

**CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 19, 2012
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / November 5, 2012 / Organizational Meeting
Council Meeting Minutes / November 5, 2012 / Business Meeting
Council Work Session Minutes / November 13, 2012

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Tommie Conaway

Review minutes / November 13th

1.) Ordinances:

- a.) Appropriation of Funds: Profit Drive Extension / **Ordinance 2012-66**
- b.) Appropriation of Funds: Garbage Truck Replacement / **Ordinance 2012-67**
- c.) Lodging Tax Appropriation: Williams Property Acquisition / **Ordinance 2012-68**

2.) Resolutions:

- a.) Bid Award: Profit Drive Extension / John G. Walton Construction Co. / **Resolution 2012-93**
- b.) Bid Award: Library Carpet Replacement / Richard Sprouse Construction / **Resolution 2012-94**
- c.) Eastern Shore Chamber of Commerce Agreement / **Resolution 2012-95**
- d.) Severe Weather Preparedness Tax Holiday for 2013 / **Resolution 2012-96**
- e.) Issuance of Credit Cards: Building Official – Inspections / **Resolution 2012-97**

3.) Financial Reports:

- 1. Treasurer's Report / October 31, 2012
- 2. Sales and Use Tax Collections / September 30, 2012
- 3. Lodging Tax Collections / September 30, 2012
- 4. General Fund Financial Statement

B. BUILDINGS & PROPERTY COMMITTEE - Dane Haygood

C. PUBLIC SAFETY COMMITTEE – Pat Rudicell

Review minutes / November 14th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Randy Fry

Review minutes / November 14th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Ron Scott

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

Nomination for Supernumerary Position : Phillip C. Durant

B. Downtown Redevelopment Authority – Tommie Conaway

Review minutes / October 29th

MOTION: Appoint Dorothy Morrison

C. Industrial Development Board – Dane Haygood

D. Library Board – John Lake

Review minutes / September 22nd

MOTION: Appoint James M. Morris / Term: November 1, 2012 – September 30, 2016

Appoint Nancy Volovecky / Term: November 1, 2012 - September 30, 2016

E. Planning Commission – Ron Scott

F. Recreation Board – Robin LeJeune

G. Utility Board – Randy Fry

Review minutes / September 26th

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) Parade Permit / Shadow Barons / Mardi Gras / February 9, 2013 / Rain Date February 10, 2013

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) **Bid Award: Profit Drive Extension / John G. Walton**

Construction Co. /Resolution 2012-93

b.) **Bid Award: Library Carpet Replacement / Richard Sprouse**

Construction, Inc. /Resolution 2012-94

c.) **Eastern Shore Chamber of Commerce Agreement. /Resolution 2012-95**

d.) **Participation in the State of AL Severe Weather Preparedness**

Tax Holiday for the Year 2012. /Resolution 2012-96

e.) **Authorizing Issuance of Credit Cards: Building Official –**

Inspections. /Resolution 2012-97

ORDINANCES:

2ND READ

a.) **Appropriation of Funds: 4 Police Vehicle Replacements. /Ordinance 2012-60**

b.) **Consenting to the Lease of Certain Property by the**

Utilities Board of the City of Daphne to the City of Daphne. /Ordinance 2012-65

1ST READ

- b.) **Appropriation of Funds: Profit Drive Extension. /Ordinance 2012-66**
- c.) **Appropriation of Funds: Garbage Truck Replacement. /Ordinance 2012-67**
- d.) **Lodging Tax Appropriation: Williams Property Acquisition
and Remediation for Yancey Branch Sediment Control. /Ordinance 2012-68**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILWOMAN CONAWAY	PRESENT__	ABSENT__	__
COUNCILMAN RUDICELL	PRESENT__	ABSENT__	
COUNCILMAN LAKE	PRESENT__	ABSENT__	__
COUNCILMAN FRY	PRESENT__	ABSENT__	__
COUNCILMAN SCOTT	PRESENT__	ABSENT__	__
COUNCILMAN LEJEUNE	PRESENT__	ABSENT__	__
COUNCILMAN HAYGOOD	PRESENT__	ABSENT__	__

MAYOR

MAYOR YELDING	PRESENT__	ABSENT__	__
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CITY CLERK:

DAVID L. COHEN	PRESENT__	ABSENT__	__
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CITY ATTORNEY:

CITY ATTORNEY JAY ROSS	PRESENT__	ABSENT	
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MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**NOVEMBER 5, 2012
DAPHNE, AL
1705 MAIN STREET
CITY COUNCIL
ORGANIZATIONAL MEETING
6:30 P.M.**

1. CALL TO ORDER

The City Clerk, David Cohen, called meeting to order at 6:30 P.M.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Greg Kennedy Pastor of Christ Presbyterian Church gave the invocation.

3. OATHS OF OFFICE:

Oath of Office: Mayor Bailey Yelding, Jr.

Judge Jody Bishop administered the oath of office for Mayor Yelding with his daughter Erika Ford holding the Bible.

Oath of Office: Pat Rudicell District 2

Judge Jody Bishop administered the oath of office for Pat Rudicell with his sister Daphne Robinson holding the Bible.

Oath of Office: Tommie Conaway District 1

Judge Lyn Stuart administered the oath of office for Mrs. Conaway with her husband Francis holding the Bible.

Oath of Office: John Lake District 3

Judge Pam Baschab administered the oath of office for Mr. Lake with Mr. Lake's brother and sister-in-law Charles and Candy Lake holding the Bible.

Oath of Office: Randy Fry District 4

Judge Joseph Langford Floyd administered the oath of office for Mr. Fry with his wife Liz holding the Bible.

Oath of Office: Ron Scott District 5

Judge Joseph Langford Floyd administered the oath of office for Mr. Scott with his wife Linda holding the Bible.

Oath of Office: Robin LeJeune District 6

Judge Joseph Langford Floyd administered the oath of office for Mr. LeJeune with his wife Christina holding the Bible.

Oath of Office: Dane Haygood District 7

Judge James H. Reid administered the oath of office for Mr. Haygood with his wife Robyn holding the Bible.

NOVEMBER 5, 2012
CITY OF DAPHNE, AL
1705 MAIN STREET
CITY COUNCIL MEETING
ORGANIZATIONAL MEETING
6:30 PM

4. ROLL CALL

MEMBERS PRESENT: Tommie Conaway, Pat Rudicell, John Lake, Randy Fry, Ron Scott, Robin LeJeune, Dane Haygood.

Also present: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Adrienne Jones, Planning Director; David Carpenter, Police Chief; James White, Fire Chief; Richard Johnson, Public Works Director; Kim Briley, Finance Director; Vickie Hinman, Human Resource Director; David McKelroy, Public Works Director; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Tonja Young, Library Director; Christine Ciancetta, Deputy Finance Director; Suzanne Henson, Senior Accountant; Michele Henson, Human Resources; Denise Penry, Public Works Accountant; Jane Robbins, Mayor's Assistant; Captain Scott Taylor, Police Department; Dan Castrillo, Fire Inspection; Rick Whitehead, IT; Willie Robison, BZA; Selena Vaughn, Village Point Foundation; Al Guarisco, Village Point Foundation; Representative Randy Davis.

5. ELECT COUNCIL PRESIDENT:

MOTION BY Councilman Rudicell to nominate Councilman Scott as Council President. *Seconded by Councilwoman Conaway.*

There being no other nominations council voted on nominee Ron Scott.

AYE Conaway, Rudicell, Lake, Fry, LeJeune, Haygood

ABSTAIN Scott

MOTION CARRIED

Council President Scott called a recess at 6:52 p.m.

Council President Scott reconvened the meeting at 7:22 p.m.

6. ELECT COUNCIL PRESIDENT PRO TEM

MOTION BY Councilman Fry to elect Councilman Haygood as Council President Pro tem. *Seconded by Councilman LeJeune.*

AYE Conaway, Rudicell, Lake, Fry, Scott, LeJeune

ABSTAIN Haygood

MOTION CARRIED

7. **ESTABLISH TIME AND PLACE OF REGULAR MEETINGS HELD EACH MONTH.**
(1ST & 3RD Monday at 6:30 P.M. (as contained in Council Rules of Procedure)

MOTION BY Councilman Lake to establish the 1st & 3rd Mondays of each month for the Council meeting beginning at 6:30 P.M as contained in the Council Rules of Procedure ordinance. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

8. **COUNCIL RULES OF PROCEDURE/ Ordinance 2012-63**

MOTION BY Councilman Lake to suspend the rules to consider Ordinance 2012-63. *Seconded by Councilwoman Conaway.*

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Rudicell	Aye	Haygood	Aye
Lake	Aye	Scott	Aye
Fry	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to waive the reading of Ordinance 2012-63. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2012-63. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

9. RETAINING OFFICERS

a.) RETAINING CITY CLERK / DAVID COHEN / RESOLUTION 2012-84

MOTIONBY Councilman Haygood to waive the reading of Resolution 2012-84. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

RESOLUTION FAILED FOR LACK OF A MOTION TO ADOPT

MOTION BY Councilman Lake to terminate David Cohen as City Clerk as of the end of the business day today, November 5, 2012 with last day of compensation December 31, 2012.

After discussion Councilman Lake withdrew his motion.

MOTION BY Councilman Lake to terminate David Cohen as City Clerk with appropriate compensation according to the Employee Handbook effective today. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to appoint Rebecca Hayes as Interim City Clerk effective immediately. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) RETAINING TREASURER / KIM BRILEY / RESOLUTION 2012-85

MOTION BY Councilman Lake to waive the reading of Resolution 2012-85. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Resolution 2012-85. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

f.) ASSIGNMENT OF COMMITTEES / RESOLUTION 2012-92

MOTION BY Councilman Lake to waive the reading of Resolution 2012-92. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION By Councilman Lake to adopt Resolution 2012-92. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

10. RATIFY USE OF PRESENT BANK DEPOSITORIES AND SIGNATORIES TO THE CITY ACCOUNTS / ORDINANCE 2012-64

MOTION BY Councilman Haygood to suspend the rules to consider Ordinance 2012-64. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Rudicell	Aye	Haygood	Aye
Lake	Aye	Scott	Aye
Fry	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2012-64. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTIONBY Councilwoman Conaway to adopt Ordinance 2012-64. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

11. ADJOURN

MOTION BY Councilman Lake to adjourn.	<i>Seconded by Councilwoman Conaway</i>	
AYE ALL IN FAVOR	NAY NONE OPPOSED	MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 7:40 PM.

Respectfully submitted by,

Rebecca A. Hayes, Interim City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President

**NOVEMBER 5, 2012
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
7:40 P.M.**

1. CALL TO ORDER

Council President Scott called the meeting to order at 7:40 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Roll call and invocation given at the Organizational meeting.

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Dane Haygood.

Also present: Mayor Yelding; Rebecca Hayes, Interim City Clerk; Jay Ross, City Attorney; Adrienne Jones, Planning Director; David Carpenter, Police Chief; James White, Fire Chief; Richard Johnson, Public Works Director; Kim Briley, Finance Director; Vickie Hinman, Human Resource Director; David McKelroy, Public Works Director; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Tonja Young, Library Director; Christine Ciancetta, Deputy Finance Director; Suzanne Henson, Senior Accountant; Jane Robbins, Mayor's Assistant; Captain Scott Taylor, Police Department; Dan Castrillo, Fire Inspection; Rick Whitehead, IT; Willie Robison, BZA; Selena Vaughn, Village Point Foundation; Al Guarisco, Village Point Foundation.

3. APPROVE MINUTES:

There were no corrections to the October 15, 2012 council meeting minutes and October 16, 2012 Special Called council meeting. Minutes are adopted as presented.

PROCLAMATION: America Recycles Day / November 15, 2012

Mayor Yelding read and presented the proclamation to the Public Works Director Richard Johnson.

MOTION: Change November 12, 2012 Work Session Date (*Veterans Day*)

MOTION BY Councilman Lake to change the November 12, 2012 Work Session to Tuesday, November 13, 2012. Seconded by Councilwoman Conaway.

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

No report. The next meeting will be Tuesday, November 13th at 4:00 p.m.

B. Buildings and Property Committee – Lake

The next meeting will be November 19th 5:30 p.m. in the Executive Conference room.

C. PUBLIC SAFETY COMMITTEE –

The minutes for the October 10th meeting are in the packet. The next meeting will be November 14th.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE –

NOVEMBER 5, 2012
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
7:40 P.M.

2

No report. The next meeting will be November 19th.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY –
No report. The next meeting will be the 3rd Monday of November.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Mrs. Jones congratulated the new council, and reported that there will not be a meeting in November. They still need two (2) supernumerary members.

B. Downtown Redevelopment Authority –

Mrs. Hayes reported that the members met October 29th, and they awarded several mini-grants for improvements to the businesses in the Olde Towne area. Their goal is to attract businesses to this area. The chairman will make a presentation to council in January. The next meeting will be November 26th at 5:30 p.m.

C. Industrial Development Board –

The next meeting will be November 13th, and no meeting on November 26th.

D. Library Board – Lake

The next meeting will be Thursday..

E. Planning Commission –

Mrs. Jones reported the Site Review meeting will be next Wednesday at 10:00 a.m., and the Planning Commission meeting will be November 16th at 5:30 p.m. The minutes for the September 27th meeting are in the packet.

MOTION BY Councilman Haygood to set a Public Hearing for December 3, 2012 to consider Rezoning and Annexation of:

Rezoning & Annexation: GCOF Retreat at Tiawasee

Location: Southwest of the intersection of Tiawasee Boulevard and County Road 13

Present Zoning: RSF-2 Single Family District, Baldwin County District 15

Requested Zoning: R-3 High Density Single Family Residential District

Recommendation: No Recommendation / Motion to set forth an unfavorable recommendation failed.

Six members were present three voted in the affirmative and three dissented.

Seconded by Councilman Lake.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

Council President Scott requested this request to be on the work session agenda for November 13th. He asked Mrs. Jones to have maps, and explain the process

F. Recreation Board -

No report.

G. Utility Board –

Mr. Rob McElroy, Daphne Utility Director, presented Council President Scott with a plaque thanking him for his service on the board since 2004.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

- a.) Parade Permit / American Foundation of Suicide Prevention “Out of Darkness” / 5K & 1 Mile Fun Walk / October 20, 2013
- b.) Parade Permit / Mystic Order of Persephone / Mardi Gras / February 8, 2013 / Rain Date February 10, 2013

MOTION BY Councilman Lake to approve the Parade Permits for American Foundation of Suicide Prevention “Out of Darkness” / 5K & 1 Mile Fun Walk / October 20, 2013 and Mystic Order of Persephone / Mardi Gras / February 8, 2013 / Rain Date February 10, 2013. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- c.) ABC License / Uncorked Fine Wines II / 040 – Retail Beer (On Or Off Premises) / 060 – Retail Table Wine (On or Off Premises)

MOTION BY Councilman Haygood to approve the ABC License for ABC License / Uncorked Fine Wines II / 040 – Retail Beer (On Or Off Premises) / 060 – Retail Table Wine (On or Off Premises). *Seconded by Councilman Rudicell.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- d.) ABC License / The Fresh Market / 050 – Retail Beer (Off Premises Only) / 070 – Retail Table Wine (Off Premises Only)

MOTION BY Councilman Haygood to approve the ABC License for The Fresh Market / 050 – Retail Beer (Off Premises Only) / 070 – Retail Table Wine (Off Premises Only). *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

e.) National League of Cities Voting Delegate / Boston, Massachusetts / December 1, 2012

MOTION BY Councilwoman Conaway to appoint Councilman Lake as voting delegate to the National League of Cities Conference on December 1, 2012. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Jane Ellis, Assistant to Mayor Yelding, announced that there will be a Veteran's Day program at 10:00 a.m. at Patriots Point at the Civic Center. There will be a reception Thursday at 1:30 p.m. by BRAG in the lobby where they will showcase a fiber optic art project quilt that will hang in the City Hall atrium.

B. City Attorney's Report

Mr. Ross thanked council for allowing him to continue as the city attorney, and congratulated the new council members. He stated that he needs to update council on a lot of legal matters at a future council meeting.

C. Department Head Comments

Richard Johnson, Public Works Director – reported that the contractor for the Main Street resurfacing has had some key pieces of equipment to break down, and he has had to order parts from Germany, and now they are back on track with the paving. He said they had cut the timing loop for the traffic light at Belrose Avenue and Main street, but it is set to be fixed tomorrow. He apologized for any inconvenience citizens have experienced.

David McKelroy – Recreation Director – reported on events going on at the Sports Complex, and that Daphne High School will be playing Blount County in the playoffs Friday. He also reported that Coach Vic did not have cancer. He said that there will be a Caregivers seminar at the Recreation Center on November 14th. The Recreation Board will be meeting Thursday, November 14th at 6:30 p.m. The Christmas parade is November 30th, and he invited the Mayor and council to participate.

David Carpenter – Police Chief – reported that they solved a homicide within a day, and the last homicide is going to trial this week.

Richard Merchant – Building Official – reported that this has been the best month of residential starts for a long time with 38 starts, and that The Fresh Market is planning to open by Thanksgiving.

Kim Briley – Finance Director/Treasurer – thanked council for the reappointment and looks forward to working with them.

James White – Fire Chief – thanked council for the vote of confidence, and he will strive to provide the best service possible.

Margaret Thigpen – Civic Center Director - reported that voting will be from 7:00 a.m. – 7:00 p.m. at the Civic Center tomorrow.

Adrienne Jones – Planning Director - said that all the council was invited to the grand opening of the Fresh Market on the 14th beginning at 9:00 a.m.

7. PUBLIC PARTICIPATION

Mr. Willie Robison – spoke regarding naming the Senior Citizens Center the E. Harry Brown Senior Center.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

- a.) **Appropriation of Funds: Police Vehicle Replacement. /Ordinance 2012-60**
- b.) **Regulating the Use of Alcoholic Beverages in Public Places
in the City of Daphne. /Ordinance 2012-61**
- c.) **Regulating Personal Use of Social Media by Employees. /Ordinances 2012-62**

MOTION BY Councilman Lake to postpone Ordinance 2012-60 until after it has been discussed at the Public Safety meeting. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2012-61 and 2012-62. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Ordinance 2012-61. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Ordinance 2012-62. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

9. COUNCIL COMMENTS

Mayor Yelding commended the new council, and said they are a part of his well-oiled machine. He said he has the best Department Heads in the Western Hemisphere. They are good people with whom to work.

Councilwoman Conaway is looking forward to working with the new council and thanked Mrs. Hayes for the swearing in and reception arrangements.

Councilman Rudicell is looking forward to the next four (4) years.

Councilman Lake still wants local vendors to bid first on any vehicles purchased by the city. He Cautioned the new council members to pace themselves so as not to wear themselves down. He urged everyone to vote tomorrow.

Councilman Fry appreciates the opportunity to serve as a councilman, and thanked the people for helping him get here. He is looking forward to serving the citizens. He gave a shout out to the Beautification Committee for all their great ideas for beautifying the city.

Councilman LeJeune is looking forward to working with everybody, and serving the citizens of Daphne.

Council President Scott thanked council for showing confidence in him by electing him Council President. He is looking forward to serving with the new council and Mayor. He looks forward to future projects, there has been a lot accomplished in the last eight (8) years. He is committed to keeping the city financially strong.

10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:30 P.M.

Respectfully submitted by,

Rebecca A. Hayes,
Interim City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President

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

1

COUNCIL MEMBERS PRESENT: Pat Rudicell; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Dane Haygood.

ABSENT: Tommie Conaway.

Also present: Rebecca Hayes, Interim City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Suzanne Henson, Senior Accountant; Rick Whitehead IT; Bob Segalla, Utility Board; Rob McElroy, Utility Director; Melinda Immell, Volkert & Associates.

Absent: Mayor Yelding.

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

1. COMMUNICATION TOWER:

Mr. Jay Ross, City Attorney, gave a synopsis of why the city should consider the services of CMS and hiring an engineer to examine the existing tower to make sure it is structurally sound and what the specs should be for the new tower.

Mrs. Mignon Bauer with the Center for Municipal Solutions gave a presentation of what her company could do for the city regarding the installation of a new tower. She said basically, they would oversee and regulate the installation of the tower, and they would be paid by the applicant, not by the city.

Mr. Ross said the next step would be to authorize the Mayor to enter into a contract with an engineer.

Council President Scott requested Mrs. Henson and Mr. Ross to seek proposals for an engineer and to make a recommendation to council.

Mrs. Bauer said that she would have their engineer to submit a proposal.

2. UTILITY LEASE / ORDINANCE 2012-65

Mr. McElroy explained that they are working with Algae Systems, LLC who has discovered a way to make clean water and jet fuel from algae. They have done this in the lab and now they need to see if it works outside. The project will be between two (2) to three (3) years with a cost of \$3 – 5 million in proposed equipment and upgrades to the property. This will create five (5) to eight (8) jobs with salaries averaging \$50,000, and they will buy local when they can. They will piggyback their ADEM permits.

Mr. Ross said according to state law the utilities has to have council approval to lease the property.

Council President Scott requested Ordinance 2012-65 be on the agenda for Monday's council meeting.

3. PURCHASE OF PROPERTY

Richard Johnson, Public Works Director, said that this concept has been around for about seven (7) years. The owners approached the city with first right to purchase. It is an abandoned dirt pit. The asking price is \$149,000 plus \$51,000 for engineering cost for remediation. The Village Point Foundation recommends this project. This property contributes to sediment buildup at the mouth of the bay and the city's bayfront property so they are requesting to use Lodging Tax funds to purchase the property under the maintenance of bayfront property clause of the Lodging Tax ordinance. Mrs. Briley concurred with the use of Lodging Tax funds to purchase the property. Mr. Johnson used some of his funds to pay for an appraisal of the property.

Council asked Mr. Ross to make sure Lodging Tax funds could be used to purchase the property.

4. REZONE AND ANNEXATION: RETREAT AT TIAWASEE

Mrs. Adrienne Jones, Planning Director, gave a power point presentation on the rezoning and presented instructional slides to help new council members with the criteria for approving or rejecting the zoning request.

5. WHATEVER ELSE IS DEEMED NECESSARY

Council discussed the hiring process for the position of City Judge. Each council member will make a nomination, and then set up a time for interviews.

Mr. Ross said that Judge Hitson has agreed to stay until a new judge is hired.

Council President Scott said that they will take this up along with the hiring of a City Clerk after the first of the year.

6. ADJOURN

There being no further business to discuss the meeting adjourned at 8:15 p.m.

Respectfully submitted by,

**Rebecca A. Hayes,
Interim City Clerk**

Certification of Presiding Officer:

**Ron Scott,
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
NOVEMBER 13, 2012
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:01 p.m. Present were Chairwoman Tommie Conaway, Councilman Ron Scott, Councilman Dane Haygood, Mayor Bailey Yelding, Jr., Finance Director Kim Briley, Deputy Director Christine Ciancetta, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody.

Mr. Richard Johnson, Public Works Director arrived at 4:11 p.m. and Mr. John Lake, Councilman at 4:16 p.m..

Also in attendance were Human Resources Director Vickie Hinman, Civic Center Director Margaret Thigpen, Library Director Tonya Young, Revenue Director Heather Gywnn and Fire Chief James White.

II. PUBLIC PARTICIPATION

A. Mr. Kevin Spriggs discussed the appropriation request on the agenda for Blue Print for Tomorrow and noted he was against it. Mr. Spriggs also noted concerns about small businesses and discussed a Business License Reform. Mr. Scott noted that the City has a balanced budget and any revisions to the Business License fee would require another revenue source to replace it. It was discussed that any revisions should originate in the Finance Committee.

B. Mrs. Tomasina Werner inquired about the City resuming the mail out of the Jubilee Breeze magazine to the citizens. The City stopped mailing out the Jubilee Breeze due to the cost after the downturn in the economy. Mrs. Briley noted Mrs. Ellis in the Mayor's office oversees the Jubilee Breeze publication and that she would follow up with her on the cost to mail it again and bring that information back before the Finance Committee.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Vickie Hinman reviewed the Human Resource Report.

Positions	Status
Communications Officer	Interviews Nov 16, 2012
Public Service Worker (<i>Street</i>)	Date of Hire: Oct. 25, 2012
Admin Tech (Mechanical)	Interviewing
Firefighter (Internal Posting)	Reviewing Applications

Safety Committee Meeting Discussions included:

A City Hall building inspection was done and only minor issues found (outlet covers were broken). A work order has been placed with Public Works for the repairs. The next inspection will be the Ruff Wilson/Boys and Girls Club. In October, City Hall has a new procedure for all visitors to sign in at the front desk. The Public Works Confined Spaces training was completed by Freddie Johnson and Terry White; Tree Climbing certifications was completed by Chris Stanton and Roy Bindon. It was also discussed Solid Waste employees need hard hats for use at the landfill.

Human Resource projects include:

Conference calls with Kronos regarding new server and upgrades
Reviewing Personnel Handbook (revisions needed)
Red Cross Blood Drive, October 31, 2012
Mobile Human Resources Conference, November 9, 2012

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: October 31, 2012

The Treasurer's Report totaling \$18,412,777.21 was presented by Ms. Briley.

Motion by Mr. Scott to accept the Treasurer's Report as of October 31, 2012, in the amount of \$18,412,777.21. Seconded by Mr. Haygood. Motion carried.

2. Sales and Use Taxes: September 31, 2012

The Sales and Use Tax reports were presented by Ms. Briley and discussion was made that there was a change in the detail format showing a breakout for Eastern Shore Park collections. Ms. Briley noted that due to the refunding of the 2006 Special Tax Warrants the collections that were previously pledged for Debt Service will now be included in the General Fund. These numbers will be reported in a separate column for comparative purposes. Discussion was made that the \$3 million from the 2012 Bond issue that was designated for road projects has been moved to an investment account until draws are required for payments. Ms. Briley also noted that \$2.3 million is already obligated out of this \$3 million for approved future road projects.

Sales and Use Tax Collected for September 2012 - \$1,004,661
Sales and Use Tax Budgeted for September 2012 - \$ 899,386
Over Budget (for September) - \$ 105,275

YTD Budget Collections Variance – Over Budget - \$577,928

3. Lodging Tax Collections, September 30, 2012

The Lodging Tax Collections report shows \$49,968.89 collected for September 2012. Mrs. Briley noted Lodging Tax collections were down from what was budgeted but only slightly. This is in line with prior years. Discussions continued on the breakdown on the allocation of revenues.

4. Report: New Business Licenses – October 2012

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

5. Bills Paid Reports – October 2012

The Bills Paid Report was included in Packet #2.

Ms. Henson noted that there were two packets due to the continuing closeout of FY2012 and ongoing operations for FY2013.

B. Bids

1. 2012-A-Profit Drive Extension

Mr. Johnson reviewed the Profit Drive Extension project and noted the recommendation is for the low bidder, John G. Walton Construction Co. in the amount of \$240,344.34 (*total project cost - \$271,844.34 including engineering/testing*). Discussion continued that \$106,445 was previously appropriated for this project and that an additional \$165,400 was needed.

Motion by Mr. Scott to recommend Council adopt a resolution awarding the following bid: 2013-A-Profit Drive Extension to John G. Walton Construction Company in the amount of \$240,344.34. Seconded by Mr. Haygood. Motion carried.

2. 2013-B-Library Carpet Replacement:

Ms. Young discussed the project and noted that Council had already approved \$125,000 to replace the carpet in the Library. Ms. Young noted that Mr. Barnett, Building Maintenance Supervisor, had also reviewed the bid submittals. Ms. Young noted she had completed checking references and the recommendation was to award to the low bidder Richard Sprouse Construction in the amount of \$58,212.

Motion by Mr. Scott to recommend Council adopt a resolution awarding the following bid: 2013-B-Library Carpet Replacement to Richard Sprouse Construction in the amount of \$58,212. Seconded by Mr. Lake. Motion carried.

C. Approve Annual Community Contributions:

1. Eastern Shore Chamber of Commerce - \$6000

Ms. Briley stated discussed that \$6,000 is appropriated in the FY2013 Budget but that a Resolution is needed to authorize the Mayor to enter into the annual agreement with Chamber of Commerce so the funds can be disbursed. Mr. Scott reviewed what the Chamber provides to the City and noted there have been previous discussions of the Council concerning the Chamber. Mr. Scott stated that he believes the Chamber contributes to the City and that the City could NOT absorb these duties. Mr. Lake commented that the \$6,000 annual appropriation has remained constant over and they have not asked for an increase in many years. Mr. Lake stated that the Chamber is an activist for the City.

Motion by Mr. Scott to recommend the Council adopt a resolution authorizing the Mayor to enter into a contract in the amount of \$ 6,000 with the Eastern Shore Chamber of Commerce. Seconded by Mr. Lake. Motion carried.

D. Appropriation Request

Garbage Enterprise Fund

1. Garbage: 28-Yard Automated Side-Loading Refuse Collection Garbage Truck-\$234,908.78

Mr. Johnson reviewed the history on garbage truck repairs and the need to keep the fleet maintained and a continual replacement schedule in place to keep operations going. Mr. Johnson reviewed the current lease balance that Ms. Briley prepared and noted the debt for two current trucks under lease will be retired this January. Ms. Briley noted that monies are available in the Enterprise Fund to lease this new truck. Mr. Johnson requested the lease be approved if possible in December due to the current model only being available for a short time. Information was included in the packet on the truck being purchased off the National Joint Powers Alliance (NJPA), a national cooperative approved by the State of Alabama in which the City is a member (*the City can purchase from this organization like it can from the State Bid Contract*).

Motion by Mr. Lake to recommend to council to approve Appropriation Request to purchase a 28-Yard Automated Side Loading Refuse Collection Garbage Truck in the amount of \$234,909.78 from the Garbage Enterprise Fund. Seconded by Mr. Scott. Motion carried.

General Fund

1. Blueprint for Tomorrow-\$35,000

Discussion was made that this item needs to go to a Council Work Session.

Four Cent Gas Tax

1. Profit Drive Extension-\$165,400 – (\$106,445 previously appropriated)

Discussion continued that the total project cost is \$271,844.34 (*including engineering/testing*), \$106,445 was previously appropriated so an additional \$165,400 is needed. Mrs. Briley stated that this should come from the Four Cent Gas Tax Fund so that the remaining 2012 Construction Fund balance will remain intact for the match on any grants (such as ATRIP) the City will be required to make (if the grants are approved).

Motion by Mr. Lake to recommend to council to approve Appropriation Request in the amount of \$ 165,400 for the completion of the Profit Drive Extension project. Funding to come from the Four Cent Gas Tax Fund. Seconded by Mr. Scott. Motion carried.

E. 2013 Severe Weather Preparedness Tax Holiday - February 22-24, 2013

Discussion was made that this Resolution is similar to the Back to School Tax Holiday.

Motion by Mr. Scott to recommend Council to adopt a resolution approving the 2013 Severe Weather Preparedness Tax Holiday. Seconded by Mr. Lake. Motion carried.

F. Request for Credit Card-Building Official - Inspection

Mrs. Briley explained approval is required from Council to issue City credit cards. Ms. Henson explained multiple departments, including Building Inspection, may use one department's credit card which sometimes creates a scheduling conflict for the use of the card. Ms. Henson also noted that several of the Building Inspection employees require training to maintain their certifications.

Motion by Mr. Scott to recommend Council to approve a resolution to issue a new City credit card to the Building Official - Inspections. Seconded by Mr. Haygood. Motion carried.

G. Update: ADECA: Recreational Trails Program RTP Grant-Pedestrian Boardwalk West side of US98 D'Olive Creek-\$80,000.

Mr. Johnson reviewed the \$80,000 ADECA Grant and the timeline of events required by the Grant. Mr. Johnson noted the Pedestrian Boardwalk on the west side of US98 D'Olive Creek will be a great addition to Gator Alley. Mr. Johnson discussed he hoped the bids would be ready to present at the next Finance meeting. The grant will be 75% grant funds and 25% City funds.

H. William's Property Purchase-\$200,000 (Lodging Tax Fund)

Mr. Johnson stated the abandoned dirt pit is the number one contributor of sediment into Yancey Branch. Mr. Johnson noted that Ms. Campbell has been working on the purchase of this property for several years. Ms. Campbell obtained an appraisal and the property was valued at \$150,000. Mr. Johnson stated that he and Ms. Campbell both recommend the City purchase the property. Mr. Scott noted this property is not suitable for a subdivision or any other use. Mr. Johnson noted the property could possibly be converted to a recreational property for trails. Mr. Lake agreed it would be wise to purchase property for preservation purposes. Mrs. Briley noted approximately \$900,000 is available in the Lodging Tax Fund. Mr. Haygood raised concerns about use of Lodging Tax funds to purchase the property as Bayfront property. Mr. Johnson noted there is an ecological connection of this property to the Bay and noted the Village Point Foundation has reviewed this and supports the purchase as well. (Resolution 2000-22)

V. OLD BUSINESS

VI. ADJOURN

The meeting was adjourned at 5:02 p.m.

Bailey Yelding, Jr.
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

November 8, 2012

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Status

Communications Officer
Public Service Worker (Streets)
Admin. Tech (Mechanical)
Firefighter (Internal posting)

Interviews Nov. 16, 2012
Date of Hire: Oct. 25, 2012
Interviewing
Reviewing applications

Safety Committee Meeting:

A building inspection was at City Hall with minor issues found – outlet covers were broken. A work order has been placed with Public Works. The next inspection will be the Boys and Girls Club.

In October, City Hall has a new procedure for the receptionist to ask all visitors to sign in at the front desk.

In the Public Works department Confined Spaces training was completed by Freddie Johnson and Terry White; Tree Climbing certification was completed by Chris Stanton and Roy Bindon. It was also discussed Solid Waste employees need *hard hats* for use at the landfill.

Other Human Resources' projects or meetings:

- Conference calls with Kronos regarding new server and upgrades.
- Reviewing Personnel Handbook (revisions needed)
- Red Cross Blood Drive October 31, 2012
- Mobile Human Resources Conference Nov. 9, 2012

TREASURER'S REPORT

As of October 31, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$6,001,207.61
OPERATING ACCT	COMPASS	(\$265,977.14)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT (\$500 transf frm GF to open acct)	COMPASS	\$302.64
		<u>\$5,735,533.11</u>
INVESTMENT FUND	RAYMOND JAMES (investment \$4,828,875.15)	\$5,198,742.88
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$391,183.59
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	\$2,017.78
4 CENT GAS TAX	PNC BANK	\$332,105.05
7 CENT GAS TAX	PNC BANK	\$343,120.59
		<u>\$677,243.42</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	\$1,269,469.46
2012 CONSTRUCTION	REGIONS	\$8,933.09
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$2,993,271.24
		<u>\$4,271,673.79</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	\$2,033,078.96
2006 DEBT SERVICE	PNC	\$105,321.46
		<u>\$2,138,400.42</u>
		<u>\$18,412,777.21</u>

PRIOR YEAR BALANCE October 31, 2011

\$18,820,898.46

SALES & USE TAXES

ACTUAL COLLECTIONS

	2012 Eastern Shore Parks											
	2007	2008	2009	2010	2011	2012	October		November		December	
October	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,727.27	864,727.27	-	-	-	-	-
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	845,342.45	-	-	-	-	-
December	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	-	-	-	-	-
January	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	809,785.59	-	-	-	-	-
February	877,975.60	865,625.83	748,620.87	783,335.60	840,768.01	845,101.34	845,101.34	-	-	-	-	-
March	1,071,599.38	998,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	1,018,721.43	-	-	-	-	-
April	960,140.54	963,691.85	823,173.33	809,586.73	916,536.59	911,438.60	911,438.60	-	-	-	-	-
May	1,021,498.14	957,167.20	829,098.81	862,254.54	889,945.33	911,839.30	911,839.30	-	-	-	-	-
June	1,066,433.92	997,274.15	868,309.82	887,262.68	946,206.78	985,894.44	985,894.44	-	-	-	-	-
July	993,216.66	888,690.34	808,113.93	839,192.33	902,457.24	898,566.91	898,566.91	-	-	-	-	-
August	954,421.57	964,626.26	831,984.85	790,713.80	871,437.04	909,570.34	909,570.34	-	-	-	-	-
September	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36	898,557.39	898,557.39	-	-	-	-	-
Totals	11,871,233.19	11,279,349.93	10,039,546.95	9,934,178.61	10,766,122.45	11,074,680.68	447,682.33	11,522,363.01	10,944,435	577,928.02	577,928.02	11.71%

FY 2012 BUDGET/ACTUAL COMPARISONS

	Actual - 2012	Budget	Monthly Variance	YTD Variance	% of Budget
October	864,727.27	817,268	47,459.13	47,459.13	5.81%
November	845,342.45	835,995	9,347.81	55,806.94	1.00%
December	1,165,135.62	1,144,856	20,279.67	76,086.61	1.77%
January	809,785.59	834,336	(24,550.80)	51,536.01	-2.94%
February	845,101.34	858,367	(13,265.41)	38,270.60	-1.55%
March	1,018,721.43	996,615	22,106.87	60,377.47	2.22%
April	911,438.60	935,721	(24,282.69)	36,094.78	-2.60%
May	911,839.30	908,573	3,265.87	39,360.65	0.36%
June	1,114,149.53	966,165	147,984.88	187,345.53	15.32%
July	1,010,193.08	897,527	112,666.47	300,012.00	12.55%
August	1,021,267.76	848,627	172,640.71	472,652.71	20.34%
September	1,004,661.04	899,386	105,275.31	577,928.02	11.71%
Totals	11,522,363.01	10,944,435	577,928.02	577,928.02	7.02%

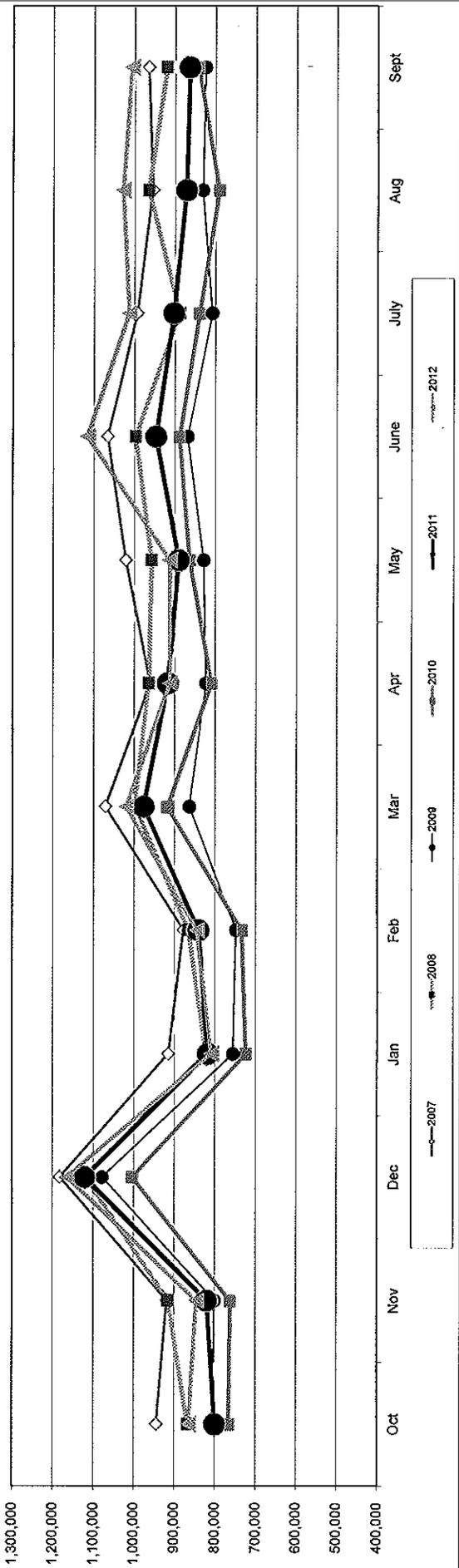
FISCAL YEAR COMPARISONS

	Percent Change											
	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008	Annual % Cha		
October	-8.19%	-7.00%	-5.19%	4.69%	8.02%	4.69%	-5.19%	-7.00%	-8.19%	4.69%		
November	-0.32%	-12.54%	-4.88%	7.60%	3.11%	7.60%	-4.88%	-12.54%	-0.32%	7.60%		
December	-5.29%	-3.72%	-6.89%	11.69%	3.90%	11.69%	-6.89%	-3.72%	-5.29%	11.69%		
January	-10.15%	-8.09%	-4.24%	12.95%	-0.91%	12.95%	-4.24%	-8.09%	-10.15%	12.95%		
February	-1.41%	-13.52%	-2.04%	14.65%	0.52%	14.65%	-2.04%	-13.52%	-1.41%	14.65%		
March	-6.81%	-13.53%	6.15%	6.49%	4.36%	6.49%	6.15%	-13.53%	-6.81%	6.49%		
April	0.37%	-14.58%	-1.65%	13.21%	-0.56%	13.21%	-1.65%	-14.58%	0.37%	13.21%		
May	-6.30%	-13.38%	4.00%	3.21%	2.46%	3.21%	4.00%	-13.38%	-6.30%	3.21%		
June	-6.49%	-12.93%	2.18%	6.64%	17.75%	6.64%	2.18%	-12.93%	-6.49%	6.64%		
July	-10.52%	-9.07%	3.85%	7.54%	11.94%	7.54%	3.85%	-9.07%	-10.52%	7.54%		
August	1.07%	-13.75%	-4.96%	10.21%	17.19%	10.21%	-4.96%	-13.75%	1.07%	10.21%		
September	-4.82%	-10.16%	1.91%	2.69%	16.33%	2.69%	1.91%	-10.16%	-4.82%	2.69%		
Annual % Change	-4.99%	-10.95%	-1.05%	8.37%	7.02%	8.37%	-1.05%	-10.95%	-4.99%	8.37%		

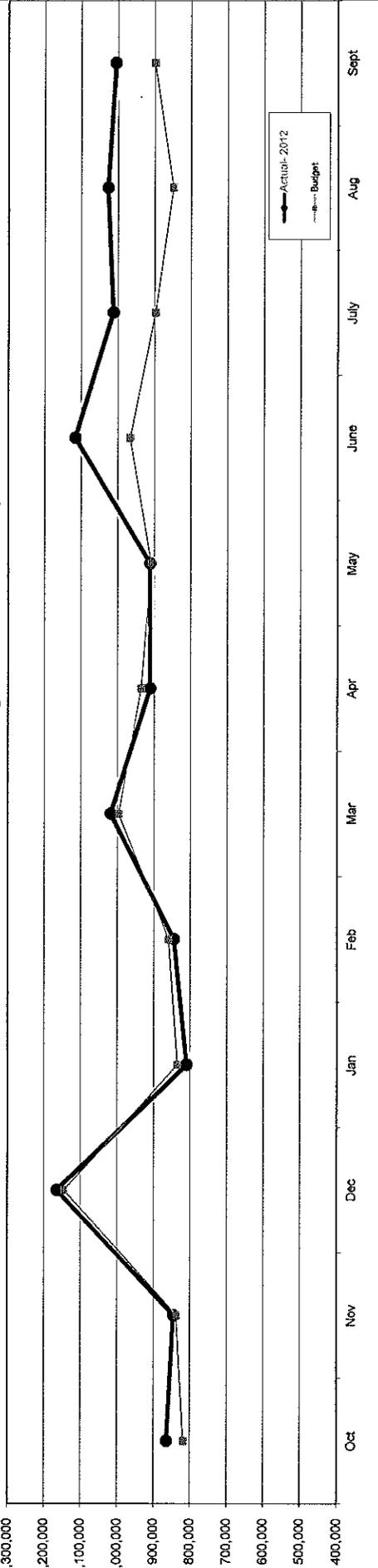
TOTAL collections thru: 9-30-12	11,522,363
Budgeted thru: 9-30-12	10,944,435
Actual Coll (>) Budget, 9-30-12	577,928
% Over/(Under) Budget, 9-30-12	5.28%

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%

Sales & Use Tax Comparisons



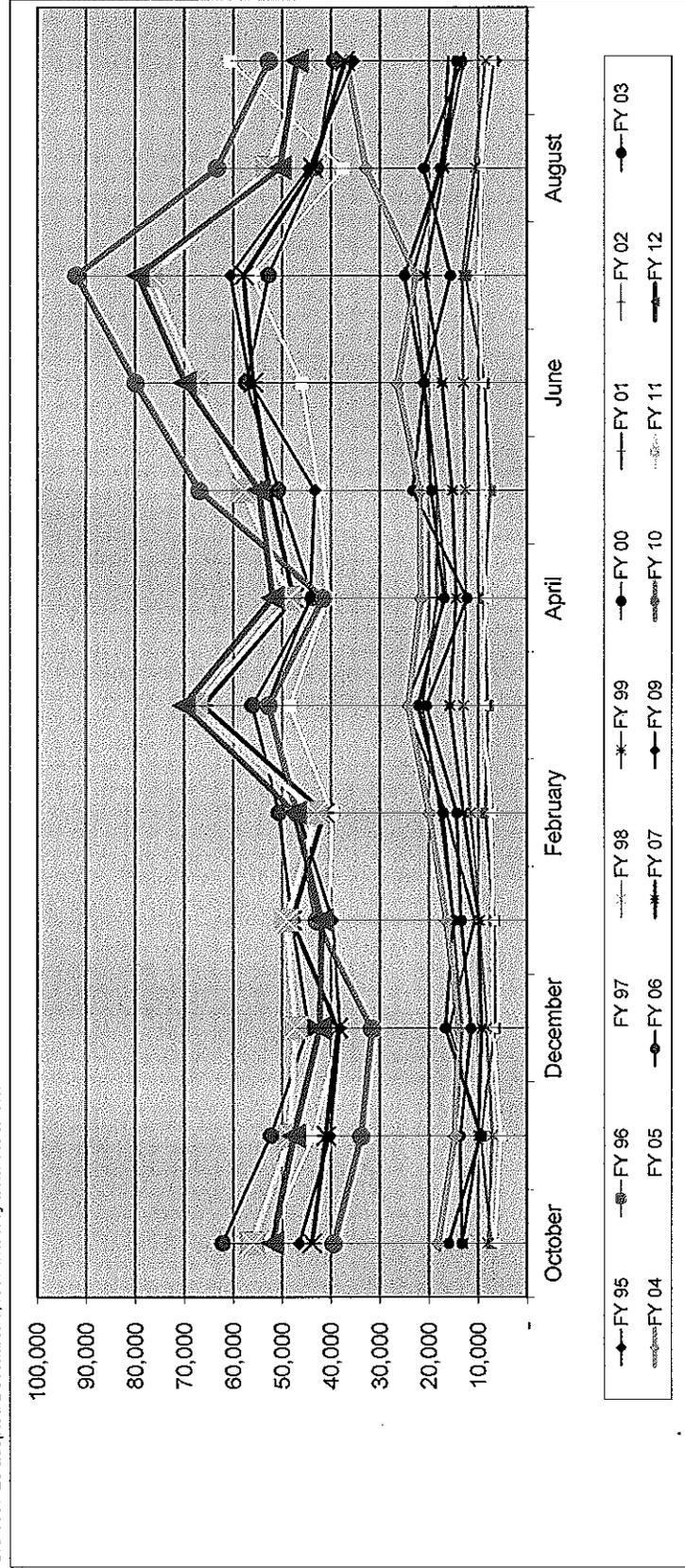
Fiscal 2012: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12
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	46,968.89
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	654,478.84

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



NEW BUSINESSES

October-12

CITY LIMITS		CONTRACTORS	
RETAILERS		KARPET KING CARPET CLEANING	1
EVERYTHING NICE	1	BLUEWATER LANDSCAPE	1
SEARS HOMETOWN	1	CRITTER CONTROL OF THE GULF	1
RECORD BAR LLC	1	SMITH & SONS LANDSCAPING	1
UNCORKED FINE WINES II	1	DOUBLE DIAMOND CONSTRUCTION	1
ALL OTHER		C & J PLUMBING	1
CASBURN BRETT ARCHITECT	1	AARON K CARLEE	1
STRICKLER IMPORTS REPAIR	1	FINE DESIGN CONCRETE	1
COASTAL BANK & TRUST	1	DARYL MEANS	1
RT ON CALL	1	MAINTENANCE 4 REAL	1
GAYLE MERRELL DESIGNS	1	SOUTHERN MAINTENANCE LANDSCAPING	1
VIRGIANA VINSON	1	GOLD STAR SERVICES	1
DONATO G. DUMALO	1	TOTAL CONTRACTORS	12
K & M DESIGNS	1		
TOTAL CITY LIMITS	12	INSURANCE	
OUTSIDE CITY LIMITS		AMERICAN STRATEGIC INSURANCE	1
IMPERIAL SUPPLES LLC	1	COLONIAL SURETY CO	1
NEWPOINT MEDIA LLC	1	COMMERCIAL ALLIANCE INSURANCE	1
PINE ENVIRONMENTAL SERVICES	1	CONSUMERS INSURANCE USA INC	1
DOODLEBUGGERS SERVICE	1	ENTITLE INSURANCE CO	1
FINANCIAL PACIFIC LEASING	1	FINANCIAL AMERICAN PROPERTY	1
JPMA GLOBAL	1	FUNERAL DIRECTORS LIFE INSURANCE	1
MARCUS WILLIAMS	1	GERBER LIFE INSURANCE CO	1
MILLER ELECTRIC MFG CO	1	GRAMERCY INSURANCE CO	1
TOTAL OUTSIDE CITY LIMITS	8	INDIANA LUMBERMENS MUTUAL	1
		PEKIN LIFE INSURANCE CO	1
		TOTAL INSURANCE	11
		TOTAL NEW BUSINESSES IN DAPHNE	43
		CLOSED BUSINESSES IN DAPHNE	
		ZUMBA WITH CHEETAZ ANN	1
		1ST CHOICE MOTORCARS	1
		BAY VIEW FORD	1
		TOTAL CLOSED BUSINESSES IN DAPHNE	3

GENERAL FUND

Summary Statement of Revenues and Expenditures
For the Month Ended August 31, 2012

with comparatives: 8-31-2006; 8-31-2007; 8-31-2008; 8-31-2009; 8-31-2010; and 8-31-2011

	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Adopted Budget	Amended Budget	Budgetary Variance Over/(Under)	% Budget	
Revenues												
Sales, Use, & Luxury Taxes	10,272,016	10,450,875	9,919,948	8,927,185	8,869,235	9,588,815	10,096,860	11,603,435	11,603,435	(1,506,575)	87%	
Payment in Lieu of Taxes	258,540	338,460	322,080	326,958	319,955	452,157	438,604	2,250,000	2,250,000	(1,811,396)	19%	
Ad Valorem Taxes	3,187,850	3,697,069	4,119,963	4,782,027	4,751,897	4,282,455	4,181,606	4,581,000	4,581,000	(399,394)	91%	
Licenses & Permits	1,970,417	2,334,624	2,306,885	1,858,304	1,702,889	1,801,056	1,831,230	1,866,975	1,866,975	(35,745)	98%	
Other Revenues	1,797,159	1,603,273	1,235,612	1,292,747	1,387,471	1,462,571	1,404,289	1,362,467	1,545,518	(141,229)	91%	
Total Revenues	17,485,982	18,424,301	17,904,468	17,187,221	17,031,446	17,587,054	17,952,589	21,663,877	21,846,928	(3,894,339)	82%	
Expenditures												
General Government												
Personnel Operating	1,395,317	1,588,896	1,702,748	1,744,472	1,675,901	1,617,554	1,610,823	1,904,576	1,981,051	(370,229)	81%	
Capital	884,831	935,271	1,077,391	1,209,755	965,793	1,087,661	1,180,459	1,553,003	1,565,319	(384,860)	75%	
	236,113	38,434	10,445	26,080	-	19,753	-	16,470	38,818	(38,818)	0%	
Public Safety												
Personnel Operating	2,516,261	2,562,601	2,790,584	2,980,306	2,641,694	2,724,968	2,791,281	3,474,049	3,585,188	(793,907)	78%	
Capital	4,157,439	5,156,490	6,135,159	6,483,022	6,656,097	6,617,052	6,334,985	7,620,542	7,717,527	(1,382,542)	82%	
Operating	1,041,148	1,132,978	1,184,686	1,061,324	864,492	946,567	1,394,144	1,088,111	1,200,956	193,188	116%	
Capital	288,947	299,673	219,760	95,296	172,195	297,560	748,520	-	950,603	(202,083)	79%	
Public Works												
Personnel Operating	5,487,534	6,589,140	7,539,606	7,639,642	7,692,783	7,861,179	8,477,649	8,708,653	9,869,086	(1,391,437)	86%	
Capital	1,804,589	2,076,308	1,901,989	2,050,967	1,979,736	1,999,651	2,115,220	2,402,891	2,402,891	(287,671)	88%	
Operating	1,182,977	1,121,952	1,186,815	1,085,680	838,325	1,013,249	1,182,169	1,642,559	1,508,071	(325,902)	78%	
Capital	729,437	416,097	169,957	87,835	663,228	218,458	448,094	-	609,476	(161,382)	74%	
Parks & Recreation												
Personnel Operating	3,717,003	3,614,357	3,258,761	3,224,482	3,481,289	3,231,358	3,745,482	4,045,450	4,520,438	(774,956)	83%	
Capital	874,318	984,455	1,133,623	1,145,025	1,091,728	1,052,510	1,061,304	1,223,404	1,223,404	(162,100)	87%	
Operating	575,615	529,557	588,874	517,520	498,354	601,429	561,425	689,588	702,123	(140,696)	80%	
Capital	17,500	256,357	200,000	192,000	282,494	377,298	-	-	157,000	(157,000)	0%	
Total Departmental												
Personnel Operating	8,231,664	9,806,149	10,873,519	11,423,486	11,403,462	11,286,767	11,122,331	13,151,413	13,324,873	(2,202,542)	83%	
Capital	3,684,570	3,719,758	4,017,767	3,874,279	3,186,964	3,648,906	4,318,196	4,973,261	4,976,469	(658,273)	87%	
Operating	1,271,997	1,010,560	600,162	401,211	1,097,917	913,069	1,196,613	16,470	1,755,897	(559,284)	68%	
Capital	13,188,231	14,536,467	15,491,447	15,698,975	15,668,343	15,848,743	16,637,140	18,141,144	20,057,239	(3,420,099)	83%	
Other Financing Sources & Uses												
Debt Proceeds	-	-	-	-	506,969	-	-	-	-	-	-	-
Transfers to Debt Service	(2,297,693)	(2,525,919)	(2,533,936)	(2,464,209)	(2,807,022)	(2,706,969)	(2,621,841)	(2,875,483)	(2,875,483)	(253,643)	91%	
Other Transfers & Uses	(752,443)	(894,616)	(442,737)	(745,461)	(524,222)	(2,494,475)	(1,469,370)	(1,001,380)	(1,800,008)	(330,638)	82%	
Total Other Financing Sources/Uses	(3,050,136)	(3,420,535)	(2,976,673)	(3,209,671)	(2,824,275)	(5,201,444)	(4,091,211)	(3,876,863)	(4,675,491)	(584,280)	88%	
Total Revenues Over Expenditures	1,247,615	467,299	(563,633)	(1,721,425)	(1,461,171)	(3,463,132)	(2,775,762)	(354,130)	(2,885,802)	110,040		
Unreserved Fund Balance, 10-01	5,968,130	8,298,621	10,050,583	10,510,392	11,226,993	12,260,565	10,965,330					
Unreserved Fund Balance, 8-31	7,215,745	8,801,935	9,486,950	8,925,292	9,765,822	8,797,433	8,189,568					

CITY OF DAPHNE
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE
FOR THE MONTH ENDED AUGUST 31, 2012

with comparatives as of 8-31-05, 8-31-06, 8-31-07, 8-31-08, 8-31-09, 8-31-10, 8-31-11

	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Ord. #2011-81 Adopted Budget	Amended Budget	Variance- (Under/Over)	% Budget (Amended)
Revenues												
Sales, Use, & Luxury Taxes	9,303,628.17	10,272,015.92	10,450,874.96	9,919,948.26	8,927,185.47	8,869,284.53	9,588,815.41	10,096,860.48	11,603,435	11,603,435	(1,506,574.52)	87%
Payment in Lieu of Taxes/Franchise F	235,936.02	258,539.60	338,460.26	322,079.81	326,957.94	319,954.76	452,156.89	438,603.77	2,250,000	2,250,000	(1,811,396.23)	19%
Ad Valorem Taxes	2,882,358.68	3,187,850.38	3,697,068.79	4,119,962.70	4,782,026.89	4,751,896.69	4,282,454.75	4,181,606.41	4,581,000	4,581,000	(399,393.59)	91%
Licenses & Permits	1,771,602.51	1,970,417.01	2,334,623.58	2,306,884.97	1,858,304.19	1,702,889.17	1,801,056.46	1,831,229.59	1,866,975	1,866,975	(35,745.41)	98%
Intergovernmental	147,686.19	175,694.68	280,864.50	180,163.34	248,196.07	182,370.71	164,285.56	220,467.06	192,617	192,617	27,850.06	114%
Fees & Charges	267,938.61	380,150.81	330,218.36	326,825.19	305,046.69	376,896.22	433,035.10	381,239.40	287,150	287,150	94,149.40	133%
Fines	365,635.55	328,283.88	347,444.58	338,105.18	407,517.11	368,632.24	410,457.53	330,857.01	453,000	453,000	(122,142.99)	73%
Interest	64,046.54	211,658.66	378,847.46	289,812.05	69,605.92	42,805.76	171,441.41	240,000	240,000	(68,558.59)	71%	
Grants	66,941.00	75,181.64	18,326.00	62,350.00	181,608.52	308,430.41	215,185.64	231,564.67	176,000	358,551	(126,586.33)	65%
Miscellaneous	163,135.95	342,041.74	239,246.01	38,356.01	80,772.64	108,335.72	26,258.39	68,259.37	13,700	14,200	54,059.37	481%
Revenues SubTotal	15,288,919.22	17,201,834.32	18,415,974.50	17,904,487.51	17,187,221.44	17,031,446.21	17,587,054.45	17,952,589.17	21,563,877	21,846,928	(3,894,338.83)	82%
NRCS Grants	-	284,147.40	8,326.00	-	-	-	-	-	-	-	-	#DIV/0!
Insurance Proceeds/FEIMA	-	284,147.40	8,326.00	-	-	-	-	-	-	-	-	#DIV/0!
Non-Recurring Rev												
Total Revenues	15,288,919.22	17,485,981.72	18,424,300.50	17,904,487.51	17,187,221.44	17,031,446.21	17,587,054.45	17,952,589.17	21,563,877	21,846,928	(3,894,338.83)	82%
Expenditures												
GENERAL GOVERNMENT												
Legislative												
Personnel	149,472.05	147,838.26	163,702.91	164,559.78	201,829.82	201,088.90	202,404.90	203,996.69	226,311	226,311	(22,314.31)	90%
Operating	155,618.73	224,970.84	137,188.25	127,678.81	224,440.09	78,759.58	105,017.01	117,552.42	187,980	187,257	(68,704.58)	63%
Capital	-	-	-	-	-	-	-	-	8,000	8,000	(8,000.00)	0%
Municipal Elections	305,090.78	372,809.10	300,891.16	292,238.59	426,289.91	279,848.48	307,421.91	321,549.11	414,291	421,568	(100,018.89)	76%
Operating	-	-	2,810.86	12,584.59	18,732.60	-	-	7,289.62	52,300	52,300	(45,000.38)	14%
Executive	107,594.85	105,591.81	112,812.92	118,854.92	138,516.36	137,394.67	133,071.80	126,000.13	148,575	148,575	(22,574.87)	85%
Operating	29,409.32	24,219.99	106,050.83	59,526.69	42,394.32	29,692.21	26,995.13	30,545.22	40,363	41,013	(10,467.78)	74%
Capital	137,004.17	129,811.80	218,863.75	178,381.61	180,910.68	167,086.88	160,066.93	156,545.35	188,938	189,588	(33,042.65)	83%
I.T. Support	-	-	-	-	-	-	-	-	-	-	-	-
Personnel	-	-	-	-	-	-	-	1,645.19	-	52,611	(50,965.81)	3%
Operating	-	-	-	-	-	-	-	876.82	-	1,000	(123.18)	88%
Capital	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Human Resources	-	-	-	-	-	-	-	2,522.01	-	53,611	(51,088.99)	5%
Personnel	130,808.90	137,685.45	151,804.86	162,239.04	163,946.13	161,286.79	174,280.46	176,287.11	200,323	200,323	(24,025.89)	88%
Operating	46,604.83	47,555.92	79,634.55	62,476.83	62,480.69	51,755.39	54,665.86	69,912.36	89,493	90,645	(20,732.64)	77%
Capital	-	-	38,433.94	10,444.51	-	-	-	-	16,470	16,318	(16,318.00)	0%
Finance	177,413.73	185,241.37	269,873.35	235,160.38	226,426.82	213,042.18	228,956.32	246,209.47	306,286	307,286	(61,076.53)	80%
Personnel	279,403.95	313,510.21	376,652.52	397,614.52	415,568.00	416,813.16	407,142.69	439,261.28	539,883	539,833	(100,571.72)	81%
Operating	100,245.93	113,586.92	111,755.88	125,880.15	120,507.81	126,740.61	127,523.85	135,795.67	211,700	221,975	(86,179.33)	61%
Capital	-	7,745.28	-	-	12,977.18	-	-	-	-	-	-	#DIV/0!
Revenue	379,649.88	434,842.41	488,408.40	523,494.67	549,052.99	543,553.77	534,666.54	575,056.95	751,533	761,808	(186,751.05)	75%
Personnel	100,704.98	100,819.98	96,377.86	110,580.84	104,888.58	84,232.42	71,278.49	65,601.79	100,823	100,823	(35,221.21)	65%
Operating	33,694.35	34,495.49	32,458.43	26,655.23	28,742.26	27,117.48	29,540.83	38,627.31	46,620	45,055	(6,467.69)	86%
Capital	134,399.33	135,315.47	128,836.29	137,236.07	133,630.84	111,349.90	100,819.32	104,229.10	147,443	145,918	(41,688.90)	71%

	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Adopted Budget	Ord. #2011-81	Amended Budget	Variance- (Under)/Over	% Budget (Amended)
Planning/Zoning													
Personnel	216,751.52	227,703.82	289,007.48	311,984.57	233,102.63	194,114.42	191,741.47	192,019.86	222,255	222,255	222,255	(30,235.14)	86%
Operating	45,231.16	35,640.43	33,747.05	29,497.99	28,497.70	23,215.09	17,843.76	29,099.49	40,186	40,186	40,186	(11,086.51)	72%
Capital	6,920.00	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
	268,902.68	263,344.25	322,754.53	341,482.56	261,600.33	217,329.51	209,585.23	221,119.35	262,441	262,441	262,441	(41,321.65)	84%
Legal/Risk Management													
Operating- Legal	103,901.12	149,405.51	139,706.53	132,754.60	196,881.97	192,691.37	242,035.16	168,577.04	250,000	250,000	250,000	(81,422.96)	67%
Operating- Risk Mgt	121,491.41	137,517.01	140,707.12	350,023.41	183,507.77	178,279.68	198,435.49	240,957.35	220,000	220,000	220,000	20,957.35	110%
	225,392.53	286,922.52	280,413.65	482,778.01	380,389.74	370,971.05	440,470.65	409,534.39	470,000	470,000	470,000	(60,465.61)	87%
Municipal Court													
Personnel	129,876.86	141,386.87	143,313.20	158,848.32	182,082.00	179,049.23	158,668.16	128,975.25	177,708	177,708	157,781	(27,805.75)	82%
Operating	46,642.59	44,472.95	47,947.22	50,743.21	60,659.50	61,258.31	61,649.44	56,667.96	70,696	70,696	70,696	(14,028.04)	80%
	176,519.45	185,859.82	191,260.42	209,591.53	242,741.50	240,307.54	220,317.60	186,643.21	248,404	248,404	228,477	(41,833.79)	82%
Building Maintenance													
Personnel	134,510.83	168,825.23	207,756.13	216,826.61	241,276.88	239,400.78	223,314.24	206,973.41	211,531	211,531	255,322	(48,348.59)	81%
Operating	17,053.57	16,199.54	16,947.07	16,780.05	13,692.86	12,726.94	17,454.17	27,655.69	37,280	37,280	31,555	(3,899.31)	88%
Capital	28,223.69	-	-	-	-	-	7,237.00	-	-	-	-	-	#DIV/0!
	179,788.09	185,024.77	224,703.20	233,606.66	254,969.74	252,127.72	248,005.41	234,629.10	248,811	248,811	286,877	(52,247.90)	92%
Janitorial													
Personnel	46,049.09	51,965.60	47,487.76	61,239.03	63,261.41	62,520.35	55,641.89	69,051.79	77,217	77,217	77,217	(8,165.21)	89%
Operating	10,038.67	6,652.45	10,398.98	-	8,400.28	7,279.57	24,100.82	43,062.16	61,635	61,635	53,635	(10,572.84)	80%
Capital	56,087.76	58,608.05	57,866.74	61,239.03	71,661.69	69,799.92	92,258.71	112,113.95	138,852	138,852	130,852	(18,738.05)	86%
City Hall Facilities Support													
Operating	59,249.25	50,113.50	75,918.41	82,809.85	220,817.13	176,276.70	182,399.85	213,829.46	244,750	244,750	259,962	(46,132.54)	82%
Capital	-	228,388.16	-	-	13,102.48	-	-	-	-	-	14,500	(14,500.00)	0%
	59,249.25	278,481.66	75,918.41	82,809.85	233,919.61	176,276.70	182,399.85	213,829.46	244,750	244,750	274,462	(60,632.54)	78%
TOTAL GENERAL GOVERNMENT													
Personnel	1,295,173.03	1,395,317.23	1,588,895.64	1,702,747.63	1,744,471.81	1,675,900.72	1,617,554.10	1,610,822.50	1,904,576	1,904,576	1,961,051	(370,228.50)	81%
Operating	769,180.93	884,830.55	935,271.18	1,077,391.41	1,209,754.98	965,792.93	1,087,661.37	1,180,458.57	1,553,003	1,553,003	1,565,819	(384,860.43)	75%
Capital	35,143.69	236,113.44	38,433.84	10,444.51	26,079.66	-	19,753.00	16,470	-	-	-	(38,818.00)	0%
	2,099,497.65	2,516,261.22	2,562,600.76	2,790,533.55	2,980,306.45	2,641,693.65	2,724,968.47	2,791,261.07	3,474,049	3,474,049	3,585,188	(783,906.93)	78%
PUBLIC SAFETY													
Police Administration													
Personnel	267,797.11	286,949.70	325,083.10	329,155.34	342,552.05	337,601.76	321,848.34	344,040.70	386,597	386,597	386,597	(42,556.30)	89%
Operating	151,096.80	166,494.19	177,547.17	214,510.17	198,375.02	191,224.54	184,425.79	204,788.65	226,680	226,680	228,445	(23,656.35)	90%
Capital	-	-	2,334.80	-	-	-	-	584,550.00	-	-	590,000	(5,450.00)	99%
	418,893.91	453,443.89	504,965.07	543,665.51	540,927.07	528,826.30	506,274.13	1,133,379.35	613,277	613,277	1,205,042	(71,662.65)	94%
SWAT (Sp Weapons & Tactical Eqpt)													
Personnel	9,218.80	7,438.89	11,469.88	7,633.85	6,065.51	3,552.54	3,193.19	3,724.90	4,638	4,638	4,638	(913.10)	80%
Operating	-	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Capital	9,218.80	7,438.89	11,469.88	7,633.85	6,065.51	3,552.54	3,193.19	3,724.90	4,638	4,638	4,638	(913.10)	80%
Patrol													
Personnel	1,225,444.55	1,181,480.30	1,365,142.88	1,786,352.97	1,835,303.01	1,830,395.10	1,866,603.64	1,880,992.52	2,148,227	2,148,227	2,148,227	(287,234.48)	88%
Operating	166,269.52	217,233.55	207,331.79	279,287.29	316,645.32	206,530.43	319,462.52	283,222.98	254,288	254,288	254,288	28,934.98	111%
Capital	64,657.00	186,600.74	89,226.36	97,186.60	53,980.65	121,186.32	139,911.87	101,864.08	-	-	158,583	(56,718.92)	64%
	1,456,371.07	1,565,314.59	1,661,701.03	2,162,826.86	2,205,928.98	2,158,111.85	2,325,978.03	2,266,079.58	2,395,971	2,395,971	2,561,098	(295,018.42)	88%
Detective													
Personnel	382,671.89	472,468.06	558,405.51	663,189.52	702,695.17	679,911.16	682,019.20	678,088.43	765,680	765,680	765,680	(87,591.57)	89%
Operating	58,983.01	80,873.49	79,047.51	88,917.35	64,868.08	68,470.74	66,030.44	82,624.30	92,301	92,301	92,301	(9,676.70)	90%
Capital	-	79,824.09	26,008.48	36,977.75	-	-	-	54,921.30	-	-	-	54,921.30	#DIV/0!
	441,654.90	633,165.64	663,461.50	789,084.62	767,563.25	748,381.90	748,049.64	815,634.03	857,981	857,981	857,981	(42,346.97)	95%

	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Adopted Budget	Amended Budget	Variance (Under/Over)	% Budget (Amended)
Communications												
Personnel	314,886.39	349,323.78	360,439.09	405,283.80	405,815.94	410,640.73	410,162.10	428,457.51	472,042	472,042	(43,584.49)	91%
Operating	22,451.95	27,920.39	25,696.79	30,969.67	25,355.45	19,825.99	20,757.86	21,790.01	23,600	21,420	370.01	102%
Capital	-	-	29,163.82	436,253.47	431,171.39	430,466.72	430,919.96	450,247.52	495,642	495,482	(45,234.48)	91%
Corrections												
Personnel	396,675.61	470,600.73	554,274.21	598,283.47	594,813.27	589,601.97	577,695.26	574,682.97	678,766	678,766	(104,083.03)	85%
Operating	94,548.94	104,414.41	122,944.56	118,361.16	114,026.21	108,486.37	79,071.75	87,833.27	100,117	91,968	(4,134.73)	96%
Capital	18,543.40	-	-	-	-	-	-	-	-	-	-	#DIV/0!
	509,767.95	575,015.14	677,218.77	716,644.63	708,839.48	698,088.34	656,767.01	662,516.24	778,883	770,734	(108,217.76)	86%
Animal Control												
Personnel	101,554.30	106,858.77	118,868.81	124,038.69	128,696.65	126,153.73	108,512.71	127,954.96	142,975	142,975	(15,020.04)	89%
Operating	17,581.02	19,051.34	24,289.88	39,781.57	31,680.87	20,373.61	23,308.93	24,591.98	21,600	43,085	(18,493.02)	57%
Capital	-	-	-	-	-	-	3,500.00	-	-	-	-	#DIV/0!
	119,115.32	125,910.11	143,138.69	163,820.26	160,377.52	145,527.34	136,321.64	152,546.94	184,575	186,060	(33,513.06)	82%
Police Subtotal												
Personnel	2,689,029.85	2,867,681.34	3,282,213.60	3,906,303.79	4,009,876.09	3,973,304.45	3,967,841.25	4,034,217.09	4,594,287	4,594,287.00	(560,069.91)	88%
Operating	520,130.04	623,426.26	648,307.58	779,461.06	757,016.46	618,464.22	696,250.48	708,576.09	716,680	736,145.00	(27,568.91)	96%
Capital	83,200.40	266,424.83	146,733.46	134,164.35	53,980.65	121,186.32	143,411.87	741,335.38	-	750,603.00	(9,267.62)	99%
	3,292,360.29	3,757,532.43	4,077,254.64	4,819,929.20	4,820,873.20	4,712,954.99	4,807,503.60	5,494,128.56	5,310,967	6,081,035.00	(596,906.44)	90%
Capital Communications												
Operating	6,722.46	5,520.28	13,280.56	4,304.43	9,749.18	3,197.00	5,988.93	11,178.90	7,000	7,000	4,178.90	160%
Capital	-	5,520.28	13,280.56	4,304.43	9,749.18	3,197.00	5,988.93	11,178.90	7,000	7,000	4,178.90	160%
Fire												
Personnel	887,599.72	1,041,476.06	1,541,406.05	1,839,684.37	2,117,578.87	2,367,001.71	2,330,246.68	1,981,180.87	2,666,901	2,763,886	(782,705.13)	72%
Operating	197,369.38	352,977.24	410,985.65	333,915.65	241,538.70	199,000.64	206,349.27	625,102.80	288,381	384,761	240,341.80	162%
Capital	6,689.59	-	134,809.30	85,596.04	41,315.55	51,008.21	154,148.46	7,184.40	-	200,000	(192,815.60)	4%
	1,091,658.69	1,394,453.30	2,087,201.00	2,259,196.06	2,400,433.12	2,617,010.56	2,690,744.41	2,613,468.07	2,955,282	3,348,647	(735,178.93)	78%
Rescue												
Operating	16,879.66	20,514.59	16,073.35	19,289.27	18,728.50	15,588.97	12,146.86	15,675.20	18,349	18,349	(2,673.80)	85%
Capital	25,556.00	-	-	-	-	-	-	-	-	-	-	#DIV/0!
	42,435.66	20,514.59	16,073.35	19,289.27	18,728.50	15,588.97	12,146.86	15,675.20	18,349	18,349	(2,673.80)	85%
Building Inspections												
Personnel	131,997.43	206,072.61	293,159.88	338,249.01	307,318.94	267,042.00	270,526.93	270,327.71	303,708	303,708	(33,360.29)	89%
Operating	27,798.42	34,290.76	39,849.36	37,948.20	29,388.23	22,969.74	20,804.41	22,792.51	36,366	36,366	(13,573.49)	63%
Capital	13,989.40	22,521.95	18,129.86	-	-	-	-	-	-	-	-	#DIV/0!
	173,785.25	262,885.32	351,139.10	376,197.21	336,707.17	290,011.74	291,331.34	293,120.22	340,074	340,074	(46,953.78)	86%
Code Enforcement												
Personnel	41,487.12	42,208.97	39,710.15	50,922.28	48,247.94	48,749.15	48,437.04	49,259.77	55,646	55,646	(6,386.23)	89%
Operating	4,633.70	4,419.07	4,481.66	9,767.65	4,903.23	5,270.96	5,027.00	10,818.06	6,335	6,335	4,483.06	171%
Capital	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
	46,120.82	46,628.04	44,191.81	60,689.93	53,151.17	54,020.11	53,464.04	60,077.83	61,981	61,981	(1,903.17)	97%
Emergency Mgt												
Personnel	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Operating	-	-	-	-	-	-	-	-	15,000	12,000.00	(12,000.00)	0%
Capital	-	-	-	-	-	-	-	-	-	12,000.00	(12,000.00)	0%

	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Adopted Budget	Amended Budget	Variance- (Under/Over)	% Budget (Amended)
TOTAL PUBLIC SAFETY												
Personnel	3,750,114.12	4,157,438.98	5,156,499.68	6,135,159.45	6,483,021.84	6,656,087.31	6,617,051.90	6,334,955.44	7,620,542	7,717,527	(1,382,541.56)	82%
Operating	773,533.66	1,041,148.20	1,332,978.16	1,384,686.26	1,061,324.30	864,491.53	946,566.95	1,394,143.56	1,088,111	1,200,956	193,187.56	116%
Capital	129,435.39	288,946.78	299,672.62	219,760.39	95,296.20	172,194.53	297,560.33	748,519.78	-	950,603	(202,083.22)	79%
	4,653,083.17	5,487,533.96	6,589,140.46	7,539,606.10	7,639,642.34	7,692,783.37	7,861,179.18	8,477,648.78	8,708,653	9,865,086	(1,391,437.22)	86%
PUBLIC WORKS												
Administration												
Personnel	212,036.58	211,165.69	201,422.47	207,521.49	273,190.00	288,137.31	288,754.45	295,500.79	327,757	327,757	(32,256.21)	90%
Operating	71,172.02	70,248.33	57,420.40	55,682.82	50,359.98	27,436.54	48,310.53	45,799.06	74,740	67,508	(21,708.94)	68%
Capital	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
	283,208.60	281,414.02	258,842.87	263,184.31	323,549.98	315,573.85	337,064.98	341,299.85	402,497	395,265	(53,965.15)	86%
Public Works Facilities Support												
Operating	26,640.86	29,682.22	30,410.59	27,180.77	38,184.69	28,896.25	31,328.97	48,456.67	48,053	54,565	(6,128.33)	89%
Capital	43,806.53	-	-	-	-	28,896.25	31,328.97	48,456.67	48,053	54,565	(6,128.33)	89%
	70,447.39	29,682.22	30,410.59	27,180.77	38,184.69	28,896.25	31,328.97	48,456.67	48,053	54,565	(6,128.33)	89%
	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Grants	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Solid Waste- Trash												
Personnel	190,317.76	208,059.64	219,440.87	201,448.64	214,058.77	202,242.83	234,019.63	247,880.21	269,363	269,363	(21,482.79)	92%
Operating	117,192.09	152,347.84	139,180.01	159,681.35	153,575.24	127,228.64	130,574.90	146,409.47	176,550	177,712	(31,302.53)	82%
Capital	-	-	-	-	-	353,778.57	-	23,089.37	-	-	23,089.37	#DIV/0!
	307,479.85	360,407.48	358,620.88	361,129.99	367,634.01	683,250.04	364,594.53	417,359.05	445,913	447,075	(29,715.95)	93%
Street												
Personnel	403,120.54	404,647.53	435,409.22	467,244.01	496,261.21	503,457.96	488,899.21	516,460.90	572,529	572,529	(56,068.10)	90%
Operating	423,961.58	444,765.79	457,726.57	506,278.92	486,987.27	426,934.68	453,472.90	461,129.07	632,063	509,238	(48,108.93)	91%
Capital	65,538.75	25,290.00	42,321.24	-	-	67,090.82	122,528.31	88,442.60	-	182,954	(94,511.40)	48%
	892,620.87	874,703.32	935,457.03	973,522.93	983,248.48	997,483.46	1,064,900.42	1,066,032.57	1,204,612	1,264,721	(198,688.43)	84%
Street-Infrastructure												
Operating	156,219.63	578,275.56	339,084.59	158,829.26	80,350.00	84,138.22	95,929.76	117,323.42	20,000	39,991	4,875.39	112%
Capital	156,219.63	578,275.56	339,084.59	158,829.26	85,887.50	102,764.84	112,338.27	162,189.81	20,000	136,887	(19,563.58)	86%
	-	-	-	-	-	-	-	-	-	176,878	(14,688.19)	92%
Grounds												
Personnel	366,826.84	385,401.54	513,593.29	382,767.25	416,008.08	332,578.35	354,690.87	393,543.55	481,039	481,039	(87,495.45)	82%
Operating	169,745.11	248,855.28	209,612.48	170,167.35	145,539.38	83,770.57	161,061.54	170,542.15	230,018	192,496	(21,953.85)	89%
Capital	34,855.30	5,795.00	5,000.00	-	7,485.00	-	-	34,504.98	-	67,296	(32,791.02)	51%
	571,427.25	640,051.82	728,205.77	552,934.60	569,032.46	416,348.92	515,752.41	598,590.68	711,057	740,831	(142,240.32)	81%
Grounds- Parks												
Personnel	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Operating	-	-	25,939.96	13,704.01	15,519.15	10,100.30	10,344.90	12,408.86	15,801	17,866	(5,457.14)	69%
Capital	-	-	29,690.71	-	-	-	-	-	-	17,866	(5,457.14)	69%
	-	-	55,630.67	13,704.01	15,519.15	10,100.30	10,344.90	12,408.86	15,801	17,866	(5,457.14)	69%
Mowing												
Personnel	273,636.09	263,864.07	338,345.68	326,461.53	334,202.24	326,622.54	301,990.03	327,084.80	360,304	360,304	(33,219.20)	91%
Operating	133,316.81	106,671.60	75,615.88	112,828.03	110,061.87	71,001.07	98,288.06	139,147.84	130,200	139,561	(413.16)	100%
Capital	-	120,076.36	-	3,852.46	-	158,220.51	-	7,900.45	-	7,904	(3.55)	100%
	406,952.90	490,612.03	413,961.56	443,142.02	444,264.11	555,844.12	400,278.09	474,133.09	490,504	507,769	(33,635.91)	93%
Garage												
Personnel	306,030.67	331,450.88	368,096.93	316,546.01	317,246.79	326,696.82	331,297.15	334,749.27	391,899	391,899	(57,149.73)	85%
Operating	385,395.05	509,438.06	492,649.68	532,336.55	619,518.86	374,224.64	397,065.85	549,244.35	746,814	746,814	(197,569.65)	74%
Capital	-	-	-	7,275.00	-	-	-	39,392.94	-	31,994	7,398.94	123%
Reimbursements	(265,502.04)	(379,032.26)	(366,604.04)	(391,024.34)	(539,604.12)	(329,894.33)	(333,607.43)	(436,991.03)	(450,000)	(450,000)	13,008.97	97%
	425,923.68	461,856.68	494,142.57	465,133.22	397,161.53	371,027.13	394,755.57	486,395.53	688,713	720,707	(234,311.47)	67%

	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Adopted Budget	Amended Budget	Variance- (Under/Over)	% Budget (Amended)
MS4 Compliance												
Personnel	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Operating	-	-	-	-	-	-	-	1,155.76	18,300	12,300.00	(11,144.24)	9%
Capital	-	-	-	-	-	-	-	137,459.89	-	182,441.00	(44,981.11)	75%
	-	-	-	-	-	-	-	138,615.65	18,300	194,741.00	(56,125.35)	71%
TOTAL PUBLIC WORKS												
Personnel	1,751,968.48	1,804,589.35	2,076,308.46	1,901,988.93	2,050,967.09	1,979,735.81	1,999,651.34	2,115,219.52	2,402,891	2,402,891	(287,671.48)	88%
Operating	1,327,393.52	1,562,009.12	1,488,555.57	1,577,839.80	1,625,283.94	1,168,219.31	1,346,856.16	1,619,159.62	2,092,559	1,956,071	(338,911.38)	83%
Capital	300,420.21	728,436.92	416,096.54	169,956.72	87,835.00	663,228.12	218,458.07	448,093.65	-	699,476	(161,382.35)	74%
Grants	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Reimbursements	(265,502.04)	(379,032.26)	(366,604.04)	(391,024.34)	(539,604.12)	(329,894.33)	(333,607.43)	(436,991.03)	(450,000)	(450,000)	13,008.97	97%
	3,114,280.17	3,717,093.13	3,614,356.53	3,258,761.11	3,224,481.91	3,481,288.91	3,231,358.14	3,745,481.75	4,045,450	4,520,438	(774,956.24)	83%
RECREATION & LIBRARY												
Parks & Playgrounds												
Personnel	230,760.90	251,156.75	-	-	-	11,817.62	55,236.30	17,365.26	20,525	19,175	(1,809.74)	91%
Operating	306,350.95	5,088.74	-	19,937.37	21,510.24	17,700.00	14,250.63	-	-	-	-	#DIV/0!
Capital	17,890.84	-	-	-	-	29,517.62	69,486.93	-	20,525	19,175	(1,809.74)	91%
	555,002.69	256,245.49	-	19,937.37	21,510.24	29,517.62	69,486.93	-	20,525	19,175	(1,809.74)	91%
Recreation Parks- Sports												
Personnel	-	242,635.55	229,688.04	307,418.12	321,206.23	286,628.45	295,940.94	285,474.27	339,851	339,851	(39,851.00)	84%
Operating	-	17,500.00	182,752.16	190,295.47	171,288.65	189,677.50	226,429.87	216,150.34	235,018	239,168	(23,017.66)	90%
Capital	-	-	256,357.09	200,000.00	192,000.00	184,000.00	344,000.00	-	-	32,000	(32,000.00)	0%
	-	260,135.55	668,797.29	697,713.59	684,484.88	660,305.95	866,370.81	501,624.61	574,869	611,019	(109,394.39)	82%
Recreation												
Personnel	312,152.71	305,312.10	329,817.05	331,856.07	344,193.58	310,292.98	265,592.79	273,090.09	304,047	304,047	(30,956.91)	90%
Operating	212,112.90	227,400.53	101,265.24	92,574.93	85,275.40	91,714.13	96,639.86	82,400.30	122,045	121,645	(39,244.70)	68%
Capital	44,167.32	-	-	-	-	402,007.11	19,047.44	-	-	-	-	#DIV/0!
	568,432.93	532,712.63	431,082.29	424,431.00	429,468.98	402,007.11	381,280.09	355,490.39	426,092	425,692	(70,201.61)	84%
Athletic & Fitness Programs												
Personnel	-	-	30,696.55	32,388.48	34,336.34	30,602.25	30,905.08	32,694.64	42,347	42,347	(9,652.36)	77%
Operating	-	-	72,895.66	69,650.15	85,372.66	79,787.00	90,492.03	78,700.35	118,500	125,250	(46,549.65)	63%
Capital	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
	-	-	103,592.21	102,038.63	119,709.00	110,389.25	121,397.11	111,394.99	160,847	167,597	(56,202.01)	66%
Special Events												
Personnel	-	-	-	-	-	38,306.74	33,807.60	34,082.73	39,250	39,250	(5,167.27)	87%
Operating	-	-	50,891.95	47,340.71	39,992.43	-	33,807.60	-	-	-	-	#DIV/0!
Capital	-	-	50,891.95	47,340.71	39,992.43	38,306.74	33,807.60	34,082.73	39,250	39,250	(5,167.27)	87%
Civic Center Facilities												
Operating	-	-	-	-	-	60,794.32	-	-	-	-	-	#DIV/0!
Capital	-	-	-	-	-	60,794.32	-	-	-	-	-	#DIV/0!
Library												
Personnel	314,905.46	317,849.32	394,253.59	461,959.85	445,288.95	464,204.39	460,071.30	470,044.67	537,159	537,159	(67,114.33)	88%
Operating	93,482.61	100,489.77	121,751.93	149,075.31	114,080.16	87,051.33	98,823.12	132,725.85	154,250	157,635	(24,909.15)	84%
Capital	-	-	-	-	-	-	-	-	-	125,000	(125,000.00)	0%
	408,388.07	418,339.09	516,005.52	611,035.16	559,369.11	551,255.72	558,894.42	602,770.52	691,409	819,794	(217,023.48)	74%

	8/31/2005	8/31/2006	8/31/2007	8/31/2008	8/31/2009	8/31/2010	8/31/2011	8/31/2012	Adopted Budget	Amended Budget	Variance- (Under)/Over	% Budget (Amended)
TOTAL LIBRARY AND RECREATION												
Personnel	857,819.07	874,318.17	984,455.23	1,133,622.52	1,145,025.10	1,091,728.07	1,052,510.11	1,061,303.67	1,223,404	1,223,404	(447,574.60)	87%
Operating	611,946.46	575,614.59	529,536.94	568,873.94	517,519.54	498,354.32	601,428.78	561,424.83	699,588	702,123	(140,698.17)	80%
Capital	62,038.15	17,500.00	256,357.09	200,000.00	132,000.00	262,454.32	377,238.02	-	157,000	157,000	(137,000.00)	0%
	<u>1,531,823.69</u>	<u>1,467,432.76</u>	<u>1,770,369.26</u>	<u>1,902,496.46</u>	<u>1,854,544.64</u>	<u>1,852,576.71</u>	<u>2,031,236.96</u>	<u>1,622,728.50</u>	<u>2,082,527</u>	<u>2,082,527</u>	<u>(745,272.77)</u>	<u>78%</u>
Total Expenditures	7,655,074.70	8,231,663.73	9,806,149.01	10,873,518.53	11,423,485.84	11,403,461.91	11,286,767.45	11,122,331.13	13,151,413.00	13,324,873.00	(2,202,541.87)	83%
Personnel	3,482,054.57	4,063,602.46	4,086,361.85	4,408,791.41	4,413,882.76	3,496,858.09	3,982,513.26	4,755,186.58	5,423,261.00	5,426,469.00	(671,282.42)	88%
Operating	527,057.45	1,271,997.14	1,010,580.19	600,161.62	401,210.86	1,097,916.97	913,089.47	1,196,613.43	16,470.00	1,755,887.00	(559,283.57)	68%
Capital	(265,502.04)	(379,032.26)	(366,604.04)	(391,024.34)	(539,604.12)	(329,894.33)	(333,607.43)	(436,991.03)	(450,000.00)	(450,000.00)	13,008.97	#DIV/0!
Grants	11,398,684.68	13,188,231.07	14,536,467.01	15,491,447.22	15,698,975.34	15,668,342.64	15,848,742.75	16,637,140.11	18,141,144.00	20,057,239.00	(3,420,098.89)	83%
Reimbursements	3,890,234.54	4,297,750.65	3,887,833.49	2,413,040.29	1,488,246.10	1,363,103.57	1,738,311.70	1,315,449.06	3,522,733	1,789,689	(474,239.94)	74%
Excess (Deficit) of Revenues Over (Under) Expenditures Before Other Financing Sources (Uses)												
OTHER FINANCING SOURCES/(USES)												
Gen Long-Term Debt Proceeds	-	-	-	-	-	506,988.74	-	-	-	-	-	#DIV/0!
Allow-Compensated Absences	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Allowance for Pay Plan Implementatio	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Transfers from Other Funds	200.00	-	737.23	-	-	-	-	-	-	-	-	#DIV/0!
Transfers to Debt Service	(1,956,094.46)	(2,297,692.75)	(2,525,919.10)	(2,533,936.21)	(2,464,209.47)	(2,807,021.79)	(2,706,969.27)	(2,621,840.50)	(2,875,483)	(2,875,483)	253,642.50	-91%
Transfers to Capital Reserve	(403,740.00)	(500,000.00)	(500,000.00)	-	-	(22,000.00)	(2,113,890.00)	(1,200,193.50)	(500,000)	(1,200,194)	-	-100%
Transfers to Capital Projects	(9,250.00)	-	-	-	(119,288.00)	-	(17,737.59)	-	-	-	-	#DIV/0!
Transfers to Major/Non-Major Storms	-	-	-	(13,361.43)	(18,978.45)	-	-	-	-	-	-	#DIV/0!
Transfers to Special Revenue Funds	-	-	-	(3,235.20)	(2,283.00)	(113,165.09)	-	-	-	-	-	#DIV/0!
Transfers to SWA Enterprise Fund	-	-	-	(38,196.42)	(130,564.59)	(183,875.12)	-	-	-	-	-	#DIV/0!
Transfers to Civic Center Ent Fund	(370,022.35)	(141,093.19)	(199,022.40)	(245,258.75)	(265,217.24)	(124,997.99)	(245,110.39)	(130,495.83)	(357,622)	(405,622)	275,126.17	-32%
Transfers to BayFront Ent Fund	(59,093.10)	(59,918.62)	(55,538.44)	(83,215.65)	(78,482.19)	(80,183.75)	(93,320.28)	(111,439.81)	(111,409)	(161,843)	50,403.19	-69%
Transfers to Lodging Tax	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!
Transfers to NRCs	(4,111.95)	(23,714.36)	(115,114.16)	(37,815.59)	(102,139.01)	-	-	-	-	-	-	#DIV/0!
Transfers to SAIL Site	(20,427.86)	(27,716.83)	(25,657.75)	(21,654.24)	(28,528.83)	-	(24,416.56)	(27,241.23)	(32,349)	(32,349)	5,107.77	-84%
	<u>(2,822,539.72)</u>	<u>(3,050,135.75)</u>	<u>(3,420,534.62)</u>	<u>(2,916,673.49)</u>	<u>(3,209,670.78)</u>	<u>(2,824,275.00)</u>	<u>(5,201,444.09)</u>	<u>(4,091,210.87)</u>	<u>(3,876,863)</u>	<u>(4,675,491)</u>	<u>584,280.13</u>	<u>-88%</u>
Total Revenues Over (Under) Expenditures	1,067,694.82	1,247,614.90	467,298.87	(563,633.20)	(1,721,424.68)	(1,461,171.43)	(3,463,132.39)	(2,775,761.81)	(354,130)	(2,885,802)	110,040.19	-96%
Unresvd Fund Balance, 10-01	4,106,800.68	5,968,129.83	8,298,621.02	10,050,583.12	10,510,392.05	11,226,993.21	12,087,464.78	10,965,329.56				
Prior Period Adjustments	-	-	-	-	-	-	-	-				
Increase Designations	-	-	-	-	-	-	-	-				
Release Encumbrances	-	-	36,015.00	-	136,324.41	-	173,100.25	-				
Unresvd Fund Balance, 8-31	5,174,495.50	7,215,744.73	8,801,934.89	9,486,949.92	8,925,291.78	9,765,821.78	8,797,432.64	8,189,567.75				

**GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN GENERAL FUND BALANCE
FOR THE FISCAL YEARS ENDING SEPTEMBER 30,**

	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002
	Projection	Projection	Projection	Projection	Budget	Estimated										
REVENUES																
Taxes	21,904,193	21,369,944	20,848,726	20,241,482	19,844,590	18,872,231	18,758,584	18,169,080	18,282,348	18,089,770	17,885,133	17,260,041	15,532,685	13,959,974	12,741,880	12,169,129
Licenses & Permits	1,950,000	1,900,000	1,875,000	1,870,000	1,851,000	1,864,907	1,840,438	1,733,817	1,913,500	2,348,757	2,434,848	2,015,129	1,871,698	1,590,786	1,641,990	710,195
Intergovernmental	210,000	206,000	203,000	200,000	197,683	239,494	199,113	220,397	270,176	195,574	296,586	369,426	206,400	182,918	120,288	115,167
Grants	225,000	200,000	175,000	150,000	125,000	233,454	568,682	419,052	327,265	314,111	24,386	89,689	79,308	66,538	179,232	285,119
Fees & Charges	435,000	430,000	425,000	420,000	320,800	414,606	417,976	341,979	349,831	350,858	359,831	416,913	319,891	305,200	335,180	171,018
Interest	110,000	125,000	125,000	150,000	240,000	194,158	231,257	57,386	78,063	305,893	413,042	238,840	67,359	60,776	54,143	81,820
Fines & Forfeitures	420,000	415,000	410,000	400,000	443,000	362,904	432,640	401,835	438,638	371,702	382,238	365,182	390,193	399,680	437,862	372,010
Miscellaneous	30,000	25,000	20,000	15,000	11,700	81,092	230,416	259,457	151,945	80,958	257,371	796,302	162,229	339,039	216,406	233,204
TOTAL REVENUES	25,284,193	24,670,344	24,081,726	23,446,482	23,033,773	22,252,845	22,679,076	21,689,946	21,803,936	22,057,622	22,053,444	21,551,421	18,569,772	16,898,912	15,726,980	14,137,660
EXPENDITURES																
General Government	4,009,222	3,909,222	3,749,222	3,659,222	3,574,222	3,175,156	3,584,428	2,948,180	3,299,148	3,124,837	2,827,689	2,607,770	2,380,389	2,270,241	2,101,802	1,988,886
Public Safety	9,896,884	9,646,884	9,446,884	9,271,884	9,121,884	8,774,637	8,423,661	8,416,326	8,520,819	8,192,973	7,083,067	6,054,541	5,265,647	4,796,567	4,526,250	4,498,129
Public Works	4,896,273	4,646,273	4,471,273	4,296,273	4,151,273	3,924,657	3,362,725	3,217,519	3,489,283	3,508,471	3,589,601	3,935,187	3,236,133	2,980,683	2,766,873	2,844,032
Parks & Recreation	2,614,535	2,439,535	2,314,535	2,124,535	2,024,535	1,846,343	1,817,964	1,787,634	1,868,485	1,943,232	1,699,809	1,706,491	1,716,844	1,470,600	1,299,100	1,293,474
Capital Outlay	1,000,000	1,000,000	900,000	600,000	312,500	1,251,665	1,372,415	1,731,491	703,052	1,012,752	1,671,788	2,362,924	989,048	956,020	1,147,328	521,818
TOTAL EXPENDITURES	22,396,914	21,641,914	20,781,914	19,951,914	19,184,414	18,972,657	18,531,183	18,101,151	17,890,737	17,782,265	16,871,954	16,036,923	13,568,059	12,376,111	11,841,354	11,146,337
OTHER FINANCING SOURCES (USES)																
Capital Lease Proceeds	-	-	-	-	306,500	-	-	506,969	146,678	-	-	-	-	6,738	589,292	160,524
Allowance for Compensated Absences	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(13,020)
Transfers to Debt Service	(3,818,048)	(3,633,048)	(3,513,048)	(3,413,048)	(3,313,048)	(2,875,483)	(2,808,244)	(2,892,612)	(2,610,186)	(2,640,776)	(2,668,795)	(2,483,006)	(1,962,965)	(1,960,980)	(2,319,414)	(2,117,358)
Transfers to Other Funds	(625,000)	(625,000)	(625,000)	(600,000)	(567,039)	(1,850,160)	(2,627,918)	(815,984)	(913,585)	(672,825)	(1,375,994)	(560,427)	(1,044,618)	(2,070,089)	(665,696)	(965,943)
Loan Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contribution to Utility Board	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL OTHER FINANCING	(4,443,048)	(4,258,048)	(4,138,048)	(4,013,048)	(3,573,587)	(4,725,643)	(5,436,162)	(3,201,227)	(3,377,094)	(3,313,600)	(4,044,789)	(3,043,433)	(3,007,583)	(4,014,331)	(2,385,818)	(2,935,796)
EXCESS (DEFICIT) OF REVENUE AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	(1,545,769)	(1,229,018)	(838,236)	(518,480)	275,772	(1,445,455)	(1,288,268)	387,568	546,105	961,756	1,136,701	2,471,065	1,994,130	508,470	1,489,808	55,527
FUND BALANCE, BEGINNING OF YEAR	7,018,132	8,247,149	9,085,385	9,603,865	9,519,878	10,965,333	12,087,468	11,226,997	10,510,395	10,050,587	8,795,403	5,968,131	4,106,802	3,825,173	2,386,489	2,381,054
(INCREASE) DECREASE IN RESERVE FOR ENCUMBRANCES/TRANSFERS TO EQUITY OF OTHER FUNDS & Allowances	-	-	-	-	(191,785)	186,133	472,903	170,486	118,483	(501,947)	356,206	(132,801)	(132,801)	(226,841)	(51,124)	(50,092)
UNRESR FND BALANCE, END OF YEAR	5,472,363	7,018,132	8,247,149	9,085,385	9,603,865	9,519,878	10,965,333	12,087,468	11,226,997	10,510,395	10,050,587	8,795,403	5,968,131	4,106,802	3,825,173	2,386,489

Public Works Memorandum

To: Chairman, Finance Committee

Thru: The Honorable Mayor Bailey Yelding, Jr.

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

CC: Finance; HMR; File

Date: November 9, 2012

Re: Project 2012-D: Profit Drive Extension - Profit Drive to Johnson Road - New Road & Drainage Construction

Mr. Mayor:

Based upon the bid tabulations conducted by Hutchinson, Moore & Rauch, LLC (HMR) from the November 8, 2012, bid opening, it is my recommendation to award the contract to John G. Walton Construction for the above reference new road and drainage capital improvement project. John G. Walton Construction submitted the qualifying low bid.

I am further recommending the following appropriations be made:

- | | |
|--|---------------------|
| • 100% of the construction cost of Capital Project (John G. Walton Construction) | \$240,344.34 |
| • Construction Engineering & Inspection (HMR): | \$ 21,500.00 |
| • Material Testing (Christian Testing Lab): | \$ 10,000.00 |
| | Total: \$271,844.34 |

Yours,
RDJ



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

November 9, 2012

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

RE: Bid Document No.: 2013-A-Profit Drive Extension

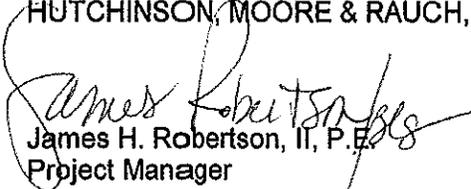
Dear Mayor Yelding:

Enclosed is the Tabulation of Bids received November 9, 2012 for the subject project.

We recommend that you award the Contract to John G. Walton Construction at their submitted lowest bid of \$240,344.34.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC


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

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CITY OF DAPHNE
 BID MINUTES SHEET
 BID DOCUMENT NO: 2013-A-PROFIT DRIVE EXTENSION
 November 8, 2012
 11:30AM

PRESENT WERE:
 Jaye Robertson
 Suzanne Henson

HMR
 Senior Accountant

10 INVITATIONS TO BID WERE MAILED, PICKED-UP, E-MAILED OR FAXED, 9 SEALED BIDS WERE RECEIVED.
 THE PRESENTED BIDS WERE OPENED AND THE BIDS WERE READ ALOUD AS FOLLOWS:

BIDDERS	ADDENDUMS (2)	BID BOND	BID AMOUNT
John G. Walton Construction Company	X	X	240,344.34
McInnis Construction, LLC	X	X	274,586.00
MAC Asphalt Co, LLC	X	X	320,002.00
General Dev. Of AI, Inc.	X	X	394,953.85
Asphalt Services, Inc.	X	X	274,075.00
American Asphalt, Inc.	X	X	285,917.50
Gulf Equipment Corporation	X	X	314,319.84
Ammons & Blackmon Construction	X	X	292,837.16
Summit Industries, LLC.	X	X	295,218.65



 Suzanne Henson, Senior Accountant

CITY OF DAPHNE
BID DOCUMENT NO.: 2013-A-PROFIT DRIVE EXTENSION
NOVEMBER 8, 2012

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

ITEM#	DESCRIPTION	BIDDER #1 JOHN G. WALTON			BIDDER #2 ASPHALT SERVICES			BIDDER #3 McINNIS CONSTRUCTION		
		UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	CLEARING AND GRUBBING (APPROX. 1.75 ACRES) (201-A)	LS	1		\$ 7,000.00		\$ 7,000.00		\$ 7,000.00	
2	ASPHALT REMOVAL (206-C)	SY	680	\$	2.98	\$ 2,026.40	\$	3.00	\$ 2,040.00	
3	CONCRETE SIDEWALK REMOVAL (206-C)	SY	30	\$	2.52	\$ 75.60	\$	3.00	\$ 90.00	
4	11"X17" RCAP REMOVAL (206-D)	LF	60	\$	2.19	\$ 131.40	\$	10.00	\$ 600.00	
5	UNCLASSIFIED EXCAVATION (210-A)	CYP	6,200	\$	3.56	\$ 22,072.00	\$	4.00	\$ 24,800.00	
6	BORROW EXCAVATION, 18" MIN. SAND CLAY (A-2-4 OR BETTER) (210-D)	CY (TBM)	5,000	\$	5.41	\$ 27,050.00	\$	5.50	\$ 27,500.00	
7	STRUCTURE EXCAVATION (214-A)	CY	185	\$	0.74	\$ 136.90	\$	8.00	\$ 1,480.00	
8	FOUNDATION BACKFILL, COMMERCIAL 12" THICK (#57 STONE) (214-B)	CY (TBM)	100	\$	39.80	\$ 3,980.00	\$	35.00	\$ 3,500.00	
9	ROADBED PROCESSING (230-A)	RDBD STA	12.0	\$	147.21	\$ 1,766.52	\$	325.00	\$ 3,900.00	
10	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,600	\$	2.13	\$ 7,668.00	\$	1.85	\$ 6,660.00	
11	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,600	\$	1.05	\$ 3,780.00	\$	1.75	\$ 6,300.00	
12	AGGREGATE SURFACING (3" THICK) (305-B)	TON	125	\$	33.83	\$ 4,228.75	\$	38.00	\$ 4,750.00	
13	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	3,600	\$	0.77	\$ 2,772.00	\$	1.25	\$ 4,500.00	
14	TACK COAT (0.03 GAL/SY) (405-A)	GAL	180	\$	3.70	\$ 666.00	\$	6.00	\$ 1,080.00	
15	MILLING/PLANING EXISTING PAVEMENT (APPROX. 1.50" THICK) (408-A)	SY	550	\$	3.68	\$ 2,024.00	\$	3.00	\$ 1,650.00	
16	BITUMINOUS BINDER LAYER, 220 LBS/SY (429-B)	TON	390	\$	70.00	\$ 27,300.00	\$	80.00	\$ 31,200.00	
17	BITUMINOUS WEARING SURFACE, 165 LBS/SY (429-A)	TON	350	\$	72.50	\$ 25,375.00	\$	82.00	\$ 28,700.00	
18	BITUMINOUS LEVELING LAYER (429-A)	TON	20	\$	81.00	\$ 1,620.00	\$	100.00	\$ 2,000.00	
19	30" RCP, CLASS 3 (530-A)	LF	240	\$	40.14	\$ 9,633.60	\$	60.25	\$ 14,460.00	
20	11"X17" RCAP, CLASS 3 (530-B)	LF	24	\$	34.84	\$ 836.16	\$	42.00	\$ 1,008.00	
21	RELAY 11"X17" RCAP (536-B)	LF	48	\$	10.15	\$ 487.20	\$	20.00	\$ 960.00	
22	MOBILIZATION (600-A)	LS	1	\$		\$ 7,900.00	\$		\$ 6,420.00	
23	RIPRAP, CLASS 2 (610-C)	TON	220	\$	51.04	\$ 11,228.80	\$	43.50	\$ 9,570.00	
24	FILTER CLOTH, NON-WOVEN (610-D)	SY	685	\$	1.88	\$ 1,287.80	\$	3.00	\$ 2,055.00	
25	CONCRETE SLOPE PAVED DITCH, 4" THICK (614-A)	CY	53	\$	271.07	\$ 14,366.71	\$	325.00	\$ 17,225.00	
26	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	18	\$	70.99	\$ 1,277.82	\$	60.00	\$ 1,080.00	
27	SLOPE PAVED HEADWALL (DOUBLE 30") (619-A)	EA	2	\$	1,890.54	\$ 3,381.08	\$	1,200.00	\$ 2,400.00	
28	11"X17" PIPE END TREATMENT (619-B)	EA	1	\$	535.82	\$ 535.82	\$	350.00	\$ 350.00	
29	WEIR INLET (621-C)	EA	1	\$	1,638.86	\$ 1,638.86	\$	2,200.00	\$ 2,200.00	
30	SANITARY SEWER MANHOLE ADJUSTMENT (622-A)	EA	1	\$	262.02	\$ 262.02	\$	350.00	\$ 350.00	
31	UTILITY ADJUSTMENT (LOWER 2" PE GAS LINE) (640-A)	LF	150	\$	5.25	\$ 787.50	\$	10.00	\$ 1,500.00	

CITY OF DAPHNE
BID DOCUMENT NO.: 2013-A-PROFIT DRIVE EXTENSION
NOVEMBER 8, 2012

ITEM#	DESCRIPTION	BIDDER #1 JOHN G. WALTON			BIDDER #2 ASPHALT SERVICES			BIDDER #3 McINNIS CONSTRUCTION		
		UNIT	QTY	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
32	UTILITY ADJUSTMENT (LOWER 2" PE FORCE MAIN) (640-A)	LF	150	\$ 787.50	\$ 5.25	\$ 787.50	\$ 10.00	\$ 1,500.00	\$ 24.00	\$ 3,600.00
33	FIRE HYDRANT RELOCATION (641-E)	EA	1	\$ 1,899.47	\$ 1,899.47	\$ 1,899.47	\$ 1,500.00	\$ 1,500.00	\$ 650.00	\$ 650.00
34	FIRE HYDRANT EXTENSION (641-F)	LF	3	\$ 496.60	\$ 1,489.80	\$ 496.60	\$ 300.00	\$ 900.00	\$ 350.00	\$ 1,050.00
35	TOPSOIL FROM STOCKPILES (650-A)	CYIP	1,400	\$ 6.29	\$ 8,806.00	\$ 6.29	\$ 4.00	\$ 5,600.00	\$ 4.00	\$ 5,600.00
36	SEEDING (652-A)	ACRE	1.5	\$ 950.82	\$ 1,426.23	\$ 950.82	\$ 1,800.00	\$ 2,700.00	\$ 700.00	\$ 1,050.00
37	MULCHING, CLASS A, TYPE 1 (656-A)	ACRE	1.5	\$ 769.69	\$ 1,154.54	\$ 769.69	\$ 1,800.00	\$ 2,700.00	\$ 700.00	\$ 1,050.00
38	SOLID SODDING (654-A)	SY	2,600	\$ 3.83	\$ 9,958.00	\$ 3.83	\$ 5.00	\$ 13,000.00	\$ 3.25	\$ 8,450.00
39	POLYETHYLENE SHEETING (665-E)	SY	400	\$ 1.74	\$ 696.00	\$ 1.74	\$ 2.00	\$ 800.00	\$ 1.00	\$ 400.00
40	SAND BAGS (665-G)	EA	100	\$ 5.36	\$ 536.00	\$ 5.36	\$ 5.00	\$ 500.00	\$ 5.00	\$ 500.00
41	SILT FENCE, TYPE A (665-J)	LF	1,600	\$ 2.82	\$ 4,512.00	\$ 2.82	\$ 4.50	\$ 7,200.00	\$ 3.50	\$ 5,600.00
42	WATTLES (665-Q)	LF	300	\$ 6.26	\$ 1,878.00	\$ 6.26	\$ 6.00	\$ 1,800.00	\$ 5.00	\$ 1,500.00
43	ENGINEERING CONTROLS (680-A)	LS	1	\$ 5,231.00	\$ 5,231.00	\$ 5,231.00	\$ 4,000.00	\$ 4,000.00	\$ 5,500.00	\$ 5,500.00
44	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.55	\$ 3,192.00	\$ 1,755.60	\$ 3,192.00	\$ 3,500.00	\$ 1,925.00	\$ 3,000.00	\$ 1,650.00
45	SOLID YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.55	\$ 3,192.00	\$ 1,755.60	\$ 3,192.00	\$ 4,000.00	\$ 2,200.00	\$ 3,000.00	\$ 1,650.00
46	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CROSSWALK (0.09" THICK) (703-A)	SF	120	\$ 606.00	\$ 606.00	\$ 606.00	\$ 7.00	\$ 840.00	\$ 5.00	\$ 600.00
47	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	72	\$ 1,091.52	\$ 1,091.52	\$ 1,091.52	\$ 7.00	\$ 504.00	\$ 5.00	\$ 360.00
48	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-D (705-A)	EA	35	\$ 186.20	\$ 6,467.00	\$ 186.20	\$ 8.00	\$ 280.00	\$ 10.00	\$ 350.00
49	TRAFFIC SIGNS	LS	1	\$ 1,553.00	\$ 1,553.00	\$ 1,553.00	\$	\$ 1,500.00	\$	\$ 1,300.00
50	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(f) OF THE 2012 STD SPEC	PER DOLLAR								
51	BITUMINOUS MATERIAL PRICE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(g) OF THE 2012 STD SPEC	PER DOLLAR								
52	CONSTRUCTION SIGNS (ROADWORK AHEAD, 500', 1,000') (740-B)	SF	54	\$ 340.20	\$ 18,370.80	\$ 340.20	\$ 12.00	\$ 648.00	\$ 10.00	\$ 540.00
53	CONES (36" HIGH) (740-E)	EA	50	\$ 0.50	\$ 25.00	\$ 0.50	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00
54	TYPE "III" BARRICADE (740-F)	EA	4	\$ 0.04	\$ 0.16	\$ 0.04	\$ 300.00	\$ 1,200.00	\$ 300.00	\$ 1,200.00
55	WARNING LIGHTS FOR BARRICADES (740-I)	EA	8	\$ 173.15	\$ 1,385.20	\$ 173.15	\$ 150.00	\$ 1,200.00	\$ 250.00	\$ 2,000.00
				TOTAL AMOUNT	\$ 240,344.34	\$ 240,344.34	\$ 274,075.00	\$ 274,075.00	\$ 274,586.00	\$ 274,586.00

HMR Hutchinson, Moore & Rauch, LLC
 Engineers • Surveyors • Land Planners

CITY OF DAPHNE
BID DOCUMENT NO.: 2013-A-PROFIT DRIVE EXTENSION
NOVEMBER 8, 2012

ITEM#	DESCRIPTION	BIDDER #4 AMERICAN ASPHALT			BIDDER #5 SUMMIT INDUSTRIES			BIDDER #6 AMMONS & BLACKMON		
		UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	CLEARING AND GRUBBING (APPROX. 1.75 ACRES) (201-A)	LS	1		\$ 7,000.00		\$ 7,000.00		\$ 7,000.00	
2	ASPHALT REMOVAL (206-C)	SY	680	\$ 3.00	\$ 2,040.00	\$ 4.95	\$ 3,366.00	\$ 2.80	\$ 1,904.00	
3	CONCRETE SIDEWALK REMOVAL (206-C)	SY	30	\$ 15.00	\$ 450.00	\$ 4.95	\$ 148.50	\$ 8.00	\$ 240.00	
4	11"X17" RCAP REMOVAL (206-D)	LF	60	\$ 7.50	\$ 450.00	\$ 18.55	\$ 1,113.00	\$ 5.00	\$ 300.00	
5	UNCLASSIFIED EXCAVATION (210-A)	CYIP	6,200	\$ 3.50	\$ 21,700.00	\$ 4.80	\$ 29,760.00	\$ 4.15	\$ 25,730.00	
6	BORROW EXCAVATION, 18" MIN. SAND CLAY (A-2-4 OR BETTER) (210-D)	CY (TBM)	5,000	\$ 6.95	\$ 34,750.00	\$ 8.05	\$ 40,250.00	\$ 8.75	\$ 43,750.00	
7	STRUCTURE EXCAVATION (214-A)	CY	185	\$ 10.00	\$ 1,850.00	\$ 7.55	\$ 1,396.75	\$ 1.00	\$ 185.00	
8	FOUNDATION BACKFILL, COMMERCIAL 12" THICK (#57 STONE) (214-B)	CY	100	\$ 65.00	\$ 6,500.00	\$ 66.35	\$ 6,635.00	\$ 60.00	\$ 6,000.00	
9	ROADBED PROCESSING (230-A)	RDBD STA	12.0	\$ 275.00	\$ 3,300.00	\$ 317.00	\$ 3,804.00	\$ 300.00	\$ 3,600.00	
10	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,600	\$ 2.00	\$ 7,200.00	\$ 3.35	\$ 12,060.00	\$ 2.20	\$ 7,920.00	
11	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,600	\$ 1.75	\$ 6,300.00	\$ 1.50	\$ 5,400.00	\$ 2.20	\$ 7,920.00	
12	AGGREGATE SURFACING (3" THICK) (305-B)	TON	125	\$ 48.00	\$ 6,000.00	\$ 41.05	\$ 5,131.25	\$ 38.00	\$ 4,750.00	
13	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	3,600	\$ 0.85	\$ 3,060.00	\$ 1.00	\$ 3,600.00	\$ 1.00	\$ 3,600.00	
14	TACK COAT (0.03 GAL/SY) (405-A)	GAL	180	\$ 5.00	\$ 900.00	\$ 4.80	\$ 864.00	\$ 5.00	\$ 900.00	
15	MILLING/PLANING EXISTING PAVEMENT (APPROX. 1.50" THICK) (408-A)	SY	550	\$ 7.00	\$ 3,850.00	\$ 5.65	\$ 3,107.50	\$ 6.50	\$ 3,575.00	
16	BITUMINOUS BINDER LAYER, 220 LBS/SY (429-B)	TON	390	\$ 76.00	\$ 29,640.00	\$ 79.40	\$ 30,966.00	\$ 77.10	\$ 30,069.00	
17	BITUMINOUS WEARING SURFACE, 165 LBS/SY (429-A)	TON	350	\$ 80.00	\$ 28,000.00	\$ 83.10	\$ 29,085.00	\$ 82.80	\$ 28,980.00	
18	BITUMINOUS LEVELING LAYER (429-A)	TON	20	\$ 120.00	\$ 2,400.00	\$ 128.00	\$ 2,560.00	\$ 128.80	\$ 2,576.00	
19	30" RCP, CLASS 3 (530-A)	LF	240	\$ 45.00	\$ 10,800.00	\$ 49.50	\$ 11,980.00	\$ 49.87	\$ 11,968.80	
20	11"X17" RCAP, CLASS 3 (530-B)	LF	24	\$ 35.00	\$ 840.00	\$ 49.25	\$ 1,182.00	\$ 36.14	\$ 867.36	
21	RELAY 11"X17" RCAP (536-B)	LF	48	\$ 12.00	\$ 576.00	\$ 24.40	\$ 1,171.20	\$ 14.00	\$ 672.00	
22	MOBILIZATION (600-A)	LS	1		\$ 9,250.00		\$ 9,250.00		\$ 9,250.00	
23	RIPRAP, CLASS 2 (610-C)	TON	220	\$ 75.00	\$ 16,500.00	\$ 61.30	\$ 13,486.00	\$ 60.50	\$ 13,310.00	
24	FILTER CLOTH, NON-WOVEN (610-D)	SY	685	\$ 2.50	\$ 1,712.50	\$ 2.90	\$ 1,986.50	\$ 2.00	\$ 1,370.00	
25	CONCRETE SLOPE PAVED DITCH, 4" THICK (614-A)	CY	53	\$ 295.00	\$ 15,635.00	\$ 295.00	\$ 15,635.00	\$ 385.00	\$ 20,405.00	
26	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	18	\$ 45.00	\$ 810.00	\$ 47.05	\$ 846.90	\$ 64.00	\$ 1,152.00	
27	SLOPE PAVED HEADWALL (DOUBLE 30") (619-A)	EA	2	\$ 1,035.00	\$ 2,070.00	\$ 1,201.00	\$ 2,402.00	\$ 1,100.00	\$ 2,200.00	
28	11"X17" PIPE END TREATMENT (619-B)	EA	1	\$ 500.00	\$ 500.00	\$ 533.00	\$ 533.00	\$ 400.00	\$ 400.00	
29	WEIR INLET (621-C)	EA	1	\$ 1,575.00	\$ 1,575.00	\$ 1,945.00	\$ 1,945.00	\$ 1,900.00	\$ 1,900.00	
30	SANITARY SEWER MANHOLE ADJUSTMENT (622-A)	EA	1	\$ 375.00	\$ 375.00	\$ 460.00	\$ 460.00	\$ 450.00	\$ 450.00	
31	UTILITY ADJUSTMENT (LOWER 2" PE GAS LINE) (640-A)	LF	150	\$ 10.50	\$ 1,575.00	\$ 10.45	\$ 1,567.50	\$ 10.00	\$ 1,500.00	

CITY OF DAPHNE
BID DOCUMENT NO.: 2013-A-PROFIT DRIVE EXTENSION
NOVEMBER 8, 2012

ITEM#	DESCRIPTION	BIDDER #4 AMERICAN ASPHALT			BIDDER #5 SUMMIT INDUSTRIES			BIDDER #6 AMMONS & BLACKMON				
		UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT			
32	UTILITY ADJUSTMENT (LOWER 2" PE FORCE MAIN) (640-A)	LF	150	\$ 10.50	\$ 1,575.00	\$ 10.45	\$ 1,567.50	\$ 10.00	\$ 1,500.00			
33	FIRE HYDRANT RELOCATION (641-E)	EA	1	\$ 1,750.00	\$ 1,750.00	\$ 554.00	\$ 554.00	\$ 1,000.00	\$ 1,000.00			
34	FIRE HYDRANT EXTENSION (641-F)	LF	3	\$ 175.00	\$ 525.00	\$ 240.00	\$ 720.00	\$ 375.00	\$ 1,125.00			
35	TOP SOIL FROM STOCKPILES (650-A)	CYIP	1,400	\$ 4.00	\$ 5,600.00	\$ 7.30	\$ 10,220.00	\$ 6.00	\$ 8,400.00			
36	SEEDING (652-A)	ACRE	1.5	\$ 1,500.00	\$ 2,250.00	\$ 1,650.00	\$ 2,475.00	\$ 900.00	\$ 1,350.00			
37	MULCHING CLASS A, TYPE 1 (656-A)	ACRE	1.5	\$ 1,000.00	\$ 1,500.00	\$ 1,592.00	\$ 2,388.00	\$ 900.00	\$ 1,350.00			
38	SOLID SODDING (654-A)	SY	2,600	\$ 5.25	\$ 13,650.00	\$ 4.50	\$ 11,700.00	\$ 3.40	\$ 8,940.00			
39	POLYETHYLENE SHEETING (665-E)	SY	400	\$ 2.00	\$ 800.00	\$ 0.75	\$ 300.00	\$ 1.30	\$ 520.00			
40	SAND BAGS (665-G)	EA	100	\$ 4.00	\$ 400.00	\$ 7.10	\$ 710.00	\$ 3.00	\$ 300.00			
41	SILT FENCE, TYPE A (665-J)	LF	1,600	\$ 5.50	\$ 8,800.00	\$ 3.95	\$ 6,320.00	\$ 4.00	\$ 6,400.00			
42	WATTLES (665-Q)	LF	300	\$ 5.30	\$ 1,590.00	\$ 5.30	\$ 1,590.00	\$ 6.60	\$ 1,980.00			
43	ENGINEERING CONTROLS (680-A)	LS	1	\$ 7,500.00	\$ 7,500.00	\$ 2,782.00	\$ 2,782.00	\$ 4,000.00	\$ 4,000.00			
44	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.55	\$ 3,300.00	\$ 1,815.00	\$ 3,402.00	\$ 1,871.10	\$ 3,000.00	\$ 1,650.00			
45	SOLID YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.55	\$ 3,300.00	\$ 1,815.00	\$ 3,402.00	\$ 1,871.10	\$ 3,000.00	\$ 1,650.00			
46	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CROSSWALK (0.09" THICK) (703-A)	SF	120	\$ 5.50	\$ 660.00	\$ 5.65	\$ 678.00	\$ 5.00	\$ 600.00			
47	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	72	\$ 5.50	\$ 396.00	\$ 5.65	\$ 406.80	\$ 5.00	\$ 360.00			
48	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-D (705-A)	EA	35	\$ 11.00	\$ 385.00	\$ 11.35	\$ 397.25	\$ 10.00	\$ 350.00			
49	TRAFFIC SIGNS	LS	1	\$ 1,500.00	\$ 1,500.00							
50	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(f) OF THE 2012 STD SPEC	PER DOLLAR										
51	BITUMINOUS MATERIAL PRICE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR										
52	CONSTRUCTION SIGNS (ROADWORK AHEAD, 500', 1,000') (740-B)	SF	54	\$ 12.00	\$ 648.00	\$ 16.45	\$ 888.30	\$ 12.00	\$ 648.00			
53	CONES (36" HIGH) (740-E)	EA	50	\$ 15.00	\$ 750.00	\$ 10.65	\$ 532.50	\$ 20.00	\$ 1,000.00			
54	TYPE "III" BARRICADE (740-F)	EA	4	\$ 450.00	\$ 1,800.00	\$ 441.00	\$ 1,764.00	\$ 500.00	\$ 2,000.00			
55	WARNING LIGHTS FOR BARRICADES (740-I)	EA	8	\$ 325.00	\$ 2,600.00	\$ 111.00	\$ 888.00	\$ 50.00	\$ 400.00			
				TOTAL AMOUNT			\$ 285,917.50			\$ 292,837.16		

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

CITY OF DAPHNE
BID DOCUMENT NO.: 2013-A-PROFIT DRIVE EXTENSION
NOVEMBER 8, 2012

ITEM#	DESCRIPTION	BIDDER #7 GULF EQUIPMENT			BIDDER #8 MOBILE ASPHALT			BIDDER #9 GENERAL DEVELOPMENT		
		UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	CLEARING AND GRUBBING (APPROX. 1.75 ACRES) (201-A)	LS	1	11,540.19	\$	10,000.00	\$	7,315.00		
2	ASPHALT REMOVAL (206-C)	SY	680	3.92	\$	2,665.60	\$	4.15		
3	CONCRETE SIDEWALK REMOVAL (206-C)	SY	30	3.18	\$	95.40	\$	39.65		
4	11"x17" RCAP REMOVAL (206-D)	LF	60	5.24	\$	314.40	\$	4.45		
5	UNCLASSIFIED EXCAVATION (210-A)	CYIP	6,200	4.88	\$	30,256.00	\$	6.88		
6	BORROW EXCAVATION, 18" MIN. SAND CLAY (A-2-4 OR BETTER) (210-D)	CY	5,000	9.49	\$	47,450.00	\$	8.91		
7	STRUCTURE EXCAVATION (214-A)	(TBM)	185	8.40	\$	1,554.00	\$	49.50		
8	FOUNDATION BACKFILL, COMMERCIAL 12" THICK (#57 STONE) (214-B)	CY	100	47.31	\$	4,731.00	\$	80.30		
9	ROADBED PROCESSING (230-A)	(TBM)	12.0	230.09	\$	2,761.08	\$	357.50		
10	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,600	2.52	\$	9,072.00	\$	11.60		
11	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	3,600	2.30	\$	8,280.00	\$	11.60		
12	AGGREGATE SURFACING (3" THICK) (305-B)	TON	125	33.43	\$	4,178.75	\$	46.25		
13	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	3,600	0.95	\$	3,420.00	\$	1.00		
14	TACK COAT (0.03 GAL/SY) (405-A)	GAL	180	4.21	\$	757.80	\$	5.80		
15	MILLING/PLANING EXISTING PAVEMENT (APPROX. 1.50" THICK) (408-A)	SY	550	5.26	\$	2,893.00	\$	6.00		
16	BITUMINOUS BINDER LAYER, 220 LBS/SY (429-B)	TON	390	66.44	\$	26,691.60	\$	77.00		
17	BITUMINOUS WEARING SURFACE, 165 LBS/SY (429-A)	TON	350	84.24	\$	29,484.00	\$	83.65		
18	BITUMINOUS LEVELING LAYER (429-A)	TON	20	84.24	\$	1,684.80	\$	88.00		
19	30" RCP, CLASS 3 (530-A)	LF	240	45.48	\$	10,915.20	\$	48.50		
20	11"x17" RCAP, CLASS 3 (530-B)	LF	24	41.63	\$	999.12	\$	37.50		
21	RELAY 11"x17" RCAP (536-B)	LF	48	13.32	\$	639.36	\$	13.25		
22	MOBILIZATION (600-A)	LS	1	32,619.76	\$	32,619.76	\$	5,000.00		
23	RIPRAP, CLASS 2 (610-C)	TON	220	54.47	\$	11,983.40	\$	70.50		
24	FILTER CLOTH, NON-WOVEN (610-D)	SY	685	2.27	\$	1,554.95	\$	2.10		
25	CONCRETE SLOPE PAVED DITCH, 4" THICK (614-A)	CY	53	293.00	\$	15,529.00	\$	330.00		
26	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	18	41.07	\$	739.26	\$	34.65		
27	SLOPE PAVED HEADWALL (DOUBLE 30") (619-A)	EA	2	1,671.58	\$	3,343.16	\$	770.00		
28	11"x17" PIPE END TREATMENT (619-B)	EA	1	314.59	\$	314.59	\$	330.00		
29	WEIR INLET (621-C)	EA	1	974.38	\$	974.38	\$	1,650.00		
30	SANITARY SEWER MANHOLE ADJUSTMENT (622-A)	EA	1	259.11	\$	259.11	\$	825.00		
31	UTILITY ADJUSTMENT (LOWER 2" PE GAS LINE) (640-A)	LF	150	9.01	\$	1,351.50	\$	16.50		

CITY OF DAPHNE
BID DOCUMENT NO.: 2013-A-PROFIT DRIVE EXTENSION
NOVEMBER 8, 2012

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

ITEM#	DESCRIPTION	UNIT	QTY	BIDDER #7 GULF EQUIPMENT			BIDDER #8 MOBILE ASPHALT			BIDDER #9 GENERAL DEVELOPMENT		
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
32	UTILITY ADJUSTMENT (LOWER 2" PE FORCE MAIN) (640-A)	LF	150	\$ 7.51	\$ 1,126.50	\$ 10.00	\$ 1,500.00	\$ 11.00	\$ 1,650.00			
33	FIRE HYDRANT RELOCATION (641-E)	EA	1	\$ 962.26	\$ 962.26	\$ 1,950.00	\$ 1,950.00	\$ 1,650.00	\$ 1,650.00			
34	FIRE HYDRANT EXTENSION (641-F)	LF	3	\$ 131.62	\$ 394.86	\$ 400.00	\$ 1,200.00	\$ 770.00	\$ 2,310.00			
35	TOPSOIL FROM STOCKPILES (650-A)	CYIP	1,400	\$ 6.68	\$ 9,352.00	\$ 5.00	\$ 7,000.00	\$ 7.45	\$ 10,430.00			
36	SEEDING (652-A)	ACRE	1.5	\$ 696.09	\$ 1,044.14	\$ 1,000.00	\$ 1,500.00	\$ 1,050.00	\$ 1,575.00			
37	MULCHING, CLASS A, TYPE 1 (656-A)	ACRE	1.5	\$ 615.17	\$ 922.76	\$ 800.00	\$ 1,200.00	\$ 2,200.00	\$ 3,300.00			
38	SOLID SODDING (654-A)	SY	2,600	\$ 4.84	\$ 12,584.00	\$ 3.80	\$ 9,880.00	\$ 3.05	\$ 7,930.00			
39	POLYETHYLENE SHEETING (665-E)	SY	400	\$ 0.37	\$ 148.00	\$ 0.50	\$ 200.00	\$ 1.15	\$ 460.00			
40	SAND BAGS (665-G)	EA	100	\$ 2.11	\$ 211.00	\$ 2.00	\$ 200.00	\$ 2.70	\$ 270.00			
41	SILT FENCE, TYPE A (665-J)	LF	1,600	\$ 2.39	\$ 3,824.00	\$ 3.80	\$ 6,080.00	\$ 5.80	\$ 9,280.00			
42	WATTLES (665-Q)	LF	300	\$ 4.92	\$ 1,476.00	\$ 5.70	\$ 1,710.00	\$ 5.50	\$ 1,650.00			
43	ENGINEERING CONTROLS (680-A)	LS	1	\$ 3,063.24	\$ 3,063.24	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00			
44	SOLID WHITE STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.55	\$ 3,817.11	\$ 2,099.41	\$ 3,000.00	\$ 1,650.00	\$ 5,000.00	\$ 2,750.00			
45	SOLID YELLOW STRIPE, CLASS 2, TYPE A, 4" WIDE, 0.09" THICK (701-A)	MI	0.55	\$ 3,817.11	\$ 2,099.41	\$ 3,000.00	\$ 1,650.00	\$ 5,000.00	\$ 2,750.00			
46	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CROSSWALK (0.09" THICK) (703-A)	SF	120	\$ 2.69	\$ 322.80	\$ 4.75	\$ 570.00	\$ 6.60	\$ 792.00			
47	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	72	\$ 5.27	\$ 379.44	\$ 14.25	\$ 1,026.00	\$ 6.60	\$ 475.20			
48	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-D (705-A)	EA	35	\$ 6.84	\$ 239.40	\$ 5.00	\$ 175.00	\$ 16.50	\$ 577.50			
49	TRAFFIC SIGNS	LS	1	\$ 1,453.13	\$ 1,453.13	\$ 1,500.00	\$ 1,500.00	\$ 660.00	\$ 660.00			
50	FUEL COST ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(f) OF THE 2012 STD SPEC	PER DOLLAR										
51	BITUMINOUS MATERIAL PRICE ADJUSTMENT FOR PRODUCING HMA IN ACC WITH SEC 109.03(e) OF THE 2012 STD SPEC	PER DOLLAR										
52	CONSTRUCTION SIGNS (ROADWORK AHEAD, 500', 1,000') (740-B)	SF	54	\$ 10.56	\$ 570.24	\$ 12.00	\$ 648.00	\$ 8.80	\$ 475.20			
53	CONES (36" HIGH) (740-E)	EA	50	\$ 7.60	\$ 380.00	\$ 14.00	\$ 700.00	\$ 16.50	\$ 825.00			
54	TYPE "III" BARRICADE (740-F)	EA	4	\$ 137.17	\$ 548.68	\$ 150.00	\$ 600.00	\$ 330.00	\$ 1,320.00			
55	WARNING LIGHTS FOR BARRICADES (740-I)	EA	8	\$ 258.27	\$ 2,066.16	\$ 150.00	\$ 1,200.00	\$ 22.00	\$ 176.00			
TOTAL AMOUNT					\$ 314,319.84		\$ 320,002.00		\$ 394,953.85			

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

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

CITY OF DAPHNE
2013-B-LIBRARY CARPET REPLACEMENT
NOVEMBER 6, 2012
11:30AM
CITY HALL

Those present were as follows:

Tonja Young
Suzanne Henson

Library Director
Senior Accountant

1 bid invitations were mailed/picked up, 4 sealed bids were received.

Suzanne Henson opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>BID BOND</u>	<u>AMOUNT</u>
Richard Sprouse Construction, Inc.	X	\$58,212.00
Weiss Flooring, Inc.	X	\$70,445.00
Delta Flooring, Inc.	X	\$72,667.00
Carnes Contract Floors, Inc.	<i>Cert Ck</i>	\$75,280.00



Suzanne Henson, Senior Accountant

Memo

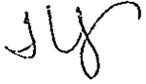
Date: November 8, 2012

To: Mayor Bailey Yelding

Finance Director Kim Briley

Cc: Senior Accountant Suzanne Henson

Building Supervisor Frank Barnette

From: Library Director Tonja Young 

Subject: Recommendation of Carpeting Vendor

Dear Mayor Yelding:

The library received four bids for the carpeting job to be completed in the public areas of the library. Copies of the bid totals are attached.

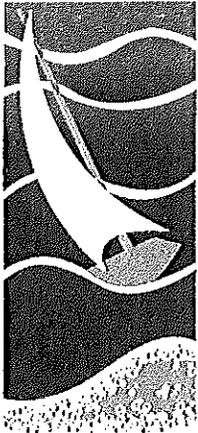
The lowest bid came from Richard Sprouse Construction Inc. located in Pelham, Alabama. This vendor has provided all information requested in the bid, has provided a sample and spec sheet for the carpet to be used, and has agreed to include payment for the specialized moving equipment used in libraries to move loaded shelving and furnishings.

I have contacted the following for references on the work of Richard Sprouse Construction Inc:

Sylacauga Municipal Courthouse Project -	Mr. Jon Carn -	Positive Reference
United States Postal Service-	Mr. Mark Kelley-	Positive Reference
Macon Library-	Mr. Mark Kelley-	Positive Reference
Anniston Army Depot Flooring & Painting Projects-		
	Mr. Mike Jzedmire-	Positive Reference
Maxwell Air Force Base Projects-	Mr. Mike Jzedmire-	Positive Reference

Ms. Suzanne Henson has researched to find that the bid bond is good. All of the vendor's information has been reviewed and approved by Mr. Frank Barnette.

It is my recommendation that we use this vendor for the library carpeting project. I submit this recommendation for your approval.



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

P.O. Drawer 310
Daphne, Alabama 36526-0310

Overlook
29750 Larry Dee Cawyer Drive
Daphne, Alabama
251.621.8222
FAX 251.621.8001

Downtown Fairhope
327 Fairhope Avenue
251.928.6387
FAX 251.928.6389

www.ESchamber.com
email: office@ESchamber.com



*Finance Comm.
6,000 Budgeted
[Signature]*

Oct 26, 2012

Mayor Yelding
City of Daphne
PO Box 400
Daphne, AL 36526

Kim

Dear Mayor Yelding and Council:

I am sending you copies of the official requests that were sent in June to be considered for the community budget in 2012-2013. I just wanted to send the new council copies and make sure if there were any questions, to please call me.

Thank you for your attention in this matter and for partnering with the Chamber of Commerce to promote our businesses and communities.

Respectfully yours,

Darrellyn Bender
President

COPY

cc: Mayor Bailey Yelding
Daphne City Council
ES Chamber Board of Directors
Kim Briley

May 31, 2012

Councilman Derek Boulware
Chairman of Finance Committee
City of Daphne
PO Box 400
Daphne, AL 36526

Dear Councilman Boulware:

Please accept this as an official request to be placed in the city's 2012-2013 budget for the upcoming fiscal year.

The Chamber is requesting the amount of \$6,000.00 to help us meet the cost of our overhead to run the Chamber of Commerce.

The Chamber promotes the City of Daphne on a regular basis, as well as supplying demographics and other data to people and businesses inquiring about our area. We promote the local churches and civic clubs, as well as supplying information about area schools, as part of promoting our community. Please see attached summary of major activities.

Thank you for your attention in this matter and for partnering with the Chamber of Commerce to promote our beautiful area.

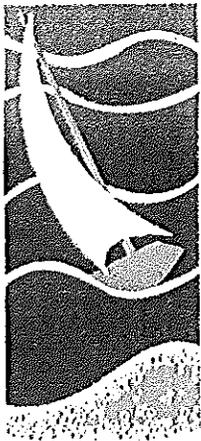
Respectfully yours,

Darrellyn Bender
President

cc: Mayor Bailey Yelding
Tommie Conaway
Cathy Barnette
John Lake
Kelly Reese
Ron Scott
Gus Palumbo

Kim Briley

COPY



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

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FAX 251.928.6389

www.ESchamber.com
email: office@ESchamber.com



City of Daphne Chamber Annual Highlights

The mission of the Eastern Shore Chamber of Commerce is to support stability and growth for the business community by providing services that cultivate economic expansion and community development.

- Chamber recorded the following key internet statistics: Total number of hits: 1,438,188. Our website www.eschamber.com hosted American traffic from 50 states in the U.S.
- Website accessed by mobile site 1,568 visitors
- Chamber APP March - May

New Users	Unique Sessions	Unique Devices	Total Interactions
222	2,639	815	17,755

- The Chamber receives an average of 100,000 telephone calls per year.
- The Chamber produces over 29 publications and brochures that highlight the advantages of living and investing in, as well as visiting Fairhope and the Eastern Shore. The publications are sent out to prospective new industries, businesses and individuals that are relocating to our area, as well as to potential tourists. They are also found on line.
- The Chamber scheduled 159 counseling sessions for existing and potential local businesses with SCORE, Service Core of Retired Executives.
- The Chamber of Commerce Board of Directors appoints 3 Eastern Shore chamber representatives to serve on the Baldwin County Economic Development Alliance Board of Directors.
- The Chamber's Annual Jubilee Festival in Daphne hosts over 30,000 people and brings in an economic impact of over \$12 million dollars each year.
- The Chamber provided 16,185 packets of information to people visiting our area for various conventions and group tours.

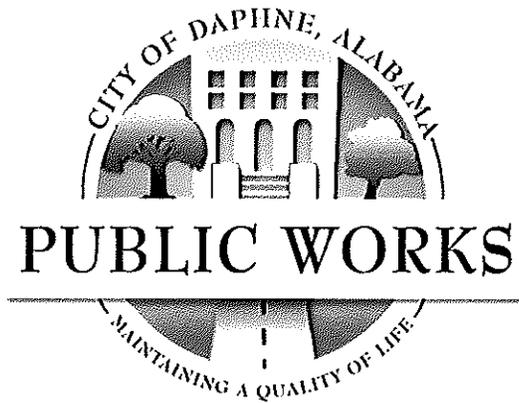
Finance Committee

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: Councilwoman Tommie Conaway, Chairman; Public Works Committee
Thru: Honorable Bailey Yelding, Jr., Mayor
CC: Finance; File
From: Richard D. Johnson, P.E.; Public Works Director
Date: October 10, 2012
Re: Garbage – Fleet Management Plan, Capital Appropriation Automatic Garbage Collection Truck – Enterprise Fund

Mrs. Chairman:

It is my recommendation that Public Works Committee review and discuss the attached Automatic Garbage Truck Fleet Management and Replacement 2011-2020 Schedule, approved and adopted in December of 2010. Furthermore, I request that the Public Works Committee recommend to the Finance Committee that they consider FY2013 Capital Appropriation for the purchase of one (1), 28-yard, automatic side-loading refuse collection truck.

This \$234,909.78 acquisition is to be accounted for through the Solid Waste Enterprise Fund and with a calendar 2013 delivery will keep our fleet management and replacement on schedule. This price is through the National Joint Powers Alliance (NJPA), a national no bid cooperative approved by the State of Alabama in which the City is a member.

Yours,

RDJ

Attachments: Fleet Management Schedule, NJPA Quote

Automatic Garbage Truck Fleet Management and Replacement 2011-2020

Fleet Data - Present and Future						Fleet Management: Yearly Mileage Projections										
Truck Number	Year Purchased	Make	Engine Hours	Engine Miles	Average Yearly Mileage	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
1142	2005	Condor	8331	274923	45821	285927	296932	Surplus								
1205	2007	Condor	4327	142791	35698	186809	230827	274845	285849	296853	Surplus					
1329	2010	Kenworth	1182	39006	39006	83024	127042	171060	215077	259095	303113	314118	325122	Surplus		
1330	2010	Autocar	1147	37851	37851	81869	125887	169905	213922	257940	301958	312963	323967	Surplus		
1338	2011	Mack	0	0	61714	0	61714	105732	149750	193768	237785	281803	292808	303812	Surplus	
New	2013	New Truck	0	0	0				44018	88036	132054	176071	220089	264107	308125	
New	2015	New Truck	0	0	0						44018	88036	132054	176071	220089	
New	2018	New Truck	0	0	0									44018	88036	
New	2018	New Truck	0	0	0									44018	88036	
New	2019	New Truck	0	0	0									44018	44018	
Available Units in Fleet:						5	5	5	5	5	5	5	5	5	5	

Fleet Average Yearly Mileage (based on four active units): **44018**

Serving in "Light Duty" role

Year to be Surplus



CONTRACT PRICING WORKSHEET
for SOLID WASTE VEHICLES In The State Of Alabama

This Form must be prepared by Contractor, and provided to End User.

Buying Agency: Contact Person:	CITY OF DAPHNE, ALABAMA	Contractor:	Ingram Equipment Company, LLC
Phone/Fax:		Prepared By:	Je Mar n
Location City, State:		Phone/Fax:	205-663-3946/205-663-4816
Date:		Contract No.:	060612-ESG
		Product Code:	

Product Description:			
A. Item Base Unit Price NIPA Contract:	DPPYTHON 28YD F	(Includes Installation & 12 Month Body Warranty)	A: \$ 105,754.80

B. Options (Itemize below and attach additional sheet(s) if necessary)					
QTY	Description	Cost	QTY	Description	Cost
	TRI-CUFF GRABBERS	\$ 1,267.20			0 \$ -
	SERVICE HOIST	\$ 3,609.60			0 \$ -
	TG STROBE	\$ 552.00			0 \$ -
	HYD. SLIDING HOPPER COVER	\$ 5,500.80			0 \$ -
	AUXILIARY CONTROLS UNDER RH SEAT	\$ 1,267.20			0 \$ -
	LIFT CYCLE COUNTER	\$ 528.00			0 \$ -
	HOPPER & LIFT WORK LIGHTS	\$ 422.40			0 \$ -
	SIDE BACK ASSIST LIGHTS	\$ 412.80			0 \$ -
		0 \$ -			0 \$ -
		0 \$ -			0 \$ -
		0 \$ -			0 \$ -
				Subtotal From Additional Sheet(s):	
				Subtotal B:	\$ 13,560.00

Note: Published Options are options submitted with the contractor's bid.

C: CHASSIS & UNPUBLISHED OPTIONS					
QTY	Description	Cost	QTY	Description	Cost
	2013 MACK LEU DUAL DRIVE	\$ 124,646.00			0 \$ -
	PETERSON SMART LIGHTS	\$ 450.00			0 \$ -
	DUAL CAMERA SYSTEM	\$ 1,200.00			0 \$ -
		0 \$ -			0 \$ -
		0 \$ -			0 \$ -
				Subtotal From Additional Sheet(s):	
				Subtotal C:	\$ 126,296.00

D. Other Price Adjustments (E.G. Installation, Freight, Delivery, Etc.)		
FREIGHT		\$ 882.00
		Subtotal D: \$ 882.00

E. Unit Cost of Item Before Fee & Non-Equipment Charges (A+B+C+D)		\$ 246,492.80
Quantity Ordered	X	1
		Subtotal E: \$ 246,492.80
Administration Fee:		Subtotal F: \$ -

G. Non-Equipment Charges/Discounts/Credits (Trade-In, Extended Warranty, etc.)		
Discount: Existing Hell Customer		\$ (11,583.02)
		Subtotal G: \$ (11,583.02)

H. Total Purchase Price (E+F+G):	\$ 234,909.78
----------------------------------	---------------

NJPA Member Signature:	Comments:
NJPA Membership Number:	
NJPA Member PO#:	

From: Kim Briley <financedirector@daphneal.com>
Sent: Thursday, October 11, 2012 2:29 PM
To: financesenioraccountant@daphneal.com
Subject: Resolution for Nov Finance Committee

Suzanne,
Please have this on next month's finance agenda.

Thanks,
Kim

IMPORTANT

IMPORTANT

2013 Severe Weather Preparedness Tax Holiday February 22-24, 2013

Deadline to notify ADOR: January 22, 2013

The 2013 Severe Weather Preparedness Tax Holiday begins at 12:01 a.m. on Friday, February 22, 2013, and ends at twelve midnight on Sunday, February 24, 2013. As required by the Sales Tax Holiday for Severe Weather Preparedness Rule, a participating county or municipality shall submit a certified copy of their adopted resolution or ordinance providing for the Severe Weather Preparedness Sales Tax Holiday, and any subsequent amendments thereof, to the Alabama Department of Revenue before January 22, 2013. The Department will compile this information into a list of all counties and municipalities participating in the Severe Weather Preparedness Tax Holiday and issue a current publication of the list on its website at:

www.revenue.alabama.gov/salestax/WPSalesTaxHol.htm

Notification of participation in the sales tax holiday may not be included in the published list if received after Jan. 22, 2013.

**Your taxpayers want to know if your locality will participate
in the 2013 Weather Preparedness Tax Holiday.**

**Please put it on your calendar to discuss and vote on this
matter soon and notify the ADOR of the decision.**

Participating? Send a certified copy of any resolution, ordinance, or amendment adopted by your locality.

Not Participating? It is important that you inform us via email or fax of that fact.

Taxpayers rely on the list provided by the Department of Revenue and the Department cannot post a locality's participation status based on assumption; notification of nonparticipation or copies of resolution/ordinance from the locality is required.

Notification can be faxed, mailed or emailed:

FAX: 334-353-7666

MAIL: ALABAMA DEPARTMENT OF REVENUE
Attention: Wanda Robbins, Room 4311
Sales, Use & Business Tax Division
Post Office Box 327900
Montgomery, Alabama 36132-7900

EMAIL: wanda.robbs@revenue.alabama.gov



The Jubilee City

MEMORANDUM

November 7, 2012

To: Finance Committee

From: Richard Merchant 

Re: City of Daphne Credit Card

I am requesting a City of Daphne credit card for the Building Department. The Building Department has five employees that require training to keep their certifications.

Things we need a credit card for:

- Check-in at hotels while on training.
- Online payments for training classes.

We have always used the Finance Department's card when traveling but since they have other departments that use this card it is not always available.



Memorandum

To: Kim Briley (Director of Finance)
From: Ashley Campbell
Date: October 22, 2012

Re: William's Property Purchase
Engineer: Jade Engineering

Mrs. Briley,

I have attached documentation in regards to the City's purchase of the William's Property for your review. If possible, I would like to be placed on the November Finance Committee meeting agenda. I am requesting that the City use Lodging Tax funds in the amount of two hundred thousand dollars (\$200,000) to purchase and restore the sixteen acre parcel. The Village Point Foundation recommends the use of the tax funds for the purchase. I have attached: a site map, the appraisal, the listing agreement, the Village Point Foundation support letter, the Public Works and Buildings & Property Meeting Minutes, the memo to the Council in regards to the use of Lodging Tax funds for the purchase and an estimate for the restoration cost. If you have any questions, give me a call.

A handwritten signature in cursive script that reads "Ashley Campbell".

Ashley Campbell, CPESC
Environmental Programs Manager
City of Daphne
agcampbell@bellsouth.net
Phone 251-621-3080
Cell 251-234-7122

BAILEY YELDING, JR.
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF



COUNCIL MEMBERS
TOMMIE CONAWAY
DISTRICT 1

CATHY BARNETTE
DISTRICT 2

JOHN L. LAKE
DISTRICT 3

KELLY REESE
DISTRICT 4

RON SCOTT
DISTRICT 5

DEREK BOULWARE
DISTRICT 6

AUGUST A. PALUMBO
DISTRICT 7

August 15, 2012

To: Buildings and Properties Committee

Re: Lodging Tax Use for Purchase of William's Property along Yancey Branch

Committee Members,

The Williams property is an old dirt pit that has been experiencing erosion for years resulting in sediment impacts to Yancey Branch which discharges directly into Mobile Bay. In 2006, due to citizen's complaints regarding flooding along Yancey Branch, the City sponsored an Emergency Watershed Protection project which removed excessive sediment from the branch and implemented a natural stream and wetland restoration. The project cost was well over one million dollars (\$1,000,000.00). The project improved the situation but due to continued sediment impacts from upstream sources, downstream erosion and flooding complaints have been and will continue to be received. The City has diligently pursued grant funds to try to restore the old pit area but due to it being private property, we were unable to procure the funds. The owner inherited the problem and does not have the funds to repair the area; therefore he has put the parcel up for sale for one hundred and forty nine thousand dollars (\$149,000.00; approximately \$9312/acre). The purchase and restoration of this property by the City will demonstrate a great effort in protecting and preserving the water quality and habitat in Yancey Branch and Mobile Bay which in turn will help preserve Daphne's bay front property.

In regards to using Lodging Tax to fund the purchase of the Williams Property, Ordinance 2012-48; Amending Use of Lodging Tax Proceeds-Time Extension, Section 1-4 (Attachment A) states that in regards to bay front uses the proceeds from the Lodging Tax shall be used for the purpose of purchasing, development and maintaining beachfront property for the City of Daphne.

Since, the ordinance does not list a specific definition for maintaining; the term can have numerous meanings or synonyms which can include but not be limited to the act of upholding, preserving, sustaining and conserving. Therefore, the purchase and restoration of the William's property should be considered maintaining (preserving) bay front property.

Also, pursuant City Resolution No. 2000-22 Endorsing Input from Village Point Foundation for Changes to the Bay Front Park, the Village Point Foundation was asked to review the use of the Lodging Tax funds to purchase the Williams property. The Foundation made a favorable recommendation (Attachment B) that the City use the Bay Front portion of the Lodging Tax to purchase the Williams property.

Ashley Campbell, CPESC 
City of Daphne
Environmental Programs Manager
epm@daphneal.com
251-621-3080

RESOLUTION NO. 2000 - 22
ENDORISING INPUT FROM VILLAGE POINT FOUNDATION FOR
CHANGES TO THE BAYFRONT PARK

WHEREAS, the City of Daphne owns and/or leases certain bay front property which is a public park, currently known as the Daphne Bayfront Park; and

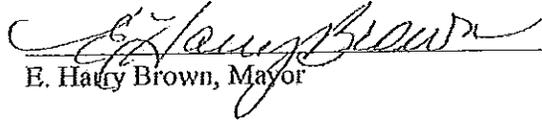
WHEREAS, the Village Point Foundation is a non-profit organization which advocates the acquisition and improvement of the bay front property for use as a public park; and

WHEREAS, the Village Point Foundation has been instrumental in helping the City of Daphne acquire bay front property for use as a public park; and

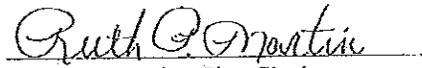
WHEREAS, the City of Daphne acknowledges that the Village Point Foundation input is important to the continued improvements to the bay front property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Daphne, Alabama, will henceforth, seek input from the Village Point Foundation prior to the implementation of any projects or events which would substantially alter, improve, or otherwise change or effect the appearance, design, use, or development of the Daphne Bayfront Park.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF DAPHNE, ALABAMA, this 17th Day of April, 2000.

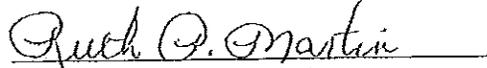

E. Harry Brown, Mayor

ATTEST:


Ruth P. Martin, City Clerk

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, Ruth P. Martin, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of a Resolution approved and adopted by the City Council of the City of Daphne, Alabama, at its regular meeting held on the 17th day of April, 2000.


Ruth P. Martin, City Clerk

Blog & Property Comm.

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

*

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

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

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

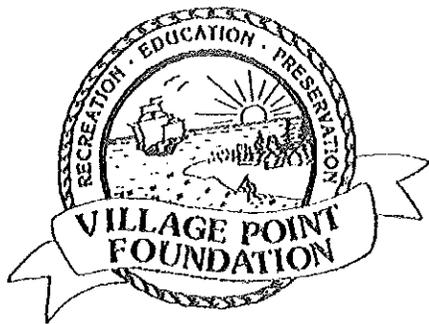
She would like to look into paying Bayfront Parking Lot using the lodging tax dollars. Ladies with heels are continually getting caught in the rocks, etc. We can check on different typing of paving options.

See attached report showing civic center revenue is up.

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

I. **Roadside Memorials** was tabled until September meeting.

Adjourned at 6:30 p.m.



The Village Point Foundation

P.O. Box 1374
Daphne, AL 36526

July 25, 2012

Mayor Yelding and
Daphne City Council
City of Daphne
PO Box 400
Daphne, AL 36526

Dear Mayor Yelding and Council Members,

The Village Point Foundation supports Ashley Campbell's recommendation to purchase the sixteen acre William's tract on Whispering Pines for the purpose of repairing the source of the erosion plaguing Yancey Branch. If we can halt further siltation from this particular source, then we will need to invest less time and money in the future to manage Yancey Branch. We have such a large investment in Yancey. It only makes sense to protect that investment by correcting the problem at the source.

It is also our foundation's recommendation that the City of Daphne consider using bayfront funds from the lodging tax to purchase the property.

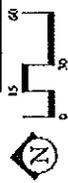
Thank you for your consideration.

Sincerely,

Selena Vaughn, Chair
selenacvaughn@att.net
251.605.6243

**USFW Assistance Program
Yancey Branch Projects**

Project Title	Project Description	Estimated Cost
Phase 1-Williams Dirt Pit	Implement storm water controls	25,000.00
Phase 2-Williams Dirt Pit Revegetation	Vegetation of bare soils	15,000.00
Phase 3-Yancey Branch	Stream Bank Stabilization	4,500.00
	Total	44,500.00



PHASE ONE ESTABLISHMENT SITE PLAN

Yancy Branch - Daphne, Alabama

Schematic Design



05.05.10

Coastal Appraisal Services, LLC

811 Daphne Ave
Daphne, AL 36526

P.O. Box 394
Daphne, AL 36526

251-621-7077 Phone
251-621-7076 Fax

utsey@coastalas.com

8/23/2012

LETTER OF TRANSMITTAL

City of Daphne
26435 Public Works Rd
Daphne, AL 36526

Reference Appraisal:
Whispering Pines
0 Whispering Pines Rd
Daphne, AL 36526

To Whom it May Concern:

In accordance with your request, the undersigned appraiser has completed an investigation and analysis of 0 Whispering Pines Rd, a potential residential location that is currently vacant land in Daphne, AL 36526. The appraisal is based on the effective date of 9/5/2012. The subject property is 17 acres ± of land that is zoned R-3, high density single family residential. The subject is located on the north side of Whispering Pines Rd in Daphne, Alabama along Yancey Branch.

The purpose of this appraisal is to perform a "market value" estimate of the real property for the City of Daphne. This appraisal conforms to the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation. This assignment was made subject to the regulations of the State of Alabama Real Estate Appraisers Board. The undersigned state licensed real estate appraiser has met the requirements of the Board that allow this report to be regarded as a 'certified appraisal'.

The scope of work called for the market value of the subject property. The Income Approach will not be used because the subject is vacant land with no current income potential as vacant land. The Cost Approach will not be used in this report because the subject property is vacant land with no structures.

The Sales Comparison Approach is used to show the market value based on the sales of comparable properties.

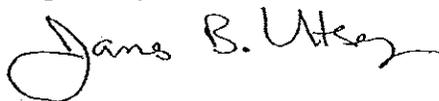
The property which I appraised herein is both legally and physically described in this report under the proper headings. The values outlined below are subject to the underlying Assumptions and Limiting Conditions specified in the body of this report. My employment as appraiser in this assignment was not conditioned upon producing a specific value or a value within a given range.

After thoroughly considering all of the information available and after making a physical inspection of the subject property, it is my opinion that the estimated values of the subject property as of 9/5/2012, are as follows:

Current Market Value based on similar Sales: \$150,000 .
ONE HUNDRED AND FIFTY THOUSAND DOLLARS

This transmittal letter only introduces the actual appraisal report and it should not be interpreted as an appraisal. I hope that you will find the following report in order, but if you have any questions please feel free to contact me.

Respectfully submitted,



James B. Utsey
Certified Residential Real Property Appraiser
Alabama License: R01031

Public Safety Committee

Wednesday, November 14, 2012

Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
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, Councilman Pat Rudicell, Councilman Randy Fry, Councilman Robin LeJeune, Captain Scott Taylor, Captain Daniel Bell, Chief James White, Melvin McCarley.

CALL TO ORDER

Councilman Rudicell **convened** the meeting at 4:25 p.m.

PUBLIC PARTICIPATION – No Public Participation.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from August, September, and October 2012 -- Councilman Scott made a motion to approve the minutes, Councilman LeJeune seconded. There was no discussion and the motion passed.

POLICE DEPARTMENT

- A. **New Business** – Captain Bell went over the stats and explained the police department monthly report and D-Runs(directed patrols). Bell spent time answering questions about domestic disturbances from Rudicell and Fry.
- B. **Old Business** – None

FIRE DEPARTMENT

- A. **New Business** --Chief White went over his stats. He advised that he had received good news. He got back the ISO survey from six months ago and they have maintained a Class 4 rating. The pluses that he got from the survey were: a new fire truck, and Profit Road and Johnson Rd extensions. ISO pointed out a few flaws also: the water system, and 911 communications center. Chief mentioned a few things that we as a city can control: another ladder truck, and more personnel. White broke down how the fire department was laid out by shifts and personnel for the new PSC members.

Councilman Scott explained how the Daphne Volunteer FD (8 members) get monies from property tax mil which equals about \$150,000 each year.

Councilman Fry asked how many firefighters the city had: 44
He asked how many to get full staffed. Scott mentioned that they are fully staffed.

Chief White explained the Safer Grant and other grants that the fire department has applied for and received.

- B. **Old Business**-

OTHER BUSINESS : Captain Bell clarified to Councilman LeJeune that the PD had 10 Tahoe's. LeJeune asked if the Chargers were the same in cost as the Tahoe's. Bell responded that the PD was pleased with the Crown Vics but Ford quit making them. He researched other vehicles. Most were off the table mechanically. They would not last. He started looking at established vehicles. The Tahoe jumped out -- lower operating costs, longer life, and solved a lot of issues such as mounting equipment, more room inside for the equipment and climate controlled. Ultimately the Tahoe being the best buy for the money. They have better resale value than a car. The city's greatest asset is a police officer and he/she will have survivability in the Tahoe. There are benefits all the way around. Bell drove to Hoover and spent a whole day talking to their fleet manager and mechanic asking questions. He found out that the Tahoe was rated to perform the same as a Crown Vic does.

John Lake: Crown Vic prices were not around \$40,000 because you had to buy all new light bars for the Tahoe's. If we had a cruiser, we could have used the same light bars.

Bell: I went to an expo and talked to a Ford dealer. I asked why they were getting rid of the Crown Vic. Bell told the dealer he could no longer use much of his car equipment due to them not making the crown vic anymore. The light bars would not have worked on smaller cruisers anyway. Bell stated that we would be going from a 6-7 year turnover with the Crown Vics to a 10 year or more turn over on the Tahoe's. Additionally, unless something else comes along, if our entire fleet were Tahoe's as they need to be replaced, that would be ideal. All of our Tahoe's are equipped identically so if an officer needs to use another officer's vehicle, they will know where the light switches and equipment are located for safety.

Lake: What is the price on the Tahoes, and then with the options?

Ron Scott: Talked to Terry Thompson last Tuesday. We are required to take the lowest bidder or take the state bid. We have bod local before and they can't touch the state bid. Terry Thompson does not have a fleet manager. He makes no profit so why bid? We can buy parts from him, but he gets no service from us either. We are doing the right thing and will forge ahead.

Fry: What is the total cost of the 4 Tahoe's that you are requesting? \$170,700.00 fully equipped. Fry asked if this was a budgeted item. Scott answered that the Capital Budget has not been approved yet and these are a Capital request. It will come out of the general fund because they are needed now. Captain Bell stated that these had been submitted as a Capital request. We have blown a few motors in the Crown Vics so they are needed. Public Safety Committee and Finance have approved it. Councilman Scott asked when we could expect to receive the Tahoe's? Bell answered that depending on when they are ordered, it may be 4-6 months and that we pay on delivery.

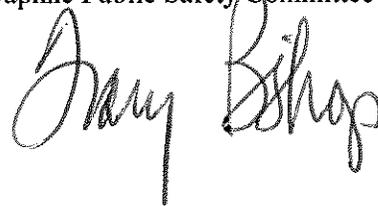
Councilman Rudicell asked Bell to work up a 5 year plan on the existing Crown Vics that are in the fleet.

ADJOURN

There being no further business to discuss, Mr. Rudicell made a motion to adjourn the meeting at 5:10 p.m. Ron Scott seconded. The next meeting will be Wednesday, December 12, 2012 at 4:30 p.m. at

City Hall Council Chambers. .

Respectfully submitted,
Daphne Public Safety Committee

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

Parol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:						
(Capt Bell/Lt Kempfanz)	(Capt Bell/Lt Seedy)	(Capt Taylor/Lt Yelding)	(Capt Taylor/Lt Yelding)							
		YTD								
# Complaints	1,202	# New Cases Received:	50	Total Arrests Received & Processed:	196	2,259	# Complaints	53	Arson	0
# Misd. Arrests	69	# Previous Unsolved Cases:	86	Arrests by Agency:	Daphne PD	125	# Follow-ups	129	Burglary - Commercial	2
# Felony Arrests	5	# Cases Solved:	21				# Citations	0	Burglary - Residence	4
DUI Arrests	13	Resulting in Total Arrests:	8	BCSO	9	136	# Warnings	0	Burglary - Vehicle	11
Alias Warrant Arrests	27	Felories:	6	Spanish Fort PD	40	491	# Citations	31	Criminal Mischief	6
Citations	289	Misdemeanors:	0	Shivertill PD	18	161	# Felines Captured	16	Disorderly Conduct	1
Close Parols	320	Houses Searched	0	Troopers	4	49	# Canines Captured	31	Domestic Disturbance	28
Warnings	251			Other Agencies	0	7	# Other Captured	12	False Info to Police	2
Motorist Assists	230	Warrants:					# Returned to Owner	11	Felony Assault	0
Roadway Accidents	71						# Adopted Out	8	Felony Theft	14
Private Property Accidents	15	Served	37				# Euthanized	25	Harassment	9
Traffic Homicide	0	Agency Assists	4	Highest	33				Identity Theft	6
		Recalls (Pd Fines)	6	Lowest	12				Indecent Exposure	0
		Total Warrants Served	47	Meals Served	1,903	21,055			Kidnapping	0
DRUG REPORT				Medical Cost	\$2,153.66	\$20,000.97			Menacing	1
ROUTINE PATROL/SPECIAL OPS		Ser Offender:		Worker Inmate Hours	152	2,005			Misdemeanor Assault	1
# Misd. Marijuana Arrest	2	New Registration:	1						Misdemeanor Theft	17
# Felony Marijuana Arrest	0	Contact Verification:	2						Murder	0
# Controlled Substance Arrest	2	Total # registered in Daphne	8						Other Death Investigations	0
# Drug Paraphernalia Arrest	2	DARE:							Public Intoxication	5
Vehicles Searched	25	# Hours Report Writing:	2						Public Lewdness	0
		# Students Instructed SRO	135						Receiving Stolen Property	0
Drugs Seized:	0	# Students Instructed DARE	200						Reckless Endangerment	0
Type:	0	# Police Reports by SRO	2						Robbery Arrest	0
Money Seized	0	# Arrests by SRO	0						Robbery	0
Vehicles Seized	0								Sex Crime Investigations	3
		CODE ENFORCEMENT:							Suicide	0
Commercial Vehicle Inspections	76	Warnings:	5						Suicide, attempted	2
		Citations	5						Theft of Services	0
		Warning Compliance	29						Unauthorized Use of Services	1
		Follow - Up	42						Weapon Offenses	2
									White Collar Crimes	3

David Carpenter

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

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	2
11-Structure Fire/Commercial	1	7
11-Structure Fire/Residential	3	13
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	0	8
14-Natural Vegetation Fire	0	8
15-Outside Rubbish Fire	0	6
16-Special Outside Fire	0	1
17-Cultivated Vegetable Crop Fire	0	1
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	146	1097
4-Hazardous Conditions (No fire):	5	30
5-Service Call:	13	111
6-Good Intent Call:	9	118
7-False Alarm & False Call:	30	181
8-Severe Weather & Natural Disaster:	0	5
9-Other Situation:	0	0
Total Emergency Calls:	203	1574
Monthly Total Calls:	207	1671
Highest:		
	14:00	14:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	4:52	4:52
Miscellaneous Reports:		
Training Hours	331.61	3585.48
Property Loss - \$	241,000.00	809,200.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	2
Advance Life Support Rescues	180	278
Number of Patients Treated	137	276
Child Passenger Safety Seat Inspections/Installations	11	69
Pre-Plans		1268
Classes		
	0	0
Persons Attending		
	0	0
Plan Reviews		
	3	59
Final/Certificate of Occupancy		
	0	0
General/Annual Inspections		
	45	124
General/Re-Inspections (Violation Follow-up - Annual)		
	10	112
Business Licenses		
	4	135
All Other/Misc. Activities		
	0	0
Total Activities:	62	701

Authorized by:

James White

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

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	2
11-Structure Fire/Commercial	0	7
11-Structure Fire/Residential	2	15
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	1	9
14-Natural Vegetation Fire	1	9
15-Outside Rubbish Fire	1	7
16-Special Outside Fire	0	1
17-Cultivated Vegetable Crop Fire	0	1
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	141	1238
4-Hazardous Conditions (No fire):	1	31
5-Service Call:	17	128
6-Good Intent Call:	13	194
7-False Alarm & False Call:	20	201
8-Severe Weather & Natural Disaster:	0	5
9-Other Situation:	1	1
Total Emergency Calls:	198	1772
Monthly Total Calls:	203	1874
Miscellaneous Reports:		
Highest:	18:00	18:00
Lowest:	<1:00	<1:00
Average (Minutes/Seconds) :	5:23	5:23
Training Hours	300	6839.35
Property Loss - \$	31,000.00	841,400
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	2	2
Advance Life Support Rescues	114	392
Number of Patients Treated	143	535
Child Passenger Safety Seat Inspections/Installations	11	392
Pre-Plans	22	1404
Classes		
Classes	0	0
Persons Attending	0	0
Plan Reviews		
Plan Reviews	3	62
Final/Certificate of Occupancy	0	0
General/Annual Inspections	23	147
General/Re-Inspections (Violation Follow-up - Annual)	82	194
Business Licenses	9	144
All Other/Misc. Activities	0	0
Total Activities:	117	544

Authorized by:

James White

Ordinance Committee
Wednesday, November 14, 2012
City Hall Council Chambers
5:30 p.m.

Councilman Randy Fry, Chairman
Councilman Ron Scott
Councilman Robin LeJeune
Councilman Pat Rudicell

I. CALL TO ORDER/MEMBERS PRESENT

Randy Fry, Chairman; Pat Rudicell; Ron Scott; Robin LeJeune.

Also present were Rebecca Hayes, recording Secretary.

II. PUBLIC PARTICIPATION

Mr. Bill Boor spoke in regard to the Animal Control 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.

Discussed: Amending the ordinance with stiffer fines for repeat offenders. They will get with the city attorney to prepare the ordinance.

III. ORDINANCE REVIEW/DISCUSSION

a.) Amending the Land Use Ordinance

Discussed: Amending the Land Use ordinance for banners on buildings and sandwich boards for businesses, and extending the promotional time limit for banners and balloons to allow for the process of amending the ordinance.

b.) Discussion was held on the newly adopted Alcohol ordinance. There were some blanks that were not filled in at the time of adoption.

“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.” And “*Processing Fee*. There shall be paid at the time of filing the application for special event permit a processing fee of _____ dollars (\$____.00).”

The committee recommended: “No special event permit shall be granted for an event lasting longer than **three (3)** consecutive calendar days. No more than **three (3)** such special event permits will be issued to any one person or organization within a single calendar year.”

And “*Processing Fee*. There shall be paid at the time of filing the application for special event permit a processing fee of **one hundred** dollars (**\$100.00**).”

The committee raised some questions for the city attorney to answer regarding the waiving of fees, and how liquor applies with regard to licenses, how applies if it given away.

IV. OTHER BUSINESS

None

V. ADJOURN

There being no further business to discuss, Pat Rudicell made a motion to adjourn the meeting at 6:30 p.m. and was seconded by Robin LeJeune.

The next meeting will be December 10th after the Public Safety meeting in the Executive Conference room.

Respectfully submitted

Code Enforcement / Ordinance Committee

**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:

BZA NOMINATION

Philip C. Durant

27700 Oakachoy Loop, Daphne, AL 36526

251-626-8185 – home, 251-680-3502 – cell

philip@durantweb.net

Background and Experience

- Began working in IT related businesses at age 15
- Began my own IT firm American Computer Enterprises, Inc. at age 17 – October 1997
- Grew company into well-known local IT company with sales of approximately \$1 million annually
- Gained loyal client base along the Gulf Coast including Alabama, Mississippi, and Florida
- Managed IT projects for companies typically having 1 to 100 employees and no internal IT staff
- Managed up to 7 employees working in teams to complete projects on time and on budget
- Managed all financial aspects of running a small business including basic accounting and money management
- Prepared and negotiated contracts, agreements, and quotes with vendors and clients
- Maintained long term relationships with C level executives and other top staff
- Technical skills include installing, maintaining, and managing Microsoft based networks
- CompTIA A+, CompTIA Network +, SonicWall Certifications
- Annually attended continuous education seminars and conferences

Employment History

1997 – 2011 – American Computer Enterprises, Inc.

January 2012 – July 2012 – STC Network Services, Inc. – IT Consultant

July 2012 – Present – Durant Consulting Group – IT Consultant

Community and Civic Involvement

- President of Daphne/Spanish Fort Rotary Club
- Vice President of Supporting Educational Enrichment in Daphne Schools (SEEDS) Board of Directors
- Member of Fairhope Yacht Club – currently serving on Membership Committee
- Member of Daphne High School Hall of Fame

Education

Daphne High School – Graduation May, 1998, with Honors

University of South Alabama – September, 1998 – May, 2000 – attended

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
OCTOBER 29, 2012
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

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

Members Present: Casey Zito; Ken Balme; Dayna Oldham; Doug Bailey; Ronald Nero;

ABSENT: Patricia Vanderpool; Mary Beth Mantiply.

Also present: Rebecca Hayes, recording secretary; Cathy Barnette, Council Liaison; Dorothy Morrison, Beautification Committee.

2. APPROVE MINUTES / SEPTEMBER 6, 2012

MOTION BY Ken Balme to approve the September 6, 2012 minutes. Seconded by Ronald Nero.

ALL IN FAVOR NONE APPROVED MOTION CARRIED

3. OLD BUSINESS:

a.) Ad in AL Coasting Magazine:

Members discussed the pros and cons of spending funds for a year of full page advertising in the magazine which is published quarterly. The magazine has website with smart phone guide that is GPS motivated. They would like more social availability with print and social media access. They discussed discounts for merchants to advertise on another full page ad, that would be two full page ads for the quoted price. Members would like a proposal and presentation of apps. Casey will send out for proposals and report back at the November meeting.

b.) Grants

1.) Sandbank, LLC / DeCuba / Paving

MOTION BY Ronald Nero to approve the mini-grant for Sandbank, LLC in the amount of \$828.49 for paving parking lot. Seconded by Dayna Oldham.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2.) Eddie Youngblood Builders, Inc. / Paving

MOTION BY Dayna Oldham to approve the mini-grant for Eddie Youngblood Builders, Inc. in the amount of \$2,000 for paving. Seconded by Ken Balme.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

3.) Southern Nappa, LLC / Outside Lighting

MOTION BY Ronald Nero to approve the mini-grant for Southern Nappa for outside lighting which is contingent on lighting plan in the amount of \$1,000. Seconded by Dayna Oldham.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4.) Elizabeth's House of Beauty / Paving

MOTION BY Ronald Nero to approve the mini-grant for Elizabeth's House of Beauty to cover the cost of paving contingent on breakdown of cost as provided by DeCuba. Seconded by Dayna Oldham.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

5.) Olde Towne Daphne West / Printing of Map of Olde Towne Area

MOTION BY Dayna Oldham to approve the mini-grant for Olde Towne Daphne West for printing a map of the Olde Towne area not to exceed \$3,000 contingent on Ken Balme reviewing the proof of the map, proof of expenditures, invoices and receiving competitive bids, and that the map will be ready and delivered by December 10, 2012. Seconded by Ken Balme.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) Website

Webpage is ready, she just needs to give them a little information to finish.

4. NEW BUSINESS:

No new business.

5. TREASURERS REPORT:

The balance of funds is \$89,037.07, and \$840 was paid to Al Coasting Magazine.

6. REPORT ON BEAUTIFICATION PROJECTS / DOROTHY MORRISON

No report.

7. NEXT MEETING

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
OCTOBER 29, 2012
5:30 P.M.**

3

The next meeting will be November 26, 2012 at 5:30 p.m.
Casey will update council on the progress of the Authority in January.

MOTION BY Ronald Nero to recommend to council appointing Dorothy Morrison as a member of the Downtown Redevelopment Authority. Seconded by Dayna Oldham.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

8. ADJOURN

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Downtown Redevelopment Authority

NOMINATION FOR DOWNTOWN REDEVELOPMENT AUTHORITY

DOROTHY MORRISON -Volunteer
26197 Via Del San Francesco
Daphne, Alabama 36526
251-621-0831

My volunteering began when I was 14.....It was time for the March of Dimes and my Momma thought that the neighbors would not be able to turn down a teenagers.....At 15, after the terrible Polio Epidemic that occurred in Montgomery, I taught swimming to children with polio

When my daughter wanted to be a Girl Scout there was no leader for her troop in Old Saybrook, Co..... I became the leader...hopefully doing as good a job as the women who were my leaders when I was a Girl Scout.....

I have been the Treasurer of the Women of the Methodist Church in Wis. I volunteered with the Milwaukee Symphony. I was a Den Mother for my son Cub Scout Troop. I was as a Welcome Wagon Hostess greeting new member of the community and securing business of the program.....

In Virginia, I was a costumed hostess at the homes of George Washington's Mother and Sister each week and for the fall and spring Home Tour. I was also a guide for walking tours of Fredericksburg in the spring and fall. I worked as a travel agent while my children were in school.....

In Seattle, I became an active member of the Seattle Symphony Women's Guild, serving as an officer in several positions including Chair of the Decorator Show House and Chair of Symphony Eve Ball which are the two major fund raising projects. I was an officer in the Chi Omega Alumnae

When my husbands business moved us to Oklahoma City for 4 years, I was the Vice President of Ways and Means for the Oklahoma City Symphony Women's Committee this included fund raiser and Show House I was also President of the Chi Omega Alumnae I was involved in several committees in Trinity Presbyterian Church.....

When we came home to Alabama almost 22 years ago, I was the Vice President of the Mobile Symphony Guild Board. I was an on the Mobile Symphony Board for 11 years serving on the committees selecting the first General Manager, and Scott Speck, our Conductor. I have been An Advisor to the Board and was awarded The Golden Brush Award. I was a member of the Mobile Opera Guild, I Chaired of both the Rose Palmi Tenser Scholarship Board, a National Vocal Competition. And The Susan B. Gardberg Award, a Mobile County High School Award for Music. I was for several years treasurer of Chi Omega Alumnae

As an Elder of Government Street Presbyterian Church, I served as Stewardship Chair for 2009, serve on the Property Committee, work with events at Guesnard House, an 1855 building GSPC owns, on the Baytreat Retreat Committee, teach 5 and 6 year old Sunday School, Bible School, work at Richard Mighell Camp for children in the summer, Co- Chair of the First Women's Retreat in 2008, Usher and Greet. In 2009 I was asked to fill a vacant position as a Deacon. The responsibilities include visiting homebound members serving Communion, working on the World Mission Board as Chair of the Christmas Mission Market Project. I am the Parliamentarian of the GSPC Presbyterian Women's Board and served as Chair of our cookbook, Simply Divine, A Second Helping by working on media advertising.....

I am a founding member of the Sherlock Holmes Society, Daphne Chapter and was an officer for 2 years...I served two terms on the Friend of the Daphne Public Library Board.....

At Councilman Palumbo's suggestion, after my husband's death in 2004, I became active with the Daphne Beautification Committee. At my first meeting plans were suggested for a Butterfly Garden at Gator Alley. I was asked to Chair that sub-committee.....

We had the good fortune to have Robert Colville, a student from Bayside, who needed an Eagle Scout Project who created the Butterfly Garden. Next was Charlie Sumner, who made benches and tables for Gator Alley. The paved walk entrance and the fence installation completed. More work continues on Gator Alley and in all of Daphne. It has been my pleasure to work with these young people, the Beautification Committee, and the Public Works and the Parks Department to help our community. In 2008 I was selected to Chair the Beautification Committee.....

Library Board - Meeting Minutes

September, 2012

In Attendance:

Library Director Tonja Young; Board Chair Jan Blankenhorn; Library Board Members Andre LaPalme, Windrila Longmire, Chantal Booth, and Jim Bodman; Friends President Jim Morris; Council Liaison John Lake.

1) Call to Order:

Meeting called to order at 4:04 pm.

2) Old Business:

Motion was made by Jim to approve the May, June, July, and August minutes. Motion was seconded by Windrila. Motion passed.

3) Library Report:

Packets were distributed for the Board. A Camellia Net chart was discussed showing an increase from two users in the month of May, 2011 to 672 in June, 2012. This was an increase of 99.7% in usage of the digital materials purchased by the Daphne Public Library alone.

Tonja discussed the new staff, the new Nonfiction Book Club, teen and children's activities, and the library website (www.daphnelibrary.org) and library Facebook. Statistics were discussed for the months of May through August.

4) Board Discussion:

None.

5) Citizen Participation:

Jim discussed the upcoming FODL Book Sale on Sept. 22 from 9:00 am until 2:00 pm. He also discussed the advertisement paid for by the Friends and its success. Tonja commented that circulation increased dramatically from May to June, probably as a result of the advertisement and all the new patrons who were inspired to join the library after reading the ad.

Jim discussed plans for the annual staff Christmas dinner, sponsored by the Friends.

Jim announced that he and Tonja are planning a history series on WWII for Jan. – Feb. 2013 with 6 lectures by Dr. Morris. Tonja is working on flyers, posters, etc., and booking a room at the civic center, while Jim is preparing the speaking topics.

6) New Business:

The Board nominated and voted unanimously to elect new officers as follows: Chair – Andre LaPalme, Vice Chair – Jim Bodman, Treasurer – Windrila Longmire, Secretary – Tonja Young.

Jan stated she would be resigning to spend time recuperating from her treatments.

Board members discussed getting a plaque for City Council Liaison Gus Palumbo.

7) Adjourn:

Motion was made by Windrila to adjourn at 5:00 pm.

Reminder: Next Meeting Nov. 8 @ 4:00 pm

Respectfully submitted by T. Young, Oct. 1, 2012

LIBRARY BOARD NOMINATION

Bio for James M. Morris, Ph.D.

41 Lakeshore Drive

Daphne, AL 36526

625-3346

Dr. Morris was born and raised in Michigan. He completed his Ph.D. and is a historian and Professor Emeritus at Christopher Newport University. He has worked as a lecturer and with college libraries in selecting materials.

Dr. Morris relocated to our area several years ago and has been an active member of the Friends of the Library, having served as President of that group during the past year.

LIBRARY BOARD NOMINATION

Nancy Volovecky
26949 Rigsby Road
Daphne, Alabama 36526
251-625-0793

A native of Mobile, I moved to Daphne in 1983. I met my husband, Jerry Volovecky, shortly after the move and we married in 1986. We have two teenage children, Daniel and Jan, and I have been a stay at home mom since the birth of our first child.

A graduate of McGill-Toolen High School, I was a member of the National Honor Society and the McGill-Toolen Band. I attended the University of South Alabama and graduated in 1979 with a degree in English, minor in Business Management. I worked for Delchamps, Inc. in the advertising department for about 8 years. After deciding on a career change, I went back to school and completed an associate degree in accounting. My first job was with the City of Daphne as the accounts payable clerk until my husband was transferred to accept employment in Huntsville, Alabama. We made our home in Decatur, Alabama and we both were employed with Intergraph Corporation; he in Engineering and myself in Finance, for several years. We returned home to Daphne in 1997 where we built a permanent home on the old Allegri farm in Belforest where my husband was raised.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ September 26, 2012 ♦ 5:00 p.m.

I. Call to Order

The regular September 2012, Board meeting for the Utilities Board of the City of Daphne was held on September 26, 2012 and called to order by Chairman Robert Segalla, at 5:01 p.m.

II. Roll Call

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

Others Absent: Ron Scott, Secretary/Treasurer

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager
Deloris Brown – HR Manager
Janice Daniel – Customer Service Representative
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore - HMR

Others Absent: Rob McElroy – General Manager
Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from August, 2012:

The Chairman inquired if there were any corrections noted for the submitted Minutes from the August (September 12), 2012, Utilities Board meeting. No corrections were made.

MOTION BY Lon Johnston to approve the Minutes for August (September 12), 2012; Seconded by Mayor Bailey Yelding.

AYE: JENKINS, JOHNSTON, SEGALLA, YELDING

ABSENT: SCOTT

ABSTAIN:

MOTION CARRIED

V. Old Business

No old business to note.

VI. New Business

- A. Election of Utility Board officers (Board Action - Motion)
 - a) Chairman
 - b) Vice-Chairman
 - c) Secretary/Treasurer

Chairman Segalla called for nominations for officers for the Utilities Board of the City of Daphne.

MOTION BY Lon Johnston to nominate those officers as currently occupying those positions; Seconded by Mayor Bailey Yelding.

AYE: Jenkins, Johnston, Segalla, Yelding

ABSENT: Scott

ABSTAIN:

MOTION CARRIED

Elected positions are:

Chairman	Bob Segalla
Vice-Chairman	Fenton Jenkins
Secretary/Treasurer	Ron Scott

- B. Proposed lease of old Maintenance Facility property for high-tech water filtration research pilot project.

Mr. Jerry Speegle gave an overview of the pilot project for the Board and presented a draft lease. He recommended authorizing him and Mr. McElroy to negotiate the terms due to the fact that there is no lease payment because of the property improvements. A discussion took place regarding the lease. It was suggested and agreed that the Board review the lease and contact Mr. Speegle with any questions by Wednesday, October 3rd. Mr. Lyndall answered questions from the Board and confirmed that the company proposing the lease will be handling obtaining the appropriate permits from the City as well as from the Corps of Engineers. Chairman Segalla also made it known that the City Council will have to approve the lease also, which Mr. Speegle confirmed. Mr. Johnston questioned Melinda Immel of her knowledge of the project. She responded that she was aware of the project and actually advising Algae Systems of the permitting processes with the different agencies, Corps of Engineers, ADEM, etc. She advised that the company does have safety test measures of the bags in question. She reiterated that Volkert was assisting them in the permitting process.

MOTION BY Lon Johnston to authorize the Utilities Board Attorney and General Manager to negotiate the final aspects of the lease agreement; Seconded by Fenton Jenkins.

AYE:

ABSENT:

ABSTAIN:

Chairman Segalla asked to have the Motion include that all Board members speak to Jerry Speegle by Wednesday, October 3 whether there are changes or not so that Mr. Speegle will have heard from every Board member regarding the lease agreement.

Mr. Lon Johnston made an amendment to his Motion as follows:

AMENDED MOTION BY Lon Johnston to authorize the Utilities Board Attorney and General Manager to negotiate the final aspects of the lease agreement with each Board member contacting Jerry Speegle with a YEA or NAY requiring a unanimous vote; Seconded by Fenton Jenkins.

AYE: Jenkins, Johnston, Segalla, Yelding

ABSENT: Scott

ABSTAIN:

MOTION CARRIED

VII. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing to add to his report.

VIII. FINANCIAL REPORT

Teresa Logiotatos informed the Board that budget was not ready to be handed out at this board meeting but expected it to be reviewed by Rob McElroy and distributed soon after with a work session planned before the October board meeting. She reviewed various financial highlights for the Board. Mr. Lon Johnston suggested the Board consider a study for rate increases in light of the income reduction to be better prepared. Mrs. Logiotatos pointed out the study that was conducted and could certainly be reviewed and updated. Mr. Segalla suggested along with the rate study that temporary surcharges for projects be investigated. Mrs. Logiotatos noted that additional funding will undoubtedly be necessary. Mr. Johnston commented for the Board to consider a study for rate increases in light of the income reduction and the impending capital improvements to the system. Mrs. Logiotatos reminded the Board of the rate study that was produced for the previous rate increase that can be updated and that any capital expense projects will be funded out of the reserve funds after the balance of the state revolving loan money is allocated. Chairman Segalla asked to also investigate along with the rate study some temporary surcharges for capital improvements projects that would expire when the projects are completed. Mr. Lyndall gave an example of a \$50,000 repair cost from a recent water main break within our aging 50-year water system.

IX. GENERAL MANAGER’S REPORT

A. GM Report

Danny Lyndall reviewed the General Manager’s Report and re-introduced the Utilities’ most recent employees. Nothing further was added to the report. Chairman Segalla asked if defensive driving was part of safety training. Mrs. Deloris Brown advised that the “skip car” was expensive but in-house training was being implemented. Mr. Johnston questioned the “start” of fire hydrant maintenance and Mr. Lyndall advised him that the hydrant maintenance is a continual task.

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

Doug Bailey of HMR updated the Board on the paving of Well Road.

X. BOARD ACTION –

Accomplished under “New Business”.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS –

Mr. Johnston commented on the fine performance of the Board members in their Officer capacities.

XIII. ADJOURNMENT –

MOTION BY Lon Johnston to adjourn the meeting; Seconded by Fenton Jenkins.

AYE: Jenkins, Johnston, Segalla, Yelding

ABSENT: Scott

ABSTAIN:

MOTION CARRIED

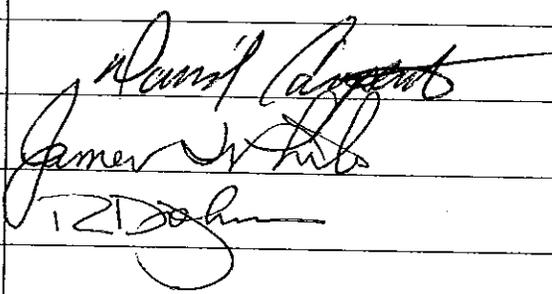
The meeting adjourned at 5:29 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE

PARADE PERMIT

ORGANIZATION:	<i>Shadow Barons</i>
CONTACT PERSON: ADDRESS:	<i>Damon Henderson P.O. Box 2770 Daphne, AL 36526</i>
PHONE NUMBER: (HOME) PHONE NUMBER: (BUSINESS) CELL NUMBER:	<i>533-4263 928-5319</i>
DATE OF PARADE:	<i>February 9, 2013 / Saturday / Rain Date February 10, 2013 / Sunday</i>
TYPE OF PARADE:	<i>Mardi Gras</i>
ROUTE TO BE TRAVELED:	<i>From Civic Center down Main St. - turn @College Ave.- down to 6th St. - turn right on Belrose Ave. - to Main Street - turn left & back to Civic Center</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>25 Units (cars, trucks or by itself) 600 people (includes marching bands, riders, security & other)</i>
ASSEMBLY TIME:	<i>4:30 P.M.</i>
START TIME:	<i>6:45 P.M.</i>
STOP TIME:	<i>8:00 P.M.</i>
ASSEMBLY AREA/STREET:	<i>Civic Center</i>
SPECIAL REQUESTS:	
DATE APPLIED FOR PERMIT:	<i>November 1, 2011</i>
APPROVAL	
POLICE: David Carpenter:	
FIRE: James White:	
PUBLIC WORKS: Richard Johnson:	
CITY COUNCIL: November 19, 2012	
DATE ROUTED:	<i>November 1, 2011</i>
NOTIFICATION OF APPROVAL:	
RECEIVED PROOF OF INSURANCE: RECEIVED PARADE PERMIT FEE:	<i>October 5, 2012 November 1, 2012</i>

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2012-93
2013-A-PROFIT DRIVE EXTENSION**

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 PROFIT DRIVE EXTENSION will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the PROFIT DRIVE EXTENSION and has determined that the bid as presented is reasonable; and

WHEREAS, funding in the amount of \$106,445 was previously budgeted and the balance will be funded from the Four Cent Gas Tax Fund *(total project cost of \$271,845)*; and

WHEREAS, staff recommends the bid for PROFIT DRIVE EXTENSION be awarded to John G. Walton Construction Company.

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 John G. Walton Construction Company in the amount of \$240,344.34 as specified in BID SPECIFICATION NO. 2013-A-PROFIT DRIVE EXTENSION.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

**RESOLUTION NO. 2012-94
2013-B-LIBRARY CARPET REPLACEMENT**

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 50,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the LIBRARY CARPET REPLACEMENT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the LIBRARY CARPET REPLACEMENT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the LIBRARY CARPET REPLACEMENT be awarded to Richard Sprouse Construction, 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 Richard Sprouse Construction, Inc. for the amount of \$58,212 as specified in BID SPECIFICATION NO. 2013-B-LIBRARY CARPET REPLACEMENT.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

RESOLUTION 2012-95

Fiscal 2013 Eastern Shore Chamber of Commerce

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

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2013 Budget for the benefit of certain community agencies and events; and

WHEREAS, the Eastern Shore Chamber of Commerce is one such agency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions in the amount of \$6,000 to the Eastern Shore Chamber of Commerce as appropriated in the Fiscal Year 2013 Budget.

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

Bailey Yelding, Jr Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)
CITY OF DAPHNE)

MUNICIPAL AGENCY FUNDING CONTRACT

THIS AGREEMENT, made and entered into on this the ____ day of _____, 2012, by and between the **CITY OF DAPHNE**, a Municipal Corporation, of the State of Alabama (hereinafter sometimes referred to as "City" or "the City"), and the Eastern Shore Chamber of Commerce, (hereinafter sometimes referred to as the "Chamber" or "Agency"):

W-I-T-N-E-S-S-E-T-H

WHEREAS, the Agency has requested that the City of Daphne appropriate funds for its use for the benefit, either directly or indirectly, of the residents of the City; and,

WHEREAS, the City of Daphne desires to have the Agency perform certain services during the 2012-2013 fiscal year.

THEREFORE, in consideration of the benefits moving each to the other, it is mutually agreed by and between the City and the Agency as follows:

I. AUTHORITY

Agency represents and warrants to City that it is authorized by law to receive funding from City and that such funding will not be in violation of Article IV, Section 94, or amendments thereto, of the Constitution of Alabama, 1901, or any other constitutional or statutory provision.

Agency further warrants that funding from the City will only be used to perform public services and/or acts which the City is otherwise authorized to perform or to fund itself.

II. SERVICES

The Agency shall provide the following public services within the Corporate Limits of the City of Daphne:

- 1) The Chamber shall seek and endeavor to attract and promote new and expanding industry within the Daphne area to create new jobs and employment for the benefit and economic improvement and expansion for the citizens of Daphne and Baldwin County;
- 2) The Chamber shall gather and distribute information and presentations to general and specific architectural, industrial, and

manufacturing prospects;

- 3) The Chamber shall work with existing industry for expansion, problem solving, counseling, and other services pertinent to the expansion of said existing industry for the benefit of Daphne and its citizens;
- 4) The Chamber shall work with agencies and organizations with similar purposes such as the Baldwin County Economic Development Alliance; Alabama Development Office; industrial development departments of public and private utilities; local, area, and regional planning and development agencies; industrial development boards; and groups including the American Industrial Development Council; Southern Industrial Council; and other groups, organizations, agencies, and individuals;
- 5) The Chamber shall welcome individuals and groups deemed by Daphne to be important to Daphne and Baldwin County, at their point of arrival, such as the airport, and other transport terminals and designated places in the area. The Chamber shall assist and help in coordinating the ground breakings, openings, civic presentations, and other activities involving Daphne officials and employees;
- 6) The Chamber shall provide services for meetings and groups convening in the City of Daphne. Also, the Chamber shall assist potential new and expanding businesses and people moving into the area;
- 7) The Chamber, through its staff, as well as volunteers, from local leadership, shall promote Daphne and Baldwin County and maintain its good name and good will;
- 8) The Chamber shall coordinate and manage the annual Jubilee Festival held in down town Daphne. The Mayor shall designate City employees to act as liaisons and coordinators for the City.

If Agency provides public services both inside and outside the Corporate Limits of the City, then, if requested by the City or its representative, it shall submit an audit report demonstrating that services by the Agency, at least to the extent of the funding herein, shall be and were provided within the Corporate Limits of the City, including an identification of the number of City residents served by said agency.

III. APPROPRIATION

The City shall appropriate funds to the Agency in the following amount for the 2012-2013 fiscal year: \$ 6,000 (Six Thousand Dollars), said amount to be paid pursuant to a method determined by the Finance Director of the City. The Finance Director of the City or his/her designee shall be the representative of the

City for the administration and implementation of the provisions hereof on behalf of the City.

IV. SEPARATE AGREEMENTS

The City shall be under no obligation to the Agency except to the extent set out expressly in this Agreement. Provided, however, in the event there is a separate valid written agreement between the City and Agency, then this Funding Agreement is supplemental thereto and in the event of a conflict the terms of the latest written agreement shall prevail.

V. TERM; TERMINATION

The terms of this Agreement shall commence as of the 1st day of October, 2012, and shall continue in force until the 30th day of September, 2013, unless sooner terminated. Provided, however, in the event a new contract is not executed by the commencement of the new fiscal year, the City may elect to continue funding if appropriated by budget or budget continuation provisions and if so, the Agency agrees to remain bound by the terms of this Agreement and to continue to provide all services hereunder until a new funding contract is executed. The contract is otherwise terminated as set forth herein or if the official City budget does not contain an appropriation for the Agency. Either party to this Agreement may, with or without cause, terminate this Agreement as to the first day of any month by giving the other party no less than thirty (30) days written notice thereof. In event of termination by either party, the Agency shall refund to the City an amount equal to the excess of the total amount appropriated over an amount which bears the same ratio to the total amount appropriated as the month(s) actually performed bear to the total months covered by this Agreement.

VI. NON-DISCRIMINATION AND COMPLIANCE

This Agency hereby covenants and agrees that in performing its responsibilities and obligations hereunder, the Agency, its officers, agents and employees will not, on the grounds of race, color, sex, religion, national origin, or disability, discriminate or permit discrimination against any person or group of persons, in any manner. The Agency further agrees to comply with all applicable state and federal ordinances and regulations, including but not limited to the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Civil Rights Act of 1964, and any regulations promulgated thereunder. The Agency further agrees to appoint an ADA coordinator. Said coordinator will be responsible for ensuring that the Agency is in compliance with the Americans with Disabilities Act and will advise the City of Daphne ADA Coordinator for services and programs as to the Agency's state of compliance with the Americans with Disabilities Act.

VII. INDEPENDENT CONTRACTOR

It is agreed between the City and the Agency that the Agency is an independent contractor. Neither the City nor its officers, agents or employees shall be liable for damages, claims, actions, or causes of action, brought against the Agency, for the activities of the Agency.

Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of Agency, and shall not be liable for any debts or obligations incurred by Agency, nor shall the City be deemed or construed to be partner, joint adventurer or otherwise interested party in the assets of Agency, or profits earned or derived by Agency, nor shall Agency at any time or times use the name or credit of the City in purchasing or attempting to purchase any equipment, supplies, or other thing or things whatsoever.

Agency in the performance of its operations and obligations hereunder shall not be deemed to be the agent of the City but shall be deemed to be an independent contractor in every respect and shall take all steps at its own expense as City may from time to time request to indicate that it is an independent contractor. City does not and will not assume any responsibility for the means by which or manner in which services by Agency, provided for herein, are performed, but on the contrary, Agency shall be wholly responsible therefore.

VIII. INDEMNITY

The Agency hereby covenants with the City that it will indemnify and hold the City and its officers, agents and employees harmless for or on account of any claim, suit, cause of action or judgment arising out of or in any manner associated with this Agreement or services provided or performed by Agency or any of its officers, agents or employees.

IX. NO THIRD PARTY BENEFICIARIES

It is the intent of the parties to this Agreement that they be the only parties to the Agreement and to expressly exclude third party beneficiaries; no person not a party to the Agreement may claim benefits under the Agreement.

X. SERVICE AREA

Agency shall submit, if requested by the City, to the Office of the Finance Director of the City, a written monthly report of the Agency's activities and expenditures, including, but not limited to, information demonstrating that services by the Agency within the Corporate Limits of the City at least equal, if not exceed, the funding from the City for that month. Should the City determine at any time during the term of this Contract that Agency is not providing services within the City Corporate Limits at least equal to the funding herein, then the City may terminate this Agreement immediately. Upon such termination, Agency may

be, at the sole discretion of the City, required to refund any funds deemed by the City not to have been appropriately expended within the Corporate Limits.

XI. BOOKS AND RECORDS/REPORTS

Agency shall, at the request of the City, throw open and provide, at a time and place designated by the City, all books, records, accounts, statements and other documents as needed by the City to enable it to conduct a financial and/or operational review or audit of agency operations and/or finances. If Agency refuses to honor the City's request within ten (10) days, it shall refund to the City all funds appropriated to it during the term of the contract. All reports, evaluations and audits required shall be provided by Agency to any person appointed by the City or the Mayor to the Agency's governing body.

XII. AUDIT

The City may require Agency to have its financial records audited by an independent CPA firm. A copy of the audited financial statements will be mailed to the City's Finance Director as soon as possible after the statements are issued.

XIII. OPEN MEETING, PUBLIC RECORDS, COMPETITIVE BIDS AND OTHER APPLICABLE LAWS

A. As Agency is receiving public funds and/or other things of public value, including in-kind services, use of City employees and/or equipment from the City pursuant to this agreement, Agency agrees as follows:

1. To the same and like extent as is applicable to the City of Daphne, all meetings of the governing or controlling body of the Agency or any committee or subcommittee thereof shall be open to the public when any issue or matter involving or relating directly or indirectly to this Agreement is discussed or considered and when there is any discussion or consideration of the use of public funds or things of value provided to the Agency by or through the City.

2. Public Records. To the same and like extent as is applicable to the City of Daphne pursuant to State law, all records, documents, letters, minutes, memoranda, etc. of the Agency shall be open to public inspection and copying when the same pertain to any issue or matter involving or relating directly or indirectly to the performance by Agency of this Agreement or the use of public funds or other things of value provided to the Agency by or through the City.

3. Expenditure of Public Funds. To the same and like extent as is applicable to the City pursuant to State law, all expenditures or disbursements of funds received by the Agency, whether directly or indirectly, from the City shall be subject to competitive bidding.

XIV. SEVERABILITY

It is expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, or otherwise appears to both parties to be invalid, the invalidity of any such covenant, condition, or provision herein contained, shall not affect other remaining and valid covenants or conditions herein unless such invalidity renders performance of the essential elements of the contract impossible.

XV. MISCELLANEOUS CLAUSES

Capacity: Each Party to this Agreement represents and warrants to the other as follows:

A. That it is an individual of the age of majority or otherwise a legal entity duly organized and in good standing pursuant to all applicable laws, rules and regulations.

B. That each has full power and capacity to enter into this Agreement, to perform and to conclude the same including the capacity, to the extent applicable, to grant, convey and/or transfer, areas, assets, facilities, properties, (both real and personal), permits, consents and authorizations and/or the full power and right to acquire and accept the same.

C. That to the extent required, each Party has obtained the necessary approval of its governing body or board and a resolution or other binding act has been duly and properly enacted by such governing body or board authorizing this Agreement and said approval has been reduced to writing and certified or attested by the appropriate official of the Party.

D. That each Party has duly authorized and empowered a representative to execute this Agreement on their respective behalf and the execution of the Agreement by such representative fully and completely binds the Party to the terms and conditions hereof.

E. That absent fraud, the execution of this Agreement by a representative of the party shall constitute a certification that all such authorization for execution exists and has been performed and the other Party shall be entitled to rely upon the same. To the extent a Party is a partnership, limited liability company or joint venture, the execution of this Agreement by any member thereof shall bind the Party and to the extent that the execution of Agreement is limited to a manager, managing partner or specific member then the person so executing this Agreement is duly authorized to act in such capacity for the Party.

F. That each party represents and warrants to the other that there is no litigation, claim, or administrative action threatened or pending or other proceedings to its knowledge against it which would have an adverse impact

upon this transaction or upon either's ability to conclude the transaction or perform pursuant to the terms and conditions of this Agreement.

G. That each party has obtained any and all required permits, approvals and/or authorizations from third parties to enable it to fully perform pursuant to the terms and conditions of this Agreement.

Final Integration: This Agreement together with any amendments, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. In the event of a direct conflict between the provisions hereof and any prior agreement or amendment, the latter shall supersede the former. All written or oral understandings and agreements heretofore had between and among the parties are merged into this Agreement, which alone fully and completely expresses their understandings. No representation, warranty or covenant made by any party which is not contained in this Agreement or expressly referred to herein has been relied on by any party in entering into this Agreement.

Force Majeure: Neither party to this Agreement shall hold the other party responsible for damages or delay in performance caused by acts of God, strikes, lockouts or other circumstances beyond the reasonable control of the other or the other party's employees agents or contractors.

Amendment in Writing: This Agreement may not be amended, modified, altered, changed, terminated or waived in any respect whatsoever, except by a further agreement in writing, properly executed by all of the parties.

Binding Effect: This Agreement shall bind the parties and their respective personal representatives, heirs, next of kin, legatees, distributees, successors, and assigns. If any provision in this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Captions: The captions of this Agreement are for convenience and reference only, are not a part of this Agreement, and in no way define, describe, extend or limit the scope or intent of this Agreement.

Constructions: This Agreement shall be construed in its entirety according to its plain meaning and shall not be construed against the party who provided or drafted it.

Mandatory and Permissive: "Shall", "will", and "agrees" are mandatory, "may" is permissive.

Governing Laws: The laws of the State of Alabama shall govern the validity of this Agreement, the construction of its terms, the interpretation of the rights, the duties of the parties, the enforcement of its terms, and all other matters relating to this Agreement.

Prohibition on Assignment and Delegation: No party to this Agreement may assign or delegate its interests or obligations hereunder without the written consent of all other parties hereto obtained in advance of any such assignment or delegation. No such assignment or delegation shall in any manner whatsoever relieve any party from its obligations and duties hereunder and such assigning or delegating party shall in all respects remain liable irrespective of such assignment or delegation.

Waiver: Non enforcement of any provision of this Agreement by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remaining terms and conditions of the Agreement.

Ownership of Contract Documents: The Contract Documents, and copies of parts thereof, are furnished and owned by the City. All portions of the Contract Document, and copies of parts thereof, are the instruments of serve for this project. They are not to be used on other work and are to be returned to the City on request at the completion of the work. Any reuse of these materials without specific written verification or adaptation by the City will be at the risk of the user and without liability or legal expense to the City. Such user shall hold the City harmless from any and all damages, including reasonable attorneys fees, from any and all claims arising from any such reuse. Any such verification and adoption shall entitle the City to further compensation at rates to be agreed upon by the user and the City.

Fines and Penalties The Contractor shall be solely liable for any and all fines or penalties which may be levied by any governmental authority against the Owner and/or Contractor which are related to the Contractor's operations. The Owner shall deduct the amount of the levied fine or penalty from the Contract amount.

Agreement Date/Counterparts: The date of this Agreement is intended as and for a date for the convenient identification of this Agreement and is not intended to indicate that this Agreement was necessarily executed and delivered on said date. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

Use of Words and Phrases: The following words and phrases, where used in this document, shall be given the following and respective interpretations. "Herein," "hereby," "hereunder," and other equivalent words refer to this document as an entirety and not solely to the particular portion hereof in which any such word is used.

The definitions set forth in any portion of this Agreement unless the text or context indicates differently shall be deemed applicable whether the words defined are herein used in the singular or the plural. Wherever used herein any

pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set fort above.

CITY OF DAPHNE, a Municipal Corporation

Bailey Yelding, Jr, Mayor

ATTEST:

Rebecca Hayes, Interim City Clerk

**EASTERN SHORE CHAMBER OF
COMMERCE**

BY: _____

TITLE: _____

Federal Tax ID#: _____

WITNESS:

By: _____

RESOLUTION NO. 2012-96

**A RESOLUTION APPROVING THE CITY OF DAPHNE'S
PARTICIPATION IN THE STATE OF ALABAMA
SEVERE WEATHER PREPAREDNESS TAX HOLIDAY
FOR THE YEAR 2013**

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

Section 1. Section 4 of Alabama Act No. 2012-256 grants municipal governments authority to provide for the exemption of certain covered items from the payment of municipal SEVERE WEATHER PREPAREDNESS TAX during a period commencing at 12:01 a.m. on February 22, 2013 and ending at twelve midnight February 24, 2013 under the same terms, conditions and definitions as provided for by the State of Alabama SEVERE WEATHER PREPAREDNESS TAX holiday.

Section 2. The City of Daphne grants approval for the exemption of certain covered items from the payment of municipal SEVERE WEATHER PREPAREDNESS TAX for the period commencing at 12:01 a.m. February 22, 2013 and ending at twelve midnight February 24, 2013 under the same terms, conditions and definitions as provided for by Act No. 2012-256 and Alabama Department of Revenue Rule 11-51-210(e).

Section 3. This Resolution shall become effective upon adoption.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

RESOLUTION 2012-97

**A Resolution Authorizing Issuance of
Credit Cards: Building Official - Inspections**

WHEREAS, Resolution 1996-45 adopted July 15, 1996, authorized the issuance of a City of Daphne credit card to certain department heads; and

WHEREAS, the City of Daphne now deems it necessary to authorize the issuance of an additional credit card to the Building Official – Inspections for training and travel.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Daphne that Section 1 of Resolution 1996-45 is hereby amended to include the Building Official - Inspections. All other provisions of Resolution 1996-45 remain in full force and effect.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

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.

Bailey Yelding, Jr. , Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2012 - 65
AN ORDINANCE CONSENTING TO THE LEASE OF CERTAIN PROPERTY BY THE
UTILITIES BOARD OF THE CITY OF DAPHNE TO THE CITY OF DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne under the provisions of Ala. Code § 11-50-314(a)(10) before it leases property; and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to lease certain of its property to Algae Systems, LLC as described in detail on Exhibit A; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the lease of the property to Algae Systems, LLC as described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Daphne does hereby consent to the lease by Daphne Utilities of the property described on Exhibit A, to Algae Systems, LLC.

Adopted and Approved by the City Council of the City of Daphne, Alabama this _____ day of _____, 2012.

**Bailey Yelding, Jr.,
Mayor**

Attest:

**Rebecca A. Hayes,
Interim City Clerk**

EXHIBIT A

GROUND LEASE

THIS AGREEMENT OF LEASE, made and entered into as of this 12th day of October, 2012, by and between THE UTILITIES BOARD OF THE CITY OF DAPHNE, a public corporation (hereinafter called "Lessor"), and ALGAE SYSTEMS, LLC, a Delaware limited liability company (hereinafter called "Lessee"):

W I T N E S S E T H:

1. PREMISES AND DEMISE. Lessor, for and in consideration of the rents hereinafter referred to, and upon the covenants and conditions herein contained, does hereby demise, lease, and let unto Lessee that certain real property located in Baldwin County, Alabama, more particularly described and shown on Exhibit "A" attached hereto and made a part hereof, which property shall sometimes be hereinafter referred to as the "Leased Premises." Lessor and Lessee acknowledge that situated on the Leased Premises is an office building, natural gas compressor and existing plant infrastructure. The rear half of the office building and the natural gas compressor and existing plant infrastructure will continue to be used by Lessor for its own purposes. A depiction of the office building is attached hereto as Exhibit "B" and the approximate rear half of that office building is cross-hatched. The cross-hatched, rear portion of the office building and the natural gas compressor and existing plant infrastructure are not the subject of this lease and do not form part of the Leased Premises, Lessor retains the exclusive right to use such rear portion of the office building and natural gas compressor and existing plant infrastructure, and Lessor retains for itself, its agents, servants, employees, and contractors, and shall have the right of ingress and egress over the

Leased Premises to access the retained property. The use by Lessor, its agents, servants, employees, and contractors, of the retained property and the right of ingress and egress shall not be deemed a violation of Lessee's right of quiet enjoyment of the Leased Premises.

TO HAVE AND TO HOLD the Leased Premises, together with the rights, privileges, easements and appurtenances thereunto appertaining, for and during the term hereinafter set forth.

2. CONDITION OF LEASED PREMISES. At the commencement of the term, Lessee shall accept the Leased Premises in its existing condition, as is and where is (subject to latent defects). No representation, statement, or warranty, express or implied, has been made by or on behalf of Lessor as to such condition or as to the use that may be made of the Leased Premises. In no event shall Lessor be liable for any defect in such property (other than latent defects) or for any limitation on its use, nor shall the rent hereunder be withheld, diminished, or abated on account of any defect or limitation on use.

3. TERM. This lease is for a primary term of five (5) years, with the term to commence on the date of execution hereof by both parties; provided, however, that Lessee may terminate the lease at any time. Lessor shall deliver vacant possession of the Leased Premises upon such execution except for the retained portions of the Leased Premises.

4. RENT. Lessee agrees, binds, and obligates itself, its successors and assigns, to pay Lessor the following consideration:

A. As more particularly described in paragraph 6 hereof, Lessee intends to construct upon the Leased Premises a boardwalk and pier, which Lessor and Lessee acknowledge will require a significant expenditure of money and will enhance the Leased Premises. Lessee shall submit the plans for the improvements to Lessor for Lessor's approval prior to construction. As part of the consideration for this lease, at the end of the term Lessee shall leave such improvements in place so that they will inure to the benefit of Lessor. Such improvements shall be maintained in good condition and repair during the term of the Lease and upon termination. Any other permanent improvements to the Leased Premises shall be subject to written approval and consent of the Lessor, which shall not be unreasonably withheld, conditioned, or delayed.

B. Incident to its use of the Leased Premises, Lessee anticipates that it will effect enhancements to certain of Lessor's fixed assets located on the Leased Premises. As part of the consideration for this lease, at the end of the term Lessee shall leave such enhancements to Lessor's fixed assets in place so that they will inure to the benefit of Lessor.

C. If Lessee makes any other improvements of a permanent nature to the Leased Premises, such improvements shall not be removed by Lessee so that they will inure to the benefit of Lessor.

D. If Lessee makes any other improvements to the Leased Premises, regardless of nature, which Lessee could remove from the Leased Premises at the end of the term but within thirty (30) days after the end of the term does not remove from the Leased Premises, such improvements shall be deemed abandoned and thereafter may

be retained by Lessor as its property. If Lessor determines that any such improvements are not acceptable, then Lessee shall remove such improvements within thirty (30) days of notice from Lessor to remove.

Lessor acknowledges and agrees that any and all improvements made to the Leased Premises by Lessee and which became the property of the Lessor at the end of the term shall be left thereon by Lessee in their existing condition, which shall be in good condition and repair.

5. USE. The Leased Premises may be used as part of and incident to the wastewater to fuel technology that Lessee is developing. The Lessee intends to develop a pilot plant on the Leased Premises and among other things position floating biogenerators in that portion of Mobile Bay abutting the Leased Premises, and use of the Leased Premises by Lessee shall include those on shore operations that are necessary to support the activities for which the floating biogenerators are intended.

6. IMPROVEMENTS. Lessee is hereby given the right, at any time and from time to time during the term hereof, to construct improvements upon the Leased Premises. Included among the improvements that Lessee intends to construct upon the Leased Premises are a boardwalk and pier. The Lessee agrees that it is to secure all necessary U.S. Corps of Engineers and other governmental permits before undertaking construction of the boardwalk and pier. Lessee agrees to provide to Lessor, at no cost to Lessor, for informational purposes, copies of all plans and specifications developed by Lessee and approved by the Corps for the construction of the boardwalk and pier.

The separate and several rights and privileges above given and granted unto Lessee are subject to the following terms and conditions:

A. Lessee shall not demolish any buildings, fixtures or other permanent improvements now existing on the Leased Premises or any substantial part thereof.

B. Lessee will comply at all times and in all respects with all applicable laws, ordinances, building, safety, fire, sanitation, environmental and ecological rules and codes insofar as the use of the Leased Premises shall be concerned and will not by any act or omission render Lessor liable for any violation thereof, but, on the contrary, will indemnify Lessor and hold Lessor harmless from and against any and all claims, actions, suits, proceedings, losses, costs, and expenses, including attorney's fees, filed against , incurred by, or involving the Lessor which arise from or out of Lessee's failure to comply with such rules or codes; provided, however, that Lessee shall not be obligated to perform any structural alterations or alterations to the building system to comply with such laws, etc., unless such compliance is required by Lessee's specific manner of use or Lessee's alteration to the Leased Premises.

C. If, as a result of any permitted construction and/or activity or work by Lessee or at its discretion, any labor, material, and/or mechanic's lien shall be filed against Lessor or any portion of the Leased Premises, Lessee shall, at its own cost and expense, defend or satisfy the same and hereby covenants that it shall indemnify and hold Lessor harmless from any such liabilities, suits, penalties, claims, and demands, including reasonable attorney fees, resulting from any such lien being filed as aforesaid.

If, in connection with the foregoing, Lessee disputes the validity of any such lien claim, within thirty (30) days after Lessee receives notice that a lien has been filed, Lessee shall cause such lien to be bonded off and shall prosecute its contest of the validity of the lien until ultimately resolved.

D. Upon the expiration of the term or extended term, as the case may be, subject to the provisions of paragraph 4 hereof, any and all improvements of a permanent nature then existing on the Leased Premises shall revert to the Lessor.

7. TAXES. Lessee shall pay annually and before the same becomes delinquent all ad valorem taxes levied or assessed at any and all times during the term and extended term of this lease against the Leased Premises and any and all improvements constructed or situated thereon; provided, however, that the foregoing shall not restrict Lessee's right to challenge any such taxes. Lessee shall submit proof of all such payments to Lessor on or before the delinquent date thereof, including not only ad valorem and personal property taxes but also special assessments for public improvements. Under no circumstances shall Lessee be obligated to pay any income, inheritance, estate, or succession taxes or any liens in the nature of any such described taxes or any other tax which may be levied or assessed against Lessor with respect to or because of the income or other benefit derived by Lessor from this lease. As to ad valorem and real property taxes levied and assessed against the Leased Premises which are due and payable during the first year and the last year of the term or extended term of this lease, as the case may be, a proper apportionment of such taxes

shall be made to cover the fraction of such year included within the term or extended term of this lease.

8. INDEMNITY AND WAIVER OF SUBROGATION. Lessee agrees not to hold Lessor responsible or liable in damages by abatement of rent or otherwise, and to indemnify Lessor and hold Lessor harmless from and against any liability for any and all damage to property or injury to persons sustained by Lessee, its agents, servants, or employees or any other person due to any improvements made by Lessee on the Leased Premises becoming out of repair or due to the happening of any accidents or occurrence on or about the Leased Premises which occur as a result of Lessee's negligence, and Lessee waives any claim it may have against Lessor with respect to such damages or injuries and shall attempt in good faith to cause its property insurance carriers to waive their respective rights of subrogation which might arise as a result of any such damages or injuries.

Lessor agrees not to hold Lessee responsible or liable, and to indemnify Lessee and hold Lessee harmless from and against any liability for any and all damage to property or injury to persons sustained by Lessor, its agents, servants, or employees, or any other person due to the happening of any accidents or occurrence which occur as a result of Lessor's negligence, and Lessor waives any claim it may have against Lessee with respect to such damages or injuries and shall attempt in good faith to cause its property insurance carriers to waive their respective rights of subrogation which may arise as a result of any such damages or injuries.

9. INSURANCE.

A. During the term hereof Lessee will provide and maintain at its cost and expense public liability and property damage liability insurance in policies naming Lessor as an additional insured against all claims (including all costs and expenses of defending same) for the loss of life or injuries to persons or property occurring upon, in, or about the Leased Premises, with a combined single limit of \$1,000,000, listing Lessor as additional insured. Such insurance shall also include within its coverage claims arising from environmental matters, hazardous materials release, and contamination of the Leased Premises occurring as a result of either of the foregoing. If Lessee undertakes any activities in the Leased Premises for which workers compensation coverage for its employees is required, Lessee shall procure that amount of workers compensation coverage as is required by Alabama law.

B. Within thirty (30) days after the commencement of this lease, Lessee shall deliver to Lessor one or more certificates of insurance evidencing the insurance coverage carried by Lessee in the manner set forth in subparagraph A above.

C. Not less than fifteen (15) days prior to the expiration date of each policy or policies theretofore furnished or carried pursuant to the provisions of this lease, Lessee shall deliver to Lessor an endorsement or other written evidence of insurance in substitution therefor evidencing the renewal of such policy or policies about to expire.

D. All policies of insurance to be carried by Lessee hereunder shall be in responsible companies reasonably satisfactory to Lessor and duly authorized to transact business in the State of Alabama. All such policies shall contain a provision

that the insurer will provide not less than ten (10) days written notice to Lessor of cancellation or termination of such insurance coverage.

E. Lessor shall insure the existing buildings and improvements on the Leased Premises against such types of losses and in such amounts and with such companies as Lessor deems appropriate.

10. REPAIRS. During the term hereof, the Lessee shall have no obligation to repair the buildings and improvements located or to be located upon the Leased Premises except for (i) those building and improvements that Lessee constructs upon the Leased Premises, and (ii) those repairs that become necessary by virtue of Lessee's activities on the Leased Premises.

11. UTILITY SERVICE. Lessee shall pay for all utility services used in or at the Leased Premises in reasonable proportion with Lessor to the extent that Lessor also uses such utilities. Currently, all such utility services are in the name of the Lessor, and the parties hereto intend to maintain such arrangement. Accordingly, Lessor agrees to pay for all utilities consumed at the Leased Premises and then bill Lessee for such costs. Lessee agrees to reimburse Lessor for such utility costs within twenty (20) days after its receipt of an invoice from Lessor for such utility costs. Lessor shall not be liable for any interruption or failure in the supplying of any such utility services to the Leased Premises other than an interruption or failure caused by the negligence or intentional act of Lessor, its agents, servants, or employees or caused by a default by Lessor under the terms of this lease.

12. ENCUMBRANCE OF LEASEHOLD INTEREST. Lessee shall have no right to mortgage its leasehold interest in the Leased Premises.

13. ENVIRONMENTAL MATTERS.

A. Lessee hereby represents and warrants that during its use and occupancy of the Leased Premises, neither Lessee nor its officers, employees, or agents, shall cause any hazardous substances, hazardous materials, toxic substances, or other similar or regulated substances, residues, or wastes, pollutants, petroleum products and by-products, or asbestos to be generated, released, spilled, leaked, pumped, emitted, emptied, discharged, escaped, leached, dumped, disposed, stored (other than in approved containers or tanks), or deposited on, over, beneath, or within the Leased Premises. Lessee shall, at Lessee's own expense, provide all information required by, and comply with all requirements of all governmental authorities under applicable Federal, state, and local laws, ordinances, statutes, rules, and regulations arising out of its operation of its facilities on the Leased Premises.

B. Lessor hereby represents and warrants that during the term hereof neither Lessor nor its officers, employees, or agents shall cause any hazardous substances, hazardous materials, toxic substances or other similar or regulated substances, residues, or wastes, pollutants, petroleum products and by-products, or asbestos to be generated, released, spilled, leaked, pumped, emitted, emptied, discharged, escaped, leached, dumped, disposed, stored (other than in approved containers or tanks), or deposited on, over, beneath, or within the Leased Premises.

Lessor covenants and agrees to remediate any of the foregoing which it released on the Leased Premises during the term.

C. Lessee hereby covenants and agrees that it will indemnify Lessor and Lessor's mortgagee, if any, from and against any and all claims, losses, damages, response costs, and expenses arising out of or in any way related to a breach of Lessee's environmental representations, including, but not limited to, the following:

(1) claims of third parties (including governmental agencies) for damages, penalties, response costs, injunctive or other relief;

(2) expenses, including fees of attorneys and experts, of reporting to any governmental agency the existence of hazardous substances, hazardous wastes, pollutants, or contaminants caused by Lessee; and

(3) any and all expenses or obligations, including attorneys' fees incurred at, before, and after any trial or appeal therefrom, whether or not taxable as cost, including, without limitation, attorneys' fees, deposition costs, copying and telephone charges, and other expenses, all of which shall be paid by Lessee when accrued.

D. If Lessee or Lessor shall cause any hazardous substances, hazardous materials, toxic substances, or other similar or regulated substances, residues, or wastes, pollutants, petroleum products and by-products, or asbestos to be or become present over, under, in, or within the Leased Premises and Lessee or Lessor, respectively, fails to respond to the presence thereof in a timely manner, whether or not such response is mandated by a governmental authority, then the other

party shall have the right, but not the obligation, in its sole discretion, to undertake, at the cost and expense of the releasing party, such response to the presence of such hazardous substances, hazardous materials, toxic substances, or other similar or regulated substances, residues or wastes, pollutants, petroleum products and by-products, or asbestos caused by the releasing party as the other party deems necessary and appropriate, and the releasing party shall reimburse the other party for all response costs and expenses, including the fees of attorneys and experts, incurred by the other party in responding to the presence of such above described items caused by the releasing party.

E. Notwithstanding the foregoing, the Lessee shall have the right to bring upon the Leased Premises those hazardous materials that are incident to its use, provided that at all times Lessee shall conduct its operations in compliance with all rules, regulations, laws, permits, and other regulatory items applicable to the hazardous materials used by Lessee at or on the Leased Premises.

14. DEFAULT. Upon the happening of any one or more of the events expressed below in succeeding subparagraphs A through G, Lessor shall have, in addition to all rights and remedies available to Lessor provided by law, the right, at the option of Lessor, to annul and terminate this lease and thereupon re-enter and take possession of said premises and all of the improvements thereon contemplated by Section 4 above. The events of default to which reference is hereinabove made are as follows:

A. In the event Lessee should fail to pay any one or more of said installments of rent/compensation as and when the same become due.

B. In the event an execution or other legal process is levied upon the property of Lessee constructed on said premises or upon the interest of Lessee in this lease or upon the Leased Premises and not stayed within a reasonable time after levy.

C. In the event a petition in bankruptcy or a petition under the Bankruptcy Act, or any amendment thereto, is filed by Lessee, or Lessee is adjudicated a bankrupt.

D. In the event a general assignment for the benefit of creditors is made by Lessee, other than assignments made as collateral security for financing as expressly allowed hereunder.

E. In the event of the appointment of a receiver for the Leased Premises which is not stayed within a reasonable time.

F. In the event of the occurrence on the Leased Premises of an act by Lessee which constitutes a release under the Lessor's NPDES permit applicable to the Leased Premises.

G. In the event Lessee violates in any material respect any of the other terms, conditions, or covenants on the part of Lessee herein contained.

The foregoing subparagraphs A through G to the contrary notwithstanding, and any statutory remedy of the Lessor to the contrary notwithstanding, Lessor shall not exercise any right in the event of a default described in said subparagraphs A and G except and unless Lessor shall have first given Lessee written notice of the default

claimed, specifying in reasonable detail the default claimed, and allow Lessee ten (10) days, in the case of a default described in subparagraph A, or thirty (30) days, in the case of a default described in subparagraph G, to cure such default, or within such thirty (30) day period demonstrates that it is in good faith diligently attempting to cure the default complained of and actually does cure the same within one hundred twenty (120) additional days.

15. NO WAIVER. The failure by a party to insist upon a strict performance of any of the covenants of this lease or exercise any option herein contained shall not be construed as a waiver of same; on the contrary, the right or option shall continue and remain in full force and effect as long as the event giving rise to such right or option remains uncured. The receipt by Lessor of rent, with knowledge of the breach of any covenant hereof, shall not be deemed a waiver of such breach unless expressed in writing.

16. CASUALTY. In the event of damage to or destruction of the improvements on the Leased Premises by fire or other casualty, each party shall have the right, but not the obligation, to repair and restore those improvements which it has constructed on the Leased Premises. Each party shall be entitled to make claim for the insurance proceeds payable under its policies of casualty insurance with respect to the damage caused to the improvements which it has constructed on the Leased Premises.

17. CONDEMNATION.

A. Total Condemnation. If, as a result of condemnation, the whole of the Leased Premises is taken, or such portion is taken as will make the remaining

premises unusable for the purposes herein leased in the judgment of Lessee reasonably exercised, then this lease shall terminate and the term hereby granted shall cease.

B. Partial Condemnation. If a part only of the Leased Premises be condemned by any such condemning authority, and such lesser taking shall not in Lessee's sole discretion render the remaining premises unusable to Lessee, then this lease shall not terminate.

C. The Award and Adjustments. In the case of a condemnation, the entire award shall be payable to the Lessor, subject to proportionate sharing with the Lessee as determined in good faith by the parties.

18. QUIET ENJOYMENT. Lessee, upon the payment of the rent herein reserved and upon the performance of all the terms of this lease, shall at all times during the term of this lease peaceably and quietly enjoy the Leased Premises without any disturbance from Lessor or from any other person claiming through Lessor.

19. SUCCESSORS AND ASSIGNS. Every provision hereof applicable to Lessor and to Lessee shall bind, apply and run in favor of their respective successors in interest, heirs, assigns, executors, administrators or personal representatives, as the case may be.

20. SUBLETTING AND ASSIGNMENT. Without the consent of Lessor, Lessee may assign this lease to a wholly owned subsidiary or to its parent entity. Subject as aforesaid, Lessee shall not assign this lease in whole or in part or to sublet all or any part of the Leased Premises without the prior written consent of Lessor, which

consent shall not be unreasonably withheld or delayed. No assignment or subletting by Lessee shall affect the obligation of Lessee to perform all of the covenants and conditions required to be performed by Lessee under the terms of this lease. Lessor shall have the right to assign or transfer Lessor's right, title and interest in and to this lease without the consent of the Lessee. Within twenty (20) days after any such sublease or assignment by Lessee, Lessee shall deliver to Lessor a duplicate original of each instrument of sublease or assignment or modification thereof.

21. NOTICES. All notices, demands, communications, or elections to exercise any option hereunder, whether intended for Lessor or Lessee, shall be in writing and may be served or delivered in person or by Federal Express, to the address of the party intended as the recipient thereof as such address is hereinbelow stated, or to such other address as the parties hereto may at any time, and from time to time, designate in writing. The time of giving notice shall be reckoned from the day of delivery if delivered to the intended recipient in person, or from the day of posting, if mailed. The present addresses of the parties hereto are:

LESSOR: The Utilities Board of the City of Daphne
Attention: Rob McElroy, General Manager
900 Daphne Avenue
Daphne, Alabama 36526

LESSEE: Algae Systems, LLC
Attention: Matt Atwood, CEO
2533 Double Diamond Parkway, Suite 4481
Reno, NV 89521

22. FORCE MAJEURE. If Lessor or Lessee is delayed, hindered, or prevented from performing any act required hereunder by reason of strikes, lockouts,

labor troubles, inability to procure materials, failure of power, restrictive government laws or regulations, riots, insurrection, the act, failure to act, or default of the other party, war, or other reason beyond its reasonable control, then performance of the act shall be excused for the period of the delay.

23. GOVERNING LAW. This agreement shall be governed by, and it is to be construed according to, the laws of the State of Alabama.

24. RIGHT OF ENTRY. The Lessor and its agents may enter upon the Leased Premises upon reasonable notice (which may be provided orally) at all reasonable times to examine its condition and use, so long as such right is exercised in a manner that does not interfere with the Lessee in the conduct of its business on the Leased Premises or in the enjoyment of the Leased Premises by sublessees, patrons, invitees, or guests of the Lessee.

25. COMPLIANCE WITH LAWS. Lessee shall, at its own expense, comply with all laws, orders, and regulations of Federal, state, and municipal authorities and with any lawful direction of any public officer which shall impose any duty upon Lessee with respect to the Leased Premises as provided in paragraph 6B above. Lessee shall, at its own expense, obtain all required licenses or permits for the conduct of its business on the Leased Premises.

26. ATTORNEY'S FEES. In the event of any controversy arising under or relating to the interpretation or implementation of this lease or any breach thereof, the prevailing party shall be entitled to payment for all costs and expenses, including attorney's fees, both at the trial and appellate levels, incurred in connection therewith.

27. WASTE and REPORTING REQUIREMENTS. Lessee shall commit no waste upon the Leased Premises. The occurrence of any event which would constitute a reportable event under the Lessor's NPDES permit shall be considered an act of waste. Lessee shall provide regular, periodic test reports to Lessor on water contaminant test results.

28. MEMORANDUM OF UNDERSTANDING. Contemporaneously with the execution of this Lease, the Lessor and the Lessee shall enter into a Memorandum of Understanding relating to operations on the Leased Premises and reporting requirements to the Lessor. This Memorandum of Understanding is incorporated into this Lease by reference. All terms of this Memorandum of Understanding shall be enforceable terms of agreement between the Lessee and the Lessor and any breach or violation of those terms shall also be deemed an event of default under paragraph 14 of this Lease.

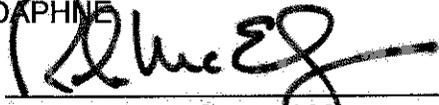
29. RIGHT OF FIRST REFUSAL TO PURCHASE. In the event Lessor receives an offer to purchase the Leased Premises, which offer the Lessor desires to accept, prior to accepting such offer Lessor shall transmit to Lessee a copy of such offer and written affirmation that Lessor desires to accept such offer. Lessee shall have a period of ten (10) days from its receipt of such offer to advise Lessor in writing whether or not Lessee is willing to purchase the Leased Premises upon the terms stated in such offer. If Lessee states that it is willing to so purchase the Leased Premises on such terms, Lessor and Lessee shall promptly execute a sale and purchase agreement setting forth the terms from the other offer. If Lessee states that it is not willing to

purchase the Leased Premises on such terms, then Lessor shall be free to proceed with a sale of the Leased Premises to the other offeror on terms no less favorable to Lessor than contained in the initial offer; provided that any such sale shall be explicitly subject to the existence and terms of this lease.

IN WITNESS WHEREOF, the Lessor and Lessee have caused this instrument to be executed, in duplicate, all as of the day and date first above set forth.

LESSOR:

THE UTILITIES BOARD OF THE CITY OF DAPHNE

By: 
Rob McElroy, General Manager

LESSEE:

ALGAE SYSTEMS, LLC

By: _____
As Its: _____

The effectiveness of this lease is subject to the approval thereof by the City Council of the City of Daphne, Alabama.

purchase the Leased Premises on such terms, then Lessor shall be free to proceed with a sale of the Leased Premises to the other offeror on terms no less favorable to Lessor than contained in the initial offer; provided that any such sale shall be explicitly subject to the existence and terms of this lease.

IN WITNESS WHEREOF, the Lessor and Lessee have caused this instrument to be executed, in duplicate, all as of the day and date first above set forth.

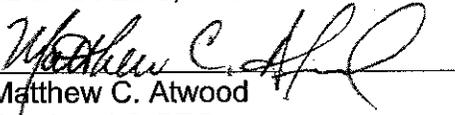
LESSOR:

THE UTILITIES BOARD OF THE CITY
OF DAPHNE

By: _____
Rob McElroy, General Manager

LESSEE:

ALGAE SYSTEMS, LLC

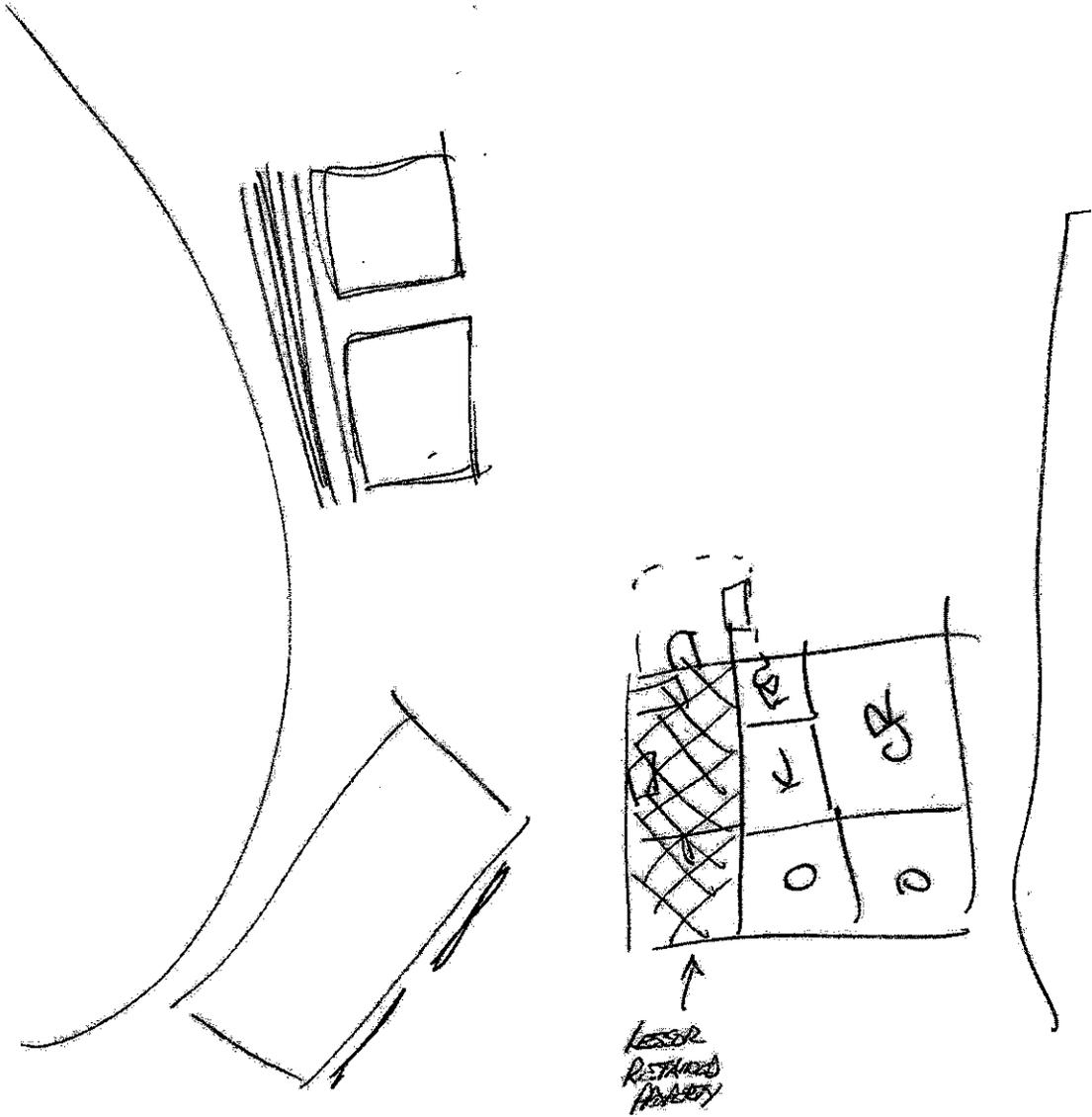
By: 
Matthew C. Atwood
President & CEO

The effectiveness of this lease is subject to the approval thereof by the City Council of the City of Daphne, Alabama.

EXHIBIT "A"

All that part of the North half of the South half of Lot Two (2) of the division of the Louis D'Olive Spanish Grant in Township 5 South, Range 2 East, Baldwin County, Alabama, according to the division thereof recorded in Record Book "G-1", Probate Records, Baldwin County, Alabama, lying West of U. S. Highway No. 98 (Ala. State Highway Department Project No. 635-3), Being that part lying west of said highway of the North Half of that certain property conveyed to Aura Douglas by deed recorded in Deed Book 63, Pages 28-29, Baldwin County Probate Records, by Charles and Marie G. Alphonse, and more particularly described as follows: From the Southeast corner of Section 5, Township 5 South, Range 2 East, run South 58 links and West 118 chains 33 links to an iron pipe on the west side of the Old Bay Shore Highway (formerly Ala. Highway No. 89), thence run West 359.6 feet to highway right of way monument P. C.438 + 12.52; thence run North 20 degrees 00 minutes 20 seconds West 243 feet to a concrete monument, the Southeast corner of the property herein described, for a point of beginning; thence run North 89 degrees 50 minutes West 1896 feet to a point or corner on the Eastern margin of Mobile Bay, thence run Northwardly following the meanders of the bay shore to a point situated North 16 degrees 39minutes East 232.4 feet from the last mentioned corner; thence run North 89 degrees 23 minutes East 134.5 feet to an old cedar stake; thence run South 89 degrees 44 minutes East 398.5 feet to another old cedar stake; thence run North 89 degrees, 55 minutes 37 seconds east 1224.76 feet to an iron fence post set in concrete corner of the west side of said Highway No. 98; thence Southwardly along the West margin of said highway, on a chord bearing South 17 degrees 21 minutes 20 seconds East 240.55 feet to the point of beginning.

EXHIBIT "B"



ORDINANCE 2012 - 66

Profit Drive Extension

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 Four Cent Gas Tax appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, Four Cent Gas Tax Funds may be used for resurfacing, restoration, and construction of roads within a municipality; and

WHEREAS, the Profit Drive Extension project meets this definition; and

WHEREAS, \$ 106,445 was previously budgeted for such project; and

WHEREAS, bids were obtained and the total project cost, including engineering and inspections, is estimated to be \$ 271,845.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an appropriation in the amount of \$ 165,400 (\$ 271,845 total cost-\$ 106,445 already appropriated) is hereby approved from the Four Cent Gas Tax Fund and made a part of the Fiscal Year 2013 budget for the Profit Drive Extension project.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

ORDINANCE 2012- 67
Garbage Truck Replacement 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 from the Garbage Enterprise Fund are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, the Garbage department has a Fleet Management Plan which identifies aging vehicles that are becoming costly to maintain in working order; and

WHEREAS, the City needs to keep garbage trucks in good working order to avoid constant repairs and subsequent interruptions in garbage collection services; and

WHEREAS, a new 28-yard vehicle is required in Fiscal 2013 to meet these requirements; and

WHEREAS, the City lease-purchases such vehicles and the debt service is paid by the Garbage Enterprise Fund; and

WHEREAS, funds are available in the Garbage Enterprise Fund for such purposes.

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 Garbage Enterprise Fund appropriation in the amount of \$ 234,910 (National Joint Powers Alliance pricing) to lease purchase a 28-yard automatic side-loading refuse collection truck and the Finance Director is authorized to pursue lease-purchase financing for such purchase.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

ORDINANCE 2012-68

Lodging Tax Appropriation: Williams Property Acquisition and Remediation for Yancey Branch Sediment Control

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 Lodging Tax appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, it has been determined that large amounts of sediment are impacting Yancey Branch, Daphne's beachfront property, and ultimately Mobile Bay; and

WHEREAS, the source of such sediment deposits has been identified as property currently owned by Henry C. Williams, Jr; and

WHEREAS, Lodging Tax Funds may be used for the maintenance of beachfront property and, sediment control along Yancey Branch which feeds into Mobile Bay, meets this requirement; and

WHEREAS, the acquisition and subsequent remediation of this property will preserve and protect the water quality and habitat of Yancey Branch and Mobile Bay, and thereby maintain the valuable and limited asset the City of Daphne has in beachfront property.

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 Lodging Tax appropriation in the amount of **\$ 200,000** for 1) the acquisition of the Williams property (\$ 149,000); and 2) the remediation of the property to control the flow of sediment into Daphne's beachfront areas and Mobile Bay (\$ 51,000).

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

Bailey Yelding, Jr, Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk