CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
APRIL 4, 2016
6:30 P.M.

1. CALL TO ORDER
2. ROLL CALL

INVOCATION / Pastor Timothy Conaway Restoration Place Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting Minutes / March 21, 2016

PROCLAMATION: April 2016 / Relay for Life Month

INTRODUCTION: New Daphne High School Football Coach - Kenny King / Dr. Meredith Foster, Principal of Daphne High School

PRESENTATION: 2nd Quarter Beautification Award / The Brennity at Daphne / Erin Thompson, Executive Director and Tim Russell Director of Maintenance

PUBLIC HEARING:

Rezoning	Christ the King Catholic Church
Property Located:	Northwest Corner of the Intersection of Main Street and Dryer Avenue
Present Zoning:	R-2, Medium Density Family Residential District
Requested Zoning:	B-1, Local Business District
Recommendation:	Unanimous Favorable

4. REPORTS OF STANDING COMMITTEES:

A. **FINANCE COMMITTEE** – Fry

B. **BUILDINGS & PROPERTY COMMITTEE -** Lake

C. **PUBLIC SAFETY -** Conaway
Review minutes / March 21st

D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE -** Scott
Review minutes / March 21st

E. **PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – LeJeune
Daphne Museum minutes / March 14th

Nomination for Appointment to Environmental Advisory Committee: Bo Tucker, P.E.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. **BOARD OF ZONING ADJUSTMENTS –** Adrienne Jones

B. **DOWNTOWN REDEVELOPMENT AUTHORITY –** Conaway
a.) Reappoint:
Casey Zito / Term: April 5, 2016 – April 5, 2022

Doug Bailey / Term: March 1, 2016 – April 5, 2022

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott
Review minutes / February 25th / Review Staff Report / March 24th

MOTION: To set a Public Hearing date for ***May 2, 2016*** 6:30 p.m. and authorize advertising to consider:

1.) **Annexation:** **CR 64 Right-of Way**
Location: From CR 13 to AL Hwy. 181
Recommendation: Unanimous Favorable

2.) **Rezoning:** **Elizabeth Wright**
Location: Southeast of the intersection of Van Avenue and Main Street—1204 Main Street
Present Zoning: B-3, Professional Business District
Requested Zoning: B-1, Local Business District
Recommendation: Unanimous Unfavorable

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry
Review minutes / February 24th

6. MAYOR'S REPORT

7. CITY ATTORNEY'S REPORT

8. DEPARTMENT HEAD'S REPORT

9. CITY CLERK'S REPORT

a.) ABC License / Mugshots Grill and Bar / 020 – Restaurant Retail Liquor

b.) Authorize the Public Works Director to sign the attached Scopes of Work with:

1.) Volkert, Inc. / Design Phase Project Management - Park Drive Park Improvements, Lott Park Tennis Complex and Trione Park Multiuse Fields Design / Project Management Services – Park Drive Park, Lott Park Tennis Complex & Trione Park Multiuse Fields Hatch Mott McDonald / Engineering & Architectural Design

2. Volkert, Inc. Project Management Services / Park Drive Park, Lott Park Tennis Complex & Trione Park Multiuse Fields

3.) Hatch Mott McDonald / Engineering & Architectural Design – Lott Park Tennis Complex and Trione Park Multiuse Field Design

4.) Hutchinson, Moore and Rauch / Engineering Design – Park Drive Park Improvements Design

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

a) Resolution 2016-22. . . . . . Daphne Park Improvement Funding Process and Authorization for Bank Account Setup

ORDINANCES:

2ND READ

a.) Ordinance 2016-23. . . . . . Appropriation of Funds: Sewer Projects

b.) Ordinance 2016-24. . . . . . Appropriation of Funds: Daphne Park Improvement / Engineering Design Fees

1ST READ

a.) Ordinance 2016-25. . . . . . Rezone: Christ the King / From R-2, Medium Density Family Residential District to B-1, Local Business District

b.) Ordinance 2016-26. . . . . . Policy for Appointment & Reappointment to Committees & Boards

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE
CITY COUNCIL

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	**PRESENT____**	**ABSENT____**
COUNCILMAN LAKE	**PRESENT____**	**ABSENT____**
COUNCILMAN FRY	**PRESENT____**	**ABSENT____**
COUNCILMAN SCOTT	**PRESENT____**	**ABSENT____**
COUNCILMAN LEJEUNE	**PRESENT____**	**ABSENT____**
COUNCILWOMAN PHILLIPS	**PRESENT____**	**ABSENT____**
COUNCIL PRESIDENT RUDICELL	**PRESENT____**	**ABSENT____**

MAYOR:

MAYOR HAYGOOD	**PRESENT____**	**ABSENT____**

CITY CLERK:

REBECCA HAYES	**PRESENT____**	**ABSENT____**

CITY ATTORNEY:

JAY ROSS	**PRESENT____**	**ABSENT____**

MARCH 21, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1. CALL TO ORDER:

There being a quorum present Council President Rudicell called the meeting to order at 6:30 p.m.

2. ROLL CALL

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David Carpenter, Police Chief; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Tonja Young, Library Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Vickie Hinman, HR Director; Ashley Campbell Environmental Programs Manager, Don Ouellette, Environmental Advisory Committee; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee; Bob Segalla, Utility Board; Willie Robison, BZA; Al Guarisco, Village Point Foundation; Ray Moore, HMR; Scott Hutchinson, HMR; Tim Patton, Volkert & Associates.

Absent: Richard Merchant, Building Official.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Jim Gates with City Hope Church gave the invocation.

3. APPROVE MINUTES:

March 7, 2016 Council Meeting Minutes:

The March 7, 2016 council meeting minutes stand approved as written. *(John Lake and Robin LeJeune abstained as they were out of town for the meeting)*

PROCLAMATION: American Red Cross Month / Mr. Mike Brown, Executive Director, South AL Chapter

Mayor Haygood read and presented the proclamation to Mr. Brown and Randy Fry and Jay Ross who are members of the Red Cross Board.

Mr. Brown mentioned the services that the Red Cross provides for communities.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

The minutes for the March 14th meeting are in the packet.

MOTION BY Councilman Fry to reject the bid from W.R. Mitchell Contractor, Inc. that was not delivered to the specified location by the deadline. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to allow Empire Retirement to offer Alabama Deferred Compensation Investment Plans to City employees and Council. ***Seconded by Councilman Lake*.**

MOTION CARRIED UNANIMOUSLY

Treasurers Report / February 2016

- Total Unrestricted Funds - $13,475,525
- Increase from Last Year's Unrestricted Funds - $2,054,980
- Total Restricted Funds - $9,355,419
- Total City Funds - $22,830,944
- # of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 6.1 months compared to the previous year - 5.2 months

Sales & Use Tax Collections / January 2016

$1,089,869.73 was collected for January 2016:

- YTD Variance over Budget - $238,555,84
- Percent change from last year's collections + 6.5%

Lodging Tax Collections / January 2016

Collections for January 2016 were $69,451.25 which is down $2,871.84 from January's 2015's collections of $72,323.09

- YTD Variance over Budget: $14.347.93
- Percentage change from last year's collections: - 4.1 %

B. BUILDINGS & PROPERTY COMMITTEE – Lake

The minutes for the March 7th meeting are in the packet. There is a resolution declaring certain property surplus in the packet.

C. PUBLIC SAFETY COMMITTEE – Conaway

The committee met this afternoon, and the minutes will be in the next packet. The next meeting will be April 18th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met this afternoon, and the minutes will be in the next packet. The next meeting will be April 18th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The minutes for the January 4th meeting are in the packet along with the Beautification minutes for the November 30th and January 6th meetings and the Daphne Museum minutes for the October 12th, November 10th and December 14th meetings.

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

A. Board of Zoning Adjustments – Adrienne Jones

The will not be a meeting in March.

B. Downtown Redevelopment Authority – Conaway

The next meeting has been rescheduled for next Wednesday at 5:30 p.m. at Manci's.

C. Industrial Development Board – Phillips

Reappoint: Doug Bailey and Toni Fassbender.

MOTION BY Councilwoman Phillips to reappoint Doug Bailey / Term December 2015 – December 2021 and Toni Fassbender / Term December 2015 – December 2021. ***Seconded by Councilman LeJeune.***

MOTION CARRIED UNANIMOUSLY

Councilwoman Phillips reported that there is a vacancy on the IDB, and anyone interested should send a resume to the City Clerk. The next meeting will be March 28th at 6:00 p.m.

D. Library Board – Lake

No report.

E. Planning Commission – Scott

The next meeting will be Thursday, March 24th at 5:00 p.m.

***F*. Recreation Board –** LeJeune

No report.

G. Utility Board – *Fry*

The next meeting will be Wednesday, March 30th at 5:00 p.m. Councilman Fry mentioned the current sewer project, and the allocating of extra money for the project. He said that the three percent (3%) PILOT fee is to pay for sewer infrastructure, and that is in the $300,000 range per year. He said that the city needs to look for ways to fund the project that the Utilities already helps the city by taking over the fire hydrant flushing at a cost of $60,000 per year.

6. *<u>MAYOR'S REPORT</u>*

Mayor Haygood reported that the cost for the project has been negotiated down by $125,000, and there is only a $379,000 shortfall to cover the cost. He sent a letter to the Utilities requesting assistance in covering the shortfall. He said that he has had some positive feedback regarding Animal Control staff which by their good work keeps problems off the mayor's desk.

7. *CITY ATTORNEY REPORT:*

Mr. Ross said there are items to discuss in an Executive Session at the end of the meeting regarding the buying and selling of real property.

8. *DEPARTMENT HEAD COMMENTS:*

David McKelroy – Recreation Director – requested that citizens be careful when driving past the parks in the city, because they are busy with lots of kids. He gave the sports schedule, and thanked Debbie White for negotiating with Shirts International to donate shirts for the Easter Egg Hunt.

9. *CITY CLERK'S REPORT:*

a.) Events Permit / the Scott Ward Memorial 5K & Family Fun Run / June 11, 2016 (7th Run for 2016)

Mrs. Hayes pulled the permit from the agenda in order to change the route due to soccer tournaments being played at the Sports Complex.

b.) ABC License / Le Bouchon / 040 – Retail Beer (On or Off Premises) / 060 – Retail Table Wine (On or Off Premises)

MOTION BY Councilman LeJeune to approve the ABC License for Le Bouchon / 040 – Retail Beer (On or Off Premises) / 060 – Retail Table Wine (On or Off Premises). ***Seconded by Councilwoman Phillips.***

MOTION CARRIED UNANIMOUSLY

c.) ABC License / Southern Napa / 140 – Special Events Retail

MOTION BY Councilman Scott to approve the ABC License for Southern Napa / 140 – Special Events Retail. ***Seconded by Councilman LeJeune.***

MOTION CARRIED UNANIMOUSLY

d.) ABC License / Moe's Southwest Grill / 040 – Retail Beer (On or Off Premises)

MOTION BY Councilwoman Conaway to approve the ABC License for Moe's Southwest Grill / 040 – Retail Beer (On or Off Premises). Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

e.) AL League of Municipalities Convention Voting Delegate / May 16, 2016

MOTION BY Councilman Scott to appoint John Lake as the city's voting delegate for the AL League of Municipalities Convention / May 16, 2016, and to appoint Mayor Haygood as the alternate voting delegate. ***Seconded by Councilwoman Conaway*****.**

MOTION CARRIED UNANIMOUSLY

10. *PUBLIC PARTICIPATION*

Mr. Willie Robison – 560 Sturt Street – spoke in favor of Ordinance 2016-18 designating two (2) polling places for the city.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a) Resolution 2016-16. . . . . . Declaring Certain Property Surplus & Authorize Disposition

b.) Resolution 2016-17. . . . . . 2015 Baldwin County Multi-Hazard Mitigation Plan

c.) Resolution 2016-18. . . . . . Donation of Real Property to the City of Daphne By Point Clear Ridge Development

d.) Resolution 2016-19. . . . . . Donation of Real Property to the City of Daphne by Tyler Prescott

e.) Resolution 2016-20. . . . . . Bid Award: Sewer Project: Whispering Pines

f.) Resolution 2016-21. . . . . . Census Block Change Request for Park City Community: Creation and Submission of GIS Files For US Census Boundary Change / Carey Technology, LLC.

Resolution 2016-16. . . . . . Declaring Certain Property Surplus & Authorize Disposition

MOTION BY Councilman Scott to *waive the reading* of Resolution 2016-16. ***Seconded by Councilman Lake.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to *adopt* Resolution 2016-16. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MARCH 21, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

Resolution 2016-17. . . . . .2015 Baldwin County Multi-Hazard Mitigation Plan was pulled from the agenda.

Resolution 2016-18. . . . . . Donation of Real Property to the City of Daphne By Point Clear Ridge Development

MOTION BY Councilman Scott to *waive the reading* of Resolution 2016-18. ***Seconded by Councilwoman Phillips.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to *adopt* Resolution 2016-18. ***Seconded by Councilwoman Phillips.***

MOTION CARRIED UANNIMOUSLY

Resolution 2016-19. . . . . . Donation of Real Property to the City of Daphne by Tyler Prescott

MOTION BY Councilman Scott to *waive the reading* of Resolution 2016-19. ***Seconded by Councilman LeJeune .***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to *adopt* Resolution 2016-19. ***Seconded by Councilwoman Conaway.***

MOTION CARRIED UNANIMOUSLY

Resolution 2016-20. . . . . . Bid Award: Sewer Project: Whispering Pines
Resolution 2016-21. . . . . . Census Block Change Request for Park City Community: Creation and Submission of GIS Files For US Census Boundary Change / Carey Technology, LLC.

MOTION BY Councilman Lake to *waive the reading* of Resolution 2016-20 and 2016-21. ***Seconded by Councilman Fry.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to *adopt* Resolution 2016-20. S*econded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

Resolution 2016-21. . . . . . .Census Block Change Request for Park City Community: Creation and Submission of GIS Files For US Census Boundary Change / Carey Technology, LLC.

MOTION BY Councilman Lake to *adopt* Resolution 2016-21. ***Seconded by Councilman Fry.***

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

a.) Ordinance 2016-16. . . . . . .Establishing District Lines for the City of Daphne, AL

b.) Ordinance 2016-17. . . . . . .Establish Voting Polls for the City of Daphne (1 Polling Place)

c.) Ordinance 2016-18. . . . . . Establish Voting Polls for the City of Daphne (2 Polling Places)

d.) Ordinance 2016-19. . . . . . .Establishing Voting Polls for the City of Daphne (4 Places)

e.) Ordinance 2016-21. . . . . . .Pre-Zone: Property at the Southwest Corner of the Intersection of Champion's Way and AL Hwy 181 / The Bill's No. 2

f.) Ordinance 2016-22. . . . . . .Adjust Speed Limits and to Post Speed Limit Signs

Ordinance 2016-16. . . . . . .Establishing District Lines for the City of Daphne, AL

MOTION BY Councilman Scott to *waive the reading* of Ordinance 2016-16. ***Seconded by Councilman LeJeune.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to *adopt* Ordinance 2016-16. ***Seconded by Councilman LeJeune.***

AYE, Conaway, Fry, Scott, LeJeune, Phillips, Rudicell **NAY Lake**

MOTION CARRIED

Ordinance 2016-18. . . . . . Establish Voting Polls for the City of Daphne (2 Polling Places)

MOTION BY Councilman Scott to *waive the reading* of Ordinance 2016-18. ***Seconded by Councilwoman Phillips.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to *adopt* Ordinance 2016-18. ***Seconded by Councilman LeJeune.***

ROLL CALL VOTE

Conaway	**Nay**	**LeJeune**	**Aye**
Lake	**Nay**	**Phillips**	**Aye**
Fry	**Aye**	**Rudicell**	**Nay**
Scott	**Aye**		

MOTION CARRIED

Ordinance 2016-21. . . . . . .Pre-Zone: Property at the Southwest Corner of the Intersection of Champion's Way and AL Hwy 181 / The Bill's No. 2

MOTION BY Councilman Scott to *waive the reading* of Ordinance 2016-21. ***Seconded by Councilwoman Phillips.***

AYE Conaway, Fry, Scott, LeJeune, Phillips, Rudicell **NAY Lake**

MOTION CARRIED

MOTION BY Councilman Scott to *adopt* Ordinance 2016-21. ***Seconded by Councilwoman Phillips.***

AYE Fry, Scott, LeJeune, Phillips **NAY Conaway, Lake, Rudicell**

MOTION CARRIED

Ordinance 2016-22. . . . . . Adjust Speed Limits and to Post Speed Limit Signs

MOTION BY Councilman Scott to *waive the reading* of Ordinance 2016-22. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to *adopt* Ordinance 2016-22. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

1ST READ

a.) Ordinance 2016-23. . . . . . Appropriation of Funds: Sewer Projects

b.) Ordinance 2016-24. . . . . . Appropriation of Funds: Daphne Park Improvement / Engineering Design Fees

ORDINANCES 2016-23 AND 2016-24 ARE 1ST READ

12. COUNCIL COMMENTS

Mayor Haygood introduced Ms. Jenny White the new Assistant City Clerk. He mentioned that the city sells the surplus items on the internet at govdeals.com. The pre-zone for the Bills No. 2 was approved tonight, and subdivision and annexation will be on the April Planning Commission agenda.

Councilwoman Phillips – welcomed Jenny, and said that she will enjoy working with Mrs. Hayes.

Councilman LeJeune – welcomed Jenny and wished her well. He hopes that the Utilities will be willing to work with the city on the sewering project.

Councilman Scott – mentioned that the sewers were a pet project of Mayor Bailey Yelding, and now Mrs. Conaway has taken over the cause. He said after the Whispering Pines project there will only be a few pockets left to sewer.

Councilman Fry – thanked Mr. Brown for coming out, and he was glad to be a part of the presentation of the proclamation. He mentioned that Mr. Brown brought along a Boy Scout Troop that is working on their Civic badge. He reported that he attended the first concert at Bayfront and enjoyed it very much. He also reported that flowers have been planted in the median where Pollard turns into Park Drive. He appreciates the people working on that project. He welcomed Jenny.

***Councilman Lake* –** gave a history of sewers in Daphne. He said that the Lupus Walk was very nice. He commented that Daphne already has a commercial park where the DISC project could be built. The owner of the park did not get a subsidy from the government to build his park, and now he has to compete with the DISC project for business.

***Councilwoman Conaway* –** welcomed Jenny, and mentioned the support for the Lupus Walk on Saturday.

***Council President Rudicell* –** gave the items for the April Work Session: All things Recreation. He mentioned to council that if they have someone they want to speak to contact Mrs. Hayes.

MOTION BY Councilman Fry to adjourn into Executive Session to discuss the buying and selling of real property. The session will last for 15 minutes. *Seconded by Councilman LeJeune*.

The City Attorney certified that the stated reason is appropriate according to the Open Meetings Act.

ROLL CALL VOTE

Conaway	**Aye**	**LeJeune**	**Aye**
Lake	**Aye**	**Phillips**	**Aye**
Fry	**Aye**	**Rudicell**	**Aye**
Scott	**Aye**		

MOTION CARRIED UNANIMOUSLY

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:30 P.M.

Respectfully submitted by,

_____
Rebecca A. Hayes ,
City Clerk

Certification of Presiding Officer

_____
Pat Rudicell,
Council President

CITY OF
DAPHNE, ALABAMA

PROCLAMATION

APRIL 2016

RELAY FOR LIFE MONTH

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors *(anyone who has ever been diagnosed with cancer)* and caregivers, and remembers those lost to the disease, and empowers individuals and communities to fight back against cancer; and,

WHEREAS, money raised during the American Cancer Society's Relay For Life of the Eastern Shore helps the Society save lives and create more birthdays by helping individuals stay well, get well, find cures and fight back; and,

WHEREAS, Relay For Life of the Eastern Shore helps make possible programs such as free wigs and head wear from the wig bank, rides to and from treatment, Look Good…Feel Better sessions for women undergoing treatment, support networks, and cancer care specialists who are there to answer your questions 24/7 any time or day of the week at 1-800-227-2345 and funds more than $100 million in cancer research each year.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA do hereby proclaim April 2016 as,

"RELAY FOR LIFE MONTH"

in the City of Daphne, and encourage citizens to participate in the Relay For Life of the Eastern Shore event to be held April 29, 2016 at Daphne High School Stadium from 6:00 p.m. until midnight.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PUBLIC HEARING

April 4, 2016

Rezoning	Christ the King Catholic Church
Property Located:	Northwest Corner of the Intersection of Main Street and Dryer Avenue
Present Zoning:	R-2, Medium Density Family Residential District
Requested Zoning:	B-1, Local Business District
Recommendation:	Unanimous Favorable

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Christ the King Catholic Church
Zoning Amendment Recommendation
Date: January 29, 2016

PRESENT ZONING: R-2, Medium Density Family Residential District

PROPOSED PRE-ZONING: B-1, Local Business

LOCATION: Northwest corner of the intersection of Main Street and Dryer Avenue

RECOMMENDATION: At the Thursday, January 28, 2016, regular meeting of the Daphne Planning Commission, seven members were present and the motion to set forth a favorable recommendation was made and carried unanimously.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, February 15, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Application
2. Map of Property
3. Legal Description
4. Adjacent property owners' list
5. Community Development Report

Daphne
The Jubilee City

REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted 12/21/15
Application Number: ZA- 16-01 or PZA-	Planning Commission Public Hearing Date: 1/28/16

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): 713 DRYER AVE. DAPHNE, AL 36526	PPIN#(s): 031649
Gross Site Area (acreage): .5181 ACRES	Requested Zoning or Pre-Zoning: B-1
Current Zoning Designation(s): R-2	Amended Request: Initials: Date:
Current Land Use: PARKING LOT	Anticipated Land Use: PARKING LOT

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": ATTACHED

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).
Annexation **Subdivision** **Site Plan** **Special Exception** **Variance** **Specify Other**

APPLICANT & AGENT INFORMATION

If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent* **and *provide a copy of Articles of Incorporation.*	
Name of Current Owner: CHRIST THE KING Catholic Church **Mailing Address:** 711 COLLEGE AVE. DAPHNE, AL 36526	251-626-2343 251-621-1640 **Phone/Fax:** **E-mail:**
Name of Authorized Agent: GARY D.E. COWLES **Mailing Address:** 457 ST. MICHAEL STREET MOBILE, AL 36602	251-433-1611 **Phone/Fax:** 251-433-1411 **E-mail:** gcowles@cmg-a.com
Name of Developer*: SAME AS AGENT	**Phone/Fax:** **E-mail:**
Other: N/A	**Phone/Fax:** **E-mail:**

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:	Date
Agent's Signature:	Date 12/21/15

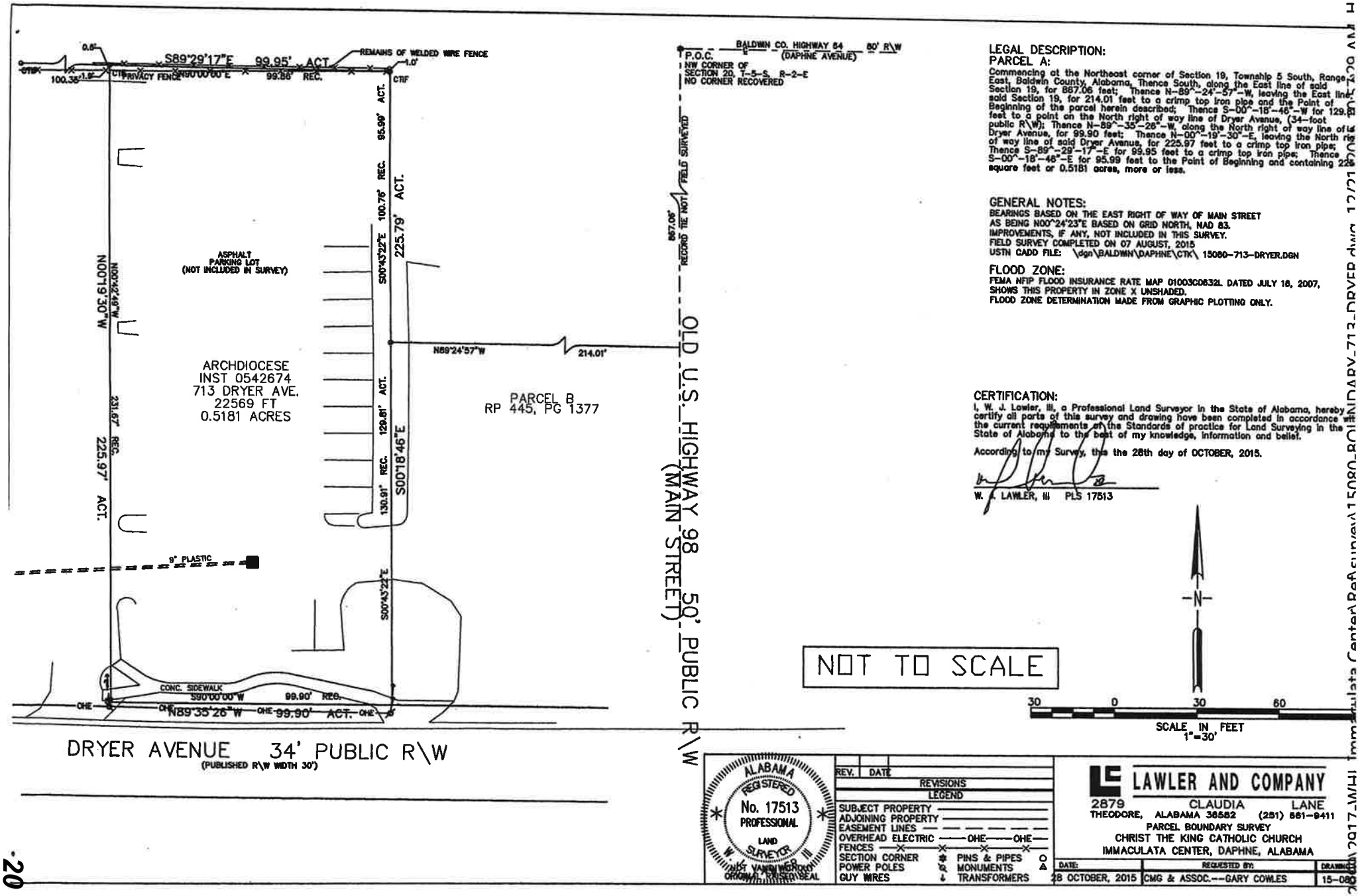
07/01/14

EXHIBIT "A"

LEGAL DESCRIPTION FOR

CHRIST THE KING CATHOLIC CHURCH

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89^0-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00^0-18'-46"-W for 129.81 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89^0-35'-26"-W, along the North right of way line of said Dryer Avenue, for 99.90 feet; Thence N-00^0-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89^0-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00^0-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22569 square feet or 0.5181 acres, more or less



LEGAL DESCRIPTION:

PARCEL A:

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89°-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00°-18'-46"-W for 129.81 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89°-35'-26"-W, along the North right of way line of said Dryer Avenue, for 99.90 feet; Thence N-00°-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89°-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00°-18'-46"-E for 95.99 feet to the Point of Beginning and containing 225 square feet or 0.5181 acres, more or less.

GENERAL NOTES:

BEARINGS BASED ON THE EAST RIGHT OF WAY OF MAIN STREET AS BEING N00°24'23"E BASED ON GRID NORTH, NAD 83.
IMPROVEMENTS, IF ANY, NOT INCLUDED IN THIS SURVEY.
FIELD SURVEY COMPLETED ON 07 AUGUST, 2015
USTN CADD FILE: \dgn\BALDWIN\DAPHNE\CTK\ 15080-713-DRYER.DGN

FLOOD ZONE:

FEMA NFIP FLOOD INSURANCE RATE MAP 01003C0632L DATED JULY 16, 2007, SHOWS THIS PROPERTY IN ZONE X UNSHADED.
FLOOD ZONE DETERMINATION MADE FROM GRAPHIC PLOTTING ONLY.

CERTIFICATION:

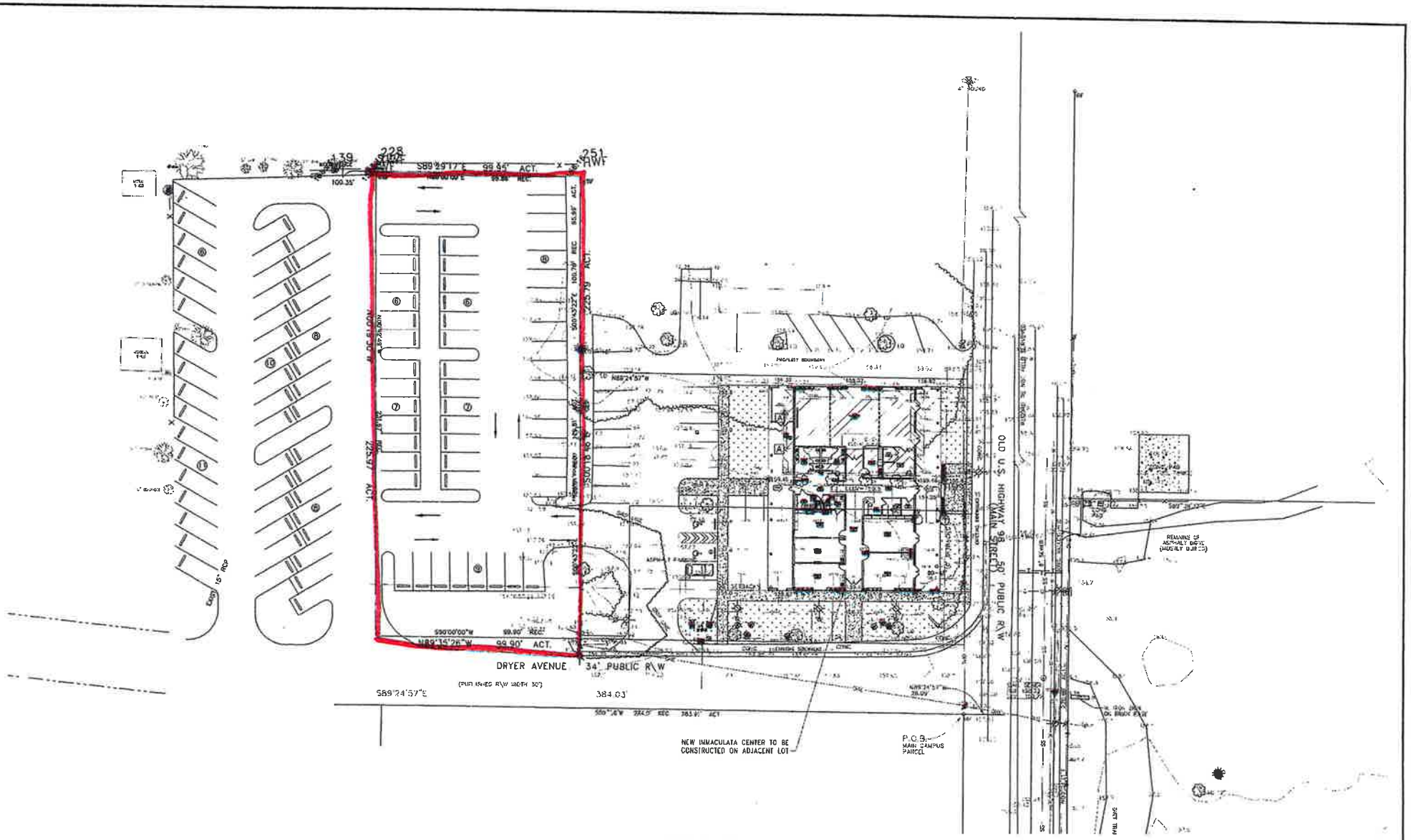
I, W. J. Lawler, III, a Professional Land Surveyor in the State of Alabama, hereby certify all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

According to my Survey, this the 28th day of OCTOBER, 2015.

W. J. LAWLER, III PLS 17513

CHRIST THE KING CATHOLIC CHURCH

EXHIBIT "B"



MASTER PLAN
SCALE: 1"=20'-0"

REV.	DESCRIPTION	DATE	BY	CHK'D
*	ISSUED FOR PERMIT	12/21/15	TAS	GDEC

457 St. Michael St.
Mobile, AL 36602
Phone (251) 433-1611
Fax (251) 433-1411

Cowles, Murphy, Glover & Associates
PERFORMANCE · RELIABILITY · EXPERIENCE

13 Tbrash Rd.
LaGrange, GA 30241
Phone (706) 302-2831
Fax (251) 433-1411

PROJECT
IMMACULATA CENTER AT
CHRIST THE KING CATHOLIC CHURCH
WHLC ARCHITECTURE
DAPHNE, ALABAMA

ALABAMA LICENSED 916704 PROFESSIONAL ARCHITECT GARY D. E. COWLES

TITLE
MASTER PLAN

SCALE 1"=20'-0"	DRAWN BY TAS	DATE 12/21/2015	SHEET — of — 24x36
JOB NO. 2917	CHECKED BY GDEC	DATE 12/21/2015	DRAWING NUMBER 2917-C5

A

IMMACULATA CENTER

ADJACENT PROPERTY OWNER'S LIST

Cowles Murphy Glover & Assoc.
457 St. Michael St.
Mobile, AL 36602

Christ The King Parish Daphne
711 College Ave.
Daphne, AL 36526

Daphne, City Of
P.O. Box 400
Daphne, Al 36526

J Johnson LLC
9591 St Hwy 104
Fairhope, Al 36532

PLANNING COMMISSION
REZONING PETITION REVIEW

COMMUNITY DEVELOPMENT

Daphne

ALABAMA

The Jubilee City

CHRIST THE KING

Rezoning Request
Christ the King Parish
0.51 acres

Owner: Christ the King Parish Daphne

Existing Conditions: 0.51 acres+/- parking lot

Existing Zoning: R-2 Medium Density Single Family District

Proposed Zoning: B-1, Local Business District

Surrounding Zonings/Uses:

North – Daphne City Hall zoned, B-2, General Business

South – Christ the King Parish and school campus, zoned B-1, Local Business

East – Immaculata Center owned by the parish, zoned B-2, General Business

West – Christ the King parking lot zoned R-2

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

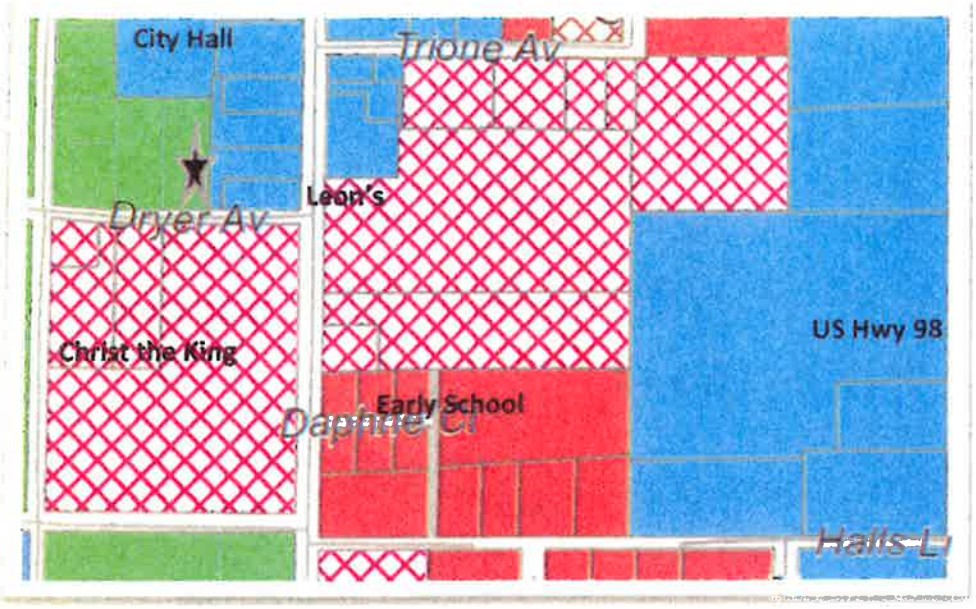
Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

City Service Providers would not be affected by rezoning the subject property.



Comprehensive Plan

The current Comprehensive Plan shows the Immaculata Center as as commercial. Expanding the commercial zoning would be appropriate.

This rezoning was initiated in order to satisfy a condition for the Immaculata Center's demolition and reconstruction. Per the Land Use & Development Ordinance, a landscaped buffer is required where commercial land adjoins residential land. Rezoning this parcel would be consistent with the zoning of the surrounding area and relieve the church of the burden of placing a buffer between two existing parking lots, each of which are owned by Christ the King Parish.

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

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Rezone Property Located at the Northwest Corner of the Intersection of Main Street and Dryer Avenue Christ the King Catholic Church

WHEREAS, Christ the King Catholic Church as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-2, Medium Density Family Residential District to B-1, Local Business District; and,

WHEREAS, said real property is located at the northwest corner of the intersection of Main Street and Dryer Avenue, and more particularly described as follows:

LEGAL DESCRIPTION

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89^0-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00^0-18'-46"-W for 129.81 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89^0-35'-26"-W, along the North right of way line of said Dryer Avenue, for 99.90 feet; Thence N-00^0-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89^0-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00^0-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22569 square feet or 0.5181 acres, more or less.

WHEREAS, at the City of Daphne Planning Commission meeting on January 28, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning 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 April 4, 2016; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning 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.

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-2, Medium Density Family Residential District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: 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 IV: 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 V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2016.

_____
Dane Haygood,
Mayor

ATTEST:

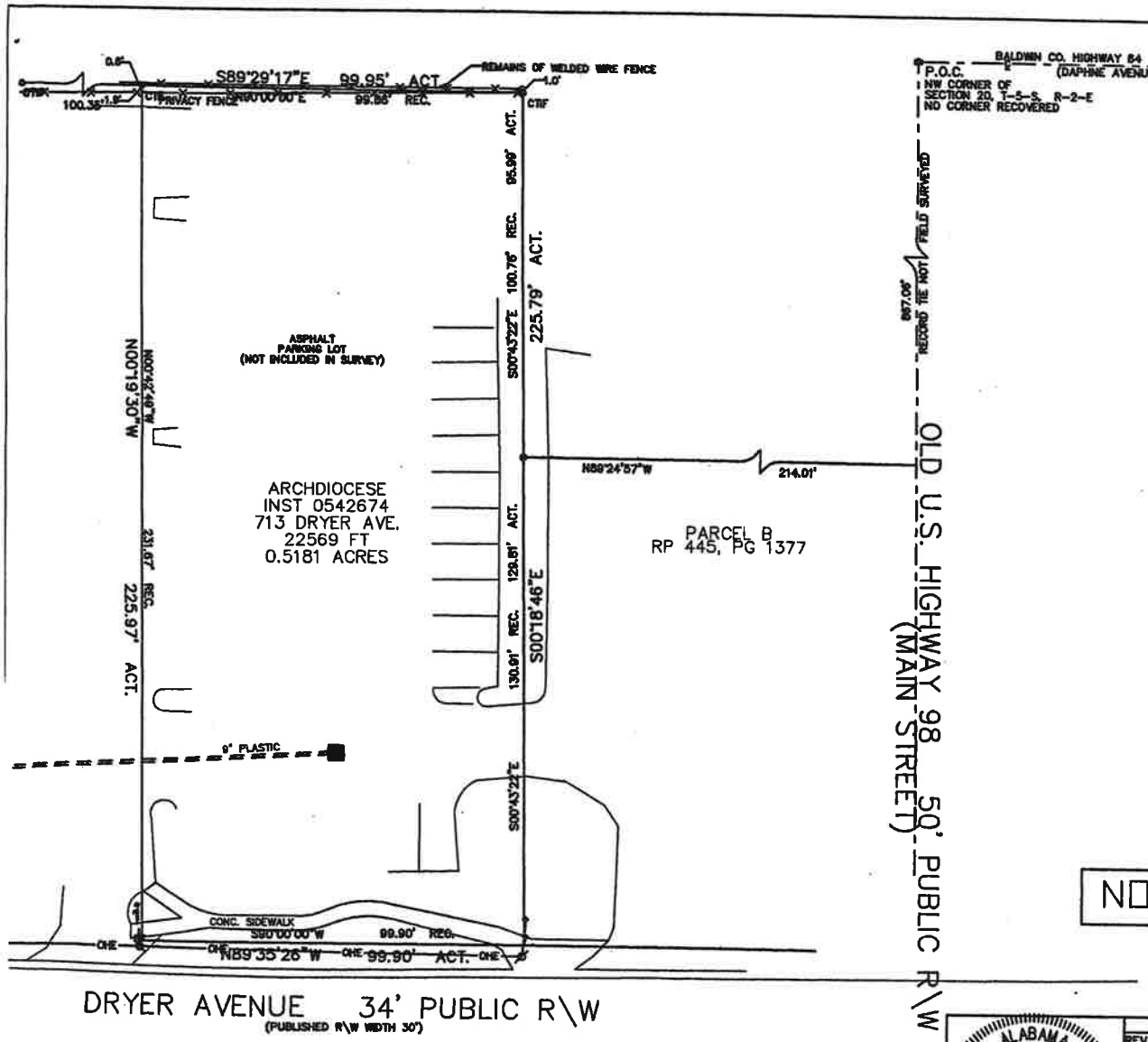
_____
Rebecca A. Hayes, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR

CHRIST THE KING CATHOLIC CHURCH

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89^0-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00^0-18'-46"-W for 129.81 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89^0-35'-26"-W, along the North right of way line of said Dryer Avenue, for 99.90 feet; Thence N-00^0-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89^0-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00^0-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22569 square feet or 0.5181 acres, more or less



LEGAL DESCRIPTION:

PARCEL A:

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89°-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00°-18'-46"-W for 129.8 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89°-35'-26"-W, along the North right of way line of Dryer Avenue, for 99.90 feet; Thence N-00°-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89°-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00°-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22[illegible] square feet or 0.5181 acres, more or less.

GENERAL NOTES:

BEARINGS BASED ON THE EAST RIGHT OF WAY OF MAIN STREET AS BEING N00°24'23"E BASED ON GRID NORTH, NAD 83.
IMPROVEMENTS, IF ANY, NOT INCLUDED IN THIS SURVEY.
FIELD SURVEY COMPLETED ON 07 AUGUST, 2015
USTN CADD FILE: \dgn\BALDWIN\DAPHNE\CTK\ 15080-713-DRYER.DGN

FLOOD ZONE:

FEMA NFIP FLOOD INSURANCE RATE MAP 01003C0632L DATED JULY 16, 2007, SHOWS THIS PROPERTY IN ZONE X UNSHADED.
FLOOD ZONE DETERMINATION MADE FROM GRAPHIC PLOTTING ONLY.

CERTIFICATION:

I, W. J. Lawler, III, a Professional Land Surveyor in the State of Alabama, hereby certify all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

According to my Survey, this the 28th day of OCTOBER, 2015.

W. J. LAWLER, III PLS 17513

NOT TO SCALE

-N-

30 0 30 60
SCALE IN FEET
1"=30'

ALABAMA REGISTERED No. 17513 PROFESSIONAL LAND SURVEYOR W. J. LAWLER III
NOT VALID WITHOUT ORIGINAL RAISED SEAL

REV.	DATE

REVISIONS

LEGEND

SUBJECT PROPERTY
ADJOINING PROPERTY
EASEMENT LINES
OVERHEAD ELECTRIC —OHE—OHE—
FENCES —X—X—X—X—
SECTION CORNER
POWER POLES
GUY WIRES
PINS & PIPES
MONUMENTS
TRANSFORMERS

LAWLER AND COMPANY
2879 CLAUDIA LANE
THEODORE, ALABAMA 36582 (251) 661-9411

PARCEL BOUNDARY SURVEY
CHRIST THE KING CATHOLIC CHURCH
IMMACULATA CENTER, DAPHNE, ALABAMA

DATE:	REQUESTED BY:	DRAWING
28 OCTOBER, 2015	CMG & ASSOC.--GARY COWLES	15-08

CHRIST THE KING CATHOLIC CHURCH

EXHIBIT "B"

Public Safety Committee

Monday, March 21, 2016

Councilman Pat Rudicell	Police Chief David Carpenter
Councilman Randy Fry	Captain Scott Taylor
Councilman Robin LeJeune	Tracy Bishop - Secretary
Councilman Ron Scott	Councilwoman Tommie Conaway
Fire Chief James White	Councilman John Lake
Public Works Director, Richard Johnson	Councilwoman Angela Phillips

Committee Members Attending:
Councilman Pat Rudicell, Councilman Robin LeJeune, Councilwoman Tommie Conaway, Councilman Randy Fry, Councilman John Lake, Councilman Ron Scott, Councilwoman Angela Phillips, Chief David Carpenter, Captain Jud Beedy, Chief James White, Joey Holasz, Code Enforcement Officer Matt Creel, Public Works Director Richard Johnson

CALL TO ORDER

Councilwoman Conaway **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – Victoria Phelps was in attendance representing Lake Forest Property Owners Association. She had two issues and the first was with four wheelers riding on public streets, medians, and watershed project. She asked public safety's aspect concerning four wheelers. Chief responded that they his department would ramp up patrols for them. Also the Lake Forest Stables had a baby goat and bunnies that they were feeding. One morning upon arriving at the stables they found that, what they believe to be pit bulls, had gotten into the stables and mangled the goat and bunnies. She said they called Animal Control and no one came out. Chief said he would definitely look into why no one responded when contacted.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 2016 were adopted. Motion was made and passed.

POLICE DEPARTMENT

A. **New Business** – Captain Beedy went over the stats. He advised that the vehicle for the second Code Enforcement Officer was in and being outfitted. Also Officer Jeff Sulzmann found a replacement drug dog at K-9 Concepts in Louisiana where we've purchased our previous dogs. The dog has the same drive as our previous K-9 but is also comfortable around people so we are moving forward toward the purchase with donated funds. The Tahoes for patrol should be in around the end of April.

   Councilman LeJeune stated he received an email about loud mufflers. Captain Beedy replied that if the ordinance states noise in general that we should be able to ticket. He will follow up on it because we get complaints all over the city. Richard Johnson said if the vehicle has a dilapidated muffler system (in disrepair) they can be ticketed. Councilman Fry looked up the ordinance (2012-35) while in the meeting and stated that they cannot be audible in excess of 50' according to the ordinance.

   Chief announced that Lt. Kenny Hempfleng graduated from the FBINA on Friday and is back at work.

FIRE DEPARTMENT

A: **New Business** – Chief went over his stats. He presented an alternate location for the new fire station on Corte Road. It backs up to Phase 4 of Bellaton and is between Hwy 181 and County Rd 13 and would be ideal if the city goes with the paving of 13. Ron Scott said the long term goal is to punch Johnson Road all the way through to Co Rd 13 which would give great response time. Chief White asked if this was a viable alternative? Councilman Fry believes so. Robin Lejeune is in favor of acquiring the property for a station in the future but not ready to vote right now. Councilwoman Phillips asked Chief White if this is larger than previous property. White replied that it's about an acre and the other location was around ½ acre.

Chief White said the renovation costs for Station 2 will cost $512,000. Instead of putting this money into renovating an old building my suggestion would be to build a station on Park Drive at the entrance of the new recreation complex. He looked into plans including an atrium on one end for a fire museum with old fire trucks that would be hands-on for kids. On the other end would be housing for fire fighters and truck bays. Councilman Rudicell asked if thought has been given to traffic patterns on Park Dr. Chief stated they looked at that and there is no problem on Park Dr. Councilman Scott liked the idea. Councilman Lake asked how many bays were at Station 2 and Chief responded they had 4. Councilman Scott asked him to find out what the property is zoned for where Station 2 is located. Chief White advised that they are looking at getting 30 years out of the new station. Councilwoman Conaway stated that they need figures to build it and to bring that back to the group for review.

Old Business –

OTHER BUSINESS: Deidre from Guido's asked for a pedestrian crossing sign in front of her business for fear someone is going to get hit be a car. Councilman Rudicell stated that this same issue has been hashed out several times before at different locations. Councilman Scott asked Richard Johnson about the solar powered blinking lights that were supposed to go at Alligator Alley. Johnson stated that they have them in hand but were not installed yet. They are very, very effective rapid flashing LED lights. When installed, if effective, there are several other locations we'd like to place them. Scott said he thought it would help in front of Manci's and Johnson said he would look into it.

Councilwoman Conaway received a letter from the Malbis Plantation concerning lowering the speed limit on Hwy 90 and Hwy 181 due to wrecks happening at Hwy 90 and Hwy 181 intersection. It is a jurisdictional issue and Richard Johnson will send this issue to ALDOT. Councilwoman Phillips talked to Ashley Campbell and she contacted ALDOT. They can petition for that change and if the city backs them up it would carry some weight. Councilman Scott asked about the signal at Hwy 90 and Renaissance Blvd being activated and that might have a deterrent to speeding. Councilwoman Phillips asked how they might get the statistics for the location of Hwy 90 and Hwy 181 and how much trouble it would be to have at the next meeting. Chief stated no problem and that we will present at next months meeting. Chief and Public Works opinion is that it is the state's decision on speed reduction.

Councilman Scott asked for a traffic count at Rensissance Blvd and Hwy 90 from Richard Johnson.

Richard Johnson stated he talked to a gentleman who lives at Pine Run and Mistletoe in Timbercreek S/D talking about the two stop signs that we put up a few years ago on Pine Run to deter speeding. He stated that those that live there are so mad because of it that they go even faster and run the sign at Pine Run and Laurel all the time. He told him to come the meeting today and voice his opinion. Chief

Carpenter said that the department has worked traffic in Timbercreek quite a lot but will monitor Pine Run and Laurel.

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:25 p.m. Councilman LeJeune seconded. The next meeting will be Monday, April 18, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Mary Bishop

Daphne Public Safety Committee

Monthly Report
January 2016

Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt.Beedy/Lt.Hempfleng)		(Capt.Beedy/Lt. Gulsby)		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor/ Lt.Yelding)			
						YTD				
# Complaints	1,212	# New Cases Received:	64	Total Arrestees Received & Processed:	173	679			Arson	0
Accidents, Private Property	15	# Previous Unsolved Cases:	112	Arrestees by Agency:			#Complaints	41	Burglary – Commercial	2
Accidents, Roadway	71	# Cases Solved:	29	Daphne PD	117	479	#Follow-ups	25	Burglary – Residence	2
Accidents, Traffic Homicide	1	Resulting in Total Arrests:	4	BCSO	9	35	#Citations	3	Burglary - Vehicle	25
Arrest, Controlled Substance	1	Felonies:	4	Spanish Fort PD	36	126	# Warnings	24	Criminal Mischief	2
Arrest, Drug Paraphernalia	5	Misdemeanors:	0	Silverhill PD	9	35	#Felines Captured	3	Disorderly Conduct	0
Arrest, Felony Marijuana	2	Houses Searched	0	Troopers	2	4	#Canines Captured	10	Domestic Disturbance	5
Arrest, Misdemeanor Marijuana	3			Other Agencies	0	0	#Other Captured	2	False Info to Police	0
Arrest, Alias Warrant	42						#Returned to Owner	2	Felony Assault	1
Arrest, DUI	13	**Warrants:**					#Adopted Out	6	Felony Theft	12
Arrest, Felony	6	Served	34				#Euthanized - Adoptable	0	Harassment	6
Arrest, Misdemeanor	85	Agency Assists	0	Highest	28		#Euthanized - Unadoptable	0	Identity Theft	0
Assists, Motorist / Citizen	180	Recalls (Pd Fines)	19	Lowest	16				Indecent Exposure	0
Citations	343	Total Warrants Served	53						Kidnapping	0
Drug Report	3			Meals Served	1,930	7,831			Menacing	0
Foot Patrols	750	**Sex Offender:**		Medical Cost	$3,120.75	$7,566.77			Misdemeanor Assault	1
Searches, Vehicle	36	New Registration:	0	Worker Inmate Hours	154	666			Misdemeanor Theft	10
Security Checks	1,043	Contact Verification	4						Murder	0
Warnings	31	Total # registered in Daphne	4						Other Death Investigations	0
		DARE:							Public Intoxication	11
		# Hours Report Writing:	4						Public Lewdness	0
		# Students Instructed SRO	40						Receiving Stolen Property	0
Drugs Seized:	4	# Students Instructed DARE	260						Reckless Endangerment	0
Money Seized:	0	# Police Reports by SRO	4						Resisting Arrest	1
Vehicles Seized:	0	# Arrest by SRO	0						Robbery	0
									Sex Crime Investigations	0
		CODE ENFORCEMENT:							Suicide	0
CMV Inspections / CMV OOS	25	Warnings:	3						Suicide, attempted	0
		Citations	10						Theft of Services	0
		Warning Compliance	62						Unauthorized Use of Services	0
		Follow – Up	0						Weapon Offenses	1
		Business License/Enforcement	6						White Collar Crimes	3

Approved By: David B. Carpenter, II
Chief of Police

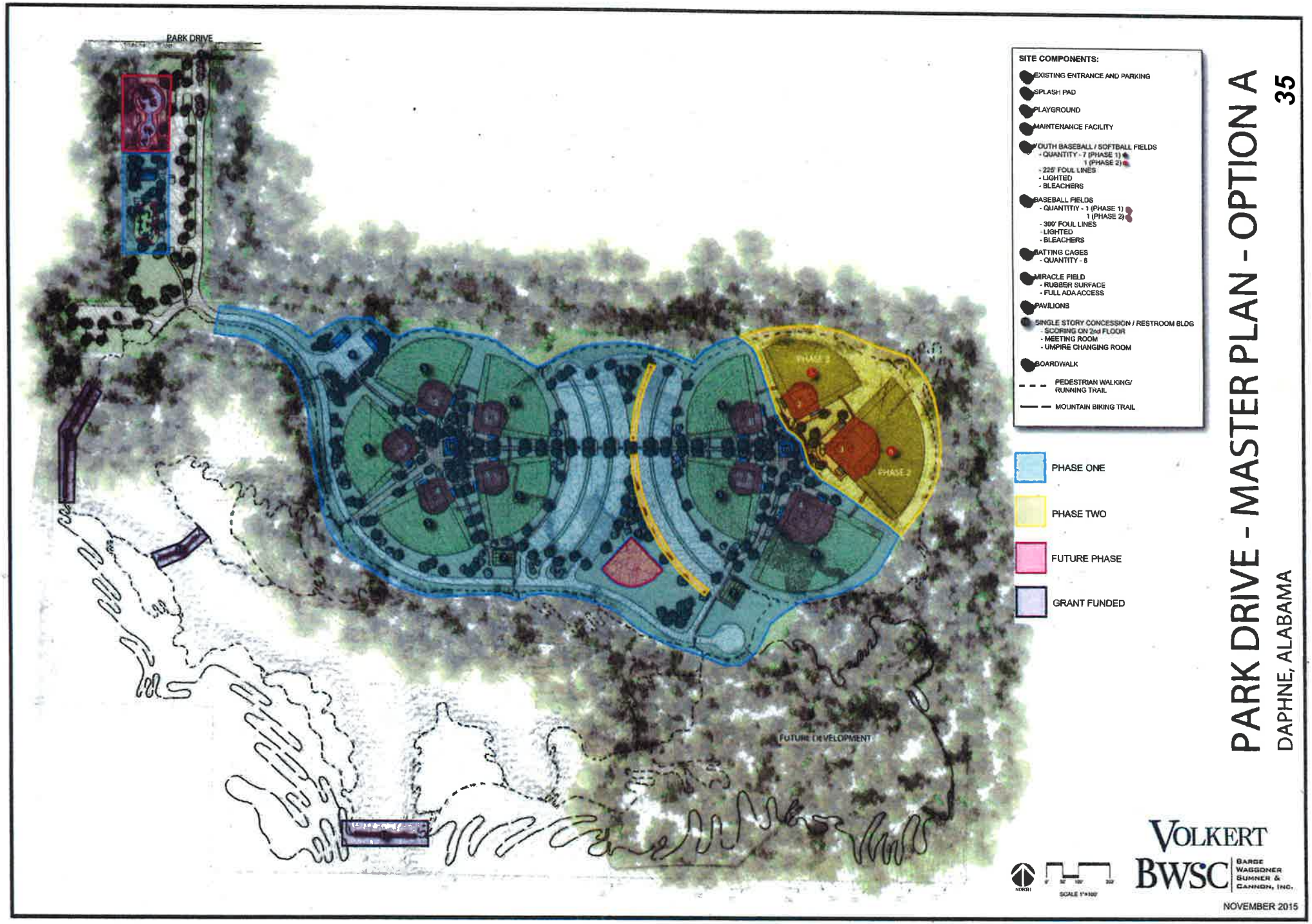
CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period January 2016

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	0
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	2	2
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	1	1
14-Natural Vegetation Fire	1	1
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	189	189
4-Hazardous Conditions (No fire):	4	4
5-Service Call:	20	20
6-Good Intent Call:	18	18
7-False Alarm & False Call:	12	12
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	3	3
Total Emergency Calls:	246	246
Monthly Total Calls:	*251*	*251*
Highest:	21:00	21:00
Lowest:	<1:00	<1:00
Average (Minutes/Seconds) :	6:10	6:10
Training Hours	406.25	406.25
Property Loss - $	$20,000.00	$20,000.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues		
Number of Patients Treated	8	8
Child Passenger Safety Seat Inspections/Installations	87	87
Pre-Plans		
Classes	23	23
Persons Attending	226	226
Plan Reviews	3	3
Final/Certificate of Occupancy	1	1
General/Annual Inspections	85	85
General/Re-Inspections (Violation Follow-up - Annual)	7	7
Business Licenses	8	8
All Other/Misc. Activities	5	5
Total Activities:	*109*	*109*

Authorized by:

James White

7



PARK DRIVE - MASTER PLAN - OPTION A

DAPHNE, ALABAMA

MALBIS PLANTATION, INC.

29470 STATE HIGHWAY 181 | DAPHNE, ALABAMA 36526
OFFICE (251) 626-3050 FAX (251) 621-9144
WWW.MALBISPLANTATION.COM

March 16, 2016

VIA HAND DELIVERY
Mr. Mayor Dane Haygood
Mrs. Adrienne D. Jones, Director
Ms. Tommie Conaway, City Council District 1
Mr. Pat Rudicell, City Council District 2
Mr. John L. Lake, City Council District 3
Mr. Randy Fry, City Council District 4
Mr. Ron Scott, City Council District 5
Mr. Robin LeJeune, City Council District 6
Ms. Angie Phillips, City Council District 7
Mr. Richard Johnson, Director of Public Works
Daphne, Alabama 36526

RE: REQUEST FOR REDUCTION OF SPEED
MALBIS INTERSECTION OF HIGHWAYS 90 AND 181

Dear Sir/Madam:

I have submitted this letter on behalf of Malbis Plantation, Inc. to request a reduction in speed at the Malbis intersection of Highways 90 and 181 to include the surrounding area of ½ to ¾ of a mile prior to the intersections to a speed of 35 miles per hour. This intersection has always been dangerous and lives have been lost and families have been changed forever.

If you have any questions or wish to discuss this request in detail, please do not hesitate to give me a call.

With warmest regards, I remain

Sincerely,

Willard B. Simmons, Jr.
President
WBSjr:dpm

cc: Mr. Normond McAllister, President of Malbis Lane Homeowners Association
Mr. Kevin Spriggs, President of Historic Malbis Homeowners Association
Mr. Mark Nix, President/CEO of Infirmary Health Systems

CODE ENFORCMENT/ORDINANCE COMMITTEE

Wednesday, March 21, 2016
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.

Councilman Ron Scott, Chairman
Councilman Randy Fry
Councilman Pat Rudicell
Councilwoman Tommie Conway
Councilwoman Angie Phillips
Councilman John Lake
Councilman Robin LeJeune

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:25 p.m.

Members Present: Ron Scott; Pat Rudicell; Randy Fry; Robin LeJeune; Tommie Conaway; John Lake; Angie Phillips.

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Richard Johnson, Public Works Director; Matt Creel, Code Enforcement Officer; Captain Judd Beedy, Police Department; Vickie Hinman, HR Director; David Carpenter, Police Chief; James White, Fire Chief; Kelli Kichler, Finance Director; Adrienne Jones, Planning Director; Ashley Campbell, Environmental Programs Manager; Victoria Phelps; Tom Walker.

II. APPROVE MINUTES / February 15, 2016

There being no corrections the February 15, 2016 minutes stand approved as written.

III. PUBLIC PARTICIPATION

Victoria Phelps spoke regarding having an ordinance regulating the use of ATV's within the city. She said this is a huge problem in Lake Forest.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Discuss: Appointing and Reappointing Committee and Board Members

MOTION BY Councilman Rudicell to recommend to the full council the ordinance regulating the Appointing and Reappointing Committee and Board Members. Seconded by Councilwoman Phillips.

MOTION BY Councilman Lake to amend Section I (6) of the ordinance "No person convicted of a felony may serve on any City board or committee" to read "No person convicted of a felony may serve on any City board or committee unless waived by majority of council." Seconded by Councilman LeJeune.

VOTE ON AMENDMENT **MOTION CARRIED UNANIMOUSLY**

MOTION By Councilman Lake to amend Section I (5) "Unless otherwise restricted by law, any resident within the City's police jurisdiction may be appointed to any board or committee" to read "Unless otherwise restricted by law, any resident within the City's police jurisdiction may be appointed to any board or committee unless otherwise conflicts with state law and legally allowable in the police jurisdiction." Seconded by Councilman Fry.

VOTE ON AMENDMENT **MOTION CARRIED UNANIMOUSLY**

VOTE ON ORIGINAL MOTION AS AMENDED **MOTION CARRIED UNANIMOUSLY**

b.) Discuss Amendments to Revised Take Home Vehicle Policy / Kevin Boucher

Kevin reported that he has spoken with Robbie Robertson and he said beside the $5,000 coverage the city has $1,000,000 coverage on passengers in a city vehicle.

The committee discussed the ordinance. They discussed page 9 #2 regarding stickers, flags, decals on vehicles, and leaving the decision to department heads.

Councilman Lake suggested looking at the ordinance that the city has in place, and there may not be any changes that needs to me made.

Councilman Scott asked the mayor to take the lead in discussing the ordinance with department heads and bring back their suggestions to the April meeting.

c.) Discuss: Handbill Issue / Ashley Campbell

One of the ADEM permits that the city has says that the city has to address trash that clogs up drainage. These packets that the Press-Register throws out are getting in the streets and drains and clogging the drains up. Matt Creel handed out pictures of where some of these packets are in the streets. She suggested preparing an ordinance that prohibits the throwing of these packets in the right-of-way.

Councilman Scott asked that the Mobile handbill ordinance be sent to the committee before the next meeting.

d.) Discuss: Food Trucks in Daphne / Regulations / How is Planning Involved

Mrs. Jones said that there are regulations in place with business licenses. Mrs. Jones said that Mobile recently dealt with this issue.

The committee wants to look at what Mobile has done, and bring this issue back to the April meeting.

e.) Discuss: Resolution / Authorize Council President to Sign Contracts if Mayor Has Not Signed Within 10 Days of Authorization

Mayor Haygood addressed this issue explaining the issue with the signing of the contract with Prebble-Rish for the Village Point Park Master Plan. He said that the contract has been signed and sent to Prebble-Rish. He said it did not go through the regular channels for signing.

Councilman Scott mentioned the problem is when council authorizes the mayor to sign a contract and legal or the mayor changes the contract, and if changes are made then it should come back to council for approval of the changes made. He said the procedure should be for a resolution or motion to read "to authorize the mayor to sign the attached contract or agreement." Mayor Haygood said there should be better communication, and should have legal and the finance director review contracts before they make it to an agenda to aid in efficiency with regards to contracts.

V. OTHER BUSINESS

No other business to discuss.

VI. NEXT MEETING / April 18, 2016.

VII. ADJOURN

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:30 P.M.

Old Methodist Church Museum of Daphne
Meeting Minutes

March 14, 2016

I. Call to order

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

II. **Attendees**

III. Ken Balme,, Rachel Burt, Ava Brown, Betty Baker, Camilla Butler, Candice Bishop, Jeanne Nelson, Helen Baroco, Dooley Berry, Lee Swetman, Lucy Cunningham :

IV. Approval of minutes from last meeting: February 08,2016

V. Treasures Report: Period 1/31/16-02/29/19 Beginning balance $5,264.50 No transactions Ending balance $5,264.50 Petty Cash $26.58 Report accepted.

VI. **Volunteer Assignments/Schedules-**Rachel reminded there will be 5 Fridays and Saturdays in April. We will need volunteers, to be determined at April meeting.

VII. Committee Reports

a) *Exhibits/Events*: No reports

b) Publicity/Social Media: Carla Wilborn(sp?) took pictures around museum and cemetery and posted to City and Museum Facebook pages.

c) *Cemeter**y:*** No reports

d) Fund Raising & Volunteer Recruitment: No reports

e) Special Tours : Lucy reminded as end of school year approaches is when field trips are usually scheduled.

f) Archives, Curation: Museum computer still broken.

VIII. Unfinished/Ongoing business

a) Planning Calendar

May: Memorial Day- A Stitch in Time

b) Building improvements: No word on when improvements will be done.

c) Brick Fundraiser: Received packet of information. Brick sale project still on table, but will be discussed next meeting when Emily returns

IX. New Business & Announcements

- *Wedding/Bridesmaid parties*- Discussion of the use of Daphne Museum for weddings and or wedding parties. The photographer interested has no immediate plans, but is interested. Arva brought up the fact it would have to be a very small party as our space is so limited. Everyone agreed a member would need to be there at all times. There were no conclusions made other than deciding on in a case by case situation.

- *Annual Old Time County Festival* will be held April 30, 9AM -4 PM . It was well attended last year. Venders are charged $100 but it would be free to us. We would have to provide table, chairs and tent. Per Candice, arrangements could be made to use a city tent. Will finalize details next meeting.

- *Serpents of Bienville Gallery*, a new business downtown, have offered to sell some of our items and give all proceeds back to us. This is operated by local artists Amanda & Sean Herman. They want to start a "Story Walk". This would be similar to an Art Walk, but preserving the art of storytelling, specifically local history. The grand opening was held 2/01, with the first show opening 3/12. Show displays 45 photo from the local camera club with 17 picked as 'award winning'. Ken encouraged everyone to visit. See http://www.serpentsofbienville.com for more info.

- *Impact 100:* A women based group awarding grants to non-profit groups in Baldwin County. Letter of intent due April 30,2016. They award $96k in grants yearly. We need to be thinking of a project to submit. Ideas discussed: more display cabinets/ability & improvements and repair to the building. Questions if capital improvements allowed since the City is the lessee.

- *Misc. discussions*: Yulee home to be demolished because of termite damage. Local Boy Scout Eagle scout/troop to do project on the old Yulee cemetery.

X. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday April 11,2016

Environmental Advisory Committee Nomination

Bo Tucker, P.E.

Bolton.Tucker@gmail.com • 251-895-7593

Personal Information

After graduating college and moving to Baldwin County it wasn't long until my wife and I ended up in Daphne. We have lived in District 7 for the past 6 years and have loved being part of such a thriving and growing community. I hope to be part of the Environmental Advisory Committee so that I can participate in the process, offer my knowledge, and facilitate the continued protection of some of Daphne's most important resources.

Education

Auburn University
2008 Bachelor of Biosystems Engineering

Work Experience

American Tank & Vessel
Project Manager / Sales ***2013 - Present***

Deepwater Horizon Oil Spill Biological Assessment
Habitat Biologist ***2012 - 2013***

Deepwater Horizon Oil Spill Response
Lead Natural Resource Advisor, Mobile County ***2010 – 2012***

Wetland Resources
Wetland Biologist / Project Foreman ***2010***

Beaufort Engineering Services
Assistant Project Manager / Design Engineer ***2008 – 2010***

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 25, 2016
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

William Scully
Marybeth Bergin, Secretary
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of January 28, 2016. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Site One.

An introductory presentation was given by Mr. Lee Rambo, representative of Jade Consulting, requesting site plan review of an office and warehouse facility located northwest of Rand Avenue and Public Works Road.

Chairman asked for Commission questions or comments and if revisions of the site plan include a compliant tree survey & landscape plan. Ms. Jones confirmed.

Chairman stated the Commissioners discussed privacy fencing abutting the residential zone. Mr. Rambo stated an eight-foot privacy fence is proposed. Ms. Jones commented that the fence is shown on the plan.

Chairman reiterated the Commissioners discussed the Public Works Director's comment regarding the requirement to install sidewalks in a development which existed prior to the enactment of the regulation and that we will discuss a waiver and make a determination on a case-by-case basis.

Chairman asked for Commission questions or comments and a motion for approval.

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Bergin ***to grant approval of the site plan for Site One. The Motion carried unanimously.***

The next order of business is a petition for vacation of easement for Eastern Shore Acquisitions, L.L.C.

An introductory presentation was given by Mr. Rick Davis, representative for Eastern Shore Acquisitions, L.L.C., requesting the vacation of the two 20′ by 20′ common driveway easements shown on the contiguous lots of the Gardens on Randall Subdivision to allow each lot to be accessed individually on Randall Avenue. For clarification, the large area behind the five road frontage lots was not included in the original declaration, but the amended declaration designates that area as common area and is conveyed to the association for that purpose.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. ***Scully of a unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the vacation of two 20′ by 20′ common driveway easements of the Gardens on Randall located northwest of the intersection of Pollard Road and Randall Avenue. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is an administrative presentation for street acceptance for Brookhaven Subdivision, Unit Two, Part C.

An introductory presentation was given by Ms. Adrienne Jones, Director of Community Development, recommending acceptance of all streets and right-of-ways contained within Brookhaven, Unit Two, Part C for maintenance, as plat has been recorded in the probate records, the appropriate documents have been submitted, and a two-year maintenance bond has been provided.

Chairman asked for Commission questions or comments and a motion for recommendation of acceptance of the right-of-ways.

A **Motion** was made by Mr. Fenderson and **Seconded** by Ms. Bergin ***for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-ways of Brookhaven Subdivision, Unit Two, Part C for maintenance. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is an administrative presentation for street acceptance for Caroline Woods Subdivision, Phase Three A.

An introductory presentation was given by Ms. Adrienne Jones, Director of Community Development, recommending acceptance of all streets and right-of-ways contained within Caroline Woods Subdivision, Phase Three A for maintenance, as the plat has been recorded in the probate records, the appropriate documents have been submitted, and a two-year maintenance bond has been provided.

Chairman asked for Commission questions or comments and a motion for recommendation of acceptance of the right-of-ways.

A **Motion** was made by Mr. Scully and **Seconded** by Mr. Fenderson ***for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-ways of Caroline Woods Subdivision, Phase Three A for maintenance. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is planning commission discussion.

Chairman outlined work session discussion of the skeleton of guidelines and stated the City Council is the body to determine the necessity of the creation of an ordinance to regulate food trucks and asked Ms. Jones when it will be presented to Council. Ms. Jones stated the question will be posed at ordinance committee for their thoughts and ideas and a report will be presented to the Commission.

No action was taken.

Ms. Jones distributed a draft compilation of definitions for the use of a manufactured home or modular structure during remodeling, construction of a permanent business; or the temporary and/or permanent use of the operation of a business.

Chairman outlined work session discussion of a nonpermanent structure permitted on a temporary or permanent basis for the operation of a business and commented there should be a set time frame, a strict renewal process, requirement of a narrative, removal of by right in a business district, and should be reviewed on a case-by-case basis. Mr. Scott stated considered as a conditional use.

Ms. Jones stated the Building Department has an issue because there is a grey area that does not address accessory buildings on commercial site used for storage.

Chairman asked for Commission questions or comments.

Mr. Fenderson stated the regulations should establish a fixed period of twelve months and renewals not to exceed eighteen months.

Ms. Bergin asked does it address temporary structures in residential districts for construction of home or the placement of a FEMA trailer after a natural disaster. Mr. Scott stated that Baldwin County has regulations to address housing provided by FEMA.

Chairman asked for public participation.

Mr. Tom Hand commented about his interest in a coffee shop in a temporary structure at Gold Mine Pawn Shop, 602 U.S. Highway 98, and commented that a temporary business owner could open after the allocated time with a different business name. Chairman stated the approval would be property specific regardless of ownership or name.

Chairman closed public participation.

Chairman asked the Commissioners to provide written comments by email to in preparation for the regular meeting of March. Mr. Scott stated that comments should be directed to staff as to not violate the open meetings law.

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

a. Mr. Charles Smith's brother has passed and he has traveled to Arizona and there will also be a service held at Macedonia Baptist Church;

b. The SARPC Planning Commissioners Workshop is February 26, 2016 in Mobile from 1-4 p.m.;

c. The public hearing for the proposed amendment to Article 39, Jubilee Retail Overlay District, Section 39-2 (b), District Requirements, Setbacks and the Bills' No. 2, L.L.C. pre-zoning amendment will be held at the City Council meeting of Monday, March 7, 2016 at 6:30 p.m.;

d. The upcoming meeting dates are site preview, March 16, and regular meeting, March 24, 2016.

There being no further business, the meeting was adjourned at 5:53 p.m.

Respectfully submitted by:

Jan Vallecillo, Planning Coordinator

Approved: March 24, 2016

Larry Chason, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 24, 2016 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER** **5:05 PM**

2. **CALL OF ROLL** **CHASON, WHITE, SANDEFUR, SCOTT, BERGIN, SCULLY**

3. **APPROVAL OF MINUTES:** Review of minutes for the regular meeting of February 25, 2016. **APPROVED**

4. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File SP16-02:** **APPROVED**

Site: **Malbis Station**

Zoning(s): ***B-2, General Business***

Location: Northwest of the intersection of Renaissance Boulevard and U.S. Highway 90, Lot 17 A, Resubdivision of Lots 8, 11-17, Renaissance Center Subdivision, Phase Three
Area: 0.78 ± Acres
Owner(s): Redsouth, L.L.C. - Dane Haygood
Engineer: Hutchinson, Moore & Rauch - Robert Cummings

B. **PRELIMINARY/FINAL PLAT REVIEW:**

1. **File SDPF16-05:** **APPROVED**

Subdivision: **Red Barn** **PUBLIC HEARING**

Zoning(s): ***R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes, City of Daphne, and RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

Location: South and west of Oldfield Subdivision, Phase One
Area: 228.30 Acres ±, (3) lots
Owner(s): Red Barn, L.L.C. - Julio Corte, Jr. and Tom & Julie Bierster
Agent: Preble-Rish - Steve Pumphrey
Surveyor: Preble-Rish - David Diehl

2. **File SDPF16-06:** **APPROVED**

Subdivision: **Malbis Place** **PUBLIC HEARING**

Zoning(s): **B-*2, General Business***

Location: Northeast of U.S. Highway 90 and Renaissance Boulevard, Lot 12, Eastern Shore Park Subdivision
Area: 2.98 Acres ±, (3) lots
Owner(s): Malbis Place, L.L.C. - Mike McDonald.
Agent: Beverly Terry
Surveyor: Wattier Surveying - Mark Wattier

C. PETITIONS:

ZONING AMENDMENT: UNFAVORABLE RECOMMENDATION

1. File ZA16-02: Elizabeth Wright PUBLIC HEARING

Present Zoning(s): B-3, Professional Business

Proposed Zoning(s): B-1, Local Business

Location: Southeast of the intersection of Van Avenue and Main Street
Area: 0.62 Acres ±
Owner: Elizabeth Wright
Agent: Ronald C. Bell

ANNEXATION:

1. File ANX16-02: FAVORABLE RECOMMENDATION

Presentation to be given by Richard Johnson, Public Works Director, requesting annexation of the right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181 into the corporate limits of the City of Daphne and acceptance for maintenance.

D. ADMINISTRATIVE PRESENTATION:

1. File AP16-03: APPROVED

Presentation to be given by Mr. Tim Patton, Volkert Inc., of the Daphne Parks Improvements Master Plans (Trione, Lott and Park Drive).

E. PLANNING COMMISSION DISCUSSION:

1. Discussion regarding a proposed amendment for temporary uses and structures NO ACTION
2. Discussion regarding a proposed amendment to Article 33, Sign Provisions, Sign For Which No Permit Is Required, Section 33-5 (g), Political Signs FAVORABLE RECOMMENDATION TO AMEND LUDO

5. PUBLIC PARTICIPATION NONE
6. ATTORNEY'S REPORT NONE
7. COMMISSIONER'S COMMENTS NONE
8. DIRECTOR'S COMMENTS NONE
9. ADJOURNMENT 7:13 PM

SET PUBLIC HEARING DATE FOR

MAY 2, 2016

TO CONSIDER:

1.) Annexation:	**CR 64 Right-of Way**
Location:	From CR 13 to AL Hwy. 181
Recommendation:	Unanimous Favorable

2.) Rezoning:	**Elizabeth Wright**
Location:	Southeast of the intersection of Van Avenue and Main Street—1204 Main Street
Present Zoning:	B-3, Professional Business District
Requested Zoning:	B-1, Local Business District
Recommendation:	Unanimous Unfavorable

3.) Amending the Land Uses & Development Ordinance / Sign Provisions / Article 33-5 (g) (5) and (7) (Political Signs)

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones,
Director of Community Development

Subject: City of Daphne
Petition for Annexation of the right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181

Date: March 25, 2016

LOCATION: The right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181

RECOMMENDATION: At the Thursday, March 24, 2016, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth an favorable recommendation was made and carried unanimously.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, April 4, 2016 to set the public hearing.

Thank you,
ADJ

cc: Richard Johnson, Public Works Director
file

attachment(s)

1. Petition for Annexation
2. Legal Description
3. Boundary Survey
4. Community Development Report

Adrienne Jones

From:	Richard D. Johnson, P.E.
Sent:	Tuesday, February 16, 2016 4:40 PM
To:	Adrienne Jones; Dane Haygood
Cc:	Jan Vallecillo; Michele Hanson; Cal Markert; William Eringman; Rebecca A. Hayes
Subject:	Annexation and Acceptance for Maintenance of CR64 - CR13 to SR181
Attachments:	County Request and Supporting Documents 2-2-2016 reduced.pdf; CR64 (CR13 to SR181) ROW Legal Desc.docx; CR64 (CR13 to SR181) ROW Legal Desc.pdf; ROW Map.pdf

Mr. Mayor and Mrs. Jones:

Please see attached. I am formally requesting that this request be advanced to the Planning Commission for their March Meeting.

Yours,

RDJ

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

Phone: (251) 621-3182
Fax: (251) 621-3189
Cell: (251) 379-1305

rjohnson@daphneal.com

Daphne

Richard D. Johnson, P.E.
Public Works Director
rjohnson@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-3182 *Web:* www.daphneal.com

EXHIBIT "A"

COUNTY ROAD 64 ROW

FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

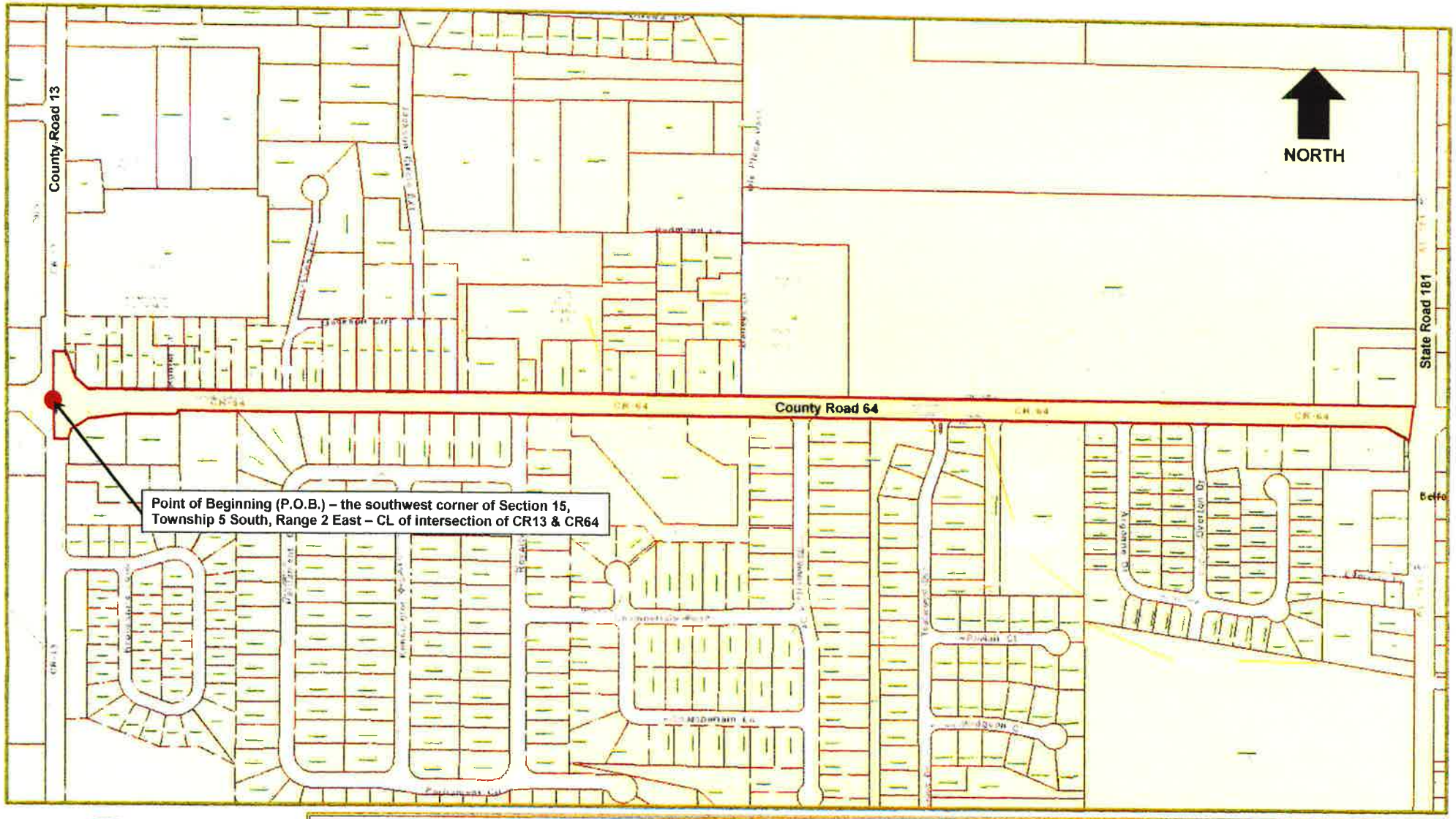
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF ± 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING ± 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION 15 AND THE NORTH BOUNDARY OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTH WEST CORNER SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING (P.O.B.); BEING THE POINT OF INTERSECTION OF RIGHT-OF-WAYS OF COUNTY ROAD 13 AND COUNTY ROAD 64; THENCE RUN NORTH 178 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN EAST 45 FEET, MORE OR LESS TO A POINT ON THE EAST MARGIN OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN SOUTHEASTWARDLY 173 FEET, MORE OR LESS, TO A POINT AT THE NORTHEAST MARGIN OF THE INTERSECTION OF THE COUNTY ROAD 13 AND COUNTY ROAD 64 RIGHT-OF-WAY; THENCE RUN EAST 5140 FEET, MORE OR LESS, ALONG THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT AT THE NORTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181(FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN SOUTHERLY 130 FEET, MORE OR LESS, TO A POINT AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181 (FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN NORTHWESTERLY 95 FEET, MORE OR LESS, TO POINT ON SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64; THENCE RUN WEST 4870 FEET, MORE OR LESS, ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT; THENCE RUN SOUTHWESTERLY 259 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF THE COUNTY ROAD 13 RIGHT-OF-WAY LINE; THENCE RUN WEST 50 FEET MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN NORTH 130 FEET, MORE OR LESS, THE POINT OF BEGINNING; CONTAINING 9.6 ACRES, MORE OR LESS, BALDWIN COUNTY, ALABAMA.

PREPARED BY:

Richard D. Johnson, P.E.
Director of Public Works
P.O. Box 400
Daphne, AL 36526



Daphne
ALABAMA

City of Daphne: Annexation and Acceptance for Maintenance – County Road 64

From County Road 13 to State Road 181

Right-Of-Way Map

EXHIBIT "B"

PLANNING COMMISSION
ANNEXATION PETITION REVIEW

COMMUNITY DEVELOPMENT

Daphne

ALABAMA

The Jubilee City

COUNTY ROAD 64
(FROM CR 13 TO ALA HWY 181)

COMMUNITY DEVELOPMENT
ANNEXATION REQUEST

County Road 64 Right of Way between
County Road 13 and Alabama State Highway 181
(The City of Daphne)
9.6 acres+/-

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

Baldwin County has conveyed the County Road 64 right-of-way (right of way between County Road 13 and Alabama State Route 181) to the City of Daphne by quitclaim deed. The Public Works Committee has submitted a petition to annex the 9.6 acres of right-of-way that is currently maintained by and located in unincorporated Baldwin County. It is contiguous to the city limits on both the east side and west side.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. **Staff recommends approval of the request to annex this land into the City of Daphne.**

BALDWIN COUNTY
HIGHWAY DEPARTMENT
P O Box 220
SILVERHILL, ALABAMA 36576
TELEPHONE (251) 937-0371
FAX (251) 937-0201

CAL MARKERT, P.E.
COUNTY ENGINEER

Rcd 2/8/16

February 2, 2016

The Honorable Dane Haygood
Mayor
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

Re: Project No. AC0A59420-ATRP(001)
Intersection Improvement – Roundabout at CR 64 (Daphne Ave) & CR 13

Dear Mayor Haygood,

Construction of the above referenced project has been completed and the project has been accepted for maintenance.

In accordance with the Intergovernmental Service Agreement between the Baldwin County Commission and the City of Daphne dated July 2, 2013 and Addendum dated November 4, 2014, the City of Daphne is to assume maintenance of the project as well as maintenance of County Road 64 between County Road 13 and Alabama Highway 181. These portions of roadway are being removed from Baldwin County's inventory as of this date.

Please feel free to contact us should you have comments or questions.

Sincerely,

Cal Markert

Cal Markert, P.E.
County Engineer

CM/am
c: Commissioner Tucker Dorsey
Commissioner Frank Burt, Jr.
Commissioner Chris Elliott
Commissioner Charles F. Gruber
Frank Lundy
Richard D. Johnson, P.E. – Director of Public Works
Michael Smith
Vince George
File

Attachments:
1. Agreement (July 2, 2013)
2. Agreement Addendum (November 4, 2014)
3. ALDOT Letter
4. Map

File No AN16-02

COUNTY COMMISSION

BALDWIN COUNTY
312 COURTHOUSE SQUARE, SUITE 12
BAY MINETTE, ALABAMA 36507
(251) 937-0264
FAX (251) 580-2500
www.baldwincountyal.gov

July 2, 2013

The Honorable Dane Haygood
Mayor
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

RE: Alabama Transportation Rehabilitation and Improvement Program (ATRIP) Project No. 02-209-11 - Intersection Improvements at County Road 64 and County Road 13 - Intergovernmental Service Agreement

Dear Mayor Haygood:

The Baldwin County Commission, during its regularly scheduled meeting held on July 2, 2013, approved *an Intergovernmental Service Agreement* between the City of Daphne and Baldwin County for ATRIP Project No. 02-209-11 - Intersection Improvements at County Road 64 and County Road 13 in Daphne, Alabama. This *Agreement* shall become effective upon the date of full execution by both parties and terminate twenty-four (24) months later. Either party may terminate the *Agreement*, with or without cause, upon written notice to the other party. The *Agreement* will be deemed terminated, thirty (30) days after the notice is mailed by certified mail to the other party.

Enclosed is a **fully executed** copy of the *Intergovernmental Service Agreement* for your file.

If you have any questions or need further assistance, please do not hesitate to contact me at (251) 972-8502 or Cal Markert, County Engineer, at (251) 937-0371.

Sincerely,

TUCKER DORSEY, Chairman
Baldwin County Commission

THANKS, DANE - GOOD PROJECT

TD/met Item GA1

cc: Cal Markert

ENCLOSURE

INTERGOVERNMENTAL SERVICE AGREEMENT

This Intergovernmental Service Agreement ("Agreement") is entered into by and between the Baldwin County Commission (hereinafter "County") and the City of Daphne, Alabama (hereinafter "City"), as follows:

RECITALS

Whereas, County is the duly formed governing body in and for Baldwin County, Alabama, and City is an incorporated municipality of the State of Alabama; and

Whereas, County and City are authorized under Alabama law to control, manage, supervise, regulate, repair, maintain, and improve (hereinafter collectively "control") certain public roads inside their respective jurisdictions; and

Whereas, County and City acknowledge and agree County maintains County Road 64 east from County Road 13, and City maintains County Road 64 west from County Road 13, County Road 13 south from County Road 64 and County Road 13 north from County Road 64; and

Whereas, County has been approved by the Alabama Department of Transportation for an Alabama Transportation Rehabilitation and Improvement Program (ATRIP) grant that will help fund construction of a roundabout at the intersection of County Road 64 and County Road 13; and

Whereas, County has requested that the City assist the County in its efforts to fund the preliminary engineering and matching costs for the intersection at County Road 64 and County Road 13 ATRIP project; and

Whereas, City agrees in Fiscal Year 2013 to pay the County 50% of matching cost for preliminary engineering, and 50% of any overruns and/or unknowns associated with preliminary engineering. Preliminary estimates set matching cost at $43,338.00 for the intersection improvements at the County Road 64 and County Road 13 ATRIP project; and

Whereas, City agrees in Fiscal Year 2014 to fund 50% of the matching construction cost, 50% of the construction engineering & inspection, utilities, and right-of-way acquisition cost, and 50% of any overruns during construction. Preliminary estimates set matching cost at $335,839.00 for the intersection improvements at County Road 64 and County Road 13 ATRIP project; and

Whereas, City agrees to accept maintenance of Country Road 64 from County Road 13 east to Alabama Highway 181 (approximately 1.00 miles); and

Whereas, County and City now wish to enter into this Agreement to provide for their joint cooperation to fund the preliminary engineering, matching costs and overruns for the intersection improvements at County Road 64 and County Road 13 ATRIP project.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the sufficiency of which being hereby acknowledged, County and City do hereby agree as follows:

1. **Recitals:** The recitals set out above are incorporated into this Agreement, as though the same were set out in full in this paragraph.

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-

ORDINANCE TO ANNEX THE RIGHT-OF-WAY OF COUNTY ROAD 64 FROM COUNTY ROAD 13 TO ALABAMA STATE HIGHWAY 181

WHEREAS, the City of Daphne entered into an Intergovernmental Service Agreement with Baldwin County on July 2, 2013, and an addendum agreement on November 4, 2014 to assume maintenance of County Road 64 from County Road 13 to Alabama Highway 181; and,

WHEREAS, Baldwin County has conveyed by Quitclaim Deed the real property of County Road 64 from County Road 13 to Alabama Highway 181 to the City of Daphne; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare of the citizens of Daphne; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on May 2, 2016 concerning the petition for annexation; and

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

A part of the South One-Half of Section 15, Township 5 South, Range 2 East; A part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 5 South, Range 2 East; A part of the Northeast Quarter of the Northeast Quarter of Section 21, Township 5 South, Range 2 East; A part of the North One-Half of Section 22, Township 5 South, Range 2 East; Baldwin County, Alabama and being more fully described as follows to-wit:

It is the intent of this document to remise, release, quitclaim and convey unto the City of Daphne, Alabama, all of Baldwin County's right and title to that portion of County Road 64 right-of-way owned and maintained by Baldwin County, beginning at the west side of a roundabout that intersects County Road 64 and County Road 13, running easterly to the west right-of-way line of State Highway 181; said right-of-way being quitclaimed is described in Deed Book 106 page 492; Deed Book 107 page 1; Deed Book 106 page 493; Deed Book 106 page 490; Deed Book 106 page 482; Deed Book 107 page 3; Deed Book 106 page 494; Deed Book 107 page 6; Deed Book 106 page 473; Deed Book 106 page 495; Deed Book 106 page 498; Deed Book 106 page 489; Deed Book 107 page 5; Deed Book 106 page 474; Deed Book 106 page 486; Deed Book 107 page 79; Deed Book 106 page 480; Deed Book 106 page 477; Deed Book 107 page 77; Deed Book 376 page 790; Deed Book 376 page 793; Deed Book 377 page 483; Instrument No. 1441275 and re-recorded Instrument No. 1445489; Instrument No. 1452840; Instrument No. 1463004; Instrument No. 1469731; Instrument No. 1456531; Instrument No. 1463005; Order of Condemnation Case No. 31026 as recorded in Instrument No. 1475550 and Payment of Awards Instrument No. 1475551; Instrument No. 1475642; Circuit Court Consent Judgment for Condemnation Case No. CV- 2014-901066 as recorded in Instrument No. 1510746.

SECTION THREE: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property *(Exhibit "B")* showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FOUR: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2016.

_____

Dane Haygood,
Mayor

ATTEST:

_____

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

COUNTY ROAD 64 ROW

FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

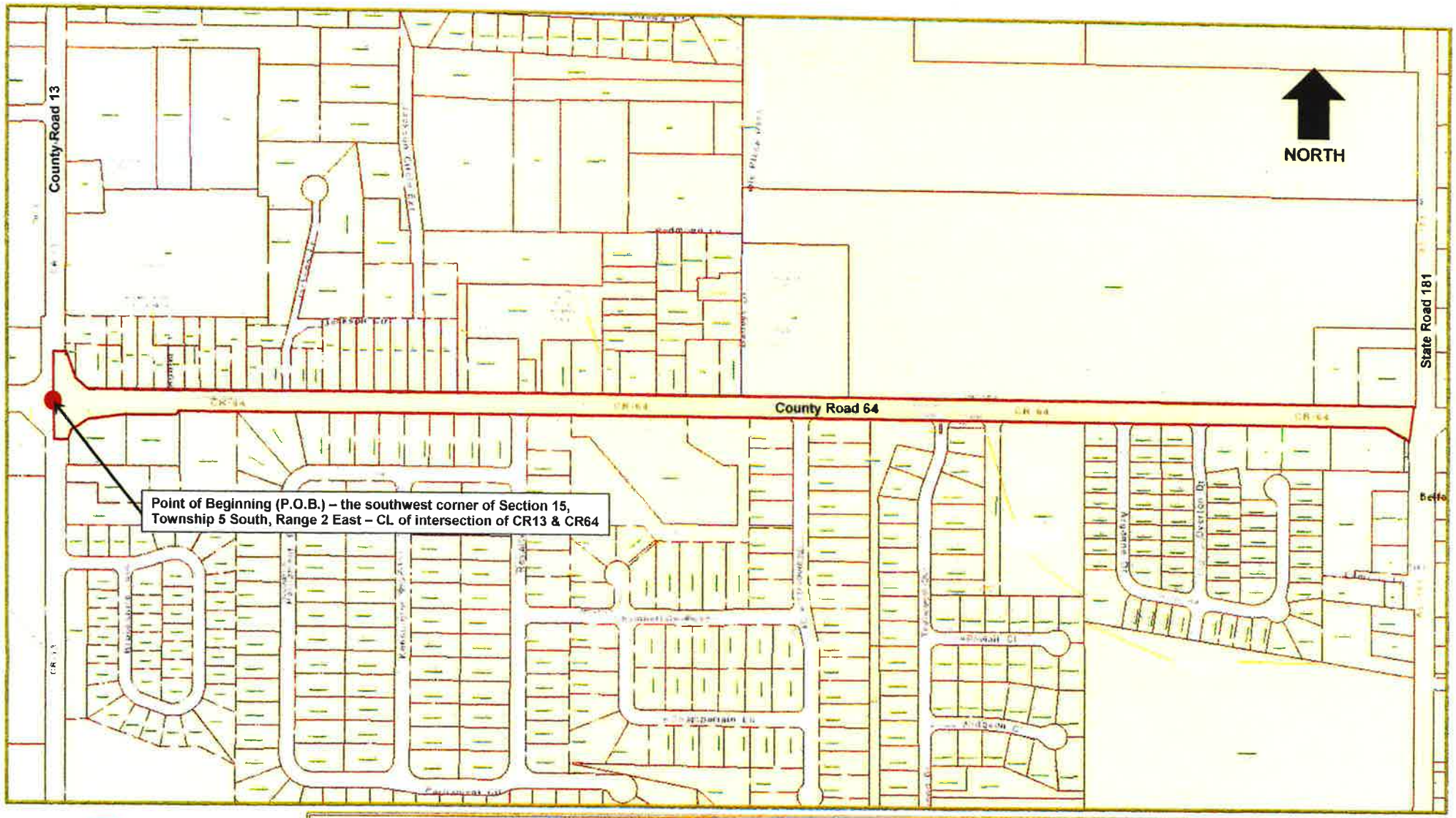
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF ± 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING ± 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION 15 AND THE NORTH BOUNDARY OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTH WEST CORNER SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING (P.O.B.); BEING THE POINT OF INTERSECTION OF RIGHT-OF-WAYS OF COUNTY ROAD 13 AND COUNTY ROAD 64; THENCE RUN NORTH 178 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN EAST 45 FEET, MORE OR LESS TO A POINT ON THE EAST MARGIN OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN SOUTHEASTWARDLY 173 FEET, MORE OR LESS, TO A POINT AT THE NORTHEAST MARGIN OF THE INTERSECTION OF THE COUNTY ROAD 13 AND COUNTY ROAD 64 RIGHT-OF-WAY; THENCE RUN EAST 5140 FEET, MORE OR LESS, ALONG THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT AT THE NORTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181(FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN SOUTHERLY 130 FEET, MORE OR LESS, TO A POINT AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181 (FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN NORTHWESTERLY 95 FEET, MORE OR LESS, TO POINT ON SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64; THENCE RUN WEST 4870 FEET, MORE OR LESS, ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT; THENCE RUN SOUTHWESTERLY 259 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF THE COUNTY ROAD 13 RIGHT-OF-WAY LINE; THENCE RUN WEST 50 FEET MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN NORTH 130 FEET, MORE OR LESS, THE POINT OF BEGINNING; CONTAINING 9.6 ACRES, MORE OR LESS, BALDWIN COUNTY, ALABAMA.

PREPARED BY:

Richard D. Johnson, P.E.
Director of Public Works
P.O. Box 400
Daphne, AL 36526



Daphne
ALABAMA

City of Daphne: Annexation and Acceptance for Maintenance – County Road 64

From County Road 13 to State Road 181

Right-Of-Way Map

EXHIBIT "B"

PLEASE Publish in the Bulletin Legal Section on **Friday, April 8, 2016**

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on May 2, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-

ORDINANCE TO ANNEX THE RIGHT-OF-WAY OF COUNTY ROAD 64 FROM COUNTY ROAD 13 TO ALABAMA STATE HIGHWAY 181

WHEREAS, the City of Daphne entered into an Intergovernmental Service Agreement with Baldwin County on July 2, 2013, and an addendum agreement on November 4, 2014 to assume maintenance of County Road 64 from County Road 13 to Alabama Highway 181; and,

WHEREAS, Baldwin County has conveyed by Quitclaim Deed the real property of County Road 64 from County Road 13 to Alabama Highway 181 to the City of Daphne; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare of the citizens of Daphne; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on May 2, 2016 concerning the petition for annexation; and

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

PLEASE Publish in the Bulletin Legal Section on **Friday, April 15, 2016**

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given April 8, 2016,that the City Council of the City of Daphne will hold a Public Hearing on May 2, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property, as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-

ORDINANCE TO ANNEX THE RIGHT-OF-WAY OF COUNTY ROAD 64 FROM COUNTY ROAD 13 TO ALABAMA STATE HIGHWAY 181

WHEREAS, the City of Daphne entered into an Intergovernmental Service Agreement with Baldwin County on July 2, 2013, and an addendum agreement on November 4, 2014 to assume maintenance of County Road 64 from County Road 13 to Alabama Highway 181; and,

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WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare of the citizens of Daphne; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on May 2, 2016 concerning the petition for annexation; and

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

To: Office of the City Clerk

From: Adrienne D. Jones,
Director of Community Development

Subject: Elizabeth Wright
Zoning Amendment Recommendation

Date: March 25, 2016

MEMORANDUM

PRESENT ZONING: B-3,Professional Business District

PROPOSED REZONING: B-1, Local Business District

LOCATION: Southeast of the intersection of Van Avenue and Main Street--1204 Main Street

RECOMMENDATION: At the Thursday, March 24, 2016, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth an unfavorable recommendation was made and carried unanimously.

SPECIAL NOTE: During discussion on the motion, the Planning Commission expressed interest in creating a B-1(a), Local Business Alternate District, which would eliminate unfavorable uses that are allowed by right in B-1, Local Business.

The Commission is in favor of a custard shop and similar uses however it is not in favor of several other uses allowed by right in a B-1 district.

The B-1(a)proposal will be setforth at the April 28, 2016 Regular Planning Commission meeting.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, April 4, 2016 to set the public hearing.

cc: file

attachment(s)

1. Rezoning Application
2. Legal Description
3. Boundary Survey
4. Additional Displays
5. Community Development Report

REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted February 18, 2016
Application Number: ZA-16-02 or PZA-	Planning Commission Public Hearing Date: March 24, 2016

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): 1204 MAIN STREET, DAPHNE, AL	PPIN#(s): 004813
Gross Site Area (acreage): 0.62	Requested Zoning or Pre-Zoning: B-1
Current Zoning Designation(s): B-3 DP	Amended Request: Initials: Date:
Current Land Use: A STYLISH BUSINESS	Anticipated Land Use: FROZEN CUSTARD BUSINESS

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": ATTACHED

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).
Annexation **Subdivision** **Site Plan** **Special Exception** **Variance** **Specify Other**

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*	
Name of Current Owner: Elizabeth Wright	
Mailing Address: 1112 Johnson Rd Daphne Al. 36526	Phone/Fax: E-mail:
Name of Authorized Agent: RONALD L. BELL	primary: jurgen@sandfordbell.com
Mailing Address: 7923 PLUM ORCHARD WAY, MONTG. 36117	Phone/Fax: E-mail: rcbell1350@yahoo.com
Name of Developer*: RCBELL DAPHNE, LLC	Phone/Fax: (334) 425-6806 E-mail: SAME
Other:	Phone/Fax: E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

OWNER'S Applicant's Signature: Elizabeth Wright	Date 1-29-16
Agent's Signature: Ronald L. Bell	Date 1-28-2016

07/01/14

Daphne
The Fabulous City

REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Elizabeth Wright, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 1-30-16

Elizabeth Wright

PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, RC BELL DAPHNE, LLC / RONALD L. BELL, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 1-28-2016

RC BELL DAPHNE, LLC / Ronald L. Bell

PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(S): 1204 MAIN STREET, DAPHNE, AL.

"EXHIBIT A"

LEGAL DESCRIPTION

STATE OF ALABAMA
COUNTY OF BALDWIN

THE PROPERTY LOCATED AT 1204 MAIN STREET, DAPHNE, ALABAMA, IS DESCRIBED IN WARRANTY DEED RECORDED IN THE OFFICE OF PROBATE, BALDWIN COUNTY, ALABAMA AT FILE NO. 1081636, 10-24-2007, AND IS MORE PARTICULARILY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION
BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56' 21" E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½" CAPPED REBAR (10675); thence S 00° 01' 12" E, a distance of 70.00 feet to a ½" CAPPED REBAR; thence S 89° 56' 21" W, distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00' 00" E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.

SURVEY BY DAVID LOWERY Al. License No. 26623, 01/31/16.

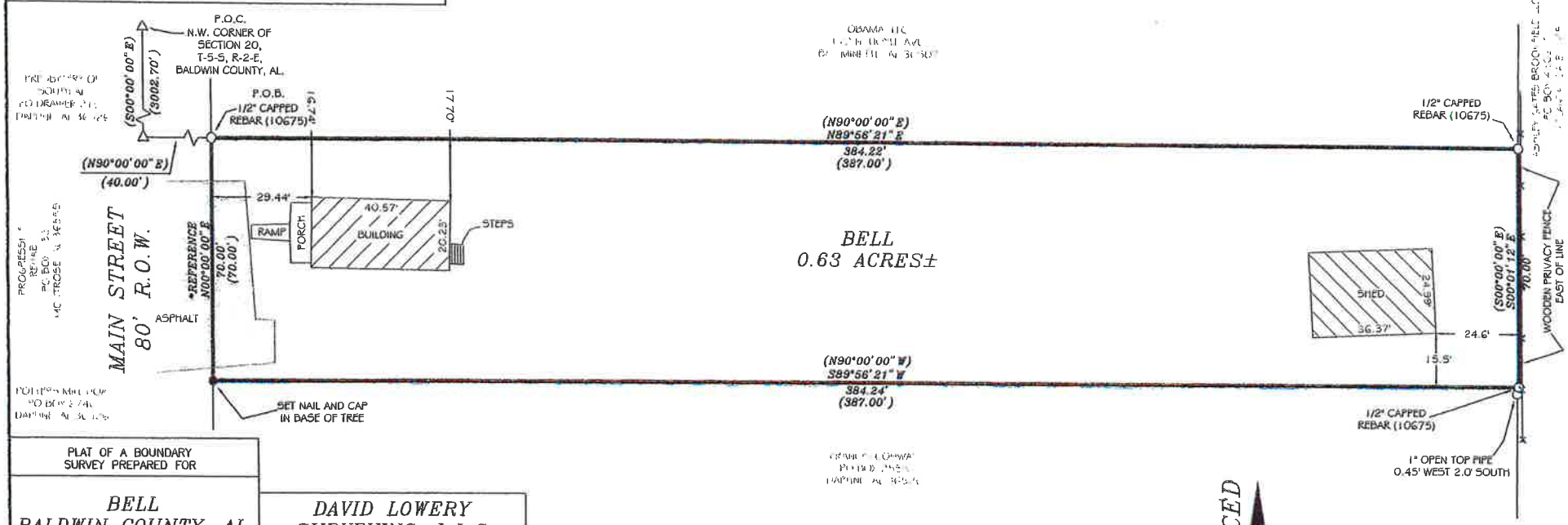
"EXHIBIT B"

NOTES

*1. All bearings shown h relative to the West LINE OF THE SURVEYED PROPERTY AS DESCI INSTRUMENT #1081636, AS RECORDED IN THE OFFICE OF THE JUDGE ROBATE FOR BALDWIN COUNTY, AL.
2. Corner monuments shown as set iron pins are are 5/8" reinforcing bars with a durable plastic cap stamped "26623".
3. Only Select Fixed Interior Improvements shown hereon.
4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
5. No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

LEGAL DESCRIPTION
BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALL. OUNTY, AL.; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a 1/2" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N89°56'21"E, LEAVING SAID R.O.W., a distance of 384.22 feet to a 1/2" CAPPED REBAR (10675); thence S00°01'12"E, a distance of 70.00 feet to a 1/2" CAPPED REBAR; thence S89°56'21"W, a distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N0°00'00"E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.



PLAT OF A BOUNDARY SURVEY PREPARED FOR

BELL
BALDWIN COUNTY, AL.

DWG. NO.	SURVEY DATE	SCALE
16-01-104	01/31/16	1"=30'
DRAWN BY: DBL	CHECKED BY: D. LOWERY	

LEGEND AND SYMBOLS

(**)	RECORD BEARING/DISTANCE
OE	OVERHEAD ELECTRIC
●	SET IRON PIN
○	FOUND IRON PIN
△	PIN NOT SET
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
-\/\/-	NOT TO SCALE
-X-	FENCE
■	FENCE CORNER POST
□	CONCRETE MONUMENT

DAVID LOWERY SURVEYING, L.L.C.

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2767 ph. 251-937-2756 fax
dlsurvey25@hotmail.com

ALABAMA LICENSED NO. 26623 PROFESSIONAL LAND SURVEYOR DAVID LOWERY

David Lowery
Al Lic No 26623
55284 Martin Ln.
Stockton, AL 36579
251-937-2767

SCALE
1" = 30'
30' 0 30'

*REFERENCED
N

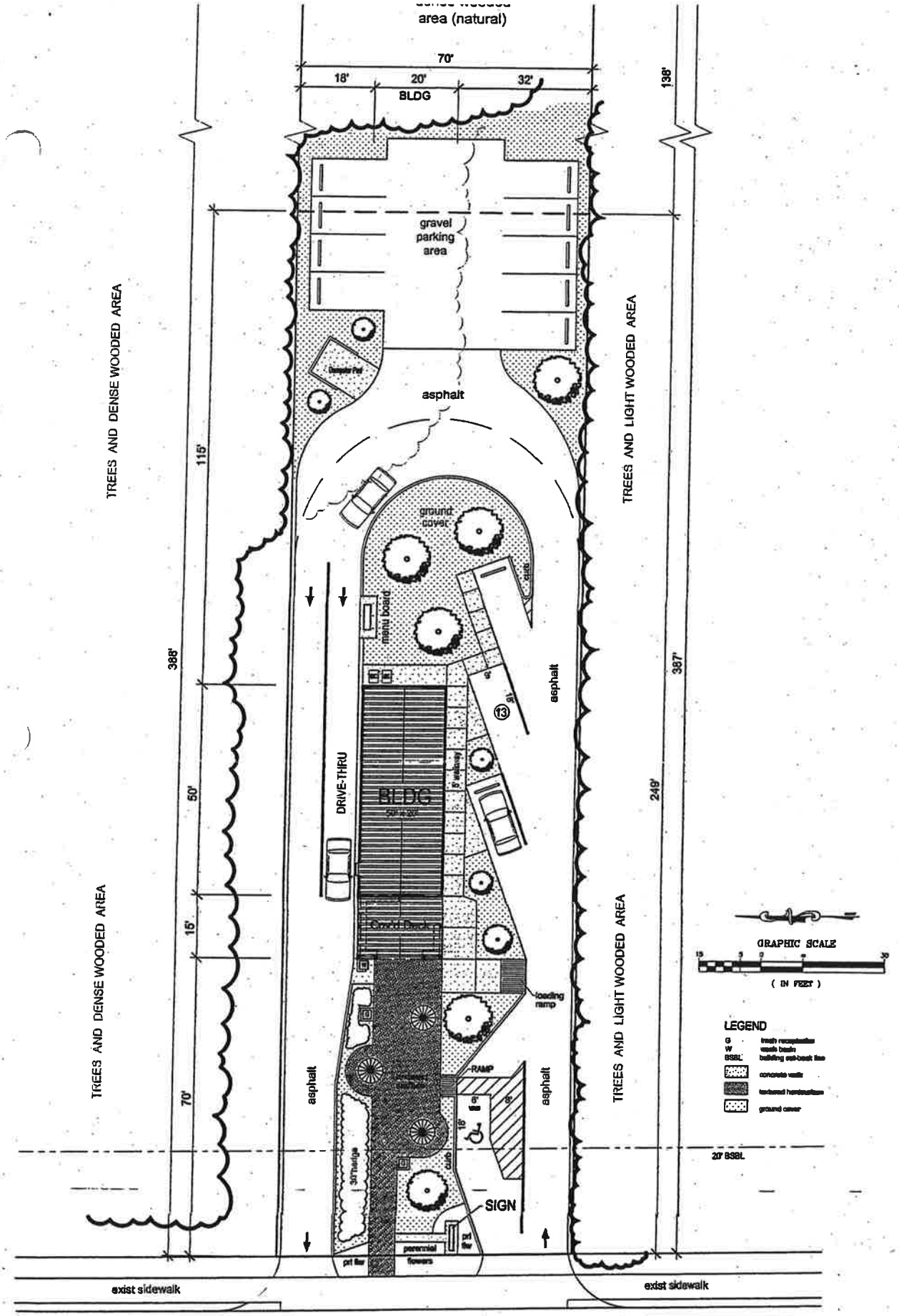
CERTIFICATION

I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my supervision, containing the acreage and being situate as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

DAVID LOWERY SURVEYING, L.L.C.

Google earth

feet 10
meters 5



Main Street

exist sidewalk

1204 MAIN STREET
Daphne, Alabama

Site Plan 2
for
RC BELL DAPHNE, L.L.C.

PLANNING COMMISSION
REZONING PETITION REVIEW

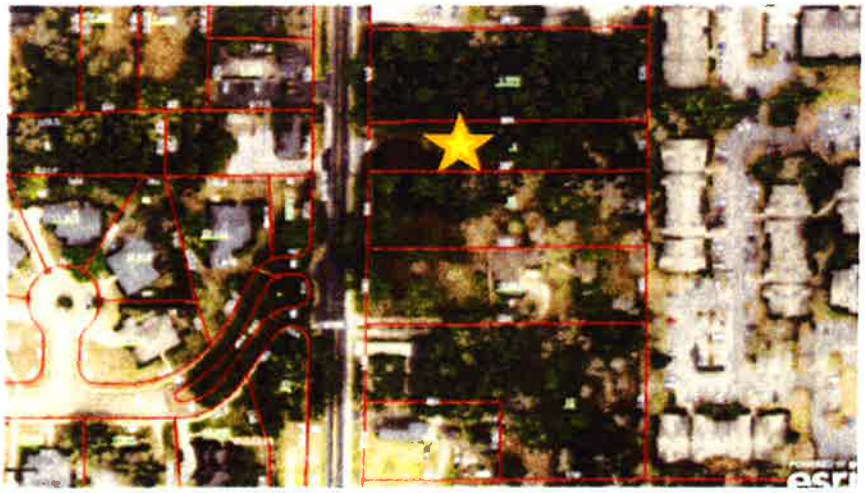
COMMUNITY DEVELOPMENT

Daphne

ALABAMA

The Jubilee City

ELIZABETH WRIGHT



Rezoning Request
Elizabeth Wright
0.62 acres

Owner: Elizabeth Wright

Existing Conditions: 0.62 acres+/- "Elizabeth's Beauty Salon" (grandfathered nonconforming land use)

Existing Zoning: B-3, Professional Business District

Proposed Zoning: B-1, Local Business District

Surrounding Zonings/Uses:

North – B-3, Professional Business District/undeveloped wooded lot

South – R-2, Medium Density Single Family Residential District/Residential dwelling

East – R-4, High Density Multi-family District/Ashley Gates apartments

West – B-3, Professional Business District/ Progressive Rehabilitation Services, Inc.

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

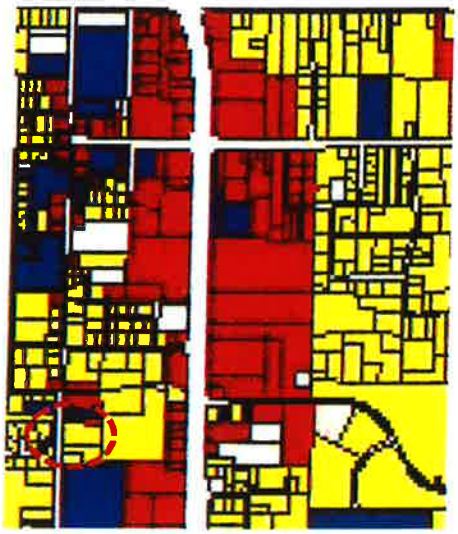
Fire Protection-Station 1	Police Protection-Police Beat 1
Public Works	Baldwin County Schools—n/a

City Service Providers would not be affected by rezoning the subject property.

The Comprehensive Plan

In the *Land Use Conclusions* of the Comprehensive Plan, it states the following:

> "Commercial development within the downtown area is recommended to be a mixture of retail, office, and municipal uses so that the downtown area remains active and economically viable and is not totally dependent upon one segment of the population for business. Every effort should be made to encourage versatility in the downtown area so that this historic resource is not lost. Furthermore, the downtown area is recommended to become a primary source of tourism revenues."



The Future Land Use map does not reflect many of the zoning and use changes that have taken place since the plan's adoption. The map needs to be amended to show these changes, at the least. The current map shows Elizabeth's beauty salon and several other businesses as residential use.

Staff Comments

This site is located within Olde Towne Daphne. Olde Towne Daphne is a unique combination of residential, institutional and commercial land uses. According to the provisions of Article 14-2, Olde Towne Daphne, certain zones are allowable; whereas other zones are no longer options:

> ***14-2 USES PERMITTED***
>
> *The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district. (See also Article 12, Establishment of Districts). The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts. All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided*

herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.

Excerpt from ARTICLE XIV THE OLDE TOWNE DAPHNE DISTRICT

14-1 PURPOSE

The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

•Aesthetics: Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.

•Land Values: Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.

•Human Values: Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

•Improved Design: Promote innovative and cost conscious approach to the design and construction of the District.

•Improved Administration and Enforcement: Establish procedures and standards for the administration and enforcement of this Article.

Findings:

Is this spot zoning? Perhaps the term should not be spot zoning, but rather "negative impact zoning." The term spot zoning infers that a zoning district would create a spot that, once developed, will likely have a significant and negative impact on the surrounding area. In my humble opinion, spot zoning is an instance where two non-harmonious zones are juxtaposed, that without a doubt, would infringe upon the rights of the existing community to enjoy the same or similar levels of comfort and convenience. If the primary uses of the subject property and its neighboring uses generate the same levels of traffic, noise, comfort, and convenience, then such juxtaposition is not spot zoning. An instance where the primary uses of a parcel creates externalities that are not common to the existing location, such as significantly increased traffic, noise, with the added inconvenience and discomfort, which would be an instance of spot zoning.

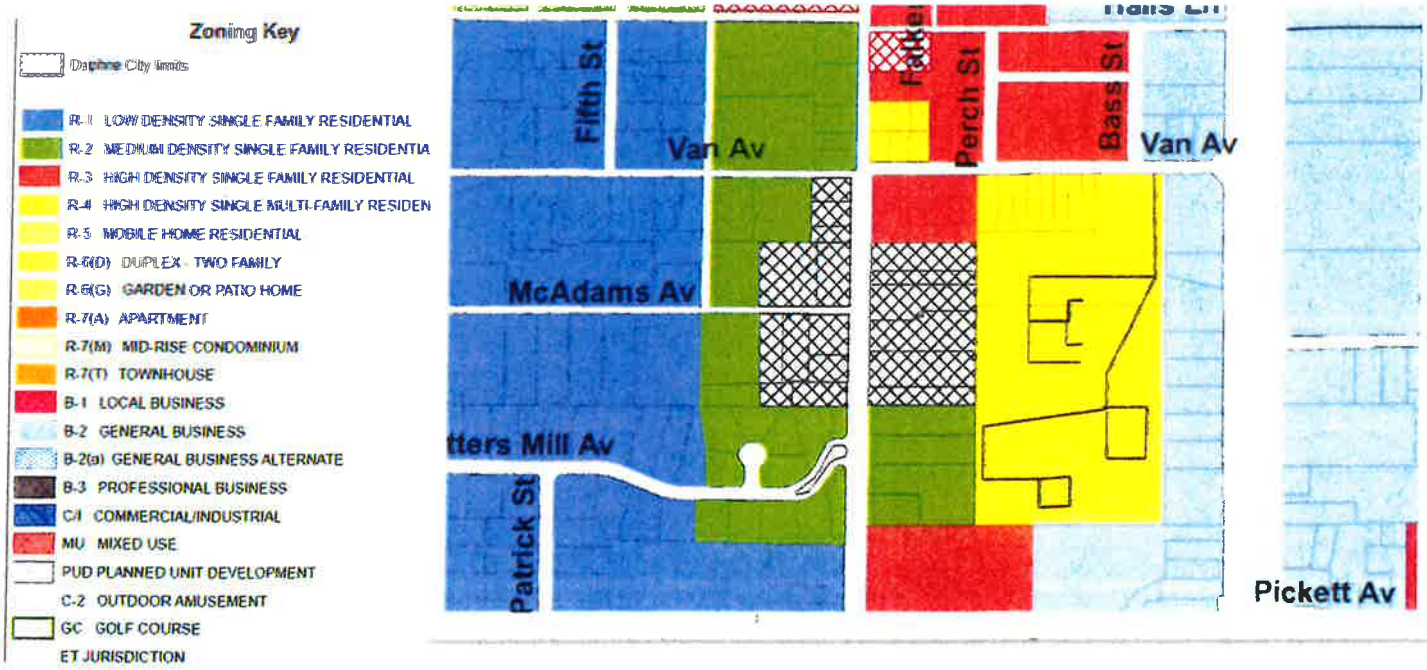
In 2008, City Council approved per the Planning Commission's recommendation, a request to rezone 0.74 acres located at the southwest intersection of Halls Lane and Main

Street from R-3, High Density Single Family Residential to B-1, Local Business. In that particular instance, the property was: zoned R-3; abutted on three sides R-3 zoned houses; and, sat across the street (Main Street) from a parcel zoned R-2, Medium Density Single Family Residential, which is a grandfathered nonconforming business—the frame shop. Christ the King church was the nearest B-1 zoned property.

Staff is in favor of revitalization and redevelopment of land in the Olde Towne Daphne Overlay district. *The subject property is located at the southern tip of an existing commercial node on Main Street. There are three single family residences (zoned R-2) to the south. Each already sits between the beauty salon and the intermediate school. Progressive Rehabilitation Services and the Presbytery are located to the west across Main Street.*

Although the subject property is zoned B-3, Professional Business, Elizabeth's beauty salon is an existing nonconforming grandfathered use. A beauty salon is allowed by right in B-1, Local Business district, B-2, General Business or B-2(a), General Business Alternate. An ice cream parlor, custard shop, and frame shop is similarly permissible in a B-1 district by right. Existing B-1 zoned properties nearby on Main Street: Eastern Shore Café, Christ the King Parish, the Masterson Law Group office.

Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the <u>Courier</u> in accordance with applicable sections of the Code of Alabama.



ADJACENT PROPERTY OWNERS

SUBJECT PROPERTY: 1204 MAIN ST., DAPHNE, AL (PARCEL 11)

PARCEL 12 (SOUTH):
FRANCIS ETUX TOMMIE CONAWAY
P.O. BOX 2555
DAPHNE, AL 36526

PARCEL 17.015 (WEST):
POTTER'S MILL PROPERTY OWNERS ASSOCIATION, INC.
P.O. BOX 2746
DAPHNE, AL 36526

PARCEL 2 (WEST):
PROGRESSIVE REHAB SERVICES, INC.
P.O. BOX 183
MONTROSE, AL 36559

PARCEL 1.002 (WEST):
PRESBYTERY OF SOUTH ALABAMA, INC.
P.O. DRAWER 2157
DAPHNE, AL 36526

PARCEL 11.001 (NORTH):
OBAMA LLC
C/O ALABAMA LAND TITLE
112 NORTH HOYLE AVE.
BAY MINETTE, AL 36507

PARCEL 15 (EAST):
ASHLEY GATES – BROOKFIELD LLC
C/O FELLERS, SCHEWE, SCOTT & ROB ERTS, INC.
P.O. BOX 450233
ATLANTA, GA 31145

PARCEL 11
ELIZABETH WRIGHT
1112 JOHNSON ROAD
DAPHNE, AL. 36524

RC BELL DAPHNE, L.L.C.
RONALD L. BELL
7923 PLUM ORCHARD WAY
MONTGOMERY, AL. 36117

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

Daphne
ALABAMA
The Jubilee City

March 11, 2016

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Elizabeth Wright consisting of 0.62 acres +/- located southeast of the intersection of Main Street and Van Avenue to be rezoned from B-3, Professional Business, to B-1, Local Business.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, March 16, 2016 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 24, 2016 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Elizabeth Wright

COMMUNITY DEVELOPMENT
1705 MAIN STREET • P.O. BOX 400 • DAPHNE, ALABAMA 36526
TELEPHONE: (251) 621-3184 • FAX: (251) 621-3185

Reference to other nearby B-1 zoning

ORDINANCE NO. 2008 – 05

Ordinance to Rezone Property Located on Main Street Howard and CeAnn Wachter (.74 Acres)

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Local Business District, said property is located on Main Street, Daphne Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST RUN THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 1701.72 FEET; THENCE RUN EAST 25 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 145 FEET; THENCE RUN EAST 225 FEET TO A CORNER; THENCE RUN NORTH 143.2 FEET TO A CORNER ON THE SOUTH SIDE OF A 21.7 FOOT ALLEY; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF THE SAID ALLEY 225 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINING 0.74 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, January 7, 2008 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, General Business District to B-1, Local Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 22nd day of January, 2008.

Greg Burnam, Council President
Date & Time Signed: 1-23-08 9:15 Am

Fred Small, Mayor
Date & Time Signed: 1-23-08 14:36

CITY OF DAPHNE

ATTEST:

David L. Cohen
City Clerk, MMC

THIS INSTRUMENT PREPARED BY
Ross & Jordan PC.
PO Box 210
mobile Al 36601-0210

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/cert. 1/28/2008 2:44 PM
TOTAL $ 16.00
2 Pages

1097267

H OWARD & CEANN WACHTER
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST RUN THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 1701.72 FEET; THENCE RUN EAST 25 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 145 FEET; THENCE RUN EAST 225 FEET TO A CORNER; THENCE RUN NORTH 143.2 FEET TO A CORNER ON THE SOUTH SIDE OF A 21.7 FOOT ALLEY; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF THE SAID ALLEY 225 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINING 0.74 ACRES MORE OR LESS.

REFERENCE: 1410 MAIN STREET

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Rezone Property Located
Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street

WHEREAS, Elizabeth Wright as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-3, Professional Business District to B-1, Local Business District; and,

WHEREAS, said real property is located southeast of the intersection of Van Avenue and Main Street / 1204 Main Street, and more particularly described as follows:

LEGAL DESCRIPTION BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56' 21" E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½" CAPPED REBAR (10675); thence S 00° 01' 12" E, a distance of 70.00 feet to a ½" CAPPED REBAR; thence S 89°56' 21" W, distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00' 00" E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.

WHEREAS, at the City of Daphne Planning Commission meeting on March 24, 2016 the Commission considered said request and set forth a unanimous unfavorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning 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 May 2, 2016; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning 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.

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 B-3, Professional Business District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: 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 IV: 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 V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2016.

_____
Dane Haygood,
Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

"EXHIBIT A"

LEGAL DESCRIPTION

STATE OF ALABAMA
COUNTY OF BALDWIN

THE PROPERTY LOCATED AT 1204 MAIN STREET, DAPHNE, ALABAMA, IS DESCRIBED IN WARRANTY DEED RECORDED IN THE OFFICE OF PROBATE, BALDWIN COUNTY, ALABAMA AT FILE NO. 1081636, 10-24-2007, AND IS MORE PARTICULARILY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION
BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56' 21" E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½" CAPPED REBAR (10675); thence S 00° 01' 12" E, a distance of 70.00 feet to a ½" CAPPED REBAR; thence S 89° 56' 21" W, distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00' 00" E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.

SURVEY BY DAVID LOWERY Al. License No. 26623, 01/31/16.

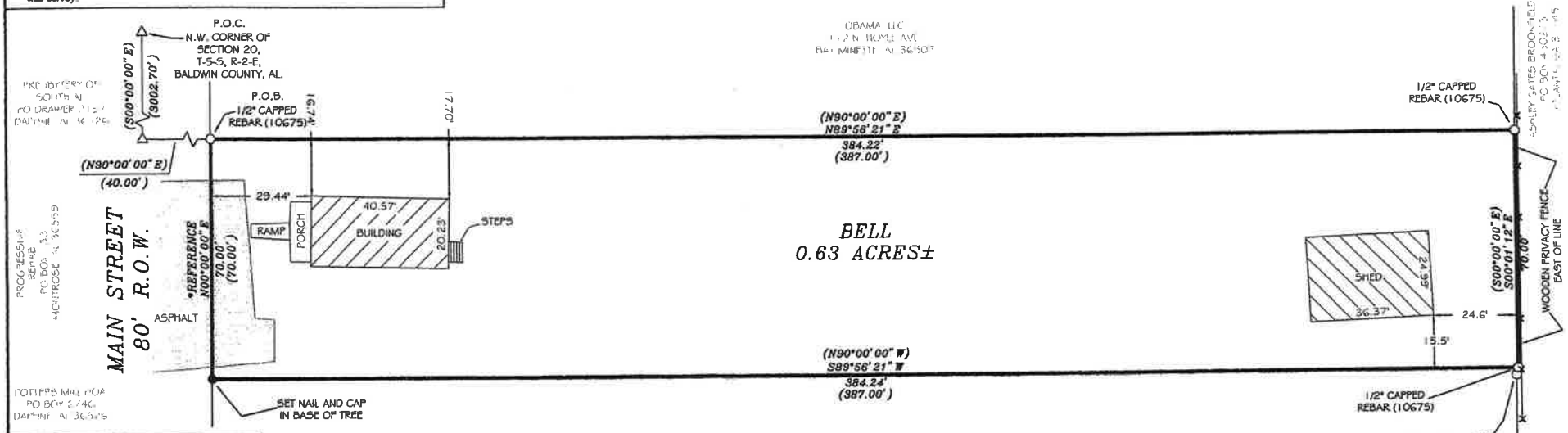
"EXHIBIT B"

NOTES

1. All bearings shown h[illegible] relative to the West LINE OF THE SURVEYED PROPERTY AS DESCR[illegible] INSTRUMENT #1081636, AS RECORDED IN THE OFFICE OF THE JUDGE [illegible] PROBATE FOR BALDWIN COUNTY, AL.
2. Corner monuments shown as set iron pins are are 5/8" reinforcing bars with a durable plastic cap stamped "26623".
3. Only Select Fixed Interior Improvements shown hereon.
4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
5. No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

LEGAL DESCRIPTION
BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALD[illegible] COUNTY, AL.; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a 1/2" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N89°56'21"E, LEAVING SAID R.O.W., a distance of 384.22 feet to a 1/2" CAPPED REBAR (10675); thence S00°01'12"E, a distance of 70.00 feet to a 1/2" CAPPED REBAR; thence S89°56'21"W, a distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N0°00'00"E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.



PLAT OF A BOUNDARY SURVEY PREPARED FOR

BELL
BALDWIN COUNTY, AL.

DWG. NO.	SURVEY DATE	SCALE
16-01-104	01/31/16	1"=30'
DRAWN BY: DBL	CHECKED BY: D. LOWERY	

LEGEND AND SYMBOLS

(**)	RECORD BEARING/DISTANCE
OE	OVERHEAD ELECTRIC
●	SET IRON PIN
O	FOUND IRON PIN
△	PIN NOT SET
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
-∿-	NOT TO SCALE
-×-	FENCE
■	FENCE CORNER POST
□	CONCRETE MONUMENT

DAVID LOWERY SURVEYING, L.L.C.

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com

ALABAMA LICENSED No. 26623 PROFESSIONAL LAND SURVEYOR DAVID LOWERY

David Lowery
Al Lic No. 26623
55284 Martin Ln.
Stockton, AL 36579
251-937-2757

SCALE
1" =30'
30' 0 30'

*REFERENCED
N

CERTIFICATION

I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my supervision, containing the acreage and being situate as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

DAVID LOWERY SURVEYING, L.L.C.

PLEASE Publish in the Bulletin Legal Section on **Friday, April 8, 2016**

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on May 2, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-3, Professional Business District to B-1, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Rezone Property Located
Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street
Elizabeth Wright

WHEREAS, Elizabeth Wright as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-3, Professional Business District to B-1, Local Business District; and,

WHEREAS, said real property is located southeast of the intersection of Van Avenue and Main Street / 1204 Main Street, and more particularly described as follows:

LEGAL DESCRIPTION BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56' 21" E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½" CAPPED REBAR (10675); thence S 00° 01' 12" E, a distance of 70.00 feet to a ½" CAPPED REBAR; thence S 89°56' 21" W, distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00' 00" E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres,

PLEASE Publish in the Bulletin Legal Section on **Friday, April 15, 2016**

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given April 8, 2016,that the City Council of the City of Daphne will hold a Public Hearing on May 2, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-3, Professional Business District to B-1, Local Business District, as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Rezone Property Located
Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street
Elizabeth Wright

WHEREAS, Elizabeth Wright as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-3, Professional Business District to B-1, Local Business District; and,

WHEREAS, said real property is located southeast of the intersection of Van Avenue and Main Street / 1204 Main Street, and more particularly described as follows:

LEGAL DESCRIPTION BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56' 21" E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½" CAPPED REBAR (10675); thence S 00° 01' 12" E, a distance of 70.00 feet to a ½" CAPPED REBAR; thence S 89°56' 21" W, distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00' 00" E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres,

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones,
Director of Community Development

Subject: Proposed amendment to Article 33, Sign Provisions, Sign For Which No Permit Is Required, Section 33-5 (g), Political Signs

Date: March 25, 2016

RECOMMENDATION: At the Thursday, March 24, 2016, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth a **favorable recommendation** to **amend *Article 33, Sign Provisions, Sign For Which No Permit Is Required, Section 33-5 (g), Political Signs*** was made and **carried unanimously.**

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, April 4, 2016 to set the public hearing.

Thank you,
ADJ

Attachments:

Proposed amendment to *Article 33, Sign Provisions, Sign For Which No Permit Is Required, Section 33-5 (g), Political Signs*

Cc: file

Proposed Amendment to the Land Use & Development Ordinance
ARTICLE XXXIII SIGN PROVISIONS 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED (g) Political Signs:

(5) Districts in Which Authorized, Non-Illuminated:

a) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any ***residential*** zoning district in the City.

b) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

(7) Maximum Size in Business, Commercial and Industrial Districts.

Political signs in business, commercial and industrial districts shall not exceed ~~sixteen (16)~~ ***thirty-two (32)*** square feet in area or eight (8) feet in height.

(g) Political Signs:

The City, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents, to ensure equal opportunity to political candidates during the election process, and to maintain the beauty and natural attraction of the local environment, hereby ordains and enacts into law a sign control ordinance applicable to political campaigns.

The requirements of this article shall be supplementary to any other ordinances, rules and regulations of the City and the state currently in force and effect. This article is hereby adopted pursuant to authority granted by *Code of Ala. 1975, §§ 11-52-1—11-52-84.* The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

(1) Applicability:

Political signs are exempt from the permit requirements of the land use and development ordinance of the City.

(2) Painting On or Attaching to Public Property, or Utility Property:

Political signs shall not be erected, constructed, posted or painted on any publicly maintained city, county, state or federal right-of-way, utility pole, tree, bench, fence, awning, or stand pipe; nor attached to any city, county, state or federal roadway marker, directional sign or informational sign.

(3) Attaching to Business or Commercial Establishment Signs:

Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment.

(4) Impeding Traffic:

Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.

(5) Districts in Which Authorized, Non-Illuminated:

a) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.

b) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

Deleted: .

(6) Maximum Size in Residential Districts:

Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height.

(7) Maximum Size in Business, Commercial and Industrial Districts.

Political signs in business, commercial and industrial districts shall not exceed thirty-two (32) square feet in area or eight (8) feet in height.

Deleted: sixteen (16)

Deleted:

(8) Use of Party Balloons:

Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.

(9) Period of Placement:

Political signs may be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entities administering the election.

(10) Failure to Remove—Fining of Candidate:

If political signs are not removed within five (5) days after the election, candidates whose names appear on such signs shall be subject to a fine of twenty-five dollars ($25.00) per sign and each day such sign shall continue to be left after the election shall constitute a new offense.

(11) Same—Removal by City. Any sign found not to be in compliance with the requirements of this article may be removed by City personnel and the candidate whose name appears on such sign shall be subject to a fine of twenty-five dollars ($25.00), for each nonconforming sign.

Section 33-5(g) added per Ordinance# 2014-11

CITY OF DAPHNE

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE / SIGN PROVISIONS

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 by the Code Enforcement Officer; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 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 May 2, 2014.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by replacing sections of Section 33-5 (g) with the following:

(5) Districts in Which Authorized, Non-Illuminated:

a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.

b.) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

(7) Maximum Size in Business, Commercial and Industrial Districts:

Political signs in business, commercial and industrial districts shall no exceed thirty-two (32) square feet in area or eight (8) feet in height.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE _____ DAY OF _____, 2014.

_____

DANE HAYGOOD, MAYOR

ATTEST:

_____

REBECCA A. HAYES, CITY CLERK

PLEASE Publish in the Bulletin Legal Section on **Friday April 8, 2016**

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on May 2, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amendments to the Land Use and Development Ordinance / Sign Provisions as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE / SIGN PROVISIONS

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 by the Code Enforcement Officer; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 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 May 2, 2014.

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

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a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.

PLEASE Publish in the Bulletin Legal Section on **Friday, April 15, 2016**

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given on April 8, 2016, that the City Council of the City of Daphne will hold a Public Hearing on May 2, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amendments to the Land Use and Development Ordinance / Sign Provisions as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE / SIGN PROVISIONS

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a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private

Accepted by:

Chairman, Daphne Utilities

DAPHNE UTILITIES

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ◆ February 24, 2016 ◆ 5:00 p.m.

I. Call to Order

The regular February 2016 Board meeting for the Utilities Board of the City of Daphne was held on February 24, 2016 at 5:01 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

Members Present:
Robert Segalla, Chairman
Randy Fry, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Dane Haygood, Board Member
Selena Vaughn, Board Member

Members Absent:

Others Present:
Tony Hoffman– Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR
Robbie Strom – HMR

Others Absent: Jerry Speegle – Board Attorney

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 January 27, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the January 27, 2016 Utilities Board Meeting.

MOTION BY Billy Mayhand to approve the submitted Minutes for the January 27, 2016 Utilities Board meeting; Seconded by Randy Fry.

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

V. OLD BUSINESS –

A. Resolution 2016-01 Restructuring of Utility Rates (BOARD ACTION: Approval)

Mr. Lyndall explained that this Board item will be removed from Old Business and discussed in more detail at the mid-year financial meeting and that the handout illustrates the implementation timeline with the intention to delay until October 1, 2016.

B. Refunding of 2005 Series Drinking Water SRF and 2006 Series Drinking and Clean Water SRF (No Board Action)

Mrs. Logiotatos explained that this agenda item was not ready to present to the Board at this time but anticipated the presentation at the March board meeting.

VI. NEW BUSINESS –

A. Recommendation for Award: Timber Creek West Force Main Replacement, Phase 1 (BOARD ACTION: Motion)

Van Baggett introduced Mr. Joe Asarisi with Asasrisi and Associates as the engineer directing this project. Mr. Asarisi reviewed the bid process on this project for the Board and recommended the project be awarded to W.R. Mitchell Contractor, Inc. Mr. Asarisi explained for Mr. Fry the sizable bid spread discrepancy between the contractors.

MOTION BY Randy Fry to award the Timber Creek West Force Main Replacement, Phase 1 project to W. R. Mitchell Contractor, Inc. at their submitted lowest bid of $131,240.00; Seconded by Mayor Dane Haygood.

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

B. Recommendation for Award: Water System Improvements Along US Hwy. 90 (BOARD ACTION: Motion)

Volkert's Melinda Immel addressed the Board and explained the two different schedules for this project, recommending A-Long Boring be awarded the project for the total of both schedules at $386,845.00. She answered questions from the Board members about the site and project.

MOTION BY Mayor Dane Haygood to award Contract No. 408165 Water System Improvements Along US Hwy. 90 project to A-Long Boring, Inc. in the total amount of $386,845.00; Seconded by Billy Mayhand.

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

VII. BOARD ATTORNEY'S REPORT

Mr. Hoffman had nothing further to add to the submitted report.

VIII. FINANCIAL REPORT

Teresa Logiotatos highlighted several areas within the financials for the Board – natural gas revenue, the pay-periods affecting budgeted salaries, and refunds and other expense items within the Check History Report. She advised the Board that we have changed insurance carriers and the new representative will be making a presentation in the coming months to the Board.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall advised that sample pamphlets were distributed for the Board to show the regulatory required natural gas public awareness marketing literature that was mailed to customers located within a certain distance of Daphne Utilities' pipeline, along with a Lend-A-HAND bill-stuffer as well as

a redesign of a Daphne Utilities magnet. He also answered questions from the Board, in particular regard to the employee training and development opportunities.

B. Operations Report

Van Baggett also commented further on the employee training and development opportunities; he pointed out the weather station hardware installed at Central Services with accessibility to the data via www.weatherunderground.com. He also mentioned the overall redesign of the grill trailer. Chairman Segalla praised the cooperation of the Water Reclamation Plant and Jim Caudle with the City of Diamondhead and their restoration efforts to their water treatment plant facility.

C. Engineering & Consulting Reports

Melinda Immel from Volkert had nothing further to add to her report. She answered questions from the Board relative to the US Hwy. 90 access issues.

Ray Moore from HMR updated on the Douglas Road project, Olde Towne Water Treatment Facility project as well as the Unsewered Area of Daphne. He answered questions from the Board.

X. BOARD ACTION – Previously addressed.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS –

Selena Vaughn invited everyone out to Arbor Day at the Daphne Recreation Center; Mayor Haygood had no comments; Randy Fry commented he hoped to see everyone at the Arbor Day event and good community participation; Billy Mayhand emphasized he is looking forward to a new "wienie wagon"; Robert Segalla thanked everyone for their hard work in making Daphne Utilities a good company.

XIII. ADJOURNMENT

MOTION BY Billy Mayhand to adjourn.

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

The meeting adjourned at 5:31 pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

Mugshots Grill and Bar

621-3094

CASE NO. 2016-4

ABC LICENSE ROUTING

		(initial)
DATE RECEIVED BY REVENUE DIV.	3/24/16	CAC
DATE FORWARDED TO POLICE DEPT.	3/24/16	CAC
DATE RECEIVED BY POLICE DEPT.	3-25-16	BG
DATE: 3/25/16 APPROVED ✓	DISAPPROVED	
POLICE DEPT SIGNATURE		
DATE RETURNED TO REVENUE DIV.	3-28-16	[illegible]
DATE FORWARDED TO CITY CLERK	3-30-16	aa
DATE RECEIVED BY CITY CLERK	3-30-2016	RH
SCHEDULED DATE ON AGENDA	4-04-2016	RH

Council Action: ____ APPROVED ____ DISAPPROVED ____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____ _____

Council Action: ____ APPROVED ____ DISAPPROVED ____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____ _____

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

Please ~~Sign~~ Approve & Send Back to us. (251) 621-6904

Thanks,
Connie

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20160322104050995

Type License: 020 - RESTAURANT RETAIL LIQUOR **State:** $300.00 **County:** $400.00

Type License: **State:** **County:**

Trade Name: MUGSHOTS GRILL AND BAR **Filing Fee:** $50.00

Applicant: J H HERRING LLC **Transfer Fee:**

Location Address: 29740 URGENT CARE DRIVE DAPHNE, AL 36526

Mailing Address: PO BOX 851052 MOBILE, AL 36608

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**

Type Ownership: LLC

Book, Page, or Document info: ENTITY 308-450

Date Incorporated: 04/16/2014 **State incorporated:** MS **County Incorporated:**

Date of Authority: 05/01/2014 **Alabama State Sales Tax ID:** R009277756

Name:	Title:	Date and Place of Birth:	Residence Address:
GEORGE ADAMS HERRING 801973904 - MS	OWNER	08/23/1977 PASCAGOULA MS	825 WARREN ST PASCAGOULA, MS 39567

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: GEORGE HERRING
Business Phone: 228-591-0141
Fax:

Home Phone: 228-591-0141
Cell Phone:
E-mail: GEORGEHRRNG@YAHOO.COM

PREVIOUS LICENSE INFORMATION:
Trade Name:
Applicant:

Previous License Number(s)
License 1:
License 2:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20160322104050995

If applicant is leasing the property, is a copy of the lease agreement attached? YES
Name of Property owner/lessor and phone number: DELANEY PROPERTY GROUP LLC 251-460-0912
What is lessors primary business? RENTAL
Is lessor involved in any way with the alcoholic beverage business? NO
Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES
Is the business used to habitually and principally provide food to the public? YES
Does the establishment have restroom facilities? YES
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
Building Dimensions Square Footage: 4500 Display Square Footage:
Building seating capacity: 141 Does Licensed premises include a patio area? YES
License Structure: ONE STORY License covers: PORTION OF
Location is within: CITY LIMITS Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20160322104050995

Initial each | **Signature page**

- In reference to law violations, I attest to the truthfulness of the responses given within the application.
- In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
- In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.
- In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.
- In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.
- In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
- In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
- The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.
  The undersigned. if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.
- I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): George A. Herring

Signature of Applicant:

Notary Name (print): Betty G. Dean

Notary Signature: Betty G Dean Commission expires: 01/13/2019

Application Taken: **App. Inv. Completed:** **Forwarded to District Office:**
Submitted to Local Government: **Received from Local Government:**
Received in District Office: **Reviewed by Supervisor:** **Forwarded to Central Office:**

Receipt Confirmation Page

Receipt Confirmation Number: 20160322104050995
Application Payment Confirmation Number: 24574980

Payment Summary

Payment Item	Fee
Application Fee for License 020	$50.00
Total Amount to be Charged	$50.00

License Payment Confirmation Number:

Payment Summary

Payment Item	County Fee	State Fee	Total Fee
020 - RESTAURANT RETAIL LIQUOR	$400.00	$300.00	$700.00
			$0.00
Total Amount to be Charged	$400.00	$300.00	$700.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **MUGSHOTS GRILL AND BAR**
Applicant Name: **J H HERRING LLC**
Location Address: 29740 URGENT CARE DRIVE
DAPHNE, AL 36526
Mailing Address: PO BOX 851052
MOBILE, AL 36608
Contact Person: GEORGE HERRING
Contact Home Phone: 228-591-0141
Contact Business Phone: 228-591-0141
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

City of Daphne Parks Improvements
Park Drive Park Improvements, Lott Park Tennis Complex and Trione Park Multiuse Fields Design

Volkert, Inc. - Scope of Work for Design Phase Project Management

Professional Services to be Performed:

General: The Project Manager shall perform certain professional engineering services relating to the above referenced project per the terms of the executed Professional Services Agreement (attached) as described under SECTION 1 – GENERAL SERVICES.

Per the terms of the associated Engineering Service Agreement between the City of Daphne and Volkert, Inc., enclosed is the Design Phase Project Management of Work for the above referenced project.

Proposed Time Line:

- By April 5, 2016: Notice to Proceed Issued to Volkert
- By August 8, 2016: Complete Park Drive Plans & Specifications
- By August 31, 2016: Receipt of Construction Bids for Park Drive Improvements
- By October 24, 2016: Begin Park Drive Construction
- By September 15, 2017: Complete Park Drive Construction
- By October 7, 2016: Complete Design of Lott Park Tennis Complex Plans & Specifications
- By February 10, 2017: Receipt of Construction Bids for Lott Park Tennis Complex
- By July 3, 2017: Begin Construction of Lott Park Tennis Complex
- By October 31, 2017: Complete Construction of Lott Park Tennis Complex
- By October 7, 2016: Complete Trione Park Multiuse Fields Plans & Specifications
- By March 10, 2017: Receipt of Construction Bids for Trione Park Multiuse Fields
- By July 3, 2017: Begin Construction of Trione Park Multiuse Fields
- By November 31, 2017: Complete Construction of Trione Park Multiuse Fields

City of Daphne
P.O. Box 400
Daphne, AL 36526

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

_____
Date

Volkert, Inc.
P.O. Box 7434
Mobile, AL 36670

_____
Signature

_____
Title

_____
Date

Daphne Parks Improvements
Park Drive Park, Lott Park Tennis Complex & Trione Park Multiuse Fields

Scope of Project Management Services

Volkert, Inc. will perform project management services overseeing the design of the proposed parks and recreation improvements included in the Master Plan approved by the City Council. Volkert's Scope of Services includes performing the following tasks to expeditiously and cost effectively complete the proposed improvements:

A. Prepare engineering scopes of work for the engineering/architectural consultants designated by the City to perform designated construction phase services as tasks to their existing contracts with the City.

B. Prepare and monitor design and construction schedules.

C. Perform plan and specification reviews for adherence with the intent of the Master Plan objectives and goals and coordinate with the design consultants.

D. Coordinate as necessary with the Daphne Planning Commission.

E. Coordinate construction bidding, award recommendations and contract executions.

F. Establish standard contract documents.

G. Prepare regularly scheduled reports of the project progress and present to the designated City Council committee in addition to the Parks Planning Team (PPT) and the Daphne Recreation Board. Reports will include tracking for actual and anticipated project progress in addition to costs.

H. Coordinate with engineering and architectural firms designated by the City Council to track and maintain project schedules and project designs consistent with available funds including leading scheduling adjustments and value engineering efforts when necessary.

I. Review and evaluate any proposed changes to the design scopes of work and provide recommendations appropriate for City Council approval.

J. Provide and implement action plans for avoiding schedule delays and maintaining scopes of improvements with available funds.

K. Maintain communication with and provide information to City representatives for making informed decisions when necessary.

L. Review and approve engineering and geotechnical progress invoices and forward to the Public Works Director for approval and payment.

M. Prepare anticipated cash flow expenditures to assist the City Finance Director with planning for available funds.

Design Phase Project Management for Engineering and Architectural Design for the Park Drive Park Improvements, Lott Park Tennis Complex & Trione Park Multiuse Fields

The Project Management fee for performing the described scope of work is $239,000 lump sum.

Budget Construction Cost Estimate for the Park Drive Park Improvements, Lott Park Tennis Complex & Trione Park Multiuse Fields

The construction estimate for Phase 1 of the Master Plan improvements is $13,709,650. This Phase 1 estimate does not include the Phase 2 improvements as identified in the Master Plan approved by the City Council on 1/25/16.

City of Daphne Parks Improvements
Lott Park Tennis Complex and Trione Park Multiuse Fields Design

Hatch Mott McDonald Alabama, LLC - Scope of Work for Engineering & Architectural Design

Professional Services to be Performed:

General: The Engineer shall perform certain professional engineering services relating to the above referenced project per the terms of the executed Professional Services Agreement (attached) as described under SECTION 1 – GENERAL SERVICES.

Per the terms of the associated Engineering Service Agreement between the City of Daphne and Hatch Mott McDonald Alabama LLC (HMM), enclosed is the Engineering Scope of Work for the above referenced project.

Proposed Time Line:

- By April 15, 2016: Notice to Proceed Issued to HMR
- By June 30, 2016: Completion & Submittal of 30% Plans
- By July 29, 2016: Completion & Submittal of 60% Plans & Specifications
- By August 31, 2016: Completion & Submittal of 90% Plans & Specifications
- By October 7, 2016: Completion & Submittal of 100% Plans & Specifications
- By October 31, 2016: Issue Plans, Specifications & Bid Documents
- By February 10, 2017: Receive Construction Bids for Lott Park Tennis Complex
- By March 10, 2017: Receive Construction Bids for Trione Park Multiuse Fields
- By July 3, 2017: Begin Construction of Lott Park Tennis Complex
- By July 17, 2017: Complete Construction of Trione Park Multiuse Fields
- By October 31, 2017: Complete Construction of Lott Park Tennis Complex
- By November 31, 2017: Complete Construction of Trione Park Multiuse Fields

City of Daphne
P.O. Box 400
Daphne, AL 36526

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

_____
Date

Hatch Mott McDonald Alabama, LLC
P. O. Box 1290
Daphne, AL 36526

_____
Signature

_____
Title

_____
Date

Daphne Parks Improvements
Lott Park Tennis Complex & Trione Park Multiuse Fields

Scope of Engineering & Architectural Services for the Lott Park Tennis Complex

A. Site and Civil Engineering Design

1. The design engineering will include the following components for the Lott Park Tennis Complex as they are shown on the Master Plan:

    a. Site Work (for parking, drainage, demolition and construction of tennis courts and related facilities)
    b. 10 each Tennis Courts with Electrical and Lighting and Amenities
    c. 1 each New Bocce Court
    d. Playground Upgrades
    e. Utilities Design and Coordination Including Electrical, Lighting, Water and Sewer
    f. Permitting

2. Perform boundary and topographic survey

3. Prepare designs that include compliance with prevailing local codes and environmental permitting requirements including Best Management Practices (BMP) Plans.

4. Coordinate with assigned geotechnical firm for obtaining required geotechnical information.

5. Meet with the Project Manager/Master Planner at each design completion phase, and other times as necessary, to confirm that master plan parameters are incorporated into the final design and include methods for keeping the project within the established project budget.

6. Prepare preliminary plans at 30%, 60%, 90% and final phases and provide opinions of probable construction costs with each corresponding completion phase and review with the Project Manager

7. Complete all design plans and specifications for completing within the established project schedule.

B. Architectural Design

1. The architectural design will include the following general components as they are show on the Master Plan:

    a. 1 each Complete Rest Room/Changing Building Including Electrical, Mechanical, Plumbing and Structural for a Fully Functional Building
    b. Covered Pavilions
    c. Bleacher Seating and Covers
    d. Tennis Court Amenities

e. Architectural Components for Baseball/Softball Fields
f. Utilities Design and Coordination
g. Permitting

2. Perform architectural and related engineering design services for completing the described buildings and related architectural facilities.

3. Perform designs that are in accordance with prevailing building codes.

4. Meet with the overall Project Manager/Master Planner to confirm that Master Plan parameters are incorporated into the final design including methods for keeping the project within the established project budget.

5. Prepare preliminary plans at identified phases and provide opinions of probable construction costs at 30%, 60%, 90% and 100% completion phases and review with the Project Manager.

6. Complete all design plans and specifications for completing within the established project schedule.

C. Engineering and Architectural Design Fees for Lott Park Tennis Complex

1.	Site Civil & Civil Design Services	$101,250 Lump Sum
2.	Architectural Design	$ 22,100 Lump Sum
	Total Design Fee	$123,350 Lump Sum

D. Budget Construction Cost Estimate for the Lott Park Tennis Complex Improvements

1. The budget construction estimate for Phase 1 improvements is $1,902,340.

Scope of Engineering & Architectural Services for the Trione Park Multiuse Fields

A. Site and Civil Engineering Design

1. The design engineering will include the following components for the Trione Tennis Multiuse Fields, Parking and Access Roads:

   a. Site Work (for parking, drainage & demolition and construction of the multiuse fields and related facilities)
   b. 3 each New Multiuse Fields (only 2 to be constructed in Phase 1) with Electrical and Lighting and Amenities
   c. Utilities Design and Coordination Including Electrical, Lighting, Water and Sewer
   d. Permitting

2. Perform Boundary and Topographic survey .

3. Prepare designs that include compliance with prevailing local codes and environmental permitting requirements including Best Management Practices (BMP) plans.

4. Coordinate with assigned geotechnical firm for obtaining required geotechnical information.

5. Meet with the Project Manager/Master Planner to confirm that Master Plan parameters are incorporated into the final design and include methods for keeping the project within the established project budget.

6. Prepare preliminary plans at 30%, 60%, 90% and final phases and provide opinions of probable construction costs with each corresponding completion phase and review with the Project Manager

7. Complete all design plans and specifications for completing within the established project schedule.

B. <u>Architectural Design</u>

1. The architectural design will include the following general components as they are shown on the Master Plan:

   a. 1 each New Complete Concession and Rest Room Building Including Electrical, Mechanical, Plumbing and Structural for a Fully Functional Building
   b. 1 each New Maintenance Building
   c. Bleachers
   d. Tennis Court Amenities
   e. Utilities Design and Coordination
   f. Permitting

2. Perform architectural and related engineering design services for completing the described buildings and related architectural facilities.

3. Perform designs that are in accordance with prevailing building codes.

4. Meet with the overall Project Manager/Master Planner at each design completion phase, and other times as necessary, to confirm that masterplan parameters are incorporated into the final design including methods for keeping the project within the established project budget.

5. Prepare preliminary plans at identified phases and provide opinions of probable construction costs at 30%, 60%, 90% and 100% completion phases and review with the project manager.

6. Complete all design plans and specifications for completing within the established project schedule.

C. Engineering and Architectural Design Fees for the Trione Park Multiuse Fields

1.	Site Civil & Civil Design Services	$ 94,900 Lump Sum
2.	Architectural Design	$ 27,100 Lump Sum
	Total Design Fee	$122,000 Lump Sum

D. Budget Construction Cost Estimate for the Trione Park Multiuse Fields

1. The budget construction estimate for the Phase 1 improvements is $1,781,900.

City of Daphne Parks Improvements
Park Drive Park Improvements Design

Hutchinson, Moore & Rauch, LLC - Scope of Work for Engineering Design

Professional Services to be Performed:

General: The Engineer shall perform certain professional engineering services related to the above referenced project per the terms of the executed Professional Services Agreement (attached) as described under SECTION 1 - GENERAL SERVICES.

Per the terms of the associated Engineering Service Agreement between the City of Daphne and Hutchinson, Moore & Rauch, LLC (HMR), enclosed is the Design Phase Engineering Scope of Work for the above referenced project.

Proposed Time Line:

- By April 5, 2016: Notice to Proceed Issued to HMR
- By May 16, 2016: Completion & Submittal of 30% Plans
- By June 24, 2016: Completion & Submittal of 60% Plans & Specifications
- By July 15, 2016: Completion & Submittal of 90% Plans & Specifications
- By August 5, 2016: Completion & Submittal of 100% Plans & Specifications
- By August 8, 2016: Issue Plans, Specifications & Bid Documents
- By August 31, 2016: Receive Construction Bids
- By October 24, 2016: Begin Construction
- By September 15, 2017: Complete Construction

City of Daphne
P.O. Box 400
Daphne, AL 36526

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

_____
Date

Hutchinson, Moore & Rauch, LLC
P. O. Box 1127
Daphne, AL 36526

_____
Signature

_____
Title

_____
Date

Daphne Parks Improvements
Park Drive Park Improvements

Scope of Engineering Services

A. Site and Civil Engineering Design

1. The design engineering will include the following general components as they are shown on the Master Plan:

    a. Site Work (for access roads, parking, ball fields/recreation areas, drainage and related site work requirements)
    b. 10 each Youth Baseball/Softball Fields (only 2 to be constructed in Phase I)
    c. Playgrounds
    d. Boardwalks
    e. Landscaping
    f. Batting Cages
    g. Related Amenities
    h. Lighting and Electrical
    i. Utilities Design and Coordination
    j. Permitting

2. Provide engineering design services for the proposed Park Drive Park improvements in accordance with the Master Plan as approved by the City Council. Work components generally include demolition, site work, 2 each 5 youth baseball/softball field complexes, access drives, parking lots, lighting, landscaping, irrigation; site utilities including water, sewer, electrical and drainage; and permitting and necessary supplemental survey in addition to corresponding amenities for complete and operational facilities.

3. Prepare designs that include compliance with prevailing sports facility, building and environmental permitting requirements including Best Management Practices (BMP) plans.

4. Coordinate with assigned geotechnical firm for obtaining required geotechnical information.

5. Meet with the Project Manager/Master Planner at each design completion phase, and other times as necessary, to confirm that Master Plan parameters are incorporated into the final design and include methods for keeping the project within the established project budget.

6. Prepare preliminary plans at identified phases and provide opinions of probable construction costs with each corresponding completion phase and review with the Project Manager.

7. Complete all design plans and specifications for advertising for bids no later than 120 calendar days from the notice to proceed date.

B. Architectural Design

1. The architectural design will include the following general components as they are shown on the Master Plan:

   a. 2 each Complete Concession/Restroom Buildings
   b. 1 each Complete Maintenance Building
   c. Pavilions
   d. Architectural Components for Baseball/Softball Fields
   e. Utilities Design and Coordination
   f. Permitting

2. Perform architectural and related engineering design services for completing the described buildings and related architectural facilities.

3. Perform designs that are in accordance with prevailing building codes.

4. Meet with the Project Manager/Master Planner at each design completion phase, and other times as necessary, to confirm that Master Plan parameters are incorporated into the final design and include methods for keeping the project within the established project budget.

5. Prepare preliminary plans at identified phases and provide opinions of probable construction costs with each corresponding completion phase and review with the Project Manager.

6. Complete all design plans and specifications for advertising for bids no later than 120 calendar days from the notice to proceed date.

C. Engineering and Architectural Design Fees for Park Drive Park Improvements

1.	Site Civil & Civil Design Services	$506,000 Lump Sum
2.	Architectural Design	$ 91,000 Lump Sum
	Total Design Fee	$597,000 Lump Sum

D. Budget Construction Cost Estimate for Park Drive Park Improvements

1. The construction estimate for the Phase 1 improvements is $10,025,410. This Phase 1 estimate does not include the Phase 2 baseball fields and additional completed parking as identified in the Master Plan approved by the City Council on 1/25/16.

RESOLUTION 2016-22
DAPHNE PARK IMPROVEMENT FUNDING PROCESS AND AUTHORIZATION FOR BANK ACCOUNT SETUP

WHEREAS, the City of Daphne desires to provide upgrades, improvements and expansion to the City of Daphne Parks and Recreation facilities; and

WHEREAS, the City Council has previously selected the Volkert, Inc. as the lead design firm and project manager for the proposed park improvements; and

WHEREAS, the City Council has previously selected a conceptual master plan via Resolution 2016-04 to proceed with recreational improvements at Trione Sports Complex, Lott Park, Park Drive Park; and

WHEREAS, the Daphne Park Improvement projects are estimated to cost $16.4 million, with $1,151,350 of that total being for design engineering services; and

WHEREAS, the appropriation of design engineering services are critical for the Daphne Park Improvement projects to proceed and are being currently considered for appropriation in Ordinance 2016-24; and

WHEREAS, it is prudent for the source of funds for the Daphne Park Improvement to be formalized prior to the appropriation of funds for the engineering design services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama that the following sources of funds are intended to be utilized to fund the Daphne Park Improvement projects:

1) $800,000 from the Lodging Tax Fund as contemplated by Ordinance 2016-24
2) $500,000 from the General Fund Reserves as contemplated by Ordinance 2016-24
3) $500,000 from the Debt Service Fund to be appropriated in the future
4) An additional $1,500,000 from the General Fund Reserves to be appropriated in the future
5) Savings from the proposed 2006 Bond Refunding (estimated to be $636,450)
6) Future borrowing in the amount of $12,000,000
7) The source of the remaining estimated balance of $463,550 is to be determined after the bidding process is completed
8) The Mayor and Finance Director are authorized to select and setup new bank accounts as required related to the Daphne Park Improvement Project

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ___ day of _____, 2016.

_____
Dane Haygood, Mayor

Attest:

_____
Rebecca A. Hayes, City Clerk

ORDINANCE 2016-23

Appropriation of Funds: For Sewer Projects

WHEREAS, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

WHEREAS, areas remain in the City of Daphne that need to be sewered and the projects bids have been received; and

WHEREAS, the City Council has determined it to be in the best interest of the City to complete the sewer projects throughout the City; and

WHEREAS, design engineering services in the amount of $97,841 was previously appropriated in Ordinance 2014-42, $600,000 was budgeted from Capital Reserve, and $782,238 from 2014 Capital Improvement Fund *(Total available funds Budgeted for Sewer projects - $1,382,238);* and

WHEREAS, an additional appropriation in the amount of $450,000 is needed to complete the Whispering Pines Sewer project and for future sewer projects in the City of Daphne *(Whispering Pines Total Project cost:: CE&I+geotech (Eng)-$125,000 + negotiated Construction-$1,636,888.35=$1,761,888.35 / $379,650 appropriation needed for Whispering Pines)*.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the Capital Reserve Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget in the amount of $450,000 for Sewer projects of the City of Daphne.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2016.

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

Negotiated
Revised Bid Numbers
3/17/2016

City of Daphne
Sanitary Sewer Whispering Pines
PROJECT No. 2016-F City of Daphne Sewer Project: Whispering Pines, Package 1 (160105)
Bids: March 3, 2016 @11:30am

Item Number	Item Description	Unit	Quantity	Unit Price	Extended Price
BF-1	FOUNDATION BACKFILL (CLASS 1)	CY	700	$92.61	$ 64,827.00
BF-3	TRENCH BACKFILL (INCLUDING DISPOSAL OF UNSUITABLE MATERIALS)	CY(TBM)	8,000	$11.00	$88,000.00
EC-1	GRASSING FOR EROSION CONTROL	AC	4	$1,312.50	$5,250.00
EC-2	MULCHING	AC	4	$1,312.50	$5,250.00
EC-3	SOLID SODDING	SY	3,000	$7.35	$22,050.00
EC-4	CLASS 2, RIP-RAP, 18" THICK	SY	140	$83.25	$11,655.00
EC-9	SILT FENCE (TYPE A)	LF	10,000	$3.25	$32,500.00
EC-10	WATTLES	LF	1,000	$6.50	$6,500.00
EC-11	GEOTEXTILE FILTER BLANKET FOR RIP RAP (NON-WOVEN)	SY	150	$5.25	$787.50
EC-12	EROSION CONTROL BLANKET FOR SLOPE PROTECTION (BIODREGRADABLE)	SY	1,000	$3.60	$3,600.00
GC-2	CRUSHED STONE FOUNDATION	LF	1,000	$8.70	$8,700.00
GC-10	REMOVE AND REPLACE CONCRETE CURB AND GUTTER	LF	100	$5.00	$500.00
GC-17	REMOVE AND REPLACE CONCRETE PIPE	LF	100	$60.00	$6,000.00
GC-22	SLOPE PAVING	SY	100	$75.00	$7,500.00
GC-24	MOBILIZATION	LS	1	$32,750.00	$32,750.00
GC-25	TRAFFIC CONTROL	LS	1	$9,000.00	$9,000.00
GC-26	REMOVE AND REPLACE EXISTING GUARD RAIL	LF	340	$21.00	$7,140.00
PA-1	REMOVING AND FLEXIBLE PAVEMENT	SY	5,000	$2.00	$10,000.00
PA-2	ASPHALT PATCHING FOR DRIVEWAYS (125 LBS/SY)	SY	300	$9.50	$2,850.00
PA-2	CONCRETE PATCHING FOR DRIVEWAY (4" THICK)	SY	150	$36.00	$5,400.00
PA-2	PAVEMENT WEARING SURFACE FOR PATCH SURFACING	SY	5,000	$10.45	$52,250.00
PA-3	PAVEMENT WEARING SURFACE FOR FULL WIDTH RESURFACING (125 LBS/SY)	SY	6,000	$6.75	$40,500.00
PA-7	AGGREGATE SURFACING FOR DRIVEWAYS, 3" THICK	TONS	200	$65.00	$13,000.00
PA-8	PLANING EXISTING PAVEMENT (APPROX 1.5" THICKNESS)	SY	2,800	$2.00	$5,600.00
PA-9	CRUSHED AGGREGATE BASE COURSE, 6" THICK (825-B)	SY	4,000	$12.50	$50,000.00
SS-1	4" PVC SEWER PIPE FOR STACKS AND LATERALS	LS	1,000	$17.38	$17,380.00
SS-1	4" DUCTILE IRON PIPE (DIRECTIONAL BORED)	LF	1,200	$86.60	$103,920.00
SS-1	6" PVC SEWER PIPE FOR STACKS AND LATERALS	LF	200	$14.00	$2,800.00
SS-2	8" DUCTILE IRON PIPE (DEPTH 0'-6')	LF	250	$61.65	$15,412.50
SS-2	8" DUCTILE IRON PIPE (DEPTH 6'-8')	LF	150	$61.65	$9,247.50
SS-2	8" DUCTILE IRON PIPE (DEPTH 8'-10')	LF	50	$66.75	$3,337.50
SS-2	8" DUCTILE IRON PIPE (DIRECTIONAL BORED)	LF	300	$112.50	$33,750.00
SS-2	8" PVC SEWER PIPE (DEPTH 0'-6')	LF	2,200	$34.00	$74,800.00
SS-2	8" PVC SEWER PIPE (DEPTH 6'-8')	LF	2,200	$39.25	$86,350.00
SS-2	8" PVC SEWER PIPE (DEPTH 8'-10')	LF	1,300	$44.50	$57,850.00
SS-2	8" PVC SEWER PIPE (DEPTH 10'-12')	LF	500	$53.25	$26,625.00
SS-2	8" PVC SEWER PIPE (DEPTH 12'-14')	LF	10	$70.00	$700.00
SS-3	8"X4" WYE AND TEE	EA	60	$144.75	$8,685.00
SS-3	8"X6" WYE AND TEE	EA	6	$175.00	$1,050.00
SS-4	48" DIAMETER MANHOLE (DEPTH 0'-6')	EA	9	$3,525.00	$31,725.00
SS-4	48" DIAMETER MANHOLE (DEPTH 6'-8')	EA	10	$4,206.80	$42,068.00
SS-4	48" DIAMETER MANHOLE (DEPTH 8'-10')	EA	3	$4,900.00	$14,700.00
SS-4	48" SANITARY SEWER MANHOLE (DEPTH 10'-12')	EA	2	$5,700.00	$11,400.00
SS-4	48" SANITARY SEWER MANHOLE (DEPTH 12'-14')	EA	2	$6,800.00	$13,600.00
SS-4	60" SANITARY SEWER MANHOLE (DEPTH 6'-8')	EA	1	$6,500.00	$6,500.00
SS-4	60" SANITARY SEWER MANHOLE (DEPTH 8'-10')	EA	1	$7,500.00	$7,500.00
SS-4	60" SANITARY SEWER MANHOLE (DEPTH 10'-12')	EA	1	$8,565.00	$8,565.00
SS-5	8" PVC DROP CONNECTIONS FOR MANHOLE (INSIDE)	LF	30	$123.50	$3,705.00
SS-6	3" CLASS 200 PVC FORCE MAIN	LF	3,000	$9.25	$27,750.00
SS-6	3" HDPE SEWER SERVICE LINE FORCE MAIN (DIRECTIONAL BORED) SDR 18	LF	300	$32.00	$9,600.00
SS-6	2" PVC SEWER SERVICE LINE (FORCE MAIN)	LF	300	$9.00	$2,700.00

SS-6	2" HDPE SEWER SERVICE LINE FORCE MAIN (DIRECTIONAL BORED) SDR 11	LF	400	$25.00	$10,000.00
SS-6	6" PVC CLASS 200 PVC FORCE MAIN	LF	4,000	$13.80	$55,200.00
SS-6	6" DUCTILE IRON FORCE MAIN	LF	600	$25.00	$15,000.00
SS-6	6" DUCTILE IRON FORCE MAIN (DIRECTIONAL BORED)	LF	300	$75.00	$22,500.00
SS-7	SANITARY SEWER PUMPING STATION (SUMERSIBLE TYPE)	LS	1	$301,614.00	$301,614.00
SS-10	CONCRETE FOR SEWER CONSTRUCTION	CY	20	$355.00	$7,100.00
SS-11	DUCTILE IRON FITTINGS FOR SEWER	LBS	3,500	$4.05	$14,175.00
SS-14	HAUNCHING FOR PVC SEWER PIPE	LF	6,800	$1.50	$10,200.00
SS-16	INTERNAL VIDEO INSPECTION	LF	7,200	$1.15	$8,280.00
SS-17	4" SEWER CHECK VALVE	EA	10	$135.00	$1,350.00
SS-18	3" FORCE MAIN CLEAN OUT ASSEMBLY (IN LINE)	EA	2	$1,375.00	$2,750.00
SS-19	3" FORCE MAIN CLEANOUT ASSEMBLY (END OF LINE)	EA	2	$1,300.00	$2,600.00
SS-20	TYPICAL SEWER SERVICES	EA	30	$936.90	$28,107.00
SS-21	CONNECT TO EXISTING MANHOLE	EA	1	$625.00	$625.00
SS-22	6" SANITARY SEWER FORCE MAIN CLEANOUT ASSEMBLY	EA	2	$2,380.00	$4,760.00
SS-23	6" FORCE MAIN AIR RELEASE/AIR VACUUM ASSEMBLY	EA	3	$4,167.00	$12,501.00
SS-24	3" CHECK VALVE/VAULT ASSEMBLY	EA	1	$6,748.35	$6,748.35
681-A	BONDS	LS	1	$20,048.00	$20,048.00
	TOTAL AMOUNT BID:				**$1,636,888.35**
	We have pit sand $2.75 plus tax pickup at ASI pit (HWY 90).				

ASPHALT SERVICES, INC.
11045 OLD HIGHWAY 31
SPANISH FORT, AL 36527
(251) 621-9325

Laurie S. Willcutt 3/17/2016

Laurie S. Willcutt
My Commission Expires:
January 29, 2020

OFFICE OF THE MAYOR
MAYOR DANE HAYGOOD

March 15, 2016

Mr. Danny Lyndall
General Manager
Daphne Utilities
900 Daphne Avenue
Daphne, AL 36526

RE: REQUEST FOR ASSISTANCE WITH WHISPERING PINES SEWER PROJECT

Dear Danny:

It has been an established goal and priority for the City of Daphne and Daphne Utilities to provide sewer to the remaining six areas within the City of Daphne that currently do not have access to sanitary sewer. The City of Daphne has been working on the largest of the six areas by focusing on providing sanitary sewer along Whispering Pines Road that will serve a number of residents along that corridor that currently do not have access to sanitary sewer (the "Whispering Pines Sewer Project"). To date, the City of Daphne has spent $97,841 for engineering design services and budgeted an additional $1,382,238 in the FY16 budget for the construction of the Project. This brings the total planned investment by the City of Daphne to $1,480,079 for the implementation of the Whispering Pines Sewer Project.

The construction portion of this project was recently bid. The bid has yet to be awarded, but a motion was made at the March 14, 2016 finance committee meeting to recommend the City Council to reject a bid which was not received at the designated location by the specified deadline as prescribed by the bid specifications, resulting in a recommended award of the project to the single bidder whose bid was in the amount of $1,670,649.50. As such, the recommended bid represents a cost overrun for project construction in the amount $288,411.50. This amount has been downwardly adjusted via negotiation as the awarding authority has the right under State bid law to negotiate with the bidder in single bid situations. The negotiated bid amount is $1,636,888.35 – representing a negotiated savings of $33,761.15 for construction. It is expected that the council will be making the bid award to the single bidder in the amount of the negotiated bid.

1705 MAIN STREET • P.O. BOX 400 • DAPHNE, ALABAMA 36526
PHONE (251) 621-9000 • FAX: (251) 621-8624 • www.daphneal.com

Additionally, post-design engineering fees for CEI (8% of construction costs under the City of Daphne engineering agreement) and geotechnical ($30,000 budgeted by HMR) will add to the budget shortage for the project. Fortunately, we expect to recognize a cost savings for post-design engineering for the project as HMR has agreed to lower the fees for CEI and geotechnical for a lump sum of $125,000 for the project.

The construction costs overrun together with the post-design engineering costs leaves the City of Daphne with unbudgeted costs in the amount of $379,650.35. Again, this number may be downwardly adjusted by any savings recognized from the ability to negotiate with the single bidder on the construction portion of the project.

Daphne Utilities should expect a significant increase in revenues upon the completion of the Whispering Pines Sewer Project. The City of Daphne is aware that sanitary sewer may not be a strong profit center for Daphne Utilities, but it is our understanding that there is adequate capacity within the current treatment facility and related infrastructure to handle the increased volume. The additional revenue from the additional sewer customers resulting from completion of this project will have a positive impact on the bottom line for Daphne Utilities.

On behalf of the City of Daphne, I would respectfully request that Daphne Utilities join with the City of Daphne in the Whispering Pines Sewer Project by financially participating in the project cost - specifically, by direct financial contribution of the project costs that are in excess of those budgeted by the City of Daphne in the amount of $379,650.35. We would further invite and welcome Daphne Utilities to assist in review of the plans to see if there might be cost savings that could be achieved as well as evaluating other avenues of cost sharing so that this essential project can move forward and be completed to the mutual benefit of the City of Daphne, Daphne Utilities, residents without sanitary sewer in within the project area, as well as for the citizens of the City of Daphne.

Sincerely yours,

Dane Haygood
Mayor, City of Daphne

cc: Jay M. Ross, Esquire
Rebecca A. Hayes, City Clerk
Tommie Conaway, City Council District 1
Pat Rudicell, City Council District 2
John Lake, City Council District 3
Randy Fry, City Council District 4
Ron Scott, City Council District 5
Robin LeJuene, City Council District 6
Angie Phillips, City Council District 7
Kelli Kichler, Finance Director

DAPHNE UTILITIES

GENERAL MANAGER
Danny Lyndall

March 18, 2016

The Honorable Dane Haygood
Mayor of the City of Daphne
P.O. Box 900
Daphne, AL 36526

RE: REQUEST FOR ASSISTANCE WITH WHISPERING PINES SEWER PROJECT

Dear Mayor Haygood:

I received your letter requesting Daphne Utilities' financial participation in the amount of $379,650.35 toward the City's Whispering Pines Sewer Project. As we dicussed, a decision of this financial magnitude is appropriately addressed by the Board of Directors of the Utilities Board of the City of Daphne. Consequently, this item will be placed on the agenda for discussion and consideration at the upcoming Utilities Board Meeting to be held on March 30, 2016.

Respectfully,

Danny Lyndall
General Manager

900 DAPHNE AVENUE · P.O. BOX 2550 · DAPHNE, ALABAMA 36526 · (251) 626-2628 FAX (251) 621-3052
"YOUR HOMETOWN UTILITY"

ORDINANCE 2016-24

APPROPRIATION OF FUNDS FOR: DAPHNE PARK IMPROVEMENT ENGINEERING DESIGN FEES

WHEREAS, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital items; and

WHEREAS, the Daphne Park Improvement project meets such recreational grounds capital criteria; and

WHEREAS, the engineers Volkert, Inc., Hatch, Mott, McDonald, and Hutchinson, Moore & Rauch/Lose have been selected by Council to provide services and oversee the different phases of the project, and

WHEREAS, Design of the project must be completed before bids can be let; and

WHEREAS, Design fees cost for the project is $1,151.350.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2016 Budget is hereby amended to include an appropriation from the

1) Lodging Tax Fund in the amount of $800,000, and
2) General Fund in the amount of $500,000 be transferred to the Capital Reserve Fund.

For a total of $1,300,000 to cover the Design fees for the Daphne Park Improvement project.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ___ day of _____, 2016.

_____
Dane Haygood, Mayor

Attest:

_____
Rebecca A. Hayes, City Clerk

DAPHNE PARKS IMPROVEMENTS
DESIGN PHASE FEES

1. Lott Park Tennis Facility - Hatch, Mott, McDonald

a.	Tennis Facility & Parking/Site Work Design Fee	$101,250
b.	Architectural/Structures Design Fee	$22,100
	Total Lott Park Design Fees	$123,350

2. Park Drive Facility - Hutchinson, Moore & Rauch/Lose & Associates

a.	Ball Fields & Parking/Site Work Design Fee	$506,000
b.	Architectural/Concessions & Maintenance Design Fee	$91,000
	Total Park Drive Design Fees	$597,000

3. Trione Park Facility - Hatch, Mott, McDonald

a.	Multiuse Fields & Parking/Site Work Design Fees	$94,900
b.	Architectural/Concessions & Maintenance Design Fee	$27,100
	Total Trione Facility Design Fees	$122,000

4. Project Management for Lott, Park Drive & Trione Park Design Phase - Volkert

a.	All Park Improvements - Design Phase Fees	$239,000

5. Geotechnical Design Phase Fees (Firms To Be Assigned)

a.	Lott Tennis Facility	$15,000
b.	Park Drive Facility	$40,000
c.	Trione Park Facility	$15,000
	Total Geotechnical Design Phase	$70,000

6. Total Design Phase Fees $1,151,350

Daphne Park Improvements
March 10, 2016
Proposed Project Management, Design and Construction Phase Services

A. Fees by Park

1. Lott Park Tennis Complex (Hatch, Mott, McDonald)
   - A. Engineering, & Architectural Design & CEI Support — $151,600
2. Trione Park Multiuse Fields (Hatch, Mott, McDonald)
   - A. Engineering, Architectural & CEI Support — $154,250
3. Park Drive (Hutchinson, Moore & Rauch/Lose)
   - A. Engineering & Architectural Design & CEI Support — $733,000
4. Project Management/Design Phase (Volkert) — $239,000
5. Project Management/Construction Phase Services (Volkert) — $826,000

Total — $2,103,850

A. Fees by Firm

1. Hatch, Mott, McDonald — $305,850
2. Hutchinson, Moore & Rauch/Lose — $733,000
3. Volkert — $1,065,000

Total — $2,103,850

B. Current Project Estimates

	Park	Construction	Fees	Geotech	Total
1.	Lott	$1,902,340	$296,600	$50,000	$2,248,940
2.	Trione	$1,781,900	$307,200	$105,000	$2,194,100
3.	Park	$10,025,410	$1,500,000	$65,000	$11,590,410
Total		$13,709,650	$2,103,800	$220,000	$16,033,450

C. Original Estimated Total — **$16.42M**

City of Daphne Parks Improvements
(Draft Schedule - General Items)

			2016											2017											
			Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
1.	PM/Engineering Contracts Finalized	February 18 - March 4, 2016																							
2.	Finance Committee Approval of Engineering Tasks	March 14, 2016																							
3.	Site Plan Review - Planning Commission	March 16, 2016																							
4.	City Council Approval of PM/Engineering Tasks	March 21, 2016																							
5.	Parks Design Completed	March 28 - July 31, 2016																							
6.	Park Drive/Trione Bids Received	August 26, 2016																							
7.	Park Drive/Trione Construction Contract Approved	September 12, 2016																							
8.	Park Drive Construction Complete	October 2016 - September 2017																							
9.	Trione Construction Complete	October 2016 - September 2017																							
10.	Lott Park Tennis Facility Bids Received	March 2017																							
11.	Lott Park Tennis Facility Contract Approved	April 2017																							
12.	Lott Park Tennis Facility Completed	July - October 2017																							

Volkert, Inc.
3809 Moffett Road (36618)
P.O. Box 7434
Mobile, AL 36670-0434

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volkert@volkert.com

www.volkert.com

Daphne Parks Improvements

Project Management, Engineering Design and Construction Phase Services

Proposed Scopes of Work

March 10, 2016

The following scopes of work are proposed for completing the proposed Daphne park improvements in accordance with the master plan selected by the Daphne City Council on January 25, 2016.

Daphne Parks Improvements Project Manager - Volkert, Inc.

The City of Daphne has appointed Volkert, Inc. to provide resources to oversee the design and construction of the proposed parks and recreation improvements included in the master plan approved by the City Council. Volkert's Scope of Services includes performing the following tasks to expeditiously and cost effectively complete the proposed improvements:

1. Prepare engineering scopes of work for other engineering/architectural consultants designated by the City to design and designated construction phase services as tasks to their existing contracts.

2. Prepare and monitor design and construction schedules.

3. Perform plan and specification reviews for adherence with the intent of the master plan objectives and goals and coordinate with other design consultants.

4. Coordinate as necessary with the Daphne Planning Commission

5. Coordinate construction bidding, award recommendations and contract execution.

6. Establish standard contract documents.

7. Prepare regularly scheduled reports of the project progress and present to the designated City Council committee in addition to the Parks Planning Team (PPT) and the Daphne Recreation Board. Reports will include tracking for actual and anticipated project progress in addition to costs.

VOLKERT

8. Coordinate with engineering and architectural firms designated by the City Council to track project schedules and available funds.

9. Review and evaluate any proposed changes during construction and provide recommendations appropriate for City Council approval.

10. Address contract questions and resolve contract disputes. Provide and implement action plans for avoiding cost overruns or schedule delays.

11. Maintain communication with and provide information to City representatives for making informed decisions when necessary.

12. Coordinate final inspections, project acceptance and initiating warranties.

Daphne Parks Construction Phase Services - Volkert, Inc.

1. Prepare construction contracts for executing by the contractor and the City.

2. Review contracts and necessary insurance.

3. Conduct a preconstruction conference.

4. Coordinate with geotechnical subconsultant and contractor for geotechnical testing during the construction phase.

5. Conduct weekly on site meetings and provide corresponding weekly status reports.

6. Perform daily site visits by the Project Representative. The parties hereto expressly acknowledge and agree that the Project Representative will not remain on the project site full-time and that he or she will not physically be at the project site the entire time the contractor or its subcontractors are working on-site. Rather the parties expressly acknowledge and agree that it is the intent of the parties and the intent of this Agreement and its Exhibits that Volkert will supply a Project Representative who will visit the site no less frequently than once-daily, and while on site, the Project Representative will endeavor to observe the progress of the contractor's work and to review the construction for the purpose of monitoring compliance with the contract drawings and specifications.

7. Review contractor's monthly payment requests and process with the City.

8. Provide start-up assistance in conjunction with the equipment manufacturer.

9. Conduct pre-final and final inspection of completed work with the contractor and City.

VOLKERT

10. Review contractor mark-ups of changes occurring during construction and provide to design engineer or architect to update for final record drawings.

11. Prepare construction contract closeout information and record drawing documentation.

Lott Park Tennis Complex and Trione Park Multiuse Fields - Hatch, Mott & McDonald (HMM)

1. Provide engineering and architectural design services for the proposed Lott Park Tennis Facility in accordance with the Parks Master Plan as approved by the City Council. Work components generally include demolition, site work, 10 tennis courts, access drive, parking lot, covered areas, restroom and changing facility, lighting, landscaping, irrigation, site utilities including water, sewer, electrical and drainage and permitting and necessary supplemental survey in addition to corresponding amenities for the tennis facility.

2. Provide engineering and architectural design services for the proposed 3 additional multiuse fields at Trione Park generally including demolition, site work, multiuse fields, access drive, parking lot, concessions building, lighting, landscaping, irrigation, site utilities including water, sewer and electrical and drainage and permitting and necessary supplemental survey in addition to corresponding amenities for proposed improvements.

3. Designs shall include compliance with prevailing building and environmental permitting requirements including Best Management Practices (BMP) plans.

4. Coordinate geotechnical with assigned geotechnical firm.

5. Meet with Project Manager/Master Planner to confirm that master plan parameters are incorporated into final design.

6. Prepare preliminary plans at identified phases and provide opinions of probable construction costs with each corresponding completion phase and review with the Project Manager.

7. Provide assistance during the construction phase to include intermittent site visits at critical junctures during construction and providing solutions for discrepancies discovered during construction. The frequency of site visits for architectural components shall be suitable for reviewing construction progress and conformance with the design.

8. Attend construction progress meetings atleast once monthly.

9. Prepare record drawings based on contractor mark-ups.

10. Complete all design plans and specifications for advertising for bids no later than 120 calendar days from the notice to proceed date.

VOLKERT

Park Drive Sports Fields & Site Improvements - Hutchinson, Moore & Rauch (HMR)/Lose & Associates

1. Provide engineering and architectural design services for the proposed Park Drive and Trione Parks in accordance with the Parks Master Plan as approved by the City Council. Work components generally include demolition, site work, 2 each 5 youth baseball/softball complexes at Park Drive, 2 concessions buildings, a maintenance building, pavilions, access drives, parking lots, lighting, landscaping, irrigation, site utilities including water, sewer, electrical and drainage and permitting and necessary supplemental survey in addition to corresponding amenities for complete and operational facilities.

2. Designs shall include compliance with prevailing sports facility, building and environmental permitting requirements including Best Management Practices (BMP) plans.

3. Coordinate geotechnical with assigned geotechnical firm.

4. Meet with Project Manager/Master Planner to confirm that master plan parameters are incorporated into final design.

5. Prepare preliminary plans at identified phases and provide opinions of probable construction costs with each corresponding completion phase and review with the Project Manager.

6. Provide assistance during the construction phase to include intermittent site visits at critical junctures during construction and expeditiously providing solutions for discrepancies discovered during construction. The frequency of site visits for architectural components shall be suitable for reviewing construction progress and conformance with the design.

7. Attend construction progress meetings atleast once monthly.

8. Prepare record drawings based on contractor mark-ups.

9. Complete all design plans and specifications for advertising for bids no later than 120 calendar days from the notice to proceed date.

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-25

Ordinance to Rezone Property Located at the
Northwest Corner of the Intersection of Main Street and Dryer Avenue
Christ the King Catholic Church

WHEREAS, Christ the King Catholic Church as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-2, Medium Density Family Residential District to B-1, Local Business District; and,

WHEREAS, said real property is located at the northwest corner of the intersection of Main Street and Dryer Avenue, and more particularly described as follows:

LEGAL DESCRIPTION

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89^0-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00^0-18'-46"-W for 129.81 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89^0-35'-26"-W, along the North right of way line of said Dryer Avenue, for 99.90 feet; Thence N-00^0-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89^0-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00^0-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22569 square feet or 0.5181 acres, more or less.

WHEREAS, at the City of Daphne Planning Commission meeting on January 28, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning 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 April 4, 2016; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning 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.

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-2, Medium Density Family Residential District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: 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 IV: 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 V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2016.

_____
Dane Haygood,
Mayor

ATTEST:

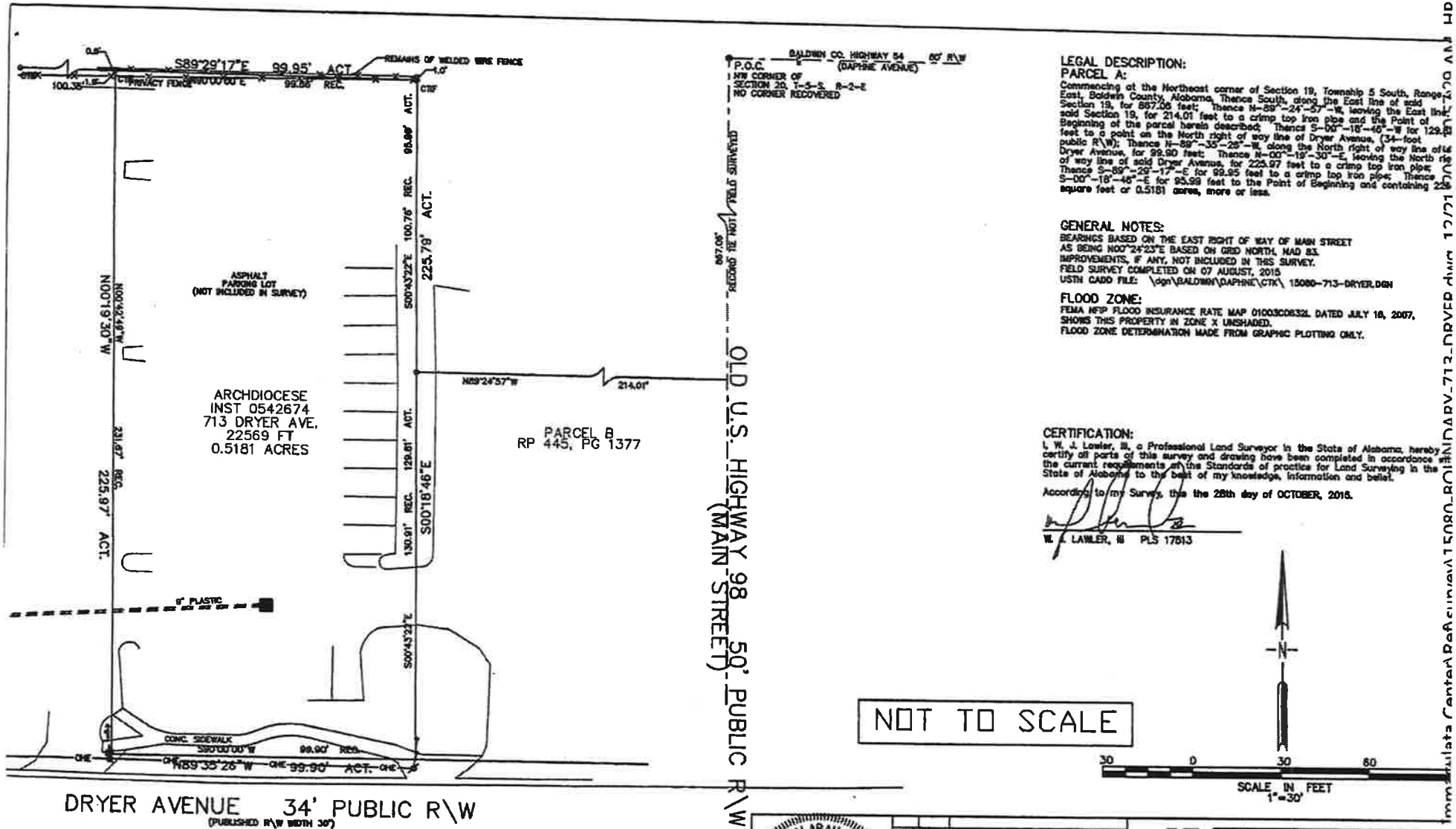
_____
Rebecca A. Hayes, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR

CHRIST THE KING CATHOLIC CHURCH

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.06 feet; Thence N-89^0-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00^0-18'-46"-W for 129.81 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89^0-35'-26"-W, along the North right of way line of said Dryer Avenue, for 99.90 feet; Thence N-00^0-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89^0-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00^0-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22569 square feet or 0.5181 acres, more or less



LEGAL DESCRIPTION:

PARCEL A:

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 867.05 feet; Thence N-89°-24'-57"-W, leaving the East line of said Section 19, for 214.01 feet to a crimp top iron pipe and the Point of Beginning of the parcel herein described; Thence S-00°-18'-46"-W for 129.61 feet to a point on the North right of way line of Dryer Avenue, (34-foot public R\W); Thence N-89°-35'-26"-W, along the North right of way line of Dryer Avenue, for 99.90 feet; Thence N-00°-19'-30"-E, leaving the North right of way line of said Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-89°-29'-17"-E for 99.95 feet to a crimp top iron pipe; Thence S-00°-18'-46"-E for 95.99 feet to the Point of Beginning and containing 22[illegible] square feet or 0.5181 acres, more or less.

GENERAL NOTES:

BEARINGS BASED ON THE EAST RIGHT OF WAY OF MAIN STREET AS BEING N00°24'23"E BASED ON GRID NORTH, NAD 83.
IMPROVEMENTS, IF ANY, NOT INCLUDED IN THIS SURVEY.
FIELD SURVEY COMPLETED ON 07 AUGUST, 2015
USTN CADD FILE: \dgn\BALDWIN\DAPHNE\CTK\ 15080-713-DRYER.DGN

FLOOD ZONE:

FEMA NFIP FLOOD INSURANCE RATE MAP 01003C0832L DATED JULY 18, 2007, SHOWS THIS PROPERTY IN ZONE X UNSHADED.
FLOOD ZONE DETERMINATION MADE FROM GRAPHIC PLOTTING ONLY.

CERTIFICATION:

I, W. J. Lawler, III, a Professional Land Surveyor in the State of Alabama, hereby certify all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

According to my Survey, this the 28th day of OCTOBER, 2015.

W. J. LAWLER, III PLS 17513

ALABAMA REGISTERED No. 17513 PROFESSIONAL LAND SURVEYOR W. JAY LAWLER, III ORIGINAL RAISED SEAL

REV.	DATE

REVISIONS

LEGEND

SUBJECT PROPERTY
ADJOINING PROPERTY
EASEMENT LINES
OVERHEAD ELECTRIC —OHE—OHE—
FENCES —X—X—X—X—
SECTION CORNER ❋ PINS & PIPES ○
POWER POLES ⊗ MONUMENTS ▲
GUY WIRES ↓ TRANSFORMERS

LAWLER AND COMPANY
2879 CLAUDIA LANE
THEODORE, ALABAMA 36582 (251) 861-9411
PARCEL BOUNDARY SURVEY
CHRIST THE KING CATHOLIC CHURCH
IMMACULATA CENTER, DAPHNE, ALABAMA

DATE	REQUESTED BY	DRAWING
28 OCTOBER, 2015	CMG & ASSOC.---GARY COWLES	15-080

CHRIST THE KING CATHOLIC CHURCH

EXHIBIT "B"

CITY OF DAPHNE, ALABAMA

ORDINANCE NUMBER 2016-26
AN ORDINANCE ADOPTING A POLICY OF APPOINTMENT OR REAPOINTMENT OF BOARDS AND COMMITTEES

WHEREAS, the City of Daphne has a number of boards and committees that are appointed by the City Council; and

WHEREAS, the City of Daphne wishes to standardize the manner in which these appointments are made; and

WHEREAS, the City of Daphne has determined that it is in the best interests of its citizens to establish certain provisions relating to these appointments; and

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

The following rules and regulations shall apply to appointments to boards and committees other than the City Council itself:

SECTION I: POLICY FOR DAPHNE CITY APPOINTMENTS

1. Appointments as used in this policy shall only refer to appointments to entities other than the City of Daphne ("City") Council.

2. Appointments shall be for the remaining time left in the term and shall not begin a new term unless otherwise directed by law.

3. Appointments may be discussed in a City Council work shop or committee meeting but shall be voted on by the City Council at a Council meeting.

4. If a board or committee member's term expires and no Council action has been made, said member is deemed not to have been reappointed but merely serves as a temporary or acting member until a replacement appointment or reappointment occurs. A member may resign in writing from their appointment at any time.

5. Any resident within the City's police jurisdiction may be appointed to any board or committee unless it otherwise conflicts with any Daphne Ordinance or state law.

6. No person convicted of a felony may serve on any City board or committee unless waived by the majority of council.

7. Resumes for nominations to a vacancy or to replace an acting member shall be submitted to the City clerk no later than one day prior to the meeting for consideration. An acting member of a board or committee need not submit a resume unless they have been convicted of a crime during their tenure on the board or committee.

SECTION II. APPOINTMENT OF CITY COUNCIL MEMBERS ON OTHER BOARDS

Where a council member is required to be appointed to a committee or board, other than a City board or committee the following policy shall apply:

> The council members may volunteer for said appointment in writing prior to the meeting and submit it to the City Clerk for inclusion on the agenda. Whether other members have volunteered or not, a vote will be held to appoint a member to the board. Nominations from the floor during the meeting may be accepted at the discretion of the Council President. Self-nominations from the floor will not be permitted unless there are no nominations, nor members who volunteered in writing before the meeting. Where practicable a member from each district should be represented.

SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this 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 III: 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 IV: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE __ DAY OF _____, 2016

_____

Dane Haygood, Mayor

ATTEST:

_____

Rebecca A. Hayes, City Clerk