CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
July 2, 2018
6:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

INVOCATION: Pastor Yvens Melidor, Gethsemane Seventh Day Adventist Church

PLEDGE OF ALLEGIANCE

PRESENTATION: Beautification Award – Cousin Vinny's and Guido's Restaurant 3

3. **APPROVE MINUTES:** **Council Meeting** – June 18, 2018 4

4. **REPORTS OF STANDING COMMITTEES**

A. **FINANCE COMMITTEE** – Rudicell

Review minutes of the June 18, 2018 Finance Committee meeting. 10

MOTION to authorize the Mayor to allow a four step increase (Grade 13 Step 1 to Grade 13 Step 5) for the Public Works Administrative Assistant position. 17

MOTION to authorize the Mayor to enter into an agreement for a one-time environmental cleanup of cattails at Gator Boardwalk - $2,500 (monies are available in the budget). 18

MOTION to authorize the Mayor to enter into an Agreement with the Eastern Shore Repertory Theatre for the lease of the Nicholson Center for specified times for use as a performing arts theatre.

MOTION to authorize the Mayor to move forward with researching the purchase of MUSCO lighting through the NJPA contract for the Daphne Sports Park with the City paying ½ down, obtain leasing options for the balance of the cost over a five (5) year lease term and to bring that information back to Council to adopt the terms through the lease Resolution.

B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune

C. **PUBLIC SAFETY COMMITTEE** – Davis

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

E. **PUBLIC WORKS COMMITTEE** – Coleman

Review minutes of the May 14, 2018 Museum Committee meeting. 19

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

A. **DOWNTOWN REDEVELOPMENT AUTHORITY –** Conaway

B. INDUSTRIAL DEVELOPMENT BOARD – Davis

Review minutes of the May 8, 2018 Special Called meeting and the May 22, 2018 regular meeting. 21

C. LIBRARY BOARD – Rudicell

D. PLANNING COMMISSION – Scott

E. RECREATION BOARD – LeJeune

F. UTILITY BOARD – LeJeune

Review minutes of the May 30, 2018 Daphne Utility Board meeting. 24

6. MAYOR'S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK'S REPORT

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

B. 2ND READ ORDINANCES:

2018-24 - Estate of Victorine Nelson Zoning Amendment located Southeast of Van Avenue and Main Street 29

2018-25 - Proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance, Article 17, Section 17-4, Procedures for Subdivision Review, Final Plat Application, Maintenance Bonds and Sidewalk Installation Bonds 32

C. 1ST READ ORDINANCES:

2018-26 - Appropriation: Daphne Sports Complex Phase 2 & 3: Excess Engineering Fees – Hutchinson Moore & Rauch, LLC 35

12. COUNCIL COMMENTS

13. ADJOURN

City of Daphne Beautification Committee

presents this

Certificate of Recognition

to

COUSIN VINNY'S & GUIDO'S RESTAURANT

for your excellence in beautifying the City of Daphne.

Awarded on this 2nd day of July 2018.

Dane Haygood, Mayor

Daphne
ALABAMA

June 18, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1. **CALL TO ORDER:**

There being a quorum present Councilwoman Conaway called the meeting to order at 6:35 p.m.

2. **ROLL CALL:**

COUNCIL MEMBERS PRESENT: Tommie Conaway, Pat Rudicell, Joel Coleman, Doug Goodlin, Ron Scott and Joe Davis

Absent: Robin LeJeune

Also Present: Mayor Dane Haygood; Candace Antinarella, City Clerk; Brandy Volovecky, Assistant City Clerk; Jay Ross, City Attorney; David Carpenter, Police Chief; Patrick Dungan, City Attorney; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; David McKelroy, Recreation Director; Betsy Schneider, Operations Director; Troy Strunk, Executive Director, City Development; James White, Fire Chief; and Tonja Young, Library Director

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Lamar Green, Daphne Fire Department Chaplain.

PUBLIC HEARING: Estate of Victorine Nelson Zoning Amendment located Southeast of Van Avenue and Main Street

Larry Chason appeared before the Council as a representative of the applicant and provided details on the property and the rezoning request.

The public hearing was opened at 6:41 p.m. There being requests to speak, the public hearing was closed at 6:41 p.m.

PUBLIC HEARING: Proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance, Article 17, Section 17-4, Procedures for Subdivision Review, Final Plat Application, Maintenance Bonds and Sidewalk Installation Bonds

Adrienne Jones, Planning Director, appeared before the Council and provided background on the proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance. The revised language creates three size designations for subdivisions and subdivision phases in the Sidewalk Installation Bond section and clarifies language in the Street Maintenance Bond section.

Councilman Coleman said this is well written. He questioned why the extension of the maintenance bond is at the discretion of several entities. Ms. Jones said this always has been this way. The language has just been moved from the end of Section 17-4 to the end of this sub-section.

Mayor Haygood said it would be helpful to add some sort of definitions to the language regarding subdivision and phase sizes; it would be helpful to refer to them as small, medium and large. He also questioned the consistency of the language in this section. He asked Ms. Jones to review the language.

Councilman Goodlin asked for clarification regarding phases and subdivisions. Ms. Jones explained that each individual phase will be evaluated.

Councilman Scott requested that the language in paragraph 3 of the Sidewalk Installation Bond section be changed to read "any recorded subdivision or subdivision phase" in consistency with the following two designations. Ms. Jones said this will be corrected for the second read.

The public hearing was opened at 6:51 p.m. There being no requests to speak, the public hearing was closed at 6:51 p.m.

3. <u>APPROVE MINUTES</u>:

The minutes of the June 4, 2018 regular meeting were approved with one correction. Councilman Coleman was added to the list of Council members present.

4. <u>REPORT OF STANDING COMMITTEES</u>:

A. FINANCE COMMITTEE
Councilman Rudicell said the Finance Committee meets every fourth Monday at 4:30 p.m.

B. BUILDINGS & PROPERTY COMMITTEE
Councilman LeJeune was not in attendance to provide report.

C. PUBLIC SAFETY COMMITTEE
Councilman Davis said the Public Safety Committee met on Monday, June 11, 2018. The minutes from the May 14, 2018 meeting are in the packet. During both of these meetings there was considerable discussion about the need to address the animal shelter. The next meeting is July 9, 2018 at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE
Councilman Goodlin said the next Code Enforcement/Ordinance Committee meeting is July 2, 2018 at 4:30 p.m.

E. PUBLIC WORKS COMMITTEE
Councilman Coleman said the Public Works Committee met earlier in the month. The next meeting is July 2, 2018 at 5:30 p.m.

5. <u>REPORTS OF SPECIAL BOARDS & COMMISSIONS</u>:

A. Board of Zoning Adjustments

MOTION by Councilman Rudicell to appoint Derek Wolstenholme as regular member of the board for a three (3) year term said term to commence on July 1, 2018 and expire on June 30, 2021. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

Ms. Jones said there will be no Board of Zoning Adjustments meeting in July.

B. Downtown Redevelopment Authority
Council President Conaway said minutes of the April 25, 2018 Downtown Redevelopment Authority meeting are in the packet. The City Clerk will be accepting resumes for anyone interested in serving on the DRA.

C. Industrial Development Board
Councilman Davis said the Industrial Development Board will meet tomorrow at 6:30 p.m. There are a number of projects moving forward. There will be an opening on the Board as Michael Pierce will be unable to continue to serve.

D. Library Board
Councilman Rudicell said the Library Board meets the second Thursday of each month at 4 p.m. at the Library.

E. Planning Commission
Councilman Scott said the next Planning Commission meeting is Thursday, June 28, 2018 at 5 p.m.

F. Recreation Board
Councilman LeJeune was not in attendance to provide the report.

G. Utility Board
Mayor Haygood said the next scheduled Utility Board meeting is Wednesday, June 27, 2018 at 5 p.m. There is a Special Utility Board Work Session on Thursday, June 21, 2018 at the Water Reclamation Facility.

6. MAYOR'S REPORT:

No report.

7. CITY ATTORNEY REPORT:

Jay Ross, City Attorney, said the issue regarding Fire Station #2 has been amicably resolved. He expressed appreciation to Highland Wake Construction, LLC for their efforts in resolving this. They were a team player in the resolution of this and agreed to accept less than was originally contracted. All monies have been paid, all sub-contractors have been satisfied and appropriate documentation has been provided to the City and the Finance Director.

8. DEPARTMENT HEAD COMMENTS:

David McElroy, Recreation Director, said it has been a busy couple of days with Art in the Park, softball, Wet 'n Wild Wednesdays and a softball tournament. Upcoming activities include softball tournaments, baseball and a $4^{th}$of July fireworks display. There is also a youth camp at Trione Park on July 7^{th} which is being put on by four NFL players who are former Daphne High School students: Washington Redskins linebacker Ryan Anderson, New England Patriots defensive end Eric Lee, Baltimore Ravens defensive tackle Michael Pierce and Jacksonville Jaguars running back T.J. Yeldon.

Troy Strunk, Director of City Development, said he has been with the City for about four weeks now and thanked everyone for being so helpful. There is a public meeting on Bellaton property on June 21, 2018 in the Council Chambers. This meeting is to discuss access onto Corte Road.

9. PUBLIC PARTICIPATION:

Council President Conaway moved public participation ahead of City Clerk's report.

Public Participation was opened at 7:02 p.m.

Dorothy Morrison, 261907 Via del San Francesco, said she is here representing the Downtown Redevelopment Authority. A new bike station has been installed at Lott Park. If this works out well, they may look to install more at different locations in the future.

Karl Gustafson, 805 Captain O'neal Drive, read an email from his attorney to City Attorney Jay Ross regarding the 706 Belrose Avenue Property.

There being no further requests to speak, public participation was closed at 7:05 p.m.

10. CITY CLERK'S REPORT:

MOTION by Councilman Rudicell to authorize the Mayor to execute a Contingency Fee Agreement between the City of Daphne and the Law Firm of Mary Beth Mantiply in connection with damages related to Opioids. Seconded by Councilman Davis.

Discussion took place regarding attorney fees.

MOTION by Councilman Scott to amend the Contingency Fee Agreement to state that if the litigation moves to Multi-District Court, the attorney fees will be limited to fifteen (15) percent. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

City Attorney Jay Ross informed the Council that the original motion still needed to be considered.

MOTION CARRIED UNANIMOUSLY.

(After City Clerk's review of Contingency Fee Agreement, it was determined that the motioned percentage is already contained within said Agreement.)

MOTION by Councilman Scott to authorize the City Attorney to make a formal offer of purchase on the property located at 706 Belrose Avenue for full market value, as was previously determined by the appraisal, for use by the City for public purposes and if the offer is rejected to proceed with the statutory condemnation process. Seconded by Councilman Rudicell.

Discussion took place regarding the options for this property.

Council Rudicell withdrew his second. Councilman Scott withdrew his motion.

MOTION by Councilman Scott to authorize staff to issue a one (1) year building permit for the Belrose property with the stipulation that the applicant be charged a $100.00 per day fine at the expiration of the permit if the building is not complete. Seconded by Councilman Rudicell.

Mayor Haygood stated that "complete" needs to be clearly defined. Discussion took place regarding permit types and the extent of renovations necessary. Mayor Haygood provided background on said property.

MOTION CARRIED UNANIMOUSLY.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-30 - Resolution to Accept Property Donation from Bertolla Properties, LLC and to Authorize the Mayor to Execute the Same

Council President Conaway said the City Attorney has requested that Resolution 2018-30 be moved to the next City Council meeting. City Attorney Jay Ross said there was discussion about the status of this at the last Committee meeting; there continues to be a little concern about the reversionary clause. The Resolution as drafted affirms the prior Resolution related to the acceptance of the property. It was requested by the Mayor's Office that the verbatim language in the proposed deed be included in the Resolution as a matter of public record. It will be ready for the next meeting. Mayor Haygood said he would like the Council to go ahead and adopt this Resolution. He said there has been discussion on a couple of areas that could be improved. He thinks they have all vetted this well enough. The main concern is that this does provide some use restrictions and if these use restrictions are violated by the City, the title to the property would revert back to the donor. He wants this to be a part of public record for the awareness of successors. If prior to the City's acceptance of the deed, the donor does consent to additional items that would benefit the City, it will be brought back to the Council.

MOTION by Councilman Scott to waive the reading of Resolution 2018-30. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin to adopt Resolution 2018-30. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

(The following Resolution was brought from the Finance meeting.)

2018-31 - Bid Award: 2018-O-Trione Park Porous Paver Sidewalks & Drainage Improvements-ADEM 319 Project - Tiawasee Creek Sub-Watershed Management HUC 03160204-0505

MOTION by Councilman Scott to waive the reading of Resolution 2018-31. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

City Clerk informed Council that there must first be a motion to add Resolution 2018-31 to the agenda as procedurally required.

MOTION by Councilman Davis to add Resolution 2018-31 to the agenda. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Resolution 2018-31. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott adopt Resolution 2018-31. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

2nd READ:

2018-23 - Ordinance Reclassifying Job Description and Compensation for the Planner Position to Geographical Information System (GIS) Analyst Position

MOTION by Councilman Scott to waive the reading of Ordinance 2018-23. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2018-23. Seconded by Councilman Davis.

AYE: Rudicell, Councilman Coleman, Goodlin, Scott, Lejeune, Davis **NAY: Conaway**

MOTION CARRIED.

1st READ:

None.

12. COUNCIL COMMENTS:

Councilman Davis said he appreciates attendees for coming to tonight's meeting. He hopes the citizens know how much each of the Council members does behind the scenes. He asked everyone to think about the opioid situation because it is very serious and impacts all of us.

Councilman Scott congratulated Councilman Davis on winning the primary to be the new Baldwin County Commissioner for District 2. He commented on tonight's motion for condemnation of property. The Council takes this extremely seriously. He appreciates the collective wisdom of his fellow Council members.

Councilman Goodlin said an Agricultural team from Daphne High School won a state event and is going on to represent the state in Indiana. There are options available for the team to pursue financial a support from the City of Daphne.

Councilman Rudicell said he attended the dedication ceremony at the museum. There are still bricks available for purchase and inscription. This is a great opportunity to honor one's family.

Council President Conaway thanked Councilman Davis for bringing Mary Beth Mantiply to the Work Session to present information to the Council.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:33 P.M.

Respectfully submitted by, Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
JUNE 18, 2018
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Chairman Mr. Pat Rudicell
Councilwoman Mrs. Tommie Conaway
Councilman Mr. Joel Coleman
Councilman Mr. Doug Goodlin
Councilman Mr. Ron Scott
Councilman Mr. Joe Davis

Also Present: Mayor Dane Haygood, Finance Director Ms. Kelli Kichler, Senior Accountant Suzânne Henson, Public Works Director Mr. Jeremy Sasser, Operations Manager Mrs. Betsy Schneider, Civic Center Director Mrs. Margaret Thigpen, City Clerk Mrs. Candace Antinarella, Environmental Programs Manager Ashley Campbell, Executive Director of City Development Troy Strunk, Library Director Tonja Young, City Attorney Mr. Jay Ross, City Attorney Mr. Patrick Dungan, HMR Engineer Scott Hutchinson, and Dewberry Engineer Andy Bobe.

II. PUBLIC PARTICIPATION

A. Daphne High School (DHS) Quarterback Club – Mr. Rob Dotson

Mr. Dotson discussed information that he had received concerning the City cutting back on assisting with maintaining the Daphne High School sports field/properties and wanted to get a better picture of what the City could and could not do. Mayor Haygood stated that Mr. Ronnie Huskey, Facilities Director had sent a letter to DHS requesting information on what the City could assist with and what services were extending City personnel. Mayor Haygood noted that there are some City properties that are not being maintained as they should be and that City personnel is stretched thin. The Mayor discussed recent irrigation improvements at DHS that the City had agreed to assist with and the mower that was recently donated to DHS. Mayor Haygood asked Mr. Dotson to contact his Executive Assistant, Kit Robinson, to set up a meeting with himself and Mr. Ronnie Huskey to discuss further. Mr. Dotson said he would contact Ms. Robinson to set up the meeting.

B. Eastern Shore Repertory Theatre (ESRT) –Letter of intent – Nicholson Center – Ms. Erin Langley

Ms. Langley discussed the request from ESRT to lease the Nicholson Center for their use as a performing arts theatre. Ms. Langley noted that ESRT is a non-profit children's theatre organization that has been in existence since 2012 and they work with hundreds of students and have performed for over 53,500 people. Ms. Langley stated that they had been using a space in Fairhope but that area is no longer available and they are searching for a new location. Ms. Langley stated she felt the location of the Nicholson Center was central to the schools and the students they serve.

MOTION BY Mr. Coleman to recommend to Council to authorize the Mayor to enter into an agreement with the Eastern Shore Repertory Theatre to lease the Nicholson Center for specified times for use as a performing arts theatre. Seconded by Mr .

MOTION CARRIED UNANIMOUSLY

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Henson stated that Mrs. Hinman was out of town and stated that the Human Resource Report was included in the packet for review and asked if there were any questions. The summary is as follows:

- Open positions – 2
- Reviewing/Testing/Interviewing/Background check - 6
- Promotion/Internal Transfer - 2
- New Hires - 2

The Safety Committee meeting topics and other Human Resource projects and events were as follows:

- Police Oral Boards – July 18, 2018
- Benefits Fair scheduled for July 31, 2018 – August 2, 2018

B. Overtime Report

Ms. Kichler discussed that Court was over budget for overtime and that a meeting was planned with Judge Hoyt. Mayor Haygood stated that the Mowing Department has some vacancies so that will effect overtime. Mayor Haygood stated he would be meeting with Mr. Huskey, Facilities Director to discuss some solutions.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – May, 2018

Mrs. Coleman reviewed the following reports and information:

- Code enforcement issued 35 warnings resulting in businesses becoming compliant and $6,443.72 in revenue.
- New Businesses with a physical location in Daphne - 15

BUSINESS LICENSE COUNT through 5/31/2018	
Issued THIS MONTH:	
NEW Licenses	**43**
RENEWAL Licenses **(2018)**	**58**
PRIOR YEAR Licenses (**2017 and Prior**)	3
Total Issued THIS MONTH	**104**
Total Issued THIS MONTH - PREVIOUS YEAR	117
Net Gain/-Loss Current VS Previous Yr MONTH	**-13**
Total Issued YTD 2018	**3,997**
Total Issued YTD - PREVIOUS YEAR	4,217
Net Gain/-Loss Current VS Previous Yr YTD	**-220**

Business License Fee Historical Comparison 2017 / 2018				
	FY 17	**FY 18**	**+/- Previous Year**	**Budget 2017 * $2,150,000**
October	$7,103.71	$5,258.84	($1,844.87)	($2,144,741.16)
November	$11,604.68	$8,566.59	($3,038.09)	($2,136,174.57)
December	$33,347.73	$41,564.84	$8,217.11	($2,094,609.73)
January	$1,301,664.28	$1,420,279.64	$118,615.36	($674,330.09)
February	$603,134.76	$569,031.88	($34,102.88)	($105,298.21)
March	$154,190.39	$183,259.10	$29,068.71	$77,960.89
April	$42,906.33	$29,229.51	($13,676.82)	$107,190.41
May	$27,884.36	$15,686.44	($12,197.92)	$122,876.85
Year to Date	$2,181,836.24	$2,272,876.85	**$91,040.60**	**$122,876.85**
*** Amounts include penalty and interest.**				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: April, 2018

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: $1,334,268.70 was collected for April, 2018 which was up $85,009.12 from April 2017's collections: :

- YTD Variance over Budget - $ 422,010

B. Lodging Tax Collections, April, 2018

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for April, 2018 were $111,170.20 which is up $10,972.72 from April 2017's collections .

- YTD Variance over Budget: $19,137.47

Discussion was made on the fluctuations of Lodging Tax collections over different years and that some of the hotels had been undergoing renovations. Mrs. Thigpen noted that the Hilton had implemented a rate decrease.

C. Lodging Tax Fund : Statement of Rev over Exp, May, 2018

The Lodging Tax Statement of Revenues over Expenditure report for May, 2018 was included in the packet.

- Unreserved balance for Bayfront related purchases - $ 1,428,286.51
- Recreation related purchases - $ 874,856.04

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: May, 2018

Ms. Kichler reviewed the Treasurer's Report:

TREASURER'S REPORT As of May 31, 2018					
Account Type/Title	5/31/2018	4/30/2018	Increase (Decrease) from last Month	5/31/2017	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	$ 9,818,208	$ 11,121,880	$ (1,303,672)	$ 7,551,360	$ 2,266,848
CERTIFICATE OF DEPOSIT	500,000	500,000	-	-	$ 500,000
INVESTMENT FUND	5,256,468	5,294,492	(38,023)	5,368,554	$ (112,086)
CREDIT CARD ACCOUNT	10,172	7,082	3,090	500	$ 9,672
Total Unrestricted Cash Balance	**15,584,849**	**16,923,453**	**(1,338,605)**	**12,920,414**	**2,664,435**
Total Restricted Cash Balance	**16,421,968**	**16,443,453**	**(21,485)**	**20,705,453**	**(4,283,485)**
Total City Cash Balance	**$ 32,006,816**	**$ 33,366,906**	**$ (1,360,089)**	**$ 33,625,867**	**$ (1,619,051)**
	Encumbrance Total as of		**5/31/2018**	**$ 427,206.89**	

Ms. Kichler state the major reason for the decrease in balance from last month's balance is the $466,000 transfer that was made from General Fund to Capital Reserve for the Sports Parks. Most of decrease for Total Restricted Cash Balance is from the spend from the 2017 Construction Fund for projects.

The Treasurer's Report as of* MAY*, 2018 Total Unrestricted Cash Balance - $15,584,849 and Total City Cash Balance - $32,006,816 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - $427,206.89 as of May, 2018.

Ms. Kichler reviewed the Encumbrance Report and noted that the balance had decreased mainly due to payments made on the Fire Station #2 Renovation project. Mr. Sasser noted that he expecting the plans for the Public Works Safe Room to be 100% complete next week then the project would be ready to go out to bid.

3. Outstanding Appropriations

Ms. Kichler reviewed the largest outstanding projects by fund on the outstanding appropriations report: Four and Seven Cents Gas Tax Fund – Corte Road, Lodging Tax Fund - Bayfront Drive, and Capital Reserve Fund - Daphne Sports Complex Phase 3.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, April, 2018

Ms. Kichler reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), May, 2018
    - Jubilee Square: Debt payments are currently fully paid through September 2016 thus 20 months in arrears. Arrearage includes $866,946 in principal and $354,238 in interest
- Budgetary Comparison Schedule, April 2018
- General Fund Financial Statements, April, 2018

General Fund:

	FY 2018	FY 2017	Change
• YTD Net Income:	$4,104,021	$1,179,539	$2,924,482

- Total sales tax collected year to date is approximately $691,000 over prior year and $422,000 over budgeted income
- Per budget amendment appropriation, $2,000,000 was transferred in April 2017 from the General Fund to the Capital Reserve Fund to help fund recreation improvements
- Unassigned Fund Balance: $16,411,089
- Outstanding Encumbrances: $484,973

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of April 30, 2018: $39,275,852
- Outstanding Capital Lease Balance as of April 30, 2018:
    - General Fund: $1,265,998
    - Enterprise Funds: $386,033

Capital Project Funds (Capital Reserve, 2016 Construction, and 2017 Construction):

- YTD Park Improvements Expenditures: $2,894,990
- YTD: CR 13 Sidewalk Expenditures: $337,883 (TAP grant received for 80% of cost)

Special Revenue Funds (12 separate funds):

- Lodging Tax Fund –
    - Bayfront Unreserved Fund Balance: $1,379,099
    - Recreation Unreserved Fund Balance: $838,779
    - Total lodging tax collected year to date is approximately $19,000 over prior year and budgeted income

Enterprise Funds (Solid Waste, Civic Center, and Bayfront):

- Year to date transfers for each of the enterprise funds were as follows:

	FY 2018	FY 2017	Change
Solid Waste Fund	$185,602	$171,653	$ 13,949
Civic Center Fund	$141,454	$160,835	$ <19,381>
Bayfront Park Fund	$ 100,542	$ 88,152	$ 12,390

5. Future Projects Summary

Ms. Kichler noted she had added the No Limits Playground - $100,000 to the Future Projects Summary report as requested by Councilman Robin LeJeune.

8. Summary of Budgetary Amendments

Ms. Kichler reviewed the six General Fund budgetary amendments made to the FY2018 Budget.

- Total Appropriations Year to Date – ($750,840)
- Adjusted Expenses over Revenue – ($713,522)

B. Bills Paid Reports – May, 2018

The Bills Paid Report was presented in the packet.

VIII. BIDS *(Resolution)*

A. 2018-O-Trione Park Porous Paver Sidewalks & Drainage Improvements-ADEM 3119 Project (Tiawasee Creek Sub-Watershed Management HUC 03160204-0505

Mrs. Henson noted the bid tabulation and recommendation letters from Mrs. Campbell and Mr. Sasser to award to the low bidder, Asphalt Services Inc., were included in the packet. Mrs. Henson noted that Asphalt Services Inc. did not submit Addendum #1 with their bid submittal but noted that legal counsel was obtained to verify this was a bid informality that could be waived by Council. Mrs. Henson noted the legal opinion received was that this was a minor bid informality that Council could waive since it was only a clarification of questions from the Pre-Bid meeting and did not change the specifications or cost. Discussion continued on the project. Mrs. Campbell stated this is an environmental and education related project since the completion of this project will allow this area to be used for future student fieldtrips. Discussion was made that due to the grant timeline this item would be on the Council agenda for tonight's Council meeting following the Finance Committee meeting.

MOTION BY Mr. Scott to recommend to Council to award the 2018-O-Trione Park Porous Paver Sidewalks & Drainage Improvements-ADEM 3119 Project (Tiawasee Creek Sub-Watershed Management HUC 03160204-0505 bid to Asphalt Services, Inc. in the amount of $151,339.65 as bid. Seconded by Mr. Davis.

MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: ***(Ordinance)***

A. HMR-Excess Engineering Fees – Daphne Sports Complex - $106,621.36

Mr. Scott Hutchinson reviewed HMR's request for payment for excess engineering services performed during phase 2 and 3 to improve the plans and accommodate changes which ultimately resulted in project cost savings. Mr. Sasser noted that most of this engineering work was done before he was hired by the City but the amount requested is a fair amount for the services provided. Discussion continued on the process of approving engineering fees.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate $106,621.36 out of the Capital Reserve Fund. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Public Works Administrative Assistant–Pay Adjustment: Grade 13 Step 1 to Grade 13 Step 5

Mayor Haygood discussed the transition of the Solid Waste Coordinator position combining with the Public Works Administrative Assistant and Mr. Sasser's request for this new position to receive a four step increase for taking on the additional duties. Mayor Haygood noted that ultimately there is a personnel savings in combining the two positions. Ms. Kichler stated that an appropriation was not required since there were monies available in the budget.

MOTION BY Mr. Scott to recommend to Council to authorize the Mayor to allow a four step increase (Grade 13 Step 1 to Grade 13 Step 5) for the Public Works Administrative Assistant position. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

B. Gator Boardwalk Initial clean (Cattails-$2,500)

Mrs. Campbell discussed the need to remove cattails at Gator Boardwalk. Mrs. Campbell noted this was discussed at a previous Building and Property Meeting and she was asked to bring cost information back for review. Discussion continued on the environmental benefit to clean this area and safety concerns with this process. Mayor Haygood recommended that Council consider the one-time clean up option. Discussion continued on the routine maintenance that City personnel provide and that the park was dedicated approximately two years ago so cleanup could be addressed again in a couple years.

MOTION BY Mr. Coleman to recommend to Council to authorize the Mayor to enter into an agreement for an initial one-time clean up fee of $2,500 for Gator Boardwalk. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

C. GIS Analyst: Job Reclassification ***(Ordinance 2018-23 - 2nd Read)***

Mr. Troy Strunk discussed that the current Planner/GIS employee has took another position. Mr. Strunk noted that he had meet with Mrs. Adrienne Jones, Community Development Director, Mayor Haygood and Vickie Hinman, Human Resource Director to evaluate the City's needs for this position. Mr. Strunk noted he had discussed this position's duties and City needs with the previous employee as well to get his input. Mr. Strunk noted the research results from talking with the previous employee who held this position and other municipalities reflected the need to create a position requiring more GIS skills with some an experience level. Mayor Haygood noted that in talking with the previous employee he found out he was spending 90-98% of his time on GIS duties. Mayor Haygood said if this position is approved to be reclassed it will assist with projects form several departments: Community Development, Public Works, Environmental Programs .. etc., and special projects like the census. Mayor Haygood stated that the request to reclassify this position form a Planner/GIS to a GIS Analyst was presented as a first read Ordinance at the Special called Council Meeting on June 11, 2018. Mrs. Henson stated that the Ordinance is on the Council agenda for tonight's meeting as a second read.

D. Discuss moving forward with Musco Lighting Lease (DSC) through the NJPA/Sourcewell Contract and bringing additional Lease cost information for review (Motion)

Ms. Kichler stated that the City bid out the Daphne Sports Complex project but the lights were not a part of that bid since they could be purchased at a lower cost through a NJPA contract. Mrs. Henson stated that NJPA which is changing its name to Sourcewell is a State of Alabama approved cooperative agency the City can utilize for purchases in lieu of bidding. Ms. Kichler stated the purchase cost for the lights is $1,623,000. Mr. Sasser noted that cost was for all ten fields. Ms. Kichler reviewed four lease purchase options that are available with the following estimated interest due for each option: Option #1 interest - $ 132,279, Option #2 interest - $200,991, Option #3 interest - $307,935 based on borrowing the full amount. Ms. Kichler did not recommend Option #4 for 10 years. Ms. Kichler noted there is also a maintenance agreement for consideration. Mr. Sasser said he would get additional information on the maintenance option/coverage. Mayor Haygood stated these are LED lights so they should be low maintenance and further discussed the project recommending paying ½ down and selecting the lease option #2 or #3 for the balance. Ms. Kichler discussed reducing the payment by paying payments in advance instead of arrears. Mayor Haygood stated he did not think we were ready to make the lease purchase decision but thought it would be a good idea to narrow down the options. Mayor Haygood discussed that research has shown that MUSCO has a good product and provides good service. Mrs. Henson stated that the standard Resolution that is required by the leasing company is included in the packet and will need to be adopted if a lease purchase is chosen.

MOTION BY Mr. Scott to authorizing the Mayor to move forward with the researching the purchase of MUSCO lighting for the Daphne Sports Park with the City paying ½ down and obtain leasing options for the balance of the cost over a five year lease term and to bring that information back to Council to adopt the terms through the lease Resolution. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

XI. OLD BUSINESS

A. Corte Road Phase I Update

Mayor Haygood stated that Mr. Andy Bobe, Dewberry Engineering was at the meeting and could provide an update for the Corte Road project. Mayor stated that the engineers estimate is significantly higher than the internal initial estimate presented a year ago before the project was prepared for bid. Mayor Haygood stated that the initial ROW acquisition estimate was approximately $150,000 but is now estimated to cost $400,000 and construction cost was initially estimated at $400,000 is now estimated at $1.2 million. Mayor Haygood noted that a component of the $1.2 million is supposed to be provided by the County for the project and that will be included in future discussions. Mayor said we are at a crossroad with a lot of moving parts.

Mr. Bobe reviewed his estimated cost for each phase and stated he estimates that the Corte Road project will cost an additional $900,000 than anticipated. Mr. Bobe noted there had been some changes made in the project to reduce the cost including changes in shoulder work and other earth work. Mr. Bobe discussed the project noting the County's participation will reduce the project cost for the City. Mr. Sasser noted that Phase I part of the project would cover the area from County Road 13 to Highway 181 and that Phase II would cover from Highway 181 going east. Mr. Sasser noted some of the increase is for additional cost for ROW acquisitions and that construction cost has increased significantly. Ms. Kichler noted that after the bill was received from the County for this project that depleted all that was previously appropriated and that all of the required appropriation for construction would be out of pocket cost for the City.

Mayor Haygood stated that Blackstone Lake had agreed to assist with the road section that connects the subdivision to County Road 13. Mr. Crain Rogers, D. R. Horton (developer) speaking on behalf of the new Blackstone Lake development (subdivision) stated they would stand behind their original agreed contribution for the project and discussed the need for a paved entrance for the subdivision. Discussion continued on connecting County Road 13 to Highway 181. Mayor Haygood also discussed that ALDOT has already had to adjust their plans with the widening of Highway 181 project so he did not see any assistance coming from ALDOT for the Austin Road area. Mayor noted that the County's participation would bring a savings in cost for the City but the project was still significantly over budget. Discussion continued on the project, ALDOT's Highway 181 plans, and the Austin Road phase of the project.

B. IDB Loan for DISC project - Update

Mr. Rudicell asked for an update on a possible grant award. Mayor Haygood noted that there was not currently a grant award. Mr. Steve Carey, IDB discussed that IDB had submitted an application for the grant award of $1.5 million.

Mayor stated original funding was estimated to be $1.65 million and discussed a grant application made by the IDB. Mayor Haygood discussed the grant requirements, disaster declaration, and Daphne's eligibility based upon the area being affected by Hurricane Nate. Mayor Haygood stated we still need further resilience for our economy and discussed construction cost increases resulting from Hurricane Irma and Harvey. Mayor Haygood stated that they do not have any indication of the timeline for the grant award but need to be able to move ahead with the original loan provided by the City.

Mr. Rudicell asked how much would the IDB need of the $1.2 million the City loaned IDB and is there a payback mechanism to pay the monies back early if these grant monies are awarded. Mr. Carey stated that if the grant monies are awarded then everyone will sit down to discuss the payback. Mr. Carey stated that ultimately IDB would like to use monies they have generated on their own since they want to be good stewards of the City's money.

XII. ADJOURN The meeting adjourned at 6:28 p.m.

Dane Haygood
Mayor

Daphne
ALABAMA

Jeremy Sasser, PE
Public Works Director

Memorandum

To: Dane Haygood, Mayor

Cc: Vicki Hinman, HR Director

From: Jeremy Sasser, PE; Public Works Director

Date: May 17, 2018

Re: Public Works Administrative Assistant

As you are aware Public Works has been going through several changes over the last few months due to several factors one of which is the creation of The Facilities Department. As part of this change the position of Administrative Assistant to the PW Director previously held by Michele Hanson has been moved to the Facilities Department. To help facilitate this move Natalie Fonseca took on the duties Administrative Assistant to the Public Works Director in addition to her role as the Solid Waste Coordinator. She has been performing these combined duties since the first of March with great enthusiasm and has shown the ability to handle the increased workload.

I have spoken to Vicki in HR about being able to obtain an increase in salary to go along with the additional duties Natalie has taken on. It appears that the only way to accomplish this is to approach the council and ask for the authorization to raise her pay. Currently Natalie is a Grade 13 step 1 ($15.38/hr), I would like to ask council for an adjustment to Grade 13 Step 5 ($17.02/hr). I feel that this increase in salary is commensurate with the additional duties that Natalie has taken on. I would ask that I be able to present this to the council at the May Finance Committee meeting for consideration.

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

Environmental Native Nursery

20358 Boggy Lane, Seminole Al 36574
251-222-1030

To: City of Daphne

Re: Gator Board Walk Initial Clean up and Annual Maintenance

Initial (One- time fee) Park Maintenance **$2500.00**

Items to be maintained:

1. Removal of invasive species and weeds from the park (from southern property line to Daphne Utility drive entrance) including step pools. Establish a balance of plants in the step pools to maintain the function and appearance of the step pools. Removal of all debris.
2. Minor trimming of trees
3. Install pine straw in the beds (pine straw will be provided by City)
4. Pick up trash from park
5. Sweep or blow debris from parking lot
6. Remove dead plants. If needed, provide quote and installation to replace plants

Annual Maintenance **12 Month Contract $10,000.00 or**
6 Month Contract $ 6,000.00

Monthly Items to be maintained:

1. Removal of invasive species and weeds from the park (from southern property line to Daphne Utility drive entrance) including step pools. Establish a balance of plants in the step pools to maintain the function and appearance of the step pools. Removal of all debris.
2. Apply weed environmentally safe pre-emergent for weed control
3. Minor trimming of trees
4. Install pine straw in the beds (pine straw will be provided by City)
5. Pick up trash from park
6. Sweep or blow debris from parking lot
7. Remove dead plants. If needed, provide quote and installation to replace plants

Daphne History Museum
Meeting Minutes

May 14, 2018

I. **Call to order**

Ken Balme called to order the regular meeting, followed by reciting the Pledge of Allegiance.

II. **Attendees:** Ken Balme, Rachel Burt, Mickey Boykin, Lucy Cunningham, Helen Baroco, Lee Swetman, Pete Brantley, Jeanne Nelson, Emily Hammond, Candice Bishop, Ty Sturtevant, Faye Craig, Councilman Pat Rudicell

III. **Approval of minutes from last meeting:** April 9, 2018

IV. **Treasures Report:** Period 3/31/18-4/31/18 Opening balance $8363.48 Deposits: $91.80 (1 brick, w/extra for postage, item sales & donations) , Check $2593.49 to Pinehill Bricks- $5 to John Shaw for his book sell. Ending balance $5,856.79 Petty Cash $18.45 **Brick sale report:** bricks purchased 120=$4200 Total costs: engraved bricks, paver blanks, fountain, benches & misc costs =$4191.37 'Profit' $8.63

V. **Volunteer Assignments/Schedules**- Good this month

VI. **Committee Reports**

a) ***Exhibits/Events***: See Bricks
b) ***Publicity/Social Media**:* No Reports
c) ***Cemetery:*** No reports.
d) ***Fund Raising & Volunteer Recruitment:***
e) ***Special Tours* :** Lucy reported on 3rd grade classes visits very successful. Apx. 150 children total
f) ***Archives, Curation:*** No reports

VII. **Unfinished/Ongoing business**

a) ***Brick Sales****:* Engraved bricks are installed. Rachel will find out actual costs of future bricks for additional purchases.

b) ***Brick Dedication:*** We had discussed having an open house/dedication on June 10 2-4. Ken had an example flyer. If we wait much longer, it'd be too hot. We'd send postcards to those who bought a brick. Rachel will design those. In a previous meeting, Stephanie volunteered to chair the project. She was not in attendance. We'll verify with her & form a planning committee. Emily suggested asking Malcolm Zellner to say a prayer. His father was a pastor at the church. Invite for the mayor to speak. We should invite past mayors & current council members. We'll ask to borrow a tent from the City.

c) ***Impact 100:*** Due 6/05/18 Quotes to include painting inside/out with basic repairs & UV window shades.

d) ***Cemetery Fencing:*** AHC Grant $5000. This will go towards the iron fence the City budgeted for the cemetery.

VIII. New Business & Announcements

- Ty asked about flags for the cemetery for upcoming Flag Day. Lee puts out flags, Ty will start helping.

- Discussion of something to have as a give-a-way promotional item. Or even a souvenir item to purchase. Hats or clothing are expensive and would have to carry a large inventory. Magnets could be an item to be explored. Bookmarks could be a reasonable free item. Pat suggested speaking with Kara (City Marketing Coordinator) if we want to explore this, she may have some ideas or suggestions.

- Tourism Visit: Ken hosted a group organized by the Chamber learning about local tourism.

- Part-time employee: In progress. There is another City committee work session tonight that the subject should be on the agenda again. Pat Rudicell has helped walk this through to process. The idea seems to be supported by everyone; there is the problem of determining the best way to implement it.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday June 11, 2018 @ 10AM!

CITY OF DAPHNE, ALABAMA
INDUSTRIAL DEVELOPMENT BOARD
SPECIAL CALLED MEETING
MINUTES
MAY 8, 2018
11:30 A.M.

1. CALL TO ORDER/ROLL CALL

There being a quorum present the Chairman called the meeting to order at 11:35 a.m.

MEMBERS PRESENT: *Doug Bailey; Denis Kearney; Scott Koser; Michael Pierce; Don Ruble; and Steve Carey, Chairman

Members absent: Dan Romanchuck

Also present: Brandy Volovecky, Recording Secretary; Councilman Joe Davis; Andy Bobe, Dewberry Preble-Rish; Cara Stallman; and *Councilman Pat Rudicell

2. NEW BUSINESS

Steve Carey, Chairman, welcomed Michael Pierce, appointed at the April 16, 2018 City Council Meeting. The board members all introduced themselves.

**Councilman Pat Rudicell arrived at 11:52 a.m.*

The schedule over the next 30 or 40 days is critical. The next IDB Meeting is scheduled for May 22, 2018. He hopes the Council will have a Resolution on the agenda for the May 21, 2018 City Council Meeting which will allow the IDB to officially vote to award the bid at its meeting on May 22, 2018. The plan is to award the bid on May 25, 2018 ahead of the May 27, 2018 deadline. The City Council may hold a special called meeting if necessary. He advised all members to keep their schedules flexible during this time.

Andy Bobe said AT&T has come back to him with a much lower price. As the IDB moves forward with construction, it will have to get a geotechnical engineer on board. This is not in the contract with Dewberry Preble-Rish. He reached out to GeoCon and they are interested. With the reduction in cost from AT&T, the impact on project cost is covered.

MOTION by Doug Bailey for the IDB to move forward with hiring GeoCon. Seconded by Don Ruble.

MOTION CARRIED UNANIMOUSLY

Mr. Bobe said he has gotten the revised traffic study back. He will reach out to the Alabama Department of Transportation (ALDOT) to see if it will be necessary to submit a new permit application for the turnout and signals. The submittal will be made tomorrow for the full turnout package. ALDOT typically requires the bond to come from the owner. In Mr. Bobe's experience, the owner provides the power of attorney to the contractor and the contractor will then get the performance bond. Discussion was held regarding how this would affect the IDB's timeline.

MOTION by Doug Bailey for the IDB to grant power of attorney to SJ&L, Inc. for the purpose of getting a performance bond. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

**Doug Bailey left meeting at 12:23 p.m.*

Mr. Bobe said they have the Belforest project portion ready to bid out.

Mr. Carey went over the pro-formas and the discussion from last night's Council meeting.

3. ADJOURN

MOTION BY Don Ruble to adjourn. Seconded by Denis Kearney.
MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 12:49 p.m.

The next meeting will be May 22, 2018.

Submitted by:	Certification of Presiding Officer:
______________________________	____________________________
Brandy Volovecky, Secretary	Steve Carey, Chairman

CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
MINUTES
MAY 22, 2018
5:30 P.M.

MEMBERS PRESENT: Steve Carey, Chairman; Don Ruble

Members absent: Scott Koser, Doug Bailey, Denis Kearney, Michael Pierce and Dan Romanchuk

Also present: Andy Bobe, Dewberry Preble-Rish; Cara Stallman, Grant Management, LLC; and Brandy Volovecky, Recording Secretary

NO QUORUM.

CALL TO ORDER/ROLL CALL

Steve Carey, Chairman, called the meeting to order at 5:33 p.m.

DISCUSSION

Informal discussion took place regarding the status of the Daphne Innovation and Science Complex (DISC) project. Andy Bobe and Cara Stallman gave an overview of the timeline and upcoming steps for this project. Also discussed were a possible groundbreaking ceremony and the utilization of social media to engage the public.

ADJOURN

The meeting adjourned at 6:14 p.m. The next Industrial Development Board meeting is June 19, 2018.

Submitted by: Certification of Presiding Officer:

____________________________ ____________________________
Brandy Volovecky, Secretary Steve Carey, Chairman

Accepted by:

Chairman, Daphne Utilities

DAPHNE UTILITIES

WATER • NATURAL GAS • SEWER

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ◈ May 30, 2018 ◈ 5:00 p.m.

I. Call to Order

The regular May 2018 Board meeting for the Utilities Board of the City of Daphne was held on May 30, 2018 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

Members Present:

Randy Fry, Chairman
Billy Mayhand, Vice Chairman
Selena Vaughn, Secretary/Treasurer
Mayor Dane Haygood, Board Member – arrived at 5:05pm
Robin LeJeune, Board Member

Members Absent:

Others Present:

Tony Hoffman – Board Attorney
Danny Lyndall – General Manager
Bobby Purvis – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Samantha Coppels – Communications Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Miller – Volkert & Associates
Joe Asarisi – Asarisi & Associates

Others Absent:

Jerry Speegle – Board Attorney
Ray Moore – HMR

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Meeting Minutes March 28, 2018

MOTION by Billy Mayhand to accept the submitted March 28, 2018, Daphne Utility Board meeting minutes; Seconded by Selena Vaughn.

AYE: *Fry, Mayhand, Vaughn, LeJeune* NAY: ABSENT: *Haygood* ABSTAIN: **MOTION CARRIED**

B. Utilities Board Meeting Minutes April 25, 2018

MOTION by Robin LeJeune to approve the submitted April 25, 2018, regular Daphne Utility Board meeting minutes; Seconded by Billy Mayhand.

AYE: *Mayhand, Vaughn, LeJeune* NAY: ABSENT: *Haygood* ABSTAIN: *Fry* **MOTION CARRIED**

V. OLD BUSINESS –

A. Spanish Fort Storm Water Repairs –

Danny Lyndall introduced Melinda Immel from Volkert and Daphne Utilities' Waste Water Manager, Goeff Wilkins, to give an update to the board on this situation.

Mayor Haygood arrived at 5:05 pm.

Mr. Goeff Wilkins explained to the Board that after examining the site, a plan was developed to install a lift station in order to vacate the existing gravity line. He indicated that, working with Volkert's Melinda Immel, they discussed this plan with the property owner and are meeting with the property owners to obtain an easement. Mrs. Immel supported Mr. Wilkins description of the project and explained that a contractor would be used for a portion of the site work and Daphne Utilities would complete the work. She noted that the project will take place on an existing easement but that the property owner will be advised of the work taking place.

Mr. Lyndall reaffirmed that this project would ultimately remove our lines out of the drainage area and completely out of danger of the erosion taking place in that area at a lower cost than first anticipated. Ms. Immel further commented that this will be the initial phase, an additional affected line will be evaluated. Mr. Lyndall addressed concerns from Mayor Haygood regarding documentation of the areas that could possibly be threatened by erosion due to Spanish Fort's inattentiveness. Mayor Haygood recommended documenting the status of our lines in those areas affected by erosion for future reference.

Mr. Tony Hoffman recommended to the Board to address Items B. and C. after Executive Session.

B. Approve Revised Settlement Agreement with the City of Fairhope on Joint Natural Gas Lines (Board Action: MOTION)

C. Approve Revised Settlement Agreement with Employee (Board Action: MOTION)

VI. NEW BUSINESS –

A. Bid Tabulation for: Renovation Pump Station #12 (Cameron Court); Contract #16096

GM Danny Lyndall explained that there were three project bids, two of which fell under the GM's purchasing authority and were listed to keep the Board informed. He stated that the third project is a higher bid amount. He then introduced Mr. Joe Asarisi to give details on the projects.

B. Bid Tabulation for: Re-bid Renovation Pump Station #17 (Delchamps); Contract #16096

Mr. Asarisi noted that since the bids for Pump Station #17 were higher than expected, the scope of the work to be performed was revised. He indicated that the project was re-advertised for bids with the low bidder as Hughes Plumbing & Utility Contractors, Inc. in the amount of $54,400.00.

Mr. Asarisi reviewed the Pump Station #12 project and noted the low bidder as Hughes Plumbing & Utility Contractors, Inc. in the amount of $95,200.00.

C. Bid Tabulation and Recommendation of Award for: Renovation Pump Station #22 (Old YMCA); Contract # AL16096 (Board Action: MOTION)

Mr. Asarisi detailed this project, gave his recommendation and answered questions from Board.

(The Chairman noted that although it was not necessary for Board action on Items A. and B. since the projects award amounts were within the General Manager's purchasing authority, the Motion and Second that were presented would proceed.)

MOTION by Mayor Dane Haygood to award Pump Station #12 - Cameron Court Renovation project, Contract #AL16096 to Hughes Plumbing & Utility Contractors, Inc. in the amount of $95,200.00; Seconded by Robin LeJeune.

AYE: *Fry, Haygood, LeJeune, Mayhand, Vaughn* NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

MOTION by Robin LeJeune to award Pump Station #17 – Delchamps Re-bid Renovation Pump Station project, Contract #AL16096 to Hughes Plumbing & Utility Contractors, Inc. in the amount of $54,400.00; Seconded by Selena Vaughn.

AYE: *Fry, Haygood, LeJeune, Mayhand, Vaughn* NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

MOTION by Selena Vaughn to award Renovation Pump Station #22 (Old YMCA); Contract # AL16096 to Ballcon, Inc. in the amount of $302,520.00; Seconded by Mayor Dane Haygood.

AYE: *Fry, Haygood, LeJeune, Mayhand, Vaughn* NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

VII. BOARD ATTORNEY'S REPORT

Mr. Hoffman had nothing to add prior to Executive Session to discuss pending litigation claims.

VIII. FINANCIAL REPORT

Teresa Logiotatos advised the Board that a mid-year financial review packet had been distributed and proceeded to highlight the figures as compared to the budget. She examined various sources of revenue and the expenses and answered questions on the mid-year financial review from the Board. She then addressed the monthly financial report and check register.

IX. GENERAL MANAGER'S REPORT

A. GM Report
Danny Lyndall announced that he would be glad to answer questions the Board may have regarding his report and deferred to Bobby Purvis for a short presentation.

B. Operations Report
Bobby Purvis introduced the many new employees with Daphne Utilities:
Geoff Wilkins, Waste Water Facility Manager; Sharon Surra, Water Reclamation Facility Supervisor; Anthony James, Collections Supervisor; Sandra Holland, Lab Supervisor.

Mr. Purvis then recognized Mr. Jimmy Wiggins' dedicated work and contribution to Daphne Utilities' Water Reclamation Facility and presented him with a plaque. Mr. Lyndall also expressed his appreciation and complimented the new employees as well as some of the tenured employees in attendance.

Mayor Haygood expressed kudos to the employees; he also requested a revised implementation of the CIP to review the capital upgrades. Mr. Lyndall acknowledged the request and explained that he wanted to get input from the new employees. Mr. Lyndall addressed Mayor Haygood's inquiry related to the AquaNereda Pilot project.

C. Engineering & Consulting Reports
Melinda Immel with Volkert had nothing further to add to her report.

HMR was unable to attend but messaged that there was nothing further to add to the report.

Joe Asarisi with Asarisi & Associates had nothing further to add to his report.

X. BOARD ACTION –

A. Bid Tabulation and Recommendation of Award for: Renovation Pump Station #22 (Old YMCA); Contract # AL16096 (Board Action: MOTION) – Previously addressed.

XI. PUBLIC PARTICIPATION – the Chairman opened Public Participation at 5:54pm; with no participation the Chairman closed Public Participation at 5:54pm.

XII. BOARD COMMENTS – None
Chairman Fry thanked employees attending, in particular the new employees and welcomed them to the company.

XIII. EXECUTIVE SESSION
Mr. Tony Hoffman announced two matters and made a declaration as a licensed attorney practicing law in Alabama that the Executive Session is warranted because of the legal ramifications and legal opinions related to pending and threated litigation with an estimated time of 30 minutes.

MOTION by Robin LeJeune to convene to Executive Session as certified by attorney Tony Hoffman for approximately 30 minutes; Seconded by Billy Mayhand.
Roll Call to adjourn into Executive Session:

AYE: *Fry, Mayhand, Vaughn, Haygood, LeJeune* NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

The Board adjourned to Executive Session at 5:56pm.

The Vice Chairman reconvened the meeting from Executive Session at 6:38pm.

A. Motion to Approve Revised Settlement Agreement with the City of Fairhope regarding Joint Natural Gas Lines litigation

MOTION by Mayor Haygood to authorize the General Manager to enter into a settlement agreement with the City of Fairhope utilizing a modified net profit at 1.1955% and a payment of $125,000 to the Utility ; Seconded by Selena Vaughn.

AYE: *Fry, Mayhand, Vaughn, Haygood, LeJeune* NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

B. Approve Revised Settlement Agreement with Employee (Board Action: MOTION)

MOTION by Selena Vaught to authorize the settlement revising the agreement to include a mutual release of all parties; Seconded by Billy Mayhand.

Before the vote, Mayor Haygood noted his concern for the Board to receive information in a timely manner. Mr. Hoffman responded to point out that Mr. Lyndall was not involved in any way in distributing the information the Board received earlier in the day and offered his apology.

MOTION by Selena Vaught to authorize the settlement revising the agreement to include a mutual release of all parties; Seconded by Billy Mayhand.

AYE: *Fry, Mayhand, Vaughn, LeJeune* NAY: *Haygood* ABSENT: ABSTAIN: **MOTION CARRIED**

C. Bid Tabulation and Recommendation of Award for: Renovation Pump Station #22 (Old YMCA); Contract # AL16096 (Board Action: MOTION) – Previously addressed.

XIV. ADJOURNMENT

MOTION by Selena Vaughn to adjourn; Seconded by Billy Mayhand.

The meeting adjourned at 6:43pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-24

Ordinance to Re-Zone Property Located
Southeast of Van Avenue and Main Street
The Estate of Victorine Nelson

WHEREAS, The Estate of Victorine Nelson as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-3, High Density Single Family Residential, to be Re-Zoned as B-3, Professional Business District; and

WHEREAS, said real property is Southeast of Van Avenue and Main Street, and more particularly described as follows:

Legal Description for Re-Zone:

68V – VAN AVENUE PARCEL

"PARCEL 1: BEGIN AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, AND RUN THENCE SOUTH ALONG THE SECTION LINE DIVIDING SECTIONS 19 AND 20, FOR A DISTANCE OF 2226.76 FEET; THENCE RUN NORTH 89 DEGREES 21 MINUTES EAST 40 FEET TO THE POINT OF BEGINNING OF THE LOT HEREBY CONVEYED; THENCE CONTINUE NORTH 89 DEGREES 21 MINUTES EAST 99 FEET; THENCE RUN SOUTH 131.51 FEET; THENCE RUN SOUTH 89 DEGREES 21 MINUTES WEST 99 FEET; THENCE RUN NORTH 131.51 FEET TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST BALDWIN COUNTY, ALABAMA, AND RUNNING THENCE SOUTH 33.75 CHAINS TO A POINT; THENCE RUN EAST 139 FEET TO A POINT FOR A PLACE OF BEGINNING: THENCE RUN EAST 120 FEET; THENCE WEST 120 FEET; AND THENCE NORTH 134 FEET TO THE POINT OF BEGINNING. SITUATED IN SECTION 20, T5S, R2E, BALDWIN COUNTY, ALABAMA.

PARCEL 3: BEGIN AT THE NORTHWEST CORNER OF SECTION TWENTY (20), TOWNSHIP FIVE (5) SOUTH, RANGE TWO (2) EAST AND RUN THENCE SOUTH 2361 FEET TO A POINT; THENCE EAST 25 FEET TO A POINT ON THE EAST LINE OF THE STATE HIGHWAY FOR THE POINT OR PLACE OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF THE STATE HIGHWAY 108 FEET TO A POINT; THENCE EAST 230 FEET TO A POINT; THENCE NORTH 108 FEET TO A POINT; THENCE WEST 230 FEET TO THE PLACE OF BEGINNING IN SECTION TWENTY (20), TOWNSHIP FIVE (5) SOUTH, RANGE TWO (2) EAST, CONTAINING ONE HALF ACRE, MORE OR LESS."

(DESCRIPTION COPIED FROM STEWART TITLE GUARANTY COMPANY, TITLE COMMITMENT NO. 300-1710-00455, DATED NOVEMBER 10TH, 2017 AT 08:00 AM).

LANDS SURVEYED BEING COMBINED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCE AT THE NORTHWEST OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00°16'43" WEST, A DISTANCE OF 2226.76 FEET TO A POINT; THENCE RUN NORTH 89°40'15" EAST, A DISTANCE OF 40.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF MAIN STREET AND THE SOUTH RIGHT-OF-WAY OF VAN AVENUE FOR THE POINT OF BEGINNING: CONTINUE THENCE NORTH 89°40'15" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID VAN AVENUE, A DISTANCE OF 219.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) IN AN OLD CHAIN-LINK FENCE; THENCE

RUN SOUTH 00°17'58" WEST, ALONG AND WITH SAID CHAIN-LINK FENCE, A DISTANCE OF 240.63 FEET TO A 1" OPEN END IRON PIPE AT THE END OF SAID CHAIN-LINK FENCE; THENCE RUN SOUTH 89°53'55" WEST, A DISTANCE OF 218.90 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) ON THE EAST RIGHT-OF-WAY OF SAID MAIN STREET; THENCE RUN NORTH 00°16'43" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID MAIN STREET, A DISTANCE OF 239.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.21 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST. (DESCRIPTION COMPOSED FROM FIELD SURVEY).

WHEREAS, at the regular Planning Commission meeting on April 26, 2018, no action was taken due to insufficient quorum of the Planning Commission members; therefore, the proposed zoning amendment moves forward with no recommendation to rezone the subject property; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at City Hall, a public hearing was held before the City Council on June 18, 2018; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for re-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential, to B-3, Professional Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of July, 2018.

Attest:

____
Dane Haygood, Mayor

____
Candace G. Antinarella, City Clerk

CITY OF DAPHNE
ORDINANCE NO. 2018-25

AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE CITY COUNCIL ON JULY 18, 2011

ARTICLE XVII, SECTION 17-4, PROCEDURES FOR SUBDIVISION REVIEW, FINAL PLAT APPLICATION, (b) MAINTENANCE BONDS

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on April 26, 2018 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 18, 2018; and,

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE TO REPEAL ARTICLE XVII, SECTION 17-4, PROCEDURES FOR SUBDIVISION REVIEW, FINAL PLAT APPLICATION, (b) MAINTENANCE BONDS AND REPLACE SAID SECTION AS FOLLOWS:

(b) Maintenance - Bonds:

(1) Street Maintenance Bond. The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the Department of Public Works and the Environmental Programs Manager or Site Containment Officer to ensure that the improvements are in satisfactory condition prior to acceptance.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one year. Upon approval of an extension of the original Street Maintenance Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said extended bond and security thereon.

(2) Sidewalk Installation Bond. If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance to be used by the City of Daphne which shall be valid for a period of two (2) years. The Sidewalk Installation Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the subdivision. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the city shall cause the sidewalk network to be completed using the funds from the bond.

Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation. The sidewalk obligation may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

i. No subdivision or subdivision phase with less than one thousand linear feet of sidewalk shall qualify for an extension.

ii. Any recorded subdivision or subdivision phase with over one thousand linear feet of sidewalk but less than five thousand linear feet of sidewalk may submit a request to the Director of Community Development for a 12-month extension.

iii. Any recorded subdivision or subdivision phase with over five thousand linear feet of sidewalk may submit a request to the Director of Community Development director for a 24-month extension.

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release any Sidewalk Installation Bond obligation or portion thereof.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF July, 2018.

AN ALABAMA MUNICIPAL CORPORATION

Attest: ______________________________

Dane Haygood, Mayor

____

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-26

Appropriation: Daphne Sports Complex Phase 2 & 3: Excess Engineering Fees – Hutchinson Moore & Rauch, LLC.

WHEREAS, Ordinance 2017-77 approved and adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, initial engineering fees were previously appropriated in Ordinance 2017-18 and 2018-19**;** and

WHEREAS, excess engineering services were performed for the Daphne Sports Complex Phase 2 & 3 to improve the plans and accommodate changes; and

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

1) funds in the amount of **$106,622 from the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2018 budget for the additional cost for excess engineering services that were performed for the Daphne Sports Complex Phase 2 & 3 project to improve the plans and accommodate changes for the project; and
2) the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ___ day of July, 2018.

Attest: ______________________________
Dane Haygood, Mayor

____
Candace G. Antinarella, City Clerk