

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
DECEMBER 5, 2016

- 1. CALL TO ORDER**
- 2. ROLL CALL**
INVOCATION
PLEDGE OF ALLEGIANCE
- 3. APPROVE MINUTES:** Council meeting minutes / November 21, 2016
- 4. REPORTS OF STANDING COMMITTEES:**
 - A. FINANCE COMMITTEE / Rudicell**
 - B. BUILDINGS & PROPERTY COMMITTEE:** LeJeune
 - C. PUBLIC SAFETY COMMITTEE:** Davis
 - D. CODE ENFORCEMENT / ORDINANCE COMMITTEE:**
Reviews minutes / November 21st
 - E. PUBLIC WORKS COMMITTEE:** Coleman
Review minutes / October 3rd

Review Beautification minutes / October 5th

Review Environmental Advisory Committee minutes / October 24th
- 5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**
 - A. BOARD OF ZONING ADJUSTMENTS:** Adrienne Jones
 - B. DOWNTOWN REDEVELOPMENT AUTHORITY:** Conaway
 - C. INDUSTRIAL DEVELOPMENT BOARD:** Davis
Review minutes / November 28th

There are two (2) vacancies on the IDB
 - D. LIBRARY BOARD:** Rudicell
 - E. PLANNING COMMISSION:** Scott
 - a.)** Review minutes / October 27th / Review Staff report / November 15th regular meeting
 - b.) MOTION:** Set a Public Hearing date for January 3, 2017, and authorize advertising to consider:

- 1.) **Pre-Zoning:** **Bertolla Properties, LLC**
Location: Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Present Zoning: B-2, Neighborhood Business

Requested Zoning: B-3, Professional Business District prior to annexing into the City of Daphne
Recommendation: Unanimous favorable recommendation to pre-zone to B-3, Professional Business District. 7 to 0 vote
- 2.) **Annexation:** **Bertolla Properties, LLC**
Location: Northwest Intersection of Alabama State Highway 181 and Milton Jones Road

Recommendation: Unanimous favorable. 7 to 0 vote
- 3.) **Annexation:** **John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings, and Sean Coley**
Location: Southwest Intersection of County Road 13 and U.S. Highway 90
Recommendation: Unanimous favorable recommendation to annex. 7 to 0 vote
- 4.) **Amending the Land Use & Development Ordinance/Olde Towne Daphne District/Article 14-11 Signage, adding Menu-Type signs.**
Recommendation: Unanimous favorable. 7 to 0 vote

F. RECREATION BOARD: LeJeune
Park Planning Team minutes / November 9th

G. UTILITY BOARD: LeJeune
Review minutes / October 26th

6. MAYOR'S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK'S REPORT

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

RESOLUTIONS:

- a.) **2016-91.**.....Authorize the Application for the State of Alabama's Fiscal Year 2017 Transportation Alternative Program Grant for Park Drive & Pollard Road Sidewalks

- b.) 2016-92..... Acceptance of Streets & Drainage Located in the Caroline Woods Subdivision, Phase Two C & and Two D

ORDINANCES:

2ND READ

- a.) 2016-71 2016 Community Development Block Grant (CDBG) for: Sewer Hookups in the Whispering Pines & Pollard Road Community
- b.) 2016-72 Federal Emergency Management Agency (FEMA): Hazard Mitigation Grant Program (HMGP) Disaster Assistance: Teri Lynn Platt c/o Teri Lynn Dyess, 118 Lakeview Loop, Lot 8-Unite 21 Lake Forest
- c.) 2016-73 One-Time Lump Sum Pay Adjustment
- d.) 2016-74 Mowing Vehicle Replacement Appropriation
- e.) 2016-75 Appropriation for Supplemental Landscape & Architecture Aesthetics for the Daphne Recreational Facilities

NO 1ST READ ORDINANCES

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT____	ABSENT____
COUNCILMAN RUDICELL	PRESENT____	ABSENT____
COUNCILMAN COLEMAN	PRESENT____	ABSENT____
COUNCILMAN GOODLIN	PRESENT____	ABSENT____
COUNCILMAN LEJEUNE	PRESENT____	ABSENT____
COUNCILWOMAN DAVIS	PRESENT____	ABSENT____
COUNCIL PRESIDENT SCOTT	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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**NOVEMBER 21, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; Joel Coleman; Ron Scott; Robin LeJeune; Joe Davis.

Also Present: Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Michael Berson, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Vickie Hinman, HR Director; Beautification Committee: KiKi Mikkelson, Laurel Anderson; Al Guarisco, Village Point Foundation; Don Ouellette, Environmental Advisory Committee; Doug Bailey, HMR.

Absent: Mayor Haygood; Richard Johnson, Public Works Director; Tonja Young, Library Director; David McKelroy, Recreation Director; Richard Merchant, Building Official.

INVOCATION/PLEDGE OF ALLEGIANCE:

Reverend Tommy Robinson with Christ Presbyterian Church gave the invocation.

3. APPROVE MINUTES:

There being no corrections to the November 7, 2016 Organizational meeting minutes, the November 7, 2016 Business meeting minutes and the November 14, 2016 Council Work Session minutes they stand approved as written.

PRESENTATION: Eagle Scout / Samuel Miller

Mr. Miller presented a power point presentation of his Eagle Scout project which is to build four houses for bats at May Day Park, Bayfront Park, Trione Sports Complex and at the Fire Training School to help control the mosquito population.

MOTION BY Councilman Goodlin to approve the Eagle Scout project presented by Samuel Miller to build bat houses at May Day Park, Bayfront Park, Trione Sports Complex and the Fire Training School. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Rudicell

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

Treasures Report / October 2016

As of October, 2016 Total Unrestricted Cash Balance - \$12,602,155 and Total City Cash Balance - \$21,773,704

Account Type/Title	Bank / Brokerage	10/31/2016	9/30/2016	Increase (Decrease) from last Month	Increase (Decrease)	
					10/31/2015	from Last Year
Total Unrestricted Cash Balance		12,602,155	13,029,646	(427,491)	\$ 10,228,288	\$ 2,373,867
Total Restricted Cash Balance		9,171,550	9,059,106	112,444	8,208,627	962,923
Total City Cash Balance		\$ 21,773,704	\$ 22,088,752	\$ (315,048)	\$ 18,436,915	\$ 3,336,789
		Encumbrance Total as of 9/30/2016			\$633,724	

NOVEMBER 21, 2016
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MOTION BY Councilman Rudicell to reimburse the \$1,800 permit fee for emergency repairs at the Bounds Family YMCA facility.

AYE Conaway, Coleman, Goodlin, LeJeune, Davis, Scott

NAY Rudicell

MOTION CARRIED

Sales & Use Tax Collections / September 2016

\$1,246,714 was collected for September, 2016:

- YTD Variance over Budget - \$ 961,484

Lodging Tax Collections / September 2016

The collections for September, 2016 were \$72,524 which is down (\$12,408) from September 2015's collections of \$84,932

- YTD Variance over Budget: \$38,150

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

The next meeting will be December 5th at 4:30 p.m.

C. PUBLIC SAFETY COMMITTEE – Davis

The committee met this afternoon and the minutes will be in the next packet. They discussed Fire Station #2, and the need for quicker action by Mediacom. The firemen cannot move into the trailer until it is fully functional. Councilman Davis requested Mr. Ross to reach out to the city's representative to make sure they move more quickly to get this done. They also discussed safety concerns with employees doing the demo, because of the mold.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

The committee met this afternoon, and the next meeting will be December 19th at 5:30 p.m. The committee discussed a taxi ordinance, revisions to the towing ordinance, a haulers franchise agreement ordinance, the events ordinance and a sidewalk bond ordinance for new developments.

E. PUBLIC WORKS COMMITTEE – Coleman

The Museum minutes for the October 10th meeting are in the packet. The next meeting will be December 5th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

There will be a meeting December 1st, and Mrs. Jones will give a report at the December 5th meeting.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be December 5th at the East Shore Café at 12:00 p.m.

C. Industrial Development Board – Phillips

The board met November 15th, and the minutes for that meeting are in the packet. Councilman Davis read for the record a newspaper article from the Mobile-Press Register on economic development. (*Article spread out upon these minutes.*)

The next meeting will be November 28th at 6:00 p.m.

D. Library Board – Lake

No report. The next meeting will be the 3rd Thursday of the month.

**NOVEMBER 21, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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E. Planning Commission – Scott

The commission met Thursday and considered Ordinance 2016-62 regarding the amendment by council to remove the connectivity to Bellaton subdivision, and the commission returned the ordinance with a unanimous favorable recommendation to keep the ingress and egress the same. The next meeting will be the 3rd Thursday of the month.

G. Utility Board – LeJeune

Councilman LeJeune has not yet attended a meeting, and will have a report at the next meeting.

6. MAYOR'S REPORT

No report.

7. CITY ATTORNEY REPORT:

Mr. Ross reported that the Cal Ripken organization is still interested in working with the city on the recreational facilities. He also reported that he received the AG's opinion regarding guaranteeing the loan for the Strike Club. He said the city can guarantee the loan if it serves a public purpose. He would like to discuss it further at a work session. He said that the council should have a letter from Maynard Cooper Law Firm regarding the Special Care Facilities Financing Authority refinancing for Pell City, AL assuring council this will not affect the city's borrowing capability. He contacted Pfil Hunt regarding the refinancing and he concurred with Maynard Cooper.

8. DEPARTMENT HEAD COMMENTS:

Margaret Thigpen – Civic Center Director – reported the events going on at the Civic Center.

9. CITY CLERK'S REPORT:

a.) Veto of Resolution 2016-82

MOTION BY Councilman LeJeune to over-ride the Mayor's veto of Resolution 2016-82.

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Rudicell	Nay	Davis	Nay
Coleman	Nay	Scott	Nay
Goodlin	Nay		

MOTION FAILS

b.) Event Permit / Daphne Witches Ride / Charity / October 29, 2017

MOTION BY Councilman Rudicell to approve the Events Permit for Daphne Witches Ride / Charity / October 29, 2017. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

NOVEMBER 21, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
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c.) Event Permit / City Hope Church / Race for Hope / September 30, 2017

**MOTION BY Councilwoman Conaway to approve the Event Permit for / City Hope Church / Race for Hope / September 30, 2017. Seconded by Councilman Davis.
CARRIED UNANIMOUSLY**

10. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – spoke regarding the city wasting money on recycling that it was a serious amount of money. He was concerned because there was money left over from last year the Mayor is giving the employees a bonus, he recommends giving a tax break to citizens and businesses. He commented that the park off Park Drive seems to be a money pit.

Mr. John Lake – 110 Paige Circle – spoke regarding pre-zoning saying that council does not have to pre-zone property first. They can require that the annexation be brought first and then do the rezoning. He said by pre-zoning developers are holding the city hostage.

Mrs. Pauline Ouellette – Madison Place – spoke regarding the zoning for the Earth Inc. project asking council to not let the lots drop to smaller lots. She is concerned about safety. She asked that it be kept to zone 3.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-85.** Declaring Certain Personal Property Surplus / Ford Truck / Sprayer / Two (2) Toro Workman / Drag Machine
- b.) **Resolution 2016-86.** Approving Special Care Facilities Financing Authority Bonds / Pell City
- c.) **Resolution 2016-87.** Agreement Concerning Transportation Planning Process for the Eastern Shore Urbanized Area between the County of Baldwin and the Municipalities of Daphne, Fairhope, Spanish Fort, Loxley and the State of Alabama
- d.) **Resolution 2016-88.** Retaining Employees Under Merit System
- e.) **Resolution 2016-89** 2016 Community Development Block Grant (CDBG) for: Sewer Hookups in the Whispering Pines & Pollard Road Community / Grant Administration and Engineering Proposal
- f.) **Resolution 2016-90** Setup New Depository Account and Transfer of Funds for: SAIL Site, Four Cent Gas Tax, and Seven Cent Gas Tax

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- e.) **Resolution 2016-89.** 2016 Community Development Block Grant (CDBG) for: Sewer Hookups in the Whispering Pines & Pollard Road Community / Grant Administration and Engineering Proposal
- f.) **Resolution 2016-90.** Setup New Depository Account and Transfer of Funds for: SAIL Site, Four Cent Gas Tax, and Seven Cent Gas Tax

MOTION BY Council Rudicell to waive the reading of Resolutions 2016-85, 2016-86, 2016-87, 2017-88, 2016-89, 2016-90. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2016-85. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2016-86. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-87. Seconded by Councilman Davis.

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MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2016-90. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-62.** Pre-Zone Property Located Southeast of Corte Road and County Road 13 / Fred L. Corte
- b.) **Ordinance 2016-68.** Rezone: Property Located at the Southwest of the Intersection of Park Drive and Tallent Lane, East of the Future Daphne Sports Complex / Earth, Inc.

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

c.) Ordinance 2016-69.Revisions to the Zoning Map

d.) Ordinance 2016-70.Rezone: Property Located at the Southwest Intersection of County Road 64 and Rand Avenue / GCOF Daphne Commercial Property 13-64, LLC

- a.) Ordinance 2016-62.Pre-Zone Property Located Southeast of Corte Road and County Road 13 / Fred L. Corte
b.) Ordinance 2016-68.Rezone: Property Located at the Southwest of the Intersection of Park Drive and Tallent Lane, East of the Future Daphne Sports Complex / Earth, Inc.
c.) Ordinance 2016-69.Revisions to the Zoning Map
d.) Ordinance 2016-70.Rezone: Property Located at the Southwest Intersection of County Road 64 and Rand Avenue / GCOF Daphne Commercial Property 13-64, LLC

MOTION BY Councilman Rudicell to waive the reading of Ordinances 2016-62, 2016-68, 2016-69 and 2016-70. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2016-62. Seconded by Councilman Davis.

AYE Conaway, Rudicell, LeJeune, Davis, Scott **NAY** Goodlin **ABSTAIN** Coleman

MOTION CARRIED

MOTION BY Councilman Rudicell to adopt Ordinance 2016-68. Seconded by Councilman Davis.

ROLL CALL VOTE

Conaway	Nay	LeJeune	Aye
Rudicell	Nay	Davis	Aye
Coleman	Aye	Scott	Aye
Goodlin	Nay		

AYE Coleman, LeJeune, Davis, Scott **NAY** Conaway, Rudicell, Goodlin

MOTION CARRIED

MOTION BY Councilman Davis to adopt Ordinance 2016-69. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2016-70. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

1ST READ

a.) Ordinance 2016-712016 Community Development Block Grant (CDBG) for: Sewer Hookups in the Whispering Pines & Pollard Road Community

b.) Ordinance 2016-72Federal Emergency Management Agency (FEMA): Hazard Mitigation

**NOVEMBER 21, 2016
CITY COUNCIL MEETING
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1705 MAIN STREET
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Grant Program (HMGP) Disaster Assistance: Teri Lynn Platt c/o Teri Lynn Dyess, 118 Lakeview Loop, Lot 8-Unite 21 Lake Forest

- c.) **Ordinance 2016-73** One-Time Lump Sum Pay Adjustment
- d.) **Ordinance 2016-74** Mowing Vehicle Replacement Appropriation
- e.) **Ordinance 2016-75** Appropriation for Supplemental Landscape & Architecture Aesthetics for the Daphne Recreational Facilities

ORDINANCES 2016-71, 2016-72 AND 2016-73, 2016-74 AND 2016-75 ARE A 1ST READ

12. COUNCIL COMMENTS

Councilwoman Davis – wished everyone a happy Thanksgiving.

Councilman LeJeune – wished everyone a happy Thanksgiving.

Councilman Goodlin – spoke regarding development saying either they get smart about it or they will fall behind, and not like what they see. Council needs to work closely with the Planning Commission, because council needs to get it right with the Comprehensive Plan and the Land Use Ordinance.

Councilman Coleman – wished everyone a happy Thanksgiving, and he agrees with Councilman Goodlin that the Comprehensive Plan should be on everybody's radar.

Council Rudicell – wished everyone a happy Thanksgiving, and to keep families in the community who are suffering in their prayers.

Councilwoman Conaway – reminded everyone that every day is Thanksgiving.

Council President Scott – reminded everyone that a burn ban is still on, and wished everyone a happy Thanksgiving.

13. ADJOURN:

MOTION BY Councilman Coleman to adjourn. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:05 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Ron Scott, Council President

Sunday - Oct 2 Press Register

Submitted at the November 21, 2016 Council Meeting

Voting 'Yes' on Amendment 11 will bring new jobs to Alabama

Tommy Battle
for AL.com

Alabama needs jobs. Good paying jobs with reputable industries. In Huntsville, our economic development teams have worked successfully in the past five years to bring in 16,000 new jobs and nearly \$2 billion in capital investment with top companies like Polaris,

GE Aviation, Boeing, Toyota and Remington.

There are more jobs and businesses looking at Huntsville and Alabama — but the stakes are getting higher and the competition is becoming tougher.

That's why we are asking Alabama voters to support Amendment 11 on the upcoming November ballot. This constitutional amend-

ment modifies the 21st Century Manufacturing Zone Act and gives Alabama a powerful new recruitment tool to bring quality good-paying jobs to citizens. Here's how it works.

If an industry will invest at least \$100 million on a site larger than 250 contiguous acres — a big site — local governments will be able to create a Tax Increment

Financing Zone, usually called a TIF. Any incentives used to secure the industry will be repaid by the revenues generated from increased property values within the zone, above and beyond what is presently generated. In a nutshell — the industry pays for its own incentives over time, without sacrificing current tax revenues generated for roads,

schools, and public safety. It's a win-win for taxpayers, citizens, and industry.

There are more than 80 industrial sites across the state that could potentially benefit from this new constitutional amendment.

The state legislature recognized the powerful possibilities and unanimously approved the 21st Century Manufacturing Zone Act

in the House and Senate, paving the way for your approval.

It's about jobs, prosperity, and a bright future for Alabamians.

Help us bring thousands of good paying jobs to Alabama by voting "YES" on Amendment 11 when you head to the polls on Nov. 8.

Battle is mayor of Huntsville.

CODE ENFORCMENT/ORDINANCE COMMITTEE

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

Councilman Goodlin, Chairman
Councilman Ron Scott
Councilman Pat Rudicell
Councilwoman Tommie Conway

Councilman Davis
Councilman Joel Coleman
Councilman Robin LeJeune

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:30 p.m.

Members Present: Doug Goodlin; Ron Scott; Tommie Conaway; Pat Rudicell; Joe Davis; Robin LeJeune; Joel Coleman.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Jay Ross; City Attorney; Michael Berson, City Attorney; Jamie Smith, Revenue Officer; Adrienne Jones, Planning Director; Suzanne Henson, Senior Accountant; John Lake.

II. APPROVE MINUTES / October 17, 2016

There being no corrections the minutes the October 17, 2016 minutes stand approved.

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Taxi Ordinance / Revised

Michael Berson reported on the revisions to the ordinance. The committee requested changing the driver's license requirement from Alabama to United States. The fees were discussed and are waiting to hear back from Uber's legal to see if they are acceptable. Chief Carpenter and Jamie had concerns about the ordinance. The chairman asked that Michael get with Jamie and look at the first draft of the ordinance that was designed for taxi's and not Uber.

MOTION BY Councilman Scott to divide the ordinance between TNC (*Transportation Network Company*) and Taxi, and add a penalty section to the TNC ordinance, and bring back to the committee at the December meeting for review and to send it on to council. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

Ordinance will come back for review at the December meeting.

b.) Towing Ordinance

MOTION BY Councilman Scott to table the ordinance until the December 19th meeting so amendments from the Public Safety Committee can be considered. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

The ordinance will come back to the December meeting.

c.) Haulers Franchise Agreement / Revised

Michael reported on the revisions to the agreement. Jay said that he would like Richard Johnson's opinion, and he has not had a chance to review the ordinance.

MOTION BY Councilman Scott to send to council pending the Public Works Directors review of the ordinance with no major changes. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

**d.) Ordinance 2014-23 / Establishing a Policy for Events Held within the City of Daphne
Include requirement of having a certificate of insurance with the city named as
additionally insured for \$1,000,000**

Rebecca Hayes, City Clerk, explained that groups are applying for permits that will have slides, jumping cages, etc. at their event and wanted council to consider whether to include a clause that requires groups to have a certificate of insurance to protect the city from liability. Suzanne Henson shared comments from Robertson Insurance on the subject.

The committee asked that Suzanne check with AMIC, and if there is new information to bring it back to the committee.

e.) Sidewalk "Bond" for New Developments

Councilman Goodlin said there needs to be included in the Land Use Ordinance a section requiring developers to have bonds in order to build sidewalks where there is vacant property.

Adrienne Jones, Planning Director, stated that the Planning Commission is already considering an addition to the Land Use Ordinance where after a certain period of time if there is not a home built on the property to require developers to have a bond in place to finish the sidewalks for phases of the development.

The committee requested Adrienne to come back to the December meeting with an ordinance for review.

The committee requested that the developers be informed of the proposed change, and to get their feedback.

VI. OTHER BUSINESS

No other business to discuss.

VII. NEXT MEETING / December 19, 2016.

VIII. ADJOURN

MOTION BY Councilman Davis to adjourn. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:24 P.M.



I. CALL TO ORDER

Meeting was called to order.

II. Committee Members Present: Robin LeJeune (Chairman), Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman John Lake; Councilwoman Angie Phillips.

Others Present: William “BJ” Eringman, PW Deputy Director; John Avent, Dewberry/Preble-Rish; Randy Davis, Volkert; Jaye Robertson, HMR; John Peterson, Mott-McDonald; Jay Ross & Kevin Boucher, City Attorney; Ashley Campbell, Dorothy Morrison & Selena Vaughn, Joe Davis, Ben Cruitt.

III. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report – August 2015 & 2016 was reviewed.

B. Vehicle/Equipment Maintenance Report – The reports for August 2015-2016 and FY2015-16 were reviewed.

C. Correspondence – Marilyn O’Connor letter: Mr. Eringman commented on the curbing that was repaired near her home.

D. Public Participation – There was discussion regarding changes to the resolution for the renaming of Park City Park to the Willie “Buddy” Raymond Alphonse Veteran Memorial Park. Mr. LeJeune said that the changes would be made and placed on the October 17th Council agenda.

E. Potter’s Mill Update – email the committee members on the status of this issue.

IV. OLD BUSINESS

A. Minutes – The minutes from the September 6, 2016 meeting were reviewed and approved. *Motion by Tommie Conaway, seconded by Angie Phillips.* All in favor. Motion carried.

B. Mosquito Report – August Report were reviewed.

C. Street Sweeper Report – No Report.

V. NEW BUSINESS

A. Right of Way Permitting - Discussion

Mr. Eringman discussed with the committee the issuance of ROW permit fees with regard to franchise businesses. Mr. Lake stated that PILOT fees does not excuse the use of the ROW or its scheduled fees. Mr. Lake explained to the committee what the PILOT fee is. Mr. Boucher explained the legal aspect of PILOT and franchise fees. Riviera is having a problem with being charged ROW permit fees.

There needs to be more clarification on who pays PILOT and/or Franchise fees.

VI. DIRECTOR’S REPORT

A. Public Works Related Overtime Report – Report was reviewed by the committee.

VII. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

A. Monthly Recycle Tonnage Report (Tonnage Comparison) – August 2016

Report was reviewed by the committee.

B. Solid Waste New Customer Report – August 2016

Report was reviewed by the committee.

VIII. MUSEUM COMMITTEE

A. Minutes – August 8, 2016 minutes were in packet for review.

IX. BEAUTIFICATION COMMITTEE

A. The September 7, 2016 minutes were reviewed by the committee. Dorothy has exciting ideas planned for the city. She will be attending a conference in Tuscaloosa in next week. Working with DRA to revitalized downtown Daphne.



X. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes** – Ashley stated the next meeting will be October 24th.

XI. ENGINEER'S REPORT

- A. Mott MacDonald** – Daphne Fire Station #2: We are currently proceeding to get the project ready for bid. We anticipate providing the city updated drawings within the coming days and meeting with staff to go over any outstanding issues.
Daphne Rec Fields: Lott Park Tennis center is advancing well and we are incorporating items that will be common to all parks with similar materials and looks. Trione Park has seen some delay, but we have reached 60% and aiming to move it much more quickly now. We should have projects ready for bidding in October.
- B. HMR** –
- C. Preble-Rish** – Hwy 98 Intersection Improvements- We are working on surveying and design of Van Avenue Improvements, Hall Lane Improvements are completed and are in the permitting process. Design for the service road from Wacky Shrimp to the Lavender Lane is underway.
CR 13 Widening- We are addressing comments from the ALDOT Utilities coordinator securing reimbursement agreements between ALDOT and the local service providers within the project limits.
Bay Front Park Master Plan- We will be presenting information on the proposed street scape an Monday's Buildings and Properties meeting.
- D. Volkert** – See attached Report.
- E. Jade Consulting** –

OTHER BUSINESS:

XII. FUTURE BUSINESS

- A.** Next Meeting will be November 7, 2016 at 5:30 p.m. at Council Executive Room.

XIII. ADJOURNMENT

- Meeting adjourned.

CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

**Daphne Beautification Committee
October 5, 2016 minutes**

Committee Members

Dorothy Morrison, Chair
Selena Vaughn
Tomasina Werner
Dana Sawyer
Rebecca Trosclair
Sarah Toulson
Laurel Anderson
Kiki Mikkelsen
Victoria Phelps
Cheryl Berry

City Liaisons

Richard Johnson
Shannon Burroughs
Graham Cox
Denise Penry
Michele Hanson
Samantha Coppels
Kara Wilbourn

A - Gator Alley discussed adding oaks trees along 98 side of the Park. Corte Farms has 4 trees @\$1700 each to replace the Taco Bell tree after January. Clearing up/out D'Olive Creek needs more equipment than we have at this point Centennial Park new tables and dome have been installed; being well used

B - Beautification Awards: Special Christmas awards will be planned for 2017 season

C - New budget is \$16,000. Our first expenditure will be Arbor Day Trees.

D-Top Ten

- ◆ Malfunction Junction -10+ years
- ◆ Library- Tonja request help with planting around the box in the back and the planters in the seats - 2 months
- ◆ Art Center request help with A/C project, Yellow taping floor where levels are uneven, mold smell - 2 months
- ◆ Request for attention to the Dog Park (Eagle Scout Project) - 1 month
- ◆ Request for Pocket Courtyard to have attention - 1 month
- ◆ Completion of Museum Project - 9 months
- ◆ Request for Gator Alley new tables (Eagle Scout) and planting of trees along the path not in straight line a few benches (Eagle Scout), play equipment , clearing fence of vines to be able to see the water - 2 months

E- Public Works

- * Sidewalks on 13: French Settlement/Sehoy will have entrances widened with a bit of a meander; Tiawasee will have walkways
- * Master plan Park Center Rec to be completed soon
- * Mast Pole will be next at Van Buren, Santa Rosa, Van, Lavender Lane, Main Street
- * 2017 - there is no sidewalk money
- * Plan for 5/6 more children's tables -5 at May day Park, 2 at Park City, 2 at Joe Louis Patrick
- * More domes for parks as well
- * Round-A-bout scheduled for January possibly with Little Jim Magnolias

F - Facebook: Kiki is having difficulties getting it to work as she would like

G - Gateways: the proposal is for I-10/ (8 to be the new Gateway sign) it will be in the same location but the plantings will be different

I - Publicity: Tomasina is going to do an article to go with the picture of the Awards Presentation



There are only two kinds of people ... those who live in Daphne and those who wish they did!

J - CR 64 Round-A-bout will be worked on in January. The Whispering Pines RAB also needs attention, one tree has died and it looks unbalanced...Hopefully it can be redone in January as well.

K - Keep America Beautiful meeting in Tuscaloosa October 13-14

L - DRA will be working with Main Street businesses to help them improve their appearances using information from the B'ham meeting.

M - Mayor unable to attend.

N - Next Meeting November 9th Mayor's Conference Room. Our Last meeting in 2016 will be November 30th (This will be our December meeting) We will be decorating the City Hall Christmas Tree @ 8:00 AM; meeting to follow.

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

Meeting Minutes

Monday, October 24, 2016
4:30 P.M.

Attendees:

City Staff	Present	Members	Present	Council	Present
Ashley Campbell	X	Stan Arbaczauskas		John Lake	X
BJ Eringman	X	Amy Gohres		Pat Rudicell	X
Richard Johnson		Art Hosey	X		
Michelle Hanson		Fred Nation	X		
Guest		Don Ouellette-Co-Chair	X		
Shannon McGlynn		John Peterson-Chair	X		
Denise Heubach	X	Carl Pinyerd	X		
Heather Legrande	X	Elliot Riser	X		
Mona Domingez	X	Bo Tucker	X		

- I. Call to Order City Hall 4:30PM
- II. The 9/26/16 meeting minutes were approved.
Motion: Fred Second: Don Vote: Unanimous
- III. Updates on Old Business:
 - a. NFWF Project Update-
 - 1) Joe's Branch JA, J4-1 & J4-2, & detention basins are complete
 - 2) Tiawasee Creek is complete
 - 3) D'Olive Creek @ Hwy 90 is complete
 - 4) DA3-Malbis Plantation-UT D'Olive Creek east of Hwy 90 will start in November
 - 5) DAE-Oak Stone Hwy 90-engineering and survey phase, could start in January
 - 6) DAF-White-Spunner property south Hwy 90 west of CR 13-engineering and survey phase-planned for fall of 2017
 - b. ADEM 319 Constructed Wetland and Stream Restoration-The City took the Eastern Shore Youth Leadership Class (Eastern Shore Seniors) on a tour of Gator Alley and Tiawasee Creek this month. Ashley mentioned that the two projects were great education outreach sites and that tours have included individuals from each of the following groups; federal agencies, state agencies, engineers, other professionals, boy scouts, MBNEP Business Committee, etc.
 - c. May Day Boat Ramp-Has been removed and plans are to replace it with an at grade access concrete slab with adjacent piers.
 - d. Lake Forest Boat Ramp-October 1st-Lease Executed. Ramp is not open to public. The City will replace the old ramp with a new ADA compliant ramp and pier. The new ramp will be smaller in width but will extend out further than the

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

current ramp. The City will be maintaining the existing channel markers and is in the process of applying for all permits needed to rebuild the ramp, to dredge the channel and repair the bulkhead. The funds for the work and the master planning of the parking lot and ramp will be approved at the November 7 Council Meeting.

- e. Trespass Ordinance-The draft trespass ordinance has been updated to reflect the EAC and others comments and will be sent by to the Ordinance Committee and then to the council for adoption. The City is working with the police, utilities and private land owner to try to prevent damage to the stream restorations. Meetings will be held to address the issue with warning signs, surveillance, fencing and educational literature.
- f. ADEM 319 Tiawasee Creek ADEM 319 Grant Education Outreach
 - o Daphne High-EYE Engaging Young Engineers-Constructed Wetland-Design-No update
 - o Daphne Middle School-Alabama Cooperative Extension System(ACES)-4H Alabama Water Watch-Partner- Heather LeGrande & Daphne Elementary-Constructed Wetland Planting and ACES Stormwater Education Program-Partner-

Denise Heubach, Heather Legrande and Mona Domingez were present to discuss the education outreach program. Denise presented a handout that included a summary of the different education outreach options for the grant funds. We discussed whether or not we would like to have a program (What You Otter Know about Conservation) that reach all grades 1-12th or target certain grades. We also, discussed what we wanted the program to include kits (Otter Boxes) with education materials, environmental festivals and an outdoor component (restoration & other environmental projects field trips) that fit into the Baldwin County Board of Education's WorkPlan2020. It was mention that the program could include the cost of fuel for the field trips. Ashley mentioned that she had contacted the Board of Education and made contact with Hope Zeanah and that she was excited to work with the City, ACES, 4H AWW and the ADEM 319 program. Denise also presented the teacher survey that was shown to the EAC last month. She discussed that most of the decisions that need to be decided on will be addressed in the survey and that it will help guide the EAC in its ultimate decision of what this 319 education program will become. Heather discussed the 4H AWW program and stated that the program was already approved by the Baldwin County Board of education and that it targeted Middle School students. Mona mentioned that the AWW program has funding to sponsor teacher training workshops with free lodging. She is willing to work with the 319 partners to create an education program that will prove to be a plus for both groups. Teachers receive continuing education credits for the training. Heather and Mona agreed to review the survey and suggest other survey questions that would help with the 4H AWW component of the grant. A goal was set to have the survey complete by the 1st week of November. Ashley mentioned that she would like the EAC to choose an incentive for the teachers who participate in the program. She was unsure if the incentive should be a free kayak trip or classroom supplies. John Lake suggested that we add a question on the survey to find out what they would like. The group concluded the discussion with the agreement that

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

more decisions could be made after the survey had been presented to the schools and the results tallied.

- ADEM 319 Tiawasee Creek ADEM 319 Grant-Porous Paving at Trione Park-Guest-Jade Consulting-No Update

IV. New Business:

- Invasive Species Control at Village Point Park-Ashley mentioned that City Staff and Fred Nation would be in Village Point on Monday 10/31, Wednesday 11/2, Friday 11/4, Monday 11/7 and Tuesday 11/8 treating invasive species. The EAC was invited to join them to learn more about the process.
- Stormwater Management Plan Review-Ashley informed the group that the City received its new MS4 Phase II permit and that the next 5 year Stormwater Management Plan is due to ADEM on December 31, 2016. She plans on presenting the updated SWMPP to the EAC in November for review.

V. Other Business: No other business was discussed. Meeting was adjourned at 5:40PM

It was mentioned that the next schedule meeting for November 28th was the Monday after Thanksgiving week. The EAC Committee agreed that November 28th would fit their schedules.

Next Meeting November 28th, 2016 @ 4:30 P.M.

CONSERVATION...

What You "Otter" Know!



Denise Heubach
Alabama Cooperative Extension System
dh0006@auburn.edu



Overview of ADEM 319 Proposal

Conservation: What You “Otter” Know!

Option 1: One or multiple Lesson(s) Activity Per Grade Level;

1. Understanding the Importance of Watersheds
2. Storm-water Runoff and Soil Erosion
3. Assessing Water Quality: Chemically and Biologically
4. Identifying Non-Point Sources of Pollution
5. Coastal Ecosystems: Plants/Animals
6. Restoration of Impaired Streams/Riparian Zones/Rain Gardens

Option 2: Target **Only** one level grade per:

Elementary- K, 1, 2, 3, 4, 5

Middle- 6, 7, 8

High School- 9, 10, 11, 12

Teacher In-Service/Workshop:

Attendees:

Get Equipment/Materials ?

Check Out “Otter” Boxes? for classroom demonstrations

Workshop Agenda:

Review Materials/Handouts

Manual:

Background Information

Instructions/Experiment directions

Vocabulary

Additional Resources

Demonstrate Activities/Enviroscape Model

Related Educational Video

Compile “Otter” Boxes (Rolling storage container with materials)

Related Activities:

Watershed/Storm-water restoration Project

Student Design T-Shirts and/or Poster Contest

Student Design Enviro-Calendar

Enviro-Science Fair

Ground Water Festival



Denise H. Heubach
UREA II-Forestry, Wildlife and Natural Resource Management
Home Grounds, Gardens and Home Pests

Jon Archer Ag Center
1070 Schilling Road, N
Mobile, AL 36608-5298
(251) 574-8445 F (251) 574-3245 C (251) 222-5860
dhh0006@aces.edu
aces.edu



City of Daphne



Dear Educator:

The City of Daphne's Environmental Advisory Committee, in collaboration with the Alabama Department of Environmental Management's 319 Program and the Alabama Cooperative Extension System, are in the initial planning stages to compile an environmental education resource tool for use at the elementary, middle, and high school level. This teaching guide, *Conservation: What You "Otter" Know*, will highlight the damaging effects of storm water runoff and other related environmental issues facing our coastal communities. It will include supplemental scientific information, relevant and age appropriate classroom activities, and the opportunity for community resource speakers to address students.

We would appreciate your input as to how this environmental resource guide can best meet the needs of your students and be implemented in your classroom curriculum to comply with the Alabama Core Standards for Science.

Please complete the following and return it to your office by October 31, 2016 or email to acampbell@daphneal.com.

Name: _____

School: _____

E-Mail: _____ Phone: _____

Grade Level Taught: K 1 2 3 4 5 6 7 8 9 10 11 12 (Circle all that apply)

List Relevant Subject(s) Taught:

1. all subjects (self-contained classroom)
2. _____
3. _____
4. _____
5. _____

An Environmental Educational Teaching Guide, *Conservation: What You "Otter" Know*, would be useful in my classroom curriculum. (Circle Choice)

1. Yes
2. No

I would be interested in a: (Circle all that apply)

1. One Time Presentation -Community Resource Speaker
2. Series of Presentations- Community Resource Speaker(s)
3. Summer Teacher In-Depth Workshop
4. Teacher In-Service
5. Prefer to do my own presentation of environmental education
6. Serving as the schools Environment Club Sponsor-Representative
7. Other: _____
8. No, I would not be interested in this teaching guide.

Length of Classroom Presentation that best fits: (Circle all that apply)

1. 30 minutes
2. 45 minutes
3. 1 hour
4. Other: _____

Prefer Classroom Presentation to be: (Circle all that apply)

1. Single class at a time
2. Multiple classes at a time

Environmental Subjects to be included: (Circle all that apply)

1. Understanding the Importance of Watersheds
2. Storm-water Runoff and Soil Erosion
3. Assessing Water Quality: Chemically and Biologically
4. Identifying Non-Point Sources of Pollution
5. Coastal Ecosystems: Plants/Animals
6. Restoration of Impaired Streams/Riparian Zones/Rain Gardens
7. Other: _____
8. Other: _____



Employee Name: _____

Supervisor Signature: _____

CITY OF DAPHNE
ORDINANCE NO.: 2016-__

=====

**AN ORDINANCE TO REGULATING OPERATION OF MOTORIZED VEHICLES ON
TRESPASSED PRIVATE PROPERTY, PUBLIC PROPERTY, AND RIGHT-OF-WAYS
WITHIN THE CITY OF DAPHNE, ALABAMA AND ITS POLICE JURISDICTION**

=====

WHEREAS, the Mayor and City Council, desiring to protect the welfare and safety of the citizens of the City of Daphne and in an effort to prevent impacts to environmentally sensitive areas and to protect water quality entering into its streams and Municipal Storm Sewer System (MS4), have determined it is necessary to establish standards that will regulate the operation of motorized vehicles on trespassed private property, public property and right-of-ways within the City of Daphne, Alabama and its police jurisdiction; and

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF DAPHNE** as follows:

SECTION I: TITLE ORD. No. 2016-__ MOTORIZED VEHICLE TRESPASS

All terrain vehicles (ATVs) shall be defined as any motor vehicle sixty-five (65) inches or less in width form outside of tire rim to outside of tire rim, having an unladen weight of 1000 pounds or less, traveling on 2 or more low pressure tires, designed for or capable of travel over unimproved terrain. This definition shall include but not be limited to any go-cart or off-road vehicles commonly referred to as a mule, gator, four-wheeler, dirt bike, mini-truck, or dune buggy.

SECTION II: ATV REGULATION

- a. All riders under the age of eighteen (18) must wear size appropriate protective helmets that meet the current performance specifications established by the American National Standards Institute standard, z 90.1, the United States Department of Transportation (DOT) Federal Motor Vehicle Safety Standard no. 218 or Snell safety standards for protective headgear for vehicle users.
- b. It shall be unlawful for any person to ride or operate in any manner, any vehicle, motor driven cycle, all terrain vehicle (ATV), off-road vehicle, recreational vehicle, or go-cart, on any private property without permission, public property and/or public right-of-way in the city limits or police jurisdiction of the City of Daphne. The foregoing statement shall be excepted in the following circumstances where the ATV owner must adhere to all the Rules of the Road:

1. An ATV may make a direct crossing of a public road.
 2. An ATV may use the public road to load the ATV onto a trailer.
 3. Public employees responding to an emergency.
 4. An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel or environmentally sensitive areas when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, obstacle, or sensitive area, and the crossing is made without undue delay.
- c. ATV's may only be operated from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear facing brake lights. They shall not be operated in inclement weather or when visibility is impaired to clearly see people and vehicles , except during emergency conditions.
- d. Operating an ATV upon private property without permission from the owner of said property is per se trespass and may be prosecuted under this Ordinance or for criminal trespass.
- e. As stated above, an all-terrain vehicle **shall not** operate along or on the public property and/or public right-of-way which includes but is not limited to the roadway, shoulder, or inside bank or slope of a public road right-of-way; unless such vehicle is performing right of way work or repairs and has been property permitted by the City to perform said work or repairs or such vehicle is owned and operated by the City and is performing work for the City.

SECTION III: PENALTY

- 1) The operator of said motorized vehicle shall be issued a Municipal Citation for Trespass and Careless Driving.
- 2) Any person found guilty of violating any provision of this ordinance shall be punished by a fine of not less than \$50.00 nor more than \$500.00 or imprisonment, for a period not exceeding one hundred eighty days (180) days, or both, in the discretion of the municipal judge.
- 3) Schedule of fees:
 - 1) 1st Offense: Mandatory Court Appearance-Minimum Fine \$100.00.
 - 2) 2nd Offense: Mandatory Court Appearance: Minimum Fine \$200.00.

3) 3rd Offense: Mandatory Court Appearance: Minimum Fine \$400.00.

- 4) Any and all damage to City Right-of-Ways or City property caused by the violator will be repaired and the cost of the restoration will be added to the minimum fine charged for the violation up to the maximum allowed by law.

SECTION IV: SEVERABILITY

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

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after the date of its approval adoption by the Mayor and City Council of the City of Daphne and publication as required by law.

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

CITY OF DAPHNE

**DANE HAYGOOD,
MAYOR**

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 28, 2016
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

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

MEMBERS PRESENT – Toni Fassbender; Doug Bailey; Dan Romanchuk; Denis Kearney; Pokey Miller.

Absent: John Cox.

Also present – Rebecca Hayes, recording secretary; Mayor Haygood; Michael Berson, Councilman Joe Davis.

2.

3. PUBLIC PARTICIPATION

No one spoke.

4. OLD BUSINESS

a.) Grant Consultant Proposal

The board discussed the proposal from Grant Management.

MOTION BY Doug Bailey to accept the proposal for \$10,000. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

MOTION BY Doug Bailey to authorize the chairman to sign the revised contract with Grant Management not to exceed \$10,000. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

5. TREASURERS REPORT: JUNE 2016

No report. Given at the November 15th meeting.

6. NEW BUSINESS

No new business.

7. REPORT FROM BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE

No report.

8. OTHER BUSINESS

Mayor Haygood discussed with the board about having a website where they could post updates on projects.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 28, 2016
6:00 P.M.**

9. ADJOURN

MOTION BY Doug Bailey to adjourn. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 6:45 p.m.

NO MEETING IN DECEMBER

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m.

Call of Roll:

Members Present:

William Scully
Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of September 27, 2016.*

During Commission discussion, Ms. Bergin commented that she asked for a correction to the minutes as Mr. Fenderson dissented on the motion for the master plan, not the preliminary plat for Oldfield Subdivision, 2B (Revised) and 3A.

After discussion, the minutes were approved as submitted.

The next order of business under old business is a zoning and pre-zoning amendment for John White-Spunner, et al.

An introductory presentation was given by John Peterson, representative of Mott McDonald, of a request to rezone and pre-zone a seventy-seven acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, and unzoned, Baldwin County, in the extraterritorial planning jurisdiction, to B-2, General Business, B-2(a), General Business Alternate, B-3, Professional Business, R-7(A), Apartments, R-7(T), Townhouses, and GC, Golf Course. The conceptual plan presented consists of an established B-3, Professional Business, and R-3, High Density Single Family, zone with an arterial access, with no development planned at this time.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. Peterson stated the request to rezone to commercial is consistent with the Comprehensive Plan adopted in 2003 and provides for a transition from commercial to residential. In accordance with citizen comments, the owner has provided a wider vegetative buffer to the south in the area of the golf course and NEP stream restoration project, as well as, taken into consideration alternative residential and commercial zones.

Mr. Peterson asked to be able to respond after public comment.

Chairman asked for Commission questions or comments.

Mr. Scully asked with the consideration of the addition of the R-7(T), Townhome District, is the small parcel to the west proposed to rezone to B-3, Professional Business, for an access to the townhomes. Mr. Peterson stated I do not know. Mr. Sandefur expressed his concern about another potential access to this property.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Mr. Michael Koepp, 29291 Deciduous, resident of Oak Creek Subdivision and President of the POA, spoke in opposition, expressed his concern about a significant buffer zone and depreciation of property values, if the property develops as a three story, apartment district, or a two and one half, thirty-five foot townhome district.

Ms. Victoria Phelps, 111 Worchester Drive, stated that the Comprehensive Plan established that commercial development should be at the corridor of U. S. Highway 90 and County Road 13, not over fifty percent of the property as shown on the zoning display; commented on the adverse effects on property downstream.

Ms. Lavada Farmer, 29242 Acorn Knoll, spoke in opposition, expressed concern regarding traffic congestion and storm water drainage.

Chairman asked for Commission questions or comments and closed public participation.

Chairman asked about the Commissioners options when considering the rezoning or pre-zoning of each district. Ms. Jones stated the option would be to vote on each district.

Mr. Peterson commented that the zoning display was revised based on the fact that there are significant wetlands and topography from Lot 23, Oak Creek Subdivision to the common area which would affect the building setback.

Mr. Matt White, representative of White-Spunner Realty and authorized agent, stated that the owner is proposed to donate four acres of the wetlands located in the watershed.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. Peterson distributed a revision to the zoning display to address the concerns of the Commissioners and citizen comments.

Ms. Victoria Phelps asked to address the Commission regarding the presentation of the zoning display.

Chairman stated that public participation is closed; however, he recognized Mr. Koepp and allowed his comment.

Mr. Michael Koepp, 29291 Deciduous, resident of Oak Creek Subdivision and President of the POA, spoke in opposition, reiterated his concern of the development of the two and one half, thirty-five foot townhome district shown on the revised zoning display.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scully and **Seconded** by Mr. Smith of an **affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a twenty-three point nine acre parcel, as referenced in Exhibit "A", located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, to a B-2, General Business District, for John White-Spunner et al.**

During Commission discussion, Chairman asked to amend the main motion to include a recommendation for the pre-zoning for each zoning district. Mr. Scully accepted the amendment.

The **Motion** was amended by Mr. Scully and **Seconded** by Mr. Smith of an **affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning and pre-zoning of a twenty-three point nine acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, and unzoned, in Baldwin County Extraterritorial Planning Jurisdiction, to a B-2, General Business District, for John White-Spunner et al. The Motion carried unanimously.**

A **Motion** was made by Mr. Scully and **Seconded** by Mr. Sandefur of an **affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning and pre-zoning of a eleven point seven acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, and unzoned, in Baldwin County Extraterritorial Planning Jurisdiction to a B-2(A), General Business Alternative District, for John White-Spunner et al. The Motion carried unanimously.**

A Motion was made by Mr. Scully and **Seconded** by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning and pre-zoning of a four point six nine acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, and unzoned, in Baldwin County Extraterritorial Planning Jurisdiction, to a GC, Golf Course, for John White-Spunner et al. The Motion carried unanimously.

A Motion was made by Mr. Scott and **Seconded** by Ms. Bergin of an unfavorable recommendation by the Planning Commission to the City Council of Daphne of the rezoning of an zero point four one acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, to a B-3, Professional Business District, for John White-Spunner et al.

During Commission discussion, Mr. Scully commented that the Comprehensive Plan provides for the transition to the west of this intersection to be zoned commercial. Mr. Sandefur commented that he is in favor of a B-3 zone with concessions with regard to height, buffers and setbacks. Mr. Scott was in agreement.

The Motion carried. Mr. Scully dissented.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the conditional rezoning of a twelve point zero six acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, to a R-7(T), Townhouse District, with a seventy-foot setback from the west property line for John White-Spunner et al. The Motion carried. Ms. Bergin dissented.

A Motion was made by Mr. Scully and **Seconded** by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the conditional rezoning and pre-zoning of a twenty-four point nine five acre parcel located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, and unzoned, in Baldwin County Extraterritorial Planning Jurisdiction, to a R-7(A) Apartment District, with a one hundred foot setback from the west property line for John White-Spunner et al. The Motion carried. Ms. Bergin dissented.

The next order of business under new business is master plan review for Winged Foot Subdivision.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of master plan review for Winged Foot Subdivision and stated that plan is identical to the one presented at the time of approval of the PUD designation, with the exception that the commercial area is B-3, Professional Business.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Smith to grant approval of the master plan review of Winged Foot Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for Winged Foot Subdivision.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish. He stated the one remaining issue has been resolved, and the outstanding conditions are clear so that the developer can move forward with the development. The first phase has seventy-nine single family residential and two commercial lots with a roadway connection for County Road 64 to Well Road.

Ms. Jones stated the contingency regarding the developer's donation of ninety thousand dollars has been received and the subject property is annexed.

Chairman asked about the deficiencies outlined by staff. Mr. Pumphrey responded that the lift station has been relocated, the construction entrance will be on Well Road, and a phasing plan has been presented to include the wetlands.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Ms. Patricia Gipson, 8545 County Road 64, expressed her concern with the setback requirement of the east side of the property for Phase Two and Three, asked the time line of development, and if the property will continue to be farmland.

Mr. Fred Minke, 8305 Edgewood Drive, expressed concern regarding drainage.

Chairman closed public participation and asked Mr. Pumphrey to respond.

Mr. Pumphrey stated that storm water drainage will be addressed at the time of the construction of the roadway and the submission of a site plan for commercial lots.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Chairman stated that phase two and three will remain farmland until such time in the future that the property is developed.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Ms. Bergin and Seconded by Mr. Scott to grant preliminary plat approval of Winged Foot Subdivision, Phase One. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is the election of officers.

Chairman opened the floor for nominations for Chairman. Mr. Scott nominated Mr. Scully. The nominations were closed. With no other nominations, Mr. Scully is Chairman.

Chairman opened the nominations for Vice Chairman. Mr. Scott nominated Ms. Bergin. The nominations were closed. With no other nominations, Ms. Bergin is Vice Chairman.

Chairman opened the nominations for Secretary. Mr. Scott nominated Mr. Smith. The nominations were closed. With no other nominations, Mr. Smith is Secretary.

The next order of business is public participation.

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

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

Mr. Chason commented on the expiration of his term, and the members and Director expressed their appreciation for his service to the Planning Commission.

The next order of business is director's comments.

Ms. Jones yielded the floor to Ashley Campbell.

An introductory presentation was given by Ashley Campbell, Environmental Programs Manager, of the proposed D'Olive Creek Tributary Restoration Project by the Mobile Bay National Estuary Program. She will make a video presentation at the November meeting.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.**

Ms. Jones discussed the Land Use and Development Ordinance with regard to an application presented for pre-zoning and noncompliance of the requirement of an accurate legal description and current certified survey. She stated the applicant has presented documentation from the Baldwin County Revenue Commission for consideration and requested a determination by the Planning Commission.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **to accept material submitted for Planning Commission's review at the November meeting, and require an accurate legal description and current certified survey prior to official approval. There was no discussion on the motion. The Motion carried unanimously.**

Ms. Jones presented the following:

- a. Next City Council meeting for the pre-zoning of Fred L. Corte, Black Stone Lakes, November 7, 2016, 6:30 p.m.;
- b. City Council public hearing on zoning amendments, Earth, Inc. and GCOF Daphne Commercial 13 & 64, L.L.C., November 7, 2016, 6:30 p.m.;
- c. The upcoming meeting dates are site preview, November 9, & regular meeting, November 17, 2016;
- d. Thanksgiving holidays, November 24 and 25.

There being no further business, the meeting was adjourned at 6:40 p.m.

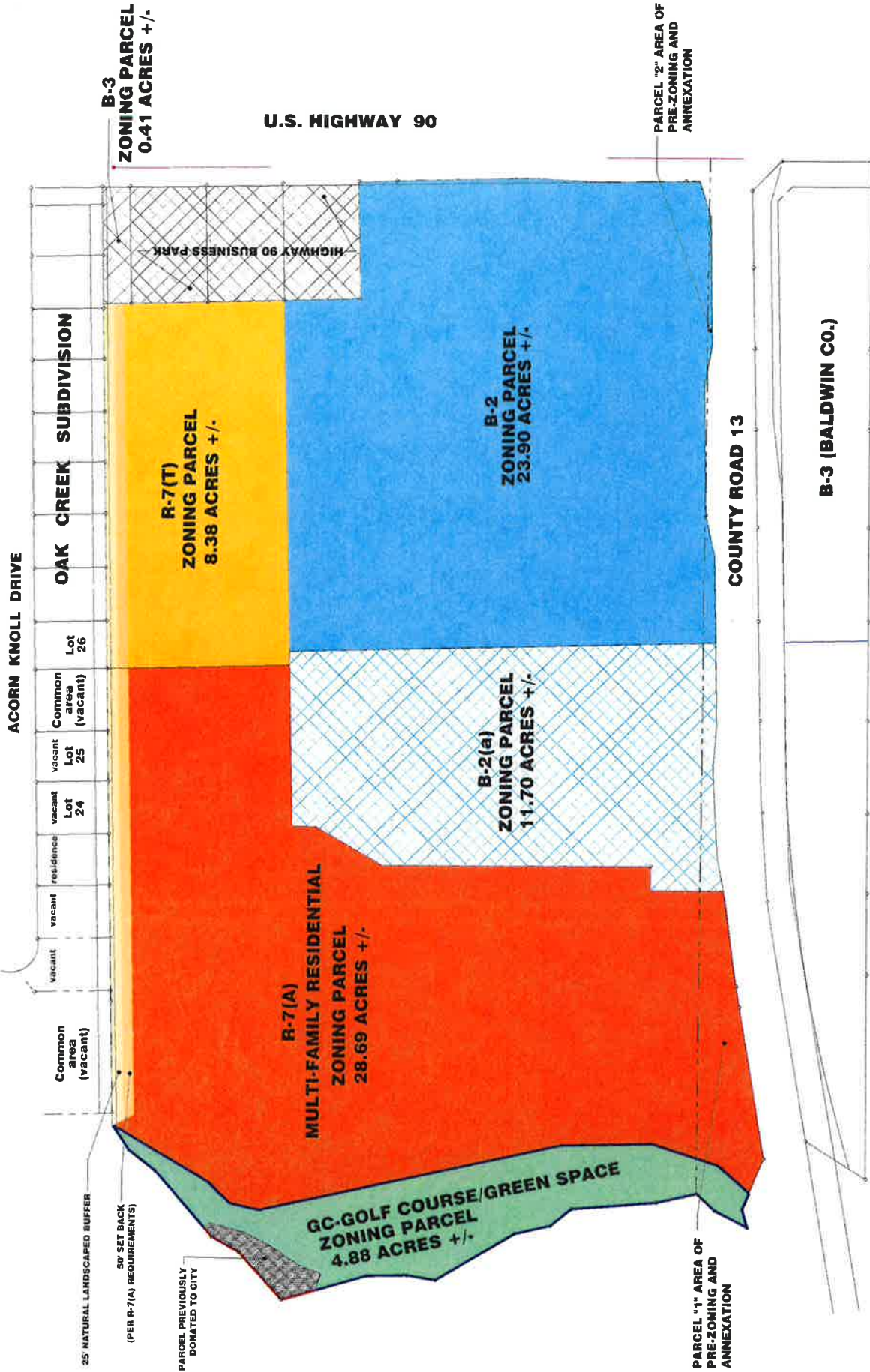
Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: November 17, 2016


William Scully, Chairman

ACORN KNOLL DRIVE



ZONING DISPLAY MAP

U.S. HIGHWAY 90 @ COUNTY ROAD 13

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2016 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER: 5:00 P.M.**

2. **CALL OF ROLL: WILLIAM SCULLY, MARYBETH BERGIN, RON SCOTT, TYRONE FENDERSON, ED KIRBY, CHIEF WHITE AND PHILIP HODGSON**

3. **APPROVAL OF MINUTES:**

Amended minutes/September 22, 2016/ No action required, Amended action on Mr. Fenderson dissention of the master plan of Oldfield Subdivision, not preliminary plat for Oldfield Subdivision, Phase 2B (Revised) and 3A

Review of minutes for the regular meeting of October 27, 2016. **(APPROVED AS SUBMITTED)**

4. **NEW BUSINESS:**

A. PRE-ZONING AMENDMENT ORDINANCE 2016-62 CITY COUNCIL ON NOVEMBER 7, 2016 REMANDED APPLICATION BACK TO THE PLANNING COMMISSION TO CONSIDER REMOVING TWO INGRESS/EGRESS CONNECTIONS TO BELLATON SUBDIVISION.

(MOTION THAT THE TWO INGRESS/EGRESS CONNCECTIONS BETWEEN BLACKSTONE LAKES AND BELLATON SUBDIVISION REMAIN)

1. **File PZA16-03: Fred L. Corte**

Present Zoning(s): *RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial Planning Jurisdiction of Daphne*

Proposed Zoning(s): *PUD, Planned Unit Development*

Location: Southeast of Corte Road and County Road 13

Area: 73.53 Acres +

Owner(s): Fred L. Corte

Agent: Dewberry/Preble-Rish - Steve Pumphrey

B. BERTOLLA PROPERTIES, L.L.C.

1. **PRE-ZONING AMENDMENT:**

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File PZ16-05: Bertolla Properties, L.L.C.

Present Zoning: *B-2, Neighborhood Business District, in Baldwin County District 15, in the Extraterritorial Planning Jurisdiction*

Proposed Pre-zoning: *B-3, Professional Business*

Location: Northwest corner of Alabama Highway 181 and Milton Jones Road

Area: 20 Acres ±

Owner(s): Bertolla Properties, L.L.C. – Alexander Bertolla

Agent: Chason Law – Jessica McDill

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2016 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. **ANNEXATION PETITION:**

File ANX16-05:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

Presentation to be given by Jessica McDill, representative of Bertolla Properties, requesting annexation of a twenty-acre parcel into the City of Daphne located at the corner of Alabama Highway 181 and Milton Jones Road as B-3, Professional Business. The subject property is currently zoned B-2, Neighborhood Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Owner, Bertolla Properties, L.L.C.

B. **JOSEPH ALLEGRI JR. PRE-ZONING AMENDMENT:**

1. **Joseph A. Allegri Jr. Properties I and II, L.L.C.**

(TABLED UNTIL THE REGULAR MEETING OF DECEMBER 15, 2016)

Present Zoning: R-A, Rural Agricultural, and B-3, General Business District, and B-4, Major Commercial District, in Baldwin County District 15, in the Extraterritorial Planning Jurisdiction

Proposed Pre-zoning: PUD, Planned Unit Development

Location: Northwest of the intersection of County Road 64 and Alabama Highway 181
Area: 42.8 Acres $\pm$
Owner(s): Joseph A. Allegri Jr. Properties I and II, L.L.C. – Joseph A. Allegri, Jr.
Agent: Dyas, L.L.C. – Craig Dyas

D. **JOHN WHITE-SPUNNER ET AL ANNEXATION PETITION:**

1. **File ANX16-06:**

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

Presentation to be given by John Peterson, representative of Mott MacDonald, requesting annexation of two-point five acre parcels into the City of Daphne located at the southwest intersection of County Road 13 and U.S. Highway 90 as B-2, General Business, B-2(a), General Business Alternate, R-7 (A), and GC, Golf Course. The subject property is currently unzoned, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Owner, John White-Spunner et al.

E. **CAROLINE WOODS SUBDIVISION STREET ACCEPTANCE PETITION:**

1. **File AP16-06:**

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Caroline Woods Subdivision, Phase Two C & D. Said right-of-ways being Barrington Lane (954 linear feet), and Lashey Drive (135 linear feet). **(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2016 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

F. ADMINISTRATIVE PRESENTATION:

1. Discussion regarding a proposed amendment to the Land Use Ordinance to Article 14, Section 14-11, the addition of menu type signs to the Olde Towne Daphne District sign provisions by Officers William Kennedy and Matt Creel.
(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)
2. Presentation by Ashley Campbell, Environmental Programs Manager, of the D'Olive Watershed Project. **(NO ACTION TAKEN)**

5. **PUBLIC PARTICIPATION:** None presented

6. **ATTORNEY'S REPORT:** None presented

7. **COMMISSIONER'S COMMENTS:** Members welcomed new Planning Commission member, Philip Hodgson, and the Director expressed appreciation to the Planning Commission.

8. **DIRECTOR'S COMMENTS:**

Ms. Jones presented the following:

- a. Next City Council meeting for the pre-zoning of Fred L. Corte, Black Stone Lakes, zoning amendments for Earth, Inc. and GCOF Daphne Commercial 13 & 64, L.L.C., December 5, 2016, 6:30 p.m.;
- b. City holidays are November 24 and 25, 2016, Happy Thanksgiving!
- c. The upcoming meeting dates are site preview, December 7, & regular meeting, December 15, 2016.

9. **ADJOURNMENT:** 6:37 P.M.

SET PUBLIC HEARING DATE FOR

JANUARY 3, 2017

TO CONSIDER:

- 1.) Pre-Zoning:** **Bertolla Properties, LLC**
Location: Northwest Intersection of Alabama State Highway 181 and Milton Jones Road

Present Zoning: B-2, Neighborhood Business

Requested Zoning: B-3, Professional Business District prior to annexing into the City of Daphne

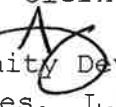
Recommendation: Unanimous favorable recommendation to pre-zone to B-3, Professional Business District. 7 to 0 vote
- 2.) Annexation:** **Bertolla Properties, LLC**
Location: Northwest Intersection of Alabama State Highway 181 and Milton Jones Road

Recommendation: Unanimous favorable. 7 to 0 vote
- 3.) Annexation:** **John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings, and Sean Coley**

Location: Southwest Intersection of County Road 13 and U.S. Highway 90

Recommendation: Unanimous favorable recommendation to annex. 7 to 0 vote
- 4.) Amending the Land Use & Development Ordinance/Olde Towne Daphne District/Article 14-11 Signage, adding Menu-Type signs.**

Recommendation: Unanimous favorable. 7 to 0 vote

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Bertolla Properties, L.L.C., Pre-zone
Amendment
Date: November 21, 2016

MEMORANDUM

PRESENT ZONING: B-2, Neighborhood Business, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: B-3, Professional Business

LOCATION: Northwest corner of Alabama Highway 181 and Milton Jones Road

RECOMMENDATION: At the Thursday, November 17, 2016, regular meeting of the Daphne Planning Commission, seven members were present. The motion carried a unanimous favorable recommendation for the above mentioned pre-zone amendment.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Pre-zoning Application
2. Legal Description
3. Boundary Survey
4. Zoning Display
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners
7. Community Development Report



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted: Oct. 17, 2016

Application Number:

Planning Commission Public

ZA- or PZA- 16-05

Hearing Date: Nov. 17, 2016

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

Corner of Highway 181 and Milton Jones Road

62441

Gross Site Area (acreage): 20

Requested Zoning or Pre-Zoning:

B-3, Professional Bus.

Current Zoning Designation(s):

Amended Request:

B-2, Neighborhood Bus.
BC District 15

Initials:

Date:

Current Land Use: Ag

Anticipated Land Use: Future medical complex and other
authorized uses

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
See attached (Exhibits A and B)

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation

Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner:
Bertolla Properties, LLC

Mailing Address:

P. O. Box 1527, Daphne, AL 36526

Phone/Fax: 251-610-0031

E-mail:

Name of Authorized Agent:

Jessica M. McDill

Mailing Address:

P. O. Box 100, Bay Minette, AL 36507

Phone/Fax: 251-937-2191

E-mail: jmm@chasonlaw.com

Name of Developer*:

Alexander A. Bertolla

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

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

Applicant's Signature: Alexander A. Bertolla

Date: 9/28/16

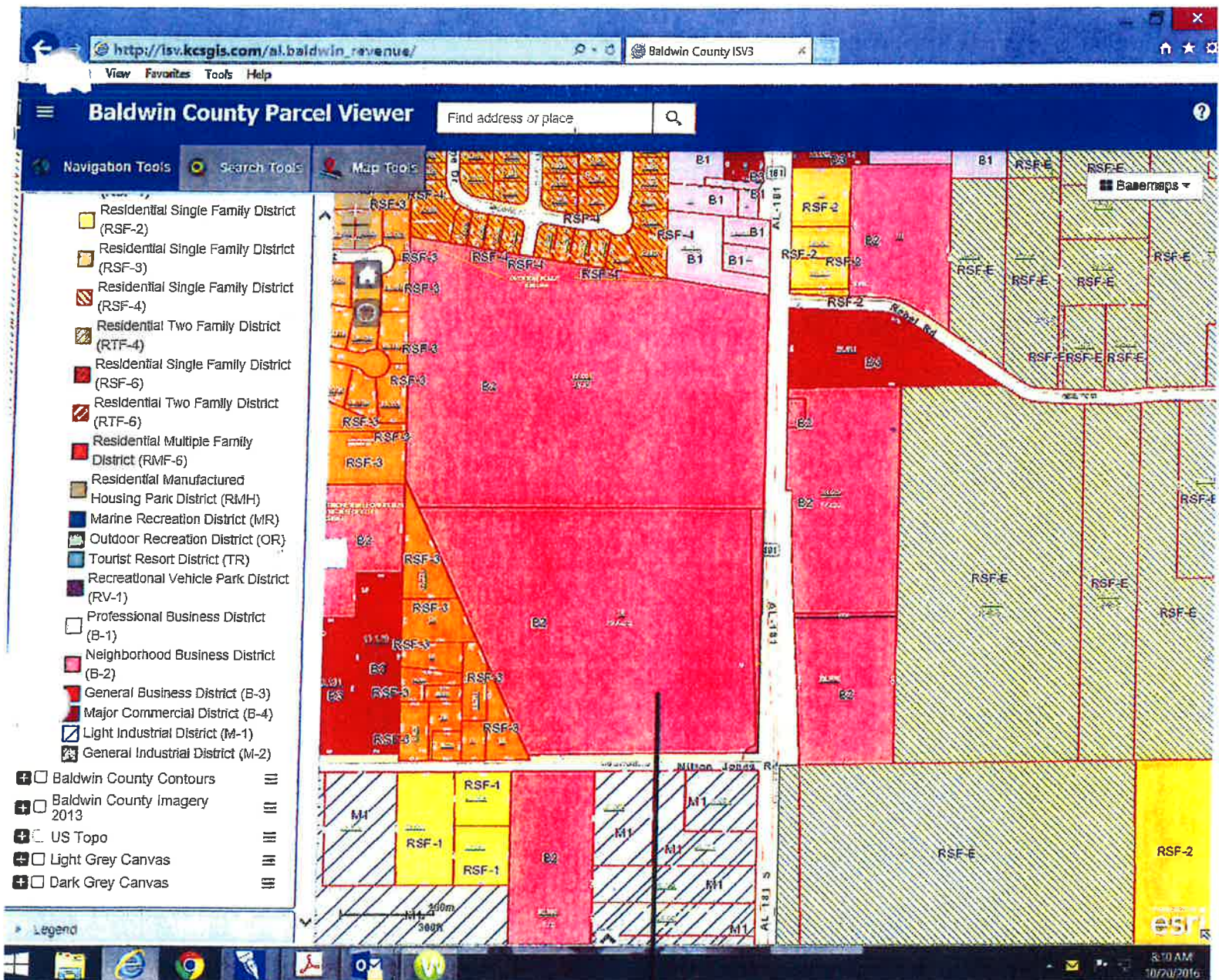
Agent's Signature: Jessica M. McDill

Date: 9/28/16

Bertolla Legal Description to be Annexed:

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS



Baldwin County Parcel Viewer

Find address or place

Navigation Tools

Search Tools

Navigation Tools

Zoom In

Zoom Out

Plan

Layers

☒ Baldwin County Data

☐ Baldwin County Contours

☒ Baldwin County Imagery 2013

☐ US Topo

☐ Light Grey Canvas

☐ Dark Grey Canvas

Legend

Find Address

Search

By Attribute

By Shape

Select A Layer:

Parcels

Owner Name: (at least 3 chars)

Enter the name Smith, John

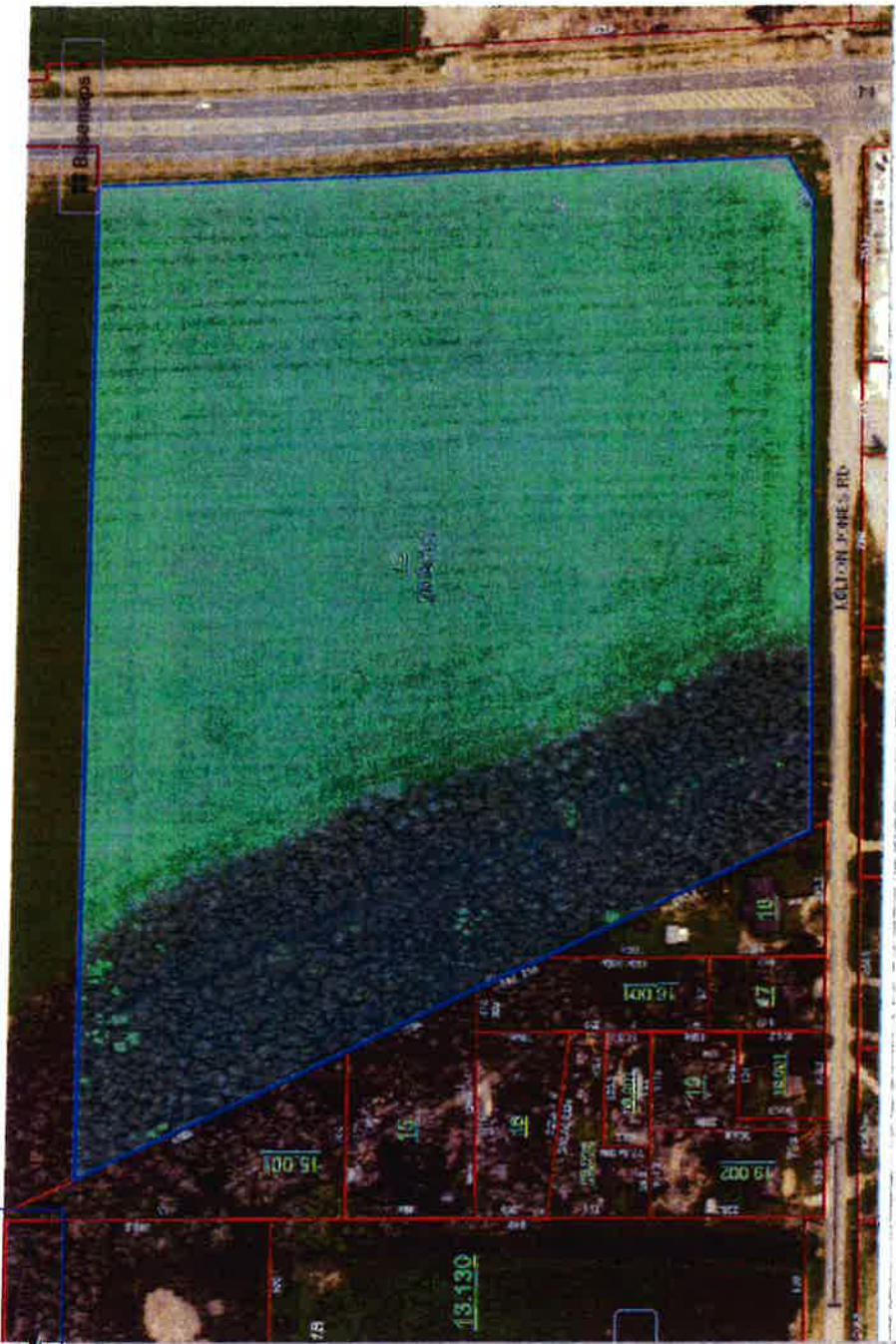
Parcel Number: (at least 3 chars)

170515202700800

PIN (Parcel Identification Number): (at least 1 chars)

62441

Search



Parcels

Zoom

Clear

Parcel Number

Pin

Owner Name

Address

City

State

Zip

Proper Street Number

Property Use

Actions

Export

1 - 1 of 1 results

DANE HAYGOOD
MAYOR



ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

November 4, 2016

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Bertolla Properties, L.L.C., containing 20 acres +/- located at the northwest corner of Alabama Highway 181 and Milton Jones Road zoned B-2, Neighborhood Business, Baldwin County District 15, to be pre-zoned B-3, Professional Business. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, November 9, 2016 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, November 17, 2016 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Bertolla Properties, L.L.C., Pre-Zoning Amendment

LIST OF ADJACENT PROPERTY OWNERS:

1. PROVIDENCE HOSPITAL
c/o Mr. Lee Metzger
P. O. Box 850429
Mobile, Alabama 36685
2. Mr. Johnnie Stanton
P. O. Box 2741
Daphne, Alabama 36526
3. Ms. Sarah Holloway
P. O. Box 1742
Daphne, Alabama 36526
4. Mr. & Mrs. Jeff Johnson
9821 Milton Jones Road
Daphne, Alabama 36526
5. Mr. & Mrs. Wayne E. Gable
11355 Mockingbird Lane
Fairhope, Alabama 36532
6. Ms. Myrline Breedin
27480 Main Street
Daphne, Alabama 36526
7. Wise Properties, LLC
c/o John S. Wise, Jr.
25451 State Highway 181
Daphne, Alabama 36526
8. Mr. Stephen Merrell Miller
P. O. Box 1641
Daphne, Alabama 36526

PLANNING COMMISSION
PREZONING REQUEST FOR
BERTOLLA PROPERTIES, LLC



COMMUNITY DEVELOPMENT

**The S.W. Intersection of Alabama State Highway No. 181 and Milton Jones Road
(Bertolla Properties, LLC)
20.66 acres**

Owner: Bertolla Properties, LLC

Existing Conditions: 20.66 acres of agricultural land

Existing Zoning: Baldwin County Zoning - B-2, Neighborhood Business District

Proposed Zoning: B-3, Professional Business District

Surrounding Zonings/Uses:

North - Baldwin County Zoning B-2, Neighborhood Business District

South - Baldwin County Zoning M-1, Light Manufacturing and B-2, Neighborhood Business District

East - B-2, Neighborhood Business District

West - RSF-3, Residential Single Family District

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Baldwin County Sewer

Gas- Daphne Utilities or Fairhope Gas

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

Increased residential growth within the southeastern area of the City of Daphne will result in the need for increased public safety personnel and city resources.

FROM THE 2000-2020 COMPREHENSIVE PLAN (adopted on June 26, 2003):



The 20.66 acre site is currently zoned B-2, Neighborhood Business District in the County, and is active agricultural land used for growing cotton. The B-3, Professional Business District, requested by the applicant was established to provide an opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale. The applicant's B-3 request is very similar in nature to the County's B-2, Neighborhood Business District.

The Comprehensive Plan Future Land Use Map shows the subject property as resource extraction, this is consistent with the current land use. In many instances, the Future Land Use Map simply presented the existing use as the future use.

Comprehensive Plan Phase Six 10-15 yr implementation time notes: Annex all infill areas west of CR27 (Alabama State Hwy 181) and at least 3 miles east of CR27.



Community Development Recommendation: Approval.

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

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-__

**Ordinance to Pre-zone Property Located at the
Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned B-2, Neighborhood Business in Baldwin County, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District prior to annexing into the City of Daphne; and

WHEREAS, said real property is at the northwest intersection of Alabama State Highway 181 and Milton Jones Road, and more particularly described as follows:

Legal Description for Pre-zone:

**B-3
20.66 AC**

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on November 17, 2016, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property B-3, Professional Business; and,

WHEREAS, due notice of said proposed pre-zoning 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 January 3, 2017; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-3, Professional Business District City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-2, Neighborhood Business.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS _____ day of _____, 20____.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

PLEASE Publish in the Bulletin Legal Section on Friday,
December 9, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property B-3, Professional Business District prior to annexing into the City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-__**

**Ordinance to Pre-zone Property Located at the
Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned B-2, Neighborhood Business in Baldwin County, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District prior to annexing into the City of Daphne; and

WHEREAS, said real property is at the northwest intersection of Alabama State Highway 181 and Milton Jones Road, and more particularly described as follows:

Legal Description for Pre-zone:

**B-3
20.66 AC**

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5

PLEASE Publish in the Bulletin Legal Section on Friday,
December 16, 2017

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given December 9, 2016, that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property as B-3, Professional Business District prior to annexing into the City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-__**

**Ordinance to Pre-zone Property Located at the
Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned B-2, Neighborhood Business in Baldwin County, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District prior to annexing into the City of Daphne; and

WHEREAS, said real property is at the northwest intersection of Alabama State Highway 181 and Milton Jones Road, and more particularly described as follows:

Legal Description for Pre-zone:

**B-3
20.66 AC**

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AS}
Director of Community Development
Subject: Bertolla Properties, L.L.C., Annexation
Petition
Date: November 29, 2016

MEMORANDUM

PRESENT ZONING: B-2, Neighborhood Business, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: B-3, Professional Business

LOCATION: Northwest corner of Alabama Highway 181 and Milton Jones Road

RECOMMENDATION: At the Thursday, November 17, 2016, regular meeting of the Daphne Planning Commission, seven members were present. The motion carried a unanimous favorable recommendation for the above mentioned annexation petition.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description - Exhibit A
3. Boundary Survey - Exhibit B
4. Annexation Display
5. Community Development Report

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)
The undersigned corporation, Bertolla Properties, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Bertolla Properties, LLC, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition: ,

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "Property").

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Bertolla Properties, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: B3

Any other conditions which may apply upon annexation: None

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 28th day of September, 2016

Respectfully submitted,

Alexander A. Bertolla
Name of Corporation - Bertolla Properties, LLC

By: Alexander A. Bertolla

Its: Sole Member

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Jessica M. McQuie, the undersigned Notary Public in and for said county and state, hereby certify that Alexander A. Bertolla whose name as Sole Member of Bertolla Properties, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 28th day of September, 20 16.

Jessica M. McQuie
NOTARY PUBLIC

My commission expires: 9/14/19

Corporation's Address

P. O. Box 1527

Daphne, Alabama 36526

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of the described real property do hereby execute and file this written petition asking and requesting that our property be annexed into the corporate limits of the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: AB

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: AB

We certify that the property is a single or multiple parcels under single or multiple ownership.
Circle appropriate response:

Initials: AB

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: AB

SELECT ONE OF THE FOLLOWING OPTIONS

- ☒ Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B3, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: AB

Or

- ☐ Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 28 day of September, 2016.

Legal Description Attached (Exhibit A)? X Map or Survey Attached (Exhibit B)? X
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? n/a Acreage 20
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners OR principle of corporation's designee:

Signature: Alexander A. Bertolla Signature: _____

Printed Name: Alexander A. Bertolla Printed Name: _____

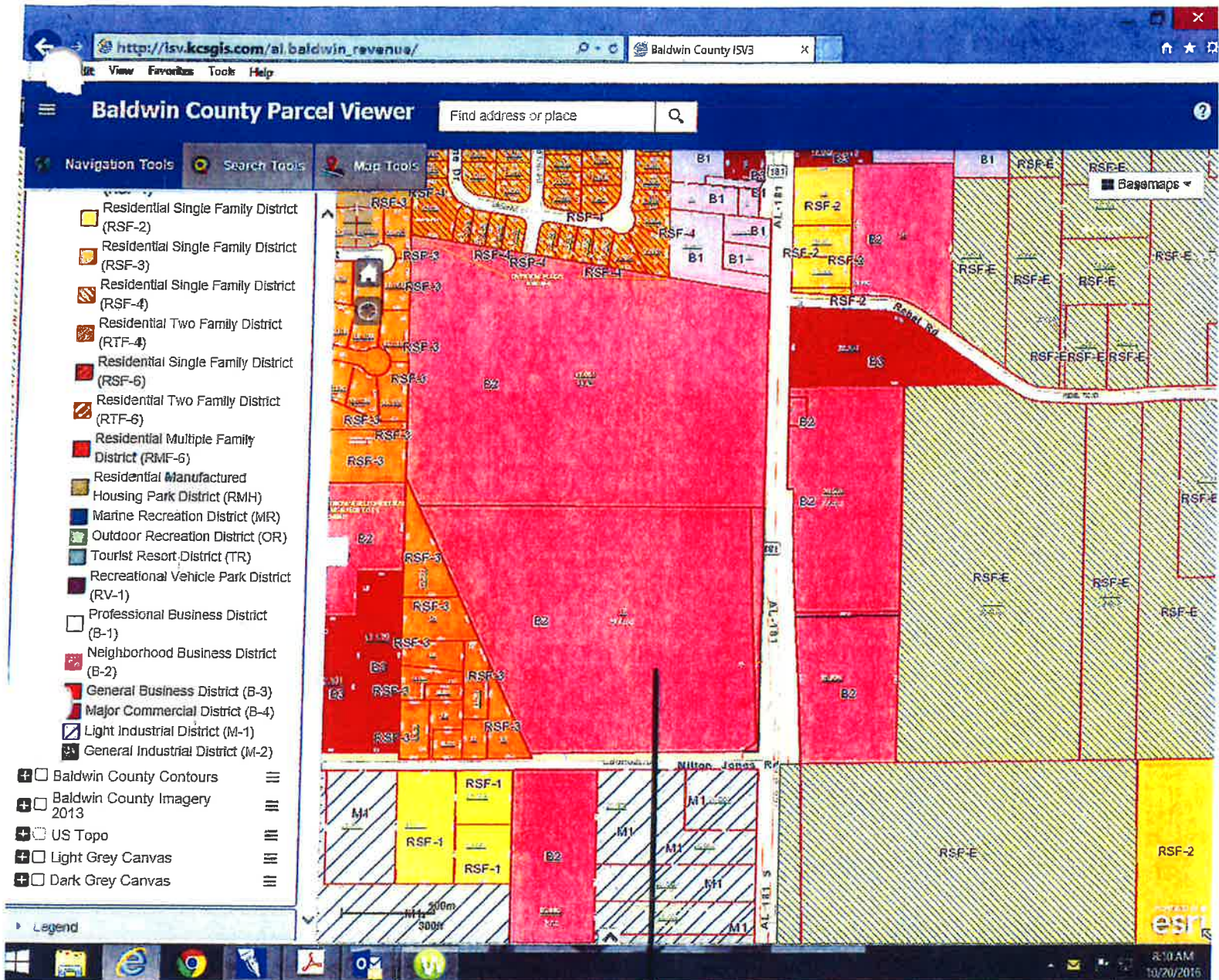
P. O. Box 1527
Mailing Address: Daphne, AL 36526 Mailing Address: _____

Bertolla Legal Description to be Annexed:

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS

EXHIBIT B



Existing County Zoning,
B2, Neighborhood Business

Requesting Daphne Zoning,
B3, Professional Business

PLANNING COMMISSION
ANNEXATION REQUEST FOR
BERTOLLA PROPERTIES, LLC



ANNEXATION REQUEST

Annexation of Bertolla Property Southwest intersection of Milton Jones Road and Alabama State Road 181 20.66 acres

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

The applicant has submitted a petition to annex 20.66 acres of land into the corporate limits of Daphne. Additionally, the applicant has presented a request to pre-zone (see Code 11-52-85 attached) the land to B-3, Professional Business.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Both rights-of-way are inside the city limits. **Staff recommends approval of the request to annex this land into the City of Daphne.**

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, on the 17th day of October, 2016, 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 January 3, 2017 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 November 17, 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: 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:

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF

MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS.

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS THE DAY OF , 2017.**

**Dane Haygood,
Mayor**

ATTEST

**Rebecca A. Hayes,
City Clerk**

PLEASE Publish in the Bulletin Legal Section on Friday,
December 9, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, on the 17th day of October, 2016, 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 January 3, 2017 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 November 17, 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

PLEASE Publish in the Bulletin Legal Section on Friday, December 16, 2016.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, December 9, 2016, that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, on the 17th day of October, 2016, 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 January 3, 2017 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 November 17, 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

To: Office of the City Clerk
From: Adrienne D. Jones, ^A
Director of Community Development
Subject: John White-Spunner et al
Annexation Petition
Date: November 29, 2016

MEMORANDUM

PRESENT ZONING: Unzoned, Baldwin County
Extraterritorial Planning
Jurisdiction

LOCATION: At the southwest intersection of
County Road 13 and U. S. Highway 90

RECOMMENDATION: At the Thursday, November 17, 2016,
regular meeting of the Daphne
Planning Commission, seven members
were present. The motion carried
for a unanimous favorable
recommendation to the City Council
for the annexation petition.

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

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

Thank you,
ADJ/jv

attachment(s)

1. Petition for Annexation
2. Legal Description -Exhibit A
3. Boundary Survey - Exhibit B
4. Community Development Report

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(John White-Spunner, et al.)

The undersigned, JOHN WHITE-SPUNNER, ET AL, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, WHITE-SPUNNER PARCELS WEST OF 13, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "Property").

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, JOHN WHITE-SPUNNER, ET AL, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: B-2, B-2(a), R-7(A), GC

Any other conditions which may apply upon annexation:

PRE-ZONING GRANTED ALONG WITH RE-ZONING OF

THOSE PARCELS CONTAINED WITHIN THE CITY LIMITS THAT

ARE SUBJECT OF REZONING CASE FOR JOHN WHITE-SPUNNER.

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 3rd day of November, 2016

Respectfully submitted by,

BLACKSHER WHITE-SPUNNER

Name of Owner (Print)

Phoebe White-Spunner

Name of Owner (Signature)

STATE OF ALABAMA

COUNTY OF ~~BALDWIN~~ Mobile

I, Nancy Therrell, the undersigned Notary Public in and for said county and state, hereby certify that Blacksher White-Spunner has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 1 day of November, 2016

Nancy Therrell
NOTARY PUBLIC

My commission expires:

NANCY THERRELL
NOTARY PUBLIC,
ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES 06-03-2019

Owner's Address

3201 Dauphin ST.
MOBILE AL 36606

DATED this 3rd day of November, 2016

Respectfully submitted by,

JOHN WHITE SPUNNER
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Dawn Lesinger, the undersigned Notary Public in and for said county and state, hereby certify that John White-Spunner has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3rd day of November, 2016

[Signature]
NOTARY PUBLIC

My Commission Expires 05/06/2020
My commission expires: _____

Owner's Address

2080 WEST BOLTLINE HWY
MOBILE AL 36683

DATED this 3rd day of November, 2016

Respectfully submitted by,

Mark Cummings
Name of Owner (Print)

Mark Cummings
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Jacqueline C. Hutchinson, the undersigned Notary Public in and for said county and state, hereby certify that Mark Cummings III has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3rd day of November, 2016

Jacqueline C. Hutchinson
NOTARY PUBLIC

My commission expires: 3/26/19

Owner's Address

Oak Houston Street
Mobile, AL 36606

DATED this 3rd day of November, 2016

Respectfully submitted by,

SEAN COLEY
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Ann Lawrence, the undersigned Notary Public in and for said county and state, hereby certify that Sean Coley has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/~~she~~ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3rd day of November, 2016

Ann Lawrence
NOTARY PUBLIC

My commission expires: 10/13/2020

Owner's Address

759 BOWTOWER BLVD.

MOBILE AL 36609.

DATED this 3rd day of November, 2014

Respectfully submitted by,

ROLLINS TINDEL
Name of Owner (Print)

Rollins Tindell
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Dawn Lesinger, the undersigned Notary Public in and for said county and state, hereby certify that Rollins Tindell has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3rd day of November, 2014.

Dawn Lesinger
NOTARY PUBLIC

My Commission Expires 05/06/2020

My commission expires: _____

Owner's Address

3701 DAUPHIN ST.

MOBILE AL 36608

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: [Signature]

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: [Signature]

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: [Signature]

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: [Signature]

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, B-2(a), R-7(A), GC and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: [Signature]

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the _____ day of _____, 20____.

Legal Description Attached (Exhibit A)? ✓ Map or Survey Attached (Exhibit B)? ✓
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? N/A Acreage 2.57-
Subdivision Name N/A Lot Number(s) N/A

Names and Signature of ALL property owners:

Signature: B. White Spunner

Signature: [Signature]

Printed Name: B. White Spunner

Printed Name: JOHN WHITE SPUNNER

Mailing Address: 3201 DAPHNE BL

Mailing Address: 3201 DAPHNE BL

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: ML

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: ML

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: ML

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: ML

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, B-2(a), R-7(A), GC, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: _____

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the _____ day of _____, 20____.

Legal Description Attached (Exhibit A)? ☒ Map or Survey Attached (Exhibit B)? ☒
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? N/A Acreage 2.57-
Subdivision Name N/A Lot Number(s) N/A

Names and Signature of ALL property owners:

Signature: B. White Spunner

Signature: Mark Cummings III

Printed Name: B. White Spunner

Printed Name: Mark Cummings III

Mailing Address: 3801 DAWSON ST.

Mailing Address: ONE HOUSTON STREET

MOBILE AL
36606

MOBILE AL
36606

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: RSC JS

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: RSC JS

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: RSC JS

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: RSC JS

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, B-2(a), R-7(A), GC, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: RSC JS

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the _____ day of _____, 20____.

Legal Description Attached (Exhibit A)? ☒ Map or Survey Attached (Exhibit B)? ☒

Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission

Attached (Exhibit C)? N/A Acreage 2.57-

Subdivision Name N/A Lot Number(s) N/A

Names and Signature of ALL property owners:

Signature: B. White Spunner Signature: Robert S. Colet

Printed Name: B. White Spunner Printed Name: ROBERT S. COLET

Mailing Address: 320 DAPHNE ST. Mailing Address: 759 DOWNTOWNER BLVD.
MOBILE AL MOBILE AL
36606 36609

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975. Initials: RS

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached. Initials: RS

We certify that the property is a single or multiple parcels under single or multiple ownership. Initials: RT

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne. Initials: RS

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, B-2(a), R-7(A), GC, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition. Initials: RS

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the _____ day of _____, 20____.

Legal Description Attached (Exhibit A)? ✓ Map or Survey Attached (Exhibit B)? ✓
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? N/A Acreage 2.57-
Subdivision Name N/A Lot Number(s) N/A

Names and Signature of ALL property owners:

Signature: [Signature] Signature: _____

Printed Name: POWERS TINDEN Printed Name: _____

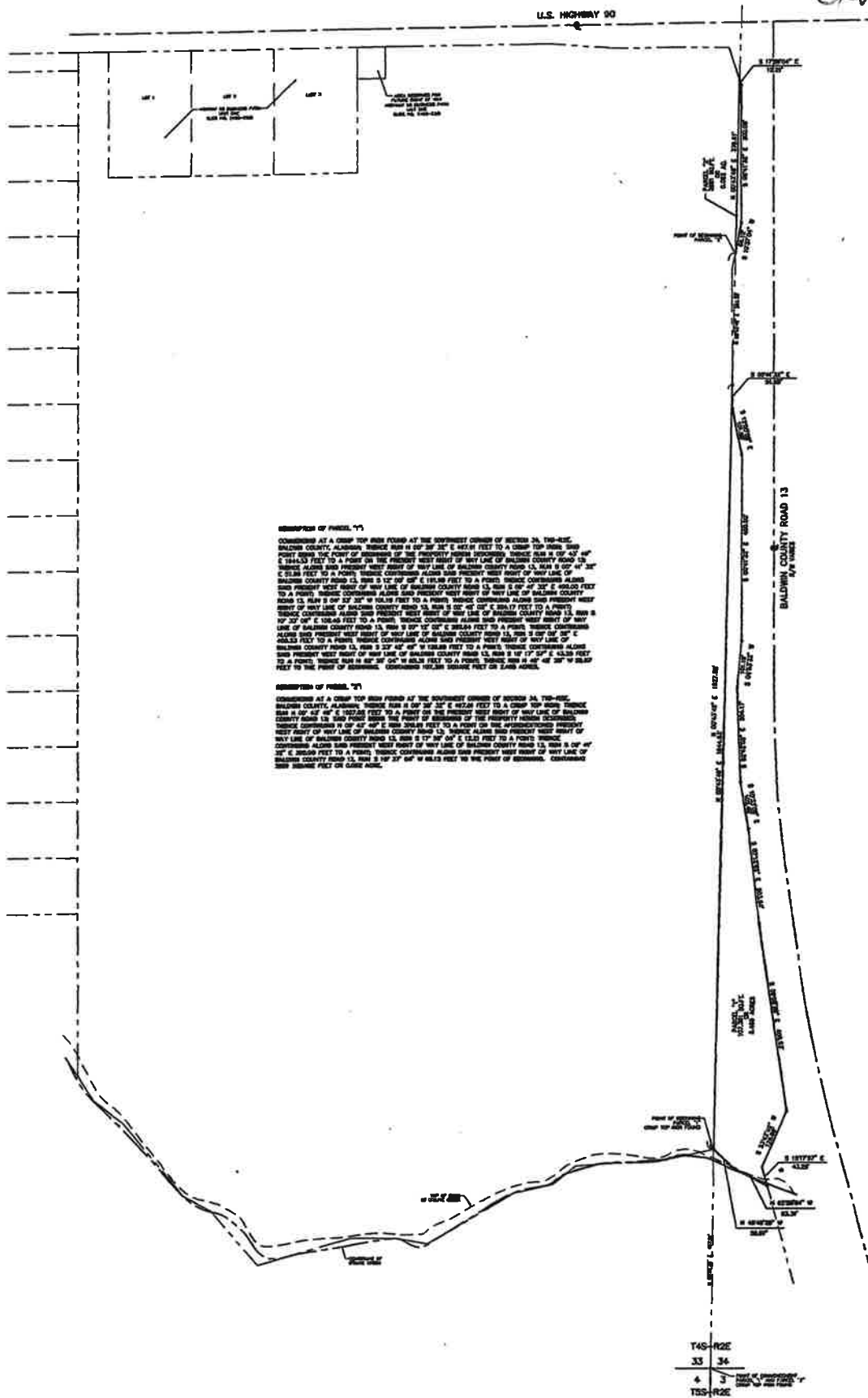
Mailing Address: 3701 Daphne St. Mailing Address: _____
MOBILE AL
36608.

DESCRIPTION OF PARCEL "1":

COMMENCING AT A CRIMP TOP IRON FOUND AT THE SOUTHWEST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA; THENCE RUN N 00° 26' 32" E 467.91 FEET TO A CRIMP TOP IRON; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N 00° 43' 49" E 1644.53 FEET TO A POINT ON THE PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13; THENCE ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 00° 41' 32" E 51.96 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 12° 00' 08" E 101.98 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 00° 41' 32" E 400.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 04° 53' 32" W 101.19 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 02° 42' 02" E 204.17 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 10° 33' 06" E 102.45 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 07° 12' 02" E 203.64 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 09° 06' 56" E 408.53 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 23° 42' 49" W 129.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 15° 17' 57" E 43.25 FEET TO A POINT; THENCE RUN N 62° 28' 04" W 83.31 FEET TO A POINT; THENCE RUN N 46° 48' 28" W 58.87 FEET TO THE POINT OF BEGINNING. CONTAINING 107,361 SQUARE FEET OR 2.465 ACRES.

DESCRIPTION OF PARCEL "2":

COMMENCING AT A CRIMP TOP IRON FOUND AT THE SOUTHWEST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA; THENCE RUN N 00° 26' 32" E 467.91 FEET TO A CRIMP TOP IRON; THENCE RUN N 00° 43' 49" E 1927.82 FEET TO A POINT ON THE PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 00° 43' 49" E RUN 376.61 FEET TO A POINT ON THE AFOREMENTIONED PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13; THENCE ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 17° 56' 04" E 12.21 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 00° 41' 32" E 300.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 10° 37' 04" W 66.12 FEET TO THE POINT OF BEGINNING. CONTAINING 2681 SQUARE FEET OR 0.062 ACRE.

[illegible][illegible]

T4S-R2E	
33	34
4	5
T5S-R2E	

McCrory Williams
INCORPORATED
Engineers Surveyors

MOBILE, ALABAMA
33608
PHONE: (251) 476-6723
FAX: (251) 476-6721
EMAIL: mobile@honda.com

SKETCH OF PROPERTY IN
SECTION 34, T4S-R2E AT THE SOUTHWEST CORNER OF
HIGHWAY 90 & COUNTY ROAD 13

SECTIONS 33 & 34, T4S-R2E, MOBILE COUNTY, ALABAMA

SCALE: 1"=100'	DRAWN BY: J. L. L.	DATE: 10/10/10	APPROVED: J. L. L.	SHEET 1 OF 1
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PLANNING COMMISSION
ANNEXATION REQUEST FOR
JOHN WHITE-SPUNNER, ET AL



ANNEXATION REQUEST

**Annexation of White-Spunner, et. al.
Property on County Road 13, along the southwest intersection of Highway 90.
2.5 acres**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

The applicant has submitted a petition to annex 2.5 acres of land into the corporate limits of Daphne. In October 2016, the Planning Commission made favorable recommendations to the request for pre-zoning (see Code 11-52-85 attached) respective portions of the land to B-2, General Business, B-2(a), General Business Alternate, R-7(A), Apartments (with condition regarding 100-ft wide setback) and GC, Golf Course. On November 7th, the City Council will be asked to set a public hearing for December 19, 2016.

RECOMMENDATION

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**Southwest Intersection of County Road 13 and U.S. Highway 90
John White-Spunner, et al**

WHEREAS, on the 17th day of October, 2016, John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings, and Sean Coley being the owners 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 January 3, 2017 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 November 17, 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: 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:

DESCRIPTION OF PARCEL "1":

COMMENCING AT A CRIMP TOP IRON FOUND AT THE SOUTHWEST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA; THENCE RUN N 00° 26' 32" E 467.91 FEET TO A CRIMP TOP IRON; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N 00° 43' 49" E 1644.53 FEET TO A POINT ON THE PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13; THENCE ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 00° 41' 32" E 51.96 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 12° 00' 08" E 101.98 FEET TO A

POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 00° 41' 32" E 400.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 04° 53' 32" W 101.19 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 02° 42' 02" E 204.17 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 10° 33' 06" E 102.45 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 07° 12' 02" E 203.64 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 09° 06' 56" E 408.53 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 23° 42' 49" W 129.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 15° 17' 57" E 43.25 FEET TO A POINT; THENCE RUN N 62° 28' 04" W 83.31 FEET TO A POINT; THENCE RUN N 46° 48' 28" W 58.87 FEET TO THE POINT OF BEGINNING. CONTAINING 107,361 SQUARE FEET OR 2.465 ACRES.

DESCRIPTION OF PARCEL "2":

COMMENCING AT A CRIMP TOP IRON FOUND AT THE SOUTHWEST CORNER OF SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA; THENCE RUN N 00° 26' 32" E 467.91 FEET TO A CRIMP TOP IRON; THENCE RUN N 00° 43' 49" E 1927.82 FEET TO A POINT ON THE PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 00° 43' 49" E RUN 376.61 FEET TO A POINT ON THE AFOREMENTIONED PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13; THENCE ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 17° 56' 04" E 12.21 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 00° 41' 32" E 300.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID PRESENT WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD 13, RUN S 10° 37' 04" W 66.12 FEET TO THE POINT OF BEGINNING. CONTAINING 2681 SQUARE FEET OR 0.062 ACRE.

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

**Dane Haygood,
Mayor**

ATTEST

PLEASE Publish in the Bulletin Legal Section on Friday,
December 9, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**Southwest Intersection of County Road 13 and U.S. Highway 90
John White-Spunner, et al**

WHEREAS, on the 17th day of October, 2016, John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings, and Sean Coley being the owners 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 January 3, 2017 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 November 17, 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 **90**

PLEASE Publish in the Bulletin Legal Section on Friday, December 16, 2016.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, December 9, 2016, that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

Southwest Intersection of County Road 13 and U.S. Highway 90

John White-Spunner, et al

WHEREAS, on the 17th day of October, 2016, John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings, and Sean Coley being the owners 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 January 3, 2017 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 November 17, 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:

To: Office of the City Clerk

From: Adrienne D. Jones, *AG*
Community Development Director

MEMORANDUM

Subject: Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Article 14, Section 14-11, the addition of menu type signs to the Olde Towne Daphne Sign Provisions

Date: November 21, 2016

At the November 17, 2016, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried for a unanimous **favorable recommendation** for the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, December 5, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file



PROPOSED AMENDMENT TO THE LAND USE & DEVELOPMENT ORDINANCE

AMEND THE LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT SECTION 11, SIGNAGE, TO ADD PROVISIONS FOR MENU TYPE SIGNS AS SUBSECTION (d) AND RE-ENUMERATE SUBSEQUENT SECTIONS AS FOLLOWS:

(d) Menu Type Signs:

(1) Drive-thru service:

One menu type sign shall be permitted not to exceed twenty-one (21) square feet in area, five (5) feet in height and two (2) faces.

(2) Wall mounted menu for walk-up service:

One wall mounted menu board shall be permitted for walk-up service not to exceed twelve (12) square feet in area.

~~(d)~~ (e) Fees:

**CITY OF DAPHNE
ORDINANCE NO. 2017-**

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

**ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT, SECTION 11, SIGNAGE
MENU TYPE SIGN PROVISIONS**

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on November 17, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2017; and,

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT SECTION 11, SIGNAGE TO ADD PROVISIONS FOR MENU TYPE SIGNS AS SUBSECTION (d) AND RE-ENUMERATE SUBSEQUENT SECTIONS AS FOLLOWS:

(d) Menu Type Signs:

(1) Drive-thru service:

One menu type sign shall be permitted not to exceed twenty-one (21) square feet in area, five (5) feet in height and two (2) faces.

(2) Wall mounted menu for walk-up service:

One wall mounted menu board shall be permitted for walk-up service not to exceed twelve (12) square feet in area.

~~-(d)~~ (e) Fees:

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS ____ DAY OF _____ 2017.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PLEASE Publish in the Bulletin Legal Section on Friday
December 9, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Revising the City of Daphne Land Use & Development Ordinance / Article 14, Section 14-11, the addition of menu type signs to the Olde Towne Daphne Sign Provisions as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO. 2017-**

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

**ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT, SECTION 11, SIGNAGE
MENU TYPE SIGN PROVISIONS**

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on November 17, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2017; and,

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

**SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT
ORDINANCE ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT SECTION 11, SIGNAGE TO
ADD PROVISIONS FOR MENU TYPE SIGNS AS SUBSECTION (d) AND RE-ENUMERATE**

PLEASE Publish in the Bulletin Legal Section on Friday,
December 16, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given on December 9, 2016, that the City Council of the City of Daphne will hold a Public Hearing on January 3, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an ordinance revising the City of Daphne Land Use & Development Ordinance / Article 14, Section 14-11, the addition of menu type signs in the Olde Towne Daphne Sign District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO. 2017-**

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

**ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT, SECTION 11, SIGNAGE
MENU TYPE SIGN PROVISIONS**

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on November 17, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2017; and,

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT

The Daphne Parks Planning Team (PPT) met on Wednesday, November 9, 2016, at 4:00 p.m. at the Daphne Recreation Center. The following were in attendance:

*Mayor Dane Haygood City of Daphne
 *Mr. Robin LeJeune City of Daphne
 *Mr. Joel Coleman City of Daphne
 *Mr. David Dueitt..... Parks & Recreation Board
 *Mr. Matt Cunningham Parks & Recreation Board
 *Mr. David McKelroy City of Daphne Recreation Coordinator
 *Mr. Richard Johnson City of Daphne Public Works Director
 *Mr. Charlie McDavid City of Daphne Athletic Coordinator
 Mr. Scott Hutchinson HMR
 Mr. Jaye Robertson HMR
 Mr. John Lake Visitor
 Mr. Gerardo Flores..... Visitor
 Mr. Tim PattonVolkert, Inc.

* Parks Planning Team (PPT) Member

The purpose of the meeting was to review and discuss various pending items identified by the design team and others that need to be resolved to allow for completing the Park Drive Sports Complex design for allowing it to be issued for construction bids. It was noted that the pre-final set of plans and specifications have been prepared by HMR/Lose based on the various design meetings that were held this past summer. Resolutions to the various items discussed during this meeting will allow for the final bid documents to be completed and issued for construction bids.

The following items were discussed:

1. **Comment:** Simpler columns (no brick façade) have been suggested with significantly smaller bases and transitioning to a smaller support in the upper section nearer the roof. Alternate styles have been requested. Need to confirm acceptable column type before making changes on building plans.

Discussion: It was determined during the design meetings that the Concession/Restroom buildings will have a “Coastal” aesthetic theme. It is generally agreed that the buildings have these features. However, there continues to be some concern with the style of columns that have been included in the design plans. Additional examples were presented but these were not consistent with the desired style. Mayor Haygood suggested that an architect with local offices and resources be retained to provide additional alternatives for columns and any other remaining features until a type is selected. Volkert will pursue local firms for additional

suggestions for landscape and architectural features. Additional options for these items will then be provided to the project architect for incorporating into the architectural design.

2. **Comment:** Confirm that the breezeway height on the Concessions Building has been lowered, as requested by the City, to address concerns regarding windblown rain and weather protection under the breezeway.

Discussion: The breezeway has been lowered from the height that was shown in the preliminary renderings.

3. **Comment:** Can the number of shutters on the Concessions Building be decreased and possibly replaced with panels? The City has requested that spacing between the shutters be considered and added if possible. (Need a sketch or drawing.)

Response: The purpose of the shutters is to cover the diagonal supports. Options to remove alternating shutters and cover the diagonal supports with a panel similar to the building façade, having a small space between the groups of shutters and other options will be reviewed with the identified local architect.

4. **Comment:** Evaluate available space in the southeast corner of the site/Maintenance Building/East Access options. The purpose of this additional evaluation is to confirm that most effective future uses of this area south of the eastern ball field complex are being considered with the Maintenance Building located in this area. HMR has prepared a sketch showing how contours and potential eastern access roads for an additional ingress/egress to the property could be constructed and also allow for future ball fields in the southeastern corner of the property. Also need to review the reason for relocating the Maintenance Building from its original location near the entrance. Need a resolution of this item.

Response: HMR has reviewed the effect of the Maintenance Building at the original location near the new park entrance and in the southeast corner of the property. There are grading/stormwater concerns with the original master plan location due to the adjustments that were necessary for the baseball/softball field locations. During the early design review meetings there were concerns that the original location may be a distraction from the complex in lieu of the current location. The different locations were reviewed again with the PPT to confirm the best use of the area for future needs. HMR reviewed these concerns and prepared sketches for alternate locations. It was determined by the PPT that the proposed Maintenance Building location should remain as currently proposed. The location of the dumpsters and corresponding access for the garbage trucks will be modified to provide more of a straight/direct access. There was also a request to show future baseball/softball fields in the southeast area of the park property. These will be shown as "Future."

5. **Comment:** Confirm Scorer's Booth style/height (prefabricated in lieu of design) and additive alternate with Pigeonaire concept. (Manufactured booth - see photo.) There has been discussion that the scorer's booth shown in the photographs may be desired for including in the base bid provided it only includes one-story in height. Lose advises that these are not available for purchase from a manufacturer in lieu of needing to fabricate specifically for this park. A Pigeonaire theme scorer's booth has been requested to potentially include as an additive alternate.

Response: Lose has advised that the booth in the plans cannot be purchased as a prefabricated system. They also estimate that a Pigeonaire style scorer's booth would cost approximately \$40k each or \$400k for 10 vs. \$15k or \$150k for 10 of the style currently designed. (See photo of the French Settlement Pigeonaire style entrance building.) It was agreed that the local architect will offer comments and/or sketches of a Pigeonaire style of scorer's booth. If an acceptable Pigeonaire style scorer's booth design can be developed, then it will be included as an additive alternate.

6. **Comment:** Determine bid items/methods of payment. The City's staff desires to have various unit price bid items in lieu of a single lump sum bid price.

Response: Unit price bid items will be included.

7. **Comment:** Parking Lot lighting fixtures (See Manufacturer/Photo). The City would like to select these in lieu of the "shoe box" style offered by Riviera Utilities. King Luminaire Model K203 – Falconridge has been suggested, but needs final approval. Additional potential fixture type alternatives from other lighting manufacturers have also been requested.

Response: Lose requested to be provided a preferred fixture type. Comparison photometrics and estimated costs will be verified. Cut sheets of potential decorative light fixtures will be provided and used to select the park fixture type. The Falconridge LED fixture with the globe feature was selected by the PPT. Volkert will request the manufacturer to provide photometrics with these fixtures to determine lighting layouts for the parking lot and access road for providing a design concept. Metal poles will be used. An example photo of the pole was shown. The PPT preferred the one shown except for the "squared off" look. The poles should also include banner provisions. (Photos attached.)

8. **Comment:** Correct additive alternate field identification numbers (Field #'s 6 & 10). These fields need to be separate additive alternates and not combined as a single additive alternate.

Response: This change will be made on the final plan set.

9. **Comment:** Confirm playground equipment (provide manufacturers rendering/photo).

Response: See photos of specified equipment. It was agreed that an allowance for the equipment will be included in the project to allow the City's Recreation Director and PPT to select desired playground equipment. The playground area should be surrounded with a "half" fence. Wood fiber is not preferred by the Recreation Dept. staff for ground cover.

10. **Comment:** Change batting cages from 4 to 5 sections. (Note that batting cages are far away from the east complex base bid fields until the additive alternate fields are constructed.)

Response: This change will be made on the final plan set.

11. **Comment:** Confirm sign types. (Similar to Gator Alley sign? See photo.)

Response: It was agreed by the PPT to include a \$20k allowance in the project so that this can continue to be developed and avoid further delays to bidding the project.

12. **Comment:** Entrance road lighting was originally proposed to be provided by Riviera Utilities with the City paying a monthly fee. Consideration is being given for the entrance road lighting to be included in the project in lieu of being provided by Riviera Utilities due to a limited selection of fixture types offered by Riviera Utilities and high initial installation fees and monthly maintenance costs.

Response: Decorative light fixtures were selected to coincide with the parking lot lighting fixtures along with steel poles in lieu of concrete poles. A photometric layout and cost estimates are being prepared by Volkert. The lighting plan and details will need to be added to the plans. As a result, the entrance road lights will be metered separately and monthly costs will only be for power usage. Future maintenance and replacement of the entrance road and parking lot lighting fixtures and poles will be performed by the City instead of by Riviera Utilities.

13. **Comment:** Review landscaping plan/plant types and perform a peer review. Cabbage Palms and Palm trees were selected during the project design meetings. Further discussion is currently desired by the City.

Response: A local landscape architect will be consulted for additional suggested plants. Need a decision on plant types. Considering including as an allowance item.

14. **Comment:** Add irrigation for skinned infields for covering the entire area in lieu of only the sides on west complex.

Response: Lose will confirm and add any adjustments to the final plans.

15. **Comment:** Confirm diagonal roof bracing requirements/alternatives/materials (steel in lieu of wood). Requested to confirm this requirement and aesthetics.

Response: Lose has opined that steel materials will provide the least long-term maintenance and that this is necessary to address wind loading structural concerns. The PPT agreed that structural steel supports are acceptable. A local architect will be consulted to identify any additional potential connection/configuration options for the supports for the City to consider.

16. **Comment:** Identify alternative siding façade (ribbing) types for the Maintenance Building. Requested identifying and consulting with additional metal building manufacturers.

Response: Photos of additional siding options were presented to the PPT and a siding style was selected. (See attached.) This will be provided to Lose for identifying appropriate manufacturers and including in the project plans and specifications.

17. **Comment:** Revise the access road to the trash dumpsters at the Maintenance Building. HMR is completing this. (Note: Dumpsters in lieu of multiple trash receptacles.)

Response: HMR will include the new arrangement selected by the PPT in conjunction with Item #4.

18. **Comment:** Remove outfield netting and over walkways. This is not desired by the City.

Response: Lose advised that this is a safety issue. The City would like to have further discussion with Lose regarding this item and information regarding other similar facilities. Need a decision.

19. **Comment:** Determine if the additional entrance building is needed or if only one ticket booth located at the entrance from the parking lot to each complex is desired.

Response: Lose indicated this was originally requested by the City during the design meetings. The PPT agreed that this item be included as an additive alternate.

20. **Comment:** Confirm pond lining methods.

Response: HMR will confirm the required lining type and include in the contract documents.

21. **Comment:** Confirm interior pond erosion control methods.

Response: HMR to determine erosion control methods and include in the project plans.

22. **Comment:** Add grass to infields in east complex and related irrigation requirements for base bid and additive alternate fields.

Response: It was agreed by the PPT that for the 225 ft. fields the infield grass will be installed for 60 ft. bases and 70 ft. for the outfield grass. For the 360 ft. fields, the infield grass will be installed for 80 ft. bases for the infield grass and 90 ft. for the outfield grass. Lose will add these dimensions.

23. **Comment:** Confirm that the number of outlets and corresponding power supply in the Concession Building is adequate. (Avoid breakers tripping.)

Response: This has been confirmed by Lose.

24. **Comment:** Confirm the scoreboard controls are wireless.

Response: Lose has confirmed but conduits are shown on the plans as a backup.

25. **Comment:** Confirm the controls can be linked with MUSCO panels.

Response: Lose has confirmed.

26. **Comment:** Confirm no exterior vents.

Response: It was unclear what this specifically references although it's believed that it may have been referring to avoiding vents from the bathrooms extending into the breezeway. However, Lose has confirmed that there are no exterior vents.

27. **Comment:** An architectural and landscaping peer review was requested.

Response: A general review was performed by BWSC. Having an additional review by a local landscape architect was reviewed with the Finance Committee and approved to submit to the City Council for recommendation.

28. **Comment:** Provide trash receptacle types.

Response: These will be provided for the City to select.

29. **Comment:** Review methods to conceal the back of bleachers. (Possible allowance item.) (A sketch is needed to determine the preferred type.)

Response: This may not be necessary with 3 row bleachers in lieu of larger bleachers. Options will be identified by the local architect including horizontal board fencing, fabric or other means. Lose will include any selected options in the plans if still desired for smaller bleachers.

30. **Comment:** Confirm area concrete walkway finishes/textures. Herringbone color by Owner. (Need a sample or a photo showing the texture.)

Response: Photos of the “rock salt” texture at the USS Alabama Battleship Park were presented. However, the photos did not clearly indicate the texture. The local architect will provide additional options for stamped finishes and potential meandering paths. Colors will be selected with other park features as noted herein.

31. **Comment:** Confirm picnic table type (need a photo).

Response: These will be provided for the City to select.

32. **Comment:** Team benches should be the type with shelves.

Response: Lose will revise.

33. **Comment:** Three (3) row bleachers in lieu of five (5) row bleachers.

Response: This was confirmed and will be revised on the plans.

34. **Comment:** Confirm the distance between the backstop posts/poles.

Response: This needs to be further reviewed with the Recreation Director to resolve. The quantity of poles shown in the plans could be related to wind loading requirements.

35. **Comment:** Include backstop padding in the bid in lieu of being provided by the City.

Response: Lose will add.

36. **Comment:** All colors to be selected by the Owner with the Mayor’s approval. Use manufacturer’s standard colors.

Response: These will be submitted by the contractor during the shop drawing submittals and approved by the Mayor. This was confirmed during the meeting. Contract requirements need to include a color board. A request was made to determine the estimated additional cost for preparing 3D renderings of the concession/restroom buildings and/or a corresponding promotional video.

37. **Comment:** The Mayor has requested that the site work be included in a separate contract and to proceed with bidding a civil/site project.

Response: HMR and Lose have prepared estimates for the additional effort to make these changes for splitting the project. HMR is estimating an additional \$9,000 and Lose is estimating an additional \$9,200 (\$18,200 total) for separating and bidding the project in 2 phases and approximately 2 weeks to complete this work. This is not in the current budget. Need to resolve funding source/approval. (This was submitted for Finance Committee consideration on 11/13/16 but was not considered by the Committee. HMR has agreed to move forward with

separating the original plans and specifications into a separate Site/Civil project to expedite the schedule for issuing to potential bidders in December and receiving bids in January while fee supplements for splitting the project remain to be considered by the Finance Committee and Council.)

38. **Comment:** The City is discussing with the Cal Ripken Organization the potential for a grant that would allow/require Cal Ripken to construct either or both of the additive alternate fields with grant funds. Therefore, the bid documents need to be set up to allow for these fields to potentially be constructed by others (Cal Ripken's contractor) in the future should an agreement be reached with Cal Ripken for the grant funding. This will be accomplished by setting up these fields as additive alternates in the City's projects with defined limits of construction and methods of payment.

Response: Continuing discussions with the Cal Ripken Organization. (The most recent conference call was on 11/18/16.)

39. There was additional discussion regarding coordination between the civil/site and architectural bid packages. One item mentioned regarded including the final wearing surface for the parking and access road to be included in the 2nd contract (architectural) to avoid damaging the pavement during the 2nd phase construction.
40. There was a request to make the field numbers on the plans "bold" and easier to identify. This will be incorporated.

Submitted by:

Tim E. Patton, P.E.
Vice President

/kvd

Attachments

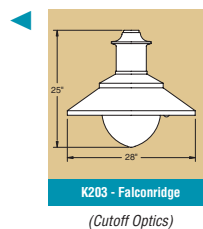
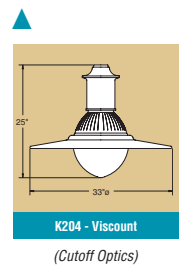
Minimal Maintenance

King will accept no compromise regarding the quality of components. Luminaires are constructed with rugged, utility grade fasteners and enclosures. Heavy walled aluminum castings and spinnings coupled with a durable "King Coat" powder coat finish ensure a long life for these great looking fixtures.

K203 - Falconridge
Cutoff Optics

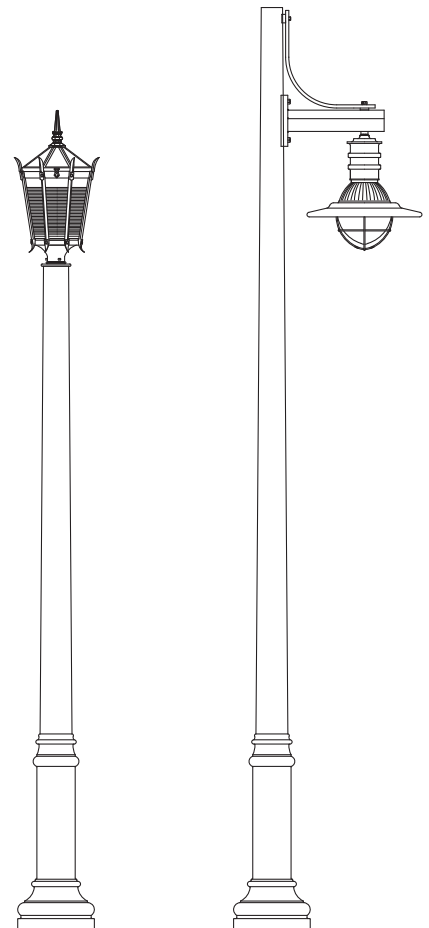


K204 - Viscount
Cutoff Optics



THE CANTERBURY

While neither strictly traditional nor contemporary in appearance, the Canterbury family of spun concrete poles incorporates echoes of both and can be found on a wide spectrum of projects. The clean, classical lines of this design ensure that the Canterbury will be equally at home in residential subdivisions, city parks or commercial settings. Available in heights from 5' to 30', it is especially effective in downtown or waterfront relighting situations, adding ambience, while at the same time addressing both arterial and pedestrian lighting needs. Available with an etched finish in all of StressCrete's beautiful decor colors, the Canterbury will never fall short of expectations.



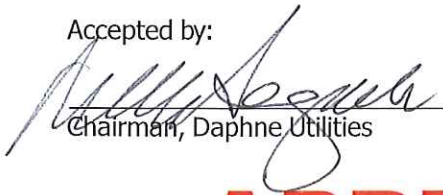




Daphne

GATOR ALLEY
BOARDWALK

Accepted by:


Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ October 26, 2016 ♦ 5:00 p.m.

I. Call to Order

The regular October 2016 Board meeting for the Utilities Board of the City of Daphne was held on October 26, 2016 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

Members Present:

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

Members Absent:

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
Melinda Immel – Volkert & Associates
Robbie Strom – HMR

Others Absent:

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 September 28, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the September 28, 2016 Utilities Board Meeting.

MOTION by Robert Segalla to approve the submitted Minutes for the September 28, 2016 Utilities Board meeting; SECONDED by Mayor Dane Haygood.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS – None

VI. NEW BUSINESS –

A. Re-Elect Officer Position (BOARD ACTION: Motion)

Chairman Fry announced that he would be resigning at the end of this meeting as Chairman and nominated Bob Segalla as Chairman

MOTION by Randy Fry to nominate Robert Segalla as Chairman.

AYE: Fry, Haygood, Mayhand, Vaughn

NAY:

ABSENT:

ABSTAIN: Segalla

MOTION CARRIED

B. Proposed FY17 Budget – (Board Action - MOTION)

Chairman Fry requested any additions or updates from Danny Lyndall. Mr. Lyndall stated no additions or further questions were asked and respectfully requested the submitted budget be adopted for the coming year. Chairman Fry asked for questions or a motion.

MOTION by Robert Segalla to accept the FY17 Budget. Seconded by Selena Vaughn.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing further to add to his report but announced that an Executive Session would be needed in order to discuss potential litigation and claims it could lead to litigation and also Item 3 of his report to discuss the current contract with Spanish Fort Water Authority. He explained that he has had discussions with Danny Lyndall about this situation and has spoken with Shawn Alves who represents Spanish Fort Water Authority. He explained his report shows that Daphne Utilities has been paying Spanish Fort Water for billing our sewer customers 10% of total billings and 5% of capacity fees and basing the sewer charges on the customer's water usage. He stated that we would like the Board's authority to begin negotiations on a date to terminate the agreement and to start billing our sewer customers a flat fee and referred to Danny Lyndall on managing this transaction and notifying the Spanish Fort customers as to the change, suggesting a January 1st billing cycle. He noted that this billing agreement termination would save Daphne Utilities approximately \$100,000 per year. Mr. Lyndall pointed out that the \$100,000 is for monthly billing of 1,187 customers. Mayor Haygood asked if there was any historical perspective with fixed fees for sewer bills and public response to such. Mr. Lyndall explained the situation when the sewer flat fee went in to effect with Park City sewer customers in 2010/2011, as well as with Belforest Water customers with very little public backlash, although Daphne Utilities was also dealing with sewer customer disconnects for aged receivables in the approximate range of \$60,000-\$70,000. He clarified that the flat fee amount is being examined due to the fact that there are several larger-sized homes and businesses with larger bills than a typical customer in Daphne so the flat rate might be higher. Mr. Speegle indicated that there may not even be a significant difference with the separate billing for the customer, and noted that an agreement was presented to Spanish Fort Water Authority without consideration on their part. Mr. Lyndall pointed out some of the larger commercial customers and gave assurance that we would work some means to collect the water consumption to lieu of a flat fee sewage rate. Mr. Speegle reminded the Board that a motion authorizing a notice of termination of the agreement would be needed and the specifics of the sewer flat rate fee for the Spanish Fort customers could be presented at a later date.

MOTION by Robert Segalla to allow Danny Lyndall and Jerry Speegle to agree on a termination date and authorize them to write a letter of termination to the City of Spanish Fort. Seconded by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed financial highlights for the month of September pointing out the end of the fiscal year, a few changes in the financial summary that provide a few more details, the Statement of Cash Flows, and the Check History Report. Mr. Segalla commended Mrs. Logiotatos and her staff on the budget.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall highlighted the remaining dates of the Utilities Board meetings noting that typically we forego the December meeting. Chairman Fry announced that a decision would be made at the November Board meeting. Mr. Lyndall pointed out that he omitted an employee in the picture of the Prodissee Pantry donation on the back of the board book and wanted to recognize Frank Penn. Samantha Coppels announced the Field Services department as the winner of the Utilities' canned food drive for the Prodissee Pantry.

B. Operations Report

Van Baggett pointed out the increase in the average water pumped due to customers demanding more for lawn irrigation, recognized Mr. Eddie Ferguson in the temporary role as main contact at the Water Reclamation Facility, and announced the new Facilities Support Manager as Tim Cameron who will be starting on Monday, October 31. He also let the Board know of the pumpkin decorating contest between the departments to foster competition and give our customers the opportunity to pick the best decorated.

C. Engineering & Consulting Reports

Melinda Immel from Volkert had nothing to add to her report, but thanked the Board and Daphne Utilities for their continued support of the Daphne Elementary fall festival.

Robbie Strom from HMR had nothing further to add to the submitted report. Mr. Segalla complimented the 6th Street Water Treatment Facility; Mr. Lyndall announced there would be a dedication and groundbreaking.

X. BOARD ACTION – Previously addressed under new business.

A. Re-elect Officer Position (BOARD ACTION: Motion)

B. Proposed FY17 Budget (BOARD ACTION: Motion)

XI. PUBLIC PARTICIPATION

XII. BOARD COMMENTS

Mr. Segalla expressed his appreciation to Mr. Randy Fry and all his work as a public servant. Mr. Mayhand echoed the gratitude.

XIII. EXECUTIVE SESSION – Mr. Speegle verified the purpose of Executive Session for discussing potential litigation and claims that may lead to litigation for a duration of approximately 30-45 minutes.

All were in favor to adjourn to Executive Session at 5:28 pm.

The meeting reconvened from Executive Session at 5:57pm.

A discussion followed regarding the natural gas situation with the City of Fairhope.

MOTION by Robert Segalla to authorize Jerry Speegle to file suit against the City of Fairhope to protect our rights in regard to the jointly-owned natural gas pipelines with the City of Fairhope. Seconded by Selena Vaughn.

MOTION by Mayor Dane Haygood to amend the Motion to limit the filing to occur no sooner than January 1st to give an opportunity for further discussions with the new administration in the City of Fairhope.

There was no Second to this amendment and no agreement to amend the Motion. No further discussion took place on this issue.

MOTION by Robert Segalla to authorize Jerry Speegle to file suit against the City of Fairhope to protect our rights in regard to the jointly-owned natural gas pipelines with the City of Fairhope. Seconded by Selena Vaughn.

AYE: Fry, Mayhand, Segalla, Vaughn

NAY: Haygood

ABSENT:

ABSTAIN:

MOTION CARRIED

MOTION by Robert Segalla to authorize Jerry Speegle to continue negotiations with Algae Systems until an impasse is reached and to then authorize him to file suit; Second by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY: ABSENT:

ABSTAIN:

MOTION CARRIED

XIV. ADJOURNMENT –

MOTION by Billy Mayhand to adjourn.

The meeting adjourned at 6:05pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

RESOLUTION 2016-91

Authorize the Application for the State of Alabama's Fiscal Year 2017 Transportation Alternative Program (TAP) for Park Drive & Pollard Road Sidewalks

WHEREAS, the Alabama Department of Transportation (ALDOT) is soliciting applications for the Fiscal Year 2017 Transportation Alternatives Program (TAP) provided by the Federal Highway Administration through the Moving Ahead for Progress in the 21st Century (MAP 21); and

WHEREAS, Transportation Alternatives Program (TAP) funds may be used for Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, (including sidewalks & bicycle infrastructure), and/or Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs; and

WHEREAS, TAP funds are capped at a maximum of \$400,000.00 (*\$500,000.00 Project Total*) and are awarded and distributed according to the cost sharing methodology of **80% Federal / 20% City for construction cost and construction engineering and testing (CE&I) and 100% City funding for all related engineering design costs, utility relocations, and R.O.W. acquisitions;** and

WHEREAS, the City Council has determined the best application of these Grant funds would be for a sidewalk along Park and Pollard Roads (Pinehill Dr. to County Road 64), providing a Safe Route for all Citizens served by the identified roadway systems and an enhanced pathway for pedestrians and recreational users; and

WHEREAS, the deadline for submittal of FY 2017 TAP applications and support documents is Friday, December 16, 2016 at 5:00 PM.

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

- 1.) The Mayor and the Director of Public Works are hereby authorized to apply for the Transportation Alternatives Program for FY2017 (TAP); and
- 2.) The application for Transportation Alternatives Program for FY2017 (TAP) shall be for sidewalks along Park and Pollard Roads; and
- 3.) If approved and awarded TAP funding, the City will appropriate funds for the project equal to 20% of the construction cost and CE&I in addition to 100% of all related engineering, utility relocations, and Right of Way acquisition costs.

**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

City of Daphne, Alabama

The Alabama Department of Transportation



FY 2017

TRANSPORTATION ALTERNATIVES PROGRAM



PROJECT APPLICATION



GENERAL INFORMATION

1. Project Title Pollard Road & Park Drive Sidewalks (CR 64 to Pinehill Dr)
2. Sponsor City of Daphne, Alabama Population Approx. 26,000
3. Mayor, Commission Chair, etc.
Name Honorable Dane Haygood
Title Mayor
Address P.O. Box 400
Daphne, AL 36526
Phone (251) 621-9000 Fax (251) 621-8624
4. Contact Person Richard D. Johnson, P.E.
Title Director of Public Works
Phone (251) 621-3182 Cell: (251) 379-1305
5. Application Prepared by Richard D. Johnson, P.E.
Company/Agency Daphne Public Works Phone: (251) 621-3182
6. Location of the Project Area Pollard Road and Park Drive – From County
Road 64 (south) to Pinehill Drive (north) – 2.5 miles
 - a. County Baldwin City Daphne ALDOT Region Southwest
 - b. M.P.O. (Area) Eastern Shore Metropolitan Planning Organization
 - c. State, U.S. or Interstate Route N/A - East of US Hwy 98 & West of SR181
 - d. Senatorial District Number 32
 - e. House District Number 96
7. Legislators
 - a. State Senator(s) Honorable, Lee "Trip" Pittman
 - b. State Representative(s) Honorable, Randy Davis
8. Total Project Cost \$499,865.00
Federal Share \$399,885.00 Sponsor Share \$99,971.00

PROJECT DESCRIPTION

In nine paragraphs, describe the project using the following format:

Transportation Alternatives Eligibility – State the eligible activity (ies) from the list of 6 TAP activities (listed on page 2 of the application packet) for which this application is submitted.

This project entails up to 13,200 linear feet (2.50 Miles) of new sidewalk on one side of Pollard Road and Park Drive (Urban Collectors), Sections 4, 5, 8, 9, 16 & 17, Township 5 South, Range 2 East, City of Daphne, Baldwin County, Alabama. This project meets two eligibility activities: #1- Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks; #2 - Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs. This sidewalk project will be designed and constructed to meet full compliance with the Americans with Disabilities Act (ADA).

History – Describe the historical significance, including names, dates, and events which are pertinent to the project or properties. State if the project is located in a historic district or in an area that is eligible for historic district determination.

Records indicate April 9, 1874 as the actual establishment of the town to be called Daphne with the designation of a Postmaster and official Post Office for the Community and Daphne was incorporated on July 8, 1927 with a population of only 500. Since that time Daphne has grown into the largest City in Baldwin County and is the economic leader of the eastern shore. The north-south Pollard Road serves as a vital link between County Road 64 and Park Drive connecting the Park City Community to the rest of Daphne. The corridor does not sit or intersect any established historic districts.

Scenic Significance – Describe the scenic significance this project will have to the existing transportation system.

This corridor has no official scenic designation or classification. However, it is a heavily traveled north-south route that connects the many residential areas to the City's churches, recreational amenities and businesses. The steady gradient route traverses through the central highlands of Daphne with upland pine forest and hardwood bottoms.

Impact – Describe the impact the project will have on adjacent properties, the community, the state, the transportation system, plant or animal life, wetlands, archaeological or historic resource. Also, how will the project improve access to activities or increase awareness of historic, community, visual or natural resources? Describe any other anticipated benefits of the project. Describe all ground disturbing activities and all demolition activities that have or will occur during construction of this project. What affect will the project have on the traveling experience?

The proposed sidewalks should enhance adjacent property values and encourage residential growth in the residential districts of the Pollard Road/Park Drive corridor. Sidewalks and sidewalk connectivity is an important consideration for new home purchases. Land disturbance

will be minimal and there are no anticipated environmental impacts. All proposed work will be confined to the public rights-of-way. This project should qualify for a categorical exclusion from further environmental study. The City has recently completed construction on a major stream restoration and drainage improvement project at the 90 degree intersection of Pollard Road and Park Drive. The improved system will easily accommodate the minor increase in storm water runoff due to the introduction of sidewalks on the north end of this roadway. The majority of construction will take place on the backside of the R.O.W. and traffic interruptions should be minimal.

Proposed Construction – Describe only the project activities which will be constructed with TAP funds. This should correspond with the highlighted sketch or map to be attached and the project budget.

This project entails up to 13,200 linear feet (2.50 Miles) of new sidewalk on one side of Pollard Road and Park Drive. The sidewalk will connect to the sidewalks at the southwest corner of the intersection of County Road 64, extend along the Rights-Of-Way of Pollards Road 13, connecting to the sidewalk at Whispering Pines, then north along the Rights-Of-Way of Pollard Road, then west along the Rights-Of-Way of Park Drive with the goal of connecting to the existing sidewalks at Pinehill and Park Drives. Upon successful grant, preliminary engineering will determine the financial feasibility of the entire 2.5 mile route. If hard cost estimates exceed grant limits project will be truncated by 1720' and end at Park Drive and Japonica Lane. The remaining 0.2 miles shall be budgeted for and completed by the City. The sidewalk system will be composed of cast in place on grade concrete and the sidewalk will be five (5) feet wide, four (4) inches thick. There is no anticipated raise, wooden boardwalk. Due to the number of lanes to cross at County Road 64, a Pedestrian Crossing Signal may be required. The scope of work includes all required pavement markings and will be Class 2A, High-Reflectivity Thermoplastic per the current edition of the MUTCD.

Ownership – State who owns the property where the project is going to be constructed. If the sponsor does not own the property, how will the sponsor procure rights to construct the project? Will this be accomplished by acquisition, lease agreement, etc. Ownership of the property is an essential element of the project and this subject should be researched thoroughly and explained in detail. If the sponsor does not own the property where the work is to be constructed, please include a letter from the property owner stating that they support the planned improvement.

The proposed sidewalk project will be constructed within the confines of Pollard Road and Park Drive Rights-Of-Way and/or within easements granted to the City of Daphne. This public Rights-of-Way is owned and maintained by the City of Daphne.

Intended Use – Describe the intended use of the property upon completion of the project. The project must be for public use. If the project is a bicycle and/or pedestrian facility, what origin, destination and intermediate points will be served?

Public Use: Passive Recreation (walking), Active (Exercise – running/jogging/speed walking), Alternative Commuting (walking to School or Work), and Full Access for People of all Abilities for the same purposes. Furthermore, these proposed improvements will provide full and unfettered residential access the City's recreational amenities, churches and businesses. The

completion of this sidewalk will link five existing sidewalk systems: County Road 64, Randall Avenue, Wilson Avenue, Whispering Pines, Park/Pinehill Drives and multiple residential neighborhoods.

Life Expectancy – State the expected life of the project once completed.

The detectable warning surfaces (truncated dome tops): 15-20 years, thermoplastic crosswalks and markings: 5-7 years, new concrete sidewalk links: 25-30 years, Pedestrian Crossing Signals: 20+ years and the wooden pedestrian boardwalk 15-20 years. The City will budget accordingly for the periodic replacement of the thermoplastic crosswalks and markings on a 5 – 7 year basis. Money is currently budgeted for yearly boardwalk and sidewalk maintenance and repair through the City's Public Works Operation Budget.

Maintenance Plan – Describe the required maintenance activities (major and minor), schedule, and budget for the expected life of the project.

The sidewalk, boardwalk, detectable warning surfaces, Pedestrian Crossing Signals and the crosswalks will be maintained as needed by the Street Department of Public Works for the City of Daphne. The City's Grounds and Mowing Departments maintain all streetscapes and R.O.W. vegetation. All these maintenance cost will be part of the annual Public Works operating budget.

PROJECT BUDGET

Transportation Alternative Program - Fiscal Year 2016

Park and Pollard Roads Sidewalk Project - CR64 to Pinehill Rd

Construction Estimate Construction of 13200 linear feet (2.5 Miles) of new 5 foot wide concrete sidewalk					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	Clearing and Grubbing (201A)	LS	1	\$2,000.00	\$2,000.00
2	Unclassified Excavation (210A-000)	Yd ³	425	\$6.00	\$2,550.00
3	Borrow Excavation (A-2-4(0) or A-4(0) (210D-012)	Yd ³	3000	\$11.25	\$33,750.00
4	Superpave Bituminous Concrete Wearing Surface Layer, 1/2" Max. Aggregate size, ESAL Range C/D (424A-361)	Ton	20	\$125.00	\$2,500.00
5	Mobilization (600A-000)	LS	1	\$10,000.00	\$10,000.00
6	Slope Paving (Conc. Flume, 4" Thick) (614A-000)	Yd ³	10	\$350.00	\$3,500.00
7	Pipe Extensions and Sidedrain (Ditch Piping)	LS	1	\$15,000.00	\$15,000.00
8	Concrete Sidewalk, 4" Thick (618A-000)	SY	7670	\$35.00	\$268,450.00
9	Timber Handrails	LF	315	\$12.00	\$3,780.00
10	Underground Utility Adjustment (Water) (640L-008)	Each	5	\$250.00	\$1,250.00
11	Mailbox Reset	Each	10	\$200.00	\$2,000.00
12	Topsoil, 4" Compacted Thickness (650A-000)	Yd ³	1500	\$15.00	\$22,500.00
13	Seeding (652A-100)	Acre	3.5	\$750.00	\$2,625.00
14	Solid Sodding (Centipede) (654A-003)	Yd ²	6500	\$4.50	\$29,250.00
15	Mulching (656A-010)	Acre	3.5	\$750.00	\$2,625.00
16	Silt Fence, Type A (665J-002)	LF	1000	\$5.50	\$5,500.00
17	Silt Fence Removal (665O-001)	LF	1000	\$1.00	\$1,000.00
18	Pedestrian Signal (CR64)	Each	1	\$7,500.00	\$7,500.00
19	Traffic Control Markings, Class 2, Type A (703A-002)	Ft ²	1600	\$6.00	\$9,600.00
20	Class 8 Aluminum Sign Panels, 0.08" Thick or Steel Flat Sign Panels, 14 Gauge (Type IX Background) (710A-126)	Ft ²	50	\$25.00	\$1,250.00
21	Roadway Sign Post, (#3 U-Channel Galvanized Steel) (710B-001)	LF	144	\$12.00	\$1,728.00
22	Construction Signs (740B-000)	Ft ²	300	\$15.00	\$4,500.00
23	Cones (36" High) (740E-000)	Each	80	\$15.00	\$1,200.00
24	Ballast for Cones (740M-001)	Each	80	\$7.50	\$600.00
Estimated Construction Cost					\$434,658.00

Professional Services Calculations					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	Engineering Survey & Design (8.5% of Construction)	Each	1	\$36,945.93	\$36,945.93
2	Material Testing (2.5% of Construction)	Each	1	\$10,866.45	\$10,866.45
3	Engineering - CE&I (12.5% of Construction)	Each	1	\$54,332.25	\$54,332.25
Estimated Professional Service Cost					\$102,144.63

Estimated Total Cost (Less Engineering Survey and Design)	\$499,856.70
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Not Eligible for TAP Reimbursement

PROJECT COST	\$434,658.00
CE&I (UP TO 15%)	\$ 65,198.00
TOTAL PROJECT COST	\$499,865.00
	X 80%
FEDERAL SHARE	\$399,885.00
20% LOCAL SHARE	\$ 99,971.00

Note: Provide an itemized budget that includes construction items, quantities, cost per item and total cost per item and a total project cost. Please round off all amounts to the nearest dollar.

ATTACHMENTS

Please find included the following items with this application:

1. Mayor's Cover Letter stating the City's willingness to pursue the project to completion and be responsible for the required expenses, including, but not limited to, the local share funds and professional fees for preliminary engineering activities.
2. Eastern Shore Metropolitan Planning Organization (ESMPO) letter to allow the project to be included in the Transportation Improvement Plan (TIP) if the project is located within a MPO boundary.
3. Adopted Resolution 2016-## from the city council stating their approval of the proposed Transportation Alternatives Program (TAP) Grant application for FY2016.
4. Current and legible 7.5 minute USGS map indicating exact project location – North End of Project.
5. Current and legible 7.5 minute USGS map indicating exact project location – South End of Project.
6. Scaled map or sketch of project area – North End of Project
7. Scaled map or sketch of project area – South End of Project
8. Design sketch – Typical Sidewalk Details.
9. Design sketch – Typical Boardwalk Details.
10. Original color photographs (not photocopies) for the Project Area A-E

November 22, 2016

Mr. Robert J. Jilla
Bureau of Transportation Planning & Modal Programs
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36130-3050

Re: FY2017 Transportation Alternatives Program (TAP) Project Application – Pollard Road and Park Drive Sidewalks

Dear Mr. Jilla:

Please find attached the City of Daphne's application for the FY2016 Transportation Alternatives Program (TAP) funding for the above referenced project.

The City of Daphne is committed to quality pedestrian infrastructure that promotes accessibility, safety, economic development, quality education, and overall community and regional enhancement.

This project embodies the criteria listed in the Moving Ahead for Progress in the 21st Century (MAP-21) Initiative and the City is in a strong financial position to partner with State to bring this project to fruition.

I humbly ask that you give this application thoughtful consideration and weigh it on its merits. If you have any questions, or need additional information, the City's TAP Coordinator is Richard D. Johnson, PE, Public Works Director. He can be contacted at 251-621-3182 or rjohnson@daphneal.com.

I look forward to the City of Daphne and the State partnering in this important project. It is reassuring to know the State able and willing to assist the City in a time of need. If there is ever anything that the City of Daphne can do to assist Transportation Department, please do not hesitate to call on us.

Sincerely,

Dane Haygood, Mayor

Cc: Richard Johnson – Daphne Public Works Director
File

RESOLUTION 2017-##

**PARK & POLLARD RD SIDEWALKS - RESOLUTION TO AUTHORIZE THE APPLICATION
FOR THE STATE OF ALABAMA'S FISCAL YEAR 2017
TRANSPORTATION ALTERNATIVE PROGRAM (TAP)**

WHEREAS, the Alabama Department of Transportation (ALDOT) is soliciting applications for the Fiscal Year 2017 Transportation Alternatives Program (TAP) provided by the Federal Highway Administration through the Moving Ahead for Progress in the 21st Century (MAP 21); and

WHEREAS, Transportation Alternatives Program (TAP) funds may be used for Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, (including sidewalks & bicycle infrastructure), and/or Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs; and

WHEREAS, TAP funds are capped at a maximum of \$400,000.00 (*\$500,000.00 Project Total*) and are awarded and distributed according to the cost sharing methodology of **80% Federal / 20% City for construction cost and construction engineering and testing (CE&I) and 100% City funding for all related engineering design costs, utility relocations, and R.O.W. acquisitions**; and

WHEREAS, the City Council has determined the best application of these Grant funds would be for a sidewalk along Park and Pollard Roads (Pinehill Dr. to County Road 64), providing a Safe Route for all Citizens served by the identified roadway systems and an enhanced pathway for pedestrians and recreational users; and

WHEREAS, the deadline for submittal of FY 2017 TAP applications and support documents is Friday, December 16, 2016 at 5:00 PM.

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

- 1.) The Mayor and the Director of Public Works are hereby authorized to apply for the Transportation Alternatives Program for FY2017 (TAP); and
- 2.) The application for Transportation Alternatives Program for FY2017 (TAP) shall be for sidewalks along Park and Pollard Roads; and
- 3.) If approved and awarded TAP funding, the City will appropriate funds for the project equal to 20% of the construction cost and CE&I in addition to 100% of all related engineering, utility relocations, and Right of Way acquisition costs.

**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

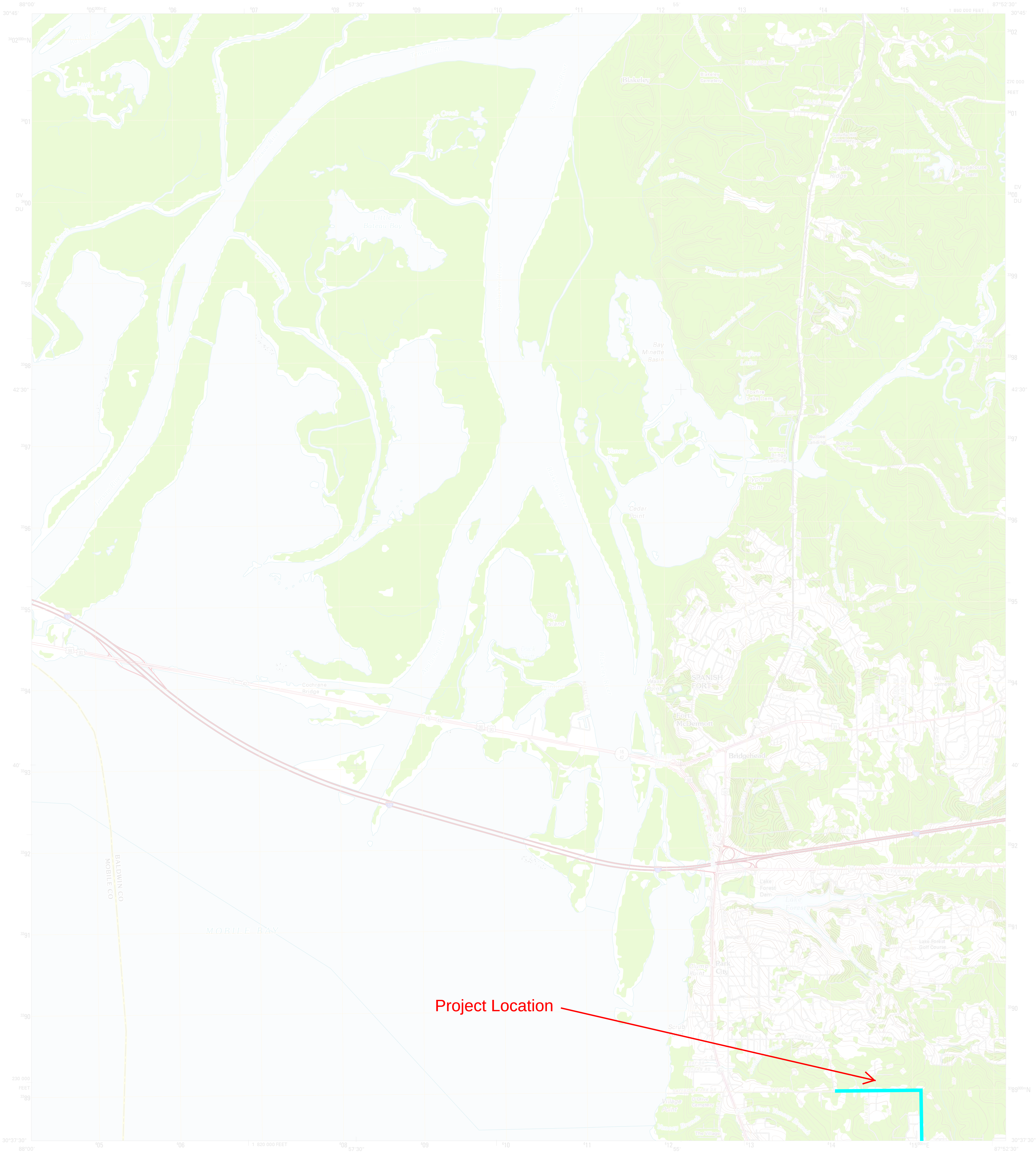
Letter from the Eastern Shore Metropolitan Planning Organization Goes Here



U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY



BRIDGEHEAD QUADRANGLE
ALABAMA
7.5-MINUTE SERIES



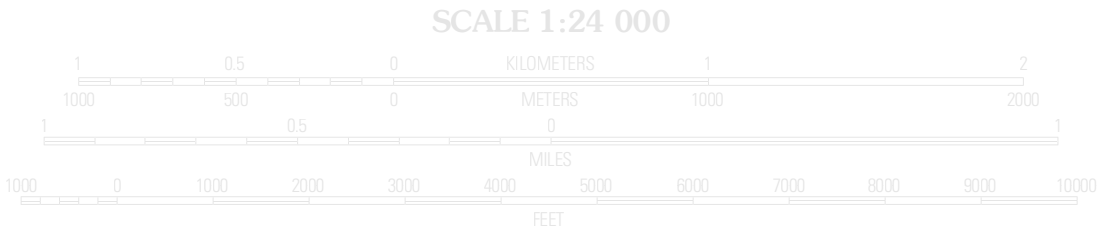
Project Location

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 16R
10 000-foot ticks: Alabama Coordinate System of 1983 (west zone)

Imagery.....NAIP, June 2009
Roads.....©2006-2011 TomTom
Names.....GNS, 2011
Hydrography.....National Hydrography Dataset, 2009
Contours.....National Elevation Dataset, 2008
Boundaries.....Census, IBWC, IBC, USGS, 1972 - 2010

UTM GRID AND 2011 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

U.S. National Grid
100,000m Square ID
DV
DU
Grid Zone Designation
16R



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.0



Chickasaw	Hurricane	Bay
Mobile	Bridgehead	Shalston
Hollingsworth	Daphne	Shorehill

ADJOINING 7.5' QUADRANGLES

ROAD CLASSIFICATION			
Interstate Route	State Route	US Route	Local Road
Ramp	4WD		

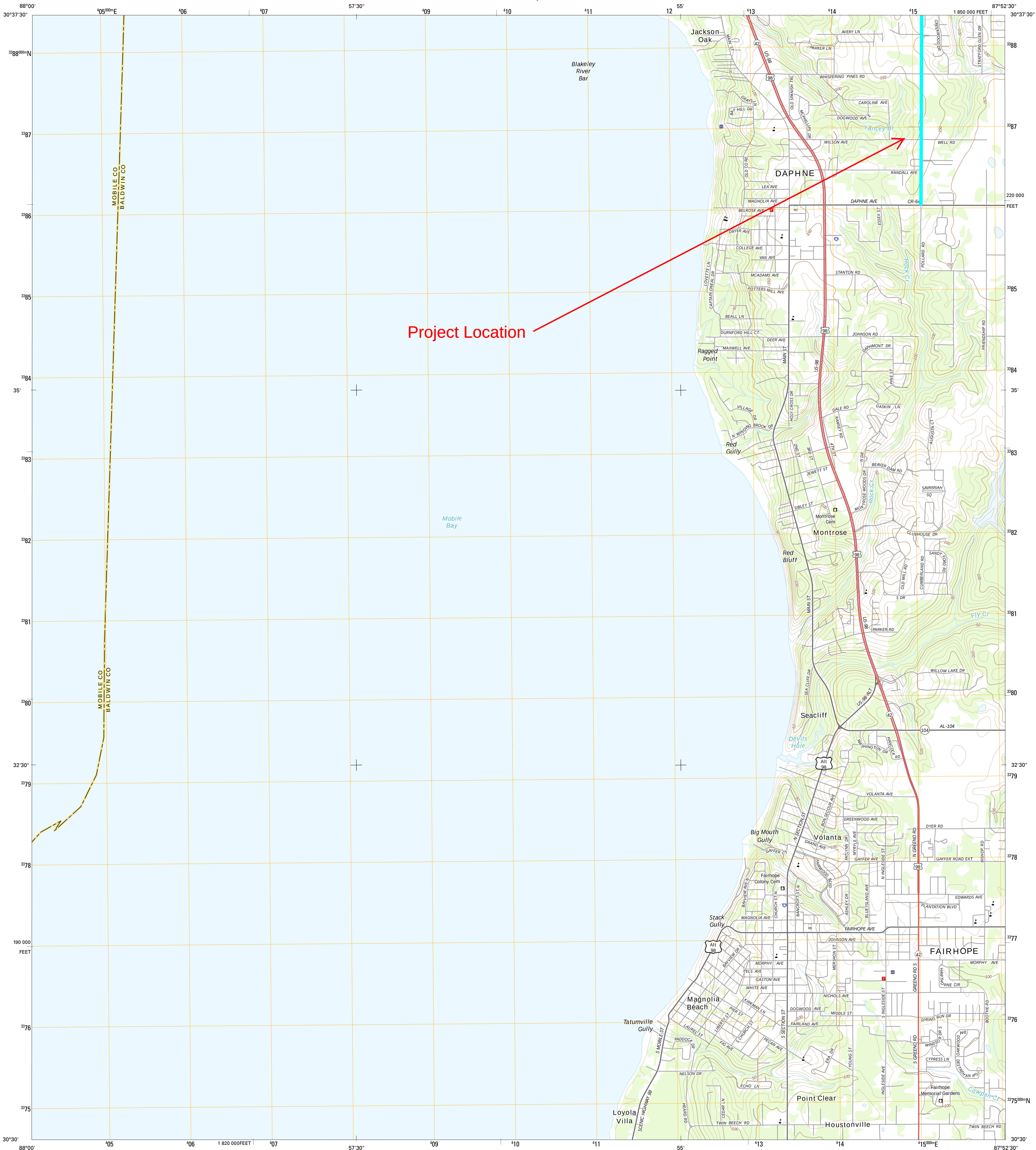
BRIDGEHEAD, AL
2011



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



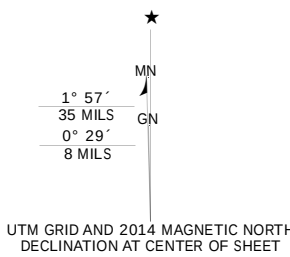
DAPHNE QUADRANGLE
ALABAMA
7.5-MINUTE SERIES



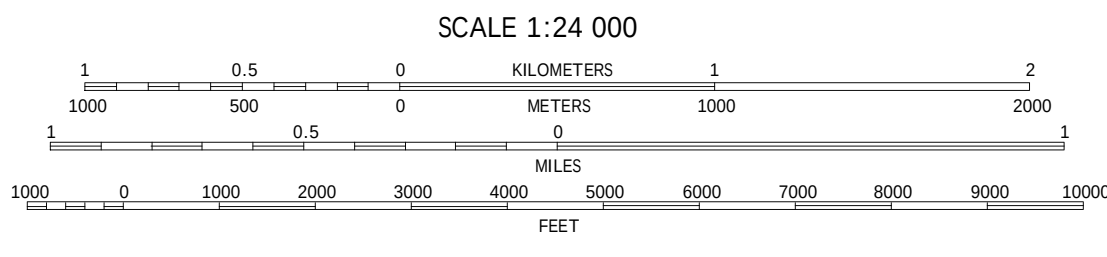
Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 16R
10 000-foot ticks: Alabama Coordinate System of 1983 (west
zone)

This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, December 2013
Roads.....HERE, ©2013
Names.....GNIS, 2013
Hydrography.....National Hydrography Dataset, 2013
Contours.....National Elevation Dataset, 2008
Boundaries.....Multiple sources; see metadata file 1972 - 2013



U.S. National Grid
100,000-m Square ID
DU
Grid Zone Designation
18R



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.16



1	2	3
4	5	6
7	8	9

1 Mobile
2 Bridgehead
3 Stipitation
4 Hollingers Island
5 Silverhill
6 Bellefontaine
7 Point Clear
8 Magnolia Springs

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

DAPHNE, AL
2014



FY2017 TAP GRANT
PARK & POLLARD RD SIDEWALKS
NORTH ROUTE - 1.2 to 1.5 MILES

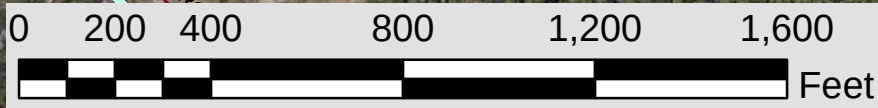
- EXISTING SIDEWALK NETWORK
- CENTERLINES
- DAPHNE CITY LIMITS (OCT2015)

End at Exist
Network

Dashed Line - 1720'
Alternate Addition
Sidewalk (Proposed)
Available Grant Funding

New 5' Wide Concrete
Sidewalk (Proposed)

Proposed Crossing
at Roundabout





Whispering Pines Road

1 inch = 350 feet

**FY2017 TAP GRANT
PARK & POLLARD RD SIDEWALKS
SOUTH ROUTE - 1.0 MILES**

- EXISTING SIDEWALK NETWORK
- CENTERLINES
- DAPHNE CITY LIMITS (OCT2015)

**Proposed Mid-Block
Crossing**

**New 5' Wide Concrete
Sidewalk (Proposed)**

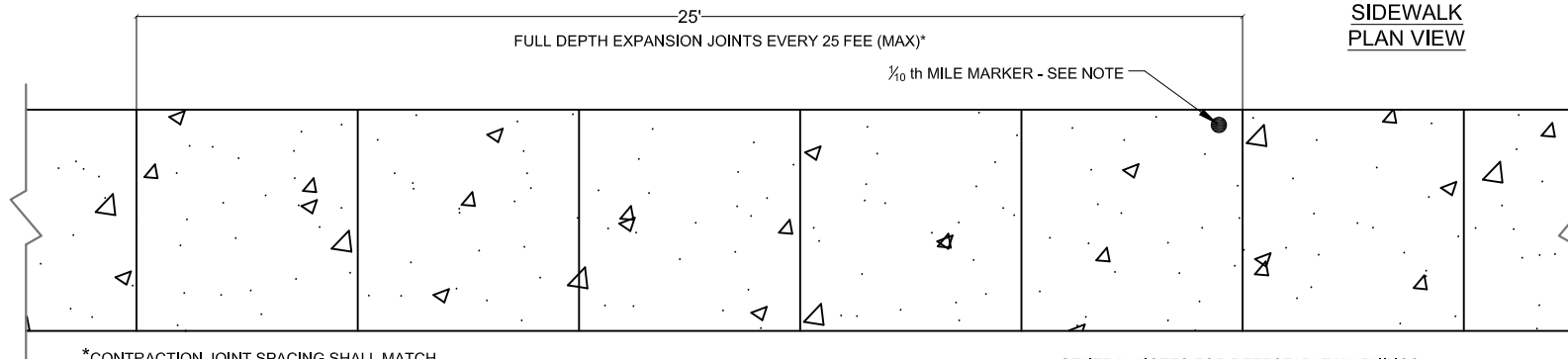
Wilson Ave

Randall Ave

**New PED
X-ing Signal**

County Road 64

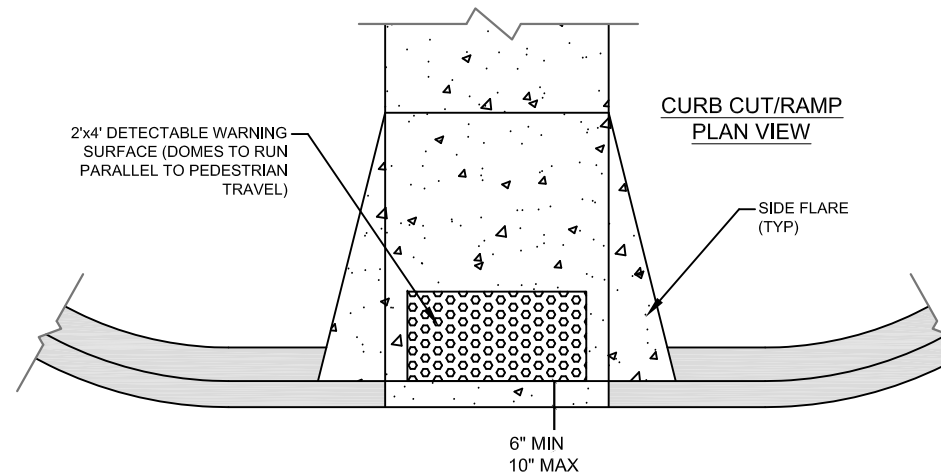
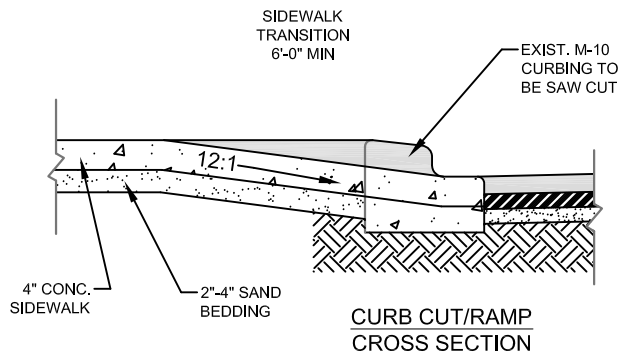
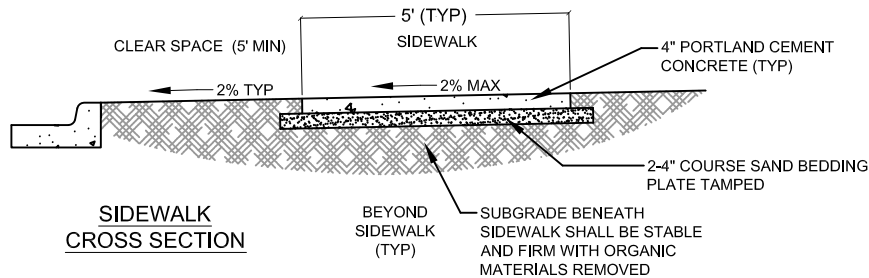




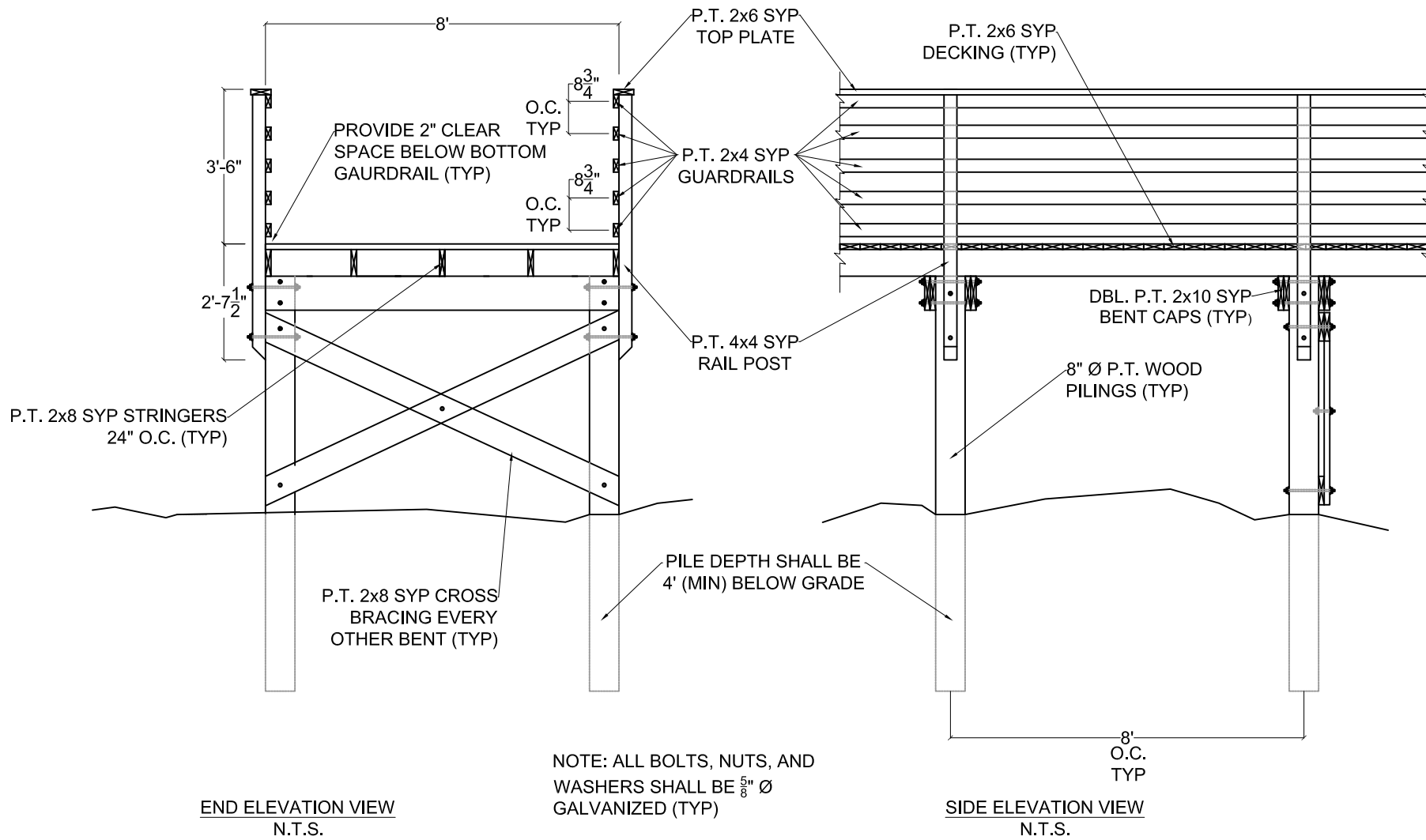
NOTE: EVERY TENTH OF A
MILE (1/10) CONTRACTOR
SHALL PLACE BRONZE
MARKER INTO WET
CONCRETE - CITY TO
PROVIDE DISTANCE
MARKERS - STARTING POINT
TO BE DETERMINED

GENERAL NOTES FOR DETECTABLE WARNINGS

1. CURB RAMPS MUST CONTAIN A DETECTABLE WARNING SURFACE THAT CONSISTS OF RAISED TRUNCATED DOMES COMPLYING WITH 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.
2. THE SURFACE MUST CONTRAST VISUALLY WITH ADJOINING SURFACES INCLUDING SIDE FLARES - COLOR TO BE BRICK RED.
3. DETECTABLE WARNING SURFACES MUST BE SLIP RESISTANT AND NOT ALLOW WATER TO ACCUMULATE.
4. ALIGN TRUNCATED DOMES IN THE DIRECTION OF PEDESTRIAN TRAVEL WHEN ENTERING THE STREET.
5. DETECTABLE WARNING SURFACES SHALL BE A MINIMUM OF 24" IN DEPTH IN THE DIRECTION OF PEDESTRIAN TRAVEL.
6. DETECTABLE WARNING SURFACES SHALL BE A MINIMUM OF 48" IN WIDTH FOR 5'-0" SIDEWALK.
7. DETECTABLE WARNING SURFACES SHALL BE CAST-IN-PLACE - NO ADHESIVE OR FASTENERS.
8. DETECTABLE WARNING SURFACES SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS A MINIMUM OF 6" AND A MAXIMUM OF 10' FROM THE EXTENSION OF THE FACE OF CURB.



SIDEWALK DETAIL SHEET
SCALE: N.T.S.



STANDARD BOARDWALK SECTION
WITH GUARDRAILS
8' WIDE

2017 TAP - Boardwalk Typical Section

City of Daphne - Public Works Department

Dwg: RDJ

Date: 03/10/2013

Sheet # : 1 of 1

Attachment 10-A TAP FY2017 - Project Site Photographs



Photo #1 (Left): Looking south along Pollard Road 13 - Start of Project at intersection of County Road 64 and Pollard Road (south end of Project)

Photo #2 (Right): Looking South at the intersection of County Road 64 and Pollard Road - Start of Project - Note: Sidewalk on south side of CR64



Photo #3 (Left): Looking North along Pollard Road – North of the start of Project (looking towards Randall Avenue)

Attachment 10-B TAP FY2017 - Project Site Photographs



Photo #4 (Left): looking north on Pollard Road at Randall Avenue - Note: Sidewalk at Randall

Photo #5 (Right): looking north on Pollard Road (Well Road is to the east) - Possible location of a mid-block crossing



Photo #6 (Left): looking north along Pollard Road from Well Road (east side of R.O.W.) Possible location of a mid-block crossing.

Attachment 10-C TAP FY2017 - Project Site Photographs



Photo #7 (Left): looking north along Pollard Road (east side of R.O.W.) approaching The Park at Whispering Pines - a multifamily development - Note: existing sidewalk

Photo #8 (Right): Looking north from the sidewalk at The Park at Whispering Pines towards the roundabout at Pollard Road and Whispering Pines



Photo #9 (Left): looking north on Pollard Road (north of the roundabout) east side of the R.O.W.

Attachment 10-D TAP FY2017 - Project Site Photographs



Photo #10 (Left): Looking north on Pollard Road (east side of the R.O.W.) approaching the 90-degree intersection with Park Drive

Photo #11 (Right): looking south on Pollard Road along the east side of the R.O.W.



Photo #12 (Left): looking northwest at the 90-degree intersection of Pollard Road with Park Drive

Attachment 10-E TAP FY2017 - Project Site Photographs



Photo #13 (Left): looking west from Pollard Road along Park Drive

Photo #14 (Right): looking west along Park Drive (north side of R.O.W.) just west of the 90-degree intersection with Pollard Road



Photo #15 (Left): Looking west along Park Drive at the intersection of Japonica Lane

Attachment 10-F TAP FY2017 - Project Site Photographs



Photo #16 (Left): looking back east along Park Drive (north side of R.O.W.)



Photo #17 (Right): terminus of the project - intersection of Park Drive -
Note: existing sidewalk at this location -
new sidewalk will tie into existing

CITY OF DAPHNE

RESOLUTION 2016-92

**Acceptance of Streets and Drainage
Located in the Caroline Woods Subdivision, Phase Two C & Two D**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Caroline Woods Subdivision, Phase Two C & Two D on August 25, 2016, and the City of Daphne hereby recommends acceptance of said street(s) located in Caroline Woods Subdivision, Phase Two C & Two D; and,

Whereas, an inspection was made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Caroline Woods Subdivision, Phase Two C & Two D; and,

Whereas, Daphne Utilities has accepted the utilities of Caroline Woods, Subdivision, Phase Two C & Two D; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$46,202.67 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide 2570-F of the records in the Baldwin County Judge of Probate Office; and,

Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Caroline Woods, Subdivision, Phase Two C & Two D, a portion of LaShay Drive (145 linear feet) a 50-ft right of way; and, a portion of Barrington Lane (716 linear feet) a 50-ft right of way according to the plat presented by Dewberry|Preble-Rish as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____DAY OF _____, 2016.

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

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA HAYES, CITY CLERK

To: Office of the City Clerk
From: Adrienne D. Jones, *AS*
Director of Community Development
Subject: Caroline Woods Subdivision, Phase Two C
& D, Acceptance of Roads and Rights-of-
Ways
Date: November 29, 2016

MEMORANDUM

LOCATION: Northeast of the intersection of Parker Lane and Whispering Pines Road, North of Madison Place Subdivision and West of Daphne Commercial Park, Phase Two

RECOMMENDATION: At the, November 17, 2016, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** for the acceptance of Barrington Lane and LaShay Drive as a city street(s) for maintenance.

Attached please find said documentation for placement on the Monday, December 5, 2016 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

- 1.Draft Resolution
- 2.Correspondence from project engineer requesting acceptance
- 3.Record plat
- 4.Petition of Acceptance of Roads and Rights-of-Ways
- 5.Copy of Maintenance Bond

October 18, 2016

Mrs. Adrienne Jones
Planning Director, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

RE: Caroline Woods Phase 2 C & D

Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for Caroline Woods Phase 2 C & D have been constructed under my supervision in accordance with the approved construction plans.

I further certify I have checked all test reports and that all construction materials have been installed in accordance with the typical sections, profiles, and plan details and meet minimum requirements as set out in the State of Alabama Highway Department's Standard Specifications for Highway Construction, latest edition and current revisions.

Therefore, I hereby request that the City of Daphne accept the streets for Caroline Woods Phase 2 C & D.

Sincerely,



Jason N Estes, P.E.
Associate, Project Manager

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: CAROLINE WOODS PHASES TWO C & D

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 3 day of OCTOBER, 2016 by PLAN B INVESTMENTS, LLC, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as CAROLINE WOODS PHASES TWO C & D to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 46,202.67 maintenance bond; and,

WHEREAS, the project engineer, JASON ESTES, PE, acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on November 17, 2016 Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
BARRINGTON LANE	954	27
LASHAY DRIVE	135	27

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

Plan B Investments, LLC
Name of Individual or Corporation (Printed)

By: Jacob Cunningham - Jacob Cunningham
(Print Legibly and Sign)

Its: MBR
(Print Legibly)

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, the undersigned Notary Public in and for said State and County, hereby certify that Jacob Cunningham whose name as Manager of Plan B Investments an Alabama corporation or as owner of Caroline Woods Phase II C+D is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 18 day of October, 2016.

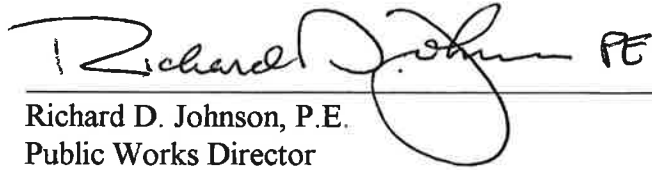
Rebecca Ann Hayes
NOTARY PUBLIC

My commission expires: _____



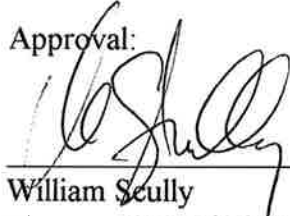
CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:

 PE

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

Approval:



William Scully
Planning Commission Chairman
City of Daphne

ORDINANCE 2016-71

**2016 Community Development Block Grant (CDBG) for: Sewer Hookups in the
Whispering Pines & Pollard Road community**

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 20, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, Resolution 2016-40 approved the application to ADECA for the 2016 CDBG Grant for sewer hookups in the Whispering Pines & Pollard Road community; and

WHEREAS, on October 31, 2016 the City of Daphne was awarded Community Development Block Grant (CDBG) funds from the Alabama Department of Economic and Community Affairs (ADECA) for Program Year 2016 made available through the United States Department of Housing and Urban Development (HUD).

NOW, THEREFORE IT BE RESOLVED that the City of Daphne

1. Accepts the grant award from ADECA in the amount of \$225,163.80, and
2. Agrees to provide a cash match in the amount of **\$25,018.20** from the **Capital Reserve Fund** for the Sewer hookups in the Whispering Pines and Pollard Road community (*total project cost -\$250,182*); and
3. Authorizes the Mayor to sign the grant start up documents, the grant agreement, and other grant related documents on behalf of the City.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Ordinance 2016-72
Federal Emergency Management Agency (FEMA): Hazard Mitigation Grant Program
(HMGP) Disaster Assistance: Teri Lynn Platt c/o Teri Lynn Dyess, 118 Lakeview Loop,
Lot 8-Unit 21 Lake Forest

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, on January 13, 2016 Governor Bentley requested a federal disaster due to severe storms, tornadoes, straight-line winds, and flooding during the period of December 23-31, 2015; and

WHEREAS, on January 21, 2016, FEMA declared the event a Major Disaster Declaration; Alabama Severe Storms, Tornadoes, Straight line Winds, and Flooding (DR-4251); and

WHEREAS, the declaration activates the FEMA Hazard Mitigation Grant Program (HGMP). The HMGP provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Long-term mitigation measures may include but not be limited to; property acquisition and structure demolition, property acquisition and structure relocation, structure elevation, mitigation reconstruction, dry flood proofing, etc.; and

WHEREAS, the HGMP requires a state or local government sponsor 25% cost share for the grant; and

WHEREAS, the home Teri Lynn Platt, c/o Teri Lynn Dyess 118 Lakeview Loop, Lot 8 Unit 21 (PPIN:066532) in Lake Forest was flooded during past rain events and the residence has an estimated market value of \$135,500; and

WHEREAS, the property owners have requested to participate in the FEMA HMGP National Flood Insurance Program Buyout where the home would be purchased by FEMA with FEMA providing 75% of the approved market value of the residence; and with the homeowner or sponsor providing the additional 25% share (*estimated* \$33,875); and

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

- 1) The City of Daphne shall sponsor the approved qualifying grant application with the following conditions:
 - a. The property owner shall handle the entire FEMA HMGP application process; and
 - b. A General Fund appropriation not to exceed **\$20,000** less any in-kind labor/cash match as incurred for expenses such as demolition of the home shall be appropriated; and the Fiscal Year 2017 Budget is hereby amended to include this appropriation, and
 - c. The City will retain ownership of the vacant lot (118 Lakeview Loop: PPIN:066532) and shall deed restrict the lot to remain as floodway green space
- 2) The Mayor is hereby authorized to execute such proposal and any and all additional documents necessary to carry out the purpose of requesting such funds from FEMA.

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

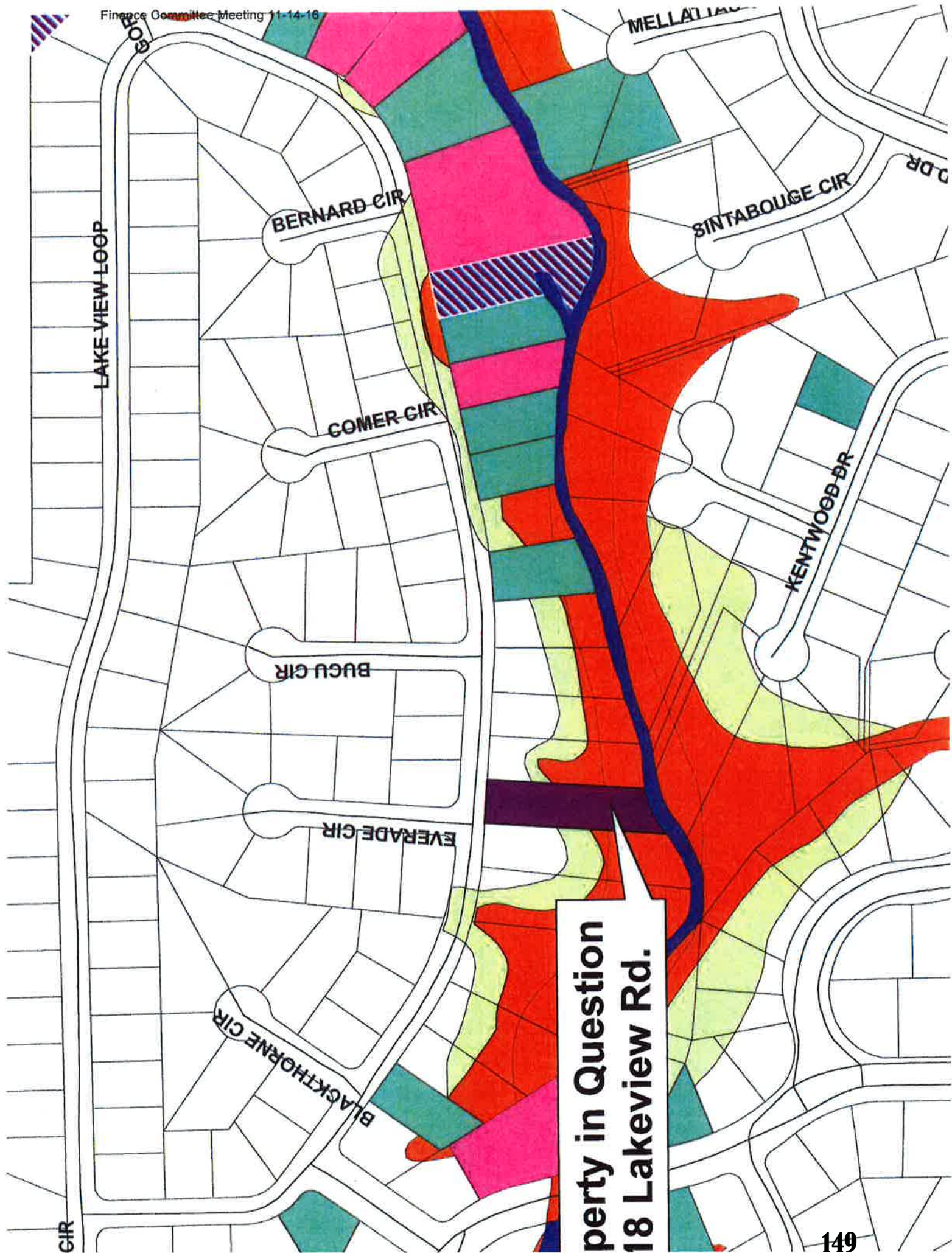
ATTEST:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk

Summary of Daphne Hazard Mitigation Grant Program Property Acquisitions in Lake Forest

Property Address	Year of Grant	Total Grant Amount	75% (Amount paid by FEMA)	Match Paid by City of Daphne	Match Paid by Property Owner
104 Gordon Circle	2016	\$162,825	\$122,119	\$10,000 (in kind only)	\$30,706
140 Lakeview Loop	2012	\$141,560.13	\$106,170.10	\$35,390.03	\$0.00
103 Gordon Circle	2010	\$211,653.91	\$158,740.43	\$52,913.48	\$0.00



**perty in Question
18 Lakeview Rd.**

ORDINANCE 2016-73

One-Time Lump Sum Pay Adjustment

WHEREAS, Ordinance 2016-56 approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the adopted budget does not include an appropriation for a One-Time Lump Sum Pay Adjustment for Full and Part-Time employees; and

WHEREAS, the City Council of the City of Daphne, Alabama, has determined that for work to be performed by Daphne employees during the period of November 24th, 2016 to December 7th, 2016, shall be paid the additional sum net of payroll taxes (retirement will be deducted) as follows:

- \$250 (*net of payroll taxes*) for Full-Time employees
- \$150 (*net of payroll taxes*) for the remaining regularly scheduled on-temporary Part-Time employees
- \$ 75 (*net of payroll taxes*) for School Crossing Guards and part-time Dispatchers.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2017 Budget is hereby amended to include an appropriation in the amount of \$82,569 for Full-Time employees to receive an additional sum of \$250 (Net of payroll taxes) and Part-Time employees to receive an additional sum of \$150 (Net of payroll taxes) or \$75 (net of payroll taxes) as indicated above.

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

ONE TIME PAY INCREASE SCENARIOS

		One Time	1.45%	6.20%	Average 6.50%	
		Adjustment	Security	Medicare	Retirement	Total
\$250.00 One Time Pay Full Time Employees	257	64,250.00	931.63	3,983.50	4,176.25	73,341.38
Part Time Employees						
\$75 One Time Pay School Crossing Guards and PT Dispatchers	10	750.00	10.88	46.50	48.75	856.13
\$150 One Time Pay	12	1,800.00	26.10	111.60	117.00	2,054.70
Total		66,800.00	968.60	4,141.60	4,342.00	76,252.20
\$270.71 One Time Pay Full Time Employees	257	69,572.47	1,008.80	4,313.49	4,522.21	79,416.97
Part Time Employees						
\$81.21 One Time Pay School Crossing Guards and PT Dispatchers	10	812.10	11.78	50.35	52.79	927.01
\$162.43 One Time Pay	12	1,949.16	28.26	120.85	126.70	2,224.97
Total		72,333.73	1,048.84	4,484.69	4,701.69	82,568.95

ORDINANCE 2016 - 74
Mowing Vehicle Replacement Appropriation

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the adopted budget does not include an appropriation for a replacement vehicle for the Mowing department that was damaged in a recent accident; and

WHEREAS, the City's insurance carrier has deemed the 2012 Ford F150 truck (*Vehicle#1427*) to be "totaled" as a result of the accident and the City will receive a settlement amount of \$15,000; and

WHEREAS such vehicle is required in order to complete daily public works operations.

WHEREAS, staff has requested to apply the settlement of \$15,000 towards a purchase of a 2016 Ford F250 for \$27,000 (*from the state bid contract*) to replace the totaled vehicle.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

1. The Fiscal Year 2017 Budget is hereby amended to include a General Fund appropriation in the amount of \$12,000.
2. The insurance settlement of \$15,000 be applied for the replacement of the 2012 Ford F150 Truck and equipment.

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



STIVERS FORD LINCOLN
4000 EASTERN BLVD
MONTGOMERY, AL 36116

2016 FORD F250 CREW CAB 4x2 PICKUP - MODEL W2A

CONTRACT NUMBER: MA999 16000000008 **LINE NUMBER:** 22 **CONTRACT AMOUNT:** \$23,378

INCLUDES: 6.2L V8 385 Horsepower FFV Engine, 6 Spd Auto, 4x4, 166" Wheelbase, 8 3/4' Box,
 4 Wheel Disc Brakes w/ ABS, Tilt / Telescopic Wheel, Air Conditioning, Vinyl Flooring,
 AM/FM Radio, Vinyl 40/20/40 Seat, Air Bags-Front & Safety Canopy Side Curtain Airbags
 Trailer Tow Pkg. w/ 7/4 Way Plug, Manual Trailer Tow Mirrors w/ Spot Mirrors,
 2-Power Points, Advance Trac w/ Roll Stability Control, Trailer Sway Control
 and Hill Start Assist Control. 10,000 lbs. GVWR

STATE CONTRACT PRICE (T191A) \$ 23,378

RECOMMENDED OPTIONS:

66S	Upfitter Switches (4 Toggle Switches)	\$ 125
41P	Skit Plates	\$ 100
67D	200 Amp. Alternator	\$ 75
62B	TowCommand Integrated Trailer Brake Controller	\$ 270
90L	Power Windows, Locks & Trailer Tow Mirrors	\$ 1,105
52S	Cruise Control	\$ 235
86D	XL Décor Group - Chrome Bumpers & Bright Wheel Hub Covers	\$ 370
18B	Cab Steps - Black Molded	\$ 185
213	Electronic Shift-on-the-Fly	\$ 189
DBL	Bed Liner - drop in	\$ 569
SSL	4-Corner LED Strobes	

TOTAL COST: \$ 26,601



OTHER OPTIONS

WHEEL BASE OPTIONS:

		Standard	
166	6 3/4' Box	\$	300
172	8.0' Box	\$	(459)
66D	Pickup Box Delete - Requires 172" Wheelbase (does not include Spare Tire)	\$	295
512	Spare Tire & Wheel (for Box Delete option)	\$	

DRIVE TRAIN OPTIONS:

996	6.2L V8 385 Horsepower	Included	
	X3E - 3.73 Electronic Axle	\$	390
98F	6.2L CNG/LPG-Fuel Capable Engine	\$	315
	Westport CNG BI-Fuel System with 18.4 GGE Tank	\$	9,500
	Optional: 24 GGE Tank	\$	1,200
98T	6.7L V8 400 Horsepower Diesel Engine	\$	8,480
	X31 - 3.31 Regular Axle	Included	
	X3E - 3.73 Electronic Axle	\$	390
41H	Block Heater for Diesel Engine	\$	75
TCD	LT266/70Rx17E OWL AT (XL/XLT)	\$	455

EQUIPMENT PACKAGES:

603A	XLT Package	\$	4,845
96V	XL Value Package - AM/FM Stereo/Single CD Radio w/ 4 Speakers; Cruise Control Chrome Front & Rear Bumpers & Bright Chrome Hub Caps	\$	595
17X	FX4 Off-Road Package - Hill Descent Control; Skid Plates; Rancho Brand Shocks; 3.73 Electronic Locking Rear Axle; LT245-75Rx17 BSW A/T Tires; NA w/ Box Delete	\$	295

STIVERS FORD LINCOLN
4000 EASTERN BLVD
MONTGOMERY, AL 36116

OPTIONS:

66S	Upfitter Switches (4 Toggle Switches)	\$	125
41P	Skid Plates	\$	100
67D	200 Amp. Alternator	\$	75
52B	TowCommand Integrated Trailer Brake Controller	\$	270
90L	Power Windows, Locks & Trailer Tow Mirrors	\$	1,105
525	Cruise Control	\$	235
86D	XL Décor Group - Chrome Bumpers & Bright Wheel Hub Covers	\$	370
18B	Cab Steps - Black Molded	\$	185
213	Electronic Shift-on-the-Fly	\$	189
DBL	Bed Liner - drop in	\$	569

COLOR OPTIONS:

N1	Blue Jean	No Charge
H5	Caribou	No Charge
G1	Shadow Black	No Charge
J7	Magnetic	No Charge
UX	Ingot Silver	No Charge
W6	Green Gem	No Charge
Z1	Oxford White	No Charge
PQ	Race Red	No Charge

STIVERS FORD PACKAGES:

LB1	Light Bar Package	\$	1,485
BG1	Brush Guard Bumper	\$	959
BGW	Brush Guard Bumper w/ 12K Winch	\$	2,214
CO1	Communication Console	\$	575
LED	4 Corner LED Strobe Lights	\$	499
TB1	Tool Box - Deep Well (18")	\$	389
TB2	Tool Box - Standard (15")	\$	349
BL1	Bed Liner - Drop In	\$	189
ST1	Spray-in Bed Liner	\$	475
TON	Tonneau Cover	\$	989
BSL	Bed Slide	\$	989

DELIVERY - \$1.50 PER MILE ONE-WAY

166 miles at \$1.50 = \$250.00

--

STATE CONTRACT TERMS:**PAYMENT DUE AT TIME OF DELIVERY****Total: \$26,851.00****SIGNATURE:**

DATE:

PURCHASE ORDER NUMBER:

--

Quantity:

--

Stivers Ford
 334-613-5000
 334-613-5018 fax

Ordinance 2016-75
Appropriation for Supplemental Landscape & Architecture Aesthetics
for the Daphne Recreational Facilities

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

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

WHEREAS, the City of Daphne has contracted with two design firms: Hutchinson, Moore & Rauch, LLC and Lose and Associates to design the Daphne Sports Complex and Mott MacDonald to design the improvements for Lott Park and Trione Park; and

WHEREAS, the firm of Volkert, Inc. has been contracted to provide project management of the design of the Daphne Sports Complex, the Lott Park Improvements and the Trione Park Improvements; and

WHEREAS, the City of Daphne established a Parks Planning Team to provide guidance regarding recreational needs and reviews of the proposed park improvements and during their November 9, 2016 meeting agreed that additional landscape and architectural features be identified to coincide with local coastal aesthetics; and

WHEREAS, the Parks Planning Team has agreed that a local firm be contracted with to identify additional landscape and architectural aesthetic features for providing to the Daphne Sports Complex design firm for incorporating into the corresponding facility designs; and

WHEREAS, the project management firm has been instructed contract with up to two local architectural firms to provide additional aesthetic suggestions for the Parks Planning Team to concur with and for the design firm to incorporate into the Daphne Sports Complex architectural design;

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

1. Volkert, Inc. shall contract with up to 2 local landscape architectural and building architectural firms to meet with the City's designated representatives to identify and select additional aesthetic features that coincide with local coastal concepts; and
2. An appropriation in the amount of \$12,000 from the Lodging Tax Fund shall be appropriated for these Architectural services and the Fiscal Year 2017 Budget is hereby amended to include this appropriation; and
3. Authorize the Mayor to execute an agreement to amend the City's current parks project management contract for an amount of \$12,000 to work with local architectural firms to provide additional architectural aesthetic alternatives.

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

ATTEST:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

October 27, 2016

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army File SAM-2016-00906-JEB, City of Daphne

City of Daphne, Public Works Department
Attention: Mr. Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road
Post Office Box 400
Daphne, Alabama 36526

Dear Mr. Johnson:

The purpose of this letter is to reply to your September 7, 2016 letter and September 28, 2017 e-mail regarding the unauthorized fill road in wetlands at the Park Drive Tract in Daphne. The work is related to an on-going timber harvesting operation associated with development of the City of Daphne sports complex. The work was performed in Sections 7 and 8, Township 5 South, Range 2 East at Latitude 30.623719° North and Longitude 87.900160° West, Daphne, Alabama.

Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into a waters of the United States, including wetlands, prior to conducting the work (33 U.S.C.1344). Yancey Branch is a water of the United States.

Based upon our September 19, 2016 site visit with City of Daphne representatives and Mr. Jim Jeeter of the Alabama Forestry Commission, it does not appear the wetland road crossing will qualify for the Section 404 forestry exemption. Specifically, the City of Daphne Forestry Management Plan indicates that the intent of the silviculture activities performed on the tract are to change the use of the site from forestry to recreational use. The timber removal operation appears to be site preparation for construction of the proposed sports complex. This opinion is supported by Mr. Jim Jeeter, Alabama Forestry Commission, in his enclosed letter. A change of use for this road crossing will require a Department of the Army permit along with compensatory wetland mitigation.

Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations that may affect this work.

-2-

We are furnishing copies of this letter to Alabama Department of Environmental Management, Attention: Mr. Dylan Hendrix, Mobile Branch Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608 and the City of Daphne, Attention: Ms. Ashley Campbell, Environmental Programs Manager, Post Office Box 400, Daphne, Alabama 36526.

Please acknowledge in writing, within 15 calendar days from receipt of this letter, your intentions concerning resolution of this matter, either through site restoration, compliance with Alabama Forestry Commission regulations, or submission of an after-the-fact permit application.

Please refer to file number SAM-2016-00906-JEB in future correspondence, or if you have any questions concerning this matter, you may call Mr. Eric Buckelew at (251) 690-3184.

Sincerely,


Sheri M. Zettle, P.G.
Chief, South Alabama Branch
Regulatory Division

Enclosures



ALABAMA FORESTRY COMMISSION

PROTECT • SUSTAIN • EDUCATE

www.forestryalabama.gov

Northwest Regional Office
8135 McFarland Boulevard
Northport, Alabama 35476
205-333-1590

September 26, 2016

Mr. Eric Buckelew
Project Manager
USACE – Mobile District

Mr. Buckelew:

On Monday the 19th of September 2016, the following met with you on site to discuss the status of the Daphne Sports Complex.

Jim Jeter, Ray Clifton, Rickey Fields – Alabama Forestry Commission
Ashley Campbell and Mikel Corporall – City of Daphne

The issue in question was: Do the silvicultural activities performed on the 120+/- tract, known as the Daphne Sports Complex, meet the compliance criteria for the 404(f) forestry exemption for obtaining an individual permit for operating in a wetland?

One of the conditions that must be met for the exemption to be valid is: The activity is part of an established (i.e., ongoing) silvicultural, farming, or ranching operation and not a new use to which the wetland was not previously subject. It is of my opinion that the activities conducted in the delineated wetlands by the City of Daphne do not meet the criteria for the 404(f) exemption for forestry activities for the following reason:

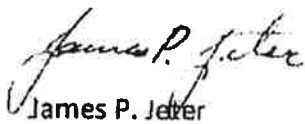
The City of Daphne submitted a written "Forest Management Plan" to be reviewed by the Alabama Forestry Commission. Although this is not a requirement of the 404(f) exemption, it does serve as a "notice of intent" for the use of the property by the current landowner. In this plan the tract is described in its entirety as a contiguous 120+/- parcel that will be developed for active and passive recreation activities. It is clear that silvicultural activities have taken place; however, it is also clear from the written plan and conversations with City of Daphne officials that the intent of the silvicultural activities performed on the tract, as a whole, are to change the use from forestry to a park (i.e., recreation use).

Mr. Eric Buckelew
Project Manager
USACE – Mobile District

In fact, these activities would be considered pre-construction activities and subject to an NPDES permit from ADEM as well.

Recreation use does not fall under the 404(f) exemption just because forestry/silvicultural operations were used as part of the development. A clearer example would be the cutting of trees to build a Walmart or a real estate harvest of trees for the building of a housing development.

Sincerely,



James P. Jeter
BMP Coordinator
Alabama R.F. #881

x