

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
AUGUST 1, 2016
6:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**

INVOCATION / Associate Pastor Michael Kilpatrick with Church of His Presence

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / July 18, 2016
Special Called Council Meeting Minutes / July 21, 2016

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY - Conaway
Review minutes / July 18th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / July 18th

a.) Committee recommends: **Ordinance 2016-47** / Regualte TaxiCabs and Vehicles for Hire (*1st Read*)

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune
Review Museum minutes / July 11th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips
Review minutes / July 25th

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry
Review minutes / June 29th

6. MAYOR'S REPORT

7 CITY ATTORNEY'S REPORT

8. DEPARTMENT HEAD'S REPORT**9. CITY CLERK'S REPORT**

- a.) Event Permit / Apollo's Mystic Ladies / Mardi Gras / February 17, 2017

10. PUBLIC PARTICIPATION**11. RESOLUTIONS AND ORDINANCES:****RESOLUTIONS:**

- a.) **Resolution 2016-54.**Officer Elected Without Opposition
- b.) **Resolution 2016-55.**Appointing Election Officials for the Municipal Election
- c.) **Resolution 2016-56.**Authorizing All-Way Stops at the Intersection of North Lamhatty Lane and Cowles Crossing / Estates of Tiawasee / Retreat at Tiawasee Subdivisions

ORDINANCES:**2ND READ**

- a.) **Ordinance 2016-41.**Rezone: Property Located Southeast of the Intersection of Pollard Road and Well Road / McBride; Romero
- b.) **Ordinance 2016-42.**Rezone: Property Located Southeast of the Intersection of County Road 64 and Friendship Road / AJD Family Limited Partnership, LLC
- c.) **Ordinance 2016-43.**Rezone: Property Located Northwest of the Intersection of Halls Lane and U.S. 98 / Eastern Shore Associates, LLC
- d.) **Ordinance 2016-44.**Rezone: Property Located Northwest of the Intersection of County Road 64 and Pollard Road / Anne K. Irvine
- e.) **Ordinance 2016-45.**Annexation: Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181 / The Bill's No. 2, LLC
- f.) **Ordinance 2016-46.**Amending the Land Use and Development Ordinance 2011-54 / Article 31, Home Occupations, Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities, Section 31-1, Home Occupations
- g.) **Ordinance 2016-47.**Appropriation of Additional Funds /General Funds: Old Daphne Wharf ROW Drainage Improvements / (NRCS Project)

1ST READ

- a.) **Ordinance 2016-49.**Regulate Taxi Cabs and Vehicles for Hire

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____
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CITY CLERK:

REBECCA HAYES	PRESENT____	ABSENT____
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CITY ATTORNEY:

JAY ROSS	PRESENT____	ABSENT____
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**JULY 18, 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: Pat Rudicell; Tommie Conaway; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Angie Phillips.

Also Present: Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Vickie Hinman, HR Director; Richard Merchant, Building Official; Charlie McDavid, Recreation Department; Beautification Committee; Dorothy Morrison, Kiki Mikkelson, Victoria Phelps; Al Guarisco, Village Point Foundation; IDB members: Toni Fassbender, Denis Kearney, Doug Bailey; Tim Patton, Volkert; Andy Bobe, Dewberry Engineering; Rusty Russell, Adams & Reese.

Absent: Mayor Haygood; David McKelroy, Recreation Director.

INVOCATION/PLEDGE OF ALLEGIANCE:

Shane Latta / Life Development Director with City Hope Church gave the invocation.

RECOGNIZING: Daphne 7U Year Old All Star Baseball Team

Councilman Randy Fry commented on the team stating the Daphne 7U All Star Baseball team won the Cal Ripken Baseball Southwest Regional Tournament yesterday. This is the highest level of play offered by Cal Ripken baseball at this age. The players are as follows: Scooter Myles, Caiden Weinacht, Slugger Myles, Kaleb Rudolph, Brody McDavid, Matthew Lightcap, Grayson Maund, Jacob Thomas, Will Fitzhugh, Brian Kelder, DJ Blackwood, Noah Mosley, Coaches: Todd Thomas, Charlie McDavid, Broderick Myles, Chris Maund.

3. APPROVE MINUTES:

The July 5, 2016 council meeting minutes stand approved with the amendment to the vote on Ordinance 2016-38 that Councilman Rudicell abstained. Councilwoman Conaway abstained.

PUBLIC HEARINGS:

a.) Rezoning:	AJD Family Limited Partnership, LLC
Location:	Southeast of the intersection of County Road 64 and Friendship Road
Present Zoning:	B-1, Local Business District
Requested Zoning:	B-2, General Business District
Recommendation:	Favorable

Ms. Tanya Lazzari and Patsy DeFilippi gave the presentation.

Council President Rudicell opened the Public Hearing at 6:40 p.m.

No one spoke for or against the rezoning.

Council President Rudicell closed the Public Hearing at 6:40 p.m.

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b.) Rezoning:	McBride & Romero
Location:	Southeast of the intersection of Pollard Road and Well Road
Present Zoning:	R-1, Low Density Single Family Residential District
Requested Zoning:	B-2, General Business
Recommendation:	Unanimous Favorable

Mr. Starke Irvine gave the presentation.

Councilman Scott said that the rezoning received a unanimous favorable recommendation.

Council President Rudicell opened the Public Hearing at 6:42 p.m.

No one spoke for or against the rezoning.

Council President Rudicell closed the Public Hearing at 6:42 p.m.

c.) Rezoning:	Eastern Shore Associates, LLC
Location:	Northwest of the intersection of Halls Lane and U.S. Highway 98
Present Zoning:	B-2, General Business District
Requested Zoning:	R-7(T), Townhouse District
Recommendation:	Unanimous Favorable

Mr. Andy Bobe with Dewberry Engineers gave the presentation.

Councilman Scott said that the rezoning received a unanimous favorable recommendation.

Council President Rudicell opened the Public Hearing at 6:43 p.m.

No one spoke for or against the rezoning.

Council President Rudicell closed the Public Hearing at 6:43 p.m.

d.) Rezoning:	Anne K. Irvine
Location:	Northwest of the intersection of County Road 64 and Pollard Road
Present Zoning:	R-4, High Density Single Family Residential District
Requested Zoning:	B-2, General Business District
Recommendation:	Unanimous Favorable

Mr. Starke Irvine gave the presentation. He mentioned that the rezoning received a unanimous favorable recommendation.

Council President Rudicell opened the Public Hearing at 6:45 p.m.

No one spoke for or against the rezoning.

Council President Rudicell closed the Public Hearing at 6:45 p.m.

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e.) Annexation: The Bill's No. 2, LLC
Location: Southwest corner of the intersection of Champions Way and AL Highway 181
Pre-Zoned as: B-3, Professional Business District
Recommendation: Unanimous Favorable

Mrs. Toni Fassbender gave the presentation.

Councilman Scott mentioned that the annexation received a unanimous favorable recommendation.

Council President Rudicell opened the Public Hearing at 6:45 p.m.

No one spoke for or against the annexation.

Council President Rudicell closed the Public Hearing at 6:46. p.m.

**f.) Amend Land Use and Development Ordinance 2011-54 / Article 31-1(j) (18) (19), Home Occupations
Recommendation: Unanimous Favorable**

Mrs. Adrienne Jones gave the presentation.

Council President Rudicell opened the Public Hearing at 6:50 p.m.

No one spoke for or against the proposed amendment to the Land Use and Development Ordinance.

Council President Rudicell closed the Public Hearing at 6:50 p.m.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

Then minutes for the July 11th meeting are in the packet.

Treasurers Report / June 2016

Account Type/Title	6/30/2016	5/31/2016	(Decrease) from last Month	6/30/2015	(Decrease) from Last Year
Total Unrestricted Cash Balance	11,861,203	12,727,490	(866,287)	\$ 10,176,293	\$ 1,684,910
Total Restricted Cash Balance	8,300,725	7,650,454	650,271	8,005,573	295,152
Total City Cash Balance	\$ 20,161,928	\$ 20,377,944	\$ (216,016)	\$ 18,181,866	\$ 1,980,062

Total Unrestricted Cash Balance - \$11,861,203 and Total City Cash Balance - \$ 20,161,928

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Sales and Use Taxes: May, 2016

\$1,209,149.30 was collected for May 2016:

- YTD Variance over Budget - \$539,845.25

Lodging Tax Collections, May, 2016

Collections for May, 2016 were \$104,483.34 which is down (\$4,232.40) from May 2015's collections of \$108,715.74.

- YTD Variance over Budget: \$ 22,724.20

The report will be submitted for audit.

B. BUILDINGS & PROPERTY COMMITTEE – Lake

The July 5th minutes are in the packet.

MOTION BY Councilman Lake to relocate the Veteran's Memorial statue donated by Dr. Booth to the KFC point subject to Dr. Booth's approval. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to authorize the Mayor to go forward with negotiations with the Lake Forest Property Owners Association lease agreement with regard to the Yacht Club Boat Ramp. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to name the KFC point Veteran's Point. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

C. PUBLIC SAFETY COMMITTEE – Conaway

The committee met today, and the minutes will be in the next packet. Councilwoman Conaway commended the Police Department for doing such a good job as the City of Daphne was named one of the safest cities in a Homeland Security report. The next meeting will be August 15th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met today, and the minutes will be in the next packet. The next meeting will be August 15th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The June 6th minutes are in the packet along with the June 20th Environmental Advisory Committee minutes, the Beautification minutes for the June 8th meeting and the Museum minutes for the June 13th meeting. The next meeting will be August 1st at 5:30 p.m.

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5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report.

B. *Downtown Redevelopment Authority* – Conaway

The next meeting will be July 27th at 5:30 p.m.

C. *Industrial Development Board* – Phillips

The next meeting will be July 25th at 6:00 p.m.

D. *Library Board* – Lake

The board met July 14th, and the next meeting will be August 11th at 4:00 p.m.

E. *Planning Commission* – Scott

The Site Review meeting is Wednesday at 8:30 p.m., and the Planning Commission meeting is Thursday, July 28th at 5:30 p.m.

F. *Recreation Board* – LeJeune

The board met as part of the July 11th work session on the recreation improvements. The meeting went well, and he was impressed with the designs and that they were on schedule. The next meeting will be August 10th at 6:30 p.m.

G. *Utility Board* – Fry

The next meeting is July 27th at 5:00 p.m. At the last meeting a MOU was adopted to get the sewer projects moving.

6. MAYOR'S REPORT

No report.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David Carpenter - Police Chief – reported there was an accident over the weekend on Main Street with a fatality. He thanked the community for their support during these trying times.

Richard Johnson – Public Works Director – thanked everyone for that helped with Gator Alley. He said the improvements have been well received. He reported the sidewalks are finished in Lake Forest, and they came in under budget.

9. CITY CLERK'S REPORT:

No report.

10. PUBLIC PARTICIPATION

Mr. Joe Davis – 30757 Pine Court – appreciates council moving forward with the technology park project. He has talked with folks involved with technology programs in Huntsville that wants a coastal presence. He mentioned that his granddaughter just graduated from the Police Academy in Mobile and was the first female to win first place in the the marksman category. He thanked and praised the first responders and thanked them.

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Mrs. Dorothy Morrison – Chairwoman of the Beautification Committee – spoke regarding the lady living on US Highway 98 and is concerned for her safety, but doesn't want people to think that they can pitch a tent on the side of the road in Daphne.

Mr. Tim Swanson – Daphne - spoke regarding eliminating the grocery tax in Daphne, and is concerned with the money being spent on "Gator Alley and the recreation improvements. He is concerned about firemen, sidewalks, roads, infrastructure problems and needing a strategic plan. He also informed the LFPOA that members should also be involved with the marina discussion, and is concerned about a conflict of interest.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-45.**.....Authorizing All-Way Stops at the Intersection of Lawson Road and
Ridgewood Drive (*motion from the June 20th Public Safety Mtg.*)
- b.) **Resolution 2016-47.**.....Declaring Certain Property Surplus / (10+) Radios (*some are parts only*)
(2) ISI Escape Packs / (6) Masks & Equipment / 1 Crown Vic (*Patrol*)
- c.) **Resolution 2016-48.**..... Declaring Certain Property Surplus / (1) Popcorn Machine / (1) Reading
Table / Donate to Ruff Wilson Youth Organization
- d.) **Resolution 2016-49.**.....Appointing Election Officials for the Municipal Election August 23, 2016 and
Run-Off Election October 4, 2016
- e.) **Resolution 2016-50.**..... Bid Ward: Police Vehicle Equipment / Firehouse Sales & Service, Inc.
- f.) **Resolution 2016-51.**.....Appointing the 7U All Star Baseball Team as Goodwill Ambassadors
- g.) **Resolution 2016-52.**..... Calling for the Redemption of the City's General Obligation and Improvement
Warrants, Series 2006

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- a.) **Resolution 2016-45.** Authorizing All Way Stops at the Intersection of Lawson and Ridgewood Roads
- b.) **Resolution 2016-47.** Declaring Certain Property Surplus / (10+ Radios / (2) ISI Escape Packs / (6) Masks & equipment / 1 Crown Vic
- c.) **Resolution 2016-48.** Declaring Certain Property Surplus / (1) Popcorn Machine / (1) Reading Table / Donate to Ruff Wilson Youth Organization
- d.) **Resolution 2016-49.**Appointing Election Officials
- e.) **Resolution 2016-50.** Bid Award: Police Vehicle Equipment / Firehouse Sales & Service, Inc.
- f.) **Resolution 2016-51.** Appointing the 7U All Star Baseball Team as Goodwill Ambassadors
- g.) **Resolution 2016-52.** Calling for the Redemption of the City's General Obligation Improvement Warrants, Series 2006

MOTION BY Councilman Scott to waive the reading of Resolutions 2016-45, 2016-47, 2016-48, 2016-49, 2016-50, 2016-51 and 2016-52. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-45. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-47 and 2016-48. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-49. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Resolution 2016-50. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-51. *Seconded by Councilman Lake.*

AYE Conaway, Lake, Fry, Scott, LeJeune, Phillips

NAY Rudicell

MOTION CARRIED

MOTION BY Councilman Fry to adopt Resolution 2016-52. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

**JULY 18, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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6:30 P.M.**

ORDINANCES:

2ND READ

- a.) Ordinance 2016-40.** Motor Vehicle Operating Policies, Motor Vehicle Take Home Policies and Motor Vehicle Marking/Logo Policies

Ordinance 2016-40. Motor Vehicle Operating Policies, Motor Vehicle Take Home Policies and Motor Vehicle Marking/Logo Policies

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-40. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2016-40. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

1ST READ

- a.) Ordinance 2016-41.** Rezone: Property Located Southeast of the Intersection of Pollard Road and Well Road / McBride; Romero
- b.) Ordinance 2016-42.** Rezone: Property Located Southeast of the Intersection of County Road 64 and Friendship Road / AJD Family Limited Partnership, LLC
- c.) Ordinance 2016-43.** Rezone: Property Located Northwest of the Intersection of Halls Lane and U.S. 98 / Eastern Shore Associates, LLC
- d.) Ordinance 2016-44.** Rezone: Property Located Northwest of the Intersection of County Road 64 and Pollard Road / Anne K. Irvine
- e.) Ordinance 2016-45.** Annexation: Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181 / The Bill's No. 2, LLC
- f.) Ordinance 2016-46.** Amending the Land Use and Development Ordinance 2011-54 / Article 31, Home Occupations, Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities, Section 31-1, Home Occupations
- g.) Ordinance 2016-47.** Appropriation of Additional Funds /General Funds: Old Daphne Wharf ROW Drainage Improvements / (*NRCS Project*)
- h.) Ordinance 2016-48.** Authorizing the Issuance of \$8,600,000 of General Obligation Refunding and Improvement Warrants, Series 2016

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CITY COUNCIL MEETING
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Ordinance 2016-48.Authorizing the Issuance of \$8,6000,000 of General Obligation Refunding and Improvement Warrants, Series 2016

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2016-48. *Seconded by Councilman Fry.*

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-48. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-48. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES 2016-41, 2016-42, 2016-43, 2016-44, 2016-45, 2016-46 AND 2016-47 ARE 1ST READ

12. COUNCIL COMMENTS

Councilwoman Phillips – spoke regarding first responders saying it takes someone special to defend the community for the salary they receive. She encouraged everyone to offer assistance to their neighbors, and continue to be a great community.

Councilman LeJeune – encouraged everyone to pray for and be kind to one another, and to include in their prayers Nice, France and Baton Rouge. He mentioned that the city is not discussing taking over the marina, just the boat ramp and parking lot. He said that the sidewalk project in Lake Forest is near and dear to his heart.

Councilman Scott – thanked the IDB for working so hard on the DISC project. He thanked the LFPOA for being willing to partner with the city for Central Park and the boat ramp.

Councilwoman Fry – appreciates the sentiments of council, and congratulated the baseball team. He also congratulated Mr. Davis's granddaughters on her accomplishment. He thanked the first responders, and said to let them know if there was anything they could do to help.

Councilman Conaway – encouraged everyone to support local businesses.

Council President Rudicell – mentioned at the August work session they will discuss the budget.

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13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:27 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

**JULY 21, 2016
SPECIAL CALLED
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.**

1. CALL TO ORDER

There being a quorum present Council President Rudicell called the meeting to order at 5:30 p.m.

2. ROLL CALL

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

Also present: Rebecca Hayes, City Clerk; Kevin Boucher, City Attorney; David McKelroy, Recreation Director; Kit Smith, Recreation Board; Tim Patton, Volkert, Larry Chason, Planning Commission; Jay Robertson, HMR.

Absent: Mayor Haygood; Jay Ross, Attorney.

1. RESOLUTION 2016-53 / Approval of a Timber Sales Agreement with Mobile Forest Products, Inc.

Tim Patton spoke regarding the clearing of timber off the Park Drive property in order for prospective bidders on the park improvements to walk the property in order to prepare their proposals.

MOTION BY Councilman Scott to waive the reading Resolution 2016-53. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-53 *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adjourn. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 5:50 p.m.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

Public Safety Committee

Monday, July 18, 2016

Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works Director, Richard Johnson

Police Chief David Carpenter
Captain Scott Taylor
Tracy Bishop - Secretary
Councilwoman Tommie Conaway
Councilman John Lake
Councilwoman Angela Phillips

Committee Members Attending:

Councilwoman Tommie Conaway, Councilman Pat Rudicell, Councilman John Lake, Councilman Randy Fry, Councilman Ron Scott, Councilwoman Angela Phillips, Chief David Carpenter, Lt. Brian Gulsby, Chief James White, Code Enforcement Officers Matt Creel and Billy Kennedy, Public Works Director Richard Johnson

CALL TO ORDER

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

PUBLIC PARTICIPATION – A group was in attendance from Potters Mill Subdivisions with two plans to correct the entrance to their subdivision from Main Street (attached). Plan A would state No Trucks Allowed, and Plan B would be to narrow the entrance. Trucks are tearing up their curbing at the entrance. Richard Johnson stated this is not uncommon. He said there is no pavement damage but some curb damage. Every large truck going to Potters Mill is to service Potters Mill. He sees their suggestions as problematic and that all traffic would have to come down Old County Road. Sherry Forte who is the secretary of Potters Mill POA stated she had a few disagreements. She said when they had a study done of their streets a few years ago it showed increased traffic commuting. Trucks come through the subdivision but not all are going to their community. In the past we have had broken curbs and Public Works has patched them. In March she asked to have the curbs repaired and was told no because they were not bad enough. This does not sit well with their homeowners. Councilman Rudicell asked that if this entrance does not merit a (No Trucks Allowed) sign does it warrant coming before Public Works in the future. Johnson stated that the city is eliminating the median and putting asphalt down in Polo Trace and that he could do that in Potters Mill. Councilman Lake said this sounds like the problem is deteriorating curbs and pavement. It seems like the city needs to go back to what we used to do. Joan Scott from 1204 Old County Road was in attendance and said you can't compare Potters Mill to Polo Trace. Everyone comes through Old County Road to Main Street through Potters Mill. Gary Golonet from 505 Potters Mill said there is no way to stop the trucks through Potters Mill. He doesn't know who designed the entrance originally but it should have the curbing cut off and put asphalt down. Richard Johnson said that maintaining the right of way is not an issue and he did not know why we were talking about a Public Works issue in Public Safety. Yes the curbs are busted but they are perfectly serviceable. When they need to be addressed we will address them. This is an issue Public Works needs to address, not Public Safety. Mike Shiebert from Potters Mill stated the curb is high and cracked and will damage a truck tire if hit.

Matthew Sparks submitted a letter to the Public Safety Committee regarding the "No U Turn" sign in front of Historic Malbis almost causing many accidents. Councilwoman Phillips has heard this repeatedly from neighbors with the same issue. Richard Johnson will ask ALDOT to investigate and he will contact Mr. Sparks. Councilman LeJeune asked why the light at Renaissance was not working. Johnson advised they did a traffic study and it's still a no go.

Victoria Phelps was in attendance advising there had been some criminal activity around Cherryhill Dr and asked if the police could close patrol. She also mentioned the 25 mph speed limit throughout

Lake Forest and asked if the police could step up enforcement. She inquired about the four way stop request at Lawson Rd and Ridgewood. Councilman Fry advised it was on the city council agenda tonight.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June 2016 were adopted. Motion was made and passed with two corrections.

POLICE DEPARTMENT

A. New Business – Councilwoman Tommie Conaway stated her appreciation for the police department and for their efforts in making Daphne one of the safest cities. Chief Carpenter went over the stats. Carpenter had the School Resource Officer, Jaime Huffman, in attendance. She explained a brief summary of her job. She has been an SRO for one year. Getting the new Tahoes out about every 2-1/2 to 3 weeks. We had a few issues on the camera systems but they are fixed and working good. The bodycams are working great. We have implemented having two officers on calls for safety reasons. Councilman LeJeune asked for a report on the vehicles for the next Public Safety Meeting. Chief stated the first Tahoes were bought in 2011. Chief explained how our SWAT members teamed up with the FBI and did a drug sweep on Parma Drive. They got a few citizens; all others were on the outskirts. It made a big impact. Had fatality on Main St at Jackson Oaks, 24 year old male early Sunday morning. Hit the culvert then a tree. We are still working the bank robbery from last week. Chief stated that the PD has had a lot of community support during the last week or so.

FIRE DEPARTMENT

A: New Business – Chief White went over his stats. Chief advised that since we last met he met with Johnson and Peterson to redo Station 2. Drawings will be complete by mid-August for presentation August 17th. It will be probably from November – January for the start date. We got a quote on the trailer. It will be \$10,000 for 6 months. Mayor thought this is a pretty decent price. They will have to add a kitchen and a bathroom in the trailer. Councilman Scott asked since this is public safety was there any way we could compact this time span. Richard Johnson said most definitely. He said we already have an appropriation made but we will probably need another appropriation. We will need the contracts done and this is usually two weeks from the time the second read occurs. Councilman Scott asked if we could combine both readings. Johnson said no. Councilman Fry asked if we could fix the time issue with the trailer. Councilman Scott asked what we can do to compact this process, can we offer a financial incentive if completed early? Councilman Fry said we can fix somewhat with a trailer. Councilman Fry asked Chief what is his recommendation on the trailer, get now? Next month? Chief White added he'd like to get the firemen out as ASAP. Randy Fry made a motion that we go ahead and get the trailer as soon as possible. Do we need to run through Finance or go ahead and submit it to the council? Fry recommended it go straight to council so that we can go ahead and get it on the agenda. All were in favor, none opposed, motion passed. Richard Johnson stated that there is already a \$300,000 appropriation that we could use \$10,000 for the trailer and we know we are going to have to add to it when the bids come in so you might want to do it in the form of a resolution. Councilman Scott noticed a HUD application for property on County Road 13 & Corte Road, 80+ acres. Since we've been looking for a fire station in that area. It's coming before the planning commission next

Thursday night. It is a pre-annexation, pre-zoning. Councilwoman Conaway said we need to amend that motion. Fry amended the motion to take \$10,000 from the \$300,000 construction appropriation to purchase the trailer. Councilman LeJeune asked Chief White for a report on his overtime. Councilwoman asked White how long it will take to add a bathroom and kitchen to the trailer. Chief stated they gave him a price but no timeline.

Old Business – Councilman Scott requested an all way stop at the intersection of North Lamhatty Lane and Cowles Crossing. Councilman Scott made a motion for Public Works to install signs for the four way stop. Motion was seconded and passed. Councilman Scott also talked to Hal Calloway about rumble strips at Loma Alta Towers to take care of a blind spot. Loma Alta Towers will submit a letter and we will address at the next meeting. Councilman Fry requested signage close to Montclair Pool on Ridgewood Drat the curve with limited sight then goes downhill. Richard Johnson said he would look at it. He advised that LED's are not expensive and will get the attention of drivers. Councilman Rudicell asked about the Crossing Guard situation, are we going to go to 10-99, raising salary, etc? Do we have the county pay averages? Chief stated we turned that pay scale in at the last meeting. Councilwoman Conaway said to check with Kelly to see if she can get us the information

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:25 p.m. Councilman Scott. The next meeting will be Monday, August 15, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daphne Public Safety Committee", is written over the typed name.

Daphne Public Safety Committee



Potter's Mill Owners Association, Inc.
PO Box 2746
Daphne AL 36526-2746
pottersmillpoa@gmail.com

To: Daphne Public Safety Committee
Date: Monday, July 18, 2016
From: Potter's Mill POA
Sub: Request for "Trucks Prohibited" sign, for the one-way narrow lane of Potter's Mill Avenue.

History: Twenty-eight years ago the developer of Potter's Mill received approval by the Planning Commission to put in a curvy one-way narrow lane at our entrance in order to avoid damaging a very old protected Live Oak tree. This narrow lane routes vehicles along an "S" shaped road under the low hanging limb of this protected tree. Over the years, the tree limb as well as the curbs and pavement have suffered from large vehicles trying to navigate this narrow road. When Potter's Mill streets were taken over from the developer, this narrow lane became a City street and falls under Public Works for its maintenance. Unfortunately, this street requires a lot more maintenance than a standard City street. The POA would like the following two options considered.



One option is to prohibit trucks from using this road. Why now? Public Works has previously made repairs to the curbs and roadway of this narrow lane, but in March of 2016, when the POA asked Public Works to carry out repairs again, our request was denied, citing it was an "ongoing problem" and even though cracked and unsightly the curb and patched road was functional. How do we stop this 'ongoing problem?' The first priority is to try to get trucks off this narrow lane. For that reason we are asking for the committee to consider "Truck Prohibited" signs be posted on Main Street alerting trucks coming from either direction not to turn onto Potter's Mill Ave. (McAdams Avenue is the preferred entrance into Potter's Mill for larger vehicles, since it is a standard size two-way street compared to the one-way narrow lane of Potter's Mill Avenue.) This option would at least help prevent further deterioration cause by trucks. [Note that the City caused more traffic to come down Potter's Mill Avenue when they placed speed bumps on our two neighboring streets of Maxwell and Deer. When our POA appeared before this committee asking for speed bumps, we were denied, since Potter's Mill Avenue is considered a thoroughfare and has to accommodate trucks, ambulances and even fire trucks down this narrow curvy lane.

Alternative option: another more permanent solution to eliminate the "ongoing problem" to this City street  should be considered. Even with the proposed sign prohibiting trucks, there is no guarantee trucks will obey and enforcement will be difficult. Therefore, the POA would like to propose straightening out the curve by widening a small section of the narrow lane on the median side. (pictured right) This wider road should allow trucks more room to navigate so they won't be driving over the curb, while at the same time provide better clearance for the low hanging Live Oak limb.



Potter's Mill POA has been good stewards of community property and our retention pond. We are proud of our community and our houses are comparable to houses in Rock Creek & Timber Creek, but with broken curbs and an uneven patched road the initial feeling you get upon entering is that of a rundown poorly maintained community. The POA represents 72 lot owners who need to feel the City will examine this problem and come up with a solution.

Thank you for your time and consideration to our concerns.

14

Chief of Police

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period May 2016

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	3
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	2	13
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	3	8
14-Natural Vegetation Fire	0	5
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	220	941
4-Hazardous Conditions (No fire):	4	16
5-Service Call:	13	90
6-Good Intent Call:	19	91
7-False Alarm & False Call:	19	72
8-Severe Weather & Natural Disaster:	1	1
9-Other Situation:	0	5
Total Emergency Calls:	276	1216
Monthly Total Calls:	281	967
Highest:	23:00	23:00
Lowest:	<1:00	<1:00
Average (Minutes/Seconds) :	04:48	04:48
Training Hours	4689	645.50
Property Loss - \$	\$56,102.00	\$135,802.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	177	725
Number of Patients Treated	214	924
Child Passenger Safety Seat Inspections/Installations	8	44
Pre-Plans	7	288
Classes	20	110
Persons Attending	251	1514
Plan Reviews	1	7
Final/Certificate of Occupancy	2	4
General/Annual Inspections	9	356
General/Re-Inspections (Violation Follow-up - Annual)	48	142
Business Licenses	8	49
All Other/Misc. Activities	3	26
Total Activities:	71	584

Authorized by:

James White

CODE ENFORCMENT/ORDINANCE COMMITTEE

Wednesday, July 18, 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 5:37 p.m.

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

Absent: Tommie Conaway.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Kevin Boucher; City Attorney; Zach Michael, Mayor's Assistant; Richard Johnson, Public Works Director; Code Enforcement Officers: Matt Creel and William Kennedy; Adrienne Jones, Planning Director; Margaret Thigpen, Civic Center Director; Victoria Phelps LFPOA; Herb Cole; Mike Allen, Mosquito Authority.

II. APPROVE MINUTES / June 20, 2016

There being no corrections to the June 20, 2016 minutes they stand approved as written.

III. PUBLIC PARTICIPATION

Ms. Victoria Phelps asked the committee to keep the ATV ordinance in the forefront.

Councilman Scott requested the City Clerk to request Ashley Campbell to have an ordinance regarding this on the next agenda.

Mr. Mike Allen with Mosquito Authority thanked the committee for hearing him at the last couple of months.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Amending the Sign Ordinance to Allow Off Premise Commercial Signs

The current sign ordinance does not permit off premise signs. You can put them up while workers are present, but must take them down when they leave. The committee feels that if you allow off premise signs you are opening up the way for all kinds of signs.

MOTION BY Councilman LeJeune to recommend to council to amend the sign ordinance to include putting an off premise signs in homeowners yards.

MOTION FAILED FOR LACK OF A SECOND

PUBLIC PARTICIPATION

Mrs. Melanie Helms – Has an autistic son who has a service dog, and he took it with him to the a nursing home in the city to visit a relative, and the home refused entrance for the dog. She said she emailed council regarding the problem, but got no response. Chief Carpenter said that the next time that happens to call the police department, and they will explain that they cannot refuse entrance for a service dog.

b.) Revision to the Sign Ordinance / Political Signs

Kevin said that the ordinance, as it stands now, would not be in the best interest of the city. He had the Wetumpka sign ordinance, which was very big, and suggested molding it to the City of Daphne.

The committee requested Kevin to streamline Wetumpka's ordinance for the city, and bring it to the August meeting.

c.) Park Rules

Kevin said that the current ordinance does not have a penalty section, and needs one. James Scroggins, the city prosecutor, said that it is better to include a fine with the ordinance, because that way the person does not have to come before the judge, they can just pay the ticket and court cost. The committee requested Kevin to research the state penalties, as the city cannot be excessive of what the code says.

The committee requested Kevin to prepare a penalty section to the Park Rules ordinance to include:

1st Offense Fine 2nd Offense Fine 3rd Offense Fine
and to bring it back to the August meeting.

The need for security cameras at Gator Alley was discussed by the committee. The committee feels council needs to look into putting cameras at May Day Park, Gator Alley and Bayfront Park.

Margaret asked the committee to consider the flying of commercial drones at Bayfront Park.

The committee requested Kevin to look into this issue to see what is required for commercial entities to fly drones, whether they need a license from the FAA and to check out the Federal guidelines.

a.) Taxi Ordinance

Uber has not been contacted regarding the ordinance. Kevin said that he cannot get in touch with anyone from Uber.

MOTION BY Councilman Fry to recommend to council the Taxi Ordinance on advice from legal.

AYE Fry, Rudicell, LeJeune, Phillips, Scott

NAY Lake

MOTION CARRIED

V OTHER BUSINESS

No other business to discuss.

VI. NEXT MEETING / August 15, 2016.

VII. ADJOURN

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:20 P.M.

Old Methodist Church Museum of Daphne

Meeting Minutes

July 11, 2016

I. Call to order

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

II. **Attendees:** Ken Balme, Rachel Burt, Arva Brown, Al Guarisco, Mickey Boykin, Emily Hammond, Lee Swetman, Lucy Cunningham, Candice Bishop, Betty Baker, Jeanne Nelson, Scott & Dooley Berry, Helen Barocco

III. **Approval of minutes from last meeting:** June 13, 2016

IV. **Treasures Report:** 5/31/16-6/30/16 Beginning balance \$5,524.00. Deposits: Ashland Gallery-Mobile \$180, donations \$20 . Ending balance \$5,724.00. Petty cash \$20.09

V. **Volunteer Assignments/Schedules-** Volunteers for 5 Fri. Sat & Sun in July. Lucy will work Friday 7/29, Rachel Saturday 7/30, Al Sunday 7/31

VI. Committee Reports

- a) *Exhibits/Events:* Mickey & Lucy will host a Methodist lady's group at the museum 7/28. Would like to show the MayDay film. Rachel will set up a TV if we have not purchased one yet. Mickey also suggested getting Colette (that does the talks on textiles) to speak when the needlework exhibit is presented hopefully in September.
- b) *Publicity/Social Media :* Ken is working on the web site again. With a new Google beta program to help non-profit organizations.
- c) *Cemetery:* No reports
- d) *Fund Raising & Volunteer Recruitment:*
- e) *Special Tours :* None scheduled.
- f) *Archives, Curation:* New computer running. Hector is helping reload the data that was lost. Want to link our info with Mosaic, a data base of public museums .

VII. Unfinished/Ongoing business

- a) *Planning Calendar :*
- b) *Building improvements:* Scott cleaned sign outside. Parking lot: will integrate with Brick Paver sell.

- c) *Impact 100*: : still waiting to see if we made the cut, hopefully by the end of July.
- d) *Brick fundraiser*: no new progress. Helen will check with CTK Church as they are now selling bricks for their courtyard.
- e) *Mayday DVD*: Should be ready for next meeting.

VIII. New Business & Announcements

- Still need to purchase new TV
- Daphne 50 Project: Ken will distribute some the ideas he has for input.
- Serpents of Bienville have moved from Daphne to Mobile. It will be in FLUX, an artist co-op in Downtown.
- County & State Historical Commission is have a program to add new historical markers to add markers to areas that are unincorporated. Info is at bchdc.org
- We may have some issues with the phone message. Needs to be checked.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: August 8, 2016



1. CALL TO ORDER/ROLL CALL

There being a quorum present the chairman called the meeting to order at 6:05 p.m.

MEMBERS PRESENT – Toni Fassbender; Doug Bailey; John Cox; Denis Kearney; Pokey Miller.

Absent: Dan Romanchuk.

Also present – Rebecca Hayes, recording secretary; Councilman Elect Joe Davis; Councilman Pat Rudicell; Ben Cruitt.

2. APPROVE MINUTES

MOTION BY John Cox to approve the May 25, 2016 special called meeting minutes. Seconded by Doug Bailey.

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

Joe Davis – said that he appreciates being a part of the IDB, and he wanted to let the members know that he will be on council starting in November, and will represent the board, and will help as much as he can.

4. OLD BUSINESS

a.) DISC Update

Toni mentioned that the annexation of the property will be a second read and will be voted on for adoption at the August 1st meeting. At that time the lodging tax allocation will be lowered. Councilman Rudicell mentioned that the cut funds will be going toward the new recreation facilities.

b.) Geotechnical Engineering

The board discussed a site proposal from Bhate Geosciences Corporation. Doug said that the company has agreed to honor the year-old proposal, and he is familiar with the company, and they do good work. There will be a cross section of soil conditions done for the property. The board discussed getting another proposal for the site work.

MOTION BY John Cox to approve expending funds not to exceed \$10,680 for geotechnical services, and leaving the selection of firms to Doug Bailey. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

5. TREASURERS REPORT: JUNE 2016

Cash Balance May 30, 2016: \$568,765.57

Cash Balance June 30, 2016: \$580,923.87

**MOTION BY Doug Bailey to accept the Treasurers report with a balance of \$580,923.87
Seconded by John Cox.**

MOTION CARRIED UNANIMOUSLY

6. NEW BUSINESS

No new business.

7. REPORT FROM BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE

No report.

8. OTHER BUSINESS

No other business to discuss.

There being no further business to discuss the meeting adjourned at 6:50 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

Accepted by:


Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ June 29, 2016 ♦ 5:00 p.m.

I. Call to Order

The regular June 2016 Board meeting for the Utilities Board of the City of Daphne was held on June 29, 2016 at 5:00 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
Selena Vaughn, Board Member

Members Absent:

Mayor Dane Haygood, Board Member

Others Present:

Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Robbie Strom – HMR
Tim Patton – Volkert & Associates

Others Absent:

Melinda Immel – Volkert & Associates
Ray Moore – HMR

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from May, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the May 25, 2016 Utilities Board Meeting.

MOTION by Billy Mayhand to approve the submitted Minutes for the May 25, 2016 Utilities Board meeting; SECONDED by Randy Fry.

AYE: Fry, Mayhand, Segalla,

NAY:

ABSENT: Haygood

ABSTAIN: Vaughn

MOTION CARRIED

V. OLD BUSINESS

A. MoU between The City of Daphne and The Utilities Board of the City of Daphne regarding Whispering Pines Low Pressure Sewer System (Board Action: Motion)

Danny Lyndall explained that the enclosed Memorandum of Understanding document was for the purchase of the materials relating to the remaining pockets of low-pressure sewer areas and had been prepared by attorneys from the City of Daphne and the Utilities Board of the City of Daphne. The Chairman requested that when the Agreement is signed that it should be returned to Mr. Speegle for delivery to the City of Daphne's attorney. He then called for Motion for approval.

MOTION by Randy Fry to approve the submitted Memorandum of Understanding between The City of Daphne and The Utilities Board of the City of Daphne regarding Whispering Pines Low Pressure Sewer System; SECONDED by Billy Mayhand.

Billy Mayhand questioned if the figures he received were for materials or materials and labor; it was determined that figures in question were previously derived from the engineering firm of HMR, representing an estimate of labor and materials. Mr. Lyndall estimated labor cost less than \$100,000 due to the fact that it would be in-house. Mr. Mayhand requested to have this particular cost tracked and report the total cost at the end of the project.

MOTION by Randy Fry to approve the submitted Memorandum of Understanding between The City of Daphne and The Utilities Board of the City of Daphne regarding Whispering Pines Low Pressure Sewer System; SECONDED by Billy Mayhand.

AYE: Fry, Mayhand, Segalla, Vaughn

NAY:

ABSENT: Haygood

ABSTAIN :

MOTION CARRIED

VI. NEW BUSINESS –

A. Commitment to Maintain Community Development Block Grant (CDBG) Funded Sewer Facilities (Board Action: Resolution)

Danny Lyndall explained that the CDBG grant is a grant that the City of Daphne is applying for to help with assistance in connecting new sewer customers on the new Whispering Pines sewer project and then introduced Cara Stallman, the City's grant firm, to give further details. Ms. Stallman clarified that this grant was denied last year when the City applied due to Daphne's prosperity but re-applied this year for the hook-ups only for the low to moderate income households with 19 on low-pressure and 16 on gravity within the project system. She stated that the Resolution was for Daphne Utilities to maintain and continue to be a partner in the project. Mr. Lyndall also commented that Daphne Utilities signed the same Resolution for last year's application and that it is an acknowledgement of ownership and maintenance once the project is completed.

MOTION by Randy Fry to approve Resolution 2016-04 - Commitment to Maintain Community Development Block Grant (CDBG) Funded Sewer Facilities; SECONDED by Selena Vaughn.

AYE: Fry, Mayhand, Segalla, Vaughn

NAY:

ABSENT: Haygood

ABSTAIN :

MOTION CARRIED

Mr. Fry thanked Ms. Stallman for her help and assistance and confirmed the City Council passed the Resolution for the 10 percent matching funds.

B. Approval of Purchase Requisition #P50-051816 for the Purchase of AMR System Base Stations for \$173,128.31 to H-D Supply (Board Action: Motion)

Danny Lyndall advised that the submitted purchase requisition is before the board for approval due to the amount and in order to move forward with the radio-read meter project that had been included in the CIP for several years. He stated that he expects it to be underway this year and completed by next fiscal year. Drew Klumpp commented that this will include water and gas meters for full automatic read.

MOTION by Billy Mayhand to approve Purchase Requisition #P50-051816 for the Purchase of AMR System Base Stations for \$173,128.31; SECONDED by Randy Fry.

Danny Lyndall responded to Mr. Fry's inquiry of how much was budgeted for this project, estimating \$2 million and expected it to stay within budget. Mr. Klumpp explained that once the project is complete, the ongoing maintenance of the system will be similar to what is currently in place. Mr. Lyndall included that it will provide real-time meter readings and be able to better track unaccounted for water to find lost revenue.

MOTION by Billy Mayhand to approve Purchase Requisition #P50-051816 for the Purchase of AMR System Base Stations for \$173,128.31; SECONDED by Randy Fry.

AYE: Fry, Mayhand, Segalla, Vaughn

NAY:

ABSENT: Haygood

ABSTAIN :

MOTION CARRIED

C. Park City Water Authority's Water Purchase Agreement

Danny Lyndall recapped for the Board the approaching expiration of the water purchase agreement with the Park City Water Board and the ongoing conversation for renewal. Chairman Segalla recommended that any rate-adjustment notifications be given less than a 6-month delay prior to initiation, which is currently in place. Mr. Speegle advised that he will be creating a new agreement for the water purchase. Chairman Segalla also pointed out that reading the meters and/or Daphne Utilities' obligation to replace meters in the Park City Water Authority territory and advised to strengthen this regulation. Mr. Lyndall clarified that reading the meters would only be associated with sewer consumption and for no other reason related to their water service. He informed the Board that while no action is required at this Board meeting, Board action will be necessary in the future.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing to add to his report but requested Executive Session to discuss pending and anticipated litigation for a duration of approximately 30 minutes.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed financial highlights for the month of May, advising that the Net Income budget appears on track but capital expenses could slightly affect that figure, as well as projects affecting cash funds. She referred to the Allocation of Support report for Sewer's Net Profit (Loss), advising that the principal payments on the bonds that do not appear on the report and Sewer gets approximately 80% of those; Mr. Lyndall followed by pointing out that sewer is a break-even business, and these figures can be misleading due to the large debt related to our sewer system. Mrs. Logiotatos finished by reviewing the check history report for the Board. Mr. Fry inquired about the Rate Setting Classification seminar. Mrs. Logiotatos explained that she would be creating a graph incorporating industry-standard indicators to share with the Board.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall referred to Samantha Coppels who announced Daphne Utilities' award for Best Team Campsite 2016 for Relay for Life and reported the large turn-out for the games at the Daphne Utilities' campsite. Mr. Lyndall had nothing further to add to his report.

B. Operations Report

Van Baggett announced the awards bestowed on Daphne Utilities from the Alabama Water and Pollution Control Association, as well as report positive feedback from our ADEM representative of the new D'Olive Lift Station "fish camp".

C. Engineering & Consulting Reports

Robbie Strom from HMR updated the Board on the progress of the Douglas Road Water Storage Facility, Olde Towne/6th Street Water Treatment Facility and the unsewered Daphne areas projects.

Tim Patton from Volkert briefed the Board on the submitted report, updating on the progress of the Proposed Water System for the US90 at Jubilee Shopping Center site.

X. BOARD ACTION –

A. MoU between The City of Daphne and The Utilities Board of the City of Daphne regarding Whispering Pines Low Pressure Sewer System (Board Action: Motion)

Previously addressed under "Old Business".

B. Commitment to Maintain Community Development Block Grant (CDBG) Funded Sewer Facilities (Board Action: Resolution)

Previously addressed under "New Business".

C. Approval of Purchase Requisition #P50-051816 for the Purchase of AMR System Base Stations for \$173,128.31 to H-D Supply (Board Action: Motion)

Previously addressed under "New Business".

XI. EXECUTIVE SESSION – Adjourn to Executive Session 5:35pm.

XII. PUBLIC PARTICIPATION – None.

XIII. BOARD COMMENTS – None.

XIV. ADJOURNMENT – Board members reconvened from Executive Session at 6:03pm

MOTION BY Billy Mayhand to adjourn.

AYE: *Fry, Mayhand, Segalla, Vaughn*

NAY:

ABSENT: *Haygood*

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:03pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



City of Daphne Event Permit Application

Date of Application: July 13, 2016 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Apollo's Mystic Ladies
Contact Name: Teresa Watkins E-mail Address: florit1@bellsouth.net
Address: 362 Greeno Rd S Fairhope, AL 36532
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-401-8302 Secondary: 251-928-8302

Event Information

Event Name: Apollo's Mystic Ladies Parade Event Date: 02-17-17
Event Location: Daphne City Civic Center # Participants/Vehicles: 30
Start Time: 6:45 Stop Time: 8:30 Assembly Time: 5:30
Special Requests: Civic Center down Main St. Right on College - Right on 6th St. Right on Belrose Ave - Left on Main St. Parade/Run Only
Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: July 18, 2016
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: N/A

For Special Event/Band Permits:

Council Member: N/A
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☒ Fee Paid: \$ 1,750.00 ☐ N/A ☐ Waived

☒ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

NOTES

RECEIPT

DATE July 13, 2016 NO. 516573

RECEIVED FROM

Apollo's Mystic Ladies

ADDRESS

PO Box 3133, Daphne AL 36526One thousand Seven Hundred & Fifty two \$ 1,750.00

FOR

AML Parade Permit

ACCOUNT		HOW PAID		
AMT. OF ACCOUNT		CASH		
AMT. PAID	1750 00	CHECK	1750 00	
BALANCE DUE	000	MONEY ORDER		

©2001 REFORM 81806

By [Signature]

APOLLO'S MYSTIC LADIES

P O Box 3133

Daphne, AL 36526

2866

61-1/620

PAY TO THE ORDER OF

City of Daphne

DATE

7/12/2016\$ 1,750 00

DOLLARS

1



REGIONS

FOR AML Parade Permit

[Signature]
[Signature]

⑈00002866⑈ ⑈062000019⑈ 2500011775⑈

MP



CERTIFICATE OF LIABILITY INSURANCE

APOLL-1

OP ID: JM

DATE (MM/DD/YYYY)

05/18/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Robertson Insurance Agency Inc 101 N Section St P O Box 1048 Fairhope, AL 36533 Robertson Insurance Agency Inc	CONTACT NAME: Robertson Insurance Agency Inc PHONE (A/C, No, Ext): 251-928-2163 FAX (A/C, No): 251-928-2182 E-MAIL ADDRESS: jmoore.rober27@insuremail.net
INSURER(S) AFFORDING COVERAGE	
INSURED Apollo's Mystic Ladies, Inc. P. O. Box 3133 Daphne, AL 36526	INSURER A: Employers Mutual Casualty Co NAIC # 25186 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO. JECT ☐ LOC ☐ OTHER:			2D49793	04/30/2016	04/30/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS			2E49793	04/30/2016	04/30/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$			2J49793	04/30/2016	04/30/2017	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

The Chee Weez

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CITY OF DAPHNE

RESOLUTION NO. 2016-54

Officer Elected Without Opposition

WHEREAS, Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government; and

WHEREAS, Section 11-46-43 of the Alabama Code of 1975 prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended; and

WHEREAS, Section 11-46-26 of the Alabama Code of 1975, as amended provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, at the time the deadline for qualification has passed, then such person shall, for all purposes, be deemed elected to such office, and the mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person; and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person; and

WHEREAS, the Mayor of the City of Daphne has filed a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy for the office of **Councilman for District #7** prior to the deadline and that the name of that person who filed such statement was **Joe Davis, III**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE that **Joe Davis, III** be and his is hereby declared duly elected to the office of **Councilman for District #7** in the City of Daphne for the term of office commencing on the first Monday in November, 2016; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Daphne be and he hereby is directed to issue a certificate of election to **Joe Davis, III** for the office of **Councilman for District #7** for such term pursuant to the provisions of Section 11-46-25, as amended.

ADOPTED THIS THE ____ DAY _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

CERTIFICATE OF ELECTION

STATE OF ALABAMA)
BALDWIN COUNTY)
CITY OF DAPHNE)

The undersigned hereby certify that at the close of qualifying for the 2016 municipal general election to be held in the City of Daphne, Alabama, that **Joe Davis, III** was the only candidate to qualify for office of City Council, District 7, of the City of Daphne, Alabama, for the term commencing on the first Monday of November, 2016. Therefore, pursuant to Section 11-46-26, Code of Alabama 1975, **Joe Davis, III** is deemed elected to the office of City Council, District 7, of the City of Daphne, Alabama, without opposition.

Given under our hands pursuant to the requirements of Sections 11-46-26 of the Alabama Code of 1975, as amended, this 1st day of August, 2016.

ATTEST:

Rebecca A. Hayes,
City Clerk

Tommie B. Conaway District #1

Pat Rudicell District #2

John Lake District #3

Randy Fry District #4

Ron Scott District #5

Robin LeJeune District #6

Angie Phillips District #7

RESOLUTION NO. 2016 -55

APPOINTING ELECTION OFFICIALS MUNICIPAL ELECTION AUGUST 23, 2016 AND RUN-OFF ELECTION OCTOBER 4, 2016

WHEREAS, a regular municipal election has been called to be held on the 23rd day of August, 2016, and a runoff election to be held if necessary, on the 4th of October, 2016; and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides in part, that the municipal governing body, not less than 15 days before the holding of any municipal election appoint from the qualified electors of the respective wards or voting districts officers to hold the election; and

WHEREAS, Section 11-46-24 of the Code of Alabama, 1975, as amended, provides that where voting places are designated within each district where voting machines are used that the municipal governing body shall appoint election officials to consist of one chief inspector, who shall supervise the conduct of all the other officials and the operation of the voting place, one chief clerk, one returning officer, and for each voting machine to be used at each voting place there shall be appointed two assistant clerks; and

WHEREAS, Section 11-46-27 requires the governing body of the municipality to appoint from the qualified electors of the City one inspector; one returning officer and two clerks who shall meet on the day of election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting, and returning the ballots and absentee ballots at such election.

WHEREAS, the City Council of the City of Daphne recognizes the time spent by those who are to perform the duties of election officials and shall be compensated as follows:

Clerk	\$125.00
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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama that the election officials for said election shall be as follows:

<u>DISTRICT 2:</u>	Clerk	Ms. Linda Batie
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<u>DISTRICT 6:</u>	Clerk	Ms. Jennifer Graves
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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

RESOLUTION 2016-56

RESOLUTION AUTHORIZING ALL-WAY STOPS AT THE INTERSECTION OF NORTH LAMHATTY LANE and COWLES CROSSING – ESTATES of TIAWASEE/RETREAT at TIAWASEE SUBDIVISIONS

WHERE AS, the citizens of Estates of Tiawasee Subdivision have described in detail to the Public Safety Committee the difficulty of traversing the intersection of North Lamhatty Lane and Cowles Crossing during times of heavy traffic; and

WHERE AS, the additional subdivision phases of The Estates of Tiawasee and the The Retreat of Tiawasee will add additional traffic volume to the intersection of North Lamhatty Lane and Cowles Crossing; and

WHERE AS, North Lamhatty Lane and Cowles Crossing are City of Daphne Maintained public roads whose posted speed limits are 25 MPH; and

WHERE AS, following the reported concerns of Citizens and Public Safety Officials, those Property Owners have made a request to the City of Daphne to establish an all-way stop condition at intersection of North Lamhatty Lane and Cowles Crossing; and

WHERE AS, the City of Daphne has determined that the establishments of an all-way stop condition at intersection of North Lamhatty Lane and Cowles Crossing is warranted;

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

- 1.) Authorize Public Works to install the necessary signage, including temporary advance warning signage and flagging at the intersection of North Lamhatty Lane and Cowles Crossing; and
- 2.) If decorative sign post are desired by the Property Owner Association of the two neighborhoods (matching existing), then those posts shall be provided by the POA at their cost; and
- 3.) New signage and all-way stop conditions at both intersections shall be installed and implemented by September 30, 2016.

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

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

ATTEST:

REBECCA HAYE, CITY CLERK

DANE HAYGOOD, MAYOR

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-41**

**Ordinance to Rezone Property Located Southeast of the Intersection of Pollard Road and
Well Road**

Robert McBride; Lissa McBride; David Romero; Ellen Romero

WHEREAS, Robert McBride, Lissa McBride, David Romero and Ellen Romero as the owners of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-1, Low Density Single Family Residential District to B-2, General Business District; and,

WHEREAS, said real property is located at the southeast of the intersection of Pollard Road and Well Road, and more particularly described as follows:

LEGAL DESCRIPTION

Commence at the Northwest corner of the Southwest Quarter of Section 6, Township 5, Range 2 East South, Range 2 East, and run thence South 30 feet; thence run South 89 degrees 54 minutes 39 seconds East, along the South boundary of "Well Road", a distance of 1 057.04 feet to an iron pipe marker for a Point of Beginning; thence continuing South 89 degrees 54 minutes 39 seconds East, along the South margin of "Well Road", 255.61 feet to an iron pin marker; thence run South 00 degrees 02 minutes 53 seconds West, along and with an old fence, a distance of 496.74 feet to a 1/2 inch iron pipe marker; thence run North 89 degrees 5 minutes West, 255.62 feet to an iron pin marker; thence run North 00 degrees 02 minutes 53 seconds East, 496.85 feet to the Point of Beginning. Tract lies in the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama.

SUBJECT TO a twenty foot easement for ingress and egress along the West property line for ingress and egress for the following described property; Beginning at the northeast corner of the South Half of the North Half of the South Half of the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of H. W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

Begin at the Northeast corner of the South half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet to the point of beginning. continue West 72 feet, run thence North 303.75 feet, more or less, to the South line of the property of Howard W. Brantley, Jr., run thence East 72 feet, run thence South 303.75 feet, more or less, to the point of beginning.

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

TOGETHER WITH a twenty foot easement for ingress and egress along the West property line for ingress and egress on the following described property; Beginning at the Northeast corner of the South Half of the North Half of the South Half of the Northwest quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 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 July 18, 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-1, Low Density Single Family Residential District to B-2, General 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

Romero-McBride Zoning Request

Commence at the Northwest corner of the Southwest Quarter of Section 6, Township 5, Range 2 East South, Range 2 East, and run thence South 30 feet; thence run South 89 degrees 54 minutes 39 seconds East, along the South boundary of "Well Road", a distance of 1057.04 feet to an iron pipe marker for a Point of Beginning; thence continuing South 89 degrees 54 minutes 39 seconds East, along the South margin of "Well Road", 255.61 feet to an iron pin marker; thence run South 00 degrees 02 minutes 53 seconds West, along and with an old fence, a distance of 496.74 feet to a 1/2 inch iron pipe marker; thence run North 89 degrees 5 minutes West, 255.62 feet to an iron pin marker; thence run North 00 degrees 02 minutes 53 seconds East, 496.85 feet to the Point of Beginning. Tract lies in the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama.

SUBJECT TO a twenty foot easement for ingress and egress along the West property line for ingress and egress for the following described property; Beginning at the northeast corner of the South Half of the North Half of the South Half of the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of H. W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

Begin at the Northeast corner of the South half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet to the point of beginning. continue West 72 feet, run thence North 303.75 feet, more or less, to the South line of the property of Howard W. Brantley, Jr., run thence East 72 feet, run thence South 303.75 feet, more or less, to the point of beginning.

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

TOGETHER WITH a twenty foot easement for ingress and egress along the West property line for ingress and egress on the following described property; Beginning at the Northeast corner of the South Half of the North Half of the South Half of the Northwest quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-42**

**Ordinance to Rezone Property Located Southeast of the Intersection of County Road 64 and
Friendship Road
AJD Family Limited Partnership, L.L.C.**

WHEREAS, AJD Family Limited Partnership, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from District to B-1, Local Business District to B-2, General Business District; and,

WHEREAS, said real property is located at the southeast of the intersection of County Road 64 and Friendship Road, and more particularly described as follows:

LEGAL DESCRIPTION

BEGINNING AT A POINT 199.40 FEET SOUTH AND 1711.46 WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-89°39'27"-E 170.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W 198.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W 1,378.08 FEET TO A POINT; THENCE RUN S-89°28'24"-E 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E ALONG SAID RIGHT-OF-WAY LINE 1,775.61 FEET TO THE POINT OF BEGINNING, CONTAINING 10.38 ACRES MORE OR LESS.

WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a 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 July 18, 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-1, Local Business District to B-2, General 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

AJD FAMILY LIMITED PARTNERSHIP
SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 64
AND FRIENDSHIP ROAD

ZONING AMENDMENT

EXHIBIT A

BEGINNING AT A POINT 199.40 FEET SOUTH AND 1711.46 WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-89°39'27"-E 170.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W 198.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W 1,378.08 FEET TO A POINT; THENCE RUN S-89°28'24"-E 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E ALONG SAID RIGHT-OF-WAY LINE 1,775.61 FEET TO THE POINT OF BEGINNING, CONTAINING 10.38 ACRES MORE OR LESS.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-43**

**Ordinance to Rezone Property Located
Northwest of the Intersection of Halls Lane and U.S. Highway 98
Eastern Shore Associates, L.L.C.**

WHEREAS, Eastern Shore Associates, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(T), Townhouse District; and,

WHEREAS, said real property is located southwest of the intersection of Guarisco Street and Mancini Avenue, and more particularly described as follows:

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 26, 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 July 18, 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-2, General Business District to R-7(T), Townhouse 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:

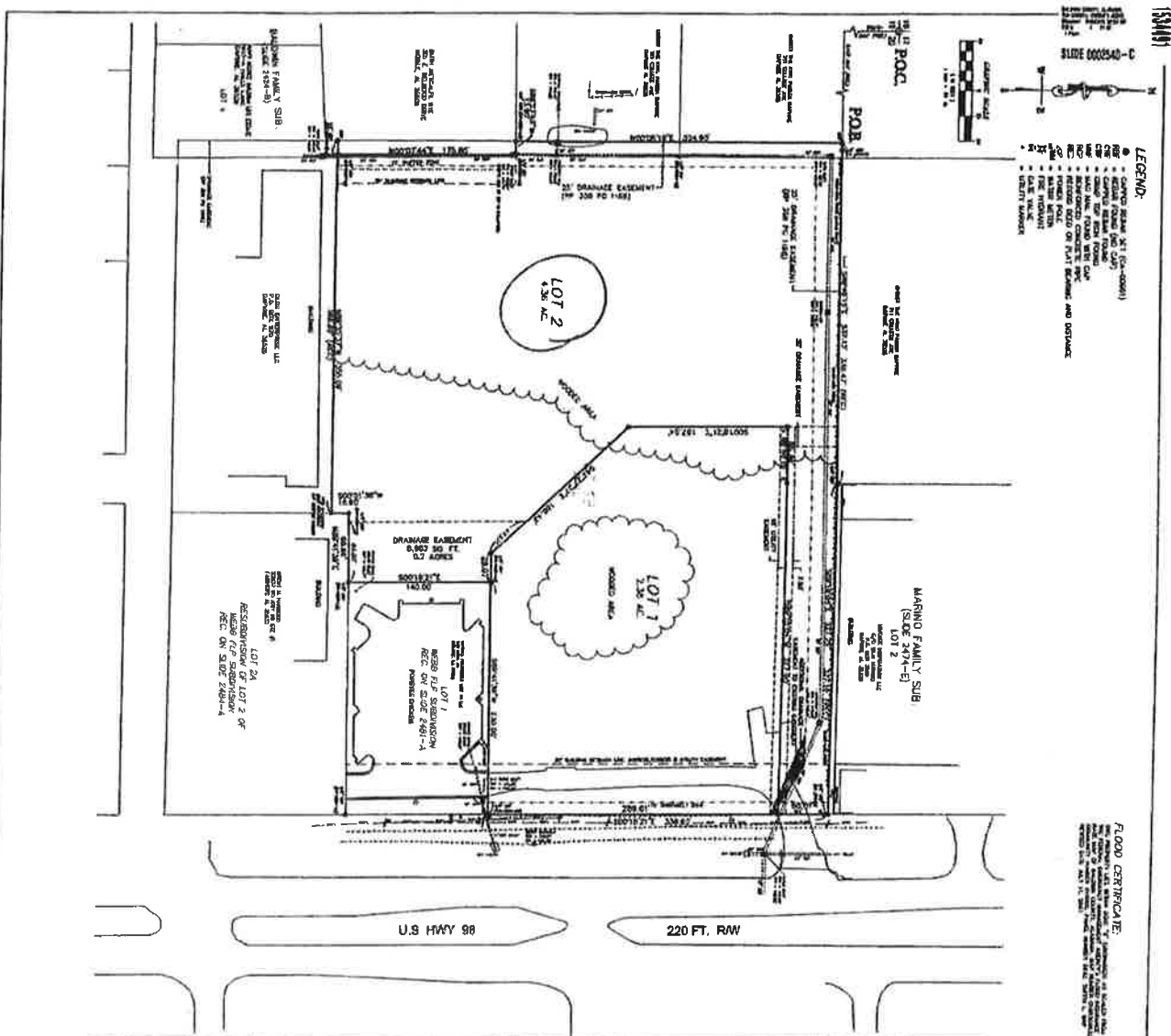
Rebecca A. Hayes, City Clerk

EXHIBIT A

Eastern Shore Associates, LLC

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.



STAFF REPORTS NOTES:

1. An arrangement was made by ACCORDANCE WITH U.S. STANDARDS
2. ACCORDANCE WITH U.S. STANDARDS
3. THE U.S. ACCORDANCE WITH U.S. STANDARDS

1. The following information is being furnished to you for your information only. It is not intended to constitute an offer of insurance or any other financial product. It is not intended to be used as a basis for any investment decision. It is not intended to be used as a basis for any investment decision. It is not intended to be used as a basis for any investment decision.

GENERAL NOTES

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

DATE Rec'd Jan 10 5/17/2002 2010

ACKNOWLEDGEMENT OF NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF HULL

Specialty & Specialty

[illegible]

DESCRIPTION

[illegible]

SURVEYOR'S CERTIFICATE:

2011112

123
NINTY
EIGHT

DEVELOPER/OWNER
DATE BY 06-03-04-20
CITY OF LOS ANGELES
STREET ADDRESS
MAILING ADDRESS

SIZE DATA

[illegible]

DRAINAGE AND IMPROVEMENTS

[illegible]

RECYCLING OF COMMUNITY DEVELOPMENT:

[illegible]

CERTIFICATION OF APPROVAL OF UTILITIES

1. Plaintiff cannot pay the utility obligations due both water and gas bills subject to a two year delinquent period to keep them from becoming delinquent overpaid by British American.

COPIED BY: Mr. J. G. Galt DATE: 10/1/78

SECTION OF FILE: 10/1/78

THE UNIVERSITY OF CHICAGO PRESS

[illegible]

THE UNIVERSITY OF TORONTO CHILDREN (UETC) (1987)

[illegible]

APPLE OAKS SUBDIVISION

division of Lot 2B of the Replot of Lot 2B
subdivision of Lot 2 of Webb FLP Subdivision
PLAT 24, 2005 - SHEET 1 OF 1 SHEETS

SECONDARY SURVEY AND PLAT OF SUBDIVISION			
COLOR	D.L.O.	DATE	U.S.P.
OK		RECORD D.L.O.	FILE FOR REC.
 PREBLERISH LLC. CONSULTING AND DESIGN & SURVEYING 10000 10TH AVENUE S.E. #10000 ALBUQUERQUE, NM 87123-4000			
SCALE		1"=50'	
DATE		NOV 2000	
FILE		20000101-000000	

Post Information: Subject to prior or later right for change and/or extension	SWIFT 1 of 1
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**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-44**

**Ordinance to Rezone Property Located Northwest of the Intersection of County Road 64 and
Pollard Road
Anne K. Irvine**

WHEREAS, Anne K. Irvine as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Single Family Residential District to B-2, General Business District; and,

WHEREAS, said real property is located northwest of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF 200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF 157.41 FEET TO A POINT; THENCE RUN SOUTH 00°00'57" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF 201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF 257.50 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED AREA CONTAINING 1.19 ACRES, MORE OR LESS.

WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 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 July 18, 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-4, High Density Single Family Residential District to B-2, General 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

ANNE K. IRVINE, OWNER

PROPERTY LOCATED ON POLLARD ROAD, NORTH OF BALDWIN BONE
& JOINT, SOUTH OF HUGHES FUNERAL HOME, BETWEEN DAPHNE
AVE. (HWY 64) AND RANDALL AVE.

ZONING AMENDMENT REQUEST

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF
TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF
RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY,
ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO
THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF
200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF
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100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF
201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF
257.50 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED AREA CONTAINING
1.19 ACRES, MORE OR LESS.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-45**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 2015, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on July 18, 2016 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on May 26, 2016, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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: ZONING

At the March 21, 2016 regularly scheduled City Council meeting Ordinance 2016-21 was adopted pre-zoning the said property as B-3, Professional Business District.

SECTION THREE: 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:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY ALABAMA.

SECTION FOUR: 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 FIVE: 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

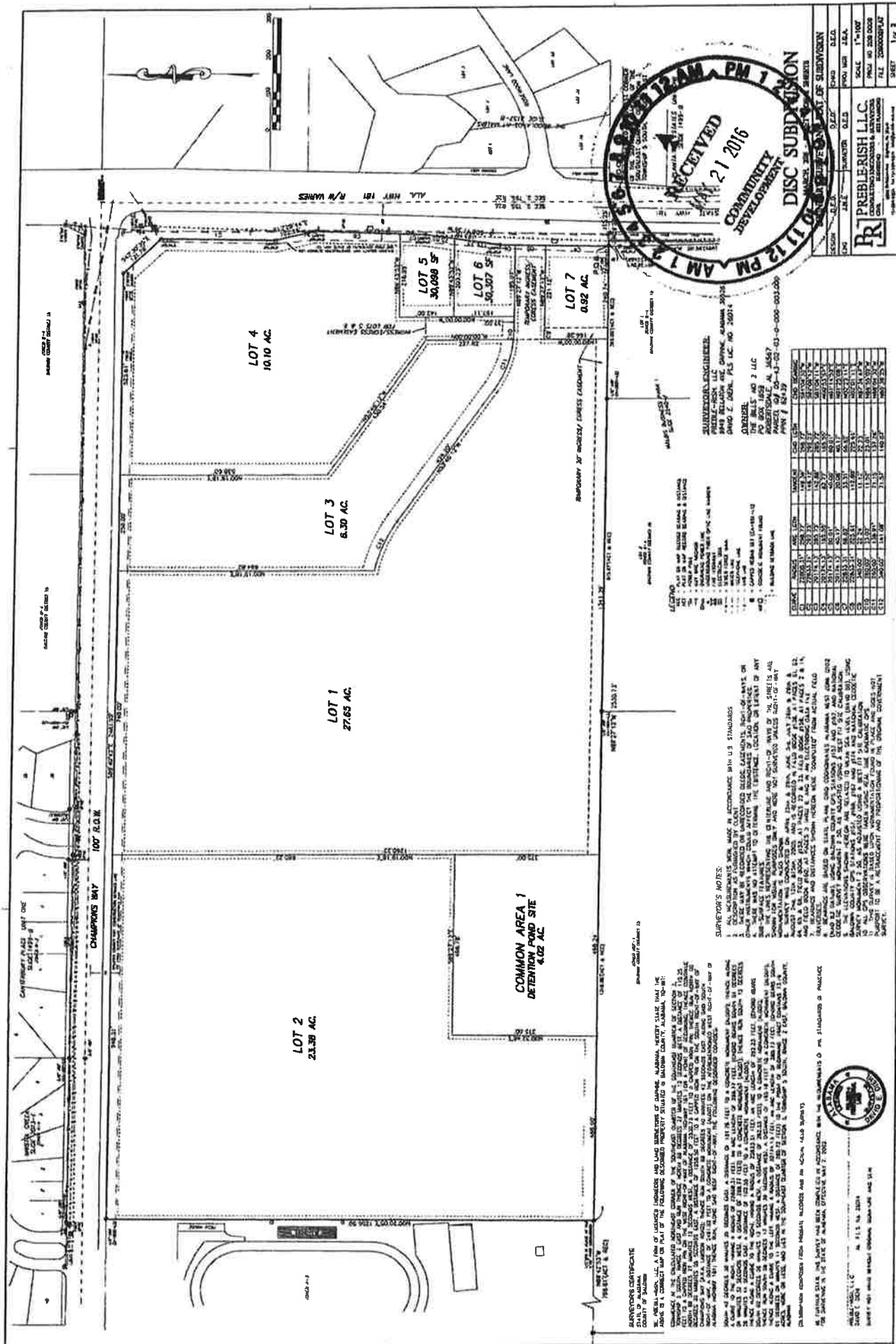
EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

59



CITY OF DAPHNE

ORDINANCE NO. 2016-46

Ordinance to Amend the City of Daphne Land Use and Development Ordinance 2011-54 Article 31, Home Occupations, Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities, Section 31-1, Home Occupations

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 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 July 5, 2016.

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 striking and replacing sections of Section 31-1 (j) as follows:

(18) ~~Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

(19) ~~Automobile/truck/boat/vehicle related business is permitted as a home occupation. Vehicle related businesses include but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales~~

(19) Automobile/truck/boat/vehicle related business **shall not be** permitted as a home occupation. Vehicle related businesses include but are not **limited** to: vehicle maintenance, repair, renovation, restoration and/or sales, **gas or diesel mechanic shops**.

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 , 2016.**

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

ORDINANCE 2016-47

Additional Appropriation for OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS (project at Lovette Lane – originally referred to as Fannon property)

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, an appropriation was approved in Ordinance 2016-15 in the amount of \$ 14,750 for Engineering services: survey, design, & letting of the bid and in Ordinance 2016-33 in the amount of \$46,868.75 for the estimated NRCS reimbursement; and

WHEREAS, the City of Daphne did receive and review bids for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS and has determined that the bid as presented is reasonable (*Construction- \$169,650 + CE&I- \$ 17,825 + Survey & Design - \$14,750 = \$202,225 Total project cost*); and

WHEREAS, the final Notice of Grant Award from NRCS (Natural Resources Conservation Service) was received with a Federal Funds Awarded amount of \$114,717 which was less than estimated; and

WHEREAS, an additional appropriation of \$36,000 will be needed for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS project; and

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems this project is key to the recovery efforts associated with drainage issues in this area and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project's total cost is \$202,225 with a NRCS approved reimbursement of \$114,717.
3. Fiscal Year 2016 Budget is hereby amended to include an additional appropriation in the amount of \$36,000 from the General Fund (*including a 5% contingency*) for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS cost not reimbursed by NRCS.
4. The Mayor is hereby authorized to make application with NRCS for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

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

Suzanne Henson

From: Ashley Campbell
Sent: Thursday, July 07, 2016 11:54 AM
To: Suzanne Henson
Cc: William Eringman; Richard D. Johnson, P.E.
Subject: Old Daphne Wharf ROW Drainage
Attachments: Ord 2016-33 NRCS EWP Old Wharf.pdf; NRCS EWP Old Wharf Agreement-AL_68-4101-16-216 Daphne 093 (unsigned).pdf

Suzanne

We received the NRCS Emergency Watershed Protection agreement this week. NRCS approved \$114,717.00 for the project. After reviewing approved Ordinance 2016-15 & 2016-33, it appears that we will need to appropriate an additional funds for the project. See the breakdown below.

Project Costs

Survey and Design	\$ 14,750.00
Construction	\$169,650.00
Engineering CE&I	<u>\$ 17,825.00</u>
	\$202,225.00

Funds Appropriated

Ordinance 2016-15	\$ 14,750.00
Ordinance 2016-33	\$ 46,868.75
NRCS EWP Funds	<u>\$114,717.00</u>
Funds Appropriated Total	\$176,335.75

Project Total	\$202,225.00
Funds Appropriated Total	<u>\$176,335.75</u>
<i>Difference</i>	\$ 25,889.25

Additional Needed	\$ 25,889.25
5% Contingency (Pending unforeseen	<u>\$ 10,111.25</u>
litigation or change orders) Total Requested	\$ 36,000.50

Ashley Campbell, CPESC
 Environmental Programs Manager
 City of Daphne
 1705 Main Street
 PO Box 400
 Daphne, AL 36526
 251-621-3080 (office)
 251-621-3719 (fax)
 251-234-7122 (cell)

U.S. Department of Agriculture
Natural Resources Conservation ServiceNRCS-ADS-093
7/2012**NOTICE OF GRANT AND AGREEMENT AWARD**

1. Award Identifying Number: 68-4101-16-216		2. Amendment No. N/A	3. Award/Project Period Date of NRCS signature -11/01/2016		4. Type of Award Instrument Cooperative Agreement																
5. Agency: Natural Resources Conservation Service (NRCS) (Name and Address) 3381 Skyway Dr Auburn AL 36830			6. Recipient Organization: (Name and Address) City of Daphne P O Box 400, 1705 Main St Daphne AL 36526 <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>DUNS: 800059230</td> <td>EIN: 630478139</td> </tr> </table>			DUNS: 800059230	EIN: 630478139														
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7. NRCS Program Contact: Erika Justiniano-Velez 251-275-3185 erika.justiniano-velez@al.usda.gov		8. NRCS Administrative Contact: Moi Sanford 614-255-2495 moira.sanford@wdc.usda.gov		9. Recipient Program Contact: Ashley Campbell 251-621-3080 acampbell@daphneal.com																	
10. Recipient Administrative Contact: Dane Haygood 251-621-8000 mayor@daphneal.com		11. CFDA Number 10.923		12. Authority Emergency Watershed Protection 7 CFR Part 624																	
13. Type of Action New Agreement		14. Project Director Bill Smith 334-887-4525 bill.smith@al.usda.gov																			
15. Project Title/Description: Emergency Watershed Protection - Baldwin County, AL, DSR DAP-15-001. TA and FA Funding. Complete agreement includes this NRCS-ADS-093 and attachments listed on page 2 of this form.																					
16. Entity Type: ☐ Profit ☐ Nonprofit ☐ Higher Education ☐ Federal ☒ State/Local ☐ Indian/Native American Other																					
17. Select Funding Type:			18. Accounting and Appropriation Data																		
☒ Federal ☒ Non-Federal			<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Financial Code</th> <th>Amount</th> <th>Fiscal Year</th> <th>Treasury Symbol</th> </tr> </thead> <tbody> <tr> <td>NR.AI.EWMP.01.5099, 16XXF (BOC 4115)</td> <td>\$104,288.00</td> <td>2016</td> <td>12X1072</td> </tr> <tr> <td>NR.AI.EWMP.01.5099, 16XXT (BOC 2559)</td> <td>\$10,429.00</td> <td>2016</td> <td>12X1072</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Financial Code	Amount	Fiscal Year	Treasury Symbol	NR.AI.EWMP.01.5099, 16XXF (BOC 4115)	\$104,288.00	2016	12X1072	NR.AI.EWMP.01.5099, 16XXT (BOC 2559)	\$10,429.00	2016	12X1072				
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Original Funds Total:</td> <td>\$114,717.00</td> <td>\$34,762.00</td> </tr> <tr> <td>Additional Funds Total:</td> <td> </td> <td> </td> </tr> <tr> <td>Grand Total:</td> <td>\$114,717.00</td> <td>\$34,762.00</td> </tr> </table>			Original Funds Total:	\$114,717.00	\$34,762.00	Additional Funds Total:			Grand Total:	\$114,717.00	\$34,762.00										
Original Funds Total:	\$114,717.00	\$34,762.00																			
Additional Funds Total:																					
Grand Total:	\$114,717.00	\$34,762.00																			
19. APPROVED BUDGET																					
Personnel		\$	Fringe Benefits	\$																	
Travel		\$	Equipment	\$																	
Supplies		\$	Contractual	\$																	
Construction		\$ 139,050.00	Other	\$ 10,429 (TA)																	
Total Direct Cost\		\$	Total Indirect Cost	\$																	
			Total Non-Federal Funds	\$ 34,762.00																	
			Total Federal Funds Awarded	\$ 114,717.00																	
			Total Approved Budget	\$ 149,479.00																	
This agreement is subject to applicable USDA NRCS statutory provisions and Financial Assistance Regulations. In accepting this award or amendment and any payments made pursuant thereto, the undersigned represents that he or she is duly authorized to act on behalf of the awardee organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments), and agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by NRCS to have been overpaid, will be refunded or credited in full to NRCS.																					

U.S. Department of Agriculture
Natural Resources Conservation Service

NRCS-ADS-093
7/2012

(Continuation)

NOTICE OF GRANT AND AGREEMENT AWARD			
Award Identifying Number	Amendment No.	Award/Project Period	Type of Award Instrument
68-4101-16-216		Date of NRCS signature - 11/01/2016	Cooperative Agreement

Name and Title of Authorized Government Representative	Signature	Date
Name and Title of Authorized Recipient Representative	Signature	Date

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

The following attachments are hereby made a part of this agreement:

- Attachment A: Statement of Work
- Attachment B: General Terms and Conditions
- Attachment C: Procurement Standards - 2 CFR 200.317 through 200.326
- Attachment D: Appendix II to 2 CFR Part 200
- Attachment E: NRCS Supplement to OSHA Parts 1910 and 1926

ORDINANCE 2016-33

**Appropriating Funds for OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS
(project at Lovette Lane – originally referred to as Fannon property)**

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, an appropriation was approved in Ordinance 2016-15 in the amount of \$ 14,750 for Engineering services: survey, design, & letting of the bid; and

WHEREAS, the City of Daphne did receive and review bids for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS and has determined that the bid as presented is reasonable (Construction- \$169,650 + CE&I-\$ 17,825 + Survey & Design-\$14,750= \$202,225 Total project cost); and

WHEREAS, NRCS (Natural Resources Conservation Service) will reimburse 75% of the construction and CE&I cost - \$187,475 (NRCS-\$140,606.25 ./ City Match-\$46,868.75) for: OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS project; and

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems this project is key to the recovery efforts associated with drainage issues in this area and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project's total cost is \$202,225 and is a qualifying NRCS at a guaranteed total reimbursement of \$140,606.25.
3. Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of \$46,868.75 from the General Fund for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS cost not reimbursed by NRCS.
4. The Mayor is hereby authorized to make application with NRCS for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this 5th day of July, 2016.


Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

ORDINANCE NO. 2016-49

AN ORDINANCE TO REGULATE TAXICABS AND VEHICLES FOR HIRE; CITY OF DAPHNE CODE OF ORDINANCES

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

SECTION I: DEFINITIONS

The following terms when used in this article shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise:

City: The City of Daphne, Alabama.

Parking: The standing of Taxicab or Other Transportation Service Vehicle, motor driven or propelled in any manner, longer than may be necessary to receive or discharge passengers whom the driver of such Taxicab or Other Transportation Service Vehicle had been engaged to transport.

Taxicab: Any automobile or other vehicle of like construction and operation employed in or contracted for the transportation of passengers for hire within the City or the police jurisdiction thereof.

Other Transportation Service Vehicle: Any automobile or other vehicle, not of like construction or like operation of a Taxicab, utilized in the transportation of passengers for hire; i.e. limousine, Uber, etc.

SECTION II: PERMIT – REQUIRED FOR OPERATION.

Every person driving or operating a Taxicab or any Other Transportation Service Vehicle involving a point of origin or destination within the City, or within the exercised police jurisdiction thereof, must procure a permit to operate such vehicle.

SECTION III: RULES AND REGULATIONS GOVERNING ISSUANCE.

- (a) *Age and physical requirements of operators:* No person shall be granted a permit to operate a Taxicab or Other Transportation Service Vehicle unless such person has reached such person's nineteenth birthday. The permittee shall have the free use of both hands and feet or have made appropriate changes to the vehicle to safely accommodate such disability.
- (b) *Experience:* No applicant shall be granted a permit to operate a Taxicab or Other Transportation Service Vehicle who has not had at least one (one) year of experience in operating automobiles.
- (c) *Familiarity with provisions:* No applicant shall be granted a permit to operate who is not familiar with the provisions of this Code governing the use and operation of automobiles on the streets of the City.
- (d) *Application:* No person shall be granted a permit to operate a Taxicab or Other Transportation Service Vehicle except upon written application therefore to the Revenue Department which shall be in such form as to require the applicant to give all the information required by this article. Such application shall be sworn to by the applicant and endorsed by three (3) reputable responsible citizens of the City.

- (e) Subsequent renewals may not require endorsement; however, the City of Daphne holds the right to request this information upon renewal of permit.
- (f) *Background Check:* Applicants must submit a current copy of Criminal History Record from the Alabama Law Enforcement Agency (ALEA) or Federal Bureau of Investigation (FBI). The copy must be submitted with original application. The City of Daphne holds the right to request Criminal History Record at their discretion.
- (g) *Police and Revenue Departments to keep file:* The Police and Revenue departments shall keep on file the application which shall show in addition to other information called for in this article, the name, age and address of all persons issued permits as Taxicab or Other Transportation Service Vehicle drivers.
- (h) *Convictions:* A permit shall not be issued to operate a Taxicab or Other Transportation Service Vehicle to any person who within the preceding twelve (12) months has been convicted of reckless driving, driving while intoxicated, public drunkenness, or any felony.
- (i) *Appeal from denial of permit:* Should the Police Department fail or refuse to issue a permit to any person under the provisions of this chapter the applicant for such permit may appeal to the City council, and upon hearing, if the council is satisfied of the fitness of the applicant under the provisions of this chapter to operate a Taxicab or Other Transportation Service Vehicle, the City council may direct the Police Department to issue a permit to the applicant.
- (j) *Fee:* Applications shall first be approved by the Chief of Police, or his designee. The Revenue Department shall collect a fee of \$10.00 for the initial issuance of such permit, and shall collect a fee of \$5.00 for the renewal of the permit on or after September 1 of each year. If such permit is lost, the Revenue Department shall collect a fee of \$2.00 for the issuance of a replacement permit. The fee is non-refundable.
- (k) *Inspection of vehicle:* Prior to the issuance of the initial permit and subsequent yearly renewals, each Taxicab or Other Transportation Service Vehicle must submit a certificate of inspection to the Revenue Department which shall be performed by an ASE certified garage or mechanic bearing the insignia of the ASE certification emblem on the inspection report. Nothing herein shall prohibit the Chief of Police or his/her designee from subsequent inspections as these officers may deem necessary.

SECTION IV: REQUIRED; EXPIRATION DATE.

- a) Driver's permits shall expire September 30 following the date of issuance, but may be renewed, upon application and payment of the fee and in the manner provided for in Section III
- b) No owner or operator of any Taxicab or Other Transportation Service Vehicle business in the City shall employ or engage any driver of a Taxicab or Other Transportation Service Vehicle who does not have a valid Taxicab or Other Transportation Service Vehicle driver's permit issued by the Police Department.

SECTION V: DISQUALIFICATION FOR PERMIT.

A driver's permit shall not be issued to the following persons:

- 1) Any person less than nineteen (19) years of age.
- 2) Any person whose driving right or privilege is suspended or revoked.
- 3) Any person who is a habitual drunkard or addicted to the use of narcotic drugs.
- 4) Any person adjudged mentally incompetent, until restored to competency by judicial decree, upon certification by their treating physician or medical director that such person is competent.
- 5) Any person afflicted with, or suffering from a physical or mental disability which, in the opinion of the governing body, will prevent such person from exercising reasonable and ordinary control over a motor vehicle.
- 6) Any person who does not possess a valid Alabama driver's license.

SECTION VI: TO BE IN ADDITION TO BUSINESS LICENSES.

The permit provided for by this article shall be separate and distinct and in addition to the business license required by the City for the operation of Taxicabs or Other Transportation Service Vehicles in the City.

SECTION VII: CARRYING; DISPLAY ON DEMAND.

Every driver shall have his permit in his immediate possession at all times when driving a Taxicab and shall display the permit upon demand of a police officer. However, no person charged with violating this section shall be convicted if he/she produces in court or the office of the court magistrate a driver's permit theretofore issued to him/her and valid at the time of his/her arrest.

SECTION VIII: REVOCATION.

Whenever any person who is the operator of a Taxicab or Other Transportation Service Vehicle within the City is convicted for operating such Taxicab or Other Transportation Service Vehicle while in an intoxicated condition, transporting alcoholic beverages, or other crimes, it shall be within the discretion of the Mayor or other person trying the case to direct that the City permit under which such person is operating such Taxicab or Other Transportation Service Vehicle shall be revoked, and if such operator be the owner of such Taxicab, the judge trying the case may direct that the City license under which the Taxicab is operating shall be revoked. Upon direction of the Mayor or judge trying the case that the permit or license of any person operating a Taxicab in the City shall be revoked, it shall be the duty of the Chief of Police or designee to revoke such permit or license and notify applicable departments; and thereafter if such person should continue to operate such Taxicab or Other Transportation Service Vehicle such person shall be guilty of a misdemeanor.

SECTION VIII: INSURANCE REQUIREMENTS.

- (a) No person shall operate a Taxicab or Other Transportation Service Vehicle in the City without the same being covered by a public liability insurance policy issued by a solvent insurance company authorized to write automobile liability insurance in the state, protecting passengers, pedestrians, and other persons against injury and property damage, subject to the following minimum limits:

- (1) For all damages arising out of a bodily injury to one person, twenty five thousand dollars (\$25,000), and subject to that limit for each person, the total liability on account of one accident shall be limited to no less than fifty thousand dollars (\$50,000). It shall not be required that such coverage shall apply to the insured's employee while engaged in operating or being carried in any of the insured's Taxicabs or Other Transportation Service Vehicles, or other employees of the insured, who are injured while engaged at the time of such injury in performing any duties for the insured in connection with the trade, business or occupation of the insured.
 - (2) For all property damage in one accident, twenty five thousand (\$25,000) not including coverage of the property of the insured or property in the custody of the insured for which insured is legally responsible.
- (b) Permit is conditioned upon Permittee having the responsibility to ensure that if the policy expires, terminates or is cancelled then notice of cancellation will be served upon the City Revenue Officer at least ten (10) days prior to the date of cancellation. Said policy shall be filed with the City Revenue Officer, and shall remain on file with said City Revenue Officer. The Police Department shall not issue any Taxicab or Other Transportation Service Vehicle permit unless the applicant or the owner of the Taxicab or Other Transportation Service Vehicle shall first file with the City Revenue Officer an active insurance policy as herein specified.
 - (c) In the event the insurance policy should expire or be cancelled the permit to operate the Taxicab or Other Transportation Service Vehicle covered by the insurance policy shall immediately be cancelled and become null and void and it shall be unlawful for any person to operate such Taxicab or Other Transportation Service Vehicle after the expiration or cancellation of such insurance policy.
 - (d) Notice of revocation due to cancellation of insurance policy shall be given to permit holder, by Revenue Department with a copy to all applicable City departments.

SECTION X: PARKING.

No Taxicab or Other Transportation Service Vehicles shall be permitted to park or stand on any street, alley or public place in the City at any hour of the day or night for a longer period of time than is actually necessary to receive or discharge passengers; provided, however, the City council may designate stands for Taxicabs or Other Transportation Service Vehicles at such places as it may see fit.

SECTION IX: SOLICITING PASSENGERS BY LOUD VOICE, SHOUTING.

It shall be unlawful for any person operating or driving a Taxicab or Other Transportation Service Vehicle to speak or shout in a loud tone of voice in an effort to solicit passengers.

SECTION IIX: PENALTIES.

Any person who shall violate any of the provisions of this article, or who shall neglect to comply with any of the provisions of this article, shall for each offense, upon conviction, be punished by a fine of not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00), and may also be imprisoned in the City or county jail for a period of no more than six (6) months, either or both.

SECTION IIIX: SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XI: EFFECTIVE DATE.

This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS _____ **DAY OF** _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca Hayes
City Clerk