

**CITY OF DAPHNE  
CITY COUNCIL MEETING AGENDA  
1705 MAIN STREET, DAPHNE, ALABAMA  
JULY 5, 2016  
6:30 P.M.**

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

**INVOCATION** / Pastor Stuart Davidson of Eastern Shore Baptist Church

**PLEDGE OF ALLEGIANCE**

- 3. APPROVE MINUTES:** Council Meeting Minutes / June 20, 2016

**PRESENTATION:** 3<sup>RD</sup> Quarter Beautification Award / Color Us Kids / District #1

**4. REPORTS OF STANDING COMMITTEES:**

- A. FINANCE COMMITTEE** – Fry
- B. BUILDINGS & PROPERTY COMMITTEE** - Lake
- C. PUBLIC SAFETY** - Conaway  
Review minutes / June 20<sup>th</sup>
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Scott  
Review minutes / June 20<sup>th</sup>
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – LeJeune

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

- A. BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
- B. DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway  
Review minutes / June 22<sup>nd</sup>
- C. INDUSTRIAL DEVELOPMENT BOARD** – Phillips
- D. LIBRARY BOARD** – Lake
- E. PLANNING COMMISSION** – Scott  
Review minutes / May 26<sup>th</sup> / Review Staff Report for June 23<sup>rd</sup> meeting

**MOTION:** To set a Public Hearing date for **August 15, 2016** and approve advertising to consider:  
Amending the Land Use and Development Ordinance 2011-54 / Article XI, Minimum  
Standards and Requirements for Subdivisions and Commercial Developments / Revised  
Subdivision Exemptions / New ETJ Exemptions / Revised Sidewalk Provisions

- F. RECREATION BOARD** / LeJeune
- G. UTILITY BOARD** – Fry  
Review minutes / May 25<sup>th</sup>

**6. MAYOR'S REPORT****7. CITY ATTORNEY'S REPORT****8. DEPARTMENT HEAD'S REPORT****9. CITY CLERK'S REPORT****10. PUBLIC PARTICIPATION****11. RESOLUTIONS AND ORDINANCES:****RESOLUTIONS:**

- a.) **Resolution 2016-45.** ..... Authorizing All-Way Stops at the Intersection of Lawson Road and Ridgewood Drive (*motion from the June 20<sup>th</sup> Public Safety Mtg.*)
- b.) **Resolution 2016-46.** ..... Bid Award: Disaster Debris Removal & Disposal Services / Crowder Gulf, LLC

**ORDINANCES:****2<sup>ND</sup> READ**

- a.) **Ordinance 2016-28.** ..... Rezone: Property Locator Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street / Elizabeth Wright
- b.) **Ordinance 2016-32.** ..... Regulating the Distribution of Handbills in the City of Daphne
- c.) **Ordinance 2016-33.** ..... Appropriation of General Funds: Olde Daphne Wharf ROW Drainage Improvements (NRCS Project) / (*Project at Lovett Lane – originally referred to as Fannon Porperty*)
- d.) **Ordinance 2016-34.** ..... Appropriation of Seven Cents Gas Tax Fund: MPO / ALDOT Project: RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System (Traffic Signal Project for areas: (*Daphne /Fairhope / Spanish Fort*))
- e.) **Ordinance 2016-35.** ..... Appropriation of Seven Cents Tax Fund: North Court / TimberCreek Drainage Project / Preliminary Engineering
- f.) **Ordinance 2016-36.** ..... Appropriation of Seven Cents Tax Fund: Old County Road Drainage Improvements / Project 2015-PW-008
- g.) **Ordinance 2016-37.** ..... Appropriation of Lodging Tax Funds: For Bayfront Grounds/Landscaping Improvements (*Richard Scardamalia Pavilion*)
- h.) **Ordinance 2016-38.** ..... Rezone: Daphne Rudicell Robison / Property Located Southwest of the Intersection of Guarisco Street and Mancini Avenue / From B-2, General Business District to MU, Mixed Use District
- i.) **Ordinance 2016-39.** ..... Amending the Land Use & Development Ordinance 2011-54 / New Zone: B-1(a), Limited Local Business District

**1<sup>ST</sup> READ**

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

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE  
CITY COUNCIL**

**ROLL CALL**

**CITY COUNCIL:**

|                                   |                    |                   |
|-----------------------------------|--------------------|-------------------|
| <b>COUNCILWOMAN CONAWAY</b>       | <b>PRESENT____</b> | <b>ABSENT____</b> |
| <b>COUNCILMAN LAKE</b>            | <b>PRESENT____</b> | <b>ABSENT____</b> |
| <b>COUNCILMAN FRY</b>             | <b>PRESENT____</b> | <b>ABSENT____</b> |
| <b>COUNCILMAN SCOTT</b>           | <b>PRESENT____</b> | <b>ABSENT____</b> |
| <b>COUNCILMAN LEJEUNE</b>         | <b>PRESENT____</b> | <b>ABSENT____</b> |
| <b>COUNCILWOMAN PHILLIPS</b>      | <b>PRESENT____</b> | <b>ABSENT____</b> |
| <b>COUNCIL PRESIDENT RUDICELL</b> | <b>PRESENT____</b> | <b>ABSENT____</b> |

**MAYOR:**

|                      |                    |                   |
|----------------------|--------------------|-------------------|
| <b>MAYOR HAYGOOD</b> | <b>PRESENT____</b> | <b>ABSENT____</b> |
|----------------------|--------------------|-------------------|

**CITY CLERK:**

|                      |                    |                   |
|----------------------|--------------------|-------------------|
| <b>REBECCA HAYES</b> | <b>PRESENT____</b> | <b>ABSENT____</b> |
|----------------------|--------------------|-------------------|

**CITY ATTORNEY:**

|                 |                    |                   |
|-----------------|--------------------|-------------------|
| <b>JAY ROSS</b> | <b>PRESENT____</b> | <b>ABSENT____</b> |
|-----------------|--------------------|-------------------|



**JUNE 20, 2016  
CITY COUNCIL MEETING  
REGULAR BUSINESS MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER:**

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

**2. ROLL CALL**

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

**Also Present:** Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Ashley Campbell, Environmental Programs Manager; Matt Creel, Code Enforcement Officer; Don Ouellette, Environmental Advisory Committee; Dorothy Morrison, Beautification Committee; Rusty Russell, Bond Counsel, Adams & Reese.

Absent: David Carpenter, Police Chief; Richard Merchant, Building Official; Vickie Hinman, HR Director.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Pastor Charlie Stafford with Coastal Church gave the invocation.

**3. APPROVE MINUTES:**

**June 6, 2016 Council Meeting Minutes:**

There being no corrections to the June 6, 2016 council meeting the minutes they stand approved.

Council President Rudicell handed the gavel over to Council Vice-President Randy Fry.

**PUBLIC HEARINGS:**

|                      |                                                                    |
|----------------------|--------------------------------------------------------------------|
| <b>1.) Rezoning:</b> | <b>Daphne Rudicell Robison</b>                                     |
| Location:            | Southwest of the intersection of Guarisco Street and Mancie Avenue |
| Present Zoning:      | B-2, General Business District                                     |
| Requested Zoning:    | MU, Mixed Use District                                             |
| Recommendation:      | Favorable                                                          |

Mrs. Robinson gave the presentation.

Council Vice President Fry opened the Public Hearing at 6:37 p.m.

No one spoke for or against the proposed Ordinance

Council Vice President Fry handed the gavel back to Council President Rudicell.

**2.) Amending the Land Uses & Development Ordinance 2011-54 / New Zone / B-1(a), Limited Local Business District**

Mrs. Adrienne Jones gave the presentation for a new zoning district B-1(a).

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

No one spoke for or against the proposed ordinance.

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

**4. REPORT OF STANDING COMMITTEES:**

**A. *FINANCE COMMITTEE* – Fry**

The minutes for the June 13<sup>th</sup> meeting are in the packet.

**MOTION BY Councilman Fry to authorize the Mayor to execute all agreements, contracts and documents related to the NJPA Unifirst contract. *Seconded by Councilman Lake.***

**MOTION CARRIED UNANIMOUSLY**

**Financial Reports:**

1.) Treasurer's Report / May 2016

As of May 2016 total unrestricted cash balance is \$12,727,490 and total city cash balance is \$20,377,943.

| Account Type/Title              | 5/31/2016     | 4/30/2016       | Increase<br>(Decrease) from<br>last Month | 5/31/2015     | Increase<br>(Decrease) from<br>Last Year |
|---------------------------------|---------------|-----------------|-------------------------------------------|---------------|------------------------------------------|
| Total Unrestricted Cash Balance | 12,727,490    | 12,949,860      | (222,370)                                 | \$ 10,840,698 | \$ 1,886,792                             |
| Total Restricted Cash Balance   | 7,650,453     | 7,532,278       | 118,175                                   | 8,421,288     | (770,835)                                |
| Total City Cash Balance         | \$ 20,377,943 | \$ 20,482,138   | \$ (104,195)                              | \$ 19,261,986 | \$ 1,115,957                             |
|                                 | 5.8           | 5.9             |                                           | 4.9           |                                          |
| Encumbrances FY 05 - FY 16:     | \$142,877     | (as of 3/31/16) |                                           |               |                                          |

2.) Sales & Use Tax Collections / April 2016

\$1,252,906.65 was collected for April 2016

YTD Variance over budget - \$548,753.95

3.) Lodging Tax Collections / April 2016

Collections for April 2016 were \$95,497.23

YTD Variance over budget - \$22,818.51

The reports will be submitted for audit.

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

The minutes for the June 6<sup>th</sup> meeting are in the packet. No report.

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***C. PUBLIC SAFETY COMMITTEE*** – Conaway

The committee met today at 4:30 p.m., and the minutes will be in the next packet. The next meeting will be July 18<sup>th</sup> at 4:30 p.m.

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

The committee met today after the Public Safety meeting, and the minutes will be in the next packet. There were several items recommended to council. The next meeting will be July 18<sup>th</sup> after the Public Safety meeting.

***E. PUBLIC WORKS COMMITTEE*** – LeJeune

No report.

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

***A. Board of Zoning Adjustments*** – Adrienne Jones

**MOTION BY Councilman Lake to appoint Thomas Warner, III to replace Larry Cooke on the BZA / Term May 2016 – May 2019, and to appoint Herb Cole to replace Thomas Warner III's as a supernumerary on the BZA / Term May 2016 - May 2019 and to reappoint William Scully as a supernumerary to the BZA / Term May 2016 – May 2019. Seconded by Councilwoman Conaway.**

**MOTION CARRIED UNANIMOUSLY**

***B. Downtown Redevelopment Authority*** – Conaway

The next meeting will be Wednesday at 5:30 p.m.

***C. Industrial Development Board*** – Phillips

The next meeting will be June 27<sup>th</sup> 6:00 p.m.

***D. Library Board*** – Lake

The board met last Thursday, and the next meeting will be July 14<sup>th</sup>.

***E. Planning Commission*** – Scott

The next meeting will be Thursday at 5:00 p.m.

***F. Recreation Board*** – LeJeune

Councilman LeJeune reminded everyone of the July 4<sup>th</sup> celebration at Trione Sports Complex.

***G. Utility Board*** – Fry

The next meeting will be June 29<sup>th</sup> at 5:00 p.m.

**6. MAYOR'S REPORT**

- Reported on Resolution 2016-44 saying the savings are up from \$640,000 to \$800,000, and should stay stable
- Reported he has realigned the IT Department and it is now under the Finance Department to receive better direction
- The fiber optics line is being installed and the ring around the city is almost complete
- He is researching a website option with Civic Plus which will be a better platform, and does more than just being a website
- It was a city decision to fly the flags at half-staff

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**7. CITY ATTORNEY REPORT:**

Mr. Ross said that Mr. Rusty Russell is present and can answer any questions regarding Resolution 2016-44. He introduced Caleb Diaz who wants to be a lawyer, and wanted to see how government works.

**8. DEPARTMENT HEAD COMMENTS:**

**David McKelroy – Recreation Director** – reported that Wet & Wild will be on the next two Wednesdays at Lott Park. The fireworks display for July 4<sup>th</sup> will be at Trione Park. Prior to the fireworks from 5:00 p.m. – 8:00 p.m. they will have water slides, hot dogs and lemonade. He gave the sports report.

**Margaret Thigpen – Civic Center/Tourism Director** – reported The Taste of the Eastern Shore will be August 12<sup>th</sup>, and vendors are being accepted, and applications are available at the Civic Center. Tickets go on sale Friday, June 24<sup>th</sup>. She encouraged everyone to visit the Facebook pages for the Daphne Civic Convention and Visitors Bureau, Daphne Civic Center and Bayfront Pavilion. Daphne Convention and Visitors Bureau recently launched [www.DiscoverDaphne.org](http://www.DiscoverDaphne.org) a site designed to offer information for all of the city's tourists.

**Richard Johnson – Public Works Director** - reported the rededication of Gator Alley is July 6<sup>th</sup> at 10:00 a.m. The public and council are welcome.

**9. CITY CLERK'S REPORT:**

No report.

**10. PUBLIC PARTICIPATION**

**Ms. Casey Callaway – Mobile Bay Keepers** – spoke in support of the handbill ordinance.

**Mr. Phil Erhardt – Mobile Press-Register** – spoke regarding the handbill ordinance saying they are committed to the clean sweep project and are willing to do what it takes to clear up the problem.

**Mr. Mike Allen – Owner of Mosquito Authority** – requested that council relax the sign ordinance so that yard signs will be allowed on private property.

**11. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Resolution 2016-22.** . . . . .Daphne Park Improvement Funding Process – Identifying Source of Funds
- b.) **Resolution 2016-39.** . . . . .Appointing the City Clerk to Perform All the Duties Otherwise  
Performed by the Mayor in the 2016 Municipal Election and Run-off  
Election
- b.) **Resolution 2016-40.** . . . . .2016-CDBG for Sewer Hookup in the Whispering Pines & Pollard Road  
Community
- c.) **Resolution 2016-41.** . . . . .Bid Award: Recycling Compactor Trailer-15CY w/Cart Tipper /  
Sole Source / Pro-Trainer, Inc.

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- d.) **Resolution 2016-42.** . . . . . Bid Award: 2016-N-Old Daphne Wharf ROW Drainage Improvements /  
(Project at Lovette Lane – originally referred to as Fannon Property) Ammons  
& Blackmon Construction, LLC
- e.) **Resolution 2016-43.** . . . . . ALDOT Agreement to Participate in the Utility or/Cost Sharing as Required as  
the US 98 ASCT System
- f.) **Resolution 2016-44.** . . . . . Authorize the Mayor to Have Proceedings and Offering Document Prepared  
with Respect to the Series 2016 Warrants

a.) **Resolution 2016-22.** . . . . . Daphne Park Improvement Funding Process – Identifying Source of Funds

**MOTION BY Councilman LeJeune to waive the reading of Resolution 2016-22. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman LeJeune to adopt Resolution 2016-22. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

b.) **Resolution 2016-39.** . . . . . Appointing the City Clerk to Perform All the Duties Otherwise Performed by the Mayor in the 2-16 Municipal Election and  
Run-Off Election

c.) **Resolution 2016-40.** . . . . . 2016 CDBG for Sewer Hookup in the Whispering Pines & Pollard Road Community

d.) **Resolution 2016-41.** . . . . . Bid Award: Recycling Compactor Trailer-15CY w/Cart Tipper / Sole Source / Pro Trainer, Inc.

e.) **Resolution 2016-42.** . . . . . Bid Award: 2016-N-Old Daphne Wharf ROW Drainage Improvements / (Projects at Lovette Lane – originally referred to  
as Fannon Property) Ammons & Blackmon

f.) **Resolution 2016-43.** . . . . . ALDOT Agreement to Participate in the Utility or/Cost Sharing as Required for the US 98 ASCT System

g.) **Resolution 2016-44.** . . . . . Authorize the Mayor to have Proceeding and Offering Document Prepared with Respect to the Series 2016 Warrants

**MOTION BY Councilman Scott to waive the reading of Resolutions 2016-39, 2016-40, 2016-41, 2016-42, 2016-43 and 2016-44. Seconded by Councilman Fry.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to adopt Resolution 2016-39. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilwoman Conaway to adopt Resolution 2016-40. Seconded by Councilman Fry.**

**MOTION CARRIED UNANIMOUSLY**

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- g.) Resolution 2016-41. ....**Bid Award: Recycling Compactor Trailer-15CY w/Cart Tipper / Sole Source / Pro-Trainer, Inc.
- h.) Resolution 2016-42. ....** Bid Award: 2016-N-Old Daphne Wharf ROW Drainage Improvements / (*Project at Lovette Lane – originally referred to as Fannon Property*) Ammons & Blackmon Construction, LLC
- i.) Resolution 2016-43. ....**ALDOT Agreement to Participate in the Utility or/Cost Sharing as Required as the US 98 ASCT System
- j.) Resolution 2016-44. ....** Authorize the Mayor to Have Proceedings and Offering Document Prepared with Respect to the Series 2016 Warrants

**MOTION BY Councilman Scott to adopt Resolution 2016-41. Seconded by Councilwoman Conaway.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to adopt Resolution 2016-42. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to adopt Resolution 2016-43. Seconded by Councilwoman Conaway.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to adopt Resolution 2016-44. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) Ordinance 2016-32. ....**Regulating the Distribution of Handbills in the City of Daphne

**MOTION BY Councilman Lake to postpone Ordinance 2016-32 until the municipal judge and the city prosecutor can review the ordinance, and bring the ordinance back to the July 5, 2016 meeting. Seconded by Councilman Scott.**

**MOTION CAZRRIED UNANIMOUSLY**

**1<sup>ST</sup> READ**

- a.) Ordinance 2016-33. ....**Appripiation of General Funds: Olde Daphne Wharf ROW Drainage Improvements (NRCS Project) / (*Project at Lovett Lane – originally referred to as Fannon Porperty*)
- b.) Ordinance 2016-34. ....**Appropriation of Seven Cents Gas Tax Fund: MPO / ALDOT Project: RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System (Traffic Signal Project for areas: (*Daphne /Fairhope / Spanish Fort*))
- c.) Ordinance 2016-35. ....**Appropriation of Seven Cents Tax Fund: North Court / TimberCreek Drainage Project / Preliminary Engineering

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- d.) Ordinance 2016-36.** . . . . . Appropriation of Seven Cents Tax Fund: Old County Road Drainage Improvements / Project 2015-PW-008
- e.) Ordinance 2016-37.** . . . . . Appropriation of Lodging Tax Funds: For Bayfront Grounds/Landscaping Improvements (*Richard Scardamalia Pavilion*)
- f.) Ordinance 2016-38.** . . . . . Rezone: Daphne Rudicell / Property Located Southwest of the Intersection of Guarisco Street and Mancini Avenue / From B-2, General Business District to MU, Mixed Use District
- g.) Ordinance 2016-39.** . . . . . Amending the Land Use & Development Ordinance 2011-54 / New Zone: B-1(a), Limited Local Business District

**ORDINANCES 2016-33, 2016-34, 2016-35, 2016-36, 2016-37, 2016-38 AND 2016-39 ARE 1<sup>ST</sup> READ**

**12. COUNCIL COMMENTS**

**Mayor Haygood** – wished everyone a safe 4<sup>th</sup> of July.

**Councilwoman Phillips** – thanked everyone for coming out, and she appreciated the comments from Ms. Callaway with the Mobile Bay Keepers, and the Mobile Press-Register. She wants to protect the city’s waterways, and she appreciates the Register doing the clean sweep, and if the sweep continues there won’t be any fines.

**Councilman LeJeune** – asked everyone to continue to pray for the Orlando victims and their families. He wished everyone a happy 4<sup>th</sup> of July.

**Councilman Scott** – looks forward to the change to the city’s website. He appreciates the comments regarding the handbills, and council is stewards of the city.

**Councilwoman Fry** – echoed the previous council comments. He wished everyone a happy 4<sup>th</sup> of July.

**Councilman Lake** – reminded everyone that the fireworks display used to be at the Yacht Club. He mentioned that he has been nominated for hardest working public official in the Lagniappe.

**Councilwoman Conaway** – commended Jane Ellis for doing a great job at the Senior Center, and she thanked Richard Johnson and Dorothy Morrison for the three gazebos that were dedicated.

**Council President Rudicell** – mentioned that Tim Patton will be at the next work session giving an update on the recreation facilities.

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**13. ADJOURN:**

**MOTION BY Councilman Fry to adjourn. *Seconded by Councilwoman Phillips***

**MOTION CARRIED UNANIMOUSLY**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:25 P.M.**

Respectfully submitted by,

Certification of Presiding Officer

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

\_\_\_\_\_  
Pat Rudicell, Council President



DAAPHNE BEAUTIFICATION COMMITTEE

PRESENTS THE THIRD QUARTER

2016 BEAUTIFICATION AWARD

TO

COLOR US KIDS

For Excellence in Beautifying the City of Daphne

Awarded this 5<sup>th</sup> day of July 2016



Dane Haygood, Mayor



Laurel Anderson, Chairperson

## **Public Safety Committee**

*Monday, June 20, 2016*

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

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

### **Committee Members Attending:**

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

### **CALL TO ORDER**

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

**PUBLIC PARTICIPATION** – Victoria Phelps representing Lake Forest POA was in attendance voicing concerns about traffic control at Lawson Road and Ridgewood Dr. intersection. She sent a letter requesting the feasibility of actually installing a 4 way stop. She also mentioned incidences of high speeds around 102 Bayview Drive and the mailbox here being damaged repetitively and asked for a traffic calmer to be installed to limit damage to personal property. Art Anderson lives at 103 Cherry Circle which is close to the intersection of Lawson Rd/Ridgewood Drive and he has witnessed several near misses at this intersection recently. When school is in session there is no way for children to cross and traffic backs up. Steve Sasser was also in attendance to speak in favor on installing the four way stop to help residents at this intersection. He also mentioned his concern for 102 Bayview Drive continually getting mailbox damage from speeding vehicles. Victoria Phelps mentioned that she had pretty good luck with Lake Forest blast email and newsletter about changing speed limit to 25 mph. She also mentioned they would like for the “Wrong Way” sign to be removed at Lawson/Ridgewood.

Richard Johnson said an easy solution to the 102 Bayview Drive issue would be to install rumble strips along the curve to warn drivers that they are too far over. They are inexpensive and maybe will work. Johnson also stated that the cost of a four way stop is minimal. This intersection arrangement has been in effect for 25 years or so and making the change now will mean a lot of kickback from those that have driven this way for years. Councilman Lake thinks the four way stop is a good idea. Councilman Scott stated that when a POA has requested traffic signs we’ve been on it. He thinks we should do it and we’d be better off. Councilman Scott made a motion to move ahead with the four way stop project, motion was seconded and the motion passed. Councilman Fry stated he has no problem with it but that Councilman LeJeune’s kids are at the high school and wanted his input.

### **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

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

### **POLICE DEPARTMENT**

- A. New Business** – Chief Carpenter went over the stats. Chief stated that the budget has been turned in. Capital includes 5 officers (4 patrol and 1 SRO) and 5 vehicles, along with another polygrapher. The COPS grant is still in the system so we have swapped it to cover SRO Officers. Next month Chief would like for SRO Huffman to attend PSC Meeting and explain exactly what an SRO does at the schools. Councilman Fry asked

what foot patrols were. They are close patrols, out on foot at convenience stores, Walmart, schools, etc. Fry asked didn't the PD hire 4 officers last year? Chief responded "No" and that the PD hasn't asked for officers in a few years. Fry also asked how often the PD uses a polygrapher. Lt. Gulsby stated that they are used for pre-employment and in-house cases. It costs \$20,000 for a three week school to certify a polygrapher. Councilman Scott stated that Jay Gerald reported speeders on Lake Forest Blvd (506?). Also he reported that Al Callaway from Loma Alta Towers asked for assistance at the entrance to Loma Alta Towers since it is hidden. Would like rumble strips or a stop sign at Lake Shore Dr intersection. Scott asked Richard Johnson to look at it and let him know what he thinks

Chief advised that the PD has two Tahoe's on the road and 1 almost done. He handed out crossing guard information to PSC members. He advised that Captain Taylor had put this together and had talked to Kelly Kichler about it and she stated that it should really be a contract.

Councilwoman Phillips asked about the propane cannons that go off in Malbis. Chief advised that they are located in the county.

## **FIRE DEPARTMENT**

- A: New Business** – Chief White went over his stats. Chief asked for the council to revisit the request to rebuild Station 2 on Park Drive. He has the 2006 and 2009 mold study and it has gotten worse from 2006 to current. Chief advised that he had two guys file workman's comp because of health issues from the mold. Councilwoman Conaway talked about it in Finance that something needs to be done with that building. Councilwoman Phillips said that in the interim, Finance said to put a portable on the property. Chief White said that would be a nightmare trying to get everyone out to respond to a call, and there would be no place for the administrative staff. Richard Johnson said he studied the 2009 results and there is more risk from outside than in the building. The HVAC is outdated and patched, and the ceiling is leaking. It won't be a quick build on a new fire station. Johnson's opinion is that a new fire station will be a 3 year proposition. The existing station is an asset of the city and you must maintain it. We need to go ahead and address the deficiencies. Councilman Lake is in favor of Fire Station #2 being sold and use the monies to pay for the new fire station on Park Dr. Councilman Scott agrees with Richard Johnson that Station #2 be repaired ASAP and do the upgrades. He stated that rather than the new station being put on Park Dr. he thinks it should be more on the east end of the city. Chief White stated that Starke Irvine gave an estimated value of Station #2 at \$700,000. Scott stated that Starke is not an appraiser and maybe we should get an actual appraiser. Chief White said that we need to retrofit the current roof. Richard Johnson stated this is just reality and we need to put the architect on hold. If we are exposing employees to health hazards, we need to repair Station #2. Councilwoman Phillips asked Chief White if he is comfortable staying at Station #2 while it is being repaired. Chief said we've been staying there for 10 years; hopefully we will be fine until the roof is repaired. Councilman Fry stated to move forward since the funds are already allocated. Motion was made and seconded, motion passed to start repairs on Station #2. Councilman Scott stated the allocated funds were a little over \$300,000 and that can take care of the roof, insulation, HVAC and maybe the roll up doors if Chief wants to replace them. Fry said to turn the architect loose to make it the best we can make it.

**Old Business –**

**OTHER BUSINESS:**

**ADJOURN**

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:17 p.m. Councilman Scott. The next meeting will be Monday, July 18, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

  
Daphne Public Safety Committee

Monthly Report April  
2016

| Patrol Division               | Detective Division:              | JAIL:                                     | Animal Control             | Crimes Reported This Month:  |
|-------------------------------|----------------------------------|-------------------------------------------|----------------------------|------------------------------|
| (Capt. Beedy/Lt. Hempfleng)   | (Capt. Beedy/Lt. Gulsby )        | (Capt. Taylor/Lt. Yelding)                | (Capt. Taylor/ Lt.Yelding) |                              |
| # Complaints                  | 1,212 # New Cases Received: 54   | Total Arrestees Received & Processed: 170 | YTD                        | Arson 0                      |
| Accidents, Private Property   | 20 # Previous Unsolved Cases: 94 | Arrestees by Agency:                      |                            | Burglary – Commercial 0      |
| Accidents, Roadway            | 90 # Cases Solved: 53            | Daphne PD                                 | 837                        | Burglary – Residence 7       |
| Accidents, Traffic Homicide   | 1 Resulting in Total Arrests: 6  | BCSO                                      | 66                         | Burglary - Vehicle 14        |
| Arrest, Controlled Substance  | 3 Felonies: 6                    | Spanish Fort PD                           | 215                        | Criminal Mischief 5          |
| Arrest, Drug Paraphernalia    | 5 Misdemeanors: 0                | Silverhill PD                             | 54                         | Disorderly Conduct 1         |
| Arrest, Felony Marijuana      | 0 Houses Searched 0              | Troopers                                  | 6                          | Domestic Disturbance 3       |
| Arrest, Misdemeanor Marijuana | 7                                | Other Agencies                            | 0                          | False Info to Police 0       |
| Arrest, Alias Warrant         | 57                               |                                           |                            | Felony Assault 1             |
| Arrest, DUI                   | 7 Warrants: 26                   |                                           |                            | Felony Theft 14              |
| Arrest, Felony                | 8 Served                         |                                           |                            | Harassment 2                 |
| Arrest, Misdemeanor           | 89 Agency Assists                |                                           |                            | Identity Theft 2             |
| Assists, Motorist / Citizen   | 173 Recalls (Pd Fines)           | Highest                                   | 29                         | Indecent Exposure 0          |
| Arrests                       | 350 Total Warrants Served        | Lowest                                    | 11                         | Kidnapping 0                 |
| Drug Report                   | 10                               | Meals Served                              | 1,571                      | Menacing 1                   |
| Foot Patrols                  | 625 Sex Offender:                | Medical Cost                              | \$1,640.66                 | Misdemeanor Assault 0        |
| Searches, Vehicle             | 37 New Registration:             | Worker Inmate Hours                       | 187                        | Misdemeanor Theft 20         |
| Security Checks               | 884 Contact Verification         |                                           |                            | Murder 0                     |
| Warnings                      | 260 Total # registered in Daphne |                                           |                            | Other Death Investigations 0 |
|                               | DARE:                            |                                           |                            | Public Intoxication 3        |
|                               | # Hours Report Writing:          |                                           |                            | Public Lewdness 1            |
|                               | # Students Instructed SRO        |                                           |                            | Receiving Stolen Property 1  |
| Drugs Seized:                 | 10 # Students Instructed DARE    |                                           |                            | Reckless Endangerment 1      |
| Money Seized:                 | 0 # Police Reports by SRO        |                                           |                            | Resisting Arrest 0           |
| Vehicles Seized:              | 0 # Arrest by SRO                |                                           |                            | Robbery 3                    |
|                               | CODE ENFORCEMENT:                |                                           |                            | Sex Crime Investigations 1   |
|                               | Warnings:                        |                                           |                            | Suicide 0                    |
| CMV Inspections / CMV OOS     | 17 Citations                     |                                           |                            | Suicide, attempted 0         |
|                               | Warning Compliance               |                                           |                            | Theft of Services 0          |
|                               | Follow – Up                      |                                           |                            | Unauthorized Use of Services |
|                               | Business License/Enforcement     |                                           |                            | Weapon Offenses 3            |
|                               |                                  |                                           |                            | White Collar Crimes 3        |

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

**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period April 2016**

|                                                                  | <b>Current:</b> | <b>FY to Date:</b> |
|------------------------------------------------------------------|-----------------|--------------------|
| <b>Suppression:</b>                                              |                 |                    |
| <b>1-Fire/Explosion:</b>                                         | -               | -                  |
| 10-Fire, Other                                                   | 1               | 3                  |
| 11-Structure Fire/Commercial                                     | 0               | 1                  |
| 11-Structure Fire/Residential                                    | 4               | 11                 |
| 12-Fire in Mobile Property used as fixed structure               | 0               | 0                  |
| 13-Mobile Property (vehicle) Fire                                | 1               | 5                  |
| 14-Natural Vegetation Fire                                       | 2               | 5                  |
| 15-Outside Rubbish Fire                                          | 0               | 0                  |
| 16-Special Outside Fire                                          | 1               | 2                  |
| 17-Cultivated Vegetable Crop Fire                                | 0               | 0                  |
| <b>2-Overpressure Rupture:</b>                                   | 0               | 0                  |
| <b>3-Rescue Call and Emergency Medical Service Incidents:</b>    | 191             | 721                |
| <b>4-Hazardous Conditions (No fire):</b>                         | 1               | 12                 |
| <b>5-Service Call:</b>                                           | 15              | 77                 |
| <b>6-Good Intent Call:</b>                                       | 12              | 72                 |
| <b>7-False Alarm &amp; False Call:</b>                           | 13              | 53                 |
| <b>8-Severe Weather &amp; Natural Disaster:</b>                  | 0               | 0                  |
| <b>9-Other Situation:</b>                                        | 1               | 5                  |
| <b>Total Emergency Calls:</b>                                    | 233             | 940                |
| <b>Monthly Total Calls:</b>                                      | 242             | 967                |
| <b>Highest:</b>                                                  |                 |                    |
|                                                                  | 11:00           | 11:00              |
| <b>Lowest:</b>                                                   |                 |                    |
|                                                                  | <1:00           | <1:00              |
| <b>Average (Minutes/Seconds) :</b>                               |                 |                    |
|                                                                  | 4:36            | 4:36               |
| <b>Training Hours</b>                                            |                 |                    |
|                                                                  | 347.00          | 1756.50            |
| <b>Property Loss - \$</b>                                        |                 |                    |
|                                                                  | \$31,200.00     | \$79,700.00        |
| <b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b> |                 |                    |
|                                                                  | 0               | 0                  |
| <b>Advance Life Support Rescues</b>                              |                 |                    |
|                                                                  |                 |                    |
| <b>Number of Patients Treated</b>                                |                 |                    |
|                                                                  |                 |                    |
| <b>Child Passenger Safety Seat Inspections/Installations</b>     |                 |                    |
|                                                                  | 14              | 36                 |
| <b>Pre-Plans</b>                                                 |                 |                    |
|                                                                  | 76              | 281                |
| <b>Classes</b>                                                   |                 |                    |
|                                                                  | 24              | 90                 |
| <b>Persons Attending</b>                                         |                 |                    |
|                                                                  | 235             | 1263               |
| <b>Plan Reviews</b>                                              |                 |                    |
|                                                                  | 3               | 6                  |
| <b>Final/Certificate of Occupancy</b>                            |                 |                    |
|                                                                  | 2               | 2                  |
| <b>General/Annual Inspections</b>                                |                 |                    |
|                                                                  | 95              | 347                |
| <b>General/Re-Inspections (Violation Follow-up - Annual)</b>     |                 |                    |
|                                                                  | 18              | 94                 |
| <b>Business Licenses</b>                                         |                 |                    |
|                                                                  | 16              | 41                 |
| <b>All Other/Misc. Activities</b>                                |                 |                    |
|                                                                  | 6               | 23                 |
| <b>Total Activities:</b>                                         | 140             | 513                |

Authorized by:

*James White*

# **CODE ENFORCEMENT/ORDINANCE COMMITTEE**

**Wednesday, June 20, 2016**  
**City Hall Executive Conference Room**  
**1705 Main Street**  
**Daphne, AL**  
**5:30 P.M.**

**Councilman Ron Scott, Chairman**  
**Councilman Randy Fry**  
**Councilman Pat Rudicell**  
**Councilwoman Tommie Conway**

**Councilwoman Angie Phillips**  
**Councilman John Lake**  
**Councilman Robin LeJeune**

## **I. CALL TO ORDER/ROLL CALL**

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

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

**Also Present:** Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Kevin Boucher; City Attorney; Richard Johnson, Public Works Director; Code Enforcement Officers: Matt Creel and William Kennedy; James White, Fire Chief; David McKelroy, Recreation Director; Kenny Hanak, Battalion Chief, Fire Department; Victoria Phelps LFPOA; Mobile Press Register representatives: Mr. Denis Welty; Mr. Mel Balch and Mr. Phil Erhardt.

## **II. APPROVE MINUTES / May 16, 2016**

There being no corrections to the May 16, 2016 minutes they stand approved as written.

## **III. PUBLIC PARTICIPATION**

Mr. Phil Erhardt said that they have made improvement in the sweep program, and asked the city to table the handbill ordinance. He thinks they have proved they can handle the issue of picking up the throw-outs.

## **IV. ORDINANCE REVIEW/DISCUSSION**

### **PRESENTATION: Matt Creel / Handbills**

Code Enforcement Officer Matt Creel gave a slide presentation on the distribution of the handbills. He said that he is confused as to the scope of the sweep. He was under the impression that it was the whole city, but it seems it is just a portion of the city. He also asked who he should write the citation to when the packet is thrown in the right-of-way. He said he has seen some improvement in Dunmore, Oldfield and Lake Forest, and has seen improvement in the waterways.

Chairman Ron Scott said that he would like to post-pone the ordinance until the city prosecutor and the municipal judge has a chance to review the ordinance. He requested the City Clerk send the ordinances to them. He also requested that the number to call to stop delivery be put on the city's website.



**a.) Discuss: Motor Vehicle Operations & Take Home Policies**

The following amendments were made:

- Include a clause that there will be a GPS device on vehicles for tracking
- Employees sign an acknowledgement that says GPS tracking is used and waiving any objection to same
- Section II (1) (a) - remove sentence that reads: All marked and unmarked vehicles must be parked at the officer's place of residence in a visible position so as to be in public view
- Section II - That Recreation be added to the Take Home Vehicle Policy
- Section I (M) - That council does not need the Mayor's permission to have commuters in the city vehicle

Richard Johnson mentioned that the city needs a resolution unifying the logos on vehicles.

**MOTION BY Councilman Rudicell to recommend the Motor Vehicle Operations & Take Home Policies ordinance to the City Council and to put it on the July 5, 2016 council meeting agenda. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

**b.) Discuss: Pre & Post Retirement Benefit Plan**

A plan should be in place by October 1, 2016. Council needs to make adjustments for current employees as to what they will pay for their medical insurance. Singles: \$30; Families: \$200 and Retiree's who have retired before November 1, 2016 – City pays 90% of the premium charged to the city and the retiree will be responsible for the remaining 10%. Those who retire after November 1, 2016: City will pay 75% of the premium charged to the city and retiree will be responsible for the remaining 25%. Anyone hired after November 1, 2016: City pays 50% of the rate charged to the city and the retiree will be responsible for the remaining 50%.

The committee recommended the ordinance be sent to the July Finance Committee. They also need input from Human Resources.

**c.) Discuss: Regulating ATV's in Central Park**

The committee discussed how to enforce an ordinance on city property. The city can ban the use of ATV's in the right-of-way, and they can be ticketed if they do not have a license plate when on public streets. Ashley said that you can write a ticket for trespassing on private property with owner's permission. Ashley also said that after two or three times you can confiscate the vehicle.

The committee asked legal to bring an ordinance forward, and to send it to the Police Department, the municipal judge and city prosecutor for review, and then come back to the committee.

**d.) Discuss: Franchise Fees for Private Solid Waste Haulers**

Richard Johnson said that Daphne does not charge a franchise fee for private solid waste haulers. He said that everybody needs to have a franchise agreement, and it is open to everybody. He felt 4% would be a fair fee. The effective date could become effective the first of the year. Councilman Scott said it would need to be in place 90 days before it becomes effective. Richard suggested putting the money toward the road fund.

Victoria Phelps – Lake Forest Property Owners Association (LFPOA) said the ATV's were not causing damage not just to the disc golf course but also private property and waterways projects. She said that the LFPOA would be in support of an ordinance to fix this problem.



**IV OTHER BUSINESS**

No other business to discuss.

**II. NEXT MEETING / July 18, 2016.**

**III. ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT  
6:25 P.M.**

**DOWNTOWN REDEVELOPMENT AUTHORITY  
DAPHNE CITY HALL  
1705 MAIN STREET, DAPHNE, AL 36526  
JUNE 22, 2016**

**COMMITTEE MINUTES**

**MEMBERS PRESENT:** Chairman Casey Zito, Dayna Oldham, Debbie Strahley, Ken Balme, Dorothy Morrison, Doug Bailey, Nicole Simms, and Kiki Mikkelsen

**COUNCIL LIASON PRESENT:** Councilwoman Tommie Conaway and Councilman Pat Rudicell.

**ALSO PRESENT:** Jenny White, Recording Secretary

**MEMBERS ABSENT:** Daniel Dyas, Sr., Brandy Lister, and Patricia Vanderpool

**1. CALL TO ORDER**

*There being a quorum present Chairman Casey Zito called the meeting to order at 5.30 p.m.*

**2. PUBLIC PARTICIPATION**

There was no public participation.

**3. APPROVAL OF MINUTES / May 25, 2016**

**Motion by Dorothy Morrison** to approve the minutes from May 25, 2016 meeting as written. **Seconded by Kiki Mikkelsen.**

**Motion Carried Unanimously.**

**4. TREASURER'S REPORT**

Doug Bailey gave Treasurer's Report.

**Statement 5/02/2016 – 5/31/2016:**

**May Beginning Statement Balance – \$200,213.06**

|             |              |                |            |                          |
|-------------|--------------|----------------|------------|--------------------------|
| Deposit     | May 9, 2016  | Bryant Bank    | \$5,221.14 | April Tax Collection     |
| Check #1035 | May 27, 2016 | Market on Main | \$965.00   | Mini Grant Reimbursement |
| Service Fee | May 31, 2016 | Bryant Bank    | \$3.00     | Service Fee              |

**May Ending Statement Balance - \$204,466.20**

Chairman Casey Zito commented on motion from last month to move forward with Bryant Bank electronic statements to waive the \$3.00 service fee monthly. Chairman Zito reported the account is now setup to receive electronic statements. Chairman Zito and Doug Bailey are setup to receive the electronic statements monthly.

## **OLD BUSINESS**

### **I. Website – Chairman Casey Zito**

Chairman Casey Zito gave update on website. She informed committee that the website designer has submitted proposal to J&F Solutions. J&F Solutions has approved and will fully fund website design. Chairman Zito needs someone to work on history and merchants' page. She would like to have a history page to show how board was comprised with funding authority. Member information has been forwarded to website designer. She asked members about preference of contact on information page. Dayna Oldham commented she would like to have the page setup to email board members. Chairman Zito is drafting board page with mission statement. She noted statement will detail all members live within Daphne and their term. Chairman Zito commented the website designer is working on calendar. She commented website will have multiple administrators.

### **II. Brochure and Rack Card Reprint Update – Ken Balme**

Ken Balme gave update on brochure and rack card reprint. Ken has turned brochure over to Sarah Toulson, graphic designer. Ken commented the project should go to print next month. Chairman Zito asked for a revised date on brochure. She commented the last brochure was printed two years ago. Discussion of reprint has been within last six (6) months. Chairman Zito would like to keep brochure updated quarterly as we receive information moving forward. Chairman Zito suggested printing approximately 5000 copies.

Ken Balme has Sarah Toulson working on graphic design of rack card. Ken displayed example to committee. Ken would like to have sunset pictures on rack card with sunset times. Dayna Oldham commented she liked the card. She would like to see some blue color added to water as addition to rack card.

**Motion by Dayna Olham** to authorize Ken Balme authorization to continue working on rack card design not to exceed expenses over \$240.00. **Seconded by Doug Bailey.**

**Motion Carried unanimously.**

### **III. Critin Property Parking Lot – Chairman Casey Zito**

Chairman Casey Zito tasked Doug Bailey to provide construction cost estimate on what it would take to ready the site and turn into parking lot. Doug will provide estimate to committee prior to our next meeting to review.

**IV. Belle Laurendine Committee Member Appointment:  
September 2016 – Chairman Casey Zito**

Chairman Casey Zito advised committee members they're not eligible for mini grants as members on committee. Belle Laurendine received a motion on May 25, 2016 for a mini grant. Belle also expressed interest to be a DRA committee member and received a motion on May 25, 2016. Chairman Zito advised legal has determined members can not apply for a mini grant as a member on committee. Belle Laurendine member appointment will be postponed until September 2016 until mini grant is complete. Belle Laurendine appointment will go before council in September.

Chairman Zito notified all members if they want to apply for a mini grant they will need to step down as a member. She informed members they can apply again to be appointed as a member after completing mini grant.

**NEW BUSINESS**

**I. Underground Utilities – Councilman Pat Rudicell**

Councilman Pat Rudicell discussed the underground utilities project is not ready to discuss at tonight's meeting. Councilman Tommie Conaway was present. Councilman Robin Lejeune was not able to attend the meeting. Councilman Rudicell commented a plan is currently being worked on for the underground utilities project in downtown Daphne. Councilman Rudicell commented Tim Patton with Volkert, Inc. is preparing a proposed plan for the underground utilities project that will be presented in July. Councilman Rudicell said the council will keep committee informed and put back on agenda at later date.

**II. Fall Festival**

Kiki Mikkelsen discussed with committee the proposed concept for Fall Festival. Kiki has a meeting on Wednesday, June 23, 2016 to discuss with Mayor Haygood. Kiki offered the name to committee, "Boo on the Bay". Committee was receptive to name. Kiki will follow-up at next meeting reference mayor's comments. The committee was supportive of "Boo on the Bay". The festival will be discussed further at the next meeting reference mayor's comments and will move forward with setting up subcommittees for event.

**5. OTHER BUSINESS DEEMED NECESSARY**

**I. Industrial Development Board – Doug Bailey**

Doug Bailey gave Industrial Development Board report that the annexation of property zoning at Technology Park is moving forward.

### **III. Beautification Committee – Dorothy Morrison**

Dorothy Morrison gave Beautification Committee report. Dorothy provided presentation to committee on the City of Daphne dedication of the three new gazebos on June 6, 2016; Joe Louis Patrick Park, Park City Park, and Daphne Central Park. Dorothy mentioned Lake Forest provided refreshments at the conclusion of dedication. Dorothy added James Gordon from Channel 15 WMPI was present at event and interviewed her at the dedication.

Dorothy invited everyone to the Gator Alley Dedication on July 6, 2016 at 10:00 a.m. at Homewood Suites in Daphne in the Blakely Room. The dedication will move forward to 29474 N. Main Street from Homewood. Dorothy announced the state would be present. She commented there would be refreshments; alligator shaped cookies and bottle water with alligator stickers.

### **IV. Committees – Chairman Casey Zito**

Chairman Casey Zito discussed the City of Daphne committees. She would like our members to be involved within other committees to have understanding of current issues. Dayna Oldham expressed interest in planning and zoning. Kiki Mikkelson asked if the committee minutes are on line. Councilman Rudicell commented the minutes are on line within the council packets for review. Chairman Zito advised we could all review minutes online.

### **V. Welcome New Business – Dorothy Morrison**

Dorothy Morrison gave report on “Welcome New Business”. Dorothy shared the welcome packets she has prepared with gift certificates from local shops Eastern Shore Café and the Sweet Shop along with brochures. Dorothy is awaiting welcome letters from the mayor and DRA to go in the welcome packets. Chairman Zito commented she's preparing draft letter from DRA.

### **6. NEXT MEETING**

Our next meeting is scheduled for July 27, 2016 at City Hall in the Executive Conference Room at 5:30 p.m.

### **7. ADJOURN MEETING**

Chairman Casey Zito asked for motion to adjourn meeting.

**Motion by Doug Bailly** to adjourn meeting at 6:52 p.m. with no other business to consider.  
**Seconded by Dorothy Morrison.**

**Motion Carried Unanimously.**

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of May 26, 2016  
Council Chamber, City Hall - 5:00 P.M.

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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:

Ed Kirby  
William Scully  
Marybeth Bergin, Secretary  
Charles Smith, Vice Chairman  
Larry Chason, Chairman  
Tyrone Fenderson (arrived @ 5:05 p.m.)  
Ron Scott, Councilman  
Hudson Sandefur  
Chief White

Staff Present:

Adrienne Jones, Director of Community Development  
Jan Vallecillo, Planning Coordinator  
Kevin Boucher, Attorney

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of March 24, 2016. Mr. Kirby requested to abstain due to his absence at that meeting and stated meeting was prior to his reappointment to Planning Commission. After discussion, the minutes were approved as submitted.*

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

Chairman asked for questions, comments or corrections to the minutes *of the special meeting of May 5, 2016. Chairman requested to change the phrase prefacing a motion to: the Chairman will entertain a motion. Ms. Jones commented that is a template that is used, and the proposed verbiage will be used in the future. Mr. Scully expressed his appreciation of Ms. Vallecillo conscientious notation of his late arrival of 5:51 p.m. at the last meeting. Chairman stated you never know when that may be important. After discussion, the minutes were approved as submitted.*

The next order of business is site plan review for Christ the King Athletic Complex Phase I.

An introductory presentation was given by Mr. Bruce Smith, representative of Cowles, Murphy & Glover, and Mr. John Crane, representative of Christ the King Catholic Church, requesting to table that portion of the site plan review regarding the sidewalk issue, and to be able to move forward with the building permit process for the construction of the restrooms located southeast of Main Street and Trione Avenue.

Chairman asked for Commission questions or comments and stated the submission of a site plan for a concession stand is the reason that the installation of sidewalks was required.

Ms. Jones stated the initial site plan consisted of the concession stand and parking lot. Prior to site preview, they withdrew that portion of the plan applicable to the parking lot; however, Mr. Johnson's comments were based on the initial plan of which his review recommended the installation of sidewalks for connectivity to the concession stand, parking lot, and the existing facilities of Christ the King. The applicant is requesting to continue with the plans to construct a concession stand, contingent upon the submission of a sidewalk plan at the next regular meeting.

Mr. Scully stated he is opposed to approval of a plan in violation of the ordinance and commented that the applicant should either request a waiver for the installation of sidewalks or provided a plan. Chairman stated this is a request to grant a thirty-day extension of the submission of a sidewalk plan, not a waiver. Mr. Scully asked if the site is approved to construct the slab, and the applicant cannot afford to construct sidewalk, then what happens. Mr. Scott stated the Building Official will not issue a certificate of occupancy for the use of the building.

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. Sandefur to grant conditional site plan approval to the revision to Christ the King Athletic Complex Phase I, and the terms of the conditions include: the applicant's sidewalk plan shall be submitted for Planning Commission review within thirty-days as of this date, May 26, 2016; no certificate of occupancy for the concession stand will be granted until said sidewalks plan is approved. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for the Bay Pointe Dance Academy.

An introductory presentation was given by Ms. Katherine Huffman, representative of PCDA Architecture, and Chris Lieb, Lieb Engineering Company.

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Ms. Huffman stated we are requesting site plan review of a dance academy with associated access from Equity Drive to Rand Avenue, parking, and landscaping located northwest of Equity Drive and Rand Avenue on Lot 18, Austin Place Commercial Park, Phase Two.

Chairman asked for Commission questions and comments and requested the status of the ADEM permit and a revision to the turn-out radius. Mr. Lieb stated the plans have been revised and the permit is pending.

Chairman stated this storm water for this site is directed into a common detention facility, and at site preview, Ms. Campbell commented that the City is acquiring a grant to repair and maintain the pond. The applicant requested a waiver of the installation of sidewalks.

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. Kirby **to grant approval of the site plan of Bay Pointe Dance Academy and waived the requirement for the installation of sidewalks. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Uncle Joe Subdivision.

An introductory presentation was given by Mr. Carl Wade, the owner, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately two point two located southwest of Garrett Road and County Road 54.

Chairman asked for Commission questions or comments.

Mr. Wade stated this is a subdivision of a two-acre parcel into two lots for the purpose of the construction of a home.

Chairman stated the site has potable water and septic tank. He opened the floor to public participation. No one came forth, he closed public participation.

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. Fenderson **to grant approval of the preliminary/final plat for Uncle Joe Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for rezoning for Robert McBride, Lissa McBride, David Romero & Ellen Romero.



An introductory presentation was given by Mr. Starke Irvine, representative of Irvine Co., Inc., of a request to rezone five point nine three acres located southeast of Pollard and Well Road.

Chairman noted an agenda correction regarding the location as southeast of Pollard and Well Road, not southwest.

Chairman asked for Commission questions or comments.

Mr. Irvine stated the adjacent property located in the city limits is B-2, and the Chairman stated the adjacent property in the county is zoned industrial for a concrete manufacturer.

Mr. Scully asked if the driveway southeast of Pollard is a part of this development. Mr. Irvine stated Bellue Lane is the access to one of these parcels.

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

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. Kirby of an affirmative recommendation by the Planning Commission to the City Council of a request to rezone of five point nine three acres located southeast of the intersection of Pollard and Well Road from a R-1, Low Density Single Family Residential, to a B-2, General Business, for Robert McBride, Lissa McBride, David Romero & Ellen Romero. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for rezoning for Anne K. Irvine.

An introductory presentation was given by Mr. Starke Irvine, representative of Irvine Co., Inc., of a request to rezone one point one nine acres located northwest of County Road 64 and Pollard Road, and that the parcel is the remainder of a prior subdivision, La Piazza De San Francisco, and the zoning would be consistent with the parcels to the north and east, Hughes Funeral Home and Baldwin Bone & Joint.

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

Mr. Irvine stated recently the Commission had approved a resubdivision of La Piazza De San Francisco Subdivision which created an additional buffer to the west of forty-five feet which consists of a buffer area, detention, and utility easements.

Mr. Irvine stated that he intends to extend that buffer onto the subject property.

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

**A Motion was made by Mr. Fenderson and Seconded by Mr. Smith of an affirmative recommendation by the Planning Commission to the City Council of a request to rezone one point nine acres located northwest of County Road 64 and Pollard Road from a R-4, High Density Single Family Residential, to a B-2, General Business, for Anne K. Irvine. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for rezoning for AJD Family Limited Partnership, L.L.C.

An introductory presentation was given by Ms. Patsy DeFilippi, the owner, and Tania Lazzari, the owner's representative, of a request to rezone ten point three eight acres located southeast of the intersection of County Road 64 and Friendship Road of which there is recorded restrictive covenants and an architectural review board. They stated that they verified that the seventy acres of vacant farm land to the east under the same ownership is zoned B-2, Local Business District, in Baldwin County District 15.

Chairman asked for Commission questions or comments and stated that B-2, Local Business District, Baldwin County District 15, mirrors our B-1, Local Business District.

Mr. Scully commented that the Commissioners should make a recommendation to the City Council to update the Comprehensive Plan. Mr. Scott stated that Ms. Jones has asked the City Council to appropriate funds an update to the plan.

Mr. Scott stated the City Council at our recommendation has annexed the right-of-way of County Road 64 from County Road 13 to Alabama Highway 181.

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

Mr. Bill Chapman of St. Stephen Catholic Church, 25566 Friendship Road, expressed his concerns regarding traffic and drainage on Friendship Road and County Road 64.

Ms. Carolyn Wright, 25759 Friendship Road, reiterated Mr. Chapman's concerns regarding traffic congestion on Friendship Road and County Road 64.

Mr. Scott stated the Planning Commission makes a recommendation to the City Council, and that body will hold a public hearing which gives you another opportunity to speak on this issue.

Chairman closed public participation and commented that Mr. Johnson told me that County Road 64 is well suited to handle the volume of traffic that we have there now.

Mr. Kirby asked is the offset shown on the vicinity map is a part of the rezoning. Ms. DeFilippi stated no because that is the detention pond.

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. Fenderson **of an affirmative recommendation by the Planning Commission to the City Council of a request to rezone ten point three eight acres located southeast of the intersection of County Road 64 and Friendship Road from B-1, Local Business, to B-2, General Business, for AJD Family Limited Partnership, L.L.C.**

During discussion, Chairman expressed his disappointment in the request to rezone from B-1 to B-2, General Business, rather than the softer zoning district of B-2(a), General Business Alternate, and stated although there is an architectural review board in place, that he could not support the request.

Mr. Scully asked if the Chairman proposed an amendment to the motion. Chairman stated that he cannot make or amend a motion.

Mr. Fenderson stated that with the B-2 she would have the opportunity for consistency and continuity in the neighborhood.

Mr. Scott stated Mobile Lumber Company on Friendship Road is an intense use; therefore, this rezoning would be consistent with uses in this area. The owner could use the restrictive covenants and the architectural review to be a good neighbor.

**The Motion carried. Mr. Chason dissented.**

The next order of business is a request for rezoning for Eastern Shore Associates, L.L.C.

An introductory presentation was given by Mr. Andy Bobe, representative of Dewberry Preble-Rish, of a request to rezone four point three six acres located northwest of the intersection of Halls Lane and U.S. Highway 98 and discussed the realignment of Halls Lane and the service road to accommodate at traffic signal in alignment with Lavender Lane.

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

Mr. Rye, Daphne Court, stated that she did not receive a notification letter, but was not opposed to the development. She asked if the developer is going to retain the wooded area along the west property line. Mr. Bobe stated the wooded area will remain along the west boundary of the rear buildings.

Chairman closed public participation.

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

A **Motion** was made by Mr. Bergin and **Seconded** by Mr. Kirby of an **affirmative recommendation by the Planning Commission to the City Council of a request to rezone four point three six acres located northwest of the intersection of Halls Lane and U.S. Highway 98 from a B-2, General Business, to R-7(T), Townhouse District, for Eastern Shore Associates, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for annexation for Bills' No. 2, L.L.C.

An introductory presentation was given by Ms. Jones, Director of Community Development, of a request for annexation of seventy-three point six acres located at the southwest corner of Champions Way and Alabama Highway 181.

Chairman asked for Commission questions or comments and if the request for the entire seventy-three acres as PUD. Mr. Scully asked will the property be annexed in increments. Ms. Jones stated at this time, the request is for the entire subdivision which is already pre-zoned 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. Fenderson of an **affirmative recommendation by the Planning Commission to the City Council of a request to annex seventy-three point six acres located at the southwest corner of Champions Way and Alabama Highway 181 for the Bills' No. 2, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is planning commission discussion.

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An introductory presentation was given by Adrienne Jones, Director of Community Development Director, of the Land Use and Development Ordinance, Article 31(j)(18)(19), Home Occupations, regarding outdoor display or storage of materials, supplies or equipment used in the operation of a business shall be permitted outside the dwelling; that an automobile/truck/boat/vehicle related business is permitted as a home occupation.

Chairman asked for Commission questions or comments.

Mr. Scully asked is the business in operation. Ms. Jones stated no.

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 Ms. Bergin of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to repeal Ordinance 2011-54, Land Use and Development Ordinance, Article 31(j)(18)(19), Home Occupations, to the following: an outdoor display or storage of materials, goods, supplies or equipment used in the operation of a business shall not be permitted outside a dwelling; an automobile/truck/boat/vehicle related business shall not be permitted as a home occupation. Vehicle related businesses include, but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales. There was no discussion on the motion. The Motion carried unanimously.**

No minutes were recorded for other Planning Commission discussion.

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. Boucher stated no report.

The next order of business is commissioner's comments.

Chairman commented on the need to schedule work sessions to discuss a revision to the 2003 Comprehensive Plan and Future Land Use Map to address changes at the corridor of the city limits. Mr. Scott stated the Community Development Director has asked for a budget appropriation of funds for such a revision. Ms. Jones stated a consultant will assist in the preparation of the plan.

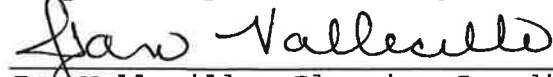
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The next order of business is director's comments.

Happy Memorial Day!

*There being no further business, the meeting was adjourned at 7:16 p.m.*

*Respectfully submitted by:*

  
\_\_\_\_\_  
Jan Vallecillo, Planning Coordinator

Approved: June 23, 2016

  
\_\_\_\_\_  
Larry Chason, Chairman

CITY OF DAPHNE  
PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JUNE 23, 2016  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. CALL TO ORDER

2. CALL OF ROLL

3. APPROVAL OF MINUTES: Review of minutes for the regular meeting of May 26, 2016.

4. NEW BUSINESS:

A. SUBDIVISION EXEMPTION REVIEW:

1. File SRP16-04:

**Subdivision:** Replat of Lot 2, Revised TimberCreek Recreational Area, Jubilee Child Care Center & Preschool

**Zoning:** R-3, High Density Single Family Residential District

**Location:** Southwest of the intersection of Highway 31 and TimberCreek Boulevard

**Area:** 1.62 Acres  $\pm$ , (1) lots

**Owner:** JECDC Realty, L.L.C. - Douglas McLeod

**Agent:** McCrory & Williams - Daryl Russell

**Surveyor:** McCrory & Williams - Merlin Miller

B. SITE PLAN REVIEW:

1. File SP16-09:

**Site:** Daphne Commercial Center

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

**Location:** Northeast of the intersection of Urgent Care Drive and Alabama Highway 181, Avenue, Lot 1, Block C, Historic Malbis Subdivision, Phase One

**Area:** 1.4  $\pm$  Acres

**Owner(s):** Trustmark National Bank - Joe Lane, First Vice President

**Agent:** HSC 181, L.L.C. - H. Ray Hix, Jr.

**Engineer:** Jade Consulting - Trey Jinright

C. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF16-13:

**PUBLIC HEARING**

**Subdivision:** Penry

**Zoning(s):** RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

**Location:** Southwest of Lazzari Lane and County Road 54 East

**Area:** 2.4 Acres  $\pm$ , (2) lots

**Owner:** Betty Penry

**Surveyor:** Smith, Kolb & Associates - Hunter Smith

**D. PRELIMINARY PLAT REVIEW:**

**1. File SDP16-02: PUBLIC HEARING**

**Subdivision:** Brookhaven, Unit 3

**Zoning(s):** *R-3, High Density Single Family Residential*

**Location:** Northwest of Gramercy Lane and Whispering Pines Road

**Area:** 14.70 Acres  $\pm$ , (39) lots

**Owner(s):** Feliciter Investment Group, L.L.C. - Nathan Cox

**Agent:** Dewberry Preble-Rish - Steve Pumphrey

**Surveyor:** Dewberry Preble-Rish - David Diehl

*approved*

**2. File SDP16-03: PUBLIC HEARING**

**Subdivision:** Oldfield, Phase 2B

**Zoning(s):** *R-3, High Density Single Family Residential, and R-6(G), Garden or Patio Home*

**Location:** South and west of Oldfield Subdivision, Phase One

**Area:** 37.10 Acres  $\pm$ , (84) lots

**Owner(s):** Red Barn, L.L.C. - Julio Corte, Jr.

**Agent:** Dewberry Preble-Rish - Steve Pumphrey

**Surveyor:** Dewberry Preble-Rish - David Diehl

*approved*

**E. PLANNING COMMISSION DISCUSSION:**

**Discussion regarding proposed land use amendments**

**5. PUBLIC PARTICIPATION**

**6. ATTORNEY'S REPORT**

**7. COMMISSIONER'S COMMENTS**

**8. DIRECTOR'S COMMENTS**

**9. ADJOURNMENT**

*unanimous favorable recommendation to amend LUDO re: subdivisions, exemptions & sidewalks.*



**SET PUBLIC HEARING DATE  
FOR**

**AUGUST 15, 2016**

**TO CONSIDER:**

- 1.) Amending the Land Uses & Development Ordinance / Article XI,  
Minimum Standards and Requirements for Subdivisions and Commercial  
Site Developments / Revised Subdivision Exemptions / New ETJ  
Exemptions / Revised Sidewalk Provisions**

**Recommendation: Unanimous Favorable**

## Rebecca A. Hayes

---

**From:** Adrienne Jones  
**Sent:** Wednesday, June 29, 2016 4:47 PM  
**To:** Rebecca A. Hayes; Jenny Opal White  
**Subject:** WORD VERSION OF PROPOSED AMENDMENTS TO: Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Site Developments  
**Attachments:** June 2016\_Proposed Amendments to LUDO Article 11, Revised Subdivision Exemptions, New ETJ Exemptions, and Revised Sidewalk Provisions.docx

For your copy paste.

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**From:** Adrienne Jones  
**Sent:** Wednesday, June 29, 2016 4:44 PM  
**To:** Rebecca A. Hayes  
**Cc:** Jenny Opal White; Jan Vallecillo; Pat Johnson  
**Subject:** REQUEST FOR CITY COUNCIL TO SET A PUBLIC HEARING FOR PROPOSED AMENDMENTS TO: Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Site Developments

Hi Becky,

Please consider this email a request for City Council to set a public hearing for amendments to the Land Use & Development Ordinance as attached.

Thank you,  
Adrienne



**Adrienne Jones**  
**Planning Director**  
ajones@daphneal.com  
City of Daphne, Alabama - "The Jubilee City"  
Phone: 251-621-3184 Web: www.daphneal.com

## **PROPOSED AMENDMENT TO SIDEWALK PROVISIONS**

### **ARTICLE XI MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS**

*Revised 09/03/13: Amended Section 11-14(h) Common Open Space and Recreation Provisions  
per Ordinance #2013-46*

#### **11-11 SIDEWALKS**

- (a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

- (b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.

Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

| Type of Subdivision      | Sidewalk Width |
|--------------------------|----------------|
| Low Density Residential  | 4 feet         |
| High Density Residential | 5 feet         |
| Commercial or Industrial | 6 feet         |

- (c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations: ~~as follows:~~

- (1) Along the perimeter of all developments where adjacent to City

Moved (insertion) [2]

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Moved (insertion) [1]

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Moved down [3]: Due consideration shall be given to the feasibility of sidewalk installation depending upon the proposed development. Except where exempted or modified by the Planning Commission,

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## **PROPOSED AMENDMENT TO SIDEWALK PROVISIONS**

right-of-way.

- (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in *Section 11-14, Special Provisions* herein. Final plat shall not be approved until this provision is satisfied.
- (3) Along the right-of-way within each residential subdivision development.

- (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

**Moved up [1]:** <#>Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.¶

**Deleted:** ¶

- (d) Restrictive covenants and the final subdivision plat, as required in *Article 17, Subdivision Review*, shall provide for the installation sidewalks by individual home owners or the developer:

**Moved up [2]:** <#>All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. ¶

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

- (e) Additional Provisions:

- (1) Subdividers may also be required to provide access through greenways and common areas.
- (2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.
- (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.

- (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.
- (4) Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

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**Moved (insertion) [3]**

**Deleted:** Due consideration shall be given to the feasibility of sidewalk installation depending upon the proposed development. Except where exempted or modified by the Planning Commission,

- f) Exemptions:

The developer may submit on appropriate forms a request for an exception to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving

**PROPOSED AMENDMENT TO SIDEWALK PROVISIONS**

an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the Public Works Division director or designee thereof.

## PROPOSED AMENDMENT TO EXEMPTION PROVISIONS

### 11-5 SUBDIVISION EXCEPTIONS AND EXEMPTIONS

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the subdivider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify or waive such regulations so the subdivider may subdivide his property in a reasonable manner provided that such modification or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Daphne shall be protected. Any such modification together with reasons therefore shall be so noted in the minutes of the Planning Commission.

(a) Modifications/Waivers:

In granting modifications or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification or waiver and still substantially maintain the objectives of these regulations. Each modification or waiver of the regulations sought by a subdivider shall be applied for and acted upon individually by the Planning Commission.

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway

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## PROPOSED AMENDMENT TO EXEMPTION PROVISIONS

construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of foreclosure;
3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
7. A "one-time" split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision

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### PROPOSED AMENDMENT TO EXEMPTION PROVISIONS

of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

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**CITY OF DAPHNE  
ORDINANCE NO. 2016-**

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

Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and  
Commercial Site Developments: Subdivision Exceptions & Exemptions within City Limits;  
Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk 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 June 23, 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 \_\_\_\_\_; 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 AS FOLLOWS:**

Delete Subsection 11-5, Subdivision Exceptions and Exemptions, Subsection (b) Subdivision Exemptions in its entirety, and to replace it as follows:

~~(b) — Subdivision Exemptions:~~

~~The sale or exchange of lots or parcels of land or the relocation of an interior lot line between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur. No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.~~

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.

**SECTION II: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:**

Ordinance to add Subsection 11-5 (c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions to the Land Use & Development Ordinance:

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of

foreclosure;

3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
7. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

**SECTION III: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:**

Delete Subsection 11-1, Sidewalks, in its entirety, and to replace as follows:

## 11-11 SIDEWALKS

(a) ~~It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments. Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.~~

(b) ~~Construction of sidewalks, shall comply with the following standards:~~

| <del>Type of Subdivision</del>      | <del>Sidewalk Width</del> |
|-------------------------------------|---------------------------|
| <del>Low Density Residential</del>  | <del>4 feet</del>         |
| <del>High Density Residential</del> | <del>5 feet</del>         |
| <del>Commercial or Industrial</del> | <del>6 feet</del>         |

(c) ~~Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicular and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation. Due consideration shall be given to the feasibility of sidewalk installation depending upon the proposed development. Except where exempted or modified by the Planning Commission, sidewalks shall be installed as follows:~~

(1) ~~Along the perimeter of all developments where adjacent to City right of way.~~

(2) ~~Along the right of way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.~~

(3) ~~Along the right of way within each residential subdivision development.~~

- ~~(4) Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.~~
- ~~(5) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.~~
- ~~(6) All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.~~
- ~~(d) Restrictive covenants, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer.~~

~~The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty four (24) month period.~~
- ~~(e) Additional Provisions:~~
  - ~~(1) Subdividers may also be required to provide access through greenways and common areas.~~
  - ~~(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.~~
  - ~~(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.~~
  - ~~(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.~~

## 11-11 SIDEWALKS

- (a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments in order to connect gaps between existing or planned sidewalk circulation

systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

(b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

| Type of Subdivision      | Sidewalk Width |
|--------------------------|----------------|
| Low Density Residential  | 4 feet         |
| High Density Residential | 5 feet         |
| Commercial or Industrial | 6 feet         |

(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:

- (1) Along the perimeter of all developments where adjacent to City right-of-way.
- (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.
- (3) Along the right-of-way within each residential subdivision development.
- (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

(d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

(1) Subdividers may also be required to provide access through greenways and common areas.

(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.

(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.

(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:

The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the Public Works Division director or designee thereof.

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 IV: 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 V: 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 VI: 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 \_\_\_\_\_ 2016.**

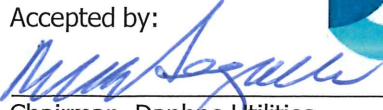
Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk



Accepted by:

  
Chairman, Daphne Utilities



# APPROVED MINUTES

## Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ May 25, 2016 ♦ 5:00 p.m.

### I. Call to Order

The regular May 2016 Board meeting for the Utilities Board of the City of Daphne was held on May 25, 2016 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

### II. Roll Call

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

**Members Absent:** Selena Vaughn, Board Member

**Others Present:** Jerry Speegle – Board Attorney - arrived at 5:08pm  
Danny Lyndall – General Manager  
Van Baggett – Operations Manager  
Drew Klumpp – Administrative Services Manager  
Teresa Logiotatos – Finance Manager  
Lori May-Wilson – Executive Assistant  
Melinda Immel – Volkert & Associates  
Ray Moore – HMR  
Robbie Strom – HMR

**Others Absent:**

### 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 March, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the March 30, 2016 Utilities Board Meeting.

**MOTION BY Mayor Dane Haygood to approve the submitted Minutes for the March 30, 2016 Utilities Board meeting; Seconded by Billy Mayhand.**

AYE: Fry, Haygood, Mayhand, Segalla, NAY:

ABSENT: Vaughn

ABSTAIN:

**MOTION CARRIED**

**B. Utilities Board Minutes from April, 2016:**

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the April 20, 2016 Utilities Board Meeting.

***MOTION BY Billy Mayhand to approve the submitted Minutes for the April 20, 2016 Utilities Board meeting; Seconded by Randy Fry.***

**AYE:** Fry, Haygood, Mayhand, Segalla, **NAY:**

**ABSENT:** Vaughn

**ABSTAIN:**

**MOTION CARRIED**

**A. OLD BUSINESS – None**

**V. NEW BUSINESS –**

**A. Discuss Well Road property –**

Danny Lyndall enlightened the Board regarding a 10.32 acre parcel of land for sale behind the Central Services Facility on Well Road that could potentially be advantageous for Daphne Utilities as a possible expansion, should the need arise. He stated that it is listed for \$25,000 per acre for the property and emphasized that future expansion property around the Daphne Utilities' facility is limited. Mr. Lyndall advised that he was presenting this to the Board to clarify their interest for him to pursue and/or negotiate a purchase of the property with the real estate agent for the seller. The Chairman questioned the possibility of future wells on this property. Mr. Lyndall advised that he and Volkert's Melinda Immel had discussed the usage previously and determined that since there are several wells already tapped into the aquifer underneath this property that it would be unlikely to install additional wells unless a well was taken off-line, but a new treatment facility to support the existing wells or potential storage could be a possibility. Mr. Lyndall agreed to the Chairman's suggestion of negotiating on a portion of the property. The Chairman recommended re-examining various scenarios with the realtor and advising the Board and then offered comments from the Board. Mr. Lyndall did point out a portion of the property that is unsuitable for development. Mayor Haygood commented that the City had been discussing this property's potential for the City and advised that there were other parties interested in the property. Chairman Segalla suggested that the Mayor notify Mr. Lyndall of the City's intention as it progresses. Councilman Fry commented that the City's soccer club had expressed interest in the property as well. Ruth Sewell and Gerardo Flores representing Daphne's StrikeForce Soccer Club addressed the Board regarding their intentions on the subject property and requested a month to sort details for a purchase. Chairman Segalla requested to advise Mr. Lyndall of the outcome of their potential purchase. Mr. Mayhand requested Mr. Lyndall to prepare a list of possible intended uses for the property in order to consider.

**B. Mid-year financial review –**

Mr. Lyndall gave an overview of the Utilities' budgeted finances at mid-year explaining that revenue was tracking slightly above the budget, expenses were under except in a few line items, and the net income was higher than anticipated at this point in the fiscal year pointing out that due to expected large capital expenses this year, the net income will eventually reflect a decrease. He continued to review for the Board the revenue and expenses within the company and the specific departments, and reviewed the capital improvement projects. Mr. Lyndall answered a Board question regarding the ratio of salary, benefits and revenue. Mrs. Logiotatos answered a Board question regarding spot depreciation.

**VI. BOARD ATTORNEY'S REPORT**

Mr. Jerry Speegle advised the Board that he would be providing a timeline booklet regarding the Fairhope Gas Lines to discuss at the next Board meeting in Executive Session. He stated that this information should be treated as confidential. He also discussed Daphne Utilities' contribution to the City's sewer lines, advising that he had received another draft but requested clarification of the Board's direction. Mr. Mayhand advised that the Board should proceed as agreed. Mr. Fry concurred and suggested to finalize the agreement in order to get it on the City Council agenda. Chairman Segalla reiterated that the



agreement is for supplying labor for the installation of the low pressure line and that was all.

## VII. FINANCIAL REPORT

Teresa Logiotatos reviewed the April financials with the Board updating them on the 2016 bonds that were booked which resulted in the removal of the '05 & '06 SRL bonds from the asset and liabilities pages and making it appear as if some debt had been paid off. She reminded the Board of the overage expense for the audit due to additional review by the auditors, as well as the net income's increase/decrease in cash due to upcoming project expenses. She concluded by reviewing several checks listed in the Check History Report and answered questions from the Board.

## VIII. GENERAL MANAGER'S REPORT

### A. GM Report

Danny Lyndall had nothing additional to include in his report. Chairman Segalla pointed out the sewer agreement with the City as agreed upon is listed under the GM report. Mayor Haygood raised a question in the financials relating to gas. Mr. Lyndall advised the Board that there has been no update since Park City Water Authority's last board meeting.

### B. Operations Report

Van Baggett updated the Board on the beautification of the water reclamation facility, water line improvements at Daphne High School practice field, and the "drain the swamp" project.

### C. Engineering & Consulting Reports

Ray Moore from HMR advised the Board of the scheduled start up date of the Douglas Road Water Storage Facility, the progress on the Sixth Street/Olde Towne Water Treatment Facility that is taking shape, and the contracts that had been signed for the sewer project at Whispering Pines with a scheduled start-up date.

Melinda Immel from Volkert updated the Board on the US90 Project with the start-up work beginning.

## IX. BOARD ACTION – None

## X. PUBLIC PARTICIPATION – None.

## XI. BOARD COMMENTS –

Randy Fry appreciated the update on all the projects taking place; Mayor Haygood complimented Daphne Utilities on participation in several community events including the STEP program and Relay For Life; Billy Mayhand thanked all the employees for all that they do and doing it with a positive attitude; Chairman Segalla thanked the employees for doing a good job.

## XII. ADJOURNMENT

**MOTION BY** *Billy Mayhand to adjourn.*

AYE: *Fry, Haygood, Mayhand, Segalla*

NAY:

ABSENT: *Vaughn*

ABSTAIN:

**MOTION CARRIED**

The meeting adjourned at 6:01pm.

Preceding minutes submitted to the Daphne Utilities Board by:

*Lori Wilson*

Lori Wilson, Executive Assistant, Daphne Utilities

**RESOLUTION 2016-45**

**RESOLUTION AUTHORIZING ALL-WAY STOPS AT THE INTERSECTION OF LAWSON ROAD and RIDGEWOOD DRIVE – LAKE FOREST SUBDIVISION**

**WHERE AS**, the citizens of Lake Forest Subdivision have described in detail to the Public Safety Committee the difficulty of traversing the intersection of Lawson Road and Ridgewood Drive during times of heavy traffic; and

**WHERE AS**, through the natural growth of the City of Daphne traffic volume has steadily increased impeding unprotected turning movements at the intersection of Lawson Road and Ridgewood Drive; and

**WHERE AS**, Lawson Road and Ridgewood Drive are City of Daphne Maintained public roads whose posted speed limits are 25 MPH; and

**WHERE AS**, following the reported concerns of Citizens and Public Safety Officials, the Property Owner Association of Lake Forest Subdivision has made a formal request to the City of Daphne to establish an all-way stop condition at intersection of Lawson Road and Ridgewood Drive; and

**WHERE AS**, the City of Daphne has determined that the establishments of an all-way stop condition at intersection of Lawson Road and Ridgewood Drive is warranted;

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

- 1.) Authorize Public Works to install the necessary signage, including temporary advance warning signage and flagging at the intersection of Lawson Road and Ridgewood Drive; and
- 2.) If decorative sign post are desired by the Property Owner Association of Lake Forest Subdivision, then those posts shall be provided by the POA at their cost; and
- 3.) New signage and all-way stop conditions at both intersections shall be installed and implemented by September 30, 2016.

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

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

**ATTEST:**

\_\_\_\_\_  
**REBECCA HAYE, CITY CLERK**

\_\_\_\_\_  
**DANE HAYGOOD, MAYOR**

**Resolution 2016-46**

**RESOLUTION: 2016-M-DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES**

**WHEREAS**, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

**WHEREAS**, the City of Daphne acknowledges that in the event of a natural disaster the cost for the DISASTER DEBRIS REMOVAL & DISPOSAL will exceed \$ 50,000; and

**WHEREAS**, the City of Daphne did receive and review bids for the DISASTER DEBRIS REMOVAL & DISPOSAL and has determined that the bid as presented is reasonable; and

**WHEREAS**, the City of Daphne acknowledges that in the event of a declared emergency disaster that FEMA Eligibility requirements will have to be met to receive any type of reimbursement and these requirements must be followed by the City and the awarded Contractor and his subcontractors; and

**WHEREAS**, staff recommends the bid for DISASTER DEBRIS REMOVAL & DISPOSAL be awarded to Crowder Gulf LLC.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accepts the bid of Crowder Gulf LLC for unit cost as attached herein and made a part hereof for BID SPECIFICATION NO. 2016-M-DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES and the Mayor is hereby authorized to sign and execute the contract for the Disaster Debris Removal & Disposal services.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

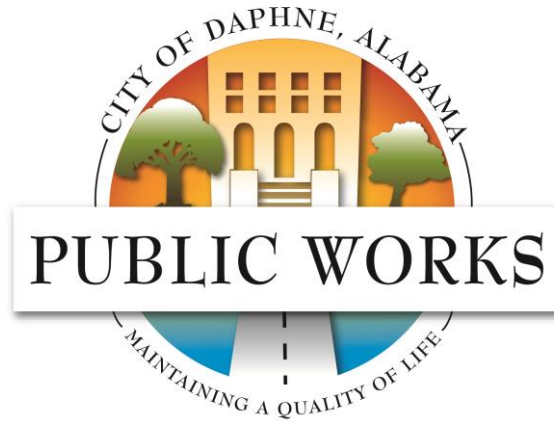
\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

Dane Haygood  
Mayor

Rebecca Hayes  
City Clerk

Kelli Kickler, CPA  
Finance Director/Treasurer

Richard Johnson, P. E.  
Director of Public Works



Tommie Conaway  
District 1

Pat Rudicell  
District 2

John L. Lake  
District 3

Randy Fry  
District 4

Ronald Scott  
District 5

Robin Lejeune  
District 6

Angela Phillips  
District 7

To: Suzanne Henson, Senior Accountant

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

Date: June 24, 2016

Re: 2016-M-Disaster Debris Removal & Disposal

The purpose of this bid is to establish a pre-event contract to remove as quickly as possible all hazards to life and property resulting from an emergency/hurricane/tornado/disaster affecting the City of Daphne. The bid opening was on June 22, 2016 at 11:30 a.m. in the Council Chamber. Two bids were received.

We have reviewed the bids for completeness and fulfillment of the bid requirements. We evaluated the bidder's prior experience and equipment capabilities. We evaluated the overall pricing of debris removal, processing, and disposal as well as the cost of labor and equipment rates for emergency clearance.

After close analysis, we have determined that Crowder Gulf has met all City Bid requirements at the lowest total cost. We recommend awarding the bid to Crowder Gulf.

|           | <b>Name</b>                 | <b>DRC</b>       | <b>Crowder Gulf</b> |
|-----------|-----------------------------|------------------|---------------------|
| <b>1</b>  | Mobilization                | \$ -             | \$ -                |
|           | From Public Property        |                  |                     |
| <b>2</b>  | Haul to TDSRS               | \$ 7.35          | \$ 6.50             |
|           | From Private Property       |                  |                     |
| <b>3</b>  | Haul to TDSRS               | \$ 8.35          | \$ 7.25             |
|           | From Public Property        |                  |                     |
| <b>4</b>  | Haul to Final Disposal      | \$ 7.85          | \$ 7.25             |
|           | From TDSRS                  |                  |                     |
| <b>5</b>  | Haul to Final Disposal      | \$ 3.63          | \$ 3.40             |
| <b>6</b>  | TDSRS Management            | \$ 0.90          | \$ 1.00             |
| <b>7</b>  | Processing/Grinding Veg     | \$ 2.65          | \$ 2.70             |
| <b>8</b>  | Processing/Grinding C & D   | \$ 1.15          | \$ 1.75             |
|           | Processing/ Burning Veg     |                  |                     |
| <b>9</b>  | (Open Burning)              | \$ 0.95          | \$ 1.00             |
|           | Processing/ Burning Veg     |                  |                     |
| <b>10</b> | (Air Curtain Incinerators)  | \$ 1.85          | \$ 2.00             |
| <b>11</b> | Haul White Goods            | \$ 40.00         | \$ 25.00            |
| <b>12</b> | Haul Haz Materials          | \$ 9.95          | \$ 3.00             |
|           | Freon Management &          |                  |                     |
| <b>13</b> | Recycling                   | \$ 40.00         | \$ 30.00            |
| <b>14</b> | Dead Animal Collection      | \$ 2.95          | \$ 0.50             |
| <b>15</b> | Stumps- 6" to 11.99"        | Conversion Chart | Conversion Chart    |
| <b>16</b> | Stumps- 12" to 24"          | Conversion Chart | Conversion Chart    |
| <b>17</b> | Stumps- 24.1" to 47.99"     | \$ 250.00        | \$ 200.00           |
| <b>18</b> | Stumps- 48" and greater     | \$ 350.00        | \$ 225.00           |
| <b>19</b> | Hazardous limbs >2"         | \$ 75.00         | \$ 80.00            |
| <b>20</b> | Hazardous trees 6"-12"      | \$ 35.00         | \$ 25.00            |
| <b>21</b> | Hazardous trees 13"-24"     | \$ 65.00         | \$ 75.00            |
| <b>22</b> | Hazardous trees 25"-36"     | \$ 155.00        | \$ 200.00           |
| <b>23</b> | Hazardous trees 37"-48"     | \$ 245.00        | \$ 250.00           |
| <b>24</b> | Hazardous trees >48"        | \$ 365.00        | \$ 300.00           |
| <b>25</b> | Canals, Bayous and ditches  | \$ 18.50         | \$ 6.00             |
| <b>26</b> | Bays and other open waters  | \$ 695.00        | \$ 200.00           |
| <b>27</b> | Boat removal                | \$ 65.00         | \$ 30.00            |
| <b>28</b> | Emergency Road Clearance    | Equip/Labor      | Equip/Labor         |
| <b>29</b> | Demolition of structures    | \$ 3.50          | \$ 1.50             |
| <b>30</b> | Haz Waste Abatement         | N/A              | \$ 2.00             |
|           | Generators, light plants,   |                  |                     |
| <b>31</b> | Various equipment           | 15%              | 15%                 |
| <b>N1</b> | Additional over 30 m- TDSR  | \$ 0.22          | \$ 0.09             |
| <b>N2</b> | Additional over 30 m- Final | \$ 0.22          | \$ 0.09             |
|           | Total 2-14                  | \$ 127.58        | \$ 91.35            |
|           | Total 17-24                 | \$ 1,540.00      | \$ 1,355.00         |
|           | Total 25-27                 | \$ 778.50        | \$ 236.00           |

| Name                                                         | DRC      | Crowder Gulf |
|--------------------------------------------------------------|----------|--------------|
| JD 544 Wheel Loader with debris grapple                      | \$185.00 | \$110.00     |
| JD 644 Wheel Loader with debris grapple                      | \$205.00 | \$120.00     |
| Extendaboom Forklift with debris grapple                     | \$125.00 | \$95.00      |
| 753 Bobcat Skid Steer Loader with debris grapple             | \$125.00 | \$60.00      |
| 753 Bobcat Skid Steer Loader with bucket                     | \$125.00 | \$50.00      |
| 753 Bobcat Skid Steer Loader with street Sweeper             | \$125.00 | \$60.00      |
| 30-50 HP Farm Tractor with box blade or rake                 | \$95.00  | \$45.00      |
| 2-2 ½ Cu.Yd. Articulated Loader with bucket                  | \$180.00 | \$90.00      |
| 3-4 Cu.Yd. Articulated Loader with bucket                    | \$210.00 | \$110.00     |
| JD 648E Log Skidder or equivalent                            | \$215.00 | \$80.00      |
| CAT D4 Dozer                                                 | \$110.00 | \$70.00      |
| CAT D6 Dozer                                                 | \$150.00 | \$125.00     |
| CAT D8 Dozer                                                 | \$500.00 | \$170.00     |
| CAT 125 – 140 HP Motor Grader                                | \$260.00 | \$95.00      |
| JD 690 Trackhoe with debris grapple                          | \$180.00 | \$110.00     |
| JD 690 Trackhoe with bucket & thumb                          | \$180.00 | \$105.00     |
| Rubber Tired Trackhoe with debris grapple                    | \$205.00 | \$110.00     |
| JD 310 Rubber Tired Backhoe with bucket and hoe              | \$185.00 | \$65.00      |
| Rubber Tired Excavator with debris grapple                   | \$205.00 | \$110.00     |
| 210 Prentiss Knuckleboom with debris grapple                 | \$170.00 | \$90.00      |
| Self-Loader Scraper Cat 623 or equivalent                    | \$195.00 | \$150.00     |
| Hand Fed Debris Chipper                                      | \$295.00 | \$35.00      |
| 300 – 400 Tub Grinder                                        | \$350.00 | \$350.00     |
| 800 – 1,000 HP Diamond Z Tub Grinder                         | \$650.00 | \$600.00     |
| 30 Ton Crane                                                 | \$250.00 | \$150.00     |
| 50 Tone Crane                                                | \$450.00 | \$170.00     |
| 100 Ton Crane (8 hour minimum)                               | \$750.00 | \$250.00     |
| 40-60' Bucket Truck                                          | \$250.00 | \$125.00     |
| Service Truck                                                | \$120.00 | \$60.00      |
| Water Truck                                                  | \$120.00 | \$70.00      |
| Portable Light Plant                                         | \$100.00 | \$19.00      |
| Equipment Transports                                         | \$120.00 | \$90.00      |
| Pickup Truck, Unmanned                                       | \$30.00  | \$14.00      |
| Self-loading Dump Truck with Knuckleboom and debris grapple  | \$170.00 | \$132.00     |
| Single Axle Dump Truck, 5 – 12 Cu.Yd.                        | \$100.00 | \$45.00      |
| Tandem Dump Truck, 16 - 20 Cu.Yd.                            | \$110.00 | \$63.00      |
| Trailer Dump, 24 – 40 Cu.Yd.                                 | \$130.00 | \$72.00      |
| Trailer Dump Truck, 61 – 80 Cu.Yd.                           | \$170.00 | \$110.00     |
| Power Screen                                                 | \$275.00 | \$160.00     |
| Stacking Conveyor                                            | \$195.00 | \$35.00      |
| Off Road Trucks                                              | \$390.00 | \$150.00     |
| Operations Manager                                           | \$90.00  | \$60.00      |
| Superintendent with truck, phone & radio                     | \$85.00  | \$54.00      |
| Foreman with truck, phone & radio                            | \$70.00  | \$48.00      |
| Safety/Quality Control Inspector with vehicle, phone & radio | \$85.00  | \$50.00      |
| Inspector with vehicle, phone & radio                        | \$75.00  | \$32.00      |
| Climber with gear                                            | \$90.00  | \$90.00      |
| Saw Hand with chainsaw                                       | \$45.00  | \$32.00      |
| Laborers & Flagmen                                           | \$37.00  | \$28.00      |
| Public Assistance Manager                                    | \$65.00  | \$130.00     |
| Documentation Clerk                                          | \$40.00  | \$50.00      |
| Timekeeper                                                   | \$37.00  | \$35.00      |
| HazMat Professional                                          | \$85.00  | \$180.00     |
| Household HazMat Inspection & Removal Crew                   | \$165.00 | \$110.00     |
|                                                              |          |              |
| <b>Materials Description</b>                                 |          |              |
| Fill Dirt for Stump Holes - Purchased, Placed, and Shaped    | \$18.00  | \$30.00      |

**\$9,942.00**

**\$5,649.00**



2016 CrowderGulf Pricing for Daphne, AL

## ATTACHMENT I

### DEBRIS REMOVAL, PROCESSING AND DISPOSAL

| ITEM                                                                                                                                                            | DESCRIPTION OF SERVICE                                                                                                                                                                          | COST                 | UNIT     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------|
| 1                                                                                                                                                               | Mobilization and Demobilization – include in CY Rate and shall not be a separate line item                                                                                                      | XXXX                 | XXXXXX   |
| 2                                                                                                                                                               | Vegetative and C&D Debris Removal from Public Property (Right-of-Way) and Hauling to Temporary Debris Storage and Reduction Site (TDSRS) or other disposal sites (NOTE 1 & 6)                   | \$6.50               | CY       |
| 3                                                                                                                                                               | Vegetative and C&D Debris Removal from Private Property (Right-of-Entry Program) and Publicly Owner Property (other than Right-of-Way) and hauled to TDSRS or other disposal sites (NOTE 1 & 6) | \$7.25               | CY       |
| 4                                                                                                                                                               | Vegetative and C&D Debris Removal from Public Property (Right-of-Way) and Hauling Directly to Final Disposal Site (NOTES 1, 3 & 6)                                                              | \$7.25               | CY       |
| 5                                                                                                                                                               | Vegetative and C&D Debris Removal from Temporary Debris Storage and Reduction Site (TDSRS) and Hauling to Final Disposal Site (NOTES 2, 3 & 7)                                                  | \$3.40               | CY       |
| 6                                                                                                                                                               | Management of TDSRS (NOTE 4)                                                                                                                                                                    | \$1.00               | CY       |
| 7                                                                                                                                                               | Processing (Grinding/Chipping) of Vegetative Debris at TDSRS or Final                                                                                                                           | \$2.70               | CY       |
| 8                                                                                                                                                               | Grinding or consolidation of C&D debris at TDSRS                                                                                                                                                | \$1.75               | CY       |
| 9                                                                                                                                                               | Processing (Open Burning) of Vegetative Debris at TDSRS or Final Disposal                                                                                                                       | \$1.00               | CY       |
| 10                                                                                                                                                              | Processing Burning of Vegetative debris using air curtain incinerators at TDSRS or final disposal                                                                                               | \$2.00               | CY       |
| 11                                                                                                                                                              | Pick Up and Haul of White Goods to Site within County                                                                                                                                           | \$25.00              | UNIT     |
| 12                                                                                                                                                              | Pick Up and Disposal of Hazardous Material                                                                                                                                                      | \$3.00               | LB       |
| 13                                                                                                                                                              | Freon Management and Recycling                                                                                                                                                                  | \$30.00              | UNIT     |
| 14                                                                                                                                                              | Dead Animal Collection, Transportation and Disposal                                                                                                                                             | \$0.50               | LB       |
| <b>Extraction of hazardous stumps (50% of root ball exposed) resulting from trees growing on the right of way and Hauling to Final Disposal Site – (NOTE 6)</b> |                                                                                                                                                                                                 |                      |          |
| 15                                                                                                                                                              | 6 inch diameter to 11 inch diameter (Based on Stump Conversion Table)                                                                                                                           | See Conversion Chart | CY       |
| 16                                                                                                                                                              | 12 inch diameter to 24 inch diameter (Based on Stump Conversion Table)                                                                                                                          | See Conversion Chart | CY       |
| 17                                                                                                                                                              | 25 inch diameter to 47 inch diameter                                                                                                                                                            | \$200.00             | STUMP    |
| 18                                                                                                                                                              | 48 inch diameter and greater                                                                                                                                                                    | \$225.00             | STUMP    |
| <b>Debris from leaners and hangers will be piled on right of ways and will be hauled and disposed of under items 2 – 9</b>                                      |                                                                                                                                                                                                 |                      |          |
| 19                                                                                                                                                              | Removal of hazardous hanging limbs greater than 2 inches                                                                                                                                        | \$ 80.00             | PER TREE |
| 20                                                                                                                                                              | Removal of hazardous standing trees 6" – 12" in diameter                                                                                                                                        | \$ 25.00             | EACH     |
| 21                                                                                                                                                              | Removal of hazardous standing trees 13" – 24" in diameter                                                                                                                                       | \$ 75.00             | EACH     |
| 22                                                                                                                                                              | Removal of hazardous standing trees 25" – 36" in diameter                                                                                                                                       | \$200.00             | EACH     |
| 23                                                                                                                                                              | Removal of hazardous standing trees 37" – 48" in diameter                                                                                                                                       | \$250.00             | EACH     |
| 24                                                                                                                                                              | Removal of hazardous standing trees greater than 48" in diameter                                                                                                                                | \$300.00             | EACH     |
| <b>Marine Debris Removal</b>                                                                                                                                    |                                                                                                                                                                                                 |                      |          |
| 25                                                                                                                                                              | Canals, bayous and ditches                                                                                                                                                                      | \$ 6.00              | PER LF   |
| 26                                                                                                                                                              | Bays and other open waters                                                                                                                                                                      | \$200.00             | PER ACRE |
| 27                                                                                                                                                              | Boat removal                                                                                                                                                                                    | \$ 30.00             | PER LF   |

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| The following items shall be billed on a time and material basis according to the attached schedules: |                                                                                                   |                             |           |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-----------------------------|-----------|
| 28                                                                                                    | Emergency Road Clearance                                                                          | See Equipment & Labor Rates |           |
| 29                                                                                                    | Demolition of Structures (Debris will be hauled and disposed of under items 2-9)                  | \$1.50                      | SQ/FT     |
| 30                                                                                                    | Disaster event Generated Hazardous Wastes Abatement; Biohazardous Wastes Abatement                | \$2.00 per LB               | N/A       |
| 31                                                                                                    | Generators, light plants, water pumps, portable toilets and other required equipment or materials | 15%                         | COST PLUS |

## NOTES:

1. This price assumes that TDSRS's, final disposal site or other approved disposal sites are within 30 miles. For all distances over 30 miles add \$0.09 per cubic yard per mile.
2. This price assumes final disposal is within 30 miles of TDSRS. For all distances over 30 miles add \$0.09 per cubic yard per mile.
3. The Contractor will pay tipping fee at final disposal site(s) and back charge City at cost.
4. Includes management of site remediation.
5. All stumps placed on the right of way by citizens over 24" will be converted to cubic yards per the attached FEMA Stump Conversion Chart and charged as regular debris under items 2 – 7.
6. Invoices to be based on incoming load tickets.
7. Invoices to be based on outgoing load tickets.

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## EXHIBIT A

### Stump Conversion Table Diameter to Volume Capacity

The qualification of the cubic yards of debris for each size of stump is the following table was derived from FEMA field studies conducted throughout the State of Florida during the debris removal operations following Hurricane Charley, Frances, Ivan and Jeanne. The following formula is used to derive cubic yards.

$$\frac{[(\text{Stump Diameter}^2 \times 0.7854) \times \text{Stump Length}] + [(\text{Root ball Diameter}^2 \times 0.7854) \times \text{Root Ball Height}]}{46656}$$

0.7854 is one-fourth Pi and is a constant.

46656 is used to convert inches to Cubic Yards and is a constant.

The formula used to calculate the cubic yardage used the following factors, based upon findings in the field:

- Stump diameter measured two feet up from ground
- Stump diameter to root ball diameter ratio of 1:3:6
- Root ball height of 31"

| Stump Diameter (inches) | Cubic Yards |
|-------------------------|-------------|
| 6                       | 0.3         |
| 7                       | 0.4         |
| 8                       | 0.5         |
| 9                       | 0.6         |
| 10                      | 0.7         |
| 11                      | 0.9         |
| 12                      | 1           |
| 13                      | 1.2         |
| 14                      | 1.4         |
| 15                      | 1.6         |
| 16                      | 1.8         |
| 17                      | 2.1         |
| 18                      | 2.3         |
| 19                      | 2.6         |
| 20                      | 2.9         |
| 21                      | 3.2         |
| 22                      | 3.5         |
| 23                      | 3.8         |
| 24                      | 4.1         |
| 25                      | 4.5         |
| 26                      | 4.8         |
| 27                      | 5.2         |
| 28                      | 5.6         |
| 29                      | 6           |
| 30                      | 6.5         |
| 31                      | 6.9         |
| 32                      | 7.3         |
| 33                      | 7.8         |
| 34                      | 8.3         |
| 35                      | 8.8         |
| 36                      | 9.3         |
| 37                      | 9.8         |
| 38                      | 10.3        |
| 39                      | 1.9         |
| 40                      | 11.5        |
| 41                      | 12          |
| 42                      | 12.6        |
| 43                      | 13.3        |
| 44                      | 13.9        |
| 45                      | 14.5        |
| 46                      | 15.2        |

| Stump Diameter (inches) | Cubic Yards |
|-------------------------|-------------|
| 47                      | 15.8        |
| 48                      | 16.5        |
| 49                      | 17.2        |
| 50                      | 17.9        |
| 51                      | 18.6        |
| 52                      | 19.4        |
| 53                      | 20.1        |
| 54                      | 20.9        |
| 55                      | 21.7        |
| 56                      | 22.5        |
| 57                      | 23.3        |
| 58                      | 24.1        |
| 59                      | 24.9        |
| 60                      | 25.8        |
| 61                      | 26.7        |
| 62                      | 27.6        |
| 63                      | 28.4        |
| 64                      | 29.4        |
| 65                      | 30.3        |
| 66                      | 31.2        |
| 67                      | 32.2        |
| 68                      | 33.1        |
| 69                      | 34.1        |
| 70                      | 35.1        |
| 71                      | 36.1        |
| 72                      | 37.2        |
| 73                      | 38.2        |
| 74                      | 39.2        |
| 75                      | 40.3        |
| 76                      | 41.4        |
| 77                      | 42.5        |
| 78                      | 43.6        |
| 79                      | 44.7        |
| 80                      | 45.9        |
| 81                      | 47          |
| 82                      | 48.2        |
| 83                      | 49.4        |
| 84                      | 50.6        |

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## ATTACHMENT II

### EQUIPMENT RATES

| Equipment Description                                       | Unit | Unit Price |
|-------------------------------------------------------------|------|------------|
| JD 544 Wheel Loader with debris grapple                     | Hour | \$110.00   |
| JD 644 Wheel Loader with debris grapple                     | Hour | \$120.00   |
| Extendaboom Forklift with debris grapple                    | Hour | \$ 95.00   |
| 753 Bobcat Skid Steer Loader with debris grapple            | Hour | \$ 60.00   |
| 753 Bobcat Skid Steer Loader with bucket                    | Hour | \$ 50.00   |
| 753 Bobcat Skid Steer Loader with street Sweeper            | Hour | \$ 60.00   |
| 30-50 HP Farm Tractor with box blade or rake                | Hour | \$ 45.00   |
| 2-2 1/2 Cu.Yd. Articulated Loader with bucket               | Hour | \$ 90.00   |
| 3-4 Cu.Yd. Articulated Loader with bucket                   | Hour | \$110.00   |
| JD 642E Log Skidder or equivalent                           | Hour | \$ 80.00   |
| CAT D4 Dozer                                                | Hour | \$ 70.00   |
| CAT D6 Dozer                                                | Hour | \$125.00   |
| CAT D8 Dozer                                                | Hour | \$170.00   |
| CAT 125 - 140 HP Motor Grader                               | Hour | \$ 95.00   |
| JD 690 Trackhoe with debris grapple                         | Hour | \$110.00   |
| JD 690 Trackhoe with bucket & thumb                         | Hour | \$105.00   |
| Rubber Tired Trackhoe with debris grapple                   | Hour | \$110.00   |
| JD 310 Rubber Tired Backhoe with bucket and hoe             | Hour | \$ 65.00   |
| Rubber Tired Excavator with debris grapple                  | Hour | \$110.00   |
| 210 Prentiss Knuckleboom with debris grapple                | Hour | \$ 90.00   |
| Self-Loader Scraper Cat 623 or equivalent                   | Hour | \$150.00   |
| Hand Fed Debris Chipper                                     | Hour | \$ 35.00   |
| 300 - 400 Tub Grinder                                       | Hour | \$350.00   |
| 800 - 1,000 HP Diamond Z Tub Grinder                        | Hour | \$500.00   |
| 30 Ton Crane                                                | Hour | \$150.00   |
| 50 Tone Crane                                               | Hour | \$170.00   |
| 100 Ton Crane (8 hour minimum)                              | Hour | \$250.00   |
| 40-60' Bucket Truck                                         | Hour | \$125.00   |
| Service Truck                                               | Hour | \$ 60.00   |
| Water Truck                                                 | Hour | \$ 70.00   |
| Portable Light Plant                                        | Hour | \$ 19.00   |
| Equipment Transports                                        | Hour | \$ 90.00   |
| Pickup Truck, Unmanned                                      | Hour | \$ 14.00   |
| Self-loading Dump Truck with Knuckleboom and debris grapple | Hour | \$132.00   |
| Single Axle Dump Truck, 5 - 12 Cu.Yd.                       | Hour | \$ 45.00   |
| Tandem Dump Truck, 16 - 20 Cu.Yd.                           | Hour | \$ 63.00   |
| Trailer Dump, 24 - 40 Cu.Yd.                                | Hour | \$ 72.00   |
| Trailer Dump Truck, 61 - 80 Cu.Yd.                          | Hour | \$110.00   |
| Power Screen                                                | Hour | \$160.00   |
| Stacking Conveyor                                           | Hour | \$ 35.00   |
| Off Road Trucks                                             | Hour | \$150.00   |

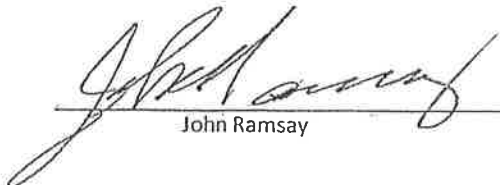
## LABOR AND MATERIAL RATES

| Personnel Description                                        | Unit | Unit Price |
|--------------------------------------------------------------|------|------------|
| Operations Manager                                           | Hour | \$ 60.00   |
| Superintendent with truck, phone & radio                     | Hour | \$ 54.00   |
| Foreman with truck, phone & radio                            | Hour | \$ 48.00   |
| Safety/Quality Control Inspector with vehicle, phone & radio | Hour | \$ 50.00   |
| Inspector with vehicle, phone & radio                        | Hour | \$ 32.00   |
| Climber with gear                                            | Hour | \$ 90.00   |
| Saw Hand with chainsaw                                       | Hour | \$ 32.00   |
| Laborers & Flagmen                                           | Hour | \$ 28.00   |
| Public Assistance Manager                                    | Hour | \$130.00   |
| Documentation Clerk                                          | Hour | \$ 50.00   |
| Timekeeper                                                   | Hour | \$ 35.00   |
| HazMat Professional                                          | Hour | \$180.00   |
| Household HazMat Inspection & Removal Crew                   | Hour | \$110.00   |
| Materials Description                                        | Unit | Unit Price |
| Fill Dirt for Stump Holes -- Purchased, Placed, and Shaped   | CY   | \$ 30.00   |

**Notes:**

1. The Equipment, labor and material rates shown above are for tasks requested by the City which are not covered in the rates (per cubic yard) for normal debris removal and reduction.
2. Pricing includes operator, fuel, and maintenance. Depending on the severity of the disaster, some or all of the above equipment will be required. Contractor will ensure sufficient numbers of each type of listed equipment are available to meet the needs for a particular disaster.
3. The listed equipment should cover all possible equipment needs following disaster. Contractor has access and contacts for any other equipment that might be required and will negotiate a rate with City if need arises for equipment not on list.

(SEAL)

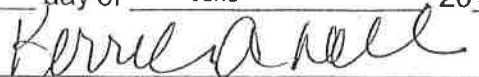
  
 John Ramsay

\_\_\_\_\_  
President & CEO

(TITLE)

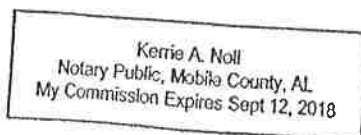
Subscribed and sworn to before me,  
this the 21st day of June, 2016.

Notary Public



County of \_\_\_\_\_ Mobile \_\_\_\_\_, AL

My Commission expires 09/12/2018



# CONTRACT FOR CONSTRUCTION

THIS CONTRACT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Daphne City Council, on behalf of City of Daphne, Alabama, hereinafter called the Owner, Party of the First Party, and \_\_\_\_\_, a Corporation organized and existing under the laws of the State of Alabama, a Partnership consisting of Joint Venture of the City of \_\_\_\_\_ in the State of \_\_\_\_\_, an individual hereinafter called the Contractor, Party of the Second Part. Contract shall be for the period of July 6, 2016 through April 1, 2018, and continuation of contract can only be extended upon request by the City of Daphne (for a timeframe as specified in the bid specification requirements) and mutual agreement of both parties.

WITNESSETH: That the parties hereto do mutually agree as follows:

The Contractor shall furnish the materials and perform the work for the

## DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES

and other work, complete in place with all appurtenances, for the consideration of the unit prices set forth in the Contractor's Bid Proposal for the various items of work and in strict and entire conformity with the provisions of the Contract, and the advertisement and proposal, and the plans and specifications (including special provisions, if any) prepared (or approved) and submitted by the Owner (such as changes to meet FEMA Eligibility requirements), copies of which are hereto attached, and which said plans and specifications and the advertisement and the proposal are hereby made a part of this agreement as fully and to the same effect as if the same has been set forth at length in the body of this Agreement. Contractor shall comply with the Davis Bacon Act-Wage Determination laws.

The work shall be commenced within 10 days of the date specified in a work order to be issued to the Contractor by the Owner, or its authorized representative, and shall be completed within (as specified by City) working days from and after the commencement date stipulated in said work order. In the event the Contractor should fail to complete the work within the time specified herein, the Contractor shall pay the Owner, as liquidated damages, the amount specified in Section 108 of the State of Alabama Standard Specifications for Highway construction, for each working day beyond the required date of completion.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year first above written.

THE CITY OF DAPHNE  
DAPHNE, ALABAMA

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
City Clerk

Contractor Name: \_\_\_\_\_

BY: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ certify that I am \_\_\_\_\_ of the corporation named as Contractor herein: that \_\_\_\_\_, who signed this Contract behalf of the Contractor, was then \_\_\_\_\_ of said corporation: that said Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporation by authority of its corporate powers.

(CORPORATE SEAL)

(CORPORATION)

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that

\_\_\_\_\_

whose name as \_\_\_\_\_ of \_\_\_\_\_, a

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 within instrument, he, as such officer and with full authority executed the same voluntarily and as the act of said corporation.

Given under my hand and Official Seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, ALABAMA

MY COMMISSION EXPIRES: \_\_\_\_\_

**The contractor will furnish a Performance Bond and a Labor and Materials Bond in the form and terms approved by the City in an amount not less than the estimated event cost for any and/or all events : within 10 days of receiving the Notice to Proceed. The cost of said bond premiums will not be an additional cost to the City.**

**The contractor shall immediately furnish a Certificate of Insurance listing the City of Daphne as additional insured through the end of the contract term (annually upon renewal) for limits stated in bid specifications.**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2016-28**

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

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

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

LEGAL DESCRIPTION BASED ON SURVEY

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

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

**WHEREAS**, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 2, 2016; and,

**WHEREAS**, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama.

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

**SECTION I: ZONING**

That above described real property is hereby rezoned from B-3, Professional Business District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.



**SECTION III: REPEALER.**

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

**SECTION IV: SEVERABILITY.**

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

**SECTION V: EFFECTIVE DATE.**

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

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

\_\_\_\_\_  
**Dane Haygood,**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

## **"EXHIBIT A"**

### **LEGAL DESCRIPTION**

STATE OF ALABAMA  
COUNTY OF BALDWIN

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

#### **LEGAL DESCRIPTION BASED ON SURVEY**

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

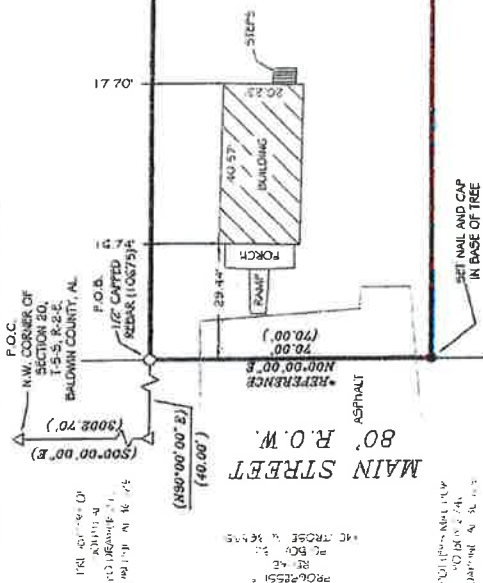
SURVEY BY DAVID LOWERY AL. License No. 26623, 01/31/16.

"EXHIBIT B"

# LEGAL DESCRIPTION BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a 1/2" CAPTED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N89°55'21"E, LEAVING SHAD R.O.W., a distance of 304.22 feet to a 1/2" CAPTED REBAR (10675); thence S00°00'11"E, a distance of 70.00 feet to a 1/2" CAPTED REBAR (10675); thence S89°55'21"W, a distance of 304.24 feet to a 1/2" CAPTED REBAR ON AFFORESTED LAND R.O.W. being the POINT OF BEGINNING; thence S89°55'21"W, a distance of 70.00 feet to the POINT OF BEGINNING, that parcel containing 0.63 acres, more or less.

- NOTES**
1. All bearings shown are true to the West Line of the Surveyed Property as shown on the plat.
  2. Corner monuments shown as set are as shown on the plat and are not to be used for any other purpose without prior approval from the surveyor.
  3. Only Section Fluid (corner improvements shown herein).
  4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from the surveyor.
  5. No statements of records reflecting encumbrances, right of way, and/or ownership were furnished to the surveyor, except as shown or noted.
  6. No underground utilities or improvements have been located, except as shown on the plat.
  7. This survey was prepared without the benefit of an abstract of title or a title search and is not to be used for any purpose other than that for which it was prepared for. The surveyor is not responsible for any error that might be discovered by an abstract, title search, or right judgment rendered on the property.
  8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.



PLAT OF A BOUNDARY  
SURVEY PREPARED FOR

BELL  
BALDWIN COUNTY, AL.

DAVID LOWERY  
SURVEYING, L.L.C.

55284 MARTIN LN.  
STOCKTON, AL 36579  
251-937-2767 ph. 251-937-2766 fax  
dsurvey25@hotmail.com



## LEGEND AND SYMBOLS

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



SCALE

1" = 30'



## CERTIFICATION

I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true and correct plat of a survey performed by me or under my supervision, and being accurate and being accurate as both shown and stated herein. I further certify that all plat and field notes were prepared in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

David Lowery  
Surveyor  
55284 Martin Ln.  
Stockton, AL 36579  
251-937-2767

**CITY OF DAPHNE**  
**ORDINANCE 2016-32**  
**AN ORDINANCE TO REGULATE THE DISTRIBUTION OF HANDBILLS**  
**IN THE CITY OF DAPHNE**

**WHEREAS**, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, and the general welfare of its citizens to regulate the distribution of commercial handbills within the City of Daphne.

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

**SECTION ONE                      DEFINITIONS**

For the purposes of this Ordinance the following terms, phrases, words and their derivatives shall have the meaning given herein. The word “shall” always mandatory and not merely directory.

1. “Commercial handbill” means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature which does any of the following:
  - A. Advertises for sale any merchandise, product, commodity or thing; or,
  - B. Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting interest thereof by sales; or,
  - C. Directs attention to or advertises any meeting, theatrical performance exhibition or event of any kind for which an admission fee is charged for private gain or profit; or,
  - D. While containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated solely for advertising purposes or for the benefit and gain of any person, business or commercial establishment engaged in the advertising therein.
2. “Newspaper” means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition, thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

3. “Noncommercial handbill” means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a “commercial handbill.”
4. “Occupant” means the owner, tenant or person in possession or charge of any house, dwelling unit, building, lot or premises.
5. “Owner” means any person who alone or jointly or severally with others has legal title to real property including any person serving as employee or agent of the title holder or as a trustee or guardian of the estate or person of the title holder.
6. “Person” means any individual, partnership, association, syndicate, company, firm, trust, corporation, business, entity or organization of any kind.
7. “Private premises” means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, and shall include the yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.
8. “Public place” means any area that is used or held out for use of the public and includes streets, sidewalks, street rights-of-ways, alleys,. Public ways and all public parks, squares, grounds and playgrounds.

## **SECTION TWO**

### **HANDBILL DISTRIBUTION – PUBLIC PLACES**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute any such handbills to any person willing to accept it.

## **SECTION THREE**

### **HANDBILL DISTRIBUTION – VACANT PROPERTY**

No person shall knowingly throw, deposit or distribute any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant in any of the following circumstances:

- a) Where it is apparent that such property is unoccupied; or
- b) Where it is apparent that handbills placed or delivered on previous days have not been removed.

**SECTION FOUR                      HANDBILL DISTRIBUTION – POSTED PREMISES**

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by the owner, occupant or person in control of such premises not to do so, or if there is posted on said premises in a conspicuous position a sign bearing the words “No Trespassing”, “No peddlers or Agents”, “No Advertisements” or any similar notice indicating in any manner that the occupants of the premises do not desire to have their privacy disturbed or to have any such handbills left or deposited on such premises.

**SECTION FIVE                      HANDBILL DISTRIBUTION – INHABITED PREMISES**

No person shall throw, deposit deliver or distribute or cause to be thrown, deposited, delivered or distributed any commercial or noncommercial handbill in or upon private premises which are inhabited, and which are not posted as provided in Section Four of this Ordinance except in the following manner:

- a) By delivering any such handbill directly into the personal possession of the owner, occupant or other person then present in or upon such private premises; or,
- b) By leaving such handbill on the private premises provided that it is wrapped, tied folded or otherwise secured so that it will not be blown loose by the wind or other elements.

**SECTION SIX                      HANDBILL DISTRIBUTION – INHABITED PREMISES –  
DO NOT DELIVER REQUESTS**

No person shall throw, deposit, deliver, or distribute or cause to be thrown, deposited delivered, or distributed any commercial or noncommercial handbill in or upon private premises if the owner, occupant or person in control of the premises has requested that such handbill not be delivered to his or her premises.

A distributor of any commercial or noncommercial handbill may establish a system (including by telephone, a website or email) for required use by the owner, for developing and maintaining a list of those persons who have requested that such a handbill not be delivered to his or her premises. If the distributor of such handbill chooses to develop and maintain such a list a copy of such list shall be provided to the City of Daphne in an electronic and searchable format in intervals of no less than thirty (30) days. The distributor shall have a period of fourteen (14) days to cease delivery to the premises of any person who has requested that such handbill not be delivered to his or her premises after which period of time no person shall throw, deposit deliver or distribute or cause to be thrown, deposited, delivered or distributed that handbill in or on the premises.

**SECTION SEVEN                      HANDBILL DISTRIBUTION – MAIL EXEMPTED**

The provisions of this Ordinance shall not apply to the distribution of mail by the United States.

**SECTION EIGHT                      HANDBILL DISTRIBUTION – SUBSCRIPTION  
PUBICATION EXEMPTED**

The provisions of this Ordinance shall not apply to the distribution of newspapers, commercial handbills or noncommercial handbills in or upon private premises when an occupant or owner of said private premises is currently subscribing to such newspapers or such handbills or has requested that such newspapers or such handbills be delivered. A newspaper, commercial handbill or noncommercial handbill may be delivered to private premises when an occupant or owner of the private premises is not currently subscribing to such newspaper or such handbill or has not requested that such newspaper or such handbill be delivered provided that such is delivered or distributed in compliance with Section Five of this Ordinance, and not otherwise left or thrown upon the premises, and provided further that the owner, occupant or other person in charge of the premises has not requested that such handbill not be delivered to his or her premises as provided in Section Six of this Ordinance.

**SECTION NINE                      HANDBILL DISTRIBUTION – ENFORCEMENT  
PROCEDURES**

- A. A City of Daphne police officer may choose to cite and release a person accused of violating this Ordinance. The “Uniform Non-traffic Citation and Complain” (“UNTCC”) shall serve as the charging instrument and shall be issued in accordance with Rule 20 of the Alabama Rules of Judicial Administration.
- B. A city employee designated as an enforcement officer may issue a municipal offense ticket (“MOT”) for a violation of this Ordinance. The person charged with a violation must within the time period specified on the MOT or within seventy-two (72) hours before the court date shown on the MOT:
  - 1) Appear in person before a Magistrate Judge, sign a plea of guilty waiver of rights on the MOT, and pay the fine and applicable court costs. The Magistrate shall retain a copy of the MOT; or
  - 2) Sign the plea of guilty waiver of rights provision on the MOT and mail or hand deliver to the Clerk of the Municipal Court the signed page and payment of the amount of the fine and applicable court costs. Remittance by mail or hand delivery of the fine and costs constitutes a guilty plea and waiver of trial even if the “plea of guilty waiver of rights” provision of the ticket has not been signed by the defendant. If the amount sent is insufficient then the money received by the clerk shall be considered to be a partial payment, it shall be applied by the clerk to the fine and costs, and shall be deposited as required by law. The clerk may give notice of the insufficiency, and a supplemental summons or warrant of arrest may

- 3) be issued for the defendant's arrest, and a judgment shall be entered for the balance due; or
  - 4) Sign the MOT and agree to appear in court on the date and at the time shown on the MOT to protest the charges. If the defendant fails to appear, the court may, in its discretion issue further notice or a supplemental summons or warrant of arrest.
- C. Employees of the city designated as enforcement officers who observe violations of this Ordinance are further authorized to appear before the magistrate and request a summons or warrant to be issued pursuant to Rule 3.1 of the Alabama Rules of Criminal Procedure.
- D. Employees of the city, designated as enforcement officers may issue corrective notice to persons suspected of violating this Ordinance. The issuance of a corrective notice is, however, not required prior to the issuance of a MOT, UNTCC or warrant.

**SECTION TEN                      PENALTIES**

Any person who pleads guilty or is found guilty of a violation of this Ordinance may be punished by a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), by imprisonment for not more than six (6) months or may be sentenced to perform community service as directed by the judge or to take other remedial action to comply with the terms of this Ordinance in lieu of a fine or imprisonment. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense.

**SECTION ELEVEN                  SCHEDULE OF FINES**

Ordinance 2010-46, Establishing Penalties and Enforcement Procedures for Violation of Municipal Ordinances be amended so as to provide for a fine in the amount of \$250.00 for violation of this Ordinance by adding the following to the schedule of fines:

Distribution of Handbills Ordinance Violations. . . . . \$250.00

**SECTION TWELVE                  SEVERABILITY CLAUSE**

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



**SECTION THIRTEEN        EFFECTIVE DATE**

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

**ADOPTED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

## ORDINANCE 2016-33

### Appropriating Funds for OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS (Project at Lovette Lane – Originally Referred to as Fannon Property)

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

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

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

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

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

**NOW, THEREFORE, BE IT ORDAINED**, that:

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

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dane Haygood, Mayor

Attest:

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

## Ordinance 2016-34

### **Authorization of an Agreement and Funding Between the State of Alabama and the City of Daphne for Utility Work (Dark Fiber) in Support of Project STPOA-0042 (529) (Ref. # 100065671) Adaptive Signal Installation along SR-42 (US-98) in Baldwin County (28 intersections) – funded by the Eastern Shore Metropolitan Planning Organization**

**WHEREAS**, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (ESMPO) which is the organization designated by the Governor of the State of Alabama as being responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by MAP-21 Sections 1201 and 1202, July 2012); 42 USC 2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

**WHEREAS**, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

**WHEREAS**, the Cities of Daphne, Fairhope and Spanish in conjunction with the Alabama Department of Transportation (ALDOT) through the Eastern Shore MPO has a funded project (Project STPOA-0042 (529)) to install Adaptive Intelligent Traffic Signals (ITS) along the length of U.S. Highway 98 on the Eastern Shore for inclusion in the FY 2016-2019 Transportation Improvement Program; and

**WHEREAS**, the Cities of Daphne, Fairhope and Spanish have committed to share the twenty percent (20%) local match for the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS; and

**WHEREAS**, the City of Daphne's share of the twenty percent (20%) local match for the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS is \$33,119.00; and

**WHEREAS**, ALDOT is the lead agency for the ESMPO and the Cities of Daphne, Fairhope and Spanish for the Adaptive ITS and the installation of the required Utilities (Dark Fiber) for the Project and require each City to enter into a funding agreement for their portion of the twenty percent (20%) local match;

**WHEREAS**, a Request for Proposal RFP was sent out with only one qualified bidder responding, Southern Light, LLC.; and

**WHEREAS**, the Eastern Shore MPO has issued a letter to award the REP to Southern Light, LLC..

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

- 1.) The Mayor is hereby authorized to execute all agreements, contracts and related documents for Project STPOA-0042 (529) Adaptive Signal Installation along SR-42 (US-98) including the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS; and
- 2.) Appropriate funds for the City of Daphne's share of the twenty percent (20%) local match for the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS Project in the amount of \$33,119.00 from the Seven Cent Gas Tax Fund.

**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**

## ORDINANCE 2016-35

### TimberCreek (North Court (Road)) Drainage Improvements – Engineering: Survey & Design

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

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

**WHEREAS**, the Timber Creek (North Court) area has had repetitive drainage issues; and

**WHEREAS**, the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public; and

**WHEREAS**, engineering for the initial survey and design of the project is necessary to decide the best course of action to make these repairs.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that funds in the amount of \$16,500 from the Seven Cent Gas Tax Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget for Engineering: Survey & Design fees for the Timber Creek (North Court) Drainage Improvements.

**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 2016-36**

**Appropriating Funds for OLD COUNTY ROAD DRAINAGE IMPROVEMENTS**  
*(Joint project with Bayside Academy)*

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

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

**WHEREAS**, the Old County Road Drainage Improvements will be an in-house City of Daphne project with an estimated project cost of \$49,883; and

**WHEREAS**, this is a private-public partnership with Bayside Academy and work outside the attached scope (City will purchase materials) will be handled by Bayside Academy under their own separate contract; and

**WHEREAS**, the City Council of the City of Daphne deems this project is key to the recovery efforts associated with drainage issues in this area and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.

**NOW, THEREFORE, BE IT ORDAINED**, that

1. Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of \$49,883 from the Seven Cents Gas Tax Fund for the OLD COUNTY ROAD DRAINAGE IMPROVEMENTS project and
2. The Mayor is hereby authorized to sign and execute all documents associated with the described project.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dane Haygood, Mayor

**Attest:**

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

Dane Haygood  
Mayor



Richard D. Johnson, PE  
Public Works Director

## Memorandum

**To:** Randy Fry, Chairman, Finance Committee  
**Thru:** Public Works Committee  
**From:** Richard D. Johnson, P.E.; Public Works Director   
**CC:** Jaye Robertson, PE - HMR; Finance; File  
**Date:** June 6, 2016  
**Re:** Project 2015 PW-008 Old County Road Drainage Improvements

---

This is an "In-House" drainage project that the City has been working on for over a year.

Work consists of adding standup curb/gutter to the west margin of Old County Road between Belrose and Dryer Avenue to direct storm water runoff to three new flumed weir inlets connected by new RCP side drains and all tied into the existing City storm water sewer system. City will provide concrete pipe and ready mix concrete to the site under its contract - selected contractor shall be responsible for coordinating ordering, scheduling and all logistics of delivery of these provided materials with the Street Supervisor.

This is a private-public partnership with Bayside Academy and work outside the attached project scope will be handled by school under their own separate contract.

I am requesting an appropriation of \$49,883.10 from the appropriate 4-cent and 7-cent Gas Tax Fund for the roadway drainage improvements.

Yours,

RDJ

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



PUBLIC WORKS DEPARTMENT  
REQUEST FOR PRICE  
QUOTATION FOR CAPITAL  
IMPROVEMENT PROJECTS

Project: 2015 PW-008 Old County Road Drainage Improvements

| ITEM #       | DESCRIPTION                                                                                                | UNIT | QTY | UNIT PRICE                                                 | QUOTE       |
|--------------|------------------------------------------------------------------------------------------------------------|------|-----|------------------------------------------------------------|-------------|
| 1            | Concrete Curb Removal (205-D)                                                                              | LF   | 20  | \$8.00                                                     | \$160.00    |
| 2            | Unclassified Excavation (210-A)                                                                            | CY   | 340 | \$8.00                                                     | \$2,720.00  |
| 3            | Borrow Excavation, A-2-4 or Better (210-D)                                                                 | CY   | 420 | \$16.50                                                    | \$6,930.00  |
| 4            | Crushed Aggregate Base, Type B, Plant Mixed, 6" Compacted Thickness (301-A)                                | SY   | 330 | \$15.00                                                    | \$4,950.00  |
| 5            | Superpave Bit. Conc. Wearing Surface layer, Patching, 1/2" Max Aggregate size mix, ESAL Range A/B, (424-A) | TON  | 17  | \$175.00                                                   | \$2,975.00  |
| 6            | 18" Storm Sewer Pipe (Class 3 R.C.) (533-A) - Installation Only - City will provide 18" RCP                | LF   | 380 | \$24.00                                                    | \$9,120.00  |
| 7            | Mobilization/Demobilization (500-A)                                                                        | LS   | 1   | \$5,000.00                                                 | \$5,000.00  |
| 8            | Concrete Flume - Installation Only - City will provide concrete                                            | SY   | 11  | \$37.00                                                    | \$407.00    |
| 9            | Concrete Weir Inlet (621-C) - City will provide concrete for bottoms and tops                              | EA   | 3   | \$2,600.00                                                 | \$7,800.00  |
| 10           | Concrete Junction Box - City will provide concrete for bottom and top                                      | EA   | 1   | \$2,100.00                                                 | \$2,100.00  |
| 11           | Connect to Existing Junction Box                                                                           | EA   | 1   | \$610.00                                                   | \$610.00    |
| 12           | Underground Utility Adjustment (Water) (640-A)                                                             | EA   | 1   | \$1,013.00                                                 | \$1,013.00  |
| 13           | Topsoil (650-A)                                                                                            | CY   | 90  | Work & Materials<br>Provided by the City<br>(Do Not Quote) |             |
| 14           | Seeding (652-A)                                                                                            | ACRE | 1   |                                                            |             |
| 15           | Solid Sodding (654-A)                                                                                      | SY   | 700 |                                                            |             |
| 16           | Mulching (656-A)                                                                                           | ACRE | 1   |                                                            |             |
| 17           | S&T Fence (665-J)                                                                                          | LF   | 800 | \$5.00                                                     | \$4,000.00  |
| 18           | S&T Fence Removal (665-O)                                                                                  | LF   | 800 | \$1.25                                                     | \$1,000.00  |
| 19           | Wattles (665-P)                                                                                            | LF   | 100 | \$5.50                                                     | \$550.00    |
| 20           | Solid White, Class 1, Type A Traffic Stripe (701-G)                                                        | LF   | 783 | \$0.70                                                     | \$548.10    |
| Quote Total: |                                                                                                            |      |     |                                                            | \$49,883.10 |

Notes:

- Contractor will be required to be Licensed, Bonded, and Insured. Documents will be required at time of quote acceptance and purchase order.
- Work must be completed 28 calendar days from the "Notice to Proceed" date.
- Enclosed plans and quantities are "good faith" estimates only. Prior to submitting quotations contractor should field measure and verify all quantities.
- The City will provide the following materials: 18" RCP (T&G C-3: 380 L.F.) and Concrete (Type 1 - Mix "A", Minimum 3000 PSI at 28 days). Do not include these material costs in your submitted quote.
- Items 13-16 - these work functions/material quantities will be completed by the City and are not included in the Scope of Work.
- Quotes will be treated and considered based on quantity pricing and the sum total for all described work. Quantities may be adjusted.
- Only one pay request will be accepted and processed upon final acceptance of work.
- Job quoted are subject to the GENERAL CONDITIONS, SPECIAL PROVISIONS and SUPPLEMENTAL SPECIFICATIONS as attached.
- Questions, Inquiries and requests for clarification should be directed to Richard D. Johnson, PE; Director of Public Works; Phone - (251) 621-3182; Fax (251) 621-3189; Email [rjohnson@daphneal.com](mailto:rjohnson@daphneal.com)
- Full size plan sets may be purchased for \$25.00 at the Offices of HMR Engineers - 2039 Main Street; Daphne, AL 36526 - Phone: 251-626-2626
- Quotes must be received by 4:00 PM - Thursday, August 6, 2015, at the Department of Public Works; 26435 Public Works Road; Daphne, AL 36526

Company:

*Ammonst-Buckman Construction LLC*  
P.O. Box 7486  
Spanish Fort AL 36577

Phone:

*251-626-0656*

Signed:

*[Signature]*

Title:

*Member*

# OLD COUNTY ROAD DRAINAGE IMPROVEMENTS

CITY OF DAPHNE

CIVIL CONSTRUCTION PLANS

JUNE 2015



## INDEX TO SHEETS

| SHEET | DESCRIPTION                |
|-------|----------------------------|
| 1     | TITLE SHEET                |
| 2     | CIVIL CONSTRUCTION NOTES   |
| 3     | EXISTING CONDITIONS        |
| 4     | PROPOSED SITE IMPROVEMENTS |
| 5-a   | CROSS SECTIONS             |
| 5     | CIVIL CONSTRUCTION DETAILS |
| 6     | EROSION CONTROL PLAN       |
| 11    | EROSION CONTROL DETAILS    |

MAYOR  
DAVE HAYGOOD  
COUNCIL MEMBERS  
TOMMIE CONAWAY  
DISTRICT 1

PAT RUDDELL  
DISTRICT 2

JOHN L. LAKE  
DISTRICT 3

RANNEY FREY  
DISTRICT 4

RON SCOTT  
DISTRICT 5

ROBIN L. LEWINE  
DISTRICT 6

JOE DAVIS, III  
DISTRICT 7

DIRECTOR OF PUBLIC WORKS  
RICHARD D. JOHNSON, P.E.

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REBECCA HAYES



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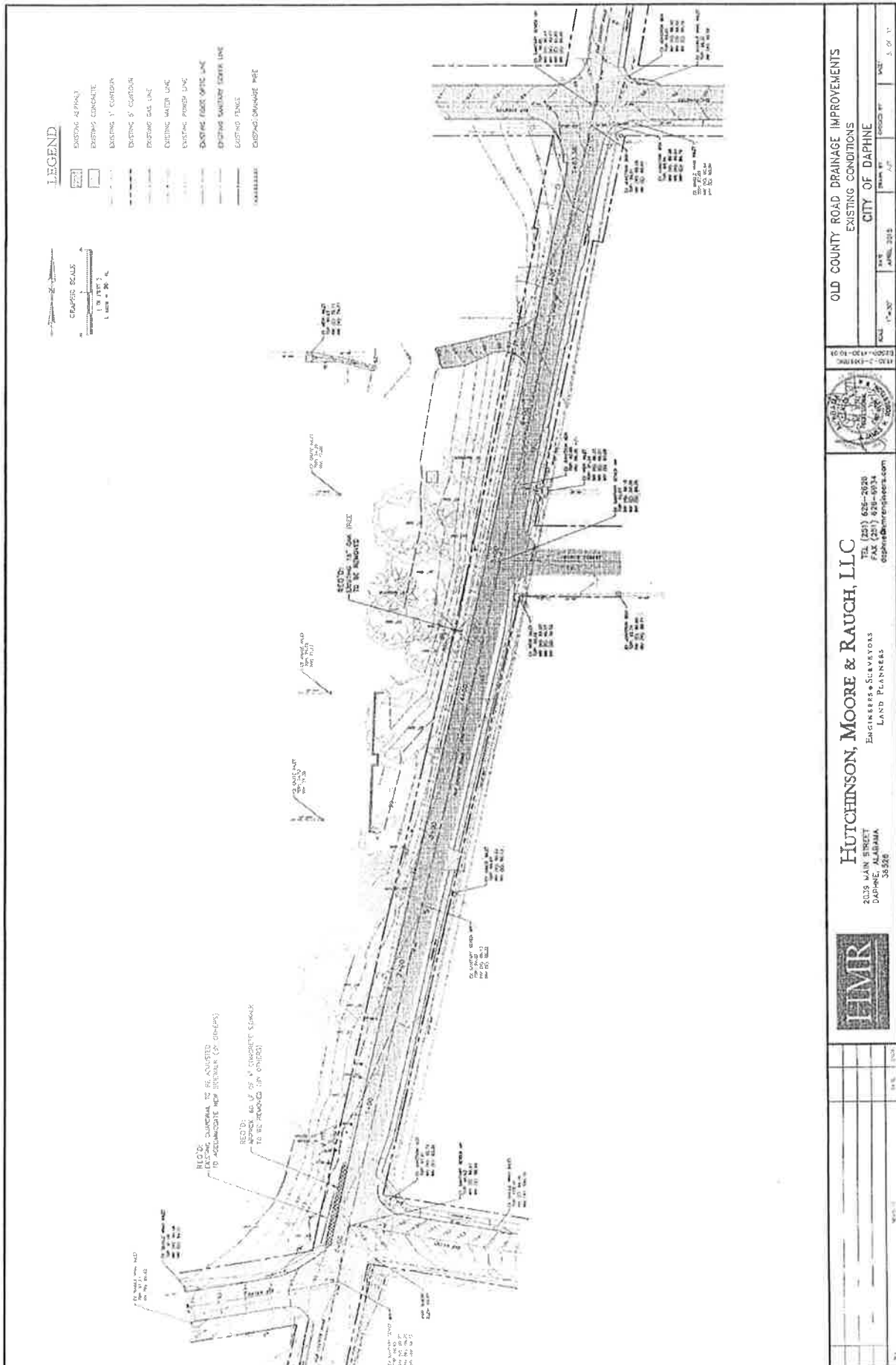


HUTCHINSON, MOORE & RAUCH, LLC  
ENGINEERS-GEOTECHNICAL  
LAND PLANNERS

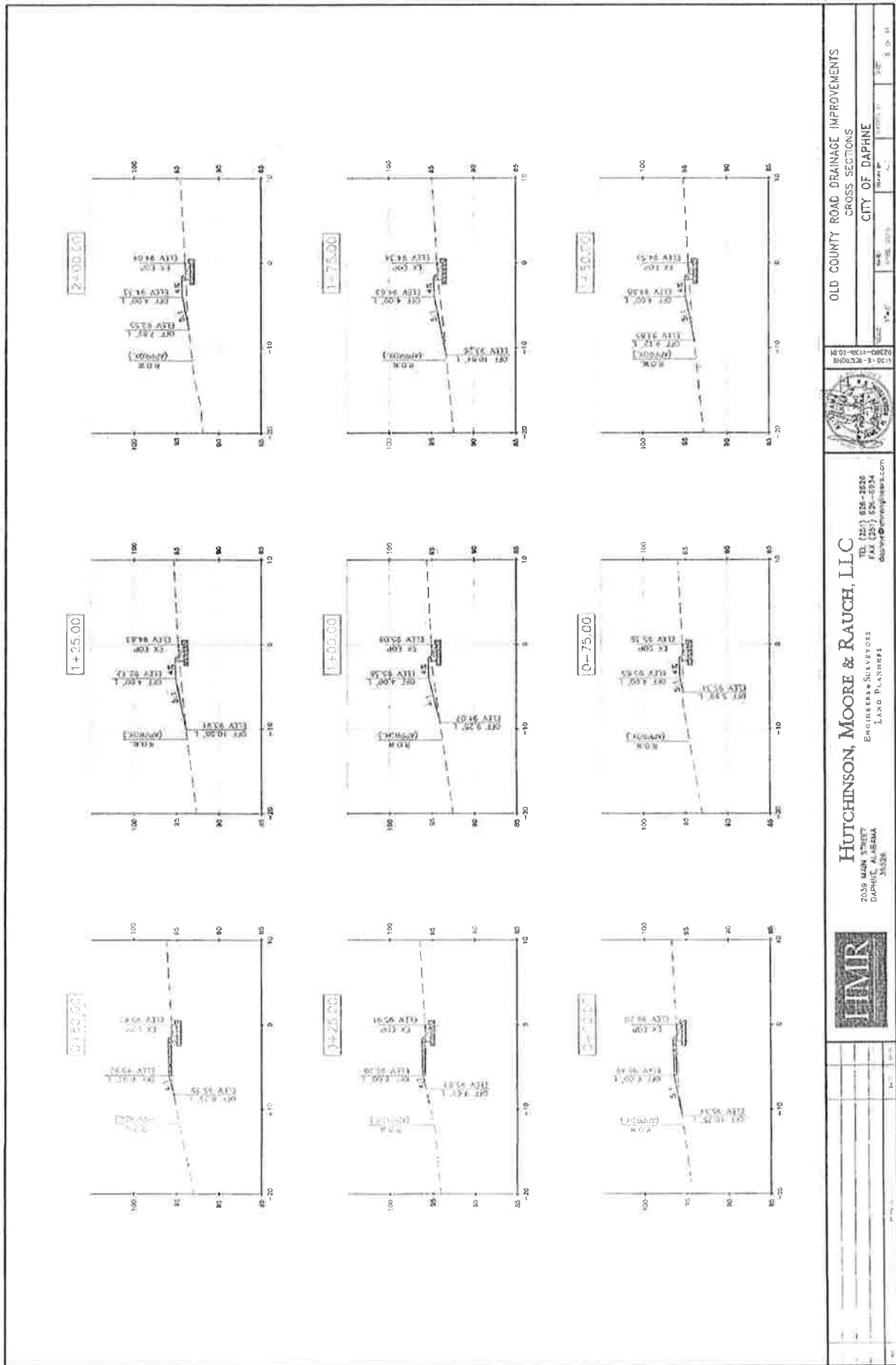
(205) 824-2676  
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daphne@hmr-engineers.com





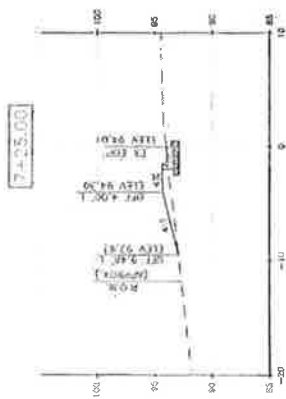
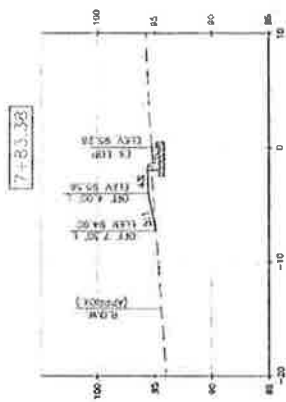




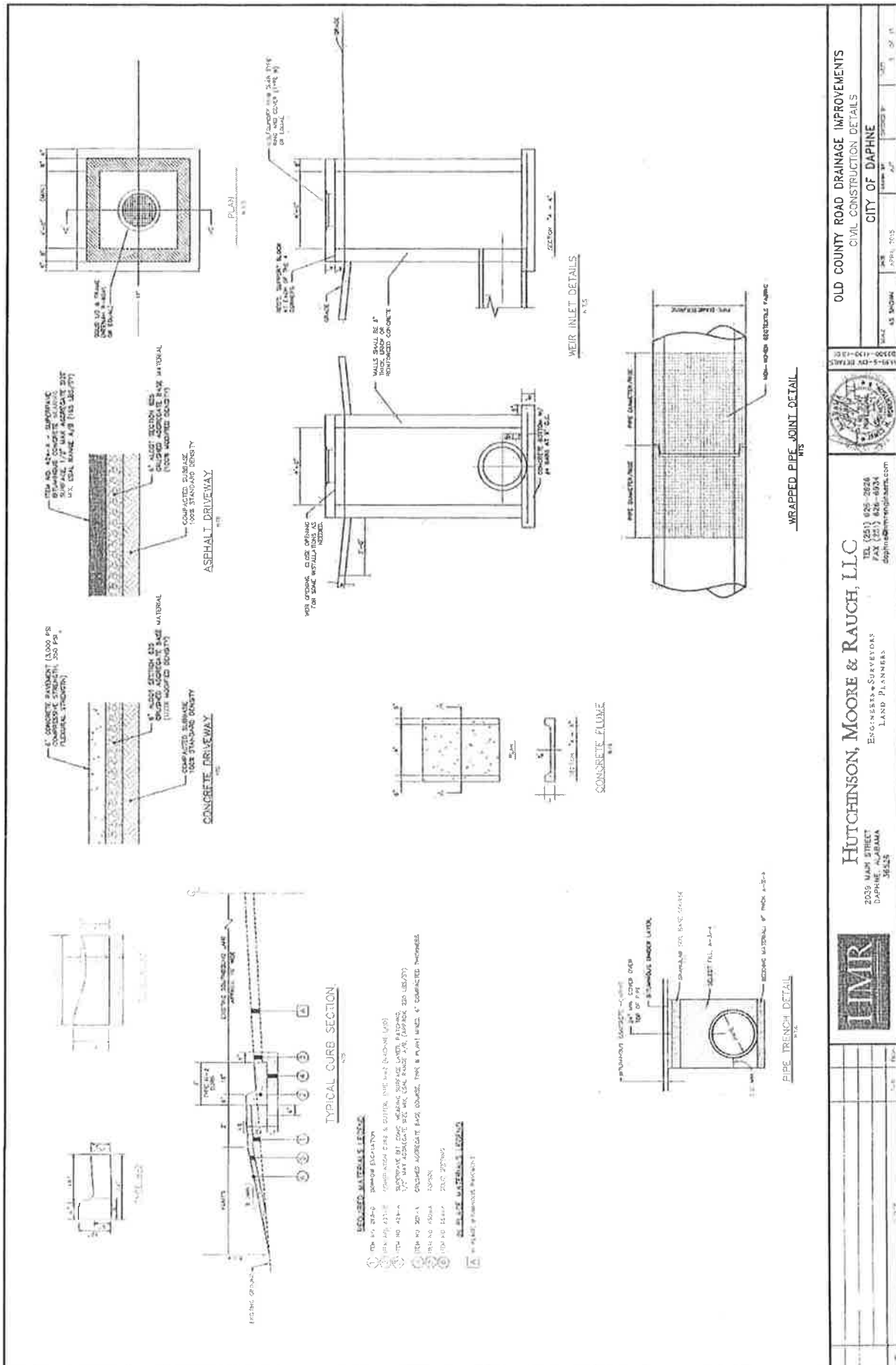








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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | <b>HUTCHINSON, MOORE &amp; RAUCH, LLC</b><br>2530 MAIN STREET<br>DAPHNE, ALABAMA 36526<br>ENGINEERS & SURVEYORS<br>LAND PLANNERS<br>TEL (251) 626-2626<br>FAX (251) 626-3434<br><a href="http://hmr-engineers.com">hmr-engineers.com</a> |  |  |  | 12-01-06 11-09-06 10-01-06 09-01-06 08-01-06 07-01-06 06-01-06 05-01-06 04-01-06 03-01-06 02-01-06 01-01-06 |  |
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#### **4- Cent Gas Tax Funds:**

Use of Funds Restricted - Section 40-17-224, Code of Alabama 1975, imposes even more severe limitations on municipal use of state-shared revenue from the 4-cents per gallon tax on gasoline and lubricating oils than the restrictions on the 7-cents per gallon gasoline tax. Note: These restrictions also apply to the 6-cents per gallon tax on motor fuels provided for in Section 40-17-220, Code of Alabama 1975. Prior to 2004, the tax on motor fuels was 4 cents but was increased in 2004 to 6 cents per gallon. The section provides that revenue from the 4-cent (and 6-cent) tax may only be used for resurfacing, restoration and rehabilitation of roads, bridges and streets, and for bridge replacement within the municipality. A 1987 amendment allows the proceeds of the 4-cents per gallon tax to be used to construct new roads. A municipality's share of the proceeds from the 5-cent tax shall be used for the same purposes and deposited in the same municipal fund as the 4-cents per gallon gasoline and lubricating oil tax and the 6 cents per gallon motor fuels tax.

#### **Opinions on the Use of the 4-Cent and 5-Cent Tax Revenues -**

- Proceeds from the 4-cent per gallon gasoline tax may be used for equipment rental for the purposes of restoring, resurfacing, and rehabilitating roads. AGO 1981-254 (to Hon. Hiram Pitts, February 19, 1981).
- Proceeds from the 4-cent gas tax may be used to repair culverts as well as highways and bridges. AGO 1982-030 (to Hon. William P. Smith, October 21, 1981).
- A town may spend 4-cent gas tax revenues to pay a note for monies borrowed in anticipation of such revenues to be used for resurfacing the main street in town. AGO 1982-155 (to Mrs. Martha F. Kelley, January 26, 1982).
- A county may not use 4-cent gas tax revenue to cut and maintain a right of way. AGO 1982-332 (to Hon. Gerald Dial, May 11, 1982).
- Proceeds from the 4-cents per gallon gasoline tax may be used to pay for labor and fuels needed to repair or restore streets. AGO 1982-469 (to Hon. Kenneth H. Sanders, July 23, 1982).
- Four-cents gasoline tax funds may not be used to pay for water pipe. AGO 1985-238 (to Hon. Glenn Fuller, March 5, 1985).
- Four-cents gasoline tax funds may be used for restriping and re-signing county roads. AGO 1985-241 (to Hon. Richard H. Ramsey, III, March 12, 1985).
- Four-cents gasoline tax funds may be used to widen the shoulders of a Federal Aid Security Secondary Route in advance of a resurfacing project. AGO 1985-409 (to Hon. F. R. Albritton, Jr., June 26, 1985).
- Four-cents gasoline tax funds cannot be used to mow the shoulders of a road for normal road maintenance. AGO 1985-493 (to Hon. Jack Floyd, September 3, 1985).
- Four-cents gas tax funds may be used for repairing storm drains. AGO 1986-020 (to Hon. David Money, October 23, 1985).
- Funds from the 4-cent gas tax cannot be commingled with funds from a Community Development Block Grant. AGO 1986-314.
- A municipality may not use proceeds of the 4-cent tax to resurface, restore and rehabilitate driveway accesses located on the city's right-of-way. AGO 1989-159.
- Both the 7-cent gasoline tax and the 4-cent gasoline tax may be used to build an access road to the municipal fire station. AGO 1991-071.
- The 4-cent gasoline tax may be used to pave a dirt road. AGO 1993-046.
- A county commission may use 4-cent gasoline tax funds to remove debris, resulting from the recent winter storm, from county roads. AGO 1993-172.
- A city may not use four-cent gasoline tax funds to purchase property on which a private road is located. AGO 1996-022.

- Four and 7-cent gasoline tax funds may be used to repair, maintain, and construct ditches and culverts along street rights-of-way. AGO 1998-189.
- A municipality may not use 4-cent gasoline tax proceeds to repair and restore the runway of a regional airport. AGO 1998-179.
- A municipality may not use four-cent gasoline tax proceeds to pay for the removal of trash and debris from public streets on a daily basis, nor may a municipality use 4-cent money to pay for the operation and maintenance of lighting along an interstate highway or public street. AGO 1999-270.
- The 4-cent and 5-cent gasoline tax proceeds may not be used for landscaping alongside state highways because this is not restoration or rehabilitation of a road. The 4-cent and 5-cent gasoline tax proceeds may be used for a one-time cleaning of the street and adjoining parking and sidewalk area only if this work is part of the restoration, rehabilitation or resurfacing of the road AGO 2001-078.
- Four-cent gasoline tax funds can be used by a municipality to purchase a dump truck for street repair work and for removing debris from streets when the restoration, rehabilitation or resurfacing of streets is involved. Four-cent gasoline tax funds can be used to pay for lighting along an interstate road for streets within the municipality when the lighting is part of the construction of the road, or when it is part of the restoration, rehabilitation or resurfacing of the street or road. AGO 1999-252.
- A municipality may use the proceeds from a four cent gasoline tax to install speed bumps on streets. AGO 2007-125.

Source January 20, 2010 Alabama Municipal Journal – Attached.

#### **7- Cent Gas Tax Funds:**

The legislative limitation on the expenditure of 7-cent gasoline tax funds is found at Section 40-17-78(3), Code of Alabama 1975, and reads, in pertinent part, as follows:

***“Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution.”***

Section 40-17-79, Code of Alabama 1975, authorizes a county governing body to expend proceeds from the state-shared gasoline tax for the construction and maintenance of streets within the corporate limits of any municipality located within the county. Note: Municipalities in Jefferson County should consult their local act on this matter.

Opinions on the Use of 7-Cent Gasoline Tax Revenue - The Attorney General has been asked frequently to rule on the legality of certain uses by municipalities of the 7-cent gas tax. The following opinions are the most important ones issued on the subject:

- *A municipality may invest surplus gasoline tax funds in U.S. Treasury notes as long as the gas tax funds are not commingled with other municipal funds. AGO to Hon. Bob A. Davis, October 30, 1969.*
- *Salaries of employees who perform work necessary for enumerated purposes listed in Section 40-17-78, Code of Alabama 1975, may be paid from funds derived from the state highway gasoline tax. If an employee works only part-time on such purposes, then a proportionate share*

of his salary may be paid from gasoline tax funds. AGO to Hon. Cecil Gardner, November 6, 1969.

- Improvement bonds were issued covering street improvements but the collections were insufficient to pay the principal and interest of such bonds. The Attorney General held that gasoline tax funds could be used to pay the installments AGO to Hon. W. H. McDermott, December 15, 1969.
- A city may purchase from gasoline tax funds a truck to service traffic control signals. AGO to Hon. Jack B. Rucker, March 24, 1970.
- Gasoline tax funds may be used in lighting streets. AGO to Hon. James M. White, April 30, 1970.
- Gasoline tax funds may not be used for "routine street cleaning" but can be used to pay the expense of removing objects interfering with traffic. AGO to Hon. John F. Watkins, May 21, 1970 and AGO to Hon. John Gaither, September 4, 1970.
- A city may not use gasoline tax funds to construct offstreet parking facilities. AGO to Hon. H. E. Swearingen, May 31, 1971.
- State gasoline tax funds may be used to "rough-in and pave" a street if the street is dedicated for public use. AGO to Hon. Edward Minyard, December 2, 1971.
- Gasoline tax funds may not be put into the general fund and used for general purposes. AGO to Hon. B. H. Reynolds, March 10, 1972.
- Gasoline tax funds may be used to pay a portion of the cost of the annual audit provided the employee donates a part of his time to purposes which may be paid from gasoline tax funds. AGO to Hon. W. J. Coker, September 28, 1972.
- A municipality may use general funds for a paving project and reimburse the fund from future collections of gas tax funds. The minutes should reflect the arrangement. AGO to Hon. John A. Hughes, Jr., January 29, 1973.
- State gasoline tax funds distributed to a municipality may be used to improve, maintain and repair a street. AGO to Hon. A. N. Roberts, May 18, 1973.
- A municipality may use its state-shared gas tax funds to purchase machinery and equipment to be used in construction, reconstruction, maintenance, widening and improvement of public roads, bridges, streets and other public ways. AGO to Hon. Cecil Gardner, September 9, 1969 and AGO to Hon. Gene L. Hughes, May 26, 1977.
- Proceeds from the state gasoline tax fund may be used to construct a building to house those municipal vehicles which are used to construct and maintain the streets and other public ways of the municipality. However, the building may not be used to house other municipal vehicles. AGO to Mrs. Carole Dykes, August 14, 1972.
- The Attorney General has held that Alabama municipalities may expend state-shared gasoline tax funds for lighting and traffic control. AGO to Hon. Herman Nelson, March 20, 1968.
- State gas tax funds cannot be used on a city water project. AGO to Hon. J. W. Donahoe, November 9, 1977.
- State gas tax funds may be used to purchase a town map and erect street signs. AGO to Hon. Janice L. Gurley, October 27, 1977.
- Proceeds from the state gasoline tax cannot be used to pay off a loan for a police car and fire truck. AGO 1981-282 (to Hon. J. G. Morse, March 11, 1981).
- The 7-cents per gallon gasoline tax cannot be used for sidewalks. AGO 1983-115 (to Mr. James R. Stone, December 22, 1982).
- Proceeds from the 7-cents per gallon gasoline tax cannot be used to purchase computer equipment to process and record the tax proceeds. AGO 1984-085 (to Hon. Mac Smith, December 1, 1983).
- The 7-cents per gallon gasoline tax money may be used for drainage improvements if such improvements are directly connected with and necessary for the maintenance and repair of a road. AGO 1984-193 (to Hon. Kenneth Moss, March 5, 1984).

- *The 7-cent gasoline tax may be used to maintain structures and equipment which control flood waters which cause road and bridge damage. AGO 1986-387.*
- *A county commission may not use gasoline tax funds to operate the sheriff's department or jail. AGO 1993-037.*
- *A county commission may not use gas tax funds to hire deputies or maintain sheriff's department vehicles absent local legislation authorizing the expenditure. AGO 1993-394.*
- *A municipality may use 7-cent gasoline tax funds to construct new curbs and gutters on existing municipal streets. AGO 1997-170.*
- *Seven-cent gasoline tax funds may be used to cut grass on the rights of way of public roads. AGO 1999-062*
- *A municipality may not use gasoline tax proceeds to repair and restore the runway of a regional airport. AGO 1998-179*
- *Four and 7-cent gasoline tax funds may be used to repair, maintain and construct ditches and culverts along street rights of way. AGO 1998-189.*
- *Proceeds from the 2-cent fee and the seven-cent gasoline tax may be used by a municipality for a one-time cleaning of the street and the adjoining sidewalk and parking area. These funds may also be used for landscaping along a state right-of-way. AGO 2001-078.*
- *Gasoline tax funds cannot be used to purchase scales and hire personnel to enforce weight limits on county roads. AGO 1989-442.*
- *Labor costs, including pension increases and insurance premiums, associated with the general scheme of constructing, maintaining and supervising public roads may be paid from appropriate gasoline tax funds. AGO 1991-267.*
- *A municipality may use the proceeds of the seven cent gasoline tax to purchase a leaf vacuum truck. AGO 2006-083.*

RDJ

**ORDINANCE 2016-37**

**LODGING TAX FUND APPROPRIATION FOR: BAYFRONT LANDSCAPING  
IMPROVEMENTS**

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

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

**WHEREAS**, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

**WHEREAS**, some shrubbery/landscaping improvements are needed surrounding the Richard Scardamalia Pavilion.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2016 Budget is hereby amended to include an appropriation from the Lodging Tax Fund for landscaping improvements on the Bayfront property in the amount of \$2,000.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2016.

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**Dane Haygood, Mayor**

**Attest:**

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**Rebecca A. Hayes, City Clerk**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2016-38**

**Ordinance to Rezone Property Located at the  
Southwest of the Intersection of Guarisco Street and Mancie Avenue  
Daphne Rudicell Robinson**

**WHEREAS**, Daphne Rudicell Robinson as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to MU, Mixed Use District; and,

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

**Legal Description:**

Lots 18, 19 and 20 in Block 2 of Mancie-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

**WHEREAS**, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; and,

**WHEREAS**, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama.

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

**SECTION I: ZONING**

That above described real property is hereby rezoned from B-2, General Business District to MU, Mixed Use District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**SECTION III: REPEALER.**

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



**SECTION IV: SEVERABILITY.**

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

**SECTION V: EFFECTIVE DATE.**

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

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

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**Dane Haygood,**  
**Mayor**

**ATTEST:**

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**Rebecca A. Hayes, City Clerk**

**RUDICELL ROBINSON**  
**ZONING AMENDMENT REVIEW**

**816 AND 818 MANCI AVENUE**  
**DAPHNE, ALABAMA**

**EXHIBIT "A"**

**STATE OF ALABAMA)**  
**COUNTY OF BALDWIN)**

**DESCRIPTION OF PROPERTY TO BE REZONED AS MU MIXED USE**

**Lots 18, 19 and 20 in Block 2 of Mancie-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.**

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**CITY OF DAPHNE**

**ORDINANCE NO. 2016-39**

**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**

**CREATING A NEW ZONING DISTRICT  
B-1(a), LIMITED LOCAL BUSINESS DISTRICT**

**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 special called City of Daphne Planning Commission meeting on May 5, 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**, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

**WHEREAS**, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

**WHEREAS**, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

**WHEREAS**, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-1(a), Limited Local Business District; and,

**WHEREAS**, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; 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 AS FOLLOWS:**

- A. Add B-1(a), Limited Local Business District, to Section 12-2, List of Zoning Districts and Section 14-2, Uses Permitted.
- B. Add B-1(a) to Section 12-4, Business Districts, and also renumber each subsequent subsection header accordingly.

B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

- C. Add B-1(a) to Section 13-4, Requirements for lot area, width, coverage, density, height and other factors. Said requirements shall be the same standards as in a B-1, Local Business District.
- D. Add B-1(a) to Section 13-6, Minimum zoning district setback requirements. Said requirements shall be the same standards as in a B-1, Local Business District.
- E. Add B-1(a) to Section 14-17, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.
- F. Add B-1(a) to Section 19-9, Buffer zone requirements (a)(v) as follows: Where a business district, B-1, Local Business, B-1(a), Limited Local Business, or B-3, Professional Office, abuts any part of a residential district, a ten-foot-wide buffer zone shall be required.
- G. Add B-1(a) to Section 33-10, Permitted signs as follows: (c) Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-1(a), Limited Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of its building or portion of building.
- H. Add B-1(a) to 33-11, Schedule of permitted sign requirements. Said requirements shall be the same standard as in a B-1, Local Business District.
- I. Add B-1(a) to Section 36-16, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.

**SECTION II: THIS SECTION HEREBY ADDS TO AND AMENDS LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, PERMITTED USES AND CONDITIONS AS FOLLOWS:**

- A. Add B-1(a), Limited Local Business District, to the List of Districts in Section 35-2, List of districts and cross reference for R-4 designation.
- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible by right:

Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met;

Apparel and accessory store; Appliance store; Art gallery or museum; Art supplies; Bakery, retail; Barber shop or beauty parlor; Book store; Camera and photographic supply store; Candy, nut and confectionery store; Catering shop or service; Churches and related accessory buildings; City Hall, police station, fire station, courthouse, federal office building and similar public building; Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business; Dairy products sales; Delicatessen; Drug Store; Dry goods or fabric store; Employee credit union office; Floor covering sales and service; Floral shop;

Fruit and produce, retail; Gift shop; Grocery store, retail; Hardware store, retail, wholesale, storage and sales; Hobby shop and supply store; Home occupation; Ice cream parlor; Interior decorating shop; Laboratory, medical or dental; Laundry, self-service; Laundry, and dry cleaning pick-up station; Leather goods or luggage goods store; Library; Loan office; Locksmith; Music store; News stand; Office buildings, general; Office buildings, professional; Office equipment and supplies, retail; Optician; Paint and wallpaper store; Photographic studio and/or processing; Shoe repair shop; Shoe store, retail; Sporting goods store; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting; Tailor shop; Toy store; Variety store.

- C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible upon approval of the Planning Commission:

Ambulance/EMS service; Bank, including drive-in bank; Cafe, grill, lunch counter and drive-in restaurant, and restaurant but not including night club, bar, tavern; Clinic, dental, medical or psychiatric for humans; Dry cleaning shop, including self-service; Fix-it shop, including small appliance repair; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment; Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year; Art sculptures, statues, monuments; Business machines sales and service; Business school or college; College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line; Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts; Clinic, convalescent or nursing home, extended care facility or sanitarium for humans; Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails; Post office; Telephone exchange; Theater, indoor.

- D. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District the following uses as permissible upon approval of a Special Exception:

Pet shop; Picture framing and/or mirror silvering; Tourist home

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 III: 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 IV: 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 V: EFFECTIVE DATE**

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

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

\_\_\_\_\_  
Dane Haygood, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE**

**ORDINANCE NUMBER 2016-40**

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**AN ORDINANCE REPEALING AND REPLACING RESOLUTION 1999-57 AND  
RESOLUTION 2003-30 REGARDING MOTOR VEHICLE OPERATIONS POLICIES,  
MOTOR VEHICLE TAKE HOME POLICIES, AND MOTOR VEHICLE  
MARKING/LOGO POLICIES**

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**WHEREAS**, Resolution No. 1999-57 established the policies and procedures for City of Daphne, (hereinafter referred to as “CITY”) employees who are authorized to take home City-owned vehicles; and

**WHEREAS**, Resolution No. 2003-30 amended certain provisions of Resolution 1999-57 specifying the only positions authorized to take home City owned vehicles as: All Public Safety Personnel, Public Works Director, Public Works Superintendent(s), Solid Waste Supervisor(s), and Code Enforcement Officer(s); and

**WHEREAS**, the CITY believes it is in the best interest of the City to repeal Resolution No. 1999-57 and Resolution No. 2003-30 and replace same with the following comprehensive motor vehicle operations policy; and

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

Resolution No.1999-57 and Resolution No. 2003-30 are hereby repealed and replaced by the following:

**SECTION I:           MOTOR VEHICLE OPERATIONS POLICY**

A.     Purpose. The Daphne City Council is committed to insuring that its fleet operations are conducted in a safe and efficient manner. This policy addresses specific responsibilities of those employees whose job duties require that they operate city vehicles and equipment. It is the responsibility of these employees to familiarize themselves with and follow these policies and its requirements.

B.     Definition of City Vehicle. A City vehicle is any vehicle or equipment that is owned, leased, rented or loaned by the CITY

C.     Definition of Motor Vehicles is for purposes of this policy, motor vehicles (or “vehicles”) shall mean and include all automobiles, motorcycles, mobile trailers, trucks, truck tractors, semitrailers, trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks.



D. Definition of Authorized Driver. An authorized driver is any employee who has been approved by his/her department head, Risk Manager and the CITY's Human Resources Department to operate a City vehicle.

Authorized drivers shall not allow an unauthorized individual to operate their assigned City vehicle. If an authorized driver allows an unauthorized individual to operate their assigned City vehicle, then their driving privileges may be suspended or terminated or other disciplinary action may be taken. Additionally, if unauthorized use results in an accident, the responsible employee may be required to make restitution for the damages.

E. Definition of Risk Manager. The Risk Manager shall be that City employee designated by the Mayor to handle issues related to minimizing employee liability. If no such employee is so designated, the Human Resource Manager shall assume those functions. Periodically but no less than semi-annually the Risk Manager will present a list of accidents involving City vehicles and/or employees to the buildings and property manager and the buildings and property committee.

F. Use of City Vehicles. City Vehicles shall be used exclusively for public good and benefit for the City of Daphne. Incidental personal use may be allowed in conjunction with take home vehicles in off duty or after-hours situations or during certain emergency situations. Employees are required to report any emergency to the employee's respective Department Head and Human Resources as soon as reasonably possible to document the emergency use. Use of the vehicle will be tracked through use of a global positioning satellite (GPS) technology. Any driver of a City vehicle must sign a release acknowledging that said GPS tracking is used and waiving any objection to same.

G. Driver Conduct. Every operator of a City vehicle has a duty to drive in a safe and courteous manner. Drivers are expected to drive defensively and not in an aggressive manner. Complaints from citizens of reckless driving by a City driver may result in the suspension or termination of driving privileges or other disciplinary action may be taken by the City.

H. Driver's License Requirements. Prospective and current employees whose job duties include the operation of a City vehicle must be in possession of a valid and current Alabama driver's license along with the appropriate class of commercial license for the vehicle being operated.

Any employee whose job duties include the operation of a City vehicle shall, within 24 hours, notify his/her department head and the Human Resources Department of any changes in status of their driver's license. This reporting requirement applies to violations incurred while driving any vehicle - personal or City. Failure to report within 24 hours any violations against his/her driver's license or status changes may result in the employee's loss of City driving privileges. Human Resources Department will report the change in status to the Mayor's office.

I. Motor Vehicle Record (MVR) Requirements. The Risk Manager will periodically review a current MVR for each employee authorized to drive a City vehicle to determine acceptability to drive said City vehicle. The Risk Manager, in concert with the Human Resources Department will also conduct such a review for any new employee whose job

requires the operation of a City vehicle or an existing employee who transfers to a position requiring the operation of a City vehicle. If the MVR contains violations that put the employee in “borderline” status as defined by the attached City guidelines, the employee will be placed on probationary driving status for one (1) year, conditional upon maintaining a clean motor vehicle record during that period. Additionally, the employee may be required at their own expense, to attend and complete a defensive driving course approved by the Risk Manager within thirty (30) days of notification.

If the MVR contains a Major Violation or multiple Minor Violations that put the employee in a “Poor” status as defined by the attached City guidelines, the employee may be disqualified from operating a City vehicle for up to three (3) years, conditional upon maintaining a clean motor vehicle record during that period. Additionally, the employee may be required to attend a City approved defensive driving class at his/her own expense.

**K. The City Council reserves the right to refuse to allow any employee to drive a City vehicle for any reason.**

L. Seat Belt Use. Seat belt use in City vehicles is mandatory for all drivers and passengers. Failure to utilize seat belts may result in suspension of driving privileges or other disciplinary action may be taken by the City.

M. Passengers. City Vehicles shall be utilized exclusively for the transportation of (i) City employees; (ii) non-city employees in conjunction with the Authorized Driver’s primary job duties (e.g. Police transport of arrestee or detainee); (iii) invitees and guests of the city in conjunction with normal business operations; (iv) non-city employees transported by Authorized Drivers who have been specifically designated for specific driving activities by their respective Department Head and approved in advance by the Mayor and Human Resources (e.g. Designated drivers for inmate transport, Seniors Program outings); (v) any passengers in conjunction with an emergency situation; (vi) an immediate family member of an Authorized Driver of a take-home vehicle in conjunction with a commute or trip for a City related business activity; (vii) commuters reasonably associated with a city related commute or trip with prior approval by the Mayor and filed with Human Resources; (viii) as otherwise approved in advance in writing by the Mayor and subsequently authorized by the City Council. All other transport of non-City employees is strictly prohibited. Advanced approvals should be kept on file with the Human Resources Department. Failure to adhere to this policy regarding the transport of non-City employees may result in suspension of driving privileges or other disciplinary action may be taken by the City. Non-City employees are prohibited from operating or riding in any large or specialized City vehicles. For purposes of this section, approvals for the transportation of passengers may be for a single occurrence, regular or otherwise recurring basis, or on a sporadic or infrequent basis as so defined in the approval.

N. Vehicle Maintenance and Inspection.

1. Each driver is responsible for periodic inspection of and insuring that their vehicle is in proper working condition prior to being placed in operation. All vehicles shall be inspected through routine service at the City’s maintenance center. This includes, but is not limited to, the following equipment:

- Brakes
- Tires and wheels
- Steering
- Lights and reflectors
- Horns
- Windshield wipers
- Mirrors

2. Each department will have inspection checklists for their large vehicles and specialized equipment. The operators of these vehicles will be responsible for vehicle inspection on a daily basis. Should any defects be discovered during these checks, it is the operator's responsibility to insure the problem is reported in a timely manner to their department head.

3. The driver is responsible for keeping the interior and exterior of the vehicle clean and neat in appearance. This means no trash or debris on the seats, floor or dash, and the exterior is not excessively dirty. Failure to properly maintain the interior and exterior of a City vehicle may result in disciplinary action.

4. **Smoking is prohibited inside a City vehicle.**

O. Accident Reporting.

1. All drivers shall follow all applicable state and local laws with respect to accident reporting. Any driver involved in a vehicular accident should take the following actions unless injuries or other circumstances reasonably prevent them from doing so:

- Immediately stop the vehicle. Do not leave the accident scene.
- Take whatever steps may safely be taken to prevent another accident from occurring.
- Notify law enforcement and supervisor and/or department head immediately or as soon as the employee can safely do so. Supervisor (or department head) will notify the Human Resources Department.

**Failure to notify law enforcement will result in an at least an automatic one (1) month suspension of driving privileges and other possible disciplinary action.**

2. The CITY's Drug and Alcohol Policy is incorporated herein by reference.

3. Employees who fail to properly report accidents involving City vehicles may have driving privileges suspended or terminated and may be subject to disciplinary action.

P. Review of Vehicle Accidents.

All accidents involving City vehicles will be reviewed by the Risk Manager for the purpose of determining if the accident was preventable. If the Human Resources Department

believes the accident was not preventable, a memo will be sent to the employee's department head and Mayor's office to that effect. If it is determined that the accident was preventable, it may, at the discretion of the Human Resources Department, be referred to the buildings and property committee of the City Council for further review.

Q. **Motor Vehicle Record Guidelines.** An acceptable driving record is one that does not include any of the following Major Violations in the past three (3) years:

- Driving under the influence of alcohol or drugs (DUI, DWI, or related offense)
- Homicide, manslaughter or assault arising out of the use of a vehicle
- Fleeing or eluding a police officer
- Chemical test refusal
- Leaving the scene of an accident
- Driving after suspension or revocation of license
- Three (3) or more preventable accidents (all accidents will be considered preventable unless documented proof can be produced to show the employee was not a fault.)
- Passing a stopped school bus
- Reckless driving
- Careless driving
- Any other violation or incident determined by the Human Resources Department to be a "major" violation

The chart below provides a guideline to determine acceptable driving records. Any major violation (as listed above) will automatically be considered "poor". A Poor driving record will entail a mandatory suspension of driving privileges for a period of time to be determined by the Risk Manager. Multiple Major violations or an unacceptable driving record will require termination of driving privileges for a minimum of three years.

#### **Motor Vehicle Grading Criteria (last three (3) years)**

| <b>Number of<br/>Minor Violations*</b> | <b><u>Number of at-fault accidents</u></b> |                   |                     |                     |
|----------------------------------------|--------------------------------------------|-------------------|---------------------|---------------------|
|                                        | <b><u>0</u></b>                            | <b><u>1</u></b>   | <b><u>2</u></b>     | <b><u>3</u></b>     |
| <b>0</b>                               | <b>Clear</b>                               | <b>Acceptable</b> | <b>Borderline</b>   | <b>Poor</b>         |
| <b>1</b>                               | <b>Acceptable</b>                          | <b>Acceptable</b> | <b>Borderline</b>   | <b>Poor</b>         |
| <b>2</b>                               | <b>Acceptable</b>                          | <b>Borderline</b> | <b>Poor</b>         | <b>Poor</b>         |
| <b>3</b>                               | <b>Borderline</b>                          | <b>Poor</b>       | <b>Poor</b>         | <b>Poor</b>         |
| <b>4</b>                               | <b>Poor</b>                                | <b>Poor</b>       | <b>Poor</b>         | <b>Poor</b>         |
| <b>Any major violation</b>             | <b>Poor</b>                                | <b>Poor</b>       | <b>Unacceptable</b> | <b>Unacceptable</b> |

**\*A Minor Violation is any violation that is not a Major Violation except for the following: An employee's eligibility to drive a City vehicle will be determined on a case-by-case basis utilizing the above criteria and other pertinent information as a guide.**

R. Accident Reporting Procedures.

1. City Driver

- a. Assess for physical injuries and property damage.
- b. Do not admit fault at the time of the accident. "I'm sorry," could imply fault.
- c. Contact the following:
  - Medical assistance, if needed
  - Police (proper authority within the accident's jurisdiction)
  - Department head or designated department contact
- d. Identify by name, phone number and address as many witnesses as possible who can provide information.
- e. Request accident case number from on scene police officer for the accident report.
- f. Exchange the insurance card information with the other party.
- g. City driver is required to submit to drug and alcohol testing as soon as possible but not later than four (4) hours following the accident.
- h. Complete the following reports in detail and submit to department head within 24 hours of the accident:
  1. City's Vehicle Report Form
  2. Copy of Alabama Department of Public Safety SR-31 Form (Driver is required to complete the Alabama Department of Public Safety SR-31 Form if the City driver believes that the other driver is responsible for his or her damages and that City driver would file a claim for such damages or injuries.
3. Alcohol and Drug test reports.

## 2. Department Head or Designated Department Contact

- a. Notify the Risk Manager of an accident immediately by telephone (251) 621-3075 or fax (251) 621-4506 within three (3) days of the accident. The Human Resource Department may require additional forms to be filled out by City driver.

## **SECTION II: TAKE-HOME VEHICLE POLICY**

A. Purpose. This policy defines which CITY vehicles are authorized to be taken home by CITY employees and the manner in which said vehicles may be used, including any relevant exceptions related thereto. The only employees eligible to take home City vehicles are members of Public Works, Recreation, Police, and Fire Departments.

B. Generally. Vehicles or equipment owned or leased by the CITY may not be used for personal business, except for commuting purposes or de minimis personal use as defined herein. No CITY employee shall take a vehicle home without having a CITY Vehicle Take Home Authorization Form on file with the relevant department office. This policy replaces any and all prior take home vehicle policies.

C. Definition of Personal Business is any personal use or gain that does not pertain to CITY business.

D. Definition of Commuting is traveling from home to work or from work to home. Such use shall be restricted to those employees who do not report to work at a regularly scheduled time and place each day or as determined by the City Council.

E. Definition of De Minimis Personal Use is the use that the value and frequency of which is so minimal so as to make accounting for it unreasonable or unduly burdensome.

F. Definition of a Public Safety Vehicle is a vehicle within the public safety departments that respond to incidents away from their normal place of business. Public Safety Vehicles include vehicles used by Code Enforcement Officers.

### G. Take Home Vehicle Policy

#### 1. PUBLIC SAFETY VEHICLES -

Daphne Police Department:

- (a) Officers assigned marked vehicles and approved task specific unmarked vehicles may take their assigned vehicle to their place of residence when they are off-duty. Personal use is confined to being within the physical jurisdiction of the police officer's arrest powers. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Police Department.
- (b) Command level law enforcement officers and task specific law enforcement officers are authorized to take their approved unmarked

assigned vehicles to their place of residence. These vehicles are authorized to be taken to the officer's residence with the approval of the Chief of the Daphne Police Department. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Police Department.

Daphne Fire Department:

- (c) Command level positions and task specific positions within the Daphne Fire Department are authorized to take their vehicle to their place of residence when they are off-duty. These vehicles shall have prominent markings describing them as a CITY Fire or Rescue vehicle. Personal use is confined to being within the physical jurisdiction of the firefighter's obligation to respond to an emergency. These vehicles are authorized to be taken to the firefighter's residence with the approval of the Chief of the Daphne Fire Department. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Fire Department.

## 2. PUBLIC WORKS VEHICLES

Only the Public Works Director, Public Works Deputy Director, Street Supervisor(s), and Solid Waste Supervisor(s) may drive their assigned vehicle to their place of residence. The Public Works Director will make his/her recommendation to the City Council which shall have the authority to approve or disapprove the request. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Public Works Department.

## 3. OVERNIGHT / OUT OF TOWN TRAVEL

Other Employees may be authorized to take CITY vehicles to their residence for purposes of overnight or out-of-town CITY business when applicable. This authorization shall be requested in writing via the CITY "Request for Overnight or Out-of-Town Travel" form by the authorized employee to his/her respective department head for approval. A copy of the approval will be kept on file with the relevant City department and with the CITY Human Resources Department.

## 4. EXCEPTIONS

Any department head with the CITY may request an employee be added to the authorized Take Home Vehicle Policy. This request must be submitted in writing to the CITY Human Resources Department for approval and then forwarded to the Mayor for approval and subsequently to the City Clerk who will present the request to the City Council for approval..

### **SECTION III: MOTOR VEHICLE MARKING/LOGO POLICY**

- A. Purpose. This policy defines the marking of CITY motor vehicles.
- B. City Vehicle Marking/Logo Policy
  - 1. Motor vehicles owned or leased by the CITY shall be clearly marked with the city logo and the assigned vehicle unit number appropriately displayed on the driver's side, passenger side and rear of the vehicle. Said markings must be of a sufficient size so that they can easily be read, excluding vehicles used by the CITY Police Department that have been designated and approved by the City Police chief as "unmarked vehicles" for confidential or investigative purposes.
  - 2. In order to maintain uniformity and professional appearance appropriate for municipal government, it is the intent that no stickers, flags, decals, non-state issued license plates, or other additions to the City vehicle are allowed. Certain decals, non-state issues license plates may be appropriate in certain circumstances and may be affixed with prior written approval from the Mayor on a case-by-case basis. Any such approved decoration shall be for a determined period of time maintained in a manner that is aesthetically pleasing and shall be immediately removed upon employee's own volition or upon direction of the Mayor.
  - 3. The Mayor shall ensure the vehicles are marked consistent with this policy.
  - 4. No CITY employee shall use a city vehicle except as provided in this written policy issued and approved by the City Council. Further, no City employee shall drive a vehicle without having CITY marking/logo, as defined by Section III of this policy, affixed thereto, excluding any vehicle designated and approved by the City Police Chief as an "unmarked vehicle" for confidential or investigative purposes.

### **SECTION IV: SEVERABILITY**

If any article, section, sentence, clause or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

### **SECTION V: 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 V: EFFECTIVE DATE**

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.



ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY,  
ALABAMA ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
DANE HAYGOOD, MAYOR

ATTEST:

\_\_\_\_\_  
REBECCA A. HAYES, CITY CLERK