Arms, LLC Approved

A request for a special exception to the Land Use and Development Ordinance has been filed with the Board of Zoning Adjustment. The request, if granted, would allow the operation of an in-home institution for the aged, i.e., elderly residential care. The property is located at 2375 Pollard Road, which is zoned R-1, Low Density Single Family Residential.
 - b) Election of 2012-2013 Officers: Chair-Robison; Vice-Lamb; Secretary-Moss
5. OLD BUSINESS: N/A
6. ADJOURNMENT 6:40 pm +/-



BAILEY YELDING, JR.
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

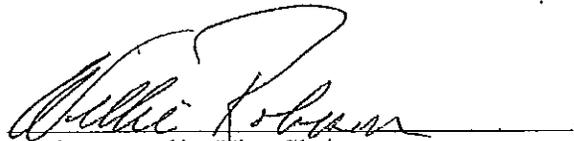
ADRIENNE D. JONES
DIRECTOR/COMMUNITY DEVELOPMENT

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

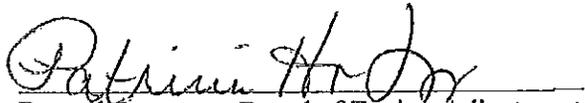
SPECIAL EXCEPTION CITY OF DAPHNE

This is to certify that a **SPECIAL EXCEPTION** was granted Eastern Shore Loving Arms LLC, Cynthia Pierce, Owner in Appeal #2012-06.

The special exception is as follows: to allow the operation of an in-home institution for the aged, i.e., elderly residential care at 2375 Pollard Road.


Chairman and/or Vice Chairman
Board of Zoning Adjustment

Date: October 4, 2012


Record Secretary, Board of Zoning Adjustment

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Ed Kirby, Chairman
Bailey Yelding, Jr., Mayor
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Dan Gibson
Don Terry, Secretary
Joe Lemoine

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Jay Ross, Attorney
Ashley Campbell, Environmental Programs Manager
Richard Merchant, Building Official

Staff Absent:

Missty Gray, Attorney
Erick Bussey, Associate Attorney
Richard Johnson, Public Works Director

Others Absent:

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

The first order of business is the call to order.

Chairman: Please let the record reflect that Mr. Lemoine, Mr. Gibson and Mr. Terry are not present.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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

APPROVAL OF MINUTES:

The minutes of the June 28, 2012 regular meeting were considered for approval.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Chief White *to approve the minutes of the June 28, 2012 regular meeting, as submitted. The Motion carried unanimously.*

The next order of business is a site plan review for Bellator-Daphne.

NEW BUSINESS:

SITE PLAN REVIEW:

File SP12-07:

Site: Bellator - Daphne (Addition to office formerly known as Bay Title)

Zoning(s): B-2, General Business

Location: Southeast corner of Wilson Avenue and Dolphin Street, Lot 6 of Daphne Square Subdivision, Phase Two, (formerly known as Bay Title)

Area: 0.46 Acres ±

Owner: Fortune Investment, L.L.C. - Nathan Cox

Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers. Basically, this is an addition of a wing to the existing office building. What we have done on the plan has provided detention which works with the Daphne Storm Water Ordinance. We have asked for a variance on the first flush treatment for a couple of reasons. It is designed to catch storm water and to release it over a twenty-four-hour period. The only drainage that we will have is roof drainage. We are capturing it and taking it to the detention pond. We have such a low volume of water that the orifice to release the water would be so small that it would be the size of a pencil eraser. You would have to create a depressed low surface area to catch any sediment.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Coleman: Also, I think that the first flush treatment is designed to catch the grit and sediment from a parking lot prior to it entering the storm water drainage system and not roof drainage. With that, I will be happy to answer any questions you may have.

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

Ms. Barnette: I have a procedural question on the waiver. I know that we added certain things in the Ordinance when we did the revision. Does this meet the waiver criteria?

Ms. Jones: Yes. Also, he has a recommendation from Richard Johnson, the Public Works Director, to approve the waiver.

Ms. Barnette: So the waiver does meet the language that we modified?

Ms. Jones: Yes.

Chief White: In the Community Development report it mentions that sidewalks may be coming down Wilson Avenue. Do you know which side of Wilson Avenue?

Ms. Jones: I do not know. Do you?

Ms. Barnette: I do not know. I know that Ms. Conaway was working on that project.

Mayor Yelding: Usually, Mr. Johnson, the Public Works Director, will make that assessment. It will be on which ever side is most visible, and in terms of space which side he would like to put them on. It has not gotten to that point yet.

Richard Merchant: The sidewalks will be located on the north side of Wilson Avenue.

Chairman: I was going to say there is a lot of land down through there in which there are no houses. There is quite distance before you can see houses on the south side of Wilson Avenue. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and *Seconded* by Mr. Chason *to approve the site plan for Bellator - Daphne and to grant the request for a waiver to the first flush provision of the Drainage and Storm Water Provisions. The Motion carried unanimously.*

The next order of business is master plan review for Dunmore Subdivision, Phase Two, Part C.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

DUNMORE SUBDIVISION, PHASE TWO, PART C:

MASTER PLAN:

File MPA12-03:

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting a master plan revision for Dunmore Subdivision, Phase Two, Part C. We currently have a master plan for this phase of Dunmore Subdivision. The project is so large in scope that ADEM determines the maximum amount of land that you can disturb at one time so the contractor focused on the back portion of the project. We have gotten to a point where we can ask for acceptance on that so we are asking for a modification to the master plan. There will be no additional lots. We are just adding a phase line. I will be happy to answer any questions you may have.

Chairman: So it is really not a change to the master plan, it is just dividing it into two phases? Do any of the Commissioners have any questions or comments?

Ms. Barnette: Is it because ADEM does not allow you to disturb more than ten acres because of tribidity rule?

Mr. Coleman: That is correct.

Ms. Barnette: You do not necessarily have to do a phase line for that.

Mr. Coleman: They are much further along with the back than the front half so they want to ask for acceptance of that phase.

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

Ms. Barnette: Who is the owner?

Mr. Coleman: It is Hearthstone and D. R. Horton is buying the lots.

Ms. Barnette: I will be abstaining.

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

A Motion was made by Mr. Chason and Seconded Mayor Yelding by to approve the master plan for Dunmore Subdivision, Phase Two, Part C. The Motion carried. Ms. Barnette abstained.

The next order of business is final plat review for Dunmore Subdivision, Phase Two, Part C, Phase One.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

FINAL PLAT REVIEW AND PETITION FOR STREET ACCEPTANCE:

File SDF12-04:

Subdivision: Dunmore, Phase Two, Part C, Phase One

Present Zoning: *R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential*

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

Area: 25.09 Acres ±, (65) lots

Owner: Hearthstone Multi-Asset, L.L.C. - Steve Mathison

Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers. In following with the previous presentation, the back half of Dunmore Subdivision, Phase Two, Part C is ready for acceptance. At site preview, Mr. Chason mentioned the consistency of the sidewalk widths in this phase of the development, and we agreed it would be four feet. In discussing it with the developer, the recommendation is that all sections of this phase should be five feet in width. I have made that modification. We have had a very difficult time with the rain and getting the grass stabilized so I have provided a grass bond. I have all of the acceptance letters, except for Belforest Water Authority. All of the items on their checklist have been addressed, but they would like a check before they issue a letter of acceptance. I respectfully request acceptance contingent upon the presentation of the letter from Belforest Water Authority. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Ms. Jones, do you have a problem with that?

Ms. Jones: You can approve it. I will not sign the plat until Belforest Water Authority is satisfied.

Mr. Coleman: I imagine that Belforest will not sign the plat either.

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

A Motion was made by Mr. Chason and Seconded by Chief White to approve the final plat and for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the streets in Dunmore Subdivision, Phase Two, Part C, Phase One. The Motion carried. Ms. Barnette abstained.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

The next order of business is subdivision replat review for Garry Andrews Subdivision.

SUBDIVISION REPLAT REVIEW:

File SRP12-09:

Subdivision: Garry Andrews Subdivision
(A replat of 6 and the west 23 feet of Lot 5,
Bertagnolli Addition)

Zoning(s): R-1, Low Density Single Family Residential

Location: Southeast of the intersection of College Avenue and
Fifth Street
Area: 0.28 Acres ±
Owner: Garry Andrews
Engineer: Hutchinson, Moore & Rauch - Doug Bailey

An introductory presentation was given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch. This is to clean up an issue. It is two pieces of property which have one parcel and pin number in the Baldwin County records. There is property line at the west twenty-three feet in the Bertagnolli Addition so what we are doing is eliminating that property line so that the lot has its full width and depth. Other than that, I will be happy to answer any questions you may have.

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

Ms. Barnette: Under director's comments, Ms. Jones is going to discuss substandard lots of record. I want to make sure that your comments do not affect her report.

Ms. Jones: They don't.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Yelding **to approve the subdivision replat review for the Garry Andrews Subdivision. The Motion carried unanimously.**

The next order of business is an administrative presentation for Sehoj Property Owners' Association.

ADMINISTRATIVE PRESENTATION:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

An introductory presentation was given by Mr. Franklin Lamb, representing Sehay Property Owners' Association. We are requesting approval for our message board sign for Sehay Subdivision. We have a letter from the Code Enforcement Officer stating that it does meet all of the City's requirements.

Chairman: Property owners' signs do have to come to the Planning Commission for approval. I looked at it, and I think everything is in order. The sign is not located at the front near the entrance. It is located further back into the subdivision. Do any of the Commissioners have any questions or comments?

Mr. Lamb: You cannot see it from County Road 13. You can only see it when you exit the subdivision.

Mayor Yelding: Did you say that it was approved by the Code Enforcement Officer?

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

A Motion was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve the property owners' association sign for Sehay Subdivision in accordance with Article 33, Section 33-10, Permitted Signs. The Motion carried unanimously.**

The next order of business is an administrative presentation for Oldfield Subdivision, Phase One.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Doug Lampluh, representing DMAP, Inc., requesting the release of an one hundred four thousand twenty-five-dollar performance bond for Oldfield Subdivision, Phase One. It is my understanding that all work has been done and approved by the City.

Chairman: Ms. Jones, are we good for this? Do any of the Commissioners have any questions or comments?

Ms. Jones: We have documentation from the Fire Marshal regarding fire hydrants, the Environmental Programs Manager about the grass bond, and Mr. McLaughlin about the sidewalks. He has everything satisfied.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve the release of an one hundred four thousand twenty-five-dollar performance bond for Oldfield Subdivision, Phase One. The Motion carried unanimously.**

The next order of business is an administrative presentation for the revision to the City of Daphne Zoning and Street Map.

ADMINISTRATIVE PRESENTATION:

Ms. Jones: Yesterday was Ms. Nancy's last day. You have in your packet the zone and street map edits which have occurred since January of this year through July 1. Most of the changes were subdivisions being added. There was one rezoning, and that was for the Blacksher White-Spinner property on U. S. Highway 90. We do have documentation on this and the subdivisions which have been to the Planning Commission already. Everything is in order for the codification of the zone and street map.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Yelding **to approve the Street Map and for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the revision to the City of Daphne Zoning Map. The Motion carried unanimously.**

The next order of business is public participation.

PUBLIC PARTICIPATION:

No public participation.

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

ATTORNEY'S REPORT:

Chairman: Do you have a report?

Mr. Ross: I do not.

Ms. Barnette: I asked Mr. Ross to research the term of office question we had for Planning Commission members.

Mr. Ross: The short answer is they are six year terms. You stay until you are reappointed or you are replaced. What I have not done, but would be happy to do, is to go back six or eight years and try to recreate the appointments in order to come up with what the precise terms are.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Ross: Everyone is there until their six-year term is up unless they are appointed to replace somebody. If Mayor Yelding appointed Ms. Dickson, she would serve four years or more until the Mayor reappointed her or somebody else.

Ms. Barnette: I think the question was the appointments are supposed to be made in October, but they are not done until November.

Ms. Jones: I think that I can help with that. Jan and I have done some digging and researching into the actual terms and appointments from the sixties up until now. I was trying to make sure we have been tracking that. What I have found is there were members that were appointed by Mayor Small that did not have their terms specified. I want to make sure we have the ones that were appointed first and when their terms are up so that it will follow in sequence. I will be presenting it to the Mayor next week. I think that they will all fall off in October, and we can place people who were appointed first in those slots per term.

Mr. Ross: Even if three people came up in October, and he did not reappoint those people or he did nothing, then the three people would stay until such time the Mayor reappointed them or appointed new people. Technically, it would affect how long the appointment would last. If you appointment me for six years, but I have served seven, you reappoint me, then I only have five years to go. If you appoint someone new in my place, then the new person would only have five years so that the staggered terms continue. You do not have to make an appointment when a term comes up, but you should. If you don't, it is not a foul ball.

Ms. Barnette: I do not think we are getting to the meat of my question. Legally, who has the authority to make the appointment in October if Mayor Yelding is not in the seat? If for whatever reason that Mayor Yelding is not the Mayor, then does he have the right to appoint or reappoint someone in October or does he have to wait until the new Mayor takes office?

Mr. Ross: There is nothing in the statue which says the Mayor cannot do that even if he does not win the election. He could do that because he is still the Mayor. It would be up to him to decide. I understand your question now. If a term expires, Mayor Yelding is still the Mayor until the next meeting in November. You could appoint someone in October, tonight, or not at all if you wanted to. He could defer it to the new Mayor, respectfully.

Ms. Barnette: I did not mean that.

Mr. Ross: I know that. It was just an illustration.

Mayor Yelding: Adrienne and I have already talked about meeting next week. We will get it all worked out.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Chairman: I was, of the opinion, how are six people coming off at the same time.

Ms. Jones: It was Mayor Small which did not give specify the length of the term for the members. If he has one person, who let's say had 1982 to 1988 and someone dropped out, he did not appoint them just for the rest of the term. He set them up for six years. That is where it could have gotten off. I will have documentation for everybody.

Mr. Ross: Even if Mayor Small made an appointment for a six-year term, then the cycle would continue. If he appointed someone for six years, but the slot was only for four years, then the four years would control in this case not the six years.

Mr. Chason: I would like to make a comment. It is really difficult to do this without nine people. You have Mr. Lemoine out. You only have seven or eight members so it is important to make that appointment as soon as possible.

Chairman: It is important to have a full team. Do any of the Commissioners have any questions or comments for the attorney?

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS - Accessory buildings:

Chairman: What happened is I was coming down Pinehill Drive one day and a trailer had been moved in on a lot on Sixth Avenue in Park City.

Mr. Ouellette: Eighth Avenue.

Chairman: Eighth Avenue, excuse me. In looking at this, it was brought in as an accessory building. The building is ten by forty with an inset front porch on it. The intent for the use of this building is to upgrade it to be used as a residence. There is an old, old trailer on this lot, and I am sure that it is not in very good shape. The gentleman that brought it in was told that there were no regulations involved. It is sitting there with the intent to upgrade it to use as a residence. They are selling these buildings right and left as fishing and hunting camps. I went to see Richard about this. He seems to think this could present a problem because someone could bring this in as an empty model and remodel it into living quarters. I am sure that this would be an upgrade from what is there. We need to deal with this before it gets any further. We asked Ms. Jones to come forward with some language for a portable skid mounted building, and what they can be used for. As a matter of fact, it was just passed out to the Commission and to the Building Official.

Mr. Merchant: I would like to let them have electricity.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Chairman: A storage building needs to have electricity. We cannot strike the part about electricity, but there cannot be any plumbing or heat.

Mr. Chason: By plumbing, do you mean no drains and toilets or do you mean water?

Mr. Merchant: The buildings would be prohibited from having sanitary plumbing so they cannot convert it to a residence. The other problem is the buildings do not meet any kind of code. They are just out buildings. They would not be allowed to have a central unit, but would be allowed to have a window unit.

Chairman: I do not think you will see the installation of a central unit because the roof structure of the building does not lend itself to duct work.

Mr. Merchant: I do not think you could regulate a window unit. I really don't.

Mayor Yelding: My question is, what are they going to do it for?

Mr. Merchant: The problem is they are lease to own. They will roll that thing in here for you with no money down and leave you with an empty shell. Eventually, it will be turned into a mother-in-law's suite.

Mr. Chason: We need to clarify that the intent of an accessory building is primarily for storage. It would not be habitable. It can be a garage or a pool house.

Mr. Merchant: Anything that is detached would be considered an accessory building to the primary residence. I think that a temporary skid mounted building or anything that is prefabricated would cover that.

Mr. Chason: The problem is we always try to find a lengthy code to deal with that. I think we need to find a brief description to give Richard the information to make a common sense decision for someone that appears to be attempting to circumvent the regulations. I think this is simple, and it is easy enough. I think we just need to get the language in there so he can make the determination. If you are going to try to turn it into a residence, then he is going to deny that.

Chairman: We have to put in here that it will not be used as a habitable unit.

Mr. Merchant: All of this section of the book, calls a metal building an accessory structure under the Building Code.

Ms. Barnette: How are you treating the accessory buildings or mother-in-law suites downtown? Do we need to address that?

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Chairman: It is an accessory structure no matter where it is. Those would be grandfathered. This would be strictly for a skid mounted structure.

Mr. Merchant: Like the buildings that are at Home Depot.

Ms. Barnette: Do we need to say that those structures are grandfathered?

Chairman: I think that it is already addressed.

Mr. Merchant: Anything prior to this ordinance and even the one in Park City would be grandfathered.

Chairman: It is there. I do not see how you can keep it from being changed into a residence. I am sure that is what is going to happen. He is going to upgrade it and drag that old trailer out of there.

Mr. Merchant: Or just use the old trailer for storage.

Chairman: The single wide trailer would be grandfathered.

Mayor Yelding: How are you going to prohibit anyone from living in it if they can have plumbing?

Mr. Merchant: We cannot prohibit plumbing. Right now we cannot deny it because we do not have anything preventing you from putting it in an accessory building. We do not distinguish between an accessory building that meets the Building Code and a building that is brought in and just dropped off. It does not separate the accessory structures. This would separate the prefabricated building into a different category. This will say that you cannot have plumbing so you cannot turn it into a habitable unit. As it stands right now, he can pull a permit for plumbing. Once this is passed, he can't.

Chief White: If it is a habitable unit, then what is the problem with them having plumbing?

Mr. Merchant: The unit would not meet any wind load requirements.

Chairman: If we allow plumbing, it could be converted to a habitable unit.

Mr. Merchant: The building cannot meet the definition of a manufactured home.

Mr. Chason: We have got to change that. We need to leave electrical in and take out sanitary plumbing and central heat. The rest of it is fine.

Chairman: At this stage in the game, do we need to make a recommendation to send this to City Council?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: You are not at that point yet. You need to have a public hearing first. I will send you a copy of the proposal with the revisions you discussed and set the public hearing for next month.

The next order of business is director's comments.

DIRECTOR'S COMMENTS - Substandard lots of record:

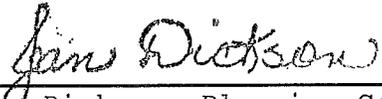
Ms. Jones: I am close to having something prepared. I will forward it to you when it is ready.

ADJOURNMENT:

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

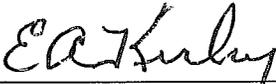
There being no further business, the meeting was adjourned at 5:37 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: August 23, 2012



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2012 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER** **DATE OF REPORT: OCTOBER 2, 2012**

2. **CALL OF ROLL** **LARRY CHASON, CATHY BARNETTE, CHIEF WHITE,
ED KIRBY, DON TERRY, DAN GIBSON, AND JOE
LEMOINE**

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of July 26, 2012. (APPROVED AS SUBMITTED)

4. **NEW BUSINESS:**
 - A. **ADMINISTRATIVE PRESENTATION:**

Presentation to be given by N. Andrew Rotenstreich regarding a proposal for an AT&T temporary site (a cell on wheels-COW) to be located at 1502 U.S. Highway 98 (Daphne Justice Center). (FAVORABLE RECOMMENDATION)

 - B. **PUBLIC HEARINGS:**
 1. **3rd amendment to Ordinance 2011-54, Land Use and Development Ordinance, a revision to Article 9, Section 12 (g), add Fabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements: 1. Shall be no more than 18 ft (eighteen feet) in length; 2. Shall not be used as a habitable unit; 3. Shall not be served by heat or plumbing; and, 4. Does not need to be placed on a permanent foundation. (FAVORABLE RECOMMENDATION, CONTINGENT UPON AMENDING LANGUAGE: SHALL BE NO MORE THAN 18 FT (EIGHTEEN FEET) IN LENGTH AND NO MORE THAN 220 (TWO HUNDRED AND TWENTY) TOTAL SQUARE FEET)**

 2. **4th amendment to Ordinance 2011-54, Land Use and Development Ordinance, a revision to Article 8, Definitions, add Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site; and Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat, or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built or purchased in a kit in prefabricated sections. (FAVORABLE RECOMMENDATION)**

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2012 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. SITE PLAN REVIEW:

1. File S12-08: **(APPROVAL, CONTINGENT UPON THE APPROPRIATE PARTY PRESENTING AN INDEMNIFICATION FORM FOR FRENCH SETTLEMENT SUBDIVISION, PHASE 1A & 1B AND GRANTING AN EASEMENT TO THE PROPERTY OWNERS ASSOCIATION TO THE OFFSITE DETENTION POND FOR MAINTENANCE)**

Site: French Settlement Pool

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

Location: Common area 4, French Settlement Subdivision, Phase 1A, northwest of Longue Vue Boulevard and Felicity Lane

Area: 3.3 Acres ±

Owner: Spa Daphne, L. L. C.

Engineer: Polysurveying - Vince LaCoste

D. SUBDIVISION REPLAT REVIEW:

1. File SRP12-10: **(APPROVED)**

Subdivision: J. R. & Melissa Allstun

Zoning(s): *R-3, High Density Single Family Residential*

Location: 133 and 135 Broadmoor Drive, Lot 101 and 102, Lake Forest Subdivision, Unit 14

Area: 0.31 Acres ±

Owner: J. R. & Melissa Allstun

E. PETITIONS: **(FAVORABLE RECOMMENDATION)**

VACATION OF EASEMENT REVIEW:

File VOE12-01: J. R. & Melissa Allstun

Zoning(s): *R-3, High Density Single Family Residential*

Location: 133 and 135 Broadmoor Drive, Lot 101 and 102, Lake Forest Subdivision, Unit 14

Area: 0.31 Acres ±

Owner: J. R. & Melissa Allstun

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2012 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

- F. **ELECTION OF OFFICERS:** (Retain same officers as in 2012, Ed Kirby, Chairman, Larry Chason, Vice Chairman, and Don Terry, Secretary)
5. **PUBLIC PARTICIPATION**
6. **ATTORNEY'S REPORT**
7. **COMMISSIONER'S COMMENTS**
8. **DIRECTOR'S COMMENTS:** Discussion by Adrienne Jones, the Director of Community Development, regarding the Low Impact/Green Infrastructure questionnaire. Extension of the grant and will begin working on draft ordinance to present to Planning Commission and City Council.
9. **ADJOURNMENT - 5:45 P.M.**

SET A PUBLIC HEARING DATE

NOVEMBER 19, 2012

TO CONSIDER:

REVISIONS TO LAND USE AND DEVELOPMENT ORDINANCE

- 1.) Article 9, Section 12 (g) Accessory Structures Provisions
- 2.) Article 12, Definition of Terms

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

MEMORANDUM

Subject: 3rd Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 9, District Provisions, Accessory Structures, Section 12 (g) and 4th amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 8, Definitions

Date: October 2, 2012

At the September 27, 2012, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, October 15, 2012 City Council agenda to set the public hearing for Monday, November 19, 2012. The City Attorney has been given the pertinent information to prepare said Ordinance.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report

Planning Commission



PUBLIC HEARING PROPOSED 3rd & 4th AMENDMENT TO ORDINANCE #2011-54 LAND USE & DEVELOPMENT ORDINANCE

COMMUNITY DEVELOPMENT

Amendment #3: An amendment to the District provisions of the LUDO

Rationale: to clarify the use of prefabricated accessory structures.

Add 12(g)

Prefabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements: 1. Shall be no more than 18 ft (eighteen feet) in length; 2. Shall not be used as a habitable unit; 3. Shall not be served by heat or sanitary plumbing; and, 4. Does not need to be placed on a permanent foundation. 5. Shall be no more than 220 sq. ft. in area. (Added by PC on 9/27/12)

Amendment #4: An amendment to the Definition of Terms provisions of the LUDO

Rationale: to clarify and define terms associated with language added in Article 12, District Provisions, regarding prefabricated accessory structures.

Add to Article 8, Definition of Terms,

Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site.

Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built or purchased in a kit in prefabricated sections.

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2012-____

Ordinance to Amend the City of Daphne

Land Use and Development Ordinance

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 27, 2012, considered the 3rd and 4th proposed amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 9, District Provisions, to add and include 12(g) clarifying the use of prefabricated accessory structures; and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for the addition of said 12(g) to Article 9 of the Land Use and Development Ordinance; and,

WHEREAS, the Planning Commission considered an amendment to Article 8, Definition of Terms, to clarify and define terms associated with the amendment to include in Article 9, Section 12(g); and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for said amendments to the Definition of Terms; and,

WHEREAS, due notice of said proposed amendments has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on November 19, 2012; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENTS

Article 9, District Provisions shall be and is hereby amended to include the following:

12(g)

Prefabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements:

- (1) Shall be no more than 18 ft (eighteen feet) in length;
- (2) Shall not be used as a habitable unit;
- (3) Shall not be served by heat or sanitary plumbing;
- (4) Does not need to be placed on a permanent foundation; and
- (5) Shall be no more than 220 square feet in area.

Article 8, Definition of Terms shall be and is hereby amended to include the following:

Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site.

Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built in a kit in prefabricated sections.

All other language, sections, uses, conditions and/or content of Ordinance 2011-054, and any amendments thereto, shall remain the same and shall be unchanged by this Ordinance; this Ordinance shall only amend Article 8 and Article 9 as specifically set out hereinabove.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

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

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

COUNCIL PRESIDENT

MAYOR

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section on Friday, October, 19, 2012.

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on November 19, 2012 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance / Revisions to Article 9, Section 12 (g) Accessory Structures Provisions and Article 12, Definition of Terms as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012-___**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 27, 2012, considered the 3rd and 4th proposed amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 9, District Provisions, to add and include 12(g) clarifying the use of prefabricated accessory structures; and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for the addition of said 12(g) to Article 9 of the Land Use and Development Ordinance; and,

WHEREAS, the Planning Commission considered an amendment to Article 8, Definition of Terms, to clarify and define terms associated with the amendment to include in Article 9, Section 12(g); and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for said amendments to the Definition of Terms; and,

WHEREAS, due notice of said proposed amendments has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on November 19, 2012; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENTS

Article 9, District Provisions shall be and is hereby amended to include the following:

12(g)

Prefabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements:

- (1) Shall be no more than 18 ft (eighteen feet) in length;
- (2) Shall not be used as a habitable unit;
- (3) Shall not be served by heat or sanitary plumbing;
- (4) Does not need to be placed on a permanent foundation; and
- (5) Shall be no more than 220 square feet in area.

Article 8, Definition of Terms shall be and is hereby amended to include the following:

Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site.

Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built in a kit in prefabricated sections.

All other language, sections, uses, conditions and/or content of Ordinance 2011-

054, and any amendments thereto, shall remain the same and shall be unchanged by this Ordinance; this Ordinance shall only amend Article 8 and Article 9 as specifically set out hereinabove.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2012.

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

COUNCIL PRESIDENT

MAYOR

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section on Friday, October 26, 2012

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on October 19, 2012, that the City Council of the City of Daphne will hold a Public Hearing on November 19, 2012 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use and Development Ordinance / Revisions to Article 9, Section 12 (g) Accessory Structures Provisions and Article 12, Definition of Terms as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012-___**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 27, 2012, considered the 3rd and 4th proposed amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 9, District Provisions, to add and include 12(g) clarifying the use of prefabricated accessory structures; and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for the addition of said 12(g) to Article 9 of the Land Use and Development Ordinance; and,

WHEREAS, the Planning Commission considered an amendment to Article 8, Definition of Terms, to clarify and define terms associated with the amendment to include in Article 9, Section 12(g); and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for said amendments to the Definition of Terms; and,

WHEREAS, due notice of said proposed amendments has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on November 19, 2012; and,

/END SYNOPSIS

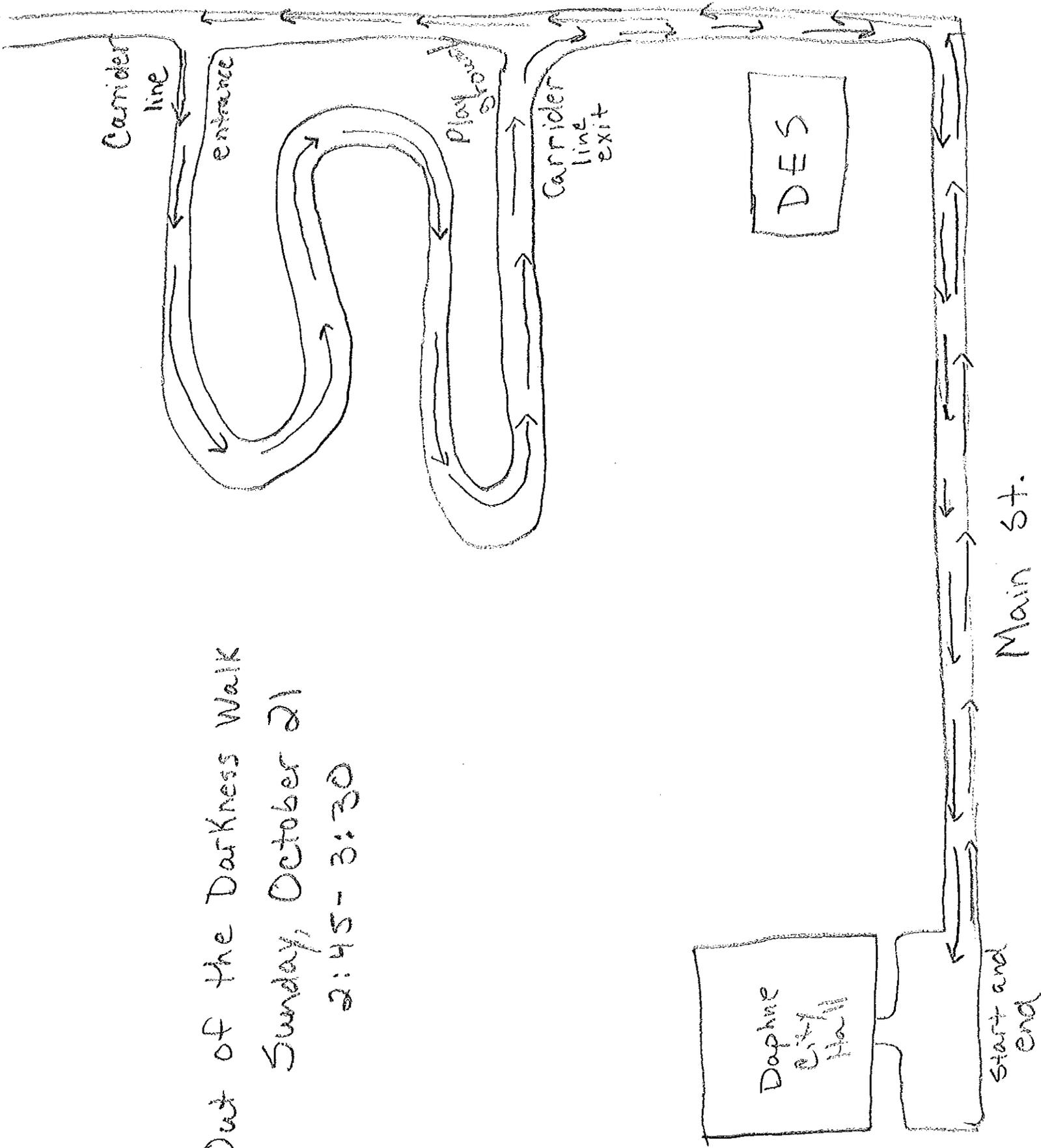
**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>American Foundation of Suicide Prevention</i>
CONTACT PERSON:	<i>Lydia Barber</i>
ADDRESS:	<i>606 Oak Ridge West Daphne, Al 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>jbarber@bellsouth.net 455-6453</i>
TYPE OF PARADE:	<i>Out of the Darkness Walk</i>
DATE OF PARADE:	<i>October 21, 2012</i>
ROUTE TO BE TRAVELED:	<i>SEE Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>350 - 400</i>
START TIME:	<i>2:45 p.m.</i>
STOP TIME:	<i>3:30 p.m.</i>
ASSEMBLY AREA/STREET:	<i>City Hall</i>
ASSEMBLY TIME:	<i>1:00 p.m.</i>
SPECIAL INSTRUCTIONS:	<i>Use sidewalks</i>
DATE APPLIED:	<i>October 8, 2012</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>[Signature]</i>
FIRE: Chief James White	<i>[Signature]</i>
PUBLIC WORKS: Richard Johnson	<i>[Signature]</i>
RECREATION : David McKelroy	<i>[Signature]</i>
CITY COUNCIL APPROVAL: 10-15-12	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>October 8, 2012</i>
NOTIFICATION	

Out of the Darkness Walk
Sunday, October 21
2:45 - 3:30



CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2012 - 76
VACATION OF EASEMENT(S)
J.R. & MELISSA ALLSTUN
LOTS 101 & 102, LAKE FOREST SUBDIVISION, UNIT 14**

WHEREAS, J.R. & Melissa Allstun has presented to the City Council of Daphne, Alabama a petition seeking vacation of certain drainage and utility easement(s), the desire to vacate said easement(s), and said consent to the vacation thereof has been given by certain entities and abutting landowners having certain rights therein; and,

WHEREAS, the City Council of Daphne, Alabama does assent to and approve the vacation and the annulment of the dedication thereof as reflected on said recorded plat and/or restrictive covenants of Lake Forest Subdivision, Unit 14.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the act of the aforesaid petitioner in vacating and annulling the easement(s) is described as follows:

The five (5) foot drainage and utility easement(s) on each side of the lot line dividing lot(s) 101 & 102, Unit 14, of the Lake Forest Subdivision, as shown in Map Book 7, Page 104, in the Office of the Judge of Probate, Baldwin County, Alabama, less and except the ten (10) foot drainage and utility easement(s) on the front and rear lot line of said property. Said easements being located in Section 32, Township 4 South, Range 2 East.

Reference: 133 & 135 Broadmoor Drive

BE IT FURTHER RESOLVED, that the City Council of Daphne, Alabama is authorized to execute this resolution and that the City Clerk is authorized and directed to attest and certify the same.

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

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

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

DATE AND TIME SIGNED: _____

**BAILEY YELDING, JR.,
MAYOR**

DATE AND TIME SIGNED: _____

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

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: J. R. & Melissa Allstun
Vacation of Easement
Lot 101 and 102, Lake Forest Subdivision,
Unit 14

Date: October 2, 2012

At the September 27, 2012, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned resolution.

Attached please find said documentation for placement on the Monday, October 15, 2012 City Council for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition for Vacation of Easement
3. Map of Property
4. Subdivision Plat
5. Legal Description
6. Adjacent Property Owners List
7. Legal Advertisement
8. Easement Release Forms
9. Resolution

Planning Commission



VACATION OF EASEMENT PETITION **Allstun-Lot 101 and 102, Lake Forest Subdivision, Unit 14**

**COMMUNITY DEVELOPMENT
VACATION OF EASEMENT**

**Jerry & Melissa Allstun
Lot 101 and 102, Lake Forest Subdivision, Unit 14**

Lake Forest Subdivision Unit 14 was recorded in 1971 with a note stating that *all lots have a 5-foot drainage and utility easement on side lot lines*. A petition has been submitted for the vacation of both 5-ft easements along the interior property line between lots 101 and 102. The petitioner has submitted an application to replat both lots into one.

The application and submittal materials have been submitted in proper form per the requirements of Article 24, Vacation of Easement and/or Right of Way provided in the Land Use & Development Ordinance. Release forms from the following have been submitted by Lake Forest POA, Daphne Public Works, Daphne Utilities, Riviera Utilities, Media-Com and AT&T.

Recommendation: Approval.

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

PETITION FOR VACATION OF EASEMENT

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

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned J.R. & MELISSA ALLSTON is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain drainage and utility easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for drainage and utility easement(s) along lot lines. Owner(s) hereby petition, by the attached copies to vacate a certain drainage and utility easement(s) described as follows:

The 135 foot drainage and utility easement on each side of the lot line dividing Lot(s) 101 and 102, Unit 14 of LAKE FOREST Subdivision, as shown in Map Book 7, Page 104 Instrument # 654743 in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section 32, Township 4 South, Range 2 East. RP 679, PAGE 1780

All applicable utility providers in said subdivision, by instruments filed herewith, have consented to the vacation of said easement(s), and the hereinabove described portion of the said easement and the annulment of the dedication thereof as reflected on the said recorded plat and/or restrictive covenants.

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said easement.

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seals on this the 6 day of August, 2012

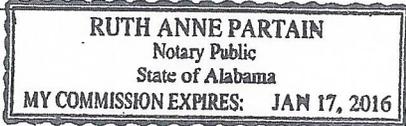
OWNER(S) SIGNATURE: [Signature]
Melissa Allston

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that J.R. & Melissa Allston, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6 day of August, 2012

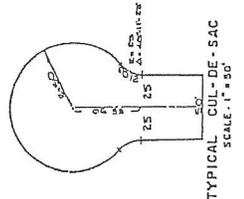
Ruth Anne Partain
Notary Public
My Commission Expires



642A

EX 7 744104

NO.	DESCRIPTION	AMOUNT	DATE	INITIALS
1	100% 100%	100.00	10/1/00	100
2	100% 100%	100.00	10/1/00	100
3	100% 100%	100.00	10/1/00	100
4	100% 100%	100.00	10/1/00	100
5	100% 100%	100.00	10/1/00	100
6	100% 100%	100.00	10/1/00	100
7	100% 100%	100.00	10/1/00	100
8	100% 100%	100.00	10/1/00	100
9	100% 100%	100.00	10/1/00	100
10	100% 100%	100.00	10/1/00	100
11	100% 100%	100.00	10/1/00	100
12	100% 100%	100.00	10/1/00	100



NOTE:
 1. UNLESS OTHERWISE NOTED ALL DIMENSIONS ARE IN FEET.
 2. UNLESS OTHERWISE NOTED ALL LOTS SHALL BE 200 FEET WIDE AND UTILITY EASEMENT ON SIDE LOT UNLESS OTHERWISE NOTED.
 3. UNLESS OTHERWISE NOTED ALL LOTS SHALL BE 100 FEET DEEP AND UTILITY EASEMENT ON SIDE LOT UNLESS OTHERWISE NOTED.
 4. UNLESS OTHERWISE NOTED ALL LOTS SHALL BE 100 FEET DEEP AND UTILITY EASEMENT ON SIDE LOT UNLESS OTHERWISE NOTED.

STATE: CALIFORNIA
 COUNTY: CALIFORNIA
 DISTRICT: 7
 MAP NO.: 744104
 DATE: 10/1/00
 SHEET NO.: 107
 TOTAL SHEETS: 108
 SCALE: 1" = 50'
 PROJECT: LAKE FOREST
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 DATE: 10/1/00



J. R. & MELISSA ALLSTUN

VACATION OF EASEMENT REVIEW

LOT 101 & 102, LAKE FOREST SUBDIVISION, UNIT 14

EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

LEGAL DESCRIPTION OF EASEMENT(S):

The five (5) foot drainage and utility easement(s) on each side of the lot line dividing lot(s) 101 & 102, Unit 14, of the Lake Forest Subdivision, as shown in Map Book 7, Page 104, in the Office of the Judge of Probate, Baldwin County, Alabama, less and except the ten (10) foot drainage and utility easement(s) on the front and rear lot line of said property. Said easements being located in Section 32, Township 4 South, Range 2 East.

Reference: 133 & 135 Broadmoor Drive

ALLSTUN'S

LOT 101/102 VACATION OF EASEMENT

ADJACENT PROPERTY OWNER'S LIST

SMITH, MAMIE LEE
144 BROADMOOR DRIVE
DAPHNE, AL. 36526

DIRKES, PAUL J.
137 BROADMOOR DRIVE
DAPHNE, AL. 36526

TALBOT, CAROLYN S.
131 BROADMOOR DRIVE
DAPHNE, AL. 36526

LAKE FOREST PROPERTY OWNERS ASSOC. INC.
P.O. BOX 1087
DAPHNE, AL. 36526



BAILEY YELDING, JR.
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
DIRECTOR/COMMUNITY DEVELOPMENT

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

September 11, 2012

NOTICE TO PROPERTY OWNERS

A petition for VACATION OF EASEMENT will be considered by the Daphne Planning Commission for the five-foot drainage and utility easement on each side of the lot line dividing Lot 101 and 102, Lake Forest Subdivision, Unit 14, as shown on Slide No. 642 A & B in the Office of the Judge of Probate, Baldwin County, Alabama. Said easement(s) being located in Section 32, Township 4 South, Range 2 East. Said property is zoned R-3, High Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, September 19, 2012 at 10:00 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, September 27, 2012 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

J R & Melissa Allstun, 133 & 135 Broadmoor Drive

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Richard D. Johnson, P.E., do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 101 and Lot 102 of Unit 14 of Lake Forest Subdivision as setforth in the attached exhibit with the following comments:

Comments

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.

[Empty rectangular box for comments]

- Objects to the vacation(s) described above, reason described below.

[Empty rectangular box for reasons]

AGENCY NAME : Division Of Public Works, City of Daphne

By: *Richard D. Johnson PE*
 Richard D. Johnson, P.E.
 Its: Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Richard D. Johnson, P.E., whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 12 day of Sept, 2012

Sandra W. Cushman
 Notary Public
 My Commission Expires My Commission Expires March 9, 2016

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, DAPHNE UTILITIES, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 101 and Lot 102 of Unit 14 of LAKE FOREST Subdivision as setforth in the attached exhibit with the following comments:

Comments

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.

- Objects to the vacation(s) described above, reason described below.

AGENCY NAME: DAPHNE UTILITIES

By: Danny Lyndall

Its: OPERATIONS MANAGER



STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Danny Lyndall, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 7th day of August, 2012



Notary Public
My Commission Expires 8-13-2014

COPY

CONSENT TO VACATION OF DRAINAGE AND UTILITY EASEMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

WHEREAS, there is that certain approved plat of Lake Forest Subdivision, Unit 14, Lot (s) 101 & 102, recorded in Map Book 7, Page 104, filed in the Office of the Judge of Probate of Baldwin County, Alabama; and

WHEREAS, the aforesaid plat and/or restrictive covenants to said subdivision provide for a ten (10) foot wide drainage and utility easement as more specifically described herein; and

WHEREAS, the UTILITIES BOARD OF THE CITY OF FOLEY may own utility facilities located near said drainage and utility easement within said Unit 14;

NOW, THEREFORE, THE UTILITIES BOARD OF THE CITY OF FOLEY does hereby consent to and agree to the vacating of the hereinafter described easement pursuant to the terms and conditions of the aforesaid VACATION OF EASEMENTS. The easements being vacated are described as follows, to-wit:

The five (5) foot drainage and utility easements on each side of the lot line dividing lot (s) 101 & 102, Unit 14, of the Lake Forest Subdivision, as shown in Map Book 7, Page 104, in the Office of the Judge of Probate of Baldwin County, Alabama LESS and EXCEPT fifteen (15) feet on the East end of said property line. Said easements being located in Section 32, Township 4 South, Range 2 East.

IN WITNESS WHEREOF, the undersigned has executed this instrument this the 17th day of August, 2012 pursuant to authority duly conferred.

UTILITIES BOARD OF THE CITY OF FOLEY

BY: Thomas L DeBell

ITS: ELECTRIC DEPARTMENT MANAGER

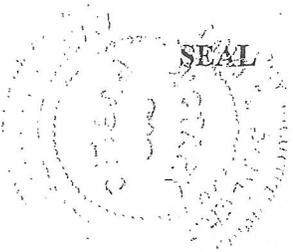
STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 17th day of August, 2012.

Iris K Barber
Notary Public

My Commission Expires 1-22-13



EASEMENT RELEASE FORM

WHEREAS, we the undersigned, AT & T, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 101 and Lot 102 of Unit 14 of LAKE FOREST Subdivision as setforth in the attached exhibit with the following comments:

Comments

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.

[Empty rectangular box for comments]

- Objects to the vacation(s) described above, reason described below.

[Empty rectangular box for reasons]

AGENCY NAME: AT&T

By: [Signature]

Its: MANAGER - PEANUTS / DESIGN

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Jess Hadley, whose name is signed to the foregoing instrument, and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30 day of August 2012

Rebecca A. Hayes
Notary Public
My Commission Expires 2/16/2013

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, MEDIA.COM, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 101 and Lot 102 of Unit 14 of LAKE FOREST Subdivision as setforth in the attached exhibit with the following comments:

Comments

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.

[Empty rectangular box for comments]

- Objects to the vacation(s) described above, reason described below.

[Empty rectangular box for reasons]

AGENCY NAME: Media.com SE LLC

By: Wm Huggins

Its: Wm Huggins

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that William Huggins, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30 day of August, 2012

Rebecca A. Hayes
Notary Public
My Commission Expires 2/16/12

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Lake Forest Property Owners Assoc do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 101 and Lot 102 of Unit 14 of LAKE FOREST Subdivision as setforth in the attached exhibit with the following comments:

Comments

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.

[Empty rectangular box for comments]

- Objects to the vacation(s) described above, reason described below.

[Empty rectangular box for reasons]

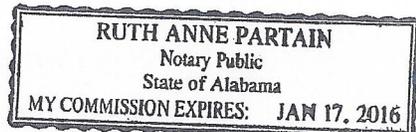
AGENCY NAME: Lake Forest Property Owners Association
 By: Mary Ann Hampton
 Its: President, Board of Directors

STATE OF ALABAMA)
 COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Mary Ann Hampton, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 23 day of August 2012

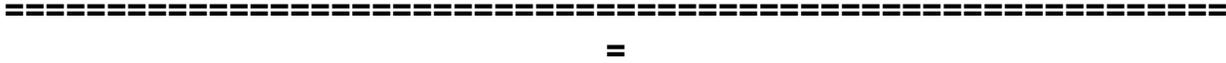
Ruth Anne Partain
 Notary Public
 My Commission Expires _____



CITY OF DAPHNE

RESOLUTION NO.: 2012-77

**ACCEPTANCE OF PORPERTY
W. ANDREW JOHNSON & MICHAEL KIPPING**



WHEREAS, W. Andrew Johnson and Michael Kipping desired to grant, bargain, sell and convey to the City of Daphne a certain parcel of real property and;

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

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

Lot 19, Lake Forest, Unit 21, according to plat thereof recorded in Map Book 8, Page 29, of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted.

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

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

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

**RESOLUTION 2012-78
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:

1. **David Cohen, City Clerk**, Certification Training Institute for Municipal Clerks / October 24-26, 2012 / Tuscaloosa, AL / \$140

2. **David Cohen, City Clerk**, Grant Compliance Training / LWCF Recreational Trails Program / October 30-31, 2012 / Jacksonville, AL / \$70

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 ____ day of _____, 2012.**

**Cathy S. Barnette,
Council President**

**Bailey Yelding, Jr.,
Mayor**

ATTEST:

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

RESOLUTION NO. 2012-79
2012-R- FIBER INSTALLATION & SERVICE

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

WHEREAS, The City of Daphne acknowledges that the monthly recurring cost for the FIBER SERVICE will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the FIBER INSTALLATION & SERVICE and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the FIBER INSTALLATION & SERVICE be awarded to JMF Solutions, 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 JMF Solution, Inc. in the amount of \$63,036 as specified in BID SPECIFICATION NO: 2012-R- FIBER INSTALLATION & SERVICE as follows:

PHASE I LOCATION TO INSTALL FIBER	Synchronous Bandwidth MB	JMF Solutions, Inc. Monthly Recurring Cost Includes Internet Services	JMF Solutions, Inc. One-Time Install Cost
City Hall	10	\$ 802.00	\$ 1,500.00
PD-Justice Center	10	\$ 802.00	\$ 1,500.00
PD-North Precinct	5	\$ 802.00	\$ 1,500.00
Public Works (<i>City will trench</i>)	5	\$ 699.00	\$ 1,500.00
Fire Station #2	5	\$ 699.00	\$ 1,500.00
TOTAL		\$ 3,804.00	\$ 7,500.00
		X 12 Mos = \$45,648.00	

PHASE II LOCATIONS TO INSTALL FIBER	Synchronous Bandwidth MB	Monthly Recurring Cost	One-Time Install Cost – Vendor Owns Fiber
Recreation & Civic Center	5	\$ 699.00	\$ 1,500.00
TOTAL		\$ 699.00	
TOTAL ANNUAL (X 12 MONTHS)		\$ 8,388.00	\$ 1,500.00
TOTAL RECURRING ANNUAL COST-PH I & II		\$ 54,036.00	\$ 9,000.00

JMF Solutions, Inc. PROJECT COMPLETION TIME : <u> 120 </u> DAYS	\$ 63,036.00 TOTAL PROJECT COST FOR 1ST YEAR
---	---

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

Cathy S. Barnette,
Council President

Bailey Yelding, Jr.,
Mayor

ATTEST:

David L. Cohen,
City Clerk MMC

**RESOLUTION 2012-80
2012-S-LAKE FOREST ROAD IMPROVEMENTS PHASE II**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the City of Daphne acknowledges that LAKE FOREST ROAD IMPROVEMENTS, PHASE II will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the LAKE FOREST ROAD IMPROVEMENTS, PHASE II and has determined that the bid as presented is reasonable; and

WHEREAS, funding was included in the 2012 Warrant for construction (\$1,264,113.25) and engineering (\$101,129 + \$31,603) (Total project cost incl Engineering is-\$1,396,845.25); and

WHEREAS, staff recommends the bid for LAKE FOREST ROAD IMPROVEMENTS, PHASE II be awarded to Asphalt Services, 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 from Asphalt Services, Inc. in the amount of \$1,264,113.25 as specified in BID SPECIFICATION NO. 2012-S-LAKE FOREST ROAD IMPROVEMENTS, PHASE II.

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

**Cathy S. Barnette,
Council President**

**Bailey Yelding, Jr.,
Mayor**

ATTEST:

David L. Cohen,
City Clerk, MMC

Resolution 2012-81

**Investment Account Manager & Investment
2012 Construction Fund**

WHEREAS, the City of Daphne issued the 2012 Warrants and is holding funds in the approximate amount of \$ 3,008,000 in the 2012 Construction Fund for the purpose of funding future road resurfacing projects; and

WHEREAS, the City has determined that it can better maximize its earnings in the 2012 Construction Fund by investing in governmental obligations; and

WHEREAS, section 11-81-21 of the Code of Alabama authorizes and legislates the types of obligations municipalities may invest in; and

WHEREAS, the City of Daphne has evaluated the 2012 Construction Fund and determined that Raymond James & Associates is qualified to serve the City in the capacity of Investment Manager of such funds and invest the City of Daphne's 2012 Construction Funds in governmental securities in accord with the Code of Alabama.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Daphne, Alabama, that the Mayor and Finance Director are hereby authorized to take all the steps necessary to transfer the 2012 Construction Fund account to Raymond James and Associates for the investment of such funds in government securities. Such investment will be liquid with funds available to the City as needed.

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

Cathy Barnette, Council President

Bailey Yelding, Jr, Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION 2012 - 82

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	TAG/VEH#	DESCRIPTION	VIN
Street	41	1999 FORD TRUCK PU F SERIES	1FTRX17W2XNA97640

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

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

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

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk , MMC

ORDINANCE 2012 - 59

Wireless Service: Internal City Network & Fiber Service: Civic Center/Recreation Appropriation

WHEREAS, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2013 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, the adopted budget includes funds for phase I of Fiber Installation & Service but does not include an appropriation for Phase II for the Civic Center/Recreation facility; and

WHEREAS, due to changes in the project structure between the wireless and fiber installation additional funds are required for services.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$22,800 (*\$8,400 monthly recurring cost for the Civic Center/Recreation facility & \$14,400 Wireless services*) from the General Fund are hereby appropriated and made a part of the Fiscal Year 2013 budget for 1) Wireless service for an internal city network and 2) Fiber services for Civic Center/Recreation facility.

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

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2012-60

Appropriation: (4) Police Vehicle Replacements

WHEREAS, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2013 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, the police department has a plan to replace vehicles every six to seven years in order to maintain high performance and thereby reduce maintenance costs and provide additional protection to police officers in the event of accidents and high speed responses; and

WHEREAS, due to the budget restraints replacement of Police vehicles has not been able to stay on schedule; and

WHEREAS, four (4) vehicles (Chevy Tahoes) are requested to be purchased from the state bid contract to replace older vehicles.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2013 Budget is hereby amended to include a General Fund appropriation in the amount of \$170,700 for the replacement of four police vehicles.

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

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO. 2012-61**

**AN ORDINANCE REPEALING CITY OF DAPHNE ORDINANCE NOS. 1993-16
AND 1993-21 AND ADOPTING A NEW ORDINANCE
REGULATING THE USE OF ALCOHOLIC BEVERAGES
WITHIN THE CITY OF DAPHNE, ALABAMA.**

WHEREAS, the City Council of the City of Daphne, adopted Ordinances 1993-16 and 1993-21 regulating the use of alcoholic beverages, in 1993; and

WHEREAS, the City Council of the City of Daphne, after due consideration believes that Ordinances 1993-16 and 1993-21 should be repealed and replaced with and a new Ordinance regulating the use of alcoholic beverages, repealing Ordinances 1993-16 and 1993-21 in their entirety.

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

SECTION I: REPEAL

This Ordinance specifically repeals Ordinances 1993-16 and 1993-21 in their entirety.

SECTION II: ADOPTION OF NEW ALCOHOL USE REGULATIONS.

1. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Public place” means any public street, alley, public way, right-of-way, sidewalk, or any public park, public playground, public parking lot, public building, public pier, or any other public property located within the corporate limits of the City of Daphne, Alabama.

“Special event” means a short-term, usually outdoor, event wherein any public place is to be temporarily used for the purposes of conducting the activity, such as a block party, festival, rodeo, bar-b-cue, cook-off, wine-tasting, beer-tasting, fundraiser, marathon, walk-a-thon, bike-a-thon, jogging activity, or any other similar organized activity whether for profit or not for profit.

“Adult person” means any person of legal drinking age (currently 21 years old or older).

“Alcoholic beverage” means any fluid or solid capable of being converted into a fluid, suitable for human consumption and having an alcoholic content of more than one-half of one percent of alcohol by volume, including but not limited to wine, spirits, distilled or rectified liquors, beer, ale, and other malt beverages, containing more than one-half of one percent of alcohol by volume.

“Open container” means any container which is immediately capable of being consumed from, or the seal of which has been broken.

“Nonprofit” means any bona fide charitable, benevolent, eleemosynary, educational, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for-profit or nonprofit organization.

2. General Prohibition. Except as provided by this Ordinance, it shall be unlawful under this Ordinance for any person to drink or consume any alcoholic beverage in any public place, or to sell, purchase, exhibit, possess, carry, or transport any alcoholic beverage in an open container in any public place.
3. City Functions. Notwithstanding the general prohibition of this Ordinance, the Mayor or Council may permit or authorize the moderate social consumption of alcoholic beverages in designated public places by adult persons who are City officials, employees, agents, or representatives, and by invited guests of the City in connection with an official City function, such as, for example, a business development reception at City Hall for businesses considering relocation to the City. No person may carry or transport into or out of the designated public place of the City function any alcoholic beverages in open containers.
4. Daphne Civic Center and Bayfront Pavilion. Notwithstanding the general prohibition of this Ordinance, at any special event, private party, or private function inside the Daphne Civic Center or at the Bayfront Pavilion (including only the interior rooms and the outdoor deck) authorized by the issuance of a permit to use those facilities, adult persons attending such special event, private party, or private function may consume or possess alcoholic beverages in open containers within such facilities. No person may carry or transport into or out of the Civic Center or the Bayfront Pavilion any alcoholic beverages in open containers. Sales of alcohol at the Civic Center or the Bayfront Pavilion are allowed only if permitted by and properly licensed by all of the appropriate and necessary governmental and state regulatory agencies. The existing permit process for such events at the Civic Center or the Bayfront Pavilion shall not be changed or affected by this Ordinance.
5. Specially Permitted Events. Notwithstanding the general prohibition of this Ordinance, at any special event in a designated public place (other than Civic Center or the Bayfront Pavilion) authorized by the issuance of a special event permit, adult persons attending such special event may consume or possess alcoholic beverages in open containers within the designated public space covered by the permit. No person may carry or transport into or out of the designated public space covered by the permit any alcoholic beverages in open containers. Sales of alcohol at a specially permitted event by vendors are allowed only if permitted by and properly licensed by all of the appropriate and necessary governmental and state regulatory agencies. No special event permit shall be granted for an event lasting longer than _____ consecutive calendar days. No more than _____ such special event permits will be issued to any one person or

organization within a single calendar year. In the event of inclement weather cancelation of a permitted event, another permit must be applied for and obtained pursuant to the provisions of this Ordinance.

6. Application For Special Event Permit. A person seeking issuance of a special event permit for a special event in which consumption or possession of alcoholic beverages by adult persons in public places is desired by the event sponsor shall file an application with the City Clerk on forms provided by him. Each application must comply with the following provisions:

- (1) *Time for filing.* An application for a special event permit shall be filed with the City Clerk not less than fifteen (15) days nor more than thirty (30) days before the date on which it is proposed to conduct the special event.
- (2) *Late applications.* Where good cause is shown by the applicant, the Mayor shall have the authority to consider any application hereunder which is filed less than ten (15) days before the date such special event is proposed to be conducted.
- (3) *Contents.* The application for a special event permit shall set forth the following information:
 - a. The name, address and telephone number of the applicant;
 - b. If the special event is designated to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the special event, authorizing the applicant to apply for the permit on his behalf;
 - c. If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - d. The name, address and telephone number of the person who will be the special event chairman and who will be responsible for its conduct;
 - e. The date when the special event is to be conducted;
 - f. The location of the special event;
 - g. The general purpose of the special event, the estimated or approximate number of persons who will participate in the special event, the numbers and types of vehicles, if any, which will participate in the special event, and a description of any entertainment which will be part of such special event;
 - h. The hours when such special event will start and terminate;
 - i. A statement as to whether the special event will occupy all or only a portion of the streets or other public places proposed to be utilized;
 - j. The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal;
 - k. Whether any music will be provided, either live or recorded;
 - l. The number, types and locations of all loudspeakers and amplifying devices to be used;

- m. An assurance that the applicant will make provision for adequate police presence, if any, and that the applicant will conform to necessary fire prevention rules, regulations and guidelines;
 - n. an assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area;
 - o. An assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event;
 - p. Any additional information which the City Clerk shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (4) *Processing Fee.* There shall be paid at the time of filing the application for special event permit a processing fee of ____ dollars (\$__.00).
7. Standards for Issuance of Special Event Permit. The City Clerk shall issue a special event permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, the City Clerk, in consultation with the Police Chief, Fire Chief, and the Heads of the Public Works and Parks and Recreation Departments, where applicable, finds that:
- (1) The consumption of alcoholic beverages or the possession of alcoholic beverages at the special event will not pose an adverse risk to the health and safety and peace of the City's residents or pose an adverse risk to City property or private property.
 - (2) The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic contiguous to its location.
 - (3) The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the site and areas contiguous thereto as to prevent normal police protection to the city.
 - (4) The concentration of persons and vehicles at the location of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
 - (5) The conduct and location of such special event will not interfere with the movement of firefighting equipment in route to a fire.
 - (6) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
 - (7) The special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designated to be held purely for private profit.
8. Notice of Rejection or Alternative Permit. The City Clerk shall act upon the application for a special event permit within ten (10) days after the filing thereof. If the City Clerk disapproves the application, the City Clerk shall mail to the applicant within eleven (11) days after the date upon which the application was filed, a notice of the City Clerk's action, stating the reasons for denial of the permit. The City Clerk, in denying an application for a special event permit, shall be empowered to authorize the conduct of the special event on a date, at a time, or at a location different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three (3) days after notice of the action by the City

Clerk, file a written notice of acceptance with the City Clerk. An alternate special event permit shall conform to the requirements of and shall have the effect of a special event permit under this article.

9. Revocation of Special Event Permit. The City Clerk and the Police Chief each shall have the authority to revoke a special event permit issued hereunder upon failure of the applicants or participants to comply with the standards for issuance and provisions herein set forth. Such authority may be delegated to the officers or such other person designated by the City Clerk or Police Chief to supervise the special event.
10. Appeal. An applicant who has been denied a permit or whose permit was revoked may file a written appeal of the decision with the Mayor within ten (10) days of the denial or revocation. The Mayor will issue a decision on the appeal within ten (10) days of receipt of the appeal. The time for a decision may be lengthened or shortened by the Mayor in extenuating circumstances.
11. Notice of Permit to Other City Officials. Immediately upon the issuance of a special event permit, the City Clerk shall send a copy thereof to the Police Chief, Fire Chief, and the Heads of the Public Works and Parks and Recreation Departments,
12. Contents of Permit. Any permit granted under this Ordinance may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes or restrictions on the starting and ending times of the special event or the number of participants from those sought in the application. Each special event permit shall state the following information:
 - (1) Starting time and ending time;
 - (2) The specific portions of the streets or other public places allowed to be occupied by the special event;
 - (3) Special regulations of activities within the designated public space covered by the special event permit, including but not limited to controlled access by fencing and gating, wristband identification of persons admitted to any such controlled zone, wristband identification of adult persons authorized to consume or possess alcoholic beverages in open containers, loudspeaker limits and controls, enhanced security measures, and entertainment controls.
 - (4) Entrance criteria for the special event which may include but are not limited to prohibiting persons from entering with weapons, alcoholic beverages, pets, skates, bicycles, and other items which may be dangerous, disruptive, or inconvenient in crowded conditions, and prohibiting entry by persons appearing to be intoxicated.
 - (5) Such other information as the City Clerk may from time to time deem necessary in order to enforce this Ordinance.
13. Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The special event chairman or other person heading or leading such activity shall carry the special

event permit upon his person during the conduct of the special event.

14. Public Conduct During Special Events.

- (a) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any special event assembly or with any person attending a special event or their property.
- (b) *Parking at site of special event.* The Police Chief and designated officers shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the location of a special event. When necessary, the Police Chief shall cause signs to be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (c) *One drink on-street limit.* No person shall consume or possess in an open container more than one alcoholic beverage at any time at a permitted special event.
- (d) *Size limited to 16 ounces.* No alcoholic beverage served at any special event shall exceed 16 fluid ounces in size. No person attending the special event within the permitted public place shall consume or hold in possession any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- (e) *Drinking from bottle or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a bottle or glass or to possess in an open bottle, or glass any alcoholic beverage in any public place even during a permitted special event.
- (f) *Drinking alcohol in parked motor vehicle prohibited.* It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley, way or parking lot.
- (g) *Public Intoxication.* No person shall become so intoxicated at any special event through the consumption of alcoholic beverages as to disturb the peace and enjoyment of the event by other attendees or the peace and enjoyment of City residents and others within the City.

15. Special Event Fees and Performance Obligations. The City Clerk is authorized to establish and amend from time to time a schedule of use fees and performance bond obligations for special events governed by this Ordinance. Any initial or amended schedule of fees shall be publically posted for ten calendar days before the fees and obligations are to take effect. *Provided, however,* neighborhood parties or block parties shall be exempt from any such special event use fees or performance bond obligations so long as no commercial activity is conducted, no admission fee is charged, and members of the general public are not allowed access.

16. Fines. Any person violating the provisions of this Ordinance shall be guilty of an offense against the City of Daphne and for each such offense shall be fined not less than \$25.00 and no more than \$100.00. For any second or subsequent offense, said fine shall not be less than \$50.00 and no more than \$200.00.

SECTION III: CONFLICT WITH OTHER ORDINANCES.

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

That this Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

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

CITY COUNCIL PRESIDENT

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**DAVID COHEN
CITY CLERK, MMC**

**CITY OF DAPHNE
ORDINANCE NO. 2012-62**

**AN ORDINANCE REGULATING THE PERSONAL USE OF SOCIAL MEDIA
BY EMPLOYEES OF THE CITY OF DAPHNE BY IMPLEMENTING
AND CREATING A SOCIAL MEDIA PERSONNEL POLICY
FOR CITY OF DAPHNE EMPLOYEES**

WHEREAS, the City of Daphne recognizes that many employees utilize social media such as personal websites, web logs (blogs), wikis, social networks (e.g., Facebook®, MySpace®, LinkedIn®, etc.), online forums, and virtual worlds, as communication tools; and

WHEREAS, the City of Daphne respects the rights of employees to use these media during their personal time away from work on their own personal computer devices; and

WHEREAS, the City of Daphne takes no position on employees' decisions to participate in social media activity; and

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that social media activity by employees should be regulated and appropriate guidelines should be created in accordance with existing City of Daphne personnel policies;

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

SECTION I: ADDITION TO EMPLOYEE HANDBOOK CHAPTER ONE

That the following new section be added to Chapter One of the Employee Handbook:

1.9. SOCIAL MEDIA POLICY

Definitions. "Social media activity" includes, includes all types of postings on the Internet, including but not limited to, postings on social networking sites, (such as Facebook, MySpace or LinkedIn); blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter®; and postings of video or audio on media-sharing sites, such as YouTube®. "Social media activity" also includes permitting, or failing to remove, posts by others where the employee can control the content of postings, such as on a personal page or blog.

Application. Employees who engage in social media activity should be aware that their postings, even if done off premises and while off duty, could have an adverse effect on the City's interests. To reduce that risk, the city has adopted this Policy which is

applicable to all City employees and to all social media activity of such employees even if the activity is done off duty, while using personal electronic resources, and whether or not the employee posts anonymously or using a pseudonym. Employees who are expressly authorized to engage in social media activity on the City's behalf are required to comply with separate guidelines. In the event an area is not covered specifically by this policy, the City relies on the professionalism and judgment of its employees to ensure that social media activity is used appropriately.

Guidelines and Prohibitions. All social media activity will be subject to all City policies, rules, regulations, and guidelines. In addition, the City adopts these specific guidelines and prohibitions:

- The City prohibits employees from engaging in social media activity while on duty during working time, which excludes meal breaks or other break periods when employees are not expected to be working.
- The City prohibits employees from engaging in social media activity utilizing any of the City's electronic resources, unless specifically authorized in writing by the City.
- The City prohibits employees from texting or other social media activity while driving on City business or while driving any City vehicle, whether the employee is on duty or off duty.
- Supervisory employees must not gain access to the restricted social media page of a subordinate (for example, by sending or accepting a "friend" request) unless there is a valid City business purpose for doing so. Any such access to a subordinate's restricted social media page should be limited to that which is necessary to accomplish the City's business purpose. Any employee may reject, without fear of retaliation, any request from any other employee, or manager, or supervisor that, if accepted, would permit access to a restricted social media page (such as a "friend" or "like" or connection request).
- Employees are prohibited from acting as or purporting to act as a spokesperson on behalf of the City or posting comments as a representative of or purporting to be a representative of the City without express written authorization. Employees must make clear to their readers that the views expressed in any posting are their views alone and do not reflect the views of the City.
- Employees are prohibited from disclosing information of the City that is confidential and/or proprietary when engaging in social media activity.
- Employees are prohibited from posting images or videos of other employees/co-workers taken or made while the employee/co-worker is working or otherwise in their employment capacity.

- Employees are prohibited from posting any nonpublic, confidential, and/or proprietary images of any City premises and property.
- While engaged in social media activity, employees are prohibited from displaying the City of Daphne logo or letterhead or using materials belonging to the City, including promotional and marketing materials, without express written permission or authorization.
- Employees are prohibited from using use a City-issued email address to register for any social media account or site, or as an identifier needed to participate in any social media activity, or otherwise while engaging in social media activity for non-business purposes; provided, however, employees may reference the City as their employer and include contact information (including City-issued email addresses) on social and professional networking sites only, such as LinkedIn.

Enforcement. The City may view and monitor any employee's publicly-accessible website, web blog, or other social media forum for which the employee is responsible at any time. The City will, in its discretion, review social media activity to the fullest extent permitted by applicable law. If an employee engages in social media activity in violation of this Policy anonymously or using a pseudonym, the City will, in appropriate circumstances, take steps to determine the employee's identity. Employees will be held accountable for engaging in social media activity that violates this Policy. Failure to comply with this Policy may result in disciplinary action up to and including, termination of employment. The City also reserves the right to report suspected unlawful conduct to appropriate law enforcement authorities and take any other available legal remedy.

SECTION II: CONFLICT WITH OTHER ORDINANCES.

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

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

COUNCIL PRESIDENT

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**